



RUNOFF GUIDANCE DOCUMENT

When no candidate for citywide office (mayor, public advocate, comptroller) receives at least 40% of the vote in the primary election, the two leading candidates will participate in a runoff election to determine their party's nominee for the general election (see [N.Y. Election Law 6-162](#)). Campaigns are allowed to raise money for a runoff election once they demonstrate to the Campaign Finance Board (CFB) that a runoff election is "reasonably anticipated," but cannot spend that money until after the primary.

I. DEMONSTRATING THAT A RUNOFF IS "REASONABLY ANTICIPATED" AND OPENING A RUNOFF ELECTION BANK ACCOUNT

In order to demonstrate to the CFB that a runoff is "reasonably anticipated," at least one candidate running for a citywide office must submit a request for an advisory opinion to the Board in writing. The request must include information about why a runoff election is reasonably anticipated, such as:

- ★ Information about the number of candidates or potential candidates seeking the seat.
- ★ Polling data.
- ★ Press coverage.
- ★ Financial activity of the candidates involved in the election.
- ★ A history of runoff primaries in a particular party for the office at issue.
- ★ The proximity to the date of the primary.
- ★ Whether an incumbent is in the race.
- ★ Endorsements made to the candidates.

Once the CFB declares that a runoff is reasonably anticipated by issuing an advisory opinion, each candidate running for the party's nomination for that specific office may choose to raise money in anticipation of the runoff election. The campaign must open a new bank account specifically for the runoff election before raising any money for the runoff. Keep in mind the following:

- ★ Campaigns soliciting contributions before the runoff election is announced by the New York City BOE must include in their fundraising materials an explanation that the contributions being solicited are for a runoff election that may not occur.
- ★ Your campaign must stop accepting contributions for a runoff once it is no longer reasonable to anticipate a runoff election.
- ★ You must submit copies of the most recent bank statement(s) for your runoff election bank account with each CFB disclosure statement filing. Make sure they are clearly labeled as runoff account bank statements.
- ★ You cannot make any disbursements from your runoff election bank account until after the primary election.

To open and disclose a bank account with the CFB, submit a [Change of Bank Account Form](#) before accepting contributions for the runoff.

II. CONTRIBUTIONS

The contribution limit for a runoff election is \$2,550, half (50%) the regular contribution limit for citywide offices. You may accept the full \$2,550 for the runoff election from a contributor even if he/she has already contributed the maximum \$5,100 for the primary/general election.

The Doing Business contribution limit is \$200, half (50%) of the normal Doing Business limit for citywide offices. You may accept the full \$200 for the runoff from a contributor even if he/she has already contributed the maximum \$400 for the regular primary/general election.

Note: Runoff contributions are not eligible to be matched with public funds.

If a contributor has not yet given the maximum contribution for the primary/general election and now wishes to contribute for both the primary/general and the runoff, the contributor must do so in two separate transactions. Your campaign must deposit the primary/general contribution in its regular account and the runoff contribution in the runoff account. A single transaction may not be split by the campaign.

If your campaign has raised or intends to raise funds via credit card, you must either redirect the funds from a primary/general election committee merchant account to the new runoff bank account or set up a separate runoff merchant account and webpage.

Once the runoff election has occurred, the primary/general election contribution limit continues to apply and your campaign may not raise contributions above that limit.



COMPLIANCE ALERT

Do not deposit contributions accepted for the runoff in your committee's other bank account(s).

III. EXPENDITURES

The expenditure limit for a runoff election is half (50%) of the regular expenditure limit for the applicable office for the primary election (see table).

Office	2021 Primary Expenditure Limit	2021 Runoff Expenditure Limit
Mayor	\$7,286,000	\$3,643,000
Public Advocate	\$4,555,000	\$2,777,500
Comptroller	\$4,555,000	\$2,777,500

The committee cannot spend any funds raised for the runoff until after the primary election. Expenditures for the runoff must also be runoff campaign-related expenditures as described in Chapter 3 of the [Campaign Finance Handbook](#).

Unspent runoff funds will count toward your campaign's calculated remaining bank balance (see Section VI).

IV. DISCLOSURE

As with primary and general election transactions, all contributions and expenditures associated with a runoff must be disclosed to the CFB and documented by your campaign. The runoff account must be disclosed to the CFB using a [Change of Bank Account Form](#) before any data entry. When entering transactions for the runoff election into C-SMART, be sure to select your runoff election bank account and check the Runoff/Rerun box on the transactions screen. Please see [C-SMART Help](#) for further assistance with entering runoff election transactions in C-SMART.

V. PUBLIC FUNDS

Candidates in a runoff may be eligible to receive a payment equal to a maximum of one quarter (25%) of the amount of public funds they received for the primary election (see example below). The CFB will issue runoff payments within four business days after the primary election, or as soon thereafter as practicable. Program rules for receiving public funds apply to runoff payments, and you will be required to document qualified runoff expenditures equal to the runoff public funds received.

See Chapter 6 of the [Campaign Finance Handbook](#) for more information on qualified expenditures.

Example

Mayoral candidates Louis Morris and Eileen Jones will be in the runoff election. During the regular primary election, Morris received \$2,500,000 and Jones received \$2,000,000 in public funds.

For the runoff, candidates receive a lump-sum payment equal to 25% of the amount of public funds they received in the primary, so Morris may receive \$625,000 and Jones may receive \$500,000 in public funds.

If you receive runoff election public funds, your remaining runoff funds will count towards your campaign's calculated remaining bank balance.

All funds remaining in the committee's runoff election bank account are considered public funds, up to the amount of funds received, and must be returned to the CFB. Campaigns should write a check payable to the "New York City Election Campaign Finance Fund" for the full amount of remaining funds, including the remaining bank balance from your primary/general election bank account, by December 31 of the election year.

VI. TRANSFERRING MONEY BETWEEN A CAMPAIGN'S PRIMARY/GENERAL ELECTION BANK ACCOUNT AND A RUNOFF ACCOUNT

In general, contributions accepted for the runoff election cannot be combined with contributions for the regular primary or any other election. However, there are some exceptions. You may transfer:

- ★ Funds from your primary and/or general election account into a runoff bank account **after** the primary election has taken place so that you can spend the funds in the runoff primary.
- ★ Funds from a runoff account into a primary/general election account **after** the runoff election is held provided you were involved in a runoff election. You may only spend these funds in the general election.

If a runoff election does not take place, your runoff election account cannot be used for primary or general election expenditures. Any funds in your runoff election bank account cannot be used until after Disclosure Statement #16 is due (January 18, 2022) or until after the day your committee pays its last liability from your last election that year, whichever comes first. Once the freeze is lifted, your campaign will be allowed to spend the money (as long as your spending is in accordance with Program requirements and state law). These funds will not count toward your remaining bank balance calculation.



REMINDER

Contributions raised for the runoff will not be matched with public funds.



CONTACT US

If you have any questions, contact your Candidate Services Liaison at 212-409-1800 or CSUmail@nyccfb.info.

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