

TRANSFERS

A transfer is an exchange of funds between two committees authorized by the same candidate. Transfer in refers to the receipt of funds by one committee and transfer out refers to the disbursement of funds by the other (also known as the transferor committee). Transfers of funds between committees should be made by check or wire transfer.

The most common transfer is between committees supporting the same candidate in different elections, known as a type 2b transfer.

There is no limit to the amount of funds that you can transfer; however, each underlying contribution included in the transfer is subject to the applicable contribution limits and source restrictions described in Chapter 2 of the [Handbook](#). Participants and non-participants can receive transfers only from political committees registered with the CFB for the current election cycle or that register within 10 days of the transfer. Contributions transferred from another committee are not matchable.

To transfer funds from one committee to another, a campaign must:

1. PERFORM AN ATTRIBUTION OF THE UNDERLYING CONTRIBUTIONS.

- **Create a list of all monetary contributions previously received by the transferor committee.**

If the transferor committee submitted disclosure statements with the CFB, you can download a list from the [CFB's Follow the Money database](#). If the transferor committee submitted disclosure statements to the [New York State Board of Elections](#) or the [Federal Election Commission](#), you can obtain the disclosure reports from their websites.

- **Identify in reverse chronological date order (“last in – first out”) which contributions were received by the transferor committee totaling the amount of the transfer.**

Contributions exceeding the aggregated [contribution and doing business contribution limits](#) in effect for the recipient committee’s election cycle or received from prohibited sources cannot be transferred. A transferred contribution is subject to the doing business limits if the contributor was listed in the [Doing Business Database](#) at the time the contribution was made. For more information on prohibited sources, see Chapter 2 of the [Handbook](#). The total amount of these contributions must remain in the transferor committee’s bank account since they are not transferable.

If you are or intend to be a Program participant, transfers may result in a reduction in the amount of public funds for which you are eligible, pursuant to [Rule 5-01\(n\)](#). Refer to Chapter 6 of the [Handbook](#) for more information on these deductions.

2. OBTAIN A TRANSFER AUTHORIZATION CARD FROM EACH INDIVIDUAL WHOSE CONTRIBUTION IS BEING TRANSFERRED.

Required only if the transferor committee was not a CFB committee and you anticipate joining or have already certified into the Campaign Finance Program.

Transfer Authorization Cards must be obtained **before** the transfer is made. On the Transfer Authorization Card, the following affirmation statement must appear directly above the signature line and date:

I understand that this contribution will be used by the candidate for an election other than that for which the contribution was originally made. I further understand that the law requires that a contribution be in my name and be from my own funds. I hereby affirm that this contribution was made from my personal funds, is not being reimbursed in any manner, and is not being made as a loan.

The total amount of contributions where Transfer Authorization Cards were not obtained must remain in the transferor committee's bank account since they are **not transferable**.

3. TRANSFER THE FUNDS BY CHECK OR WIRE TRANSFER.

Be sure to maintain all documentation associated with the transfer, such as the canceled check, record of the wire transfer, deposit slip, and bank statements.

4. REPORT ASSOCIATED EXPENDITURES.

Required only if the transferor committee was a non-participant CFB or non-CFB committee and you anticipate joining or have already certified into the Campaign Finance Program.

You must report all costs incurred by the transferor committee during the current election cycle and all fundraising costs, regardless of when they were incurred. Costs associated with administering the transferred funds might include bank fees, office expenses, and personnel costs. Such costs incurred during the current election cycle and fundraising costs associated with raising the transferred contributions will count against the expenditure limit in effect at the time the transfer occurs (i.e., out-year, primary, or general election limit).

Calculate administration and fundraising costs by using one of the two methods outlined below:

Option 1: Report an **estimated cost** of administering and raising the transferred contributions by applying a 15% "flat tax" to the total amount transferred.

$$\text{Amount Transferred} \times 0.15 = \text{Estimated Cost}$$

Reporting the estimated cost by applying a 15% flat tax to the total amount transferred is the simplest method. It is a good option for campaigns that: (1) are transferring funds raised a long time ago or over a long period of time, (2) were engaged in multiple and complicated forms of fundraising, or (3) cannot provide documentation to substantiate their administering or fundraising costs.

Transfer Authorization Cards are not required for transfers between a prior election participant or non-participant CFB committee provided that the transferor committee timely filed all disclosure statements.

Option 2: Report the **actual cost** of administering the transferred contributions during the current election cycle and raising the transferred contributions.

Itemize the total cost of all expenditures associated with the transferred contributions and submit documentation to substantiate the expenditures made. Reporting the actual cost is appropriate when the transferor committee knows exactly how much it spent to administer and raise the transferred contributions, such as when all transferred contributions were raised through a single fundraising event or solicitation, and can provide documentation (e.g., invoices and receipts).

When you report the transferor committee's costs, you must also submit:

- Copies of the transferor committee's previously filed disclosure statements with the New York State or City Boards of Elections or Federal Election Commission (if a non-CFB committee).
- All bank statements that cover costs incurred in the current election cycle.

OTHER TYPES OF TRANSFERS

Transfers of funds between your campaign and a constituted party committee, such as a local or national political party, are known as type 1 transfers. These transfers are subject to the contribution limit. If you are a Program participant, transfers out made by your campaign will count against the expenditure limit in effect at the time of the transfer (i.e. out-year, primary, or general election expenditure limit) and may result in a reduction in the amount of public funds you are eligible to receive. For more information on public funds deductions, please refer to Chapter 6 of the [Handbook](#).

Transfers of funds occurring between two committees supporting a candidate in the same election are known as type 2a transfers. Program participants may only have one active committee for the current election cycle and therefore cannot make this type of transfer.

C-SMART REPORTING

You must report each transfer and associated costs and submit all required documentation with the next [disclosure statement](#) due after the transfer takes place. For further assistance with entering transfers in C-SMART, please refer to [Committee Transfers In](#) and [Committee Transfers Out](#) in [C-SMART Help](#).

IN THE LAW AND RULES

Transfers: NYS Election Law §14-100(10), §14-102; Campaign Finance Act §3-702(9), §3-703(14); & CFB Rules 1-02, 1-07, 1-08(o), 3-03(c)(2), 4-01(b)(8).

Public Funds Reductions: Campaign Finance Act §3-705(8) & CFB Rule 5-01(n).

6/22/18