

**New York City
Campaign Finance Board
Notice of Final Rules**

IN COMPLIANCE WITH SECTION 1043 OF THE NEW YORK CITY CHARTER, and exercising authority vested in the Campaign Finance Board (the “Board”) under Chapters 45 and 46 of the New York City Charter (including Sections 1043, 1052(a)(8) and 1052(a)(12) thereof) and under the New York City Campaign Finance Act (the “Act”) (including Section 3-703(1-c), 3-703(1)(g), and 3-708(8) of the New York City Administrative Code), the Board hereby adopts amendments to the Campaign Finance Board Rules related to text message contributions.

I. Explanation, Basis, and Purpose

The Board Rules are codified in Chapter 52 of the Rules Compilation of the City of New York.

On December 11, 2014, the Board voted to adopt a set of rules. These rules implement Local Law 116 of 2013, which amended the New York City Administrative Code to permit candidates running for offices covered by the Campaign Finance Act (“Act”) to accept contributions via text message, and made such contributions matchable with public funds. The rules establish minimum requirements for receiving text message contributions so that the Board can evaluate compliance with the Act and Board Rules and eligibility for public funds. Specifically, these rules:

- establish that public funds will not be used to match text message contributions until after those contributions are paid via the contributor’s phone bill and delivered by a mobile fundraising vendor to a candidate’s authorized committee;
- establish record keeping requirements for text message contributions, including records relating to the mobile fundraising vendor, the contributor, and the registered user of the mobile device used to make the contribution; and
- require a contributor to certify that he or she is the registered user of the phone and that the contribution will be made from his or her personal funds.

Because the Board cannot anticipate every requirement that may apply to text message contributions, the Board will also update training materials and other published guidance to assist candidates in ensuring that their receipt of text message contributions from contributors via mobile fundraising complies with all requirements of the Act and Board Rules. For example, if a candidate receives aggregate contributions, whether by text message or other means, totaling

more than \$99 from a contributor during an election cycle, the candidate will have to solicit employment information to comply with section 3-03(c)(4)-(6) of the Board rules. Similarly, if a candidate receives aggregate contributions, whether by text message or other means, from a contributor over an election cycle that reach the “doing business” limits, a candidate will be required to inquire whether the contributor is doing business with New York City in accordance with section 3-703(1-b) of the City Administrative Code. These and other similar issues will be addressed in training materials.

The following rules will take effect thirty days after final publication in The City Record:

II. Final Rules

New matter is underlined. Deleted matter is shown in [brackets].

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this board, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 1-02 of chapter 1 of title 52 of the rules of the city of New York is amended to add the following definition:

“Text message contribution” means a text message contribution as defined in the Act.

§ 2. Subdivision (a) of section 1-04 of chapter 1 of title 52 of the rules of the city of New York is amended to read as follows:

(a) **Receipt.** A monetary contribution is received on the date it is delivered. Notwithstanding the foregoing, a text message contribution is received on the date it is delivered to an authorized committee, after payment of the contributor’s wireless bill, by a wireless carrier or other mobile fundraising vendor. An in-kind contribution is received on the date the goods or services are received or rendered. Candidates must report the date of receipt of each contribution that is accepted and deposited on disclosure statements filed with the Board.

§ 3. Paragraph (4) of subdivision (b) of section 4-01 of chapter 4 of title 52 of the rules of the city of New York is amended to read as follows:

(4) **[Omitted.] Text message contributions.** For the purposes of this rule, “registered user” shall mean the individual registered with the wireless carrier to use the specific mobile device from which the contribution was initiated. Whenever a candidate accepts a text message contribution, the candidate must maintain:

(a) copies of all relevant third-party vendor agreements between the candidate and mobile fundraising vendor, copies of records maintained by a mobile fundraising vendor

listing contributors and amounts pledged and paid, receipts indicating fees paid by the candidate to a mobile fundraising vendor and fees deducted by such vendor, and similar records relating to the solicitation or receipt of text message contributions;

(b) records demonstrating:

- (1) the contributor's name, residential address, and phone number,
- (2) the amount of the contribution,
- (3) the name and residential address of the registered user of the specific mobile device used to initiate the contribution, to the extent that such information may be reasonably obtained under law; and
- (4) that the contributor has certified via text message the following statement: "I certify I am the registered user of this phone and will pay the amount specified from my personal funds.";

(c) copies of any content used by the candidate to solicit text message contributions; and

(d) copies of any templates or scripts used by a mobile fundraising vendor to communicate with a contributor in facilitating and processing a text message contribution.