

March 30, 2026

Chair Barbara Lifton
Vice-Chair Brian M. Kolb
New York State Public Campaign Finance Board
40 North Pearl Street, Suite 5
Albany, NY 12207-2729

**Re: Emergency/Proposed Rule Making for the Public Campaign Finance Program Requirements,
Part 6221**

Dear Chair Lifton, Vice-Chair Kolb, and members of the Public Campaign Finance Board:

The Brennan Center for Justice at New York University School of Law¹ appreciates the opportunity to provide comment on the emergency/proposed rule making adopted by the Public Campaign Finance Board (“PCFB”) to conform with recent statutory changes to the Public Campaign Finance Program (“PCFP”). Our comments are specific to provisions concerning the certification of candidates for governor and lieutenant governor to receive public matching funds. For over thirty years, the Brennan Center’s nonpartisan expertise has informed public financing programs and other pro-voter policies at the state, local, and federal levels.

Recent reporting suggests that the PCFB may deny public funds to gubernatorial candidates on the basis that they neither named a lieutenant governor candidate on their registration paperwork nor had their lieutenant governor candidate register.² The PCFB’s website indicates that several campaigns could be affected. Seven of the eight gubernatorial candidates who attempted to register with the PCFB lack a corresponding lieutenant governor candidate on their submission paperwork.³ At least two of these candidates are actively campaigning and fundraising.⁴

¹ The Brennan Center is a nonpartisan public policy and law institute that focuses on the fundamental issues of democracy and justice. This comment does not reflect views, if any, of the NYU School of Law.

² Steve Hughes, “Loss of matching funds could deal large blow to Blakeman’s campaign,” *Newsday*, March 21, 2026, <https://www.newsday.com/news/region-state/blakeman-hochul-bokt4g9z>; Steve Hughes and Yancey Roy, “Blakeman’s matching funds in question as Democrats challenge eligibility,” *Newsday*, March 19, 2026, <https://www.newsday.com/news/region-state/bruce-blakeman-yw24ucz>.

³ At least one of these seven candidates dropped out of the race before the registration deadline. Rebecca C. Lewis, “Stefanik drops out of race for governor, won’t run for reelection,” *City & State New York*, December 19, 2025, <https://www.cityandstateny.com/politics/2025/12/stefanik-drops-out-race-governor-wont-run-reelection/410317/>.

⁴ Rebecca C. Lewis, “State GOP formally designates Blakeman as nominee for governor,” *City & State New York*, February 11, 2026, <https://www.cityandstateny.com/politics/2026/02/state-gop-formally-designates-blakeman-nominee-governor/411361/> (“[L]ibertarian Larry Sharpe . . . plans to petition to get on the ballot in the GOP primary.”).

The issue derives from a significant change to longstanding New York law that governor and lieutenant governor candidates run separately. The 2025 budget legislation amended the election law to require these candidate to now run on a single ticket.⁵ The PCFB accommodated this new law with emergency amendments to section 6221.26 of the PCFB’s rules that require candidates running for governor and lieutenant governor to “jointly submit an application/certification prescribed by the PCFP.”⁶ The PCFB adopted this rule and others at its December 9, 2025, meeting and posted them on its website.⁷

According to the PCFB’s public reporting website, a gubernatorial candidate who press reports say is at risk of being denied matching funds registered with the PCFB on December 10, 2025, and was certified on December 17, 2025,⁸ before the emergency amendments went into effect on January 7, 2026. The gubernatorial candidate did not amend his filing to name a running mate, nor did his running mate submit his own filing, ahead of the program’s February 23 certification deadline, according to news reports and the PCFB’s public reporting website.⁹ To date, the PCF-22 Type 1P Application/Certification Form provides no specific mention of a requirement for gubernatorial candidates to jointly file on a single form, nor does it provide any space to do so.¹⁰

These circumstances demonstrate the need for additional clarity for all prospective candidates on the program’s compliance rules. We recommend that the PCFB construe the registration paperwork of candidates who publicly named a lieutenant governor before the program’s February 23 certification deadline as having satisfied the joint certification requirement. In the alternative, we suggest the PCFB provide a brief, one-time cure period to allow all gubernatorial candidates who attempted to register the chance to jointly file with their choice of lieutenant governor candidate. The Brennan Center offers these comments in the spirit of supporting the PCFB in its ongoing efforts to ensure the program is accessible to and clearly understandable by all campaigns. We do so while underscoring the need for the system to keep protecting the public fisc and maintaining transparency and fairness.

Special Rules for Candidates for Governor and Lieutenant Governor, Section 6221.26

We recommend amending the special rules for candidates for governor and lieutenant governor in section 6221.26 to ensure that candidates are informed of the specific procedural requirements of the

⁵ S. 3005C/A. 3005C, Part QQ, 2025-26 Sess. (N.Y. 2025), <https://www.nysenate.gov/legislation/bills/2025/S3005/amendment/C>.

⁶ N.Y. Comp. Codes R. & Regs. Tit. 9, § 6221.26(e)(2).

⁷ New York State Public Campaign Finance Board, “Minutes of the New York State Public Campaign Finance Board of the New York State Board of Elections – December 9, 2025,” accessed March 24, 2026, <https://pcfb.ny.gov/system/files/documents/2026/03/approved-minutes-decemeber-9-2025-pcfb-board-meeting-with-resolutions-25-11-25-19.pdf>; New York State Public Campaign Finance Board, “Regulations,” accessed March 24, 2026, <https://pcfb.ny.gov/regulations>.

⁸ New York State Board of Elections, “Public Campaign Finance Candidate List,” accessed March 25, 2026, <https://publicreporting.elections.ny.gov/PCFBCandidateRegList/PCFBCandidateRegList>.

⁹ Hughes, “Loss of matching funds could deal large blow to Blakeman’s campaign”; Hughes and Roy, “Blakeman’s matching funds in question as Democrats challenge eligibility”; and New York State Board of Elections, “Public Campaign Finance Candidate List.”

¹⁰ New York State Campaign Finance Board, “PCF-22 Type 1P Application/Certification Form Instructions.”

joint filing rule at the time they register, and to provide notice and opportunity to cure to those candidates who do not satisfy those requirements.

The draft regulations are necessary to accommodate statutory changes enacted in the 2025 budget that require candidates for the offices of governor and lieutenant governor to be designated and voted on jointly. Notably, the public financing law does not specify a particular application procedure for gubernatorial tickets to register for the PCFP. We therefore urge you to ensure maximum clarity for all stakeholders in the new regulations. To that end, we suggest the following changes to clarify the PCFB's role in notifying candidates running on a ticket for governor and lieutenant governor to jointly submit an application/certification by the statutory deadline.

These amendments align with the public financing law's charge to the PCFB to give committees notice and opportunity to cure issues.¹¹ They also are consistent with the public financing law's directive to the PCFB to "provide compliance counseling and guidance" to prospective and participating candidates.¹² This mandate to offer compliance support is also included in the PCFB's mission statement.¹³

Section 6221.26(e):

(1) Candidates for Governor and Lieutenant Governor may jointly or separately register for the Program using a form prescribed by the PCFB. The PCFB shall provide such candidate notice of the joint application/certification requirement set forth in this section on such form.

(3) If a candidate for Governor fails to file jointly with a candidate for Lieutenant Governor or a candidate for Lieutenant Governor fails to file jointly with a candidate for Governor, the PCFB shall provide such candidate and committee notice of the requirement for both candidates running jointly for Governor and Lieutenant Governor to jointly submit such form and the opportunity to cure such form.

Application and Certification, Section 6221.7

Separately, we recommend the PCFB revisit the related Application and Certification regulation, section 6221.7, which applies to all participating candidates. We suggest the following changes to ensure all candidates receive notice and an opportunity to cure any defects with an application/certification.

Section 6221.7(e):

(3) If it is determined that an application is incomplete or has any defects at the time of submission, the PCFB shall provide the candidate and committee ~~an~~ notice of and the opportunity to cure any defects. If the certification is initialed, signed, and notarized, the deadline for such corrections is one week after the deadline of four months prior to the primary election or, for a substituted candidate, two weeks after the certificate of

¹¹ See, e.g., N.Y. Elec. Law § 14-201(3)(b) (concerning disclosure reports); § 14-209(1), (2) (concerning violations of the public financing law or regulations).

¹² N.Y. Elec. Law § 14-207(3).

¹³ New York State Public Campaign Finance Board, "About the Board," accessed March 23, 2026, <https://pcfb.ny.gov/about-public-campaign-finance-board>.

substitution is filed. If the certification is not initialed, signed, and notarized, the deadline for such corrections is four months prior to the primary election or, for a substituted candidate, one week after the certificate of substitution is filed.

Public Information and Candidate Education, Section 6221.25

With the intention of increasing real-time awareness of any changes to the PCFP going forward, and ensuring further compliance with the program’s laws, rules, and regulations, we also recommend the PCFB amend the Public Information and Candidate Education regulation, section 6221.25. These proposed changes complement existing requirements for participating committees, treasurers, and candidates to familiarize themselves with the program’s law and its requirements.¹⁴

(b) Information will be posted on the PCFB’s webpage, in plain language. Information will include, at a minimum, a copy of Title II of Article 14 of the Election Law, a summary of the provisions of Title II, a copy of all rule makings with explanatory text indicating their effective date, certification forms, recordkeeping requirements and other educational information developed for the program.

Recommendation: Deem Gubernatorial Candidates Who Registered and Announced a Running Mate as Having Jointly Registered

As noted, after last year’s budget legislation, New York election law now requires candidates for governor and lieutenant governor to run on a single ticket.¹⁵ In addition, the statute controlling the PCFP applies rules like eligibility thresholds and funding caps to tickets, rather than separate governor and lieutenant governor candidates.¹⁶ Section 6221.26 of the emergency regulations states that candidates for governor and lieutenant governor “shall be considered a single candidate for the same elective office in an election cycle when . . . [they] publicly indicate that the two candidates intend to run jointly.”¹⁷ The ticket must also have a single authorized committee.¹⁸ Given all this, a gubernatorial candidate that has registered, publicly announced a running mate – even if after filing their initial paperwork – and formed a single committee for the ticket before the certification deadline has substantially complied with the requirement to jointly register with the PCFB.

Alternatively, and pursuant to the PCFB’s authority under section 14-207(9) of the public financing law to take actions that are “necessary and proper to carry out the purposes” of the statute, the PCFB can consider implementing a one-time, two-week period – as soon as is practicable – for all registered gubernatorial campaigns to cure any deficient application/certification paperwork. Doing so would be

¹⁴ N.Y. Comp. Codes R. & Regs. Tit. 9, §§ 6221.7(a), (d)(7); 6221.9(a)(4); 6221.4(e). These requirements are also set forth in the PCFB’s application/certification form. New York State Campaign Finance Board, “PCF-22 Type 1P Application/Certification Form Instructions,” accessed March 23, 2026, https://pcfb.ny.gov/system/files/documents/2025/10/pcf-22applicationcertification-form-08-2025_2-accessible.pdf.

¹⁵ S. 3005C/A. 3005C, Part QQ, 2025-26 Sess. (N.Y. 2025), <https://www.nysenate.gov/legislation/bills/2025/S3005/amendment/C>.

¹⁶ N.Y. Elec. Law §§ 14-203(2)(a)(i); 14-204(1)(a).

¹⁷ N.Y. Comp. Codes R. & Regs. Tit. 9, § 6221.26(b), (c)(2).

¹⁸ N.Y. Comp. Codes R. & Regs. Tit. 9, § 6221.26(d).

consistent with New York case law interpreting statutory deadlines.¹⁹ Implementing this cure period would permit the gubernatorial candidates who attempted to register subject to the present emergency/proposed rule making changes to correct any issues that they may not have been aware of at the time of filing or at the time they were certified.

This proposal is offered in the spirit of the PCFB's practice of giving campaigns compliance assistance and notice of and an opportunity to cure issues, as set forth in the program's regulations and the PCFB's relevant instructions in the program handbook. There, the PCFB notes that it will email a prospective candidate after reviewing the application/certification form "to indicate whether [the form] was accepted or if there are any issues to correct."²⁰

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To be sure, as the PCFP develops, and candidates continue to learn how to use the program, the PCFB's practices and regulations will continue to evolve. With the PCFB's ongoing work to maintain the program's integrity and state leaders' investment in the program itself, New York's Public Campaign Finance Program can keep delivering benefits to candidates and donors alike. As ever, the Brennan Center stands ready to assist in your continued work to deliver the strongest possible system to the people of New York.

Respectfully submitted,

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BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW

¹⁹ Although the statutory deadline for candidates to register with the PCFP has passed, a brief extension providing an opportunity for all registrants to comply with the new regulations is warranted. See *Dickinson v. Daines*, 15 N.Y.3d 571, 574 (N.Y. 2010) (stating that "unless the language used by the Legislature shows that the designation of time was intended as a limitation on the power of the body or officer, the provision is directory rather than mandatory"); *Matter of Vacca v. Kosinski*, 176 A.D.3d 1305 (3rd Dep't 2019) (ordering board of elections to accept nomination after statutory deadline where there was a reasonable excuse for delay and late filing did not "prejudice[] the integrity of the electoral process").

²⁰ New York State Public Campaign Finance Board, "New York State Public Campaign Finance Handbook," published March 18, 2026, 22, https://pcfb.ny.gov/system/files/documents/2026/01/pcfb-handbook-revised-2025-final_5.pdf.