

ARTICLE 32
Filing of Expenditure Statements By Candidates For
Membership On Board of Education

Updated 9-22-2014

SECTION 1528

Times for filing statements

Education (EDN) CHAPTER 16, TITLE 2, ARTICLE 32

§ 1528. Expenditure and contribution statement. 1. (a) Any candidate for election to the board of education, except a candidate for member of the community district education council of a New York city community school district, shall file sworn statements with the clerk of the school district in which he or she is a candidate and the commissioner setting forth all moneys or other valuable things, paid, given, expended or promised by him or her, or incurred for or on his or her behalf with his or her approval to be filed with the aforesaid clerk and commissioner by any person, firm, association or corporation, to aid his or her own nomination or election, or to aid or influence the nomination or defeat of any candidate to be voted for at the election. Any candidate for election, if he or she expended nothing or his or her only expenditures were for personal expenses which when taken together with the total expenditures incurred by others on his or her behalf and with his or her approval do not exceed five hundred dollars, and if the aggregate amount of all contributions made to such candidate do not exceed five hundred dollars, shall not be required to file any statements with the commissioner; however such candidate shall file with the clerk of the school district a sworn statement to the effect that his or her election expenditures did not exceed five hundred dollars and contributions received did not exceed five hundred dollars.

(b) Any required contribution statements shall include the dollar amount of any receipt, contribution or transfer, or the fair market value of any receipt, contribution or transfer, which is other than of money, the name and address of the transferor, contributor or person from whom received, and if the transferor, contributor or person is a political committee as defined in subdivision one of section 14-100 of the election law; the name of and the political unit represented by the committee, the date of its receipt, the dollar amount of every expenditure, the name and address of the person to whom it was made or the name of and the political unit represented by the committee to which it was made and the date thereof.

(c) No person or persons shall make expenditures on behalf of a candidate without his or her approval unless such person or persons files a sworn statement with the clerk and commissioner stating that the candidate did not approve such expenditure. Such expenditure shall be limited to twenty-five dollars and shall not be included in determining the five hundred dollars as set forth in paragraph (a) of this subdivision.

2. For the purposes of this section, personal expenses shall include only payments for traveling expenses and expenses incidental thereto, for writing, printing and preparing for transmission any letter, circular, or other publication not issued at regular intervals, containing a statement of the position or views of the candidate or person upon public or other questions, for stationery and postage and for telegraph, telephone and other public messenger service; but all such expenses shall be limited to those which are directly and personally incurred and paid by the candidate.

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SECTION 1529

Times for filing statements

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§ 1529. Times for filing statements. 1. The times for filing the statements prescribed by section fifteen hundred twenty-eight of this article shall be as follows:

- a. A first statement shall be filed on or before the thirtieth day next preceding the election to which it relates.
 - b. A second statement shall be filed on or before the fifth day next preceding the election to which it relates.
 - c. A third statement shall be filed within twenty days next succeeding the election to which it relates.
2. Unless otherwise provided, each statement shall cover the period up to and including the day next preceding the day herein specified for the filing thereof; provided, however, that any contribution or loan in excess of one thousand dollars, if received after the close of the period to be covered in the last statement filed before the election but before such election, shall be reported, in the same manner as other contributions, within twenty-four hours after receipt.
3. It shall not be necessary to itemize in any statement the data previously reported in any prior statement but each statement shall include a summary of all expenditures and contributions and other particulars reported in any previous statements.
4. A statement shall be deemed properly filed when deposited in an established post-office within the prescribed time, duly stamped, registered and directed to the clerk of the school district in which he is a candidate and to the commissioner of education, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the school district administrative officer and/or the commissioner of its non-receipt. Each statement shall be preserved for a period of three years from the date of filing thereof and it shall constitute a part of the public records and shall be open to public inspection.

SECTION 1530

Proceedings to compel filing of statements or corrected statements of campaign expenditures and contributions

Education (EDN) CHAPTER 16, TITLE 2, ARTICLE 32

§ 1530. Proceedings to compel filing of statements or corrected statements of campaign expenditures and contributions. 1. The supreme court or a justice thereof, in a proceeding instituted by any candidate voted for at the election or by any five qualified voters may compel

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by order, any candidate required under the provisions of this chapter to file a statement of expenditures or contributions for campaign purposes, who has not filed any such statement within the time prescribed by this chapter, to file such statement within five days after notice of the order.

2. The supreme court or a justice thereof, in a proceeding instituted by any candidate voted for at the election or by any five qualified voters, may compel by order any candidate or other person or persons required under the provisions of this chapter to file a statement of expenditures or contributions for campaign purposes, who has filed a statement which does not conform to the requirements of this chapter in respect to its truth, sufficiency in detail or otherwise, to file a new or supplemental statement which shall make the statement or statements true and complete within five days after notice of the order.

3. In every proceeding instituted under this section, the court may confer immunity in accordance with the provisions of section 50.20 of the criminal procedure law; provided, however, that no immunity shall be conferred except upon twenty-four hours prior written notice to both the attorney general and the appropriate district attorney having an official interest therein.

SECTION 1531

Procedure

Education (EDN) CHAPTER 16, TITLE 2, ARTICLE 32

§ 1531. Procedure. A special proceeding under the foregoing provisions of this article shall be heard upon a verified petition and such oral or written proof as may be offered, and upon such notice to such officers, persons or candidates as the court, justice or judge shall direct and shall be summarily determined.