

NEW YORK STATE BOARD OF ELECTIONS
DIVISION OF ELECTION LAW ENFORCEMENT

In the matter of:

Andrew Cuomo for New York, Inc.

COMPLAINT

1. Citizens for Responsibility and Ethics in Washington (“CREW”) brings this complaint before the Division of Election Law Enforcement of the New York State Board of Elections (“NYSBOE”) seeking an immediate investigation into Andrew Cuomo for New York, Inc. (“Cuomo for New York”) for violations of New York State Election Law.

2. The Election Law prohibits the use of campaign funds for personal use. *See* Election Law § 14-130. Campaign funds are improperly converted to personal use if they are used “exclusively for the personal benefit of the candidate or any other individual, not in connection with a political campaign or the holding of a public office or party position.” Election Law § 14-130(3).

3. In October 2020, Governor Andrew Cuomo released a book about his experiences as governor during the COVID crisis. Cuomo for New York, Governor Cuomo’s authorized committee, repeatedly promoted sales of the book on social media and in emails sent to supporters. Expenditures for those book promotions appear to have been made exclusively for the personal benefit of Governor Cuomo. Accordingly, an investigation of Cuomo for New York’s conversion of campaign funds for personal use is in order.

Complainant

4. Complainant CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the right of citizens to

be informed about the activities of government officials and to ensuring the integrity of government officials. CREW is dedicated to empowering voters to have an influential voice in government decisions and in the governmental decision-making process. CREW uses a combination of research, litigation, and advocacy to advance its mission.

5. In furtherance of its mission, CREW seeks to expose unethical and illegal conduct of those involved in government. One way CREW does this is by educating citizens regarding the integrity of the electoral process and our system of government. Toward this end, CREW monitors the campaign finance activities of those who run for federal and state office and publicizes those who violate campaign finance laws through its website, press releases, and other methods of distribution. CREW also files complaints with federal and state authorities when it discovers violations of campaign finance law. Publicizing campaign finance violators and filing complaints serve CREW's mission of keeping the public informed about individuals and entities that violate campaign finance laws and deterring future violations of campaign finance law.

Respondents

6. Andrew Cuomo for New York, Inc. is the authorized committee for Governor Andrew Cuomo.

Factual Allegations

7. Governor Cuomo published a book, *American Crisis: Leadership Lessons from the COVID-19 Pandemic*, on October 13, 2020. *See* Crown Publishing (@CrownPublishing), Twitter (Aug. 18, 2020) (announcing release date),

<https://twitter.com/CrownPublishing/status/1295677729250172929>; Andrew Cuomo

(@andrewcuomo), Twitter (Oct. 13, 2020) (“My book, *American Crisis*, comes out today.”)

<https://twitter.com/andrewcuomo/status/1315992538646536202>.

8. In the days and weeks surrounding the publication, Cuomo for New York repeatedly promoted sales of Governor Cuomo's book.

9. In an email sent to supporters on October 11, 2020, Cuomo for New York promoted sales of Governor Cuomo's book. Archive of Political Emails, Our Dad's new book, <https://politicalemails.org/messages/267687> (last visited March 30, 2021). The subject line of the emails was "Our Dad's new book," and while it was signed by Governor Cuomo's daughters and the "From" line listed their names, it was sent from Cuomo for New York's info@andrewcuomo.com email address. *See, e.g.,* <https://www.andrewcuomo.com/privacy> (providing that email address to contact campaign). The email offered reasons to read the book, explained that it was being published that week, and stated: "We hope you enjoy reading it as much as we did. You can order your copy [here](#)." The highlighted link goes to the Amazon page for purchasing the book. The bottom of the email clearly stated it was "Paid for by Andrew Cuomo for New York, Inc."

CUOMO

Friend,

We could not be more proud of our Dad.

When we heard that COVID-19 had come to New York, the first person we called was our Dad. He told us that we were going to be ok, but that this was a serious disease, and we should come to Albany to quarantine together. He has reassured us every day since – that he would do everything he could to protect our family and our state – the family of New York.

We watched his daily press conferences and were relieved to see that what we had always known about him was now being shared with others. He spoke in a way that was comforting, fact-based, and hopeful. His words and actions reflected his deep well of compassion and ever-present sense of humor.

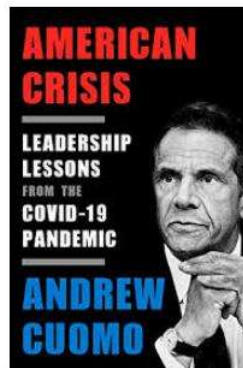
Dad's new book, *American Crisis: Leadership Lessons from COVID-19 Pandemic*, will be published this week. The book tells the story of how his team and all New Yorkers met the moment when the pandemic hit our state.

We hope you enjoy reading it as much as we did. You can order your copy [here](#).

Dad is the first to say the fight against this virus is not over. But the lessons learned over phase one provide the roadmap we as a country -- and we as individuals -- can follow now and in the future. Reading this book will provide a better understanding of how we can fight this pandemic, meet unprecedented challenges and reinvigorate our faith in the goodness of people.

Warmly,

Cara, Mariah, and Michaela



Paid for by Andrew Cuomo for New York, Inc.

Andrew Cuomo for New York
P.O. Box 4105
New York NY 10163 United States

If you believe you received this message in error or wish to no longer receive email from us, please unsubscribe.

10. It is not known if Cuomo for New York sent additional emails to supporters promoting sales of the book.

11. Cuomo for New York also promoted sales of the book extensively on social media. On its official Facebook page, Cuomo for New York promoted sales of the book in at least four posts that had direct links to Amazon and other outlets to buy the book. Andrew Cuomo (@andrewcuomo), Facebook, Profile (linking to official Cuomo for New York website and email), <https://www.facebook.com/andrewcuomo/>. On October 17, 2020, for example, Cuomo for New York posted on Facebook a message from Governor Cuomo that stated: “Let’s learn the lessons of the Spring to be smart in fighting back this virus now. Thank you for reading.” Andrew Cuomo (@andrewcuomo), Facebook (Oct. 17, 2020), <https://www.facebook.com/andrewcuomo/posts/10157970326798401>. The post included a direct link to Amazon’s page for purchasing the book. *Id.*

Andrew Cuomo ✓
October 17, 2020 · 🌐

I know we have COVID fatigue, but it isn't time to quit fighting.
Let's learn the lessons of the Spring to be smart in fighting back this virus now.
Thank you for reading.
<https://amzn.to/379MUug>

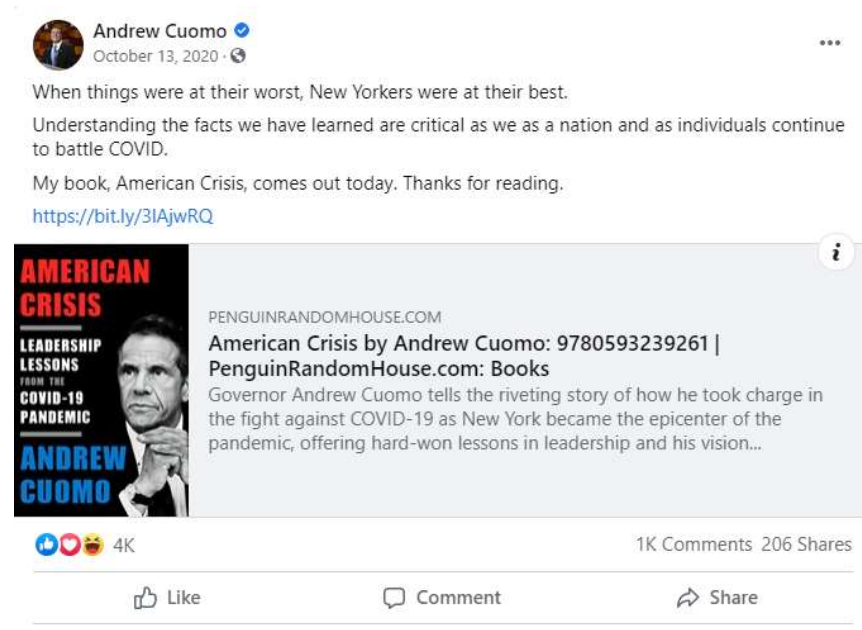
AMERICAN CRISIS
LEADERSHIP LESSONS FROM THE COVID-19 PANDEMIC
ANDREW CUOMO

★★★★☆ (22 Reviews)

AMAZON.COM
American Crisis: Leadership Lessons from the COVID-19 Pandemic
American Crisis: Leadership Lessons from the COVID-19 Pandemic

👍❤️👍 3.2K 1.1K Comments 142 Shares

12. On October 13, 2020, Cuomo for New York similarly promoted sales of Governor Cuomo’s book on Facebook in a post that stated: “My book, American Crisis, comes out today. Thanks for reading.” Andrew Cuomo (@andrewcuomo), Facebook (Oct. 13, 2020), <https://www.facebook.com/andrewcuomo/posts/10157961793868401>. The post included a link to the Penguin Random House website page for buying the book. *Id.*



13. Cuomo for New York also directly promoted sales of the book in an October 11, 2020 post from Governor Cuomo’s daughters similar to the email the committee sent on the same day. Andrew Cuomo (@andrewcuomo), Facebook (Oct. 11, 2020), <https://www.facebook.com/andrewcuomo/photos/a.426147573400/10157958580693401>. The post described the book and offered reasons to read it, and stated: “We hope you enjoy reading it as much as we did. You can order your copy here: <https://amzn.to/3nFn4nJ>.” *Id.* The link again was to Amazon’s page for purchasing the book. *Id.*



14. Another post, this one on October 15, 2020, included a screenshot of Governor Cuomo appearing on Andy Cohen's television show, Governor Cuomo's thanks to Mr. Cohen for reading the book, and another link to the Amazon page for buying it. Andrew Cuomo (@andrewcuomo), Facebook (Oct. 15, 2020), <https://www.facebook.com/andrewcuomo/posts/10157966746938401>.



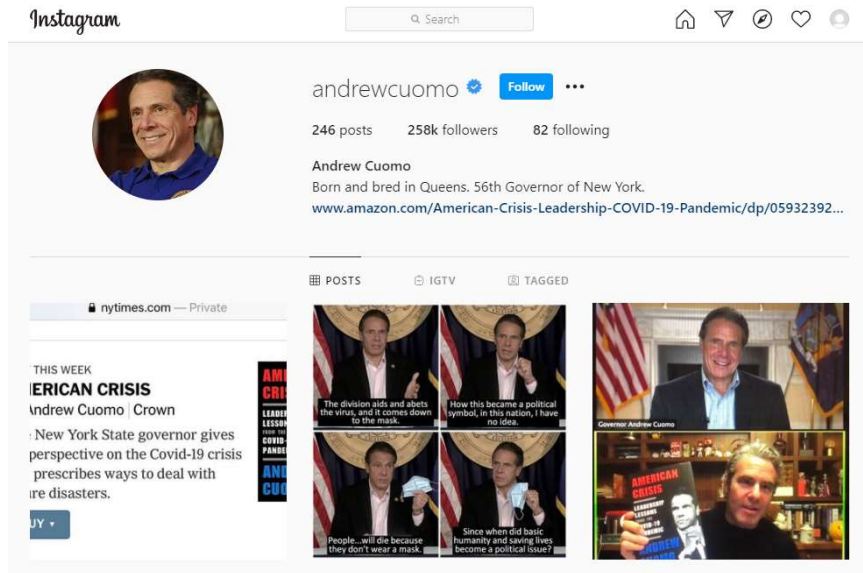
15. In addition, Cuomo for New York’s Facebook page previewed and promoted the book in an August 18, 2020 post. Andrew Cuomo (@andrewcuomo), Facebook (Aug. 18, 2020), <https://www.facebook.com/andrewcuomo/posts/10157841162143401>. That post stated that the book would be on sale on October 13, 2020, and said it was “[a]vailable for preorder everywhere books are sold!” *Id.*

16. Cuomo for New York’s Facebook page further promoted sales of Governor Cuomo’s book by posting links to reviews and news articles about the book, as well as events at which it would be discussed and promoted, and news articles about its sales. *See* Andrew Cuomo (@andrewcuomo), Facebook (Oct. 22, 2020),

<https://www.facebook.com/andrewcuomo/posts/10157980771788401> (touting the book's debut on the New York Times bestseller list); Andrew Cuomo (@andrewcuomo), Facebook (Oct. 20, 2020), <https://www.facebook.com/andrewcuomo/posts/10157977731623401> (linking to 92nd Street Y online book event); Andrew Cuomo (@andrewcuomo), Facebook (Oct. 16, 2020), <https://www.facebook.com/andrewcuomo/posts/10157968014063401> (linking to Washington Post review); Andrew Cuomo (@andrewcuomo), Facebook (Oct. 14, 2020), <https://www.facebook.com/andrewcuomo/posts/10157963723813401> (linking to New York Post article); Andrew Cuomo (@andrewcuomo), Facebook (Oct. 13, 2020), <https://www.facebook.com/andrewcuomo/posts/10157962500658401> (linking to People article).

17. Cuomo for New York's Facebook page currently has more than 324,000 followers. Andrew Cuomo (@andrewcuomo), Facebook, Profile, <https://www.facebook.com/andrewcuomo/>.

18. Cuomo for New York similarly promoted sales of the book on Instagram, and continues to do so. The Instagram link on Cuomo for New York's website connects to <https://www.instagram.com/andrewcuomo/>, indicating it is the campaign's official Instagram account. The profile at the top of the page includes a link to the Amazon page for buying the book. Andrew Cuomo (andrewcuomo), Instagram, <https://www.instagram.com/andrewcuomo/>.



19. The account further includes at least five Instagram posts promoting sales of the book, most of which are highly similar to Cuomo for New York Facebook posts. An October 13, 2020 Instagram post, for example, is the same as the October 13 Facebook post promoting the book, except that instead of a link to the Penguin Random House website page for purchasing the book, the post stated: “Link to purchase American Crisis book in my profile.” Andrew Cuomo (andrewcuomo), Instagram (Oct. 13, 2020), <https://www.instagram.com/p/CGST8XLpYY0/>.



20. Likewise, Cuomo for New York's October 15, 2020 Instagram post is a duplicate of its October 15 Facebook post of a screenshot of Governor Cuomo's appearance on Mr. Cohen's show, except that it also directed readers to the Amazon purchase link in his profile. Andrew Cuomo (andrewcuomo), Instagram (Oct. 15, 2020), https://www.instagram.com/p/CGYf9DsJ_vy/. And an October 11, 2020 Instagram post is identical to the October 11 Facebook post from Governor Cuomo's daughters, including the Amazon link. Andrew Cuomo (andrewcuomo), Instagram (Oct. 11, 2020), https://www.instagram.com/p/CGN2Zo_JtJ/.

21. Cuomo for New York also posted on Instagram on October 22, 2020 a screenshot of the book's debut on the New York Times bestseller list and again stated, as it did in the October 17 Facebook post: "Let's learn the lessons of the Spring to be smart in fighting back this virus now. Thank you for reading." Andrew Cuomo (andrewcuomo), Instagram (Oct. 22, 2020), https://www.instagram.com/p/CGpstVWpi_-/. The account further previewed the book in an August 18, 2020 Instagram post similar to the Facebook post of the same day, stating that it would be on sale on October 13, 2020. Andrew Cuomo (andrewcuomo), Instagram (Aug. 18, 2020), <https://www.instagram.com/p/CEckMdppAOy/>.

22. Cuomo for New York's Instagram account currently has approximately 257,000 followers. Andrew Cuomo (andrewcuomo), Instagram, <https://www.instagram.com/andrewcuomo/>.

23. Cuomo for New York's official Twitter account similarly promoted sales of Governor Cuomo's book using the same social media posts. *See* Andrew Cuomo (@andrewcuomo), Twitter (linking to Cuomo for New York's website), <https://twitter.com/AndrewCuomo>. An October 17, 2020 tweet is identical to the Cuomo for

New York's October 17 Facebook post, including the direct link to Amazon's page for purchasing the book. Andrew Cuomo (@andrewcuomo), Twitter (Oct. 17, 2020), <https://twitter.com/andrewcuomo/status/1317506495232311296?s=20>. The Twitter account's October 13, 2020 tweet is identical to the Cuomo for New York's October 13 Facebook post promoting sales of the book and linking to the Penguin Random House website page for buying it. Andrew Cuomo (@andrewcuomo), Twitter (Oct. 13, 2020), <https://twitter.com/andrewcuomo/status/1315992538646536202>. Likewise, the account's October 22, 2020 tweet is identical to Cuomo for New York's October 22 Facebook post touting the book's debut on the New York Times bestseller list. Andrew Cuomo (@andrewcuomo), Twitter (Oct. 22, 2020), <https://twitter.com/andrewcuomo/status/1319302603566682114>.

24. In addition, Cuomo for New York's Twitter account posted a tweet of Governor Cuomo's appearance on Mr. Cohen's show, Andrew Cuomo (@andrewcuomo), Twitter (Oct. 15, 2020), <https://twitter.com/andrewcuomo/status/1316881361911906304>, retweeted the 92nd Street Y's promotion of the online book event, Andrew Cuomo (@andrewcuomo), Twitter (Oct. 20, 2020), <https://twitter.com/92Y/status/1318608167228592128>, and quote retweeted his publisher's August 18, 2020 tweet announcing the book would be released on October 13 and was available for preorder, Andrew Cuomo (@andrewcuomo), Twitter (Aug. 18, 2020), <https://twitter.com/andrewcuomo/status/1295693506342780928>.

25. Cuomo for New York's Twitter account currently has approximately 61,500 followers. Andrew Cuomo (@andrewcuomo), Twitter, Profile, <https://twitter.com/AndrewCuomo>.

26. In the months surrounding Cuomo for New York's promotions of Governor Cuomo's book, it made expenditures potentially related to this activity. Cuomo for New York

spent \$45,102 on the salaries of campaign workers between August 6 and October 30, 2020, as well as \$7,400 on campaign consultants between August 26 and October 17, 2020. Cuomo for New York further paid \$12,467 to NGP VAN, a provider of “targeted email services,” <https://www.ngpvan.com/feature/targeted-email>, between August 26 and November 3, 2020, and \$378 to Mail Chimp for “blast emails” between August 20 and September 20, 2020.

27. Governor Cuomo almost certainly earned income from sales of his book. Governor Cuomo has refused to release details about his book contract. *See* Tom Precious, Cuomo still won’t release ethics clearance letter for his book deal, *Buffalo News*, Mar. 9, 2021, <https://bit.ly/3u7Azit>; David Robinson and Joseph Spector, Gov. Cuomo refuses to reveal financial details of COVID book deal, vows contribution to charity, *Lohud.com*, Aug. 20, 2021, <https://bit.ly/3cAb8jN>. However, Governor Cuomo sought and received an ethics clearance for the book, which he would need if was receiving income from it. Precious, *Buffalo News*, Mar. 9, 2021; Chris Bragg, After Cuomo book approval, ethics commissioners quash greater scrutiny, *Albany Times Union*, Nov. 17, 2020, <https://bit.ly/3rFkZsB>. While Governor Cuomo said he was donating some of the proceeds to a COVID-related charity, *see, e.g.*, Robinson and Joseph Spector, *Lohud.com*, Aug. 20, 2021, it still appears likely he earned significant income from the book. One news report stated that “sources familiar with the deal [believe] that the book sold for at least low to mid-seven figures, which is a blockbuster sum by industry standards.” Joe Pompeo, Andrew Cuomo’s Tortured Pandemic Memoir Fetched a Seven-Figure Advance, *Vanity Fair*, Mar. 8, 2021, <https://bit.ly/3rvTuSx>; *see also* Jesse McKinley, Danny Hakim, and Alexandra Alter, As Cuomo Sought \$4 Million Book Deal, Aides Hid Damaging Death Toll, *New York Times*, Mar. 31, 2021 (reporting that Governor Cuomo’s book deal “ended with a high offer of more than \$4 million”), <https://nyti.ms/3mamZbo>.

Count I

28. New York State Election Law prohibits funds from any contribution received by a candidate or political committee from being “converted by any person to a personal use which is unrelated to a political campaign or the holding of a public office or party position.” Election Law § 14-130(1). Contributions are improperly converted to personal use if they are used “exclusively for the personal benefit of the candidate or any other individual, not in connection with a political campaign or the holding of a public office or party position.” Election Law § 14-130(3).

29. The Election Law provides a non-exclusive list of expenditures that constitute personal use. *Id.* Prohibited personal use expenditures includes “salary payments or other compensation provided to any person for services where such services are not solely for campaign purposes or provided in connection with the execution of the duties of public office or party position.” Election Law § 14-130(3)(v).

30. The Election Law further provides that NYSBOE “shall issue advisory opinions upon request regarding expenditures that may or may not be considered personal use of contributions.” Election Law § 14-130(6). NYSBOE does not appear to have directly addressed whether the promotion of book sales by a campaign committee constitutes personal use, based on a review of its advisory opinions and formal opinions. *See* New York State Board of Elections, [Advisory Opinions of the State Board of Elections](https://www.elections.ny.gov/NYSBOE/download/law/AdvisoryOpinions.pdf), <https://www.elections.ny.gov/NYSBOE/download/law/AdvisoryOpinions.pdf>; Office of the Special Counsel, New York State Board of Elections, [Formal Opinions, 1974-Present](https://www.elections.ny.gov/NYSBOE/download/law/FormalOpinions.pdf), <https://www.elections.ny.gov/NYSBOE/download/law/FormalOpinions.pdf>.

31. One NYSBOE opinion, however, concluded that the use of campaign funds to “underwrite the research, production and authorship of a book whose topic would be a historical account of the operation of city government during the time period that the officeholder occupied the position of mayor” after the mayor left office “would not relate to the holding of present public office or party position” and thus constituted prohibited personal use. New York State Board of Elections, Advisory Opinion 93-1, Sept. 27, 1993, <https://www.elections.ny.gov/NYSBOE/download/law/AdvisoryOpinions.pdf>.

32. Cuomo for New York appears to have converted campaign funds to personal use by promoting sales of Governor Cuomo’s book through emails and social media posts.

33. A campaign’s mailing list is an asset that has value – those lists are regularly sold or rented. By using its mailing list to promote sales of the book, Cuomo for New York used campaign funds for Governor Cuomo’s personal benefit.

34. Social media accounts also are an asset of the campaign. By repeatedly using those accounts to promote sale of the book, Cuomo for New York used campaign funds for Governor Cuomo’s personal benefit.

35. In addition, the time of a campaign worker or consultant has value. The email ostensibly from Governor Cuomo’s daughters likely was drafted and/or edited by an employee or consultant of Cuomo for New York. Campaign employees or consultants also likely spent time drafting, editing, and posting the social media posts promoting sales of the book, and arranging for the email to be sent. By using the time of campaign employees and/or consultants to promote the book, Cuomo for New York used campaign funds for Governor Cuomo’s personal benefit.

36. Thus, it appears Cuomo for New York converted campaign funds to personal use in violation of Election Law § 14-130.

Conclusion

WHEREFORE, complainant Citizens for Responsibility and Ethics in Washington requests that the Division of Election Law Enforcement of the NYSBOE investigate these allegations, declare that Cuomo for New York violated the Election Law, and impose sanctions appropriate to these violations and take such further action as may be appropriate.



ON BEHALF OF COMPLAINANT
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