

3584--A

2011-2012 Regular Sessions

I N   S E N A T E

February 28, 2011

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Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT enacting the "2012 Campaign Finance Reform Act"; to amend the election law, the state finance law and the tax law, in relation to providing for optional partial public financing of certain election campaigns in this state; and to amend the election law, in relation to limiting personal use of campaign funds, establishing certain contribution limits, identification of the source of certain political communications and providing for a state board of elections enforcement unit and counsel

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "2012 Campaign Finance Reform Act".  
3     S 2. Legislative findings and declaration. The legislature declares  
4     that it is in the public interest to create and ensure a truly democrat-  
5     ic political system in which citizens, irrespective of their income,  
6     status, or financial connections, are enabled and encouraged to compete  
7     for public office. Therefore, the legislature finds it necessary to  
8     establish a system of public financing for all qualified candidates for  
9     state elective offices and constitutional convention delegates.  
10    S 3. The article heading of article 14 of the election law is amended  
11    to read as follows:

12                   CAMPAIGN RECEIPTS AND EXPENDITURES; PUBLIC FINANCING

13    S 4. Section 14-100 of the election law is amended by adding three new  
14    subdivisions 12, 13 and 14 to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD04571-02-1

12. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

(A) THE NAME OF THE CANDIDATE INVOLVED APPEARS;

(B) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR

(C) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFERENCE.

13. "GENERAL PUBLIC AUDIENCE" MEANS AN AUDIENCE COMPOSED OF MEMBERS OF THE PUBLIC, INCLUDING A TARGETED SUBGROUP OF MEMBERS OF THE PUBLIC; PROVIDED, HOWEVER, IT DOES NOT MEAN AN AUDIENCE SOLELY COMPRISED OF MEMBERS, RETIREES AND STAFF OF A LABOR ORGANIZATION OR THEIR IMMEDIATE FAMILY MEMBERS OR AN AUDIENCE SOLELY COMPRISED OF EMPLOYEES OF A BUSINESS ENTITY.

14. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDITIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCIDENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE, EACH LOCAL, PARENT NATIONAL OR PARENT INTERNATIONAL ORGANIZATION OF A STATEWIDE LABOR ORGANIZATION, AND EACH STATEWIDE FEDERATION RECEIVING DUES FROM SUBSIDIARY LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE LABOR ORGANIZATION.

S 5. Section 14-106 of the election law, as amended by section 2 of part E of chapter 399 of the laws of 2011, is amended to read as follows:

S 14-106. Political communication. The statements required to be filed under the provisions of this [article] TITLE next succeeding a primary, general or special election shall be accompanied by a copy of all broadcast, cable or satellite schedules and scripts, internet, print and other types of advertisements, pamphlets, circulars, flyers, brochures, letterheads and other printed matter purchased or produced, AND REPRODUCTIONS OF STATEMENTS OR INFORMATION CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR OTHER ELECTRONIC MEANS, purchased in connection with such election by or under the authority of the person filing the statement or the committee or the person on whose behalf it is filed, as the case may be. Such copies, schedules and scripts shall be preserved by the officer with whom or the board with which it is required to be filed for a period of one year from the date of filing thereof.

S 6. The election law is amended by adding a new section 14-107 to read as follows:

S 14-107. INDEPENDENT EXPENDITURE REPORTING. 1. FOR PURPOSES OF THIS TITLE:

(A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE BY A PERSON FOR AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA BROADCAST, CABLE OR SATELLITE OR A WRITTEN COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS OR OTHER PRINTED MATTER AND STATEMENTS OR INFORMATION CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR OTHER ELECTRONIC DEVICES WHICH: (I) EXPRESSLY ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE OR THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL AND (II) SUCH CANDIDATE, THE CANDIDATE'S POLITICAL COMMITTEE OR ITS AGENTS, OR A POLITICAL COMMITTEE FORMED TO PROMOTE THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL OR ITS AGENTS, DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY SUCH COMMUNICATION.

1 (B) INDEPENDENT EXPENDITURES DO NOT INCLUDE:

2 (I) A COMMUNICATION APPEARING IN A WRITTEN NEWS STORY, COMMENTARY, OR  
3 EDITORIAL OR DISTRIBUTED THROUGH THE FACILITIES OF ANY BROADCASTING  
4 STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR FACILITIES ARE  
5 OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL COMMITTEE OR  
6 CANDIDATE; OR

7 (II) A COMMUNICATION THAT CONSTITUTES A CANDIDATE DEBATE OR FORUM; OR

8 (III) A COMMUNICATION WHICH CONSTITUTES AN EXPENDITURE MADE BY AN  
9 ENTITY REQUIRED TO REPORT SUCH EXPENDITURE WITH A BOARD OF ELECTIONS.

10 (C) FOR PURPOSES OF THIS SECTION, THE TERM "PERSON" SHALL MEAN PERSON,  
11 GROUP OF PERSONS, ENTITY, ORGANIZATION, CORPORATION OR ASSOCIATION.

12 2. WHENEVER ANY PERSON MAKES ONE OR MORE INDEPENDENT EXPENDITURES THAT  
13 IN THE AGGREGATE EXCEEDS ONE THOUSAND DOLLARS IN ANY CALENDAR YEAR, SUCH  
14 COMMUNICATION DESCRIBED IN SUBDIVISION ONE OF THIS SECTION SHALL CLEARLY  
15 STATE, WITH RESPECT TO COMMUNICATIONS REGARDING CANDIDATES, THAT THE  
16 COMMUNICATION IS NOT AUTHORIZED BY ANY CANDIDATE, ANY CANDIDATE'S POLI-  
17 TICAL COMMITTEE OR ANY OF ITS AGENTS. A KNOWING AND WILLFUL VIOLATION  
18 OF THE PROVISIONS OF THIS SUBDIVISION SHALL SUBJECT THE PERSON TO A  
19 CIVIL PENALTY EQUAL TO ONE THOUSAND DOLLARS OR THE COST OF THE COMMUNI-  
20 CATION, WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION  
21 BROUGHT BY THE STATE BOARD OF ELECTIONS.

22 3. (A) ANY PERSON WHICH MAKES INDEPENDENT EXPENDITURES THAT COST MORE  
23 THAN ONE THOUSAND DOLLARS IN THE AGGREGATE SHALL REPORT SUCH INDEPENDENT  
24 EXPENDITURES TO THE STATE BOARD OF ELECTIONS IN THE MANNER SPECIFIED IN  
25 SECTION 14-108 OF THIS TITLE.

26 (B) ANY INDEPENDENT EXPENDITURE MADE AFTER THE CLOSE OF THE PERIOD TO  
27 BE COVERED IN THE LAST STATEMENT FILED BEFORE ANY PRIMARY, GENERAL OR  
28 SPECIAL ELECTION, BUT BEFORE SUCH ELECTION, SHALL BE REPORTED WITHIN  
29 TWENTY-FOUR HOURS IN THE SAME MANNER AS PROVIDED FOR IN SUBDIVISION TWO  
30 OF SECTION 14-108 OF THIS TITLE.

31 4. EACH SUCH STATEMENT SHALL INCLUDE:

32 (A) THE NAME AND ADDRESS OF THE PERSON MAKING THE STATEMENT;

33 (B) THE NAME AND ADDRESS OF THE PERSON MAKING THE INDEPENDENT EXPENDI-  
34 TURE;

35 (C) THE NAME AND ADDRESS OF ANY PERSON OR ENTITY PROVIDING A GIFT,  
36 LOAN, ADVANCE OR DEPOSIT OF ONE HUNDRED DOLLARS OR MORE FOR THE INDE-  
37 PENDENT EXPENDITURE, OR THE PROVISION OF SERVICES FOR THE SAME, AND THE  
38 DATE IT WAS GIVEN; PROVIDED, HOWEVER, THE NAME AND ADDRESS OF A MEMBER  
39 OF A LABOR ORGANIZATION IS NOT REQUIRED FOR A GIFT, LOAN, ADVANCE OR  
40 DEPOSIT OF ONE HUNDRED DOLLARS OR MORE TO A LABOR ORGANIZATION OR A  
41 LABOR ORGANIZATION POLITICAL ACTION COMMITTEE;

42 (D) THE DOLLAR AMOUNT PAID FOR EACH INDEPENDENT EXPENDITURE, THE NAME  
43 AND ADDRESS OF THE PERSON OR ENTITY RECEIVING THE PAYMENT, THE DATE THE  
44 PAYMENT WAS MADE AND A DESCRIPTION OF THE INDEPENDENT EXPENDITURE; AND

45 (E) THE ELECTION TO WHICH THE INDEPENDENT EXPENDITURE PERTAINS AND THE  
46 NAME OF THE CLEARLY IDENTIFIED CANDIDATE OR THE BALLOT PROPOSAL REFER-  
47 ENCED.

48 5. ANY REPORT MADE PURSUANT TO THIS SECTION SHALL INCLUDE A COPY OF  
49 ALL MATERIALS THAT PERTAIN TO THE INDEPENDENT EXPENDITURE, INCLUDING BUT  
50 NOT LIMITED TO BROADCAST, CABLE OR SATELLITE SCHEDULE AND SCRIPTS,  
51 ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS AND  
52 OTHER PRINTED MATTER.

53 6. ANY REPORT OF A LOAN THAT IS MADE FOR AN INDEPENDENT EXPENDITURE  
54 SHALL INCLUDE WRITTEN EVIDENCE OF THE INDEBTEDNESS.

1 7. EVERY STATEMENT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL  
2 BE FILED BY ELECTRONIC REPORTING PROCESS OR OVERNIGHT MAIL TO THE STATE  
3 BOARD OF ELECTIONS.

4 8. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE REGULATIONS WITH  
5 RESPECT TO THE STATEMENTS REQUIRED TO BE FILED BY THIS SECTION AND SHALL  
6 PROVIDE FORMS SUITABLE FOR SUCH STATEMENTS.

7 S 7. Section 14-112 of the election law, as amended by chapter 930 of  
8 the laws of 1981, is amended to read as follows:

9 S 14-112. Political committee authorization statement. 1. Any poli-  
10 tical committee aiding or taking part in the election or nomination of  
11 any candidate, other than by making contributions, shall file, in the  
12 office in which the statements of such committee are to be filed pursu-  
13 ant to this [article] TITLE, either a sworn verified statement by the  
14 treasurer of such committee that the candidate has authorized the poli-  
15 tical committee to aid or take part in his election or that the candi-  
16 date has not authorized the committee to aid or take part in his  
17 election.

18 2. NO LATER THAN THREE DAYS AFTER THE LAST DAY TO FILE DESIGNATING  
19 PETITIONS, A CANDIDATE FOR STATEWIDE OFFICE, STATE LEGISLATIVE OFFICE OR  
20 CONSTITUTIONAL CONVENTION DELEGATE SHALL FILE A STATEMENT WITH THE STATE  
21 BOARD OF ELECTIONS STATING WHETHER THE CANDIDATE HAS OR WILL CONTRIBUTE  
22 PERSONAL FUNDS TO HIS OR HER AUTHORIZED COMMITTEE FOR USE IN SUCH  
23 ELECTION AND AN ESTIMATE OF THE AMOUNT OF PERSONAL FUNDS CONTRIBUTED OR  
24 TO BE CONTRIBUTED. THE KNOWING AND WILLFUL FAILURE TO FILE THE STATE-  
25 MENT REQUIRED BY THIS SUBDIVISION SHALL SUBJECT THE CANDIDATE TO A CIVIL  
26 PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS IN A SPECIAL PROCEEDING OR  
27 CIVIL ACTION BROUGHT BY THE STATE BOARD OF ELECTIONS.

28 S 8. Section 14-126 of the election law, as amended by section 3 of  
29 part E of chapter 399 of the laws of 2011, is amended to read as  
30 follows:

31 S 14-126. Violations; penalties. 1. Any person who fails to file a  
32 statement required to be filed by this [article] TITLE shall be subject  
33 to a civil penalty, not in excess of one thousand dollars, to be recov-  
34 erable in a special proceeding or civil action to be brought by the  
35 state board of elections or other board of elections. Any person who,  
36 three or more times within a given election cycle for such term of  
37 office, fails to file a statement or statements required to be filed by  
38 this [article] TITLE, shall be subject to a civil penalty, not in excess  
39 of ten thousand dollars, to be recoverable as provided for in this  
40 subdivision.

41 2. ANY PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO IDENTIFY INDEPEND-  
42 ENT EXPENDITURES AS REQUIRED BY SUBDIVISION TWO OF SECTION 14-107 OF  
43 THIS TITLE OR KNOWINGLY AND WILLFULLY FAILS TO FILE THE STATEMENT  
44 REQUIRED BY SUBDIVISION TWO OF SECTION 14-112 OF THIS TITLE SHALL BE  
45 SUBJECT TO A CIVIL PENALTY IN A SPECIAL PROCEEDING OR CIVIL ACTION  
46 BROUGHT BY THE STATE BOARD OF ELECTIONS.

47 3. Any person who, acting as or on behalf of a candidate or political  
48 committee, under circumstances evincing an intent to violate such law,  
49 unlawfully accepts a contribution in excess of a contribution limitation  
50 established in this [article] TITLE, shall be required to refund such  
51 excess amount and shall be subject to a civil penalty equal to the  
52 excess amount plus a fine of up to ten thousand dollars, to be recov-  
53 erable in a special proceeding or civil action to be brought by the state  
54 board of elections.

55 [3.] 4. Any person who knowingly and willfully fails to file a state-  
56 ment required to be filed by this [article] TITLE within ten days after

the date provided for filing such statement or any person who knowingly and willfully violates any other provision of this [article] TITLE shall be guilty of a misdemeanor.

[4.] 5. Any person who knowingly and willfully contributes, accepts or aids or participates in the acceptance of a contribution in an amount exceeding an applicable maximum specified in this [article] TITLE shall be guilty of a misdemeanor.

[5.] 6. Any person who shall, acting on behalf of a candidate or political committee, knowingly and willfully solicit, organize or coordinate the formation of activities of one or more unauthorized committees, make expenditures in connection with the nomination for election or election of any candidate, or solicit any person to make any such expenditures, for the purpose of evading the contribution limitations of this [article] TITLE, shall be guilty of a class E felony.

S 9. Sections 14-100 through 14-132 of article 14 of the election law are designated title 1 and a new title heading is added to read as follows:

#### CAMPAIGN RECEIPTS AND EXPENDITURES

S 10. Article 14 of the election law is amended by adding a new title 2 to read as follows:

#### TITLE II PUBLIC FINANCING

SECTION 14-200. DEFINITIONS.

14-202. ELIGIBILITY.

14-204. QUALIFIED CAMPAIGN EXPENDITURES.

14-206. OPTIONAL PUBLIC FINANCING.

14-208. CONTRIBUTION AND RECEIPT LIMITATIONS.

14-210. EXPENDITURE LIMITATIONS.

14-212. EXAMINATIONS AND AUDITS; REPAYMENTS.

14-214. CIVIL PENALTIES.

S 14-200. DEFINITIONS. AS USED IN THIS TITLE, UNLESS ANOTHER MEANING IS CLEARLY INDICATED:

1. THE TERM "STATE BOARD" SHALL MEAN THE STATE BOARD OF ELECTIONS.

2. THE TERM "ELIGIBLE CANDIDATE" SHALL MEAN A CANDIDATE FOR NOMINATION OR ELECTION TO ANY OF THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE STATE LEGISLATURE, AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION OR DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION.

3. THE TERM "PARTICIPATING COMMITTEE" SHALL MEAN A SINGLE POLITICAL COMMITTEE WHICH A CANDIDATE CERTIFIES IS THE COMMITTEE THAT WILL SOLELY BE USED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY THIS TITLE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT. A MULTI-CANDIDATE COMMITTEE MAY NOT BE A PARTICIPATING COMMITTEE.

4. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE WHO IS ELIGIBLE TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM ESTABLISHED BY THIS TITLE, HAS MET THE THRESHOLD FOR ELIGIBILITY AND HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM.

5. THE TERM "MATCHABLE CONTRIBUTIONS" SHALL MEAN THAT PORTION OF THE AGGREGATE CONTRIBUTIONS MADE (A) IN THE CASE OF A PRIMARY OR GENERAL ELECTION, AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR (B) IN THE CASE OF A SPECIAL ELECTION, WITHIN SIX MONTHS OF SUCH ELECTION BY NATURAL PERSONS RESIDENT IN THE STATE OF NEW YORK TO A CANDIDATE FOR NOMINATION OR ELECTION TO ANY OF THE OFFICES COVERED BY THE PROVISIONS OF THIS TITLE WHICH DO NOT EXCEED TWO HUNDRED FIFTY DOLLARS, WHICH HAVE BEEN REPORTED

1 IN FULL BY THE CANDIDATE'S PARTICIPATING COMMITTEE TO THE STATE BOARD,  
2 INCLUDING THE CONTRIBUTOR'S FULL NAME AND RESIDENTIAL ADDRESS. "MATCHA-  
3 BLE CONTRIBUTIONS" SHALL BE THE NET AMOUNT OF ANY MONETARY CONTRIBUTION  
4 REALIZED BY A CANDIDATE OR DESIGNATED COMMITTEE AFTER DEDUCTING THE  
5 REASONABLE VALUE OF ANY GOODS OR SERVICES PROVIDED THE CONTRIBUTOR IN  
6 CONNECTION WITH THE CONTRIBUTION, EXCEPT THAT CONTRIBUTIONS FROM ANY  
7 PERSON WHO HAS RECEIVED A PAYMENT OR ANYTHING OF VALUE FROM SUCH COMMIT-  
8 TEE OR FROM A PERSON WHO IS AN OFFICER, DIRECTOR OR EMPLOYEE OF, OR A  
9 PERSON WHO HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST IN ANY ENTITY  
10 WHICH HAS RECEIVED SUCH A PAYMENT OR THING OF VALUE SHALL NOT BE MATCHA-  
11 BLE. A LOAN MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION.

12 6. THE TERM "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE  
13 FOR WHICH PUBLIC FUNDS MAY BE USED.

14 7. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE CAMPAIGN FINANCE  
15 FUND.

16 8. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL  
17 MATCHABLE CONTRIBUTIONS THAT THE PARTICIPATING COMMITTEE OF AN OTHERWISE  
18 ELIGIBLE CANDIDATE MUST RECEIVE, AS REQUIRED BY SECTION 14-202 OF THIS  
19 TITLE, IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO  
20 THIS TITLE.

21 9. THE TERM "CONTRIBUTION" SHALL HAVE THE SAME MEANING AS IN SUBDIVI-  
22 SION NINE OF SECTION 14-100 OF THIS ARTICLE.

23 S 14-202. ELIGIBILITY. 1. TO BE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING  
24 UNDER THIS TITLE, A CANDIDATE FOR NOMINATION OR ELECTION MUST:

25 (A) MEET ALL THE REQUIREMENTS OF THIS CHAPTER AND OTHER PROVISIONS OF  
26 LAW TO HAVE HIS OR HER NAME ON THE BALLOT;

27 (B) BE A CANDIDATE FOR STATEWIDE OFFICE, THE STATE LEGISLATURE OR  
28 DELEGATE TO A CONSTITUTIONAL CONVENTION AT A PRIMARY, GENERAL OR SPECIAL  
29 ELECTION AND MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION  
30 TWO OF THIS SECTION;

31 (C) ELECT TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY  
32 THIS TITLE NOT LATER THAN SEVEN DAYS AFTER THE LAST DAY TO FILE DESIG-  
33 NATING PETITIONS FOR THE OFFICE SUCH CANDIDATE IS SEEKING OR, IN THE  
34 CASE OF A SPECIAL ELECTION, NOT LATER THAN THE LAST DAY TO FILE NOMINAT-  
35 ING CERTIFICATES FOR SUCH OFFICE;

36 (D) AGREE TO OBTAIN AND FURNISH TO THE STATE BOARD ANY EVIDENCE IT MAY  
37 REASONABLY REQUEST RELATING TO HIS OR HER CAMPAIGN EXPENDITURES OR  
38 CONTRIBUTIONS AND FURNISH SUCH OTHER PROOF OF COMPLIANCE WITH THIS TITLE  
39 AS MAY BE REQUESTED BY THE STATE BOARD;

40 (E) HAVE A SINGLE AUTHORIZED POLITICAL COMMITTEE WHICH HE OR SHE  
41 CERTIFIES AS THE PARTICIPATING COMMITTEE FOR THE PURPOSES OF THIS TITLE;  
42 AND

43 (F) AGREE TO IDENTIFY ACCURATELY IN ALL CAMPAIGN MATERIALS THE PERSON  
44 OR ENTITY THAT PAID FOR SUCH CAMPAIGN MATERIAL.

45 2. THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR CANDIDATES IN  
46 A PRIMARY, GENERAL OR SPECIAL ELECTION FOR THE FOLLOWING OFFICES SHALL  
47 BE:

48 (A) GOVERNOR IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN NINE  
49 HUNDRED THOUSAND DOLLARS FROM AT LEAST NINE THOUSAND MATCHABLE CONTRIB-  
50 UTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL  
51 CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

52 (B) LIEUTENANT GOVERNOR IN A PRIMARY ELECTION AND COMPTROLLER OR  
53 ATTORNEY GENERAL IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN THREE  
54 HUNDRED THOUSAND DOLLARS FROM AT LEAST THREE THOUSAND MATCHABLE CONTRIB-  
55 UTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL  
56 CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

1 (C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL  
2 ELECTION. NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS FROM AT LEAST TWO  
3 HUNDRED FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO  
4 HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK  
5 STATE INCLUDING AT LEAST TWELVE THOUSAND FIVE HUNDRED DOLLARS FROM AT  
6 LEAST ONE HUNDRED TWENTY-FIVE INDIVIDUAL CONTRIBUTORS WHO RESIDE IN THE  
7 SENATE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

8 (D) MEMBERS OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION.  
9 NOT LESS THAN TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED MATCHABLE  
10 CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER  
11 INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE INCLUDING AT LEAST  
12 FIVE THOUSAND DOLLARS FROM AT LEAST FIFTY INDIVIDUALS WHO RESIDE IN THE  
13 ASSEMBLY DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

14 (E) AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR  
15 GENERAL ELECTION. NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS FROM AT  
16 LEAST TWO HUNDRED FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO  
17 TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW  
18 YORK STATE.

19 (F) DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR  
20 GENERAL ELECTION. NOT LESS THAN FIVE THOUSAND DOLLARS FROM AT LEAST  
21 FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY  
22 DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN THE DISTRICT IN WHICH  
23 THE SEAT IS TO BE FILLED.

24 3. IN ORDER TO BE ELIGIBLE TO RECEIVE PUBLIC FUNDS IN A PRIMARY  
25 ELECTION A CANDIDATE MUST AGREE, THAT IN THE EVENT SUCH CANDIDATE IS A  
26 CANDIDATE FOR SUCH OFFICE IN THE GENERAL ELECTION IN SUCH YEAR, THAT  
27 SUCH CANDIDATE WILL BE BOUND BY THE PROVISIONS OF THIS TITLE, INCLUDING,  
28 BUT NOT LIMITED TO, THE RECEIPT AND EXPENDITURE LIMITS OF THIS TITLE.

29 4. CANDIDATES WHO ARE CONTESTED IN A PRIMARY ELECTION AND WHO DO NOT  
30 SEEK PUBLIC FUNDS SHALL NOT BE ELIGIBLE FOR PUBLIC FUNDS FOR THE GENERAL  
31 ELECTION IN THAT YEAR. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT  
32 APPLY TO CANDIDATES FOR THE OFFICE OF LIEUTENANT GOVERNOR.

33 5. CANDIDATES WHO ARE UNOPPOSED IN A GENERAL OR SPECIAL ELECTION SHALL  
34 NOT BE ELIGIBLE TO RECEIVE PUBLIC FUNDS.

35 6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR  
36 SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING  
37 SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS AT LEAST  
38 ONE OTHER CANDIDATE FOR SUCH OFFICE IN SUCH ELECTION WHO ALSO ELECTED TO  
39 PARTICIPATE IN THE PUBLIC FINANCING SYSTEM, OR SUCH CANDIDATE'S COMMIT-  
40 TEE, OR AT LEAST ONE OTHER CANDIDATE FOR SUCH OFFICE IN SUCH ELECTION  
41 WHO HAS NOT ELECTED TO PARTICIPATE, OR SUCH CANDIDATE'S COMMITTEE, HAVE  
42 EITHER SPENT, CONTRACTED OR OBLIGATED TO SPEND, OR HAVE CONTRIBUTED SUCH  
43 CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR HAVE  
44 RECEIVED IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING TEN PERCENT OF  
45 THE EXPENDITURE LIMIT FOR SUCH OFFICE IN SUCH ELECTION WHICH IS FIXED BY  
46 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT SUCH PUBLIC FUNDS.  
47 IF ANY CANDIDATE FOR AN OFFICE AND THE COMMITTEE OF SUCH CANDIDATE  
48 REACHES THE THRESHOLD TO QUALIFY TO RECEIVE PUBLIC FUNDS, OR SPENDS,  
49 CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES SUCH CANDIDATE'S  
50 PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR RECEIVES IN LOANS OR  
51 CONTRIBUTIONS, AN AMOUNT EXCEEDING TEN PERCENT OF THE EXPENDITURE LIMIT  
52 FOR SUCH OFFICE IN SUCH ELECTION AT ANY TIME AFTER THE FILING DEADLINE  
53 FOR THE LAST REPORT REQUIRED TO BE FILED BEFORE THE FIRST DISTRIBUTION  
54 OF PUBLIC FUNDS FOR SUCH ELECTION, SUCH CANDIDATE OR COMMITTEE MUST  
55 NOTIFY THE STATE BOARD OF THAT FACT WITHIN TWENTY-FOUR HOURS IN THE SAME  
56 MANNER AS PROVIDED IN SUBDIVISION TWO OF SECTION 14-108 OF THIS ARTICLE.

1 S 14-204. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED  
2 UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY  
3 THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDI-  
4 TURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION  
5 OR ELECTION AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR  
6 GENERAL ELECTION IS HELD FOR THE OFFICE SOUGHT, FOR SERVICES, MATERIALS,  
7 FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT CAMPAIGN CYCLE OR,  
8 IN THE CASE OF A SPECIAL ELECTION, FOR EXPENDITURES DURING THE PERIOD  
9 COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL  
10 ELECTION. THE TOTAL OF ALL EXPENDITURES MADE BY THE CANDIDATE AND SUCH  
11 CANDIDATE'S PARTICIPATING COMMITTEE, INCLUDING ALL PAYMENTS RECEIVED  
12 FROM THE FUND, SHALL NOT EXCEED THE EXPENDITURE LIMITATIONS ESTABLISHED  
13 IN SECTION 14-210 OF THIS TITLE, EXCEPT INsofar AS SUCH PAYMENTS ARE  
14 MADE TO REPAY LOANS USED TO PAY CAMPAIGN EXPENDITURES.

15 2. SUCH PUBLIC FUNDS MAY NOT BE USED FOR:

16 (A) AN EXPENDITURE IN VIOLATION OF ANY LAW OF THE UNITED STATES OR OF  
17 THIS STATE;

18 (B) PAYMENTS OR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A  
19 RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH  
20 PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY  
21 SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE;

22 (C) PAYMENT IN EXCESS OF THE FAIR MARKET VALUE OF SERVICES, MATERIALS,  
23 FACILITIES OR OTHER THINGS OF VALUE RECEIVED IN EXCHANGE;

24 (D) ANY EXPENDITURE MADE AFTER THE PARTICIPATING CANDIDATE, OR THE  
25 ONLY REMAINING OPPONENT OF SUCH CANDIDATE, HAS BEEN DISQUALIFIED OR HAD  
26 SUCH CANDIDATE'S PETITIONS DECLARED INVALID BY A BOARD OF ELECTIONS OR A  
27 COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS  
28 REVERSED BY A HIGHER AUTHORITY.

29 (E) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF  
30 DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE,  
31 AUTHORIZATION, DECLINATION OR SUBSTITUTION;

32 (F) EXPENDITURE FOR NONCAMPAIGN RELATED FOOD, DRINK OR ENTERTAINMENT;  
33 AND

34 (G) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER CAMPAIGN MATERI-  
35 AL.

36 S 14-206. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR  
37 NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY  
38 OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALI-  
39 FIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A  
40 PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON  
41 THE BALLOT AND FILED A SWORN STATEMENT WITH THE STATE BOARD ELECTING TO  
42 PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND AGREEING TO  
43 ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT EXCEED THE  
44 AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN ACCORDANCE  
45 WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE MADE TO A  
46 PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC FUNDS SHALL  
47 BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN  
48 EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO  
49 PAY QUALIFIED CAMPAIGN EXPENDITURES.

50 2. THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE SHALL  
51 BE ENTITLED TO FOUR DOLLARS IN PUBLIC FUNDS FOR EACH ONE DOLLAR OF  
52 MATCHABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE STATE BOARD IN  
53 ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, PROVIDED, HOWEVER, SUCH  
54 PUBLIC FUNDS SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

55 3. (A) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR  
56 WHICH PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS



1 TITLE, ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH  
2 CANDIDATE'S COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR  
3 CONTRIBUTES SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMIT-  
4 TEE OR RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE  
5 EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES  
6 WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, THEN (I) SUCH CANDIDATE OR  
7 COMMITTEE MUST NOTIFY THE STATE BOARD OF THE FACT WITHIN TWENTY-FOUR  
8 HOURS VIA THE INTERNET USING THE ELECTRONIC FILING SYSTEM ESTABLISHED BY  
9 THE STATE BOARD, OR IF SUCH CANDIDATE DOES NOT FILE ELECTRONICALLY VIA  
10 THE INTERNET, BY FACSIMILE OR OVERNIGHT MAIL; AND (II) THE PARTICIPATING  
11 COMMITTEE OF EACH PARTICIPATING CANDIDATE FOR SUCH OFFICE SHALL BE ENTI-  
12 TLED TO A GRANT OF PUBLIC FUNDS EQUAL TO TWENTY-FIVE PERCENT OF THE  
13 TOTAL AMOUNT OF PUBLIC FUNDS RECEIVED BY THE PARTICIPATING CANDIDATE FOR  
14 MATCHABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE STATE BOARD. SUCH  
15 GRANT SHALL BE PAID WITHIN TWO BUSINESS DAYS AND SHALL ONLY BE USED FOR  
16 QUALIFIED CAMPAIGN EXPENDITURES.

17 (B) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH  
18 PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE,  
19 ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH CANDIDATE'S  
20 COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES  
21 SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR  
22 RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE TOTAL OF THE  
23 EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES  
24 WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, PLUS THE TWENTY-FIVE PERCENT  
25 GRANT ALREADY RECEIVED BY THE PARTICIPATING CANDIDATE, THEN (I) SUCH  
26 CANDIDATE OR COMMITTEE MUST NOTIFY THE STATE BOARD OF THE FACT WITHIN  
27 TWENTY-FOUR HOURS VIA THE INTERNET USING THE ELECTRONIC FILING SYSTEM  
28 ESTABLISHED BY THE STATE BOARD, OR IF SUCH CANDIDATE DOES NOT FILE ELEC-  
29 TRONICALLY VIA THE INTERNET, BY FACSIMILE OR OVERNIGHT MAIL; AND (II)  
30 THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE FOR SUCH  
31 OFFICE SHALL BE ENTITLED TO AN ADDITIONAL GRANT OF PUBLIC FUNDS EQUAL TO  
32 TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF PUBLIC FUNDS RECEIVED BY THE  
33 PARTICIPATING CANDIDATE FOR MATCHABLE CONTRIBUTIONS OBTAINED AND  
34 REPORTED TO THE STATE BOARD. SUCH GRANT SHALL BE PAID WITHIN TWO BUSI-  
35 NESS DAYS AND SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

36 (C) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH  
37 PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE,  
38 ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH CANDIDATE'S  
39 COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES  
40 SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR  
41 RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE TOTAL OF THE  
42 EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES  
43 WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, PLUS THE FIFTY PERCENT TOTAL  
44 AGGREGATE GRANT ALREADY RECEIVED BY THE PARTICIPATING CANDIDATE, THEN  
45 (I) SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE STATE BOARD OF THE FACT  
46 WITHIN TWENTY-FOUR HOURS VIA THE INTERNET USING THE ELECTRONIC FILING  
47 SYSTEM ESTABLISHED BY THE STATE BOARD, OR IF SUCH CANDIDATE DOES NOT  
48 FILE ELECTRONICALLY VIA THE INTERNET, BY FACSIMILE OR OVERNIGHT MAIL;  
49 AND (II) THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE FOR  
50 SUCH OFFICE SHALL BE ENTITLED TO AN ADDITIONAL GRANT OF PUBLIC FUNDS  
51 EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF PUBLIC FUNDS  
52 RECEIVED BY THE PARTICIPATING CANDIDATE FOR MATCHABLE CONTRIBUTIONS  
53 OBTAINED AND REPORTED TO THE STATE BOARD. SUCH GRANT SHALL BE PAID WITH-  
54 IN TWO BUSINESS DAYS AND SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN  
55 EXPENDITURES.

1 (D) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH  
2 PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE,  
3 ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH CANDIDATE'S  
4 COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES  
5 SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR  
6 RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE TOTAL OF THE  
7 EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES  
8 WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, PLUS THE SEVENTY-FIVE PERCENT  
9 TOTAL AGGREGATE GRANT ALREADY RECEIVED BY THE PARTICIPATING CANDIDATE,  
10 THEN (I) SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE STATE BOARD OF THE  
11 FACT WITHIN TWENTY-FOUR HOURS VIA THE INTERNET USING THE ELECTRONIC  
12 FILING SYSTEM ESTABLISHED BY THE STATE BOARD, OR IF SUCH CANDIDATE DOES  
13 NOT FILE ELECTRONICALLY VIA THE INTERNET, BY FACSIMILE OR OVERNIGHT  
14 MAIL; AND (II) THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDI-  
15 DATE FOR SUCH OFFICE SHALL BE ENTITLED TO AN ADDITIONAL GRANT OF PUBLIC  
16 FUNDS EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF PUBLIC FUNDS  
17 RECEIVED BY THE PARTICIPATING CANDIDATE FOR MATCHABLE CONTRIBUTIONS  
18 OBTAINED AND REPORTED TO THE STATE BOARD. SUCH GRANT SHALL BE PAID WITH-  
19 IN TWO BUSINESS DAYS AND MAY ONLY BE USED FOR QUALIFIED CAMPAIGN EXPEND-  
20 ITURES.

21 4. (A) NO PARTICIPATING CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS  
22 UNOPPOSED IN A PRIMARY ELECTION SHALL BE ENTITLED TO PAYMENT FROM THE  
23 FUND FOR QUALIFIED CAMPAIGN EXPENDITURES.

24 (B) WHERE THERE IS A CONTEST IN SUCH PRIMARY FOR THE NOMINATION OF AT  
25 LEAST ONE OTHER PARTY FOR SUCH OFFICE, THE PARTICIPATING COMMITTEE OF AN  
26 UNOPPOSED PARTICIPATING CANDIDATE FOR NOMINATION MAY RAISE AND SPEND AN  
27 AMOUNT EQUAL TO ONE-HALF THE EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED  
28 BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS,  
29 WITH CONTRIBUTIONS OF UP TO TWO THOUSAND DOLLARS PER CONTRIBUTOR. SUCH  
30 PAYMENT CAN ONLY BE EXPENDED FOR PROPERTY, SERVICES OR FACILITIES USED  
31 ON OR BEFORE THE DATE OF SUCH PRIMARY ELECTION.

32 5. THE STATE BOARD SHALL PROMPTLY EXAMINE ALL REPORTS OF CONTRIBUTIONS  
33 TO DETERMINE WHETHER, ON THEIR FACE, THEY MEET THE REQUIREMENTS FOR  
34 MATCHABLE CONTRIBUTIONS, AND SHALL KEEP A RECORD OF SUCH CONTRIBUTIONS.

35 6. THE STATE BOARD SHALL PROMULGATE REGULATIONS FOR THE CERTIFICATION  
36 OF THE AMOUNT OF FUNDS PAYABLE BY THE COMPTROLLER, FROM THE FUND ESTAB-  
37 LISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW, TO A  
38 PARTICIPATING CANDIDATE THAT HAS QUALIFIED TO RECEIVE SUCH PAYMENT.  
39 THESE REGULATIONS SHALL INCLUDE THE PROMULGATION AND DISTRIBUTION OF  
40 FORMS ON WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE REPORTED, THE  
41 PERIODS DURING WHICH SUCH REPORTS MUST BE FILED AND THE VERIFICATION  
42 REQUIRED. THE STATE BOARD SHALL INSTITUTE PROCEDURES WHICH WILL MAKE  
43 POSSIBLE PAYMENT BY THE FUND WITHIN FOUR BUSINESS DAYS AFTER RECEIPT OF  
44 THE REQUIRED FORMS AND VERIFICATIONS.

45 S 14-208. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,  
46 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE  
47 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A  
48 CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTIC-  
49 IPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING  
50 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE  
51 AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

52 2. (A) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED  
53 BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A  
54 PARTICIPATING CANDIDATE FOR GOVERNOR OR LIEUTENANT GOVERNOR IN A PRIMARY  
55 OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY  
56 ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE

1 SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED TWO  
2 MILLION FIVE HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT  
3 TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A  
4 TRANSFER.

5 (B) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY  
6 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A  
7 PARTICIPATING CANDIDATE FOR ATTORNEY GENERAL OR COMPTROLLER IN A PRIMARY  
8 OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY  
9 ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE  
10 SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED ONE  
11 MILLION DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF SUCH  
12 AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

13 (C) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY  
14 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A  
15 PARTICIPATING CANDIDATE FOR STATE SENATOR IN A PRIMARY, GENERAL OR  
16 SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY ACCEPT  
17 FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE,  
18 SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED ONE  
19 HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF  
20 SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

21 (D) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY  
22 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A  
23 PARTICIPATING CANDIDATE FOR MEMBER OF THE ASSEMBLY IN A PRIMARY, GENERAL  
24 OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY  
25 ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE,  
26 SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED FIFTY  
27 THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF SUCH  
28 AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

29 (E) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY  
30 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A  
31 PARTICIPATING CANDIDATE FOR DELEGATE AT-LARGE TO A CONSTITUTIONAL  
32 CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING  
33 COMMITTEE MAY ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED  
34 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT  
35 EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE  
36 PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

37 (F) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY  
38 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A  
39 PARTICIPATING CANDIDATE FOR DISTRICT DELEGATE TO A CONSTITUTIONAL  
40 CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING  
41 COMMITTEE MAY ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED  
42 SUCH CANDIDATE, SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT  
43 EXCEED TEN THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT  
44 OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

45 (G) FOR PURPOSES OF THIS SUBDIVISION, THE TERM STATE PARTY COMMITTEE  
46 INCLUDES ANY OF ITS SUBCOMMITTEES.

47 3. NOTWITHSTANDING ANY EXPENDITURE LIMIT IN THIS SUBDIVISION, EACH  
48 COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR STATEWIDE  
49 OFFICE OR STATE LEGISLATIVE OFFICE, INCLUDING WITHIN THE TERM COUNTY  
50 COMMITTEE ANY OF ITS SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF EACH SUCH  
51 CANDIDATE FOR STATEWIDE OFFICE OF SUCH PARTY WHO HAS AGREED TO ACCEPT  
52 PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED THE SUM OF TWO CENTS  
53 FOR EACH VOTER REGISTERED IN SUCH COUNTY AS DETERMINED BY THE RECORDS OF  
54 THE APPROPRIATE BOARD OF ELECTIONS AS OF THE PRECEDING GENERAL ELECTION.

55 4. IN COMPUTING THE AGGREGATE AMOUNT EXPENDED FOR PURPOSES OF THIS  
56 SECTION, EXPENDITURES MADE BY A STATE PARTY COMMITTEE OR A COUNTY

1 COMMITTEE IN SUPPORT OF MORE THAN ONE CANDIDATE SHALL BE ALLOCATED AMONG  
2 SUCH CANDIDATES SUPPORTED BY THE COMMITTEE IN ACCORDANCE WITH FORMULAS  
3 PROMULGATED BY THE STATE BOARD OR, IN THE ABSENCE OF SUCH OFFICIAL  
4 FORMULAS, IN ACCORDANCE WITH A FORMULA BASED UPON REASONABLE STANDARDS.  
5 THE STATEMENTS FILED BY SUCH PARTY COMMITTEE IN ACCORDANCE WITH THIS  
6 CHAPTER SHALL SET FORTH, IN ADDITION TO THE OTHER INFORMATION REQUIRED,  
7 THE TOTAL AMOUNT EXPENDED BY THE PARTY COMMITTEE ON BEHALF OF ALL SUCH  
8 CANDIDATES AND THE AMOUNT ALLOCATED TO EACH CANDIDATE BY DOLLAR AMOUNT  
9 AND PERCENTAGE. EXPENDITURES BY A PARTY FOR ACTIVITIES WHICH DO NOT  
10 SUPPORT OR OPPOSE THE ELECTION OF ANY CANDIDATE OR CANDIDATES BY NAME OR  
11 BY CLEAR INFERENCE SHALL NOT BE REGARDED AS EXPENDITURES ON BEHALF OF OR  
12 IN OPPOSITION TO A CANDIDATE.

13 5. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC  
14 FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIB-  
15 UTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR  
16 THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF  
17 THE GENERAL ELECTION FOR THE OFFICE SOUGHT, EXCEPT THAT A PARTICIPATING  
18 CANDIDATE OR PARTICIPATING COMMITTEE WHICH HAS A DEFICIT ON THE DAY OF  
19 THE GENERAL ELECTION MAY, AFTER SUCH DATE, ACCEPT CONTRIBUTIONS WHICH DO  
20 NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAIS-  
21 ING SUCH CONTRIBUTIONS OR THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED  
22 BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS.  
23 CONTRIBUTIONS TO A PARTICIPATING CANDIDATE OR PARTICIPATING COMMITTEE  
24 WHICH WERE RECEIVED BEFORE JANUARY FIRST OF THE YEAR IN WHICH THE PRIMA-  
25 RY OR GENERAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR, IN THE  
26 CASE OF A SPECIAL ELECTION RECEIVED MORE THAN SIX MONTHS BEFORE THE  
27 SPECIAL ELECTION, MAY NOT BE EXPENDED IN ANY ELECTION FOR ANY SUCH  
28 OFFICE.

29 6. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION,  
30 PARTICIPATING CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF THIS  
31 ARTICLE.

32 S 14-210. EXPENDITURE LIMITATIONS. THE FOLLOWING EXPENDITURE LIMITA-  
33 TIONS APPLY TO ALL EXPENDITURES BY PARTICIPATING CANDIDATES AND THEIR  
34 PARTICIPATING COMMITTEES RECEIVING PUBLIC FUNDS PURSUANT TO THE  
35 PROVISIONS OF THIS TITLE:

36 1. (A) IN ANY PRIMARY ELECTION, EXPENDITURES BY PARTICIPATING CANDI-  
37 DATES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED:

38 (I) FOR GOVERNOR, THE SUM OF ONE DOLLAR AND TEN CENTS FOR EACH VOTER  
39 ENROLLED IN THE CANDIDATE'S PARTY IN THE STATE; PROVIDED, HOWEVER, SUCH  
40 SUM SHALL NOT BE LESS THAN NINE HUNDRED THOUSAND DOLLARS NOR MORE THAN  
41 NINE MILLION DOLLARS;

42 (II) FOR LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL, THE SUM  
43 OF ONE DOLLAR AND TEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S  
44 PARTY IN THE STATE; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN  
45 SIX HUNDRED THOUSAND DOLLARS NOR MORE THAN SIX MILLION DOLLARS;

46 (III) FOR SENATOR, THE SUM OF TWO DOLLARS AND FIFTY CENTS FOR EACH  
47 VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE SENATE DISTRICT;  
48 PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN THIRTY-FIVE THOUSAND  
49 DOLLARS NOR MORE THAN THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS;

50 (IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF TWO DOLLARS AND FIFTY  
51 CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE ASSEMBLY  
52 DISTRICT; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN FIFTEEN  
53 THOUSAND DOLLARS NOR MORE THAN ONE HUNDRED FIFTY THOUSAND DOLLARS;

54 (V) FOR AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION, THE SUM OF  
55 FIFTEEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE  
56 STATE; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN SEVENTY-FIVE

1 THOUSAND DOLLARS NOR MORE THAN ONE HUNDRED SEVENTY-FIVE THOUSAND  
2 DOLLARS;

3 (VI) FOR DISTRICT DELEGATES TO A CONSTITUTIONAL CONVENTION, THE SUM OF  
4 ONE DOLLAR AND TEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S  
5 PARTY IN THE DISTRICT; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS  
6 THAN FIVE THOUSAND DOLLARS NOR MORE THAN FIFTY THOUSAND DOLLARS;

7 (B) THE ENROLLMENT NUMBERS USED TO CALCULATE THE EXPENDITURE LIMITS  
8 PROVIDED FOR IN THIS SUBDIVISION SHALL BE THE ENROLLMENTS DULY REPORTED  
9 BY THE APPROPRIATE BOARD OR BOARDS OF ELECTION AS OF THE LAST GENERAL  
10 ELECTION PRECEDING THE PRIMARY ELECTION.

11 2. IN ANY GENERAL OR SPECIAL ELECTION, EXPENDITURES BY PARTICIPATING  
12 CANDIDATES FOR THE FOLLOWING OFFICES AND BY THEIR PARTICIPATING COMMIT-  
13 TEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

14 CANDIDATES FOR ELECTION TO THE OFFICE OF:

15 GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED) \$12,000,000

16 ATTORNEY GENERAL \$8,000,000

17 COMPTROLLER \$8,000,000

18 MEMBER OF SENATE \$375,000

19 MEMBER OF ASSEMBLY \$150,000

20 DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION \$350,000

21 DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION \$75,000

22 3. PARTICIPATING CANDIDATES FOR OFFICE WHO ARE UNOPPOSED IN THE PRIMA-  
23 RY ELECTION MAY EXPEND BEFORE THE PRIMARY ELECTION, FOR SERVICES, MATE-  
24 RIALS OR FACILITIES USED ON OR BEFORE THE DATE OF SUCH PRIMARY ELECTION,  
25 AN AMOUNT EQUAL TO HALF THE SUM SUCH CANDIDATES WOULD BE ENTITLED TO  
26 SPEND IF THEIR NOMINATION WAS CONTESTED IN SUCH PRIMARY ELECTION  
27 PROVIDED THERE IS A PRIMARY CONTEST FOR THE NOMINATION OF AT LEAST ONE  
28 OTHER PARTY FOR SUCH OFFICE.

29 4. EXPENDITURES FOR LEGAL FEES AND REASONABLE EXPENSES TO DEFEND THE  
30 VALIDITY OF PETITIONS OF DESIGNATION OR NOMINATION OR CERTIFICATES OF  
31 NOMINATION, ACCEPTANCE, AUTHORIZATION, DECLINATION OR SUBSTITUTION, OR  
32 TO SUCCESSFULLY CHALLENGE ANY SUCH PETITION OR CERTIFICATE ON GROUNDS OF  
33 FRAUD, OR FOR EXPENSES INCURRED TO COMPLY WITH THE CAMPAIGN FINANCE  
34 REPORTING REQUIREMENTS OF THIS ARTICLE, SHALL NOT BE SUBJECT TO THE  
35 EXPENDITURE LIMITS OF THIS SUBDIVISION.

36 S 14-212. EXAMINATIONS AND AUDITS; REPAYMENTS. 1. THE STATE BOARD  
37 SHALL CONDUCT A THOROUGH EXAMINATION AND AUDIT OF THE CONTRIBUTIONS AND  
38 QUALIFIED CAMPAIGN EXPENSES OF THE PARTICIPATING COMMITTEE OF EVERY  
39 PARTICIPATING CANDIDATE WHO RECEIVED PAYMENTS PURSUANT TO SECTION 14-206  
40 OF THIS TITLE.

41 2. (A) IF THE STATE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT  
42 MADE TO A PARTICIPATING COMMITTEE FROM THE FUND WAS IN EXCESS OF THE  
43 AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS ENTI-  
44 TLED PURSUANT TO SECTION 14-206 OF THIS TITLE, IT SHALL NOTIFY SUCH  
45 COMMITTEE OF THE EXCESS AMOUNT AND SUCH COMMITTEE SHALL PAY TO THE STATE  
46 BOARD AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS.

47 (B) IF THE STATE BOARD DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO A  
48 PARTICIPATING COMMITTEE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN  
49 TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY SUCH PARTICIPAT-  
50 ING COMMITTEE OF THE AMOUNT DISQUALIFIED AND SUCH PARTICIPATING COMMIT-  
51 TEE SHALL PAY TO THE STATE BOARD AN AMOUNT EQUAL TO SUCH DISQUALIFIED  
52 AMOUNT.

53 (C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE FUND RECEIVED  
54 BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING  
55 COMMITTEE, EXCEEDS THE CAMPAIGN EXPENDITURES OF SUCH CANDIDATE AND  
56 COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS FUNDS TO

REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM THE FUND NOT LATER THAN TEN DAYS AFTER ALL PERMISSIBLE LIABILITIES HAVE BEEN PAID AND IN ANY EVENT, NOT LATER THAN MARCH THIRTY-FIRST OF THE YEAR FOLLOWING THE YEAR OF THE ELECTION FOR WHICH SUCH PAYMENTS WERE INTENDED. NO SUCH EXCESS FUNDS SHALL BE USED FOR ANY OTHER PURPOSE.

3. IF A COURT OF COMPETENT JURISDICTION DISQUALIFIES A CANDIDATE WHOSE PARTICIPATING COMMITTEE HAS RECEIVED PUBLIC FUNDS ON THE GROUNDS THAT SUCH CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON THE BALLOT AND SUCH DECISION IS NOT REVERSED BY A HIGHER COURT, SUCH CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE SHALL PAY TO THE STATE BOARD AN AMOUNT EQUAL TO THE TOTAL OF PUBLIC FUNDS RECEIVED BY SUCH PARTICIPATING COMMITTEE.

4. THE STATE BOARD MUST PROVIDE WRITTEN NOTICE OF ALL PAYMENTS DUE FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE TO THE STATE BOARD AND PROVIDE AN OPPORTUNITY FOR THE CANDIDATE OR COMMITTEE TO REBUT, IN WHOLE OR IN PART, THE ALLEGED AMOUNT DUE. UPON A FINAL WRITTEN DETERMINATION BY THE STATE BOARD, THE AMOUNT DUE SHALL BE PAID TO THE STATE BOARD WITHIN THIRTY DAYS OF SUCH DETERMINATION.

5. ALL PAYMENTS RECEIVED BY THE STATE BOARD PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

S 14-214. CIVIL PENALTIES. 1. ANY PERSON WHO FAILS TO FILE A STATEMENT OR RECORD REQUIRED TO BE FILED BY THIS TITLE OR THE RULES OR REGULATIONS OF THE STATE BOARD IN IMPLEMENTATION THEREOF SHALL BE SUBJECT TO A CIVIL PENALTY, NOT IN EXCESS OF FIVE THOUSAND DOLLARS, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE STATE BOARD.

2. IF THE AGGREGATE AMOUNT OF EXPENDITURES BY A PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE EXCEEDS THE EXPENDITURE LIMITATIONS CONTAINED IN THIS TITLE SUCH PARTICIPATING CANDIDATE SHALL BE LIABLE FOR A CIVIL PENALTY IN AN AMOUNT EQUAL TO THREE TIMES THE SUM BY WHICH SUCH EXPENDITURES EXCEED THE PERMITTED AMOUNT, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE STATE BOARD.

3. ALL PAYMENTS RECEIVED BY THE STATE BOARD PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

S 11. The election law is amended by adding a new section 16-103 to read as follows:

S 16-103. PROCEEDINGS AS TO PUBLIC FINANCING. 1. THE DETERMINATION OF ELIGIBILITY PURSUANT TO SECTION 14-202 OF THIS CHAPTER AND ANY QUESTION OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-206 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDIDATE.

2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-206 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETERMINATION WAS MADE. THE STATE BOARD SHALL BE MADE A PARTY TO ANY SUCH PROCEEDING.

3. UPON THE STATE BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVISION FOUR OF SECTION 14-212 OF THIS CHAPTER, THE STATE BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO THE

1 STATE BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE PURSUANT TO  
2 TITLE II OF ARTICLE FOURTEEN OF THIS CHAPTER.

3 4. THE STATE BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR  
4 CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR  
5 CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE STATE BOARD PURSUANT TO  
6 SECTION 14-214 OF THIS CHAPTER.

7 S 12. The election law is amended by adding a new section 4-115 to  
8 read as follows:

9 S 4-115. NOTICE TO THE STATE BOARD OF ELECTIONS OF CANDIDATES FOR THE  
10 LEGISLATURE. 1. EACH BOARD OF ELECTIONS WITH WHICH PETITIONS ARE FILED  
11 FOR MEMBER OF THE STATE LEGISLATURE SHALL, NOT LATER THAN ONE WEEK AFTER  
12 THE LAST DAY TO FILE SUCH PETITIONS, SEND NOTICE TO THE STATE BOARD OF  
13 ELECTIONS OF SUCH INFORMATION ABOUT EACH SUCH PETITION AS THE STATE  
14 BOARD SHALL REQUIRE.

15 2. EACH SUCH COUNTY BOARD OF ELECTIONS SHALL, NOT LATER THAN THE DAY  
16 AFTER THE LAST DAY TO FILE A PETITION OR CERTIFICATE OF NOMINATION FOR A  
17 GENERAL OR SPECIAL ELECTION OR A CERTIFICATE OF ACCEPTANCE, DECLINATION  
18 OR SUBSTITUTION FOR A GENERAL, PRIMARY OR SPECIAL ELECTION FOR ANY SUCH  
19 OFFICE, SEND TO THE STATE BOARD OF ELECTIONS SUCH INFORMATION ABOUT EACH  
20 SUCH PETITION OR CERTIFICATE AS THE STATE BOARD SHALL REQUIRE.

21 3. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHOULD DISQUALIFY ANY SUCH  
22 CANDIDATE OR RULE THE PETITION OR CERTIFICATE DESIGNATING OR NOMINATING  
23 ANY SUCH CANDIDATE INVALID, IT SHALL FORTHWITH NOTIFY THE STATE BOARD OF  
24 ELECTIONS OF SUCH DECISION.

25 4. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHALL BE NOTIFIED OF A DECI-  
26 SION OF A COURT OF COMPETENT JURISDICTION DISQUALIFYING ANY SUCH CANDI-  
27 DATE OR DECLARING ANY SUCH PETITION INVALID OR REVERSING ANY SUCH DECI-  
28 SION BY SUCH BOARD OF ELECTIONS OR ANOTHER COURT, SUCH BOARD OF  
29 ELECTIONS SHALL FORTHWITH NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH  
30 DECISION.

31 5. THE STATE BOARD OF ELECTIONS MAY PRESCRIBE FORMS FOR THE NOTICES  
32 REQUIRED BY THIS SECTION AND SHALL PRESCRIBE THE MANNER IN WHICH SUCH  
33 NOTICES SHALL BE GIVEN.

34 S 13. The state finance law is amended by adding a new section 92-t to  
35 read as follows:

36 S 92-T. NEW YORK STATE CAMPAIGN FINANCE FUND. 1. THERE IS HEREBY  
37 ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE  
38 COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE NEW YORK  
39 STATE CAMPAIGN FINANCE FUND.

40 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE NEW YORK  
41 STATE CAMPAIGN FINANCE FUND CHECK-OFF PURSUANT TO SUBSECTION (F) OF  
42 SECTION SIX HUNDRED FIFTY-EIGHT OF THE TAX LAW, FROM THE GENERAL FUND,  
43 AND FROM ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER  
44 FUND OR SOURCE PURSUANT TO LAW.

45 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY  
46 BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT  
47 TO TITLE II OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE  
48 PAID OUT OF THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER  
49 ON VOUCHERS CERTIFIED OR APPROVED BY THE STATE BOARD OF ELECTIONS, OR  
50 ITS DULY DESIGNATED REPRESENTATIVE, IN THE MANNER PRESCRIBED BY LAW, NOT  
51 MORE THAN FOUR WORKING DAYS AFTER SUCH VOUCHER IS RECEIVED BY THE STATE  
52 COMPTROLLER.

53 4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF, IN ANY  
54 STATE FISCAL YEAR, THE STATE CAMPAIGN FINANCE FUND LACKS THE AMOUNT OF  
55 MONEY TO PAY ALL CLAIMS VOUCHERED BY ELIGIBLE CANDIDATES AND CERTIFIED  
56 OR APPROVED BY THE STATE BOARD OF ELECTIONS, ANY SUCH DEFICIENCY SHALL

1 BE PAID, UPON AUDIT AND WARRANT OF THE STATE COMPTROLLER, FROM FUNDS  
2 DEPOSITED IN THE GENERAL FUND OF THE STATE NOT MORE THAN FOUR WORKING  
3 DAYS AFTER SUCH VOUCHER IS RECEIVED BY THE STATE COMPTROLLER.

4 5. COMMENCING IN TWO THOUSAND SEVENTEEN, IF THE SURPLUS IN THE FUND ON  
5 APRIL FIRST OF THE YEAR AFTER A YEAR IN WHICH A GOVERNOR IS ELECTED  
6 EXCEEDS TWENTY-FIVE PERCENT OF THE DISBURSEMENTS FROM THE FUND OVER THE  
7 PREVIOUS FOUR YEARS, THE EXCESS SHALL REVERT TO THE GENERAL FUND OF THE  
8 STATE.

9 6. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A  
10 PRIMARY ELECTION ANY EARLIER THAN THE DAY THAT SUCH CANDIDATE IS CERTI-  
11 FIED AS BEING ON THE BALLOT FOR SUCH PRIMARY ELECTION.

12 7. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A  
13 GENERAL ELECTION ANY EARLIER THAN THE DAY AFTER THE DAY OF THE PRIMARY  
14 ELECTION HELD TO NOMINATE CANDIDATES FOR SUCH ELECTION.

15 8. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A  
16 SPECIAL ELECTION ANY EARLIER THAN THE DAY AFTER THE LAST DAY TO FILE  
17 CERTIFICATES OF PARTY NOMINATION FOR SUCH SPECIAL ELECTION.

18 9. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO  
19 HAS BEEN DISQUALIFIED OR WHOSE DESIGNATING PETITIONS HAVE BEEN DECLARED  
20 INVALID BY THE APPROPRIATE BOARD OF ELECTIONS OR A COURT OF COMPETENT  
21 JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY A HIGHER  
22 AUTHORITY. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDI-  
23 DATE OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE ON THE DATE OF SUCH  
24 DISQUALIFICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY  
25 PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE SUCH DATE. ALL  
26 SUCH MONEYS SHALL BE REPAID TO THE FUND.

27 S 14. Section 658 of the tax law is amended by adding a new subsection  
28 (f) to read as follows:

29 (F) NEW YORK STATE CAMPAIGN FINANCE FUND CHECK-OFF. (1) FOR EACH  
30 TAXABLE YEAR BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE,  
31 EVERY INDIVIDUAL WHOSE NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXA-  
32 BLE YEAR FOR WHICH THE RETURN IS FILED IS FIVE DOLLARS OR MORE MAY  
33 DESIGNATE ON SUCH RETURN THAT FIVE DOLLARS BE PAID INTO THE NEW YORK  
34 STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE  
35 STATE FINANCE LAW. WHERE A HUSBAND AND WIFE FILE A JOINT RETURN AND  
36 HAVE A NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR  
37 WHICH THE RETURN IS FILED OF TEN DOLLARS OR MORE, OR FILE SEPARATE  
38 RETURNS ON A SINGLE FORM, EACH SUCH TAXPAYER MAY MAKE SEPARATE DESIG-  
39 NATIONS ON SUCH RETURN OF FIVE DOLLARS TO BE PAID INTO THE NEW YORK  
40 STATE CAMPAIGN FINANCE FUND.

41 (2) THE COMMISSIONER SHALL TRANSFER TO THE NEW YORK STATE CAMPAIGN  
42 FINANCE FUND, ESTABLISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE  
43 FINANCE LAW, AN AMOUNT EQUAL TO FIVE DOLLARS MULTIPLIED BY THE NUMBER OF  
44 DESIGNATIONS.

45 (3) FOR PURPOSES OF THIS SUBSECTION, THE INCOME TAX LIABILITY OF AN  
46 INDIVIDUAL FOR ANY TAXABLE YEAR IS THE AMOUNT OF TAX IMPOSED UNDER THIS  
47 ARTICLE REDUCED BY THE SUM OF THE CREDITS (AS SHOWN IN HIS OR HER  
48 RETURN) ALLOWABLE UNDER THIS ARTICLE.

49 (4) THE DEPARTMENT SHALL INCLUDE A PLACE ON EVERY PERSONAL INCOME TAX  
50 RETURN FORM TO BE FILED BY AN INDIVIDUAL FOR A TAX YEAR BEGINNING ON OR  
51 AFTER JANUARY FIRST, TWO THOUSAND TWELVE, IMMEDIATELY ABOVE THE CERTIF-  
52 ICATION UNDER WHICH THE TAXPAYER IS REQUIRED TO SIGN SUCH FORM, FOR SUCH  
53 TAXPAYER TO MAKE THE DESIGNATIONS DESCRIBED IN PARAGRAPH ONE OF THIS  
54 SUBSECTION. SUCH RETURN FORM SHALL CONTAIN A CONCISE EXPLANATION OF THE  
55 PURPOSE OF SUCH OPTIONAL DESIGNATIONS.



1 S 15. Campaign finance review panel. 1. There is hereby created and  
2 established the "campaign finance review panel". The panel shall consist  
3 of the commissioner of taxation and finance, the director of the divi-  
4 sion of the budget, the state comptroller and the two members of the  
5 state board of elections who rotate as chairperson of the board. The  
6 commissioner of taxation and finance shall be chairperson.

7 2. The panel is empowered and it shall be its duty to monitor and  
8 review the implementation of the 2012 Campaign Finance Reform Act. The  
9 panel shall report to the governor and the legislature on March 31, 2014  
10 and on March 31, 2016. The report shall include: (a) the number of  
11 candidates qualifying and opting for public financing, the amounts  
12 expended for this purpose in the preceding fiscal year and a projection  
13 of the number of candidates likely to qualify and opt for public financ-  
14 ing and their expenditures in future elections; (b) an analysis of the  
15 effect of the 2012 Campaign Finance Reform Act on political campaigns,  
16 including its effect on the sources and amounts of private financing,  
17 the level of campaign expenditures, voter participation, the number of  
18 candidates and the candidate's ability to campaign effectively for  
19 public office; (c) a review of the procedures utilized in providing  
20 public funds to candidates; and (d) such recommended changes in the 2012  
21 Campaign Finance Reform Act as it deems appropriate.

22 S 16. Subdivision 9 of section 14-100 of the election law is amended  
23 by adding a new paragraph 4 to read as follows:

24 (4) THE TERM "CONTRIBUTION" DOES NOT INCLUDE EXPENDITURES BY A BONA  
25 FIDE MEMBERSHIP ORGANIZATION IN SUPPORT OF THE FOLLOWING ACTIVITIES BY  
26 MEMBERS OF THE ORGANIZATION WHO ARE VOLUNTEERING THEIR TIME ON BEHALF OF  
27 A CANDIDATE, NOT TO EXCEED TWENTY-FIVE DOLLARS PER MEMBER WHO VOLUN-  
28 TEERS, FOR: TRANSPORTATION OF VOLUNTEERS TO AND FROM CAMPAIGN ACTIV-  
29 ITIES; COST OF FEEDING VOLUNTEERS WHILE VOLUNTEERING FOR THE CAMPAIGN;  
30 AND MATERIALS SUCH AS BADGES AND CLOTHING THAT IDENTIFIES THE NAME OF  
31 THE ORGANIZATION AND/OR CANDIDATE.

32 S 17. Paragraphs a and b of subdivision 1 of section 14-114 of the  
33 election law, as amended by chapter 659 of the laws of 1994, are amended  
34 to read as follows:

35 a. In any election for a public office to be voted on by the voters of  
36 the entire state, or for nomination to any such office, no contributor  
37 may make a contribution to any candidate or political committee, and no  
38 candidate or political committee may accept any contribution from any  
39 contributor, which is in the aggregate amount greater than: (i) in the  
40 case of any nomination to public office, the product of the total number  
41 of enrolled voters in the candidate's party in the state, excluding  
42 voters in inactive status, multiplied by \$.005, but such amount shall be  
43 not [less] MORE than [four] TWO thousand FOUR HUNDRED dollars [nor more  
44 than twelve thousand dollars] as increased or decreased by the cost of  
45 living adjustment described in paragraph c of this subdivision, and (ii)  
46 in the case of any election to a public office, [twenty-five] TWO thou-  
47 sand FOUR HUNDRED dollars as increased or decreased by the cost of  
48 living adjustment described in paragraph c of this subdivision; provided  
49 however, that the maximum amount which may be so contributed or  
50 accepted, in the aggregate, from any candidate's child, parent, grand-  
51 parent, brother and sister, and the spouse of any such persons, shall  
52 not exceed in the case of any nomination to public office an amount  
53 equivalent to the product of the number of enrolled voters in the candi-  
54 date's party in the state, excluding voters in inactive status, multi-  
55 plied by \$.025, and in the case of any election for a public office, an

1 amount equivalent to the product of the number of registered voters in  
2 the state excluding voters in inactive status, multiplied by \$.025.

3 b. In any other election for party position or for election to a  
4 public office or for nomination for any such office, no contributor may  
5 make a contribution to any candidate or political committee and no  
6 candidate or political committee may accept any contribution from any  
7 contributor, which is in the aggregate amount greater than: (i) in the  
8 case of any election for party position, or for nomination to public  
9 office, the product of the total number of enrolled voters in the candi-  
10 date's party in the district in which he OR SHE is a candidate, exclud-  
11 ing voters in inactive status, multiplied by \$.05, and (ii) in the case  
12 of any election for a public office, the product of the total number of  
13 registered voters in the district, excluding voters in inactive status,  
14 multiplied by \$.05, however in the case of a nomination within the city  
15 of New York for the office of mayor, public advocate or comptroller,  
16 such amount shall be not [less] MORE than [four] TWO thousand FOUR  
17 HUNDRED dollars [nor more than twelve thousand dollars] as increased or  
18 decreased by the cost of living adjustment described in paragraph c of  
19 this subdivision; in the case of an election within the city of New York  
20 for the office of mayor, public advocate or comptroller, [twenty-five]  
21 TWO thousand FOUR HUNDRED dollars as increased or decreased by the cost  
22 of living adjustment described in paragraph c of this subdivision; in  
23 the case of a nomination for state senator, [four] TWO thousand FOUR  
24 HUNDRED dollars as increased or decreased by the cost of living adjust-  
25 ment described in paragraph c of this subdivision; in the case of an  
26 election for state senator, [six] TWO thousand [two] FOUR hundred  
27 [fifty] dollars as increased or decreased by the cost of living adjust-  
28 ment described in paragraph c of this subdivision; in the case of an  
29 election or nomination for a member of the assembly, [twenty-five] TWO  
30 THOUSAND FOUR hundred dollars as increased or decreased by the cost of  
31 living adjustment described in paragraph c of this subdivision; [but in  
32 no event shall any such maximum exceed fifty thousand dollars or be less  
33 than one thousand dollars;] provided however, that the maximum amount  
34 which may be so contributed or accepted, in the aggregate, from any  
35 candidate's child, parent, grandparent, brother and sister, and the  
36 spouse of any such persons, shall not exceed in the case of any election  
37 for party position or nomination for public office an amount equivalent  
38 to the number of enrolled voters in the candidate's party in the  
39 district in which he OR SHE is a candidate, excluding voters in inactive  
40 status, multiplied by \$.25 and in the case of any election to public  
41 office, an amount equivalent to the number of registered voters in the  
42 district, excluding voters in inactive status, multiplied by \$.25; or  
43 twelve hundred fifty dollars, whichever is greater, or in the case of a  
44 nomination or election of a state senator, twenty thousand dollars,  
45 whichever is greater, or in the case of a nomination or election of a  
46 member of the assembly, twelve thousand five hundred dollars, whichever  
47 is greater, but in no event shall any such maximum exceed one hundred  
48 thousand dollars.

49 S 18. Section 14-130 of the election law, as added by chapter 152 of  
50 the laws of 1985, is amended to read as follows:

51 S 14-130. Campaign funds for personal use. 1. Contributions received  
52 by a candidate or a political committee may ONLY be expended for [any  
53 lawful purpose. Such funds shall not be converted by any person to a  
54 personal use which is unrelated to a political campaign or the holding  
55 of a public office or party position] BONA FIDE PURPOSES DIRECTLY  
56 RELATED TO EITHER:

1 A. PROMOTING THE NOMINATION OR ELECTION OF A CANDIDATE; OR  
2 B. PERFORMING THOSE DUTIES OF PUBLIC OFFICE OR PARTY POSITION WHICH  
3 ARE NOT PAID FOR OR ELIGIBLE FOR REIMBURSEMENT BY THE STATE OR ANY POLI-  
4 TICAL SUBDIVISION OR PRIVATE PARTY.

5 2. PERMISSIBLE ORDINARY AND NECESSARY EXPENSES RELATING TO THE HOLDING  
6 OF PUBLIC OFFICE OR PARTY POSITION SHALL INCLUDE:

7 A. PRODUCTION AND CIRCULATION OF FLYERS OR OTHER WRITTEN MATERIALS  
8 RELATED TO DUTIES OF OFFICEHOLDER; THE PLACEMENT OF HOLIDAY GREETINGS  
9 AND CONGRATULATORY ADS AND MEMORIAL NOTICES IN LOCAL NEWSPAPERS, MAGA-  
10 ZINES, JOURNALS OR OTHER PUBLICATION;

11 B. SPONSORSHIP OR HOSTING OF COMMUNITY MEETINGS; TICKETS OR DONATIONS  
12 TO LOCAL CHARITABLE, NON-PROFIT OR POLITICAL EVENTS, ORGANIZATIONS OR  
13 ACTIVITIES THAT PROMOTE THE WELFARE OF CONSTITUENTS OR POLITICAL  
14 CAMPAIGNS;

15 C. INCIDENTAL EXPENDITURES FOR THE OPERATION OF LEGISLATIVE OFFICES,  
16 INCLUDING PURCHASE OF ITEMS SUCH AS MEMORIAL OR GET-WELL GIFTS, FLOWERS  
17 OR SIMILAR ITEMS OF NOMINAL VALUE FOR CONSTITUENTS OR OTHERS;

18 D. MEMBERSHIP IN ORGANIZATIONS RELATED TO OFFICIAL DUTIES AND COSTS OF  
19 ATTENDING INFORMATIONAL MEETINGS ATTENDED IN CONNECTION WITH SUCH  
20 DUTIES; AND

21 E. TRAVEL RELATED TO DUTIES OF OFFICE, PROVIDED THAT THE TRAVEL IS NOT  
22 UNDERTAKEN FOR ANY PURPOSE RESULTING IN A PERSONAL OR FINANCIAL BENEFIT  
23 TO THE CANDIDATE OR OFFICEHOLDER. IF SUCH EXPENSES INVOLVE BOTH PERSONAL  
24 ACTIVITY AND CAMPAIGN OR OFFICIAL ACTIVITIES, THE INCREMENTAL EXPENSES  
25 ASSOCIATED WITH THE PERSONAL ACTIVITIES ARE PERSONAL USES UNLESS THE  
26 CAMPAIGN IS REIMBURSED FOR SUCH SUMS FROM OTHER THAN CAMPAIGN FUNDS  
27 WITHIN THIRTY DAYS OF THE EXPENDITURE.

28 NOTHING IN THIS SECTION SHALL PROHIBIT A CANDIDATE FROM PURCHASING  
29 OFFICE EQUIPMENT WITH PERSONAL FUNDS AND LEASING OR RENTING SUCH EQUIP-  
30 MENT OR PROPERTY TO A COMMITTEE WORKING WITH OR FOR THE CANDIDATE,  
31 PROVIDED THE CANDIDATE OR THE CAMPAIGN TREASURER SIGN A WRITTEN LEASE OR  
32 RENTAL AGREEMENT AND FILES IT WITH THE APPROPRIATE REQUIRED CAMPAIGN  
33 FINANCIAL FILING WHICH SHALL INCLUDE THE LEASE OR RENTAL PRICE WHICH  
34 SHALL NOT EXCEED THE FAIR LEASE OR RENTAL VALUE OF THE EQUIPMENT OR IN  
35 THE AGGREGATE EXCEED THE COST OF ITS PURCHASE.

36 3. CAMPAIGN FUNDS SHALL NOT BE CONVERTED TO PERSONAL USE, WHICH SHALL  
37 BE DEFINED AS EXPENDITURES THAT:

38 A. ARE FOR THE PERSONAL BENEFIT OF OR TO DEFRAY NORMAL LIVING EXPENSES  
39 OF THE CANDIDATE, OFFICEHOLDER, IMMEDIATE FAMILY OR PARTNER OF EITHER OR  
40 ANY OTHER PERSON;

41 B. ARE USED TO FULFILL ANY COMMITMENT, OBLIGATION, OR EXPENSE THAT  
42 WOULD EXIST IRRESPECTIVE OF THE CANDIDATE'S CAMPAIGN OR DUTIES AS AN  
43 OFFICEHOLDER; OR

44 C. ARE PUT TO ANY USE FOR WHICH THE CANDIDATE OR OFFICEHOLDER WOULD BE  
45 REQUIRED TO TREAT THE AMOUNT OF THE EXPENDITURE AS GROSS INCOME UNDER  
46 SECTION 61 OF THE INTERNAL REVENUE CODE.

47 4. EXPENDITURES FOR PERSONAL USE SHALL ALSO INCLUDE, BUT ARE NOT  
48 LIMITED TO, EXPENDITURES FOR:

49 A. RESIDENTIAL OR HOUSEHOLD ITEMS, SUPPLIES, MAINTENANCE OR OTHER  
50 EXPENDITURES, INCLUDING MORTGAGE, RENT, UTILITIES, REPAIRS, OR IMPROVE-  
51 MENTS FOR ANY PART OF ANY PERSONAL RESIDENCE OF A CANDIDATE OR OFFICE-  
52 HOLDER, HIS OR HER IMMEDIATE FAMILY OR PARTNER;

53 B. RENT OR UTILITY PAYMENTS THAT EXCEED FAIR MARKET VALUE FOR USE OF  
54 ANY PART OF ANY NON-RESIDENTIAL PROPERTY OWNED BY A CANDIDATE, OR A  
55 MEMBER OF A CANDIDATE'S FAMILY OR PARTNER USED FOR CAMPAIGN PURPOSES;

1 C. SALARY AND OTHER FEES FOR BONA FIDE SERVICES TO A CAMPAIGN OR  
2 LEGISLATIVE OFFICE THAT EXCEED FAIR AND REASONABLE MARKET VALUE OF SUCH  
3 SERVICES;

4 D. INTEREST OR ANY OTHER FINANCE CHARGES FOR MONIES LOANED TO THE  
5 CAMPAIGN BY THE CANDIDATE OR THE SPOUSE OR PARTNER OF SUCH CANDIDATE;

6 E. TUITION PAYMENTS;

7 F. DUES, FEES, OR GRATUITIES AT PRIVATE CLUBS, RECREATIONAL FACILITIES  
8 OR OTHER NONPOLITICAL ORGANIZATIONS, UNLESS CONNECTED TO A SPECIFIC  
9 WIDELY ATTENDED FUNDRAISING EVENT THAT TAKES PLACE ON THE ORGANIZATION'S  
10 PREMISES;

11 G. AUTOMOBILE PURCHASES OR LONG TERM LEASES; SHORT TERM CAR RENTALS  
12 AND CELLULAR EQUIPMENT AND SERVICES NOT USED EXCLUSIVELY FOR CAMPAIGN  
13 PURPOSES OR DUTIES AS AN OFFICEHOLDER;

14 H. ADMISSION TO SPORTING EVENTS, CONCERTS, THEATERS, OR OTHER FORMS OF  
15 ENTERTAINMENT, UNLESS PART OF A SPECIFIC CAMPAIGN OR OFFICEHOLDER  
16 RELATED ACTIVITY; AND

17 I. PAYMENT OF ANY FINES, FEES, OR PENALTIES ASSESSED PURSUANT TO THIS  
18 CHAPTER.

19 5. NO CAMPAIGN FUNDS SHALL BE USED TO PAY ATTORNEY'S FEES OR ANY COSTS  
20 OF DEFENDING AGAINST ANY CIVIL OR CRIMINAL INVESTIGATION OR PROSECUTION  
21 FOR ALLEGED VIOLATIONS OF STATE OR FEDERAL LAW ALLEGED TO HAVE BEEN  
22 COMMITTED WHILE HOLDING PUBLIC OFFICE OR AS A CANDIDATE FOR OFFICE WHERE  
23 THE CANDIDATE OR PUBLIC OR PARTY OFFICIAL, MEMBERS OF THEIR IMMEDIATE  
24 FAMILIES OR PARTNERS OR THE CAMPAIGN IS THE TARGET OF SUCH INVESTIGATION  
25 OR PROSECUTION UNLESS SUCH EXPENDITURE IS USED EXCLUSIVELY FOR COSTS  
26 RELATED TO CIVIL OR CRIMINAL ACTIONS FOR ALLEGED VIOLATIONS RELATED TO  
27 ACTIVITIES PROMOTING THE NOMINATION OR ELECTION OF A CANDIDATE.

28 S 19. The election law is amended by adding a new section 14-132 to  
29 read as follows:

30 S 14-132. DISPOSITION OF CAMPAIGN FUNDS. 1. AN AUTHORIZED CONTINUING  
31 CANDIDATE COMMITTEE MUST DISPOSE OF ALL FUNDS AND CLOSE WITHIN TWO YEARS  
32 AFTER THE LATER OF (A) THE END OF THE INDIVIDUAL'S MOST RECENT TERM OF  
33 OFFICE, OR (B) THE DATE OF THE ELECTION IN WHICH THE INDIVIDUAL LAST WAS  
34 A FILED CANDIDATE.

35 2. ANY CANDIDATE OR POLITICAL COMMITTEE REQUIRED TO DISPOSE OF FUNDS  
36 PURSUANT TO THIS SECTION SHALL, AT THE OPTION OF THE CANDIDATE, OR THE  
37 TREASURER OF A POLITICAL COMMITTEE FORMED SOLELY TO PROMOTE THE PASSAGE  
38 OR DEFEAT OF A BALLOT PROPOSAL, DISPOSE OF SUCH FUNDS BY ANY OF THE  
39 FOLLOWING MEANS, OR ANY COMBINATION THEREOF:

40 A. RETURNING, PRO RATA, TO EACH CONTRIBUTOR THE FUNDS THAT HAVE NOT  
41 BEEN SPENT OR OBLIGATED;

42 B. DONATING THE FUNDS TO A CHARITABLE ORGANIZATION OR ORGANIZATIONS  
43 THAT MEET THE QUALIFICATIONS OF SECTION 501(C)(3) OF THE INTERNAL REVEN-  
44 UE CODE;

45 C. DONATING THE FUNDS TO THE STATE UNIVERSITY;

46 D. DONATING THE FUNDS TO THE STATE'S GENERAL FUND;

47 E. TRANSFERRING THE FUNDS TO A POLITICAL PARTY COMMITTEE REGISTERED  
48 WITH THE STATE BOARD OF ELECTIONS; OR

49 F. CONTRIBUTING THE FUNDS TO A CANDIDATE OR POLITICAL COMMITTEE SUCH  
50 THAT THIS DOES NOT EXCEED THE LIMITS SET FORTH IN SECTION 14-114 OF THIS  
51 TITLE.

52 3. NO CANDIDATE OR POLITICAL COMMITTEE SHALL DISPOSE OF CAMPAIGN FUNDS  
53 BY MAKING EXPENDITURES FOR PERSONAL USE AS DEFINED IN SECTION 14-130 OF  
54 THIS TITLE.

55 4. UPON THE DEATH OF A CANDIDATE, FORMER CANDIDATE OR HOLDER OF ELEC-  
56 TIVE OFFICE, WHO RECEIVED CAMPAIGN CONTRIBUTIONS, ALL CONTRIBUTIONS

1 SHALL BE DISPOSED OF ACCORDING TO THIS SECTION WITHIN TWELVE MONTHS OF  
2 THE DEATH OF THE CANDIDATE.

3 S 20. Subdivision 1 of section 14-102 of the election law, as amended  
4 by chapter 8 and redesignated by chapter 9 of the laws of 1978, is  
5 amended to read as follows:

6 1. The treasurer of every political committee which, or any officer,  
7 member or agent of any such committee who, in connection with any  
8 election, receives or expends any money or other valuable thing or  
9 incurs any liability to pay money or its equivalent shall file state-  
10 ments sworn, or subscribed and bearing a form notice that false state-  
11 ments made therein are punishable as a class A misdemeanor pursuant to  
12 section 210.45 of the penal law, at the times prescribed by this [arti-  
13 cle] TITLE setting forth all the receipts, contributions to and the  
14 expenditures by and liabilities of the committee, and of its officers,  
15 members and agents in its behalf. Such statements shall include the  
16 dollar amount of any receipt, contribution or transfer, or the fair  
17 market value of any receipt, contribution or transfer, which is other  
18 than of money, the name and address of the transferor, contributor or  
19 person from whom received, IF THE CONTRIBUTOR IS A LOBBYIST REGISTERED  
20 PURSUANT TO ARTICLE ONE-A OF THE LEGISLATIVE LAW and if the transferor,  
21 contributor or person is a political committee; the name of and the  
22 political unit represented by the committee, the date of its receipt,  
23 the dollar amount of every expenditure, the name and address of the  
24 person to whom it was made or the name of and the political unit repres-  
25 ented by the committee to which it was made and the date thereof, and  
26 shall state clearly the purpose of such expenditure. Any statement  
27 reporting a loan shall have attached to it a copy of the evidence of  
28 indebtedness. Expenditures in sums under fifty dollars need not be  
29 specifically accounted for by separate items in said statements, and  
30 receipts and contributions aggregating not more than ninety-nine  
31 dollars, from any one contributor need not be specifically accounted for  
32 by separate items in said statements, provided however, that such  
33 expenditures, receipts and contributions shall be subject to the other  
34 provisions of section 14-118 of this [article] TITLE.

35 S 21. Subdivision 3 of section 3-100 of the election law, as amended  
36 by chapter 220 of the laws of 2005, is amended to read as follows:

37 3. The commissioners of the state board of elections shall have no  
38 other public employment. The commissioners shall receive an annual sala-  
39 ry of twenty-five thousand dollars, within the amounts made available  
40 therefor by appropriation. The board shall, for the purposes of sections  
41 seventy-three and seventy-four of the public officers law, be a "state  
42 agency", and such commissioners shall be "officers" of the state board  
43 of elections for the purposes of such sections. Within the amounts made  
44 available by appropriation therefor, the state board of elections shall  
45 appoint two co-executive directors, [counsel] AN ENFORCEMENT COUNSEL, A  
46 DEPUTY ENFORCEMENT COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR  
47 POLITICAL PARTY THAN THE ENFORCEMENT COUNSEL, A SPECIAL COUNSEL, A DEPU-  
48 TY SPECIAL COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL  
49 PARTY THAN THE SPECIAL COUNSEL, A DIRECTOR OF ELECTION OPERATIONS, A  
50 DEPUTY DIRECTOR OF ELECTION OPERATIONS, WHO SHALL BE A MEMBER OF A  
51 DIFFERENT MAJOR POLITICAL PARTY THAN THE DIRECTOR OF ELECTION OPER-  
52 ATIONS, A DIRECTOR OF PUBLIC INFORMATION, A DEPUTY DIRECTOR OF PUBLIC  
53 INFORMATION, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY  
54 THAN THE DIRECTOR OF PUBLIC INFORMATION and such other staff members as  
55 are necessary in the exercise of its functions, and may fix their  
56 compensation. [Anytime after the effective date of the chapter of the

1 laws of two thousand five which amended this subdivision, the] THE  
2 commissioners or, in the case of a vacancy on the board, the commission-  
3 er of each of the major political parties shall appoint one co-executive  
4 director. Each co-executive director shall serve a term of four years.  
5 THE ENFORCEMENT COUNSEL AND THE SPECIAL COUNSEL SHALL EACH SERVE A TERM  
6 OF FOUR YEARS AND MAY ONLY BE REMOVED FOR CAUSE. ANY TIME AFTER THE  
7 EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE AMEND-  
8 ING THIS SUBDIVISION, THE COMMISSIONERS, OR IN THE CASE OF A VACANCY ON  
9 THE BOARD, THE COMMISSIONER, OF EACH OF THE SAME MAJOR POLITICAL PARTY  
10 AS THE INCUMBENT ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT COUNSEL,  
11 SPECIAL COUNSEL, DEPUTY SPECIAL COUNSEL, DIRECTOR OF ELECTION OPER-  
12 ATIONS, DEPUTY DIRECTOR OF ELECTION OPERATIONS, DIRECTOR OF PUBLIC  
13 INFORMATION AND DEPUTY DIRECTOR OF PUBLIC INFORMATION, SHALL APPOINT  
14 SUCH COUNSELS, DIRECTORS AND DEPUTIES. Any vacancy in the office of  
15 co-executive director, ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT COUNSEL,  
16 SPECIAL COUNSEL, DEPUTY SPECIAL COUNSEL, DIRECTOR OF ELECTION OPER-  
17 ATIONS, DEPUTY DIRECTOR OF ELECTION OPERATIONS, DIRECTOR OF PUBLIC  
18 INFORMATION AND DEPUTY DIRECTOR OF PUBLIC INFORMATION, shall be filled  
19 by the commissioners or, in the case of a vacancy on the board, the  
20 commissioner of the same major political party as the vacating incumbent  
21 for the remaining period of the term of such vacating incumbent, FOR THE  
22 REMAINING PERIOD OF THE TERM OF SUCH VACATING INCUMBENT.

23 S 22. Subdivision 3, paragraph (c) of subdivision 9-A and subdivision  
24 17 of section 3-102 of the election law, subdivisions 3 and 17 as  
25 amended by chapter 9 of the laws of 1978, paragraph (c) of subdivision  
26 9-A as added by chapter 430 of the laws of 1997 and subdivision 17 as  
27 renumbered by chapter 23 of the laws of 2005, are amended to read as  
28 follows:

29 3. conduct any investigation necessary to carry out the provisions of  
30 this chapter, PROVIDED, HOWEVER, THAT THE STATE BOARD OF ELECTIONS  
31 ENFORCEMENT COUNSEL, ESTABLISHED PURSUANT TO SECTION 3-104 OF THIS ARTI-  
32 CLE, SHALL CONDUCT ANY INVESTIGATION NECESSARY TO ENFORCE THE PROVISIONS  
33 OF ARTICLE FOURTEEN OF THIS CHAPTER ON BEHALF OF THE BOARD OF ELECTIONS;

34 (c) establish [a] AN EDUCATIONAL AND training program on ALL REPORTING  
35 REQUIREMENTS INCLUDING BUT NOT LIMITED TO the electronic reporting proc-  
36 ess and make it EASILY AND READILY available to any such candidate or  
37 committee AND NOTIFY ANY SUCH CANDIDATE OR COMMITTEE OF THE AVAILABILITY  
38 OF THE MOST RECENT CAMPAIGN FINANCE HANDBOOK;

39 17. HEAR AND CONSIDER THE RECOMMENDATIONS OF THE STATE BOARD OF  
40 ELECTIONS ENFORCEMENT COUNSEL REGARDING THE ENFORCEMENT OF VIOLATIONS OF  
41 ARTICLE FOURTEEN OF THIS CHAPTER;

42 18. perform such other acts as may be necessary to carry out the  
43 purposes of this chapter.

44 S 23. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as  
45 redesignated and subdivision 2 as amended by chapter 9 of the laws of  
46 1978, is amended to read as follows:

47 S 3-104. State board of elections AND THE STATE BOARD OF ELECTIONS  
48 ENFORCEMENT COUNSEL; enforcement powers. 1. (A) THERE SHALL BE A UNIT  
49 KNOWN AS THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT ESTABLISHED WITH-  
50 IN THE STATE BOARD OF ELECTIONS. THE HEAD OF SUCH UNIT SHALL BE THE  
51 ENFORCEMENT COUNSEL.

52 (B) The state board of elections shall have jurisdiction of, and be  
53 responsible for, the execution and enforcement of the provisions of  
54 [article fourteen of this chapter and other] statutes governing  
55 campaigns, elections and related procedures; PROVIDED HOWEVER THAT THE  
56 ENFORCEMENT COUNSEL SHALL HAVE SOLE AUTHORITY WITHIN THE STATE BOARD OF

1 ELECTIONS TO INVESTIGATE ON HIS OR HER OWN INITIATIVE OR UPON COMPLAINT,  
2 ALLEGED VIOLATIONS OF ARTICLE FOURTEEN OF THIS CHAPTER AND ALL  
3 COMPLAINTS ALLEGING ARTICLE FOURTEEN VIOLATIONS SHALL BE FORWARDED TO  
4 THE ENFORCEMENT UNIT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO  
5 DIMINISH OR ALTER THE STATE BOARD OF ELECTIONS' JURISDICTION PURSUANT TO  
6 THIS CHAPTER.

7 2. Whenever [the state board of elections or other] A LOCAL board of  
8 elections shall determine, on its own initiative or upon complaint, or  
9 otherwise, that there is substantial reason to believe a violation of  
10 this chapter or any code or regulation promulgated thereunder has  
11 [occurred] BEEN COMMITTED BY A CANDIDATE OR POLITICAL COMMITTEE THAT  
12 FILES STATEMENTS OR IS REQUIRED TO DO SO PURSUANT TO ARTICLE FOURTEEN OF  
13 THIS CHAPTER SOLELY WITH SUCH LOCAL BOARD, it shall expeditiously make  
14 an investigation which shall also include investigation of reports and  
15 statements made or failed to be made by the complainant and any poli-  
16 tical committee supporting his candidacy if the complainant is a candi-  
17 date or, if the complaint was made by an officer or member of a poli-  
18 tical committee, of reports and statements made or failed to be made by  
19 such political committee and any candidates supported by it. [The state  
20 board of elections, in lieu of making such an investigation, may direct  
21 the appropriate board of elections to make an investigation.] The state  
22 board of elections may request, and shall receive, the assistance of the  
23 state police in any investigation it shall conduct.

24 3. [If, after an investigation, the state or other board of elections  
25 finds reasonable cause to believe that a violation warranting criminal  
26 prosecution has taken place, it shall forthwith refer the matter to the  
27 district attorney of the appropriate county and shall make available to  
28 such district attorney all relevant papers, documents, testimony and  
29 findings relevant to its investigation.

30 4. The state or other board of elections may, where appropriate,  
31 commence a judicial proceeding with respect to the filing or failure to  
32 file any statement of receipts, expenditures, or contributions, under  
33 the provisions of this chapter, and the state board of elections may  
34 direct the appropriate other board of elections to commence such  
35 proceeding.

36 5.] IF THE ENFORCEMENT COUNSEL DETERMINES THAT A VIOLATION OF SUBDI-  
37 VISION ONE OF SECTION 14-126 OF THIS CHAPTER HAS OCCURRED WHICH COULD  
38 WARRANT A CIVIL PENALTY, THE ENFORCEMENT COUNSEL SHALL, UPON HIS OR HER  
39 DISCRETION, SEEK TO RESOLVE THE MATTER EXTRA-JUDICIALLY OR COMMENCE A  
40 SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTION 16-114 OF  
41 THIS CHAPTER.

42 4. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION OR AN INTER-  
43 NAL REFERRAL FROM THE ENFORCEMENT UNIT ALLEGING ANY OTHER VIOLATION OF  
44 ARTICLE FOURTEEN OF THIS CHAPTER, THE ENFORCEMENT COUNSEL SHALL ANALYZE  
45 THE FACTS AND THE LAW RELEVANT TO SUCH COMPLAINT OR REFERRAL TO DETER-  
46 MINE IF AN INVESTIGATION SHOULD BE UNDERTAKEN. THE ENFORCEMENT COUNSEL  
47 SHALL, IF NECESSARY, REQUEST ADDITIONAL INFORMATION FROM THE COMPLAINANT  
48 TO ASSIST SUCH COUNSEL IN MAKING THIS DETERMINATION. SUCH ANALYSIS SHALL  
49 INCLUDE THE FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD  
50 CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND, SECOND,  
51 WHETHER THE ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

52 5. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS  
53 CONTAINED IN A COMPLAINT, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF  
54 ARTICLE FOURTEEN OF THIS CHAPTER OR THAT THE ALLEGATIONS ARE NOT  
55 SUPPORTED BY CREDIBLE EVIDENCE, HE OR SHE SHALL: (A) NOTIFY THE DEPUTY  
56 ENFORCEMENT COUNSEL OF SUCH DETERMINATION AND (B) PUBLICLY NOTIFY THE

1 STATE BOARD OF ELECTIONS OF SUCH DETERMINATION. IF THE STATE BOARD OF  
2 ELECTIONS PUBLICLY DETERMINES, AS PROVIDED IN THIS TITLE, THAT THE ALLE-  
3 GATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF  
4 THIS CHAPTER AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE  
5 EVIDENCE, IT SHALL DIRECT THAT THE ENFORCEMENT COUNSEL CONDUCT AN INVE-  
6 TIGATION. LACKING SUCH A DETERMINATION, THE ENFORCEMENT COUNSEL SHALL  
7 ISSUE A LETTER TO THE COMPLAINANT DISMISSING THE COMPLAINT.

8 6. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF  
9 TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER  
10 AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE EVIDENCE, HE  
11 OR SHE SHALL: (A) NOTIFY THE DEPUTY ENFORCEMENT COUNSEL OF (I) HIS OR  
12 HER INTENT TO RESOLVE THE MATTER EXTRA-JUDICIALLY DUE TO THE DE MINIMUS  
13 NATURE OF THE VIOLATION; OR (II) HIS OR HER INTENT TO COMMENCE AN INVE-  
14 TIGATION, AND (B) PUBLICLY NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH  
15 INTENT NO LATER THAN THE BOARD'S NEXT REGULARLY SCHEDULED MEETING.  
16 NOTIFICATION SHALL SUMMARIZE THE RELEVANT FACTS AND THE APPLICABLE LAW  
17 AND SHALL, TO THE EXTENT POSSIBLE, PROTECT FROM PUBLIC DISCLOSURE THE  
18 IDENTITY OF THE COMPLAINANT AND THE INDIVIDUAL SUBJECT TO THE COMPLAINT.  
19 THE DEPUTY ENFORCEMENT COUNSEL SHALL HAVE THE OPPORTUNITY TO REVIEW THE  
20 ENTIRE FILE OF ANY PRELIMINARY INVESTIGATION CONDUCTED BY THE ENFORCE-  
21 MENT COUNSEL A MINIMUM OF TEN DAYS PRIOR TO SAID REGULARLY SCHEDULED  
22 MEETING OF THE BOARD AND TO SUBMIT A PUBLIC, WRITTEN CONCURRENCE WITH OR  
23 DISSENT FROM THE ENFORCEMENT COUNSEL'S PROPOSAL.

24 7. IF, UPON CONSIDERING THE ENFORCEMENT COUNSEL'S NOTICE OF INTENT TO  
25 COMMENCE AN INVESTIGATION AND THE DEPUTY ENFORCEMENT COUNSEL'S RECOMMEN-  
26 DATION, THE STATE BOARD OF ELECTIONS BELIEVES THAT THE ALLEGATIONS, IF  
27 TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAP-  
28 TER, OR THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE EVIDENCE OR, THAT  
29 ON BALANCE, THE EQUITIES FAVOR A DISMISSAL OF THE COMPLAINT, THE BOARD  
30 SHALL PUBLICLY DIRECT THAT AN INVESTIGATION NOT BE UNDERTAKEN NO LATER  
31 THAN SIXTY DAYS AFTER THE RECEIPT OF NOTIFICATION FROM THE ENFORCEMENT  
32 COUNSEL OF HIS OR HER INTENT TO COMMENCE AN INVESTIGATION. IN DETERMIN-  
33 ING WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE COMPLAINT, THE STATE  
34 BOARD OF ELECTIONS SHALL CONSIDER THE FOLLOWING FACTORS: (A) WHETHER THE  
35 COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF ARTICLE FOURTEEN OF THIS  
36 CHAPTER; (B) WHETHER THE SUBJECT OF THE COMPLAINT HAS MADE A GOOD FAITH  
37 EFFORT TO CORRECT THE VIOLATION; AND (C) WHETHER THE SUBJECT OF THE  
38 COMPLAINT HAS A HISTORY OF SIMILAR VIOLATIONS. DETERMINATIONS OF THE  
39 STATE BOARD OF ELECTIONS TO DISMISS A COMPLAINT AND NOT PROCEED WITH A  
40 FORMAL INVESTIGATION SHALL BE VOTED UPON AS PROVIDED IN SUBDIVISION FOUR  
41 OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING PURSUANT TO ARTICLE  
42 SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE ON A FAIR AND EQUI-  
43 TABLE BASIS AND WITHOUT REGARD TO THE STATUS OF THE SUBJECT OF THE  
44 COMPLAINT.

45 8. ABSENT A TIMELY DETERMINATION BY THE STATE BOARD OF ELECTIONS THAT  
46 AN INVESTIGATION SHALL NOT BE UNDERTAKEN, THE ENFORCEMENT COUNSEL SHALL  
47 COMMENCE AN INVESTIGATION ON A TIMELY BASIS. IF THE ENFORCEMENT COUNSEL  
48 DETERMINES THAT ADDITIONAL INVESTIGATIVE POWERS, AS PROVIDED FOR IN  
49 SUBDIVISIONS FOUR, FIVE AND SIX OF SECTION 3-102 OF THIS TITLE, ARE  
50 NEEDED TO COMPLETE THE COUNSEL'S INVESTIGATION, HE OR SHE SHALL REQUEST  
51 SUCH ADDITIONAL POWERS FROM THE STATE BOARD OF ELECTIONS. SUCH POWERS  
52 SHALL BE GRANTED BY THE BOARD IN PUBLIC ONLY WHEN THE BOARD FINDS THAT  
53 FURTHER INVESTIGATION IS WARRANTED AND JUSTIFIED.

54 9. AT THE CONCLUSION OF ITS INVESTIGATION, THE ENFORCEMENT COUNSEL  
55 SHALL PROVIDE THE DEPUTY ENFORCEMENT COUNSEL AND THE STATE BOARD OF  
56 ELECTIONS WITH A WRITTEN RECOMMENDATION AS TO: (A) WHETHER SUBSTANTIAL



1 REASON EXISTS TO BELIEVE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER  
2 HAS OCCURRED AND, IF SO, THE NATURE OF THE VIOLATION AND ANY APPLICABLE  
3 PENALTY, AS DEFINED IN SECTION 14-126 OF THIS CHAPTER, BASED ON THE  
4 NATURE OF THE VIOLATION; (B) WHETHER THE MATTER SHOULD BE RESOLVED  
5 EXTRA-JUDICIALLY; (C) WHETHER A SPECIAL PROCEEDING SHOULD BE COMMENCED  
6 IN THE SUPREME COURT TO RECOVER A CIVIL PENALTY; AND (D) WHETHER A  
7 REFERRAL SHOULD BE MADE TO A DISTRICT ATTORNEY PURSUANT TO SUBDIVISION  
8 ELEVEN OF THIS SECTION BECAUSE REASONABLE CAUSE EXISTS TO BELIEVE A  
9 VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE. THE DEPUTY  
10 ENFORCEMENT COUNSEL SHALL HAVE THE OPPORTUNITY TO REVIEW THE ENTIRE FILE  
11 OF ANY INVESTIGATION CONDUCTED BY THE ENFORCEMENT COUNSEL A MINIMUM OF  
12 TEN DAYS PRIOR TO SAID REGULARLY SCHEDULED MEETING OF THE BOARD AND TO  
13 SUBMIT A PUBLIC, WRITTEN CONCURRENCE WITH OR DISSENT FROM THE ENFORCE-  
14 MENT COUNSEL'S RECOMMENDATION.

15 10. THE STATE BOARD OF ELECTIONS SHALL ACCEPT, MODIFY OR REJECT THE  
16 ENFORCEMENT COUNSEL'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER  
17 RECEIPT OF SUCH RECOMMENDATION. IN MAKING ITS DETERMINATION, THE BOARD  
18 SHALL AGAIN CONSIDER: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS  
19 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT  
20 OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION;  
21 AND (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR  
22 VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE VOTED UPON AS PROVIDED IN  
23 SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING  
24 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE  
25 ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE STATUS OF THE  
26 SUBJECT OF THE COMPLAINT.

27 11. (A) IF THE STATE BOARD OF ELECTIONS DETERMINES, AS PROVIDED IN  
28 SUBDIVISION TEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO  
29 BELIEVE THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLI-  
30 TICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH  
31 LAW, HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION  
32 LIMITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, WHICH COULD  
33 WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION  
34 14-126 OF THIS CHAPTER, THE BOARD SHALL DIRECT THE COMMENCEMENT OF A  
35 SPECIAL PROCEEDING IN THE SUPREME COURT.

36 (B) IF THE STATE BOARD OF ELECTIONS DETERMINES, AS PROVIDED IN SUBDI-  
37 VISION TEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A  
38 VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE, THE BOARD  
39 SHALL REFER THE MATTER TO A DISTRICT ATTORNEY AND SHALL MAKE AVAILABLE  
40 TO SUCH DISTRICT ATTORNEY ALL PAPERS, DOCUMENTS, TESTIMONY AND FINDINGS  
41 RELEVANT TO ITS INVESTIGATION.

42 12. UPON NOTIFICATION THAT A SPECIAL PROCEEDING HAS BEEN COMMENCED BY  
43 A PARTY OTHER THAN THE STATE BOARD OF ELECTIONS, PURSUANT TO SECTION  
44 16-114 OF THIS CHAPTER, THE STATE BOARD OF ELECTIONS SHALL DIRECT THE  
45 ENFORCEMENT COUNSEL TO INVESTIGATE THE ALLEGED VIOLATIONS UNLESS OTHER-  
46 WISE DIRECTED BY THE COURT.

47 13. THE ENFORCEMENT COUNSEL SHALL PREPARE A REPORT, TO BE INCLUDED IN  
48 THE ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE, SUMMARIZING THE  
49 ACTIVITIES OF THE UNIT DURING THE PREVIOUS YEAR. SUCH REPORT SHALL  
50 INCLUDE: (A) THE NUMBER OF COMPLAINTS RECEIVED; (B) THE NUMBER OF  
51 COMPLAINTS THAT WERE FOUND TO NEED INVESTIGATION AND THE NATURE OF EACH  
52 COMPLAINT; AND (C) THE NUMBER OF MATTERS THAT HAVE BEEN RESOLVED. THE  
53 REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH DISCLOSURE IS NOT  
54 PERMITTED.

55 14. The state board of elections may promulgate rules and regulations  
56 consistent with law to effectuate the provisions of this section.

1 S 24. The state of New York shall appropriate during each fiscal year  
2 to the New York state board of elections enforcement unit, not less than  
3 thirty-five percent of the appropriation available from the general fund  
4 for the state board of elections to pay for the expenses of such  
5 enforcement unit.

6 S 25. Severability. If any clause, sentence, subdivision, paragraph,  
7 section or part of title II of article 14 of the election law, as added  
8 by section ten of this act be adjudged by any court of competent juris-  
9 diction to be invalid, such judgment shall not affect, impair or invali-  
10 date the remainder thereof, but shall be confined in its operation to  
11 the clause, sentence, subdivision, paragraph, section or part thereof  
12 directly involved in the controversy in which such judgment shall have  
13 been rendered.

14 S 26. This act shall take effect immediately; provided, however, all  
15 state candidates and constitutional convention delegates will be eligi-  
16 ble to participate in the public financing system beginning with the  
17 2016 election and state legislature candidates will be eligible to  
18 participate in the public financing system beginning with the 2018  
19 election.