

7169--A

2015-2016 Regular Sessions

I N A S S E M B L Y

April 27, 2015

Introduced by M. of A. KAVANAGH -- Multi-Sponsored by -- M. of A. THIELE
-- read once and referred to the Committee on Election Law -- recom-
mitted to the Committee on Election Law in accordance with Assembly
Rule 3, sec. 2 -- committee discharged, bill amended, ordered
reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to decreasing contribution
limitations

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

1 Section 1. Subdivision 1 of section 14-114 of the election law, as
2 amended by chapter 79 of the laws of 1992, paragraphs a and b as amended
3 by chapter 659 of the laws of 1994, is amended to read as follows:
4 1. The following limitations apply to all contributions to candidates
5 for election to any public office or for nomination for any such office,
6 or for election to any party positions, and to all contributions to
7 political committees working directly or indirectly with any candidate
8 to aid or participate in such candidate's nomination or election, other
9 than any contributions to any party committee or constituted committee:
10 a. In any election for a public office to be voted on by the voters of
11 the entire state, or for nomination to any such office, no contributor
12 may make a contribution to any candidate or political committee, and no
13 candidate or political committee may accept any contribution from any
14 contributor, which is in the aggregate amount greater than: (i) in the
15 case of any nomination to public office, the product of the total number
16 of enrolled voters in the candidate's party in the state, excluding
17 voters in inactive status, multiplied by \$.005, but such amount shall be
18 not less than four thousand dollars nor more than [twelve] TEN thousand
19 dollars as increased or decreased by the cost of living adjustment
20 described in paragraph c of this subdivision, and (ii) in the case of
21 any election to a public office, [twenty-five] FIFTEEN thousand dollars
22 as increased or decreased by the cost of living adjustment described in

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

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1 paragraph c of this subdivision[; provided however, that the maximum
2 amount which may be so contributed or accepted, in the aggregate, from
3 any candidate's child, parent, grandparent, brother and sister, and the
4 spouse of any such persons, shall not exceed in the case of any nomi-
5 nation to public office an amount equivalent to the product of the
6 number of enrolled voters in the candidate's party in the state, exclud-
7 ing voters in inactive status, multiplied by \$.025, and in the case of
8 any election for a public office, an amount equivalent to the product of
9 the number of registered voters in the state excluding voters in inac-
10 tive status, multiplied by \$.025].

11 b. In any other election for party position or for election to a
12 public office or for nomination for any such office, no contributor may
13 make a contribution to any candidate or political committee and no
14 candidate or political committee may accept any contribution from any
15 contributor, which is in the aggregate amount greater than: (i) in the
16 case of any election for party position, or for nomination to public
17 office, the product of the total number of enrolled voters in the candi-
18 date's party in the district in which he is a candidate, excluding
19 voters in inactive status, multiplied by \$.05, and (ii) in the case of
20 any election for a public office, the product of the total number of
21 registered voters in the district, excluding voters in inactive status,
22 multiplied by \$.05[,]; BUT IN NO EVENT SHALL ANY SUCH MAXIMUM EXCEED
23 THREE THOUSAND DOLLARS OR BE LESS THAN ONE THOUSAND DOLLARS AS INCREASED
24 OR DECREASED BY THE COST OF LIVING ADJUSTMENT DESCRIBED IN PARAGRAPH C
25 OF THIS SUBDIVISION; however in the case of a nomination OR ELECTION
26 within the city of New York for the office of mayor, public advocate
27 [or], comptroller, BOROUGH PRESIDENT OR MEMBER OF THE CITY COUNCIL, such
28 amount shall be [not less than four thousand dollars nor more than
29 twelve thousand dollars as increased or decreased by the cost of living
30 adjustment described in paragraph c of this subdivision; in the case of
31 an election within the city of New York for the office of mayor, public
32 advocate or comptroller, twenty-five thousand dollars as increased or
33 decreased by the cost of living adjustment described in paragraph c of
34 this subdivision] EQUAL TO THE CONTRIBUTION LIMITS SET FORTH IN PARA-
35 GRAPH (F) OF SUBDIVISION ONE OF SECTION 3-703 OF THE ADMINISTRATIVE CODE
36 OF THE CITY OF NEW YORK; PROVIDED HOWEVER in the case of a nomination OR
37 ELECTION for state senator, SUCH AMOUNT SHALL BE [four] SIX thousand
38 dollars as increased or decreased by the cost of living adjustment
39 described in paragraph c of this subdivision; [in the case of an
40 election for state senator, six thousand two hundred fifty dollars as
41 increased or decreased by the cost of living adjustment described in
42 paragraph c of this subdivision;] in the case of [an election or] A
43 nomination OR ELECTION for a member of the assembly, [twenty-five
44 hundred] THREE THOUSAND dollars as increased or decreased by the cost of
45 living adjustment described in paragraph c of this subdivision[; but in
46 no event shall any such maximum exceed fifty thousand dollars or be less
47 than one thousand dollars; provided however, that the maximum amount
48 which may be so contributed or accepted, in the aggregate, from any
49 candidate's child, parent, grandparent, brother and sister, and the
50 spouse of any such persons, shall not exceed in the case of any election
51 for party position or nomination for public office an amount equivalent
52 to the number of enrolled voters in the candidate's party in the
53 district in which he is a candidate, excluding voters in inactive
54 status, multiplied by \$.25 and in the case of any election to public
55 office, an amount equivalent to the number of registered voters in the
56 district, excluding voters in inactive status, multiplied by \$.25; or

1 twelve hundred fifty dollars, whichever is greater, or in the case of a
2 nomination or election of a state senator, twenty thousand dollars,
3 whichever is greater, or in the case of a nomination or election of a
4 member of the assembly twelve thousand five hundred dollars, whichever
5 is greater, but in no event shall any such maximum exceed one hundred
6 thousand dollars].

7 c. At the beginning of each [fourth] SECOND calendar year, commencing
8 in [nineteen hundred ninety-five] TWO THOUSAND SEVENTEEN, the state
9 board shall determine the percentage of the difference between the most
10 recent available monthly consumer price index for all urban consumers
11 published by the United States bureau of labor statistics and such
12 consumer price index published for the same month [four] TWO years
13 previously. The amount of each contribution limit fixed in this subdivi-
14 sion shall be adjusted by the amount of such percentage difference to
15 the closest one hundred dollars by the state board which, not later than
16 the first day of February in each such year, shall issue a regulation
17 publishing the amount of each such contribution limit. Each contribution
18 limit as so adjusted shall be the contribution limit in effect for any
19 election held before the next such adjustment.

20 S 2. Subdivision 10 of section 14-114 of the election law, as added by
21 chapter 79 of the laws of 1992, is amended to read as follows:

22 10. a. No contributor may make a contribution to a party or consti-
23 tuted committee and no such committee may accept a contribution from any
24 contributor which, in the aggregate, is greater than [sixty-two] TWEN-
25 TY-FIVE thousand [five hundred] dollars per annum.

26 b. At the beginning of each [fourth] SECOND calendar year, commencing
27 in [nineteen hundred ninety-five] TWO THOUSAND SEVENTEEN, the state
28 board shall determine the percentage of the difference between the most
29 recent available monthly consumer price index for all urban consumers
30 published by the United States bureau of labor statistics and such
31 consumer price index published for the same month [four] TWO years
32 previously. The amount of such contribution limit fixed in paragraph a
33 of this subdivision shall be adjusted by the amount of such percentage
34 difference to the closest one hundred dollars by the state board which,
35 not later than the first day of February in each such year, shall issue
36 a regulation publishing the amount of such contribution limit. Such
37 contribution limit as so adjusted shall be the contribution limit in
38 effect for any election held before the next such adjustment.

39 S 3. Subdivision 3 of section 14-124 of the election law, as amended
40 by chapter 71 of the laws of 1988, is amended to read as follows:

41 3. The contribution and receipt limits of this article shall not apply
42 to monies received and expenditures made by a party committee or consti-
43 tuted committee to maintain a permanent headquarters and staff and carry
44 on ordinary activities which are not for the express purpose of promot-
45 ing the candidacy of specific candidates, EXCEPT THAT CONTRIBUTIONS MADE
46 FOR SUCH ACTIVITIES TO A PARTY COMMITTEE OR CONSTITUTED COMMITTEE SHALL
47 BE LIMITED TO TWENTY-FIVE THOUSAND DOLLARS IN THE AGGREGATE FROM EACH
48 CONTRIBUTOR IN EACH YEAR.

49 S 4. This act shall take effect on the one hundred eightieth day after
50 it shall have become a law; provided, that contributions legally
51 received prior to the effective date of this act may be retained and
52 expended for lawful purposes and shall not provide the basis for a
53 violation of article 14 of the election law, as amended by this act; and
54 provided, further, that the state board of elections shall notify all
55 candidates and political committees of the applicable provisions of this
56 act within thirty days after this act shall have become a law.