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I N A S S E M B L Y

February 10, 2016

Introduced by M. of A. HEASTIE, MORELLE, FARRELL, WRIGHT, WEINSTEIN, GOTTFRIED, LENTOL, GANTT, BRENNAN, COOK, GLICK, CAHILL, DINOWITZ, COLTON, PAULIN, LIFTON, PEOPLES-STOKES, O'DONNELL, TITUS, BENEDETTO, LAVINE, LUPARDO, HEVESI, JAFFEE, KAVANAGH, ROSENTHAL, SCHIMEL, RUSSELL, BRAUNSTEIN, BRONSON, MOYA, WEPRIN, ABINANTI, SIMOTAS, BRINDISI, FAHY, MAYER, McDONALD, MOSLEY, OTIS, ROZIC, SEPULVEDA, STECK, DAVILA, PICHARDO -- Multi-Sponsored by -- M. of A. BUCHWALD, ENGLEBRIGHT -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to enacting the "2016 Fair Elections 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 general business law, in relation to additional surcharges

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 "2016 Fair Elections Act".
3 S 2. Legislative findings and declarations. The legislature declares
4 that is in the public interest to create and ensure a truly democratic
5 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. Paragraph (b) of subdivision 5 of section 3-104 of the election
11 law, as added by section 4 of subpart B of part H of chapter 55 of the
12 laws of 2014, is amended to read as follows:
13 (b) If the chief enforcement counsel determines that reasonable cause
14 exists to believe a violation warranting criminal prosecution has taken
15 place, the chief enforcement counsel shall present such findings to the
16 board. Within thirty days of such submission, the board shall vote on
17 whether to accept or reject such findings. For purposes of voting on
18 acceptance or rejection of findings by the chief enforcement counsel,
19 the chief enforcement counsel shall be entitled to participate in all

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

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1 matters related to the review of his or her report and shall vote on its
2 acceptance or rejection only when there is a tie. Should the board fail
3 to vote to either accept or reject the findings within thirty days of
4 submission of such findings, or should the board accept the findings by
5 the chief enforcement counsel that there is reasonable cause to believe
6 that a violation warranting criminal prosecution has taken place, the
7 chief enforcement counsel shall, forthwith, and in any event no later
8 than seven calendar days of such failure to accept or reject the find-
9 ings by the board, refer such matter to the attorney general or district
10 attorney with jurisdiction over such matter to commence a criminal
11 action as such term is defined in the criminal procedure law. PROVIDED,
12 HOWEVER, WHERE REASONABLE CAUSE EXISTS TO BELIEVE THAT A CANDIDATE FOR
13 THE OFFICE OF ATTORNEY GENERAL HAS VIOLATED ANY PROVISION OF THIS CHAP-
14 TER, THE STATE BOARD SHALL REFER THE MATTER TO THE DISTRICT ATTORNEY OF
15 THE APPROPRIATE COUNTY.

16 S 4. The article heading of article 14 of the election law is amended
17 to read as follows:

18 CAMPAIGN RECEIPTS AND EXPENDITURES; PUBLIC FINANCING

19 S 5. Article 14 of the election law is amended by adding a new title 2
20 to read as follows:

21 TITLE II

22 PUBLIC FINANCING

23 SECTION 14-200. APPLICABILITY OF TITLE.

24 14-202. DEFINITIONS.

25 14-204. REPORTING REQUIREMENTS.

26 14-206. ELIGIBILITY.

27 14-208. QUALIFIED CAMPAIGN EXPENDITURES.

28 14-210. OPTIONAL PUBLIC FINANCING.

29 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS.

30 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS.

31 14-216. STATE BOARD; GENERAL POWERS AND DUTIES.

32 14-218. EXAMINATIONS AND AUDITS.

33 14-220. CIVIL PENALTY.

34 14-222. CRIMINAL PENALTIES.

35 14-224. REPORTS.

36 14-226. DEBATES.

37 14-228. DISTRIBUTIONS FROM FAIR ELECTIONS FUND.

38 S 14-200. APPLICABILITY OF TITLE. THIS TITLE SHALL ONLY APPLY TO THOSE
39 CANDIDATES WHO ELECT TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING
40 SYSTEM.

41 S 14-202. DEFINITIONS. AS USED IN THIS TITLE, UNLESS ANOTHER MEANING
42 IS CLEARLY INDICATED:

43 1. THE TERM "BOARD" MEANS THE STATE BOARD OF ELECTIONS.

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

49 3. THE TERM "PARTICIPATING COMMITTEE" SHALL MEAN A SINGLE AUTHORIZED
50 POLITICAL COMMITTEE WHICH A CANDIDATE CERTIFIES IS THE COMMITTEE THAT
51 WILL SOLELY BE USED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTAB-
52 LISHED BY THIS TITLE IN THE ELECTION CYCLE IN WHICH THE PRIMARY, GENERAL
53 OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT. A MULTI-CAN-
54 DIDATE COMMITTEE MAY NOT BE A PARTICIPATING COMMITTEE.

55 4. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE WHO IS
56 ELIGIBLE TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM ESTAB-

1 LISHED BY THIS TITLE, HAS MET THE THRESHOLD FOR ELIGIBILITY AND HAS
2 ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM.

3 5. THE TERM "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR
4 ANY OFFICE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING UNDER THIS TITLE FOR A
5 COVERED ELECTION WHO FAILS TO FILE A STATEMENT IN THE FORM OF AN AFFIDA-
6 VIT PURSUANT TO SECTION 14-210 OF THIS TITLE.

7 6. THE TERM "MATCHABLE CONTRIBUTIONS" SHALL MEAN THAT PORTION OF THE
8 AGGREGATE CONTRIBUTIONS MADE (A) IN THE CASE OF A PRIMARY OR GENERAL
9 ELECTION, DURING THE ELECTION CYCLE IN WHICH THE PRIMARY OR GENERAL
10 ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR (B) IN THE CASE OF A
11 SPECIAL ELECTION, WITHIN SIX MONTHS OF SUCH ELECTION, BY NATURAL PERSONS
12 RESIDENT IN THE STATE OF NEW YORK TO A CANDIDATE FOR NOMINATION OR
13 ELECTION TO ANY OF THE OFFICES COVERED BY THE PROVISIONS OF THIS TITLE
14 WHICH DO NOT EXCEED TWO HUNDRED FIFTY DOLLARS, WHICH HAVE BEEN REPORTED
15 IN FULL BY THE CANDIDATE'S PARTICIPATING COMMITTEE TO THE BOARD, INCLUD-
16 ING THE CONTRIBUTOR'S FULL NAME AND RESIDENTIAL ADDRESS. A LOAN MAY NOT
17 BE TREATED AS A MATCHABLE CONTRIBUTION. THE FOLLOWING CONTRIBUTIONS ARE
18 NOT MATCHABLE:

19 (A) IN-KIND CONTRIBUTIONS OF PROPERTY, GOODS, OR SERVICES;

20 (B) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR AN ITEM
21 WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE;

22 (C) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR OR OTHER-
23 WISE INDUCED BY A CHANCE TO PARTICIPATE IN A RAFFLE, LOTTERY, OR SIMILAR
24 DRAWING FOR VALUABLE PRIZES;

25 (D) MONEY ORDER CONTRIBUTIONS FROM ANY ONE CONTRIBUTOR THAT ARE, IN
26 THE AGGREGATE, GREATER THAN ONE HUNDRED DOLLARS;

27 (E) CONTRIBUTIONS FROM INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS;

28 (F) CONTRIBUTIONS FROM INDIVIDUAL VENDORS TO WHOM THE PARTICIPATING
29 CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE MAKES AN EXPENDITURE, IN
30 FURTHERANCE OF THE NOMINATION FOR ELECTION OR ELECTION COVERED BY THE
31 CANDIDATE'S CERTIFICATION, UNLESS SUCH EXPENDITURE IS REIMBURSING AN
32 ADVANCE.

33 7. THE TERM "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE
34 FOR WHICH PUBLIC FUNDS MAY BE USED.

35 8. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE FAIR ELECTIONS FUND
36 CREATED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

37 9. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL
38 MATCHABLE CONTRIBUTIONS THAT THE PARTICIPATING COMMITTEE OF AN OTHERWISE
39 ELIGIBLE CANDIDATE MUST RECEIVE, AS REQUIRED BY SECTION 14-206 OF THIS
40 TITLE, IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO
41 THIS TITLE.

42 10. THE TERM "CONTRIBUTION" SHALL HAVE THE SAME MEANING AS IN SUBDIVI-
43 SION NINE OF SECTION 14-100 OF THIS ARTICLE.

44 11. THE TERM "ELECTION CYCLE" SHALL MEAN THE TWO YEAR PERIOD STARTING
45 THE DAY AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR THE STATE
46 LEGISLATURE AND SHALL MEAN THE FOUR YEAR PERIOD STARTING AFTER THE DAY
47 AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR STATEWIDE OFFICE.

48 S 14-204. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE
49 SHALL ONLY DESIGNATE ONE AUTHORIZED COMMITTEE FOR THE PUBLIC OFFICE
50 SOUGHT. BEFORE RECEIVING ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR
51 A COVERED ELECTION, EACH PARTICIPATING CANDIDATE SHALL NOTIFY THE BOARD
52 AS TO THE EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN
53 DESIGNATED AND APPROVED BY SUCH CANDIDATE. EACH SUCH AUTHORIZED COMMIT-
54 TEE SHALL, BEFORE OPENING A COMMITTEE BANK ACCOUNT, RECEIVING ANY
55 CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION:

56 (A) DESIGNATE A TREASURER; AND

1 (B) OBTAIN A TAX IDENTIFICATION NUMBER FROM THE INTERNAL REVENUE
2 SERVICE.

3 2. DISCLOSURE. (A) EVERY PARTICIPATING CANDIDATE SHALL FILE FINANCIAL
4 DISCLOSURE REPORTS WITH THE BOARD AS REQUIRED BY TITLE ONE OF THIS ARTI-
5 CLE.

6 (B) THE BOARD SHALL REVIEW EACH DISCLOSURE REPORT FILED PURSUANT TO
7 TITLE ONE OF THIS ARTICLE AND SHALL INFORM PARTICIPATING CANDIDATES AND
8 POLITICAL COMMITTEES, INCLUDING THE AUTHORIZED COMMITTEE, OF RELEVANT
9 QUESTIONS THE BOARD HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF
10 THIS TITLE AND OF THE RULES ISSUED BY THE BOARD; AND (II) QUALIFICATION
11 FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. IN THE
12 COURSE OF SUCH REVIEW, THE BOARD SHALL GIVE CANDIDATES AND POLITICAL
13 COMMITTEES, INCLUDING THE AUTHORIZED COMMITTEE, AN OPPORTUNITY TO
14 RESPOND TO AND CORRECT POTENTIAL VIOLATIONS AND GIVE CANDIDATES AN
15 OPPORTUNITY TO ADDRESS QUESTIONS THE BOARD HAS CONCERNING THEIR MATCHA-
16 BLE CONTRIBUTION CLAIMS OR OTHER ISSUES CONCERNING ELIGIBILITY FOR
17 RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. NOTHING IN THIS
18 PARAGRAPH SHALL PRECLUDE THE BOARD FROM SUBSEQUENTLY REVIEWING SUCH A
19 DISCLOSURE REPORT AND TAKING ANY ACTION OTHERWISE AUTHORIZED BY THIS
20 TITLE.

21 (C) ONLY ITEMIZED CONTRIBUTIONS CONTAINED IN REPORTS FILED WITH THE
22 BOARD SHALL BE ELIGIBLE FOR MATCHING FUNDS PURSUANT TO THIS TITLE.

23 S 14-206. 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 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 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 (F) AGREE TO IDENTIFY ACCURATELY IN ALL CAMPAIGN MATERIALS THE PERSON
43 OR ENTITY THAT PAID FOR SUCH CAMPAIGN MATERIAL; AND

44 (G) THOSE CANDIDATES WHO DID NOT ELECT TO PARTICIPATE IN THE OPTIONAL
45 PUBLIC FINANCING SYSTEM IN THE IMMEDIATELY PRECEDING ELECTION CYCLE,
46 AGREE NOT TO EXPEND FOR CAMPAIGN PURPOSES ANY PORTION OF ANY PRE-EXIST-
47 ING FUNDS RAISED FOR ANY PUBLIC OFFICE OR PARTY POSITION. NOTHING IN
48 THIS PARAGRAPH SHALL BE CONSTRUED TO LIMIT, IN ANY WAY, ANY CANDIDATE OR
49 PUBLIC OFFICIAL FROM EXPENDING ANY PORTION OF PRE-EXISTING CAMPAIGN
50 FUNDS FOR ANY LAWFUL PURPOSE OTHER THAN THOSE RELATED TO HIS OR HER
51 CAMPAIGN.

52 (H) AGREE NOT TO ACCEPT CONTRIBUTIONS IN EXCESS OF THE LIMITS SET
53 FORTH IN SECTION 14-212 OF THIS TITLE.

54 2. THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR CANDIDATES IN
55 A PRIMARY, GENERAL OR SPECIAL ELECTION FOR THE FOLLOWING OFFICES SHALL
56 BE:

1 (A) GOVERNOR IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN SIX
2 HUNDRED FIFTY THOUSAND DOLLARS FROM AT LEAST SIX THOUSAND FIVE HUNDRED
3 MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY
4 DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

5 (B) LIEUTENANT GOVERNOR IN A PRIMARY ELECTION AND COMPTROLLER OR
6 ATTORNEY GENERAL IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN TWO
7 HUNDRED THOUSAND DOLLARS FROM AT LEAST TWO THOUSAND MATCHABLE CONTRIB-
8 UTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL
9 CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

10 (C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL
11 ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST TWO
12 HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED
13 FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE
14 INCLUDING AT LEAST TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED INDI-
15 VIDUAL CONTRIBUTORS WHO RESIDE IN THE SENATE DISTRICT OR RESIDE IN ANY
16 PORTION OF ANY COUNTY WHICH CONSTITUTES ANY MEASURE OF THE DISTRICT IN
17 WHICH THE SEAT IS TO BE FILLED.

18 (D) MEMBERS OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION.
19 NOT LESS THAN TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED MATCHABLE
20 CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER
21 INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE INCLUDING AT LEAST
22 FIVE THOUSAND DOLLARS FROM AT LEAST FIFTY INDIVIDUALS WHO RESIDE IN THE
23 ASSEMBLY DISTRICT OR RESIDE IN ANY PORTION OF ANY COUNTY WHICH CONSTI-
24 TUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

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

29 (F) DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR
30 GENERAL ELECTION. NOT LESS THAN FIVE THOUSAND DOLLARS FROM AT LEAST
31 FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY
32 DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN THE DISTRICT OR IN THE
33 CONSTITUENT COUNTY OR RESIDES IN ANY PORTION OF ANY COUNTY WHICH CONSTI-
34 TUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

35 3. IN ORDER TO BE ELIGIBLE TO RECEIVE PUBLIC FUNDS IN A PRIMARY
36 ELECTION A CANDIDATE MUST AGREE, THAT IN THE EVENT SUCH CANDIDATE IS A
37 CANDIDATE FOR SUCH OFFICE IN THE GENERAL ELECTION IN SUCH YEAR, THAT
38 SUCH CANDIDATE WILL BE BOUND BY THE PROVISIONS OF THIS TITLE, INCLUDING,
39 BUT NOT LIMITED TO, THE PUBLIC FUNDS RECEIPT LIMITS OF THIS TITLE.

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

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

46 6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR
47 SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING
48 SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS THERE IS
49 AT LEAST ONE OTHER CANDIDATE, AS DEFINED BY SUBDIVISION SEVEN OF SECTION
50 14-100 OF THIS ARTICLE FOR SUCH OFFICE IN SUCH ELECTION.

51 S 14-208. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED
52 UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY
53 THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDI-
54 TURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION
55 OR ELECTION.

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

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

3 (B) PAYMENTS OR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A
4 RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH
5 PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY
6 SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE IN EXCESS OF THE FAIR
7 MARKET VALUE OF SUCH SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF
8 VALUE RECEIVED IN EXCHANGE;

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

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

16 (E) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF
17 DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE,
18 AUTHORIZATION, DECLINATION OR SUBSTITUTION;

19 (F) EXPENDITURE FOR NONCAMPAIGN RELATED FOOD, DRINK OR ENTERTAINMENT;

20 (G) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS, OR OTHER PRINTED CAMPAIGN
21 MATERIALS; AND

22 (H) CONTRIBUTIONS OR TRANSFERS TO A POLITICAL COMMITTEE.

23 S 14-210. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR
24 NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY
25 OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALI-
26 FIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A
27 PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON
28 THE BALLOT AND FILED A SWORN STATEMENT WITH THE BOARD ELECTING TO
29 PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND AGREEING TO
30 ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT EXCEED THE
31 AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN ACCORDANCE
32 WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE MADE TO A
33 PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC FUNDS SHALL
34 BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN
35 EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO
36 PAY QUALIFIED CAMPAIGN EXPENDITURES.

37 2. THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE SHALL
38 BE ENTITLED TO SIX DOLLARS IN PUBLIC FUNDS FOR EACH ONE DOLLAR OF MATCH-
39 ABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE BOARD IN ACCORDANCE WITH
40 THE PROVISIONS OF THIS TITLE, PROVIDED, HOWEVER, SUCH PUBLIC FUNDS SHALL
41 ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

42 3. (A) NO PARTICIPATING CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS
43 UNOPPOSED IN A PRIMARY ELECTION SHALL BE ENTITLED TO PAYMENT FROM THE
44 FUND FOR QUALIFIED CAMPAIGN EXPENDITURES.

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

53 4. THE BOARD SHALL PROMPTLY EXAMINE ALL REPORTS OF CONTRIBUTIONS TO
54 DETERMINE WHETHER, ON THEIR FACE, THEY MEET THE REQUIREMENTS FOR MATCHA-
55 BLE CONTRIBUTIONS, AND SHALL KEEP A RECORD OF SUCH CONTRIBUTIONS.

1 5. THE BOARD SHALL PROMULGATE REGULATIONS FOR THE CERTIFICATION OF THE
2 AMOUNT OF FUNDS PAYABLE BY THE COMPTROLLER, FROM THE FUND ESTABLISHED
3 PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW, TO A PARTIC-
4 IPATING CANDIDATE THAT HAS QUALIFIED TO RECEIVE SUCH PAYMENT. THESE
5 REGULATIONS SHALL INCLUDE THE PROMULGATION AND DISTRIBUTION OF FORMS ON
6 WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE REPORTED, THE PERIODS
7 DURING WHICH SUCH REPORTS MUST BE FILED AND THE VERIFICATION REQUIRED.
8 THE BOARD SHALL INSTITUTE PROCEDURES WHICH WILL MAKE POSSIBLE PAYMENT BY
9 THE FUND WITHIN TWO BUSINESS DAYS AFTER RECEIPT OF THE REQUIRED FORMS
10 AND VERIFICATIONS.

11 S 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,
12 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE
13 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A
14 CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTIC-
15 IPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING
16 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE
17 AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

18 2. (A) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE
19 AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
20 FUNDS, A PARTICIPATING CANDIDATE FOR GOVERNOR OR LIEUTENANT GOVERNOR IN
21 A PRIMARY OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMIT-
22 TEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED
23 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
24 EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER,
25 THAT TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A
26 TRANSFER.

27 (B) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
28 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
29 FUNDS, A PARTICIPATING CANDIDATE FOR ATTORNEY GENERAL OR COMPTROLLER IN
30 A PRIMARY OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMIT-
31 TEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED
32 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
33 EXCEED ONE MILLION DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT
34 OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

35 (C) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
36 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
37 FUNDS, A PARTICIPATING CANDIDATE FOR STATE SENATOR IN A PRIMARY, GENERAL
38 OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY
39 ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED SUCH
40 CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
41 EXCEED ONE HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE
42 PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

43 (D) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
44 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
45 FUNDS, A PARTICIPATING CANDIDATE FOR MEMBER OF THE ASSEMBLY IN A PRIMA-
46 RY, GENERAL OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING
47 COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMI-
48 NATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES
49 NOT EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE
50 PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

51 (E) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
52 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
53 FUNDS, A PARTICIPATING CANDIDATE FOR DELEGATE AT-LARGE TO A CONSTITU-
54 TIONAL CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPAT-
55 ING COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS
56 NOMINATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE,

DOES NOT EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

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

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

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

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

5. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIBUTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF THE GENERAL ELECTION FOR THE OFFICE SOUGHT, EXCEPT THAT A PARTICIPATING CANDIDATE OR PARTICIPATING COMMITTEE WHICH HAS A DEFICIT ON THE DAY OF THE GENERAL ELECTION MAY, AFTER SUCH DATE, ACCEPT CONTRIBUTIONS WHICH DO NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAISING SUCH CONTRIBUTIONS OR THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS.

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

S 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS. THE FOLLOWING LIMITATIONS APPLY TO THE TOTAL AMOUNT OF PUBLIC FUNDS THAT MAY BE PROVIDED TO A PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE FOR AN ELECTION CYCLE:

1. IN ANY PRIMARY ELECTION, RECEIPT OF PUBLIC FUNDS BY PARTICIPATING CANDIDATES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED:

(I) FOR GOVERNOR, THE SUM OF NINE MILLION DOLLARS;

(II) FOR LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL, THE SUM OF SIX MILLION DOLLARS;

(III) FOR SENATOR, THE SUM OF THREE HUNDRED FIFTY THOUSAND DOLLARS;

(IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF ONE HUNDRED FIFTY THOUSAND DOLLARS;

(V) FOR AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION, THE SUM OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS;

(VI) FOR DISTRICT DELEGATES TO A CONSTITUTIONAL CONVENTION, THE SUM OF FIFTY THOUSAND DOLLARS;

2. IN ANY GENERAL OR SPECIAL ELECTION, RECEIPT OF PUBLIC FUNDS BY PARTICIPATING CANDIDATES FOR THE FOLLOWING OFFICES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

CANDIDATES FOR ELECTION TO THE OFFICE OF:

GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED)	\$12,000,000
ATTORNEY GENERAL	\$8,000,000
COMPTROLLER	\$8,000,000
MEMBER OF SENATE	\$400,000
MEMBER OF ASSEMBLY	\$200,000
DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION	\$350,000
DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION	\$75,000

3. PARTICIPATING CANDIDATES FOR OFFICE WHO ARE UNOPPOSED IN THE PRIMARY ELECTION MAY RECEIVE PUBLIC FUNDS BEFORE THE PRIMARY ELECTION, FOR SERVICES, MATERIALS OR FACILITIES USED ON OR BEFORE THE DATE OF SUCH PRIMARY ELECTION, AN AMOUNT EQUAL TO HALF THE SUM SUCH CANDIDATES WOULD BE ENTITLED TO RECEIVE IF THEIR NOMINATION WAS CONTESTED IN SUCH PRIMARY ELECTION PROVIDED THERE IS A PRIMARY CONTEST FOR THE NOMINATION OF AT LEAST ONE OTHER PARTY FOR SUCH OFFICE.

4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE AMOUNT OF PRIVATE FUNDS A PARTICIPATING CANDIDATE MAY RECEIVE SUBJECT TO THE CONTRIBUTION LIMITS CONTAINED IN SECTION 14-212 OF THIS TITLE.

5. AT THE BEGINNING OF EACH SECOND CALENDAR YEAR, COMMENCING IN TWO THOUSAND SIXTEEN, THE BOARD SHALL DETERMINE THE PERCENTAGE OF THE DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE MONTHLY CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE THE UNITED STATES BUREAU OF LABOR STATISTICS AND SUCH CONSUMER PRICE INDEX PUBLISHED FOR THE SAME MONTH FOUR YEARS PREVIOUSLY. THE AMOUNT OF EACH PUBLIC FUNDS RECEIPT LIMITATION FIXED IN THIS SECTION SHALL BE ADJUSTED BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE HUNDRED DOLLARS BY THE BOARD WHICH, NOT LATER THAN THE FIRST DAY OF FEBRUARY IN EACH SUCH YEAR, SHALL ISSUE A REGULATION PUBLISHING THE AMOUNT OF EACH SUCH CONTRIBUTION LIMIT. EACH PUBLIC FUND RECEIPT LIMIT AS SO ADJUSTED SHALL BE THE PUBLIC FUNDS RECEIPT LIMIT IN EFFECT FOR ANY ELECTION HELD BEFORE THE NEXT SUCH ADJUSTMENT.

S 14-216. STATE BOARD; GENERAL POWERS AND DUTIES. 1. THE BOARD SHALL:

(A) (I) RENDER ADVISORY OPINIONS WITH RESPECT TO QUESTIONS ARISING UNDER THIS ARTICLE UPON THE WRITTEN REQUEST OF A CANDIDATE, AN OFFICER OF A POLITICAL COMMITTEE OR MEMBER OF THE PUBLIC, OR UPON ITS OWN INITIATIVE; (II) PROMULGATE RULES REGARDING REASONABLE TIMES TO RESPOND TO SUCH REQUESTS; AND (III) MAKE PUBLIC THE QUESTIONS OF INTERPRETATION FOR WHICH ADVISORY OPINIONS WILL BE CONSIDERED BY THE BOARD AND ITS ADVISORY OPINIONS, INCLUDING BY PUBLICATION ON ITS WEBSITE;

(B) DEVELOP A PROGRAM FOR INFORMING AND TRAINING CANDIDATES AND THE PUBLIC AS TO THE PURPOSE AND EFFECT OF THE PROVISIONS OF THIS TITLE, INCLUDING BY MEANS OF A WEBSITE;

1 (C) HAVE THE AUTHORITY TO PROMULGATE SUCH RULES AND REGULATIONS AND
2 PRESCRIBE SUCH FORMS AS THE BOARD DEEMS NECESSARY FOR THE ADMINISTRATION
3 OF THIS TITLE; AND

4 (D) DEVELOP AN INTERACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL
5 CONTAIN ALL INFORMATION NECESSARY FOR THE PROPER ADMINISTRATION OF THIS
6 TITLE INCLUDING INFORMATION ON CONTRIBUTIONS TO AND EXPENDITURES BY
7 CANDIDATES AND THEIR AUTHORIZED COMMITTEES AND DISTRIBUTIONS OF MONEYS
8 FROM THE FUND AND SHALL BE ACCESSIBLE TO THE PUBLIC ON THE BOARD'S
9 WEBSITE.

10 2. THE BOARD'S ADMINISTRATION OF THE FUND SHALL BE GOVERNED BY THE
11 PROVISIONS OF THIS TITLE AND SECTION NINETY-TWO-T OF THE STATE FINANCE
12 LAW.

13 3. THE BOARD MAY TAKE SUCH OTHER ACTIONS AS ARE NECESSARY AND PROPER
14 TO CARRY OUT THE PURPOSES OF THIS TITLE.

15 S 14-218. EXAMINATIONS AND AUDITS. 1. THE BOARD MAY CONDUCT A THOROUGH
16 EXAMINATION AND PRE-ELECTION AUDIT OF THE CONTRIBUTIONS AND QUALIFIED
17 CAMPAIGN EXPENSES OF THE PARTICIPATING COMMITTEE OF EVERY PARTICIPATING
18 CANDIDATE WHO RECEIVED PAYMENTS PURSUANT TO SECTION 14-210 OF THIS
19 TITLE. SUCH AUDITS SHALL BE CONDUCTED AS FREQUENTLY AS THE BOARD DEEMS
20 NECESSARY TO ENSURE COMPLIANCE WITH THIS TITLE. THE BOARD SHALL NOTIFY,
21 IN WRITING, ANY CANDIDATE'S AUTHORIZED COMMITTEE PRIOR TO THE COMMENCE-
22 MENT OF SUCH PRE-ELECTION AUDIT. NO PRE-ELECTION AUDIT SHALL COMMENCE IN
23 THE ABSENCE OF THE NOTICE REQUIREMENT OF THIS SUBDIVISION. EVERY CANDI-
24 DATE WHO RECEIVES PUBLIC MATCHING FUNDS UNDER THIS TITLE SHALL ALSO BE
25 AUDITED BY THE BOARD POST-ELECTION. THE COST OF COMPLYING WITH A POST-E-
26 LECTION AUDIT SHALL BE BORNE BY THE CANDIDATE'S AUTHORIZED COMMITTEE. A
27 CANDIDATE WHO HAS RECEIVED PUBLIC MATCHING FUNDS UNDER THIS TITLE MUST
28 MAINTAIN A RESERVE OF AT LEAST ONE PERCENT OF THE TOTAL AMOUNT OF MATCH-
29 ING FUNDS RECEIVED BY SUCH CANDIDATE IN HIS OR HER CAMPAIGN ACCOUNT TO
30 COMPLY WITH THE POST-ELECTION AUDIT. A CANDIDATE WHO RUNS IN BOTH A
31 PRIMARY AND A GENERAL ELECTION, MUST MAINTAIN A RESERVE OF ONE PERCENT
32 OF THE TOTAL AMOUNT OF PUBLIC MATCHING FUNDS RECEIVED BY SUCH CANDIDATE
33 FOR BOTH HIS OR HER PRIMARY AND GENERAL ELECTION. A CANDIDATE MAY USE
34 PUBLIC MATCHING FUNDS, PRIVATE FUNDS OR A COMBINATION OF PUBLIC AND
35 PRIVATE FUNDS TO COMPLY WITH A POST-ELECTION AUDIT. THE BOARD SHALL
36 ISSUE TO EACH CAMPAIGN AUDITED THE FINAL POST-ELECTION AUDIT REPORT THAT
37 DETAILS ITS FINDINGS AND SHALL PROVIDE SUCH AUDIT TO THE GOVERNOR AND
38 LEGISLATIVE LEADERS AND MAKE SUCH AUDIT REPORT AVAILABLE ON THE BOARD'S
39 WEBSITE. FINAL POST-ELECTION AUDIT REPORTS SHALL BE COMPLETED NO LATER
40 THAN TWELVE MONTHS AFTER THE DATE OF THE ELECTION OR ELECTIONS FOR WHICH
41 THE CANDIDATE RECEIVED PUBLIC FUNDS. THIS AUDIT DEADLINE SHALL NOT APPLY
42 IN CASES INVOLVING POTENTIAL CAMPAIGN-RELATED FRAUD, KNOWING AND WILLFUL
43 VIOLATIONS OF THIS ARTICLE OR CRIMINAL ACTIVITY.

44 2. (A) IF THE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO
45 A PARTICIPATING COMMITTEE FROM THE FUND WAS IN EXCESS OF THE AGGREGATE
46 AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS ENTITLED PURSU-
47 ANT TO SECTION 14-210 OF THIS TITLE, IT SHALL NOTIFY SUCH COMMITTEE OF
48 THE EXCESS AMOUNT AND SUCH COMMITTEE SHALL PAY TO THE BOARD AN AMOUNT
49 EQUAL TO THE AMOUNT OF EXCESS PAYMENTS; PROVIDED, HOWEVER, THAT IF THE
50 ERRONEOUS PAYMENT WAS DUE TO AN ERROR MADE BY THE BOARD, THEN THE ERRO-
51 NEOUS PAYMENT WILL BE OFFSET AGAINST ANY FUTURE PAYMENT, IF ANY. THE
52 PARTICIPATING CANDIDATE AND HIS OR HER PARTICIPATING COMMITTEE SHALL BE
53 JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE TO THE BOARD FOR
54 DEPOSIT BY SUCH BOARD INTO THE NEW YORK STATE FAIR ELECTIONS FUND.

55 (B) IF THE BOARD DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO A
56 PARTICIPATING COMMITTEE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN

1 TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY SUCH PARTICIPAT-
2 ING COMMITTEE OF THE AMOUNT DISQUALIFIED AND SUCH PARTICIPATING COMMIT-
3 TEE SHALL PAY TO THE BOARD AN AMOUNT EQUAL TO SUCH DISQUALIFIED AMOUNT.
4 SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK STATE FAIR ELECTIONS
5 FUND CREATED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.
6 THE CANDIDATE AND THE CANDIDATE'S AUTHORIZED COMMITTEE SHALL BE JOINTLY
7 AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE TO THE BOARD.

8 (C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE FUND RECEIVED
9 BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING
10 COMMITTEE, EXCEEDS THE PUBLIC FUNDING RECEIPT LIMITATION OF SUCH CANDI-
11 DATE AND COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS
12 FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM
13 THE FUND NOT LATER THAN TEN DAYS AFTER ALL PERMISSIBLE LIABILITIES HAVE
14 BEEN PAID AND IN ANY EVENT, NOT LATER THAN TWENTY DAYS AFTER THE DATE ON
15 WHICH THE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING
16 CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT MATCHING
17 FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE AND PAYABLE
18 TO THE BOARD FOR DEPOSIT INTO THE NEW YORK STATE FAIR ELECTIONS FUND
19 UPON ITS DETERMINATION THAT THE PARTICIPANT WILLFULLY DELAYED THE POST-
20 ELECTION AUDIT PROCESS. A PARTICIPATING CANDIDATE MAY MAKE POST-ELECTION
21 EXPENDITURES ONLY FOR ROUTINE ACTIVITIES INVOLVING NOMINAL COSTS ASSOCI-
22 ATED WITH ENDING A CAMPAIGN AND RESPONDING TO THE POST-ELECTION AUDIT.
23 NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE POST-ELECTION
24 EXPENDITURE OF PUBLIC FUNDS FOR DEBTS INCURRED DURING THE CAMPAIGN FOR
25 WHICH PUBLIC FUNDS WERE ELIGIBLE TO BE USED.

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

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

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

42 6. ANY ADVICE PROVIDED BY THE STAFF OR MEMBERS OF THE BOARD TO A
43 PARTICIPATING OR NON-PARTICIPATING CANDIDATE IN CONNECTION WITH ANY
44 ACTION UNDER THIS ARTICLE, WHEN RELIED UPON IN GOOD FAITH, SHALL BE
45 PRESUMPTIVE EVIDENCE THAT SUCH CANDIDATE OR HIS OR HER COMMITTEE DID NOT
46 KNOWINGLY AND WILLFULLY VIOLATE THE PROVISIONS OF THIS ARTICLE.

47 S 14-220. CIVIL PENALTY. 1. ANY PERSON OR AUTHORIZED COMMITTEE WHO
48 KNOWINGLY AND WILFULLY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS
49 OF THIS TITLE SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THE
50 AMOUNT OF FIVE THOUSAND DOLLARS.

51 2. ANY PERSON OR AUTHORIZED COMMITTEE WHO KNOWINGLY AND INTENTIONALLY
52 VIOLATES ANY OTHER PROVISION OF THIS TITLE OR ANY RULE PROMULGATED HERE-
53 UNDER SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THE AMOUNT OF
54 TEN THOUSAND DOLLARS.

1 3. ALL PAYMENTS RECOVERED BY THE BOARD PURSUANT TO THIS SECTION SHALL
2 BE DEPOSITED IN THE NEW YORK STATE FAIR ELECTIONS FUND ESTABLISHED BY
3 SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

4 S 14-222. CRIMINAL PENALTIES. 1. ANY PERSON WHO KNOWINGLY AND WILLFUL-
5 LY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS OF THIS TITLE WITH-
6 IN TEN DAYS AFTER THE DATE PROVIDED FOR SUCH, OR ANYONE THAT KNOWINGLY
7 AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE SHALL BE GUILTY
8 OF A MISDEMEANOR AND, IN ADDITION TO SUCH OTHER PENALTIES AS MAY BE
9 PROVIDED BY LAW, SHALL BE SUBJECT TO A FINE NOT TO EXCEED THE AMOUNT OF
10 TEN THOUSAND DOLLARS.

11 2. ANY PERSON WHO KNOWINGLY AND WILLFULLY CONTRIBUTES, ACCEPTS OR AIDS
12 OR PARTICIPATES IN THE CONTRIBUTION OR ACCEPTANCE OF A CONTRIBUTION IN
13 AN AMOUNT EXCEEDING AN APPLICABLE MAXIMUM SPECIFIED IN THIS ARTICLE
14 SHALL BE GUILTY OF A MISDEMEANOR AND SHALL BE SUBJECT TO A FINE NOT TO
15 EXCEED THE AMOUNT OF TEN THOUSAND DOLLARS.

16 3. ANY PERSON WHO KNOWINGLY AND WILLFULLY MAKES A FALSE STATEMENT OR
17 KNOWINGLY OMITTS A MATERIAL FACT TO THE BOARD OR AN AUDITOR DESIGNATED BY
18 THE BOARD DURING ANY AUDIT CONDUCTED PURSUANT TO SECTION 14-218 OF THIS
19 TITLE SHALL BE GUILTY OF A CLASS E FELONY.

20 4. IN ADDITION TO ANY OTHER SENTENCE LAWFULLY IMPOSED UPON A FINDING
21 OF GUILT IN A CRIMINAL PROSECUTION COMMENCED PURSUANT TO THE PROVISIONS
22 OF THIS SECTION, THE COURT MAY ORDER A DEFENDANT TO REPAY TO THE BOARD
23 ANY PUBLIC MATCHING FUNDS OBTAINED AS A RESULT OF ANY CRIMINAL CONDUCT.

24 5. ALL SUCH PROSECUTIONS FOR CRIMINAL ACTS UNDER THIS TITLE SHALL BE
25 PROSECUTED BY THE ATTORNEY GENERAL OF THE STATE OF NEW YORK; PROVIDED,
26 HOWEVER, WHERE REASONABLE CAUSE EXISTS TO BELIEVE THAT A CANDIDATE FOR
27 THE OFFICE OF ATTORNEY GENERAL HAS VIOLATED ANY PROVISION OF THIS CHAP-
28 TER, THE STATE BOARD SHALL REFER THE MATTER TO THE DISTRICT ATTORNEY OF
29 THE APPROPRIATE COUNTY.

30 6. ANY AND ALL FINES IMPOSED PURSUANT TO THIS SECTION SHALL BE MADE
31 PAYABLE TO THE BOARD FOR DEPOSIT INTO THE NEW YORK STATE FAIR ELECTIONS
32 FUND.

33 S 14-224. REPORTS. THE BOARD SHALL SUBMIT A REPORT TO THE GOVERNOR AND
34 LEGISLATIVE LEADERS ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND SEVENTEEN,
35 AND EVERY FOUR YEARS THEREAFTER, WHICH SHALL INCLUDE:

36 1. A LIST OF THE PARTICIPATING AND NONPARTICIPATING CANDIDATES IN
37 COVERED ELECTIONS AND THE VOTES RECEIVED BY EACH CANDIDATE IN THOSE
38 ELECTIONS;

39 2. THE AMOUNT OF CONTRIBUTIONS AND LOANS RECEIVED, AND EXPENDITURES
40 MADE, ON BEHALF OF PARTICIPATING AND NONPARTICIPATING CANDIDATES;

41 3. THE AMOUNT OF PUBLIC MATCHING FUNDS EACH PARTICIPATING CANDIDATE
42 RECEIVED, SPENT, AND REPAID PURSUANT TO THIS ARTICLE;

43 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGNS FOR
44 ALL OFFICES COVERED UNDER SECTION 14-206 OF THIS TITLE, INCLUDING ITS
45 EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF
46 CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES,
47 THE CANDIDATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND
48 THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

49 5. RECOMMENDATIONS FOR CHANGES OR AMENDMENTS TO THIS TITLE, INCLUDING
50 CHARGES IN CONTRIBUTION LIMITS, THRESHOLDS FOR ELIGIBILITY AND LIMITS ON
51 TOTAL MATCHING FUNDS AS WELL AS INSTITUTING A PROGRAM OF FULL PUBLIC
52 CAMPAIGN FINANCING FOR ELECTION FOR ALL STATEWIDE OFFICES; AND

53 6. ANY OTHER INFORMATION THAT THE BOARD DEEMS RELEVANT.

54 S 14-226. DEBATES. THE BOARD SHALL PROMULGATE REGULATIONS TO FACILI-
55 TATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTICIPATING CANDIDATES
56 ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE BEFORE THE PRIMARY

1 ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENERAL ELECTION FOR
2 WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE PARTICIPATING
3 CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDIDATE MAY BE A
4 PARTY TO SUCH DEBATES.

5 S 14-228. DISTRIBUTIONS FROM FAIR ELECTIONS FUND. 1. THIS SECTION
6 GOVERNS THE BOARD'S DISTRIBUTION OF FUNDS FROM THE NEW YORK STATE FAIR
7 ELECTIONS FUND CREATED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW,
8 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

9 2. NO MONEYS SHALL BE PAID TO PARTICIPATING CANDIDATES IN A PRIMARY
10 ELECTION ANY EARLIER THAN TWO WEEKS AFTER THE LAST DAY TO FILE DESIGNAT-
11 ING PETITIONS FOR SUCH PRIMARY ELECTION.

12 3. NO MONEYS SHALL BE PAID TO PARTICIPATING CANDIDATES IN A GENERAL
13 ELECTION ANY EARLIER THAN A WEEK AFTER THE PRIMARY ELECTION HELD TO
14 NOMINATE CANDIDATES FOR SUCH ELECTION.

15 4. NO MONEYS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO HAS BEEN
16 DISQUALIFIED BY THE BOARD OR WHOSE DESIGNATING PETITIONS HAVE BEEN
17 DECLARED INVALID BY THE BOARD OR A COURT OF COMPETENT JURISDICTION UNTIL
18 AND UNLESS SUCH FINDING IS REVERSED BY AN APPELLATE COURT.

19 5. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR
20 SUCH A CANDIDATE'S AUTHORIZED COMMITTEE ON THE DATE OF SUCH DISQUALI-
21 FICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE
22 EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE THAT DATE. ALL EXCESS
23 PUBLIC MONEYS PAID TO A DISQUALIFIED CANDIDATE SHALL BE RETURNED TO THE
24 FUND NOT LESS THAN THIRTY DAYS AFTER THE GENERAL ELECTION FOR THOSE
25 PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS FOR THE GENERAL
26 ELECTION, AND OTHERWISE, NOT LESS THAN THIRTY DAYS AFTER THE PRIMARY
27 ELECTION FOR THOSE PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS
28 SOLELY FOR THE PRIMARY ELECTION.

29 6. (A) PARTICIPATING CANDIDATES SHALL PAY TO THE BOARD UNSPENT PUBLIC
30 CAMPAIGN FUNDS FROM AN ELECTION NOT LATER THAN THIRTY DAYS AFTER ALL
31 LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND, IN ANY EVENT, NOT LESS
32 THAN TWENTY DAYS AFTER THE DATE UPON WHICH THE BOARD ISSUES ITS FINAL
33 AUDIT REPORT FOR THE PARTICIPATING CANDIDATE'S COMMITTEE; PROVIDED,
34 HOWEVER, THAT ALL UNSPENT PUBLIC CAMPAIGN FUNDS FOR A PARTICIPATING
35 CANDIDATE SHALL BE IMMEDIATELY DUE AND PAYABLE TO THE BOARD UPON ITS
36 DETERMINATION THAT THE PARTICIPATING CANDIDATE HAS, WITHOUT JUST CAUSE,
37 DELAYED THE POST-ELECTION AUDIT PROCESS. UNSPENT CAMPAIGN FUNDS DETERMI-
38 NATIONS MADE BY THE BOARD SHALL BE BASED ON THE PARTICIPATING CANDIDATE
39 COMMITTEE'S RECEIPTS AND EXPENDITURES. THE BOARD MAY ALSO CONSIDER ANY
40 OTHER RELEVANT INFORMATION REVEALED IN THE COURSE OF ITS AUDITS OR
41 INVESTIGATIONS OR THE INVESTIGATIONS BY ANY OTHER AGENCY.

42 (B)(I) A PARTICIPATING CANDIDATE MAY NOT USE RECEIPTS FOR ANY PURPOSE
43 OTHER THAN DISBURSEMENTS IN THE PRECEDING ELECTION UNTIL ALL UNSPENT
44 PUBLIC CAMPAIGN FUNDS HAVE BEEN REPAID. A PARTICIPATING CANDIDATE SHALL
45 HAVE THE BURDEN OF DEMONSTRATING THAT A POST-ELECTION EXPENDITURE IS FOR
46 THE PRECEDING ELECTION.

47 (II) BEFORE REPAYING UNSPENT PUBLIC CAMPAIGN FUNDS, A PARTICIPATING
48 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-
49 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND
50 RESPONDING TO THE POST-ELECTION AUDIT. SUCH EXPENDITURES MAY INCLUDE:
51 PAYMENT OF UTILITY BILLS AND RENT; REASONABLE STAFF SALARIES AND
52 CONSULTANT FEES FOR RESPONDING TO A POST-ELECTION AUDIT; REASONABLE
53 MOVING EXPENSES RELATED TO CLOSING A CAMPAIGN OFFICE; A HOLIDAY CARD
54 MAILING TO CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS; THANK
55 YOU NOTES FOR CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS;
56 PAYMENT OF TAXES AND OTHER REASONABLE EXPENSES FOR COMPLIANCE WITH

1 APPLICABLE TAX LAWS; AND INTEREST EXPENSES. ROUTINE POST-ELECTION
2 EXPENDITURES THAT MAY BE PAID FOR WITH UNSPENT CAMPAIGN FUNDS DO NOT
3 INCLUDE SUCH ITEMS AS POST-ELECTION MAILINGS OTHER THAN AS SPECIFICALLY
4 PROVIDED FOR IN THIS SUBPARAGRAPH; MAKING CONTRIBUTIONS; MAKING BONUS
5 PAYMENTS OR GIFTS TO STAFF MEMBERS OR VOLUNTEERS; OR HOLDING ANY POST-E-
6 LECTION DAY EVENT, INCLUDING, BUT NOT LIMITED TO, ANY MEAL OR ANY PARTY.
7 UNSPENT CAMPAIGN FUNDS MAY NOT BE USED FOR TRANSITION OR INAUGURATION
8 ACTIVITIES.

9 7. ALL MONIES RECEIVED BY THE BOARD PURSUANT TO THIS SECTION SHALL BE
10 DEPOSITED INTO THE NEW YORK STATE FAIR ELECTIONS FUND PURSUANT TO
11 SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

12 8. ANY CANDIDATE WHO ACCEPTS A CONTRIBUTION OR CONTRIBUTIONS IN EXCESS
13 OF THE LIMITS SET FORTH IN SECTION 14-212 OF THIS TITLE PRIOR TO ELECT-
14 ING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM, AS SET FORTH
15 BY PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION 14-206 OF THIS TITLE,
16 SHALL IMMEDIATELY PAY TO THE FUND OR RETURN TO THE CONTRIBUTOR THE
17 PORTION OF ANY CONTRIBUTION THAT EXCEEDED THE APPLICABLE CONTRIBUTION
18 LIMIT. PROVIDED HOWEVER, IF THE CANDIDATE IS UNABLE TO RETURN SUCH FUNDS
19 IMMEDIATELY BECAUSE THEY HAVE ALREADY BEEN SPENT, AND IF THE CANDIDATE
20 SUBMITS AN AFFIDAVIT TO THE BOARD AGREEING TO PAY TO THE FUND IN AN
21 AMOUNT EQUAL TO ALL PORTIONS OF ANY CONTRIBUTIONS THAT EXCEEDED THE
22 LIMIT NO LATER THAN THIRTY DAYS BEFORE THE GENERAL ELECTION, ANY
23 DISBURSEMENT OF PUBLIC FUNDS TO THE CANDIDATE MADE UNDER THIS TITLE
24 SHALL BE REDUCED BY NO MORE THAN TWENTY-FIVE PERCENT UNTIL THE TOTAL
25 AMOUNT OWED BY THE CANDIDATE IS REPAID.

26 S 6. The election law is amended by adding a new section 16-103 to
27 read as follows:

28 S 16-103. PROCEEDINGS AS TO PUBLIC FINANCING. 1. THE DETERMINATION OF
29 ELIGIBILITY PURSUANT TO SECTION 14-206 OF THIS CHAPTER AND ANY QUESTION
30 OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSU-
31 ANT TO SECTION 14-210 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING
32 INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDI-
33 DATE.

34 2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR
35 PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-210
36 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETER-
37 MINATION WAS MADE. THE STATE BOARD SHALL BE MADE A PARTY TO ANY SUCH
38 PROCEEDING.

39 3. UPON THE STATE BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE FROM A
40 PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE ISSUANCE
41 OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVISION FOUR OF
42 SECTION 14-218 OF THIS CHAPTER, SUCH BOARD IS AUTHORIZED TO INSTITUTE A
43 SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO
44 OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO THE STATE
45 BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE PURSUANT TO TITLE TWO
46 OF ARTICLE FOURTEEN OF THIS CHAPTER.

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

49 S 4-115. NOTICE TO THE STATE BOARD OF ELECTIONS OF CANDIDATES FOR THE
50 LEGISLATURE. 1. EACH BOARD OF ELECTIONS WITH WHICH PETITIONS ARE FILED
51 FOR MEMBER OF THE STATE LEGISLATURE SHALL, NOT LATER THAN ONE WEEK AFTER
52 THE LAST DAY TO FILE SUCH PETITIONS, SEND NOTICE TO THE STATE BOARD OF
53 ELECTIONS OF SUCH INFORMATION ABOUT EACH SUCH PETITION AS THE STATE
54 BOARD SHALL REQUIRE.

55 2. EACH SUCH COUNTY BOARD OF ELECTIONS SHALL, NOT LATER THAN THE DAY
56 AFTER THE LAST DAY TO FILE A PETITION OR CERTIFICATE OF NOMINATION FOR A

1 GENERAL OR SPECIAL ELECTION OR A CERTIFICATE OF ACCEPTANCE, DECLINATION
2 OR SUBSTITUTION FOR A GENERAL, PRIMARY OR SPECIAL ELECTION FOR ANY SUCH
3 OFFICE, SEND TO THE STATE BOARD OF ELECTIONS SUCH INFORMATION ABOUT EACH
4 SUCH PETITION OR CERTIFICATE AS THE STATE BOARD SHALL REQUIRE.

5 3. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHOULD DISQUALIFY ANY SUCH
6 CANDIDATE OR RULE THE PETITION OR CERTIFICATE DESIGNATING OR NOMINATING
7 ANY SUCH CANDIDATE INVALID, IT SHALL FORTHWITH NOTIFY THE STATE BOARD OF
8 ELECTIONS OF SUCH DECISION.

9 4. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHALL BE NOTIFIED OF A DECI-
10 SION OF A COURT OF COMPETENT JURISDICTION DISQUALIFYING ANY SUCH CANDI-
11 DATE OR DECLARING ANY SUCH PETITION INVALID OR REVERSING ANY SUCH DECI-
12 SION BY SUCH BOARD OF ELECTIONS OR ANOTHER COURT, SUCH BOARD OF
13 ELECTIONS SHALL FORTHWITH NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH
14 DECISION.

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

18 S 8. The general business law is amended by adding a new section 359-
19 gg to read as follows:

20 S 359-GG. ADDITIONAL SURCHARGE. IN ADDITION TO ANY PENALTY AUTHORIZED
21 BY SECTION THREE HUNDRED FIFTY-NINE-G OF THIS ARTICLE OR ANY DAMAGES OR
22 OTHER COMPENSATION RECOVERABLE INCLUDING, BUT NOT LIMITED TO, ANY
23 SETTLEMENT AUTHORIZED BY SECTION SIXTY-THREE OR SIXTY-THREE-C OF THE
24 EXECUTIVE LAW, THERE SHALL BE ASSESSED THEREON AN ADDITIONAL SURCHARGE
25 IN THE AMOUNT OF TEN PERCENT OF THE TOTAL AMOUNT OF SUCH PENALTY,
26 DAMAGES OR SETTLEMENT. SUCH SURCHARGE SHALL BE DEPOSITED IN THE NEW YORK
27 STATE FAIR ELECTIONS FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE
28 STATE FINANCE LAW.

29 S 9. The state finance law is amended by adding a new section 92-t to
30 read as follows:

31 S 92-T. NEW YORK STATE FAIR ELECTIONS FUND. 1. THERE IS HEREBY ESTAB-
32 LISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSION-
33 ER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE NEW YORK STATE FAIR
34 ELECTIONS FUND.

35 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE SURCHARGE
36 IMPOSED PURSUANT TO SECTION THREE HUNDRED FIFTY-NINE-GG OF THE GENERAL
37 BUSINESS LAW, THE NEW YORK STATE FAIR ELECTIONS FUND CHECK-OFF PURSUANT
38 TO SECTION SIX HUNDRED THIRTY-E OF THE TAX LAW, THE ABANDONED PROPERTY
39 FUND PURSUANT TO SECTION NINETY-FIVE OF THIS ARTICLE, THE GENERAL FUND,
40 AND ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND
41 OR SOURCE PURSUANT TO LAW. SUCH FUND SHALL ALSO RECEIVE CONTRIBUTIONS
42 FROM PRIVATE INDIVIDUALS, ORGANIZATIONS, OR OTHER PERSONS TO FULFILL THE
43 PURPOSES OF THE PUBLIC FINANCING SYSTEM.

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

53 4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF, IN ANY
54 STATE FISCAL YEAR, THE STATE FAIR ELECTIONS 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 BY THE STATE COMPTROLLER, FROM FUNDS DEPOSITED IN THE GENERAL
2 FUND OF THE STATE NOT MORE THAN FOUR WORKING DAYS AFTER SUCH VOUCHER IS
3 RECEIVED BY THE STATE COMPTROLLER.

4 5. COMMENCING IN TWO THOUSAND NINETEEN, IF THE SURPLUS IN THE FUND ON
5 APRIL FIRST OF THE YEAR AFTER AN ELECTION CYCLE EXCEEDS TWENTY-FIVE
6 PERCENT OF THE DISBURSEMENTS FROM THE FUND OVER THE PREVIOUS FOUR YEARS,
7 THE EXCESS SHALL REVERT TO THE GENERAL FUND OF THE STATE.

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

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

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

23 S 10. Section 95 of the state finance law is amended by adding a new
24 subdivision 5 to read as follows:

25 5. (A) AS OFTEN AS NECESSARY, THE CO-CHAIRS OF THE STATE BOARD OF
26 ELECTIONS SHALL CERTIFY THE AMOUNT SUCH CO-CHAIRS HAVE DETERMINED NECES-
27 SARY TO FUND ESTIMATED PAYMENTS FROM THE FUND ESTABLISHED BY SECTION
28 NINETY-TWO-T OF THIS ARTICLE FOR THE PRIMARY, GENERAL OR SPECIAL
29 ELECTION.

30 (B) NOTWITHSTANDING ANY PROVISION OF THIS SECTION AUTHORIZING THE
31 TRANSFER OF ANY MONEYS IN THE ABANDONED PROPERTY FUND TO THE GENERAL
32 FUND, THE COMPTROLLER, AFTER RECEIVING AMOUNTS SUFFICIENT TO PAY CLAIMS
33 AGAINST THE ABANDONED PROPERTY FUND, SHALL, BASED UPON A CERTIFICATION
34 OF THE STATE BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (A) OF THIS SUBDI-
35 VISION, AND AT THE DIRECTION OF THE DIRECTOR OF THE BUDGET, TRANSFER THE
36 REQUESTED AMOUNT FROM REMAINING AVAILABLE MONIES IN THE ABANDONED PROP-
37 erty FUND TO THE FAIR ELECTIONS FUND ESTABLISHED BY SECTION NINETY-TWO-T
38 OF THIS ARTICLE.

39 S 11. The tax law is amended by adding a new section 630-e to read as
40 follows:

41 S 630-E. CONTRIBUTION TO NEW YORK STATE FAIR ELECTIONS FUND. EFFEC-
42 TIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO
43 THOUSAND SEVENTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO
44 CONTRIBUTE TO THE NEW YORK STATE FAIR ELECTIONS FUND. SUCH CONTRIBUTION
45 SHALL BE IN THE AMOUNT OF FIVE DOLLARS AND SHALL NOT REDUCE THE AMOUNT
46 OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE
47 SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE
48 SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL REVEN-
49 UES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK
50 STATE FAIR ELECTIONS FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN
51 SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

52 S 12. Severability. If any clause, sentence, subdivision, paragraph,
53 section or part of title 2 of article 14 of the election law, as added
54 by section five of this act be adjudged by any court of competent juris-
55 diction to be invalid, such judgment shall not affect, impair or invali-
56 date the remainder thereof, but shall be confined in its operation to

1 the clause, sentence, subdivision, paragraph, section or part thereof
2 directly involved in the controversy in which such judgment shall have
3 been rendered.

4 S 13. This act shall take effect immediately; provided, however,
5 constitutional convention delegates will be eligible to participate in
6 the public financing system beginning with the 2018 election, and all
7 state-wide candidates and state legislative candidates will be eligible
8 to participate in the public financing system beginning with the 2022
9 election.