

# STATE OF NEW YORK

10969

## IN ASSEMBLY

May 29, 2018

Introduced by M. of A. ASHBY -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, the state finance law and the executive law, in relation to campaign finance reform

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The election law is amended by adding a new section 14-115  
2 to read as follows:

3 § 14-115. Restrictions on campaign contributions for individuals,  
4 businesses or corporations that were awarded contracts with the state.  
5 1. Individuals, businesses, corporations, or family members of such  
6 individuals, businesses or corporations that submit a bid in response to  
7 a request for a proposal issued by the state shall be prohibited from  
8 making any contribution to an elected state officer as defined by  
9 section two of the public officers law or candidate for such office, any  
10 state party committee as defined under subdivision two of section 14-100  
11 of this article or any independent expenditure as defined under section  
12 14-107 of this article upon submission of such bid. Any restrictions on  
13 campaign contributions under this subdivision shall apply only until a  
14 contract that was bid on is awarded or a bidder is informed that they  
15 will not be receiving the award thereof.

16 2. Individuals, businesses or corporations or family members of such  
17 individuals, businesses or corporations that enter into a contract  
18 awarded by the state shall be prohibited from making any contribution to  
19 an elected state officer or candidate for state office, any state party  
20 committee defined under subdivision two of section 14-100 of this chap-  
21 ter or any independent expenditure as defined under section 14-107 of  
22 this article for a period of one year following the award of such  
23 contract.

24 3. For the purposes of this section, the contribution prohibition of  
25 family members to state officers or candidates shall apply to any indi-  
26 vidual residing in the officer's or candidate's household; including,  
27 but not limited to, a spouse, domestic partner and/or dependent child.

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

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1 4. Any individual, business or corporation that willfully and knowing-  
2 ly violates the provisions of this section shall be subject to a civil  
3 penalty not in excess of ten thousand dollars per offense to be recover-  
4 able in a special proceeding or civil action to be brought by the chief  
5 enforcement counsel pursuant to section 16-114 of this chapter. If any  
6 individual, business or corporation violates the provisions of this  
7 section twice they will be prohibited from submitting bids in response  
8 to any request for a proposal issued by the state for a period of five  
9 years. If any individual, business or corporation subsequently violates  
10 the provisions of this section following the imposing of a five year  
11 prohibition, such individual, business or corporation will thereafter be  
12 permanently prohibited from submitting bids in response to any request  
13 for proposal issued by the state.

14 § 2. Section 163 of the state finance law is amended by adding a new  
15 subdivision 16 to read as follows:

16 16. a. Any solicitation or request for proposal issued by the state or  
17 department, division, commission, agency, authority, board or other  
18 entity thereof shall include within such solicitation or request for a  
19 proposal a notification of restrictions on campaign contributions as  
20 defined under section 14-115 of the election law.

21 b. Any individual, business or corporation submitting a bid in  
22 response to a state solicitation or request for a proposal shall include  
23 therewith a signed acknowledgment attesting to receipt of notification  
24 regarding restrictions on campaign contributions as defined under  
25 section 14-115 of the election law. No bid submitted shall be considered  
26 complete until an acknowledgment required by this subdivision is  
27 received by the awarding authority.

28 § 3. Section 202 of the executive law, as added by chapter 170 of the  
29 laws of 1994, is amended to read as follows:

30 § 202. General duties. 1. The office of general services shall provide  
31 coordinated services in support of state departments and agencies, and,  
32 as specified, authorities, municipalities and not-for-profit organiza-  
33 tions, hereafter for the purposes of this section referred to as agen-  
34 cies. Such support services shall (i) serve to conserve state resources,  
35 (ii) benefit multiple agencies, and (iii) be consistent with the needs  
36 and interests of the agencies receiving those services. Support services  
37 may be delivered directly by the office of general services or by other  
38 means which ensure the cost effectiveness of those services. The commis-  
39 sioner of general services may recommend to the governor new services  
40 which could be offered by the office of general services, and that would  
41 reduce state or local expenditures and facilitate the mission of agen-  
42 cies currently receiving or which could receive such services.

43 2. The commissioner of the office of general services shall establish  
44 a single statewide database of all contracts awarded by the state or  
45 entity thereof and shall include therein information of all contracts  
46 awarded by the state or entity thereof and shall include therein infor-  
47 mation related to all bids submitted in response to any solicitations  
48 for such awards.

49 a. Every department, division, commission, agency, authority, board or  
50 any other entity of the state shall submit all awarded contracts and  
51 bids related to such contracts to the commissioner on a schedule and in  
52 a format determined by the commissioner.

53 b. Such database shall be available online for public review in a  
54 searchable, downloadable format. Such database shall include, but not be  
55 limited to:

56 (i) descriptions of requests for proposals and contracts;

1 (ii) all bids for state contracts; and

2 (iii) contact infraction for all parties to the contract.

3 c. The commissioner shall promulgate any rules and regulations neces-  
4 sary for the implementation of such database established pursuant to  
5 this section and ensure the privacy of any confidential or proprietary  
6 information that may be contained within a bid or contract.

7 § 4. Subdivision 1 of section 14-114 of the election law, as amended  
8 by chapter 79 of the laws of 1992, paragraphs a and b as amended by  
9 chapter 659 of the laws of 1994, is amended to read as follows:

10 1. The following limitations apply to all contributions to candidates  
11 for election to any public office or for nomination for any such office,  
12 or for election to any party positions, and to all contributions to  
13 political committees working directly or indirectly with any candidate  
14 to aid or participate in such candidate's nomination or election, other  
15 than any contributions to any party committee or constituted committee:

16 a. In any election for a public office to be voted on by the voters of  
17 the entire state, or for nomination to any such office, no contributor  
18 may make a contribution to any candidate or political committee, and no  
19 candidate or political committee may accept any contribution from any  
20 contributor, which is in the aggregate amount greater than: (i) in the  
21 case of any nomination to public office, the product of the total number  
22 of enrolled voters in the candidate's party in the state, excluding  
23 voters in inactive status, multiplied by \$.005, but such amount shall be  
24 not less than four thousand dollars nor more than [~~twelve~~] ten thousand  
25 dollars as increased or decreased by the cost of living adjustment  
26 described in paragraph c of this subdivision, and (ii) in the case of  
27 any election to a public office, [~~twenty-five~~] ten thousand dollars [~~as~~  
28 ~~increased or decreased by the cost of living adjustment described in~~  
29 ~~paragraph c of this subdivision; provided however, that the maximum~~  
30 ~~amount which may be so contributed or accepted, in the aggregate, from~~  
31 ~~any candidate's child, parent, grandparent, brother and sister, and the~~  
32 ~~spouse of any such persons, shall not exceed in the case of any nomi-~~  
33 ~~nation to public office an amount equivalent to the product of the~~  
34 ~~number of enrolled voters in the candidate's party in the state, exclud-~~  
35 ~~ing voters in inactive status, multiplied by \$.025, and in the case of~~  
36 ~~any election for a public office, an amount equivalent to the product of~~  
37 ~~the number of registered voters in the state excluding voters in inac-~~  
38 ~~tive status, multiplied by \$.025].~~

39 b. In any other election for party position or for election to a  
40 public office or for nomination for any such office, no contributor may  
41 make a contribution to any candidate or political committee and no  
42 candidate or political committee may accept any contribution from any  
43 contributor, which is in the aggregate amount greater than: [~~(i) in the~~  
44 ~~case of any election for party position, or for nomination to public~~  
45 ~~office, the product of the total number of enrolled voters in the candi-~~  
46 ~~date's party in the district in which he is a candidate, excluding~~  
47 ~~voters in inactive status, multiplied by \$.05, and (ii) in the case of~~  
48 ~~any election for a public office, the product of the total number of~~  
49 ~~registered voters in the district, excluding voters in inactive status,~~  
50 ~~multiplied by \$.05,] ten thousand dollars, however in the case of a  
51 nomination within the city of New York for the office of mayor, public  
52 advocate or comptroller, such amount shall be not less than four thou-  
53 sand dollars nor more than [~~twelve~~] ten thousand dollars as increased or  
54 decreased by the cost of living adjustment described in paragraph c of  
55 this subdivision; in the case of an election within the city of New York  
56 for the office of mayor, public advocate or comptroller, [~~twenty-five~~]~~

1 ten thousand dollars as increased or decreased by the cost of living  
2 adjustment described in paragraph c of this subdivision; in the case of  
3 a nomination for state senator, four thousand dollars as increased or  
4 decreased by the cost of living adjustment described in paragraph c of  
5 this subdivision; in the case of an election for state senator, six  
6 thousand two hundred fifty dollars as increased or decreased by the cost  
7 of living adjustment described in paragraph c of this subdivision; in  
8 the case of an election or nomination for a member of the assembly,  
9 twenty-five hundred dollars as increased or decreased by the cost of  
10 living adjustment described in paragraph c of this subdivision; but in  
11 no event shall any such maximum exceed [~~fifty~~] ten thousand dollars or  
12 be less than one thousand dollars; provided however, that the maximum  
13 amount which may be so contributed or accepted, in the aggregate, from  
14 any candidate's child, parent, grandparent, brother and sister, and the  
15 spouse of any such persons, shall not exceed in the case of any election  
16 for party position or nomination for public office an amount equivalent  
17 to [~~the number of enrolled voters in the candidate's party in the~~  
18 ~~district in which he is a candidate, excluding voters in inactive~~  
19 ~~status, multiplied by \$.25 and in the case of any election to public~~  
20 ~~office, an amount equivalent to the number of registered voters in the~~  
21 ~~district, excluding voters in inactive status, multiplied by \$.25, or~~  
22 twelve hundred fifty dollars, [~~whichever is greater,~~] or in the case of  
23 a nomination or election of a state senator, [~~twenty~~] ten thousand  
24 dollars, [~~whichever is greater,~~] or in the case of a nomination or  
25 election of a member of the assembly [~~twelve~~] ten thousand [~~five~~  
26 ~~hundred~~] dollars, [~~whichever is greater,~~] but in no event shall any such  
27 maximum exceed [~~one hundred~~] ten thousand dollars.

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

41 § 5. Subdivision 8 of section 14-114 of the election law, as amended  
42 by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the  
43 laws of 1978, is amended to read as follows:

44 8. a. Except as may otherwise be provided [~~for~~] by a candidate [~~and~~  
45 ~~his family~~] for his or her own campaign, no natural person may contrib-  
46 ute, loan or guarantee in excess of [~~one hundred fifty~~] ten thousand  
47 dollars within the state of New York in any one calendar year in  
48 connection with the nomination or election of [~~persons to~~] candidates  
49 for state [~~and~~] or local public offices [~~and~~] or party positions [~~within~~  
50 ~~the state of New York in any one calendar year~~].

51 b. For the purposes of this subdivision "loan" or "guarantee" shall  
52 mean a loan or guarantee which is not repaid or discharged in the calen-  
53 dar year in which it is made.

54 § 6. Subdivision 10 of section 14-114 of the election law, as added by  
55 chapter 79 of the laws of 1992, is amended to read as follows:

1 10. a. No contributor may make a contribution to a party or consti-  
2 tuted committee and no such committee may accept a contribution from any  
3 contributor which, in the aggregate, is greater than [~~sixty-two~~] ten  
4 thousand [~~five hundred~~] dollars per annum.

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

18 § 7. Section 14-130 of the election law, is amended by adding a new  
19 subdivision 7 to read as follows:

20 7. No campaign funds shall be used to pay attorney's fees or any costs  
21 of defending against any civil or criminal investigation or prosecution  
22 for alleged violations of state or federal law alleged to have been  
23 committed while holding public office or as a candidate for office where  
24 the candidate or public or party official, members of their immediate  
25 families or partners or the campaign is the target of such investigation  
26 or prosecution unless such expenditure is used exclusively for costs  
27 related to civil or criminal actions for alleged violations related to  
28 activities promoting the nomination or election of a candidate.

29 § 8. This act shall take effect on the ninetieth day after it shall  
30 have become a law, provided, however, that the amendments to section 163  
31 of the state finance law made by section two of this act shall not  
32 affect the repeal of such section and shall be deemed repealed there-  
33 with.