

STATE OF NEW YORK

4177

2017-2018 Regular Sessions

IN ASSEMBLY

February 1, 2017

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

AN ACT to amend the election law, the state finance law and the execu-
tive law, in relation to campaign finance reform

The People of the State of New York, represented in Senate and Assem-
bly, 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-

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

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1 vidual residing in the officer's or candidate's household; including,
2 but not limited to, a spouse, domestic partner and/or dependent child.

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

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

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

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

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

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

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

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

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

- (i) descriptions of requests for proposals and contracts;
- (ii) all bids for state contracts; and
- (iii) contact information for all parties to the contract.

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

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

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

a. In any election for a public office to be voted on by the voters of the entire state, or for nomination to any such office, no contributor may make a contribution to any candidate or political committee, and no candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any nomination to public office, the product of the total number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by \$.005, but such amount shall be not less than four thousand dollars nor more than ~~[twelve]~~ ten thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision, and (ii) in the case of any election to a public office, ~~[twenty five]~~ ten thousand dollars ~~[as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by \$.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by \$.025].~~

b. In any other election for party position or for election to a public office or for nomination for any such office, no contributor may make a contribution to any candidate or political committee and no candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: ~~[(i) in the case of any election for party position, or for nomination to public office, the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by \$.05, and (ii) in the case of any election for a public office, the product of the total number of registered voters in the district, excluding voters in inactive status, multiplied by \$.05,]~~ ten thousand dollars, however in the case of a nomination within the city of New York for the office of mayor, public advocate or comptroller, such amount shall be not less than four thou-

1 sand dollars nor more than ~~[twelve]~~ ten thousand dollars as increased or
2 decreased by the cost of living adjustment described in paragraph c of
3 this subdivision; in the case of an election within the city of New York
4 for the office of mayor, public advocate or comptroller, ~~[twenty-five]~~
5 ten thousand dollars as increased or decreased by the cost of living
6 adjustment described in paragraph c of this subdivision; in the case of
7 a nomination for state senator, four thousand dollars as increased or
8 decreased by the cost of living adjustment described in paragraph c of
9 this subdivision; in the case of an election for state senator, six
10 thousand two hundred fifty dollars as increased or decreased by the cost
11 of living adjustment described in paragraph c of this subdivision; in
12 the case of an election or nomination for a member of the assembly,
13 twenty-five hundred dollars as increased or decreased by the cost of
14 living adjustment described in paragraph c of this subdivision; but in
15 no event shall any such maximum exceed ~~[fifty]~~ ten thousand dollars or
16 be less than one thousand dollars; provided however, that the maximum
17 amount which may be so contributed or accepted, in the aggregate, from
18 any candidate's child, parent, grandparent, brother and sister, and the
19 spouse of any such persons, shall not exceed in the case of any election
20 for party position or nomination for public office an amount equivalent
21 to ~~[the number of enrolled voters in the candidate's party in the~~
22 ~~district in which he is a candidate, excluding voters in inactive~~
23 ~~status, multiplied by \$.25 and in the case of any election to public~~
24 ~~office, an amount equivalent to the number of registered voters in the~~
25 ~~district, excluding voters in inactive status, multiplied by \$.25; or]~~
26 twelve hundred fifty dollars, ~~[whichever is greater,]~~ or in the case of
27 a nomination or election of a state senator, ~~[twenty]~~ ten thousand
28 dollars, ~~[whichever is greater,]~~ or in the case of a nomination or
29 election of a member of the assembly ~~[twelve]~~ ten thousand ~~[five~~
30 ~~hundred]~~ dollars, ~~[whichever is greater,]~~ but in no event shall any such
31 maximum exceed ~~[one hundred]~~ ten thousand dollars.

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

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

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

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

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

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

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

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

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

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