

STATE OF NEW YORK

790

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

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

AN ACT to amend the election law, in relation to contributions to candidates and political committees

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

Section 1. 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]~~ six 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]~~ such public office, ~~[twenty-five]~~ six 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

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

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1 aggregate, from any candidate's child, parent, grandparent, brother and
2 sister, and the spouse of any such persons, shall not exceed in the case
3 of any nomination to public office an amount equivalent to the product
4 of the number of enrolled voters in the candidate's party in the state,
5 excluding voters in inactive status, multiplied by \$.025, and in the
6 case of any election for a public office, an amount equivalent to the
7 product of the number of registered voters in the state excluding voters
8 in inactive status, multiplied by \$.025.

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

54 c. At the beginning of each fourth calendar year, commencing in [~~nine-~~
55 ~~teen hundred ninety five~~] two thousand twenty-six, the state board shall
56 determine the percentage of the difference between the most recent

1 available monthly consumer price index for all urban consumers published
2 by the United States bureau of labor statistics and such consumer price
3 index published for the same month four years previously. The amount of
4 each contribution limit fixed and expressly identified for adjustment in
5 this subdivision shall be adjusted by the amount of such percentage
6 difference to the closest one hundred dollars by the state board which,
7 not later than the first day of February in each such year, shall issue
8 a regulation publishing the amount of each such contribution limit. Each
9 contribution limit as so adjusted shall be the contribution limit in
10 effect for any election held before the next such adjustment.

11 § 2. Subdivision 1 of section 14-114 of the election law, as amended
12 by section 3 of part ZZZ of chapter 58 of the laws of 2020, is amended
13 to read as follows:

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

20 a. In any election for a public office to be voted on by the voters of
21 the entire state, or for nomination to any such office, no contributor
22 may make a contribution to any candidate or political committee, partic-
23 ipating in the state's public campaign financing system pursuant to
24 title two of this article and no such candidate or political committee
25 may accept any contribution from any contributor, which is in the aggre-
26 gate amount greater than ~~[eighteen]~~ six thousand dollars divided equally
27 among the primary and general election in an election cycle; provided
28 however, that the maximum amount which may be so contributed or
29 accepted, in the aggregate, from any candidate's child, parent, grand-
30 parent, brother and sister, and the spouse of any such persons, shall
31 not exceed in the case of any nomination to public office an amount
32 equivalent to the product of the number of enrolled voters in the candi-
33 date's party in the state, excluding voters in inactive status, multi-
34 plied by \$.025, and in the case of any election for a public office, an
35 amount equivalent to the product of the number of registered voters in
36 the state excluding voters in inactive status, multiplied by \$.025.

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

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

21 c. In any election for a public office to be voted on by the voters of
22 the entire state, or for nomination to any such office, no contributor
23 may make a contribution to any candidate or political committee in
24 connection with a candidate who is not a participating candidate as
25 defined in subdivision fourteen of section 14-200-a of this article, and
26 no such candidate or political committee may accept any contribution
27 from any contributor, which is in the aggregate amount greater than
28 eighteen thousand dollars, divided equally among the primary and general
29 election in an election cycle; provided however, that the maximum amount
30 which may be so contributed or accepted, in the aggregate, from any
31 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 d. In any nomination or election of a candidate who is not a partic-
40 ipating candidate for state senator, ten thousand dollars, divided
41 equally among the primary and general election in an election cycle; in
42 the case of an election or nomination for a member of the assembly, six
43 thousand dollars, divided equally among the primary and general election
44 in an election cycle.

45 e.(1) At the beginning of each fourth calendar year, commencing in
46 [~~nineteen hundred ninety-five~~] two thousand twenty-six, the state board
47 shall determine the percentage of the difference between the most recent
48 available monthly consumer price index for all urban consumers published
49 by the United States bureau of labor statistics and such consumer price
50 index published for the same month four years previously. The amount of
51 each contribution limit fixed and expressly identified for adjustment in
52 this subdivision shall be adjusted by the amount of such percentage
53 difference to the closest one hundred dollars by the state board which,
54 not later than the first day of February in each such year, shall issue
55 a regulation publishing the amount of each such contribution limit. Each

1 contribution limit as so adjusted shall be the contribution limit in
2 effect for any election held before the next such adjustment.

3 (2) Provided, however, that such adjustments shall not occur for
4 candidates seeking statewide office, or the position of state senator or
5 member of the assembly, whether such candidate does or does not partic-
6 ipate in the public finance program established pursuant to title two of
7 this article.

8 f. Notwithstanding any other contribution limit in this section,
9 participating candidates as defined in subdivision fourteen of section
10 14-200-a of this article may contribute, out of their own money, three
11 times the applicable contribution limit to their own authorized commit-
12 tee.

13 § 3. This act shall take effect immediately, provided that the amend-
14 ments to subdivision 1 of section 14-114 of the election law made by
15 section one of this act shall be subject to the expiration of such
16 subdivision pursuant to section 12 of part ZZZ of chapter 58 of the laws
17 of 2020, when upon such date the provisions of section two of this act
18 shall take effect.