

4146

2009-2010 Regular Sessions

I N   A S S E M B L Y

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Introduced by M. of A. BRODSKY, HOYT, LIFTON, PAULIN, KOON, POWELL, RAMOS, MAGNARELLI, FIELDS, SCHROEDER -- Multi-Sponsored by -- M. of A. ALESSI, CAHILL, DelMONTE, GUNTHER, JOHN, LATIMER, ROBINSON -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, the legislative law, the public officers law and the state finance law, in relation to the nomination and election of delegates to a constitutional convention

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

1     Section 1. Legislative findings. The legislature hereby finds and  
2 declares that the power of the people of this state to call a constitu-  
3 tional convention to periodically reevaluate their social contract is  
4 one of the great democratic mechanisms in existence. It is important,  
5 however, to ensure that the people of this state are fully represented  
6 and have fair access to this important process.  
7     S 2. Subdivision 1 and the opening paragraph and paragraph (h) of  
8 subdivision 2 of section 6-136 of the election law, subdivision 1 as  
9 amended by chapter 200 of the laws of 1996, the opening paragraph of  
10 subdivision 2 as amended by chapter 659 of the laws of 1994 and para-  
11 graph (h) of subdivision 2 as amended by chapter 79 of the laws of 1992,  
12 are amended and three new subdivisions 2-a, 4 and 5 are added to read as  
13 follows:  
14     1. Petitions for any office to be filled by the voters of the entire  
15 state, EXCEPT THE OFFICE OF DELEGATE-AT-LARGE TO A CONVENTION TO REVISE  
16 AND AMEND THE STATE CONSTITUTION, must be signed by not less than  
17 fifteen thousand or five per centum, whichever is less, of the then  
18 enrolled voters of the party in the state (excluding voters in inactive  
19 status), of whom not less than one hundred or five per centum, whichever  
20 is less, of such enrolled voters shall reside in each of one-half of the  
21 congressional districts of the state. PETITIONS FOR THE OFFICE OF DELE-  
22 GATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION

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

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1 MUST BE SIGNED BY NOT LESS THAN FIVE THOUSAND OR TWO AND ONE-HALF PER  
2 CENTUM, WHICHEVER IS LESS, OF SUCH ENROLLED VOTERS.

3 All other petitions, EXCEPT PETITIONS FOR THE OFFICE OF DISTRICT DELE-  
4 GATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, must be  
5 signed by not less than five per centum, as determined by the preceding  
6 enrollment, of the then enrolled voters of the party residing within the  
7 political unit in which the office or position is to be voted for  
8 (excluding voters in inactive status), provided, however, that for the  
9 following public offices the number of signatures need not exceed the  
10 following limits:

11 (h) For any office to be filled by all the voters of any state senato-  
12 rial district, EXCEPT THE OFFICE OF DISTRICT DELEGATE TO A CONVENTION TO  
13 REVISE AND AMEND THE STATE CONSTITUTION, one thousand signatures;

14 2-A. PETITIONS FOR THE OFFICE OF DISTRICT DELEGATE TO A CONVENTION TO  
15 REVISE AND AMEND THE STATE CONSTITUTION MUST BE SIGNED BY NOT LESS THAN  
16 FIVE HUNDRED OR TWO AND ONE-HALF PER CENTUM, WHICHEVER IS LESS, OF THE  
17 THEN ENROLLED VOTERS OF THE PARTY RESIDING WITHIN THE STATE SENATE  
18 DISTRICT (EXCLUDING VOTERS IN INACTIVE STATUS).

19 4. IF A PETITION OF A CANDIDATE FOR THE OFFICE OF DELEGATE TO A  
20 CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION IS REJECTED, SUCH  
21 CANDIDATE SHALL BE AFFORDED SEVEN BUSINESS DAYS TO CORRECT TECHNICAL  
22 ERRORS IN FILED PETITIONS AFTER THE OFFICIAL FILING OF PETITION OR, WHEN  
23 THE PETITION IS THE SUBJECT OF A JUDICIAL CHALLENGE WITHIN SEVEN BUSI-  
24 NESS DAYS AFTER THE COMMENCEMENT OF THE LAWSUIT.

25 5. THE PROVISIONS OF THIS SECTION SHALL BE LIBERALLY CONSTRUED TO  
26 AVOID THE DISQUALIFICATION OF CANDIDATES TO THE MAXIMUM EXTENT FEASIBLE,  
27 NOT INCONSISTENT WITH SUBSTANTIAL COMPLIANCE THEREWITH AND THE  
28 PREVENTION OF FRAUD. "SUBSTANTIAL COMPLIANCE" WITHIN THIS SECTION MEANS  
29 ACTUAL COMPLIANCE IN RESPECT TO THE SUBSTANCE ESSENTIAL TO EVERY REASON-  
30 ABLE OBJECTIVE OF THE STATUTE. IT MEANS THAT A COURT SHOULD DETERMINE  
31 WHETHER THE STATUTE HAS BEEN FOLLOWED SUFFICIENTLY SO AS TO CARRY OUT  
32 THE INTENT FOR WHICH IT WAS ADOPTED. SUBSTANTIAL COMPLIANCE WITH A STAT-  
33 UTE IS NOT SHOWN UNLESS IT IS MADE TO APPEAR THAT THE PURPOSE OF THE  
34 STATUTE IS SHOWN TO HAVE BEEN SERVED. WHAT CONSTITUTES SUBSTANTIAL  
35 COMPLIANCE WITH A STATUTE IS A MATTER DEPENDING ON THE FACTS OF EACH  
36 PARTICULAR CASE.

37 S 3. Section 7-104 of the election law is amended by adding two new  
38 subdivisions 11 and 12 to read as follows:

39 11. AT A GENERAL ELECTION AT WHICH THE NAMES OF CANDIDATES FOR DELE-  
40 GATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION  
41 APPEAR ON THE BALLOT, EACH VOTER SHALL BE ENTITLED TO VOTE FOR ONE  
42 CANDIDATE AND THE FIFTEEN CANDIDATES STATEWIDE RECEIVING THE HIGHEST  
43 NUMBER OF VOTES SHALL BE ELECTED TO THE OFFICE OF DELEGATE-AT-LARGE TO  
44 SUCH CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION.

45 12. AT A GENERAL ELECTION AT WHICH THE NAMES OF CANDIDATES FOR THE  
46 OFFICE OF DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE  
47 STATE CONSTITUTION APPEAR ON THE BALLOT OF SUCH DISTRICT, EACH VOTER  
48 SHALL BE ENTITLED TO VOTE FOR ONE CANDIDATE AND THE THREE CANDIDATES OF  
49 SUCH DISTRICT RECEIVING THE HIGHEST NUMBER OF VOTES SHALL BE ELECTED TO  
50 THE OFFICE OF DISTRICT DELEGATES TO SUCH CONVENTION TO REVISE AND AMEND  
51 THE STATE CONSTITUTION.

52 S 4. Subdivision 1 of section 14-114 of the election law is amended by  
53 adding a new paragraph b-1 to read as follows:

54 B-1. NO CONTRIBUTOR MAY MAKE A CONTRIBUTION TO ANY CANDIDATE OR  
55 AUTHORIZED COMMITTEE OF A CANDIDATE FOR AN OFFICE OR POSITION SUBJECT TO  
56 THE PROVISIONS OF THIS SECTION WHO IS ALSO A CANDIDATE IN THE SAME

ELECTION FOR THE OFFICE OF DELEGATE-AT-LARGE OR DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, AND NO SUCH CANDIDATE OR AUTHORIZED COMMITTEE OF A CANDIDATE FOR DELEGATE-AT-LARGE OR DISTRICT DELEGATE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH IS IN THE AGGREGATE AMOUNT, GREATER THAN THE LARGER AMOUNT WHICH MAY BE CONTRIBUTED TO SUCH A CANDIDATE FOR DELEGATE-AT-LARGE OR DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION OR SUCH OTHER OFFICE OR POSITION SUBJECT TO THE PROVISIONS OF THIS SECTION.

S 5. Sections 14-100 through 14-130 of article 14 of the election law are designated title 1 and a new title heading is added to read as follows:

## GENERAL CAMPAIGN RECEIPTS AND EXPENDITURES

S 6. Article 14 of the election law is amended by adding a new title 2 to read as follows:

### TITLE II STATE PUBLIC FINANCING FOR THE ELECTION OF DELEGATES TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION

SECTION 14-200. DEFINITIONS.  
14-202. ELIGIBILITY.  
14-204. QUALIFIED CAMPAIGN EXPENDITURES.  
14-206. OPTIONAL PUBLIC FINANCING.  
14-208. CONTRIBUTION AND RECEIPT LIMITATIONS.  
14-210. EXPENDITURE LIMITATIONS.  
14-212. EXAMINATIONS AND AUDITS; REPAYMENTS.  
14-214. PENALTIES.  
14-216. CIVIL PENALTIES.

S 14-200. DEFINITIONS. AS USED IN THIS TITLE, UNLESS ANOTHER MEANING IS CLEARLY INDICATED:

1. THE TERM "STATE BOARD" SHALL MEAN THE STATE BOARD OF ELECTIONS.  
2. THE TERM "CANDIDATE" SHALL MEAN A CANDIDATE FOR NOMINATION OR ELECTION TO THE OFFICE OF DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, OR A CANDIDATE FOR NOMINATION OR ELECTION TO THE OFFICE OF DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION.  
3. THE TERM "ELIGIBLE CANDIDATE" SHALL MEAN A CANDIDATE WHO MEETS THE REQUIREMENTS FOR ELIGIBILITY IN SECTION 14-202 OF THIS TITLE.  
4. THE TERM "MATCHABLE CONTRIBUTIONS" SHALL MEAN THAT PORTION OF THE AGGREGATE CONTRIBUTIONS MADE AFTER THE EFFECTIVE DATE OF THIS TITLE BY NATURAL PERSONS RESIDENT IN THE STATE OF NEW YORK TO A CANDIDATE FOR NOMINATION OR ELECTION TO ANY OF THE OFFICES COVERED BY THE PROVISIONS OF THIS TITLE WHICH DO NOT EXCEED FIVE HUNDRED DOLLARS, WHICH HAVE BEEN REPORTED IN FULL BY THE CANDIDATE'S AUTHORIZED COMMITTEE TO THE STATE BOARD, INCLUDING THE CONTRIBUTOR'S FULL NAME AND RESIDENTIAL ADDRESS AND, WITH RESPECT TO CONTRIBUTIONS OF MORE THAN ONE HUNDRED DOLLARS, THE NAME AND ADDRESS OF THE CONTRIBUTOR'S EMPLOYER. "MATCHABLE CONTRIBUTIONS" SHALL BE THE NET AMOUNT OF ANY MONETARY CONTRIBUTION REALIZED BY A CANDIDATE OR DESIGNATED COMMITTEE AFTER DEDUCTING THE REASONABLE VALUE OF ANY GOODS OR SERVICES PROVIDED THE CONTRIBUTOR IN CONNECTION WITH THE CONTRIBUTION, EXCEPT THAT CONTRIBUTIONS FROM ANY PERSON WHO HAS RECEIVED A PAYMENT OR ANYTHING OF VALUE FROM SUCH COMMITTEE OR FROM A PERSON WHO IS AN OFFICER, DIRECTOR OR EMPLOYEE OF, OR A PERSON WHO HAS A TEN

PERCENT OR GREATER OWNERSHIP INTEREST IN ANY ENTITY WHICH HAS RECEIVED SUCH A PAYMENT OR THING OF VALUE SHALL NOT BE MATCHABLE. A LOAN MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION. FOR PURPOSES OF THIS SUBDIVISION, A "CONTRIBUTOR" SHALL BE DEEMED TO INCLUDE THE SPOUSE AND UNEMANCIPATED CHILDREN OF ANY INDIVIDUAL CONTRIBUTOR.

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

6. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE DELEGATE TO THE CONSTITUTIONAL CONVENTION CAMPAIGN FINANCE FUND ESTABLISHED IN SECTION EIGHTY-ONE OF THE STATE FINANCE LAW.

7. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL MATCHABLE CONTRIBUTIONS THAT THE AUTHORIZED COMMITTEE OF AN OTHERWISE ELIGIBLE CANDIDATE FOR ELECTION MUST RECEIVE IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO THIS TITLE.

S 14-202. ELIGIBILITY. 1. TO BE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING UNDER THIS TITLE, A CANDIDATE FOR NOMINATION OR ELECTION MUST:

(A) MEET ALL THE REQUIREMENTS OF THIS CHAPTER AND OTHER PROVISIONS OF LAW TO HAVE HIS OR HER NAME ON THE BALLOT;

(B) BE A CANDIDATE AS DEFINED IN SECTION 14-200 OF THIS TITLE AT A PRIMARY OR GENERAL ELECTION AND MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION TWO OF THIS SECTION;

(C) ELECT TO PARTICIPATE IN THE PUBLIC FUNDING PROVISIONS OF THIS TITLE NOT LATER THAN SEVEN DAYS AFTER THE LAST DAY TO FILE DESIGNATING PETITIONS FOR THE OFFICE SUCH CANDIDATE IS SEEKING;

(D) AGREE TO OBTAIN AND FURNISH TO THE STATE BOARD ANY EVIDENCE IT MAY REASONABLY REQUEST RELATING TO HIS OR HER CAMPAIGN EXPENDITURES OR CONTRIBUTIONS AND FURNISH SUCH OTHER PROOF OF COMPLIANCE WITH THIS TITLE AS MAY BE REQUESTED BY THE STATE BOARD;

(E) HAVE A SINGLE AUTHORIZED POLITICAL COMMITTEE WHICH HE OR SHE CERTIFIES AS THE AUTHORIZED COMMITTEE FOR THE PURPOSES OF THIS TITLE;

(F) AGREE TO IDENTIFY ACCURATELY IN ALL CAMPAIGN MATERIALS THE PERSON OR ENTITY THAT PAID FOR SUCH CAMPAIGN MATERIAL; AND

(G) AGREE NOT TO MAKE EXPENDITURES FOR HIS OR HER DESIGNATION, NOMINATION OR ELECTION TO MORE THAN ONE OFFICE OR POSITION OR ANY COMBINATION THEREOF ON THE BALLOT IN THE SAME ELECTION IN WHICH HE OR SHE IS A CANDIDATE FOR THE OFFICE OF DELEGATE-AT-LARGE OR DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, WHICH IN THE AGGREGATE, FOR ALL SUCH OFFICES AND POSITIONS SOUGHT AT THE ELECTION, EXCEED THE EXPENDITURE LIMITATIONS ESTABLISHED BY THIS TITLE FOR AN ELIGIBLE CANDIDATE.

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

(A) A CANDIDATE FOR DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION IN A PRIMARY ELECTION OR A CANDIDATE FOR DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION IN A GENERAL ELECTION. NOT LESS THAN SEVENTY-FIVE THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST FIVE HUNDRED SUCH CONTRIBUTIONS OF TEN DOLLARS OR MORE OR ONE-HALF OF THE EXPENDITURE LIMIT, WHICHEVER IS LESS.

(B) DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN SEVEN THOUSAND FIVE HUNDRED DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST TWENTY-FIVE SUCH CONTRIBUTIONS OF TEN DOLLARS OR MORE FROM RESIDENTS OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED OR ONE-HALF OF THE EXPENDITURE LIMIT, WHICHEVER IS LESS.

1 3. IN ORDER TO BE ELIGIBLE TO RECEIVE PUBLIC FUNDS IN A PRIMARY  
2 ELECTION, A CANDIDATE MUST AGREE THAT IN THE EVENT SUCH CANDIDATE IS A  
3 CANDIDATE FOR SUCH OFFICE IN THE GENERAL ELECTION IN SUCH YEAR, SUCH  
4 CANDIDATE WILL BE BOUND BY THE PROVISIONS OF THIS TITLE AND SECTION  
5 EIGHTY-ONE OF THE STATE FINANCE LAW, INCLUDING, BUT NOT LIMITED TO, THE  
6 RECEIPT AND EXPENDITURE LIMITS OF THIS TITLE.

7 4. CANDIDATES FOR DISTRICT DELEGATE WHO ARE CONTESTED IN A PRIMARY  
8 ELECTION AND WHO DO NOT SEEK PUBLIC FUNDS SHALL NOT BE ELIGIBLE FOR  
9 PUBLIC FUNDS FOR THE GENERAL ELECTION IN THAT YEAR.

10 5. CANDIDATES WHO ARE UNOPPOSED IN A GENERAL ELECTION SHALL NOT BE  
11 ELIGIBLE TO RECEIVE PUBLIC FUNDS.

12 6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY OR GENERAL  
13 ELECTION WHO HAS QUALIFIED FOR PUBLIC FUNDS SHALL RECEIVE SUCH PUBLIC  
14 FUNDS UNLESS AT LEAST ONE OTHER CANDIDATE FOR SUCH OFFICE IN SUCH  
15 ELECTION ALSO QUALIFIED TO RECEIVE PUBLIC FUNDS OR AT LEAST ONE OTHER  
16 CANDIDATE FOR SUCH OFFICE IN SUCH ELECTION AND SUCH CANDIDATE'S AUTHOR-  
17 IZED COMMITTEE HAVE SPENT, OR CONTRACTED OR OBLIGATED TO SPEND, OR HAVE  
18 RECEIVED IN LOANS OR CONTRIBUTIONS AN AMOUNT EXCEEDING TEN PERCENT OF  
19 THE EXPENDITURE LIMIT FOR SUCH OFFICE IN SUCH ELECTION WHICH IS FIXED BY  
20 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT SUCH PUBLIC FUNDS.  
21 IF A CANDIDATE FOR AN OFFICE AND THE AUTHORIZED COMMITTEE OF SUCH CANDI-  
22 DATE REACHES THE THRESHOLD TO QUALIFY TO RECEIVE PUBLIC FUNDS, OR SPENDS  
23 OR CONTRACTS OR OBLIGATES TO SPEND, OR RECEIVES IN LOANS OR CONTRIB-  
24 UTIONS, AN AMOUNT EXCEEDING TEN PERCENT OF THE EXPENDITURE LIMIT FOR  
25 SUCH OFFICE IN SUCH ELECTION AT ANY TIME AFTER THE FILING DEADLINE FOR  
26 THE LAST REPORT REQUIRED TO BE FILED BEFORE THE FIRST DISTRIBUTION OF  
27 PUBLIC FUNDS FOR SUCH ELECTION, SUCH CANDIDATE OR COMMITTEE MUST NOTIFY  
28 THE STATE BOARD OF THAT FACT WITHIN FORTY-EIGHT HOURS BY EXPRESS MAIL.

29 S 14-204. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED  
30 UNDER THE PROVISIONS OF THIS TITLE AND SECTION EIGHTY-ONE OF THE STATE  
31 FINANCE LAW MAY ONLY BE USED FOR EXPENDITURES BY ANY ONE COMMITTEE  
32 AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDITURES ON SUCH CANDIDATE'S  
33 BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION OR ELECTION DURING THE  
34 CALENDAR YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IN WHICH THE  
35 CANDIDATE SEEKING NOMINATION OR ELECTION IS HELD, FOR SERVICES, MATERI-  
36 ALS, FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT YEAR. THE  
37 TOTAL OF ALL EXPENDITURES MADE BY THE CANDIDATE AND SUCH CANDIDATE'S  
38 AUTHORIZED COMMITTEE, INCLUDING ALL PAYMENTS RECEIVED FROM THE FUND,  
39 SHALL NOT EXCEED THE EXPENDITURE LIMITATIONS ESTABLISHED IN SECTION  
40 14-210 OF THIS TITLE, EXCEPT INsofar AS SUCH PAYMENTS ARE MADE TO REPAY  
41 LOANS USED TO PAY CAMPAIGN EXPENDITURES.

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

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

45 (B) PAYMENTS OR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A  
46 RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH  
47 PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY  
48 SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE;

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

51 (D) ANY EXPENDITURE MADE AFTER THE CANDIDATE, OR THE ONLY REMAINING  
52 OPPONENT OF THE CANDIDATE, HAS BEEN DISQUALIFIED OR HAD SUCH CANDIDATE'S  
53 PETITIONS DECLARED INVALID BY A BOARD OF ELECTIONS OR A COURT OF COMPE-  
54 TENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY A HIGHER  
55 AUTHORITY. THIS PARAGRAPH SHALL NOT APPLY TO A CANDIDATE ENTITLED TO

EXPEND PUBLIC FUNDS PURSUANT TO THE PROVISIONS OF SUBDIVISION THREE OF SECTION 14-206 OF THIS TITLE;

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

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

(G) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER CAMPAIGN MATERIAL.

S 14-206. OPTIONAL PUBLIC FINANCING. 1. ELIGIBLE CANDIDATES FOR NOMINATION OR ELECTION IN PRIMARY AND GENERAL ELECTIONS MAY OBTAIN PAYMENT TO AUTHORIZED COMMITTEES FROM PUBLIC FUNDS FOR QUALIFIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO AN AUTHORIZED COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED AS AN ELIGIBLE CANDIDATE AND FILED A SWORN STATEMENT WITH THE STATE BOARD ELECTING TO RECEIVE PUBLIC FUNDS AND AGREEING TO ABIDE BY THE REQUIREMENTS OF THIS TITLE AND SECTION EIGHTY-ONE OF THE STATE FINANCE LAW. PAYMENTS SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE AND SECTION EIGHTY-ONE OF THE STATE FINANCE LAW. SUCH PAYMENTS MAY ONLY BE MADE TO AN ELIGIBLE CANDIDATE'S AUTHORIZED COMMITTEE. NO PUBLIC FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

2. (A) THE AUTHORIZED COMMITTEE OF EACH ELIGIBLE CANDIDATE SHALL BE ENTITLED TO PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES NOT TO EXCEED ONE DOLLAR FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE STATE BOARD IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

(B) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE AND SECTION EIGHTY-ONE OF THE STATE FINANCE LAW, ELECTS NOT TO ACCEPT SUCH PUBLIC FUNDS AND SUCH CANDIDATE AND SUCH CANDIDATE'S AUTHORIZED COMMITTEE SPEND OR CONTRACT OR OBLIGATE TO SPEND, OR RECEIVE IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING ONE-THIRD OF THE EXPENDITURE LIMIT FOR SUCH OFFICE FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT SUCH PUBLIC FUNDS, THEN THE AUTHORIZED COMMITTEE OF EACH ELIGIBLE CANDIDATE FOR SUCH OFFICE SHALL BE ENTITLED TO PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES NOT TO EXCEED TWO DOLLARS FOR EACH SUCH DOLLAR OF MATCHABLE CONTRIBUTIONS. IF A CANDIDATE WHO ELECTS NOT TO ACCEPT SUCH PUBLIC FUNDS, OR THE AUTHORIZED COMMITTEE OF SUCH A CANDIDATE, SPENDS OR CONTRACTS OR OBLIGATES TO SPEND, OR RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING ONE-THIRD OF THE EXPENDITURE LIMIT FOR SUCH OFFICE, SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE STATE BOARD OF THE FACT WITHIN FORTY-EIGHT HOURS BY EXPRESS MAIL.

3. NO CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS UNOPPOSED IN A PRIMARY ELECTION SHALL BE ENTITLED TO PAYMENT FROM THE FUND FOR QUALIFIED CAMPAIGN EXPENDITURES, UNLESS THERE IS A CONTEST IN SUCH PRIMARY FOR THE NOMINATION OF AT LEAST ONE OTHER PARTY FOR SUCH OFFICE. WHERE THERE IS SUCH A CONTEST, THE AUTHORIZED COMMITTEE OF AN UNOPPOSED CANDIDATE FOR NOMINATION MAY RECEIVE ONE-HALF OF THE PAYMENT PROVIDED IN SUBDIVISION TWO OF THIS SECTION, PROVIDED THAT SUCH CANDIDATE OTHERWISE QUALIFIES PURSUANT TO THE PROVISIONS OF THIS TITLE. SUCH PAYMENT MAY ONLY BE EXPENDED FOR PROPERTY, SERVICES OR FACILITIES USED ON OR BEFORE THE DATE OF SUCH PRIMARY.

1 4. THE TOTAL PAYMENTS FROM THE FUND RECEIVED BY THE AUTHORIZED COMMIT-  
2 TEE OF ANY CANDIDATE, WHEN ADDED TO THE TOTAL OF CONTRIBUTIONS RECEIVED  
3 BY SUCH CANDIDATE AND SUCH CANDIDATE'S AUTHORIZED COMMITTEE, MAY NOT  
4 EXCEED THE AMOUNT WHICH MAY BE EXPENDED BY SUCH CANDIDATE PURSUANT TO  
5 THE PROVISIONS OF THIS TITLE.

6 5. THE STATE BOARD SHALL PROMPTLY EXAMINE ALL REPORTS OF CONTRIBUTIONS  
7 TO DETERMINE THAT, ON THEIR FACE, THEY MEET THE REQUIREMENTS FOR MATCHA-  
8 BLE CONTRIBUTIONS, AND SHALL KEEP A RECORD OF SUCH CONTRIBUTIONS.

9 6. THE STATE BOARD SHALL PROMULGATE REGULATIONS FOR THE CERTIFICATION  
10 FOR APPROVAL OF PAYMENT BY THE NEW YORK STATE DELEGATE TO THE CONSTITU-  
11 TIONAL CONVENTION CAMPAIGN FINANCE FUND PURSUANT TO SECTION EIGHTY-ONE  
12 OF THE STATE FINANCE LAW OF THE SUM OF PUBLIC FUNDS THAT SUCH CANDIDATE  
13 HAS QUALIFIED TO RECEIVE FROM THE NEW YORK STATE DELEGATE TO THE CONSTI-  
14 TUTIONAL CONVENTION CAMPAIGN FINANCE FUND. THESE REGULATIONS SHALL  
15 INCLUDE THE PROMULGATION AND DISTRIBUTION OF FORMS ON WHICH CONTRIB-  
16 UTIONS AND EXPENDITURES ARE TO BE REPORTED, THE PERIODS DURING WHICH  
17 SUCH REPORTS MUST BE FILED AND THE VERIFICATION REQUIRED. THE STATE  
18 BOARD SHALL ENDEAVOR TO INSTITUTE PROCEDURES WHICH WILL MAKE POSSIBLE  
19 PAYMENT BY THE NEW YORK STATE DELEGATE TO THE CONSTITUTIONAL CONVENTION  
20 CAMPAIGN FINANCE FUND WITHIN FOUR BUSINESS DAYS AFTER RECEIPT OF THE  
21 REQUIRED FORMS AND VERIFICATIONS.

22 S 14-208. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. THE FOLLOWING LIM-  
23 TATIONS APPLY TO ALL CONTRIBUTIONS FOR THOSE OFFICES FOR WHICH PUBLIC  
24 FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE AND SECTION  
25 EIGHTY-ONE OF THE STATE FINANCE LAW:

26 (A) IN ANY PRIMARY OR GENERAL ELECTION FOR A PUBLIC OFFICE TO BE VOTED  
27 ON BY THE VOTERS OF THE ENTIRE STATE, NO CONTRIBUTOR MAY MAKE A CONTRIB-  
28 UTION TO ANY CANDIDATE OR AUTHORIZED COMMITTEE, AND NO CANDIDATE OR  
29 AUTHORIZED COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR,  
30 WHICH, IN THE AGGREGATE AMOUNT, IS GREATER THAN FOUR THOUSAND DOLLARS. A  
31 CANDIDATE FOR DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE  
32 STATE CONSTITUTION IN A GENERAL ELECTION WHO HAS ELECTED TO PARTICIPATE  
33 IN THE OPTIONAL PUBLIC FINANCING PROVISIONS OF THIS TITLE MAY ACCEPT  
34 FROM ONE OR MORE OF THE PARTY COMMITTEES OR CONSTITUTED COMMITTEES OF  
35 ALL THE PARTIES WHICH HAVE NOMINATED SUCH CANDIDATE, AN AMOUNT WHICH, IN  
36 THE AGGREGATE, DOES NOT EXCEED ONE HUNDRED THOUSAND DOLLARS. A CANDI-  
37 DATE FOR DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE  
38 CONSTITUTION IN A GENERAL ELECTION WHO HAS ELECTED NOT TO PARTICIPATE IN  
39 SUCH OPTIONAL PUBLIC FINANCING MAY ACCEPT FROM SUCH PARTY OR CONSTITUTED  
40 COMMITTEE AN AMOUNT, WHICH IN THE AGGREGATE, DOES NOT EXCEED FIFTY THOU-  
41 SAND DOLLARS.

42 (B) IN ANY PRIMARY OR GENERAL ELECTION FOR DISTRICT DELEGATE TO A  
43 CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, NO CONTRIBUTOR  
44 MAY MAKE A CONTRIBUTION TO ANY CANDIDATE OR AUTHORIZED COMMITTEE, AND NO  
45 CANDIDATE OR AUTHORIZED COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY  
46 CONTRIBUTOR, WHICH, IN THE AGGREGATE AMOUNT, IS GREATER THAN ONE THOU-  
47 SAND FIVE HUNDRED DOLLARS, EXCEPT THAT A CANDIDATE FOR DISTRICT DELEGATE  
48 TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION IN A GENERAL  
49 ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING  
50 PROVISIONS OF THIS TITLE OR SUCH CANDIDATE'S AUTHORIZED COMMITTEE MAY  
51 ACCEPT FROM ONE OR MORE OF THE PARTY OR CONSTITUTED COMMITTEES OF ALL OF  
52 THE PARTIES WHICH HAVE NOMINATED SUCH CANDIDATE, AN AMOUNT WHICH IN THE  
53 AGGREGATE DOES NOT EXCEED FIFTY THOUSAND DOLLARS. A CANDIDATE FOR  
54 DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTI-  
55 TUTION WHO HAS ELECTED NOT TO PARTICIPATE IN SUCH OPTIONAL PUBLIC

1 FINANCING MAY ACCEPT FROM SUCH PARTY OR CONSTITUTED COMMITTEES AN AMOUNT  
2 WHICH, IN THE AGGREGATE, DOES NOT EXCEED THIRTY THOUSAND DOLLARS.

3 (C) HOWEVER, IF ANY CANDIDATE ELECTS NOT TO ACCEPT SUCH PUBLIC FUNDS  
4 AND SUCH CANDIDATE AND SUCH CANDIDATE'S AUTHORIZED COMMITTEE SPEND OR  
5 CONTRACT OR OBLIGATE TO SPEND, OR RECEIVE IN LOANS OR CONTRIBUTIONS, AN  
6 AMOUNT EXCEEDING ONE-THIRD OF THE EXPENDITURE LIMIT FOR SUCH OFFICE  
7 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT SUCH  
8 PUBLIC FUNDS, CONTRIBUTORS TO THOSE CANDIDATES FOR SUCH OFFICE WHO HAVE  
9 ELECTED TO RECEIVE PUBLIC FUNDS SHALL BE ALLOWED TO CONTRIBUTE AND SUCH  
10 CANDIDATES OR AUTHORIZED COMMITTEES SHALL BE ALLOWED TO ACCEPT CONTRIB-  
11 UTIONS FROM ANY CONTRIBUTOR, WHICH, IN THE AGGREGATE, ARE TWICE THE  
12 AMOUNT WHICH WOULD OTHERWISE BE ALLOWED BY PARAGRAPHS (A) AND (B) OF  
13 THIS SUBDIVISION, WHICHEVER IS APPLICABLE. IF A CANDIDATE WHO ELECTS NOT  
14 TO ACCEPT SUCH PUBLIC FUNDS, AND THE AUTHORIZED COMMITTEE OF SUCH A  
15 CANDIDATE SPENDS OR CONTRACTS OR OBLIGATES TO SPEND, OR RECEIVES IN  
16 LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING ONE-THIRD OF THE EXPENDITURE  
17 LIMIT FOR SUCH OFFICE, SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE STATE  
18 BOARD OF THAT FACT WITHIN FORTY-EIGHT HOURS BY EXPRESS MAIL.

19 (D) SIXTY DAYS BEFORE AN ELECTION AT WHICH A BALLOT QUESTION WHICH  
20 ASKS THE VOTERS OF THE STATE IF THERE SHALL BE A CONVENTION TO REVISE  
21 AND AMEND THE STATE CONSTITUTION IS ON THE BALLOT, THE STATE BOARD SHALL  
22 DETERMINE THE PERCENTAGE DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE  
23 MONTHLY CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE  
24 UNITED STATES BUREAU OF LABOR STATISTICS AND SUCH CONSUMER PRICE INDEX  
25 PUBLISHED FOR THE SAME MONTH AT THE END OF TWO THOUSAND ONE. THE AMOUNT  
26 OF EACH CONTRIBUTION LIMIT FIXED IN THIS SUBDIVISION SHALL BE ADJUSTED  
27 BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE HUNDRED  
28 DOLLARS BY THE STATE BOARD, WHICH SHALL FORTHWITH ISSUE A REGULATION  
29 SETTING FORTH THE AMOUNT OF EACH SUCH CONTRIBUTION LIMIT. EACH CONTRIB-  
30 UTION LIMIT AS SO ADJUSTED SHALL BE THE CONTRIBUTION LIMIT IN EFFECT FOR  
31 ANY ELECTION HELD BEFORE THE NEXT SUCH ADJUSTMENT.

32 2. A COMMITTEE WHICH HAS BEEN AUTHORIZED BY A PERSON WHO IS A CANDI-  
33 DATE FOR DELEGATE-AT-LARGE OR DISTRICT DELEGATE TO A CONVENTION TO  
34 REVISE AND AMEND THE STATE CONSTITUTION IN CONNECTION WITH SUCH PERSON'S  
35 CANDIDACY FOR ANOTHER OFFICE OR POSITION MAY NOT BE DESIGNATED AS THE  
36 AUTHORIZED COMMITTEE FOR THE ELECTION FOR DELEGATE-AT-LARGE OR DISTRICT  
37 DELEGATE TO THE CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION.  
38 SUCH COMMITTEE MAY NOT CONTRIBUTE TO SUCH CANDIDATE AND SUCH CANDIDATE'S  
39 AUTHORIZED COMMITTEE FOR THE OFFICE OF DELEGATE-AT-LARGE OR DISTRICT  
40 DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION ANY  
41 MORE THAN THE CONTRIBUTION LIMIT FOR SUCH OFFICE ESTABLISHED BY THIS  
42 TITLE, NOR SHALL SUCH OTHER AUTHORIZED COMMITTEE TRANSFER ANY MONEY OR  
43 THING OF VALUE TO SUCH CANDIDATE OR THE COMMITTEE AUTHORIZED BY SUCH  
44 CANDIDATE FOR THE ELECTION FOR DELEGATE-AT-LARGE OR DISTRICT DELEGATE TO  
45 A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION.

46 3. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION,  
47 SUCH ELIGIBLE CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF SECTION  
48 14-114 OF THIS ARTICLE.

49 S 14-210. EXPENDITURE LIMITATIONS. 1. THE FOLLOWING LIMITATIONS APPLY  
50 TO ALL EXPENDITURES BY ELIGIBLE CANDIDATES AND THEIR AUTHORIZED COMMIT-  
51 TEES RECEIVING PUBLIC FUNDS PURSUANT TO THE PROVISIONS OF THIS TITLE AND  
52 SECTION EIGHTY-ONE OF THE STATE FINANCE LAW.

53 2. (A) IN ANY PRIMARY ELECTION, EXPENDITURES BY ELIGIBLE CANDIDATES  
54 FOR DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE  
55 CONSTITUTION AND THEIR AUTHORIZED COMMITTEES, INCLUDING EXPENDITURES FOR  
56 NOMINATION TO ANY OTHER OFFICE OR POSITION FOR WHICH SUCH PERSON IS A



1 CANDIDATE AT SUCH ELECTION, SHALL NOT EXCEED THE SUM OF SEVENTY-FIVE  
2 CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE STATE, OR  
3 TWO HUNDRED FIFTY THOUSAND DOLLARS, WHICHEVER IS GREATER, AND EXPENDI-  
4 TURES BY ELIGIBLE CANDIDATES FOR DISTRICT DELEGATE TO A CONVENTION TO  
5 REVISE AND AMEND THE STATE CONSTITUTION AND THEIR AUTHORIZED COMMITTEES  
6 SHALL NOT EXCEED THE SUM OF ONE DOLLAR AND SEVENTY-FIVE CENTS FOR EACH  
7 VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE DISTRICT IN WHICH SUCH  
8 CANDIDATE IS A CANDIDATE AS DETERMINED BY THE RECORDS OF THE APPROPRIATE  
9 BOARD OR BOARDS OF ELECTION AS OF THE LAST GENERAL ELECTION PRECEDING  
10 THE PRIMARY ELECTION, OR FIFTEEN THOUSAND DOLLARS, WHICHEVER IS GREATER.  
11 HOWEVER, SUCH EXPENDITURES SHALL NOT EXCEED FIVE HUNDRED THOUSAND  
12 DOLLARS IN A PRIMARY ELECTION FOR DELEGATE-AT-LARGE TO A CONVENTION TO  
13 REVISE AND AMEND THE STATE CONSTITUTION, AND THIRTY THOUSAND DOLLARS IN  
14 A PRIMARY ELECTION FOR DISTRICT DELEGATE TO A CONVENTION TO REVISE AND  
15 AMEND THE STATE CONSTITUTION.

16 (B) IN ANY GENERAL ELECTION, EXPENDITURES BY ELIGIBLE CANDIDATES FOR  
17 THE FOLLOWING OFFICES AND THEIR DESIGNATED COMMITTEES, INCLUDING EXPEND-  
18 ITURES FOR ELECTION TO ANY OTHER OFFICE FOR WHICH SUCH PERSON IS A  
19 CANDIDATE AT SUCH ELECTION, SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

20 FOR A CANDIDATE FOR:

21 DELEGATE-AT-LARGE  
22 TO A CONVENTION TO REVISE AND  
23 AMEND THE STATE CONSTITUTION \$1,500,000

24 DISTRICT DELEGATE  
25 TO A CONVENTION TO REVISE AND  
26 AMEND THE STATE CONSTITUTION \$150,000

27 (C) HOWEVER, IF ANY CANDIDATE ELECTS NOT TO ACCEPT SUCH PUBLIC FUNDS  
28 AND SUCH CANDIDATE AND SUCH CANDIDATE'S AUTHORIZED COMMITTEE SPEND OR  
29 CONTRACT OR OBLIGATE TO SPEND, OR RECEIVE IN LOANS OR CONTRIBUTIONS, AN  
30 AMOUNT EXCEEDING ONE-THIRD OF THE EXPENDITURE LIMIT FOR SUCH OFFICE  
31 FIXED BY PARAGRAPH (A) OR (B) OF THIS SUBDIVISION, WHICHEVER IS APPLICA-  
32 BLE, FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT SUCH PUBLIC FUNDS, THERE  
33 SHALL BE NO EXPENDITURE LIMIT FOR THOSE CANDIDATES FOR SUCH OFFICE WHO  
34 HAVE ELECTED TO RECEIVE PUBLIC FUNDS. IF A CANDIDATE WHO ELECTS NOT TO  
35 ACCEPT SUCH PUBLIC FUNDS, AND SUCH CANDIDATE AND THE AUTHORIZED COMMIT-  
36 TEE OF SUCH A CANDIDATE SPENDS OR CONTRACTS OR OBLIGATES TO SPEND, OR  
37 RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING ONE-THIRD OF THE  
38 EXPENDITURE LIMIT FOR SUCH OFFICE, SUCH CANDIDATE OR COMMITTEE MUST  
39 NOTIFY THE STATE BOARD OF THAT FACT WITHIN FORTY-EIGHT HOURS BY EXPRESS  
40 MAIL.

41 (D) CANDIDATES FOR OFFICE WHO ARE UNOPPOSED IN THE PRIMARY ELECTION  
42 MAY EXPEND BEFORE THE PRIMARY ELECTION, FOR SERVICES, MATERIALS OR  
43 FACILITIES USED ON OR BEFORE THE DATE OF SUCH PRIMARY ELECTION, AN  
44 AMOUNT EQUAL TO HALF THE SUM SUCH CANDIDATES WOULD BE ENTITLED TO SPEND  
45 IF THEIR NOMINATION WAS CONTESTED IN SUCH PRIMARY ELECTION; PROVIDED  
46 THAT THERE IS A CONTEST IN SUCH PRIMARY FOR THE NOMINATION OF AT LEAST  
47 ONE OTHER PARTY FOR SUCH OFFICE.

48 (E) EXPENDITURES FOR LEGAL FEES AND EXPENSES TO DEFEND THE VALIDITY OF  
49 PETITIONS OF DESIGNATION OR NOMINATION OR CERTIFICATES OF NOMINATION,  
50 ACCEPTANCE, AUTHORIZATION, DECLINATION OR SUBSTITUTION, OR TO CHALLENGE  
51 SUCCESSFULLY, ANY SUCH PETITION OR CERTIFICATE ON GROUNDS OF FRAUD AND  
52 FOR EXPENSES INCURRED TO COMPLY WITH THE CAMPAIGN FINANCE REPORTING

1 REQUIREMENTS OF THIS ARTICLE SHALL NOT BE SUBJECT TO THE EXPENDITURE  
2 LIMITS OF THIS SUBDIVISION.

3 (F) NOTWITHSTANDING ANY EXPENDITURE LIMIT IN THIS SUBDIVISION, EACH  
4 COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR STATEWIDE  
5 OFFICE, INCLUDING ANY SUBCOMMITTEES OF SUCH A COMMITTEE, MAY EXPEND IN  
6 SUPPORT OF EACH SUCH CANDIDATE FOR STATEWIDE OFFICE OF SUCH PARTY WHO  
7 HAS AGREED TO ACCEPT PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED  
8 THE SUM OF TWO CENTS FOR EACH VOTER REGISTERED IN SUCH COUNTY AS DETER-  
9 MINED BY THE RECORDS OF THE APPROPRIATE BOARD OF ELECTIONS AS OF THE  
10 PRECEDING GENERAL ELECTION.

11 (G) SIXTY DAYS BEFORE AN ELECTION AT WHICH A BALLOT QUESTION WHICH  
12 ASKS THE VOTERS OF THE STATE IF THERE SHALL BE A CONVENTION TO REVISE  
13 AND AMEND THE STATE CONSTITUTION IS ON THE BALLOT, THE STATE BOARD SHALL  
14 DETERMINE THE PERCENTAGE DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE  
15 MONTHLY CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE  
16 UNITED STATES BUREAU OF LABOR STATISTICS AND SUCH CONSUMER PRICE INDEX  
17 PUBLISHED AT THE END OF TWO THOUSAND ONE. THE AMOUNT OF EACH EXPENDITURE  
18 LIMIT FIXED IN THIS SUBDIVISION SHALL BE ADJUSTED BY THE AMOUNT OF SUCH  
19 PERCENTAGE DIFFERENCE TO THE CLOSEST ONE THOUSAND DOLLARS BY THE STATE  
20 BOARD, WHICH SHALL FORTHWITH ISSUE A REGULATION SETTING FORTH THE AMOUNT  
21 OF EACH SUCH CONTRIBUTION LIMIT. EACH CONTRIBUTION LIMIT AS SO ADJUSTED  
22 SHALL BE THE CONTRIBUTION LIMIT IN EFFECT FOR ANY ELECTION HELD BEFORE  
23 THE NEXT SUCH ADJUSTMENT.

24 3. IN COMPUTING THE AGGREGATE AMOUNT EXPENDED FOR PURPOSES OF THIS  
25 SECTION, EXPENDITURES MADE BY A COMMITTEE IN SUPPORT OF MORE THAN ONE  
26 CANDIDATE SHALL BE ALLOCATED AMONG SUCH CANDIDATES SUPPORTED BY THE  
27 COMMITTEE IN ACCORDANCE WITH FORMULAS PROMULGATED BY THE STATE BOARD OR,  
28 IN THE ABSENCE OF SUCH OFFICIAL FORMULAS, IN ACCORDANCE WITH ANY FORMULA  
29 BASED UPON REASONABLE STANDARDS. THE STATEMENTS FILED BY SUCH COMMITTEE  
30 IN ACCORDANCE WITH THIS CHAPTER SHALL SET FORTH, IN ADDITION TO THE  
31 OTHER INFORMATION REQUIRED, THE TOTAL AMOUNT EXPENDED BY THE COMMITTEE  
32 ON BEHALF OF ALL SUCH CANDIDATES AND THE AMOUNT ALLOCATED TO EACH CANDI-  
33 DATE BY DOLLAR AMOUNT AND PERCENTAGE. EXPENDITURES BY A STATE OR OTHER  
34 COMMITTEE OF A POLITICAL PARTY FOR ACTIVITIES WHICH DO NOT SUPPORT OR  
35 OPPOSE THE ELECTION OF ANY CANDIDATE OR CANDIDATES BY NAME OR BY CLEAR  
36 INFERENCE SHALL NOT BE REGARDED AS EXPENDITURES ON BEHALF OF OR IN OPPO-  
37 SITION TO A CANDIDATE.

38 S 14-212. EXAMINATIONS AND AUDITS; REPAYMENTS. 1. THE STATE BOARD  
39 SHALL CONDUCT A THOROUGH EXAMINATION AND AUDIT OF THE CONTRIBUTIONS AND  
40 QUALIFIED CAMPAIGN EXPENSES OF THE AUTHORIZED COMMITTEE OF EVERY ELIGI-  
41 BLE CANDIDATE WHO RECEIVED PAYMENTS PURSUANT TO SECTION 14-206 OF THIS  
42 TITLE.

43 2. (A) IF THE STATE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT  
44 MADE TO SUCH AUTHORIZED COMMITTEE FROM THE FUND WAS IN EXCESS OF THE  
45 AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS ENTI-  
46 TLED PURSUANT TO SECTION 14-206 OF THIS TITLE, IT SHALL NOTIFY SUCH  
47 COMMITTEE, AND SUCH COMMITTEE SHALL PAY TO THE STATE BOARD AN AMOUNT  
48 EQUAL TO THE AMOUNT OF EXCESS PAYMENTS.

49 (B) IF THE STATE BOARD DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO  
50 AN AUTHORIZED COMMITTEE OF AN ELIGIBLE CANDIDATE FROM THE FUND WAS USED  
51 FOR PURPOSES OTHER THAN TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL  
52 NOTIFY THE SAID AUTHORIZED COMMITTEE OF THE AMOUNT DISQUALIFIED, AND THE  
53 SAID AUTHORIZED COMMITTEE SHALL PAY TO THE STATE BOARD AN AMOUNT EQUAL  
54 TO SUCH DISQUALIFIED AMOUNT.

55 (C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE FUND RECEIVED  
56 BY ANY CANDIDATE AND SUCH CANDIDATE'S AUTHORIZED COMMITTEE EXCEEDS THE

1 CAMPAIGN EXPENDITURES OF SUCH CANDIDATE AND COMMITTEE, SUCH CANDIDATE  
2 AND COMMITTEE SHALL USE SUCH EXCESS FUNDS TO REIMBURSE THE FUND FOR  
3 PAYMENTS RECEIVED BY SUCH COMMITTEE FROM THE FUND NOT LATER THAN TEN  
4 DAYS AFTER ALL LIABILITIES HAVE BEEN PAID AND IN ANY EVENT, NOT LATER  
5 THAN MARCH THIRTY-FIRST OF THE YEAR FOLLOWING THE YEAR OF THE ELECTION  
6 FOR WHICH SUCH PAYMENTS WERE INTENDED. NO SUCH EXCESS FUNDS SHALL BE  
7 USED FOR ANY OTHER PURPOSE, UNLESS THE TOTAL AMOUNT DUE THE FUND FROM  
8 SUCH CANDIDATE AND COMMITTEE HAS BEEN REPAID.

9 3. IF A COURT OF COMPETENT JURISDICTION DISQUALIFIES A CANDIDATE WHOSE  
10 AUTHORIZED COMMITTEE HAS RECEIVED PUBLIC FUNDS ON THE GROUNDS THAT SUCH  
11 CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON THE  
12 BALLOT AND SUCH DECISION IS NOT REVERSED BY A HIGHER COURT, SUCH CANDI-  
13 DATE AND SUCH CANDIDATE'S AUTHORIZED COMMITTEE SHALL PAY TO THE STATE  
14 BOARD AN AMOUNT EQUAL TO THE TOTAL OF PUBLIC FUNDS RECEIVED BY SUCH  
15 AUTHORIZED COMMITTEE.

16 4. ALL PAYMENTS RECEIVED BY THE STATE BOARD PURSUANT TO THIS SECTION  
17 SHALL BE DEPOSITED IN THE NEW YORK STATE DELEGATE TO THE CONSTITUTIONAL  
18 CONVENTION CAMPAIGN FINANCE FUND.

19 S 14-214. PENALTIES. 1. ANY PERSON WHO KNOWINGLY AND WILLFULLY FAILS  
20 TO FILE A STATEMENT REQUIRED TO BE FILED BY THIS TITLE OR THE RULES OR  
21 REGULATIONS OF THE STATE BOARD IN IMPLEMENTATION THEREOF WITHIN FIVE  
22 DAYS AFTER THE DATE PROVIDED FOR FILING SUCH STATEMENT, OR ANY PERSON  
23 WHO KNOWINGLY AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE  
24 OR OF SECTION EIGHTY-ONE OF THE STATE FINANCE LAW SHALL BE GUILTY OF A  
25 CLASS A MISDEMEANOR, UNLESS A GREATER PENALTY IS SPECIFICALLY PRESCRIBED  
26 IN ANOTHER APPLICABLE STATUTE.

27 2. ANY PERSON WHO KNOWINGLY AND WILLFULLY CONTRIBUTES OR EXPENDS OR  
28 AIDS OR PARTICIPATES IN THE CONTRIBUTION OR EXPENDITURE OF FUNDS IN AN  
29 AMOUNT EXCEEDING AN APPLICABLE MAXIMUM SPECIFIED IN THIS TITLE, OR WHO  
30 KNOWINGLY AND WILLFULLY ACCEPTS OR AIDS OR PARTICIPATES IN THE ACCEPT-  
31 ANCE OF A CONTRIBUTION IN AN AMOUNT EXCEEDING AN APPLICABLE MAXIMUM  
32 SPECIFIED IN THIS TITLE SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

33 3. ANY PERSON WHO KNOWINGLY AND WILLFULLY NEGLECTS OR REFUSES TO  
34 FURNISH ANY INFORMATION REQUIRED OR AUTHORIZED BY THIS TITLE OR BY  
35 SECTION EIGHTY-ONE OF THE STATE FINANCE LAW, OR TO EXHIBIT RECORDS,  
36 PAPERS OR DOCUMENTS AUTHORIZED BY THIS TITLE OR BY SECTION EIGHTY-ONE OF  
37 THE STATE FINANCE LAW TO BE INSPECTED OR WHICH ARE REQUIRED TO BE EXHIB-  
38 ITED, SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

39 4. ANY PERSON WHO KNOWINGLY AND WILLFULLY EXPENDS OR AIDS OR PARTIC-  
40 IPATES IN THE EXPENDITURE OF FUNDS FOR A PURPOSE OR IN A MANNER WHICH  
41 VIOLATES THE PROVISIONS OF THIS TITLE, OR WHICH VIOLATES THE PROVISIONS  
42 OF SECTION EIGHTY-ONE OF THE STATE FINANCE LAW, SHALL BE GUILTY OF A  
43 CLASS A MISDEMEANOR.

44 5. ANY PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO RETURN OR AIDS OR  
45 PARTICIPATES IN THE FAILURE TO RETURN TO THE STATE BOARD OR TO THE NEW  
46 YORK STATE DELEGATE TO THE CONSTITUTIONAL CONVENTION CAMPAIGN FINANCE  
47 FUND ANY FUNDS REQUIRED TO BE RETURNED TO SUCH BOARD OR FUND PURSUANT TO  
48 THE PROVISIONS OF THIS TITLE OR SECTION EIGHTY-ONE OF THE STATE FINANCE  
49 LAW SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

50 6. ANY PERSON WHO FURNISHES ANY FALSE, FICTITIOUS OR FRAUDULENT  
51 EVIDENCE, BOOKS OR INFORMATION TO THE STATE BOARD OF ELECTIONS UNDER  
52 THIS TITLE OR INCLUDES IN ANY EVIDENCE, BOOKS, OR INFORMATION SO  
53 FURNISHED ANY MISREPRESENTATION OF A MATERIAL FACT, OR FALSIFIES OR  
54 CONCEALS ANY EVIDENCE, BOOKS, OR INFORMATION RELEVANT TO ANY AUDIT BY  
55 THE STATE BOARD OF ELECTIONS OR KNOWINGLY AND WILLFULLY VIOLATES ANY

1 OTHER PROVISION OF THIS TITLE OR OF SECTION EIGHTY-ONE OF THE STATE  
2 FINANCE LAW SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

3 7. THE ATTORNEY GENERAL SHALL BE PRIMARILY RESPONSIBLE FOR INSTITUTING  
4 AND CONDUCTING PROSECUTIONS UNDER THIS SECTION. IN SUCH CASES, THE  
5 ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DEPUTY SHALL EXERCISE ALL THE  
6 POWERS AND PERFORM ALL THE DUTIES WHICH THE DISTRICT ATTORNEY WOULD  
7 OTHERWISE BE AUTHORIZED OR REQUIRED TO EXERCISE OR PERFORM; WHENEVER ANY  
8 SUCH PROSECUTION IS INSTITUTED BY THE ATTORNEY GENERAL, THE DISTRICT  
9 ATTORNEY SHALL ONLY EXERCISE SUCH POWERS AND PERFORM SUCH DUTIES AS ARE  
10 REQUIRED OF THE DISTRICT ATTORNEY BY THE ATTORNEY GENERAL OR THE DEPUTY  
11 ATTORNEY GENERAL. UNTIL AND UNLESS THE ATTORNEY GENERAL EXERCISES  
12 AUTHORITY UNDER THIS SECTION, AN OTHERWISE AUTHORIZED DISTRICT ATTORNEY  
13 MAY INSTITUTE AND CONDUCT A PROSECUTION UNDER THIS SECTION.

14 8. WHENEVER THE ATTORNEY GENERAL IS AUTHORIZED UNDER THIS TITLE TO  
15 PROSECUTE A CRIMINAL PROCEEDING ON BEHALF OF THE STATE BOARD, THE ATTOR-  
16 NEY GENERAL SHALL HAVE THE DISCRETION TO DELEGATE THE AUTHORITY TO  
17 INITIATE OR CONDUCT ANY SUCH PROSECUTION TO THE STATE BOARD.

18 S 14-216. CIVIL PENALTIES. 1. ANY PERSON WHO FAILS TO FILE A STATEMENT  
19 OR RECORD REQUIRED TO BE FILED BY THIS TITLE OR THE RULES OR REGULATIONS  
20 OF THE STATE BOARD IN IMPLEMENTATION THEREOF SHALL BE SUBJECT TO A CIVIL  
21 PENALTY, NOT IN EXCESS OF ONE THOUSAND DOLLARS, TO BE RECOVERABLE IN A  
22 CIVIL ACTION BROUGHT BY THE STATE BOARD.

23 2. IF THE AGGREGATE AMOUNT OF EXPENDITURES BY A CANDIDATE AND SUCH  
24 CANDIDATE'S AUTHORIZED COMMITTEE EXCEEDS THE EXPENDITURE LIMITATIONS  
25 CONTAINED IN THIS TITLE, SUCH CANDIDATE SHALL BE LIABLE FOR A CIVIL  
26 PENALTY IN AN AMOUNT EQUAL TO THREE TIMES THE SUM BY WHICH SUCH EXPENDI-  
27 TURES EXCEED THE PERMITTED AMOUNT.

28 S 7. Paragraphs (ix) and (x) of subdivision (c) of section 1-c of the  
29 legislative law, as added by chapter 1 of the laws of 2005, are amended  
30 and a new paragraph (xi) is added to read as follows:

31 (ix) the adoption or rejection of any rule, regulation, or resolution  
32 having the force and effect of a local law, ordinance, resolution, or  
33 regulation; [or]

34 (x) the outcome of any rate making proceeding by any municipality or  
35 subdivision thereof; OR

36 (XI) THE ACTION OR INACTION OF A DELEGATE TO A CONSTITUTIONAL CONVEN-  
37 TION.

38 S 8. Section 1-f of the legislative law, as added by chapter 2 of the  
39 laws of 1999, is amended to read as follows:

40 S 1-f. [Monthly registration] REGISTRATION docket. 1. MONTHLY REGIS-  
41 TRATION DOCKET. It shall be the duty of the commission to compile a  
42 monthly docket of statements of registration containing all information  
43 required by section one-e of this article. Each such monthly docket  
44 shall contain all statements of registration filed during such month and  
45 all amendments to previously filed statements of registration. Copies  
46 shall be made available for public inspection.

47 2. CONSTITUTIONAL CONVENTION DELEGATE CONTACT LOG. FROM THE DATE UPON  
48 WHICH THE BOARD OF ELECTIONS CERTIFIES THE ELECTION OF DELEGATES TO THE  
49 CONSTITUTIONAL CONVENTION TO THE DATE THE CONSTITUTIONAL CONVENTION IS  
50 ADJOURNED, EACH LOBBYIST, AS DEFINED BY THIS ARTICLE, SHALL FILE A LOG  
51 EACH WEEK OF ALL CONTACTS WITH DELEGATES TO THE CONSTITUTIONAL CONVEN-  
52 TION. SUCH LOG OF THESE CONTACTS SHALL BE SUBMITTED TO THE COMMISSION.  
53 THE COMMISSION SHALL MAINTAIN A WEEKLY DOCKET WHICH SHALL CONTAIN ALL  
54 LOGS, COPIES OF WHICH SHALL BE OPEN AND AVAILABLE FOR INSPECTION BY THE  
55 PUBLIC.

1 S 9. Section 1-o of the legislative law is amended by adding a new  
2 subdivision (e) to read as follows:

3 (E) ANY PERSON WHO FAILS TO FILE ANY LOG OF CONTACTS WITH DELEGATES OF  
4 THE CONSTITUTIONAL CONVENTION AS REQUIRED BY THIS ARTICLE SHALL BE  
5 SUBJECT TO A CIVIL PENALTY, NOT IN EXCESS OF TWENTY-FIVE DOLLARS FOR THE  
6 FIRST OFFENSE. ANY PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO FILE ANY  
7 LOG OF CONTACTS WITH DELEGATES OF THE CONSTITUTIONAL CONVENTION AS  
8 REQUIRED BY THIS ARTICLE SHALL BE GUILTY OF A CLASS A MISDEMEANOR FOR  
9 THE SECOND OFFENSE AND EACH OFFENSE THEREAFTER.

10 S 10. The opening paragraph of paragraph (a) of subdivision 2 of  
11 section 73-a of the public officers law, as added by chapter 813 of the  
12 laws of 1987, is amended to read as follows:

13 Every statewide elected official, state officer or employee, member of  
14 the legislature, DELEGATE TO A CONSTITUTIONAL CONVENTION, legislative  
15 employee and political party chairman and every candidate for statewide  
16 elected office or for member of the legislature OR FOR DELEGATE TO A  
17 CONSTITUTIONAL CONVENTION shall file an annual statement of financial  
18 disclosure containing the information and in the form set forth in  
19 subdivision three hereof. Such statement shall be filed on or before the  
20 fifteenth day of May with respect to the preceding calendar year, except  
21 that:

22 S 11. The state finance law is amended by adding a new section 81 to  
23 read as follows:

24 S 81. NEW YORK STATE DELEGATE TO THE CONSTITUTIONAL CONVENTION  
25 CAMPAIGN FINANCE FUND. 1. THERE IS HEREBY ESTABLISHED A SPECIAL FUND, TO  
26 BE KNOWN AS THE NEW YORK STATE DELEGATE TO THE CONSTITUTIONAL CONVENTION  
27 CAMPAIGN FINANCE FUND, IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND  
28 THE COMMISSIONER OF TAXATION AND FINANCE. THE MONEYS IN SUCH FUND MAY BE  
29 EXPENDED BY THE STATE BOARD OF ELECTIONS ONLY AS PAYMENTS FOR PARTIC-  
30 IPATING CANDIDATES IN ACCORDANCE WITH THE PROVISIONS OF TITLE TWO OF  
31 ARTICLE FOURTEEN OF THE ELECTION LAW.

32 2. THE FUND SHALL BE KEPT SEPARATE FROM ALL OTHER FUNDS AND SHALL BE  
33 CREDITED WITH ALL SUMS APPROPRIATED THEREFOR, ANY DONATIONS RECEIVED  
34 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION AND ALL EARNINGS ACCRUING  
35 ON SUCH FUNDS.

36 3. AS SOON AS PRACTICABLE IN THE YEAR TWO THOUSAND NINE AND IN TIME  
37 FOR INCLUSION IN THE EXECUTIVE EXPENSE BUDGET IN EVERY YEAR THEREAFTER,  
38 AND AT SUCH OTHER TIMES AS THE STATE BOARD OF ELECTIONS SHALL DEEM  
39 NECESSARY, SAID BOARD SHALL SUBMIT ITS ESTIMATE OF THE AMOUNT OF PUBLIC  
40 FUNDS WHICH WILL BE NECESSARY TO PROVIDE CANDIDATES FOR DELEGATES TO THE  
41 CONSTITUTIONAL CONVENTION SUFFICIENT FINANCING FOR ELECTIONS IN THE NEXT  
42 YEAR IN WHICH ELECTIONS ARE SCHEDULED PURSUANT TO LAW, AND A RESERVE FOR  
43 CONTINGENCIES. SUCH ESTIMATES SHALL BE SUBMITTED IN SUCH MANNER AND AT  
44 SUCH TIMES AS TO ENSURE THAT SUCH AMOUNTS AS SHALL BE NECESSARY MAY BE  
45 APPROPRIATED IN FULL BY THE BEGINNING OF THE FISCAL YEAR PRIOR TO THAT  
46 IN WHICH ELECTIONS ARE SCHEDULED PURSUANT TO LAW AND THAT ADDITIONAL  
47 AMOUNTS MAY BE APPROPRIATED AS NECESSARY.

48 4. THE MONEYS IN SUCH FUND SHALL BE PAID TO PARTICIPATING CANDIDATES  
49 BY SAID BOARD UPON ITS CERTIFICATION THAT SUCH CANDIDATES QUALIFY FOR  
50 SUCH FUNDS.

51 5. SAID BOARD SHALL BE EMPOWERED TO ACCEPT DONATIONS TO BE CREDITED TO  
52 THE FUND. SAID BOARD MAY DEVISE SUCH METHODS OF SOLICITING AND COLLECT-  
53 ING DONATIONS AS IT MAY DEEM FEASIBLE AND APPROPRIATE.

54 S 12. If any item, clause, sentence, subparagraph, subdivision,  
55 section, or any other part of this act, or the application thereof to  
56 any person or circumstances, is held to be invalid, such holding shall

1 not affect, impair, or invalidate the remainder of this act, of the  
2 application of such section or part of a section held invalid, to any  
3 other person or circumstances, but shall be confined in its operation to  
4 the item, clause, sentence, subparagraph, subdivision, section, or other  
5 part of this act directly involved in such holding, or to the person and  
6 circumstances therein involved.

7 S 13. This act shall take effect on the first of January next succeed-  
8 ing the date on which it shall have become a law; provided, however,  
9 that the state commissioner of taxation and finance and the state comp-  
10 troller may promulgate any rules, regulations and forms necessary for  
11 the implementation of section eighty-one of the state finance law, as  
12 added by section eleven of this act on or before the effective date of  
13 this act.