S T A T E O F N E W Y O R K

6728

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. WEINSTEIN, LANCMAN, JACOBS, GALEF, WRIGHT, GORDON -- Multi-Sponsored by -- M. of A. AUBRY, BOYLAND, BRODSKY, CHRISTENSEN, CLARK, COLTON, COOK, CYMBROWITZ, DINOWITZ, EDDINGTON, FARRELL, FIELDS, GOTTFRIED, JAFFEE, JOHN, LATIMER, LENTOL, LUPARDO, MAGEE, McENENY, MILLMAN, MORELLE, O'DONNELL, ORTIZ, PAULIN, PERALTA, PERRY, POWELL, PRETLOW, RAMOS, REILLY, SCARBOROUGH, SCHROEDER, SWEENEY, TITUS, WEISENBERG -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to judicial campaign financing reform; and to amend the state finance law, in relation to establishing the New York state judicial election campaign fund

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

Section 1. Short title. This act shall be known and may be cited as the "Judicial Campaign Finance Reform Act of 2009".

S 2. Legislative intent. An independent, impartial judiciary is fundamental to a democratic system of governance. The legislature finds and declares that the independence and indicia of impartiality of our judiciary are advanced by creating a system of partial public financing of judicial campaigns. A system of partial public financing for judicial elections, coupled with other changes in the judicial selection process, is necessary to buttress the state's commitment to barring undue influence from judicial campaign financing and to better ensure a level campaign environment in which all candidates are able to meaningfully communicate their qualifications and ideas to the electorate.

S 3. The election law is amended by adding a new article 18 to read as follows:

ARTICLE 18

JUDICIAL CAMPAIGN FINANCING

TITLE I. PUBLIC FINANCING FOR JUDICIAL ELECTIONS.

II. LOCAL OPTION PUBLIC FINANCING FOR JUDICIAL CANDIDATES.

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

LBD06342-01-9

TITLE I
PUBLIC FINANCING FOR JUDICIAL ELECTIONS

SECTION 18-100. DEFINITIONS.
18-102. ELIGIBILITY.
18-104. QUALIFIED CAMPAIGN EXPENDITURES.
18-106. OPTIONAL PUBLIC FINANCING.
18-108. CONTRIBUTION AND RECEIPT LIMITATIONS.
18-110. EXPENDITURE LIMITATIONS.
18-112. EXAMINATIONS AND AUDITS; REPAYMENTS.
18-114. PENALTIES.
18-116. CIVIL PENALTIES.

S 18-100. 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 "ELIGIBLE CANDIDATE" SHALL MEAN A CANDIDATE, FOR NOMINATION AT A PRIMARY ELECTION OR CANDIDATE FOR ELECTION AT A GENERAL OR SPECIAL ELECTION, TO THE OFFICE OF JUDGE OR JUSTICE OF THE SUPREME COURT, FAMILY COURT, SURROGATE COURT, COUNTY COURT, CIVIL COURT OR DISTRICT COURT.

3. 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 PARTICIPATING ELIGIBLE CANDIDATE 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 FIFTY 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 SHALL 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.

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

5. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE JUDICIAL ELECTION CAMPAIGN FUND.

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

S 18-102. 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 AN ELIGIBLE CANDIDATE 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 OR, IN THE CASE OF A SPECIAL ELECTION, NOT LATER THAN THE LAST DAY TO FILE NOMINATING

PETITIONS FOR SUCH OFFICE, OR FOR A CANDIDATE FOR SUPREME COURT, NOT LATER THAN THE LAST DAY TO FILE THE MINUTES OF THE CONVENTION AT WHICH SUCH CANDIDATE WAS NOMINATED;

(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) ACKNOWLEDGE HAVING READ AND UNDERSTOOD, AND AGREE TO ABIDE BY, ALL OF THE RULES FOR THE CONDUCT OF CAMPAIGNS FOR JUDICIAL OFFICE AS PRESCRIBED IN THE CODE OF JUDICIAL CONDUCT.

2. THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR JUDICIAL CANDIDATES IN A PRIMARY, GENERAL OR SPECIAL ELECTION SHALL BE NOT LESS THAN FIVE THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST TWENTY-FIVE SUCH CONTRIBUTIONS IN THE AMOUNT OF TEN DOLLARS OR MORE.

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

4. CANDIDATES WHO ARE OPPOSED IN A PRIMARY ELECTION AND WHO DO NOT SEEK PUBLIC FUNDS SHALL NOT BE ELIGIBLE FOR PUBLIC FUNDS FOR THE GENERAL ELECTION IN THAT YEAR.

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

6. NO CANDIDATE WHO HAS QUALIFIED FOR PUBLIC FUNDS SHALL RECEIVE SUCH PUBLIC FUNDS UNLESS AT LEAST ONE OTHER CANDIDATE FOR SUCH OFFICE IN SUCH ELECTION ALSO QUALIFIED TO RECEIVE PUBLIC FUNDS OR AT LEAST ONE OTHER CANDIDATE FOR SUCH OFFICE IN SUCH ELECTION AND SUCH CANDIDATE'S AUTHORIZED COMMITTEE HAVE SPENT, OR CONTRACTED OR OBLIGATED TO SPEND, OR HAVE RECEIVED IN LOANS OR CONTRIBUTIONS AN AMOUNT EXCEEDING TEN PERCENT OF THE EXPENDITURE LIMIT FOR SUCH OFFICE IN SUCH ELECTION WHICH IS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT SUCH PUBLIC FUNDS. IF A CANDIDATE AND THE AUTHORIZED COMMITTEE OF SUCH CANDIDATE REACHES THE THRESHOLD TO QUALIFY TO RECEIVE PUBLIC FUNDS, OR SPENDS OR CONTRACTS OR OBLIGATES TO SPEND, OR RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING TEN PERCENT OF THE EXPENDITURE LIMIT IN SUCH ELECTION AT ANY TIME AFTER THE FILING DEADLINE FOR THE LAST REPORT REQUIRED TO BE FILED BEFORE THE FIRST DISTRIBUTION OF PUBLIC FUNDS FOR SUCH ELECTION, SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE STATE BOARD OF THAT FACT WITHIN TWENTY-FOUR HOURS THROUGH THE ELECTRONIC CAMPAIGN FINANCE REPORTING SYSTEM OR, FOR A CANDIDATE WHO DOES NOT FILE USING SUCH BOARD'S ELECTRONIC CAMPAIGN FINANCE REPORTING SYSTEM, BY EXPRESS MAIL.

S 18-104. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY ANY ONE COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDITURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION OR ELECTION DURING THE CALENDAR YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IN WHICH THE CANDIDATE SEEKING NOMINATION OR ELECTION IS HELD, FOR SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT YEAR OR IN THE CASE OF A SPECIAL ELECTION FOR EXPENDITURES DURING THE PERIOD COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL ELECTION. THE TOTAL OF ALL EXPENDITURES MADE BY THE CANDI-

DATE AND SUCH CANDIDATE'S AUTHORIZED COMMITTEE INCLUDING ALL PAYMENTS RECEIVED FROM THE FUND SHALL NOT EXCEED THE EXPENDITURE LIMITATIONS ESTABLISHED IN SECTION 18-110 OF THIS TITLE, EXCEPT INSOFAR AS SUCH PAYMENTS ARE MADE TO REPAY LOANS USED TO PAY CAMPAIGN EXPENDITURES.

2. SUCH PUBLIC FUNDS MAY NOT BE USED FOR:

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

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

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

(D) ANY EXPENDITURE MADE AFTER THE CANDIDATE, OR THE ONLY REMAINING OPPONENT OF THE CANDIDATE, HAS BEEN DISQUALIFIED OR HAD SUCH CANDIDATE'S PETITIONS DECLARED INVALID BY A BOARD OF ELECTIONS OR A COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY A HIGHER AUTHORITY. THIS PARAGRAPH SHALL NOT APPLY TO A CANDIDATE ENTITLED TO EXPEND PUBLIC FUNDS PURSUANT TO THE PROVISIONS OF SUBDIVISION THREE OF SECTION 18-106 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 18-106. OPTIONAL PUBLIC FINANCING. 1. ELIGIBLE CANDIDATES FOR NOMINATION OR ELECTION IN GENERAL AND SPECIAL 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. PAYMENTS SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. 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 TWO DOLLARS 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 ELECTS NOT TO ACCEPT SUCH PUBLIC FUNDS AND EITHER, SUCH CANDIDATE SPENDS, OR CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES TO SUCH CANDIDATE'S COMMITTEE AN AMOUNT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS OF SUCH CANDIDATE'S PERSONAL FUNDS, OR IF 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 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 FOUR DOLLARS FOR EACH SUCH DOLLAR OF MATCHABLE CONTRIBUTIONS. IF

A CANDIDATE WHO ELECTS NOT TO ACCEPT SUCH PUBLIC FUNDS, SPENDS, OR CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES TO SUCH CANDIDATE'S AUTHORIZED COMMITTEE AN AMOUNT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS OF SUCH CANDIDATE'S PERSONAL FUNDS, OR IF SUCH A CANDIDATE AND THE COMMITTEE OF SUCH A CANDIDATE, SPENDS OR CONTRACTS OR OBLIGATES TO SPEND, OR RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING ONE-THIRD THE EXPENDITURE LIMIT FOR SUCH OFFICE, SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE STATE BOARD OF THE FACT WITHIN TWENTY-FOUR HOURS VIA THE ELECTRONIC REPORTING SYSTEM, OR IF SUCH CANDIDATE DOES NOT FILE USING SUCH REPORTING SYSTEM, 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 THE PAYMENT PROVIDED IN SUBDIVISION TWO OF THIS SECTION, PROVIDED THAT SUCH CANDIDATE OTHERWISE QUALIFIES PURSUANT TO THE PROVISIONS OF THIS TITLE. SUCH PAYMENT CAN ONLY BE EXPENDED FOR PROPERTY, SERVICES OR FACILITIES USED ON OR BEFORE THE DATE OF SUCH PRIMARY.

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

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

6. THE STATE BOARD SHALL PROMULGATE REGULATIONS FOR THE CERTIFICATION, FOR APPROVAL OF PAYMENT BY THE NEW YORK STATE JUDICIAL ELECTION CAMPAIGN FUND PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW, OF THE SUM OF PUBLIC FUNDS THAT SUCH CANDIDATE HAS QUALIFIED TO RECEIVE FROM THE ELECTION CAMPAIGN FUND. THESE REGULATIONS SHALL INCLUDE THE PROMULGATION AND DISTRIBUTION OF FORMS ON WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE REPORTED, THE PERIODS DURING WHICH SUCH REPORTS MUST BE FILED AND THE VERIFICATION REQUIRED. THE STATE BOARD SHALL ENDEAVOR TO INSTITUTE PROCEDURES WHICH WILL MAKE POSSIBLE PAYMENT BY THE ELECTION CAMPAIGN FUND WITHIN FOUR BUSINESS DAYS AFTER RECEIPT OF THE REQUIRED FORMS AND VERIFICATIONS.

S 18-108. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ANY ELECTION FOR JUDICIAL OFFICE, NO CONTRIBUTOR MAY MAKE A CONTRIBUTION TO ANY CANDIDATE OR AUTHORIZED COMMITTEE, AND NO CANDIDATE OR AUTHORIZED COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR, WHICH, IN THE AGGREGATE AMOUNT, IS GREATER THAN FIVE HUNDRED DOLLARS EXCEPT THAT A CANDIDATE WHO HAS ELECTED TO PARTICIPATE IN SUCH OPTIONAL PUBLIC FINANCING OR SUCH CANDIDATE'S AUTHORIZED COMMITTEE MAY ACCEPT FROM SUCH PARTY OR CONSTITUTED COMMITTEES AN AMOUNT WHICH IN THE AGGREGATE DOES NOT EXCEED FIVE THOUSAND DOLLARS. A CANDIDATE WHO HAS ELECTED NOT TO PARTICIPATE IN SUCH OPTIONAL PUBLIC FINANCING MAY ACCEPT FROM SUCH PARTY OR CONSTITUTED COMMITTEES AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS.

(B) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR WHICH PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE, ELECTS NOT TO ACCEPT SUCH PUBLIC FUNDS AND EITHER, SUCH CANDIDATE SPENDS, OR CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES TO SUCH CANDIDATE'S COMMITTEE AN

AMOUNT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS OF SUCH CANDIDATE'S PERSONAL FUNDS, OR IF SUCH CANDIDATE AND SUCH CANDIDATE'S COMMITTEE SPEND OR CONTRACT OR OBLIGATE TO SPEND, OR RECEIVE IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING ONE-THIRD THE EXPENDITURE FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT SUCH PUBLIC FUNDS, CONTRIBUTORS TO THOSE CANDIDATES FOR SUCH OFFICE WHO HAVE ELECTED TO RECEIVE PUBLIC FUNDS SHALL BE ALLOWED TO CONTRIBUTE AND SUCH CANDIDATES OR AUTHORIZED COMMITTEES SHALL BE ALLOWED TO ACCEPT CONTRIBUTIONS FROM ANY CONTRIBUTOR, WHICH, IN THE AGGREGATE, ARE TWICE THE AMOUNT WHICH WOULD OTHERWISE BE ALLOWED BY PARAGRAPH (A) OF THIS SUBDIVISION. IF A CANDIDATE WHO ELECTS NOT TO ACCEPT SUCH PUBLIC FUNDS, SPENDS, OR CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES TO SUCH CANDIDATE'S COMMITTEE AN AMOUNT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS OF SUCH CANDIDATE'S PERSONAL FUNDS, OR IF SUCH CANDIDATE AND THE COMMITTEE OF SUCH CANDIDATE SPENDS OR CONTRACTS OR OBLIGATES TO SPEND, OR RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING ONE-THIRD THE EXPENDITURE LIMIT FOR SUCH OFFICE, SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE STATE BOARD OF THE FACT WITHIN TWENTY-FOUR HOURS VIA THE ELECTRONIC REPORTING SYSTEM, OR IF SUCH CANDIDATE DOES NOT FILE USING SUCH REPORTING SYSTEM, BY EXPRESS MAIL.

(C) AT THE BEGINNING OF THE CALENDAR YEAR TWO THOUSAND THIRTEEN AND EACH FOURTH CALENDAR YEAR THEREAFTER, THE STATE BOARD SHALL DETERMINE THE PERCENTAGE DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE MONTHLY CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS AND SUCH CONSUMER PRICE INDEX PUBLISHED FOR THE SAME MONTH FOUR YEARS PREVIOUSLY. THE AMOUNT OF EACH CONTRIBUTION LIMIT FIXED IN THIS SUBDIVISION SHALL BE ADJUSTED BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE HUNDRED DOLLARS BY THE STATE BOARD WHICH, NOT LATER THAN THE FIRST DAY OF FEBRUARY IN EACH SUCH YEAR, SHALL ISSUE A REGULATION SETTING FORTH THE AMOUNT OF EACH SUCH CONTRIBUTION LIMIT. EACH CONTRIBUTION LIMIT AS SO ADJUSTED SHALL BE THE CONTRIBUTION LIMIT IN EFFECT FOR ANY ELECTION HELD BEFORE THE NEXT SUCH ADJUSTMENT.

2. (A) CONTRIBUTIONS RECEIVED BEFORE THE EFFECTIVE DATE OF THIS TITLE MAY BE EXPENDED ONLY TO THE EXTENT THAT THEY DO NOT EXCEED THE CONTRIBUTION LIMITS IMPOSED BY THIS SECTION. INTEREST EARNED ON ANY SUCH CONTRIBUTIONS MAY BE EXPENDED ONLY TO THE EXTENT THAT SUCH INTEREST WAS EARNED ON CONTRIBUTIONS WHICH MAY BE EXPENDED PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION.

(B) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR WHICH PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE, ELECTS NOT TO ACCEPT SUCH PUBLIC FUNDS AND SUCH CANDIDATE SPENDS, OR CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES TO SUCH CANDIDATE'S COMMITTEE AN AMOUNT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS OF SUCH CANDIDATE'S PERSONAL FUNDS, OR SUCH CANDIDATE AND SUCH CANDIDATE'S COMMITTEE SPEND OR CONTRACT OR OBLIGATE TO SPEND, OR RECEIVE IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING ONE-THIRD THE EXPENDITURE LIMIT FOR SUCH OFFICE FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT SUCH PUBLIC FUNDS, CANDIDATES FOR SUCH OFFICE WHO HAVE ELECTED TO RECEIVE PUBLIC FUNDS AND THE AUTHORIZED COMMITTEES OF SUCH CANDIDATES SHALL BE ALLOWED TO EXPEND ALL CONTRIBUTIONS RECEIVED BEFORE THE EFFECTIVE DATE OF THIS TITLE.

3. (A) A CANDIDATE OR THE AUTHORIZED COMMITTEE OF SUCH A CANDIDATE WHO HAS NOT ELECTED TO PARTICIPATE IN SUCH PUBLIC FUNDING PROVISIONS OF THIS TITLE, SHALL NOT ACCEPT ANY CONTRIBUTIONS ANY EARLIER THAN ONE YEAR BEFORE THE FIRST DAY TO CIRCULATE DESIGNATING PETITIONS FOR THE OFFICE

WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE END OF THE CALENDAR YEAR IN WHICH THE ELECTION OCCURS, EXCEPT THAT A CANDIDATE OR AUTHORIZED COMMITTEE WHICH HAS A DEFICIT AT THE END OF SUCH CALENDAR YEAR MAY, AFTER SUCH CALENDAR YEAR, ACCEPT CONTRIBUTIONS WHICH DO NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAISING SUCH CONTRIBUTIONS. CONTRIBUTIONS TO SUCH A CANDIDATE OR AUTHORIZED COMMITTEE WHICH WERE RECEIVED BEFORE THE EFFECTIVE DATE OF THIS TITLE MAY NOT BE EXPENDED IN ANY ELECTION FOR ANY SUCH OFFICE.

(B) A CANDIDATE FOR SUCH AN OFFICE TO BE FILLED AT A SPECIAL ELECTION, OR THE AUTHORIZED COMMITTEE OF SUCH A CANDIDATE WHO HAS NOT ELECTED TO PARTICIPATE IN THE PUBLIC FUNDING PROVISIONS OF THIS TITLE, SHALL NOT ACCEPT ANY CONTRIBUTIONS ANY EARLIER THAN THE DATE SUCH OFFICE BECOMES VACANT OR FOUR MONTHS BEFORE SUCH SPECIAL ELECTION, WHICHEVER IS EARLIER, OR ANY LATER THAN TWO MONTHS AFTER SUCH ELECTION EXCEPT THAT A CANDIDATE OR AUTHORIZED COMMITTEE WHICH HAS A DEFICIT TWO MONTHS AFTER SUCH ELECTION MAY, AFTER SUCH DATE, ACCEPT CONTRIBUTIONS WHICH DO NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAISING SUCH CONTRIBUTIONS.

S 18-110. EXPENDITURE LIMITATIONS. 1. THE FOLLOWING LIMITATIONS APPLY TO ALL EXPENDITURES BY ELIGIBLE CANDIDATES AND THEIR COMMITTEES RECEIVING PUBLIC FUNDS PURSUANT TO THE PROVISIONS OF THIS TITLE.

2. (A) IN ANY PRIMARY ELECTION, EXPENDITURES BY ELIGIBLE CANDIDATES FOR JUDICIAL OFFICE AND BY THEIR COMMITTEES SHALL NOT EXCEED THE SUM OF ONE DOLLAR AND SEVENTY-FIVE CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE DISTRICT FOR WHICH SUCH CANDIDATE IS A CANDIDATE, AS DETERMINED BY THE RECORDS OF THE APPROPRIATE BOARD OR BOARDS OF ELECTION AS OF THE LAST GENERAL ELECTION PRECEDING THE PRIMARY ELECTION; PROVIDED HOWEVER, SUCH EXPENDITURES SHALL NOT EXCEED SEVENTY-FIVE THOUSAND DOLLARS IN A PRIMARY ELECTION.

(B) IN ANY GENERAL OR SPECIAL ELECTION, EXPENDITURES BY ELIGIBLE CANDIDATES AND BY THEIR COMMITTEES SHALL NOT EXCEED THE SUM OF ONE DOLLAR AND SEVENTY-FIVE CENTS FOR EACH VOTER REGISTERED IN THE DISTRICT FOR WHICH THE CANDIDATE IS A CANDIDATE, AS DETERMINED BY THE RECORDS OF THE APPROPRIATE BOARD OR BOARDS OF ELECTIONS AS OF THE LAST GENERAL ELECTION; PROVIDED HOWEVER, SUCH EXPENDITURES SHALL NOT EXCEED SEVENTY-FIVE THOUSAND DOLLARS IN A GENERAL OR SPECIAL ELECTION.

(C) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR WHICH PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE, ELECTS NOT TO ACCEPT SUCH PUBLIC FUNDS AND EITHER, SUCH CANDIDATE SPENDS, OR CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES TO SUCH CANDIDATE'S COMMITTEE AN AMOUNT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS OF SUCH CANDIDATE'S PERSONAL FUNDS, OR IF 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 PARAGRAPH (A) OR (B) OF THIS SUBDIVISION, WHICHEVER IS APPLICABLE, FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT SUCH PUBLIC FUNDS, THERE SHALL BE NO EXPENDITURE LIMIT FOR THOSE CANDIDATES FOR SUCH OFFICE WHO HAVE ELECTED TO RECEIVE PUBLIC FUNDS. IF A CANDIDATE WHO ELECTS NOT TO ACCEPT SUCH PUBLIC FUNDS, SPENDS OR CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES TO SUCH CANDIDATE'S COMMITTEE AN AMOUNT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS OF SUCH CANDIDATE'S PERSONAL FUNDS, OR IF SUCH A CANDIDATE AND 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 THAT FACT WITHIN TWENTY-FOUR HOURS VIA THE ELECTRONIC REPORTING

SYSTEM, OR IF SUCH CANDIDATE DOES NOT FILE USING SUCH REPORTING SYSTEM, BY EXPRESS MAIL.

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

(E) EXPENDITURES FOR LEGAL FEES AND EXPENSES TO DEFEND THE VALIDITY OF PETITIONS OF DESIGNATION OR NOMINATION OR CERTIFICATES OF NOMINATION, ACCEPTANCE, AUTHORIZATION, DECLINATION OR SUBSTITUTION, OR TO CHALLENGE SUCCESSFULLY, ANY SUCH PETITION OR CERTIFICATE ON GROUNDS OF FRAUD AND FOR EXPENSES INCURRED TO COMPLY WITH THE CAMPAIGN FINANCE REPORTING REQUIREMENTS OF THIS ARTICLE AND ARTICLE FOURTEEN OF THIS CHAPTER SHALL NOT BE SUBJECT TO THE EXPENDITURE LIMITS OF THIS SUBDIVISION.

(F) AT THE BEGINNING OF THE CALENDAR YEAR TWO THOUSAND THIRTEEN AND EACH FOURTH CALENDAR YEAR THEREAFTER, THE STATE BOARD SHALL DETERMINE THE PERCENTAGE DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE MONTHLY CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS AND SUCH CONSUMER PRICE INDEX PUBLISHED FOUR YEARS PREVIOUSLY. THE AMOUNT OF EACH EXPENDITURE LIMIT FIXED IN THIS SUBDIVISION SHALL BE ADJUSTED BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE THOUSAND DOLLARS BY THE STATE BOARD WHICH, NOT LATER THAN THE FIRST DAY OF FEBRUARY IN EACH SUCH YEAR, SHALL ISSUE A REGULATION SETTING FORTH THE AMOUNT OF EACH SUCH CONTRIBUTION LIMIT. EACH CONTRIBUTION LIMIT AS SO ADJUSTED SHALL BE THE CONTRIBUTION LIMIT IN EFFECT FOR ANY ELECTION HELD BEFORE THE NEXT SUCH ADJUSTMENT.

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

S 18-112. EXAMINATIONS AND AUDITS; REPAYMENTS. 1. THE STATE BOARD SHALL CONDUCT A THOROUGH EXAMINATION AND AUDIT OF THE CONTRIBUTIONS AND QUALIFIED CAMPAIGN EXPENSES OF THE AUTHORIZED COMMITTEE OF EVERY ELIGIBLE CANDIDATE WHO RECEIVED PAYMENTS PURSUANT TO SECTION 18-106 OF THIS TITLE.

2. (A) IF THE STATE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO SUCH AUTHORIZED COMMITTEE FROM THE NEW YORK STATE JUDICIAL ELECTION CAMPAIGN FUND WAS IN EXCESS OF THE AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS ENTITLED PURSUANT TO SECTION 18-106 OF THIS TITLE, IT SHALL NOTIFY SUCH COMMITTEE AND SUCH COMMITTEE SHALL PAY TO THE STATE BOARD AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS.

(B) IF THE STATE BOARD DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO AN AUTHORIZED COMMITTEE OF AN ELIGIBLE CANDIDATE FROM THE NEW YORK STATE

JUDICIAL ELECTION CAMPAIGN FUND WAS USED FOR PURPOSES OTHER THAN TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY THE SAID AUTHORIZED COMMITTEE OF THE AMOUNT DISQUALIFIED AND THE SAID AUTHORIZED COMMITTEE SHALL PAY TO THE STATE BOARD AN AMOUNT EQUAL TO SUCH DISQUALIFIED AMOUNT.

(C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE NEW YORK STATE JUDICIAL ELECTION CAMPAIGN FUND RECEIVED BY ANY CANDIDATE AND SUCH CANDIDATE'S AUTHORIZED COMMITTEE, EXCEEDS THE CAMPAIGN EXPENDITURES OF SUCH CANDIDATE AND COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM THE FUND NOT LATER THAN TEN DAYS AFTER ALL LIABILITIES HAVE BEEN PAID AND IN ANY EVENT, NOT LATER THAN MARCH THIRTY-FIRST OF THE YEAR FOLLOWING THE YEAR OF THE ELECTION FOR WHICH SUCH PAYMENTS WERE INTENDED. NO SUCH EXCESS FUNDS SHALL BE USED FOR ANY OTHER PURPOSE, UNLESS THE TOTAL AMOUNT DUE THE NEW YORK STATE JUDICIAL ELECTION CAMPAIGN FUND FROM SUCH CANDIDATE AND COMMITTEE HAS BEEN REPAID.

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

4. ALL PAYMENTS RECEIVED BY THE STATE BOARD PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE NEW YORK STATE JUDICIAL ELECTION CAMPAIGN FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

S 18-114. PENALTIES. 1. ANY PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO FILE A STATEMENT REQUIRED TO BE FILED BY THIS TITLE OR THE RULES OR REGULATIONS OF THE STATE BOARD IN IMPLEMENTATION THEREOF WITHIN FIVE DAYS AFTER THE DATE PROVIDED FOR FILING SUCH STATEMENT, OR ANY PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE SHALL BE GUILTY OF A CLASS A MISDEMEANOR, UNLESS A GREATER PENALTY IS SPECIFICALLY PRESCRIBED IN ANOTHER APPLICABLE STATUTE.

2. ANY PERSON WHO KNOWINGLY AND WILLFULLY CONTRIBUTES OR EXPENDS OR AIDS OR PARTICIPATES IN THE CONTRIBUTION OR EXPENDITURE OF FUNDS IN AN AMOUNT EXCEEDING AN APPLICABLE MAXIMUM SPECIFIED IN THIS TITLE, OR WHO KNOWINGLY AND WILLFULLY ACCEPTS OR AIDS OR PARTICIPATES IN THE ACCEPTANCE OF A CONTRIBUTION IN AN AMOUNT EXCEEDING AN APPLICABLE MAXIMUM SPECIFIED IN THIS TITLE SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

3. ANY PERSON WHO KNOWINGLY AND WILLFULLY NEGLECTS OR REFUSES TO FURNISH ANY INFORMATION REQUIRED OR AUTHORIZED BY THIS TITLE, OR TO EXHIBIT RECORDS, PAPERS OR DOCUMENTS AUTHORIZED BY THIS TITLE TO BE INSPECTED OR WHICH ARE REQUIRED TO BE EXHIBITED, SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

4. ANY PERSON WHO KNOWINGLY AND WILLFULLY EXPENDS OR AIDS OR PARTICIPATES IN THE EXPENDITURE OF FUNDS FOR A PURPOSE OR IN A MANNER WHICH VIOLATES THE PROVISIONS OF THIS TITLE SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

5. ANY PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO RETURN OR AIDS OR PARTICIPATES IN THE FAILURE TO RETURN TO THE STATE BOARD ANY FUNDS REQUIRED TO BE RETURNED TO SUCH BOARD PURSUANT TO THE PROVISIONS OF THIS TITLE SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

6. ANY PERSON WHO FURNISHES ANY FALSE, FICTITIOUS OR FRAUDULENT EVIDENCE, BOOKS OR INFORMATION TO THE STATE BOARD OF ELECTIONS UNDER THIS TITLE OR INCLUDES IN ANY EVIDENCE, BOOKS, OR INFORMATION SO FURNISHED ANY MISREPRESENTATION OF A MATERIAL FACT, OR FALSIFIES OR

CONCEALS ANY EVIDENCE, BOOKS, OR INFORMATION RELEVANT TO ANY AUDIT BY THE STATE BOARD OF ELECTIONS OR KNOWINGLY AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

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

8. WHENEVER THE ATTORNEY GENERAL IS AUTHORIZED UNDER THIS CHAPTER TO PROSECUTE A CRIMINAL PROCEEDING ON BEHALF OF THE STATE BOARD, THE ATTORNEY GENERAL SHALL HAVE THE DISCRETION TO DELEGATE THE AUTHORITY TO INITIATE OR CONDUCT ANY SUCH PROSECUTION TO THE STATE BOARD OF ELECTIONS.

S 18-116. CIVIL PENALTIES. 1. ANY PERSON WHO FAILS TO FILE A STATEMENT OR RECORD REQUIRED TO BE FILED BY THIS TITLE OR THE RULES OR REGULATIONS OF THE STATE BOARD IN IMPLEMENTATION THEREOF SHALL BE SUBJECT TO A CIVIL PENALTY, NOT IN EXCESS OF ONE THOUSAND DOLLARS, TO BE RECOVERABLE IN A CIVIL PROCEEDING BROUGHT BY THE STATE BOARD.

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

TITLE II

LOCAL OPTION PUBLIC FINANCING FOR JUDICIAL CANDIDATES

SECTION 18-200. PUBLIC CAMPAIGN FINANCING IN COUNTIES, CITIES OR TOWNS BY LOCAL OPTION.

S 18-200. PUBLIC CAMPAIGN FINANCING IN COUNTIES, CITIES OR TOWNS BY LOCAL OPTION. 1. UPON PASSAGE OF A LOCAL LAW BY ANY COUNTY, CITY, TOWN OR VILLAGE, SUCH MUNICIPALITY MAY ESTABLISH A LOCAL CAMPAIGN FINANCING LAW FOR ELECTIONS FOR JUDICIAL OFFICES IN SUCH COUNTY, CITY, TOWN OR VILLAGE.

2. SUCH LOCAL PUBLIC CAMPAIGN FINANCE LAW SHALL INCLUDE, BUT NOT BE LIMITED TO: WHICH OFFICES SHALL BE INCLUDED IN PUBLIC FINANCING; THE AMOUNT OF PUBLIC FINANCING FOR EACH OFFICE; CONTRIBUTION AND EXPENDITURE LIMITS; AND THE METHOD OF FUNDING PUBLIC FINANCING.

3. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO DIMINISH ANY EXISTING AUTHORITY OF A COUNTY, CITY, TOWN OR VILLAGE.

S 4. Subdivision 3 of section 14-114 of the election law, as amended by chapter 517 of the laws of 1986, is amended to read as follows:

3. As used in this section the term "contributor" shall not include a party committee supporting [the candidate] CANDIDATES of such party FOR NON-JUDICIAL OFFICES or a constituted committee supporting [the candidate] CANDIDATES of such party FOR NON-JUDICIAL OFFICES.

S 5. The state finance law is amended by adding a new section 92-t to read as follows:

S 92-T. NEW YORK STATE JUDICIAL ELECTION CAMPAIGN FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE NEW YORK STATE JUDICIAL ELECTION CAMPAIGN FUND.

2. SUCH FUND SHALL CONSIST OF MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT TO TITLE ONE OF ARTICLE EIGHTEEN OF THE ELECTION LAW. MONEYS SHALL BE PAID OUT OF THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE STATE BOARD OF ELECTIONS, OR ITS DULY DESIGNATED REPRESENTATIVE, IN THE MANNER PRESCRIBED BY LAW, NOT MORE THAN FOUR WORKING DAYS AFTER SUCH VOUCHER IS RECEIVED BY THE STATE COMPTROLLER.

4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF, IN ANY STATE FISCAL YEAR, THE STATE JUDICIAL ELECTION CAMPAIGN FUND LACKS THE AMOUNT OF MONEY TO PAY ALL CLAIMS VOUCHERED BY ELIGIBLE CANDIDATES AND CERTIFIED OR APPROVED BY THE STATE BOARD OF ELECTIONS, ANY SUCH DEFICIENCY SHALL BE PAID, UPON AUDIT AND WARRANT OF THE COMPTROLLER, FROM FUNDS DEPOSITED IN THE GENERAL FUND OF THE STATE NOT MORE THAN FOUR WORKING DAYS AFTER SUCH VOUCHER IS RECEIVED BY THE COMPTROLLER.

5. COMMENCING IN TWO THOUSAND THIRTEEN, IF THE SURPLUS IN THE FUND ON APRIL FIRST OF THE YEAR AFTER A YEAR IN WHICH A GOVERNOR IS ELECTED EXCEEDS TWENTY-FIVE PERCENT OF THE DISBURSEMENTS FROM THE FUND OVER THE PREVIOUS FOUR YEARS, THE EXCESS SHALL REVERT TO THE GENERAL FUND OF THE STATE.

6. NO MONEYS SHALL BE PAID TO CANDIDATES IN A PRIMARY ELECTION ANY EARLIER THAN TWO WEEKS AFTER THE LAST DAY TO FILE DESIGNATING PETITIONS FOR SUCH PRIMARY ELECTION.

7. NO MONEYS SHALL BE PAID TO CANDIDATES IN A GENERAL ELECTION ANY EARLIER THAN THE DAY AFTER THE DAY OF THE PRIMARY ELECTION HELD TO NOMINATE CANDIDATES FOR SUCH ELECTION.

8. NO MONEYS SHALL BE PAID TO CANDIDATES IN A SPECIAL ELECTION ANY EARLIER THAN THE DAY AFTER THE LAST DAY TO FILE CERTIFICATES OF PARTY NOMINATION FOR SUCH SPECIAL ELECTION.

9. NO MONEYS SHALL BE PAID TO ANY CANDIDATE WHO HAS BEEN DISQUALIFIED OR WHOSE DESIGNATING PETITIONS HAVE BEEN DECLARED INVALID BY THE APPROPRIATE BOARD OF ELECTIONS OR A COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY A HIGHER AUTHORITY. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR SUCH CANDIDATE'S AUTHORIZED COMMITTEE ON THE DATE OF SUCH DISQUALIFICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE SUCH DATE. ALL SUCH MONEYS SHALL BE REPAID TO THE FUND.

S 6. This act shall take effect immediately, except that the provisions of title I of article 18 of the election law, as added by section three of this act shall first apply in elections held in 2010.