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

8753--A

2009-2010 Regular Sessions

I N A S S E M B L Y

June 5, 2009

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to decreasing contribution limitations; and to repeal subdivision 3 of section 14-124 of the election law relating thereto

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] FIVE thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision, and (ii) in the case of any election to a public office, [twenty-five] FIVE thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision[; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from

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

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any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by $.025].

b. In any other election for party position or for election to a public office or for nomination for any such office, no contributor may make a contribution to any candidate or political committee and no candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any election for party position, or for nomination to public office, the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.05, and (ii) in the case of any election for a public office, the product of the total number of registered voters in the district, excluding voters in inactive status, multiplied by $.05[,]; BUT IN NO EVENT SHALL ANY SUCH MAXIMUM EXCEED THREE THOUSAND DOLLARS OR BE LESS THAN ONE THOUSAND DOLLARS; however in the case of a nomination OR ELECTION within the city of New York for the office of mayor, public advocate [or], comptroller, BOROUGH PRESIDENT OR MEMBER OF THE CITY COUNCIL, such amount shall be [not less than four thousand dollars nor more than twelve thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election within the city of New York for the office of mayor, public advocate or comptroller, twenty-five thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision] EQUAL TO THE CONTRIBUTION LIMITS SET FORTH IN PARAGRAPH (F) OF SUBDIVISION ONE OF SECTION 3-703 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK; PROVIDED HOWEVER in the case of a nomination OR ELECTION for state senator, [four] TWO thousand FOUR HUNDRED dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; [in the case of an election for state senator, six thousand two hundred fifty dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision;] in the case of [an election or] A nomination OR ELECTION for a member of the assembly, [twenty-five hundred] TWO THOUSAND FOUR HUNDRED dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision[; but in no event shall any such maximum exceed fifty thousand dollars or be less than one thousand dollars; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any election for party position or nomination for public office an amount equivalent to the number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.25 and in the case of any election to public office, an amount equivalent to the number of registered voters in the district, excluding voters in inactive status, multiplied by $.25; or twelve hundred fifty dollars, whichever is greater, or in the case of a nomination or election of a state senator, twenty thousand dollars, whichever is greater, or in the case of a nomination or election of a member of the assembly twelve thousand five hundred

dollars, whichever is greater, but in no event shall any such maximum exceed one hundred thousand dollars].

c. At the beginning of each fourth calendar year, commencing in [nineteen hundred ninety-five] TWO THOUSAND TWELVE, the state board shall determine the percentage of the 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 publishing 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.

S 2. Subdivision 8 of section 14-114 of the election law, as amended by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

8. A. Except as may otherwise be provided [for] BY a candidate [and his family] FOR HIS OR HER OWN CAMPAIGN, no NATURAL person may contribute, loan or guarantee in excess of [one hundred fifty] TWENTY-FIVE thousand dollars within the state OF NEW YORK IN ANY CALENDAR YEAR in connection with the nomination or election of [persons to] CANDIDATES FOR state [and] OR local public offices [and] OR party positions [within the state of New York in any one calendar year].

B. For the purposes of this subdivision "loan" or "guarantee" shall mean a loan or guarantee which is not repaid or discharged in the calendar year in which it is made.

S 3. Subdivision 10 of section 14-114 of the election law, as added by chapter 79 of the laws of 1992, is amended to read as follows:

10. a. No contributor may make a contribution to a party or constituted committee and no such committee may accept a contribution from any contributor which, in the aggregate, is greater than [sixty-two] TWENTY-FIVE thousand [five hundred] dollars per annum.

b. At the beginning of each fourth calendar year, commencing in [nineteen hundred ninety-five] TWO THOUSAND THIRTEEN, the state board shall determine the percentage of the 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 such contribution limit fixed in paragraph a of 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 publishing the amount of such contribution limit. Such contribution limit as so adjusted shall be the contribution limit in effect for any election held before the next such adjustment.

S 4. Subdivision 3 of section 14-124 of the election law is REPEALED.

S 5. This act shall take effect January 1, 2011; provided, that contributions legally received prior to the effective date of this act may be retained and expended for lawful purposes and shall not provide the basis for a violation of article 14 of the election law, as amended by this act; and provided, further, that the state board of elections shall notify all candidates and political committees of the applicable provisions of this act within thirty days after this act shall have become a law.