

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

8902--A

2009-2010 Regular Sessions

I N A S S E M B L Y

June 13, 2009

Introduced by M. of A. SILVER, MILLMAN, CARROZZA, WRIGHT, WEINSTEIN, GOTTFRIED, ESPAILLAT, PEOPLES-STOKES -- Multi-Sponsored by -- M. of A. ALESSI, BENEDETTO, BING, BOYLAND, BRENNAN, BRODSKY, CAHILL, CANESTRARI, CHRISTENSEN, CLARK, COLTON, COOK, DeMONTE, DINOWITZ, ENGLEBRIGHT, FIELDS, GALEF, GANTT, GIANARIS, GLICK, GORDON, GUNTHER, HOOPER, HOYT, JACOBS, JOHN, KOON, LANCMAN, LATIMER, LAVINE, LENTOL, LIFTON, LUPARDO, McENENY, MORELLE, NOLAN, O'DONNELL, ORTIZ, PAULIN, PERRY, PHEFFER, PRETLOW, REILLY, P. RIVERA, ROSENTHAL, SCARBOROUGH, SWEENEY, WEISENBERG -- read once and referred to the Committee on Election Law -- committed to Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to enacting the "2010 Campaign Finance Reform Act"; to amend the election law, the state finance law and the tax law, in relation to providing for optional partial public financing of certain election campaigns in this state; and to amend the election law, in relation to identification of the source of certain political communications

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "2010 Campaign Finance Reform Act".
3 S 2. Legislative findings and declaration. The legislature declares
4 that it is in the public interest to create and ensure a truly democratic
5 political system in which citizens, irrespective of their income,
6 status, or financial connections, are enabled and encouraged to compete
7 for public office. Therefore, the legislature finds it necessary to
8 establish a system of public financing for all qualified candidates for
9 state elective offices and constitutional convention delegates.
10 S 3. The article heading of article 14 of the election law is amended
11 to read as follows:

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

LBD14376-06-0

1 CAMPAIGN RECEIPTS AND EXPENDITURES; PUBLIC FINANCING

2 S 4. Section 14-100 of the election law is amended by adding three new
3 subdivisions 12, 13, and 14 to read as follows:

4 12. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

5 (A) THE NAME OF THE CANDIDATE INVOLVED APPEARS;

6 (B) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR

7 (C) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFER-
8 ENCE.

9 13. "GENERAL PUBLIC AUDIENCE" MEANS AN AUDIENCE COMPOSED OF MEMBERS OF
10 THE PUBLIC, INCLUDING A TARGETED SUBGROUP OF MEMBERS OF THE PUBLIC;
11 PROVIDED, HOWEVER, IT DOES NOT MEAN AN AUDIENCE SOLELY COMPRISED OF
12 MEMBERS, RETIREES AND STAFF OF A LABOR ORGANIZATION OR THEIR IMMEDIATE
13 FAMILY MEMBERS OR AN AUDIENCE SOLELY COMPRISED OF EMPLOYEES OF A BUSI-
14 NESS ENTITY.

15 14. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH
16 EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES
17 EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR
18 EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR
19 CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDI-
20 TIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCI-
21 DENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTI-
22 CLE, EACH LOCAL, PARENT NATIONAL OR PARENT INTERNATIONAL ORGANIZATION OF
23 A STATEWIDE LABOR ORGANIZATION, AND EACH STATEWIDE FEDERATION RECEIVING
24 DUES FROM SUBSIDIARY LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE
25 LABOR ORGANIZATION.

26 S 5. Section 14-106 of the election law, as amended by chapter 8 of
27 the laws of 1978, is amended to read as follows:

28 S 14-106. Political [advertisements and literature] COMMUNICATION.
29 The statements required to be filed under the provisions of this article
30 next succeeding a primary, general or special election shall be accompa-
31 nied by a [facsimile or] copy of all BROADCAST, CABLE OR SATELLITE SCHE-
32 DULES AND SCRIPTS, advertisements, pamphlets, circulars, flyers,
33 brochures, letterheads and other printed matter purchased or produced
34 [and a schedule of all radio or television time, and scripts used there-
35 in], AND REPRODUCTIONS OF STATEMENTS OR INFORMATION CONVEYED TO FIVE
36 HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR
37 OTHER ELECTRONIC DEVICE, purchased in connection with such election by
38 or under the authority of the person filing the statement or the commit-
39 tee or the person on whose behalf it is filed, as the case may be. Such
40 [facsimiles,] copies, schedules and scripts shall be preserved by the
41 officer with whom or the board with which it is required to be filed for
42 a period of one year from the date of filing thereof.

43 S 5-a. The election law is amended by adding a new section 14-107 to
44 read as follows:

45 S 14-107. INDEPENDENT EXPENDITURE REPORTING. 1. FOR PURPOSES OF THIS
46 ARTICLE:

47 (A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE BY A PERSON
48 FOR AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA
49 BROADCAST, CABLE OR SATELLITE OR A WRITTEN COMMUNICATION TO A GENERAL
50 PUBLIC AUDIENCE VIA ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS,
51 BROCHURES, LETTERHEADS OR OTHER PRINTED MATTER AND STATEMENTS OR INFOR-
52 MATION CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC
53 AUDIENCE BY COMPUTER OR OTHER ELECTRONIC DEVICES WHICH: (I) EXPRESSLY
54 ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE OR
55 THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL AND (II) SUCH CANDIDATE, THE

1 CANDIDATE'S POLITICAL COMMITTEE OR ITS AGENTS, OR A POLITICAL COMMITTEE
2 FORMED TO PROMOTE THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL OR ITS
3 AGENTS, DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY
4 SUCH COMMUNICATION.

5 (B) INDEPENDENT EXPENDITURES DO NOT INCLUDE:

6 (I) A COMMUNICATION APPEARING IN A WRITTEN NEWS STORY, COMMENTARY, OR
7 EDITORIAL OR DISTRIBUTED THROUGH THE FACILITIES OF ANY BROADCASTING
8 STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR FACILITIES ARE
9 OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL COMMITTEE OR
10 CANDIDATE; OR

11 (II) A COMMUNICATION THAT CONSTITUTES A CANDIDATE DEBATE OR FORUM; OR

12 (III) A COMMUNICATION WHICH CONSTITUTES AN EXPENDITURE MADE BY AN
13 ENTITY REQUIRED TO REPORT SUCH EXPENDITURE WITH A BOARD OF ELECTIONS.

14 (C) FOR PURPOSES OF THIS SECTION, THE TERM "PERSON" SHALL MEAN PERSON,
15 GROUP OF PERSONS, ENTITY, ORGANIZATION OR ASSOCIATION.

16 2. WHENEVER ANY PERSON MAKES AN INDEPENDENT EXPENDITURE THAT COSTS
17 MORE THAN ONE THOUSAND DOLLARS IN THE AGGREGATE, SUCH COMMUNICATION
18 SHALL CLEARLY STATE THE NAME OF THE PERSON WHO PAID FOR, OR OTHERWISE
19 PUBLISHED OR DISTRIBUTED, THE COMMUNICATION AND STATE, WITH RESPECT TO
20 COMMUNICATIONS REGARDING CANDIDATES, THAT THE COMMUNICATION IS NOT
21 AUTHORIZED BY ANY CANDIDATE, ANY CANDIDATE'S POLITICAL COMMITTEE OR ANY
22 OF ITS AGENTS. A KNOWING AND WILLFUL VIOLATION OF THE PROVISIONS OF
23 THIS SUBDIVISION SHALL SUBJECT THE PERSON TO A CIVIL PENALTY EQUAL TO
24 ONE THOUSAND DOLLARS OR THE COST OF THE COMMUNICATION, WHICHEVER IS
25 GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE STATE
26 BOARD OF ELECTIONS.

27 3. (A) ANY PERSON WHICH MAKES INDEPENDENT EXPENDITURES THAT COST MORE
28 THAN ONE THOUSAND DOLLARS IN THE AGGREGATE SHALL REPORT SUCH INDEPENDENT
29 EXPENDITURES TO THE STATE BOARD OF ELECTIONS ON STATEMENTS AS PROVIDED
30 FOR IN SECTION 14-108 OF THIS ARTICLE.

31 (B) ANY INDEPENDENT EXPENDITURE MADE AFTER THE CLOSE OF THE PERIOD TO
32 BE COVERED IN THE LAST STATEMENT FILED BEFORE ANY PRIMARY, GENERAL OR
33 SPECIAL ELECTION, BUT BEFORE SUCH ELECTION, SHALL BE REPORTED WITHIN
34 TWENTY-FOUR HOURS IN THE SAME MANNER AS PROVIDED FOR IN SUBDIVISION TWO
35 OF SECTION 14-108 OF THIS ARTICLE.

36 4. EACH SUCH STATEMENT SHALL INCLUDE:

37 (A) THE NAME AND ADDRESS OF THE PERSON MAKING THE STATEMENT;

38 (B) THE NAME AND ADDRESS OF THE PERSON MAKING THE INDEPENDENT EXPENDI-
39 TURE;

40 (C) THE NAME AND ADDRESS OF ANY PERSON OR ENTITY PROVIDING A GIFT,
41 LOAN, ADVANCE OR DEPOSIT OF ONE HUNDRED DOLLARS OR MORE FOR THE INDE-
42 PENDENT EXPENDITURE, OR THE PROVISION OF SERVICES FOR THE SAME, AND THE
43 DATE IT WAS GIVEN; PROVIDED, HOWEVER, THE NAME AND ADDRESS OF A MEMBER
44 OF A LABOR ORGANIZATION IS NOT REQUIRED FOR A GIFT, LOAN, ADVANCE OR
45 DEPOSIT OF ONE HUNDRED DOLLARS OR MORE TO A LABOR ORGANIZATION OR A
46 LABOR ORGANIZATION POLITICAL ACTION COMMITTEE;

47 (D) THE DOLLAR AMOUNT PAID FOR EACH INDEPENDENT EXPENDITURE, THE NAME
48 AND ADDRESS OF THE PERSON OR ENTITY RECEIVING THE PAYMENT, THE DATE THE
49 PAYMENT WAS MADE AND A DESCRIPTION OF THE INDEPENDENT EXPENDITURE; AND

50 (E) THE ELECTION TO WHICH THE INDEPENDENT EXPENDITURE PERTAINS AND THE
51 NAME OF THE CLEARLY IDENTIFIED CANDIDATE OR THE BALLOT PROPOSAL REFER-
52 ENCED.

53 5. ANY REPORT MADE PURSUANT TO THIS SECTION SHALL INCLUDE A COPY OF
54 ALL MATERIALS THAT PERTAIN TO THE INDEPENDENT EXPENDITURE, INCLUDING BUT
55 NOT LIMITED TO BROADCAST, CABLE OR SATELLITE SCHEDULE AND SCRIPTS,

1 ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS AND
2 OTHER PRINTED MATTER.

3 6. ANY REPORT OF A LOAN THAT IS MADE FOR AN INDEPENDENT EXPENDITURE
4 SHALL INCLUDE WRITTEN EVIDENCE OF THE INDEBTEDNESS.

5 7. EVERY STATEMENT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL
6 BE FILED BY ELECTRONIC REPORTING PROCESS OR OVERNIGHT MAIL TO THE STATE
7 BOARD OF ELECTIONS.

8 8. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE REGULATIONS WITH
9 RESPECT TO THE STATEMENTS REQUIRED TO BE FILED BY THIS SECTION AND SHALL
10 PROVIDE FORMS SUITABLE FOR SUCH STATEMENTS.

11 S 5-b. Section 14-112 of the election law, as amended by chapter 930
12 of the laws of 1981, is amended to read as follows:

13 S 14-112. Political committee authorization statement. 1. Any poli-
14 tical committee aiding or taking part in the election or nomination of
15 any candidate, other than by making contributions, shall file, in the
16 office in which the statements of such committee are to be filed pursu-
17 ant to this article, either a sworn verified statement by the treasurer
18 of such committee that the candidate has authorized the political
19 committee to aid or take part in his election or that the candidate has
20 not authorized the committee to aid or take part in his election.

21 2. NO LATER THAN THREE DAYS AFTER THE LAST DAY TO FILE DESIGNATING
22 PETITIONS, A CANDIDATE FOR STATEWIDE OFFICE, STATE LEGISLATIVE OFFICE OR
23 CONSTITUTIONAL CONVENTION DELEGATE SHALL FILE A STATEMENT WITH THE STATE
24 BOARD OF ELECTIONS STATING WHETHER THE CANDIDATE HAS OR WILL CONTRIBUTE
25 PERSONAL FUNDS TO HIS OR HER AUTHORIZED COMMITTEE FOR USE IN SUCH
26 ELECTION AND AN ESTIMATE OF THE AMOUNT OF PERSONAL FUNDS CONTRIBUTED OR
27 TO BE CONTRIBUTED. THE KNOWING AND WILLFUL FAILURE TO FILE THE STATE-
28 MENT REQUIRED BY THIS SUBDIVISION SHALL SUBJECT THE CANDIDATE TO A CIVIL
29 PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS IN A SPECIAL PROCEEDING OR
30 CIVIL ACTION BROUGHT BY THE STATE BOARD OF ELECTIONS.

31 S 5-c. Section 14-126 of the election law, as amended by chapter 8 of
32 the laws of 1978, subdivision 1 as amended by chapter 128 of the laws of
33 1994, subdivisions 2, 3, and 4 as redesignated by chapter 9 of the laws
34 of 1978, is amended to read as follows:

35 S 14-126. Violations; penalties. 1. Any person who fails to file a
36 statement required to be filed by this article shall be subject to a
37 civil penalty, not in excess of five hundred dollars, to be recoverable
38 in a special proceeding or civil action to be brought by the state board
39 of elections or other board of elections.

40 2. ANY PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO IDENTIFY INDEPEND-
41 ENT EXPENDITURES AS REQUIRED BY SUBDIVISION TWO OF SECTION 14-107 OR
42 KNOWINGLY AND WILLFULLY FAILS TO FILE THE STATEMENT REQUIRED BY SUBDIVI-
43 SION TWO OF SECTION 14-112 SHALL BE SUBJECT TO A CIVIL PENALTY IN A
44 SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE STATE BOARD OF
45 ELECTIONS.

46 [2.] 3. Any person who knowingly and willfully fails to file a state-
47 ment required to be filed by this article within ten days after the date
48 provided for filing such statement or any person who knowingly and will-
49 fully violates any other provision of this article shall be guilty of a
50 misdemeanor.

51 [3.] 4. Any person who knowingly and willfully contributes, accepts or
52 aids or participates in the acceptance of a contribution in an amount
53 exceeding an applicable maximum specified in this article shall be guilty
54 of a misdemeanor.

55 [4.] 5. Any person who shall, acting on behalf of a candidate or poli-
56 tical committee, knowingly and willfully solicit, organize or coordinate

1 the formation of activities of one or more unauthorized committees, make
2 expenditures in connection with the nomination for election or election
3 of any candidate, or solicit any person to make any such expenditures,
4 for the purpose of evading the contribution limitations of this article,
5 shall be guilty of a class E felony.

6 S 6. Sections 14-100 through 14-130 of article 14 of the election law
7 are designated title 1 and a new title heading is added to read as
8 follows:

9 CAMPAIGN RECEIPTS AND EXPENDITURES

10 S 7. Article 14 of the election law is amended by adding a new title 2
11 to read as follows:

12 TITLE II
13 PUBLIC FINANCING

14 SECTION 14-200. DEFINITIONS.
15 14-202. ELIGIBILITY.
16 14-204. QUALIFIED CAMPAIGN EXPENDITURES.
17 14-206. OPTIONAL PUBLIC FINANCING.
18 14-208. CONTRIBUTION AND RECEIPT LIMITATIONS.
19 14-210. EXPENDITURE LIMITATIONS.
20 14-212. EXAMINATIONS AND AUDITS; REPAYMENTS.
21 14-214. CIVIL PENALTIES.

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

24 1. THE TERM "STATE BOARD" SHALL MEAN THE STATE BOARD OF ELECTIONS.

25 2. THE TERM "ELIGIBLE CANDIDATE" SHALL MEAN A CANDIDATE FOR NOMINATION
26 OR ELECTION TO ANY OF THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR,
27 COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE STATE LEGISLATURE, AT-LARGE
28 DELEGATE TO A CONSTITUTIONAL CONVENTION OR DISTRICT DELEGATE TO A
29 CONSTITUTIONAL CONVENTION.

30 3. THE TERM "PARTICIPATING COMMITTEE" SHALL MEAN A SINGLE POLITICAL
31 COMMITTEE WHICH A CANDIDATE CERTIFIES IS THE COMMITTEE THAT WILL SOLELY
32 BE USED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY
33 THIS TITLE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL
34 OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT. A MULTI-CAN-
35 DIDATE COMMITTEE MAY NOT BE A PARTICIPATING COMMITTEE.

36 4. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE WHO IS
37 ELIGIBLE TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM ESTAB-
38 LISHED BY THIS TITLE, HAS MET THE THRESHOLD FOR ELIGIBILITY AND HAS
39 ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM.

40 5. THE TERM "MATCHABLE CONTRIBUTIONS" SHALL MEAN THAT PORTION OF THE
41 AGGREGATE CONTRIBUTIONS MADE (A) IN THE CASE OF A PRIMARY OR GENERAL
42 ELECTION, AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENER-
43 AL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR (B) IN THE CASE OF A
44 SPECIAL ELECTION, WITHIN SIX MONTHS OF SUCH ELECTION BY NATURAL PERSONS
45 RESIDENT IN THE STATE OF NEW YORK TO A CANDIDATE FOR NOMINATION OR
46 ELECTION TO ANY OF THE OFFICES COVERED BY THE PROVISIONS OF THIS TITLE
47 WHICH DO NOT EXCEED TWO HUNDRED FIFTY DOLLARS, WHICH HAVE BEEN REPORTED
48 IN FULL BY THE CANDIDATE'S PARTICIPATING COMMITTEE TO THE STATE BOARD,
49 INCLUDING THE CONTRIBUTOR'S FULL NAME AND RESIDENTIAL ADDRESS. "MATCHA-
50 BLE CONTRIBUTIONS" SHALL BE THE NET AMOUNT OF ANY MONETARY CONTRIBUTION
51 REALIZED BY A CANDIDATE OR DESIGNATED COMMITTEE AFTER DEDUCTING THE
52 REASONABLE VALUE OF ANY GOODS OR SERVICES PROVIDED THE CONTRIBUTOR IN
53 CONNECTION WITH THE CONTRIBUTION, EXCEPT THAT CONTRIBUTIONS FROM ANY
54 PERSON WHO HAS RECEIVED A PAYMENT OR ANYTHING OF VALUE FROM SUCH COMMIT-

TEE 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.

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

7. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE CAMPAIGN FINANCE FUND.

8. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL MATCHABLE CONTRIBUTIONS THAT THE PARTICIPATING COMMITTEE OF AN OTHERWISE ELIGIBLE CANDIDATE MUST RECEIVE, AS REQUIRED BY SECTION 14-202 OF THIS TITLE, IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO THIS TITLE.

9. THE TERM "CONTRIBUTION" SHALL HAVE THE SAME MEANING AS IN SUBDIVISION NINE OF SECTION 14-100 OF THIS ARTICLE.

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 FOR STATEWIDE OFFICE, THE STATE LEGISLATURE OR DELEGATE TO A CONSTITUTIONAL CONVENTION AT A PRIMARY, GENERAL OR SPECIAL ELECTION AND MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION TWO OF THIS SECTION;

(C) ELECT TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY 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 CERTIFICATES FOR SUCH OFFICE;

(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 PARTICIPATING COMMITTEE FOR THE PURPOSES OF THIS TITLE; AND

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

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

(A) GOVERNOR IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN NINE HUNDRED THOUSAND DOLLARS FROM AT LEAST NINE THOUSAND MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

(B) LIEUTENANT GOVERNOR IN A PRIMARY ELECTION AND COMPTROLLER OR ATTORNEY GENERAL IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN THREE HUNDRED THOUSAND DOLLARS FROM AT LEAST THREE THOUSAND MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

(C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL ELECTION. NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS FROM AT LEAST TWO HUNDRED FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE INCLUDING AT LEAST TWELVE THOUSAND FIVE HUNDRED DOLLARS FROM AT LEAST ONE HUNDRED TWENTY-FIVE INDIVIDUAL CONTRIBUTORS WHO RESIDE IN THE SENATE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

(D) MEMBERS OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION. NOT LESS THAN TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE INCLUDING AT LEAST FIVE THOUSAND DOLLARS FROM AT LEAST FIFTY INDIVIDUALS WHO RESIDE IN THE ASSEMBLY DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

(E) AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS FROM AT LEAST TWO HUNDRED FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

(F) DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN FIVE THOUSAND DOLLARS FROM AT LEAST FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

3. IN ORDER TO BE ELIGIBLE TO RECEIVE PUBLIC FUNDS IN A PRIMARY 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 CONTESTED 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. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO CANDIDATES FOR THE OFFICE OF LIEUTENANT GOVERNOR.

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

6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS AT LEAST ONE OTHER CANDIDATE FOR SUCH OFFICE IN SUCH ELECTION WHO ALSO ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM, OR SUCH CANDIDATE'S COMMITTEE, OR AT LEAST ONE OTHER CANDIDATE FOR SUCH OFFICE IN SUCH ELECTION WHO HAS NOT ELECTED TO PARTICIPATE, OR SUCH CANDIDATE'S COMMITTEE, HAVE EITHER SPENT, CONTRACTED OR OBLIGATED TO SPEND, OR HAVE CONTRIBUTED SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE 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 ANY CANDIDATE FOR AN OFFICE AND THE COMMITTEE OF SUCH CANDIDATE REACHES THE THRESHOLD TO QUALIFY TO RECEIVE PUBLIC FUNDS, OR SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING TEN PERCENT OF THE EXPENDITURE LIMIT FOR SUCH OFFICE 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 IN THE SAME MANNER AS PROVIDED IN SUBDIVISION TWO OF SECTION 14-108 OF THIS ARTICLE.

S 14-204. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDITURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION OR ELECTION AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IS HELD FOR THE OFFICE SOUGHT, FOR SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT CAMPAIGN CYCLE OR,

1 IN THE CASE OF A SPECIAL ELECTION, FOR EXPENDITURES DURING THE PERIOD
2 COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL
3 ELECTION. THE TOTAL OF ALL EXPENDITURES MADE BY THE CANDIDATE AND SUCH
4 CANDIDATE'S PARTICIPATING COMMITTEE, INCLUDING ALL PAYMENTS RECEIVED
5 FROM THE FUND, SHALL NOT EXCEED THE EXPENDITURE LIMITATIONS ESTABLISHED
6 IN SECTION 14-210 OF THIS TITLE, EXCEPT INsofar AS SUCH PAYMENTS ARE
7 MADE TO REPAY LOANS USED TO PAY CAMPAIGN EXPENDITURES.

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

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

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

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

17 (D) ANY EXPENDITURE MADE AFTER THE PARTICIPATING CANDIDATE, OR THE
18 ONLY REMAINING OPPONENT OF SUCH CANDIDATE, HAS BEEN DISQUALIFIED OR HAD
19 SUCH CANDIDATE'S PETITIONS DECLARED INVALID BY A BOARD OF ELECTIONS OR A
20 COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS
21 REVERSED BY A HIGHER AUTHORITY.

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

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

27 (G) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER CAMPAIGN MATERI-
28 AL.

29 S 14-206. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR
30 NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY
31 OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALI-
32 FIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A
33 PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON
34 THE BALLOT AND FILED A SWORN STATEMENT WITH THE STATE BOARD ELECTING TO
35 PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND AGREEING TO
36 ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT EXCEED THE
37 AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN ACCORDANCE
38 WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE MADE TO A
39 PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC FUNDS SHALL
40 BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN
41 EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO
42 PAY QUALIFIED CAMPAIGN EXPENDITURES.

43 2. THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE SHALL
44 BE ENTITLED TO FOUR DOLLARS IN PUBLIC FUNDS FOR EACH ONE DOLLAR OF
45 MATCHABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE STATE BOARD IN
46 ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, PROVIDED, HOWEVER, SUCH
47 PUBLIC FUNDS SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

48 3. (A) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR
49 WHICH PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS
50 TITLE, ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH
51 CANDIDATE'S COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR
52 CONTRIBUTES SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMIT-
53 TEE OR RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE
54 EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES
55 WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, THEN (I) SUCH CANDIDATE OR
56 COMMITTEE MUST NOTIFY THE STATE BOARD OF THE FACT WITHIN TWENTY-FOUR

1 HOURS VIA THE INTERNET USING THE ELECTRONIC FILING SYSTEM ESTABLISHED BY
2 THE STATE BOARD, OR IF SUCH CANDIDATE DOES NOT FILE ELECTRONICALLY VIA
3 THE INTERNET, BY FACSIMILE OR OVERNIGHT MAIL; AND (II) THE PARTICIPATING
4 COMMITTEE OF EACH PARTICIPATING CANDIDATE FOR SUCH OFFICE SHALL BE ENTITLED TO A GRANT OF PUBLIC FUNDS EQUAL TO TWENTY-FIVE PERCENT OF THE
5 TOTAL AMOUNT OF PUBLIC FUNDS RECEIVED BY THE PARTICIPATING CANDIDATE FOR
6 MATCHABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE STATE BOARD. SUCH
7 GRANT SHALL BE PAID WITHIN TWO BUSINESS DAYS AND SHALL ONLY BE USED FOR
8 QUALIFIED CAMPAIGN EXPENDITURES.

9
10 (B) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH
11 PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE,
12 ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH CANDIDATE'S
13 COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES
14 SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR
15 RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE TOTAL OF THE
16 EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES
17 WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, PLUS THE TWENTY-FIVE PERCENT
18 GRANT ALREADY RECEIVED BY THE PARTICIPATING CANDIDATE, THEN (I) SUCH
19 CANDIDATE OR COMMITTEE MUST NOTIFY THE STATE BOARD OF THE FACT WITHIN
20 TWENTY-FOUR HOURS VIA THE INTERNET USING THE ELECTRONIC FILING SYSTEM
21 ESTABLISHED BY THE STATE BOARD, OR IF SUCH CANDIDATE DOES NOT FILE ELECTRONICALLY VIA THE INTERNET, BY FACSIMILE OR OVERNIGHT MAIL; AND (II)
22 THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE FOR SUCH
23 OFFICE SHALL BE ENTITLED TO AN ADDITIONAL GRANT OF PUBLIC FUNDS EQUAL TO
24 TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF PUBLIC FUNDS RECEIVED BY THE
25 PARTICIPATING CANDIDATE FOR MATCHABLE CONTRIBUTIONS OBTAINED AND
26 REPORTED TO THE STATE BOARD. SUCH GRANT SHALL BE PAID WITHIN TWO BUSINESS DAYS AND SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

27
28 (C) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH
29 PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE,
30 ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH CANDIDATE'S
31 COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES
32 SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR
33 RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE TOTAL OF THE
34 EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES
35 WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, PLUS THE FIFTY PERCENT TOTAL
36 AGGREGATE GRANT ALREADY RECEIVED BY THE PARTICIPATING CANDIDATE, THEN
37 (I) SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE STATE BOARD OF THE FACT
38 WITHIN TWENTY-FOUR HOURS VIA THE INTERNET USING THE ELECTRONIC FILING
39 SYSTEM ESTABLISHED BY THE STATE BOARD, OR IF SUCH CANDIDATE DOES NOT
40 FILE ELECTRONICALLY VIA THE INTERNET, BY FACSIMILE OR OVERNIGHT MAIL;
41 AND (II) THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE FOR
42 SUCH OFFICE SHALL BE ENTITLED TO AN ADDITIONAL GRANT OF PUBLIC FUNDS
43 EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF PUBLIC FUNDS
44 RECEIVED BY THE PARTICIPATING CANDIDATE FOR MATCHABLE CONTRIBUTIONS
45 OBTAINED AND REPORTED TO THE STATE BOARD. SUCH GRANT SHALL BE PAID WITHIN TWO BUSINESS DAYS AND SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

46
47 (D) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH
48 PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE,
49 ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH CANDIDATE'S
50 COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES
51 SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR
52 RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE TOTAL OF THE
53 EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES
54 WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, PLUS THE SEVENTY-FIVE PERCENT

1 TOTAL AGGREGATE GRANT ALREADY RECEIVED BY THE PARTICIPATING CANDIDATE,
2 THEN (I) SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE STATE BOARD OF THE
3 FACT WITHIN TWENTY-FOUR HOURS VIA THE INTERNET USING THE ELECTRONIC
4 FILING SYSTEM ESTABLISHED BY THE STATE BOARD, OR IF SUCH CANDIDATE DOES
5 NOT FILE ELECTRONICALLY VIA THE INTERNET, BY FACSIMILE OR OVERNIGHT
6 MAIL; AND (II) THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDI-
7 DATE FOR SUCH OFFICE SHALL BE ENTITLED TO AN ADDITIONAL GRANT OF PUBLIC
8 FUNDS EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF PUBLIC FUNDS
9 RECEIVED BY THE PARTICIPATING CANDIDATE FOR MATCHABLE CONTRIBUTIONS
10 OBTAINED AND REPORTED TO THE STATE BOARD. SUCH GRANT SHALL BE PAID WITH-
11 IN TWO BUSINESS DAYS AND MAY ONLY BE USED FOR QUALIFIED CAMPAIGN EXPEND-
12 ITURES.

13 4. (A) NO PARTICIPATING CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS
14 UNOPPOSED IN A PRIMARY ELECTION SHALL BE ENTITLED TO PAYMENT FROM THE
15 FUND FOR QUALIFIED CAMPAIGN EXPENDITURES.

16 (B) WHERE THERE IS A CONTEST IN SUCH PRIMARY FOR THE NOMINATION OF AT
17 LEAST ONE OTHER PARTY FOR SUCH OFFICE, THE PARTICIPATING COMMITTEE OF AN
18 UNOPPOSED PARTICIPATING CANDIDATE FOR NOMINATION MAY RAISE AND SPEND AN
19 AMOUNT EQUAL TO ONE-HALF THE EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED
20 BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS,
21 WITH CONTRIBUTIONS OF UP TO TWO THOUSAND DOLLARS PER CONTRIBUTOR. SUCH
22 PAYMENT CAN ONLY BE EXPENDED FOR PROPERTY, SERVICES OR FACILITIES USED
23 ON OR BEFORE THE DATE OF SUCH PRIMARY ELECTION.

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

27 6. THE STATE BOARD SHALL PROMULGATE REGULATIONS FOR THE CERTIFICATION
28 OF THE AMOUNT OF FUNDS PAYABLE BY THE COMPTROLLER, FROM THE FUND ESTAB-
29 LISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW, TO A
30 PARTICIPATING CANDIDATE THAT HAS QUALIFIED TO RECEIVE SUCH PAYMENT.
31 THESE REGULATIONS SHALL INCLUDE THE PROMULGATION AND DISTRIBUTION OF
32 FORMS ON WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE REPORTED, THE
33 PERIODS DURING WHICH SUCH REPORTS MUST BE FILED AND THE VERIFICATION
34 REQUIRED. THE STATE BOARD SHALL INSTITUTE PROCEDURES WHICH WILL MAKE
35 POSSIBLE PAYMENT BY THE FUND WITHIN FOUR BUSINESS DAYS AFTER RECEIPT OF
36 THE REQUIRED FORMS AND VERIFICATIONS.

37 S 14-208. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,
38 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE
39 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A
40 CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTIC-
41 IPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING
42 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE
43 AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

44 2. (A) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED
45 BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A
46 PARTICIPATING CANDIDATE FOR GOVERNOR OR LIEUTENANT GOVERNOR IN A PRIMARY
47 OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY
48 ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE
49 SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED TWO
50 MILLION FIVE HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT
51 TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A
52 TRANSFER.

53 (B) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY
54 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A
55 PARTICIPATING CANDIDATE FOR ATTORNEY GENERAL OR COMPTROLLER IN A PRIMARY
56 OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY

1 ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE
2 SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED ONE
3 MILLION DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF SUCH
4 AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

5 (C) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY
6 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A
7 PARTICIPATING CANDIDATE FOR STATE SENATOR IN A PRIMARY, GENERAL OR
8 SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY ACCEPT
9 FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE SERVICES
10 IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED ONE HUNDRED THOU-
11 SAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF SUCH AMOUNT
12 MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

13 (D) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY
14 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A
15 PARTICIPATING CANDIDATE FOR MEMBER OF THE ASSEMBLY IN A PRIMARY, GENERAL
16 OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY
17 ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE
18 SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED FIFTY
19 THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF SUCH
20 AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

21 (E) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY
22 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A
23 PARTICIPATING CANDIDATE FOR DELEGATE AT-LARGE TO A CONSTITUTIONAL
24 CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING
25 COMMITTEE MAY ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED
26 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
27 EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE
28 PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

29 (F) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY
30 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A
31 PARTICIPATING CANDIDATE FOR DISTRICT DELEGATE TO A CONSTITUTIONAL
32 CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING
33 COMMITTEE MAY ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED
34 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
35 EXCEED TEN THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT
36 OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

37 (G) FOR PURPOSES OF THIS SUBDIVISION, THE TERM STATE PARTY COMMITTEE
38 INCLUDES ANY OF ITS SUBCOMMITTEES.

39 3. NOTWITHSTANDING ANY EXPENDITURE LIMIT IN THIS SUBDIVISION, EACH
40 COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR STATEWIDE
41 OFFICE OR STATE LEGISLATIVE OFFICE, INCLUDING WITHIN THE TERM COUNTY
42 COMMITTEE ANY OF ITS SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF SUCH
43 PARTY'S CANDIDATES FOR STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE WHO
44 HAS AGREED TO ACCEPT PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED
45 THE SUM OF TWO CENTS FOR EACH VOTER REGISTERED IN SUCH COUNTY AS DETER-
46 MINED BY THE RECORDS OF THE APPROPRIATE BOARD OF ELECTIONS AS OF THE
47 PRECEDING GENERAL ELECTION.

48 4. IN COMPUTING THE AGGREGATE AMOUNT EXPENDED FOR PURPOSES OF THIS
49 SECTION, EXPENDITURES MADE BY A STATE PARTY COMMITTEE OR A COUNTY
50 COMMITTEE IN SUPPORT OF MORE THAN ONE CANDIDATE SHALL BE ALLOCATED AMONG
51 SUCH CANDIDATES SUPPORTED BY THE COMMITTEE IN ACCORDANCE WITH FORMULAS
52 PROMULGATED BY THE STATE BOARD OR, IN THE ABSENCE OF SUCH OFFICIAL
53 FORMULAS, IN ACCORDANCE WITH A FORMULA BASED UPON REASONABLE STANDARDS.
54 THE STATEMENTS FILED BY SUCH PARTY COMMITTEE IN ACCORDANCE WITH THIS
55 CHAPTER SHALL SET FORTH, IN ADDITION TO THE OTHER INFORMATION REQUIRED,
56 THE TOTAL AMOUNT EXPENDED BY THE PARTY COMMITTEE ON BEHALF OF ALL SUCH

1 CANDIDATES AND THE AMOUNT ALLOCATED TO EACH CANDIDATE BY DOLLAR AMOUNT
2 AND PERCENTAGE. EXPENDITURES BY A PARTY FOR ACTIVITIES WHICH DO NOT
3 SUPPORT OR OPPOSE THE ELECTION OF ANY CANDIDATE OR CANDIDATES BY NAME OR
4 BY CLEAR INFERENCE SHALL NOT BE REGARDED AS EXPENDITURES ON BEHALF OF OR
5 IN OPPOSITION TO A CANDIDATE.

6 5. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC
7 FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIB-
8 UTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR
9 THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF
10 THE GENERAL ELECTION FOR THE OFFICE SOUGHT, EXCEPT THAT A PARTICIPATING
11 CANDIDATE OR PARTICIPATING COMMITTEE WHICH HAS A DEFICIT ON THE DAY OF
12 THE GENERAL ELECTION MAY, AFTER SUCH DATE, ACCEPT CONTRIBUTIONS WHICH DO
13 NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAIS-
14 ING SUCH CONTRIBUTIONS OR THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED
15 BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS.
16 CONTRIBUTIONS TO A PARTICIPATING CANDIDATE OR PARTICIPATING COMMITTEE
17 WHICH WERE RECEIVED BEFORE THE EFFECTIVE DATE OF THIS TITLE MAY NOT BE
18 EXPANDED IN ANY ELECTION FOR ANY SUCH OFFICE.

19 6. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION,
20 PARTICIPATING CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF THIS
21 ARTICLE.

22 S 14-210. EXPENDITURE LIMITATIONS. THE FOLLOWING EXPENDITURE LIMITA-
23 TIONS APPLY TO ALL EXPENDITURES BY PARTICIPATING CANDIDATES AND THEIR
24 PARTICIPATING COMMITTEES RECEIVING PUBLIC FUNDS PURSUANT TO THE
25 PROVISIONS OF THIS TITLE:

26 1. (A) IN ANY PRIMARY ELECTION, EXPENDITURES BY PARTICIPATING CANDI-
27 DATES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED:

28 (I) FOR GOVERNOR, THE SUM OF ONE DOLLAR AND TEN CENTS FOR EACH VOTER
29 ENROLLED IN THE CANDIDATE'S PARTY IN THE STATE; PROVIDED, HOWEVER, SUCH
30 SUM SHALL NOT BE LESS THAN NINE HUNDRED THOUSAND DOLLARS NOR MORE THAN
31 NINE MILLION DOLLARS;

32 (II) FOR LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL, THE SUM
33 OF ONE DOLLAR AND TEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S
34 PARTY IN THE STATE; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN
35 SIX HUNDRED THOUSAND DOLLARS NOR MORE THAN SIX MILLION DOLLARS;

36 (III) FOR SENATOR, THE SUM OF TWO DOLLARS AND FIFTY CENTS FOR EACH
37 VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE SENATE DISTRICT;
38 PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN THIRTY-FIVE THOUSAND
39 DOLLARS NOR MORE THAN THREE HUNDRED FIFTY THOUSAND DOLLARS;

40 (IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF TWO DOLLARS AND FIFTY
41 CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE ASSEMBLY
42 DISTRICT; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN FIFTEEN
43 THOUSAND DOLLARS NOR MORE THAN ONE HUNDRED FIFTY THOUSAND DOLLARS;

44 (V) FOR AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION, THE SUM OF
45 FIFTEEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE
46 STATE; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN SEVENTY-FIVE
47 THOUSAND DOLLARS NOR MORE THAN ONE HUNDRED SEVENTY-FIVE THOUSAND
48 DOLLARS;

49 (VI) FOR DISTRICT DELEGATES TO A CONSTITUTIONAL CONVENTION, THE SUM OF
50 ONE DOLLAR AND TEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S
51 PARTY IN THE DISTRICT; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS
52 THAN FIVE THOUSAND DOLLARS NOR MORE THAN FIFTY THOUSAND DOLLARS;

53 (B) THE ENROLLMENT NUMBERS USED TO CALCULATE THE EXPENDITURE LIMITS
54 PROVIDED FOR IN THIS SUBDIVISION SHALL BE THE ENROLLMENTS DULY REPORTED
55 BY THE APPROPRIATE BOARD OR BOARDS OF ELECTION AS OF THE LAST GENERAL
56 ELECTION PRECEDING THE PRIMARY ELECTION.

2. IN ANY GENERAL OR SPECIAL ELECTION, EXPENDITURES BY PARTICIPATING CANDIDATES FOR THE FOLLOWING OFFICES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

CANDIDATES FOR ELECTION TO THE OFFICE OF:	
GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED)	\$12,000,000
ATTORNEY GENERAL	\$8,000,000
COMPTROLLER	\$8,000,000
MEMBER OF SENATE	\$350,000
MEMBER OF ASSEMBLY	\$150,000
DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION	\$350,000
DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION	\$75,000

3. PARTICIPATING 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 THERE IS A PRIMARY CONTEST FOR THE NOMINATION OF AT LEAST ONE OTHER PARTY FOR SUCH OFFICE.

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

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

2. (A) IF THE STATE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO A PARTICIPATING COMMITTEE FROM THE FUND WAS IN EXCESS OF THE AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS ENTITLED PURSUANT TO SECTION 14-206 OF THIS TITLE, IT SHALL NOTIFY SUCH COMMITTEE OF THE EXCESS AMOUNT 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 A PARTICIPATING COMMITTEE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY SUCH PARTICIPATING COMMITTEE OF THE AMOUNT DISQUALIFIED AND SUCH PARTICIPATING COMMITTEE SHALL PAY TO THE STATE BOARD AN AMOUNT EQUAL TO SUCH DISQUALIFIED AMOUNT.

(C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE FUND RECEIVED BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING 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 PERMISSIBLE 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.

3. IF A COURT OF COMPETENT JURISDICTION DISQUALIFIES A CANDIDATE WHOSE PARTICIPATING 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 PARTICIPATING COMMITTEE SHALL PAY TO THE

1 STATE BOARD AN AMOUNT EQUAL TO THE TOTAL OF PUBLIC FUNDS RECEIVED BY
2 SUCH PARTICIPATING COMMITTEE.

3 4. THE STATE BOARD MUST PROVIDE WRITTEN NOTICE OF ALL PAYMENTS DUE
4 FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE TO THE
5 STATE BOARD AND PROVIDE AN OPPORTUNITY FOR THE CANDIDATE OR COMMITTEE TO
6 REBUT, IN WHOLE OR IN PART, THE ALLEGED AMOUNT DUE. UPON A FINAL WRITTEN
7 DETERMINATION BY THE STATE BOARD, THE AMOUNT DUE SHALL BE PAID TO THE
8 STATE BOARD WITHIN THIRTY DAYS OF SUCH DETERMINATION.

9 5. ALL PAYMENTS RECEIVED BY THE STATE BOARD PURSUANT TO THIS SECTION
10 SHALL BE DEPOSITED IN THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTAB-
11 LISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

12 S 14-214. CIVIL PENALTIES. 1. ANY PERSON WHO FAILS TO FILE A STATEMENT
13 OR RECORD REQUIRED TO BE FILED BY THIS TITLE OR THE RULES OR REGULATIONS
14 OF THE STATE BOARD IN IMPLEMENTATION THEREOF SHALL BE SUBJECT TO A CIVIL
15 PENALTY, NOT IN EXCESS OF FIVE THOUSAND DOLLARS, TO BE RECOVERABLE IN A
16 SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE STATE BOARD.

17 2. IF THE AGGREGATE AMOUNT OF EXPENDITURES BY A PARTICIPATING CANDI-
18 DATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE EXCEEDS THE EXPENDI-
19 TURE LIMITATIONS CONTAINED IN THIS TITLE SUCH PARTICIPATING CANDIDATE
20 SHALL BE LIABLE FOR A CIVIL PENALTY IN AN AMOUNT EQUAL TO THREE TIMES
21 THE SUM BY WHICH SUCH EXPENDITURES EXCEED THE PERMITTED AMOUNT, TO BE
22 RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE STATE
23 BOARD.

24 3. ALL PAYMENTS RECEIVED BY THE STATE BOARD PURSUANT TO THIS SECTION
25 SHALL BE DEPOSITED IN THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTAB-
26 LISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

27 S 8. The election law is amended by adding a new section 16-103 to
28 read as follows:

29 S 16-103. PROCEEDINGS AS TO PUBLIC FINANCING. 1. THE DETERMINATION OF
30 ELIGIBILITY PURSUANT TO SECTION 14-202 OF THIS CHAPTER AND ANY QUESTION
31 OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSU-
32 ANT TO SECTION 14-206 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING
33 INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDI-
34 DATE.

35 2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR
36 PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-206
37 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETER-
38 MINATION WAS MADE. THE STATE BOARD SHALL BE MADE A PARTY TO ANY SUCH
39 PROCEEDING.

40 3. UPON THE STATE BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE FROM A
41 PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE ISSUANCE
42 OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVISION FOUR OF
43 SECTION 14-212 OF THIS CHAPTER, THE STATE BOARD IS AUTHORIZED TO INSTI-
44 TUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUN-
45 TY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO THE
46 STATE BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE PURSUANT TO
47 TITLE II OF ARTICLE FOURTEEN OF THIS CHAPTER.

48 4. THE STATE BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR
49 CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR
50 CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE STATE BOARD PURSUANT TO
51 SECTION 14-214 OF THIS CHAPTER.

52 S 9. The election law is amended by adding a new section 4-115 to read
53 as follows:

54 S 4-115. NOTICE TO THE STATE BOARD OF ELECTIONS OF CANDIDATES FOR THE
55 LEGISLATURE. 1. EACH BOARD OF ELECTIONS WITH WHICH PETITIONS ARE FILED
56 FOR MEMBER OF THE STATE LEGISLATURE SHALL, NOT LATER THAN ONE WEEK AFTER

1 THE LAST DAY TO FILE SUCH PETITIONS, SEND NOTICE TO THE STATE BOARD OF
2 ELECTIONS OF SUCH INFORMATION ABOUT EACH SUCH PETITION AS THE STATE
3 BOARD SHALL REQUIRE.

4 2. EACH SUCH COUNTY BOARD OF ELECTIONS SHALL, NOT LATER THAN THE DAY
5 AFTER THE LAST DAY TO FILE A PETITION OR CERTIFICATE OF NOMINATION FOR A
6 GENERAL OR SPECIAL ELECTION OR A CERTIFICATE OF ACCEPTANCE, DECLINATION
7 OR SUBSTITUTION FOR A GENERAL, PRIMARY OR SPECIAL ELECTION FOR ANY SUCH
8 OFFICE, SEND TO THE STATE BOARD OF ELECTIONS SUCH INFORMATION ABOUT EACH
9 SUCH PETITION OR CERTIFICATE AS THE STATE BOARD SHALL REQUIRE.

10 3. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHOULD DISQUALIFY ANY SUCH
11 CANDIDATE OR RULE THE PETITION OR CERTIFICATE DESIGNATING OR NOMINATING
12 ANY SUCH CANDIDATE INVALID, IT SHALL FORTHWITH NOTIFY THE STATE BOARD OF
13 ELECTIONS OF SUCH DECISION.

14 4. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHALL BE NOTIFIED OF A DECI-
15 SION OF A COURT OF COMPETENT JURISDICTION DISQUALIFYING ANY SUCH CANDI-
16 DATE OR DECLARING ANY SUCH PETITION INVALID OR REVERSING ANY SUCH DECI-
17 SION BY SUCH BOARD OF ELECTIONS OR ANOTHER COURT, SUCH BOARD OF
18 ELECTIONS SHALL FORTHWITH NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH
19 DECISION.

20 5. THE STATE BOARD OF ELECTIONS MAY PRESCRIBE FORMS FOR THE NOTICES
21 REQUIRED BY THIS SECTION AND SHALL PRESCRIBE THE MANNER IN WHICH SUCH
22 NOTICES SHALL BE GIVEN.

23 S 10. The state finance law is amended by adding a new section 92-t to
24 read as follows:

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

29 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE NEW YORK
30 STATE CAMPAIGN FINANCE FUND CHECK-OFF PURSUANT TO SUBSECTION (F) OF
31 SECTION SIX HUNDRED FIFTY-EIGHT OF THE TAX LAW, FROM THE GENERAL FUND,
32 AND FROM ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER
33 FUND OR SOURCE PURSUANT TO LAW.

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

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

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

54 6. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A
55 PRIMARY ELECTION ANY EARLIER THAN THE DAY THAT SUCH CANDIDATE IS CERTI-
56 FIED AS BEING ON THE BALLOT FOR SUCH PRIMARY ELECTION.

1 7. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A
2 GENERAL ELECTION ANY EARLIER THAN THE DAY AFTER THE DAY OF THE PRIMARY
3 ELECTION HELD TO NOMINATE CANDIDATES FOR SUCH ELECTION.

4 8. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A
5 SPECIAL ELECTION ANY EARLIER THAN THE DAY AFTER THE LAST DAY TO FILE
6 CERTIFICATES OF PARTY NOMINATION FOR SUCH SPECIAL ELECTION.

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

16 S 11. Section 658 of the tax law is amended by adding a new subsection
17 (f) to read as follows:

18 (F) NEW YORK STATE CAMPAIGN FINANCE FUND CHECK-OFF. (1) FOR EACH
19 TAXABLE YEAR BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND TEN,
20 EVERY INDIVIDUAL WHOSE NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXA-
21 BLE YEAR FOR WHICH THE RETURN IS FILED IS FIVE DOLLARS OR MORE MAY
22 DESIGNATE ON SUCH RETURN THAT FIVE DOLLARS BE PAID INTO THE NEW YORK
23 STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE
24 STATE FINANCE LAW. WHERE A HUSBAND AND WIFE FILE A JOINT RETURN AND
25 HAVE A NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR
26 WHICH THE RETURN IS FILED OF TEN DOLLARS OR MORE, OR FILE SEPARATE
27 RETURNS ON A SINGLE FORM, EACH SUCH TAXPAYER MAY MAKE SEPARATE DESIG-
28 NATIONS ON SUCH RETURN OF FIVE DOLLARS TO BE PAID INTO THE NEW YORK
29 STATE CAMPAIGN FINANCE FUND.

30 (2) THE COMMISSIONER SHALL TRANSFER TO THE NEW YORK STATE CAMPAIGN
31 FINANCE FUND, ESTABLISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE
32 FINANCE LAW, AN AMOUNT EQUAL TO FIVE DOLLARS MULTIPLIED BY THE NUMBER OF
33 DESIGNATIONS.

34 (3) FOR PURPOSES OF THIS SUBSECTION, THE INCOME TAX LIABILITY OF AN
35 INDIVIDUAL FOR ANY TAXABLE YEAR IS THE AMOUNT OF TAX IMPOSED UNDER THIS
36 ARTICLE REDUCED BY THE SUM OF THE CREDITS (AS SHOWN IN HIS OR HER
37 RETURN) ALLOWABLE UNDER THIS ARTICLE.

38 (4) THE DEPARTMENT SHALL INCLUDE A PLACE ON EVERY PERSONAL INCOME TAX
39 RETURN FORM TO BE FILED BY AN INDIVIDUAL FOR A TAX YEAR BEGINNING ON OR
40 AFTER JANUARY FIRST, TWO THOUSAND TEN, IMMEDIATELY ABOVE THE CERTIF-
41 ICATION UNDER WHICH THE TAXPAYER IS REQUIRED TO SIGN SUCH FORM, FOR SUCH
42 TAXPAYER TO MAKE THE DESIGNATIONS DESCRIBED IN PARAGRAPH ONE OF THIS
43 SUBSECTION. SUCH RETURN FORM SHALL CONTAIN A CONCISE EXPLANATION OF THE
44 PURPOSE OF SUCH OPTIONAL DESIGNATIONS.

45 S 12. Campaign finance review panel. 1. There is hereby created and
46 established the "campaign finance review panel". The panel shall consist
47 of the commissioner of taxation and finance, the director of the divi-
48 sion of the budget, the state comptroller and the two members of the
49 state board of elections who rotate as chairperson of the board. The
50 commissioner of taxation and finance shall be chairperson.

51 2. The panel is empowered and it shall be its duty to monitor and
52 review the implementation of the 2010 Campaign Finance Reform Act. The
53 panel shall report to the governor and the legislature on March 31, 2012
54 and on March 31, 2014. The report shall include: (a) the number of
55 candidates qualifying and opting for public financing, the amounts
56 expended for this purpose in the preceding fiscal year and a projection

1 of the number of candidates likely to qualify and opt for public financ-
2 ing and their expenditures in future elections; (b) an analysis of the
3 effect of the 2010 Campaign Finance Reform Act on political campaigns,
4 including its effect on the sources and amounts of private financing,
5 the level of campaign expenditures, voter participation, the number of
6 candidates and the candidate's ability to campaign effectively for
7 public office; (c) a review of the procedures utilized in providing
8 public funds to candidates; and (d) such recommended changes in the 2010
9 Campaign Finance Reform Act as it deems appropriate.

10 S 13. Severability. If any clause, sentence, subdivision, paragraph,
11 section or part of title II of article 14 of the election law, as added
12 by section seven of this act be adjudged by any court of competent
13 jurisdiction to be invalid, such judgment shall not affect, impair or
14 invalidate the remainder thereof, but shall be confined in its operation
15 to the clause, sentence, subdivision, paragraph, section or part thereof
16 directly involved in the controversy in which such judgment shall have
17 been rendered.

18 S 14. This act shall take effect immediately; provided, however,
19 candidates for state comptroller will be eligible to participate in the
20 public financing system beginning with the 2010 election, all state
21 candidates and constitutional convention delegates will be eligible to
22 participate in the public financing system beginning with the 2014
23 election and state legislature candidates will be eligible to partic-
24 ipate in the public financing system beginning with the 2016 election.