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

3245

2009-2010 Regular Sessions

I N S E N A T E

March 13, 2009

Introduced by Sens. PADAVAN, LARKIN, MORAHAN, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to the regulation of campaign consultants

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

Section 1. The election law is amended by adding a new article 18 to read as follows:

ARTICLE 18

REGULATION OF CAMPAIGN CONSULTANTS

SECTION 18-100. FINDINGS.
18-102. DEFINITIONS.
18-104. PROHIBITIONS.
18-106. REGISTRATION, REREGISTRATION, REPORTING, AND FEES.
18-108. POWERS AND DUTIES OF THE ETHICS COMMISSION.
18-110. ADMINISTRATIVE AND CIVIL ENFORCEMENT; PENALTIES.
18-112. CODE OF CONDUCT.
18-114. SEVERABILITY.
18-116. ELECTRONIC FILING OF STATEMENTS AND REPORTS.

S 18-100. FINDINGS. 1. THE LEGISLATURE HAS A PARAMOUNT INTEREST IN PROTECTING THE INTEGRITY AND CREDIBILITY OF ITS ELECTORAL AND GOVERNMENT INSTITUTIONS. ELECTION CAMPAIGNS ARE HIGHLY COMPETITIVE IN THE STATE, AND CANDIDATES FREQUENTLY CONTRACT FOR THE SERVICES OF PROFESSIONAL CAMPAIGN CONSULTANTS WHO SPECIALIZE IN GUIDING AND MANAGING CAMPAIGNS.

2. IT IS THE PURPOSE AND INTENT OF THE LEGISLATURE TO IMPOSE REASONABLE REGISTRATION AND DISCLOSURE REQUIREMENTS ON CAMPAIGN CONSULTANTS. REQUIRED REGISTRATION AND DISCLOSURE OF INFORMATION BY CAMPAIGN CONSULTANTS WILL ASSIST THE PUBLIC IN MAKING INFORMED DECISIONS, AND PROTECT PUBLIC CONFIDENCE IN THE ELECTORAL AND GOVERNMENTAL PROCESSES.

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

LBD09576-01-9

S 18-102. DEFINITIONS. WHENEVER USED IN THIS ARTICLE, THE FOLLOWING DEFINITIONS SHALL APPLY:

1. "CAMPAIGN CONSULTANT" MEANS ANY PERSON OR ENTITY THAT RECEIVES OR IS PROMISED ECONOMIC CONSIDERATION EQUALING ONE THOUSAND DOLLARS OR MORE IN A CALENDAR YEAR FOR CAMPAIGN CONSULTING SERVICES. THE TERM "CAMPAIGN CONSULTANT" INCLUDES ANY PERSON OR ENTITY THAT SUBCONTRACTS WITH A CAMPAIGN CONSULTANT TO PROVIDE CAMPAIGN CONSULTING SERVICES, AND THAT RECEIVES OR IS PROMISED ECONOMIC CONSIDERATION EQUALING ONE THOUSAND DOLLARS OR MORE IN A CALENDAR YEAR FOR PROVIDING CAMPAIGN CONSULTING SERVICES. THE TERM "CAMPAIGN CONSULTANT" DOES NOT INCLUDE PERSONS WHO ARE EMPLOYEES OF A CAMPAIGN CONSULTANT, ATTORNEYS WHO PROVIDE ONLY LEGAL SERVICES, ACCOUNTANTS WHO PROVIDE ONLY ACCOUNTING SERVICES, POLLSTERS WHO PROVIDE ONLY POLLING SERVICES, AND TREASURERS WHO PROVIDE ONLY THOSE SERVICES WHICH ARE REQUIRED OF TREASURERS.

2. "CAMPAIGN CONSULTING SERVICES" MEANS PARTICIPATING IN CAMPAIGN MANAGEMENT OR DEVELOPING OR PARTICIPATING IN THE DEVELOPMENT OF CAMPAIGN STRATEGY.

3. "CAMPAIGN MANAGEMENT" MEANS CONDUCTING, COORDINATING OR SUPERVISING A CAMPAIGN TO ELECT, DEFEAT, RETAIN OR RECALL A CANDIDATE, OR ADOPT OR DEFEAT A MEASURE, INCLUDING BUT NOT LIMITED TO HIRING OR AUTHORIZING THE HIRING OF CAMPAIGN STAFF AND CONSULTANTS, SPENDING OR AUTHORIZING THE EXPENDITURE OF CAMPAIGN FUNDS, DIRECTING, SUPERVISING OR CONDUCTING THE SOLICITATION OF CONTRIBUTIONS TO THE CAMPAIGN, AND SELECTING OR RECOMMENDING VENDORS OR SUBVENDORS OF GOODS OR SERVICES FOR THE CAMPAIGN.

4. "CAMPAIGN STRATEGY" MEANS PLANS FOR THE ELECTION, DEFEAT, RETENTION OR RECALL OF A CANDIDATE, OR FOR THE ADOPTION OR DEFEAT OF A MEASURE, INCLUDING BUT NOT LIMITED TO PRODUCING OR AUTHORIZING THE PRODUCTION OF CAMPAIGN LITERATURE AND PRINT AND BROADCAST ADVERTISING, SEEKING ENDORSEMENTS OF ORGANIZATIONS OR INDIVIDUALS, SEEKING FINANCING, OR ADVISING ON PUBLIC POLICY POSITIONS.

5. "CANDIDATE" MEANS A PERSON WHO HAS TAKEN AFFIRMATIVE ACTION TO SEEK NOMINATION OR ELECTION TO AN ELECTIVE OFFICE, OR A CURRENT ELECTED OFFICIAL WHO HAS TAKEN AFFIRMATIVE ACTION TO SEEK NOMINATION OR REELECTION TO ANY ELECTIVE OFFICE.

6. "ECONOMIC CONSIDERATION" MEANS ANY PAYMENTS, FEES, COMMISSIONS, REIMBURSEMENTS FOR EXPENSES, GIFTS, OR ANYTHING ELSE OF VALUE.

7. "LOBBY" OR "LOBBYING" SHALL HAVE THE SAME MEANING AS DEFINED IN SUBDIVISION (C) OF SECTION ONE-C OF THE LEGISLATIVE LAW.

8. "LOBBYIST" SHALL HAVE THE SAME MEANING AS DEFINED IN SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLATIVE LAW.

9. "MEASURE" MEANS A LOCAL REFERENDUM OR LOCAL BALLOT MEASURE, WHETHER OR NOT IT QUALIFIES FOR THE BALLOT.

10. "VENDOR" MEANS A PERSON OR ENTITY WHO SELLS GOODS OR SERVICES, OTHER THAN CAMPAIGN CONSULTING SERVICES, INCLUDING BUT NOT LIMITED TO PRINTING, CATERING, AND TRANSPORTATION SERVICES. THE TERM "VENDOR" DOES NOT INCLUDE ATTORNEYS WHO PROVIDE ONLY LEGAL SERVICES, ACCOUNTANTS WHO PROVIDE ONLY ACCOUNTING SERVICES, POLLSTERS WHO PROVIDE ONLY POLLING SERVICES, AND TREASURERS WHO PROVIDE ONLY THOSE SERVICES WHICH ARE REQUIRED OF TREASURERS.

S 18-104. PROHIBITIONS. IT SHALL BE UNLAWFUL FOR ANY CAMPAIGN CONSULTANT TO PROVIDE CAMPAIGN CONSULTING SERVICES, OR ACCEPT ANY ECONOMIC CONSIDERATION FOR THE PROVISION OF CAMPAIGN CONSULTING SERVICES, WITHOUT FIRST REGISTERING WITH THE ETHICS COMMISSION AND COMPLYING WITH THE REPORTING REQUIREMENTS SPECIFIED IN SECTION 18-106 OF THIS ARTICLE.

S 18-106. REGISTRATION, REREGISTRATION, REPORTING, AND FEES. 1. REGISTRATION REPORTS. AT THE TIME OF INITIAL REGISTRATION, EACH CAMPAIGN

CONSULTANT SHALL REPORT TO THE ETHICS COMMISSION THE FOLLOWING INFORMATION:

(A) THE NAME, BUSINESS ADDRESS AND BUSINESS PHONE NUMBER OF THE CAMPAIGN CONSULTANT;

(B) IF THE CAMPAIGN CONSULTANT IS AN INDIVIDUAL, THE NAME OF THE CAMPAIGN CONSULTANT'S EMPLOYER AND A DESCRIPTION OF THE BUSINESS ACTIVITY ENGAGED IN BY THE EMPLOYER;

(C) THE NAMES OF ANY INDIVIDUALS EMPLOYED BY THE CAMPAIGN CONSULTANT TO ASSIST IN PROVIDING CAMPAIGN CONSULTING SERVICES;

(D) A STATEMENT OF WHETHER THE CAMPAIGN CONSULTANT IS REQUIRED TO REGISTER WITH THE ETHICS COMMISSION PURSUANT TO THE LOBBYING ACT ESTABLISHED BY ARTICLE ONE-A OF THE LEGISLATIVE LAW;

(E) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF EACH CLIENT TO WHOM THE CAMPAIGN CONSULTANT PROVIDED CAMPAIGN CONSULTING SERVICES DURING THE PRECEDING THREE MONTHS;

(F) FOR EACH CLIENT, THE TOTAL ECONOMIC CONSIDERATION PROMISED BY OR RECEIVED FROM THE CLIENT IN EXCHANGE FOR THE PROVISION OF CAMPAIGN CONSULTING SERVICES DURING THE PRECEDING THREE MONTHS, PROVIDED THAT THE TOTAL IS FIVE HUNDRED DOLLARS OR MORE;

(G) EACH POLITICAL CONTRIBUTION OF ONE HUNDRED DOLLARS OR MORE MADE OR DELIVERED BY THE CAMPAIGN CONSULTANT, OR MADE BY A CLIENT AT THE BEHEST OF THE CAMPAIGN CONSULTANT, OR FOR WHICH THE CAMPAIGN CONSULTANT ACTED AS AN AGENT OR INTERMEDIARY, DURING THE PRECEDING THREE MONTHS IN SUPPORT OF OR IN OPPOSITION TO A CANDIDATE OR MEASURE;

(H) THE CUMULATIVE TOTAL OF ALL POLITICAL CONTRIBUTIONS MADE OR DELIVERED BY THE CAMPAIGN CONSULTANT, OR WHICH IS MADE BY A CLIENT AT THE BEHEST OF THE CAMPAIGN CONSULTANT, OR FOR WHICH THE CAMPAIGN CONSULTANT ACTED AS AN AGENT OR INTERMEDIARY, DURING THE PRECEDING THREE MONTHS IN SUPPORT OF OR IN OPPOSITION TO EACH INDIVIDUAL CANDIDATE OR MEASURE, PROVIDED THAT THE CUMULATIVE TOTAL IS FIVE HUNDRED DOLLARS OR MORE;

(I) ANY GIFTS PROMISED OR MADE BY THE CAMPAIGN CONSULTANT TO AN ELECTED OFFICIAL DURING THE PRECEDING THREE MONTHS WHICH IN THE AGGREGATE TOTAL FIFTY DOLLARS OR MORE; AND

(J) ANY OTHER INFORMATION REQUIRED BY THE ETHICS COMMISSION CONSISTENT WITH THE PURPOSES AND PROVISIONS OF THIS ARTICLE.

2. REREGISTRATION REPORTS. EACH CAMPAIGN CONSULTANT SHALL REREGISTER ANNUALLY ON JANUARY FIRST OR THE FIRST BUSINESS DAY OF THE YEAR OCCURRING THEREAFTER. THE ETHICS COMMISSION MAY ALLOW FOR A CAMPAIGN CONSULTANT TO REREGISTER BY MAIL, PROVIDED THAT THE REREGISTRATION MATERIALS ARE POSTMARKED NO LATER THAN JANUARY FIRST.

3. FEES. AT THE TIME OF INITIAL REGISTRATION AND REREGISTRATION, EACH CAMPAIGN CONSULTANT SHALL PAY TO THE ETHICS COMMISSION A REGISTRATION FEE AND AN ADDITIONAL FEE FOR EACH CLIENT OF THE CAMPAIGN CONSULTANT. THE AMOUNT OF THE FEE SHALL BE:

(A) CAMPAIGN CONSULTANTS EARNING AT LEAST ONE THOUSAND DOLLARS BUT NOT MORE THAN FIVE THOUSAND DOLLARS PER CALENDAR YEAR SHALL PAY A REGISTRATION FEE OF FIFTY DOLLARS AND SHALL PAY A CLIENT FEE OF FIFTY DOLLARS PER CLIENT;

(B) CAMPAIGN CONSULTANTS EARNING MORE THAN FIVE THOUSAND DOLLARS BUT NOT MORE THAN TWENTY THOUSAND DOLLARS PER CALENDAR YEAR SHALL PAY A REGISTRATION FEE OF TWO HUNDRED DOLLARS AND A CLIENT FEE OF FIFTY DOLLARS PER CLIENT;

(C) CAMPAIGN CONSULTANTS EARNING MORE THAN TWENTY THOUSAND DOLLARS PER CALENDAR YEAR SHALL PAY A REGISTRATION FEE OF FOUR HUNDRED DOLLARS AND A CLIENT FEE OF FIFTY DOLLARS PER CLIENT.

WHEN A CLIENT IS ACQUIRED SUBSEQUENT TO INITIAL REGISTRATION OR REREGISTRATION, THE PER CLIENT FEE SHALL BE PAID AT THE TIME OF FILING THE INFORMATION REQUIRED BY SUBDIVISION FOUR OF THIS SECTION. THE ETHICS COMMISSION SHALL DEPOSIT FEES COLLECTED PURSUANT TO THIS SECTION INTO THE GENERAL FUND.

4. CLIENT AUTHORIZATION STATEMENTS. AT THE TIME OF INITIAL REGISTRATION, THE CAMPAIGN CONSULTANT SHALL SUBMIT TO THE ETHICS COMMISSION A WRITTEN AUTHORIZATION FROM EACH CLIENT THAT CONTRACTS WITH THE CAMPAIGN CONSULTANT FOR CAMPAIGN CONSULTING SERVICES. IF THE CAMPAIGN CONSULTANT IS RETAINED BY A CLIENT AFTER THE DATE OF INITIAL REGISTRATION, THE CAMPAIGN CONSULTANT MUST FILE A CLIENT AUTHORIZATION STATEMENT BEFORE PROVIDING ANY CAMPAIGN CONSULTING SERVICES TO THE CLIENT AND BEFORE RECEIVING ANY ECONOMIC CONSIDERATION FROM THE CLIENT IN EXCHANGE FOR CAMPAIGN CONSULTING SERVICES, AND IN ANY EVENT NO LATER THAN FIFTEEN DAYS AFTER BEING RETAINED TO PROVIDE CAMPAIGN CONSULTING SERVICES TO THE CLIENT.

5. QUARTERLY REPORTS. EACH CAMPAIGN CONSULTANT SHALL FILE WITH THE ETHICS COMMISSION QUARTERLY REPORTS CONTAINING THE FOLLOWING INFORMATION:

(A) FOR EACH CLIENT, THE TOTAL ECONOMIC CONSIDERATION PROMISED BY OR RECEIVED FROM THE CLIENT DURING THE REPORTING PERIOD FOR CAMPAIGN CONSULTING SERVICES, PROVIDED THAT THE TOTAL IS FIVE HUNDRED DOLLARS OR MORE;

(B) THE TOTAL ECONOMIC CONSIDERATION PROMISED BY OR RECEIVED FROM ALL CLIENTS DURING THE REPORTING PERIOD FOR CAMPAIGN CONSULTING SERVICES;

(C) POLITICAL CONTRIBUTIONS OF ONE HUNDRED DOLLARS OR MORE MADE OR DELIVERED BY THE CAMPAIGN CONSULTANT, OR MADE BY A CLIENT AT THE BEHEST OF THE CAMPAIGN CONSULTANT, OR FOR WHICH THE CAMPAIGN CONSULTANT ACTED AS AN AGENT OR INTERMEDIARY, DURING THE REPORTING PERIOD IN SUPPORT OF OR IN OPPOSITION TO A CANDIDATE OR MEASURE.

S 18-108. POWERS AND DUTIES OF THE ETHICS COMMISSION. 1. THE ETHICS COMMISSION SHALL PROVIDE FORMS FOR THE REPORTING OF ALL INFORMATION REQUIRED BY THIS ARTICLE.

2. THE ETHICS COMMISSION SHALL ISSUE A REGISTRATION NUMBER TO EACH REGISTERED CAMPAIGN CONSULTANT.

3. AT THE TIME OF INITIAL REGISTRATION AND REREGISTRATION, THE ETHICS COMMISSION SHALL PROVIDE THE CAMPAIGN CONSULTANT WITH A COPY OF THE STATE'S CAMPAIGN AND LOBBY LAWS, THE CODE OF CONDUCT SPECIFIED IN SECTION 18-112 OF THIS ARTICLE, AND ANY RELATED MATERIAL WHICH THE COMMISSION DETERMINES WILL SERVE THE PURPOSES OF THIS ARTICLE. EACH CAMPAIGN CONSULTANT MUST SIGN A STATEMENT ACKNOWLEDGING RECEIPT OF THESE MATERIALS.

4. THE ETHICS COMMISSION SHALL COMPILE THE INFORMATION PROVIDED IN REGISTRATION AND QUARTERLY REPORTS FILED PURSUANT TO THIS ARTICLE AS SOON AS PRACTICABLE AFTER THE CLOSE OF EACH QUARTER AND SHALL FORWARD A REPORT OF THE COMPILED INFORMATION TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY.

5. THE ETHICS COMMISSION SHALL PRESERVE ALL ORIGINAL REPORTS, STATEMENTS, AND OTHER RECORDS REQUIRED TO BE KEPT OR FILED UNDER THIS ARTICLE FOR A PERIOD OF FIVE YEARS. SUCH REPORTS, STATEMENTS, AND RECORDS SHALL CONSTITUTE A PART OF THE PUBLIC RECORDS OF THE ETHICS COMMISSION AND SHALL BE OPEN TO THE PUBLIC INSPECTION.

6. THE COMMISSION SHALL PROVIDE FORMAL AND INFORMAL ADVICE REGARDING THE DUTIES UNDER THIS ARTICLE OF A PERSON OR ENTITY.

7. THE ETHICS COMMISSION SHALL HAVE THE POWER TO ADOPT ALL REASONABLE AND NECESSARY RULES AND REGULATIONS FOR THE IMPLEMENTATION OF THIS ARTICLE PURSUANT TO THE STATE ADMINISTRATIVE PROCEDURE ACT.

S 18-110. ADMINISTRATIVE AND CIVIL ENFORCEMENT; PENALTIES. 1. IF ANY CAMPAIGN CONSULTANT FILES AN ORIGINAL STATEMENT OR REPORT AFTER ANY DEADLINE IMPOSED BY THIS ARTICLE, THE ETHICS COMMISSION SHALL, IN ADDITION TO ANY OTHER PENALTIES OR REMEDIES ESTABLISHED IN THIS ARTICLE, FINE THE CAMPAIGN CONSULTANT FIFTY DOLLARS PER DAY AFTER THE DEADLINE UNTIL THE STATEMENT OR REPORT IS RECEIVED BY THE ETHICS COMMISSION. IF ANY CAMPAIGN CONSULTANT FILES AN ORIGINAL STATEMENT OR REPORT AFTER ANY DEADLINE IMPOSED BY THIS ARTICLE, WHEN THE DEADLINE IS FEWER THAN THIRTY DAYS BEFORE OR AFTER AN ELECTION, THE ETHICS COMMISSION SHALL, IN ADDITION TO ANY OTHER PENALTIES OR REMEDIES ESTABLISHED IN THIS ARTICLE, FINE THE CAMPAIGN CONSULTANT ONE HUNDRED DOLLARS PER DAY AFTER THE DEADLINE UNTIL THE STATEMENT OR REPORT IS RECEIVED BY THE ETHICS COMMISSION. THE ETHICS COMMISSION MAY REDUCE OR WAIVE A FINE IF THE COMMISSION DETERMINES THAT THE LATE FILING WAS NOT WILLFUL AND THAT ENFORCEMENT WILL NOT FURTHER THE PURPOSES OF THIS ARTICLE. THE ETHICS COMMISSION SHALL DEPOSIT FUNDS COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND.

2. ANY PERSON WHO BELIEVES THAT THIS ARTICLE HAS BEEN VIOLATED MAY FILE A COMPLAINT WITH THE ETHICS COMMISSION. UPON RECEIPT OF A COMPLAINT, OR UPON ITS OWN INITIATIVE, THE COMMISSION MAY INVESTIGATE ALLEGATIONS OF A VIOLATION AND ENFORCE THE ADHERENCE TO SUCH PROVISIONS.

3. WHEN THE COMMISSION DETERMINES ON THE BASIS OF SUBSTANTIAL EVIDENCE THAT A PERSON OR ENTITY HAS VIOLATED THE PROVISIONS OF THIS ARTICLE, THE COMMISSION MAY REQUIRE THE PERSON OR ENTITY TO:

(A) CEASE AND DESIST THE VIOLATION;

(B) FILE ANY REPORTS OR STATEMENTS OR PAY ANY FEES REQUIRED BY THIS ARTICLE; AND/OR

(C) PAY A MONETARY PENALTY OF UP TO FIVE THOUSAND DOLLARS FOR EACH VIOLATION, OR THREE TIMES THE AMOUNT NOT PROPERLY REPORTED, WHICHEVER IS GREATER. THE COMMISSION MAY, IN THEIR OWN DISCRETION, CANCEL FOR UP TO ONE YEAR THE REGISTRATION OF ANY CAMPAIGN CONSULTANT WHO HAS VIOLATED THE PROVISIONS OF THIS ARTICLE. A CAMPAIGN CONSULTANT WHOSE REGISTRATION HAS BEEN CANCELED PURSUANT TO THIS SECTION MAY NOT PROVIDE CAMPAIGN CONSULTING SERVICES IN EXCHANGE FOR ECONOMIC CONSIDERATION FOR THE PERIOD THAT THE REGISTRATION IS CANCELED. WHEN THE PERIOD OF CANCELLATION ENDS, THE CAMPAIGN CONSULTANT MAY REREGISTER PURSUANT TO THIS ARTICLE.

4. ANY PERSON OR ENTITY WHICH KNOWINGLY OR NEGLIGENTLY VIOLATES OR WHO CAUSES ANY OTHER PERSON TO VIOLATE THE PROVISIONS OF THIS ARTICLE MAY BE LIABLE IN A CIVIL ACTION BROUGHT BY A DISTRICT ATTORNEY OR THE ATTORNEY GENERAL FOR AN AMOUNT UP TO FIVE THOUSAND DOLLARS PER VIOLATION, OR THREE TIMES THE AMOUNT NOT PROPERLY REPORTED, WHICHEVER IS GREATER.

5. ANY PERSON OR ENTITY WHICH INTENTIONALLY OR NEGLIGENTLY VIOLATES THE PROVISIONS OF SECTION 18-104 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR.

6. NO ADMINISTRATIVE, CIVIL, OR CRIMINAL ACTION SHALL BE MAINTAINED TO ENFORCE A VIOLATION OF SECTION 18-104 OF THIS ARTICLE UNLESS BROUGHT WITHIN FOUR YEARS AFTER THE DATE THE CAUSE OF ACTION ACCRUED OR THE DATE THAT THE FACTS CONSTITUTING THE CAUSE OF ACTION WERE DISCOVERED BY THE ETHICS COMMISSION, DISTRICT ATTORNEY, OR ATTORNEY GENERAL, WHICHEVER IS LATER.

7. IN INVESTIGATING ANY ALLEGED VIOLATION OF SECTION 18-104 OF THIS ARTICLE, THE ETHICS COMMISSION, A DISTRICT ATTORNEY, AND THE ATTORNEY GENERAL SHALL HAVE THE POWER TO INSPECT, UPON REASONABLE NOTICE, ALL DOCUMENTS REQUIRED TO BE MAINTAINED UNDER SUCH SECTION. THIS POWER TO

INSPECT DOCUMENTS IS IN ADDITION TO OTHER POWERS CONFERRED ON THE ETHICS COMMISSION, DISTRICT ATTORNEY, AND ATTORNEY GENERAL, INCLUDING THE POWER OF SUBPOENA.

S 18-112. CODE OF CONDUCT. AT THE TIME OF INITIAL REGISTRATION AND REREGISTRATION, EACH CAMPAIGN CONSULTANT MUST ELECT WHETHER TO VOLUNTARILY COMPLY WITH THE FOLLOWING CODE OF CONDUCT:

1. I AM FAMILIAR WITH ALL THE LAWS, RULES AND REGULATIONS APPLICABLE TO LOCAL AND STATE CAMPAIGNS;

2. I WILL NOT KNOWINGLY MAKE FALSE STATEMENTS ABOUT THE QUALIFICATIONS OR POSITIONS OF ANY CANDIDATE, OR ABOUT THE SCOPE AND EFFECT OF ANY MEASURE;

3. I WILL NOT KNOWINGLY MAKE FALSE STATEMENTS THAT ANY REAL OR FICTITIOUS PERSON SUPPORTS OR OPPOSES A CANDIDATE OR MEASURE;

4. IN THE EVENT THAT I MAKE INADVERTENT FALSE STATEMENTS ABOUT THE QUALIFICATIONS OR POSITIONS OF ANY CANDIDATE OR ABOUT THE SCOPE AND EFFECT OF ANY MEASURE, I WILL ENDEAVOR TO PROVIDE CORRECTED INFORMATION IN WRITTEN FORM TO THE ETHICS COMMISSION WITHIN FIVE DAYS;

5. I WILL REFRAIN FROM APPEALING TO PREJUDICE IN THE CONDUCT OF A CAMPAIGN, AND FROM CONDUCTING, MANAGING OR ADVISING A CAMPAIGN, WHICH APPEALS TO PREJUDICE BASED ON RACE, GENDER, ETHNIC BACKGROUND, RELIGIOUS AFFILIATION OR NONAFFILIATION, SEXUAL ORIENTATION, AGE, DISABILITY, OR ECONOMIC STATUS;

6. I WILL REFRAIN FROM SEEKING TO OBTAIN THE SUPPORT OF OR OPPOSITION TO ANY CANDIDATE OR MEASURE BY THE USE OF FINANCIAL INDUCEMENTS OR BY THE USE OF THREATS OR COERCION;

7. I WILL REFRAIN FROM INFLUENCING THE SUBMISSION OF A MEASURE TO THE VOTERS OF THIS STATE FOR THE SOLE PURPOSE OF OBTAINING ECONOMIC CONSIDERATION FOR CAMPAIGN CONSULTING SERVICES;

8. I WILL DISCLOSE THROUGH A FILING AT THE ETHICS COMMISSION ANY AGREEMENTS THAT WOULD RESULT IN A CAMPAIGN CONSULTING CONTRACT RESULTING FROM MY EFFORTS TO INFLUENCE THE SUBMISSION OF A MEASURE TO THE VOTERS OF THE STATE AT THE TIME THAT I SEEK SUBMISSION OF ANY SUCH MEASURE;

9. I WILL REFRAIN FROM SEEKING TO EVADE, OR PARTICIPATING IN EFFORTS OF OTHERS TO EVADE, THE LEGAL REQUIREMENTS IN LAWS PERTAINING TO POLITICAL CAMPAIGNS;

10. I WILL NOT KNOWINGLY PARTICIPATE IN THE PREPARATION, DISSEMINATION, OR BROADCAST OF PAID POLITICAL ADVERTISING OR CAMPAIGN MATERIALS THAT CONTAIN FALSE INFORMATION; AND

11. I WILL REFRAIN FROM ACCEPTING CLIENTS WHOSE INTERESTS ARE ADVERSE TO EACH OTHER.

12. I WILL REFRAIN FROM SOLICITING FROM ANY CANDIDATE FOR WHICH I HAVE PROVIDED CAMPAIGN CONSULTING SERVICES ANY CONTRACT, GRANT, REMUNERATION OR OTHER EMOLUMENT OVER WHICH SUCH CANDIDATE HAS JURISDICTION, CONSIDERATION OR INFLUENCE IN THE PUBLIC POSITION TO WHICH SUCH CANDIDATE WAS ELECTED.

S 18-114. SEVERABILITY. IF ANY SECTION, SUBSECTION, SUBDIVISION, SENTENCE, CLAUSE, PHRASE OR PORTION OF THIS ARTICLE, OR THE APPLICATION THEREOF TO ANY PERSON OR ENTITY IS FOR ANY REASON HELD TO BE INVALID OR UNCONSTITUTIONAL BY THE DECISION OF ANY COURT OF COMPETENT JURISDICTION, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS ARTICLE OR ITS APPLICATION TO OTHER PERSONS, BUSINESS ENTITIES, OR ORGANIZATIONS. THE LEGISLATURE HEREBY DECLARES THAT IT WOULD HAVE ADOPTED THIS ARTICLE, AND EACH SECTION, SUBSECTION, SUBDIVISION, SENTENCE, CLAUSE, PHRASE OR PORTION THEREOF, IRRESPECTIVE OF THE FACT THAT ANY ONE OR MORE SECTIONS, SUBSECTIONS, SUBDIVISIONS, SENTENCES,

CLAUSES, PHRASES, OR PORTIONS, OR THE APPLICATION THEREOF TO ANY PERSON OR ENTITY, TO BE DECLARED INVALID OR UNCONSTITUTIONAL.

S 18-116. ELECTRONIC FILING OF STATEMENTS AND REPORTS. 1. ELECTRONIC FILING REQUIRED. WHENEVER CAMPAIGN CONSULTANTS ARE REQUIRED BY THIS ARTICLE TO FILE AN ORIGINAL STATEMENT OR REPORT, THE ETHICS COMMISSION MAY REQUIRE THE CONSULTANTS TO FILE AN ELECTRONIC COPY OF THE STATEMENT OR REPORT. THE ELECTRONIC COPY SHALL BE DUE NO LATER THAN THE DEADLINE IMPOSED BY THIS ARTICLE FOR FILING THE ORIGINAL STATEMENT OR REPORT.

2. POWERS AND DUTIES OF THE ETHICS COMMISSION. THE ETHICS COMMISSION SHALL ADOPT REGULATIONS SPECIFYING THE ELECTRONIC FILING REQUIREMENTS APPLICABLE TO CAMPAIGN CONSULTANTS. THE ETHICS COMMISSION SHALL ADOPT THESE REGULATIONS NO FEWER THAN ONE HUNDRED TWENTY DAYS BEFORE THE ELECTRONIC FILING REQUIREMENTS ARE EFFECTIVE. THE ETHICS COMMISSION SHALL PRESCRIBE THE FORMAT FOR ELECTRONIC COPIES OF STATEMENTS AND REPORTS NO FEWER THAN NINETY DAYS BEFORE THE STATEMENTS AND REPORTS ARE DUE TO BE FILED.

3. PENALTIES. IF ANY CAMPAIGN CONSULTANT FILES AN ELECTRONIC COPY OF A STATEMENT OR REPORT AFTER THE DEADLINE IMPOSED BY THIS SECTION, THE ETHICS COMMISSION SHALL, IN ADDITION TO ANY OTHER PENALTIES OR REMEDIES ESTABLISHED IN THIS ARTICLE, FINE THE CAMPAIGN CONSULTANT TEN DOLLARS PER DAY AFTER THE DEADLINE UNTIL THE ELECTRONIC COPY IS RECEIVED BY THE ETHICS COMMISSION. THE ETHICS COMMISSION MAY REDUCE OR WAIVE A FINE IF THE COMMISSION DETERMINES THAT THE LATE FILING WAS NOT WILLFUL AND THAT ENFORCEMENT WILL NOT FURTHER THE PURPOSES OF THIS ARTICLE. THE ETHICS COMMISSION SHALL DEPOSIT FUNDS COLLECTED UNDER THIS SECTION IN THE GENERAL FUND.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.