

6012

2009-2010 Regular Sessions

I N S E N A T E

June 19, 2009

Introduced by Sen. ADDABBO -- (at request of the Governor) -- read twice
and ordered printed, and when printed to be committed to the Committee
on Rules

AN ACT to amend the election law, in relation to contributions to political committees and candidates

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

1 Section 1. Subdivision 1 of section 14-102 of the election law, as
2 amended by chapter 8 of the laws of 1978 and as redesignated by chapter
3 9 of the laws of 1978, is amended to read as follows:
4 1. (A) The treasurer of every political committee which, or any officer,
5 member or agent of any such committee who, in connection with any
6 election, receives or expends any money or other valuable thing or
7 incurs any liability to pay money or its equivalent shall file statements
8 sworn, or subscribed and bearing a form notice that false statements
9 made therein are punishable as a class A misdemeanor pursuant to
10 section 210.45 of the penal law, at the times prescribed by this article
11 setting forth all the receipts, contributions to and the expenditures by
12 and liabilities of the committee, and of its officers, members and
13 agents in its behalf. Such statements shall include the dollar amount of
14 any receipt, contribution or transfer, or the fair market value of any
15 receipt, contribution or transfer, which is other than of money, the
16 name and address of the transferor, contributor or person from whom
17 received, and if the transferor, contributor or person is a political
18 committee; the name of and the political unit represented by the committee,
19 the date of its receipt, the dollar amount of every expenditure,
20 the name and address of the person to whom it was made or the name of
21 and the political unit represented by the committee to which it was made
22 and the date thereof, and shall state clearly the purpose of such
23 expenditure. Any statement reporting a loan shall have attached to it a
24 copy of the evidence of indebtedness. Expenditures in sums under fifty

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

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1 dollars need not be specifically accounted for by separate items in said
2 statements, and receipts and contributions aggregating not more than
3 ninety-nine dollars, from any one contributor need not be specifically
4 accounted for by separate items in said statements, provided however,
5 that such expenditures, receipts and contributions shall be subject to
6 the other provisions of section 14-118 of this article.

7 (B) WHENEVER A POLITICAL COMMITTEE RECEIVES A CONTRIBUTION FROM A
8 DONOR, THE TREASURER OF SUCH COMMITTEE SHALL DETERMINE THE STATUS OF THE
9 DONOR IF THE DONOR IS NOT AN INDIVIDUAL, AND SHALL DETERMINE IF THE
10 CONTRIBUTION IS BEING MADE LAWFULLY. IF THE TREASURER DETERMINES THAT A
11 CONTRIBUTION HAS BEEN MADE IN VIOLATION OF THE PROVISIONS OF THIS CHAP-
12 TER OR ANY OTHER LAW, THE TREASURER MUST RETURN THE CONTRIBUTION TO THE
13 DONOR. FAILURE OF THE TREASURER TO RETURN THE CONTRIBUTION TO THE DONOR
14 SHALL BE A CLASS B MISDEMEANOR.

15 S 2. Section 14-104 of the election law is amended by adding a new
16 subdivision 4 to read as follows:

17 4. WHENEVER A CANDIDATE RECEIVES A CONTRIBUTION FROM A DONOR, THE
18 CANDIDATE SHALL DETERMINE THE STATUS OF THE DONOR IF THE DONOR IS NOT AN
19 INDIVIDUAL, AND SHALL DETERMINE IF THE CONTRIBUTION IS BEING MADE
20 LAWFULLY. IF THE CANDIDATE DETERMINES THAT A CONTRIBUTION HAS BEEN MADE
21 IN VIOLATION OF THE PROVISIONS OF THIS CHAPTER OR ANY OTHER LAW, THE
22 CANDIDATE MUST RETURN THE CONTRIBUTION TO THE DONOR. FAILURE OF THE
23 CANDIDATE TO RETURN THE CONTRIBUTION TO THE DONOR SHALL BE A CLASS B
24 MISDEMEANOR.

25 S 3. This act shall take effect immediately.