

6023

2009-2010 Regular Sessions

I N S E N A T E

June 19, 2009

Introduced by COMMITTEE ON RULES -- (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 lowering individual contribution limits

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

1 Section 1. Subdivision 1 of section 14-100 of the election law, as
2 amended by chapter 71 of the laws of 1988, is amended to read as
3 follows:
4 1. "political committee" means any [corporation] BUSINESS ENTITY
5 aiding or promoting and any committee, political club or combination of
6 one or more persons operating or co-operating to aid or to promote the
7 success or defeat of a political party or principle, or of any ballot
8 proposal; or to aid or take part in the election or defeat of a candi-
9 date for public office or to aid or take part in the election or defeat
10 of a candidate for nomination at a primary election or convention,
11 including all proceedings prior to such primary election, or of a candi-
12 date for any party position voted for at a primary election, or to aid
13 or defeat the nomination by petition of an independent candidate for
14 public office; OR ANY POLITICAL ACTION COMMITTEE ESTABLISHED, FINANCED,
15 MAINTAINED OR CONTROLLED BY ANY BUSINESS ENTITY, LABOR ORGANIZATION OR
16 ANY OTHER PERSON OR ENTITY WHICH MAKES NO EXPENDITURE TO AID OR TAKE
17 PART IN THE ELECTION OR DEFEAT OF A CANDIDATE, OTHER THAN IN THE FORM OF
18 CONTRIBUTIONS; but nothing in this article shall apply to any committee
19 or organization for the discussion or advancement of political questions
20 or principles without connection with any vote or to a national commit-
21 tee organized for the election of presidential or vice-presidential
22 candidates; provided, however, that a person or [corporation] BUSINESS
23 ENTITY making a contribution or contributions to a candidate or a poli-
24 tical committee which has filed pursuant to section 14-118 shall not, by

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

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1 that fact alone, be deemed to be a political committee as herein
2 defined.

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

5 12. "RELATED LIMITED LIABILITY COMPANY" MEANS A LIMITED LIABILITY
6 COMPANY THAT IS AN AFFILIATE OF A CORPORATION WITHIN THE MEANING OF
7 PARAGRAPH (A) OF SECTION NINE HUNDRED TWELVE OF THE BUSINESS CORPORATION
8 LAW. AS USED IN THIS ARTICLE, CORPORATION MEANS BOTH A FOR-PROFIT CORPO-
9 RATION WITHIN THE MEANING OF SUBPARAGRAPH FOUR OF PARAGRAPH (A) OF
10 SECTION ONE HUNDRED TWO OF THE BUSINESS CORPORATION LAW AS WELL AS A
11 NONPROFIT CORPORATION WITHIN THE MEANING OF SUBPARAGRAPH FIVE OF PARA-
12 GRAPH (A) OF SECTION ONE HUNDRED TWO OF THE NOT-FOR-PROFIT CORPORATION
13 LAW.

14 13. (1) "RELATED LIMITED LIABILITY PARTNERSHIP," CONSISTENT WITH
15 SECTION TEN OF THE PARTNERSHIP LAW, MEANS A PARTNERSHIP WITHOUT LIMITED
16 PARTNERS OPERATING UNDER AN AGREEMENT GOVERNED BY THE LAWS OF THIS
17 STATE, WHICH (A) IS NOT A PROFESSIONAL PARTNERSHIP UNDER THIS SECTION,
18 (B) IS AFFILIATED WITH A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY,
19 FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, PROFESSIONAL
20 SERVICE CORPORATION, FOREIGN PROFESSIONAL SERVICE CORPORATION, REGIS-
21 TERED LIMITED LIABILITY PARTNERSHIP THAT IS A PROFESSIONAL PARTNERSHIP
22 UNDER THIS SECTION OR A FOREIGN LIMITED LIABILITY PARTNERSHIP UNDER
23 CLAUSE (I) OR (II) OF THE EIGHTH UNDESIGNATED PARAGRAPH OF SECTION TWO
24 OF THE PARTNERSHIP LAW, AND (C) RENDERS SERVICES RELATED OR COMPLEMEN-
25 TARY TO THE PROFESSIONAL SERVICES RENDERED BY, OR PROVIDES SERVICES OR
26 FACILITIES TO, SUCH PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY,
27 FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, PROFESSIONAL
28 SERVICE CORPORATION, FOREIGN PROFESSIONAL SERVICE CORPORATION, REGIS-
29 TERED LIMITED LIABILITY PARTNERSHIP OR FOREIGN LIMITED LIABILITY PART-
30 NERSHIP.

31 (2) FOR PURPOSES OF THIS SUBDIVISION, SUCH A PARTNERSHIP IS AFFILIATED
32 WITH A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, FOREIGN PROFES-
33 SIONAL SERVICE LIMITED LIABILITY COMPANY, PROFESSIONAL SERVICE CORPO-
34 RATION, FOREIGN PROFESSIONAL SERVICE CORPORATION, REGISTERED LIMITED
35 LIABILITY PARTNERSHIP OR FOREIGN LIMITED LIABILITY PARTNERSHIP IF (A) AT
36 LEAST A MAJORITY OF PARTNERS IN ONE PARTNERSHIP ARE PARTNERS IN THE
37 OTHER PARTNERSHIP, (B) AT LEAST A MAJORITY OF THE PARTNERS IN EACH PART-
38 NERSHIP ALSO ARE PARTNERS, HOLD INTERESTS OR ARE MEMBERS IN A LIMITED
39 LIABILITY COMPANY OR OTHER BUSINESS ENTITY, AND EACH PARTNERSHIP RENDERS
40 SERVICES PURSUANT TO AN AGREEMENT WITH SUCH LIMITED LIABILITY COMPANY OR
41 OTHER BUSINESS ENTITY, OR (C) THE PARTNERSHIPS OR THE PARTNERSHIP AND
42 SUCH PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, SUCH FOREIGN
43 PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, SUCH PROFESSIONAL
44 SERVICE CORPORATION, OR SUCH FOREIGN PROFESSIONAL SERVICE CORPORATION
45 ARE AFFILIATES WITHIN THE MEANING OF PARAGRAPH (A) OF SECTION NINE
46 HUNDRED TWELVE OF THE BUSINESS CORPORATION LAW.

47 14. "SINGLE SOURCE" MEANS ANY PERSON, PERSONS IN COMBINATION, OR ENTI-
48 TY WHO OR WHICH ESTABLISHES, MAINTAINS, OR CONTROLS ANOTHER ENTITY AND
49 EVERY ENTITY SO ESTABLISHED, MAINTAINED, OR CONTROLLED, INCLUDING EVERY
50 POLITICAL COMMITTEE ESTABLISHED, MAINTAINED, OR CONTROLLED BY THE SAME
51 PERSON, PERSONS IN COMBINATION, OR ENTITY. IF A CANDIDATE ACCEPTS MORE
52 THAN ONE CONTRIBUTION FROM A SINGLE SOURCE, THE CONTRIBUTIONS SHALL BE
53 TOTALED TO DETERMINE THE PARTICIPANT'S OR CANDIDATE'S COMPLIANCE WITH
54 THE APPLICABLE CONTRIBUTION LIMIT. A GENERAL PARTNER OR GENERAL MANAGER
55 AND EACH PARTNERSHIP AND LIMITED LIABILITY COMPANY IT CONTROLS SHALL BE
56 PRESUMED, IN THE ABSENCE OF EVIDENCE DEMONSTRATING THE CONTRARY, TO BE A

1 SINGLE SOURCE FOR THE PURPOSE OF COMPLIANCE WITH THE APPLICABLE CONTRIB-
2 UTION LIMIT.

3 S 3. The election law is amended by adding a new section 14-105 to
4 read as follows:

5 S 14-105. CONTRIBUTION DELIVERY ACTIVITIES BY AN INTERMEDIARY. 1. FOR
6 PURPOSES OF THIS SECTION "INTERMEDIARY" MEANS AN INDIVIDUAL, CORPO-
7 RATION, PARTNERSHIP, POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION OR OTHER
8 ENTITY WHICH:

9 (A) OTHER THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY
10 OR MESSENGER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR
11 ENTITY TO A CANDIDATE OR AUTHORIZED COMMITTEE; OR

12 (B) SOLICITS CONTRIBUTIONS TO A CANDIDATE OR OTHER AUTHORIZED COMMIT-
13 TEE WHERE SUCH SOLICITATION IS KNOWN TO SUCH CANDIDATE OR HIS OR HER
14 AUTHORIZED COMMITTEE. FOR PURPOSES OF THIS PARAGRAPH, ONLY PERSONS
15 CLEARLY IDENTIFIED AS THE SOLICITOR OF A CONTRIBUTION TO THE CANDIDATE
16 OR HIS OR HER AUTHORIZED COMMITTEE SHALL BE PRESUMED TO BE KNOWN TO SUCH
17 CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEE. "INTERMEDIARY" SHALL NOT
18 INCLUDE SPOUSES, DOMESTIC PARTNERS, PARENTS, CHILDREN OR SIBLINGS OF THE
19 PERSON MAKING SUCH CONTRIBUTION, OR ANY PAID OR VOLUNTEER FULL-TIME
20 CAMPAIGN WORKERS OR COMMERCIAL FUNDRAISING FIRMS RETAINED BY THE CANDI-
21 DATE AND THE AGENTS THEREOF.

22 2. WHEN CONTRIBUTIONS TOTALING ONE THOUSAND DOLLARS OR MORE ARE DELIV-
23 ERED BY THE INTERMEDIARY TO THE RECIPIENT CANDIDATE, AUTHORIZED CANDI-
24 DATE COMMITTEE OR PARTY COMMITTEE, THE INTERMEDIARY SHALL INDICATE IN
25 WRITING TO THE RECIPIENT CANDIDATE, AUTHORIZED CANDIDATE COMMITTEE OR
26 PARTY COMMITTEE THE FOLLOWING INFORMATION:

27 (A) THE NAME, MAILING ADDRESS AND OCCUPATION OF EACH CONTRIBUTOR WHO
28 MAKES A CONTRIBUTION OVER NINETY-NINE DOLLARS, AND THE AMOUNT OF EACH
29 CONTRIBUTION, AND FOR EACH CONTRIBUTION OF TWO HUNDRED DOLLARS OR MORE,
30 THE NAME AND ADDRESS OF SUCH CONTRIBUTOR'S EMPLOYER;

31 (B) THE TOTAL AGGREGATE AMOUNT OF CONTRIBUTIONS OF NINETY-NINE DOLLARS
32 OR LESS; AND

33 (C) THE DATE THE CONTRIBUTIONS WERE RECEIVED BY THE INTERMEDIARY AND
34 THE DATE THE CONTRIBUTIONS WERE DELIVERED TO THE RECIPIENT CANDIDATE,
35 AUTHORIZED CANDIDATE COMMITTEE OR PARTY COMMITTEE.

36 3. THE RECIPIENT CANDIDATE, AUTHORIZED CANDIDATE COMMITTEE OR PARTY
37 COMMITTEE SHALL REPORT TO THE STATE BOARD OF ELECTIONS THE INTERMEDIARY
38 WHO DELIVERS CONTRIBUTIONS TOTALING ONE THOUSAND DOLLARS OR MORE ON THE
39 STATEMENTS REQUIRED BY THIS ARTICLE.

40 4. THE STATE BOARD OF ELECTIONS SHALL PROVIDE A SECTION FOR INTERME-
41 DIARY REPORTING AS REQUIRED BY THIS SECTION, WHICH SHALL INCLUDE:

42 (A) THE NAME, MAILING ADDRESS, OCCUPATION AND EMPLOYER OF THE INTERME-
43 DIARY; AND

44 (B) THE TOTAL AMOUNT OF CONTRIBUTIONS DELIVERED BY THE INTERMEDIARY TO
45 THE CANDIDATE, THE CANDIDATE'S AUTHORIZED COMMITTEE OR A PARTY COMMIT-
46 TEE.

47 S 4. Subdivision 1 of section 14-114 of the election law, as amended
48 by chapter 79 of the laws of 1992, paragraphs a and b as amended by
49 chapter 659 of the laws of 1994, is amended to read as follows:

50 1. The following limitations apply to all contributions to candidates
51 for election to any public office or for nomination for any such office,
52 or for election to any party positions, and to all contributions to
53 political committees working directly or indirectly with any candidate
54 to aid or participate in such candidate's nomination or election, other
55 than any contributions to any party committee or constituted committee:

1 a. In any election for a public office to be voted on by the voters of
2 the entire state, or for nomination to any such office, no contributor
3 may make a contribution to any candidate or political committee, and no
4 candidate or political committee may accept any contribution from any
5 contributor, which is in the aggregate amount greater than: (i) in the
6 case of any nomination to public office, the product of the total number
7 of enrolled voters in the candidate's party in the state, excluding
8 voters in inactive status, multiplied by \$.005, but such amount shall be
9 not less than four thousand dollars nor more than twelve thousand ONE
10 HUNDRED dollars as increased or decreased by the cost of living adjust-
11 ment described in paragraph c of this subdivision, and (ii) in the case
12 of any election to a public office, twenty-five thousand THREE HUNDRED
13 dollars as increased or decreased by the cost of living adjustment
14 described in paragraph c of this subdivision[; provided however, that
15 the maximum amount which may be so contributed or accepted, in the
16 aggregate, from any candidate's child, parent, grandparent, brother and
17 sister, and the spouse of any such persons, shall not exceed in the case
18 of any nomination to public office an amount equivalent to the product
19 of the number of enrolled voters in the candidate's party in the state,
20 excluding voters in inactive status, multiplied by \$.025, and in the
21 case of any election for a public office, an amount equivalent to the
22 product of the number of registered voters in the state excluding voters
23 in inactive status, multiplied by \$.025].

24 b. In any other election for party position or for election to a
25 public office or for nomination for any such office, no contributor may
26 make a contribution to any candidate or political committee and no
27 candidate or political committee may accept any contribution from any
28 contributor, which is in the aggregate amount greater than: (i) in the
29 case of any election for party position, or for nomination to public
30 office, the product of the total number of enrolled voters in the candi-
31 date's party in the district in which he is a candidate, excluding
32 voters in inactive status, multiplied by \$.05, and (ii) in the case of
33 any election for a public office, the product of the total number of
34 registered voters in the district, excluding voters in inactive status,
35 multiplied by \$.05[,]; BUT IN NO EVENT SHALL ANY SUCH MAXIMUM EXCEED TEN
36 THOUSAND DOLLARS OR BE LESS THAN ONE THOUSAND DOLLARS; however in the
37 case of a nomination OR ELECTION within the city of New York for the
38 office of mayor, public advocate [or], comptroller, BOROUGH PRESIDENT OR
39 MEMBER OF THE CITY COUNCIL, such amount shall be [not less than four
40 thousand dollars nor more than twelve thousand dollars as increased or
41 decreased by the cost of living adjustment described in paragraph c of
42 this subdivision; in the case of an election within the city of New York
43 for the office of mayor, public advocate or comptroller, twenty-five
44 thousand dollars as increased or decreased by the cost of living adjust-
45 ment described in paragraph c of this subdivision] EQUAL TO THE CONTRIB-
46 UTION LIMITS SET FORTH IN PARAGRAPH (F) OF SUBDIVISION ONE OF SECTION
47 3-703 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK; PROVIDED
48 HOWEVER in the case of a nomination for state senator, four thousand
49 dollars as increased or decreased by the cost of living adjustment
50 described in paragraph c of this subdivision; in the case of an election
51 for state senator, six thousand two hundred fifty dollars as increased
52 or decreased by the cost of living adjustment described in paragraph c
53 of this subdivision; in the case of [an election or] A nomination OR
54 ELECTION for a member of the assembly, [twenty-five hundred] TWO THOU-
55 SAND THREE HUNDRED dollars as increased or decreased by the cost of
56 living adjustment described in paragraph c of this subdivision[; but in

1 no event shall any such maximum exceed fifty thousand dollars or be less
2 than one thousand dollars; provided however, that the maximum amount
3 which may be so contributed or accepted, in the aggregate, from any
4 candidate's child, parent, grandparent, brother and sister, and the
5 spouse of any such persons, shall not exceed in the case of any election
6 for party position or nomination for public office an amount equivalent
7 to the number of enrolled voters in the candidate's party in the
8 district in which he is a candidate, excluding voters in inactive
9 status, multiplied by \$.25 and in the case of any election to public
10 office, an amount equivalent to the number of registered voters in the
11 district, excluding voters in inactive status, multiplied by \$.25; or
12 twelve hundred fifty dollars, whichever is greater, or in the case of a
13 nomination or election of a state senator, twenty thousand dollars,
14 whichever is greater, or in the case of a nomination or election of a
15 member of the assembly twelve thousand five hundred dollars, whichever
16 is greater, but in no event shall any such maximum exceed one hundred
17 thousand dollars].

18 c. At the beginning of each fourth calendar year, commencing in [nine-
19 teen hundred ninety-five] TWO THOUSAND THIRTEEN, the state board shall
20 determine the percentage of the difference between the [most recent
21 available monthly] consumer price index for all urban consumers
22 published by the United States bureau of labor statistics and such
23 consumer price index published for the same month four years previously.
24 The amount of each contribution limit fixed in this subdivision shall be
25 adjusted by the amount of such percentage difference to the closest one
26 hundred dollars by the state board which, not later than the first day
27 of February in each such year, shall issue a regulation publishing the
28 amount of each such contribution limit. Each contribution limit as so
29 adjusted shall be the contribution limit in effect for any election held
30 before the next such adjustment.

31 S 5. Subdivisions 1 and 2 of section 14-116 of the election law,
32 subdivision 1 as redesignated by chapter 9 of the laws of 1978 and
33 subdivision 2 as amended by chapter 260 of the laws of 1981, are amended
34 and a new subdivision 3 is added to read as follows:

35 1. No corporation [or], joint-stock association, LIMITED LIABILITY
36 COMPANY, PROFESSIONAL LIMITED LIABILITY COMPANY, PARTNERSHIP OR LIMITED
37 LIABILITY PARTNERSHIP doing business in this state, except [a corpo-
38 ration or association] AN ENTITY organized or maintained for political
39 purposes only, shall directly or indirectly pay or use or offer, consent
40 or agree to pay or use any money or property for or in aid of any poli-
41 tical party, committee or organization, or for, or in aid of, any
42 [corporation, joint-stock or other association] ENTITY organized or
43 maintained for political purposes, or for, or in aid of, any candidate
44 for political office or for nomination for such office, or for any poli-
45 tical purpose whatever, or for the reimbursement or indemnification of
46 any person for moneys or property so used. Any officer, director, stock-
47 holder, MEMBER, PARTNER, attorney or agent of any corporation [or],
48 joint-stock association, LIMITED LIABILITY COMPANY, PROFESSIONAL LIMITED
49 LIABILITY COMPANY, PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP which
50 violates any of the provisions of this section, who participates in,
51 aids, abets or advises or consents to any such violations, and any
52 person who solicits or knowingly receives any money or property in
53 violation of this section, shall be guilty of a misdemeanor.

54 2. Notwithstanding the provisions of subdivision one of this section,
55 any corporation or an organization financially supported in whole or in
56 part, by such corporation, OR ANY LIMITED LIABILITY COMPANY, PROFES-

1 SIONAL LIMITED LIABILITY COMPANY, PARTNERSHIP OR LIMITED LIABILITY PART-
2 NERSHIP may make expenditures, including contributions, not otherwise
3 prohibited by law, for political purposes, in an amount not to exceed
4 five thousand dollars in the aggregate in any calendar year; provided
5 that no public utility shall use revenues received from the rendition of
6 public service within the state for contributions for political purposes
7 unless such cost is charged to the shareholders of such a public service
8 corporation.

9 3. FOR THE PURPOSES OF SUBDIVISION TWO OF THIS SECTION, ALL OF THE
10 COMPONENT MEMBERS OF A CONTROLLED GROUP OF CORPORATIONS WITHIN THE MEAN-
11 ING OF SECTION ONE THOUSAND FIVE HUNDRED SIXTY-THREE OF THE INTERNAL
12 REVENUE CODE OF THE UNITED STATES SHALL BE DEEMED TO BE ONE CORPORATION,
13 AND PROVIDED FURTHER, CONTRIBUTIONS GIVEN BY A SUBSIDIARY OF A CORPO-
14 RATION THAT IS WHOLLY OR IN PART CONTROLLED BY THE CORPORATION, A
15 RELATED LIMITED LIABILITY PARTNERSHIP THAT IS WHOLLY OR IN PART
16 CONTROLLED BY THE CORPORATION, OR A RELATED LIMITED LIABILITY COMPANY
17 THAT IS WHOLLY OR IN PART CONTROLLED BY THE CORPORATION, ARE DEEMED TO
18 BE A CONTRIBUTION BY THE CORPORATION. ALL SINGLE SOURCES OF CONTRIB-
19 UTIONS, INCLUDING FROM AFFILIATED CORPORATE ENTITIES, WITHIN THE MEANING
20 OF PARAGRAPH (A) OF SECTION NINE HUNDRED TWELVE OF THE BUSINESS CORPO-
21 RATION LAW, TOGETHER MAY MAKE CONTRIBUTIONS, NOT OTHERWISE PROHIBITED BY
22 LAW, FOR POLITICAL PURPOSES, IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND
23 DOLLARS IN THE AGGREGATE IN ANY CALENDAR YEAR.

24 S 6. Subdivision 1 of section 14-118 of the election law, as amended
25 by chapter 70 of the laws of 1983, is amended to read as follows:

26 1. Every political committee shall have a treasurer and a depository,
27 and shall cause the treasurer to keep detailed, bound accounts of all
28 receipts, transfers, loans, liabilities, contributions and expenditures,
29 made by the committee or any of its officers, members or agents acting
30 under its authority or in its behalf. All such accounts shall be
31 retained by a treasurer for a period of five years from the date of the
32 filing of the final statement with respect to the election, primary
33 election or convention to which they pertain. No officer, member or
34 agent of any political committee shall receive any receipt, transfer or
35 contribution, or make any expenditure or incur any liability until the
36 committee shall have chosen a treasurer and depository and filed their
37 names in accordance with this subdivision. There shall be filed in the
38 office in which the committee is required to file its statements under
39 section 14-110 of this article, within five days after the choice of a
40 treasurer and depository, a statement giving the name and address of the
41 treasurer chosen, the name and address of any person authorized to sign
42 checks by such treasurer, the name and address of the depository chosen
43 and the candidate or candidates or ballot proposal or proposals the
44 success or defeat of which the committee is to aid or take part;
45 provided, however, that such statement shall not be required of a
46 constituted committee [and provided further that a political committee
47 which makes no expenditures, to aid or take part in the election or
48 defeat of a candidate, other than in the form of contributions, shall
49 not be required to list the candidates being supported or opposed by
50 such committee]. SUCH A STATEMENT FROM ANY COMMITTEE OTHER THAN A PARTY
51 OR AUTHORIZED COMMITTEE ALSO SHALL CLEARLY IDENTIFY THE ECONOMIC OR
52 OTHER SPECIAL INTEREST, IF IDENTIFIABLE, OF A MAJORITY OF ITS CONTRIBU-
53 TORS, AND IF A MAJORITY OF ITS CONTRIBUTORS SHARE A COMMON EMPLOYER,
54 SHALL IDENTIFY SUCH EMPLOYER. IF THE ECONOMIC OR OTHER SPECIAL INTEREST
55 OR COMMON EMPLOYER ARE NOT IDENTIFIABLE, SUCH STATEMENT OF A MULTI-CAN-
56 DIDATE COMMITTEE SHALL CLEARLY IDENTIFY THE ECONOMIC OR OTHER SPECIAL

1 INTEREST, IF IDENTIFIABLE, OF A MAJORITY OF ITS ORGANIZERS, AND IF A
2 MAJORITY OF ITS ORGANIZERS SHARE A COMMON EMPLOYER, SHALL IDENTIFY SUCH
3 EMPLOYER, AND IF ORGANIZED, CONTROLLED OR MAINTAINED BY AN INDIVIDUAL,
4 SHALL IDENTIFY SUCH INDIVIDUAL. Such statement shall be signed by the
5 treasurer and all other persons authorized to sign checks. Any change in
6 the information required in any statement shall be reported, in an
7 amended statement filed in the same manner and in the same office as an
8 original statement filed under this section, within two days after it
9 occurs. Only a banking organization authorized to do business in this
10 state may be designated a depository hereunder.

11 S 7. Subdivision 2 of section 14-120 of the election law, as added by
12 chapter 79 of the laws of 1992, is amended and a new subdivision 3 is
13 added to read as follows:

14 2. Notwithstanding subdivision one of this section, a partnership, as
15 defined in section ten of the partnership law, [may be considered a
16 separate entity for the purposes of this section, and as such] may make
17 contributions in the name of said partnership without attributing such
18 contributions to the individual members of the partnership provided that
19 any such contribution made by a partnership to a candidate or to a poli-
20 tical committee, shall not exceed[, twenty-five hundred dollars. In the
21 event that such partnership contribution to any such candidate or poli-
22 tical committee exceeds twenty-five hundred dollars, the aggregate
23 amount of such contribution shall be attributed to each partner whose
24 share of the contribution exceeds ninety-nine dollars] FIVE THOUSAND
25 DOLLARS. ANY PARTNERSHIP THAT IS RELATED TO A CORPORATION WILL HAVE ITS
26 CONTRIBUTIONS AGGREGATED WITH THAT RELATED CORPORATION FOR THE PURPOSES
27 OF CALCULATING THE CONTRIBUTIONS GIVEN. INDIVIDUALS MAY NOT ESTABLISH A
28 PARTNERSHIP, AS DEFINED IN SECTION TEN OF THE PARTNERSHIP LAW, FOR THE
29 SOLE PURPOSE OF EVADING THE CONTRIBUTION LIMITS THAT WOULD OTHERWISE
30 APPLY TO SUCH INDIVIDUAL.

31 3. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, EVERY CONTRIBUTION
32 MADE BY A LIMITED LIABILITY COMPANY IS CONSIDERED TO BE A CONTRIBUTION
33 BY THE LIMITED LIABILITY COMPANY AS A WHOLE. INDIVIDUALS MAY NOT ESTAB-
34 LISH A LIMITED LIABILITY COMPANY FOR THE SOLE PURPOSE OF EVADING THE
35 CONTRIBUTION LIMITS THAT WOULD OTHERWISE APPLY TO SUCH INDIVIDUAL.

36 S 8. Severability clause. If any clause, sentence, paragraph, subdivi-
37 sion, section or part of this act shall be adjudged by any court of
38 competent jurisdiction to be invalid, such judgment shall not affect,
39 impair or invalidate the remainder thereof, but shall be confined in its
40 operation to the clause, sentence, paragraph, subdivision, section or
41 part thereof directly involved in the controversy in which such judgment
42 shall have been rendered. It is hereby declared to be the intent of the
43 legislature that this act would have been enacted even if such invalid
44 provisions had not been included herein.

45 S 9. This act shall take effect on the sixtieth day after it shall
46 have become a law; provided, however, that all amendments to article 14
47 of the election law made by this act, which establish new contribution
48 limits, shall take effect January 1, 2010; provided, further, that
49 contributions legally received prior to the effective date of this act
50 may be retained and expended for lawful purposes and shall not provide
51 the basis for a violation of article 14 of the election law, as amended
52 by this act; and provided, further, that the state board of elections
53 shall notify all candidates and political committees of the applicable
54 provisions of this act within thirty days after this act shall have
55 become a law.