

6157

2009-2010 Regular Sessions

I N S E N A T E

September 4, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the legislative law and the public officers law, in relation to ethics reform; to amend the executive law, in relation to review of disclosure statements; to amend a chapter of the laws of 2009 amending the executive law and other laws relating to governmental ethics and compliance, as proposed in legislative bills numbers S.6064 and A.9032, in relation to the effectiveness thereof; to amend the election law, in relation to a state board of elections enforcement unit, contribution delivery activities by an intermediary, and penalties for violations; and to repeal certain provisions of the election law relating to board of elections enforcement powers

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

1 Section 1. Paragraphs (i), (ix) and (x) of subdivision (c) of section
2 1-c of the legislative law, as added by chapter 1 of the laws of 2005,
3 are amended and a new paragraph (xi) is added to read as follows:
4 (i) the passage or defeat of any legislation OR RESOLUTION by either
5 house of the state legislature, THE OUTCOME OF ANY ACTION OR PETITION BY
6 EITHER HOUSE OF THE STATE LEGISLATURE or approval or disapproval of any
7 legislation by the governor;
8 (ix) the adoption or rejection of any rule, regulation, or resolution
9 having the force and effect of a local law, ordinance, resolution, or
10 regulation; [or]
11 (x) the outcome of any rate making proceeding by any municipality or
12 subdivision thereof[.]; OR
13 (XI) THE OUTCOME OF ANY OTHER OFFICIAL ACT OF THE STATE LEGISLATURE.
14 S 2. Subdivision (b) of section 1-d of the legislative law, as added
15 by a chapter of the laws of 2009, amending the executive law and other
16 laws relating to governmental ethics and compliance, as proposed in

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

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1 legislative bills numbers S.6064 and A.9032, is amended to read as
2 follows:

3 (b) The term of office of the members shall be for four years commenc-
4 ing with the first day of January, two thousand ten. No member of the
5 commission shall, OR SHALL HAVE WITHIN THE PRECEDING SEVEN YEARS: (I)
6 hold any other state or local public office for which he or she receives
7 compensation; [nor shall any member] (II) be employed by the state or
8 any local political subdivision[. No person]; (III) BE subject to the
9 jurisdiction of the commission and the provisions of this article or
10 registered as a lobbyist in any jurisdiction [may serve on the commis-
11 sion].

12 S 3. Section 60 of the legislative law, as amended by chapter 416 of
13 the laws of 1954, is amended to read as follows:

14 S 60. Testimony before legislative committees. 1. A legislative
15 committee may require the attendance of witnesses in this state whom the
16 committee may wish to examine, or may issue a commission for the exam-
17 ination of witnesses who are out of the state or unable to attend the
18 committee or excused from attendance, which commission if directed by
19 the house or legislature by which the committee is appointed may be
20 executed during the recess of the legislature. A commission issued as
21 provided by this section shall be in the form used in the courts of
22 record of this state and shall be executed in like manner. Unless other-
23 wise instructed by the committee appointing them the commissioners shall
24 examine privately every witness attending before them and shall not make
25 public the particulars of such examination. No committee of either house
26 or a joint committee of both houses shall have the power to take testi-
27 mony at a private hearing or at a public hearing unless at least two of
28 its members are present at such hearing.

29 2. THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS, AS ESTAB-
30 LISHED BY SECTION EIGHTY-ONE OF THIS CHAPTER, SHALL BE SUBJECT TO OVER-
31 SIGHT BY THE LEGISLATURE. THE LEGISLATIVE COMMITTEES RESPONSIBLE FOR
32 OVERSIGHT OF THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS
33 CREATED PURSUANT TO SECTION EIGHTY-ONE OF THIS CHAPTER SHALL HOLD HEAR-
34 INGS REGARDING THE ANNUAL REPORT AND RECOMMENDATIONS OF THE COMMISSION
35 WITHIN FORTY-FIVE DAYS OF THE PUBLIC RELEASE OF THE COMMISSION'S ANNUAL
36 REPORT.

37 S 4. Paragraph (d) of subdivision 2 of section 80 of the legislative
38 law, as added by a chapter of the laws of 2009, amending the executive
39 law and other laws relating to governmental ethics and compliance, as
40 proposed in legislative bills numbers S.6064 and A.9032, is amended to
41 read as follows:

42 (d) No individual shall be eligible for appointment to, or service on,
43 the board who IS, OR WHO HAS BEEN WITHIN THE PRECEDING SEVEN YEARS:

- 44 (i) [is] a lobbyist registered in New York state;
45 (ii) [has been registered in any such lobbying registry at any time
46 during the previous two years before the date of appointment];
47 (iii) is] a member of or candidate for a position in the New York
48 state legislature; or
49 [(iv) is] (III) an officer or employee of the New York state govern-
50 ment.

51 S 5. Subitem (ii) of item (a) of clause 3 of subparagraph (iv) of
52 paragraph (a) of subdivision 4 of section 80 of the legislative law, as
53 added by a chapter of the laws of 2009, amending the executive law and
54 other laws relating to governmental ethics and compliance, as proposed
55 in legislative bills numbers S.6064 and A.9032, is amended to read as
56 follows:

1 (ii) In addition it will transmit:

2 (1) A description of any relevant information that it was unable to
3 obtain and witnesses it was unable to interview, and the reasons there-
4 for;

5 (2) [A recommendation for the issuance of subpoenas where appropriate,
6 if any;

7 (3)] A citation of any relevant law, rule, regulation, or standard of
8 conduct;

9 [(4)] (3) The names of all witnesses; [and

10 (5)] (4) Any conclusions regarding the validity of the allegations
11 upon which it is based or the guilt or innocence of the individual who
12 is the subject of the review; and

13 [(6)] (5) Any supporting documentation.

14 S 6. Subdivision a of section 81 of the legislative law, as added by a
15 chapter of the laws of 2009, amending the executive law and other laws
16 relating to governmental ethics and compliance, as proposed in legisla-
17 tive bills numbers S.6064 and A.9032, is amended to read as follows:

18 a. There is established a joint legislative commission on ethics
19 standards which shall consist of eight members and which shall be
20 responsible for training, education, and advice regarding sections
21 seventy-three, seventy-three-a and seventy-four of the public officers
22 law and enforcement of the filing of financial disclosure forms. Four
23 members shall be members of the legislature and shall be appointed as
24 follows: one by the temporary president of the senate, one by the speak-
25 er of the assembly, one by the minority leader of the senate and one by
26 the minority leader of the assembly. The remaining four members shall
27 not be present or former members of the legislature, candidates for
28 member of the legislature, employees of the legislature, political party
29 chairmen as defined in paragraph (k) of subdivision one of section
30 seventy-three of the public officers law, or lobbyists, as defined in
31 section one-c of this chapter, or persons who have been employees of the
32 legislature, political party chairmen as defined in paragraph (k) of
33 subdivision one of section seventy-three of the public officers law, or
34 lobbyists, as defined in section one-c of this chapter in the previous
35 [two] SEVEN years, and shall be appointed as follows: one by the tempo-
36 rary president of the senate, one by the speaker of the assembly, one by
37 the minority leader of the senate, and one by the minority leader of the
38 assembly. The commission shall serve as described in this section and
39 have and exercise the powers and duties set forth in this section only
40 with respect to members of the legislature, legislative employees as
41 defined in section seventy-three of the public officers law, candidates
42 for member of the legislature and individuals who have formerly held
43 such positions or who have formerly been such candidates.

44 S 7. Subdivision g of section 81 of the legislative law, as added by a
45 chapter of the laws of 2009, amending the executive law and other laws
46 relating to governmental ethics and compliance, as proposed in legisla-
47 tive bills numbers S.6064 and A.9032, is amended by adding a new para-
48 graph 18 to read as follows:

49 18. PROMULGATE GUIDELINES FOR THE LEGISLATIVE OFFICE OF ETHICS INVE-
50 TIGATIONS TO CONDUCT A PROGRAM OF RANDOM REVIEWS OF ANNUAL FINANCIAL
51 DISCLOSURE STATEMENTS FILED WITH THE COMMISSION, SUBJECT TO THE CONDI-
52 TIONS OF THIS SECTION. SUCH PROGRAM SHALL BE CARRIED OUT IN THE FOLLOW-
53 ING MANNER:

54 (I) THE COMMISSION SHALL RANDOMLY SELECT ANNUAL FINANCIAL DISCLOSURE
55 STATEMENTS REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE FOR REVIEW. ANY
56 SUCH SELECTION SHALL BE DONE IN A MANNER PURSUANT TO WHICH THE IDENTITY

1 OF ANY PARTICULAR PERSON WHOSE STATEMENT IS SELECTED FOR REVIEW IS
2 UNKNOWN TO THE COMMISSION, ITS STAFF AND TO THE LEGISLATIVE OFFICE OF
3 ETHICS INVESTIGATIONS PRIOR TO SELECTION.

4 (II) THE COMMISSION SHALL DEVELOP PROTOCOLS FOR THE CONDUCT OF SUCH
5 RANDOM REVIEWS. SUCH RANDOM REVIEWS MAY REQUIRE THE PRODUCTION OF BOOKS,
6 PAPERS, RECORDS OR MEMORANDA RELEVANT AND MATERIAL TO THE PREPARATION OF
7 THE SELECTED STATEMENTS FOR EXAMINATION BY THE LEGISLATIVE OFFICE OF
8 ETHICS INVESTIGATIONS. ANY SUCH PROTOCOLS SHALL ENSURE THAT SIMILARLY
9 SITUATED STATEMENTS ARE AUDITED IN A UNIFORM MANNER.

10 (III) THE COMMISSION SHALL CONTRACT WITH AN OUTSIDE ACCOUNTING ENTITY,
11 WHICH SHALL MONITOR THE PROCESS PURSUANT TO WHICH THE COMMISSION SELECTS
12 STATEMENTS FOR REVIEW, AND THE PROCESS PURSUANT TO WHICH LEGISLATIVE
13 OFFICE OF ETHICS INVESTIGATIONS CARRIES OUT THE PROVISIONS OF SUBPARA-
14 GRAPHS (I) AND (II) OF THIS PARAGRAPH AND CERTIFIES THAT SUCH PROCESS
15 COMPLIES WITH THE PROVISIONS OF SUCH SUBPARAGRAPHS.

16 (IV) UPON COMPLETION OF A RANDOM REVIEW BY THE LEGISLATIVE OFFICE OF
17 ETHICS INVESTIGATIONS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF
18 SUBPARAGRAPHS (I), (II) AND (III) OF THIS PARAGRAPH, THE COMMISSION
19 SHALL DETERMINE WHETHER THERE IS REASONABLE CAUSE TO BELIEVE THAT ANY
20 SUCH STATEMENT OR REPORT IS INACCURATE OR INCOMPLETE. UPON A DETERMI-
21 NATION THAT SUCH REASONABLE CAUSE EXISTS, THE LEGISLATIVE OFFICE OF
22 ETHICS INVESTIGATIONS MAY REQUIRE THE PRODUCTION OF FURTHER BOOKS,
23 RECORDS OR MEMORANDA, SUBPOENA WITNESSES, COMPEL THEIR ATTENDANCE AND
24 TESTIMONY AND ADMINISTER OATHS OR AFFIRMATIONS, TO THE EXTENT THE
25 COMMISSION DETERMINES SUCH ACTIONS ARE NECESSARY TO OBTAIN INFORMATION
26 RELEVANT AND MATERIAL TO INVESTIGATING SUCH INACCURACIES OR OMISSIONS.

27 S 8. The public officers law is amended by adding a new section 74-b
28 to read as follows:

29 S 74-B. REPORTS OF BUSINESS DEALINGS WITH LOBBYISTS. 1. A PUBLIC OFFI-
30 CER WHO IS SUBJECT TO THE JURISDICTION OF THE EXECUTIVE ETHICS AND
31 COMPLIANCE COMMISSION WHO RETAINS, EMPLOYS, DESIGNATES OR OTHERWISE DOES
32 BUSINESS WITH A LOBBYIST OR LOBBYISTS SHALL, WITHIN THIRTY DAYS OF THE
33 DATE UPON WHICH SUCH BUSINESS DEALINGS COMMENCE, FILE WITH THE EXECUTIVE
34 ETHICS AND COMPLIANCE COMMISSION A REPORT OF SUCH BUSINESS DEALINGS.
35 SUCH REPORTS SHALL BE FILED ON FORMS SUPPLIED BY SUCH COMMISSION AND
36 SHALL CONTAIN:

37 (A) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PUBLIC OFFICER;

38 (B) THE NAME, ADDRESS AND TELEPHONE NUMBER OF EACH LOBBYIST RETAINED,
39 EMPLOYED OR DESIGNATED BY SUCH PUBLIC OFFICER OR WITH WHOM SUCH PUBLIC
40 OFFICER DID BUSINESS;

41 (C) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANS-
42 ACTIONS BETWEEN THE PUBLIC OFFICER AND THE LOBBYIST OR LOBBYISTS; AND

43 (D) THE COMPENSATION, INCLUDING EXPENSES, TO BE PAID BY VIRTUE OF THE
44 BUSINESS DEALINGS.

45 2. A LEGISLATOR OR LEGISLATIVE EMPLOYEE WHO RETAINS, EMPLOYS, DESIG-
46 NATES OR OTHERWISE DOES BUSINESS WITH A LOBBYIST OR LOBBYISTS SHALL,
47 WITHIN THIRTY DAYS OF THE DATE UPON WHICH SUCH BUSINESS DEALINGS
48 COMMENCE, FILE WITH THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS
49 A REPORT OF SUCH BUSINESS DEALINGS. SUCH REPORTS SHALL BE FILED ON FORMS
50 SUPPLIED BY SUCH COMMISSION AND SHALL CONTAIN:

51 (A) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PUBLIC OFFICER;

52 (B) THE NAME, ADDRESS AND TELEPHONE NUMBER OF EACH LOBBYIST RETAINED,
53 EMPLOYED OR DESIGNATED BY SUCH PUBLIC OFFICER OR WITH WHOM SUCH PUBLIC
54 OFFICER DID BUSINESS;

55 (C) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANS-
56 ACTIONS BETWEEN THE PUBLIC OFFICER AND THE LOBBYIST OR LOBBYISTS; AND

1 (D) THE COMPENSATION, INCLUDING EXPENSES, TO BE PAID BY VIRTUE OF THE
2 BUSINESS DEALINGS.

3 3. ALL SUCH REPORTS SHALL BE SUBJECT TO REVIEW BY THE STATE COMMISSION
4 ON LOBBYING AND ETHICS COMPLIANCE.

5 4. SUCH REPORTS SHALL BE KEPT ON FILE FOR A PERIOD OF THREE YEARS,
6 SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH PERIOD AND ACCESS TO SUCH
7 INFORMATION SHALL ALSO BE MADE AVAILABLE FOR REMOTE COMPUTER USERS
8 THROUGH THE INTERNET NETWORK.

9 S 9. Subdivision 2 of section 94 of the executive law, as amended by a
10 chapter of the laws of 2009, amending the executive law and other laws
11 relating to governmental ethics and compliance, as proposed in legisla-
12 tive bills numbers S.6064 and A.9032, is amended to read as follows:

13 2. The six members of the commission shall be appointed as follows:
14 two by the governor, two by the attorney general, and two by the comp-
15 troller. No two appointments by each of the foregoing officers shall be
16 from the same political party as defined in section 1-104 of the
17 election law. No member shall be, OR SHALL HAVE BEEN WITHIN THE PRECED-
18 ING SEVEN YEARS, a member of the legislature, a candidate for member of
19 the legislature, an employee of the legislature, a political party
20 chairman as defined in paragraph (k) of subdivision one of section
21 seventy-three of the public officers law, a state officer as defined by
22 paragraph (i) of subdivision one of section seventy-three of the public
23 officers law or employee or a lobbyist as defined in subdivision (a) of
24 section one-c of the legislative law.

25 S 10. Subdivision 8 of section 94 of the executive law, as amended by
26 a chapter of the laws of 2009, amending the executive law and other laws
27 relating to governmental ethics and compliance, as proposed in legisla-
28 tive bills numbers S.6064 and A.9032, is amended by adding a new para-
29 graph (o) to read as follows:

30 (O) PROMULGATE GUIDELINES FOR RANDOM REVIEWS OF ANNUAL FINANCIAL
31 DISCLOSURE STATEMENTS FILED WITH THE COMMISSION, SUBJECT TO THE CONDI-
32 TIONS OF THIS SECTION. SUCH PROGRAM SHALL BE CARRIED OUT IN THE FOLLOW-
33 ING MANNER:

34 (I) THE COMMISSION SHALL RANDOMLY SELECT ANNUAL FINANCIAL DISCLOSURE
35 STATEMENTS REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE FOR REVIEW. ANY
36 SUCH SELECTION SHALL BE DONE IN A MANNER PURSUANT TO WHICH THE IDENTITY
37 OF ANY PARTICULAR PERSON WHOSE STATEMENT IS SELECTED FOR REVIEW IS
38 UNKNOWN TO THE COMMISSION PRIOR TO SELECTION.

39 (II) THE COMMISSION SHALL DEVELOP PROTOCOLS FOR THE CONDUCT OF SUCH
40 RANDOM REVIEWS. SUCH RANDOM REVIEWS MAY REQUIRE THE PRODUCTION OF BOOKS,
41 PAPERS, RECORDS OR MEMORANDA RELEVANT AND MATERIAL TO THE PREPARATION OF
42 THE SELECTED STATEMENTS FOR EXAMINATION BY THE COMMISSION. ANY SUCH
43 PROTOCOLS SHALL ENSURE THAT SIMILARLY SITUATED STATEMENTS ARE REVIEWED
44 IN A UNIFORM MANNER.

45 (III) THE COMMISSION SHALL CONTRACT WITH AN OUTSIDE ACCOUNTING ENTITY,
46 WHICH SHALL MONITOR THE PROCESS PURSUANT TO WHICH THE COMMISSION SELECTS
47 STATEMENTS FOR REVIEW, AND THE PROCESS PURSUANT TO WHICH THE COMMISSION
48 CARRIES OUT THE PROVISIONS OF SUBPARAGRAPHS (I) AND (II) OF THIS PARA-
49 GRAPH AND CERTIFIES THAT SUCH PROCESS COMPLIES WITH THE PROVISIONS OF
50 SUCH SUBPARAGRAPHS.

51 (IV) UPON COMPLETION OF A RANDOM REVIEW BY THE COMMISSION CONDUCTED IN
52 ACCORDANCE WITH THE PROVISIONS OF SUBPARAGRAPHS (I), (II) AND (III) OF
53 THIS PARAGRAPH, THE COMMISSION SHALL DETERMINE WHETHER THERE IS REASON-
54 ABLE CAUSE TO BELIEVE THAT ANY SUCH STATEMENT OR REPORT IS INACCURATE OR
55 INCOMPLETE. UPON A DETERMINATION THAT SUCH REASONABLE CAUSE EXISTS, THE
56 COMMISSION MAY REQUIRE THE PRODUCTION OF FURTHER BOOKS, RECORDS OR MEMO-

1 RANDA, SUBPOENA WITNESSES, COMPEL THEIR ATTENDANCE AND TESTIMONY AND
2 ADMINISTER OATHS OR AFFIRMATIONS, TO THE EXTENT THE COMMISSION DETER-
3 MINES SUCH ACTIONS ARE NECESSARY TO OBTAIN INFORMATION RELEVANT AND
4 MATERIAL TO INVESTIGATING SUCH INACCURACIES OR OMISSIONS.

5 S 11. Section 22 of a chapter of the laws of 2009, amending the execu-
6 tive law and other laws relating to governmental ethics and compliance,
7 as proposed in legislative bills numbers S.6064 and A.9032, is amended
8 to read as follows:

9 S 22. This act shall take effect January 1, 2010; provided, however,
10 sections five-a, five-b and fifteen of this act shall take effect Janu-
11 ary 1, 2011; and provided further, that sections one through five and
12 six through eleven of this act shall expire and be deemed repealed [6] 3
13 years after such effective date.

14 S 12. Subdivision 3 of section 3-102 of the election law, as amended
15 by chapter 9 of the laws of 1978, is amended to read as follows:

16 3. conduct, THROUGH THE ENFORCEMENT UNIT ESTABLISHED PURSUANT TO
17 SECTION 3-104 OF THIS TITLE, any investigation necessary to carry out
18 the provisions of this chapter;

19 S 13. Section 3-104 of the election law is REPEALED and a new section
20 3-104 is added to read as follows:

21 S 3-104. STATE BOARD OF ELECTIONS ENFORCEMENT UNIT. 1. THERE SHALL BE
22 A UNIT KNOWN AS THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT ESTAB-
23 LISHED WITHIN THE STATE BOARD OF ELECTIONS.

24 1-A. (A) FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING TERMS SHALL
25 HAVE THE FOLLOWING MEANINGS:

26 (I) "DESIGNATING PANEL" MEANS THE DESIGNATING ENTITY FOR THE EXECUTIVE
27 DIRECTOR POSITION AT THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT;

28 (II) "DESIGNATING MEMBERS" MEANS THE MEMBERS OF THE DESIGNATING PANEL;

29 (III) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE STATE
30 BOARD OF ELECTIONS ENFORCEMENT UNIT;

31 (IV) "CANDIDATE" MEANS ANY INDIVIDUAL UNDER CONSIDERATION FOR EXECU-
32 TIVE DIRECTOR BY THE DESIGNATING PANEL;

33 (V) "APPOINTING OFFICER" MEANS THE STATE ELECTED OFFICIAL RESPONSIBLE
34 FOR APPOINTING THE MEMBERS OF THE DESIGNATING PANEL.

35 (B) A DESIGNATING PANEL IS HEREBY ESTABLISHED TO APPOINT AN EXECUTIVE
36 DIRECTOR OF THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT.

37 (C) THE TERM OF THE EXECUTIVE DIRECTOR, UPON APPOINTMENT BY THE DESIG-
38 NATING PANEL, SHALL BE THREE YEARS. THE EXECUTIVE DIRECTOR OF THE STATE
39 BOARD OF ELECTIONS ENFORCEMENT UNIT MAY BE DISMISSED ONLY FOR CAUSE BY A
40 VOTE AS PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE AT
41 AN OPEN MEETING PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.
42 THE EXECUTIVE DIRECTOR SHALL APPOINT SUCH OTHER STAFF AS NECESSARY TO
43 CARRY OUT THE DUTIES UNDER THIS SECTION.

44 (D) THE DESIGNATING PANEL SHALL CONSIST OF NINE MEMBERS OF WHOM THREE
45 SHALL BE APPOINTED BY THE GOVERNOR, AND ONE EACH BY THE ATTORNEY GENER-
46 AL, THE STATE COMPTROLLER, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY
47 PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, AND THE
48 MINORITY LEADER OF THE ASSEMBLY. OF THE THREE MEMBERS APPOINTED BY THE
49 GOVERNOR, NO MORE THAN TWO SHALL BE ENROLLED IN THE SAME POLITICAL
50 PARTY. THE GOVERNOR SHALL APPOINT AT LEAST ONE FORMER JUDGE OR JUSTICE
51 OF THE UNIFIED COURT SYSTEM TO SUCH DESIGNATING PANEL. NO MEMBER OF THE
52 DESIGNATING PANEL SHALL, WITHIN THE PRECEDING SEVEN YEARS: (I) HAVE
53 SERVED AS A MEMBER OF THE LEGISLATURE OR AS AN EMPLOYEE OF STATE GOVERN-
54 MENT, (II) SHALL HAVE HELD ANY OFFICE IN ANY POLITICAL PARTY, (III) HAVE
55 BEEN A REGISTERED LOBBYIST IN THIS STATE OR IN ANY OTHER STATE; OR (IV)

1 HAVE BEEN A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING
2 FIRM.

3 (E) THE MEMBERS FIRST APPOINTED BY THE GOVERNOR SHALL HAVE RESPECTIVE-
4 LY ONE, TWO AND THREE-YEAR TERMS AS HE OR SHE SHALL DESIGNATE. THE
5 MEMBER FIRST APPOINTED BY THE ATTORNEY GENERAL SHALL HAVE A TWO-YEAR
6 TERM. THE MEMBER FIRST APPOINTED BY THE STATE COMPTROLLER SHALL HAVE A
7 TWO-YEAR TERM. THE MEMBER FIRST APPOINTED BY THE TEMPORARY PRESIDENT OF
8 THE SENATE SHALL HAVE A THREE-YEAR TERM. THE MEMBER FIRST APPOINTED BY
9 THE MINORITY LEADER OF THE SENATE SHALL HAVE A TWO-YEAR TERM. THE MEMBER
10 FIRST APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL HAVE A FOUR-YEAR
11 TERM. THE MEMBER FIRST APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY
12 SHALL HAVE A TWO-YEAR TERM. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR A
13 TERM OF FOUR YEARS.

14 (F) A VACANCY SHALL BE DEEMED TO OCCUR IMMEDIATELY UPON THE APPOINT-
15 MENT OR ELECTION OF ANY MEMBER TO AN OFFICE THAT WOULD DISQUALIFY HIM OR
16 HER FROM SERVING ON THE DESIGNATING PANEL. A VACANCY OCCURRING FOR ANY
17 REASON OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED BY THE APPOINT-
18 ING OFFICER FOR THE REMAINDER OF THE UNEXPIRED TERM. NO MEMBER OF THE
19 DESIGNATING PANEL SHALL SERVE ON SUCH PANEL AFTER THE EXPIRATION OF HIS
20 OR HER TERM. IF THE APPOINTING OFFICER FAILS TO APPOINT A PERSON TO A
21 VACANT OFFICE WITHIN NINETY DAYS THE DESIGNATING PANEL SHALL, BY A
22 MAJORITY VOTE WITHOUT VACANCY, SELECT A PERSON TO FILL THE VACANT
23 OFFICE.

24 (G) THE MEMBERS SHALL DESIGNATE ONE MEMBER TO SERVE AS CHAIR FOR A
25 PERIOD OF TWO YEARS OR UNTIL HIS OR HER TERM OF OFFICE EXPIRES, WHICHEV-
26 ER PERIOD IS SHORTER.

27 (H) MEMBERS OF THE DESIGNATING PANEL SHALL NOT RECEIVE COMPENSATION,
28 BUT SHALL BE ENTITLED TO RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY
29 EXPENSES INCURRED IN THE DISCHARGE OF THEIR DUTIES.

30 (I) SIX MEMBERS OF THE DESIGNATING PANEL SHALL CONSTITUTE A QUORUM.

31 (J) THE DESIGNATING PANEL SHALL CONSIDER AND EVALUATE THE QUALIFICA-
32 TIONS OF CANDIDATES FOR APPOINTMENT TO THE POSITION OF EXECUTIVE DIREC-
33 TOR, AS A VACANCY OCCURS IN ANY SUCH OFFICE, SHALL APPOINT PERSONS WHO
34 BY THEIR CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE
35 ARE WELL QUALIFIED TO HOLD SUCH OFFICE. THE DESIGNATING PANEL SHALL
36 SELECT ONE SUCH PERSON TO SERVE AS EXECUTIVE DIRECTOR.

37 (K) AN APPOINTMENT TO EXECUTIVE DIRECTOR BY THE DESIGNATING PANEL
38 SHALL REQUIRE THE CONCURRENCE OF SIX MEMBERS OF THE DESIGNATING PANEL.
39 THE APPOINTMENT SHALL BE TRANSMITTED TO THE GOVERNOR, THE ATTORNEY
40 GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE,
41 THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE
42 MINORITY LEADER OF THE ASSEMBLY IN A WRITTEN REPORT, WHICH SHALL BE
43 RELEASED TO THE PUBLIC BY THE DESIGNATING PANEL AT THE TIME IT IS
44 SUBMITTED.

45 2. THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT SHALL HAVE SOLE
46 AUTHORITY WITHIN THE STATE BOARD OF ELECTIONS TO INVESTIGATE ON ITS OWN
47 INITIATIVE OR UPON COMPLAINT, ALLEGED VIOLATIONS OF ARTICLE FOURTEEN OF
48 THIS CHAPTER AND ALL COMPLAINTS ALLEGING ARTICLE FOURTEEN VIOLATIONS
49 SHALL BE FORWARDED TO THIS UNIT. NOTHING IN THIS SECTION SHALL BE
50 CONSTRUED TO DIMINISH OR ALTER THE STATE BOARD OF ELECTION'S JURISDIC-
51 TION PURSUANT TO THIS CHAPTER.

52 3. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION ALLEGING A
53 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, THE STATE BOARD OF
54 ELECTIONS ENFORCEMENT UNIT SHALL ANALYZE THE COMPLAINT TO DETERMINE IF
55 AN INVESTIGATION SHOULD BE UNDERTAKEN. THE STATE BOARD OF ELECTIONS
56 ENFORCEMENT UNIT SHALL, IF NECESSARY, REQUEST ADDITIONAL INFORMATION

1 FROM THE COMPLAINANT TO ASSIST IT IN MAKING THIS DETERMINATION. SUCH
2 ANALYSIS SHALL INCLUDE THE FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF
3 TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER
4 AND, SECOND, WHETHER THE ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

5 4. IF THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT DETERMINES THAT
6 THE ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE
7 FOURTEEN OF THIS CHAPTER OR THAT THE ALLEGATIONS ARE NOT SUPPORTED BY
8 CREDIBLE EVIDENCE, IT SHALL ISSUE A LETTER TO THE COMPLAINANT DISMISSING
9 THE COMPLAINT.

10 5. IF THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT DETERMINES THAT
11 THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOUR-
12 TEEN OF THIS CHAPTER AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY
13 CREDIBLE EVIDENCE, IT SHALL PUBLICLY REPORT ITS INTENT TO COMMENCE AN
14 INVESTIGATION TO THE STATE BOARD OF ELECTIONS NO LATER THAN THE BOARD'S
15 NEXT REGULARLY SCHEDULED MEETING. SUCH REPORT SHALL SUMMARIZE THE RELE-
16 VANT FACTS AND THE APPLICABLE LAW AND SHALL, TO THE EXTENT POSSIBLE,
17 MAINTAIN THE CONFIDENTIALITY OF THE COMPLAINANT AND THE INDIVIDUAL
18 SUBJECT TO THE COMPLAINT.

19 6. IF, UPON CONSIDERING THE ENFORCEMENT UNIT'S RECOMMENDATION TO
20 COMMENCE AN INVESTIGATION, THE STATE BOARD OF ELECTIONS BELIEVES THAT
21 THE ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE
22 FOURTEEN OF THIS CHAPTER, OR THE ALLEGATIONS ARE NOT SUPPORTED BY CREDI-
23 BLE EVIDENCE OR, THAT ON BALANCE, THE EQUITIES FAVOR A DISMISSAL OF THE
24 COMPLAINT, THE BOARD SHALL PUBLICLY DIRECT THAT AN INVESTIGATION NOT BE
25 UNDERTAKEN. IN DETERMINING WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE
26 COMPLAINT, THE STATE BOARD OF ELECTIONS SHALL CONSIDER THE FOLLOWING
27 FACTORS: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF
28 ARTICLE FOURTEEN OF THIS CHAPTER; OR (B) WHETHER THE SUBJECT OF THE
29 COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION; OR (C)
30 WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR
31 VIOLATIONS. DETERMINATIONS OF THE STATE BOARD OF ELECTIONS TO DISMISS A
32 COMPLAINT AND NOT PROCEED WITH A FORMAL INVESTIGATION SHALL BE VOTED
33 UPON AS PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE AT
34 AN OPEN MEETING PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW,
35 AND SHALL BE MADE ON A FAIR AND EQUITABLE BASIS AND WITHOUT REGARD TO
36 THE STATUS OF THE SUBJECT OF THE COMPLAINT.

37 7. ABSENT A DETERMINATION BY THE STATE BOARD OF ELECTIONS THAT AN
38 INVESTIGATION SHALL NOT BE UNDERTAKEN, THE STATE BOARD OF ELECTIONS
39 ENFORCEMENT UNIT SHALL COMMENCE AN INVESTIGATION ON A TIMELY BASIS. IF
40 THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT DETERMINES THAT ADDITIONAL
41 INVESTIGATIVE POWERS, AS PROVIDED FOR IN SUBDIVISIONS FOUR, FIVE AND SIX
42 OF SECTION 3-102 OF THIS TITLE, ARE NEEDED TO COMPLETE ITS INVESTI-
43 GATION, IT SHALL REQUEST SUCH ADDITIONAL POWERS FROM THE STATE BOARD OF
44 ELECTIONS. SUCH POWERS SHALL BE GRANTED BY THE BOARD IN PUBLIC, AS
45 PROVIDED IN SUBDIVISION SIX OF THIS SECTION, ONLY WHEN THE BOARD FINDS
46 THAT FURTHER INVESTIGATION IS WARRANTED AND JUSTIFIED.

47 8. AT THE CONCLUSION OF ITS INVESTIGATION, THE STATE BOARD OF
48 ELECTIONS ENFORCEMENT UNIT SHALL PROVIDE THE STATE BOARD OF ELECTIONS
49 WITH A WRITTEN RECOMMENDATION AS TO: (A) WHETHER SUBSTANTIAL REASON
50 EXISTS TO BELIEVE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER HAS
51 OCCURRED AND, IF SO, THE NATURE OF THE VIOLATION, AND THE APPROPRIATE
52 PENALTY, AS DEFINED IN SECTION 14-126 OF THIS CHAPTER, BASED ON THE
53 NATURE OF THE VIOLATION; AND (B) WHETHER A REFERRAL SHOULD BE MADE TO A
54 DISTRICT ATTORNEY OR ATTORNEY GENERAL PURSUANT TO SUBDIVISION TEN OF
55 THIS SECTION BECAUSE SUBSTANTIAL REASON EXISTS TO BELIEVE A VIOLATION
56 WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE.

1 9. THE STATE BOARD OF ELECTIONS SHALL ACCEPT, MODIFY OR REJECT THE
2 STATE BOARD OF ELECTIONS ENFORCEMENT UNIT RECOMMENDATION. IN MAKING ITS
3 DETERMINATION, THE BOARD SHALL AGAIN CONSIDER: (A) WHETHER THE COMPLAINT
4 ALLEGES A DE MINIMUS VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; OR
5 (B) WHETHER THE SUBJECT OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO
6 CORRECT THE VIOLATION; OR (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A
7 HISTORY OF SIMILAR VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE VOTED
8 UPON AS PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE AT
9 AN OPEN MEETING PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW,
10 AND SHALL BE MADE ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE
11 STATUS OF THE SUBJECT OF THE COMPLAINT.

12 10. (A) IF THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT CONCLUDES
13 THAT SUBSTANTIAL REASON EXISTS TO BELIEVE THAT A VIOLATION OF SUBDIVI-
14 SION ONE OF SECTION 14-126 OF THIS CHAPTER HAS OCCURRED WHICH COULD
15 WARRANT A CIVIL PENALTY, THE STATE BOARD OF ELECTIONS AND ENFORCEMENT
16 UNIT SHALL COMMENCE A SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT
17 TO SECTION 16-114 OF THIS CHAPTER.

18 (B) IF THE STATE BOARD OF ELECTIONS CONCLUDES, AS PROVIDED IN SUBDIVI-
19 SION FOUR OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING PURSUANT TO
20 ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, THAT SUBSTANTIAL REASON EXISTS
21 TO BELIEVE THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLI-
22 TICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH
23 LAW, HAS UNLAWFULLY (I) ACCEPTED A MONETARY CONTRIBUTION IN EXCESS OF A
24 CONTRIBUTION LIMITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER,
25 (II) EXPENDED CAMPAIGN FUNDS FOR A PERSONAL USE IN VIOLATION OF SECTION
26 14-130 OF THIS CHAPTER, OR (III) IN THE CASE OF A POLITICAL COMMITTEE,
27 CONDUCTED ACTIVITIES PROHIBITED BY ARTICLE FOURTEEN OF THIS CHAPTER,
28 WHICH COULD WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISIONS TWO,
29 THREE, SEVEN AND EIGHT OF SECTION 14-126 OF THIS CHAPTER, THE BOARD
30 SHALL DIRECT THE COMMENCEMENT OF A SPECIAL PROCEEDING IN THE SUPREME
31 COURT PURSUANT TO SECTION 16-120 OF THIS CHAPTER.

32 (C) IF THE STATE BOARD OF ELECTIONS CONCLUDES, AS PROVIDED IN SUBDIVI-
33 SION FOUR OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING PURSUANT TO
34 ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, THAT SUBSTANTIAL REASON EXISTS
35 TO BELIEVE A VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE,
36 THE BOARD SHALL REFER THE MATTER TO A DISTRICT ATTORNEY OR ATTORNEY
37 GENERAL AND SHALL MAKE AVAILABLE TO SUCH DISTRICT ATTORNEY ALL PAPERS,
38 DOCUMENTS, TESTIMONY AND FINDINGS RELEVANT TO ITS INVESTIGATION.

39 11. UPON NOTIFICATION THAT A SPECIAL PROCEEDING HAS BEEN COMMENCED BY
40 A PARTY OTHER THAN THE STATE BOARD OF ELECTIONS, PURSUANT TO SECTION
41 16-114 OF THIS CHAPTER, THE STATE BOARD OF ELECTIONS SHALL DIRECT THE
42 STATE BOARD OF ELECTIONS ENFORCEMENT UNIT TO INVESTIGATE THE ALLEGED
43 VIOLATIONS UNLESS OTHERWISE DIRECTED BY THE COURT.

44 12. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE RULES AND REGU-
45 LATIONS CONSISTENT WITH LAW TO EFFECTUATE THE PROVISIONS OF THIS
46 SECTION.

47 S 14. Subdivisions 1 and 3 of section 14-102 of the election law, as
48 amended by chapter 8 of the laws of 1978, subdivision 1 as redesignated
49 by chapter 9 of the laws of 1978 and subdivision 3 as renumbered by
50 chapter 70 of the laws of 1983, are amended to read as follows:

51 1. The treasurer of every political committee which, or any officer,
52 member or agent of any such committee who, in connection with any
53 election, receives or expends any money or other [valuable thing] ITEM
54 OF VALUE or incurs any liability to pay money or its equivalent shall
55 file statements sworn, or subscribed and bearing a form notice that
56 false statements made therein are punishable as a class A misdemeanor

1 pursuant to section 210.45 of the penal law, at the times prescribed by
2 this article setting forth all the receipts, contributions to and the
3 expenditures by and liabilities of the committee, and of its officers,
4 members and agents in its behalf. Such statements shall include the
5 dollar amount of any receipt, contribution or transfer, or the fair
6 market value of any receipt, contribution or transfer, which is other
7 than of money, the name [and], address AND OCCUPATION of the transferor,
8 contributor or person from whom received, OTHER THAN IN THE REGULAR
9 COURSE OF A LENDER'S BUSINESS, AND FOR A NATURAL PERSON CONTRIBUTING TWO
10 HUNDRED DOLLARS OR MORE, THE NAME AND ADDRESS OF SUCH PERSON'S EMPLOYER,
11 AND THE BUSINESS ADDRESS OF EACH POLITICAL COMMITTEE OR OTHER ENTITY
12 MAKING SUCH CONTRIBUTION, OR ANY LOAN, GUARANTEE, OR OTHER SECURITY FOR
13 SUCH A LOAN and if the transferor, contributor or person is a political
14 committee; the name of and the political unit represented by the commit-
15 tee, the date of its receipt, the dollar amount of every expenditure,
16 the name and address of the person to whom it was made or the name of
17 and the political unit represented by the committee to which it was made
18 and the date thereof, and shall state clearly the purpose of such
19 expenditure. IF ANY ONE EXPENDITURE IS MADE FOR MORE THAN ONE PURPOSE,
20 OR AS PAYMENT FOR GOODS OR SERVICES SUPPLIED BY MORE THAN ONE SUPPLIER,
21 SUCH STATEMENT SHALL SET FORTH SEPARATELY EACH SUCH PURPOSE OR SUPPLIER
22 AND THE AMOUNT EXPENDED FOR EACH SUCH PURPOSE OR TO EACH SUCH SUPPLIER.

23 Any statement reporting a loan shall have attached to it a copy of the
24 evidence of indebtedness. Expenditures in sums under fifty dollars need
25 not be specifically accounted for by separate items in said statements,
26 and receipts and contributions aggregating not more than ninety-nine
27 dollars, from any one contributor need not be specifically accounted for
28 by separate items in said statements, provided however, that such
29 expenditures, receipts and contributions shall be subject to the other
30 provisions of section 14-118 of this article.

31 3. The state board of elections shall promulgate regulations with
32 respect to the accounting methods to be applied IN COMPLYING WITH, AND
33 in preparing the statements required by, the provisions of this article
34 and shall provide forms suitable for such statements. SUCH REGULATIONS
35 SHALL BE DRAWN TO ASSURE SUCH COMPLIANCE AND OBTAIN THE MAXIMUM POSSIBLE
36 DISCLOSURE.

37 S 15. Section 14-126 of the election law, as amended by chapter 8 of
38 the laws of 1978, subdivision 1 as amended by chapter 128 of the laws of
39 1994 and subdivisions 2, 3 and 4 as redesignated by chapter 9 of the
40 laws of 1978, is amended to read as follows:

41 S 14-126. Violations; penalties. 1. Any person who fails to file a
42 statement required to be filed by this article shall be subject to a
43 civil penalty, not in excess of [five hundred] ONE THOUSAND dollars, to
44 be recoverable in a special proceeding or civil action to be brought by
45 the state board of elections [or other board of elections] PURSUANT TO
46 SECTION 16-114 OF THIS CHAPTER.

47 2. ANY PERSON WHO, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL
48 COMMITTEE, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW,
49 UNLAWFULLY ACCEPTS A MONETARY CONTRIBUTION IN EXCESS OF A CONTRIBUTION
50 LIMITATION ESTABLISHED IN THIS ARTICLE, SHALL BE REQUIRED TO REFUND SUCH
51 EXCESS AMOUNT AND SHALL BE SUBJECT TO A CIVIL PENALTY EQUAL TO TWO TIMES
52 THE EXCESS AMOUNT PLUS A FINE OF UP TO TEN THOUSAND DOLLARS, TO BE
53 RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT BY THE
54 STATE BOARD OF ELECTIONS.

55 3. Any person who knowingly and willfully fails to file a statement
56 required to be filed by this article within ten days after the date

1 provided for filing such statement or any person who knowingly and will-
2 fully violates any other provision of this article shall be guilty of a
3 misdemeanor.

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

8 [4.] 5. Any person who shall, acting on behalf of a candidate or political
9 committee, knowingly and willfully solicit, organize or coordinate
10 the formation of activities of one or more unauthorized committees, make
11 expenditures in connection with the nomination for election or election
12 of any candidate, or solicit any person to make any such expenditures,
13 for the purpose of evading the contribution limitations of this article,
14 shall be guilty of a class E felony.

15 S 16. The election law is amended by adding a new section 16-120 to
16 read as follows:

17 S 16-120. ENFORCEMENT PROCEEDINGS. 1. THE SUPREME COURT OR A JUSTICE
18 THEREOF, IN A PROCEEDING INSTITUTED BY THE STATE BOARD OF ELECTIONS, MAY
19 IMPOSE A CIVIL PENALTY, AS PROVIDED FOR IN SUBDIVISION TWO OF SECTION
20 14-126 OF THIS CHAPTER, UPON ANY PERSON WHO, ACTING AS OR ON BEHALF OF A
21 CANDIDATE OR POLITICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT
22 TO VIOLATE SUCH LAW.

23 2. UPON PROOF THAT A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, AS
24 PROVIDED IN SUBDIVISION ONE OF THIS SECTION, HAS OCCURRED, THE COURT MAY
25 IMPOSE A CIVIL PENALTY, PURSUANT TO SUBDIVISION TWO OF SECTION 14-126 OF
26 THIS CHAPTER, AFTER CONSIDERING, AMONG OTHER FACTORS, THE SEVERITY OF
27 THE VIOLATION OR VIOLATIONS, WHETHER THE SUBJECT OF THE VIOLATION MADE A
28 GOOD FAITH EFFORT TO CORRECT THE VIOLATION AND WHETHER THE SUBJECT OF
29 THE VIOLATION HAS A HISTORY OF SIMILAR VIOLATIONS. ALL SUCH DETERMI-
30 NATIONS SHALL BE MADE ON A FAIR AND EQUITABLE BASIS WITHOUT REGARD TO
31 THE STATUS OF THE CANDIDATE OR POLITICAL COMMITTEE.

32 S 17. This act shall take effect immediately; provided however that:
33 (a) Sections one through ten of this act shall take effect on the same
34 date and in the same manner as a chapter of the laws of 2009, amending
35 the executive law and other laws relating to governmental ethics and
36 compliance, as proposed in legislative bills numbers S.6064 and A.9032,
37 takes effect; and

38 (b) Sections twelve through sixteen of this act shall take effect on
39 the sixtieth day after it shall have become a law; provided, however,
40 that contributions legally received prior to the effective date of this
41 act may be retained and expended for lawful purposes and shall not
42 provide the basis for a violation of article 14 of the election law, as
43 amended by this act; and provided, further, that the state board of
44 elections shall notify all candidates and political committees of the
45 applicable provisions of this act within thirty days after this act
46 shall have become a law.