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

4325

2009-2010 Regular Sessions

I N A S S E M B L Y

February 3, 2009

Introduced by M. of A. HEASTIE -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to contributions made to non-profit organizations

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 section 14-105 to read as follows:

S 14-105. STATEMENT OF CONTRIBUTIONS MADE TO CERTAIN NOT-FOR-PROFIT ORGANIZATIONS. 1. THIS SECTION APPLIES TO NOT-FOR-PROFIT ORGANIZATIONS WHO DEDICATE MORE THAN FIFTY PERCENT OF THEIR RESOURCES TOWARD CHANGING PUBLIC POLICY. THE ATTORNEY GENERAL SHALL ESTABLISH GUIDELINES FOR DETERMINING WHAT CONSTITUTES PUBLIC POLICY FOR PURPOSES OF THIS SECTION.

2. THE BOARD OF DIRECTORS, OR ANY OFFICER, MEMBER OR AGENT OF SUCH NOT-FOR-PROFIT ORGANIZATION WHO RECEIVES ANY MONEY OR OTHER VALUABLE THING IN THE AMOUNT OF TEN THOUSAND DOLLARS OR MORE, SHALL FILE STATEMENTS, WITH THE ATTORNEY GENERAL, SWORN, OR SUBSCRIBED AND BEARING A FORM NOTICE THAT FALSE STATEMENTS MADE THEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW, AT THE TIMES PRESCRIBED BY THIS ARTICLE SETTING FORTH ALL THE CONTRIBUTIONS TO SUCH NOT-FOR-PROFIT ORGANIZATIONS, ITS OFFICERS, MEMBERS OR AGENTS IN ITS BEHALF. SUCH STATEMENTS SHALL INCLUDE THE DOLLAR AMOUNT OF ANY CONTRIBUTION OR TRANSFER OVER TEN THOUSAND DOLLARS, OR THE FAIR MARKET VALUE OF ANY CONTRIBUTION OR TRANSFER OVER TEN THOUSAND DOLLARS, WHICH IS OTHER THAN OF MONEY, THE NAME AND OCCUPATION OF THE TRANSFEROR, CONTRIBUTOR OR PERSON FROM WHOM RECEIVED. ANY STATEMENT REPORTING A LOAN SHALL HAVE ATTACHED TO IT A COPY OF THE EVIDENCE OF INDEBTEDNESS. CONTRIBUTIONS AGGREGATING LESS THAN TEN THOUSAND DOLLARS, FROM ANY ONE CONTRIBUTOR NEED NOT BE SPECIFICALLY ACCOUNTED FOR BY SEPARATE ITEMS IN SAID STATEMENTS.

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

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3. THE ATTORNEY GENERAL SHALL BE RESPONSIBLE FOR ENSURING THAT SUCH NOT-FOR-PROFIT ORGANIZATIONS COMPLY WITH THE PROVISIONS OF THIS SECTION. THE ATTORNEY GENERAL SHALL PROMULGATE REGULATIONS WITH RESPECT TO THE ACCOUNTING METHODS TO BE APPLIED IN PREPARING THE STATEMENTS REQUIRED BY THE PROVISIONS OF THIS ARTICLE AND SHALL PROVIDE FORMS SUITABLE FOR SUCH STATEMENTS. IF THE ATTORNEY GENERAL HAS REASON TO BELIEVE THAT SUCH NOT-FOR-PROFIT ORGANIZATION HAS FAILED TO COMPLY WITH THE PROVISIONS OF THIS SECTION, THE ATTORNEY GENERAL SHALL TAKE SUCH ACTION AS HE OR SHE DEEMS APPROPRIATE TO SECURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

4. CERTAIN NOT-FOR-PROFIT ORGANIZATIONS WHO ARE REQUIRED TO FILE STATEMENTS PURSUANT TO THIS ARTICLE WITH COUNTY BOARDS OF ELECTIONS SHALL ALSO FILE A STATEMENT WITH THE ATTORNEY GENERAL.

S 2. This act shall take effect immediately.