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

4970

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

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

AN ACT to amend the election law, in relation to campaign finance reform; and to repeal section 2-126 of the election law relating thereto

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

Section 1. Legislative findings. 1. The legislature hereby finds that the state has a long tradition of free, open and direct primaries where rank and file members of political parties have the power to decide who they want to represent their party in elections to public office. Ballot access is open to all party members, and is not influenced or controlled by party committees. The establishment of direct primaries a century ago was a bedrock reform of the state political system.

2. The legislature further finds that, in response to federal and state litigation invalidating these laws, that open and direct primary elections are a significant element of a free society and must be strengthened and protected in the laws of the state.

3. The legislature further finds that the state also has a tradition of the existence and vibrancy of small minor parties. These important parties offer opportunities for additional citizen participation in the democratic process, but are endangered by interference in their candidate selection.

4. The legislature further finds that in an era where mass communications have driven the costs of campaign contributions and expenditures through the roof, there are many dangers to the goal of the state's open electoral process where rank and file party members maintain their voice and power within the process. Chief among these is the ability of political party committees, because of their fundraising advantages, to deprive citizens of free choice in the primary process.

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

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5. Consequently, the legislature declares that, in order to protect the free open and direct electoral process, it is the policy of the state that the process be vigorously and vigilantly protected, while preserving constitutional freedoms.

S 2. Section 2-126 of the election law is REPEALED and a new section 2-126 is added to read as follows:

S 2-126. PARTY FUNDS; RESTRICTIONS ON CERTAIN CONTRIBUTIONS AND EXPENDITURES. NO CONTRIBUTIONS OF MONEY, OR THE EQUIVALENT THEREOF, SHALL BE MADE DIRECTLY OR INDIRECTLY TO ANY PARTY COMMITTEE FOR THE PURPOSES OF PRIMARY ELECTION EXPENDITURES. PARTY COMMITTEES SHALL NOT MAKE ANY EXPENDITURES OF MONEY, INCLUDING BUT NOT LIMITED TO ANY MONEYS IN THE TREASURY OF ANY PARTY COMMITTEE, OR THE EQUIVALENT THEREOF, DIRECTLY OR INDIRECTLY TO ANY CANDIDATE WITHIN ITS PARTY TO ANY CANDIDATE DURING A PRIMARY. NO EXPENDITURES SHALL BE MADE BY ANY PARTY COMMITTEE THAT ARE DIRECTED AT, AND INTENDED TO INFLUENCE ANOTHER PARTY'S PRIMARY. NOTHING IN THIS SECTION FORBIDS THE EXPENDITURES BY PARTY COMMITTEES ON BEHALF OF A CANDIDATE FOR THE GENERAL ELECTION.

S 3. Severability. If any provision of this act or its application to any person or circumstance is held invalid, this invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

S 4. This act shall take effect immediately.