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

5690

2009-2010 Regular Sessions

I N A S S E M B L Y

February 17, 2009

Introduced by M. of A. ESPAILLAT, ORTIZ -- Multi-Sponsored by -- M. of A. WEISENBERG -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to campaign receipts and expenditures for foreign elections

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

Section 1. Sections 14-100 through 14-130 of article 14 of the election law are designated title I and a new title heading is added to read as follows:

CAMPAIGN RECEIPTS AND EXPENDITURES; STATE AND LOCAL ELECTIONS

S 2. Article 14 of the election law is amended by adding a new title II to read as follows:

TITLE II

CAMPAIGN RECEIPTS AND EXPENDITURES; FOREIGN ELECTIONS

SECTION 14-200. DEFINITIONS.
14-202. STATEMENTS OF CAMPAIGN RECEIPTS, CONTRIBUTIONS, TRANSFERS, AND EXPENDITURES TO AND BY POLITICAL COMMITTEES.
14-204. STATEMENTS OF CAMPAIGN RECEIPTS, CONTRIBUTIONS, TRANSFERS, AND EXPENDITURES BY AND TO CANDIDATES.
14-206. AUDITS.
14-208. TIME FOR FILING STATEMENTS.
14-210. PLACE FOR FILING STATEMENTS.
14-212. SPONSOR AUTHORIZATION STATEMENT.
14-214. CONTRIBUTION AND RECEIPT LIMITATIONS.
14-216. POLITICAL CONTRIBUTIONS BY CERTAIN ORGANIZATIONS.
14-218. TREASURER AND DEPOSITORY OF POLITICAL COMMITTEE; FILING OF NAME AND ADDRESS.
14-220. CAMPAIGN CONTRIBUTION TO BE UNDER TRUE NAME OF CONTRIBUTOR.
14-222. ACCOUNTING TO TREASURER OR CANDIDATE; VOUCHERS.

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

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14-224. EXCEPTIONS.
14-226. VIOLATIONS; PENALTIES.
14-228. NOTICE OF CIVIL PENALTY TO AUTHORIZING CANDIDATE.
14-230. DISPOSITION OF ANONYMOUS CONTRIBUTIONS.
14-232. CAMPAIGN FUNDS FOR PERSONAL USE.

S 14-200. DEFINITIONS. AS USED IN THIS TITLE: 1. "SPONSOR" MEANS ANY PERSON OR OTHER ENTITY OR COMBINATION OF ONE OR MORE PERSONS OR OTHER ENTITIES OPERATING OR CO-OPERATING TO AID OR TAKE PART IN THE ELECTION OR DEFEAT OF A CANDIDATE IN ANY ELECTION; BUT NOTHING IN THIS TITLE SHALL APPLY TO ANY COMMITTEE OR ORGANIZATION FOR THE DISCUSSION OR ADVANCEMENT OF POLITICAL QUESTIONS OR PRINCIPLES WITHOUT CONNECTION WITH ANY VOTE; PROVIDED, HOWEVER, THAT A PERSON OR OTHER ENTITY MAKING A CONTRIBUTION OR CONTRIBUTIONS TO A CANDIDATE OR A SPONSOR WHICH HAS FILED PURSUANT TO SECTION 14-218 OF THIS TITLE SHALL NOT, BY THAT FACT ALONE, BE DEEMED TO BE A SPONSOR AS HEREIN DEFINED.

2. "CANDIDATE" MEANS AN INDIVIDUAL WHO SEEKS NOMINATION FOR ELECTION, OR ELECTION, TO ANY PUBLIC OFFICE OR PARTY POSITION TO BE VOTED FOR AT ANY ELECTION CONDUCTED BY OR WITHIN ANY JURISDICTION OTHER THAN THE FIFTY STATES OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA, WHETHER OR NOT THE PUBLIC OFFICE OR PARTY POSITION HAS BEEN SPECIFICALLY IDENTIFIED AT SUCH TIME AND WHETHER OR NOT SUCH INDIVIDUAL IS NOMINATED OR ELECTED, AND, FOR PURPOSES OF THIS SUBDIVISION, AN INDIVIDUAL SHALL BE DEEMED TO SEEK NOMINATION FOR ELECTION, OR ELECTION, TO AN OFFICE OR POSITION, IF HE OR SHE HAS A. TAKEN THE ACTION NECESSARY TO QUALIFY HIMSELF OR HERSELF FOR NOMINATION FOR ELECTION, OR ELECTION, OR B. RECEIVED CONTRIBUTIONS OR MADE EXPENDITURES, GIVEN HIS OR HER CONSENT FOR ANY OTHER PERSON TO RECEIVE CONTRIBUTIONS OR MAKE EXPENDITURES, WITH A VIEW TO BRINGING ABOUT HIS OR HER ELECTION AT ANY TIME WHETHER IN THE YEAR IN WHICH SUCH CONTRIBUTIONS OR EXPENDITURES ARE MADE OR AT ANY OTHER TIME.

3. "CONTRIBUTION" MEANS:

A. ANY GIFT, SUBSCRIPTION, OUTSTANDING LOAN (TO THE EXTENT PROVIDED FOR IN SECTION 14-214 OF THIS TITLE), ADVANCE, OR DEPOSIT OF MONEY OR ANY THING OF VALUE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION, OR ELECTION, OF ANY CANDIDATE, OR MADE TO PROMOTE THE SUCCESS OR DEFEAT OF A POLITICAL PARTY OR PRINCIPLE,

B. ANY FUNDS RECEIVED BY A SPONSOR FROM ANOTHER SPONSOR OR ANY OTHER ENTITY TO THE EXTENT SUCH FUNDS DO NOT CONSTITUTE A TRANSFER,

C. ANY PAYMENT, BY ANY PERSON OTHER THAN A CANDIDATE OR A SPONSOR AUTHORIZED BY THE CANDIDATE, MADE IN CONNECTION WITH THE ELECTION OF ANY CANDIDATE, INCLUDING BUT NOT LIMITED TO COMPENSATION FOR THE PERSONAL SERVICES OF ANY INDIVIDUAL WHICH ARE RENDERED IN CONNECTION WITH A CANDIDATE'S ELECTION WITHOUT CHARGE; PROVIDED HOWEVER, THAT NONE OF THE FOREGOING SHALL BE DEEMED A CONTRIBUTION IF IT IS MADE, TAKEN, OR PERFORMED BY A CANDIDATE OR HIS OR HER SPOUSE OR BY A PERSON OR A POLITICAL COMMITTEE INDEPENDENT OF THE CANDIDATE OR HIS OR HER AGENTS OR AUTHORIZED SPONSORS. FOR PURPOSES OF THIS TITLE, THE TERM "INDEPENDENT OF THE CANDIDATE OR HIS OR HER AGENTS OR AUTHORIZED SPONSORS" SHALL MEAN THAT THE CANDIDATE OR HIS OR HER AGENTS OR AUTHORIZED SPONSORS DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER, OR COOPERATE IN ANY SUCH ACTIVITY; AND PROVIDED FURTHER, THAT THE TERM CONTRIBUTION SHALL NOT INCLUDE:

(I) THE VALUE OF SERVICES PROVIDED WITHOUT COMPENSATION BY INDIVIDUALS WHO VOLUNTEER A PORTION OR ALL OF THEIR TIME ON BEHALF OF A CANDIDATE OR SPONSOR,

(II) THE USE OF REAL OR PERSONAL PROPERTY AND THE COST OF INVITATIONS, FOOD, AND BEVERAGES VOLUNTARILY PROVIDED BY AN INDIVIDUAL TO A CANDIDATE

OR SPONSOR ON THE INDIVIDUAL'S RESIDENTIAL PREMISES FOR CANDIDATE-RELATED ACTIVITIES, TO THE EXTENT SUCH SERVICES DO NOT EXCEED FIVE HUNDRED DOLLARS IN VALUE, AND

(III) THE TRAVEL EXPENSES OF ANY INDIVIDUAL WHO, ON HIS OR HER OWN BEHALF, VOLUNTEERS HIS OR HER PERSONAL SERVICES TO ANY CANDIDATE OR SPONSOR, TO THE EXTENT SUCH EXPENSES ARE UNREIMBURSED AND DO NOT EXCEED FIVE HUNDRED DOLLARS IN VALUE.

4. "TRANSFER" MEANS ANY EXCHANGE OF FUNDS OR ANY THING OF VALUE BETWEEN SPONSORS AUTHORIZED BY THE SAME CANDIDATE AND TAKING PART SOLELY IN HIS OR HER CAMPAIGN, OR ANY EXCHANGE OF FUNDS BETWEEN ANY OTHER PERSON OR ENTITY AND A CANDIDATE OR ANY OF HIS OR HER AUTHORIZED SPONSORS.

5. "ELECTION" MEANS ALL ELECTIONS, FOR ANY PUBLIC OFFICE OR PARTY POSITION OF ANY JURISDICTION OTHER THAN THE FIFTY STATES OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA.

S 14-202. STATEMENTS OF CAMPAIGN RECEIPTS, CONTRIBUTIONS, TRANSFERS, AND EXPENDITURES TO AND BY POLITICAL COMMITTEES. 1. THE TREASURER OF EVERY SPONSOR WHICH, OR ANY OFFICER, MEMBER OR AGENT OF ANY SUCH SPONSOR WHO, IN CONNECTION WITH ANY ELECTION, RECEIVES OR EXPENDS ANY MONEY OR OTHER VALUABLE THING OR INCURS ANY LIABILITY TO PAY MONEY OR ITS EQUIVALENT, SHALL FILE STATEMENTS 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 TITLE SETTING FORTH ALL THE RECEIPTS OF, CONTRIBUTIONS TO, AND THE EXPENDITURES BY AND LIABILITIES OF THE SPONSOR, AND OF ITS OFFICERS, MEMBERS, AND AGENTS IN ITS BEHALF. SUCH STATEMENTS SHALL INCLUDE THE DOLLAR AMOUNT OF ANY RECEIPT, CONTRIBUTION, OR TRANSFER, OR THE FAIR MARKET VALUE OF ANY RECEIPT, CONTRIBUTION, OR TRANSFER, WHICH IS OTHER THAN OF MONEY, THE NAME AND ADDRESS 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. EXPENDITURES IN SUMS UNDER FIFTY DOLLARS NEED NOT BE SPECIFICALLY ACCOUNTED FOR BY SEPARATE ITEMS IN SUCH STATEMENTS, AND RECEIPTS AND CONTRIBUTIONS AGGREGATING NOT MORE THAN NINETY-NINE DOLLARS FROM ANY ONE CONTRIBUTOR NEED NOT BE SPECIFICALLY ACCOUNTED FOR BY SEPARATE ITEMS IN SUCH STATEMENTS; PROVIDED, HOWEVER, THAT SUCH EXPENDITURES, RECEIPTS, AND CONTRIBUTIONS SHALL BE SUBJECT TO THE OTHER PROVISIONS OF SECTION 14-218 OF THIS TITLE.

2. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE REGULATIONS WITH RESPECT TO THE ACCOUNTING METHODS TO BE APPLIED IN PREPARING THE STATEMENTS REQUIRED BY THE PROVISIONS OF THIS TITLE AND SHALL PROVIDE FORMS SUITABLE FOR SUCH STATEMENTS.

3. ANY SPONSOR WHICH IS REQUIRED TO FILE STATEMENTS WITH THE STATE BOARD OF ELECTIONS PURSUANT TO THIS TITLE AND WHICH RAISES OR SPENDS OR EXPECTS TO RAISE OR SPEND MORE THAN ONE THOUSAND DOLLARS IN ANY CALENDAR YEAR SHALL FILE ALL SUCH STATEMENTS PURSUANT TO THE ELECTRONIC REPORTING SYSTEM PRESCRIBED BY THE STATE BOARD OF ELECTIONS AS SET FORTH IN SUBDIVISION NINE-A OF SECTION 3-102 OF THIS CHAPTER. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, UPON THE FILING OF A SWORN STATEMENT BY THE TREASURER OF A SPONSOR WHICH STATES THAT SUCH SPONSOR DOES NOT HAVE ACCESS TO THE TECHNOLOGY NECESSARY TO COMPLY WITH THE ELECTRONIC FILING REQUIREMENTS OF SUBDIVISION NINE-A OF SECTION 3-102 OF THIS CHAPTER AND THAT FILING BY SUCH MEANS WOULD CONSTITUTE A SUBSTANTIAL HARDSHIP FOR SUCH SPONSOR, THE STATE BOARD OF ELECTIONS MAY ISSUE AN EXEMPTION FROM THE ELECTRONIC FILING REQUIREMENTS OF THIS ARTICLE.

S 14-204. STATEMENTS OF CAMPAIGN RECEIPTS, CONTRIBUTIONS, TRANSFERS, AND EXPENDITURES BY AND TO CANDIDATES. 1. ANY CANDIDATE FOR ELECTION SHALL FILE STATEMENTS 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 TITLE SETTING FORTH THE PARTICULARS SPECIFIED BY SECTION 14-202 OF THIS TITLE, AS TO ALL MONEYS OR OTHER VALUABLE THINGS, PAID, GIVEN, EXPENDED, OR PROMISED BY HIM OR HER TO AID HIS OR HER OWN ELECTION, OR TO AID OR INFLUENCE THE ELECTION OR THE DEFEAT OF ANY OTHER CANDIDATE TO BE VOTED FOR AT THE ELECTION, INCLUDING CONTRIBUTIONS TO SPONSORS, OFFICERS, MEMBERS, OR AGENTS THEREOF, AND TRANSFERS, RECEIPTS, AND CONTRIBUTIONS TO HIM OR HER TO BE USED FOR ANY OF THE PURPOSES ABOVE SPECIFIED, OR IN LIEU THEREOF, ANY SUCH CANDIDATE MAY FILE SUCH A SWORN STATEMENT AT THE FIRST FILING PERIOD, ON A FORM PRESCRIBED BY THE STATE BOARD OF ELECTIONS, THAT SUCH CANDIDATE HAS MADE NO SUCH EXPENDITURES AND DOES NOT INTEND TO MAKE ANY SUCH EXPENDITURES, EXCEPT THROUGH A SPONSOR AUTHORIZED BY SUCH CANDIDATE PURSUANT TO THIS TITLE. A SPONSOR AUTHORIZED BY SUCH A CANDIDATE MAY FULFILL ALL OF THE FILING REQUIREMENTS OF THIS TITLE ON BEHALF OF SUCH CANDIDATE.

2. STATEMENTS FILED BY ANY SPONSOR AUTHORIZED BY A CANDIDATE PURSUANT TO THIS TITLE WHICH IS REQUIRED TO FILE SUCH STATEMENTS WITH THE STATE BOARD OF ELECTIONS AND WHICH RAISES OR SPENDS OR EXPECTS TO RAISE OR SPEND MORE THAN ONE THOUSAND DOLLARS IN ANY CALENDAR YEAR SHALL FILE ALL SUCH STATEMENTS PURSUANT TO THE ELECTRONIC REPORTING SYSTEM PRESCRIBED BY THE STATE BOARD OF ELECTIONS AS SET FORTH IN SUBDIVISION NINE-A OF SECTION 3-102 OF THIS CHAPTER. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, UPON THE FILING OF A SWORN STATEMENT BY THE TREASURER OF A SPONSOR AUTHORIZED BY A CANDIDATE PURSUANT TO THIS TITLE WHICH STATES THAT SUCH SPONSOR DOES NOT HAVE ACCESS TO THE TECHNOLOGY NECESSARY TO COMPLY WITH THE ELECTRONIC FILING REQUIREMENTS OF SUBDIVISION NINE-A OF SECTION 3-102 OF THIS CHAPTER AND THAT FILING BY SUCH MEANS WOULD CONSTITUTE A SUBSTANTIAL HARDSHIP FOR SUCH SPONSOR, THE STATE BOARD OF ELECTIONS MAY ISSUE AN EXEMPTION FROM THE ELECTRONIC FILING REQUIREMENTS OF THIS TITLE.

S 14-206. AUDITS. THE STATE BOARD OF ELECTIONS SHALL PERIODICALLY AND RANDOMLY AUDIT STATEMENTS FILED PURSUANT TO THIS TITLE, INCLUDING BANK RECORDS IN CONNECTION WITH SUCH STATEMENTS AND THE FINANCIAL TRANSACTIONS REPORTED IN SUCH STATEMENTS.

S 14-208. TIME FOR FILING STATEMENTS. 1. THE STATEMENTS REQUIRED BY THIS TITLE SHALL BE FILED AT SUCH TIMES AS THE STATE BOARD OF ELECTIONS, BY RULE OR REGULATION, SHALL SPECIFY; PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE BOARD PROVIDE FOR FEWER THAN THREE FILINGS IN THE AGGREGATE IN CONNECTION WITH ANY ELECTION, AND TWO OF SAID FILINGS SHALL BE BEFORE ANY SUCH ELECTION, INCLUDING ONE SUCH FILING NOT LESS THAN THIRTY DAYS NOR MORE THAN FORTY-FIVE DAYS PRIOR TO SUCH ELECTION AND ONE SUCH FILING NOT LESS THAN ELEVEN DAYS NOR MORE THAN FIFTEEN DAYS PRIOR TO SUCH ELECTION. IN ADDITION, THE BOARD SHALL PROVIDE THAT EVERY SPONSOR WHICH HAS FILED A STATEMENT OF TREASURER AND DEPOSITORY SHALL MAKE AT LEAST ONE FILING EVERY SIX MONTHS BETWEEN THE TIME SUCH STATEMENT OF TREASURER AND DEPOSITORY IS FILED AND THE TIME SUCH SPONSOR GOES OUT OF BUSINESS. IF ANY CANDIDATE OR SPONSOR SHALL BE REQUIRED BY THE PROVISIONS OF THIS SECTION, OR BY RULE OR REGULATION HEREUNDER, TO EFFECT TWO FILINGS WITHIN A PERIOD OF FIVE DAYS, THE STATE BOARD OF ELECTIONS MAY, BY RULE OR REGULATION, WAIVE THE REQUIREMENT OF FILING THE EARLIER OF SUCH STATEMENTS. IF A STATEMENT FILED BY A CANDIDATE OR SPONSOR AFTER THE ELECTION TO WHICH IT PERTAINS IS NOT A FINAL STATEMENT

SHOWING SATISFACTION OF ALL LIABILITIES AND DISPOSITION OF ALL ASSETS, SUCH CANDIDATE OR SPONSOR SHALL FILE SUCH ADDITIONAL STATEMENTS AS THE BOARD SHALL, BY RULE OR REGULATION PROVIDE UNTIL SUCH A FINAL STATEMENT IS FILED.

2. EACH STATEMENT SHALL COVER THE PERIOD UP TO AND INCLUDING THE FOURTH DAY NEXT PRECEDING THE DAY SPECIFIED FOR THE FILING THEREOF; PROVIDED, HOWEVER, THAT ANY CONTRIBUTION OR LOAN IN EXCESS OF ONE THOUSAND DOLLARS, IF RECEIVED AFTER THE CLOSE OF THE PERIOD TO BE COVERED IN THE LAST STATEMENT FILED BEFORE ANY ELECTION BUT BEFORE SUCH ELECTION, SHALL BE REPORTED, IN THE SAME MANNER AS OTHER CONTRIBUTIONS, WITHIN TWENTY-FOUR HOURS AFTER RECEIPT.

3. EACH STATEMENT SHALL BE PRESERVED BY THE OFFICER WITH WHOM OR THE BOARD WITH WHICH IT IS REQUIRED TO BE FILED FOR A PERIOD OF FIVE YEARS FROM THE DATE OF FILING THEREOF.

4. EACH STATEMENT SHALL CONSTITUTE A PART OF THE PUBLIC RECORDS OF SUCH OFFICER OR BOARD AND SHALL BE OPEN TO PUBLIC INSPECTION.

5. THE STATE BOARD OF ELECTIONS OR OTHER BOARD OF ELECTIONS, AS THE CASE MAY BE, SHALL, NOT LATER THAN TEN DAYS AFTER THE LAST DAY TO FILE ANY SUCH STATEMENT, NOTIFY EACH PERSON REQUIRED TO FILE ANY SUCH STATEMENT WHICH HAS NOT BEEN RECEIVED BY SUCH BOARD BY SUCH TENTH DAY IN ACCORDANCE WITH THIS TITLE OF SUCH PERSON'S FAILURE TO FILE SUCH STATEMENT TIMELY. SUCH NOTICE SHALL BE IN WRITING AND MAILED TO THE LAST KNOWN RESIDENCE OR BUSINESS ADDRESS OF SUCH PERSON BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. FAILURE TO FILE WITHIN FIVE DAYS OF RECEIPT OF SUCH NOTICE SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF A WILLFUL FAILURE TO FILE. IF THE PERSON REQUIRED TO FILE SUCH STATEMENT IS A TREASURER WHO HAS STATED THAT THE SPONSOR HAS BEEN AUTHORIZED BY ONE OR MORE CANDIDATES, A COPY OF SUCH NOTICE SHALL BE SENT TO EACH SUCH CANDIDATE BY FIRST CLASS MAIL. A COPY OF ANY SUCH NOTICE SENT BY A BOARD OF ELECTIONS OTHER THAN THE STATE BOARD OF ELECTIONS SHALL BE SENT BY SUCH OTHER BOARD TO THE STATE BOARD.

6. A STATEMENT SHALL BE DEEMED PROPERLY FILED WHEN DEPOSITED IN AN ESTABLISHED POST OFFICE WITHIN THE PRESCRIBED TIME, DULY STAMPED, CERTIFIED, AND DIRECTED TO THE OFFICER WITH WHOM OR TO THE BOARD WITH WHICH THE STATEMENT IS REQUIRED TO BE FILED, BUT IN THE EVENT IT IS NOT RECEIVED, A DUPLICATE OF SUCH STATEMENT SHALL BE PROMPTLY FILED UPON NOTICE BY SUCH OFFICER OR SUCH BOARD OF ITS NON-RECEIPT.

7. ON THE TWENTIETH DAY FOLLOWING THE DATE BY WHICH SUCH STATEMENTS WERE REQUIRED TO BE FILED, THE STATE BOARD OF ELECTIONS SHALL PREPARE AND MAKE AVAILABLE FOR PUBLIC INSPECTION AND DISTRIBUTION A LIST OF THOSE PERSONS AND SPONSORS FROM WHOM IT HAS NOT YET RECEIVED SUCH STATEMENT.

S 14-210. PLACE FOR FILING STATEMENTS. THE PLACES FOR FILING THE STATEMENTS REQUIRED BY THIS TITLE SHALL BE DETERMINED BY RULE OR REGULATION OF THE STATE BOARD OF ELECTIONS.

S 14-212. SPONSOR AUTHORIZATION STATEMENT. ANY SPONSOR AIDING OR TAKING PART IN THE ELECTION OR NOMINATION OF ANY CANDIDATE, OTHER THAN BY MAKING CONTRIBUTIONS, SHALL FILE, IN THE OFFICE IN WHICH THE STATEMENTS OF SUCH SPONSOR ARE TO BE FILED PURSUANT TO THIS TITLE, EITHER A SWORN VERIFIED STATEMENT BY THE TREASURER OF SUCH SPONSOR THAT THE CANDIDATE HAS AUTHORIZED THE SPONSOR TO AID OR TAKE PART IN HIS OR HER ELECTION OR THAT THE CANDIDATE HAS NOT AUTHORIZED THE COMMITTEE TO AID OR TAKE PART IN HIS OR HER ELECTION.

S 14-214. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. THE FOLLOWING LIMITATIONS APPLY TO ALL CONTRIBUTIONS TO CANDIDATES FOR ELECTION AND TO ALL CONTRIBUTIONS TO SPONSORS WORKING DIRECTLY OR INDIRECTLY WITH ANY CANDI-

DATE TO AID OR PARTICIPATE IN SUCH CANDIDATE'S ELECTION. IN ANY ELECTION, NO CONTRIBUTOR MAY MAKE A CONTRIBUTION TO ANY CANDIDATE OR SPONSOR, AND NO CANDIDATE OR SPONSOR MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR, WHICH IS IN THE AGGREGATE AMOUNT GREATER THAN TWENTY-FIVE THOUSAND DOLLARS; PROVIDED HOWEVER, THAT THE MAXIMUM AMOUNT WHICH MAY BE SO CONTRIBUTED OR ACCEPTED, IN THE AGGREGATE, FROM ANY CANDIDATE'S CHILD, PARENT, GRANDPARENT, BROTHER, OR SISTER, AND THE SPOUSE OF ANY SUCH PERSONS, SHALL NOT EXCEED AN AMOUNT EQUIVALENT TO THE PRODUCT OF THE NUMBER OF ELIGIBLE VOTERS IN THE CANDIDATE'S JURISDICTION, MULTIPLIED BY $.025.

2. FOR PURPOSES OF THIS SECTION, CONTRIBUTIONS OTHER THAN OF MONEY SHALL BE EVALUATED AT THEIR FAIR MARKET VALUE. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE REGULATIONS, CONSISTENT WITH LAW, GOVERNING THE MANNER OF COMPUTING FAIR MARKET VALUE.

3. A. A LOAN MADE TO A CANDIDATE OR SPONSOR BY ANY PERSON, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OTHER THAN IN THE REGULAR COURSE OF THE LENDER'S BUSINESS SHALL BE DEEMED, TO THE EXTENT NOT REPAID BY THE DATE OF THE ELECTION A CONTRIBUTION BY SUCH PERSON, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY.

B. A LOAN MADE TO A CANDIDATE OR SPONSOR BY ANY PERSON, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY IN THE REGULAR COURSE OF THE LENDER'S BUSINESS SHALL BE DEEMED, TO THE EXTENT NOT REPAID BY THE DATE OF THE ELECTION, A CONTRIBUTION BY THE OBLIGOR ON THE LOAN AND BY ANY OTHER PERSON ENDORSING, COSIGNING, GUARANTEEING, COLLATERALIZING, OR OTHERWISE PROVIDING SECURITY FOR THE LOAN.

4. FOR THE PURPOSES OF THIS SECTION, THE NUMBER OF ELIGIBLE VOTERS SHALL BE DETERMINED AS OF THE DATE OF THE ELECTION, FROM THE BEST DATA AVAILABLE TO THE STATE BOARD OF ELECTIONS.

5. EXCEPT AS MAY OTHERWISE BE PROVIDED FOR A CANDIDATE AND HIS OR HER FAMILY, NO PERSON MAY CONTRIBUTE, LEND, OR GUARANTEE IN EXCESS OF ONE HUNDRED FIFTY THOUSAND DOLLARS WITHIN THE STATE IN CONNECTION WITH THE ELECTION OF CANDIDATES IN ANY ONE CALENDAR YEAR. FOR THE PURPOSES OF THIS SUBDIVISION "LOAN" OR "GUARANTEE" SHALL MEAN A LOAN OR GUARANTEE WHICH IS NOT REPAID OR DISCHARGED IN THE CALENDAR YEAR IN WHICH IT IS MADE.

6. NO CONTRIBUTOR MAY MAKE A CONTRIBUTION TO A SPONSOR, AND NO SUCH SPONSOR MAY ACCEPT A CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE AGGREGATE, IS GREATER THAN SIXTY-TWO THOUSAND FIVE HUNDRED DOLLARS PER ANNUM.

S 14-216. POLITICAL CONTRIBUTIONS BY CERTAIN ORGANIZATIONS. 1. NO CORPORATION OR JOINT-STOCK ASSOCIATION DOING BUSINESS IN THIS STATE, EXCEPT A CORPORATION OR ASSOCIATION ORGANIZED OR MAINTAINED FOR POLITICAL PURPOSES ONLY, SHALL DIRECTLY OR INDIRECTLY PAY OR USE OR OFFER, CONSENT, OR AGREE TO PAY OR USE ANY MONEY OR PROPERTY FOR OR IN AID OF ANY SPONSOR, OR FOR, OR IN AID OF, ANY CORPORATION, JOINT-STOCK, OR OTHER ASSOCIATION ORGANIZED OR MAINTAINED FOR POLITICAL PURPOSES, OR FOR, OR IN AID OF, ANY CANDIDATE FOR ELECTION, OR FOR THE REIMBURSEMENT OR INDEMNIFICATION OF ANY PERSON FOR MONEYS OR PROPERTY SO USED. ANY OFFICER, DIRECTOR, STOCK-HOLDER, ATTORNEY, OR AGENT OF ANY CORPORATION OR JOINT-STOCK ASSOCIATION WHICH VIOLATES ANY OF THE PROVISIONS OF THIS SECTION, WHO PARTICIPATES IN, AIDS, ABETS OR ADVISES OR CONSENTS TO ANY SUCH VIOLATIONS, AND ANY PERSON WHO SOLICITS OR KNOWINGLY RECEIVES ANY MONEY OR PROPERTY IN VIOLATION OF THIS SECTION, SHALL BE GUILTY OF A MISDEMEANOR.

2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, ANY CORPORATION OR AN ORGANIZATION FINANCIALLY SUPPORTED IN WHOLE OR IN

PART, BY SUCH CORPORATION MAY MAKE EXPENDITURES, INCLUDING CONTRIBUTIONS, NOT OTHERWISE PROHIBITED BY LAW, FOR POLITICAL PURPOSES, IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS IN THE AGGREGATE IN ANY CALENDAR YEAR; PROVIDED THAT NO PUBLIC UTILITY SHALL USE REVENUES RECEIVED FROM THE RENDITION OF PUBLIC SERVICE WITHIN THE STATE FOR CONTRIBUTIONS FOR POLITICAL PURPOSES UNLESS SUCH COST IS CHARGED TO THE SHAREHOLDERS OF SUCH A PUBLIC SERVICE CORPORATION.

S 14-218. TREASURER AND DEPOSITORY OF POLITICAL COMMITTEE; FILING OF NAME AND ADDRESS. 1. EVERY SPONSOR SHALL HAVE A TREASURER AND A DEPOSITORY, AND SHALL CAUSE THE TREASURER TO KEEP DETAILED, BOUND ACCOUNTS OF ALL RECEIPTS, TRANSFERS, LOANS, LIABILITIES, CONTRIBUTIONS, AND EXPENDITURES, MADE BY THE SPONSOR OR ANY OF ITS OFFICERS, MEMBERS, OR AGENTS ACTING UNDER ITS AUTHORITY OR IN ITS BEHALF. ALL SUCH ACCOUNTS SHALL BE RETAINED BY A TREASURER FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THE FILING OF THE FINAL STATEMENT WITH RESPECT TO THE ELECTION TO WHICH THEY PERTAIN. NO OFFICER, MEMBER, OR AGENT OF ANY SPONSOR SHALL RECEIVE ANY RECEIPT, TRANSFER, OR CONTRIBUTION, OR MAKE ANY EXPENDITURE OR INCUR ANY LIABILITY UNTIL THE SPONSOR SHALL HAVE CHOSEN A TREASURER AND DEPOSITORY AND FILED THEIR NAMES IN ACCORDANCE WITH THIS SUBDIVISION. THERE SHALL BE FILED IN THE OFFICE IN WHICH THE SPONSOR IS REQUIRED TO FILE ITS STATEMENTS UNDER SECTION 14-210 OF THIS TITLE, WITHIN FIVE DAYS AFTER THE CHOICE OF A TREASURER AND DEPOSITORY, A STATEMENT GIVING THE NAME AND ADDRESS OF THE TREASURER CHOSEN, THE NAME AND ADDRESS OF ANY PERSON AUTHORIZED TO SIGN CHECKS BY SUCH TREASURER, THE NAME AND ADDRESS OF THE DEPOSITORY CHOSEN, AND THE CANDIDATE OR CANDIDATES THE SUCCESS OR DEFEAT OF WHICH THE COMMITTEE IS TO AID OR TAKE PART. SUCH STATEMENT SHALL BE SIGNED BY THE TREASURER AND ALL OTHER PERSONS AUTHORIZED TO SIGN CHECKS. ANY CHANGE IN THE INFORMATION REQUIRED IN ANY STATEMENT SHALL BE REPORTED, IN AN AMENDED STATEMENT FILED IN THE SAME MANNER AND IN THE SAME OFFICE AS AN ORIGINAL STATEMENT FILED UNDER THIS SECTION, WITHIN TWO DAYS AFTER IT OCCURS. ONLY A BANKING ORGANIZATION AUTHORIZED TO DO BUSINESS IN THIS STATE MAY BE DESIGNATED A DEPOSITORY HEREUNDER.

2. NO CANDIDATE, SPONSOR, OR AGENT THEREOF MAY RECEIVE FROM ANY ONE PERSON AN AGGREGATE AMOUNT GREATER THAN ONE HUNDRED DOLLARS EXCEPT IN THE FORM OF A CHECK, DRAFT OR OTHER INSTRUMENT PAYABLE TO THE CANDIDATE, SPONSOR, OR TREASURER AND SIGNED OR ENDORSED BY THE DONOR; EXCEPT THAT SUCH A CANDIDATE, SPONSOR, OR AGENT MAY RECEIVE CONTRIBUTIONS IN AMOUNTS GREATER THAN ONE HUNDRED DOLLARS WHICH ARE MADE BY CREDIT CARD, PROVIDED THAT SUCH CANDIDATE, SPONSOR, OR AGENT PRESERVES, TOGETHER WITH THE OTHER ACCOUNTS WHICH SUCH CANDIDATE, SPONSOR, OR AGENT IS REQUIRED TO PRESERVE PURSUANT TO THE PROVISIONS OF THIS TITLE, A COPY OF THE DOCUMENT WHICH WAS SUBMITTED TO SECURE PAYMENT OF THE FUNDS SO CONTRIBUTED. ALL SUCH CHECKS, DRAFTS, OR OTHER INSTRUMENTS SHALL BE DEPOSITED IN THE ACCOUNT OF THE CANDIDATE OR SPONSOR IN THE DESIGNATED DEPOSITORY. NO CANDIDATE OR SPONSOR SHALL EXPEND AN AMOUNT IN EXCESS OF ONE HUNDRED DOLLARS EXCEPT BY CHECK DRAWN ON THE DEPOSITORY AND SIGNED BY THE CANDIDATE OR PERSON AUTHORIZED TO SIGN CHECKS BY HIM OR HER OR, IN THE CASE OF A SPONSOR, THE TREASURER OR A PERSON AUTHORIZED TO SIGN CHECKS BY HIM OR HER.

3. EVERY CANDIDATE WHO RECEIVES OR EXPENDS ANY MONEY OR OTHER VALUABLE THING OR INCURS ANY LIABILITY TO PAY MONEY OR ITS EQUIVALENT SHALL KEEP AND RETAIN DETAILED, BOUND ACCOUNTS AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION.

S 14-220. CAMPAIGN CONTRIBUTION TO BE UNDER TRUE NAME OF CONTRIBUTOR. 1. NO PERSON SHALL IN ANY NAME EXCEPT HIS OR HER OWN, DIRECTLY OR INDIRECTLY, MAKE A PAYMENT OR A PROMISE OF PAYMENT TO A CANDIDATE OR SPONSOR

OR TO ANY OFFICER OR MEMBER THEREOF, OR TO ANY PERSON ACTING UNDER ITS AUTHORITY OR IN ITS BEHALF OR ON BEHALF OF ANY CANDIDATE, NOR SHALL ANY SUCH SPONSOR OR ANY SUCH PERSON OR CANDIDATE KNOWINGLY RECEIVE A PAYMENT OR PROMISE OF PAYMENT, OR ENTER OR CAUSE THE SAME TO BE ENTERED IN THE ACCOUNTS OR RECORDS OF SUCH SPONSOR, IN ANY NAME OTHER THAN THAT OF THE PERSON OR PERSONS BY WHOM IT IS MADE.

2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, A PARTNERSHIP, AS DEFINED IN SECTION TEN OF THE PARTNERSHIP LAW, MAY BE CONSIDERED A SEPARATE ENTITY FOR THE PURPOSES OF THIS SECTION, AND AS SUCH MAY MAKE CONTRIBUTIONS IN THE NAME OF SAID PARTNERSHIP WITHOUT ATTRIBUTING SUCH CONTRIBUTIONS TO THE INDIVIDUAL MEMBERS OF THE PARTNERSHIP; PROVIDED THAT ANY SUCH CONTRIBUTION MADE BY A PARTNERSHIP TO A CANDIDATE OR TO A SPONSOR, SHALL NOT EXCEED, TWENTY-FIVE HUNDRED DOLLARS. IN THE EVENT THAT SUCH PARTNERSHIP CONTRIBUTION TO ANY SUCH CANDIDATE OR SPONSOR EXCEEDS TWENTY-FIVE HUNDRED DOLLARS, THE AGGREGATE AMOUNT OF SUCH CONTRIBUTION SHALL BE ATTRIBUTED TO EACH PARTNER WHOSE SHARE OF THE CONTRIBUTION EXCEEDS NINETY-NINE DOLLARS.

S 14-222. ACCOUNTING TO TREASURER OR CANDIDATE; VOUCHERS. 1. WHOEVER, ACTING AS AN OFFICER, MEMBER OR AGENT OF A SPONSOR, OR AS AN AGENT OF A CANDIDATE FOR ELECTION, RECEIVES ANY RECEIPT, CONTRIBUTION OR TRANSFER, OR MAKES ANY EXPENDITURE OR INCURS ANY LIABILITY, SHALL, WITHIN THREE DAYS AFTER DEMAND, AND IN ANY EVENT WITHIN FOURTEEN DAYS AFTER ANY SUCH RECEIPT, TRANSFER, CONTRIBUTION, EXPENDITURE, OR LIABILITY, GIVE TO THE TREASURER OF SUCH SPONSOR, OR TO SUCH CANDIDATE IF AN AGENT AUTHORIZED BY HIM OR HER, A DETAILED ACCOUNT OF THE SAME, WITH ALL VOUCHERS REQUIRED BY THIS TITLE, WHICH SHALL BE A PART OF THE ACCOUNTS AND FILES OF SUCH TREASURER OR SUCH CANDIDATE.

2. EVERY PAYMENT REQUIRED TO BE ACCOUNTED FOR, UNLESS THE TOTAL EXPENSE PAYABLE TO ANY ONE PERSON BE NOT IN EXCESS OF TEN DOLLARS; SHALL BE VOUCHED FOR BY A RECEIPTED BILL STATING THE PARTICULARS OF EXPENSE.

S 14-224. EXCEPTIONS. 1. THIS TITLE SHALL NOT APPLY TO ANY PERSON, ASSOCIATION OR CORPORATION ENGAGED IN THE PUBLICATION OR DISTRIBUTION OF ANY NEWSPAPER OR OTHER PUBLICATION ISSUED AT REGULAR INTERVALS IN RESPECT TO THE ORDINARY CONDUCT OF SUCH BUSINESS.

2. THE FILING REQUIREMENTS AND THE EXPENDITURE, CONTRIBUTION, AND RECEIPT LIMITS OF THIS TITLE SHALL NOT APPLY TO ANY CANDIDATE OR SPONSOR WHO OR WHICH ENGAGES EXCLUSIVELY IN ACTIVITIES ON ACCOUNT OF WHICH, PURSUANT TO THE LAWS OF THE UNITED STATES, THERE IS REQUIRED TO BE FILED A STATEMENT OR REPORT OF THE CAMPAIGN RECEIPTS, EXPENDITURES AND LIABILITIES OF SUCH CANDIDATE OR COMMITTEE WITH AN OFFICE OR OFFICERS OF THE GOVERNMENT OF THE UNITED STATES, PROVIDED A COPY OF EACH SUCH STATEMENT OR REPORT IS FILED IN THE OFFICE OF THE STATE BOARD OF ELECTIONS.

3. THE PROVISIONS OF SECTIONS 14-202, 14-212 AND SUBDIVISION ONE OF SECTION 14-218 OF THIS TITLE SHALL NOT APPLY TO A SPONSOR SUPPORTING OR OPPOSING CANDIDATES FOR ELECTION WHICH, PURSUANT TO THE LAWS OF THE UNITED STATES, IS REQUIRED TO FILE A STATEMENT OR REPORT OF THE CAMPAIGN RECEIPTS, EXPENDITURES AND LIABILITIES OF SUCH SPONSOR WITH AN OFFICE OR OFFICER OF THE GOVERNMENT OF THE UNITED STATES, PROVIDED THAT SUCH SPONSOR MAKES NO EXPENDITURES TO AID OR TAKE PART IN THE ELECTION OR DEFEAT OF A CANDIDATE FOR ELECTION OTHER THAN IN THE FORM OF CONTRIBUTIONS WHICH DO NOT EXCEED IN THE AGGREGATE ONE THOUSAND DOLLARS IN ANY CALENDAR YEAR; AND PROVIDED FURTHER, THAT A COPY OF THE FEDERAL REPORT WHICH LISTS SUCH CONTRIBUTIONS IS FILED WITH THE APPROPRIATE BOARD OF ELECTIONS AT THE SAME TIME THAT IT IS FILED WITH THE FEDERAL FILING OFFICE OR OFFICER.

S 14-226. VIOLATIONS; PENALTIES. 1. ANY PERSON WHO FAILS TO FILE A STATEMENT REQUIRED TO BE FILED BY THIS TITLE SHALL BE SUBJECT TO A CIVIL PENALTY, NOT IN EXCESS OF FIVE HUNDRED DOLLARS, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT BY THE STATE BOARD OF ELECTIONS OR OTHER BOARD OF ELECTIONS.

2. ANY PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO FILE A STATEMENT REQUIRED TO BE FILED BY THIS TITLE WITHIN TEN DAYS AFTER THE DATE PROVIDED FOR FILING SUCH STATEMENT OR ANY PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE SHALL BE GUILTY OF A MISDEMEANOR.

3. ANY PERSON WHO KNOWINGLY AND WILLFULLY CONTRIBUTES, ACCEPTS OR AIDS OR PARTICIPATES IN THE ACCEPTANCE OF A CONTRIBUTION IN AN AMOUNT EXCEEDING AN APPLICABLE MAXIMUM SPECIFIED IN THIS TITLE SHALL BE GUILTY OF A MISDEMEANOR.

4. ANY PERSON WHO SHALL, ACTING ON BEHALF OF A CANDIDATE OR SPONSOR, KNOWINGLY AND WILLFULLY SOLICIT, ORGANIZE OR COORDINATE THE FORMATION OF ACTIVITIES OF ONE OR MORE UNAUTHORIZED SPONSORS, MAKE EXPENDITURES IN CONNECTION WITH THE ELECTION OF ANY CANDIDATE, OR SOLICIT ANY PERSON TO MAKE ANY SUCH EXPENDITURES, FOR THE PURPOSE OF EVADING THE CONTRIBUTION LIMITATIONS OF THIS TITLE, SHALL BE GUILTY OF A CLASS E FELONY.

S 14-228. NOTICE OF CIVIL PENALTY TO AUTHORIZING CANDIDATE. IF ANY PERSON FAILS TO FILE A STATEMENT OF CAMPAIGN RECEIPTS AND EXPENDITURES FOR A CANDIDATE AUTHORIZED SPONSOR, AND THEREAFTER SAID PERSON IS A PARTY TO RECOVERY OF A CIVIL PENALTY IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE STATE BOARD OF ELECTIONS OR OTHER BOARD OF ELECTIONS UNDER SECTION 14-226 OF THIS TITLE, SAID BOARD OF ELECTIONS SHALL ALSO PROVIDE THE AUTHORIZING CANDIDATE WITH ACTUAL NOTICE OF THE CIVIL PENALTY, AND THE SPECIAL PROCEEDING OR CIVIL ACTION BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY PERSONAL SERVICE.

S 14-230. DISPOSITION OF ANONYMOUS CONTRIBUTIONS. ANY ANONYMOUS CONTRIBUTIONS RECEIVED BY A CAMPAIGN TREASURER, SPONSOR, OR AGENCY THEREOF SHALL NOT BE USED OR EXPENDED, BUT THE SAME SHALL BE PAID OVER TO THE COMPTROLLER OF THE STATE OF NEW YORK FOR DEPOSIT IN THE GENERAL TREASURY OF THE STATE UNLESS, BEFORE THE DATE FOR FILING STATEMENTS AND REPORTS AS PROVIDED IN THIS TITLE, THE IDENTITY OF SUCH ANONYMOUS CONTRIBUTOR SHALL BECOME KNOWN, AND, IN SUCH EVENT THE ANONYMOUS CONTRIBUTION SHALL BE RETURNED TO SUCH CONTRIBUTOR OR RETAINED AND PROPERLY REPORTED AS A CONTRIBUTION FROM SUCH CONTRIBUTOR.

S 14-232. CAMPAIGN FUNDS FOR PERSONAL USE. CONTRIBUTIONS RECEIVED BY A CANDIDATE OR A SPONSOR MAY BE EXPENDED FOR ANY LAWFUL PURPOSE. SUCH FUNDS SHALL NOT BE CONVERTED BY ANY PERSON TO A PERSONAL USE WHICH IS UNRELATED TO A POLITICAL CAMPAIGN OR THE HOLDING OF A PUBLIC OFFICE OR PARTY POSITION.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided that the state board of elections is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.