

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

7488--A

2009-2010 Regular Sessions

I N A S S E M B L Y

April 13, 2009

Introduced by M. of A. BRENNAN, LANCMAN -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law and the legislative law, in relation to enacting the "campaign finance reform act of 2009"; and repealing certain provisions of the election law relating thereto

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

1 Section 1. Legislative findings and declarations. The legislature
2 finds that it is vitally important to democratic government in this
3 state to prevent corruption, special privileges, and favoritism in
4 connection with the financing and other operations of statewide political
5 campaigns and to also avoid the appearance of these abuses. The
6 public's perception is that government is held hostage to special interests
7 and wealthy donors. As the United States Supreme Court found in
8 BUCKLEY V. VALEO, states have a compelling interest "to reduce the deleterious
9 effect of large contributions on our political process." Therefore,
10 the legislature declares that it is in the public interest and a
11 valid public purpose to lower contribution limits, limit contributions
12 from special interests, such as lobbyists, ban all fundraising in the
13 capital district during the legislative session, prohibit the personal
14 use of campaign funds, improve transparency and accountability, facilitate
15 compliance with campaign finance reporting requirements, expand the
16 enforcement powers of the state board of elections and increase penalties
17 for campaign finance violations. This comprehensive reform package
18 will reduce the influence of special interests and the appearance of
19 corruption while restoring the public's confidence in elected officials.
20 S 2. This act shall be known and may be cited as the "campaign finance
21 reform act of 2009".
22 S 3. Section 3-100 of the election law, subdivisions 1, 2 and 3 as
23 amended by chapter 220 of the laws of 2005, subdivisions 4 and 5 as

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

LBD10073-06-9

1 redesignated by chapter 9 of the laws of 1978, is amended to read as
2 follows:

3 S 3-100. New York state board of elections; membership; organization.
4 1. There is hereby created within the executive department a New York
5 state board of elections, hereafter referred to as the "state board of
6 elections", composed of [four] FIVE commissioners appointed by the
7 governor AS FOLLOWS: (A) two commissioners, one each from among not
8 fewer than two persons recommended by the chairman of the state commit-
9 tee of each of the major political parties; [and] (B) two [other]
10 commissioners, one upon the joint recommendation of the legislative
11 leaders, of one major political party, in each house of the legislature
12 and one upon the joint recommendation of the legislative leaders, of the
13 other major political party, in each house of the legislature, AND (C)
14 ONE COMMISSIONER UPON THE JOINT RECOMMENDATION OF THE TWO COMMISSIONERS
15 SELECTED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION. The commission-
16 ers shall be appointed for terms of two years each and in the same
17 manner as their respective predecessors. A commissioner appointed to the
18 board to fill a vacancy caused other than by expiration of a term, shall
19 serve for the balance of the unexpired term. In the event that there is
20 a vacancy in the office of the commissioner appointed [on the recommen-
21 dation of such legislative leaders] PURSUANT TO PARAGRAPH (B) OF THIS
22 SUBDIVISION caused by expiration of term or otherwise, [such] THE legis-
23 lative leaders responsible for making the joint recommendation to fill
24 such vacancy shall jointly recommend an individual to fill such vacancy
25 and the governor shall make the appointment from such joint recommenda-
26 tion within thirty days of receiving such joint recommendation. In the
27 event the governor does not act on such joint recommendation within
28 thirty days or objects to such joint recommendation, then the legisla-
29 tive leaders making such joint recommendation shall have the option of:
30 [(a)] (I) appointing the individual so jointly recommended as a commis-
31 sioner, or [(b)] (II) jointly recommending another individual for
32 appointment by the governor according to the procedure outlined in this
33 subdivision. IN THE EVENT THAT THERE IS A VACANCY IN THE OFFICE OF THE
34 COMMISSIONER APPOINTED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION
35 CAUSED BY EXPIRATION OF TERM OR OTHERWISE, THE COMMISSIONERS RESPONSIBLE
36 FOR MAKING THE JOINT RECOMMENDATION TO FILL SUCH VACANCY SHALL JOINTLY
37 RECOMMEND AN INDIVIDUAL TO FILL SUCH VACANCY AND THE GOVERNOR SHALL MAKE
38 THE APPOINTMENT FROM SUCH JOINT RECOMMENDATION WITHIN THIRTY DAYS OF
39 RECEIVING SUCH JOINT RECOMMENDATION. IN THE EVENT THE GOVERNOR DOES NOT
40 ACT ON SUCH JOINT RECOMMENDATION WITHIN THIRTY DAYS OR OBJECTS TO SUCH
41 JOINT RECOMMENDATION, THEN THE COMMISSIONERS MAKING SUCH JOINT RECOMMEN-
42 DATION SHALL HAVE THE OPTION OF: (I) APPOINTING THE INDIVIDUAL SO JOINT-
43 LY RECOMMENDED AS A COMMISSIONER, OR (II) JOINTLY RECOMMENDING ANOTHER
44 INDIVIDUAL FOR APPOINTMENT BY THE GOVERNOR ACCORDING TO THE PROCEDURE
45 OUTLINED IN THIS SUBDIVISION. THE PROVISIONS OF SECTION FIVE OF THE
46 PUBLIC OFFICERS LAW SHALL NOT APPLY TO ANY MEMBER APPOINTED PURSUANT TO
47 PARAGRAPH (C) OF THIS SUBDIVISION.

48 2. The two commissioners of the board appointed upon the recommenda-
49 tion of the legislative leaders shall be co-chairs of the state board of
50 elections.

51 3. The commissioners of the state board of elections shall have no
52 other public employment. The commissioners shall receive an annual sala-
53 ry of twenty-five thousand dollars, within the amounts made available
54 therefor by appropriation. The board shall, for the purposes of sections
55 seventy-three and seventy-four of the public officers law, be a "state
56 agency", and such commissioners shall be "officers" of the state board

1 of elections for the purposes of such sections. Within the amounts made
2 available by appropriation therefor, the state board of elections shall
3 appoint two co-executive directors, counsel and such other staff members
4 as are necessary in the exercise of its functions, and may fix their
5 compensation. Anytime after the effective date of [the] chapter TWO
6 HUNDRED TWENTY of the laws of two thousand five [which amended this
7 subdivision], the commissioners or, in the case of a vacancy on the
8 board, the commissioner of each of the major political parties shall
9 appoint one co-executive director. Each co-executive director shall
10 serve a term of four years. Any vacancy in the office of co-executive
11 director shall be filled by the commissioners or, in the case of a
12 vacancy on the board, the commissioner of the same major political party
13 as the vacating incumbent for the remaining period of the term of such
14 vacating incumbent.

15 4. For the purposes of meetings, three commissioners shall constitute
16 a quorum. The affirmative vote of three commissioners shall be required
17 for any official action of the state board of elections.

18 5. The principal office of the state board of elections shall be in
19 the county of Albany.

20 S 4. Subdivisions 3, 7, 9-A, 12, 16 and 17 of section 3-102 of the
21 election law, subdivisions 3, 7 and 17 as amended and subdivision 12 as
22 redesignated by chapter 9 of the laws of 1978, subdivision 9-A as added
23 by chapter 430 of the laws of 1997, paragraph (a) of subdivision 9-A as
24 amended by chapter 406 of the laws of 2005 and paragraph (d) of subdivi-
25 sion 9-A as amended by chapter 249 of the laws of 2003, subdivision 16
26 as added and subdivision 17 as renumbered by chapter 23 of the laws of
27 2005, are amended to read as follows:

28 3. conduct, THROUGH THE ENFORCEMENT UNIT ESTABLISHED PURSUANT TO
29 SECTION 3-104 OF THIS TITLE any investigation necessary to carry out the
30 provisions of this chapter, EXCEPT WHEN A SPECIAL INVESTIGATOR IS
31 APPOINTED PURSUANT TO SECTION 3-107 OF THIS TITLE;

32 7. institute[, or direct a board of elections to institute] such judi-
33 cial proceedings as may be necessary to enforce compliance with any
34 provision of article fourteen of this chapter or any regulation promul-
35 gated thereunder including, but not limited to, application, on notice
36 served upon the respondent in the manner directed by the court at least
37 six hours prior to the time of return thereon, to a justice of the
38 supreme court within the judicial district in which an alleged violation
39 of any such provision or regulation occurred or is threatened, for an
40 order prohibiting the continued or threatened violation thereof or for
41 such other or further relief as the court may deem just and proper;

42 9-A. (a) develop an electronic reporting system, WHICH IS A WEB-BASED
43 COMPUTER APPLICATION FOR FILING OVER THE INTERNET, to process the state-
44 ments of campaign receipts, contributions, transfers and expenditures
45 required to be filed with [any] THE STATE board of elections pursuant to
46 the provisions of sections 14-102 and 14-104 of this chapter;

47 (b) prescribe the information required in the form for each statement
48 to be filed;

49 (c) establish a training program on the electronic reporting process
50 and make it available to any such candidate or committee, INCLUDING BUT
51 NOT LIMITED TO THE DEVELOPMENT AND IMPLEMENTATION OF AN INTERNET-BASED
52 CAMPAIGN FINANCE DISCLOSURE TRAINING PROGRAM. SUCH CAMPAIGN FINANCE
53 DISCLOSURE TRAINING PROGRAM SHALL INCLUDE NEW YORK STATE SPECIFIC INFOR-
54 MATION AND INSTRUCTIONS TO ENABLE CANDIDATES AND COMMITTEES TO COMPLY
55 WITH THE FINANCIAL DISCLOSURE REQUIREMENTS IN ARTICLE FOURTEEN OF THIS
56 CHAPTER AND APPLICABLE REGULATIONS;

(d) make the electronic reporting process available to any such candidate or committee which is required to file or which agrees to file such statements by such electronic reporting process;

(e) cause all information contained in such a statement filed with the state board of elections which is not on such electronic reporting system to be entered into such system as soon as practicable but in no event later than ten business days after its receipt by the state board of elections; and

(f) make all data COLLECTED from THE electronic reporting process REQUIRED BY THIS SECTION available at all times on the internet.

12. monitor the adequacy and effectiveness of the election laws and report thereon [at least] annually to the governor and the legislature. SUCH REPORT SHALL INCLUDE A SUMMARY SETTING FORTH THE NUMBER OF COMPLAINTS RECEIVED AND INVESTIGATIONS CONDUCTED BY THE STATE BOARD OF ELECTIONS AND THE NUMBER AND NATURE OF ACTIONS COMMENCED AND ALL MATTERS RESOLVED AND PENALTIES IMPOSED BY THE COURTS DURING THE PRECEDING TWELVE MONTH PERIOD;

16. administer the administrative complaint procedure as provided for in section 3-105 of this [article.] TITLE;

17. HEAR AND CONSIDER THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT REGARDING THE ENFORCEMENT OF VIOLATIONS OF ARTICLE FOURTEEN OF THIS CHAPTER OR RECOMMENDATIONS REGARDING IMMUNITY MADE IN CONNECTION WITH AN INVESTIGATION CONDUCTED PURSUANT TO SECTION 3-104 OF THIS TITLE;

18. perform such other acts as may be necessary to carry out the purposes of this chapter.

S 5. Section 3-104 of the election law is REPEALED and a new section 3-104 is added to read as follows:

S 3-104. STATE BOARD OF ELECTIONS ENFORCEMENT UNIT. 1. THERE SHALL BE A UNIT KNOWN AS THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT ESTABLISHED WITHIN THE STATE BOARD OF ELECTIONS.

2. THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT SHALL HAVE SOLE AUTHORITY WITHIN THE STATE BOARD OF ELECTIONS TO INVESTIGATE ALLEGED VIOLATIONS OF ARTICLE FOURTEEN OF THIS CHAPTER AND ALL COMPLAINTS ALLEGING ARTICLE FOURTEEN VIOLATIONS SHALL BE FORWARDED TO THIS UNIT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO DIMINISH OR ALTER THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT'S JURISDICTION PURSUANT TO THIS CHAPTER.

3. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION ALLEGING A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT SHALL ANALYZE THE COMPLAINT TO DETERMINE IF AN INVESTIGATION SHOULD BE UNDERTAKEN. THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT SHALL, IF NECESSARY, REQUEST ADDITIONAL INFORMATION FROM THE COMPLAINANT TO ASSIST IT IN MAKING THIS DETERMINATION. SUCH ANALYSIS SHALL CONSIST OF A TWO PRONG TEST: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND, SECOND, WHETHER THE ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

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

5. IF THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT DETERMINES THAT THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY

1 CREDIBLE EVIDENCE, IT SHALL PUBLICLY REPORT ITS INTENT TO COMMENCE AN
2 INVESTIGATION TO THE STATE BOARD OF ELECTIONS NO LATER THAN THE BOARD'S
3 NEXT REGULARLY SCHEDULED MEETING. SUCH REPORT SHALL SUMMARIZE THE RELE-
4 VANT FACTS AND THE APPLICABLE LAW AND SHALL TO THE EXTENT POSSIBLE,
5 MAINTAIN THE CONFIDENTIALITY OF THE COMPLAINANT AND THE INDIVIDUAL
6 SUBJECT TO THE COMPLAINT.

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

25 7. ABSENT A DETERMINATION BY THE STATE BOARD OF ELECTIONS THAT AN
26 INVESTIGATION SHALL NOT BE UNDERTAKEN, THE STATE BOARD OF ELECTIONS
27 ENFORCEMENT UNIT SHALL COMMENCE AN INVESTIGATION ON A TIMELY BASIS. IF
28 THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT DETERMINES THAT ADDITIONAL
29 INVESTIGATIVE POWERS, AS PROVIDED FOR IN SUBDIVISIONS FOUR, FIVE AND SIX
30 OF SECTION 3-102 OF THIS TITLE, ARE NEEDED TO COMPLETE ITS INVESTI-
31 GATION, IT SHALL REQUEST SUCH ADDITIONAL POWERS FROM THE STATE BOARD OF
32 ELECTIONS. SUCH POWERS SHALL BE GRANTED BY THE BOARD IN PUBLIC, AS
33 PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE, ONLY WHEN
34 THE BOARD FINDS THAT FURTHER INVESTIGATION IS WARRANTED AND JUSTIFIED.

35 8. AT THE CONCLUSION OF ITS INVESTIGATION, THE STATE BOARD OF
36 ELECTIONS ENFORCEMENT UNIT SHALL PROVIDE THE STATE BOARD OF ELECTIONS
37 WITH A WRITTEN RECOMMENDATION AS TO: (A) WHETHER SUBSTANTIAL REASON
38 EXISTS TO BELIEVE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER HAS
39 OCCURRED AND, IF SO, THE NATURE OF THE VIOLATION, AND THE APPROPRIATE
40 PENALTY, AS DEFINED IN SECTION 14-126 OF THIS CHAPTER, BASED ON THE
41 NATURE OF THE VIOLATION; AND (B) WHETHER A REFERRAL SHOULD BE MADE TO A
42 DISTRICT ATTORNEY OR THE STATE ATTORNEY GENERAL PURSUANT TO SUBDIVISION
43 TEN OF THIS SECTION BECAUSE SUBSTANTIAL REASON EXISTS TO BELIEVE A
44 VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE.

45 9. THE STATE BOARD OF ELECTIONS SHALL ACCEPT, MODIFY OR REJECT THE
46 STATE BOARD OF ELECTIONS ENFORCEMENT UNIT RECOMMENDATION AS PROVIDED IN
47 SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING
48 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW. IN MAKING ITS
49 DETERMINATION, THE BOARD SHALL AGAIN CONSIDER: (A) WHETHER THE COMPLAINT
50 ALLEGES A DE MINIMUS VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; OR
51 (B) WHETHER THE SUBJECT OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO
52 CORRECT THE VIOLATION; OR (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A
53 HISTORY OF SIMILAR VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE VOTED
54 UPON AS PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE AT
55 AN OPEN MEETING PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW,

1 AND SHALL BE MADE ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE
2 STATUS OF THE SUBJECT OF THE COMPLAINT.

3 10. (A) IF THE STATE BOARD OF ELECTIONS CONCLUDES, AS PROVIDED IN
4 SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING
5 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, THAT SUBSTANTIAL
6 REASON EXISTS TO BELIEVE THAT A VIOLATION OF SUBDIVISION ONE OF SECTION
7 14-126 OF THIS CHAPTER HAS OCCURRED, OR (B) IF THE STATE BOARD OF
8 ELECTIONS CONCLUDES, AS PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF
9 THIS TITLE AT AN OPEN MEETING PURSUANT TO ARTICLE SEVEN OF THE PUBLIC
10 OFFICERS LAW, THAT SUBSTANTIAL REASON EXISTS TO BELIEVE THAT A PERSON,
11 ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE UNDER
12 CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW, HAS UNLAWFULLY (I)
13 ACCEPTED A MONETARY CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIMITATION
14 ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, (II) EXPENDED CAMPAIGN
15 FUNDS FOR A PERSONAL USE IN VIOLATION OF SECTION 14-130 OF THIS CHAPTER,
16 OR (III) IN THE CASE OF A POLITICAL COMMITTEE, CONDUCTED ACTIVITIES
17 PROHIBITED BY ARTICLE FOURTEEN OF THIS CHAPTER, WHICH COULD WARRANT A
18 CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION TWO OF SECTION 14-126 OF
19 THIS CHAPTER, THE BOARD SHALL DIRECT THE COMMENCEMENT OF A SPECIAL
20 PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTION 16-120 OF THIS CHAP-
21 TER. IF THE STATE BOARD OF ELECTIONS CONCLUDES, AS PROVIDED IN SUBDIVI-
22 SION FOUR OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING PURSUANT TO
23 ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, THAT SUBSTANTIAL REASON EXISTS
24 TO BELIEVE A VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE,
25 THE BOARD SHALL REFER THE MATTER TO A DISTRICT ATTORNEY OR THE STATE
26 ATTORNEY GENERAL AND SHALL MAKE AVAILABLE TO SUCH DISTRICT ATTORNEY OR
27 THE STATE ATTORNEY GENERAL ALL PAPERS, DOCUMENTS, TESTIMONY AND FINDINGS
28 RELEVANT TO ITS INVESTIGATION.

29 11. UPON NOTIFICATION THAT A SPECIAL PROCEEDING HAS BEEN COMMENCED BY
30 A PARTY OTHER THAN THE STATE BOARD OF ELECTIONS, PURSUANT TO SECTION
31 16-114 OF THIS CHAPTER, THE STATE BOARD OF ELECTIONS SHALL DIRECT THE
32 STATE BOARD OF ELECTIONS ENFORCEMENT UNIT TO INVESTIGATE THE ALLEGED
33 VIOLATIONS UNLESS OTHERWISE DIRECTED BY THE COURT.

34 12. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE RULES AND REGU-
35 LATIONS CONSISTENT WITH LAW TO EFFECTUATE THE PROVISIONS OF THIS
36 SECTION.

37 S 6. The election law is amended by adding a new section 3-111 to read
38 as follows:

39 S 3-111. PERSONAL USE OF CAMPAIGN FUNDS. 1. UPON WRITTEN REQUEST FROM
40 ANY PERSON WHO IS SUBJECT TO THE REQUIREMENTS OF SECTION 14-130 OF THIS
41 CHAPTER, THE STATE BOARD OF ELECTIONS SHALL RENDER FORMAL OPINIONS ON
42 THE REQUIREMENTS OF SAID SECTION. AN OPINION RENDERED BY THE BOARD,
43 UNTIL AND UNLESS AMENDED OR REVOKED, SHALL BE BINDING ON THE BOARD IN
44 ANY SUBSEQUENT PROCEEDING CONCERNING THE PERSON WHO REQUESTED THE OPIN-
45 ION AND WHO ACTED IN GOOD FAITH, UNLESS MATERIAL FACTS WERE OMITTED OR
46 MISSTATED BY THE PERSON IN THE REQUEST FOR AN OPINION. SUCH OPINION MAY
47 ALSO BE RELIED UPON BY SUCH PERSON, AND MAY BE INTRODUCED AND SHALL BE A
48 DEFENSE IN ANY CRIMINAL OR CIVIL ACTION. SUCH REQUEST SHALL BE CONFIDEN-
49 TIAL, BUT THE BOARD SHALL PUBLISH SUCH OPINIONS PROVIDED THAT THE NAME
50 OF THE REQUESTING PERSON AND OTHER IDENTIFYING DETAILS SHALL NOT BE
51 INCLUDED IN THE PUBLICATION.

52 2. THE BOARD MAY, UPON A WRITTEN REQUEST INVOLVING THE SAME FACTS
53 ADDRESSED IN A PRIOR FORMAL OPINION, ISSUE A WRITTEN STATEMENT DIRECTING
54 THAT THE PRIOR FORMAL OPINION MAY BE RELIED UPON IN THE SAME MANNER AS
55 PROVIDED IN SUBDIVISION ONE OF THIS SECTION.

1 S 7. The election law is amended by adding a new section 3-228 to read
2 as follows:

3 S 3-228. STATE BOARD OF ELECTIONS WEBSITE; PUBLIC ACCESS. EVERY BOARD
4 OF ELECTIONS SHALL MAKE AT LEAST ONE COMPUTER AVAILABLE TO THE PUBLIC,
5 INCLUDING CANDIDATES FOR PUBLIC OFFICE OR PARTY POSITION, FOR THE
6 PURPOSE OF ACCESSING THE STATE BOARD OF ELECTIONS WEBSITE. SUCH ACCESS
7 SHALL ALLOW CANDIDATES TO FILE THEIR STATEMENTS OF CAMPAIGN RECEIPTS,
8 CONTRIBUTIONS, TRANSFERS AND EXPENDITURES AS REQUIRED BY SECTION 14-110
9 OF THIS CHAPTER.

10 S 8. Subdivision 1 of section 14-100 of the election law, as amended
11 by chapter 71 of the laws of 1988, is amended and six new subdivisions
12 12, 13, 14, 15, 16 and 17 are added to read as follows:

13 1. "political committee" means any corporation aiding or promoting and
14 any committee, political club or combination of one or more persons
15 operating or co-operating to aid or to promote the success or defeat of
16 a political party or principle, or of any ballot proposal; or to aid or
17 take part in the election or defeat of a candidate for public office or
18 to aid or take part in the election or defeat of a candidate for nomi-
19 nation at a primary election or convention, including all proceedings
20 prior to such primary election, or of a candidate for any party position
21 voted for at a primary election, or to aid or defeat the nomination by
22 petition of an independent candidate for public office; OR ANY POLITICAL
23 ACTION COMMITTEE ESTABLISHED, FINANCED, MAINTAINED OR CONTROLLED BY ANY
24 CORPORATION, LABOR ORGANIZATION, OR ANY OTHER PERSON; but nothing in
25 this article shall apply to any committee or organization for the
26 discussion or advancement of political questions or principles without
27 connection with any vote or to a national committee organized for the
28 election of presidential or vice-presidential candidates; provided,
29 however, that a person or corporation making a contribution or contrib-
30 utions to a candidate or a political committee which has filed pursuant
31 to section 14-118 OF THIS ARTICLE shall not, by that fact alone, be
32 deemed to be a political committee as herein defined.

33 12. "CANDIDATE FOR LOCAL PUBLIC OFFICE" MEANS A CANDIDATE FOR ANY
34 PUBLIC OFFICE OTHER THAN: (A) A PUBLIC OFFICE TO BE VOTED ON BY THE
35 VOTERS OF THE ENTIRE STATE; (B) STATE SENATOR; OR (C) MEMBER OF THE
36 ASSEMBLY.

37 13. "CANDIDATE FOR STATE PUBLIC OFFICE" MEANS A CANDIDATE FOR: (A) A
38 PUBLIC OFFICE TO BE VOTED ON BY THE VOTERS OF THE ENTIRE STATE; (B)
39 STATE SENATOR; OR (C) MEMBER OF THE ASSEMBLY.

40 14. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH
41 EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES
42 EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR
43 EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR
44 CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDI-
45 TIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCI-
46 DENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE,
47 EACH PARENT NATIONAL OR INTERNATIONAL ORGANIZATION OF A STATEWIDE LABOR
48 ORGANIZATION, AND EACH STATEWIDE FEDERATION RECEIVING DUES FROM SUBSID-
49 IARY LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE LABOR ORGANIZA-
50 TION.

51 15. "BUSINESS DEALINGS WITH THE STATE" MEANS ANY CONTRACT, AS SUCH
52 TERM IS DEFINED IN SUBDIVISION SIXTEEN OF THIS SECTION, WHICH IS FOR THE
53 PROCUREMENT OF GOODS, SERVICES OR CONSTRUCTION THAT IS ENTERED INTO OR
54 IN EFFECT WITH THE STATE OR ANY AGENCY OR ENTITY OF THE STATE; OR (A)
55 ANY ACQUISITION OR DISPOSITION OF REAL PROPERTY WITH THE STATE OR ANY

1 AGENCY OR ENTITY OF THE STATE; OR (B) ANY CONCESSION OR ANY FRANCHISE
2 FROM THE STATE OR ANY AGENCY OR ENTITY OF THE STATE.

3 16. "CONTRACT" MEANS ANY AGREEMENT BETWEEN AN AGENCY, THE STATE OR
4 AGENCY OR ENTITY OF THE STATE OR ELECTED OFFICIAL AND A CONTRACTOR, OR
5 ANY AGREEMENT BETWEEN SUCH A CONTRACTOR AND A SUBCONTRACTOR, WHICH (A)
6 IS FOR THE PROVISION OF GOODS, SERVICES OR CONSTRUCTION AND HAS A VALUE
7 THAT WHEN AGGREGATED WITH THE VALUES OF ALL OTHER SUCH AGREEMENTS WITH
8 THE SAME CONTRACTOR OR SUBCONTRACTOR AND ANY FRANCHISES OR CONCESSIONS
9 AWARDED TO SUCH CONTRACTOR OR SUBCONTRACTOR DURING THE IMMEDIATELY
10 PRECEDING TWELVE-MONTH PERIOD IS VALUED AT ONE HUNDRED THOUSAND DOLLARS
11 OR MORE; OR (B) IS FOR THE PROVISION OF GOODS, SERVICES OR CONSTRUCTION,
12 IS AWARDED TO A SOLE SOURCE AND IS VALUED AT TEN THOUSAND DOLLARS OR
13 MORE; OR (C) IS A CONCESSION AND HAS A VALUE THAT WHEN AGGREGATED WITH
14 THE VALUE OF ALL OTHER CONTRACTS HELD BY THE SAME CONCESSIONAIRE IS
15 VALUED AT ONE HUNDRED THOUSAND DOLLARS OR MORE; OR (D) IS A FRANCHISE.

16 17. "DOING BUSINESS DATABASE" MEANS A COMPUTERIZED DATABASE ACCESSIBLE
17 TO THE BOARD THAT CONTAINS THE NAMES OF PERSONS WHO HAVE BUSINESS DEAL-
18 INGS WITH THE STATE. SUCH DATABASE SHALL BE DEVELOPED, MAINTAINED AND
19 UPDATED BY THE BOARD OF ELECTIONS IN A MANNER SO AS TO ENSURE ITS
20 REASONABLE ACCURACY AND COMPLETENESS; PROVIDED, HOWEVER, THAT IN NO
21 EVENT SHALL SUCH DATABASE BE UPDATED LESS FREQUENTLY THAN ONCE A MONTH.
22 SUCH COMPUTERIZED DATABASE SHALL CONTAIN A FUNCTION TO ENABLE MEMBERS OF
23 THE PUBLIC TO DETERMINE IF A GIVEN PERSON IS IN THE DATABASE BECAUSE
24 SUCH PERSON HAS BUSINESS DEALINGS WITH THE STATE. FOR PURPOSES OF THIS
25 SUBDIVISION, THE TERM "PERSON" SHALL INCLUDE AN ENTITY THAT HAS BUSINESS
26 DEALINGS WITH THE STATE, ANY CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL
27 OFFICER AND/OR CHIEF OPERATING OFFICER OF SUCH ENTITY OR PERSONS SERVING
28 IN AN EQUIVALENT CAPACITY, ANY PERSON EMPLOYED IN A SENIOR MANAGERIAL
29 CAPACITY REGARDING SUCH ENTITY, OR ANY PERSON WITH AN INTEREST IN SUCH
30 ENTITY WHICH EXCEEDS TEN PERCENT OF THE ENTITY. FOR PURPOSES OF THIS
31 SUBDIVISION, THE TERM "SENIOR MANAGERIAL CAPACITY" SHALL MEAN A HIGH
32 LEVEL SUPERVISORY CAPACITY, EITHER BY VIRTUE OF TITLE OR DUTIES, IN
33 WHICH SUBSTANTIAL DISCRETION AND OVERSIGHT IS EXERCISED OVER THE SOLIC-
34 ITATION, LETTING OR ADMINISTRATION OF BUSINESS TRANSACTIONS WITH THE
35 STATE, INCLUDING CONTRACTS, FRANCHISES, CONCESSIONS, GRANTS, ECONOMIC
36 DEVELOPMENT AGREEMENTS AND APPLICATIONS FOR LAND USE APPROVALS.

37 S 9. Subdivisions 1, 3 and 4 of section 14-102 of the election law,
38 subdivisions 1 and 3 as amended by chapter 8 of the laws of 1978, subdivi-
39 sion 1 as redesignated by chapter 9 of the laws of 1978, subdivision 3
40 as renumbered by chapter 70 of the laws of 1983 and subdivision 4 as
41 amended by chapter 406 of the laws of 2005, are amended to read as
42 follows:

43 1. The treasurer of every political committee which, or any officer,
44 member or agent of any such committee who, in connection with any
45 election, receives or expends any money or other [valuable thing] ITEM
46 OF VALUE or incurs any liability to pay money or its equivalent shall
47 file statements sworn, or subscribed and bearing a form notice that
48 false statements made therein are punishable as a class A misdemeanor
49 pursuant to section 210.45 of the penal law, at the times prescribed by
50 this article setting forth all the receipts, contributions to and the
51 expenditures by and liabilities of the committee, and of its officers,
52 members and agents in its behalf. Such statements shall include the
53 dollar amount of any receipt, contribution or transfer, or the fair
54 market value of any receipt, contribution or transfer, which is other
55 than of money, the name [and], address AND OCCUPATION of the transferor,
56 contributor or person from whom received, OTHER THAN IN THE REGULAR

1 COURSE OF A LENDER'S BUSINESS, THE NAME AND ADDRESS OF SUCH PERSON'S
2 EMPLOYER, AND BUSINESS ADDRESS OF EACH INDIVIDUAL, POLITICAL COMMITTEE
3 OR OTHER ENTITY MAKING SUCH CONTRIBUTION, OR ANY LOAN, GUARANTEE, OR
4 OTHER SECURITY FOR SUCH A LOAN and if the transferor, contributor or
5 person is a political committee; the name of and the political unit
6 represented by the committee, the date of its receipt, the dollar amount
7 of every expenditure, the name and address of the person to whom it was
8 made or the name of and the political unit represented by the committee
9 to which it was made and the date thereof, and shall state clearly the
10 purpose of such expenditure. IF ANY ONE EXPENDITURE IS MADE FOR MORE
11 THAN ONE PURPOSE, OR AS PAYMENT FOR GOODS OR SERVICES SUPPLIED BY MORE
12 THAN ONE SUPPLIER, SUCH STATEMENT SHALL SET FORTH SEPARATELY EACH SUCH
13 PURPOSE OR SUPPLIER AND THE AMOUNT EXPENDED FOR EACH SUCH PURPOSE OR TO
14 EACH SUCH SUPPLIER. Any statement reporting a loan shall have attached
15 to it a copy of the evidence of indebtedness. Expenditures in sums
16 under fifty dollars need not be specifically accounted for by separate
17 items in said statements, and receipts and contributions aggregating not
18 more than ninety-nine dollars, from any one contributor need not be
19 specifically accounted for by separate items in said statements,
20 provided however, that such expenditures, receipts and contributions
21 shall be subject to the other provisions of section 14-118 of this arti-
22 cle.

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

29 4. Any committee which is required to file statements with [any] THE
30 STATE board of elections pursuant to this article and which raises or
31 spends or expects to raise or spend more than one thousand dollars in
32 any calendar year shall file all such statements pursuant to the elec-
33 tronic reporting system prescribed by the state board of elections as
34 set forth in subdivision nine-A of section 3-102 of this chapter.
35 Notwithstanding the provisions of this subdivision, upon the filing of a
36 sworn statement by the treasurer of a political committee which states
37 that such political committee does not have access to the technology
38 necessary to comply with the electronic filing requirements of subdivi-
39 sion nine-A of section 3-102 of this chapter and that filing by such
40 means would constitute a substantial hardship for such political commit-
41 tee, the state board of elections may issue an exemption from the elec-
42 tronic filing requirements of this article.

43 S 10. Subdivision 5 of section 14-102 of the election law is REPEALED.

44 S 11. Subdivisions 1 and 2 of section 14-104 of the election law,
45 subdivision 1 as amended by chapter 430 of the laws of 1997 and subdivi-
46 sion 2 as amended by chapter 406 of the laws of 2005, are amended to
47 read as follows:

48 1. Any candidate for election to public office, or for nomination for
49 public office at a contested primary election or convention, or for
50 election to a party position at a primary election, shall file state-
51 ments sworn, or subscribed and bearing a form notice that false state-
52 ments made therein are punishable as a class A misdemeanor pursuant to
53 section 210.45 of the penal law, at the times prescribed by this article
54 setting forth the particulars specified by section 14-102 of this arti-
55 cle, as to all moneys or other valuable things, paid, given, expended or
56 promised by him OR HER to aid his OR HER own nomination or election, or

1 to promote the success or defeat of a political party, or to aid or
2 influence the nomination or election or the defeat of any other candi-
3 date to be voted for at the election or primary election or at a conven-
4 tion, including contributions to political committees, officers, members
5 or agents thereof, and transfers, receipts and contributions to him OR
6 HER to be used for any of the purposes above specified, or in lieu ther-
7 eof, any such candidate may file such a sworn statement at the first
8 filing period, on a form prescribed by the state board of elections that
9 such candidate has made no such expenditures and does not intend to make
10 any such expenditures, except through a political committee authorized
11 by such candidate pursuant to this article. A committee authorized by
12 such a candidate may fulfill all of the filing requirements of this
13 [act] ARTICLE on behalf of such candidate.

14 2. Statements filed by any political committee authorized by a candi-
15 date pursuant to this article which is required to file such statements
16 with [any] THE STATE board of elections and which raises or spends or
17 expects to raise or spend more than one thousand dollars in any calendar
18 year shall file all such statements pursuant to the electronic reporting
19 system prescribed by the state board of elections as set forth in subdivi-
20 sion nine-A of section 3-102 of this chapter. Notwithstanding the
21 provisions of this subdivision, upon the filing of a sworn statement by
22 the treasurer of a political committee authorized by a candidate pursu-
23 ant to this article which states that such committee does not have
24 access to the technology necessary to comply with the electronic filing
25 requirements of subdivision nine-A of section 3-102 of this chapter and
26 that filing by such means would constitute a substantial hardship for
27 such committee, the state board of elections may issue an exemption from
28 the electronic filing requirements of this article.

29 S 12. Subdivision 3 of section 14-104 of the election law is REPEALED.

30 S 13. Section 14-106 of the election law, as amended by chapter 8 of
31 the laws of 1978, is amended to read as follows:

32 S 14-106. Political [advertisements and literature] COMMUNICATION;
33 FILING AND IDENTIFICATION. 1. The statements required to be filed under
34 the provisions of this article next succeeding a primary, general or
35 special election shall be accompanied by a facsimile or copy of all
36 advertisements, pamphlets, circulars, flyers, brochures, letterheads and
37 other printed matter purchased or produced [and], a schedule of all
38 radio or television time, and scripts used therein, SCRIPTS OF TELEPHON-
39 IC CALLS, AND REPRODUCTIONS OF STATEMENTS OR INFORMATION CONVEYED BY
40 COMPUTER OR OTHER ELECTRONIC DEVICE TO FIVE HUNDRED OR MORE RECIPIENTS
41 purchased in connection with such election by or under the authority of
42 the person filing the statement or the committee or the person on whose
43 behalf it is filed, as the case may be. Such facsimiles, copies, sched-
44 ules and scripts shall be preserved by the officer with whom or the
45 board with which it is required to be filed for a period of one year
46 from the date of filing thereof.

47 2. WHENEVER ANY PERSON MAKES AN EXPENDITURE THAT COSTS MORE THAN ONE
48 THOUSAND DOLLARS IN AGGREGATE FOR THE PURPOSE OF FINANCING, OR OTHERWISE
49 PUBLISHES OR DISTRIBUTES, COMMUNICATIONS EXPRESSLY ADVOCATING THE
50 ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE OR THE APPROVAL OR
51 DISAPPROVAL OF A BALLOT PROPOSAL, SUCH COMMUNICATION:

52 (A) IF PAID FOR AND AUTHORIZED BY A CANDIDATE, AN AUTHORIZED POLITICAL
53 COMMITTEE OF A CANDIDATE, OR ITS AGENTS, SHALL CLEARLY STATE THAT THE
54 COMMUNICATION HAS BEEN PAID FOR BY SUCH CANDIDATE, AUTHORIZED POLITICAL
55 COMMITTEE, OR AGENT; OR

(B) IF PAID FOR BY OTHER PERSONS BUT AUTHORIZED BY A CANDIDATE, AN AUTHORIZED POLITICAL COMMITTEE OF A CANDIDATE, OR ITS AGENTS, SHALL CLEARLY STATE THAT THE COMMUNICATION IS PAID FOR BY SUCH OTHER PERSONS AND AUTHORIZED BY SUCH CANDIDATE, AUTHORIZED POLITICAL COMMITTEE, OR AGENT.

(C) FOR PURPOSES OF THIS SUBDIVISION, THE TERM "PERSON" INCLUDES AN INDIVIDUAL OR ANY OTHER ORGANIZATION OR GROUP OF PERSONS.

3. WHENEVER ANY POLITICAL COMMITTEE MAKES AN EXPENDITURE THAT COSTS MORE THAN ONE THOUSAND DOLLARS IN AGGREGATE FOR THE PURPOSE OF FINANCING, OR OTHERWISE PUBLISHES OR DISTRIBUTES, COMMUNICATIONS EXPRESSLY ADVOCATING, THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE OR THE APPROVAL OR DISAPPROVAL OF A BALLOT PROPOSAL AND SUCH COMMUNICATION IS NOT AUTHORIZED BY A CANDIDATE, AN AUTHORIZED POLITICAL COMMITTEE OF A CANDIDATE, OR ITS AGENTS, SUCH COMMUNICATION SHALL CLEARLY STATE THE NAME OF THE POLITICAL COMMITTEE WHO PAID FOR, OR OTHERWISE PUBLISHED OR DISTRIBUTED, THE COMMUNICATION AND STATE, WITH RESPECT TO COMMUNICATIONS REGARDING CANDIDATES, THAT THE COMMUNICATION IS NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE.

4. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) THE TERM "CLEARLY IDENTIFIED" MEANS THAT:

(I) THE NAME OF THE CANDIDATE INVOLVED APPEARS;

(II) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR

(III) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFERENCE.

(B) THE TERM "COMMUNICATION" INCLUDES ANY ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS OR OTHER PRINTED MATTER, RADIO OR TELEVISION BROADCASTS, TELEPHONIC CALLS AND STATEMENTS OR INFORMATION CONVEYED BY COMPUTER OR OTHER ELECTRONIC DEVICES TO FIVE HUNDRED OR MORE RECIPIENTS.

5. A KNOWING AND WILLFUL VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A CLASS A MISDEMEANOR.

S 13-a. The election law is amended by adding a new section 14-107 to read as follows:

S 14-107. INDEPENDENT EXPENDITURE REPORTING. 1. FOR PURPOSES OF THIS ARTICLE:

A. "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE BY A PERSON OR ENTITY WHICH: (I) EXPRESSLY ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE, AND (II) THAT IS NOT MADE IN CONCERT OR COOPERATION WITH OR AT THE REQUEST OR SUGGESTION OF SUCH CANDIDATE, THE CANDIDATE'S COMMITTEE OR THEIR AGENTS, OR A POLITICAL PARTY COMMITTEE OR ITS AGENTS.

B. "ELECTIONEERING COMMUNICATION" MEANS ANY BROADCAST, CABLE OR SATELLITE COMMUNICATION WHICH REFERS TO A CLEARLY IDENTIFIED CANDIDATE FOR STATE OR LOCAL OFFICE MADE WITHIN SIXTY DAYS BEFORE A GENERAL ELECTION OR THIRTY DAYS BEFORE A PRIMARY OR SPECIAL ELECTION WHICH PROMOTES OR SUPPORTS A CANDIDATE FOR AN OFFICE OR ATTACKS OR OPPOSES A CANDIDATE FOR THAT OFFICE (REGARDLESS OF WHETHER THE COMMUNICATION EXPRESSLY ADVOCATES A VOTE FOR OR AGAINST A CANDIDATE) AND WHICH IS SUGGESTIVE OF NO PLAUSIBLE MEANING OTHER THAN AN EXHORTATION TO VOTE FOR OR AGAINST A SPECIFIC CANDIDATE. AN "ELECTIONEERING COMMUNICATION" DOES NOT INCLUDE:

(I) A COMMUNICATION APPEARING IN A NEWS STORY, COMMENTARY, OR EDITORIAL DISTRIBUTED THROUGH THE FACILITIES OF ANY BROADCASTING STATION, UNLESS SUCH FACILITIES ARE OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL COMMITTEE OR CANDIDATE;

1 (II) A COMMUNICATION THAT CONSTITUTES AN EXPENDITURE MADE BY AN ENTITY
2 REQUIRED TO REPORT SUCH EXPENDITURE WITH THE STATE BOARD OF ELECTIONS;

3 (III) A COMMUNICATION THAT CONSTITUTES A CANDIDATE DEBATE OR FORUM;

4 (IV) ANY OTHER COMMUNICATION WHICH HAS NO ELECTIONEERING PURPOSE OF
5 EFFECT EXEMPTED UNDER REGULATIONS PROMULGATED BY THE STATE BOARD OF
6 ELECTIONS; AND

7 (V) A COMMUNICATION THAT DOES NOT REACH FIFTY THOUSAND PERSONS OR
8 POTENTIALLY REACH FIFTEEN PERCENT OF THE HOUSEHOLDS IN THE JURISDICTION
9 IN WHICH THE CANDIDATE IS SEEKING AN OFFICE OR IN WHICH THERE IS A
10 BALLOT PROPOSAL, WHICHEVER IS LESS.

11 2. ANY PERSON OR ENTITY WHICH MAKES INDEPENDENT EXPENDITURES OR ELEC-
12 TIONEERING COMMUNICATIONS THAT COST MORE THAN ONE THOUSAND DOLLARS IN
13 AGGREGATE, SHALL REPORT SUCH INDEPENDENT EXPENDITURES AND ELECTIONEERING
14 COMMUNICATIONS AND THE EXPENDITURES THEREFOR TO THE STATE BOARD OF
15 ELECTIONS ON STATEMENTS AS PROVIDED FOR IN SECTION 14-108 OF THIS ARTI-
16 CLE. ANY INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION MADE
17 AFTER THE CLOSE OF THE PERIOD TO BE COVERED IN THE LAST STATEMENT FILED
18 BEFORE ANY PRIMARY, GENERAL OR SPECIAL ELECTION BUT BEFORE SUCH
19 ELECTION, SHALL BE REPORTED WITHIN TWENTY-FOUR HOURS AFTER BEING
20 CONDUCTED.

21 3. EACH SUCH STATEMENT SHALL INCLUDE THE DOLLAR AMOUNT OF EACH GIFT,
22 SUBSCRIPTION, OUTSTANDING LOAN, ADVANCE, OR DEPOSIT OF MONEY OR ANY
23 THING OF VALUE, INCLUDING SERVICES, RELATED TO INDEPENDENT EXPENDITURES
24 OR ELECTIONEERING COMMUNICATIONS, AS WELL AS THE NAME AND ADDRESS OF THE
25 PERSON OR ENTITY PROVIDING SUCH AND THE DATE OF SAME.

26 4. EACH SUCH STATEMENT SHALL INCLUDE THE DOLLAR AMOUNT OF EACH EXPEND-
27 ITURE RELATED TO INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNI-
28 CATIONS, AS WELL AS THE NAME AND ADDRESS OF THE PERSON OR ENTITY TO
29 WHICH SUCH EXPENDITURE IS MADE, THE DATE OF THE EXPENDITURE AND THE
30 PURPOSE OF SUCH EXPENDITURE.

31 5. ANY STATEMENT REPORTING A LOAN SHALL CONTAIN THE SAME INFORMATION
32 AS IF IT WERE AN EXPENDITURE, RECEIPT OR THING OF VALUE. IT SHALL ALSO
33 PROVIDE EVIDENCE OF THE INDEBTEDNESS.

34 6. NOTWITHSTANDING SECTION 14-106 OF THIS ARTICLE, EVERY SUCH STATE-
35 MENT REPORTED PURSUANT TO SUBDIVISION TWO OF THIS SECTION SHALL BE
36 ACCOMPANIED BY A FACSIMILE OR COPY OF ALL MATERIALS RELATED TO THE INDE-
37 PENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATIONS TO BE REPORTED,
38 INCLUDING, BUT NOT LIMITED TO, ADVERTISEMENTS, PAMPHLETS, CIRCULARS,
39 FLYERS, BROCHURES OR ANY OTHER PRINTED MATERIAL PURCHASED OR PRODUCED, A
40 SCHEDULE OF ALL RADIO OR TELEVISION TIME, SCRIPTS USED THEREIN, AND A
41 TRUE AND AUTHENTIC COPY OF THE ELECTIONEERING COMMUNICATION AIRED,
42 BROADCAST OR OTHERWISE DISSEMINATED. EACH POST-ELECTION STATEMENT FILED
43 PURSUANT TO SUBDIVISION TWO OF THIS SECTION SHALL CONTAIN ALL SUCH MATE-
44 RIALS LISTED IN THIS SUBDIVISION FOR THE ELECTION TO WHICH IT PERTAINS.

45 7. SUCH STATEMENTS SHALL ALSO CONTAIN THE FOLLOWING INFORMATION:

46 A. THE ELECTIONS TO WHICH THE INDEPENDENT EXPENDITURE OR ELECTIONEER-
47 ING COMMUNICATIONS PERTAIN AND THE NAMES (IF KNOWN) OF THE CANDIDATES OR
48 POLITICAL PARTY IDENTIFIED OR TO BE IDENTIFIED;

49 B. IF THE DISBURSEMENTS WERE PAID OUT OF A SEGREGATED BANK ACCOUNT
50 WHICH CONSISTS OF FUNDS CONTRIBUTED DIRECTLY TO THIS ACCOUNT FOR INDE-
51 PENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATIONS, THE NAMES AND
52 ADDRESSES OF ALL CONTRIBUTORS WHO CONTRIBUTED AN AGGREGATE AMOUNT OF ONE
53 HUNDRED DOLLARS OR MORE TO THAT ACCOUNT DURING THE PERIOD BEGINNING ON
54 THE FIRST DAY OF THE PRECEDING CALENDAR YEAR AND ENDING ON THE DISCLO-
55 SURE DATE; AND

1 C. IF THE DISBURSEMENTS WERE PAID OUT OF FUNDS NOT DESCRIBED IN PARA-
2 GRAPH B OF THIS SUBDIVISION, THE NAMES AND ADDRESSES OF ALL CONTRIBUTORS
3 WHO CONTRIBUTED AN AGGREGATE AMOUNT OF ONE HUNDRED DOLLARS OR MORE TO
4 THE PERSON MAKING THE DISBURSEMENT DURING THE PERIOD BEGINNING ON THE
5 FIRST DAY OF THE PRECEDING CALENDAR YEAR AND ENDING ON THE DISCLOSURE
6 DATE.

7 8. FOR PURPOSES OF THIS SECTION, AN EXPENDITURE SHALL BE TREATED AS
8 HAVING BEEN MADE UPON THE EXECUTION OF A CONTRACT TO MAKE THE EXPENDI-
9 TURE.

10 9. EVERY STATEMENT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL
11 BE FILED BY ELECTRONIC REPORTING PROCESS TO THE STATE BOARD OF
12 ELECTIONS.

13 10. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE REGULATIONS WITH
14 RESPECT TO THE STATEMENTS REQUIRED TO BE FILED BY THIS SECTION AND SHALL
15 PROVIDE FORMS SUITABLE FOR SUCH STATEMENTS.

16 S 14. Subdivision 1 of section 14-108 of the election law, as amended
17 by chapter 955 of the laws of 1983, is amended to read as follows:

18 1. The statements required by this article shall be filed at such
19 times as the state board of elections, by rule or regulation, shall
20 specify; provided, however, that in no event shall the board provide for
21 fewer than three filings in the aggregate in connection with any prima-
22 ry, general or special election, or in connection with a question to be
23 voted on and two of said filings shall be before any such election,
24 including one such filing not less than thirty days nor more than
25 forty-five days prior to such election and one such filing not less than
26 eleven days nor more than fifteen days prior to such election. In addi-
27 tion, the board shall provide that every political committee which has
28 filed a statement of treasurer and depository shall make [at least] one
29 filing [every six months between the time such statement of treasurer
30 and depository is filed and the time such committee goes out of busi-
31 ness] ON JANUARY THIRTY-FIRST, ONE FILING ON APRIL THIRTIETH AND ONE
32 FILING ON JULY THIRTY-FIRST OF EACH YEAR. If any candidate or committee
33 shall be required by the provisions of this section, or by rule or regu-
34 lation hereunder, to effect two filings within a period of five days,
35 the state board of elections may, by rule or regulation, waive the
36 requirement of filing the earlier of such statements. If a statement
37 filed by a candidate or committee after the election to which it
38 pertains is not a final statement showing satisfaction of all liabil-
39 ities and disposition of all assets, such candidate or committee shall
40 file such additional statements as the board shall, by rule or regu-
41 lation provide until such a final statement is filed.

42 S 15. Subdivision 6 of section 14-108 of the election law, as amended
43 by chapter 323 of the laws of 1977 and as redesignated by chapter 9 of
44 the laws of 1978, is amended and a new subdivision 8 is added to read as
45 follows:

46 6. [A] ALL STATEMENTS REQUIRED TO BE FILED DURING THE PERIOD OF
47 FIFTEEN DAYS BEFORE ANY ELECTION SHALL BE FILED ELECTRONICALLY;
48 PROVIDED, HOWEVER ANY CANDIDATE OR COMMITTEE THAT HAS BEEN GRANTED AN
49 EXEMPTION FROM ELECTRONIC FILING BY THE STATE BOARD OF ELECTIONS SHALL
50 FILE SUCH STATEMENTS BY GUARANTEED OVERNIGHT DELIVERY THROUGH THE UNITED
51 STATES POSTAL SERVICE, OR SOME OTHER OVERNIGHT DELIVERY SERVICE. SUCH A
52 statement SENT BY GUARANTEED OVERNIGHT DELIVERY shall be deemed properly
53 filed when deposited [in an established post-office within the
54 prescribed time, duly stamped, certified and directed to the officer
55 with whom or to the board with which the statement is required to be
56 filed] WITH THE UNITED STATES POSTAL SERVICE OR OTHER OVERNIGHT DELIVERY

1 SERVICE, but in the event it is not received, a duplicate of such state-
2 ment shall be promptly filed upon notice by [such officer or such] THE
3 STATE board of its non-receipt.

4 8. IN THE CASE OF AN UNEXPECTED EXTREME HARDSHIP NOT IN THE CONTROL OF
5 A PERSON REQUIRED TO FILE STATEMENTS REQUIRED BY THIS ARTICLE, SUCH
6 PERSON MAY SUBMIT A WRITTEN REQUEST FOR A WAIVER OF THE STATUTORY DEAD-
7 LINE FOR SUCH FILING FROM THE STATE BOARD OF ELECTIONS PRIOR TO SUCH
8 DEADLINE. ANY WAIVER GRANTED PURSUANT TO THIS SUBDIVISION SHALL BE
9 LIMITED TO NO MORE THAN TEN DAYS.

10 S 16. Section 14-110 of the election law is REPEALED and a new section
11 14-110 is added to read as follows:

12 S 14-110. PLACE FOR FILING STATEMENTS. ALL STATEMENTS REQUIRED BY THIS
13 ARTICLE SHALL BE FILED WITH THE STATE BOARD OF ELECTIONS.

14 S 17. Section 14-112 of the election law, as amended by chapter 930 of
15 the laws of 1981, is amended to read as follows:

16 S 14-112. [Political] AUTHORIZED COMMITTEE; POLITICAL committee
17 authorization statement. 1. Any political committee aiding or taking
18 part in the election or nomination of any candidate, other than by
19 making contributions, shall file, [in the office in which the statements
20 of such committee are to be filed pursuant to this article] WITH THE
21 STATE BOARD OF ELECTIONS, either a sworn verified statement by the trea-
22 surer of such committee AND THE CANDIDATE that [the] SUCH candidate has
23 authorized the political committee to aid or take part in his OR HER
24 election or A SWORN VERIFIED STATEMENT BY THE TREASURER OF SUCH COMMIT-
25 TEE that the candidate has not authorized the committee to aid or take
26 part in his OR HER election.

27 2. NO CANDIDATE MAY AUTHORIZE MORE THAN TWO POLITICAL COMMITTEES FOR
28 ANY ONE PUBLIC OFFICE OR PARTY POSITION IN A PARTICULAR ELECTION. ANY
29 CANDIDATE WHO, ON JANUARY FIRST, TWO THOUSAND ELEVEN, HAS AUTHORIZED
30 MORE THAN TWO POLITICAL COMMITTEES FOR ANY ONE PUBLIC OFFICE OR PARTY
31 POSITION IN A PARTICULAR ELECTION SHALL, NOT LATER THAN THIRTY DAYS
32 AFTER SAID DATE, CLOSE ALL BUT TWO OF SUCH COMMITTEES AND TRANSFER
33 EXISTING FUNDS TO SUCH CANDIDATE'S REMAINING COMMITTEE OR COMMITTEES FOR
34 THE SAME PUBLIC OFFICE OR PARTY POSITION IN A PARTICULAR ELECTION. THIS
35 SUBDIVISION SHALL NOT APPLY TO THE AUTHORIZATION OF AN EXPLORATORY
36 COMMITTEE BY AN ELECTED PUBLIC OFFICIAL. A MULTI-CANDIDATE COMMITTEE MAY
37 NOT BE AN AUTHORIZED COMMITTEE.

38 3. NO INDIVIDUAL OR ENTITY, INCLUDING BUT NOT LIMITED TO, A CORPO-
39 RATION, LIMITED LIABILITY COMPANY, PROFESSIONAL LIMITED LIABILITY COMPA-
40 NY, PARTNERSHIP OR LABOR ORGANIZATION, MAY AUTHORIZE OR DESIGNATE MORE
41 THAN ONE POLITICAL ACTION COMMITTEE. ANY INDIVIDUAL OR ENTITY, INCLUD-
42 ING BUT NOT LIMITED TO, A CORPORATION, LIMITED LIABILITY COMPANY,
43 PROFESSIONAL LIMITED LIABILITY COMPANY, PARTNERSHIP OR LABOR ORGANIZA-
44 TION, THAT, ON JANUARY FIRST, TWO THOUSAND ELEVEN, HAS AUTHORIZED OR
45 DESIGNATED MORE THAN ONE POLITICAL ACTION COMMITTEE SHALL, NOT LATER
46 THAN THIRTY DAYS AFTER SAID DATE, CLOSE ALL BUT ONE POLITICAL ACTION
47 COMMITTEE AND TRANSFER EXISTING FUNDS TO THE REMAINING COMMITTEE. NO
48 INDIVIDUAL MAY SERVE AS THE TREASURER OF, OR BE AUTHORIZED TO EXPEND
49 FUNDS ON BEHALF OF, MORE THAN ONE POLITICAL ACTION COMMITTEE.

50 S 18. Subdivision 1 of section 14-114 of the election law, as amended
51 by chapter 79 of the laws of 1992, paragraphs a and b as amended by
52 chapter 659 of the laws of 1994, is amended to read as follows:

53 1. The following limitations apply to all contributions to candidates
54 for election to any public office or for nomination for any such office,
55 INCLUDING AN UNOPPOSED NOMINATION, or for election to any party posi-
56 tions, and to all contributions to political committees working directly

1 or indirectly with any candidate to aid or participate in such candi-
2 date's nomination or election[, other than any contributions to any
3 party committee or constituted committee]:

4 a. In any election for (I) a public office to be voted on by the
5 voters of the entire state, (II) A STATE SENATOR, OR (III) A MEMBER OF
6 THE ASSEMBLY, or for nomination to any such office, INCLUDING AN UNOP-
7 POSED NOMINATION, no contributor may make a contribution to any candi-
8 date or political committee, and no candidate or political committee may
9 accept any contribution from any contributor, which is in the aggregate
10 amount greater than[: (i) in the case of any nomination to public
11 office, the product of the total number of enrolled voters in the candi-
12 date's party in the state, excluding voters in inactive status, multi-
13 plied by \$.005, but such amount shall be not less than four thousand
14 dollars nor more than twelve thousand dollars as increased or decreased
15 by the cost of living adjustment described in paragraph c of this subdi-
16 vision, and (ii) in the case of any election to a public office, twen-
17 ty-five thousand dollars as increased or decreased by the cost of living
18 adjustment described in paragraph c of this subdivision; provided howev-
19 er, that the maximum amount which may be so contributed or accepted, in
20 the aggregate, from any candidate's child, parent, grandparent, brother
21 and sister, and the spouse of any such persons, shall not exceed in the
22 case of any nomination to public office an amount equivalent to the
23 product of the number of enrolled voters in the candidate's party in the
24 state, excluding voters in inactive status, multiplied by \$.025, and in
25 the case of any election for a public office, an amount equivalent to
26 the product of the number of registered voters in the state excluding
27 voters in inactive status, multiplied by \$.025.] (1) SEVEN THOUSAND FIVE
28 HUNDRED DOLLARS FOR A PUBLIC OFFICE TO BE VOTED ON BY VOTERS OF THE
29 ENTIRE STATE; (2) FIVE THOUSAND DOLLARS FOR A STATE SENATOR; AND (3) TWO
30 THOUSAND THREE HUNDRED DOLLARS FOR A MEMBER OF THE ASSEMBLY. THE AGGRE-
31 GATE LIMITATION SET FORTH IN THIS PARAGRAPH, WHICH SHALL APPLY SEPARATE-
32 LY FOR EACH ELECTION OR NOMINATION FOR EACH PUBLIC OFFICE LISTED IN THIS
33 SECTION SHALL BE INCREASED OR DECREASED BY THE COST OF LIVING ADJUSTMENT
34 DESCRIBED IN PARAGRAPH C OF THIS SUBDIVISION.

35 b. [In] EXCEPT FOR ELECTIONS CONDUCTED PURSUANT TO CHAPTER SEVEN OF
36 TITLE THREE OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, IN any
37 other election for party position or for election to a public office or
38 for nomination for any such office, no contributor may make a contrib-
39 ution to any candidate or political committee and no candidate or poli-
40 tical committee may accept any contribution from any contributor, which
41 is in the aggregate amount greater than: (i) in the case of any election
42 for party position, or for nomination to public office, the product of
43 the total number of enrolled voters in the candidate's party in the
44 district in which he is a candidate, excluding voters in inactive
45 status, multiplied by \$.05, and (ii) in the case of any election for a
46 public office, the product of the total number of registered voters in
47 the district, excluding voters in inactive status, multiplied by \$.05,
48 PROVIDED however [in the case of a nomination within the city of New
49 York for the office of mayor, public advocate or comptroller, such
50 amount shall be not less than four thousand dollars nor more than twelve
51 thousand dollars as increased or decreased by the cost of living adjust-
52 ment described in paragraph c of this subdivision; in the case of an
53 election within the city of New York for the office of mayor, public
54 advocate or comptroller, twenty-five thousand dollars as increased or
55 decreased by the cost of living adjustment described in paragraph c of
56 this subdivision; in the case of a nomination for state senator, four

1 thousand dollars as increased or decreased by the cost of living adjust-
2 ment described in paragraph c of this subdivision; in the case of an
3 election for state senator, six thousand two hundred fifty dollars as
4 increased or decreased by the cost of living adjustment described in
5 paragraph c of this subdivision; in the case of an election or nomi-
6 nation for a member of the assembly, twenty-five hundred dollars as
7 increased or decreased by the cost of living adjustment described in
8 paragraph c of this subdivision; but], in no event shall any such maxi-
9 mum exceed [fifty] TWO thousand THREE HUNDRED dollars or be less than
10 one thousand dollars[; provided however, that the maximum amount which
11 may be so contributed or accepted, in the aggregate, from any candi-
12 date's child, parent, grandparent, brother and sister, and the spouse of
13 any such persons, shall not exceed in the case of any election for party
14 position or nomination for public office an amount equivalent to the
15 number of enrolled voters in the candidate's party in the district in
16 which he is a candidate, excluding voters in inactive status, multiplied
17 by \$.25 and in the case of any election to public office, an amount
18 equivalent to the number of registered voters in the district, excluding
19 voters in inactive status, multiplied by \$.25; or twelve hundred fifty
20 dollars, whichever is greater, or in the case of a nomination or
21 election of a state senator, twenty thousand dollars, whichever is
22 greater, or in the case of a nomination or election of a member of the
23 assembly twelve thousand five hundred dollars, whichever is greater, but
24 in no event shall any such maximum exceed one hundred thousand dollars].
25 THE AGGREGATE LIMITATIONS SET FORTH IN THIS PARAGRAPH, WHICH SHALL APPLY
26 SEPARATELY FOR EACH ELECTION OR NOMINATION FOR PARTY POSITION OR PUBLIC
27 OFFICE LISTED IN THIS SECTION, SHALL BE INCREASED OR DECREASED BY THE
28 COST OF LIVING ADJUSTMENT SET FORTH IN PARAGRAPH C OF THIS SUBDIVISION.

29 c. At the beginning of each [fourth] SECOND calendar year, commencing
30 in [nineteen hundred ninety-five] TWO THOUSAND THIRTEEN, the state board
31 shall determine the percentage of the difference between the [most
32 recent available monthly] consumer price index for all urban consumers
33 published by the United States bureau of labor statistics and such
34 consumer price index published for the same month [four] TWO years
35 previously. The amount of each contribution limit fixed in this subdivi-
36 sion shall be adjusted by the amount of such percentage difference to
37 the closest one hundred dollars by the state board which, not later than
38 the first day of February in each such year, shall issue a regulation
39 publishing the amount of each such contribution limit. Each contribution
40 limit as so adjusted shall be the contribution limit in effect for any
41 election held before the next such adjustment.

42 S 19. Subdivision 8 of section 14-114 of the election law, as amended
43 by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the
44 laws of 1978, is amended to read as follows:

45 8. A. (I) Except as may otherwise be provided [for] BY a candidate
46 [and his family] FOR HIS OR HER OWN CAMPAIGN, no NATURAL person may
47 contribute, loan or guarantee in excess of one hundred [fifty] thousand
48 dollars within the state: (A) in connection with the nomination or
49 election of [persons to] CANDIDATES FOR state [and] OR local public
50 offices [and] OR party positions within the state of New York in any one
51 calendar year[.]; OR (B) TO PARTY COMMITTEES OR CONSTITUTED COMMITTEES,
52 INCLUDING, BUT NOT LIMITED TO, MONIES RECEIVED TO MAINTAIN A PERMANENT
53 HEADQUARTERS AND STAFF AND CARRY ON ORDINARY ACTIVITIES WHICH ARE NOT
54 FOR THE EXPRESS PURPOSE OF PROMOTING THE CANDIDACY OF SPECIFIC CANDI-
55 DATES.

1 (II) NO LABOR ORGANIZATION MAY CONTRIBUTE, LOAN OR GUARANTEE IN EXCESS
2 OF ONE HUNDRED THOUSAND DOLLARS WITHIN THE STATE OF NEW YORK IN ANY ONE
3 CALENDAR YEAR: (A) IN CONNECTION WITH THE NOMINATION OR ELECTION OF
4 CANDIDATES FOR STATE PUBLIC OFFICES OR PARTY POSITIONS; OR (B) TO PARTY
5 COMMITTEES OR CONSTITUTED COMMITTEES, INCLUDING, BUT NOT LIMITED TO,
6 MONIES RECEIVED TO MAINTAIN A PERMANENT HEADQUARTERS AND STAFF AND CARRY
7 ON ORDINARY ACTIVITIES WHICH ARE NOT FOR THE EXPRESS PURPOSE OF PROMOT-
8 ING THE CANDIDACY OF SPECIFIC CANDIDATES.

9 (III) NO POLITICAL ACTION COMMITTEE ESTABLISHED, FINANCED, MAINTAINED
10 OR CONTROLLED BY ANY CORPORATION OR ANY OTHER PERSON, MAY CONTRIBUTE,
11 LOAN OR GUARANTEE, DIRECTLY OR INDIRECTLY (INCLUDING THROUGH A CONTRIB-
12 UTION OF FUNDS TO ANOTHER POLITICAL ACTION COMMITTEE), IN EXCESS OF
13 THREE HUNDRED THOUSAND DOLLARS WITHIN THE STATE OF NEW YORK IN ANY ONE
14 CALENDAR YEAR: (A) IN CONNECTION WITH THE NOMINATION OR ELECTION OF
15 CANDIDATES FOR STATE PUBLIC OFFICES OR PARTY POSITIONS; OR (B) TO PARTY
16 COMMITTEES OR CONSTITUTED COMMITTEES, INCLUDING, BUT NOT LIMITED TO,
17 MONIES RECEIVED TO MAINTAIN A PERMANENT HEADQUARTERS AND STAFF AND CARRY
18 ON ORDINARY ACTIVITIES WHICH ARE NOT FOR THE EXPRESS PURPOSE OF PROMOT-
19 ING THE CANDIDACY OF SPECIFIC CANDIDATES.

20 (IV) NO POLITICAL ACTION COMMITTEE ESTABLISHED, FINANCED, MAINTAINED
21 OR CONTROLLED BY ANY LABOR ORGANIZATION MAY CONTRIBUTE, LOAN OR GUARAN-
22 TEE, DIRECTLY OR INDIRECTLY (INCLUDING THROUGH A CONTRIBUTION OF FUNDS
23 TO ANOTHER POLITICAL ACTION COMMITTEE), IN EXCESS OF THREE HUNDRED FIFTY
24 THOUSAND DOLLARS WITHIN THE STATE OF NEW YORK IN ANY ONE CALENDAR YEAR:
25 (A) IN CONNECTION WITH THE NOMINATION OR ELECTION OF CANDIDATES FOR
26 STATE PUBLIC OFFICES OR PARTY POSITIONS; OR (B) PARTY COMMITTEES OR
27 CONSTITUTED COMMITTEES, INCLUDING, BUT NOT LIMITED TO, MONIES RECEIVED
28 TO MAINTAIN A PERMANENT HEADQUARTERS AND STAFF AND CARRY ON ORDINARY
29 ACTIVITIES WHICH ARE NOT FOR THE EXPRESS PURPOSE OF PROMOTING THE CANDI-
30 DACY OF SPECIFIC CANDIDATES.

31 (V) For the purposes of this subdivision "loan" or "guarantee" shall
32 mean a loan or guarantee which is not repaid or discharged in the calen-
33 dar year in which it is made.

34 B. AT THE BEGINNING OF EACH FOURTH CALENDAR YEAR, COMMENCING IN TWO
35 THOUSAND FIFTEEN, THE STATE BOARD SHALL DETERMINE THE PERCENTAGE OF THE
36 DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE MONTHLY CONSUMER PRICE
37 INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE UNITED STATES BUREAU OF
38 LABOR STATISTICS AND SUCH CONSUMER PRICE INDEX PUBLISHED FOR THE SAME
39 MONTH FOUR YEARS PREVIOUSLY. THE AMOUNT OF SUCH CONTRIBUTION LIMIT FIXED
40 IN SUBPARAGRAPH (II) OF PARAGRAPH A OF THIS SUBDIVISION SHALL BE
41 ADJUSTED BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE
42 HUNDRED DOLLARS BY THE STATE BOARD, WHICH, NOT LATER THAN THE FIRST DAY
43 OF FEBRUARY IN EACH SUCH YEAR, SHALL ISSUE A REGULATION PUBLISHING THE
44 AMOUNT OF SUCH CONTRIBUTION LIMIT. SUCH CONTRIBUTION LIMIT AS SO
45 ADJUSTED SHALL BE THE CONTRIBUTION LIMIT IN EFFECT FOR ANY ELECTION HELD
46 BEFORE THE NEXT SUCH ADJUSTMENT.

47 S 20. Subdivision 10 of section 14-114 of the election law, as added
48 by chapter 79 of the laws of 1992, is amended to read as follows:

49 10. a. No contributor may make a contribution to a party or consti-
50 tuted committee and no such committee may accept a contribution from any
51 contributor which, in the aggregate, is greater than sixty-two thousand
52 five hundred dollars per annum.

53 b. At the beginning of each fourth calendar year, commencing in nine-
54 teen hundred ninety-five, the state board shall determine the percentage
55 of the difference between the most recent available monthly consumer
56 price index for all urban consumers published by the United States

1 bureau of labor statistics and such consumer price index published for
2 the same month four years previously. The amount of such contribution
3 limit fixed in paragraph a of this subdivision shall be adjusted by the
4 amount of such percentage difference to the closest one hundred dollars
5 by the state board which, not later than the first day of February in
6 each such year, shall issue a regulation publishing the amount of such
7 contribution limit. Such contribution limit as so adjusted shall be the
8 contribution limit in effect for any election held before the next such
9 adjustment. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH A OF THIS
10 SECTION, NO NATURAL PERSON, POLITICAL ACTION COMMITTEE, OR LABOR ORGAN-
11 IZATION MAY MAKE A CONTRIBUTION TO A PARTY OR CONSTITUTED COMMITTEE AND
12 NO SUCH COMMITTEE MAY ACCEPT A CONTRIBUTION FROM ANY NATURAL PERSON,
13 POLITICAL ACTION COMMITTEE, OR LABOR ORGANIZATION WHICH, IN THE AGGRE-
14 GATE, IS GREATER THAN FIFTY THOUSAND DOLLARS PER ANNUM.

15 C. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION THREE OF SECTION
16 14-124 OF THIS ARTICLE, NO NATURAL PERSON OR ENTITY, INCLUDING BUT NOT
17 LIMITED TO A POLITICAL ACTION COMMITTEE, CORPORATION, LIMITED LIABILITY
18 COMPANY, PROFESSIONAL LIMITED LIABILITY COMPANY, PARTNERSHIP OR LABOR
19 ORGANIZATION, MAY MAKE AGGREGATE CONTRIBUTIONS EXCEEDING FIFTY THOUSAND
20 DOLLARS PER ANNUM TO PARTY COMMITTEES OR CONSTITUTED COMMITTEES FOR THE
21 PURPOSE OF ALLOWING SUCH PARTY COMMITTEES OR CONSTITUTED COMMITTEES TO
22 MAINTAIN PERMANENT HEADQUARTERS AND STAFF AND CARRY ON ORDINARY ACTIV-
23 ITIES WHICH ARE NOT FOR THE EXPRESS PURPOSE OF PROMOTING THE CANDIDACY
24 OF SPECIFIC CANDIDATES. NO PARTY COMMITTEE OR CONSTITUTED COMMITTEE MAY
25 ACCEPT SUCH CONTRIBUTIONS FROM ANY NATURAL PERSON OR ENTITY, INCLUDING
26 BUT NOT LIMITED TO A POLITICAL ACTION COMMITTEE, CORPORATION, LIMITED
27 LIABILITY COMPANY, PROFESSIONAL LIMITED LIABILITY COMPANY, PARTNERSHIP
28 OR LABOR ORGANIZATION, WHERE SUCH CONTRIBUTIONS ARE MADE AND ACCEPTED
29 FOR PURPOSES OF ALLOWING SUCH PARTY COMMITTEES OR CONSTITUTED COMMITTEES
30 TO MAINTAIN PERMANENT HEADQUARTERS AND STAFF AND CARRY ON ORDINARY
31 ACTIVITIES WHICH ARE NOT FOR THE EXPRESS PURPOSE OF PROMOTING THE CANDI-
32 DACY OF SPECIFIC CANDIDATES.

33 S 21. The election law is amended by adding a new section 14-115 to
34 read as follows:

35 S 14-115. RESTRICTIONS ON POLITICAL CONTRIBUTIONS BY LOBBYISTS. 1. IN
36 ANY ELECTION FOR STATE OFFICE, OR FOR NOMINATION TO ANY SUCH OFFICE, NO
37 LOBBYIST REQUIRED TO REGISTER UNDER SECTION ONE-E OF THE LEGISLATIVE LAW
38 AND NO MEMBER OF SUCH LOBBYIST'S HOUSEHOLD MAY MAKE A CONTRIBUTION
39 GREATER THAN FOUR HUNDRED DOLLARS TO ANY PERSON, INCLUDING A POLITICAL
40 COMMITTEE OR PARTY COMMITTEE, FOR NOMINATION OR ELECTION TO ANY STATE
41 OFFICE.

42 2. NO CANDIDATE OR POLITICAL COMMITTEE MAY ACCEPT ANY CONTRIBUTION
43 GREATER THAN FOUR HUNDRED DOLLARS FROM ANY LOBBYIST REGISTERED UNDER
44 SECTION ONE-E OF THE LEGISLATIVE LAW OR MEMBER OF SUCH LOBBYIST'S HOUSE-
45 HOLD.

46 S 22. Subdivisions 1 and 2 of section 14-116 of the election law,
47 subdivision 1 as redesignated by chapter 9 of the laws of 1978 and
48 subdivision 2 as amended by chapter 260 of the laws of 1981, are amended
49 and two new subdivisions 3 and 4 are added to read as follows:

50 1. No [corporation or] joint-stock association, LIMITED LIABILITY
51 COMPANY, PROFESSIONAL LIMITED LIABILITY COMPANY, OR PARTNERSHIP doing
52 business in this state, except [a corporation or association] AN ENTITY
53 organized or maintained for political purposes only, shall directly or
54 indirectly pay or use or offer, consent or agree to pay or use any money
55 or property for or in aid of any political party, committee or organiza-
56 tion, or for, or in aid of, any [corporation,] joint-stock or other

1 association, LIMITED LIABILITY COMPANY, PROFESSIONAL LIMITED LIABILITY
2 COMPANY, OR PARTNERSHIP organized or maintained for political purposes,
3 or for, or in aid of, any candidate for political office or for nomi-
4 nation for such office, or for any political purpose whatever, or for
5 the reimbursement or indemnification of any person for moneys or proper-
6 ty so used. Any [officer, director, stock-holder] MEMBER, SHAREHOLDER,
7 PARTNER, attorney or agent of any [corporation or] joint-stock associ-
8 ation, LIMITED LIABILITY COMPANY, PROFESSIONAL LIMITED LIABILITY COMPA-
9 NY, OR PARTNERSHIP which violates any of the provisions of this section,
10 who participates in, aids, abets or advises or consents to any such
11 violations, and any person who solicits or knowingly receives any money
12 or property in violation of this section, shall be guilty of a misdemea-
13 nor.

14 2. [Notwithstanding the provisions of subdivision one of this section,
15 any corporation or an organization financially supported in whole or in
16 part, by such corporation may make expenditures, including contrib-
17 utions, not otherwise prohibited by law, for political purposes, in an
18 amount not to exceed five thousand dollars in the aggregate in any
19 calendar year; provided that no public utility shall use revenues
20 received from the rendition of public service within the state for
21 contributions for political purposes unless such cost is charged to the
22 shareholders of such a public service corporation.] ANY CORPORATION: (A)
23 MAY ONLY MAKE EXPENDITURES, INCLUDING CONTRIBUTIONS, NOT OTHERWISE
24 PROHIBITED BY LAW, FOR POLITICAL PURPOSES, IN AN AMOUNT NOT TO EXCEED
25 FIVE THOUSAND DOLLARS IN THE AGGREGATE IN ANY CALENDAR YEAR; PROVIDED
26 THAT NO PUBLIC UTILITY SHALL USE REVENUES RECEIVED FROM THE RENDITION OF
27 PUBLIC SERVICE WITHIN THE STATE FOR CONTRIBUTIONS FOR POLITICAL PURPOSES
28 UNLESS SUCH COST IS CHARGED TO THE SHAREHOLDERS OF EACH PUBLIC SERVICE
29 CORPORATION; OR (B) MAY ONLY AUTHORIZE OR DESIGNATE A POLITICAL ACTION
30 COMMITTEE TO SUPPORT CANDIDATES OR OTHER POLITICAL COMMITTEES, SUBJECT
31 TO THE AGGREGATE CONTRIBUTION LIMIT APPLICABLE TO POLITICAL ACTION
32 COMMITTEES PURSUANT TO SUBDIVISION EIGHT OF SECTION 14-114 OF THIS ARTI-
33 CLE.

34 3. FOR THE PURPOSES OF SUBDIVISION TWO OF THIS SECTION, ALL OF THE
35 COMPONENT MEMBERS OF A CONTROLLED GROUP OF CORPORATIONS WITHIN THE MEAN-
36 ING OF SECTION ONE THOUSAND FIVE HUNDRED SIXTY-THREE OF THE INTERNAL
37 REVENUE CODE OF THE UNITED STATES SHALL BE DEEMED TO BE ONE CORPORATION.

38 4. ANY LABOR ORGANIZATION: (A) MAY MAKE EXPENDITURES, INCLUDING
39 CONTRIBUTIONS, NOT OTHERWISE PROHIBITED BY LAW, FOR POLITICAL PURPOSES,
40 SUBJECT TO THE AGGREGATE CONTRIBUTION LIMIT APPLICABLE TO LABOR ORGAN-
41 IZATIONS PURSUANT TO SUBDIVISION EIGHT OF SECTION 14-114 OF THIS ARTI-
42 CLE, OR (B) MAY AUTHORIZE OR DESIGNATE A POLITICAL ACTION COMMITTEE TO
43 SUPPORT CANDIDATES OR OTHER POLITICAL COMMITTEES, SUBJECT TO THE AGGRE-
44 GATE CONTRIBUTION LIMIT APPLICABLE TO POLITICAL ACTION COMMITTEES PURSU-
45 ANT TO SUBDIVISION EIGHT OF SECTION 14-114 OF THIS ARTICLE.

46 S 23. Subdivision 2 of section 14-120 of the election law is REPEALED.

47 S 24. Subdivision 3 of section 14-124 of the election law, as amended
48 by chapter 71 of the laws of 1988, is amended to read as follows:

49 3. The contribution and receipt limits of this article, EXCEPT FOR THE
50 CONTRIBUTION AND RECEIPT LIMITATIONS SET FORTH IN SUBDIVISION EIGHT OR
51 PARAGRAPH C OF SUBDIVISION TEN OF SECTION 14-114 OF THIS ARTICLE, shall
52 not apply to monies received and expenditures made by a party committee
53 or constituted committee to maintain a permanent headquarters and staff
54 and carry on ordinary activities which are not for the express purpose
55 of promoting the candidacy of specific candidates.

1 S 25. Section 14-126 of the election law, as amended by chapter 8 of
2 the laws of 1978, subdivision 1 as amended by chapter 128 of the laws of
3 1994 and subdivisions 2, 3 and 4 as redesignated by chapter 9 of the
4 laws of 1978, is amended to read as follows:

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

11 2. ANY PERSON WHO, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL
12 COMMITTEE, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW,
13 UNLAWFULLY ACCEPTS A MONETARY CONTRIBUTION IN EXCESS OF A CONTRIBUTION
14 LIMITATION ESTABLISHED IN THIS ARTICLE, SHALL BE REQUIRED TO REFUND SUCH
15 EXCESS AMOUNT AND SHALL BE SUBJECT TO A CIVIL PENALTY EQUAL TO TWO TIMES
16 THE EXCESS AMOUNT PLUS A FINE OF UP TO TEN THOUSAND DOLLARS, TO BE
17 RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT BY THE
18 STATE BOARD OF ELECTIONS PURSUANT TO SECTION 16-120 OF THIS CHAPTER.

19 3. ANY PERSON WHO, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL
20 COMMITTEE, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW,
21 UNLAWFULLY (A) EXPENDS CAMPAIGN FUNDS FOR A PERSONAL USE IN VIOLATION OF
22 THIS ARTICLE, OR (B) IN THE CASE OF A POLITICAL COMMITTEE, CONDUCTS
23 ACTIVITIES PROHIBITED BY THIS ARTICLE, SHALL BE SUBJECT TO A CIVIL
24 PENALTY, NOT IN EXCESS OF TEN THOUSAND DOLLARS, TO BE RECOVERABLE IN A
25 SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT BY THE STATE BOARD OF
26 ELECTIONS PURSUANT TO SECTION 16-120 OF THIS CHAPTER.

27 4. Any person who knowingly and willfully fails to file a statement
28 required to be filed by this article within ten days after the date
29 provided for filing such statement or any person who knowingly and will-
30 fully violates any other provision of this article shall be guilty of a
31 misdemeanor.

32 [3.] 5. Any person who knowingly and willfully contributes, accepts or
33 aids or participates in the acceptance of a contribution in an amount
34 exceeding an applicable maximum specified in this article shall be guilty
35 of a misdemeanor.

36 [4.] 6. Any person who shall, acting on behalf of a candidate or political
37 committee, knowingly and willfully solicit, organize or coordinate
38 the formation of activities of one or more unauthorized committees, make
39 expenditures in connection with the nomination for election or election
40 of any candidate, or solicit any person to make any such expenditures,
41 for the purpose of evading the contribution limitations of this article,
42 shall be guilty of a class E felony.

43 S 26. Section 14-130 of the election law, as added by chapter 152 of
44 the laws of 1985, is amended to read as follows:

45 S 14-130. Campaign funds for personal use. [Contributions] 1.
46 CAMPAIGN FUNDS received by a candidate or a political committee may ONLY
47 be expended for [any] lawful [purpose] PURPOSES. Such funds shall not
48 be converted by any person to a personal use which is unrelated to a
49 political campaign or the holding of a public office or party position.

50 2. AS USED IN THIS SECTION, "CAMPAIGN FUNDS" MEANS ANY FUNDS RECEIVED
51 BY A CANDIDATE OR A POLITICAL COMMITTEE, INCLUDING BUT NOT LIMITED TO
52 CONTRIBUTIONS AND TRANSFERS FROM ANY SOURCE AND INTEREST RECEIVED AS THE
53 RESULT OF THE LOAN OR INVESTMENT OF CAMPAIGN FUNDS.

54 3. NO CAMPAIGN FUNDS SHALL BE USED TO PAY INTEREST ABOVE THE PREVAIL-
55 ING MARKET RATE OR ANY OTHER FINANCE CHARGES UPON MONIES LOANED TO THE
56 CAMPAIGN BY SUCH CANDIDATE OR THE SPOUSE OF SUCH CANDIDATE.

1 4. NO CAMPAIGN FUNDS SHALL BE USED TO PAY ATTORNEY'S FEES OR ANY COSTS
2 OF DEFENDING AGAINST CIVIL OR CRIMINAL INVESTIGATION OR PROSECUTION FOR
3 ALLEGED VIOLATIONS OF FEDERAL, STATE OR LOCAL LAW COMMITTED WHILE HOLD-
4 ING PUBLIC OFFICE OR PARTY POSITION, OR BEING A CANDIDATE FOR SUCH
5 OFFICE OR POSITION, UNLESS THE ALLEGED VIOLATION ARISES IN CONNECTION
6 WITH THE NOMINATION OR ELECTION OF SUCH CANDIDATE TO PUBLIC OFFICE OR
7 PARTY POSITION, OR THE HOLDING OF A PUBLIC OFFICE OR PARTY POSITION.

8 5. PROHIBITED PERSONAL USES OF CAMPAIGN FUNDS INCLUDE, BUT ARE NOT
9 LIMITED TO THE FOLLOWING EXPENDITURES:

10 (A) ANY RESIDENTIAL OR HOUSEHOLD ITEMS, SUPPLIES OR EXPENDITURES,
11 INCLUDING MORTGAGE, RENT OR UTILITY PAYMENTS FOR ANY PART OF ANY
12 PERSONAL RESIDENCE OF A CANDIDATE OR OFFICEHOLDER OR A MEMBER OF THE
13 CANDIDATE'S OR OFFICEHOLDER'S FAMILY;

14 (B) MORTGAGE, RENT OR UTILITY PAYMENTS FOR ANY PART OF ANY NON-RESI-
15 DENTIAL PROPERTY THAT IS OWNED BY A CANDIDATE OR OFFICEHOLDER OR A
16 MEMBER OF A CANDIDATE'S OR OFFICEHOLDER'S FAMILY AND USED FOR CAMPAIGN
17 PURPOSES, TO THE EXTENT THE PAYMENTS EXCEED THE FAIR MARKET VALUE OF THE
18 PROPERTY USAGE;

19 (C) CLOTHING, OTHER THAN NOVELTY CAMPAIGN RELATED ITEMS;

20 (D) TUITION PAYMENTS;

21 (E) CHILDCARE COSTS;

22 (F) DUES, FEES, OR GRATUITIES AT A COUNTRY CLUB, HEALTH CLUB, RECRE-
23 ATIONAL FACILITY OR OTHER NONPOLITICAL ORGANIZATION, UNLESS THEY ARE
24 PART OF A SPECIFIC FUNDRAISING EVENT THAT TAKES PLACE ON THE ORGANIZA-
25 TION'S PREMISES;

26 (G) CONSULTATION FEES TO A MEMBER OF A CANDIDATE'S FAMILY OR SALARY
27 PAYMENTS TO A MEMBER OF A CANDIDATE'S FAMILY, WHERE SUCH SALARY PAYMENTS
28 EXCEED THE FAIR MARKET VALUE OF THE SERVICES RENDERED;

29 (H) ADMISSION TO A SPORTING EVENT, CONCERT, THEATER, OR OTHER FORM OF
30 ENTERTAINMENT, UNLESS PART OF A SPECIFIC CAMPAIGN OR OFFICEHOLDER ACTIV-
31 ITY;

32 (I) PAYMENTS FOR EXPENSES RELATING TO THE HOLDING OF PUBLIC OFFICE OR
33 PARTY POSITION TO THE EXTENT SUCH EXPENSES ARE REIMBURSED BY THE STATE
34 OR ANY POLITICAL SUBDIVISION OR ANY PRIVATE PARTY;

35 (J) PAYMENT OF ANY FINES, FEES, OR PENALTIES, EXCEPTING THAT CAMPAIGN
36 FUNDS MAY BE APPLIED TO PAY ANY FINES, FEES OR PENALTIES ASSESSED
37 AGAINST A COMMITTEE OR ITS TREASURER PURSUANT TO THIS CHAPTER BY THE
38 STATE BOARD OF ELECTIONS WHERE THERE IS NO FINDING THAT THE UNDERLYING
39 VIOLATION WAS KNOWING AND WILLFUL;

40 (K) VEHICLE PURCHASES OR LEASES WHICH ARE SOLELY FOR PERSONAL
41 PURPOSES;

42 (L) TRAVEL EXPENSES RELATING SOLELY TO PERSONAL ACTIVITIES; OR

43 (M) MEDICAL TREATMENT, THERAPY OR OTHER EXPENDITURES PERSONALLY BENE-
44 FICIAL TO THE PHYSICAL HEALTH OR WELFARE OF A CANDIDATE OR OFFICER HOLD-
45 ER.

46 6. IN THE EVENT THAT AN ITEM OF EXPENSE IS INCURRED FOR BOTH: (A)
47 PURPOSES RELATING TO A POLITICAL CAMPAIGN, THE HOLDING OF PUBLIC OFFICE
48 OR PARTY POSITION; AND (B) PERSONAL ACTIVITIES, THE AGGREGATE AMOUNT OF
49 EXPENSE RELATED TO A POLITICAL CAMPAIGN AND THE HOLDING OF PUBLIC OFFICE
50 OR PARTY POSITION SHALL BE REPORTED TO THE STATE BOARD OF ELECTIONS IN
51 THE STATEMENTS OF CAMPAIGN RECEIPTS, CONTRIBUTIONS, TRANSFERS AND
52 EXPENDITURES REQUIRED BY THIS ARTICLE.

53 7. (A) NOTWITHSTANDING THIS SECTION, AN INDIVIDUAL WHO DOES NOT HOLD A
54 PUBLIC OFFICE OR A PARTY POSITION AND IS NOT A DECLARED CANDIDATE FOR
55 PUBLIC OFFICE OR PARTY POSITION MAY NOT EXPEND CAMPAIGN FUNDS FOR
56 PERSONAL USE INCLUDING, BUT NOT LIMITED TO, MEALS, ENTERTAINMENT, AND

1 SALARIES FOR IMMEDIATE FAMILY MEMBERS; PROVIDED, HOWEVER, NOTHING IN
2 THIS SUBDIVISION PROHIBITS THE USE OF CAMPAIGN FUNDS TO SUPPORT ONE OR
3 MORE DECLARED CANDIDATES AS AUTHORIZED BY THIS ARTICLE.

4 (B) FOR PURPOSES OF THIS SECTION, A "DECLARED CANDIDATE" MEANS AN
5 INDIVIDUAL WHO HAS FILED WITH THE STATE BOARD OF ELECTIONS BOTH AN
6 "AUTHORIZATION OR NON-AUTHORIZATION BY A CANDIDATE" FORM PURSUANT TO
7 SECTION 14-102 OF THIS ARTICLE AND A "COMMITTEE DESIGNATION OF TREASURER
8 AND DEPOSITORY" FORM PURSUANT TO SECTION 14-118 OF THIS ARTICLE, BOTH OF
9 WHICH INDICATE THE SPECIFIC OFFICE AND DISTRICT SOUGHT AND THE YEAR OF
10 THE ELECTION.

11 S 27. The election law is amended by adding a new section 14-132 to
12 read as follows:

13 S 14-132. BUSINESS DEALINGS WITH THE STATE. 1. NOTWITHSTANDING ANY
14 INCONSISTENT PROVISION OF THIS SECTION, A CANDIDATE OR HIS OR HER PRIN-
15 CIPAL COMMITTEE MAY NOT ACCEPT, EITHER DIRECTLY OR BY TRANSFER, ANY
16 CONTRIBUTION OR CONTRIBUTIONS FOR AN ELECTION IN WHICH HE OR SHE IS A
17 CANDIDATE FROM A NATURAL PERSON WHO HAS BUSINESS DEALINGS WITH THE
18 STATE, AS THAT TERM IS DEFINED IN SUBDIVISION FIFTEEN OF SECTION 14-100
19 OF THIS ARTICLE, IF THE AGGREGATE OF SUCH CONTRIBUTIONS TO SUCH CANDI-
20 DATE FROM SUCH PERSON FOR ALL ELECTIONS IN THE SAME CALENDAR YEAR
21 EXCEEDS: (A) FOR THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY
22 GENERAL OR COMPTROLLER FOUR HUNDRED DOLLARS; (B) FOR SENATE FOUR HUNDRED
23 DOLLARS; AND (C) FOR MEMBER OF ASSEMBLY FOUR HUNDRED DOLLARS; PROVIDED
24 THAT A CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE MAY ACCEPT ADDITIONAL
25 CONTRIBUTIONS WHICH DO NOT EXCEED ONE-HALF THE AMOUNT OF THE APPLICABLE
26 LIMITATION FOR AN ADDITIONAL DAY FOR VOTING HELD PURSUANT TO SECTION
27 3-108 OF THIS CHAPTER, SPECIAL ELECTION TO FILL A VACANCY, DELAYED OR
28 OTHERWISE POSTPONED ELECTION, OR ELECTION HELD PURSUANT TO COURT ORDER
29 WHICH IS AN ELECTION AND IN WHICH THE CANDIDATE SEEKS NOMINATION FOR
30 ELECTION. FOR PURPOSES OF THIS SUBDIVISION, "PERSON" SHALL INCLUDE ANY
31 CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER AND/OR CHIEF OPERATING
32 OFFICER OF AN ENTITY WHICH HAS BUSINESS DEALINGS WITH THE STATE, ANY
33 PERSON EMPLOYED IN A SENIOR MANAGERIAL CAPACITY REGARDING SUCH AN ENTI-
34 TY, OR ANY PERSON WITH AN INTEREST IN SUCH AN ENTITY WHICH EXCEEDS TEN
35 PERCENT OF THE ENTITY. FOR PURPOSES OF THIS SUBDIVISION, "SENIOR MANAGE-
36 RIAL CAPACITY" SHALL HAVE THE SAME MEANING AS SET FORTH IN SUBDIVISION
37 SEVENTEEN OF SECTION 14-100 OF THIS ARTICLE. NOTWITHSTANDING ANY
38 PROVISION OF THIS SUBDIVISION, THE LIMITATIONS ON CONTRIBUTIONS
39 CONTAINED HEREIN SHALL NOT APPLY TO ANY CONTRIBUTION MADE BY A NATURAL
40 PERSON WHO HAS BUSINESS DEALINGS WITH THE STATE TO A CANDIDATE OR HIS OR
41 HER PRINCIPAL COMMITTEE WHERE SUCH CANDIDATE IS THE CONTRIBUTOR, OR
42 WHERE SUCH CANDIDATE IS THE CONTRIBUTOR'S PARENT, SPOUSE, DOMESTIC PART-
43 NER, SIBLING, CHILD, GRANDCHILD, AUNT, UNCLE, COUSIN, NIECE OR NEPHEW BY
44 BLOOD OR MARRIAGE.

45 2. EACH CANDIDATE AND HIS OR HER PRINCIPAL COMMITTEE SHALL INQUIRE OF
46 EVERY INDIVIDUAL OR ENTITY MAKING A CONTRIBUTION, LOAN, GUARANTEE OR
47 OTHER SECURITY FOR SUCH LOAN IN EXCESS OF THE AMOUNTS SET FORTH IN
48 SUBDIVISION ONE OF THIS SECTION, THROUGH A QUESTION, IN A FORM
49 PRESCRIBED BY THE BOARD OF ELECTIONS, AS TO WHETHER SUCH INDIVIDUAL,
50 CORPORATION, PARTNERSHIP, POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION OR
51 OTHER ENTITY HAS BUSINESS DEALINGS WITH THE STATE, AS THAT TERM IS
52 DEFINED IN SUBDIVISION FIFTEEN OF SECTION 14-100 OF THIS ARTICLE, AND,
53 IF SO, THE NAME OF THE AGENCY OR ENTITY WITH WHICH SUCH BUSINESS DEAL-
54 INGS ARE OR WERE CARRIED ON AND THE APPROPRIATE TYPE OR CATEGORY OF SUCH
55 BUSINESS DEALINGS. SUCH FORM SHALL CONTAIN IN PROMINENT TYPEFACE AND IN
56 A PROMINENT LOCATION THE STATEMENT "IF A CONTRIBUTOR HAS BUSINESS DEAL-

INGS WITH THE STATE AS DEFINED IN THE CAMPAIGN FINANCE REFORM ACT OF 2009, SUCH CONTRIBUTOR MAY CONTRIBUTE ONLY UP TO FOUR HUNDRED DOLLARS." UPON RECEIPT OF THE RESPONSE TO SUCH INQUIRY (INCLUDING ANY FAILURE TO RESPOND), THE PRINCIPAL COMMITTEE SHALL KEEP A COPY IN ITS RECORDS AND SHALL REPORT EACH CONTRIBUTION TO THE BOARD ON THE NEXT APPLICABLE FILING DEADLINE IN ACCORDANCE WITH THE BOARD'S DISCLOSURE SCHEDULE. THE BOARD SHALL CHECK EACH CONTRIBUTION AGAINST THE DOING BUSINESS DATABASE AND SHALL NOTIFY THE PRINCIPAL COMMITTEE WITHIN TWENTY DAYS OF THE REPORTING OF SUCH CONTRIBUTION IF A CONTRIBUTION EXCEEDING THE DOING BUSINESS CONTRIBUTION LIMITATION SET FORTH IN SUBDIVISION ONE OF THIS SECTION IS SUBJECT TO SUCH LIMITATIONS OF THIS CHAPTER. NOTWITHSTANDING ANY PROVISION IN THIS SUBDIVISION, IN THE SIX WEEKS PRECEDING THE COVERED ELECTION THE BOARD SHALL PROVIDE SUCH NOTIFICATION TO THE PRINCIPAL OR AUTHORIZED COMMITTEE WITHIN THREE BUSINESS DAYS OF THE REPORTING OF SUCH CONTRIBUTION TO THE BOARD IN ACCORDANCE WITH APPLICABLE REPORTING DEADLINES. IF THE BOARD FAILS TO NOTIFY THE PRINCIPAL COMMITTEE THAT A CONTRIBUTION IS IN EXCESS OF THE LIMITATIONS SET FORTH IN SUBDIVISION ONE OF THIS SECTION IN ACCORDANCE WITH THIS SUBDIVISION, ANY SUCH CONTRIBUTION SHALL BE DEEMED VALID FOR PURPOSES OF SUCH LIMITATION PROVIDED. SUCH PRINCIPAL COMMITTEE SHALL HAVE TWENTY DAYS FROM THE DATE OF ANY SUCH NOTIFICATION TO RETURN THE AMOUNT OF ANY CONTRIBUTION IN EXCESS OF THE LIMITATIONS SET FORTH IN SUBDIVISION ONE OF THIS SECTION TO THE CONTRIBUTOR. NO VIOLATION SHALL ISSUE AND NO PENALTY SHALL BE IMPOSED WHERE SUCH EXCESS AMOUNT IS POSTMARKED OR DELIVERED WITHIN TWENTY DAYS OF SUCH NOTIFICATION BY THE BOARD AND THE BOARD SHALL NOT DESIGNATE A CANDIDATE AS HAVING ACCEPTED A CONTRIBUTION IN EXCESS OF SUCH LIMITATIONS WHERE SUCH EXCESS HAS BEEN RETURNED IN ACCORDANCE WITH THE TIME LIMITATIONS SET FORTH HEREIN. FAILURE TO RETURN SUCH EXCESS AMOUNT IN ACCORDANCE WITH THE PROVISIONS HEREIN SHALL NOT RESULT IN THE BOARD WITHHOLDING PUBLIC FUNDS FOR WHICH THE PARTICIPATING CANDIDATE'S PRINCIPAL COMMITTEE IS OTHERWISE ELIGIBLE; PROVIDED, HOWEVER, THAT THE BOARD MAY DEDUCT AN AMOUNT EQUAL TO THE TOTAL UNRETURNED CONTRIBUTIONS IN EXCESS OF THE LIMITATIONS SET FORTH IN SUBDIVISION ONE OF THIS SECTION FROM SUCH PAYMENT OF PUBLIC FUNDS. FOR PURPOSES OF THIS SECTION, "INDIVIDUAL" SHALL INCLUDE ANY CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER, AND/OR CHIEF OPERATING OFFICER OF AN ENTITY OR PERSONS SERVING IN AN EQUIVALENT CAPACITY, ANY PERSON IN A SENIOR MANAGERIAL CAPACITY REGARDING AN ENTITY, OR ANY PERSON WITH AN INTEREST IN AN ENTITY, WHICH EXCEEDS TEN PERCENT OF THE ENTITY. FOR PURPOSES OF THIS SUBDIVISION, THE PHRASE "SENIOR MANAGERIAL CAPACITY" SHALL MEAN A HIGH LEVEL SUPERVISORY CAPACITY, EITHER BY VIRTUE OF TITLE OR DUTIES, IN WHICH SUBSTANTIAL DISCRETION AND OVERSIGHT IS EXERCISED OVER THE SOLICITATION, LETTING OR ADMINISTRATION OF BUSINESS TRANSACTIONS WITH THE STATE, INCLUDING CONTRACTS, FRANCHISES, CONCESSIONS, GRANTS, ECONOMIC DEVELOPMENT AGREEMENTS, AND APPLICATIONS FOR LAND USE APPROVALS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO PARTICIPATING CANDIDATE SHALL BE LIABLE FOR ANY FINE OR PENALTY FOR THE FAILURE OF ANY CONTRIBUTOR TO RESPOND TO ANY SUCH REQUEST OR FOR ANY ERRONEOUS RESPONSE.

S 28. Section 16-100 of the election law is amended to read as follows:

S 16-100. Jurisdiction; supreme court, county court. 1. The supreme court is vested with jurisdiction to summarily determine any question of law or fact arising as to any subject set forth in this article, which shall be construed liberally.

2. The county court is vested with jurisdiction to summarily determine any question of law or fact except proceedings as to a nomination or

election at a primary election or a nomination at a judicial convention, proceedings as to the casting and canvass of ballots [and], proceedings for examination or preservation of ballots AND PROCEEDINGS TO ENFORCE THE PROVISIONS OF ARTICLE FOURTEEN OF THIS CHAPTER AS PROVIDED IN SECTION 16-120 OF THIS ARTICLE.

S 29. Subdivision 4 of section 16-114 of the election law, as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

4. In every proceeding instituted under this section, except a proceeding to compel the filing of a statement by a candidate for nomination to a public office at a primary election or for election thereto, or by the treasurer of a political committee, who has failed to file any statement, the petitioner or petitioners, upon the institution of the proceeding shall file with the county clerk an undertaking in a sum to be determined and with sureties to be approved by a justice of the supreme court conditioned to pay any costs imposed against him OR HER or them; provided, however, that no such undertaking shall be required in a proceeding instituted by the state or other board of elections.

S 30. The election law is amended by adding a new section 16-120 to read as follows:

S 16-120. ENFORCEMENT PROCEEDINGS. 1. THE SUPREME COURT OR A JUSTICE THEREOF, IN A PROCEEDING INSTITUTED BY THE STATE BOARD OF ELECTIONS, MAY IMPOSE A CIVIL PENALTY, AS PROVIDED FOR IN SUBDIVISIONS TWO AND THREE OF SECTION 14-126 OF THIS CHAPTER, UPON ANY PERSON WHO, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW, HAS UNLAWFULLY (A) ACCEPTED A MONETARY CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIMITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, (B) EXPENDED CAMPAIGN FUNDS FOR A PERSONAL USE IN VIOLATION OF THIS ARTICLE OR (C) IN THE CASE OF A POLITICAL COMMITTEE, CONDUCTED ACTIVITIES PROHIBITED BY ARTICLE FOURTEEN OF THIS CHAPTER.

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

S 31. Section 1-c of the legislative law is amended by adding two new subdivisions (w) and (x) to read as follows:

(W) THE TERM "CONTRIBUTION COLLECTION OR DELIVERY ACTIVITIES BY LOBBYISTS" SHALL MEAN DELIVERY OR COLLECTION OF CONTRIBUTIONS FOR A CANDIDATE FOR NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL OR MEMBER OF THE STATE LEGISLATURE, OR FOR THE POLITICAL COMMITTEE OF ANY SUCH CANDIDATE BY A LOBBYIST.

(X) FOR PURPOSES OF THIS ARTICLE, THE TERMS "CONTRIBUTION" AND "POLITICAL COMMITTEE" SHALL HAVE THE MEANINGS AS SET FORTH IN SECTION 14-100 OF THE ELECTION LAW.

S 32. Subdivision (b) of section 1-h of the legislative law is amended by adding a new paragraph 6 to read as follows:

(6) CONTRIBUTION COLLECTION OR DELIVERY ACTIVITIES BY LOBBYISTS FOR ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL OR MEMBER OF THE STATE LEGISLATURE INCLUDING:

(I) THE INDIVIDUALS EMPLOYED BY THE LOBBYIST ENGAGED IN SUCH CONTRIBUTION COLLECTION OR DELIVERY ACTIVITIES;

(II) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE CANDIDATE, OR ELECTED OFFICIAL TO WHOM OR ON WHOSE BEHALF THE LOBBYIST ENGAGED IN CONTRIBUTION COLLECTION OR DELIVERY ACTIVITIES; AND

(III) THE TOTAL DOLLAR AMOUNT COLLECTED OR DELIVERED FOR EACH CANDIDATE FOR WHICH SUCH ACTIVITIES WERE PERFORMED.

S 33. The legislative law is amended by adding a new article 1-B to read as follows:

ARTICLE 1-B
PARTICIPATION IN FUNDRAISERS DURING
A LEGISLATIVE SESSION

SECTION 1-AA. DEFINITIONS.

1-BB. PARTICIPATION IN FUNDRAISERS DURING A LEGISLATIVE SESSION.
S 1-AA. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "FUNDRAISER" SHALL MEAN AN EVENT OR FUNCTION AT WHICH OR IN CONNECTION WITH FUNDS ARE SOLICITED FOR OR ON BEHALF OF (A) A GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL, MEMBER OR MEMBERS OF THE STATE LEGISLATURE, OR A CANDIDATE FOR ANY OF THE FOREGOING OFFICES; (B) A POLITICAL COMMITTEE ORGANIZED TO SUPPORT OR OPPOSE THE ELECTION OF ANY SUCH PERSON OR PERSONS; (C) A STATE COMMITTEE OR A SUBCOMMITTEE OF SUCH STATE COMMITTEE, PROVIDED THAT THE TERM "FUNDRAISER" WHEN APPLIED TO AN EVENT OR FUNCTION HELD BY A STATE COMMITTEE OR SUBCOMMITTEE THEREOF SHALL NOT INCLUDE AN EVENT OR FUNCTION AT WHICH FUNDS ARE RAISED EXCLUSIVELY TO SUPPORT OR OPPOSE A CANDIDATE OR CANDIDATES FOR FEDERAL ELECTIVE OFFICE, OR A POLITICAL COMMITTEE AUTHORIZED BY SUCH A CANDIDATE OR CANDIDATES, WHERE SUCH FUNDS ARE NOT USED FOR ANY OTHER PURPOSE; OR (D) ANY LOBBYIST OR CLIENT POLITICAL COMMITTEE, WHERE SUCH AN EVENT OR FUNCTION IS HELD FOR THE EXPLICIT PURPOSE OF RAISING FUNDS FOR OR ON BEHALF OF ANY OF THE FOREGOING ENTITIES.

2. "LOBBYIST OR CLIENT POLITICAL COMMITTEE" SHALL MEAN A POLITICAL COMMITTEE ORGANIZED TO SUPPORT THE ACTIVITIES OF A LOBBYIST OR CLIENT PROVIDED, HOWEVER, THAT THE TERM "LOBBYIST OR CLIENT POLITICAL COMMITTEE" AS USED IN THIS ARTICLE, SHALL NOT INCLUDE A FUNDRAISING EVENT OR FUNCTION HOSTED BY SUCH A COMMITTEE TO RAISE FUNDS FOR THE COMMITTEE'S GENERAL USE WHERE SUCH AN EVENT OR FUNCTION IS NOT TARGETED TO BENEFIT ANY OF THE SPECIFIC PERSONS OR ENTITIES DESCRIBED IN SUBDIVISION ONE OF THIS SECTION.

3. THE TERM "LEGISLATIVE SESSION" SHALL MEAN THE PERIOD BEGINNING ON THE WEDNESDAY SUCCEEDING THE FIRST MONDAY OF JANUARY AND ENDING ON THE LATER OF (A) THE THIRTIETH DAY OF JUNE OR (B) TWO WEEKS AFTER THE DAY ON WHICH THE LEGISLATURE HAS TAKEN FINAL ACTION ON ALL OF THE APPROPRIATION BILLS SUBMITTED BY THE GOVERNOR PURSUANT TO ARTICLE SEVEN OF THE STATE CONSTITUTION, THEREBY ENACTING A STATE BUDGET THAT PROVIDED SUFFICIENT APPROPRIATION AUTHORITY FOR THE ONGOING OPERATION AND SUPPORT OF STATE GOVERNMENT AND LOCAL ASSISTANCE FOR THE ENSUING FISCAL YEAR.

S 1-BB. PARTICIPATION IN FUNDRAISERS DURING A LEGISLATIVE SESSION. 1. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO PERSON OR ENTITY SHALL HOLD, PARTICIPATE IN, CONTRIBUTE TO, PURCHASE A TICKET FOR, OR ATTEND ANY FUNDRAISER WITHIN FORTY MILES OF THE NEW YORK STATE CAPITOL DURING THE LEGISLATIVE SESSION.

2. THIS SECTION SHALL NOT APPLY TO FUNDRAISERS WITHIN THE DISTRICT OF MEMBERS OF THE LEGISLATURE OR CANDIDATES THEREFOR WHOSE DISTRICTS ARE LOCATED IN WHOLE OR IN PART WITHIN FORTY MILES OF THE NEW YORK STATE CAPITOL, PROVIDED, HOWEVER THAT SUCH FUNDRAISERS SHALL BE SOLELY FOR THE

1 BENEFIT OF THE LEGISLATOR OR THE CANDIDATE OR THE AUTHORIZED POLITICAL
2 COMMITTEE OF SUCH LEGISLATOR OR CANDIDATE AND NO OTHER ELECTED OFFICIAL,
3 POLITICAL COMMITTEE OR CANDIDATE FOR ELECTED OFFICE; AND FURTHER
4 PROVIDED THAT SUCH FUNDRAISERS SHALL NOT BE HELD ON ANY DAY WHEN A
5 QUORUM OF EITHER HOUSE OF THE LEGISLATURE IS IN ATTENDANCE OF A SESSION
6 OF THEIR RESPECTIVE HOUSE.

7 S 34. Severability clause. If any clause, sentence, paragraph, subdi-
8 vision, section or part of this act shall be adjudged by any court of
9 competent jurisdiction to be invalid, such judgment shall not affect,
10 impair or invalidate the remainder thereof, but shall be confined in its
11 operation to the clause, sentence, paragraph, subdivision, section or
12 part thereof directly involved in the controversy in which such judgment
13 shall have been rendered. It is hereby declared to be the intent of the
14 legislature that this act would have been enacted even if such invalid
15 provisions had not been included herein.

16 S 35. This act shall take effect January 1, 2011; provided, however,
17 that contributions legally received prior to the effective date of this
18 act may be retained for lawful purposes and shall not provide the basis
19 for a violation of article 14 of the election law; and provided, howev-
20 er, that the state board of elections shall notify all registered
21 campaign committees and political committees of the applicable
22 provisions of this act within thirty days after this act shall have
23 become a law.