

8693

2009-2010 Regular Sessions

I N A S S E M B L Y

June 3, 2009

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

AN ACT to amend the election law, in relation to the ability of the board to administratively set standards for the change of mailing address and in relation to requiring a candidate to provide the state board with depository information

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

1 Section 1. Section 14-118 of the election law, subdivision 1 as  
2 amended by chapter 70 of the laws of 1983, subdivision 2 as amended by  
3 chapter 309 of the laws of 1984, and subdivision 3 as added by chapter 8  
4 and as redesignated by chapter 9 of the laws of 1978, is amended to read  
5 as follows:

6 S 14-118. Treasurer and depository of political committee; filing of  
7 name and address. 1. Every political committee shall have a treasurer  
8 and a depository, and shall cause the treasurer to keep detailed, bound  
9 accounts of all receipts, transfers, loans, liabilities, contributions  
10 and expenditures, made by the committee or any of its officers, members  
11 or agents acting under its authority or in its behalf. All such accounts  
12 shall be retained by a treasurer for a period of five years from the  
13 date of the filing of the final statement with respect to the election,  
14 primary election or convention to which they pertain. No officer,  
15 member or agent of any political committee shall receive any receipt,  
16 transfer or contribution, or make any expenditure or incur any liability  
17 until the committee shall have chosen a treasurer and depository and  
18 filed their names in accordance with this subdivision. There shall be  
19 filed in the office in which the committee is required to file its  
20 statements under section 14-110 of this article, within five days after  
21 the choice of a treasurer and depository, a statement giving the name  
22 and address of the treasurer chosen, the name and address of any person  
23 authorized to sign checks by such treasurer, the name and address of the

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

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1 depository chosen and the candidate or candidates or ballot proposal or  
2 proposals the success or defeat of which the committee is to aid or take  
3 part; provided, however, that such statement shall not be required of a  
4 constituted committee and provided further that a political committee  
5 which makes no expenditures, to aid or take part in the election or  
6 defeat of a candidate, other than in the form of contributions, shall  
7 not be required to list the candidates being supported or opposed by  
8 such committee. Such statement shall be signed by the treasurer and all  
9 other persons authorized to sign checks. Any change in the information  
10 required in any statement shall be reported, in an amended statement  
11 filed in the same manner and in the same office as an original statement  
12 filed under this section, within two days after it occurs, EXCEPT THAT  
13 ANY CHANGE TO THE MAILING ADDRESS ON ANY SUCH STATEMENT FILED AT THE  
14 STATE BOARD MAY ALSO BE MADE IN ANY MANNER DEEMED ACCEPTABLE BY THE  
15 STATE BOARD. Only a banking organization authorized to do business in  
16 this state may be designated a depository hereunder.

17 2. No candidate, political committee, or agent thereof may receive  
18 from any one person an aggregate amount greater than one hundred dollars  
19 except in the form of a check, draft or other instrument payable to the  
20 candidate, political committee or treasurer and signed or endorsed by  
21 the donor; except that such a candidate, political committee or agent  
22 may receive contributions in amounts greater than one hundred dollars  
23 which are made by credit card, provided that such candidate, political  
24 committee or agent preserves, together with the other accounts which  
25 such candidate, committee or agent is required to preserve pursuant to  
26 the provisions of this article, a copy of the document which was submit-  
27 ted to secure payment of the funds so contributed. All such checks,  
28 drafts or other instruments shall be deposited in the account of the  
29 candidate or committee in the designated depository. No candidate or  
30 political committee shall expend an amount in excess of one hundred  
31 dollars except by check drawn on the depository and signed by the candi-  
32 date or person authorized to sign checks by him or in the case of a  
33 political committee, the treasurer or a person authorized to sign checks  
34 by him.

35 3. (A) Every candidate who receives or expends any money or other  
36 valuable thing or incurs any liability to pay money or its equivalent  
37 shall keep and retain detailed, bound accounts as provided in subdivi-  
38 sion [a] ONE of this section.

39 (B) EVERY CANDIDATE REQUIRED TO FILE SWORN STATEMENTS PURSUANT TO  
40 SUBDIVISION ONE OF SECTION 14-104 OF THIS ARTICLE, OTHER THAN A CANDI-  
41 DATE WHO HAS FILED A STATEMENT IN LIEU THEREOF AT OR BEFORE THE FIRST  
42 FILING PERIOD AS SET FORTH IN THAT SECTION, SHALL FILE, IN THE OFFICE OR  
43 OFFICES IN WHICH HE OR SHE IS REQUIRED TO FILE HIS OR HER STATEMENTS  
44 UNDER SECTION 14-110 OF THIS ARTICLE, ON A FORM PRESCRIBED BY THE STATE  
45 BOARD FOR SUCH PURPOSES, A STATEMENT PROVIDING THE NAME AND ADDRESS OF  
46 THE DEPOSITORY AT WHICH THEY MAINTAIN THE ACCOUNTS FROM WHICH HE OR SHE  
47 CONDUCTS HIS OR HER OWN CAMPAIGN FINANCIAL ACTIVITY.

48 S 2. This act shall take effect on the ninetieth day after it shall  
49 have become a law. The state board of elections is authorized to promul-  
50 gate any and all rules and regulations and take any other measures  
51 necessary to implement this act on or before its effective date on or  
52 before such date.