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

8755--B

2009-2010 Regular Sessions

I N A S S E M B L Y

June 5, 2009

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to contribution activities by an intermediary

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

Section 1. The election law is amended by adding a new section 14-105 to read as follows:

S 14-105. CONTRIBUTION DELIVERY ACTIVITIES BY AN INTERMEDIARY. 1. FOR PURPOSES OF THIS SECTION "INTERMEDIARY" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION OR OTHER ENTITY WHICH:

(A) OTHER THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY OR MESSENGER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR ENTITY TO A CANDIDATE OR AUTHORIZED COMMITTEE; OR

(B) SOLICITS CONTRIBUTIONS TO A CANDIDATE OR OTHER AUTHORIZED COMMITTEE WHERE SUCH SOLICITATION IS KNOWN TO SUCH CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEE. FOR PURPOSES OF THIS PARAGRAPH, ONLY PERSONS CLEARLY IDENTIFIED AS THE SOLICITOR OF A CONTRIBUTION TO THE CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEE SHALL BE PRESUMED TO BE KNOWN TO SUCH CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEE. "INTERMEDIARY" SHALL NOT INCLUDE SPOUSES, DOMESTIC PARTNERS, PARENTS, CHILDREN OR SIBLINGS OF THE PERSON MAKING SUCH CONTRIBUTION, OR ANY PAID OR VOLUNTEER FULL-TIME CAMPAIGN WORKERS OR COMMERCIAL FUNDRAISING FIRMS RETAINED BY THE CANDIDATE AND THE AGENTS THEREOF.

2. WHEN CONTRIBUTIONS TOTALING ONE THOUSAND DOLLARS OR MORE ARE DELIVERED BY THE INTERMEDIARY TO THE RECIPIENT CANDIDATE, AUTHORIZED CANDI-

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

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DATE COMMITTEE OR PARTY COMMITTEE, THE INTERMEDIARY SHALL INDICATE IN WRITING TO THE RECIPIENT CANDIDATE, AUTHORIZED CANDIDATE COMMITTEE OR PARTY COMMITTEE THE FOLLOWING INFORMATION:

(A) THE NAME, MAILING ADDRESS AND OCCUPATION OF EACH CONTRIBUTOR WHO MAKES A CONTRIBUTION OVER NINETY-NINE DOLLARS, AND THE AMOUNT OF EACH CONTRIBUTION, AND FOR EACH CONTRIBUTION OF TWO HUNDRED DOLLARS OR MORE, THE NAME AND ADDRESS OF SUCH CONTRIBUTOR'S EMPLOYER;

(B) THE TOTAL AGGREGATE AMOUNT OF CONTRIBUTIONS OF NINETY-NINE DOLLARS OR LESS; AND

(C) THE DATE THE CONTRIBUTION WAS RECEIVED BY THE INTERMEDIARY AND THE DATE THE CONTRIBUTIONS WERE DELIVERED TO THE RECIPIENT CANDIDATE, AUTHORIZED CANDIDATE COMMITTEE OR PARTY COMMITTEE.

3. THE RECIPIENT CANDIDATE, AUTHORIZED CANDIDATE COMMITTEE OR PARTY COMMITTEE SHALL REPORT TO THE STATE BOARD OF ELECTIONS THE INTERMEDIARY WHO DELIVERS CONTRIBUTIONS TOTALING ONE THOUSAND DOLLARS OR MORE ON THE STATEMENTS REQUIRED BY THIS ARTICLE.

4. THE STATE BOARD OF ELECTIONS SHALL PROVIDE A SECTION FOR INTERMEDIARY REPORTING AS REQUIRED BY THIS SECTION, WHICH SHALL INCLUDE:

(A) THE NAME, MAILING ADDRESS, OCCUPATION AND EMPLOYER OF THE INTERMEDIARY; AND

(B) THE TOTAL AMOUNT OF CONTRIBUTIONS DELIVERED BY THE INTERMEDIARY TO THE CANDIDATE, THE CANDIDATE'S AUTHORIZED COMMITTEE OR A PARTY COMMITTEE.

S 2. This act shall take effect January 1, 2012. Provided, however, that contributions legally received prior to the effective date of this act may be retained and expended for lawful purposes and shall not provide the basis for a violation of article 14 of the election law, as amended by this act; and provided, further, that the state board of elections shall notify all candidates and political committees of the applicable provisions of this act within thirty days after this act shall have become a law.