

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

4061--B

2009-2010 Regular Sessions

I N S E N A T E

April 8, 2009

Introduced by Sen. SCHNEIDERMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to increasing penalties for certain violations

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

- 1 Section 1. Section 14-126 of the election law, as amended by chapter
2 8 of the laws of 1978, subdivision 1 as amended by chapter 128 of the
3 laws of 1994 and subdivisions 2, 3 and 4 as redesignated by chapter 9 of
4 the 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.
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) CONDUCTS ACTIVITIES PROHIBITED BY THIS ARTICLE,

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

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1 SHALL BE SUBJECT TO A CIVIL PENALTY, NOT IN EXCESS OF TEN THOUSAND
2 DOLLARS, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE
3 BROUGHT BY THE STATE BOARD OF ELECTIONS.

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

9 [3.] 5. Any person who knowingly and willfully contributes, accepts or
10 aids or participates in the acceptance of a contribution in an amount
11 exceeding an applicable maximum specified in this article shall be guil-
12 ty of a misdemeanor.

13 [4.] 6. Any person who shall, acting on behalf of a candidate or poli-
14 tical committee, knowingly and willfully solicit, organize or coordinate
15 the formation of activities of one or more unauthorized committees, make
16 expenditures in connection with the nomination for election or election
17 of any candidate, or solicit any person to make any such expenditures,
18 for the purpose of evading the contribution limitations of this article,
19 shall be guilty of a class E felony.

20 7. ANY PERSON WHO, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE
21 THIS ARTICLE, ESTABLISHES A PARTNERSHIP FOR THE SOLE PURPOSE OF EVADING
22 THE CONTRIBUTION LIMITS THAT WOULD OTHERWISE APPLY TO THAT INDIVIDUAL IN
23 VIOLATION OF SUBDIVISION TWO OF SECTION 14-120 OF THIS ARTICLE SHALL BE
24 SUBJECT TO A CIVIL PENALTY EQUAL TO TWO TIMES THE AMOUNT CONTRIBUTED BY
25 THE PARTNERSHIP IN EXCESS OF THE CONTRIBUTION LIMITS THAT WOULD OTHER-
26 WISE APPLY TO THAT INDIVIDUAL PLUS A FINE OF UP TO TEN THOUSAND DOLLARS,
27 TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT
28 BY THE STATE BOARD OF ELECTIONS.

29 8. ANY PERSON WHO, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE
30 THIS ARTICLE, ESTABLISHES A LIMITED LIABILITY COMPANY FOR THE SOLE
31 PURPOSE OF EVADING THE CONTRIBUTION LIMITS THAT WOULD OTHERWISE APPLY TO
32 THAT INDIVIDUAL IN VIOLATION OF SECTION 14-120 OF THIS ARTICLE SHALL BE
33 SUBJECT TO A CIVIL PENALTY EQUAL TO TWO TIMES THE AMOUNT CONTRIBUTED BY
34 THE LIMITED LIABILITY COMPANY IN EXCESS OF THE CONTRIBUTION LIMITS THAT
35 WOULD OTHERWISE APPLY TO THAT INDIVIDUAL PLUS A FINE OF UP TO TEN THOU-
36 SAND DOLLARS, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION
37 TO BE BROUGHT BY THE STATE BOARD OF ELECTIONS.

38 S 2. This act shall take effect on the sixtieth day after it shall
39 have become a law.