

6795

I N S E N A T E

February 8, 2010

Introduced by Sens. SCHNEIDERMAN, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the executive law, in relation to establishing the executive ethics and compliance commission, and to amend the legislative law, in relation to establishing the ethical standards in lobbying act of 2010, the New York state commission on lobbying ethics and compliance, the legislative office of ethics investigations, the joint legislative commission on ethics standards; and to amend the public officers law, in relation to influencing the passage of bills, financial disclosure by public officers, reports of business dealings with lobbyist; to amend the election law, in relation to election officials, the state board of elections enforcement counsel and enforcement proceedings; to repeal certain sections of the legislative law and the election law, relating to legislative ethics, campaign receipts and expenditures; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Section 94 of the executive law, as added by chapter 813 of  
2 the laws of 1987, the section heading and subdivisions 1, 2, 3, 4, 5, 6,  
3 7 and 8 as amended by section 2, subdivisions 9, 10, 11, 12, 13, 14, 16  
4 and 17 as amended and subdivisions 13-a, 16-a and 18 as added by section  
5 2-a, paragraph (1) of subdivision 9 as amended by section 3, paragraph  
6 (c) of subdivision 12 as amended by section 4, subdivision 15 as amended  
7 by section 5, and paragraphs (a) and (b) of subdivision 17 as amended by  
8 section 6 of chapter 14 of the laws of 2007, is amended to read as  
9 follows:  
10 S 94. [Commission on public integrity; functions, powers and duties;  
11 review of financial disclosure statements; advisory opinions; investi-  
12 gation and enforcement] EXECUTIVE ETHICS AND COMPLIANCE COMMISSION. 1.  
13 There is established within the department of state [a commission on  
14 public integrity] AN EXECUTIVE ETHICS AND COMPLIANCE COMMISSION which  
15 shall consist of [thirteen] SIX members and shall have and exercise the  
16 powers and duties set forth in this section only with respect to state-

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

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1 wide elected officials [and], ANY state officers and employees, as  
2 defined in sections seventy-three and seventy-three-a of the public  
3 officers law, candidates for statewide elected office, and the political  
4 party chairman as that term is defined in section seventy-three-a of the  
5 public officers law, [lobbyists and the clients of lobbyists as such  
6 terms are defined in article one-A of the legislative law,] and individ-  
7 uals who have formerly held such positions, [were lobbyists or clients  
8 of lobbyists, as such terms are defined in article one-A of the legisla-  
9 tive law,] or who have formerly been such candidates. THE JURISDICTION  
10 OF THE COMMISSION WHEN ACTING PURSUANT TO THIS SECTION SHALL CONTINUE  
11 NOTWITHSTANDING THAT A STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR  
12 EMPLOYEE, SEPARATES FROM STATE SERVICE, OR A CANDIDATE FOR STATEWIDE  
13 ELECTED OFFICE CEASES TO BE A CANDIDATE, PROVIDED THAT THE COMMISSION  
14 NOTIFIES SUCH INDIVIDUAL OF THE ALLEGED VIOLATION OF LAW PURSUANT TO  
15 THIS SECTION WITHIN ONE YEAR FROM HIS OR HER SEPARATION FROM STATE  
16 SERVICE OR THE TERMINATION OF HIS OR HER CANDIDACY. NOTHING IN THIS  
17 SECTION SHALL SERVE TO LIMIT THE JURISDICTION OF THE COMMISSION IN  
18 ENFORCEMENT OF SUBDIVISION EIGHT OF SECTION SEVENTY-THREE OF THE PUBLIC  
19 OFFICERS LAW. This section shall not revoke or rescind any regulations  
20 or advisory opinions issued by the state ethics commission [and], the  
21 temporary lobbying commission AND THE COMMISSION ON PUBLIC INTEGRITY in  
22 effect upon the effective date of [a] THE chapter of the laws of two  
23 thousand [seven] TEN which amended this section to the extent that such  
24 regulations or opinions are not inconsistent with any law of the state  
25 of New York, but such regulations and opinions shall apply only to  
26 matters over which such commissions had jurisdiction at the time such  
27 regulations and opinions were promulgated or issued. The commission  
28 shall undertake a comprehensive review of all such regulations and opin-  
29 ions, which will address the consistency of such regulations and opin-  
30 ions among each other and with the new statutory language. The commis-  
31 sion shall, before [April] DECEMBER first, two thousand [eight] ELEVEN,  
32 report to the governor and legislature regarding such review and shall  
33 propose any regulatory changes and issue any advisory opinions necessi-  
34 tated by such review.

35 2. [The members of the commission shall be appointed by the governor  
36 provided, however, that one member shall be appointed on the nomination  
37 of the comptroller, one member shall be appointed on the nomination of  
38 the attorney general, one member shall be appointed on the nomination of  
39 the temporary president of the senate, one member shall be appointed on  
40 the nomination of the speaker of the assembly, one member shall be  
41 appointed on the nomination of the minority leader of the senate, and  
42 one member shall be appointed on the nomination of the minority leader  
43 of the assembly. Of the seven members appointed by the governor without  
44 prior nomination, no more than four members shall belong to the same  
45 political party and no members shall be public officers or employees or  
46 hold any public office, elected or appointed. No member shall be a  
47 member of the legislature, a candidate for member of the legislature, an  
48 employee of the legislature, a political party chairman as defined in  
49 paragraph (k) of subdivision one of section seventy-three of the public  
50 officers law, or a lobbyist as defined in subdivision (a) of section  
51 one-c of the legislative law.]

52 (A) FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE  
53 THE FOLLOWING MEANINGS:

54 (I) "DESIGNATING PANEL" MEANS THE DESIGNATING ENTITY FOR THE SIX  
55 MEMBERS OF THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION;

56 (II) "DESIGNATING MEMBERS" MEANS THE MEMBERS OF THE DESIGNATING PANEL;

1 (III) "CANDIDATE" MEANS ANY INDIVIDUAL UNDER CONSIDERATION FOR THE SIX  
2 MEMBERS OF THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION;

3 (IV) "APPOINTING OFFICER" MEANS THE STATEWIDE ELECTED OFFICIAL RESPON-  
4 SIBLE FOR APPOINTING A DESIGNATING MEMBER.

5 (B) A DESIGNATING PANEL IS HEREBY ESTABLISHED TO APPOINT SIX MEMBERS  
6 TO THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION.

7 (C) THE DESIGNATING PANEL SHALL CONSIST OF NINE DESIGNATING MEMBERS OF  
8 WHOM THREE SHALL BE APPOINTED BY THE GOVERNOR, THREE BY THE ATTORNEY  
9 GENERAL, AND THREE BY THE STATE COMPTROLLER. NO MORE THAN TWO OF THE  
10 THREE APPOINTMENTS MADE BY THE GOVERNOR, ATTORNEY GENERAL, AND STATE  
11 COMPTROLLER MAY BE A MEMBER OF A MAJOR POLITICAL PARTY. ONE OF THE THREE  
12 APPOINTMENTS MADE BY THE GOVERNOR, ATTORNEY GENERAL, AND STATE COMP-  
13 TROLLER SHALL BE A FORMER JUDGE OR JUSTICE OF THE UNIFIED COURT SYSTEM  
14 TO SUCH DESIGNATING PANEL. NO DESIGNATING MEMBER SHALL BE OR SHALL HAVE  
15 BEEN WITHIN THE PRECEDING FIVE YEARS:

16 (I) A STATEWIDE ELECTED OFFICIAL,

17 (II) A CANDIDATE FOR STATEWIDE ELECTED OFFICE,

18 (III) A MEMBER OF THE LEGISLATURE,

19 (IV) A CANDIDATE FOR MEMBER OF THE LEGISLATURE,

20 (V) AN EMPLOYEE OF THE LEGISLATURE,

21 (VI) A POLITICAL PARTY CHAIRMAN AS DEFINED IN PARAGRAPH (K) OF SUBDI-  
22 VISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,

23 (VII) A STATE OFFICER OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF  
24 SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,

25 (VIII) A LOBBYIST REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER  
26 JURISDICTION, OR

27 (IX) A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING FIRM.

28 (D) OF THE THREE DESIGNATING MEMBERS FIRST APPOINTED BY THE GOVERNOR,  
29 ONE SHALL SERVE A THREE-YEAR TERM, ONE SHALL SERVE A TWO-YEAR TERM, AND  
30 ONE SHALL SERVE A ONE-YEAR TERM. OF THE THREE DESIGNATING MEMBERS FIRST  
31 APPOINTED BY THE ATTORNEY GENERAL, ONE SHALL SERVE A THREE-YEAR TERM,  
32 ONE SHALL SERVE A TWO-YEAR TERM, AND ONE SHALL SERVE A ONE-YEAR TERM. OF  
33 THE THREE DESIGNATING MEMBERS FIRST APPOINTED BY THE STATE COMPTROLLER,  
34 ONE SHALL SERVE A THREE-YEAR TERM, ONE SHALL SERVE A TWO-YEAR TERM, AND  
35 ONE SHALL SERVE A ONE-YEAR TERM. EACH SUBSEQUENT APPOINTMENT SHALL BE  
36 FOR A TERM OF FOUR YEARS.

37 (E) A VACANCY SHALL BE DEEMED TO OCCUR IMMEDIATELY UPON THE APPOINT-  
38 MENT OR ELECTION OF ANY DESIGNATING MEMBER TO AN OFFICE THAT WOULD  
39 DISQUALIFY HIM OR HER FROM SERVING ON THE DESIGNATING PANEL. A VACANCY  
40 OCCURRING FOR ANY REASON OTHER THAN BY EXPIRATION OF TERM SHALL BE  
41 FILLED BY THE APPOINTING OFFICER FOR THE REMAINDER OF THE UNEXPIRED  
42 TERM. NO DESIGNATING MEMBER SHALL SERVE ON SUCH PANEL AFTER THE EXPIRA-  
43 TION OF HIS OR HER TERM. IF THE APPOINTING OFFICER FAILS TO APPOINT A  
44 PERSON TO A VACANT OFFICE WITHIN SIXTY DAYS, THE DESIGNATING PANEL  
45 SHALL, BY A MAJORITY VOTE WITHOUT VACANCY, SELECT A PERSON TO FILL THE  
46 VACANT OFFICE.

47 (F) THE DESIGNATING MEMBERS SHALL DESIGNATE ONE MEMBER TO SERVE AS  
48 CHAIR FOR A PERIOD OF TWO YEARS OR UNTIL HIS OR HER TERM OF OFFICE  
49 EXPIRES, WHICHEVER PERIOD IS SHORTER.

50 (G) DESIGNATING MEMBERS SHALL NOT RECEIVE COMPENSATION, BUT SHALL BE  
51 ENTITLED TO RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES  
52 INCURRED IN THE DISCHARGE OF THEIR DUTIES.

53 (H) SIX DESIGNATING MEMBERS SHALL CONSTITUTE A QUORUM.

54 (I) A MAJORITY VOTE OF FIVE DESIGNATING MEMBERS SHALL BE REQUIRED TO  
55 APPOINT A MEMBER TO THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION.

1 (J) THE DESIGNATING PANEL SHALL CONSIDER AND EVALUATE THE QUALIFICA-  
2 TIONS OF THE CANDIDATES FOR THE EXECUTIVE ETHICS AND COMPLIANCE COMMIS-  
3 SION. THE DESIGNATING PANEL SHALL ONLY APPOINT PERSONS WHO BY THEIR  
4 CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE ARE WELL  
5 QUALIFIED TO BECOME A MEMBER OF THE COMMISSION. NO MEMBER OF THE  
6 COMMISSION SHALL BE OR SHALL HAVE BEEN WITHIN THE PRECEDING FIVE YEARS:

7 (I) A STATEWIDE ELECTED OFFICIAL,

8 (II) A CANDIDATE FOR STATEWIDE ELECTED OFFICE,

9 (III) A MEMBER OF THE LEGISLATURE,

10 (IV) A CANDIDATE FOR MEMBER OF THE LEGISLATURE,

11 (V) AN EMPLOYEE OF THE LEGISLATURE,

12 (VI) A POLITICAL PARTY CHAIRMAN AS DEFINED IN PARAGRAPH (K) OF SUBDI-  
13 VISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,

14 (VII) A STATE OFFICER OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF  
15 SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,

16 (VIII) A LOBBYIST REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER  
17 JURISDICTION, OR

18 (IX) A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING FIRM.

19 (K) THE APPOINTMENTS SHALL BE TRANSMITTED TO THE GOVERNOR, THE ATTOR-  
20 NEY GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE  
21 SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE  
22 AND THE MINORITY LEADER OF THE ASSEMBLY IN A WRITTEN REPORT, WHICH SHALL  
23 BE RELEASED TO THE PUBLIC BY THE DESIGNATING PANEL AT THE TIME IT IS  
24 SUBMITTED.

25 3. Members of the commission shall serve for terms of [five] FOUR  
26 years; provided, however, that [of] the FIRST TWO members first  
27 appointed [without prior nomination, one shall serve for one year, one  
28 shall serve for two years, one shall serve for three years, and one  
29 shall serve for four years, as designated by the governor; the members  
30 first appointed on the nominations of the comptroller and the temporary  
31 president of the senate shall serve for four years and the members first  
32 appointed on the nominations of the attorney general and the speaker of  
33 the assembly shall serve for two years] BY THE DESIGNATING PANEL SHALL  
34 SERVE A TERM FOR TWO YEARS, THE THIRD AND FOURTH MEMBERS FIRST APPOINTED  
35 BY THE DESIGNATING PANEL SHALL SERVE A TERM FOR THREE YEARS, AND THE  
36 LAST TWO MEMBERS FIRST APPOINTED BY THE DESIGNATING PANEL SHALL SERVE  
37 FOR A TERM OF FOUR YEARS.

38 4. The [governor shall designate the chairman of the commission from  
39 among the members thereof, who shall serve as chairman at the pleasure  
40 of the governor] CHAIRPERSON OF THE COMMISSION SHALL BE ELECTED BY THE  
41 COMMISSIONERS BY A MAJORITY VOTE OF THE TOTAL NUMBER OF COMMISSIONERS.  
42 The [chairman] CHAIRPERSON or any [seven] THREE members of the commis-  
43 sion may call a meeting.

44 5. Any vacancy occurring on the commission shall be filled within  
45 sixty days of its occurrence, by the [governor] DESIGNATING PANEL, in  
46 the same manner as [the member whose vacancy is being filled was  
47 appointed] PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION. A person  
48 appointed to fill a vacancy occurring other than by expiration of a term  
49 of office shall be appointed for the unexpired term of the member he OR  
50 SHE succeeds. IN THE EVENT OF A VACANCY, THE DESIGNATING PANEL SHALL  
51 APPOINT A COMMISSIONER FROM A POLITICAL PARTY OTHER THAN THE MEMBER OF  
52 THE COMMISSION WHO CREATED SUCH A VACANCY.

53 6. [Seven] FOUR members of the commission shall constitute a quorum,  
54 and the commission shall have power to act by majority vote of the total  
55 number of members of the commission without vacancy.

1 7. Members of the commission may be removed by the [governor] DESIG-  
2 NATING PANEL for substantial neglect of duty, gross misconduct in  
3 office, inability to discharge the powers or duties of office or  
4 violation of this section, after written notice and opportunity for a  
5 reply.

6 8. The members of the commission shall [not] receive [compensation  
7 but] A PER DIEM ALLOWANCE IN THE SUM OF ONE HUNDRED DOLLARS FOR EACH DAY  
8 ACTUALLY SPENT IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THIS ARTI-  
9 CLE, NOT EXCEEDING, HOWEVER, THE SUM OF FIVE THOUSAND DOLLARS IN ANY  
10 CALENDAR YEAR AND IN ADDITION THERETO shall be reimbursed for ALL  
11 reasonable expenses ACTUALLY AND NECESSARILY incurred in the performance  
12 of their official duties.

13 9. The commission shall:

14 (a) Appoint an executive director who shall act in accordance with the  
15 policies of the commission. The commission may delegate authority to the  
16 executive director to act in the name of the commission between meetings  
17 of the commission provided such delegation is in writing and the specif-  
18 ic powers to be delegated are enumerated. THE EXECUTIVE DIRECTOR SHALL  
19 BE APPOINTED FOR A TERM OF THREE YEARS AND SHALL ONLY BE DISMISSED FOR  
20 CAUSE BY A MAJORITY VOTE OF THE BOARD;

21 (b) Appoint such other staff as are necessary to carry out its duties  
22 under this section;

23 (c) Adopt, amend, and rescind rules and regulations to govern proce-  
24 dures of the commission, which shall include, but not be limited to, the  
25 procedure whereby a person who is required to file an annual financial  
26 disclosure statement with the commission may request an additional peri-  
27 od of time within which to file such statement, due to justifiable cause  
28 or undue hardship; such rules or regulations shall provide for a date  
29 beyond which in all cases of justifiable cause or undue hardship no  
30 further extension of time will be granted;

31 (d) Adopt, amend, and rescind rules and regulations to assist appoint-  
32 ing authorities in determining which persons hold policy-making posi-  
33 tions for purposes of section seventy-three-a of the public officers  
34 law;

35 (e) Make available forms for annual statements of financial disclosure  
36 required to be filed pursuant to section seventy-three-a of the public  
37 officers law;

38 (f) Review financial disclosure statements in accordance with the  
39 provisions of this section, provided however, that the commission may  
40 delegate all or part of this review function to the executive director  
41 who shall be responsible for completing staff review of such statements  
42 in a manner consistent with the terms of the commission's delegation.  
43 SUCH REVIEW SHALL REQUIRE THAT ALL STATEMENTS OF FINANCIAL DISCLOSURE  
44 FILED WITH THE COMMISSION BE EXAMINED TO ENSURE THAT EACH STATEMENT IS  
45 FACIALLY COMPLETE AND SIGNED BY THE REPORTING INDIVIDUAL;

46 (g) [Receive] INITIATE OR RECEIVE complaints and referrals alleging  
47 violations of section seventy-three, seventy-three-a or seventy-four of  
48 the public officers law[, article one-A of the legislative law] or  
49 section one hundred seven of the civil service law;

50 (h) Permit any person subject to the jurisdiction of the commission  
51 who is required to file a financial disclosure statement to request the  
52 commission to delete from the copy thereof made available for public  
53 inspection and copying one or more items of information which may be  
54 deleted by the commission upon a finding by the commission that the  
55 information which would otherwise be required to be made available for  
56 public inspection and copying will have no material bearing on the

1 discharge of the reporting person's official duties. If such request for  
2 deletion is denied, the commission, in its notification of denial, shall  
3 inform the person of his or her right to appeal the commission's deter-  
4 mination pursuant to its rules governing adjudicatory proceedings and  
5 appeals adopted pursuant to subdivision thirteen of this section;

6 (i) Permit any person subject to the jurisdiction of the commission  
7 who is required to file a financial disclosure statement to request an  
8 exemption from any requirement to report one or more items of informa-  
9 tion which pertain to such person's spouse or unemancipated children  
10 which item or items may be exempted by the commission upon a finding by  
11 the commission that the reporting individual's spouse, on his or her own  
12 behalf or on behalf of an unemancipated child, objects to providing the  
13 information necessary to make such disclosure and that the information  
14 which would otherwise be required to be reported will have no material  
15 bearing on the discharge of the reporting person's official duties. If  
16 such request for exemption is denied, the commission, in its notifica-  
17 tion of denial, shall inform the person of his or her right to appeal  
18 the commission's determination pursuant to its rules governing adjudica-  
19 tory proceedings and appeals adopted pursuant to subdivision thirteen of  
20 this section;

21 (j) A STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDI-  
22 DATE FOR STATEWIDE ELECTED OFFICE MAY NOT DISCLOSE INFORMATION REGARDING  
23 A CLIENT, PERSON, OR ENTITY REQUIRED UNDER THE ANNUAL STATEMENT OF  
24 FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARA-  
25 GRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE  
26 PUBLIC OFFICERS LAW, IF SUCH DISCLOSURE OF THE CLIENT, PERSON, OR ENTI-  
27 TY'S REQUIRED INFORMATION WOULD VIOLATE A LEGALLY RECOGNIZED PRIVILEGE  
28 UNDER NEW YORK LAW OR WITHIN THE PURVIEW OF THE ATTORNEY-CLIENT PRIVI-  
29 LEGE, DISCLOSURE WOULD CREATE AN UNREASONABLE HARDSHIP, IN THAT SUCH  
30 DISCLOSURE WOULD CONVEY THE SUBSTANCE OF A CONFIDENTIAL COMMUNICATION  
31 BETWEEN CLIENT AND ATTORNEY. SUCH A CLIENT, PERSON, OR ENTITY'S  
32 REQUIRED INFORMATION UNDER SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH  
33 EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC  
34 OFFICERS LAW MAY BE WITHHELD IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

35 (I) A STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDI-  
36 DATE FOR STATEWIDE ELECTED OFFICE WHO BELIEVES THAT A CLIENT, PERSON, OR  
37 ENTITY'S REQUIRED INFORMATION UNDER THE ANNUAL STATEMENT OF FINANCIAL  
38 DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT  
39 OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS  
40 LAW IS PROTECTED BY A LEGALLY RECOGNIZED PRIVILEGE OR UNREASONABLE HARD-  
41 SHIP MAY DECLINE TO REPORT THE REQUIRED INFORMATION, BUT SHALL FILE WITH  
42 HIS OR HER ANNUAL STATEMENT OF FINANCIAL DISCLOSURE AN EXPLANATION FOR  
43 SUCH NONDISCLOSURE. THE EXPLANATION SHALL SEPARATELY STATE FOR EACH  
44 UNDISCLOSED CLIENT, PERSON, OR ENTITY, THE LEGAL BASIS FOR ASSERTION OF  
45 THE PRIVILEGE OR UNREASONABLE HARDSHIP AND, AS SPECIFICALLY AS POSSIBLE  
46 WITHOUT DEFEATING THE PRIVILEGE OR UNREASONABLE HARDSHIP, FACTS WHICH  
47 DEMONSTRATE WHY THE PRIVILEGE OR UNREASONABLE HARDSHIP IS APPLICABLE.

48 (II) WITH RESPECT TO EACH UNDISCLOSED CLIENT, PERSON, OR ENTITY, THE  
49 STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR  
50 STATEWIDE ELECTED OFFICE SHALL STATE THAT TO THE BEST OF HIS OR HER  
51 KNOWLEDGE HE OR SHE HAS NOT AND WILL NOT MAKE, PARTICIPATE IN MAKING, OR  
52 IN ANY WAY ATTEMPT TO USE AN OFFICIAL POSITION TO INFLUENCE A GOVERN-  
53 MENTAL DECISION WHEN TO DO SO CONSTITUTED OR WOULD CONSTITUTE A CRIME OR  
54 VIOLATION OF ANY LOCAL, STATE OR FEDERAL LAW.

55 (III) THE EXECUTIVE DIRECTOR MAY REQUEST FURTHER INFORMATION FROM THE  
56 STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR

1 STATEWIDE ELECTED OFFICE AND, IF NO LEGAL OR FACTUAL JUSTIFICATION  
2 SUFFICIENT TO SUPPORT ASSERTION OF THE PRIVILEGE OR UNREASONABLE HARD-  
3 SHIP IS SHOWN, MAY ORDER THAT THE DISCLOSURE REQUIRED BY THE ANNUAL  
4 STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR  
5 (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A  
6 OF THE PUBLIC OFFICERS LAW BE MADE. THE STATEWIDE ELECTED OFFICIAL,  
7 STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE  
8 SHALL, WITHIN FOURTEEN DAYS AFTER RECEIPT OF AN ORDER FROM THE EXECUTIVE  
9 DIRECTOR, EITHER COMPLY WITH THE ORDER OR, IF HE OR SHE WANTS TO CHAL-  
10 LENGE THE DETERMINATION OF THE EXECUTIVE DIRECTOR APPEAL THE DETERMI-  
11 NATION, IN WRITING, TO THE COMMISSION. THE EXECUTIVE DIRECTOR MAY, FOR  
12 GOOD CAUSE, EXTEND ANY OF THE TIME FOR A PERIOD OF FOURTEEN DAYS.

13 (IV) IF THE EXECUTIVE DIRECTOR DETERMINES THAT NONDISCLOSURE IS JUSTI-  
14 FIED BECAUSE OF THE EXISTENCE OF A PRIVILEGE OR UNREASONABLE HARDSHIP,  
15 THE MATTER SHALL BE REFERRED TO THE COMMISSION.

16 (V) THE COMMISSION SHALL REVIEW AN APPEAL FILED UNDER SUBPARAGRAPH  
17 (III) OF THIS PARAGRAPH OR A RECOMMENDATION MADE BY THE EXECUTIVE DIREC-  
18 TOR UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH AT A MEETING HELD NO LESS  
19 THAN FOURTEEN DAYS AFTER NOTICE OF THE MEETING IS MAILED TO THE STATE-  
20 WIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATE-  
21 WIDE ELECTED OFFICE. THE COMMISSION SHALL DECIDE WHETHER NONDISCLOSURE  
22 IS WARRANTED BY ISSUING AN OPINION PURSUANT TO SUBDIVISION FIFTEEN OF  
23 THIS SECTION AND SHALL TREAT THE EXPLANATION FOR NONDISCLOSURE ACCOMPA-  
24 NYING THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR  
25 CANDIDATE FOR STATEWIDE ELECTED OFFICE'S ANNUAL STATEMENT OF FINANCIAL  
26 DISCLOSURE AS AN OPINION REQUEST.

27 (VI) IF THE COMMISSION ORDERS A STATEWIDE ELECTED OFFICIAL, STATE  
28 OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE TO  
29 DISCLOSE, THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR  
30 CANDIDATE FOR STATEWIDE ELECTED OFFICE MUST COMPLY WITHIN FOURTEEN DAYS.  
31 THE COMMISSION, IN ITS NOTIFICATION TO DISCLOSE A CLIENT, PERSON, OR  
32 ENTITY'S INFORMATION REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL  
33 DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT  
34 OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS  
35 LAW, SHALL INFORM THE PERSON OF HIS OR HER RIGHT TO APPEAL THE COMMIS-  
36 SION'S DETERMINATION PURSUANT TO ITS RULES GOVERNING ADJUDICATORY  
37 PROCEEDINGS AND APPEALS ADOPTED PURSUANT TO SUBDIVISION THIRTEEN OF THIS  
38 SECTION;

39 (K) Advise and assist any state agency in establishing rules and regu-  
40 lations relating to possible conflicts between private interests and  
41 official duties of present or former statewide elected officials and  
42 state officers and employees;

43 [(k)] (L) Permit any person who has not been determined by his or her  
44 appointing authority to hold a policy-making position but who is other-  
45 wise required to file a financial disclosure statement to request an  
46 exemption from such requirement in accordance with rules and regulations  
47 governing such exemptions. Such rules and regulations shall provide for  
48 exemptions to be granted either on the application of an individual or  
49 on behalf of persons who share the same job title or employment classi-  
50 fication which the commission deems to be comparable for purposes of  
51 this section. Such rules and regulations may permit the granting of an  
52 exemption where, in the discretion of the commission, the public inter-  
53 est does not require disclosure and the applicant's duties do not  
54 involve the negotiation, authorization or approval of:

1 (i) contracts, leases, franchises, revocable consents, concessions,  
2 variances, special permits, or licenses as defined in section seventy-  
3 three of the public officers law;  
4 (ii) the purchase, sale, rental or lease of real property, goods or  
5 services, or a contract therefor;  
6 (iii) the obtaining of grants of money or loans; or  
7 (iv) the adoption or repeal of any rule or regulation having the force  
8 and effect of law;

9 [(l)] (M) Prepare an annual report to the governor and legislature  
10 summarizing the activities of the commission during the previous year  
11 and recommending any changes in the laws governing the conduct of  
12 persons subject to the jurisdiction of the commission, or the rules,  
13 regulations and procedures governing the commission's conduct. Such  
14 report shall BE POSTED ON THE COMMISSION'S WEBSITE AND SHALL include:  
15 (i) THE NUMBER OF REPORTING INDIVIDUALS WHOSE FILES WERE REVIEWED PURSU-  
16 ANT TO PARAGRAPH (P) OF THIS SUBDIVISION DURING THE PREVIOUS YEAR AND  
17 WHICH, IF ANY, CLASSES OF REPORTING INDIVIDUALS WERE SELECTED FOR CLASS  
18 REVIEW RATHER THAN RANDOM REVIEW; (II) a listing by assigned number of  
19 each complaint and referral received which alleged a possible violation  
20 within its jurisdiction, including the current status of each  
21 complaint[,]; and [(ii)] (III) where a matter has been resolved, the  
22 date and nature of the disposition and any sanction imposed, subject to  
23 the confidentiality requirements of this section, provided, however,  
24 that such annual report shall not contain any information for which  
25 disclosure is not permitted pursuant to subdivision seventeen of this  
26 section; [and]

27 [(m)] (N) Determine a question common to a class or defined category  
28 of persons or items of information required to be disclosed, where  
29 determination of the question will prevent undue repetition of requests  
30 for exemption or deletion or prevent undue complication in complying  
31 with the requirements of such section[.];

32 (O) PREPARE AND ISSUE A REPORT BY DECEMBER FIRST, TWO THOUSAND ELEVEN  
33 TO THE GOVERNOR AND THE LEGISLATURE RECOMMENDING ANY CHANGES TO THE LAW  
34 GOVERNING THE FILING OF ANNUAL STATEMENTS OF FINANCIAL DISCLOSURE, WHICH  
35 SHALL INCLUDE AN ANALYSIS OF THE STATUTES WHICH REQUIRE INDIVIDUALS TO  
36 FILE FINANCIAL DISCLOSURE STATEMENTS, THE SCOPE OF DISCLOSURE REQUIRED,  
37 AND ALTERNATIVE APPROACHES TO THE CURRENT SYSTEM, AND RECOMMENDATIONS AS  
38 TO THE APPROPRIATE SCOPE OF DISCLOSURE FOR DIFFERENT CLASSES OF INDIVID-  
39 UALS, INCLUDING THOSE WHO SERVE IN UNCOMPENSATED POSITIONS; AND

40 (P) PROMULGATE GUIDELINES FOR THE COMMISSION TO CONDUCT A PROGRAM OF  
41 RANDOM REVIEWS, TO BE CARRIED OUT IN THE FOLLOWING MANNER: (I) ANNUAL  
42 STATEMENTS OF FINANCIAL DISCLOSURE SHALL BE SELECTED FOR REVIEW IN A  
43 MANNER PURSUANT TO WHICH THE IDENTITY OF ANY PARTICULAR PERSON WHOSE  
44 STATEMENT IS SELECTED IS UNKNOWN TO THE COMMISSION AND ITS STAFF PRIOR  
45 TO ITS SELECTION; (II) SUCH REVIEW SHALL INCLUDE A PRELIMINARY EXAMINA-  
46 TION OF THE SELECTED STATEMENT FOR INTERNAL CONSISTENCY, A COMPARISON  
47 WITH OTHER RECORDS MAINTAINED BY THE COMMISSION, INCLUDING PREVIOUSLY  
48 FILED STATEMENTS AND REQUESTS FOR ADVISORY OPINIONS, AND AN EXAMINATION  
49 OF RELEVANT PUBLIC INFORMATION, INCLUDING, BUT NOT LIMITED TO, RECORDS  
50 FILED WITH THE COMMISSION ON LOBBYING ETHICS AND COMPLIANCE AND THE  
51 DEPARTMENT OF STATE; (III) UPON COMPLETION OF THE PRELIMINARY EXAMINA-  
52 TION, THE COMMISSION SHALL DETERMINE WHETHER FURTHER INQUIRY IS  
53 WARRANTED, WHEREUPON IT SHALL NOTIFY THE REPORTING INDIVIDUAL IN WRITING  
54 THAT THE STATEMENT IS UNDER REVIEW, ADVISE THE REPORTING INDIVIDUAL OF  
55 THE SPECIFIC AREAS OF INQUIRY, AND PROVIDE THE REPORTING INDIVIDUAL WITH  
56 THE OPPORTUNITY TO PROVIDE THE COMMISSION WITH ANY RELEVANT INFORMATION

1 RELATED TO THE SPECIFIC AREAS OF INQUIRY, AND THE OPPORTUNITY TO FILE  
2 AMENDMENTS TO THE SELECTED STATEMENT ON FORMS PROVIDED BY THE COMMIS-  
3 SION; AND (IV) IF THEREAFTER SUFFICIENT CAUSE EXISTS, THE COMMISSION  
4 SHALL INITIATE AN INVESTIGATION TO DETERMINE WHETHER THE REPORTING INDI-  
5 VIDUAL HAS FILED A DEFICIENT STATEMENT; PROVIDED, HOWEVER IF THE COMMIS-  
6 SION CONDUCTS A REVIEW OF ALL STATEMENTS OF FINANCIAL DISCLOSURE FILED  
7 BY A CLASS OF REPORTING INDIVIDUALS IN THE MANNER SET FORTH IN THIS  
8 PARAGRAPH WITH RESPECT TO A GIVEN CALENDAR YEAR, THE INDIVIDUALS WITHIN  
9 SUCH CLASS SHALL NOT BE SUBJECT TO RANDOM REVIEW. FOR THE PURPOSES OF  
10 THIS PARAGRAPH, THE CLASSES OF REPORTING INDIVIDUALS ARE (A) STATEWIDE  
11 ELECTED OFFICIALS, (B) CANDIDATES FOR STATEWIDE OFFICE, (C) HEADS OF  
12 STATE DEPARTMENTS AND THEIR DEPUTIES AND ASSISTANTS PURSUANT TO SUBPARA-  
13 GRAPH (I) OF PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE  
14 OF THE PUBLIC OFFICERS LAW, AND (D) OTHER STATE OFFICERS AND EMPLOYEES.

15 10. The commission, or the executive director and staff of the commis-  
16 sion if responsibility therefor has been delegated, shall inspect all  
17 financial disclosure statements filed with the commission to ascertain  
18 whether any person subject to the reporting requirements of section  
19 seventy-three-a of the public officers law has failed to file such a  
20 statement, has filed a deficient statement or has filed a statement  
21 which reveals a possible violation of section seventy-three, seventy-  
22 three-a or seventy-four of the public officers law.

23 11. If a person required to file a financial disclosure statement with  
24 the commission has failed to file a disclosure statement or has filed a  
25 deficient statement, the commission shall notify the reporting person in  
26 writing, state the failure to file or detail the deficiency, provide the  
27 person with a fifteen day period to cure the deficiency, and advise the  
28 person of the penalties for failure to comply with the reporting  
29 requirements. Such notice shall be confidential. If the person fails to  
30 make such filing or fails to cure the deficiency within the specified  
31 time period, the commission shall send a notice of delinquency: (a) to  
32 the reporting person; (b) in the case of a statewide elected official,  
33 to the temporary president of the senate and the speaker of the assem-  
34 bly; and (c) in the case of a state officer or employee, to the appoint-  
35 ing authority for such person. Such notice of delinquency may be sent at  
36 any time during the reporting person's service as a statewide elected  
37 official, state officer or employee, political party chair or while a  
38 candidate for statewide office, or within one year after termination of  
39 such service or candidacy. The jurisdiction of the commission, when  
40 acting pursuant to subdivision thirteen of this section with respect to  
41 financial disclosure, shall continue notwithstanding that the reporting  
42 person separates from state service, or ceases to hold office as a  
43 statewide elected official or political party chair, or ceases to be a  
44 candidate, provided the commission notifies such person of the alleged  
45 failure to file or deficient filing pursuant to this subdivision.

46 12. (a) If the commission receives a sworn complaint alleging a  
47 violation of section seventy-three, seventy-three-a or seventy-four of  
48 the public officers law[, ] OR section one hundred seven of the civil  
49 service law [or article one-A of the legislative law] by a person or  
50 entity subject to the jurisdiction of the commission, or if a reporting  
51 individual has filed a statement which reveals a possible violation of  
52 these provisions, or if the commission determines on its own initiative  
53 to investigate a possible violation, the commission shall notify the  
54 individual in writing, describe the possible or alleged violation of  
55 such laws and provide the person with a fifteen day period in which to  
56 submit a written response setting forth information relating to the

1 activities cited as a possible or alleged violation of law. THE COMMIS-  
2 SION SHALL ALSO, AT THE TIME OF PROVIDING NOTICE, INFORM THE INDIVIDUAL  
3 OF ITS RULES REGARDING THE CONDUCT OF ADJUDICATORY PROCEEDINGS AND  
4 APPEALS AND THE DUE PROCESS MECHANISMS AVAILABLE TO SUCH INDIVIDUAL. If  
5 the commission thereafter makes a determination that further inquiry is  
6 justified, it shall give the individual an opportunity to be heard. [The  
7 commission shall also inform the individual of its rules regarding the  
8 conduct of adjudicatory proceedings and appeals and the due process  
9 procedural mechanisms available to such individual.] If the commission  
10 determines at any stage of the proceeding, that there is no violation or  
11 that any potential conflict of interest violation has been rectified, it  
12 shall [so advise the individual and the complainant, if any] ISSUE WRIT-  
13 TEN NOTICE TO THE INDIVIDUAL AND THE COMPLAINANT, IF ANY, STATING THE  
14 CIRCUMSTANCES UNDER WHICH THE MATTER HAS BEEN RECTIFIED AND THAT THE  
15 COMMISSION CONSIDERS THE INDIVIDUAL TO BE IN GOOD STANDING. All of the  
16 foregoing proceedings shall be confidential.

17 (b) If the commission determines that there is reasonable cause to  
18 believe that a violation has occurred, it shall send a notice of reason-  
19 able cause: (i) to the reporting person; (ii) to the complainant if any;  
20 (iii) in the case of a statewide elected official, to the temporary  
21 president of the senate and the speaker of the assembly; and (iv) in the  
22 case of a state officer or employee, to the appointing authority for  
23 such person.

24 [(c) The jurisdiction of the commission when acting pursuant to this  
25 section shall continue notwithstanding that a statewide elected official  
26 or a state officer or employee separates from state service, or a poli-  
27 tical party chair ceases to hold such office, or a candidate ceases to  
28 be a candidate, or a lobbyist or client of a lobbyist ceases to act as  
29 such, provided that the commission notifies such individual or entity of  
30 the alleged violation of law pursuant to paragraph (a) of this subdivi-  
31 sion within one year from his or her separation from state service or  
32 his or her termination of party service or candidacy, or from his, her  
33 or its last report filed pursuant to article one-A of the legislative  
34 law. Nothing in this section shall serve to limit the jurisdiction of  
35 the commission in enforcement of subdivision eight of section seventy-  
36 three of the public officers law.]

37 13. An individual subject to the jurisdiction of the commission who  
38 knowingly and intentionally violates the provisions of subdivisions two  
39 through five, seven, eight, twelve or fourteen through seventeen of  
40 section seventy-three of the public officers law, section one hundred  
41 seven of the civil service law, or a reporting individual who knowingly  
42 and wilfully fails to file an annual statement of financial disclosure  
43 or who knowingly and wilfully with intent to deceive makes a false  
44 statement or fraudulent omission or gives information which such indi-  
45 vidual knows to be false on such statement of financial disclosure filed  
46 pursuant to section seventy-three-a of the public officers law, OR A  
47 REPORTING INDIVIDUAL WHO KNOWINGLY AND WILFULLY FAILS TO FILE A REPORT  
48 OF BUSINESS DEALINGS WITH LOBBYISTS OR WHO KNOWINGLY AND WILFULLY WITH  
49 INTENT TO DECEIVE MAKES A FALSE STATEMENT OR GIVES INFORMATION WHICH  
50 SUCH INDIVIDUAL KNOWS TO BE FALSE ON SUCH A REPORT OF BUSINESS DEALINGS  
51 WITH LOBBYISTS FILED PURSUANT TO SUBDIVISION ONE OF SECTION  
52 SEVENTY-FOUR-B OF THE PUBLIC OFFICERS LAW shall be subject to a civil  
53 penalty in an amount not to exceed forty thousand dollars and the value  
54 of any gift, compensation or benefit received as a result of such  
55 violation. An individual who knowingly and intentionally violates the  
56 provisions of paragraph b, c, d or i of subdivision three of section

1 seventy-four of the public officers law shall be subject to a civil  
2 penalty in an amount not to exceed ten thousand dollars and the value of  
3 any gift, compensation or benefit received as a result of such  
4 violation. An individual who knowingly and intentionally violates the  
5 provisions of paragraph a, e or g of subdivision three of section seven-  
6 ty-four of the public officers law shall be subject to a civil penalty  
7 in an amount not to exceed the value of any gift, compensation or bene-  
8 fit received as a result of such violation. [An individual subject to  
9 the jurisdiction of the commission who knowingly and willfully violates  
10 article one-A of the legislative law shall be subject to civil penalty  
11 as provided for in that article.] Assessment of a civil penalty here-  
12 under shall be made by the commission with respect to persons subject to  
13 its jurisdiction. In assessing the amount of the civil penalties to be  
14 imposed, the commission shall consider the seriousness of the violation,  
15 the amount of gain to the individual and whether the individual previ-  
16 ously had any civil or criminal penalties imposed pursuant to this  
17 section, and any other factors the commission deems appropriate. For a  
18 violation of this subdivision, other than for conduct which constitutes  
19 a violation of section one hundred seven of the civil service law,  
20 subdivisions twelve or fourteen through seventeen of section seventy-  
21 three or section seventy-four of the public officers law [or article  
22 one-A of the legislative law,] the commission may, in [lieu of] ADDITION  
23 TO a civil penalty, refer a violation to the appropriate prosecutor and  
24 upon such conviction, such violation shall be punishable as a class A  
25 misdemeanor. A civil penalty for false filing may not be imposed here-  
26 under in the event a category of "value" or "amount" reported hereunder  
27 is incorrect unless such reported information is falsely understated.  
28 Notwithstanding any [other provision of law to the contrary, no other  
29 penalty,] civil or criminal [may be] PENALTY imposed for a failure to  
30 file, or for a false filing, of such statement, or a violation of  
31 section seventy-three of the public officers law, [except that] the  
32 appointing authority may impose disciplinary action as otherwise  
33 provided by law. The commission may refer violations of this subdivision  
34 to the appointing authority for disciplinary action as otherwise  
35 provided by law. The commission shall be deemed to be an agency within  
36 the meaning of article three of the state administrative procedure act  
37 and shall adopt rules governing the conduct of adjudicatory proceedings  
38 and appeals taken pursuant to a proceeding commenced under article  
39 seventy-eight of the civil practice law and rules relating to the  
40 assessment of the civil penalties herein authorized and commission  
41 denials of requests for certain deletions or exemptions OR NONDISCLOSURE  
42 OF INFORMATION REGARDING A CLIENT, PERSON OR ENTITY to be made from a  
43 financial disclosure statement as authorized in [paragraph] PARAGRAPHS  
44 (h) [or paragraph], (i) OR (J) of subdivision nine of this section. Such  
45 rules, which shall not be subject to the approval requirements of the  
46 state administrative procedure act, shall provide for due process proce-  
47 dural mechanisms substantially similar to those set forth in article  
48 three of the state administrative procedure act but such mechanisms need  
49 not be identical in terms or scope. Assessment of a civil penalty or  
50 commission denial of such a request shall be final unless modified,  
51 suspended or vacated within thirty days of imposition, with respect to  
52 the assessment of such penalty, or unless such denial of request is  
53 reversed within such time period, and upon becoming final shall be  
54 subject to review at the instance of the affected reporting individuals  
55 in a proceeding commenced against the commission, pursuant to article  
56 seventy-eight of the civil practice law and rules.

1 13-a. [If] NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF the commis-  
2 sion has a reasonable basis to believe that any person subject to the  
3 jurisdiction of the [legislative ethics] commission ON LOBBYING ETHICS  
4 AND COMPLIANCE may have violated any provisions of [section seventy-  
5 three or seventy-four] ARTICLE ONE-A of the [public officers] LEGISLA-  
6 TIVE law OR THAT ANY PERSON SUBJECT TO THE JURISDICTION OF THE STATE  
7 BOARD OF ELECTIONS MAY HAVE VIOLATED ARTICLE FOURTEEN OF THE ELECTION  
8 LAW, it shall refer such violation to the [legislative ethics commis-  
9 sion] COMMISSION ON LOBBYING ETHICS AND COMPLIANCE OR TO THE BOARD OF  
10 ELECTIONS ENFORCEMENT UNIT, AS APPROPRIATE, unless the commission deter-  
11 mines that such a referral would compromise the prosecution or confiden-  
12 tiality of its investigations and, if so, shall make such a referral as  
13 soon as practicable. The referral by the commission to the [legislative  
14 ethics commission] COMMISSION ON LOBBYING ETHICS AND COMPLIANCE OR TO  
15 THE BOARD OF ELECTIONS ENFORCEMENT UNIT, AS APPROPRIATE, shall include  
16 any information relating thereto coming into the custody or under the  
17 control of the commission at any time prior or subsequent to the time of  
18 the referral.

19 14. A copy of any notice of delinquency or notice of reasonable cause  
20 sent pursuant to subdivisions eleven and twelve of this section shall be  
21 included in the reporting person's file and be available for public  
22 inspection and copying.

23 15. Upon written request from any person who is subject to the juris-  
24 diction of the commission and the requirements of sections seventy-  
25 three, seventy-three-a or seventy-four of the public officers law, the  
26 commission shall render advisory opinions on the requirements of said  
27 provisions. An opinion rendered by the commission, until and unless  
28 amended or revoked, shall be binding on the commission in any subsequent  
29 proceeding concerning the person who requested the opinion and who acted  
30 in good faith, unless material facts were omitted or misstated by the  
31 person in the request for an opinion. Such opinion may also be relied  
32 upon by such person, and may be introduced and shall be a defense, in  
33 any criminal or civil action. Such requests shall be confidential but  
34 the commission may publish such opinions provided that the name of the  
35 requesting person and other identifying details shall not be included in  
36 the publication.

37 16. In addition to any other powers and duties specified by law, the  
38 commission shall have the power and duty to:

39 (a) Promulgate rules concerning restrictions on outside activities and  
40 limitations on the receipt of gifts and honoraria by persons subject to  
41 its jurisdiction, provided, however, a violation of such rules in and of  
42 itself shall not be punishable pursuant to subdivision thirteen of this  
43 section unless the conduct constituting the violation would otherwise  
44 constitute a violation of this section; and

45 (b) Conduct training programs in cooperation with the governor's  
46 office of employee relations to provide education to individuals subject  
47 to its jurisdiction; and

48 (c) Administer and enforce all the provisions of this section; and

49 (d) Conduct any investigation necessary to carry out the provisions of  
50 this section. Pursuant to this power and duty, the commission may admin-  
51 ister oaths or affirmations, subpoena witnesses, compel their attendance  
52 and require the production of any books or records which it may deem  
53 relevant or material;

54 16-a. Within one hundred twenty days of the effective date of this  
55 subdivision, the commission shall create and thereafter maintain a  
56 publicly accessible website which shall set forth the procedure for

1 filing a complaint with the commission, and which shall contain the  
2 documents identified in subdivision seventeen of this section, other  
3 than financial disclosure statements OF STATE OFFICERS AND EMPLOYEES,  
4 and any other records or information which the commission determines to  
5 be appropriate.

6 16-B. (A) WHEN AN INDIVIDUAL BECOMES A MEMBER OF THE COMMISSION OR  
7 STAFF OF THE COMMISSION, THAT INDIVIDUAL SHALL BE REQUIRED TO SIGN A  
8 NON-DISCLOSURE STATEMENT.

9 (B) NO TESTIMONY RECEIVED OR ANY OTHER INFORMATION OBTAINED BY A  
10 MEMBER OF THE COMMISSION OR STAFF OF THE COMMISSION SHALL BE DISCLOSED  
11 BY ANY SUCH INDIVIDUAL TO ANY PERSON OR ENTITY OUTSIDE THE COMMISSION.  
12 ANY CONFIDENTIAL COMMUNICATION TO ANY PERSON OR ENTITY OUTSIDE THE  
13 COMMISSION RELATED TO THE MATTERS BEFORE THE COMMISSION MAY OCCUR ONLY  
14 AS AUTHORIZED BY THE COMMISSION AS NECESSARY TO CONDUCT OFFICIAL BUSI-  
15 NESS OR PURSUANT TO COMMISSION RULES OR AS REQUIRED BY LAW.

16 (C) THE COMMISSION SHALL ESTABLISH PROCEDURES NECESSARY TO PREVENT THE  
17 UNAUTHORIZED DISCLOSURE OF ANY INFORMATION RECEIVED BY ANY MEMBER OF THE  
18 COMMISSION OR STAFF OF THE COMMISSION. ANY BREACHES OF CONFIDENTIALITY  
19 SHALL BE INVESTIGATED BY THE COMMISSION AND APPROPRIATE ACTION SHALL BE  
20 TAKEN IN ACCORDANCE WITH SUBDIVISION THIRTEEN OF THIS SECTION.

21 17. (a) Notwithstanding the provisions of article six of the public  
22 officers law, the only records of the commission which shall be avail-  
23 able for public inspection and copying are:

24 (1) the information set forth in an annual statement of financial  
25 disclosure filed pursuant to section seventy-three-a of the public offi-  
26 cers law except [the categories of value or amount, which shall remain  
27 confidential, and] any [other] item of information deleted pursuant to  
28 paragraph (h) of subdivision nine of this section;

29 (2) notices of delinquency sent under subdivision eleven of this  
30 section;

31 (3) notices of reasonable cause sent under paragraph (b) of subdivi-  
32 sion twelve of this section;

33 (4) notices of civil assessments imposed under this section which  
34 shall include a description of the nature of the alleged wrongdoing, the  
35 procedural history of the complaint, the findings and determinations  
36 made by the commission, and any sanction imposed; AND

37 (5) the terms of any settlement or compromise of a complaint or refer-  
38 ral which includes a fine, penalty or other remedy[; and

39 (6) those required to be held or maintained publicly available pursu-  
40 ant to article one-A of the legislative law].

41 (b) Notwithstanding the provisions of article seven of the public  
42 officers law, no meeting or proceeding, including any such proceeding  
43 contemplated under paragraph (h) [or (i)], (I) OR (J) of subdivision  
44 nine of this section, of the commission shall be open to the public,  
45 except if expressly provided otherwise by the commission [or as is  
46 required by article one-A of the legislative law, PROVIDED HOWEVER THAT  
47 THE COMMISSION SHALL MEET PUBLICLY WHENEVER IT ADOPTS, AMENDS OR  
48 RESCINDS ITS POLICIES, RULES OR REGULATIONS, PROMULGATES ITS GUIDELINES,  
49 APPROVES EDUCATIONAL MATERIAL, OR ADOPTS ITS ANNUAL REPORT.

50 (c) Pending any application for deletion or exemption to the commis-  
51 sion, all information which is the subject or a part of the application  
52 shall remain confidential. Upon an adverse determination by the commis-  
53 sion, the reporting individual may request, and upon such request the  
54 commission shall provide, that any information which is the subject or  
55 part of the application remain confidential for a period of thirty days  
56 following notice of such determination. In the event that the reporting

1 individual resigns his office and holds no other office subject to the  
2 jurisdiction of the commission, the information shall not be made public  
3 and shall be expunged in its entirety.

4 18. IF THE COMMISSION BECOMES AWARE OR IS AWARE THAT ALLEGED CRIMINAL  
5 CONDUCT THAT MIGHT ALSO VIOLATE SECTION SEVENTY-THREE, SEVENTY-THREE-A  
6 OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW IS UNDER INVESTIGATION BY A  
7 FEDERAL, STATE OR LOCAL LAW ENFORCEMENT AGENCY, OR IS BEING PROSECUTED  
8 IN STATE OR FEDERAL COURT, THE COMMISSION SHALL HOLD THE MATTER IN ABEY-  
9 ANCE UNTIL THE CRIMINAL MATTER IS RESOLVED.

10 19. If any part or provision of this section or the application there-  
11 of to any person or organization is adjudged by a court of competent  
12 jurisdiction to be unconstitutional or otherwise invalid, such judgment  
13 shall not affect or impair any other part or provision or the applica-  
14 tion thereof to any other person or organization, but shall be confined  
15 in its operation to such part or provision.

16 S 2. Section 1-b of the legislative law, as added by chapter 2 of the  
17 laws of 1999, is amended to read as follows:

18 S 1-b. Short title. This article shall be known and may be cited as  
19 the "ETHICAL STANDARDS IN Lobbying act OF 2010".

20 S 3. Paragraph (i) of subdivision (c) and subdivision (j) of section  
21 1-c of the legislative law, paragraph (i) of subdivision (c) as added by  
22 chapter 1 of the laws of 2005 and subdivision (j) as added by chapter 14  
23 of the laws of 2007, are amended and a new subdivision (w) is added to  
24 read as follows:

25 (i) the passage or defeat of any legislation OR RESOLUTION by either  
26 house of the state legislature or approval or disapproval of any legis-  
27 lation by the governor;

28 (j) The term "gift" shall mean anything of more than nominal value  
29 given to a public official in any form including, but not limited to  
30 money, service, loan, travel, lodging, meals, refreshments, enter-  
31 tainment, discount, forbearance, or promise, having a monetary value.  
32 The following are excluded from the definition of a gift:

33 (i) complimentary attendance, including food and beverage, at bona  
34 fide charitable or political events[, and food and beverage of a nominal  
35 value offered other than as part of a meal];

36 (ii) complimentary attendance, food and beverage offered by the spon-  
37 sor of [an event that is] A widely attended [or was in good faith  
38 intended to be widely attended, when attendance at the event is related  
39 to the attendee's duties or responsibilities as a public official or  
40 allows the public official to perform a ceremonial function appropriate  
41 to his or her position] EVENT. THE TERM "WIDELY ATTENDED EVENT" SHALL  
42 MEAN AN EVENT: (A) WHICH AT LEAST TWENTY-FIVE INDIVIDUALS OTHER THAN  
43 MEMBERS, OFFICERS, OR EMPLOYEES FROM THE GOVERNMENTAL ENTITY IN WHICH  
44 THE PUBLIC OFFICIAL SERVES, ATTEND OR WERE, IN GOOD FAITH, INTENDED TO  
45 ATTEND, AND (B) WHICH IS RELATED TO THE ATTENDEE'S DUTIES OR RESPONSI-  
46 BILITIES AS DETERMINED IN ACCORDANCE WITH STANDARDS AND GUIDANCE ISSUED  
47 BY THE ETHICS OVERSIGHT BODY THAT HAS JURISDICTION OVER THE ATTENDEE OR  
48 WHICH ALLOWS THE PUBLIC OFFICIAL TO PERFORM A CEREMONIAL FUNCTION APPRO-  
49 PRIATE TO HIS OR HER POSITION;

50 (iii) awards, plaques, and other ceremonial items which are publicly  
51 presented, or intended to be publicly presented, in recognition of  
52 public service, provided that the item or items are of the type custom-  
53 arily bestowed at such or similar ceremonies and are otherwise reason-  
54 able under the circumstances, and further provided that the functionali-  
55 ty of such items shall not determine whether such items are permitted  
56 under this paragraph;

- 1 (iv) an honorary degree bestowed upon a public official by a public or  
2 private college or university;
- 3 (v) promotional items having no substantial resale value such as pens,  
4 mugs, calendars, hats, and t-shirts which bear an organization's name,  
5 logo, or message in a manner which promotes the organization's cause;
- 6 (vi) goods and services, or discounts for goods and services, offered  
7 to the general public or a segment of the general public defined on a  
8 basis other than status as a public official and offered on the same  
9 terms and conditions as the goods or services are offered to the general  
10 public or segment thereof;
- 11 (vii) gifts from a family member, member of the same household, or  
12 person with a personal relationship with the public official, including  
13 invitations to attend personal or family social events, when the circum-  
14 stances establish that it is the family, household, or personal  
15 relationship that is the primary motivating factor; in determining moti-  
16 vation, the following factors shall be among those considered: (A) the  
17 history and nature of the relationship between the donor and the recipi-  
18 ent, including whether or not items have previously been exchanged; (B)  
19 whether the item was purchased by the donor; and (C) whether or not the  
20 donor at the same time gave similar items to other public officials; the  
21 transfer shall not be considered to be motivated by a family, household,  
22 or personal relationship if the donor seeks to charge or deduct the  
23 value of such item as a business expense or seeks reimbursement from a  
24 client;
- 25 (viii) contributions reportable under article fourteen of the election  
26 law;
- 27 (ix) travel reimbursement or payment for transportation, meals and  
28 accommodations for an attendee, panelist or speaker at an informational  
29 event when such reimbursement or payment is made by a governmental enti-  
30 ty or by an in-state accredited public or private institution of higher  
31 education that hosts the event on its campus, provided, however, that  
32 the public official may only accept lodging from an institution of high-  
33 er education: (A) at a location on or within close proximity to the host  
34 campus; and (B) for the night preceding and the nights of the days on  
35 which the attendee, panelist or speaker actually attends the event;
- 36 (x) provision of local transportation to inspect or tour facilities,  
37 operations or property owned or operated by the entity providing such  
38 transportation, provided, however, that payment or reimbursement of  
39 lodging, meals or travel expenses to and from the locality where such  
40 facilities, operations or property are located shall be considered to be  
41 gifts unless otherwise permitted under this subdivision; [and]
- 42 (xi) meals or refreshments when participating in a professional or  
43 educational program and the meals or refreshments are provided to all  
44 participants; AND
- 45 (XII) FOOD OR BEVERAGE VALUED AT TEN DOLLARS OR LESS OFFERED OTHER  
46 THAN AS PART OF A MEAL.
- 47 (W) THE TERM "REPORTABLE BUSINESS RELATIONSHIP" SHALL MEAN A RELATION-  
48 SHIP IN WHICH COMPENSATION IS PAID BY A LOBBYIST OR BY A CLIENT OF A  
49 LOBBYIST, IN EXCHANGE FOR ANY GOODS, SERVICES OR ANYTHING OF VALUE, THE  
50 TOTAL VALUE OF WHICH IS IN EXCESS OF ONE THOUSAND DOLLARS WITHIN A ONE-  
51 YEAR PERIOD TO BE PROVIDED OR PERFORMED BY OR INTENDED TO BE PROVIDED OR  
52 PERFORMED BY (I) ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER, STATE  
53 EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE; OR (II) ANY  
54 ENTITY IN WHICH THE LOBBYIST OR THE CLIENT OF A LOBBYIST KNOWS OR HAS  
55 REASON TO KNOW THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER, STATE  
56 EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE IS A PROPRI-

1 ETOR, PARTNER, DIRECTOR, OFFICER OR MANAGER, OR RECEIVES TEN PERCENT OR  
2 MORE OF ANY PROFITS FROM SUCH ENTITY, OR OWNS OR CONTROLS TEN PERCENT OR  
3 MORE OF THE STOCK OF SUCH ENTITY (OR ONE PERCENT IN THE CASE OF A CORPO-  
4 RATION WHOSE STOCK IS REGULARLY TRADED ON AN ESTABLISHED SECURITIES  
5 EXCHANGE); OR (III) ANY ENTITY IN WHICH A STATEWIDE ELECTED OFFICIAL,  
6 STATE OFFICER, STATE EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE  
7 EMPLOYEE SOLICITED SUCH LOBBYIST OR CLIENT OF A LOBBYIST TO PAY COMPEN-  
8 SATION IN EXCESS OF ONE THOUSAND DOLLARS WITHIN A ONE-YEAR PERIOD TO  
9 SUCH ENTITY THAT THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER, STATE  
10 EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE SOLICITED.

11 S 4. Section 1-d of the legislative law, as amended by chapter 14 of  
12 the laws of 2007, is amended to read as follows:

13 S 1-d. [Lobby-related powers of the commission. In addition to any  
14 other powers and duties provided by section ninety-four of the executive  
15 law, the] THE NEW YORK STATE COMMISSION ON LOBBYING ETHICS AND COMPLI-  
16 ANCE. (A) (I) THERE SHALL BE ESTABLISHED A COMMISSION TO BE KNOWN AS THE  
17 NEW YORK STATE COMMISSION ON LOBBYING ETHICS AND COMPLIANCE WHICH SHALL  
18 CONSIST OF SIX MEMBERS. THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED  
19 AS FOLLOWS:

20 (A) TWO BY THE GOVERNOR;

21 (B) ONE BY THE TEMPORARY PRESIDENT OF THE SENATE;

22 (C) ONE BY THE SPEAKER OF THE ASSEMBLY;

23 (D) ONE BY THE MINORITY LEADER OF THE SENATE; AND

24 (E) ONE BY THE MINORITY LEADER OF THE ASSEMBLY.

25 (II) OF THE TWO MEMBERS APPOINTED BY THE GOVERNOR, ONE SHALL BE A  
26 MEMBER OF THE SAME POLITICAL PARTY AS THE SPEAKER OF THE ASSEMBLY AND  
27 ONE SHALL BE A MEMBER OF THE SAME POLITICAL PARTY AS THE MINORITY LEADER  
28 OF THE ASSEMBLY.

29 (B) THE TERM OF OFFICE OF THE MEMBERS SHALL BE FOR FOUR YEARS COMMENC-  
30 ING WITH THE FIRST DAY OF JANUARY, TWO THOUSAND ELEVEN. NO MEMBER OF THE  
31 COMMISSION SHALL HOLD ANY OTHER STATE OR LOCAL PUBLIC OFFICE FOR WHICH  
32 HE OR SHE RECEIVES COMPENSATION; NOR SHALL ANY MEMBER BE EMPLOYED BY THE  
33 STATE OR ANY LOCAL POLITICAL SUBDIVISION. NO PERSON SUBJECT TO THE  
34 JURISDICTION OF THE COMMISSION AND THE PROVISIONS OF THIS ARTICLE OR  
35 REGISTERED AS A LOBBYIST IN ANY JURISDICTION MAY SERVE ON THE COMMIS-  
36 SION.

37 (C) THE CHAIR AND THE VICE-CHAIR OF THE COMMISSION SHALL BE ELECTED BY  
38 A MAJORITY OF THE MEMBERS OF THE COMMISSION TO SERVE A ONE YEAR TERM.  
39 THE CHAIR SHALL BE A MEMBER OF A DIFFERENT POLITICAL PARTY THAN THE  
40 CHAIR OF THE COMMISSION DURING THE PRECEDING TERM. THE CHAIR AND  
41 VICE-CHAIR SHALL EACH BE A MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY  
42 AS SUCH TERM IS DEFINED IN THE ELECTION LAW.

43 (D) ANY MATTER UPON WHICH THE COMMISSION MUST ACT BY A VOTE OF THE  
44 MEMBERSHIP MUST BE BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS  
45 OF THE COMMISSION. NO SUCH VOTE MAY BE TAKEN UNTIL ALL MEMBERS OF THE  
46 ORIGINAL COMMISSION ARE APPOINTED; THEREAFTER, EACH MEMBER SHALL CONTIN-  
47 UE TO SERVE UNTIL A SUCCESSOR IS APPOINTED IN THE MANNER PROVIDED IN  
48 THIS SECTION.

49 (E) EACH OF THE MEMBERS OF THE COMMISSION SHALL RECEIVE, AS COMPEN-  
50 SATION FOR HIS OR HER SERVICES UNDER THIS ARTICLE, A PER DIEM ALLOWANCE  
51 IN THE SUM OF ONE HUNDRED DOLLARS FOR EACH DAY ACTUALLY SPENT IN THE  
52 PERFORMANCE OF HIS OR HER DUTIES UNDER THIS ARTICLE, NOT EXCEEDING,  
53 HOWEVER, THE SUM OF FIVE THOUSAND DOLLARS IN ANY CALENDAR YEAR, AND, IN  
54 ADDITION THERETO, SHALL BE REIMBURSED FOR ALL REASONABLE EXPENSES ACTU-  
55 ALLY AND NECESSARILY INCURRED BY HIM OR HER IN THE PERFORMANCE OF HIS OR  
56 HER DUTIES UNDER THIS ARTICLE.

1 (F) VACANCIES IN THE MEMBERSHIP OF THE COMMISSION OCCURRING FOR ANY  
2 CAUSE SHALL BE FILLED FOR THE BALANCE OF THE UNEXPIRED TERM IN THE SAME  
3 MANNER AS THE ORIGINAL APPOINTMENT OF THE MEMBER WHOSE OFFICE BECOMES  
4 VACANT.

5 (G) MEMBERS OF THE COMMISSION MAY BE REMOVED BY THE APPOINTING AUTHOR-  
6 ITY FOR SUBSTANTIAL NEGLECT OF DUTY, GROSS MISCONDUCT IN OFFICE, INABIL-  
7 ITY TO DISCHARGE THE POWERS OR DUTIES OF OFFICE OR VIOLATION OF THIS  
8 SECTION, AFTER WRITTEN NOTICE AND OPPORTUNITY FOR A REPLY.

9 (H) STRUCTURE OF THE COMMISSION:

10 (I) THE CHIEF ADMINISTRATIVE OFFICER OF THE COMMISSION SHALL BE THE  
11 EXECUTIVE DIRECTOR, WHO SHALL BE APPOINTED BY A MAJORITY VOTE OF THE  
12 COMMISSION AND SHALL SERVE A THREE YEAR TERM, EXCEPT THAT HE OR SHE MAY  
13 BE REMOVED FROM SUCH POSITION FOR CAUSE BY A MAJORITY VOTE OF THE  
14 COMMISSION.

15 (II) THE commission shall, with respect to its lobbying-related func-  
16 tions only, have the power and duty to:

17 [(a)] (A) administer and enforce all the provisions of this article;

18 (B) CONDUCT ANY INVESTIGATION NECESSARY TO CARRY OUT THE PROVISIONS OF  
19 THIS ARTICLE UPON ITS OWN INITIATIVE, OR BY REFERRAL FROM ANOTHER OVER-  
20 SIGHT BODY OR BY RECEIPT OF A SWORN COMPLAINT. PURSUANT TO THIS POWER  
21 AND DUTY, THE COMMISSION MAY ADMINISTER OATHS OR AFFIRMATIONS, SUBPOENA  
22 WITNESSES, COMPEL THEIR ATTENDANCE AND REQUIRE THE PRODUCTION OF ANY  
23 BOOKS OR RECORDS WHICH IT MAY DEEM RELEVANT OR MATERIAL;

24 [(b)] (C) conduct a program of random audits subject to the terms and  
25 conditions of this section. Any such program shall be carried out in the  
26 following manner:

27 [(i)] (1) The commission may randomly select reports or registration  
28 statements required to be filed by lobbyists or clients pursuant to this  
29 article for audit. Any such selection shall be done in a manner pursuant  
30 to which the identity of any particular lobbyist or client whose state-  
31 ment or report is selected for audit is unknown to the commission, its  
32 staff or any of their agents prior to selection.

33 [(ii)] (2) The commission shall develop protocols for the conduct of  
34 such random audits. Such random audits may require the production of  
35 books, papers, records or memoranda relevant and material to the prepa-  
36 ration of the selected statements or reports, for examination by the  
37 commission. Any such protocols shall ensure that similarly situated  
38 statements or reports are audited in a uniform manner.

39 [(iii)] (3) The commission shall contract with an outside accounting  
40 entity, which shall monitor the process pursuant to which the commission  
41 selects statements or reports for audit and carries out the provisions  
42 of [paragraphs (i) and (ii) of this subdivision] CLAUSES ONE AND TWO OF  
43 THIS SUBPARAGRAPH and certifies that such process complies with the  
44 provisions of such [paragraphs] CLAUSES.

45 [(iv)] (4) Upon completion of a random audit conducted in accordance  
46 with the provisions of [paragraphs (i), (ii) and (iii) of this subdivi-  
47 sion] CLAUSES ONE, TWO AND THREE OF THIS SUBPARAGRAPH, the commission  
48 shall determine whether there is reasonable cause to believe that any  
49 such statement or report is inaccurate or incomplete. Upon a determi-  
50 nation that such reasonable cause exists, the commission may require the  
51 production of further books, records or memoranda, subpoena witnesses,  
52 compel their attendance and testimony and administer oaths or affirma-  
53 tions, to the extent the commission determines such actions are neces-  
54 sary to obtain information relevant and material to investigating such  
55 inaccuracies or omissions;

1 [(c)] (D) conduct hearings pursuant to article seven of the public  
2 officers law. Any hearing may be conducted as a video conference in  
3 accordance with the provisions of subdivision four of section one  
4 hundred four of the public officers law;

5 [(d)] (E) prepare uniform forms for the statements and reports  
6 required by this article;

7 [(e)] (F) meet at least once during each bi-monthly reporting period  
8 of the year as established by subdivision (a) of section one-h of this  
9 article and may meet at such other times as the commission, or the chair  
10 and vice-chair jointly, shall determine;

11 [(f)] (G) issue advisory opinions to those under its jurisdiction.  
12 Such advisory opinions, which shall be published and made available to  
13 the public, shall not be binding upon such commission except with  
14 respect to the person to whom such opinion is rendered, provided, howev-  
15 er, that a subsequent modification by such commission of such an advi-  
16 sory opinion shall operate prospectively only; and

17 [(g)] (H) submit by the first day of March next following the year for  
18 which such report is made to the governor and the members of the legis-  
19 lature an annual report summarizing the commission's work, listing the  
20 lobbyists and clients required to register pursuant to this article and  
21 the expenses and compensation reported pursuant to this article and  
22 making recommendations with respect to this article. The commission  
23 shall make this report available free of charge to the public.

24 (III) THE COMMISSION SHALL UNDERTAKE A COMPREHENSIVE REVIEW OF ALL  
25 APPLICABLE REGULATIONS AND OPINIONS ISSUED BY THE TEMPORARY LOBBYING  
26 COMMISSION AND THE COMMISSION ON PUBLIC INTEGRITY, WHICH REVIEWS WILL  
27 ADDRESS THE CONSISTENCY OF SUCH REGULATIONS AND OPINIONS AMONG EACH  
28 OTHER AND WITH THE STATUTORY LANGUAGE. THE COMMISSION SHALL, BEFORE  
29 DECEMBER FIRST, TWO THOUSAND ELEVEN, REPORT TO THE GOVERNOR AND LEGISLA-  
30 TURE REGARDING SUCH REVIEW AND SHALL PROPOSE ANY REGULATORY CHANGES AND  
31 ISSUE ANY ADVISORY OPINIONS NECESSITATED BY SUCH REVIEW.

32 S 5. Subdivision (b) and paragraph 3 of subdivision (c) of section 1-e  
33 of the legislative law, subdivision (b) as amended by section 1 of part  
34 S of chapter 62 of the laws of 2003 and paragraph 3 of subdivision (c)  
35 as amended by chapter 1 of the laws of 2005, are amended to read as  
36 follows:

37 (b) (i) Such statements of registration shall be kept on file for a  
38 period of [three] FOUR years for those filing periods where annual  
39 statements are required, and shall be open to public inspection during  
40 such period; (ii) Biennial statements of registration shall be kept on  
41 file for a period of [three] TWO biennial filing periods where biennial  
42 statements are required, and shall be open to public inspection during  
43 such period.

44 (3) if such lobbyist is retained or employed pursuant to a written  
45 agreement of retainer or employment, a copy of such shall also be  
46 attached and if such retainer or employment is oral, a statement of the  
47 substance thereof; such written retainer, or if it is oral, a statement  
48 of the substance thereof, and any amendment thereto, shall be retained  
49 for a period of [three] FOUR years;

50 S 6. Subdivision (c) of section 1-e of the legislative law is amended  
51 by adding a new paragraph 8 to read as follows:

52 (8)(I) THE NAME AND PUBLIC OFFICE ADDRESS OF ANY STATEWIDE ELECTED  
53 OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGIS-  
54 LATIVE EMPLOYEE AND ENTITY WITH WHOM THE LOBBYIST HAS A REPORTABLE BUSI-  
55 NESS RELATIONSHIP;

1 (II) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANS-  
2 ACTIONS BETWEEN THE LOBBYIST OR LOBBYISTS AND THE STATEWIDE ELECTED  
3 OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGIS-  
4 LATIVE EMPLOYEE AND ENTITY; AND

5 (III) THE COMPENSATION, INCLUDING EXPENSES, TO BE PAID BY VIRTUE OF  
6 THE BUSINESS RELATIONSHIP.

7 S 7. Subdivision (b) of section 1-j of the legislative law is amended  
8 by adding a new paragraph 6 to read as follows:

9 (6)(I) THE NAME AND PUBLIC OFFICE ADDRESS OF ANY STATEWIDE ELECTED  
10 OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGIS-  
11 LATIVE EMPLOYEE AND ENTITY WITH WHOM THE CLIENT OF A LOBBYIST HAS A  
12 REPORTABLE BUSINESS RELATIONSHIP;

13 (II) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANS-  
14 ACTIONS BETWEEN THE CLIENT OF THE LOBBYIST OR LOBBYISTS AND THE STATE-  
15 WIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLA-  
16 TURE OR LEGISLATIVE EMPLOYEE AND ENTITY;

17 (III) THE COMPENSATION, INCLUDING EXPENSES, TO BE PAID BY VIRTUE OF  
18 THE BUSINESS RELATIONSHIP.

19 S 8. Subparagraph (v) of paragraph 5 of subdivision (b) and paragraph  
20 2 of subdivision (c) of section 1-h of the legislative law, as added by  
21 chapter 2 of the laws of 1999, are amended to read as follows:

22 (v) expenses of more than fifty dollars shall be paid by check or  
23 substantiated by receipts and such checks and receipts shall be kept on  
24 file by the lobbyist for a period of [three] FOUR years.

25 (2) Such bi-monthly reports shall be kept on file for [three] FOUR  
26 years and shall be open to public inspection during such time.

27 S 9. Subparagraph (v) of paragraph 6 of subdivision (b) and paragraph  
28 2 of subdivision (c) of section 1-i of the legislative law, as added by  
29 chapter 2 of the laws of 1999, are amended to read as follows:

30 (v) expenses of more than fifty dollars must be paid by check or  
31 substantiated by receipts and such checks and receipts shall be kept on  
32 file by such public corporation for a period of [three] FOUR years.

33 (2) Such bi-monthly reports shall be kept on file for a period of  
34 [three] FOUR years and shall be open to public inspection during such  
35 period.

36 S 10. Subparagraph (v) of paragraph 5 of subdivision (b) and paragraph  
37 2 of subdivision (c) of section 1-j of the legislative law, as amended  
38 by chapter 1 of the laws of 2005, are amended to read as follows:

39 (v) expenses of more than fifty dollars must be paid by check or  
40 substantiated by receipts and such checks and receipts shall be kept on  
41 file by such client for a period of [three] FOUR years.

42 (2) Such semi-annual reports shall be kept on file for a period of  
43 [three] FOUR years and shall be open to public inspection during such  
44 period.

45 S 11. Section 1-m of the legislative law, as added by chapter 14 of  
46 the laws of 2007, is amended to read as follows:

47 S 1-m. Prohibition of gifts. No individual or entity required to be  
48 listed on a statement of registration pursuant to this article shall  
49 offer or give a gift to any public official as defined within this arti-  
50 cle, unless under the circumstances it is not reasonable to infer that  
51 the gift was intended to influence such public official. No individual  
52 or entity required to be listed on a statement of registration pursuant  
53 to this article shall offer or give a gift to the spouse or unemancipat-  
54 ed child of any public official as defined within this article under  
55 circumstances where it is reasonable to infer that the gift was intended  
56 to influence such public official. No spouse or unemancipated child of

1 an individual required to be listed on a statement of registration  
2 pursuant to this article shall offer or give a gift to a public official  
3 under circumstances where it is reasonable to infer that the gift was  
4 intended to influence such public official. [This section shall not  
5 apply to gifts to officers, members or directors of boards, commissions,  
6 councils, public authorities or public benefit corporations who receive  
7 no compensation or are compensated on a per diem basis, unless the  
8 person listed on the statement of registration appears or has matters  
9 pending before the board, commission or council on which the recipient  
10 sits.]

11 S 12. Subdivision (a), subparagraph (B) of paragraph (iii) and para-  
12 graphs (iv) and (v) of subdivision (b) of section 1-o of the legislative  
13 law, as added by chapter 14 of the laws of 2007, are amended to read as  
14 follows:

15 (a) (i) Any lobbyist, public corporation, or client who knowingly and  
16 wilfully fails to file timely a report or statement required by this  
17 [section] ARTICLE or knowingly and wilfully files false information or  
18 knowingly and wilfully violates section one-m of this article shall be  
19 guilty of a class A misdemeanor; and

20 (ii) any lobbyist, public corporation, or client who knowingly and  
21 wilfully fails to file timely a report or statement required by this  
22 [section] ARTICLE or knowingly and wilfully files false information or  
23 knowingly and wilfully violates section one-m of this article, after  
24 having previously been convicted in the preceding five years of the  
25 crime described in paragraph (i) of this subdivision, shall be guilty of  
26 a class E felony. Any lobbyist convicted of or pleading guilty to a  
27 felony under the provisions of this section may be barred from acting as  
28 a lobbyist for a period of [one year] FIVE YEARS from the date of the  
29 conviction. For the purposes of this subdivision, the chief administra-  
30 tive officer of any organization required to file a statement or report  
31 shall be the person responsible for making and filing such statement or  
32 report unless some other person prior to the due date thereof has been  
33 duly designated to make and file such statement or report.

34 (B) If, after a lobbyist or client has been found to have violated  
35 subdivision one of section one-n of this article, a lobbyist or client  
36 knowingly and wilfully violates the provisions of subdivision one of  
37 section one-n of this article within [four] FIVE years of such finding,  
38 the lobbyist or client shall be subject to a civil penalty not to exceed  
39 twenty-five thousand dollars.

40 (iv) Any lobbyist or client that knowingly and wilfully fails to file  
41 a statement or report within the time required for the filing of such  
42 report, knowingly and wilfully files a false statement or report, or  
43 knowingly and wilfully violates section one-m of this article, after  
44 having been found by the commission to have knowing and wilfully commit-  
45 ted such conduct or violation in the preceding five years, may be  
46 subject to a determination that the lobbyist or client is prohibited  
47 from engaging in lobbying activities, as that term is defined in para-  
48 graph (v) of subdivision (c) of section one-c of this article, for a  
49 period of [one year] FIVE YEARS.

50 (v) Any lobbyist or client that knowingly and wilfully engages in  
51 lobbying activities, as that term is defined in paragraph (v) of subdi-  
52 vision (c) of section one-c of this article, during the period in which  
53 they are prohibited from engaging in lobbying activities, as that term  
54 is defined in paragraph (v) of subdivision (c) of section one-c of this  
55 article pursuant to this subdivision, may be subject to a determination  
56 that the lobbyist or client is prohibited from engaging in lobbying

1 activities, as that term is defined in paragraph (v) of subdivision (c)  
2 of section one-c of this article, for a period of up to [four] TWENTY  
3 years, and shall be subject to a civil penalty not to exceed [fifty] ONE  
4 HUNDRED thousand dollars, plus a civil penalty in an amount equal to  
5 five times the value of any gift, compensation or benefit received as a  
6 result of the violation.

7 S 13. Section 1-p of the legislative law is amended by adding a new  
8 subdivision (d) to read as follows:

9 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE COMMISSION HAS  
10 A REASONABLE BASIS TO BELIEVE THAT ANY PERSON SUBJECT TO THE JURISDIC-  
11 TION OF THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION OR THE JOINT  
12 LEGISLATIVE COMMISSION ON ETHICS STANDARDS MAY HAVE VIOLATED ANY  
13 PROVISION OF SECTION SEVENTY-THREE OR SEVENTY-FOUR OF THE PUBLIC OFFI-  
14 CERS LAW OR THAT ANY PERSON SUBJECT TO THE JURISDICTION OF THE STATE  
15 BOARD OF ELECTIONS MAY HAVE VIOLATED ARTICLE FOURTEEN OF THE ELECTION  
16 LAW, IT SHALL REFER SUCH VIOLATION TO THE EXECUTIVE ETHICS AND COMPLI-  
17 ANCE COMMISSION OR THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS,  
18 AS APPROPRIATE, UNLESS THE COMMISSION DETERMINES THAT SUCH A REFERRAL  
19 WOULD COMPROMISE THE PROSECUTION OR CONFIDENTIALITY OF ITS INVESTI-  
20 GATIONS AND, IF SO, SHALL MAKE A REFERRAL AS SOON AS PRACTICABLE. THE  
21 REFERRAL BY THE COMMISSION TO SUCH ENTITIES SHALL INCLUDE ANY INFORMA-  
22 TION RELATING THERETO COMING INTO THE CUSTODY OR CONTROL OF THE COMMIS-  
23 SION AT ANY TIME PRIOR OR SUBSEQUENT TO THE REFERRAL.

24 S 14. Section 66-a of the legislative law is REPEALED.

25 S 15. Section 80 of the legislative law is REPEALED and two new  
26 sections 80 and 81 are added to read as follows:

27 S 80. LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS. 1. OFFICE ESTAB-  
28 LISHED. THERE IS ESTABLISHED A LEGISLATIVE OFFICE OF ETHICS INVESTI-  
29 GATIONS FOR THE PURPOSE OF ASSISTING THE LEGISLATURE IN CARRYING OUT ITS  
30 INVESTIGATORY AND ENFORCEMENT RESPONSIBILITIES WITH REGARD TO ITS  
31 ETHICAL STANDARDS AND RECEIVING REFERRALS OF COMPLAINTS FOR INVESTI-  
32 GATION FROM THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS AND  
33 FROM THE STANDING COMMITTEES ON ETHICS OF THE SENATE AND ASSEMBLY, AND  
34 RECEIVING COMPLAINTS FROM THE PUBLIC.

35 2. THE GOVERNING BOARD. (A) THE OFFICE SHALL BE GOVERNED BY A BOARD  
36 CONSISTING OF EIGHT INDIVIDUALS WHO SHALL BE APPOINTED BY A MAJORITY  
37 VOTE OF THE TOTAL NUMBER OF MEMBERS OF THE JOINT LEGISLATIVE COMMISSION  
38 ON ETHICS STANDARDS.

39 (B) THE MEMBERS OF THE COMMISSION SHALL APPOINT INDIVIDUALS WHO ARE  
40 QUALIFIED TO SERVE ON THE BOARD BY VIRTUE OF THEIR EDUCATION, TRAINING  
41 OR EXPERIENCE IN ONE OR MORE OF THE FOLLOWING DISCIPLINES OR PROCESSES:  
42 LEGISLATIVE, JUDICIAL, ADMINISTRATIVE, PROFESSIONAL ETHICS, BUSINESS,  
43 LEGAL, AND ACADEMIC.

44 (C) THE MEMBERS OF THE GOVERNING BOARD SHALL VOTE FOR TWO MEMBERS OF  
45 THE BOARD AS CO-CHAIRPERSONS.

46 (D) NO INDIVIDUAL SHALL BE ELIGIBLE FOR APPOINTMENT TO, OR SERVICE ON,  
47 THE GOVERNING BOARD WHO CURRENTLY OR WITHIN THE LAST FIVE YEARS WAS:

48 (I) A STATEWIDE ELECTED OFFICIAL,

49 (II) A CANDIDATE FOR STATEWIDE ELECTED OFFICE,

50 (III) A MEMBER OF THE LEGISLATURE,

51 (IV) A CANDIDATE FOR MEMBER OF THE LEGISLATURE,

52 (V) AN EMPLOYEE OF THE LEGISLATURE,

53 (VI) A POLITICAL PARTY CHAIRMAN AS DEFINED IN PARAGRAPH (K) OF SUBDI-  
54 VISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,

55 (VII) A LOBBYIST REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER  
56 JURISDICTION, OR

1 (VIII) A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING FIRM.  
2 (E) NO GOVERNING BOARD MEMBER SHALL BE CURRENTLY A STATE OFFICER OR  
3 EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION  
4 SEVENTY-THREE OF THE PUBLIC OFFICERS LAW.

5 (F) THE TERM OF A GOVERNING BOARD MEMBER SHALL BE FOUR YEARS.

6 (G) BOARD MEMBERS SHALL RECEIVE A PER DIEM ALLOWANCE IN THE SUM OF ONE  
7 HUNDRED DOLLARS FOR EACH DAY ACTUALLY SPENT IN THE PERFORMANCE OF HIS OR  
8 HER DUTIES UNDER THIS ARTICLE, NOT EXCEEDING, HOWEVER, THE SUM OF FIVE  
9 THOUSAND DOLLARS IN ANY CALENDAR YEAR, AND, IN ADDITION THERETO, SHALL  
10 BE REIMBURSED FOR ALL REASONABLE EXPENSES ACTUALLY AND NECESSARILY  
11 INCURRED BY HIM OR HER IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER  
12 THIS ARTICLE.

13 (H) A MAJORITY OF THE MEMBERS OF THE GOVERNING BOARD WITHOUT VACANCY  
14 SHALL CONSTITUTE A QUORUM.

15 (I) THE GOVERNING BOARD SHALL MEET AT THE CALL OF THE CHAIRPERSONS OR  
16 FOUR OF ITS MEMBERS PURSUANT TO ITS RULES.

17 (J) ANY VACANCY OCCURRING ON THE GOVERNING BOARD SHALL BE FILLED WITH-  
18 IN SIXTY DAYS BY THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS.

19 3. POWERS AND DUTIES OF THE BOARD. THE BOARD IS AUTHORIZED AND  
20 DIRECTED TO:

21 (A) APPOINT AN EXECUTIVE DIRECTOR FOR A TERM OF THREE YEARS, WHO SHALL  
22 BE DISMISSED ONLY FOR CAUSE BY A MAJORITY VOTE OF THE BOARD, APPOINT  
23 SUCH OTHER STAFF AS ARE NECESSARY TO ASSIST IT TO CARRY OUT ITS DUTIES  
24 UNDER THIS SECTION AND ENTER INTO CONTRACTS FOR SERVICES AS ARE NECES-  
25 SARY TO ASSIST IT TO CARRY OUT ITS DUTIES UNDER THIS SECTION;

26 (B) RECEIVE AND ACT ON SWORN COMPLAINTS REGARDING PERSONS SUBJECT TO  
27 ITS JURISDICTION ALLEGING A POSSIBLE VIOLATION OF SECTION SEVENTY-THREE,  
28 SEVENTY-THREE-A, OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, AND CONDUCT  
29 SUCH INVESTIGATIONS AND PROCEEDINGS AS ARE AUTHORIZED AND NECESSARY TO  
30 CARRY OUT THE PROVISIONS OF THIS SECTION. IN CONNECTION WITH SUCH INVE-  
31 TIGATIONS, THE BOARD MAY ADMINISTER OATHS OR AFFIRMATIONS, SUBPOENA  
32 WITNESSES, COMPEL THEIR ATTENDANCE AND REQUIRE THE PRODUCTION OF ANY  
33 BOOKS OR RECORDS WHICH IT MAY DEEM RELEVANT OR MATERIAL;

34 (C) RECEIVE AND ACT ON, AS IF IT WERE A SWORN COMPLAINT, ANY REFERRALS  
35 FROM THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS OR THE STAND-  
36 ING COMMITTEES ON ETHICS OF THE SENATE AND ASSEMBLY;

37 (D) RECEIVE AND ACT ON, AS IF IT WERE A SWORN COMPLAINT, ANY REFERRAL  
38 FROM ANOTHER OVERSIGHT BODY INDICATING THAT A VIOLATION OF SECTION  
39 SEVENTY-THREE, SEVENTY-THREE-A, OR SEVENTY-FOUR OF THE PUBLIC OFFICERS  
40 LAW MAY HAVE OCCURRED INVOLVING PERSONS SUBJECT TO THE JURISDICTION OF  
41 THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS;

42 (E) DELIVER TO THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS A  
43 REPORT ON THE BOARD'S FINDINGS AND DETERMINATIONS REGARDING ANY ALLEGED  
44 VIOLATIONS OF SECTIONS SEVENTY-THREE, SEVENTY-THREE-A, AND SEVENTY-FOUR  
45 OF THE PUBLIC OFFICERS LAW AND DELIVER TO THE STANDING COMMITTEES ON  
46 ETHICS OF THE SENATE OR ASSEMBLY, AS APPROPRIATE, A REPORT ON THE  
47 BOARD'S FINDINGS AND DETERMINATIONS REGARDING ANY COMPLAINT REFERRED TO  
48 IT BY THE COMMITTEES; AND

49 (F) ADOPT RULES TO CARRY OUT ITS DUTIES CONSISTENT WITH THE PROVISIONS  
50 OF SUBDIVISION FOUR OF THIS SECTION.

51 4. PROCEDURE. (A) PRELIMINARY REVIEW. (I) UPON RECEIPT OF A WRITTEN  
52 SWORN COMPLAINT OR REFERRAL PURSUANT TO SUBDIVISION THREE OF THIS  
53 SECTION, THE GOVERNING BOARD SHALL, WITHIN TEN CALENDAR DAYS:

54 (A) INITIATE A PRELIMINARY REVIEW OF ANY ALLEGED VIOLATION BY A MEMBER  
55 OF THE LEGISLATURE, OFFICER, OR LEGISLATIVE EMPLOYEE OF SECTION SEVEN-  
56 TY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW,

1 AND ANY OTHER MATTER REFERRED TO IT BY THE ASSEMBLY OR SENATE STANDING  
2 COMMITTEE ON ETHICS OR THE JOINT LEGISLATIVE COMMISSION ON ETHICS STAND-  
3 ARDS PURSUANT TO SUBDIVISION THREE OF THIS SECTION;

4 (B) NOTIFY IN WRITING THE JOINT LEGISLATIVE COMMISSION ON ETHICS STAND-  
5 DARDS OR THE APPROPRIATE STANDING COMMITTEE ON ETHICS AND THE COMPLAIN-  
6 ANT, IF THERE IS ONE, THAT THE PRELIMINARY REVIEW HAS COMMENCED; AND

7 (C) NOTIFY IN WRITING ANY INDIVIDUAL WHO IS THE SUBJECT OF SUCH  
8 PRELIMINARY REVIEW AND PROVIDE SUCH INDIVIDUAL WITH A DESCRIPTION OF THE  
9 POSSIBLE OR ALLEGED VIOLATION AND A COPY OF ITS RULES AND PROCEDURES,  
10 WHICH SHALL INCLUDE THE DUE PROCESS PROCEDURAL MECHANISMS AVAILABLE TO  
11 SUCH INDIVIDUAL AND THE OPPORTUNITY FOR SUCH INDIVIDUAL TO SUBMIT A  
12 WRITTEN RESPONSE IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH.

13 (II) THE INDIVIDUAL WHO IS THE SUBJECT OF THE PRELIMINARY REVIEW SHALL  
14 HAVE THE OPPORTUNITY TO SUBMIT WITHIN FIFTEEN CALENDAR DAYS OF RECEIPT  
15 OF NOTICE PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH,  
16 A WRITTEN RESPONSE SETTING FORTH INFORMATION RELATING TO THE ACTIVITIES  
17 CITED AS A POSSIBLE OR ALLEGED VIOLATION OF LAW.

18 (III) THE GOVERNING BOARD SHALL, WITHIN FORTY-FIVE CALENDAR DAYS AFTER  
19 RECEIPT OF A WRITTEN COMPLAINT OR REFERRAL UNDER SUBPARAGRAPH (I) OF  
20 THIS PARAGRAPH, COMPLETE ITS PRELIMINARY REVIEW AND SHALL VOTE ON WHETH-  
21 ER TO COMMENCE A SECOND PHASE REVIEW OF THE MATTER UNDER CONSIDERATION.

22 (IV) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPHS (I), (II) AND  
23 (III) OF THIS PARAGRAPH, THE GOVERNING BOARD MAY TERMINATE A PRELIMINARY  
24 REVIEW BY AN AFFIRMATIVE VOTE OF NOT LESS THAN FIVE MEMBERS AT ANY TIME  
25 WITHIN THE APPLICABLE FORTY-FIVE CALENDAR DAYS UPON ITS DETERMINATION  
26 THAT THE ALLEGED VIOLATION UNDER REVIEW IS DE MINIMIS IN NATURE OR  
27 CURED. UPON THE TERMINATION OF A PRELIMINARY REVIEW PURSUANT TO THIS  
28 SUBPARAGRAPH OR SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE GOVERNING  
29 BOARD SHALL NOTIFY, IN WRITING, THE JOINT LEGISLATIVE COMMISSION ON  
30 ETHICS STANDARDS OR THE APPROPRIATE STANDING COMMITTEE ON ETHICS, THE  
31 COMPLAINANT, IF THERE IS ONE, AND THE INDIVIDUAL WHO WAS THE SUBJECT OF  
32 SUCH PRELIMINARY REVIEW, OF SUCH TERMINATION. UPON SUCH TERMINATION, THE  
33 GOVERNING BOARD SHALL NOT DISCLOSE ANY MATERIALS OR INFORMATION RELATED  
34 TO SUCH PRELIMINARY REVIEW.

35 (B) SECOND-PHASE REVIEW. (I) UPON THE AFFIRMATIVE VOTE OF NOT LESS  
36 THAN FOUR GOVERNING BOARD MEMBERS TO COMMENCE A SECOND-PHASE REVIEW,  
37 WRITTEN NOTICE OF THE GOVERNING BOARD'S DECISION SHALL BE PROVIDED TO  
38 THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS OR THE APPROPRIATE  
39 STANDING COMMITTEE ON ETHICS, AND TO THE INDIVIDUAL WHO IS THE SUBJECT  
40 OF SUCH SECOND-PHASE REVIEW. SUCH WRITTEN NOTICE SHALL INCLUDE A COPY OF  
41 THE GOVERNING BOARD'S RULES AND PROCEDURES AND SHALL ALSO INCLUDE  
42 NOTIFICATION OF SUCH INDIVIDUAL'S RIGHT TO BE HEARD WITHIN THIRTY CALEN-  
43 DAR DAYS OF THE DATE OF THE GOVERNING BOARD'S WRITTEN NOTICE.

44 (II) THE GOVERNING BOARD MAY HOLD SUCH HEARINGS AS MAY BE NECESSARY  
45 AND SIT AND ACT ONLY IN EXECUTIVE SESSION AT SUCH TIMES AND PLACES AND  
46 SOLICIT SUCH TESTIMONY AND RECEIVE SUCH RELEVANT EVIDENCE AS MAY BE  
47 NECESSARY TO CARRY OUT ITS DUTIES. THE BOARD SHALL PROVIDE THE INDIVID-  
48 UAL WHO IS THE SUBJECT OF THE REVIEW THE OPPORTUNITY TO BE HEARD ON THE  
49 MATTER WITHIN THIRTY CALENDAR DAYS OF SUCH WRITTEN NOTICE.

50 (III) NOT LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE GOVERNING  
51 BOARD'S DECISION TO COMMENCE A SECOND-PHASE REVIEW, THE GOVERNING BOARD  
52 SHALL PRESENT A WRITTEN REPORT TO THE JOINT LEGISLATIVE COMMISSION ON  
53 ETHICS STANDARDS OR THE APPROPRIATE STANDING COMMITTEE ON ETHICS AND  
54 DELIVER A COPY OF THE REPORT TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE  
55 REVIEW. SUCH WRITTEN REPORT SHALL INCLUDE:

1 (A) A STATEMENT THAT THE MATTER REQUIRES FURTHER REVIEW BY SUCH  
2 COMMITTEE OR COMMISSION, AS APPROPRIATE; OR

3 (B) A RECOMMENDATION THAT THE MATTER UNDER REVIEW BE DISMISSED BY SUCH  
4 COMMITTEE OR COMMISSION IN ACCORDANCE WITH PARAGRAPH (C) OF THIS SUBDI-  
5 VISION; OR

6 (C) A STATEMENT THAT THE GOVERNING BOARD IS UNABLE TO RECOMMEND ACTION  
7 BECAUSE OF A TIE VOTE. SUCH STATEMENT SHALL INCLUDE THE NUMBER OF  
8 MEMBERS VOTING IN THE AFFIRMATIVE AND NEGATIVE AND A STATEMENT OF THE  
9 NATURE OF THE REVIEW; AND

10 (D) A SUMMARY OF THE GOVERNING BOARD'S FINDINGS OF FACT. WHERE THE  
11 GOVERNING BOARD IS UNABLE TO RECOMMEND ACTION BECAUSE OF A TIE VOTE  
12 PURSUANT TO CLAUSE (C) OF THIS SUBPARAGRAPH, IT MAY INCLUDE, IN ADDITION  
13 TO ANY FINDINGS OF FACT UPON WHICH A MAJORITY OF THE MEMBERS AGREE, A  
14 STATEMENT INDICATING ANY FINDINGS OF FACT AGREED UPON BY ANY FOUR  
15 MEMBERS OF THE COMMISSION.

16 (IV) THE GOVERNING BOARD SHALL ALSO TRANSMIT TO THE JOINT LEGISLATIVE  
17 COMMISSION ON ETHICS STANDARDS OR THE APPROPRIATE STANDING COMMITTEE ON  
18 ETHICS: CITATIONS TO ANY RELEVANT LAW, RULE, REGULATION OR STANDARD OF:  
19 CONDUCT; THE NAMES OF ALL WITNESSES; COPIES OF ANY DOCUMENTS SUBMITTED;  
20 ANY CONCLUSIONS REGARDING THE VALIDITY OF THE ALLEGATIONS UPON WHICH THE  
21 COMPLAINT OR REFERRAL IS BASED; AND A DESCRIPTION OF ANY RELEVANT INFOR-  
22 MATION THAT THE GOVERNING BOARD WAS UNABLE TO OBTAIN AND WITNESSES IT  
23 WAS UNABLE TO INTERVIEW, AND THE REASONS THEREFOR.

24 (V) THE GOVERNING BOARD MAY, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF  
25 ITS MEMBERS, EXTEND THE PERIOD TO PRESENT A WRITTEN REPORT PURSUANT TO  
26 SUBPARAGRAPH (III) OF THIS PARAGRAPH FOR ONE ADDITIONAL PERIOD OF NOT  
27 MORE THAN FOURTEEN CALENDAR DAYS.

28 (C) RECOMMENDATION TO DISMISS. PURSUANT TO CLAUSE (B) OF SUBPARAGRAPH  
29 (III) OF PARAGRAPH (B) OF THIS SUBDIVISION, THE GOVERNING BOARD MAY, BY  
30 AN AFFIRMATIVE VOTE OF NOT LESS THAN FOUR MEMBERS, RECOMMEND TO THE  
31 JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS OR THE APPROPRIATE  
32 STANDING COMMITTEE ON ETHICS THAT THE MATTER UNDER SECOND-PHASE REVIEW  
33 BE DISMISSED. SUCH RECOMMENDATION TO SUCH COMMITTEE OR COMMISSION MAY BE  
34 BASED ON ANY GROUND INCLUDING, BUT NOT LIMITED TO, ITS DETERMINATION  
35 THAT THE ALLEGED VIOLATION:

36 (I) WAS DE MINIMIS IN NATURE;

37 (II) WAS CURED; OR

38 (III) SHOULD BE RESOLVED PURSUANT TO A SETTLEMENT AGREEMENT. ANY  
39 MATTER SO DISMISSED BY SUCH COMMITTEE OR COMMISSION SHALL BE DEEMED A  
40 PRELIMINARY REVIEW TERMINATION PURSUANT TO SUBPARAGRAPH (IV) OF PARA-  
41 GRAPH (A) OF THIS SUBDIVISION, PROVIDED THAT SUCH COMMITTEE OR COMMIS-  
42 SION SHALL MAKE PUBLIC THE TERMS OF ANY SETTLEMENT OR COMPROMISE WHICH  
43 INCLUDES A FINE, PENALTY OR OTHER REMEDY.

44 (D) ADOPTION OF RULES. THE GOVERNING BOARD SHALL ADOPT RULES TO CARRY  
45 OUT ITS DUTIES, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOW-  
46 ING:

47 (I) A RULE REQUIRING THAT ALL WITNESSES SIGN A STATEMENT ACKNOWLEDGING  
48 THE UNDERSTANDING THAT FALSE TESTIMONY AND THE SUBMISSION OF FALSE DOCU-  
49 MENTS CONSTITUTES PERJURY AND IS PUNISHABLE BY LAW.

50 (II) A RULE REQUIRING THAT THERE BE NO EX PARTE COMMUNICATIONS BETWEEN  
51 ANY MEMBER OF THE GOVERNING BOARD OR STAFF OF THE OFFICE AND ANY INDI-  
52 VIDUAL WHO IS THE SUBJECT OF ANY REVIEW BY THE GOVERNING BOARD OR  
53 BETWEEN ANY MEMBER OR STAFF AND ANY INTERESTED PARTY, AND THAT NO MEMBER  
54 OR OFFICER OF THE LEGISLATURE, OR LEGISLATIVE EMPLOYEE MAY COMMUNICATE  
55 WITH ANY MEMBER OF THE GOVERNING BOARD OR STAFF OF THE OFFICE REGARDING

1 ANY MATTER UNDER REVIEW BY THE GOVERNING BOARD EXCEPT AS AUTHORIZED BY  
2 THE BOARD.

3 (III) A RULE THAT ESTABLISHES A CODE OF CONDUCT TO GOVERN THE BEHAVIOR  
4 OF ITS MEMBERS AND STAFF, WHICH SHALL INCLUDE THE AVOIDANCE OF CONFLICTS  
5 OF INTEREST.

6 5. REQUESTS FROM THE ASSEMBLY OR SENATE STANDING COMMITTEE ON ETHICS.  
7 IN ADDITION TO REFERRALS OF POSSIBLE VIOLATIONS OF SECTION  
8 SEVENTY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS  
9 LAW, THE ASSEMBLY OR SENATE STANDING COMMITTEE ON ETHICS MAY REQUEST  
10 THAT THE BOARD REVIEW AND CONDUCT AN INVESTIGATION OF ANY MATTER OR  
11 ASPECT OF ANY MATTER BEFORE THE COMMITTEE. NOTWITHSTANDING ANY OTHER  
12 PROVISIONS OF THIS SECTION, UPON RECEIPT OF A WRITTEN REQUEST FROM THE  
13 APPROPRIATE COMMITTEE THAT THE BOARD CEASE ITS REVIEW OF ANY MATTER  
14 OTHER THAN A REFERRAL OF AN ALLEGED VIOLATION OF SECTIONS SEVENTY-THREE,  
15 SEVENTY-THREE-A, AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW AND REFER  
16 SUCH MATTER TO THE COMMITTEE BECAUSE OF THE ONGOING INVESTIGATION OF  
17 SUCH MATTER BY THE COMMITTEE, THE BOARD SHALL REFER SUCH MATTER BACK TO  
18 THE COMMITTEE AND CEASE ITS PRELIMINARY OR SECOND-PHASE REVIEW, AS  
19 APPLICABLE, OF THAT MATTER AND SO NOTIFY ANY INDIVIDUAL WHO IS THE  
20 SUBJECT OF THE REVIEW. IN ANY SUCH CASE, THE BOARD SHALL SEND A WRITTEN  
21 REPORT TO THE COMMITTEE CONTAINING A STATEMENT THAT, UPON THE REQUEST OF  
22 THAT COMMITTEE, THE MATTER IS REFERRED TO IT FOR ITS CONSIDERATION, BUT  
23 NOT ANY FINDINGS. SUCH REPORT SHALL BE SUBJECT TO THE PROVISIONS OF  
24 SUBPARAGRAPH (IV) OF PARAGRAPH (A) OF SUBDIVISION SEVEN OF THIS SECTION.

25 6. LIMITATIONS ON REVIEW. (A) NO REVIEW SHALL BE UNDERTAKEN BY THE  
26 BOARD OF ANY ALLEGED VIOLATION OF LAW, RULE, REGULATION OR STANDARD OF  
27 CONDUCT NOT IN EFFECT AT THE TIME OF THE ALLEGED VIOLATION.

28 (B) IF THE BOARD IS AWARE OR BECOMES AWARE THAT ALLEGED CRIMINAL  
29 CONDUCT WHICH MIGHT ALSO VIOLATE SECTION SEVENTY-THREE, SEVENTY-THREE-A  
30 OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW IS UNDER INVESTIGATION BY A  
31 FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY OR IS BEING PROSECUTED  
32 IN STATE OR FEDERAL COURT, IT SHALL HOLD THE MATTER IN ABEYANCE UNTIL  
33 THE CRIMINAL MATTER IS RESOLVED.

34 7. PROHIBITION ON PUBLIC DISCLOSURE. (A) (I) WHEN AN INDIVIDUAL  
35 BECOMES A MEMBER OF THE BOARD OR STAFF OF THE OFFICE, THAT INDIVIDUAL  
36 SHALL BE REQUIRED TO SIGN A NON-DISCLOSURE STATEMENT.

37 (II) NO TESTIMONY RECEIVED OR ANY OTHER INFORMATION OBTAINED BY A  
38 MEMBER OF THE BOARD OR STAFF OF THE OFFICE SHALL BE DISCLOSED BY ANY  
39 SUCH INDIVIDUAL TO ANY PERSON OR ENTITY OUTSIDE THE OFFICE. ANY CONFIDENTIAL  
40 COMMUNICATION TO ANY PERSON OR ENTITY OUTSIDE THE OFFICE RELATED  
41 TO THE MATTERS BEFORE THE BOARD MAY OCCUR ONLY AS AUTHORIZED BY THE  
42 BOARD AS NECESSARY TO CONDUCT OFFICIAL BUSINESS OR PURSUANT TO BOARD  
43 RULES.

44 (III) THE OFFICE SHALL ESTABLISH PROCEDURES NECESSARY TO PREVENT THE  
45 UNAUTHORIZED DISCLOSURE OF ANY INFORMATION RECEIVED BY ANY MEMBER OF THE  
46 GOVERNING BOARD OR STAFF OF THE OFFICE. ANY BREACHES OF CONFIDENTIALITY  
47 SHALL BE INVESTIGATED BY THE JOINT LEGISLATIVE COMMISSION ON ETHICS  
48 STANDARDS PURSUANT TO SUBDIVISION K OF SECTION EIGHTY-ONE OF THIS ARTICLE.  
49

50 (IV) NOTWITHSTANDING THE PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS  
51 LAW, THE RECORDS OF THE BOARD ARE CONFIDENTIAL AND SHALL BE  
52 DISCLOSED ONLY AS EXPRESSLY PROVIDED OTHERWISE BY THIS SECTION OR THE  
53 BOARD.

54 (V) NOTWITHSTANDING THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC  
55 OFFICERS LAW, NO MEETING OF THE BOARD SHALL BE OPEN TO THE PUBLIC EXCEPT  
56 IF EXPRESSLY PROVIDED OTHERWISE BY THIS SECTION OR THE BOARD.

1 (B) PARAGRAPH (A) OF THIS SUBDIVISION SHALL NOT PRECLUDE BOARD MEMBERS  
2 OR THE BOARD'S STAFF FROM PRESENTING A REPORT OR FINDINGS OR TESTIFYING  
3 BEFORE THE ASSEMBLY OR SENATE STANDING COMMITTEE ON ETHICS OR TO THE  
4 JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS RELATING TO OFFICIAL  
5 CONDUCT OF ANY MEMBER, OFFICER, OR LEGISLATIVE EMPLOYEE.

6 8. PRESENTATION OF REPORTS. WHENEVER THE BOARD TRANSMITS ANY REPORT TO  
7 A STANDING COMMITTEE ON ETHICS OR TO THE JOINT LEGISLATIVE COMMISSION ON  
8 ETHICS STANDARDS RELATING TO OFFICIAL CONDUCT OF ANY MEMBER, OFFICER, OR  
9 LEGISLATIVE EMPLOYEE, IT SHALL DESIGNATE A MEMBER OF THE BOARD OR STAFF  
10 TO PRESENT THE REPORT TO SUCH COMMITTEE OR COMMISSION IF REQUESTED BY  
11 SUCH COMMITTEE OR COMMISSION.

12 9. REIMBURSEMENTS. THE BOARD MAY REIMBURSE ITS MEMBERS AND STAFF FOR  
13 TRAVEL, SUBSISTENCE, AND OTHER NECESSARY EXPENSES INCURRED BY THEM IN  
14 THE PERFORMANCE OF THEIR DUTIES IN THE SAME MANNER AS IS PERMISSIBLE FOR  
15 SUCH EXPENSES OF LEGISLATIVE EMPLOYEES.

16 10. (A) PUBLIC DISCLOSURE. NOT LATER THAN FORTY-FIVE CALENDAR DAYS  
17 AFTER RECEIPT FROM THE BOARD OF A WRITTEN REPORT AND ANY FINDINGS AND  
18 SUPPORTING DOCUMENTATION REGARDING A MATTER BEFORE THE BOARD, THE CHAIR-  
19 PERSON OF THE ASSEMBLY OR SENATE STANDING COMMITTEE ON ETHICS OR THE  
20 CHAIRPERSONS OF THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS, AS  
21 APPROPRIATE, SHALL MAKE PUBLIC THE WRITTEN REPORT OF THE BOARD UNLESS  
22 THE COMMITTEE OR COMMISSION, AS APPROPRIATE, DECIDES TO WITHHOLD SUCH  
23 INFORMATION FOR NOT MORE THAN ONE ADDITIONAL PERIOD OF THE SAME DURA-  
24 TION, IN WHICH CASE THE CHAIRPERSON OR CHAIRPERSONS SHALL UPON THE  
25 TERMINATION OF SUCH ADDITIONAL PERIOD, MAKE PUBLIC THE WRITTEN REPORT,  
26 AND UPON THE DAY OF SUCH DECISION OR VOTE, MAKE A PUBLIC STATEMENT THAT  
27 THE COMMITTEE OR COMMISSION, AS APPROPRIATE, HAS VOTED TO EXTEND THE  
28 MATTER RELATING TO THE REFERRAL MADE BY THE BOARD REGARDING THE INDIVID-  
29 UAL WHO IS THE SUBJECT OF THE APPLICABLE REFERRAL.

30 (B) AT LEAST ONE CALENDAR DAY BEFORE THE COMMITTEE OR COMMISSION, AS  
31 APPROPRIATE, MAKES PUBLIC ANY WRITTEN REPORT AND FINDINGS OF THE BOARD,  
32 THE CHAIRPERSON OR CHAIRPERSONS SHALL NOTIFY SUCH BOARD AND THE INDIVID-  
33 UAL WHO IS THE SUBJECT OF THE INVESTIGATION OF THAT FACT AND TRANSMIT TO  
34 SUCH INDIVIDUAL A COPY OF THE STATEMENT ON THE COMMITTEE'S OR COMMISS-  
35 SION'S DISPOSITION OF, AND ANY COMMITTEE REPORT ON, THE MATTER.

36 11. NOTWITHSTANDING PARAGRAPH (A) OF SUBDIVISION TEN OF THIS SECTION,  
37 IF THE COMMITTEE OR COMMISSION, AS APPROPRIATE, VOTES TO DISMISS A  
38 MATTER WHICH IS THE SUBJECT OF A REFERRAL FROM THE BOARD, THE COMMITTEE  
39 OR COMMISSION IS NOT REQUIRED TO MAKE PUBLIC THE WRITTEN REPORT  
40 DESCRIBED IN SUCH SUBDIVISION UNLESS THE COMMITTEE'S OR COMMISSION'S  
41 VOTE IS INCONSISTENT WITH THE RECOMMENDATION OF THE BOARD. FOR PURPOSES  
42 OF THE PREVIOUS SENTENCE, A VOTE BY THE COMMITTEE OR COMMISSION TO  
43 DISMISS A MATTER IS NOT INCONSISTENT WITH A REPORT FROM THE BOARD  
44 RESPECTING THE MATTER AS UNRESOLVED DUE TO A TIE VOTE.

45 12. NOTWITHSTANDING PARAGRAPH (A) OF SUBDIVISION TEN OF THIS SECTION,  
46 IF THE BOARD TRANSMITS A REPORT RESPECTING ANY MATTER WITH A RECOMMENDA-  
47 TION TO DISMISS OR AS UNRESOLVED DUE TO A TIE VOTE, AND THE COMMITTEE OR  
48 COMMISSION VOTES TO EXTEND THE MATTER FOR AN ADDITIONAL PERIOD AS  
49 PROVIDED IN SUBDIVISION TEN OF THIS SECTION, THE COMMITTEE OR COMMISSION  
50 IS NOT REQUIRED TO MAKE A PUBLIC STATEMENT THAT THE COMMITTEE OR COMMISS-  
51 SION HAS VOTED TO EXTEND THE MATTER. EXCEPT AS OTHERWISE PROVIDED, THE  
52 REPORT SHALL BE MADE PUBLIC.

53 13. IF THE COMMISSION OR COMMITTEE IS AWARE THAT ALLEGED CRIMINAL  
54 CONDUCT WHICH MIGHT ALSO VIOLATE SECTION SEVENTY-THREE, SEVENTY-THREE-A  
55 OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW IS UNDER INVESTIGATION BY A  
56 FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY OR IS BEING PROSECUTED

1 IN LOCAL, STATE OR FEDERAL COURT, IT SHALL HOLD THE MATTER IN ABEYANCE  
2 UNTIL THE CRIMINAL MATTER IS RESOLVED.

3 S 81. JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS. A. THERE IS  
4 ESTABLISHED A JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS WHICH  
5 SHALL CONSIST OF EIGHT MEMBERS AND WHICH SHALL BE RESPONSIBLE FOR TRAIN-  
6 ING, EDUCATION, AND ADVICE REGARDING SECTIONS SEVENTY-THREE,  
7 SEVENTY-THREE-A AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW AND REVIEW  
8 THE ENFORCEMENT OF SUCH SECTIONS. THE COMMISSION SHALL SERVE AS  
9 DESCRIBED IN THIS SECTION AND HAVE AND EXERCISE THE POWERS AND DUTIES  
10 SET FORTH IN THIS SECTION ONLY WITH RESPECT TO MEMBERS OF THE LEGISLA-  
11 TURE, LEGISLATIVE EMPLOYEES AS DEFINED IN SECTION SEVENTY-THREE OF THE  
12 PUBLIC OFFICERS LAW, CANDIDATES FOR MEMBER OF THE LEGISLATURE AND INDI-  
13 VIDUALS WHO HAVE FORMERLY HELD SUCH POSITIONS OR WHO HAVE FORMERLY BEEN  
14 SUCH CANDIDATES. THE JURISDICTION OF THE COMMISSION WHEN ACTING PURSUANT  
15 TO THIS SECTION SHALL CONTINUE NOTWITHSTANDING THAT A MEMBER OF THE  
16 LEGISLATURE OR A LEGISLATIVE EMPLOYEE SEPARATES FROM STATE SERVICE, OR A  
17 CANDIDATE FOR MEMBER OF THE LEGISLATURE CEASES TO BE A CANDIDATE,  
18 PROVIDED THAT THE COMMISSION NOTIFIES SUCH INDIVIDUAL OF THE ALLEGED  
19 VIOLATION OF LAW PURSUANT TO THIS SECTION WITHIN ONE YEAR FROM HIS OR  
20 HER SEPARATION FROM STATE SERVICE OR THE TERMINATION OF HIS OR HER  
21 CANDIDACY. NOTHING IN THIS SECTION SHALL SERVE TO LIMIT THE JURISDICTION  
22 OF THE COMMISSION IN ENFORCEMENT OF SUBDIVISION EIGHT OF SECTION SEVEN-  
23 TY-THREE OF THE PUBLIC OFFICERS LAW.

24 B. FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE  
25 FOLLOWING MEANINGS:

26 1. "DESIGNATING PANEL" MEANS THE DESIGNATING ENTITY FOR THE EIGHT  
27 MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS;

28 2. "DESIGNATING MEMBERS" MEANS THE MEMBERS OF THE DESIGNATING PANEL;

29 3. "CANDIDATE" MEANS ANY INDIVIDUAL UNDER CONSIDERATION FOR ONE OF  
30 EIGHT MEMBERS TO PRESIDE ON THE JOINT LEGISLATIVE COMMISSION ON ETHICS  
31 STANDARDS;

32 4. "APPOINTING OFFICER" MEANS THE LEGISLATOR RESPONSIBLE FOR APPOINT-  
33 ING A DESIGNATING MEMBER.

34 C. A DESIGNATING PANEL IS HEREBY ESTABLISHED TO APPOINT EIGHT MEMBERS  
35 TO THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS.

36 D. THE DESIGNATING PANEL SHALL CONSIST OF EIGHT DESIGNATING MEMBERS OF  
37 WHOM TWO SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, TWO BY THE  
38 TEMPORARY PRESIDENT OF THE STATE SENATE, TWO BY THE MINORITY LEADER OF  
39 THE STATE SENATE, AND TWO BY THE MINORITY LEADER OF THE ASSEMBLY. NO  
40 MORE THAN FOUR OF THE EIGHT APPOINTMENTS MADE BY THE SPEAKER OF THE  
41 ASSEMBLY, TEMPORARY PRESIDENT OF THE STATE SENATE, THE MINORITY LEADER  
42 OF THE STATE SENATE, AND THE MINORITY LEADER OF THE ASSEMBLY MAY BE A  
43 MEMBER OF THE SAME POLITICAL PARTY. NO DESIGNATING MEMBER SHALL BE OR  
44 SHALL HAVE BEEN WITHIN THE PRECEDING FIVE YEARS:

45 1. A STATEWIDE ELECTED OFFICIAL,

46 2. A CANDIDATE FOR STATEWIDE ELECTED OFFICE,

47 3. A MEMBER OF THE LEGISLATURE,

48 4. A CANDIDATE FOR MEMBER OF THE LEGISLATURE,

49 5. AN EMPLOYEE OF THE LEGISLATURE,

50 6. A POLITICAL PARTY CHAIRMAN AS DEFINED IN PARAGRAPH (K) OF SUBDIVI-  
51 SION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,

52 7. A STATE OFFICER OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF SUBDIVI-  
53 SION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,

54 8. A LOBBYIST REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER  
55 JURISDICTION, OR

1 9. HAVE BEEN A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING  
2 FIRM.

3 E. OF THE TWO DESIGNATING MEMBERS FIRST APPOINTED BY THE SPEAKER OF  
4 THE ASSEMBLY, ONE SHALL SERVE A THREE-YEAR TERM AND ONE SHALL SERVE A  
5 ONE-YEAR TERM. OF THE TWO DESIGNATING MEMBERS FIRST APPOINTED BY THE  
6 TEMPORARY PRESIDENT OF THE STATE SENATE, ONE SHALL SERVE A THREE-YEAR  
7 TERM AND ONE SHALL SERVE A TWO-YEAR TERM. OF THE TWO DESIGNATING MEMBERS  
8 FIRST APPOINTED BY THE MINORITY LEADER OF THE STATE SENATE, ONE SHALL  
9 SERVE A THREE-YEAR TERM AND ONE SHALL SERVE A TWO-YEAR TERM. OF THE TWO  
10 DESIGNATING MEMBERS FIRST APPOINTED BY THE MINORITY LEADER OF THE ASSEM-  
11 BLY, ONE SHALL SERVE A THREE-YEAR TERM AND ONE SHALL SERVE A ONE-YEAR  
12 TERM. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR A TERM OF FOUR YEARS.

13 F. A VACANCY SHALL BE DEEMED TO OCCUR IMMEDIATELY UPON THE APPOINTMENT  
14 OR ELECTION OF ANY DESIGNATING MEMBER TO AN OFFICE THAT WOULD DISQUALIFY  
15 HIM OR HER FROM SERVING ON THE DESIGNATING PANEL. A VACANCY OCCURRING  
16 FOR ANY REASON OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED BY THE  
17 APPOINTING OFFICER FOR THE REMAINDER OF THE UNEXPIRED TERM. NO DESIGNAT-  
18 ING MEMBER SHALL SERVE ON SUCH PANEL AFTER THE EXPIRATION OF HIS OR HER  
19 TERM. IF THE APPOINTING OFFICER FAILS TO APPOINT A PERSON TO A VACANT  
20 OFFICE WITHIN SIXTY DAYS, THE DESIGNATING PANEL SHALL, BY A MAJORITY  
21 VOTE WITHOUT VACANCY, SELECT A PERSON TO FILL THE VACANT OFFICE.

22 G. THE DESIGNATING MEMBERS SHALL DESIGNATE ONE MEMBER TO SERVE AS  
23 CHAIR FOR A PERIOD OF TWO YEARS OR UNTIL HIS OR HER TERM OF OFFICE  
24 EXPIRES, WHICHEVER PERIOD IS SHORTER.

25 H. DESIGNATING MEMBERS SHALL NOT RECEIVE COMPENSATION, BUT SHALL BE  
26 ENTITLED TO RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES  
27 INCURRED IN THE DISCHARGE OF THEIR DUTIES.

28 I. FIVE DESIGNATING MEMBERS SHALL CONSTITUTE A QUORUM.

29 J. A MAJORITY VOTE OF FIVE DESIGNATING MEMBERS SHALL BE REQUIRED TO  
30 APPOINT A MEMBER TO THE JOINT LEGISLATIVE COMMISSION ON ETHICS STAND-  
31 ARDS.

32 K. THE DESIGNATING PANEL SHALL CONSIDER AND EVALUATE THE QUALIFICA-  
33 TIONS OF THE CANDIDATES FOR THE JOINT LEGISLATIVE COMMISSION ON ETHICS  
34 STANDARDS. THE DESIGNATING PANEL SHALL ONLY APPOINT PERSONS WHO BY THEIR  
35 CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE ARE WELL  
36 QUALIFIED TO BECOME A MEMBER OF THE COMMISSION. NO MEMBER OF THE  
37 COMMISSION SHALL BE OR SHALL HAVE BEEN WITHIN THE PRECEDING FIVE YEARS:

- 38 1. A STATEWIDE ELECTED OFFICIAL,
- 39 2. A CANDIDATE FOR STATEWIDE ELECTED OFFICE,
- 40 3. A MEMBER OF THE LEGISLATURE,
- 41 4. A CANDIDATE FOR MEMBER OF THE LEGISLATURE,
- 42 5. AN EMPLOYEE OF THE LEGISLATURE,
- 43 6. A POLITICAL PARTY CHAIRMAN AS DEFINED IN PARAGRAPH (K) OF SUBDIVI-  
44 SION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
- 45 7. A STATE OFFICER OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF SUBDIVI-  
46 SION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
- 47 8. A LOBBYIST REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER  
48 JURISDICTION, OR

49 9. HAVE BEEN A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING  
50 FIRM.

51 L. THE APPOINTMENTS SHALL BE TRANSMITTED TO THE GOVERNOR, THE ATTORNEY  
52 GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE,  
53 THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE  
54 MINORITY LEADER OF THE ASSEMBLY IN A WRITTEN REPORT, WHICH SHALL BE  
55 RELEASED TO THE PUBLIC BY THE DESIGNATING PANEL AT THE TIME IT IS  
56 SUBMITTED.

1 M. THE MEMBERS OF THE COMMISSION WHO ARE FIRST APPOINTED BY THE  
2 DESIGNATING PANEL SHALL BE DIVIDED INTO FOUR CLASSES AND SERVE STAGGERED  
3 TERMS OF ONE, TWO, THREE AND FOUR YEAR TERMS, RESPECTIVELY. EACH MEMBER  
4 OF THE COMMISSION SHALL BE APPOINTED THEREAFTER FOR A TERM OF FOUR YEARS  
5 AND MAY BE REMOVED BY THE DESIGNATING PANEL FOR SUBSTANTIAL NEGLIGENCE OF  
6 DUTY, MISCONDUCT IN OFFICE, INABILITY TO DISCHARGE THE POWERS OR DUTIES  
7 OF THE OFFICE OR VIOLATIONS OF THIS SECTION AFTER WRITTEN NOTICE AND  
8 OPPORTUNITY FOR A REPLY.

9 N. THE COMMISSION SHALL ELECT TWO CO-CHAIRPERSONS BY A MAJORITY VOTE  
10 OF THE TOTAL NUMBER OF MEMBERS OF THE COMMISSION. THE COMMISSION SHALL  
11 MEET AT LEAST BI-MONTHLY AND AT SUCH ADDITIONAL TIMES AS MAY BE CALLED  
12 FOR BY THE CO-CHAIRPERSONS JOINTLY OR ANY FOUR MEMBERS OF THE COMMISS-  
13 SION.

14 O. ANY VACANCY OCCURRING ON THE COMMISSION SHALL BE FILLED WITHIN  
15 SIXTY DAYS BY THE DESIGNATING PANEL AS PRESCRIBED IN SUBDIVISION F OF  
16 THIS SECTION.

17 P. FIVE MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM, AND THE  
18 COMMISSION SHALL HAVE POWER TO ACT BY MAJORITY VOTE OF THE TOTAL NUMBER  
19 OF MEMBERS OF THE COMMISSION WITHOUT VACANCY.

20 Q. EACH MEMBER OF THE COMMISSION SHALL RECEIVE, AS COMPENSATION FOR  
21 HIS OR HER SERVICES UNDER THIS ARTICLE, A PER DIEM ALLOWANCE IN THE SUM  
22 OF ONE HUNDRED DOLLARS FOR EACH DAY ACTUALLY SPENT IN THE PERFORMANCE OF  
23 HIS OR HER DUTIES UNDER THIS ARTICLE, NOT EXCEEDING, HOWEVER, THE SUM OF  
24 FIVE THOUSAND DOLLARS IN ANY CALENDAR YEAR, AND, IN ADDITION THERETO,  
25 SHALL BE REIMBURSED FOR ALL REASONABLE EXPENSES ACTUALLY AND NECESSARILY  
26 INCURRED BY HIM OR HER IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER  
27 THIS ARTICLE.

28 R. THE COMMISSION SHALL:

29 1. APPOINT AN EXECUTIVE DIRECTOR FOR A THREE YEAR TERM WHO SHALL ACT  
30 IN ACCORDANCE WITH THE POLICIES OF THE COMMISSION AND WHO SHALL BE  
31 DISMISSED ONLY FOR CAUSE BY A MAJORITY VOTE OF THE COMMISSION;

32 2. APPOINT SUCH OTHER STAFF AS ARE NECESSARY TO ASSIST IT TO CARRY OUT  
33 ITS DUTIES UNDER THIS SECTION;

34 3. ADOPT, AMEND, AND RESCIND POLICIES, RULES AND REGULATIONS CONSIST-  
35 ENT WITH THIS SECTION TO GOVERN PROCEDURES OF THE COMMISSION WHICH SHALL  
36 NOT BE SUBJECT TO THE PROMULGATION AND HEARING REQUIREMENTS OF THE STATE  
37 ADMINISTRATIVE PROCEDURE ACT;

38 4. ADMINISTER THE PROVISIONS OF THIS SECTION;

39 5. SPECIFY THE PROCEDURES WHEREBY A PERSON WHO IS REQUIRED TO FILE AN  
40 ANNUAL FINANCIAL DISCLOSURE STATEMENT WITH THE COMMISSION MAY REQUEST AN  
41 ADDITIONAL PERIOD OF TIME WITHIN WHICH TO FILE SUCH STATEMENT, DUE TO  
42 JUSTIFIABLE CAUSE OR UNDUE HARDSHIP; SUCH RULES OR REGULATIONS SHALL  
43 PROVIDE FOR A DATE BEYOND WHICH IN ALL CASES OF JUSTIFIABLE CAUSE OR  
44 UNDUE HARDSHIP NO FURTHER EXTENSION OF TIME WILL BE GRANTED;

45 6. PROMULGATE GUIDELINES TO ASSIST APPOINTING AUTHORITIES IN DETERMIN-  
46 ING WHICH PERSONS HOLD POLICY-MAKING POSITIONS FOR PURPOSES OF SECTION  
47 SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW AND MAY PROMULGATE GUIDELINES  
48 TO ASSIST FIRMS, ASSOCIATIONS AND CORPORATIONS IN SEPARATING AFFECTED  
49 PERSONS FROM NET REVENUES FOR PURPOSES OF SUBDIVISION TEN OF SECTION  
50 SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, AND PROMULGATE GUIDELINES TO  
51 ASSIST ANY FIRM, ASSOCIATION OR CORPORATION IN WHICH ANY PRESENT OR  
52 FORMER STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF  
53 THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, OR POLITICAL PARTY CHAIR IS A  
54 MEMBER, ASSOCIATE, RETIRED MEMBER, OF COUNSEL OR SHAREHOLDER, IN COMPLY-  
55 ING WITH THE PROVISIONS OF SUBDIVISION TEN OF SECTION SEVENTY-THREE OF  
56 THE PUBLIC OFFICERS LAW WITH RESPECT TO THE SEPARATION OF SUCH PRESENT

1 OR FORMER STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER  
2 OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, OR POLITICAL PARTY CHAIRMAN  
3 FROM THE NET REVENUES OF THE FIRM, ASSOCIATION OR CORPORATION. SUCH  
4 FIRM, ASSOCIATION OR CORPORATION SHALL NOT BE REQUIRED TO ADOPT THE  
5 PROCEDURES CONTAINED IN THE GUIDELINES TO ESTABLISH COMPLIANCE WITH  
6 SUBDIVISION TEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, BUT  
7 IF SUCH FIRM, ASSOCIATION OR CORPORATION DOES ADOPT SUCH PROCEDURES, IT  
8 SHALL BE DEEMED TO BE IN COMPLIANCE WITH SUCH SUBDIVISION TEN;

9 7. MAKE AVAILABLE FORMS FOR FINANCIAL DISCLOSURE STATEMENTS REQUIRED  
10 TO BE FILED PURSUANT TO SUBDIVISION SIX OF SECTION SEVENTY-THREE AND  
11 SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW;

12 8. REVIEW FINANCIAL DISCLOSURE STATEMENTS IN ACCORDANCE WITH THE  
13 PROVISIONS OF THIS SECTION, PROVIDED HOWEVER, THAT THE COMMISSION MAY  
14 DELEGATE ALL OR PART OF THE REVIEW FUNCTION RELATING TO FINANCIAL  
15 DISCLOSURE STATEMENTS PURSUANT TO SECTIONS SEVENTY-THREE AND  
16 SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW TO THE EXECUTIVE DIRECTOR WHO  
17 SHALL BE RESPONSIBLE FOR COMPLETING STAFF REVIEW OF SUCH STATEMENTS IN A  
18 MANNER CONSISTENT WITH THE TERMS OF THE COMMISSION'S DELEGATION. SUCH  
19 REVIEW SHALL REQUIRE THAT ALL STATEMENTS OF FINANCIAL DISCLOSURE FILED  
20 WITH THE COMMISSION BE EXAMINED TO ENSURE THAT EACH STATEMENT IS FACIAL-  
21 LY COMPLETE AND SIGNED BY THE REPORTING INDIVIDUAL;

22 9. PERMIT ANY PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT  
23 TO REQUEST THE COMMISSION TO DELETE FROM THE COPY THEREOF MADE AVAILABLE  
24 FOR PUBLIC INSPECTION AND COPYING ONE OR MORE ITEMS OF INFORMATION,  
25 WHICH MAY BE DELETED BY THE COMMISSION UPON A FINDING THAT THE INFORMA-  
26 TION WHICH WOULD OTHERWISE BE REQUIRED TO BE DISCLOSED WILL HAVE NO  
27 MATERIAL BEARING ON THE DISCHARGE OF THE REPORTING PERSON'S OFFICIAL  
28 DUTIES;

29 10. PERMIT ANY PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE STATE-  
30 MENT TO REQUEST AN EXEMPTION FROM ANY REQUIREMENT TO REPORT ONE OR MORE  
31 ITEMS OF INFORMATION WHICH PERTAIN TO SUCH PERSON'S SPOUSE OR UNEMANCI-  
32 PATED CHILDREN WHICH ITEM OR ITEMS MAY BE EXEMPTED BY THE COMMISSION  
33 UPON A FINDING THAT THE REPORTING INDIVIDUAL'S SPOUSE, ON HIS OR HER OWN  
34 BEHALF OR ON BEHALF OF AN UNEMANCIPATED CHILD, OBJECTS TO PROVIDING THE  
35 INFORMATION NECESSARY TO MAKE SUCH DISCLOSURE AND THAT THE INFORMATION  
36 WHICH WOULD OTHERWISE BE REQUIRED TO BE REPORTED WILL HAVE NO MATERIAL  
37 BEARING ON THE DISCHARGE OF THE REPORTING PERSON'S OFFICIAL DUTIES;

38 11. A MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR  
39 MEMBER OF THE LEGISLATURE MAY NOT DISCLOSE INFORMATION REGARDING A  
40 CLIENT, PERSON, OR ENTITY REQUIRED UNDER THE ANNUAL STATEMENT OF FINAN-  
41 CIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH  
42 EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC  
43 OFFICERS LAW, IF SUCH DISCLOSURE OF THE CLIENT, PERSON, OR ENTITY'S  
44 REQUIRED INFORMATION WOULD VIOLATE A LEGALLY RECOGNIZED PRIVILEGE UNDER  
45 NEW YORK LAW OR WITHIN THE PURVIEW OF THE ATTORNEY-CLIENT PRIVILEGE,  
46 DISCLOSURE WOULD CREATE AN UNREASONABLE HARDSHIP, IN THAT SUCH DISCLO-  
47 SURE WOULD CONVEY THE SUBSTANCE OF A CONFIDENTIAL COMMUNICATION BETWEEN  
48 CLIENT AND ATTORNEY. SUCH A CLIENT, PERSON, OR ENTITY'S REQUIRED INFOR-  
49 MATION UNDER SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVI-  
50 SION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW MAY BE  
51 WITHHELD IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

52 (A) A MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR  
53 MEMBER OF THE LEGISLATURE WHO BELIEVES THAT A CLIENT, PERSON, OR ENTI-  
54 TY'S REQUIRED INFORMATION UNDER THE ANNUAL STATEMENT OF FINANCIAL  
55 DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT  
56 OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS

1 LAW IS PROTECTED BY A LEGALLY RECOGNIZED PRIVILEGE OR UNREASONABLE HARD-  
2 SHIP MAY DECLINE TO REPORT THE REQUIRED INFORMATION, BUT SHALL FILE WITH  
3 HIS OR HER ANNUAL STATEMENT OF FINANCIAL DISCLOSURE AN EXPLANATION FOR  
4 SUCH NONDISCLOSURE. THE EXPLANATION SHALL SEPARATELY STATE FOR EACH  
5 UNDISCLOSED CLIENT, PERSON, OR ENTITY THE LEGAL BASIS FOR ASSERTION OF  
6 THE PRIVILEGE OR UNREASONABLE HARDSHIP AND, AS SPECIFICALLY AS POSSIBLE  
7 WITHOUT DEFEATING THE PRIVILEGE OR UNREASONABLE HARDSHIP, FACTS WHICH  
8 DEMONSTRATE WHY THE PRIVILEGE OR UNREASONABLE HARDSHIP IS APPLICABLE.

9 (B) WITH RESPECT TO EACH UNDISCLOSED CLIENT, PERSON, OR ENTITY, THE  
10 MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER  
11 OF THE LEGISLATURE SHALL STATE THAT TO THE BEST OF HIS OR HER KNOWLEDGE  
12 HE OR SHE HAS NOT AND WILL NOT MAKE, PARTICIPATE IN MAKING, OR IN ANY  
13 WAY ATTEMPT TO USE AN OFFICIAL POSITION TO INFLUENCE A GOVERNMENTAL  
14 DECISION WHEN TO DO SO CONSTITUTED OR WOULD CONSTITUTE A CRIME OR  
15 VIOLATION OF ANY LOCAL, STATE OR FEDERAL LAW.

16 (C) THE EXECUTIVE DIRECTOR MAY REQUEST FURTHER INFORMATION FROM THE  
17 MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER  
18 OF THE LEGISLATURE AND, IF NO LEGAL OR FACTUAL JUSTIFICATION SUFFICIENT  
19 TO SUPPORT ASSERTION OF THE PRIVILEGE IS SHOWN, MAY ORDER THAT THE  
20 DISCLOSURE REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE  
21 PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVI-  
22 SION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW BE  
23 MADE. THE MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE  
24 FOR MEMBER OF THE LEGISLATURE SHALL, WITHIN FOURTEEN DAYS AFTER RECEIPT  
25 OF AN ORDER FROM THE EXECUTIVE DIRECTOR, EITHER COMPLY WITH THE ORDER  
26 OR, IF HE OR SHE WANTS TO CHALLENGE THE DETERMINATION OF THE EXECUTIVE  
27 DIRECTOR, APPEAL THE DETERMINATION, IN WRITING, TO THE COMMISSION. THE  
28 EXECUTIVE DIRECTOR MAY, FOR GOOD CAUSE, EXTEND ANY OF THE TIME FOR A  
29 PERIOD OF FOURTEEN DAYS.

30 (D) IF THE EXECUTIVE DIRECTOR DETERMINES THAT NONDISCLOSURE IS JUSTI-  
31 FIED BECAUSE OF THE EXISTENCE OF A PRIVILEGE OR UNREASONABLE HARDSHIP,  
32 THE MATTER SHALL BE REFERRED TO THE COMMISSION.

33 (E) THE COMMISSION SHALL REVIEW AN APPEAL FILED UNDER SUBPARAGRAPH (C)  
34 OF THIS PARAGRAPH OR A RECOMMENDATION MADE BY THE EXECUTIVE DIRECTOR  
35 UNDER SUBPARAGRAPH (D) OF THIS PARAGRAPH AT A MEETING HELD NO LESS THAN  
36 FOURTEEN DAYS AFTER NOTICE OF THE MEETING IS MAILED TO THE MEMBER OF THE  
37 LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGIS-  
38 LATURE. THE COMMISSION SHALL DECIDE WHETHER SUCH NONDISCLOSURE IS  
39 WARRANTED BY ISSUING AN OPINION PURSUANT TO SUBDIVISION FIFTEEN OF THIS  
40 SECTION AND SHALL TREAT THE EXPLANATION FOR NONDISCLOSURE ACCOMPANYING  
41 THE MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR  
42 MEMBER OF THE LEGISLATURE'S ANNUAL STATEMENT OF FINANCIAL DISCLOSURE AS  
43 AN OPINION REQUEST.

44 (F) IF THE COMMISSION ORDERS A MEMBER OF THE LEGISLATURE, LEGISLATIVE  
45 EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE TO DISCLOSE, THE  
46 MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER  
47 OF THE LEGISLATURE MUST COMPLY WITHIN FOURTEEN DAYS. THE COMMISSION, IN  
48 ITS NOTIFICATION TO DISCLOSE A CLIENT, PERSON, OR ENTITY'S INFORMATION  
49 REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO  
50 SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF  
51 SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW, SHALL INFORM THE  
52 PERSON OF HIS OR HER RIGHT TO APPEAL THE COMMISSION'S DETERMINATION  
53 PURSUANT TO ITS RULES GOVERNING ADJUDICATORY PROCEEDINGS AND APPEALS  
54 ADOPTED PURSUANT TO SUBDIVISION THIRTEEN OF THIS SECTION;

55 12. ADVISE AND ASSIST THE LEGISLATURE IN ESTABLISHING RULES AND REGU-  
56 LATIONS RELATING TO POSSIBLE CONFLICTS BETWEEN PRIVATE INTERESTS AND

1 OFFICIAL DUTIES OF PRESENT MEMBERS OF THE LEGISLATURE AND LEGISLATIVE  
2 EMPLOYEES;

3 13. RECEIVE SWORN COMPLAINTS REGARDING PERSONS SUBJECT TO ITS JURIS-  
4 DICTION ALLEGING A POSSIBLE VIOLATION OF SECTION SEVENTY-THREE, SEVEN-  
5 TY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, AND REFER SUCH  
6 COMPLAINTS FOR INVESTIGATION TO THE LEGISLATIVE OFFICE OF ETHICS INVE-  
7 TIGATIONS AS WELL AS ANY OTHER POSSIBLE VIOLATIONS OF SUCH SECTIONS BY  
8 SUCH PERSONS THAT THE COMMISSION DETERMINES ON ITS OWN INITIATIVE  
9 WARRANT INVESTIGATION;

10 14. RECEIVE AND REFER AS APPROPRIATE, AS IF IT WERE A SWORN COMPLAINT,  
11 ANY REFERRAL FROM ANOTHER STATE OVERSIGHT BODY INDICATING THAT A  
12 VIOLATION OF SECTION SEVENTY-THREE, SEVENTY-THREE-A, OR SEVENTY-FOUR OF  
13 THE PUBLIC OFFICERS LAW MAY HAVE OCCURRED INVOLVING PERSONS SUBJECT TO  
14 THE JURISDICTION OF THE COMMISSION;

15 15. UPON WRITTEN REQUEST FROM ANY PERSON WHO IS SUBJECT TO THE JURIS-  
16 DICTION OF THE COMMISSION AND THE REQUIREMENTS OF SECTIONS  
17 SEVENTY-THREE, SEVENTY-THREE-A AND SEVENTY-FOUR OF THE PUBLIC OFFICERS  
18 LAW RENDER FORMAL ADVISORY OPINIONS ON THE REQUIREMENTS OF SAID  
19 PROVISIONS. A FORMAL OPINION RENDERED BY THE COMMISSION, UNTIL AND  
20 UNLESS AMENDED OR REVOKED, SHALL BE BINDING ON THE LEGISLATIVE OFFICE OF  
21 ETHICS INVESTIGATIONS IN ANY SUBSEQUENT PROCEEDING CONCERNING THE PERSON  
22 WHO REQUESTED THE OPINION AND WHO ACTED IN GOOD FAITH, UNLESS MATERIAL  
23 FACTS WERE OMITTED OR MISSTATED BY THE PERSON IN THE REQUEST FOR AN  
24 OPINION. SUCH OPINION MAY ALSO BE RELIED UPON BY SUCH PERSON, AND MAY  
25 BE INTRODUCED AND SHALL BE A DEFENSE IN ANY CRIMINAL OR CIVIL ACTION;

26 16. ISSUE AND PUBLISH GENERIC ADVISORY OPINIONS COVERING QUESTIONS  
27 FREQUENTLY POSED TO THE COMMISSION, OR QUESTIONS COMMON TO A CLASS OR  
28 DEFINED CATEGORY OF PERSONS, OR THAT WILL TEND TO PREVENT UNDUE REPE-  
29 TITION OF REQUESTS OR UNDUE COMPLICATION, AND WHICH ARE INTENDED TO  
30 PROVIDE GENERAL GUIDANCE AND INFORMATION TO PERSONS SUBJECT TO THE  
31 COMMISSION'S JURISDICTION;

32 17. DEVELOP EDUCATIONAL MATERIALS AND TRAINING WITH REGARD TO LEGISLA-  
33 TIVE ETHICS FOR MEMBERS OF THE LEGISLATURE AND LEGISLATIVE EMPLOYEES;

34 18. PREPARE AN ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE SUMMARIZ-  
35 ING THE ACTIVITIES OF THE COMMISSION DURING THE PREVIOUS YEAR AND RECOM-  
36 MENDING ANY CHANGES IN THE LAWS GOVERNING THE CONDUCT OF PERSONS SUBJECT  
37 TO THE JURISDICTION OF THE COMMISSION, OR THE RULES, REGULATIONS AND  
38 PROCEDURES GOVERNING THE COMMISSION'S CONDUCT. SUCH REPORT SHALL BE  
39 POSTED ON THE COMMISSION'S WEBSITE AND SHALL INCLUDE: (I) THE NUMBER OF  
40 REPORTING INDIVIDUALS WHOSE FILES WERE REVIEWED PURSUANT TO PARAGRAPH  
41 NINETEEN OF SUBDIVISION R OF THIS SECTION DURING THE PREVIOUS YEAR AND  
42 WHICH, IF ANY, CLASSES WERE SELECTED FOR CLASS REVIEW RATHER THAN RANDOM  
43 REVIEW, (II) A LISTING BY ASSIGNED NUMBER OF EACH COMPLAINT AND REFERRAL  
44 RECEIVED WHICH ALLEGED A POSSIBLE VIOLATION WITHIN ITS JURISDICTION,  
45 INCLUDING THE CURRENT STATUS OF EACH COMPLAINT, AND (III) WHERE A MATTER  
46 HAS BEEN RESOLVED, THE DATE AND NATURE OF THE DISPOSITION AND ANY SANC-  
47 TION IMPOSED, SUBJECT TO THE CONFIDENTIALITY REQUIREMENTS OF THIS  
48 SECTION. SUCH ANNUAL REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH  
49 DISCLOSURE IS NOT PERMITTED PURSUANT TO SUBDIVISION FOURTEEN OF THIS  
50 SECTION; AND

51 19. PROMULGATE GUIDELINES FOR THE COMMISSION TO CONDUCT A PROGRAM OF  
52 RANDOM REVIEWS, TO BE CARRIED OUT IN THE FOLLOWING MANNER: (I) ANNUAL  
53 STATEMENTS OF FINANCIAL DISCLOSURE SHALL BE SELECTED FOR REVIEW IN A  
54 MANNER PURSUANT TO WHICH THE IDENTITY OF ANY PARTICULAR PERSON WHOSE  
55 STATEMENT IS SELECTED IS UNKNOWN TO THE COMMISSION, ITS STAFF AND TO THE  
56 LEGISLATIVE OFFICE OF ETHICS INVESTIGATION PRIOR TO ITS SELECTION; (II)

1 SUCH REVIEW SHALL INCLUDE A PRELIMINARY EXAMINATION OF THE SELECTED  
2 STATEMENT FOR INTERNAL CONSISTENCY, A COMPARISON WITH OTHER RECORDS  
3 MAINTAINED BY THE COMMISSION, INCLUDING PREVIOUSLY FILED STATEMENTS AND  
4 REQUESTS FOR ADVISORY OPINIONS, AND EXAMINATION OF RELEVANT PUBLIC  
5 INFORMATION, INCLUDING, BUT NOT LIMITED TO, RECORDS FILED WITH THE  
6 COMMISSION ON LOBBYING ETHICS AND COMPLIANCE AND THE DEPARTMENT OF  
7 STATE; (III) UPON COMPLETION OF THE PRELIMINARY EXAMINATION, THE COMMIS-  
8 SION SHALL DETERMINE WHETHER FURTHER INQUIRY IS WARRANTED, WHEREUPON IT  
9 SHALL NOTIFY THE REPORTING INDIVIDUAL IN WRITING THAT THE STATEMENT IS  
10 UNDER REVIEW, ADVISE THE REPORTING INDIVIDUAL OF THE SPECIFIC AREAS OF  
11 INQUIRY, AND PROVIDE THE REPORTING INDIVIDUAL WITH THE OPPORTUNITY TO  
12 PROVIDE THE COMMISSION WITH ANY RELEVANT INFORMATION RELATED TO THE  
13 SPECIFIC AREAS OF INQUIRY, AND THE OPPORTUNITY TO FILE AMENDMENTS TO THE  
14 SELECTED STATEMENT ON FORMS PROVIDED BY THE COMMISSION; AND (IV) IF  
15 THEREAFTER SUFFICIENT CAUSE EXISTS, THE COMMISSION SHALL REFER THE  
16 MATTER TO THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS; PROVIDED,  
17 HOWEVER IF THE COMMISSION CONDUCTS A REVIEW OF ALL STATEMENTS OF FINAN-  
18 CIAL DISCLOSURE FILED BY A CLASS OF REPORTING INDIVIDUALS IN THE MANNER  
19 SET FORTH IN THIS PARAGRAPH WITH RESPECT TO A GIVEN CALENDAR YEAR, THE  
20 INDIVIDUALS WITHIN SUCH CLASS SHALL NOT BE SUBJECT TO RANDOM REVIEW. FOR  
21 THE PURPOSES OF THIS PARAGRAPH, THE CLASSES OF REPORTING INDIVIDUALS ARE  
22 MEMBERS OF THE LEGISLATURE, CANDIDATES FOR MEMBER OF THE LEGISLATURE,  
23 LEGISLATIVE EMPLOYEES SUBJECT TO THE PROVISIONS OF SECTION  
24 SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW, AND LEGISLATIVE EMPLOYEES  
25 REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT PURSUANT TO SUBDIVI-  
26 SION SIX OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW.

27 S. THE COMMISSION, OR THE EXECUTIVE DIRECTOR AND STAFF OF THE COMMIS-  
28 SION IF RESPONSIBILITY REGARDING SUCH FINANCIAL DISCLOSURE STATEMENTS  
29 FILED HAS BEEN DELEGATED, SHALL INSPECT ALL FINANCIAL DISCLOSURE STATE-  
30 MENTS FILED WITH THE COMMISSION TO ASCERTAIN WHETHER ANY PERSON SUBJECT  
31 TO THE REPORTING REQUIREMENTS OF SUBDIVISION SIX OF SECTION  
32 SEVENTY-THREE OR SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW HAS  
33 FAILED TO FILE SUCH A STATEMENT, HAS FILED A DEFICIENT STATEMENT OR HAS  
34 FILED A STATEMENT WHICH REVEALS A POSSIBLE VIOLATION OF SECTION SEVEN-  
35 TY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

36 T. 1. IF A PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT  
37 WITH THE COMMISSION HAS FAILED TO FILE A FINANCIAL DISCLOSURE STATEMENT  
38 OR HAS FILED A DEFICIENT STATEMENT, THE COMMISSION SHALL NOTIFY THE  
39 REPORTING PERSON IN WRITING, STATE THE FAILURE TO FILE OR DETAIL THE  
40 DEFICIENCY, PROVIDE THE PERSON WITH A FIFTEEN DAY PERIOD TO CURE THE  
41 DEFICIENCY, AND ADVISE THE PERSON OF THE PENALTIES FOR FAILURE TO COMPLY  
42 WITH THE REPORTING REQUIREMENTS. SUCH NOTICE SHALL BE CONFIDENTIAL. IF  
43 THE PERSON FAILS TO MAKE SUCH FILING OR FAILS TO CURE THE DEFICIENCY  
44 WITHIN THE SPECIFIED TIME PERIOD, THE COMMISSION SHALL SEND A NOTICE OF  
45 DELINQUENCY: (A) TO THE REPORTING PERSON; (B) IN THE CASE OF A SENATOR,  
46 TO THE TEMPORARY PRESIDENT OF THE SENATE, AND IF A MEMBER OF THE ASSEM-  
47 BLY, TO THE SPEAKER OF THE ASSEMBLY; AND (C) IN THE CASE OF A LEGISLA-  
48 TIVE EMPLOYEE, TO THE APPOINTING AUTHORITY FOR SUCH PERSON AND TO THE  
49 TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, AS  
50 APPROPRIATE, WHO HAS JURISDICTION OVER SUCH APPOINTING AUTHORITY. SUCH  
51 NOTICE OF DELINQUENCY MAY BE SENT AT ANY TIME DURING THE REPORTING  
52 PERSON'S SERVICE AS A MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE  
53 OR WHILE A CANDIDATE FOR MEMBER OF THE LEGISLATURE, OR WITHIN ONE YEAR  
54 AFTER SEPARATION FROM SUCH SERVICE OR THE TERMINATION OF SUCH CANDIDACY.  
55 THE JURISDICTION OF THE COMMISSION, WHEN ACTING PURSUANT TO SUBDIVISION  
56 K OF THIS SECTION WITH RESPECT TO FINANCIAL DISCLOSURE, SHALL CONTINUE

1 NOTWITHSTANDING THAT THE REPORTING PERSON SEPARATES FROM STATE SERVICE  
2 OR TERMINATES HIS OR HER CANDIDACY, PROVIDED THE COMMISSION NOTIFIES  
3 SUCH PERSON OF THE ALLEGED FAILURE TO FILE OR DEFICIENT FILING PURSUANT  
4 TO THIS SUBDIVISION.

5 2. IF THE PERSON REQUIRED TO FILE FAILS TO MAKE THE REQUIRED FILING  
6 WITHIN FIFTEEN DAYS OF THE NOTICE OF DELINQUENCY, THE COMMISSION SHALL  
7 NOTIFY THE PERSON IN WRITING, DESCRIBE THE ALLEGED VIOLATION THEREOF AND  
8 PROVIDE THE PERSON WITH A FIFTEEN DAY PERIOD IN WHICH TO SUBMIT A WRIT-  
9 TEN RESPONSE SETTING FORTH INFORMATION RELATING TO THE ALLEGED  
10 VIOLATION. IF THE COMMISSION THEREAFTER MAKES A DETERMINATION THAT  
11 FURTHER INQUIRY IS JUSTIFIED, IT SHALL GIVE THE PERSON AN OPPORTUNITY TO  
12 BE HEARD. THE COMMISSION SHALL ALSO PROVIDE THE PERSON WITH ITS RULES  
13 REGARDING THE CONDUCT OF ADJUDICATORY PROCEEDINGS AND APPEALS AND THE  
14 DUE PROCESS PROCEDURAL MECHANISMS AVAILABLE TO SUCH PERSON. IF THE  
15 COMMISSION DETERMINES AT ANY STAGE OF THE PROCEEDING THAT THERE IS NO  
16 VIOLATION OR THAT SUCH VIOLATION HAS BEEN CURED, IT SHALL SO ADVISE THE  
17 PERSON. ALL OF THE FOREGOING PROCEEDINGS SHALL BE CONFIDENTIAL.

18 U. 1. IF A REPORTING PERSON HAS FILED A STATEMENT WHICH REVEALS A  
19 POSSIBLE VIOLATION OF SECTION SEVENTY-THREE, SEVENTY-THREE-A OR SEVEN-  
20 TY-FOUR OF THE PUBLIC OFFICERS LAW, OR THE COMMISSION RECEIVES A REFER-  
21 RAL FROM ANOTHER STATE OVERSIGHT BODY, OR THE COMMISSION RECEIVES A  
22 SWORN COMPLAINT ALLEGING SUCH A VIOLATION BY A REPORTING PERSON OR A  
23 LEGISLATIVE EMPLOYEE SUBJECT TO THE PROVISIONS OF SUCH LAWS, OR IF THE  
24 PERSON FAILS TO MAKE THE REQUIRED FILING WITHIN FIFTEEN DAYS OF THE  
25 NOTICE OF DELINQUENCY, THE COMMISSION SHALL REFER THE MATTER TO THE  
26 LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS FOR INVESTIGATION AND A  
27 REPORT TO THE COMMISSION CONTAINING FINDINGS AND RECOMMENDATIONS. IF THE  
28 COMMISSION THEREAFTER MAKES A DETERMINATION THAT FURTHER INQUIRY IS  
29 JUSTIFIED, IT SHALL GIVE THE REPORTING PERSON AN OPPORTUNITY TO BE  
30 HEARD. THE COMMISSION SHALL ALSO INFORM THE REPORTING INDIVIDUAL OF ITS  
31 RULES REGARDING THE CONDUCT OF ADJUDICATORY PROCEEDINGS AND APPEALS AND  
32 THE DUE PROCESS PROCEDURAL MECHANISMS AVAILABLE TO SUCH INDIVIDUAL. IF  
33 THE COMMISSION DETERMINES AT ANY STAGE OF THE PROCEEDING THAT THERE IS  
34 NO VIOLATION OR THAT ANY POTENTIAL CONFLICT OF INTEREST VIOLATION OR  
35 DEFICIENCY HAS BEEN RECTIFIED, IT SHALL SO ADVISE THE REPORTING PERSON  
36 AND THE COMPLAINANT, IF ANY. ALL OF THE FOREGOING PROCEEDINGS SHALL BE  
37 CONFIDENTIAL.

38 2. IF THE COMMISSION DETERMINES THAT THERE IS REASONABLE CAUSE TO  
39 BELIEVE THAT A VIOLATION HAS OCCURRED, IT SHALL SEND A NOTICE OF REASON-  
40 ABLE CAUSE: (A) TO THE REPORTING PERSON; (B) TO THE COMPLAINANT, IF ANY;  
41 (C) IN THE CASE OF A SENATOR, TO THE TEMPORARY PRESIDENT OF THE SENATE,  
42 AND IF A MEMBER OF THE ASSEMBLY, TO THE SPEAKER OF THE ASSEMBLY; AND (D)  
43 IN THE CASE OF A LEGISLATIVE EMPLOYEE, TO THE APPOINTING AUTHORITY FOR  
44 SUCH PERSON AND TO THE TEMPORARY PRESIDENT OF THE SENATE AND/OR THE  
45 SPEAKER OF THE ASSEMBLY, AS THE CASE MAY BE, WHO HAS JURISDICTION OVER  
46 SUCH APPOINTING AUTHORITY.

47 V. AN INDIVIDUAL SUBJECT TO THE JURISDICTION OF THE COMMISSION WHO  
48 KNOWINGLY AND INTENTIONALLY VIOLATES THE PROVISIONS OF SUBDIVISIONS TWO  
49 THROUGH FIVE-A, SEVEN, EIGHT, TWELVE, FOURTEEN, FIFTEEN OR SEVENTEEN OF  
50 SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW OR A REPORTING INDIVID-  
51 UAL WHO KNOWINGLY AND WILFULLY FAILS TO FILE AN ANNUAL STATEMENT OF  
52 FINANCIAL DISCLOSURE OR WHO KNOWINGLY AND WILFULLY WITH INTENT TO  
53 DECEIVE MAKES A FALSE STATEMENT OR GIVES INFORMATION WHICH SUCH INDIVID-  
54 UAL KNOWS TO BE FALSE ON SUCH STATEMENT OF FINANCIAL DISCLOSURE FILED  
55 PURSUANT TO SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW, OR A  
56 REPORTING INDIVIDUAL WHO KNOWINGLY AND WILFULLY FAILS TO FILE A REPORT

1 OF BUSINESS DEALINGS WITH LOBBYISTS OR WHO KNOWINGLY AND WILFULLY WITH  
2 INTENT TO DECEIVE MAKES A FALSE STATEMENT OR GIVES INFORMATION WHICH  
3 SUCH INDIVIDUAL KNOWS TO BE FALSE ON SUCH A REPORT OF BUSINESS DEALINGS  
4 WITH LOBBYISTS FILED PURSUANT TO SUBDIVISION TWO OF SECTION  
5 SEVENTY-FOUR-B OF THE PUBLIC OFFICERS LAW SHALL BE SUBJECT TO A CIVIL  
6 PENALTY IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND DOLLARS AND THE VALUE  
7 OF ANY GIFT, COMPENSATION OR BENEFIT RECEIVED AS A RESULT OF SUCH  
8 VIOLATION. ANY SUCH INDIVIDUAL WHO KNOWINGLY AND INTENTIONALLY VIOLATES  
9 THE PROVISIONS OF PARAGRAPH (B), (C), (D), OR (I) OF SUBDIVISION THREE  
10 OF SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW SHALL BE SUBJECT TO A  
11 CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS AND THE  
12 VALUE OF ANY GIFT, COMPENSATION OR BENEFIT RECEIVED AS A RESULT OF SUCH  
13 VIOLATION. ANY SUCH INDIVIDUAL WHO KNOWINGLY AND INTENTIONALLY VIOLATES  
14 THE PROVISIONS OF PARAGRAPH (A), (E) OR (G) OF SUBDIVISION THREE OF  
15 SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW SHALL BE SUBJECT TO A  
16 CIVIL PENALTY IN AN AMOUNT EQUAL TO THE VALUE OF ANY GIFT, COMPENSATION  
17 OR BENEFIT RECEIVED AS A RESULT OF SUCH VIOLATION. ASSESSMENT OF A CIVIL  
18 PENALTY HEREUNDER SHALL BE MADE BY THE COMMISSION WITH RESPECT TO  
19 PERSONS SUBJECT TO ITS JURISDICTION BUT NOT BEFORE ITS RECEIPT OF A  
20 REPORT FROM THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS; PROVIDED  
21 THAT IT DOES NOT NEED TO OBTAIN SUCH REPORT BEFORE ASSESSING A CIVIL  
22 PENALTY FOR FAILURE TO FILE. IN ASSESSING THE AMOUNT OF THE CIVIL PENAL-  
23 TIES TO BE IMPOSED, THE COMMISSION SHALL CONSIDER THE SERIOUSNESS OF THE  
24 VIOLATION, THE AMOUNT OF GAIN TO THE INDIVIDUAL AND WHETHER THE INDIVID-  
25 UAL PREVIOUSLY HAD ANY CIVIL OR CRIMINAL PENALTIES IMPOSED PURSUANT TO  
26 THIS SECTION, AND ANY OTHER FACTORS THE COMMISSION DEEMS APPROPRIATE.  
27 FOR A VIOLATION OF THIS SECTION, OTHER THAN FOR CONDUCT WHICH CONSTI-  
28 TUTES A VIOLATION OF SUBDIVISION TWELVE, FOURTEEN OR FIFTEEN OF SECTION  
29 SEVENTY-THREE OR SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, THE  
30 COMMISSION MAY, IN ADDITION TO A CIVIL PENALTY, REFER A VIOLATION TO THE  
31 APPROPRIATE PROSECUTOR AND UPON SUCH CONVICTION, BUT ONLY AFTER SUCH  
32 REFERRAL, SUCH VIOLATION SHALL BE PUNISHABLE AS A CLASS A MISDEMEANOR. A  
33 CIVIL PENALTY FOR FALSE FILING MAY NOT BE IMPOSED HEREUNDER IN THE EVENT  
34 A CATEGORY OF "VALUE" OR "AMOUNT" REPORTED HEREUNDER IS INCORRECT UNLESS  
35 SUCH REPORTED INFORMATION IS FALSELY UNDERSTATED. NOTWITHSTANDING ANY  
36 CIVIL OR CRIMINAL PENALTY IMPOSED FOR A FAILURE TO FILE, OR FOR A FALSE  
37 FILING, OF SUCH STATEMENT, OR A VIOLATION OF SECTION SEVENTY-THREE OF  
38 THE PUBLIC OFFICERS LAW, THE APPOINTING AUTHORITY MAY IMPOSE DISCIPLI-  
39 NARY ACTION AS OTHERWISE PROVIDED BY LAW. THE COMMISSION SHALL BE DEEMED  
40 TO BE AN AGENCY WITHIN THE MEANING OF ARTICLE THREE OF THE STATE ADMIN-  
41 ISTRATIVE PROCEDURE ACT AND SHALL ADOPT RULES GOVERNING THE CONDUCT OF  
42 ADJUDICATORY PROCEEDINGS AND APPEALS TAKEN PURSUANT TO A PROCEEDING  
43 COMMENCED UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND  
44 RULES RELATING TO THE ASSESSMENT OF THE CIVIL PENALTIES HEREIN AUTHOR-  
45 IZED AND COMMISSION DENIALS OF REQUESTS FOR CERTAIN DELETIONS OR  
46 EXEMPTIONS TO BE MADE FROM A FINANCIAL DISCLOSURE STATEMENT AS AUTHOR-  
47 IZED IN PARAGRAPHS NINE, TEN AND ELEVEN OF SUBDIVISION R OF THIS  
48 SECTION. SUCH RULES, WHICH SHALL NOT BE SUBJECT TO THE PROMULGATION AND  
49 HEARING REQUIREMENTS OF THE STATE ADMINISTRATIVE PROCEDURE ACT, SHALL  
50 PROVIDE FOR DUE PROCESS PROCEDURAL MECHANISMS SUBSTANTIALLY SIMILAR TO  
51 THOSE SET FORTH IN ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCEDURE  
52 ACT BUT SUCH MECHANISMS NEED NOT BE IDENTICAL IN TERMS OR SCOPE. ASSESS-  
53 MENT OF A CIVIL PENALTY OR COMMISSION DENIAL OF SUCH A DELETION OR  
54 EXEMPTION REQUEST SHALL BE FINAL UNLESS MODIFIED, SUSPENDED OR VACATED  
55 WITHIN THIRTY DAYS OF IMPOSITION, WITH RESPECT TO THE ASSESSMENT OF SUCH  
56 PENALTY, OR UNLESS SUCH DENIAL OF REQUEST IS REVERSED WITHIN SUCH TIME

1 PERIOD, AND UPON BECOMING FINAL SHALL BE SUBJECT TO REVIEW AT THE  
2 INSTANCE OF THE AFFECTED REPORTING INDIVIDUALS IN A PROCEEDING COMMENCED  
3 AGAINST THE COMMISSION, PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL  
4 PRACTICE LAW AND RULES.

5 W. IF THE COMMISSION HAS A REASONABLE BASIS TO BELIEVE THAT ANY PERSON  
6 SUBJECT TO THE JURISDICTION OF ANOTHER STATE OVERSIGHT BODY MAY HAVE  
7 VIOLATED SECTION SEVENTY-THREE OR SEVENTY-FOUR OF THE PUBLIC OFFICERS  
8 LAW, OR THAT ANY PERSON SUBJECT TO THE JURISDICTION OF THE STATE BOARD  
9 OF ELECTIONS MAY HAVE VIOLATED ARTICLE FOURTEEN OF THE ELECTION LAW, IT  
10 SHALL REFER SUCH VIOLATION TO SUCH OVERSIGHT BODY OR TO THE BOARD OF  
11 ELECTIONS, AS APPROPRIATE, UNLESS THE COMMISSION DETERMINES THAT SUCH A  
12 REFERRAL WOULD COMPROMISE THE PROSECUTION OR CONFIDENTIALITY OF ITS OR  
13 THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS' INVESTIGATIONS AND, IF  
14 SO, SHALL MAKE SUCH A REFERRAL AS SOON AS PRACTICABLE. THE REFERRAL BY  
15 THE COMMISSION SHALL INCLUDE ANY INFORMATION RELATING THERETO COMING  
16 INTO THE CUSTODY OR UNDER THE CONTROL OF THE COMMISSION AT ANY TIME  
17 PRIOR OR SUBSEQUENT TO THE TIME OF THE REFERRAL.

18 X. A COPY OF ANY NOTICE OF DELINQUENCY SENT PURSUANT TO THIS SECTION  
19 SHALL BE INCLUDED IN THE REPORTING PERSON'S FILE AND BE AVAILABLE FOR  
20 PUBLIC INSPECTION AND COPYING.

21 Y. 1. NOTWITHSTANDING THE PROVISIONS OF ARTICLE SIX OF THE PUBLIC  
22 OFFICERS LAW, THE ONLY RECORDS OF THE COMMISSION WHICH SHALL BE AVAIL-  
23 ABLE FOR PUBLIC INSPECTION AND COPYING ARE AS FOLLOWS:

24 (A) THE INFORMATION SET FORTH IN AN ANNUAL STATEMENT OF FINANCIAL  
25 DISCLOSURE FILED PURSUANT TO SECTION SEVENTY-THREE-A OF THE PUBLIC OFFI-  
26 CERS LAW, EXCEPT ANY ITEM OF INFORMATION DELETED, EXEMPTED OR NOT  
27 DISCLOSED PURSUANT TO PARAGRAPH NINE, TEN OR ELEVEN OF SUBDIVISION R OF  
28 THIS SECTION, WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC NO LATER THAN  
29 THIRTY DAYS AFTER RECEIPT;

30 (B) FINANCIAL DISCLOSURE STATEMENTS FILED PURSUANT TO SUBDIVISION SIX  
31 OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW WHICH SHALL BE MADE  
32 AVAILABLE TO THE PUBLIC NO LATER THAN THIRTY DAYS AFTER THEIR RECEIPT;

33 (C) NOTICES OF DELINQUENCY SENT UNDER SUBDIVISION T OF THIS SECTION;

34 (D) NOTICES OF CIVIL ASSESSMENT IMPOSED UNDER THIS SECTION WHICH SHALL  
35 INCLUDE A DESCRIPTION OF THE NATURE OF THE ALLEGED WRONGDOING, THE  
36 PROCEDURAL HISTORY OF THE COMPLAINT, THE FINDINGS AND DETERMINATIONS  
37 MADE BY THE COMMISSION, AND ANY SANCTION IMPOSED;

38 (E) GENERIC ADVISORY OPINIONS; AND

39 (F) ALL REPORTS REQUIRED BY THIS SECTION.

40 2. NOTWITHSTANDING THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFI-  
41 CERS LAW, NO MEETING OR PROCEEDING OF THE COMMISSION SHALL BE OPEN TO  
42 THE PUBLIC, EXCEPT IF EXPRESSLY PROVIDED OTHERWISE BY THIS SECTION OR  
43 THE COMMISSION PROVIDED, HOWEVER, THAT THE COMMISSION SHALL MEET PUBLIC-  
44 LY WHENEVER IT ADOPTS, AMENDS OR RESCINDS ITS POLICIES, RULES OR REGU-  
45 LATIONS, PROMULGATES ITS GUIDELINES, APPROVES EDUCATIONAL MATERIAL, OR  
46 ADOPTS ITS ANNUAL REPORT.

47 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSION SHALL  
48 MAKE AVAILABLE TO THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS ALL  
49 RECORDS MAINTAINED BY THE COMMISSION AND SHALL REGULARLY FORWARD TO SUCH  
50 OFFICE COPIES OF ALL ADVISORY OPINIONS ADOPTED BY THE COMMISSION.

51 Z. THE COMMISSION SHALL MAINTAIN A PUBLICLY ACCESSIBLE WEBSITE WHICH  
52 SHALL SET FORTH THE PROCEDURE FOR FILING A COMPLAINT AND WHICH SHALL  
53 CONTAIN THE DOCUMENTS IDENTIFIED IN SUBDIVISION Y OF THIS SECTION, OTHER  
54 THAN FINANCIAL DISCLOSURE STATEMENTS FILED BY LEGISLATIVE EMPLOYEES, AND  
55 ANY OTHER RECORDS OR INFORMATION WHICH THE COMMISSION DETERMINES TO BE  
56 APPROPRIATE.

1 AA. THE LEGISLATIVE COMMITTEES RESPONSIBLE FOR OVERSIGHT OF THE  
2 COMMISSION SHALL HOLD ONE OR MORE PUBLIC HEARINGS REGARDING THE EFFEC-  
3 TIVENESS OF THE COMMISSION AT LEAST FIVE MONTHS BEFORE THIS SECTION  
4 EXPIRES PURSUANT TO THE PROVISIONS OF THE CHAPTER OF THE LAWS OF TWO  
5 THOUSAND TEN WHICH ADDED THIS SECTION.

6 BB. THIS SECTION SHALL NOT REVOKE OR RESCIND ANY POLICIES, RULES,  
7 REGULATIONS OR ADVISORY OPINIONS ISSUED BY THE LEGISLATIVE ETHICS  
8 COMMITTEE AND LEGISLATIVE ETHICS COMMISSION IN EFFECT UPON THE EFFECTIVE  
9 DATE OF THIS SUBDIVISION, TO THE EXTENT THAT SUCH REGULATIONS OR OPIN-  
10 IONS ARE NOT INCONSISTENT WITH ANY LAWS OF THE STATE OF NEW YORK. THE  
11 COMMISSION SHALL UNDERTAKE A COMPREHENSIVE REVIEW OF ALL SUCH POLICIES,  
12 RULES, REGULATIONS OR ADVISORY OPINIONS WHICH WILL ADDRESS THE CONSIST-  
13 ENCY OF SUCH POLICIES, RULES, REGULATIONS OR ADVISORY OPINIONS WITH THE  
14 LAWS OF THE STATE OF NEW YORK. THE COMMISSION SHALL, BEFORE DECEMBER  
15 FIRST, TWO THOUSAND ELEVEN, REPORT TO THE GOVERNOR AND LEGISLATURE  
16 REGARDING SUCH REVIEW AND SHALL PROPOSE ANY REGULATORY CHANGES AND ISSUE  
17 ANY ADVISORY OPINIONS NECESSITATED BY SUCH REVIEW.

18 CC. SEPARABILITY CLAUSE. IF ANY PART OR PROVISION OF THIS SECTION OR  
19 THE APPLICATION THEREOF TO ANY PERSON IS ADJUDGED BY A COURT OF COMPE-  
20 TENT JURISDICTION TO BE UNCONSTITUTIONAL OR OTHERWISE INVALID, SUCH  
21 JUDGMENT SHALL NOT AFFECT OR IMPAIR ANY OTHER PART OR PROVISION OR THE  
22 APPLICATION THEREOF TO ANY OTHER PERSON, BUT SHALL BE CONFINED TO SUCH  
23 PART OR PROVISION.

24 S 16. Paragraph (c) of subdivision 6 and subdivision 10 of section 73  
25 of the public officers law, as amended by chapter 813 of the laws of  
26 1987, are amended to read as follows:

27 (c) Any such legislative employee who knowingly and wilfully with  
28 intent to deceive makes a false statement or gives information which he  
29 OR SHE knows to be false in any written statement required to be filed  
30 pursuant to this subdivision, shall be assessed a civil penalty in an  
31 amount not to exceed ten thousand dollars. Assessment of a civil penalty  
32 shall be made by the [legislative ethics committee] JOINT LEGISLATIVE  
33 COMMISSION ON ETHICS STANDARDS in accordance with the provisions of  
34 [subdivision twelve of] section [eighty] EIGHTY-ONE of the legislative  
35 law. For a violation of this subdivision, the [committee] COMMISSION  
36 may, in lieu of a civil penalty, refer a violation to the appropriate  
37 prosecutor and upon conviction, but only after such referral, such  
38 violation shall be punishable as a class A misdemeanor.

39 10. Nothing contained in this section, the judiciary law, the educa-  
40 tion law or any other law or disciplinary rule shall be construed or  
41 applied to prohibit any firm, association or corporation, in which any  
42 present or former statewide elected official, state officer or employee,  
43 or political party chairman, member of the legislature or legislative  
44 employee is a member, associate, retired member, of counsel or share-  
45 holder, from appearing, practicing, communicating or otherwise rendering  
46 services in relation to any matter before, or transacting business with  
47 a state agency, or a city agency with respect to a political party  
48 chairman in a county wholly included in a city with a population of more  
49 than one million, otherwise proscribed by this section, the judiciary  
50 law, the education law or any other law or disciplinary rule with  
51 respect to such official, member of the legislature or officer or  
52 employee, or political party chairman, where such statewide elected  
53 official, state officer or employee, member of the legislature or legis-  
54 lative employee, or political party chairman does not share in the net  
55 revenues, as defined in accordance with generally accepted accounting  
56 principles by the [state ethics commission] EXECUTIVE ETHICS AND COMPLI-

1 ANCE COMMISSION or by the [legislative ethics committee] JOINT LEGISLA-  
2 TIVE COMMISSION ON ETHICS STANDARDS in relation to persons subject to  
3 their respective jurisdictions, resulting therefrom, or, acting in good  
4 faith, reasonably believed that he or she would not share in the net  
5 revenues as so defined; nor shall anything contained in this section,  
6 the judiciary law, the education law or any other law or disciplinary  
7 rule be construed to prohibit any firm, association or corporation in  
8 which any present or former statewide elected official, member of the  
9 legislature, legislative employee, full-time salaried state officer or  
10 employee or state officer or employee who is subject to the provisions  
11 of section seventy-three-a of this chapter is a member, associate,  
12 retired member, of counsel or shareholder, from appearing, practicing,  
13 communicating or otherwise rendering services in relation to any matter  
14 before, or transacting business with, the court of claims, where such  
15 statewide elected official, member of the legislature, legislative  
16 employee, full-time salaried state officer or employee or state officer  
17 or employee who is subject to the provisions of section seventy-three-a  
18 of this chapter does not share in the net revenues, as defined in  
19 accordance with generally accepted accounting principles by the [state  
20 ethics commission] EXECUTIVE ETHICS AND COMPLIANCE COMMISSION or by the  
21 [legislative ethics committee] JOINT LEGISLATIVE COMMISSION ON ETHICS  
22 STANDARDS in relation to persons subject to their respective jurisdic-  
23 tions, resulting therefrom, or, acting in good faith, reasonably  
24 believed that he or she would not share in the net revenues as so  
25 defined.

26 S 17. Subdivisions 17 and 18 of section 73 of the public officers law  
27 are renumbered subdivisions 18 and 19 and a new subdivision 17 is added  
28 to read as follows:

29 17. NO LEGISLATIVE EMPLOYEE SHALL, EXCEPT WITHIN THE SCOPE OF LEGISLA-  
30 TIVE EMPLOYMENT, USE HIS OR HER POSITION, INFLUENCE OR ACCESS TO DIRECT-  
31 LY OR INDIRECTLY PROMOTE OR OPPOSE THE PASSAGE OF BILLS OR RESOLUTIONS  
32 BY EITHER HOUSE. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, A  
33 LEGISLATIVE EMPLOYEE WHO SERVES AS AN ELECTED CHIEF EXECUTIVE OFFICER OR  
34 MEMBER OF A GOVERNING BODY OF A MUNICIPAL CORPORATION OR DISTRICT CORPO-  
35 RATION SHALL BE AUTHORIZED TO PARTICIPATE WHILE CARRYING OUT THE OFFI-  
36 CIAL DUTIES OF SUCH OFFICE IN THE DISCUSSION, DRAFTING, PREPARATION,  
37 VOTING AND DISPATCH OF A RESOLUTION, MESSAGE OR PROCLAMATION ADDRESSED  
38 TO EITHER HOUSE.

39 S 18. Subparagraph (ii) of paragraph (a) and paragraphs (c), (d), (f)  
40 and (g) of subdivision 2 of section 73-a of the public officers law,  
41 subparagraph (ii) of paragraph (a) and paragraphs (c), (d) and (f) as  
42 added by chapter 813 of the laws of 1987 and paragraph (g) as amended by  
43 chapter 242 of the laws of 1989, are amended to read as follows:

44 (ii) a person who is required to file an annual financial disclosure  
45 statement with the [state ethics] EXECUTIVE ETHICS AND COMPLIANCE  
46 commission or with the [legislative ethics committee] JOINT LEGISLATIVE  
47 COMMISSION ON ETHICS STANDARDS, and who is granted an additional period  
48 of time within which to file such statement due to justifiable cause or  
49 undue hardship, in accordance with required rules and regulations on the  
50 subject adopted pursuant to paragraph [c] (C) of subdivision nine of  
51 section ninety-four of the executive law or pursuant to [paragraph c of  
52 subdivision eight of] section [eighty] EIGHTY-ONE of the legislative  
53 law, shall file such statement within the additional period of time  
54 granted;

55 (c) If the reporting individual is a senator or member of assembly,  
56 candidate for the senate or member of assembly or a legislative employ-

1 ee, such statement shall be filed with the [legislative ethics commit-  
 2 tee] JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS established by  
 3 section [eighty] EIGHTY-ONE of the legislative law. If the reporting  
 4 individual is a statewide elected official, candidate for statewide  
 5 elected office, a state officer or employee or a political party chair-  
 6 man, such statement shall be filed with the [state ethics] EXECUTIVE  
 7 ETHICS AND COMPLIANCE commission established by section ninety-four of  
 8 the executive law.

9 (d) The [legislative ethics committee] JOINT LEGISLATIVE COMMISSION ON  
 10 ETHICS STANDARDS and the [state ethics] EXECUTIVE ETHICS AND COMPLIANCE  
 11 commission shall obtain from the state board of elections a list of all  
 12 candidates for statewide office and for member of the legislature, and  
 13 from such list, shall determine and publish a list of those candidates  
 14 who have not, within ten days after the required date for filing such  
 15 statement, filed the statement required by this subdivision.

16 (f) A person who may otherwise be required to file more than one annu-  
 17 al financial disclosure statement with both the [state ethics] EXECUTIVE  
 18 ETHICS AND COMPLIANCE commission and the [legislative ethics committee]  
 19 JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS in any one calendar  
 20 year may satisfy such requirement by filing one such statement with  
 21 either body and by notifying the other body of such compliance.

22 (g) A person who is employed in more than one employment capacity for  
 23 one or more employers certain of whose officers and employees are  
 24 subject to filing a financial disclosure statement with the [same  
 25 ethics] EXECUTIVE ETHICS AND COMPLIANCE commission or [ethics committee]  
 26 THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS, as the case may  
 27 be, and who receives distinctly separate payments of compensation for  
 28 such employment shall be subject to the filing requirements of this  
 29 section if the aggregate annual compensation for all such employment  
 30 capacities is in excess of the filing rate notwithstanding that such  
 31 person would not otherwise be required to file with respect to any one  
 32 particular employment capacity. A person not otherwise required to file  
 33 a financial disclosure statement hereunder who is employed by an employ-  
 34 er certain of whose officers or employees are subject to filing a finan-  
 35 cial disclosure statement with the [state ethics] EXECUTIVE ETHICS AND  
 36 COMPLIANCE commission and who is also employed by an employer certain of  
 37 whose officers or employees are subject to filing a financial disclosure  
 38 statement with the [legislative ethics committee] JOINT LEGISLATIVE  
 39 COMMISSION ON ETHICS STANDARDS shall not be subject to filing such  
 40 statement with either such commission or such committee on the basis  
 41 that his aggregate annual compensation from all such employers is in  
 42 excess of the filing rate.

43 S 19. Subdivision 3 of section 73-a of the public officers law, as  
 44 added by chapter 813 of the laws of 1987, the third and fourth undesig-  
 45 nated paragraphs of paragraph 3 as added and paragraph 4, subparagraph  
 46 (a) of paragraph 5, paragraphs 6, 9, 10, 11, subparagraph (b) of para-  
 47 graph 12 and paragraphs 13, 14, 15, 16, 17, 18 and 19 as amended by  
 48 chapter 242 of the laws of 1989, is amended to read as follows:

49 3. The annual statement of financial disclosure shall contain the  
 50 [information and shall be in the form] LANGUAGE set forth hereinbelow:

51 ANNUAL STATEMENT OF FINANCIAL DISCLOSURE - (For calendar year \_\_\_\_\_)

- 52 1. Name \_\_\_\_\_
- 53 2. (a) Title of Position \_\_\_\_\_
- 54 (b) Department, Agency or other Governmental Entity \_\_\_\_\_

1 (c) Address of Present Office \_\_\_\_\_  
 2 (d) Office Telephone Number \_\_\_\_\_  
 3 3. (a) Marital Status \_\_\_\_\_. If married, OR IN A DOMESTIC  
 4 PARTNERSHIP, please give spouse's OR DOMESTIC PARTNER'S full  
 5 name including maiden name where applicable.  
 6 \_\_\_\_\_ .

7 (b) List the names of all unemancipated children.  
 8 \_\_\_\_\_  
 9 \_\_\_\_\_  
 10 \_\_\_\_\_  
 11 \_\_\_\_\_  
 12 \_\_\_\_\_

13 Answer each of the following questions completely, with respect to  
 14 calendar year \_\_\_\_\_, unless another period or date is otherwise  
 15 specified. If additional space is needed, attach additional pages.

16 Whenever a "value" or "amount" is required to be reported herein, such  
 17 value or amount shall be reported as being within one of the following  
 18 Categories: Category A - under \$5,000; Category B - \$5,000 to under  
 19 \$20,000; Category C - \$20,000 to under [\$60,000] \$50,000; Category D -  
 20 [\$60,000] \$50,000 to under \$100,000; Category E - \$100,000 to under  
 21 [\$250,000] \$150,000; [and] Category F - [\$250,000] \$150,000 TO UNDER  
 22 \$200,000; CATEGORY G - \$200,000 TO UNDER \$300,000; CATEGORY H - \$300,000  
 23 TO UNDER \$400,000; CATEGORY I - \$400,000 TO UNDER \$500,000; CATEGORY J -  
 24 \$500,000 TO UNDER \$600,000; CATEGORY K - \$600,000 TO UNDER \$700,000;  
 25 CATEGORY L - \$700,000 TO UNDER \$800,000; CATEGORY M - \$800,000 TO UNDER  
 26 \$900,000; CATEGORY N - \$900,000 TO UNDER \$1,000,000; AND CATEGORY O -  
 27 \$1,000,000 or over. A reporting individual shall indicate the Category  
 28 by letter only.

29 Whenever "income" is required to be reported herein, the term "income"  
 30 shall mean the aggregate net income before taxes from the source identi-  
 31 fied.

32 The term "calendar year" shall mean the year ending the December 31st  
 33 preceding the date of filing of the annual statement.

34 4. (a) List any office, trusteeship, directorship, partnership, or  
 35 position of any nature, whether compensated or not, held by the  
 36 reporting individual with any firm, corporation, association, part-  
 37 nership, or other organization other than the State of New York.  
 38 Include compensated honorary positions; do NOT list membership or  
 39 uncompensated honorary positions. If the listed entity was licensed  
 40 by any state or local agency, was regulated by any state regulatory  
 41 agency or local agency, or, as a regular and significant part of the  
 42 business or activity of said entity, did business with, or had  
 43 matters other than ministerial matters before, any state or local  
 44 agency, list the name of any such agency.

| 45 | 46       | 47           | 48       | 49           |
|----|----------|--------------|----------|--------------|
|    | Position | Organization | State or | Local Agency |
|    | _____    | _____        | _____    | _____        |
|    | _____    | _____        | _____    | _____        |
|    | _____    | _____        | _____    | _____        |

1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 (b) List any office, trusteeship, directorship, partnership, or position  
 4 of any nature, whether compensated or not, held by the spouse,  
 5 DOMESTIC PARTNER or unemancipated child of the reporting individual,  
 6 with any firm, corporation, association, partnership, or other  
 7 organization other than the State of New York. Include compensated  
 8 honorary positions; do NOT list membership or uncompensated honorary  
 9 positions. If the listed entity was licensed by any state or local  
 10 agency, was regulated by any state regulatory agency or local agen-  
 11 cy, or, as a regular and significant part of the business or activ-  
 12 ity of said entity, did business with, or had matters other than  
 13 ministerial matters before, any state or local agency, list the name  
 14 of any such agency.

| 15 |              | State or     |
|----|--------------|--------------|
| 16 | Position     | Local Agency |
| 17 | Organization |              |
| 18 | _____        | _____        |
| 19 | _____        | _____        |
| 20 | _____        | _____        |
| 21 | _____        | _____        |

22 5. (a) List the name, address and description of any occupation,  
 23 employment (other than the employment listed under Item 2 above),  
 24 trade, business or profession engaged in by the reporting individ-  
 25 ual. If such activity was licensed by any state or local agency, was  
 26 regulated by any state regulatory agency or local agency, or, as a  
 27 regular and significant part of the business or activity of said  
 28 entity, did business with, or had matters other than ministerial  
 29 matters before, any state or local agency, list the name of any such  
 30 agency.

| 31 |          |                                   | State or        |
|----|----------|-----------------------------------|-----------------|
| 32 | Position | Name & Address<br>of Organization | Local<br>Agency |
| 33 |          | Description                       |                 |
| 34 | _____    | _____                             | _____           |
| 35 | _____    | _____                             | _____           |
| 36 | _____    | _____                             | _____           |
| 37 | _____    | _____                             | _____           |
| 38 | _____    | _____                             | _____           |

39 (b) IF THE REPORTING INDIVIDUAL DID BUSINESS WITH OR HAD MATTERS OTHER  
 40 THAN MINISTERIAL MATTERS BEFORE ANY STATE OR LOCAL AGENCY IN THE  
 41 COURSE OF ANY EMPLOYMENT, TRADE, BUSINESS, PROFESSION OR OCCUPATION  
 42 ENGAGED IN BY THE REPORTING INDIVIDUAL, LIST THE NAME AND ADDRESS OF  
 43 THE ENTITY, A BRIEF DESCRIPTION OF THE ACTIVITY AND THE NAME OF ANY  
 44 SUCH AGENCY.

| 45 |          |                                   | STATE OR        |
|----|----------|-----------------------------------|-----------------|
| 46 | POSITION | NAME & ADDRESS<br>OF ORGANIZATION | LOCAL<br>AGENCY |
| 47 |          | DESCRIPTION                       |                 |

1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_  
 4 \_\_\_\_\_  
 5 \_\_\_\_\_

6 (C) If the spouse, DOMESTIC PARTNER or unemancipated child of the  
 7 reporting individual was engaged in any occupation, employment, trade,  
 8 business or profession which activity was licensed by any state or local  
 9 agency, was regulated by any state regulatory agency or local agency,  
 10 or, as a regular and significant part of the business or activity of  
 11 said entity, did business with, or had matters other than ministerial  
 12 matters before, any state or local agency, list the name, address and  
 13 description of such occupation, employment, trade, business or profes-  
 14 sion and the name of any such agency.

| 15 |          |                 |             | State or |
|----|----------|-----------------|-------------|----------|
| 16 |          | Name & Address  |             | Local    |
| 17 | Position | of Organization | Description | Agency   |
| 18 | _____    | _____           | _____       | _____    |
| 19 | _____    | _____           | _____       | _____    |
| 20 | _____    | _____           | _____       | _____    |
| 21 | _____    | _____           | _____       | _____    |
| 22 | _____    | _____           | _____       | _____    |

23 6. List any interest, in EXCESS of \$1,000, held by the reporting indi-  
 24 vidual, such individual's spouse, SUCH INDIVIDUAL'S DOMESTIC PARTNER  
 25 or unemancipated child, or partnership of which any such person is a  
 26 member, or corporation, 10% or more of the stock of which is owned  
 27 or controlled by any such person, whether vested or contingent, in  
 28 any contract made or executed by a state or local agency and include  
 29 the name of the entity which holds such interest and the relation-  
 30 ship of the reporting individual or such individual's spouse, SUCH  
 31 INDIVIDUAL'S DOMESTIC PARTNER or such child to such entity and the  
 32 interest in such contract. Do NOT include bonds and notes. Do NOT  
 33 list any interest in any such contract on which final payment has  
 34 been made and all obligations under the contract except for guaran-  
 35 tees and warranties have been performed, provided, however, that  
 36 such an interest must be listed if there has been an ongoing dispute  
 37 during the calendar year for which this statement is filed with  
 38 respect to any such guarantees or warranties. Do NOT list any inter-  
 39 est in a contract made or executed by a local agency after public  
 40 notice and pursuant to a process for competitive bidding or a proc-  
 41 ess for competitive requests for proposals.

| 42 | Self,    |             |              |             |          |
|----|----------|-------------|--------------|-------------|----------|
| 43 | Spouse,  | Entity      | Relationship | Contracting | Category |
| 44 | DOMESTIC | Which Held  | to Entity    | State or    | of       |
| 45 | PARTNER, | Interest in | and Interest | Local       | Value of |
| 46 | or Child | Contract    | in Contract  | Agency      | Contract |
| 47 | _____    | _____       | _____        | _____       | _____    |
| 48 | _____    | _____       | _____        | _____       | _____    |
| 49 | _____    | _____       | _____        | _____       | _____    |

1 \_\_\_\_\_  
2 \_\_\_\_\_

3 7. List any position the reporting individual held as an officer of any  
4 political party or political organization, as a member of any poli-  
5 tical party committee, or as a political party district leader. The  
6 term "party" shall have the same meaning as "party" in the election  
7 law. The term "political organization" means any party or independ-  
8 ent body as defined in the election law or any organization that is  
9 affiliated with or a subsidiary of a party or independent body.

10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_

15 8. (a) If the reporting individual practices law, [is licensed by the  
16 department of state as a real estate broker or agent or practices a  
17 profession licensed by the department of education, give] LIST THE  
18 NAME AND ADDRESS OF EACH CLIENT, PERSON OR ENTITY FOR WHOM LEGAL OR  
19 CONSULTING SERVICES WERE RENDERED; THE VALUE OF THE COMPENSATION FOR  
20 THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING, AND a  
21 general description of the [principal subject areas of matters  
22 undertaken by such individual] SERVICES RENDERED. [Additionally, if  
23 such an] IN ADDITION, IF THE REPORTING individual practices LAW OR  
24 PROVIDES CONSULTING SERVICES with a LAW firm or [corporation and is  
25 a partner or shareholder of the firm or corporation] BUSINESS  
26 ENTITY, [give] PROVIDE a general description of THE principal  
27 subject areas of matters undertaken by such LAW firm or [corpo-  
28 ration] BUSINESS ENTITY. Do not list [the name of the individual  
29 clients, customers or patients] THE VALUE OF COMPENSATION IF THE  
30 SERVICES RENDERED INVOLVE A CONTINGENCY FEE AS PROVIDED BY LAW.

| 31 | CLIENT/<br>32 PERSON/OR<br>33 ENTITY | ADDRESS | SERVICES<br>34 RENDERED | PRINCIPAL<br>35 SUBJECT AREA | CATEGORY<br>36 OF<br>37 VALUE |
|----|--------------------------------------|---------|-------------------------|------------------------------|-------------------------------|
| 38 | _____                                | _____   | _____                   | _____                        | _____                         |
|    | _____                                | _____   | _____                   | _____                        | _____                         |
|    | _____                                | _____   | _____                   | _____                        | _____                         |
|    | _____                                | _____   | _____                   | _____                        | _____                         |

39 (b) [List the name, principal address and general description or the  
40 nature of the business activity of any entity in which the reporting  
41 individual or such individual's spouse had an investment in excess  
42 of \$1,000 excluding investments in securities and interests in real  
43 property.] IF THE REPORTING INDIVIDUAL PRACTICES LAW AND IS A PART-  
44 NER OR SHAREHOLDER OF A LAW FIRM OR CORPORATION ("LAW FIRM"), LIST  
45 THE NAME AND ADDRESS OF EACH CLIENT OF SUCH LAW FIRM THAT IS A  
46 CORPORATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, ASSO-  
47 CIATION, BUSINESS OR COMMERCIAL ENTITY OR ORGANIZATION FROM WHOM  
48 COMPENSATION IS RECEIVED BY SUCH LAW FIRM IN EXCESS OF \$5,000 FOR  
49 THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING; THE  
50 VALUE OF THE COMPENSATION; AND A GENERAL DESCRIPTION OF THE SERVICES  
51 RENDERED OR CONSIDERATION GIVEN IN EXCHANGE FOR THE COMPENSATION. DO

1 NOT LIST CLIENTS OR COMPENSATION REQUIRED TO BE REPORTED IN ITEM 8  
2 (A) ABOVE.

| 3  |        |         | SERVICES/<br>CONSIDERATION | CATEGORY<br>OF<br>VALUE |
|----|--------|---------|----------------------------|-------------------------|
| 4  | CLIENT | ADDRESS |                            |                         |
| 5  |        |         |                            |                         |
| 6  |        |         |                            |                         |
| 7  |        |         |                            |                         |
| 8  |        |         |                            |                         |
| 9  |        |         |                            |                         |
| 10 |        |         |                            |                         |

11 (C) IF THE REPORTING INDIVIDUAL IS LICENSED BY THE DEPARTMENT OF STATE  
12 AS A REAL ESTATE BROKER OR AGENT, PRACTICES A PROFESSION LICENSED BY  
13 THE DEPARTMENT OF EDUCATION OR PERFORMS CONSULTING SERVICES, LIST  
14 THE NAME AND ADDRESS OF EACH CLIENT FROM WHOM COMPENSATION HAS BEEN  
15 RECEIVED BY SUCH REPORTING INDIVIDUAL FOR A VALUE IN EXCESS OF  
16 \$1,000 FOR THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF  
17 FILING; THE VALUE OF THE COMPENSATION RECEIVED FROM EACH CLIENT; AND  
18 A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION  
19 GIVEN IN EXCHANGE FOR THE COMPENSATION. DO NOT LIST THE NAMES OF  
20 CLIENTS OF CONSULTING OR OTHER SERVICES RENDERED AS PART OF ANY  
21 PRACTICE OR ACTIVITY REQUIRED TO BE REPORTED IN ITEM 8(A).

| 22 | CLIENT | ADDRESS | SERVICES/<br>CONSIDERATION | CATEGORY<br>OF VALUE |
|----|--------|---------|----------------------------|----------------------|
| 23 |        |         |                            |                      |
| 24 |        |         |                            |                      |
| 25 |        |         |                            |                      |
| 26 |        |         |                            |                      |
| 27 |        |         |                            |                      |
| 28 |        |         |                            |                      |

29 (D) IF THE REPORTING INDIVIDUAL RECEIVED COMPENSATION FROM A CORPO-  
30 RATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, ASSO-  
31 CIATION, BUSINESS OR COMMERCIAL ENTITY OR ORGANIZATION ("COMPENSATING  
32 ENTITY") AND THE REPORTING INDIVIDUAL SOLICITED BUSINESS OF ANOTHER  
33 CORPORATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, ASSO-  
34 CIATION, BUSINESS OR COMMERCIAL ENTITY OR ORGANIZATION ("THIRD-PARTY  
35 ENTITY") FOR COMPENSATION, FEES OR OTHER CONSIDERATION PAID TO THE  
36 COMPENSATING ENTITY IN EXCESS OF \$1,000 FOR THE TAXABLE YEAR LAST  
37 OCCURRING PRIOR TO THE DATE OF FILING, LIST THE NAME AND BUSINESS  
38 ADDRESS OF, AND THE VALUE OF THE COMPENSATION FEES OR OTHER CONSID-  
39 ERATION PAID BY, THE THIRD-PARTY ENTITY TO THE COMPENSATING ENTITY.  
40 ALSO, LIST THE NAME AND ADDRESS OF THE COMPENSATING ENTITY AND GIVE  
41 A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION  
42 GIVEN BY THE COMPENSATING ENTITY TO THE THIRD-PARTY ENTITY IN  
43 EXCHANGE FOR SUCH COMPENSATION.

| 44 | COMPENSATING<br>ENTITY/ADDRESS | THIRD PARTY<br>ENTITY/ADDRESS | SERVICES/<br>CONSIDERATION | CATEGORY<br>OF VALUE |
|----|--------------------------------|-------------------------------|----------------------------|----------------------|
| 45 |                                |                               |                            |                      |
| 46 |                                |                               |                            |                      |
| 47 |                                |                               |                            |                      |
| 48 |                                |                               |                            |                      |

1 \_\_\_\_\_  
 2 \_\_\_\_\_

3 (E) IF THE REPORTING INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE OR THE INDI-  
 4 VIDUAL'S DOMESTIC PARTNER HAD AN INVESTMENT IN EXCESS OF \$1,000 FOR  
 5 THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING, LIST  
 6 THE NAME, PRINCIPAL ADDRESS AND GENERAL DESCRIPTION OR THE NATURE OF  
 7 THE BUSINESS ACTIVITY AND THE CATEGORY OF VALUE OF SUCH INVESTMENT.  
 8 DO NOT LIST INVESTMENTS IN SECURITIES OR REAL PROPERTY.

| 9  | INVESTMENT | ADDRESS | GENERAL         | CATEGORY |
|----|------------|---------|-----------------|----------|
| 10 |            |         | DESCRIPTION, OR | OF VALUE |
| 11 |            |         | NATURE OF       |          |
| 12 |            |         | BUSINESS        |          |
| 13 | _____      | _____   | _____           | _____    |
| 14 | _____      | _____   | _____           | _____    |
| 15 | _____      | _____   | _____           | _____    |
| 16 | _____      | _____   | _____           | _____    |
| 17 | _____      | _____   | _____           | _____    |

18 9. List each source of gifts, EXCLUDING campaign contributions, in  
 19 EXCESS of \$1,000, received during the reporting period for which  
 20 this statement is filed by the reporting individual or such individ-  
 21 ual's spouse, SUCH INDIVIDUAL'S DOMESTIC PARTNER or unemancipated  
 22 child from the same donor, EXCLUDING gifts from a relative. INCLUDE  
 23 the name and address of the donor. The term "gifts" does not include  
 24 reimbursements, which term is defined in item 10. Indicate the  
 25 value and nature of each such gift.

| 26 | Self,<br>Spouse,<br>DOMESTIC<br>PARTNER,<br>or Child | Name of<br>Donor | Address | Nature<br>of Gift | Category<br>of<br>Value of<br>Gift |
|----|--|------------------|---------|-------------------|------------------------------------|
| 27 |  |                  |         |                   |                                    |
| 28 |  |                  |         |                   |                                    |
| 29 |  |                  |         |                   |                                    |
| 30 |  |                  |         |                   |                                    |
| 31 |  |                  |         |                   |                                    |
| 32 | _____  | _____            | _____   | _____             | _____                              |
| 33 | _____  | _____            | _____   | _____             | _____                              |
| 34 | _____  | _____            | _____   | _____             | _____                              |
| 35 | _____  | _____            | _____   | _____             | _____                              |
| 36 | _____  | _____            | _____   | _____             | _____                              |

37 10. Identify and briefly describe the source of any reimbursements for  
 38 expenditures, EXCLUDING campaign expenditures and expenditures in  
 39 connection with official duties reimbursed by the state, in EXCESS  
 40 of \$1,000 from each such source. For purposes of this item, the term  
 41 "reimbursements" shall mean any travel-related expenses provided by  
 42 nongovernmental sources and for activities related to the reporting  
 43 individual's official duties such as, speaking engagements, confer-  
 44 ences, or factfinding events. The term "reimbursements" does NOT  
 45 include gifts reported under item 9.

| 46 | Source | Description |
|----|--------|-------------|
|----|--------|-------------|

1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_  
 4 \_\_\_\_\_  
 5 \_\_\_\_\_

6 11. List the identity and value, if reasonably ascertainable, of each  
 7 interest in a trust, estate or other beneficial interest, including  
 8 retirement plans other than retirement plans of the state of New  
 9 York or the city of New York, and deferred compensation plans (e.g.,  
 10 401, 403(b), 457, etc.) established in accordance with the internal  
 11 revenue code, in which the REPORTING INDIVIDUAL held a beneficial  
 12 interest in EXCESS of \$1,000 at any time during the preceding year.  
 13 Do NOT report interests in a trust, estate or other beneficial  
 14 interest established by or for, or the estate of, a relative.

| 15          | Category  |
|-------------|-----------|
| 16 Identity | of Value* |
| 17 _____    | _____     |
| 18 _____    | _____     |
| 19 _____    | _____     |
| 20 _____    | _____     |
| 21 _____    | _____     |

22 \* The value of such interest shall be reported only if reasonably  
 23 ascertainable.

24 12. (a) Describe the terms of, and the parties to, any contract, prom-  
 25 ise, or other agreement between the reporting individual and any  
 26 person, firm, or corporation with respect to the employment of such  
 27 individual after leaving office or position (other than a leave of  
 28 absence).

29 \_\_\_\_\_  
 30 \_\_\_\_\_  
 31 \_\_\_\_\_  
 32 \_\_\_\_\_  
 33 \_\_\_\_\_

34 (b) Describe the parties to and the terms of any agreement providing  
 35 for continuation of payments or benefits to the REPORTING INDIVIDUAL  
 36 in EXCESS of \$1,000 from a prior employer OTHER THAN the State.  
 37 (This includes interests in or contributions to a pension fund,  
 38 profit-sharing plan, or life or health insurance; buy-out agree-  
 39 ments; severance payments; etc.)

40 \_\_\_\_\_  
 41 \_\_\_\_\_  
 42 \_\_\_\_\_  
 43 \_\_\_\_\_  
 44 \_\_\_\_\_

45 13. List below the nature and amount of any income in EXCESS of \$1,000  
 46 from EACH SOURCE for the reporting individual and such individual's  
 47 spouse OR SUCH INDIVIDUAL'S DOMESTIC PARTNER for the taxable year  
 48 last occurring prior to the date of filing. Nature of income

1 includes, but is not limited to, all income [(other than that  
 2 received from the employment listed under Item 2 above)] from  
 3 compensated employment whether public or private, directorships and  
 4 other fiduciary positions, contractual arrangements, teaching  
 5 income, partnerships, honorariums, lecture fees, consultant fees,  
 6 bank and bond interest, dividends, income derived from a trust, real  
 7 estate rents, and recognized gains from the sale or exchange of real  
 8 or other property. Income from a business or profession and real  
 9 estate rents shall be reported with the source identified by the  
 10 building address in the case of real estate rents and otherwise by  
 11 the name of the [entity and not by the name of the] individual  
 12 customers[,] OR clients [or tenants], with the aggregate net income  
 13 before taxes for each building address or [entity] CLIENT. [The] A  
 14 SOURCE IS IDENTIFIED AS THE ORIGINAL PAYOR OF COMPENSATION TO THE  
 15 REPORTING INDIVIDUAL OR AN ENTITY ESTABLISHED BY THE REPORTING INDI-  
 16 VIDUAL, NOT AN INTERMEDIARY ENTITY ESTABLISHED BY THE REPORTING  
 17 INDIVIDUAL TO RECEIVE SUCH COMPENSATION. DO NOT LIST COMPENSATION  
 18 REQUIRED TO BE REPORTED IN ITEM 2 ABOVE, OR CLIENTS AND COMPENSATION  
 19 REQUIRED TO BE REPORTED IN ITEMS 8 (A), 8 (B) OR 8 (C) ABOVE, OR THE  
 20 receipt of maintenance received in connection with a matrimonial  
 21 action, alimony and child support payments [shall not be listed].

| 22 Self/<br>23 Spouse,<br>24 OR DOMESTIC<br>25 PARTNER | Source | Nature | Category<br>of Amount |
|--|--------|--------|-----------------------|
| 26   |        |        |                       |
| 27   |        |        |                       |
| 28   |        |        |                       |
| 29   |        |        |                       |
| 30   |        |        |                       |

31 14. List the sources of any deferred income (not retirement income) in  
 32 EXCESS of \$1,000 from each source to be paid to the reporting indi-  
 33 vidual following the close of the calendar year for which this  
 34 disclosure statement is filed, other than deferred compensation  
 35 reported in item 11 hereinabove. Deferred income derived from the  
 36 practice of a profession shall be listed in the aggregate and shall  
 37 identify as the source, the name of the firm, corporation, partner-  
 38 ship or association through which the income was derived, but shall  
 39 not identify individual clients.

| 40 | Source | Category<br>of Amount |
|----|--------|-----------------------|
| 41 |        |                       |
| 42 |        |                       |
| 43 |        |                       |
| 44 |        |                       |
| 45 |        |                       |
| 46 |        |                       |

47 15. List each assignment of income in EXCESS of \$1,000, and each trans-  
 48 fer other than to a relative during the reporting period for which  
 49 this statement is filed for less than fair consideration of an  
 50 interest in a trust, estate or other beneficial interest, securities

1 or real property, by the reporting individual, in excess of \$1,000,  
 2 which would otherwise be required to be reported herein and is not  
 3 or has not been so reported.

| 4<br>5 | Item Assigned<br>or Transferred | Assigned or<br>Transferred to | Category<br>of Value |
|--------|---------------------------------|-------------------------------|----------------------|
| 6      | <hr/>                           |                               |                      |
| 7      | <hr/>                           |                               |                      |
| 8      | <hr/>                           |                               |                      |
| 9      | <hr/>                           |                               |                      |
| 10     | <hr/>                           |                               |                      |

11 16. List below the type and market value of securities held by the  
 12 reporting individual or such individual's spouse from each issuing  
 13 entity in EXCESS of \$1,000 at the close of the taxable year last  
 14 occurring prior to the date of filing, including the name of the  
 15 issuing entity exclusive of securities held by the reporting indi-  
 16 vidual issued by a professional corporation. Whenever an interest in  
 17 securities exists through a beneficial interest in a trust, the  
 18 securities held in such trust shall be listed ONLY IF the reporting  
 19 individual has knowledge thereof except where the reporting individ-  
 20 ual [or], the reporting individual's spouse OR THE REPORTING INDI-  
 21 VIDUAL'S DOMESTIC PARTNER has transferred assets to such trust for  
 22 his or her benefit in which event such securities shall be listed  
 23 unless they are not ascertainable by the reporting individual  
 24 because the trustee is under an obligation or has been instructed in  
 25 writing not to disclose the contents of the trust to the reporting  
 26 individual. Securities of which the reporting individual [or], the  
 27 reporting individual's spouse OR THE REPORTING INDIVIDUAL'S DOMESTIC  
 28 PARTNER is the owner of record but in which such individual [or],  
 29 the reporting individual's spouse OR THE REPORTING INDIVIDUAL'S  
 30 DOMESTIC PARTNER has no beneficial interest shall not be listed.  
 31 Indicate percentage of ownership ONLY if the reporting person [or],  
 32 the reporting [person's] INDIVIDUAL'S spouse OR THE REPORTING INDI-  
 33 VIDUAL'S DOMESTIC PARTNER holds more than five percent (5%) of the  
 34 stock of a corporation in which the stock is publicly traded or more  
 35 than ten percent (10%) of the stock of a corporation in which the  
 36 stock is NOT publicly traded. Also list securities owned for invest-  
 37 ment purposes by a corporation more than fifty percent (50%) of the  
 38 stock of which is owned or controlled by the reporting individual  
 39 [or such], THE REPORTING individual's spouse OR DOMESTIC PARTNER.  
 40 For the purpose of this item the term "securities" shall mean mutual  
 41 funds, bonds, mortgages, notes, obligations, warrants and stocks of  
 42 any class, investment interests in limited or general partnerships  
 43 and certificates of deposits (CDs) and such other evidences of  
 44 indebtedness and certificates of interest as are usually referred to  
 45 as securities. The market value for such securities shall be  
 46 reported only if reasonably ascertainable and shall not be reported  
 47 if the security is an interest in a general partnership that was  
 48 listed in item 8 (a) or if the security is corporate stock, NOT  
 49 publicly traded, in a trade or business of a reporting individual  
 50 [or], a reporting individual's spouse OR A REPORTING INDIVIDUAL'S  
 51 DOMESTIC PARTNER.

52 Percentage

|    |         |         |          |                  |                 |
|----|---------|---------|----------|------------------|-----------------|
| 1  |         |         |          | of corporate     |                 |
| 2  |         |         |          | stock owned      |                 |
| 3  |         |         |          | or controlled    | Category of     |
| 4  |         |         |          | (if more than    | Market Value    |
| 5  | Self/   |         |          | 5% of pub-       | as of the close |
| 6  | Spouse, |         |          | licly traded     | of the          |
| 7  | OR      |         |          | stock, or        | taxable year    |
| 8  | DOMES-  |         |          | more than        | last occurring  |
| 9  | TIC     |         |          | 10% if stock     | prior to        |
| 10 | PART-   | Issuing | Type of  | not publicly     | the filing of   |
| 11 | NER     | Entity  | Security | traded, is held) | this statement  |

12 \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 17. List below the location, size, general nature, acquisition date,  
 18 market value and percentage of ownership of any real property in  
 19 which any vested or contingent interest in EXCESS of \$1,000 is held  
 20 by the reporting individual [or], the reporting individual's spouse  
 21 OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER. Also list real  
 22 property owned for investment purposes by a corporation more than  
 23 fifty percent 50% of the stock of which is owned or controlled by  
 24 the reporting individual [or such], THE REPORTING individual's  
 25 spouse OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER. Do NOT list  
 26 any real property which is the primary or secondary personal resi-  
 27 dence of the reporting individual or the reporting individual's  
 28 spouse, except where there OR THE REPORTING INDIVIDUAL'S DOMESTIC  
 29 PARTNER is a co-owner who is other than a relative.

|    |          |          |         |             |      |            |          |
|----|----------|----------|---------|-------------|------|------------|----------|
| 30 | Self/    |          |         |             |      |            |          |
| 31 | Spouse/  |          |         |             |      |            |          |
| 32 | DOMESTIC |          |         |             |      |            | Category |
| 33 | PARTNER/ |          |         |             |      | Percentage | of       |
| 34 | Corpor-  |          | General | Acquisition |      | of         | Market   |
| 35 | ation    | Location | Size    | Nature      | Date | Ownership  | Value    |

36 \_\_\_\_\_

37 \_\_\_\_\_

38 \_\_\_\_\_

39 \_\_\_\_\_

40 \_\_\_\_\_

41 18. List below all notes and accounts receivable, other than from goods  
 42 or services sold, held by the reporting individual at the close of  
 43 the taxable year last occurring prior to the date of filing and  
 44 other debts owed to such individual at the close of the taxable year  
 45 last occurring prior to the date of filing, in EXCESS of \$1,000,  
 46 including the name of the debtor, type of obligation, date due and  
 47 the nature of the collateral securing payment of each, if any,  
 48 excluding securities reported in item 16 hereinabove. Debts, notes  
 49 and accounts receivable owed to the individual by a relative shall  
 50 not be reported.

| 1<br>2<br>3 | Name of Debtor | Type of Obligation,<br>Date Due, and Nature<br>of Collateral, if any | Category<br>of<br>Amount |
|-------------|----------------|--|--------------------------|
| 4           |                |  |                          |
| 5           |                |  |                          |
| 6           |                |  |                          |
| 7           |                |  |                          |
| 8           |                |  |                          |

9 19. List below all liabilities of the reporting individual and such  
10 individual's spouse[,] OR SUCH INDIVIDUAL'S DOMESTIC PARTNER in  
11 EXCESS of \$5,000 as of the date of filing of this statement, other  
12 than liabilities to a relative. Do NOT list liabilities incurred by,  
13 or guarantees made by, the reporting individual or such individual's  
14 spouse OR SUCH INDIVIDUAL'S DOMESTIC PARTNER or by any proprietor-  
15 ship, partnership or corporation in which the reporting individual  
16 or such individual's spouse OR SUCH INDIVIDUAL'S DOMESTIC PARTNER  
17 has an interest, when incurred or made in the ordinary course of the  
18 trade, business or professional practice of the reporting individual  
19 or such individual's spouse OR SUCH INDIVIDUAL'S DOMESTIC PARTNER.  
20 Include the name of the creditor and any collateral pledged by such  
21 individual to secure payment of any such liability. A reporting  
22 individual shall not list any obligation to pay maintenance in  
23 connection with a matrimonial action, alimony or child support  
24 payments. Any loan issued in the ordinary course of business by a  
25 financial institution to finance educational costs, the cost of home  
26 purchase or improvements for a primary or secondary residence, or  
27 purchase of a personally owned motor vehicle, household furniture or  
28 appliances shall be excluded. If any such reportable liability has  
29 been guaranteed by any third person, list the liability and name the  
30 guarantor.

| 31<br>32<br>33 | Name of Creditor<br>or Guarantor | Type of Liability<br>and Collateral, if any | Category<br>of<br>Amount |
|----------------|----------------------------------|---|--------------------------|
| 34             |                                  |   |                          |
| 35             |                                  |   |                          |
| 36             |                                  |   |                          |
| 37             |                                  |   |                          |
| 38             |                                  |   |                          |

39 The requirements of law relating to the reporting of financial  
40 interests are in the public interest and no adverse inference of  
41 unethical or illegal conduct or behavior will be drawn merely from  
42 compliance with these requirements.

43 \_\_\_\_\_  
44 (Signature of Reporting Individual) Date (month/day/year)

45 S 20. Intentionally omitted.  
46 S 21. The public officers law is amended by adding a new section 74-b  
47 to read as follows:  
48 S 74-B. REPORTS OF BUSINESS DEALINGS WITH LOBBYISTS. 1. A PUBLIC OFFI-  
49 CER WHO IS SUBJECT TO THE JURISDICTION OF THE EXECUTIVE ETHICS AND

1 COMPLIANCE COMMISSION WHO RETAINS, EMPLOYS, DESIGNATES OR OTHERWISE DOES  
2 BUSINESS WITH A LOBBYIST OR LOBBYISTS SHALL, WITHIN THIRTY DAYS OF THE  
3 DATE UPON WHICH SUCH BUSINESS DEALINGS COMMENCE, FILE WITH THE EXECUTIVE  
4 ETHICS AND COMPLIANCE COMMISSION A REPORT OF SUCH BUSINESS DEALINGS.  
5 SUCH REPORTS SHALL BE FILED ON FORMS SUPPLIED BY SUCH COMMISSION AND  
6 SHALL CONTAIN:

7 (A) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PUBLIC OFFICER;  
8 (B) THE NAME, ADDRESS AND TELEPHONE NUMBER OF EACH LOBBYIST RETAINED,  
9 EMPLOYED OR DESIGNATED BY SUCH PUBLIC OFFICER OR WITH WHOM SUCH PUBLIC  
10 OFFICER DID BUSINESS;

11 (C) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANS-  
12 ACTIONS BETWEEN THE PUBLIC OFFICER AND THE LOBBYIST OR LOBBYISTS; AND

13 (D) THE COMPENSATION, INCLUDING EXPENSES, TO BE PAID BY VIRTUE OF THE  
14 BUSINESS DEALINGS.

15 2. A LEGISLATOR OR LEGISLATIVE EMPLOYEE WHO RETAINS, EMPLOYS, DESIG-  
16 NATES OR OTHERWISE DOES BUSINESS WITH A LOBBYIST OR LOBBYISTS SHALL,  
17 WITHIN THIRTY DAYS OF THE DATE UPON WHICH SUCH BUSINESS DEALINGS  
18 COMMENCE, FILE WITH THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS  
19 A REPORT OF SUCH BUSINESS DEALINGS. SUCH REPORTS SHALL BE FILED ON FORMS  
20 SUPPLIED BY SUCH COMMISSION AND SHALL CONTAIN:

21 (A) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PUBLIC OFFICER;  
22 (B) THE NAME, ADDRESS AND TELEPHONE NUMBER OF EACH LOBBYIST RETAINED,  
23 EMPLOYED OR DESIGNATED BY SUCH PUBLIC OFFICER OR WITH WHOM SUCH PUBLIC  
24 OFFICER DID BUSINESS;

25 (C) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANS-  
26 ACTIONS BETWEEN THE PUBLIC OFFICER AND THE LOBBYIST OR LOBBYISTS; AND

27 (D) THE COMPENSATION, INCLUDING EXPENSES, TO BE PAID BY VIRTUE OF THE  
28 BUSINESS DEALINGS.

29 3. ALL SUCH REPORTS SHALL BE SUBJECT TO REVIEW BY THE STATE COMMISSION  
30 ON LOBBYING AND ETHICS COMPLIANCE.

31 4. SUCH REPORTS SHALL BE KEPT ON FILE FOR A PERIOD OF THREE YEARS,  
32 SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH PERIOD AND ACCESS TO SUCH  
33 INFORMATION SHALL ALSO BE MADE AVAILABLE FOR REMOTE COMPUTER USERS  
34 THROUGH THE INTERNET NETWORK.

35 S 22. Transfer of employees. Upon the transfer of the functions, as  
36 provided for in this act any affected employees shall be transferred to  
37 the commission on lobbying ethics and compliance, the executive ethics  
38 and compliance commission, and the joint legislative commission on  
39 ethics standards, as appropriate, in accordance with section 70 of the  
40 civil service law.

41 S 23. Transfer of records. The commission on public integrity and the  
42 legislative ethics commission shall deliver to the commission on lobby-  
43 ing ethics and compliance, the executive ethics and compliance commis-  
44 sion, and the joint legislative commission on ethics standards, as  
45 appropriate, all books, papers, records, and property as requested by  
46 the commission on lobbying ethics and compliance, the executive ethics  
47 and compliance commission, and the joint legislative commission on  
48 ethics standards, as appropriate, pursuant to this act.

49 S 24. Completion of unfinished business. Any business or other matter  
50 undertaken or commenced by the commission on public integrity and the  
51 legislative ethics commission pertaining to or connected with the func-  
52 tions, powers, obligations and duties hereby transferred and assigned to  
53 the commission on lobbying ethics and compliance, the executive ethics  
54 and compliance commission, and the joint legislative commission on  
55 ethics standards, as appropriate, and pending on the effective date of  
56 this act may be conducted and completed by the commission on lobbying

1 ethics and compliance, the executive ethics and compliance commission,  
2 and the joint legislative commission on ethics standards, as appropri-  
3 ate, in the same manner and under the same terms and conditions and with  
4 the same effect as if conducted and completed by the former commission  
5 on public integrity and the legislative ethics commission.

6 S 25. Terms occurring in laws, contracts and other documents. Whenev-  
7 er the commission on public integrity and the legislative ethics commis-  
8 sion are referred to or designated in any law, contract or documents  
9 pertaining to the functions, powers, obligations and duties hereby  
10 transferred and assigned to the commission on lobbying ethics and  
11 compliance, the executive ethics and compliance commission, and the  
12 joint legislative commission on ethics standards, as appropriate, such  
13 reference or designation shall be deemed to refer to the commission on  
14 lobbying ethics and compliance, the executive ethics and compliance  
15 commission, and the joint legislative commission on ethics standards, as  
16 appropriate, as created by this act.

17 S 26. Existing rights and remedies preserved. No existing right or  
18 remedy of any character shall be lost, impaired or affected by reason of  
19 this act.

20 S 27. Pending actions and proceedings. No action or proceeding pend-  
21 ing at the time when this act shall take effect, brought by or against  
22 the commission on public integrity or the legislative ethics commission  
23 relating to the function, power or duty transferred to or devolved upon  
24 the commission on lobbying ethics and compliance, the executive ethics  
25 and compliance commission, and the joint legislative commission on  
26 ethics standards, as appropriate, shall be affected by this act, but the  
27 same may be prosecuted or defended in the name of the commission on  
28 lobbying ethics and compliance, the executive ethics and compliance  
29 commission, and the joint legislative commission on ethics standards, as  
30 appropriate, and upon application to the court, the commission on lobby-  
31 ing ethics and compliance, the executive ethics and compliance commis-  
32 sion, and the joint legislative commission on ethics standards, as  
33 appropriate, shall be substituted as a party.

34 S 28. Notwithstanding any contrary provision of the state finance  
35 law, transfer of appropriations heretofore made to the commission on  
36 public integrity and the legislative ethics commission, all appropri-  
37 ations or reappropriations for the functions herein transferred hereto-  
38 fore made to the commission on public integrity and the legislative  
39 ethics commission or segregated pursuant to law, to the extent of  
40 remaining unexpended or unencumbered balances thereof, whether allocated  
41 or unallocated and whether obligated or unobligated, are hereby trans-  
42 ferred to the commission on lobbying ethics and compliance, the execu-  
43 tive ethics and compliance commission, and the joint legislative commis-  
44 sion on ethics standards, as appropriate, to the extent necessary to  
45 carry out the commission on lobbying ethics and compliance, the execu-  
46 tive ethics and compliance commission, and the joint legislative commis-  
47 sion on ethics standards' functions, powers and duties subject to the  
48 approval of the director of the budget for the same purposes for which  
49 originally appropriated or reappropriated and shall be payable on vouch-  
50 ers certified or approved by the commission on lobbying ethics and  
51 compliance, the executive ethics and compliance commission, and the  
52 joint legislative commission on ethics standards, as appropriate, on  
53 audit and warrant of the comptroller.

54 S 29. Subdivision 3 of section 3-100 of the election law, as amended  
55 by chapter 220 of the laws of 2005, is amended to read as follows:

1 3. The commissioners of the state board of elections shall have no  
2 other public employment. The commissioners shall receive an annual sala-  
3 ry of twenty-five thousand dollars, within the amounts made available  
4 therefor by appropriation. The board shall, for the purposes of sections  
5 seventy-three and seventy-four of the public officers law, be a "state  
6 agency", and such commissioners shall be "officers" of the state board  
7 of elections for the purposes of such sections. Within the amounts made  
8 available by appropriation therefor, the state board of elections shall  
9 appoint two co-executive directors, AN ENFORCEMENT COUNSEL, A SPECIAL  
10 counsel, A DEPUTY ENFORCEMENT COUNSEL, WHO SHALL BE A MEMBER OF A  
11 DIFFERENT MAJOR POLITICAL PARTY THAN THE ENFORCEMENT COUNSEL, A DEPUTY  
12 SPECIAL COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL  
13 PARTY THAN THE SPECIAL COUNSEL, and such other staff members as are  
14 necessary in the exercise of its functions, and may fix their compen-  
15 sation. [Anytime after the effective date of the chapter of the laws of  
16 two thousand five which amended this subdivision, the] THE commissioners  
17 or, in the case of a vacancy on the board, the commissioner of each of  
18 the major political parties shall appoint one co-executive director.  
19 Each co-executive director shall serve a term of four years. THE  
20 ENFORCEMENT COUNSEL AND THE SPECIAL COUNSEL SHALL EACH SERVE A TERM OF  
21 FOUR YEARS AND MAY ONLY BE REMOVED FOR CAUSE. ANY TIME AFTER THE EFFEC-  
22 TIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TEN WHICH AMENDED  
23 THIS SUBDIVISION, THE COMMISSIONERS, OR IN THE CASE OF A VACANCY ON THE  
24 BOARD, THE COMMISSIONER, OF EACH OF THE SAME MAJOR POLITICAL PARTY AS  
25 THE INCUMBENT ENFORCEMENT AND SPECIAL COUNSELS SHALL APPOINT SUCH COUN-  
26 SEL. Any vacancy in the office of co-executive director, ENFORCEMENT  
27 COUNSEL OR SPECIAL COUNSEL shall be filled by the commissioners or, in  
28 the case of a vacancy on the board, the commissioner of the same major  
29 political party as the vacating incumbent for the remaining period of  
30 the term of such vacating incumbent.

31 S 30. Subdivision 3, paragraph (c) of subdivision 9-A and subdivision  
32 17 of section 3-102 of the election law, subdivisions 3 and 17 as  
33 amended by chapter 9 of the laws of 1978, paragraph (c) of subdivision  
34 9-A as added by chapter 430 of the laws of 1997 and subdivision 17 as  
35 renumbered by chapter 23 of the laws of 2005, are amended to read as  
36 follows:

37 3. conduct any investigation necessary to carry out the provisions of  
38 this chapter, PROVIDED, HOWEVER, THAT THE STATE BOARD OF ELECTIONS  
39 ENFORCEMENT COUNSEL, ESTABLISHED PURSUANT TO SECTION 3-104 OF THIS ARTI-  
40 CLE, SHALL CONDUCT ANY INVESTIGATION NECESSARY TO ENFORCE THE PROVISIONS  
41 OF ARTICLE FOURTEEN OF THIS CHAPTER ON BEHALF OF THE BOARD OF ELECTIONS;

42 (c) establish [a] AN EDUCATIONAL AND training program on ALL REPORTING  
43 REQUIREMENTS INCLUDING BUT NOT LIMITED TO the electronic reporting proc-  
44 ess and make it EASILY AND READILY available to any such candidate or  
45 committee AND NOTIFY ANY SUCH CANDIDATE OR COMMITTEE OF THE AVAILABILITY  
46 OF THE MOST RECENT CAMPAIGN FINANCE HANDBOOK;

47 17. HEAR AND CONSIDER THE RECOMMENDATIONS OF THE STATE BOARD OF  
48 ELECTIONS ENFORCEMENT COUNSEL REGARDING THE ENFORCEMENT OF VIOLATIONS OF  
49 ARTICLE FOURTEEN OF THIS CHAPTER;

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

52 S 31. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as  
53 redesignated and subdivision 2 as amended by chapter 9 of the laws of  
54 1978, is amended to read as follows:

55 S 3-104. State board of elections AND THE STATE BOARD OF ELECTIONS  
56 ENFORCEMENT COUNSEL; enforcement powers. 1. (A) THERE SHALL BE A UNIT

1 KNOWN AS THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT ESTABLISHED WITH-  
2 IN THE STATE BOARD OF ELECTIONS. THE HEAD OF SUCH UNIT SHALL BE THE  
3 ENFORCEMENT COUNSEL.

4 (B) The state board of elections shall have jurisdiction of, and be  
5 responsible for, the execution and enforcement of the provisions of  
6 [article fourteen of this chapter and other] statutes governing  
7 campaigns, elections and related procedures; PROVIDED HOWEVER THAT THE  
8 ENFORCEMENT COUNSEL SHALL HAVE SOLE AUTHORITY WITHIN THE STATE BOARD OF  
9 ELECTIONS TO INVESTIGATE ON HIS OR HER OWN INITIATIVE OR UPON COMPLAINT,  
10 ALLEGED VIOLATIONS OF ARTICLE FOURTEEN OF THIS CHAPTER AND ALL  
11 COMPLAINTS ALLEGING ARTICLE FOURTEEN VIOLATIONS SHALL BE FORWARDED TO  
12 THE ENFORCEMENT UNIT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO  
13 DIMINISH OR ALTER THE STATE BOARD OF ELECTIONS' JURISDICTION PURSUANT TO  
14 THIS CHAPTER.

15 2. Whenever [the state board of elections or other] A LOCAL board of  
16 elections shall determine, on its own initiative or upon complaint, or  
17 otherwise, that there is substantial reason to believe a violation of  
18 this chapter or any code or regulation promulgated thereunder has  
19 [occurred] BEEN COMMITTED BY A CANDIDATE OR POLITICAL COMMITTEE THAT  
20 FILES STATEMENTS REQUIRED BY ARTICLE FOURTEEN OF THIS CHAPTER SOLELY  
21 WITH SUCH LOCAL BOARD, it shall expeditiously make an investigation  
22 which shall also include investigation of reports and statements made or  
23 failed to be made by the complainant and any political committee  
24 supporting his OR HER candidacy if the complainant is a candidate or, if  
25 the complaint was made by an officer or member of a political committee,  
26 of reports and statements made or failed to be made by such political  
27 committee and any candidates supported by it. [The state board of  
28 elections, in lieu of making such an investigation, may direct the  
29 appropriate board of elections to make an investigation.] The state  
30 board of elections may request, and shall receive, the assistance of the  
31 state police in any investigation it shall conduct.

32 [3. If, after an investigation, the state or other board of elections  
33 finds reasonable cause to believe that a violation warranting criminal  
34 prosecution has taken place, it shall forthwith refer the matter to the  
35 district attorney of the appropriate county and shall make available to  
36 such district attorney all relevant papers, documents, testimony and  
37 findings relevant to its investigation.

38 4. The state or other board of elections may, where appropriate,  
39 commence a judicial proceeding with respect to the filing or failure to  
40 file any statement of receipts, expenditures, or contributions, under  
41 the provisions of this chapter, and the state board of elections may  
42 direct the appropriate other board of elections to commence such  
43 proceeding.

44 5.] 3. IF THE ENFORCEMENT COUNSEL DETERMINES THAT A VIOLATION OF  
45 SUBDIVISION ONE OF SECTION 14-126 OF THIS CHAPTER HAS OCCURRED WHICH  
46 COULD WARRANT A CIVIL PENALTY, THE ENFORCEMENT COUNSEL SHALL, UPON HIS  
47 OR HER DISCRETION, SEEK TO RESOLVE THE MATTER EXTRA-JUDICIALLY OR  
48 COMMENCE A SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTION  
49 16-114 OF THIS CHAPTER.

50 4. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION ALLEGING ANY  
51 OTHER VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, THE ENFORCEMENT  
52 COUNSEL SHALL ANALYZE THE COMPLAINT TO DETERMINE IF AN INVESTIGATION  
53 SHOULD BE UNDERTAKEN. THE ENFORCEMENT COUNSEL SHALL, IF NECESSARY,  
54 REQUEST ADDITIONAL INFORMATION FROM THE COMPLAINANT TO ASSIST SUCH COUN-  
55 SEL IN MAKING THIS DETERMINATION. SUCH ANALYSIS SHALL INCLUDE THE  
56 FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A

1 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND, SECOND, WHETHER THE  
2 ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

3 5. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF  
4 TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAP-  
5 TER OR THAT THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE EVIDENCE, HE  
6 OR SHE SHALL ISSUE A LETTER TO THE COMPLAINANT DISMISSING THE COMPLAINT.

7 6. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF  
8 TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER  
9 AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE EVIDENCE, HE  
10 OR SHE SHALL NOTIFY THE STATE BOARD OF ELECTIONS OF: (A) HIS OR HER  
11 INTENT TO RESOLVE THE MATTER EXTRA-JUDICIALLY DUE TO THE DE MINIMUS  
12 NATURE OF THE VIOLATION; OR (B) HIS OR HER INTENT TO COMMENCE AN INVES-  
13 TIGATION, NO LATER THAN THE BOARD'S NEXT REGULARLY SCHEDULED MEETING.  
14 NOTIFICATION SHALL SUMMARIZE THE RELEVANT FACTS AND THE APPLICABLE LAW  
15 AND SHALL, TO THE EXTENT POSSIBLE, PROTECT FROM PUBLIC DISCLOSURE THE  
16 IDENTITY OF THE COMPLAINANT AND THE INDIVIDUAL SUBJECT TO THE COMPLAINT.

17 7. IF, UPON CONSIDERING THE ENFORCEMENT COUNSEL'S NOTICE OF INTENT TO  
18 COMMENCE AN INVESTIGATION, THE STATE BOARD OF ELECTIONS BELIEVES THAT  
19 THE ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE  
20 FOURTEEN OF THIS CHAPTER, OR THE ALLEGATIONS ARE NOT SUPPORTED BY CREDI-  
21 BLE EVIDENCE OR, THAT ON BALANCE, THE EQUITIES FAVOR A DISMISSAL OF THE  
22 COMPLAINT, THE BOARD SHALL PUBLICLY DIRECT THAT AN INVESTIGATION NOT BE  
23 UNDERTAKEN NO LATER THAN SIXTY DAYS AFTER THE RECEIPT OF NOTIFICATION  
24 FROM THE ENFORCEMENT COUNSEL OF HIS OR HER INTENT TO COMMENCE AN INVES-  
25 TIGATION. IN DETERMINING WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE  
26 COMPLAINT, THE STATE BOARD OF ELECTIONS SHALL CONSIDER THE FOLLOWING  
27 FACTORS: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF  
28 ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT OF THE  
29 COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION; AND (C)  
30 WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR  
31 VIOLATIONS. DETERMINATIONS OF THE STATE BOARD OF ELECTIONS TO DISMISS A  
32 COMPLAINT AND NOT PROCEED WITH A FORMAL INVESTIGATION SHALL BE VOTED  
33 UPON AS PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE AT  
34 AN OPEN MEETING PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW,  
35 AND SHALL BE MADE ON A FAIR AND EQUITABLE BASIS AND WITHOUT REGARD TO  
36 THE STATUS OF THE SUBJECT OF THE COMPLAINT.

37 8. ABSENT A TIMELY DETERMINATION BY THE STATE BOARD OF ELECTIONS THAT  
38 AN INVESTIGATION SHALL NOT BE UNDERTAKEN, THE ENFORCEMENT COUNSEL SHALL  
39 COMMENCE AN INVESTIGATION ON A TIMELY BASIS. IF THE ENFORCEMENT COUNSEL  
40 DETERMINES THAT ADDITIONAL INVESTIGATIVE POWERS, AS PROVIDED FOR IN  
41 SUBDIVISIONS FOUR, FIVE AND SIX OF SECTION 3-102 OF THIS TITLE, ARE  
42 NEEDED TO COMPLETE THE COUNSEL'S INVESTIGATION, HE OR SHE SHALL REQUEST  
43 SUCH ADDITIONAL POWERS FROM THE STATE BOARD OF ELECTIONS. SUCH POWERS  
44 SHALL BE GRANTED BY THE BOARD IN PUBLIC, AS PROVIDED IN SUBDIVISION FOUR  
45 OF SECTION 3-100 OF THIS TITLE, ONLY WHEN THE BOARD FINDS THAT FURTHER  
46 INVESTIGATION IS WARRANTED AND JUSTIFIED.

47 9. AT THE CONCLUSION OF ITS INVESTIGATION, THE ENFORCEMENT COUNSEL  
48 SHALL PROVIDE THE STATE BOARD OF ELECTIONS WITH A WRITTEN RECOMMENDATION  
49 AS TO: (A) WHETHER SUBSTANTIAL REASON EXISTS TO BELIEVE A VIOLATION OF  
50 ARTICLE FOURTEEN OF THIS CHAPTER HAS OCCURRED AND, IF SO, THE NATURE OF  
51 THE VIOLATION AND ANY APPLICABLE PENALTY, AS DEFINED IN SECTION 14-126  
52 OF THIS CHAPTER, BASED ON THE NATURE OF THE VIOLATION; (B) WHETHER THE  
53 MATTER SHOULD BE RESOLVED EXTRA-JUDICIALLY; (C) WHETHER A SPECIAL  
54 PROCEEDING SHOULD BE COMMENCED IN THE SUPREME COURT TO RECOVER A CIVIL  
55 PENALTY; AND (D) WHETHER A REFERRAL SHOULD BE MADE TO A DISTRICT ATTOR-  
56 NEY PURSUANT TO SUBDIVISION ELEVEN OF THIS SECTION BECAUSE REASONABLE

1 CAUSE EXISTS TO BELIEVE A VIOLATION WARRANTING CRIMINAL PROSECUTION HAS  
2 TAKEN PLACE.

3 10. THE STATE BOARD OF ELECTIONS SHALL ACCEPT, MODIFY OR REJECT THE  
4 ENFORCEMENT COUNSEL'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER  
5 RECEIPT OF SUCH RECOMMENDATION. IN MAKING ITS DETERMINATION, THE BOARD  
6 SHALL AGAIN CONSIDER: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS  
7 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT  
8 OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION;  
9 AND (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR  
10 VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE VOTED UPON AS PROVIDED IN  
11 SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING  
12 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE  
13 ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE STATUS OF THE  
14 SUBJECT OF THE COMPLAINT.

15 11. (A) IF THE STATE BOARD OF ELECTIONS DETERMINES, AS PROVIDED IN  
16 SUBDIVISION TEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO  
17 BELIEVE THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLI-  
18 TICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH  
19 LAW, HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION  
20 LIMITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, WHICH COULD  
21 WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION  
22 14-126 OF THIS CHAPTER, THE BOARD SHALL DIRECT THE COMMENCEMENT OF A  
23 SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTION 16-120 OF  
24 THIS CHAPTER.

25 (B) IF THE STATE BOARD OF ELECTIONS DETERMINES, AS PROVIDED IN SUBDI-  
26 VISION TEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A  
27 VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE, THE BOARD  
28 SHALL REFER THE MATTER TO A DISTRICT ATTORNEY AND SHALL MAKE AVAILABLE  
29 TO SUCH DISTRICT ATTORNEY ALL PAPERS, DOCUMENTS, TESTIMONY AND FINDINGS  
30 RELEVANT TO ITS INVESTIGATION.

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

36 13. THE ENFORCEMENT COUNSEL SHALL PREPARE A REPORT, TO BE INCLUDED IN  
37 THE ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE, SUMMARIZING THE  
38 ACTIVITIES OF THE UNIT DURING THE PREVIOUS YEAR. SUCH REPORT SHALL  
39 INCLUDE: (A) THE NUMBER OF COMPLAINTS RECEIVED; (B) THE NUMBER OF  
40 COMPLAINTS THAT WERE FOUND TO NEED INVESTIGATION AND THE NATURE OF EACH  
41 COMPLAINT; AND (C) THE NUMBER OF MATTERS THAT HAVE BEEN RESOLVED. THE  
42 REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH DISCLOSURE IS NOT  
43 PERMITTED.

44 14. The state board of elections may promulgate rules and regulations  
45 consistent with law to effectuate the provisions of this section.

46 S 32. Section 14-100 of the election law is amended by adding three  
47 new subdivisions 12, 13 and 14 to read as follows:

48 12. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

49 (1) THE NAME OF THE CANDIDATE INVOLVED APPEARS;

50 (2) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR

51 (3) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFER-  
52 ENCE.

53 13. "GENERAL PUBLIC AUDIENCE" MEANS AN AUDIENCE COMPOSED OF MEMBERS OF  
54 THE PUBLIC, INCLUDING A TARGETED SUBGROUP OF MEMBERS OF THE PUBLIC;  
55 PROVIDED, HOWEVER, IT DOES NOT MEAN AN AUDIENCE SOLELY COMPRISED OF  
56 MEMBERS, RETIREES AND STAFF OF A LABOR ORGANIZATION OR THEIR IMMEDIATE

1 FAMILY MEMBERS OR AN AUDIENCE SOLELY COMPRISED OF EMPLOYEES OF A BUSI-  
2 NESS ENTITY OR MEMBERS OF A BUSINESS, TRADE OR PROFESSIONAL ASSOCIATION.  
3 14. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH  
4 EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES  
5 EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR  
6 EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR  
7 CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDI-  
8 TIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCI-  
9 DENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE,  
10 EACH LOCAL, PARENT NATIONAL OR PARENT INTERNATIONAL ORGANIZATION OF A  
11 STATEWIDE LABOR ORGANIZATION, AND EACH STATEWIDE FEDERATION RECEIVING  
12 DUES FROM SUBSIDIARY LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE  
13 LABOR ORGANIZATION.

14 S 33. Subdivisions 1 and 3 of section 14-102 of the election law, as  
15 amended by chapter 8 of the laws of 1978, subdivision 1 as redesignated  
16 by chapter 9 of the laws of 1978 and subdivision 3 as renumbered by  
17 chapter 70 of the laws of 1983, are amended to read as follows:

18 1. The treasurer of every political committee which, or any officer,  
19 member or agent of any such committee who, in connection with any  
20 election, receives or expends any money or other [valuable thing] ITEM  
21 OF VALUE or incurs any liability to pay money or its equivalent shall  
22 file statements sworn, or subscribed and bearing a form notice that  
23 false statements made therein are punishable as a class A misdemeanor  
24 pursuant to section 210.45 of the penal law, at the times prescribed by  
25 this article setting forth all the receipts, contributions to and the  
26 expenditures by and liabilities of the committee, and of its officers,  
27 members and agents in its behalf. Such statements shall include the  
28 dollar amount of any receipt, contribution or transfer, or the fair  
29 market value of any receipt, contribution or transfer, which is other  
30 than of money, the name and address of the transferor, contributor or  
31 person from whom received, and if the transferor, contributor or person  
32 is a political committee; the name of and the political unit represented  
33 by the committee, the date of its receipt, the dollar amount of every  
34 expenditure, the name and address of the person to whom it was made or  
35 the name of and the political unit represented by the committee to which  
36 it was made and the date thereof, and shall state clearly the purpose of  
37 such expenditure. IF ANY ONE EXPENDITURE IS MADE FOR MORE THAN ONE  
38 PURPOSE, OR AS PAYMENT FOR GOODS OR SERVICES SUPPLIED BY MORE THAN ONE  
39 SUPPLIER, SUCH STATEMENT SHALL SET FORTH SEPARATELY EACH SUCH PURPOSE OR  
40 SUPPLIER AND THE AMOUNT EXPENDED FOR EACH SUCH PURPOSE OR TO EACH SUCH  
41 SUPPLIER. Any statement reporting a loan shall have attached to it a  
42 copy of the evidence of indebtedness. Expenditures in sums under fifty  
43 dollars need not be specifically accounted for by separate items in said  
44 statements, and receipts and contributions aggregating not more than  
45 ninety-nine dollars, from any one contributor need not be specifically  
46 accounted for by separate items in said statements, provided however,  
47 that such expenditures, receipts and contributions shall be subject to  
48 the other provisions of section 14-118 of this article.

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

55 S 33-a. Subdivision 5 of section 14-102 of the election law is  
56 REPEALED and a new subdivision 5 is added to read as follows:

1 5. (A) PURSUANT TO THE PROVISIONS OF THIS SECTION, ANY CANDIDATE  
2 AND/OR POLITICAL COMMITTEE WHICH IS REQUIRED TO FILE STATEMENTS WITH A  
3 COUNTY BOARD OF ELECTIONS OR WITH THE BOARD OF ELECTIONS OF THE CITY OF  
4 NEW YORK, WHICH RAISES OR SPENDS OR EXPECTS TO RAISE OR SPEND MORE THAN  
5 ONE THOUSAND DOLLARS DURING ANY CALENDAR YEAR, IN ADDITION TO FILING  
6 SUCH STATEMENTS WITH SUCH BOARDS OF ELECTIONS IN THE FILING FORMAT  
7 REQUIRED THEREBY, SHALL ALSO FILE SUCH STATEMENTS ELECTRONICALLY WITH  
8 THE STATE BOARD OF ELECTIONS PURSUANT TO ITS ELECTRONIC REPORTING  
9 SYSTEM, ESTABLISHED PURSUANT TO SUBDIVISION NINE-A OF SECTION 3-102 OF  
10 THIS CHAPTER, OR ON PAPER IF AN EXEMPTION FROM THE ELECTRONIC FILING  
11 REQUIREMENTS HAS BEEN GRANTED BY THE STATE BOARD OF ELECTIONS PURSUANT  
12 TO SUBDIVISION FOUR OF THIS SECTION OR SUBDIVISION TWO OF SECTION 14-104  
13 OF THIS TITLE.

14 (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-  
15 SION, ANY STATEMENTS FILED ELECTRONICALLY, OR ON PAPER IF EXEMPTED, WITH  
16 THE STATE BOARD OF ELECTIONS BY A CANDIDATE AND/OR POLITICAL COMMITTEE  
17 WHICH IS REQUIRED TO FILE SUCH STATEMENTS ELECTRONICALLY WITH THE STATE  
18 BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, SHALL  
19 SATISFY THE FILING REQUIREMENTS OF THIS SECTION WITH REGARDS TO FILING  
20 WITH THE APPLICABLE COUNTY OR CITY BOARD OF ELECTIONS. THE COUNTY AND  
21 CITY BOARDS OF ELECTIONS SHALL MAKE STATEMENTS FILED WITH THE STATE  
22 BOARD OF ELECTIONS, WHICH WOULD OTHERWISE HAVE BEEN FILED SPECIFICALLY  
23 WITH THEIR INDIVIDUAL BOARD PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVI-  
24 SION, AVAILABLE FOR PUBLIC INSPECTION AND COPYING VIA ELECTRONIC  
25 CONNECTION TO THE STATE BOARD OF ELECTIONS' WEBSITE, WHICH WILL CONTAIN  
26 SUCH STATEMENTS, OR BY SUCH OTHER MODE OF ELECTRONIC COMMUNICATION THAT  
27 IS AVAILABLE AND APPROVED BY THE STATE BOARD OF ELECTIONS FOR SUCH  
28 PURPOSES.

29 (C) ANY CANDIDATE AND/OR POLITICAL COMMITTEE WHICH IS REQUIRED TO FILE  
30 STATEMENTS WITH A COUNTY BOARD OF ELECTIONS OR WITH THE BOARD OF  
31 ELECTIONS OF THE CITY OF NEW YORK PURSUANT TO THE PROVISIONS OF THIS  
32 SECTION, WHICH IS NOT REQUIRED TO FILE SUCH STATEMENTS WITH THE STATE  
33 BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, MAY  
34 NOT ELECT TO FILE SUCH STATEMENTS WITH THE STATE BOARD OF ELECTIONS  
35 PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION IN SUBSTITUTION FOR, OR IN  
36 SATISFACTION OF, THE REQUIREMENT TO FILE WITH THE APPLICABLE COUNTY OR  
37 CITY BOARD OF ELECTIONS.

38 S 34. Subdivision 3 of section 14-104 of the election law is REPEALED  
39 and a new subdivision 3 is added to read as follows:

40 3. (A) PURSUANT TO THE PROVISIONS OF THIS SECTION, ANY CANDIDATE  
41 AND/OR POLITICAL COMMITTEE WHICH IS REQUIRED TO FILE STATEMENTS WITH A  
42 COUNTY BOARD OF ELECTIONS OR WITH THE BOARD OF ELECTIONS OF THE CITY OF  
43 NEW YORK, WHICH RAISES OR SPENDS OR EXPECTS TO RAISE OR SPEND MORE THAN  
44 ONE THOUSAND DOLLARS DURING ANY CALENDAR YEAR, IN ADDITION TO FILING  
45 SUCH STATEMENTS WITH SUCH BOARDS OF ELECTIONS IN THE FILING FORMAT  
46 REQUIRED THEREBY, SHALL ALSO FILE SUCH STATEMENTS ELECTRONICALLY WITH  
47 THE STATE BOARD OF ELECTIONS PURSUANT TO ITS ELECTRONIC REPORTING  
48 SYSTEM, ESTABLISHED PURSUANT TO SUBDIVISION NINE-A OF SECTION 3-102 OF  
49 THIS CHAPTER, OR ON PAPER IF AN EXEMPTION FROM THE ELECTRONIC FILING  
50 REQUIREMENTS HAS BEEN GRANTED BY THE STATE BOARD OF ELECTIONS PURSUANT  
51 TO SUBDIVISION FOUR OF SECTION 14-102 OF THIS TITLE OR SUBDIVISION TWO  
52 OF THIS SECTION.

53 (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-  
54 SION, ANY STATEMENTS FILED ELECTRONICALLY, OR ON PAPER IF EXEMPTED, WITH  
55 THE STATE BOARD OF ELECTIONS BY A CANDIDATE AND/OR POLITICAL COMMITTEE  
56 WHICH IS REQUIRED TO FILE SUCH STATEMENTS ELECTRONICALLY WITH THE STATE

1 BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, SHALL  
2 SATISFY THE FILING REQUIREMENTS OF THIS SECTION WITH REGARDS TO FILING  
3 WITH THE APPLICABLE COUNTY OR CITY BOARD OF ELECTIONS. THE COUNTY AND  
4 CITY BOARDS OF ELECTIONS SHALL MAKE STATEMENTS FILED WITH THE STATE  
5 BOARD OF ELECTIONS, WHICH WOULD OTHERWISE HAVE BEEN FILED SPECIFICALLY  
6 WITH THEIR INDIVIDUAL BOARD PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVI-  
7 SION, AVAILABLE FOR PUBLIC INSPECTION AND COPYING VIA ELECTRONIC  
8 CONNECTION TO THE STATE BOARDS OF ELECTIONS' WEBSITE, WHICH WILL CONTAIN  
9 SUCH STATEMENTS, OR BY SUCH OTHER MODE OF ELECTRONIC COMMUNICATION THAT  
10 IS AVAILABLE AND APPROVED BY THE STATE BOARD OF ELECTIONS FOR SUCH  
11 PURPOSES.

12 (C) ANY CANDIDATE AND/OR POLITICAL COMMITTEE WHICH IS REQUIRED TO FILE  
13 STATEMENTS WITH A COUNTY BOARD OF ELECTIONS OR WITH THE BOARD OF  
14 ELECTIONS OF THE CITY OF NEW YORK PURSUANT TO THE PROVISIONS OF THIS  
15 SECTION, WHICH IS NOT REQUIRED TO FILE SUCH STATEMENTS WITH THE STATE  
16 BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, MAY  
17 NOT ELECT TO FILE SUCH STATEMENTS WITH THE STATE BOARD OF ELECTIONS  
18 PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION IN SUBSTITUTION FOR, OR IN  
19 SATISFACTION OF, THE REQUIREMENT TO FILE WITH THE APPLICABLE COUNTY OR  
20 CITY BOARD OF ELECTIONS.

21 S 35. Section 14-106 of the election law, as amended by chapter 8 of  
22 the laws of 1978, is amended to read as follows:

23 S 14-106. Political [advertisements and literature] COMMUNICATION. 1.  
24 The statements required to be filed under the provisions of this article  
25 next succeeding a primary, general or special election shall be accompa-  
26 nied by a [facsimile or] copy of all BROADCAST, CABLE OR SATELLITE SCHE-  
27 DULES AND SCRIPTS, advertisements, pamphlets, circulars, flyers,  
28 brochures, letterheads and other printed matter purchased or produced  
29 [and a schedule of all radio or television time, and scripts used there-  
30 in], AND REPRODUCTIONS OF STATEMENTS OR INFORMATION CONVEYED TO FIVE  
31 HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR  
32 OTHER ELECTRONIC DEVICE, purchased in connection with such election by  
33 or under the authority of the person filing the statement or the commit-  
34 tee or the person on whose behalf it is filed, as the case may be. Such  
35 [facsimiles,] copies, schedules and scripts shall be preserved by the  
36 officer with whom or the board with which it is required to be filed for  
37 a period of one year from the date of filing thereof.

38 2. NO PERSON, POLITICAL PARTY OR COMMITTEE SHALL, DURING THE COURSE OF  
39 ANY CAMPAIGN FOR NOMINATION OR ELECTION TO PUBLIC OFFICE OR PARTY POSI-  
40 TION, PREPARE OR DISTRIBUTE ANY POLITICAL COMMUNICATION THAT FALSELY  
41 IDENTIFIES THE SOURCE OF SUCH COMMUNICATION.

42 S 36. The election law is amended by adding a new section 14-107 to  
43 read as follows:

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

46 (A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE BY A PERSON  
47 FOR AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA  
48 BROADCAST, CABLE OR SATELLITE OR A WRITTEN COMMUNICATION TO A GENERAL  
49 PUBLIC AUDIENCE VIA ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS,  
50 BROCHURES, LETTERHEADS OR OTHER PRINTED MATTER AND STATEMENTS OR INFOR-  
51 MATION CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC  
52 AUDIENCE BY COMPUTER OR OTHER ELECTRONIC DEVICES WHICH: (I) EXPRESSLY  
53 ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE OR  
54 THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL; AND (II) SUCH CANDIDATE, THE  
55 CANDIDATE'S POLITICAL COMMITTEE OR ITS AGENTS, OR A POLITICAL COMMITTEE  
56 FORMED TO PROMOTE THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL OR ITS

1 AGENTS, DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY  
2 SUCH COMMUNICATION.

3 (B) INDEPENDENT EXPENDITURES DO NOT INCLUDE:

4 (I) IN A WRITTEN NEWS STORY, COMMENTARY, OR EDITORIAL OR A NEWS STORY,  
5 COMMENTARY, OR EDITORIAL DISTRIBUTED THROUGH THE FACILITIES OF ANY  
6 BROADCASTING STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR  
7 FACILITIES ARE OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL  
8 COMMITTEE OR CANDIDATE; OR (II) A COMMUNICATION THAT CONSTITUTES A  
9 CANDIDATE DEBATE OR FORUM; OR (III) A COMMUNICATION WHICH CONSTITUTES AN  
10 EXPENDITURE MADE BY AN ENTITY REQUIRED TO REPORT SUCH EXPENDITURE WITH A  
11 BOARD OF ELECTIONS PURSUANT TO SECTIONS 14-102 AND 14-104 OF THIS ARTI-  
12 CLE.

13 (C) FOR PURPOSES OF THIS SECTION, THE TERM "PERSON" SHALL MEAN PERSON,  
14 GROUP OF PERSONS, ENTITY, ORGANIZATION OR ASSOCIATION.

15 2. WHENEVER ANY PERSON MAKES AN INDEPENDENT EXPENDITURE THAT COSTS  
16 MORE THAN ONE THOUSAND DOLLARS IN THE AGGREGATE, SUCH COMMUNICATION  
17 SHALL CLEARLY STATE THE NAME OF THE PERSON WHO PAID FOR, OR OTHERWISE  
18 PUBLISHED OR DISTRIBUTED, THE COMMUNICATION AND STATE, WITH RESPECT TO  
19 COMMUNICATIONS REGARDING CANDIDATES, THAT THE COMMUNICATION IS NOT  
20 AUTHORIZED BY ANY CANDIDATE, ANY CANDIDATE'S POLITICAL COMMITTEE OR ANY  
21 OF ITS AGENTS.

22 3. (A) ANY PERSON WHICH MAKES INDEPENDENT EXPENDITURES THAT COST MORE  
23 THAN ONE THOUSAND DOLLARS IN THE AGGREGATE SHALL REPORT SUCH INDEPENDENT  
24 EXPENDITURES TO THE STATE BOARD OF ELECTIONS ON STATEMENTS AS PROVIDED  
25 FOR IN SECTION 14-108 OF THIS ARTICLE.

26 (B) ANY INDEPENDENT EXPENDITURE MADE AFTER THE CLOSE OF THE PERIOD TO  
27 BE COVERED IN THE LAST STATEMENT FILED BEFORE ANY PRIMARY, GENERAL OR  
28 SPECIAL ELECTION, BUT BEFORE SUCH ELECTION, SHALL BE REPORTED WITHIN  
29 TWENTY-FOUR HOURS IN THE SAME MANNER AS PROVIDED FOR IN SUBDIVISION TWO  
30 OF SECTION 14-108 OF THIS ARTICLE.

31 4. EACH SUCH STATEMENT SHALL INCLUDE:

32 (A) THE NAME AND ADDRESS OF THE PERSON MAKING THE STATEMENT;

33 (B) THE NAME AND ADDRESS OF THE PERSON MAKING THE INDEPENDENT EXPENDI-  
34 TURE;

35 (C) THE NAME AND ADDRESS OF ANY PERSON OR ENTITY PROVIDING A GIFT,  
36 LOAN, ADVANCE OR DEPOSIT OF ONE HUNDRED DOLLARS OR MORE FOR THE INDE-  
37 PENDENT EXPENDITURE, OR THE PROVISION OF SERVICES FOR THE SAME, AND THE  
38 DATE IT WAS GIVEN; PROVIDED, HOWEVER, THE NAME AND ADDRESS OF A MEMBER  
39 OF A LABOR ORGANIZATION IS NOT REQUIRED FOR A GIFT, LOAN, ADVANCE OR  
40 DEPOSIT OF ONE HUNDRED DOLLARS OR MORE TO A LABOR ORGANIZATION; AND  
41 PROVIDED FURTHER THAT THE NAME AND ADDRESS OF AN EMPLOYEE OF A BUSINESS  
42 ENTITY OR A MEMBER OF A BUSINESS, TRADE OR PROFESSIONAL ASSOCIATION IS  
43 NOT REQUIRED FOR A GIFT, LOAN, ADVANCE OR DEPOSIT OF ONE HUNDRED DOLLARS  
44 OR MORE TO SUCH BUSINESS ENTITY OR BUSINESS, TRADE OR PROFESSIONAL ASSO-  
45 CIATION RESPECTIVELY;

46 (D) THE DOLLAR AMOUNT PAID FOR EACH INDEPENDENT EXPENDITURE, THE NAME  
47 AND ADDRESS OF THE PERSON OR ENTITY RECEIVING THE PAYMENT, THE DATE THE  
48 PAYMENT WAS MADE AND A DESCRIPTION OF THE INDEPENDENT EXPENDITURE; AND

49 (E) THE ELECTION TO WHICH THE INDEPENDENT EXPENDITURE PERTAINS AND THE  
50 NAME OF THE CLEARLY IDENTIFIED CANDIDATE OR THE BALLOT PROPOSAL REFER-  
51 ENCED.

52 5. A COPY OF ALL MATERIALS THAT PERTAIN TO THE INDEPENDENT EXPENDI-  
53 TURE, INCLUDING BUT NOT LIMITED TO BROADCAST, CABLE OR SATELLITE SCHED-  
54 ULE AND SCRIPTS, ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS,  
55 BROCHURES, LETTERHEADS AND OTHER PRINTED MATTER SHALL IMMEDIATELY BE

1 FILED WITH THE STATE BOARD OF ELECTIONS AS PROVIDED IN SECTION 14-108 OF  
2 THIS ARTICLE.

3 6. WRITTEN EVIDENCE OF THE INDEBTEDNESS RELATED TO A LOAN THAT IS MADE  
4 FOR AN INDEPENDENT EXPENDITURE SHALL BE PROVIDED TO THE STATE BOARD OF  
5 ELECTIONS.

6 7. EVERY STATEMENT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL  
7 BE FILED ELECTRONICALLY TO THE STATE BOARD OF ELECTIONS.

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

11 S 37. Subdivision 1 of section 14-108 of the election law, as amended  
12 by chapter 955 of the laws of 1983, is amended to read as follows;

13 1. The statements required by this article shall be filed at such  
14 times as the state board of elections, by rule or regulation, shall  
15 specify; provided, however, that in no event shall the board provide for  
16 fewer than three filings in the aggregate in connection with any prima-  
17 ry, general or special election, or in connection with a question to be  
18 voted on and two of said filings shall be before any such election,  
19 including one such filing not less than thirty days nor more than  
20 forty-five days prior to such election and one such filing not less than  
21 eleven days nor more than fifteen days prior to such election. In addi-  
22 tion, the board shall provide that every political committee which has  
23 filed a statement of treasurer and depository shall make at least one  
24 PERIODIC filing [every six months] DURING THE MONTHS OF JANUARY, MAY AND  
25 JULY between the time such statement of treasurer and depository is  
26 filed and the time such committee goes out of business. If any candidate  
27 or committee shall be required by the provisions of this section, or by  
28 rule or regulation hereunder, to effect two filings within a period of  
29 five days OF EACH OTHER, the state board of elections may, by rule or  
30 regulation, waive the requirement of filing the earlier of such state-  
31 ments. If a statement filed by a candidate or committee after the  
32 election to which it pertains is not a final statement showing satisfac-  
33 tion of all liabilities and disposition of all assets, such candidate or  
34 committee shall file such additional statements as the board shall, by  
35 rule or regulation provide until such a final statement is filed.

36 S 38. Section 14-126 of the election law, as amended by chapter 8 of  
37 the laws of 1978, subdivision 1 as amended by chapter 128 of the laws of  
38 1994 and subdivisions 2, 3 and 4 as redesigned by chapter 9 of the laws  
39 of 1978, is amended to read as follows:

40 S 14-126. Violations; penalties. 1. Any person who fails to file a  
41 statement required to be filed by this article shall be subject to a  
42 civil penalty, not in excess of [five hundred] ONE THOUSAND dollars, to  
43 be recoverable in a special proceeding or civil action to be brought by  
44 the state board of elections [or other board of elections] ENFORCEMENT  
45 COUNSEL PURSUANT TO SECTION 16-114 OF THIS CHAPTER. ANY PERSON WHO,  
46 THREE OR MORE TIMES WITHIN A GIVEN ELECTION CYCLE FOR SUCH TERM OF  
47 OFFICE, FAILS TO FILE A STATEMENT OR STATEMENTS REQUIRED TO BE FILED BY  
48 THIS ARTICLE, SHALL BE SUBJECT TO A CIVIL PENALTY, NOT IN EXCESS OF TEN  
49 THOUSAND DOLLARS, TO BE RECOVERABLE AS PROVIDED FOR IN THIS SUBDIVISION.

50 2. ANY PERSON WHO ACTS, UNDER CIRCUMSTANCES EVINCING AN INTENT TO  
51 VIOLATE SUCH LAW, UNLAWFULLY FAILS TO IDENTIFY INDEPENDENT EXPENDITURES  
52 AS REQUIRED BY SUBDIVISION TWO OF SECTION 14-107 OF THIS ARTICLE SHALL  
53 BE SUBJECT TO A CIVIL PENALTY EQUAL TO ONE THOUSAND DOLLARS OR THE COST  
54 OF THE COMMUNICATION, WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR  
55 CIVIL ACTION BROUGHT BY THE STATE BOARD OF ELECTIONS ENFORCEMENT COUNSEL  
56 PURSUANT TO SECTION 16-120 OF THIS CHAPTER.

1 3. ANY PERSON WHO, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL  
2 COMMITTEE, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW,  
3 UNLAWFULLY ACCEPTS A CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIMITATION  
4 ESTABLISHED IN THIS ARTICLE, SHALL BE REQUIRED TO REFUND SUCH EXCESS  
5 AMOUNT AND SHALL BE SUBJECT TO A CIVIL PENALTY EQUAL TO TWO TIMES THE  
6 EXCESS AMOUNT PLUS A FINE OF UP TO TEN THOUSAND DOLLARS, TO BE RECOVERA-  
7 BLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT BY THE STATE  
8 BOARD OF ELECTIONS ENFORCEMENT COUNSEL PURSUANT TO SECTION 16-120 OF  
9 THIS CHAPTER.

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

15 [3.] 5. Any person who knowingly and willfully contributes, accepts or  
16 aids or participates in the acceptance of a contribution in an amount  
17 exceeding an applicable maximum specified in this article shall be guilty  
18 ty of a misdemeanor.

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

26 S 39. Section 16-100 of the election law is amended to read as  
27 follows:

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

32 2. The county court is vested with jurisdiction to summarily determine  
33 any question of law or fact except proceedings as to a nomination or  
34 election at a primary election or a nomination at a judicial convention,  
35 proceedings as to the casting and canvass of ballots [and], proceedings  
36 for examination or preservation of ballots AND PROCEEDINGS TO ENFORCE  
37 THE PROVISIONS OF ARTICLE FOURTEEN OF THIS CHAPTER.

38 S 40. The election law is amended by adding a new section 16-120 to  
39 read as follows:

40 S 16-120. ENFORCEMENT PROCEEDINGS. 1. THE SUPREME COURT OR A JUSTICE  
41 THEREOF, IN A PROCEEDING INSTITUTED BY THE STATE BOARD OF ELECTIONS  
42 ENFORCEMENT COUNSEL, MAY IMPOSE A CIVIL PENALTY, AS PROVIDED FOR IN  
43 SUBDIVISION TWO OR THREE OF SECTION 14-126 OF THIS CHAPTER.

44 2. UPON PROOF THAT A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, AS  
45 PROVIDED IN SUBDIVISION ONE OF THIS SECTION, HAS OCCURRED, THE COURT MAY  
46 IMPOSE A CIVIL PENALTY, PURSUANT TO SUBDIVISION TWO OR THREE OF SECTION  
47 14-126 OF THIS CHAPTER, AFTER CONSIDERING, AMONG OTHER FACTORS, THE  
48 SEVERITY OF THE VIOLATION OR VIOLATIONS, WHETHER THE SUBJECT OF THE  
49 VIOLATION MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION AND WHETHER  
50 THE SUBJECT OF THE VIOLATION HAS A HISTORY OF SIMILAR VIOLATIONS. ALL  
51 SUCH DETERMINATIONS SHALL BE MADE ON A FAIR AND EQUITABLE BASIS WITHOUT  
52 REGARD TO THE STATUS OF THE CANDIDATE OR POLITICAL COMMITTEE.

53 S 41. Separability clause. If any clause, sentence, paragraph, section  
54 or part of this act shall be adjudged by any court of competent juris-  
55 diction to be invalid, such judgment shall not affect, impair or invali-  
56 date the remainder thereof, but shall be confided in its operation to

1 the clause, sentence, paragraph, section or part thereof directly  
2 involved in the controversy in which such judgment shall have been  
3 rendered.  
4 S 42. This act shall take effect January 1, 2011; provided, however,  
5 sections one through fifteen of this act shall expire and be deemed  
6 repealed 4 years after such effective date.