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

5279

2011-2012 Regular Sessions

I N A S S E M B L Y

February 15, 2011

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

AN ACT to amend the election law and the legislative law, in relation to enacting the "campaign finance reform act of 2011"; and repealing certain provisions of the election law relating thereto

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

Section 1. Legislative findings and declarations. The legislature finds that it is vitally important to democratic government in this state to prevent corruption, special privileges, and favoritism in connection with the financing and other operations of statewide political campaigns and to also avoid the appearance of these abuses. The public's perception is that government is held hostage to special interests and wealthy donors. As the United States Supreme Court found in BUCKLEY V. VALEO, states have a compelling interest "to reduce the deleterious effect of large contributions on our political process." Therefore, the legislature declares that it is in the public interest and a valid public purpose to lower contribution limits, limit contributions from special interests, such as lobbyists, ban all fundraising in the capital district during the legislative session, prohibit the personal use of campaign funds, improve transparency and accountability, facilitate compliance with campaign finance reporting requirements, expand the enforcement powers of the state board of elections and increase penalties for campaign finance violations. This comprehensive reform package will reduce the influence of special interests and the appearance of corruption while restoring the public's confidence in elected officials.

S 2. This act shall be known and may be cited as the "campaign finance reform act of 2011".

S 3. Section 3-100 of the election law, subdivisions 1, 2 and 3 as amended by chapter 220 of the laws of 2005, subdivisions 4 and 5 as

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

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

S 3-100. New York state board of elections; membership; organization. 1. There is hereby created within the executive department a New York state board of elections, hereafter referred to as the "state board of elections", composed of [four] FIVE commissioners appointed by the governor AS FOLLOWS: (A) two commissioners, one each from among not fewer than two persons recommended by the chairman of the state committee of each of the major political parties; [and] (B) two [other] commissioners, one upon the joint recommendation of the legislative leaders, of one major political party, in each house of the legislature and one upon the joint recommendation of the legislative leaders, of the other major political party, in each house of the legislature, AND (C) ONE COMMISSIONER UPON THE JOINT RECOMMENDATION OF THE TWO COMMISSIONERS SELECTED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION. The commissioners shall be appointed for terms of two years each and in the same manner as their respective predecessors. A commissioner appointed to the board to fill a vacancy caused other than by expiration of a term, shall serve for the balance of the unexpired term. In the event that there is a vacancy in the office of the commissioner appointed [on the recommendation of such legislative leaders] PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION caused by expiration of term or otherwise, [such] THE legislative leaders responsible for making the joint recommendation to fill such vacancy shall jointly recommend an individual to fill such vacancy and the governor shall make the appointment from such joint recommendation within thirty days of receiving such joint recommendation. In the event the governor does not act on such joint recommendation within thirty days or objects to such joint recommendation, then the legislative leaders making such joint recommendation shall have the option of: [(a)] (I) appointing the individual so jointly recommended as a commissioner, or [(b)] (II) jointly recommending another individual for appointment by the governor according to the procedure outlined in this subdivision. IN THE EVENT THAT THERE IS A VACANCY IN THE OFFICE OF THE COMMISSIONER APPOINTED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION CAUSED BY EXPIRATION OF TERM OR OTHERWISE, THE COMMISSIONERS RESPONSIBLE FOR MAKING THE JOINT RECOMMENDATION TO FILL SUCH VACANCY SHALL JOINTLY RECOMMEND AN INDIVIDUAL TO FILL SUCH VACANCY AND THE GOVERNOR SHALL MAKE THE APPOINTMENT FROM SUCH JOINT RECOMMENDATION WITHIN THIRTY DAYS OF RECEIVING SUCH JOINT RECOMMENDATION. IN THE EVENT THE GOVERNOR DOES NOT ACT ON SUCH JOINT RECOMMENDATION WITHIN THIRTY DAYS OR OBJECTS TO SUCH JOINT RECOMMENDATION, THEN THE COMMISSIONERS MAKING SUCH JOINT RECOMMENDATION SHALL HAVE THE OPTION OF: (I) APPOINTING THE INDIVIDUAL SO JOINTLY RECOMMENDED AS A COMMISSIONER, OR (II) JOINTLY RECOMMENDING ANOTHER INDIVIDUAL FOR APPOINTMENT BY THE GOVERNOR ACCORDING TO THE PROCEDURE OUTLINED IN THIS SUBDIVISION. THE PROVISIONS OF SECTION FIVE OF THE PUBLIC OFFICERS LAW SHALL NOT APPLY TO ANY MEMBER APPOINTED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION.

2. The two commissioners of the board appointed upon the recommendation of the legislative leaders shall be co-chairs of the state board of elections.

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

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

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

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

S 4. Subdivisions 3, 7, 9-A, 12, 16 and 17 of section 3-102 of the election law, subdivisions 3, 7 and 17 as amended and subdivision 12 as redesignated by chapter 9 of the laws of 1978, subdivision 9-A as added by chapter 430 of the laws of 1997, paragraph (a) of subdivision 9-A as amended by chapter 406 of the laws of 2005 and paragraph (d) of subdivision 9-A as amended by chapter 249 of the laws of 2003, subdivision 16 as amended by section 10 of part OO of chapter 56 of the laws of 2010 and subdivision 17 as renumbered by chapter 23 of the laws of 2005, are amended to read as follows:

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

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

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

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

(c) establish a training program on the electronic reporting process and make it available to any such candidate or committee, INCLUDING BUT NOT LIMITED TO THE DEVELOPMENT AND IMPLEMENTATION OF AN INTERNET-BASED CAMPAIGN FINANCE DISCLOSURE TRAINING PROGRAM. SUCH CAMPAIGN FINANCE DISCLOSURE TRAINING PROGRAM SHALL INCLUDE NEW YORK STATE SPECIFIC INFORMATION AND INSTRUCTIONS TO ENABLE CANDIDATES AND COMMITTEES TO COMPLY

WITH THE FINANCIAL DISCLOSURE REQUIREMENTS IN ARTICLE FOURTEEN OF THIS CHAPTER AND APPLICABLE REGULATIONS;

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

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

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

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

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

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

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

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

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

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

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

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

5. IF THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT DETERMINES THAT THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE EVIDENCE, IT SHALL PUBLICLY REPORT ITS INTENT TO COMMENCE AN INVESTIGATION TO THE STATE BOARD OF ELECTIONS NO LATER THAN THE BOARD'S NEXT REGULARLY SCHEDULED MEETING. SUCH REPORT SHALL SUMMARIZE THE RELEVANT FACTS AND THE APPLICABLE LAW AND SHALL TO THE EXTENT POSSIBLE, MAINTAIN THE CONFIDENTIALITY OF THE COMPLAINANT AND THE INDIVIDUAL SUBJECT TO THE COMPLAINT.

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

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

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

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

UPON AS PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE STATUS OF THE SUBJECT OF THE COMPLAINT.

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

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

12. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE RULES AND REGULATIONS CONSISTENT WITH LAW TO EFFECTUATE THE PROVISIONS OF THIS SECTION.

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

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

2. THE BOARD MAY, UPON A WRITTEN REQUEST INVOLVING THE SAME FACTS ADDRESSED IN A PRIOR FORMAL OPINION, ISSUE A WRITTEN STATEMENT DIRECTING

THAT THE PRIOR FORMAL OPINION MAY BE RELIED UPON IN THE SAME MANNER AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION.

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

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

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

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

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

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

14. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDITIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCIDENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE, EACH PARENT NATIONAL OR INTERNATIONAL ORGANIZATION OF A STATEWIDE LABOR ORGANIZATION, AND EACH STATEWIDE FEDERATION RECEIVING DUES FROM SUBSIDIARY LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE LABOR ORGANIZATION.

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

ANY ACQUISITION OR DISPOSITION OF REAL PROPERTY WITH THE STATE OR ANY AGENCY OR ENTITY OF THE STATE; OR (B) ANY CONCESSION OR ANY FRANCHISE FROM THE STATE OR ANY AGENCY OR ENTITY OF THE STATE.

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

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

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

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

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

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

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

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

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

1. Any candidate for election to public office, or for nomination for public office at a contested primary election or convention, or for election to a party position at a primary election, shall file statements sworn, or subscribed and bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law, at the times prescribed by this article setting forth the particulars specified by section 14-102 of this article, as to all moneys or other valuable things, paid, given, expended or

promised by him OR HER to aid his OR HER own nomination or election, or to promote the success or defeat of a political party, or to aid or influence the nomination or election or the defeat of any other candidate to be voted for at the election or primary election or at a convention, including contributions to political committees, officers, members or agents thereof, and transfers, receipts and contributions to him OR HER to be used for any of the purposes above specified, or in lieu thereof, any such candidate may file such a sworn statement at the first filing period, on a form prescribed by the state board of elections that such candidate has made no such expenditures and does not intend to make any such expenditures, except through a political committee authorized by such candidate pursuant to this article. A committee authorized by such a candidate may fulfill all of the filing requirements of this [act] ARTICLE on behalf of such candidate.

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

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

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

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

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

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

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

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

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

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

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

(I) THE NAME OF THE CANDIDATE INVOLVED APPEARS;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. EACH SUCH STATEMENT SHALL INCLUDE THE DOLLAR AMOUNT OF EACH EXPENDITURE RELATED TO INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS, AS WELL AS THE NAME AND ADDRESS OF THE PERSON OR ENTITY TO WHICH SUCH EXPENDITURE IS MADE, THE DATE OF THE EXPENDITURE AND THE PURPOSE OF SUCH EXPENDITURE.

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

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

7. SUCH STATEMENTS SHALL ALSO CONTAIN THE FOLLOWING INFORMATION:

A. THE ELECTIONS TO WHICH THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATIONS PERTAIN AND THE NAMES (IF KNOWN) OF THE CANDIDATES OR POLITICAL PARTY IDENTIFIED OR TO BE IDENTIFIED;

B. IF THE DISBURSEMENTS WERE PAID OUT OF A SEGREGATED BANK ACCOUNT WHICH CONSISTS OF FUNDS CONTRIBUTED DIRECTLY TO THIS ACCOUNT FOR INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATIONS, THE NAMES AND ADDRESSES OF ALL CONTRIBUTORS WHO CONTRIBUTED AN AGGREGATE AMOUNT OF ONE HUNDRED DOLLARS OR MORE TO THAT ACCOUNT DURING THE PERIOD BEGINNING ON THE FIRST DAY OF THE PRECEDING CALENDAR YEAR AND ENDING ON THE DISCLOSURE DATE; AND

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

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

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

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

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

1. The statements required by this article shall be filed at such times as the state board of elections, by rule or regulation, shall specify; provided, however, that in no event shall the board provide for fewer than three filings in the aggregate in connection with any primary, general or special election, or in connection with a question to be voted on and two of said filings shall be before any such election, including one such filing not less than thirty days nor more than forty-five days prior to such election and one such filing not less than eleven days nor more than fifteen days prior to such election. In addition, the board shall provide that every political committee which has filed a statement of treasurer and depository shall make [at least] one filing [every six months between the time such statement of treasurer and depository is filed and the time such committee goes out of business] ON JANUARY THIRTY-FIRST, ONE FILING ON APRIL THIRTIETH AND ONE FILING ON JULY THIRTY-FIRST OF EACH YEAR. If any candidate or committee shall be required by the provisions of this section, or by rule or regulation hereunder, to effect two filings within a period of five days, the state board of elections may, by rule or regulation, waive the requirement of filing the earlier of such statements. If a statement filed by a candidate or committee after the election to which it pertains is not a final statement showing satisfaction of all liabilities and disposition of all assets, such candidate or committee shall file such additional statements as the board shall, by rule or regulation provide until such a final statement is filed.

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

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

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

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

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

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

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

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

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

3. NO INDIVIDUAL OR ENTITY, INCLUDING BUT NOT LIMITED TO, A CORPORATION, LIMITED LIABILITY COMPANY, PROFESSIONAL LIMITED LIABILITY COMPANY, PARTNERSHIP OR LABOR ORGANIZATION, MAY AUTHORIZE OR DESIGNATE MORE THAN ONE POLITICAL ACTION COMMITTEE. ANY INDIVIDUAL OR ENTITY, INCLUDING BUT NOT LIMITED TO, A CORPORATION, LIMITED LIABILITY COMPANY, PROFESSIONAL LIMITED LIABILITY COMPANY, PARTNERSHIP OR LABOR ORGANIZATION, THAT, ON JANUARY FIRST, TWO THOUSAND THIRTEEN, HAS AUTHORIZED OR DESIGNATED MORE THAN ONE POLITICAL ACTION COMMITTEE SHALL, NOT LATER THAN THIRTY DAYS AFTER SAID DATE, CLOSE ALL BUT ONE POLITICAL ACTION COMMITTEE AND TRANSFER EXISTING FUNDS TO THE REMAINING COMMITTEE. NO INDIVIDUAL MAY SERVE AS THE TREASURER OF, OR BE AUTHORIZED TO EXPEND FUNDS ON BEHALF OF, MORE THAN ONE POLITICAL ACTION COMMITTEE.

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

1. The following limitations apply to all contributions to candidates for election to any public office or for nomination for any such office, INCLUDING AN UNOPPOSED NOMINATION, or for election to any party positions, and to all contributions to political committees working directly

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

a. In any election for (I) a public office to be voted on by the voters of the entire state, (II) A STATE SENATOR, OR (III) A MEMBER OF THE ASSEMBLY, or for nomination to any such office, INCLUDING AN UNOPPOSED NOMINATION, no contributor may make a contribution to any candidate or political committee, and no candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than[: (i) in the case of any nomination to public office, the product of the total number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.005, but such amount shall be not less than four thousand dollars nor more than twelve thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision, and (ii) in the case of any election to a public office, twenty-five thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by $.025.] (1) SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR A PUBLIC OFFICE TO BE VOTED ON BY VOTERS OF THE ENTIRE STATE; (2) FIVE THOUSAND DOLLARS FOR A STATE SENATOR; AND (3) TWO THOUSAND THREE HUNDRED DOLLARS FOR A MEMBER OF THE ASSEMBLY. THE AGGREGATE LIMITATION SET FORTH IN THIS PARAGRAPH, WHICH SHALL APPLY SEPARATELY FOR EACH ELECTION OR NOMINATION FOR EACH PUBLIC OFFICE LISTED IN THIS SECTION SHALL BE INCREASED OR DECREASED BY THE COST OF LIVING ADJUSTMENT DESCRIBED IN PARAGRAPH C OF THIS SUBDIVISION.

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

thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election for state senator, six thousand two hundred fifty dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election or nomination for a member of the assembly, twenty-five hundred dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; but], in no event shall any such maximum exceed [fifty] TWO thousand THREE HUNDRED dollars or be less than one thousand dollars[; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any election for party position or nomination for public office an amount equivalent to the number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.25 and in the case of any election to public office, an amount equivalent to the number of registered voters in the district, excluding voters in inactive status, multiplied by $.25; or twelve hundred fifty dollars, whichever is greater, or in the case of a nomination or election of a state senator, twenty thousand dollars, whichever is greater, or in the case of a nomination or election of a member of the assembly twelve thousand five hundred dollars, whichever is greater, but in no event shall any such maximum exceed one hundred thousand dollars]. THE AGGREGATE LIMITATIONS SET FORTH IN THIS PARAGRAPH, WHICH SHALL APPLY SEPARATELY FOR EACH ELECTION OR NOMINATION FOR PARTY POSITION OR PUBLIC OFFICE LISTED IN THIS SECTION, SHALL BE INCREASED OR DECREASED BY THE COST OF LIVING ADJUSTMENT SET FORTH IN PARAGRAPH C OF THIS SUBDIVISION.

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

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

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

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

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

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

(V) For the purposes of this subdivision "loan" or "guarantee" shall mean a loan or guarantee which is not repaid or discharged in the calendar year in which it is made.

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

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

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

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

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

C. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION THREE OF SECTION 14-124 OF THIS ARTICLE, NO NATURAL PERSON OR ENTITY, INCLUDING BUT NOT LIMITED TO A POLITICAL ACTION COMMITTEE, CORPORATION, LIMITED LIABILITY COMPANY, PROFESSIONAL LIMITED LIABILITY COMPANY, PARTNERSHIP OR LABOR ORGANIZATION, MAY MAKE AGGREGATE CONTRIBUTIONS EXCEEDING FIFTY THOUSAND DOLLARS PER ANNUM TO PARTY COMMITTEES OR CONSTITUTED COMMITTEES FOR THE PURPOSE OF ALLOWING SUCH PARTY COMMITTEES OR CONSTITUTED COMMITTEES TO MAINTAIN PERMANENT HEADQUARTERS AND STAFF AND CARRY ON ORDINARY ACTIVITIES WHICH ARE NOT FOR THE EXPRESS PURPOSE OF PROMOTING THE CANDIDACY OF SPECIFIC CANDIDATES. NO PARTY COMMITTEE OR CONSTITUTED COMMITTEE MAY ACCEPT SUCH CONTRIBUTIONS FROM ANY NATURAL PERSON OR ENTITY, INCLUDING BUT NOT LIMITED TO A POLITICAL ACTION COMMITTEE, CORPORATION, LIMITED LIABILITY COMPANY, PROFESSIONAL LIMITED LIABILITY COMPANY, PARTNERSHIP OR LABOR ORGANIZATION, WHERE SUCH CONTRIBUTIONS ARE MADE AND ACCEPTED FOR PURPOSES OF ALLOWING SUCH PARTY COMMITTEES OR CONSTITUTED COMMITTEES TO MAINTAIN PERMANENT HEADQUARTERS AND STAFF AND CARRY ON ORDINARY ACTIVITIES WHICH ARE NOT FOR THE EXPRESS PURPOSE OF PROMOTING THE CANDIDACY OF SPECIFIC CANDIDATES.

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

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

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

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

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

association, LIMITED LIABILITY COMPANY, PROFESSIONAL LIMITED LIABILITY COMPANY, OR PARTNERSHIP organized or maintained for political purposes, or for, or in aid of, any candidate for political office or for nomination for such office, or for any political purpose whatever, or for the reimbursement or indemnification of any person for moneys or property so used. Any [officer, director, stock-holder] MEMBER, SHAREHOLDER, PARTNER, attorney or agent of any [corporation or] joint-stock association, LIMITED LIABILITY COMPANY, PROFESSIONAL LIMITED LIABILITY COMPANY, OR PARTNERSHIP which violates any of the provisions of this section, who participates in, aids, abets or advises or consents to any such violations, and any person who solicits or knowingly receives any money or property in violation of this section, shall be guilty of a misdemeanor.

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

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

4. ANY LABOR ORGANIZATION: (A) MAY MAKE EXPENDITURES, INCLUDING CONTRIBUTIONS, NOT OTHERWISE PROHIBITED BY LAW, FOR POLITICAL PURPOSES, SUBJECT TO THE AGGREGATE CONTRIBUTION LIMIT APPLICABLE TO LABOR ORGANIZATIONS PURSUANT TO SUBDIVISION EIGHT OF SECTION 14-114 OF THIS ARTICLE, OR (B) MAY AUTHORIZE OR DESIGNATE A POLITICAL ACTION COMMITTEE TO SUPPORT CANDIDATES OR OTHER POLITICAL COMMITTEES, SUBJECT TO THE AGGREGATE CONTRIBUTION LIMIT APPLICABLE TO POLITICAL ACTION COMMITTEES PURSUANT TO SUBDIVISION EIGHT OF SECTION 14-114 OF THIS ARTICLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) TUITION PAYMENTS;

(E) CHILDCARE COSTS;

(F) DUES, FEES, OR GRATUITIES AT A COUNTRY CLUB, HEALTH CLUB, RECREATIONAL FACILITY OR OTHER NONPOLITICAL ORGANIZATION, UNLESS THEY ARE PART OF A SPECIFIC FUNDRAISING EVENT THAT TAKES PLACE ON THE ORGANIZATION'S PREMISES;

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

(H) ADMISSION TO A SPORTING EVENT, CONCERT, THEATER, OR OTHER FORM OF ENTERTAINMENT, UNLESS PART OF A SPECIFIC CAMPAIGN OR OFFICEHOLDER ACTIVITY;

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

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

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

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

(M) MEDICAL TREATMENT, THERAPY OR OTHER EXPENDITURES PERSONALLY BENEFICIAL TO THE PHYSICAL HEALTH OR WELFARE OF A CANDIDATE OR OFFICER HOLDER.

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

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

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

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

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

S 14-132. BUSINESS DEALINGS WITH THE STATE. 1. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, A CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE MAY NOT ACCEPT, EITHER DIRECTLY OR BY TRANSFER, ANY CONTRIBUTION OR CONTRIBUTIONS FOR AN ELECTION IN WHICH HE OR SHE IS A CANDIDATE FROM A NATURAL PERSON WHO HAS BUSINESS DEALINGS WITH THE STATE, AS THAT TERM IS DEFINED IN SUBDIVISION FIFTEEN OF SECTION 14-100 OF THIS ARTICLE, IF THE AGGREGATE OF SUCH CONTRIBUTIONS TO SUCH CANDIDATE FROM SUCH PERSON FOR ALL ELECTIONS IN THE SAME CALENDAR YEAR EXCEEDS: (A) FOR THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL OR COMPTROLLER FOUR HUNDRED DOLLARS; (B) FOR SENATE FOUR HUNDRED DOLLARS; AND (C) FOR MEMBER OF ASSEMBLY FOUR HUNDRED DOLLARS; PROVIDED THAT A CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE MAY ACCEPT ADDITIONAL CONTRIBUTIONS WHICH DO NOT EXCEED ONE-HALF THE AMOUNT OF THE APPLICABLE LIMITATION FOR AN ADDITIONAL DAY FOR VOTING HELD PURSUANT TO SECTION 3-108 OF THIS CHAPTER, SPECIAL ELECTION TO FILL A VACANCY, DELAYED OR OTHERWISE POSTPONED ELECTION, OR ELECTION HELD PURSUANT TO COURT ORDER WHICH IS AN ELECTION AND IN WHICH THE CANDIDATE SEEKS NOMINATION FOR ELECTION. FOR PURPOSES OF THIS SUBDIVISION, "PERSON" SHALL INCLUDE ANY CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER AND/OR CHIEF OPERATING OFFICER OF AN ENTITY WHICH HAS BUSINESS DEALINGS WITH THE STATE, ANY PERSON EMPLOYED IN A SENIOR MANAGERIAL CAPACITY REGARDING SUCH AN ENTITY, OR ANY PERSON WITH AN INTEREST IN SUCH AN ENTITY WHICH EXCEEDS TEN PERCENT OF THE ENTITY. FOR PURPOSES OF THIS SUBDIVISION, "SENIOR MANAGERIAL CAPACITY" SHALL HAVE THE SAME MEANING AS SET FORTH IN SUBDIVISION SEVENTEEN OF SECTION 14-100 OF THIS ARTICLE. NOTWITHSTANDING ANY PROVISION OF THIS SUBDIVISION, THE LIMITATIONS ON CONTRIBUTIONS CONTAINED HEREIN SHALL NOT APPLY TO ANY CONTRIBUTION MADE BY A NATURAL PERSON WHO HAS BUSINESS DEALINGS WITH THE STATE TO A CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE WHERE SUCH CANDIDATE IS THE CONTRIBUTOR, OR WHERE SUCH CANDIDATE IS THE CONTRIBUTOR'S PARENT, SPOUSE, DOMESTIC PARTNER, SIBLING, CHILD, GRANDCHILD, AUNT, UNCLE, COUSIN, NIECE OR NEPHEW BY BLOOD OR MARRIAGE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 1-B
PARTICIPATION IN FUNDRAISERS DURING
A LEGISLATIVE SESSION

SECTION 1-AA. DEFINITIONS.
1-BB. PARTICIPATION IN FUNDRAISERS DURING A LEGISLATIVE SESSION.

S 1-AA. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

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

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

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

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

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

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

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

S 35. This act shall take effect January 1, 2013; provided, however, that contributions legally received prior to the effective date of this act may be retained for lawful purposes and shall not provide the basis for a violation of article 14 of the election law; and provided, however, that the state board of elections shall notify all registered campaign committees and political committees of the applicable provisions of this act within thirty days after this act shall have become a law.