

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. DINOWITZ, GALEF -- Multi-Sponsored by -- M. of A. DESTITO, SWEENEY -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the classification of certain components of a controlled group of corporations as a single entity for purposes of calculating contribution limits, and requiring the identification of the interests of certain contributors

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

1 Section 1. Subdivision 2 of section 14-116 of the election law, as
2 amended by chapter 260 of the laws of 1981, is amended to read as
3 follows:

4 2. Notwithstanding the provisions of subdivision one of this section,
5 any corporation or an organization financially supported in whole or in
6 part, by such corporation may make expenditures, including contribu-
7 tions, not otherwise prohibited by law, for political purposes, in an
8 amount not to exceed five thousand dollars in the aggregate in any
9 calendar year; provided that no public utility shall use revenues
10 received from the rendition of public service within the state for
11 contributions for political purposes unless such cost is charged to the
12 shareholders of such a public service corporation. FOR THE PURPOSES OF
13 THIS SUBDIVISION, ALL THE COMPONENT MEMBERS OF A CONTROLLED GROUP OF
14 CORPORATIONS WITHIN THE MEANING OF SECTION ONE THOUSAND FIVE HUNDRED
15 SIXTY-THREE OF THE INTERNAL REVENUE CODE OF THE UNITED STATES SHALL BE
16 DEEMED TO BE ONE CORPORATION.

17 S 2. Subdivision 1 of section 14-118 of the election law, as amended
18 by chapter 156 of the laws of 2010, is amended to read as follows:

19 1. Every political committee shall have a treasurer and a depository,
20 and shall cause the treasurer to keep detailed, bound accounts of all
21 receipts, transfers, loans, liabilities, contributions and expenditures,

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

1 made by the committee or any of its officers, members or agents acting
2 under its authority or in its behalf. All such accounts shall be
3 retained by a treasurer for a period of five years from the date of the
4 filing of the final statement with respect to the election, primary
5 election or convention to which they pertain. No officer, member or
6 agent of any political committee shall receive any receipt, transfer or
7 contribution, or make any expenditure or incur any liability until the
8 committee shall have chosen a treasurer and depository and filed their
9 names in accordance with this subdivision. There shall be filed in the
10 office in which the committee is required to file its statements under
11 section 14-110 of this article, within five days after the choice of a
12 treasurer and depository, a statement giving the name and address of the
13 treasurer chosen, the name and address of any person authorized to sign
14 checks by such treasurer, the name and address of the depository chosen
15 and the candidate or candidates or ballot proposal or proposals the
16 success or defeat of which the committee is to aid or take part;
17 provided, however, that such statement shall not be required of a
18 constituted committee and provided further that a political committee
19 which makes no expenditures, to aid or take part in the election or
20 defeat of a candidate, other than in the form of contributions, shall
21 not be required to list the candidates being supported or opposed by
22 such committee. SUCH A STATEMENT FROM ANY COMMITTEE OTHER THAN A PARTY
23 OR AUTHORIZED COMMITTEE ALSO SHALL CLEARLY IDENTIFY THE ECONOMIC OR
24 OTHER SPECIAL INTEREST, IF IDENTIFIABLE, OF A MAJORITY OF ITS CONTRIBU-
25 TORS, AND IF A MAJORITY OF ITS CONTRIBUTORS SHARE A COMMON EMPLOYER,
26 SHALL IDENTIFY THE EMPLOYER. IF THE ECONOMIC OR OTHER SPECIAL INTEREST
27 OR COMMON EMPLOYER ARE NOT IDENTIFIABLE, SUCH STATEMENT OF A MULTI-CAN-
28 DIDATE COMMITTEE SHALL CLEARLY IDENTIFY THE ECONOMIC OR OTHER SPECIAL
29 INTEREST, IF IDENTIFIABLE, OF A MAJORITY OF ITS ORGANIZERS, AND IF A
30 MAJORITY OF ITS ORGANIZERS SHARE A COMMON EMPLOYER, SHALL IDENTIFY THE
31 EMPLOYER, AND IF ORGANIZED, CONTROLLED OR MAINTAINED BY AN INDIVIDUAL,
32 SHALL IDENTIFY THAT INDIVIDUAL. Such statement shall be signed by the
33 treasurer and all other persons authorized to sign checks. Any change in
34 the information required in any statement shall be reported, in an
35 amended statement filed in the same manner and in the same office as an
36 original statement filed under this section, within two days after it
37 occurs, except that any change to the mailing address on any such state-
38 ment filed at the state board may also be made in any manner deemed
39 acceptable by the state board. Only a banking organization authorized to
40 do business in this state may be designated a depository hereunder.

41 S 3. This act shall take effect immediately.