

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

5868--A

2011-2012 Regular Sessions

I N A S S E M B L Y

March 2, 2011

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

AN ACT to amend the legislative law and the election law, in relation to disclosures required for lobbyists, and to amend the election law and the public officers law, in relation to campaign funds for personal use

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

1 Section 1. Section 1-c of the legislative law is amended by adding a
2 new subdivision (x) to read as follows:
3 (X) THE TERM "FAMILY MEMBER" SHALL MEAN ANY OF THE FOLLOWING, INCLUD-
4 ING PARENTS, STEPPARENTS, SPOUSE, DOMESTIC PARTNERS, GRANDPARENTS,
5 BROTHERS, SISTERS, UNCLES, AND AUNTS, WHETHER OF THE WHOLE BLOOD OR HALF
6 BLOOD OR BY OR THROUGH LEGAL SANCTION.
7 S 2. Paragraph 5 of subdivision (b) of section 1-h of the legislative
8 law is amended by adding two new subparagraphs (vi) and (vii) to read as
9 follows:
10 (VI) THE CAMPAIGN CONTRIBUTIONS MADE, IN ANY FORM, TO ANY CAMPAIGN OR
11 POLITICAL COMMITTEE IN NEW YORK STATE BY THE CLIENT BY WHOM OR ON WHOSE
12 BEHALF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED, BY THE LOBBY-
13 IST, AND BY ANY EMPLOYEES OF THE LOBBYIST.
14 (VII) THE AMOUNT OF COMPENSATION PAID AND THE NAMES OF ANY FAMILY
15 MEMBERS OF A PUBLIC OFFICIAL TO WHOM A LOBBYIST AND THE CLIENT BY WHOM
16 OR ON WHOSE BEHALF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED HAS
17 PAID COMPENSATION OF MORE THAN FIVE HUNDRED DOLLARS IN THE PRECEDING
18 CALENDAR YEAR FOR PERSONAL EMPLOYMENT OR PROFESSIONAL SERVICES.
19 S 3. Subdivision (b) of section 1-h of the legislative law is amended
20 by adding a new paragraph 6 to read as follows:

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

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1 (6) THE NAME, ADDRESS AND TELEPHONE NUMBER OF ANY PUBLIC OFFICIAL WITH
2 WHOM THE LOBBYIST HAS ANY BUSINESS RELATIONSHIP.

3 S 4. Paragraph 5 of subdivision (b) of section 1-j of the legislative
4 law is amended by adding two new subparagraphs (vi) and (vii) to read as
5 follows:

6 (VI) THE CAMPAIGN CONTRIBUTIONS MADE, IN ANY FORM, TO ANY CAMPAIGN OR
7 POLITICAL COMMITTEE IN NEW YORK STATE BY THE CLIENT BY WHOM OR ON WHOSE
8 BEHALF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED, BY THE LOBBY-
9 IST, AND BY ANY EMPLOYEES OF THE LOBBYIST.

10 (VII) THE AMOUNT OF COMPENSATION PAID AND THE NAMES OF ANY FAMILY
11 MEMBERS OF A PUBLIC OFFICIAL TO WHOM A LOBBYIST AND THE CLIENT BY WHOM
12 OR ON WHOSE BEHALF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED HAS
13 PAID COMPENSATION OF MORE THAN FIVE HUNDRED DOLLARS IN THE PRECEDING
14 CALENDAR YEAR FOR PERSONAL EMPLOYMENT OR PROFESSIONAL SERVICES.

15 S 5. Subdivision (b) of section 1-j of the legislative law is amended
16 by adding a new paragraph 7 to read as follows:

17 (7) THE NAME, ADDRESS AND TELEPHONE NUMBER OF ANY PUBLIC OFFICIAL WITH
18 WHOM THE LOBBYIST HAS ANY BUSINESS RELATIONSHIP.

19 S 6. The election law is amended by adding three new sections 14-131,
20 14-132 and 14-133 to read as follows:

21 S 14-131. LOBBYIST REPORTING AND CONTRIBUTION LIMITS. 1. DEFINITIONS.
22 THE FOLLOWING DEFINITIONS SHALL APPLY TO THIS SECTION:

23 A. "AGENT" MEANS ANY PERSON ACTING AT THE DIRECTION OF OR ON BEHALF OF
24 AN INDIVIDUAL OR BUSINESS ENTITY;

25 B. "BUSINESS ENTITY" MEANS A BUSINESS CORPORATION, PROFESSIONAL
26 SERVICES CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, LIMITED
27 PARTNERSHIP, BUSINESS TRUST, ASSOCIATION OR ANY OTHER LEGAL COMMERCIAL
28 ENTITY ORGANIZED UNDER THE LAWS OF THIS STATE OR ANY OTHER STATE OR
29 FOREIGN JURISDICTION, INCLUDING ANY SUBSIDIARY DIRECTLY OR INDIRECTLY
30 CONTROLLED BY THE BUSINESS ENTITY, AND ANY POLITICAL ORGANIZATION,
31 INCLUDING BUT NOT LIMITED TO ANY POLITICAL ORGANIZATION ORGANIZED UNDER
32 SECTION 527 OF THE INTERNAL REVENUE CODE, THAT IS DIRECTLY OR INDIRECTLY
33 CONTROLLED BY THE BUSINESS ENTITY;

34 C. "IMMEDIATE FAMILY" MEANS ANY SPOUSE OR CHILD OF AN INDIVIDUAL OR
35 ANY FINANCIALLY DEPENDENT RELATIVES WHO RESIDE IN THE INDIVIDUAL'S
36 HOUSEHOLD;

37 D. "HOUSEKEEPING ACCOUNT" MEANS AN ACCOUNT MAINTAINED BY A PARTY
38 COMMITTEE OR CONSTITUTED COMMITTEE FROM WHICH EXPENDITURES ARE MADE TO
39 MAINTAIN A PERMANENT HEADQUARTERS AND STAFF AND CARRY ON ORDINARY PARTY
40 ACTIVITIES WHICH ARE NOT FOR THE EXPRESS PURPOSE OF PROMOTING THE CANDI-
41 DACY OF SPECIFIC CANDIDATES;

42 E. "CANDIDATE FOR STATE OFFICE" MEANS A CANDIDATE FOR THE FOLLOWING
43 STATE OFFICES: GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMP-
44 TROLLER, SENATOR, AND MEMBER OF THE ASSEMBLY;

45 F. "BEHESTED PAYMENTS" MEANS CONTRIBUTIONS OR PAYMENTS SOLICITED BY
46 STATE ELECTED OFFICIALS TO BE USED FOR LEGISLATIVE, GOVERNMENTAL OR
47 CHARITABLE PURPOSES, BUT NOT CAMPAIGN PURPOSES; AND

48 G. "PERSONAL BUSINESS TRANSACTION" MEANS TRANSACTIONS FOR SERVICES
49 OFFERED BY THE ELECTED OFFICIAL IN HIS OR HER CAPACITY AS A PRIVATE
50 CITIZEN TO ANY MEMBER OF THE PUBLIC.

51 2. THE FOLLOWING PERSONS AND BUSINESS ENTITIES WHO MAKE A CONTRIBUTION
52 TO A CANDIDATE FOR STATE OFFICE, A POLITICAL COMMITTEE WORKING DIRECTLY
53 OR INDIRECTLY TO AID OR PARTICIPATE IN SUCH CANDIDATE'S NOMINATION OR
54 ELECTION, A POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY SUCH CANDI-
55 DATE, OR A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY, INCLUDING A
56 HOUSEKEEPING ACCOUNT, SHALL FILE REPORTS AS REQUIRED BY SUBDIVISION

THREE OF THIS SECTION WITH THE STATE BOARD OF ELECTIONS WITHIN SEVEN CALENDAR DAYS AFTER THE DATE OF A CONTRIBUTION:

A. A LOBBYIST REGISTERED UNDER SECTION ONE-E OF THE LEGISLATIVE LAW, INCLUDING ANY PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY THAT IS SO REGISTERED;

B. ANY PERSON WHO OWNS MORE THAN TEN PERCENT OF A BUSINESS ENTITY DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION;

C. ANY PERSON EMPLOYED BY AN ORGANIZATION, GROUP, OR BUSINESS ENTITY DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION WHO HOLDS A SENIOR MANAGEMENT POSITION AS DEFINED BY THE COMMISSION ON GOVERNMENTAL ETHICS;

D. THE IMMEDIATE FAMILY MEMBER OF A PERSON WHO IS DESCRIBED IN PARAGRAPH A, B OR C OF THIS SUBDIVISION; OR

E. ANY POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY DESCRIBED IN PARAGRAPHS A, B, C OR D OF THIS SUBDIVISION.

3. THE BOARD OF ELECTIONS SHALL PRESCRIBE FORMS AND PROCEDURES FOR THE REPORTING REQUIRED IN SUBDIVISION TWO OF THIS SECTION WHICH, AT A MINIMUM, SHALL REQUIRE ELECTRONIC FILING OF THE FOLLOWING INFORMATION:

A. THE NAME, ADDRESS, EMPLOYER AND NAME OF SPOUSE OF THE PERSON MAKING THE CONTRIBUTION AND THE NAME OF THE SPOUSE'S EMPLOYER;

B. THE NAME OF THE CANDIDATE, POLITICAL COMMITTEE, OR STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY, INCLUDING A HOUSEKEEPING ACCOUNT, RECEIVING THE CONTRIBUTION;

C. THE AMOUNT AND DATE OF THE CONTRIBUTION; AND

D. IF AN ORGANIZATION, GROUP OF PERSONS, OR BUSINESS ENTITY IS MAKING THE CONTRIBUTION:

(I) THE NAMES AND BUSINESS ADDRESSES OF ALL PERSONS WHO OWN MORE THAN TEN PERCENT OF THE ORGANIZATION, GROUP OR ENTITY; OR

(II) THE NAMES AND BUSINESS ADDRESSES OF ALL PERSONS EMPLOYED BY THE ORGANIZATION, GROUP, OR BUSINESS ENTITY WHO HOLD A SENIOR MANAGEMENT POSITION AS DEFINED BY THE COMMISSION ON GOVERNMENTAL ETHICS.

4. ELECTED OFFICIALS MUST REPORT ANY BEHESTED PAYMENTS THEY HAVE SOLICITED IF THEY TOTAL FIVE THOUSAND DOLLARS OR MORE PER CALENDAR YEAR FROM A SINGLE SOURCE WITHIN THIRTY DAYS OF THE DATE THE BEHESTED PAYMENT IS MADE ON FORMS PROSCRIBED BY THE COMMISSION ON GOVERNMENTAL ETHICS.

5. THE BOARD OF ELECTIONS SHALL MAINTAIN COMPLETED FORMS AND REPORTS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION FOR PUBLIC INSPECTION BOTH AT THE BOARD OF ELECTIONS OFFICE AND THROUGH THE BOARD OF ELECTIONS ELECTRONIC FILING SYSTEM FOR CAMPAIGN FINANCE DISCLOSURE (EFS).

6. IT SHALL BE UNLAWFUL FOR ANY PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY DESCRIBED IN PARAGRAPHS A, B, C, D AND E OF SUBDIVISION TWO OF THIS SECTION TO:

A. MAKE CONTRIBUTIONS TO A CANDIDATE FOR STATE OFFICE, A POLITICAL COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR PARTICIPATE IN SUCH CANDIDATE'S NOMINATION OR ELECTION, OR A POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY SUCH CANDIDATE THAT EXCEED THE FOLLOWING AMOUNTS PER ELECTION FOR THE FOLLOWING OFFICES:

(I) GOVERNOR: FIVE HUNDRED DOLLARS;

(II) LIEUTENANT GOVERNOR: FIVE HUNDRED DOLLARS;

(III) ATTORNEY GENERAL: FIVE HUNDRED DOLLARS;

(IV) COMPTROLLER: FIVE HUNDRED DOLLARS;

(V) SENATOR: THREE HUNDRED FIFTY DOLLARS; AND

(VI) MEMBER OF ASSEMBLY: TWO HUNDRED FIFTY DOLLARS;

B. MAKE CONTRIBUTIONS TO:

(I) POLITICAL COMMITTEES WORKING DIRECTLY OR INDIRECTLY TO AID OR PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR THE OFFICES

1 DESCRIBED IN SUBPARAGRAPHS (I), (II), (III), (IV), (V) AND (VI) OF PARA-
2 GRAPH A OF THIS SUBDIVISION, OR OTHER POLITICAL COMMITTEES ESTABLISHED
3 OR CONTROLLED BY A CANDIDATE FOR THE OFFICES DESCRIBED IN SUBPARAGRAPHS
4 (I), (II), (III), (IV), (V) AND (VI) OF PARAGRAPH A OF THIS SUBDIVISION,
5 THAT IN THE AGGREGATE EXCEED FOUR THOUSAND DOLLARS PER ELECTION; OR
6 (II) STATE OR LOCAL COMMITTEES OF A POLITICAL PARTY, OR ANY HOUSE-
7 KEEPING ACCOUNT, IN AN AMOUNT GREATER THAN ONE THOUSAND DOLLARS PER
8 ELECTION, AND IN AN AGGREGATE TO ALL STATE OR LOCAL COMMITTEES OF POLI-
9 TICAL PARTIES IN AN AGGREGATE THAT EXCEEDS TWO THOUSAND DOLLARS PER
10 ELECTION;

11 C. TRANSMIT A CONTRIBUTION ON BEHALF OF ANOTHER TO, OR SOLICIT A
12 CONTRIBUTION ON BEHALF OF:

13 (I) A CANDIDATE FOR ANY OF THE OFFICES FOR WHICH CONTRIBUTIONS ARE
14 LIMITED UNDER PARAGRAPH A OF THIS SUBDIVISION;

15 (II) ANY POLITICAL COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR
16 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR OFFICE FOR
17 WHICH THEIR CONTRIBUTIONS ARE LIMITED IN PARAGRAPH A OF THIS SUBDIVI-
18 SION, OR ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A
19 CANDIDATE FOR THE OFFICES FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED
20 UNDER PARAGRAPH A OF THIS SUBDIVISION;

21 (III) A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY, INCLUDING A
22 HOUSEKEEPING ACCOUNT;

23 D. PARTICIPATE IN ANY FUND-RAISING ACTIVITIES FOR:

24 (I) A CANDIDATE FOR ANY OF THE OFFICES FOR WHICH CONTRIBUTIONS ARE
25 LIMITED UNDER PARAGRAPH A OF THIS SUBDIVISION;

26 (II) ANY POLITICAL COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR
27 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR OFFICE FOR
28 WHICH THEIR CONTRIBUTIONS ARE LIMITED IN PARAGRAPH A OF THIS SUBDIVI-
29 SION, OR ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A
30 CANDIDATE FOR THE OFFICES FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED
31 UNDER PARAGRAPH A OF THIS SUBDIVISION;

32 (III) A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY, INCLUDING A
33 HOUSEKEEPING ACCOUNT;

34 E. SERVE AS CHAIRPERSON, TREASURER, OR ANY OTHER OFFICER OF:

35 (I) ANY POLITICAL COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR
36 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR OFFICE FOR
37 WHICH THEIR CONTRIBUTIONS ARE LIMITED UNDER PARAGRAPH A OF THIS SUBDIVI-
38 SION; OR

39 (II) ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A
40 CANDIDATE FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED UNDER PARAGRAPH A OF
41 THIS SUBDIVISION;

42 F. CONDUCT PERSONAL BUSINESS TRANSACTIONS IN AN AMOUNT OVER TWO THOU-
43 SAND DOLLARS IN ANY CALENDAR YEAR WITH A PUBLIC OFFICIAL HOLDING THE
44 OFFICES FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED UNDER PARAGRAPH A OF
45 THIS SUBDIVISION;

46 G. DELIVER TO ANY CONDUIT OR INTERMEDIARY ANY CONTRIBUTION EARMARKED
47 FOR A PARTICULAR CANDIDATE FOR THE OFFICES FOR WHICH THEIR CONTRIBUTIONS
48 ARE LIMITED UNDER PARAGRAPH A OF THIS SUBDIVISION, OR ANY COMMITTEE
49 WORKING DIRECTLY OR INDIRECTLY TO AID OR PARTICIPATE IN SUCH CANDIDATE'S
50 NOMINATION OR ELECTION, OR ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR
51 CONTROLLED BY SUCH CANDIDATE; OR

52 H. KNOWINGLY TAKE OTHER STEPS TO CIRCUMVENT THE RESTRICTIONS IN THIS
53 SUBSECTION.

54 7. NO CANDIDATE FOR STATE OFFICE, COMMITTEE WORKING DIRECTLY OR INDI-
55 RECTLY TO AID OR PARTICIPATE IN SUCH CANDIDATE'S NOMINATION OR ELECTION,
56 OR ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY SUCH

1 CANDIDATE SHALL ACCEPT CONTRIBUTIONS FROM ANY PERSON, ORGANIZATION,
2 GROUP OF PERSONS, OR BUSINESS ENTITY DESCRIBED IN PARAGRAPH A, B, C, D
3 OR E OF SUBDIVISION TWO OF THIS SECTION THAT EXCEED THE FOLLOWING
4 AMOUNTS PER ELECTION FOR THE FOLLOWING OFFICES:
5 A. GOVERNOR: FIVE HUNDRED DOLLARS;
6 B. LIEUTENANT GOVERNOR: FIVE HUNDRED DOLLARS;
7 C. COMPTROLLER: FIVE HUNDRED DOLLARS;
8 D. ATTORNEY GENERAL: FIVE HUNDRED DOLLARS;
9 E. SENATOR: THREE HUNDRED FIFTY DOLLARS; AND
10 F. MEMBER OF ASSEMBLY: TWO HUNDRED FIFTY DOLLARS.
11 8. NO STATE OR LOCAL POLITICAL PARTY COMMITTEES, INCLUDING ANY HOUSE-
12 KEEPING ACCOUNT, SHALL ACCEPT CONTRIBUTIONS IN AN AMOUNT GREATER THAN
13 ONE THOUSAND DOLLARS PER ELECTION FROM ANY PERSON, ORGANIZATION, GROUP
14 OF PERSONS OR BUSINESS ENTITY DESCRIBED IN PARAGRAPH A, B, C, D OR E OF
15 SUBDIVISION TWO OF THIS SECTION.
16 9. NO PUBLIC OFFICIAL HOLDING ANY OF THE OFFICES LISTED IN PARAGRAPH A
17 OF SUBDIVISION SIX OF THIS SECTION SHALL CONDUCT PERSONAL BUSINESS TRAN-
18 SACTIONS IN AN AMOUNT OVER TWO THOUSAND DOLLARS IN ANY CALENDAR YEAR
19 WITH ANY PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY
20 DESCRIBED IN PARAGRAPH A, B, C, D OR E OF SUBDIVISION TWO OF THIS
21 SECTION.
22 10. THIS SECTION SHALL NOT PROHIBIT ANY PERSON FROM INFORMING ANY
23 OTHER PERSON OF A POSITION TAKEN BY A PUBLIC OFFICIAL OR A CANDIDATE FOR
24 PUBLIC OFFICE.
25 11. THE PROVISIONS OF SUBDIVISIONS TWO AND SIX OF THIS SECTION SHALL
26 NOT APPLY TO THE CAMPAIGN OF ANY PERSON DESCRIBED IN PARAGRAPH A, B, C
27 OR D OF SUBDIVISION TWO OF THIS SECTION WHO IS A CANDIDATE FOR ANY OF
28 THOSE OFFICES LISTED IN PARAGRAPH A OF SUBDIVISION SIX OF THIS SECTION.
29 S 14-132. GOVERNMENT CONTRACTOR REPORTING AND CONTRIBUTION LIMITS. 1.
30 DEFINITIONS. THE FOLLOWING DEFINITIONS SHALL APPLY TO THIS SECTION:
31 A. "AGENT" MEANS ANY PERSON ACTING AT THE DIRECTION OF OR ON BEHALF OF
32 AN INDIVIDUAL OR BUSINESS ENTITY;
33 B. "BUSINESS ENTITY" MEANS A BUSINESS CORPORATION, PROFESSIONAL
34 SERVICES CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, LIMITED
35 PARTNERSHIP, BUSINESS TRUST, ASSOCIATION OR ANY OTHER LEGAL COMMERCIAL
36 ENTITY ORGANIZED UNDER THE LAWS OF THIS STATE OR ANY OTHER STATE OR
37 FOREIGN JURISDICTION, INCLUDING ANY SUBSIDIARY DIRECTLY OR INDIRECTLY
38 CONTROLLED BY THE BUSINESS ENTITY, AND ANY POLITICAL ORGANIZATION,
39 INCLUDING BUT NOT LIMITED TO ANY POLITICAL ORGANIZATION ORGANIZED UNDER
40 SECTION 527 OF THE INTERNAL REVENUE CODE, THAT IS DIRECTLY OR INDIRECTLY
41 CONTROLLED BY THE BUSINESS ENTITY;
42 C. "IMMEDIATE FAMILY" MEANS ANY SPOUSE OR CHILD OF AN INDIVIDUAL OR
43 ANY FINANCIALLY DEPENDENT RELATIVES WHO RESIDE IN THE INDIVIDUAL'S
44 HOUSEHOLD;
45 D. "HOUSEKEEPING ACCOUNT" MEANS AN ACCOUNT MAINTAINED BY A PARTY
46 COMMITTEE OR CONSTITUTED COMMITTEE FROM WHICH EXPENDITURES ARE MADE TO
47 MAINTAIN A PERMANENT HEADQUARTERS AND STAFF AND CARRY ON ORDINARY PARTY
48 ACTIVITIES WHICH ARE NOT FOR THE EXPRESS PURPOSE OF PROMOTING THE CANDI-
49 DACY OF SPECIFIC CANDIDATES;
50 E. "CANDIDATE FOR STATE OFFICE" MEANS A CANDIDATE FOR THE FOLLOWING
51 STATE OFFICES: GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMP-
52 TROLLER, SENATOR, AND MEMBER OF THE ASSEMBLY; AND
53 F. "PERSONAL BUSINESS TRANSACTION" MEANS TRANSACTIONS FOR SERVICES
54 OFFERED BY THE ELECTED OFFICIAL IN HIS OR HER CAPACITY AS A PRIVATE
55 CITIZEN TO ANY MEMBER OF THE PUBLIC.

1 2. THE FOLLOWING PERSONS AND BUSINESS ENTITIES WHO MAKE A CONTRIBUTION
2 TO A CANDIDATE FOR STATE OFFICE, A POLITICAL COMMITTEE WORKING DIRECTLY
3 OR INDIRECTLY TO AID OR PARTICIPATE IN SUCH CANDIDATE'S NOMINATION OR
4 ELECTION, A POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY SUCH CANDI-
5 DATE, OR A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY, INCLUDING A
6 HOUSEKEEPING ACCOUNT, SHALL FILE REPORTS AS REQUIRED BY SUBDIVISION
7 THREE OF THIS SECTION WITH THE BOARD OF ELECTIONS WITHIN SEVEN CALENDAR
8 DAYS AFTER THE DATE OF A CONTRIBUTION MADE WITHIN THIRTY-SIX DAYS OF AN
9 ELECTION, OR, FOR CONTRIBUTIONS MADE AT ANY OTHER TIME, WITHIN
10 THIRTY-SIX DAYS OF THE DATE OF THE CONTRIBUTION OR THE DATE OF ANY
11 APPLICABLE CONTRACT, WHICHEVER OCCURS LATER:

12 A. ANY PERSON, ORGANIZATION, GROUP OF PERSONS, OR BUSINESS ENTITY THAT
13 HAS RECEIVED, IN A CALENDAR YEAR FIFTY THOUSAND DOLLARS OR MORE THROUGH
14 CONTRACTS FROM THE STATE OR ANY STATE-APPOINTED ENTITY WITH CONTRACTING
15 POWER;

16 B. ANY PERSON WHO OWNS MORE THAN TEN PERCENT OF A BUSINESS ENTITY THAT
17 IS DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION;

18 C. ANY PERSON EMPLOYED BY AN ORGANIZATION, GROUP, OR BUSINESS ENTITY
19 DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION WHO HOLDS A SENIOR MANAGE-
20 MENT POSITION AS DEFINED BY THE STATE ETHICS COMMISSION;

21 D. THE IMMEDIATE FAMILY MEMBER OF A PERSON WHO IS DESCRIBED IN PARA-
22 GRAPH A, B OR C OF THIS SUBDIVISION; OR

23 E. ANY POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A PERSON,
24 ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY DESCRIBED IN PARAGRAPH
25 A, B, C AND D OF THIS SUBDIVISION.

26 3. THE BOARD OF ELECTIONS SHALL PRESCRIBE FORMS AND PROCEDURES FOR THE
27 REPORTING REQUIRED IN SUBDIVISION TWO OF THIS SECTION WHICH, AT A MINI-
28 MUM, SHALL REQUIRE THE ELECTRONIC FILING OF THE FOLLOWING INFORMATION:

29 A. THE NAME, ADDRESS, EMPLOYER AND THE NAME OF SPOUSE OF THE PERSON
30 MAKING THE CONTRIBUTION AND THE NAME OF THE SPOUSE'S EMPLOYER;

31 B. THE NAME OF THE CANDIDATE, POLITICAL COMMITTEE, OR STATE OR LOCAL
32 COMMITTEE OF A POLITICAL PARTY, INCLUDING A HOUSEKEEPING ACCOUNT,
33 RECEIVING THE CONTRIBUTION;

34 C. THE AMOUNT OF THE CONTRACT WITH THE STATE OR OTHER ENTITY DEFINED
35 IN PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, AND THE DATES AND
36 OTHER INFORMATION IDENTIFYING EACH CONTRACT FOR SERVICES OR GOODS; AND

37 D. IF AN ORGANIZATION, GROUP OF PERSONS, OR BUSINESS ENTITY IS MAKING
38 THE CONTRIBUTION:

39 (I) THE NAMES AND BUSINESS ADDRESSES OF ALL PERSONS WHO OWN MORE THAN
40 TEN PERCENT OF THE ORGANIZATION, GROUP OR ENTITY; OR

41 (II) THE NAMES AND BUSINESS ADDRESSES OF ALL PERSONS EMPLOYED BY THE
42 ORGANIZATION, GROUP, OR BUSINESS ENTITY WHO HOLD A SENIOR MANAGEMENT
43 POSITION AS DEFINED BY THE COMMISSION ON GOVERNMENTAL ETHICS.

44 4. THE BOARD OF ELECTIONS SHALL MAINTAIN COMPLETED FORMS AND REPORTS
45 DESCRIBED IN SUBDIVISION TWO OF THIS SECTION FOR PUBLIC INSPECTION BOTH
46 AT THE BOARD OF ELECTIONS OFFICE AND THROUGH THE BOARD OF ELECTIONS
47 ELECTRONIC FILING SYSTEM FOR CAMPAIGN FINANCE DISCLOSURE (EFS).

48 5. FROM TWELVE MONTHS AFTER A BID OR PROPOSAL TO THE RELEVANT AGENCY
49 OR CONTRACTING AUTHORITY FOR A CONTRACT DESCRIBED IN SUBDIVISION TWO OF
50 THIS SECTION AND EITHER TWELVE MONTHS AFTER COMPLETION OF THE APPLICABLE
51 CONTRACT, OR UPON COMPLETION OF THE APPLICABLE ELECTED OFFICIAL'S TERM
52 IN OFFICE, WHICHEVER IS LONGER, IT SHALL BE UNLAWFUL FOR ANY PERSON,
53 ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY DESCRIBED IN PARA-
54 GRAPHS A, B, C AND D OR E OF SUBDIVISION TWO OF THIS SECTION TO:

55 A. MAKE CONTRIBUTIONS TO A CANDIDATE FOR STATE OFFICE, ANY POLITICAL
56 COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR PARTICIPATE IN SUCH

1 CANDIDATE'S NOMINATION OR ELECTION, OR ANY OTHER POLITICAL COMMITTEE
2 ESTABLISHED OR CONTROLLED BY SUCH CANDIDATE THAT EXCEED THE FOLLOWING
3 AMOUNTS PER ELECTION FOR THE FOLLOWING OFFICES:
4 (I) GOVERNOR: FIVE HUNDRED DOLLARS;
5 (II) LIEUTENANT GOVERNOR: FIVE HUNDRED DOLLARS;
6 (III) COMPTROLLER: FIVE HUNDRED DOLLARS;
7 (IV) ATTORNEY GENERAL: FIVE HUNDRED DOLLARS;
8 (V) SENATOR: THREE HUNDRED FIFTY DOLLARS; OR
9 (VI) MEMBER OF ASSEMBLY: TWO HUNDRED FIFTY DOLLARS;
10 B. MAKE CONTRIBUTIONS TO:
11 (I) POLITICAL COMMITTEES WORKING DIRECTLY OR INDIRECTLY TO AID OR
12 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR THE OFFICES
13 DESCRIBED IN SUBPARAGRAPHS (I), (II), (III), (IV), (V) AND (VI) OF PARA-
14 GRAPH A OF THIS SUBDIVISION, OR OTHER POLITICAL COMMITTEES ESTABLISHED
15 OR CONTROLLED BY A CANDIDATE FOR THE OFFICES DESCRIBED IN SUBPARAGRAPHS
16 (I), (II), (III), (IV), (V) AND (VI) OF PARAGRAPH A OF THIS SUBDIVISION
17 THAT IN THE AGGREGATE EXCEED FOUR THOUSAND DOLLARS PER ELECTION; OR
18 (II) STATE OR LOCAL COMMITTEES OF A POLITICAL PARTY, OR ANY HOUSE-
19 KEEPING ACCOUNT, IN AN AMOUNT GREATER THAN ONE THOUSAND DOLLARS PER
20 ELECTION, AND IN AN AGGREGATE TO ALL STATE OR LOCAL COMMITTEES OF POLI-
21 TICAL PARTIES IN AN AGGREGATE THAT EXCEEDS TWO THOUSAND DOLLARS PER
22 ELECTION;
23 C. SOLICIT A CONTRIBUTION ON BEHALF OF, OR TRANSMIT A CONTRIBUTION ON
24 BEHALF OF ANOTHER TO:
25 (I) A CANDIDATE FOR ANY OF THE OFFICES FOR WHICH CONTRIBUTIONS ARE
26 LIMITED UNDER PARAGRAPH A OF THIS SUBDIVISION;
27 (II) ANY POLITICAL COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR
28 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR OFFICE FOR
29 WHICH THEIR CONTRIBUTIONS ARE LIMITED IN PARAGRAPH A OF THIS SUBDIVI-
30 SION, OR ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A
31 CANDIDATE FOR THE OFFICES FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED
32 UNDER PARAGRAPH A OF THIS SUBDIVISION;
33 (III) A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY INCLUDING A
34 HOUSEKEEPING ACCOUNT;
35 D. PARTICIPATE IN ANY FUND-RAISING ACTIVITIES FOR:
36 (I) A CANDIDATE FOR ANY OF THE OFFICES FOR WHICH CONTRIBUTIONS ARE
37 LIMITED UNDER PARAGRAPH A OF THIS SUBDIVISION;
38 (II) ANY POLITICAL COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR
39 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR OFFICE FOR
40 WHICH THEIR CONTRIBUTIONS ARE LIMITED IN PARAGRAPH A OF THIS SUBDIVI-
41 SION, OR ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A
42 CANDIDATE FOR THE OFFICES FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED
43 UNDER PARAGRAPH A OF THIS SUBDIVISION;
44 (III) A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY, INCLUDING A
45 HOUSEKEEPING ACCOUNT;
46 E. SERVE AS CHAIRPERSON, TREASURER, OR ANY OTHER OFFICER OF:
47 (I) ANY POLITICAL COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR
48 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR OFFICE FOR
49 WHICH THEIR CONTRIBUTIONS ARE LIMITED UNDER PARAGRAPH A OF THIS SUBDIVI-
50 SION; OR
51 (II) ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A
52 CANDIDATE FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED UNDER PARAGRAPH A OF
53 THIS SUBDIVISION;
54 F. CONDUCT PERSONAL BUSINESS TRANSACTIONS IN AN AMOUNT OVER TWO THOU-
55 SAND DOLLARS IN ANY CALENDAR YEAR WITH A PUBLIC OFFICIAL HOLDING THE

1 OFFICES FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED UNDER PARAGRAPH A OF
2 THIS SUBDIVISION;

3 G. DELIVER TO ANY CONDUIT OR INTERMEDIARY ANY CONTRIBUTION EARMARKED
4 FOR A PARTICULAR CANDIDATE FOR THE OFFICES FOR WHICH THEIR CONTRIBUTIONS
5 ARE LIMITED UNDER PARAGRAPH A OF THIS SUBDIVISION, OR ANY COMMITTEE
6 WORKING DIRECTLY OR INDIRECTLY TO AID OR PARTICIPATE IN SUCH CANDIDATE'S
7 NOMINATION OR ELECTION, OR ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR
8 CONTROLLED BY SUCH CANDIDATE; OR

9 H. KNOWINGLY TAKE ANY STEP TO CIRCUMVENT THE RESTRICTIONS IN THIS
10 SUBDIVISION.

11 I. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY FOR A CONTRACTOR
12 MAKING A CONTRIBUTION, OR ANY DISCLOSURE THEREOF REQUIRED BY THIS ARTI-
13 CLE, IN ANY CALENDAR YEAR IN WHICH SUCH CONTRACTOR RECEIVES FUNDS
14 DISBURSED BY THE STATE OR ANY INSTRUMENTALITY THEREOF PURSUANT TO A
15 FEDERAL STATUTE, RULE OR REGULATION THAT WOULD RENDER THE STATE OR SUCH
16 INSTRUMENTALITY OR CONTRACTOR INELIGIBLE TO RECEIVE SUCH FUNDS BY VIRTUE
17 OF THE OPERATION OF THIS SECTION.

18 THIS SUBDIVISION SHALL NOT BE APPLICABLE TO CONTRIBUTIONS MADE BY ANY
19 PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY AT A TIME WHEN
20 THE PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY DID NOT
21 MEET THE DESCRIPTIONS OF PARAGRAPHS A, B, C, D AND E OF SUBDIVISION TWO
22 OF THIS SECTION.

23 6. THE STATE OR ANY STATE DEPARTMENT, PUBLIC ENTITY OR AUTHORITY WITH
24 CONTRACT-MAKING POWER SHALL NOT ENTER INTO AN AGREEMENT OR OTHERWISE
25 CONTRACT TO PROCURE SERVICES OR ANY MATERIAL, SUPPLIES OR EQUIPMENT, OR
26 TO ACQUIRE, SELL, OR LEASE ANY LAND OR BUILDING FROM ANY PERSON, ORGAN-
27 IZATION, GROUP OF PERSONS OR BUSINESS ENTITY DESCRIBED IN PARAGRAPHS A,
28 B, C AND D OF SUBDIVISION TWO OF THIS SECTION WHO HAS MADE A CONTRIB-
29 UTION PROHIBITED IN SUBDIVISION FIVE OF THIS SECTION. THIS SUBDIVISION
30 SHALL NOT BE APPLICABLE TO CONTRIBUTIONS MADE BY ANY PERSON, ORGANIZA-
31 TION, GROUP OF PERSONS OR BUSINESS ENTITY AT A TIME WHEN THE PERSON,
32 ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY DID NOT MEET THE
33 DESCRIPTIONS OF PARAGRAPH A, B, C, D OR E OF SUBDIVISION TWO OF THIS
34 SECTION. NOTHING IN THIS SECTION SHALL IMPAIR THE POWER OF THE STATE OR
35 ANY INSTRUMENTALITY THEREOF TO ENTER INTO A CONTRACT WITH ANY CONTRACTOR
36 WHERE FEDERAL FUNDS WOULD SUPPORT THE PAYMENT OR PERFORMANCE OF SUCH
37 CONTRACT AND A FEDERAL STATUTE, RULE OR REGULATION WOULD RENDER THE
38 STATE OR SUCH INSTRUMENTALITY OR CONTRACTOR INELIGIBLE TO RECEIVE SUCH
39 FUNDS BY VIRTUE OF THE OPERATION OF THIS SECTION.

40 7. EVERY CONTRACT AND BID APPLICATION AND SPECIFICATIONS PROMULGATED
41 BY THE STATE OR ANY STATE DEPARTMENT, PUBLIC ENTITY OR AUTHORITY WITH
42 CONTRACT-MAKING POWER SHALL CONTAIN A PROVISION DESCRIBING THE REQUIRE-
43 MENTS OF SECTION 14-116 OF THIS ARTICLE.

44 8. BEFORE ENTERING INTO ANY AGREEMENT OR ANY OTHER CONTRACT TO PROCURE
45 FROM ANY PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY
46 SERVICES OR ANY MATERIAL, SUPPLIES OR EQUIPMENT, OR TO ACQUIRE, SELL, OR
47 LEASE ANY LAND OR BUILDING, THE STATE OR ANY STATE DEPARTMENT, PUBLIC
48 ENTITY OR AUTHORITY WITH CONTRACT-MAKING POWER SHALL RECEIVE A SWORN
49 STATEMENT FROM THE CONTRACTOR, MADE UNDER PENALTY OF PERJURY, THAT THE
50 BIDDER OR OFFERER HAS NOT MADE A CONTRIBUTION IN VIOLATION OF THIS
51 SECTION.

52 9. NO CANDIDATE FOR STATE OFFICE SHALL ACCEPT CAMPAIGN CONTRIBUTIONS
53 FROM A PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY
54 DESCRIBED IN PARAGRAPH A, B, C, D OR E OF SUBDIVISION TWO OF THIS
55 SECTION IN AN AMOUNT EXCEEDING THOSE PERMITTED IN PARAGRAPH A OF SUBDI-
56 VISION FIVE OF THIS SECTION FOR TWELVE MONTHS AFTER COMPLETION OF THE

1 APPLICABLE CONTRACT, OR THE REMAINDER OF THE CANDIDATE'S TERM IN OFFICE,
2 WHICHEVER IS LONGER. THIS SUBDIVISION SHALL NOT BE APPLICABLE TO
3 CONTRIBUTIONS MADE BY ANY PERSON, ORGANIZATION, GROUP OF PERSONS OR
4 BUSINESS ENTITY AT A TIME WHEN THE PERSON, ORGANIZATION, GROUP OF
5 PERSONS OR BUSINESS ENTITY DID NOT MEET THE DESCRIPTIONS OF PARAGRAPH A,
6 B, C, D OR E OF SUBDIVISION TWO OF THIS SECTION.

7 10. NO PUBLIC OFFICIAL HOLDING ANY OF THE OFFICES LISTED IN PARAGRAPH
8 A OF SUBDIVISION FIVE OF THIS SECTION SHALL CONDUCT PERSONAL BUSINESS
9 TRANSACTIONS IN AN AMOUNT OVER TWO THOUSAND DOLLARS IN ANY CALENDAR YEAR
10 WITH ANY PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY
11 DESCRIBED IN PARAGRAPHS A, B, C AND D OF SUBDIVISION TWO OF THIS
12 SECTION.

13 11. THIS SECTION SHALL NOT PROHIBIT ANY PERSON FROM INFORMING ANY
14 OTHER PERSON OF A POSITION TAKEN BY A PUBLIC OFFICIAL OR A CANDIDATE FOR
15 PUBLIC OFFICE.

16 12. THE PROVISIONS OF SUBDIVISIONS TWO AND FIVE OF THIS SECTION SHALL
17 NOT APPLY TO THE CAMPAIGN OF ANY PERSON DESCRIBED IN PARAGRAPH A, B, C
18 OR D OF SUBDIVISION TWO OF THIS SECTION WHO IS A CANDIDATE FOR ANY OF
19 THOSE OFFICES LISTED IN PARAGRAPH A OF SUBDIVISION FIVE OF THIS SECTION.

20 S 14-133. COMMISSIONING AUTHORITIES AND LICENSING AUTHORITIES. THE
21 FOLLOWING PERSONS SHALL NOT BE APPOINTED TO A STATE PUBLIC BOARD OR
22 COMMISSION WHICH HAS THE AUTHORITY TO AWARD OR AUDIT ANY PUBLIC
23 CONTRACT:

24 1. A LOBBYIST REGISTERED UNDER SECTION ONE-E OF THE LEGISLATIVE LAW;

25 2. ANY PERSON OR BUSINESS ENTITY WHO, IN THE PREVIOUS TWO YEARS, HAS
26 RECEIVED FIFTY THOUSAND DOLLARS OR MORE THROUGH ONE OR MORE CONTRACTS
27 FROM THE STATE OR ANY STATE-APPOINTED ENTITY WITH CONTRACTING POWER;

28 3. ANY PERSON WHO OWNS MORE THAN TEN PERCENT OF A BUSINESS ENTITY THAT
29 IS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION;

30 4. ANY PERSON EMPLOYED BY AN ORGANIZATION, GROUP, OR BUSINESS ENTITY
31 DESCRIBED IN SUBDIVISION TWO OF THIS SECTION WHO HOLDS A SENIOR MANAGE-
32 MENT POSITION AS DEFINED BY THE COMMISSION ON GOVERNMENTAL ETHICS; OR

33 5. AN IMMEDIATE FAMILY MEMBER OF A PERSON DESCRIBED IN SUBDIVISION
34 ONE, TWO, THREE, OR FOUR OF THIS SECTION.

35 S 7. Section 14-130 of the election law, as added by chapter 152 of
36 the laws of 1985, is amended to read as follows:

37 S 14-130. Campaign funds for personal use. 1. Contributions received
38 by a candidate or a political committee may ONLY be expended for [any
39 lawful purpose. Such funds shall not be converted by any person to a
40 personal use which is unrelated to a political campaign or the holding
41 of a public office or party position] BONA FIDE PURPOSES DIRECTLY
42 RELATED TO EITHER:

43 A. PROMOTING THE NOMINATION OR ELECTION OF A CANDIDATE; OR

44 B. PERFORMING THOSE DUTIES OF PUBLIC OFFICE OR PARTY POSITION WHICH
45 ARE NOT PAID FOR OR ELIGIBLE FOR REIMBURSEMENT BY THE STATE OR ANY POLI-
46 TICAL SUBDIVISION OR PRIVATE PARTY.

47 2. PERMISSIBLE ORDINARY AND NECESSARY EXPENSES RELATING TO THE HOLDING
48 OF PUBLIC OFFICE OR PARTY POSITION SHALL INCLUDE:

49 A. PRODUCTION AND CIRCULATION OF FLYERS OR OTHER WRITTEN MATERIALS
50 RELATED TO DUTIES OF OFFICEHOLDER; THE PLACEMENT OF HOLIDAY GREETINGS
51 AND CONGRATULATORY ADS AND MEMORIAL NOTICES IN LOCAL NEWSPAPERS, MAGA-
52 ZINES, JOURNALS OR OTHER PUBLICATION;

53 B. SPONSORSHIP OR HOSTING OF COMMUNITY MEETINGS; TICKETS OR DONATIONS
54 TO LOCAL CHARITABLE, NON-PROFIT OR POLITICAL EVENTS, ORGANIZATIONS OR
55 ACTIVITIES THAT PROMOTE THE WELFARE OF CONSTITUENTS OR POLITICAL
56 CAMPAIGNS;

1 C. INCIDENTAL EXPENDITURES FOR THE OPERATION OF LEGISLATIVE OFFICES,
2 INCLUDING PURCHASE OF ITEMS SUCH AS MEMORIAL OR GET-WELL GIFTS, FLOWERS
3 OR SIMILAR ITEMS OF NOMINAL VALUE FOR CONSTITUENTS OR OTHERS;

4 D. MEMBERSHIP IN ORGANIZATIONS RELATED TO OFFICIAL DUTIES AND COSTS OF
5 ATTENDING INFORMATIONAL MEETINGS ATTENDED IN CONNECTION WITH SUCH
6 DUTIES; AND

7 E. TRAVEL RELATED TO DUTIES OF OFFICE, PROVIDED THAT THE TRAVEL IS NOT
8 UNDERTAKEN FOR ANY PURPOSE RESULTING IN A PERSONAL OR FINANCIAL BENEFIT
9 TO THE CANDIDATE OR OFFICEHOLDER. IF SUCH EXPENSES INVOLVE BOTH PERSONAL
10 ACTIVITY AND CAMPAIGN OR OFFICIAL ACTIVITIES, THE INCREMENTAL EXPENSES
11 ASSOCIATED WITH THE PERSONAL ACTIVITIES ARE PERSONAL USES UNLESS THE
12 CAMPAIGN IS REIMBURSED FOR SUCH SUMS FROM OTHER THAN CAMPAIGN FUNDS
13 WITHIN THIRTY DAYS OF THE EXPENDITURE.

14 NOTHING IN THIS SECTION SHALL PROHIBIT A CANDIDATE FROM PURCHASING
15 OFFICE EQUIPMENT WITH PERSONAL FUNDS AND LEASING OR RENTING SUCH EQUIP-
16 MENT OR PROPERTY TO A COMMITTEE WORKING WITH OR FOR THE CANDIDATE,
17 PROVIDED THE CANDIDATE OR THE CAMPAIGN TREASURER SIGN A WRITTEN LEASE OR
18 RENTAL AGREEMENT AND FILES IT WITH THE APPROPRIATE REQUIRED CAMPAIGN
19 FINANCIAL FILING WHICH SHALL INCLUDE THE LEASE OR RENTAL PRICE WHICH
20 SHALL NOT EXCEED THE FAIR LEASE OR RENTAL VALUE OF THE EQUIPMENT OR IN
21 THE AGGREGATE EXCEED THE COST OF ITS PURCHASE.

22 3. CAMPAIGN FUNDS SHALL NOT BE CONVERTED TO PERSONAL USE, WHICH SHALL
23 BE DEFINED AS EXPENDITURES THAT:

24 A. ARE FOR THE PERSONAL BENEFIT OF OR TO DEFRAY NORMAL LIVING EXPENSES
25 OF THE CANDIDATE, OFFICEHOLDER, IMMEDIATE FAMILY OR PARTNER OF EITHER OR
26 ANY OTHER PERSON;

27 B. ARE USED TO FULFILL ANY COMMITMENT, OBLIGATION, OR EXPENSE THAT
28 WOULD EXIST IRRESPECTIVE OF THE CANDIDATE'S CAMPAIGN OR DUTIES AS AN
29 OFFICEHOLDER; OR

30 C. ARE PUT TO ANY USE FOR WHICH THE CANDIDATE OR OFFICEHOLDER WOULD BE
31 REQUIRED TO TREAT THE AMOUNT OF THE EXPENDITURE AS GROSS INCOME UNDER
32 SECTION 61 OF THE INTERNAL REVENUE CODE.

33 4. EXPENDITURES FOR PERSONAL USE SHALL ALSO INCLUDE, BUT ARE NOT
34 LIMITED TO, EXPENDITURES FOR:

35 A. RESIDENTIAL OR HOUSEHOLD ITEMS, SUPPLIES, MAINTENANCE OR OTHER
36 EXPENDITURES, INCLUDING MORTGAGE, RENT, UTILITIES, REPAIRS, OR IMPROVE-
37 MENTS FOR ANY PART OF ANY PERSONAL RESIDENCE OF A CANDIDATE OR OFFICE-
38 HOLDER, HIS OR HER IMMEDIATE FAMILY OR PARTNER;

39 B. RENT OR UTILITY PAYMENTS THAT EXCEED FAIR MARKET VALUE FOR USE OF
40 ANY PART OF ANY NON-RESIDENTIAL PROPERTY OWNED BY A CANDIDATE, OR A
41 MEMBER OF A CANDIDATE'S FAMILY OR PARTNER USED FOR CAMPAIGN PURPOSES;

42 C. SALARY AND OTHER FEES FOR BONA FIDE SERVICES TO A CAMPAIGN OR
43 LEGISLATIVE OFFICE THAT EXCEED FAIR AND REASONABLE MARKET VALUE OF SUCH
44 SERVICES;

45 D. INTEREST OR ANY OTHER FINANCE CHARGES FOR MONIES LOANED TO THE
46 CAMPAIGN BY THE CANDIDATE OR THE SPOUSE OR PARTNER OF SUCH CANDIDATE;

47 E. TUITION PAYMENTS;

48 F. DUES, FEES, OR GRATUITIES AT PRIVATE CLUBS, RECREATIONAL FACILITIES
49 OR OTHER NONPOLITICAL ORGANIZATIONS, UNLESS CONNECTED TO A SPECIFIC
50 WIDELY ATTENDED FUNDRAISING EVENT THAT TAKES PLACE ON THE ORGANIZATION'S
51 PREMISES;

52 G. AUTOMOBILE PURCHASES OR LONG TERM LEASES; SHORT TERM CAR RENTALS
53 AND CELLULAR EQUIPMENT AND SERVICES NOT USED EXCLUSIVELY FOR CAMPAIGN
54 PURPOSES OR DUTIES AS AN OFFICEHOLDER;

1 H. ADMISSION TO SPORTING EVENTS, CONCERTS, THEATERS, OR OTHER FORMS OF
2 ENTERTAINMENT, UNLESS PART OF A SPECIFIC CAMPAIGN OR OFFICEHOLDER
3 RELATED ACTIVITY; AND

4 I. PAYMENT OF ANY FINES, FEES, OR PENALTIES ASSESSED PURSUANT TO THIS
5 CHAPTER.

6 5. NO CAMPAIGN FUNDS SHALL BE USED TO PAY ATTORNEY'S FEES OR ANY COSTS
7 OF DEFENDING AGAINST ANY CIVIL OR CRIMINAL INVESTIGATION OR PROSECUTION
8 FOR ALLEGED VIOLATIONS OF STATE OR FEDERAL LAW ALLEGED TO HAVE BEEN
9 COMMITTED WHILE HOLDING PUBLIC OFFICE OR AS A CANDIDATE FOR OFFICE WHERE
10 THE CANDIDATE OR PUBLIC OR PARTY OFFICIAL, MEMBERS OF THEIR IMMEDIATE
11 FAMILIES OR PARTNERS OR THE CAMPAIGN IS THE TARGET OF SUCH INVESTIGATION
12 OR PROSECUTION UNLESS SUCH EXPENDITURE IS USED EXCLUSIVELY FOR COSTS
13 RELATED TO CIVIL OR CRIMINAL ACTIONS FOR ALLEGED VIOLATIONS RELATED TO
14 ACTIVITIES PROMOTING THE NOMINATION OR ELECTION OF A CANDIDATE.

15 S 8. The election law is amended by adding a new section 14-134 to
16 read as follows:

17 S 14-134. DISPOSITION OF CAMPAIGN FUNDS. 1. AN AUTHORIZED CONTINUING
18 CANDIDATE COMMITTEE MUST DISPOSE OF ALL FUNDS AND CLOSE WITHIN FOUR
19 YEARS AFTER THE LATER OF (A) THE END OF THE INDIVIDUAL'S MOST RECENT
20 TERM OF OFFICE, OR (B) THE DATE OF THE ELECTION IN WHICH THE INDIVIDUAL
21 LAST WAS A FILED CANDIDATE.

22 2. ANY CANDIDATE OR POLITICAL COMMITTEE REQUIRED TO DISPOSE OF FUNDS
23 PURSUANT TO THIS SECTION SHALL, AT THE OPTION OF THE CANDIDATE, OR THE
24 TREASURER OF A POLITICAL COMMITTEE FORMED SOLELY TO PROMOTE THE PASSAGE
25 OR DEFEAT OF A BALLOT PROPOSAL, DISPOSE OF SUCH FUNDS BY ANY OF THE
26 FOLLOWING MEANS, OR ANY COMBINATION THEREOF:

27 A. RETURNING, PRO RATA, TO EACH CONTRIBUTOR THE FUNDS THAT HAVE NOT
28 BEEN SPENT OR OBLIGATED;

29 B. DONATING THE FUNDS TO A CHARITABLE ORGANIZATION OR ORGANIZATIONS
30 THAT MEET THE QUALIFICATIONS OF SECTION 501(C)(3) OF THE INTERNAL REVENUE
31 CODE;

32 C. DONATING THE FUNDS TO THE STATE UNIVERSITY;

33 D. DONATING THE FUNDS TO THE STATE'S GENERAL FUND;

34 E. TRANSFERRING THE FUNDS TO A POLITICAL PARTY COMMITTEE REGISTERED
35 WITH THE STATE BOARD OF ELECTIONS; OR

36 F. CONTRIBUTING THE FUNDS TO A CANDIDATE OR POLITICAL COMMITTEE SUCH
37 THAT THIS DOES NOT EXCEED THE LIMITS SET FORTH IN SECTION 14-114 OF THIS
38 ARTICLE.

39 3. NO CANDIDATE OR POLITICAL COMMITTEE SHALL DISPOSE OF CAMPAIGN FUNDS
40 BY MAKING EXPENDITURES FOR PERSONAL USE AS DEFINED IN SECTION 14-130 OF
41 THIS ARTICLE.

42 4. UPON THE DEATH OF A CANDIDATE, FORMER CANDIDATE OR HOLDER OF ELEC-
43 TIVE OFFICE, WHO RECEIVED CAMPAIGN CONTRIBUTIONS, ALL CONTRIBUTIONS
44 SHALL BE DISPOSED OF ACCORDING TO THIS SECTION WITHIN TWELVE MONTHS OF
45 THE DEATH OF THE CANDIDATE.

46 S 9. Subdivision 1 of section 14-102 of the election law, as amended
47 by chapter 8 and redesignated by chapter 9 of the laws of 1978, is
48 amended to read as follows:

49 1. The treasurer of every political committee which, or any officer,
50 member or agent of any such committee who, in connection with any
51 election, receives or expends any money or other valuable thing or
52 incurs any liability to pay money or its equivalent shall file state-
53 ments sworn, or subscribed and bearing a form notice that false state-
54 ments made therein are punishable as a class A misdemeanor pursuant to
55 section 210.45 of the penal law, at the times prescribed by this article
56 setting forth all the receipts, contributions to and the expenditures by

1 and liabilities of the committee, and of its officers, members and
2 agents in its behalf. Such statements shall include the dollar amount of
3 any receipt, contribution or transfer, or the fair market value of any
4 receipt, contribution or transfer, which is other than of money, the
5 name and address of the transferor, contributor or person from whom
6 received, IF THE CONTRIBUTOR IS A LOBBYIST REGISTERED PURSUANT TO ARTI-
7 CLE ONE-A OF THE LEGISLATIVE LAW and if the transferor, contributor or
8 person is a political committee; the name of and the political unit
9 represented by the committee, the date of its receipt, the dollar amount
10 of every expenditure, the name and address of the person to whom it was
11 made or the name of and the political unit represented by the committee
12 to which it was made and the date thereof, and shall state clearly the
13 purpose of such expenditure. Any statement reporting a loan shall have
14 attached to it a copy of the evidence of indebtedness. Expenditures in
15 sums under fifty dollars need not be specifically accounted for by sepa-
16 rate items in said statements, and receipts and contributions aggregat-
17 ing not more than ninety-nine dollars, from any one contributor need not
18 be specifically accounted for by separate items in said statements,
19 provided however, that such expenditures, receipts and contributions
20 shall be subject to the other provisions of section 14-118 of this arti-
21 cle.

22 S 10. Subdivision 3 of section 74 of the public officers law is
23 amended by adding a new paragraph j to read as follows:

24 J. NO OFFICER OR EMPLOYEE OF A STATE AGENCY REQUIRED TO FILE AN ANNUAL
25 STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SECTION SEVENTY-THREE-A OF
26 THIS ARTICLE SHALL SOLICIT OR RECEIVE CONTRIBUTIONS FOR A CAMPAIGN FOR
27 STATE OR FEDERAL OFFICE.

28 S 11. This act shall take effect on the first of January next succeed-
29 ing the date on which it shall have become a law; provided that section
30 14-132 of the election law as added by section six of this act shall
31 take effect two years after such effective date; and provided further
32 that sections seven, eight, nine and ten of this act shall take effect
33 on the sixtieth day after it shall have become a law; provided, however,
34 that the state board of elections shall notify all registered campaign
35 committees of the applicable provisions of sections seven, eight, nine
36 and ten of this act within thirty days after this act shall have become
37 a law.