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

2740

2011-2012 Regular Sessions

I N S E N A T E

January 31, 2011

Introduced by Sens. SMITH, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to violations and penalties for campaign finance and the enforcement thereof; to amend the election law, in relation to the creation of the advisory committee for the state board of elections; to amend the executive law, in relation to the powers of the attorney general to enforce the provisions of the election law; and to repeal certain provisions of the election law relating to enforcement (Part A); to amend the election law, in relation to voluntary clean election campaign finance; to amend the tax law, in relation to the clean election campaign finance fund; and to amend the election law, in relation to the state campaign finance board (Part B)

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 and declares that the current system of privately financed campaigns diminishes the meaning of the right to vote by allowing large contributions to have deleterious influence on the political process. As the United States Supreme Court found in BUCKLEY V. VALEO, states have a compelling governmental interest "to reduce the deleterious effect of large contributions on our political process" and thereby to redress the appearance or reality of favoritism or corruption in public office. The legislature finds and declares that such deleterious effects arise in insidious ways, including but not limited to the creation of the appearance if not reality that donors of large campaign contributions have disproportionate access to and influence on the legislative process and that recipients of such moneys have or appear to have conflicts of interest in the discharge of their public duties. These effects, in turn, directly and substantially undermine public confidence in the legislative process in this state and discourage meaningful partic-

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

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ipation therein, thereby eroding the very foundation of democracy in New York state. The legislature further finds and declares that the current system creates high barriers to entry into the political process by making it unduly difficult for qualified candidates without personal fortunes or unfettered access to large contributors to mount effective campaigns for public office, thereby inhibiting the free exchange of ideas that is the core of a healthy democracy.

For the foregoing reasons, the legislature finds and declares that establishing a voluntary clean election campaign finance system would enhance democracy and restore public confidence in the electoral process. Such a system would reduce the deleterious influence of large campaign contributions, diminishing the extent to which a person's wealth or other access to capital shapes if not determines that person's effective capacity to seek elective office or shape the political process. This result, in turn, would help restore the appearance and reality of equality before the law, the principle of "one person, one vote" on which our democracy is built. This system also would restore the vitality of New York's marketplace of ideas by encouraging more fair and effective communication between candidates and voters.

The legislature further finds and declares that to best achieve these outcomes and restore public confidence in the effective operation of government, it is necessary that candidates for public office conduct their election campaigns with utmost transparency and accountability to reduce the appearance or reality of favoritism and corruption in public office. Historically lax enforcement of such campaign finance laws as exist, and the potential extension of such lax enforcement to the new system of voluntary public finance that this bill would create, warrant little confidence that abuses are or would be effectively deterred, timely detected and properly penalized: to the contrary, the legislature finds and declares that weak enforcement can encourage the very abuses and public distrust that instead must be the public policy of this state to prevent. Likewise, the fragmentation of monitoring and enforcement of related election, ethics and other public integrity matters among the state board of elections, the commission on public integrity, the office of the inspector general and the office of the attorney general, without appropriate collaboration among them, has caused confusion rather than the clear guidance and rigorous enforcement best calculated to maximize compliance and promote public confidence. To help promote and restore public trust and confidence in government, ensure both the reality and perception that all individuals and organizations have a fair and meaningful opportunity to participate in government, and enhance transparency so that voters timely can obtain important information regarding the funding and conduct of campaigns, the legislature declares the public policy of this state to promote transparency by enhancing the timeliness and rigor of campaign finance reporting, ensure proper disclosure of the sources of election-season political advertising, enhance the independence, coordination and rigor of campaign finance and related public integrity rulemaking and enforcement, raise civil and criminal penalties for noncompliance to deter and penalize violations, and enhance voter participation in and comprehension of the state election system.

S 2. Short title. This act shall be known and may be cited as the "New York state clean election and campaign finance enforcement reform act".

S 3. This act enacts into law major components of legislation which are necessary to implement campaign finance reform. Each component of this act is wholly contained within a Part identified as Parts A and B. The effective date for each particular provision contained within such

Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes reference to a section of "this act," when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section five of this act sets forth the general effective date hereof.

PART A

Section 1. Subdivision 7 of section 3-102 of the election law is REPEALED.

S 1-a. Subdivisions 3, 6, and paragraph (e) of subdivision 9-A of section 3-102 of the election law, subdivision 3 as amended and subdivision 6 as redesignated by chapter 9 of the laws of 1978, paragraph (e) of subdivision 9-A as added by chapter 430 of the laws of 1997, are amended to read as follows:

3. conduct any investigation necessary to carry out the provisions of this chapter; PROVIDED THAT THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT ESTABLISHED PURSUANT TO SECTION 14-132 OF THIS CHAPTER SHALL CONDUCT ANY INVESTIGATION TO CARRY OUT THE PROVISIONS OF ARTICLE FOURTEEN OR FOURTEEN-A OF THIS CHAPTER ON BEHALF OF THE STATE BOARD OF ELECTIONS;

6. confer immunity in accordance with the provisions of section 50.20 of the criminal procedure law, in any investigation relating to any crime or offense with respect to which, by express provisions of statute, a competent authority is authorized to confer immunity; provided, however, that such immunity shall be conferred only after the attorney general and appropriate district attorney are afforded the opportunity to be heard respecting any objections which either may have to the conferring thereof; and provided, further, that if either the attorney general or any such appropriate district attorney shall object to the conferring of immunity, immunity may be conferred only by unanimous vote of all four commissioners of the state board; AND PROVIDED FURTHER THAT THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT ESTABLISHED PURSUANT TO SECTION 14-132 OF THIS CHAPTER SHALL INVESTIGATE OR PROSECUTE OFFENSES AND COLLECT CIVIL PENALTIES PURSUANT TO ARTICLE FOURTEEN OR FOURTEEN-A OF THIS CHAPTER AND, IN CONNECTION WITH SUCH INVESTIGATIONS, SUCH OFFICE SHALL HAVE THE POWER TO CONFER IMMUNITY IN THE NAME OF THE STATE BOARD OF ELECTIONS SUBJECT TO THE PROVISIONS OF THIS SUBDIVISION;

(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] IMMEDIATELY AND FORTHWITH UPON receipt by the state board of elections; and

S 2. Subdivision 1 of section 3-104 of the election law, as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

1. The state board of elections shall have jurisdiction of, and be responsible for, the execution and enforcement of the provisions of [article fourteen of this chapter and other] statutes governing campaigns, elections and related procedures; PROVIDED THAT THE STATE CAMPAIGN FINANCE BOARD SHALL HAVE THE POWER AND DUTY TO EXECUTE THE PROVISIONS OF ARTICLE FOURTEEN-A OF THIS CHAPTER, AND THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL HAVE THE POWER AND DUTY TO ENFORCE THE PROVISIONS OF ARTICLE FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, IN THE NAME OF THE STATE BOARD OF ELECTIONS.

S 3. The election law is amended by adding a new section 3-201 to read as follows:

S 3-201. ADVISORY COMMITTEE FOR THE STATE BOARD OF ELECTIONS. 1. THERE SHALL BE AN ADVISORY COMMITTEE FOR THE STATE BOARD OF ELECTIONS. SUCH ADVISORY COMMITTEE SHALL BE COMPRISED OF NINE MEMBERS APPOINTED BY THE GOVERNOR, OF WHOM ONE SHALL BE ON NOMINATION OF THE TEMPORARY PRESIDENT OF THE SENATE, ONE SHALL BE ON NOMINATION OF THE MINORITY LEADER OF THE SENATE, ONE SHALL BE ON NOMINATION OF THE SPEAKER OF THE ASSEMBLY AND ONE SHALL BE ON NOMINATION OF THE MINORITY LEADER OF THE ASSEMBLY. OF THE FIVE MEMBERS APPOINTED BY THE GOVERNOR NOT ON RECOMMENDATION OF A MEMBER OF THE LEGISLATURE, NO MORE THAN TWO SHALL BE ENROLLED MEMBERS OF THE PARTY WHOSE CANDIDATE FOR GOVERNOR AT THE GENERAL ELECTION PRECEDING APPOINTMENT RECEIVED THE HIGHEST NUMBER OF VOTES, NO MORE THAN TWO SHALL BE ENROLLED MEMBERS OF THE PARTY WHOSE CANDIDATE FOR GOVERNOR AT THE GENERAL ELECTION PRECEDING APPOINTMENT RECEIVED THE SECOND HIGHEST NUMBER OF VOTES, AND AT LEAST ONE SHALL NOT BE AN ENROLLED MEMBER OF ANY PARTY FOR AT LEAST SIX MONTHS PRIOR TO APPOINTMENT AND FOR THE DURATION OF SERVICE ON THE ADVISORY COMMITTEE AND SHALL BE DEEMED TO RESIGN FROM SUCH COMMITTEE UPON REGISTRATION WITH ANY PARTY; PROVIDED, HOWEVER, THAT AT LEAST TWO MEMBERS APPOINTED BY THE GOVERNOR NOT ON RECOMMENDATION OF A MEMBER OF THE LEGISLATURE SHALL REPRESENT ONE OR MORE NOT-FOR-PROFIT ORGANIZATIONS THAT REGULARLY ADVOCATE FOR THE INTERESTS OF VOTERS AND/OR THE PROPER CONDUCT OF ELECTIONS STATEWIDE. OF THE MEMBERS APPOINTED ON NOMINATION OF A MEMBER OF THE LEGISLATURE, NO MORE THAN TWO SHALL BE ENROLLED MEMBERS OF A POLITICAL PARTY WHOSE CANDIDATE FOR GOVERNOR AT THE GENERAL ELECTION PRECEDING APPOINTMENT RECEIVED THE HIGHEST NUMBER OF VOTES, AND NO MORE THAN TWO SHALL BE ENROLLED MEMBERS OF A POLITICAL PARTY WHOSE CANDIDATE FOR GOVERNOR AT THE GENERAL ELECTION PRECEDING APPOINTMENT RECEIVED THE SECOND HIGHEST NUMBER OF VOTES. MEMBERS SHALL SERVE FOR RENEWABLE TERMS OF FIVE YEARS; PROVIDED THAT THE MEMBER FIRST NOMINATED BY THE TEMPORARY PRESIDENT OF THE SENATE SHALL SERVE FOR FOUR YEARS, THE MEMBER FIRST NOMINATED BY THE SPEAKER OF THE ASSEMBLY SHALL SERVE FOR THREE YEARS, THE MEMBER FIRST NOMINATED BY THE MINORITY LEADER OF THE SENATE SHALL SERVE FOR TWO YEARS, THE MEMBER FIRST NOMINATED BY THE MINORITY LEADER OF THE ASSEMBLY SHALL SERVE FOR ONE YEAR, AND THE FIVE MEMBERS FIRST APPOINTED BY THE GOVERNOR NOT ON RECOMMENDATION OF A MEMBER OF THE LEGISLATURE SHALL SERVE FOR ONE, TWO, THREE, FOUR AND FIVE YEARS, RESPECTIVELY, AS THE GOVERNOR SHALL DESIGNATE AT THE TIME OF FIRST APPOINTMENT. MEMBERS FIRST APPOINTED HEREUNDER SHALL BE NOMINATED AND APPOINTED WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION; VACANCIES SHALL BE FILLED FOR THE UNEXPIRED TERM WITHIN FIFTEEN DAYS OF THE VACANCY IN THE SAME MANNER AS AN ORIGINAL APPOINTMENT. THE ADVISORY COMMITTEE SHALL SELECT A CHAIRPERSON FOR A RENEWABLE TERM OF THREE YEARS AND SHALL ESTABLISH ITS OWN RULES OF PROCEDURE.

2. FOR THEIR SERVICES HEREUNDER, MEMBERS OF THE ADVISORY COMMITTEE SHALL RECEIVE NO COMPENSATION BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR REASONABLE AND NECESSARY EXPENSES DIRECTLY RELATED TO THEIR DUTIES. NO MEMBER SHALL BE DISQUALIFIED FROM HOLDING ANY OTHER PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH OFFICE OR EMPLOYMENT, BY REASON OF HIS OR HER APPOINTMENT PURSUANT TO THIS SUBDIVISION, NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, REGULATION, RULE, ORDINANCE OR CHARTER.

3. THE ADVISORY COMMITTEE SHALL CONSULT WITH AND ASSIST THE STATE BOARD OF ELECTIONS, THE STATE CAMPAIGN FINANCE BOARD AND THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT IN THE DISCHARGE OF THEIR RESPECTIVE DUTIES. THE ADVISORY COMMITTEE SHALL MAKE NOMINATIONS FOR CHIEF CAMPAIGN FINANCE ENFORCEMENT OFFICER IN THE MANNER AND BY THE DATE SPECIFIED IN SUBDIVISION ONE OF SECTION 14-132 OF THIS ARTICLE.

S 4. Section 14-126 of the election law is REPEALED and a new section 14-126 is added to read as follows:

S 14-126. VIOLATIONS; PENALTIES. 1. CIVIL VIOLATIONS AND PENALTIES. UPON THE ESTABLISHMENT OF PRIMA FACIE EVIDENCE OF THE FOLLOWING VIOLATIONS, THE FOLLOWING PENALTIES SHALL BE RECOVERED IN THE NAME OF THE STATE BOARD OF ELECTIONS BY THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT ESTABLISHED PURSUANT TO SECTION 14-132 OF THIS ARTICLE:

A. ANY PERSON WHO OR COMMITTEE THAT FAILS TO FILE A STATEMENT REQUIRED BY THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER BY THE DATE SPECIFIED THEREFOR SHALL, COMMENCING FIVE DAYS AFTER SUCH DATE, BE SUBJECT TO A CIVIL PENALTY NOT LESS THAN TWO HUNDRED FIFTY DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS FOR A FIRST VIOLATION, AND OTHERWISE NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN TWO THOUSAND DOLLARS.

B. ANY PERSON WHO OR COMMITTEE THAT FILES A STATEMENT REQUIRED BY THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER THAT IS INCOMPLETE OR THAT OTHERWISE DOES NOT COMPLY WITH THE PROVISIONS OF THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER OR EFFECTUATING RULES GOVERNING SUCH STATEMENT SHALL BE SUBJECT TO A CIVIL PENALTY NOT LESS THAN ONE HUNDRED DOLLARS AND NOT MORE THAN FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION, AND OTHERWISE NOT LESS THAN TWO HUNDRED FIFTY DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS. SUCH PENALTY MAY BE WAIVED IF THE DEFICIENCY IS CURED WITHIN FIVE DAYS OF THE INITIAL FILING.

C. ANY PERSON WHO OR COMMITTEE THAT ACCEPTS A CONTRIBUTION IN AN AMOUNT EXCEEDING AN APPLICABLE MAXIMUM SPECIFIED IN THIS ARTICLE, OR CONVERTS A CONTRIBUTION TO PERSONAL USE OR ANY OTHER IMPERMISSIBLE USE IN VIOLATION OF SECTION 14-130 OF THIS ARTICLE OR SECTION 14-154 OF THIS CHAPTER FOR A CANDIDATE OR COMMITTEE PARTICIPATING IN VOLUNTARY CLEAN ELECTION FINANCING PURSUANT TO ARTICLE FOURTEEN-A OF THIS CHAPTER, OR ACCEPTS VOLUNTARY CLEAN ELECTIONS FUNDING PURSUANT TO ARTICLE FOURTEEN-A OF THIS CHAPTER AND EXPENDS IN EXCESS OF THE AMOUNT THEREIN SPECIFIED FOR SUCH PERSON OR COMMITTEE, SHALL BE SUBJECT TO A CIVIL PENALTY OF DOUBLE THE AMOUNT OF THE CONVERSION OR EXCESS AMOUNT OF THE CONTRIBUTION OR EXPENDITURE FOR A FIRST VIOLATION, AND OTHERWISE TRIPLE SUCH AMOUNT, AND IN THE CASE OF AN EXCESS CONTRIBUTION SHALL BE REQUIRED TO REFUND SUCH AMOUNT TO THE CONTRIBUTOR.

IN ENFORCING THE FOREGOING PENALTIES, THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL NOT HAVE TO BRING A JUDICIAL PROCEEDING BUT SHALL COMPLY WITH THE PROVISIONS OF SECTION 14-132 OF THIS ARTICLE AND THE RULES AND PROCEDURES OF THE OFFICE PROMULGATED PURSUANT TO SUBDIVISION FOUR OF SUCH SECTION. NOTWITHSTANDING SUBDIVISION FIFTEEN OF SECTION SIXTY-THREE OF THE EXECUTIVE LAW, THE ATTORNEY GENERAL SHALL NOT HAVE THE POWER TO WAIVE OR DIMINISH THE FOREGOING CIVIL PENALTIES. ALL MONEYS RECOVERED PURSUANT TO THIS SUBDIVISION SHALL BE DEPOSITED TO THE CREDIT OF THE NEW YORK CLEAN ELECTION CAMPAIGN FINANCE FUND ESTABLISHED PURSUANT TO SECTION 14-168 OF THIS CHAPTER.

2. CRIMINAL VIOLATIONS AND PENALTIES. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW:

A. ANY PERSON WHO OR COMMITTEE THAT KNOWINGLY AND WILLFULLY FAILS TO PAY A CIVIL PENALTY ASSESSED PURSUANT TO SUBDIVISION ONE OF THIS SECTION WITHIN THIRTY DAYS OF SUCH ASSESSMENT, OTHER THAN A PERSON WHO OR COMMITTEE THAT BY SUCH DATE EITHER CHALLENGES SUCH ASSESSMENT BY SPECIAL PROCEEDING PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES OR EXECUTES AND FILES WITH THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT A WRITTEN INSTRUMENT, BEARING A LEGALLY AUTHORIZED FORM NOTICE TO THE EFFECT THAT FALSE STATEMENTS MADE THEREIN ARE PUNISHABLE,

THAT HE, SHE OR IT CANNOT AFFORD TO PAY SUCH PENALTY, SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

B. ANY PERSON WHO OR COMMITTEE THAT KNOWINGLY AND WILLFULLY FAILS TO FILE A STATEMENT REQUIRED BY THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER, OR FAILS TO PROVIDE INFORMATION PURSUANT TO AUDIT BY OR ON BEHALF OF THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT OR STATE CAMPAIGN FINANCE BOARD AFTER THIRTY DAYS NOTICE BY THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT DELIVERED TO SUCH PERSON OR COMMITTEE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY PERSONAL SERVICE, THAT SUCH STATEMENT OR OTHER INFORMATION WAS DUE AND OWING PURSUANT TO THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER, SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

C. ANY PERSON WHO OR COMMITTEE THAT KNOWINGLY AND WILLFULLY CONTRIBUTES, ACCEPTS OR AIDS OR PARTICIPATES IN THE ACCEPTANCE OF A CONTRIBUTION IN AN AMOUNT EXCEEDING AN APPLICABLE CONTRIBUTION LIMIT SPECIFIED IN THIS ARTICLE, OR KNOWINGLY AND WILLFULLY CONVERTS OR AIDS OR PARTICIPATES IN THE CONVERSION OF A CONTRIBUTION TO PERSONAL USE OR OTHER USE IMPERMISSIBLE FOR SUCH PERSON OR COMMITTEE PURSUANT TO THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER, SHALL BE GUILTY OF A CLASS A MISDEMEANOR; PROVIDED, HOWEVER, THAT WHERE THE AMOUNT OF SUCH CONVERSION OR OTHER IMPERMISSIBLE USE IS ONE THOUSAND DOLLARS OR GREATER, GUILTY OF A CLASS E FELONY.

D. ANY PERSON WHO OR COMMITTEE THAT KNOWINGLY AND WILLFULLY MAKES A FALSE STATEMENT, WHICH HE OR SHE DOES NOT BELIEVE TO BE TRUE, IN A WRITTEN INSTRUMENT REQUIRED BY THIS CHAPTER TO BE FILED AND BEARING A LEGALLY AUTHORIZED FORM NOTICE TO THE EFFECT THAT FALSE STATEMENTS MADE THEREIN ARE PUNISHABLE, OR OTHERWISE TO THE CHIEF CAMPAIGN FINANCE ENFORCEMENT OFFICER OR AN EMPLOYEE THEREOF IN CONNECTION WITH THE INVESTIGATION OR ENFORCEMENT OF THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER, OR TO THE CAMPAIGN FINANCE BOARD OR AN EMPLOYEE THEREOF IN CONNECTION WITH AN APPLICATION FOR VOLUNTARY CLEAN ELECTIONS FUNDING PURSUANT TO ARTICLE FOURTEEN-A OF THIS CHAPTER OR AN AUDIT THEREUNDER, SHALL BE GUILTY OF A CLASS E FELONY.

E. ANY PERSON WHO, ACTING ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE, KNOWINGLY AND WILLFULLY SOLICITS, ORGANIZES OR COORDINATES THE FORMATION OF ACTIVITIES OF ONE OR MORE UNAUTHORIZED COMMITTEES, MAKES EXPENDITURES IN CONNECTION WITH THE NOMINATION FOR ELECTION OR ELECTION OF ANY CANDIDATE, OR SOLICITS ANY PERSON TO MAKE ANY SUCH EXPENDITURES, FOR THE PURPOSE OF EVADING A LIMITATION ON CONTRIBUTIONS OR EXPENDITURES IN THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER, SHALL BE GUILTY OF A CLASS E FELONY.

IN ADDITION TO OTHER PENALTIES SPECIFIED BY LAW, EACH OF THE FOREGOING CRIMINAL OFFENSES ALSO SHALL BE PUNISHABLE BY FINES OF UP TO FIVE THOUSAND DOLLARS FOR A MISDEMEANOR OR UP TO TEN THOUSAND DOLLARS FOR A FELONY.

3. WHERE A CIVIL PENALTY SPECIFIED IN SUBDIVISION ONE OF THIS SECTION IS ASSESSED AND SUCH PENALTY REMAINS UNPAID THIRTY DAYS AFTER PROPER NOTICE THEREOF PURSUANT TO SUBDIVISION FIVE OF SECTION 14-132 OF THIS ARTICLE, UNLESS SUCH ASSESSMENT TIMELY SHALL BE CHALLENGED PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAWS AND RULES, THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL CAUSE TO BE DISPLAYED PROMINENTLY ON ITS PUBLIC WEBSITE A STATEMENT SPECIFYING THE NAME OF THE PERSON, COMMITTEE OR OTHER INSTRUMENTALITY ALLEGED TO BE IN VIOLATION, THE PROVISION OR PROVISIONS OF THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER ALLEGED TO BE VIOLATED, A BRIEF DESCRIPTION OF EACH SUCH ALLEGED VIOLATION, THE DATE OR DATES OF EACH SUCH ALLEGED VIOLATION AND THE MINIMUM AND MAXIMUM PENALTY FOR EACH SUCH VIOLATION. SUCH OFFICE IMME-

DIATELY SHALL REDACT SUCH WEBSITE ENTRY TO REMOVE SUCH DISPLAY UPON THE REMITTANCE OF PAYMENT OR RESCISSION OF THE PENALTY, AS THE CASE MAY BE. THE OFFICE SHALL CONTINUOUSLY MAINTAIN ON ITS PUBLIC WEBSITE A COMPLETE DATABASE OF ALL SUCH ENTRIES AND EACH SUCH ENTRY SHALL BE ACCESSIBLE TO THE PUBLIC.

S 5. Section 14-127 of the election law, as added by chapter 404 of the laws of 1995, is amended to read as follows:

S 14-127. Notice of civil penalty to authorizing candidate. If any person OR COMMITTEE fails to file a statement of campaign receipts and expenditures OR OTHERWISE FAILS TO PROVIDE INFORMATION PURSUANT TO AUDIT OR INVESTIGATION PURSUANT TO THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER for a candidate authorized political committee, [and thereafter said person is a party to recovery of a civil penalty in a special proceeding or civil action brought by the state board of elections or other board of elections under section 14-126 of this article, said board of elections] THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT IMMEDIATELY shall [also] provide the authorizing candidate with actual notice of [the civil penalty, and the special proceeding or civil action] SUCH FAILURE AND THE POSSIBLE PENALTIES by certified mail, return receipt requested, or by personal service.

S 6. Section 14-128 of the election law, as added by chapter 323 of the laws of 1977, is amended to read as follows:

S 14-128. Disposition of anonymous contributions. Any anonymous contributions received by a campaign treasurer, political committee or agency thereof shall not be used or expended, but the same shall be paid over to the comptroller of the state of New York for deposit in the [general treasury of the state] NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND ESTABLISHED PURSUANT TO SECTION 14-168 OF THIS CHAPTER unless, before the date for filing statements and reports as herein provided, the identity of such anonymous contributor shall become known, and, in such event the anonymous contribution shall be returned to such contributor or retained and properly reported as a contribution from such contributor.

S 7. The election law is amended by adding four new sections 14-132, 14-134, 14-136 and 14-138 to read as follows:

S 14-132. ENFORCEMENT. 1. THERE IS ESTABLISHED WITHIN THE STATE BOARD OF ELECTIONS AN OFFICE OF CAMPAIGN FINANCE ENFORCEMENT. THE HEAD OF THE OFFICE SHALL BE THE CHIEF CAMPAIGN FINANCE ENFORCEMENT OFFICER. WITHIN FIFTEEN DAYS OF A VACANCY OR EXPECTED VACANCY IN SUCH OFFICE, THE ADVISORY COMMITTEE FOR THE STATE BOARD OF ELECTIONS ESTABLISHED PURSUANT TO SUBDIVISION THREE OF SECTION 3-201 OF THIS CHAPTER SHALL TRANSMIT TO THE STATE CAMPAIGN FINANCE BOARD NO LESS THAN THREE AND NO MORE THAN FIVE NOMINEES WELL QUALIFIED FOR SUCH POSITION ON THE BASIS OF EDUCATION, INTEGRITY AND EXPERIENCE IN THE AREA OF CAMPAIGN FINANCE LAW AND/OR ENFORCEMENT. NOT LATER THAN TEN DAYS THEREAFTER, THE STATE CAMPAIGN FINANCE BOARD SHALL APPOINT A CHIEF CAMPAIGN FINANCE ENFORCEMENT OFFICER FROM AMONG SUCH NOMINEES; PROVIDED, HOWEVER, THAT IF THE STATE CAMPAIGN FINANCE BOARD SHALL FAIL TIMELY TO MAKE SUCH APPOINTMENT, THEN THE ADVISORY COMMITTEE SHALL APPOINT A CHIEF ENFORCEMENT OFFICER FROM AMONG SUCH NOMINEES NOT LATER THAN TEN DAYS THEREAFTER. THE CHIEF CAMPAIGN FINANCE ENFORCEMENT OFFICER SHALL SERVE FOR A RENEWABLE TERM OF FIVE YEARS; PROVIDED THAT HE OR SHE SHALL CONTINUE TO SERVE AFTER THE EXPIRATION OF HIS OR HER TERM UNTIL HIS OR HER SUCCESSOR SHALL HAVE BEEN SELECTED. HE OR SHE SHALL BE REMOVED ONLY FOR CAUSE BY MAJORITY VOTE OF THE STATE CAMPAIGN FINANCE BOARD, ON PRIOR CONSULTATION WITH THE ADVISORY COMMITTEE, AFTER SUITABLE PUBLIC NOTICE TO THE CHIEF ENFORCEMENT OFFICER AND

REASONABLE OPPORTUNITY FOR HIM OR HER TO BE HEARD ON THE CAUSE FOR REMOVAL IN A PUBLIC HEARING. THE ANNUAL COMPENSATION OF THE CHIEF ENFORCEMENT OFFICER FOR ELECTIONS SHALL BE NO LESS THAN THE ANNUAL COMPENSATION OF A CO-EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS.

2. THE CHIEF CAMPAIGN FINANCE ENFORCEMENT OFFICER SHALL APPOINT DEPUTIES, COUNSEL, INVESTIGATORS, ASSISTANTS AND OTHER STAFF, CONTRACT FOR SERVICES AND DO ALL THINGS NECESSARY, WITHIN APPROPRIATIONS MADE AVAILABLE THEREFOR, TO ENSURE THE PROPER DISCHARGE OF THE DUTIES OF THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT PURSUANT TO THIS SECTION. SUCH STAFF SHALL BE REMOVED ONLY BY THE CHIEF CAMPAIGN FINANCE ENFORCEMENT OFFICER. THE CHIEF CAMPAIGN FINANCE ENFORCEMENT OFFICER AND ALL STAFF THEREOF SHALL REFRAIN FROM PARTISAN POLITICAL ACTIVITY FOR THE DURATION OF THEIR APPOINTMENT OR EMPLOYMENT HEREUNDER. APPROPRIATIONS TO THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL BE SUFFICIENT TO ENSURE THE PROPER DISCHARGE OF ITS DUTIES AND RESPONSIBILITIES HEREUNDER.

3. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW BUT CONSISTENT WITH THE PROVISIONS OF SUBDIVISION FOUR OF THIS SECTION, THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL ENFORCE THE PROVISIONS OF THIS ARTICLE AND ARTICLE FOURTEEN-A OF THIS CHAPTER IN THE NAME OF THE STATE BOARD OF ELECTIONS. IN FURTHERANCE THEREOF AND IN CONSULTATION WITH THE ADVISORY COMMITTEE, THE STATE BOARD OF ELECTIONS AND STATE CAMPAIGN FINANCE BOARD JOINTLY SHALL ESTABLISH PROCEDURES TO IMMEDIATELY AND AUTOMATICALLY INFORM THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT OF ANY APPARENT VIOLATION OF THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER, INCLUDING BUT NOT LIMITED TO REQUIREMENTS RELATING TO CONTRIBUTIONS, EXPENDITURES AND THE TIMELY AND PROPER SUBMISSION OF CAMPAIGN FINANCE STATEMENTS. FOR EACH SUCH APPARENT VIOLATION ALLEGED AND FOR EACH COMPLAINT EITHER INITIATED BY SUCH OFFICE OR RECEIVED FROM AN OUTSIDE COMPLAINANT, THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL DETERMINE WHETHER THE ALLEGATION, IF TRUE, WOULD CONSTITUTE A VIOLATION OF THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER AND MAY MAKE SUCH INQUIRY AS NECESSARY TO EFFECTUATE SUCH DETERMINATION. WHERE THE OFFICE DETERMINES THAT SUCH ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE EVIDENCE, THE OFFICE FORTHWITH SHALL SO INFORM THE COMPLAINANT, IF ANY, IN WRITING. WHERE THE OFFICE DETERMINES THAT SUCH ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE, THE OFFICE FORTHWITH SHALL UNDERTAKE THE ENFORCEMENT MEASURES SPECIFIED IN SUBDIVISIONS FIVE AND SIX OF THIS SECTION. IN FURTHERANCE OF SUCH INVESTIGATIONS AND ENFORCEMENT MEASURES, THE CHIEF CAMPAIGN FINANCE ENFORCEMENT OFFICER SHALL HAVE THE POWERS TO ADMINISTER OATHS AND AFFIRMATIONS, SUBPOENA WITNESSES AND COMPEL THEIR ATTENDANCE, EXAMINE THEM UNDER OATH OR AFFIRMATION AND REQUIRE THE PRODUCTION OF ANY BOOKS, RECORDS, DOCUMENTS OR OTHER EVIDENCE HE OR SHE MAY DEEM RELEVANT OR MATERIAL, AND MAY DELEGATE SUCH POWERS TO SUCH EMPLOYEES OF THE OFFICE AS HE OR SHE MAY DETERMINE; PROVIDED THAT IN CONNECTION WITH ANY SUCH INVESTIGATION, ANY GRANT OF IMMUNITY BY THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL COMPLY WITH THE PROVISIONS OF SUBDIVISION SIX OF SECTION 3-102 OF THIS CHAPTER. IN FURTHERANCE OF ITS POWERS AND DUTIES PURSUANT TO THIS CHAPTER, THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL BE ENTITLED TO RECEIVE THE ASSISTANCE AND COOPERATION OF THE STATE BOARD OF ELECTIONS, THE STATE CAMPAIGN FINANCE BOARD, THE COMMISSION ON PUBLIC INTEGRITY, THE STATE INSPECTOR GENERAL AND THE ATTORNEY GENERAL OF THE STATE. EXCEPT AS NECESSARY TO THE PROPER INVESTIGATION AND ENFORCEMENT OF ALLEGED VIOLATIONS OF THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER, THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL KEEP CONFIDENTIAL ALL MATTERS PERTAINING THERETO UNTIL A CIVIL PENALTY IS ASSESSED OR A CRIMINAL CHARGE IS MADE PURSUANT TO LAW. TO THE MAXIMUM

EXTENT PRACTICABLE CONSISTENT WITH SUCH CONFIDENTIALITY, THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL COLLABORATE WITH THE STATE BOARD OF ELECTIONS TO OBTAIN INFORMATION RELEVANT TO THE EFFECTIVE ENFORCEMENT OF THIS ARTICLE AND ARTICLE FOURTEEN-A OF THIS CHAPTER, PROMOTE PUBLIC UNDERSTANDING AND DETER VIOLATIONS THEREOF.

4. THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL PROMULGATE RULES AND PROCEDURES FOR THE DISCHARGE OF ITS POWERS AND DUTIES PURSUANT TO THIS ARTICLE AND ARTICLE FOURTEEN-A OF THIS CHAPTER, INCLUDING BUT NOT LIMITED TO PROCEDURES GOVERNING THE MANDATORY COLLECTION OF CIVIL PENALTIES, INVESTIGATIONS AND PROSECUTIONS CONSISTENT WITH LAW. SUCH RULES SHALL PROVIDE FOR ADJUDICATORY PROCEDURES NOT INCONSISTENT WITH SUBDIVISION THREE OF SECTION THREE HUNDRED ONE OF THE STATE ADMINISTRATIVE PROCEDURE ACT FOR THE ASSESSMENT OF A CIVIL PENALTY EXCEEDING FIVE HUNDRED DOLLARS PER VIOLATION; THE APPOINTMENT AND COMPENSATION OF QUALIFIED AND INDEPENDENT HEARING OFFICERS TO PRESIDE IN SUCH ADJUDICATIONS WHO SHALL BE MEMBERS OF THE BAR OF THIS STATE IN GOOD STANDING AND WHO SHALL NOT BE EMPLOYEES OF THE STATE, OFFICERS OF A POLITICAL PARTY OR OFFICERS OR AGENTS OF ANY CAMPAIGN COMMITTEE AT THE TIME OF SERVICE OR FOR TWO YEARS PRECEDING APPOINTMENT; AND THE PROVISION OF WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW ON THE DISPOSITION OF ANY SUCH ADJUDICATION. SUCH RULES MAY PROVIDE FOR THE ASSESSMENT OF INTEREST AND/OR ADDITIONAL CIVIL PENALTIES FOR LATE PAYMENT WHICH SHALL BE COLLECTED IN THE SAME MANNER AS AN ORIGINAL CIVIL PENALTY.

5. IN THE CASE OF A CIVIL PENALTY REQUIRED TO BE ASSESSED PURSUANT TO SUBDIVISION ONE OF SECTION 14-126 OF THIS ARTICLE, THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL ENSURE TIMELY AND PROPER NOTIFICATION TO ALLEGED VIOLATORS, BY CERTIFIED MAIL RETURN RECEIPT REQUESTED OR BY PERSONAL SERVICE, AND THE TIMELY AND COMPLETE REMITTANCE OF PENALTIES, INCLUDING ANY INTEREST OR FURTHER PENALTIES ASSESSED THEREON. A CHALLENGE TO SUCH A PENALTY ASSESSMENT SHALL LIE PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

6. UPON THE ESTABLISHMENT OF PROBABLE CAUSE TO BELIEVE THAT A CRIMINAL VIOLATION OF THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER HAS OCCURRED, THE CHIEF ENFORCEMENT OFFICER FORTHWITH SHALL SO NOTIFY THE ATTORNEY GENERAL AND TRANSMIT THE EVIDENCE SUPPORTING SUCH PROBABLE CAUSE; PROVIDED THAT THE CONFIDENTIALITY OF SUCH EVIDENCE OTHERWISE SHALL BE PROTECTED. THE ATTORNEY GENERAL SHALL REVIEW SUCH EVIDENCE AND, NO LATER THAN SIXTY DAYS AFTER RECEIVING THE SAME, SHALL INFORM THE CHIEF CAMPAIGN FINANCE ENFORCEMENT OFFICER EITHER THAT THE ATTORNEY GENERAL SHALL COMMENCE A PROSECUTION OF SUCH VIOLATION, IN WHICH CASE THE ATTORNEY GENERAL SHALL PROSECUTE SUCH ACTION, OR THAT THE ATTORNEY GENERAL DECLINES TO PROSECUTE; PROVIDED THAT ON EX PARTE APPLICATION OF THE ATTORNEY GENERAL FOR GOOD CAUSE SHOWN, A SUPERIOR COURT IN ANY COUNTY IN WHICH VENUE WOULD LIE FOR SUCH PROSECUTION MAY EXTEND THE TIME NECESSARY FOR THE ATTORNEY GENERAL TO MAKE THE DETERMINATION REQUIRED BY THIS SUBDIVISION. IF THE ATTORNEY GENERAL THEREAFTER DECLINES TO PROSECUTE, THEN THE CHIEF CAMPAIGN FINANCE ENFORCEMENT OFFICER MAY PROSECUTE SUCH OFFENSE IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK, AND IN PURSUANCE THEREOF SHALL HAVE ALL THE POWERS AND DUTIES OF A DISTRICT ATTORNEY AND MAY PROSECUTE SUCH OFFENSE IN ANY COUNTY IN WHICH A DISTRICT ATTORNEY COULD PROSECUTE IT; PROVIDED, THAT THE COSTS ASSOCIATED THEREWITH SHALL BE CHARGES AGAINST THE STATE BOARD OF ELECTIONS. NOTHING IN THIS SUBDIVISION SHALL IMPAIR ANY POWER OF THE ATTORNEY GENERAL PURSUANT TO SECTION SIXTY-THREE-E OF THE EXECUTIVE LAW OR OF ANY DISTRICT ATTORNEY.

7. THE CHIEF CAMPAIGN FINANCE ENFORCEMENT OFFICER SHALL REPORT ANNUALLY TO THE GOVERNOR, LEGISLATURE, ADVISORY COMMITTEE, STATE BOARD OF ELECTIONS AND STATE CAMPAIGN FINANCE BOARD ON THE CONDUCT AND AFFAIRS OF THE OFFICE. SUCH REPORT SHALL INCLUDE A SUMMARY FOR THE PRECEDING TWELVE MONTH PERIOD SETTING FORTH THE NUMBER OF INVESTIGATIONS CONDUCTED, THE NUMBER OF RANDOM AUDITS CONDUCTED PURSUANT TO SECTION 14-134 OF THIS ARTICLE, THE NUMBER AND AMOUNT OF CIVIL PENALTIES ASSESSED, THE NUMBER AND AMOUNT OF CIVIL PENALTIES PAID AND UNPAID, THE NATURE OF CIVIL AND CRIMINAL VIOLATIONS ALLEGED, COURT ACTIONS IN PROGRESS, COURT ACTIONS COMPLETED, REGULATIONS OR OTHER PROTOCOLS ADOPTED, AMENDED OR RESCINDED, TRENDS IN THE NATURE AND/OR NUMBER OF SUCH VIOLATIONS OVER THE PRECEDING TWELVE MONTH PERIOD, AND SUCH OTHER MATTERS AS THE CHIEF CAMPAIGN FINANCE ENFORCEMENT OFFICER MAY DETERMINE TO MAXIMIZE PUBLIC UNDERSTANDING OF THE STATUS AND EFFECTIVENESS OF CAMPAIGN FINANCE ENFORCEMENT.

S 14-134. RANDOM AUDITS. IN ADDITION TO OTHER POWERS AND DUTIES SPECIFIED IN THIS ARTICLE, THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL HAVE THE POWER AND DUTY TO CONDUCT A PROGRAM OF RANDOM AUDITS SUBJECT TO THE PROVISIONS OF THIS SECTION. SUCH PROGRAM SHALL BE CARRIED OUT IN THE FOLLOWING MANNER:

1. THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL RANDOMLY SELECT FOR AUDIT COMMITTEES REQUIRED TO FILE PURSUANT TO THIS ARTICLE AND ARTICLE FOURTEEN-A OF THIS CHAPTER. SUCH SELECTION SHALL BE DONE IN A MANNER PURSUANT TO WHICH THE IDENTITY, POLITICAL AFFILIATION AND MAILING ADDRESS OF ANY PARTICULAR COMMITTEE WHOSE FILINGS ARE TO BE AUDITED IS UNKNOWN TO THE OFFICE, ITS STAFF OR ANY AGENTS THEREOF PRIOR TO SELECTION.

2. THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL DEVELOP PROTOCOLS FOR THE CONDUCT OF SUCH RANDOM AUDITS, IN CONSULTATION WITH THE COMMISSION ON PUBLIC INTEGRITY AND ANY OTHER INSTRUMENTALITY OF STATE OR LOCAL GOVERNMENT THAT MAY CONDUCT RANDOM AUDITS PURSUANT TO LAW. RANDOM AUDITS BY THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT MAY REQUIRE THE PRODUCTION OF BOOKS, PAPERS, RECORDS OR MEMORANDA RELEVANT AND MATERIAL TO THE PREPARATION OF STATEMENTS REQUIRED BY THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER TO BE FILED DURING THE PREVIOUS TWENTY-FOUR MONTHS, FOR EXAMINATION BY THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT. SUCH PROTOCOLS SHALL ENSURE THAT SIMILARLY SITUATED FILERS AND STATEMENTS THEREOF ARE AUDITED IN A UNIFORM MANNER.

3. THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL CONTRACT WITH AN OUTSIDE ACCOUNTING ENTITY, WHICH SHALL MONITOR THE PROCESS PURSUANT TO WHICH THE OFFICE SELECTS PERSONS, CANDIDATES AND/OR COMMITTEES FOR AUDIT AND CARRIES OUT THE PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION, AND SHALL CERTIFY THAT SUCH PROCESS COMPLIES WITH THE PROVISIONS THEREOF.

4. UPON COMPLETION OF A RANDOM AUDIT PURSUANT TO THIS SECTION, THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL DETERMINE WHETHER THERE IS REASONABLE CAUSE TO BELIEVE THAT ANY STATEMENT REQUIRED TO BE FILED BY THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER IS MISSING, INCOMPLETE OR INACCURATE. UPON A DETERMINATION THAT SUCH REASONABLE CAUSE EXISTS, THE OFFICE MAY REQUIRE THE PRODUCTION OF FURTHER BOOKS, RECORDS OR MEMORANDA, SUBPOENA WITNESSES, COMPEL THEIR ATTENDANCE AND TESTIMONY AND ADMINISTER OATHS OR AFFIRMATIONS, TO THE EXTENT THE OFFICE DETERMINES SUCH ACTIONS ARE NECESSARY TO OBTAIN INFORMATION RELEVANT AND MATERIAL TO INVESTIGATING SUCH OMISSIONS AND/OR INACCURACIES.

5. WHERE THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT DETERMINES ON THE BASIS OF SUCH A RANDOM AUDIT OR FURTHER INQUIRY PURSUANT THERETO THAT THERE WAS A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ARTICLE FOUR-

TEEN-A OF THIS CHAPTER, THE ENFORCEMENT PROVISIONS OF SECTION 14-132 OF THIS ARTICLE SHALL APPLY; PROVIDED, THAT NOTHING HEREUNDER SHALL REQUIRE A RANDOM AUDIT AS A CONDITION OF ANY INVESTIGATION OR ENFORCEMENT PURSUANT TO THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER.

S 14-136. SUCCESSOR ENFORCEMENT BODIES. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF ANY STATUTE SHALL, ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, DEVOLVE TO THE COMMISSION ON PUBLIC INTEGRITY, OR TO ANY SUCCESSOR COMMISSION OR BODY THERETO, AUTHORITY TO ENFORCE THE PROVISIONS OF THIS ARTICLE, THEN ON THE EFFECTIVE DATE OF SUCH STATUTE:

1. ALL INVESTIGATORY, ENFORCEMENT AND AUDITING POWERS AND DUTIES OF THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL DEVOLVE TO SUCH COMMISSION OR BODY, WHICH THEREAFTER SHALL UNDERTAKE SUCH POWERS AND DUTIES IN THE MANNER PRESCRIBED BY THIS ARTICLE;

2. ALL OTHER REFERENCES TO THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT IN THIS CHAPTER SHALL BE CONSTRUED TO REFER TO SUCH COMMISSION OR BODY;

3. THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT SHALL BE DEEMED DISSOLVED; AND

4. THE STATE BOARD OF ELECTIONS AND SUCH SUCCESSOR COMMISSION OR BODY SHALL PROVIDE FOR THE TIMELY TRANSFER OF THE RECORDS, PAPERS, CASES, PERSONNEL AND EFFECTS OF THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT TO SUCH COMMISSION OR BODY.

S 14-138. OFFICIAL COMMUNICATIONS BY ELECTRONIC MEANS. ALL OFFICIAL COMMUNICATIONS REQUIRED OR AUTHORIZED BY THIS ARTICLE OR ARTICLE FOURTEEN-A OF THIS CHAPTER TO BE SENT TO A CANDIDATE, COMMITTEE OR AN AGENT THEREOF SHALL BE SENT BOTH BY MAIL IN THE MANNER SPECIFIED BY SUCH ARTICLE AND BY ELECTRONIC MAIL TO THE ELECTRONIC MAIL ADDRESS OR ADDRESSES, IF ANY, ON FILE WITH THE STATE BOARD OF ELECTIONS FOR SUCH COMMITTEE OR AGENT; PROVIDED THAT NO SUCH COMMUNICATION SHALL BE DEEMED UNTIMELY OR OTHERWISE DEFECTIVE SOLELY ON GROUNDS THAT THE ELECTRONIC COMMUNICATION SHALL NOT BE SENT OR RECEIVED. IN LIEU OF COMMUNICATIONS BY CERTIFIED OR EXPRESS MAIL, A CANDIDATE OR COMMITTEE MAY ELECT TO RECEIVE OFFICIAL COMMUNICATIONS BY FACSIMILE OR OTHER ELECTRONIC MEANS; PROVIDED THAT THE MEANS OF MAKING EACH SUCH TRANSMISSION IN LIEU OF COMMUNICATION BY CERTIFIED OR EXPRESS MAIL SHALL ENSURE AUTOMATIC DELIVERY OF PROOF TO THE SENDER THAT SUCH COMMUNICATION PROPERLY WAS RECEIVED AND THE TIME AND DATE OF SUCH RECEIPT. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE RULES TO GOVERN COMMUNICATIONS BY ELECTRONIC MEANS HEREUNDER.

S 8. Section 16-114 of the election law is amended by adding a new subdivision 5 to read as follows:

5. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT, ESTABLISHED PURSUANT TO SECTION 14-132 OF THIS ARTICLE, TO COMMENCE A JUDICIAL PROCEEDING TO COLLECT A CIVIL PENALTY ASSESSABLE PURSUANT TO SECTION 14-126 OF THIS ARTICLE.

S 9. The executive law is amended by adding a new section 63-e to read as follows:

S 63-E. POWERS OF THE ATTORNEY GENERAL TO ENFORCE THE ELECTION LAW. THE ATTORNEY GENERAL MAY INVESTIGATE ANY ALLEGED CIVIL OR CRIMINAL VIOLATION OF THE ELECTION LAW ON HIS OR HER OWN INVESTIGATION, INFORMATION FILED WITH THE STATE BOARD OF ELECTIONS OR STATE CAMPAIGN FINANCE BOARD, OR COMPLAINT OF A PRIVATE CITIZEN. WHERE THE ATTORNEY GENERAL SHALL DETERMINE THAT PROBABLE CAUSE EXISTS OF A CRIMINAL VIOLATION OF ARTICLE FOURTEEN OR FOURTEEN-A OF THE ELECTION LAW, THE ATTORNEY GENERAL MAY SO INFORM THE CHIEF CAMPAIGN FINANCE ENFORCEMENT OFFICER OF THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT ESTABLISHED PURSUANT TO SECTION 14-132 OF THE ELECTION LAW AND PROVIDE THE EVIDENCE SUPPORTING SUCH PROBABLE CAUSE. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW, THE

ATTORNEY GENERAL MAY PROSECUTE A CRIMINAL VIOLATION OF ARTICLE FOURTEEN OR FOURTEEN-A OF THE ELECTION LAW IN THE MANNER AND TO THE EXTENT SPECIFIED IN SUBDIVISION SIX OF SECTION 14-132 OF THE ELECTION LAW. IN FURTHERANCE OF THE POWERS AND DUTIES SPECIFIED IN THIS SECTION, THE ATTORNEY GENERAL IS AUTHORIZED TO TAKE PROOFS, MAKE DETERMINATIONS OF RELEVANT FACTS AND ISSUE SUBPOENAS IN ACCORDANCE WITH LAW, AND SUCH AUTHORIZATION SHALL NOT ABATE OR TERMINATE BY REASON OF ANY CIVIL OR CRIMINAL ACTION OR PROCEEDING TO ENFORCE THE ELECTION LAW OR ANY COLLECTION OR DETERMINATION TO COLLECT A CIVIL PENALTY PURSUANT THERETO. NOTHING IN THIS SECTION SHALL IMPAIR THE ENFORCEMENT JURISDICTION OF ANY DISTRICT ATTORNEY IN THIS STATE OR THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT PURSUANT TO LAW.

S 10. Subdivision 9 of section 94 of the executive law is amended by adding a new paragraph (j-1) to read as follows:

(J-1) ADVISE AND ASSIST THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT ESTABLISHED PURSUANT TO SECTION 14-132 OF THE ELECTION LAW TO EFFECTIVELY DISCHARGE THE POWERS AND DUTIES OF SUCH OFFICE, INCLUDING BUT NOT LIMITED TO ENSURING THE PROMPT AND ACCURATE DISSEMINATION TO SUCH OFFICE OF THE NAMES AND ADDRESSES OF PERSONS REQUIRED TO FILE AS LOBBYISTS PURSUANT TO ARTICLE ONE-A OF THE LEGISLATIVE LAW;

S 11. This act shall take effect on the first day of January following the general election of members of the legislature next succeeding the day on which this act shall have become a law; provided that section 3-201 of the election law, as added by section three of this act, and subdivisions one, two and four of section 14-132 of the election law, as added by section seven of this act, shall take effect immediately.

PART B

Section 1. The election law is amended by adding a new article 14-A to read as follows:

ARTICLE 14-A
VOLUNTARY CLEAN ELECTION CAMPAIGN FINANCE

SECTION 14-150. DEFINITIONS.
14-152. ELIGIBILITY AND OTHER REQUIREMENTS.
14-154. QUALIFIED CAMPAIGN EXPENDITURES; RESTRICTIONS ON USE.
14-156. CAMPAIGN CONTRIBUTIONS.
14-158. OPTIONAL CLEAN ELECTION CAMPAIGN FINANCING.
14-160. GRANT AMOUNTS FOR PRIMARY AND GENERAL ELECTION CAMPAIGNS.
14-162. OPTIONAL PUBLIC FUNDING FOR PARTY COMMITTEES.
14-164. OFFICE HOLDERS ACCOUNTS.
14-166. POWER AND DUTIES OF THE STATE CAMPAIGN FINANCE BOARD.
14-168. NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND.
14-170. DISBURSAL OF REVENUE FOR CLEAN ELECTION CAMPAIGN FINANCING.
14-172. EXAMINATIONS; REPAYMENTS.
14-174. ENFORCEMENT AND PENALTIES.
14-176. CAMPAIGNS FOR OFFICE NOT SUBJECT TO THIS ARTICLE.
14-178. QUADRENNIAL REPORTS.

S 14-150. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "AUTHORIZED COMMITTEE" SHALL MEAN A POLITICAL COMMITTEE THAT HAS BEEN AUTHORIZED BY ONE OR MORE CANDIDATES TO AID OR TAKE PART IN THE

ELECTIONS OF SUCH CANDIDATE OR CANDIDATES AND THAT HAS FILED A STATEMENT THAT SUCH CANDIDATE OR CANDIDATES HAVE AUTHORIZED SUCH POLITICAL COMMITTEE PURSUANT TO SECTION 14-112 OF THIS CHAPTER.

2. "BOARD" SHALL MEAN THE NEW YORK STATE CAMPAIGN FINANCE BOARD ESTABLISHED IN SECTION 3-101 OF THIS CHAPTER.

3. "CONTRIBUTION" SHALL MEAN: (A) ANY GIFT, SUBSCRIPTION, ADVANCE, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION, OR ELECTION, OF ANY CANDIDATE; (B) ANY FUNDS RECEIVED BY A POLITICAL COMMITTEE FROM ANOTHER POLITICAL COMMITTEE; OR (C) ANY PAYMENT, BY ANY PERSON OTHER THAN A CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION, OR ELECTION, OF ANY CANDIDATE, INCLUDING BUT NOT LIMITED TO COMPENSATION FOR THE PERSONAL SERVICES OF ANY INDIVIDUAL THAT ARE RENDERED IN CONNECTION WITH A CANDIDATE'S ELECTION OR NOMINATION WITHOUT CHARGE; PROVIDED, HOWEVER, THAT NONE OF THE FOREGOING SHALL BE DEEMED A CONTRIBUTION IF MADE, TAKEN OR PERFORMED BY A PERSON OR A POLITICAL COMMITTEE INDEPENDENT OF THE CANDIDATE OR HIS OR HER AGENTS OR PRINCIPAL COMMITTEE PURSUANT TO SECTION 14-112 OF THIS CHAPTER. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "INDEPENDENT OF THE CANDIDATE OR HIS OR HER AGENTS OR PRINCIPAL COMMITTEE PURSUANT TO SECTION 14-112 OF THIS CHAPTER" SHALL MEAN THAT THE CANDIDATE OR HIS OR HER AGENTS OR PRINCIPAL COMMITTEE DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY SUCH ACTIVITY; AND PROVIDED FURTHER, THAT THE TERM "CONTRIBUTION" SHALL NOT INCLUDE:

(I) THE VALUE OF SERVICES PROVIDED WITHOUT COMPENSATION BY INDIVIDUALS WHO VOLUNTEER A PORTION OR ALL OF THEIR TIME ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE;

(II) THE USE OF REAL OR PERSONAL PROPERTY AND THE COST OF INVITATIONS, FOOD AND BEVERAGES VOLUNTARILY PROVIDED BY AN INDIVIDUAL TO A CANDIDATE OR POLITICAL COMMITTEE ON THE INDIVIDUAL'S RESIDENTIAL PREMISES FOR CANDIDATE-RELATED ACTIVITIES TO THE EXTENT SUCH SERVICES DO NOT EXCEED FIVE HUNDRED DOLLARS IN VALUE;

(III) THE TRAVEL EXPENSES OF ANY INDIVIDUAL WHO ON HIS OR HER OWN BEHALF VOLUNTEERS HIS OR HER PERSONAL SERVICES TO ANY CANDIDATE OR POLITICAL COMMITTEE TO THE EXTENT SUCH EXPENSES ARE NOT REIMBURSED AND DO NOT EXCEED FIVE HUNDRED DOLLARS IN VALUE;

(IV) EXPENDITURES BY A BONA FIDE MEMBERSHIP ORGANIZATION IN SUPPORT OF THE FOLLOWING ACTIVITIES BY MEMBERS OF THE ORGANIZATION WHO ARE VOLUNTEERING THEIR TIME ON BEHALF OF A CANDIDATE, NOT TO EXCEED FIFTEEN DOLLARS PER MEMBER WHO VOLUNTEERS, FOR: TRANSPORTATION OF VOLUNTEERS TO CAMPAIGN ACTIVITIES; COST OF FEEDING VOLUNTEERS WHILE VOLUNTEERING FOR THE CAMPAIGN; AND MATERIALS SUCH AS BADGES AND CLOTHING THAT IDENTIFIES THE NAME OF THE ORGANIZATION AND/OR CANDIDATE; AND

(V) PARTY EXPENDITURES BY A PARTY COMMITTEE TO THE EXTENT THAT THE TOTAL AMOUNT OF SUCH PARTY EXPENDITURES UNDER PARAGRAPHS (A) AND (B) OF SUBDIVISION EIGHT OF THIS SECTION DO NOT EXCEED THE FOLLOWING AMOUNTS:

(A) ONE MILLION DOLLARS FOR A CANDIDATE FOR GOVERNOR IN A GENERAL ELECTION;

(B) FIVE HUNDRED THOUSAND DOLLARS FOR A CANDIDATE FOR COMPTROLLER OR ATTORNEY GENERAL IN A GENERAL ELECTION;

(C) ONE HUNDRED THOUSAND DOLLARS FOR A CANDIDATE FOR STATE SENATE IN A GENERAL OR SPECIAL ELECTION; OR

(D) FORTY THOUSAND DOLLARS FOR A CANDIDATE FOR ASSEMBLY IN A GENERAL OR SPECIAL ELECTION.

4. "COVERED ELECTION" SHALL MEAN ANY PRIMARY ELECTION FOR NOMINATION FOR ELECTION AS A PARTY CANDIDATE, OR ANY GENERAL ELECTION OR SPECIAL

ELECTION FOR ELECTION, TO THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, SENATOR OR MEMBER OF ASSEMBLY.

5. "GENERAL ELECTION CAMPAIGN PERIOD" SHALL MEAN THE PERIOD BEGINNING THE DAY AFTER THE PRIMARY ELECTION AND ENDING THIRTY DAYS AFTER THE GENERAL ELECTION.

6. "INDEPENDENT EXPENDITURE" SHALL MEAN AN EXPENDITURE BY ANY PERSON, POLITICAL PARTY OR OTHER ENTITY OTHER THAN A CANDIDATE'S PRINCIPAL COMMITTEE THAT IS MADE FOR A COMMUNICATION THAT EXPRESSLY ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE IN A COVERED ELECTION THAT IS MADE WITHOUT THE PARTICIPATION OR COOPERATION OF, OR COORDINATION OR CONSULTATION WITH, ANY CANDIDATE, CANDIDATE'S COMMITTEE OR PERSON WORKING ON BEHALF OF A CANDIDATE OR ANY COMMUNICATION THAT NAMES OR DEPICTS A CLEARLY IDENTIFIED CANDIDATE AND IS DISSEMINATED LESS THAN THIRTY-ONE DAYS BEFORE THE ELECTION.

7. "NON-PARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE WHO REJECTS CLEAN ELECTION CAMPAIGN FINANCING AND CHOOSES TO RUN IN AN ELECTION WITH CAMPAIGN CONTRIBUTIONS RAISED FROM PRIVATE SOURCES, OR WHO OTHERWISE IS INELIGIBLE OR FAILS TO QUALIFY FOR CLEAN ELECTION CAMPAIGN FINANCING. NON-PARTICIPATING CANDIDATES SHALL BE INELIGIBLE TO RECEIVE CLEAN ELECTION CAMPAIGN FINANCING OR OTHER BENEFITS AS DEFINED BY THIS ARTICLE.

8. "PARTY EXPENDITURE" SHALL MEAN AN EXPENDITURE BY A PARTY COMMITTEE FOR THE BENEFIT OF A CANDIDATE OR CANDIDATE COMMITTEE FOR:

(A) THE PREPARATION, DISPLAY OR MAILING OR OTHER DISTRIBUTION OF A PARTY CANDIDATE LISTING. AS USED IN THIS PARAGRAPH, "PARTY CANDIDATE LISTING" MEANS ANY COMMUNICATION THAT MEETS THE FOLLOWING CRITERIA:

(I) THE COMMUNICATION LISTS THE NAME OR NAMES OF CANDIDATES FOR ELECTION TO PUBLIC OFFICE;

(II) THE COMMUNICATION IS DISTRIBUTED THROUGH PUBLIC ADVERTISING SUCH AS BROADCAST TELEVISION STATIONS, CABLE TELEVISION, NEWSPAPERS OR SIMILAR MEDIA, OR THROUGH DIRECT MAIL, TELEPHONE, ELECTRONIC MAIL, PUBLICLY ACCESSIBLE SITES ON THE INTERNET OR PERSONAL DELIVERY;

(III) THE TREATMENT OF ALL CANDIDATES IN THE COMMUNICATION IS SUBSTANTIALLY SIMILAR; AND

(IV) THE CONTENT OF THE COMMUNICATION IS LIMITED TO:

(A) FOR EACH SUCH CANDIDATE, IDENTIFYING INFORMATION, INCLUDING PHOTOGRAPHS, OFFICE SOUGHT, OFFICE CURRENTLY HELD BY THE CANDIDATE, IF ANY, PARTY ENROLLMENT OF THE CANDIDATE, A BRIEF STATEMENT CONCERNING THE CANDIDATE'S POSITIONS, PHILOSOPHY, GOALS, ACCOMPLISHMENTS OR BIOGRAPHY, AND THE POSITIONS, PHILOSOPHY, GOALS OR ACCOMPLISHMENTS OF THE CANDIDATE'S PARTY;

(B) ENCOURAGEMENT TO VOTE FOR EACH SUCH CANDIDATE; AND

(C) INFORMATION CONCERNING VOTING, INCLUDING VOTING HOURS AND LOCATIONS;

(B) A DOCUMENT IN PRINTED OR ELECTRONIC FORM, INCLUDING A PARTY PLATFORM, A COPY OF AN ISSUE PAPER, INFORMATION PERTAINING TO THE REQUIREMENTS OF THIS TITLE, A LIST OF REGISTERED VOTERS AND VOTER IDENTIFICATION INFORMATION, WHICH DOCUMENT IS CREATED OR MAINTAINED BY A PARTY COMMITTEE, FOR THE GENERAL PURPOSES OF PARTY BUILDING AND IS PROVIDED TO A CANDIDATE WHO IS A MEMBER OF THE PARTY THAT HAS ESTABLISHED SUCH PARTY COMMITTEE;

(C) A CAMPAIGN EVENT AT WHICH A CANDIDATE OR CANDIDATES ARE PRESENT;

(D) THE RETENTION OF THE SERVICES OF AN ADVISOR TO PROVIDE ASSISTANCE RELATING TO CAMPAIGN ORGANIZATION, FINANCING, ACCOUNTING, STRATEGY, LAW OR MEDIA; OR

(E) THE USE OF OFFICES, TELEPHONES, COMPUTERS AND SIMILAR EQUIPMENT WHICH DOES NOT RESULT IN ADDITIONAL COST TO THE PARTY COMMITTEE.

9. "POLITICAL COMMITTEE" SHALL HAVE THE MEANING SET FORTH IN SECTION 14-100 OF THIS CHAPTER.

10. "PRINCIPAL COMMITTEE" SHALL MEAN THE AUTHORIZED COMMITTEE DESIGNATED BY A CANDIDATE PURSUANT TO THIS ARTICLE.

11. "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE FOR WHICH CLEAN ELECTION CAMPAIGN FUNDS MAY BE USED PURSUANT TO THIS ARTICLE.

12. "QUALIFIED CANDIDATE" SHALL MEAN ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, SENATOR OR MEMBER OF THE ASSEMBLY WHO QUALIFIES FOR CLEAN ELECTION CAMPAIGN FUNDS BY COLLECTING THE REQUIRED NUMBER OF QUALIFYING CONTRIBUTIONS AND AGREEING TO OTHER REQUIREMENTS SPECIFIED IN THIS ARTICLE.

13. "QUALIFYING CONTRIBUTION" SHALL MEAN A CONTRIBUTION OF AT LEAST FIVE DOLLARS AND NO MORE THAN TWO HUNDRED FIFTY DOLLARS PER CONTRIBUTION WHICH IS MADE TO THE PRINCIPAL COMMITTEE AND WHICH IS COUNTED TOWARD THE AGGREGATE NUMBER OF QUALIFYING CONTRIBUTIONS NEEDED TO MEET THE THRESHOLD AMOUNT FOR A SPECIFIC OFFICE. A CONTRIBUTION SHALL BE DEEMED A QUALIFYING CONTRIBUTION ONLY IF MADE BY CHECK, MONEY ORDER OR IN CASH AND ONLY IF ACCOMPANIED BY A SIGNED STATEMENT THAT: (A) THE CONTRIBUTION IS INTENDED TO BE A CONTRIBUTION TO SUPPORT THE ELECTION OF A CANDIDATE SEEKING TO QUALIFY FOR A COVERED ELECTION; (B) THE CONTRIBUTION WAS MADE FROM THE CONTRIBUTOR'S OWN FUNDS; AND (C) THE CONTRIBUTOR RECEIVED AND SHALL RECEIVE NOTHING OF VALUE IN EXCHANGE FOR THE CONTRIBUTION. ANY CONTRIBUTIONS THAT DO NOT MEET THE REQUIREMENTS SET FORTH IN THIS ARTICLE SHALL BE RETURNED TO THE CONTRIBUTOR.

14. "QUALIFYING PERIOD" SHALL MEAN THE PERIOD DURING WHICH PARTICIPATING CANDIDATES COLLECT QUALIFYING CONTRIBUTIONS.

15. "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE TOTAL AMOUNT OF QUALIFYING CONTRIBUTIONS THAT A PARTICIPATING CANDIDATE AND HIS OR HER PRINCIPAL COMMITTEE MUST RECEIVE IN ORDER FOR SUCH CANDIDATE TO QUALIFY FOR CLEAN ELECTION CAMPAIGN FUNDING PURSUANT TO THIS ARTICLE.

16. "TRANSFER" SHALL MEAN ANY EXCHANGE OF FUNDS OR ANY THING OF VALUE BETWEEN POLITICAL COMMITTEES AUTHORIZED BY THE SAME CANDIDATE PURSUANT TO SECTION 14-112 OF THIS CHAPTER AND TAKING PART IN HIS OR HER CAMPAIGN.

17. "OFFICE HOLDER ACCOUNT" SHALL REFER TO A POLITICAL COMMITTEE ESTABLISHED UNDER SECTION 14-162 OF THIS ARTICLE.

S 14-152. ELIGIBILITY AND OTHER REQUIREMENTS. 1. TO BE ELIGIBLE FOR CLEAN ELECTION CAMPAIGN FUNDING UNDER THIS ARTICLE, A CANDIDATE FOR NOMINATION FOR ELECTION OR ELECTION SHALL:

(A) MEET ALL THE REQUIREMENTS OF LAW TO HAVE HIS OR HER NAME ON THE BALLOT;

(B) BE A CANDIDATE FOR GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL, STATE SENATE OR ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION AND MEET THE THRESHOLD CRITERIA FOR ELIGIBILITY SET FORTH IN SUBDIVISIONS THREE AND FOUR OF THIS SECTION;

(C) CHOOSE TO PARTICIPATE IN THE CLEAN ELECTION CAMPAIGN FUNDING PROVISIONS OF THIS ARTICLE, BY FILING A WRITTEN CERTIFICATION IN SUCH FORM AS MAY BE PRESCRIBED BY THE BOARD, WHICH SETS FORTH HIS OR HER ACCEPTANCE OF AND AGREEMENT TO COMPLY WITH THE TERMS AND CONDITIONS FOR THE PROVISION OF SUCH FUNDS;

(D) FURNISH TO THE BOARD AND HIS OR HER PRINCIPAL COMMITTEE ANY INFORMATION THE BOARD MAY REQUEST RELATING TO HIS OR HER CAMPAIGN EXPENDI-

TURES OR CONTRIBUTIONS, INCLUDING ANY SUCH DOCUMENTATION OR OTHER PROOF OF COMPLIANCE WITH THIS ARTICLE AS SUCH BOARD MAY REQUEST;

(E) NOTIFY THE BOARD IN THE CANDIDATE'S WRITTEN CERTIFICATION AS TO:

(I) THE EXISTENCE OF EACH AUTHORIZED COMMITTEE AUTHORIZED BY SUCH CANDIDATE THAT HAS NOT BEEN TERMINATED;

(II) WHETHER ANY SUCH COMMITTEE ALSO HAS BEEN AUTHORIZED BY ANY OTHER CANDIDATE; AND

(III) IF THE CANDIDATE HAS AUTHORIZED MORE THAN ONE AUTHORIZED COMMITTEE, WHICH AUTHORIZED COMMITTEE HAS BEEN DESIGNATED BY THE CANDIDATE AS THE CANDIDATE'S PRINCIPAL COMMITTEE FOR THE ELECTION OR ELECTIONS COVERED BY THE CANDIDATE'S CERTIFICATION; PROVIDED, THAT SUCH PRINCIPAL COMMITTEE:

(A) SHALL BE THE ONLY COMMITTEE AUTHORIZED BY SUCH CANDIDATE TO AID OR OTHERWISE TAKE PART IN THE ELECTION OR ELECTIONS COVERED BY THE CANDIDATE'S CERTIFICATION;

(B) SHALL NOT BE AN AUTHORIZED COMMITTEE OF ANY OTHER CANDIDATE; AND

(C) SHALL NOT HAVE BEEN AUTHORIZED OR OTHERWISE ACTIVE FOR ANY ELECTION PRIOR TO THE ELECTION OR ELECTIONS COVERED BY THE CANDIDATE'S CERTIFICATION.

THE USE OF AN ENTITY OTHER THAN THE DESIGNATED PRINCIPAL COMMITTEE TO AID OR OTHERWISE TAKE PART IN THE ELECTION OR ELECTIONS COVERED BY THE CANDIDATE'S CERTIFICATION SHALL BE A VIOLATION OF THIS SECTION AND SHALL TRIGGER THE APPLICATION TO SUCH ENTITY OF ALL PROVISIONS OF THIS ARTICLE GOVERNING PRINCIPAL COMMITTEES;

(F) MAINTAIN ALONG WITH HIS OR HER PRINCIPAL COMMITTEE SUCH RECORDS OF RECEIPTS AND EXPENDITURES FOR A COVERED ELECTION AS REQUIRED BY THE BOARD;

(G) NOT MAKE ALONG WITH HIS OR HER PRINCIPAL COMMITTEE EXPENDITURES WHICH IN THE AGGREGATE EXCEED THE GRANT OF PUBLIC FUNDS SET FORTH IN SECTION 14-160 OF THIS ARTICLE PLUS THE AMOUNT OF QUALIFYING CONTRIBUTIONS ALLOWED PURSUANT TO SUBDIVISION FOUR OF THIS SECTION;

(H) NOT ACCEPT AGGREGATE PARTY EXPENDITURES FROM THE COMMITTEE OR COMMITTEES OF ANY POLITICAL PARTY IN EXCESS OF THE AMOUNT SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION;

(I) AGREE TO PARTICIPATE IN AT LEAST TWO PUBLIC DEBATES WITH OTHER CANDIDATES PRIOR TO THE DATE OF A PRIMARY ELECTION OR SPECIAL ELECTION AND AT LEAST THREE DEBATES WITH OTHER CANDIDATES PRIOR TO THE DATE OF A GENERAL ELECTION. SUCH DEBATES SHALL BE ESTABLISHED UNDER REGULATIONS PROMULGATED BY THE STATE CAMPAIGN FINANCE BOARD. IF A CANDIDATE FAILS TO PARTICIPATE IN ANY DEBATE REQUIRED UNDER THIS SECTION BEFORE AN ELECTION, THE CANDIDATE SHALL BE LIABLE FOR RETURN OF MONEYS PREVIOUSLY RECEIVED FOR USE BY THE CANDIDATE TO PAY ELECTION CAMPAIGN EXPENSES AND SHALL BE INELIGIBLE TO RECEIVE ANY FURTHER CLEAN ELECTION CAMPAIGN FUNDS FOR THAT ELECTION. FOR PURPOSES OF THIS PARAGRAPH, EACH PRIMARY, GENERAL OR SPECIAL ELECTION SHALL BE CONSIDERED A SEPARATE ELECTION; AND

(J) SATISFY ANY CLAIM MADE BY SUCH BOARD FOR THE PAYMENT OF CIVIL PENALTIES OR REPAYMENT OF PUBLIC FUNDS THAT REMAINS OUTSTANDING AGAINST SUCH CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE FROM A PRIOR COVERED ELECTION, IF:

(I) THE CANDIDATE HAD WRITTEN NOTICE OF SUCH POTENTIAL CLAIM AND INELIGIBILITY TO RECEIVE PUBLIC FUNDS PRIOR TO FILING A WRITTEN CERTIFICATION FOR THE CURRENT COVERED ELECTION PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION; OR

(II) IN THE EVENT NO SUCH TIMELY NOTICE HAS BEEN GIVEN, THE CANDIDATE HAS BEEN GIVEN AN OPPORTUNITY TO PRESENT TO THE BOARD REASONS HE OR SHE SHOULD BE ELIGIBLE TO RECEIVE PUBLIC FUNDS.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, THE QUALIFYING PERIOD SHALL COMMENCE ON THE FIRST DAY OF JANUARY OF THE YEAR IN WHICH THE ELECTION OR ELECTIONS FOR WHICH THE CANDIDATE SEEKS TO QUALIFY WILL BE HELD AND END NO LATER THAN SIXTY DAYS BEFORE THE DATE OF THE PRIMARY ELECTION IN THAT SAME YEAR.

3. THE QUALIFYING PERIOD IN A SPECIAL ELECTION SHALL BEGIN THE DAY THE ELECTION IS ANNOUNCED. CANDIDATES SHALL HAVE UP TO FOURTEEN DAYS BEFORE THE DATE OF THE SPECIAL ELECTION TO COLLECT QUALIFYING CONTRIBUTIONS. THE NUMBER OF QUALIFYING CONTRIBUTIONS SHALL BE HALF OF THE NUMBER OF CONTRIBUTIONS REQUIRED IN A GENERAL ELECTION. FUNDS SHALL BE RELEASED TO SPECIAL ELECTION CANDIDATES WITHIN THREE DAYS OF SUBMISSION OF EVIDENCE OF SUCH QUALIFYING CONTRIBUTIONS.

4. (A) THE THRESHOLD FOR ELIGIBILITY FOR CLEAN ELECTION CAMPAIGN FUNDING FOR PARTICIPATING CANDIDATES IN A GENERAL ELECTION SHALL BE:

(I) CANDIDATES FOR STATE SENATE, AT LEAST ONE THOUSAND QUALIFYING CONTRIBUTIONS FROM INDIVIDUALS, HALF OF WHOM SHALL RESIDE IN THE STATE SENATE DISTRICT, THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS NOT TO EXCEED ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS;

(II) CANDIDATES FOR STATE ASSEMBLY, AT LEAST FOUR HUNDRED QUALIFYING CONTRIBUTIONS FROM INDIVIDUALS, HALF OF WHOM SHALL RESIDE IN THE STATE ASSEMBLY DISTRICT, THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS NOT TO EXCEED FIFTY THOUSAND DOLLARS;

(III) CANDIDATES FOR GOVERNOR, AT LEAST TWENTY THOUSAND QUALIFYING CONTRIBUTIONS, INCLUDING AT LEAST FIVE HUNDRED CONTRIBUTIONS FROM INDIVIDUALS RESIDING IN EACH OF A MAJORITY OF THE CONGRESSIONAL DISTRICTS OF THE STATE, THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS; AND

(IV) CANDIDATES FOR LIEUTENANT GOVERNOR, ATTORNEY GENERAL AND COMPTROLLER, AT LEAST TEN THOUSAND QUALIFYING CONTRIBUTIONS, INCLUDING AT LEAST TWO HUNDRED FIFTY CONTRIBUTIONS FROM INDIVIDUALS RESIDING IN EACH OF A MAJORITY OF THE CONGRESSIONAL DISTRICTS OF THE STATE, THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS NOT TO EXCEED ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS.

ANY SUCH CONTRIBUTION COLLECTED IN EXCESS OF THE LIMITATION SPECIFIED IN THIS PARAGRAPH FOR SUCH CANDIDATE SHALL BE DONATED TO THE NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND.

(B) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION, IN ORDER TO BE ELIGIBLE FOR CLEAN ELECTION CAMPAIGN FINANCING FOR THE GENERAL ELECTION, THE CANDIDATE SHALL HAVE PARTICIPATED IN THE PRIMARY ELECTION AND RECEIVED THE HIGHEST NUMBER OF VOTES OF THE CANDIDATES CONTESTING THE PRIMARY ELECTION FROM HIS OR HER RESPECTIVE PARTY AND HAVE WON THE PARTY'S NOMINATION.

(C) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION, IN ORDER TO BE ELIGIBLE TO RECEIVE CLEAN ELECTION CAMPAIGN FUNDS IN A PRIMARY ELECTION, A QUALIFIED CANDIDATE SHALL AGREE THAT IN THE EVENT HE OR SHE IS A CANDIDATE FOR SUCH OFFICE IN ANY OTHER ELECTION HELD IN THE SAME CALENDAR YEAR, HE OR SHE WILL BE BOUND IN EACH SUCH OTHER ELECTION BY THE ELIGIBILITY REQUIREMENTS AND ALL OTHER PROVISIONS OF THIS ARTICLE.

5. NO PRINCIPAL COMMITTEE OF A QUALIFIED CANDIDATE FOR A COVERED ELECTION MAY BE AUTHORIZED TO AID OR TAKE PART IN THE ELECTION OF MORE THAN ONE CANDIDATE.

6. REGARDLESS OF WHETHER A CANDIDATE DEMONSTRATES ELIGIBILITY FOR CLEAN ELECTION CAMPAIGN FINANCING UNDER THIS ARTICLE, A CANDIDATE WHO HAS FILED A WRITTEN CERTIFICATION IN ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION AND HIS OR HER PRINCIPAL COMMITTEE SHALL COMPLY WITH THE

REQUIREMENTS OF PARAGRAPHS (D), (E) AND (F) OF SUBDIVISION ONE OF THIS SECTION.

7. A QUALIFIED CANDIDATE WHO RECEIVES CLEAN ELECTION CAMPAIGN FUNDS SHALL NOT ACCEPT OR SPEND ANY FUNDS OTHER THAN CLEAN ELECTION CAMPAIGN FUNDS AND QUALIFYING CONTRIBUTIONS UP TO THE LIMIT SPECIFIED FOR SUCH CANDIDATE IN PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION.

8. A QUALIFIED CANDIDATE WHO OR POLITICAL PARTY THAT RECEIVES CLEAN ELECTION CAMPAIGN FUNDS SHALL IN ALL COVERED COMMUNICATIONS PAID FOR IN WHOLE OR IN PART BY SUCH CANDIDATE OR PARTY COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION.

(A) IN ANY COVERED COMMUNICATION PUBLISHED OR DISTRIBUTED TO A GENERAL PUBLIC AUDIENCE, SUCH COMMUNICATION:

(I) IF PAID FOR IN WHOLE OR IN PART BY SUCH CANDIDATE, AN AUTHORIZED POLITICAL COMMITTEE OF SUCH CANDIDATE, PARTY OR ANY AGENT THEREOF, SHALL CLEARLY SPECIFY THAT THE COMMUNICATION HAS BEEN PAID FOR BY SUCH CANDIDATE, AUTHORIZED POLITICAL COMMITTEE, PARTY OR AGENT WITH CLEAN ELECTION FUNDS; AND

(II) IF PAID FOR IN WHOLE OR IN PART BY ONE OR MORE OTHER PERSONS OR ENTITIES BUT AUTHORIZED BY SUCH CANDIDATE, AN AUTHORIZED POLITICAL COMMITTEE OF SUCH CANDIDATE, PARTY OR AGENT, SHALL CLEARLY STATE THE NAME OF THE PERSON OR PERSONS, AND/OR ENTITY OR ENTITIES, THAT PAID FOR THE COMMUNICATION AND THAT SUCH COMMUNICATION IS AUTHORIZED BY SUCH CANDIDATE, POLITICAL COMMITTEE, PARTY OR AGENT.

(B) THE STATEMENT OR STATEMENTS REQUIRED BY SUBDIVISION (A) OF THIS SECTION TO BE MADE FOR SUCH A COMMUNICATION THAT INCLUDES TEXT OR GRAPHICS SHALL BE PROVIDED IN A PRINTED OR DRAWN BOX APART FROM ANY OTHER PRINTED OR OTHER GRAPHICAL MATERIAL IN AT LEAST TEN POINT TYPE ON EACH PAGE OR FOLD, EXCEPT FOR A BILLBOARD, POSTER OR OTHER PUBLIC DISPLAY, FOR WHICH EACH SUCH STATEMENT SHALL BE IN A PRINTED OR DRAWN BOX IN TYPE AT LEAST TEN PERCENT OF THE LARGEST TYPEFACE OTHERWISE USED THEREIN. WHERE SUCH COMMUNICATION DESCRIBED BY SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS SUBDIVISION IS DISSEMINATED BY CABLE, SATELLITE, TELEVISION, TELEPHONE, RADIO OR OTHER ELECTRONIC MEANS, IT SHALL INCLUDE, IN CLEARLY SPOKEN FORM IN THE VOICE OF THE CANDIDATE, THE PHRASE "I AM [NAME OF CANDIDATE], AND I APPROVE THIS MESSAGE."

(C) FOR PURPOSES OF THIS SUBDIVISION:

(I) THE TERM "PERSON" SHALL INCLUDE AN INDIVIDUAL, POLITICAL ACTION COMMITTEE, ORGANIZATION, PARTY, ENTITY OR OTHER GROUP OF PERSONS;

(II) THE TERM "COMMUNICATION" SHALL INCLUDE ANY AUDIO OR VIDEO COMMUNICATION VIA BROADCAST, CABLE OR SATELLITE, ANY WRITTEN COMMUNICATION VIA ADVERTISEMENT, PAMPHLET, CIRCULAR, FLYER, BROCHURE, LETTERHEAD OR OTHER PRINTED MATERIAL, TELEPHONIC CALLS AND STATEMENTS OR INFORMATION CONVEYED BY COMPUTER OR OTHER ELECTRONIC DEVICES TO ONE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE; AND

(III) THE TERM "COVERED COMMUNICATION" SHALL MEAN:

(A) A COMMUNICATION THAT EXPRESSLY ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE, THE SUCCESS OR DEFEAT OF A POLITICAL PARTY OR PRINCIPLE, OR THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL, INCLUDING BUT NOT LIMITED TO A COMMUNICATION THAT CONTAINS TERMS OR SYNONYMS THEREOF SUCH AS "VOTE FOR," "ELECT," "SUPPORT," "CAST YOUR BALLOT FOR," "SMITH FOR ASSEMBLY," "JONES 2008," "JONES/BROWN," "VETERANS FOR SMITH," "VOTE AGAINST," "OPPOSE," "DEFEAT" OR "REJECT"; OR THAT IS SUSCEPTIBLE OF NO REASONABLE INTERPRETATION OTHER THAN AS AN APPEAL TO SUPPORT OR OPPOSE A SPECIFIED CANDIDATE, POLITICAL PARTY, PRINCIPLE OR BALLOT PROPOSAL, WHETHER OR NOT BY REFERRING TO CLEARLY IDENTIFIED CANDIDATES COMPETING IN AN ELECTION OR TAKING A POSITION ON ANY CLEARLY

IDENTIFIED CANDIDATE'S CHARACTER, EXPERIENCE, QUALIFICATIONS OR FITNESS FOR OFFICE; PROVIDED, THAT A COMMUNICATION THAT TAKES A POSITION ON AN ISSUE OR SPECIFIES A CLEARLY IDENTIFIED CANDIDATE'S POSITION ON AN ISSUE AND THAT EXHORTS RECIPIENTS OF SUCH COMMUNICATION TO CONTACT A CLEARLY IDENTIFIED CANDIDATE IN RELATION TO SUCH ISSUE SHALL NOT, MERELY IN THE TAKING OR SPECIFICATION OF SUCH POSITION AND EXHORTING SUCH COMMUNICATION TO A CANDIDATE, BE DEEMED A "COVERED COMMUNICATION"; OR

(B) A COMMUNICATION TRANSMITTED, BROADCAST OR OTHERWISE DISSEMINATED TO A TARGET ELECTORATE WITHIN FORTY-FIVE DAYS OF A PRIMARY ELECTION OR SIXTY DAYS OF A GENERAL ELECTION, WHERE SUCH COMMUNICATION NAMES, DEPICTS, PICTURES OR REFERENCES EITHER A CLEARLY IDENTIFIED CANDIDATE SUBJECT TO NOMINATION OR ELECTION BEFORE SUCH TARGET ELECTORATE IN SUCH ELECTION, WHETHER OR NOT BY NAME OR NICKNAME OR BY WORDS OR SYNONYMS THEREOF SUCH AS "THE INCUMBENT," "THE CHALLENGER," "THE DEMOCRATIC CANDIDATE FOR" OR "THE REPUBLICAN CANDIDATE FOR"; OR THE PUBLIC OFFICE OR NOMINATION FOR PUBLIC OFFICE THAT SUCH CANDIDATE SEEKS IN SUCH ELECTION, WHETHER OR NOT BY WORDS OR SYNONYMS THEREOF SUCH AS "YOUR GOVERNOR," "LEGISLATOR," "SENATOR," "DISTRICT 15" OR "ASSEMBLY MEMBER." FOR PURPOSES HEREOF, "TARGET ELECTORATE" SHALL MEAN AT LEAST ONE HUNDRED PERSONS CAPABLE OF RECEIVING SUCH COMMUNICATION IN THE DISTRICT SUCH CANDIDATE SEEKS TO REPRESENT.

S 14-154. QUALIFIED CAMPAIGN EXPENDITURES; RESTRICTIONS ON USE. 1. CLEAN ELECTION CAMPAIGN FUNDS PROVIDED UNDER THE PROVISIONS OF THIS ARTICLE MAY BE USED ONLY FOR EXPENDITURES BY A PRINCIPAL COMMITTEE ON BEHALF OF A CANDIDATE TO FURTHER THE CANDIDATE'S NOMINATION FOR ELECTION OR ELECTION DURING THE CALENDAR YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IN WHICH THE CANDIDATE IS SEEKING NOMINATION FOR ELECTION OR ELECTION IS HELD.

2. SUCH FUNDS MAY NOT BE USED FOR:

(A) AN EXPENDITURE IN VIOLATION OF ANY LAW, RULE OR REGULATION;

(B) PAYMENTS MADE TO THE CANDIDATE OR A SPOUSE, CHILD, GRANDCHILD, PARENT, GRANDPARENT, BROTHER OR SISTER OF THE CANDIDATE OR SPOUSE OF SUCH CHILD, GRANDCHILD, PARENT, GRANDPARENT, BROTHER OR SISTER, OR TO ANYONE PRINCIPALLY RESIDING WITH SUCH PERSON, OR TO A BUSINESS ENTITY IN WHICH THE CANDIDATE OR ANY SUCH PERSON HAS AN OWNERSHIP INTEREST OR SERVES AS AN EMPLOYEE, OFFICER OR MEMBER OF THE BOARD OF DIRECTORS; (C) PAYMENTS IN EXCESS OF THE FAIR MARKET VALUE OF SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF VALUE RECEIVED IN EXCHANGE;

(D) ANY EXPENDITURES MADE IN ANY CALENDAR YEAR AFTER THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED OR HAD HIS OR HER PETITIONS FINALLY DECLARED INVALID BY THE APPLICABLE BOARD OF ELECTIONS OR A COURT OF COMPETENT JURISDICTION, EXCEPT AS OTHERWISE PERMITTED BY SUBDIVISION FOUR OF SECTION 14-168 OF THIS ARTICLE, OR AFTER THE ONLY REMAINING OPPONENT OF THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED;

(E) PAYMENTS IN CASH, EXCEPT AS PRESCRIBED IN SUBDIVISION THREE OF SECTION 14-170 OF THIS ARTICLE;

(F) ANY CONTRIBUTION, TRANSFER OR LOAN MADE TO ANOTHER CANDIDATE OR POLITICAL COMMITTEE;

(G) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER PRINTED CAMPAIGN MATERIAL;

(H) INTEREST OR ANY OTHER FINANCE CHARGE ON MONEYS LOANED TO A CAMPAIGN BY A CANDIDATE OR ANY MEMBER OF A CANDIDATE'S HOUSEHOLD;

(I) ATTORNEY'S FEES OR ANY COSTS OF DEFENDING AGAINST ANY CIVIL OR CRIMINAL INVESTIGATION OR PROSECUTION FOR ALLEGED VIOLATIONS OF STATE OR FEDERAL LAW ALLEGEDLY COMMITTED WHILE HOLDING PUBLIC OFFICE OR BEING A CANDIDATE FOR SUCH OFFICE; OR

(J) ANY OTHER USE OR PURPOSE IMPERMISSIBLE FOR CONTRIBUTIONS RECEIVED BY A CANDIDATE FOR MEMBER OF CONGRESS OR HIS OR HER POLITICAL COMMITTEE PURSUANT TO TITLE TWO, SECTION FOUR HUNDRED THIRTY-NINE-A OF THE UNITED STATES CODE OR EFFECTUATING RULES AND REGULATIONS OF THE FEDERAL ELECTION COMMISSION, OR RULE OR REGULATION OF THE CAMPAIGN FINANCE BOARD NOT INCONSISTENT WITH THIS PARAGRAPH INCLUDING SUCH PROVISIONS OF FEDERAL LAW, RULE OR REGULATION.

S 14-156. CAMPAIGN CONTRIBUTIONS. QUALIFIED CANDIDATES SHALL FURNISH COMPLETE CAMPAIGN RECORDS, INCLUDING ALL RECORDS OF QUALIFYING CONTRIBUTIONS AND EXPENDITURES TO THE BOARD, ON A QUARTERLY BASIS, EXCEPT MORE REGULARLY AS THE CAMPAIGN FINANCE BOARD MAY PROMULGATE BY RULE, OR OTHERWISE ON REQUEST BY THE BOARD. SUCH RECORDS SHALL BE IN SUCH FORM AS THE CAMPAIGN FINANCE BOARD MAY REQUIRE; PROVIDED THAT THE CAMPAIGN FINANCE BOARD SHALL, TO THE MAXIMUM EXTENT PRACTICABLE, MAKE USE OF THE ELECTRONIC REPORTING SYSTEM PRESCRIBED BY THE STATE BOARD OF ELECTIONS PURSUANT TO SUBDIVISION NINE-A OF SECTION 3-102 OF THIS CHAPTER.

S 14-158. OPTIONAL CLEAN ELECTION CAMPAIGN FINANCING. EACH QUALIFIED CANDIDATE IN A COVERED ELECTION MAY OBTAIN PAYMENT TO THE PRINCIPAL COMMITTEE DESIGNATED BY SUCH CANDIDATE PURSUANT TO THIS ARTICLE FROM CLEAN ELECTION CAMPAIGN FUNDS FOR QUALIFIED CAMPAIGN EXPENDITURES, IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

1. NO SUCH CLEAN ELECTION CAMPAIGN FUNDS SHALL BE PAID TO A PRINCIPAL COMMITTEE UNLESS THE CAMPAIGN FINANCE BOARD DETERMINES THAT THE CANDIDATE HAS MET THE ELIGIBILITY REQUIREMENTS OF THIS ARTICLE. PAYMENT SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN THIS ARTICLE, AND SHALL BE MADE ONLY IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. SUCH PAYMENT MAY BE MADE ONLY TO THE QUALIFIED CANDIDATE'S PRINCIPAL COMMITTEE. NO CLEAN ELECTION CAMPAIGN FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED.

2. CLEAN ELECTION CAMPAIGN FUNDS SHALL BE PAID TO A QUALIFIED CANDIDATE'S PRINCIPAL COMMITTEE BASED ON THE FOLLOWING SCHEDULE:

(A) A CANDIDATE FOR A PRIMARY ELECTION SHALL RECEIVE TWENTY-FIVE PERCENT OF THE GRANT OF PUBLIC FUNDS FOR THE PRIMARY ELECTION WITHIN FIVE DAYS AFTER CERTIFICATION BY THE BOARD THAT THE CANDIDATE HAS MET THE ELIGIBILITY REQUIREMENTS FOR PARTICIPATING CANDIDATES INCLUDING APPROVAL OF QUALIFYING CONTRIBUTIONS UNDER SUBDIVISION THREE OF SECTION 14-152 OF THIS ARTICLE. SUCH CANDIDATE SHALL RECEIVE THE REMAINING SEVENTY-FIVE PERCENT OF THE GRANT OF PUBLIC FUNDS FOR THE PRIMARY ELECTION WITHIN FIVE DAYS AFTER THE CANDIDATE HAS QUALIFIED FOR THE BALLOT. PROVIDED, HOWEVER, THE REMAINING SEVENTY-FIVE PERCENT OF THE GRANT OF PUBLIC FUNDS WILL NOT BE GIVEN TO A CANDIDATE WHO IS UNOPPOSED IN THE PRIMARY ELECTION;

(B) A CANDIDATE WHO RECEIVES A PARTY NOMINATION FOR THE GENERAL ELECTION AND WHO QUALIFIES FOR CLEAN ELECTIONS FUNDS FOR THE GENERAL ELECTION SHALL RECEIVE THE GRANT OF PUBLIC FUNDS FOR THE GENERAL ELECTION WITHIN THREE DAYS AFTER THE DATE OF THE PRIMARY ELECTION; AND

(C) A CANDIDATE WHO IS NOMINATED FOR THE GENERAL ELECTION BALLOT BY INDEPENDENT NOMINATING PETITION AND WHO QUALIFIES FOR CLEAN ELECTIONS FUNDS FOR THE GENERAL ELECTION SHALL RECEIVE THE GRANT OF PUBLIC FUNDS FOR THE GENERAL ELECTION WITHIN THREE DAYS AFTER MEETING ALL ELIGIBILITY REQUIREMENTS FOR A PARTICIPATING CANDIDATE.

3. A QUALIFIED CANDIDATE SEEKING OR OBTAINING NOMINATION FOR ELECTION BY MORE THAN ONE PARTY SHALL BE DEEMED ONE CANDIDATE, AND SHALL NOT RECEIVE ADDITIONAL CLEAN ELECTION CAMPAIGN FUNDS OR BE AUTHORIZED TO ACCEPT CONTRIBUTIONS IN EXCESS OF THE MAXIMUM CONTRIBUTION APPLICABLE PURSUANT TO SUBDIVISION FOUR OF SECTION 14-152 OF THIS ARTICLE OR MAKE

ADDITIONAL EXPENDITURES BY REASON OF SUCH CANDIDATE SEEKING OR OBTAINING NOMINATION FOR ELECTION BY MORE THAN ONE PARTY.

4. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE CAMPAIGN FINANCE BOARD SHALL BY RULE PROVIDE FOR ADDITIONAL GRANTS TO QUALIFIED CANDIDATES IF AN ADDITIONAL DAY FOR VOTING IS HELD PURSUANT TO SECTION 3-108 OF THIS CHAPTER OR AN ELECTION IS HELD PURSUANT TO COURT ORDER, THE AMOUNT OF SUCH ADDITIONAL GRANTS TO BE PROPORTIONAL TO THE AMOUNT OF THE GRANT SUCH CANDIDATE OTHERWISE SHALL HAVE RECEIVED IN AND FOR SUCH GENERAL ELECTION AND THE LENGTH OF TIME BY WHICH THE CAMPAIGN THEREBY IS EXTENDED.

S 14-160. GRANT AMOUNTS FOR PRIMARY AND GENERAL ELECTION CAMPAIGNS. 1. (A) A QUALIFIED CANDIDATE IN A PRIMARY ELECTION FOR NOMINATION FOR STATE SENATE SHALL BE ELIGIBLE FOR CLEAN ELECTION CAMPAIGN FUNDS FOR THE PRIMARY CAMPAIGN IN THE AMOUNT OF TWO DOLLARS PER EACH ENROLLED VOTER IN THE CANDIDATE'S PARTY RESIDING WITHIN THE SENATE DISTRICT AS OF THE FIRST DAY OF JANUARY OF THE YEAR IN WHICH THE PRIMARY ELECTION IS TO BE HELD.

(B) A QUALIFIED CANDIDATE FOR STATE SENATE WHO HAS BEEN NOMINATED EITHER AS A PARTY CANDIDATE OR AN INDEPENDENT CANDIDATE SHALL BE ELIGIBLE FOR CLEAN ELECTION CAMPAIGN FUNDS FOR THE GENERAL ELECTION CAMPAIGN IN THE AMOUNT OF THREE HUNDRED THOUSAND DOLLARS.

2. (A) A QUALIFIED CANDIDATE IN A PRIMARY ELECTION FOR NOMINATION FOR MEMBER OF THE ASSEMBLY SHALL BE ELIGIBLE FOR CLEAN ELECTION CAMPAIGN FUNDS FOR THE PRIMARY CAMPAIGN IN THE AMOUNT OF TWO DOLLARS PER EACH ENROLLED VOTER IN THE CANDIDATE'S PARTY RESIDING WITHIN THE ASSEMBLY DISTRICT AS OF THE FIRST DAY OF JANUARY OF THE YEAR IN WHICH THE PRIMARY ELECTION IS TO BE HELD.

(B) A QUALIFIED CANDIDATE FOR STATE ASSEMBLY WHO HAS BEEN NOMINATED EITHER AS A PARTY CANDIDATE OR AN INDEPENDENT CANDIDATE SHALL BE ELIGIBLE FOR CLEAN ELECTION CAMPAIGN FUNDS FOR THE GENERAL ELECTION CAMPAIGN IN THE AMOUNT OF ONE HUNDRED TWENTY THOUSAND DOLLARS.

3. (A) A QUALIFIED CANDIDATE IN A PRIMARY ELECTION FOR NOMINATION FOR GOVERNOR SHALL BE ELIGIBLE FOR CLEAN ELECTION CAMPAIGN FUNDS FOR THE PRIMARY CAMPAIGN IN THE AMOUNT OF ONE DOLLAR PER EACH ENROLLED VOTER IN THE CANDIDATE'S PARTY RESIDING WITHIN THE STATE AS OF THE FIRST DAY OF JANUARY OF THE YEAR IN WHICH THE PRIMARY ELECTION IS TO BE HELD.

(B) A QUALIFIED CANDIDATE FOR GOVERNOR WHO HAS BEEN NOMINATED AS A PARTY CANDIDATE SHALL BE ELIGIBLE FOR CLEAN ELECTION CAMPAIGN FUNDS FOR THE GENERAL ELECTION CAMPAIGN IN THE AMOUNT OF SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS.

4. (A) A QUALIFIED CANDIDATE IN A PRIMARY ELECTION FOR NOMINATION FOR LIEUTENANT GOVERNOR, ATTORNEY GENERAL OR COMPTROLLER SHALL BE ELIGIBLE FOR CLEAN ELECTION CAMPAIGN FUNDS FOR THE PRIMARY CAMPAIGN IN THE AMOUNT OF SEVENTY-FIVE CENTS PER EACH ENROLLED VOTER IN THE CANDIDATE'S PARTY RESIDING WITHIN THE STATE AS OF THE FIRST DAY OF JANUARY OF THE YEAR IN WHICH THE PRIMARY ELECTION IS TO BE HELD.

(B) A QUALIFIED CANDIDATE FOR ATTORNEY GENERAL OR COMPTROLLER WHO HAS BEEN NOMINATED AS A PARTY CANDIDATE SHALL BE ELIGIBLE FOR CLEAN ELECTION CAMPAIGN FUNDS FOR THE GENERAL ELECTION CAMPAIGN IN THE AMOUNT OF FOUR MILLION DOLLARS.

5. NOT LATER THAN JANUARY FIRST, IN THE FOURTH YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, AND EVERY FOURTH YEAR THEREAFTER, THE CAMPAIGN FINANCE BOARD SHALL:

(A) DETERMINE THE PERCENTAGE DIFFERENCE BETWEEN THE AVERAGE OF THE CONSUMER PRICE INDEX FOR ALL URBAN AREAS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS FOR THE TWELVE MONTHS PRECEDING THE BEGINNING

OF SUCH CALENDAR YEAR AND SUCH AVERAGE OVER THE CALENDAR YEAR COMMENCING ON THE EFFECTIVE DATE OF THIS SECTION OR THE FIRST DAY OF JANUARY OF THE CALENDAR YEAR IN WHICH THE LAST ADJUSTMENT HEREUNDER WAS MADE, WHICHEVER IS LATER;

(B) ADJUST EACH PUBLIC GRANT FORMULA FOR PRIMARY ELECTIONS APPLICABLE PURSUANT TO THIS SUBDIVISION BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE NEAREST FIVE ONE-HUNDREDTHS OF A DOLLAR;

(C) ADJUST EACH PUBLIC GRANT FOR GENERAL ELECTIONS APPLICABLE PURSUANT TO THIS SUBDIVISION BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE NEAREST THOUSAND DOLLARS; AND

(D) PUBLISH SUCH ADJUSTED EXPENDITURE LIMITATION IN THE STATE REGISTER.

SUCH ADJUSTED EXPENDITURE LIMITATION SHALL BE IN EFFECT FOR ANY ELECTION HELD BEFORE THE NEXT SUCH ADJUSTMENT.

6. ADDITIONAL FUNDS FROM THE FUND SHALL BE AWARDED TO A QUALIFIED CANDIDATE WHEN THE TOTAL OF CAMPAIGN EXPENDITURES BY NON-PARTICIPATING CANDIDATES WHO OPPOSE A QUALIFIED CANDIDATE AND INDEPENDENT EXPENDITURES DIRECTED AGAINST THE QUALIFIED CANDIDATE OR IN SUPPORT OF THE QUALIFIED CANDIDATE'S OPPONENT, EXCEEDS ONE HUNDRED PERCENT OF THE PUBLIC GRANT AWARDED TO THE CANDIDATE. AN ADDITIONAL DOLLAR SHALL BE AWARDED FOR EACH DOLLAR IN EXCESS OF ONE HUNDRED PERCENT OF THE PUBLIC GRANT, UP TO A TOTAL OF FOUR TIMES THE AMOUNT OF SUCH PUBLIC GRANTS. THE BOARD SHALL MAKE ADDITIONAL DOLLARS AVAILABLE TO THE CANDIDATE AND/OR PRINCIPLE COMMITTEE WITHIN TWENTY-FOUR HOURS OF RECEIVING THE REPORT THAT TRIGGERS SUCH ADDITIONAL FUNDS. THE CAMPAIGN FINANCE BOARD SHALL PROMULGATE ANY OTHER NEEDED RULES AND REGULATIONS TO GOVERN THE DISTRIBUTION OF ADDITIONAL GRANTS IN SUCH AMOUNTS AND AT SUCH TIMES THAT WILL ENSURE QUALIFIED CANDIDATES RECEIVE ADDITIONAL FUNDS IN AN EXPEDITIOUS MANNER.

7. NON-PARTICIPATING CANDIDATES AND PERSONS OR ENTITIES MAKING INDEPENDENT EXPENDITURES SHALL COMPLY WITH ALL REPORTING REQUIREMENTS FOR POLITICAL COMMITTEES AND CANDIDATES AS PROVIDED IN ARTICLE FOURTEEN OF THIS CHAPTER AND PURSUANT TO THE RULES AND REGULATIONS PROMULGATED BY THE CAMPAIGN FINANCE BOARD. IN ADDITION, DURING THE PERIOD COMMENCING THIRTY DAYS BEFORE THE DATE OF A COVERED ELECTION IN WHICH A QUALIFIED CANDIDATE IS RUNNING, NON-PARTICIPATING CANDIDATES RUNNING AGAINST A QUALIFIED CANDIDATE IN SUCH ELECTION AND ANY PERSON OR ENTITY MAKING INDEPENDENT EXPENDITURES IN SUPPORT OF OR IN OPPOSITION TO A QUALIFIED CANDIDATE IN SUCH ELECTION SHALL FILE A STATEMENT WITH THE BOARD REPORTING TOTAL CAMPAIGN EXPENDITURES MADE OR OBLIGATED TO BE MADE AS OF SUCH DATE, AND THEREAFTER SHALL FILE ADDITIONAL STATEMENTS THEREWITH WITHIN TWENTY-FOUR HOURS WHENEVER TOTAL CAMPAIGN EXPENDITURES MADE, OR OBLIGATED TO BE MADE, INCREASE BY ONE THOUSAND DOLLARS OR MORE.

S 14-162. OPTIONAL PUBLIC FUNDING FOR PARTY COMMITTEES. A POLITICAL PARTY COMMITTEE THAT AGREES NOT TO ACCEPT CONTRIBUTIONS TOTALING MORE THAN FIVE THOUSAND DOLLARS FROM ANY ENTITY IN A CALENDAR YEAR MAY RECEIVE MATCHING FUNDS FROM THE CLEAN ELECTIONS FUND AT THE RATE OF TWO DOLLARS IN PUBLIC FUNDS FOR EVERY ONE DOLLAR IN PRIVATE CONTRIBUTIONS FOR CONTRIBUTIONS FROM REGISTERED VOTERS IN NEW YORK OF NO MORE THAN TWO HUNDRED FIFTY DOLLARS; PROVIDED THAT NO POLITICAL PARTY MAY RECEIVE MORE THAN TWO MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE NEW YORK STATE CLEAN ELECTIONS CAMPAIGN FINANCE FUND IN A CALENDAR YEAR; AND FURTHER PROVIDED THAT A POLITICAL PARTY COMMITTEE RECEIVING FUNDS PURSUANT TO THIS SECTION SHALL IN THE USE OF SUCH FUNDS COMPLY WITH THE PROVISIONS OF SUBDIVISION TWO OF SECTION 14-154 OF THIS ARTICLE.

S 14-164. OFFICE HOLDERS ACCOUNTS. A PARTICIPATING CANDIDATE WHO IS ELECTED TO OFFICE IN A GENERAL OR SPECIAL ELECTION MAY ESTABLISH AN

OFFICE HOLDER ACCOUNT, AS LONG AS SUCH ACCOUNT MEETS THE FOLLOWING REQUIREMENTS:

1. THE OFFICE HOLDER ACCOUNT MAY ONLY DISBURSE FUNDS DURING CALENDAR YEARS IN WHICH THERE IS NO PRIMARY OR GENERAL ELECTION FOR THE OFFICE HELD BY THE PARTICIPATING CANDIDATE FROM JANUARY FIRST THROUGH JULY FIRST OF THE CALENDAR YEAR OF THE PRIMARY OR GENERAL ELECTION FOR SUCH OFFICE;

2. THE MAXIMUM AMOUNT OF FUNDS THAT MAY BE DEPOSITED IN AN OFFICE HOLDER'S ACCOUNT AND THAT MAY BE DISBURSED FROM AN OFFICE HOLDER'S ACCOUNT SHALL BE: ONE HUNDRED THOUSAND DOLLARS FOR GOVERNOR; FIFTY THOUSAND DOLLARS FOR LIEUTENANT GOVERNOR, ATTORNEY GENERAL OR COMPTROLLER; TWENTY-FIVE THOUSAND DOLLARS FOR STATE SENATOR; AND TEN THOUSAND DOLLARS FOR A MEMBER OF THE ASSEMBLY; AND

3. THE ONLY FUNDS THAT MAY BE RECEIVED BY AN OFFICE HOLDER'S ACCOUNT ARE: UNSPENT FUNDS FROM THE CANDIDATE'S PRINCIPAL COMMITTEE AS ESTABLISHED IN SECTION 14-170 OF THIS ARTICLE AND ADDITIONAL FUNDS THAT ARE COLLECTED FROM REGISTERED VOTERS IN THE OFFICE HOLDER'S JURISDICTION AND THAT MEET THE LEGAL REQUIREMENTS OF A QUALIFYING CONTRIBUTION PURSUANT TO SUBDIVISION THIRTEEN OF SECTION 14-150 OF THIS ARTICLE.

ALL EXPENDITURES FROM OFFICE HOLDERS ACCOUNTS MUST MEET ALL THE REQUIREMENTS OF LAW FOR SPENDING FROM A POLITICAL COMMITTEE AND THE REQUIREMENTS OF SECTION 14-154 OF THIS ARTICLE.

S 14-166. POWERS AND DUTIES OF THE STATE CAMPAIGN FINANCE BOARD. THE CAMPAIGN FINANCE BOARD SHALL HAVE SUCH POWERS AND DUTIES IN RELATION TO THE ADMINISTRATION OF THIS ARTICLE AS SPECIFIED IN SECTION 3-101 OF THIS CHAPTER.

S 14-168. NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND. 1. THERE IS HEREBY ESTABLISHED A SPECIAL FUND, TO BE KNOWN AS THE "NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND." THE MONIES IN SUCH FUND MAY BE EXPENDED BY THE CAMPAIGN FINANCE BOARD ONLY AS PAYMENTS FOR QUALIFIED CANDIDATES IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

2. THE FUND SHALL BE KEPT SEPARATE AND SHALL BE CREDITED WITH ALL SUMS APPROPRIATED THERETO, ANY DONATIONS RECEIVED PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, ALL EARNINGS ACCRUING ON SUCH FUNDS AND ANY MONIES REALIZED FROM THE PROVISIONS OF SUBDIVISION THREE OF SECTION 14-172 OF THIS ARTICLE.

3. THE MONEYS IN SUCH FUND SHALL BE MADE AVAILABLE TO QUALIFIED CANDIDATES BY THE CAMPAIGN FINANCE BOARD UPON ITS CERTIFICATION THAT SUCH CANDIDATES QUALIFY FOR SUCH MONEYS.

4. NO MONEYS SHALL BE MADE AVAILABLE TO ANY QUALIFIED CANDIDATE WHO HAS BEEN FINALLY DISQUALIFIED OR WHOSE DESIGNATING OR NOMINATING PETITIONS HAVE BEEN FINALLY DECLARED INVALID BY THE APPLICABLE BOARD OF ELECTIONS OR A COURT OF COMPETENT JURISDICTION. ANY PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEES ON THE DATE OF SUCH FINAL DISQUALIFICATION OR INVALIDATION MAY NOT THEREAFTER BE EXPENDED FOR ANY PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED IN QUALIFIED CAMPAIGN EXPENDITURES BEFORE SUCH DATE AND SHALL BE PROMPTLY REPAID TO THE FUND.

5. THE CAMPAIGN FINANCE BOARD SHALL BE EMPOWERED TO ACCEPT DONATIONS TO BE CREDITED TO THE FUND.

6. ALL QUALIFIED CANDIDATES WHO HAVE BEEN DEFEATED IN A PRIMARY OR GENERAL ELECTION OR WHO FAIL TO REMAIN AS A CANDIDATE THROUGHOUT A PRIMARY OR GENERAL ELECTION CAMPAIGN PERIOD OR WHO HAVE WON IN THE GENERAL ELECTION SHALL RETURN TO THE FUND ALL UNSPENT MONEY THAT THE CANDIDATE RECEIVED FROM THE FUND NO LATER THAN NINETY DAYS AFTER SUCH DATE EXCEPT UPON WRITTEN WAIVER BY THE CAMPAIGN FINANCE BOARD FOR GOOD

CAUSE SHOWN IN RELATION TO ACCOUNTS PAYABLE OUTSTANDING ON SUCH DATE, WHICH WAIVER MAY EXTEND SUCH TIME AND MAY BE RENEWED IN LIKE FASHION AS AN ORIGINAL WAIVER FOR UP TO NINETY DAYS.

7. IF AT ANY TIME THE CAMPAIGN FINANCE BOARD DETERMINES THAT THE NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND DOES NOT HAVE SUFFICIENT REVENUES, OR IS LIKELY TO NOT HAVE SUFFICIENT REVENUES, FOR PAYMENT TO QUALIFIED CANDIDATES UNDER THIS ARTICLE IN SUCH ELECTION CYCLE, THEN SUCH BOARD SHALL REPORT THIS DETERMINATION TO THE COMPTROLLER, ALONG WITH THE AMOUNT WHICH WILL BE NECESSARY TO PROVIDE QUALIFYING CANDIDATES WITH FINANCING PURSUANT TO THIS ARTICLE AND A DETAILED STATEMENT OF THE ASSUMPTIONS AND METHODOLOGY ON WHICH SUCH DETERMINATION WAS BASED. NO MORE THAN FOUR DAYS AFTER RECEIVING SUCH A DETERMINATION, THE COMPTROLLER SHALL TRANSFER THE AMOUNT DETERMINED BY THE CAMPAIGN FINANCE BOARD TO BE NECESSARY FROM THE GENERAL FUND TO THE NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND.

8. THE AGGREGATE AMOUNT WHICH MAY BE PROVIDED TO QUALIFIED CANDIDATES IN ANY FOUR YEAR ELECTION CYCLE FROM THE FUND SHALL NOT EXCEED ONE-TENTH OF ONE PERCENT OF THE TOTAL EXPENDITURES MADE PURSUANT TO APPROPRIATIONS MADE BY LAW DURING SUCH TIME PERIOD. IF THE AMOUNT OF FUNDS FOR WHICH QUALIFIED CANDIDATES HAVE QUALIFIED REACHES OR EXCEEDS THIS LEVEL, THE COMPTROLLER SHALL SO CERTIFY TO THE CAMPAIGN FINANCE BOARD, WHICH THEREUPON SHALL REDUCE, BY AN EQUAL PERCENTAGE FOR ALL QUALIFIED CANDIDATES AND PARTIES THEN PARTICIPATING, THE RESPECTIVE AMOUNT OF PUBLIC FINANCING MADE AVAILABLE THERETO.

S 14-170. DISBURSAL OF REVENUE FOR CLEAN ELECTION CAMPAIGN FINANCING. 1. UPON CERTIFYING THAT A CANDIDATE OR PARTY IS ELIGIBLE FOR CLEAN ELECTION CAMPAIGN FINANCING, THE CAMPAIGN FINANCE BOARD SHALL TRANSFER THE AMOUNT OF PUBLIC FUNDS PAYABLE PURSUANT TO THIS ARTICLE TO THE CANDIDATE'S PRINCIPAL COMMITTEE OR TO THE PARTY, AS THE CASE MAY BE.

2. A QUALIFIED CANDIDATE AND HIS OR HER REPRESENTATIVE ARE PROHIBITED FROM PAYING FOR CAMPAIGN EXPENSES IN ANY WAY OTHER THAN BY FUNDS FROM THE CANDIDATE'S PRINCIPAL COMMITTEE.

3. A PETTY CASH FUND MAY BE ESTABLISHED CONSISTENT WITH THE OTHER PROVISIONS OF THIS ARTICLE.

(A) QUALIFIED CANDIDATES MAY HAVE A DAILY PETTY CASH FUND, FOR DAILY EXPENSES, INCLUDING FOOD, NEWSPAPERS, MAGAZINES, PUBLIC TELEPHONES, AND OTHER MINOR NECESSITIES UNRELATED TO THE DIRECT OPERATING COSTS OF THE CAMPAIGN. THE DAILY MAXIMUM AMOUNT EXPENDABLE FROM SUCH PETTY CASH FUND SHALL BE ESTABLISHED BY THE CAMPAIGN FINANCE BOARD.

(B) ALL CASH EXPENDITURES IN EXCESS OF TWENTY-FIVE DOLLARS SHALL REQUIRE A CASH RECEIPT SPECIFYING THE ITEM PURCHASED AND ITS PURPOSE, ITS COST, AND THE PLACE OF PURCHASE.

S 14-172. EXAMINATIONS; REPAYMENTS. 1. THE STATE CAMPAIGN FINANCE BOARD IS EMPOWERED TO EXAMINE ALL MATTERS RELATING TO THE PERFORMANCE OF ITS FUNCTIONS AND ANY OTHER MATTER RELATING TO THE PROPER ADMINISTRATION OF THIS ARTICLE. SUCH EXAMINATION SHALL EXTEND TO CANDIDATES AND PARTIES RECEIVING OR APPLYING TO RECEIVE FUNDS PURSUANT TO THIS ARTICLE, TO COMMITTEES OF SUCH CANDIDATES, AND TO NON-PARTICIPATING CANDIDATES, THEIR AUTHORIZED COMMITTEES AND PERSONS OR ENTITIES MAKING INDEPENDENT EXPENDITURES TO THE EXTENT OF THEIR COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO DIMINISH THE EXAMINATION POWERS OF THE STATE BOARD OF ELECTIONS AND THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT THEREOF PURSUANT TO LAW.

2. (A) IF THE CAMPAIGN FINANCE BOARD OR THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT ON ITS BEHALF, DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO ANY RECIPIENT THEREOF FROM THE FUND WAS IN EXCESS OF THE AGGRE-

GATE AMOUNT OF PAYMENTS THAT SUCH RECIPIENT WAS ELIGIBLE TO RECEIVE PURSUANT TO THIS ARTICLE, SUCH BOARD SHALL NOTIFY SUCH RECIPIENT, WHICH SHALL REPAY TO THE FUND AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS NO LATER THAN THIRTY DAYS THEREAFTER. IN THE EVENT THAT A CANDIDATE'S PRINCIPAL COMMITTEE SHALL FAIL TIMELY TO MAKE SUCH REPAYMENT, SUCH CANDIDATE SHALL, WITHIN FIFTEEN DAYS OF NOTICE OF SUCH FAILURE FROM THE BOARD, MAKE SUCH REPAYMENT TO THE FUND.

(B) IF THE CAMPAIGN FINANCE BOARD OR THE OFFICE OF CAMPAIGN FINANCE ENFORCEMENT ON ITS BEHALF, DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO SUCH RECIPIENT FROM THE FUND WAS USED FOR PURPOSES OTHER THAN QUALIFIED CAMPAIGN EXPENDITURES, THEN SUCH BOARD SHALL NOTIFY SUCH RECIPIENT OF THE AMOUNT SO DISQUALIFIED AND SUCH RECIPIENT SHALL REPAY TO THE FUND AN AMOUNT EQUAL TO SUCH DISQUALIFIED AMOUNT NO LATER THAN THIRTY DAYS THEREAFTER. IN THE EVENT THAT A CANDIDATE'S PRINCIPAL COMMITTEE SHALL FAIL TIMELY TO MAKE SUCH REPAYMENT, SUCH CANDIDATE SHALL, WITHIN FIFTEEN DAYS OF RECEIVING NOTICE OF SUCH FAILURE FROM THE BOARD, MAKE SUCH PAYMENT TO THE FUND.

(C) IF THE TOTAL OF CONTRIBUTIONS, OTHER RECEIPTS, AND PAYMENTS FROM THE FUND RECEIVED BY A CANDIDATE'S PRINCIPAL COMMITTEE EXCEED THE TOTAL CAMPAIGN EXPENDITURES OF SUCH COMMITTEE FOR ALL COVERED ELECTIONS HELD IN THE SAME CALENDAR YEAR, SUCH COMMITTEE SHALL USE SUCH EXCESS FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY THE PRINCIPAL COMMITTEE FROM THE FUND DURING SUCH CALENDAR YEAR. SUCH REIMBURSEMENT SHALL BE MADE NOT LATER THAN TEN DAYS AFTER ALL LIABILITIES HAVE BEEN PAID BUT IN ANY EVENT NOT LATER THAN DECEMBER THIRTIETH OF THE YEAR FOLLOWING SUCH CALENDAR YEAR. AT THE TIME THAT ALL OBLIGATIONS ARE PAID AND NO LATER THAN JUNE THIRTIETH OF THE YEAR FOLLOWING SUCH CALENDAR YEAR ANY AND ALL UNSPENT FUNDS IN A PRINCIPAL COMMITTEE MUST BE TRANSFERRED TO AN OFFICE HOLDER ACCOUNT UP TO THE MAXIMUM ALLOWABLE AMOUNT OR PAID TO THE NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND.

3. IF A QUALIFIED CANDIDATE WHOSE PRINCIPAL COMMITTEE HAS RECEIVED CLEAN ELECTION CAMPAIGN FUNDS IS DISQUALIFIED BY FINAL ORDER OF A COURT OF COMPETENT JURISDICTION ON THE GROUNDS THAT SUCH CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON THE BALLOT AND SUCH DECISION IS NOT REVERSED, SUCH CANDIDATE AND/OR HIS OR HER PRINCIPAL COMMITTEE SHALL REPAY TO THE NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND AN AMOUNT EQUAL TO THE TOTAL OF CLEAN ELECTION CAMPAIGN FUNDS RECEIVED BY SUCH PRINCIPAL COMMITTEE NO LATER THAN NINETY DAYS AFTER ENTRY OF SUCH FINAL ORDER.

4. ALL PAYMENTS AND REPAYMENTS OF FUNDS BY A CANDIDATE, PARTY OR COMMITTEE PURSUANT TO THIS SECTION SHALL BE IN ADDITION TO ANY PENALTIES APPLICABLE PURSUANT TO LAW FOR THE IMPROPER RECEIPT, PAYMENT OR OTHER DISBURSEMENT OF FUNDS BY SUCH CANDIDATE, PARTY OR COMMITTEE.

S 14-174. ENFORCEMENT AND PENALTIES. THE PROVISIONS OF THIS ARTICLE SHALL BE ENFORCED IN THE MANNER SPECIFIED BY SECTION 14-132 OF THIS CHAPTER, AND VIOLATIONS OF THIS ARTICLE SHALL BE SUBJECT TO THE CIVIL AND CRIMINAL PENALTIES SPECIFIED BY SECTION 14-126 OF THIS CHAPTER, AND OTHERWISE AS PROVIDED BY LAW.

S 14-176. CAMPAIGNS FOR OFFICE NOT SUBJECT TO THIS ARTICLE. CONTRIBUTIONS, LOANS, GUARANTEES AND OTHER SECURITY FOR SUCH LOANS USED AND EXPENDITURES MADE TOWARD THE PAYMENT OF LIABILITIES INCURRED BY A CANDIDATE IN AN ELECTION HELD PRIOR TO THE EFFECTIVE DATE OF THIS SECTION OR IN WHICH HE OR SHE DID NOT CHOOSE TO PARTICIPATE IN THE CLEAN ELECTION CAMPAIGN FUNDING PROVISIONS OF THIS ARTICLE, OR IN A CAMPAIGN FOR PUBLIC OFFICE OTHER THAN A CAMPAIGN COVERED BY THIS ARTICLE, SHALL NOT BE SUBJECT TO THE REQUIREMENTS AND LIMITATIONS OF THIS ARTICLE.

S 14-178. QUADRENNIAL REPORTS. THE CAMPAIGN FINANCE BOARD SHALL REVIEW AND EVALUATE THE EFFECT OF THIS ARTICLE UPON THE CONDUCT OF ELECTION CAMPAIGNS IN THE STATE AND SHALL SUBMIT A REPORT TO THE GOVERNOR AND THE LEGISLATURE ON OR BEFORE THE FIRST OF SEPTEMBER IN THE CALENDAR YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, EVERY FOURTH YEAR THEREAFTER, AT ANY OTHER TIME UPON THE REQUEST OF THE GOVERNOR OR THE LEGISLATURE, AND AT SUCH OTHER TIMES AS THE BOARD DEEMS APPROPRIATE, CONTAINING:

1. THE NUMBER, NAMES AND OFFICES OF CANDIDATES QUALIFYING FOR AND CHOOSING TO RECEIVE CLEAN ELECTION CAMPAIGN FUNDS PURSUANT TO THIS ARTICLE, AND OF CANDIDATES FAILING TO QUALIFY OR OTHERWISE NOT CHOOSING TO RECEIVE SUCH FUNDS, IN EACH ELECTION DURING THE PERIOD AFTER THE EFFECTIVE DATE OF THIS ARTICLE OR SINCE THE END OF THE PREVIOUS FOUR-YEAR REPORTING PERIOD;

2. THE AMOUNT OF CLEAN ELECTION CAMPAIGN FUNDS PROVIDED TO THE PRINCIPAL COMMITTEE OF EACH CANDIDATE PURSUANT TO THIS ARTICLE AND THE CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BY EACH SUCH CANDIDATE AND HIS OR HER PRINCIPAL COMMITTEE, IN EACH ELECTION DURING THE PERIOD AFTER THE EFFECTIVE DATE OF THIS ARTICLE OR SINCE THE END OF THE PREVIOUS FOUR-YEAR REPORTING PERIOD;

3. RECOMMENDATIONS AS TO WHETHER THE PROVISIONS OF THIS ARTICLE GOVERNING MAXIMUM CONTRIBUTION AMOUNTS, THRESHOLDS FOR ELIGIBILITY AND EXPENDITURE LIMITATIONS SHOULD BE AMENDED AND SETTING FORTH THE AMOUNT OF, AND REASONS FOR, ANY AMENDMENTS IT RECOMMENDS;

4. ANALYSIS OF THE EFFECT OF THIS ARTICLE ON ELECTION CAMPAIGNS, INCLUDING ITS EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES AND THE CANDIDATE'S ABILITY TO CAMPAIGN EFFECTIVELY FOR ELECTED OFFICE;

5. A REVIEW OF THE PROCEDURES UTILIZED IN PROVIDING FUNDS TO CANDIDATES; AND

6. SUCH RECOMMENDATIONS FOR CHANGES IN THIS ARTICLE, OR INTERPRETATION OR ENFORCEMENT THEREOF, AS IT DEEMS APPROPRIATE.

S 2. The tax law is amended by adding a new section 626-a to read as follows:

S 626-A. THE NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND. AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO HAVE AN AMOUNT UP TO ONE HUNDRED DOLLARS OF ANY TAX OTHERWISE PAYABLE DEPOSITED TO THE NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND ESTABLISHED IN SECTION 14-168 OF THE ELECTION LAW. SUCH CONTRIBUTION SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE A SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO AUTHORIZE SUCH DEPOSIT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION 14-168 OF THE ELECTION LAW.

S 3. The election law is amended by adding a new section 3-101 to read as follows:

S 3-101. STATE CAMPAIGN FINANCE BOARD. 1. THERE SHALL BE A STATE CAMPAIGN FINANCE BOARD CONSISTING OF FIVE MEMBERS. ONE MEMBER OF SUCH BOARD SHALL BE APPOINTED BY THE GOVERNOR, WHO SHALL BE THE CHAIRPERSON; ONE MEMBER SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY; ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY. THE MEMBERS SHALL FIRST BE APPOINTED TO SERVE AS FOLLOWS: THE MEMBER FIRST APPOINTED

BY THE GOVERNOR SHALL SERVE FOR A TERM OF FIVE YEARS; THE MEMBER FIRST APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE SHALL SERVE FOR A TERM OF THREE YEARS; THE MEMBER FIRST APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL SERVE FOR A TERM OF THREE YEARS; THE MEMBER FIRST APPOINTED BY THE MINORITY LEADER OF THE SENATE SHALL SERVE FOR A TERM OF TWO YEARS; AND THE MEMBER FIRST APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY SHALL SERVE FOR A TERM OF TWO YEARS. THEREAFTER, EACH MEMBER SHALL BE APPOINTED FOR A TERM OF FIVE YEARS ACCORDING TO THE ORIGINAL MANNER OF APPOINTMENT. IN CASE OF A VACANCY IN THE OFFICE OF A MEMBER, SUCH VACANCY SHALL BE FILLED IN THE MANNER OF THE ORIGINAL APPOINTMENT FOR THE REMAINDER OF THE UNEXPIRED TERM. EACH MEMBER SHALL BE A RESIDENT OF THE STATE AND REGISTERED TO VOTE THEREIN. EACH MEMBER SHALL AGREE NOT TO MAKE CONTRIBUTIONS TO ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR ELECTION, TO ANY OFFICE FOR WHICH SUCH A CANDIDATE IS ELIGIBLE TO RECEIVE CLEAN ELECTION FUNDS PURSUANT TO ARTICLE FOURTEEN-A OF THIS CHAPTER. NO MEMBER SHALL BE A CANDIDATE OR PARTICIPATE IN ANY CAPACITY IN A CAMPAIGN BY, FOR OR AGAINST A CANDIDATE FOR NOMINATION FOR ELECTION OR ELECTION TO ANY SUCH OFFICE, OR SHALL SERVE AS AN OFFICER OF A POLITICAL PARTY. NO MEMBER OTHERWISE SHALL BE AN OFFICER OR EMPLOYEE OF THE STATE OR ANY INSTRUMENTALITY THEREOF, A LOBBYIST, OR AN EMPLOYEE OR AGENT OF ANY PERSON OR ORGANIZATION REQUIRED TO FILE A STATEMENT OF REGISTRATION PURSUANT TO ARTICLE ONE-A OF THE LEGISLATIVE LAW. NO MEMBER SHALL BE A CANDIDATE, OFFICER, EMPLOYEE, LOBBYIST OR AGENT FOR ONE YEAR BEFORE HIS OR HER APPOINTMENT TO THE BOARD OR HIS OR HER PERIOD OF SERVICE ON THE BOARD. MEMBERS OF THE BOARD SHALL BE SELECTED SOLELY ON THE BASIS OF MERIT, INCLUDING RELEVANT EXPERIENCE, AND WITHOUT REGARD TO POLITICAL AFFILIATION AND SHALL NOT BE DISQUALIFIED FROM CONTINUING IN OFFICE FOR ANY REASON OTHER THAN UNFITNESS OR INABILITY TO PERFORM THE DUTIES INVOLVED PURSUANT TO LAW. NO MEMBER OF THE BOARD SHALL BE REMOVED FROM OFFICE EXCEPT FOR CAUSE AND UPON NOTICE AND HEARING.

2. THE MEMBERS OF THE CAMPAIGN FINANCE BOARD SHALL BE COMPENSATED AT THE RATE OF ONE HUNDRED DOLLARS PER CALENDAR DAY WHEN PERFORMING THE WORK OF THE BOARD.

3. THE CAMPAIGN FINANCE BOARD SHALL EMPLOY NECESSARY STAFF, INCLUDING AN EXECUTIVE DIRECTOR AND A COUNSEL, AND MAKE NECESSARY EXPENDITURES SUBJECT TO APPROPRIATION, WHICH APPROPRIATION SHALL BE SUFFICIENT FOR SUCH BOARD MEANINGFULLY TO DISCHARGE THE POWERS AND DUTIES THEREOF. THE BOARD MAY EMPLOY SUCH STAFF, INCLUDING LEGAL AND ACCOUNTING STAFF, AS ARE NECESSARY FOR PROVIDING TECHNICAL ASSISTANCE TO PROSPECTIVE AND PARTICIPATING CANDIDATES, FOR THE PURPOSE OF PROMOTING UNDERSTANDING OF, PARTICIPATION IN, AND COMPLIANCE WITH THE REQUIREMENTS OF ARTICLE FOURTEEN-A OF THIS CHAPTER.

4. (A) THE CAMPAIGN FINANCE BOARD SHALL PROMULGATE, IN CONSULTATION WITH THE STATE BOARD OF ELECTIONS, SUCH RULES AND REGULATIONS AND PROVIDE SUCH FORMS AS IT DEEMS NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF ARTICLE FOURTEEN-A OF THIS CHAPTER. THE CAMPAIGN FINANCE BOARD SHALL PROMULGATE REGULATIONS CONCERNING THE FORM IN WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE REPORTED, THE PERIODS DURING WHICH SUCH REPORTS MUST BE FILED AND THE VERIFICATION REQUIRED. THE CAMPAIGN FINANCE BOARD SHALL REQUIRE THE FILING OF REPORTS OF CONTRIBUTIONS AND EXPENDITURES FOR PURPOSES OF DETERMINING COMPLIANCE WITH SUCH ARTICLE IN ACCORDANCE WITH THE SCHEDULE SPECIFIED BY SUCH BOARD FOR THE FILING OF CAMPAIGN RECEIPT AND EXPENDITURE STATEMENTS. THE CAMPAIGN FINANCE BOARD MAY ALSO REQUIRE THE FILING OF ADDITIONAL REPORTS BY QUALIFIED CANDIDATES AND THEIR PRINCIPAL COMMITTEES AS WELL AS BY NON-PARTICIPATING

CANDIDATES AND THEIR AUTHORIZED COMMITTEES AND BY PERSONS OR ENTITIES MAKING INDEPENDENT EXPENDITURES, WITHIN THE MEANING OF SUCH ARTICLE.

(B) THE CAMPAIGN FINANCE BOARD MAY RENDER ADVISORY OPINIONS WITH RESPECT TO QUESTIONS ARISING UNDER ARTICLE FOURTEEN-A OF THIS CHAPTER. SUCH ADVISORY OPINIONS MAY BE RENDERED ON THE WRITTEN REQUEST OF A CANDIDATE, AN OFFICER OF A POLITICAL COMMITTEE OR MEMBER OF THE PUBLIC, OR ON ITS OWN INITIATIVE. SUCH BOARD SHALL MAKE PUBLIC ITS ADVISORY OPINIONS.

(C) THE CAMPAIGN FINANCE BOARD, IN CONSULTATION WITH THE STATE BOARD OF ELECTIONS, SHALL DEVELOP A PROGRAM FOR INFORMING CANDIDATES AND THE PUBLIC AS TO THE PURPOSE AND EFFECT OF THE PROVISIONS OF ARTICLE FOURTEEN-A OF THIS CHAPTER, AND TO ASSISTING IN COMPLIANCE THEREWITH. THE CAMPAIGN FINANCE BOARD SHALL PREPARE AND MAKE AVAILABLE EDUCATIONAL MATERIALS, IN PLAIN LANGUAGE, INCLUDING COMPLIANCE MANUALS AND SUMMARIES AND EXPLANATIONS OF THE PURPOSES AND PROVISIONS OF SUCH ARTICLE. THE CAMPAIGN FINANCE BOARD SHALL PREPARE AND MAKE AVAILABLE MATERIALS, INCLUDING, TO THE EXTENT FEASIBLE, COMPUTER SOFTWARE, TO FACILITATE THE TASK OF COMPLIANCE WITH THE DISCLOSURE AND RECORD-KEEPING REQUIREMENTS OF SUCH ARTICLE; AND SHALL DEVELOP A COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION NECESSARY FOR THE PROPER ADMINISTRATION OF SUCH ARTICLE INCLUDING INFORMATION ON CONTRIBUTIONS TO AND EXPENDITURES BY PARTIES, CANDIDATES AND THEIR PRINCIPAL COMMITTEES AND DISTRIBUTIONS OF MONEYS THEREUNDER, SUCH DATABASE TO BE ACCESSIBLE TO THE PUBLIC AT ALL TIMES ON THE INTERNET. THE STATE BOARD OF ELECTIONS AND THE CAMPAIGN FINANCE BOARD SHALL COLLABORATE TO ENSURE THE INTER-OPERABILITY OF SUCH DATABASE AND THE ELECTRONIC REPORTING SYSTEM PURSUANT TO SUBDIVISION NINE-A OF SECTION 3-102 OF THIS ARTICLE.

(D) THE CAMPAIGN FINANCE BOARD SHALL HAVE SUCH OTHER POWERS AS NECESSARY AND PROPER, NOT INCONSISTENT WITH LAW, TO CARRY OUT THE PROVISIONS OF ARTICLE FOURTEEN-A OF THIS CHAPTER.

5. IN THE DISCHARGE OF ITS DUTIES, THE BOARD SHALL CONSULT WITH, AND BE ENTITLED TO RECEIVE THE COOPERATION OF, THE STATE BOARD OF ELECTIONS, THE COMMISSION ON PUBLIC INTEGRITY, THE INSPECTOR GENERAL OF THE STATE, THE ATTORNEY-GENERAL AND THE COMPTROLLER TO THE EXTENT NECESSARY OR DESIRABLE TO ENSURE THAT RULES, REGULATIONS AND PROCEDURES THEREOF ARE COMPREHENSIBLE TO THE PUBLIC, DESIGNED TO PROMOTE TRANSPARENCY, ACCOUNTABILITY AND COMPLIANCE, AND ARE READILY ABLE TO BE APPLIED AND ENFORCED TIMELY AND TO THE FULLEST EXTENT OF THE LAW.

S 4. This act shall take effect immediately; provided, however, that candidates for state comptroller will be eligible to participate in the voluntary clean election campaign finance system, as established pursuant to article fourteen-A of the election law, as added by section one of this act, beginning with the 2013 primary election, and candidates for governor, lieutenant governor, attorney general, and state legislature will be eligible to participate therein beginning with the 2015 primary election.

S 4. Severability. If any clause, sentence, paragraph, subdivision, section or other 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 other 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 5. This act shall take effect immediately; provided, however, that the applicable effective date of Parts A and B of this act shall be as specifically set forth in the last section of such Parts.