

3584--B

2011-2012 Regular Sessions

I N S E N A T E

February 28, 2011

Introduced by Sens. ADAMS, ADDABBO, AVELLA, BRESLIN, DUANE, ESPAILLAT, GIANARIS, KRUEGER, MONTGOMERY, OPPENHEIMER, PERALTA, PERKINS, RIVERA, SAMPSON, SERRANO, SQUADRON, STAVISKY, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged and said bill committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT enacting the "2012 Campaign Finance Reform Act"; to amend the election law, the state finance law and the tax law, in relation to providing for optional partial public financing of certain election campaigns in this state; and to amend the election law, in relation to limiting personal use of campaign funds, establishing certain contribution limits, identification of the source of certain political communications and providing for a state board of elections enforcement unit and counsel

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "2012 Campaign Finance Reform Act".
3 S 2. Legislative findings and declaration. The legislature declares
4 that it is in the public interest to create and ensure a truly democrat-
5 ic political system in which citizens, irrespective of their income,
6 status, or financial connections, are enabled and encouraged to compete
7 for public office. Therefore, the legislature finds it necessary to
8 establish a system of public financing for all qualified candidates for
9 state elective offices and constitutional convention delegates.
10 S 3. The article heading of article 14 of the election law is amended
11 to read as follows:

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

LBD04571-03-2

CAMPAIGN RECEIPTS AND EXPENDITURES; PUBLIC FINANCING

S 4. Section 14-100 of the election law is amended by adding four new subdivisions 12, 13, 14 and 15 to read as follows:

12. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

(A) THE NAME OF THE CANDIDATE INVOLVED APPEARS;
(B) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR
(C) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFERENCE.

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

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

15. "INTERMEDIARY" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION, OR OTHER ENTITY WHICH, OTHER THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY, OR MESSENGER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR ENTITY TO A CANDIDATE OR AN AUTHORIZED COMMITTEE. "INTERMEDIARY" SHALL NOT INCLUDE SPOUSES, PARENTS, CHILDREN, OR SIBLINGS OF THE PERSON MAKING SUCH CONTRIBUTION.

S 5. Section 14-106 of the election law, as amended by section 2 of part E of chapter 399 of the laws of 2011, is amended to read as follows:

S 14-106. Political communication. The statements required to be filed under the provisions of this [article] TITLE next succeeding a primary, general or special election shall be accompanied by a copy of all broadcast, cable or satellite schedules and scripts, internet, print and other types of advertisements, pamphlets, circulars, flyers, brochures, letterheads and other printed matter purchased or produced, AND REPRODUCTIONS OF STATEMENTS OR INFORMATION CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR OTHER ELECTRONIC MEANS, purchased in connection with such election by or under the authority of the person filing the statement or the committee or the person on whose behalf it is filed, as the case may be. Such copies, schedules and scripts shall be preserved by the officer with whom or the board with which it is required to be filed for a period of one year from the date of filing thereof.

S 6. The election law is amended by adding a new section 14-107 to read as follows:

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

(A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE BY A PERSON FOR AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA

1 BROADCAST, CABLE OR SATELLITE OR A WRITTEN COMMUNICATION TO A GENERAL
2 PUBLIC AUDIENCE VIA ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS,
3 BROCHURES, LETTERHEADS OR OTHER PRINTED MATTER AND STATEMENTS OR INFOR-
4 MATION CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC
5 AUDIENCE BY COMPUTER OR OTHER ELECTRONIC DEVICES WHICH: (I) EXPRESSLY
6 ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE OR
7 THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL AND (II) SUCH CANDIDATE, THE
8 CANDIDATE'S POLITICAL COMMITTEE OR ITS AGENTS, OR A POLITICAL COMMITTEE
9 FORMED TO PROMOTE THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL OR ITS
10 AGENTS, DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY
11 SUCH COMMUNICATION.

12 (B) INDEPENDENT EXPENDITURES DO NOT INCLUDE:

13 (I) A COMMUNICATION APPEARING IN A WRITTEN NEWS STORY, COMMENTARY, OR
14 EDITORIAL OR DISTRIBUTED THROUGH THE FACILITIES OF ANY BROADCASTING
15 STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR FACILITIES ARE
16 OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL COMMITTEE OR
17 CANDIDATE; OR

18 (II) A COMMUNICATION THAT CONSTITUTES A CANDIDATE DEBATE OR FORUM; OR

19 (III) A COMMUNICATION WHICH CONSTITUTES AN EXPENDITURE MADE BY AN
20 ENTITY REQUIRED TO REPORT SUCH EXPENDITURE WITH A BOARD OF ELECTIONS.

21 (C) "ELECTIONEERING COMMUNICATION" MEANS A COMMUNICATION THAT: (I) IS
22 DISSEMINATED BY MEANS OF A RADIO, TELEVISION, CABLE, OR SATELLITE BROAD-
23 CAST, A PAID ADVERTISEMENT SUCH AS IN A PERIODICAL OR ON A BILLBOARD, OR
24 A MASS MAILING; (II) IS DISSEMINATED WITHIN THIRTY DAYS OF A COVERED
25 PRIMARY OR SPECIAL ELECTION, OR WITHIN SIXTY DAYS OF A COVERED GENERAL
26 ELECTION; AND (III) REFERS TO ONE OR MORE CLEARLY IDENTIFIED BALLOT
27 PROPOSALS AND/OR CANDIDATES FOR A COVERED ELECTION. ELECTIONEERING
28 COMMUNICATION SHALL NOT INCLUDE A CANDIDATE-RELATED COMMUNICATION MADE
29 BY AN ORGANIZATION OPERATING AND REMAINING IN GOOD STANDING UNDER
30 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986.

31 (D) FOR THE PURPOSES OF THIS SECTION, THE TERM "MASS MAILING" MEANS A
32 MAILING BY UNITED STATES MAIL, COMMON CARRIER, OR FACSIMILE OF MORE THAN
33 FIVE HUNDRED PIECES OF MAIL MATTER OF AN IDENTICAL OR SUBSTANTIALLY
34 SIMILAR NATURE WITHIN ANY THIRTY-DAY PERIOD.

35 (E) FOR PURPOSES OF THIS SECTION, THE TERM "PERSON" SHALL MEAN PERSON,
36 GROUP OF PERSONS, ENTITY, ORGANIZATION, CORPORATION OR ASSOCIATION.

37 (F) FOR PURPOSES OF THIS SECTION, THE TERM "INDEPENDENT SPENDER" SHALL
38 MEAN AN INDIVIDUAL OR ENTITY THAT MAKES AN INDEPENDENT EXPENDITURE.

39 2. WHENEVER ANY PERSON MAKES ONE OR MORE INDEPENDENT EXPENDITURES THAT
40 IN THE AGGREGATE EXCEEDS ONE THOUSAND DOLLARS IN ANY CALENDAR YEAR, SUCH
41 COMMUNICATION DESCRIBED IN SUBDIVISION ONE OF THIS SECTION SHALL CLEARLY
42 STATE, WITH RESPECT TO COMMUNICATIONS REGARDING CANDIDATES, THAT THE
43 COMMUNICATION IS NOT AUTHORIZED BY ANY CANDIDATE, ANY CANDIDATE'S POLI-
44 TICAL COMMITTEE OR ANY OF ITS AGENTS. A KNOWING AND WILLFUL VIOLATION
45 OF THE PROVISIONS OF THIS SUBDIVISION SHALL SUBJECT THE PERSON TO A
46 CIVIL PENALTY EQUAL TO ONE THOUSAND DOLLARS OR THE COST OF THE COMMUNI-
47 CATION, WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION
48 BROUGHT BY THE STATE BOARD OF ELECTIONS.

49 3. (A) ANY PERSON WHICH MAKES INDEPENDENT EXPENDITURES OR ELECTIONEER-
50 ING COMMUNICATIONS THAT COST MORE THAN ONE THOUSAND DOLLARS IN THE
51 AGGREGATE SHALL REPORT SUCH INDEPENDENT EXPENDITURES OR ELECTIONEERING
52 COMMUNICATIONS TO THE STATE BOARD OF ELECTIONS IN THE MANNER SPECIFIED
53 IN SECTION 14-108 OF THIS TITLE.

54 (B) ANY INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION MADE
55 AFTER THE CLOSE OF THE PERIOD TO BE COVERED IN THE LAST STATEMENT FILED
56 BEFORE ANY PRIMARY, GENERAL OR SPECIAL ELECTION, BUT BEFORE SUCH

1 ELECTION, SHALL BE REPORTED WITHIN TWENTY-FOUR HOURS IN THE SAME MANNER
2 AS PROVIDED FOR IN SUBDIVISION TWO OF SECTION 14-108 OF THIS TITLE.

3 4. EACH SUCH STATEMENT SHALL INCLUDE:

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

5 (B) THE NAME, ADDRESS, OCCUPATION, AND EMPLOYER OF THE PERSON MAKING
6 THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION;

7 (C) THE NAME, ADDRESS, OCCUPATION, AND EMPLOYER OF ANY PERSON OR ENTI-
8 TY PROVIDING A GIFT, LOAN, ADVANCE OR DEPOSIT OF ONE HUNDRED DOLLARS OR
9 MORE FOR THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION, OR
10 THE PROVISION OF SERVICES FOR THE SAME, AND THE DATE IT WAS GIVEN;
11 PROVIDED, HOWEVER, THE NAME AND ADDRESS OF A MEMBER OF A LABOR ORGANIZA-
12 TION IS NOT REQUIRED FOR A GIFT, LOAN, ADVANCE OR DEPOSIT OF ONE HUNDRED
13 DOLLARS OR MORE TO A LABOR ORGANIZATION OR A LABOR ORGANIZATION POLI-
14 TICAL ACTION COMMITTEE;

15 (D) THE DOLLAR AMOUNT PAID FOR EACH INDEPENDENT EXPENDITURE OR ELECTI-
16 ONEERING COMMUNICATION, THE NAME AND ADDRESS OF THE PERSON OR ENTITY
17 RECEIVING THE PAYMENT, THE DATE THE PAYMENT WAS MADE AND A DESCRIPTION
18 OF THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION; AND

19 (E) THE ELECTION TO WHICH THE INDEPENDENT EXPENDITURE OR ELECTIONEER-
20 ING COMMUNICATION PERTAINS AND THE NAME OF THE CLEARLY IDENTIFIED CANDI-
21 DATE OR THE BALLOT PROPOSAL REFERENCED.

22 5. ANY REPORT MADE PURSUANT TO THIS SECTION SHALL INCLUDE A COPY OF
23 ALL MATERIALS THAT PERTAIN TO THE INDEPENDENT EXPENDITURE OR ELECTIO-
24 NEERING COMMUNICATION, INCLUDING BUT NOT LIMITED TO BROADCAST, CABLE OR
25 SATELLITE SCHEDULE AND SCRIPTS, ADVERTISEMENTS, PAMPHLETS, CIRCULARS,
26 FLYERS, BROCHURES, LETTERHEADS AND OTHER PRINTED MATTER.

27 6. ANY REPORT OF A LOAN THAT IS MADE FOR AN INDEPENDENT EXPENDITURE OR
28 ELECTIONEERING COMMUNICATION SHALL INCLUDE WRITTEN EVIDENCE OF THE
29 INDEBTEDNESS.

30 7. CONTRIBUTIONS:

31 (A) WHEN AN INDEPENDENT SPENDER THAT IS AN ENTITY MAKES COVERED
32 EXPENDITURES OF ONE HUNDRED DOLLARS OR MORE AGGREGATING FIVE THOUSAND
33 DOLLARS OR MORE IN THE TWELVE MONTHS PRECEDING THE ELECTION FOR COMMUNI-
34 CATIONS THAT REFER TO ANY SINGLE CANDIDATE, IT IS REQUIRED TO REPORT:

35 (I) ALL CONTRIBUTIONS ACCEPTED FROM OTHER ENTITIES SINCE THE FIRST DAY
36 OF THE CALENDAR YEAR PRECEDING THE YEAR OF THE COVERED ELECTION; AND

37 (II) ALL CONTRIBUTIONS AGGREGATING ONE THOUSAND DOLLARS OR MORE
38 ACCEPTED FROM AN INDIVIDUAL DURING THE TWELVE MONTHS PRECEDING THE
39 ELECTION.

40 (B) EACH CONTRIBUTIONS SHALL BE DISCLOSED IN THE REPORTING PERIOD IN
41 WHICH IT WAS RECEIVED. THE INDEPENDENT SPENDER SHALL PROVIDE:

42 (I) FOR EACH CONTRIBUTION ACCEPTED FROM ANOTHER ENTITY, THE ENTITY'S
43 NAME, ADDRESS, AND TYPE OF ORGANIZATION;

44 (II) FOR EACH CONTRIBUTION ACCEPTED FROM AN INDIVIDUAL, THE INDIVID-
45 UAL'S NAME, ADDRESS, OCCUPATION, AND EMPLOYER INFORMATION;

46 (III) FOR EACH CONTRIBUTION THE DATE OF RECEIPT AND AMOUNT OF EACH
47 SUCH CONTRIBUTION ACCEPTED; AND

48 (IV) FOR EACH CONTRIBUTION SUCH OTHER SIMILAR INFORMATION AS THE STATE
49 BOARD OF ELECTIONS MAY REQUIRE.

50 (C) CONTRIBUTIONS THAT ARE EARMARKED FOR AN ELECTION THAT IS NOT A
51 COVERED ELECTION, OR FOR AN EXPLICITLY STATED NON-ELECTORAL PURPOSE, ARE
52 NOT REQUIRED TO BE REPORTED; PROVIDED, HOWEVER THAT RECORDS OF THESE
53 CONTRIBUTIONS MUST BE MAINTAINED AND MAY BE REQUESTED BY THE STATE BOARD
54 OF ELECTIONS TO VERIFY THEIR QUALIFICATION FOR THIS EXEMPTION.

1 8. EVERY STATEMENT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL
2 BE FILED BY ELECTRONIC REPORTING PROCESS OR OVERNIGHT MAIL TO THE STATE
3 BOARD OF ELECTIONS.

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

7 S 7. Section 14-112 of the election law, as amended by chapter 930 of
8 the laws of 1981, is amended to read as follows:

9 S 14-112. Political committee authorization statement. Any political
10 committee aiding or taking part in the election or nomination of any
11 candidate, other than by making contributions, shall file, in the office
12 in which the statements of such committee are to be filed pursuant to
13 this [article] TITLE, either a sworn verified statement by the treasurer
14 of such committee that the candidate has authorized the political
15 committee to aid or take part in his election or that the candidate has
16 not authorized the committee to aid or take part in his election.

17 S 8. Section 14-126 of the election law, as amended by section 3 of
18 part E of chapter 399 of the laws of 2011, is amended to read as
19 follows:

20 S 14-126. Violations; penalties. 1. Any person who fails to file a
21 statement required to be filed by this [article] TITLE shall be subject
22 to a civil penalty, not in excess of one thousand dollars, to be recov-
23 erable in a special proceeding or civil action to be brought by the
24 state board of elections or other board of elections. Any person who,
25 three or more times within a given election cycle for such term of
26 office, fails to file a statement or statements required to be filed by
27 this [article] TITLE, shall be subject to a civil penalty, not in excess
28 of ten thousand dollars, to be recoverable as provided for in this
29 subdivision.

30 2. ANY PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO IDENTIFY INDEPEND-
31 ENT EXPENDITURES AS REQUIRED BY SUBDIVISION TWO OF SECTION 14-107 OF
32 THIS TITLE OR KNOWINGLY AND WILLFULLY FAILS TO FILE THE STATEMENT
33 REQUIRED BY SUBDIVISION TWO OF SECTION 14-112 OF THIS TITLE SHALL BE
34 SUBJECT TO A CIVIL PENALTY IN A SPECIAL PROCEEDING OR CIVIL ACTION
35 BROUGHT BY THE STATE BOARD OF ELECTIONS.

36 3. Any person who, acting as or on behalf of a candidate or political
37 committee, under circumstances evincing an intent to violate such law,
38 unlawfully accepts a contribution in excess of a contribution limitation
39 established in this [article] TITLE, shall be required to refund such
40 excess amount and shall be subject to a civil penalty equal to the
41 excess amount plus a fine of up to ten thousand dollars, to be recovera-
42 ble in a special proceeding or civil action to be brought by the state
43 board of elections.

44 [3.] 4. Any person who knowingly and willfully fails to file a state-
45 ment required to be filed by this [article] TITLE within ten days after
46 the date provided for filing such statement or any person who knowingly
47 and willfully violates any other provision of this [article] TITLE shall
48 be guilty of a misdemeanor.

49 [4.] 5. Any person who knowingly and willfully contributes, accepts or
50 aids or participates in the acceptance of a contribution in an amount
51 exceeding an applicable maximum specified in this [article] TITLE shall
52 be guilty of a misdemeanor.

53 [5.] 6. Any person who shall, acting on behalf of a candidate or poli-
54 tical committee, knowingly and willfully solicit, organize or coordinate
55 the formation of activities of one or more unauthorized committees, make
56 expenditures in connection with the nomination for election or election

1 of any candidate, or solicit any person to make any such expenditures,
2 for the purpose of evading the contribution limitations of this [arti-
3 cle] TITLE, shall be guilty of a class E felony.

4 S 9. Sections 14-100 through 14-132 of article 14 of the election law
5 are designated title 1 and a new title heading is added to read as
6 follows:

7 CAMPAIGN RECEIPTS AND EXPENDITURES

8 S 10. Article 14 of the election law is amended by adding a new title
9 2 to read as follows:

10 TITLE II
11 PUBLIC FINANCING

12 SECTION 14-200. DEFINITIONS.

13 14-202. ELIGIBILITY.

14 14-204. QUALIFIED CAMPAIGN EXPENDITURES.

15 14-206. OPTIONAL PUBLIC FINANCING.

16 14-208. CONTRIBUTION AND RECEIPT LIMITATIONS.

17 14-210. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS.

18 14-212. EXAMINATIONS AND AUDITS; REPAYMENTS.

19 14-214. CIVIL PENALTIES.

20 14-216. DEBATES.

21 S 14-200. DEFINITIONS. AS USED IN THIS TITLE, UNLESS ANOTHER MEANING
22 IS CLEARLY INDICATED:

23 1. THE TERM "STATE BOARD" SHALL MEAN THE STATE BOARD OF ELECTIONS.

24 2. THE TERM "ELIGIBLE CANDIDATE" SHALL MEAN A CANDIDATE FOR NOMINATION
25 OR ELECTION TO ANY OF THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR,
26 COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE STATE LEGISLATURE, AT-LARGE
27 DELEGATE TO A CONSTITUTIONAL CONVENTION OR DISTRICT DELEGATE TO A
28 CONSTITUTIONAL CONVENTION.

29 3. THE TERM "PARTICIPATING COMMITTEE" SHALL MEAN A SINGLE POLITICAL
30 COMMITTEE WHICH A CANDIDATE CERTIFIES IS THE COMMITTEE THAT WILL SOLELY
31 BE USED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY
32 THIS TITLE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL
33 OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT. A MULTI-CAN-
34 DIDATE COMMITTEE MAY NOT BE A PARTICIPATING COMMITTEE.

35 4. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE WHO IS
36 ELIGIBLE TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM ESTAB-
37 LISHED BY THIS TITLE, HAS MET THE THRESHOLD FOR ELIGIBILITY AND HAS
38 ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM.

39 5. THE TERM "MATCHABLE CONTRIBUTIONS" SHALL MEAN THAT PORTION OF THE
40 AGGREGATE CONTRIBUTIONS MADE (A) IN THE CASE OF A PRIMARY OR GENERAL
41 ELECTION, AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENER-
42 AL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR (B) IN THE CASE OF A
43 SPECIAL ELECTION, WITHIN SIX MONTHS OF SUCH ELECTION BY NATURAL PERSONS
44 RESIDENT IN THE STATE OF NEW YORK TO A CANDIDATE FOR NOMINATION OR
45 ELECTION TO ANY OF THE OFFICES COVERED BY THE PROVISIONS OF THIS TITLE
46 WHICH DO NOT EXCEED ONE HUNDRED SEVENTY-FIVE DOLLARS, WHICH HAVE BEEN
47 REPORTED IN FULL BY THE CANDIDATE'S PARTICIPATING COMMITTEE TO THE STATE
48 BOARD, INCLUDING THE CONTRIBUTOR'S FULL NAME AND RESIDENTIAL ADDRESS. A
49 LOAN MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION.

50 THE FOLLOWING CONTRIBUTIONS ARE NOT MATCHABLE:

51 (I) IN-KIND CONTRIBUTIONS OF PROPERTY, GOODS, OR SERVICES;

52 (II) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR AN ITEM
53 WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE;

54 (III) CONTRIBUCTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR OR
55 OTHERWISE INDUCED BY A CHANCE TO PARTICIPATE IN A RAFFLE, LOTTERY, OR
56 SIMILAR DRAWING FOR VALUABLE PRIZES;

(IV) MONEY ORDER CONTRIBUTIONS FROM ANY ONE CONTRIBUTOR THAT ARE, IN THE AGGREGATE, GREATER THAN ONE HUNDRED DOLLARS;

(V) CONTRIBUTIONS FROM INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS;

(VI) CONTRIBUTIONS FROM INDIVIDUAL VENDORS TO WHOM THE PARTICIPATING CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE MAKES AN EXPENDITURE, IN FURTHERANCE OF THE NOMINATION FOR ELECTION OR ELECTION COVERED BY THE CANDIDATE'S CERTIFICATION, UNLESS SUCH EXPENDITURE IS REIMBURSING AN ADVANCE; AND

(VII) CONTRIBUTION FROM LOBBYISTS REGISTERED PURSUANT TO ARTICLE ONE-A OF THE LEGISLATIVE LAW.

6. THE TERM "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE FOR WHICH PUBLIC FUNDS MAY BE USED.

7. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE CAMPAIGN FINANCE FUND.

8. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL MATCHABLE CONTRIBUTIONS THAT THE PARTICIPATING COMMITTEE OF AN OTHERWISE ELIGIBLE CANDIDATE MUST RECEIVE, AS REQUIRED BY SECTION 14-202 OF THIS TITLE, IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO THIS TITLE.

9. THE TERM "CONTRIBUTION" SHALL HAVE THE SAME MEANING AS IN SUBDIVISION NINE OF SECTION 14-100 OF THIS ARTICLE.

10. THE TERM "PUBLIC FUNDING LIMIT" SHALL MEAN THE TOTAL AMOUNT OF PUBLIC FUNDS THAT A PARTICIPATING CANDIDATE MAY RECEIVE FOR ANY PRIMARY OR GENERAL ELECTION.

S 14-202. ELIGIBILITY. 1. TO BE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING UNDER THIS TITLE, A CANDIDATE FOR NOMINATION OR ELECTION MUST:

(A) MEET ALL THE REQUIREMENTS OF THIS CHAPTER AND OTHER PROVISIONS OF LAW TO HAVE HIS OR HER NAME ON THE BALLOT;

(B) BE A CANDIDATE FOR STATEWIDE OFFICE, THE STATE LEGISLATURE OR DELEGATE TO A CONSTITUTIONAL CONVENTION AT A PRIMARY, GENERAL OR SPECIAL ELECTION AND MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION TWO OF THIS SECTION;

(C) ELECT TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY THIS TITLE NOT LATER THAN SEVEN DAYS AFTER THE LAST DAY TO FILE DESIGNATING PETITIONS FOR THE OFFICE SUCH CANDIDATE IS SEEKING OR, IN THE CASE OF A SPECIAL ELECTION, NOT LATER THAN THE LAST DAY TO FILE NOMINATING CERTIFICATES FOR SUCH OFFICE;

(D) AGREE TO OBTAIN AND FURNISH TO THE STATE BOARD ANY EVIDENCE IT MAY REASONABLY REQUEST RELATING TO HIS OR HER CAMPAIGN EXPENDITURES OR CONTRIBUTIONS AND FURNISH SUCH OTHER PROOF OF COMPLIANCE WITH THIS TITLE AS MAY BE REQUESTED BY THE STATE BOARD;

(E) HAVE A SINGLE AUTHORIZED POLITICAL COMMITTEE WHICH HE OR SHE CERTIFIES AS THE PARTICIPATING COMMITTEE FOR THE PURPOSES OF THIS TITLE; AND

(F) AGREE TO IDENTIFY ACCURATELY IN ALL CAMPAIGN MATERIALS THE PERSON OR ENTITY THAT PAID FOR SUCH CAMPAIGN MATERIAL.

2. THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR CANDIDATES IN A PRIMARY, GENERAL OR SPECIAL ELECTION FOR THE FOLLOWING OFFICES SHALL BE:

(A) GOVERNOR IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN SIX HUNDRED FIFTY THOUSAND DOLLARS FROM AT LEAST SIX THOUSAND FIVE HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

(B) LIEUTENANT GOVERNOR IN A PRIMARY ELECTION AND COMPTROLLER OR ATTORNEY GENERAL IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN TWO HUNDRED THOUSAND DOLLARS FROM AT LEAST TWO THOUSAND MATCHABLE CONTRIB-

1 UTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL
2 CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

3 (C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL
4 ELECTION. NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS FROM AT LEAST TWO
5 HUNDRED FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO
6 HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK
7 STATE INCLUDING AT LEAST TWELVE THOUSAND FIVE HUNDRED DOLLARS FROM AT
8 LEAST ONE HUNDRED TWENTY-FIVE INDIVIDUAL CONTRIBUTORS WHO RESIDE IN THE
9 SENATE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

10 (D) MEMBERS OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION.
11 NOT LESS THAN TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED MATCHABLE
12 CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER
13 INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE INCLUDING AT LEAST
14 FIVE THOUSAND DOLLARS FROM AT LEAST FIFTY INDIVIDUALS WHO RESIDE IN THE
15 ASSEMBLY DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

16 (E) AT-LARGE DELEGATE TO A CONDITIONAL CONVENTION IN A PRIMARY OR
17 GENERAL ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST
18 TWO HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED
19 FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

20 (F) DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR
21 GENERAL ELECTION. NOT LESS THAN FIVE THOUSAND DOLLARS FROM AT LEAST
22 FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY
23 DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN THE DISTRICT IN WHICH
24 THE SEAT IS TO BE FILLED.

25 3. IN ORDER TO BE ELIGIBLE TO RECEIVE PUBLIC FUNDS IN A PRIMARY
26 ELECTION A CANDIDATE MUST AGREE, THAT IN THE EVENT SUCH CANDIDATE IS A
27 CANDIDATE FOR SUCH OFFICE IN THE GENERAL ELECTION IN SUCH YEAR, THAT
28 SUCH CANDIDATE WILL BE BOUND BY THE PROVISIONS OF THIS TITLE.

29 4. CANDIDATES WHO ARE CONTESTED IN A PRIMARY ELECTION AND WHO DO NOT
30 SEEK PUBLIC FUNDS SHALL NOT BE ELIGIBLE FOR PUBLIC FUNDS FOR THE GENERAL
31 ELECTION IN THAT YEAR. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT
32 APPLY TO CANDIDATES FOR THE OFFICE OF LIEUTENANT GOVERNOR.

33 5. CANDIDATES WHO ARE UNOPPOSED IN A GENERAL OR SPECIAL ELECTION SHALL
34 NOT BE ELIGIBLE TO RECEIVE PUBLIC FUNDS.

35 6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL, OR
36 SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING
37 SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS AT LEAST
38 ONE OTHER CANDIDATE FOR SUCH OFFICE IN SUCH ELECTION HAS ALSO QUALIFIED
39 FOR THE BALLOT.

40 S 14-204. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED
41 UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY
42 THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDI-
43 TURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION
44 OR ELECTION AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR
45 GENERAL ELECTION IS HELD FOR THE OFFICE SOUGHT, FOR SERVICES, MATERIALS,
46 FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT CAMPAIGN CYCLE OR,
47 IN THE CASE OF A SPECIAL ELECTION, FOR EXPENDITURES DURING THE PERIOD
48 COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL
49 ELECTION.

50 2. SUCH PUBLIC FUNDS MAY NOT BE USED FOR:

51 (A) AN EXPENDITURE IN VIOLATION OF ANY LAW OF THE UNITED STATES OR OF
52 THIS STATE;

53 (B) PAYMENTS FOR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A
54 RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH
55 PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY
56 SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE, IN EXCESS OF THE FAIR

1 MARKET VALUE OF THE SERVICES, MATERIALS, FACILITIES, OR OTHER THINGS OF
2 VALUE RECEIVED IN EXCHANGE;

3 (C) PAYMENT IN EXCESS OF THE FAIR MARKET VALUE OF SERVICES, MATERIALS,
4 FACILITIES OR OTHER THINGS OF VALUE RECEIVED IN EXCHANGE;

5 (D) ANY EXPENDITURE MADE AFTER THE PARTICIPATING CANDIDATE, OR THE
6 ONLY REMAINING OPPONENT OF SUCH CANDIDATE, HAS BEEN DISQUALIFIED OR HAD
7 SUCH CANDIDATE'S PETITIONS DECLARED INVALID BY A BOARD OF ELECTIONS OR A
8 COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS
9 REVERSED BY A HIGHER AUTHORITY.

10 (E) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF
11 DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE,
12 AUTHORIZATION, DECLINATION OR SUBSTITUTION;

13 (F) EXPENDITURE FOR NONCAMPAIGN RELATED FOOD, DRINK OR ENTERTAINMENT;
14 AND

15 (G) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER CAMPAIGN MATERI-
16 AL.

17 S 14-206. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR
18 NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY
19 OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALI-
20 FIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A
21 PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON
22 THE BALLOT AND FILED A SWORN STATEMENT WITH THE STATE BOARD ELECTING TO
23 PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND AGREEING TO
24 ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT EXCEED THE
25 AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN ACCORDANCE
26 WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE MADE TO A
27 PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC FUNDS SHALL
28 BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN
29 EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO
30 PAY QUALIFIED CAMPAIGN EXPENDITURES.

31 2. THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE SHALL
32 BE ENTITLED TO SIX DOLLARS IN PUBLIC FUNDS FOR EACH ONE DOLLAR OF MATCH-
33 ABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE STATE BOARD IN ACCORD-
34 ANCE WITH THE PROVISIONS OF THIS TITLE, PROVIDED, HOWEVER, SUCH PUBLIC
35 FUNDS SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

36 3. (A) NO PARTICIPATING CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS
37 UNOPPOSED IN A PRIMARY ELECTION SHALL BE ENTITLED TO PAYMENT FROM THE
38 FUND FOR QUALIFIED CAMPAIGN EXPENDITURES.

39 (B) WHERE THERE IS A CONTEST IN SUCH PRIMARY FOR THE NOMINATION OF AT
40 LEAST ONE OTHER PARTY FOR SUCH OFFICE, THE PARTICIPATING COMMITTEE OF AN
41 UNOPPOSED PARTICIPATING CANDIDATE FOR NOMINATION MAY RAISE AND SPEND AN
42 AMOUNT EQUAL TO ONE-HALF THE EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED
43 BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS,
44 WITH CONTRIBUTIONS OF UP TO TWO THOUSAND DOLLARS PER CONTRIBUTOR. SUCH
45 PAYMENT CAN ONLY BE EXPENDED FOR PROPERTY, SERVICES OR FACILITIES USED
46 ON OR BEFORE THE DATE OF SUCH PRIMARY ELECTION.

47 4. THE STATE BOARD SHALL PROMPTLY EXAMINE ALL REPORTS OF CONTRIBUTIONS
48 TO DETERMINE WHETHER THEY MEET THE REQUIREMENTS FOR MATCHABLE CONTRIB-
49 UTIONS, AND SHALL KEEP A RECORD OF SUCH CONTRIBUTIONS.

50 5. THE STATE BOARD SHALL PROMULGATE REGULATIONS FOR THE CERTIFICATION
51 OF THE AMOUNT OF FUNDS PAYABLE BY THE COMPTROLLER, FROM THE FUND ESTAB-
52 LISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW, TO A
53 PARTICIPATING CANDIDATE THAT HAS QUALIFIED TO RECEIVE SUCH PAYMENT.
54 THESE REGULATIONS SHALL INCLUDE THE PROMULGATION AND DISTRIBUTION OF
55 FORMS ON WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE REPORTED, THE
56 PERIODS DURING WHICH SUCH REPORTS MUST BE FILED AND THE VERIFICATION

1 REQUIRED. THE STATE BOARD SHALL INSTITUTE PROCEDURES WHICH WILL MAKE
2 POSSIBLE PAYMENT BY THE FUND WITHIN FOUR BUSINESS DAYS AFTER RECEIPT OF
3 THE REQUIRED FORMS AND VERIFICATIONS.

4 S 14-208. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,
5 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE
6 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A
7 CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTIC-
8 IPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING
9 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE
10 AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

11 2. (A) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED
12 BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A
13 PARTICIPATING CANDIDATE FOR GOVERNOR OR LIEUTENANT GOVERNOR IN A PRIMARY
14 OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY
15 ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE
16 SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED TWO
17 MILLION FIVE HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT
18 TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A
19 TRANSFER.

20 (B) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY
21 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A
22 PARTICIPATING CANDIDATE FOR ATTORNEY GENERAL OR COMPTROLLER IN A PRIMARY
23 OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY
24 ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE
25 SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED ONE
26 MILLION DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF SUCH
27 AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

28 (C) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY
29 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A
30 PARTICIPATING CANDIDATE FOR STATE SENATOR IN A PRIMARY, GENERAL OR
31 SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY ACCEPT
32 FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE,
33 SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED ONE
34 HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF
35 SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

36 (D) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY
37 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A
38 PARTICIPATING CANDIDATE FOR MEMBER OF THE ASSEMBLY IN A PRIMARY, GENERAL
39 OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY
40 ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE,
41 SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED FIFTY
42 THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF SUCH
43 AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

44 (E) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY
45 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A
46 PARTICIPATING CANDIDATE FOR DELEGATE AT-LARGE TO A CONSTITUTIONAL
47 CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING
48 COMMITTEE MAY ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED
49 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
50 EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE
51 PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

52 (F) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY
53 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A
54 PARTICIPATING CANDIDATE FOR DISTRICT DELEGATE TO A CONSTITUTIONAL
55 CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING
56 COMMITTEE MAY ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED

1 SUCH CANDIDATE, SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
2 EXCEED TEN THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT
3 OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

4 (G) FOR PURPOSES OF THIS SUBDIVISION, THE TERM STATE PARTY COMMITTEE
5 INCLUDES ANY OF ITS SUBCOMMITTEES.

6 3. NOTWITHSTANDING ANY EXPENDITURE LIMIT IN THIS SUBDIVISION, EACH
7 COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR STATEWIDE
8 OFFICE OR STATE LEGISLATIVE OFFICE, INCLUDING WITHIN THE TERM COUNTY
9 COMMITTEE ANY OF ITS SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF EACH SUCH
10 CANDIDATE FOR STATEWIDE OFFICE OF SUCH PARTY WHO HAS AGREED TO ACCEPT
11 PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED THE SUM OF TWO CENTS
12 FOR EACH VOTER REGISTERED IN SUCH COUNTY AS DETERMINED BY THE RECORDS OF
13 THE APPROPRIATE BOARD OF ELECTIONS AS OF THE PRECEDING GENERAL ELECTION.

14 4. IN COMPUTING THE AGGREGATE AMOUNT EXPENDED FOR PURPOSES OF THIS
15 SECTION, EXPENDITURES MADE BY A STATE PARTY COMMITTEE OR A COUNTY
16 COMMITTEE IN SUPPORT OF MORE THAN ONE CANDIDATE SHALL BE ALLOCATED AMONG
17 SUCH CANDIDATES SUPPORTED BY THE COMMITTEE IN ACCORDANCE WITH FORMULAS
18 PROMULGATED BY THE STATE BOARD OR, IN THE ABSENCE OF SUCH OFFICIAL
19 FORMULAS, IN ACCORDANCE WITH A FORMULA BASED UPON REASONABLE STANDARDS.
20 THE STATEMENTS FILED BY SUCH PARTY COMMITTEE IN ACCORDANCE WITH THIS
21 CHAPTER SHALL SET FORTH, IN ADDITION TO THE OTHER INFORMATION REQUIRED,
22 THE TOTAL AMOUNT EXPENDED BY THE PARTY COMMITTEE ON BEHALF OF ALL SUCH
23 CANDIDATES AND THE AMOUNT ALLOCATED TO EACH CANDIDATE BY DOLLAR AMOUNT
24 AND PERCENTAGE. EXPENDITURES BY A PARTY FOR ACTIVITIES WHICH DO NOT
25 SUPPORT OR OPPOSE THE ELECTION OF ANY CANDIDATE OR CANDIDATES BY NAME OR
26 BY CLEAR INFERENCE SHALL NOT BE REGARDED AS EXPENDITURES ON BEHALF OF OR
27 IN OPPOSITION TO A CANDIDATE.

28 5. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC
29 FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIB-
30 UTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR
31 THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF
32 THE GENERAL ELECTION FOR THE OFFICE SOUGHT, EXCEPT THAT A PARTICIPATING
33 CANDIDATE OR PARTICIPATING COMMITTEE WHICH HAS A DEFICIT ON THE DAY OF
34 THE GENERAL ELECTION MAY, AFTER SUCH DATE, ACCEPT CONTRIBUTIONS WHICH DO
35 NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAIS-
36 ING SUCH CONTRIBUTIONS. CONTRIBUTIONS TO A PARTICIPATING CANDIDATE OR
37 PARTICIPATING COMMITTEE WHICH WERE RECEIVED BEFORE JANUARY FIRST OF THE
38 YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IS HELD FOR THE PUBLIC
39 OFFICE SOUGHT OR, IN THE CASE OF A SPECIAL ELECTION RECEIVED MORE THAN
40 SIX MONTHS BEFORE THE SPECIAL ELECTION, MAY NOT BE EXPENDED IN ANY
41 ELECTION FOR ANY SUCH OFFICE.

42 6. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION,
43 PARTICIPATING CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF THIS
44 ARTICLE.

45 S 14-210. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS. THE FOLLOWING
46 EXPENDITURE LIMITATIONS APPLY TO THE RECEIPT OF PUBLIC FUNDS BY PARTIC-
47 IPATING CANDIDATES AND THEIR PARTICIPATING COMMITTEES RECEIVING SUCH
48 PUBLIC FUNDS PURSUANT TO THE PROVISIONS OF THIS TITLE:

49 1. (A) IN ANY PRIMARY ELECTION, RECEIPT OF PUBLIC FUNDS BY PARTICIPAT-
50 ING CANDIDATES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED:

51 (I) FOR GOVERNOR, THE SUM OF ONE DOLLAR AND TEN CENTS FOR EACH VOTER
52 ENROLLED IN THE CANDIDATE'S PARTY IN THE STATE; PROVIDED, HOWEVER, SUCH
53 SUM SHALL NOT BE LESS THAN NINE HUNDRED THOUSAND DOLLARS NOR MORE THAN
54 NINE MILLION DOLLARS;

55 (II) FOR LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL, THE SUM
56 OF ONE DOLLAR AND TEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S

1 PARTY IN THE STATE; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN
2 SIX HUNDRED THOUSAND DOLLARS NOR MORE THAN SIX MILLION DOLLARS;
3 (III) FOR SENATOR, THE SUM OF TWO DOLLARS AND FIFTY CENTS FOR EACH
4 VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE SENATE DISTRICT;
5 PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN THIRTY-FIVE THOUSAND
6 DOLLARS NOR MORE THAN THREE HUNDRED FIFTY THOUSAND DOLLARS;
7 (IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF TWO DOLLARS AND FIFTY
8 CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE ASSEMBLY
9 DISTRICT; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN FIFTEEN
10 THOUSAND DOLLARS NOR MORE THAN ONE HUNDRED FIFTY THOUSAND DOLLARS;
11 (V) FOR AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION, THE SUM OF
12 FIFTEEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE
13 STATE; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN SEVENTY-FIVE
14 THOUSAND DOLLARS NOR MORE THAN ONE HUNDRED SEVENTY-FIVE THOUSAND
15 DOLLARS;
16 (VI) FOR DISTRICT DELEGATES TO A CONSTITUTIONAL CONVENTION, THE SUM OF
17 ONE DOLLAR AND TEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S
18 PARTY IN THE DISTRICT; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS
19 THAN FIVE THOUSAND DOLLARS NOR MORE THAN FIFTY THOUSAND DOLLARS;
20 (B) THE ENROLLMENT NUMBERS USED TO CALCULATE THE PUBLIC FUNDS RECEIPT
21 LIMITS PROVIDED FOR IN THIS SUBDIVISION SHALL BE THE ENROLLMENTS DULY
22 REPORTED BY THE APPROPRIATE BOARD OR BOARDS AS OF THE LAST GENERAL
23 ELECTION PRECEDING THE PRIMARY ELECTION.
24 2. IN ANY GENERAL OR SPECIAL ELECTION, RECEIPT OF PUBLIC FUNDS BY
25 PARTICIPATING CANDIDATES FOR THE FOLLOWING OFFICES AND BY THEIR PARTIC-
26 IPATING COMMITTEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:
27 CANDIDATES FOR ELECTION TO THE OFFICE OF:
28 GOVERNOR AND LIEUTENANT GOVERNOR \$12,000,000
29 (COMBINED)
30 ATTORNEY GENERAL \$8,000,000
31 COMPTROLLER \$8,000,000
32 MEMBER OF SENATE \$350,000
33 MEMBER OF ASSEMBLY \$150,000
34 DELEGATE AT-LARGE TO A CONSTITUTIONAL \$350,000
35 CONVENTION
36 DISTRICT DELEGATE TO A CONSTITUTIONAL \$75,000
37 CONVENTION
38 3. PARTICIPATING CANDIDATES FOR OFFICE WHO ARE UNOPPOSED IN THE PRIMA-
39 RY ELECTION MAY RECEIVE PUBLIC FUNDS BEFORE THE PRIMARY ELECTION, FOR
40 SERVICES, MATERIALS OR FACILITIES USED ON OR BEFORE THE DATE OF SUCH
41 PRIMARY ELECTION, AN AMOUNT EQUAL TO HALF THE SUM SUCH CANDIDATES WOULD
42 BE ENTITLED TO RECEIVE IF THEIR NOMINATION WAS CONTESTED IN SUCH PRIMARY
43 ELECTION PROVIDED THERE IS A PRIMARY CONTEST FOR THE NOMINATION OF AT
44 LEAST ONE OTHER PARTY FOR SUCH OFFICE.
45 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE AMOUNT OF
46 PRIVATE FUNDS A PARTICIPATING CANDIDATE MAY RECEIVE SUBJECT TO THE
47 CONTRIBUTION LIMITS CONTAINED IN SECTION 14-208 OF THIS TITLE.
48 5. EXPENDITURES FOR LEGAL FEES AND REASONABLE EXPENSES TO DEFEND THE
49 VALIDITY OF PETITIONS OF DESIGNATION OR NOMINATION OR CERTIFICATES OF
50 NOMINATION, ACCEPTANCE, AUTHORIZATION, DECLINATION OR SUBSTITUTION, OR
51 TO SUCCESSFULLY CHALLENGE ANY SUCH PETITION OR CERTIFICATE ON GROUNDS OF
52 FRAUD, OR FOR EXPENSES INCURRED TO COMPLY WITH THE CAMPAIGN FINANCE
53 REPORTING REQUIREMENTS OF THIS ARTICLE, SHALL NOT BE SUBJECT TO THE
54 EXPENDITURE LIMITS OF THIS SUBDIVISION.
55 S 14-212. EXAMINATIONS AND AUDITS; REPAYMENTS. 1. THE ENFORCEMENT UNIT
56 OF THE STATE BOARD SHALL CONDUCT A THOROUGH EXAMINATION AND AUDIT OF THE

1 CONTRIBUTIONS AND QUALIFIED CAMPAIGN EXPENSES OF THE PARTICIPATING
2 COMMITTEE OF EVERY PARTICIPATING CANDIDATE WHO RECEIVED PAYMENTS PURSU-
3 ANT TO SECTION 14-206 OF THIS TITLE.

4 2. (A) IF THE STATE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT
5 MADE TO A PARTICIPATING COMMITTEE FROM THE FUND WAS IN EXCESS OF THE
6 AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS ENTI-
7 TLED PURSUANT TO SECTION 14-206 OF THIS TITLE, IT SHALL NOTIFY SUCH
8 COMMITTEE OF THE EXCESS AMOUNT AND SUCH COMMITTEE SHALL PAY TO THE STATE
9 BOARD AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS.

10 (B) IF THE STATE BOARD DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO A
11 PARTICIPATING COMMITTEE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN
12 TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY SUCH PARTICIPAT-
13 ING COMMITTEE OF THE AMOUNT DISQUALIFIED AND SUCH PARTICIPATING COMMIT-
14 TEE SHALL PAY TO THE STATE BOARD AN AMOUNT EQUAL TO SUCH DISQUALIFIED
15 AMOUNT.

16 (C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE FUND RECEIVED
17 BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING
18 COMMITTEE, EXCEEDS THE CAMPAIGN EXPENDITURES OF SUCH CANDIDATE AND
19 COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS FUNDS TO
20 REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM THE FUND
21 NOT LATER THAN TEN DAYS AFTER ALL PERMISSIBLE LIABILITIES HAVE BEEN PAID
22 AND IN ANY EVENT, NOT LATER THAN MARCH THIRTY-FIRST OF THE YEAR FOLLOW-
23 ING THE YEAR OF THE ELECTION FOR WHICH SUCH PAYMENTS WERE INTENDED. NO
24 SUCH EXCESS FUNDS SHALL BE USED FOR ANY OTHER PURPOSE.

25 3. IF A COURT OF COMPETENT JURISDICTION DISQUALIFIES A CANDIDATE WHOSE
26 PARTICIPATING COMMITTEE HAS RECEIVED PUBLIC FUNDS ON THE GROUNDS THAT
27 SUCH CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON
28 THE BALLOT AND SUCH DECISION IS NOT REVERSED BY A HIGHER COURT, SUCH
29 CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE SHALL PAY TO THE
30 STATE BOARD AN AMOUNT EQUAL TO THE TOTAL OF PUBLIC FUNDS RECEIVED BY
31 SUCH PARTICIPATING COMMITTEE.

32 4. THE STATE BOARD MUST PROVIDE WRITTEN NOTICE OF ALL PAYMENTS DUE
33 FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE TO THE
34 STATE BOARD AND PROVIDE AN OPPORTUNITY FOR THE CANDIDATE OR COMMITTEE TO
35 REBUT, IN WHOLE OR IN PART, THE ALLEGED AMOUNT DUE. UPON A FINAL WRITTEN
36 DETERMINATION BY THE STATE BOARD, THE AMOUNT DUE SHALL BE PAID TO THE
37 STATE BOARD WITHIN THIRTY DAYS OF SUCH DETERMINATION.

38 5. ALL PAYMENTS RECEIVED BY THE STATE BOARD PURSUANT TO THIS SECTION
39 SHALL BE DEPOSITED IN THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTAB-
40 LISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

41 S 14-214. CIVIL PENALTIES. 1. ANY PERSON WHO FAILS TO FILE A STATEMENT
42 OR RECORD REQUIRED TO BE FILED BY THIS TITLE OR THE RULES OR REGULATIONS
43 OF THE STATE BOARD IN IMPLEMENTATION THEREOF SHALL BE SUBJECT TO A CIVIL
44 PENALTY, NOT IN EXCESS OF FIVE THOUSAND DOLLARS, TO BE RECOVERABLE IN A
45 SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE STATE BOARD.

46 2. ALL PAYMENTS RECEIVED BY THE STATE BOARD PURSUANT TO THIS SECTION
47 SHALL BE DEPOSITED IN THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTAB-
48 LISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

49 S 14-216. DEBATES. THE STATE BOARD SHALL PROMULGATE REGULATIONS TO
50 FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTICIPATING CANDI-
51 DATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE BEFORE THE
52 PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENERAL ELECTION
53 FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE PARTICIPATING
54 CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDIDATE MAY BE A
55 PARTY TO SUCH DEBATES.

1 S 11. The election law is amended by adding a new section 16-103 to
2 read as follows:

3 S 16-103. PROCEEDINGS AS TO PUBLIC FINANCING. 1. THE DETERMINATION OF
4 ELIGIBILITY PURSUANT TO SECTION 14-202 OF THIS CHAPTER AND ANY QUESTION
5 OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSU-
6 ANT TO SECTION 14-206 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING
7 INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDI-
8 DATE.

9 2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR
10 PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-206
11 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETER-
12 MINATION WAS MADE. THE STATE BOARD SHALL BE MADE A PARTY TO ANY SUCH
13 PROCEEDING.

14 3. UPON THE STATE BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE FROM A
15 PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE ISSUANCE
16 OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVISION FOUR OF
17 SECTION 14-212 OF THIS CHAPTER, THE STATE BOARD IS AUTHORIZED TO INSTI-
18 TUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUN-
19 TY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO THE
20 STATE BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE PURSUANT TO
21 TITLE II OF ARTICLE FOURTEEN OF THIS CHAPTER.

22 4. THE STATE BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR
23 CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR
24 CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE STATE BOARD PURSUANT TO
25 SECTION 14-214 OF THIS CHAPTER.

26 S 12. The election law is amended by adding a new section 4-115 to
27 read as follows:

28 S 4-115. NOTICE TO THE STATE BOARD OF ELECTIONS OF CANDIDATES FOR THE
29 LEGISLATURE. 1. EACH BOARD OF ELECTIONS WITH WHICH PETITIONS ARE FILED
30 FOR MEMBER OF THE STATE LEGISLATURE SHALL, NOT LATER THAN ONE WEEK AFTER
31 THE LAST DAY TO FILE SUCH PETITIONS, SEND NOTICE TO THE STATE BOARD OF
32 ELECTIONS OF SUCH INFORMATION ABOUT EACH SUCH PETITION AS THE STATE
33 BOARD OF ELECTIONS SHALL REQUIRE.

34 2. EACH SUCH COUNTY BOARD OF ELECTIONS SHALL, NOT LATER THAN THE DAY
35 AFTER THE LAST DAY TO FILE A PETITION OR CERTIFICATE OF NOMINATION FOR A
36 GENERAL OR SPECIAL ELECTION OR A CERTIFICATE OF ACCEPTANCE, DECLINATION
37 OR SUBSTITUTION FOR A GENERAL, PRIMARY OR SPECIAL ELECTION FOR ANY SUCH
38 OFFICE, SEND TO THE STATE BOARD OF ELECTIONS SUCH INFORMATION ABOUT EACH
39 SUCH PETITION OR CERTIFICATE AS THE STATE BOARD OF ELECTIONS SHALL
40 REQUIRE.

41 3. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHOULD DISQUALIFY ANY SUCH
42 CANDIDATE OR RULE THE PETITION OR CERTIFICATE DESIGNATING OR NOMINATING
43 ANY SUCH CANDIDATE INVALID, IT SHALL FORTHWITH NOTIFY THE STATE BOARD OF
44 ELECTIONS OF SUCH DECISION.

45 4. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHALL BE NOTIFIED OF A DECI-
46 SION OF A COURT OF COMPETENT JURISDICTION DISQUALIFYING ANY SUCH CANDI-
47 DATE OR DECLARING ANY SUCH PETITION INVALID OR REVERSING ANY SUCH DECI-
48 SION BY SUCH BOARD OF ELECTIONS OR ANOTHER COURT, SUCH BOARD OF
49 ELECTIONS SHALL FORTHWITH NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH
50 DECISION.

51 5. THE STATE BOARD OF ELECTIONS MAY PRESCRIBE FORMS FOR THE NOTICES
52 REQUIRED BY THIS SECTION AND SHALL PRESCRIBE THE MANNER IN WHICH SUCH
53 NOTICES SHALL BE GIVEN.

54 S 13. The state finance law is amended by adding a new section 92-t to
55 read as follows:

1 S 92-T. NEW YORK STATE CAMPAIGN FINANCE FUND. 1. THERE IS HEREBY
2 ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE
3 COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE NEW YORK
4 STATE CAMPAIGN FINANCE FUND.

5 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE NEW YORK
6 STATE CAMPAIGN FINANCE FUND CHECK-OFF PURSUANT TO SUBSECTION (F) OF
7 SECTION SIX HUNDRED FIFTY-EIGHT OF THE TAX LAW, FROM THE GENERAL FUND,
8 AND FROM ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER
9 FUND OR SOURCE PURSUANT TO LAW.

10 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY
11 BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT
12 TO TITLE II OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE
13 PAID OUT OF THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER
14 ON VOUCHERS CERTIFIED OR APPROVED BY THE STATE BOARD OF ELECTIONS, OR
15 ITS DULY DESIGNATED REPRESENTATIVE, IN THE MANNER PRESCRIBED BY LAW, NOT
16 MORE THAN FOUR WORKING DAYS AFTER SUCH VOUCHER IS RECEIVED BY THE STATE
17 COMPTROLLER.

18 4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF, IN ANY
19 STATE FISCAL YEAR, THE STATE CAMPAIGN FINANCE FUND LACKS THE AMOUNT OF
20 MONEY TO PAY ALL CLAIMS VOUCHERED BY ELIGIBLE CANDIDATES AND CERTIFIED
21 OR APPROVED BY THE STATE BOARD OF ELECTIONS, ANY SUCH DEFICIENCY SHALL
22 BE PAID, UPON AUDIT AND WARRANT OF THE STATE COMPTROLLER, FROM FUNDS
23 DEPOSITED IN THE GENERAL FUND OF THE STATE NOT MORE THAN FOUR WORKING
24 DAYS AFTER SUCH VOUCHER IS RECEIVED BY THE STATE COMPTROLLER.

25 5. COMMENCING IN TWO THOUSAND SEVENTEEN, IF THE SURPLUS IN THE FUND ON
26 APRIL FIRST OF THE YEAR AFTER A YEAR IN WHICH A GOVERNOR IS ELECTED
27 EXCEEDS TWENTY-FIVE PERCENT OF THE DISBURSEMENTS FROM THE FUND OVER THE
28 PREVIOUS FOUR YEARS, THE EXCESS SHALL REVERT TO THE GENERAL FUND OF THE
29 STATE.

30 6. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A
31 PRIMARY ELECTION ANY EARLIER THAN THE DAY THAT SUCH CANDIDATE IS CERTI-
32 FIED AS BEING ON THE BALLOT FOR SUCH PRIMARY ELECTION.

33 7. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A
34 GENERAL ELECTION ANY EARLIER THAN THE DAY AFTER THE DAY OF THE PRIMARY
35 ELECTION HELD TO NOMINATE CANDIDATES FOR SUCH ELECTION.

36 8. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A
37 SPECIAL ELECTION ANY EARLIER THAN THE DAY AFTER THE LAST DAY TO FILE
38 CERTIFICATES OF PARTY NOMINATION FOR SUCH SPECIAL ELECTION.

39 9. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO
40 HAS BEEN DISQUALIFIED OR WHOSE DESIGNATING PETITIONS HAVE BEEN DECLARED
41 INVALID BY THE APPROPRIATE BOARD OF ELECTIONS OR A COURT OF COMPETENT
42 JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY A HIGHER
43 AUTHORITY. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDI-
44 DATE OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE ON THE DATE OF SUCH
45 DISQUALIFICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY
46 PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE SUCH DATE. ALL
47 SUCH MONEYS SHALL BE REPAID TO THE FUND.

48 S 14. Section 658 of the tax law is amended by adding a new subsection
49 (f) to read as follows:

50 (F) NEW YORK STATE CAMPAIGN FINANCE FUND CHECK-OFF. (1) FOR EACH
51 TAXABLE YEAR BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE,
52 EVERY INDIVIDUAL WHOSE NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXA-
53 BLE YEAR FOR WHICH THE RETURN IS FILED IS FIVE DOLLARS OR MORE MAY
54 DESIGNATE ON SUCH RETURN THAT FIVE DOLLARS BE PAID INTO THE NEW YORK
55 STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE
56 STATE FINANCE LAW. WHERE A HUSBAND AND WIFE FILE A JOINT RETURN AND

1 HAVE A NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR
2 WHICH THE RETURN IS FILED OF TEN DOLLARS OR MORE, OR FILE SEPARATE
3 RETURNS ON A SINGLE FORM, EACH SUCH TAXPAYER MAY MAKE SEPARATE DESIG-
4 NATIONS ON SUCH RETURN OF FIVE DOLLARS TO BE PAID INTO THE NEW YORK
5 STATE CAMPAIGN FINANCE FUND.

6 (2) THE COMMISSIONER SHALL TRANSFER TO THE NEW YORK STATE CAMPAIGN
7 FINANCE FUND, ESTABLISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE
8 FINANCE LAW, AN AMOUNT EQUAL TO FIVE DOLLARS MULTIPLIED BY THE NUMBER OF
9 DESIGNATIONS.

10 (3) FOR PURPOSES OF THIS SUBSECTION, THE INCOME TAX LIABILITY OF AN
11 INDIVIDUAL FOR ANY TAXABLE YEAR IS THE AMOUNT OF TAX IMPOSED UNDER THIS
12 ARTICLE REDUCED BY THE SUM OF THE CREDITS (AS SHOWN IN HIS OR HER
13 RETURN) ALLOWABLE UNDER THIS ARTICLE.

14 (4) THE DEPARTMENT SHALL INCLUDE A PLACE ON EVERY PERSONAL INCOME TAX
15 RETURN FORM TO BE FILED BY AN INDIVIDUAL FOR A TAX YEAR BEGINNING ON OR
16 AFTER JANUARY FIRST, TWO THOUSAND TWELVE, IMMEDIATELY ABOVE THE CERTIF-
17 ICATION UNDER WHICH THE TAXPAYER IS REQUIRED TO SIGN SUCH FORM, FOR SUCH
18 TAXPAYER TO MAKE THE DESIGNATIONS DESCRIBED IN PARAGRAPH ONE OF THIS
19 SUBSECTION. SUCH RETURN FORM SHALL CONTAIN A CONCISE EXPLANATION OF THE
20 PURPOSE OF SUCH OPTIONAL DESIGNATIONS.

21 S 15. Campaign finance review panel. 1. There is hereby created and
22 established the "campaign finance review panel". The panel shall consist
23 of the commissioner of taxation and finance, the director of the divi-
24 sion of the budget, the state comptroller and the two members of the
25 state board of elections who rotate as chairperson of the board. The
26 commissioner of taxation and finance shall be chairperson.

27 2. The panel is empowered and it shall be its duty to monitor and
28 review the implementation of the 2012 Campaign Finance Reform Act. The
29 panel shall report to the governor and the legislature on March 31, 2014
30 and on March 31, 2016 and on March 31 of every other year thereafter.
31 The report shall include: (a) the number of candidates qualifying and
32 opting for public financing, the amounts expended for this purpose in
33 the preceding fiscal year and a projection of the number of candidates
34 likely to qualify and opt for public financing and their expenditures in
35 future elections; (b) an analysis of the effect of the 2012 Campaign
36 Finance Reform Act on political campaigns, including its effect on the
37 sources and amounts of private financing, the level of campaign expendi-
38 tures, voter participation, the number of candidates and the candidate's
39 ability to campaign effectively for public office; (c) a review of the
40 procedures utilized in providing public funds to candidates; and (d)
41 such recommended changes in the 2012 Campaign Finance Reform Act as it
42 deems appropriate.

43 S 16. Subdivision 9 of section 14-100 of the election law is amended
44 by adding a new paragraph 4 to read as follows:

45 (4) THE TERM "CONTRIBUTION" DOES NOT INCLUDE EXPENDITURES BY A BONA
46 FIDE MEMBERSHIP ORGANIZATION IN SUPPORT OF THE FOLLOWING ACTIVITIES BY
47 MEMBERS OF THE ORGANIZATION WHO ARE VOLUNTEERING THEIR TIME ON BEHALF OF
48 A CANDIDATE, NOT TO EXCEED TWENTY-FIVE DOLLARS PER MEMBER WHO VOLUN-
49 TEERS, FOR: TRANSPORTATION OF VOLUNTEERS TO AND FROM CAMPAIGN ACTIV-
50 ITIES; COST OF FEEDING VOLUNTEERS WHILE VOLUNTEERING FOR THE CAMPAIGN;
51 AND MATERIALS SUCH AS BADGES AND CLOTHING THAT IDENTIFIES THE NAME OF
52 THE ORGANIZATION AND/OR CANDIDATE.

53 S 17. Paragraphs a and b of subdivision 1 of section 14-114 of the
54 election law, as amended by chapter 659 of the laws of 1994, are amended
55 to read as follows:

1 a. In any election for a public office to be voted on by the voters of
2 the entire state, or for nomination to any such office, no contributor
3 may make a contribution to any candidate or political committee, and no
4 candidate or political committee may accept any contribution from any
5 contributor, which is in the aggregate amount greater than: (i) in the
6 case of any nomination to public office, the product of the total number
7 of enrolled voters in the candidate's party in the state, excluding
8 voters in inactive status, multiplied by \$.005, but such amount shall be
9 not [less] MORE than [four] TWO thousand dollars [nor more than twelve
10 thousand dollars] as increased or decreased by the cost of living
11 adjustment described in paragraph c of this subdivision, and (ii) in the
12 case of any election to a public office, [twenty-five] TWO thousand
13 dollars as increased or decreased by the cost of living adjustment
14 described in paragraph c of this subdivision; provided however, that the
15 maximum amount which may be so contributed or accepted, in the aggre-
16 gate, from any candidate's child, parent, grandparent, brother and
17 sister, and the spouse of any such persons, shall not exceed in the case
18 of any nomination to public office an amount equivalent to the product
19 of the number of enrolled voters in the candidate's party in the state,
20 excluding voters in inactive status, multiplied by \$.025, and in the
21 case of any election for a public office, an amount equivalent to the
22 product of the number of registered voters in the state excluding voters
23 in inactive status, multiplied by \$.025.

24 b. In any other election for party position or for election to a
25 public office or for nomination for any such office, no contributor may
26 make a contribution to any candidate or political committee and no
27 candidate or political committee may accept any contribution from any
28 contributor, which is in the aggregate amount greater than: (i) in the
29 case of any election for party position, or for nomination to public
30 office, the product of the total number of enrolled voters in the candi-
31 date's party in the district in which he OR SHE is a candidate, exclud-
32 ing voters in inactive status, multiplied by \$.05, and (ii) in the case
33 of any election for a public office, the product of the total number of
34 registered voters in the district, excluding voters in inactive status,
35 multiplied by \$.05, however in the case of a nomination within the city
36 of New York for the office of mayor, public advocate or comptroller,
37 such amount shall be not [less] MORE than [four] TWO thousand dollars
38 [nor more than twelve thousand dollars] as increased or decreased by the
39 cost of living adjustment described in paragraph c of this subdivision;
40 in the case of an election within the city of New York for the office of
41 mayor, public advocate or comptroller, [twenty-five] TWO thousand
42 dollars as increased or decreased by the cost of living adjustment
43 described in paragraph c of this subdivision; in the case of a nomi-
44 nation for state senator, [four] TWO thousand dollars as increased or
45 decreased by the cost of living adjustment described in paragraph c of
46 this subdivision; in the case of an election for state senator, [six]
47 TWO thousand [two hundred fifty] dollars as increased or decreased by
48 the cost of living adjustment described in paragraph c of this subdivi-
49 sion; in the case of an election or nomination for a member of the
50 assembly, [twenty-five hundred] TWO THOUSAND dollars as increased or
51 decreased by the cost of living adjustment described in paragraph c of
52 this subdivision; [but in no event shall any such maximum exceed fifty
53 thousand dollars or be less than one thousand dollars;] provided howev-
54 er, that the maximum amount which may be so contributed or accepted, in
55 the aggregate, from any candidate's child, parent, grandparent, brother
56 and sister, and the spouse of any such persons, shall not exceed in the

1 case of any election for party position or nomination for public office
2 an amount equivalent to the number of enrolled voters in the candidate's
3 party in the district in which he OR SHE is a candidate, excluding
4 voters in inactive status, multiplied by \$.25 and in the case of any
5 election to public office, an amount equivalent to the number of regis-
6 tered voters in the district, excluding voters in inactive status,
7 multiplied by \$.25; or twelve hundred fifty dollars, whichever is great-
8 er, or in the case of a nomination or election of a state senator, twen-
9 ty thousand dollars, whichever is greater, or in the case of a nomi-
10 nation or election of a member of the assembly, twelve thousand five
11 hundred dollars, whichever is greater, but in no event shall any such
12 maximum exceed one hundred thousand dollars.

13 S 18. Section 14-130 of the election law, as added by chapter 152 of
14 the laws of 1985, is amended to read as follows:

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

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

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

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

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

31 B. SPONSORSHIP OR HOSTING OF COMMUNITY MEETINGS; TICKETS OR DONATIONS
32 TO LOCAL CHARITABLE, NON-PROFIT OR POLITICAL EVENTS, ORGANIZATIONS OR
33 ACTIVITIES THAT PROMOTE THE WELFARE OF CONSTITUENTS OR POLITICAL
34 CAMPAIGNS;

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

38 D. MEMBERSHIP IN ORGANIZATIONS RELATED TO OFFICIAL DUTIES AND COSTS OF
39 ATTENDING INFORMATIONAL MEETINGS ATTENDED IN CONNECTION WITH SUCH
40 DUTIES; AND

41 E. TRAVEL RELATED TO DUTIES OF OFFICE, PROVIDED THAT THE TRAVEL IS NOT
42 UNDERTAKEN FOR ANY PURPOSE RESULTING IN A PERSONAL OR FINANCIAL BENEFIT
43 TO THE CANDIDATE OR OFFICEHOLDER. IF SUCH EXPENSES INVOLVE BOTH PERSONAL
44 ACTIVITY AND CAMPAIGN OR OFFICIAL ACTIVITIES, THE INCREMENTAL EXPENSES
45 ASSOCIATED WITH THE PERSONAL ACTIVITIES ARE PERSONAL USES UNLESS THE
46 CAMPAIGN IS REIMBURSED FOR SUCH SUMS FROM OTHER THAN CAMPAIGN FUNDS
47 WITHIN THIRTY DAYS OF THE EXPENDITURE.

48 NOTHING IN THIS SECTION SHALL PROHIBIT A CANDIDATE FROM PURCHASING
49 OFFICE EQUIPMENT WITH PERSONAL FUNDS AND LEASING OR RENTING SUCH EQUIP-
50 MENT OR PROPERTY TO A COMMITTEE WORKING WITH OR FOR THE CANDIDATE,
51 PROVIDED THE CANDIDATE OR THE CAMPAIGN TREASURER SIGN A WRITTEN LEASE OR
52 RENTAL AGREEMENT AND FILES IT WITH THE APPROPRIATE REQUIRED CAMPAIGN
53 FINANCIAL FILING WHICH SHALL INCLUDE THE LEASE OR RENTAL PRICE WHICH
54 SHALL NOT EXCEED THE FAIR LEASE OR RENTAL VALUE OF THE EQUIPMENT OR IN
55 THE AGGREGATE EXCEED THE COST OF ITS PURCHASE.

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

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

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

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

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

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

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

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

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

26 E. TUITION PAYMENTS;

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

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

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

37 I. PAYMENT OF ANY FINES, FEES, OR PENALTIES ASSESSED PURSUANT TO THIS
38 CHAPTER.

39 5. NO CAMPAIGN FUNDS SHALL BE USED TO PAY ATTORNEY'S FEES OR ANY COSTS
40 OF DEFENDING AGAINST ANY CIVIL OR CRIMINAL INVESTIGATION OR PROSECUTION
41 FOR ALLEGED VIOLATIONS OF STATE OR FEDERAL LAW ALLEGED TO HAVE BEEN
42 COMMITTED WHILE HOLDING PUBLIC OFFICE OR AS A CANDIDATE FOR OFFICE WHERE
43 THE CANDIDATE OR PUBLIC OR PARTY OFFICIAL, MEMBERS OF THEIR IMMEDIATE
44 FAMILIES OR PARTNERS OR THE CAMPAIGN IS THE TARGET OF SUCH INVESTIGATION
45 OR PROSECUTION UNLESS SUCH EXPENDITURE IS USED EXCLUSIVELY FOR COSTS
46 RELATED TO CIVIL OR CRIMINAL ACTIONS FOR ALLEGED VIOLATIONS RELATED TO
47 ACTIVITIES PROMOTING THE NOMINATION OR ELECTION OF A CANDIDATE.

48 S 19. The election law is amended by adding a new section 14-132 to
49 read as follows:

50 S 14-132. DISPOSITION OF CAMPAIGN FUNDS. 1. AN AUTHORIZED CONTINUING
51 CANDIDATE COMMITTEE MUST DISPOSE OF ALL FUNDS AND CLOSE WITHIN TWO YEARS
52 AFTER THE LATER OF (A) THE END OF THE INDIVIDUAL'S MOST RECENT TERM OF
53 OFFICE, OR (B) THE DATE OF THE ELECTION IN WHICH THE INDIVIDUAL LAST WAS
54 A FILED CANDIDATE.

55 2. ANY CANDIDATE OR POLITICAL COMMITTEE REQUIRED TO DISPOSE OF FUNDS
56 PURSUANT TO THIS SECTION SHALL, AT THE OPTION OF THE CANDIDATE, OR THE

1 TREASURER OF A POLITICAL COMMITTEE FORMED SOLELY TO PROMOTE THE PASSAGE
2 OR DEFEAT OF A BALLOT PROPOSAL, DISPOSE OF SUCH FUNDS BY ANY OF THE
3 FOLLOWING MEANS, OR ANY COMBINATION THEREOF:
4 A. RETURNING, PRO RATA, TO EACH CONTRIBUTOR THE FUNDS THAT HAVE NOT
5 BEEN SPENT OR OBLIGATED;
6 B. DONATING THE FUNDS TO A CHARITABLE ORGANIZATION OR ORGANIZATIONS
7 THAT MEET THE QUALIFICATIONS OF SECTION 501(C)(3) OF THE INTERNAL REVEN-
8 UE CODE;
9 C. DONATING THE FUNDS TO THE STATE UNIVERSITY;
10 D. DONATING THE FUNDS TO THE STATE'S GENERAL FUND;
11 E. TRANSFERRING THE FUNDS TO A POLITICAL PARTY COMMITTEE REGISTERED
12 WITH THE STATE BOARD OF ELECTIONS; OR
13 F. CONTRIBUTING THE FUNDS TO A CANDIDATE OR POLITICAL COMMITTEE SUCH
14 THAT THIS DOES NOT EXCEED THE LIMITS SET FORTH IN SECTION 14-114 OF THIS
15 TITLE.
16 3. NO CANDIDATE OR POLITICAL COMMITTEE SHALL DISPOSE OF CAMPAIGN FUNDS
17 BY MAKING EXPENDITURES FOR PERSONAL USE AS DEFINED IN SECTION 14-130 OF
18 THIS TITLE.
19 4. UPON THE DEATH OF A CANDIDATE, FORMER CANDIDATE OR HOLDER OF ELEC-
20 TIVE OFFICE, WHO RECEIVED CAMPAIGN CONTRIBUTIONS, ALL CONTRIBUTIONS
21 SHALL BE DISPOSED OF ACCORDING TO THIS SECTION WITHIN TWELVE MONTHS OF
22 THE DEATH OF THE CANDIDATE.
23 S 20. Subdivision 1 of section 14-102 of the election law, as amended
24 by chapter 8 and redesignated by chapter 9 of the laws of 1978, is
25 amended to read as follows:
26 1. The treasurer of every political committee which, or any officer,
27 member or agent of any such committee who, in connection with any
28 election, receives or expends any money or other valuable thing or
29 incurs any liability to pay money or its equivalent shall file state-
30 ments sworn, or subscribed and bearing a form notice that false state-
31 ments made therein are punishable as a class A misdemeanor pursuant to
32 section 210.45 of the penal law, at the times prescribed by this [arti-
33 cle] TITLE setting forth all the receipts, contributions to and the
34 expenditures by and liabilities of the committee, and of its officers,
35 members and agents in its behalf. Such statements shall include the
36 dollar amount of any receipt, contribution or transfer, or the fair
37 market value of any receipt, contribution or transfer, which is other
38 than of money, the name and address of the transferor, contributor,
39 INTERMEDIARY, or person from whom received, IF THE CONTRIBUTOR IS A
40 LOBBYIST REGISTERED PURSUANT TO ARTICLE ONE-A OF THE LEGISLATIVE LAW and
41 if the transferor, contributor, INTERMEDIARY, or person is a political
42 committee; the name of and the political unit represented by the commit-
43 tee, the date of its receipt, the dollar amount of every expenditure,
44 the name and address of the person to whom it was made or the name of
45 and the political unit represented by the committee to which it was made
46 and the date thereof, and shall state clearly the purpose of such
47 expenditure. AN INTERMEDIARY NEED NOT BE REPORTED FOR A CONTRIBUTION
48 THAT WAS COLLECTED FROM A CONTRIBUTOR IN CONNECTION WITH A PARTY OR
49 OTHER CANDIDATE-RELATED EVENT HELD AT THE RESIDENCE OF THE PERSON DELIV-
50 ERING THE CONTRIBUTION, UNLESS THE EXPENSES OF SUCH EVENT AT SUCH RESI-
51 DENCE FOR SUCH CANDIDATE EXCEED FIVE HUNDRED DOLLARS OR THE AGGREGATE
52 CONTRIBUTIONS RECEIVED FROM THAT CONTRIBUTOR AT SUCH EVENT EXCEED FIVE
53 HUNDRED DOLLARS. Any statement reporting a loan shall have attached to
54 it a copy of the evidence of indebtedness. Expenditures in sums under
55 fifty dollars need not be specifically accounted for by separate items
56 in said statements, and receipts and contributions aggregating not more

1 than ninety-nine dollars, from any one contributor need not be specif-
2 ically accounted for by separate items in said statements, provided
3 however, that such expenditures, receipts and contributions shall be
4 subject to the other provisions of section 14-118 of this [article]
5 TITLE.

6 S 21. Subdivision 3 of section 3-100 of the election law, as amended
7 by chapter 220 of the laws of 2005, is amended to read as follows:

8 3. The commissioners of the state board of elections shall have no
9 other public employment. The commissioners shall receive an annual sala-
10 ry of twenty-five thousand dollars, within the amounts made available
11 therefor by appropriation. The board shall, for the purposes of sections
12 seventy-three and seventy-four of the public officers law, be a "state
13 agency", and such commissioners shall be "officers" of the state board
14 of elections for the purposes of such sections. Within the amounts made
15 available by appropriation therefor, the state board of elections shall
16 appoint two co-executive directors, [counsel] AN ENFORCEMENT COUNSEL, A
17 DEPUTY ENFORCEMENT COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR
18 POLITICAL PARTY THAN THE ENFORCEMENT COUNSEL, A SPECIAL COUNSEL, A DEPU-
19 TY SPECIAL COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL
20 PARTY THAN THE SPECIAL COUNSEL, A DIRECTOR OF ELECTION OPERATIONS, A
21 DEPUTY DIRECTOR OF ELECTION OPERATIONS, WHO SHALL BE A MEMBER OF A
22 DIFFERENT MAJOR POLITICAL PARTY THAN THE DIRECTOR OF ELECTION OPER-
23 ATIONS, A DIRECTOR OF PUBLIC INFORMATION, A DEPUTY DIRECTOR OF PUBLIC
24 INFORMATION, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY
25 THAN THE DIRECTOR OF PUBLIC INFORMATION and such other staff members as
26 are necessary in the exercise of its functions, and may fix their
27 compensation. [Anytime after the effective date of the chapter of the
28 laws of two thousand five which amended this subdivision, the] THE
29 commissioners or, in the case of a vacancy on the board, the commission-
30 er of each of the major political parties shall appoint one co-executive
31 director. Each co-executive director shall serve a term of four years.
32 THE ENFORCEMENT COUNSEL AND THE SPECIAL COUNSEL SHALL EACH SERVE A TERM
33 OF FOUR YEARS AND MAY ONLY BE REMOVED FOR CAUSE. ANY TIME AFTER THE
34 EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE AMEND-
35 ING THIS SUBDIVISION, THE COMMISSIONERS, OR IN THE CASE OF A VACANCY ON
36 THE BOARD, THE COMMISSIONER, OF EACH OF THE SAME MAJOR POLITICAL PARTY
37 AS THE INCUMBENT ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT COUNSEL,
38 SPECIAL COUNSEL, DEPUTY SPECIAL COUNSEL, DIRECTOR OF ELECTION OPER-
39 ATIONS, DEPUTY DIRECTOR OF ELECTION OPERATIONS, DIRECTOR OF PUBLIC
40 INFORMATION AND DEPUTY DIRECTOR OF PUBLIC INFORMATION, SHALL APPOINT
41 SUCH COUNSELS, DIRECTORS AND DEPUTIES. Any vacancy in the office of
42 co-executive director, ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT COUNSEL,
43 SPECIAL COUNSEL, DEPUTY SPECIAL COUNSEL, DIRECTOR OF ELECTION OPER-
44 ATIONS, DEPUTY DIRECTOR OF ELECTION OPERATIONS, DIRECTOR OF PUBLIC
45 INFORMATION AND DEPUTY DIRECTOR OF PUBLIC INFORMATION, shall be filled
46 by the commissioners or, in the case of a vacancy on the board, the
47 commissioner of the same major political party as the vacating incumbent
48 for the remaining period of the term of such vacating incumbent, FOR THE
49 REMAINING PERIOD OF THE TERM OF SUCH VACATING INCUMBENT.

50 S 22. Subdivision 3, paragraph (c) of subdivision 9-A and subdivision
51 17 of section 3-102 of the election law, subdivisions 3 and 17 as
52 amended by chapter 9 of the laws of 1978, paragraph (c) of subdivision
53 9-A as added by chapter 430 of the laws of 1997 and subdivision 17 as
54 renumbered by chapter 23 of the laws of 2005, are amended to read as
55 follows:

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

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

11 17. HEAR AND CONSIDER THE RECOMMENDATIONS OF THE STATE BOARD OF
12 ELECTIONS ENFORCEMENT COUNSEL REGARDING THE ENFORCEMENT OF VIOLATIONS OF
13 ARTICLE FOURTEEN OF THIS CHAPTER;

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

16 S 23. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as
17 redesignated and subdivision 2 as amended by chapter 9 of the laws of
18 1978, is amended to read as follows:

19 S 3-104. State board of elections AND THE STATE BOARD OF ELECTIONS
20 ENFORCEMENT COUNSEL; enforcement powers. 1. (A) THERE SHALL BE A UNIT
21 KNOWN AS THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT ESTABLISHED WITH-
22 IN THE STATE BOARD OF ELECTIONS. THE HEAD OF SUCH UNIT SHALL BE THE
23 ENFORCEMENT COUNSEL.

24 (B) The state board of elections shall have jurisdiction of, and be
25 responsible for, the execution and enforcement of the provisions of
26 [article fourteen of this chapter and other] statutes governing
27 campaigns, elections and related procedures; PROVIDED HOWEVER THAT THE
28 ENFORCEMENT COUNSEL SHALL HAVE SOLE AUTHORITY WITHIN THE STATE BOARD OF
29 ELECTIONS TO INVESTIGATE ON HIS OR HER OWN INITIATIVE OR UPON COMPLAINT,
30 ALLEGED VIOLATIONS OF ARTICLE FOURTEEN OF THIS CHAPTER AND ALL
31 COMPLAINTS ALLEGING ARTICLE FOURTEEN VIOLATIONS SHALL BE FORWARDED TO
32 THE ENFORCEMENT UNIT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
33 DIMINISH OR ALTER THE STATE BOARD OF ELECTIONS' JURISDICTION PURSUANT TO
34 THIS CHAPTER.

35 2. Whenever [the state board of elections or other] A LOCAL board of
36 elections shall determine, on its own initiative or upon complaint, or
37 otherwise, that there is substantial reason to believe a violation of
38 this chapter or any code or regulation promulgated thereunder has
39 [occurred] BEEN COMMITTED BY A CANDIDATE OR POLITICAL COMMITTEE THAT
40 FILES STATEMENTS OR IS REQUIRED TO DO SO PURSUANT TO ARTICLE FOURTEEN OF
41 THIS CHAPTER SOLELY WITH SUCH LOCAL BOARD, it shall expeditiously make
42 an investigation which shall also include investigation of reports and
43 statements made or failed to be made by the complainant and any poli-
44 tical committee supporting his candidacy if the complainant is a candi-
45 date or, if the complaint was made by an officer or member of a poli-
46 tical committee, of reports and statements made or failed to be made by
47 such political committee and any candidates supported by it. [The state
48 board of elections, in lieu of making such an investigation, may direct
49 the appropriate board of elections to make an investigation.] The state
50 board of elections may request, and shall receive, the assistance of the
51 state police in any investigation it shall conduct.

52 3. [If, after an investigation, the state or other board of elections
53 finds reasonable cause to believe that a violation warranting criminal
54 prosecution has taken place, it shall forthwith refer the matter to the
55 district attorney of the appropriate county and shall make available to

1 such district attorney all relevant papers, documents, testimony and
2 findings relevant to its investigation.

3 4. The state or other board of elections may, where appropriate,
4 commence a judicial proceeding with respect to the filing or failure to
5 file any statement of receipts, expenditures, or contributions, under
6 the provisions of this chapter, and the state board of elections may
7 direct the appropriate other board of elections to commence such
8 proceeding.

9 5.] IF THE ENFORCEMENT COUNSEL DETERMINES THAT A VIOLATION OF SUBDI-
10 VISION ONE OF SECTION 14-126 OF THIS CHAPTER HAS OCCURRED WHICH COULD
11 WARRANT A CIVIL PENALTY, THE ENFORCEMENT COUNSEL SHALL, UPON HIS OR HER
12 DISCRETION, SEEK TO RESOLVE THE MATTER EXTRA-JUDICIALLY OR COMMENCE A
13 SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTION 16-114 OF
14 THIS CHAPTER.

15 4. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION OR AN INTER-
16 NAL REFERRAL FROM THE ENFORCEMENT UNIT ALLEGING ANY OTHER VIOLATION OF
17 ARTICLE FOURTEEN OF THIS CHAPTER, THE ENFORCEMENT COUNSEL SHALL ANALYZE
18 THE FACTS AND THE LAW RELEVANT TO SUCH COMPLAINT OR REFERRAL TO DETER-
19 MINE IF AN INVESTIGATION SHOULD BE UNDERTAKEN. THE ENFORCEMENT COUNSEL
20 SHALL, IF NECESSARY, REQUEST ADDITIONAL INFORMATION FROM THE COMPLAINANT
21 TO ASSIST SUCH COUNSEL IN MAKING THIS DETERMINATION. SUCH ANALYSIS SHALL
22 INCLUDE THE FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD
23 CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND, SECOND,
24 WHETHER THE ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

25 5. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS
26 CONTAINED IN A COMPLAINT, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF
27 ARTICLE FOURTEEN OF THIS CHAPTER OR THAT THE ALLEGATIONS ARE NOT
28 SUPPORTED BY CREDIBLE EVIDENCE, HE OR SHE SHALL: (A) NOTIFY THE DEPUTY
29 ENFORCEMENT COUNSEL OF SUCH DETERMINATION AND (B) PUBLICLY NOTIFY THE
30 STATE BOARD OF ELECTIONS OF SUCH DETERMINATION. IF THE STATE BOARD OF
31 ELECTIONS PUBLICLY DETERMINES, AS PROVIDED IN THIS TITLE, THAT THE ALLE-
32 GATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF
33 THIS CHAPTER AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE
34 EVIDENCE, IT SHALL DIRECT THAT THE ENFORCEMENT COUNSEL CONDUCT AN INVES-
35 TIGATION. LACKING SUCH A DETERMINATION, THE ENFORCEMENT COUNSEL SHALL
36 ISSUE A LETTER TO THE COMPLAINANT DISMISSING THE COMPLAINT.

37 6. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF
38 TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER
39 AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE EVIDENCE, HE
40 OR SHE SHALL: (A) NOTIFY THE DEPUTY ENFORCEMENT COUNSEL OF (I) HIS OR
41 HER INTENT TO RESOLVE THE MATTER EXTRA-JUDICIALLY DUE TO THE DE MINIMUS
42 NATURE OF THE VIOLATION; OR (II) HIS OR HER INTENT TO COMMENCE AN INVES-
43 TIGATION, AND (B) PUBLICLY NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH
44 INTENT NO LATER THAN THE BOARD'S NEXT REGULARLY SCHEDULED MEETING.
45 NOTIFICATION SHALL SUMMARIZE THE RELEVANT FACTS AND THE APPLICABLE LAW
46 AND SHALL, TO THE EXTENT POSSIBLE, PROTECT FROM PUBLIC DISCLOSURE THE
47 IDENTITY OF THE COMPLAINANT AND THE INDIVIDUAL SUBJECT TO THE COMPLAINT.
48 THE DEPUTY ENFORCEMENT COUNSEL SHALL HAVE THE OPPORTUNITY TO REVIEW THE
49 ENTIRE FILE OF ANY PRELIMINARY INVESTIGATION CONDUCTED BY THE ENFORCE-
50 MENT COUNSEL A MINIMUM OF TEN DAYS PRIOR TO SAID REGULARLY SCHEDULED
51 MEETING OF THE BOARD AND TO SUBMIT A PUBLIC, WRITTEN CONCURRENCE WITH OR
52 DISSENT FROM THE ENFORCEMENT COUNSEL'S PROPOSAL.

53 7. IF, UPON CONSIDERING THE ENFORCEMENT COUNSEL'S NOTICE OF INTENT TO
54 COMMENCE AN INVESTIGATION AND THE DEPUTY ENFORCEMENT COUNSEL'S RECOMMEN-
55 DATION, THE STATE BOARD OF ELECTIONS BELIEVES THAT THE ALLEGATIONS, IF
56 TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAP-

1 TER, OR THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE EVIDENCE OR, THAT
2 ON BALANCE, THE EQUITIES FAVOR A DISMISSAL OF THE COMPLAINT, THE BOARD
3 SHALL PUBLICLY DIRECT THAT AN INVESTIGATION NOT BE UNDERTAKEN NO LATER
4 THAN SIXTY DAYS AFTER THE RECEIPT OF NOTIFICATION FROM THE ENFORCEMENT
5 COUNSEL OF HIS OR HER INTENT TO COMMENCE AN INVESTIGATION. IN DETERMIN-
6 ING WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE COMPLAINT, THE STATE
7 BOARD OF ELECTIONS SHALL CONSIDER THE FOLLOWING FACTORS: (A) WHETHER THE
8 COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF ARTICLE FOURTEEN OF THIS
9 CHAPTER; (B) WHETHER THE SUBJECT OF THE COMPLAINT HAS MADE A GOOD FAITH
10 EFFORT TO CORRECT THE VIOLATION; AND (C) WHETHER THE SUBJECT OF THE
11 COMPLAINT HAS A HISTORY OF SIMILAR VIOLATIONS. DETERMINATIONS OF THE
12 STATE BOARD OF ELECTIONS TO DISMISS A COMPLAINT AND NOT PROCEED WITH A
13 FORMAL INVESTIGATION SHALL BE VOTED UPON AS PROVIDED IN SUBDIVISION FOUR
14 OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING PURSUANT TO ARTICLE
15 SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE ON A FAIR AND EQUI-
16 TABLE BASIS AND WITHOUT REGARD TO THE STATUS OF THE SUBJECT OF THE
17 COMPLAINT.

18 8. ABSENT A TIMELY DETERMINATION BY THE STATE BOARD OF ELECTIONS THAT
19 AN INVESTIGATION SHALL NOT BE UNDERTAKEN, THE ENFORCEMENT COUNSEL SHALL
20 COMMENCE AN INVESTIGATION ON A TIMELY BASIS. IF THE ENFORCEMENT COUNSEL
21 DETERMINES THAT ADDITIONAL INVESTIGATIVE POWERS, AS PROVIDED FOR IN
22 SUBDIVISIONS FOUR, FIVE AND SIX OF SECTION 3-102 OF THIS TITLE, ARE
23 NEEDED TO COMPLETE THE COUNSEL'S INVESTIGATION, HE OR SHE SHALL REQUEST
24 SUCH ADDITIONAL POWERS FROM THE STATE BOARD OF ELECTIONS. SUCH POWERS
25 SHALL BE GRANTED BY THE BOARD IN PUBLIC ONLY WHEN THE BOARD FINDS THAT
26 FURTHER INVESTIGATION IS WARRANTED AND JUSTIFIED.

27 9. AT THE CONCLUSION OF ITS INVESTIGATION, THE ENFORCEMENT COUNSEL
28 SHALL PROVIDE THE DEPUTY ENFORCEMENT COUNSEL AND THE STATE BOARD OF
29 ELECTIONS WITH A WRITTEN RECOMMENDATION AS TO: (A) WHETHER SUBSTANTIAL
30 REASON EXISTS TO BELIEVE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER
31 HAS OCCURRED AND, IF SO, THE NATURE OF THE VIOLATION AND ANY APPLICABLE
32 PENALTY, AS DEFINED IN SECTION 14-126 OF THIS CHAPTER, BASED ON THE
33 NATURE OF THE VIOLATION; (B) WHETHER THE MATTER SHOULD BE RESOLVED
34 EXTRA-JUDICIALLY; (C) WHETHER A SPECIAL PROCEEDING SHOULD BE COMMENCED
35 IN THE SUPREME COURT TO RECOVER A CIVIL PENALTY; AND (D) WHETHER A
36 REFERRAL SHOULD BE MADE TO A DISTRICT ATTORNEY PURSUANT TO SUBDIVISION
37 ELEVEN OF THIS SECTION BECAUSE REASONABLE CAUSE EXISTS TO BELIEVE A
38 VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE. THE DEPUTY
39 ENFORCEMENT COUNSEL SHALL HAVE THE OPPORTUNITY TO REVIEW THE ENTIRE FILE
40 OF ANY INVESTIGATION CONDUCTED BY THE ENFORCEMENT COUNSEL A MINIMUM OF
41 TEN DAYS PRIOR TO SAID REGULARLY SCHEDULED MEETING OF THE BOARD AND TO
42 SUBMIT A PUBLIC, WRITTEN CONCURRENCE WITH OR DISSENT FROM THE ENFORCE-
43 MENT COUNSEL'S RECOMMENDATION.

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

1 11. (A) IF THE STATE BOARD OF ELECTIONS DETERMINES, AS PROVIDED IN
2 SUBDIVISION TEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO
3 BELIEVE THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLI-
4 TICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH
5 LAW, HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION
6 LIMITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, WHICH COULD
7 WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION
8 14-126 OF THIS CHAPTER, THE BOARD SHALL DIRECT THE COMMENCEMENT OF A
9 SPECIAL PROCEEDING IN THE SUPREME COURT.

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

16 12. UPON NOTIFICATION THAT A SPECIAL PROCEEDING HAS BEEN COMMENCED BY
17 A PARTY OTHER THAN THE STATE BOARD OF ELECTIONS, PURSUANT TO SECTION
18 16-114 OF THIS CHAPTER, THE STATE BOARD OF ELECTIONS SHALL DIRECT THE
19 ENFORCEMENT COUNSEL TO INVESTIGATE THE ALLEGED VIOLATIONS UNLESS OTHER-
20 WISE DIRECTED BY THE COURT.

21 13. THE ENFORCEMENT COUNSEL SHALL PREPARE A REPORT, TO BE INCLUDED IN
22 THE ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE, SUMMARIZING THE
23 ACTIVITIES OF THE UNIT DURING THE PREVIOUS YEAR. SUCH REPORT SHALL
24 INCLUDE: (A) THE NUMBER OF COMPLAINTS RECEIVED; (B) THE NUMBER OF
25 COMPLAINTS THAT WERE FOUND TO NEED INVESTIGATION AND THE NATURE OF EACH
26 COMPLAINT; AND (C) THE NUMBER OF MATTERS THAT HAVE BEEN RESOLVED. THE
27 REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH DISCLOSURE IS NOT
28 PERMITTED.

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

31 S 24. The state of New York shall appropriate during each fiscal year
32 to the New York state board of elections enforcement unit, not less than
33 thirty-five percent of the appropriation available from the general fund
34 for the state board of elections to pay for the expenses of such
35 enforcement unit. The enforcement counsel shall have independent author-
36 ity over said appropriation including the power to hire necessary staff.

37 S 25. Severability. If any clause, sentence, subdivision, paragraph,
38 section or part of title II of article 14 of the election law, as added
39 by section ten of this act be adjudged by any court of competent juris-
40 diction to be invalid, such judgment shall not affect, impair or invali-
41 date the remainder thereof, but shall be confined in its operation to
42 the clause, sentence, subdivision, paragraph, section or part thereof
43 directly involved in the controversy in which such judgment shall have
44 been rendered.

45 S 26. This act shall take effect immediately; provided, however, all
46 state candidates and constitutional convention delegates will be eligi-
47 ble to participate in the public financing system beginning with the
48 2016 election and state legislature candidates will be eligible to
49 participate in the public financing system beginning with the 2018
50 election.