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

6512

I N S E N A T E

February 17, 2012

Introduced by COMMITTEE ON RULES -- (at request of the State Comptroller) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the election law, in relation to enacting the comptroller campaign finance reform act to provide for public financing for campaigns for the office of state comptroller; to amend the general business law, in relation to authorizing the imposition of an additional surcharge on recoveries for fraudulent practices relating to stocks, bonds and other securities; to amend the state finance law, in relation to establishing the New York state campaign finance fund; and to amend the tax law, in relation to providing for a New York state campaign finance fund check-off

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

Section 1. The article heading of article 14 of the election law is amended to read as follows:

CAMPAIGN [RECEIPTS AND EXPENDITURES] FINANCE

S 2. Sections 14-100 through 14-130 of article 14 of the election law are designated title 1 and a new title heading is added to read as follows:

CAMPAIGN RECEIPTS AND EXPENDITURES

S 3. Article 14 of the election law is amended by adding a new title 2 to read as follows:

TITLE II

COMPTROLLER CAMPAIGN FINANCE REFORM ACT

SECTION 14-200. SHORT TITLE.
14-201. DECLARATION OF LEGISLATIVE FINDINGS AND INTENT.
14-202. APPLICABILITY AND DEFINITIONS.
14-203. REPORTING REQUIREMENTS.
14-204. CONTRIBUTION AND RECEIPT LIMITATIONS.
14-205. PROOF OF COMPLIANCE.
14-206. ELIGIBILITY.

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

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14-207. VOLUNTARY EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES.
14-208. PAYMENT OF PUBLIC MATCHING FUNDS.
14-209. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDITURES.
14-210. CAMPAIGN FINANCE BOARD; GENERAL POWERS AND DUTIES.
14-211. AUDITS AND REPAYMENTS.
14-212. CIVIL ENFORCEMENT.
14-213. CRIMINAL PENALTIES.
14-214. REPORTS.
14-215. DEBATES.
14-216. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND.

S 14-200. SHORT TITLE. THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS THE "COMPTROLLER CAMPAIGN FINANCE REFORM ACT".

S 14-201. DECLARATION OF LEGISLATIVE FINDINGS AND INTENT. THE LEGISLATURE IS COMMITTED TO REFORMING NEW YORK'S CAMPAIGN FINANCE SYSTEM FOR THE OFFICE OF THE STATE COMPTROLLER. AS SOLE TRUSTEE OF THE NEW YORK STATE AND LOCAL RETIREMENT SYSTEM AND AS CHIEF FISCAL OFFICER FOR THE STATE OF NEW YORK, THE COMPTROLLER HAS A FIDUCIARY DUTY TO THE MEMBERS, RETIREES AND BENEFICIARIES OF THE RETIREMENT SYSTEM AND TO THE PEOPLE OF NEW YORK STATE.

IN RECOGNITION OF THESE ISSUES, THIS ACT PROVIDES FOR THE PUBLIC FINANCING OF THE CAMPAIGN FOR THE OFFICE OF THE STATE COMPTROLLER. THE INCLUSION OF VOLUNTARY EXPENDITURE CAPS COMBINED WITH A MINIMUM THRESHOLD FOR PARTICIPATION IN THE CAMPAIGN FINANCE PROGRAM AND CONTRIBUTION LIMITS AS PROVIDED FOR IN THIS TITLE FURTHERS THE STATE'S INTEREST IN ENCOURAGING QUALIFIED CANDIDATES TO RUN FOR THE OFFICE OF STATE COMPTROLLER REGARDLESS OF THEIR ACCESS TO WEALTH, THUS INCREASING PUBLIC DEBATE AND PARTICIPATION IN THE DEMOCRATIC PROCESS.

FINALLY, THE LEGISLATURE FINDS THAT AN INDEPENDENT ENTITY WITHIN THE STATE BOARD OF ELECTIONS TO OVERSEE THIS PROGRAM IS NECESSARY TO CARRY OUT THIS ACT'S MANDATES. THIS ACT CREATES A CAMPAIGN FINANCE BOARD WITHIN THE STATE BOARD OF ELECTIONS TO MONITOR AND ENFORCE THE PROGRAM AND ITS PROVISIONS TO ENSURE THAT THE INTENT OF THIS ACT IS FULLY IMPLEMENTED.

S 14-202. APPLICABILITY AND DEFINITIONS. THIS TITLE SHALL APPLY EXCLUSIVELY TO CAMPAIGN FINANCING OF CANDIDATES FOR THE NOMINATION FOR ELECTION, AND FOR ELECTION TO, THE OFFICE OF STATE COMPTROLLER. FOR PURPOSES OF THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "AUTHORIZED COMMITTEE" MEANS A POLITICAL COMMITTEE DESIGNATED BY A CANDIDATE PURSUANT TO SECTION 14-203 OF THIS TITLE TO RECEIVE CONTRIBUTIONS AND MAKE EXPENDITURES IN SUPPORT OF SUCH CANDIDATE'S CAMPAIGN. NO MORE THAN ONE AUTHORIZED COMMITTEE MAY BE DESIGNATED BY A CANDIDATE IN ANY ELECTION CYCLE.

2. "BOARD" OR "CAMPAIGN FINANCE BOARD" MEANS THE BOARD CREATED BY SECTION 14-210 OF THIS TITLE TO ADMINISTER THE CAMPAIGN FINANCE FUND.

3. "CANDIDATE" MEANS ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR FOR ELECTION TO, THE OFFICE OF STATE COMPTROLLER WHETHER SUCH CANDIDATE IS A "PARTICIPATING CANDIDATE" OR "NONPARTICIPATING CANDIDATE" AS DEFINED IN THIS SECTION.

4. "CONTRIBUTION" MEANS:

(A) ANY GIFT, SUBSCRIPTION, OUTSTANDING LOAN (TO THE EXTENT PROVIDED FOR IN SECTION 14-114 OF THIS ARTICLE), ADVANCE, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION,

OR ELECTION, OF ANY CANDIDATE, OR MADE TO PROMOTE THE SUCCESS OR DEFEAT OF A POLITICAL PARTY OR PRINCIPLE, OR OF ANY BALLOT PROPOSAL;

(B) ANY FUNDS RECEIVED BY A POLITICAL COMMITTEE FROM ANOTHER POLITICAL COMMITTEE TO THE EXTENT SUCH FUNDS DO NOT CONSTITUTE A TRANSFER; AND

(C) ANY PAYMENT, BY ANY PERSON OTHER THAN A CANDIDATE OR AN AUTHORIZED COMMITTEE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION OR ELECTION OF ANY CANDIDATE, OR ANY PAYMENT MADE TO PROMOTE THE SUCCESS OR DEFEAT OF A POLITICAL PARTY OR PRINCIPLE, OR OF ANY BALLOT PROPOSAL INCLUDING BUT NOT LIMITED TO COMPENSATION FOR THE PERSONAL SERVICES OF ANY INDIVIDUAL WHICH 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 IT IS MADE, TAKEN OR PERFORMED BY A CANDIDATE OR HIS OR HER SPOUSE OR BY A PERSON OR A POLITICAL COMMITTEE INDEPENDENT OF THE CANDIDATE OR HIS OR HER AGENTS OR POLITICAL COMMITTEES. FOR PURPOSES OF THIS TITLE, THE TERM "INDEPENDENT OF THE CANDIDATE OR HIS OR HER AGENTS OR POLITICAL COMMITTEES" SHALL MEAN THAT THE CANDIDATE OR HIS OR HER AGENTS OR POLITICAL 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 UNREIMBURSED AND DO NOT EXCEED FIVE HUNDRED DOLLARS IN VALUE; AND

(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 TWENTY-FIVE DOLLARS PER MEMBER WHO VOLUNTEER FOR: (1) TRANSPORTATION OF VOLUNTEERS TO AND FROM CAMPAIGN ACTIVITIES; (2) COST OF FEEDING VOLUNTEERS WHILE VOLUNTEERING FOR THE CAMPAIGN; AND (3) MATERIALS SUCH AS BADGES AND CLOTHING THAT IDENTIFIES THE NAME OF THE ORGANIZATION OR CANDIDATE.

5. "CONTRIBUTOR" MEANS AN ENTITY, INCLUDING, BUT NOT LIMITED TO, NATURAL PERSONS, ASSOCIATIONS, BONA FIDE MEMBERSHIP ORGANIZATIONS, PARTNERSHIPS AND CORPORATIONS, THAT MAKES A CONTRIBUTION, AS DEFINED IN SUBDIVISION FOUR OF THIS SECTION.

6. "COVERED ELECTION" MEANS ANY PRIMARY ELECTION FOR NOMINATION, OR GENERAL ELECTION FOR ELECTION, TO THE OFFICE OF STATE COMPTROLLER.

7. "ELECTION CYCLE" MEANS THE FOUR-YEAR PERIOD STARTING AFTER THE DAY AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR STATEWIDE OFFICE.

8. "EXPENDITURE" MEANS ANY GIFT, SUBSCRIPTION, ADVANCE, PAYMENT, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, OR A CONTRACT TO MAKE ANY GIFT, SUBSCRIPTION, PAYMENT, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION, OR ELECTION, OF ANY CANDIDATE. EXPENDITURES MADE BY CONTRACT ARE DEEMED MADE WHEN SUCH FUNDS ARE OBLIGATED.

9. "FUND" MEANS THE CAMPAIGN FINANCE FUND CREATED BY SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.

10. "IMMEDIATE FAMILY" MEANS A SPOUSE, DOMESTIC PARTNER, CHILD, SIBLING OR PARENT.

11. "ITEM WITH SIGNIFICANT VALUE" MEANS ANY ITEM, INCLUDING ANY ITEM VALUED AT TWENTY-FIVE DOLLARS OR MORE.

12. "LEGISLATIVE LEADER" MEANS ANY OF THE FOLLOWING: THE TEMPORARY PRESIDENT OF THE SENATE; THE SPEAKER OF THE ASSEMBLY; THE MINORITY LEADER OF THE SENATE; OR THE MINORITY LEADER OF THE ASSEMBLY.

13. "MATCHABLE CONTRIBUTION" MEANS A CONTRIBUTION, CONTRIBUTIONS OR SUCH PORTION OF A CONTRIBUTION OR CONTRIBUTIONS MADE BY A NATURAL PERSON RESIDING IN THE STATE OF NEW YORK AT THE TIME OF SUCH CONTRIBUTION, WITH A VALUE NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS, TO A PARTICIPATING CANDIDATE FOR ANY PRIMARY AND A CONTRIBUTION, CONTRIBUTIONS OR SUCH PORTION OF A CONTRIBUTION OR CONTRIBUTIONS MADE BY A NATURAL PERSON RESIDING IN THE STATE OF NEW YORK AT THE TIME OF SUCH CONTRIBUTION WITH A VALUE NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS TO A PARTICIPATING CANDIDATE FOR A GENERAL ELECTION HELD IN THE SAME ELECTION CYCLE THAT HAS BEEN REPORTED IN FULL TO THE STATE BOARD OF ELECTIONS IN ACCORDANCE WITH SECTIONS 14-102 AND 14-104 OF THIS ARTICLE BY THE CANDIDATE'S AUTHORIZED COMMITTEE AND HAS BEEN CONTRIBUTED ON OR BEFORE THE DATE OF THE APPLICABLE PRIMARY OR GENERAL ELECTION. ANY CONTRIBUTION, CONTRIBUTIONS, OR SUCH PORTION OF A CONTRIBUTION OR CONTRIBUTIONS DETERMINED TO BE INVALID FOR PUBLIC MATCHING FUNDS BY THE BOARD PURSUANT TO THE PROVISIONS OF THIS TITLE MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION. IN ADDITION, THE FOLLOWING CONTRIBUTIONS ARE NOT MATCHABLE: (A) LOANS; (B) IN-KIND CONTRIBUTIONS OF PROPERTY, GOODS, OR SERVICES; (C) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR AN ITEM WITH SIGNIFICANT VALUE; (D) ANONYMOUS CONTRIBUTIONS OR CONTRIBUTIONS WHOSE SOURCE IS NOT ITEMIZED AS REQUIRED BY SECTION 14-203 OF THIS TITLE; (E) CONTRIBUTIONS GATHERED DURING A PREVIOUS ELECTION CYCLE; (F) ILLEGAL CONTRIBUTIONS; AND (G) CONTRIBUTIONS FROM INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS.

14. "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR THE OFFICE OF STATE COMPTROLLER FOR A COVERED ELECTION WHO FAILS TO FILE A WRITTEN CERTIFICATION IN THE FORM OF AN AFFIDAVIT PURSUANT TO SECTION 14-206 OF THIS TITLE.

15. "PARTICIPATING CANDIDATE" SHALL MEAN ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICE OF STATE COMPTROLLER WHO FILES A WRITTEN CERTIFICATION IN THE FORM OF AN AFFIDAVIT PURSUANT TO SECTION 14-206 OF THIS TITLE.

16. "POLITICAL COMMITTEE" MEANS A COMMITTEE DESIGNATED BY A CANDIDATE PURSUANT TO SECTION 14-100 OF THIS ARTICLE.

16-A. "PUBLIC MATCHING FUNDS" MEANS MONIES PAID FROM THE CAMPAIGN FINANCE FUND TO THE AUTHORIZED COMMITTEE OF PARTICIPATING CANDIDATES PURSUANT TO THIS TITLE.

17. "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE FOR WHICH PUBLIC MATCHING FUNDS MAY BE USED.

18. "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF MATCHABLE CONTRIBUTIONS THAT A CANDIDATE'S AUTHORIZED COMMITTEE MUST RECEIVE IN TOTAL IN ORDER FOR SUCH CANDIDATE TO QUALIFY FOR VOLUNTARY PUBLIC FINANCING UNDER THIS ARTICLE.

19. "TRANSFER" SHALL MEAN ANY EXCHANGE OF FUNDS OR ANY THING OF VALUE BETWEEN POLITICAL COMMITTEES AUTHORIZED BY THE SAME CANDIDATE TAKING PART SOLELY IN HIS OR HER CAMPAIGN, OR ANY EXCHANGE OF FUNDS BETWEEN A PARTY OR CONSTITUTED COMMITTEE AND A CANDIDATE OR HIS OR HER DESIGNATED AUTHORIZED POLITICAL COMMITTEES.

S 14-203. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE SHALL NOT DESIGNATE MORE THAN ONE AUTHORIZED COMMITTEE. BEFORE RECEIVING ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION, EACH

PARTICIPATING CANDIDATE SHALL NOTIFY THE STATE BOARD OF ELECTIONS AND THE BOARD AS TO THE EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN DESIGNATED AND APPROVED BY SUCH CANDIDATE. EACH SUCH AUTHORIZED COMMITTEE SHALL, BEFORE OPENING A COMMITTEE BANK ACCOUNT, RECEIVING ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION: (A) DESIGNATE A TREASURER; AND (B) OBTAIN A TAX IDENTIFICATION NUMBER FROM THE INTERNAL REVENUE SERVICE.

2. DISCLOSURE. (A) EVERY PARTICIPATING CANDIDATE SHALL SUBMIT SUCH REPORTS TO THE STATE BOARD OF ELECTIONS AS REQUIRED BY TITLE ONE OF THIS ARTICLE. COPIES OF SUCH REPORTS SHALL ALSO BE SUBMITTED TO THE CAMPAIGN FINANCE BOARD CREATED PURSUANT TO THIS ARTICLE AT THE SAME TIME SUCH REPORTS ARE SUBMITTED TO THE STATE BOARD OF ELECTIONS.

(B) THE CAMPAIGN FINANCE BOARD SHALL REVIEW EACH DISCLOSURE REPORT FILED WITH THE STATE BOARD OF ELECTIONS PURSUANT TO TITLE ONE OF THIS ARTICLE AND SHALL INFORM PARTICIPATING CANDIDATES AND POLITICAL COMMITTEES INCLUDING THE AUTHORIZED COMMITTEE, OF RELEVANT QUESTIONS THE BOARD HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF THIS TITLE AND OF THE RULES ISSUED BY THE BOARD; AND (II) QUALIFICATION FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. IN THE COURSE OF SUCH REVIEW, THE BOARD SHALL GIVE CANDIDATES AND POLITICAL COMMITTEES INCLUDING THE AUTHORIZED COMMITTEE, AN OPPORTUNITY TO RESPOND TO AND CORRECT POTENTIAL VIOLATIONS AND GIVE CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS THE BOARD HAS CONCERNING THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER ISSUES CONCERNING ELIGIBILITY FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. NOTHING IN THIS PARAGRAPH SHALL PRECLUDE THE BOARD FROM SUBSEQUENTLY REVIEWING SUCH A DISCLOSURE REPORT AND TAKING ANY ACTION OTHERWISE AUTHORIZED BY THIS TITLE.

(C) ONLY ITEMIZED CONTRIBUTIONS CONTAINED IN REPORTS FILED WITH THE STATE BOARD OF ELECTIONS SHALL BE ELIGIBLE FOR MATCHING FUNDS PURSUANT TO THIS TITLE.

S 14-204. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. A PARTICIPATING CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEE SHALL NOT ACCEPT, EITHER DIRECTLY OR INDIRECTLY:

(A) TOTAL CONTRIBUTIONS FROM ANY ONE CONTRIBUTOR THAT EXCEED TWO THOUSAND DOLLARS IN ANY PRIMARY IN AN ELECTION CYCLE FOR THE OFFICE OF STATE COMPTROLLER AND TWO THOUSAND DOLLARS FOR A GENERAL ELECTION IN AN ELECTION CYCLE; OR

(B) ANY CONTRIBUTION FROM A POLITICAL COMMITTEE THAT HAS NOT REGISTERED WITH THE STATE BOARD OF ELECTIONS.

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

(B) FOR PURPOSES OF THIS SUBDIVISION, THE TERM "STATE PARTY COMMITTEE" INCLUDES ANY OF ITS SUBCOMMITTEES.

3. NOTWITHSTANDING ANY EXPENDITURE LIMIT SET FORTH IN THIS TITLE, EACH COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR STATE COMPTROLLER, INCLUDING WITHIN THE TERM "COUNTY COMMITTEE" ANY OF ITS SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF EACH SUCH CANDIDATE OF SUCH PARTY WHO HAS AGREED TO ACCEPT PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED THE SUM OF TWO CENTS FOR EACH VOTER REGISTERED IN SUCH COUNTY

AS DETERMINED BY THE RECORD OF THE APPROPRIATE BOARD OF ELECTIONS AS OF THE PRECEDING GENERAL ELECTION.

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

5. NOTWITHSTANDING ANY OTHER CONTRIBUTION LIMIT SPECIFIED IN THIS SECTION, PARTICIPATING CANDIDATES MAY GIVE, OUT OF THEIR OWN MONEY, THREE TIMES THE APPLICABLE CONTRIBUTION LIMIT TO THEIR OWN CAMPAIGNS, PROVIDED THAT NONE OF THE MONEY SO CONTRIBUTED SHALL QUALIFY FOR MATCHING FUNDS.

6. ALL MONETARY CONTRIBUTIONS AND ALL PUBLIC MATCHING FUNDS ACCEPTED BY A CANDIDATE'S AUTHORIZED COMMITTEE SHALL BE DEPOSITED INTO AN ACCOUNT WITH A BANK LICENSED BY THE NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES HELD IN THE NAME OF THE AUTHORIZED POLITICAL COMMITTEE WITHIN TEN BUSINESS DAYS OF RECEIPT. EACH AUTHORIZED COMMITTEE SHALL HAVE NO MORE THAN ONE CHECKING ACCOUNT.

7. CONTRIBUTIONS TO CANDIDATES IN COVERED ELECTIONS SHALL, FOR EACH ELECTION CYCLE, IN ALL OTHER RESPECTS, BE SUBJECT TO THE LIMITATIONS AND PROVISIONS OF TITLE ONE OF THIS ARTICLE.

S 14-205. PROOF OF COMPLIANCE. CANDIDATES AND POLITICAL COMMITTEES SHALL MAINTAIN SUCH RECORDS OF RECEIPTS AND EXPENDITURES FOR A COVERED ELECTION AS MAY BE REQUIRED BY THE CAMPAIGN FINANCE BOARD. CANDIDATES AND POLITICAL COMMITTEES SHALL OBTAIN AND FURNISH TO THE BOARD ANY INFORMATION IT MAY REQUEST RELATING TO FINANCIAL TRANSACTIONS OR CONTRIBUTIONS AND FURNISH SUCH DOCUMENTATION AND OTHER PROOF OF COMPLIANCE WITH THIS TITLE AS MAY BE REQUESTED BY THE BOARD. CANDIDATES AND POLITICAL COMMITTEES SHALL MAINTAIN COPIES OF SUCH RECORDS FOR A PERIOD OF FIVE YEARS FOLLOWING THE GENERAL ELECTION.

S 14-206. ELIGIBILITY. 1. TO BE ELIGIBLE FOR PUBLIC FINANCING PURSUANT TO THIS TITLE, A CANDIDATE MUST: (A) BE A CANDIDATE IN A COVERED ELECTION; (B) SATISFY ALL THE REQUIREMENTS OF LAW TO HAVE HIS OR HER NAME ON THE BALLOT; (C) IN THE CASE OF A COVERED GENERAL ELECTION, BE OPPOSED BY ANOTHER CANDIDATE ON THE BALLOT WHO IS NOT A WRITE-IN CANDIDATE; (D) SUBMIT A CERTIFICATION IN THE FORM OF AN AFFIDAVIT, IN SUCH FORM AS MAY BE PRESCRIBED BY THE CAMPAIGN FINANCE BOARD, THAT SETS FORTH HIS OR HER AGREEMENT TO COMPLY WITH THE TERMS AND CONDITIONS FOR THE PROVISION OF SUCH FUNDS IN EACH COVERED ELECTION WHICH SHALL BE FILED WITH SUCH BOARD BY JUNE FIRST DIRECTLY BEFORE THE ELECTION; (E) BE CERTIFIED AS A PARTICIPATING CANDIDATE BY SUCH BOARD NOT LATER THAN TWO WEEKS AFTER THE FILING OF SUCH AFFIDAVIT; (F) NOT MAKE, AND NOT HAVE MADE, EXPENDITURES FROM, OR USE, HIS OR HER PERSONAL FUNDS OR PROPERTY OR PERSONAL FUNDS OR PROPERTY JOINTLY HELD WITH HIS OR HER SPOUSE, DOMESTIC PARTNER, OR CHILD IN CONNECTION WITH HIS OR HER NOMINATION FOR ELECTION OR ELECTION TO A COVERED OFFICE EXCEPT AS A CONTRIBUTION TO HIS OR HER AUTHORIZED COMMITTEE IN AN AMOUNT THAT EXCEEDS THREE TIMES THE

APPLICABLE CONTRIBUTION LIMIT FROM AN INDIVIDUAL CONTRIBUTOR TO CANDIDATES FOR THE OFFICE THAT HE OR SHE IS SEEKING; (G) MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION TWO OF THIS SECTION; (H) ABIDE BY THE REQUIREMENTS SET FORTH IN THIS TITLE AND CHAPTER DURING THE POST-ELECTION PERIOD; AND (I) NOT MAKE, AND NOT HAVE MADE, AND HIS OR HER AUTHORIZED COMMITTEE MUST NOT MAKE, AND NOT HAVE MADE EXPENDITURES THAT IN THE AGGREGATE EXCEED THE APPLICABLE SPENDING LIMIT AS PROVIDED IN THIS TITLE.

2. (A) THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR PARTICIPATING CANDIDATES SHALL BE THE RECEIPT OF CONTRIBUTIONS TOTALING ONE HUNDRED FIFTY THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS IN SINGLE AMOUNTS OF NO LESS THAN TEN DOLLARS AND NO MORE THAN TWO HUNDRED FIFTY DOLLARS, INCLUDING AT LEAST FIFTY MATCHABLE CONTRIBUTIONS FROM NATURAL PERSONS REGISTERED TO VOTE IN EACH OF AT LEAST SEVENTY-FIVE PERCENT OF THE TOTAL NUMBER OF CONGRESSIONAL DISTRICTS IN THE STATE AT THE TIME OF SUCH COVERED ELECTION.

(B) ANY PARTICIPATING CANDIDATE MEETING THE THRESHOLD FOR ELIGIBILITY IN A PRIMARY ELECTION SHALL BE DEEMED TO HAVE MET THE THRESHOLD FOR ELIGIBILITY FOR SUCH OFFICE IN ANY OTHER ELECTION HELD IN THE SAME ELECTION CYCLE.

S 14-207. VOLUNTARY EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES. 1. PARTICIPATING CANDIDATES MAY SPEND NO MORE THAN FIVE MILLION DOLLARS FOR THE PRIMARY ELECTION. EXPENDITURES MADE BEFORE OR ON THE DATE OF A PRIMARY ELECTION SHALL BE DEEMED TO HAVE BEEN MADE FOR SUCH PRIMARY ELECTION.

2. PARTICIPATING CANDIDATES MAY SPEND NO MORE THAN SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS IN A GENERAL ELECTION CAMPAIGN.

3. EXPENDITURES MADE FOR THE PURPOSE OF COMPLYING WITH THIS TITLE OR CHAPTER, INCLUDING LEGAL FEES, ACCOUNTING FEES, THE COST OF RECORD CREATION AND RETENTION, AND OTHER NECESSARY COMPLIANCE EXPENDITURES, AND EXPENSES TO CHALLENGE OR DEFEND THE VALIDITY OF PETITIONS OF DESIGNATION OR NOMINATION OR CERTIFICATES OF NOMINATION, ACCEPTANCE, AUTHORIZATION, DECLINATION OR SUBSTITUTION, AND EXPENSES RELATED TO THE CANVASSING OF ELECTION RESULTS, SHALL NOT BE LIMITED BY THE SPENDING LIMITS OF THIS SECTION. THE BURDEN IS ON THE CANDIDATE TO SUBSTANTIATE EXEMPT EXPENDITURES. THE BOARD SHALL PROMULGATE RULES TO IMPLEMENT THIS SECTION.

S 14-208. PAYMENT OF PUBLIC MATCHING FUNDS. 1. NO PUBLIC MATCHING FUNDS SHALL BE PAID TO AN AUTHORIZED COMMITTEE UNLESS THE CAMPAIGN FINANCE BOARD DETERMINES THAT THE PARTICIPATING CANDIDATE HAS QUALIFIED PURSUANT TO THIS TITLE. PAYMENT SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN THIS SECTION AND MAY BE MADE ONLY TO THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE. NO PUBLIC MATCHING FUNDS SHALL BE USED EXCEPT TO REIMBURSE OR PAY FOR QUALIFIED CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

2. IF THE THRESHOLD FOR ELIGIBILITY IS MET, THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE SHALL RECEIVE PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES OF SIX DOLLARS OF PUBLIC MATCHING FUNDS FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS FOR A PRIMARY ELECTION AND SIX DOLLARS OF PUBLIC MATCHING FUNDS FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS FOR A GENERAL ELECTION RECEIVED AND REPORTED TO THE BOARD; PROVIDED, HOWEVER, THAT THE TOTAL AMOUNT OF PUBLIC MATCHING FUNDS SHALL NOT EXCEED TWO MILLION TWO HUNDRED THOUSAND DOLLARS FOR EACH PARTICIPATING CANDIDATE FOR A PRIMARY AND SHALL NOT EXCEED THREE MILLION TWO HUNDRED THOUSAND DOLLARS FOR EACH PARTICIPATING CANDIDATE FOR A GENERAL ELECTION IN ANY ELECTION CYCLE.

3. THE COMMISSIONER OF TAXATION AND FINANCE SHALL MAKE ALL PAYMENTS OF PUBLIC MATCHING FUNDS TO PARTICIPATING CANDIDATES AS SOON AS PRACTICABLE, BUT NO LATER THAN THREE DAYS AFTER SUBMISSION BY THE PARTICIPATING CANDIDATE OF A CAMPAIGN CONTRIBUTION REPORT FILED WITH THE STATE BOARD OF ELECTIONS IN COMPLIANCE WITH THIS ARTICLE. THE CAMPAIGN FINANCE BOARD SHALL VERIFY ELIGIBILITY FOR AND AMOUNT OF PUBLIC MATCHING FUNDS WITHIN ONE DAY AFTER RECEIPT OF SUCH CONTRIBUTION REPORT. UPON DETERMINATION OF ELIGIBILITY OF A PARTICIPATING CANDIDATE FOR PUBLIC MATCHING FUNDS AND OF AMOUNT OF SUCH MATCHING FUNDS, THE CAMPAIGN FINANCE BOARD SHALL SUBMIT WITHIN ONE DAY A DULY APPROVED, CERTIFIED AND EXECUTED VOUCHER TO THE DEPARTMENT OF TAXATION AND FINANCE REQUESTING PAYMENT OF SUCH MATCHING FUNDS AND PAYMENT THEREOF SHALL BE MADE TO THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE NOT LESS THAN ONE DAY AFTER SUCH VOUCHER IS RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE. IF ANY OF THE TIME LIMITS IN THIS TITLE FOR PAYMENT FALL ON A WEEKEND OR HOLIDAY, PAYMENT SHALL BE MADE ON THE NEXT BUSINESS DAY.

4. THE CAMPAIGN FINANCE BOARD AND THE DEPARTMENT OF TAXATION AND FINANCE SHALL PROMULGATE RULES TO FACILITATE ELECTRONIC FUND TRANSFERS DIRECTLY FROM THE FUND INTO AN AUTHORIZED COMMITTEE'S BANK ACCOUNT.

S 14-209. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC MATCHING FUNDS PROVIDED UNDER THE PROVISIONS OF THIS TITLE MAY BE USED ONLY BY AN AUTHORIZED COMMITTEE FOR EXPENDITURES TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION, OR ELECTION, INCLUDING PAYING FOR DEBTS INCURRED WITHIN ONE YEAR BEFORE AN ELECTION TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION OR ELECTION.

2. SUCH PUBLIC MATCHING FUNDS MAY NOT BE USED FOR: (A) AN EXPENDITURE THAT VIOLATES ANY LAW OR REGULATION; (B) AN EXPENDITURE IN EXCESS OF THE FAIR MARKET VALUE OF SERVICES, MATERIALS, FACILITIES OR OTHER ITEM OF SIGNIFICANT VALUE RECEIVED IN EXCHANGE; (C) AN EXPENDITURE MADE AFTER THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE BALLOT; (D) AN EXPENDITURE FOR AN OBLIGATION INCURRED AFTER THE ONLY REMAINING OPPONENT OF THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE BALLOT; (E) AN EXPENDITURE MADE BY CASH PAYMENT; (F) A CONTRIBUTION OR LOAN MADE TO ANOTHER CANDIDATE OR POLITICAL COMMITTEE; (G) AN EXPENDITURE TO SUPPORT OR OPPOSE ANOTHER CANDIDATE OR POLITICAL COMMITTEE; (H) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER PRINTED CAMPAIGN MATERIAL; (I) LEGAL FEES TO DEFEND AGAINST A CRIMINAL CHARGE; OR (J) A PAYMENT TO AN IMMEDIATE FAMILY MEMBER OF THE PARTICIPATING CANDIDATE.

S 14-210. CAMPAIGN FINANCE BOARD; GENERAL POWERS AND DUTIES. 1. THERE SHALL BE A BOARD WITHIN THE STATE BOARD OF ELECTIONS KNOWN AS THE "CAMPAIGN FINANCE BOARD" COMPOSED OF SEVEN MEMBERS, OF WHICH ONE MEMBER SHALL BE APPOINTED BY THE GOVERNOR, ONE MEMBER SHALL BE APPOINTED BY EACH LEGISLATIVE LEADER OF THE SENATE AND ASSEMBLY. TWO ADDITIONAL MEMBERS WHO SHALL BE REPRESENTATIVE OF NON-PARTISAN CITIZENS' GROUPS SHALL BE APPOINTED BY THE GOVERNOR UPON CONSULTATION WITH THE LEGISLATIVE LEADERS AND THE GOVERNOR SHALL DESIGNATE ONE TO BE THE CHAIR. NO MEMBER OF THE CAMPAIGN FINANCE BOARD SHALL HOLD ELECTIVE OFFICE, NOR SHALL ANY MEMBER BE A LOBBYIST AS DEFINED IN SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLATIVE LAW. THE CHAIR SHALL BE RESPONSIBLE FOR MANAGING THE CAMPAIGN FINANCE BOARD. THE MEMBERS SHALL EACH SERVE FOR A TERM OF FOUR YEARS.

2. EACH MEMBER'S TERM SHALL COMMENCE ON JUNE FIRST, TWO THOUSAND THIRTEEN. IN CASE OF A VACANCY IN THE OFFICE OF A MEMBER, A MEMBER SHALL BE APPOINTED ACCORDING TO THE ORIGINAL MANNER OF APPOINTMENT. EACH MEMBER SHALL BE A RESIDENT OF THE STATE OF NEW YORK AND REGISTERED TO VOTE

THEREIN. EACH MEMBER SHALL AGREE NOT TO MAKE AND SHALL NOT MAKE CONTRIBUTIONS TO ANY CANDIDATE OR AUTHORIZED COMMITTEE FOR NOMINATION FOR ELECTION OR FOR ELECTION TO THE OFFICE OF STATE COMPTROLLER. NO MEMBER SHALL SERVE AS AN OFFICER OF A POLITICAL PARTY OR COMMITTEE OR BE A CANDIDATE OR PARTICIPATE IN ANY CAPACITY IN A CAMPAIGN BY A CANDIDATE FOR NOMINATION FOR ELECTION, OR FOR ELECTION TO THE OFFICE OF STATE COMPTROLLER. AN OFFICER OR EMPLOYEE OF THE STATE OR ANY STATE AGENCY SHALL NOT BE ELIGIBLE TO BE A MEMBER OF THE CAMPAIGN FINANCE BOARD.

3. THE MEMBERS OF THE CAMPAIGN FINANCE BOARD SHALL BE ENTITLED TO RECEIVE PAYMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES AS MEMBERS OF SUCH BOARD.

4. THE CAMPAIGN FINANCE BOARD MAY EMPLOY OR SHALL UTILIZE EXISTING STAFF OF THE STATE BOARD OF ELECTIONS AS MAY BE NECESSARY, INCLUDING AN EXECUTIVE DIRECTOR AND A COUNSEL, AND MAKE NECESSARY EXPENDITURES SUBJECT TO APPROPRIATION. THE CAMPAIGN FINANCE BOARD SHALL RETAIN AN INDEPENDENT AUDITOR TO PERFORM ONGOING AUDITS OF EACH COVERED ELECTION BY CONTRACT ENTERED INTO PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW.

5. A MEMBER OF THE CAMPAIGN FINANCE BOARD MAY BE REMOVED FOR CAUSE BY THE APPOINTING AUTHORITY UPON NOTICE AND AN OPPORTUNITY FOR A HEARING.

6. IN ADDITION TO THE ENFORCEMENT POWERS, AND ANY OTHER POWERS AND DUTIES SPECIFIED BY LAW, THE CAMPAIGN FINANCE BOARD SHALL:

(A) (I) RENDER ADVISORY OPINIONS WITH RESPECT TO QUESTIONS ARISING UNDER THIS TITLE UPON THE WRITTEN REQUEST OF A CANDIDATE, AN OFFICER OF A POLITICAL COMMITTEE OR MEMBER OF THE PUBLIC, OR UPON ITS OWN INITIATIVE; (II) PROMULGATE RULES REGARDING REASONABLE TIMES TO RESPOND TO SUCH REQUESTS; AND (III) MAKE PUBLIC THE QUESTIONS OF INTERPRETATION FOR WHICH ADVISORY OPINIONS WILL BE CONSIDERED BY THE CAMPAIGN FINANCE BOARD AND ITS ADVISORY OPINIONS, INCLUDING BY PUBLICATION ON ITS WEBSITE;

(B) DEVELOP A PROGRAM FOR INFORMING CANDIDATES AND THE PUBLIC AS TO THE PURPOSE AND EFFECT OF THE PROVISIONS OF THIS TITLE, INCLUDING BY MEANS OF A WEBSITE;

(C) HAVE THE AUTHORITY TO PROMULGATE SUCH RULES AND REGULATIONS AND PRESCRIBE SUCH FORMS AS THE CAMPAIGN FINANCE BOARD DEEMS NECESSARY FOR THE ADMINISTRATION OF THIS TITLE; AND

(D) IN CONJUNCTION WITH THE STATE BOARD OF ELECTIONS DEVELOP AN INTERACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMATION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR AUTHORIZED COMMITTEES AND DISTRIBUTIONS OF MONEYS FROM THE FUND AND SHALL BE ACCESSIBLE TO THE PUBLIC ON THE STATE BOARD OF ELECTIONS' WEBSITE.

7. CONSISTENT WITH THE PROVISIONS OF THE CIVIL SERVICE LAW AND SUBDIVISION SEVENTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL POSITIONS ON THE STAFF OF THE CAMPAIGN FINANCE BOARD SHALL BE CLASSIFIED IN THE EXEMPT CLASS OF THE CIVIL SERVICE AND SUCH POSITIONS SHALL BE FILLED, TO THE EXTENT POSSIBLE, WITH AN EQUAL NUMBER OF PERSONS FROM EACH OF THE TWO POLITICAL PARTIES FOR WHICH THE HIGHEST AND THE NEXT HIGHEST NUMBER OF VOTES WERE CAST FOR THE OFFICE OF STATE COMPTROLLER AT THE LAST PRECEDING GENERAL ELECTION FOR SUCH OFFICE.

8. THE CAMPAIGN FINANCE BOARD'S ADMINISTRATION OF THE FUND SHALL BE GOVERNED BY THE PROVISIONS OF THIS TITLE AND SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.

9. THE CAMPAIGN FINANCE BOARD AND ITS PROCEEDINGS SHALL BE GOVERNED BY THE STATE ADMINISTRATIVE PROCEDURE ACT AND SUBJECT TO ARTICLES SIX AND SEVEN OF THE PUBLIC OFFICERS LAW.

10. THE CAMPAIGN FINANCE BOARD MAY TAKE SUCH OTHER ACTIONS AS ARE NECESSARY AND PROPER TO CARRY OUT THE PURPOSES OF THIS TITLE.

S 14-211. AUDITS AND REPAYMENTS. 1. THE CAMPAIGN FINANCE BOARD IS HEREBY EMPOWERED TO AUDIT AND EXAMINE ALL MATTERS RELATING TO THE PERFORMANCE OF ITS FUNCTIONS AND ANY OTHER MATTER RELATING TO THE ADMINISTRATION OF THIS TITLE. SUCH AUDITS SHALL BE CONDUCTED AS FREQUENTLY AS THE CAMPAIGN FINANCE BOARD DEEMS NECESSARY TO ENSURE COMPLIANCE WITH THIS TITLE. EVERY CANDIDATE WHO RECEIVES PUBLIC MATCHING FUNDS UNDER THIS TITLE SHALL ALSO BE AUDITED BY THE CAMPAIGN FINANCE BOARD POST-ELECTION. THE COST OF COMPLYING WITH A POST-ELECTION AUDIT SHALL BE BORNE BY THE CANDIDATE'S AUTHORIZED COMMITTEE. A CANDIDATE WHO HAS RECEIVED PUBLIC MATCHING FUNDS UNDER THIS TITLE MUST MAINTAIN A RESERVE OF AT LEAST ONE PERCENT OF THE TOTAL AMOUNT OF MATCHING FUNDS RECEIVED BY SUCH CANDIDATE IN HIS OR HER CAMPAIGN ACCOUNT TO COMPLY WITH THE POST-ELECTION AUDIT. A CANDIDATE WHO RUNS IN BOTH A PRIMARY AND A GENERAL ELECTION, MUST MAINTAIN A RESERVE OF ONE PERCENT OF THE TOTAL AMOUNT OF PUBLIC MATCHING FUNDS RECEIVED BY SUCH CANDIDATE FOR BOTH HIS OR HER PRIMARY AND GENERAL ELECTION. A CANDIDATE MAY USE PUBLIC MATCHING FUNDS, PRIVATE FUNDS OR A COMBINATION OF PUBLIC AND PRIVATE FUNDS TO COMPLY WITH A POST-ELECTION AUDIT. THE CAMPAIGN FINANCE BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED THE FINAL POST-ELECTION AUDIT REPORT THAT DETAILS ITS FINDINGS AND SHALL PROVIDE SUCH AUDIT TO THE GOVERNOR AND LEGISLATIVE LEADERS AND MAKE SUCH AUDIT REPORT AVAILABLE ON THE STATE BOARD OF ELECTIONS' WEBSITE.

2. IF THE CAMPAIGN FINANCE BOARD DETERMINES THAT ANY PORTION OF A PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE FUND EXCEEDED THE AMOUNT THAT SUCH CANDIDATE WAS ELIGIBLE TO RECEIVE PURSUANT TO THIS TITLE, THE CAMPAIGN FINANCE BOARD SHALL NOTIFY SUCH COMMITTEE AND SUCH COMMITTEE SHALL PAY TO THE CAMPAIGN FINANCE BOARD AN AMOUNT EQUAL TO THE AMOUNT OF THE EXCESS PAYMENT; PROVIDED, HOWEVER, THAT IF THE ERRONEOUS PAYMENT WAS DUE TO AN ERROR MADE BY THE CAMPAIGN FINANCE BOARD, THEN THE ERRONEOUS PAYMENT WILL BE OFFSET AGAINST ANY FUTURE PAYMENT, IF ANY. THE PARTICIPATING CANDIDATE AND THE CANDIDATE'S AUTHORIZED COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT BY SUCH BOARD INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND.

3. IF THE CAMPAIGN FINANCE BOARD DETERMINES THAT ANY PORTION OF A PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE NEW YORK STATE CAMPAIGN FINANCE FUND WAS USED FOR PURPOSES OTHER THAN QUALIFIED CAMPAIGN EXPENDITURES, THE CAMPAIGN FINANCE BOARD SHALL NOTIFY SUCH COMMITTEE OF THE AMOUNT SO DISQUALIFIED AND SUCH COMMITTEE SHALL PAY TO THE CAMPAIGN FINANCE BOARD AN AMOUNT EQUAL TO SUCH DISQUALIFIED AMOUNT. SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND CREATED PURSUANT TO SECTION NINETY-NINE-U OF THE STATE FINANCE LAW. THE CANDIDATE AND THE CANDIDATE'S AUTHORIZED COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE TO THE CAMPAIGN FINANCE BOARD.

4. IF THE TOTAL OF CONTRIBUTIONS, OTHER RECEIPTS, AND PAYMENTS FROM THE NEW YORK STATE CAMPAIGN FINANCE FUND AS MATCHABLE FUNDS RECEIVED BY A PARTICIPATING CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEE EXCEEDS THE TOTAL CAMPAIGN EXPENDITURES OF SUCH CANDIDATE AND COMMITTEE FOR ALL COVERED ELECTIONS HELD IN THE SAME CALENDAR YEAR, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS FUNDS TO REIMBURSE THE NEW YORK STATE

CAMPAIGN FINANCE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM SUCH FUND DURING SUCH CALENDAR YEAR. A PARTICIPATING CANDIDATE SHALL PAY TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT INTO THE CAMPAIGN FINANCE FUND UNSPENT MATCHING FUNDS FOR AN ELECTION NOT LATER THAN THIRTY DAYS AFTER ALL LIABILITIES FOR THE ELECTION CAMPAIGN HAVE BEEN PAID AND IN ANY EVENT, NOT LATER THAN TWENTY DAYS AFTER THE DATE ON WHICH THE CAMPAIGN FINANCE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT MATCHING FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE AND PAYABLE TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND UPON ITS DETERMINATION THAT THE PARTICIPANT WILLFULLY DELAYED THE POST-ELECTION AUDIT PROCESS. A PARTICIPATING CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIVITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND RESPONDING TO THE POST-ELECTION AUDIT. FOR ACCOUNTING PURPOSES, ALL PRIVATE AND PERSONAL CONTRIBUTIONS SHALL BE CONSIDERED SPENT BEFORE REVENUE FROM THE FUND IS SPENT OR COMMITTED.

S 14-212. CIVIL ENFORCEMENT. 1. ANY PERSON OR AUTHORIZED COMMITTEE WHO KNOWINGLY AND INTENTIONALLY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS OF THIS TITLE SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THE AMOUNT OF FIVE THOUSAND DOLLARS.

2. ANY PERSON OR AUTHORIZED COMMITTEE WHO KNOWINGLY AND INTENTIONALLY VIOLATES ANY OTHER PROVISION OF THIS TITLE OR ANY RULE PROMULGATED HEREUNDER SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THE AMOUNT OF TEN THOUSAND DOLLARS.

3. FINES AUTHORIZED UNDER THIS SECTION WILL BE IMPOSED BY THE CAMPAIGN FINANCE BOARD AFTER A HEARING AT WHICH THE SUBJECT PERSON OR AUTHORIZED COMMITTEE SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD. SUCH HEARING SHALL BE HELD IN SUCH MANNER AND UPON SUCH NOTICE AS MAY BE PRESCRIBED BY THE RULES OF THE CAMPAIGN FINANCE BOARD. FOR PURPOSES OF CONDUCTING SUCH HEARINGS, THE CAMPAIGN FINANCE BOARD SHALL BE DEEMED TO BE AN AGENCY WITHIN THE MEANING OF ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCEDURE ACT AND SHALL ADOPT RULES GOVERNING THE CONDUCT OF ADJUDICATORY PROCEEDINGS AND APPEALS TAKEN PURSUANT TO A PROCEEDING COMMENCED UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES RELATING TO THE ASSESSMENT OF THE CIVIL PENALTIES HEREIN AUTHORIZED.

4. IF THE AGGREGATE AMOUNT OF EXPENDITURES BY A PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S AUTHORIZED COMMITTEE EXCEED THE EXPENDITURE LIMIT ESTABLISHED BY SECTION 14-207 OF THIS TITLE, SUCH CANDIDATE AND AUTHORIZED COMMITTEE SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THREE TIMES THE SUM BY WHICH SUCH EXPENDITURES SURPASS THE APPLICABLE SPENDING LIMIT.

5. THE CAMPAIGN FINANCE BOARD SHALL PUBLISH ON THE STATE BOARD OF ELECTIONS' WEBSITE THE FINAL ORDER ADJUDICATING ANY MATTER BROUGHT PURSUANT TO THIS SECTION.

6. ANY CIVIL PENALTIES IMPOSED BY THE CAMPAIGN FINANCE BOARD PURSUANT TO THIS SECTION SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND.

S 14-213. CRIMINAL PENALTIES. 1. ANY PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS OF THIS TITLE WITHIN TEN DAYS AFTER THE DATE PROVIDED FOR SUCH, OR ANYONE THAT KNOWINGLY AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE SHALL BE GUILTY OF A MISDEMEANOR AND, IN ADDITION TO SUCH OTHER PENALTIES AS MAY BE PROVIDED BY LAW, SHALL BE SUBJECT TO A FINE NOT TO EXCEED THE AMOUNT OF TEN THOUSAND DOLLARS.

2. ANY PERSON WHO KNOWINGLY AND WILLFULLY CONTRIBUTES, ACCEPTS OR AIDS OR PARTICIPATES IN THE CONTRIBUTION OR ACCEPTANCE OF A CONTRIBUTION IN AN AMOUNT EXCEEDING AN APPLICABLE MAXIMUM SPECIFIED IN THIS ARTICLE SHALL BE GUILTY OF A MISDEMEANOR AND SHALL BE SUBJECT TO A FINE NOT TO EXCEED THE AMOUNT OF TEN THOUSAND DOLLARS.

3. ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT OR KNOWINGLY OMITS A MATERIAL FACT TO THE CAMPAIGN FINANCE BOARD OR AN AUDITOR DESIGNATED BY THE CAMPAIGN FINANCE BOARD DURING ANY AUDIT CONDUCTED PURSUANT TO SECTION 14-211 OF THIS TITLE SHALL BE GUILTY OF A CLASS E FELONY.

4. IN ADDITION ANY OTHER SENTENCE LAWFULLY IMPOSED UPON A FINDING OF GUILT IN A CRIMINAL PROSECUTION COMMENCED PURSUANT TO THE PROVISIONS OF THIS SECTION, THE COURT MAY ORDER A DEFENDANT TO REPAY TO THE CAMPAIGN FINANCE BOARD ANY PUBLIC MATCHING FUNDS OBTAINED AS A RESULT OF ANY CRIMINAL CONDUCT.

5. ALL SUCH PROSECUTIONS FOR CRIMINAL ACTS UNDER THIS ARTICLE SHALL BE PROSECUTED BY THE ATTORNEY GENERAL OF THE STATE OF NEW YORK.

6. ANY AND ALL FINES IMPOSED PURSUANT TO THIS SECTION SHALL BE MADE PAYABLE TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND.

S 14-214. REPORTS. THE CAMPAIGN FINANCE BOARD SHALL SUBMIT A REPORT TO THE GOVERNOR AND LEGISLATIVE LEADERS ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND SIXTEEN, AND EVERY FOUR YEARS THEREAFTER, WHICH SHALL INCLUDE:

1. A LIST OF THE PARTICIPATING AND NONPARTICIPATING CANDIDATES IN COVERED ELECTIONS AND THE VOTES RECEIVED BY EACH CANDIDATE IN THOSE ELECTIONS;

2. THE AMOUNT OF CONTRIBUTIONS AND LOANS RECEIVED, AND EXPENDITURES MADE, ON BEHALF OF PARTICIPATING AND NONPARTICIPATING CANDIDATES;

3. THE AMOUNT OF PUBLIC MATCHING FUNDS EACH PARTICIPATING CANDIDATE RECEIVED, SPENT, AND REPAID PURSUANT TO THIS ARTICLE;

4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGN FOR THE OFFICE OF STATE COMPTROLLER AND THE UTILITY OF APPLYING THE PROGRAM TO OTHER CAMPAIGNS FOR STATEWIDE ELECTIVE OFFICE, INCLUDING ITS EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES, THE CANDIDATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

5. RECOMMENDATIONS FOR CHANGES OR AMENDMENTS TO THIS TITLE, INCLUDING CHANGES IN CONTRIBUTION LIMITS, THRESHOLDS FOR ELIGIBILITY AND LIMITS ON TOTAL MATCHING FUNDS AS WELL AS INSTITUTING A PROGRAM OF FULL PUBLIC CAMPAIGN FINANCING FOR ELECTION FOR ALL STATEWIDE OFFICES; AND

6. ANY OTHER INFORMATION THAT THE CAMPAIGN FINANCE BOARD DEEMS RELEVANT.

S 14-215. DEBATES. THE CAMPAIGN FINANCE BOARD SHALL PROMULGATE REGULATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTICIPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE BEFORE THE PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENERAL ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDIDATE MAY BE A PARTY TO SUCH DEBATES.

S 14-216. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND. 1. THIS SECTION GOVERNS THE CAMPAIGN FINANCE BOARD'S DISTRIBUTION OF FUNDS FROM THE CAMPAIGN FINANCE FUND CREATED BY SECTION NINETY-NINE-U OF THE STATE FINANCE LAW, EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

2. NO MONEYS SHALL BE PAID TO PARTICIPATING CANDIDATES IN A PRIMARY ELECTION ANY EARLIER THAN TWO WEEKS AFTER THE LAST DAY TO FILE DESIGNATING PETITIONS FOR SUCH PRIMARY ELECTION.

3. NO MONEYS SHALL BE PAID TO PARTICIPATING CANDIDATES IN A GENERAL ELECTION ANY EARLIER THAN A WEEK AFTER THE PRIMARY ELECTION HELD TO NOMINATE CANDIDATES FOR SUCH ELECTION.

4. NO MONEYS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO HAS BEEN DISQUALIFIED BY THE CAMPAIGN FINANCE BOARD OR WHOSE DESIGNATING PETITIONS HAVE BEEN DECLARED INVALID BY THE STATE BOARD OF ELECTIONS OR A COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY AN APPELLATE COURT.

5. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR SUCH A CANDIDATE'S AUTHORIZED COMMITTEE ON THE DATE OF SUCH DISQUALIFICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE THAT DATE. ALL EXCESS PUBLIC MONEYS PAID TO A DISQUALIFIED CANDIDATE SHALL BE RETURNED TO THE FUND NOT LESS THAN THIRTY DAYS AFTER THE GENERAL ELECTION FOR THOSE PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS FOR THE GENERAL ELECTION, AND OTHERWISE, NOT LESS THAN THIRTY DAYS AFTER THE PRIMARY ELECTION FOR THOSE PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS SOLELY FOR THE PRIMARY ELECTION.

6. (A) PARTICIPATING CANDIDATES SHALL PAY TO THE CAMPAIGN FINANCE BOARD UNSPENT PUBLIC CAMPAIGN FUNDS FROM AN ELECTION NOT LATER THAN THIRTY DAYS AFTER ALL LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND, IN ANY EVENT, NOT LESS THAN TWENTY DAYS AFTER THE DATE UPON WHICH THE CAMPAIGN FINANCE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT PUBLIC CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE AND PAYABLE TO THE CAMPAIGN FINANCE BOARD UPON ITS DETERMINATION THAT THE PARTICIPATING CANDIDATE HAS, WITHOUT JUST CAUSE, DELAYED THE POST-ELECTION AUDIT PROCESS. UNSPENT CAMPAIGN FUNDS DETERMINATIONS MADE BY THE CAMPAIGN FINANCE BOARD SHALL BE BASED ON THE PARTICIPATING CANDIDATE COMMITTEE'S RECEIPTS AND EXPENDITURES. THE CAMPAIGN FINANCE BOARD MAY ALSO CONSIDER ANY OTHER RELEVANT INFORMATION REVEALED IN THE COURSE OF ITS AUDITS OR INVESTIGATIONS OR THE INVESTIGATIONS BY ANY OTHER AGENCY.

(B) (I) A PARTICIPATING CANDIDATE MAY NOT USE RECEIPTS FOR ANY PURPOSE OTHER THAN DISBURSEMENTS IN THE PRECEDING ELECTION UNTIL ALL UNSPENT PUBLIC CAMPAIGN FUNDS HAVE BEEN REPAID. A PARTICIPATING CANDIDATE SHALL HAVE THE BURDEN OF DEMONSTRATING THAT A POST-ELECTION EXPENDITURE IS FOR THE PRECEDING ELECTION.

(II) BEFORE REPAYING UNSPENT PUBLIC CAMPAIGN FUNDS, A PARTICIPATING CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIVITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND RESPONDING TO THE POST-ELECTION AUDIT. SUCH EXPENDITURES MAY INCLUDE: PAYMENT OF UTILITY BILLS AND RENT; REASONABLE STAFF SALARIES AND CONSULTANT FEES FOR RESPONDING TO A POST-ELECTION AUDIT; REASONABLE MOVING EXPENSES RELATED TO CLOSING A CAMPAIGN OFFICE; A HOLIDAY CARD MAILING TO CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS; THANK YOU NOTES FOR CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS; PAYMENT OF TAXES AND OTHER REASONABLE EXPENSES FOR COMPLIANCE WITH APPLICABLE TAX LAWS; AND INTEREST EXPENSES. ROUTINE POST-ELECTION EXPENDITURES THAT MAY BE PAID FOR WITH UNSPENT CAMPAIGN FUNDS DO NOT INCLUDE SUCH ITEMS AS POST-ELECTION MAILINGS OTHER THAN AS SPECIFICALLY PROVIDED FOR IN THIS SUBPARAGRAPH; MAKING CONTRIBUTIONS; MAKING BONUS PAYMENTS OR GIFTS TO STAFF MEMBERS OR VOLUNTEERS, OR HOLDING ANY POST-ELECTION DAY EVENT, INCLUDING, BUT NOT LIMITED TO, ANY MEAL OR ANY PARTY. UNSPENT CAMPAIGN FUNDS MAY NOT BE USED FOR TRANSITION OR INAUGURATION ACTIVITIES.

7. ALL MONIES RECEIVED BY THE CAMPAIGN FINANCE BOARD PURSUANT TO THIS SECTION SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND PURSUANT TO SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.

S 4. The general business law is amended by adding a new section 359-gg to read as follows:

S 359-GG. ADDITIONAL SURCHARGE. IN ADDITION TO ANY PENALTY AUTHORIZED BY SECTION THREE HUNDRED FIFTY-NINE-G OF THIS ARTICLE OR ANY DAMAGES OR OTHER COMPENSATION RECOVERABLE INCLUDING, BUT NOT LIMITED TO, ANY SETTLEMENT AUTHORIZED BY SECTION SIXTY-THREE OR SIXTY-THREE-C OF THE EXECUTIVE LAW, THERE SHALL BE ASSESSED THEREON AN ADDITIONAL SURCHARGE IN THE AMOUNT OF TEN PERCENT OF THE TOTAL AMOUNT OF SUCH PENALTY, DAMAGES OR SETTLEMENT. SUCH SURCHARGE SHALL BE DEPOSITED IN THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.

S 5. The state finance law is amended by adding a new section 99-u to read as follows:

S 99-U. NEW YORK STATE CAMPAIGN FINANCE FUND. 1. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE NEW YORK STATE CAMPAIGN FINANCE FUND.

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE SURCHARGE IMPOSED PURSUANT TO SECTION THREE HUNDRED FIFTY-NINE-GG OF THE GENERAL BUSINESS LAW, REVENUES RECEIVED FROM CAMPAIGN FINANCE FUND CHECK-OFF PURSUANT TO SUBSECTION (F) OF SECTION SIX HUNDRED FIFTY-EIGHT OF THE TAX LAW AND ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS, BEQUESTS OR VOLUNTARY CONTRIBUTIONS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW. MONIES IN THE FUND SHALL BE KEPT SEPARATE FROM AND NOT COMMINGLED WITH OTHER FUNDS HELD IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE.

3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE PAID OUT OF THE FUND BY THE COMMISSIONER OF TAXATION AND FINANCE ON VOUCHERS CERTIFIED OR APPROVED BY THE CAMPAIGN FINANCE BOARD ESTABLISHED PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW, OR THE DULY DESIGNATED REPRESENTATIVE OF SUCH BOARD, IN THE MANNER PRESCRIBED BY LAW, NOT MORE THAN ONE WORKING DAY AFTER A VOUCHER DULY CERTIFIED, APPROVED AND EXECUTED BY SUCH BOARD OR ITS REPRESENTATIVE IN THE FORM PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE IS RECEIVED BY THE COMMISSIONER OF TAXATION AND FINANCE.

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

5. COMMENCING IN TWO THOUSAND SIXTEEN, IF THE SURPLUS IN THE FUND ON APRIL FIRST OF THE YEAR AFTER AN ELECTION CYCLE EXCEEDS TWENTY-FIVE PERCENT OF THE DISBURSEMENTS FROM THE FUND OVER THE PREVIOUS FOUR YEARS, THE EXCESS SHALL REVERT TO THE GENERAL FUND OF THE STATE.

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

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

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

S 6. Section 658 of the tax law is amended by adding a new subsection (f) to read as follows:

(F) NEW YORK STATE CAMPAIGN FINANCE FUND CHECK-OFF. (1) FOR EACH TAXABLE YEAR BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, EVERY INDIVIDUAL WHOSE NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR WHICH THE RETURN IS FILED IS FIVE DOLLARS OR MORE MAY DESIGNATE ON SUCH RETURN THAT FIVE DOLLARS BE PAID INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-NINE-U OF THE STATE FINANCE LAW. WHERE A HUSBAND AND WIFE FILE A JOINT RETURN AND HAVE A NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR WHICH THE RETURN IS FILED OF TEN DOLLARS OR MORE, OR FILE SEPARATE RETURNS ON A SINGLE FORM, EACH SUCH TAXPAYER MAY MAKE SEPARATE DESIGNATIONS ON SUCH RETURN OF FIVE DOLLARS TO BE PAID INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND.

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

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

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

S 7. Severability. If any clause, sentence, subdivision, paragraph, section or part of this act 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, subdivision, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 8. This act shall take effect January 1, 2013.