

890--A

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sen. KRUEGER -- 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

AN ACT to amend the election law, in relation to increasing penalties for certain violations

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

1     Section 1. Section 14-126 of the election law, as amended by section  
2     3 of part E of chapter 399 of the laws of 2011, is amended to read as  
3     follows:  
4     S 14-126. Violations; penalties. 1. Any person who fails to file a  
5     statement required to be filed by this article shall be subject to a  
6     civil penalty, not in excess of one thousand dollars, to be recoverable  
7     in a special proceeding or civil action to be brought by the state board  
8     of elections [or other board of elections] PURSUANT TO SECTION 16-114 OF  
9     THIS CHAPTER. Any person who, three or more times within a given  
10    election cycle for such term of office, fails to file a statement or  
11    statements required to be filed by this article, shall be subject to a  
12    civil penalty, not in excess of ten thousand dollars, to be recoverable  
13    as provided for in this subdivision.  
14    2. Any person who, acting as or on behalf of a candidate or political  
15    committee, under circumstances evincing an intent to violate such law,  
16    unlawfully accepts a contribution in excess of a contribution limitation  
17    established in this article, shall be required to refund such excess  
18    amount and shall be subject to a civil penalty equal to the excess  
19    amount plus a fine of up to ten thousand dollars, to be recoverable in a  
20    special proceeding or civil action to be brought by the state board of  
21    elections.

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

LBD00713-03-2

1 3. ANY PERSON WHO, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL  
2 COMMITTEE, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW,  
3 UNLAWFULLY (A) EXPENDS CAMPAIGN FUNDS FOR A PERSONAL USE IN VIOLATION OF  
4 THIS ARTICLE, OR (B) CONDUCTS ACTIVITIES PROHIBITED BY THIS ARTICLE,  
5 SHALL BE SUBJECT TO A CIVIL PENALTY, NOT IN EXCESS OF TEN THOUSAND  
6 DOLLARS, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE  
7 BROUGHT BY THE STATE BOARD OF ELECTIONS.

8 4. Any person who knowingly and willfully fails to file a statement  
9 required to be filed by this article within ten days after the date  
10 provided for filing such statement or any person who knowingly and will-  
11 fully violates any other provision of this article shall be guilty of a  
12 misdemeanor.

13 [4.] 5. Any person who knowingly and willfully contributes, accepts or  
14 aids or participates in the acceptance of a contribution in an amount  
15 exceeding an applicable maximum specified in this article shall be guilty  
16 of a misdemeanor.

17 [5.] 6. Any person who shall, acting on behalf of a candidate or political  
18 committee, knowingly and willfully solicit, organize or coordinate  
19 the formation of activities of one or more unauthorized committees, make  
20 expenditures in connection with the nomination for election or election  
21 of any candidate, or solicit any person to make any such expenditures,  
22 for the purpose of evading the contribution limitations of this article,  
23 shall be guilty of a class E felony.

24 7. ANY PERSON WHO, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE  
25 THIS ARTICLE, ESTABLISHES A PARTNERSHIP FOR THE SOLE PURPOSE OF EVADING  
26 THE CONTRIBUTION LIMITS THAT WOULD OTHERWISE APPLY TO THAT INDIVIDUAL IN  
27 VIOLATION OF SUBDIVISION TWO OF SECTION 14-120 OF THIS ARTICLE SHALL BE  
28 SUBJECT TO A CIVIL PENALTY EQUAL TO TWO TIMES THE AMOUNT CONTRIBUTED BY  
29 THE PARTNERSHIP IN EXCESS OF THE CONTRIBUTION LIMITS THAT WOULD OTHERWISE  
30 APPLY TO THAT INDIVIDUAL PLUS A FINE OF UP TO TEN THOUSAND DOLLARS,  
31 TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT  
32 BY THE STATE BOARD OF ELECTIONS.

33 8. ANY PERSON WHO, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE  
34 THIS ARTICLE, ESTABLISHES A LIMITED LIABILITY COMPANY FOR THE SOLE  
35 PURPOSE OF EVADING THE CONTRIBUTION LIMITS THAT WOULD OTHERWISE APPLY TO  
36 THAT INDIVIDUAL IN VIOLATION OF SECTION 14-120 OF THIS ARTICLE SHALL BE  
37 SUBJECT TO A CIVIL PENALTY EQUAL TO TWO TIMES THE AMOUNT CONTRIBUTED BY  
38 THE LIMITED LIABILITY COMPANY IN EXCESS OF THE CONTRIBUTION LIMITS THAT  
39 WOULD OTHERWISE APPLY TO THAT INDIVIDUAL PLUS A FINE OF UP TO TEN THOU-  
40 SAND DOLLARS, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION  
41 TO BE BROUGHT BY THE STATE BOARD OF ELECTIONS.

42 S 2. This act shall take effect on the sixtieth day after it shall  
43 have become a law.