

5878

2011-2012 Regular Sessions

I N A S S E M B L Y

March 2, 2011

Introduced by M. of A. KAVANAGH, STEVENSON -- Multi-Sponsored by -- M.
of A. THIELE -- read once and referred to the Committee on Election
Law

AN ACT to amend the election law, in relation to decreasing contribution
limitations; and to repeal subdivision 3 of section 14-124 of the
election law relating thereto

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

1 Section 1. Subdivision 1 of section 14-114 of the election law, as
2 amended by chapter 79 of the laws of 1992, paragraphs a and b as amended
3 by chapter 659 of the laws of 1994, is amended to read as follows:
4 1. The following limitations apply to all contributions to candidates
5 for election to any public office or for nomination for any such office,
6 or for election to any party positions, and to all contributions to
7 political committees working directly or indirectly with any candidate
8 to aid or participate in such candidate's nomination or election, other
9 than any contributions to any party committee or constituted committee:
10 a. In any election for a public office to be voted on by the voters of
11 the entire state, or for nomination to any such office, no contributor
12 may make a contribution to any candidate or political committee, and no
13 candidate or political committee may accept any contribution from any
14 contributor, which is in the aggregate amount greater than: (i) in the
15 case of any nomination to public office, the product of the total number
16 of enrolled voters in the candidate's party in the state, excluding
17 voters in inactive status, multiplied by \$.005, but such amount shall be
18 not less than four thousand dollars nor more than [twelve] FIVE thousand
19 dollars as increased or decreased by the cost of living adjustment
20 described in paragraph c of this subdivision, and (ii) in the case of
21 any election to a public office, [twenty-five] FIVE thousand dollars as
22 increased or decreased by the cost of living adjustment described in
23 paragraph c of this subdivision[; provided however, that the maximum
24 amount which may be so contributed or accepted, in the aggregate, from
25 any candidate's child, parent, grandparent, brother and sister, and the
26 spouse of any such persons, shall not exceed in the case of any nomi-

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

LBD00015-01-1

1 nation to public office an amount equivalent to the product of the
2 number of enrolled voters in the candidate's party in the state, exclud-
3 ing voters in inactive status, multiplied by \$.025, and in the case of
4 any election for a public office, an amount equivalent to the product of
5 the number of registered voters in the state excluding voters in inac-
6 tive status, multiplied by \$.025].

7 b. In any other election for party position or for election to a
8 public office or for nomination for any such office, no contributor may
9 make a contribution to any candidate or political committee and no
10 candidate or political committee may accept any contribution from any
11 contributor, which is in the aggregate amount greater than: (i) in the
12 case of any election for party position, or for nomination to public
13 office, the product of the total number of enrolled voters in the candi-
14 date's party in the district in which he is a candidate, excluding
15 voters in inactive status, multiplied by \$.05, and (ii) in the case of
16 any election for a public office, the product of the total number of
17 registered voters in the district, excluding voters in inactive status,
18 multiplied by \$.05[,]; BUT IN NO EVENT SHALL ANY SUCH MAXIMUM EXCEED
19 THREE THOUSAND DOLLARS OR BE LESS THAN ONE THOUSAND DOLLARS; however in
20 the case of a nomination OR ELECTION within the city of New York for the
21 office of mayor, public advocate [or], comptroller, BOROUGH PRESIDENT OR
22 MEMBER OF THE CITY COUNCIL, such amount shall be [not less than four
23 thousand dollars nor more than twelve thousand dollars as increased or
24 decreased by the cost of living adjustment described in paragraph c of
25 this subdivision; in the case of an election within the city of New York
26 for the office of mayor, public advocate or comptroller, twenty-five
27 thousand dollars as increased or decreased by the cost of living adjust-
28 ment described in paragraph c of this subdivision] EQUAL TO THE CONTRIB-
29 UTION LIMITS SET FORTH IN PARAGRAPH (F) OF SUBDIVISION ONE OF SECTION
30 3-703 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK; PROVIDED
31 HOWEVER in the case of a nomination OR ELECTION for state senator,
32 [four] TWO thousand FOUR HUNDRED dollars as increased or decreased by
33 the cost of living adjustment described in paragraph c of this subdivi-
34 sion; [in the case of an election for state senator, six thousand two
35 hundred fifty dollars as increased or decreased by the cost of living
36 adjustment described in paragraph c of this subdivision;] in the case of
37 [an election or] A nomination OR ELECTION for a member of the assembly,
38 [twenty-five hundred] TWO THOUSAND FOUR HUNDRED dollars as increased or
39 decreased by the cost of living adjustment described in paragraph c of
40 this subdivision[; but in no event shall any such maximum exceed fifty
41 thousand dollars or be less than one thousand dollars; provided however,
42 that the maximum amount which may be so contributed or accepted, in the
43 aggregate, from any candidate's child, parent, grandparent, brother and
44 sister, and the spouse of any such persons, shall not exceed in the case
45 of any election for party position or nomination for public office an
46 amount equivalent to the number of enrolled voters in the candidate's
47 party in the district in which he is a candidate, excluding voters in
48 inactive status, multiplied by \$.25 and in the case of any election to
49 public office, an amount equivalent to the number of registered voters
50 in the district, excluding voters in inactive status, multiplied by
51 \$.25; or twelve hundred fifty dollars, whichever is greater, or in the
52 case of a nomination or election of a state senator, twenty thousand
53 dollars, whichever is greater, or in the case of a nomination or
54 election of a member of the assembly twelve thousand five hundred
55 dollars, whichever is greater, but in no event shall any such maximum
56 exceed one hundred thousand dollars].

1 c. At the beginning of each fourth calendar year, commencing in [nine-
2 teen hundred ninety-five] TWO THOUSAND TWELVE, the state board shall
3 determine the percentage of the difference between the [most recent
4 available monthly] consumer price index for all urban consumers
5 published by the United States bureau of labor statistics and such
6 consumer price index published for the same month four years previously.
7 The amount of each contribution limit fixed in this subdivision shall be
8 adjusted by the amount of such percentage difference to the closest one
9 hundred dollars by the state board which, not later than the first day
10 of February in each such year, shall issue a regulation publishing the
11 amount of each such contribution limit. Each contribution limit as so
12 adjusted shall be the contribution limit in effect for any election held
13 before the next such adjustment.

14 S 2. Subdivision 8 of section 14-114 of the election law, as amended
15 by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the
16 laws of 1978, is amended to read as follows:

17 8. A. Except as may otherwise be provided [for] BY a candidate [and
18 his family] FOR HIS OR HER OWN CAMPAIGN, no NATURAL person may contrib-
19 ute, loan or guarantee in excess of [one hundred fifty] TWENTY-FIVE
20 thousand dollars within the state OF NEW YORK IN ANY CALENDAR YEAR in
21 connection with the nomination or election of [persons to] CANDIDATES
22 FOR state [and] OR local public offices [and] OR party positions [within
23 the state of New York in any one calendar year].

24 B. For the purposes of this subdivision "loan" or "guarantee" shall
25 mean a loan or guarantee which is not repaid or discharged in the calen-
26 dar year in which it is made.

27 S 3. Subdivision 10 of section 14-114 of the election law, as added by
28 chapter 79 of the laws of 1992, is amended to read as follows:

29 10. a. No contributor may make a contribution to a party or consti-
30 tuted committee and no such committee may accept a contribution from any
31 contributor which, in the aggregate, is greater than [sixty-two] TWEN-
32 TY-FIVE thousand [five hundred] dollars per annum.

33 b. At the beginning of each fourth calendar year, commencing in [nine-
34 teen hundred ninety-five] TWO THOUSAND THIRTEEN, the state board shall
35 determine the percentage of the difference between the most recent
36 available monthly consumer price index for all urban consumers published
37 by the United States bureau of labor statistics and such consumer price
38 index published for the same month four years previously. The amount of
39 such contribution limit fixed in paragraph a of this subdivision shall
40 be adjusted by the amount of such percentage difference to the closest
41 one hundred dollars by the state board which, not later than the first
42 day of February in each such year, shall issue a regulation publishing
43 the amount of such contribution limit. Such contribution limit as so
44 adjusted shall be the contribution limit in effect for any election held
45 before the next such adjustment.

46 S 4. Subdivision 3 of section 14-124 of the election law is REPEALED.

47 S 5. This act shall take effect on the one hundred eightieth day after
48 it shall have become a law; provided, that contributions legally
49 received prior to the effective date of this act may be retained and
50 expended for lawful purposes and shall not provide the basis for a
51 violation of article 14 of the election law, as amended by this act; and
52 provided, further, that the state board of elections shall notify all
53 candidates and political committees of the applicable provisions of this
54 act within thirty days after this act shall have become a law.