

5879

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 2, 2011

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

AN ACT to amend the election law, in relation to contribution activities  
by an intermediary

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

1     Section 1. The election law is amended by adding a new section 14-105  
2     to read as follows:  
3     S 14-105. CONTRIBUTION DELIVERY ACTIVITIES BY AN INTERMEDIARY. 1. FOR  
4     PURPOSES OF THIS SECTION "INTERMEDIARY" MEANS AN INDIVIDUAL, CORPO-  
5     RATION, PARTNERSHIP, POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION OR OTHER  
6     ENTITY WHICH:  
7     (A) OTHER THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY  
8     OR MESSENGER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR  
9     ENTITY TO A CANDIDATE OR AUTHORIZED COMMITTEE; OR  
10    (B) SOLICITS CONTRIBUTIONS TO A CANDIDATE OR OTHER AUTHORIZED COMMIT-  
11    TEE WHERE SUCH SOLICITATION IS KNOWN TO SUCH CANDIDATE OR HIS OR HER  
12    AUTHORIZED COMMITTEE. FOR PURPOSES OF THIS PARAGRAPH, ONLY PERSONS  
13    CLEARLY IDENTIFIED AS THE SOLICITOR OF A CONTRIBUTION TO THE CANDIDATE  
14    OR HIS OR HER AUTHORIZED COMMITTEE SHALL BE PRESUMED TO BE KNOWN TO SUCH  
15    CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEE. "INTERMEDIARY" SHALL NOT  
16    INCLUDE SPOUSES, DOMESTIC PARTNERS, PARENTS, CHILDREN OR SIBLINGS OF THE  
17    PERSON MAKING SUCH CONTRIBUTION, OR ANY PAID OR VOLUNTEER FULL-TIME  
18    CAMPAIGN WORKERS OR COMMERCIAL FUNDRAISING FIRMS RETAINED BY THE CANDI-  
19    DATE AND THE AGENTS THEREOF.  
20    2. WHEN CONTRIBUTIONS TOTALING ONE THOUSAND DOLLARS OR MORE ARE DELIV-  
21    ERED BY THE INTERMEDIARY TO THE RECIPIENT CANDIDATE, AUTHORIZED CANDI-  
22    DATE COMMITTEE OR PARTY COMMITTEE, THE INTERMEDIARY SHALL INDICATE IN  
23    WRITING TO THE RECIPIENT CANDIDATE, AUTHORIZED CANDIDATE COMMITTEE OR  
24    PARTY COMMITTEE THE FOLLOWING INFORMATION:

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

LBD00071-01-1

1 (A) THE NAME, MAILING ADDRESS AND OCCUPATION OF EACH CONTRIBUTOR WHO  
2 MAKES A CONTRIBUTION OVER NINETY-NINE DOLLARS, AND THE AMOUNT OF EACH  
3 CONTRIBUTION, AND FOR EACH CONTRIBUTION OF TWO HUNDRED DOLLARS OR MORE,  
4 THE NAME AND ADDRESS OF SUCH CONTRIBUTOR'S EMPLOYER;

5 (B) THE TOTAL AGGREGATE AMOUNT OF CONTRIBUTIONS OF NINETY-NINE DOLLARS  
6 OR LESS; AND

7 (C) THE DATE THE CONTRIBUTION WAS RECEIVED BY THE INTERMEDIARY AND THE  
8 DATE THE CONTRIBUTIONS WERE DELIVERED TO THE RECIPIENT CANDIDATE,  
9 AUTHORIZED CANDIDATE COMMITTEE OR PARTY COMMITTEE.

10 3. THE RECIPIENT CANDIDATE, AUTHORIZED CANDIDATE COMMITTEE OR PARTY  
11 COMMITTEE SHALL REPORT TO THE STATE BOARD OF ELECTIONS THE INTERMEDIARY  
12 WHO DELIVERS CONTRIBUTIONS TOTALING ONE THOUSAND DOLLARS OR MORE ON THE  
13 STATEMENTS REQUIRED BY THIS ARTICLE.

14 4. THE STATE BOARD OF ELECTIONS SHALL PROVIDE A SECTION FOR INTERME-  
15 DIARY REPORTING AS REQUIRED BY THIS SECTION, WHICH SHALL INCLUDE:

16 (A) THE NAME, MAILING ADDRESS, OCCUPATION AND EMPLOYER OF THE INTERME-  
17 DIARY; AND

18 (B) THE TOTAL AMOUNT OF CONTRIBUTIONS DELIVERED BY THE INTERMEDIARY TO  
19 THE CANDIDATE, THE CANDIDATE'S AUTHORIZED COMMITTEE OR A PARTY COMMIT-  
20 TEE.

21 S 2. This act shall take effect January 1, 2013. Provided, however,  
22 that contributions legally received prior to the effective date of this  
23 act may be retained and expended for lawful purposes and shall not  
24 provide the basis for a violation of article 14 of the election law, as  
25 amended by this act; and provided, further, that the state board of  
26 elections shall notify all candidates and political committees of the  
27 applicable provisions of this act within thirty days after this act  
28 shall have become a law.