

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

7036--B

I N S E N A T E

April 24, 2012

Introduced by Sens. SAMPSON, ADAMS, BRESLIN, DUANE, ESPAILLAT, GIANARIS, HUNTLEY, MONTGOMERY, OPPENHEIMER, PERKINS, RIVERA, SERRANO, SMITH, SQUADRON, STAVISKY, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to enacting the "2012 Fair Elections 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 general business law, in relation to additional surcharges

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 Fair Elections 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 2-a. Sections 14-100, 14-102, 14-104, 14-106, 14-108, 14-110,
11 14-112, 14-114, 14-116, 14-118, 14-120, 14-122, 14-124, 14-126, 14-127,
12 14-128 and 14-130 of the election law are designated title 1 and a new
13 title heading is added to read as follows:
14 RECEIPTS AND EXPENDITURES; GENERAL
15 S 3. Article 14 of the election law is amended by adding a new title 2
16 to read as follows:
17 TITLE II
18 PUBLIC FINANCING
19 SECTION 14-200. DEFINITIONS.
20 14-202. REPORTING REQUIREMENTS.

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

LBD15437-13-2

1 14-203. ELIGIBILITY.
2 14-204. QUALIFIED CAMPAIGN EXPENDITURES.
3 14-206. OPTIONAL PUBLIC FINANCING.
4 14-208. CONTRIBUTION AND RECEIPT LIMITATIONS.
5 14-210. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS.
6 14-212. CAMPAIGN FINANCE BOARD; GENERAL POWERS AND DUTIES.
7 14-214. EXAMINATIONS AND AUDITS.
8 14-216. CIVIL ENFORCEMENT.
9 14-218. CRIMINAL PENALTIES.
10 14-220. REPORTS.
11 14-222. DEBATES.
12 14-224. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND.

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

15 1. THE TERM "BOARD" OR "CAMPAIGN FINANCE BOARD" MEANS THE BOARD
16 CREATED BY SECTION 14-212 OF THIS TITLE TO ADMINISTER THE CAMPAIGN
17 FINANCE FUND.

18 2. THE TERM "ELIGIBLE CANDIDATE" SHALL MEAN A CANDIDATE FOR NOMINATION
19 OR ELECTION TO ANY OF THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR,
20 COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE STATE LEGISLATURE, AT-LARGE
21 DELEGATE TO A CONSTITUTIONAL CONVENTION OR DISTRICT DELEGATE TO A
22 CONSTITUTIONAL CONVENTION.

23 3. THE TERM "PARTICIPATING COMMITTEE" SHALL MEAN A SINGLE AUTHORIZED
24 POLITICAL COMMITTEE WHICH A CANDIDATE CERTIFIES IS THE COMMITTEE THAT
25 WILL SOLELY BE USED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTAB-
26 LISHED BY THIS TITLE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMA-
27 RY, GENERAL OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT. A
28 MULTI-CANDIDATE COMMITTEE MAY NOT BE A PARTICIPATING COMMITTEE.

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

33 5. THE TERM "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR
34 ANY OFFICE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING UNDER THIS TITLE FOR A
35 COVERED ELECTION WHO FAILS TO FILE A STATEMENT IN THE FORM OF AN AFFIDA-
36 VIT PURSUANT TO SECTION 14-206 OF THIS TITLE.

37 6. THE TERM "MATCHABLE CONTRIBUTIONS" SHALL MEAN THAT PORTION OF THE
38 AGGREGATE CONTRIBUTIONS MADE (A) IN THE CASE OF A PRIMARY OR GENERAL
39 ELECTION, AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENER-
40 AL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR (B) IN THE CASE OF A
41 SPECIAL ELECTION, WITHIN SIX MONTHS OF SUCH ELECTION BY NATURAL PERSONS
42 RESIDENT IN THE STATE OF NEW YORK TO A CANDIDATE FOR NOMINATION OR
43 ELECTION TO ANY OF THE OFFICES COVERED BY THE PROVISIONS OF THIS TITLE
44 WHICH DO NOT EXCEED TWO HUNDRED FIFTY DOLLARS, WHICH HAVE BEEN REPORTED
45 IN FULL BY THE CANDIDATE'S PARTICIPATING COMMITTEE TO THE CAMPAIGN
46 FINANCE BOARD, INCLUDING THE CONTRIBUTOR'S FULL NAME AND RESIDENTIAL
47 ADDRESS. "MATCHABLE CONTRIBUTIONS" SHALL BE THE NET AMOUNT OF ANY MONE-
48 TARY CONTRIBUTION REALIZED BY A CANDIDATE OR DESIGNATED COMMITTEE AFTER
49 DEDUCTING THE REASONABLE VALUE OF ANY GOODS OR SERVICES PROVIDED THE
50 CONTRIBUTOR IN CONNECTION WITH THE CONTRIBUTION, EXCEPT THAT CONTRIB-
51 UTIONS FROM ANY PERSON WHO HAS RECEIVED A PAYMENT OR ANYTHING OF VALUE
52 FROM SUCH COMMITTEE OR FROM A PERSON WHO IS AN OFFICER, DIRECTOR OR
53 EMPLOYEE OF, OR A PERSON WHO HAS A TEN PERCENT OR GREATER OWNERSHIP
54 INTEREST IN ANY ENTITY WHICH HAS RECEIVED SUCH A PAYMENT OR THING OF
55 VALUE SHALL NOT BE MATCHABLE. A LOAN MAY NOT BE TREATED AS A MATCHABLE
56 CONTRIBUTION.

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

3 8. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE CAMPAIGN FINANCE FUND
4 CREATED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

5 9. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL
6 MATCHABLE CONTRIBUTIONS THAT THE PARTICIPATING COMMITTEE OF AN OTHERWISE
7 ELIGIBLE CANDIDATE MUST RECEIVE, AS REQUIRED BY SECTION 14-203 OF THIS
8 TITLE, IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO
9 THIS TITLE.

10 10. THE TERM "CONTRIBUTION" SHALL HAVE THE SAME MEANING AS IN SUBDIVI-
11 SION NINE OF SECTION 14-100 OF THIS ARTICLE.

12 S 14-202. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE
13 SHALL NOT DESIGNATE MORE THAN ONE AUTHORIZED COMMITTEE. BEFORE RECEIVING
14 ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION, EACH
15 PARTICIPATING CANDIDATE SHALL NOTIFY THE STATE BOARD OF ELECTIONS AND
16 THE BOARD AS TO THE EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT
17 HAS BEEN DESIGNATED AND APPROVED BY SUCH CANDIDATE. EACH SUCH AUTHORIZED
18 COMMITTEE SHALL, BEFORE OPENING A COMMITTEE BANK ACCOUNT, RECEIVING ANY
19 CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION:

20 (A) DESIGNATE A TREASURER; AND

21 (B) OBTAIN A TAX IDENTIFICATION NUMBER FROM THE INTERNAL REVENUE
22 SERVICE.

23 2. DISCLOSURE. (A) EVERY PARTICIPATING CANDIDATE SHALL FILE FINANCIAL
24 DISCLOSURE REPORTS WITH THE STATE BOARD OF ELECTIONS AS REQUIRED BY
25 TITLE ONE OF THIS ARTICLE. COPIES OF SUCH REPORTS SHALL ALSO BE SUBMIT-
26 TED TO THE CAMPAIGN FINANCE BOARD CREATED PURSUANT TO THIS ARTICLE AT
27 THE SAME TIME SUCH REPORTS ARE FILED WITH THE STATE BOARD OF ELECTIONS.

28 (B) THE CAMPAIGN FINANCE BOARD SHALL REVIEW EACH DISCLOSURE REPORT
29 FILED WITH THE STATE BOARD OF ELECTIONS PURSUANT TO TITLE ONE OF THIS
30 ARTICLE AND SHALL INFORM PARTICIPATING CANDIDATES AND POLITICAL COMMIT-
31 TEES INCLUDING THE AUTHORIZED COMMITTEE, OF RELEVANT QUESTIONS THE
32 CAMPAIGN FINANCE BOARD HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS
33 OF THIS TITLE AND OF THE RULES ISSUED BY THE CAMPAIGN FINANCE BOARD; AND
34 (II) QUALIFICATION FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS
35 TITLE. IN THE COURSE OF SUCH REVIEW, THE CAMPAIGN FINANCE BOARD SHALL
36 GIVE CANDIDATES AND POLITICAL COMMITTEES INCLUDING THE AUTHORIZED
37 COMMITTEE, AN OPPORTUNITY TO RESPOND TO AND CORRECT POTENTIAL VIOLATIONS
38 AND GIVE CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS THE BOARD HAS
39 CONCERNING THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER ISSUES CONCERN-
40 ING ELIGIBILITY FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS
41 TITLE. NOTHING IN THIS PARAGRAPH SHALL PRECLUDE THE BOARD FROM SUBSE-
42 QUENTLY REVIEWING SUCH A DISCLOSURE REPORT AND TAKING ANY ACTION OTHER-
43 WISE AUTHORIZED BY THIS TITLE.

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

47 S 14-203. ELIGIBILITY. 1. TO BE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING
48 UNDER THIS TITLE, A CANDIDATE FOR NOMINATION OR ELECTION MUST:

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

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

55 (C) ELECT TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY
56 THIS TITLE NOT LATER THAN SEVEN DAYS AFTER THE LAST DAY TO FILE DESIG-

1 NATING PETITIONS FOR THE OFFICE SUCH CANDIDATE IS SEEKING OR, IN THE
2 CASE OF A SPECIAL ELECTION, NOT LATER THAN THE LAST DAY TO FILE NOMINAT-
3 ING CERTIFICATES FOR SUCH OFFICE;

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

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

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

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

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

20 (B) LIEUTENANT GOVERNOR IN A PRIMARY ELECTION AND COMPTROLLER OR
21 ATTORNEY GENERAL IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN TWO
22 HUNDRED THOUSAND DOLLARS FROM AT LEAST TWO THOUSAND MATCHABLE CONTRIB-
23 UTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL
24 CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

25 (C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL
26 ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST TWO
27 HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED
28 FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE
29 INCLUDING AT LEAST TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED TWEN-
30 TY-FIVE INDIVIDUAL CONTRIBUTORS WHO RESIDE IN THE SENATE DISTRICT IN
31 WHICH THE SEAT IS TO BE FILLED.

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

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

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

47 3. IN ORDER TO BE ELIGIBLE TO RECEIVE PUBLIC FUNDS IN A PRIMARY
48 ELECTION A CANDIDATE MUST AGREE, THAT IN THE EVENT SUCH CANDIDATE IS A
49 CANDIDATE FOR SUCH OFFICE IN THE GENERAL ELECTION IN SUCH YEAR, THAT
50 SUCH CANDIDATE WILL BE BOUND BY THE PROVISIONS OF THIS TITLE, INCLUDING,
51 BUT NOT LIMITED TO, THE PUBLIC FUNDS RECEIPT LIMITS OF THIS TITLE.

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

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

3 6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR
4 SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING
5 SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS THERE IS
6 AT LEAST ONE OTHER CANDIDATE FOR SUCH OFFICE IN SUCH ELECTION AND SUCH
7 OTHER CANDIDATE RAISES AT LEAST TEN PERCENT OF THE PARTICIPATING CANDI-
8 DATE'S PRIMARY RECEIPT LIMIT.

9 S 14-204. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED
10 UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY
11 THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDI-
12 TURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION
13 OR ELECTION AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR
14 GENERAL ELECTION IS HELD FOR THE OFFICE SOUGHT, FOR SERVICES, MATERIALS,
15 FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT CAMPAIGN CYCLE OR,
16 IN THE CASE OF A SPECIAL ELECTION, FOR EXPENDITURES DURING THE PERIOD
17 COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL
18 ELECTION.

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

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

22 (B) PAYMENTS OR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A
23 RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH
24 PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY
25 SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE;

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

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

33 (E) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF
34 DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE,
35 AUTHORIZATION, DECLINATION OR SUBSTITUTION;

36 (F) EXPENDITURE FOR NONCAMPAIGN RELATED FOOD, DRINK OR ENTERTAINMENT;
37 AND

38 (G) GIFTS.

39 S 14-206. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR
40 NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY
41 OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALI-
42 FIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A
43 PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON
44 THE BALLOT AND FILED A SWORN STATEMENT WITH THE CAMPAIGN FINANCE BOARD
45 ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND
46 AGREEING TO ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT
47 EXCEED THE AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN
48 ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE
49 MADE TO A PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC
50 FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED
51 CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS
52 USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

53 2. THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE SHALL
54 BE ENTITLED TO SIX DOLLARS IN PUBLIC FUNDS FOR EACH ONE DOLLAR OF MATCH-
55 ABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE CAMPAIGN FINANCE BOARD

1 IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, PROVIDED, HOWEVER, SUCH
2 PUBLIC FUNDS SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

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

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

14 4. THE CAMPAIGN FINANCE BOARD SHALL PROMPTLY EXAMINE ALL REPORTS OF
15 CONTRIBUTIONS TO DETERMINE WHETHER, ON THEIR FACE, THEY MEET THE
16 REQUIREMENTS FOR MATCHABLE CONTRIBUTIONS, AND SHALL KEEP A RECORD OF
17 SUCH CONTRIBUTIONS.

18 5. THE CAMPAIGN FINANCE BOARD SHALL PROMULGATE REGULATIONS FOR THE
19 CERTIFICATION OF THE AMOUNT OF FUNDS PAYABLE BY THE COMPTROLLER, FROM
20 THE FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE
21 FINANCE LAW, TO A PARTICIPATING CANDIDATE THAT HAS QUALIFIED TO RECEIVE
22 SUCH PAYMENT. THESE REGULATIONS SHALL INCLUDE THE PROMULGATION AND
23 DISTRIBUTION OF FORMS ON WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE
24 REPORTED, THE PERIODS DURING WHICH SUCH REPORTS MUST BE FILED AND THE
25 VERIFICATION REQUIRED. THE BOARD SHALL INSTITUTE PROCEDURES WHICH WILL
26 MAKE POSSIBLE PAYMENT BY THE FUND WITHIN TWO BUSINESS DAYS AFTER RECEIPT
27 OF THE REQUIRED FORMS AND VERIFICATIONS.

28 S 14-208. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,
29 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE
30 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A
31 CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTIC-
32 IPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING
33 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE
34 AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

35 2. (A) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE
36 AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
37 FUNDS, A PARTICIPATING CANDIDATE FOR GOVERNOR OR LIEUTENANT GOVERNOR IN
38 A PRIMARY OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMIT-
39 TEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED
40 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
41 EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER,
42 THAT TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A
43 TRANSFER.

44 (B) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
45 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
46 FUNDS, A PARTICIPATING CANDIDATE FOR ATTORNEY GENERAL OR COMPTROLLER IN
47 A PRIMARY OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMIT-
48 TEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED
49 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
50 EXCEED ONE MILLION DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT
51 OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

52 (C) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
53 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
54 FUNDS, A PARTICIPATING CANDIDATE FOR STATE SENATOR IN A PRIMARY, GENERAL
55 OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY
56 ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED SUCH

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

4 (D) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
5 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
6 FUNDS, A PARTICIPATING CANDIDATE FOR MEMBER OF THE ASSEMBLY IN A PRIMA-
7 RY, GENERAL OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING
8 COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMI-
9 NATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES
10 NOT EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE
11 PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

12 (E) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
13 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
14 FUNDS, A PARTICIPATING CANDIDATE FOR DELEGATE AT-LARGE TO A CONSTITU-
15 TIONAL CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPAT-
16 ING COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS
17 NOMINATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE,
18 DOES NOT EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-
19 FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

20 (F) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
21 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
22 FUNDS, A PARTICIPATING CANDIDATE FOR DISTRICT DELEGATE TO A CONSTITU-
23 TIONAL CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPAT-
24 ING COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS
25 NOMINATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE,
26 DOES NOT EXCEED TEN THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT
27 TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A
28 TRANSFER.

29 (G) FOR PURPOSES OF THIS SUBDIVISION, THE TERM STATE CONSTITUTED
30 COMMITTEE INCLUDES ANY OF ITS SUBCOMMITTEES.

31 3. NOTWITHSTANDING ANY PUBLIC FUNDS RECEIPT LIMIT IN THIS SUBDIVISION,
32 EACH COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR
33 STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE, INCLUDING WITHIN THE TERM
34 COUNTY COMMITTEE ANY OF ITS SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF SUCH
35 PARTY'S CANDIDATES FOR STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE WHO
36 HAS AGREED TO ACCEPT PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED
37 THE SUM OF TWO CENTS FOR EACH VOTER REGISTERED IN SUCH COUNTY AS DETER-
38 MINED BY THE RECORDS OF THE APPROPRIATE BOARD OF ELECTIONS AS OF THE
39 PRECEDING GENERAL ELECTION.

40 4. IN COMPUTING THE AGGREGATE AMOUNT EXPENDED FOR PURPOSES OF THIS
41 SECTION, EXPENDITURES MADE BY A STATE CONSTITUTED COMMITTEE OR A COUNTY
42 COMMITTEE IN SUPPORT OF MORE THAN ONE CANDIDATE SHALL BE ALLOCATED AMONG
43 SUCH CANDIDATES SUPPORTED BY THE COMMITTEE IN ACCORDANCE WITH FORMULAS
44 PROMULGATED BY THE CAMPAIGN FINANCE BOARD OR, IN THE ABSENCE OF SUCH
45 OFFICIAL FORMULAS, IN ACCORDANCE WITH A FORMULA BASED UPON REASONABLE
46 STANDARDS. THE STATEMENTS FILED BY SUCH CONSTITUTED COMMITTEE IN ACCORD-
47 ANCE WITH THIS CHAPTER SHALL SET FORTH, IN ADDITION TO THE OTHER INFOR-
48 MATION REQUIRED, THE TOTAL AMOUNT EXPENDED BY THE PARTY COMMITTEE ON
49 BEHALF OF ALL SUCH CANDIDATES AND THE AMOUNT ALLOCATED TO EACH CANDIDATE
50 BY DOLLAR AMOUNT AND PERCENTAGE. EXPENDITURES BY A PARTY FOR ACTIVITIES
51 WHICH DO NOT SUPPORT OR OPPOSE THE ELECTION OF ANY CANDIDATE OR CANDI-
52 DATES BY NAME OR BY CLEAR INFERENCE SHALL NOT BE REGARDED AS EXPENDI-
53 TURES ON BEHALF OF OR IN OPPOSITION TO A CANDIDATE.

54 5. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC
55 FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIB-
56 UTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR

1 THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF
 2 THE GENERAL ELECTION FOR THE OFFICE SOUGHT, EXCEPT THAT A PARTICIPATING
 3 CANDIDATE OR PARTICIPATING COMMITTEE WHICH HAS A DEFICIT ON THE DAY OF
 4 THE GENERAL ELECTION MAY, AFTER SUCH DATE, ACCEPT CONTRIBUTIONS WHICH DO
 5 NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAIS-
 6 ING SUCH CONTRIBUTIONS OR THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED
 7 BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS.
 8 CONTRIBUTIONS TO A PARTICIPATING CANDIDATE OR PARTICIPATING COMMITTEE
 9 WHICH WERE RECEIVED BEFORE THE EFFECTIVE DATE OF THIS TITLE MAY NOT BE
 10 EXPENDED IN ANY ELECTION FOR ANY SUCH OFFICE.

11 6. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION,
 12 PARTICIPATING CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF THIS
 13 ARTICLE.

14 S 14-210. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS. THE FOLLOWING
 15 LIMITATIONS APPLY TO THE RECEIPT OF PUBLIC FUNDS BY PARTICIPATING CANDI-
 16 DATES AND THEIR PARTICIPATING COMMITTEES RECEIVING SUCH PUBLIC FUNDS
 17 PURSUANT TO THE PROVISIONS OF THIS TITLE:

18 1. IN ANY PRIMARY ELECTION, RECEIPT OF PUBLIC FUNDS BY PARTICIPATING
 19 CANDIDATES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED:

20 (I) FOR GOVERNOR, THE SUM OF NINE MILLION DOLLARS;

21 (II) FOR LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL, THE SUM
 22 OF SIX MILLION DOLLARS;

23 (III) FOR SENATOR, THE SUM OF THREE HUNDRED FIFTY THOUSAND DOLLARS;

24 (IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF ONE HUNDRED FIFTY THOUSAND
 25 DOLLARS;

26 (V) FOR AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION, THE SUM OF
 27 ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS;

28 (VI) FOR DISTRICT DELEGATES TO A CONSTITUTIONAL CONVENTION, THE SUM OF
 29 FIFTY THOUSAND DOLLARS;

30 2. IN ANY GENERAL OR SPECIAL ELECTION, RECEIPT OF PUBLIC FUNDS BY
 31 PARTICIPATING CANDIDATES FOR THE FOLLOWING OFFICES AND BY THEIR PARTIC-
 32 IPATING COMMITTEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

33 CANDIDATES FOR ELECTION TO THE OFFICE OF:

34 GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED) \$12,000,000

35 ATTORNEY GENERAL \$8,000,000

36 COMPTROLLER \$8,000,000

37 MEMBER OF SENATE \$350,000

38 MEMBER OF ASSEMBLY \$150,000

39 DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION \$350,000

40 DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION \$75,000

41 3. PARTICIPATING CANDIDATES FOR OFFICE WHO ARE UNOPPOSED IN THE PRIMA-
 42 RY ELECTION MAY RECEIVE PUBLIC FUNDS BEFORE THE PRIMARY ELECTION, FOR
 43 SERVICES, MATERIALS OR FACILITIES USED ON OR BEFORE THE DATE OF SUCH
 44 PRIMARY ELECTION, AN AMOUNT EQUAL TO HALF THE SUM SUCH CANDIDATES WOULD
 45 BE ENTITLED TO RECEIVE IF THEIR NOMINATION WAS CONTESTED IN SUCH PRIMARY
 46 ELECTION PROVIDED THERE IS A PRIMARY CONTEST FOR THE NOMINATION OF AT
 47 LEAST ONE OTHER PARTY FOR SUCH OFFICE.

48 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE AMOUNT OF
 49 PRIVATE FUNDS A PARTICIPATING CANDIDATE MAY RECEIVE SUBJECT TO THE
 50 CONTRIBUTION LIMITS CONTAINED IN SECTION 14-208 OF THIS TITLE.

51 S 14-212. CAMPAIGN FINANCE BOARD; GENERAL POWERS AND DUTIES. 1. THERE
 52 SHALL BE A BOARD WITHIN THE STATE BOARD OF ELECTIONS KNOWN AS THE
 53 "CAMPAIGN FINANCE BOARD" COMPOSED OF FIVE MEMBERS, OF WHICH ONE MEMBER
 54 SHALL BE APPOINTED BY THE GOVERNOR AND ONE MEMBER SHALL BE APPOINTED BY
 55 EACH LEGISLATIVE LEADER OF THE SENATE AND ASSEMBLY. NO MEMBER OF THE
 56 CAMPAIGN FINANCE BOARD SHALL HOLD ELECTIVE OFFICE, NOR SHALL ANY MEMBER

1 BE A LOBBYIST AS DEFINED IN SUBDIVISION (A) OF SECTION ONE-C OF THE
2 LEGISLATIVE LAW. THE CHAIR SHALL BE RESPONSIBLE FOR MANAGING THE
3 CAMPAIGN FINANCE BOARD. THE MEMBERS SHALL EACH SERVE FOR A TERM OF FOUR
4 YEARS.

5 2. EACH MEMBER'S TERM SHALL COMMENCE ON JUNE FIRST, TWO THOUSAND THIR-
6 TEEN. IN CASE OF A VACANCY IN THE OFFICE OF A MEMBER, A MEMBER SHALL BE
7 APPOINTED ACCORDING TO THE ORIGINAL MANNER OF APPOINTMENT. EACH MEMBER
8 SHALL BE A RESIDENT OF THE STATE OF NEW YORK AND REGISTERED TO VOTE
9 THEREIN. EACH MEMBER SHALL AGREE NOT TO MAKE AND SHALL NOT MAKE CONTRIB-
10 UTIONS TO ANY CANDIDATE OR AUTHORIZED COMMITTEE FOR NOMINATION FOR
11 ELECTION OR FOR ELECTION TO THE OFFICE OF STATE COMPTROLLER. NO MEMBER
12 SHALL SERVE AS AN OFFICER OF A POLITICAL PARTY OR COMMITTEE OR BE A
13 CANDIDATE OR PARTICIPATE IN ANY CAPACITY IN A CAMPAIGN BY A CANDIDATE
14 FOR NOMINATION FOR ELECTION, OR FOR ELECTION TO THE OFFICE OF STATE
15 COMPTROLLER. AN OFFICER OR EMPLOYEE OF THE STATE OR ANY STATE AGENCY
16 SHALL NOT BE ELIGIBLE TO BE A MEMBER OF THE CAMPAIGN FINANCE BOARD.

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

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

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

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

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

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

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

44 (D) IN CONJUNCTION WITH THE STATE BOARD OF ELECTIONS DEVELOP AN INTER-
45 ACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION
46 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMA-
47 TION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR
48 AUTHORIZED COMMITTEES AND DISTRIBUTIONS OF MONEYS FROM THE FUND AND
49 SHALL BE ACCESSIBLE TO THE PUBLIC ON THE STATE BOARD OF ELECTIONS'
50 WEBSITE.

51 7. CONSISTENT WITH THE PROVISIONS OF THE CIVIL SERVICE LAW AND SUBDI-
52 VISION SEVENTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
53 AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL
54 POSITIONS ON THE STAFF OF THE CAMPAIGN FINANCE BOARD SHALL BE CLASSIFIED
55 IN THE EXEMPT CLASS OF THE CIVIL SERVICE AND SUCH POSITIONS SHALL BE
56 FILLED, TO THE EXTENT POSSIBLE, WITH AN EQUAL NUMBER OF PERSONS FROM

1 EACH OF THE TWO POLITICAL PARTIES FOR WHICH THE HIGHEST AND THE NEXT
2 HIGHEST NUMBER OF VOTES WERE CAST FOR THE OFFICE OF STATE COMPTROLLER AT
3 THE LAST PRECEDING GENERAL ELECTION FOR SUCH OFFICE.

4 8. THE CAMPAIGN FINANCE BOARD'S ADMINISTRATION OF THE FUND SHALL BE
5 GOVERNED BY THE PROVISIONS OF THIS TITLE AND SECTION NINETY-TWO-T OF THE
6 STATE FINANCE LAW.

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

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

12 S 14-214. EXAMINATIONS AND AUDITS. 1. THE CAMPAIGN FINANCE BOARD SHALL
13 CONDUCT A THOROUGH EXAMINATION AND AUDIT OF THE CONTRIBUTIONS AND QUALI-
14 FIED CAMPAIGN EXPENSES OF THE PARTICIPATING COMMITTEE OF EVERY PARTIC-
15 IPATING CANDIDATE WHO RECEIVED PAYMENTS PURSUANT TO SECTION 14-206 OF
16 THIS TITLE. SUCH AUDITS SHALL BE CONDUCTED AS FREQUENTLY AS THE
17 CAMPAIGN FINANCE BOARD DEEMS NECESSARY TO ENSURE COMPLIANCE WITH THIS
18 TITLE. EVERY CANDIDATE WHO RECEIVES PUBLIC MATCHING FUNDS UNDER THIS
19 TITLE SHALL ALSO BE AUDITED BY THE CAMPAIGN FINANCE BOARD POST-ELECTION.
20 THE COST OF COMPLYING WITH A POST-ELECTION AUDIT SHALL BE BORNE BY THE
21 CANDIDATE'S AUTHORIZED COMMITTEE. A CANDIDATE WHO HAS RECEIVED PUBLIC
22 MATCHING FUNDS UNDER THIS TITLE MUST MAINTAIN A RESERVE OF AT LEAST ONE
23 PERCENT OF THE TOTAL AMOUNT OF MATCHING FUNDS RECEIVED BY SUCH CANDIDATE
24 IN HIS OR HER CAMPAIGN ACCOUNT TO COMPLY WITH THE POST-ELECTION AUDIT. A
25 CANDIDATE WHO RUNS IN BOTH A PRIMARY AND A GENERAL ELECTION, MUST MAIN-
26 TAIN A RESERVE OF ONE PERCENT OF THE TOTAL AMOUNT OF PUBLIC MATCHING
27 FUNDS RECEIVED BY SUCH CANDIDATE FOR BOTH HIS OR HER PRIMARY AND GENERAL
28 ELECTION. A CANDIDATE MAY USE PUBLIC MATCHING FUNDS, PRIVATE FUNDS OR A
29 COMBINATION OF PUBLIC AND PRIVATE FUNDS TO COMPLY WITH A POST-ELECTION
30 AUDIT. THE CAMPAIGN FINANCE BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED
31 THE FINAL POST-ELECTION AUDIT REPORT THAT DETAILS ITS FINDINGS AND SHALL
32 PROVIDE SUCH AUDIT TO THE GOVERNOR AND LEGISLATIVE LEADERS AND MAKE SUCH
33 AUDIT REPORT AVAILABLE ON THE STATE BOARD OF ELECTIONS' WEBSITE.

34 2. (A) IF THE CAMPAIGN FINANCE BOARD DETERMINES THAT ANY PORTION OF
35 THE PAYMENT MADE TO A PARTICIPATING COMMITTEE FROM THE FUND WAS IN
36 EXCESS OF THE AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDI-
37 DATE WAS ENTITLED PURSUANT TO SECTION 14-206 OF THIS TITLE, IT SHALL
38 NOTIFY SUCH COMMITTEE OF THE EXCESS AMOUNT AND SUCH COMMITTEE SHALL PAY
39 TO THE CAMPAIGN FINANCE BOARD AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS
40 PAYMENTS; PROVIDED, HOWEVER, THAT IF THE ERRONEOUS PAYMENT WAS DUE TO AN
41 ERROR MADE BY THE CAMPAIGN FINANCE BOARD, THEN THE ERRONEOUS PAYMENT
42 WILL BE OFFSET AGAINST ANY FUTURE PAYMENT, IF ANY. THE PARTICIPATING
43 CANDIDATE AND HIS OR HER PARTICIPATING COMMITTEE SHALL BE JOINTLY AND
44 SEVERALLY LIABLE FOR ANY REPAYMENTS DUE TO THE CAMPAIGN FINANCE BOARD
45 FOR DEPOSIT BY SUCH BOARD INTO THE NEW YORK STATE CAMPAIGN FUND.

46 (B) IF THE BOARD DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO A
47 PARTICIPATING COMMITTEE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN
48 TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY SUCH PARTICIPAT-
49 ING COMMITTEE OF THE AMOUNT DISQUALIFIED AND SUCH PARTICIPATING COMMIT-
50 TEE SHALL PAY TO THE CAMPAIGN FINANCE BOARD AN AMOUNT EQUAL TO SUCH
51 DISQUALIFIED AMOUNT. SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK
52 STATE CAMPAIGN FINANCE FUND CREATED PURSUANT TO SECTION NINETY-TWO-T OF
53 THE STATE FINANCE LAW. THE CANDIDATE AND THE CANDIDATE'S AUTHORIZED
54 COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE
55 TO THE CAMPAIGN FINANCE BOARD.

1 (C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE FUND RECEIVED
2 BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING
3 COMMITTEE, EXCEEDS THE PUBLIC FUNDING RECEIPT LIMITATION OF SUCH CANDI-
4 DATE AND COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS
5 FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM
6 THE FUND NOT LATER THAN TEN DAYS AFTER ALL PERMISSIBLE LIABILITIES HAVE
7 BEEN PAID AND IN ANY EVENT, NOT LATER THAN TWENTY DAYS AFTER THE DATE ON
8 WHICH THE CAMPAIGN FINANCE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE
9 PARTICIPATING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT
10 MATCHING FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE
11 AND PAYABLE TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT INTO THE NEW YORK
12 STATE CAMPAIGN FINANCE FUND UPON ITS DETERMINATION THAT THE PARTICIPANT
13 WILLFULLY DELAYED THE POST-ELECTION AUDIT PROCESS. A PARTICIPATING
14 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-
15 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH ENDING A CAMPAIGN AND
16 RESPONDING TO THE POST-ELECTION AUDIT.

17 3. IF A COURT OF COMPETENT JURISDICTION DISQUALIFIES A CANDIDATE WHOSE
18 PARTICIPATING COMMITTEE HAS RECEIVED PUBLIC FUNDS ON THE GROUNDS THAT
19 SUCH CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON
20 THE BALLOT AND SUCH DECISION IS NOT REVERSED BY A HIGHER COURT, SUCH
21 CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE SHALL PAY TO THE
22 CAMPAIGN FINANCE BOARD AN AMOUNT EQUAL TO THE TOTAL OF PUBLIC FUNDS
23 RECEIVED BY SUCH PARTICIPATING COMMITTEE.

24 4. THE BOARD MUST PROVIDE WRITTEN NOTICE OF ALL PAYMENTS DUE FROM A
25 PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE TO THE BOARD AND
26 PROVIDE AN OPPORTUNITY FOR THE CANDIDATE OR COMMITTEE TO REBUT, IN WHOLE
27 OR IN PART, THE ALLEGED AMOUNT DUE. UPON A FINAL WRITTEN DETERMINATION
28 BY THE BOARD, THE AMOUNT DUE SHALL BE PAID TO THE BOARD WITHIN THIRTY
29 DAYS OF SUCH DETERMINATION.

30 5. ALL PAYMENTS RECEIVED BY THE BOARD PURSUANT TO THIS SECTION SHALL
31 BE DEPOSITED IN THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED BY
32 SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

33 S 14-216. CIVIL ENFORCEMENT. 1. ANY PERSON OR AUTHORIZED COMMITTEE WHO
34 KNOWINGLY AND WILFULLY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS
35 OF THIS TITLE SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THE
36 AMOUNT OF FIVE THOUSAND DOLLARS.

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

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

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

1 5. ALL PAYMENTS RECEIVED BY THE CAMPAIGN FINANCE BOARD PURSUANT TO
2 THIS SECTION SHALL BE DEPOSITED IN THE NEW YORK STATE CAMPAIGN FINANCE
3 FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

4 S 14-218. CRIMINAL PENALTIES. 1. ANY PERSON WHO KNOWINGLY AND WILLFUL-
5 LY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS OF THIS TITLE WITH-
6 IN TEN DAYS AFTER THE DATE PROVIDED FOR SUCH, OR ANYONE THAT KNOWINGLY
7 AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE SHALL BE GUILTY
8 OF A MISDEMEANOR AND, IN ADDITION TO SUCH OTHER PENALTIES AS MAY BE
9 PROVIDED BY LAW, SHALL BE SUBJECT TO A FINE NOT TO EXCEED THE AMOUNT OF
10 TEN THOUSAND DOLLARS.

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

16 3. ANY PERSON WHO KNOWINGLY AND WILLFULLY MAKES A FALSE STATEMENT OR
17 KNOWINGLY OMITTS A MATERIAL FACT TO THE CAMPAIGN FINANCE BOARD OR AN
18 AUDITOR DESIGNATED BY THE CAMPAIGN FINANCE BOARD DURING ANY AUDIT
19 CONDUCTED PURSUANT TO SECTION 14-214 OF THIS TITLE SHALL BE GUILTY OF A
20 CLASS E FELONY.

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

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

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

31 S 14-220. REPORTS. THE CAMPAIGN FINANCE BOARD SHALL SUBMIT A REPORT TO
32 THE GOVERNOR AND LEGISLATIVE LEADERS ON OR BEFORE FEBRUARY FIRST, TWO
33 THOUSAND SIXTEEN, AND EVERY FOUR YEARS THEREAFTER, WHICH SHALL INCLUDE:

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

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

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

41 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGNS FOR
42 ALL OFFICES COVERED UNDER SECTION 14-203 OF THIS TITLE, INCLUDING ITS
43 EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF
44 CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES,
45 THE CANDIDATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND
46 THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

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

51 6. ANY OTHER INFORMATION THAT THE CAMPAIGN FINANCE BOARD DEEMS RELE-
52 VANT.

53 S 14-222. DEBATES. THE CAMPAIGN FINANCE BOARD SHALL PROMULGATE REGU-
54 LATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTIC-
55 IPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE
56 BEFORE THE PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENER-

1 AL ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE
2 PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDI-
3 DATE MAY BE A PARTY TO SUCH DEBATES.

4 S 14-224. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND. 1. THIS SECTION
5 GOVERNS THE CAMPAIGN FINANCE BOARD'S DISTRIBUTION OF FUNDS FROM THE
6 CAMPAIGN FINANCE FUND CREATED BY SECTION NINETY-TWO-T OF THE STATE
7 FINANCE LAW, EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

8 2. NO MONEYS SHALL BE PAID TO PARTICIPATING CANDIDATES IN A PRIMARY
9 ELECTION ANY EARLIER THAN TWO WEEKS AFTER THE LAST DAY TO FILE DESIGNAT-
10 ING PETITIONS FOR SUCH PRIMARY ELECTION.

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

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

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

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

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

48 (II) BEFORE REPAYING UNSPENT PUBLIC CAMPAIGN FUNDS, A PARTICIPATING
49 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-
50 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND
51 RESPONDING TO THE POST-ELECTION AUDIT. SUCH EXPENDITURES MAY INCLUDE:
52 PAYMENT OF UTILITY BILLS AND RENT; REASONABLE STAFF SALARIES AND
53 CONSULTANT FEES FOR RESPONDING TO A POST-ELECTION AUDIT; REASONABLE
54 MOVING EXPENSES RELATED TO CLOSING A CAMPAIGN OFFICE; A HOLIDAY CARD
55 MAILING TO CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS; THANK
56 YOU NOTES FOR CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS;

1 PAYMENT OF TAXES AND OTHER REASONABLE EXPENSES FOR COMPLIANCE WITH
2 APPLICABLE TAX LAWS; AND INTEREST EXPENSES. ROUTINE POST-ELECTION
3 EXPENDITURES THAT MAY BE PAID FOR WITH UNSPENT CAMPAIGN FUNDS DO NOT
4 INCLUDE SUCH ITEMS AS POST-ELECTION MAILINGS OTHER THAN AS SPECIFICALLY
5 PROVIDED FOR IN THIS SUBPARAGRAPH; MAKING CONTRIBUTIONS; MAKING BONUS
6 PAYMENTS OR GIFTS TO STAFF MEMBERS OR VOLUNTEERS; OR HOLDING ANY POST-E-
7 LECTION DAY EVENT, INCLUDING, BUT NOT LIMITED TO, ANY MEAL OR ANY PARTY.
8 UNSPENT CAMPAIGN FUNDS MAY NOT BE USED FOR TRANSITION OR INAUGURATION
9 ACTIVITIES.

10 7. ALL MONIES RECEIVED BY THE CAMPAIGN FINANCE BOARD PURSUANT TO THIS
11 SECTION SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND
12 PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

13 S 4. The election law is amended by adding a new section 16-103 to
14 read as follows:

15 S 16-103. PROCEEDINGS AS TO PUBLIC FINANCING. 1. THE DETERMINATION OF
16 ELIGIBILITY PURSUANT TO SECTION 14-203 OF THIS CHAPTER AND ANY QUESTION
17 OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSU-
18 ANT TO SECTION 14-206 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING
19 INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDI-
20 DATE.

21 2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR
22 PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-206
23 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETER-
24 MINATION WAS MADE. THE CAMPAIGN FINANCE BOARD SHALL BE MADE A PARTY TO
25 ANY SUCH PROCEEDING.

26 3. UPON THE CAMPAIGN FINANCE BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE
27 FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE
28 ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVI-
29 SION FOUR OF SECTION 14-214 OF THIS CHAPTER, SUCH BOARD IS AUTHORIZED TO
30 INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY
31 COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO
32 THE CAMPAIGN FINANCE BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE
33 PURSUANT TO TITLE II OF ARTICLE FOURTEEN OF THIS CHAPTER.

34 4. THE CAMPAIGN FINANCE BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL
35 PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A
36 JUDGMENT FOR CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE CAMPAIGN
37 FINANCE BOARD PURSUANT TO SECTION 14-214 OF THIS CHAPTER.

38 S 5. The election law is amended by adding a new section 4-115 to read
39 as follows:

40 S 4-115. NOTICE TO THE STATE BOARD OF ELECTIONS OF CANDIDATES FOR THE
41 LEGISLATURE. 1. EACH BOARD OF ELECTIONS WITH WHICH PETITIONS ARE FILED
42 FOR MEMBER OF THE STATE LEGISLATURE SHALL, NOT LATER THAN ONE WEEK AFTER
43 THE LAST DAY TO FILE SUCH PETITIONS, SEND NOTICE TO THE STATE BOARD OF
44 ELECTIONS OF SUCH INFORMATION ABOUT EACH SUCH PETITION AS THE STATE
45 BOARD SHALL REQUIRE.

46 2. EACH SUCH COUNTY BOARD OF ELECTIONS SHALL, NOT LATER THAN THE DAY
47 AFTER THE LAST DAY TO FILE A PETITION OR CERTIFICATE OF NOMINATION FOR A
48 GENERAL OR SPECIAL ELECTION OR A CERTIFICATE OF ACCEPTANCE, DECLINATION
49 OR SUBSTITUTION FOR A GENERAL, PRIMARY OR SPECIAL ELECTION FOR ANY SUCH
50 OFFICE, SEND TO THE STATE BOARD OF ELECTIONS SUCH INFORMATION ABOUT EACH
51 SUCH PETITION OR CERTIFICATE AS THE STATE BOARD SHALL REQUIRE.

52 3. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHOULD DISQUALIFY ANY SUCH
53 CANDIDATE OR RULE THE PETITION OR CERTIFICATE DESIGNATING OR NOMINATING
54 ANY SUCH CANDIDATE INVALID, IT SHALL FORTHWITH NOTIFY THE STATE BOARD OF
55 ELECTIONS OF SUCH DECISION.

1 4. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHALL BE NOTIFIED OF A DECI-
2 SION OF A COURT OF COMPETENT JURISDICTION DISQUALIFYING ANY SUCH CANDI-
3 DATE OR DECLARING ANY SUCH PETITION INVALID OR REVERSING ANY SUCH DECI-
4 SION BY SUCH BOARD OF ELECTIONS OR ANOTHER COURT, SUCH BOARD OF
5 ELECTIONS SHALL FORTHWITH NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH
6 DECISION.

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

10 S 6. The general business law is amended by adding a new section 359-
11 gg to read as follows:

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

21 S 7. The state finance law is amended by adding a new section 92-t to
22 read as follows:

23 S 92-T. NEW YORK STATE CAMPAIGN FINANCE FUND. 1. THERE IS HEREBY
24 ESTABLISHED IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE A
25 SPECIAL FUND TO BE KNOWN AS THE NEW YORK STATE CAMPAIGN FINANCE FUND.

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

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

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

55 5. COMMENCING IN TWO THOUSAND SIXTEEN, IF THE SURPLUS IN THE FUND ON
56 APRIL FIRST OF THE YEAR AFTER AN ELECTION CYCLE EXCEEDS TWENTY-FIVE

1 PERCENT OF THE DISBURSEMENTS FROM THE FUND OVER THE PREVIOUS FOUR YEARS,
2 THE EXCESS SHALL REVERT TO THE GENERAL FUND OF THE STATE.

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

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

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

18 S 8. The tax law is amended by adding a new section 630-c to read as
19 follows:

20 S 630-C. CONTRIBUTION TO NEW YORK STATE CAMPAIGN FINANCE FUND. EFFEC-
21 TIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO
22 THOUSAND TWELVE, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIB-
23 UTE TO THE NEW YORK STATE CAMPAIGN FINANCE FUND. SUCH CONTRIBUTION SHALL
24 BE IN THE AMOUNT OF FIVE DOLLARS AND SHALL NOT REDUCE THE AMOUNT OF
25 STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE SPACE
26 ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH
27 CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL REVENUES
28 COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK
29 STATE CAMPAIGN FINANCE FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED
30 IN SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

31 S 9. Severability. If any clause, sentence, subdivision, paragraph,
32 section or part of title II of article 14 of the election law, as added
33 by section seven of this act be adjudged by any court of competent
34 jurisdiction to be invalid, such judgment shall not affect, impair or
35 invalidate the remainder thereof, but shall be confined in its operation
36 to the clause, sentence, subdivision, paragraph, section or part thereof
37 directly involved in the controversy in which such judgment shall have
38 been rendered.

39 S 10. This act shall take effect immediately; provided, however,
40 candidates for state comptroller will be eligible to participate in the
41 public financing system beginning with the 2014 election, all state
42 legislature candidates will be eligible to participate in the public
43 financing system beginning with the 2016 election and all state candi-
44 dates and constitutional convention delegates will be eligible to
45 participate in the public financing system beginning with the 2018
46 election.