

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

890--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

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.

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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.