

3273

2013-2014 Regular Sessions

I N   S E N A T E

January 31, 2013

---

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

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.  
22    3. ANY PERSON WHO, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL  
23    COMMITTEE, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW,  
24    UNLAWFULLY (A) EXPENDS CAMPAIGN FUNDS FOR A PERSONAL USE IN VIOLATION OF  
25    THIS ARTICLE, OR (B) CONDUCTS ACTIVITIES PROHIBITED BY THIS ARTICLE,

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

LBD01045-01-3

1 SHALL BE SUBJECT TO A CIVIL PENALTY, NOT IN EXCESS OF TEN THOUSAND  
2 DOLLARS, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE  
3 BROUGHT BY THE STATE BOARD OF ELECTIONS.

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

9 [4.] 5. Any person who knowingly and willfully contributes, accepts or  
10 aids or participates in the acceptance of a contribution in an amount  
11 exceeding an applicable maximum specified in this article shall be guilt-  
12 ty of a misdemeanor.

13 [5.] 6. Any person who shall, acting on behalf of a candidate or poli-  
14 tical committee, knowingly and willfully solicit, organize or coordinate  
15 the formation of activities of one or more unauthorized committees, make  
16 expenditures in connection with the nomination for election or election  
17 of any candidate, or solicit any person to make any such expenditures,  
18 for the purpose of evading the contribution limitations of this article,  
19 shall be guilty of a class E felony.

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

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

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