

4009

2013-2014 Regular Sessions

I N   S E N A T E

March 4, 2013

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

AN ACT enacting the "2013 Campaign Finance Reform 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 election law, in relation to limiting personal use of campaign funds, establishing certain contribution limits, identification of the source of certain political communications and providing for a state board of elections enforcement unit and counsel

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 "2013 Campaign Finance Reform 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 3. The article heading of article 14 of the election law is amended  
11    to read as follows:

12                   CAMPAIGN RECEIPTS AND EXPENDITURES; PUBLIC FINANCING

13    S 4. Section 14-100 of the election law is amended by adding four new  
14    subdivisions 12, 13, 14 and 15 to read as follows:  
15    12. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:  
16    (A) THE NAME OF THE CANDIDATE INVOLVED APPEARS;  
17    (B) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR

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

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(C) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFERENCE.

13. "GENERAL PUBLIC AUDIENCE" MEANS AN AUDIENCE COMPOSED OF MEMBERS OF THE PUBLIC, INCLUDING A TARGETED SUBGROUP OF MEMBERS OF THE PUBLIC; PROVIDED, HOWEVER, IT DOES NOT MEAN AN AUDIENCE SOLELY COMPRISED OF MEMBERS, RETIREES AND STAFF OF A LABOR ORGANIZATION OR THEIR IMMEDIATE FAMILY MEMBERS OR AN AUDIENCE SOLELY COMPRISED OF EMPLOYEES OF A BUSINESS ENTITY.

14. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDITIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCIDENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE, EACH LOCAL, PARENT NATIONAL OR PARENT INTERNATIONAL ORGANIZATION OF A STATEWIDE LABOR ORGANIZATION, AND EACH STATEWIDE FEDERATION RECEIVING DUES FROM SUBSIDIARY LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE LABOR ORGANIZATION.

15. "INTERMEDIARY" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION, OR OTHER ENTITY WHICH, OTHER THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY, OR MESSENGER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR ENTITY TO A CANDIDATE OR AN AUTHORIZED COMMITTEE. "INTERMEDIARY" SHALL NOT INCLUDE SPOUSES, PARENTS, CHILDREN, OR SIBLINGS OF THE PERSON MAKING SUCH CONTRIBUTION.

S 5. Section 14-106 of the election law, as amended by section 2 of part E of chapter 399 of the laws of 2011, is amended to read as follows:

S 14-106. Political communication. The statements required to be filed under the provisions of this [article] TITLE next succeeding a primary, general or special election shall be accompanied by a copy of all broadcast, cable or satellite schedules and scripts, internet, print and other types of advertisements, pamphlets, circulars, flyers, brochures, letterheads and other printed matter purchased or produced, AND REPRODUCTIONS OF STATEMENTS OR INFORMATION CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR OTHER ELECTRONIC MEANS, purchased in connection with such election by or under the authority of the person filing the statement or the committee or the person on whose behalf it is filed, as the case may be. Such copies, schedules and scripts shall be preserved by the officer with whom or the board with which it is required to be filed for a period of one year from the date of filing thereof.

S 6. The election law is amended by adding a new section 14-107 to read as follows:

S 14-107. INDEPENDENT EXPENDITURE REPORTING. 1. FOR PURPOSES OF THIS TITLE:

(A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE BY A PERSON FOR AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA BROADCAST, CABLE OR SATELLITE OR A WRITTEN COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS OR OTHER PRINTED MATTER AND STATEMENTS OR INFORMATION CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR OTHER ELECTRONIC DEVICES WHICH: (I) EXPRESSLY ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE OR THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL AND (II) SUCH CANDIDATE, THE

CANDIDATE'S POLITICAL COMMITTEE OR ITS AGENTS, OR A POLITICAL COMMITTEE FORMED TO PROMOTE THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL OR ITS AGENTS, DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY SUCH COMMUNICATION.

(B) INDEPENDENT EXPENDITURES DO NOT INCLUDE:

(I) A COMMUNICATION APPEARING IN A WRITTEN NEWS STORY, COMMENTARY, OR EDITORIAL OR DISTRIBUTED THROUGH THE FACILITIES OF ANY BROADCASTING STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR FACILITIES ARE OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL COMMITTEE OR CANDIDATE; OR

(II) A COMMUNICATION THAT CONSTITUTES A CANDIDATE DEBATE OR FORUM; OR

(III) A COMMUNICATION WHICH CONSTITUTES AN EXPENDITURE MADE BY AN ENTITY REQUIRED TO REPORT SUCH EXPENDITURE WITH A BOARD OF ELECTIONS.

(C) "ELECTIONEERING COMMUNICATION" MEANS A COMMUNICATION THAT: (I) IS DISSEMINATED BY MEANS OF A RADIO, TELEVISION, CABLE, OR SATELLITE BROADCAST, A PAID ADVERTISEMENT SUCH AS IN A PERIODICAL OR ON A BILLBOARD, OR A MASS MAILING; (II) IS DISSEMINATED WITHIN THIRTY DAYS OF A COVERED PRIMARY OR SPECIAL ELECTION, OR WITHIN SIXTY DAYS OF A COVERED GENERAL ELECTION; AND (III) REFERS TO ONE OR MORE CLEARLY IDENTIFIED BALLOT PROPOSALS AND/OR CANDIDATES FOR A COVERED ELECTION. ELECTIONEERING COMMUNICATION SHALL NOT INCLUDE A CANDIDATE-RELATED COMMUNICATION MADE BY AN ORGANIZATION OPERATING AND REMAINING IN GOOD STANDING UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986.

(D) FOR THE PURPOSES OF THIS SECTION, THE TERM "MASS MAILING" MEANS A MAILING BY UNITED STATES MAIL, COMMON CARRIER, OR FACSIMILE OF MORE THAN FIVE HUNDRED PIECES OF MAIL MATTER OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE WITHIN ANY THIRTY-DAY PERIOD.

(E) FOR PURPOSES OF THIS SECTION, THE TERM "PERSON" SHALL MEAN PERSON, GROUP OF PERSONS, ENTITY, ORGANIZATION, CORPORATION OR ASSOCIATION.

(F) FOR PURPOSES OF THIS SECTION, THE TERM "INDEPENDENT SPENDER" SHALL MEAN AN INDIVIDUAL OR ENTITY THAT MAKES AN INDEPENDENT EXPENDITURE.

2. WHENEVER ANY PERSON MAKES ONE OR MORE INDEPENDENT EXPENDITURES THAT IN THE AGGREGATE EXCEEDS ONE THOUSAND DOLLARS IN ANY CALENDAR YEAR, SUCH COMMUNICATION DESCRIBED IN SUBDIVISION ONE OF THIS SECTION SHALL CLEARLY STATE, WITH RESPECT TO COMMUNICATIONS REGARDING CANDIDATES, THAT THE COMMUNICATION IS NOT AUTHORIZED BY ANY CANDIDATE, ANY CANDIDATE'S POLITICAL COMMITTEE OR ANY OF ITS AGENTS. A KNOWING AND WILLFUL VIOLATION OF THE PROVISIONS OF THIS SUBDIVISION SHALL SUBJECT THE PERSON TO A CIVIL PENALTY EQUAL TO ONE THOUSAND DOLLARS OR THE COST OF THE COMMUNICATION, WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE STATE BOARD OF ELECTIONS.

3. (A) ANY PERSON WHICH MAKES INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS THAT COST MORE THAN ONE THOUSAND DOLLARS IN THE AGGREGATE SHALL REPORT SUCH INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS TO THE STATE BOARD OF ELECTIONS IN THE MANNER SPECIFIED IN SECTION 14-108 OF THIS TITLE.

(B) ANY INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION MADE AFTER THE CLOSE OF THE PERIOD TO BE COVERED IN THE LAST STATEMENT FILED BEFORE ANY PRIMARY, GENERAL OR SPECIAL ELECTION, BUT BEFORE SUCH ELECTION, SHALL BE REPORTED WITHIN TWENTY-FOUR HOURS IN THE SAME MANNER AS PROVIDED FOR IN SUBDIVISION TWO OF SECTION 14-108 OF THIS TITLE.

4. EACH SUCH STATEMENT SHALL INCLUDE:

(A) THE NAME AND ADDRESS OF THE PERSON MAKING THE STATEMENT;

(B) THE NAME, ADDRESS, OCCUPATION, AND EMPLOYER OF THE PERSON MAKING THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION;

(C) THE NAME, ADDRESS, OCCUPATION, AND EMPLOYER OF ANY PERSON OR ENTITY PROVIDING A GIFT, LOAN, ADVANCE OR DEPOSIT OF ONE HUNDRED DOLLARS OR MORE FOR THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION, OR THE PROVISION OF SERVICES FOR THE SAME, AND THE DATE IT WAS GIVEN; PROVIDED, HOWEVER, THE NAME AND ADDRESS OF A MEMBER OF A LABOR ORGANIZATION IS NOT REQUIRED FOR A GIFT, LOAN, ADVANCE OR DEPOSIT OF ONE HUNDRED DOLLARS OR MORE TO A LABOR ORGANIZATION OR A LABOR ORGANIZATION POLITICAL ACTION COMMITTEE;

(D) THE DOLLAR AMOUNT PAID FOR EACH INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION, THE NAME AND ADDRESS OF THE PERSON OR ENTITY RECEIVING THE PAYMENT, THE DATE THE PAYMENT WAS MADE AND A DESCRIPTION OF THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION; AND

(E) THE ELECTION TO WHICH THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION PERTAINS AND THE NAME OF THE CLEARLY IDENTIFIED CANDIDATE OR THE BALLOT PROPOSAL REFERENCED.

5. ANY REPORT MADE PURSUANT TO THIS SECTION SHALL INCLUDE A COPY OF ALL MATERIALS THAT PERTAIN TO THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION, INCLUDING BUT NOT LIMITED TO BROADCAST, CABLE OR SATELLITE SCHEDULE AND SCRIPTS, ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS AND OTHER PRINTED MATTER.

6. ANY REPORT OF A LOAN THAT IS MADE FOR AN INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION SHALL INCLUDE WRITTEN EVIDENCE OF THE INDEBTEDNESS.

7. CONTRIBUTIONS:

(A) WHEN AN INDEPENDENT SPENDER THAT IS AN ENTITY MAKES COVERED EXPENDITURES OF ONE HUNDRED DOLLARS OR MORE AGGREGATING FIVE THOUSAND DOLLARS OR MORE IN THE TWELVE MONTHS PRECEDING THE ELECTION FOR COMMUNICATIONS THAT REFER TO ANY SINGLE CANDIDATE, IT IS REQUIRED TO REPORT:

(I) ALL CONTRIBUTIONS ACCEPTED FROM OTHER ENTITIES SINCE THE FIRST DAY OF THE CALENDAR YEAR PRECEDING THE YEAR OF THE COVERED ELECTION; AND

(II) ALL CONTRIBUTIONS AGGREGATING ONE THOUSAND DOLLARS OR MORE ACCEPTED FROM AN INDIVIDUAL DURING THE TWELVE MONTHS PRECEDING THE ELECTION.

(B) EACH CONTRIBUTIONS SHALL BE DISCLOSED IN THE REPORTING PERIOD IN WHICH IT WAS RECEIVED. THE INDEPENDENT SPENDER SHALL PROVIDE:

(I) FOR EACH CONTRIBUTION ACCEPTED FROM ANOTHER ENTITY, THE ENTITY'S NAME, ADDRESS, AND TYPE OF ORGANIZATION;

(II) FOR EACH CONTRIBUTION ACCEPTED FROM AN INDIVIDUAL, THE INDIVIDUAL'S NAME, ADDRESS, OCCUPATION, AND EMPLOYER INFORMATION;

(III) FOR EACH CONTRIBUTION THE DATE OF RECEIPT AND AMOUNT OF EACH SUCH CONTRIBUTION ACCEPTED; AND

(IV) FOR EACH CONTRIBUTION SUCH OTHER SIMILAR INFORMATION AS THE STATE BOARD OF ELECTIONS MAY REQUIRE.

(C) CONTRIBUTIONS THAT ARE EARMARKED FOR AN ELECTION THAT IS NOT A COVERED ELECTION, OR FOR AN EXPLICITLY STATED NON-ELECTORAL PURPOSE, ARE NOT REQUIRED TO BE REPORTED; PROVIDED, HOWEVER THAT RECORDS OF THESE CONTRIBUTIONS MUST BE MAINTAINED AND MAY BE REQUESTED BY THE STATE BOARD OF ELECTIONS TO VERIFY THEIR QUALIFICATION FOR THIS EXEMPTION.

8. EVERY STATEMENT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL BE FILED BY ELECTRONIC REPORTING PROCESS OR OVERNIGHT MAIL TO THE STATE BOARD OF ELECTIONS.

9. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE REGULATIONS WITH RESPECT TO THE STATEMENTS REQUIRED TO BE FILED BY THIS SECTION AND SHALL PROVIDE FORMS SUITABLE FOR SUCH STATEMENTS.

S 7. Section 14-112 of the election law, as amended by chapter 930 of the laws of 1981, is amended to read as follows:

1 S 14-112. Political committee authorization statement. Any political  
2 committee aiding or taking part in the election or nomination of any  
3 candidate, other than by making contributions, shall file, in the office  
4 in which the statements of such committee are to be filed pursuant to  
5 this [article] TITLE, either a sworn verified statement by the treasurer  
6 of such committee that the candidate has authorized the political  
7 committee to aid or take part in his election or that the candidate has  
8 not authorized the committee to aid or take part in his election.

9 S 8. Section 14-126 of the election law, as amended by section 3 of  
10 part E of chapter 399 of the laws of 2011, is amended to read as  
11 follows:

12 S 14-126. Violations; penalties. 1. Any person who fails to file a  
13 statement required to be filed by this [article] TITLE shall be subject  
14 to a civil penalty, not in excess of one thousand dollars, to be recov-  
15 erable in a special proceeding or civil action to be brought by the  
16 state board of elections or other board of elections. Any person who,  
17 three or more times within a given election cycle for such term of  
18 office, fails to file a statement or statements required to be filed by  
19 this [article] TITLE, shall be subject to a civil penalty, not in excess  
20 of ten thousand dollars, to be recoverable as provided for in this  
21 subdivision.

22 2. ANY PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO IDENTIFY INDEPEND-  
23 ENT EXPENDITURES AS REQUIRED BY SUBDIVISION TWO OF SECTION 14-107 OF  
24 THIS TITLE OR KNOWINGLY AND WILLFULLY FAILS TO FILE THE STATEMENT  
25 REQUIRED BY SUBDIVISION TWO OF SECTION 14-112 OF THIS TITLE SHALL BE  
26 SUBJECT TO A CIVIL PENALTY IN A SPECIAL PROCEEDING OR CIVIL ACTION  
27 BROUGHT BY THE STATE BOARD OF ELECTIONS.

28 3. Any person who, acting as or on behalf of a candidate or political  
29 committee, under circumstances evincing an intent to violate such law,  
30 unlawfully accepts a contribution in excess of a contribution limitation  
31 established in this [article] TITLE, shall be required to refund such  
32 excess amount and shall be subject to a civil penalty equal to the  
33 excess amount plus a fine of up to ten thousand dollars, to be recovera-  
34 ble in a special proceeding or civil action to be brought by the state  
35 board of elections.

36 [3.] 4. Any person who knowingly and willfully fails to file a state-  
37 ment required to be filed by this [article] TITLE within ten days after  
38 the date provided for filing such statement or any person who knowingly  
39 and willfully violates any other provision of this [article] TITLE shall  
40 be guilty of a misdemeanor.

41 [4.] 5. Any person who knowingly and willfully contributes, accepts or  
42 aids or participates in the acceptance of a contribution in an amount  
43 exceeding an applicable maximum specified in this [article] TITLE shall  
44 be guilty of a misdemeanor.

45 [5.] 6. Any person who shall, acting on behalf of a candidate or poli-  
46 tical committee, knowingly and willfully solicit, organize or coordinate  
47 the formation of activities of one or more unauthorized committees, make  
48 expenditures in connection with the nomination for election or election  
49 of any candidate, or solicit any person to make any such expenditures,  
50 for the purpose of evading the contribution limitations of this [arti-  
51 cle] TITLE, shall be guilty of a class E felony.

52 S 9. Sections 14-100 through 14-132 of article 14 of the election law  
53 are designated title 1 and a new title heading is added to read as  
54 follows:

55 CAMPAIGN RECEIPTS AND EXPENDITURES

S 10. Article 14 of the election law is amended by adding a new title 2 to read as follows:

TITLE II  
PUBLIC FINANCING

SECTION 14-200. DEFINITIONS.

14-202. ELIGIBILITY.

14-204. QUALIFIED CAMPAIGN EXPENDITURES.

14-206. OPTIONAL PUBLIC FINANCING.

14-208. CONTRIBUTION AND RECEIPT LIMITATIONS.

14-210. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS.

14-212. EXAMINATIONS AND AUDITS; REPAYMENTS.

14-214. CIVIL PENALTIES.

14-216. DEBATES.

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

1. THE TERM "STATE BOARD" SHALL MEAN THE STATE BOARD OF ELECTIONS.

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

3. THE TERM "PARTICIPATING COMMITTEE" SHALL MEAN A SINGLE POLITICAL COMMITTEE WHICH A CANDIDATE CERTIFIES IS THE COMMITTEE THAT WILL SOLELY BE USED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY THIS TITLE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT. A MULTI-CANDIDATE COMMITTEE MAY NOT BE A PARTICIPATING COMMITTEE.

4. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE WHO IS ELIGIBLE TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM ESTABLISHED BY THIS TITLE, HAS MET THE THRESHOLD FOR ELIGIBILITY AND HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM.

5. THE TERM "MATCHABLE CONTRIBUTIONS" SHALL MEAN THAT PORTION OF THE AGGREGATE CONTRIBUTIONS MADE (A) IN THE CASE OF A PRIMARY OR GENERAL ELECTION, AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR (B) IN THE CASE OF A SPECIAL ELECTION, WITHIN SIX MONTHS OF SUCH ELECTION BY NATURAL PERSONS RESIDENT IN THE STATE OF NEW YORK TO A CANDIDATE FOR NOMINATION OR ELECTION TO ANY OF THE OFFICES COVERED BY THE PROVISIONS OF THIS TITLE WHICH DO NOT EXCEED ONE HUNDRED SEVENTY-FIVE DOLLARS, WHICH HAVE BEEN REPORTED IN FULL BY THE CANDIDATE'S PARTICIPATING COMMITTEE TO THE STATE BOARD, INCLUDING THE CONTRIBUTOR'S FULL NAME AND RESIDENTIAL ADDRESS. A LOAN MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION.

THE FOLLOWING CONTRIBUTIONS ARE NOT MATCHABLE:

(I) IN-KIND CONTRIBUTIONS OF PROPERTY, GOODS, OR SERVICES;

(II) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR AN ITEM WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE;

(III) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR OR OTHERWISE INDUCED BY A CHANCE TO PARTICIPATE IN A RAFFLE, LOTTERY, OR SIMILAR DRAWING FOR VALUABLE PRIZES;

(IV) MONEY ORDER CONTRIBUTIONS FROM ANY ONE CONTRIBUTOR THAT ARE, IN THE AGGREGATE, GREATER THAN ONE HUNDRED DOLLARS;

(V) CONTRIBUTIONS FROM INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS;

(VI) CONTRIBUTIONS FROM INDIVIDUAL VENDORS TO WHOM THE PARTICIPATING CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE MAKES AN EXPENDITURE, IN FURTHERANCE OF THE NOMINATION FOR ELECTION OR ELECTION COVERED BY THE

CANDIDATE'S CERTIFICATION, UNLESS SUCH EXPENDITURE IS REIMBURSING AN ADVANCE; AND

(VII) CONTRIBUTION FROM LOBBYISTS REGISTERED PURSUANT TO ARTICLE ONE-A OF THE LEGISLATIVE LAW.

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

7. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE CAMPAIGN FINANCE FUND.

8. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL MATCHABLE CONTRIBUTIONS THAT THE PARTICIPATING COMMITTEE OF AN OTHERWISE ELIGIBLE CANDIDATE MUST RECEIVE, AS REQUIRED BY SECTION 14-202 OF THIS TITLE, IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO THIS TITLE.

9. THE TERM "CONTRIBUTION" SHALL HAVE THE SAME MEANING AS IN SUBDIVISION NINE OF SECTION 14-100 OF THIS ARTICLE.

10. THE TERM "PUBLIC FUNDING LIMIT" SHALL MEAN THE TOTAL AMOUNT OF PUBLIC FUNDS THAT A PARTICIPATING CANDIDATE MAY RECEIVE FOR ANY PRIMARY OR GENERAL ELECTION.

S 14-202. ELIGIBILITY. 1. TO BE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING UNDER THIS TITLE, A CANDIDATE FOR NOMINATION OR ELECTION MUST:

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

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

(C) ELECT TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY THIS TITLE NOT LATER THAN SEVEN DAYS AFTER THE LAST DAY TO FILE DESIGNATING PETITIONS FOR THE OFFICE SUCH CANDIDATE IS SEEKING OR, IN THE CASE OF A SPECIAL ELECTION, NOT LATER THAN THE LAST DAY TO FILE NOMINATING CERTIFICATES FOR SUCH OFFICE;

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

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

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

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

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

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

(C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL ELECTION. NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS FROM AT LEAST TWO HUNDRED FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK

1 STATE INCLUDING AT LEAST TWELVE THOUSAND FIVE HUNDRED DOLLARS FROM AT  
2 LEAST ONE HUNDRED TWENTY-FIVE INDIVIDUAL CONTRIBUTORS WHO RESIDE IN THE  
3 SENATE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

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

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

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

19 3. IN ORDER TO BE ELIGIBLE TO RECEIVE PUBLIC FUNDS IN A PRIMARY  
20 ELECTION A CANDIDATE MUST AGREE, THAT IN THE EVENT SUCH CANDIDATE IS A  
21 CANDIDATE FOR SUCH OFFICE IN THE GENERAL ELECTION IN SUCH YEAR, THAT  
22 SUCH CANDIDATE WILL BE BOUND BY THE PROVISIONS OF THIS TITLE.

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

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

29 6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL, OR  
30 SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING  
31 SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS AT LEAST  
32 ONE OTHER CANDIDATE FOR SUCH OFFICE IN SUCH ELECTION HAS ALSO QUALIFIED  
33 FOR THE BALLOT.

34 S 14-204. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED  
35 UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY  
36 THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDI-  
37 TURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION  
38 OR ELECTION AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR  
39 GENERAL ELECTION IS HELD FOR THE OFFICE SOUGHT, FOR SERVICES, MATERIALS,  
40 FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT CAMPAIGN CYCLE OR,  
41 IN THE CASE OF A SPECIAL ELECTION, FOR EXPENDITURES DURING THE PERIOD  
42 COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL  
43 ELECTION.

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

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

47 (B) PAYMENTS FOR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A  
48 RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH  
49 PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY  
50 SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE, IN EXCESS OF THE FAIR  
51 MARKET VALUE OF THE SERVICES, MATERIALS, FACILITIES, OR OTHER THINGS OF  
52 VALUE RECEIVED IN EXCHANGE;

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

55 (D) ANY EXPENDITURE MADE AFTER THE PARTICIPATING CANDIDATE, OR THE  
56 ONLY REMAINING OPPONENT OF SUCH CANDIDATE, HAS BEEN DISQUALIFIED OR HAD



1 SUCH CANDIDATE'S PETITIONS DECLARED INVALID BY A BOARD OF ELECTIONS OR A  
2 COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS  
3 REVERSED BY A HIGHER AUTHORITY.

4 (E) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF  
5 DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE,  
6 AUTHORIZATION, DECLINATION OR SUBSTITUTION;

7 (F) EXPENDITURE FOR NONCAMPAIGN RELATED FOOD, DRINK OR ENTERTAINMENT;  
8 AND

9 (G) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER CAMPAIGN MATERI-  
10 AL.

11 S 14-206. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR  
12 NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY  
13 OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALI-  
14 FIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A  
15 PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON  
16 THE BALLOT AND FILED A SWORN STATEMENT WITH THE STATE BOARD ELECTING TO  
17 PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND AGREEING TO  
18 ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT EXCEED THE  
19 AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN ACCORDANCE  
20 WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE MADE TO A  
21 PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC FUNDS SHALL  
22 BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN  
23 EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO  
24 PAY QUALIFIED CAMPAIGN EXPENDITURES.

25 2. THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE SHALL  
26 BE ENTITLED TO SIX DOLLARS IN PUBLIC FUNDS FOR EACH ONE DOLLAR OF MATCH-  
27 ABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE STATE BOARD IN ACCORD-  
28 ANCE WITH THE PROVISIONS OF THIS TITLE, PROVIDED, HOWEVER, SUCH PUBLIC  
29 FUNDS SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

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

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

41 4. THE STATE BOARD SHALL PROMPTLY EXAMINE ALL REPORTS OF CONTRIBUTIONS  
42 TO DETERMINE WHETHER THEY MEET THE REQUIREMENTS FOR MATCHABLE CONTRIB-  
43 UTIONS, AND SHALL KEEP A RECORD OF SUCH CONTRIBUTIONS.

44 5. THE STATE BOARD SHALL PROMULGATE REGULATIONS FOR THE CERTIFICATION  
45 OF THE AMOUNT OF FUNDS PAYABLE BY THE COMPTROLLER, FROM THE FUND ESTAB-  
46 LISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW, TO A  
47 PARTICIPATING CANDIDATE THAT HAS QUALIFIED TO RECEIVE SUCH PAYMENT.  
48 THESE REGULATIONS SHALL INCLUDE THE PROMULGATION AND DISTRIBUTION OF  
49 FORMS ON WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE REPORTED, THE  
50 PERIODS DURING WHICH SUCH REPORTS MUST BE FILED AND THE VERIFICATION  
51 REQUIRED. THE STATE BOARD SHALL INSTITUTE PROCEDURES WHICH WILL MAKE  
52 POSSIBLE PAYMENT BY THE FUND WITHIN FOUR BUSINESS DAYS AFTER RECEIPT OF  
53 THE REQUIRED FORMS AND VERIFICATIONS.

54 S 14-208. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,  
55 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE  
56 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A

CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

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

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

(C) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A PARTICIPATING CANDIDATE FOR STATE SENATOR IN A PRIMARY, GENERAL OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED ONE HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

(D) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A PARTICIPATING CANDIDATE FOR MEMBER OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

(E) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A PARTICIPATING CANDIDATE FOR DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

(F) NOTWITHSTANDING THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A PARTICIPATING CANDIDATE FOR DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY ACCEPT FROM A STATE PARTY COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED TEN THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

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

1 3. NOTWITHSTANDING ANY EXPENDITURE LIMIT IN THIS SUBDIVISION, EACH  
2 COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR STATEWIDE  
3 OFFICE OR STATE LEGISLATIVE OFFICE, INCLUDING WITHIN THE TERM COUNTY  
4 COMMITTEE ANY OF ITS SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF EACH SUCH  
5 CANDIDATE FOR STATEWIDE OFFICE OF SUCH PARTY WHO HAS AGREED TO ACCEPT  
6 PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED THE SUM OF TWO CENTS  
7 FOR EACH VOTER REGISTERED IN SUCH COUNTY AS DETERMINED BY THE RECORDS OF  
8 THE APPROPRIATE BOARD OF ELECTIONS AS OF THE PRECEDING GENERAL ELECTION.

9 4. IN COMPUTING THE AGGREGATE AMOUNT EXPENDED FOR PURPOSES OF THIS  
10 SECTION, EXPENDITURES MADE BY A STATE PARTY COMMITTEE OR A COUNTY  
11 COMMITTEE IN SUPPORT OF MORE THAN ONE CANDIDATE SHALL BE ALLOCATED AMONG  
12 SUCH CANDIDATES SUPPORTED BY THE COMMITTEE IN ACCORDANCE WITH FORMULAS  
13 PROMULGATED BY THE STATE BOARD OR, IN THE ABSENCE OF SUCH OFFICIAL  
14 FORMULAS, IN ACCORDANCE WITH A FORMULA BASED UPON REASONABLE STANDARDS.  
15 THE STATEMENTS FILED BY SUCH PARTY COMMITTEE IN ACCORDANCE WITH THIS  
16 CHAPTER SHALL SET FORTH, IN ADDITION TO THE OTHER INFORMATION REQUIRED,  
17 THE TOTAL AMOUNT EXPENDED BY THE PARTY COMMITTEE ON BEHALF OF ALL SUCH  
18 CANDIDATES AND THE AMOUNT ALLOCATED TO EACH CANDIDATE BY DOLLAR AMOUNT  
19 AND PERCENTAGE. EXPENDITURES BY A PARTY FOR ACTIVITIES WHICH DO NOT  
20 SUPPORT OR OPPOSE THE ELECTION OF ANY CANDIDATE OR CANDIDATES BY NAME OR  
21 BY CLEAR INFERENCE SHALL NOT BE REGARDED AS EXPENDITURES ON BEHALF OF OR  
22 IN OPPOSITION TO A CANDIDATE.

23 5. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC  
24 FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIB-  
25 UTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR  
26 THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF  
27 THE GENERAL ELECTION FOR THE OFFICE SOUGHT, EXCEPT THAT A PARTICIPATING  
28 CANDIDATE OR PARTICIPATING COMMITTEE WHICH HAS A DEFICIT ON THE DAY OF  
29 THE GENERAL ELECTION MAY, AFTER SUCH DATE, ACCEPT CONTRIBUTIONS WHICH DO  
30 NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAIS-  
31 ING SUCH CONTRIBUTIONS. CONTRIBUTIONS TO A PARTICIPATING CANDIDATE OR  
32 PARTICIPATING COMMITTEE WHICH WERE RECEIVED BEFORE JANUARY FIRST OF THE  
33 YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IS HELD FOR THE PUBLIC  
34 OFFICE SOUGHT OR, IN THE CASE OF A SPECIAL ELECTION RECEIVED MORE THAN  
35 SIX MONTHS BEFORE THE SPECIAL ELECTION, MAY NOT BE EXPENDED IN ANY  
36 ELECTION FOR ANY SUCH OFFICE.

37 6. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION,  
38 PARTICIPATING CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF THIS  
39 ARTICLE.

40 S 14-210. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS. THE FOLLOWING  
41 EXPENDITURE LIMITATIONS APPLY TO THE RECEIPT OF PUBLIC FUNDS BY PARTIC-  
42 IPATING CANDIDATES AND THEIR PARTICIPATING COMMITTEES RECEIVING SUCH  
43 PUBLIC FUNDS PURSUANT TO THE PROVISIONS OF THIS TITLE:

44 1. (A) IN ANY PRIMARY ELECTION, RECEIPT OF PUBLIC FUNDS BY PARTICIPAT-  
45 ING CANDIDATES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED:

46 (I) FOR GOVERNOR, THE SUM OF ONE DOLLAR AND TEN CENTS FOR EACH VOTER  
47 ENROLLED IN THE CANDIDATE'S PARTY IN THE STATE; PROVIDED, HOWEVER, SUCH  
48 SUM SHALL NOT BE LESS THAN NINE HUNDRED THOUSAND DOLLARS NOR MORE THAN  
49 NINE MILLION DOLLARS;

50 (II) FOR LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL, THE SUM  
51 OF ONE DOLLAR AND TEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S  
52 PARTY IN THE STATE; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN  
53 SIX HUNDRED THOUSAND DOLLARS NOR MORE THAN SIX MILLION DOLLARS;

54 (III) FOR SENATOR, THE SUM OF TWO DOLLARS AND FIFTY CENTS FOR EACH  
55 VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE SENATE DISTRICT;

PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN THIRTY-FIVE THOUSAND DOLLARS NOR MORE THAN THREE HUNDRED FIFTY THOUSAND DOLLARS;

(IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF TWO DOLLARS AND FIFTY CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE ASSEMBLY DISTRICT; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN FIFTEEN THOUSAND DOLLARS NOR MORE THAN ONE HUNDRED FIFTY THOUSAND DOLLARS;

(V) FOR AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION, THE SUM OF FIFTEEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE STATE; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN SEVENTY-FIVE THOUSAND DOLLARS NOR MORE THAN ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS;

(VI) FOR DISTRICT DELEGATES TO A CONSTITUTIONAL CONVENTION, THE SUM OF ONE DOLLAR AND TEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE DISTRICT; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN FIFTY THOUSAND DOLLARS;

(B) THE ENROLLMENT NUMBERS USED TO CALCULATE THE PUBLIC FUNDS RECEIPT LIMITS PROVIDED FOR IN THIS SUBDIVISION SHALL BE THE ENROLLMENTS DULY REPORTED BY THE APPROPRIATE BOARD OR BOARDS AS OF THE LAST GENERAL ELECTION PRECEDING THE PRIMARY ELECTION.

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

GOVERNOR AND LIEUTENANT GOVERNOR	\$12,000,000
(COMBINED)	
ATTORNEY GENERAL	\$8,000,000
COMPTROLLER	\$8,000,000
MEMBER OF SENATE	\$350,000
MEMBER OF ASSEMBLY	\$150,000
DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION	\$350,000
DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION	\$75,000

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

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

5. EXPENDITURES FOR LEGAL FEES AND REASONABLE EXPENSES TO DEFEND THE VALIDITY OF PETITIONS OF DESIGNATION OR NOMINATION OR CERTIFICATES OF NOMINATION, ACCEPTANCE, AUTHORIZATION, DECLINATION OR SUBSTITUTION, OR TO SUCCESSFULLY CHALLENGE ANY SUCH PETITION OR CERTIFICATE ON GROUNDS OF FRAUD, OR FOR EXPENSES INCURRED TO COMPLY WITH THE CAMPAIGN FINANCE REPORTING REQUIREMENTS OF THIS ARTICLE, SHALL NOT BE SUBJECT TO THE EXPENDITURE LIMITS OF THIS SUBDIVISION.

S 14-212. EXAMINATIONS AND AUDITS; REPAYMENTS. 1. THE ENFORCEMENT UNIT OF THE STATE BOARD SHALL CONDUCT A THOROUGH EXAMINATION AND AUDIT OF THE CONTRIBUTIONS AND QUALIFIED CAMPAIGN EXPENSES OF THE PARTICIPATING COMMITTEE OF EVERY PARTICIPATING CANDIDATE WHO RECEIVED PAYMENTS PURSUANT TO SECTION 14-206 OF THIS TITLE.

1 2. (A) IF THE STATE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT  
2 MADE TO A PARTICIPATING COMMITTEE FROM THE FUND WAS IN EXCESS OF THE  
3 AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS ENTI-  
4 TLED PURSUANT TO SECTION 14-206 OF THIS TITLE, IT SHALL NOTIFY SUCH  
5 COMMITTEE OF THE EXCESS AMOUNT AND SUCH COMMITTEE SHALL PAY TO THE STATE  
6 BOARD AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS.

7 (B) IF THE STATE BOARD DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO A  
8 PARTICIPATING COMMITTEE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN  
9 TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY SUCH PARTICIPAT-  
10 ING COMMITTEE OF THE AMOUNT DISQUALIFIED AND SUCH PARTICIPATING COMMIT-  
11 TEE SHALL PAY TO THE STATE BOARD AN AMOUNT EQUAL TO SUCH DISQUALIFIED  
12 AMOUNT.

13 (C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE FUND RECEIVED  
14 BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING  
15 COMMITTEE, EXCEEDS THE CAMPAIGN EXPENDITURES OF SUCH CANDIDATE AND  
16 COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS FUNDS TO  
17 REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM THE FUND  
18 NOT LATER THAN TEN DAYS AFTER ALL PERMISSIBLE LIABILITIES HAVE BEEN PAID  
19 AND IN ANY EVENT, NOT LATER THAN MARCH THIRTY-FIRST OF THE YEAR FOLLOW-  
20 ING THE YEAR OF THE ELECTION FOR WHICH SUCH PAYMENTS WERE INTENDED. NO  
21 SUCH EXCESS FUNDS SHALL BE USED FOR ANY OTHER PURPOSE.

22 3. IF A COURT OF COMPETENT JURISDICTION DISQUALIFIES A CANDIDATE WHOSE  
23 PARTICIPATING COMMITTEE HAS RECEIVED PUBLIC FUNDS ON THE GROUNDS THAT  
24 SUCH CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON  
25 THE BALLOT AND SUCH DECISION IS NOT REVERSED BY A HIGHER COURT, SUCH  
26 CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE SHALL PAY TO THE  
27 STATE BOARD AN AMOUNT EQUAL TO THE TOTAL OF PUBLIC FUNDS RECEIVED BY  
28 SUCH PARTICIPATING COMMITTEE.

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

35 5. ALL PAYMENTS RECEIVED BY THE STATE BOARD PURSUANT TO THIS SECTION  
36 SHALL BE DEPOSITED IN THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTAB-  
37 LISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

38 S 14-214. CIVIL PENALTIES. 1. ANY PERSON WHO FAILS TO FILE A STATEMENT  
39 OR RECORD REQUIRED TO BE FILED BY THIS TITLE OR THE RULES OR REGULATIONS  
40 OF THE STATE BOARD IN IMPLEMENTATION THEREOF SHALL BE SUBJECT TO A CIVIL  
41 PENALTY, NOT IN EXCESS OF FIVE THOUSAND DOLLARS, TO BE RECOVERABLE IN A  
42 SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE STATE BOARD.

43 2. ALL PAYMENTS RECEIVED BY THE STATE BOARD PURSUANT TO THIS SECTION  
44 SHALL BE DEPOSITED IN THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTAB-  
45 LISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

46 S 14-216. DEBATES. THE STATE BOARD SHALL PROMULGATE REGULATIONS TO  
47 FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTICIPATING CANDI-  
48 DATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE BEFORE THE  
49 PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENERAL ELECTION  
50 FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE PARTICIPATING  
51 CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDIDATE MAY BE A  
52 PARTY TO SUCH DEBATES.

53 S 11. The election law is amended by adding a new section 16-103 to  
54 read as follows:

55 S 16-103. PROCEEDINGS AS TO PUBLIC FINANCING. 1. THE DETERMINATION OF  
56 ELIGIBILITY PURSUANT TO SECTION 14-202 OF THIS CHAPTER AND ANY QUESTION

OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-206 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDIDATE.

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

3. UPON THE STATE BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVISION FOUR OF SECTION 14-212 OF THIS CHAPTER, THE STATE BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO THE STATE BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE PURSUANT TO TITLE II OF ARTICLE FOURTEEN OF THIS CHAPTER.

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

S 12. The election law is amended by adding a new section 4-115 to read as follows:

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

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

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

4. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHALL BE NOTIFIED OF A DECISION OF A COURT OF COMPETENT JURISDICTION DISQUALIFYING ANY SUCH CANDIDATE OR DECLARING ANY SUCH PETITION INVALID OR REVERSING ANY SUCH DECISION BY SUCH BOARD OF ELECTIONS OR ANOTHER COURT, SUCH BOARD OF ELECTIONS SHALL FORTHWITH NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH DECISION.

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

S 13. The state finance law is amended by adding a new section 92-t to read as follows:

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

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE NEW YORK STATE CAMPAIGN FINANCE FUND CHECK-OFF PURSUANT TO SUBSECTION (F) OF SECTION SIX HUNDRED FIFTY-EIGHT OF THE TAX LAW, FROM THE GENERAL FUND, AND FROM ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT TO TITLE II OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE PAID OUT OF THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE STATE BOARD OF ELECTIONS, OR ITS DULY DESIGNATED REPRESENTATIVE, IN THE MANNER PRESCRIBED BY LAW, NOT MORE THAN FOUR WORKING DAYS AFTER SUCH VOUCHER IS RECEIVED BY THE STATE COMPTROLLER.

4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF, IN ANY STATE FISCAL YEAR, THE STATE CAMPAIGN FINANCE FUND LACKS THE AMOUNT OF MONEY TO PAY ALL CLAIMS VOUCHERED BY ELIGIBLE CANDIDATES AND CERTIFIED OR APPROVED BY THE STATE BOARD OF ELECTIONS, ANY SUCH DEFICIENCY SHALL BE PAID, UPON AUDIT AND WARRANT OF THE STATE COMPTROLLER, FROM FUNDS DEPOSITED IN THE GENERAL FUND OF THE STATE NOT MORE THAN FOUR WORKING DAYS AFTER SUCH VOUCHER IS RECEIVED BY THE STATE COMPTROLLER.

5. COMMENCING IN TWO THOUSAND EIGHTEEN, IF THE SURPLUS IN THE FUND ON APRIL FIRST OF THE YEAR AFTER A YEAR IN WHICH A GOVERNOR IS ELECTED EXCEEDS TWENTY-FIVE PERCENT OF THE DISBURSEMENTS FROM THE FUND OVER THE PREVIOUS FOUR YEARS, THE EXCESS SHALL REVERT TO THE GENERAL FUND OF THE STATE.

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

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

8. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A SPECIAL ELECTION ANY EARLIER THAN THE DAY AFTER THE LAST DAY TO FILE CERTIFICATES OF PARTY NOMINATION FOR SUCH SPECIAL ELECTION.

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

S 14. Section 658 of the tax law is amended by adding a new subsection (f) to read as follows:

(F) NEW YORK STATE CAMPAIGN FINANCE FUND CHECK-OFF. (1) FOR EACH TAXABLE YEAR BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, EVERY INDIVIDUAL WHOSE NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR WHICH THE RETURN IS FILED IS FIVE DOLLARS OR MORE MAY DESIGNATE ON SUCH RETURN THAT FIVE DOLLARS BE PAID INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW. WHERE A HUSBAND AND WIFE FILE A JOINT RETURN AND HAVE A NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR WHICH THE RETURN IS FILED OF TEN DOLLARS OR MORE, OR FILE SEPARATE RETURNS ON A SINGLE FORM, EACH SUCH TAXPAYER MAY MAKE SEPARATE DESIG-

1 NATIONS ON SUCH RETURN OF FIVE DOLLARS TO BE PAID INTO THE NEW YORK  
2 STATE CAMPAIGN FINANCE FUND.

3 (2) THE COMMISSIONER SHALL TRANSFER TO THE NEW YORK STATE CAMPAIGN  
4 FINANCE FUND, ESTABLISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE  
5 FINANCE LAW, AN AMOUNT EQUAL TO FIVE DOLLARS MULTIPLIED BY THE NUMBER OF  
6 DESIGNATIONS.

7 (3) FOR PURPOSES OF THIS SUBSECTION, THE INCOME TAX LIABILITY OF AN  
8 INDIVIDUAL FOR ANY TAXABLE YEAR IS THE AMOUNT OF TAX IMPOSED UNDER THIS  
9 ARTICLE REDUCED BY THE SUM OF THE CREDITS (AS SHOWN IN HIS OR HER  
10 RETURN) ALLOWABLE UNDER THIS ARTICLE.

11 (4) THE DEPARTMENT SHALL INCLUDE A PLACE ON EVERY PERSONAL INCOME TAX  
12 RETURN FORM TO BE FILED BY AN INDIVIDUAL FOR A TAX YEAR BEGINNING ON OR  
13 AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, IMMEDIATELY ABOVE THE  
14 CERTIFICATION UNDER WHICH THE TAXPAYER IS REQUIRED TO SIGN SUCH FORM,  
15 FOR SUCH TAXPAYER TO MAKE THE DESIGNATIONS DESCRIBED IN PARAGRAPH ONE OF  
16 THIS SUBSECTION. SUCH RETURN FORM SHALL CONTAIN A CONCISE EXPLANATION OF  
17 THE PURPOSE OF SUCH OPTIONAL DESIGNATIONS.

18 S 15. Campaign finance review panel. 1. There is hereby created and  
19 established the "campaign finance review panel". The panel shall consist  
20 of the commissioner of taxation and finance, the director of the divi-  
21 sion of the budget, the state comptroller and the two members of the  
22 state board of elections who rotate as chairperson of the board. The  
23 commissioner of taxation and finance shall be chairperson.

24 2. The panel is empowered and it shall be its duty to monitor and  
25 review the implementation of the 2012 Campaign Finance Reform Act. The  
26 panel shall report to the governor and the legislature on March 31, 2014  
27 and on March 31, 2016 and on March 31 of every other year thereafter.  
28 The report shall include: (a) the number of candidates qualifying and  
29 opting for public financing, the amounts expended for this purpose in  
30 the preceding fiscal year and a projection of the number of candidates  
31 likely to qualify and opt for public financing and their expenditures in  
32 future elections; (b) an analysis of the effect of the 2012 Campaign  
33 Finance Reform Act on political campaigns, including its effect on the  
34 sources and amounts of private financing, the level of campaign expendi-  
35 tures, voter participation, the number of candidates and the candidate's  
36 ability to campaign effectively for public office; (c) a review of the  
37 procedures utilized in providing public funds to candidates; and (d)  
38 such recommended changes in the 2012 Campaign Finance Reform Act as it  
39 deems appropriate.

40 S 16. Subdivision 9 of section 14-100 of the election law is amended  
41 by adding a new paragraph 4 to read as follows:

42 (4) THE TERM "CONTRIBUTION" DOES NOT INCLUDE EXPENDITURES BY A BONA  
43 FIDE MEMBERSHIP ORGANIZATION IN SUPPORT OF THE FOLLOWING ACTIVITIES BY  
44 MEMBERS OF THE ORGANIZATION WHO ARE VOLUNTEERING THEIR TIME ON BEHALF OF  
45 A CANDIDATE, NOT TO EXCEED TWENTY-FIVE DOLLARS PER MEMBER WHO VOLUN-  
46 TEERS, FOR: TRANSPORTATION OF VOLUNTEERS TO AND FROM CAMPAIGN ACTIV-  
47 ITIES; COST OF FEEDING VOLUNTEERS WHILE VOLUNTEERING FOR THE CAMPAIGN;  
48 AND MATERIALS SUCH AS BADGES AND CLOTHING THAT IDENTIFIES THE NAME OF  
49 THE ORGANIZATION AND/OR CANDIDATE.

50 S 17. Paragraphs a and b of subdivision 1 of section 14-114 of the  
51 election law, as amended by chapter 659 of the laws of 1994, are amended  
52 to read as follows:

53 a. In any election for a public office to be voted on by the voters of  
54 the entire state, or for nomination to any such office, no contributor  
55 may make a contribution to any candidate or political committee, and no  
56 candidate or political committee may accept any contribution from any



1 contributor, which is in the aggregate amount greater than: (i) in the  
2 case of any nomination to public office, the product of the total number  
3 of enrolled voters in the candidate's party in the state, excluding  
4 voters in inactive status, multiplied by \$.005, but such amount shall be  
5 not [less] MORE than [four] TWO thousand dollars [nor more than twelve  
6 thousand dollars] as increased or decreased by the cost of living  
7 adjustment described in paragraph c of this subdivision, and (ii) in the  
8 case of any election to a public office, [twenty-five] TWO thousand  
9 dollars as increased or decreased by the cost of living adjustment  
10 described in paragraph c of this subdivision; provided however, that the  
11 maximum amount which may be so contributed or accepted, in the aggre-  
12 gate, from any candidate's child, parent, grandparent, brother and  
13 sister, and the spouse of any such persons, shall not exceed in the case  
14 of any nomination to public office an amount equivalent to the product  
15 of the number of enrolled voters in the candidate's party in the state,  
16 excluding voters in inactive status, multiplied by \$.025, and in the  
17 case of any election for a public office, an amount equivalent to the  
18 product of the number of registered voters in the state excluding voters  
19 in inactive status, multiplied by \$.025.

20 b. In any other election for party position or for election to a  
21 public office or for nomination for any such office, no contributor may  
22 make a contribution to any candidate or political committee and no  
23 candidate or political committee may accept any contribution from any  
24 contributor, which is in the aggregate amount greater than: (i) in the  
25 case of any election for party position, or for nomination to public  
26 office, the product of the total number of enrolled voters in the candi-  
27 date's party in the district in which he OR SHE is a candidate, exclud-  
28 ing voters in inactive status, multiplied by \$.05, and (ii) in the case  
29 of any election for a public office, the product of the total number of  
30 registered voters in the district, excluding voters in inactive status,  
31 multiplied by \$.05, however in the case of a nomination within the city  
32 of New York for the office of mayor, public advocate or comptroller,  
33 such amount shall be not [less] MORE than [four] TWO thousand dollars  
34 [nor more than twelve thousand dollars] as increased or decreased by the  
35 cost of living adjustment described in paragraph c of this subdivision;  
36 in the case of an election within the city of New York for the office of  
37 mayor, public advocate or comptroller, [twenty-five] TWO thousand  
38 dollars as increased or decreased by the cost of living adjustment  
39 described in paragraph c of this subdivision; in the case of a nomi-  
40 nation for state senator, [four] TWO thousand dollars as increased or  
41 decreased by the cost of living adjustment described in paragraph c of  
42 this subdivision; in the case of an election for state senator, [six]  
43 TWO thousand [two hundred fifty] dollars as increased or decreased by  
44 the cost of living adjustment described in paragraph c of this subdivi-  
45 sion; in the case of an election or nomination for a member of the  
46 assembly, [twenty-five hundred] TWO THOUSAND dollars as increased or  
47 decreased by the cost of living adjustment described in paragraph c of  
48 this subdivision; [but in no event shall any such maximum exceed fifty  
49 thousand dollars or be less than one thousand dollars;] provided howev-  
50 er, that the maximum amount which may be so contributed or accepted, in  
51 the aggregate, from any candidate's child, parent, grandparent, brother  
52 and sister, and the spouse of any such persons, shall not exceed in the  
53 case of any election for party position or nomination for public office  
54 an amount equivalent to the number of enrolled voters in the candidate's  
55 party in the district in which he OR SHE is a candidate, excluding  
56 voters in inactive status, multiplied by \$.25 and in the case of any

election to public office, an amount equivalent to the number of registered voters in the district, excluding voters in inactive status, multiplied by \$.25; or twelve hundred fifty dollars, whichever is greater, or in the case of a nomination or election of a state senator, twenty thousand dollars, whichever is greater, or in the case of a nomination or election of a member of the assembly, twelve thousand five hundred dollars, whichever is greater, but in no event shall any such maximum exceed one hundred thousand dollars.

S 18. Section 14-130 of the election law, as added by chapter 152 of the laws of 1985, is amended to read as follows:

S 14-130. Campaign funds for personal use. 1. Contributions received by a candidate or a political committee may ONLY be expended for [any lawful purpose. Such funds shall not be converted by any person to a personal use which is unrelated to a political campaign or the holding of a public office or party position] BONA FIDE PURPOSES DIRECTLY RELATED TO EITHER:

A. PROMOTING THE NOMINATION OR ELECTION OF A CANDIDATE; OR

B. PERFORMING THOSE DUTIES OF PUBLIC OFFICE OR PARTY POSITION WHICH ARE NOT PAID FOR OR ELIGIBLE FOR REIMBURSEMENT BY THE STATE OR ANY POLITICAL SUBDIVISION OR PRIVATE PARTY.

2. PERMISSIBLE ORDINARY AND NECESSARY EXPENSES RELATING TO THE HOLDING OF PUBLIC OFFICE OR PARTY POSITION SHALL INCLUDE:

A. PRODUCTION AND CIRCULATION OF FLYERS OR OTHER WRITTEN MATERIALS RELATED TO DUTIES OF OFFICEHOLDER; THE PLACEMENT OF HOLIDAY GREETINGS AND CONGRATULATORY ADS AND MEMORIAL NOTICES IN LOCAL NEWSPAPERS, MAGAZINES, JOURNALS OR OTHER PUBLICATION;

B. SPONSORSHIP OR HOSTING OF COMMUNITY MEETINGS; TICKETS OR DONATIONS TO LOCAL CHARITABLE, NON-PROFIT OR POLITICAL EVENTS, ORGANIZATIONS OR ACTIVITIES THAT PROMOTE THE WELFARE OF CONSTITUENTS OR POLITICAL CAMPAIGNS;

C. INCIDENTAL EXPENDITURES FOR THE OPERATION OF LEGISLATIVE OFFICES, INCLUDING PURCHASE OF ITEMS SUCH AS MEMORIAL OR GET-WELL GIFTS, FLOWERS OR SIMILAR ITEMS OF NOMINAL VALUE FOR CONSTITUENTS OR OTHERS;

D. MEMBERSHIP IN ORGANIZATIONS RELATED TO OFFICIAL DUTIES AND COSTS OF ATTENDING INFORMATIONAL MEETINGS ATTENDED IN CONNECTION WITH SUCH DUTIES; AND

E. TRAVEL RELATED TO DUTIES OF OFFICE, PROVIDED THAT THE TRAVEL IS NOT UNDERTAKEN FOR ANY PURPOSE RESULTING IN A PERSONAL OR FINANCIAL BENEFIT TO THE CANDIDATE OR OFFICEHOLDER. IF SUCH EXPENSES INVOLVE BOTH PERSONAL ACTIVITY AND CAMPAIGN OR OFFICIAL ACTIVITIES, THE INCREMENTAL EXPENSES ASSOCIATED WITH THE PERSONAL ACTIVITIES ARE PERSONAL USES UNLESS THE CAMPAIGN IS REIMBURSED FOR SUCH SUMS FROM OTHER THAN CAMPAIGN FUNDS WITHIN THIRTY DAYS OF THE EXPENDITURE.

NOTHING IN THIS SECTION SHALL PROHIBIT A CANDIDATE FROM PURCHASING OFFICE EQUIPMENT WITH PERSONAL FUNDS AND LEASING OR RENTING SUCH EQUIPMENT OR PROPERTY TO A COMMITTEE WORKING WITH OR FOR THE CANDIDATE, PROVIDED THE CANDIDATE OR THE CAMPAIGN TREASURER SIGN A WRITTEN LEASE OR RENTAL AGREEMENT AND FILES IT WITH THE APPROPRIATE REQUIRED CAMPAIGN FINANCIAL FILING WHICH SHALL INCLUDE THE LEASE OR RENTAL PRICE WHICH SHALL NOT EXCEED THE FAIR LEASE OR RENTAL VALUE OF THE EQUIPMENT OR IN THE AGGREGATE EXCEED THE COST OF ITS PURCHASE.

3. CAMPAIGN FUNDS SHALL NOT BE CONVERTED TO PERSONAL USE, WHICH SHALL BE DEFINED AS EXPENDITURES THAT:

A. ARE FOR THE PERSONAL BENEFIT OF OR TO DEFRAY NORMAL LIVING EXPENSES OF THE CANDIDATE, OFFICEHOLDER, IMMEDIATE FAMILY OR PARTNER OF EITHER OR ANY OTHER PERSON;

1 B. ARE USED TO FULFILL ANY COMMITMENT, OBLIGATION, OR EXPENSE THAT  
2 WOULD EXIST IRRESPECTIVE OF THE CANDIDATE'S CAMPAIGN OR DUTIES AS AN  
3 OFFICEHOLDER; OR

4 C. ARE PUT TO ANY USE FOR WHICH THE CANDIDATE OR OFFICEHOLDER WOULD BE  
5 REQUIRED TO TREAT THE AMOUNT OF THE EXPENDITURE AS GROSS INCOME UNDER  
6 SECTION 61 OF THE INTERNAL REVENUE CODE.

7 4. EXPENDITURES FOR PERSONAL USE SHALL ALSO INCLUDE, BUT ARE NOT  
8 LIMITED TO, EXPENDITURES FOR:

9 A. RESIDENTIAL OR HOUSEHOLD ITEMS, SUPPLIES, MAINTENANCE OR OTHER  
10 EXPENDITURES, INCLUDING MORTGAGE, RENT, UTILITIES, REPAIRS, OR IMPROVE-  
11 MENTS FOR ANY PART OF ANY PERSONAL RESIDENCE OF A CANDIDATE OR OFFICE-  
12 HOLDER, HIS OR HER IMMEDIATE FAMILY OR PARTNER;

13 B. RENT OR UTILITY PAYMENTS THAT EXCEED FAIR MARKET VALUE FOR USE OF  
14 ANY PART OF ANY NON-RESIDENTIAL PROPERTY OWNED BY A CANDIDATE, OR A  
15 MEMBER OF A CANDIDATE'S FAMILY OR PARTNER USED FOR CAMPAIGN PURPOSES;

16 C. SALARY AND OTHER FEES FOR BONA FIDE SERVICES TO A CAMPAIGN OR  
17 LEGISLATIVE OFFICE THAT EXCEED FAIR AND REASONABLE MARKET VALUE OF SUCH  
18 SERVICES;

19 D. INTEREST OR ANY OTHER FINANCE CHARGES FOR MONIES LOANED TO THE  
20 CAMPAIGN BY THE CANDIDATE OR THE SPOUSE OR PARTNER OF SUCH CANDIDATE;

21 E. TUITION PAYMENTS;

22 F. DUES, FEES, OR GRATUITIES AT PRIVATE CLUBS, RECREATIONAL FACILITIES  
23 OR OTHER NONPOLITICAL ORGANIZATIONS, UNLESS CONNECTED TO A SPECIFIC  
24 WIDELY ATTENDED FUNDRAISING EVENT THAT TAKES PLACE ON THE ORGANIZATION'S  
25 PREMISES;

26 G. AUTOMOBILE PURCHASES OR LONG TERM LEASES; SHORT TERM CAR RENTALS  
27 AND CELLULAR EQUIPMENT AND SERVICES NOT USED EXCLUSIVELY FOR CAMPAIGN  
28 PURPOSES OR DUTIES AS AN OFFICEHOLDER;

29 H. ADMISSION TO SPORTING EVENTS, CONCERTS, THEATERS, OR OTHER FORMS OF  
30 ENTERTAINMENT, UNLESS PART OF A SPECIFIC CAMPAIGN OR OFFICEHOLDER  
31 RELATED ACTIVITY; AND

32 I. PAYMENT OF ANY FINES, FEES, OR PENALTIES ASSESSED PURSUANT TO THIS  
33 CHAPTER.

34 5. NO CAMPAIGN FUNDS SHALL BE USED TO PAY ATTORNEY'S FEES OR ANY COSTS  
35 OF DEFENDING AGAINST ANY CIVIL OR CRIMINAL INVESTIGATION OR PROSECUTION  
36 FOR ALLEGED VIOLATIONS OF STATE OR FEDERAL LAW ALLEGED TO HAVE BEEN  
37 COMMITTED WHILE HOLDING PUBLIC OFFICE OR AS A CANDIDATE FOR OFFICE WHERE  
38 THE CANDIDATE OR PUBLIC OR PARTY OFFICIAL, MEMBERS OF THEIR IMMEDIATE  
39 FAMILIES OR PARTNERS OR THE CAMPAIGN IS THE TARGET OF SUCH INVESTIGATION  
40 OR PROSECUTION UNLESS SUCH EXPENDITURE IS USED EXCLUSIVELY FOR COSTS  
41 RELATED TO CIVIL OR CRIMINAL ACTIONS FOR ALLEGED VIOLATIONS RELATED TO  
42 ACTIVITIES PROMOTING THE NOMINATION OR ELECTION OF A CANDIDATE.

43 S 19. The election law is amended by adding a new section 14-132 to  
44 read as follows:

45 S 14-132. DISPOSITION OF CAMPAIGN FUNDS. 1. AN AUTHORIZED CONTINUING  
46 CANDIDATE COMMITTEE MUST DISPOSE OF ALL FUNDS AND CLOSE WITHIN TWO YEARS  
47 AFTER THE LATER OF (A) THE END OF THE INDIVIDUAL'S MOST RECENT TERM OF  
48 OFFICE, OR (B) THE DATE OF THE ELECTION IN WHICH THE INDIVIDUAL LAST WAS  
49 A FILED CANDIDATE.

50 2. ANY CANDIDATE OR POLITICAL COMMITTEE REQUIRED TO DISPOSE OF FUNDS  
51 PURSUANT TO THIS SECTION SHALL, AT THE OPTION OF THE CANDIDATE, OR THE  
52 TREASURER OF A POLITICAL COMMITTEE FORMED SOLELY TO PROMOTE THE PASSAGE  
53 OR DEFEAT OF A BALLOT PROPOSAL, DISPOSE OF SUCH FUNDS BY ANY OF THE  
54 FOLLOWING MEANS, OR ANY COMBINATION THEREOF:

55 A. RETURNING, PRO RATA, TO EACH CONTRIBUTOR THE FUNDS THAT HAVE NOT  
56 BEEN SPENT OR OBLIGATED;

1 B. DONATING THE FUNDS TO A CHARITABLE ORGANIZATION OR ORGANIZATIONS  
2 THAT MEET THE QUALIFICATIONS OF SECTION 501(C)(3) OF THE INTERNAL REVEN-  
3 UE CODE;

4 C. DONATING THE FUNDS TO THE STATE UNIVERSITY;

5 D. DONATING THE FUNDS TO THE STATE'S GENERAL FUND;

6 E. TRANSFERRING THE FUNDS TO A POLITICAL PARTY COMMITTEE REGISTERED  
7 WITH THE STATE BOARD OF ELECTIONS; OR

8 F. CONTRIBUTING THE FUNDS TO A CANDIDATE OR POLITICAL COMMITTEE SUCH  
9 THAT THIS DOES NOT EXCEED THE LIMITS SET FORTH IN SECTION 14-114 OF THIS  
10 TITLE.

11 3. NO CANDIDATE OR POLITICAL COMMITTEE SHALL DISPOSE OF CAMPAIGN FUNDS  
12 BY MAKING EXPENDITURES FOR PERSONAL USE AS DEFINED IN SECTION 14-130 OF  
13 THIS TITLE.

14 4. UPON THE DEATH OF A CANDIDATE, FORMER CANDIDATE OR HOLDER OF ELEC-  
15 TIVE OFFICE, WHO RECEIVED CAMPAIGN CONTRIBUTIONS, ALL CONTRIBUTIONS  
16 SHALL BE DISPOSED OF ACCORDING TO THIS SECTION WITHIN TWELVE MONTHS OF  
17 THE DEATH OF THE CANDIDATE.

18 S 20. Subdivision 1 of section 14-102 of the election law, as amended  
19 by chapter 8 and redesignated by chapter 9 of the laws of 1978, is  
20 amended to read as follows:

21 1. The treasurer of every political committee which, or any officer,  
22 member or agent of any such committee who, in connection with any  
23 election, receives or expends any money or other valuable thing or  
24 incurs any liability to pay money or its equivalent shall file state-  
25 ments sworn, or subscribed and bearing a form notice that false state-  
26 ments made therein are punishable as a class A misdemeanor pursuant to  
27 section 210.45 of the penal law, at the times prescribed by this [arti-  
28 cle] TITLE setting forth all the receipts, contributions to and the  
29 expenditures by and liabilities of the committee, and of its officers,  
30 members and agents in its behalf. Such statements shall include the  
31 dollar amount of any receipt, contribution or transfer, or the fair  
32 market value of any receipt, contribution or transfer, which is other  
33 than of money, the name and address of the transferor, contributor,  
34 INTERMEDIARY, or person from whom received, IF THE CONTRIBUTOR IS A  
35 LOBBYIST REGISTERED PURSUANT TO ARTICLE ONE-A OF THE LEGISLATIVE LAW and  
36 if the transferor, contributor, INTERMEDIARY, or person is a political  
37 committee; the name of and the political unit represented by the commit-  
38 tee, the date of its receipt, the dollar amount of every expenditure,  
39 the name and address of the person to whom it was made or the name of  
40 and the political unit represented by the committee to which it was made  
41 and the date thereof, and shall state clearly the purpose of such  
42 expenditure. AN INTERMEDIARY NEED NOT BE REPORTED FOR A CONTRIBUTION  
43 THAT WAS COLLECTED FROM A CONTRIBUTOR IN CONNECTION WITH A PARTY OR  
44 OTHER CANDIDATE-RELATED EVENT HELD AT THE RESIDENCE OF THE PERSON DELIV-  
45 ERING THE CONTRIBUTION, UNLESS THE EXPENSES OF SUCH EVENT AT SUCH RESI-  
46 DENCE FOR SUCH CANDIDATE EXCEED FIVE HUNDRED DOLLARS OR THE AGGREGATE  
47 CONTRIBUTIONS RECEIVED FROM THAT CONTRIBUTOR AT SUCH EVENT EXCEED FIVE  
48 HUNDRED DOLLARS. Any statement reporting a loan shall have attached to  
49 it a copy of the evidence of indebtedness. Expenditures in sums under  
50 fifty dollars need not be specifically accounted for by separate items  
51 in said statements, and receipts and contributions aggregating not more  
52 than ninety-nine dollars, from any one contributor need not be specif-  
53 ically accounted for by separate items in said statements, provided  
54 however, that such expenditures, receipts and contributions shall be  
55 subject to the other provisions of section 14-118 of this [article]  
56 TITLE.

1 S 21. Subdivision 3 of section 3-100 of the election law, as amended  
2 by chapter 220 of the laws of 2005, is amended to read as follows:

3 3. The commissioners of the state board of elections shall have no  
4 other public employment. The commissioners shall receive an annual sala-  
5 ry of twenty-five thousand dollars, within the amounts made available  
6 therefor by appropriation. The board shall, for the purposes of sections  
7 seventy-three and seventy-four of the public officers law, be a "state  
8 agency", and such commissioners shall be "officers" of the state board  
9 of elections for the purposes of such sections. Within the amounts made  
10 available by appropriation therefor, the state board of elections shall  
11 appoint two co-executive directors, [counsel] AN ENFORCEMENT COUNSEL, A  
12 DEPUTY ENFORCEMENT COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR  
13 POLITICAL PARTY THAN THE ENFORCEMENT COUNSEL, A SPECIAL COUNSEL, A DEPU-  
14 TY SPECIAL COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL  
15 PARTY THAN THE SPECIAL COUNSEL, A DIRECTOR OF ELECTION OPERATIONS, A  
16 DEPUTY DIRECTOR OF ELECTION OPERATIONS, WHO SHALL BE A MEMBER OF A  
17 DIFFERENT MAJOR POLITICAL PARTY THAN THE DIRECTOR OF ELECTION OPER-  
18 ATIONS, A DIRECTOR OF PUBLIC INFORMATION, A DEPUTY DIRECTOR OF PUBLIC  
19 INFORMATION, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY  
20 THAN THE DIRECTOR OF PUBLIC INFORMATION and such other staff members as  
21 are necessary in the exercise of its functions, and may fix their  
22 compensation. [Anytime after the effective date of the chapter of the  
23 laws of two thousand five which amended this subdivision, the] THE  
24 commissioners or, in the case of a vacancy on the board, the commission-  
25 er of each of the major political parties shall appoint one co-executive  
26 director. Each co-executive director shall serve a term of four years.  
27 THE ENFORCEMENT COUNSEL AND THE SPECIAL COUNSEL SHALL EACH SERVE A TERM  
28 OF FOUR YEARS AND MAY ONLY BE REMOVED FOR CAUSE. ANY TIME AFTER THE  
29 EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN  
30 AMENDING THIS SUBDIVISION, THE COMMISSIONERS, OR IN THE CASE OF A VACAN-  
31 CY ON THE BOARD, THE COMMISSIONER, OF EACH OF THE SAME MAJOR POLITICAL  
32 PARTY AS THE INCUMBENT ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT COUNSEL,  
33 SPECIAL COUNSEL, DEPUTY SPECIAL COUNSEL, DIRECTOR OF ELECTION OPER-  
34 ATIONS, DEPUTY DIRECTOR OF ELECTION OPERATIONS, DIRECTOR OF PUBLIC  
35 INFORMATION AND DEPUTY DIRECTOR OF PUBLIC INFORMATION, SHALL APPOINT  
36 SUCH COUNSELS, DIRECTORS AND DEPUTIES. Any vacancy in the office of  
37 co-executive director, ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT COUNSEL,  
38 SPECIAL COUNSEL, DEPUTY SPECIAL COUNSEL, DIRECTOR OF ELECTION OPER-  
39 ATIONS, DEPUTY DIRECTOR OF ELECTION OPERATIONS, DIRECTOR OF PUBLIC  
40 INFORMATION AND DEPUTY DIRECTOR OF PUBLIC INFORMATION, shall be filled  
41 by the commissioners or, in the case of a vacancy on the board, the  
42 commissioner of the same major political party as the vacating incumbent  
43 for the remaining period of the term of such vacating incumbent, FOR THE  
44 REMAINING PERIOD OF THE TERM OF SUCH VACATING INCUMBENT.

45 S 22. Subdivision 3, paragraph (c) of subdivision 9-A and subdivision  
46 17 of section 3-102 of the election law, subdivisions 3 and 17 as  
47 amended by chapter 9 of the laws of 1978, paragraph (c) of subdivision  
48 9-A as added by chapter 430 of the laws of 1997 and subdivision 17 as  
49 renumbered by chapter 23 of the laws of 2005, are amended to read as  
50 follows:

51 3. conduct any investigation necessary to carry out the provisions of  
52 this chapter, PROVIDED, HOWEVER, THAT THE STATE BOARD OF ELECTIONS  
53 ENFORCEMENT COUNSEL, ESTABLISHED PURSUANT TO SECTION 3-104 OF THIS ARTI-  
54 CLE, SHALL CONDUCT ANY INVESTIGATION NECESSARY TO ENFORCE THE PROVISIONS  
55 OF ARTICLE FOURTEEN OF THIS CHAPTER ON BEHALF OF THE BOARD OF ELECTIONS;

1 (c) establish [a] AN EDUCATIONAL AND training program on ALL REPORTING  
2 REQUIREMENTS INCLUDING BUT NOT LIMITED TO the electronic reporting proc-  
3 ess and make it EASILY AND READILY available to any such candidate or  
4 committee AND NOTIFY ANY SUCH CANDIDATE OR COMMITTEE OF THE AVAILABILITY  
5 OF THE MOST RECENT CAMPAIGN FINANCE HANDBOOK;

6 17. HEAR AND CONSIDER THE RECOMMENDATIONS OF THE STATE BOARD OF  
7 ELECTIONS ENFORCEMENT COUNSEL REGARDING THE ENFORCEMENT OF VIOLATIONS OF  
8 ARTICLE FOURTEEN OF THIS CHAPTER;

9 18. perform such other acts as may be necessary to carry out the  
10 purposes of this chapter.

11 S 23. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as  
12 redesignated and subdivision 2 as amended by chapter 9 of the laws of  
13 1978, is amended to read as follows:

14 S 3-104. State board of elections AND THE STATE BOARD OF ELECTIONS  
15 ENFORCEMENT COUNSEL; enforcement powers. 1. (A) THERE SHALL BE A UNIT  
16 KNOWN AS THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT ESTABLISHED WITH-  
17 IN THE STATE BOARD OF ELECTIONS. THE HEAD OF SUCH UNIT SHALL BE THE  
18 ENFORCEMENT COUNSEL.

19 (B) The state board of elections shall have jurisdiction of, and be  
20 responsible for, the execution and enforcement of the provisions of  
21 [article fourteen of this chapter and other] statutes governing  
22 campaigns, elections and related procedures; PROVIDED HOWEVER THAT THE  
23 ENFORCEMENT COUNSEL SHALL HAVE SOLE AUTHORITY WITHIN THE STATE BOARD OF  
24 ELECTIONS TO INVESTIGATE ON HIS OR HER OWN INITIATIVE OR UPON COMPLAINT,  
25 ALLEGED VIOLATIONS OF ARTICLE FOURTEEN OF THIS CHAPTER AND ALL  
26 COMPLAINTS ALLEGING ARTICLE FOURTEEN VIOLATIONS SHALL BE FORWARDED TO  
27 THE ENFORCEMENT UNIT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO  
28 DIMINISH OR ALTER THE STATE BOARD OF ELECTIONS' JURISDICTION PURSUANT TO  
29 THIS CHAPTER.

30 2. Whenever [the state board of elections or other] A LOCAL board of  
31 elections shall determine, on its own initiative or upon complaint, or  
32 otherwise, that there is substantial reason to believe a violation of  
33 this chapter or any code or regulation promulgated thereunder has  
34 [occurred] BEEN COMMITTED BY A CANDIDATE OR POLITICAL COMMITTEE THAT  
35 FILES STATEMENTS OR IS REQUIRED TO DO SO PURSUANT TO ARTICLE FOURTEEN OF  
36 THIS CHAPTER SOLELY WITH SUCH LOCAL BOARD, it shall expeditiously make  
37 an investigation which shall also include investigation of reports and  
38 statements made or failed to be made by the complainant and any poli-  
39 tical committee supporting his candidacy if the complainant is a candi-  
40 date or, if the complaint was made by an officer or member of a poli-  
41 tical committee, of reports and statements made or failed to be made by  
42 such political committee and any candidates supported by it. [The state  
43 board of elections, in lieu of making such an investigation, may direct  
44 the appropriate board of elections to make an investigation.] The state  
45 board of elections may request, and shall receive, the assistance of the  
46 state police in any investigation it shall conduct.

47 3. [If, after an investigation, the state or other board of elections  
48 finds reasonable cause to believe that a violation warranting criminal  
49 prosecution has taken place, it shall forthwith refer the matter to the  
50 district attorney of the appropriate county and shall make available to  
51 such district attorney all relevant papers, documents, testimony and  
52 findings relevant to its investigation.

53 4. The state or other board of elections may, where appropriate,  
54 commence a judicial proceeding with respect to the filing or failure to  
55 file any statement of receipts, expenditures, or contributions, under  
56 the provisions of this chapter, and the state board of elections may

1 direct the appropriate other board of elections to commence such  
2 proceeding.

3 5.] IF THE ENFORCEMENT COUNSEL DETERMINES THAT A VIOLATION OF SUBDI-  
4 VISION ONE OF SECTION 14-126 OF THIS CHAPTER HAS OCCURRED WHICH COULD  
5 WARRANT A CIVIL PENALTY, THE ENFORCEMENT COUNSEL SHALL, UPON HIS OR HER  
6 DISCRETION, SEEK TO RESOLVE THE MATTER EXTRA-JUDICIALLY OR COMMENCE A  
7 SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTION 16-114 OF  
8 THIS CHAPTER.

9 4. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION OR AN INTER-  
10 NAL REFERRAL FROM THE ENFORCEMENT UNIT ALLEGING ANY OTHER VIOLATION OF  
11 ARTICLE FOURTEEN OF THIS CHAPTER, THE ENFORCEMENT COUNSEL SHALL ANALYZE  
12 THE FACTS AND THE LAW RELEVANT TO SUCH COMPLAINT OR REFERRAL TO DETER-  
13 MINE IF AN INVESTIGATION SHOULD BE UNDERTAKEN. THE ENFORCEMENT COUNSEL  
14 SHALL, IF NECESSARY, REQUEST ADDITIONAL INFORMATION FROM THE COMPLAINANT  
15 TO ASSIST SUCH COUNSEL IN MAKING THIS DETERMINATION. SUCH ANALYSIS SHALL  
16 INCLUDE THE FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD  
17 CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND, SECOND,  
18 WHETHER THE ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

19 5. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS  
20 CONTAINED IN A COMPLAINT, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF  
21 ARTICLE FOURTEEN OF THIS CHAPTER OR THAT THE ALLEGATIONS ARE NOT  
22 SUPPORTED BY CREDIBLE EVIDENCE, HE OR SHE SHALL: (A) NOTIFY THE DEPUTY  
23 ENFORCEMENT COUNSEL OF SUCH DETERMINATION AND (B) PUBLICLY NOTIFY THE  
24 STATE BOARD OF ELECTIONS OF SUCH DETERMINATION. IF THE STATE BOARD OF  
25 ELECTIONS PUBLICLY DETERMINES, AS PROVIDED IN THIS TITLE, THAT THE ALLE-  
26 GATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF  
27 THIS CHAPTER AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE  
28 EVIDENCE, IT SHALL DIRECT THAT THE ENFORCEMENT COUNSEL CONDUCT AN INVES-  
29 TIGATION. LACKING SUCH A DETERMINATION, THE ENFORCEMENT COUNSEL SHALL  
30 ISSUE A LETTER TO THE COMPLAINANT DISMISSING THE COMPLAINT.

31 6. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF  
32 TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER  
33 AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE EVIDENCE, HE  
34 OR SHE SHALL: (A) NOTIFY THE DEPUTY ENFORCEMENT COUNSEL OF (I) HIS OR  
35 HER INTENT TO RESOLVE THE MATTER EXTRA-JUDICIALLY DUE TO THE DE MINIMIS  
36 NATURE OF THE VIOLATION; OR (II) HIS OR HER INTENT TO COMMENCE AN INVES-  
37 TIGATION, AND (B) PUBLICLY NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH  
38 INTENT NO LATER THAN THE BOARD'S NEXT REGULARLY SCHEDULED MEETING.  
39 NOTIFICATION SHALL SUMMARIZE THE RELEVANT FACTS AND THE APPLICABLE LAW  
40 AND SHALL, TO THE EXTENT POSSIBLE, PROTECT FROM PUBLIC DISCLOSURE THE  
41 IDENTITY OF THE COMPLAINANT AND THE INDIVIDUAL SUBJECT TO THE COMPLAINT.  
42 THE DEPUTY ENFORCEMENT COUNSEL SHALL HAVE THE OPPORTUNITY TO REVIEW THE  
43 ENTIRE FILE OF ANY PRELIMINARY INVESTIGATION CONDUCTED BY THE ENFORCE-  
44 MENT COUNSEL A MINIMUM OF TEN DAYS PRIOR TO SAID REGULARLY SCHEDULED  
45 MEETING OF THE BOARD AND TO SUBMIT A PUBLIC, WRITTEN CONCURRENCE WITH OR  
46 DISSENT FROM THE ENFORCEMENT COUNSEL'S PROPOSAL.

47 7. IF, UPON CONSIDERING THE ENFORCEMENT COUNSEL'S NOTICE OF INTENT TO  
48 COMMENCE AN INVESTIGATION AND THE DEPUTY ENFORCEMENT COUNSEL'S RECOMMEN-  
49 DATION, THE STATE BOARD OF ELECTIONS BELIEVES THAT THE ALLEGATIONS, IF  
50 TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAP-  
51 TER, OR THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE EVIDENCE OR, THAT  
52 ON BALANCE, THE EQUITIES FAVOR A DISMISSAL OF THE COMPLAINT, THE BOARD  
53 SHALL PUBLICLY DIRECT THAT AN INVESTIGATION NOT BE UNDERTAKEN NO LATER  
54 THAN SIXTY DAYS AFTER THE RECEIPT OF NOTIFICATION FROM THE ENFORCEMENT  
55 COUNSEL OF HIS OR HER INTENT TO COMMENCE AN INVESTIGATION. IN DETERMIN-  
56 ING WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE COMPLAINT, THE STATE

1 BOARD OF ELECTIONS SHALL CONSIDER THE FOLLOWING FACTORS: (A) WHETHER THE  
2 COMPLAINT ALLEGES A DE MINIMIS VIOLATION OF ARTICLE FOURTEEN OF THIS  
3 CHAPTER; (B) WHETHER THE SUBJECT OF THE COMPLAINT HAS MADE A GOOD FAITH  
4 EFFORT TO CORRECT THE VIOLATION; AND (C) WHETHER THE SUBJECT OF THE  
5 COMPLAINT HAS A HISTORY OF SIMILAR VIOLATIONS. DETERMINATIONS OF THE  
6 STATE BOARD OF ELECTIONS TO DISMISS A COMPLAINT AND NOT PROCEED WITH A  
7 FORMAL INVESTIGATION SHALL BE VOTED UPON AS PROVIDED IN SUBDIVISION FOUR  
8 OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING PURSUANT TO ARTICLE  
9 SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE ON A FAIR AND EQUI-  
10 TABLE BASIS AND WITHOUT REGARD TO THE STATUS OF THE SUBJECT OF THE  
11 COMPLAINT.

12 8. ABSENT A TIMELY DETERMINATION BY THE STATE BOARD OF ELECTIONS THAT  
13 AN INVESTIGATION SHALL NOT BE UNDERTAKEN, THE ENFORCEMENT COUNSEL SHALL  
14 COMMENCE AN INVESTIGATION ON A TIMELY BASIS. IF THE ENFORCEMENT COUNSEL  
15 DETERMINES THAT ADDITIONAL INVESTIGATIVE POWERS, AS PROVIDED FOR IN  
16 SUBDIVISIONS FOUR, FIVE AND SIX OF SECTION 3-102 OF THIS TITLE, ARE  
17 NEEDED TO COMPLETE THE COUNSEL'S INVESTIGATION, HE OR SHE SHALL REQUEST  
18 SUCH ADDITIONAL POWERS FROM THE STATE BOARD OF ELECTIONS. SUCH POWERS  
19 SHALL BE GRANTED BY THE BOARD IN PUBLIC ONLY WHEN THE BOARD FINDS THAT  
20 FURTHER INVESTIGATION IS WARRANTED AND JUSTIFIED.

21 9. AT THE CONCLUSION OF ITS INVESTIGATION, THE ENFORCEMENT COUNSEL  
22 SHALL PROVIDE THE DEPUTY ENFORCEMENT COUNSEL AND THE STATE BOARD OF  
23 ELECTIONS WITH A WRITTEN RECOMMENDATION AS TO: (A) WHETHER SUBSTANTIAL  
24 REASON EXISTS TO BELIEVE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER  
25 HAS OCCURRED AND, IF SO, THE NATURE OF THE VIOLATION AND ANY APPLICABLE  
26 PENALTY, AS DEFINED IN SECTION 14-126 OF THIS CHAPTER, BASED ON THE  
27 NATURE OF THE VIOLATION; (B) WHETHER THE MATTER SHOULD BE RESOLVED  
28 EXTRA-JUDICIALLY; (C) WHETHER A SPECIAL PROCEEDING SHOULD BE COMMENCED  
29 IN THE SUPREME COURT TO RECOVER A CIVIL PENALTY; AND (D) WHETHER A  
30 REFERRAL SHOULD BE MADE TO A DISTRICT ATTORNEY PURSUANT TO SUBDIVISION  
31 ELEVEN OF THIS SECTION BECAUSE REASONABLE CAUSE EXISTS TO BELIEVE A  
32 VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE. THE DEPUTY  
33 ENFORCEMENT COUNSEL SHALL HAVE THE OPPORTUNITY TO REVIEW THE ENTIRE FILE  
34 OF ANY INVESTIGATION CONDUCTED BY THE ENFORCEMENT COUNSEL A MINIMUM OF  
35 TEN DAYS PRIOR TO SAID REGULARLY SCHEDULED MEETING OF THE BOARD AND TO  
36 SUBMIT A PUBLIC, WRITTEN CONCURRENCE WITH OR DISSENT FROM THE ENFORCE-  
37 MENT COUNSEL'S RECOMMENDATION.

38 10. THE STATE BOARD OF ELECTIONS SHALL ACCEPT, MODIFY OR REJECT THE  
39 ENFORCEMENT COUNSEL'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER  
40 RECEIPT OF SUCH RECOMMENDATION. IN MAKING ITS DETERMINATION, THE BOARD  
41 SHALL AGAIN CONSIDER: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMIS  
42 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT  
43 OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION;  
44 AND (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR  
45 VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE VOTED UPON AS PROVIDED IN  
46 SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING  
47 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE  
48 ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE STATUS OF THE  
49 SUBJECT OF THE COMPLAINT.

50 11. (A) IF THE STATE BOARD OF ELECTIONS DETERMINES, AS PROVIDED IN  
51 SUBDIVISION TEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO  
52 BELIEVE THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLI-  
53 TICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH  
54 LAW, HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION  
55 LIMITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, WHICH COULD  
56 WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION



1 14-126 OF THIS CHAPTER, THE BOARD SHALL DIRECT THE COMMENCEMENT OF A  
2 SPECIAL PROCEEDING IN THE SUPREME COURT.

3 (B) IF THE STATE BOARD OF ELECTIONS DETERMINES, AS PROVIDED IN SUBDI-  
4 VISION TEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A  
5 VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE, THE BOARD  
6 SHALL REFER THE MATTER TO A DISTRICT ATTORNEY AND SHALL MAKE AVAILABLE  
7 TO SUCH DISTRICT ATTORNEY ALL PAPERS, DOCUMENTS, TESTIMONY AND FINDINGS  
8 RELEVANT TO ITS INVESTIGATION.

9 12. UPON NOTIFICATION THAT A SPECIAL PROCEEDING HAS BEEN COMMENCED BY  
10 A PARTY OTHER THAN THE STATE BOARD OF ELECTIONS, PURSUANT TO SECTION  
11 16-114 OF THIS CHAPTER, THE STATE BOARD OF ELECTIONS SHALL DIRECT THE  
12 ENFORCEMENT COUNSEL TO INVESTIGATE THE ALLEGED VIOLATIONS UNLESS OTHER-  
13 WISE DIRECTED BY THE COURT.

14 13. THE ENFORCEMENT COUNSEL SHALL PREPARE A REPORT, TO BE INCLUDED IN  
15 THE ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE, SUMMARIZING THE  
16 ACTIVITIES OF THE UNIT DURING THE PREVIOUS YEAR. SUCH REPORT SHALL  
17 INCLUDE: (A) THE NUMBER OF COMPLAINTS RECEIVED; (B) THE NUMBER OF  
18 COMPLAINTS THAT WERE FOUND TO NEED INVESTIGATION AND THE NATURE OF EACH  
19 COMPLAINT; AND (C) THE NUMBER OF MATTERS THAT HAVE BEEN RESOLVED. THE  
20 REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH DISCLOSURE IS NOT  
21 PERMITTED.

22 14. The state board of elections may promulgate rules and regulations  
23 consistent with law to effectuate the provisions of this section.

24 S 24. The state of New York shall appropriate during each fiscal year  
25 to the New York state board of elections enforcement unit, not less than  
26 thirty-five percent of the appropriation available from the general fund  
27 for the state board of elections to pay for the expenses of such  
28 enforcement unit. The enforcement counsel shall have independent author-  
29 ity over said appropriation including the power to hire necessary staff.

30 S 25. Severability. If any clause, sentence, subdivision, paragraph,  
31 section or part of title II of article 14 of the election law, as added  
32 by section ten of this act be adjudged by any court of competent juris-  
33 diction to be invalid, such judgment shall not affect, impair or invali-  
34 date the remainder thereof, but shall be confined in its operation to  
35 the clause, sentence, subdivision, paragraph, section or part thereof  
36 directly involved in the controversy in which such judgment shall have  
37 been rendered.

38 S 26. This act shall take effect immediately; provided, however, all  
39 state candidates and constitutional convention delegates will be eligi-  
40 ble to participate in the public financing system beginning with the  
41 2017 election and state legislature candidates will be eligible to  
42 participate in the public financing system beginning with the 2019  
43 election.