

4705--A

2013-2014 Regular Sessions

I N S E N A T E

April 18, 2013

Introduced by Sens. STEWART-COUSINS, GIANARIS, ADAMS, ADDABBO, AVELLA, BRESLIN, DILAN, ESPAILLAT, GIPSON, HOYLMAN, KENNEDY, KRUEGER, LATIMER, PERALTA, PERKINS, RIVERA, SERRANO, SQUADRON, STAVISKY, TKACZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to enacting the "2013 Fair Elections Act"; to amend the election law, the state finance law and the tax law, in relation to providing for optional partial public financing of certain election campaigns in this state; and to amend the general business law, in relation to additional surcharges

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "2013 Fair Elections Act".
3 S 2. Legislative findings and declarations. The legislature declares
4 that is in the public interest to create and ensure a truly democratic
5 political system in which citizens, irrespective of their income,
6 status, or financial connections, are enabled and encouraged to compete
7 for public office. The legislature further declares that large and
8 unregulated independent expenditures deliberately distort issues and
9 facts thereby giving their financial backers undue influence in
10 elections. Therefore, the legislature finds it necessary to establish a
11 system of public financing for all qualified candidates for state elec-
12 tive offices and constitutional convention delegates. The legislature
13 further finds that a new system of public financing would be best admin-
14 istered by a new "fair elections board" empowered with effective over-
15 sight and enforcement capabilities dedicated to working with and assist-
16 ing candidates excel in the public financing system.
17 S 3. Subdivision 3, paragraph (c) of subdivision 9-A and subdivision
18 17 of section 3-102 of the election law, subdivisions 3 and 17 as

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

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1 amended by chapter 9 of the laws of 1978, paragraph (c) of subdivision
2 9-A as added by chapter 430 of the laws of 1997 and subdivision 17 as
3 renumbered by chapter 23 of the laws of 2005, are amended to read as
4 follows:

5 3. conduct any investigation necessary to carry out the provisions of
6 this chapter PROVIDED HOWEVER, THAT THE FAIR ELECTIONS BOARD ENFORCEMENT
7 COUNSEL, ESTABLISHED PURSUANT TO SUBDIVISION SIX OF SECTION 14-216 OF
8 THIS CHAPTER, AS IT MAY DEEM NECESSARY, AFTER THE FAIR ELECTIONS BOARD
9 HAS CONSIDERED THE MATTER OR MATTERS IN QUESTION; SHALL CONDUCT ANY
10 INVESTIGATION NECESSARY TO ENFORCE THE PROVISIONS OF ARTICLE FOURTEEN OF
11 THIS CHAPTER ON BEHALF OF THE BOARD OF ELECTIONS.

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

17 17. HEAR AND CONSIDER THE RECOMMENDATIONS OF THE FAIR ELECTIONS BOARD
18 ENFORCEMENT COUNSEL REGARDING THE ENFORCEMENT OF VIOLATIONS OF ARTICLE
19 FOURTEEN OF THIS CHAPTER, AS IT MAY DEEM NECESSARY, AFTER THE FAIR
20 ELECTIONS BOARD HAS CONSIDERED THE MATTER OR MATTERS IN QUESTION;

21 18. THE STATE BOARD OF ELECTIONS SHALL, AS IT MAY DEEM NECESSARY,
22 ACCEPT, MODIFY OR REJECT ANY ACTION OR ACTIONS TAKEN BY THE FAIR
23 ELECTIONS BOARD PURSUANT TO SUCH FAIR ELECTIONS BOARD'S AUTHORITY UNDER
24 SUBDIVISION FOURTEEN OF SECTION 3-104 AND SECTIONS 3-111 AND 14-216 OF
25 THIS CHAPTER.

26 19. perform such other acts as may be necessary to carry out the
27 purposes of this chapter.

28 S 4. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as
29 redesignated and subdivision 2 as amended by chapter 9 of the laws of
30 1978, is amended to read as follows:

31 S 3-104. State board of elections AND THE FAIR ELECTIONS BOARD
32 ENFORCEMENT COUNSEL; enforcement powers. 1. (A) THERE SHALL BE A UNIT
33 KNOWN AS THE FAIR ELECTIONS ENFORCEMENT UNIT ESTABLISHED WITHIN THE FAIR
34 ELECTIONS BOARD. THE HEAD OF SUCH UNIT SHALL BE THE ENFORCEMENT COUN-
35 SEL.

36 (B) The state board of elections shall have jurisdiction of, and be
37 responsible for, the execution and enforcement of the provisions of
38 [article fourteen of this chapter and other] statutes governing
39 campaigns, elections and related procedures; PROVIDED HOWEVER THAT THE
40 ENFORCEMENT COUNSEL SHALL HAVE SOLE AUTHORITY WITHIN THE STATE BOARD OF
41 ELECTIONS TO INVESTIGATE ON HIS OR HER OWN INITIATIVE OR UPON COMPLAINT,
42 ALLEGED VIOLATIONS OF ARTICLE FOURTEEN OF THIS CHAPTER AND ALL
43 COMPLAINTS ALLEGING ARTICLE FOURTEEN VIOLATIONS SHALL BE FORWARDED TO
44 THE ENFORCEMENT UNIT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
45 DIMINISH OR ALTER THE STATE BOARD OF ELECTIONS' JURISDICTION PURSUANT TO
46 THIS CHAPTER.

47 2. (A) Whenever [the state board of elections or other] A LOCAL board
48 of elections shall determine, on its own initiative or upon complaint,
49 or otherwise, that there is substantial reason to believe a violation of
50 this chapter or any code or regulation promulgated thereunder has
51 [occurred] BEEN COMMITTED BY A CANDIDATE OR POLITICAL COMMITTEE THAT
52 FILES STATEMENTS REQUIRED BY ARTICLE FOURTEEN OF THIS CHAPTER SOLELY
53 WITH SUCH LOCAL BOARD, it shall expeditiously make an investigation
54 which shall also include investigation of reports and statements made or
55 failed to be made by the complainant and any political committee
56 supporting his OR HER candidacy if the complainant is a candidate or, if

1 the complaint was made by an officer or member of a political committee,
2 of reports and statements made or failed to be made by such political
3 committee and any candidates supported by it. [The state board of
4 elections, in lieu of making such an investigation, may direct the
5 appropriate board of elections to make an investigation.]

6 (B) The state board of elections AND THE FAIR ELECTIONS BOARD may
7 request, and shall receive, the assistance of the state police in any
8 investigation it shall conduct.

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

15 4. The state or other board of elections may, where appropriate,
16 commence a judicial proceeding with respect to the filing or failure to
17 file any statement of receipts, expenditures, or contributions, under
18 the provisions of this chapter, and the state board of elections may
19 direct the appropriate other board of elections to commence such
20 proceeding.

21 5.] 3. IF THE ENFORCEMENT COUNSEL DETERMINES THAT A VIOLATION OF
22 SUBDIVISION ONE OF SECTION 14-126 OR SUBDIVISION ONE OF SECTION 14-220
23 OF THIS CHAPTER HAS OCCURRED WHICH COULD WARRANT A CIVIL PENALTY, THE
24 ENFORCEMENT COUNSEL SHALL, UPON HIS OR HER DISCRETION, SEEK TO RESOLVE
25 THE MATTER EXTRA-JUDICIALLY OR COMMENCE A SPECIAL PROCEEDING IN THE
26 SUPREME COURT PURSUANT TO SECTION 16-114 OF THIS CHAPTER.

27 4. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION ALLEGING
28 ANY OTHER VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, THE ENFORCEMENT
29 COUNSEL SHALL ANALYZE THE COMPLAINT TO DETERMINE IF AN INVESTIGATION
30 SHOULD BE UNDERTAKEN. THE ENFORCEMENT COUNSEL SHALL, IF NECESSARY,
31 REQUEST ADDITIONAL INFORMATION FROM THE COMPLAINANT TO ASSIST SUCH COUN-
32 SEL IN MAKING THIS DETERMINATION. SUCH ANALYSIS SHALL INCLUDE THE
33 FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A
34 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND, SECOND, WHETHER THE
35 ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

36 5. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF
37 TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAP-
38 TER OR THAT THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE EVIDENCE, HE
39 OR SHE SHALL ISSUE A LETTER TO THE COMPLAINANT DISMISSING THE COMPLAINT.

40 6. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF
41 TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER
42 AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE EVIDENCE, HE
43 OR SHE SHALL NOTIFY THE FAIR ELECTIONS BOARD OF (A) HIS OR HER INTENT TO
44 RESOLVE THE MATTER EXTRA-JUDICIALLY DUE TO THE DE MINIMUS NATURE OF THE
45 VIOLATION; OR (B) HIS OR HER INTENT TO COMMENCE AN INVESTIGATION, NO
46 LATER THAN THE FAIR ELECTIONS BOARD'S NEXT REGULARLY SCHEDULED MEETING.
47 NOTIFICATION SHALL SUMMARIZE THE RELEVANT FACTS AND THE APPLICABLE LAW
48 AND SHALL, TO THE EXTENT POSSIBLE, PROTECT FROM PUBLIC DISCLOSURE THE
49 IDENTITY OF THE COMPLAINANT AND THE INDIVIDUAL SUBJECT TO THE COMPLAINT.

50 7. IF, UPON CONSIDERING THE ENFORCEMENT COUNSEL'S NOTICE OF INTENT TO
51 COMMENCE AN INVESTIGATION, THE FAIR ELECTIONS BOARD BELIEVES THAT THE
52 ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOUR-
53 TEEN OF THIS CHAPTER, OR THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE
54 EVIDENCE OR, THAT ON BALANCE, THE EQUITIES FAVOR A DISMISSAL OF THE
55 COMPLAINT, THE BOARD SHALL PUBLICLY DIRECT THAT AN INVESTIGATION NOT BE
56 UNDERTAKEN NO LATER THAN SIXTY DAYS AFTER THE RECEIPT OF NOTIFICATION

1 FROM THE ENFORCEMENT COUNSEL OF HIS OR HER INTENT TO COMMENCE AN INVE-
2 TIGATION. IN DETERMINING WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE
3 COMPLAINT, THE FAIR ELECTIONS BOARD SHALL CONSIDER THE FOLLOWING
4 FACTORS: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF
5 ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT OF THE
6 COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION; AND (C)
7 WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR
8 VIOLATIONS. DETERMINATIONS OF THE FAIR ELECTIONS BOARD TO DISMISS A
9 COMPLAINT AND NOT PROCEED WITH A FORMAL INVESTIGATION SHALL BE VOTED
10 UPON AS PROVIDED IN SUBDIVISION TWELVE OF SECTION 14-216 OF THIS CHAPTER
11 AT AN OPEN MEETING PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW,
12 AND SHALL BE MADE ON A FAIR AND EQUITABLE BASIS AND WITHOUT REGARD TO
13 THE STATUS OF THE SUBJECT OF THE COMPLAINT.

14 8. ABSENT A TIMELY DETERMINATION BY THE FAIR ELECTIONS BOARD THAT AN
15 INVESTIGATION SHALL NOT BE UNDERTAKEN, THE ENFORCEMENT COUNSEL SHALL
16 COMMENCE AN INVESTIGATION ON A TIMELY BASIS. IF THE ENFORCEMENT COUNSEL
17 DETERMINES THAT ADDITIONAL INVESTIGATIVE POWERS, AS PROVIDED FOR IN
18 SUBDIVISIONS FOUR, FIVE AND SIX OF SECTION 3-102 OF THIS TITLE, ARE
19 NEEDED TO COMPLETE THE COUNSEL'S INVESTIGATION, HE OR SHE SHALL REQUEST,
20 UPON APPROVAL OF THE FAIR ELECTIONS BOARD, SUCH ADDITIONAL POWERS FROM
21 THE STATE BOARD OF ELECTIONS. SUCH POWERS SHALL BE GRANTED BY THE BOARD
22 IN PUBLIC, AS PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS
23 TITLE, ONLY WHEN THE BOARD FINDS THAT FURTHER INVESTIGATION IS WARRANTED
24 AND JUSTIFIED.

25 9. AT THE CONCLUSION OF ITS INVESTIGATION, THE ENFORCEMENT COUNSEL
26 SHALL PROVIDE THE FAIR ELECTIONS BOARD WITH A WRITTEN RECOMMENDATION AS
27 TO: (A) WHETHER SUBSTANTIAL REASON EXISTS TO BELIEVE A VIOLATION OF
28 ARTICLE FOURTEEN OF THIS CHAPTER HAS OCCURRED AND, IF SO, THE NATURE OF
29 THE VIOLATION AND ANY APPLICABLE PENALTY, AS DEFINED IN SECTION 14-126,
30 14-220 OR 14-222 OF THIS CHAPTER, BASED ON THE NATURE OF THE VIOLATION;
31 (B) WHETHER THE MATTER SHOULD BE RESOLVED EXTRA-JUDICIALLY; (C) WHETHER
32 A SPECIAL PROCEEDING SHOULD BE COMMENCED IN THE SUPREME COURT TO RECOVER
33 A CIVIL PENALTY; AND (D) WHETHER A REFERRAL SHOULD BE MADE TO A DISTRICT
34 ATTORNEY OR THE ATTORNEY GENERAL PURSUANT TO SUBDIVISION ELEVEN OF THIS
35 SECTION BECAUSE REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION WARRANT-
36 ING CRIMINAL PROSECUTION HAS TAKEN PLACE.

37 10. THE FAIR ELECTIONS BOARD SHALL ACCEPT, MODIFY OR REJECT THE
38 ENFORCEMENT COUNSEL'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER
39 RECEIPT OF SUCH RECOMMENDATION. IN MAKING ITS DETERMINATION, THE BOARD
40 SHALL AGAIN CONSIDER: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS
41 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT
42 OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION;
43 AND (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR
44 VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE VOTED UPON AS PROVIDED IN
45 SUBDIVISION TWELVE OF SECTION 14-216 OF THIS CHAPTER AT AN OPEN MEETING
46 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE
47 ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE STATUS OF THE
48 SUBJECT OF THE COMPLAINT.

49 11. (A) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDI-
50 VISION TEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO BELIEVE
51 THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL
52 COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW,
53 HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIM-
54 ITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, WHICH COULD
55 WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION
56 14-126 OR SUBDIVISION TWO OF SECTION 14-222 OF THIS CHAPTER, THE BOARD

1 SHALL DIRECT THE COMMENCEMENT OF A SPECIAL PROCEEDING IN THE SUPREME
2 COURT PURSUANT TO SECTION 16-122 OF THIS CHAPTER.

3 (B) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDIVISION
4 TEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION
5 OF TITLE ONE OF ARTICLE FOURTEEN OF THIS CHAPTER WARRANTING CRIMINAL
6 PROSECUTION HAS TAKEN PLACE, THE BOARD SHALL REFER THE MATTER TO A
7 DISTRICT ATTORNEY AND SHALL MAKE AVAILABLE TO SUCH DISTRICT ATTORNEY ALL
8 PAPERS, DOCUMENTS, TESTIMONY AND FINDINGS RELEVANT TO ITS INVESTIGATION.
9 WHERE REASONABLE CAUSE EXISTS TO BELIEVE THAT A CANDIDATE FOR THE OFFICE
10 OF ATTORNEY GENERAL HAS VIOLATED TITLE TWO OF ARTICLE FOURTEEN OF THIS
11 CHAPTER, THE BOARD SHALL REFER THE MATTER TO THE DISTRICT ATTORNEY OF
12 THE APPROPRIATE COUNTY.

13 (C) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDIVISION
14 TEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION
15 OF TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER, WARRANTING CRIMINAL
16 PROSECUTION HAS TAKEN PLACE, THE BOARD SHALL, EXCEPT AS PROVIDED IN
17 PARAGRAPH (B) OF THIS SUBDIVISION, REFER THE MATTER TO THE ATTORNEY
18 GENERAL AND SHALL MAKE AVAILABLE TO THE SAME ALL PAPERS, DOCUMENTS,
19 TESTIMONY AND FINDINGS RELEVANT TO ITS INVESTIGATION.

20 12. UPON NOTIFICATION THAT A SPECIAL PROCEEDING HAS BEEN COMMENCED BY
21 A PARTY OTHER THAN THE FAIR ELECTIONS BOARD, PURSUANT TO SECTION 16-114
22 OF THIS CHAPTER, THE FAIR ELECTIONS BOARD SHALL DIRECT THE ENFORCEMENT
23 COUNSEL TO INVESTIGATE THE ALLEGED VIOLATIONS UNLESS OTHERWISE DIRECTED
24 BY THE COURT.

25 13. THE ENFORCEMENT COUNSEL SHALL PREPARE A REPORT, TO BE INCLUDED IN
26 THE ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE, SUMMARIZING THE
27 ACTIVITIES OF THE UNIT DURING THE PREVIOUS YEAR. SUCH REPORT SHALL
28 INCLUDE: (I) THE NUMBER OF COMPLAINTS RECEIVED; (II) THE NUMBER OF
29 COMPLAINTS THAT WERE FOUND TO NEED INVESTIGATION AND THE NATURE OF EACH
30 COMPLAINT; AND (III) THE NUMBER OF MATTERS THAT HAVE BEEN RESOLVED. THE
31 REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH DISCLOSURE IS NOT
32 PERMITTED.

33 14. THE FAIR ELECTIONS BOARD MAY PROMULGATE RULES AND REGULATIONS
34 CONSISTENT WITH LAW TO EFFECTUATE THE PROVISIONS OF THIS SECTION.

35 S 5. The state of New York shall appropriate during each fiscal year
36 to the New York state fair elections board enforcement unit, not less
37 than thirty-five percent of the appropriation available from the general
38 fund for the state board of elections to pay for the expenses of such
39 enforcement unit. Notwithstanding section fifty-one of the state
40 finance law, such funding shall not be decreased by interchange with any
41 other appropriation.

42 S 6. The election law is amended by adding a new section 3-111 to read
43 as follows:

44 S 3-111. PERSONAL USE OF CAMPAIGN FUNDS. UPON WRITTEN REQUEST FROM ANY
45 PERSON WHO IS SUBJECT TO THE REQUIREMENTS OF SECTION 14-130 OF THIS
46 CHAPTER, THE FAIR ELECTIONS BOARD SHALL RENDER FORMAL OPINIONS ON THE
47 REQUIREMENTS OF SAID PROVISION. AN OPINION RENDERED BY THE BOARD, UNTIL
48 AND UNLESS AMENDED OR REVOKED, SHALL BE BINDING ON THE BOARD IN ANY
49 SUBSEQUENT PROCEEDING CONCERNING THE PERSON WHO REQUESTED THE OPINION
50 AND WHO ACTED IN GOOD FAITH, UNLESS MATERIAL FACTS WERE OMITTED OR
51 MISSTATED BY THE PERSON IN THE REQUEST FOR AN OPINION. SUCH OPINION MAY
52 ALSO BE RELIED UPON BY SUCH PERSON, AND MAY BE INTRODUCED AND SHALL BE
53 DEFENSE IN ANY CRIMINAL OR CIVIL ACTION. SUCH REQUEST SHALL BE CONFIDEN-
54 TIAL, BUT THE BOARD SHALL PUBLISH SUCH OPINIONS PROVIDED THAT THE NAME
55 OF THE REQUESTING PERSON AND OTHER IDENTIFYING DETAILS SHALL NOT BE
56 INCLUDED IN THE PUBLICATION.

1 S 7. Subdivision 9 of section 14-100 of the election law is amended by
2 adding two new paragraphs 4 and 5 to read as follows:

3 (4) THE TERM "CONTRIBUTION" DOES NOT INCLUDE EXPENDITURES BY A BONA
4 FIDE MEMBERSHIP ORGANIZATION IN SUPPORT OF THE FOLLOWING ACTIVITIES BY
5 MEMBERS OF THE ORGANIZATION WHO ARE VOLUNTEERING THEIR TIME ON BEHALF OF
6 A CANDIDATE, NOT TO EXCEED TWENTY-FIVE DOLLARS PER MEMBER PER CANDIDATE
7 WHO VOLUNTEERS FOR: TRANSPORTATION OF VOLUNTEERS TO AND FROM CAMPAIGN
8 ACTIVITIES; COST OF FEEDING VOLUNTEERS WHILE VOLUNTEERING FOR THE
9 CAMPAIGN; AND MATERIALS SUCH AS BADGES AND CLOTHING THAT IDENTIFIES THE
10 NAME OF THE ORGANIZATION AND/OR CANDIDATE.

11 (5) EXPENDITURES FOR COMMUNICATIONS TO MEMBERS OR SHAREHOLDERS OF AN
12 ORGANIZATION FOR THE PURPOSE OF SUPPORTING OR OPPOSING A CANDIDATE OR A
13 BALLOT MEASURE ARE NOT CONTRIBUTIONS OR EXPENDITURES, PROVIDED THOSE
14 EXPENDITURES ARE NOT MADE TO A GENERAL PUBLIC AUDIENCE.

15 S 8. Section 14-100 of the election law is amended by adding five new
16 subdivisions 12, 13, 14, 15 and 16 to read as follows:

17 12. "EXPRESS ADVOCACY" MEANS A COMMUNICATION:

18 (1) THAT CONTAINS EXPRESS WORDS SUCH AS VOTE, OPPOSE, SUPPORT, ELECT,
19 DEFEAT, OR REJECT, WHICH CALL FOR THE ELECTION OR DEFEAT OF A CANDIDATE,
20 OR

21 (2) WHEN TAKEN AS A WHOLE WITH LIMITED REFERENCE TO EXTERNAL EVENTS,
22 SUCH AS THE PROXIMITY TO THE ELECTION, COULD ONLY BE INTERPRETED BY A
23 REASONABLE PERSON AS CONTAINING ADVOCACY OF THE ELECTION OR DEFEAT OF
24 ONE OR MORE CLEARLY IDENTIFIED CANDIDATES BECAUSE:

25 (A) THE ELECTORAL PORTION OF THE COMMUNICATION IS UNMISTAKABLE, UNAM-
26 BIGUOUS, AND SUGGESTIVE OF ONLY ONE MEANING; AND

27 (B) REASONABLE MINDS COULD NOT DIFFER AS TO WHETHER IT ENCOURAGES
28 ACTIONS TO ELECT OR DEFEAT ONE OR MORE CLEARLY IDENTIFIED CANDIDATES OR
29 ENCOURAGES SOME OTHER KIND OF ACTION.

30 13. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

31 (A) THE NAME OF THE CANDIDATE INVOLVED APPEARS;

32 (B) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR

33 (C) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFER-
34 ENCE.

35 14. "GENERAL PUBLIC AUDIENCE" MEANS AN AUDIENCE COMPOSED OF MEMBERS OF
36 THE PUBLIC, INCLUDING A TARGETED SUBGROUP OF MEMBERS OF THE PUBLIC;
37 PROVIDED, HOWEVER, IT DOES NOT MEAN AN AUDIENCE SOLELY COMPRISED OF
38 MEMBERS, RETIREES AND STAFF OF A LABOR ORGANIZATION OR THEIR IMMEDIATE
39 FAMILY MEMBERS OR AN AUDIENCE SOLELY COMPRISED OF SHAREHOLDERS AND EXEC-
40 UTIVES OF A BUSINESS ENTITY.

41 15. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH
42 EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES
43 EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR
44 EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR
45 CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDI-
46 TIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCI-
47 DENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE,
48 EACH LOCAL, STATEWIDE, NATIONAL AND INTERNATIONAL LABOR ORGANIZATION AND
49 EACH NATIONAL, STATE, AREA AND LABOR CENTRAL LABOR BODY RECEIVING DUES
50 FROM AFFILIATED LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE
51 LABOR ORGANIZATION.

52 16. "INTERMEDIARY" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP,
53 POLITICAL COMMITTEE, LABOR ORGANIZATION, OR OTHER ENTITY WHICH, OTHER
54 THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY, OR MESSEN-
55 GER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR ENTITY TO
56 A CANDIDATE OR AN AUTHORIZED COMMITTEE.

1 "INTERMEDIARY" SHALL NOT INCLUDE SPOUSES, PARENTS, CHILDREN, OR
2 SIBLINGS OF THE PERSON MAKING SUCH CONTRIBUTION.

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

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

40 S 10. The election law is amended by adding a new section 14-107 to
41 read as follows:

42 S 14-107. INDEPENDENT EXPENDITURE REPORTING. 1. FOR PURPOSES OF THIS
43 ARTICLE:

44 (A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE IN SUPPORT OR
45 OPPOSITION OF A CANDIDATE: FOR AN AUDIO OR VIDEO COMMUNICATION TO A
46 GENERAL PUBLIC AUDIENCE VIA BROADCAST, CABLE OR SATELLITE OR A WRITTEN
47 COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA ADVERTISEMENTS,
48 PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS OR OTHER PRINTED
49 MATTER AND COMMUNICATIONS CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A
50 GENERAL PUBLIC AUDIENCE BY PHONE, COMPUTER OR OTHER ELECTRONIC DEVICES
51 THAT:

52 (I) EXPRESSLY ADVOCATES FOR THE ELECTION OR DEFEAT OF A CLEARLY IDEN-
53 TIFIED CANDIDATE; AND

54 (II) THAT THE CANDIDATE OR HIS OR HER AGENTS OR AUTHORIZED POLITICAL
55 COMMITTEE OR COMMITTEES DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR
56 COOPERATE WITH IN ANY WAY.

1 (B) "INDEPENDENT SPENDER" MEANS AN INDIVIDUAL OR ENTITY THAT MAKES AN
2 INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION.

3 (C) "ELECTIONEERING COMMUNICATION" MEANS:

4 (I) AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA
5 BROADCAST, CABLE OR SATELLITE, OR A COMMUNICATION MADE BY PAID ADVERTIS-
6 ING THAT IS PUBLISHED ON THE INTERNET OR IN A NEWSPAPER OR PERIODICAL
7 DISTRIBUTED TO A GENERAL PUBLIC AUDIENCE, OR A COMMUNICATION TO FIVE
8 HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY PHONE, COMPUTER
9 OR OTHER ELECTRONIC DEVICES,

10 (II) WHICH IS BROADCAST OR PUBLISHED WITHIN SIXTY DAYS OF A GENERAL
11 ELECTION OR THIRTY DAYS OF A PRIMARY ELECTION,

12 (III) WHICH REFERS TO A CLEARLY IDENTIFIED CANDIDATE OR BALLOT
13 PROPOSAL, AND

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

18 (D) INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS DO NOT
19 INCLUDE:

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

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

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

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

30 2. WHENEVER ANY PERSON MAKES AN INDEPENDENT EXPENDITURE OR ELECTIO-
31 NEERING COMMUNICATION THAT COSTS MORE THAN ONE THOUSAND DOLLARS IN THE
32 AGGREGATE, SUCH COMMUNICATION SHALL CLEARLY STATE THE NAME OF THE PERSON
33 WHO PAID FOR, OR OTHERWISE PUBLISHED OR DISTRIBUTED, THE COMMUNICATION
34 AND STATE, WITH RESPECT TO COMMUNICATIONS REGARDING CANDIDATES, THAT THE
35 COMMUNICATION IS NOT AUTHORIZED BY ANY CANDIDATE, ANY CANDIDATE'S POLI-
36 TICAL COMMITTEE OR ANY OF ITS AGENTS. A KNOWING AND WILLFUL VIOLATION OF
37 THE PROVISIONS OF THIS SUBDIVISION SHALL SUBJECT THE PERSON TO A CIVIL
38 PENALTY EQUAL TO ONE THOUSAND DOLLARS OR THE COST OF THE COMMUNICATION,
39 WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY
40 THE FAIR ELECTIONS BOARD.

41 3. (A) ANY PERSON WHICH MAKES INDEPENDENT EXPENDITURES OR ELECTIONEER-
42 ING COMMUNICATIONS THAT COST MORE THAN ONE THOUSAND DOLLARS IN THE
43 AGGREGATE SHALL REPORT SUCH INDEPENDENT EXPENDITURES OR ELECTIONEERING
44 COMMUNICATIONS TO THE STATE BOARD OF ELECTIONS ON STATEMENTS AS PROVIDED
45 FOR IN SECTION 14-108 OF THIS TITLE.

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

51 4. EACH SUCH STATEMENT SHALL INCLUDE:

52 (A) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOY-
53 ER OF THE PERSON MAKING THE STATEMENT;

54 (B) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOY-
55 ER OF THE PERSON MAKING THE INDEPENDENT EXPENDITURE OR ELECTIONEERING
56 COMMUNICATION;

(C) IF THE INDEPENDENT SPENDER MAKES INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS USING EXCLUSIVELY FUNDS IN A SEGREGATED BANK ACCOUNT CONSISTING OF FUNDS THAT WERE PAID DIRECTLY TO SUCH ACCOUNT BY PERSONS OTHER THAN THE INDEPENDENT SPENDER THAT CONTROLS THE ACCOUNT, FOR EACH SUCH PAYMENT TO THE ACCOUNT:

(I) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOYER OF EACH PERSON WHO MADE SUCH PAYMENT DURING THE PERIOD COVERED BY THE STATEMENT;

(II) THE DATE AND AMOUNT OF SUCH PAYMENT; AND

(III) THE AGGREGATE AMOUNT OF ALL SUCH PAYMENTS MADE BY THE PERSON AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT; BUT ONLY IF SUCH PAYMENT WAS MADE BY A PERSON WHO MADE PAYMENTS TO THE ACCOUNT IN AN AGGREGATE AMOUNT OF ONE THOUSAND DOLLARS OR MORE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT.

(D) IF THE INDEPENDENT SPENDER MAKES INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS USING FUNDS OTHER THAN FUNDS IN A SEGREGATED BANK ACCOUNT DESCRIBED IN PARAGRAPH (E) OF THIS SUBDIVISION, FOR EACH PAYMENT TO THE INDEPENDENT SPENDER:

(I) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOYER OF EACH PERSON WHO MADE SUCH PAYMENT DURING THE PERIOD COVERED BY THE STATEMENT;

(II) THE DATE AND AMOUNT OF SUCH PAYMENT; AND

(III) THE AGGREGATE AMOUNT OF ALL SUCH PAYMENTS MADE BY THE PERSON AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT; BUT ONLY IF SUCH PAYMENT WAS MADE BY A PERSON WHO MADE PAYMENTS TO THE INDEPENDENT SPENDER IN AN AGGREGATE AMOUNT OF ONE THOUSAND DOLLARS OR MORE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT.

(E) 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

(F) 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 INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS 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 FROM OTHER ENTITIES SINCE THE FIRST DAY OF THE CALENDAR YEAR PRECEDING THE YEAR OF THE ELECTION; AND

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

(B) EACH CONTRIBUTION SHALL BE DISCLOSED IN THE REPORTING PERIOD IN WHICH IT WAS RECEIVED. FOR EACH CONTRIBUTION, 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; AND

(III) THE DATE OF RECEIPT AND AMOUNT OF EACH SUCH CONTRIBUTIONS.

(C) EXEMPTION FOR EARMARKED CONTRIBUTIONS. CONTRIBUTIONS THAT ARE EARMARKED 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 BOARD TO VERIFY THEIR QUALIFICATIONS 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 FAIR ELECTIONS BOARD SHALL PROMULGATE REGULATIONS WITH RESPECT TO THE STATEMENTS REQUIRED TO BE FILED BY THIS SECTION AND SHALL PROVIDE FORMS SUITABLE FOR SUCH STATEMENTS.

S 11. Section 14-110 of the election law, as amended by chapter 46 of the laws of 1984, is amended to read as follows:

S 14-110. Place for filing statements. The places for filing the statements required by this article shall be determined by rule or regulation of the state board of elections; provided, however, that the statements of a candidate for election to the office of governor, lieutenant governor, attorney general, comptroller, member of the legislature, delegate to a constitutional convention, justice of the supreme court or for nomination for any such office at a primary election and of any committee aiding or taking part in the designation, nomination, election or defeat of candidates for one or more of such offices or promoting the success or defeat of a question to be voted on by the voters of the entire state shall be filed with the state board of elections and in such other places as the state board of elections may, by rule or regulation provide. UPON FILING, THE STATE BOARD OF ELECTIONS SHALL MAKE ALL STATEMENTS FILED THEREWITH READILY AVAILABLE AND ACCESSIBLE TO THE FAIR ELECTIONS BOARD.

S 12. Section 14-112 of the election law, as amended by chapter 930 of the laws of 1981, is amended to read as follows:

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

S 13. Sections 14-100, 14-102, 14-104, 14-106, 14-107, 14-108, 14-110, 14-112, 14-114, 14-116, 14-118, 14-120, 14-122, 14-124, 14-126, 14-127, 14-128 and 14-130 of the election law are designated title 1 and a new title heading is added to read as follows:

RECEIPTS AND EXPENDITURES; GENERAL

S 14. 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. APPLICABILITY OF TITLE.

14-202. DEFINITIONS.

14-204. REPORTING REQUIREMENTS.

14-206. ELIGIBILITY.

14-208. QUALIFIED CAMPAIGN EXPENDITURES.

14-210. OPTIONAL PUBLIC FINANCING.

14-212. CONTRIBUTION AND RECEIPT LIMITATIONS.

14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS.

14-216. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES.

14-218. EXAMINATIONS AND AUDITS.

14-220. CIVIL ENFORCEMENT.

14-222. CRIMINAL PENALTIES.

14-224. REPORTS.

14-226. DEBATES.

14-228. DISTRIBUTIONS FROM FAIR ELECTIONS FUND.

S 14-200. APPLICABILITY OF TITLE. THIS TITLE SHALL ONLY APPLY TO THOSE CANDIDATES WHO ELECT TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM.

S 14-202. DEFINITIONS. AS USED IN THIS TITLE, UNLESS ANOTHER MEANING IS CLEARLY INDICATED:

1. THE TERM "BOARD" OR "FAIR ELECTIONS BOARD" MEANS THE BOARD CREATED BY SECTION 14-216 OF THIS TITLE TO ADMINISTER THE FAIR ELECTIONS FUND.

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 AUTHORIZED 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 "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR ANY OFFICE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING UNDER THIS TITLE FOR A COVERED ELECTION WHO FAILS TO FILE A STATEMENT IN THE FORM OF AN AFFIDAVIT PURSUANT TO SECTION 14-210 OF THIS TITLE.

6. 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 TWO HUNDRED FIFTY DOLLARS, WHICH HAVE BEEN REPORTED IN FULL BY THE CANDIDATE'S PARTICIPATING COMMITTEE TO THE FAIR ELECTIONS 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:

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

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

3 (C) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR OR OTHER-
4 WISE INDUCED BY A CHANCE TO PARTICIPATE IN A RAFFLE, LOTTERY, OR SIMILAR
5 DRAWING FOR VALUABLE PRIZES;

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

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

9 (F) CONTRIBUTIONS FROM INDIVIDUAL VENDORS TO WHOM THE PARTICIPATING
10 CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE MAKES AN EXPENDITURE, IN
11 FURTHERANCE OF THE NOMINATION FOR ELECTION OR ELECTION COVERED BY THE
12 CANDIDATE'S CERTIFICATION, UNLESS SUCH EXPENDITURE IS REIMBURSING AN
13 ADVANCE.

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

16 8. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE FAIR ELECTIONS FUND
17 CREATED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

18 9. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL
19 MATCHABLE CONTRIBUTIONS THAT THE PARTICIPATING COMMITTEE OF AN OTHERWISE
20 ELIGIBLE CANDIDATE MUST RECEIVE, AS REQUIRED BY SECTION 14-206 OF THIS
21 TITLE, IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO
22 THIS TITLE.

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

25 S 14-204. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE
26 SHALL NOT DESIGNATE MORE THAN ONE AUTHORIZED COMMITTEE. BEFORE RECEIVING
27 ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION, EACH
28 PARTICIPATING CANDIDATE SHALL NOTIFY THE FAIR ELECTIONS BOARD AS TO THE
29 EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN DESIGNATED
30 AND APPROVED BY SUCH CANDIDATE. EACH SUCH AUTHORIZED COMMITTEE SHALL,
31 BEFORE OPENING A COMMITTEE BANK ACCOUNT, RECEIVING ANY CONTRIBUTION OR
32 MAKING ANY EXPENDITURE FOR A COVERED ELECTION:

33 (A) DESIGNATE A TREASURER; AND

34 (B) OBTAIN A TAX IDENTIFICATION NUMBER FROM THE INTERNAL REVENUE
35 SERVICE.

36 2. DISCLOSURE. (A) EVERY PARTICIPATING CANDIDATE SHALL FILE FINANCIAL
37 DISCLOSURE REPORTS WITH THE STATE BOARD OF ELECTIONS AS REQUIRED BY
38 TITLE ONE OF THIS ARTICLE. COPIES OF SUCH REPORTS SHALL ALSO BE SUBMIT-
39 TED TO THE FAIR ELECTIONS BOARD CREATED PURSUANT TO THIS ARTICLE AT THE
40 SAME TIME SUCH REPORTS ARE FILED WITH THE STATE BOARD OF ELECTIONS.

41 (B) THE FAIR ELECTIONS BOARD SHALL REVIEW EACH DISCLOSURE REPORT FILED
42 WITH THE STATE BOARD OF ELECTIONS PURSUANT TO TITLE ONE OF THIS ARTICLE
43 AND SHALL INFORM PARTICIPATING CANDIDATES AND POLITICAL COMMITTEES
44 INCLUDING THE AUTHORIZED COMMITTEE, OF RELEVANT QUESTIONS THE FAIR
45 ELECTIONS BOARD HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF THIS
46 TITLE AND OF THE RULES ISSUED BY THE FAIR ELECTIONS BOARD; AND (II)
47 QUALIFICATION FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS
48 TITLE. IN THE COURSE OF SUCH REVIEW, THE FAIR ELECTIONS BOARD SHALL GIVE
49 CANDIDATES AND POLITICAL COMMITTEES INCLUDING THE AUTHORIZED COMMITTEE,
50 AN OPPORTUNITY TO RESPOND TO AND CORRECT POTENTIAL VIOLATIONS AND GIVE
51 CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS THE BOARD HAS CONCERNING
52 THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER ISSUES CONCERNING ELIGIBIL-
53 ITY FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. NOTHING
54 IN THIS PARAGRAPH SHALL PRECLUDE THE BOARD FROM SUBSEQUENTLY REVIEWING
55 SUCH A DISCLOSURE REPORT AND TAKING ANY ACTION OTHERWISE AUTHORIZED BY
56 THIS TITLE.

1 (C) ONLY ITEMIZED CONTRIBUTIONS CONTAINED IN REPORTS FILED WITH THE
2 FAIR ELECTIONS BOARD SHALL BE ELIGIBLE FOR MATCHING FUNDS PURSUANT TO
3 THIS TITLE.

4 S 14-206. ELIGIBILITY. 1. TO BE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING
5 UNDER THIS TITLE, A CANDIDATE FOR NOMINATION OR ELECTION MUST:

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

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

12 (C) ELECT TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY
13 THIS TITLE NOT LATER THAN SEVEN DAYS AFTER THE LAST DAY TO FILE DESIG-
14 NATING PETITIONS FOR THE OFFICE SUCH CANDIDATE IS SEEKING OR, IN THE
15 CASE OF A SPECIAL ELECTION, NOT LATER THAN THE LAST DAY TO FILE NOMINAT-
16 ING CERTIFICATES FOR SUCH OFFICE;

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

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

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

25 (G) AGREE NOT TO EXPEND FOR CAMPAIGN PURPOSES ANY PORTION OF ANY PRE-
26 EXISTING FUNDS RAISED FOR ANY PUBLIC OFFICE OR PARTY POSITION PRIOR TO
27 THE DATE OF ELECTING TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM AS
28 SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION. NOTHING IN THIS PARA-
29 GRAPH SHALL BE CONSTRUED TO LIMIT, IN ANY WAY, ANY CANDIDATE OR PUBLIC
30 OFFICIAL FROM EXPENDING ANY PORTION OF PRE-EXISTING CAMPAIGN FUNDS FOR
31 ANY LAWFUL PURPOSE OTHER THAN THOSE RELATED TO HIS OR HER CAMPAIGN.

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

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

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

44 (C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL
45 ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST TWO
46 HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED
47 FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE
48 INCLUDING AT LEAST TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED INDI-
49 VIDUAL CONTRIBUTORS WHO RESIDE IN THE SENATE DISTRICT OR RESIDE IN ANY
50 PORTION OF ANY COUNTY WHICH CONSTITUTES ANY MEASURE OF THE DISTRICT IN
51 WHICH THE SEAT IS TO BE FILLED.

52 (D) MEMBERS OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION.
53 NOT LESS THAN TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED MATCHABLE
54 CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER
55 INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE INCLUDING AT LEAST
56 FIVE THOUSAND DOLLARS FROM AT LEAST FIFTY INDIVIDUALS WHO RESIDE IN THE

1 ASSEMBLY DISTRICT OR RESIDE IN ANY PORTION OF ANY COUNTY WHICH CONSTI-
2 TUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

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

7 (F) DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR
8 GENERAL ELECTION. NOT LESS THAN FIVE THOUSAND DOLLARS FROM AT LEAST
9 FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY
10 DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN THE DISTRICT OR IN THE
11 CONSTITUENT COUNTY OR RESIDES IN ANY PORTION OF ANY COUNTY WHICH CONSTI-
12 TUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

13 3. IN ORDER TO BE ELIGIBLE TO RECEIVE PUBLIC FUNDS IN A PRIMARY
14 ELECTION A CANDIDATE MUST AGREE, THAT IN THE EVENT SUCH CANDIDATE IS A
15 CANDIDATE FOR SUCH OFFICE IN THE GENERAL ELECTION IN SUCH YEAR, THAT
16 SUCH CANDIDATE WILL BE BOUND BY THE PROVISIONS OF THIS TITLE, INCLUDING,
17 BUT NOT LIMITED TO, THE PUBLIC FUNDS RECEIPT LIMITS OF THIS TITLE.

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

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

24 6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR
25 SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING
26 SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS THERE IS
27 AT LEAST ONE OTHER CANDIDATE, AS DEFINED BY SUBDIVISION SEVEN OF SECTION
28 14-100 OF THIS TITLE FOR SUCH OFFICE IN SUCH ELECTION.

29 S 14-208. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED
30 UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY
31 THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDI-
32 TURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION
33 OR ELECTION AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR
34 GENERAL ELECTION IS HELD FOR THE OFFICE SOUGHT, FOR SERVICES, MATERIALS,
35 FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT CAMPAIGN CYCLE OR,
36 IN THE CASE OF A SPECIAL ELECTION, FOR EXPENDITURES DURING THE PERIOD
37 COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL
38 ELECTION.

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

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

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

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

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

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

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

(G) GIFTS.

S 14-210. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALIFIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON THE BALLOT AND FILED A SWORN STATEMENT WITH THE FAIR ELECTIONS BOARD ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND AGREEING TO ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE MADE TO A PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

2. THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE SHALL BE ENTITLED TO SIX DOLLARS IN PUBLIC FUNDS FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE FAIR ELECTIONS BOARD IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, PROVIDED, HOWEVER, SUCH PUBLIC FUNDS SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

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

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

4. THE FAIR ELECTIONS BOARD SHALL PROMPTLY EXAMINE ALL REPORTS OF CONTRIBUTIONS TO DETERMINE WHETHER, ON THEIR FACE, THEY MEET THE REQUIREMENTS FOR MATCHABLE CONTRIBUTIONS, AND SHALL KEEP A RECORD OF SUCH CONTRIBUTIONS.

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

S 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY, SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE 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

1 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE
2 AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

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

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

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

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

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

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

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

55 3. NOTWITHSTANDING ANY PUBLIC FUNDS RECEIPT LIMIT IN THIS SUBDIVISION,
56 EACH COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR

1 STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE, INCLUDING WITHIN THE TERM
2 COUNTY COMMITTEE ANY OF ITS SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF SUCH
3 PARTY'S CANDIDATES FOR STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE WHO
4 HAS AGREED TO ACCEPT PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED
5 THE SUM OF TWO CENTS FOR EACH VOTER REGISTERED IN SUCH COUNTY AS DETER-
6 MINED BY THE RECORDS OF THE APPROPRIATE BOARD OF ELECTIONS AS OF THE
7 PRECEDING GENERAL ELECTION.

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

22 5. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC
23 FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIB-
24 UTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR
25 THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF
26 THE GENERAL ELECTION FOR THE OFFICE SOUGHT, EXCEPT THAT A PARTICIPATING
27 CANDIDATE OR PARTICIPATING COMMITTEE WHICH HAS A DEFICIT ON THE DAY OF
28 THE GENERAL ELECTION MAY, AFTER SUCH DATE, ACCEPT CONTRIBUTIONS WHICH DO
29 NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAIS-
30 ING SUCH CONTRIBUTIONS OR THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED
31 BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS.

32 6. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION,
33 PARTICIPATING CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF THIS
34 ARTICLE.

35 S 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS. THE FOLLOWING
36 LIMITATIONS APPLY TO THE RECEIPT OF PUBLIC FUNDS BY PARTICIPATING CANDI-
37 DATES AND THEIR PARTICIPATING COMMITTEES RECEIVING SUCH PUBLIC FUNDS
38 PURSUANT TO THE PROVISIONS OF THIS TITLE:

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

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

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

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

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

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

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

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

54 CANDIDATES FOR ELECTION TO THE OFFICE OF:

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

56 ATTORNEY GENERAL \$8,000,000

1	COMPTROLLER	\$8,000,000
2	MEMBER OF SENATE	\$400,000
3	MEMBER OF ASSEMBLY	\$200,000
4	DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION	\$350,000
5	DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION	\$75,000

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

13 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE AMOUNT OF
14 PRIVATE FUNDS A PARTICIPATING CANDIDATE MAY RECEIVE SUBJECT TO THE
15 CONTRIBUTION LIMITS CONTAINED IN SECTION 14-212 OF THIS TITLE.

16 5. AT THE BEGINNING OF EACH SECOND CALENDAR YEAR, COMMENCING IN TWO
17 THOUSAND SIXTEEN, THE FAIR ELECTIONS BOARD SHALL DETERMINE THE PERCENT-
18 AGE OF THE DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE MONTHLY CONSUMER
19 PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE THE UNITED STATES
20 BUREAU OF LABOR STATISTICS AND SUCH CONSUMER PRICE INDEX PUBLISHED FOR
21 THE SAME MONTH FOUR YEARS PREVIOUSLY. THE AMOUNT OF EACH PUBLIC FUNDS
22 RECEIPT LIMITATION FIXED IN THIS SECTION SHALL BE ADJUSTED BY THE AMOUNT
23 OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE HUNDRED DOLLARS BY THE
24 STATE BOARD WHICH, NOT LATER THAN THE FIRST DAY OF FEBRUARY IN EACH SUCH
25 YEAR, SHALL ISSUE A REGULATION PUBLISHING THE AMOUNT OF EACH SUCH
26 CONTRIBUTION LIMIT. EACH PUBLIC FUND RECEIPT LIMIT AS SO ADJUSTED SHALL
27 BE THE PUBLIC FUNDS RECEIPT LIMIT IN EFFECT FOR ANY ELECTION HELD BEFORE
28 THE NEXT SUCH ADJUSTMENT.

29 S 14-216. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES. 1. THERE
30 SHALL BE A BOARD WITHIN THE STATE BOARD OF ELECTIONS KNOWN AS THE "FAIR
31 ELECTIONS BOARD" COMPOSED OF FIVE MEMBERS, OF WHICH ONE MEMBER SHALL BE
32 APPOINTED BY THE GOVERNOR AND ONE MEMBER SHALL BE APPOINTED BY EACH
33 LEGISLATIVE LEADER OF THE SENATE AND ASSEMBLY. NO MEMBER OF THE FAIR
34 ELECTIONS BOARD SHALL HOLD ELECTIVE OFFICE, NOR SHALL ANY MEMBER BE A
35 LOBBYIST AS DEFINED IN SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLA-
36 TIVE LAW. THE CHAIR SHALL BE RESPONSIBLE FOR MANAGING THE FAIR ELECTIONS
37 BOARD. THE MEMBERS SHALL EACH SERVE FOR A TERM OF FOUR YEARS.

38 2. THE MEMBERS OF THE FAIR ELECTIONS BOARD SHALL DESIGNATE THE CHAIR-
39 MAN OF THE FAIR ELECTIONS BOARD FROM AMONG THE MEMBERS THEREOF, WHO
40 SHALL SERVE AS CHAIRMAN AT THE PLEASURE OF THE MEMBERS OF THE FAIR
41 ELECTIONS BOARD. THE CHAIRMAN OR ANY THREE MEMBERS OF THE FAIR ELECTIONS
42 BOARD MAY CALL A MEETING.

43 3. EACH MEMBER'S TERM SHALL COMMENCE ON JANUARY FIRST, TWO THOUSAND
44 FOURTEEN. IN CASE OF A VACANCY IN THE OFFICE OF A MEMBER, A MEMBER SHALL
45 BE APPOINTED ACCORDING TO THE ORIGINAL MANNER OF APPOINTMENT. EACH
46 MEMBER SHALL BE A RESIDENT OF THE STATE OF NEW YORK AND REGISTERED TO
47 VOTE THEREIN. EACH MEMBER SHALL AGREE NOT TO MAKE AND SHALL NOT MAKE
48 CONTRIBUTIONS TO ANY CANDIDATE OR AUTHORIZED COMMITTEE FOR NOMINATION
49 FOR ELECTION OR FOR ELECTION TO THE OFFICE OF STATE COMPTROLLER. NO
50 MEMBER SHALL SERVE AS AN OFFICER OF A POLITICAL PARTY OR COMMITTEE OR BE
51 A CANDIDATE OR PARTICIPATE IN ANY CAPACITY IN A CAMPAIGN BY A CANDIDATE
52 FOR NOMINATION FOR ELECTION, OR FOR ELECTION TO THE OFFICE OF STATE
53 COMPTROLLER. AN OFFICER OR EMPLOYEE OF THE STATE OR ANY STATE AGENCY
54 SHALL NOT BE ELIGIBLE TO BE A MEMBER OF THE FAIR ELECTIONS BOARD.

1 4. THE MEMBERS OF THE FAIR ELECTIONS BOARD SHALL BE ENTITLED TO
2 RECEIVE PAYMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
3 PERFORMANCE OF THEIR DUTIES AS MEMBERS OF SUCH BOARD.

4 5. A MEMBER OF THE FAIR ELECTIONS BOARD MAY BE REMOVED FOR CAUSE BY
5 THE APPOINTING AUTHORITY UPON NOTICE AND AN OPPORTUNITY FOR A HEARING.

6 6. THE FAIR ELECTIONS BOARD SHALL APPOINT AN ENFORCEMENT COUNSEL, A
7 DEPUTY ENFORCEMENT COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR
8 POLITICAL PARTY THAN THE ENFORCEMENT COUNSEL, A SPECIAL COUNSEL, A DEPU-
9 TY SPECIAL COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL
10 PARTY THAN THE SPECIAL COUNSEL, A DIRECTOR OF PUBLIC INFORMATION, A
11 DEPUTY DIRECTOR OF PUBLIC INFORMATION, WHO SHALL BE A MEMBER OF A
12 DIFFERENT MAJOR POLITICAL PARTY THAN THE DIRECTOR OF PUBLIC INFORMATION.
13 THE FAIR ELECTIONS BOARD MAY UTILIZE EXISTING STAFF OF THE STATE BOARD
14 OF ELECTIONS AS MAY BE NECESSARY, AND MAKE NECESSARY EXPENDITURES
15 SUBJECT TO APPROPRIATION, PROVIDED HOWEVER THAT THE ENFORCEMENT COUNSEL,
16 IN CONSULTATION WITH THE FAIR ELECTIONS BOARD, SHALL HAVE THE AUTHORITY
17 TO HIRE AT LEAST FOUR NEW FAIR ELECTIONS BOARD STAFF MEMBERS. SUCH FAIR
18 ELECTIONS BOARD STAFF MEMBERS SHALL BE DEDICATED TO TRAINING AND ASSIST-
19 ING PARTICIPATING CANDIDATES IN COMPLYING WITH THE REQUIREMENTS OF
20 OPTIONAL PUBLIC FINANCING AS PROVIDED FOR UNDER THE PROVISIONS OF TITLE
21 TWO OF ARTICLE FOURTEEN OF THIS CHAPTER. THE FAIR ELECTIONS BOARD SHALL
22 RETAIN AN INDEPENDENT AUDITOR TO PERFORM ONGOING AUDITS OF EACH COVERED
23 ELECTION BY CONTRACT ENTERED INTO PURSUANT TO SECTION ONE HUNDRED
24 SIXTY-THREE OF THE STATE FINANCE LAW.

25 7. THE ENFORCEMENT COUNSEL AND THE SPECIAL COUNSEL SHALL EACH SERVE A
26 TERM OF FOUR YEARS AND MAY ONLY BE REMOVED FOR CAUSE. ANY TIME AFTER THE
27 EFFECTIVE DATE OF THIS SECTION, THE MEMBERS, OR IN THE CASE OF A VACANCY
28 ON THE FAIR ELECTIONS BOARD, THE MEMBERS, OF EACH OF THE SAME MAJOR
29 POLITICAL PARTY AS THE INCUMBENT ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT
30 COUNSEL, SHALL APPOINT SUCH COUNSELS, AND DEPUTIES. ANY VACANCY IN THE
31 OFFICE OF ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT COUNSEL, SPECIAL COUN-
32 SEL, SPECIAL DEPUTY COUNSEL, DIRECTOR OF PUBLIC INFORMATION AND DEPUTY
33 DIRECTOR OF PUBLIC INFORMATION SHALL BE FILLED BY THE MEMBERS OF THE
34 FAIR ELECTIONS BOARD OR IN THE CASE OF A VACANCY ON THE BOARD, THE
35 MEMBERS OF THE SAME MAJOR POLITICAL PARTY AS THE VACATING INCUMBENT FOR
36 THE REMAINING PERIOD OF THE TERM OF SUCH VACATING INCUMBENT.

37 8. IN ADDITION TO THE ENFORCEMENT POWERS, AND ANY OTHER POWERS AND
38 DUTIES SPECIFIED BY LAW, THE FAIR ELECTIONS BOARD SHALL:

39 (A)(I) RENDER ADVISORY OPINIONS WITH RESPECT TO QUESTIONS ARISING
40 UNDER THIS ARTICLE UPON THE WRITTEN REQUEST OF A CANDIDATE, AN OFFICER
41 OF A POLITICAL COMMITTEE OR MEMBER OF THE PUBLIC, OR UPON ITS OWN INITI-
42 ATIVE; (II) PROMULGATE RULES REGARDING REASONABLE TIMES TO RESPOND TO
43 SUCH REQUESTS; AND (III) MAKE PUBLIC THE QUESTIONS OF INTERPRETATION FOR
44 WHICH ADVISORY OPINIONS WILL BE CONSIDERED BY THE FAIR ELECTIONS BOARD
45 AND ITS ADVISORY OPINIONS, INCLUDING BY PUBLICATION ON ITS WEBSITE;

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

49 (C) HAVE THE AUTHORITY TO PROMULGATE SUCH RULES AND REGULATIONS AND
50 PRESCRIBE SUCH FORMS AS THE FAIR ELECTIONS BOARD DEEMS NECESSARY FOR THE
51 ADMINISTRATION OF THIS TITLE; AND

52 (D) IN CONJUNCTION WITH THE STATE BOARD OF ELECTIONS DEVELOP AN INTER-
53 ACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION
54 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMA-
55 TION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR
56 AUTHORIZED COMMITTEES AND DISTRIBUTIONS OF MONEYS FROM THE FUND AND

1 SHALL BE ACCESSIBLE TO THE PUBLIC ON THE STATE BOARD OF ELECTIONS'
2 WEBSITE.

3 9. CONSISTENT WITH THE PROVISIONS OF THE CIVIL SERVICE LAW AND SUBDI-
4 VISION SEVENTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
5 AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL
6 POSITIONS ON THE STAFF OF THE FAIR ELECTIONS BOARD SHALL BE CLASSIFIED
7 IN THE EXEMPT CLASS OF THE CIVIL SERVICE AND SUCH POSITIONS SHALL BE
8 FILLED, TO THE EXTENT POSSIBLE, WITH AN EQUAL NUMBER OF PERSONS FROM
9 EACH OF THE TWO POLITICAL PARTIES FOR WHICH THE HIGHEST AND THE NEXT
10 HIGHEST NUMBER OF VOTES WERE CAST FOR THE OFFICE OF STATE COMPTROLLER AT
11 THE LAST PRECEDING GENERAL ELECTION FOR SUCH OFFICE.

12 10. THE FAIR ELECTIONS BOARD'S ADMINISTRATION OF THE FUND SHALL BE
13 GOVERNED BY THE PROVISIONS OF THIS TITLE AND SECTION NINETY-TWO-T OF THE
14 STATE FINANCE LAW.

15 11. THE FAIR ELECTIONS BOARD AND ITS PROCEEDINGS SHALL BE GOVERNED BY
16 THE STATE ADMINISTRATIVE PROCEDURE ACT AND SUBJECT TO ARTICLES SIX AND
17 SEVEN OF THE PUBLIC OFFICERS LAW.

18 12. FOR THE PURPOSES OF MEETINGS, THREE COMMISSIONERS SHALL CONSTI-
19 TUTE A QUORUM. THE AFFIRMATIVE VOTE OF THREE COMMISSIONERS SHALL BE
20 REQUIRED FOR ANY ACTION OF THE FAIR ELECTIONS BOARD.

21 13. THE FAIR ELECTIONS BOARD SHALL KEEP ALL INFORMATION REGARDING
22 PRELIMINARY, APPROVED OR COMPLETED INVESTIGATIONS CONFIDENTIAL UNTIL
23 SUCH INVESTIGATIONS ARE COMPLETED, DISMISSED, SUBJECT TO A CIVIL COURT
24 FILING OR REFERRED TO A LAW ENFORCEMENT AGENCY AS PROVIDED FOR IN SUBDI-
25 VISION ELEVEN OF SECTION 3-104 OF THIS CHAPTER.

26 14. THE FAIR ELECTIONS BOARD MAY TAKE SUCH OTHER ACTIONS AS ARE NECES-
27 SARY AND PROPER TO CARRY OUT THE PURPOSES OF THIS TITLE.

28 S 14-218. EXAMINATIONS AND AUDITS. 1. THE FAIR ELECTIONS BOARD MAY
29 CONDUCT A THOROUGH EXAMINATION AND PRE-ELECTION AUDIT OF THE CONTRIB-
30 UCTIONS AND QUALIFIED CAMPAIGN EXPENSES OF THE PARTICIPATING COMMITTEE OF
31 EVERY PARTICIPATING CANDIDATE WHO RECEIVED PAYMENTS PURSUANT TO SECTION
32 14-210 OF THIS TITLE. SUCH AUDITS SHALL BE CONDUCTED AS FREQUENTLY AS
33 THE FAIR ELECTIONS BOARD DEEMS NECESSARY TO ENSURE COMPLIANCE WITH THIS
34 TITLE. THE FAIR ELECTIONS BOARD SHALL NOTIFY, IN WRITING, ANY CANDI-
35 DATE'S AUTHORIZED COMMITTEE PRIOR TO THE COMMENCEMENT OF SUCH PRE-ELEC-
36 TION AUDIT. NO PRE-ELECTION AUDIT SHALL COMMENCE IN THE ABSENCE OF THE
37 NOTICE REQUIREMENT OF THIS SUBDIVISION. EVERY CANDIDATE WHO RECEIVES
38 PUBLIC MATCHING FUNDS UNDER THIS TITLE SHALL ALSO BE AUDITED BY THE FAIR
39 ELECTIONS BOARD POST-ELECTION. THE COST OF COMPLYING WITH A POST-ELEC-
40 TION AUDIT SHALL BE BORNE BY THE CANDIDATE'S AUTHORIZED COMMITTEE. A
41 CANDIDATE WHO HAS RECEIVED PUBLIC MATCHING FUNDS UNDER THIS TITLE MUST
42 MAINTAIN A RESERVE OF AT LEAST ONE PERCENT OF THE TOTAL AMOUNT OF MATCH-
43 ING FUNDS RECEIVED BY SUCH CANDIDATE IN HIS OR HER CAMPAIGN ACCOUNT TO
44 COMPLY WITH THE POST-ELECTION AUDIT. A CANDIDATE WHO RUNS IN BOTH A
45 PRIMARY AND A GENERAL ELECTION, MUST MAINTAIN A RESERVE OF ONE PERCENT
46 OF THE TOTAL AMOUNT OF PUBLIC MATCHING FUNDS RECEIVED BY SUCH CANDIDATE
47 FOR BOTH HIS OR HER PRIMARY AND GENERAL ELECTION. A CANDIDATE MAY USE
48 PUBLIC MATCHING FUNDS, PRIVATE FUNDS OR A COMBINATION OF PUBLIC AND
49 PRIVATE FUNDS TO COMPLY WITH A POST-ELECTION AUDIT. THE FAIR ELECTIONS
50 BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED THE FINAL POST-ELECTION AUDIT
51 REPORT THAT DETAILS ITS FINDINGS AND SHALL PROVIDE SUCH AUDIT TO THE
52 GOVERNOR AND LEGISLATIVE LEADERS AND MAKE SUCH AUDIT REPORT AVAILABLE ON
53 THE STATE BOARD OF ELECTIONS' WEBSITE. FINAL POST-ELECTION AUDIT
54 REPORTS SHALL BE COMPLETED NO LATER THAN TWELVE MONTHS AFTER THE DATE OF
55 THE ELECTION OR ELECTIONS FOR WHICH THE CANDIDATE RECEIVED PUBLIC FUNDS.
56 THIS AUDIT DEADLINE SHALL NOT APPLY IN CASES INVOLVING POTENTIAL CAMP-

1 AIGN-RELATED FRAUD, KNOWING AND WILLFUL VIOLATIONS OF ARTICLE FOURTEEN
2 OF THIS CHAPTER OR CRIMINAL ACTIVITY.

3 2. (A) IF THE FAIR ELECTIONS BOARD DETERMINES THAT ANY PORTION OF THE
4 PAYMENT MADE TO A PARTICIPATING COMMITTEE FROM THE FUND WAS IN EXCESS OF
5 THE AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS
6 ENTITLED PURSUANT TO SECTION 14-210 OF THIS TITLE, IT SHALL NOTIFY SUCH
7 COMMITTEE OF THE EXCESS AMOUNT AND SUCH COMMITTEE SHALL PAY TO THE FAIR
8 ELECTIONS BOARD AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS;
9 PROVIDED, HOWEVER, THAT IF THE ERRONEOUS PAYMENT WAS DUE TO AN ERROR
10 MADE BY THE FAIR ELECTIONS BOARD, THEN THE ERRONEOUS PAYMENT WILL BE
11 OFFSET AGAINST ANY FUTURE PAYMENT, IF ANY. THE PARTICIPATING CANDIDATE
12 AND HIS OR HER PARTICIPATING COMMITTEE SHALL BE JOINTLY AND SEVERALLY
13 LIABLE FOR ANY REPAYMENTS DUE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT BY
14 SUCH BOARD INTO THE NEW YORK STATE CAMPAIGN FUND.

15 (B) IF THE BOARD DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO A
16 PARTICIPATING COMMITTEE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN
17 TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY SUCH PARTICIPAT-
18 ING COMMITTEE OF THE AMOUNT DISQUALIFIED AND SUCH PARTICIPATING COMMIT-
19 TEE SHALL PAY TO THE FAIR ELECTIONS BOARD AN AMOUNT EQUAL TO SUCH
20 DISQUALIFIED AMOUNT. SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK
21 STATE FAIR ELECTIONS FUND CREATED PURSUANT TO SECTION NINETY-TWO-T OF
22 THE STATE FINANCE LAW. THE CANDIDATE AND THE CANDIDATE'S AUTHORIZED
23 COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE
24 TO THE FAIR ELECTIONS BOARD.

25 (C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE FUND RECEIVED
26 BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING
27 COMMITTEE, EXCEEDS THE PUBLIC FUNDING RECEIPT LIMITATION OF SUCH CANDI-
28 DATE AND COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS
29 FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM
30 THE FUND NOT LATER THAN TEN DAYS AFTER ALL PERMISSIBLE LIABILITIES HAVE
31 BEEN PAID AND IN ANY EVENT, NOT LATER THAN TWENTY DAYS AFTER THE DATE ON
32 WHICH THE FAIR ELECTIONS BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE
33 PARTICIPATING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT
34 MATCHING FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE
35 AND PAYABLE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT INTO THE NEW YORK
36 STATE FAIR ELECTIONS FUND UPON ITS DETERMINATION THAT THE PARTICIPANT
37 WILLFULLY DELAYED THE POST-ELECTION AUDIT PROCESS. A PARTICIPATING
38 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-
39 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH ENDING A CAMPAIGN AND
40 RESPONDING TO THE POST-ELECTION AUDIT.

41 3. IF A COURT OF COMPETENT JURISDICTION DISQUALIFIES A CANDIDATE WHOSE
42 PARTICIPATING COMMITTEE HAS RECEIVED PUBLIC FUNDS ON THE GROUNDS THAT
43 SUCH CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON
44 THE BALLOT AND SUCH DECISION IS NOT REVERSED BY A HIGHER COURT, SUCH
45 CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE SHALL PAY TO THE
46 FAIR ELECTIONS BOARD AN AMOUNT EQUAL TO THE TOTAL OF PUBLIC FUNDS
47 RECEIVED BY SUCH PARTICIPATING COMMITTEE.

48 4. THE BOARD MUST PROVIDE WRITTEN NOTICE OF ALL PAYMENTS DUE FROM A
49 PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE TO THE BOARD AND
50 PROVIDE AN OPPORTUNITY FOR THE CANDIDATE OR COMMITTEE TO REBUT, IN WHOLE
51 OR IN PART, THE ALLEGED AMOUNT DUE. UPON A FINAL WRITTEN DETERMINATION
52 BY THE BOARD, THE AMOUNT DUE SHALL BE PAID TO THE BOARD WITHIN THIRTY
53 DAYS OF SUCH DETERMINATION.

54 5. ALL PAYMENTS RECEIVED BY THE BOARD PURSUANT TO THIS SECTION SHALL
55 BE DEPOSITED IN THE NEW YORK STATE FAIR ELECTIONS FUND ESTABLISHED BY
56 SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

6. ANY ADVICE PROVIDED BY THE STAFF OR MEMBERS OF THE FAIR ELECTIONS BOARD TO A PARTICIPATING OR NON-PARTICIPATING CANDIDATE IN CONNECTION WITH ANY ACTION UNDER THIS ARTICLE, WHEN RELIED UPON IN GOOD FAITH, SHALL BE PRESUMPTIVE EVIDENCE THAT SUCH CANDIDATE OR HIS OR HER COMMITTEE DID NOT KNOWINGLY AND WILLFULLY VIOLATE THE PROVISIONS OF THIS ARTICLE.

S 14-220. CIVIL ENFORCEMENT. 1. ANY PERSON OR AUTHORIZED COMMITTEE WHO KNOWINGLY AND WILLFULLY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS OF THIS TITLE SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THE AMOUNT OF FIVE THOUSAND DOLLARS.

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

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

4. THE FAIR ELECTIONS BOARD SHALL PUBLISH ON THE STATE BOARD OF ELECTIONS' WEBSITE THE FINAL ORDER ADJUDICATING ANY MATTER BROUGHT PURSUANT TO THIS SECTION.

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

S 14-222. CRIMINAL PENALTIES. 1. ANY PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS OF THIS TITLE WITHIN TEN DAYS AFTER THE DATE PROVIDED FOR SUCH, OR ANYONE THAT KNOWINGLY AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE SHALL BE GUILTY OF A MISDEMEANOR AND, IN ADDITION TO SUCH OTHER PENALTIES AS MAY BE PROVIDED BY LAW, SHALL BE SUBJECT TO A FINE NOT TO EXCEED THE AMOUNT OF TEN THOUSAND DOLLARS.

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

3. ANY PERSON WHO KNOWINGLY AND WILLFULLY MAKES A FALSE STATEMENT OR KNOWINGLY OMITTS A MATERIAL FACT TO THE FAIR ELECTIONS BOARD OR AN AUDITOR DESIGNATED BY THE FAIR ELECTIONS BOARD DURING ANY AUDIT CONDUCTED PURSUANT TO SECTION 14-218 OF THIS TITLE SHALL BE GUILTY OF A CLASS E FELONY.

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

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

1 PROVIDED IN PARAGRAPH (B) OF SUBDIVISION ELEVEN OF SECTION 3-104 OF THIS
2 CHAPTER.

3 6. ANY AND ALL FINES IMPOSED PURSUANT TO THIS SECTION SHALL BE MADE
4 PAYABLE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT INTO THE NEW YORK STATE
5 FAIR ELECTIONS FUND.

6 S 14-224. REPORTS. THE FAIR ELECTIONS BOARD SHALL SUBMIT A REPORT TO
7 THE GOVERNOR AND LEGISLATIVE LEADERS ON OR BEFORE FEBRUARY FIRST, TWO
8 THOUSAND SIXTEEN, AND EVERY FOUR YEARS THEREAFTER, WHICH SHALL INCLUDE:

9 1. A LIST OF THE PARTICIPATING AND NONPARTICIPATING CANDIDATES IN
10 COVERED ELECTIONS AND THE VOTES RECEIVED BY EACH CANDIDATE IN THOSE
11 ELECTIONS;

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

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

16 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGNS FOR
17 ALL OFFICES COVERED UNDER SECTION 14-206 OF THIS TITLE, INCLUDING ITS
18 EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF
19 CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES,
20 THE CANDIDATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND
21 THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

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

26 6. ANY OTHER INFORMATION THAT THE FAIR ELECTIONS BOARD DEEMS RELEVANT.

27 S 14-226. DEBATES. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGU-
28 LATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTIC-
29 IPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE
30 BEFORE THE PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENER-
31 AL ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE
32 PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDI-
33 DATE MAY BE A PARTY TO SUCH DEBATES.

34 S 14-228. DISTRIBUTIONS FROM FAIR ELECTIONS FUND. 1. THIS SECTION
35 GOVERNS THE FAIR ELECTIONS BOARD'S DISTRIBUTION OF FUNDS FROM THE FAIR
36 ELECTIONS FUND CREATED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW,
37 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

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

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

44 4. NO MONEYS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO HAS BEEN
45 DISQUALIFIED BY THE FAIR ELECTIONS BOARD OR WHOSE DESIGNATING PETITIONS
46 HAVE BEEN DECLARED INVALID BY THE STATE BOARD OF ELECTIONS OR A COURT OF
47 COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY AN
48 APPELLATE COURT.

49 5. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR
50 SUCH A CANDIDATE'S AUTHORIZED COMMITTEE ON THE DATE OF SUCH DISQUALI-
51 FICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE
52 EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE THAT DATE. ALL EXCESS
53 PUBLIC MONEYS PAID TO A DISQUALIFIED CANDIDATE SHALL BE RETURNED TO THE
54 FUND NOT LESS THAN THIRTY DAYS AFTER THE GENERAL ELECTION FOR THOSE
55 PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS FOR THE GENERAL
56 ELECTION, AND OTHERWISE, NOT LESS THAN THIRTY DAYS AFTER THE PRIMARY

1 ELECTION FOR THOSE PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS
2 SOLELY FOR THE PRIMARY ELECTION.

3 6. (A) PARTICIPATING CANDIDATES SHALL PAY TO THE FAIR ELECTIONS BOARD
4 UNSPENT PUBLIC CAMPAIGN FUNDS FROM AN ELECTION NOT LATER THAN THIRTY
5 DAYS AFTER ALL LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND, IN ANY
6 EVENT, NOT LESS THAN TWENTY DAYS AFTER THE DATE UPON WHICH THE FAIR
7 ELECTIONS BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING
8 CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT PUBLIC
9 CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE
10 AND PAYABLE TO THE FAIR ELECTIONS BOARD UPON ITS DETERMINATION THAT THE
11 PARTICIPATING CANDIDATE HAS, WITHOUT JUST CAUSE, DELAYED THE POST-ELEC-
12 TION AUDIT PROCESS. UNSPENT CAMPAIGN FUNDS DETERMINATIONS MADE BY THE
13 FAIR ELECTIONS BOARD SHALL BE BASED ON THE PARTICIPATING CANDIDATE
14 COMMITTEE'S RECEIPTS AND EXPENDITURES. THE FAIR ELECTIONS BOARD MAY ALSO
15 CONSIDER ANY OTHER RELEVANT INFORMATION REVEALED IN THE COURSE OF ITS
16 AUDITS OR INVESTIGATIONS OR THE INVESTIGATIONS BY ANY OTHER AGENCY.

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

22 (II) BEFORE REPAYING UNSPENT PUBLIC CAMPAIGN FUNDS, A PARTICIPATING
23 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-
24 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND
25 RESPONDING TO THE POST-ELECTION AUDIT. SUCH EXPENDITURES MAY INCLUDE:
26 PAYMENT OF UTILITY BILLS AND RENT; REASONABLE STAFF SALARIES AND
27 CONSULTANT FEES FOR RESPONDING TO A POST-ELECTION AUDIT; REASONABLE
28 MOVING EXPENSES RELATED TO CLOSING A CAMPAIGN OFFICE; A HOLIDAY CARD
29 MAILING TO CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS; THANK
30 YOU NOTES FOR CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS;
31 PAYMENT OF TAXES AND OTHER REASONABLE EXPENSES FOR COMPLIANCE WITH
32 APPLICABLE TAX LAWS; AND INTEREST EXPENSES. ROUTINE POST-ELECTION
33 EXPENDITURES THAT MAY BE PAID FOR WITH UNSPENT CAMPAIGN FUNDS DO NOT
34 INCLUDE SUCH ITEMS AS POST-ELECTION MAILINGS OTHER THAN AS SPECIFICALLY
35 PROVIDED FOR IN THIS SUBPARAGRAPH; MAKING CONTRIBUTIONS; MAKING BONUS
36 PAYMENTS OR GIFTS TO STAFF MEMBERS OR VOLUNTEERS; OR HOLDING ANY POST-E-
37 LECTION DAY EVENT, INCLUDING, BUT NOT LIMITED TO, ANY MEAL OR ANY PARTY.
38 UNSPENT CAMPAIGN FUNDS MAY NOT BE USED FOR TRANSITION OR INAUGURATION
39 ACTIVITIES.

40 7. ALL MONIES RECEIVED BY THE FAIR ELECTIONS BOARD PURSUANT TO THIS
41 SECTION SHALL BE DEPOSITED INTO THE NEW YORK STATE FAIR ELECTIONS FUND
42 PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

43 S 15. The election law is amended by adding a new section 16-103 to
44 read as follows:

45 S 16-103. PROCEEDINGS AS TO PUBLIC FINANCING. 1. THE DETERMINATION OF
46 ELIGIBILITY PURSUANT TO SECTION 14-206 OF THIS CHAPTER AND ANY QUESTION
47 OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSU-
48 ANT TO SECTION 14-210 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING
49 INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDI-
50 DATE.

51 2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR
52 PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-210
53 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETER-
54 MINATION WAS MADE. THE FAIR ELECTIONS BOARD SHALL BE MADE A PARTY TO ANY
55 SUCH PROCEEDING.

3. UPON THE FAIR ELECTIONS 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 14-218 OF THIS CHAPTER, SUCH 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 FAIR ELECTIONS BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER.

4. THE FAIR ELECTIONS 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 FAIR ELECTIONS BOARD PURSUANT TO SECTION 14-218 OF THIS CHAPTER.

S 16. 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 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 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 17. The general business law is amended by adding a new section 359-gg to read as follows:

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

S 18. The state finance law is amended by adding a new section 92-t to read as follows:

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

1 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE SURCHARGE
2 IMPOSED PURSUANT TO SECTION THREE HUNDRED FIFTY-NINE-GG OF THE GENERAL
3 BUSINESS LAW, REVENUES RECEIVED FROM FAIR ELECTIONS FUND CHECK-OFF
4 PURSUANT TO SECTION SIX HUNDRED THIRTY-D OF THE TAX LAW AND ALL OTHER
5 MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE
6 PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE
7 STATE FROM RECEIVING GRANTS, GIFTS, BEQUESTS OR VOLUNTARY CONTRIBUTIONS
8 FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING
9 THEM INTO THE FUND ACCORDING TO LAW. MONIES IN THE FUND SHALL BE KEPT
10 SEPARATE FROM AND NOT COMMINGLED WITH OTHER FUNDS HELD IN THE CUSTODY OF
11 THE COMMISSIONER OF TAXATION AND FINANCE.

12 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY
13 BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT
14 TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE
15 PAID OUT OF THE FUND BY THE COMMISSIONER OF TAXATION AND FINANCE ON
16 VOUCHERS CERTIFIED OR APPROVED BY THE FAIR ELECTIONS BOARD ESTABLISHED
17 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW, OR THE
18 DULY DESIGNATED REPRESENTATIVE OF SUCH BOARD, IN THE MANNER PRESCRIBED
19 BY LAW, NOT MORE THAN ONE WORKING DAY AFTER A VOUCHER DULY CERTIFIED,
20 APPROVED AND EXECUTED BY SUCH BOARD OR ITS REPRESENTATIVE IN THE FORM
21 PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE IS RECEIVED BY
22 THE COMMISSIONER OF TAXATION AND FINANCE.

23 4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF, IN ANY
24 STATE FISCAL YEAR, THE STATE FAIR ELECTIONS FUND LACKS THE AMOUNT OF
25 MONEY TO PAY ALL CLAIMS VOUCHERED BY ELIGIBLE CANDIDATES AND CERTIFIED
26 OR APPROVED BY THE FAIR ELECTIONS BOARD, ANY SUCH DEFICIENCY SHALL BE
27 PAID, UPON AUDIT AND WARRANT OF THE STATE COMPTROLLER, FROM FUNDS DEPOS-
28 ITED IN THE GENERAL FUND OF THE STATE NOT MORE THAN ONE WORKING DAY
29 AFTER SUCH VOUCHER IS RECEIVED BY THE STATE COMPTROLLER.

30 5. COMMENCING IN TWO THOUSAND SIXTEEN, IF THE SURPLUS IN THE FUND ON
31 APRIL FIRST OF THE YEAR AFTER AN ELECTION CYCLE EXCEEDS TWENTY-FIVE
32 PERCENT OF THE DISBURSEMENTS FROM THE FUND OVER THE PREVIOUS FOUR YEARS,
33 THE EXCESS SHALL REVERT TO THE GENERAL FUND OF THE STATE.

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

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

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

49 S 19. The tax law is amended by adding a new section 630-d to read as
50 follows:

51 S 630-D. CONTRIBUTION TO NEW YORK STATE FAIR ELECTIONS FUND. EFFEC-
52 TIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO
53 THOUSAND THIRTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO
54 CONTRIBUTE TO THE NEW YORK STATE FAIR ELECTIONS FUND. SUCH CONTRIBUTION
55 SHALL BE IN THE AMOUNT OF FIVE DOLLARS AND SHALL NOT REDUCE THE AMOUNT
56 OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE

1 SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE
2 SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL REVEN-
3 UES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK
4 STATE FAIR ELECTIONS FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN
5 SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

6 S 20. Severability. If any clause, sentence, subdivision, paragraph,
7 section or part of title 2 of article 14 of the election law, as added
8 by section thirteen of this act be adjudged by any court of competent
9 jurisdiction to be invalid, such judgment shall not affect, impair or
10 invalidate the remainder thereof, but shall be confined in its operation
11 to the clause, sentence, subdivision, paragraph, section or part thereof
12 directly involved in the controversy in which such judgment shall have
13 been rendered.

14 S 21. This act shall take effect immediately; provided, however,
15 candidates for state comptroller will be eligible to participate in the
16 public financing system beginning with the 2014 election, all state
17 legislature candidates will be eligible to participate in the public
18 financing system beginning with the 2016 election and all state candi-
19 dates and constitutional convention delegates will be eligible to
20 participate in the public financing system beginning with the 2018
21 election.