

4705--C

2013-2014 Regular Sessions

I N S E N A T E

April 18, 2013

Introduced by Sens. STEWART-COUSINS, GIANARIS, 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 -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 "2014 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 "2014 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. Therefore, the legislature finds it necessary to
8 establish a system of public financing for all qualified candidates for
9 state elective offices and constitutional convention delegates. The
10 legislature further finds that a new system of public financing would be
11 best administered by a new "fair elections board" empowered with effec-
12 tive oversight and enforcement capabilities dedicated to working with
13 and assisting candidates excel in the public financing system.

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

LBD02247-39-4

1 S 3. Section 3-102 of the election law is amended by adding 2 new
2 subdivisions 3-a and 16-b to read as follows:

3 3-A. NOTWITHSTANDING SUBDIVISION THREE OF THIS SECTION, THE FAIR
4 ELECTIONS BOARD ENFORCEMENT COUNSEL, ESTABLISHED PURSUANT TO SUBDIVISION
5 SIX OF SECTION 14-316 OF THIS CHAPTER, AS IT MAY DEEM NECESSARY, AFTER
6 THE FAIR ELECTIONS BOARD HAS CONSIDERED THE MATTER OR MATTERS IN QUES-
7 TION SHALL CONDUCT ANY INVESTIGATION NECESSARY TO ENFORCE THE PROVISIONS
8 OF TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAPTER ON BEHALF OF THE
9 BOARD OF ELECTIONS.

10 16-B. HEAR AND CONSIDER THE RECOMMENDATIONS OF THE FAIR ELECTIONS
11 BOARD ENFORCEMENT COUNSEL REGARDING THE ENFORCEMENT OF VIOLATIONS OF
12 TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAPTER, AS IT MAY DEEM NECES-
13 SARY, AFTER THE FAIR ELECTIONS BOARD HAS CONSIDERED THE MATTER OR
14 MATTERS IN QUESTION;

15 S 4. Subdivision 1 of section 3-104 of the election law is amended by
16 adding a new paragraph (a-1) to read as follows:

17 (A-1) THERE SHALL ALSO BE A UNIT KNOWN AS THE FAIR ELECTIONS ENFORCE-
18 MENT UNIT ESTABLISHED WITHIN THE FAIR ELECTIONS BOARD. THE HEAD OF SUCH
19 UNIT SHALL BE THE ENFORCEMENT COUNSEL. SUCH UNIT SHALL HAVE SOLE
20 AUTHORITY WITHIN THE STATE BOARD OF ELECTIONS TO INVESTIGATE ALLEGED
21 VIOLATIONS AND COMPLAINTS ARISING UNDER TITLE THREE OF ARTICLE FOURTEEN
22 OF THIS CHAPTER.

23 S 5. Section 3-104 of the election law is amended by adding twelve new
24 subdivisions 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 to read as
25 follows:

26 9. IF THE FAIR ELECTION BOARD ENFORCEMENT COUNSEL DETERMINES THAT A
27 VIOLATION OF TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAPTER HAS
28 OCCURRED WHICH COULD WARRANT A CIVIL PENALTY, THE ENFORCEMENT COUNSEL
29 SHALL, UPON HIS OR HER DISCRETION, SEEK TO RESOLVE THE MATTER EXTRA-JU-
30 DICIAALLY OR COMMENCE A SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT
31 TO SECTION 16-114 OF THIS CHAPTER.

32 10. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION ALLEGING
33 ANY OTHER VIOLATION OF TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAPTER,
34 THE FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL SHALL ANALYZE THE COMPLAINT
35 TO DETERMINE IF AN INVESTIGATION SHOULD BE UNDERTAKEN. THE FAIR
36 ELECTIONS BOARD ENFORCEMENT COUNSEL SHALL, IF NECESSARY, REQUEST ADDI-
37 TIONAL INFORMATION FROM THE COMPLAINANT TO ASSIST SUCH COUNSEL IN MAKING
38 THIS DETERMINATION. SUCH ANALYSIS SHALL INCLUDE THE FOLLOWING: FIRST,
39 WHETHER THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF ARTI-
40 CLE FOURTEEN OF THIS CHAPTER AND, SECOND, WHETHER THE ALLEGATIONS ARE
41 SUPPORTED BY CREDIBLE EVIDENCE.

42 11. IF THE FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL DETERMINES THAT
43 THE ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF TITLE
44 THREE OF ARTICLE FOURTEEN OF THIS CHAPTER OR THAT THE ALLEGATIONS ARE
45 NOT SUPPORTED BY CREDIBLE EVIDENCE, HE OR SHE SHALL ISSUE A LETTER TO
46 THE COMPLAINANT DISMISSING THE COMPLAINT.

47 12. IF THE FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL DETERMINES THAT
48 THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF TITLE THREE OF
49 ARTICLE FOURTEEN OF THIS CHAPTER AND THAT THE ALLEGATIONS APPEAR TO BE
50 SUPPORTED BY CREDIBLE EVIDENCE, HE OR SHE SHALL NOTIFY THE FAIR
51 ELECTIONS BOARD OF (A) HIS OR HER INTENT TO RESOLVE THE MATTER EXTRA-JU-
52 DICIAALLY DUE TO THE DE MINIMUS NATURE OF THE VIOLATION; OR (B) HIS OR
53 HER INTENT TO COMMENCE AN INVESTIGATION, NO LATER THAN THE FAIR
54 ELECTIONS BOARD'S NEXT REGULARLY SCHEDULED MEETING. NOTIFICATION SHALL
55 SUMMARIZE THE RELEVANT FACTS AND THE APPLICABLE LAW AND SHALL, TO THE

1 EXTENT POSSIBLE, PROTECT FROM PUBLIC DISCLOSURE THE IDENTITY OF THE
2 COMPLAINANT AND THE INDIVIDUAL SUBJECT TO THE COMPLAINT.

3 13. IF, UPON CONSIDERING THE FAIR ELECTIONS BOARD ENFORCEMENT COUN-
4 SEL'S NOTICE OF INTENT TO COMMENCE AN INVESTIGATION, THE FAIR ELECTIONS
5 BOARD BELIEVES THAT THE ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A
6 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, OR THE ALLEGATIONS ARE
7 NOT SUPPORTED BY CREDIBLE EVIDENCE OR, THAT ON BALANCE, THE EQUITIES
8 FAVOR A DISMISSAL OF THE COMPLAINT, THE BOARD SHALL PUBLICLY DIRECT THAT
9 AN INVESTIGATION NOT BE UNDERTAKEN NO LATER THAN SIXTY DAYS AFTER THE
10 RECEIPT OF NOTIFICATION FROM THE FAIR ELECTIONS BOARD ENFORCEMENT COUN-
11 SEL OF HIS OR HER INTENT TO COMMENCE AN INVESTIGATION. IN DETERMINING
12 WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE COMPLAINT, THE FAIR
13 ELECTIONS BOARD SHALL CONSIDER THE FOLLOWING FACTORS: (A) WHETHER THE
14 COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF ARTICLE FOURTEEN OF THIS
15 CHAPTER; (B) WHETHER THE SUBJECT OF THE COMPLAINT HAS MADE A GOOD FAITH
16 EFFORT TO CORRECT THE VIOLATION; AND (C) WHETHER THE SUBJECT OF THE
17 COMPLAINT HAS A HISTORY OF SIMILAR VIOLATIONS. DETERMINATIONS OF THE
18 FAIR ELECTIONS BOARD TO DISMISS A COMPLAINT AND NOT PROCEED WITH A
19 FORMAL INVESTIGATION SHALL BE VOTED UPON AS PROVIDED IN SUBDIVISION
20 TWELVE OF SECTION 14-316 OF THIS CHAPTER AT AN OPEN MEETING PURSUANT TO
21 ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE ON A FAIR
22 AND EQUITABLE BASIS AND WITHOUT REGARD TO THE STATUS OF THE SUBJECT OF
23 THE COMPLAINT.

24 14. ABSENT A TIMELY DETERMINATION BY THE FAIR ELECTIONS BOARD THAT AN
25 INVESTIGATION SHALL NOT BE UNDERTAKEN, THE FAIR ELECTIONS BOARD ENFORCE-
26 MENT COUNSEL SHALL COMMENCE AN INVESTIGATION ON A TIMELY BASIS. IF THE
27 FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL DETERMINES THAT ADDITIONAL
28 INVESTIGATIVE POWERS, AS PROVIDED FOR IN SUBDIVISIONS FOUR, FIVE AND SIX
29 OF SECTION 3-102 OF THIS TITLE, ARE NEEDED TO COMPLETE THE COUNSEL'S
30 INVESTIGATION, HE OR SHE SHALL REQUEST, UPON APPROVAL OF THE FAIR
31 ELECTIONS BOARD, SUCH ADDITIONAL POWERS FROM THE STATE BOARD OF
32 ELECTIONS. SUCH POWERS SHALL BE GRANTED BY THE BOARD IN PUBLIC, AS
33 PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE, ONLY WHEN
34 THE BOARD FINDS THAT FURTHER INVESTIGATION IS WARRANTED AND JUSTIFIED.

35 15. AT THE CONCLUSION OF ITS INVESTIGATION, THE FAIR ELECTIONS BOARD
36 ENFORCEMENT COUNSEL SHALL PROVIDE THE FAIR ELECTIONS BOARD WITH A WRIT-
37 TEN RECOMMENDATION AS TO: (A) WHETHER SUBSTANTIAL REASON EXISTS TO
38 BELIEVE A VIOLATION OF TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAPTER
39 HAS OCCURRED AND, IF SO, THE NATURE OF THE VIOLATION AND ANY APPLICABLE
40 PENALTY, AS DEFINED IN SECTION 14-126, 14-320 OR 14-322 OF THIS CHAPTER,
41 BASED ON THE NATURE OF THE VIOLATION; (B) WHETHER THE MATTER SHOULD BE
42 RESOLVED EXTRA-JUDICIALLY; (C) WHETHER A SPECIAL PROCEEDING SHOULD BE
43 COMMENCED IN THE SUPREME COURT TO RECOVER A CIVIL PENALTY; AND (D)
44 WHETHER A REFERRAL SHOULD BE MADE TO A DISTRICT ATTORNEY OR THE ATTORNEY
45 GENERAL PURSUANT TO SUBDIVISION SEVENTEEN OF THIS SECTION BECAUSE
46 REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION WARRANTING CRIMINAL PROS-
47 ECUTION HAS TAKEN PLACE.

48 16. THE FAIR ELECTIONS BOARD SHALL ACCEPT, MODIFY OR REJECT THE
49 ENFORCEMENT COUNSEL'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER
50 RECEIPT OF SUCH RECOMMENDATION. IN MAKING ITS DETERMINATION, THE BOARD
51 SHALL AGAIN CONSIDER: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS
52 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT
53 OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION;
54 AND (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR
55 VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE VOTED UPON AS PROVIDED IN
56 SUBDIVISION TWELVE OF SECTION 14-316 OF THIS CHAPTER AT AN OPEN MEETING

1 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE
2 ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE STATUS OF THE
3 SUBJECT OF THE COMPLAINT.

4 17. (A) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDI-
5 VISION SIXTEEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO
6 BELIEVE THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLI-
7 TICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH
8 LAW, HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION
9 LIMITATION ESTABLISHED IN TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAP-
10 TER, WHICH COULD WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION
11 THREE OF SECTION 14-126 OR SUBDIVISION TWO OF SECTION 14-322 OF THIS
12 CHAPTER, THE BOARD SHALL DIRECT THE COMMENCEMENT OF A SPECIAL PROCEEDING
13 IN THE SUPREME COURT.

14 (B) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDIVISION
15 SIXTEEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A
16 VIOLATION OF TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAPTER WARRANTING
17 CRIMINAL PROSECUTION HAS TAKEN PLACE, THE BOARD SHALL REFER THE MATTER
18 TO A DISTRICT ATTORNEY AND SHALL MAKE AVAILABLE TO SUCH DISTRICT ATTOR-
19 NEY ALL PAPERS, DOCUMENTS, TESTIMONY AND FINDINGS RELEVANT TO ITS INVES-
20 TIGATION. WHERE REASONABLE CAUSE EXISTS TO BELIEVE THAT A CANDIDATE FOR
21 THE OFFICE OF ATTORNEY GENERAL HAS VIOLATED TITLE THREE OF ARTICLE FOUR-
22 TEEN OF THIS CHAPTER, THE BOARD SHALL REFER THE MATTER TO THE DISTRICT
23 ATTORNEY OF THE APPROPRIATE COUNTY.

24 (C) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDIVISION
25 SIXTEEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A
26 VIOLATION OF TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAPTER, WARRANTING
27 CRIMINAL PROSECUTION HAS TAKEN PLACE, THE BOARD SHALL, EXCEPT AS
28 PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, REFER THE MATTER TO THE
29 ATTORNEY GENERAL AND SHALL MAKE AVAILABLE TO THE SAME ALL PAPERS, DOCU-
30 MENTS, TESTIMONY AND FINDINGS RELEVANT TO ITS INVESTIGATION.

31 18. UPON NOTIFICATION THAT A SPECIAL PROCEEDING HAS BEEN COMMENCED BY
32 A PARTY OTHER THAN THE FAIR ELECTIONS BOARD, PURSUANT TO SECTION 16-114
33 OF THIS CHAPTER, THE FAIR ELECTIONS BOARD SHALL DIRECT THE FAIR
34 ELECTIONS BOARD ENFORCEMENT COUNSEL TO INVESTIGATE THE ALLEGED
35 VIOLATIONS UNLESS OTHERWISE DIRECTED BY THE COURT.

36 19. THE FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL SHALL PREPARE A
37 REPORT, TO BE INCLUDED IN THE ANNUAL REPORT TO THE GOVERNOR AND LEGISLA-
38 TURE, SUMMARIZING THE ACTIVITIES OF THE UNIT DURING THE PREVIOUS YEAR.
39 SUCH REPORT SHALL INCLUDE: (I) THE NUMBER OF COMPLAINTS RECEIVED; (II)
40 THE NUMBER OF COMPLAINTS THAT WERE FOUND TO NEED INVESTIGATION AND THE
41 NATURE OF EACH COMPLAINT; AND (III) THE NUMBER OF MATTERS THAT HAVE BEEN
42 RESOLVED. THE REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH
43 DISCLOSURE IS NOT PERMITTED.

44 20. THE FAIR ELECTIONS BOARD MAY PROMULGATE RULES AND REGULATIONS
45 CONSISTENT WITH LAW TO EFFECTUATE THE PROVISIONS OF THIS SECTION.

46 S 6. The state of New York shall appropriate during each fiscal year
47 to the New York state fair elections board enforcement unit, not less
48 than thirty-five percent of the appropriation available from the general
49 fund for the state board of elections to pay for the expenses of such
50 enforcement unit. Notwithstanding section fifty-one of the state
51 finance law, such funding shall not be decreased by interchange with any
52 other appropriation.

53 S 7. The election law is amended by adding a new section 3-111 to read
54 as follows:

55 S 3-111. PERSONAL USE OF CAMPAIGN FUNDS. UPON WRITTEN REQUEST FROM ANY
56 PERSON WHO IS SUBJECT TO THE REQUIREMENTS OF SECTION 14-130 OF THIS

1 CHAPTER, THE FAIR ELECTIONS BOARD SHALL RENDER FORMAL OPINIONS ON THE
2 REQUIREMENTS OF SAID PROVISION. AN OPINION RENDERED BY THE BOARD, UNTIL
3 AND UNLESS AMENDED OR REVOKED, SHALL BE BINDING ON THE BOARD IN ANY
4 SUBSEQUENT PROCEEDING CONCERNING THE PERSON WHO REQUESTED THE OPINION
5 AND WHO ACTED IN GOOD FAITH, UNLESS MATERIAL FACTS WERE OMITTED OR
6 MISSTATED BY THE PERSON IN THE REQUEST FOR AN OPINION. SUCH OPINION MAY
7 ALSO BE RELIED UPON BY SUCH PERSON, AND MAY BE INTRODUCED AND SHALL BE
8 DEFENSE IN ANY CRIMINAL OR CIVIL ACTION. SUCH REQUEST SHALL BE CONFIDEN-
9 TIAL, BUT THE BOARD SHALL PUBLISH SUCH OPINIONS PROVIDED THAT THE NAME
10 OF THE REQUESTING PERSON AND OTHER IDENTIFYING DETAILS SHALL NOT BE
11 INCLUDED IN THE PUBLICATION.

12 S 8. Section 14-100 of the election law is amended by adding a new
13 subdivision 15 to read as follows:

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

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

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

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

1 expenditures, receipts and contributions shall be subject to the other
2 provisions of section 14-118 of this [article] TITLE.

3 S 10. Section 14-110 of the election law, as amended by chapter 46 of
4 the laws of 1984, is amended to read as follows:

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

20 S 11. Section 14-112 of the election law, as amended by chapter 930 of
21 the laws of 1981, is amended to read as follows:

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

30 S 12. Section 14-116 of the election law, subdivision 1 as redesign-
31 nated by chapter 9 of the laws of 1978 and subdivision 2 as amended by
32 chapter 260 of the laws of 1981, is amended to read as follows:

33 S 14-116. Political contributions by certain organizations. 1. No
34 corporation, LIMITED LIABILITY COMPANY or joint-stock association doing
35 business in this state, except [a corporation or association] AN ENTITY
36 organized or maintained for political purposes only, shall directly or
37 indirectly pay or use or offer, consent or agree to pay or use any money
38 or property for or in aid of any political party, committee or organiza-
39 tion, or for, or in aid of, any corporation, LIMITED LIABILITY COMPANY,
40 joint-stock or other association organized or maintained for political
41 purposes, or for, or in aid of, any candidate for political office or
42 for nomination for such office, or for any political purpose whatever,
43 or for the reimbursement or indemnification of any person for moneys or
44 property so used. Any officer, director, stock-holder, attorney or agent
45 of any corporation, LIMITED LIABILITY COMPANY or joint-stock association
46 which violates any of the provisions of this section, who participates
47 in, aids, abets or advises or consents to any such violations, and any
48 person who solicits or knowingly receives any money or property in
49 violation of this section, shall be guilty of a misdemeanor.

50 2. Notwithstanding the provisions of subdivision one of this section,
51 any corporation or an organization financially supported in whole or in
52 part, by such corporation, AND ANY LIMITED LIABILITY COMPANY may make
53 expenditures, including contributions, not otherwise prohibited by law,
54 for political purposes, in an amount not to exceed five thousand dollars
55 in the aggregate in any calendar year; provided that no public utility
56 shall use revenues received from the rendition of public service within

1 the state for contributions for political purposes unless such cost is
2 charged to the shareholders of such a public service corporation.

3 S 13. Subdivision 3 of section 14-124 of the election law, as amended
4 by chapter 71 of the laws of 1988, is amended to read as follows:

5 3. The contribution and receipt limits of this article shall not apply
6 to monies received and expenditures made by a party committee or consti-
7 tuted committee to maintain a permanent headquarters and staff and carry
8 on ordinary activities which are not for the express purpose of promot-
9 ing the candidacy of specific candidates. PROVIDED THAT THE FUNDS
10 DESCRIBED IN THIS SUBDIVISION SHALL BE PROHIBITED FROM BEING TRANS-
11 FERRED. PROVIDED FURTHER, THAT EXPENDITURES MADE BY A PARTY COMMITTEE OR
12 CONSTITUTED COMMITTEE FOR A POLITICAL COMMUNICATION IN ACCORDANCE WITH
13 THE PROVISIONS OF THIS SUBDIVISION SHALL NOT INCLUDE THE NAME, LIKENESS
14 OR VOICE OF ANY CANDIDATE OR ELECTED OFFICIAL.

15 S 14. Title 1 of article 14 of the election law is amended by adding a
16 new section 14-132 to read as follows:

17 S 14-132. USE OF CONTRIBUTIONS IN VIOLATION OF FEDERAL POSTAL REGU-
18 LATIONS PROHIBITED. NO PARTY OR CONSTITUTED COMMITTEE WHICH HAS BEEN
19 DESIGNATED AS A NOT-FOR-PROFIT ORGANIZATION BY THE UNITED STATES INTER-
20 NATIONAL REVENUE SERVICE SHALL MAKE EXPENDITURES, OF DIRECT OR INDIRECT
21 CONTRIBUTIONS OR TRANSFERS RECEIVED BY SUCH COMMITTEE, IN VIOLATION OF
22 UNITED STATES POSTAL SERVICE REGULATIONS.

23 S 15. Article 14 of the election law is amended by adding a new title
24 3 to read as follows:

25 TITLE III
26 PUBLIC FINANCING

- 27 SECTION 14-300. APPLICABILITY OF TITLE.
28 14-302. DEFINITIONS.
29 14-304. REPORTING REQUIREMENTS.
30 14-306. ELIGIBILITY.
31 14-308. QUALIFIED CAMPAIGN EXPENDITURES.
32 14-310. OPTIONAL PUBLIC FINANCING.
33 14-312. CONTRIBUTION AND RECEIPT LIMITATIONS.
34 14-314. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS.
35 14-316. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES.
36 14-318. EXAMINATIONS AND AUDITS.
37 14-320. CIVIL ENFORCEMENT.
38 14-322. CRIMINAL PENALTIES.
39 14-324. REPORTS.
40 14-326. DEBATES.
41 14-328. DISTRIBUTIONS FROM FAIR ELECTIONS FUND.

42 S 14-300. APPLICABILITY OF TITLE. THIS TITLE SHALL ONLY APPLY TO THOSE
43 CANDIDATES WHO ELECT TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING
44 SYSTEM.

45 S 14-302. DEFINITIONS. AS USED IN THIS TITLE, UNLESS ANOTHER MEANING
46 IS CLEARLY INDICATED:

47 1. THE TERM "BOARD" OR "FAIR ELECTIONS BOARD" MEANS THE BOARD CREATED
48 BY SECTION 14-316 OF THIS TITLE TO ADMINISTER THE FAIR ELECTIONS FUND.

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

54 3. THE TERM "PARTICIPATING COMMITTEE" SHALL MEAN A SINGLE AUTHORIZED
55 POLITICAL COMMITTEE WHICH A CANDIDATE CERTIFIES IS THE COMMITTEE THAT
56 WILL SOLELY BE USED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTAB-

1 LISHED BY THIS TITLE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMA-
2 RY, GENERAL OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT. A
3 MULTI-CANDIDATE COMMITTEE MAY NOT BE A PARTICIPATING COMMITTEE.

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

8 5. THE TERM "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR
9 ANY OFFICE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING UNDER THIS TITLE FOR A
10 COVERED ELECTION WHO FAILS TO FILE A STATEMENT IN THE FORM OF AN AFFIDA-
11 VIT PURSUANT TO SECTION 14-310 OF THIS TITLE.

12 6. THE TERM "MATCHABLE CONTRIBUTIONS" SHALL MEAN THAT PORTION OF THE
13 AGGREGATE CONTRIBUTIONS MADE (A) IN THE CASE OF A PRIMARY OR GENERAL
14 ELECTION, AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENER-
15 AL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR (B) IN THE CASE OF A
16 SPECIAL ELECTION, WITHIN SIX MONTHS OF SUCH ELECTION BY NATURAL PERSONS
17 RESIDENT IN THE STATE OF NEW YORK TO A CANDIDATE FOR NOMINATION OR
18 ELECTION TO ANY OF THE OFFICES COVERED BY THE PROVISIONS OF THIS TITLE
19 WHICH DO NOT EXCEED TWO HUNDRED FIFTY DOLLARS, WHICH HAVE BEEN REPORTED
20 IN FULL BY THE CANDIDATE'S PARTICIPATING COMMITTEE TO THE FAIR ELECTIONS
21 BOARD, INCLUDING THE CONTRIBUTOR'S FULL NAME AND RESIDENTIAL ADDRESS. A
22 LOAN MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION. THE FOLLOWING
23 CONTRIBUTIONS ARE NOT MATCHABLE:

- 24 (A) IN-KIND CONTRIBUTIONS OF PROPERTY, GOODS, OR SERVICES;
25 (B) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR AN ITEM
26 WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE;
27 (C) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR OR OTHER-
28 WISE INDUCED BY A CHANCE TO PARTICIPATE IN A RAFFLE, LOTTERY, OR SIMILAR
29 DRAWING FOR VALUABLE PRIZES;
30 (D) MONEY ORDER CONTRIBUTIONS FROM ANY ONE CONTRIBUTOR THAT ARE, IN
31 THE AGGREGATE, GREATER THAN ONE HUNDRED DOLLARS;
32 (E) CONTRIBUTIONS FROM INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS;
33 (F) CONTRIBUTIONS FROM INDIVIDUAL VENDORS TO WHOM THE PARTICIPATING
34 CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE MAKES AN EXPENDITURE, IN
35 FURTHERANCE OF THE NOMINATION FOR ELECTION OR ELECTION COVERED BY THE
36 CANDIDATE'S CERTIFICATION, UNLESS SUCH EXPENDITURE IS REIMBURSING AN
37 ADVANCE.

38 (G) ALL CONTRIBUTIONS RECEIVED BETWEEN THE DAY AFTER THE GENERAL
39 ELECTION IN WHICH THE PARTICIPATING CANDIDATE IS SEEKING OFFICE AND THE
40 THIRTY-FIRST DAY OF DECEMBER OF THE YEAR BEFORE THE YEAR IN WHICH THE
41 NEXT GENERAL ELECTION IS TO BE HELD, INCLUSIVELY.

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

44 8. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE FAIR ELECTIONS FUND
45 CREATED BY SECTION NINETY-TWO-Y OF THE STATE FINANCE LAW.

46 9. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL
47 MATCHABLE CONTRIBUTIONS THAT THE PARTICIPATING COMMITTEE OF AN OTHERWISE
48 ELIGIBLE CANDIDATE MUST RECEIVE, AS REQUIRED BY SECTION 14-306 OF THIS
49 TITLE, IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO
50 THIS TITLE.

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

53 11. THE TERM "ELECTION CYCLE" SHALL MEAN THE TWO YEAR PERIOD STARTING
54 THE DAY AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR THE STATE
55 LEGISLATURE AND SHALL MEAN THE FOUR YEAR PERIOD STARTING AFTER THE DAY
56 AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR STATEWIDE OFFICE.

1 S 14-304. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE
2 SHALL NOT DESIGNATE MORE THAN ONE AUTHORIZED COMMITTEE. BEFORE RECEIVING
3 ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION, EACH
4 PARTICIPATING CANDIDATE SHALL NOTIFY THE FAIR ELECTIONS BOARD AS TO THE
5 EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN DESIGNATED
6 AND APPROVED BY SUCH CANDIDATE. EACH SUCH AUTHORIZED COMMITTEE SHALL,
7 BEFORE OPENING A COMMITTEE BANK ACCOUNT, RECEIVING ANY CONTRIBUTION OR
8 MAKING ANY EXPENDITURE FOR A COVERED ELECTION:

9 (A) DESIGNATE A TREASURER; AND

10 (B) OBTAIN A TAX IDENTIFICATION NUMBER FROM THE INTERNAL REVENUE
11 SERVICE.

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

17 (B) THE FAIR ELECTIONS BOARD SHALL REVIEW EACH DISCLOSURE REPORT FILED
18 WITH THE STATE BOARD OF ELECTIONS PURSUANT TO TITLE ONE OF THIS ARTICLE
19 AND SHALL INFORM PARTICIPATING CANDIDATES AND POLITICAL COMMITTEES
20 INCLUDING THE AUTHORIZED COMMITTEE, OF RELEVANT QUESTIONS THE FAIR
21 ELECTIONS BOARD HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF THIS
22 TITLE AND OF THE RULES ISSUED BY THE FAIR ELECTIONS BOARD; AND (II)
23 QUALIFICATION FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS
24 TITLE. IN THE COURSE OF SUCH REVIEW, THE FAIR ELECTIONS BOARD SHALL GIVE
25 CANDIDATES AND POLITICAL COMMITTEES INCLUDING THE AUTHORIZED COMMITTEE,
26 AN OPPORTUNITY TO RESPOND TO AND CORRECT POTENTIAL VIOLATIONS AND GIVE
27 CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS THE BOARD HAS CONCERNING
28 THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER ISSUES CONCERNING ELIGIBIL-
29 ITY FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. NOTHING
30 IN THIS PARAGRAPH SHALL PRECLUDE THE BOARD FROM SUBSEQUENTLY REVIEWING
31 SUCH A DISCLOSURE REPORT AND TAKING ANY ACTION OTHERWISE AUTHORIZED BY
32 THIS TITLE.

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

36 S 14-306. ELIGIBILITY. 1. TO BE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING
37 UNDER THIS TITLE, A CANDIDATE FOR NOMINATION OR ELECTION MUST:

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

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

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

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

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

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

1 (G) FOR ANY CANDIDATE ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC
2 FINANCING SYSTEM IN THE YEAR IN WHICH SUCH OPTIONAL PUBLIC FINANCING
3 SYSTEM IS FIRST EFFECTIVE, FOR THE COVERED OFFICE BEING SOUGHT BY SUCH
4 CANDIDATE, AND, IN EACH SUBSEQUENT YEAR, THOSE CANDIDATES WHO DID NOT
5 ELECT TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM IN THE YEAR
6 IMMEDIATELY PRECEDING THE CURRENT YEAR, AGREE NOT TO EXPEND FOR CAMPAIGN
7 PURPOSES ANY PORTION OF ANY PRE-EXISTING FUNDS RAISED FOR ANY PUBLIC
8 OFFICE OR PARTY POSITION PRIOR TO THE DATE OF ELECTING TO PARTICIPATE IN
9 THE PUBLIC FINANCING SYSTEM AS SET FORTH IN PARAGRAPH (C) OF THIS SUBDI-
10 VISION. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO LIMIT, IN ANY
11 WAY, ANY CANDIDATE OR PUBLIC OFFICIAL FROM EXPENDING ANY PORTION OF
12 PRE-EXISTING CAMPAIGN FUNDS FOR ANY LAWFUL PURPOSE OTHER THAN THOSE
13 RELATED TO HIS OR HER CAMPAIGN.

14 (H) AGREE NOT TO ACCEPT CONTRIBUTIONS IN EXCESS OF THE LIMITS SET
15 FORTH IN SECTION 14-312 OF THIS TITLE FROM THE TIME HE OR SHE ELECTS TO
16 PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM, AS SET FORTH BY
17 PARAGRAPH (C) OF THIS SECTION, THROUGH THE THIRTY-FIRST DAY OF DECEMBER
18 OF THE YEAR BEFORE THE YEAR IN WHICH THE NEXT GENERAL ELECTION IS TO BE
19 HELD.

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

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

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

32 (C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL
33 ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST TWO
34 HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED
35 FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE
36 INCLUDING AT LEAST TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED INDI-
37 VIDUAL CONTRIBUTORS WHO RESIDE IN THE SENATE DISTRICT OR RESIDE IN ANY
38 PORTION OF ANY COUNTY WHICH CONSTITUTES ANY MEASURE OF THE DISTRICT IN
39 WHICH THE SEAT IS TO BE FILLED.

40 (D) MEMBERS OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION.
41 NOT LESS THAN TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED MATCHABLE
42 CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER
43 INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE INCLUDING AT LEAST
44 FIVE THOUSAND DOLLARS FROM AT LEAST FIFTY INDIVIDUALS WHO RESIDE IN THE
45 ASSEMBLY DISTRICT OR RESIDE IN ANY PORTION OF ANY COUNTY WHICH CONSTI-
46 TUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

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

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

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

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

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

12 6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR
13 SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING
14 SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS THERE IS
15 AT LEAST ONE OTHER CANDIDATE, AS DEFINED BY SUBDIVISION SEVEN OF SECTION
16 14-100 OF THIS ARTICLE FOR SUCH OFFICE IN SUCH ELECTION.

17 S 14-308. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED
18 UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY
19 THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDI-
20 TURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION
21 OR ELECTION AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR
22 GENERAL ELECTION IS HELD FOR THE OFFICE SOUGHT, FOR SERVICES, MATERIALS,
23 FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT ELECTION CYCLE OR,
24 IN THE CASE OF A SPECIAL ELECTION, FOR EXPENDITURES DURING THE PERIOD
25 COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL
26 ELECTION.

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

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

30 (B) PAYMENTS OR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A
31 RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH
32 PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY
33 SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE IN EXCESS OF THE FAIR
34 MARKET VALUE OF SUCH SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF
35 VALUE RECEIVED IN EXCHANGE;

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

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

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

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

47 (G) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS, OR OTHER PRINTED CAMPAIGN
48 MATERIALS; AND

49 (H) CONTRIBUTIONS OR TRANSFERS TO A POLITICAL COMMITTEE.

50 S 14-310. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR
51 NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY
52 OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALI-
53 FIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A
54 PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON
55 THE BALLOT AND FILED A SWORN STATEMENT WITH THE FAIR ELECTIONS BOARD
56 ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND

1 AGREEING TO ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT
2 EXCEED THE AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN
3 ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE
4 MADE TO A PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC
5 FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED
6 CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS
7 USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

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

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

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

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

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

38 S 14-312. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,
39 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE
40 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A
41 CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTIC-
42 IPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING
43 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE
44 AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

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

54 (B) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
55 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
56 FUNDS, A PARTICIPATING CANDIDATE FOR ATTORNEY GENERAL OR COMPTROLLER IN

1 A PRIMARY OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMIT-
2 TEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED
3 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
4 EXCEED ONE MILLION DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT
5 OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

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

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

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

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

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

41 3. NOTWITHSTANDING ANY PUBLIC FUNDS RECEIPT LIMIT IN THIS SUBDIVISION,
42 EACH COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR
43 STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE, INCLUDING WITHIN THE TERM
44 COUNTY COMMITTEE ANY OF ITS SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF SUCH
45 PARTY'S CANDIDATES FOR STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE WHO
46 HAS AGREED TO ACCEPT PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED
47 THE SUM OF TWO CENTS FOR EACH VOTER REGISTERED IN SUCH COUNTY AS DETER-
48 MINED BY THE RECORDS OF THE APPROPRIATE BOARD OF ELECTIONS AS OF THE
49 PRECEDING GENERAL ELECTION.

50 4. IN COMPUTING THE AGGREGATE AMOUNT EXPENDED FOR PURPOSES OF THIS
51 SECTION, EXPENDITURES MADE BY A STATE CONSTITUTED COMMITTEE OR A COUNTY
52 COMMITTEE IN SUPPORT OF MORE THAN ONE CANDIDATE SHALL BE ALLOCATED AMONG
53 SUCH CANDIDATES SUPPORTED BY THE COMMITTEE IN ACCORDANCE WITH FORMULAS
54 PROMULGATED BY THE FAIR ELECTIONS BOARD OR, IN THE ABSENCE OF SUCH OFFI-
55 CIAL FORMULAS, IN ACCORDANCE WITH A FORMULA BASED UPON REASONABLE STAND-
56 ARDS. THE STATEMENTS FILED BY SUCH CONSTITUTED COMMITTEE IN ACCORDANCE

1 WITH THIS CHAPTER SHALL SET FORTH, IN ADDITION TO THE OTHER INFORMATION
 2 REQUIRED, THE TOTAL AMOUNT EXPENDED BY THE PARTY COMMITTEE ON BEHALF OF
 3 ALL SUCH CANDIDATES AND THE AMOUNT ALLOCATED TO EACH CANDIDATE BY DOLLAR
 4 AMOUNT AND PERCENTAGE. EXPENDITURES BY A PARTY FOR ACTIVITIES WHICH DO
 5 NOT SUPPORT OR OPPOSE THE ELECTION OF ANY CANDIDATE OR CANDIDATES BY
 6 NAME OR BY CLEAR INFERENCE SHALL NOT BE REGARDED AS EXPENDITURES ON
 7 BEHALF OF OR IN OPPOSITION TO A CANDIDATE.

8 5. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC
 9 FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIB-
 10 UTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR
 11 THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF
 12 THE GENERAL ELECTION FOR THE OFFICE SOUGHT, EXCEPT THAT A PARTICIPATING
 13 CANDIDATE OR PARTICIPATING COMMITTEE WHICH HAS A DEFICIT ON THE DAY OF
 14 THE GENERAL ELECTION MAY, AFTER SUCH DATE, ACCEPT CONTRIBUTIONS WHICH DO
 15 NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAIS-
 16 ING SUCH CONTRIBUTIONS OR THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED
 17 BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS.

18 6. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION,
 19 PARTICIPATING CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF THIS
 20 ARTICLE.

21 S 14-314. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS. THE FOLLOWING
 22 LIMITATIONS APPLY TO THE TOTAL AMOUNT OF PUBLIC FUNDS THAT MAY BE
 23 PROVIDED TO A PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE FOR AN
 24 ELECTION CYCLE:

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

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

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

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

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

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

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

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

40 CANDIDATES FOR ELECTION TO THE OFFICE OF:

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

42 ATTORNEY GENERAL \$8,000,000

43 COMPTROLLER \$8,000,000

44 MEMBER OF SENATE \$400,000

45 MEMBER OF ASSEMBLY \$200,000

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

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

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

1 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE AMOUNT OF
2 PRIVATE FUNDS A PARTICIPATING CANDIDATE MAY RECEIVE SUBJECT TO THE
3 CONTRIBUTION LIMITS CONTAINED IN SECTION 14-312 OF THIS TITLE.

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

17 S 14-316. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES. 1. THERE
18 SHALL BE A BOARD WITHIN THE STATE BOARD OF ELECTIONS KNOWN AS THE "FAIR
19 ELECTIONS BOARD" COMPOSED OF FIVE MEMBERS, OF WHICH ONE MEMBER SHALL BE
20 APPOINTED BY THE GOVERNOR AND ONE MEMBER SHALL BE APPOINTED BY EACH
21 LEGISLATIVE LEADER OF THE SENATE AND ASSEMBLY. NO MEMBER OF THE FAIR
22 ELECTIONS BOARD SHALL HOLD ELECTIVE OFFICE, NOR SHALL ANY MEMBER BE A
23 LOBBYIST AS DEFINED IN SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLA-
24 TIVE LAW. THE CHAIR SHALL BE RESPONSIBLE FOR MANAGING THE FAIR ELECTIONS
25 BOARD. THE MEMBERS SHALL EACH SERVE FOR A TERM OF FOUR YEARS.

26 2. THE MEMBERS OF THE FAIR ELECTIONS BOARD SHALL DESIGNATE THE CHAIR-
27 MAN OF THE FAIR ELECTIONS BOARD FROM AMONG THE MEMBERS THEREOF, WHO
28 SHALL SERVE AS CHAIRMAN AT THE PLEASURE OF THE MEMBERS OF THE FAIR
29 ELECTIONS BOARD. THE CHAIRMAN OR ANY THREE MEMBERS OF THE FAIR ELECTIONS
30 BOARD MAY CALL A MEETING.

31 3. EACH MEMBER'S TERM SHALL COMMENCE ON JANUARY FIRST, TWO THOUSAND
32 FIFTEEN. IN CASE OF A VACANCY IN THE OFFICE OF A MEMBER, A MEMBER SHALL
33 BE APPOINTED ACCORDING TO THE ORIGINAL MANNER OF APPOINTMENT. EACH
34 MEMBER SHALL BE A RESIDENT OF THE STATE OF NEW YORK AND REGISTERED TO
35 VOTE THEREIN. EACH MEMBER SHALL AGREE NOT TO MAKE AND SHALL NOT MAKE
36 CONTRIBUTIONS TO ANY CANDIDATE OR AUTHORIZED COMMITTEE FOR NOMINATION
37 FOR ELECTION. NO MEMBER SHALL SERVE AS AN OFFICER OF A POLITICAL PARTY
38 OR COMMITTEE OR BE A CANDIDATE OR PARTICIPATE IN ANY CAPACITY IN A
39 CAMPAIGN BY A CANDIDATE FOR NOMINATION FOR ELECTION. AN OFFICER OR
40 EMPLOYEE OF THE STATE OR ANY STATE AGENCY SHALL NOT BE ELIGIBLE TO BE A
41 MEMBER OF THE FAIR ELECTIONS BOARD.

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

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

47 6. THE FAIR ELECTIONS BOARD SHALL APPOINT A COUNSEL, A DEPUTY COUN-
48 SEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY THAN THE
49 COUNSEL, A SPECIAL COUNSEL, A DEPUTY SPECIAL COUNSEL, WHO SHALL BE A
50 MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY THAN THE SPECIAL COUNSEL, A
51 DIRECTOR OF PUBLIC INFORMATION, A DEPUTY DIRECTOR OF PUBLIC INFORMATION,
52 WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY THAN THE
53 DIRECTOR OF PUBLIC INFORMATION. THE FAIR ELECTIONS BOARD MAY UTILIZE
54 EXISTING STAFF OF THE STATE BOARD OF ELECTIONS AS MAY BE NECESSARY, AND
55 MAKE NECESSARY EXPENDITURES SUBJECT TO APPROPRIATION, PROVIDED HOWEVER
56 THAT THE COUNSEL, IN CONSULTATION WITH THE FAIR ELECTIONS BOARD, SHALL

1 HAVE THE AUTHORITY TO HIRE AT LEAST FOUR NEW FAIR ELECTIONS BOARD STAFF
2 MEMBERS. SUCH FAIR ELECTIONS BOARD STAFF MEMBERS SHALL BE DEDICATED TO
3 TRAINING AND ASSISTING PARTICIPATING CANDIDATES IN COMPLYING WITH THE
4 REQUIREMENTS OF OPTIONAL PUBLIC FINANCING AS PROVIDED FOR UNDER THE
5 PROVISIONS OF TITLE TWO OF THIS ARTICLE. THE FAIR ELECTIONS BOARD SHALL
6 RETAIN AN INDEPENDENT AUDITOR TO PERFORM ONGOING AUDITS OF EACH COVERED
7 ELECTION BY CONTRACT ENTERED INTO PURSUANT TO SECTION ONE HUNDRED
8 SIXTY-THREE OF THE STATE FINANCE LAW.

9 7. THE COUNSEL AND THE SPECIAL COUNSEL SHALL EACH SERVE A TERM OF FOUR
10 YEARS AND MAY ONLY BE REMOVED FOR CAUSE. ANY TIME AFTER THE EFFECTIVE
11 DATE OF THIS SECTION, THE MEMBERS, OR IN THE CASE OF A VACANCY ON THE
12 FAIR ELECTIONS BOARD, THE MEMBERS, OF EACH OF THE SAME MAJOR POLITICAL
13 PARTY AS THE INCUMBENT COUNSEL, DEPUTY COUNSEL, SHALL APPOINT SUCH COUN-
14 SELS, AND DEPUTIES. ANY VACANCY IN THE OFFICE OF COUNSEL, DEPUTY COUN-
15 SEL, SPECIAL COUNSEL, SPECIAL DEPUTY COUNSEL, DIRECTOR OF PUBLIC INFOR-
16 MATION AND DEPUTY DIRECTOR OF PUBLIC INFORMATION SHALL BE FILLED BY THE
17 MEMBERS OF THE FAIR ELECTIONS BOARD OR IN THE CASE OF A VACANCY ON THE
18 BOARD, THE MEMBERS OF THE SAME MAJOR POLITICAL PARTY AS THE VACATING
19 INCUMBENT FOR THE REMAINING PERIOD OF THE TERM OF SUCH VACATING INCUM-
20 BENT.

21 8. THE FAIR ELECTIONS BOARD SHALL:

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

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

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

35 (D) IN CONJUNCTION WITH THE STATE BOARD OF ELECTIONS DEVELOP AN INTER-
36 ACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION
37 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMA-
38 TION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR
39 AUTHORIZED COMMITTEES AND DISTRIBUTIONS OF MONEYS FROM THE FUND AND
40 SHALL BE ACCESSIBLE TO THE PUBLIC ON THE STATE BOARD OF ELECTIONS'
41 WEBSITE.

42 9. CONSISTENT WITH THE PROVISIONS OF THE CIVIL SERVICE LAW AND SUBDI-
43 VISION SEVENTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
44 AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL
45 POSITIONS ON THE STAFF OF THE FAIR ELECTIONS BOARD SHALL BE CLASSIFIED
46 IN THE EXEMPT CLASS OF THE CIVIL SERVICE AND SUCH POSITIONS SHALL BE
47 FILLED, TO THE EXTENT POSSIBLE, WITH AN EQUAL NUMBER OF PERSONS FROM
48 EACH OF THE TWO POLITICAL PARTIES FOR WHICH THE HIGHEST AND THE NEXT
49 HIGHEST NUMBER OF VOTES WERE CAST FOR THE OFFICE OF STATE COMPTROLLER AT
50 THE LAST PRECEDING GENERAL ELECTION FOR SUCH OFFICE.

51 10. THE FAIR ELECTIONS BOARD'S ADMINISTRATION OF THE FUND SHALL BE
52 GOVERNED BY THE PROVISIONS OF THIS TITLE AND SECTION NINETY-TWO-Y OF THE
53 STATE FINANCE LAW.

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

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

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

6 S 14-318. EXAMINATIONS AND AUDITS. 1. THE FAIR ELECTIONS BOARD MAY
7 CONDUCT A THOROUGH EXAMINATION AND PRE-ELECTION AUDIT OF THE CONTRIB-
8 UTIONS AND QUALIFIED CAMPAIGN EXPENSES OF THE PARTICIPATING COMMITTEE OF
9 EVERY PARTICIPATING CANDIDATE WHO RECEIVED PAYMENTS PURSUANT TO SECTION
10 14-310 OF THIS TITLE. SUCH AUDITS SHALL BE CONDUCTED AS FREQUENTLY AS
11 THE FAIR ELECTIONS BOARD DEEMS NECESSARY TO ENSURE COMPLIANCE WITH THIS
12 TITLE. THE FAIR ELECTIONS BOARD SHALL NOTIFY, IN WRITING, ANY CANDI-
13 DATE'S AUTHORIZED COMMITTEE PRIOR TO THE COMMENCEMENT OF SUCH PRE-ELEC-
14 TION AUDIT. NO PRE-ELECTION AUDIT SHALL COMMENCE IN THE ABSENCE OF THE
15 NOTICE REQUIREMENT OF THIS SUBDIVISION. EVERY CANDIDATE WHO RECEIVES
16 PUBLIC MATCHING FUNDS UNDER THIS TITLE SHALL ALSO BE AUDITED BY THE FAIR
17 ELECTIONS BOARD POST-ELECTION. THE COST OF COMPLYING WITH A POST-ELEC-
18 TION AUDIT SHALL BE BORNE BY THE CANDIDATE'S AUTHORIZED COMMITTEE. A
19 CANDIDATE WHO HAS RECEIVED PUBLIC MATCHING FUNDS UNDER THIS TITLE MUST
20 MAINTAIN A RESERVE OF AT LEAST ONE PERCENT OF THE TOTAL AMOUNT OF MATCH-
21 ING FUNDS RECEIVED BY SUCH CANDIDATE IN HIS OR HER CAMPAIGN ACCOUNT TO
22 COMPLY WITH THE POST-ELECTION AUDIT. A CANDIDATE WHO RUNS IN BOTH A
23 PRIMARY AND A GENERAL ELECTION, MUST MAINTAIN A RESERVE OF ONE PERCENT
24 OF THE TOTAL AMOUNT OF PUBLIC MATCHING FUNDS RECEIVED BY SUCH CANDIDATE
25 FOR BOTH HIS OR HER PRIMARY AND GENERAL ELECTION. A CANDIDATE MAY USE
26 PUBLIC MATCHING FUNDS, PRIVATE FUNDS OR A COMBINATION OF PUBLIC AND
27 PRIVATE FUNDS TO COMPLY WITH A POST-ELECTION AUDIT. THE FAIR ELECTIONS
28 BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED THE FINAL POST-ELECTION AUDIT
29 REPORT THAT DETAILS ITS FINDINGS AND SHALL PROVIDE SUCH AUDIT TO THE
30 GOVERNOR AND LEGISLATIVE LEADERS AND MAKE SUCH AUDIT REPORT AVAILABLE ON
31 THE STATE BOARD OF ELECTIONS' WEBSITE. FINAL POST-ELECTION AUDIT
32 REPORTS SHALL BE COMPLETED NO LATER THAN TWELVE MONTHS AFTER THE DATE OF
33 THE ELECTION OR ELECTIONS FOR WHICH THE CANDIDATE RECEIVED PUBLIC FUNDS.
34 THIS AUDIT DEADLINE SHALL NOT APPLY IN CASES INVOLVING POTENTIAL CAMP-
35 AIGN-RELATED FRAUD, KNOWING AND WILLFUL VIOLATIONS OF THIS ARTICLE OR
36 CRIMINAL ACTIVITY.

37 2. (A) IF THE FAIR ELECTIONS BOARD DETERMINES THAT ANY PORTION OF THE
38 PAYMENT MADE TO A PARTICIPATING COMMITTEE FROM THE FUND WAS IN EXCESS OF
39 THE AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS
40 ENTITLED PURSUANT TO SECTION 14-310 OF THIS TITLE, IT SHALL NOTIFY SUCH
41 COMMITTEE OF THE EXCESS AMOUNT AND SUCH COMMITTEE SHALL PAY TO THE FAIR
42 ELECTIONS BOARD AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS;
43 PROVIDED, HOWEVER, THAT IF THE ERRONEOUS PAYMENT WAS DUE TO AN ERROR
44 MADE BY THE FAIR ELECTIONS BOARD, THEN THE ERRONEOUS PAYMENT WILL BE
45 OFFSET AGAINST ANY FUTURE PAYMENT, IF ANY. THE PARTICIPATING CANDIDATE
46 AND HIS OR HER PARTICIPATING COMMITTEE SHALL BE JOINTLY AND SEVERALLY
47 LIABLE FOR ANY REPAYMENTS DUE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT BY
48 SUCH BOARD INTO THE NEW YORK STATE CAMPAIGN FUND.

49 (B) IF THE BOARD DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO A
50 PARTICIPATING COMMITTEE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN
51 TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY SUCH PARTICIPAT-
52 ING COMMITTEE OF THE AMOUNT DISQUALIFIED AND SUCH PARTICIPATING COMMIT-
53 TEE SHALL PAY TO THE FAIR ELECTIONS BOARD AN AMOUNT EQUAL TO SUCH
54 DISQUALIFIED AMOUNT. SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK
55 STATE FAIR ELECTIONS FUND CREATED PURSUANT TO SECTION NINETY-TWO-Y OF
56 THE STATE FINANCE LAW. THE CANDIDATE AND THE CANDIDATE'S AUTHORIZED

1 COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE
2 TO THE FAIR ELECTIONS BOARD.

3 (C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE FUND RECEIVED
4 BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING
5 COMMITTEE, EXCEEDS THE PUBLIC FUNDING RECEIPT LIMITATION OF SUCH CANDI-
6 DATE AND COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS
7 FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM
8 THE FUND NOT LATER THAN TEN DAYS AFTER ALL PERMISSIBLE LIABILITIES HAVE
9 BEEN PAID AND IN ANY EVENT, NOT LATER THAN TWENTY DAYS AFTER THE DATE ON
10 WHICH THE FAIR ELECTIONS BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE
11 PARTICIPATING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT
12 MATCHING FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE
13 AND PAYABLE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT INTO THE NEW YORK
14 STATE FAIR ELECTIONS FUND UPON ITS DETERMINATION THAT THE PARTICIPANT
15 WILLFULLY DELAYED THE POST-ELECTION AUDIT PROCESS. A PARTICIPATING
16 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-
17 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH ENDING A CAMPAIGN AND
18 RESPONDING TO THE POST-ELECTION AUDIT. NOTHING IN THIS SECTION SHALL BE
19 CONSTRUED TO PROHIBIT THE POST-ELECTION EXPENDITURE OF PUBLIC FUNDS FOR
20 DEBTS INCURRED DURING THE CAMPAIGN FOR WHICH PUBLIC FUNDS WERE ELIGIBLE
21 TO BE USED.

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

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

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

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

44 S 14-320. CIVIL ENFORCEMENT. 1. ANY PERSON OR AUTHORIZED COMMITTEE WHO
45 KNOWINGLY AND WILFULLY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS
46 OF THIS TITLE SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THE
47 AMOUNT OF FIVE THOUSAND DOLLARS.

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

52 3. FINES AUTHORIZED UNDER THIS SECTION WILL BE IMPOSED BY THE FAIR
53 ELECTIONS BOARD AFTER A HEARING AT WHICH THE SUBJECT PERSON OR AUTHOR-
54 IZED COMMITTEE SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD. SUCH HEARING
55 SHALL BE HELD IN SUCH MANNER AND UPON SUCH NOTICE AS MAY BE PRESCRIBED
56 BY THE RULES OF THE FAIR ELECTIONS BOARD. FOR PURPOSES OF CONDUCTING

1 SUCH HEARINGS, THE FAIR ELECTIONS BOARD SHALL BE DEEMED TO BE AN AGENCY
2 WITHIN THE MEANING OF ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCE-
3 DURE ACT AND SHALL ADOPT RULES GOVERNING THE CONDUCT OF ADJUDICATORY
4 PROCEEDINGS AND APPEALS TAKEN PURSUANT TO A PROCEEDING COMMENCED UNDER
5 ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES RELATING TO
6 THE ASSESSMENT OF THE CIVIL PENALTIES HEREIN AUTHORIZED.

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

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

13 S 14-322. CRIMINAL PENALTIES. 1. ANY PERSON WHO KNOWINGLY AND WILLFUL-
14 LY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS OF THIS TITLE WITH-
15 IN TEN DAYS AFTER THE DATE PROVIDED FOR SUCH, OR ANYONE THAT KNOWINGLY
16 AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE SHALL BE GUILTY
17 OF A MISDEMEANOR AND, IN ADDITION TO SUCH OTHER PENALTIES AS MAY BE
18 PROVIDED BY LAW, SHALL BE SUBJECT TO A FINE NOT TO EXCEED THE AMOUNT OF
19 TEN THOUSAND DOLLARS.

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

25 3. ANY PERSON WHO KNOWINGLY AND WILLFULLY MAKES A FALSE STATEMENT OR
26 KNOWINGLY OMITTS A MATERIAL FACT TO THE FAIR ELECTIONS BOARD OR AN AUDI-
27 TOR DESIGNATED BY THE FAIR ELECTIONS BOARD DURING ANY AUDIT CONDUCTED
28 PURSUANT TO SECTION 14-318 OF THIS TITLE SHALL BE GUILTY OF A CLASS E
29 FELONY.

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

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

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

40 S 14-324. REPORTS. THE FAIR ELECTIONS BOARD SHALL SUBMIT A REPORT TO
41 THE GOVERNOR AND LEGISLATIVE LEADERS ON OR BEFORE FEBRUARY FIRST, TWO
42 THOUSAND SIXTEEN, AND EVERY FOUR YEARS THEREAFTER, WHICH SHALL INCLUDE:

43 1. A LIST OF THE PARTICIPATING AND NONPARTICIPATING CANDIDATES IN
44 COVERED ELECTIONS AND THE VOTES RECEIVED BY EACH CANDIDATE IN THOSE
45 ELECTIONS;

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

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

50 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGNS FOR
51 ALL OFFICES COVERED UNDER SECTION 14-306 OF THIS TITLE, INCLUDING ITS
52 EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF
53 CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES,
54 THE CANDIDATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND
55 THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

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

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

6 S 14-326. DEBATES. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGU-
7 LATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTIC-
8 IPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE
9 BEFORE THE PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENER-
10 AL ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE
11 PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDI-
12 DATE MAY BE A PARTY TO SUCH DEBATES.

13 S 14-328. DISTRIBUTIONS FROM FAIR ELECTIONS FUND. 1. THIS SECTION
14 GOVERNS THE FAIR ELECTIONS BOARD'S DISTRIBUTION OF FUNDS FROM THE FAIR
15 ELECTIONS FUND CREATED BY SECTION NINETY-TWO-Y OF THE STATE FINANCE LAW,
16 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

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

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

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

28 5. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR
29 SUCH A CANDIDATE'S AUTHORIZED COMMITTEE ON THE DATE OF SUCH DISQUALI-
30 FICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE
31 EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE THAT DATE. ALL EXCESS
32 PUBLIC MONEYS PAID TO A DISQUALIFIED CANDIDATE SHALL BE RETURNED TO THE
33 FUND NOT LESS THAN THIRTY DAYS AFTER THE GENERAL ELECTION FOR THOSE
34 PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS FOR THE GENERAL
35 ELECTION, AND OTHERWISE, NOT LESS THAN THIRTY DAYS AFTER THE PRIMARY
36 ELECTION FOR THOSE PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS
37 SOLELY FOR THE PRIMARY ELECTION.

38 6. (A) PARTICIPATING CANDIDATES SHALL PAY TO THE FAIR ELECTIONS BOARD
39 UNSPENT PUBLIC CAMPAIGN FUNDS FROM AN ELECTION NOT LATER THAN THIRTY
40 DAYS AFTER ALL LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND, IN ANY
41 EVENT, NOT LESS THAN TWENTY DAYS AFTER THE DATE UPON WHICH THE FAIR
42 ELECTIONS BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING
43 CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT PUBLIC
44 CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE
45 AND PAYABLE TO THE FAIR ELECTIONS BOARD UPON ITS DETERMINATION THAT THE
46 PARTICIPATING CANDIDATE HAS, WITHOUT JUST CAUSE, DELAYED THE POST-ELEC-
47 TION AUDIT PROCESS. UNSPENT CAMPAIGN FUNDS DETERMINATIONS MADE BY THE
48 FAIR ELECTIONS BOARD SHALL BE BASED ON THE PARTICIPATING CANDIDATE
49 COMMITTEE'S RECEIPTS AND EXPENDITURES. THE FAIR ELECTIONS BOARD MAY ALSO
50 CONSIDER ANY OTHER RELEVANT INFORMATION REVEALED IN THE COURSE OF ITS
51 AUDITS OR INVESTIGATIONS OR THE INVESTIGATIONS BY ANY OTHER AGENCY.

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

1 (II) BEFORE REPAYING UNSPENT PUBLIC CAMPAIGN FUNDS, A PARTICIPATING
2 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-
3 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND
4 RESPONDING TO THE POST-ELECTION AUDIT. SUCH EXPENDITURES MAY INCLUDE:
5 PAYMENT OF UTILITY BILLS AND RENT; REASONABLE STAFF SALARIES AND
6 CONSULTANT FEES FOR RESPONDING TO A POST-ELECTION AUDIT; REASONABLE
7 MOVING EXPENSES RELATED TO CLOSING A CAMPAIGN OFFICE; A HOLIDAY CARD
8 MAILING TO CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS; THANK
9 YOU NOTES FOR CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS;
10 PAYMENT OF TAXES AND OTHER REASONABLE EXPENSES FOR COMPLIANCE WITH
11 APPLICABLE TAX LAWS; AND INTEREST EXPENSES. ROUTINE POST-ELECTION
12 EXPENDITURES THAT MAY BE PAID FOR WITH UNSPENT CAMPAIGN FUNDS DO NOT
13 INCLUDE SUCH ITEMS AS POST-ELECTION MAILINGS OTHER THAN AS SPECIFICALLY
14 PROVIDED FOR IN THIS SUBPARAGRAPH; MAKING CONTRIBUTIONS; MAKING BONUS
15 PAYMENTS OR GIFTS TO STAFF MEMBERS OR VOLUNTEERS; OR HOLDING ANY POST-E-
16 LECTION DAY EVENT, INCLUDING, BUT NOT LIMITED TO, ANY MEAL OR ANY PARTY.
17 UNSPENT CAMPAIGN FUNDS MAY NOT BE USED FOR TRANSITION OR INAUGURATION
18 ACTIVITIES.

19 7. ALL MONIES RECEIVED BY THE FAIR ELECTIONS BOARD PURSUANT TO THIS
20 SECTION SHALL BE DEPOSITED INTO THE NEW YORK STATE FAIR ELECTIONS FUND
21 PURSUANT TO SECTION NINETY-TWO-Y OF THE STATE FINANCE LAW.

22 8. ANY CANDIDATE WHO ACCEPTS A CONTRIBUTION OR CONTRIBUTIONS IN EXCESS
23 OF THE LIMITS SET FORTH IN SECTION 14-312 OF THIS TITLE, PRIOR TO ELECT-
24 ING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM, AS SET FORTH
25 BY PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION 14-306 OF THIS TITLE,
26 SHALL HAVE HIS OR HER TOTAL PUBLIC MATCHING FUND GRANT REDUCED BY SUCH
27 EXCESS AMOUNT. SUCH AMOUNT SHALL BE DEDUCTED BEGINNING FROM THE FIRST
28 ALLOWABLE DISBURSEMENT FROM THE FUND UNTIL SUCH EXCESS AMOUNT IS
29 REACHED, AT WHICH POINT THE PUBLIC FUND DISBURSEMENT SHALL BE PROVIDED
30 TO THE CANDIDATE CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

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

33 S 16-103. PROCEEDINGS AS TO PUBLIC FINANCING. 1. THE DETERMINATION OF
34 ELIGIBILITY PURSUANT TO SECTION 14-306 OF THIS CHAPTER AND ANY QUESTION
35 OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSU-
36 ANT TO SECTION 14-310 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING
37 INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDI-
38 DATE.

39 2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR
40 PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-310
41 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETER-
42 MINATION WAS MADE. THE FAIR ELECTIONS BOARD SHALL BE MADE A PARTY TO ANY
43 SUCH PROCEEDING.

44 3. UPON THE FAIR ELECTIONS BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE
45 FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE
46 ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVI-
47 SION FOUR OF SECTION 14-318 OF THIS CHAPTER, SUCH BOARD IS AUTHORIZED TO
48 INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY
49 COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO
50 THE FAIR ELECTIONS BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE
51 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER.

52 4. THE FAIR ELECTIONS BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL
53 PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A
54 JUDGMENT FOR CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE FAIR
55 ELECTIONS BOARD PURSUANT TO SECTION 14-318 OF THIS CHAPTER.

1 S 17. The election law is amended by adding a new section 4-115 to
2 read as follows:

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

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

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

19 4. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHALL BE NOTIFIED OF A DECI-
20 SION OF A COURT OF COMPETENT JURISDICTION DISQUALIFYING ANY SUCH CANDI-
21 DATE OR DECLARING ANY SUCH PETITION INVALID OR REVERSING ANY SUCH DECI-
22 SION BY SUCH BOARD OF ELECTIONS OR ANOTHER COURT, SUCH BOARD OF
23 ELECTIONS SHALL FORTHWITH NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH
24 DECISION.

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

28 S 18. The general business law is amended by adding a new section
29 359-gg to read as follows:

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

39 S 19. The state finance law is amended by adding a new section 92-y to
40 read as follows:

41 S 92-Y. NEW YORK STATE FAIR ELECTIONS FUND. 1. THERE IS HEREBY ESTAB-
42 LISHED IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE A
43 SPECIAL FUND TO BE KNOWN AS THE NEW YORK STATE FAIR ELECTIONS FUND.

44 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE SURCHARGE
45 IMPOSED PURSUANT TO SECTION THREE HUNDRED FIFTY-NINE-GG OF THE GENERAL
46 BUSINESS LAW, REVENUES RECEIVED FROM FAIR ELECTIONS FUND CHECK-OFF
47 PURSUANT TO SECTION SIX HUNDRED THIRTY-D OF THE TAX LAW AND ALL OTHER
48 MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE
49 PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE
50 STATE FROM RECEIVING GRANTS, GIFTS, BEQUESTS OR VOLUNTARY CONTRIBUTIONS
51 FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING
52 THEM INTO THE FUND ACCORDING TO LAW. MONIES IN THE FUND SHALL BE KEPT
53 SEPARATE FROM AND NOT COMMINGLED WITH OTHER FUNDS HELD IN THE CUSTODY OF
54 THE COMMISSIONER OF TAXATION AND FINANCE.

55 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY
56 BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT

1 TO TITLE THREE OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE
2 PAID OUT OF THE FUND BY THE COMMISSIONER OF TAXATION AND FINANCE ON
3 VOUCHERS CERTIFIED OR APPROVED BY THE FAIR ELECTIONS BOARD ESTABLISHED
4 PURSUANT TO TITLE THREE OF ARTICLE FOURTEEN OF THE ELECTION LAW, OR THE
5 DULY DESIGNATED REPRESENTATIVE OF SUCH BOARD, IN THE MANNER PRESCRIBED
6 BY LAW, NOT MORE THAN ONE WORKING DAY AFTER A VOUCHER DULY CERTIFIED,
7 APPROVED AND EXECUTED BY SUCH BOARD OR ITS REPRESENTATIVE IN THE FORM
8 PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE IS RECEIVED BY
9 THE COMMISSIONER OF TAXATION AND FINANCE.

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

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

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

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

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

36 S 20. The tax law is amended by adding a new section 630-d to read as
37 follows:

38 S 630-D. CONTRIBUTION TO NEW YORK STATE FAIR ELECTIONS FUND. EFFEC-
39 TIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO
40 THOUSAND FOURTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO
41 CONTRIBUTE TO THE NEW YORK STATE FAIR ELECTIONS FUND. SUCH CONTRIBUTION
42 SHALL BE IN THE AMOUNT OF FIVE DOLLARS AND SHALL NOT REDUCE THE AMOUNT
43 OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE
44 SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE
45 SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL REVEN-
46 UES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK
47 STATE FAIR ELECTIONS FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN
48 SECTION NINETY-TWO-Y OF THE STATE FINANCE LAW.

49 S 21. Severability. If any clause, sentence, subdivision, paragraph,
50 section or part of title 3 of article 14 of the election law, as added
51 by section fifteen of this act be adjudged by any court of competent
52 jurisdiction to be invalid, such judgment shall not affect, impair or
53 invalidate the remainder thereof, but shall be confined in its operation
54 to the clause, sentence, subdivision, paragraph, section or part thereof
55 directly involved in the controversy in which such judgment shall have
56 been rendered.

1 S 22. This act shall take effect immediately; provided, however,
2 candidates for state comptroller will be eligible to participate in the
3 public financing system beginning with the 2014 election, all state
4 legislature candidates will be eligible to participate in the public
5 financing system beginning with the 2016 election and all state candi-
6 dates and constitutional convention delegates will be eligible to
7 participate in the public financing system beginning with the 2018
8 election; provided, however, that the amendments to section 3-104 of the
9 election law made by sections four and five of this act shall take
10 effect on the same date and same manner as section 4 of subpart B of
11 part H of chapter 55 of the laws of 2014, takes effect.