

4897

2013-2014 Regular Sessions

I N   S E N A T E

April 30, 2013

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Introduced by Sens. KLEIN, CARLUCCI, SAVINO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to overhauling campaign financing and providing a voluntary financing program for campaigns for state officers; to amend the general business law, in relation to authorizing the imposition of an additional surcharge on recoveries for fraudulent practices relating to stocks, bonds and other securities; to amend the state finance law, in relation to establishing the New York state campaign finance fund and providing for transfers thereto from the abandoned property fund; to amend the tax law, in relation to providing for a New York state campaign finance fund check-off; and to repeal certain provisions of the election law relating thereto

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 "integrity in elections act of 2013".  
3     S 2. Legislative intent. The legislature declares that it is in the  
4     public interest to create and ensure a truly democratic political  
5     system, one of the highest integrity, in which citizens, regardless of  
6     their income, status or financial wealth, are enabled and encouraged to  
7     compete for public office. The legislature further declares that large  
8     and unregulated independent expenditures may grant the financial backers  
9     of such independent expenditures undue influence in election based on  
10    ability to pay. Finally, the legislature further declares that present  
11    campaign finance laws must be amended to ensure that the voices of indi-  
12    vidual small contributors are heard and that elections are conducted in  
13    a fair and open manner.  
14    Therefore, the legislature finds it necessary to establish a voluntary  
15    system for the financing of campaigns for all qualified candidates for

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

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1 state elective offices and constitutional convention delegates. The  
2 legislature further finds that this new system which provides matching  
3 funds for small contributions from individuals allows increased citizen  
4 participation in state elections. The legislature also creates a new  
5 campaign finance board placed within and working hand in hand with the  
6 state board of elections to provide effective oversight and enforcement  
7 of the voluntary campaign financing system. Finally, the legislature  
8 lowers contribution limits for all contributors, whether or not the  
9 candidate participates in the voluntary system, thereby removing the  
10 influence of large contributions in state and local elections.

11 S 3. Section 6-120 of the election law is REPEALED.

12 S 4. Subdivision 10 of section 14-100 of the election law, as added by  
13 chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the  
14 laws of 1978, is amended and four new subdivisions 12, 13, 14 and 15 are  
15 added to read as follows:

16 10. "transfer" means any exchange of funds or any thing of value  
17 between political committees authorized by the same candidate and taking  
18 part solely in his OR HER campaign[, or any exchange of funds between a  
19 party or constituted committee and a candidate or any of his authorized  
20 political committees].

21 12. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

22 (1) THE NAME OF THE CANDIDATE INVOLVED APPEARS;

23 (2) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR

24 (3) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFER-  
25 ENCE.

26 13. "GENERAL PUBLIC AUDIENCE" MEANS AN AUDIENCE COMPOSED OF MEMBERS OF  
27 THE PUBLIC, INCLUDING A TARGETED SUBGROUP OF MEMBERS OF THE PUBLIC;  
28 PROVIDED, HOWEVER, SUCH TERM SHALL NOT INCLUDE AN AUDIENCE SOLELY  
29 COMPRISED OF MEMBERS, RETIREES AND STAFF OF A LABOR ORGANIZATION, OR  
30 THEIR IMMEDIATE FAMILY MEMBERS, OR AN AUDIENCE SOLELY COMPRISED OF  
31 SHAREHOLDERS AND EXECUTIVES OF A BUSINESS ENTITY.

32 14. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH  
33 EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES  
34 EMPLOYED WITHIN THE STATE IN DEALING WITH EMPLOYERS OR EMPLOYER ORGAN-  
35 IZATIONS, OR WITH THE STATE GOVERNMENT OR ANY POLITICAL OR CIVIL SUBDI-  
36 VISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDITIONS OF  
37 EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCIDENTAL TO  
38 THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE, EACH  
39 LOCAL, PARENT NATIONAL OR PARENT INTERNATIONAL ORGANIZATION, AND EACH  
40 NATIONAL, STATE, AREA AND LABOR CENTRAL LABOR BODY RECEIVING DUES FROM  
41 AFFILIATED LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE LABOR  
42 ORGANIZATION.

43 15. "BOARD", "STATE BOARD" OR "STATE BOARD OF ELECTIONS" MEANS THE  
44 CAMPAIGN FINANCE BOARD AS ESTABLISHED IN TITLE TWO OF THIS ARTICLE.

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

48 1. The treasurer of every political committee which, or any officer,  
49 member or agent of any such committee who, in connection with any  
50 election, receives or expends any money or other valuable thing or  
51 incurs any liability to pay money or its equivalent shall file state-  
52 ments sworn, or subscribed and bearing a form notice that false state-  
53 ments made therein are punishable as a class A misdemeanor pursuant to  
54 section 210.45 of the penal law, at the times prescribed by this [arti-  
55 cle] TITLE setting forth all the receipts, contributions to and the  
56 expenditures by and liabilities of the committee, and of its officers,

1 members and agents in its behalf. Such statements shall include the  
2 dollar amount of any receipt[,] OR contribution [or transfer], or the  
3 fair market value of any receipt[,] OR contribution [or transfer], which  
4 is other than of money, the name and address of the [transferor,]  
5 contributor or person from whom received, and [if the transferor,  
6 contributor or person is] FOR ANY TRANSFER, CONTRIBUTION OR RECEIPT MADE  
7 BY a political committee; the name of and the political unit represented  
8 by the committee, the date of its receipt, the dollar amount of every  
9 expenditure, the name and address of the person to whom it was made or  
10 the name of and the political unit represented by the committee to which  
11 it was made and the date thereof, and shall state clearly the purpose of  
12 such expenditure. Any statement reporting a loan shall have attached to  
13 it a copy of the evidence of indebtedness. Expenditures in sums under  
14 fifty dollars need not be specifically accounted for by separate items  
15 in said statements, and receipts and contributions aggregating not more  
16 than ninety-nine dollars, from any one contributor need not be specif-  
17 ically accounted for by separate items in said statements, provided  
18 however, that such expenditures, receipts and contributions shall be  
19 subject to the other provisions of section 14-118 of this [article]  
20 TITLE.

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

23 S 14-107. INDEPENDENT EXPENDITURES. 1. DEFINITIONS. FOR THE PURPOSES  
24 OF THIS SECTION:

25 A. "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE, MADE IN SUPPORT OR  
26 OPPOSITION OF A CANDIDATE, FOR AN AUDIO OR VIDEO COMMUNICATION TO A  
27 GENERAL PUBLIC AUDIENCE VIA BROADCAST, CABLE OR SATELLITE OR A WRITTEN  
28 COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA ADVERTISEMENTS,  
29 PAMPHLETS, CIRCULARS, BROCHURES, LETTERHEADS OR OTHER PRINTED MATTER AND  
30 COMMUNICATIONS CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL  
31 PUBLIC AUDIENCE BY PHONE, COMPUTER OR OTHER ELECTRONIC DEVICES WHICH:  
32 (I) EXPRESSLY ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED  
33 CANDIDATE OR THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL AND (II) SUCH  
34 CANDIDATE, THE CANDIDATE'S POLITICAL COMMITTEE OR ITS AGENTS, OR A POLI-  
35 TICAL COMMITTEE FORMED TO PROMOTE THE SUCCESS OR DEFEAT OF A BALLOT  
36 PROPOSAL OR ITS AGENTS, DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR  
37 COOPERATE IN ANY SUCH COMMUNICATION.

38 B. "INDEPENDENT SPENDER" MEANS AN INDIVIDUAL OR ENTITY THAT MAKES AN  
39 INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION.

40 C. "ELECTIONEERING COMMUNICATION" MEANS:

41 (I) AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA  
42 BROADCAST, CABLE OR SATELLITE, OR A COMMUNICATION MADE BY PAID ADVERTIS-  
43 ING THAT IS PUBLISHED ON THE INTERNET OR IN A NEWSPAPER OR PERIODICAL  
44 DISTRIBUTED TO A GENERAL PUBLIC AUDIENCE, OR A COMMUNICATION TO FIVE  
45 HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY PHONE, COMPUTER  
46 OR OTHER ELECTRONIC DEVICES;

47 (II) WHICH IS BROADCAST OR PUBLISHED WITHIN SIXTY DAYS OF A GENERAL  
48 ELECTION OR THIRTY DAYS OF A PRIMARY ELECTION;

49 (III) WHICH REFERS TO A CLEARLY IDENTIFIED CANDIDATE OR BALLOT  
50 PROPOSAL; AND

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

55 D. INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS SHALL  
56 NOT INCLUDE:

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

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

7 (III) A COMMUNICATION WHICH CONSTITUTES AN EXPENDITURE MADE BY AN  
8 ENTITY REQUIRED TO REPORT SUCH EXPENDITURE TO THE STATE BOARD OF  
9 ELECTIONS.

10 E. "PERSON" MEANS A PERSON, A GROUP OF PERSONS, AN ENTITY, AN ORGAN-  
11 IZATION, AN ASSOCIATION OR A COMBINATION THEREOF.

12 2. WHENEVER ANY PERSON MAKES AN INDEPENDENT EXPENDITURE OR ELECTIO-  
13 NEERING COMMUNICATION THAT COSTS MORE THAN ONE THOUSAND DOLLARS IN THE  
14 AGGREGATE, SUCH COMMUNICATION SHALL CLEARLY STATE THE NAME OF THE PERSON  
15 WHO PAID FOR, OR OTHERWISE PUBLISHED OR DISTRIBUTED, THE COMMUNICATION  
16 AND STATE, WITH RESPECT TO COMMUNICATIONS REGARDING CANDIDATES OR A  
17 BALLOT PROPOSAL, THAT THE COMMUNICATION IS NOT AUTHORIZED BY ANY CANDI-  
18 DATE, ANY CANDIDATE'S POLITICAL COMMITTEE, ANY OF ITS AGENTS OR BY ANY  
19 POLITICAL COMMITTEE OR ITS AGENTS FORMED TO PROMOTE THE SUCCESS OR  
20 DEFEAT OF A BALLOT PROPOSAL. A KNOWING AND WILLFUL VIOLATION OF THE  
21 PROVISIONS OF THIS SUBDIVISION SHALL SUBJECT THE PERSON TO A CIVIL  
22 PENALTY OF ONE THOUSAND DOLLARS OR THE COST OF THE COMMUNICATION, WHICH-  
23 EVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE  
24 STATE BOARD OF ELECTIONS.

25 3. A. ANY PERSON WHICH MAKES INDEPENDENT EXPENDITURES OR ELECTIONEER-  
26 ING COMMUNICATIONS THAT COST MORE THAN ONE THOUSAND DOLLARS IN THE  
27 AGGREGATE SHALL REPORT SUCH INDEPENDENT EXPENDITURES OR ELECTIONEERING  
28 COMMUNICATIONS TO THE STATE BOARD OF ELECTIONS ON STATEMENTS AS PROVIDED  
29 FOR IN SECTION 14-108 OF THIS TITLE.

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

35 4. EACH SUCH STATEMENT, AS REQUIRED BY THIS SECTION, SHALL INCLUDE:

36 A. THE NAME AND ADDRESS OF THE PERSON MAKING THE STATEMENT;

37 B. THE NAME AND ADDRESS OF THE PERSON MAKING THE INDEPENDENT EXPENDI-  
38 TURE OR ELECTIONEERING COMMUNICATION;

39 C. IF THE INDEPENDENT SPENDER MAKES INDEPENDENT EXPENDITURES OR ELEC-  
40 TIONEERING COMMUNICATIONS USING EXCLUSIVELY FUNDS IN A SEGREGATED BANK  
41 ACCOUNT CONSISTING OF FUNDS THAT WERE PAID DIRECTLY TO SUCH ACCOUNT BY  
42 PERSONS OTHER THAN THE INDEPENDENT SPENDER THAT CONTROLS THE ACCOUNT,  
43 FOR EACH SUCH PAYMENT TO THE ACCOUNT:

44 (I) THE NAME AND ADDRESS OF EACH PERSON WHO MADE SUCH PAYMENT DURING  
45 THE PERIOD COVERED BY THE STATEMENT;

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

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

55 D. IF THE INDEPENDENT SPENDER MAKES INDEPENDENT EXPENDITURES OR ELEC-  
56 TIONEERING COMMUNICATIONS USING FUNDS OTHER THAN FUNDS IN A SEGREGATED

BANK ACCOUNT DESCRIBED IN PARAGRAPH C OF THIS SUBDIVISION, FOR EACH PAYMENT TO THE INDEPENDENT SPENDER:

(I) THE NAME AND ADDRESS 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 A BALLOT PROPOSAL OR 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 A BALLOT PROPOSAL OR 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 SCHEDULES 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 SHALL INCLUDE WRITTEN EVIDENCE OF THE INDEBTEDNESS.

7. A. WHEN AN INDEPENDENT SPENDER THAT IS AN ENTITY MAKING 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 AND ADDRESS; AND

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

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

1 S 7. Subdivisions 1 and 3 of section 14-114 of the election law,  
2 subdivision 1 as amended by chapter 79 of the laws of 1992, paragraphs a  
3 and b of subdivision 1 as amended by chapter 659 of the laws of 1994 and  
4 subdivision 3 as amended by chapter 517 of the laws of 1986, are amended  
5 to read as follows:

6 1. The following limitations apply to all contributions to candidates  
7 for election to any public office or for nomination for any such office,  
8 or for election to any party positions, and to all contributions to  
9 political committees working directly or indirectly with any candidate  
10 to aid or participate in such candidate's nomination or election, other  
11 than any contributions to any party committee or constituted committee:

12 a. In any election for a public office to be voted on by the voters of  
13 the entire state, or for nomination to any such office, no contributor  
14 may make a contribution to any candidate or political committee, and no  
15 candidate or political committee may accept any contribution from any  
16 contributor, which is in the aggregate amount greater than: (i) in the  
17 case of any nomination to public office, [the product of the total  
18 number of enrolled voters in the candidate's party in the state, exclud-  
19 ing voters in inactive status, multiplied by \$.005, but such amount  
20 shall be not less than four thousand dollars nor more than twelve] TWO  
21 thousand SIX HUNDRED dollars [as increased or decreased by the cost of  
22 living adjustment described in paragraph c of this subdivision], and  
23 (ii) in the case of any election to a public office, [twenty-five] TWO  
24 thousand SIX HUNDRED dollars [as increased or decreased by the cost of  
25 living adjustment described in paragraph c of this subdivision];  
26 provided however, THAT THE MAXIMUM AMOUNT CONTRIBUTED BY ANY CONTRIBUTOR  
27 OR ACCEPTED BY ANY CANDIDATE OR POLITICAL COMMITTEE FOR BOTH A PRIMARY  
28 AND A GENERAL ELECTION SHALL NOT EXCEED TWO THOUSAND SIX HUNDRED  
29 DOLLARS; AND PROVIDED FURTHER that the maximum amount which may be so  
30 contributed or accepted[, in the aggregate,] from any candidate's child,  
31 parent, grandparent, brother [and] OR sister, [and] OR the spouse of any  
32 such persons, shall not exceed [in the case of any nomination to public  
33 office an amount equivalent to the product of the number of enrolled  
34 voters in the candidate's party in the state, excluding voters in inac-  
35 tive status, multiplied by \$.025, and in the case of any election for a  
36 public office, an amount equivalent to the product of the number of  
37 registered voters in the state excluding voters in inactive status,  
38 multiplied by \$.025] TWO THOUSAND SIX HUNDRED DOLLARS. FOR THE PURPOSES  
39 OF THIS SUBDIVISION, THE TERM "CHILD" SHALL INCLUDE PERSONS EIGHTEEN  
40 YEARS OF AGE OR OLDER.

41 b. In any other election for party position or for election to a  
42 public office or for nomination for any such office, no contributor may  
43 make a contribution to any candidate or political committee and no  
44 candidate or political committee may accept any contribution from any  
45 contributor, which [is in the aggregate amount greater than] SHALL NOT  
46 EXCEED: (i) in the case of any election for party position, or for  
47 nomination to public office, the product of the total number of enrolled  
48 voters in the candidate's party in the district in which he is a candi-  
49 date, excluding voters in inactive status, multiplied by \$.05, OR TWO  
50 THOUSAND SIX HUNDRED DOLLARS, and (ii) in the case of any election for a  
51 public office, the product of the total number of registered voters in  
52 the district, excluding voters in inactive status, multiplied by \$.05,  
53 OR TWO THOUSAND SIX HUNDRED DOLLARS, however in the case of a nomination  
54 within the city of New York for the office of mayor, public advocate or  
55 comptroller, such amount shall be not less than four thousand dollars  
56 nor more than twelve thousand dollars [as increased or decreased by the

1 cost of living adjustment described in paragraph c of this subdivision];  
2 in the case of an election within the city of New York for the office of  
3 mayor, public advocate or comptroller, twenty-five thousand dollars [as  
4 increased or decreased by the cost of living adjustment described in  
5 paragraph c of this subdivision]; in the case of a nomination for state  
6 senator, [four] TWO thousand SIX HUNDRED dollars [as increased or  
7 decreased by the cost of living adjustment described in paragraph c of  
8 this subdivision]; in the case of an election for state senator, [six]  
9 TWO thousand [two] SIX hundred [fifty] dollars [as increased or  
10 decreased by the cost of living adjustment described in paragraph c of  
11 this subdivision]; in the case of an election or nomination for a member  
12 of the assembly, [twenty-five] TWO THOUSAND SIX hundred dollars [as  
13 increased or decreased by the cost of living adjustment described in  
14 paragraph c of this subdivision]; but in no event shall any such maximum  
15 [exceed fifty thousand dollars or] be less than one thousand dollars;  
16 provided however, that the maximum amount which may be so contributed or  
17 accepted[, in the aggregate,] from any candidate's child, parent, grand-  
18 parent, brother [and] OR sister, [and] OR the spouse of any such  
19 persons, shall not exceed in the case of any election for party position  
20 or nomination for public office an amount equivalent to the number of  
21 enrolled voters in the candidate's party in the district in which he is  
22 a candidate, excluding voters in inactive status, multiplied by \$.25 and  
23 in the case of any election to public office, an amount equivalent to  
24 the number of registered voters in the district, excluding voters in  
25 inactive status, multiplied by \$.25; or [twelve], TWO THOUSAND SIX  
26 hundred [fifty] dollars, [whichever is greater,] or in the case of a  
27 nomination or election of a state senator, [twenty] TWO thousand SIX  
28 HUNDRED dollars, [whichever is greater,] or in the case of a nomination  
29 or election of a member of the assembly [twelve] TWO thousand [five] SIX  
30 hundred dollars[, whichever is greater, but in no event shall any such  
31 maximum exceed one hundred thousand dollars]; PROVIDED, HOWEVER, THAT  
32 THE MAXIMUM AMOUNT CONTRIBUTED BY ANY CONTRIBUTOR OR ACCEPTED BY ANY  
33 CANDIDATE OR POLITICAL COMMITTEE FOR BOTH A PRIMARY AND A GENERAL  
34 ELECTION SHALL NOT EXCEED TWO THOUSAND SIX HUNDRED DOLLARS; AND  
35 PROVIDED, FURTHER THAT THE MAXIMUM AMOUNT WHICH MAY BE SO CONTRIBUTED OR  
36 ACCEPTED FROM ANY CANDIDATE'S CHILD, PARENT, GRANDPARENT, BROTHER OR  
37 SISTER, OR THE SPOUSE OF ANY SUCH PERSONS, SHALL NOT EXCEED TWO THOUSAND  
38 SIX HUNDRED DOLLARS FOR THE NOMINATION AND ELECTION TO A PUBLIC OFFICE.  
39 FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "CHILD" SHALL MEAN  
40 PERSONS EIGHTEEN YEARS OF AGE OR OLDER.

41 [c. At the beginning of each fourth calendar year, commencing in nine-  
42 teen hundred ninety-five, the state board shall determine the percentage  
43 of the difference between the most recent available monthly consumer  
44 price index for all urban consumers published by the United States  
45 bureau of labor statistics and such consumer price index published for  
46 the same month four years previously. The amount of each contribution  
47 limit fixed in this subdivision shall be adjusted by the amount of such  
48 percentage difference to the closest one hundred dollars by the state  
49 board which, not later than the first day of February in each such year,  
50 shall issue a regulation publishing the amount of each such contribution  
51 limit. Each contribution limit as so adjusted shall be the contribution  
52 limit in effect for any election held before the next such adjustment.]

53 3. As used in this section the term "contributor" shall [not] include  
54 a party committee supporting the candidate of such party or a consti-  
55 tuted committee supporting the candidate of such party.

56 S 8. Subdivision 6 of section 14-114 of the election law is REPEALED.

1 S 9. Paragraph a of subdivision 10 of section 14-114 of the election  
2 law, as added by chapter 79 of the laws of 1992, is amended to read as  
3 follows:

4 a. No contributor may make a contribution to a party or constituted  
5 committee and no such committee may accept a contribution from any  
6 contributor which, in the aggregate, is greater than [sixty-two] TEN  
7 thousand [five hundred] dollars per annum.

8 S 9-a. Paragraph b of subdivision 10 of section 14-114 of the election  
9 law is REPEALED.

10 S 10. Subdivision 2 of section 14-116 of the election law, as amended  
11 by chapter 260 of the laws of 1981, is amended to read as follows:

12 2. A. Notwithstanding [the provisions of subdivision one of this  
13 section, any corporation or an organization financially supported in  
14 whole or in part, by such corporation may make expenditures, including  
15 contributions, not otherwise prohibited by law, for political purposes,  
16 in an amount not to exceed five thousand dollars in the aggregate in any  
17 calendar year; provided that no public utility shall use revenues  
18 received from the rendition of public service within the state for  
19 contributions for political purposes unless such cost is charged to the  
20 shareholders of such a public service corporation] ANY OTHER PROVISION  
21 OF LAW TO THE CONTRARY, NO CONTRIBUTION, LOAN, LOAN GUARANTEE OR OTHER  
22 SECURITY FOR SUCH A LOAN FROM ANY CORPORATION, LIMITED LIABILITY COMPA-  
23 NY, LIMITED LIABILITY PARTNERSHIP OR PARTNERSHIP, OTHER THAN IN THE  
24 REGULAR COURSE OF THE LENDER'S BUSINESS, MAY BE ACCEPTED BY A CANDIDATE  
25 OR A POLITICAL COMMITTEE, OTHER THAN A CORPORATION, LIMITED LIABILITY  
26 COMPANY, LIMITED LIABILITY PARTNERSHIP OR PARTNERSHIP THAT IS A POLI-  
27 TICAL COMMITTEE, FOR ALL NOMINATIONS TO ANY OFFICE OR ELECTION TO ANY  
28 OFFICE.

29 B. A LOAN MADE TO A CANDIDATE OR POLITICAL COMMITTEE, OTHER THAN A  
30 CONSTITUTED COMMITTEE, BY ANY PERSON, FIRM OR ASSOCIATION SHALL BE  
31 REPAYED BY THE DATE OF THE PRIMARY, SPECIAL OR GENERAL ELECTION, AS THE  
32 CASE MAY BE, OR SUCH LOAN SHALL BE CONSIDERED A CONTRIBUTION BY SUCH  
33 PERSON, FIRM OR ASSOCIATION INCLUDING ANY PERSON ENDORSING, COSIGNING,  
34 GUARANTEEING, COLLATERALIZING OR OTHER PROVIDING SECURITY FOR THE LOAN.

35 S 11. Subdivision 3 of section 14-124 of the election law is REPEALED.

36 S 12. The election law is amended by adding a new section 14-125 to  
37 read as follows:

38 S 14-125. NEW YORK STATE BUSINESS CONTRACT DATABASE. 1. A. AS USED IN  
39 THIS SECTION:

40 (I) THE TERM "BUSINESS RELATIONSHIPS WITH THE STATE" SHALL MEAN ANY  
41 CONTRACT FOR THE PROCUREMENT OF GOODS, SERVICES OR CONSTRUCTION THAT IS  
42 ENTERED INTO OR IN EFFECT WITH THE STATE OF NEW YORK OR ANY AGENCY OR  
43 ENTITY AFFILIATED THERETO NOT AWARDED THROUGH A COMPETITIVE BID PROCESS  
44 PURSUANT TO ARTICLES NINE AND ELEVEN OF THE STATE FINANCE LAW. BUSINESS  
45 RELATIONSHIPS WITH THE STATE SHALL NOT MEAN ANY PERSON OR ENTITY  
46 REJECTED FROM PARTICIPATION IN SUCH A CONTRACT OR ANY PERSON OR ENTITY  
47 NOT PARTICIPATING IN SUCH A CONTRACT WITHIN TWENTY-FOUR MONTHS OF ANY  
48 ELECTION.

49 (II) THE TERM "NEW YORK STATE BUSINESS CONTRACT DATABASE" SHALL MEAN A  
50 DATABASE CREATED, OPERATED, MAINTAINED AND UPDATED BY THE STATE COMP-  
51 TROLLER ACCESSIBLE TO THE PUBLIC WHICH CONTAINS THE NAMES OF PERSONS WHO  
52 HAVE BUSINESS RELATIONSHIPS WITH THE STATE. SUCH DATABASE SHALL BE  
53 CREATED, OPERATED, MAINTAINED AND UPDATED BY THE STATE COMPTROLLER IN A  
54 MANNER SO AS TO ENSURE ITS REASONABLE ACCURACY AND COMPLETENESS;  
55 PROVIDED, HOWEVER, THAT IN NO EVENT SHALL SUCH DATABASE BE UPDATED LESS  
56 FREQUENTLY THAN ONCE A MONTH IN ANY GENERAL ELECTION YEAR. SUCH DATABASE



1 SHALL ENABLE MEMBERS OF THE PUBLIC TO DETERMINE IF A GIVEN PERSON HAS A  
2 BUSINESS RELATIONSHIP WITH THE STATE.

3 (III) THE TERM "PERSON" SHALL INCLUDE ANY CHIEF EXECUTIVE OFFICER,  
4 CHIEF FINANCIAL OFFICER OR CHIEF OPERATING OFFICER OF SUCH ENTITY OR  
5 PERSONS SERVING IN AN EQUIVALENT CAPACITY, ANY PERSON EMPLOYED IN A  
6 SENIOR MANAGERIAL CAPACITY REGARDING SUCH ENTITY, OR ANY PERSON WITH AN  
7 INTEREST IN SUCH ENTITY WHICH EXCEEDS TEN PERCENT OF THE VALUE OF SUCH  
8 ENTITY AT FAIR MARKET VALUE.

9 (IV) THE TERM "SENIOR MANAGERIAL CAPACITY" SHALL MEAN A HIGH LEVEL  
10 SUPERVISORY CAPACITY, EITHER BY VIRTUE OF TITLE OR DUTIES, IN WHICH  
11 SUBSTANTIAL DISCRETION AND OVERSIGHT IS EXERCISED OVER THE SOLICITATION,  
12 LETTING OR ADMINISTRATION OF BUSINESS TRANSACTIONS WITH THE STATE,  
13 INCLUDING CONTRACTS, FRANCHISES, CONCESSION, GRANTS, ECONOMIC DEVELOP-  
14 MENT AGREEMENTS AND APPLICATION FOR LAND USE APPROVALS.

15 B. ANY DATABASE MAINTAINED BY THE COMPTROLLER AS OF THE EFFECTIVE DATE  
16 OF THIS SECTION MAY SERVE AS THE NEW YORK STATE BUSINESS CONTRACT DATA-  
17 BASE UPON CERTIFICATION BY THE COMPTROLLER TO THE CHAIRMAN OF THE  
18 CAMPAIGN FINANCE BOARD THAT SUCH DATABASE FULFILLS THE REQUIREMENTS OF  
19 THIS SECTION. EVERY STATE AGENCY OR AUTHORITY OF THE STATE INCLUDING ANY  
20 ENTITY AFFILIATED THERETO SHALL PROVIDE THE COMPTROLLER WITH SUCH INFOR-  
21 MATION AS IS NECESSARY TO CONSTRUCT, MODIFY AND MAINTAIN SUCH DATABASE  
22 IN A TIMELY MANNER.

23 2. A. NEITHER A CANDIDATE PARTICIPATING IN THE VOLUNTARY CAMPAIGN  
24 FINANCE PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE, NOR A POLITICAL  
25 COMMITTEE OF SUCH CANDIDATE SHALL ACCEPT CONTRIBUTIONS FOR A COVERED  
26 ELECTION WHICH IN THE AGGREGATE EXCEEDS FOUR HUNDRED DOLLARS FROM A  
27 PERSON OR ENTITY WHO HAS A BUSINESS RELATIONSHIP WITH THE STATE.

28 B. NEITHER A CANDIDATE WHO DOES NOT PARTICIPATE IN A VOLUNTARY  
29 CAMPAIGN FINANCE PROGRAM PURSUANT TO THIS ARTICLE NOR A POLITICAL  
30 COMMITTEE OF SUCH CANDIDATE SHALL ACCEPT CONTRIBUTIONS FOR A COVERED  
31 ELECTION WHICH IN THE AGGREGATE EXCEEDS FOUR HUNDRED DOLLARS FROM A  
32 PERSON OR ENTITY WHO HAS A BUSINESS RELATIONSHIP WITH THE STATE.

33 C. NO CONTRIBUTION PURSUANT TO THIS SECTION TO A CANDIDATE OR TO A  
34 POLITICAL COMMITTEE OF SUCH CANDIDATE SHALL BE ELIGIBLE FOR MATCHING  
35 CONTRIBUTIONS PURSUANT TO TITLE TWO OF THIS ARTICLE.

36 D. IF THE CAMPAIGN FINANCE BOARD DETERMINES THAT ANY CONTRIBUTION TO A  
37 CANDIDATE OR TO THE POLITICAL COMMITTEE OF SUCH CANDIDATE VIOLATES THE  
38 PROVISIONS OF THIS SECTION, THE CAMPAIGN FINANCE BOARD SHALL NOTIFY SUCH  
39 CANDIDATE WITHIN TWENTY DAYS OF SUCH DETERMINATION AND SUCH CANDIDATE OR  
40 CANDIDATE'S POLITICAL COMMITTEE SHALL MAKE A REASONABLE ATTEMPT TO  
41 RETURN SUCH CONTRIBUTION TO THE CONTRIBUTOR; PROVIDED, HOWEVER, THAT IF  
42 SUCH CANDIDATE OR THE POLITICAL COMMITTEE OF SUCH CANDIDATE IS UNABLE TO  
43 RETURN SUCH CONTRIBUTION, SUCH MONIES SHALL BE PAID TO THE CAMPAIGN  
44 FINANCE BOARD FOR PAYMENT INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND  
45 PURSUANT TO SECTION NINETY-NINE-V OF THE STATE FINANCE LAW.

46 E. THE STATE COMPTROLLER AND THE CHAIRMAN OF THE CAMPAIGN FINANCE  
47 BOARD SHALL PROMULGATE SUCH RULES AND REGULATIONS AS THE COMPTROLLER AND  
48 THE CHAIRMAN DEEM NECESSARY FOR THE ADMINISTRATION OF THIS SECTION.

49 S 13. The article heading of article 14 of the election law is amended  
50 to read as follows:

51 CAMPAIGN [RECEIPTS AND EXPENDITURES] FINANCE

52 S 14. Sections 14-100 through 14-130 of article 14 of the election law  
53 are designated title 1 and a new title heading is added to read as  
54 follows:

## CAMPAIGN RECEIPTS AND EXPENDITURES

S 15. Article 14 of the election law is amended by adding a new title 2 to read as follows:

## TITLE II

## VOLUNTARY CAMPAIGN FINANCE

SECTION 14-200. APPLICABILITY AND DEFINITIONS.

14-202. REPORTING REQUIREMENTS.

14-204. CONTRIBUTION AND RECEIPT LIMITATIONS.

14-206. PROOF OF COMPLIANCE.

14-208. ELIGIBILITY.

14-212. PAYMENT OF MATCHING FUNDS.

14-214. USE OF MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDITURES.

14-216. CAMPAIGN FINANCE BOARD; GENERAL POWERS AND DUTIES.

14-218. AUDITS AND REPAYMENTS.

14-220. CIVIL ENFORCEMENT.

14-222. CRIMINAL PENALTIES.

14-224. REPORTS.

14-226. DEBATES.

14-228. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND.

S 14-200. APPLICABILITY AND DEFINITIONS. THIS TITLE SHALL APPLY EXCLUSIVELY TO THE FINANCING OF CAMPAIGNS OF CANDIDATES FOR THE NOMINATION FOR ELECTION, AND FOR ELECTION TO, THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR AND DELEGATE TO A CONSTITUTIONAL CONVENTION. FOR PURPOSES OF THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "AUTHORIZED COMMITTEE" MEANS A POLITICAL COMMITTEE DESIGNATED BY A CANDIDATE PURSUANT TO SECTION 14-202 OF THIS TITLE TO RECEIVE CONTRIBUTIONS AND MAKE EXPENDITURES IN SUPPORT OF SUCH CANDIDATE'S CAMPAIGN. NO MORE THAN ONE AUTHORIZED COMMITTEE MAY BE DESIGNATED BY A CANDIDATE IN ANY ELECTION CYCLE.

2. "BOARD" OR "CAMPAIGN FINANCE BOARD" MEANS THE BOARD CREATED BY SECTION 14-216 OF THIS TITLE TO ADMINISTER THE CAMPAIGN FINANCE FUND.

3. "CANDIDATE" MEANS ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR FOR ELECTION TO, THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR AND DELEGATE TO A CONSTITUTIONAL CONVENTION WHETHER SUCH CANDIDATE IS A "PARTICIPATING CANDIDATE" OR "NONPARTICIPATING CANDIDATE" AS DEFINED IN THIS SECTION.

4. "CONTRIBUTION" MEANS:

(A) ANY GIFT, SUBSCRIPTION, OUTSTANDING LOAN (TO THE EXTENT PROVIDED FOR IN SECTION 14-114 OF THIS ARTICLE), ADVANCE, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION, OR ELECTION, OF ANY CANDIDATE, OR MADE TO PROMOTE THE SUCCESS OR DEFEAT OF A POLITICAL PARTY OR PRINCIPLE, OR OF ANY BALLOT PROPOSAL;

(B) ANY PAYMENT, BY ANY PERSON OTHER THAN A CANDIDATE OR AN AUTHORIZED COMMITTEE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION OR ELECTION OF ANY CANDIDATE, OR ANY PAYMENT MADE TO PROMOTE THE SUCCESS OR DEFEAT OF A POLITICAL PARTY OR PRINCIPLE, OR OF ANY BALLOT PROPOSAL INCLUDING BUT NOT LIMITED TO COMPENSATION FOR THE PERSONAL SERVICES OF ANY INDIVIDUAL WHICH ARE RENDERED IN CONNECTION WITH A CANDIDATE'S ELECTION OR NOMINATION WITHOUT CHARGE; PROVIDED HOWEVER, THAT NONE OF THE FOREGOING SHALL BE DEEMED A CONTRIBUTION IF IT IS MADE, TAKEN OR PERFORMED BY A CANDIDATE OR HIS OR HER SPOUSE OR BY A PERSON OR A POLITICAL COMMITTEE INDEPENDENT OF THE CANDIDATE OR HIS OR HER AGENTS OR POLITICAL COMMITTEES. FOR PURPOSES OF THIS TITLE, THE TERM "INDEPENDENT

OF THE CANDIDATE OR HIS OR HER AGENTS OR POLITICAL COMMITTEES" SHALL MEAN THAT THE CANDIDATE OR HIS OR HER AGENTS OR POLITICAL COMMITTEE DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY SUCH ACTIVITY; AND PROVIDED FURTHER, THAT THE TERM CONTRIBUTION SHALL NOT INCLUDE:

(I) THE VALUE OF SERVICES PROVIDED WITHOUT COMPENSATION BY INDIVIDUALS WHO VOLUNTEER A PORTION OR ALL OF THEIR TIME ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE;

(II) THE USE OF REAL OR PERSONAL PROPERTY AND THE COST OF INVITATIONS, FOOD AND BEVERAGES VOLUNTARILY PROVIDED BY AN INDIVIDUAL TO A CANDIDATE OR POLITICAL COMMITTEE ON THE INDIVIDUAL'S RESIDENTIAL PREMISES FOR CANDIDATE-RELATED ACTIVITIES TO THE EXTENT SUCH SERVICES DO NOT EXCEED FIVE HUNDRED DOLLARS IN VALUE;

(III) THE TRAVEL EXPENSES OF ANY INDIVIDUAL WHO ON HIS OR HER OWN BEHALF VOLUNTEERS HIS OR HER PERSONAL SERVICES TO ANY CANDIDATE OR POLITICAL COMMITTEE TO THE EXTENT SUCH EXPENSES ARE UNREIMBURSED AND DO NOT EXCEED FIVE HUNDRED DOLLARS IN VALUE; AND

(IV) EXPENDITURES BY A BONA FIDE MEMBERSHIP ORGANIZATION IN SUPPORT OF THE FOLLOWING ACTIVITIES BY MEMBERS OF THE ORGANIZATION WHO ARE VOLUNTEERING THEIR TIME ON BEHALF OF A CANDIDATE, NOT TO EXCEED TWENTY-FIVE DOLLARS PER MEMBER WHO VOLUNTEER FOR: (1) TRANSPORTATION OF VOLUNTEERS TO AND FROM CAMPAIGN ACTIVITIES; (2) COST OF FEEDING VOLUNTEERS WHILE VOLUNTEERING FOR THE CAMPAIGN; AND (3) MATERIALS SUCH AS BADGES AND CLOTHING THAT IDENTIFIES THE NAME OF THE ORGANIZATION OR CANDIDATE; AND

(C) ANY FUNDS RECEIVED BY A POLITICAL COMMITTEE FROM ANOTHER POLITICAL COMMITTEE TO THE EXTENT SUCH FUNDS DO NOT CONSTITUTE A TRANSFER.

5. "CONTRIBUTOR" MEANS AN ENTITY, INCLUDING, BUT NOT LIMITED TO, NATURAL PERSONS, ASSOCIATIONS AND BONA FIDE MEMBERSHIP ORGANIZATIONS, THAT MAKES A CONTRIBUTION, AS DEFINED IN SUBDIVISION FOUR OF THIS SECTION AND PURSUANT TO SECTION 14-116 OF THIS ARTICLE.

6. "COVERED ELECTION" MEANS ANY PRIMARY ELECTION FOR NOMINATION, SPECIAL OR GENERAL ELECTION FOR ELECTION, TO THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR AND DELEGATE TO A CONSTITUTIONAL CONVENTION.

7. "ELECTION CYCLE" MEANS (A) THE FOUR YEAR PERIOD STARTING THE DAY AFTER THE GENERAL ELECTION AND ENDING ON THE DAY OF THE NEXT SUCCEEDING GENERAL ELECTION FOR THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER AND ATTORNEY GENERAL, (B) THE TWO YEAR PERIOD STARTING THE DAY AFTER THE GENERAL ELECTION AND ENDING ON THE DATE OF THE NEXT SUCCEEDING GENERAL ELECTION FOR CANDIDATES FOR THE OFFICES OF STATE SENATOR AND MEMBER OF THE ASSEMBLY, AND (C) SIX MONTHS PRIOR TO ANY SPECIAL ELECTION ENDING ON THE DAY AFTER SUCH SPECIAL ELECTION.

8. "EXPENDITURE" MEANS ANY GIFT, SUBSCRIPTION, ADVANCE, PAYMENT, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, OR A CONTRACT TO MAKE ANY GIFT, SUBSCRIPTION, PAYMENT, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION, OR ELECTION, OF ANY CANDIDATE. EXPENDITURES MADE BY CONTRACT ARE DEEMED MADE WHEN SUCH FUNDS ARE OBLIGATED.

9. "FUND" MEANS THE CAMPAIGN FINANCE FUND CREATED BY SECTION NINETY-NINE-V OF THE STATE FINANCE LAW.

10. "FAMILY OR HOUSEHOLD MEMBERS" MEAN THE FOLLOWING INDIVIDUALS:

(A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

(B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

(C) PERSONS FORMERLY MARRIED TO ONE ANOTHER REGARDLESS OF WHETHER THEY STILL RESIDE IN THE SAME HOUSEHOLD;

(D) PERSONS WHO HAVE A CHILD IN COMMON REGARDLESS OF WHETHER SUCH PERSONS ARE MARRIED OR HAVE LIVED TOGETHER AT ANY TIME; OR

1 (E) PERSONS WHO ARE NOT RELATED BY CONSANGUINITY OR AFFINITY AND WHO  
2 ARE OR HAVE BEEN IN AN INTIMATE RELATIONSHIP REGARDLESS OF WHETHER SUCH  
3 PERSONS HAVE LIVED TOGETHER AT ANY TIME.

4 11. "ITEM WITH SIGNIFICANT VALUE" MEANS ANY ITEM, INCLUDING ANY ITEM  
5 VALUED AT TWENTY-FIVE DOLLARS OR MORE.

6 12. "LEGISLATIVE LEADER" MEANS ANY OF THE FOLLOWING: THE TEMPORARY  
7 PRESIDENT OF THE SENATE; THE SPEAKER OF THE ASSEMBLY; THE MINORITY LEAD-  
8 ER OF THE SENATE; OR THE MINORITY LEADER OF THE ASSEMBLY.

9 13. "MATCHABLE CONTRIBUTION" MEANS A CONTRIBUTION, CONTRIBUTIONS OR  
10 SUCH PORTION OF A CONTRIBUTION OR CONTRIBUTIONS MADE BY A NATURAL PERSON  
11 RESIDING IN THE STATE OF NEW YORK AT THE TIME OF SUCH CONTRIBUTION, WITH  
12 A VALUE NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS, TO A PARTICIPATING  
13 CANDIDATE FOR ANY PRIMARY AND A CONTRIBUTION, CONTRIBUTIONS OR SUCH  
14 PORTION OF A CONTRIBUTION OR CONTRIBUTIONS MADE BY A NATURAL PERSON  
15 RESIDING IN THE STATE OF NEW YORK AT THE TIME OF SUCH CONTRIBUTION WITH  
16 A VALUE NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS TO A PARTICIPATING  
17 CANDIDATE FOR A GENERAL ELECTION HELD IN THE SAME ELECTION CYCLE OR TO A  
18 PARTICIPATING CANDIDATE IN A SPECIAL ELECTION THAT HAS BEEN REPORTED IN  
19 FULL TO THE STATE BOARD OF ELECTIONS IN ACCORDANCE WITH SECTIONS 14-102,  
20 14-104 AND 14-108 OF THIS ARTICLE BY THE CANDIDATE'S AUTHORIZED COMMIT-  
21 TEE AND HAS BEEN CONTRIBUTED ON OR BEFORE THE DATE OF THE APPLICABLE  
22 PRIMARY OR GENERAL OR SPECIAL ELECTION IN ANY ELECTION CYCLE. ANY  
23 CONTRIBUTION, CONTRIBUTIONS, OR SUCH PORTION OF A CONTRIBUTION OR  
24 CONTRIBUTIONS DETERMINED TO BE INVALID FOR MATCHING FUNDS BY THE  
25 CAMPAIGN FINANCE BOARD PURSUANT TO THE PROVISIONS OF THIS TITLE MAY NOT  
26 BE TREATED AS A MATCHABLE CONTRIBUTION. IN ADDITION, THE FOLLOWING  
27 CONTRIBUTIONS ARE NOT MATCHABLE: (A) LOANS; (B) IN-KIND CONTRIBUTIONS OF  
28 PROPERTY, GOODS, OR SERVICES; (C) CONTRIBUTIONS IN THE FORM OF THE  
29 PURCHASE PRICE PAID FOR AN ITEM WITH SIGNIFICANT VALUE; (D) ANONYMOUS  
30 CONTRIBUTIONS OR CONTRIBUTIONS WHOSE SOURCE IS NOT ITEMIZED AS REQUIRED  
31 BY SECTION 14-202 OF THIS TITLE; (E) CONTRIBUTIONS RECEIVED DURING A  
32 PREVIOUS ELECTION CYCLE; (F) ILLEGAL CONTRIBUTIONS; AND (G) CONTRIB-  
33 UTIONS FROM INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS AT THE TIME THE  
34 CONTRIBUTION IS MADE.

35 14. "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR THE OFFICE  
36 OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL,  
37 MEMBER OF THE ASSEMBLY, STATE SENATOR OR DELEGATE TO A CONSTITUTIONAL  
38 CONVENTION FOR A COVERED ELECTION WHO FAILS TO FILE A WRITTEN CERTIF-  
39 ICATION IN THE FORM OF AN AFFIDAVIT PURSUANT TO SECTION 14-208 OF THIS  
40 TITLE.

41 15. "PARTICIPATING CANDIDATE" SHALL MEAN ANY CANDIDATE FOR NOMINATION  
42 FOR ELECTION, OR ELECTION, TO THE OFFICES OF GOVERNOR, LIEUTENANT GOVER-  
43 NOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE  
44 SENATOR AND DELEGATE TO A CONSTITUTIONAL CONVENTION WHO FILES A WRITTEN  
45 CERTIFICATION IN THE FORM OF AN AFFIDAVIT PURSUANT TO SECTION 14-208 OF  
46 THIS TITLE.

47 16. "POLITICAL COMMITTEE" MEANS A COMMITTEE AS DEFINED IN SECTION  
48 14-100 OF THIS ARTICLE.

49 17. "MATCHING FUNDS" MEANS MONIES PAID FROM THE CAMPAIGN FINANCE FUND  
50 TO THE AUTHORIZED COMMITTEE OF PARTICIPATING CANDIDATES PURSUANT TO THIS  
51 TITLE.

52 18. "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE FOR  
53 WHICH MATCHING FUNDS MAY BE USED.

54 19. "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF MATCHABLE  
55 CONTRIBUTIONS THAT A CANDIDATE'S AUTHORIZED COMMITTEE MUST RECEIVE IN

1 TOTAL IN ORDER FOR SUCH CANDIDATE TO QUALIFY FOR MATCHING FUNDS UNDER  
2 THIS ARTICLE.

3 20. "TRANSFER" SHALL MEAN ANY EXCHANGE OF FUNDS OR ANY THING OF VALUE  
4 BETWEEN POLITICAL COMMITTEES AUTHORIZED BY THE SAME CANDIDATE TAKING  
5 PART SOLELY IN HIS OR HER CAMPAIGN.

6 S 14-202. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE  
7 SHALL DESIGNATE ONLY ONE AUTHORIZED COMMITTEE TO BE ELIGIBLE TO RECEIVE  
8 CONTRIBUTIONS OF MATCHING FUNDS. BEFORE RECEIVING ANY SUCH CONTRIBUTION  
9 OR MAKING ANY EXPENDITURE THEREFROM FOR A COVERED ELECTION, EACH PARTIC-  
10 IPATING CANDIDATE SHALL NOTIFY THE STATE BOARD OF ELECTIONS AND THE  
11 CAMPAIGN FINANCE BOARD AS TO THE EXISTENCE OF HIS OR HER ELIGIBLE  
12 AUTHORIZED COMMITTEE THAT HAS BEEN DESIGNATED AND APPROVED BY SUCH  
13 CANDIDATE. SUCH AUTHORIZED COMMITTEE SHALL, BEFORE RECEIVING ANY  
14 CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION: (A)  
15 DESIGNATE A TREASURER; (B) OBTAIN A TAX IDENTIFICATION NUMBER FROM THE  
16 INTERNAL REVENUE SERVICE; AND (C) SUBMIT TO THE STATE BOARD OF  
17 ELECTIONS, EITHER IN WRITING OR ELECTRONICALLY, THE IDENTIFICATION  
18 NUMBER OF THE COMMITTEE DESIGNATED TO BE ELIGIBLE TO RECEIVE MATCHING  
19 FUNDS.

20 2. DISCLOSURE. (A) EVERY PARTICIPATING CANDIDATE SHALL SUBMIT SUCH  
21 REPORTS TO THE STATE BOARD OF ELECTIONS AS REQUIRED BY TITLE ONE OF THIS  
22 ARTICLE. COPIES OF SUCH REPORTS SHALL ALSO BE SUBMITTED TO THE CAMPAIGN  
23 FINANCE BOARD CREATED PURSUANT TO THIS ARTICLE AT THE SAME TIME SUCH  
24 REPORTS ARE SUBMITTED TO THE STATE BOARD OF ELECTIONS.

25 (B) THE CAMPAIGN FINANCE BOARD SHALL REVIEW EACH DISCLOSURE REPORT  
26 FILED WITH THE STATE BOARD OF ELECTIONS PURSUANT TO TITLE ONE OF THIS  
27 ARTICLE AND SHALL INFORM PARTICIPATING CANDIDATES AND POLITICAL COMMIT-  
28 TEES INCLUDING THE AUTHORIZED COMMITTEE, OF RELEVANT QUESTIONS THE BOARD  
29 HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF THIS TITLE AND OF  
30 THE RULES ISSUED BY THE BOARD; AND (II) QUALIFICATIONS FOR RECEIVING  
31 PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. IN THE COURSE OF SUCH  
32 REVIEW, THE BOARD SHALL GIVE CANDIDATES AND POLITICAL COMMITTEES INCLUD-  
33 ING THE AUTHORIZED COMMITTEE, AN OPPORTUNITY TO RESPOND TO AND CORRECT  
34 POTENTIAL VIOLATIONS AND GIVE CANDIDATES AN OPPORTUNITY TO ADDRESS QUES-  
35 TIONS THE BOARD HAS CONCERNING THEIR MATCHABLE CONTRIBUTION CLAIMS OR  
36 OTHER ISSUES CONCERNING ELIGIBILITY FOR RECEIVING MATCHING FUNDS PURSU-  
37 ANT TO THIS TITLE. NOTHING IN THIS PARAGRAPH SHALL PRECLUDE THE BOARD  
38 FROM SUBSEQUENTLY REVIEWING SUCH A DISCLOSURE REPORT AND TAKING ANY  
39 ACTION OTHERWISE AUTHORIZED BY THIS TITLE.

40 (C) ONLY ITEMIZED CONTRIBUTIONS CONTAINED IN REPORTS FILED WITH THE  
41 STATE BOARD OF ELECTIONS SHALL BE ELIGIBLE FOR MATCHING FUNDS PURSUANT  
42 TO THIS TITLE.

43 S 14-204. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. A PARTICIPATING  
44 CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEE SHALL NOT ACCEPT, EITHER  
45 DIRECTLY OR INDIRECTLY:

46 (A) TOTAL CONTRIBUTIONS FROM ANY ONE CONTRIBUTOR THAT EXCEED TWO THOU-  
47 SAND SIX HUNDRED DOLLARS IN ANY PRIMARY IN AN ELECTION CYCLE FOR THE  
48 OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY  
49 GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR AND DELEGATE TO A CONSTI-  
50 TUTIONAL CONVENTION AND TWO THOUSAND SIX HUNDRED DOLLARS FOR A GENERAL  
51 OR SPECIAL ELECTION IN AN ELECTION CYCLE FOR THE OFFICES OF GOVERNOR,  
52 LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE  
53 ASSEMBLY, STATE SENATOR OR DELEGATE TO A CONSTITUTIONAL CONVENTION,  
54 PROVIDED, HOWEVER, THAT NOT MORE THAN TWO THOUSAND SIX HUNDRED DOLLARS  
55 MAY BE RECEIVED BY A CANDIDATE FROM A CONTRIBUTOR PER ELECTION CYCLE; OR

1 (B) ANY CONTRIBUTION FROM A POLITICAL COMMITTEE THAT HAS NOT REGIS-  
2 TERED WITH THE STATE BOARD OF ELECTIONS OR HAS NOT REGISTERED WITH THE  
3 APPROPRIATE ENTITY AS REQUIRED BY LAW.

4 2. ALL MONETARY CONTRIBUTIONS AND ALL MATCHING FUNDS ACCEPTED BY A  
5 CANDIDATE'S AUTHORIZED COMMITTEE SHALL BE DEPOSITED INTO AN ACCOUNT WITH  
6 A BANK LICENSED BY THE DEPARTMENT OF FINANCIAL SERVICES HELD IN THE NAME  
7 OF THE AUTHORIZED POLITICAL COMMITTEE WITHIN TEN BUSINESS DAYS OF  
8 RECEIPT. EACH AUTHORIZED COMMITTEE SHALL HAVE NO MORE THAN ONE CHECKING  
9 ACCOUNT. MONETARY CONTRIBUTIONS, OTHER THAN MATCHING FUNDS, MAY BE  
10 INVESTED IN ACCORDANCE WITH THE PROVISIONS OF LAW RELATING THERETO.

11 3. CONTRIBUTIONS TO CANDIDATES IN COVERED ELECTIONS SHALL, FOR EACH  
12 ELECTION CYCLE, IN ALL OTHER RESPECTS, BE SUBJECT TO THE LIMITATIONS AND  
13 PROVISIONS OF TITLE ONE OF THIS ARTICLE.

14 S 14-206. PROOF OF COMPLIANCE. CANDIDATES AND POLITICAL COMMITTEES  
15 SHALL MAINTAIN SUCH RECORDS OF RECEIPTS AND EXPENDITURES FOR A COVERED  
16 ELECTION AS MAY BE REQUIRED BY THE CAMPAIGN FINANCE BOARD. CANDIDATES  
17 AND POLITICAL COMMITTEES SHALL OBTAIN AND FURNISH TO THE BOARD ANY  
18 INFORMATION IT MAY REQUEST RELATING TO THE FINANCIAL TRANSACTIONS OR  
19 CONTRIBUTIONS OF CANDIDATES AND POLITICAL COMMITTEES AND FURNISH SUCH  
20 DOCUMENTATION AND OTHER PROOF OF COMPLIANCE WITH THIS TITLE AS MAY BE  
21 REQUESTED BY THE BOARD. CANDIDATES AND POLITICAL COMMITTEES SHALL MAIN-  
22 TAIN COPIES OF SUCH RECORDS FOR A PERIOD OF FIVE YEARS FOLLOWING A  
23 GENERAL ELECTION.

24 S 14-208. ELIGIBILITY. 1. TO BE ELIGIBLE FOR MATCHING FUNDS PURSUANT  
25 TO THIS TITLE, A CANDIDATE MUST: (A) BE A CANDIDATE FOR THE OFFICES OF  
26 GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL,  
27 MEMBER OF THE ASSEMBLY, STATE SENATOR OR DELEGATE TO A CONSTITUTIONAL  
28 CONVENTION IN A COVERED ELECTION; (B) SATISFY ALL THE REQUIREMENTS OF  
29 LAW TO HAVE HIS OR HER NAME ON THE BALLOT; (C) IN THE CASE OF A COVERED  
30 GENERAL ELECTION, BE OPPOSED BY ANOTHER CANDIDATE ON THE BALLOT WHO IS  
31 NOT A WRITE-IN CANDIDATE; (D) SUBMIT A CERTIFICATION IN THE FORM OF AN  
32 AFFIDAVIT, IN SUCH FORM AS MAY BE PRESCRIBED BY THE CAMPAIGN FINANCE  
33 BOARD, THAT SETS FORTH HIS OR HER AGREEMENT TO COMPLY WITH THE TERMS AND  
34 CONDITIONS FOR THE PROVISION OF SUCH FUNDS IN EACH COVERED ELECTION  
35 WHICH SHALL BE FILED WITH SUCH BOARD NO LATER THAN JUNE FIRST OF AN  
36 ELECTION YEAR; (E) BE CERTIFIED AS A PARTICIPATING CANDIDATE BY SUCH  
37 BOARD NOT LATER THAN TWO WEEKS AFTER THE FILING OF SUCH AFFIDAVIT; (F)  
38 NOT MAKE, AND NOT HAVE MADE, EXPENDITURES FROM, OR USE, HIS OR HER  
39 PERSONAL FUNDS OR PROPERTY OR PERSONAL FUNDS OR PROPERTY JOINTLY HELD  
40 WITH HIS OR HER SPOUSE, DOMESTIC PARTNER, OR CHILD IN CONNECTION WITH  
41 HIS OR HER NOMINATION FOR ELECTION OR ELECTION TO A COVERED OFFICE  
42 EXCEPT AS A CONTRIBUTION TO HIS OR HER AUTHORIZED COMMITTEE IN AN AMOUNT  
43 THAT EXCEEDS THE APPLICABLE CONTRIBUTION LIMIT OF AN INDIVIDUAL CONTRIB-  
44 UTOR TO CANDIDATES FOR THE OFFICE THAT HE OR SHE IS SEEKING; (G) MEET  
45 THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION TWO OF THIS  
46 SECTION; AND (H) ABIDE BY THE REQUIREMENTS SET FORTH IN THIS TITLE AND  
47 CHAPTER DURING THE POST-ELECTION PERIOD.

48 2. THE THRESHOLD FOR ELIGIBILITY FOR MATCHING FUNDS FOR CANDIDATES IN  
49 A PRIMARY, GENERAL OR SPECIAL ELECTION FOR THE FOLLOWING OFFICES SHALL  
50 BE:

51 (A) GOVERNOR IN A PRIMARY OR GENERAL ELECTION. THE RECEIPT OF NOT LESS  
52 THAN SIX HUNDRED FIFTY THOUSAND DOLLARS FROM AT LEAST SIX THOUSAND FIVE  
53 HUNDRED MATCHABLE CONTRIBUTIONS IN SINGLE AMOUNTS OF NO MORE THAN TWO  
54 HUNDRED FIFTY DOLLARS FROM NATURAL PERSONS RESIDING IN THE STATE;

55 (B) LIEUTENANT GOVERNOR IN A PRIMARY ELECTION AND STATE COMPTROLLER OR  
56 ATTORNEY GENERAL IN A PRIMARY OR GENERAL ELECTION. THE RECEIPT OF NOT

1 LESS THAN TWO HUNDRED THOUSAND DOLLARS FROM AT LEAST TWO THOUSAND MATCH-  
2 ABLE CONTRIBUTIONS IN SINGLE AMOUNTS OF NO MORE THAN TWO HUNDRED FIFTY  
3 DOLLARS FROM NATURAL PERSONS RESIDING IN THE STATE;

4 (C) STATE SENATORS IN A PRIMARY, GENERAL OR SPECIAL ELECTION. THE  
5 RECEIPT OF NOT LESS THAN TWENTY THOUSAND DOLLARS IN MATCHABLE CONTRIB-  
6 UTIONS IN SINGLE AMOUNTS OF NO MORE THAN TWO HUNDRED FIFTY DOLLARS FROM  
7 NATURAL PERSONS RESIDING IN THE STATE, INCLUDING AT LEAST TEN THOUSAND  
8 DOLLARS FROM AT LEAST ONE HUNDRED CONTRIBUTORS WHO RESIDE IN THE SENATE  
9 DISTRICT OR RESIDE IN ANY PORTION OF ANY COUNTY WHICH CONSTITUTES ANY  
10 MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED;

11 (D) MEMBERS OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION.  
12 THE RECEIPT OF NOT LESS THAN TEN THOUSAND DOLLARS IN MATCHABLE CONTRIB-  
13 UTIONS IN SINGLE AMOUNTS OF NO MORE THAN TWO HUNDRED FIFTY DOLLARS FROM  
14 NATURAL PERSONS RESIDING IN THE STATE, INCLUDING AT LEAST FIVE THOUSAND  
15 DOLLARS FROM AT LEAST FIFTY CONTRIBUTORS WHO RESIDE IN THE ASSEMBLY  
16 DISTRICT OR RESIDE IN ANY PORTION OF ANY COUNTY WHICH CONSTITUTES ANY  
17 MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED;

18 (E) AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR A  
19 GENERAL ELECTION. THE RECEIPT OF NOT LESS THAN TWENTY THOUSAND DOLLARS  
20 IN MATCHABLE CONTRIBUTIONS IN SINGLE AMOUNTS OF NO MORE THAN TWO HUNDRED  
21 FIFTY DOLLARS FROM NATURAL PERSONS RESIDING IN THE STATE; AND

22 (F) DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR  
23 GENERAL ELECTION. THE RECEIPT OF NOT LESS THAN FIVE THOUSAND DOLLARS IN  
24 AT LEAST FIFTY MATCHABLE CONTRIBUTIONS IN SINGLE AMOUNTS OF NO MORE THAN  
25 TWO HUNDRED FIFTY DOLLARS FROM NATURAL PERSONS RESIDING IN THE DISTRICT  
26 OR IN THE CONSTITUENT COUNTY OR RESIDING IN ANY PORTION OF ANY COUNTY  
27 WHICH CONSTITUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE  
28 FILLED.

29 3. (A) CANDIDATES WHO ARE CONTESTED IN A PRIMARY ELECTION AND WHO DO  
30 NOT SEEK MATCHING FUNDS SHALL NOT BE ELIGIBLE FOR MATCHING FUNDS FOR THE  
31 GENERAL ELECTION IN THAT YEAR. THE PROVISIONS OF THIS SUBDIVISION SHALL  
32 NOT APPLY TO CANDIDATES FOR THE OFFICE OF LIEUTENANT GOVERNOR.

33 (B) CANDIDATES WHO ARE UNOPPOSED IN A GENERAL OR SPECIAL ELECTION  
34 SHALL NOT BE ELIGIBLE TO RECEIVE MATCHING FUNDS.

35 (C) NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR  
36 SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE VOLUNTARY  
37 CAMPAIGN FINANCING SYSTEM SHALL BE DEEMED OPPOSED AND BE ELIGIBLE FOR  
38 MATCHING FUNDS UNLESS THERE IS AT LEAST ONE OTHER CANDIDATE, AS DEFINED  
39 BY SUBDIVISION SEVEN OF SECTION 14-100 OF THIS ARTICLE FOR SUCH OFFICE  
40 FOR SUCH ELECTION.

41 (D) ANY PARTICIPATING CANDIDATE MEETING THE THRESHOLD FOR ELIGIBILITY  
42 IN A PRIMARY ELECTION SHALL BE DEEMED TO HAVE MET THE THRESHOLD FOR  
43 ELIGIBILITY FOR SUCH OFFICE IN ANY OTHER ELECTION HELD IN THE SAME  
44 ELECTION CYCLE.

45 (E) NO PARTICIPATING CANDIDATE FOR NOMINATION TO AN OFFICE WHO IS  
46 UNOPPOSED IN A PRIMARY ELECTION SHALL BE ELIGIBLE FOR MATCHING FOR QUAL-  
47 IFIED CAMPAIGN EXPENDITURES, PROVIDED, HOWEVER, THAT WHERE A CONTEST  
48 OCCURS IN A PRIMARY FOR THE NOMINATION OF AT LEAST ONE OTHER PARTY FOR  
49 OFFICE, THE AUTHORIZED COMMITTEE OF AN UNOPPOSED PARTICIPATING CANDIDATE  
50 FOR NOMINATION MAY RAISE AND SPEND AN AMOUNT EQUAL TO ONE-HALF OF THE  
51 MATCHING FUNDS RECEIPT LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR  
52 CANDIDATES WHO HAVE ELECTED TO ACCEPT MATCHING FUNDS, WITH CONTRIBUTIONS  
53 OF UP TO TWO THOUSAND SIX HUNDRED DOLLARS PER CONTRIBUTOR PURSUANT TO  
54 SECTION 14-204 OF THIS TITLE.

55 S 14-212. PAYMENT OF MATCHING FUNDS. 1. NO MATCHING FUNDS SHALL BE  
56 PAID TO AN AUTHORIZED COMMITTEE UNLESS THE CAMPAIGN FINANCE BOARD DETER-

MINES THAT THE PARTICIPATING CANDIDATE HAS QUALIFIED PURSUANT TO THIS TITLE. PAYMENT SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN THIS SECTION AND MAY BE MADE ONLY TO THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE. NO MATCHING FUNDS SHALL BE USED EXCEPT TO REIMBURSE OR PAY FOR QUALIFIED CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

2. IF THE THRESHOLD FOR ELIGIBILITY IS MET, THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE SHALL RECEIVE PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES OF SIX DOLLARS OF MATCHING FUNDS FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS FOR A PRIMARY ELECTION AND SIX DOLLARS OF MATCHING FUNDS FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS FOR A GENERAL OR SPECIAL ELECTION FOR ALL MATCHABLE CONTRIBUTIONS RECEIVED AFTER JANUARY FIRST OF THE YEAR IN WHICH SUCH PRIMARY OR GENERAL ELECTION TO BE HELD AND REPORTED TO THE BOARD.

3. (A) MATCHING FUNDS RECEIVED BY PARTICIPATING CANDIDATES AND THEIR AUTHORIZED COMMITTEES IN A PRIMARY ELECTION SHALL NOT EXCEED:

(I) THE SUM OF FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS FOR THE OFFICE OF GOVERNOR;

(II) THE SUM OF TWO MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE OFFICES OF LIEUTENANT GOVERNOR, STATE COMPTROLLER AND ATTORNEY GENERAL;

(III) THE SUM OF EIGHT HUNDRED TWENTY-FIVE THOUSAND DOLLARS FOR THE OFFICE OF STATE SENATOR;

(IV) THE SUM OF FOUR HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS FOR THE OFFICE OF MEMBER OF THE ASSEMBLY;

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

(VI) THE SUM OF FIFTY THOUSAND DOLLARS FOR A DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION.

(B) MATCHING FUNDS RECEIVED BY PARTICIPATING CANDIDATES AND THEIR AUTHORIZED COMMITTEES IN A GENERAL OR SPECIAL ELECTION SHALL NOT EXCEED:

(I) THE SUM OF EIGHT MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS FOR THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR;

(II) THE SUM OF FOUR MILLION ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS FOR THE OFFICES OF STATE COMPTROLLER AND ATTORNEY GENERAL;

(III) THE SUM OF EIGHT HUNDRED TWENTY-FIVE THOUSAND DOLLARS FOR THE OFFICE OF STATE SENATOR;

(IV) THE SUM OF FOUR HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS FOR THE OFFICE OF MEMBER OF THE ASSEMBLY;

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

(VI) THE SUM OF FIFTY THOUSAND DOLLARS FOR A DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION.

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

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

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



PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE SUCH DATE. ALL SUCH MONEYS SHALL BE REPAID TO THE FUND.

7. THE COMMISSIONER OF TAXATION AND FINANCE SHALL MAKE ALL PAYMENTS OF MATCHING FUNDS TO PARTICIPATING CANDIDATES AS SOON AS PRACTICABLE, BUT NO LATER THAN FIVE DAYS AFTER SUBMISSION BY THE PARTICIPATING CANDIDATE OF A CAMPAIGN CONTRIBUTION REPORT FILED WITH THE STATE BOARD OF ELECTIONS IN COMPLIANCE WITH THIS ARTICLE. THE CAMPAIGN FINANCE BOARD SHALL VERIFY ELIGIBILITY FOR AND AMOUNT OF MATCHING FUNDS WITHIN THREE DAYS AFTER RECEIPT OF SUCH CONTRIBUTION REPORT. UPON DETERMINATION OF ELIGIBILITY OF A PARTICIPATING CANDIDATE FOR MATCHING FUNDS AND OF AMOUNT OF SUCH MATCHING FUNDS, THE CAMPAIGN FINANCE BOARD SHALL SUBMIT WITHIN ONE DAY A DULY APPROVED, CERTIFIED AND EXECUTED VOUCHER TO THE DEPARTMENT OF TAXATION AND FINANCE REQUESTING PAYMENT OF SUCH MATCHING FUNDS AND PAYMENT THEREOF SHALL BE MADE TO THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE NOT LESS THAN ONE DAY AFTER SUCH VOUCHER IS RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE. IF ANY OF THE TIME LIMITS IN THIS TITLE FOR PAYMENT FALL ON A WEEKEND OR HOLIDAY, PAYMENT SHALL BE MADE ON THE NEXT BUSINESS DAY.

8. THE CAMPAIGN FINANCE BOARD AND THE DEPARTMENT OF TAXATION AND FINANCE SHALL PROMULGATE RULES TO FACILITATE ELECTRONIC FUND TRANSFERS DIRECTLY FROM THE FUND INTO AN AUTHORIZED COMMITTEE'S BANK ACCOUNT.

S 14-214. USE OF MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDITURES. 1. MATCHING FUNDS PROVIDED UNDER THE PROVISIONS OF THIS TITLE MAY BE USED ONLY BY AN AUTHORIZED COMMITTEE FOR EXPENDITURES TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION, OR ELECTION, INCLUDING PAYMENT FOR DEBTS INCURRED WITHIN ONE YEAR BEFORE AN ELECTION TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION OR ELECTION.

2. SUCH MATCHING FUNDS MAY NOT BE USED FOR: (A) AN EXPENDITURE THAT VIOLATES ANY LAW OR REGULATION; (B) AN EXPENDITURE IN EXCESS OF THE FAIR MARKET VALUE OF SERVICES, MATERIALS, FACILITIES OR OTHER ITEM OF SIGNIFICANT VALUE RECEIVED IN EXCHANGE; (C) AN EXPENDITURE MADE AFTER THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE BALLOT; (D) AN EXPENDITURE FOR AN OBLIGATION INCURRED AFTER THE ONLY REMAINING OPPONENT OF THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE BALLOT; (E) AN EXPENDITURE MADE BY CASH PAYMENT; (F) A CONTRIBUTION OR LOAN MADE TO ANOTHER CANDIDATE OR POLITICAL COMMITTEE; (G) AN EXPENDITURE TO SUPPORT OR OPPOSE ANOTHER CANDIDATE OR POLITICAL COMMITTEE; (H) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER PRINTED CAMPAIGN MATERIAL; (I) LEGAL FEES TO DEFEND AGAINST A CRIMINAL CHARGE; OR (J) A PAYMENT TO AN IMMEDIATE FAMILY MEMBER OF THE PARTICIPATING CANDIDATE.

S 14-216. CAMPAIGN FINANCE BOARD; GENERAL POWERS AND DUTIES. 1. THERE SHALL BE A BOARD WITHIN THE STATE BOARD OF ELECTIONS KNOWN AS THE "CAMPAIGN FINANCE BOARD" COMPOSED OF SEVEN MEMBERS, OF WHICH ONE MEMBER, WHO SHALL BE THE CHAIRPERSON, SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE OR CONSENT OF THE SENATE, ONE MEMBER SHALL BE APPOINTED BY THE STATE COMPTROLLER, ONE MEMBER SHALL BE APPOINTED BY THE ATTORNEY GENERAL, ONE MEMBER SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE AND ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY. NO MEMBER OF THE CAMPAIGN FINANCE BOARD SHALL HOLD ELECTIVE OFFICE, NOR SHALL ANY MEMBER BE A LOBBYIST AS DEFINED IN SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLATIVE LAW. THE MEMBERS SHALL FIRST BE APPOINTED TO SERVE AS FOLLOWS: (A) TWO MEMBERS, ONE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY FOR A TERM OF TWO YEARS, (B) TWO MEMBERS, ONE APPOINTED BY THE

1 MAJORITY LEADER OF THE SENATE AND ONE APPOINTED BY THE SPEAKER OF THE  
2 ASSEMBLY FOR A TERM OF THREE YEARS, (C) ONE MEMBER APPOINTED BY THE  
3 ATTORNEY GENERAL FOR A TERM OF FOUR YEARS, (D) ONE MEMBER APPOINTED BY  
4 THE COMPTROLLER FOR A TERM OF FIVE YEARS AND (E) THE CHAIRPERSON SHALL  
5 SERVE FOR A TERM OF SIX YEARS. MEMBERS APPOINTED THEREAFTER SHALL BE  
6 APPOINTED FOR TERMS OF SIX YEARS.

7 2. EACH INITIAL MEMBER'S TERM SHALL COMMENCE ON JANUARY FIRST, TWO  
8 THOUSAND FOURTEEN. IN CASE OF A VACANCY IN THE OFFICE OF A MEMBER, A  
9 MEMBER SHALL BE APPOINTED ACCORDING TO THE ORIGINAL MANNER OF APPOINT-  
10 MENT. EACH MEMBER SHALL BE A RESIDENT OF THE STATE OF NEW YORK AND  
11 REGISTERED TO VOTE THEREIN. EACH MEMBER SHALL AGREE NOT TO MAKE AND  
12 SHALL NOT MAKE CONTRIBUTIONS TO ANY CANDIDATE OR AUTHORIZED COMMITTEE  
13 FOR NOMINATION FOR ELECTION OR FOR ELECTION TO THE OFFICES OF GOVERNOR,  
14 LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE  
15 ASSEMBLY, STATE SENATOR AND DELEGATE TO A CONSTITUTIONAL CONVENTION. NO  
16 MEMBER SHALL SERVE AS AN OFFICER OF A POLITICAL PARTY OR COMMITTEE OR BE  
17 A CANDIDATE OR PARTICIPATE IN ANY CAPACITY IN A CAMPAIGN BY A CANDIDATE  
18 FOR NOMINATION FOR ELECTION, OR FOR ELECTION TO THE OFFICES OF GOVERNOR,  
19 LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE  
20 ASSEMBLY, STATE SENATOR AND DELEGATE TO A CONSTITUTIONAL CONVENTION. AN  
21 OFFICER OR EMPLOYEE OF THE STATE OR ANY STATE AGENCY SHALL NOT BE ELIGI-  
22 BLE TO BE A MEMBER OF THE CAMPAIGN FINANCE BOARD.

23 3. THE MEMBERS OF THE CAMPAIGN FINANCE BOARD SHALL BE ENTITLED TO  
24 RECEIVE PAYMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE  
25 PERFORMANCE OF THEIR DUTIES AS MEMBERS OF SUCH BOARD.

26 4. A MEMBER OF THE CAMPAIGN FINANCE BOARD MAY BE REMOVED BY HIS OR HER  
27 APPOINTING AUTHORITY SOLELY FOR SUBSTANTIAL NEGLECT OF DUTY, GROSS  
28 MISCONDUCT IN OFFICE, INABILITY TO DISCHARGE THE POWERS OR DUTIES OF THE  
29 OFFICE, OR VIOLATION OF THE PROVISIONS OF THIS CHAPTER, AFTER WRITTEN  
30 NOTICE AND OPPORTUNITY FOR A PUBLIC HEARING PURSUANT TO RULES DEVELOPED  
31 BY THE CAMPAIGN FINANCE BOARD.

32 5. THE CAMPAIGN FINANCE BOARD MAY EMPLOY OR SHALL UTILIZE EXISTING  
33 STAFF OF THE STATE BOARD OF ELECTIONS AS MAY BE NECESSARY, INCLUDING AN  
34 EXECUTIVE DIRECTOR AND A COUNSEL, AND MAKE NECESSARY EXPENDITURES  
35 SUBJECT TO APPROPRIATION. THE CAMPAIGN FINANCE BOARD SHALL RETAIN AN  
36 INDEPENDENT AUDITOR TO PERFORM ONGOING AUDITS OF EACH COVERED ELECTION  
37 BY CONTRACT ENTERED INTO PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF  
38 THE STATE FINANCE LAW.

39 6. IN ADDITION TO THE ENFORCEMENT POWERS, AND ANY OTHER POWERS AND  
40 DUTIES SPECIFIED BY LAW, THE CAMPAIGN FINANCE BOARD SHALL:

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

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

51 (C) HAVE THE AUTHORITY TO PROMULGATE SUCH RULES AND REGULATIONS AND  
52 PRESCRIBE SUCH FORMS AS THE CAMPAIGN FINANCE BOARD DEEMS NECESSARY FOR  
53 THE ADMINISTRATION OF THIS TITLE; AND

54 (D) IN CONJUNCTION WITH THE STATE BOARD OF ELECTIONS DEVELOP AN INTER-  
55 ACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION  
56 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMA-

1 TION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR  
2 AUTHORIZED COMMITTEES AND DISTRIBUTIONS OF MONEYS FROM THE FUND AND  
3 SHALL BE ACCESSIBLE TO THE PUBLIC ON THE STATE BOARD OF ELECTIONS'  
4 WEBSITE.

5 7. CONSISTENT WITH THE PROVISIONS OF THE CIVIL SERVICE LAW AND SUBDI-  
6 VISION SEVENTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,  
7 AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL  
8 POSITIONS ON THE STAFF OF THE CAMPAIGN FINANCE BOARD SHALL BE CLASSIFIED  
9 IN THE EXEMPT CLASS OF THE CIVIL SERVICE.

10 8. THE CAMPAIGN FINANCE BOARD'S ADMINISTRATION OF THE FUND SHALL BE  
11 GOVERNED BY THE PROVISIONS OF THIS TITLE AND SECTION NINETY-NINE-V OF  
12 THE STATE FINANCE LAW.

13 9. THE CAMPAIGN FINANCE BOARD AND ITS PROCEEDINGS SHALL BE GOVERNED BY  
14 THE STATE ADMINISTRATIVE PROCEDURE ACT AND SUBJECT TO ARTICLES SIX AND  
15 SEVEN OF THE PUBLIC OFFICERS LAW.

16 10. THE CAMPAIGN FINANCE BOARD MAY TAKE SUCH OTHER ACTIONS AS ARE  
17 NECESSARY AND PROPER TO CARRY OUT THE PURPOSES OF THIS TITLE.

18 S 14-218. AUDITS AND REPAYMENTS. 1. THE CAMPAIGN FINANCE BOARD IS  
19 HEREBY EMPOWERED TO AUDIT AND EXAMINE, PURSUANT TO GENERALLY ACCEPTED  
20 ACCOUNTING PRINCIPLES, ALL MATTERS RELATING TO THE PERFORMANCE OF ITS  
21 FUNCTIONS AND ANY OTHER MATTER RELATING TO THE ADMINISTRATION OF THIS  
22 TITLE. SUCH AUDITS SHALL BE CONDUCTED AS FREQUENTLY AS THE CAMPAIGN  
23 FINANCE BOARD DEEMS NECESSARY TO ENSURE COMPLIANCE WITH THIS TITLE.  
24 EVERY CANDIDATE WHO RECEIVES MATCHING FUNDS UNDER THIS TITLE SHALL ALSO  
25 BE AUDITED BY THE CAMPAIGN FINANCE BOARD POST-ELECTION. THE COST OF  
26 COMPLYING WITH A POST-ELECTION AUDIT SHALL BE BORNE BY THE CANDIDATE'S  
27 AUTHORIZED COMMITTEE. A CANDIDATE WHO HAS RECEIVED MATCHING FUNDS UNDER  
28 THIS TITLE MUST MAINTAIN A RESERVE OF AT LEAST ONE PERCENT OF THE TOTAL  
29 AMOUNT OF MATCHING FUNDS RECEIVED BY SUCH CANDIDATE IN HIS OR HER  
30 CAMPAIGN ACCOUNT TO COMPLY WITH THE POST-ELECTION AUDIT. A CANDIDATE WHO  
31 RUNS IN BOTH A PRIMARY AND A GENERAL ELECTION, MUST MAINTAIN A RESERVE  
32 OF ONE PERCENT OF THE TOTAL AMOUNT OF MATCHING FUNDS RECEIVED BY SUCH  
33 CANDIDATE FOR BOTH HIS OR HER PRIMARY AND GENERAL ELECTION. A CANDIDATE  
34 MAY USE MATCHING FUNDS, PRIVATE FUNDS OR A COMBINATION OF MATCHING AND  
35 PRIVATE FUNDS TO COMPLY WITH A POST-ELECTION AUDIT. THE CAMPAIGN FINANCE  
36 BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED THE FINAL POST-ELECTION AUDIT  
37 REPORT THAT DETAILS ITS FINDINGS AND SHALL PROVIDE SUCH AUDIT TO THE  
38 GOVERNOR AND LEGISLATIVE LEADERS AND MAKE SUCH AUDIT REPORT AVAILABLE ON  
39 THE STATE BOARD OF ELECTIONS' WEBSITE.

40 2. IF THE CAMPAIGN FINANCE BOARD DETERMINES THAT ANY PORTION OF A  
41 PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE FUND  
42 EXCEEDED THE AMOUNT THAT SUCH CANDIDATE WAS ELIGIBLE TO RECEIVE PURSUANT  
43 TO THIS TITLE, THE CAMPAIGN FINANCE BOARD SHALL NOTIFY SUCH COMMITTEE  
44 AND SUCH COMMITTEE SHALL PAY TO THE CAMPAIGN FINANCE BOARD AN AMOUNT  
45 EQUAL TO THE AMOUNT OF THE EXCESS PAYMENT; PROVIDED, HOWEVER, THAT IF  
46 THE ERRONEOUS PAYMENT WAS DUE TO AN ERROR MADE BY THE CAMPAIGN FINANCE  
47 BOARD, THEN THE ERRONEOUS PAYMENT WILL BE OFFSET AGAINST ANY FUTURE  
48 PAYMENT, IF ANY. THE PARTICIPATING CANDIDATE AND THE CANDIDATE'S AUTHOR-  
49 IZED COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS  
50 DUE TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT BY SUCH BOARD INTO THE NEW  
51 YORK STATE CAMPAIGN FINANCE FUND.

52 3. IF THE CAMPAIGN FINANCE BOARD DETERMINES THAT ANY PORTION OF A  
53 PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE NEW YORK  
54 STATE CAMPAIGN FINANCE FUND WAS USED FOR PURPOSES OTHER THAN QUALIFIED  
55 CAMPAIGN EXPENDITURES, THE CAMPAIGN FINANCE BOARD SHALL NOTIFY SUCH  
56 COMMITTEE OF THE AMOUNT SO DISQUALIFIED AND SUCH COMMITTEE SHALL PAY TO

THE CAMPAIGN FINANCE BOARD AN AMOUNT EQUAL TO SUCH DISQUALIFIED AMOUNT. SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED PURSUANT TO SECTION NINETY-NINE-V OF THE STATE FINANCE LAW. THE CANDIDATE AND THE CANDIDATE'S AUTHORIZED COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE TO THE CAMPAIGN FINANCE BOARD.

4. A PARTICIPATING CANDIDATE SHALL PAY TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT INTO THE CAMPAIGN FINANCE FUND UNSPENT MATCHING FUNDS FOR AN ELECTION NOT LATER THAN THIRTY DAYS AFTER ALL LIABILITIES FOR THE ELECTION CAMPAIGN HAVE BEEN PAID AND IN ANY EVENT, NOT LATER THAN TWENTY DAYS AFTER THE DATE ON WHICH THE CAMPAIGN FINANCE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT MATCHING FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE AND PAYABLE TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND UPON ITS DETERMINATION THAT THE PARTICIPANT WILLFULLY DELAYED THE POST-ELECTION AUDIT PROCESS. A PARTICIPATING CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIVITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND RESPONDING TO THE POST-ELECTION AUDIT PURSUANT TO SECTION 14-228 OF THIS TITLE. FOR ACCOUNTING PURPOSES, ALL PRIVATE AND PERSONAL CONTRIBUTIONS SHALL BE CONSIDERED SPENT BEFORE REVENUE FROM THE FUND IS SPENT OR COMMITTED.

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

2. ANY PERSON OR AUTHORIZED COMMITTEE WHO KNOWINGLY AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE OR ANY RULE PROMULGATED HEREUNDER SHALL BE SUBJECT TO A FINE TO BE IMPOSED BY THE CAMPAIGN FINANCE BOARD IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS.

3. FINES AUTHORIZED UNDER THIS SECTION WILL BE IMPOSED BY THE CAMPAIGN FINANCE 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 CAMPAIGN FINANCE BOARD. FOR PURPOSES OF CONDUCTING SUCH HEARINGS, THE CAMPAIGN FINANCE 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 FINES HEREIN AUTHORIZED.

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

5. ANY FINES IMPOSED BY THE CAMPAIGN FINANCE BOARD PURSUANT TO THIS SECTION SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND.

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

1 AN AMOUNT EXCEEDING AN APPLICABLE MAXIMUM SPECIFIED IN THIS ARTICLE  
2 SHALL BE GUILTY OF A MISDEMEANOR AND SHALL BE SUBJECT TO A FINE NOT TO  
3 EXCEED THE AMOUNT OF TEN THOUSAND DOLLARS.

4 3. ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT OR KNOWINGLY OMITTS  
5 A MATERIAL FACT TO THE CAMPAIGN FINANCE BOARD OR AN AUDITOR DESIGNATED  
6 BY THE CAMPAIGN FINANCE BOARD DURING ANY AUDIT CONDUCTED PURSUANT TO  
7 SECTION 14-218 OF THIS TITLE SHALL BE GUILTY OF A CLASS E FELONY.

8 4. IN ADDITION ANY OTHER SENTENCE LAWFULLY IMPOSED UPON A FINDING OF  
9 GUILT IN A CRIMINAL PROSECUTION COMMENCED PURSUANT TO THE PROVISIONS OF  
10 THIS SECTION, THE COURT MAY ORDER A DEFENDANT TO REPAY TO THE CAMPAIGN  
11 FINANCE BOARD ANY MATCHING FUNDS OBTAINED AS A RESULT OF ANY CRIMINAL  
12 CONDUCT.

13 5. ALL SUCH PROSECUTIONS FOR CRIMINAL ACTS UNDER THIS ARTICLE SHALL BE  
14 PROSECUTED BY THE ATTORNEY GENERAL.

15 6. ANY AND ALL FINES IMPOSED PURSUANT TO THIS SECTION SHALL BE MADE  
16 PAYABLE TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT INTO THE NEW YORK  
17 STATE CAMPAIGN FINANCE FUND.

18 S 14-224. REPORTS. THE CAMPAIGN FINANCE BOARD SHALL SUBMIT A REPORT TO  
19 THE GOVERNOR AND LEGISLATIVE LEADERS ON OR BEFORE FEBRUARY FIRST, TWO  
20 THOUSAND SEVENTEEN, AND EVERY TWO YEARS THEREAFTER, WHICH SHALL INCLUDE:

21 1. A LIST OF THE PARTICIPATING AND NONPARTICIPATING CANDIDATES IN  
22 COVERED ELECTIONS AND THE VOTES RECEIVED BY EACH CANDIDATE IN THOSE  
23 ELECTIONS;

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

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

28 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGN FOR  
29 THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTOR-  
30 NEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR AND DELEGATE TO A  
31 CONSTITUTIONAL CONVENTION, INCLUDING ITS EFFECT ON THE SOURCES AND  
32 AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF CAMPAIGN EXPENDITURES, VOTER  
33 PARTICIPATION, THE NUMBER OF CANDIDATES, THE CANDIDATES' ABILITIES TO  
34 CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND THE DIVERSITY OF CANDIDATES  
35 SEEKING AND ELECTED TO OFFICE;

36 5. RECOMMENDATIONS FOR CHANGES OR AMENDMENTS TO THIS TITLE, INCLUDING  
37 CHANGES IN CONTRIBUTION LIMITS, THRESHOLDS FOR ELIGIBILITY AND LIMITS ON  
38 TOTAL MATCHING FUNDS; AND

39 6. ANY OTHER INFORMATION THAT THE CAMPAIGN FINANCE BOARD DEEMS RELE-  
40 VANT.

41 S 14-226. DEBATES. THE CAMPAIGN FINANCE BOARD SHALL PROMULGATE REGU-  
42 LATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTIC-  
43 IPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE  
44 BEFORE THE PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENER-  
45 AL ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE  
46 PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDI-  
47 DATE MAY BE A PARTY TO SUCH DEBATES.

48 S 14-228. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND. 1. THIS SECTION  
49 GOVERNS THE CAMPAIGN FINANCE BOARD'S DISTRIBUTION OF FUNDS FROM THE  
50 CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-NINE-V OF THE STATE  
51 FINANCE LAW, EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

52 2. NO MONEYS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO HAS BEEN  
53 DISQUALIFIED BY THE CAMPAIGN FINANCE BOARD OR WHOSE DESIGNATING  
54 PETITIONS HAVE BEEN DECLARED INVALID BY THE STATE BOARD OF ELECTIONS OR  
55 A COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS  
56 REVERSED BY AN APPELLATE COURT.

1 3. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR  
2 SUCH A CANDIDATE'S AUTHORIZED COMMITTEE ON THE DATE OF SUCH DISQUALI-  
3 FICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE  
4 EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE THAT DATE. ALL EXCESS  
5 MATCHING MONEYS PAID TO A DISQUALIFIED CANDIDATE SHALL BE RETURNED TO  
6 THE FUND NOT LESS THAN THIRTY DAYS AFTER THE GENERAL ELECTION FOR THOSE  
7 PARTICIPATING CANDIDATES WHO RECEIVED MATCHING MONEYS FOR THE GENERAL  
8 ELECTION, AND OTHERWISE, NOT LESS THAN THIRTY DAYS AFTER THE PRIMARY  
9 ELECTION FOR THOSE PARTICIPATING CANDIDATES WHO RECEIVED MATCHING MONEYS  
10 SOLELY FOR THE PRIMARY ELECTION.

11 4. (A) PARTICIPATING CANDIDATES SHALL PAY TO THE CAMPAIGN FINANCE  
12 BOARD UNSPENT MATCHING CAMPAIGN FUNDS FROM AN ELECTION NOT LATER THAN  
13 THIRTY DAYS AFTER ALL LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND,  
14 IN ANY EVENT, NOT LESS THAN TWENTY DAYS AFTER THE DATE UPON WHICH THE  
15 CAMPAIGN FINANCE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPAT-  
16 ING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT MATCHING  
17 CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE  
18 AND PAYABLE TO THE CAMPAIGN FINANCE BOARD UPON ITS DETERMINATION THAT  
19 THE PARTICIPATING CANDIDATE HAS, WITHOUT JUST CAUSE, DELAYED THE POST-E-  
20 LECTION AUDIT PROCESS. UNSPENT MATCHING CAMPAIGN FUNDS DETERMINATIONS  
21 MADE BY THE CAMPAIGN FINANCE BOARD SHALL BE BASED ON THE PARTICIPATING  
22 CANDIDATE COMMITTEE'S RECEIPTS AND EXPENDITURES. THE CAMPAIGN FINANCE  
23 BOARD MAY ALSO CONSIDER ANY OTHER RELEVANT INFORMATION REVEALED IN THE  
24 COURSE OF ITS AUDITS OR INVESTIGATIONS OR THE INVESTIGATIONS BY ANY  
25 OTHER AGENCY.

26 (B) (I) A PARTICIPATING CANDIDATE MAY NOT USE RECEIPTS FOR ANY PURPOSE  
27 OTHER THAN DISBURSEMENTS IN THE PRECEDING ELECTION UNTIL ALL UNSPENT  
28 MATCHING CAMPAIGN FUNDS HAVE BEEN REPAID. A PARTICIPATING CANDIDATE  
29 SHALL HAVE THE BURDEN OF DEMONSTRATING THAT A POST-ELECTION EXPENDITURE  
30 IS FOR THE PRECEDING ELECTION.

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

48 5. ALL MONIES RECEIVED BY THE CAMPAIGN FINANCE BOARD PURSUANT TO THIS  
49 SECTION SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND  
50 PURSUANT TO SECTION NINETY-NINE-V OF THE STATE FINANCE LAW.

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

53 S 16-103. PROCEEDINGS AS TO MATCHING FUNDS. 1. THE DETERMINATION OF  
54 ELIGIBILITY PURSUANT TO SECTION 14-208 OF THIS CHAPTER AND ANY QUESTION  
55 OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSU-  
56 ANT TO SECTION 14-212 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING

1 INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDI-  
2 DATE.

3 2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR  
4 PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-212  
5 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETER-  
6 MINATION WAS MADE. THE CAMPAIGN FINANCE BOARD SHALL BE MADE A PARTY TO  
7 ANY SUCH PROCEEDING.

8 3. UPON THE CAMPAIGN FINANCE BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE  
9 FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE  
10 ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVI-  
11 SION FOUR OF SECTION 14-218 OF THIS CHAPTER, SUCH BOARD IS AUTHORIZED TO  
12 INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY  
13 COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO  
14 THE CAMPAIGN FINANCE BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE  
15 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER.

16 4. THE CAMPAIGN FINANCE BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL  
17 PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A  
18 JUDGMENT FOR CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE FAIR  
19 ELECTIONS BOARD PURSUANT TO SECTION 14-218 OF THIS CHAPTER.

20 S 17. The general business law is amended by adding a new section  
21 359-gg to read as follows:

22 S 359-GG. ADDITIONAL SURCHARGE. IN ADDITION TO ANY PENALTY AUTHORIZED  
23 BY SECTION THREE HUNDRED FIFTY-NINE-G OF THIS ARTICLE OR ANY DAMAGES OR  
24 OTHER COMPENSATION RECOVERABLE INCLUDING, BUT NOT LIMITED TO, ANY  
25 SETTLEMENT AUTHORIZED BY SECTION SIXTY-THREE OR SIXTY-THREE-C OF THE  
26 EXECUTIVE LAW, THERE SHALL BE ASSESSED THEREON AN ADDITIONAL SURCHARGE  
27 IN THE AMOUNT OF TEN PERCENT OF THE TOTAL AMOUNT OF SUCH PENALTY,  
28 DAMAGES OR SETTLEMENT. SUCH SURCHARGE SHALL BE DEPOSITED IN THE NEW YORK  
29 STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-NINE-V OF THE  
30 STATE FINANCE LAW.

31 S 18. The state finance law is amended by adding a new section 99-v to  
32 read as follows:

33 S 99-V. NEW YORK STATE CAMPAIGN FINANCE FUND. 1. THERE IS HEREBY  
34 ESTABLISHED IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE A  
35 SPECIAL FUND TO BE KNOWN AS THE NEW YORK STATE CAMPAIGN FINANCE FUND.

36 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE SURCHARGE  
37 IMPOSED PURSUANT TO SECTION THREE HUNDRED FIFTY-NINE-GG OF THE GENERAL  
38 BUSINESS LAW, REVENUES RECEIVED FROM CAMPAIGN FINANCE FUND CHECK-OFF  
39 PURSUANT TO SECTION SIX HUNDRED THIRTY-D OF THE TAX LAW, REVENUES FROM  
40 THE ABANDONED PROPERTY FUND PURSUANT TO SECTION NINETY-FIVE OF THIS  
41 ARTICLE, AND ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY  
42 OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION  
43 SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS, BEQUESTS OR VOLUN-  
44 TARY CONTRIBUTIONS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS  
45 SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW. MONIES IN  
46 THE FUND SHALL BE KEPT SEPARATE FROM AND NOT COMMINGLED WITH OTHER FUNDS  
47 HELD IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE.

48 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY  
49 BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT  
50 TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE  
51 PAID OUT OF THE FUND BY THE COMMISSIONER OF TAXATION AND FINANCE ON  
52 VOUCHERS CERTIFIED OR APPROVED BY THE CAMPAIGN FINANCE BOARD ESTABLISHED  
53 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW, OR THE  
54 DULY DESIGNATED REPRESENTATIVE OF SUCH BOARD, IN THE MANNER PRESCRIBED  
55 BY LAW, NOT MORE THAN ONE WORKING DAY AFTER A VOUCHER DULY CERTIFIED,  
56 APPROVED AND EXECUTED BY SUCH BOARD OR ITS REPRESENTATIVE IN THE FORM

1 PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE IS RECEIVED BY  
2 THE COMMISSIONER OF TAXATION AND FINANCE.

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

5 S 630-D. CONTRIBUTION TO NEW YORK STATE CAMPAIGN FINANCE FUND. EFFEC-  
6 TIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST,  
7 TWO-THOUSAND THIRTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO  
8 CONTRIBUTE TO THE NEW YORK STATE CAMPAIGN FINANCE FUND. SUCH CONTRIB-  
9 UTION SHALL BE IN THE AMOUNT OF FIVE DOLLARS AND SHALL NOT REDUCE THE  
10 AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL  
11 INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO  
12 MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL  
13 REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW  
14 YORK STATE CAMPAIGN FINANCE FUND AND USED ONLY FOR THOSE PURPOSES  
15 ENUMERATED IN SECTION NINETY-NINE-V OF THE STATE FINANCE LAW.

16 S 20. Section 95 of the state finance law is amended by adding a new  
17 subdivision 5 to read as follows:

18 5. NOTWITHSTANDING ANY PROVISION OF THIS SECTION AUTHORIZING THE  
19 TRANSFER OF ANY MONEYS IN THE ABANDONED PROPERTY FUND TO THE GENERAL  
20 FUND, IN JANUARY OF EACH YEAR IN WHICH A STATE GENERAL ELECTION IS TO BE  
21 HELD PURSUANT TO LAW, OR AT LEAST SIX WEEKS PRIOR TO ANY STATE SPECIAL  
22 ELECTION, THE COMPTROLLER, UPON WARRANT OR VOUCHER BY THE CHAIRMAN OF  
23 THE CAMPAIGN FINANCE BOARD OR HIS OR HER DULY APPOINTED REPRESENTATIVE,  
24 SHALL TRANSFER MONEYS OF THE ABANDONED PROPERTY FUND INTO THE CAMPAIGN  
25 FINANCE FUND PURSUANT TO SECTION NINETY-NINE-V OF THIS ARTICLE. ON MARCH  
26 THIRTY-FIRST OF THE YEAR FOLLOWING SUCH GENERAL ELECTION YEAR, SUCH  
27 CHAIRMAN SHALL TRANSFER TO THE GENERAL FUND ANY SURPLUS MONEYS OF THE  
28 CAMPAIGN FINANCE FUND AS OF SUCH DATE.

29 S 21. Severability. If any clause, sentence, subdivision, paragraph,  
30 section or part of this act be adjudged by any court of competent juris-  
31 diction to be invalid, such judgment shall not affect, impair or invali-  
32 date the remainder thereof, but shall be confined in its operation to  
33 the clause, sentence, subdivision, paragraph, section or part thereof  
34 directly involved in the controversy in which such judgment shall have  
35 been rendered.

36 S 22. This act shall take effect January 1, 2014; provided, however,  
37 that candidates for state comptroller will be eligible to participate in  
38 the optional campaign finance system beginning with the 2014 general  
39 election, all state legislative candidates will be eligible to partic-  
40 ipate in the optional campaign finance system beginning with the 2016  
41 general election and all other state candidates and constitutional  
42 convention delegates will be eligible to participate in the optional  
43 campaign finance system beginning with the 2018 general election;  
44 provided, further, that all contributions made to a candidate for state  
45 comptroller or his or her political committee and received by such  
46 candidate or his or her political committee prior to the effective date  
47 of this act and after the last general election for state comptroller  
48 shall be available for such 2014 general election pursuant to the  
49 provisions of the election law as they existed immediately prior to the  
50 effective date of this act.