

5319

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

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

AN ACT to amend the election law, the public officers law, the legislative law and the executive law, in relation to statements of campaign receipts, contributions, transfers and expenditures

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

1 Section 1. Subdivision 1 of section 14-102 of the election law, as
2 amended by chapter 8 and redesignated by chapter 9 of the laws of 1978,
3 is amended to read as follows:
4 1. The treasurer of every political committee which, or any officer,
5 member or agent of any such committee who, in connection with any
6 election, receives or expends any money or other valuable thing or
7 incurs any liability to pay money or its equivalent shall file state-
8 ments sworn, or subscribed and bearing a form notice that false state-
9 ments made therein are punishable as a class A misdemeanor pursuant to
10 section 210.45 of the penal law, at the times prescribed by this article
11 setting forth all the receipts, contributions to and the expenditures by
12 and liabilities of the committee, and of its officers, members and
13 agents in its behalf. Such statements shall include the dollar amount of
14 any receipt, contribution or transfer, or the fair market value of any
15 receipt, contribution or transfer, which is other than of money, the
16 name and address of the transferor, contributor or person from whom
17 received, IF THE CONTRIBUTOR IS A LOBBYIST REGISTERED PURSUANT TO ARTI-
18 CLE ONE-A OF THE LEGISLATIVE LAW and if the transferor, contributor or
19 person is a political committee; the name of and the political unit
20 represented by the committee, the date of its receipt, the dollar amount
21 of every expenditure, the name and address of the person to whom it was
22 made or the name of and the political unit represented by the committee
23 to which it was made and the date thereof, and shall state clearly the
24 purpose of such expenditure. Any statement reporting a loan shall have

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

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1 attached to it a copy of the evidence of indebtedness. Expenditures in
2 sums under fifty dollars need not be specifically accounted for by sepa-
3 rate items in said statements, and receipts and contributions aggregat-
4 ing not more than ninety-nine dollars, from any one contributor need not
5 be specifically accounted for by separate items in said statements,
6 provided however, that such expenditures, receipts and contributions
7 shall be subject to the other provisions of section 14-118 of this arti-
8 cle.

9 S 2. Subdivision 3 of section 74 of the public officers law is amended
10 by adding a new paragraph j to read as follows:

11 J. NO LEGISLATIVE EMPLOYEE SHOULD SOLICIT, ACCEPT, RECEIVE, DISTRIBUTE
12 OR BE THE CUSTODIAN OF ANY MONEY IN CONNECTION WITH ANY CAMPAIGN FOR THE
13 NOMINATION FOR ELECTION, OR THE ELECTION, OF ANY OTHER INDIVIDUAL TO THE
14 LEGISLATURE OR STATEWIDE OFFICE. THE PROVISIONS OF THIS SUBDIVISION
15 SHALL NOT APPLY TO THE LEGISLATIVE EMPLOYEE EXPRESSLY DESIGNATED IN
16 WRITING BY THE APPOINTING AUTHORITY OF SUCH LEGISLATIVE EMPLOYEE AND ON
17 FILE WITH THE STATE BOARD OF ELECTIONS AND THE LEGISLATIVE ETHICS
18 COMMISSION TO SOLICIT, ACCEPT, RECEIVE, DISTRIBUTE OR BE THE CUSTODIAN
19 OF SUCH CAMPAIGN FUNDS. NOTWITHSTANDING THE PROVISIONS OF THIS PARA-
20 GRAPH, A LEGISLATIVE EMPLOYEE MAY ASSIST IN THE PLANNING OF POLITICAL
21 FUNDRAISING EVENTS RELATED TO AN ELECTION TO THE LEGISLATURE OR STATE-
22 WIDE OFFICE, SO LONG AS SUCH PLANNING ASSISTANCE DOES NOT INCLUDE HOST-
23 ING ANY SUCH FUNDRAISING EVENT OR OTHER INVOLVEMENT IN THE ACTUAL SOLIC-
24 ITATION OR ACCEPTANCE OF CAMPAIGN FUNDS.

25 S 3. Subdivision 3 of section 74 of the public officers law is amended
26 by adding a new paragraph k to read as follows:

27 K. NO MEMBER OF THE LEGISLATURE SHALL DIRECTLY OR INDIRECTLY USE HIS
28 OR HER AUTHORITY OR OFFICIAL INFLUENCE TO COMPEL OR INDUCE ANY LEGISLA-
29 TIVE EMPLOYEE NOT ALREADY DESIGNATED IN WRITING BY SUCH MEMBER IN
30 ACCORDANCE WITH PROVISIONS OF THIS SUBDIVISION TO SOLICIT, ACCEPT,
31 RECEIVE, DISTRIBUTE OR BE THE CUSTODIAN OF ANY MONEY IN CONNECTION WITH
32 ANY CAMPAIGN FOR THE NOMINATION FOR ELECTION, OR THE ELECTION, OF ANY
33 INDIVIDUAL TO THE LEGISLATURE OR STATEWIDE OFFICE.

34 S 4. The closing paragraph of subdivision 10 of section 80 of the
35 legislative law, as added by section 9 of part A of chapter 399 of the
36 laws of 2011, is amended to read as follows:

37 The commission's disposition shall be reported in writing and
38 published on its website no later than ten days after such disposition
39 unless requested by a law enforcement agency to suspend the commission's
40 action because of an ongoing criminal investigation. THE DISPOSITION OF
41 ANY VIOLATION OF PARAGRAPH J OF SUBDIVISION THREE OF SECTION
42 SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW SHALL ALSO BE REPORTED, WITHIN
43 TEN DAYS OF SUCH DISPOSITION, TO THE APPOINTING AUTHORITY FOR THE INDI-
44 VIDUAL SUBJECT TO THE JURISDICTION OF THE COMMISSION.

45 S 5. Subdivision 14-b of section 94 of the executive law, as added by
46 section 6 of part A of chapter 399 of the laws of 2011, is amended to
47 read as follows:

48 14-b. With respect to the investigation of any individual who is not a
49 member of the legislature or a legislative employee or candidate for
50 member of the legislature, if after its investigation the joint commis-
51 sion has found a substantial basis to conclude that the individual has
52 violated the public officers law or the legislative law, the joint
53 commission shall send a substantial basis investigation report contain-
54 ing its findings of fact and conclusions of law to the individual AND
55 THE APPOINTING AUTHORITY, IF ANY, FOR SUCH INDIVIDUAL. With respect to
56 an individual who is a statewide elected official or a direct appointee

1 of such an official, no violation may be found unless the majority
2 voting in support of such a finding includes at least two members
3 appointed by the governor and lieutenant governor and enrolled in the
4 individual's major political party, if he or she is enrolled in a major
5 political party. Where the subject of such investigation is a state
6 officer or employee who is not a direct appointee of a statewide elected
7 official, at least two of the eight or more members who vote to issue a
8 substantial basis investigation report must have been appointed by the
9 governor and lieutenant governor. The commission shall release such
10 report publicly within forty-five days of its issuance.

11 S 6. The opening paragraph of subdivision 4 of section 74 of the
12 public officers law is designated paragraph a and a new paragraph b is
13 added to read as follows:

14 B. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH A OF THIS SUBDIVISION,
15 NO LEGISLATIVE EMPLOYEE SHALL BE FINED OR SUSPENDED FOR A FIRST
16 VIOLATION OF THE PROVISIONS OF PARAGRAPH J OF SUBDIVISION THREE OF THIS
17 SECTION.

18 S 7. Subdivision 3 of section 74 of the public officers law is amended
19 by adding a new paragraph 1 to read as follows:

20 L. NO MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE SHOULD ACCEPT
21 ANY CONTRIBUTION REPORTABLE UNDER ARTICLE FOURTEEN OF THE ELECTION LAW,
22 INCLUDING CONTRIBUTIONS MADE IN VIOLATION OF THAT ARTICLE OF THE
23 ELECTION LAW, IF IT IS REASONABLE TO BELIEVE THAT SUCH CONTRIBUTION IS
24 BEING MADE OR GIVEN IN LIEU OF COMPENSATION, REWARD, EMPLOYMENT, GIFT,
25 HONORARIUM, TRAVEL REIMBURSEMENT, SUBSISTENCE EXPENSE OR OTHER THING OF
26 VALUE FROM ANY SOURCE, FOR ANY SERVICE, ADVICE, ASSISTANCE, APPEARANCE,
27 SPEECH OR OTHER MATTER RELATED TO THE EXERCISE OF HIS OR HER OFFICIAL
28 DUTIES.

29 S 8. This act shall take effect on the sixtieth day after it shall
30 have become a law; provided, however, that the state board of elections
31 shall notify all registered campaign committees of the applicable
32 provisions of this act within thirty days after this act shall have
33 become a law.