

6773

I N S E N A T E

March 7, 2014

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and
when printed to be committed to the Committee on Rules

AN ACT to amend the election law, in relation to campaign receipts and
expenditures; to amend the election law, in relation to contribution
and receipt limitations; to amend the election law, in relation to
public financing; to amend the state finance law, in relation to the
New York state campaign finance fund; and to amend the tax law, in
relation to the New York state campaign finance fund check-off

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

1 Section 1. The article heading of article 14 of the election law is
2 amended to read as follows:

3 [Campaign Receipts and Expenditures] CAMPAIGN RECEIPTS AND EXPENDI-
4 TURES; PUBLIC FINANCING

5 S 2. Sections 14-100 through 14-130 of article 14 of the election law
6 are designated title I and a new title heading is added to read as
7 follows:

8 CAMPAIGN RECEIPTS AND EXPENDITURES

9 S 3. Section 14-100 of the election law is amended by adding a new
10 subdivision 16 to read as follows:

11 16. "AUTHORIZED COMMITTEE" MEANS THE SINGLE POLITICAL COMMITTEE DESIG-
12 NATED BY A CANDIDATE TO RECEIVE ALL CONTRIBUTIONS AUTHORIZED BY THIS
13 TITLE.

14 S 3-a. Section 3-104 of the election law is amended by adding a new
15 subdivision 6 to read as follows:

16 6. THERE SHALL BE A UNIT KNOWN AS THE STATE BOARD OF ELECTIONS PUBLIC
17 FINANCING UNIT ESTABLISHED WITHIN THE STATE BOARD OF ELECTIONS, WHICH
18 SHALL BE RESPONSIBLE FOR ADMINISTERING AND, WITH THE DIVISION OF
19 ELECTION LAW ENFORCEMENT, ENFORCING THE REQUIREMENTS OF THE PUBLIC
20 FINANCING SYSTEM SET FORTH IN TITLE TWO OF ARTICLE FOURTEEN OF THIS
21 CHAPTER.

22 S 3-b. Subdivision 2 of section 14-108 of the election law, as amended
23 by chapter 109 of the laws of 1997, is amended to read as follows:

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

LBD14373-01-4

1 2. Each statement shall cover the period up to and including the
2 fourth day next preceding the day specified for the filing thereof[;
3 provided, however, that]. THE RECEIPT OF ANY CONTRIBUTION OR LOAN IN
4 EXCESS OF ONE THOUSAND DOLLARS SHALL BE DISCLOSED WITHIN FORTY-EIGHT
5 HOURS OF RECEIPT, AND SHALL BE REPORTED IN THE SAME MANNER AS ANY OTHER
6 CONTRIBUTION OR LOAN ON THE NEXT APPLICABLE STATEMENT. HOWEVER, any
7 contribution or loan in excess of one thousand dollars, if received
8 after the close of the period to be covered in the last statement filed
9 before any primary, general or special election but before such
10 election, shall be reported, in the same manner as other contributions,
11 within twenty-four hours after receipt.

12 S 4. Subdivisions 1 and 10 of section 14-114 of the election law,
13 subdivision 1 as amended and subdivision 10 as added by chapter 79 of
14 the laws of 1992 and paragraphs a and b of subdivision 1 as amended by
15 chapter 659 of the laws of 1994, are amended to read as follows:

16 1. The following limitations apply to all contributions to candidates
17 for election to any public office or for nomination for any such office,
18 or for election to any party positions, and to all contributions to
19 political committees working directly or indirectly with any candidate
20 to aid or participate in such candidate's nomination or election, other
21 than any contributions to any party committee or constituted committee:

22 a. In any election for a public office to be voted on by the voters of
23 the entire state, or for nomination to any such office, no contributor
24 may make a contribution to any candidate or political committee PARTIC-
25 IPATING IN THE STATE'S PUBLIC CAMPAIGN FINANCING SYSTEM AS DEFINED IN
26 TITLE TWO OF THIS ARTICLE, and no SUCH candidate or political committee
27 may accept any contribution from any contributor, which is in the aggre-
28 gate amount greater than: (i) in the case of any nomination to public
29 office, the product of the total number of enrolled voters in the candi-
30 date's party in the state, excluding voters in inactive status, multi-
31 plied by \$.005, but such amount shall be not [less than four thousand
32 dollars nor] more than [twelve] SIX thousand dollars [as increased or
33 decreased by the cost of living adjustment described in paragraph c of
34 this subdivision,] and (ii) in the case of any election to [a] SUCH
35 public office, [twenty-five] SIX thousand dollars [as increased or
36 decreased by the cost of living adjustment described in paragraph c of
37 this subdivision]; provided however, that the maximum amount which may
38 be so contributed or accepted, in the aggregate, from any candidate's
39 child, parent, grandparent, brother and sister, and the spouse of any
40 such persons, shall not exceed in the case of any nomination to public
41 office an amount equivalent to the product of the number of enrolled
42 voters in the candidate's party in the state, excluding voters in inac-
43 tive status, multiplied by \$.025, and in the case of any election for a
44 public office, an amount equivalent to the product of the number of
45 registered voters in the state excluding voters in inactive status,
46 multiplied by \$.025.

47 b. In any other election for party position or for election to a
48 public office or for nomination for any such office, no contributor may
49 make a contribution to any candidate or political committee PARTICIPAT-
50 ING IN THE STATE'S PUBLIC CAMPAIGN FINANCING SYSTEM DEFINED IN TITLE TWO
51 OF THIS ARTICLE (FOR THOSE OFFICES OR POSITIONS COVERED BY THAT SYSTEM)
52 and no SUCH candidate or political committee may accept any contribution
53 from any contributor, which is in the aggregate amount greater than: (i)
54 in the case of any election for party position, or for nomination to
55 public office, the product of the total number of enrolled voters in the
56 candidate's party in the district in which he is a candidate, excluding

1 voters in inactive status, multiplied by \$.05, and (ii) in the case of
2 any election for a public office, the product of the total number of
3 registered voters in the district, excluding voters in inactive status,
4 multiplied by \$.05, however in the case of a nomination within the city
5 of New York for the office of mayor, public advocate or comptroller,
6 such amount shall be not less than four thousand dollars nor more than
7 twelve thousand dollars as increased or decreased by the cost of living
8 adjustment described in paragraph [c] E of this subdivision; in the case
9 of an election within the city of New York for the office of mayor,
10 public advocate or comptroller, twenty-five thousand dollars as
11 increased or decreased by the cost of living adjustment described in
12 paragraph [c] E of this subdivision; in the case of a nomination OR
13 ELECTION for state senator, four thousand dollars [as increased or
14 decreased by the cost of living adjustment described in paragraph c of
15 this subdivision; in the case of an election for state senator, six
16 thousand two hundred fifty dollars as increased or decreased by the cost
17 of living adjustment described in paragraph c of this subdivision]; in
18 the case of an election or nomination for a member of the assembly,
19 [twenty-five hundred] TWO THOUSAND dollars [as increased or decreased by
20 the cost of living adjustment described in paragraph c of this subdivi-
21 sion; but in no event shall any such maximum exceed fifty thousand
22 dollars or be less than one thousand dollars]; provided however, that
23 the maximum amount which may be so contributed or accepted, in the
24 aggregate, from any candidate's child, parent, grandparent, brother and
25 sister, and the spouse of any such persons, shall not exceed in the case
26 of any election for party position or nomination for public office an
27 amount equivalent to the number of enrolled voters in the candidate's
28 party in the district in which he is a candidate, excluding voters in
29 inactive status, multiplied by \$.25 and in the case of any election to
30 public office, an amount equivalent to the number of registered voters
31 in the district, excluding voters in inactive status, multiplied by
32 \$.25; or twelve hundred fifty dollars, whichever is greater, or in the
33 case of a nomination or election of a state senator, twenty thousand
34 dollars, whichever is greater, or in the case of a nomination or
35 election of a member of the assembly twelve thousand five hundred
36 dollars, whichever is greater, but in no event shall any such maximum
37 exceed one hundred thousand dollars.

38 C. IN ANY ELECTION FOR A PUBLIC OFFICE TO BE VOTED ON BY THE VOTERS
39 OF THE ENTIRE STATE, OR FOR NOMINATION TO ANY SUCH OFFICE, NO CONTRIBU-
40 TOR MAY MAKE A CONTRIBUTION TO ANY CANDIDATE OR POLITICAL COMMITTEE IN
41 CONNECTION WITH A CANDIDATE WHO IS NOT A PARTICIPATING CANDIDATE AS
42 DEFINED IN SUBDIVISION FOURTEEN OF SECTION 14-200-A OF THIS ARTICLE, AND
43 NO SUCH CANDIDATE OR POLITICAL COMMITTEE MAY ACCEPT ANY CONTRIBUTION
44 FROM ANY CONTRIBUTOR, WHICH IS IN THE AGGREGATE AMOUNT GREATER THAN:
45 (I) IN THE CASE OF ANY NOMINATION TO PUBLIC OFFICE, THE PRODUCT OF THE
46 TOTAL NUMBER OF ENROLLED VOTERS IN THE CANDIDATE'S PARTY IN THE STATE,
47 EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY \$.005, BUT SUCH
48 AMOUNT SHALL BE NOT LESS THAN FOUR THOUSAND DOLLARS NOR MORE THAN TEN
49 THOUSAND DOLLARS, AND (II) IN THE CASE OF ANY ELECTION TO A PUBLIC
50 OFFICE, FIFTEEN THOUSAND DOLLARS; PROVIDED HOWEVER, THAT THE MAXIMUM
51 AMOUNT WHICH MAY BE SO CONTRIBUTED OR ACCEPTED, IN THE AGGREGATE, FROM
52 ANY CANDIDATE'S CHILD, PARENT, GRANDPARENT, BROTHER AND SISTER, AND THE
53 SPOUSE OF ANY SUCH PERSONS, SHALL NOT EXCEED IN THE CASE OF ANY NOMI-
54 NATION TO PUBLIC OFFICE AN AMOUNT EQUIVALENT TO THE PRODUCT OF THE
55 NUMBER OF ENROLLED VOTERS IN THE CANDIDATE'S PARTY IN THE STATE, EXCLUD-
56 ING VOTERS IN INACTIVE STATUS, MULTIPLIED BY \$.025, AND IN THE CASE OF

1 ANY ELECTION FOR A PUBLIC OFFICE, AN AMOUNT EQUIVALENT TO THE PRODUCT OF
2 THE NUMBER OF REGISTERED VOTERS IN THE STATE EXCLUDING VOTERS IN INAC-
3 TIVE STATUS, MULTIPLIED BY \$.025.

4 D. IN ANY OTHER ELECTION FOR PARTY POSITION OR FOR ELECTION TO A
5 PUBLIC OFFICE OR FOR NOMINATION FOR ANY SUCH OFFICE, NO CONTRIBUTOR MAY
6 MAKE A CONTRIBUTION TO ANY CANDIDATE OR POLITICAL COMMITTEE IN
7 CONNECTION WITH A CANDIDATE WHO IS NOT A PARTICIPATING CANDIDATE AS
8 DEFINED IN SUBDIVISION FOURTEEN OF SECTION 14-200-A OF THIS ARTICLE AND
9 NO SUCH CANDIDATE OR POLITICAL COMMITTEE MAY ACCEPT ANY CONTRIBUTION
10 FROM ANY CONTRIBUTOR, WHICH IS IN THE AGGREGATE AMOUNT GREATER THAN: (I)
11 IN THE CASE OF ANY ELECTION FOR PARTY POSITION, OR FOR NOMINATION TO
12 PUBLIC OFFICE, THE PRODUCT OF THE TOTAL NUMBER OF ENROLLED VOTERS IN THE
13 CANDIDATE'S PARTY IN THE DISTRICT IN WHICH HE IS A CANDIDATE, EXCLUDING
14 VOTERS IN INACTIVE STATUS, MULTIPLIED BY \$.05, AND (II) IN THE CASE OF
15 ANY ELECTION FOR A PUBLIC OFFICE, THE PRODUCT OF THE TOTAL NUMBER OF
16 REGISTERED VOTERS IN THE DISTRICT, EXCLUDING VOTERS IN INACTIVE STATUS,
17 MULTIPLIED BY \$.05, HOWEVER IN THE CASE OF A NOMINATION WITHIN THE CITY
18 OF NEW YORK FOR THE OFFICE OF MAYOR, PUBLIC ADVOCATE OR COMPTROLLER,
19 SUCH AMOUNT SHALL BE NOT LESS THAN FOUR THOUSAND DOLLARS NOR MORE THAN
20 TWELVE THOUSAND DOLLARS AS INCREASED OR DECREASED BY THE COST OF LIVING
21 ADJUSTMENT DESCRIBED IN PARAGRAPH E OF THIS SUBDIVISION; IN THE CASE OF
22 AN ELECTION WITHIN THE CITY OF NEW YORK FOR THE OFFICE OF MAYOR, PUBLIC
23 ADVOCATE OR COMPTROLLER, TWENTY-FIVE THOUSAND DOLLARS AS INCREASED OR
24 DECREASED BY THE COST OF LIVING ADJUSTMENT DESCRIBED IN PARAGRAPH E OF
25 THIS SUBDIVISION; IN THE CASE OF A NOMINATION OR ELECTION FOR STATE
26 SENATOR, FIVE THOUSAND DOLLARS; IN THE CASE OF AN ELECTION OR NOMINATION
27 FOR A MEMBER OF THE ASSEMBLY, THREE THOUSAND DOLLARS; PROVIDED HOWEVER,
28 THAT THE MAXIMUM AMOUNT WHICH MAY BE SO CONTRIBUTED OR ACCEPTED, IN THE
29 AGGREGATE, FROM ANY CANDIDATE'S CHILD, PARENT, GRANDPARENT, BROTHER AND
30 SISTER, AND THE SPOUSE OF ANY SUCH PERSONS, SHALL NOT EXCEED IN THE CASE
31 OF ANY ELECTION FOR PARTY POSITION OR NOMINATION FOR PUBLIC OFFICE AN
32 AMOUNT EQUIVALENT TO THE NUMBER OF ENROLLED VOTERS IN THE CANDIDATE'S
33 PARTY IN THE DISTRICT IN WHICH HE IS A CANDIDATE, EXCLUDING VOTERS IN
34 INACTIVE STATUS, MULTIPLIED BY \$.25 AND IN THE CASE OF ANY ELECTION TO
35 PUBLIC OFFICE, AN AMOUNT EQUIVALENT TO THE NUMBER OF REGISTERED VOTERS
36 IN THE DISTRICT, EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY
37 \$.25; OR TWELVE HUNDRED FIFTY DOLLARS, WHICHEVER IS GREATER, OR IN THE
38 CASE OF A NOMINATION OR ELECTION OF A STATE SENATOR, TWENTY THOUSAND
39 DOLLARS, WHICHEVER IS GREATER, OR IN THE CASE OF A NOMINATION OR
40 ELECTION OF A MEMBER OF THE ASSEMBLY TWELVE THOUSAND FIVE HUNDRED
41 DOLLARS, WHICHEVER IS GREATER, BUT IN NO EVENT SHALL ANY SUCH MAXIMUM
42 EXCEED ONE HUNDRED THOUSAND DOLLARS.

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

1 F. EACH PARTY OR CONSTITUTED COMMITTEE MAY TRANSFER TO, OR SPEND TO
2 ELECT OR OPPOSE A CANDIDATE, OR TRANSFER TO ANOTHER PARTY OR CONSTITUTED
3 COMMITTEE, NO MORE THAN FIVE THOUSAND DOLLARS PER ELECTION, EXCEPT THAT
4 SUCH COMMITTEE MAY IN ADDITION TO SUCH TRANSFERS OR EXPENDITURES:

5 (I) IN A GENERAL OR SPECIAL ELECTION TRANSFER TO, OR SPEND TO ELECT OR
6 OPPOSE A CANDIDATE, NO MORE THAN FIVE HUNDRED DOLLARS RECEIVED FROM EACH
7 CONTRIBUTOR; AND

8 (II) IN ANY ELECTION SPEND WITHOUT LIMITATION FOR NON-CANDIDATE
9 EXPENDITURES NOT DESIGNED OR INTENDED TO ELECT A PARTICULAR CANDIDATE OR
10 CANDIDATES.

11 G. NOTWITHSTANDING ANY OTHER CONTRIBUTION LIMIT IN THIS SECTION,
12 PARTICIPATING CANDIDATES AS DEFINED IN SUBDIVISION FOURTEEN OF SECTION
13 14-200-A OF THIS ARTICLE MAY CONTRIBUTE, OUT OF THEIR OWN MONEY, THREE
14 TIMES THE APPLICABLE CONTRIBUTION LIMIT TO THEIR OWN AUTHORIZED COMMIT-
15 TEE.

16 10. [a.] No contributor may make a contribution to a party or consti-
17 tuted committee and no such committee may accept a contribution from any
18 contributor which, in the aggregate, is greater than [sixty-two thousand
19 five hundred] TWENTY-FIVE THOUSAND dollars per annum.

20 [b. At the beginning of each fourth calendar year, commencing in nine-
21 teen hundred ninety-five, the state board shall determine the percentage
22 of the difference between the most recent available monthly consumer
23 price index for all urban consumers published by the United States
24 bureau of labor statistics and such consumer price index published for
25 the same month four years previously. The amount of such contribution
26 limit fixed in paragraph a of this subdivision shall be adjusted by the
27 amount of such percentage difference to the closest one hundred dollars
28 by the state board which, not later than the first day of February in
29 each such year, shall issue a regulation publishing the amount of such
30 contribution limit. Such contribution limit as so adjusted shall be the
31 contribution limit in effect for any election held before the next such
32 adjustment.]

33 S 5. Section 14-116 of the election law, subdivision 1 as redesignated
34 by chapter 9 of the laws of 1978 and subdivision 2 as amended by chapter
35 260 of the laws of 1981, is amended to read as follows:

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

53 2. Notwithstanding the provisions of subdivision one of this section,
54 any corporation or an organization financially supported in whole or in
55 part, by such corporation may make expenditures, including contrib-
56 utions, not otherwise prohibited by law, for political purposes, in an

1 amount not to exceed [five] ONE thousand dollars in the aggregate in any
2 calendar year; provided that no public utility shall use revenues
3 received from the rendition of public service within the state for
4 contributions for political purposes unless such cost is charged to the
5 shareholders of such a public service corporation.

6 S 6. Section 14-130 of the election law, as added by chapter 152 of
7 the laws of 1985, is amended to read as follows:

8 S 14-130. Campaign funds for personal use. 1. Contributions received
9 by a candidate or a political committee may be expended for any lawful
10 purpose THAT IS DIRECTLY RELATED TO PROMOTING THE NOMINATION OR ELECTION
11 OF A CANDIDATE OR THE EXECUTION OF DUTIES ASSOCIATED WITH THE HOLDING OF
12 A PUBLIC OFFICE OR PARTY POSITION. Such funds shall not be converted by
13 any person to a personal use [which is unrelated to a political campaign
14 or the holding of a public office or party position].

15 2. NO CONTRIBUTION SHALL BE USED TO PAY INTEREST OR ANY OTHER FINANCE
16 CHARGES UPON MONIES LOANED TO THE CAMPAIGN BY SUCH CANDIDATE OR THE
17 SPOUSE OF SUCH CANDIDATE.

18 3. (A) AS USED IN THIS SECTION, EXPENDITURES FOR "PERSONAL USE" ARE
19 DEFINED AS EXPENDITURES THAT ARE EXCLUSIVELY FOR THE PERSONAL BENEFIT OF
20 THE CANDIDATE OR ANY OTHER INDIVIDUAL, AND ARE USED TO FULFILL ANY
21 COMMITMENT, OBLIGATION, OR EXPENSE OF A PERSON THAT WOULD EXIST IRRE-
22 SPECTIVE OF THE CANDIDATE'S ELECTION CAMPAIGN OR THE EXECUTION OF THE
23 DUTIES OF PUBLIC OFFICE OR THE EXECUTION OF THE DUTIES OF A PARTY OFFI-
24 CIAL.

25 (B) EXPENDITURES FOR PERSONAL USE SHALL INCLUDE, BUT ARE NOT LIMITED
26 TO, EXPENSES FOR THE FOLLOWING:

27 (I) ANY RESIDENTIAL OR HOUSEHOLD ITEMS, SUPPLIES OR EXPENDITURES,
28 INCLUDING MORTGAGE, RENT OR UTILITY PAYMENTS FOR ANY PART OF ANY
29 PERSONAL RESIDENCE OF A CANDIDATE OR OFFICEHOLDER OR A MEMBER OF THE
30 CANDIDATE'S OR OFFICEHOLDER'S FAMILY THAT ARE NOT INCURRED AS A RESULT
31 OF, OR TO FACILITATE, THE INDIVIDUAL'S CAMPAIGN, OR THE EXECUTION OF HIS
32 OR HER PUBLIC DUTIES. IN THE EVENT THAT ANY PROPERTY OR BUILDING IS USED
33 FOR BOTH PERSONAL AND CAMPAIGN USE, PERSONAL USE SHALL CONSTITUTE
34 EXPENSES THAT EXCEED THE PRO-RATED AMOUNT FOR SUCH EXPENSES BASED ON
35 FAIR-MARKET VALUE.

36 (II) MORTGAGE, RENT, OR UTILITY PAYMENTS FOR ANY PART OF ANY NON-
37 RESIDENTIAL PROPERTY THAT IS OWNED BY A CANDIDATE OR OFFICEHOLDER OR A
38 MEMBER OF A CANDIDATE'S OR OFFICEHOLDER'S FAMILY AND USED FOR CAMPAIGN
39 PURPOSES, TO THE EXTENT THE PAYMENTS EXCEED THE FAIR MARKET VALUE OF THE
40 PROPERTY'S USAGE FOR CAMPAIGN ACTIVITIES;

41 (III) CLOTHING, OTHER THAN ITEMS THAT ARE USED IN THE CAMPAIGN;

42 (IV) TUITION PAYMENTS;

43 (V) CHILDCARE COSTS;

44 (VI) DUES, FEES, OR GRATUITIES AT A COUNTRY CLUB, HEALTH CLUB, RECRE-
45 ATIONAL FACILITY OR OTHER NONPOLITICAL ORGANIZATION, UNLESS THEY ARE
46 PART OF A SPECIFIC FUNDRAISING EVENT THAT TAKES PLACE ON THE ORGANIZA-
47 TION'S PREMISES;

48 (VII) SALARY PAYMENTS OR OTHER COMPENSATION PROVIDED TO ANY PERSON
49 WHOSE SERVICES ARE NOT SOLELY FOR CAMPAIGN PURPOSES OR PROVIDED IN
50 CONNECTION WITH THE EXECUTION OF THE DUTIES OF PUBLIC OFFICE;

51 (VIII) SALARY PAYMENTS OR OTHER COMPENSATION PROVIDED TO A MEMBER OF A
52 CANDIDATE'S FAMILY, UNLESS THE FAMILY MEMBER IS PROVIDING BONA FIDE
53 SERVICES TO THE CAMPAIGN. IF A FAMILY MEMBER PROVIDES BONA FIDE SERVICES
54 TO A CAMPAIGN, ANY SALARY PAYMENTS OR OTHER COMPENSATION IN EXCESS OF
55 THE FAIR MARKET VALUE OF THE SERVICES PROVIDED SHALL BE CONSIDERED
56 PAYMENTS FOR PERSONAL USE;

(IX) ADMISSION TO A SPORTING EVENT, CONCERT, THEATER, OR OTHER FORM OF ENTERTAINMENT, UNLESS SUCH EVENT IS PART OF A CAMPAIGN OR OFFICEHOLDER ACTIVITY;

(X) PAYMENT OF ANY FINES OR PENALTIES ASSESSED PURSUANT TO THIS CHAPTER OR IN CONNECTION WITH A CRIMINAL CONVICTION OR BY THE JOINT COMMISSION FOR PUBLIC ETHICS OR THE LEGISLATIVE ETHICS COMMISSION;

(XI) TRAVEL EXPENSES INCLUDING AUTOMOBILE PURCHASES OR LEASES, UNLESS USED SOLELY FOR CAMPAIGN PURPOSES OR IN CONNECTION WITH THE EXECUTION OF THE DUTIES OF PUBLIC OFFICE. IF A CANDIDATE USES CAMPAIGN FUNDS TO PAY EXPENSES ASSOCIATED WITH TRAVEL THAT INVOLVES BOTH PERSONAL ACTIVITIES AND CAMPAIGN ACTIVITIES OR OFFICIAL DUTIES, THE INCREMENTAL EXPENSES THAT RESULT FROM THE PERSONAL ACTIVITIES SHALL BE CONSIDERED FOR PERSONAL USE UNLESS THE PERSON OR PERSONS BENEFITING FROM THE USE REIMBURSE OR REIMBURSES THE CAMPAIGN ACCOUNT WITHIN NINETY DAYS FOR THE FULL AMOUNT OF THE INCREMENTAL EXPENSES; AND

(XII) ANY OTHER EXPENDITURE DESIGNATED BY THE STATE BOARD OF ELECTIONS AS CONSTITUTING PERSONAL USE.

4. NOTHING IN THIS SECTION SHALL PROHIBIT A CANDIDATE FROM PURCHASING EQUIPMENT OR PROPERTY FROM HIS OR HER PERSONAL FUNDS AND LEASING OR RENTING SUCH EQUIPMENT OR PROPERTY TO A COMMITTEE WORKING DIRECTLY OR INDIRECTLY WITH HIM TO AID OR PARTICIPATE IN HIS OR HER NOMINATION OR ELECTION, INCLUDING AN EXPLORATORY COMMITTEE, PROVIDED THAT THE CANDIDATE AND HIS OR HER CAMPAIGN TREASURER SIGN A WRITTEN LEASE OR RENTAL AGREEMENT. SUCH AGREEMENT SHALL INCLUDE THE LEASE OR RENTAL PRICE, WHICH SHALL NOT EXCEED THE FAIR LEASE OR RENTAL VALUE OF THE EQUIPMENT. THE CANDIDATE SHALL NOT RECEIVE LEASE OR RENTAL PAYMENTS WHICH, IN THE AGGREGATE, EXCEED THE COST OF PURCHASING THE EQUIPMENT OR PROPERTY.

5. NOTHING IN THIS SECTION SHALL PROHIBIT AN ELECTED PUBLIC OFFICEHOLDER FROM USING CAMPAIGN CONTRIBUTIONS TO FACILITATE, SUPPORT, OR OTHERWISE ASSIST IN THE EXECUTION OR PERFORMANCE OF THE DUTIES OF HIS OR HER PUBLIC OFFICE.

6. THE STATE BOARD OF ELECTIONS SHALL ISSUE ADVISORY OPINIONS FROM TIME TO TIME UPON REQUEST TO ADDRESS THE APPLICATION OF THIS SECTION.

S 7. Article 14 of the election law is amended by adding a new title II to read as follows:

TITLE II

PUBLIC FINANCING

SECTION 14-200. LEGISLATIVE FINDINGS AND INTENT.

14-200-A. DEFINITIONS.

14-201. REPORTING REQUIREMENTS.

14-202. CONTRIBUTIONS.

14-203. PROOF OF COMPLIANCE.

14-204. ELIGIBILITY.

14-205. LIMITS ON PUBLIC FINANCING.

14-206. PAYMENT OF PUBLIC MATCHING FUNDS.

14-207. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDITURES.

14-208. POWERS AND DUTIES OF BOARD.

14-209. AUDITS AND REPAYMENTS.

14-210. ENFORCEMENT AND PENALTIES FOR VIOLATIONS AND OTHER PROCEEDINGS.

14-211. REPORTS.

14-212. DEBATES FOR CANDIDATES FOR STATEWIDE OFFICE.

14-213. SEVERABILITY.

S 14-200. LEGISLATIVE FINDINGS AND INTENT. THE LEGISLATURE FINDS THAT REFORM OF NEW YORK STATE'S CAMPAIGN FINANCE SYSTEM IS CRUCIAL TO IMPROV-

1 ING PUBLIC CONFIDENCE IN THE STATE'S DEMOCRATIC PROCESSES AND CONTINUING
2 TO ENSURE A GOVERNMENT THAT IS ACCOUNTABLE TO ALL OF THE VOTERS OF THE
3 STATE REGARDLESS OF WEALTH OR POSITION. THE LEGISLATURE FINDS THAT NEW
4 YORK'S CURRENT SYSTEM OF CAMPAIGN FINANCE, WITH ITS LARGE CONTRIBUTIONS
5 TO CANDIDATES FOR OFFICE AND PARTY COMMITTEES, HAS CREATED THE POTENTIAL
6 FOR AND THE APPEARANCE OF CORRUPTION. THE LEGISLATURE FURTHER FINDS
7 THAT, WHETHER OR NOT THIS SYSTEM CREATES ACTUAL CORRUPTION, THE APPEAR-
8 ANCE OF SUCH CORRUPTION CAN GIVE RISE TO A DISTRUST IN GOVERNMENT AND
9 CITIZEN APATHY THAT UNDERMINE THE DEMOCRATIC OPERATION OF THE POLITICAL
10 PROCESS.

11 THE LEGISLATURE ALSO FINDS THAT THE HIGH COST OF RUNNING FOR OFFICE IN
12 NEW YORK DISCOURAGES QUALIFIED CANDIDATES FROM RUNNING FOR OFFICE AND
13 CREATES AN ELECTORAL SYSTEM THAT ENCOURAGES CANDIDATES TO SPEND TOO MUCH
14 TIME RAISING MONEY RATHER THAN ATTENDING TO THE DUTIES OF THEIR OFFICE,
15 REPRESENTING THE NEEDS OF THEIR CONSTITUENTS, AND COMMUNICATING WITH
16 VOTERS.

17 THE LEGISLATURE AMENDS THIS CHAPTER CREATING A NEW TITLE TWO TO ARTI-
18 CLE FOURTEEN OF THIS CHAPTER TO REDUCE THE POSSIBILITY AND APPEARANCE
19 THAT SPECIAL INTERESTS EXERCISE UNDUE INFLUENCE OVER STATE OFFICIALS; TO
20 INCREASE THE ACTUAL AND APPARENT RESPONSIVENESS OF ELECTED OFFICIALS TO
21 ALL VOTERS; TO ENCOURAGE QUALIFIED CANDIDATES TO RUN FOR OFFICE; AND TO
22 REDUCE THE PRESSURE ON CANDIDATES TO SPEND LARGE AMOUNTS OF TIME RAISING
23 LARGE CONTRIBUTIONS FOR THEIR CAMPAIGNS.

24 THE LEGISLATURE FINDS THAT THIS ARTICLE'S LIMITATIONS ON CONTRIBUTIONS
25 FURTHER THE GOVERNMENT'S INTEREST IN REDUCING REAL AND APPARENT
26 CORRUPTION AND IN BUILDING TRUST IN GOVERNMENT. THE LEGISLATURE FINDS
27 THAT THE CONTRIBUTION LEVELS ARE SUFFICIENTLY HIGH TO ALLOW CANDIDATES
28 AND POLITICAL PARTIES TO RAISE ENOUGH MONEY TO RUN EFFECTIVE CAMPAIGNS.
29 IN ADDITION, THE LEGISLATURE FINDS THAT GRADUATED CONTRIBUTION LIMITA-
30 TIONS REFLECT THE CAMPAIGN NEEDS OF CANDIDATES FOR DIFFERENT OFFICES.

31 THE LEGISLATURE ALSO FINDS THAT THE SYSTEM OF VOLUNTARY PUBLIC FINANC-
32 ING FURTHERS THE GOVERNMENT'S INTEREST IN ENCOURAGING QUALIFIED CANDI-
33 DATES TO RUN FOR OFFICE. THE LEGISLATURE FINDS THAT THE VOLUNTARY PUBLIC
34 FUNDING PROGRAM WILL ENLARGE THE PUBLIC DEBATE AND INCREASE PARTIC-
35 IPATION IN THE DEMOCRATIC PROCESS. IN ADDITION, THE LEGISLATURE FINDS
36 THAT THE VOLUNTARY EXPENDITURE LIMITATIONS AND MATCHING FUND PROGRAM
37 REDUCE THE BURDEN ON CANDIDATES AND OFFICEHOLDERS TO SPEND TIME RAISING
38 MONEY FOR THEIR CAMPAIGNS.

39 THEREFORE, THE LEGISLATURE DECLARES THAT THESE AMENDMENTS FURTHER THE
40 IMPORTANT AND VALID GOVERNMENT INTERESTS OF REDUCING VOTER APATHY,
41 BUILDING CONFIDENCE IN GOVERNMENT, REDUCING THE REALITY AND APPEARANCE
42 OF CORRUPTION, AND ENCOURAGING QUALIFIED CANDIDATES TO RUN FOR OFFICE,
43 WHILE REDUCING CANDIDATES' AND OFFICEHOLDERS' FUNDRAISING BURDENS.

44 S 14-200-A. DEFINITIONS. FOR THE PURPOSES OF THIS TITLE, THE FOLLOW-
45 ING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

46 1. THE TERM "AUTHORIZED COMMITTEE" SHALL MEAN THE SINGLE COMMITTEE
47 DESIGNATED BY A CANDIDATE PURSUANT TO SECTION 14-201 OF THIS TITLE TO
48 RECEIVE CONTRIBUTIONS AND MAKE EXPENDITURES IN SUPPORT OF THE CANDI-
49 DATE'S CAMPAIGN.

50 2. THE TERM "BOARD" SHALL MEAN THE STATE BOARD OF ELECTIONS.

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

53 4. THE TERM "CONTRIBUTOR" SHALL MEAN ANY PERSON OR ENTITY THAT MAKES A
54 CONTRIBUTION.

55 5. THE TERM "COVERED ELECTION" SHALL MEAN ANY PRIMARY, GENERAL, OR
56 SPECIAL ELECTION FOR NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICE

1 OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, STATE COMPTROLLER,
2 STATE SENATOR, OR MEMBER OF THE ASSEMBLY.

3 6. THE TERM "ELECTION CYCLE" SHALL MEAN THE TWO YEAR PERIOD STARTING
4 THE DAY AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR THE STATE
5 LEGISLATURE AND SHALL MEAN THE FOUR YEAR PERIOD STARTING AFTER THE DAY
6 AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR STATEWIDE OFFICE.

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

13 8. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE CAMPAIGN FINANCE
14 FUND.

15 9. THE TERM "IMMEDIATE FAMILY" SHALL MEAN A SPOUSE, CHILD, SIBLING OR
16 PARENT.

17 10. THE TERM "INTERMEDIARY" SHALL MEAN AN INDIVIDUAL, CORPORATION,
18 PARTNERSHIP, POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION OR OTHER ENTITY
19 WHICH BUNDLES, CAUSES TO BE DELIVERED OR OTHERWISE DELIVERS ANY CONTRIB-
20 UTION FROM ANOTHER PERSON OR ENTITY TO A CANDIDATE OR AUTHORIZED COMMIT-
21 TEE, OTHER THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY
22 OR MESSENGER SERVICE. PROVIDED, HOWEVER, THAT AN "INTERMEDIARY" SHALL
23 NOT INCLUDE SPOUSES, DOMESTIC PARTNERS, PARENTS, CHILDREN OR SIBLINGS OF
24 THE PERSON MAKING SUCH CONTRIBUTION OR A STAFF MEMBER OR VOLUNTEER OF
25 THE CAMPAIGN IDENTIFIED IN WRITING TO THE STATE BOARD OF ELECTIONS. HERE
26 "CAUSES TO BE DELIVERED" SHALL INCLUDE PROVIDING POSTAGE, ENVELOPES OR
27 OTHER SHIPPING MATERIALS FOR THE USE OF DELIVERING THE CONTRIBUTION TO
28 THE ULTIMATE RECIPIENT.

29 11. THE TERM "ITEM WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE"
30 SHALL MEAN ANY ITEM, INCLUDING TICKETS TO AN EVENT, THAT ARE VALUED AT
31 TWENTY-FIVE DOLLARS OR MORE.

32 12. (A) THE TERM "MATCHABLE CONTRIBUTION" SHALL MEAN A CONTRIBUTION,
33 CONTRIBUTIONS OR A PORTION OF A CONTRIBUTION OR CONTRIBUTIONS FOR ANY
34 COVERED ELECTIONS HELD IN THE SAME ELECTION CYCLE, MADE BY A NATURAL
35 PERSON WHO IS A UNITED STATES CITIZEN AND RESIDENT IN THE STATE OF NEW
36 YORK TO A PARTICIPATING CANDIDATE, THAT HAS BEEN REPORTED IN FULL TO THE
37 BOARD IN ACCORDANCE WITH SECTIONS 14-102 AND 14-104 OF THIS ARTICLE BY
38 THE CANDIDATE'S AUTHORIZED COMMITTEE AND HAS BEEN CONTRIBUTED ON OR
39 BEFORE THE DAY OF THE APPLICABLE PRIMARY, GENERAL, RUNOFF OR SPECIAL
40 ELECTION. ANY CONTRIBUTION, CONTRIBUTIONS, OR A PORTION OF A CONTRIB-
41 UTION DETERMINED TO BE INVALID FOR MATCHING FUNDS BY THE BOARD MAY NOT
42 BE TREATED AS A MATCHABLE CONTRIBUTION FOR ANY PURPOSE.

43 (B) THE FOLLOWING CONTRIBUTIONS ARE NOT MATCHABLE:

44 (I) LOANS;

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

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

48 (IV) TRANSFERS FROM A PARTY OR CONSTITUTED COMMITTEE;

49 (V) ANONYMOUS CONTRIBUTIONS OR CONTRIBUTIONS WHOSE SOURCE IS NOT ITEM-
50 IZED AS REQUIRED BY SECTION 14-201 OF THIS TITLE;

51 (VI) CONTRIBUTIONS GATHERED DURING A PREVIOUS ELECTION CYCLE;

52 (VII) ILLEGAL CONTRIBUTIONS;

53 (VIII) CONTRIBUTIONS FROM MINORS;

54 (IX) CONTRIBUTIONS FROM VENDORS FOR CAMPAIGNS; AND

55 (X) CONTRIBUTIONS FROM LOBBYISTS REGISTERED PURSUANT TO SUBDIVISION

56 (A) OF SECTION ONE-C OF THE LEGISLATIVE LAW.

1 13. THE TERM "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR A
2 COVERED ELECTION WHO FAILS TO FILE A WRITTEN CERTIFICATION IN THE FORM
3 OF AN AFFIDAVIT UNDER SECTION 14-204 OF THIS TITLE BY THE APPLICABLE
4 DEADLINE.

5 14. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN ANY CANDIDATE FOR
6 NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICE OF GOVERNOR, LIEU-
7 TENANT GOVERNOR, ATTORNEY GENERAL, STATE COMPTROLLER, STATE SENATOR, OR
8 MEMBER OF THE ASSEMBLY WHO FILES A WRITTEN CERTIFICATION IN THE FORM OF
9 AN AFFIDAVIT PURSUANT TO SECTION 14-204 OF THIS TITLE.

10 15. THE TERM "POST-ELECTION PERIOD" SHALL MEAN THE FIVE YEARS FOLLOW-
11 ING AN ELECTION WHEN A CANDIDATE IS SUBJECT TO AN AUDIT.

12 16. THE TERM "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDI-
13 TURE FOR WHICH PUBLIC MATCHING FUNDS MAY BE USED.

14 17. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF
15 MATCHABLE CONTRIBUTIONS THAT A CANDIDATE'S AUTHORIZED COMMITTEE MUST
16 RECEIVE IN TOTAL IN ORDER FOR SUCH CANDIDATE TO QUALIFY FOR VOLUNTARY
17 PUBLIC FINANCING UNDER THIS TITLE.

18 18. THE TERM "TRANSFER" SHALL MEAN ANY EXCHANGE OF FUNDS BETWEEN A
19 PARTY OR CONSTITUTED COMMITTEE AND A CANDIDATE OR ANY OF HIS OR HER
20 AUTHORIZED COMMITTEES.

21 S 14-201. REPORTING REQUIREMENTS. 1. POLITICAL COMMITTEE REGISTRA-
22 TION. POLITICAL COMMITTEES AS DEFINED PURSUANT TO SUBDIVISION ONE OF
23 SECTION 14-100 OF THIS ARTICLE SHALL REGISTER WITH THE BOARD BEFORE
24 MAKING ANY CONTRIBUTION OR EXPENDITURE. THE BOARD SHALL PUBLISH A CUMU-
25 LATIVE LIST OF POLITICAL COMMITTEES THAT HAVE REGISTERED, INCLUDING ON
26 ITS WEBPAGE, AND REGULARLY UPDATE IT.

27 2. ONLY ONE AUTHORIZED COMMITTEE PER CANDIDATE PER ELECTIVE OFFICE
28 SOUGHT. BEFORE RECEIVING ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR
29 A COVERED ELECTION, EACH CANDIDATE SHALL NOTIFY THE BOARD AS TO THE
30 EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN APPROVED BY
31 SUCH CANDIDATE. EACH CANDIDATE SHALL HAVE ONE AND ONLY ONE AUTHORIZED
32 COMMITTEE PER ELECTIVE OFFICE SOUGHT. EACH AUTHORIZED COMMITTEE SHALL
33 HAVE A TREASURER AND IS SUBJECT TO THE RESTRICTIONS FOUND IN SECTION
34 14-112 OF THIS ARTICLE.

35 3. DISCLOSURE REPORTS. (A) DETAILED REPORTING. IN ADDITION TO EACH
36 AUTHORIZED AND POLITICAL COMMITTEE REPORTING TO THE BOARD EVERY CONTRIB-
37 UTION AND LOAN RECEIVED AND EVERY EXPENDITURE MADE IN THE TIME AND
38 MANNER PRESCRIBED BY SECTIONS 14-102, 14-104 AND 14-108 OF THIS ARTICLE,
39 EACH AUTHORIZED AND POLITICAL COMMITTEE SHALL ALSO SUBMIT DISCLOSURE
40 REPORTS ON MARCH FIFTEENTH AND MAY FIFTEENTH OF EACH ELECTION YEAR
41 REPORTING TO THE BOARD EVERY CONTRIBUTION AND LOAN RECEIVED AND EVERY
42 EXPENDITURE MADE. FOR CONTRIBUTORS WHO MAKE CONTRIBUTIONS OF FIVE
43 HUNDRED DOLLARS OR MORE, EACH AUTHORIZED AND POLITICAL COMMITTEE SHALL
44 REPORT TO THE BOARD THE OCCUPATION, AND BUSINESS ADDRESS OF EACH
45 CONTRIBUTOR, LENDER, AND INTERMEDIARY. THE BOARD SHALL REVISE, PREPARE
46 AND POST FORMS ON ITS WEBPAGE THAT FACILITATE COMPLIANCE WITH THE
47 REQUIREMENTS OF THIS SECTION.

48 (B) BOARD REVIEW. THE BOARD'S PUBLIC FINANCING UNIT SHALL REVIEW EACH
49 DISCLOSURE REPORT FILED AND SHALL INFORM AUTHORIZED AND POLITICAL
50 COMMITTEES OF RELEVANT QUESTIONS THE UNIT HAS CONCERNING: (I) COMPLIANCE
51 WITH REQUIREMENTS OF THIS TITLE AND OF THE RULES ISSUED BY THE BOARD;
52 AND (II) QUALIFICATION FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO
53 THIS TITLE. IN THE COURSE OF THIS REVIEW, THE UNIT SHALL GIVE AUTHORIZED
54 AND POLITICAL COMMITTEES AN OPPORTUNITY TO RESPOND TO AND CORRECT POTEN-
55 TIAL VIOLATIONS AND GIVE CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS
56 THE UNIT HAS CONCERNING THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER

1 ISSUES CONCERNING ELIGIBILITY FOR RECEIVING PUBLIC MATCHING FUNDS PURSU-
2 ANT TO THIS TITLE. NOTHING IN THIS PARAGRAPH SHALL PRECLUDE THE UNIT OR
3 THE BOARD FROM SUBSEQUENTLY REVIEWING SUCH DISCLOSURE REPORTS AND TAKING
4 ANY ACTION OTHERWISE AUTHORIZED UNDER THIS TITLE.

5 (C) ITEMIZATION. CONTRIBUTIONS THAT ARE NOT ITEMIZED IN REPORTS FILED
6 WITH THE BOARD SHALL NOT BE MATCHABLE.

7 (D) OPTION TO FILE MORE FREQUENTLY. PARTICIPATING CANDIDATES MAY FILE
8 REPORTS OF CONTRIBUTIONS AS FREQUENTLY AS ONCE A WEEK ON FRIDAYS SO THAT
9 THEIR MATCHING FUNDS MAY BE PAID AT THE EARLIEST ALLOWABLE DATE.

10 S 14-202. CONTRIBUTIONS. RECIPIENTS OF FUNDS PURSUANT TO THIS TITLE
11 SHALL BE SUBJECT TO THE APPLICABLE CONTRIBUTION LIMITS SET FORTH IN
12 SECTION 14-114 OF THIS ARTICLE.

13 S 14-203. PROOF OF COMPLIANCE. AUTHORIZED AND POLITICAL COMMITTEES
14 SHALL MAINTAIN SUCH RECORDS OF RECEIPTS AND EXPENDITURES FOR A COVERED
15 ELECTION AS REQUIRED BY THE BOARD. AUTHORIZED AND POLITICAL COMMITTEES
16 SHALL OBTAIN AND FURNISH TO THE PUBLIC FINANCING UNIT ANY INFORMATION IT
17 MAY REQUEST RELATING TO FINANCIAL TRANSACTIONS OR CONTRIBUTIONS AND
18 FURNISH SUCH DOCUMENTATION AND OTHER PROOF OF COMPLIANCE WITH THIS TITLE
19 AS MAY BE REQUESTED. IN COMPLIANCE WITH SECTION 14-108 OF THIS ARTICLE,
20 AUTHORIZED AND POLITICAL COMMITTEES SHALL MAINTAIN COPIES OF SUCH
21 RECORDS FOR A PERIOD OF FIVE YEARS.

22 S 14-204. ELIGIBILITY. 1. TERMS AND CONDITIONS. TO BE ELIGIBLE FOR
23 VOLUNTARY PUBLIC FINANCING UNDER THIS TITLE, A CANDIDATE MUST:

24 (A) BE A CANDIDATE IN A COVERED ELECTION;

25 (B) MEET ALL THE REQUIREMENTS OF LAW TO HAVE HIS OR HER NAME ON THE
26 BALLOT;

27 (C) IN THE CASE OF A COVERED GENERAL OR SPECIAL ELECTION, BE OPPOSED
28 BY ANOTHER CANDIDATE ON THE BALLOT WHO IS NOT A WRITE-IN CANDIDATE;

29 (D) SUBMIT A CERTIFICATION IN THE FORM OF AN AFFIDAVIT, IN SUCH FORM
30 AS MAY BE PRESCRIBED BY THE BOARD, THAT SETS FORTH HIS OR HER ACCEPTANCE
31 OF AND AGREEMENT TO COMPLY WITH THE TERMS AND CONDITIONS FOR THE
32 PROVISION OF SUCH FUNDS IN EACH COVERED ELECTION AND SUCH CERTIFICATION
33 SHALL BE SUBMITTED AT LEAST FOUR MONTHS BEFORE THE ELECTION PURSUANT TO
34 A SCHEDULE PROMULGATED BY THE PUBLIC FINANCING UNIT OF THE BOARD;

35 (E) BE CERTIFIED AS A PARTICIPATING CANDIDATE BY THE BOARD;

36 (F) NOT MAKE, AND NOT HAVE MADE, EXPENDITURES FROM OR USE HIS OR HER
37 PERSONAL FUNDS OR PROPERTY OR THE PERSONAL FUNDS OR PROPERTY JOINTLY
38 HELD WITH HIS OR HER SPOUSE, OR UNEMANCIPATED CHILDREN IN CONNECTION
39 WITH HIS OR HER NOMINATION ELECTION OR ELECTION TO A COVERED OFFICE
40 EXCEPT AS A CONTRIBUTION TO HIS OR HER AUTHORIZED COMMITTEE IN AN AMOUNT
41 THAT EXCEEDS THREE TIMES THE APPLICABLE CONTRIBUTION LIMIT FROM AN INDI-
42 VIDUAL CONTRIBUTOR TO CANDIDATES FOR THE OFFICE THAT HE OR SHE IS SEEK-
43 ING;

44 (G) MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION TWO OF
45 THIS SECTION; AND

46 (H) CONTINUE TO ABIDE BY ALL REQUIREMENTS DURING THE POST-ELECTION
47 PERIOD.

48 2. THRESHOLD FOR ELIGIBILITY. (A) THE THRESHOLD FOR ELIGIBILITY FOR
49 PUBLIC FUNDING FOR PARTICIPATING CANDIDATES SHALL BE IN THE CASE OF:

50 (I) GOVERNOR, NOT LESS THAN SIX HUNDRED FIFTY THOUSAND DOLLARS IN
51 MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST SIX THOUSAND FIVE HUNDRED
52 MATCHABLE CONTRIBUTIONS COMPRISED OF SUMS BETWEEN TEN AND ONE HUNDRED
53 SEVENTY-FIVE DOLLARS PER CONTRIBUTOR, FROM RESIDENTS OF NEW YORK STATE;

54 (II) LIEUTENANT GOVERNOR, ATTORNEY GENERAL, AND COMPTROLLER, NOT LESS
55 THAN TWO HUNDRED THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING
56 AT LEAST TWO THOUSAND MATCHABLE CONTRIBUTIONS COMPRISED OF SUMS BETWEEN

TEN AND ONE HUNDRED SEVENTY-FIVE DOLLARS PER CONTRIBUTOR, FROM RESIDENTS OF NEW YORK STATE;

(III) STATE SENATOR, NOT LESS THAN TWENTY THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST TWO HUNDRED MATCHABLE CONTRIBUTIONS COMPRISED OF SUMS BETWEEN TEN AND ONE HUNDRED SEVENTY-FIVE DOLLARS PER CONTRIBUTOR, FROM RESIDENTS OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED; AND

(IV) MEMBER OF THE ASSEMBLY, NOT LESS THAN TEN THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST ONE HUNDRED MATCHABLE CONTRIBUTIONS COMPRISED OF SUMS BETWEEN TEN AND ONE HUNDRED SEVENTY-FIVE DOLLARS PER CONTRIBUTOR, FROM RESIDENTS OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

(B) ANY PARTICIPATING CANDIDATE MEETING THE THRESHOLD FOR ELIGIBILITY IN A PRIMARY ELECTION FOR ONE OF THE FOREGOING OFFICES SHALL BE DEEMED TO HAVE MET THE THRESHOLD FOR ELIGIBILITY FOR SUCH OFFICE IN ANY OTHER SUBSEQUENT ELECTION HELD IN THE SAME CALENDAR YEAR.

S 14-205. LIMITS ON PUBLIC FINANCING. THE FOLLOWING LIMITATIONS APPLY TO THE TOTAL AMOUNTS OF PUBLIC FUNDS THAT MAY BE PROVIDED TO A PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE FOR AN ELECTION CYCLE:

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

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

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

(III) FOR SENATOR, THE SUM OF THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS;

(IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS.

2. IN ANY GENERAL OR SPECIAL ELECTION, RECEIPT OF PUBLIC FUNDS BY A PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

CANDIDATES FOR ELECTION TO THE OFFICE OF:

GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED)	\$10,000,000
ATTORNEY GENERAL	\$4,000,000
COMPTROLLER	\$4,000,000
MEMBER OF SENATE	\$375,000
MEMBER OF ASSEMBLY	\$175,000

3. NO PARTICIPATING CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS NOT OPPOSED BY A CANDIDATE ON THE BALLOT IN A PRIMARY ELECTION SHALL BE ENTITLED TO PAYMENT OF PUBLIC MATCHING FUNDS, EXCEPT THAT, WHERE THERE IS A CONTEST IN SUCH PRIMARY ELECTION FOR THE NOMINATION OF AT LEAST ONE OF THE TWO POLITICAL PARTIES WITH THE HIGHEST AND SECOND HIGHEST NUMBER OF ENROLLED MEMBERS FOR SUCH OFFICE, A PARTICIPATING CANDIDATE WHO IS UNOPPOSED IN THE PRIMARY ELECTION MAY RECEIVE PUBLIC FUNDS BEFORE THE PRIMARY ELECTION, FOR EXPENSES INCURRED ON OR BEFORE THE DATE OF SUCH PRIMARY ELECTION, IN AN AMOUNT EQUAL TO UP TO HALF THE SUM SET FORTH IN PARAGRAPH ONE OF THIS SECTION.

S 14-206. PAYMENT OF PUBLIC MATCHING FUNDS. 1. DETERMINATION OF ELIGIBILITY. NO PUBLIC MATCHING FUNDS SHALL BE PAID TO AN AUTHORIZED COMMITTEE UNLESS THE PUBLIC FINANCING UNIT DETERMINES THAT THE PARTICIPATING CANDIDATE HAS MET THE ELIGIBILITY REQUIREMENTS OF THIS TITLE. PAYMENT SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN SUBDIVISION TWO OF THIS SECTION, AND SHALL BE MADE ONLY IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENT MAY BE MADE ONLY TO THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE. NO PUBLIC MATCHING FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES

1 ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED
2 CAMPAIGN EXPENDITURES.

3 2. CALCULATION OF PAYMENT. IF THE THRESHOLD FOR ELIGIBILITY IS MET,
4 THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE SHALL RECEIVE PAYMENT
5 FOR QUALIFIED CAMPAIGN EXPENDITURES OF SIX DOLLARS OF PUBLIC MATCHING
6 FUNDS FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS, FOR THE FIRST ONE
7 HUNDRED SEVENTY-FIVE DOLLARS OF ELIGIBLE PRIVATE FUNDS PER CONTRIBUTOR,
8 OBTAINED AND REPORTED TO THE BOARD IN ACCORDANCE WITH THE PROVISIONS OF
9 THIS TITLE. THE MAXIMUM PAYMENT OF PUBLIC MATCHING FUNDS SHALL BE LIMIT-
10 ED TO THE AMOUNTS SET FORTH IN SECTION 14-205 OF THIS TITLE FOR THE
11 COVERED ELECTION.

12 3. TIMING OF PAYMENT. THE PUBLIC FINANCING UNIT SHALL MAKE ANY PAYMENT
13 OF PUBLIC MATCHING FUNDS TO PARTICIPATING CANDIDATES AS SOON AS IS PRAC-
14 TICABLE. BUT IN ALL CASES, THAT UNIT SHALL VERIFY ELIGIBILITY FOR PUBLIC
15 MATCHING FUNDS WITHIN FOUR DAYS OF RECEIVING A CAMPAIGN CONTRIBUTION
16 REPORT FILED IN COMPLIANCE WITH SECTION 14-104 OF THIS ARTICLE. WITHIN
17 TWO DAYS OF DETERMINING THAT A CANDIDATE FOR A COVERED OFFICE IS ELIGI-
18 BLE FOR PUBLIC MATCHING FUNDS, THE UNIT SHALL PAY THE APPLICABLE MATCH-
19 ING FUNDS OWED TO THE CANDIDATE. HOWEVER, THE UNIT SHALL NOT MAKE ANY
20 PAYMENTS OF PUBLIC MONEY EARLIER THAN THE EARLIEST DATES FOR MAKING SUCH
21 PAYMENTS AS PROVIDED BY THIS TITLE. IF ANY OF SUCH PAYMENTS WOULD
22 REQUIRE PAYMENT ON A WEEKEND OR FEDERAL HOLIDAY, PAYMENT SHALL BE MADE
23 ON THE NEXT BUSINESS DAY.

24 4. ELECTRONIC FUNDS TRANSFER. THE BOARD SHALL PROMULGATE RULES TO
25 FACILITATE ELECTRONIC FUNDS TRANSFERS DIRECTLY FROM THE FUND INTO AN
26 AUTHORIZED COMMITTEE'S BANK ACCOUNT.

27 5. IRREGULARLY SCHEDULED ELECTIONS. NOTWITHSTANDING ANY OTHER
28 PROVISION OF THIS TITLE, THE BOARD SHALL PROMULGATE RULES TO PROVIDE FOR
29 THE PROMPT ISSUANCE OF PUBLIC MATCHING FUNDS TO ELIGIBLE PARTICIPATING
30 CANDIDATES FOR QUALIFIED CAMPAIGN EXPENDITURES IN THE CASE OF ANY OTHER
31 COVERED ELECTION HELD ON A DAY DIFFERENT FROM THAT THAN ORIGINALLY SCHE-
32 DULED INCLUDING SPECIAL ELECTIONS. BUT IN ALL CASES, THE PUBLIC FINANC-
33 ING UNIT SHALL (A) WITHIN FOUR DAYS OF RECEIVING A REPORT OF CONTRIB-
34 UCTIONS FROM A CANDIDATE FOR A COVERED OFFICE CLAIMING ELIGIBILITY FOR
35 PUBLIC MATCHING FUNDS VERIFY THAT CANDIDATE'S ELIGIBILITY FOR PUBLIC
36 MATCHING FUNDS; AND (B) WITHIN TWO DAYS OF DETERMINING THAT THE CANDI-
37 DATE FOR A COVERED OFFICE IS ELIGIBLE FOR PUBLIC MATCHING FUNDS, THE
38 UNIT SHALL PAY THE APPLICABLE MATCHING FUNDS OWED TO THE CANDIDATE.

39 S 14-207. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDI-
40 TURES. 1. PUBLIC MATCHING FUNDS PROVIDED UNDER THE PROVISIONS OF THIS
41 TITLE MAY BE USED ONLY BY AN AUTHORIZED COMMITTEE FOR EXPENDITURES TO
42 FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION OR
43 ELECTION, INCLUDING PAYING FOR DEBTS INCURRED WITHIN ONE YEAR PRIOR TO
44 AN ELECTION TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR
45 ELECTION OR ELECTION.

46 2. SUCH PUBLIC MATCHING FUNDS MAY NOT BE USED FOR:

47 (A) AN EXPENDITURE IN VIOLATION OF ANY LAW;

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

50 (C) AN EXPENDITURE MADE AFTER THE CANDIDATE HAS BEEN FINALLY DISQUALI-
51 FIED FROM THE BALLOT;

52 (D) AN EXPENDITURE MADE AFTER THE ONLY REMAINING OPPONENT OF THE
53 CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE GENERAL OR SPECIAL
54 ELECTION BALLOT;

55 (E) AN EXPENDITURE MADE BY CASH PAYMENT;

1 (F) A CONTRIBUTION OR LOAN OR TRANSFER MADE TO OR EXPENDITURE TO
2 SUPPORT ANOTHER CANDIDATE OR POLITICAL COMMITTEE OR PARTY, COMMITTEE OR
3 CONSTITUTED COMMITTEE;

4 (G) AN EXPENDITURE TO SUPPORT OR OPPOSE A CANDIDATE FOR AN OFFICE
5 OTHER THAN THAT WHICH THE PARTICIPATING CANDIDATE SEEKS;

6 (H) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER PRINTED CAMPAIGN
7 MATERIAL;

8 (I) LEGAL FEES TO DEFEND AGAINST A CRIMINAL CHARGE;

9 (J) PAYMENTS TO IMMEDIATE FAMILY MEMBERS OF THE PARTICIPATING CANDI-
10 DATE; OR

11 (K) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF
12 DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE,
13 AUTHORIZATION, DECLINATION OR SUBSTITUTION.

14 S 14-208. POWERS AND DUTIES OF BOARD. 1. ADVISORY OPINIONS. THE BOARD
15 SHALL RENDER ADVISORY OPINIONS WITH RESPECT TO QUESTIONS ARISING UNDER
16 THIS TITLE UPON THE WRITTEN REQUEST OF A CANDIDATE, AN OFFICER OF A
17 POLITICAL COMMITTEE OR MEMBER OF THE PUBLIC, OR UPON ITS OWN INITIATIVE.
18 THE BOARD SHALL PROMULGATE RULES REGARDING REASONABLE TIMES TO RESPOND
19 TO SUCH REQUESTS. THE BOARD SHALL MAKE PUBLIC THE QUESTIONS OF INTERPRE-
20 TATION FOR WHICH ADVISORY OPINIONS WILL BE CONSIDERED BY THE BOARD AND
21 ITS ADVISORY OPINIONS, INCLUDING BY PUBLICATION ON ITS WEBPAGE WITH
22 IDENTIFYING INFORMATION REDACTED AS THE BOARD DETERMINES TO BE APPROPRI-
23 ATE.

24 2. PUBLIC INFORMATION AND CANDIDATE EDUCATION. THE BOARD SHALL DEVELOP
25 A PROGRAM FOR INFORMING CANDIDATES AND THE PUBLIC AS TO THE PURPOSE AND
26 EFFECT OF THE PROVISIONS OF THIS TITLE, INCLUDING BY MEANS OF A WEBPAGE.
27 THE BOARD SHALL PREPARE IN PLAIN LANGUAGE AND MAKE AVAILABLE EDUCATIONAL
28 MATERIALS, INCLUDING COMPLIANCE MANUALS AND SUMMARIES AND EXPLANATIONS
29 OF THE PURPOSES AND PROVISIONS OF THIS TITLE. THE BOARD SHALL PREPARE OR
30 HAVE PREPARED AND MAKE AVAILABLE MATERIALS, INCLUDING, TO THE EXTENT
31 FEASIBLE, COMPUTER SOFTWARE, TO FACILITATE THE TASK OF COMPLIANCE WITH
32 THE DISCLOSURE AND RECORD-KEEPING REQUIREMENTS OF THIS TITLE.

33 3. RULES AND REGULATIONS. THE BOARD SHALL HAVE THE AUTHORITY TO
34 PROMULGATE SUCH RULES AND REGULATIONS AND PROVIDE SUCH FORMS AS IT DEEMS
35 NECESSARY FOR THE ADMINISTRATION OF THIS TITLE.

36 4. DATABASE. THE BOARD SHALL DEVELOP AN INTERACTIVE, SEARCHABLE
37 COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION NECESSARY FOR THE
38 PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMATION ON CONTRIB-
39 UTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR AUTHORIZED COMMITTEE,
40 INDEPENDENT EXPENDITURES IN SUPPORT OR OPPOSITION OF CANDIDATES FOR
41 COVERED OFFICES, AND DISTRIBUTIONS OF MONEYS FROM THE FUND. SUCH DATA-
42 BASE SHALL BE ACCESSIBLE TO THE PUBLIC ON THE BOARD'S WEBPAGE.

43 5. THE BOARD'S PUBLIC FINANCING UNIT SHALL WORK WITH THE ENFORCEMENT
44 UNIT TO ENFORCE THIS SECTION.

45 S 14-209. AUDITS AND REPAYMENTS. 1. AUDITS. THE BOARD SHALL AUDIT AND
46 EXAMINE ALL MATTERS RELATING TO THE PROPER ADMINISTRATION OF THIS TITLE
47 AND SHALL COMPLETE SUCH AUDIT NO LATER THAN TWO YEARS AFTER THE ELECTION
48 IN QUESTION. EVERY CANDIDATE WHO RECEIVES PUBLIC FUNDS UNDER THIS TITLE
49 SHALL BE AUDITED BY THE BOARD. THE COST OF COMPLYING WITH A POST-ELEC-
50 TION AUDIT SHALL BE BORNE BY THE CANDIDATE'S AUTHORIZED COMMITTEE USING
51 PUBLIC FUNDS, PRIVATE FUNDS OR ANY COMBINATION OF SUCH FUNDS. CANDI-
52 DATES WHO RUN IN BOTH A PRIMARY AND GENERAL ELECTION MUST MAINTAIN A
53 RESERVE OF THREE PERCENT OF THE PUBLIC FUNDS RECEIVED TO COMPLY WITH THE
54 POST-ELECTION AUDIT. THE BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED A
55 FINAL AUDIT REPORT THAT DETAILS ITS FINDINGS.

1 2. REPAYMENTS. (A) IF THE BOARD DETERMINES THAT ANY PORTION OF THE
2 PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE FUND WAS IN
3 EXCESS OF THE AGGREGATE AMOUNT OF PAYMENTS THAT SUCH CANDIDATE WAS
4 ELIGIBLE TO RECEIVE PURSUANT TO THIS TITLE, IT SHALL NOTIFY SUCH COMMIT-
5 TEE AND SUCH COMMITTEE SHALL PAY TO THE BOARD AN AMOUNT EQUAL TO THE
6 AMOUNT OF EXCESS PAYMENTS. PROVIDED, HOWEVER, THAT IF THE ERRONEOUS
7 PAYMENT WAS THE RESULT OF AN ERROR BY THE BOARD, THEN THE ERRONEOUS
8 PAYMENT WILL BE DEDUCTED FROM ANY FUTURE PAYMENT, IF ANY, AND IF NO
9 PAYMENT IS TO BE MADE THEN NEITHER THE CANDIDATE NOR THE COMMITTEE SHALL
10 BE LIABLE TO REPAY THE EXCESS AMOUNT TO THE BOARD. THE CANDIDATE, THE
11 TREASURER AND THE CANDIDATE'S AUTHORIZED COMMITTEE ARE JOINTLY AND
12 SEVERABLY LIABLE FOR ANY REPAYMENTS TO THE BOARD.

13 (B) IF THE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO A
14 CANDIDATE'S AUTHORIZED COMMITTEE FROM THE FUND WAS USED FOR PURPOSES
15 OTHER THAN QUALIFIED CAMPAIGN EXPENDITURES AND SUCH EXPENDITURES WERE
16 NOT APPROVED BY THE BOARD, IT SHALL NOTIFY SUCH COMMITTEE OF THE AMOUNT
17 SO DISQUALIFIED AND SUCH COMMITTEE SHALL PAY TO THE BOARD AN AMOUNT
18 EQUAL TO SUCH DISQUALIFIED AMOUNT. THE CANDIDATE, THE TREASURER AND THE
19 CANDIDATE'S AUTHORIZED COMMITTEE ARE JOINTLY AND SEVERABLY LIABLE FOR
20 ANY REPAYMENTS TO THE BOARD.

21 (C) IF THE TOTAL OF PAYMENTS FROM THE FUND RECEIVED BY A PARTICIPATING
22 CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEE EXCEED THE TOTAL CAMPAIGN
23 EXPENDITURES OF SUCH CANDIDATE AND AUTHORIZED COMMITTEE FOR ALL COVERED
24 ELECTIONS HELD IN THE SAME CALENDAR YEAR OR FOR A SPECIAL ELECTION TO
25 FILL A VACANCY, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS FUNDS
26 TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH AUTHORIZED COMMITTEE
27 FROM THE FUND DURING SUCH CALENDAR YEAR OR FOR SUCH SPECIAL ELECTION.
28 PARTICIPATING CANDIDATES SHALL PAY TO THE BOARD UNSPENT PUBLIC CAMPAIGN
29 FUNDS FROM AN ELECTION NOT LATER THAN TWENTY-SEVEN DAYS AFTER ALL
30 LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND IN ANY EVENT, NOT LATER
31 THAN THE DAY ON WHICH THE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE
32 PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE; PROVIDED, HOWEVER, THAT
33 ALL UNSPENT PUBLIC CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE
34 IMMEDIATELY DUE AND PAYABLE TO THE BOARD UPON A DETERMINATION BY THE
35 BOARD THAT THE PARTICIPANT HAS DELAYED THE POST-ELECTION AUDIT. A
36 PARTICIPATING CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES WITH PUBLIC
37 FUNDS ONLY FOR ROUTINE ACTIVITIES INVOLVING NOMINAL COST ASSOCIATED WITH
38 WINDING UP A CAMPAIGN AND RESPONDING TO THE POST-ELECTION AUDIT. NOTH-
39 ING IN THIS TITLE SHALL BE CONSTRUED TO PREVENT A CANDIDATE OR HIS OR
40 HER AUTHORIZED COMMITTEE FROM USING CAMPAIGN CONTRIBUTIONS RECEIVED FROM
41 PRIVATE CONTRIBUTORS FOR OTHERWISE LAWFUL EXPENDITURES.

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

52 S 14-210. ENFORCEMENT AND PENALTIES FOR VIOLATIONS AND OTHER
53 PROCEEDINGS. 1. CIVIL PENALTIES. VIOLATIONS OF ANY PROVISION OF THIS
54 TITLE OR RULE PROMULGATED PURSUANT TO THIS TITLE SHALL BE SUBJECT TO A
55 CIVIL PENALTY IN AN AMOUNT NOT IN EXCESS OF FIFTEEN THOUSAND DOLLARS.

56 2. NOTICE OF VIOLATION AND OPPORTUNITY TO CONTEST. THE BOARD SHALL:

1 (A) DETERMINE WHETHER A VIOLATION OF ANY PROVISION OF THIS TITLE OR
2 RULE PROMULGATED HEREUNDER HAS BEEN COMMITTED;

3 (B) GIVE WRITTEN NOTICE AND THE OPPORTUNITY TO CONTEST BEFORE AN INDE-
4 PENDENT HEARING OFFICER TO EACH PERSON OR ENTITY IT HAS REASON TO
5 BELIEVE HAS COMMITTED A VIOLATION; AND

6 (C) IF APPROPRIATE, ASSESS PENALTIES FOR VIOLATIONS, FOLLOWING SUCH
7 NOTICE AND OPPORTUNITY TO CONTEST.

8 3. CRIMINAL CONDUCT. ANY PERSON WHO KNOWINGLY AND WILLFULLY FURNISHES
9 OR SUBMITS FALSE STATEMENTS OR INFORMATION TO THE BOARD IN CONNECTION
10 WITH ITS ADMINISTRATION OF THIS TITLE, SHALL BE GUILTY OF A MISDEMEANOR
11 IN ADDITION TO ANY OTHER PENALTY AS MAY BE IMPOSED UNDER THIS CHAPTER OR
12 PURSUANT TO ANY OTHER LAW. THE BOARD SHALL SEEK TO RECOVER ANY PUBLIC
13 MATCHING FUNDS OBTAINED AS A RESULT OF SUCH CRIMINAL CONDUCT.

14 4. PROCEEDINGS AS TO PUBLIC FINANCING. (A) THE DETERMINATION OF ELIGI-
15 BILITY PURSUANT TO THIS TITLE AND ANY QUESTION OR ISSUE RELATING TO
16 PAYMENTS FOR CAMPAIGN EXPENDITURES PURSUANT TO THIS TITLE MAY BE
17 CONTESTED IN A PROCEEDING INSTITUTED IN THE SUPREME COURT, ALBANY COUN-
18 TY, BY ANY AGGRIEVED CANDIDATE.

19 (B) A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY
20 OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO THIS CHAPTER
21 SHALL BE INSTITUTED WITHIN FOURTEEN DAYS AFTER SUCH DETERMINATION WAS
22 MADE. THE BOARD SHALL BE MADE A PARTY TO ANY SUCH PROCEEDING.

23 (C) UPON THE BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE FROM A PARTIC-
24 IPATING CANDIDATE OR SUCH CANDIDATE'S AUTHORIZED COMMITTEE AFTER THE
25 ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY THIS
26 TITLE, THE BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR
27 CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR
28 ANY AMOUNTS DETERMINED TO BE PAYABLE TO THE BOARD AS A RESULT OF AN
29 EXAMINATION AND AUDIT MADE PURSUANT TO THIS TITLE OR TO OBTAIN SUCH
30 AMOUNTS DIRECTLY FROM THE CANDIDATE OR AUTHORIZED COMMITTEE AFTER A
31 HEARING AT THE STATE BOARD OF ELECTIONS.

32 (D) THE BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR CIVIL
33 ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR CIVIL
34 PENALTIES DETERMINED TO BE PAYABLE TO THE BOARD PURSUANT TO THIS TITLE
35 OR TO IMPOSE SUCH PENALTY DIRECTLY AFTER A HEARING AT THE STATE BOARD OF
36 ELECTIONS.

37 S 14-211. REPORTS. THE BOARD SHALL REVIEW AND EVALUATE THE EFFECT OF
38 THIS TITLE UPON THE CONDUCT OF ELECTION CAMPAIGNS AND SHALL SUBMIT A
39 REPORT TO THE LEGISLATURE ON OR BEFORE JANUARY FIRST, TWO THOUSAND NINE-
40 TEEN, AND EVERY THIRD YEAR THEREAFTER, AND AT ANY OTHER TIME UPON THE
41 REQUEST OF THE GOVERNOR AND AT SUCH OTHER TIMES AS THE BOARD DEEMS
42 APPROPRIATE. THESE REPORTS SHALL INCLUDE:

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

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

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

50 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON POLITICAL CAMPAIGNS,
51 INCLUDING ITS EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING,
52 THE LEVEL OF CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF
53 CANDIDATES, THE CANDIDATES' ABILITY TO CAMPAIGN EFFECTIVELY FOR PUBLIC
54 OFFICE, AND THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;
55 AND

1 5. RECOMMENDATIONS FOR AMENDMENTS TO THIS TITLE, INCLUDING CHANGES IN
2 CONTRIBUTION LIMITS, THRESHOLDS FOR ELIGIBILITY, AND ANY OTHER FEATURES
3 OF THE SYSTEM.

4 S 14-212. DEBATES FOR CANDIDATES FOR STATEWIDE OFFICE. THE BOARD
5 SHALL PROMULGATE REGULATIONS TO FACILITATE DEBATES AMONG PARTICIPATING
6 CANDIDATES WHO SEEK ELECTION TO STATEWIDE OFFICE. PARTICIPATING CANDI-
7 DATES ARE REQUIRED TO PARTICIPATE IN ONE DEBATE BEFORE EACH ELECTION FOR
8 WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE PARTICIPATING
9 CANDIDATE IS RUNNING UNOPPOSED. NONPARTICIPATING CANDIDATES MAY PARTIC-
10 IPATE IN SUCH DEBATES.

11 S 14-213. SEVERABILITY. IF ANY CLAUSE, SENTENCE, SUBDIVISION, PARA-
12 GRAPH, SECTION OR PART OF THIS TITLE BE ADJUDGED BY ANY COURT OF COMPE-
13 TENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR
14 OR INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERA-
15 TION TO THE CLAUSE, SENTENCE, SUBDIVISION, PARAGRAPH, SECTION OR PART
16 THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT
17 SHALL HAVE BEEN RENDERED.

18 S 8. The state finance law is amended by adding a new section 92-t to
19 read as follows:

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

24 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE NEW YORK
25 STATE CAMPAIGN FINANCE FUND CHECK-OFF PURSUANT TO SUBSECTION (F) OF
26 SECTION SIX HUNDRED FIFTY-EIGHT OF THE TAX LAW, FROM THE ABANDONED PROP-
27 erty FUND PURSUANT TO SECTION NINETY-FIVE OF THIS ARTICLE, FROM THE
28 GENERAL FUND, AND FROM ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO
29 FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. SUCH FUND SHALL ALSO
30 RECEIVE CONTRIBUTIONS FROM PRIVATE INDIVIDUALS, ORGANIZATIONS, OR OTHER
31 PERSONS TO FULFILL THE PURPOSES OF THE PUBLIC FINANCING SYSTEM.

32 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY
33 BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT
34 TO TITLE II OF ARTICLE FOURTEEN OF THE ELECTION LAW AND FOR ADMINISTRA-
35 TIVE EXPENSES RELATED TO THE IMPLEMENTATION OF ARTICLE FOURTEEN OF THE
36 ELECTION LAW. MONEYS SHALL BE PAID OUT OF THE FUND BY THE STATE COMP-
37 TROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE STATE BOARD OF
38 ELECTIONS, OR ITS DULY DESIGNATED REPRESENTATIVE, IN THE MANNER
39 PRESCRIBED BY LAW, NOT MORE THAN FOUR WORKING DAYS AFTER SUCH VOUCHER IS
40 RECEIVED BY THE STATE COMPTROLLER.

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

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

53 6. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A
54 PRIMARY ELECTION ANY EARLIER THAN THIRTY DAYS AFTER DESIGNATING
55 PETITIONS, INDEPENDENT NOMINATING PETITIONS, OR CERTIFICATES OF NOMI-

1 NATION HAVE BEEN FILED AND NOT LESS THAN FORTY-FIVE DAYS BEFORE SUCH
2 ELECTION.

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

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

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

18 S 9. Section 95 of the state finance law is amended by adding a new
19 subdivision 5 to read as follows:

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

31 S 10. Section 658 of the tax law is amended by adding a new subsection
32 (f) to read as follows:

33 (F) NEW YORK STATE CAMPAIGN FINANCE FUND CHECK-OFF. (1) FOR EACH TAXA-
34 BLE YEAR BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN,
35 EVERY RESIDENT TAXPAYER WHOSE NEW YORK STATE INCOME TAX LIABILITY FOR
36 THE TAXABLE YEAR FOR WHICH THE RETURN IS FILED IS FORTY DOLLARS OR MORE
37 MAY DESIGNATE ON SUCH RETURN THAT FORTY DOLLARS BE PAID INTO THE NEW
38 YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-TWO-T OF
39 THE STATE FINANCE LAW. WHERE A HUSBAND AND WIFE FILE A JOINT RETURN AND
40 HAVE A NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR
41 WHICH THE RETURN IS FILED IS EIGHTY DOLLARS OR MORE, OR FILE SEPARATE
42 RETURNS ON A SINGLE FORM, EACH SUCH TAXPAYER MAY MAKE SEPARATE DESIG-
43 NATIONS ON SUCH RETURN OF FORTY DOLLARS TO BE PAID INTO THE NEW YORK
44 STATE CAMPAIGN FINANCE FUND.

45 (2) THE COMMISSIONER SHALL TRANSFER TO THE NEW YORK STATE CAMPAIGN
46 FINANCE FUND, ESTABLISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE
47 FINANCE LAW, AN AMOUNT EQUAL TO FORTY DOLLARS MULTIPLIED BY THE NUMBER
48 OF DESIGNATIONS.

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

53 (4) THE DEPARTMENT SHALL INCLUDE A PLACE ON EVERY PERSONAL INCOME TAX
54 RETURN FORM TO BE FILED BY AN INDIVIDUAL FOR A TAX YEAR BEGINNING ON OR
55 AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, FOR SUCH TAXPAYER TO MAKE
56 THE DESIGNATIONS DESCRIBED IN PARAGRAPH ONE OF THIS SUBSECTION. SUCH

1 RETURN FORM SHALL CONTAIN A CONCISE EXPLANATION OF THE PURPOSE OF SUCH
2 OPTIONAL DESIGNATIONS.

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

11 S 12. This act shall take effect immediately; provided, however, all
12 state legislative candidates will be eligible to participate in volun-
13 tary public financing beginning with the 2016 primary election and all
14 other state candidates, including those in irregularly scheduled
15 elections, will be eligible to participate in voluntary public financing
16 beginning with the 2018 primary election.