

4980--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 13, 2013

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Introduced by M. of A. SILVER, MILLMAN, WRIGHT, MORELLE, WEINSTEIN, GOTTFRIED, PEOPLES-STOKES, KAVANAGH, WEPRIN, SCARBOROUGH, LUPARDO, MAISEL, SCHIMEL, BRONSON -- Multi-Sponsored by -- M. of A. ABINANTI, BENEDETTO, BRAUNSTEIN, BRENNAN, BRINDISI, BROOK-KRASNY, BUCHWALD, CAHILL, CAMARA, CLARK, COLTON, COOK, DINOWITZ, ENGLEBRIGHT, FAHY, FARRELL, GALEF, GANTT, GLICK, GUNTHER, HEVESI, HOOPER, JACOBS, JAFFEE, KELLNER, KIM, LAVINE, LENTOL, LIFTON, MARKEY, MAYER, McDONALD, MOSLEY, MOYA, NOLAN, O'DONNELL, ORTIZ, OTIS, PAULIN, PERRY, QUART, ROSA, ROSENTHAL, ROZIC, RUSSELL, SEPULVEDA, SIMOTAS, SWEENEY, TITUS, WEISENBERG -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "2013 Fair Elections Act".  
3     S 2. Legislative findings and declarations. The legislature declares  
4     that is in the public interest to create and ensure a truly democratic  
5     political system in which citizens, irrespective of their income,  
6     status, or financial connections, are enabled and encouraged to compete  
7     for public office. The legislature further declares that large and  
8     unregulated independent expenditures deliberately distort issues and  
9     facts thereby giving their financial backers undue influence in  
10    elections. Therefore, the legislature finds it necessary to establish a

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

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1 system of public financing for all qualified candidates for state elec-  
2 tive offices and constitutional convention delegates. The legislature  
3 further finds that a new system of public financing would be best admin-  
4 istered by a new "fair elections board" empowered with effective over-  
5 sight and enforcement capabilities dedicated to working with and assist-  
6 ing candidates excel in the public financing system.

7 S 3. Subdivision 3, paragraph (c) of subdivision 9-A and subdivision  
8 17 of section 3-102 of the election law, subdivisions 3 and 17 as  
9 amended by chapter 9 of the laws of 1978, paragraph (c) of subdivision  
10 9-A as added by chapter 430 of the laws of 1997 and subdivision 17 as  
11 renumbered by chapter 23 of the laws of 2005, are amended to read as  
12 follows:

13 3. conduct any investigation necessary to carry out the provisions of  
14 this chapter PROVIDED HOWEVER, THAT THE FAIR ELECTIONS BOARD ENFORCEMENT  
15 COUNSEL, ESTABLISHED PURSUANT TO SUBDIVISION FIVE OF SECTION 14-216 OF  
16 THIS CHAPTER, AS IT MAY DEEM NECESSARY, AFTER THE FAIR ELECTIONS BOARD  
17 HAS CONSIDERED THE MATTER OR MATTERS IN QUESTION; SHALL CONDUCT ANY  
18 INVESTIGATION NECESSARY TO ENFORCE THE PROVISIONS OF ARTICLE FOURTEEN OF  
19 THIS CHAPTER ON BEHALF OF THE BOARD OF ELECTIONS.

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

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

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

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

36 S 4. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as  
37 redesignated and subdivision 2 as amended by chapter 9 of the laws of  
38 1978, is amended to read as follows:

39 S 3-104. State board of elections AND THE FAIR ELECTIONS BOARD  
40 ENFORCEMENT COUNSEL; enforcement powers. 1. (A) THERE SHALL BE A UNIT  
41 KNOWN AS THE FAIR ELECTIONS ENFORCEMENT UNIT ESTABLISHED WITHIN THE FAIR  
42 ELECTIONS BOARD. THE HEAD OF SUCH UNIT SHALL BE THE ENFORCEMENT COUN-  
43 SEL.

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

55 2. (A) Whenever [the state board of elections or other] A LOCAL board  
56 of elections shall determine, on its own initiative or upon complaint,

1 or otherwise, that there is substantial reason to believe a violation of  
2 this chapter or any code or regulation promulgated thereunder has  
3 [occurred] BEEN COMMITTED BY A CANDIDATE OR POLITICAL COMMITTEE THAT  
4 FILES STATEMENTS REQUIRED BY ARTICLE FOURTEEN OF THIS CHAPTER SOLELY  
5 WITH SUCH LOCAL BOARD, it shall expeditiously make an investigation  
6 which shall also include investigation of reports and statements made or  
7 failed to be made by the complainant and any political committee  
8 supporting his OR HER candidacy if the complainant is a candidate or, if  
9 the complaint was made by an officer or member of a political committee,  
10 of reports and statements made or failed to be made by such political  
11 committee and any candidates supported by it. [The state board of  
12 elections, in lieu of making such an investigation, may direct the  
13 appropriate board of elections to make an investigation.]

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

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

23 4. The state or other board of elections may, where appropriate,  
24 commence a judicial proceeding with respect to the filing or failure to  
25 file any statement of receipts, expenditures, or contributions, under  
26 the provisions of this chapter, and the state board of elections may  
27 direct the appropriate other board of elections to commence such  
28 proceeding.

29 5.] 3. IF THE ENFORCEMENT COUNSEL DETERMINES THAT A VIOLATION OF  
30 SUBDIVISION ONE OF SECTION 14-126 OR SUBDIVISION ONE OF SECTION 14-220  
31 OF THIS CHAPTER HAS OCCURRED WHICH COULD WARRANT A CIVIL PENALTY, THE  
32 ENFORCEMENT COUNSEL SHALL, UPON HIS OR HER DISCRETION, SEEK TO RESOLVE  
33 THE MATTER EXTRA-JUDICIALLY OR COMMENCE A SPECIAL PROCEEDING IN THE  
34 SUPREME COURT PURSUANT TO SECTION 16-114 OF THIS CHAPTER.

35 4. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION ALLEGING  
36 ANY OTHER VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, THE ENFORCEMENT  
37 COUNSEL SHALL ANALYZE THE COMPLAINT TO DETERMINE IF AN INVESTIGATION  
38 SHOULD BE UNDERTAKEN. THE ENFORCEMENT COUNSEL SHALL, IF NECESSARY,  
39 REQUEST ADDITIONAL INFORMATION FROM THE COMPLAINANT TO ASSIST SUCH COUN-  
40 SEL IN MAKING THIS DETERMINATION. SUCH ANALYSIS SHALL INCLUDE THE  
41 FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A  
42 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND, SECOND, WHETHER THE  
43 ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

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

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

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

3 7. IF, UPON CONSIDERING THE ENFORCEMENT COUNSEL'S NOTICE OF INTENT TO  
4 COMMENCE AN INVESTIGATION, THE FAIR ELECTIONS BOARD BELIEVES THAT THE  
5 ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOUR-  
6 TEEN OF THIS CHAPTER, OR THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE  
7 EVIDENCE OR, THAT ON BALANCE, THE EQUITIES FAVOR A DISMISSAL OF THE  
8 COMPLAINT, THE BOARD SHALL PUBLICLY DIRECT THAT AN INVESTIGATION NOT BE  
9 UNDERTAKEN NO LATER THAN SIXTY DAYS AFTER THE RECEIPT OF NOTIFICATION  
10 FROM THE ENFORCEMENT COUNSEL OF HIS OR HER INTENT TO COMMENCE AN INVE-  
11 TIGATION. IN DETERMINING WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE  
12 COMPLAINT, THE FAIR ELECTIONS BOARD SHALL CONSIDER THE FOLLOWING  
13 FACTORS: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF  
14 ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT OF THE  
15 COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION; AND (C)  
16 WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR  
17 VIOLATIONS. DETERMINATIONS OF THE FAIR ELECTIONS BOARD TO DISMISS A  
18 COMPLAINT AND NOT PROCEED WITH A FORMAL INVESTIGATION SHALL BE VOTED  
19 UPON AS PROVIDED IN SUBDIVISION TEN OF SECTION 14-216 OF THIS TITLE AT  
20 AN OPEN MEETING PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW,  
21 AND SHALL BE MADE ON A FAIR AND EQUITABLE BASIS AND WITHOUT REGARD TO  
22 THE STATUS OF THE SUBJECT OF THE COMPLAINT.

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

34 9. AT THE CONCLUSION OF ITS INVESTIGATION, THE ENFORCEMENT COUNSEL  
35 SHALL PROVIDE THE FAIR ELECTIONS BOARD WITH A WRITTEN RECOMMENDATION AS  
36 TO: (A) WHETHER SUBSTANTIAL REASON EXISTS TO BELIEVE A VIOLATION OF  
37 ARTICLE FOURTEEN OF THIS CHAPTER HAS OCCURRED AND, IF SO, THE NATURE OF  
38 THE VIOLATION AND ANY APPLICABLE PENALTY, AS DEFINED IN SECTION 14-126,  
39 14-220 OR 14-222 OF THIS CHAPTER, BASED ON THE NATURE OF THE VIOLATION;  
40 (B) WHETHER THE MATTER SHOULD BE RESOLVED EXTRA-JUDICIALLY; (C) WHETHER  
41 A SPECIAL PROCEEDING SHOULD BE COMMENCED IN THE SUPREME COURT TO RECOVER  
42 A CIVIL PENALTY; AND (D) WHETHER A REFERRAL SHOULD BE MADE TO A DISTRICT  
43 ATTORNEY OR THE ATTORNEY GENERAL PURSUANT TO SUBDIVISION ELEVEN OF THIS  
44 SECTION BECAUSE REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION WARRANT-  
45 ING CRIMINAL PROSECUTION HAS TAKEN PLACE.

46 10. THE FAIR ELECTIONS BOARD SHALL ACCEPT, MODIFY OR REJECT THE  
47 ENFORCEMENT COUNSEL'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER  
48 RECEIPT OF SUCH RECOMMENDATION. IN MAKING ITS DETERMINATION, THE BOARD  
49 SHALL AGAIN CONSIDER: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS  
50 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT  
51 OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION;  
52 AND (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR  
53 VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE VOTED UPON AS PROVIDED IN  
54 SUBDIVISION TEN OF SECTION 14-216 OF THIS CHAPTER AT AN OPEN MEETING  
55 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE

ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE STATUS OF THE SUBJECT OF THE COMPLAINT.

11. (A) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDIVISION TEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO BELIEVE THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW, HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIMITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, WHICH COULD WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION 14-126 OR SUBDIVISION TWO OF SECTION 14-222 OF THIS CHAPTER, THE BOARD SHALL DIRECT THE COMMENCEMENT OF A SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTION 16-122 OF THIS CHAPTER.

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

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

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

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

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

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

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

S 3-111. PERSONAL USE OF CAMPAIGN FUNDS. UPON WRITTEN REQUEST FROM ANY PERSON WHO IS SUBJECT TO THE REQUIREMENTS OF SECTION 14-130 OF THIS CHAPTER, THE FAIR ELECTIONS BOARD SHALL RENDER FORMAL OPINIONS ON THE

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

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

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

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

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

27 12. "EXPRESS ADVOCACY" MEANS A COMMUNICATION:

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

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

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

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

40 13. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

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

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

43 (C) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFER-  
44 ENCE.

45 14. "GENERAL PUBLIC AUDIENCE" MEANS AN AUDIENCE COMPOSED OF MEMBERS OF  
46 THE PUBLIC, INCLUDING A TARGETED SUBGROUP OF MEMBERS OF THE PUBLIC;  
47 PROVIDED, HOWEVER, IT DOES NOT MEAN AN AUDIENCE SOLELY COMPRISED OF  
48 MEMBERS, RETIREES AND STAFF OF A LABOR ORGANIZATION OR THEIR IMMEDIATE  
49 FAMILY MEMBERS OR AN AUDIENCE SOLELY COMPRISED OF SHAREHOLDERS AND EXEC-  
50 UTIVES OF A BUSINESS ENTITY.

51 15. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH  
52 EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES  
53 EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR  
54 EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR  
55 CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDI-  
56 TIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCI-

DENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE, EACH LOCAL, STATEWIDE, NATIONAL AND INTERNATIONAL LABOR ORGANIZATION AND EACH NATIONAL, STATE, AREA AND LABOR CENTRAL LABOR BODY RECEIVING DUES FROM AFFILIATED LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE LABOR ORGANIZATION.

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

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

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

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

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

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

(A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE IN SUPPORT OR OPPOSITION OF A CANDIDATE: FOR AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA BROADCAST, CABLE OR SATELLITE OR A WRITTEN

1 COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA ADVERTISEMENTS,  
2 PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS OR OTHER PRINTED  
3 MATTER AND COMMUNICATIONS CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A  
4 GENERAL PUBLIC AUDIENCE BY PHONE, COMPUTER OR OTHER ELECTRONIC DEVICES  
5 THAT:

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

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

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

13 (C) "ELECTIONEERING COMMUNICATION" MEANS:

14 (I) AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA  
15 BROADCAST, CABLE OR SATELLITE, OR A COMMUNICATION MADE BY PAID ADVERTIS-  
16 ING THAT IS PUBLISHED ON THE INTERNET OR IN A NEWSPAPER OR PERIODICAL  
17 DISTRIBUTED TO A GENERAL PUBLIC AUDIENCE, OR A COMMUNICATION TO FIVE  
18 HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY PHONE, COMPUTER  
19 OR OTHER ELECTRONIC DEVICES,

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

22 (III) WHICH REFERS TO A CLEARLY IDENTIFIED CANDIDATE OR BALLOT  
23 PROPOSAL, AND

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

28 (D) INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS DO NOT  
29 INCLUDE:

30 (I) A COMMUNICATION APPEARING IN A WRITTEN NEWS STORY, COMMENTARY, OR  
31 EDITORIAL OR DISTRIBUTED THROUGH THE FACILITIES OF ANY BROADCASTING  
32 STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR FACILITIES ARE  
33 OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL COMMITTEE OR  
34 CANDIDATE; OR

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

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

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

40 2. WHENEVER ANY PERSON MAKES AN INDEPENDENT EXPENDITURE OR ELECTIO-  
41 NEERING COMMUNICATION THAT COSTS MORE THAN ONE THOUSAND DOLLARS IN THE  
42 AGGREGATE, SUCH COMMUNICATION SHALL CLEARLY STATE THE NAME OF THE PERSON  
43 WHO PAID FOR, OR OTHERWISE PUBLISHED OR DISTRIBUTED, THE COMMUNICATION  
44 AND STATE, WITH RESPECT TO COMMUNICATIONS REGARDING CANDIDATES, THAT THE  
45 COMMUNICATION IS NOT AUTHORIZED BY ANY CANDIDATE, ANY CANDIDATE'S POLI-  
46 TICAL COMMITTEE OR ANY OF ITS AGENTS. A KNOWING AND WILLFUL VIOLATION OF  
47 THE PROVISIONS OF THIS SUBDIVISION SHALL SUBJECT THE PERSON TO A CIVIL  
48 PENALTY EQUAL TO ONE THOUSAND DOLLARS OR THE COST OF THE COMMUNICATION,  
49 WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY  
50 THE FAIR ELECTIONS BOARD.

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



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

4. EACH SUCH STATEMENT SHALL INCLUDE:

(A) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOYER OF THE PERSON MAKING THE STATEMENT;

(B) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOYER OF THE PERSON MAKING THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION;

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

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

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

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

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

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

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

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

(E) THE DOLLAR AMOUNT PAID FOR EACH INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION, THE NAME AND ADDRESS OF THE PERSON OR ENTITY RECEIVING THE PAYMENT, THE DATE THE PAYMENT WAS MADE AND A DESCRIPTION OF THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION; AND

(F) THE ELECTION TO WHICH THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION PERTAINS AND THE NAME OF THE CLEARLY IDENTIFIED CANDIDATE OR THE BALLOT PROPOSAL REFERENCED.

5. ANY REPORT MADE PURSUANT TO THIS SECTION SHALL INCLUDE A COPY OF ALL MATERIALS THAT PERTAIN TO THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION, INCLUDING BUT NOT LIMITED TO BROADCAST, CABLE OR SATELLITE SCHEDULE AND SCRIPTS, ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS AND OTHER PRINTED MATTER.

1 6. ANY REPORT OF A LOAN THAT IS MADE FOR AN INDEPENDENT EXPENDITURE OR  
2 ELECTIONEERING COMMUNICATION SHALL INCLUDE WRITTEN EVIDENCE OF THE  
3 INDEBTEDNESS.

4 7. CONTRIBUTIONS:

5 (A) WHEN AN INDEPENDENT SPENDER THAT IS AN ENTITY MAKES INDEPENDENT  
6 EXPENDITURES OR ELECTIONEERING COMMUNICATIONS OF ONE HUNDRED DOLLARS OR  
7 MORE AGGREGATING FIVE THOUSAND DOLLARS OR MORE IN THE TWELVE MONTHS  
8 PRECEDING THE ELECTION FOR COMMUNICATIONS THAT REFER TO ANY SINGLE  
9 CANDIDATE, IT IS REQUIRED TO REPORT:

10 (I) ALL CONTRIBUTIONS FROM OTHER ENTITIES SINCE THE FIRST DAY OF THE  
11 CALENDAR YEAR PRECEDING THE YEAR OF THE ELECTION; AND

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

15 (B) EACH CONTRIBUTION SHALL BE DISCLOSED IN THE REPORTING PERIOD IN  
16 WHICH IT WAS RECEIVED. FOR EACH CONTRIBUTION, THE INDEPENDENT SPENDER  
17 SHALL PROVIDE:

18 (I) FOR EACH CONTRIBUTION ACCEPTED FROM ANOTHER ENTITY, THE ENTITY'S  
19 NAME, ADDRESS, AND TYPE OF ORGANIZATION;

20 (II) FOR EACH CONTRIBUTION ACCEPTED FROM AN INDIVIDUAL, THE INDIVID-  
21 UAL'S NAME, ADDRESS, OCCUPATION, AND EMPLOYER INFORMATION; AND

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

23 (C) EXEMPTION FOR EARMARKED CONTRIBUTIONS. CONTRIBUTIONS THAT ARE  
24 EARMARKED FOR AN EXPLICITLY STATED NON-ELECTORAL PURPOSE ARE NOT  
25 REQUIRED TO BE REPORTED; PROVIDED, HOWEVER THAT RECORDS OF THESE  
26 CONTRIBUTIONS MUST BE MAINTAINED AND MAY BE REQUESTED BY THE BOARD TO  
27 VERIFY THEIR QUALIFICATIONS FOR THIS EXEMPTION.

28 8. EVERY STATEMENT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL  
29 BE FILED BY ELECTRONIC REPORTING PROCESS OR OVERNIGHT MAIL TO THE STATE  
30 BOARD OF ELECTIONS.

31 9. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGULATIONS WITH RESPECT  
32 TO THE STATEMENTS REQUIRED TO BE FILED BY THIS SECTION AND SHALL PROVIDE  
33 FORMS SUITABLE FOR SUCH STATEMENTS.

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

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

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

53 S 14-112. Political committee authorization statement. Any political  
54 committee aiding or taking part in the election or nomination of any  
55 candidate, other than by making contributions, shall file, in the office  
56 in which the statements of such committee are to be filed pursuant to

1 this [article] TITLE, either a sworn verified statement by the treasurer  
2 of such committee that the candidate has authorized the political  
3 committee to aid or take part in his election or that the candidate has  
4 not authorized the committee to aid or take part in his election.

5 S 13. Sections 14-100, 14-102, 14-104, 14-106, 14-107, 14-108, 14-110,  
6 14-112, 14-114, 14-116, 14-118, 14-120, 14-122, 14-124, 14-126, 14-127,  
7 14-128 and 14-130 of the election law are designated title 1 and a new  
8 title heading is added to read as follows:

9 RECEIPTS AND EXPENDITURES; GENERAL

10 S 14. Article 14 of the election law is amended by adding a new title  
11 2 to read as follows:

12 TITLE II

13 PUBLIC FINANCING

14 SECTION 14-200. APPLICABILITY OF TITLE.

15 14-202. DEFINITIONS.

16 14-204. REPORTING REQUIREMENTS.

17 14-206. ELIGIBILITY.

18 14-208. QUALIFIED CAMPAIGN EXPENDITURES.

19 14-210. OPTIONAL PUBLIC FINANCING.

20 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS.

21 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS.

22 14-216. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES.

23 14-218. EXAMINATIONS AND AUDITS.

24 14-220. CIVIL ENFORCEMENT.

25 14-222. CRIMINAL PENALTIES.

26 14-224. REPORTS.

27 14-226. DEBATES.

28 14-228. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND.

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

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

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

36 2. THE TERM "ELIGIBLE CANDIDATE" SHALL MEAN A CANDIDATE FOR NOMINATION  
37 OR ELECTION TO ANY OF THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR,  
38 COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE STATE LEGISLATURE, AT-LARGE  
39 DELEGATE TO A CONSTITUTIONAL CONVENTION OR DISTRICT DELEGATE TO A  
40 CONSTITUTIONAL CONVENTION.

41 3. THE TERM "PARTICIPATING COMMITTEE" SHALL MEAN A SINGLE AUTHORIZED  
42 POLITICAL COMMITTEE WHICH A CANDIDATE CERTIFIES IS THE COMMITTEE THAT  
43 WILL SOLELY BE USED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTAB-  
44 LISHED BY THIS TITLE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMA-  
45 RY, GENERAL OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT. A  
46 MULTI-CANDIDATE COMMITTEE MAY NOT BE A PARTICIPATING COMMITTEE.

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

51 5. THE TERM "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR  
52 ANY OFFICE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING UNDER THIS TITLE FOR A  
53 COVERED ELECTION WHO FAILS TO FILE A STATEMENT IN THE FORM OF AN AFFIDA-  
54 VIT PURSUANT TO SECTION 14-210 OF THIS TITLE.

55 6. THE TERM "MATCHABLE CONTRIBUTIONS" SHALL MEAN THAT PORTION OF THE  
56 AGGREGATE CONTRIBUTIONS MADE (A) IN THE CASE OF A PRIMARY OR GENERAL

1 ELECTION, AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENER-  
2 AL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR (B) IN THE CASE OF A  
3 SPECIAL ELECTION, WITHIN SIX MONTHS OF SUCH ELECTION BY NATURAL PERSONS  
4 RESIDENT IN THE STATE OF NEW YORK TO A CANDIDATE FOR NOMINATION OR  
5 ELECTION TO ANY OF THE OFFICES COVERED BY THE PROVISIONS OF THIS TITLE  
6 WHICH DO NOT EXCEED TWO HUNDRED FIFTY DOLLARS, WHICH HAVE BEEN REPORTED  
7 IN FULL BY THE CANDIDATE'S PARTICIPATING COMMITTEE TO THE FAIR ELECTIONS  
8 BOARD, INCLUDING THE CONTRIBUTOR'S FULL NAME AND RESIDENTIAL ADDRESS. A  
9 LOAN MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION. THE FOLLOWING  
10 CONTRIBUTIONS ARE NOT MATCHABLE:

- 11 (A) IN-KIND CONTRIBUTIONS OF PROPERTY, GOODS, OR SERVICES;
- 12 (B) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR AN ITEM  
13 WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE;
- 14 (C) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR OR OTHER-  
15 WISE INDUCED BY A CHANCE TO PARTICIPATE IN A RAFFLE, LOTTERY, OR SIMILAR  
16 DRAWING FOR VALUABLE PRIZES;
- 17 (D) MONEY ORDER CONTRIBUTIONS FROM ANY ONE CONTRIBUTOR THAT ARE, IN  
18 THE AGGREGATE, GREATER THAN ONE HUNDRED DOLLARS;
- 19 (E) CONTRIBUTIONS FROM INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS;
- 20 (F) CONTRIBUTIONS FROM INDIVIDUAL VENDORS TO WHOM THE PARTICIPATING  
21 CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE MAKES AN EXPENDITURE, IN  
22 FURTHERANCE OF THE NOMINATION FOR ELECTION OR ELECTION COVERED BY THE  
23 CANDIDATE'S CERTIFICATION, UNLESS SUCH EXPENDITURE IS REIMBURSING AN  
24 ADVANCE.

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

27 8. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE CAMPAIGN FINANCE FUND  
28 CREATED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

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

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

36 S 14-204. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE  
37 SHALL NOT DESIGNATE MORE THAN ONE AUTHORIZED COMMITTEE. BEFORE RECEIVING  
38 ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION, EACH  
39 PARTICIPATING CANDIDATE SHALL NOTIFY THE FAIR ELECTIONS BOARD AS TO THE  
40 EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN DESIGNATED  
41 AND APPROVED BY SUCH CANDIDATE. EACH SUCH AUTHORIZED COMMITTEE SHALL,  
42 BEFORE OPENING A COMMITTEE BANK ACCOUNT, RECEIVING ANY CONTRIBUTION OR  
43 MAKING ANY EXPENDITURE FOR A COVERED ELECTION:

- 44 (A) DESIGNATE A TREASURER; AND
- 45 (B) OBTAIN A TAX IDENTIFICATION NUMBER FROM THE INTERNAL REVENUE  
46 SERVICE.

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

52 (B) THE FAIR ELECTIONS BOARD SHALL REVIEW EACH DISCLOSURE REPORT FILED  
53 WITH THE STATE BOARD OF ELECTIONS PURSUANT TO TITLE ONE OF THIS ARTICLE  
54 AND SHALL INFORM PARTICIPATING CANDIDATES AND POLITICAL COMMITTEES  
55 INCLUDING THE AUTHORIZED COMMITTEE, OF RELEVANT QUESTIONS THE FAIR  
56 ELECTIONS BOARD HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF THIS

1 TITLE AND OF THE RULES ISSUED BY THE FAIR ELECTIONS BOARD; AND (II)  
2 QUALIFICATION FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS  
3 TITLE. IN THE COURSE OF SUCH REVIEW, THE FAIR ELECTIONS BOARD SHALL GIVE  
4 CANDIDATES AND POLITICAL COMMITTEES INCLUDING THE AUTHORIZED COMMITTEE,  
5 AN OPPORTUNITY TO RESPOND TO AND CORRECT POTENTIAL VIOLATIONS AND GIVE  
6 CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS THE BOARD HAS CONCERNING  
7 THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER ISSUES CONCERNING ELIGIBIL-  
8 ITY FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. NOTHING  
9 IN THIS PARAGRAPH SHALL PRECLUDE THE BOARD FROM SUBSEQUENTLY REVIEWING  
10 SUCH A DISCLOSURE REPORT AND TAKING ANY ACTION OTHERWISE AUTHORIZED BY  
11 THIS TITLE.

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

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

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

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

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

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

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

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

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

43 2. THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR CANDIDATES IN  
44 A PRIMARY, GENERAL OR SPECIAL ELECTION FOR THE FOLLOWING OFFICES SHALL  
45 BE:

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

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

55 (C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL  
56 ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST TWO

HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE INCLUDING AT LEAST TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED INDIVIDUAL CONTRIBUTORS WHO RESIDE IN THE SENATE DISTRICT OR RESIDE IN ANY PORTION OF ANY COUNTY WHICH CONSTITUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

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

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

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

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

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

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

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

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

2. SUCH PUBLIC FUNDS MAY NOT BE USED FOR:

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

(B) PAYMENTS OR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE IN EXCESS OF THE FAIR

MARKET VALUE OF SUCH SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF VALUE RECEIVED IN EXCHANGE;

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

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

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

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

(G) GIFTS.

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

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

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

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

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

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

1 VERIFICATION REQUIRED. THE BOARD SHALL INSTITUTE PROCEDURES WHICH WILL  
2 MAKE POSSIBLE PAYMENT BY THE FUND WITHIN TWO BUSINESS DAYS AFTER RECEIPT  
3 OF THE REQUIRED FORMS AND VERIFICATIONS.

4 S 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,  
5 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE  
6 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A  
7 CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTIC-  
8 IPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING  
9 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE  
10 AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

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

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

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

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

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

52 (F) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS  
53 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC  
54 FUNDS, A PARTICIPATING CANDIDATE FOR DISTRICT DELEGATE TO A CONSTITU-  
55 TIONAL CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPAT-  
56 ING COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS



1 NOMINATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE,  
2 DOES NOT EXCEED TEN THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT  
3 TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A  
4 TRANSFER.

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

7 3. NOTWITHSTANDING ANY PUBLIC FUNDS RECEIPT LIMIT IN THIS SUBDIVISION,  
8 EACH COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR  
9 STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE, INCLUDING WITHIN THE TERM  
10 COUNTY COMMITTEE ANY OF ITS SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF SUCH  
11 PARTY'S CANDIDATES FOR STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE WHO  
12 HAS AGREED TO ACCEPT PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED  
13 THE SUM OF TWO CENTS FOR EACH VOTER REGISTERED IN SUCH COUNTY AS DETER-  
14 MINED BY THE RECORDS OF THE APPROPRIATE BOARD OF ELECTIONS AS OF THE  
15 PRECEDING GENERAL ELECTION.

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

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

40 6. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION,  
41 PARTICIPATING CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF THIS  
42 ARTICLE.

43 S 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS. THE FOLLOWING  
44 LIMITATIONS APPLY TO THE RECEIPT OF PUBLIC FUNDS BY PARTICIPATING CANDI-  
45 DATES AND THEIR PARTICIPATING COMMITTEES RECEIVING SUCH PUBLIC FUNDS  
46 PURSUANT TO THE PROVISIONS OF THIS TITLE:

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

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

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

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

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

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

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

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

CANDIDATES FOR ELECTION TO THE OFFICE OF:

GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED)	\$12,000,000
ATTORNEY GENERAL	\$8,000,000
COMPTROLLER	\$8,000,000
MEMBER OF SENATE	\$400,000
MEMBER OF ASSEMBLY	\$200,000
DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION	\$350,000
DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION	\$75,000

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

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

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

S 14-216. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES. 1. THERE SHALL BE A BOARD WITHIN THE STATE BOARD OF ELECTIONS KNOWN AS THE "FAIR ELECTIONS BOARD" COMPOSED OF FIVE MEMBERS, OF WHICH ONE MEMBER SHALL BE APPOINTED BY THE GOVERNOR AND ONE MEMBER SHALL BE APPOINTED BY EACH LEGISLATIVE LEADER OF THE SENATE AND ASSEMBLY. NO MEMBER OF THE FAIR ELECTIONS 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 CHAIR SHALL BE RESPONSIBLE FOR MANAGING THE FAIR ELECTIONS BOARD. THE MEMBERS SHALL EACH SERVE FOR A TERM OF FOUR YEARS.

2. EACH MEMBER'S TERM SHALL COMMENCE ON JANUARY FIRST, TWO THOUSAND FOURTEEN. IN CASE OF A VACANCY IN THE OFFICE OF A MEMBER, A MEMBER SHALL BE APPOINTED ACCORDING TO THE ORIGINAL MANNER OF APPOINTMENT. EACH MEMBER SHALL BE A RESIDENT OF THE STATE OF NEW YORK AND REGISTERED TO VOTE THEREIN. EACH MEMBER SHALL AGREE NOT TO MAKE AND SHALL NOT MAKE CONTRIBUTIONS TO ANY CANDIDATE OR AUTHORIZED COMMITTEE FOR NOMINATION FOR ELECTION OR FOR ELECTION TO THE OFFICE OF STATE COMPTROLLER. NO MEMBER SHALL SERVE AS AN OFFICER OF A POLITICAL PARTY OR COMMITTEE OR BE A CANDIDATE OR PARTICIPATE IN ANY CAPACITY IN A CAMPAIGN BY A CANDIDATE FOR NOMINATION FOR ELECTION, OR FOR ELECTION TO THE OFFICE OF STATE

1 COMPTROLLER. AN OFFICER OR EMPLOYEE OF THE STATE OR ANY STATE AGENCY  
2 SHALL NOT BE ELIGIBLE TO BE A MEMBER OF THE FAIR ELECTIONS BOARD.

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

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

8 5. THE FAIR ELECTIONS BOARD SHALL APPOINT AN ENFORCEMENT COUNSEL, A  
9 DEPUTY ENFORCEMENT COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR  
10 POLITICAL PARTY THAN THE ENFORCEMENT COUNSEL, A SPECIAL COUNSEL, A DEPU-  
11 TY SPECIAL COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL  
12 PARTY THAN THE SPECIAL COUNSEL, A DIRECTOR OF PUBLIC INFORMATION, A  
13 DEPUTY DIRECTOR OF PUBLIC INFORMATION, WHO SHALL BE A MEMBER OF A  
14 DIFFERENT MAJOR POLITICAL PARTY THAN THE DIRECTOR OF PUBLIC INFORMATION.  
15 THE FAIR ELECTIONS BOARD MAY UTILIZE EXISTING STAFF OF THE STATE BOARD  
16 OF ELECTIONS AS MAY BE NECESSARY, AND MAKE NECESSARY EXPENDITURES  
17 SUBJECT TO APPROPRIATION. THE FAIR ELECTIONS BOARD SHALL RETAIN AN INDE-  
18 PENDENT AUDITOR TO PERFORM ONGOING AUDITS OF EACH COVERED ELECTION BY  
19 CONTRACT ENTERED INTO PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE  
20 STATE FINANCE LAW.

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

33 7. IN ADDITION TO THE ENFORCEMENT POWERS, AND ANY OTHER POWERS AND  
34 DUTIES SPECIFIED BY LAW, THE FAIR ELECTIONS BOARD SHALL:

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

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

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

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

55 8. CONSISTENT WITH THE PROVISIONS OF THE CIVIL SERVICE LAW AND SUBDI-  
56 VISION SEVENTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,

1 AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL  
2 POSITIONS ON THE STAFF OF THE FAIR ELECTIONS BOARD SHALL BE CLASSIFIED  
3 IN THE EXEMPT CLASS OF THE CIVIL SERVICE AND SUCH POSITIONS SHALL BE  
4 FILLED, TO THE EXTENT POSSIBLE, WITH AN EQUAL NUMBER OF PERSONS FROM  
5 EACH OF THE TWO POLITICAL PARTIES FOR WHICH THE HIGHEST AND THE NEXT  
6 HIGHEST NUMBER OF VOTES WERE CAST FOR THE OFFICE OF STATE COMPTROLLER AT  
7 THE LAST PRECEDING GENERAL ELECTION FOR SUCH OFFICE.

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

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

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

16 S 14-218. EXAMINATIONS AND AUDITS. 1. THE FAIR ELECTIONS BOARD SHALL  
17 CONDUCT A THOROUGH EXAMINATION AND AUDIT OF THE CONTRIBUTIONS AND QUALI-  
18 FIED CAMPAIGN EXPENSES OF THE PARTICIPATING COMMITTEE OF EVERY PARTIC-  
19 IPATING CANDIDATE WHO RECEIVED PAYMENTS PURSUANT TO SECTION 14-210 OF  
20 THIS TITLE. SUCH AUDITS SHALL BE CONDUCTED AS FREQUENTLY AS THE FAIR  
21 ELECTIONS BOARD DEEMS NECESSARY TO ENSURE COMPLIANCE WITH THIS TITLE.  
22 EVERY CANDIDATE WHO RECEIVES PUBLIC MATCHING FUNDS UNDER THIS TITLE  
23 SHALL ALSO BE AUDITED BY THE FAIR ELECTIONS BOARD POST-ELECTION. THE  
24 COST OF COMPLYING WITH A POST-ELECTION AUDIT SHALL BE BORNE BY THE  
25 CANDIDATE'S AUTHORIZED COMMITTEE. A CANDIDATE WHO HAS RECEIVED PUBLIC  
26 MATCHING FUNDS UNDER THIS TITLE MUST MAINTAIN A RESERVE OF AT LEAST ONE  
27 PERCENT OF THE TOTAL AMOUNT OF MATCHING FUNDS RECEIVED BY SUCH CANDIDATE  
28 IN HIS OR HER CAMPAIGN ACCOUNT TO COMPLY WITH THE POST-ELECTION AUDIT. A  
29 CANDIDATE WHO RUNS IN BOTH A PRIMARY AND A GENERAL ELECTION, MUST MAIN-  
30 TAIN A RESERVE OF ONE PERCENT OF THE TOTAL AMOUNT OF PUBLIC MATCHING  
31 FUNDS RECEIVED BY SUCH CANDIDATE FOR BOTH HIS OR HER PRIMARY AND GENERAL  
32 ELECTION. A CANDIDATE MAY USE PUBLIC MATCHING FUNDS, PRIVATE FUNDS OR A  
33 COMBINATION OF PUBLIC AND PRIVATE FUNDS TO COMPLY WITH A POST-ELECTION  
34 AUDIT. THE FAIR ELECTIONS BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED THE  
35 FINAL POST-ELECTION AUDIT REPORT THAT DETAILS ITS FINDINGS AND SHALL  
36 PROVIDE SUCH AUDIT TO THE GOVERNOR AND LEGISLATIVE LEADERS AND MAKE SUCH  
37 AUDIT REPORT AVAILABLE ON THE STATE BOARD OF ELECTIONS' WEBSITE.

38 2. (A) IF THE FAIR ELECTIONS BOARD DETERMINES THAT ANY PORTION OF THE  
39 PAYMENT MADE TO A PARTICIPATING COMMITTEE FROM THE FUND WAS IN EXCESS OF  
40 THE AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS  
41 ENTITLED PURSUANT TO SECTION 14-210 OF THIS TITLE, IT SHALL NOTIFY SUCH  
42 COMMITTEE OF THE EXCESS AMOUNT AND SUCH COMMITTEE SHALL PAY TO THE FAIR  
43 ELECTIONS BOARD AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS;  
44 PROVIDED, HOWEVER, THAT IF THE ERRONEOUS PAYMENT WAS DUE TO AN ERROR  
45 MADE BY THE FAIR ELECTIONS BOARD, THEN THE ERRONEOUS PAYMENT WILL BE  
46 OFFSET AGAINST ANY FUTURE PAYMENT, IF ANY. THE PARTICIPATING CANDIDATE  
47 AND HIS OR HER PARTICIPATING COMMITTEE SHALL BE JOINTLY AND SEVERALLY  
48 LIABLE FOR ANY REPAYMENTS DUE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT BY  
49 SUCH BOARD INTO THE NEW YORK STATE CAMPAIGN FUND.

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

1 THE STATE FINANCE LAW. THE CANDIDATE AND THE CANDIDATE'S AUTHORIZED  
2 COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE  
3 TO THE FAIR ELECTIONS BOARD.

4 (C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE FUND RECEIVED  
5 BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING  
6 COMMITTEE, EXCEEDS THE PUBLIC FUNDING RECEIPT LIMITATION OF SUCH CANDI-  
7 DATE AND COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS  
8 FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM  
9 THE FUND NOT LATER THAN TEN DAYS AFTER ALL PERMISSIBLE LIABILITIES HAVE  
10 BEEN PAID AND IN ANY EVENT, NOT LATER THAN TWENTY DAYS AFTER THE DATE ON  
11 WHICH THE FAIR ELECTIONS BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE  
12 PARTICIPATING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT  
13 MATCHING FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE  
14 AND PAYABLE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT INTO THE NEW YORK  
15 STATE CAMPAIGN FINANCE FUND UPON ITS DETERMINATION THAT THE PARTICIPANT  
16 WILLFULLY DELAYED THE POST-ELECTION AUDIT PROCESS. A PARTICIPATING  
17 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-  
18 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH ENDING A CAMPAIGN AND  
19 RESPONDING TO THE POST-ELECTION AUDIT.

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

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

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

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

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

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

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

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

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

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

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

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

29 5. ALL SUCH PROSECUTIONS FOR CRIMINAL ACTS UNDER THIS TITLE SHALL BE  
30 PROSECUTED BY THE ATTORNEY GENERAL OF THE STATE OF NEW YORK EXCEPT AS  
31 PROVIDED IN PARAGRAPH (B) OF SUBDIVISION ELEVEN OF SECTION 3-104 OF THIS  
32 CHAPTER.

33 6. ANY AND ALL FINES IMPOSED PURSUANT TO THIS SECTION SHALL BE MADE  
34 PAYABLE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT INTO THE NEW YORK STATE  
35 CAMPAIGN FINANCE FUND.

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

39 1. A LIST OF THE PARTICIPATING AND NONPARTICIPATING CANDIDATES IN  
40 COVERED ELECTIONS AND THE VOTES RECEIVED BY EACH CANDIDATE IN THOSE  
41 ELECTIONS;

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

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

46 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGNS FOR  
47 ALL OFFICES COVERED UNDER SECTION 14-206 OF THIS TITLE, INCLUDING ITS  
48 EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF  
49 CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES,  
50 THE CANDIDATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND  
51 THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

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

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

1 S 14-226. DEBATES. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGU-  
2 LATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTIC-  
3 IPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE  
4 BEFORE THE PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENER-  
5 AL ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE  
6 PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDI-  
7 DATE MAY BE A PARTY TO SUCH DEBATES.

8 S 14-228. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND. 1. THIS SECTION  
9 GOVERNS THE FAIR ELECTIONS BOARD'S DISTRIBUTION OF FUNDS FROM THE  
10 CAMPAIGN FINANCE FUND CREATED BY SECTION NINETY-TWO-T OF THE STATE  
11 FINANCE LAW, EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

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

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

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

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

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

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

52 (II) BEFORE REPAYING UNSPENT PUBLIC CAMPAIGN FUNDS, A PARTICIPATING  
53 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-  
54 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND  
55 RESPONDING TO THE POST-ELECTION AUDIT. SUCH EXPENDITURES MAY INCLUDE:  
56 PAYMENT OF UTILITY BILLS AND RENT; REASONABLE STAFF SALARIES AND

1 CONSULTANT FEES FOR RESPONDING TO A POST-ELECTION AUDIT; REASONABLE  
2 MOVING EXPENSES RELATED TO CLOSING A CAMPAIGN OFFICE; A HOLIDAY CARD  
3 MAILING TO CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS; THANK  
4 YOU NOTES FOR CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS;  
5 PAYMENT OF TAXES AND OTHER REASONABLE EXPENSES FOR COMPLIANCE WITH  
6 APPLICABLE TAX LAWS; AND INTEREST EXPENSES. ROUTINE POST-ELECTION  
7 EXPENDITURES THAT MAY BE PAID FOR WITH UNSPENT CAMPAIGN FUNDS DO NOT  
8 INCLUDE SUCH ITEMS AS POST-ELECTION MAILINGS OTHER THAN AS SPECIFICALLY  
9 PROVIDED FOR IN THIS SUBPARAGRAPH; MAKING CONTRIBUTIONS; MAKING BONUS  
10 PAYMENTS OR GIFTS TO STAFF MEMBERS OR VOLUNTEERS; OR HOLDING ANY POST-E-  
11 LECTION DAY EVENT, INCLUDING, BUT NOT LIMITED TO, ANY MEAL OR ANY PARTY.  
12 UNSPENT CAMPAIGN FUNDS MAY NOT BE USED FOR TRANSITION OR INAUGURATION  
13 ACTIVITIES.

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

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

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

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

30 3. UPON THE FAIR ELECTIONS BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE  
31 FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE  
32 ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVI-  
33 SION FOUR OF SECTION 14-218 OF THIS CHAPTER, SUCH BOARD IS AUTHORIZED TO  
34 INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY  
35 COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO  
36 THE FAIR ELECTIONS BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE  
37 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER.

38 4. THE FAIR ELECTIONS BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL  
39 PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A  
40 JUDGMENT FOR CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE FAIR  
41 ELECTIONS BOARD PURSUANT TO SECTION 14-218 OF THIS CHAPTER.

42 S 16. The election law is amended by adding a new section 4-115 to  
43 read as follows:

44 S 4-115. NOTICE TO THE STATE BOARD OF ELECTIONS OF CANDIDATES FOR THE  
45 LEGISLATURE. 1. EACH BOARD OF ELECTIONS WITH WHICH PETITIONS ARE FILED  
46 FOR MEMBER OF THE STATE LEGISLATURE SHALL, NOT LATER THAN ONE WEEK AFTER  
47 THE LAST DAY TO FILE SUCH PETITIONS, SEND NOTICE TO THE STATE BOARD OF  
48 ELECTIONS OF SUCH INFORMATION ABOUT EACH SUCH PETITION AS THE STATE  
49 BOARD SHALL REQUIRE.

50 2. EACH SUCH COUNTY BOARD OF ELECTIONS SHALL, NOT LATER THAN THE DAY  
51 AFTER THE LAST DAY TO FILE A PETITION OR CERTIFICATE OF NOMINATION FOR A  
52 GENERAL OR SPECIAL ELECTION OR A CERTIFICATE OF ACCEPTANCE, DECLINATION  
53 OR SUBSTITUTION FOR A GENERAL, PRIMARY OR SPECIAL ELECTION FOR ANY SUCH  
54 OFFICE, SEND TO THE STATE BOARD OF ELECTIONS SUCH INFORMATION ABOUT EACH  
55 SUCH PETITION OR CERTIFICATE AS THE STATE BOARD SHALL REQUIRE.



1 3. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHOULD DISQUALIFY ANY SUCH  
2 CANDIDATE OR RULE THE PETITION OR CERTIFICATE DESIGNATING OR NOMINATING  
3 ANY SUCH CANDIDATE INVALID, IT SHALL FORTHWITH NOTIFY THE STATE BOARD OF  
4 ELECTIONS OF SUCH DECISION.

5 4. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHALL BE NOTIFIED OF A DECI-  
6 SION OF A COURT OF COMPETENT JURISDICTION DISQUALIFYING ANY SUCH CANDI-  
7 DATE OR DECLARING ANY SUCH PETITION INVALID OR REVERSING ANY SUCH DECI-  
8 SION BY SUCH BOARD OF ELECTIONS OR ANOTHER COURT, SUCH BOARD OF  
9 ELECTIONS SHALL FORTHWITH NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH  
10 DECISION.

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

14 S 17. The general business law is amended by adding a new section  
15 359-gg to read as follows:

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

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

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

30 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE SURCHARGE  
31 IMPOSED PURSUANT TO SECTION THREE HUNDRED FIFTY-NINE-GG OF THE GENERAL  
32 BUSINESS LAW, REVENUES RECEIVED FROM CAMPAIGN FINANCE FUND CHECK-OFF  
33 PURSUANT TO SECTION SIX HUNDRED THIRTY-D OF THE TAX LAW AND ALL OTHER  
34 MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE  
35 PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE  
36 STATE FROM RECEIVING GRANTS, GIFTS, BEQUESTS OR VOLUNTARY CONTRIBUTIONS  
37 FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING  
38 THEM INTO THE FUND ACCORDING TO LAW. MONIES IN THE FUND SHALL BE KEPT  
39 SEPARATE FROM AND NOT COMMINGLED WITH OTHER FUNDS HELD IN THE CUSTODY OF  
40 THE COMMISSIONER OF TAXATION AND FINANCE.

41 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY  
42 BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT  
43 TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE  
44 PAID OUT OF THE FUND BY THE COMMISSIONER OF TAXATION AND FINANCE ON  
45 VOUCHERS CERTIFIED OR APPROVED BY THE FAIR ELECTIONS BOARD ESTABLISHED  
46 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW, OR THE  
47 DULY DESIGNATED REPRESENTATIVE OF SUCH BOARD, IN THE MANNER PRESCRIBED  
48 BY LAW, NOT MORE THAN ONE WORKING DAY AFTER A VOUCHER DULY CERTIFIED,  
49 APPROVED AND EXECUTED BY SUCH BOARD OR ITS REPRESENTATIVE IN THE FORM  
50 PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE IS RECEIVED BY  
51 THE COMMISSIONER OF TAXATION AND FINANCE.

52 4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF, IN ANY  
53 STATE FISCAL YEAR, THE STATE CAMPAIGN FINANCE FUND LACKS THE AMOUNT OF  
54 MONEY TO PAY ALL CLAIMS VOUCHERED BY ELIGIBLE CANDIDATES AND CERTIFIED  
55 OR APPROVED BY THE FAIR ELECTIONS BOARD, ANY SUCH DEFICIENCY SHALL BE  
56 PAID, UPON AUDIT AND WARRANT OF THE STATE COMPTROLLER, FROM FUNDS DEPOS-

1 ITED IN THE GENERAL FUND OF THE STATE NOT MORE THAN ONE WORKING DAY  
2 AFTER SUCH VOUCHER IS RECEIVED BY THE STATE COMPTROLLER.

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

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

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

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

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

24 S 630-D. CONTRIBUTION TO NEW YORK STATE CAMPAIGN FINANCE FUND. EFFEC-  
25 TIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO  
26 THOUSAND THIRTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO  
27 CONTRIBUTE TO THE NEW YORK STATE CAMPAIGN FINANCE FUND. SUCH CONTRIB-  
28 UTION SHALL BE IN THE AMOUNT OF FIVE DOLLARS AND SHALL NOT REDUCE THE  
29 AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL  
30 INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO  
31 MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL  
32 REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW  
33 YORK STATE CAMPAIGN FINANCE FUND AND USED ONLY FOR THOSE PURPOSES  
34 ENUMERATED IN SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

35 S 20. Severability. If any clause, sentence, subdivision, paragraph,  
36 section or part of title 2 of article 14 of the election law, as added  
37 by section thirteen of this act be adjudged by any court of competent  
38 jurisdiction to be invalid, such judgment shall not affect, impair or  
39 invalidate the remainder thereof, but shall be confined in its operation  
40 to the clause, sentence, subdivision, paragraph, section or part thereof  
41 directly involved in the controversy in which such judgment shall have  
42 been rendered.

43 S 21. This act shall take effect immediately; provided, however,  
44 candidates for state comptroller will be eligible to participate in the  
45 public financing system beginning with the 2014 election, all state  
46 legislature candidates will be eligible to participate in the public  
47 financing system beginning with the 2016 election and all state candi-  
48 dates and constitutional convention delegates will be eligible to  
49 participate in the public financing system beginning with the 2018  
50 election.