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I N A S S E M B L Y

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Introduced by M. of A. SILVER, MILLMAN, WRIGHT, MORELLE, WEINSTEIN, GOTTFRIED, PEOPLES-STOKES, KAVANAGH, WEPRIN, SCARBOROUGH, LUPARDO, SCHIMEL, BRONSON, THIELE -- 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, STECK, 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 -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the election law, in relation to enacting the "2014 Fair Elections Act"; to amend the election law, the state finance law and the tax law, in relation to providing for optional partial public financing of certain election campaigns in this state; and to amend the general business law, in relation to additional surcharges

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "2014 Fair Elections Act".

3 S 2. Legislative findings and declarations. The legislature declares  
4 that is in the public interest to create and ensure a truly democratic  
5 political system in which citizens, irrespective of their income,  
6 status, or financial connections, are enabled and encouraged to compete

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

1 for public office. The legislature further declares that large and  
2 unregulated independent expenditures deliberately distort issues and  
3 facts thereby giving their financial backers undue influence in  
4 elections. Therefore, the legislature finds it necessary to establish a  
5 system of public financing for all qualified candidates for state elec-  
6 tive offices and constitutional convention delegates. The legislature  
7 further finds that a new system of public financing would be best admin-  
8 istered by a new "fair elections board" empowered with effective over-  
9 sight and enforcement capabilities dedicated to working with and assist-  
10 ing candidates excel in the public financing system.

11 S 3. Subdivision 3, paragraph (c) of subdivision 9-A and subdivision  
12 17 of section 3-102 of the election law, subdivisions 3 and 17 as  
13 amended by chapter 9 of the laws of 1978, paragraph (c) of subdivision  
14 9-A as added by chapter 430 of the laws of 1997 and subdivision 17 as  
15 renumbered by chapter 23 of the laws of 2005, are amended to read as  
16 follows:

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

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

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

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

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

40 S 4. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as  
41 redesignated and subdivision 2 as amended by chapter 9 of the laws of  
42 1978, is amended to read as follows:

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

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

1 DIMINISH OR ALTER THE STATE BOARD OF ELECTIONS' JURISDICTION PURSUANT TO  
2 THIS CHAPTER.

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

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

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

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

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

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

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

52 6. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF  
53 TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER  
54 AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE EVIDENCE, HE  
55 OR SHE SHALL NOTIFY THE FAIR ELECTIONS BOARD OF (A) HIS OR HER INTENT TO  
56 RESOLVE THE MATTER EXTRA-JUDICIALLY DUE TO THE DE MINIMUS NATURE OF THE

1 VIOLATION; OR (B) HIS OR HER INTENT TO COMMENCE AN INVESTIGATION, NO  
2 LATER THAN THE FAIR ELECTIONS BOARD'S NEXT REGULARLY SCHEDULED MEETING.  
3 NOTIFICATION SHALL SUMMARIZE THE RELEVANT FACTS AND THE APPLICABLE LAW  
4 AND SHALL, TO THE EXTENT POSSIBLE, PROTECT FROM PUBLIC DISCLOSURE THE  
5 IDENTITY OF THE COMPLAINANT AND THE INDIVIDUAL SUBJECT TO THE COMPLAINT.

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

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

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

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

1 SUBDIVISION TWELVE OF SECTION 14-216 OF THIS CHAPTER AT AN OPEN MEETING  
2 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE  
3 ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE STATUS OF THE  
4 SUBJECT OF THE COMPLAINT.

5 11. (A) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDI-  
6 VISION TEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO BELIEVE  
7 THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL  
8 COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW,  
9 HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIM-  
10 TATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, WHICH COULD  
11 WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION  
12 14-126 OR SUBDIVISION TWO OF SECTION 14-222 OF THIS CHAPTER, THE BOARD  
13 SHALL DIRECT THE COMMENCEMENT OF A SPECIAL PROCEEDING IN THE SUPREME  
14 COURT PURSUANT TO SECTION 16-122 OF THIS CHAPTER.

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

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

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

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

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

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

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

1 S 3-111. PERSONAL USE OF CAMPAIGN FUNDS. UPON WRITTEN REQUEST FROM ANY  
2 PERSON WHO IS SUBJECT TO THE REQUIREMENTS OF SECTION 14-130 OF THIS  
3 CHAPTER, THE FAIR ELECTIONS BOARD SHALL RENDER FORMAL OPINIONS ON THE  
4 REQUIREMENTS OF SAID PROVISION. AN OPINION RENDERED BY THE BOARD, UNTIL  
5 AND UNLESS AMENDED OR REVOKED, SHALL BE BINDING ON THE BOARD IN ANY  
6 SUBSEQUENT PROCEEDING CONCERNING THE PERSON WHO REQUESTED THE OPINION  
7 AND WHO ACTED IN GOOD FAITH, UNLESS MATERIAL FACTS WERE OMITTED OR  
8 MISSTATED BY THE PERSON IN THE REQUEST FOR AN OPINION. SUCH OPINION MAY  
9 ALSO BE RELIED UPON BY SUCH PERSON, AND MAY BE INTRODUCED AND SHALL BE  
10 DEFENSE IN ANY CRIMINAL OR CIVIL ACTION. SUCH REQUEST SHALL BE CONFIDEN-  
11 TIAL, BUT THE BOARD SHALL PUBLISH SUCH OPINIONS PROVIDED THAT THE NAME  
12 OF THE REQUESTING PERSON AND OTHER IDENTIFYING DETAILS SHALL NOT BE  
13 INCLUDED IN THE PUBLICATION.

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

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

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

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

30 12. "EXPRESS ADVOCACY" MEANS A COMMUNICATION:

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

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

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

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

43 13. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

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

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

46 (C) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFER-  
47 ENCE.

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

54 15. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH  
55 EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES  
56 EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR

1 EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR  
2 CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDI-  
3 TIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCI-  
4 DENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE,  
5 EACH LOCAL, STATEWIDE, NATIONAL AND INTERNATIONAL LABOR ORGANIZATION AND  
6 EACH NATIONAL, STATE, AREA AND LABOR CENTRAL LABOR BODY RECEIVING DUES  
7 FROM AFFILIATED LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE  
8 LABOR ORGANIZATION.

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

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

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

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

53 S 9-a. Section 14-106 of the election law, as amended by section 2 of  
54 part E of chapter 399 of the laws of 2011, is amended to read as  
55 follows:

1 S 14-106. Political communication. The statements required to be filed  
2 under the provisions of this article next succeeding a primary, general  
3 or special election shall be accompanied by a copy of all broadcast,  
4 cable or satellite schedules and scripts, internet, print and other  
5 types of advertisements, pamphlets, circulars, flyers, brochures,  
6 letterheads and other printed matter purchased or produced, AND REPROD-  
7 UCTIONS OF STATEMENTS OR INFORMATION PUBLISHED TO FIVE HUNDRED OR MORE  
8 MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR OTHER ELECTRONIC  
9 DEVICE INCLUDING, BUT NOT LIMITED TO, ELECTRONIC MAIL OR TEXT MESSAGE,  
10 purchased in connection with such election by or under the authority of  
11 the person filing the statement or the committee or the person on whose  
12 behalf it is filed, as the case may be. Such copies, schedules and  
13 scripts shall be preserved by the officer with whom or the board with  
14 which it is required to be filed for a period of one year from the date  
15 of filing thereof.

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

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

20 (A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE IN SUPPORT OR  
21 OPPOSITION OF A CANDIDATE: FOR AN AUDIO OR VIDEO COMMUNICATION TO A  
22 GENERAL PUBLIC AUDIENCE VIA BROADCAST, CABLE OR SATELLITE OR A WRITTEN  
23 COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA ADVERTISEMENTS,  
24 PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS OR OTHER PRINTED  
25 MATTER AND COMMUNICATIONS CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A  
26 GENERAL PUBLIC AUDIENCE BY PHONE, COMPUTER OR OTHER ELECTRONIC DEVICES  
27 THAT:

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

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

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

35 (C) "ELECTIONEERING COMMUNICATION" MEANS:

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

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

44 (III) WHICH REFERS TO A CLEARLY IDENTIFIED CANDIDATE OR BALLOT  
45 PROPOSAL, AND

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

50 (D) INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS DO NOT  
51 INCLUDE:

52 (I) A COMMUNICATION APPEARING IN A WRITTEN NEWS STORY, COMMENTARY, OR  
53 EDITORIAL OR DISTRIBUTED THROUGH THE FACILITIES OF ANY BROADCASTING  
54 STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR FACILITIES ARE  
55 OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL COMMITTEE OR  
56 CANDIDATE; OR



1 (II) A COMMUNICATION THAT CONSTITUTES A CANDIDATE DEBATE OR FORUM; OR  
2 (III) A COMMUNICATION WHICH CONSTITUTES AN EXPENDITURE MADE BY AN  
3 ENTITY REQUIRED TO REPORT SUCH EXPENDITURE WITH A BOARD OF ELECTIONS.

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

6 2. WHENEVER ANY PERSON MAKES AN INDEPENDENT EXPENDITURE OR ELECTIO-  
7 NEERING COMMUNICATION THAT COSTS MORE THAN ONE THOUSAND DOLLARS IN THE  
8 AGGREGATE, SUCH COMMUNICATION SHALL CLEARLY STATE THE NAME OF THE PERSON  
9 WHO PAID FOR, OR OTHERWISE PUBLISHED OR DISTRIBUTED, THE COMMUNICATION  
10 AND STATE, WITH RESPECT TO COMMUNICATIONS REGARDING CANDIDATES, THAT THE  
11 COMMUNICATION IS NOT AUTHORIZED BY ANY CANDIDATE, ANY CANDIDATE'S POLI-  
12 TICAL COMMITTEE OR ANY OF ITS AGENTS. A KNOWING AND WILLFUL VIOLATION OF  
13 THE PROVISIONS OF THIS SUBDIVISION SHALL SUBJECT THE PERSON TO A CIVIL  
14 PENALTY EQUAL TO ONE THOUSAND DOLLARS OR THE COST OF THE COMMUNICATION,  
15 WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY  
16 THE FAIR ELECTIONS BOARD.

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

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

27 4. EACH SUCH STATEMENT SHALL INCLUDE:

28 (A) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOY-  
29 ER OF THE PERSON MAKING THE STATEMENT;

30 (B) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOY-  
31 ER OF THE PERSON MAKING THE INDEPENDENT EXPENDITURE OR ELECTIONEERING  
32 COMMUNICATION;

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

38 (I) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOY-  
39 ER OF EACH PERSON WHO MADE SUCH PAYMENT DURING THE PERIOD COVERED BY THE  
40 STATEMENT;

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

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

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

53 (I) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOY-  
54 ER OF EACH PERSON WHO MADE SUCH PAYMENT DURING THE PERIOD COVERED BY THE  
55 STATEMENT;

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

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

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

12 (F) THE ELECTION TO WHICH THE INDEPENDENT EXPENDITURE OR ELECTIONEER-  
13 ING COMMUNICATION PERTAINS AND THE NAME OF THE CLEARLY IDENTIFIED CANDI-  
14 DATE OR THE BALLOT PROPOSAL REFERENCED.

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

20 6. ANY REPORT OF A LOAN THAT IS MADE FOR AN INDEPENDENT EXPENDITURE OR  
21 ELECTIONEERING COMMUNICATION SHALL INCLUDE WRITTEN EVIDENCE OF THE  
22 INDEBTEDNESS.

23 7. CONTRIBUTIONS:

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

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

31 (II) ALL CONTRIBUTIONS AGGREGATING ONE THOUSAND DOLLARS OR MORE  
32 ACCEPTED FROM AN INDIVIDUAL DURING THE TWELVE MONTHS PRECEDING THE  
33 ELECTION.

34 (B) EACH CONTRIBUTION SHALL BE DISCLOSED IN THE REPORTING PERIOD IN  
35 WHICH IT WAS RECEIVED. FOR EACH CONTRIBUTION, THE INDEPENDENT SPENDER  
36 SHALL PROVIDE:

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

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

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

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

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

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

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

55 S 14-110. Place for filing statements. The places for filing the  
56 statements required by this article shall be determined by rule or regu-

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

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

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

24 S 13. Sections 14-100, 14-102, 14-104, 14-106, 14-107, 14-108, 14-110,  
25 14-112, 14-114, 14-116, 14-118, 14-120, 14-122, 14-124, 14-126, 14-127,  
26 14-128 and 14-130 of the election law are designated title 1 and a new  
27 title heading is added to read as follows:

28 RECEIPTS AND EXPENDITURES; GENERAL

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

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

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

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

3 S 15. Subdivision 3 of section 14-124 of the election law, as amended  
 4 by chapter 71 of the laws of 1988, is amended to read as follows:

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

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

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

23 S 17. Article 14 of the election law is amended by adding a new title  
 24 2 to read as follows:

25 TITLE II  
 26 PUBLIC FINANCING

- 27 SECTION 14-200. APPLICABILITY OF TITLE.  
 28 14-202. DEFINITIONS.  
 29 14-204. REPORTING REQUIREMENTS.  
 30 14-206. ELIGIBILITY.  
 31 14-208. QUALIFIED CAMPAIGN EXPENDITURES.  
 32 14-210. OPTIONAL PUBLIC FINANCING.  
 33 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS.  
 34 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS.  
 35 14-216. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES.  
 36 14-218. EXAMINATIONS AND AUDITS.  
 37 14-220. CIVIL ENFORCEMENT.  
 38 14-222. CRIMINAL PENALTIES.  
 39 14-224. REPORTS.  
 40 14-226. DEBATES.  
 41 14-228. DISTRIBUTIONS FROM FAIR ELECTIONS FUND.

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

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

47 1. THE TERM "BOARD" OR "FAIR ELECTIONS BOARD" MEANS THE BOARD CREATED  
 48 BY SECTION 14-216 OF THIS TITLE TO ADMINISTER THE FAIR ELECTIONS FUND.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 S 14-204. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE  
2 SHALL NOT DESIGNATE MORE THAN ONE AUTHORIZED COMMITTEE. BEFORE RECEIVING  
3 ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION, EACH  
4 PARTICIPATING CANDIDATE SHALL NOTIFY THE FAIR ELECTIONS BOARD AS TO THE  
5 EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN DESIGNATED  
6 AND APPROVED BY SUCH CANDIDATE. EACH SUCH AUTHORIZED COMMITTEE SHALL,  
7 BEFORE OPENING A COMMITTEE BANK ACCOUNT, RECEIVING ANY CONTRIBUTION OR  
8 MAKING ANY EXPENDITURE FOR A COVERED ELECTION:

9 (A) DESIGNATE A TREASURER; AND

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

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

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

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

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

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

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

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

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

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

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

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

14 (H) AGREE NOT TO ACCEPT CONTRIBUTIONS IN EXCESS OF THE LIMITS SET  
15 FORTH IN SECTION 14-212 OF THIS ARTICLE FROM THE TIME HE OR SHE ELECTS  
16 TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM, AS SET FORTH BY  
17 PARAGRAPH (C) OF THIS SECTION, THROUGH THE THIRTY-FIRST DAY OF DECEMBER  
18 OF THE YEAR BEFORE THE YEAR IN WHICH THE NEXT GENERAL ELECTION IS TO BE  
19 HELD.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 S 14-210. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR  
51 NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY  
52 OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALI-  
53 FIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A  
54 PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON  
55 THE BALLOT AND FILED A SWORN STATEMENT WITH THE FAIR ELECTIONS BOARD  
56 ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND



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

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

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

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

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

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

38 S 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,  
39 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE  
40 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A  
41 CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTIC-  
42 IPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING  
43 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE  
44 AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 S 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS. THE FOLLOWING  
 22 LIMITATIONS APPLY TO THE TOTAL AMOUNT OF PUBLIC FUNDS THAT MAY BE  
 23 PROVIDED TO A PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE FOR AN  
 24 ELECTION CYCLE:

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

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

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

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

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

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

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

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

40 CANDIDATES FOR ELECTION TO THE OFFICE OF:

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

42 ATTORNEY GENERAL \$8,000,000

43 COMPTROLLER \$8,000,000

44 MEMBER OF SENATE \$400,000

45 MEMBER OF ASSEMBLY \$200,000

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

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

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

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

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

17 S 14-216. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES. 1. THERE  
18 SHALL BE A BOARD WITHIN THE STATE BOARD OF ELECTIONS KNOWN AS THE "FAIR  
19 ELECTIONS BOARD" COMPOSED OF FIVE MEMBERS, OF WHICH ONE MEMBER SHALL BE  
20 APPOINTED BY THE GOVERNOR AND ONE MEMBER SHALL BE APPOINTED BY EACH  
21 LEGISLATIVE LEADER OF THE SENATE AND ASSEMBLY. NO MEMBER OF THE FAIR  
22 ELECTIONS BOARD SHALL HOLD ELECTIVE OFFICE, NOR SHALL ANY MEMBER BE A  
23 LOBBYIST AS DEFINED IN SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLA-  
24 TIVE LAW. THE CHAIR SHALL BE RESPONSIBLE FOR MANAGING THE FAIR ELECTIONS  
25 BOARD. THE MEMBERS SHALL EACH SERVE FOR A TERM OF FOUR YEARS.

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

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

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

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

48 6. THE FAIR ELECTIONS BOARD SHALL APPOINT AN ENFORCEMENT COUNSEL, A  
49 DEPUTY ENFORCEMENT COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR  
50 POLITICAL PARTY THAN THE ENFORCEMENT COUNSEL, A SPECIAL COUNSEL, A DEPU-  
51 TY SPECIAL COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL  
52 PARTY THAN THE SPECIAL COUNSEL, A DIRECTOR OF PUBLIC INFORMATION, A  
53 DEPUTY DIRECTOR OF PUBLIC INFORMATION, WHO SHALL BE A MEMBER OF A  
54 DIFFERENT MAJOR POLITICAL PARTY THAN THE DIRECTOR OF PUBLIC INFORMATION.  
55 THE FAIR ELECTIONS BOARD MAY UTILIZE EXISTING STAFF OF THE STATE BOARD  
56 OF ELECTIONS AS MAY BE NECESSARY, AND MAKE NECESSARY EXPENDITURES

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

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

23 8. IN ADDITION TO THE ENFORCEMENT POWERS, AND ANY OTHER POWERS AND  
24 DUTIES SPECIFIED BY LAW, THE FAIR ELECTIONS BOARD SHALL:

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

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

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

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

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

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

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

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

7 13. THE FAIR ELECTIONS BOARD SHALL KEEP ALL INFORMATION REGARDING  
8 PRELIMINARY, APPROVED OR COMPLETED INVESTIGATIONS CONFIDENTIAL UNTIL  
9 SUCH INVESTIGATIONS ARE COMPLETED, DISMISSED, SUBJECT TO A CIVIL COURT  
10 FILING OR REFERRED TO A LAW ENFORCEMENT AGENCY AS PROVIDED FOR IN SUBDI-  
11 VISION ELEVEN OF SECTION 3-104 OF THIS CHAPTER.

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

14 S 14-218. EXAMINATIONS AND AUDITS. 1. THE FAIR ELECTIONS BOARD MAY  
15 CONDUCT A THOROUGH EXAMINATION AND PRE-ELECTION AUDIT OF THE CONTRIB-  
16 UTIONS AND QUALIFIED CAMPAIGN EXPENSES OF THE PARTICIPATING COMMITTEE OF  
17 EVERY PARTICIPATING CANDIDATE WHO RECEIVED PAYMENTS PURSUANT TO SECTION  
18 14-210 OF THIS TITLE. SUCH AUDITS SHALL BE CONDUCTED AS FREQUENTLY AS  
19 THE FAIR ELECTIONS BOARD DEEMS NECESSARY TO ENSURE COMPLIANCE WITH THIS  
20 TITLE. THE FAIR ELECTIONS BOARD SHALL NOTIFY, IN WRITING, ANY CANDI-  
21 DATE'S AUTHORIZED COMMITTEE PRIOR TO THE COMMENCEMENT OF SUCH PRE-ELEC-  
22 TION AUDIT. NO PRE-ELECTION AUDIT SHALL COMMENCE IN THE ABSENCE OF THE  
23 NOTICE REQUIREMENT OF THIS SUBDIVISION. EVERY CANDIDATE WHO RECEIVES  
24 PUBLIC MATCHING FUNDS UNDER THIS TITLE SHALL ALSO BE AUDITED BY THE FAIR  
25 ELECTIONS BOARD POST-ELECTION. THE COST OF COMPLYING WITH A POST-ELEC-  
26 TION AUDIT SHALL BE BORNE BY THE CANDIDATE'S AUTHORIZED COMMITTEE. A  
27 CANDIDATE WHO HAS RECEIVED PUBLIC MATCHING FUNDS UNDER THIS TITLE MUST  
28 MAINTAIN A RESERVE OF AT LEAST ONE PERCENT OF THE TOTAL AMOUNT OF MATCH-  
29 ING FUNDS RECEIVED BY SUCH CANDIDATE IN HIS OR HER CAMPAIGN ACCOUNT TO  
30 COMPLY WITH THE POST-ELECTION AUDIT. A CANDIDATE WHO RUNS IN BOTH A  
31 PRIMARY AND A GENERAL ELECTION, MUST MAINTAIN A RESERVE OF ONE PERCENT  
32 OF THE TOTAL AMOUNT OF PUBLIC MATCHING FUNDS RECEIVED BY SUCH CANDIDATE  
33 FOR BOTH HIS OR HER PRIMARY AND GENERAL ELECTION. A CANDIDATE MAY USE  
34 PUBLIC MATCHING FUNDS, PRIVATE FUNDS OR A COMBINATION OF PUBLIC AND  
35 PRIVATE FUNDS TO COMPLY WITH A POST-ELECTION AUDIT. THE FAIR ELECTIONS  
36 BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED THE FINAL POST-ELECTION AUDIT  
37 REPORT THAT DETAILS ITS FINDINGS AND SHALL PROVIDE SUCH AUDIT TO THE  
38 GOVERNOR AND LEGISLATIVE LEADERS AND MAKE SUCH AUDIT REPORT AVAILABLE ON  
39 THE STATE BOARD OF ELECTIONS' WEBSITE. FINAL POST-ELECTION AUDIT  
40 REPORTS SHALL BE COMPLETED NO LATER THAN TWELVE MONTHS AFTER THE DATE OF  
41 THE ELECTION OR ELECTIONS FOR WHICH THE CANDIDATE RECEIVED PUBLIC FUNDS.  
42 THIS AUDIT DEADLINE SHALL NOT APPLY IN CASES INVOLVING POTENTIAL CAMP-  
43 AIGN-RELATED FRAUD, KNOWING AND WILLFUL VIOLATIONS OF ARTICLE FOURTEEN  
44 OF THIS CHAPTER OR CRIMINAL ACTIVITY.

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

1 (B) IF THE BOARD DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO A  
2 PARTICIPATING COMMITTEE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN  
3 TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY SUCH PARTICIPAT-  
4 ING COMMITTEE OF THE AMOUNT DISQUALIFIED AND SUCH PARTICIPATING COMMIT-  
5 TEE SHALL PAY TO THE FAIR ELECTIONS BOARD AN AMOUNT EQUAL TO SUCH  
6 DISQUALIFIED AMOUNT. SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK  
7 STATE FAIR ELECTIONS FUND CREATED PURSUANT TO SECTION NINETY-TWO-T OF  
8 THE STATE FINANCE LAW. THE CANDIDATE AND THE CANDIDATE'S AUTHORIZED  
9 COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE  
10 TO THE FAIR ELECTIONS BOARD.

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

30 3. IF A COURT OF COMPETENT JURISDICTION DISQUALIFIES A CANDIDATE WHOSE  
31 PARTICIPATING COMMITTEE HAS RECEIVED PUBLIC FUNDS ON THE GROUNDS THAT  
32 SUCH CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON  
33 THE BALLOT AND SUCH DECISION IS NOT REVERSED BY A HIGHER COURT, SUCH  
34 CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE SHALL PAY TO THE  
35 FAIR ELECTIONS BOARD AN AMOUNT EQUAL TO THE TOTAL OF PUBLIC FUNDS  
36 RECEIVED BY SUCH PARTICIPATING COMMITTEE.

37 4. THE BOARD MUST PROVIDE WRITTEN NOTICE OF ALL PAYMENTS DUE FROM A  
38 PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE TO THE BOARD AND  
39 PROVIDE AN OPPORTUNITY FOR THE CANDIDATE OR COMMITTEE TO REBUT, IN WHOLE  
40 OR IN PART, THE ALLEGED AMOUNT DUE. UPON A FINAL WRITTEN DETERMINATION  
41 BY THE BOARD, THE AMOUNT DUE SHALL BE PAID TO THE BOARD WITHIN THIRTY  
42 DAYS OF SUCH DETERMINATION.

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

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

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

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

5 3. FINES AUTHORIZED UNDER THIS SECTION WILL BE IMPOSED BY THE FAIR  
6 ELECTIONS BOARD AFTER A HEARING AT WHICH THE SUBJECT PERSON OR AUTHOR-  
7 IZED COMMITTEE SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD. SUCH HEARING  
8 SHALL BE HELD IN SUCH MANNER AND UPON SUCH NOTICE AS MAY BE PRESCRIBED  
9 BY THE RULES OF THE FAIR ELECTIONS BOARD. FOR PURPOSES OF CONDUCTING  
10 SUCH HEARINGS, THE FAIR ELECTIONS BOARD SHALL BE DEEMED TO BE AN AGENCY  
11 WITHIN THE MEANING OF ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCE-  
12 DURE ACT AND SHALL ADOPT RULES GOVERNING THE CONDUCT OF ADJUDICATORY  
13 PROCEEDINGS AND APPEALS TAKEN PURSUANT TO A PROCEEDING COMMENCED UNDER  
14 ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES RELATING TO  
15 THE ASSESSMENT OF THE CIVIL PENALTIES HEREIN AUTHORIZED.

16 4. THE FAIR ELECTIONS BOARD SHALL PUBLISH ON THE STATE BOARD OF  
17 ELECTIONS' WEBSITE THE FINAL ORDER ADJUDICATING ANY MATTER BROUGHT  
18 PURSUANT TO THIS SECTION.

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

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

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

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

39 4. IN ADDITION TO ANY OTHER SENTENCE LAWFULLY IMPOSED UPON A FINDING  
40 OF GUILT IN A CRIMINAL PROSECUTION COMMENCED PURSUANT TO THE PROVISIONS  
41 OF THIS SECTION, THE COURT MAY ORDER A DEFENDANT TO REPAY TO THE FAIR  
42 ELECTIONS BOARD ANY PUBLIC MATCHING FUNDS OBTAINED AS A RESULT OF ANY  
43 CRIMINAL CONDUCT.

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

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

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

54 1. A LIST OF THE PARTICIPATING AND NONPARTICIPATING CANDIDATES IN  
55 COVERED ELECTIONS AND THE VOTES RECEIVED BY EACH CANDIDATE IN THOSE  
56 ELECTIONS;



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

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

5 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGNS FOR  
6 ALL OFFICES COVERED UNDER SECTION 14-206 OF THIS TITLE, INCLUDING ITS  
7 EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF  
8 CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES,  
9 THE CANDIDATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND  
10 THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

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

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

16 S 14-226. DEBATES. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGU-  
17 LATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTIC-  
18 IPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE  
19 BEFORE THE PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENER-  
20 AL ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE  
21 PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDI-  
22 DATE MAY BE A PARTY TO SUCH DEBATES.

23 S 14-228. DISTRIBUTIONS FROM FAIR ELECTIONS FUND. 1. THIS SECTION  
24 GOVERNS THE FAIR ELECTIONS BOARD'S DISTRIBUTION OF FUNDS FROM THE FAIR  
25 ELECTIONS FUND CREATED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW,  
26 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

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

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

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

38 5. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR  
39 SUCH A CANDIDATE'S AUTHORIZED COMMITTEE ON THE DATE OF SUCH DISQUALI-  
40 FICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE  
41 EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE THAT DATE. ALL EXCESS  
42 PUBLIC MONEYS PAID TO A DISQUALIFIED CANDIDATE SHALL BE RETURNED TO THE  
43 FUND NOT LESS THAN THIRTY DAYS AFTER THE GENERAL ELECTION FOR THOSE  
44 PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS FOR THE GENERAL  
45 ELECTION, AND OTHERWISE, NOT LESS THAN THIRTY DAYS AFTER THE PRIMARY  
46 ELECTION FOR THOSE PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS  
47 SOLELY FOR THE PRIMARY ELECTION.

48 6. (A) PARTICIPATING CANDIDATES SHALL PAY TO THE FAIR ELECTIONS BOARD  
49 UNSPENT PUBLIC CAMPAIGN FUNDS FROM AN ELECTION NOT LATER THAN THIRTY  
50 DAYS AFTER ALL LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND, IN ANY  
51 EVENT, NOT LESS THAN TWENTY DAYS AFTER THE DATE UPON WHICH THE FAIR  
52 ELECTIONS BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING  
53 CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT PUBLIC  
54 CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE  
55 AND PAYABLE TO THE FAIR ELECTIONS BOARD UPON ITS DETERMINATION THAT THE  
56 PARTICIPATING CANDIDATE HAS, WITHOUT JUST CAUSE, DELAYED THE POST-ELEC-

1 TION AUDIT PROCESS. UNSPENT CAMPAIGN FUNDS DETERMINATIONS MADE BY THE  
2 FAIR ELECTIONS BOARD SHALL BE BASED ON THE PARTICIPATING CANDIDATE  
3 COMMITTEE'S RECEIPTS AND EXPENDITURES. THE FAIR ELECTIONS BOARD MAY ALSO  
4 CONSIDER ANY OTHER RELEVANT INFORMATION REVEALED IN THE COURSE OF ITS  
5 AUDITS OR INVESTIGATIONS OR THE INVESTIGATIONS BY ANY OTHER AGENCY.

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

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

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

32 8. ANY CANDIDATE WHO ACCEPTS A CONTRIBUTION OR CONTRIBUTIONS IN EXCESS  
33 OF THE LIMITS SET FORTH IN SECTION 14-212 OF THIS ARTICLE, PRIOR TO  
34 ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM, AS SET  
35 FORTH BY PARAGRAPH (C) OF SUBDIVISION 1 OF SECTION 14-206 OF THIS ARTI-  
36 CLE, SHALL HAVE HIS OR HER TOTAL PUBLIC MATCHING FUND GRANT REDUCED BY  
37 SUCH EXCESS AMOUNT. SUCH AMOUNT SHALL BE DEDUCTED BEGINNING FROM THE  
38 FIRST ALLOWABLE DISBURSEMENT FROM THE FUND UNTIL SUCH EXCESS AMOUNT IS  
39 REACHED, AT WHICH POINT THE PUBLIC FUND DISBURSEMENT SHALL BE PROVIDED  
40 TO THE CANDIDATE CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

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

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

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

54 3. UPON THE FAIR ELECTIONS BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE  
55 FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE  
56 ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVI-

1 SION FOUR OF SECTION 14-218 OF THIS CHAPTER, SUCH BOARD IS AUTHORIZED TO  
2 INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY  
3 COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO  
4 THE FAIR ELECTIONS BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE  
5 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER.

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

10 S 19. The election law is amended by adding a new section 4-115 to  
11 read as follows:

12 S 4-115. NOTICE TO THE STATE BOARD OF ELECTIONS OF CANDIDATES FOR THE  
13 LEGISLATURE. 1. EACH BOARD OF ELECTIONS WITH WHICH PETITIONS ARE FILED  
14 FOR MEMBER OF THE STATE LEGISLATURE SHALL, NOT LATER THAN ONE WEEK AFTER  
15 THE LAST DAY TO FILE SUCH PETITIONS, SEND NOTICE TO THE STATE BOARD OF  
16 ELECTIONS OF SUCH INFORMATION ABOUT EACH SUCH PETITION AS THE STATE  
17 BOARD SHALL REQUIRE.

18 2. EACH SUCH COUNTY BOARD OF ELECTIONS SHALL, NOT LATER THAN THE DAY  
19 AFTER THE LAST DAY TO FILE A PETITION OR CERTIFICATE OF NOMINATION FOR A  
20 GENERAL OR SPECIAL ELECTION OR A CERTIFICATE OF ACCEPTANCE, DECLINATION  
21 OR SUBSTITUTION FOR A GENERAL, PRIMARY OR SPECIAL ELECTION FOR ANY SUCH  
22 OFFICE, SEND TO THE STATE BOARD OF ELECTIONS SUCH INFORMATION ABOUT EACH  
23 SUCH PETITION OR CERTIFICATE AS THE STATE BOARD SHALL REQUIRE.

24 3. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHOULD DISQUALIFY ANY SUCH  
25 CANDIDATE OR RULE THE PETITION OR CERTIFICATE DESIGNATING OR NOMINATING  
26 ANY SUCH CANDIDATE INVALID, IT SHALL FORTHWITH NOTIFY THE STATE BOARD OF  
27 ELECTIONS OF SUCH DECISION.

28 4. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHALL BE NOTIFIED OF A DECI-  
29 SION OF A COURT OF COMPETENT JURISDICTION DISQUALIFYING ANY SUCH CANDI-  
30 DATE OR DECLARING ANY SUCH PETITION INVALID OR REVERSING ANY SUCH DECI-  
31 SION BY SUCH BOARD OF ELECTIONS OR ANOTHER COURT, SUCH BOARD OF  
32 ELECTIONS SHALL FORTHWITH NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH  
33 DECISION.

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

37 S 20. The general business law is amended by adding a new section  
38 359-gg to read as follows:

39 S 359-GG. ADDITIONAL SURCHARGE. IN ADDITION TO ANY PENALTY AUTHORIZED  
40 BY SECTION THREE HUNDRED FIFTY-NINE-G OF THIS ARTICLE OR ANY DAMAGES OR  
41 OTHER COMPENSATION RECOVERABLE INCLUDING, BUT NOT LIMITED TO, ANY  
42 SETTLEMENT AUTHORIZED BY SECTION SIXTY-THREE OR SIXTY-THREE-C OF THE  
43 EXECUTIVE LAW, THERE SHALL BE ASSESSED THEREON AN ADDITIONAL SURCHARGE  
44 IN THE AMOUNT OF TEN PERCENT OF THE TOTAL AMOUNT OF SUCH PENALTY,  
45 DAMAGES OR SETTLEMENT. SUCH SURCHARGE SHALL BE DEPOSITED IN THE NEW YORK  
46 STATE FAIR ELECTIONS FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE  
47 STATE FINANCE LAW.

48 S 21. The state finance law is amended by adding a new section 92-t to  
49 read as follows:

50 S 92-T. NEW YORK STATE FAIR ELECTIONS FUND. 1. THERE IS HEREBY ESTAB-  
51 LISHED IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE A  
52 SPECIAL FUND TO BE KNOWN AS THE NEW YORK STATE FAIR ELECTIONS FUND.

53 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE SURCHARGE  
54 IMPOSED PURSUANT TO SECTION THREE HUNDRED FIFTY-NINE-GG OF THE GENERAL  
55 BUSINESS LAW, REVENUES RECEIVED FROM FAIR ELECTIONS FUND CHECK-OFF  
56 PURSUANT TO SECTION SIX HUNDRED THIRTY-D OF THE TAX LAW AND ALL OTHER

1 MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE  
2 PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE  
3 STATE FROM RECEIVING GRANTS, GIFTS, BEQUESTS OR VOLUNTARY CONTRIBUTIONS  
4 FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING  
5 THEM INTO THE FUND ACCORDING TO LAW. MONIES IN THE FUND SHALL BE KEPT  
6 SEPARATE FROM AND NOT COMMINGLED WITH OTHER FUNDS HELD IN THE CUSTODY OF  
7 THE COMMISSIONER OF TAXATION AND FINANCE.

8 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY  
9 BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT  
10 TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE  
11 PAID OUT OF THE FUND BY THE COMMISSIONER OF TAXATION AND FINANCE ON  
12 VOUCHERS CERTIFIED OR APPROVED BY THE FAIR ELECTIONS BOARD ESTABLISHED  
13 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW, OR THE  
14 DULY DESIGNATED REPRESENTATIVE OF SUCH BOARD, IN THE MANNER PRESCRIBED  
15 BY LAW, NOT MORE THAN ONE WORKING DAY AFTER A VOUCHER DULY CERTIFIED,  
16 APPROVED AND EXECUTED BY SUCH BOARD OR ITS REPRESENTATIVE IN THE FORM  
17 PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE IS RECEIVED BY  
18 THE COMMISSIONER OF TAXATION AND FINANCE.

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

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

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

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

36 8. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO  
37 HAS BEEN DISQUALIFIED OR WHOSE DESIGNATING PETITIONS HAVE BEEN DECLARED  
38 INVALID BY THE APPROPRIATE BOARD OF ELECTIONS OR A COURT OF COMPETENT  
39 JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY A HIGHER  
40 AUTHORITY. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDI-  
41 DATE OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE ON THE DATE OF SUCH  
42 DISQUALIFICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY  
43 PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE SUCH DATE. ALL  
44 SUCH MONEYS SHALL BE REPAID TO THE FUND.

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

47 S 630-D. CONTRIBUTION TO NEW YORK STATE FAIR ELECTIONS FUND. EFFEC-  
48 TIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO  
49 THOUSAND FOURTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO  
50 CONTRIBUTE TO THE NEW YORK STATE FAIR ELECTIONS FUND. SUCH CONTRIBUTION  
51 SHALL BE IN THE AMOUNT OF FIVE DOLLARS AND SHALL NOT REDUCE THE AMOUNT  
52 OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE  
53 SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE  
54 SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL REVEN-  
55 UES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK

1 STATE FAIR ELECTIONS FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN  
2 SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

3 S 23. Severability. If any clause, sentence, subdivision, paragraph,  
4 section or part of title 2 of article 14 of the election law, as added  
5 by section seventeen of this act be adjudged by any court of competent  
6 jurisdiction to be invalid, such judgment shall not affect, impair or  
7 invalidate the remainder thereof, but shall be confined in its operation  
8 to the clause, sentence, subdivision, paragraph, section or part thereof  
9 directly involved in the controversy in which such judgment shall have  
10 been rendered.

11 S 24. This act shall take effect immediately; provided, however,  
12 candidates for state comptroller will be eligible to participate in the  
13 public financing system beginning with the 2014 election, all state  
14 legislature candidates will be eligible to participate in the public  
15 financing system beginning with the 2016 election and all state candi-  
16 dates and constitutional convention delegates will be eligible to  
17 participate in the public financing system beginning with the 2018  
18 election.