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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, MOSLEY, DAVILA -- Multi-Sponsored by -- M. of A. ABINANTI, BENEDETTO, BRAUNSTEIN, BRENNAN, BRINDISI, BROOK-KRASNYY, 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, MOYA, NOLAN, O'DONNELL, ORTIZ, OTIS, PAULIN, PERRY, PICHARDO, 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 -- again amended on third reading, 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,

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

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1 status, or financial connections, are enabled and encouraged to compete
2 for public office. Therefore, the legislature finds it necessary to
3 establish a system of public financing for all qualified candidates for
4 state elective offices and constitutional convention delegates. The
5 legislature further finds that a new system of public financing would be
6 best administered by a new "fair elections board" empowered with effec-
7 tive oversight and enforcement capabilities dedicated to working with
8 and assisting candidates excel in the public financing system.

9 S 3. Section 3-102 of the election law is amended by adding 2 new
10 subdivisions 3-a and 16-b to read as follows:

11 3-A. NOTWITHSTANDING SUBDIVISION THREE OF THIS SECTION, THE FAIR
12 ELECTIONS BOARD ENFORCEMENT COUNSEL, ESTABLISHED PURSUANT TO SUBDIVISION
13 SIX OF SECTION 14-316 OF THIS CHAPTER, AS IT MAY DEEM NECESSARY, AFTER
14 THE FAIR ELECTIONS BOARD HAS CONSIDERED THE MATTER OR MATTERS IN QUES-
15 TION SHALL CONDUCT ANY INVESTIGATION NECESSARY TO ENFORCE THE PROVISIONS
16 OF TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAPTER ON BEHALF OF THE
17 BOARD OF ELECTIONS.

18 16-B. HEAR AND CONSIDER THE RECOMMENDATIONS OF THE FAIR ELECTIONS
19 BOARD ENFORCEMENT COUNSEL REGARDING THE ENFORCEMENT OF VIOLATIONS OF
20 TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAPTER, AS IT MAY DEEM NECES-
21 SARY, AFTER THE FAIR ELECTIONS BOARD HAS CONSIDERED THE MATTER OR
22 MATTERS IN QUESTION;

23 S 4. Subdivision 1 of section 3-104 of the election law is amended by
24 adding a new paragraph (a-1) to read as follows:

25 (A-1) THERE SHALL ALSO BE A UNIT KNOWN AS THE FAIR ELECTIONS ENFORCE-
26 MENT UNIT ESTABLISHED WITHIN THE FAIR ELECTIONS BOARD. THE HEAD OF SUCH
27 UNIT SHALL BE THE ENFORCEMENT COUNSEL. SUCH UNIT SHALL HAVE SOLE
28 AUTHORITY WITHIN THE STATE BOARD OF ELECTIONS TO INVESTIGATE ALLEGED
29 VIOLATIONS AND COMPLAINTS ARISING UNDER TITLE THREE OF ARTICLE FOURTEEN
30 OF THIS CHAPTER.

31 S 5. Section 3-104 of the election law is amended by adding twelve new
32 subdivisions 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 to read as
33 follows:

34 9. IF THE FAIR ELECTION BOARD ENFORCEMENT COUNSEL DETERMINES THAT A
35 VIOLATION OF TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAPTER HAS
36 OCCURRED WHICH COULD WARRANT A CIVIL PENALTY, THE ENFORCEMENT COUNSEL
37 SHALL, UPON HIS OR HER DISCRETION, SEEK TO RESOLVE THE MATTER EXTRA-JU-
38 DICIAALLY OR COMMENCE A SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT
39 TO SECTION 16-114 OF THIS CHAPTER.

40 10. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION ALLEGING
41 ANY OTHER VIOLATION OF TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAPTER,
42 THE FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL SHALL ANALYZE THE COMPLAINT
43 TO DETERMINE IF AN INVESTIGATION SHOULD BE UNDERTAKEN. THE FAIR
44 ELECTIONS BOARD ENFORCEMENT COUNSEL SHALL, IF NECESSARY, REQUEST ADDI-
45 TIONAL INFORMATION FROM THE COMPLAINANT TO ASSIST SUCH COUNSEL IN MAKING
46 THIS DETERMINATION. SUCH ANALYSIS SHALL INCLUDE THE FOLLOWING: FIRST,
47 WHETHER THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF ARTI-
48 CLE FOURTEEN OF THIS CHAPTER AND, SECOND, WHETHER THE ALLEGATIONS ARE
49 SUPPORTED BY CREDIBLE EVIDENCE.

50 11. IF THE FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL DETERMINES THAT
51 THE ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF TITLE
52 THREE OF ARTICLE FOURTEEN OF THIS CHAPTER OR THAT THE ALLEGATIONS ARE
53 NOT SUPPORTED BY CREDIBLE EVIDENCE, HE OR SHE SHALL ISSUE A LETTER TO
54 THE COMPLAINANT DISMISSING THE COMPLAINT.

55 12. IF THE FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL DETERMINES THAT
56 THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF TITLE THREE OF

1 ARTICLE FOURTEEN OF THIS CHAPTER AND THAT THE ALLEGATIONS APPEAR TO BE
2 SUPPORTED BY CREDIBLE EVIDENCE, HE OR SHE SHALL NOTIFY THE FAIR
3 ELECTIONS BOARD OF (A) HIS OR HER INTENT TO RESOLVE THE MATTER EXTRA-JU-
4 DICIAALLY DUE TO THE DE MINIMUS NATURE OF THE VIOLATION; OR (B) HIS OR
5 HER INTENT TO COMMENCE AN INVESTIGATION, NO LATER THAN THE FAIR
6 ELECTIONS BOARD'S NEXT REGULARLY SCHEDULED MEETING. NOTIFICATION SHALL
7 SUMMARIZE THE RELEVANT FACTS AND THE APPLICABLE LAW AND SHALL, TO THE
8 EXTENT POSSIBLE, PROTECT FROM PUBLIC DISCLOSURE THE IDENTITY OF THE
9 COMPLAINANT AND THE INDIVIDUAL SUBJECT TO THE COMPLAINT.

10 13. IF, UPON CONSIDERING THE FAIR ELECTIONS BOARD ENFORCEMENT COUN-
11 SEL'S NOTICE OF INTENT TO COMMENCE AN INVESTIGATION, THE FAIR ELECTIONS
12 BOARD BELIEVES THAT THE ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A
13 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, OR THE ALLEGATIONS ARE
14 NOT SUPPORTED BY CREDIBLE EVIDENCE OR, THAT ON BALANCE, THE EQUITIES
15 FAVOR A DISMISSAL OF THE COMPLAINT, THE BOARD SHALL PUBLICLY DIRECT THAT
16 AN INVESTIGATION NOT BE UNDERTAKEN NO LATER THAN SIXTY DAYS AFTER THE
17 RECEIPT OF NOTIFICATION FROM THE FAIR ELECTIONS BOARD ENFORCEMENT COUN-
18 SEL OF HIS OR HER INTENT TO COMMENCE AN INVESTIGATION. IN DETERMINING
19 WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE COMPLAINT, THE FAIR
20 ELECTIONS BOARD SHALL CONSIDER THE FOLLOWING FACTORS: (A) WHETHER THE
21 COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF ARTICLE FOURTEEN OF THIS
22 CHAPTER; (B) WHETHER THE SUBJECT OF THE COMPLAINT HAS MADE A GOOD FAITH
23 EFFORT TO CORRECT THE VIOLATION; AND (C) WHETHER THE SUBJECT OF THE
24 COMPLAINT HAS A HISTORY OF SIMILAR VIOLATIONS. DETERMINATIONS OF THE
25 FAIR ELECTIONS BOARD TO DISMISS A COMPLAINT AND NOT PROCEED WITH A
26 FORMAL INVESTIGATION SHALL BE VOTED UPON AS PROVIDED IN SUBDIVISION
27 TWELVE OF SECTION 14-316 OF THIS CHAPTER AT AN OPEN MEETING PURSUANT TO
28 ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE ON A FAIR
29 AND EQUITABLE BASIS AND WITHOUT REGARD TO THE STATUS OF THE SUBJECT OF
30 THE COMPLAINT.

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

42 15. AT THE CONCLUSION OF ITS INVESTIGATION, THE FAIR ELECTIONS BOARD
43 ENFORCEMENT COUNSEL SHALL PROVIDE THE FAIR ELECTIONS BOARD WITH A WRIT-
44 TEN RECOMMENDATION AS TO: (A) WHETHER SUBSTANTIAL REASON EXISTS TO
45 BELIEVE A VIOLATION OF TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAPTER
46 HAS OCCURRED AND, IF SO, THE NATURE OF THE VIOLATION AND ANY APPLICABLE
47 PENALTY, AS DEFINED IN SECTION 14-126, 14-320 OR 14-322 OF THIS CHAPTER,
48 BASED ON THE NATURE OF THE VIOLATION; (B) WHETHER THE MATTER SHOULD BE
49 RESOLVED EXTRA-JUDICIAALLY; (C) WHETHER A SPECIAL PROCEEDING SHOULD BE
50 COMMENCED IN THE SUPREME COURT TO RECOVER A CIVIL PENALTY; AND (D)
51 WHETHER A REFERRAL SHOULD BE MADE TO A DISTRICT ATTORNEY OR THE ATTORNEY
52 GENERAL PURSUANT TO SUBDIVISION SEVENTEEN OF THIS SECTION BECAUSE
53 REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION WARRANTING CRIMINAL PROS-
54 ECUTION HAS TAKEN PLACE.

55 16. THE FAIR ELECTIONS BOARD SHALL ACCEPT, MODIFY OR REJECT THE
56 ENFORCEMENT COUNSEL'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER

1 RECEIPT OF SUCH RECOMMENDATION. IN MAKING ITS DETERMINATION, THE BOARD
2 SHALL AGAIN CONSIDER: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS
3 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT
4 OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION;
5 AND (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR
6 VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE VOTED UPON AS PROVIDED IN
7 SUBDIVISION TWELVE OF SECTION 14-316 OF THIS CHAPTER AT AN OPEN MEETING
8 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE
9 ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE STATUS OF THE
10 SUBJECT OF THE COMPLAINT.

11 17. (A) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDI-
12 VISION SIXTEEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO
13 BELIEVE THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLI-
14 TICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH
15 LAW, HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION
16 LIMITATION ESTABLISHED IN TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAP-
17 TER, WHICH COULD WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION
18 THREE OF SECTION 14-126 OR SUBDIVISION TWO OF SECTION 14-322 OF THIS
19 CHAPTER, THE BOARD SHALL DIRECT THE COMMENCEMENT OF A SPECIAL PROCEEDING
20 IN THE SUPREME COURT.

21 (B) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDIVISION
22 SIXTEEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A
23 VIOLATION OF TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAPTER WARRANTING
24 CRIMINAL PROSECUTION HAS TAKEN PLACE, THE BOARD SHALL REFER THE MATTER
25 TO A DISTRICT ATTORNEY AND SHALL MAKE AVAILABLE TO SUCH DISTRICT ATTOR-
26 NEY ALL PAPERS, DOCUMENTS, TESTIMONY AND FINDINGS RELEVANT TO ITS INVES-
27 TIGATION. WHERE REASONABLE CAUSE EXISTS TO BELIEVE THAT A CANDIDATE FOR
28 THE OFFICE OF ATTORNEY GENERAL HAS VIOLATED TITLE THREE OF ARTICLE FOUR-
29 TEEN OF THIS CHAPTER, THE BOARD SHALL REFER THE MATTER TO THE DISTRICT
30 ATTORNEY OF THE APPROPRIATE COUNTY.

31 (C) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDIVISION
32 SIXTEEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A
33 VIOLATION OF TITLE THREE OF ARTICLE FOURTEEN OF THIS CHAPTER, WARRANTING
34 CRIMINAL PROSECUTION HAS TAKEN PLACE, THE BOARD SHALL, EXCEPT AS
35 PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, REFER THE MATTER TO THE
36 ATTORNEY GENERAL AND SHALL MAKE AVAILABLE TO THE SAME ALL PAPERS, DOCU-
37 MENTS, TESTIMONY AND FINDINGS RELEVANT TO ITS INVESTIGATION.

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

43 19. THE FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL SHALL PREPARE A
44 REPORT, TO BE INCLUDED IN THE ANNUAL REPORT TO THE GOVERNOR AND LEGISLA-
45 TURE, SUMMARIZING THE ACTIVITIES OF THE UNIT DURING THE PREVIOUS YEAR.
46 SUCH REPORT SHALL INCLUDE: (I) THE NUMBER OF COMPLAINTS RECEIVED; (II)
47 THE NUMBER OF COMPLAINTS THAT WERE FOUND TO NEED INVESTIGATION AND THE
48 NATURE OF EACH COMPLAINT; AND (III) THE NUMBER OF MATTERS THAT HAVE BEEN
49 RESOLVED. THE REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH
50 DISCLOSURE IS NOT PERMITTED.

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

53 S 6. The state of New York shall appropriate during each fiscal year
54 to the New York state fair elections board enforcement unit, not less
55 than thirty-five percent of the appropriation available from the general
56 fund for the state board of elections to pay for the expenses of such

1 enforcement unit. Notwithstanding section fifty-one of the state
2 finance law, such funding shall not be decreased by interchange with any
3 other appropriation.

4 S 7. The election law is amended by adding a new section 3-111 to read
5 as follows:

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

19 S 8. Section 14-100 of the election law is amended by adding a new
20 subdivision 15 to read as follows:

21 15. "INTERMEDIARY" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP,
22 POLITICAL COMMITTEE, LABOR ORGANIZATION, OR OTHER ENTITY WHICH, OTHER
23 THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY, OR MESSEN-
24 GER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR ENTITY TO
25 A CANDIDATE OR AN AUTHORIZED COMMITTEE.

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

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

31 1. The treasurer of every political committee which, or any officer,
32 member or agent of any such committee who, in connection with any
33 election, receives or expends any money or other valuable thing or
34 incurs any liability to pay money or its equivalent shall file state-
35 ments sworn, or subscribed and bearing a form notice that false state-
36 ments made therein are punishable as a class A misdemeanor pursuant to
37 section 210.45 of the penal law, at the times prescribed by this [arti-
38 cle] TITLE setting forth all the receipts, contributions to and the
39 expenditures by and liabilities of the committee, and of its officers,
40 members and agents in its behalf. Such statements shall include the
41 dollar amount of any receipt, contribution or transfer, or the fair
42 market value of any receipt, contribution or transfer, which is other
43 than of money, the name and address of the transferor, contributor,
44 INTERMEDIARY, or person from whom received, and if the transferor,
45 contributor, INTERMEDIARY, or person is a political committee; the name
46 of and the political unit represented by the committee, the date of its
47 receipt, the dollar amount of every expenditure, the name and address of
48 the person to whom it was made or the name of and the political unit
49 represented by the committee to which it was made and the date thereof,
50 and shall state clearly the purpose of such expenditure. AN INTERMEDIARY
51 NEED NOT BE REPORTED FOR A CONTRIBUTION THAT WAS COLLECTED FROM A
52 CONTRIBUTOR IN CONNECTION WITH A PARTY OR OTHER CANDIDATE-RELATED EVENT
53 HELD AT THE RESIDENCE OF THE PERSON DELIVERING THE CONTRIBUTION, UNLESS
54 THE EXPENSES OF SUCH EVENT AT SUCH RESIDENCE FOR SUCH CANDIDATE EXCEED
55 FIVE HUNDRED DOLLARS OR THE AGGREGATE CONTRIBUTIONS RECEIVED FROM THAT
56 CONTRIBUTOR AT SUCH EVENT EXCEED FIVE HUNDRED DOLLARS. Any statement

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

9 S 10. Section 14-110 of the election law, as amended by chapter 46 of
10 the laws of 1984, is amended to read as follows:

11 S 14-110. Place for filing statements. The places for filing the
12 statements required by this article shall be determined by rule or regu-
13 lation of the state board of elections; provided, however, that the
14 statements of a candidate for election to the office of governor, lieu-
15 tenant governor, attorney general, comptroller, member of the legisla-
16 ture, delegate to a constitutional convention, justice of the supreme
17 court or for nomination for any such office at a primary election and of
18 any committee aiding or taking part in the designation, nomination,
19 election or defeat of candidates for one or more of such offices or
20 promoting the success or defeat of a question to be voted on by the
21 voters of the entire state shall be filed with the state board of
22 elections and in such other places as the state board of elections may,
23 by rule or regulation provide. UPON FILING, THE STATE BOARD OF
24 ELECTIONS SHALL MAKE ALL STATEMENTS FILED THEREWITH READILY AVAILABLE
25 AND ACCESSIBLE TO THE FAIR ELECTIONS BOARD.

26 S 11. Section 14-112 of the election law, as amended by chapter 930 of
27 the laws of 1981, is amended to read as follows:

28 S 14-112. Political committee authorization statement. Any political
29 committee aiding or taking part in the election or nomination of any
30 candidate, other than by making contributions, shall file, in the office
31 in which the statements of such committee are to be filed pursuant to
32 this [article] TITLE, either a sworn verified statement by the treasurer
33 of such committee that the candidate has authorized the political
34 committee to aid or take part in his election or that the candidate has
35 not authorized the committee to aid or take part in his election.

36 S 12. Section 14-116 of the election law, subdivision 1 as redesign-
37 nated by chapter 9 of the laws of 1978 and subdivision 2 as amended by
38 chapter 260 of the laws of 1981, is amended to read as follows:

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

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

S 13. Subdivision 3 of section 14-124 of the election law, as amended by chapter 71 of the laws of 1988, is amended to read as follows:

3. The contribution and receipt limits of this article shall not apply to monies received and expenditures made by a party committee or constituted committee to maintain a permanent headquarters and staff and carry on ordinary activities which are not for the express purpose of promoting the candidacy of specific candidates. PROVIDED THAT THE FUNDS DESCRIBED IN THIS SUBDIVISION SHALL BE PROHIBITED FROM BEING TRANSFERRED. PROVIDED FURTHER, THAT EXPENDITURES MADE BY A PARTY COMMITTEE OR CONSTITUTED COMMITTEE FOR A POLITICAL COMMUNICATION IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION SHALL NOT INCLUDE THE NAME, LIKENESS OR VOICE OF ANY CANDIDATE OR ELECTED OFFICIAL.

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

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

S 15. Article 14 of the election law is amended by adding a new title 3 to read as follows:

TITLE III
PUBLIC FINANCING

SECTION 14-300. APPLICABILITY OF TITLE.
 14-302. DEFINITIONS.
 14-304. REPORTING REQUIREMENTS.
 14-306. ELIGIBILITY.
 14-308. QUALIFIED CAMPAIGN EXPENDITURES.
 14-310. OPTIONAL PUBLIC FINANCING.
 14-312. CONTRIBUTION AND RECEIPT LIMITATIONS.
 14-314. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS.
 14-316. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES.
 14-318. EXAMINATIONS AND AUDITS.
 14-320. CIVIL ENFORCEMENT.
 14-322. CRIMINAL PENALTIES.
 14-324. REPORTS.
 14-326. DEBATES.
 14-328. DISTRIBUTIONS FROM FAIR ELECTIONS FUND.

S 14-300. APPLICABILITY OF TITLE. THIS TITLE SHALL ONLY APPLY TO THOSE CANDIDATES WHO ELECT TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM.

S 14-302. DEFINITIONS. AS USED IN THIS TITLE, UNLESS ANOTHER MEANING IS CLEARLY INDICATED:

1. THE TERM "BOARD" OR "FAIR ELECTIONS BOARD" MEANS THE BOARD CREATED BY SECTION 14-316 OF THIS TITLE TO ADMINISTER THE FAIR ELECTIONS FUND.

1 2. THE TERM "ELIGIBLE CANDIDATE" SHALL MEAN A CANDIDATE FOR NOMINATION
2 OR ELECTION TO ANY OF THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR,
3 COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE STATE LEGISLATURE, AT-LARGE
4 DELEGATE TO A CONSTITUTIONAL CONVENTION OR DISTRICT DELEGATE TO A
5 CONSTITUTIONAL CONVENTION.

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

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

16 5. THE TERM "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR
17 ANY OFFICE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING UNDER THIS TITLE FOR A
18 COVERED ELECTION WHO FAILS TO FILE A STATEMENT IN THE FORM OF AN AFFIDA-
19 VIT PURSUANT TO SECTION 14-310 OF THIS TITLE.

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

32 (A) IN-KIND CONTRIBUTIONS OF PROPERTY, GOODS, OR SERVICES;

33 (B) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR AN ITEM
34 WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE;

35 (C) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR OR OTHER-
36 WISE INDUCED BY A CHANCE TO PARTICIPATE IN A RAFFLE, LOTTERY, OR SIMILAR
37 DRAWING FOR VALUABLE PRIZES;

38 (D) MONEY ORDER CONTRIBUTIONS FROM ANY ONE CONTRIBUTOR THAT ARE, IN
39 THE AGGREGATE, GREATER THAN ONE HUNDRED DOLLARS;

40 (E) CONTRIBUTIONS FROM INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS;

41 (F) CONTRIBUTIONS FROM INDIVIDUAL VENDORS TO WHOM THE PARTICIPATING
42 CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE MAKES AN EXPENDITURE, IN
43 FURTHERANCE OF THE NOMINATION FOR ELECTION OR ELECTION COVERED BY THE
44 CANDIDATE'S CERTIFICATION, UNLESS SUCH EXPENDITURE IS REIMBURSING AN
45 ADVANCE.

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

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

52 8. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE FAIR ELECTIONS FUND
53 CREATED BY SECTION NINETY-TWO-Y OF THE STATE FINANCE LAW.

54 9. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL
55 MATCHABLE CONTRIBUTIONS THAT THE PARTICIPATING COMMITTEE OF AN OTHERWISE
56 ELIGIBLE CANDIDATE MUST RECEIVE, AS REQUIRED BY SECTION 14-306 OF THIS

1 TITLE, IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO
2 THIS TITLE.

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

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

9 S 14-304. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE
10 SHALL NOT DESIGNATE MORE THAN ONE AUTHORIZED COMMITTEE. BEFORE RECEIVING
11 ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION, EACH
12 PARTICIPATING CANDIDATE SHALL NOTIFY THE FAIR ELECTIONS BOARD AS TO THE
13 EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN DESIGNATED
14 AND APPROVED BY SUCH CANDIDATE. EACH SUCH AUTHORIZED COMMITTEE SHALL,
15 BEFORE OPENING A COMMITTEE BANK ACCOUNT, RECEIVING ANY CONTRIBUTION OR
16 MAKING ANY EXPENDITURE FOR A COVERED ELECTION:

17 (A) DESIGNATE A TREASURER; AND

18 (B) OBTAIN A TAX IDENTIFICATION NUMBER FROM THE INTERNAL REVENUE
19 SERVICE.

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

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

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

44 S 14-306. ELIGIBILITY. 1. TO BE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING
45 UNDER THIS TITLE, A CANDIDATE FOR NOMINATION OR ELECTION MUST:

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

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

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

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

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

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

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

22 (H) AGREE NOT TO ACCEPT CONTRIBUTIONS IN EXCESS OF THE LIMITS SET
23 FORTH IN SECTION 14-312 OF THIS TITLE FROM THE TIME HE OR SHE ELECTS TO
24 PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM, AS SET FORTH BY
25 PARAGRAPH (C) OF THIS SECTION, THROUGH THE THIRTY-FIRST DAY OF DECEMBER
26 OF THE YEAR BEFORE THE YEAR IN WHICH THE NEXT GENERAL ELECTION IS TO BE
27 HELD.

28 2. THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR CANDIDATES IN
29 A PRIMARY, GENERAL OR SPECIAL ELECTION FOR THE FOLLOWING OFFICES SHALL
30 BE:

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

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

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

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

55 (E) AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR
56 GENERAL ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST

1 TWO HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED
2 FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

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

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

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

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

20 6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR
21 SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING
22 SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS THERE IS
23 AT LEAST ONE OTHER CANDIDATE, AS DEFINED BY SUBDIVISION SEVEN OF SECTION
24 14-100 OF THIS ARTICLE FOR SUCH OFFICE IN SUCH ELECTION.

25 S 14-308. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED
26 UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY
27 THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDI-
28 TURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION
29 OR ELECTION AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR
30 GENERAL ELECTION IS HELD FOR THE OFFICE SOUGHT, FOR SERVICES, MATERIALS,
31 FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT ELECTION CYCLE OR,
32 IN THE CASE OF A SPECIAL ELECTION, FOR EXPENDITURES DURING THE PERIOD
33 COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL
34 ELECTION.

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

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

38 (B) PAYMENTS OR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A
39 RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH
40 PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY
41 SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE IN EXCESS OF THE FAIR
42 MARKET VALUE OF SUCH SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF
43 VALUE RECEIVED IN EXCHANGE;

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

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

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

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

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

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

2 S 14-310. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR
3 NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY
4 OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALI-
5 FIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A
6 PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON
7 THE BALLOT AND FILED A SWORN STATEMENT WITH THE FAIR ELECTIONS BOARD
8 ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND
9 AGREEING TO ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT
10 EXCEED THE AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN
11 ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE
12 MADE TO A PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC
13 FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED
14 CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS
15 USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

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

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

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

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

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

46 S 14-312. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,
47 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE
48 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A
49 CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTIC-
50 IPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING
51 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE
52 AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

53 2. (A) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE
54 AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
55 FUNDS, A PARTICIPATING CANDIDATE FOR GOVERNOR OR LIEUTENANT GOVERNOR IN
56 A PRIMARY OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMIT-

1 TEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED
2 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
3 EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER,
4 THAT TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A
5 TRANSFER.

6 (B) 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 ATTORNEY GENERAL OR COMPTROLLER IN
9 A PRIMARY OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMIT-
10 TEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED
11 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
12 EXCEED ONE MILLION DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT
13 OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

14 (C) 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 STATE SENATOR IN A PRIMARY, GENERAL
17 OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY
18 ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED SUCH
19 CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
20 EXCEED ONE HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE
21 PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

22 (D) 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 MEMBER OF THE ASSEMBLY IN A PRIMA-
25 RY, GENERAL OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING
26 COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMI-
27 NATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES
28 NOT EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE
29 PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

30 (E) 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 DELEGATE AT-LARGE 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 FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-
37 FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

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

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

49 3. NOTWITHSTANDING ANY PUBLIC FUNDS RECEIPT LIMIT IN THIS SUBDIVISION,
50 EACH COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR
51 STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE, INCLUDING WITHIN THE TERM
52 COUNTY COMMITTEE ANY OF ITS SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF SUCH
53 PARTY'S CANDIDATES FOR STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE WHO
54 HAS AGREED TO ACCEPT PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED
55 THE SUM OF TWO CENTS FOR EACH VOTER REGISTERED IN SUCH COUNTY AS DETER-

1 MINED BY THE RECORDS OF THE APPROPRIATE BOARD OF ELECTIONS AS OF THE
2 PRECEDING GENERAL ELECTION.

3 4. IN COMPUTING THE AGGREGATE AMOUNT EXPENDED FOR PURPOSES OF THIS
4 SECTION, EXPENDITURES MADE BY A STATE CONSTITUTED COMMITTEE OR A COUNTY
5 COMMITTEE IN SUPPORT OF MORE THAN ONE CANDIDATE SHALL BE ALLOCATED AMONG
6 SUCH CANDIDATES SUPPORTED BY THE COMMITTEE IN ACCORDANCE WITH FORMULAS
7 PROMULGATED BY THE FAIR ELECTIONS BOARD OR, IN THE ABSENCE OF SUCH OFFI-
8 CIAL FORMULAS, IN ACCORDANCE WITH A FORMULA BASED UPON REASONABLE STAND-
9 ARDS. THE STATEMENTS FILED BY SUCH CONSTITUTED COMMITTEE IN ACCORDANCE
10 WITH THIS CHAPTER SHALL SET FORTH, IN ADDITION TO THE OTHER INFORMATION
11 REQUIRED, THE TOTAL AMOUNT EXPENDED BY THE PARTY COMMITTEE ON BEHALF OF
12 ALL SUCH CANDIDATES AND THE AMOUNT ALLOCATED TO EACH CANDIDATE BY DOLLAR
13 AMOUNT AND PERCENTAGE. EXPENDITURES BY A PARTY FOR ACTIVITIES WHICH DO
14 NOT SUPPORT OR OPPOSE THE ELECTION OF ANY CANDIDATE OR CANDIDATES BY
15 NAME OR BY CLEAR INFERENCE SHALL NOT BE REGARDED AS EXPENDITURES ON
16 BEHALF OF OR IN OPPOSITION TO A CANDIDATE.

17 5. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC
18 FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIB-
19 UTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR
20 THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF
21 THE GENERAL ELECTION FOR THE OFFICE SOUGHT, EXCEPT THAT A PARTICIPATING
22 CANDIDATE OR PARTICIPATING COMMITTEE WHICH HAS A DEFICIT ON THE DAY OF
23 THE GENERAL ELECTION MAY, AFTER SUCH DATE, ACCEPT CONTRIBUTIONS WHICH DO
24 NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAIS-
25 ING SUCH CONTRIBUTIONS OR THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED
26 BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS.

27 6. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION,
28 PARTICIPATING CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF THIS
29 ARTICLE.

30 S 14-314. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS. THE FOLLOWING
31 LIMITATIONS APPLY TO THE TOTAL AMOUNT OF PUBLIC FUNDS THAT MAY BE
32 PROVIDED TO A PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE FOR AN
33 ELECTION CYCLE:

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

- 36 (I) FOR GOVERNOR, THE SUM OF NINE MILLION DOLLARS;
- 37 (II) FOR LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL, THE SUM
38 OF SIX MILLION DOLLARS;
- 39 (III) FOR SENATOR, THE SUM OF THREE HUNDRED FIFTY THOUSAND DOLLARS;
- 40 (IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF ONE HUNDRED FIFTY THOUSAND
41 DOLLARS;
- 42 (V) FOR AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION, THE SUM OF
43 ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS;
- 44 (VI) FOR DISTRICT DELEGATES TO A CONSTITUTIONAL CONVENTION, THE SUM OF
45 FIFTY THOUSAND DOLLARS;

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

49 CANDIDATES FOR ELECTION TO THE OFFICE OF:	
50 GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED)	\$12,000,000
51 ATTORNEY GENERAL	\$8,000,000
52 COMPTROLLER	\$8,000,000
53 MEMBER OF SENATE	\$400,000
54 MEMBER OF ASSEMBLY	\$200,000
55 DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION	\$350,000
56 DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION	\$75,000

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

8 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE AMOUNT OF
9 PRIVATE FUNDS A PARTICIPATING CANDIDATE MAY RECEIVE SUBJECT TO THE
10 CONTRIBUTION LIMITS CONTAINED IN SECTION 14-312 OF THIS TITLE.

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

24 S 14-316. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES. 1. THERE
25 SHALL BE A BOARD WITHIN THE STATE BOARD OF ELECTIONS KNOWN AS THE "FAIR
26 ELECTIONS BOARD" COMPOSED OF FIVE MEMBERS, OF WHICH ONE MEMBER SHALL BE
27 APPOINTED BY THE GOVERNOR AND ONE MEMBER SHALL BE APPOINTED BY EACH
28 LEGISLATIVE LEADER OF THE SENATE AND ASSEMBLY. NO MEMBER OF THE FAIR
29 ELECTIONS BOARD SHALL HOLD ELECTIVE OFFICE, NOR SHALL ANY MEMBER BE A
30 LOBBYIST AS DEFINED IN SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLA-
31 TIVE LAW. THE CHAIR SHALL BE RESPONSIBLE FOR MANAGING THE FAIR ELECTIONS
32 BOARD. THE MEMBERS SHALL EACH SERVE FOR A TERM OF FOUR YEARS.

33 2. THE MEMBERS OF THE FAIR ELECTIONS BOARD SHALL DESIGNATE THE CHAIR-
34 MAN OF THE FAIR ELECTIONS BOARD FROM AMONG THE MEMBERS THEREOF, WHO
35 SHALL SERVE AS CHAIRMAN AT THE PLEASURE OF THE MEMBERS OF THE FAIR
36 ELECTIONS BOARD. THE CHAIRMAN OR ANY THREE MEMBERS OF THE FAIR ELECTIONS
37 BOARD MAY CALL A MEETING.

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

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

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

54 6. THE FAIR ELECTIONS BOARD SHALL APPOINT A COUNSEL, A DEPUTY COUN-
55 SEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY THAN THE
56 COUNSEL, A SPECIAL COUNSEL, A DEPUTY SPECIAL COUNSEL, WHO SHALL BE A

1 MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY THAN THE SPECIAL COUNSEL, A
2 DIRECTOR OF PUBLIC INFORMATION, A DEPUTY DIRECTOR OF PUBLIC INFORMATION,
3 WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY THAN THE
4 DIRECTOR OF PUBLIC INFORMATION. THE FAIR ELECTIONS BOARD MAY UTILIZE
5 EXISTING STAFF OF THE STATE BOARD OF ELECTIONS AS MAY BE NECESSARY, AND
6 MAKE NECESSARY EXPENDITURES SUBJECT TO APPROPRIATION, PROVIDED HOWEVER
7 THAT THE COUNSEL, IN CONSULTATION WITH THE FAIR ELECTIONS BOARD, SHALL
8 HAVE THE AUTHORITY TO HIRE AT LEAST FOUR NEW FAIR ELECTIONS BOARD STAFF
9 MEMBERS. SUCH FAIR ELECTIONS BOARD STAFF MEMBERS SHALL BE DEDICATED TO
10 TRAINING AND ASSISTING PARTICIPATING CANDIDATES IN COMPLYING WITH THE
11 REQUIREMENTS OF OPTIONAL PUBLIC FINANCING AS PROVIDED FOR UNDER THE
12 PROVISIONS OF TITLE TWO OF THIS ARTICLE. THE FAIR ELECTIONS BOARD SHALL
13 RETAIN AN INDEPENDENT AUDITOR TO PERFORM ONGOING AUDITS OF EACH COVERED
14 ELECTION BY CONTRACT ENTERED INTO PURSUANT TO SECTION ONE HUNDRED
15 SIXTY-THREE OF THE STATE FINANCE LAW.

16 7. THE COUNSEL AND THE SPECIAL COUNSEL SHALL EACH SERVE A TERM OF FOUR
17 YEARS AND MAY ONLY BE REMOVED FOR CAUSE. ANY TIME AFTER THE EFFECTIVE
18 DATE OF THIS SECTION, THE MEMBERS, OR IN THE CASE OF A VACANCY ON THE
19 FAIR ELECTIONS BOARD, THE MEMBERS, OF EACH OF THE SAME MAJOR POLITICAL
20 PARTY AS THE INCUMBENT COUNSEL, DEPUTY COUNSEL, SHALL APPOINT SUCH COUN-
21 SELS, AND DEPUTIES. ANY VACANCY IN THE OFFICE OF COUNSEL, DEPUTY COUN-
22 SEL, SPECIAL COUNSEL, SPECIAL DEPUTY COUNSEL, DIRECTOR OF PUBLIC INFOR-
23 MATION AND DEPUTY DIRECTOR OF PUBLIC INFORMATION SHALL BE FILLED BY THE
24 MEMBERS OF THE FAIR ELECTIONS BOARD OR IN THE CASE OF A VACANCY ON THE
25 BOARD, THE MEMBERS OF THE SAME MAJOR POLITICAL PARTY AS THE VACATING
26 INCUMBENT FOR THE REMAINING PERIOD OF THE TERM OF SUCH VACATING INCUM-
27 BENT.

28 8. THE FAIR ELECTIONS BOARD SHALL:

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

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

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

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

49 9. CONSISTENT WITH THE PROVISIONS OF THE CIVIL SERVICE LAW AND SUBDI-
50 VISION SEVENTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
51 AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL
52 POSITIONS ON THE STAFF OF THE FAIR ELECTIONS BOARD SHALL BE CLASSIFIED
53 IN THE EXEMPT CLASS OF THE CIVIL SERVICE AND SUCH POSITIONS SHALL BE
54 FILLED, TO THE EXTENT POSSIBLE, WITH AN EQUAL NUMBER OF PERSONS FROM
55 EACH OF THE TWO POLITICAL PARTIES FOR WHICH THE HIGHEST AND THE NEXT

1 HIGHEST NUMBER OF VOTES WERE CAST FOR THE OFFICE OF STATE COMPTROLLER AT
2 THE LAST PRECEDING GENERAL ELECTION FOR SUCH OFFICE.

3 10. THE FAIR ELECTIONS BOARD'S ADMINISTRATION OF THE FUND SHALL BE
4 GOVERNED BY THE PROVISIONS OF THIS TITLE AND SECTION NINETY-TWO-Y OF THE
5 STATE FINANCE LAW.

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

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

12 13. 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 14-318. 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 14-310 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 THIS ARTICLE OR
44 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 14-310 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-Y 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-Y 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 14-320. 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-Y OF THE STATE FINANCE LAW.

22 S 14-322. 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 14-318 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.

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

49 S 14-324. REPORTS. THE FAIR ELECTIONS BOARD SHALL SUBMIT A REPORT TO
50 THE GOVERNOR AND LEGISLATIVE LEADERS ON OR BEFORE FEBRUARY FIRST, TWO
51 THOUSAND SIXTEEN, AND EVERY FOUR YEARS THEREAFTER, WHICH SHALL INCLUDE:

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

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

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

3 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGNS FOR
4 ALL OFFICES COVERED UNDER SECTION 14-306 OF THIS TITLE, INCLUDING ITS
5 EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF
6 CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES,
7 THE CANDIDATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND
8 THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

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

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

14 S 14-326. DEBATES. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGU-
15 LATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTIC-
16 IPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE
17 BEFORE THE PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENER-
18 AL ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE
19 PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDI-
20 DATE MAY BE A PARTY TO SUCH DEBATES.

21 S 14-328. DISTRIBUTIONS FROM FAIR ELECTIONS FUND. 1. THIS SECTION
22 GOVERNS THE FAIR ELECTIONS BOARD'S DISTRIBUTION OF FUNDS FROM THE FAIR
23 ELECTIONS FUND CREATED BY SECTION NINETY-TWO-Y OF THE STATE FINANCE LAW,
24 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

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

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

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

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

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

1 COMMITTEE'S RECEIPTS AND EXPENDITURES. THE FAIR ELECTIONS BOARD MAY ALSO
2 CONSIDER ANY OTHER RELEVANT INFORMATION REVEALED IN THE COURSE OF ITS
3 AUDITS OR INVESTIGATIONS OR THE INVESTIGATIONS BY ANY OTHER AGENCY.

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

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

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

30 8. ANY CANDIDATE WHO ACCEPTS A CONTRIBUTION OR CONTRIBUTIONS IN EXCESS
31 OF THE LIMITS SET FORTH IN SECTION 14-312 OF THIS TITLE, PRIOR TO ELECT-
32 ING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM, AS SET FORTH
33 BY PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION 14-306 OF THIS TITLE,
34 SHALL HAVE HIS OR HER TOTAL PUBLIC MATCHING FUND GRANT REDUCED BY SUCH
35 EXCESS AMOUNT. SUCH AMOUNT SHALL BE DEDUCTED BEGINNING FROM THE FIRST
36 ALLOWABLE DISBURSEMENT FROM THE FUND UNTIL SUCH EXCESS AMOUNT IS
37 REACHED, AT WHICH POINT THE PUBLIC FUND DISBURSEMENT SHALL BE PROVIDED
38 TO THE CANDIDATE CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

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

41 S 16-103. PROCEEDINGS AS TO PUBLIC FINANCING. 1. THE DETERMINATION OF
42 ELIGIBILITY PURSUANT TO SECTION 14-306 OF THIS CHAPTER AND ANY QUESTION
43 OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSU-
44 ANT TO SECTION 14-310 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING
45 INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDI-
46 DATE.

47 2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR
48 PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-310
49 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETER-
50 MINATION WAS MADE. THE FAIR ELECTIONS BOARD SHALL BE MADE A PARTY TO ANY
51 SUCH PROCEEDING.

52 3. UPON THE FAIR ELECTIONS BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE
53 FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE
54 ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVI-
55 SION FOUR OF SECTION 14-318 OF THIS CHAPTER, SUCH BOARD IS AUTHORIZED TO
56 INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY

1 COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO
2 THE FAIR ELECTIONS BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE
3 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER.

4 4. THE FAIR ELECTIONS BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL
5 PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A
6 JUDGMENT FOR CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE FAIR
7 ELECTIONS BOARD PURSUANT TO SECTION 14-318 OF THIS CHAPTER.

8 S 17. The election law is amended by adding a new section 4-115 to
9 read as follows:

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

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

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

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

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

35 S 18. The general business law is amended by adding a new section
36 359-gg to read as follows:

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

46 S 19. The state finance law is amended by adding a new section 92-y to
47 read as follows:

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

51 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE SURCHARGE
52 IMPOSED PURSUANT TO SECTION THREE HUNDRED FIFTY-NINE-GG OF THE GENERAL
53 BUSINESS LAW, REVENUES RECEIVED FROM FAIR ELECTIONS FUND CHECK-OFF
54 PURSUANT TO SECTION SIX HUNDRED THIRTY-D OF THE TAX LAW AND ALL OTHER
55 MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE
56 PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE

1 STATE FROM RECEIVING GRANTS, GIFTS, BEQUESTS OR VOLUNTARY CONTRIBUTIONS
2 FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING
3 THEM INTO THE FUND ACCORDING TO LAW. MONIES IN THE FUND SHALL BE KEPT
4 SEPARATE FROM AND NOT COMMINGLED WITH OTHER FUNDS HELD IN THE CUSTODY OF
5 THE COMMISSIONER OF TAXATION AND FINANCE.

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

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

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

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

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

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

43 S 20. The tax law is amended by adding a new section 630-d to read as
44 follows:

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

1 S 21. Severability. If any clause, sentence, subdivision, paragraph,
2 section or part of title 3 of article 14 of the election law, as added
3 by section fifteen of this act be adjudged by any court of competent
4 jurisdiction to be invalid, such judgment shall not affect, impair or
5 invalidate the remainder thereof, but shall be confined in its operation
6 to the clause, sentence, subdivision, paragraph, section or part thereof
7 directly involved in the controversy in which such judgment shall have
8 been rendered.

9 S 22. This act shall take effect immediately; provided, however,
10 candidates for state comptroller will be eligible to participate in the
11 public financing system beginning with the 2014 election, all state
12 legislature candidates will be eligible to participate in the public
13 financing system beginning with the 2016 election and all state candi-
14 dates and constitutional convention delegates will be eligible to
15 participate in the public financing system beginning with the 2018
16 election; provided, however, that the amendments to section 3-104 of the
17 election law made by sections four and five of this act shall take
18 effect on the same date and same manner as section 4 of subpart B of
19 part H of chapter 55 of the laws of 2014, takes effect.