

60--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. KAVANAGH -- Multi-Sponsored by -- M. of A. SWEE-  
NEY, THIELE -- read once and referred to the Committee on Election Law  
-- recommitted to the Committee on Election Law in accordance with  
Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered  
reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to decreasing contribution  
limitations; and to repeal subdivision 3 of section 14-124 of such law  
relating thereto

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

1 Section 1. Subdivision 1 of section 14-114 of the election law, as  
2 amended by chapter 79 of the laws of 1992, paragraphs a and b as amended  
3 by chapter 659 of the laws of 1994, is amended to read as follows:  
4 1. The following limitations apply to all contributions to candidates  
5 for election to any public office or for nomination for any such office,  
6 or for election to any party positions, and to all contributions to  
7 political committees working directly or indirectly with any candidate  
8 to aid or participate in such candidate's nomination or election, other  
9 than any contributions to any party committee or constituted committee:  
10 a. In any election for a public office to be voted on by the voters of  
11 the entire state, or for nomination to any such office, no contributor  
12 may make a contribution to any candidate or political committee, and no  
13 candidate or political committee may accept any contribution from any  
14 contributor, which is in the aggregate amount greater than: (i) in the  
15 case of any nomination to public office, the product of the total number  
16 of enrolled voters in the candidate's party in the state, excluding  
17 voters in inactive status, multiplied by \$.005, but such amount shall be  
18 not less than four thousand dollars nor more than [twelve] FIVE thousand  
19 dollars as increased or decreased by the cost of living adjustment  
20 described in paragraph c of this subdivision, and (ii) in the case of

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

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1 any election to a public office, [twenty-five] FIVE thousand dollars as  
2 increased or decreased by the cost of living adjustment described in  
3 paragraph c of this subdivision[; provided however, that the maximum  
4 amount which may be so contributed or accepted, in the aggregate, from  
5 any candidate's child, parent, grandparent, brother and sister, and the  
6 spouse of any such persons, shall not exceed in the case of any nomi-  
7 nation to public office an amount equivalent to the product of the  
8 number of enrolled voters in the candidate's party in the state, exclud-  
9 ing voters in inactive status, multiplied by \$.025, and in the case of  
10 any election for a public office, an amount equivalent to the product of  
11 the number of registered voters in the state excluding voters in inac-  
12 tive status, multiplied by \$.025].

13 b. In any other election for party position or for election to a  
14 public office or for nomination for any such office, no contributor may  
15 make a contribution to any candidate or political committee and no  
16 candidate or political committee may accept any contribution from any  
17 contributor, which is in the aggregate amount greater than: (i) in the  
18 case of any election for party position, or for nomination to public  
19 office, the product of the total number of enrolled voters in the candi-  
20 date's party in the district in which he is a candidate, excluding  
21 voters in inactive status, multiplied by \$.05, and (ii) in the case of  
22 any election for a public office, the product of the total number of  
23 registered voters in the district, excluding voters in inactive status,  
24 multiplied by \$.05[,]; BUT IN NO EVENT SHALL ANY SUCH MAXIMUM EXCEED  
25 THREE THOUSAND DOLLARS OR BE LESS THAN ONE THOUSAND DOLLARS; however in  
26 the case of a nomination OR ELECTION within the city of New York for the  
27 office of mayor, public advocate [or], comptroller, BOROUGH PRESIDENT OR  
28 MEMBER OF THE CITY COUNCIL, such amount shall be [not less than four  
29 thousand dollars nor more than twelve thousand dollars as increased or  
30 decreased by the cost of living adjustment described in paragraph c of  
31 this subdivision; in the case of an election within the city of New York  
32 for the office of mayor, public advocate or comptroller, twenty-five  
33 thousand dollars as increased or decreased by the cost of living adjust-  
34 ment described in paragraph c of this subdivision] EQUAL TO THE CONTRIB-  
35 UTION LIMITS SET FORTH IN PARAGRAPH (F) OF SUBDIVISION ONE OF SECTION  
36 3-703 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK; PROVIDED  
37 HOWEVER in the case of a nomination OR ELECTION for state senator,  
38 [four] TWO thousand FOUR HUNDRED dollars as increased or decreased by  
39 the cost of living adjustment described in paragraph c of this subdivi-  
40 sion; [in the case of an election for state senator, six thousand two  
41 hundred fifty dollars as increased or decreased by the cost of living  
42 adjustment described in paragraph c of this subdivision;] in the case of  
43 [an election or] A nomination OR ELECTION for a member of the assembly,  
44 [twenty-five hundred] TWO THOUSAND FOUR HUNDRED dollars as increased or  
45 decreased by the cost of living adjustment described in paragraph c of  
46 this subdivision[; but in no event shall any such maximum exceed fifty  
47 thousand dollars or be less than one thousand dollars; provided however,  
48 that the maximum amount which may be so contributed or accepted, in the  
49 aggregate, from any candidate's child, parent, grandparent, brother and  
50 sister, and the spouse of any such persons, shall not exceed in the case  
51 of any election for party position or nomination for public office an  
52 amount equivalent to the number of enrolled voters in the candidate's  
53 party in the district in which he is a candidate, excluding voters in  
54 inactive status, multiplied by \$.25 and in the case of any election to  
55 public office, an amount equivalent to the number of registered voters  
56 in the district, excluding voters in inactive status, multiplied by

1 \$.25; or twelve hundred fifty dollars, whichever is greater, or in the  
2 case of a nomination or election of a state senator, twenty thousand  
3 dollars, whichever is greater, or in the case of a nomination or  
4 election of a member of the assembly twelve thousand five hundred  
5 dollars, whichever is greater, but in no event shall any such maximum  
6 exceed one hundred thousand dollars].

7 c. At the beginning of each fourth calendar year, commencing in [nine-  
8 teen hundred ninety-five] TWO THOUSAND FOURTEEN, the state board shall  
9 determine the percentage of the difference between the [most recent  
10 available monthly] consumer price index for all urban consumers  
11 published by the United States bureau of labor statistics and such  
12 consumer price index published for the same month four years previously.  
13 The amount of each contribution limit fixed in this subdivision shall be  
14 adjusted by the amount of such percentage difference to the closest one  
15 hundred dollars by the state board which, not later than the first day  
16 of February in each such year, shall issue a regulation publishing the  
17 amount of each such contribution limit. Each contribution limit as so  
18 adjusted shall be the contribution limit in effect for any election held  
19 before the next such adjustment.

20 S 2. Subdivision 8 of section 14-114 of the election law, as amended  
21 by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the  
22 laws of 1978, is amended to read as follows:

23 8. A. Except as may otherwise be provided [for] BY a candidate [and  
24 his family] FOR HIS OR HER OWN CAMPAIGN, no NATURAL person may contrib-  
25 ute, loan or guarantee in excess of [one hundred fifty] TWENTY-FIVE  
26 thousand dollars within the state OF NEW YORK IN ANY CALENDAR YEAR in  
27 connection with the nomination or election of [persons to] CANDIDATES  
28 FOR state [and] OR local public offices [and] OR party positions [within  
29 the state of New York in any one calendar year].

30 B. For the purposes of this subdivision "loan" or "guarantee" shall  
31 mean a loan or guarantee which is not repaid or discharged in the calen-  
32 dar year in which it is made.

33 S 3. Subdivision 10 of section 14-114 of the election law, as added by  
34 chapter 79 of the laws of 1992, is amended to read as follows:

35 10. a. No contributor may make a contribution to a party or consti-  
36 tuted committee and no such committee may accept a contribution from any  
37 contributor which, in the aggregate, is greater than [sixty-two] TWEN-  
38 TY-FIVE thousand [five hundred] dollars per annum.

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

52 S 4. Subdivision 3 of section 14-124 of the election law is REPEALED.

53 S 5. This act shall take effect on the one hundred eightieth day after  
54 it shall have become a law; provided, that contributions legally  
55 received prior to the effective date of this act may be retained and  
56 expended for lawful purposes and shall not provide the basis for a

1 violation of article 14 of the election law, as amended by this act; and  
2 provided, further, that the state board of elections shall notify all  
3 candidates and political committees of the applicable provisions of this  
4 act within thirty days after this act shall have become a law.