

7394

2013-2014 Regular Sessions

I N A S S E M B L Y

May 14, 2013

Introduced by M. of A. SILVER, MILLMAN, WRIGHT, WEINSTEIN, GOTTFRIED, PEOPLES-STOKES, QUART, LUPARDO -- Multi-Sponsored by -- M. of A. BRENNAN, CAHILL, COOK, DINOWITZ, ENGLEBRIGHT, FARRELL, GANTT, GLICK, GUNTHER, HOOPER, JAFFEE, KAVANAGH, LAVINE, LENTOL, LIFTON, MORELLE, NOLAN, O'DONNELL, ORTIZ, PAULIN, ROSENTHAL, SCARBOROUGH, SWEENEY, WEISENBERG -- (at request of the State Comptroller) -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to enacting the comptroller campaign finance reform act to provide for public financing for campaigns for the office of state comptroller; to amend the general business law, in relation to authorizing the imposition of an additional surcharge on recoveries for fraudulent practices relating to stocks, bonds and other securities; to amend the state finance law, in relation to establishing the New York state campaign finance fund; and to amend the tax law, in relation to providing for a New York state campaign finance fund check-off

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

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

3 CAMPAIGN [RECEIPTS AND EXPENDITURES] FINANCE

4 S 2. Sections 14-100 through 14-130 of article 14 of the election law
5 are designated title 1 and a new title heading is added to read as
6 follows:

7 CAMPAIGN RECEIPTS AND EXPENDITURES

8 S 3. Article 14 of the election law is amended by adding a new title 2
9 to read as follows:

10 TITLE II

11 COMPTROLLER CAMPAIGN FINANCE REFORM ACT

12 SECTION 14-200. SHORT TITLE.

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

LBD04655-02-3

- 1 14-201. DECLARATION OF LEGISLATIVE FINDINGS AND INTENT.
2 14-202. APPLICABILITY AND DEFINITIONS.
3 14-203. REPORTING REQUIREMENTS.
4 14-204. CONTRIBUTION AND RECEIPT LIMITATIONS.
5 14-205. PROOF OF COMPLIANCE.
6 14-206. ELIGIBILITY.
7 14-207. VOLUNTARY EXPENDITURE LIMITS FOR PARTICIPATING CANDI-
8 DATES.
9 14-208. PAYMENT OF PUBLIC MATCHING FUNDS.
10 14-209. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPEND-
11 ITURES.
12 14-210. CAMPAIGN FINANCE BOARD; GENERAL POWERS AND DUTIES.
13 14-211. AUDITS AND REPAYMENTS.
14 14-212. CIVIL ENFORCEMENT.
15 14-213. CRIMINAL PENALTIES.
16 14-214. REPORTS.
17 14-215. DEBATES.
18 14-216. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND.

19 S 14-200. SHORT TITLE. THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS
20 THE "COMPTROLLER CAMPAIGN FINANCE REFORM ACT".

21 S 14-201. DECLARATION OF LEGISLATIVE FINDINGS AND INTENT. THE LEGIS-
22 LATURE IS COMMITTED TO REFORMING NEW YORK'S CAMPAIGN FINANCE SYSTEM FOR
23 THE OFFICE OF THE STATE COMPTROLLER. AS SOLE TRUSTEE OF THE NEW YORK
24 STATE AND LOCAL RETIREMENT SYSTEM AND AS CHIEF FISCAL OFFICER FOR THE
25 STATE OF NEW YORK, THE COMPTROLLER HAS A FIDUCIARY DUTY TO THE MEMBERS,
26 RETIREES AND BENEFICIARIES OF THE RETIREMENT SYSTEM AND TO THE PEOPLE OF
27 NEW YORK STATE.

28 IN RECOGNITION OF THESE ISSUES, THIS ACT PROVIDES FOR THE PUBLIC
29 FINANCING OF THE CAMPAIGN FOR THE OFFICE OF THE STATE COMPTROLLER. THE
30 INCLUSION OF VOLUNTARY EXPENDITURE CAPS COMBINED WITH A MINIMUM THRESH-
31 OLD FOR PARTICIPATION IN THE CAMPAIGN FINANCE PROGRAM AND CONTRIBUTION
32 LIMITS AS PROVIDED FOR IN THIS TITLE FURTHERS THE STATE'S INTEREST IN
33 ENCOURAGING QUALIFIED CANDIDATES TO RUN FOR THE OFFICE OF STATE COMP-
34 TROLLER REGARDLESS OF THEIR ACCESS TO WEALTH, THUS INCREASING PUBLIC
35 DEBATE AND PARTICIPATION IN THE DEMOCRATIC PROCESS.

36 FINALLY, THE LEGISLATURE FINDS THAT AN INDEPENDENT ENTITY WITHIN THE
37 STATE BOARD OF ELECTIONS TO OVERSEE THIS PROGRAM IS NECESSARY TO CARRY
38 OUT THIS ACT'S MANDATES. THIS ACT CREATES A CAMPAIGN FINANCE BOARD WITH-
39 IN THE STATE BOARD OF ELECTIONS TO MONITOR AND ENFORCE THE PROGRAM AND
40 ITS PROVISIONS TO ENSURE THAT THE INTENT OF THIS ACT IS FULLY IMPLE-
41 MENTED.

42 S 14-202. APPLICABILITY AND DEFINITIONS. THIS TITLE SHALL APPLY EXCLU-
43 SIVELY TO CAMPAIGN FINANCING OF CANDIDATES FOR THE NOMINATION FOR
44 ELECTION, AND FOR ELECTION TO, THE OFFICE OF STATE COMPTROLLER. FOR
45 PURPOSES OF THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING
46 MEANINGS:

47 1. "AUTHORIZED COMMITTEE" MEANS A POLITICAL COMMITTEE DESIGNATED BY A
48 CANDIDATE PURSUANT TO SECTION 14-203 OF THIS TITLE TO RECEIVE CONTRIB-
49 UTIONS AND MAKE EXPENDITURES IN SUPPORT OF SUCH CANDIDATE'S CAMPAIGN. NO
50 MORE THAN ONE AUTHORIZED COMMITTEE MAY BE DESIGNATED BY A CANDIDATE IN
51 ANY ELECTION CYCLE.

52 2. "BOARD" OR "CAMPAIGN FINANCE BOARD" MEANS THE BOARD CREATED BY
53 SECTION 14-210 OF THIS TITLE TO ADMINISTER THE CAMPAIGN FINANCE FUND.

54 3. "CANDIDATE" MEANS ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR FOR
55 ELECTION TO, THE OFFICE OF STATE COMPTROLLER WHETHER SUCH CANDIDATE IS A

1 "PARTICIPATING CANDIDATE" OR "NONPARTICIPATING CANDIDATE" AS DEFINED IN
2 THIS SECTION.

3 4. "CONTRIBUTION" MEANS:

4 (A) ANY GIFT, SUBSCRIPTION, OUTSTANDING LOAN (TO THE EXTENT PROVIDED
5 FOR IN SECTION 14-114 OF THIS ARTICLE), ADVANCE, OR DEPOSIT OF MONEY OR
6 ANYTHING OF VALUE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION,
7 OR ELECTION, OF ANY CANDIDATE, OR MADE TO PROMOTE THE SUCCESS OR DEFEAT
8 OF A POLITICAL PARTY OR PRINCIPLE, OR OF ANY BALLOT PROPOSAL;

9 (B) ANY FUNDS RECEIVED BY A POLITICAL COMMITTEE FROM ANOTHER POLITICAL
10 COMMITTEE TO THE EXTENT SUCH FUNDS DO NOT CONSTITUTE A TRANSFER; AND

11 (C) ANY PAYMENT, BY ANY PERSON OTHER THAN A CANDIDATE OR AN AUTHORIZED
12 COMMITTEE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION OR
13 ELECTION OF ANY CANDIDATE, OR ANY PAYMENT MADE TO PROMOTE THE SUCCESS OR
14 DEFEAT OF A POLITICAL PARTY OR PRINCIPLE, OR OF ANY BALLOT PROPOSAL
15 INCLUDING BUT NOT LIMITED TO COMPENSATION FOR THE PERSONAL SERVICES OF
16 ANY INDIVIDUAL WHICH ARE RENDERED IN CONNECTION WITH A CANDIDATE'S
17 ELECTION OR NOMINATION WITHOUT CHARGE; PROVIDED HOWEVER, THAT NONE OF
18 THE FOREGOING SHALL BE DEEMED A CONTRIBUTION IF IT IS MADE, TAKEN OR
19 PERFORMED BY A CANDIDATE OR HIS OR HER SPOUSE OR BY A PERSON OR A POLI-
20 TICAL COMMITTEE INDEPENDENT OF THE CANDIDATE OR HIS OR HER AGENTS OR
21 POLITICAL COMMITTEES. FOR PURPOSES OF THIS TITLE, THE TERM "INDEPENDENT
22 OF THE CANDIDATE OR HIS OR HER AGENTS OR POLITICAL COMMITTEES" SHALL
23 MEAN THAT THE CANDIDATE OR HIS OR HER AGENTS OR POLITICAL COMMITTEE DID
24 NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY SUCH ACTIV-
25 ITY; AND PROVIDED FURTHER, THAT THE TERM CONTRIBUTION SHALL NOT INCLUDE:

26 (I) THE VALUE OF SERVICES PROVIDED WITHOUT COMPENSATION BY INDIVIDUALS
27 WHO VOLUNTEER A PORTION OR ALL OF THEIR TIME ON BEHALF OF A CANDIDATE OR
28 POLITICAL COMMITTEE;

29 (II) THE USE OF REAL OR PERSONAL PROPERTY AND THE COST OF INVITATIONS,
30 FOOD AND BEVERAGES VOLUNTARILY PROVIDED BY AN INDIVIDUAL TO A CANDIDATE
31 OR POLITICAL COMMITTEE ON THE INDIVIDUAL'S RESIDENTIAL PREMISES FOR
32 CANDIDATE-RELATED ACTIVITIES TO THE EXTENT SUCH SERVICES DO NOT EXCEED
33 FIVE HUNDRED DOLLARS IN VALUE;

34 (III) THE TRAVEL EXPENSES OF ANY INDIVIDUAL WHO ON HIS OR HER OWN
35 BEHALF VOLUNTEERS HIS OR HER PERSONAL SERVICES TO ANY CANDIDATE OR POLI-
36 TICAL COMMITTEE TO THE EXTENT SUCH EXPENSES ARE UNREIMBURSED AND DO NOT
37 EXCEED FIVE HUNDRED DOLLARS IN VALUE; AND

38 (IV) EXPENDITURES BY A BONA FIDE MEMBERSHIP ORGANIZATION IN SUPPORT OF
39 THE FOLLOWING ACTIVITIES BY MEMBERS OF THE ORGANIZATION WHO ARE VOLUN-
40 TEERING THEIR TIME ON BEHALF OF A CANDIDATE, NOT TO EXCEED TWENTY-FIVE
41 DOLLARS PER MEMBER WHO VOLUNTEER FOR: (1) TRANSPORTATION OF VOLUNTEERS
42 TO AND FROM CAMPAIGN ACTIVITIES; (2) COST OF FEEDING VOLUNTEERS WHILE
43 VOLUNTEERING FOR THE CAMPAIGN; AND (3) MATERIALS SUCH AS BADGES AND
44 CLOTHING THAT IDENTIFIES THE NAME OF THE ORGANIZATION OR CANDIDATE.

45 5. "CONTRIBUTOR" MEANS AN ENTITY, INCLUDING, BUT NOT LIMITED TO,
46 NATURAL PERSONS, ASSOCIATIONS, BONA FIDE MEMBERSHIP ORGANIZATIONS, PART-
47 NERSHIPS AND CORPORATIONS, THAT MAKES A CONTRIBUTION, AS DEFINED IN
48 SUBDIVISION FOUR OF THIS SECTION.

49 6. "COVERED ELECTION" MEANS ANY PRIMARY ELECTION FOR NOMINATION, OR
50 GENERAL ELECTION FOR ELECTION, TO THE OFFICE OF STATE COMPTROLLER.

51 7. "ELECTION CYCLE" MEANS THE FOUR-YEAR PERIOD STARTING THE DAY AFTER
52 THE GENERAL ELECTION AND ENDING ON THE DATE OF THE NEXT SUCCEEDING
53 GENERAL ELECTION FOR CANDIDATES FOR STATEWIDE OFFICE.

54 8. "EXPENDITURE" MEANS ANY GIFT, SUBSCRIPTION, ADVANCE, PAYMENT, OR
55 DEPOSIT OF MONEY OR ANYTHING OF VALUE, OR A CONTRACT TO MAKE ANY GIFT,
56 SUBSCRIPTION, PAYMENT, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, MADE IN

1 CONNECTION WITH THE NOMINATION FOR ELECTION, OR ELECTION, OF ANY CANDI-
2 DATE. EXPENDITURES MADE BY CONTRACT ARE DEEMED MADE WHEN SUCH FUNDS ARE
3 OBLIGATED.

4 9. "FUND" MEANS THE CAMPAIGN FINANCE FUND CREATED BY SECTION
5 NINETY-NINE-U OF THE STATE FINANCE LAW.

6 10. "FAMILY OR HOUSEHOLD MEMBERS" MEAN THE FOLLOWING INDIVIDUALS:

7 (A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

8 (B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

9 (C) PERSONS FORMERLY MARRIED TO ONE ANOTHER REGARDLESS OF WHETHER THEY
10 STILL RESIDE IN THE SAME HOUSEHOLD;

11 (D) PERSONS WHO HAVE A CHILD IN COMMON REGARDLESS OF WHETHER SUCH
12 PERSONS ARE MARRIED OR HAVE LIVED TOGETHER AT ANY TIME; OR

13 (E) PERSONS WHO ARE NOT RELATED BY CONSANGUINITY OR AFFINITY AND WHO
14 ARE OR HAVE BEEN IN AN INTIMATE RELATIONSHIP REGARDLESS OF WHETHER SUCH
15 PERSONS HAVE LIVED TOGETHER AT ANY TIME.

16 11. "ITEM WITH SIGNIFICANT VALUE" MEANS ANY ITEM, INCLUDING ANY ITEM
17 VALUED AT TWENTY-FIVE DOLLARS OR MORE.

18 12. "LEGISLATIVE LEADER" MEANS ANY OF THE FOLLOWING: THE TEMPORARY
19 PRESIDENT OF THE SENATE; THE SPEAKER OF THE ASSEMBLY; THE MINORITY LEAD-
20 ER OF THE SENATE; OR THE MINORITY LEADER OF THE ASSEMBLY.

21 13. "MATCHABLE CONTRIBUTION" MEANS A CONTRIBUTION, CONTRIBUTIONS OR
22 SUCH PORTION OF A CONTRIBUTION OR CONTRIBUTIONS MADE BY A NATURAL PERSON
23 RESIDING IN THE STATE OF NEW YORK AT THE TIME OF SUCH CONTRIBUTION, WITH
24 A VALUE NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS, TO A PARTICIPATING
25 CANDIDATE FOR ANY PRIMARY AND A CONTRIBUTION, CONTRIBUTIONS OR SUCH
26 PORTION OF A CONTRIBUTION OR CONTRIBUTIONS MADE BY A NATURAL PERSON
27 RESIDING IN THE STATE OF NEW YORK AT THE TIME OF SUCH CONTRIBUTION WITH
28 A VALUE NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS TO A PARTICIPATING
29 CANDIDATE FOR A GENERAL ELECTION HELD IN THE SAME ELECTION CYCLE THAT
30 HAS BEEN REPORTED IN FULL TO THE STATE BOARD OF ELECTIONS IN ACCORDANCE
31 WITH SECTIONS 14-102 AND 14-104 OF THIS ARTICLE BY THE CANDIDATE'S
32 AUTHORIZED COMMITTEE AND HAS BEEN CONTRIBUTED ON OR BEFORE THE DATE OF
33 THE APPLICABLE PRIMARY OR GENERAL ELECTION. ANY CONTRIBUTION, CONTRIB-
34 UTIONS, OR SUCH PORTION OF A CONTRIBUTION OR CONTRIBUTIONS DETERMINED TO
35 BE INVALID FOR PUBLIC MATCHING FUNDS BY THE BOARD PURSUANT TO THE
36 PROVISIONS OF THIS TITLE MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION.
37 IN ADDITION, THE FOLLOWING CONTRIBUTIONS ARE NOT MATCHABLE: (A) LOANS;
38 (B) IN-KIND CONTRIBUTIONS OF PROPERTY, GOODS, OR SERVICES; (C) CONTRIB-
39 UTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR AN ITEM WITH SIGNIF-
40 ICANT VALUE; (D) ANONYMOUS CONTRIBUTIONS OR CONTRIBUTIONS WHOSE SOURCE
41 IS NOT ITEMIZED AS REQUIRED BY SECTION 14-203 OF THIS TITLE; (E)
42 CONTRIBUTIONS RECEIVED DURING A PREVIOUS ELECTION CYCLE; (F) ILLEGAL
43 CONTRIBUTIONS; AND (G) CONTRIBUTIONS FROM INDIVIDUALS UNDER THE AGE OF
44 EIGHTEEN YEARS AT THE TIME THE CONTRIBUTION IS MADE.

45 14. "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR THE OFFICE
46 OF STATE COMPTROLLER FOR A COVERED ELECTION WHO FAILS TO FILE A WRITTEN
47 CERTIFICATION IN THE FORM OF AN AFFIDAVIT PURSUANT TO SECTION 14-206 OF
48 THIS TITLE.

49 15. "PARTICIPATING CANDIDATE" SHALL MEAN ANY CANDIDATE FOR NOMINATION
50 FOR ELECTION, OR ELECTION, TO THE OFFICE OF STATE COMPTROLLER WHO FILES
51 A WRITTEN CERTIFICATION IN THE FORM OF AN AFFIDAVIT PURSUANT TO SECTION
52 14-206 OF THIS TITLE.

53 16. "POLITICAL COMMITTEE" MEANS A COMMITTEE AS DEFINED IN SECTION
54 14-100 OF THIS ARTICLE.

1 16-A. "PUBLIC MATCHING FUNDS" MEANS MONIES PAID FROM THE CAMPAIGN
2 FINANCE FUND TO THE AUTHORIZED COMMITTEE OF PARTICIPATING CANDIDATES
3 PURSUANT TO THIS TITLE.

4 17. "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE FOR
5 WHICH PUBLIC MATCHING FUNDS MAY BE USED.

6 18. "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF MATCHABLE
7 CONTRIBUTIONS THAT A CANDIDATE'S AUTHORIZED COMMITTEE MUST RECEIVE IN
8 TOTAL IN ORDER FOR SUCH CANDIDATE TO QUALIFY FOR VOLUNTARY PUBLIC
9 FINANCING UNDER THIS ARTICLE.

10 19. "TRANSFER" SHALL MEAN ANY EXCHANGE OF FUNDS OR ANY THING OF VALUE
11 BETWEEN POLITICAL COMMITTEES AUTHORIZED BY THE SAME CANDIDATE TAKING
12 PART SOLELY IN HIS OR HER CAMPAIGN, OR ANY EXCHANGE OF FUNDS BETWEEN A
13 PARTY OR CONSTITUTED COMMITTEE AND A CANDIDATE OR HIS OR HER DESIGNATED
14 AUTHORIZED POLITICAL COMMITTEES.

15 S 14-203. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE
16 SHALL DESIGNATE ONLY ONE AUTHORIZED COMMITTEE TO BE ELIGIBLE TO RECEIVE
17 CONTRIBUTIONS OF PUBLIC MATCHING FUNDS. BEFORE RECEIVING ANY SUCH
18 CONTRIBUTION OR MAKING ANY EXPENDITURE THEREFROM FOR A COVERED ELECTION,
19 EACH PARTICIPATING CANDIDATE SHALL NOTIFY THE STATE BOARD OF ELECTIONS
20 AND THE BOARD AS TO THE EXISTENCE OF HIS OR HER ELIGIBLE AUTHORIZED
21 COMMITTEE THAT HAS BEEN DESIGNATED AND APPROVED BY SUCH CANDIDATE. SUCH
22 AUTHORIZED COMMITTEE SHALL, BEFORE RECEIVING ANY CONTRIBUTION OR MAKING
23 ANY EXPENDITURE FOR A COVERED ELECTION: (A) DESIGNATE A TREASURER; (B)
24 OBTAIN A TAX IDENTIFICATION NUMBER FROM THE INTERNAL REVENUE SERVICE;
25 AND (C) SUBMIT TO THE STATE BOARD OF ELECTIONS, EITHER IN WRITING OR
26 ELECTRONICALLY, THE IDENTIFICATION NUMBER OF THE COMMITTEE DESIGNATED TO
27 BE ELIGIBLE TO RECEIVE PUBLIC MATCHING FUNDS.

28 2. DISCLOSURE. (A) EVERY PARTICIPATING CANDIDATE SHALL SUBMIT SUCH
29 REPORTS TO THE STATE BOARD OF ELECTIONS AS REQUIRED BY TITLE ONE OF THIS
30 ARTICLE. COPIES OF SUCH REPORTS SHALL ALSO BE SUBMITTED TO THE CAMPAIGN
31 FINANCE BOARD CREATED PURSUANT TO THIS ARTICLE AT THE SAME TIME SUCH
32 REPORTS ARE SUBMITTED TO THE STATE BOARD OF ELECTIONS.

33 (B) THE CAMPAIGN FINANCE BOARD SHALL REVIEW EACH DISCLOSURE REPORT
34 FILED WITH THE STATE BOARD OF ELECTIONS PURSUANT TO TITLE ONE OF THIS
35 ARTICLE AND SHALL INFORM PARTICIPATING CANDIDATES AND POLITICAL COMMIT-
36 TEES INCLUDING THE AUTHORIZED COMMITTEE, OF RELEVANT QUESTIONS THE BOARD
37 HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF THIS TITLE AND OF
38 THE RULES ISSUED BY THE BOARD; AND (II) QUALIFICATION FOR RECEIVING
39 PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. IN THE COURSE OF SUCH
40 REVIEW, THE BOARD SHALL GIVE CANDIDATES AND POLITICAL COMMITTEES INCLUD-
41 ING THE AUTHORIZED COMMITTEE, AN OPPORTUNITY TO RESPOND TO AND CORRECT
42 POTENTIAL VIOLATIONS AND GIVE CANDIDATES AN OPPORTUNITY TO ADDRESS QUES-
43 TIONS THE BOARD HAS CONCERNING THEIR MATCHABLE CONTRIBUTION CLAIMS OR
44 OTHER ISSUES CONCERNING ELIGIBILITY FOR RECEIVING PUBLIC MATCHING FUNDS
45 PURSUANT TO THIS TITLE. NOTHING IN THIS PARAGRAPH SHALL PRECLUDE THE
46 BOARD FROM SUBSEQUENTLY REVIEWING SUCH A DISCLOSURE REPORT AND TAKING
47 ANY ACTION OTHERWISE AUTHORIZED BY THIS TITLE.

48 (C) ONLY ITEMIZED CONTRIBUTIONS CONTAINED IN REPORTS FILED WITH THE
49 STATE BOARD OF ELECTIONS SHALL BE ELIGIBLE FOR MATCHING FUNDS PURSUANT
50 TO THIS TITLE.

51 S 14-204. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. A PARTICIPATING
52 CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEE SHALL NOT ACCEPT, EITHER
53 DIRECTLY OR INDIRECTLY:

54 (A) TOTAL CONTRIBUTIONS FROM ANY ONE CONTRIBUTOR THAT EXCEED TWO THOU-
55 SAND DOLLARS IN ANY PRIMARY IN AN ELECTION CYCLE FOR THE OFFICE OF STATE

1 COMPTROLLER AND TWO THOUSAND DOLLARS FOR A GENERAL ELECTION IN AN
2 ELECTION CYCLE; OR

3 (B) ANY CONTRIBUTION FROM A POLITICAL COMMITTEE THAT HAS NOT REGIS-
4 TERED WITH THE STATE BOARD OF ELECTIONS OR HAS NOT REGISTERED WITH THE
5 APPROPRIATE ENTITY AS REQUIRED BY LAW.

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

14 (B) FOR PURPOSES OF THIS SUBDIVISION, THE TERM "STATE CONSTITUTED
15 COMMITTEE" INCLUDES ANY OF ITS SUBCOMMITTEES.

16 3. NOTWITHSTANDING ANY EXPENDITURE LIMIT SET FORTH IN THIS TITLE, EACH
17 COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR STATE
18 COMPTROLLER, INCLUDING WITHIN THE TERM "COUNTY COMMITTEE" ANY OF ITS
19 SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF EACH SUCH CANDIDATE OF SUCH
20 PARTY WHO HAS AGREED TO ACCEPT PUBLIC FINANCING, AN AMOUNT WHICH SHALL
21 NOT EXCEED THE SUM OF TWO CENTS FOR EACH VOTER REGISTERED IN SUCH COUNTY
22 AS DETERMINED BY THE RECORD OF THE APPROPRIATE BOARD OF ELECTIONS AS OF
23 THE PRECEDING GENERAL ELECTION.

24 4. IN COMPUTING THE AGGREGATE AMOUNT EXPENDED FOR PURPOSES OF THIS
25 SECTION, EXPENDITURES MADE BY A STATE CONSTITUTED COMMITTEE OR A COUNTY
26 COMMITTEE IN SUPPORT OF MORE THAN ONE CANDIDATE SHALL BE ALLOCATED AMONG
27 SUCH CANDIDATES SUPPORTED BY THE COMMITTEE IN ACCORDANCE WITH FORMULAS
28 PROMULGATED BY THE STATE BOARD OF ELECTIONS OR, IN THE ABSENCE OF SUCH
29 OFFICIAL FORMULAS, IN ACCORDANCE WITH A FORMULA BASED UPON REASONABLE
30 STANDARDS. THE STATEMENTS FILED BY SUCH CONSTITUTED COMMITTEE IN ACCORD-
31 ANCE WITH THIS CHAPTER SHALL SET FORTH, IN ADDITION TO THE OTHER INFOR-
32 MATION REQUIRED, THE TOTAL AMOUNT EXPENDED BY THE CONSTITUTED COMMITTEE
33 ON BEHALF OF ALL SUCH CANDIDATES AND THE AMOUNT ALLOCATED TO EACH CANDI-
34 DATE BY DOLLAR AMOUNT AND PERCENTAGE. EXPENDITURES BY A PARTY FOR ACTIV-
35 ITIES WHICH DO NOT SUPPORT OR OPPOSE THE ELECTION OF ANY CANDIDATE OR
36 CANDIDATES BY NAME OR BY CLEAR INFERENCE SHALL NOT BE REGARDED AS
37 EXPENDITURES ON BEHALF OF OR IN OPPOSITION TO A CANDIDATE.

38 5. NOTWITHSTANDING ANY OTHER CONTRIBUTION LIMIT SPECIFIED IN THIS
39 SECTION, PARTICIPATING CANDIDATES MAY GIVE, OUT OF THEIR OWN MONEY,
40 THREE TIMES THE APPLICABLE CONTRIBUTION LIMIT TO THEIR OWN CAMPAIGNS,
41 PROVIDED THAT NONE OF THE MONEY SO CONTRIBUTED SHALL QUALIFY FOR MATCH-
42 ING FUNDS.

43 6. ALL MONETARY CONTRIBUTIONS AND ALL PUBLIC MATCHING FUNDS ACCEPTED
44 BY A CANDIDATE'S AUTHORIZED COMMITTEE SHALL BE DEPOSITED INTO AN ACCOUNT
45 WITH A BANK LICENSED BY THE NEW YORK STATE DEPARTMENT OF FINANCIAL
46 SERVICES HELD IN THE NAME OF THE AUTHORIZED POLITICAL COMMITTEE WITHIN
47 TEN BUSINESS DAYS OF RECEIPT. EACH AUTHORIZED COMMITTEE SHALL HAVE NO
48 MORE THAN ONE CHECKING ACCOUNT. MONETARY CONTRIBUTIONS, OTHER THAN
49 PUBLIC MATCHING FUNDS, MAY BE INVESTED IN ACCORDANCE WITH THE PROVISIONS
50 OF LAW RELATING THERETO.

51 7. CONTRIBUTIONS TO CANDIDATES IN COVERED ELECTIONS SHALL, FOR EACH
52 ELECTION CYCLE, IN ALL OTHER RESPECTS, BE SUBJECT TO THE LIMITATIONS AND
53 PROVISIONS OF TITLE ONE OF THIS ARTICLE.

54 S 14-205. PROOF OF COMPLIANCE. CANDIDATES AND POLITICAL COMMITTEES
55 SHALL MAINTAIN SUCH RECORDS OF RECEIPTS AND EXPENDITURES FOR A COVERED
56 ELECTION AS MAY BE REQUIRED BY THE CAMPAIGN FINANCE BOARD. CANDIDATES

1 AND POLITICAL COMMITTEES SHALL OBTAIN AND FURNISH TO THE BOARD ANY
2 INFORMATION IT MAY REQUEST RELATING TO FINANCIAL TRANSACTIONS OR
3 CONTRIBUTIONS AND FURNISH SUCH DOCUMENTATION AND OTHER PROOF OF COMPLI-
4 ANCE WITH THIS TITLE AS MAY BE REQUESTED BY THE BOARD. CANDIDATES AND
5 POLITICAL COMMITTEES SHALL MAINTAIN COPIES OF SUCH RECORDS FOR A PERIOD
6 OF FIVE YEARS FOLLOWING THE GENERAL ELECTION.

7 S 14-206. ELIGIBILITY. 1. TO BE ELIGIBLE FOR PUBLIC FINANCING PURSUANT
8 TO THIS TITLE, A CANDIDATE MUST: (A) BE A CANDIDATE IN A COVERED
9 ELECTION; (B) SATISFY ALL THE REQUIREMENTS OF LAW TO HAVE HIS OR HER
10 NAME ON THE BALLOT; (C) IN THE CASE OF A COVERED GENERAL ELECTION, BE
11 OPPOSED BY ANOTHER CANDIDATE ON THE BALLOT WHO IS NOT A WRITE-IN CANDI-
12 DATE; (D) SUBMIT A CERTIFICATION IN THE FORM OF AN AFFIDAVIT, IN SUCH
13 FORM AS MAY BE PRESCRIBED BY THE CAMPAIGN FINANCE BOARD, THAT SETS FORTH
14 HIS OR HER AGREEMENT TO COMPLY WITH THE TERMS AND CONDITIONS FOR THE
15 PROVISION OF SUCH FUNDS IN EACH COVERED ELECTION WHICH SHALL BE FILED
16 WITH SUCH BOARD BY JUNE FIRST DIRECTLY BEFORE THE ELECTION; (E) BE
17 CERTIFIED AS A PARTICIPATING CANDIDATE BY SUCH BOARD NOT LATER THAN TWO
18 WEEKS AFTER THE FILING OF SUCH AFFIDAVIT; (F) NOT MAKE, AND NOT HAVE
19 MADE, EXPENDITURES FROM, OR USE, HIS OR HER PERSONAL FUNDS OR PROPERTY
20 OR PERSONAL FUNDS OR PROPERTY JOINTLY HELD WITH HIS OR HER SPOUSE,
21 DOMESTIC PARTNER, OR CHILD IN CONNECTION WITH HIS OR HER NOMINATION FOR
22 ELECTION OR ELECTION TO A COVERED OFFICE EXCEPT AS A CONTRIBUTION TO HIS
23 OR HER AUTHORIZED COMMITTEE IN AN AMOUNT THAT EXCEEDS THREE TIMES THE
24 APPLICABLE CONTRIBUTION LIMIT FROM AN INDIVIDUAL CONTRIBUTOR TO CANDI-
25 DATES FOR THE OFFICE THAT HE OR SHE IS SEEKING; (G) MEET THE THRESHOLD
26 FOR ELIGIBILITY SET FORTH IN SUBDIVISION TWO OF THIS SECTION; (H) ABIDE
27 BY THE REQUIREMENTS SET FORTH IN THIS TITLE AND CHAPTER DURING THE
28 POST-ELECTION PERIOD; AND (I) NOT MAKE, AND NOT HAVE MADE, AND HIS OR
29 HER AUTHORIZED COMMITTEE MUST NOT MAKE, AND NOT HAVE MADE EXPENDITURES
30 THAT IN THE AGGREGATE EXCEED THE APPLICABLE SPENDING LIMIT AS PROVIDED
31 IN THIS TITLE.

32 2. (A) THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR PARTIC-
33 IPATING CANDIDATES SHALL BE THE RECEIPT OF CONTRIBUTIONS TOTALING ONE
34 HUNDRED FIFTY THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS IN SINGLE
35 AMOUNTS OF NO LESS THAN TEN DOLLARS AND NO MORE THAN TWO HUNDRED FIFTY
36 DOLLARS, INCLUDING AT LEAST FIFTY MATCHABLE CONTRIBUTIONS FROM NATURAL
37 PERSONS REGISTERED TO VOTE IN EACH OF AT LEAST SEVENTY-FIVE PERCENT OF
38 THE TOTAL NUMBER OF CONGRESSIONAL DISTRICTS IN THE STATE AT THE TIME OF
39 SUCH COVERED ELECTION.

40 (B) ANY PARTICIPATING CANDIDATE MEETING THE THRESHOLD FOR ELIGIBILITY
41 IN A PRIMARY ELECTION SHALL BE DEEMED TO HAVE MET THE THRESHOLD FOR
42 ELIGIBILITY FOR SUCH OFFICE IN ANY OTHER ELECTION HELD IN THE SAME
43 ELECTION CYCLE.

44 S 14-207. VOLUNTARY EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES.
45 1. PARTICIPATING CANDIDATES MAY SPEND NO MORE THAN FIVE MILLION DOLLARS
46 FOR THE PRIMARY ELECTION. EXPENDITURES MADE BEFORE OR ON THE DATE OF A
47 PRIMARY ELECTION SHALL BE DEEMED TO HAVE BEEN MADE FOR SUCH PRIMARY
48 ELECTION. EXPENSES MADE AFTER THE DATE OF A PRIMARY ELECTION SHALL BE
49 DEEMED TO HAVE BEEN MADE FOR SUCH PRIMARY ELECTION IF MADE FOR LIABIL-
50 ITIES INCURRED PRIOR TO SUCH PRIMARY ELECTION.

51 2. PARTICIPATING CANDIDATES MAY SPEND NO MORE THAN SEVEN MILLION FIVE
52 HUNDRED THOUSAND DOLLARS IN A GENERAL ELECTION CAMPAIGN.

53 3. EXPENDITURES MADE FOR THE PURPOSE OF COMPLYING WITH THIS TITLE OR
54 CHAPTER, INCLUDING LEGAL FEES, ACCOUNTING FEES, THE COST OF RECORD
55 CREATION AND RETENTION, AND OTHER NECESSARY COMPLIANCE EXPENDITURES, AND
56 EXPENSES TO CHALLENGE OR DEFEND THE VALIDITY OF PETITIONS OF DESIGNATION

1 OR NOMINATION OR CERTIFICATES OF NOMINATION, ACCEPTANCE, AUTHORIZATION,
2 DECLINATION OR SUBSTITUTION, AND EXPENSES RELATED TO THE CANVASSING OF
3 ELECTION RESULTS, SHALL NOT BE LIMITED BY THE SPENDING LIMITS OF THIS
4 SECTION. THE BURDEN IS ON THE CANDIDATE TO SUBSTANTIATE EXEMPT EXPENDI-
5 TURES. THE BOARD SHALL PROMULGATE RULES TO IMPLEMENT THIS SECTION.

6 S 14-208. PAYMENT OF PUBLIC MATCHING FUNDS. 1. NO PUBLIC MATCHING
7 FUNDS SHALL BE PAID TO AN AUTHORIZED COMMITTEE UNLESS THE CAMPAIGN
8 FINANCE BOARD DETERMINES THAT THE PARTICIPATING CANDIDATE HAS QUALIFIED
9 PURSUANT TO THIS TITLE. PAYMENT SHALL NOT EXCEED THE AMOUNTS SPECIFIED
10 IN THIS SECTION AND MAY BE MADE ONLY TO THE PARTICIPATING CANDIDATE'S
11 AUTHORIZED COMMITTEE. NO PUBLIC MATCHING FUNDS SHALL BE USED EXCEPT TO
12 REIMBURSE OR PAY FOR QUALIFIED CAMPAIGN EXPENDITURES ACTUALLY AND
13 LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED CAMPAIGN
14 EXPENDITURES.

15 2. IF THE THRESHOLD FOR ELIGIBILITY IS MET, THE PARTICIPATING CANDI-
16 DATE'S AUTHORIZED COMMITTEE SHALL RECEIVE PAYMENT FOR QUALIFIED CAMPAIGN
17 EXPENDITURES OF SIX DOLLARS OF PUBLIC MATCHING FUNDS FOR EACH ONE DOLLAR
18 OF MATCHABLE CONTRIBUTIONS FOR A PRIMARY ELECTION AND SIX DOLLARS OF
19 PUBLIC MATCHING FUNDS FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS FOR
20 A GENERAL ELECTION RECEIVED AND REPORTED TO THE BOARD; PROVIDED, HOWEV-
21 ER, THAT THE TOTAL AMOUNT OF PUBLIC MATCHING FUNDS SHALL NOT EXCEED TWO
22 MILLION TWO HUNDRED THOUSAND DOLLARS FOR EACH PARTICIPATING CANDIDATE
23 FOR A PRIMARY AND SHALL NOT EXCEED THREE MILLION TWO HUNDRED THOUSAND
24 DOLLARS FOR EACH PARTICIPATING CANDIDATE FOR A GENERAL ELECTION IN ANY
25 ELECTION CYCLE.

26 3. THE COMMISSIONER OF TAXATION AND FINANCE SHALL MAKE ALL PAYMENTS OF
27 PUBLIC MATCHING FUNDS TO PARTICIPATING CANDIDATES AS SOON AS PRACTICA-
28 BLE, BUT NO LATER THAN THREE DAYS AFTER SUBMISSION BY THE PARTICIPATING
29 CANDIDATE OF A CAMPAIGN CONTRIBUTION REPORT FILED WITH THE STATE BOARD
30 OF ELECTIONS IN COMPLIANCE WITH THIS ARTICLE. THE CAMPAIGN FINANCE BOARD
31 SHALL VERIFY ELIGIBILITY FOR AND AMOUNT OF PUBLIC MATCHING FUNDS WITHIN
32 ONE DAY AFTER RECEIPT OF SUCH CONTRIBUTION REPORT. UPON DETERMINATION OF
33 ELIGIBILITY OF A PARTICIPATING CANDIDATE FOR PUBLIC MATCHING FUNDS AND
34 OF AMOUNT OF SUCH MATCHING FUNDS, THE CAMPAIGN FINANCE BOARD SHALL
35 SUBMIT WITHIN ONE DAY A DULY APPROVED, CERTIFIED AND EXECUTED VOUCHER TO
36 THE DEPARTMENT OF TAXATION AND FINANCE REQUESTING PAYMENT OF SUCH MATCH-
37 ING FUNDS AND PAYMENT THEREOF SHALL BE MADE TO THE PARTICIPATING CANDI-
38 DATE'S AUTHORIZED COMMITTEE NOT LESS THAN ONE DAY AFTER SUCH VOUCHER IS
39 RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE. IF ANY OF THE TIME
40 LIMITS IN THIS TITLE FOR PAYMENT FALL ON A WEEKEND OR HOLIDAY, PAYMENT
41 SHALL BE MADE ON THE NEXT BUSINESS DAY.

42 4. THE CAMPAIGN FINANCE BOARD AND THE DEPARTMENT OF TAXATION AND
43 FINANCE SHALL PROMULGATE RULES TO FACILITATE ELECTRONIC FUND TRANSFERS
44 DIRECTLY FROM THE FUND INTO AN AUTHORIZED COMMITTEE'S BANK ACCOUNT.

45 S 14-209. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDI-
46 TURES. 1. PUBLIC MATCHING FUNDS PROVIDED UNDER THE PROVISIONS OF THIS
47 TITLE MAY BE USED ONLY BY AN AUTHORIZED COMMITTEE FOR EXPENDITURES TO
48 FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION, OR
49 ELECTION, INCLUDING PAYING FOR DEBTS INCURRED WITHIN ONE YEAR BEFORE AN
50 ELECTION TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR
51 ELECTION OR ELECTION.

52 2. SUCH PUBLIC MATCHING FUNDS MAY NOT BE USED FOR: (A) AN EXPENDITURE
53 THAT VIOLATES ANY LAW OR REGULATION; (B) AN EXPENDITURE IN EXCESS OF THE
54 FAIR MARKET VALUE OF SERVICES, MATERIALS, FACILITIES OR OTHER ITEM OF
55 SIGNIFICANT VALUE RECEIVED IN EXCHANGE; (C) AN EXPENDITURE MADE AFTER
56 THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE BALLOT; (D) AN

1 EXPENDITURE FOR AN OBLIGATION INCURRED AFTER THE ONLY REMAINING OPPONENT
2 OF THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE BALLOT; (E) AN
3 EXPENDITURE MADE BY CASH PAYMENT; (F) A CONTRIBUTION OR LOAN MADE TO
4 ANOTHER CANDIDATE OR POLITICAL COMMITTEE; (G) AN EXPENDITURE TO SUPPORT
5 OR OPPOSE ANOTHER CANDIDATE OR POLITICAL COMMITTEE; (H) GIFTS, EXCEPT
6 BROCHURES, BUTTONS, SIGNS AND OTHER PRINTED CAMPAIGN MATERIAL; (I) LEGAL
7 FEES TO DEFEND AGAINST A CRIMINAL CHARGE; OR (J) A PAYMENT TO AN IMMEDI-
8 ATE FAMILY MEMBER OF THE PARTICIPATING CANDIDATE.

9 S 14-210. CAMPAIGN FINANCE BOARD; GENERAL POWERS AND DUTIES. 1. THERE
10 SHALL BE A BOARD WITHIN THE STATE BOARD OF ELECTIONS KNOWN AS THE
11 "CAMPAIGN FINANCE BOARD" COMPOSED OF SEVEN MEMBERS, OF WHICH ONE MEMBER
12 SHALL BE APPOINTED BY THE GOVERNOR, ONE MEMBER SHALL BE APPOINTED BY
13 EACH LEGISLATIVE LEADER OF THE SENATE AND ASSEMBLY. TWO ADDITIONAL
14 MEMBERS WHO SHALL BE REPRESENTATIVE OF NON-PARTISAN CITIZENS' GROUPS
15 SHALL BE APPOINTED BY THE GOVERNOR UPON CONSULTATION WITH THE LEGISLA-
16 TIVE LEADERS AND THE GOVERNOR SHALL DESIGNATE ONE TO BE THE CHAIR. NO
17 MEMBER OF THE CAMPAIGN FINANCE BOARD SHALL HOLD ELECTIVE OFFICE, NOR
18 SHALL ANY MEMBER BE A LOBBYIST AS DEFINED IN SUBDIVISION (A) OF SECTION
19 ONE-C OF THE LEGISLATIVE LAW. THE CHAIR SHALL BE RESPONSIBLE FOR MANAG-
20 ING THE CAMPAIGN FINANCE BOARD. THE MEMBERS SHALL EACH SERVE FOR A TERM
21 OF FOUR YEARS.

22 2. EACH MEMBER'S TERM SHALL COMMENCE ON JUNE FIRST, TWO THOUSAND FOUR-
23 TEEN. IN CASE OF A VACANCY IN THE OFFICE OF A MEMBER, A MEMBER SHALL BE
24 APPOINTED ACCORDING TO THE ORIGINAL MANNER OF APPOINTMENT. EACH MEMBER
25 SHALL BE A RESIDENT OF THE STATE OF NEW YORK AND REGISTERED TO VOTE
26 THEREIN. EACH MEMBER SHALL AGREE NOT TO MAKE AND SHALL NOT MAKE CONTRIB-
27 UTIONS TO ANY CANDIDATE OR AUTHORIZED COMMITTEE FOR NOMINATION FOR
28 ELECTION OR FOR ELECTION TO THE OFFICE OF STATE COMPTROLLER. NO MEMBER
29 SHALL SERVE AS AN OFFICER OF A POLITICAL PARTY OR COMMITTEE OR BE A
30 CANDIDATE OR PARTICIPATE IN ANY CAPACITY IN A CAMPAIGN BY A CANDIDATE
31 FOR NOMINATION FOR ELECTION, OR FOR ELECTION TO THE OFFICE OF STATE
32 COMPTROLLER. AN OFFICER OR EMPLOYEE OF THE STATE OR ANY STATE AGENCY
33 SHALL NOT BE ELIGIBLE TO BE A MEMBER OF THE CAMPAIGN FINANCE BOARD.

34 3. THE MEMBERS OF THE CAMPAIGN FINANCE BOARD SHALL BE ENTITLED TO
35 RECEIVE PAYMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
36 PERFORMANCE OF THEIR DUTIES AS MEMBERS OF SUCH BOARD.

37 4. THE CAMPAIGN FINANCE BOARD MAY EMPLOY OR SHALL UTILIZE EXISTING
38 STAFF OF THE STATE BOARD OF ELECTIONS AS MAY BE NECESSARY, INCLUDING AN
39 EXECUTIVE DIRECTOR AND A COUNSEL, AND MAKE NECESSARY EXPENDITURES
40 SUBJECT TO APPROPRIATION. THE CAMPAIGN FINANCE BOARD SHALL RETAIN AN
41 INDEPENDENT AUDITOR TO PERFORM ONGOING AUDITS OF EACH COVERED ELECTION
42 BY CONTRACT ENTERED INTO PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF
43 THE STATE FINANCE LAW.

44 5. A MEMBER OF THE CAMPAIGN FINANCE BOARD MAY BE REMOVED FOR CAUSE BY
45 THE APPOINTING AUTHORITY UPON NOTICE AND AN OPPORTUNITY FOR A HEARING.

46 6. IN ADDITION TO THE ENFORCEMENT POWERS, AND ANY OTHER POWERS AND
47 DUTIES SPECIFIED BY LAW, THE CAMPAIGN FINANCE BOARD SHALL:

48 (A) (I) RENDER ADVISORY OPINIONS WITH RESPECT TO QUESTIONS ARISING
49 UNDER THIS TITLE UPON THE WRITTEN REQUEST OF A CANDIDATE, AN OFFICER OF
50 A POLITICAL COMMITTEE OR MEMBER OF THE PUBLIC, OR UPON ITS OWN INITI-
51 ATIVE; (II) PROMULGATE RULES REGARDING REASONABLE TIMES TO RESPOND TO
52 SUCH REQUESTS; AND (III) MAKE PUBLIC THE QUESTIONS OF INTERPRETATION FOR
53 WHICH ADVISORY OPINIONS WILL BE CONSIDERED BY THE CAMPAIGN FINANCE BOARD
54 AND ITS ADVISORY OPINIONS, INCLUDING BY PUBLICATION ON ITS WEBSITE;

1 (B) DEVELOP A PROGRAM FOR INFORMING CANDIDATES AND THE PUBLIC AS TO
2 THE PURPOSE AND EFFECT OF THE PROVISIONS OF THIS TITLE, INCLUDING BY
3 MEANS OF A WEBSITE;

4 (C) HAVE THE AUTHORITY TO PROMULGATE SUCH RULES AND REGULATIONS AND
5 PRESCRIBE SUCH FORMS AS THE CAMPAIGN FINANCE BOARD DEEMS NECESSARY FOR
6 THE ADMINISTRATION OF THIS TITLE; AND

7 (D) IN CONJUNCTION WITH THE STATE BOARD OF ELECTIONS DEVELOP AN INTER-
8 ACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION
9 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMA-
10 TION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR
11 AUTHORIZED COMMITTEES AND DISTRIBUTIONS OF MONEYS FROM THE FUND AND
12 SHALL BE ACCESSIBLE TO THE PUBLIC ON THE STATE BOARD OF ELECTIONS'
13 WEBSITE.

14 7. CONSISTENT WITH THE PROVISIONS OF THE CIVIL SERVICE LAW AND SUBDI-
15 VISION SEVENTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
16 AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL
17 POSITIONS ON THE STAFF OF THE CAMPAIGN FINANCE BOARD SHALL BE CLASSIFIED
18 IN THE EXEMPT CLASS OF THE CIVIL SERVICE AND SUCH POSITIONS SHALL BE
19 FILLED, TO THE EXTENT POSSIBLE, WITH AN EQUAL NUMBER OF PERSONS FROM
20 EACH OF THE TWO POLITICAL PARTIES FOR WHICH THE HIGHEST AND THE NEXT
21 HIGHEST NUMBER OF VOTES WERE CAST FOR THE OFFICE OF STATE COMPTROLLER AT
22 THE LAST PRECEDING GENERAL ELECTION FOR SUCH OFFICE.

23 8. THE CAMPAIGN FINANCE BOARD'S ADMINISTRATION OF THE FUND SHALL BE
24 GOVERNED BY THE PROVISIONS OF THIS TITLE AND SECTION NINETY-NINE-U OF
25 THE STATE FINANCE LAW.

26 9. THE CAMPAIGN FINANCE BOARD AND ITS PROCEEDINGS SHALL BE GOVERNED BY
27 THE STATE ADMINISTRATIVE PROCEDURE ACT AND SUBJECT TO ARTICLES SIX AND
28 SEVEN OF THE PUBLIC OFFICERS LAW.

29 10. THE CAMPAIGN FINANCE BOARD MAY TAKE SUCH OTHER ACTIONS AS ARE
30 NECESSARY AND PROPER TO CARRY OUT THE PURPOSES OF THIS TITLE.

31 S 14-211. AUDITS AND REPAYMENTS. 1. THE CAMPAIGN FINANCE BOARD IS
32 HEREBY EMPOWERED TO AUDIT AND EXAMINE ALL MATTERS RELATING TO THE
33 PERFORMANCE OF ITS FUNCTIONS AND ANY OTHER MATTER RELATING TO THE ADMIN-
34 ISTRATION OF THIS TITLE. SUCH AUDITS SHALL BE CONDUCTED AS FREQUENTLY AS
35 THE CAMPAIGN FINANCE BOARD DEEMS NECESSARY TO ENSURE COMPLIANCE WITH
36 THIS TITLE. EVERY CANDIDATE WHO RECEIVES PUBLIC MATCHING FUNDS UNDER
37 THIS TITLE SHALL ALSO BE AUDITED BY THE CAMPAIGN FINANCE BOARD POST-E-
38 LECTION. THE COST OF COMPLYING WITH A POST-ELECTION AUDIT SHALL BE BORNE
39 BY THE CANDIDATE'S AUTHORIZED COMMITTEE. A CANDIDATE WHO HAS RECEIVED
40 PUBLIC MATCHING FUNDS UNDER THIS TITLE MUST MAINTAIN A RESERVE OF AT
41 LEAST ONE PERCENT OF THE TOTAL AMOUNT OF MATCHING FUNDS RECEIVED BY SUCH
42 CANDIDATE IN HIS OR HER CAMPAIGN ACCOUNT TO COMPLY WITH THE POST-ELEC-
43 TION AUDIT. A CANDIDATE WHO RUNS IN BOTH A PRIMARY AND A GENERAL
44 ELECTION, MUST MAINTAIN A RESERVE OF ONE PERCENT OF THE TOTAL AMOUNT OF
45 PUBLIC MATCHING FUNDS RECEIVED BY SUCH CANDIDATE FOR BOTH HIS OR HER
46 PRIMARY AND GENERAL ELECTION. A CANDIDATE MAY USE PUBLIC MATCHING FUNDS,
47 PRIVATE FUNDS OR A COMBINATION OF PUBLIC AND PRIVATE FUNDS TO COMPLY
48 WITH A POST-ELECTION AUDIT. THE CAMPAIGN FINANCE BOARD SHALL ISSUE TO
49 EACH CAMPAIGN AUDITED THE FINAL POST-ELECTION AUDIT REPORT THAT DETAILS
50 ITS FINDINGS AND SHALL PROVIDE SUCH AUDIT TO THE GOVERNOR AND LEGISLA-
51 TIVE LEADERS AND MAKE SUCH AUDIT REPORT AVAILABLE ON THE STATE BOARD OF
52 ELECTIONS' WEBSITE.

53 2. IF THE CAMPAIGN FINANCE BOARD DETERMINES THAT ANY PORTION OF A
54 PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE FUND
55 EXCEEDED THE AMOUNT THAT SUCH CANDIDATE WAS ELIGIBLE TO RECEIVE PURSUANT
56 TO THIS TITLE, THE CAMPAIGN FINANCE BOARD SHALL NOTIFY SUCH COMMITTEE

1 AND SUCH COMMITTEE SHALL PAY TO THE CAMPAIGN FINANCE BOARD AN AMOUNT
2 EQUAL TO THE AMOUNT OF THE EXCESS PAYMENT; PROVIDED, HOWEVER, THAT IF
3 THE ERRONEOUS PAYMENT WAS DUE TO AN ERROR MADE BY THE CAMPAIGN FINANCE
4 BOARD, THEN THE ERRONEOUS PAYMENT WILL BE OFFSET AGAINST ANY FUTURE
5 PAYMENT, IF ANY. THE PARTICIPATING CANDIDATE AND THE CANDIDATE'S AUTHOR-
6 IZED COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS
7 DUE TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT BY SUCH BOARD INTO THE NEW
8 YORK STATE CAMPAIGN FINANCE FUND.

9 3. IF THE CAMPAIGN FINANCE BOARD DETERMINES THAT ANY PORTION OF A
10 PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE NEW YORK
11 STATE CAMPAIGN FINANCE FUND WAS USED FOR PURPOSES OTHER THAN QUALIFIED
12 CAMPAIGN EXPENDITURES, THE CAMPAIGN FINANCE BOARD SHALL NOTIFY SUCH
13 COMMITTEE OF THE AMOUNT SO DISQUALIFIED AND SUCH COMMITTEE SHALL PAY TO
14 THE CAMPAIGN FINANCE BOARD AN AMOUNT EQUAL TO SUCH DISQUALIFIED AMOUNT.
15 SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE
16 FUND CREATED PURSUANT TO SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.
17 THE CANDIDATE AND THE CANDIDATE'S AUTHORIZED COMMITTEE SHALL BE JOINTLY
18 AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE TO THE CAMPAIGN FINANCE
19 BOARD.

20 4. IF THE TOTAL OF CONTRIBUTIONS, OTHER RECEIPTS, AND PAYMENTS FROM
21 THE NEW YORK STATE CAMPAIGN FINANCE FUND AS MATCHABLE FUNDS RECEIVED BY
22 A PARTICIPATING CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEE EXCEEDS
23 THE TOTAL CAMPAIGN EXPENDITURES OF SUCH CANDIDATE AND COMMITTEE FOR ALL
24 COVERED ELECTIONS HELD IN THE SAME CALENDAR YEAR, SUCH CANDIDATE AND
25 COMMITTEE SHALL USE SUCH EXCESS FUNDS TO REIMBURSE THE NEW YORK STATE
26 CAMPAIGN FINANCE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM SUCH
27 FUND DURING SUCH CALENDAR YEAR. A PARTICIPATING CANDIDATE SHALL PAY TO
28 THE CAMPAIGN FINANCE BOARD FOR DEPOSIT INTO THE CAMPAIGN FINANCE FUND
29 UNSPENT MATCHING FUNDS FOR AN ELECTION NOT LATER THAN THIRTY DAYS AFTER
30 ALL LIABILITIES FOR THE ELECTION CAMPAIGN HAVE BEEN PAID AND IN ANY
31 EVENT, NOT LATER THAN TWENTY DAYS AFTER THE DATE ON WHICH THE CAMPAIGN
32 FINANCE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING CANDI-
33 DATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT MATCHING FUNDS FOR
34 A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE AND PAYABLE TO THE
35 CAMPAIGN FINANCE BOARD FOR DEPOSIT INTO THE NEW YORK STATE CAMPAIGN
36 FINANCE FUND UPON ITS DETERMINATION THAT THE PARTICIPANT WILLFULLY
37 DELAYED THE POST-ELECTION AUDIT PROCESS. A PARTICIPATING CANDIDATE MAY
38 MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIVITIES INVOLVING
39 NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND RESPONDING TO
40 THE POST-ELECTION AUDIT. FOR ACCOUNTING PURPOSES, ALL PRIVATE AND
41 PERSONAL CONTRIBUTIONS SHALL BE CONSIDERED SPENT BEFORE REVENUE FROM THE
42 FUND IS SPENT OR COMMITTED.

43 S 14-212. CIVIL ENFORCEMENT. 1. ANY PERSON OR AUTHORIZED COMMITTEE WHO
44 KNOWINGLY AND WILLFULLY FAILS TO MAKE A FILING REQUIRED BY THE
45 PROVISIONS OF THIS TITLE SHALL BE SUBJECT TO A FINE TO BE IMPOSED BY THE
46 CAMPAIGN FINANCE BOARD IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS.

47 2. ANY PERSON OR AUTHORIZED COMMITTEE WHO KNOWINGLY AND WILLFULLY
48 VIOLATES ANY OTHER PROVISION OF THIS TITLE OR ANY RULE PROMULGATED HERE-
49 UNDER SHALL BE SUBJECT TO A FINE TO BE IMPOSED BY THE CAMPAIGN FINANCE
50 BOARD IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS.

51 3. FINES AUTHORIZED UNDER THIS SECTION WILL BE IMPOSED BY THE CAMPAIGN
52 FINANCE BOARD AFTER A HEARING AT WHICH THE SUBJECT PERSON OR AUTHORIZED
53 COMMITTEE SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD. SUCH HEARING SHALL
54 BE HELD IN SUCH MANNER AND UPON SUCH NOTICE AS MAY BE PRESCRIBED BY THE
55 RULES OF THE CAMPAIGN FINANCE BOARD. FOR PURPOSES OF CONDUCTING SUCH
56 HEARINGS, THE CAMPAIGN FINANCE BOARD SHALL BE DEEMED TO BE AN AGENCY

1 WITHIN THE MEANING OF ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCE-
2 DURE ACT AND SHALL ADOPT RULES GOVERNING THE CONDUCT OF ADJUDICATORY
3 PROCEEDINGS AND APPEALS TAKEN PURSUANT TO A PROCEEDING COMMENCED UNDER
4 ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES RELATING TO
5 THE ASSESSMENT OF THE FINES HEREIN AUTHORIZED.

6 4. IF THE AGGREGATE AMOUNT OF EXPENDITURES BY A PARTICIPATING CANDI-
7 DATE AND SUCH CANDIDATE'S AUTHORIZED COMMITTEE EXCEED THE EXPENDITURE
8 LIMIT ESTABLISHED BY SECTION 14-207 OF THIS TITLE, SUCH CANDIDATE AND
9 AUTHORIZED COMMITTEE SHALL BE SUBJECT TO A FINE NOT TO EXCEED THREE
10 TIMES THE SUM BY WHICH SUCH EXPENDITURES SURPASS THE APPLICABLE SPENDING
11 LIMIT.

12 5. THE CAMPAIGN FINANCE BOARD SHALL PUBLISH ON THE STATE BOARD OF
13 ELECTIONS' WEBSITE THE FINAL ORDER ADJUDICATING ANY MATTER BROUGHT
14 PURSUANT TO THIS SECTION.

15 6. ANY FINES IMPOSED BY THE CAMPAIGN FINANCE BOARD PURSUANT TO THIS
16 SECTION SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE
17 FUND.

18 S 14-213. CRIMINAL PENALTIES. 1. ANY PERSON WHO KNOWINGLY AND WILLFUL-
19 LY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS OF THIS TITLE WITH-
20 IN TEN DAYS AFTER THE DATE PROVIDED FOR SUCH, OR ANYONE THAT KNOWINGLY
21 AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE SHALL BE GUILTY
22 OF A MISDEMEANOR AND, IN ADDITION TO SUCH OTHER PENALTIES AS MAY BE
23 PROVIDED BY LAW, SHALL BE SUBJECT TO A FINE NOT TO EXCEED THE AMOUNT OF
24 TEN THOUSAND DOLLARS.

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

30 3. ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT OR KNOWINGLY OMITTS
31 A MATERIAL FACT TO THE CAMPAIGN FINANCE BOARD OR AN AUDITOR DESIGNATED
32 BY THE CAMPAIGN FINANCE BOARD DURING ANY AUDIT CONDUCTED PURSUANT TO
33 SECTION 14-211 OF THIS TITLE SHALL BE GUILTY OF A CLASS E FELONY.

34 4. IN ADDITION ANY OTHER SENTENCE LAWFULLY IMPOSED UPON A FINDING OF
35 GUILT IN A CRIMINAL PROSECUTION COMMENCED PURSUANT TO THE PROVISIONS OF
36 THIS SECTION, THE COURT MAY ORDER A DEFENDANT TO REPAY TO THE CAMPAIGN
37 FINANCE BOARD ANY PUBLIC MATCHING FUNDS OBTAINED AS A RESULT OF ANY
38 CRIMINAL CONDUCT.

39 5. ALL SUCH PROSECUTIONS FOR CRIMINAL ACTS UNDER THIS ARTICLE SHALL BE
40 PROSECUTED BY THE ATTORNEY GENERAL OF THE STATE OF NEW YORK.

41 6. ANY AND ALL FINES IMPOSED PURSUANT TO THIS SECTION SHALL BE MADE
42 PAYABLE TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT INTO THE NEW YORK
43 STATE CAMPAIGN FINANCE FUND.

44 S 14-214. REPORTS. THE CAMPAIGN FINANCE BOARD SHALL SUBMIT A REPORT TO
45 THE GOVERNOR AND LEGISLATIVE LEADERS ON OR BEFORE FEBRUARY FIRST, TWO
46 THOUSAND SEVENTEEN, AND EVERY FOUR YEARS THEREAFTER, WHICH SHALL
47 INCLUDE:

48 1. A LIST OF THE PARTICIPATING AND NONPARTICIPATING CANDIDATES IN
49 COVERED ELECTIONS AND THE VOTES RECEIVED BY EACH CANDIDATE IN THOSE
50 ELECTIONS;

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

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

55 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGN FOR
56 THE OFFICE OF STATE COMPTROLLER AND THE UTILITY OF APPLYING THE PROGRAM

1 TO OTHER CAMPAIGNS FOR STATEWIDE ELECTIVE OFFICE, INCLUDING ITS EFFECT
2 ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF CAMPAIGN
3 EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES, THE CANDI-
4 DATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND THE
5 DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

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

10 6. ANY OTHER INFORMATION THAT THE CAMPAIGN FINANCE BOARD DEEMS RELE-
11 VANT.

12 S 14-215. DEBATES. THE CAMPAIGN FINANCE BOARD SHALL PROMULGATE REGU-
13 LATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTIC-
14 IPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE
15 BEFORE THE PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENER-
16 AL ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE
17 PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDI-
18 DATE MAY BE A PARTY TO SUCH DEBATES.

19 S 14-216. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND. 1. THIS SECTION
20 GOVERNS THE CAMPAIGN FINANCE BOARD'S DISTRIBUTION OF FUNDS FROM THE
21 CAMPAIGN FINANCE FUND CREATED BY SECTION NINETY-NINE-U OF THE STATE
22 FINANCE LAW, EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

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

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

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

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

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

1 ALSO CONSIDER ANY OTHER RELEVANT INFORMATION REVEALED IN THE COURSE OF
2 ITS AUDITS OR INVESTIGATIONS OR THE INVESTIGATIONS BY ANY OTHER AGENCY.

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

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

26 7. ALL MONIES RECEIVED BY THE CAMPAIGN FINANCE BOARD PURSUANT TO THIS
27 SECTION SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND
28 PURSUANT TO SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.

29 S 4. The general business law is amended by adding a new section 359-
30 gg to read as follows:

31 S 359-GG. ADDITIONAL SURCHARGE. IN ADDITION TO ANY PENALTY AUTHORIZED
32 BY SECTION THREE HUNDRED FIFTY-NINE-G OF THIS ARTICLE OR ANY DAMAGES OR
33 OTHER COMPENSATION RECOVERABLE INCLUDING, BUT NOT LIMITED TO, ANY
34 SETTLEMENT AUTHORIZED BY SECTION SIXTY-THREE OR SIXTY-THREE-C OF THE
35 EXECUTIVE LAW, THERE SHALL BE ASSESSED THEREON AN ADDITIONAL SURCHARGE
36 IN THE AMOUNT OF TEN PERCENT OF THE TOTAL AMOUNT OF SUCH PENALTY,
37 DAMAGES OR SETTLEMENT. SUCH SURCHARGE SHALL BE DEPOSITED IN THE NEW YORK
38 STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-NINE-U OF THE
39 STATE FINANCE LAW.

40 S 5. The state finance law is amended by adding a new section 99-u to
41 read as follows:

42 S 99-U. NEW YORK STATE CAMPAIGN FINANCE FUND. 1. THERE IS HEREBY
43 ESTABLISHED IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE A
44 SPECIAL FUND TO BE KNOWN AS THE NEW YORK STATE CAMPAIGN FINANCE FUND.

45 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE SURCHARGE
46 IMPOSED PURSUANT TO SECTION THREE HUNDRED FIFTY-NINE-GG OF THE GENERAL
47 BUSINESS LAW, REVENUES RECEIVED FROM CAMPAIGN FINANCE FUND CHECK-OFF
48 PURSUANT TO SECTION SIX HUNDRED THIRTY-C OF THE TAX LAW AND ALL OTHER
49 MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE
50 PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE
51 STATE FROM RECEIVING GRANTS, GIFTS, BEQUESTS OR VOLUNTARY CONTRIBUTIONS
52 FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING
53 THEM INTO THE FUND ACCORDING TO LAW. MONIES IN THE FUND SHALL BE KEPT
54 SEPARATE FROM AND NOT COMMINGLED WITH OTHER FUNDS HELD IN THE CUSTODY OF
55 THE COMMISSIONER OF TAXATION AND FINANCE.

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

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

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

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

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

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

38 S 6. The tax law is amended by adding a new section 630-c to read as
39 follows:

40 S 630-C. CONTRIBUTION TO NEW YORK STATE CAMPAIGN FINANCE FUND. EFFEC-
41 TIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST,
42 TWO-THOUSAND THIRTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO
43 CONTRIBUTE TO THE NEW YORK STATE CAMPAIGN FINANCE FUND. SUCH CONTRIB-
44 UTION SHALL BE IN THE AMOUNT OF FIVE DOLLARS AND SHALL NOT REDUCE THE
45 AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL
46 INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO
47 MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL
48 REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW
49 YORK STATE CAMPAIGN FINANCE FUND AND USED ONLY FOR THOSE PURPOSES
50 ENUMERATED IN SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.

51 S 7. Severability. If any clause, sentence, subdivision, paragraph,
52 section or part of this act be adjudged by any court of competent juris-
53 diction to be invalid, such judgment shall not affect, impair or invali-
54 date the remainder thereof, but shall be confined in its operation to
55 the clause, sentence, subdivision, paragraph, section or part thereof

1 directly involved in the controversy in which such judgment shall have
2 been rendered.
3 S 8. This act shall take effect January 1, 2014.