

7657

2013-2014 Regular Sessions

I N A S S E M B L Y

May 29, 2013

Introduced by M. of A. GALEF -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to prohibiting lobbyists from engaging in political consulting of candidates for and holders of state office and prohibiting certain political consultants from engaging in lobbying; and to amend the election law, in relation to requiring the reporting of the provision of political consulting services

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

1 Section 1. Section 1-c of the legislative law is amended by adding a
2 new subdivision (x) to read as follows:
3 (X) THE TERM "POLITICAL CONSULTING" SHALL MEAN AND INCLUDE THE
4 PROVISION, FOR COMPENSATION, TO ANY STATE PUBLIC OFFICIAL, CANDIDATE OR
5 PROSPECTIVE CANDIDATE FOR AN ELECTED STATE OFFICE OF ADVICE, SERVICES OR
6 ASSISTANCE IN SECURING SUCH PUBLIC OFFICE INCLUDING, BUT NOT LIMITED TO,
7 CAMPAIGN MANAGEMENT, FUNDRAISING ACTIVITIES, PUBLIC RELATIONS OR MEDIA
8 SERVICES, BUT MAY EXCLUDE BONA FIDE LEGAL WORK DIRECTLY RELATED TO LITI-
9 GATION OR LEGAL ADVICE WITH REGARD TO SECURING A PLACE ON THE BALLOT,
10 THE PETITIONING PROCESS, THE CONDUCT OF AN ELECTION OR WHICH INVOLVES
11 THE ELECTION LAW.
12 S 2. Section 1-m of the legislative law, as added by chapter 14 of the
13 laws of 2007, is amended to read as follows:
14 S 1-m. Prohibition of gifts AND POLITICAL CONSULTING. (A) No individ-
15 ual or entity required to be listed on a statement of registration
16 pursuant to this article shall offer or give a gift to any public offi-
17 cial as defined within this article, unless under the circumstances it
18 is not reasonable to infer that the gift was intended to influence such
19 public official. No individual or entity required to be listed on a
20 statement of registration pursuant to this article shall offer or give a
21 gift to the spouse or unemancipated child of any public official as

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

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1 defined within this article under circumstances where it is reasonable
2 to infer that the gift was intended to influence such public official.
3 No spouse or unemancipated child of an individual required to be listed
4 on a statement of registration pursuant to this article shall offer or
5 give a gift to a public official under circumstances where it is reason-
6 able to infer that the gift was intended to influence such public offi-
7 cial. This section shall not apply to gifts to officers, members or
8 directors of boards, commissions, councils, public authorities or public
9 benefit corporations who receive no compensation or are compensated on a
10 per diem basis, unless the person listed on the statement of registra-
11 tion appears or has matters pending before the board, commission or
12 council on which the recipient sits.

13 (B) NO PERSON OR ORGANIZATION THAT IS ENGAGED IN LOBBYING OR LOBBYING
14 ACTIVITIES SHALL ENGAGE IN POLITICAL CONSULTING FOR ANY STATE PUBLIC
15 OFFICIAL, CANDIDATE OR PROSPECTIVE CANDIDATE FOR AN ELECTED STATE
16 OFFICE; PROVIDED, HOWEVER THAT A PERSON OR ORGANIZATION THAT IS ENGAGED
17 SOLELY IN THE LOBBYING OF OR LOBBYING ACTIVITIES RELATED TO MUNICIPAL
18 AGENCIES, LOCAL LEGISLATIVE BODIES AND MUNICIPAL PUBLIC OFFICERS, AND
19 DOES NOT ENGAGE IN THE LOBBYING OF OR LOBBYING ACTIVITIES RELATED TO
20 STATE AGENCIES AND STATE PUBLIC OFFICIALS, MAY ENGAGE IN SUCH POLITICAL
21 CONSULTING FOR MUNICIPAL PUBLIC OFFICIALS.

22 (C) NO PERSON OR ORGANIZATION THAT IS ENGAGED IN POLITICAL CONSULTING
23 FOR ANY STATE PUBLIC OFFICIAL, CANDIDATE OR PROSPECTIVE CANDIDATE FOR AN
24 ELECTED STATE OFFICE SHALL BE EMPLOYED BY, BE AFFILIATED WITH OR BE
25 UNDER COMMON OWNERSHIP WITH ANY PERSON OR ORGANIZATION ENGAGED IN LOBBY-
26 ING OR LOBBYING ACTIVITIES, EXCEPT AS OTHERWISE AUTHORIZED BY SUBDIVI-
27 SION (B) OF THIS SECTION.

28 S 3. Section 14-100 of the election law is amended by adding a new
29 subdivision 12 to read as follows:

30 12. "POLITICAL CONSULTING" MEANS AND INCLUDES THE PROVISION FOR
31 COMPENSATION, TO ANY POLITICAL COMMITTEE OR CANDIDATE OF ADVICE,
32 SERVICES OR ASSISTANCE IN SECURING STATE PUBLIC OFFICE INCLUDING, BUT
33 NOT LIMITED TO, CAMPAIGN MANAGEMENT, FUNDRAISING ACTIVITIES, PUBLIC
34 RELATIONS OR MEDIA SERVICES, BUT MAY EXCLUDE LEGAL WORK DIRECTLY RELATED
35 TO LITIGATION OR LEGAL ADVICE WITH REGARD TO SECURING A PLACE ON THE
36 BALLOT, THE PETITIONING PROCESS, THE CONDUCT OF AN ELECTION OR WHICH
37 INVOLVES THIS CHAPTER.

38 S 4. Subdivision 1 of section 14-102 of the election law, as amended
39 by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the
40 laws of 1978, is amended to read as follows:

41 1. The treasurer of every political committee which, or any officer,
42 member or agent of any such committee who, in connection with any
43 election, receives or expends any money or other valuable thing or
44 incurs any liability to pay money or its equivalent shall file state-
45 ments sworn, or subscribed and bearing a form notice that false state-
46 ments made therein are punishable as a class A misdemeanor pursuant to
47 section 210.45 of the penal law, at the times prescribed by this article
48 setting forth all the receipts, contributions to and the expenditures by
49 and liabilities of the committee, and of its officers, members and
50 agents in its behalf. Such statements shall include the dollar amount of
51 any receipt, contribution or transfer, or the fair market value of any
52 receipt, contribution or transfer, which is other than of money, the
53 name and address of the transferor, contributor or person from whom
54 received, and if the transferor, contributor or person is a political
55 committee; the name of and the political unit represented by the commit-
56 tee, the date of its receipt, the dollar amount of every expenditure,

1 the name and address of the person to whom it was made or the name of
2 and the political unit represented by the committee to which it was made
3 and the date thereof, and shall state clearly the purpose of such
4 expenditure. FURTHERMORE, SUCH STATEMENTS SHALL INCLUDE A LIST OF ALL
5 PERSONS AND ORGANIZATIONS WHICH PROVIDED POLITICAL CONSULTING SERVICES,
6 AND THE FAIR MARKET VALUE OF AND THE ACTUAL AMOUNT PAID TO EACH SUCH
7 PERSON AND ORGANIZATION FOR THE PROVISION OF POLITICAL CONSULTING
8 SERVICES. Any statement reporting a loan shall have attached to it a
9 copy of the evidence of indebtedness. Expenditures in sums under fifty
10 dollars need not be specifically accounted for by separate items in said
11 statements, and receipts and contributions aggregating not more than
12 ninety-nine dollars, from any one contributor need not be specifically
13 accounted for by separate items in said statements, provided however,
14 that such expenditures, receipts and contributions shall be subject to
15 the other provisions of section 14-118 of this article.

16 S 5. Subdivision 1 of section 14-104 of the election law, as amended
17 by chapter 430 of the laws of 1997, is amended to read as follows:

18 1. Any candidate for election to public office, or for nomination for
19 public office at a contested primary election or convention, or for
20 election to a party position at a primary election, shall file state-
21 ments sworn, or subscribed and bearing a form notice that false state-
22 ments made therein are punishable as a class A misdemeanor pursuant to
23 section 210.45 of the penal law, at the times prescribed by this article
24 setting forth the particulars specified by section 14-102 of this arti-
25 cle, as to all moneys or other valuable things, paid, given, expended or
26 promised by him OR HER to aid his OR HER own nomination or election, or
27 to promote the success or defeat of a political party, or to aid or
28 influence the nomination or election or the defeat of any other candi-
29 date to be voted for at the election or primary election or at a conven-
30 tion, including contributions to political committees, officers, members
31 or agents thereof, and transfers, receipts and contributions to him to
32 be used for any of the purposes above specified, or in lieu thereof, any
33 such candidate may file such a sworn statement at the first filing peri-
34 od, on a form prescribed by the state board of elections that such
35 candidate has made no such expenditures and does not intend to make any
36 such expenditures, except through a political committee authorized by
37 such candidate pursuant to this article. FURTHERMORE, SUCH STATEMENTS
38 SHALL INCLUDE A LIST OF ALL PERSONS AND ORGANIZATIONS WHICH PROVIDED
39 POLITICAL CONSULTING SERVICES, AND THE FAIR MARKET VALUE OF AND THE
40 ACTUAL AMOUNT PAID TO EACH SUCH PERSON AND ORGANIZATION FOR THE
41 PROVISION OF POLITICAL CONSULTING SERVICES. A committee authorized by
42 such a candidate may fulfill all of the filing requirements of this act
43 on behalf of such candidate.

44 S 6. This act shall take effect on the thirtieth day after it shall
45 have become a law.