

4239

2013-2014 Regular Sessions

I N S E N A T E

March 15, 2013

Introduced by COMMITTEE ON RULES -- (at request of the State Comptroller) -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

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.

13 14-201. DECLARATION OF LEGISLATIVE FINDINGS AND INTENT.

14 14-202. APPLICABILITY AND DEFINITIONS.

15 14-203. REPORTING REQUIREMENTS.

16 14-204. CONTRIBUTION AND RECEIPT LIMITATIONS.

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

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- 1 14-205. PROOF OF COMPLIANCE.
2 14-206. ELIGIBILITY.
3 14-207. VOLUNTARY EXPENDITURE LIMITS FOR PARTICIPATING CANDI-
4 DATES.
5 14-208. PAYMENT OF PUBLIC MATCHING FUNDS.
6 14-209. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPEND-
7 ITURES.
8 14-210. CAMPAIGN FINANCE BOARD; GENERAL POWERS AND DUTIES.
9 14-211. AUDITS AND REPAYMENTS.
10 14-212. CIVIL ENFORCEMENT.
11 14-213. CRIMINAL PENALTIES.
12 14-214. REPORTS.
13 14-215. DEBATES.
14 14-216. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND.

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

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

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

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

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

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

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

50 3. "CANDIDATE" MEANS ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR FOR
51 ELECTION TO, THE OFFICE OF STATE COMPTROLLER WHETHER SUCH CANDIDATE IS A
52 "PARTICIPATING CANDIDATE" OR "NONPARTICIPATING CANDIDATE" AS DEFINED IN
53 THIS SECTION.

54 4. "CONTRIBUTION" MEANS:

55 (A) ANY GIFT, SUBSCRIPTION, OUTSTANDING LOAN (TO THE EXTENT PROVIDED
56 FOR IN SECTION 14-114 OF THIS ARTICLE), ADVANCE, OR DEPOSIT OF MONEY OR

1 ANYTHING OF VALUE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION,
2 OR ELECTION, OF ANY CANDIDATE, OR MADE TO PROMOTE THE SUCCESS OR DEFEAT
3 OF A POLITICAL PARTY OR PRINCIPLE, OR OF ANY BALLOT PROPOSAL;

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

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

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

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

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

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

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

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

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

49 8. "EXPENDITURE" MEANS ANY GIFT, SUBSCRIPTION, ADVANCE, PAYMENT, OR
50 DEPOSIT OF MONEY OR ANYTHING OF VALUE, OR A CONTRACT TO MAKE ANY GIFT,
51 SUBSCRIPTION, PAYMENT, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, MADE IN
52 CONNECTION WITH THE NOMINATION FOR ELECTION, OR ELECTION, OF ANY CANDI-
53 DATE. EXPENDITURES MADE BY CONTRACT ARE DEEMED MADE WHEN SUCH FUNDS ARE
54 OBLIGATED.

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

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

2 (A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

3 (B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

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

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

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

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

13 12. "LEGISLATIVE LEADER" MEANS ANY OF THE FOLLOWING: THE TEMPORARY
14 PRESIDENT OF THE SENATE; THE SPEAKER OF THE ASSEMBLY; THE MINORITY LEAD-
15 ER OF THE SENATE; OR THE MINORITY LEADER OF THE ASSEMBLY.

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

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

44 15. "PARTICIPATING CANDIDATE" SHALL MEAN ANY CANDIDATE FOR NOMINATION
45 FOR ELECTION, OR ELECTION, TO THE OFFICE OF STATE COMPTROLLER WHO FILES
46 A WRITTEN CERTIFICATION IN THE FORM OF AN AFFIDAVIT PURSUANT TO SECTION
47 14-206 OF THIS TITLE.

48 16. "POLITICAL COMMITTEE" MEANS A COMMITTEE AS DEFINED IN SECTION
49 14-100 OF THIS ARTICLE.

50 16-A. "PUBLIC MATCHING FUNDS" MEANS MONIES PAID FROM THE CAMPAIGN
51 FINANCE FUND TO THE AUTHORIZED COMMITTEE OF PARTICIPATING CANDIDATES
52 PURSUANT TO THIS TITLE.

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

55 18. "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF MATCHABLE
56 CONTRIBUTIONS THAT A CANDIDATE'S AUTHORIZED COMMITTEE MUST RECEIVE IN

1 TOTAL IN ORDER FOR SUCH CANDIDATE TO QUALIFY FOR VOLUNTARY PUBLIC
2 FINANCING UNDER THIS ARTICLE.

3 19. "TRANSFER" SHALL MEAN ANY EXCHANGE OF FUNDS OR ANY THING OF VALUE
4 BETWEEN POLITICAL COMMITTEES AUTHORIZED BY THE SAME CANDIDATE TAKING
5 PART SOLELY IN HIS OR HER CAMPAIGN, OR ANY EXCHANGE OF FUNDS BETWEEN A
6 PARTY OR CONSTITUTED COMMITTEE AND A CANDIDATE OR HIS OR HER DESIGNATED
7 AUTHORIZED POLITICAL COMMITTEES.

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

21 2. DISCLOSURE. (A) EVERY PARTICIPATING CANDIDATE SHALL SUBMIT SUCH
22 REPORTS TO THE STATE BOARD OF ELECTIONS AS REQUIRED BY TITLE ONE OF THIS
23 ARTICLE. COPIES OF SUCH REPORTS SHALL ALSO BE SUBMITTED TO THE CAMPAIGN
24 FINANCE BOARD CREATED PURSUANT TO THIS ARTICLE AT THE SAME TIME SUCH
25 REPORTS ARE SUBMITTED TO THE STATE BOARD OF ELECTIONS.

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

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

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

47 (A) TOTAL CONTRIBUTIONS FROM ANY ONE CONTRIBUTOR THAT EXCEED TWO THOU-
48 SAND DOLLARS IN ANY PRIMARY IN AN ELECTION CYCLE FOR THE OFFICE OF STATE
49 COMPTROLLER AND TWO THOUSAND DOLLARS FOR A GENERAL ELECTION IN AN
50 ELECTION CYCLE; OR

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

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

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

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

8 3. NOTWITHSTANDING ANY EXPENDITURE LIMIT SET FORTH IN THIS TITLE, EACH
9 COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR STATE
10 COMPTROLLER, INCLUDING WITHIN THE TERM "COUNTY COMMITTEE" ANY OF ITS
11 SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF EACH SUCH CANDIDATE OF SUCH
12 PARTY WHO HAS AGREED TO ACCEPT PUBLIC FINANCING, AN AMOUNT WHICH SHALL
13 NOT EXCEED THE SUM OF TWO CENTS FOR EACH VOTER REGISTERED IN SUCH COUNTY
14 AS DETERMINED BY THE RECORD OF THE APPROPRIATE BOARD OF ELECTIONS AS OF
15 THE PRECEDING GENERAL ELECTION.

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

30 5. NOTWITHSTANDING ANY OTHER CONTRIBUTION LIMIT SPECIFIED IN THIS
31 SECTION, PARTICIPATING CANDIDATES MAY GIVE, OUT OF THEIR OWN MONEY,
32 THREE TIMES THE APPLICABLE CONTRIBUTION LIMIT TO THEIR OWN CAMPAIGNS,
33 PROVIDED THAT NONE OF THE MONEY SO CONTRIBUTED SHALL QUALIFY FOR MATCH-
34 ING FUNDS.

35 6. ALL MONETARY CONTRIBUTIONS AND ALL PUBLIC MATCHING FUNDS ACCEPTED
36 BY A CANDIDATE'S AUTHORIZED COMMITTEE SHALL BE DEPOSITED INTO AN ACCOUNT
37 WITH A BANK LICENSED BY THE NEW YORK STATE DEPARTMENT OF FINANCIAL
38 SERVICES HELD IN THE NAME OF THE AUTHORIZED POLITICAL COMMITTEE WITHIN
39 TEN BUSINESS DAYS OF RECEIPT. EACH AUTHORIZED COMMITTEE SHALL HAVE NO
40 MORE THAN ONE CHECKING ACCOUNT. MONETARY CONTRIBUTIONS, OTHER THAN
41 PUBLIC MATCHING FUNDS, MAY BE INVESTED IN ACCORDANCE WITH THE PROVISIONS
42 OF LAW RELATING THERETO.

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

46 S 14-205. PROOF OF COMPLIANCE. CANDIDATES AND POLITICAL COMMITTEES
47 SHALL MAINTAIN SUCH RECORDS OF RECEIPTS AND EXPENDITURES FOR A COVERED
48 ELECTION AS MAY BE REQUIRED BY THE CAMPAIGN FINANCE BOARD. CANDIDATES
49 AND POLITICAL COMMITTEES SHALL OBTAIN AND FURNISH TO THE BOARD ANY
50 INFORMATION IT MAY REQUEST RELATING TO FINANCIAL TRANSACTIONS OR
51 CONTRIBUTIONS AND FURNISH SUCH DOCUMENTATION AND OTHER PROOF OF COMPLI-
52 ANCE WITH THIS TITLE AS MAY BE REQUESTED BY THE BOARD. CANDIDATES AND
53 POLITICAL COMMITTEES SHALL MAINTAIN COPIES OF SUCH RECORDS FOR A PERIOD
54 OF FIVE YEARS FOLLOWING THE GENERAL ELECTION.

55 S 14-206. ELIGIBILITY. 1. TO BE ELIGIBLE FOR PUBLIC FINANCING PURSUANT
56 TO THIS TITLE, A CANDIDATE MUST: (A) BE A CANDIDATE IN A COVERED

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

24 2. (A) THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR PARTIC-
25 IPATING CANDIDATES SHALL BE THE RECEIPT OF CONTRIBUTIONS TOTALING ONE
26 HUNDRED FIFTY THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS IN SINGLE
27 AMOUNTS OF NO LESS THAN TEN DOLLARS AND NO MORE THAN TWO HUNDRED FIFTY
28 DOLLARS, INCLUDING AT LEAST FIFTY MATCHABLE CONTRIBUTIONS FROM NATURAL
29 PERSONS REGISTERED TO VOTE IN EACH OF AT LEAST SEVENTY-FIVE PERCENT OF
30 THE TOTAL NUMBER OF CONGRESSIONAL DISTRICTS IN THE STATE AT THE TIME OF
31 SUCH COVERED ELECTION.

32 (B) ANY PARTICIPATING CANDIDATE MEETING THE THRESHOLD FOR ELIGIBILITY
33 IN A PRIMARY ELECTION SHALL BE DEEMED TO HAVE MET THE THRESHOLD FOR
34 ELIGIBILITY FOR SUCH OFFICE IN ANY OTHER ELECTION HELD IN THE SAME
35 ELECTION CYCLE.

36 S 14-207. VOLUNTARY EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES.

37 1. PARTICIPATING CANDIDATES MAY SPEND NO MORE THAN FIVE MILLION DOLLARS
38 FOR THE PRIMARY ELECTION. EXPENDITURES MADE BEFORE OR ON THE DATE OF A
39 PRIMARY ELECTION SHALL BE DEEMED TO HAVE BEEN MADE FOR SUCH PRIMARY
40 ELECTION. EXPENSES MADE AFTER THE DATE OF A PRIMARY ELECTION SHALL BE
41 DEEMED TO HAVE BEEN MADE FOR SUCH PRIMARY ELECTION IF MADE FOR LIABIL-
42 ITIES INCURRED PRIOR TO SUCH PRIMARY ELECTION.

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

45 3. EXPENDITURES MADE FOR THE PURPOSE OF COMPLYING WITH THIS TITLE OR
46 CHAPTER, INCLUDING LEGAL FEES, ACCOUNTING FEES, THE COST OF RECORD
47 CREATION AND RETENTION, AND OTHER NECESSARY COMPLIANCE EXPENDITURES, AND
48 EXPENSES TO CHALLENGE OR DEFEND THE VALIDITY OF PETITIONS OF DESIGNATION
49 OR NOMINATION OR CERTIFICATES OF NOMINATION, ACCEPTANCE, AUTHORIZATION,
50 DECLINATION OR SUBSTITUTION, AND EXPENSES RELATED TO THE CANVASSING OF
51 ELECTION RESULTS, SHALL NOT BE LIMITED BY THE SPENDING LIMITS OF THIS
52 SECTION. THE BURDEN IS ON THE CANDIDATE TO SUBSTANTIATE EXEMPT EXPENDI-
53 TURES. THE BOARD SHALL PROMULGATE RULES TO IMPLEMENT THIS SECTION.

54 S 14-208. PAYMENT OF PUBLIC MATCHING FUNDS. 1. NO PUBLIC MATCHING
55 FUNDS SHALL BE PAID TO AN AUTHORIZED COMMITTEE UNLESS THE CAMPAIGN
56 FINANCE BOARD DETERMINES THAT THE PARTICIPATING CANDIDATE HAS QUALIFIED

1 PURSUANT TO THIS TITLE. PAYMENT SHALL NOT EXCEED THE AMOUNTS SPECIFIED
2 IN THIS SECTION AND MAY BE MADE ONLY TO THE PARTICIPATING CANDIDATE'S
3 AUTHORIZED COMMITTEE. NO PUBLIC MATCHING FUNDS SHALL BE USED EXCEPT TO
4 REIMBURSE OR PAY FOR QUALIFIED CAMPAIGN EXPENDITURES ACTUALLY AND
5 LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED CAMPAIGN
6 EXPENDITURES.

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

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

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

37 S 14-209. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDI-
38 TURES. 1. PUBLIC MATCHING FUNDS PROVIDED UNDER THE PROVISIONS OF THIS
39 TITLE MAY BE USED ONLY BY AN AUTHORIZED COMMITTEE FOR EXPENDITURES TO
40 FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION, OR
41 ELECTION, INCLUDING PAYING FOR DEBTS INCURRED WITHIN ONE YEAR BEFORE AN
42 ELECTION TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR
43 ELECTION OR ELECTION.

44 2. SUCH PUBLIC MATCHING FUNDS MAY NOT BE USED FOR: (A) AN EXPENDITURE
45 THAT VIOLATES ANY LAW OR REGULATION; (B) AN EXPENDITURE IN EXCESS OF THE
46 FAIR MARKET VALUE OF SERVICES, MATERIALS, FACILITIES OR OTHER ITEM OF
47 SIGNIFICANT VALUE RECEIVED IN EXCHANGE; (C) AN EXPENDITURE MADE AFTER
48 THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE BALLOT; (D) AN
49 EXPENDITURE FOR AN OBLIGATION INCURRED AFTER THE ONLY REMAINING OPPONENT
50 OF THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE BALLOT; (E) AN
51 EXPENDITURE MADE BY CASH PAYMENT; (F) A CONTRIBUTION OR LOAN MADE TO
52 ANOTHER CANDIDATE OR POLITICAL COMMITTEE; (G) AN EXPENDITURE TO SUPPORT
53 OR OPPOSE ANOTHER CANDIDATE OR POLITICAL COMMITTEE; (H) GIFTS, EXCEPT
54 BROCHURES, BUTTONS, SIGNS AND OTHER PRINTED CAMPAIGN MATERIAL; (I) LEGAL
55 FEES TO DEFEND AGAINST A CRIMINAL CHARGE; OR (J) A PAYMENT TO AN IMMEDI-
56 ATE FAMILY MEMBER OF THE PARTICIPATING CANDIDATE.

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

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

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

29 4. THE CAMPAIGN FINANCE BOARD MAY EMPLOY OR SHALL UTILIZE EXISTING
30 STAFF OF THE STATE BOARD OF ELECTIONS AS MAY BE NECESSARY, INCLUDING AN
31 EXECUTIVE DIRECTOR AND A COUNSEL, AND MAKE NECESSARY EXPENDITURES
32 SUBJECT TO APPROPRIATION. THE CAMPAIGN FINANCE BOARD SHALL RETAIN AN
33 INDEPENDENT AUDITOR TO PERFORM ONGOING AUDITS OF EACH COVERED ELECTION
34 BY CONTRACT ENTERED INTO PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF
35 THE STATE FINANCE LAW.

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

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

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

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

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

53 (D) IN CONJUNCTION WITH THE STATE BOARD OF ELECTIONS DEVELOP AN INTER-
54 ACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION
55 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMA-
56 TION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR

1 AUTHORIZED COMMITTEES AND DISTRIBUTIONS OF MONEYS FROM THE FUND AND
2 SHALL BE ACCESSIBLE TO THE PUBLIC ON THE STATE BOARD OF ELECTIONS'
3 WEBSITE.

4 7. CONSISTENT WITH THE PROVISIONS OF THE CIVIL SERVICE LAW AND SUBDI-
5 VISION SEVENTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
6 AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL
7 POSITIONS ON THE STAFF OF THE CAMPAIGN FINANCE BOARD SHALL BE CLASSIFIED
8 IN THE EXEMPT CLASS OF THE CIVIL SERVICE AND SUCH POSITIONS SHALL BE
9 FILLED, TO THE EXTENT POSSIBLE, WITH AN EQUAL NUMBER OF PERSONS FROM
10 EACH OF THE TWO POLITICAL PARTIES FOR WHICH THE HIGHEST AND THE NEXT
11 HIGHEST NUMBER OF VOTES WERE CAST FOR THE OFFICE OF STATE COMPTROLLER AT
12 THE LAST PRECEDING GENERAL ELECTION FOR SUCH OFFICE.

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

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

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

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

43 2. IF THE CAMPAIGN FINANCE BOARD DETERMINES THAT ANY PORTION OF A
44 PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE FUND
45 EXCEEDED THE AMOUNT THAT SUCH CANDIDATE WAS ELIGIBLE TO RECEIVE PURSUANT
46 TO THIS TITLE, THE CAMPAIGN FINANCE BOARD SHALL NOTIFY SUCH COMMITTEE
47 AND SUCH COMMITTEE SHALL PAY TO THE CAMPAIGN FINANCE BOARD AN AMOUNT
48 EQUAL TO THE AMOUNT OF THE EXCESS PAYMENT; PROVIDED, HOWEVER, THAT IF
49 THE ERRONEOUS PAYMENT WAS DUE TO AN ERROR MADE BY THE CAMPAIGN FINANCE
50 BOARD, THEN THE ERRONEOUS PAYMENT WILL BE OFFSET AGAINST ANY FUTURE
51 PAYMENT, IF ANY. THE PARTICIPATING CANDIDATE AND THE CANDIDATE'S AUTHOR-
52 IZED COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS
53 DUE TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT BY SUCH BOARD INTO THE NEW
54 YORK STATE CAMPAIGN FINANCE FUND.

55 3. IF THE CAMPAIGN FINANCE BOARD DETERMINES THAT ANY PORTION OF A
56 PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE NEW YORK

1 STATE CAMPAIGN FINANCE FUND WAS USED FOR PURPOSES OTHER THAN QUALIFIED
2 CAMPAIGN EXPENDITURES, THE CAMPAIGN FINANCE BOARD SHALL NOTIFY SUCH
3 COMMITTEE OF THE AMOUNT SO DISQUALIFIED AND SUCH COMMITTEE SHALL PAY TO
4 THE CAMPAIGN FINANCE BOARD AN AMOUNT EQUAL TO SUCH DISQUALIFIED AMOUNT.
5 SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE
6 FUND CREATED PURSUANT TO SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.
7 THE CANDIDATE AND THE CANDIDATE'S AUTHORIZED COMMITTEE SHALL BE JOINTLY
8 AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE TO THE CAMPAIGN FINANCE
9 BOARD.

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

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

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

41 3. FINES AUTHORIZED UNDER THIS SECTION WILL BE IMPOSED BY THE CAMPAIGN
42 FINANCE BOARD AFTER A HEARING AT WHICH THE SUBJECT PERSON OR AUTHORIZED
43 COMMITTEE SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD. SUCH HEARING SHALL
44 BE HELD IN SUCH MANNER AND UPON SUCH NOTICE AS MAY BE PRESCRIBED BY THE
45 RULES OF THE CAMPAIGN FINANCE BOARD. FOR PURPOSES OF CONDUCTING SUCH
46 HEARINGS, THE CAMPAIGN FINANCE BOARD SHALL BE DEEMED TO BE AN AGENCY
47 WITHIN THE MEANING OF ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCE-
48 DURE ACT AND SHALL ADOPT RULES GOVERNING THE CONDUCT OF ADJUDICATORY
49 PROCEEDINGS AND APPEALS TAKEN PURSUANT TO A PROCEEDING COMMENCED UNDER
50 ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES RELATING TO
51 THE ASSESSMENT OF THE FINES HEREIN AUTHORIZED.

52 4. IF THE AGGREGATE AMOUNT OF EXPENDITURES BY A PARTICIPATING CANDI-
53 DATE AND SUCH CANDIDATE'S AUTHORIZED COMMITTEE EXCEED THE EXPENDITURE
54 LIMIT ESTABLISHED BY SECTION 14-207 OF THIS TITLE, SUCH CANDIDATE AND
55 AUTHORIZED COMMITTEE SHALL BE SUBJECT TO A FINE NOT TO EXCEED THREE

1 TIMES THE SUM BY WHICH SUCH EXPENDITURES SURPASS THE APPLICABLE SPENDING
2 LIMIT.

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

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

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

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

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

25 4. IN ADDITION ANY OTHER SENTENCE LAWFULLY IMPOSED UPON A FINDING OF
26 GUILT IN A CRIMINAL PROSECUTION COMMENCED PURSUANT TO THE PROVISIONS OF
27 THIS SECTION, THE COURT MAY ORDER A DEFENDANT TO REPAY TO THE CAMPAIGN
28 FINANCE BOARD ANY PUBLIC MATCHING FUNDS OBTAINED AS A RESULT OF ANY
29 CRIMINAL CONDUCT.

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

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

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

39 1. A LIST OF THE PARTICIPATING AND NONPARTICIPATING CANDIDATES IN
40 COVERED ELECTIONS AND THE VOTES RECEIVED BY EACH CANDIDATE IN THOSE
41 ELECTIONS;

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

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

46 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGN FOR
47 THE OFFICE OF STATE COMPTROLLER AND THE UTILITY OF APPLYING THE PROGRAM
48 TO OTHER CAMPAIGNS FOR STATEWIDE ELECTIVE OFFICE, INCLUDING ITS EFFECT
49 ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF CAMPAIGN
50 EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES, THE CANDI-
51 DATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND THE
52 DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

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

1 6. ANY OTHER INFORMATION THAT THE CAMPAIGN FINANCE BOARD DEEMS RELE-
2 VANT.

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

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

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

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

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

25 5. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR
26 SUCH A CANDIDATE'S AUTHORIZED COMMITTEE ON THE DATE OF SUCH DISQUALI-
27 FICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE
28 EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE THAT DATE. ALL EXCESS
29 PUBLIC MONEYS PAID TO A DISQUALIFIED CANDIDATE SHALL BE RETURNED TO THE
30 FUND NOT LESS THAN THIRTY DAYS AFTER THE GENERAL ELECTION FOR THOSE
31 PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS FOR THE GENERAL
32 ELECTION, AND OTHERWISE, NOT LESS THAN THIRTY DAYS AFTER THE PRIMARY
33 ELECTION FOR THOSE PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS
34 SOLELY FOR THE PRIMARY ELECTION.

35 6. (A) PARTICIPATING CANDIDATES SHALL PAY TO THE CAMPAIGN FINANCE
36 BOARD UNSPENT PUBLIC CAMPAIGN FUNDS FROM AN ELECTION NOT LATER THAN
37 THIRTY DAYS AFTER ALL LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND,
38 IN ANY EVENT, NOT LESS THAN TWENTY DAYS AFTER THE DATE UPON WHICH THE
39 CAMPAIGN FINANCE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPAT-
40 ING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT PUBLIC
41 CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE
42 AND PAYABLE TO THE CAMPAIGN FINANCE BOARD UPON ITS DETERMINATION THAT
43 THE PARTICIPATING CANDIDATE HAS, WITHOUT JUST CAUSE, DELAYED THE POST-E-
44 LECTION AUDIT PROCESS. UNSPENT CAMPAIGN FUNDS DETERMINATIONS MADE BY THE
45 CAMPAIGN FINANCE BOARD SHALL BE BASED ON THE PARTICIPATING CANDIDATE
46 COMMITTEE'S RECEIPTS AND EXPENDITURES. THE CAMPAIGN FINANCE BOARD MAY
47 ALSO CONSIDER ANY OTHER RELEVANT INFORMATION REVEALED IN THE COURSE OF
48 ITS AUDITS OR INVESTIGATIONS OR THE INVESTIGATIONS BY ANY OTHER AGENCY.

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

54 (II) BEFORE REPAYING UNSPENT PUBLIC CAMPAIGN FUNDS, A PARTICIPATING
55 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-
56 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND

1 RESPONDING TO THE POST-ELECTION AUDIT. SUCH EXPENDITURES MAY INCLUDE:
2 PAYMENT OF UTILITY BILLS AND RENT; REASONABLE STAFF SALARIES AND
3 CONSULTANT FEES FOR RESPONDING TO A POST-ELECTION AUDIT; REASONABLE
4 MOVING EXPENSES RELATED TO CLOSING A CAMPAIGN OFFICE; A HOLIDAY CARD
5 MAILING TO CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS; THANK
6 YOU NOTES FOR CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS;
7 PAYMENT OF TAXES AND OTHER REASONABLE EXPENSES FOR COMPLIANCE WITH
8 APPLICABLE TAX LAWS; AND INTEREST EXPENSES. ROUTINE POST-ELECTION
9 EXPENDITURES THAT MAY BE PAID FOR WITH UNSPENT CAMPAIGN FUNDS DO NOT
10 INCLUDE SUCH ITEMS AS POST-ELECTION MAILINGS OTHER THAN AS SPECIFICALLY
11 PROVIDED FOR IN THIS SUBPARAGRAPH; MAKING CONTRIBUTIONS; MAKING BONUS
12 PAYMENTS OR GIFTS TO STAFF MEMBERS OR VOLUNTEERS, OR HOLDING ANY POST-E-
13 LECTION DAY EVENT, INCLUDING, BUT NOT LIMITED TO, ANY MEAL OR ANY PARTY.
14 UNSPENT CAMPAIGN FUNDS MAY NOT BE USED FOR TRANSITION OR INAUGURATION
15 ACTIVITIES.

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

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

21 S 359-GG. ADDITIONAL SURCHARGE. IN ADDITION TO ANY PENALTY AUTHORIZED
22 BY SECTION THREE HUNDRED FIFTY-NINE-G OF THIS ARTICLE OR ANY DAMAGES OR
23 OTHER COMPENSATION RECOVERABLE INCLUDING, BUT NOT LIMITED TO, ANY
24 SETTLEMENT AUTHORIZED BY SECTION SIXTY-THREE OR SIXTY-THREE-C OF THE
25 EXECUTIVE LAW, THERE SHALL BE ASSESSED THEREON AN ADDITIONAL SURCHARGE
26 IN THE AMOUNT OF TEN PERCENT OF THE TOTAL AMOUNT OF SUCH PENALTY,
27 DAMAGES OR SETTLEMENT. SUCH SURCHARGE SHALL BE DEPOSITED IN THE NEW YORK
28 STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-NINE-U OF THE
29 STATE FINANCE LAW.

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

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

35 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE SURCHARGE
36 IMPOSED PURSUANT TO SECTION THREE HUNDRED FIFTY-NINE-GG OF THE GENERAL
37 BUSINESS LAW, REVENUES RECEIVED FROM CAMPAIGN FINANCE FUND CHECK-OFF
38 PURSUANT TO SECTION SIX HUNDRED THIRTY-C OF THE TAX LAW AND ALL OTHER
39 MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE
40 PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE
41 STATE FROM RECEIVING GRANTS, GIFTS, BEQUESTS OR VOLUNTARY CONTRIBUTIONS
42 FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING
43 THEM INTO THE FUND ACCORDING TO LAW. MONIES IN THE FUND SHALL BE KEPT
44 SEPARATE FROM AND NOT COMMINGLED WITH OTHER FUNDS HELD IN THE CUSTODY OF
45 THE COMMISSIONER OF TAXATION AND FINANCE.

46 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY
47 BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT
48 TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE
49 PAID OUT OF THE FUND BY THE COMMISSIONER OF TAXATION AND FINANCE ON
50 VOUCHERS CERTIFIED OR APPROVED BY THE CAMPAIGN FINANCE BOARD ESTABLISHED
51 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW, OR THE
52 DULY DESIGNATED REPRESENTATIVE OF SUCH BOARD, IN THE MANNER PRESCRIBED
53 BY LAW, NOT MORE THAN ONE WORKING DAY AFTER A VOUCHER DULY CERTIFIED,
54 APPROVED AND EXECUTED BY SUCH BOARD OR ITS REPRESENTATIVE IN THE FORM
55 PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE IS RECEIVED BY
56 THE COMMISSIONER OF TAXATION AND FINANCE.

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

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

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

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

18 8. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO
19 HAS BEEN DISQUALIFIED OR WHOSE DESIGNATING PETITIONS HAVE BEEN DECLARED
20 INVALID BY THE APPROPRIATE BOARD OF ELECTIONS OR A COURT OF COMPETENT
21 JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY A HIGHER
22 AUTHORITY. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDI-
23 DATE OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE ON THE DATE OF SUCH
24 DISQUALIFICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY
25 PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE SUCH DATE. ALL
26 SUCH MONEYS SHALL BE REPAID TO THE FUND.

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

29 S 630-C. CONTRIBUTION TO NEW YORK STATE CAMPAIGN FINANCE FUND. EFFEC-
30 TIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST,
31 TWO-THOUSAND THIRTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO
32 CONTRIBUTE TO THE NEW YORK STATE CAMPAIGN FINANCE FUND. SUCH CONTRIB-
33 UTION SHALL BE IN THE AMOUNT OF FIVE DOLLARS AND SHALL NOT REDUCE THE
34 AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL
35 INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO
36 MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL
37 REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW
38 YORK STATE CAMPAIGN FINANCE FUND AND USED ONLY FOR THOSE PURPOSES
39 ENUMERATED IN SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.

40 S 7. Severability. If any clause, sentence, subdivision, paragraph,
41 section or part of this act be adjudged by any court of competent juris-
42 diction to be invalid, such judgment shall not affect, impair or invali-
43 date the remainder thereof, but shall be confined in its operation to
44 the clause, sentence, subdivision, paragraph, section or part thereof
45 directly involved in the controversy in which such judgment shall have
46 been rendered.

47 S 8. This act shall take effect January 1, 2014.