S T A T E O F N E W Y O R K

4501

2013-2014 Regular Sessions

I N S E N A T E

April 3, 2013

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, the tax law and the legislative law, in relation to providing for a program for clean election campaign financing and to repeal certain provisions of the election law relating to the state board of elections

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

Section 1. Legislative findings and declarations. The legislature finds and declares that the current system of privately financed campaigns diminishes the meaning of the right to vote by allowing large contributions to have a deleterious influence on the political process. As the U.S. Supreme Court found in BUCKLEY V. VALEO, states have a compelling interest "to reduce the deleterious effect of large contributions on our political process." The current system also violates the rights of all citizens to equal and meaningful participation in the democratic or political process. It diminishes the free-speech rights of non-wealthy voters and candidates whose voices are muffled by those who can afford to monopolize political communications. Additionally, the current system fuels the public perception of conflicts of interest and the domination of special money interests. That perception undermines the electorate's confidence in the democratic process. It also makes it very difficult for qualified candidates without access to large contributors or personal fortunes to mount competitive campaigns. Because it places challengers at a distinct disadvantage, the system inhibits the free exchange of ideas and communication with the electorate.

The legislature finds and declares that providing a voluntary clean elections campaign finance system would enhance democracy. It would help eliminate the deleterious influence of large contributions on the political process, remove access to wealth as a major determinant of a citizen's influence within the political process, and restore the meaning of

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

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the principle of "one person, one vote." It would also help restore the rights of all citizens to equal and meaningful participation in the democratic process.

Instituting a public financing program would restore the free-speech rights of non-wealthy candidates and voters by providing candidates with resources with which to communicate ideas with the electorate. Such a system would thus help enhance the First Amendment rights of the electorate and candidates to be heard in the political process. It would help restore the core First Amendment value of open and robust debate in the political process. It would also diminish the electorate's perception of domination of special interests and strengthen the public's confidence in the democratic process and institutions. By providing for public financing, this act also addresses the genuine concern about the amount of time and effort that a candidate must devote to raising campaign funds.

S 2. The election law is amended by adding a new article 14-A to read as follows:

ARTICLE 14-A
CLEAN ELECTION
CAMPAIGN FINANCING

SECTION 14-150. DEFINITIONS.
14-152. ELIGIBILITY AND OTHER REQUIREMENTS.
14-154. QUALIFIED CAMPAIGN EXPENDITURES.
14-156. CAMPAIGN CONTRIBUTIONS.
14-158. OPTIONAL CLEAN ELECTION CAMPAIGN FINANCING.
14-160. RECEIPT AND EXPENDITURE LIMITATIONS; ADDITIONAL FINANCING AND LIMITS.
14-162. POWER OF BOARD OF ELECTIONS.
14-164. NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND.
14-166. DISBURSAL OF REVENUE FOR CLEAN ELECTION CAMPAIGN FINANCING.
14-168. EXAMINATIONS AND AUDITS; REPAYMENTS.
14-170. PENALTIES.
14-172. CAMPAIGNS FOR OFFICE NOT SUBJECT TO THIS ARTICLE.
14-174. REPORTS.
14-176. CONSTRUCTION.
14-178. JOINT CAMPAIGN ACTIVITIES.

S 14-150. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. THE TERM "QUALIFIED CANDIDATE" SHALL MEAN ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL, STATE SENATOR, MEMBER OF ASSEMBLY OR DISTRICT ATTORNEY WHO QUALIFIES FOR CLEAN ELECTIONS FUNDS BY COLLECTING THE REQUIRED NUMBER OF QUALIFIED CONTRIBUTIONS AND AGREEING TO OTHER REQUIREMENTS SPECIFIED HEREIN.

2. THE TERM "PRINCIPAL COMMITTEE" SHALL MEAN THE AUTHORIZED COMMITTEE DESIGNATED BY A CANDIDATE PURSUANT TO THIS ARTICLE.

3. THE TERM "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE FOR WHICH CLEAN ELECTION CAMPAIGN FUNDS MAY BE USED.

4. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE CLEAN ELECTION CAMPAIGN FUND.

5. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE TOTAL AMOUNT OF QUALIFYING CONTRIBUTIONS THAT A PARTICIPATING CANDIDATE AND THE AUTHORIZED COMMITTEES OF SUCH CANDIDATE MUST RECEIVE IN ORDER FOR SUCH CANDIDATE TO QUALIFY FOR CLEAN ELECTION FUNDING PURSUANT TO THIS ARTICLE.

6. THE TERM "AUTHORIZED COMMITTEE" SHALL MEAN A POLITICAL COMMITTEE WHICH HAS BEEN AUTHORIZED BY ONE OR MORE CANDIDATES TO AID OR TAKE PART IN THE ELECTIONS OF SUCH CANDIDATE OR CANDIDATES AND WHICH HAS FILED A STATEMENT THAT SUCH CANDIDATE OR CANDIDATES HAVE AUTHORIZED SUCH POLITICAL COMMITTEE PURSUANT TO SECTION 14-112 OF THIS CHAPTER.

7. THE TERM "CONTRIBUTION" SHALL MEAN: (A) ANY GIFT, SUBSCRIPTION, ADVANCE, OR DEPOSIT OF MONEY OR ANY THING OF VALUE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION, OR ELECTION, OF ANY CANDIDATE; (B) ANY FUNDS RECEIVED BY A POLITICAL COMMITTEE FROM ANOTHER POLITICAL COMMITTEE TO THE EXTENT SUCH FUNDS DO NOT CONSTITUTE A TRANSFER; (C) ANY PAYMENT, BY ANY PERSON OTHER THAN A CANDIDATE OR A POLITICAL COMMITTEE AUTHORIZED BY THE CANDIDATE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION, OR ELECTION, OF ANY CANDIDATE, INCLUDING BUT NOT LIMITED TO COMPENSATION FOR THE PERSONAL SERVICES OF ANY INDIVIDUAL WHICH ARE RENDERED IN CONNECTION WITH A CANDIDATE'S ELECTION OR NOMINATION WITHOUT CHARGE; PROVIDED HOWEVER, THAT NONE OF THE FOREGOING SHALL BE DEEMED A CONTRIBUTION IF IT IS MADE, TAKEN OR PERFORMED BY A PERSON OR A POLITICAL COMMITTEE INDEPENDENT OF THE CANDIDATE OR HIS OR HER AGENTS OR POLITICAL COMMITTEES AUTHORIZED BY SUCH CANDIDATE PURSUANT TO SECTION 14-112 OF THIS CHAPTER. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "INDEPENDENT OF THE CANDIDATE OR HIS OR HER AGENTS OR POLITICAL COMMITTEES AUTHORIZED BY SUCH CANDIDATE PURSUANT TO SECTION 14-112 OF THIS CHAPTER" SHALL MEAN THAT THE CANDIDATE OR HIS OR HER AGENTS OR POLITICAL COMMITTEES SO AUTHORIZED BY SUCH CANDIDATE DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY SUCH ACTIVITY; AND PROVIDED FURTHER, THAT THE TERM "CONTRIBUTION" SHALL NOT INCLUDE:

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

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

(III) THE TRAVEL EXPENSES OF ANY INDIVIDUAL WHO ON HIS OR HER OWN BEHALF VOLUNTEERS HIS OR HER PERSONAL SERVICES TO ANY CANDIDATE OR POLITICAL COMMITTEE TO THE EXTENT SUCH EXPENSES ARE UNREIMBURSED AND DO NOT EXCEED FIVE HUNDRED DOLLARS IN VALUE.

A LOAN MADE TO A QUALIFIED CANDIDATE OR AN AUTHORIZED COMMITTEE OF SUCH CANDIDATE OTHER THAN IN THE REGULAR COURSE OF THE LENDER'S BUSINESS SHALL BE DEEMED, TO THE EXTENT NOT REPAID BY THE DATE OF THE PRIMARY OR GENERAL ELECTION, AS THE CASE MAY BE, A CONTRIBUTION BY THE LENDER. A LOAN MADE TO A QUALIFIED CANDIDATE OR AN AUTHORIZED COMMITTEE OF SUCH CANDIDATE IN THE REGULAR COURSE OF THE LENDER'S BUSINESS SHALL BE DEEMED, TO THE EXTENT NOT REPAID BY THE DATE OF THE PRIMARY OR GENERAL ELECTION, AS THE CASE MAY BE, A CONTRIBUTION BY THE OBLIGOR ON THE LOAN AND BY ANY OTHER PERSON ENDORSING, COSIGNING, GUARANTEEING, COLLATERALIZING OR OTHERWISE PROVIDING SECURITY FOR THE LOAN.

8. THE TERM "QUALIFYING CONTRIBUTION" SHALL MEAN A CONTRIBUTION OF FIVE DOLLARS PER CONTRIBUTION TO THE CLEAN ELECTION CAMPAIGN FUND AND WHICH IS COUNTED TOWARD THE AGGREGATE NUMBER OF QUALIFYING CONTRIBUTIONS NEEDED TO MEET THE THRESHOLD AMOUNT FOR A SPECIFIC OFFICE. A CONTRIBUTION SHALL BE DEEMED A QUALIFYING CONTRIBUTION ONLY IF MADE BY CHECK, MONEY ORDER OR IN CASH AND ONLY IF ACCOMPANIED BY A SIGNED STATEMENT THAT IT IS INTENDED TO BE A CONTRIBUTION TO A CLEAN ELECTION CAMPAIGN FUND. FOR A CANDIDATE SEEKING THE NOMINATION OF A POLITICAL PARTY, THE

NUMBER OF QUALIFYING CONTRIBUTIONS FROM THE CANDIDATE'S PARTY MUST BE EQUAL TO FIVE PERCENT OF THE VOTERS REGISTERED IN THAT PARTY IN THAT DISTRICT OR THE MINIMUM NUMBER OF QUALIFYING CONTRIBUTIONS NEEDED, WHICHEVER IS LESS.

9. THE TERM "TRANSFER" SHALL MEAN ANY EXCHANGE OF FUNDS OR ANY THING OF VALUE BETWEEN POLITICAL COMMITTEES AUTHORIZED BY THE SAME CANDIDATE PURSUANT TO SECTION 14-112 OF THIS CHAPTER AND TAKING PART IN HIS OR HER CAMPAIGN.

10. THE TERM "COVERED ELECTION" SHALL MEAN ANY PRIMARY ELECTION FOR NOMINATION, SPECIAL OR GENERAL ELECTION FOR ELECTION FOR THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL, STATE SENATOR, MEMBER OF ASSEMBLY OR DISTRICT ATTORNEY.

11. THE TERM "POLITICAL COMMITTEE" SHALL MEAN ANY CORPORATION AIDING OR PROMOTING AND ANY COMMITTEE, POLITICAL CLUB OR COMBINATION OF ONE OR MORE PERSONS OPERATING OR COOPERATING TO AID OR TO PROMOTE THE SUCCESS OR DEFEAT OF A POLITICAL QUESTION OR PRINCIPLE, OR TO AID OR TAKE PART IN THE ELECTION OR DEFEAT OF A CANDIDATE FOR PUBLIC OFFICE OR TO AID OR TAKE PART IN THE ELECTION OR DEFEAT OF A CANDIDATE FOR NOMINATION AT A PRIMARY ELECTION OR CONVENTION, INCLUDING ALL PROCEEDINGS PRIOR TO SUCH PRIMARY ELECTION, OR OF A CANDIDATE FOR ANY PARTY POSITION VOTED FOR AT A PRIMARY ELECTION, OR TO AID OR DEFEAT THE NOMINATION BY PETITION OF AN INDEPENDENT CANDIDATE FOR PUBLIC OFFICE; BUT NOTHING IN THIS ARTICLE SHALL APPLY TO ANY COMMITTEE OR ORGANIZATION FOR THE DISCUSSION OR ADVANCEMENT OF POLITICAL QUESTIONS OR PRINCIPLES WITHOUT CONNECTION WITH ANY VOTE. "POLITICAL COMMITTEE" SHALL INCLUDE ANY PARTY COMMITTEE OR CONSTITUTED COMMITTEE, AS SUCH COMMITTEES ARE DEFINED IN THIS CHAPTER.

12. THE TERM "INTERMEDIARY" SHALL MEAN AN INDIVIDUAL, CORPORATION, PARTNERSHIP, POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION OR OTHER ENTITY WHICH, OTHER THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY OR MESSENGER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR ENTITY TO A CANDIDATE OR AN AUTHORIZED COMMITTEE. "INTERMEDIARY" SHALL NOT INCLUDE SPOUSES, PARENTS, CHILDREN OR SIBLINGS OF THE PERSON MAKING SUCH CONTRIBUTION.

13. THE TERM "ALLOWABLE CONTRIBUTION" SHALL MEAN A SEED MONEY CONTRIBUTION OR PERSONAL CONTRIBUTION PERMITTED UNDER THE TERMS OF THIS ARTICLE.

14. THE TERM "SEED MONEY CONTRIBUTION" SHALL MEAN A SINGLE CONTRIBUTION FROM A NATURAL PERSON ONLY OF NO MORE THAN ONE HUNDRED DOLLARS PER CONTRIBUTION, WHICH IS COLLECTED BEFORE THE END OF THE QUALIFYING PERIOD. THIS MONEY CAN ONLY BE SPENT FOR START-UP COSTS PRIOR TO QUALIFYING FOR PUBLIC FINANCING. THE AGGREGATE AMOUNT OF SEED MONEY ALLOWED TO BE RAISED PER CANDIDATE SHALL BE SET ACCORDING TO THE OFFICE SOUGHT AND SPECIFIED IN SECTION 14-160 OF THIS ARTICLE.

15. THE TERM "PRIMARY ELECTION CAMPAIGN PERIOD" SHALL MEAN THE PERIOD AFTER THE QUALIFYING PERIOD ENDING ON THE PRIMARY DAY.

16. THE TERM "GENERAL ELECTION CAMPAIGN PERIOD" SHALL MEAN THE PERIOD BEGINNING THE DAY AFTER THE PRIMARY AND ENDING THIRTY DAYS AFTER THE GENERAL ELECTION.

17. THE TERM "INDEPENDENT EXPENDITURE" SHALL MEAN AN EXPENDITURE BY ANY PERSON, POLITICAL PARTY OR OTHER ENTITY OTHER THAN A CANDIDATE OR A CANDIDATE'S AUTHORIZED COMMITTEE THAT IS MADE FOR A COMMUNICATION THAT EXPRESSLY ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE WHICH IS MADE WITHOUT PARTICIPATION, COOPERATION OR COORDINATION OR CONSULTATION WITH ANY CANDIDATE, CANDIDATE'S COMMITTEE OR PERSONS WORKING ON BEHALF OF A CANDIDATE. A PERSON, POLITICAL PARTY OR ENTITY IS PRESUMED TO BE IN COOPERATION OR COORDINATION WITH A CANDIDATE

IF THEY PROVIDE THE CANDIDATE WITH ANYTHING OF VALUE, DISCUSS DEMOGRAPHICS, POLLING OR RELATED CAMPAIGN STRATEGY WITH A CANDIDATE, ANY CAMPAIGN CONSULTANT OR AGENT; OR ENGAGE IN JOINT FUNDRAISING WITH THE CAMPAIGN, ONCE ANY TYPE OF COORDINATION IS ESTABLISHED, THE PERIOD OF COORDINATION IS PRESUMED TO BE THE ENTIRE CAMPAIGN.

18. THE TERM "NON-PARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE WHO REJECTS CLEAN ELECTION CAMPAIGN FINANCING AND CHOOSES TO RUN IN AN ELECTION WITH CAMPAIGN CONTRIBUTIONS RAISED FROM PRIVATE SOURCES, OR WHO OTHERWISE IS INELIGIBLE OR FAILS TO QUALIFY FOR CLEAN ELECTION CAMPAIGN FINANCING. NON-PARTICIPATING CANDIDATES ARE INELIGIBLE TO RECEIVE CLEAN ELECTION CAMPAIGN FINANCING OR OTHER BENEFITS AS DEFINED BY THIS ARTICLE.

19. THE TERM "START-UP COSTS" SHALL MEAN THE COSTS AND SERVICE NECESSARY FOR A CANDIDATE TO ADEQUATELY EXPLORE THE POSSIBILITY OF RUNNING FOR ELECTED OFFICE.

20. THE TERM "INDEPENDENT ELECTION DEBIT CARD" SHALL MEAN A DEBIT CARD ISSUED BY THE NEW YORK STATE BOARD OF ELECTIONS ENTITLING A CANDIDATE AND DESIGNATED MEMBERS OF THE CANDIDATE STAFF TO DRAW MONEY FROM A NEW YORK STATE CLEAN ELECTION CAMPAIGN FUND TO PAY ALL CAMPAIGN COSTS AND EXPENSES.

21. THE TERM "QUALIFYING PERIOD" SHALL MEAN THE PERIOD DURING WHICH PARTICIPATING CANDIDATES COLLECT QUALIFYING CONTRIBUTIONS.

S 14-152. ELIGIBILITY AND OTHER REQUIREMENTS. 1. TO BE ELIGIBLE FOR CLEAN ELECTION FUNDING UNDER THIS ARTICLE, A CANDIDATE FOR NOMINATION FOR ELECTION OR ELECTION MUST:

(A) MEET ALL THE REQUIREMENTS OF LAW TO HAVE HIS OR HER NAME ON THE BALLOT;

(B) BE A CANDIDATE FOR GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL, STATE SENATE OR ASSEMBLY OR DISTRICT ATTORNEY IN A PRIMARY OR GENERAL ELECTION AND MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION TWO OF THIS SECTION;

(C) CHOOSE TO PARTICIPATE IN THE CLEAN ELECTION CAMPAIGN FUNDING PROVISIONS OF THIS ARTICLE, BY FILING A WRITTEN CERTIFICATION IN SUCH FORM AS MAY BE PRESCRIBED BY THE BOARD OF ELECTIONS, WHICH SETS FORTH HIS OR HER ACCEPTANCE OF AND AGREEMENT TO COMPLY WITH THE TERMS AND CONDITIONS FOR THE PROVISION OF SUCH FUNDS; SUCH CERTIFICATION TO BE FILED WITH THE BOARD OF ELECTIONS AS FOLLOWS:

(I) THE QUALIFYING PERIOD SHALL COMMENCE ON NOVEMBER FIRST OF THE YEAR PRIOR TO THE ELECTION AND END ON MAY THIRTY-FIRST OF THE YEAR OF THE ELECTION;

(II) CANDIDATES WHO QUALIFY FOR FUNDS AUTOMATICALLY ACHIEVE BALLOT STATUS AND DO NOT NEED TO ESTABLISH BALLOT STATUS THROUGH THE ESTABLISHED PETITION PROCESS;

(III) CANDIDATES WHO QUALIFY FOR FUNDS MAY BEGIN DRAWING ON SUCH FUNDS AS OF APRIL FIRST OR FIVE DAYS AFTER QUALIFYING, WHICHEVER IS LATER;

(IV) CANDIDATES WHO WIN A PRIMARY ELECTION SHALL RECEIVE FUNDS WITHIN FIVE DAYS AFTER THE DATE OF THE PRIMARY;

(V) THE QUALIFICATION PERIOD IN A SPECIAL ELECTION SHALL BEGIN THE DAY THE ELECTION IS ANNOUNCED. CANDIDATES SHALL HAVE UP TO FOURTEEN DAYS BEFORE THE DATE OF THE SPECIAL ELECTION TO COLLECT QUALIFYING CONTRIBUTIONS. THE NUMBER OF QUALIFYING CONTRIBUTIONS SHALL BE HALF OF THE NUMBER OF CONTRIBUTIONS REQUIRED IN A GENERAL ELECTION. FUNDS SHALL BE RELEASED TO SPECIAL ELECTION CANDIDATES WITHIN THREE DAYS OF SUBMISSION OF QUALIFYING CONTRIBUTIONS;

(D) OBTAIN AND FURNISH TO THE BOARD ANY INFORMATION IT MAY REQUEST RELATING TO HIS OR HER CAMPAIGN EXPENDITURES OR CONTRIBUTIONS AND

FURNISH SUCH DOCUMENTATION AND OTHER PROOF OF COMPLIANCE WITH THIS ARTICLE AS MAY BE REQUESTED BY SUCH BOARD;

(E) NOTIFY THE BOARD AS TO THE EXISTENCE OF EACH AUTHORIZED COMMITTEE AUTHORIZED BY SUCH CANDIDATE, WHETHER ANY SUCH COMMITTEE HAS BEEN SO AUTHORIZED BY ANY OTHER CANDIDATE, AND, IF THE CANDIDATE HAS AUTHORIZED MORE THAN ONE AUTHORIZED COMMITTEE, WHICH HAS BEEN DESIGNATED BY THE CANDIDATE AS THE PRINCIPAL COMMITTEE PURSUANT TO THIS ARTICLE;

(F) NOT ACCEPT AND HIS OR HER PRINCIPAL COMMITTEE AND ANY OTHER POLITICAL COMMITTEE AUTHORIZED BY SUCH CANDIDATE MUST NOT ACCEPT, EITHER DIRECTLY OR BY TRANSFER, ANY CONTRIBUTION OR CONTRIBUTIONS FROM ANY INDIVIDUAL, CORPORATION, PARTNERSHIP, POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION OR OTHER ENTITY FOR ALL COVERED ELECTIONS HELD IN THE SAME CALENDAR YEAR IN WHICH HE OR SHE IS A PARTICIPATING CANDIDATE EXCEPT FOR SEED MONEY AS FOLLOWS: CANDIDATES MAY EXPEND SEED MONEY TO COVER EXPENSES RELATED TO EXPLORING THE FEASIBILITY OF RUNNING FOR OFFICE AND COLLECTING QUALIFYING CONTRIBUTIONS. NO PERSON, INCLUDING THE CANDIDATE MAY MAKE A SEED MONEY CONTRIBUTION TO A CANDIDATE IN EXCESS OF ONE HUNDRED DOLLARS AND SEED MONEY MAY ONLY BE CONTRIBUTED BY INDIVIDUALS. SEED MONEY MAY ONLY BE COLLECTED AND SEED MONEY FUNDS USED DURING THE QUALIFYING PERIOD.

(G) MAINTAIN SUCH RECORDS OF RECEIPTS AND EXPENDITURES FOR A COVERED ELECTION AS REQUIRED BY THE BOARD;

(H) NOT MAKE AND HIS OR HER PRINCIPAL COMMITTEE AND ANY OTHER POLITICAL COMMITTEE AUTHORIZED BY SUCH CANDIDATE MUST NOT MAKE EXPENDITURES WHICH IN THE AGGREGATE EXCEED THE APPLICABLE EXPENDITURE LIMITATIONS SET FORTH IN SECTION 14-160 OF THIS ARTICLE;

(I) AGREE TO PARTICIPATE IN AT LEAST TWO PUBLIC DEBATES WITH OTHER QUALIFIED CANDIDATES PRIOR TO THE DATE OF A PRIMARY ELECTION AND AT LEAST THREE DEBATES WITH OTHER QUALIFIED CANDIDATES PRIOR TO THE DATE OF A GENERAL OR SPECIAL ELECTION. SUCH DEBATES SHALL BE ESTABLISHED UNDER REGULATIONS PROMULGATED BY THE BOARD OF ELECTIONS. IF A CANDIDATE FAILS TO PARTICIPATE IN ANY DEBATE REQUIRED UNDER THIS SECTION BEFORE AN ELECTION, THE CANDIDATE SHALL BE LIABLE FOR RETURN OF MONEYS PREVIOUSLY RECEIVED FOR USE BY THE CANDIDATE TO PAY ELECTION CAMPAIGN EXPENSES AND SHALL BE INELIGIBLE TO RECEIVE ANY FURTHER CLEAN ELECTION CAMPAIGN FUNDS FOR THAT ELECTION. FOR PURPOSES OF THIS SUBDIVISION, EACH PRIMARY, GENERAL, SPECIAL OR RUN OFF ELECTION SHALL BE CONSIDERED A SEPARATE ELECTION; AND

(J) MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION TWO OF THIS SECTION.

2. (A) THE THRESHOLD FOR ELIGIBILITY FOR CLEAN ELECTION CAMPAIGN FUNDING FOR PARTICIPATING CANDIDATES IN A GENERAL ELECTION SHALL BE IN THE CASE OF:

(I) CANDIDATES FOR STATE SENATE MUST COLLECT AT LEAST ONE THOUSAND QUALIFYING CONTRIBUTIONS FROM PERSONS ELIGIBLE TO VOTE IN THE STATE SENATE DISTRICT;

(II) CANDIDATES FOR STATE ASSEMBLY MUST COLLECT FOUR HUNDRED QUALIFYING CONTRIBUTIONS FROM PERSONS ELIGIBLE TO VOTE IN THE STATE ASSEMBLY DISTRICT;

(III) CANDIDATES FOR GOVERNOR MUST COLLECT FIFTEEN THOUSAND QUALIFYING CONTRIBUTIONS, INCLUDING AT LEAST TWO HUNDRED FIFTY CONTRIBUTIONS FROM PERSONS ELIGIBLE TO VOTE IN EACH OF A MAJORITY OF THE CONGRESSIONAL DISTRICTS OF THE STATE;

(IV) CANDIDATES FOR LIEUTENANT GOVERNOR, ATTORNEY GENERAL AND COMPTROLLER MUST COLLECT TEN THOUSAND QUALIFYING CONTRIBUTIONS, INCLUDING AT

LEAST ONE HUNDRED FIFTY CONTRIBUTIONS FROM PERSONS ELIGIBLE TO VOTE FROM A MAJORITY OF THE CONGRESSIONAL DISTRICTS OF THE STATE;

(V) CANDIDATES FOR DISTRICT ATTORNEY MUST COLLECT THE NUMBER OF QUALIFYING CONTRIBUTIONS FROM PERSONS ELIGIBLE TO VOTE IN THE COUNTY EQUAL TO THE POPULATION OF THE COUNTY POPULATION ACCORDING TO THE LAST CENSUS MULTIPLIED BY 0.0033, BUT NO LESS THAN ONE HUNDRED.

(B) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION IN ORDER TO BE ELIGIBLE FOR CLEAN ELECTION CAMPAIGN FINANCING FOR THE GENERAL ELECTIONS, THE CANDIDATE MUST HAVE PARTICIPATED IN THE PRIMARY ELECTION AND RECEIVE THE HIGHEST NUMBER OF VOTES OF THE CANDIDATES CONTESTING THE PRIMARY ELECTION FROM HIS OR HER RESPECTIVE PARTY AND HAVE WON THE PARTY'S NOMINATION. THIS PROVISION SHALL NOT APPLY TO INDEPENDENT CANDIDATES, WHOSE ELIGIBILITY REQUIREMENTS ARE SET FORTH IN THIS SECTION.

3. (A) IN ORDER TO BE ELIGIBLE TO RECEIVE CLEAN ELECTION CAMPAIGN FUNDS IN A PRIMARY ELECTION A QUALIFIED CANDIDATE MUST AGREE THAT IN THE EVENT HE OR SHE IS A CANDIDATE FOR SUCH OFFICE IN ANY OTHER ELECTION HELD IN THE SAME CALENDAR YEAR, THAT HE OR SHE WILL BE BOUND IN EACH SUCH OTHER ELECTION BY THE ELIGIBILITY REQUIREMENTS AND ALL OTHER PROVISIONS OF THIS ARTICLE.

(B) ANY QUALIFIED CANDIDATE MEETING THE THRESHOLD FOR ELIGIBILITY IN A PRIMARY ELECTION FOR ONE OF THE OFFICES OUTLINED IN THIS ARTICLE SHALL BE DEEMED TO HAVE MET THE THRESHOLD FOR ELIGIBILITY FOR SUCH OFFICE IN ANY OTHER ELECTION HELD IN THE SAME CALENDAR YEAR.

4. QUALIFIED CANDIDATES WHO ARE CONTESTED IN A PRIMARY ELECTION FOR NOMINATION FOR ELECTION TO OFFICE AND WHO DO NOT FILE A WRITTEN CERTIFICATION PURSUANT TO PARAGRAPH (C) OF SUBDIVISION ONE OF THIS SECTION SHALL NOT BE ELIGIBLE FOR CLEAN ELECTION CAMPAIGN FUNDS FOR ANY ELECTION TO SUCH OFFICE HELD IN THE SAME CALENDAR YEAR.

5. QUALIFIED CANDIDATES WHO ARE UNOPPOSED IN A COVERED ELECTION SHALL BE ELIGIBLE TO RECEIVE THIRTY-FIVE PERCENT OF THE FULL CLEAN ELECTION CAMPAIGN FUNDS FOR SUCH ELECTION.

6. NO POLITICAL COMMITTEE AUTHORIZED BY A QUALIFIED CANDIDATE FOR A COVERED ELECTION MAY BE AUTHORIZED TO AID OR TAKE PART IN THE ELECTIONS OF MORE THAN ONE CANDIDATE.

7. ALL RECEIPTS OF SEED MONEY CONTRIBUTIONS ACCEPTED BY AN AUTHORIZED COMMITTEE SHALL BE DEPOSITED IN AN ACCOUNT OF THE PRINCIPAL COMMITTEE. THE TREASURER OF THE AUTHORIZED COMMITTEE SHALL BE RESPONSIBLE FOR MAKING SUCH DEPOSITS. ALL DEPOSITS OF SEED MONEY CONTRIBUTIONS SHALL BE MADE WITHIN TEN BUSINESS DAYS OF RECEIPT. EACH DISCLOSURE REPORT FILED PURSUANT TO THIS ARTICLE SHALL INCLUDE THE DATE OF RECEIPT OF ALL SEED MONEY CONTRIBUTIONS ACCEPTED.

8. REGARDLESS OF WHETHER A QUALIFIED CANDIDATE DEMONSTRATES ELIGIBILITY FOR CLEAN ELECTION CAMPAIGN FINANCING UNDER THIS ARTICLE, A QUALIFIED CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEES ARE NONETHELESS REQUIRED TO ABIDE BY THE REQUIREMENTS OF PARAGRAPHS (D), (E), (F), (G) AND (H) OF SUBDIVISION ONE OF THIS SECTION.

9. A QUALIFIED CANDIDATE WHO RECEIVES CLEAN ELECTION CAMPAIGN FUNDS SHALL NOT ACCEPT OR SPEND ANY FUNDS OTHER THAN SEED MONEY AND CLEAN ELECTION CAMPAIGN FUNDS.

10. A QUALIFIED CANDIDATE WHO RECEIVES CLEAN ELECTION CAMPAIGN FUNDS SHALL IDENTIFY THE NAME OF THE CANDIDATE ON ALL PRINTED CAMPAIGN LITERATURE, AND ACKNOWLEDGE THEREIN THAT CLEAN ELECTION CAMPAIGN FUNDS WERE USED IN PREPARATION OF THE SAME. ADDITIONALLY ALL TELEVISION ADVERTISEMENTS AND RADIO ADVERTISEMENTS, MUST INCLUDE THE VOICE OF THE CANDIDATE.

S 14-154. QUALIFIED CAMPAIGN EXPENDITURES. 1. CLEAN ELECTION CAMPAIGN FUNDS PROVIDED UNDER THE PROVISIONS OF THIS ARTICLE MAY BE USED ONLY FOR EXPENDITURES BY AN AUTHORIZED COMMITTEE ON BEHALF OF A CANDIDATE TO FURTHER THE CANDIDATE'S NOMINATION FOR ELECTION OR ELECTION DURING THE CALENDAR YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IN WHICH THE CANDIDATE IS SEEKING NOMINATION FOR ELECTION OR ELECTION IS HELD.

2. SUCH FUNDS MAY NOT BE USED FOR:

(A) AN EXPENDITURE IN VIOLATION OF ANY LAW;

(B) PAYMENTS MADE TO THE CANDIDATE OR A SPOUSE, CHILD, GRANDCHILD, PARENT, GRANDPARENT, BROTHER OR SISTER OF THE CANDIDATE OR SPOUSE OF SUCH CHILD, GRANDCHILD, PARENT, GRANDPARENT, BROTHER OR SISTER, OR TO A BUSINESS ENTITY IN WHICH THE CANDIDATE OR ANY SUCH PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST;

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

(D) (I) ANY EXPENDITURES MADE AFTER THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED EXCEPT AS EXPENDITURES FOR A DIFFERENT COVERED ELECTION HELD LATER IN THE SAME CALENDAR YEAR IN WHICH THE CANDIDATE SEEKS ELECTION FOR THE SAME OFFICE; AND

(II) ANY EXPENDITURE MADE AFTER THE ONLY REMAINING OPPONENT OF THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED EXCEPT AS EXPENDITURES FOR A DIFFERENT COVERED ELECTION HELD LATER IN THE SAME CALENDAR YEAR IN WHICH THE CANDIDATE SEEKS ELECTION FOR THE SAME OFFICE;

(E) PAYMENTS IN CASH, EXCEPT AS PRESCRIBED IN SUBDIVISION FOUR OF SECTION 14-166 OF THIS ARTICLE;

(F) ANY CONTRIBUTION OR LOAN MADE TO ANOTHER CANDIDATE OR POLITICAL COMMITTEE; OR

(G) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER PRINTED CAMPAIGN MATERIAL.

S 14-156. CAMPAIGN CONTRIBUTIONS. QUALIFIED CANDIDATES MUST FURNISH COMPLETE CAMPAIGN RECORDS, INCLUDING ALL RECORDS OF SEED MONEY CONTRIBUTIONS, QUALIFYING CONTRIBUTIONS AND EXPENDITURES TO THE BOARD OF ELECTIONS ON A QUARTERLY BASIS OR ON REQUEST BY THE BOARD.

S 14-158. OPTIONAL CLEAN ELECTION CAMPAIGN FINANCING. EACH QUALIFIED CANDIDATE FOR NOMINATION FOR ELECTION OR ELECTION IN A COVERED ELECTION MAY OBTAIN PAYMENT TO THE AUTHORIZED COMMITTEE DESIGNATED BY SUCH CANDIDATE PURSUANT TO THIS ARTICLE FROM CLEAN ELECTION CAMPAIGN FUNDS FOR QUALIFIED CAMPAIGN EXPENDITURES, IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, AND SUBJECT TO APPROPRIATION.

1. NO SUCH CLEAN ELECTION CAMPAIGN FUNDS SHALL BE PAID TO A PRINCIPAL COMMITTEE UNLESS THE BOARD DETERMINES THAT THE QUALIFIED CANDIDATE HAS MET THE ELIGIBILITY REQUIREMENTS OF THIS ARTICLE. PAYMENT SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN THIS ARTICLE, AND SHALL BE MADE ONLY IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. SUCH PAYMENT MAY BE MADE ONLY TO THE QUALIFIED CANDIDATE'S PRINCIPAL COMMITTEE. NO CLEAN ELECTION CAMPAIGN FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

2. A QUALIFIED CANDIDATE SEEKING OR OBTAINING NOMINATION FOR ELECTION BY MORE THAN ONE PARTY SHALL BE DEEMED ONE CANDIDATE, AND SHALL NOT RECEIVE ADDITIONAL CLEAN ELECTION CAMPAIGN FUNDS OR BE AUTHORIZED TO ACCEPT CONTRIBUTIONS IN EXCESS OF THE MAXIMUM CONTRIBUTION APPLICABLE PURSUANT TO PARAGRAPH (F) OF SUBDIVISION ONE OF SECTION 14-152 OF THIS ARTICLE OR MAKE ADDITIONAL EXPENDITURES BY REASON OF SUCH CANDIDATE SEEKING OR OBTAINING NOMINATION FOR ELECTION BY MORE THAN ONE PARTY.

3. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, IF THERE IS AN ADDITIONAL DAY FOR VOTING HELD PURSUANT TO SECTION 3-108 OF THIS CHAPTER OR AN ELECTION HELD PURSUANT TO COURT ORDER, A QUALIFIED CANDIDATE IN SUCH ELECTION SHALL OBTAIN PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES IN AN AMOUNT EQUAL TO TWENTY-FIVE CENTS FOR EACH ONE DOLLAR OF CLEAN ELECTION CAMPAIGN FUNDS PAID PURSUANT TO THIS ARTICLE TO THE CANDIDATE'S PRINCIPAL COMMITTEE FOR THE PRECEDING ELECTION. EXCEPT AS PROVIDED BY THIS SUBDIVISION, NO ADDITIONAL CLEAN ELECTION CAMPAIGN FUNDS SHALL BE PROVIDED TO ANY CANDIDATE FOR SUCH ELECTION OR ADDITIONAL DAY FOR VOTING.

S 14-160. RECEIPT AND EXPENDITURE LIMITATIONS; ADDITIONAL FINANCING AND LIMITS. 1. (A) THE FOLLOWING LIMITATIONS APPLY TO ALL RECEIPTS MADE FROM A CLEAN ELECTION CAMPAIGN FUND AND ALL EXPENDITURES MADE BY A CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEES ON OR AFTER THE FIRST DAY OF JANUARY PRECEDING THE ELECTION FOR WHICH SUCH CANDIDATE CHOOSES TO PARTICIPATE IN THE CLEAN ELECTION CAMPAIGN FUNDING PROVISIONS OF THIS ARTICLE AND TO EXPENDITURES MADE AT ANY TIME PRIOR TO SUCH DATE FOR SERVICES, MATERIALS, FACILITIES, ADVERTISING OR OTHER THINGS OF VALUE RECEIVED, RENDERED, PUBLISHED, DISTRIBUTED OR BROADCAST ON OR AFTER SUCH DATE. EXCEPT AS PROVIDED IN SUBDIVISION TWO OF THIS SECTION, IN EACH GENERAL ELECTION, RECEIPTS FROM A CLEAN ELECTION CAMPAIGN FUND AND EXPENDITURES BY A PARTICIPATING CANDIDATE FOR ONE OF THE FOLLOWING OFFICES AND HIS OR HER AUTHORIZED COMMITTEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

OFFICE	GENERAL ELECTION	PRIMARY ELECTION
GOVERNOR	$7,000,000	75 CENTS/ENROLLED VOTER
LT. GOV.	N.A.	75 CENTS/ENROLLED VOTER BUT NOT TO EXCEED $1,250,000
ATT. GENERAL	$2,500,000	75 CENTS/ENROLLED VOTER BUT NOT TO EXCEED $1,250,000
COMPTROLLER	$2,500,000	75 CENTS/ ENROLLED VOTER BUT NOT TO EXCEED $1,250,000
DISTRICT ATTORNEY	$7,000,000 X COUNTY POP. / STATE POP.	$3,000,000 X COUNTY POP. / STATE POP.
STATE SENATE	$ 150,000	$1.75/ENROLLED VOTER BUT NOT TO EXCEED $30,000
STATE ASSEMBLY	$ 75,000	$1.75/ENROLLED VOTER BUT NOT TO EXCEED $15,000

(B) NOT LATER THAN THE FIRST DAY OF MARCH IN THE YEAR TWO THOUSAND TWENTY-ONE, AND EVERY FOURTH YEAR THEREAFTER THE BOARD SHALL (I) DETERMINE THE PERCENTAGE DIFFERENCE BETWEEN THE AVERAGE OVER A CALENDAR YEAR OF THE CONSUMER PRICE INDEX FOR ALL URBAN AREAS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS FOR THE TWELVE MONTHS PRECEDING THE BEGINNING OF SUCH CALENDAR YEAR AND THE AVERAGE OVER THE CALENDAR YEAR TWO THOUSAND TEN OF SUCH CONSUMER PRICE INDEX; (II) ADJUST EACH EXPENDITURE LIMITATION APPLICABLE PURSUANT TO THIS SUBDIVISION BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE NEAREST THOUSAND DOLLARS; AND (III) PUBLISH SUCH ADJUSTED EXPENDITURE LIMITATION IN THE STATE REGISTER. SUCH ADJUSTED EXPENDITURE LIMITATION SHALL BE IN EFFECT FOR ANY ELECTION HELD BEFORE THE NEXT SUCH ADJUSTMENT.

2. THE FOLLOWING SEED MONEY LIMITATIONS APPLY TO ALL EXPENDITURES MADE BY A CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEES PRIOR TO THE END OF THE CLEAN ELECTION CAMPAIGN FINANCING QUALIFYING PERIOD FOR WHICH SUCH CANDIDATE CHOOSES TO PARTICIPATE IN THE CLEAN ELECTION CAMPAIGN FUNDING PROVISIONS OF THIS ARTICLE AND TO EXPENDITURES MADE AT ANY TIME PRIOR TO SUCH DATE FOR SERVICES, MATERIALS, FACILITIES, ADVERTISING OR OTHER THINGS OF VALUE RECEIVED, RENDERED, PUBLISHED, DISTRIBUTED OR BROADCAST IN SUCH CALENDAR YEAR. SUCH EXPENDITURES BY A QUALIFIED CANDIDATE FOR ONE OF THE FOLLOWING OFFICES AND HIS OR HER AUTHORIZED COMMITTEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

GOVERNOR:	$200,000
ATTORNEY GENERAL:	$150,000
COMPTROLLER:	$150,000
LIEUTENANT GOVERNOR:	$150,000
STATE SENATE:	$ 20,000
MEMBER OF ASSEMBLY:	$ 10,000

DISTRICT ATTORNEY: $25.00 MULTIPLIED BY THE NUMBER OF QUALIFIED CONTRIBUTIONS RECEIVED

3. ADDITIONAL FUNDS FROM THE FUND SHALL BE AWARDED TO A QUALIFIED CANDIDATE WHEN THE TOTAL OF CAMPAIGN EXPENDITURES BY NON-PARTICIPATING CANDIDATES WHO OPPOSE A QUALIFIED CANDIDATE AND INDEPENDENT EXPENDITURES DIRECTED AGAINST THE QUALIFIED CANDIDATE OR IN SUPPORT OF THE QUALIFIED CANDIDATE'S OPPONENT, EXCEEDS ONE HUNDRED TEN PERCENT OF THE SPENDING LIMITS ESTABLISHED IN SUBDIVISION ONE OF THIS SECTION. AN ADDITIONAL DOLLAR SHALL BE AWARDED FOR EACH DOLLAR IN EXCESS OF ONE HUNDRED TEN PERCENT OF THE LIMIT, UP TO A TOTAL OF THREE HUNDRED PERCENT OF SAID EXPENDITURE LIMITS.

4. NON-PARTICIPATING CANDIDATES AND PERSONS OR COMMITTEES MAKING INDEPENDENT EXPENDITURES SHALL COMPLY WITH ALL REPORTING REQUIREMENTS FOR POLITICAL COMMITTEES, AND IN ADDITION SHALL, THREE WEEKS BEFORE THE DATE OF THE ELECTION, REPORT ANY AND ALL EXPENDITURES EXPECTED TO BE MADE ON THE ELECTION AND MAY NOT SPEND ANY AMOUNTS NOT SO REPORTED.

5. IN ADDITION TO ANY OTHER PROVISION OF THIS ARTICLE LIMITING OR QUALIFYING OR DEFINING A QUALIFIED CAMPAIGN EXPENDITURE, THE FOLLOWING EXPENDITURE SHALL BE DEEMED INDEPENDENT EXPENDITURES FOR THE PURPOSE OF THIS ARTICLE:

(A) ANY WRITTEN ADVERTISEMENT DISTRIBUTED WITHIN SIXTY DAYS PRIOR TO A PRIMARY, GENERAL OR SPECIAL ELECTION IN WHICH A CANDIDATE'S NAME OR A CANDIDATE'S POLITICAL PARTY IS INCLUDED SHALL BE DEEMED A CAMPAIGN EXPENDITURE; AND

(B) ANY ADVERTISEMENT DISTRIBUTED WITHIN SIXTY DAYS PRIOR TO A PRIMARY, GENERAL OR SPECIAL ELECTION WHICH, AS INDICATED BY ITS TIMING PLACEMENT, MESSAGE, CONTEXT OR OTHER OBJECTIVE AND APPARENT MESSAGE OR OTHER CRITERIA WHICH IN THE OPINION OF THE BOARD OF ELECTIONS IS INTENDED TO INFLUENCE THE OUTCOME OF SUCH ELECTION SHALL BE DEEMED A CAMPAIGN EXPENDITURE.

6. ANY PERSON OR COMMITTEE WHO DISTRIBUTES AN ADVERTISEMENT WHICH INCLUDES THE NAME OF A CANDIDATE NOMINATED FOR A PRIMARY, GENERAL OR SPECIAL ELECTION SHALL COMPLY WITH ALL OF THE DISCLOSURE REQUIREMENTS IMPOSED ON POLITICAL COMMITTEES PURSUANT TO THIS CHAPTER.

7. ANY EXPENDITURE MADE BY A MEMBERSHIP ORGANIZATION, AS DEFINED BY THE FEDERAL ELECTION COMMISSION, TO A MEMBER IN GOOD STANDING OF SUCH ORGANIZATION SHALL NOT BE DEEMED TO BE A CAMPAIGN EXPENDITURE BUT THE AMOUNT THEREOF SHALL BE DISCLOSED IN THE SAME MANNER AS A CAMPAIGN EXPENDITURE IS DISCLOSED PURSUANT TO THIS ARTICLE.

S 14-162. POWER OF BOARD OF ELECTIONS. 1. THE BOARD SHALL HAVE THE POWER TO INVESTIGATE ALL MATTERS RELATING TO THE PERFORMANCE OF ITS FUNCTIONS AND ANY OTHER MATTER RELATING TO THE PROPER ADMINISTRATION OF THIS ARTICLE AND FOR SUCH PURPOSES SHALL HAVE THE POWER TO REQUIRE THE ATTENDANCE AND EXAMINE AND TAKE THE TESTIMONY UNDER OATH OF SUCH PERSONS AS IT SHALL DEEM NECESSARY AND TO REQUIRE THE PRODUCTION OF BOOKS, ACCOUNTS, PAPERS AND OTHER EVIDENCE RELATIVE TO SUCH INVESTIGATION.

2. THE BOARD SHALL PUBLICIZE, AS IT DEEMS APPROPRIATE, THE NAMES OF CANDIDATES FOR NOMINATION OR ELECTION TO THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL, STATE SENATE, MEMBER OF ASSEMBLY OR DISTRICT ATTORNEY WHO VIOLATE ANY OF THE PROVISIONS OF THIS ARTICLE.

3. THE BOARD MAY RENDER ADVISORY OPINIONS WITH RESPECT TO QUESTIONS ARISING UNDER THIS ARTICLE. SUCH ADVISORY OPINIONS MAY BE RENDERED ON THE WRITTEN REQUEST OF A CANDIDATE, AN OFFICER OF A POLITICAL COMMITTEE OR MEMBER OF THE PUBLIC, OR MAY BE RENDERED ON ITS OWN INITIATIVE. THE BOARD SHALL MAKE PUBLIC ITS ADVISORY OPINIONS. THE BOARD SHALL DEVELOP A PROGRAM FOR INFORMING CANDIDATES AND THE PUBLIC AS TO THE PURPOSE AND EFFECT OF THE PROVISIONS OF THIS ARTICLE. THE BOARD SHALL PREPARE AND MAKE AVAILABLE EDUCATIONAL MATERIALS, INCLUDING COMPLIANCE MANUALS AND SUMMARIES AND EXPLANATIONS OF THE PURPOSES AND PROVISIONS OF THIS ARTICLE. THESE MATERIALS SHALL BE PREPARED IN PLAIN LANGUAGE. THE BOARD SHALL PREPARE AND MAKE AVAILABLE MATERIALS, INCLUDING, TO THE EXTENT FEASIBLE, COMPUTER SOFTWARE, TO FACILITATE THE TASK OF COMPLIANCE WITH THE DISCLOSURE AND RECORD-KEEPING REQUIREMENTS OF THIS ARTICLE.

4. THE BOARD SHALL HAVE THE AUTHORITY TO PROMULGATE SUCH RULES AND REGULATIONS AND PROVIDE SUCH FORMS AS IT DEEMS NECESSARY FOR THE ADMINISTRATION OF THIS ARTICLE. THE BOARD SHALL PROMULGATE REGULATIONS CONCERNING THE FORM IN WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE REPORTED, THE PERIODS DURING WHICH SUCH REPORTS MUST BE FILED AND THE VERIFICATION REQUIRED. THE BOARD SHALL REQUIRE THE FILING OF REPORTS OF CONTRIBUTIONS AND EXPENDITURES FOR PURPOSES OF DETERMINING COMPLIANCE WITH PARAGRAPH (F) OF SUBDIVISION ONE OF SECTION 14-152 AND SECTION 14-160 OF THIS ARTICLE IN ACCORDANCE WITH THE SCHEDULE SPECIFIED BY THE STATE BOARD OF ELECTIONS FOR THE FILING OF CAMPAIGN RECEIPT AND EXPENDITURE STATEMENTS.

5. THE BOARD SHALL DEVELOP A COMPUTER DATA BASE THAT SHALL CONTAIN ALL INFORMATION NECESSARY FOR THE PROPER ADMINISTRATION OF THIS CHAPTER INCLUDING INFORMATION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR AUTHORIZED COMMITTEES AND DISTRIBUTIONS OF MONEYS FROM THE CAMPAIGN FINANCE FUND. SUCH DATA BASE SHALL BE ACCESSIBLE TO THE PUBLIC.

6. THE BOARD SHALL PROMULGATE REGULATIONS REGARDING PUBLIC DEBATES AS PROVIDED IN SECTION 14-152 OF THIS ARTICLE.

7. THE BOARD MAY TAKE SUCH OTHER ACTIONS AS ARE NECESSARY AND PROPER TO CARRY OUT THE PURPOSES OF THIS ARTICLE.

S 14-164. NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND. 1. THERE IS HEREBY ESTABLISHED A SPECIAL FUND, TO BE KNOWN AS THE "NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND". THE MONIES IN SUCH FUND MAY BE EXPENDED BY THE BOARD OF ELECTIONS ONLY AS PAYMENTS FOR QUALIFIED CANDIDATES IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

2. THE FUND SHALL BE KEPT SEPARATE AND SHALL BE CREDITED WITH ALL SUMS APPROPRIATED THEREOF, ANY DONATIONS RECEIVED PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION, ALL EARNINGS ACCRUING ON SUCH FUNDS AND ANY MONIES REALIZED FROM THE PROVISIONS OF SUBDIVISION THREE OF SECTION 14-170 OF THIS ARTICLE.

3. IF AT ANY TIME THE BOARD OF ELECTIONS DETERMINES THAT THE CLEAN ELECTIONS CAMPAIGN FINANCE FUND DOES NOT HAVE SUFFICIENT REVENUES, OR IS LIKELY TO NOT HAVE SUFFICIENT REVENUES, FOR PAYMENT TO QUALIFYING CANDIDATES UNDER THIS ARTICLE THEN IT SHALL REPORT THIS DETERMINATION TO THE COMPTROLLER, ALONG WITH THE AMOUNT WHICH WILL BE NECESSARY TO PROVIDE QUALIFYING CANDIDATES WITH FINANCING PURSUANT TO THIS ARTICLE AND A DETAILED STATEMENT OF THE ASSUMPTIONS AND METHODOLOGY ON WHICH SUCH DETERMINATION WAS BASED. NO MORE THAN FOUR DAYS AFTER RECEIVING SUCH A DETERMINATION THE COMPTROLLER SHALL TRANSFER THE AMOUNT DETERMINED BY THE BOARD OF ELECTIONS TO BE NECESSARY FROM THE GENERAL FUND TO THE CLEAN ELECTIONS CAMPAIGN FINANCE FUND.

4. THE MONEYS IN SUCH FUND SHALL BE MADE AVAILABLE TO PARTICIPATING CANDIDATES BY THE BOARD UPON ITS CERTIFICATION THAT SUCH CANDIDATES QUALIFY FOR SUCH FUNDS.

5. NO MONEYS SHALL BE MADE AVAILABLE TO QUALIFIED CANDIDATES IN A GENERAL ELECTION ANY EARLIER THAN THE DAY AFTER THE DAY OF THE PRIMARY ELECTION HELD TO NOMINATE CANDIDATES FOR SUCH ELECTION.

6. NO MONEYS SHALL BE MADE AVAILABLE TO ANY QUALIFIED CANDIDATE WHO HAS BEEN FINALLY DISQUALIFIED. ANY PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEES ON THE DATE OF SUCH FINAL DISQUALIFICATION OR INVALIDATION MAY NOT THEREAFTER BE EXPENDED FOR ANY PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED IN QUALIFIED CAMPAIGN EXPENDITURES BEFORE SUCH DATE AND SHALL BE PROMPTLY REPAID TO THE FUND.

7. THE BOARD SHALL BE EMPOWERED TO ACCEPT DONATIONS TO BE CREDITED TO THE FUND. THE BOARD MAY DEVISE SUCH METHODS OF SOLICITING AND COLLECTING DONATIONS AS IT MAY DEEM FEASIBLE AND APPROPRIATE.

8. (A) A QUALIFIED CANDIDATE WHO HAS BEEN DEFEATED IN A PRIMARY ELECTION OR WHO FAILS TO REMAIN AS A CANDIDATE THROUGHOUT A PRIMARY OR GENERAL ELECTION PERIOD SHALL RETURN ALL UNSPENT FUNDS THAT WERE RAISED OR DISTRIBUTED TO HIM OR HER TO THE FUND.

(B) ALL OTHER QUALIFIED CANDIDATES SHALL RETURN ALL UNSPENT QUALIFYING CAMPAIGN CONTRIBUTIONS AND OTHER FUND REVENUES AND ALL UNEXPENDED SEED MONEY THAT WERE DISTRIBUTED TO HIM OR HER TO THE FUND.

THE AGGREGATE AMOUNT WHICH MAY BE PROVIDED TO QUALIFIED CANDIDATES IN ANY FOUR-YEAR ELECTION CYCLE FROM THE FUND SHALL NOT EXCEED ONE-TENTH-OF-ONE-PERCENT OF THE TOTAL EXPENDITURES MADE PURSUANT TO APPROPRIATIONS MADE BY LAW DURING SUCH TIME PERIOD. IF THE AMOUNT OF FUNDS FOR WHICH QUALIFIED CANDIDATES HAVE QUALIFIED REACHES OR EXCEEDS THIS LEVEL, THE BOARD OF ELECTIONS SHALL REDUCE, BY AN EQUAL PERCENTAGE FOR ALL CANDIDATES, THE RESPECTIVE AMOUNT OF PUBLIC FINANCING MADE AVAILABLE TO QUALIFIED CANDIDATES.

S 14-166. DISBURSAL OF REVENUE FOR CLEAN ELECTION CAMPAIGN FINANCING. 1. UPON CERTIFYING THAT A CANDIDATE IS ELIGIBLE FOR CLEAN ELECTION CAMPAIGN FINANCING, THE BOARD OF ELECTIONS SHALL ISSUE A NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND DEBIT CARD TO THE PARTICIPATING CANDIDATE ENTITLING THE CANDIDATE AND DESIGNATED MEMBERS OF HIS OR HER STAFF THE RIGHT TO DRAW MONEY FROM THE NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND ACCOUNT TO PAY ALL CAMPAIGN COSTS AND EXPENSES.

2. A QUALIFIED CANDIDATE AND HIS OR HER REPRESENTATIVE ARE PROHIBITED FROM PAYING FOR CAMPAIGN EXPENSES IN ANY WAY OTHER THAN BY USE OF THE NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND DEBIT CARD EXCEPT AS EXEMPTED IN SUBDIVISION FOUR OF THIS SECTION. THE USE OF THE NEW YORK STATE CLEAN ELECTION CAMPAIGN FUND DEBIT CARD TO GENERATE PERSONAL CREDIT OR A LOAN IS PROHIBITED.

3. CASH, CASHIER'S CHECKS, MONEY ORDERS, OR OTHER FORMS OF PAYMENT SHALL BE PERMISSIBLE ONLY IF THEY ARE DRAWN DIRECTLY FROM THE NEW YORK STATE CLEAN ELECTION CAMPAIGN FINANCE FUND, EXCEPT AS EXEMPTED IN SUBDIVISION FOUR OF THIS SECTION.

(A) ALL CAMPAIGN PURCHASES FOR GOODS AND SERVICES SHALL BE PAID FOR WITH MONEY DRAWN FROM THE NEW YORK STATE CLEAN ELECTION CAMPAIGN FUND AT THE TIME OF PURCHASE, EXCEPT THAT FEES FOR SERVICES, INCLUDING SALARIES AND FEES FOR STAFF MEMBERS AND CONSULTANTS, MAY BE MADE AVAILABLE AT ANY TIME UP UNTIL THE LAST DAY OF THE RELEVANT PRIMARY, SPECIAL OR GENERAL CAMPAIGN PERIODS.

(B) ESTIMATED PAYMENTS FOR UTILITY BILLS, INCLUDING TELEPHONE, HEAT AND ELECTRICITY CHARGES, SHALL BE MADE AVAILABLE BY THE LAST DAY OF THE RELEVANT ELECTION PERIOD. IN BUDGETING THEIR PROJECTED EXPENSES, QUALIFIED CANDIDATES MUST ESTIMATE THE COST OF UTILITIES. THE CAMPAIGN FINANCE BOARD IS AUTHORIZED TO PROVIDE A FORMULA FOR SUCH ESTIMATES.

4. A PETTY CASH FUND MAY BE ESTABLISHED CONSISTENT WITH THE OTHER PROVISIONS OF THIS ARTICLE.

(A) QUALIFIED CANDIDATES MAY HAVE A DAILY PETTY CASH FUND, FOR DAILY EXPENSES, INCLUDING FOOD, NEWSPAPERS, MAGAZINES, PUBLIC TELEPHONES, AND OTHER MINOR NECESSITIES UNRELATED TO THE DIRECT OPERATING COSTS OF THE CAMPAIGN. THE DAILY MAXIMUM AMOUNT OF THE PETTY CASH FUND SHALL BE ESTABLISHED BY THE BOARD.

(B) ALL CASH EXPENDITURES IN EXCESS OF TWENTY-FIVE DOLLARS REQUIRE A CASH RECEIPT SPECIFYING THE ITEM PURCHASED AND ITS PURPOSE, ITS COST, AND THE PLACE OF PURCHASE.

S 14-168. EXAMINATIONS AND AUDITS; REPAYMENTS. 1. THE BOARD OF ELECTIONS IS HEREBY EMPOWERED TO AUDIT AND EXAMINE ALL MATTERS RELATING TO THE PERFORMANCE OF ITS FUNCTIONS AND ANY OTHER MATTER RELATING TO THE PROPER ADMINISTRATION OF THIS ARTICLE.

2. (A) IF THE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO THE PRINCIPAL COMMITTEE OF A QUALIFIED CANDIDATE FROM THE FUND WAS IN EXCESS OF THE AGGREGATE AMOUNT OF PAYMENTS WHICH SUCH CANDIDATE WAS ELIGIBLE TO RECEIVE PURSUANT TO THIS ARTICLE, IT SHALL NOTIFY SUCH COMMITTEE AND SUCH COMMITTEE SHALL PAY TO THE BOARD AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS.

(B) IF THE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO A PRINCIPAL COMMITTEE OF A QUALIFIED CANDIDATE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN QUALIFIED CAMPAIGN EXPENDITURES, IT SHALL NOTIFY SUCH COMMITTEE OF THE AMOUNT SO DISQUALIFIED AND SUCH COMMITTEE SHALL PAY TO THE BOARD AN AMOUNT EQUAL TO SUCH DISQUALIFIED AMOUNT.

(C) IF THE TOTAL OF CONTRIBUTIONS, OTHER RECEIPTS, AND PAYMENTS FROM THE FUND RECEIVED BY A QUALIFIED CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEES EXCEED THE TOTAL CAMPAIGN EXPENDITURES OF SUCH CANDIDATE AND COMMITTEES FOR ALL COVERED ELECTIONS HELD IN THE SAME CALENDAR YEAR OR FOR A SPECIAL ELECTION TO FILL A VACANCY SUCH CANDIDATE AND COMMITTEES SHALL USE SUCH EXCESS FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY THE PRINCIPAL COMMITTEE FROM THE FUND DURING SUCH CALENDAR YEAR. SUCH REIMBURSEMENT SHALL BE MADE NOT LATER THAN TEN DAYS AFTER ALL LIABILITIES HAVE BEEN PAID AND IN ANY EVENT, NOT LATER THAN JUNE THIRTIETH OF THE YEAR FOLLOWING SUCH CALENDAR YEAR. NO SUCH EXCESS FUNDS SHALL BE USED FOR ANY OTHER PURPOSE, UNLESS THE TOTAL AMOUNT OF THE PAYMENTS RECEIVED FROM THE FUND BY THE AUTHORIZED COMMITTEE HAS BEEN REPAID.

3. IF A QUALIFIED CANDIDATE WHOSE PRINCIPAL COMMITTEE HAS RECEIVED CLEAN ELECTION CAMPAIGN FUNDS IS DISQUALIFIED BY A COURT OF COMPETENT JURISDICTION ON THE GROUNDS THAT SUCH CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON THE BALLOT AND SUCH DECISION IS NOT

REVERSED, SUCH CANDIDATE AND HIS OR HER PRINCIPAL COMMITTEE SHALL PAY TO THE BOARD AN AMOUNT EQUAL TO THE TOTAL OF CLEAN ELECTION CAMPAIGN FUNDS RECEIVED BY SUCH PRINCIPAL COMMITTEE.

S 14-170. PENALTIES. 1. ANY QUALIFIED CANDIDATE WHOSE PRINCIPAL COMMITTEE FAILS TO FILE IN A TIMELY MANNER A STATEMENT OR RECORD REQUIRED TO BE FILED BY THIS ARTICLE OR THE RULES OF THE BOARD IN IMPLEMENTATION THEREOF OR WHO VIOLATES ANY OTHER PROVISION OF THIS ARTICLE OR RULE PROMULGATED THEREUNDER, AND ANY PRINCIPAL COMMITTEE TREASURER OR ANY OTHER AGENT OF A QUALIFIED CANDIDATE WHO COMMITS SUCH A VIOLATION, SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT IN EXCESS OF TEN THOUSAND DOLLARS.

2. IN ADDITION TO THE PENALTIES PROVIDED IN SUBDIVISION ONE OF THIS SECTION, IF THE AGGREGATE AMOUNT OF EXPENDITURES BY A QUALIFIED CANDIDATE AND SUCH CANDIDATE'S AUTHORIZED COMMITTEES EXCEED THE EXPENDITURE LIMITATIONS CONTAINED IN THIS ARTICLE SUCH CANDIDATE AND AUTHORIZED COMMITTEES SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED THREE TIMES THE SUM BY WHICH SUCH EXPENDITURES EXCEED THE APPLICABLE EXPENDITURE LIMITATION.

3. THE INTENTIONAL OR KNOWING FURNISHING OF ANY FALSE OR FICTITIOUS EVIDENCE, BOOKS OR INFORMATION TO THE BOARD UNDER THIS ARTICLE, OR THE INCLUSION IN ANY EVIDENCE, BOOKS, OR INFORMATION SO FURNISHED OF A MISREPRESENTATION OF A MATERIAL FACT, OR THE FALSIFYING OR CONCEALMENT OF ANY EVIDENCE, BOOKS, OR INFORMATION RELEVANT TO ANY AUDIT BY THE BOARD OR THE INTENTIONAL OR KNOWING VIOLATION OF ANY OTHER PROVISION OF THIS ARTICLE SHALL BE PUNISHABLE AS A CLASS A MISDEMEANOR IN ADDITION TO ANY OTHER PENALTY AS MAY BE PROVIDED UNDER LAW. THE BOARD SHALL SEEK TO RECOVER ANY CLEAN ELECTION CAMPAIGN FUNDS OBTAINED AS A RESULT OF SUCH CONDUCT. ANY MONIES SO OBTAINED SHALL BE DEPOSITED INTO THE FUND.

S 14-172. CAMPAIGNS FOR OFFICE NOT SUBJECT TO THIS ARTICLE. CONTRIBUTIONS, LOANS, GUARANTEES AND OTHER SECURITY FOR SUCH LOANS USED AND EXPENDITURES MADE TOWARD THE PAYMENT OF LIABILITIES INCURRED BY A CANDIDATE IN AN ELECTION HELD PRIOR TO THE EFFECTIVE DATE OF THIS SECTION OR IN WHICH HE OR SHE DID NOT CHOOSE TO PARTICIPATE IN THE CLEAN ELECTION CAMPAIGN FUNDING PROVISIONS OF THIS ARTICLE, OR IN A CAMPAIGN FOR PUBLIC OFFICE OTHER THAN ONE COVERED BY THIS ARTICLE, SHALL NOT BE SUBJECT TO THE REQUIREMENTS AND LIMITATIONS OF THIS ARTICLE.

S 14-174. REPORTS. 1. THE BOARD OF ELECTIONS SHALL REVIEW AND EVALUATE THE EFFECT OF THIS ARTICLE UPON THE CONDUCT OF ELECTION CAMPAIGNS IN THE STATE AND SHALL SUBMIT A REPORT TO THE GOVERNOR AND THE LEGISLATURE ON OR BEFORE SEPTEMBER FIRST, TWO THOUSAND FOURTEEN, AND EVERY FOURTH YEAR THEREAFTER, AND AT ANY OTHER TIME UPON THE REQUEST OF THE GOVERNOR OR THE LEGISLATURE AND AT SUCH OTHER TIMES AS THE BOARD DEEMS APPROPRIATE, CONTAINING:

(A) THE NUMBER AND NAMES OF CANDIDATES QUALIFYING FOR AND CHOOSING TO RECEIVE CLEAN ELECTION CAMPAIGN FUNDS PURSUANT TO THIS ARTICLE, AND OF CANDIDATES FAILING TO QUALIFY OR OTHERWISE NOT CHOOSING TO RECEIVE SUCH FUNDS, IN EACH ELECTION DURING THE FOUR PRECEDING CALENDAR YEARS;

(B) THE AMOUNT OF CLEAN ELECTION CAMPAIGN FUNDS PROVIDED TO THE AUTHORIZED COMMITTEES OF EACH CANDIDATE PURSUANT TO THIS ARTICLE AND THE CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BY EACH SUCH CANDIDATE AND THE AUTHORIZED COMMITTEES OF SUCH CANDIDATE, IN EACH ELECTION DURING THE FOUR PRECEDING CALENDAR YEARS;

(C) RECOMMENDATIONS AS TO WHETHER THE PROVISIONS OF THIS ARTICLE GOVERNING MAXIMUM CONTRIBUTION AMOUNTS, THRESHOLDS FOR ELIGIBILITY AND EXPENDITURE LIMITATIONS SHOULD BE AMENDED AND SETTING FORTH THE AMOUNT OF, AND REASONS FOR, ANY AMENDMENTS IT RECOMMENDS;

(D) ANALYSIS OF THE EFFECT OF THIS ARTICLE ON POLITICAL CAMPAIGNS, INCLUDING ITS EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES AND THE CANDIDATE'S ABILITY TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE;

(E) A REVIEW OF THE PROCEDURES UTILIZED IN PROVIDING CLEAN ELECTION CAMPAIGN FUNDS TO CANDIDATES; AND

(F) SUCH RECOMMENDATIONS FOR CHANGES IN THIS ARTICLE AS IT DEEMS APPROPRIATE.

2. FOR THE REPORT SUBMITTED IN THE YEAR TWO THOUSAND FOURTEEN, THE BOARD ALSO SHALL REVIEW ANY CONTRIBUTIONS MADE TO CANDIDATES AND AUTHORIZED COMMITTEES PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE WHICH EXCEED THE AMOUNT OF THE MAXIMUM CONTRIBUTION APPLICABLE PURSUANT TO PARAGRAPH (F) OF SUBDIVISION ONE OF SECTION 14-152 OF THIS ARTICLE AND REPORT AS TO WHETHER SUCH CONTRIBUTIONS WERE RETURNED, EXPENDED OR OTHERWISE USED AND THE PURPOSES OF SUCH EXPENDITURES OR OTHER USES.

S 14-176. CONSTRUCTION. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT THE MAKING OR RECEIPT OF CONTRIBUTIONS TO THE EXTENT PERMITTED BY THIS CHAPTER OR TO PERMIT THE MAKING OR RECEIPT OF CONTRIBUTIONS OTHERWISE PROHIBITED.

S 14-178. JOINT CAMPAIGN ACTIVITIES. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO RESTRICT CANDIDATES FROM AUTHORIZING EXPENDITURES FOR JOINT CAMPAIGN MATERIALS AND OTHER JOINT CAMPAIGN ACTIVITIES, PROVIDED THAT THE BENEFIT EACH CANDIDATE DERIVES FROM THE JOINT MATERIAL OR ACTIVITY IS PROPORTIONALLY EQUIVALENT TO THE EXPENDITURES AUTHORIZED BY SUCH CANDIDATE.

S 3. The tax law is amended by adding a new section 626-a to read as follows:

S 626-A. THE CLEAN ELECTION CAMPAIGN FINANCE FUND. EFFECTIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER THE FIRST OF JANUARY NEXT SUCCEEDING THE EFFECTIVE DATE OF THIS SECTION, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO HAVE AN AMOUNT UP TO ONE HUNDRED DOLLARS OF ANY TAX OTHERWISE PAYABLE DEPOSITED TO THE CLEAN ELECTION CAMPAIGN FINANCE FUND. SUCH CONTRIBUTION SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE A SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO AUTHORIZE SUCH DEPOSIT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE CLEAN ELECTION CAMPAIGN FINANCE FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION 14-164 OF THE ELECTION LAW.

S 4. Subdivision (e) of section 1-e of the legislative law, as amended by section 1 of part S of chapter 62 of the laws of 2003, is amended to read as follows:

(e) (i) The first statement of registration filed annually by each lobbyist for calendar years through two thousand three shall be accompanied by a registration fee of fifty dollars except that no registration fee shall be required of a public corporation. A fee of fifty dollars shall be required for any subsequent statement of registration filed by a lobbyist during the same calendar year; (ii) The first statement of registration filed annually by each lobbyist for calendar year two thousand four shall be accompanied by a registration fee of one hundred dollars except that no registration fee shall be required from any lobbyist who in any year does not expend, incur or receive an amount in excess of five thousand dollars of reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section one-h of this article, for the purposes of lobbying or of a public corporation. A

fee of one hundred dollars shall be required for any subsequent statement of registration filed by a lobbyist during the same calendar year; (iii) The first statement of registration filed biennially by each lobbyist for the first biennial registration requirements for calendar years two thousand five and two thousand six and thereafter, shall be accompanied by a registration fee of two hundred dollars except that no registration fee shall be required from any lobbyist who in any year does not expend, incur or receive an amount in excess of five thousand dollars of reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section one-h of this article, for the purposes of lobbying or of a public corporation. A fee of two hundred dollars shall be required for any subsequent statement of registration filed by a lobbyist during the same biennial period; (iv) The statement of registration filed after the due date of a biennial registration shall be accompanied by a registration fee that is prorated to one hundred dollars for any registration filed after January first of the second calendar year covered by the biennial reporting requirement. In addition to the fees authorized by this section, the commission may impose a fee for late filing of a registration statement required by this section not to exceed twenty-five dollars for each day that the statement required to be filed is late, except that if the lobbyist making a late filing has not previously been required by statute to file such a statement, the fee for late filing shall not exceed ten dollars for each day that the statement required to be filed is late; (V) FIFTY DOLLARS OF ANY REGISTRATION FEE THAT IS EQUAL TO OR GREATER THAN ONE HUNDRED DOLLARS AND THAT IS PAID AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, SHALL BE DEPOSITED TO THE CREDIT OF THE CLEAN ELECTION CAMPAIGN FINANCE FUND ESTABLISHED IN SECTION 14-164 OF THE ELECTION LAW.

S 5. Subdivision 1 of section 14-102 of the election law, as amended by chapter 8 and as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

1. The treasurer of every political committee which, or any officer, member or agent of any such committee who, in connection with any election, receives or expends any money or other valuable thing or incurs any liability to pay money or its equivalent shall file statements sworn, or subscribed and bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law, at the times prescribed by this article setting forth all the receipts, contributions to and the expenditures by and liabilities of the committee, and of its officers, members and agents in its behalf. Such statements shall include the dollar amount of any receipt, contribution or transfer, or the fair market value of any receipt, contribution or transfer, which is other than of money, the name [and], address AND OCCUPATION of the transferor, contributor or person from whom received, THE NAME, ADDRESS AND OCCUPATION OF THE TRANSFEROR'S OR CONTRIBUTOR'S EMPLOYER, IF ANY, and if the transferor, contributor or person is a political committee; the name of and the political unit represented by the committee, the date of its receipt, the dollar amount of every expenditure, the name and address of the person to whom it was made or the name of and the political unit represented by the committee to which it was made and the date thereof, and shall state clearly the purpose of such expenditure. Any statement reporting a loan shall have attached to it a copy of the evidence of indebtedness. Expenditures in sums under fifty dollars need not be specifically accounted for by separate items in said statements, and receipts and contributions aggregating not more than ninety-nine

dollars, from any one contributor need not be specifically accounted for by separate items in said statements, provided however, that such expenditures, receipts and contributions shall be subject to the other provisions of section 14-118 of this article. ANY RECEIPT, CONTRIBUTION OR TRANSFER FOR WHICH THE INFORMATION REQUIRED BY THIS SUBDIVISION IS NOT PROVIDED, SHALL NOT BE DEEMED AVAILABLE FOR USE BY A POLITICAL COMMITTEE.

S 6. Subdivision 1 of section 14-108 of the election law, as amended by chapter 955 of the laws of 1983, is amended to read as follows:

1. The statements required by this article shall be filed at such times as the state board of elections, by rule or regulation, shall specify; provided, however, that in no event shall the board provide for fewer than three filings in the aggregate in connection with any primary, general or special election, or in connection with a question to be voted on and two of said filings shall be before any such election, including one such filing not less than thirty days nor more than forty-five days prior to such election [and], one such filing not less than eleven days nor more than fifteen days prior to such election, ONE SUCH FILING SHALL INCLUDE THE PERIOD FROM JANUARY ELEVENTH, THROUGH MARCH THIRTY-FIRST, AND ONE SUCH FILING SHALL INCLUDE THE PERIOD FROM APRIL FIRST THROUGH MAY THIRTY-FIRST. In addition, the board shall provide that every political committee which has filed a statement of treasurer and depository shall make at least one filing every six months between the time such statement of treasurer and depository is filed and the time such committee goes out of business. If any candidate or committee shall be required by the provisions of this section, or by rule or regulation hereunder, to effect two filings within a period of five days, the state board of elections may, by rule or regulation, waive the requirement of filing the earlier of such statements. If a statement filed by a candidate or committee after the election to which it pertains is not a final statement showing satisfaction of all liabilities and disposition of all assets, such candidate or committee shall file such additional statements as the board shall, by rule or regulation provide until such a final statement is filed.

S 7. Section 14-114 of the election law, subdivision 1 as amended and subdivision 10 as added by chapter 79 of the laws of 1992, paragraphs a and b of subdivision 1 as amended by chapter 659 of the laws of 1994, subdivision 3 as amended by chapter 517 of the laws of 1986, subdivisions 4, 5, 7 and 8 as amended by chapter 8 of the laws of 1978, paragraph a of subdivision 6 as amended and subdivisions 2, 4, 5, 6, 7, 8 and paragraph b of subdivision 6 as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

S 14-114. Contribution and receipt limitations. 1. The following limitations apply to all contributions to candidates for election to any public office or for nomination for any such office, or for election to any party positions, and to all contributions to political committees working directly or indirectly with any candidate to aid or participate in such candidate's nomination or election[, other than any contributions to any party committee or constituted committee]:

a. In any election for a public office to be voted on by the voters of the entire state, or for nomination to any such office, no contributor may make a contribution to any candidate or political committee, and no candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than[: (i) in the case of any nomination to public office, the product of the total number of enrolled voters in the candidate's party in the state, excluding

voters in inactive status, multiplied by $.005, but such amount shall be not less than four thousand dollars nor more than twelve] ONE thousand dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision, and (ii) in the case of any election to a public office, twenty-five thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by $.025].

b. In any other election for party position or for election to a public office or for nomination for any such office, no contributor may make a contribution to any candidate or political committee and no candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than[: (i) in the case of any election for party position, or for nomination to public office, the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.05, and (ii) in the case of any election for a public office, the product of the total number of registered voters in the district, excluding voters in inactive status, multiplied by $.05, however in the case of a nomination within the city of New York for the office of mayor, public advocate or comptroller, such amount shall be not less than four thousand dollars nor more than twelve thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election within the city of New York for the office of mayor, public advocate or comptroller, twenty-five thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of a nomination for state senator, four thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election for state senator, six thousand two hundred fifty dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election or nomination for a member of the assembly, twenty-five hundred dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; but in no event shall any such maximum exceed fifty thousand dollars or be less than one thousand dollars; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any election for party position or nomination for public office an amount equivalent to the number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.25 and in the case of any election to public office, an amount equivalent to the number of registered voters in the district, excluding voters in inactive status, multiplied by $.25; or twelve hundred fifty dollars, whichever is greater, or in the case of a nomination or election of a state senator, twen-

ty thousand dollars, whichever is greater, or in the case of a nomination or election of a member of the assembly twelve thousand five hundred dollars, whichever is greater, but in no event shall any such maximum exceed] one [hundred] thousand dollars.

c. At the beginning of each fourth calendar year, commencing in nineteen hundred ninety-five, the state board shall determine the percentage of the difference between the most recent available monthly consumer price index for all urban consumers published by the United States bureau of labor statistics and such consumer price index published for the same month four years previously. The amount of each contribution limit fixed in this subdivision shall be adjusted by the amount of such percentage difference to the closest one hundred dollars by the state board which, not later than the first day of February in each such year, shall issue a regulation publishing the amount of each such contribution limit. Each contribution limit as so adjusted shall be the contribution limit in effect for any election held before the next such adjustment.

2. For purposes of this section, contributions other than of money shall be evaluated at their fair market value. The state board of elections shall promulgate regulations, consistent with law, governing the manner of computing fair market value.

3. [As used in this section the term "contributor" shall not include a party committee supporting the candidate of such party or a constituted committee supporting the candidate of such party.

4.] For purposes of this section, a portion of every contribution to a party committee, expended as other than non-candidate expenditures, and a portion of every contribution to a political committee authorized to support more than one candidate, shall be deemed contributed to every candidate supported by such committee. That portion shall be determined by allocating the contributions received by the committee among all the candidates supported by the committee in accordance with any formula based upon reasonable standards established by the committee. The statements filed by such committee in accordance with this article shall set forth, in addition to the other information required to be set forth, the total amount received by the committee from each contributor on behalf of all such candidates and the amount of each such contribution allocated to each candidate by dollar amount and percentage. Nothing in this subdivision shall require allocating contributions expended on non-candidate expenditures to candidates.

[5. No constituted committee may expend, in any twelve month period terminating on the day of a general election, other than as non-candidate expenditures, any portion of any individual contribution which exceeds, in the case of a state committee, one-half of one cent for each registered voter in the state, or, in the case of any other constituted committee, the greater of one cent for each registered voter in the district in which the committee is organized or five hundred dollars. The number of such voters shall be determined as of the date of such general election or as of the date of the general election in whichever of the preceding four years shall result in the greatest number.

6] 4. a. A loan made to a candidate or political committee, other than a constituted committee, by any person, firm, association or corporation other than in the regular course of the lender's business shall be deemed, to the extent not repaid by the date of the primary, general or special election, as the case may be, a contribution by such person, firm, association or corporation.

b. A loan made to a candidate or political committee, other than a constituted committee, by any person, firm, association or corporation

in the regular course of the lender's business shall be deemed, to the extent not repaid by the date of the primary, general or special election, as the case may be, a contribution by the obligor on the loan and by any other person endorsing, cosigning, guaranteeing, collateralizing or otherwise providing security for the loan.

[7. For the purposes of this section, the number of registered or enrolled voters shall be determined as of the date of the general, special or primary election, as the case may be or as of the date of the general election in any of the preceding four years, whichever date shall result in the greatest number and candidates running jointly for the offices of governor and lieutenant governor in a general or special election shall be deemed to be one candidate.

8] 5. Except as may otherwise be provided for a candidate and his family, no person may contribute, loan or guarantee in excess of [one hundred fifty] TWENTY-FIVE thousand dollars within the state in connection with the nomination or election of persons to state and local public offices and party positions within the state of New York in any one calendar year. For the purposes of this subdivision "loan" or "guarantee" shall mean a loan or guarantee which is not repaid or discharged in the calendar year in which it is made.

[10. a. No contributor may make a contribution to a party or constituted committee and no such committee may accept a contribution from any contributor which, in the aggregate, is greater than sixty-two thousand five hundred dollars per annum.

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

S 8. Section 3-100 of the election law is REPEALED and a new section 3-100 is added to read as follows:

S 3-100. STATE BOARD OF ELECTIONS. 1. THERE SHALL BE A STATE BOARD OF ELECTIONS CONSISTING OF FIVE MEMBERS. ONE MEMBER OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR, WHO SHALL BE THE CHAIRPERSON, ONE MEMBER SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE MEMBER SHALL BE APPOINTED BY THE SENATE MINORITY LEADER, ONE MEMBER SHALL BE APPOINTED BY THE ASSEMBLY MINORITY LEADER. THE MEMBERS SHALL FIRST BE APPOINTED TO SERVE AS FOLLOWS:

(A) ONE MEMBER APPOINTED BY THE GOVERNOR, AS CHAIRPERSON, FOR A TERM OF FIVE YEARS;

(B) ONE MEMBER APPOINTED BY THE SPEAKER OF THE ASSEMBLY FOR A TERM OF THREE YEARS;

(C) ONE MEMBER APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE FOR A TERM OF THREE YEARS;

(D) ONE MEMBER APPOINTED BY THE SENATE MINORITY LEADER FOR A TERM OF TWO YEARS;

(E) ONE MEMBER APPOINTED BY THE ASSEMBLY MINORITY LEADER FOR A TERM OF TWO YEARS.

EACH TERM SHALL COMMENCE ON APRIL FIRST, TWO THOUSAND FOURTEEN. THEREAFTER, EACH MEMBER SHALL BE APPOINTED FOR A TERM OF FIVE YEARS ACCORDING TO THE ORIGINAL MANNER OF APPOINTMENT. IN CASE OF A VACANCY IN THE OFFICE OF A MEMBER, A MEMBER SHALL BE APPOINTED TO SERVE FOR THE REMAINDER OF THE UNEXPIRED TERM ACCORDING TO THE ORIGINAL MANNER OF APPOINTMENT. EACH MEMBER SHALL BE A RESIDENT OF THE STATE, REGISTERED TO VOTE THEREIN. EACH MEMBER SHALL AGREE NOT TO MAKE CONTRIBUTIONS TO ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL OR MEMBER OF THE LEGISLATURE. NO MEMBER SHALL SERVE AS AN OFFICER OF A POLITICAL PARTY OR BE A CANDIDATE OR PARTICIPATE IN ANY CAPACITY IN A CAMPAIGN BY A CANDIDATE FOR NOMINATION FOR ELECTION OR ELECTION TO THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL OR MEMBER OF THE LEGISLATURE. OFFICERS AND EMPLOYEES OF THE STATE OR ANY STATE AGENCY, LOBBYISTS REQUIRED TO FILE A STATEMENT OF REGISTRATION UNDER THE LOBBYING ACT AND THE EMPLOYEES OF SUCH LOBBYISTS SHALL NOT BE ELIGIBLE TO BE MEMBERS OF THE BOARD. MEMBERS OF THE BOARD SHALL BE SELECTED SOLELY ON THE BASIS OF MERIT AND WITHOUT REGARD TO POLITICAL AFFILIATION AND SHALL NOT BE DISQUALIFIED FROM CONTINUING IN OFFICE FOR ANY REASON OTHER THAN UNFITNESS OR INABILITY TO PERFORM THE DUTIES INVOLVED.

2. THE MEMBERS OF THE BOARD SHALL BE COMPENSATED AT THE RATE OF ONE HUNDRED DOLLARS PER CALENDAR DAY WHEN PERFORMING THE WORK OF THE BOARD.

3. THE BOARD MAY EMPLOY NECESSARY STAFF, INCLUDING AN EXECUTIVE DIRECTOR AND A COUNSEL, AND MAKE NECESSARY EXPENDITURES SUBJECT TO APPROPRIATION. THE BOARD MAY EMPLOY SUCH STAFF, INCLUDING LEGAL AND ACCOUNTING STAFF, AS ARE NECESSARY FOR PROVIDING TECHNICAL ASSISTANCE TO PROSPECTIVE AND PARTICIPATING CANDIDATES, FOR THE PURPOSE OF PROMOTING UNDERSTANDING OF, PARTICIPATION IN, AND COMPLIANCE WITH THE REQUIREMENTS OF THE CAMPAIGN FINANCE PROGRAM CREATED BY ARTICLE FOURTEEN-A OF THIS CHAPTER.

4. NO MEMBER OF THE BOARD SHALL BE REMOVED FROM OFFICE EXCEPT FOR CAUSE AND UPON NOTICE AND HEARING.

S 9. Section 3-104 of the election law is amended by adding a new subdivision 3-a to read as follows:

3-A. IF AFTER AN INVESTIGATION, THE STATE BOARD OF ELECTIONS FINDS REASONABLE CAUSE TO BELIEVE THAT A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER HAS TAKEN PLACE, IT MAY INSTITUTE AN ADJUDICATORY PROCEEDING IN ACCORDANCE WITH SECTION 3-105 OF THIS TITLE FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A VIOLATION HAS TAKEN PLACE AND ASSESSING A CIVIL PENALTY PURSUANT TO SECTION 14-126 OF THIS CHAPTER.

S 10. Subdivision 4 of section 3-104 of the election law, as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

4. The state [or other] board of elections may, where appropriate, commence a judicial proceeding [with respect to the filing or failure to file any statement of receipts, expenditures, or contributions, under the provisions] SEEKING CIVIL PENALTIES PURSUANT TO SUBDIVISION ONE OF SECTION 14-126 of this chapter[, and the state board of elections may direct the appropriate other board of elections to commence such proceeding].

S 11. The election law is amended by adding a new section 3-109 to read as follows:

S 3-109. ADJUDICATORY PROCEEDING. 1. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN ADJUDICATORY PROCEEDING TO DETERMINE WHETHER OR NOT A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER HAS TAKEN PLACE AND TO

ASSESS A CIVIL PENALTY PURSUANT TO SECTION 14-126 OF THIS CHAPTER SHALL BE CONDUCTED IN ACCORDANCE WITH ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCEDURE ACT.

2. SUCH PROCEEDING SHALL BE CONDUCTED BY A HEARING OFFICER SELECTED ON A RANDOM BASIS BY THE STATE BOARD OF ELECTIONS FROM AN ACTIVE LIST OF AT LEAST SIX ATTORNEYS WHO HAVE APPLIED FOR AND BEEN APPROVED BY THE BOARD AS HEARING OFFICERS. SUCH HEARING OFFICER SHALL BE A STATE BOARD OF ELECTIONS COMMISSIONER OR AN INDEPENDENT CONTRACTOR WHO SHALL BE COMPENSATED ON A PER DIEM BASIS AT A RATE FIXED BY THE BOARD IN ITS REGULATIONS PROMULGATED PURSUANT TO THIS SECTION.

3. THE HEARING OFFICER SHALL PREPARE AND SUBMIT TO THE STATE BOARD OF ELECTIONS, TOGETHER WITH THE ENTIRE RECORD OF THE PROCEEDING, A WRITTEN REPORT CONTAINING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS CONCERNING THE IMPOSITION OF A CIVIL PENALTY.

4. AFTER REVIEWING THE RECORD, FINDINGS, AND RECOMMENDATIONS OF THE HEARING OFFICER, THE STATE BOARD SHALL MAKE A DETERMINATION AS TO WHETHER OR NOT A VIOLATION HAS OCCURRED AND, WHENEVER APPROPRIATE, IMPOSE A PENALTY CONSISTENT WITH SECTION 14-126 OF THIS CHAPTER. REGARDLESS OF WHETHER OR NOT A PENALTY IS ASSESSED, THE STATE BOARD OF ELECTIONS SHALL ISSUE A WRITTEN DETERMINATION SETTING FORTH ITS FINDINGS AND CONCLUSIONS.

5. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION AND SUBDIVISION THREE-A OF SECTION 3-104 OF THIS TITLE, INCLUDING, BUT NOT LIMITED TO, PROCEDURAL RULES AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION THREE HUNDRED ONE OF THE STATE ADMINISTRATIVE PROCEDURE ACT, FACTORS TO BE CONSIDERED IN SETTING A PENALTY AMOUNT PURSUANT TO SUBDIVISION ONE OF SECTION 14-126 OF THIS CHAPTER, A PER DIEM COMPENSATION RATE FOR HEARING OFFICERS, AND ANY QUALIFICATIONS FOR HEARING OFFICERS WHICH THE BOARD DEEMS NECESSARY IN ORDER TO INSURE THEIR OBJECTIVITY AND INDEPENDENCE. CONCERNING SUCH QUALIFICATIONS, THE RULES AND REGULATIONS SHALL PROVIDE, AT A MINIMUM, THAT HEARING OFFICERS BE MEMBERS IN GOOD STANDING OF THE BAR OF THIS STATE, THAT THEY REFRAIN FROM APPEARING BEFORE THE STATE BOARD OF ELECTIONS OR FROM ANY ACTIVITIES AS A LOBBYIST, AND THAT THEY HOLD NO PUBLIC OFFICE OR PARTY POSITION.

6. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS LIMITING ANY EXISTING POWERS OF THE STATE BOARD OF ELECTIONS, INCLUDING, BUT NOT LIMITED TO, ITS INVESTIGATIVE POWERS AND ITS POWER TO REFER VIOLATIONS WARRANTING CRIMINAL PROSECUTION TO THE APPROPRIATE DISTRICT ATTORNEY.

S 12. If any section of this act or any part thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder or any other section or part thereof.

S 13. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.