

4705

2013-2014 Regular Sessions

I N S E N A T E

April 18, 2013

Introduced by Sens. STEWART-COUSINS, GIANARIS, ADAMS, ADDABBO, AVELLA, BRESLIN, DILAN, ESPAILLAT, GIPSON, HOYLMAN, KENNEDY, KRUEGER, LATIMER, PERALTA, PERKINS, RIVERA, SERRANO, SQUADRON, STAVISKY, TKACZYK -- 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 "2013 Fair Elections Act"; to amend the election law, the state finance law and the tax law, in relation to providing for optional partial public financing of certain election campaigns in this state; and to amend the general business law, in relation to additional surcharges

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "2013 Fair Elections Act".  
3 S 2. Legislative findings and declarations. The legislature declares  
4 that is in the public interest to create and ensure a truly democratic  
5 political system in which citizens, irrespective of their income,  
6 status, or financial connections, are enabled and encouraged to compete  
7 for public office. The legislature further declares that large and  
8 unregulated independent expenditures deliberately distort issues and  
9 facts thereby giving their financial backers undue influence in  
10 elections. Therefore, the legislature finds it necessary to establish a  
11 system of public financing for all qualified candidates for state elec-  
12 tive offices and constitutional convention delegates. The legislature  
13 further finds that a new system of public financing would be best admin-  
14 istered by a new "fair elections board" empowered with effective over-  
15 sight and enforcement capabilities dedicated to working with and assist-  
16 ing candidates excel in the public financing system.  
17 S 3. Subdivision 3, paragraph (c) of subdivision 9-A and subdivision  
18 17 of section 3-102 of the election law, subdivisions 3 and 17 as  
19 amended by chapter 9 of the laws of 1978, paragraph (c) of subdivision

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

LBD02247-11-3

1 9-A as added by chapter 430 of the laws of 1997 and subdivision 17 as  
2 renumbered by chapter 23 of the laws of 2005, are amended to read as  
3 follows:

4 3. conduct any investigation necessary to carry out the provisions of  
5 this chapter PROVIDED HOWEVER, THAT THE FAIR ELECTIONS BOARD ENFORCEMENT  
6 COUNSEL, ESTABLISHED PURSUANT TO SUBDIVISION FIVE OF SECTION 14-216 OF  
7 THIS CHAPTER, AS IT MAY DEEM NECESSARY, AFTER THE FAIR ELECTIONS BOARD  
8 HAS CONSIDERED THE MATTER OR MATTERS IN QUESTION; SHALL CONDUCT ANY  
9 INVESTIGATION NECESSARY TO ENFORCE THE PROVISIONS OF ARTICLE FOURTEEN OF  
10 THIS CHAPTER ON BEHALF OF THE BOARD OF ELECTIONS.

11 (c) establish [a] AN EDUCATIONAL AND training program on ALL REPORTING  
12 REQUIREMENTS INCLUDING BUT NOT LIMITED TO the electronic reporting proc-  
13 ess and make it EASILY AND READILY available to any such candidate or  
14 committee AND NOTIFY ANY SUCH CANDIDATE OR COMMITTEE OF THE AVAILABILITY  
15 OF THE MOST RECENT CAMPAIGN FINANCE HANDBOOK;

16 17. HEAR AND CONSIDER THE RECOMMENDATIONS OF THE FAIR ELECTIONS BOARD  
17 ENFORCEMENT COUNSEL REGARDING THE ENFORCEMENT OF VIOLATIONS OF ARTICLE  
18 FOURTEEN OF THIS CHAPTER, AS IT MAY DEEM NECESSARY, AFTER THE FAIR  
19 ELECTIONS BOARD HAS CONSIDERED THE MATTER OR MATTERS IN QUESTION;

20 18. THE STATE BOARD OF ELECTIONS SHALL, AS IT MAY DEEM NECESSARY,  
21 ACCEPT, MODIFY OR REJECT ANY ACTION OR ACTIONS TAKEN BY THE FAIR  
22 ELECTIONS BOARD PURSUANT TO SUCH FAIR ELECTIONS BOARD'S AUTHORITY UNDER  
23 SUBDIVISION FOURTEEN OF SECTION 3-104 AND SECTIONS 3-111 AND 14-216 OF  
24 THIS CHAPTER.

25 19. perform such other acts as may be necessary to carry out the  
26 purposes of this chapter.

27 S 4. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as  
28 redesignated and subdivision 2 as amended by chapter 9 of the laws of  
29 1978, is amended to read as follows:

30 S 3-104. State board of elections AND THE FAIR ELECTIONS BOARD  
31 ENFORCEMENT COUNSEL; enforcement powers. 1. (A) THERE SHALL BE A UNIT  
32 KNOWN AS THE FAIR ELECTIONS ENFORCEMENT UNIT ESTABLISHED WITHIN THE FAIR  
33 ELECTIONS BOARD. THE HEAD OF SUCH UNIT SHALL BE THE ENFORCEMENT COUN-  
34 SEL.

35 (B) The state board of elections shall have jurisdiction of, and be  
36 responsible for, the execution and enforcement of the provisions of  
37 [article fourteen of this chapter and other] statutes governing  
38 campaigns, elections and related procedures; PROVIDED HOWEVER THAT THE  
39 ENFORCEMENT COUNSEL SHALL HAVE SOLE AUTHORITY WITHIN THE STATE BOARD OF  
40 ELECTIONS TO INVESTIGATE ON HIS OR HER OWN INITIATIVE OR UPON COMPLAINT,  
41 ALLEGED VIOLATIONS OF ARTICLE FOURTEEN OF THIS CHAPTER AND ALL  
42 COMPLAINTS ALLEGING ARTICLE FOURTEEN VIOLATIONS SHALL BE FORWARDED TO  
43 THE ENFORCEMENT UNIT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO  
44 DIMINISH OR ALTER THE STATE BOARD OF ELECTIONS' JURISDICTION PURSUANT TO  
45 THIS CHAPTER.

46 2. (A) Whenever [the state board of elections or other] A LOCAL board  
47 of elections shall determine, on its own initiative or upon complaint,  
48 or otherwise, that there is substantial reason to believe a violation of  
49 this chapter or any code or regulation promulgated thereunder has  
50 [occurred] BEEN COMMITTED BY A CANDIDATE OR POLITICAL COMMITTEE THAT  
51 FILES STATEMENTS REQUIRED BY ARTICLE FOURTEEN OF THIS CHAPTER SOLELY  
52 WITH SUCH LOCAL BOARD, it shall expeditiously make an investigation  
53 which shall also include investigation of reports and statements made or  
54 failed to be made by the complainant and any political committee  
55 supporting his OR HER candidacy if the complainant is a candidate or, if  
56 the complaint was made by an officer or member of a political committee,

1 of reports and statements made or failed to be made by such political  
2 committee and any candidates supported by it. [The state board of  
3 elections, in lieu of making such an investigation, may direct the  
4 appropriate board of elections to make an investigation.]

5 (B) The state board of elections AND THE FAIR ELECTIONS BOARD may  
6 request, and shall receive, the assistance of the state police in any  
7 investigation it shall conduct.

8 [3. If, after an investigation, the state or other board of elections  
9 finds reasonable cause to believe that a violation warranting criminal  
10 prosecution has taken place, it shall forthwith refer the matter to the  
11 district attorney of the appropriate county and shall make available to  
12 such district attorney all relevant papers, documents, testimony and  
13 findings relevant to its investigation.

14 4. The state or other board of elections may, where appropriate,  
15 commence a judicial proceeding with respect to the filing or failure to  
16 file any statement of receipts, expenditures, or contributions, under  
17 the provisions of this chapter, and the state board of elections may  
18 direct the appropriate other board of elections to commence such  
19 proceeding.

20 5.] 3. IF THE ENFORCEMENT COUNSEL DETERMINES THAT A VIOLATION OF  
21 SUBDIVISION ONE OF SECTION 14-126 OR SUBDIVISION ONE OF SECTION 14-220  
22 OF THIS CHAPTER HAS OCCURRED WHICH COULD WARRANT A CIVIL PENALTY, THE  
23 ENFORCEMENT COUNSEL SHALL, UPON HIS OR HER DISCRETION, SEEK TO RESOLVE  
24 THE MATTER EXTRA-JUDICIALLY OR COMMENCE A SPECIAL PROCEEDING IN THE  
25 SUPREME COURT PURSUANT TO SECTION 16-114 OF THIS CHAPTER.

26 4. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION ALLEGING  
27 ANY OTHER VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, THE ENFORCEMENT  
28 COUNSEL SHALL ANALYZE THE COMPLAINT TO DETERMINE IF AN INVESTIGATION  
29 SHOULD BE UNDERTAKEN. THE ENFORCEMENT COUNSEL SHALL, IF NECESSARY,  
30 REQUEST ADDITIONAL INFORMATION FROM THE COMPLAINANT TO ASSIST SUCH COUN-  
31 SEL IN MAKING THIS DETERMINATION. SUCH ANALYSIS SHALL INCLUDE THE  
32 FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A  
33 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND, SECOND, WHETHER THE  
34 ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

35 5. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF  
36 TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAP-  
37 TER OR THAT THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE EVIDENCE, HE  
38 OR SHE SHALL ISSUE A LETTER TO THE COMPLAINANT DISMISSING THE COMPLAINT.

39 6. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF  
40 TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER  
41 AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE EVIDENCE, HE  
42 OR SHE SHALL NOTIFY THE FAIR ELECTIONS BOARD OF (A) HIS OR HER INTENT TO  
43 RESOLVE THE MATTER EXTRA-JUDICIALLY DUE TO THE DE MINIMUS NATURE OF THE  
44 VIOLATION; OR (B) HIS OR HER INTENT TO COMMENCE AN INVESTIGATION, NO  
45 LATER THAN THE FAIR ELECTIONS BOARD'S NEXT REGULARLY SCHEDULED MEETING.  
46 NOTIFICATION SHALL SUMMARIZE THE RELEVANT FACTS AND THE APPLICABLE LAW  
47 AND SHALL, TO THE EXTENT POSSIBLE, PROTECT FROM PUBLIC DISCLOSURE THE  
48 IDENTITY OF THE COMPLAINANT AND THE INDIVIDUAL SUBJECT TO THE COMPLAINT.

49 7. IF, UPON CONSIDERING THE ENFORCEMENT COUNSEL'S NOTICE OF INTENT TO  
50 COMMENCE AN INVESTIGATION, THE FAIR ELECTIONS BOARD BELIEVES THAT THE  
51 ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOUR-  
52 TEEN OF THIS CHAPTER, OR THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE  
53 EVIDENCE OR, THAT ON BALANCE, THE EQUITIES FAVOR A DISMISSAL OF THE  
54 COMPLAINT, THE BOARD SHALL PUBLICLY DIRECT THAT AN INVESTIGATION NOT BE  
55 UNDERTAKEN NO LATER THAN SIXTY DAYS AFTER THE RECEIPT OF NOTIFICATION  
56 FROM THE ENFORCEMENT COUNSEL OF HIS OR HER INTENT TO COMMENCE AN INVES-

1 TIGATION. IN DETERMINING WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE  
2 COMPLAINT, THE FAIR ELECTIONS BOARD SHALL CONSIDER THE FOLLOWING  
3 FACTORS: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF  
4 ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT OF THE  
5 COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION; AND (C)  
6 WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR  
7 VIOLATIONS. DETERMINATIONS OF THE FAIR ELECTIONS BOARD TO DISMISS A  
8 COMPLAINT AND NOT PROCEED WITH A FORMAL INVESTIGATION SHALL BE VOTED  
9 UPON AS PROVIDED IN SUBDIVISION TEN OF SECTION 14-216 OF THIS TITLE AT  
10 AN OPEN MEETING PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW,  
11 AND SHALL BE MADE ON A FAIR AND EQUITABLE BASIS AND WITHOUT REGARD TO  
12 THE STATUS OF THE SUBJECT OF THE COMPLAINT.

13 8. ABSENT A TIMELY DETERMINATION BY THE FAIR ELECTIONS BOARD THAT AN  
14 INVESTIGATION SHALL NOT BE UNDERTAKEN, THE ENFORCEMENT COUNSEL SHALL  
15 COMMENCE AN INVESTIGATION ON A TIMELY BASIS. IF THE ENFORCEMENT COUNSEL  
16 DETERMINES THAT ADDITIONAL INVESTIGATIVE POWERS, AS PROVIDED FOR IN  
17 SUBDIVISIONS FOUR, FIVE AND SIX OF SECTION 3-102 OF THIS TITLE, ARE  
18 NEEDED TO COMPLETE THE COUNSEL'S INVESTIGATION, HE OR SHE SHALL REQUEST,  
19 UPON APPROVAL OF THE FAIR ELECTIONS BOARD, SUCH ADDITIONAL POWERS FROM  
20 THE STATE BOARD OF ELECTIONS. SUCH POWERS SHALL BE GRANTED BY THE BOARD  
21 IN PUBLIC, AS PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS  
22 TITLE, ONLY WHEN THE BOARD FINDS THAT FURTHER INVESTIGATION IS WARRANTED  
23 AND JUSTIFIED.

24 9. AT THE CONCLUSION OF ITS INVESTIGATION, THE ENFORCEMENT COUNSEL  
25 SHALL PROVIDE THE FAIR ELECTIONS BOARD WITH A WRITTEN RECOMMENDATION AS  
26 TO: (A) WHETHER SUBSTANTIAL REASON EXISTS TO BELIEVE A VIOLATION OF  
27 ARTICLE FOURTEEN OF THIS CHAPTER HAS OCCURRED AND, IF SO, THE NATURE OF  
28 THE VIOLATION AND ANY APPLICABLE PENALTY, AS DEFINED IN SECTION 14-126,  
29 14-220 OR 14-222 OF THIS CHAPTER, BASED ON THE NATURE OF THE VIOLATION;  
30 (B) WHETHER THE MATTER SHOULD BE RESOLVED EXTRA-JUDICIALLY; (C) WHETHER  
31 A SPECIAL PROCEEDING SHOULD BE COMMENCED IN THE SUPREME COURT TO RECOVER  
32 A CIVIL PENALTY; AND (D) WHETHER A REFERRAL SHOULD BE MADE TO A DISTRICT  
33 ATTORNEY OR THE ATTORNEY GENERAL PURSUANT TO SUBDIVISION ELEVEN OF THIS  
34 SECTION BECAUSE REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION WARRANT-  
35 ING CRIMINAL PROSECUTION HAS TAKEN PLACE.

36 10. THE FAIR ELECTIONS BOARD SHALL ACCEPT, MODIFY OR REJECT THE  
37 ENFORCEMENT COUNSEL'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER  
38 RECEIPT OF SUCH RECOMMENDATION. IN MAKING ITS DETERMINATION, THE BOARD  
39 SHALL AGAIN CONSIDER: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS  
40 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT  
41 OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION;  
42 AND (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR  
43 VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE VOTED UPON AS PROVIDED IN  
44 SUBDIVISION TEN OF SECTION 14-216 OF THIS CHAPTER AT AN OPEN MEETING  
45 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE  
46 ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE STATUS OF THE  
47 SUBJECT OF THE COMPLAINT.

48 11. (A) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDI-  
49 VISION TEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO BELIEVE  
50 THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL  
51 COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW,  
52 HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIM-  
53 ITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, WHICH COULD  
54 WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION  
55 14-126 OR SUBDIVISION TWO OF SECTION 14-222 OF THIS CHAPTER, THE BOARD

1 SHALL DIRECT THE COMMENCEMENT OF A SPECIAL PROCEEDING IN THE SUPREME  
2 COURT PURSUANT TO SECTION 16-122 OF THIS CHAPTER.

3 (B) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDIVISION  
4 TEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION  
5 OF TITLE ONE OF ARTICLE FOURTEEN OF THIS CHAPTER WARRANTING CRIMINAL  
6 PROSECUTION HAS TAKEN PLACE, THE BOARD SHALL REFER THE MATTER TO A  
7 DISTRICT ATTORNEY AND SHALL MAKE AVAILABLE TO SUCH DISTRICT ATTORNEY ALL  
8 PAPERS, DOCUMENTS, TESTIMONY AND FINDINGS RELEVANT TO ITS INVESTIGATION.  
9 WHERE REASONABLE CAUSE EXISTS TO BELIEVE THAT A CANDIDATE FOR THE OFFICE  
10 OF ATTORNEY GENERAL HAS VIOLATED TITLE TWO OF ARTICLE FOURTEEN OF THIS  
11 CHAPTER, THE BOARD SHALL REFER THE MATTER TO THE DISTRICT ATTORNEY OF  
12 THE APPROPRIATE COUNTY.

13 (C) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDIVISION  
14 TEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION  
15 OF TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER, WARRANTING CRIMINAL  
16 PROSECUTION HAS TAKEN PLACE, THE BOARD SHALL, EXCEPT AS PROVIDED IN  
17 PARAGRAPH (B) OF THIS SUBDIVISION, REFER THE MATTER TO THE ATTORNEY  
18 GENERAL AND SHALL MAKE AVAILABLE TO THE SAME ALL PAPERS, DOCUMENTS,  
19 TESTIMONY AND FINDINGS RELEVANT TO ITS INVESTIGATION.

20 12. UPON NOTIFICATION THAT A SPECIAL PROCEEDING HAS BEEN COMMENCED BY  
21 A PARTY OTHER THAN THE FAIR ELECTIONS BOARD, PURSUANT TO SECTION 16-114  
22 OF THIS CHAPTER, THE FAIR ELECTIONS BOARD SHALL DIRECT THE ENFORCEMENT  
23 COUNSEL TO INVESTIGATE THE ALLEGED VIOLATIONS UNLESS OTHERWISE DIRECTED  
24 BY THE COURT.

25 13. THE ENFORCEMENT COUNSEL SHALL PREPARE A REPORT, TO BE INCLUDED IN  
26 THE ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE, SUMMARIZING THE  
27 ACTIVITIES OF THE UNIT DURING THE PREVIOUS YEAR. SUCH REPORT SHALL  
28 INCLUDE: (I) THE NUMBER OF COMPLAINTS RECEIVED; (II) THE NUMBER OF  
29 COMPLAINTS THAT WERE FOUND TO NEED INVESTIGATION AND THE NATURE OF EACH  
30 COMPLAINT; AND (III) THE NUMBER OF MATTERS THAT HAVE BEEN RESOLVED. THE  
31 REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH DISCLOSURE IS NOT  
32 PERMITTED.

33 14. THE FAIR ELECTIONS BOARD MAY PROMULGATE RULES AND REGULATIONS  
34 CONSISTENT WITH LAW TO EFFECTUATE THE PROVISIONS OF THIS SECTION.

35 S 5. The state of New York shall appropriate during each fiscal year  
36 to the New York state fair elections board enforcement unit, not less  
37 than thirty-five percent of the appropriation available from the general  
38 fund for the state board of elections to pay for the expenses of such  
39 enforcement unit. Notwithstanding section fifty-one of the state  
40 finance law, such funding shall not be decreased by interchange with any  
41 other appropriation.

42 S 6. The election law is amended by adding a new section 3-111 to read  
43 as follows:

44 S 3-111. PERSONAL USE OF CAMPAIGN FUNDS. UPON WRITTEN REQUEST FROM ANY  
45 PERSON WHO IS SUBJECT TO THE REQUIREMENTS OF SECTION 14-130 OF THIS  
46 CHAPTER, THE FAIR ELECTIONS BOARD SHALL RENDER FORMAL OPINIONS ON THE  
47 REQUIREMENTS OF SAID PROVISION. AN OPINION RENDERED BY THE BOARD, UNTIL  
48 AND UNLESS AMENDED OR REVOKED, SHALL BE BINDING ON THE BOARD IN ANY  
49 SUBSEQUENT PROCEEDING CONCERNING THE PERSON WHO REQUESTED THE OPINION  
50 AND WHO ACTED IN GOOD FAITH, UNLESS MATERIAL FACTS WERE OMITTED OR  
51 MISSTATED BY THE PERSON IN THE REQUEST FOR AN OPINION. SUCH OPINION MAY  
52 ALSO BE RELIED UPON BY SUCH PERSON, AND MAY BE INTRODUCED AND SHALL BE  
53 DEFENSE IN ANY CRIMINAL OR CIVIL ACTION. SUCH REQUEST SHALL BE CONFIDEN-  
54 TIAL, BUT THE BOARD SHALL PUBLISH SUCH OPINIONS PROVIDED THAT THE NAME  
55 OF THE REQUESTING PERSON AND OTHER IDENTIFYING DETAILS SHALL NOT BE  
56 INCLUDED IN THE PUBLICATION.

1 S 7. Subdivision 9 of section 14-100 of the election law is amended by  
2 adding two new paragraphs 4 and 5 to read as follows:

3 (4) THE TERM "CONTRIBUTION" DOES NOT INCLUDE EXPENDITURES BY A BONA  
4 FIDE MEMBERSHIP ORGANIZATION IN SUPPORT OF THE FOLLOWING ACTIVITIES BY  
5 MEMBERS OF THE ORGANIZATION WHO ARE VOLUNTEERING THEIR TIME ON BEHALF OF  
6 A CANDIDATE, NOT TO EXCEED TWENTY-FIVE DOLLARS PER MEMBER PER CANDIDATE  
7 WHO VOLUNTEERS FOR: TRANSPORTATION OF VOLUNTEERS TO AND FROM CAMPAIGN  
8 ACTIVITIES; COST OF FEEDING VOLUNTEERS WHILE VOLUNTEERING FOR THE  
9 CAMPAIGN; AND MATERIALS SUCH AS BADGES AND CLOTHING THAT IDENTIFIES THE  
10 NAME OF THE ORGANIZATION AND/OR CANDIDATE.

11 (5) EXPENDITURES FOR COMMUNICATIONS TO MEMBERS OR SHAREHOLDERS OF AN  
12 ORGANIZATION FOR THE PURPOSE OF SUPPORTING OR OPPOSING A CANDIDATE OR A  
13 BALLOT MEASURE ARE NOT CONTRIBUTIONS OR EXPENDITURES, PROVIDED THOSE  
14 EXPENDITURES ARE NOT MADE TO A GENERAL PUBLIC AUDIENCE.

15 S 8. Section 14-100 of the election law is amended by adding five new  
16 subdivisions 12, 13, 14, 15 and 16 to read as follows:

17 12. "EXPRESS ADVOCACY" MEANS A COMMUNICATION:

18 (1) THAT CONTAINS EXPRESS WORDS SUCH AS VOTE, OPPOSE, SUPPORT, ELECT,  
19 DEFEAT, OR REJECT, WHICH CALL FOR THE ELECTION OR DEFEAT OF A CANDIDATE,  
20 OR

21 (2) WHEN TAKEN AS A WHOLE WITH LIMITED REFERENCE TO EXTERNAL EVENTS,  
22 SUCH AS THE PROXIMITY TO THE ELECTION, COULD ONLY BE INTERPRETED BY A  
23 REASONABLE PERSON AS CONTAINING ADVOCACY OF THE ELECTION OR DEFEAT OF  
24 ONE OR MORE CLEARLY IDENTIFIED CANDIDATES BECAUSE:

25 (A) THE ELECTORAL PORTION OF THE COMMUNICATION IS UNMISTAKABLE, UNAM-  
26 BIGUOUS, AND SUGGESTIVE OF ONLY ONE MEANING; AND

27 (B) REASONABLE MINDS COULD NOT DIFFER AS TO WHETHER IT ENCOURAGES  
28 ACTIONS TO ELECT OR DEFEAT ONE OR MORE CLEARLY IDENTIFIED CANDIDATES OR  
29 ENCOURAGES SOME OTHER KIND OF ACTION.

30 13. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

31 (A) THE NAME OF THE CANDIDATE INVOLVED APPEARS;

32 (B) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR

33 (C) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFER-  
34 ENCE.

35 14. "GENERAL PUBLIC AUDIENCE" MEANS AN AUDIENCE COMPOSED OF MEMBERS OF  
36 THE PUBLIC, INCLUDING A TARGETED SUBGROUP OF MEMBERS OF THE PUBLIC;  
37 PROVIDED, HOWEVER, IT DOES NOT MEAN AN AUDIENCE SOLELY COMPRISED OF  
38 MEMBERS, RETIREES AND STAFF OF A LABOR ORGANIZATION OR THEIR IMMEDIATE  
39 FAMILY MEMBERS OR AN AUDIENCE SOLELY COMPRISED OF SHAREHOLDERS AND EXEC-  
40 UTIVES OF A BUSINESS ENTITY.

41 15. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH  
42 EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES  
43 EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR  
44 EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR  
45 CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDI-  
46 TIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCI-  
47 DENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE,  
48 EACH LOCAL, STATEWIDE, NATIONAL AND INTERNATIONAL LABOR ORGANIZATION AND  
49 EACH NATIONAL, STATE, AREA AND LABOR CENTRAL LABOR BODY RECEIVING DUES  
50 FROM AFFILIATED LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE  
51 LABOR ORGANIZATION.

52 16. "INTERMEDIARY" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP,  
53 POLITICAL COMMITTEE, LABOR ORGANIZATION, OR OTHER ENTITY WHICH, OTHER  
54 THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY, OR MESSEN-  
55 GER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR ENTITY TO  
56 A CANDIDATE OR AN AUTHORIZED COMMITTEE.

1 "INTERMEDIARY" SHALL NOT INCLUDE SPOUSES, PARENTS, CHILDREN, OR  
2 SIBLINGS OF THE PERSON MAKING SUCH CONTRIBUTION.

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

6 1. The treasurer of every political committee which, or any officer,  
7 member or agent of any such committee who, in connection with any  
8 election, receives or expends any money or other valuable thing or  
9 incurs any liability to pay money or its equivalent shall file state-  
10 ments sworn, or subscribed and bearing a form notice that false state-  
11 ments made therein are punishable as a class A misdemeanor pursuant to  
12 section 210.45 of the penal law, at the times prescribed by this [arti-  
13 cle] TITLE setting forth all the receipts, contributions to and the  
14 expenditures by and liabilities of the committee, and of its officers,  
15 members and agents in its behalf. Such statements shall include the  
16 dollar amount of any receipt, contribution or transfer, or the fair  
17 market value of any receipt, contribution or transfer, which is other  
18 than of money, the name and address of the transferor, contributor,  
19 INTERMEDIARY, or person from whom received, and if the transferor,  
20 contributor, INTERMEDIARY, or person is a political committee; the name  
21 of and the political unit represented by the committee, the date of its  
22 receipt, the dollar amount of every expenditure, the name and address of  
23 the person to whom it was made or the name of and the political unit  
24 represented by the committee to which it was made and the date thereof,  
25 and shall state clearly the purpose of such expenditure. AN INTERMEDIARY  
26 NEED NOT BE REPORTED FOR A CONTRIBUTION THAT WAS COLLECTED FROM A  
27 CONTRIBUTOR IN CONNECTION WITH A PARTY OR OTHER CANDIDATE-RELATED EVENT  
28 HELD AT THE RESIDENCE OF THE PERSON DELIVERING THE CONTRIBUTION, UNLESS  
29 THE EXPENSES OF SUCH EVENT AT SUCH RESIDENCE FOR SUCH CANDIDATE EXCEED  
30 FIVE HUNDRED DOLLARS OR THE AGGREGATE CONTRIBUTIONS RECEIVED FROM THAT  
31 CONTRIBUTOR AT SUCH EVENT EXCEED FIVE HUNDRED DOLLARS. Any statement  
32 reporting a loan shall have attached to it a copy of the evidence of  
33 indebtedness. Expenditures in sums under fifty dollars need not be  
34 specifically accounted for by separate items in said statements, and  
35 receipts and contributions aggregating not more than ninety-nine  
36 dollars, from any one contributor need not be specifically accounted for  
37 by separate items in said statements, provided however, that such  
38 expenditures, receipts and contributions shall be subject to the other  
39 provisions of section 14-118 of this [article] TITLE.

40 S 10. The election law is amended by adding a new section 14-107 to  
41 read as follows:

42 S 14-107. INDEPENDENT EXPENDITURE REPORTING. 1. FOR PURPOSES OF THIS  
43 ARTICLE:

44 (A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE IN SUPPORT OR  
45 OPPOSITION OF A CANDIDATE: FOR AN AUDIO OR VIDEO COMMUNICATION TO A  
46 GENERAL PUBLIC AUDIENCE VIA BROADCAST, CABLE OR SATELLITE OR A WRITTEN  
47 COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA ADVERTISEMENTS,  
48 PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS OR OTHER PRINTED  
49 MATTER AND COMMUNICATIONS CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A  
50 GENERAL PUBLIC AUDIENCE BY PHONE, COMPUTER OR OTHER ELECTRONIC DEVICES  
51 THAT:

52 (I) EXPRESSLY ADVOCATES FOR THE ELECTION OR DEFEAT OF A CLEARLY IDEN-  
53 TIFIED CANDIDATE; AND

54 (II) THAT THE CANDIDATE OR HIS OR HER AGENTS OR AUTHORIZED POLITICAL  
55 COMMITTEE OR COMMITTEES DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR  
56 COOPERATE WITH IN ANY WAY.

1 (B) "INDEPENDENT SPENDER" MEANS AN INDIVIDUAL OR ENTITY THAT MAKES AN  
2 INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION.

3 (C) "ELECTIONEERING COMMUNICATION" MEANS:

4 (I) AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA  
5 BROADCAST, CABLE OR SATELLITE, OR A COMMUNICATION MADE BY PAID ADVERTIS-  
6 ING THAT IS PUBLISHED ON THE INTERNET OR IN A NEWSPAPER OR PERIODICAL  
7 DISTRIBUTED TO A GENERAL PUBLIC AUDIENCE, OR A COMMUNICATION TO FIVE  
8 HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY PHONE, COMPUTER  
9 OR OTHER ELECTRONIC DEVICES,

10 (II) WHICH IS BROADCAST OR PUBLISHED WITHIN SIXTY DAYS OF A GENERAL  
11 ELECTION OR THIRTY DAYS OF A PRIMARY ELECTION,

12 (III) WHICH REFERS TO A CLEARLY IDENTIFIED CANDIDATE OR BALLOT  
13 PROPOSAL, AND

14 (IV) SUCH CANDIDATE, THE CANDIDATE'S POLITICAL COMMITTEE OR ITS  
15 AGENTS, OR A POLITICAL COMMITTEE FORMED TO PROMOTE THE SUCCESS OR DEFEAT  
16 OF A BALLOT PROPOSAL OR ITS AGENTS, DID NOT AUTHORIZE, REQUEST, SUGGEST,  
17 FOSTER OR COOPERATE IN ANY SUCH COMMUNICATION.

18 (D) INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS DO NOT  
19 INCLUDE:

20 (I) A COMMUNICATION APPEARING IN A WRITTEN NEWS STORY, COMMENTARY, OR  
21 EDITORIAL OR DISTRIBUTED THROUGH THE FACILITIES OF ANY BROADCASTING  
22 STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR FACILITIES ARE  
23 OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL COMMITTEE OR  
24 CANDIDATE; OR

25 (II) A COMMUNICATION THAT CONSTITUTES A CANDIDATE DEBATE OR FORUM; OR

26 (III) A COMMUNICATION WHICH CONSTITUTES AN EXPENDITURE MADE BY AN  
27 ENTITY REQUIRED TO REPORT SUCH EXPENDITURE WITH A BOARD OF ELECTIONS.

28 (E) FOR PURPOSES OF THIS SECTION, THE TERM "PERSON" SHALL MEAN PERSON,  
29 GROUP OF PERSONS, ENTITY, ORGANIZATION OR ASSOCIATION.

30 2. WHENEVER ANY PERSON MAKES AN INDEPENDENT EXPENDITURE OR ELECTIO-  
31 NEERING COMMUNICATION THAT COSTS MORE THAN ONE THOUSAND DOLLARS IN THE  
32 AGGREGATE, SUCH COMMUNICATION SHALL CLEARLY STATE THE NAME OF THE PERSON  
33 WHO PAID FOR, OR OTHERWISE PUBLISHED OR DISTRIBUTED, THE COMMUNICATION  
34 AND STATE, WITH RESPECT TO COMMUNICATIONS REGARDING CANDIDATES, THAT THE  
35 COMMUNICATION IS NOT AUTHORIZED BY ANY CANDIDATE, ANY CANDIDATE'S POLI-  
36 TICAL COMMITTEE OR ANY OF ITS AGENTS. A KNOWING AND WILLFUL VIOLATION OF  
37 THE PROVISIONS OF THIS SUBDIVISION SHALL SUBJECT THE PERSON TO A CIVIL  
38 PENALTY EQUAL TO ONE THOUSAND DOLLARS OR THE COST OF THE COMMUNICATION,  
39 WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY  
40 THE FAIR ELECTIONS BOARD.

41 3. (A) ANY PERSON WHICH MAKES INDEPENDENT EXPENDITURES OR ELECTIONEER-  
42 ING COMMUNICATIONS THAT COST MORE THAN ONE THOUSAND DOLLARS IN THE  
43 AGGREGATE SHALL REPORT SUCH INDEPENDENT EXPENDITURES OR ELECTIONEERING  
44 COMMUNICATIONS TO THE STATE BOARD OF ELECTIONS ON STATEMENTS AS PROVIDED  
45 FOR IN SECTION 14-108 OF THIS TITLE.

46 (B) ANY INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION MADE  
47 AFTER THE CLOSE OF THE PERIOD TO BE COVERED IN THE LAST STATEMENT FILED  
48 BEFORE ANY PRIMARY, GENERAL OR SPECIAL ELECTION, BUT BEFORE SUCH  
49 ELECTION, SHALL BE REPORTED WITHIN TWENTY-FOUR HOURS IN THE SAME MANNER  
50 AS PROVIDED FOR IN SUBDIVISION TWO OF SECTION 14-108 OF THIS TITLE.

51 4. EACH SUCH STATEMENT SHALL INCLUDE:

52 (A) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOY-  
53 ER OF THE PERSON MAKING THE STATEMENT;

54 (B) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOY-  
55 ER OF THE PERSON MAKING THE INDEPENDENT EXPENDITURE OR ELECTIONEERING  
56 COMMUNICATION;



1 (C) IF THE INDEPENDENT SPENDER MAKES INDEPENDENT EXPENDITURES OR ELEC-  
2 TIONEERING COMMUNICATIONS USING EXCLUSIVELY FUNDS IN A SEGREGATED BANK  
3 ACCOUNT CONSISTING OF FUNDS THAT WERE PAID DIRECTLY TO SUCH ACCOUNT BY  
4 PERSONS OTHER THAN THE INDEPENDENT SPENDER THAT CONTROLS THE ACCOUNT,  
5 FOR EACH SUCH PAYMENT TO THE ACCOUNT:

6 (I) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOY-  
7 ER OF EACH PERSON WHO MADE SUCH PAYMENT DURING THE PERIOD COVERED BY THE  
8 STATEMENT;

9 (II) THE DATE AND AMOUNT OF SUCH PAYMENT; AND

10 (III) THE AGGREGATE AMOUNT OF ALL SUCH PAYMENTS MADE BY THE PERSON  
11 AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR  
12 SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT; BUT ONLY IF SUCH  
13 PAYMENT WAS MADE BY A PERSON WHO MADE PAYMENTS TO THE ACCOUNT IN AN  
14 AGGREGATE AMOUNT OF ONE THOUSAND DOLLARS OR MORE AFTER JANUARY FIRST OF  
15 THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS HELD FOR  
16 THE PUBLIC OFFICE SOUGHT.

17 (D) IF THE INDEPENDENT SPENDER MAKES INDEPENDENT EXPENDITURES OR ELEC-  
18 TIONEERING COMMUNICATIONS USING FUNDS OTHER THAN FUNDS IN A SEGREGATED  
19 BANK ACCOUNT DESCRIBED IN PARAGRAPH (E) OF THIS SUBDIVISION, FOR EACH  
20 PAYMENT TO THE INDEPENDENT SPENDER:

21 (I) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOY-  
22 ER OF EACH PERSON WHO MADE SUCH PAYMENT DURING THE PERIOD COVERED BY THE  
23 STATEMENT;

24 (II) THE DATE AND AMOUNT OF SUCH PAYMENT; AND

25 (III) THE AGGREGATE AMOUNT OF ALL SUCH PAYMENTS MADE BY THE PERSON  
26 AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR  
27 SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT; BUT ONLY IF SUCH  
28 PAYMENT WAS MADE BY A PERSON WHO MADE PAYMENTS TO THE INDEPENDENT SPEND-  
29 ER IN AN AGGREGATE AMOUNT OF ONE THOUSAND DOLLARS OR MORE AFTER JANUARY  
30 FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS  
31 HELD FOR THE PUBLIC OFFICE SOUGHT.

32 (E) THE DOLLAR AMOUNT PAID FOR EACH INDEPENDENT EXPENDITURE OR ELECTI-  
33 ONEERING COMMUNICATION, THE NAME AND ADDRESS OF THE PERSON OR ENTITY  
34 RECEIVING THE PAYMENT, THE DATE THE PAYMENT WAS MADE AND A DESCRIPTION  
35 OF THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION; AND

36 (F) THE ELECTION TO WHICH THE INDEPENDENT EXPENDITURE OR ELECTIONEER-  
37 ING COMMUNICATION PERTAINS AND THE NAME OF THE CLEARLY IDENTIFIED CANDI-  
38 DATE OR THE BALLOT PROPOSAL REFERENCED.

39 5. ANY REPORT MADE PURSUANT TO THIS SECTION SHALL INCLUDE A COPY OF  
40 ALL MATERIALS THAT PERTAIN TO THE INDEPENDENT EXPENDITURE OR ELECTIO-  
41 NEERING COMMUNICATION, INCLUDING BUT NOT LIMITED TO BROADCAST, CABLE OR  
42 SATELLITE SCHEDULE AND SCRIPTS, ADVERTISEMENTS, PAMPHLETS, CIRCULARS,  
43 FLYERS, BROCHURES, LETTERHEADS AND OTHER PRINTED MATTER.

44 6. ANY REPORT OF A LOAN THAT IS MADE FOR AN INDEPENDENT EXPENDITURE OR  
45 ELECTIONEERING COMMUNICATION SHALL INCLUDE WRITTEN EVIDENCE OF THE  
46 INDEBTEDNESS.

47 7. CONTRIBUTIONS:

48 (A) WHEN AN INDEPENDENT SPENDER THAT IS AN ENTITY MAKES INDEPENDENT  
49 EXPENDITURES OR ELECTIONEERING COMMUNICATIONS OF ONE HUNDRED DOLLARS OR  
50 MORE AGGREGATING FIVE THOUSAND DOLLARS OR MORE IN THE TWELVE MONTHS  
51 PRECEDING THE ELECTION FOR COMMUNICATIONS THAT REFER TO ANY SINGLE  
52 CANDIDATE, IT IS REQUIRED TO REPORT:

53 (I) ALL CONTRIBUTIONS FROM OTHER ENTITIES SINCE THE FIRST DAY OF THE  
54 CALENDAR YEAR PRECEDING THE YEAR OF THE ELECTION; AND

1 (II) ALL CONTRIBUTIONS AGGREGATING ONE THOUSAND DOLLARS OR MORE  
2 ACCEPTED FROM AN INDIVIDUAL DURING THE TWELVE MONTHS PRECEDING THE  
3 ELECTION.

4 (B) EACH CONTRIBUTION SHALL BE DISCLOSED IN THE REPORTING PERIOD IN  
5 WHICH IT WAS RECEIVED. FOR EACH CONTRIBUTION, THE INDEPENDENT SPENDER  
6 SHALL PROVIDE:

7 (I) FOR EACH CONTRIBUTION ACCEPTED FROM ANOTHER ENTITY, THE ENTITY'S  
8 NAME, ADDRESS, AND TYPE OF ORGANIZATION;

9 (II) FOR EACH CONTRIBUTION ACCEPTED FROM AN INDIVIDUAL, THE INDIVID-  
10 UAL'S NAME, ADDRESS, OCCUPATION, AND EMPLOYER INFORMATION; AND

11 (III) THE DATE OF RECEIPT AND AMOUNT OF EACH SUCH CONTRIBUTIONS.

12 (C) EXEMPTION FOR EARMARKED CONTRIBUTIONS. CONTRIBUTIONS THAT ARE  
13 EARMARKED FOR AN EXPLICITLY STATED NON-ELECTORAL PURPOSE ARE NOT  
14 REQUIRED TO BE REPORTED; PROVIDED, HOWEVER THAT RECORDS OF THESE  
15 CONTRIBUTIONS MUST BE MAINTAINED AND MAY BE REQUESTED BY THE BOARD TO  
16 VERIFY THEIR QUALIFICATIONS FOR THIS EXEMPTION.

17 8. EVERY STATEMENT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL  
18 BE FILED BY ELECTRONIC REPORTING PROCESS OR OVERNIGHT MAIL TO THE STATE  
19 BOARD OF ELECTIONS.

20 9. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGULATIONS WITH RESPECT  
21 TO THE STATEMENTS REQUIRED TO BE FILED BY THIS SECTION AND SHALL PROVIDE  
22 FORMS SUITABLE FOR SUCH STATEMENTS.

23 S 11. Section 14-110 of the election law, as amended by chapter 46 of  
24 the laws of 1984, is amended to read as follows:

25 S 14-110. Place for filing statements. The places for filing the  
26 statements required by this article shall be determined by rule or regu-  
27 lation of the state board of elections; provided, however, that the  
28 statements of a candidate for election to the office of governor, lieu-  
29 tenant governor, attorney general, comptroller, member of the legisla-  
30 ture, delegate to a constitutional convention, justice of the supreme  
31 court or for nomination for any such office at a primary election and of  
32 any committee aiding or taking part in the designation, nomination,  
33 election or defeat of candidates for one or more of such offices or  
34 promoting the success or defeat of a question to be voted on by the  
35 voters of the entire state shall be filed with the state board of  
36 elections and in such other places as the state board of elections may,  
37 by rule or regulation provide. UPON FILING, THE STATE BOARD OF  
38 ELECTIONS SHALL MAKE ALL STATEMENTS FILED THEREWITH READILY AVAILABLE  
39 AND ACCESSIBLE TO THE FAIR ELECTIONS BOARD.

40 S 12. Section 14-112 of the election law, as amended by chapter 930 of  
41 the laws of 1981, is amended to read as follows:

42 S 14-112. Political committee authorization statement. Any political  
43 committee aiding or taking part in the election or nomination of any  
44 candidate, other than by making contributions, shall file, in the office  
45 in which the statements of such committee are to be filed pursuant to  
46 this [article] TITLE, either a sworn verified statement by the treasurer  
47 of such committee that the candidate has authorized the political  
48 committee to aid or take part in his election or that the candidate has  
49 not authorized the committee to aid or take part in his election.

50 S 13. Sections 14-100, 14-102, 14-104, 14-106, 14-107, 14-108, 14-110,  
51 14-112, 14-114, 14-116, 14-118, 14-120, 14-122, 14-124, 14-126, 14-127,  
52 14-128 and 14-130 of the election law are designated title 1 and a new  
53 title heading is added to read as follows:

54 RECEIPTS AND EXPENDITURES; GENERAL

55 S 14. Article 14 of the election law is amended by adding a new title  
56 2 to read as follows:

TITLE II  
PUBLIC FINANCING

SECTION 14-200. APPLICABILITY OF TITLE.  
 14-202. DEFINITIONS.  
 14-204. REPORTING REQUIREMENTS.  
 14-206. ELIGIBILITY.  
 14-208. QUALIFIED CAMPAIGN EXPENDITURES.  
 14-210. OPTIONAL PUBLIC FINANCING.  
 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS.  
 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS.  
 14-216. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES.  
 14-218. EXAMINATIONS AND AUDITS.  
 14-220. CIVIL ENFORCEMENT.  
 14-222. CRIMINAL PENALTIES.  
 14-224. REPORTS.  
 14-226. DEBATES.  
 14-228. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND.

S 14-200. APPLICABILITY OF TITLE. THIS TITLE SHALL ONLY APPLY TO THOSE CANDIDATES WHO ELECT TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM.

S 14-202. DEFINITIONS. AS USED IN THIS TITLE, UNLESS ANOTHER MEANING IS CLEARLY INDICATED:

1. THE TERM "BOARD" OR "FAIR ELECTIONS BOARD" MEANS THE BOARD CREATED BY SECTION 14-216 OF THIS TITLE TO ADMINISTER THE CAMPAIGN FINANCE FUND.

2. THE TERM "ELIGIBLE CANDIDATE" SHALL MEAN A CANDIDATE FOR NOMINATION OR ELECTION TO ANY OF THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE STATE LEGISLATURE, AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION OR DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION.

3. THE TERM "PARTICIPATING COMMITTEE" SHALL MEAN A SINGLE AUTHORIZED POLITICAL COMMITTEE WHICH A CANDIDATE CERTIFIES IS THE COMMITTEE THAT WILL SOLELY BE USED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY THIS TITLE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT. A MULTI-CANDIDATE COMMITTEE MAY NOT BE A PARTICIPATING COMMITTEE.

4. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE WHO IS ELIGIBLE TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM ESTABLISHED BY THIS TITLE, HAS MET THE THRESHOLD FOR ELIGIBILITY AND HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM.

5. THE TERM "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR ANY OFFICE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING UNDER THIS TITLE FOR A COVERED ELECTION WHO FAILS TO FILE A STATEMENT IN THE FORM OF AN AFFIDAVIT PURSUANT TO SECTION 14-210 OF THIS TITLE.

6. THE TERM "MATCHABLE CONTRIBUTIONS" SHALL MEAN THAT PORTION OF THE AGGREGATE CONTRIBUTIONS MADE (A) IN THE CASE OF A PRIMARY OR GENERAL ELECTION, AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR (B) IN THE CASE OF A SPECIAL ELECTION, WITHIN SIX MONTHS OF SUCH ELECTION BY NATURAL PERSONS RESIDENT IN THE STATE OF NEW YORK TO A CANDIDATE FOR NOMINATION OR ELECTION TO ANY OF THE OFFICES COVERED BY THE PROVISIONS OF THIS TITLE WHICH DO NOT EXCEED TWO HUNDRED FIFTY DOLLARS, WHICH HAVE BEEN REPORTED IN FULL BY THE CANDIDATE'S PARTICIPATING COMMITTEE TO THE FAIR ELECTIONS BOARD, INCLUDING THE CONTRIBUTOR'S FULL NAME AND RESIDENTIAL ADDRESS. A LOAN MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION. THE FOLLOWING CONTRIBUTIONS ARE NOT MATCHABLE:

(A) IN-KIND CONTRIBUTIONS OF PROPERTY, GOODS, OR SERVICES;

1 (B) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR AN ITEM  
2 WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE;

3 (C) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR OR OTHER-  
4 WISE INDUCED BY A CHANCE TO PARTICIPATE IN A RAFFLE, LOTTERY, OR SIMILAR  
5 DRAWING FOR VALUABLE PRIZES;

6 (D) MONEY ORDER CONTRIBUTIONS FROM ANY ONE CONTRIBUTOR THAT ARE, IN  
7 THE AGGREGATE, GREATER THAN ONE HUNDRED DOLLARS;

8 (E) CONTRIBUTIONS FROM INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS;

9 (F) CONTRIBUTIONS FROM INDIVIDUAL VENDORS TO WHOM THE PARTICIPATING  
10 CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE MAKES AN EXPENDITURE, IN  
11 FURTHERANCE OF THE NOMINATION FOR ELECTION OR ELECTION COVERED BY THE  
12 CANDIDATE'S CERTIFICATION, UNLESS SUCH EXPENDITURE IS REIMBURSING AN  
13 ADVANCE.

14 7. THE TERM "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE  
15 FOR WHICH PUBLIC FUNDS MAY BE USED.

16 8. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE CAMPAIGN FINANCE FUND  
17 CREATED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

18 9. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL  
19 MATCHABLE CONTRIBUTIONS THAT THE PARTICIPATING COMMITTEE OF AN OTHERWISE  
20 ELIGIBLE CANDIDATE MUST RECEIVE, AS REQUIRED BY SECTION 14-206 OF THIS  
21 TITLE, IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO  
22 THIS TITLE.

23 10. THE TERM "CONTRIBUTION" SHALL HAVE THE SAME MEANING AS IN SUBDIVI-  
24 SION NINE OF SECTION 14-100 OF THIS ARTICLE.

25 S 14-204. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE  
26 SHALL NOT DESIGNATE MORE THAN ONE AUTHORIZED COMMITTEE. BEFORE RECEIVING  
27 ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION, EACH  
28 PARTICIPATING CANDIDATE SHALL NOTIFY THE FAIR ELECTIONS BOARD AS TO THE  
29 EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN DESIGNATED  
30 AND APPROVED BY SUCH CANDIDATE. EACH SUCH AUTHORIZED COMMITTEE SHALL,  
31 BEFORE OPENING A COMMITTEE BANK ACCOUNT, RECEIVING ANY CONTRIBUTION OR  
32 MAKING ANY EXPENDITURE FOR A COVERED ELECTION:

33 (A) DESIGNATE A TREASURER; AND

34 (B) OBTAIN A TAX IDENTIFICATION NUMBER FROM THE INTERNAL REVENUE  
35 SERVICE.

36 2. DISCLOSURE. (A) EVERY PARTICIPATING CANDIDATE SHALL FILE FINANCIAL  
37 DISCLOSURE REPORTS WITH THE STATE BOARD OF ELECTIONS AS REQUIRED BY  
38 TITLE ONE OF THIS ARTICLE. COPIES OF SUCH REPORTS SHALL ALSO BE SUBMIT-  
39 TED TO THE FAIR ELECTIONS BOARD CREATED PURSUANT TO THIS ARTICLE AT THE  
40 SAME TIME SUCH REPORTS ARE FILED WITH THE STATE BOARD OF ELECTIONS.

41 (B) THE FAIR ELECTIONS BOARD SHALL REVIEW EACH DISCLOSURE REPORT FILED  
42 WITH THE STATE BOARD OF ELECTIONS PURSUANT TO TITLE ONE OF THIS ARTICLE  
43 AND SHALL INFORM PARTICIPATING CANDIDATES AND POLITICAL COMMITTEES  
44 INCLUDING THE AUTHORIZED COMMITTEE, OF RELEVANT QUESTIONS THE FAIR  
45 ELECTIONS BOARD HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF THIS  
46 TITLE AND OF THE RULES ISSUED BY THE FAIR ELECTIONS BOARD; AND (II)  
47 QUALIFICATION FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS  
48 TITLE. IN THE COURSE OF SUCH REVIEW, THE FAIR ELECTIONS BOARD SHALL GIVE  
49 CANDIDATES AND POLITICAL COMMITTEES INCLUDING THE AUTHORIZED COMMITTEE,  
50 AN OPPORTUNITY TO RESPOND TO AND CORRECT POTENTIAL VIOLATIONS AND GIVE  
51 CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS THE BOARD HAS CONCERNING  
52 THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER ISSUES CONCERNING ELIGIBIL-  
53 ITY FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. NOTHING  
54 IN THIS PARAGRAPH SHALL PRECLUDE THE BOARD FROM SUBSEQUENTLY REVIEWING  
55 SUCH A DISCLOSURE REPORT AND TAKING ANY ACTION OTHERWISE AUTHORIZED BY  
56 THIS TITLE.

1 (C) ONLY ITEMIZED CONTRIBUTIONS CONTAINED IN REPORTS FILED WITH THE  
2 FAIR ELECTIONS BOARD SHALL BE ELIGIBLE FOR MATCHING FUNDS PURSUANT TO  
3 THIS TITLE.

4 S 14-206. ELIGIBILITY. 1. TO BE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING  
5 UNDER THIS TITLE, A CANDIDATE FOR NOMINATION OR ELECTION MUST:

6 (A) MEET ALL THE REQUIREMENTS OF THIS CHAPTER AND OTHER PROVISIONS OF  
7 LAW TO HAVE HIS OR HER NAME ON THE BALLOT;

8 (B) BE A CANDIDATE FOR STATEWIDE OFFICE, THE STATE LEGISLATURE OR  
9 DELEGATE TO A CONSTITUTIONAL CONVENTION AT A PRIMARY, GENERAL OR SPECIAL  
10 ELECTION AND MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION  
11 TWO OF THIS SECTION;

12 (C) ELECT TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY  
13 THIS TITLE NOT LATER THAN SEVEN DAYS AFTER THE LAST DAY TO FILE DESIG-  
14 NATING PETITIONS FOR THE OFFICE SUCH CANDIDATE IS SEEKING OR, IN THE  
15 CASE OF A SPECIAL ELECTION, NOT LATER THAN THE LAST DAY TO FILE NOMINAT-  
16 ING CERTIFICATES FOR SUCH OFFICE;

17 (D) AGREE TO OBTAIN AND FURNISH TO THE FAIR ELECTIONS BOARD ANY  
18 EVIDENCE IT MAY REASONABLY REQUEST RELATING TO HIS OR HER CAMPAIGN  
19 EXPENDITURES OR CONTRIBUTIONS AND FURNISH SUCH OTHER PROOF OF COMPLIANCE  
20 WITH THIS TITLE AS MAY BE REQUESTED BY THE BOARD;

21 (E) HAVE A SINGLE AUTHORIZED POLITICAL COMMITTEE WHICH HE OR SHE  
22 CERTIFIES AS THE PARTICIPATING COMMITTEE FOR THE PURPOSES OF THIS TITLE;

23 (F) AGREE TO IDENTIFY ACCURATELY IN ALL CAMPAIGN MATERIALS THE PERSON  
24 OR ENTITY THAT PAID FOR SUCH CAMPAIGN MATERIAL; AND

25 (G) AGREE NOT TO EXPEND FOR CAMPAIGN PURPOSES ANY PORTION OF ANY PRE-  
26 EXISTING FUNDS RAISED FOR ANY PUBLIC OFFICE OR PARTY POSITION PRIOR TO  
27 THE DATE OF ELECTING TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM AS  
28 SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION. NOTHING IN THIS PARA-  
29 GRAPH SHALL BE CONSTRUED TO LIMIT, IN ANY WAY, ANY CANDIDATE OR PUBLIC  
30 OFFICIAL FROM EXPENDING ANY PORTION OF PRE-EXISTING CAMPAIGN FUNDS FOR  
31 ANY LAWFUL PURPOSE OTHER THAN THOSE RELATED TO HIS OR HER CAMPAIGN.

32 2. THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR CANDIDATES IN  
33 A PRIMARY, GENERAL OR SPECIAL ELECTION FOR THE FOLLOWING OFFICES SHALL  
34 BE:

35 (A) GOVERNOR IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN SIX  
36 HUNDRED FIFTY THOUSAND DOLLARS FROM AT LEAST SIX THOUSAND FIVE HUNDRED  
37 MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY  
38 DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

39 (B) LIEUTENANT GOVERNOR IN A PRIMARY ELECTION AND COMPTROLLER OR  
40 ATTORNEY GENERAL IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN TWO  
41 HUNDRED THOUSAND DOLLARS FROM AT LEAST TWO THOUSAND MATCHABLE CONTRIB-  
42 UTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL  
43 CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

44 (C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL  
45 ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST TWO  
46 HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED  
47 FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE  
48 INCLUDING AT LEAST TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED INDI-  
49 VIDUAL CONTRIBUTORS WHO RESIDE IN THE SENATE DISTRICT OR RESIDE IN ANY  
50 PORTION OF ANY COUNTY WHICH CONSTITUTES ANY MEASURE OF THE DISTRICT IN  
51 WHICH THE SEAT IS TO BE FILLED.

52 (D) MEMBERS OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION.  
53 NOT LESS THAN TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED MATCHABLE  
54 CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER  
55 INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE INCLUDING AT LEAST  
56 FIVE THOUSAND DOLLARS FROM AT LEAST FIFTY INDIVIDUALS WHO RESIDE IN THE

1 ASSEMBLY DISTRICT OR RESIDE IN ANY PORTION OF ANY COUNTY WHICH CONSTI-  
2 TUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

3 (E) AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR  
4 GENERAL ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST  
5 TWO HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED  
6 FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

7 (F) DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR  
8 GENERAL ELECTION. NOT LESS THAN FIVE THOUSAND DOLLARS FROM AT LEAST  
9 FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY  
10 DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN THE DISTRICT OR IN THE  
11 CONSTITUENT COUNTY OR RESIDES IN ANY PORTION OF ANY COUNTY WHICH CONSTI-  
12 TUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

13 3. IN ORDER TO BE ELIGIBLE TO RECEIVE PUBLIC FUNDS IN A PRIMARY  
14 ELECTION A CANDIDATE MUST AGREE, THAT IN THE EVENT SUCH CANDIDATE IS A  
15 CANDIDATE FOR SUCH OFFICE IN THE GENERAL ELECTION IN SUCH YEAR, THAT  
16 SUCH CANDIDATE WILL BE BOUND BY THE PROVISIONS OF THIS TITLE, INCLUDING,  
17 BUT NOT LIMITED TO, THE PUBLIC FUNDS RECEIPT LIMITS OF THIS TITLE.

18 4. CANDIDATES WHO ARE CONTESTED IN A PRIMARY ELECTION AND WHO DO NOT  
19 SEEK PUBLIC FUNDS SHALL NOT BE ELIGIBLE FOR PUBLIC FUNDS FOR THE GENERAL  
20 ELECTION IN THAT YEAR. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT  
21 APPLY TO CANDIDATES FOR THE OFFICE OF LIEUTENANT GOVERNOR.

22 5. CANDIDATES WHO ARE UNOPPOSED IN A GENERAL OR SPECIAL ELECTION SHALL  
23 NOT BE ELIGIBLE TO RECEIVE PUBLIC FUNDS.

24 6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR  
25 SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING  
26 SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS THERE IS  
27 AT LEAST ONE OTHER CANDIDATE, AS DEFINED BY SUBDIVISION SEVEN OF SECTION  
28 14-100 OF THIS TITLE FOR SUCH OFFICE IN SUCH ELECTION.

29 S 14-208. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED  
30 UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY  
31 THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDI-  
32 TURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION  
33 OR ELECTION AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR  
34 GENERAL ELECTION IS HELD FOR THE OFFICE SOUGHT, FOR SERVICES, MATERIALS,  
35 FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT CAMPAIGN CYCLE OR,  
36 IN THE CASE OF A SPECIAL ELECTION, FOR EXPENDITURES DURING THE PERIOD  
37 COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL  
38 ELECTION.

39 2. SUCH PUBLIC FUNDS MAY NOT BE USED FOR:

40 (A) AN EXPENDITURE IN VIOLATION OF ANY LAW OF THE UNITED STATES OR OF  
41 THIS STATE;

42 (B) PAYMENTS OR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A  
43 RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH  
44 PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY  
45 SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE IN EXCESS OF THE FAIR  
46 MARKET VALUE OF SUCH SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF  
47 VALUE RECEIVED IN EXCHANGE;

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

50 (D) ANY EXPENDITURE MADE AFTER THE PARTICIPATING CANDIDATE, OR THE  
51 ONLY REMAINING OPPONENT OF SUCH CANDIDATE, HAS BEEN DISQUALIFIED OR HAD  
52 SUCH CANDIDATE'S PETITIONS DECLARED INVALID BY A BOARD OF ELECTIONS OR A  
53 COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS  
54 REVERSED BY A HIGHER AUTHORITY.

1 (E) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF  
2 DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE,  
3 AUTHORIZATION, DECLINATION OR SUBSTITUTION;

4 (F) EXPENDITURE FOR NONCAMPAIGN RELATED FOOD, DRINK OR ENTERTAINMENT;  
5 AND

6 (G) GIFTS.

7 S 14-210. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR  
8 NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY  
9 OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALI-  
10 FIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A  
11 PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON  
12 THE BALLOT AND FILED A SWORN STATEMENT WITH THE FAIR ELECTIONS BOARD  
13 ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND  
14 AGREEING TO ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT  
15 EXCEED THE AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN  
16 ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE  
17 MADE TO A PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC  
18 FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED  
19 CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS  
20 USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

21 2. THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE SHALL  
22 BE ENTITLED TO SIX DOLLARS IN PUBLIC FUNDS FOR EACH ONE DOLLAR OF MATCH-  
23 ABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE FAIR ELECTIONS BOARD IN  
24 ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, PROVIDED, HOWEVER, SUCH  
25 PUBLIC FUNDS SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

26 3. (A) NO PARTICIPATING CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS  
27 UNOPPOSED IN A PRIMARY ELECTION SHALL BE ENTITLED TO PAYMENT FROM THE  
28 FUND FOR QUALIFIED CAMPAIGN EXPENDITURES.

29 (B) WHERE THERE IS A CONTEST IN SUCH PRIMARY FOR THE NOMINATION OF AT  
30 LEAST ONE OTHER PARTY FOR SUCH OFFICE, THE PARTICIPATING COMMITTEE OF AN  
31 UNOPPOSED PARTICIPATING CANDIDATE FOR NOMINATION MAY RAISE AND SPEND AN  
32 AMOUNT EQUAL TO ONE-HALF THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE,  
33 AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC  
34 FUNDS, WITH CONTRIBUTIONS OF UP TO TWO THOUSAND DOLLARS PER CONTRIBUTOR.  
35 SUCH PAYMENT CAN ONLY BE EXPENDED FOR PROPERTY, SERVICES OR FACILITIES  
36 USED ON OR BEFORE THE DATE OF SUCH PRIMARY ELECTION.

37 4. THE FAIR ELECTIONS BOARD SHALL PROMPTLY EXAMINE ALL REPORTS OF  
38 CONTRIBUTIONS TO DETERMINE WHETHER, ON THEIR FACE, THEY MEET THE  
39 REQUIREMENTS FOR MATCHABLE CONTRIBUTIONS, AND SHALL KEEP A RECORD OF  
40 SUCH CONTRIBUTIONS.

41 5. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGULATIONS FOR THE  
42 CERTIFICATION OF THE AMOUNT OF FUNDS PAYABLE BY THE COMPTROLLER, FROM  
43 THE FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE  
44 FINANCE LAW, TO A PARTICIPATING CANDIDATE THAT HAS QUALIFIED TO RECEIVE  
45 SUCH PAYMENT. THESE REGULATIONS SHALL INCLUDE THE PROMULGATION AND  
46 DISTRIBUTION OF FORMS ON WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE  
47 REPORTED, THE PERIODS DURING WHICH SUCH REPORTS MUST BE FILED AND THE  
48 VERIFICATION REQUIRED. THE BOARD SHALL INSTITUTE PROCEDURES WHICH WILL  
49 MAKE POSSIBLE PAYMENT BY THE FUND WITHIN TWO BUSINESS DAYS AFTER RECEIPT  
50 OF THE REQUIRED FORMS AND VERIFICATIONS.

51 S 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,  
52 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE  
53 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A  
54 CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTIC-  
55 IPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING

1 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE  
2 AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

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

12 (B) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS  
13 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC  
14 FUNDS, A PARTICIPATING CANDIDATE FOR ATTORNEY GENERAL OR COMPTROLLER IN  
15 A PRIMARY OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMIT-  
16 TEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED  
17 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT  
18 EXCEED ONE MILLION DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT  
19 OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

20 (C) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS  
21 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC  
22 FUNDS, A PARTICIPATING CANDIDATE FOR STATE SENATOR IN A PRIMARY, GENERAL  
23 OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY  
24 ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED SUCH  
25 CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT  
26 EXCEED ONE HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE  
27 PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

28 (D) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS  
29 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC  
30 FUNDS, A PARTICIPATING CANDIDATE FOR MEMBER OF THE ASSEMBLY IN A PRIMA-  
31 RY, GENERAL OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING  
32 COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMI-  
33 NATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES  
34 NOT EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE  
35 PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

36 (E) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS  
37 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC  
38 FUNDS, A PARTICIPATING CANDIDATE FOR DELEGATE AT-LARGE TO A CONSTITU-  
39 TIONAL CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPAT-  
40 ING COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS  
41 NOMINATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE,  
42 DOES NOT EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-  
43 FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

44 (F) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS  
45 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC  
46 FUNDS, A PARTICIPATING CANDIDATE FOR DISTRICT DELEGATE TO A CONSTITU-  
47 TIONAL CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPAT-  
48 ING COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS  
49 NOMINATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE,  
50 DOES NOT EXCEED TEN THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT  
51 TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A  
52 TRANSFER.

53 (G) FOR PURPOSES OF THIS SUBDIVISION, THE TERM STATE CONSTITUTED  
54 COMMITTEE INCLUDES ANY OF ITS SUBCOMMITTEES.

55 3. NOTWITHSTANDING ANY PUBLIC FUNDS RECEIPT LIMIT IN THIS SUBDIVISION,  
56 EACH COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR



1 STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE, INCLUDING WITHIN THE TERM  
 2 COUNTY COMMITTEE ANY OF ITS SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF SUCH  
 3 PARTY'S CANDIDATES FOR STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE WHO  
 4 HAS AGREED TO ACCEPT PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED  
 5 THE SUM OF TWO CENTS FOR EACH VOTER REGISTERED IN SUCH COUNTY AS DETER-  
 6 MINED BY THE RECORDS OF THE APPROPRIATE BOARD OF ELECTIONS AS OF THE  
 7 PRECEDING GENERAL ELECTION.

8 4. IN COMPUTING THE AGGREGATE AMOUNT EXPENDED FOR PURPOSES OF THIS  
 9 SECTION, EXPENDITURES MADE BY A STATE CONSTITUTED COMMITTEE OR A COUNTY  
 10 COMMITTEE IN SUPPORT OF MORE THAN ONE CANDIDATE SHALL BE ALLOCATED AMONG  
 11 SUCH CANDIDATES SUPPORTED BY THE COMMITTEE IN ACCORDANCE WITH FORMULAS  
 12 PROMULGATED BY THE FAIR ELECTIONS BOARD OR, IN THE ABSENCE OF SUCH OFFI-  
 13 CIAL FORMULAS, IN ACCORDANCE WITH A FORMULA BASED UPON REASONABLE STAND-  
 14 ARDS. THE STATEMENTS FILED BY SUCH CONSTITUTED COMMITTEE IN ACCORDANCE  
 15 WITH THIS CHAPTER SHALL SET FORTH, IN ADDITION TO THE OTHER INFORMATION  
 16 REQUIRED, THE TOTAL AMOUNT EXPENDED BY THE PARTY COMMITTEE ON BEHALF OF  
 17 ALL SUCH CANDIDATES AND THE AMOUNT ALLOCATED TO EACH CANDIDATE BY DOLLAR  
 18 AMOUNT AND PERCENTAGE. EXPENDITURES BY A PARTY FOR ACTIVITIES WHICH DO  
 19 NOT SUPPORT OR OPPOSE THE ELECTION OF ANY CANDIDATE OR CANDIDATES BY  
 20 NAME OR BY CLEAR INFERENCE SHALL NOT BE REGARDED AS EXPENDITURES ON  
 21 BEHALF OF OR IN OPPOSITION TO A CANDIDATE.

22 5. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC  
 23 FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIB-  
 24 UTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR  
 25 THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF  
 26 THE GENERAL ELECTION FOR THE OFFICE SOUGHT, EXCEPT THAT A PARTICIPATING  
 27 CANDIDATE OR PARTICIPATING COMMITTEE WHICH HAS A DEFICIT ON THE DAY OF  
 28 THE GENERAL ELECTION MAY, AFTER SUCH DATE, ACCEPT CONTRIBUTIONS WHICH DO  
 29 NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAIS-  
 30 ING SUCH CONTRIBUTIONS OR THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED  
 31 BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS.

32 6. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION,  
 33 PARTICIPATING CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF THIS  
 34 ARTICLE.

35 S 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS. THE FOLLOWING  
 36 LIMITATIONS APPLY TO THE RECEIPT OF PUBLIC FUNDS BY PARTICIPATING CANDI-  
 37 DATES AND THEIR PARTICIPATING COMMITTEES RECEIVING SUCH PUBLIC FUNDS  
 38 PURSUANT TO THE PROVISIONS OF THIS TITLE:

39 1. IN ANY PRIMARY ELECTION, RECEIPT OF PUBLIC FUNDS BY PARTICIPATING  
 40 CANDIDATES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED:

41 (I) FOR GOVERNOR, THE SUM OF NINE MILLION DOLLARS;

42 (II) FOR LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL, THE SUM  
 43 OF SIX MILLION DOLLARS;

44 (III) FOR SENATOR, THE SUM OF THREE HUNDRED FIFTY THOUSAND DOLLARS;

45 (IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF ONE HUNDRED FIFTY THOUSAND  
 46 DOLLARS;

47 (V) FOR AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION, THE SUM OF  
 48 ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS;

49 (VI) FOR DISTRICT DELEGATES TO A CONSTITUTIONAL CONVENTION, THE SUM OF  
 50 FIFTY THOUSAND DOLLARS;

51 2. IN ANY GENERAL OR SPECIAL ELECTION, RECEIPT OF PUBLIC FUNDS BY  
 52 PARTICIPATING CANDIDATES FOR THE FOLLOWING OFFICES AND BY THEIR PARTIC-  
 53 IPATING COMMITTEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

54 CANDIDATES FOR ELECTION TO THE OFFICE OF:

55 GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED) \$12,000,000

56 ATTORNEY GENERAL \$8,000,000

1	COMPTROLLER	\$8,000,000
2	MEMBER OF SENATE	\$400,000
3	MEMBER OF ASSEMBLY	\$200,000
4	DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION	\$350,000
5	DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION	\$75,000

6 3. PARTICIPATING CANDIDATES FOR OFFICE WHO ARE UNOPPOSED IN THE PRIMA-  
7 RY ELECTION MAY RECEIVE PUBLIC FUNDS BEFORE THE PRIMARY ELECTION, FOR  
8 SERVICES, MATERIALS OR FACILITIES USED ON OR BEFORE THE DATE OF SUCH  
9 PRIMARY ELECTION, AN AMOUNT EQUAL TO HALF THE SUM SUCH CANDIDATES WOULD  
10 BE ENTITLED TO RECEIVE IF THEIR NOMINATION WAS CONTESTED IN SUCH PRIMARY  
11 ELECTION PROVIDED THERE IS A PRIMARY CONTEST FOR THE NOMINATION OF AT  
12 LEAST ONE OTHER PARTY FOR SUCH OFFICE.

13 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE AMOUNT OF  
14 PRIVATE FUNDS A PARTICIPATING CANDIDATE MAY RECEIVE SUBJECT TO THE  
15 CONTRIBUTION LIMITS CONTAINED IN SECTION 14-212 OF THIS TITLE.

16 5. AT THE BEGINNING OF EACH SECOND CALENDAR YEAR, COMMENCING IN TWO  
17 THOUSAND SIXTEEN, THE FAIR ELECTIONS BOARD SHALL DETERMINE THE PERCENT-  
18 AGE OF THE DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE MONTHLY CONSUMER  
19 PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE THE UNITED STATES  
20 BUREAU OF LABOR STATISTICS AND SUCH CONSUMER PRICE INDEX PUBLISHED FOR  
21 THE SAME MONTH FOUR YEARS PREVIOUSLY. THE AMOUNT OF EACH PUBLIC FUNDS  
22 RECEIPT LIMITATION FIXED IN THIS SECTION SHALL BE ADJUSTED BY THE AMOUNT  
23 OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE HUNDRED DOLLARS BY THE  
24 STATE BOARD WHICH, NOT LATER THAN THE FIRST DAY OF FEBRUARY IN EACH SUCH  
25 YEAR, SHALL ISSUE A REGULATION PUBLISHING THE AMOUNT OF EACH SUCH  
26 CONTRIBUTION LIMIT. EACH PUBLIC FUND RECEIPT LIMIT AS SO ADJUSTED SHALL  
27 BE THE PUBLIC FUNDS RECEIPT LIMIT IN EFFECT FOR ANY ELECTION HELD BEFORE  
28 THE NEXT SUCH ADJUSTMENT.

29 S 14-216. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES. 1. THERE  
30 SHALL BE A BOARD WITHIN THE STATE BOARD OF ELECTIONS KNOWN AS THE "FAIR  
31 ELECTIONS BOARD" COMPOSED OF FIVE MEMBERS, OF WHICH ONE MEMBER SHALL BE  
32 APPOINTED BY THE GOVERNOR AND ONE MEMBER SHALL BE APPOINTED BY EACH  
33 LEGISLATIVE LEADER OF THE SENATE AND ASSEMBLY. NO MEMBER OF THE FAIR  
34 ELECTIONS BOARD SHALL HOLD ELECTIVE OFFICE, NOR SHALL ANY MEMBER BE A  
35 LOBBYIST AS DEFINED IN SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLA-  
36 TIVE LAW. THE CHAIR SHALL BE RESPONSIBLE FOR MANAGING THE FAIR ELECTIONS  
37 BOARD. THE MEMBERS SHALL EACH SERVE FOR A TERM OF FOUR YEARS.

38 2. EACH MEMBER'S TERM SHALL COMMENCE ON JANUARY FIRST, TWO THOUSAND  
39 FOURTEEN. IN CASE OF A VACANCY IN THE OFFICE OF A MEMBER, A MEMBER SHALL  
40 BE APPOINTED ACCORDING TO THE ORIGINAL MANNER OF APPOINTMENT. EACH  
41 MEMBER SHALL BE A RESIDENT OF THE STATE OF NEW YORK AND REGISTERED TO  
42 VOTE THEREIN. EACH MEMBER SHALL AGREE NOT TO MAKE AND SHALL NOT MAKE  
43 CONTRIBUTIONS TO ANY CANDIDATE OR AUTHORIZED COMMITTEE FOR NOMINATION  
44 FOR ELECTION OR FOR ELECTION TO THE OFFICE OF STATE COMPTROLLER. NO  
45 MEMBER SHALL SERVE AS AN OFFICER OF A POLITICAL PARTY OR COMMITTEE OR BE  
46 A CANDIDATE OR PARTICIPATE IN ANY CAPACITY IN A CAMPAIGN BY A CANDIDATE  
47 FOR NOMINATION FOR ELECTION, OR FOR ELECTION TO THE OFFICE OF STATE  
48 COMPTROLLER. AN OFFICER OR EMPLOYEE OF THE STATE OR ANY STATE AGENCY  
49 SHALL NOT BE ELIGIBLE TO BE A MEMBER OF THE FAIR ELECTIONS BOARD.

50 3. THE MEMBERS OF THE FAIR ELECTIONS BOARD SHALL BE ENTITLED TO  
51 RECEIVE PAYMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE  
52 PERFORMANCE OF THEIR DUTIES AS MEMBERS OF SUCH BOARD.

53 4. A MEMBER OF THE FAIR ELECTIONS BOARD MAY BE REMOVED FOR CAUSE BY  
54 THE APPOINTING AUTHORITY UPON NOTICE AND AN OPPORTUNITY FOR A HEARING.

55 5. THE FAIR ELECTIONS BOARD SHALL APPOINT AN ENFORCEMENT COUNSEL, A  
56 DEPUTY ENFORCEMENT COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR

1 POLITICAL PARTY THAN THE ENFORCEMENT COUNSEL, A SPECIAL COUNSEL, A DEPU-  
2 TY SPECIAL COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL  
3 PARTY THAN THE SPECIAL COUNSEL, A DIRECTOR OF PUBLIC INFORMATION, A  
4 DEPUTY DIRECTOR OF PUBLIC INFORMATION, WHO SHALL BE A MEMBER OF A  
5 DIFFERENT MAJOR POLITICAL PARTY THAN THE DIRECTOR OF PUBLIC INFORMATION.  
6 THE FAIR ELECTIONS BOARD MAY UTILIZE EXISTING STAFF OF THE STATE BOARD  
7 OF ELECTIONS AS MAY BE NECESSARY, AND MAKE NECESSARY EXPENDITURES  
8 SUBJECT TO APPROPRIATION. THE FAIR ELECTIONS BOARD SHALL RETAIN AN INDE-  
9 PENDENT AUDITOR TO PERFORM ONGOING AUDITS OF EACH COVERED ELECTION BY  
10 CONTRACT ENTERED INTO PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE  
11 STATE FINANCE LAW.

12 6. THE ENFORCEMENT COUNSEL AND THE SPECIAL COUNSEL SHALL EACH SERVE A  
13 TERM OF FOUR YEARS AND MAY ONLY BE REMOVED FOR CAUSE. ANY TIME AFTER THE  
14 EFFECTIVE DATE OF THIS SECTION, THE MEMBERS, OR IN THE CASE OF A VACANCY  
15 ON THE FAIR ELECTIONS BOARD, THE MEMBERS, OF EACH OF THE SAME MAJOR  
16 POLITICAL PARTY AS THE INCUMBENT ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT  
17 COUNSEL, SHALL APPOINT SUCH COUNSELS, AND DEPUTIES. ANY VACANCY IN THE  
18 OFFICE OF ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT COUNSEL, SPECIAL COUN-  
19 SEL, SPECIAL DEPUTY COUNSEL, DIRECTOR OF PUBLIC INFORMATION AND DEPUTY  
20 DIRECTOR OF PUBLIC INFORMATION SHALL BE FILLED BY THE MEMBERS OF THE  
21 FAIR ELECTIONS BOARD OR IN THE CASE OF A VACANCY ON THE BOARD, THE  
22 MEMBERS OF THE SAME MAJOR POLITICAL PARTY AS THE VACATING INCUMBENT FOR  
23 THE REMAINING PERIOD OF THE TERM OF SUCH VACATING INCUMBENT.

24 7. IN ADDITION TO THE ENFORCEMENT POWERS, AND ANY OTHER POWERS AND  
25 DUTIES SPECIFIED BY LAW, THE FAIR ELECTIONS BOARD SHALL:

26 (A)(I) RENDER ADVISORY OPINIONS WITH RESPECT TO QUESTIONS ARISING  
27 UNDER THIS TITLE UPON THE WRITTEN REQUEST OF A CANDIDATE, AN OFFICER OF  
28 A POLITICAL COMMITTEE OR MEMBER OF THE PUBLIC, OR UPON ITS OWN INITI-  
29 ATIVE; (II) PROMULGATE RULES REGARDING REASONABLE TIMES TO RESPOND TO  
30 SUCH REQUESTS; AND (III) MAKE PUBLIC THE QUESTIONS OF INTERPRETATION FOR  
31 WHICH ADVISORY OPINIONS WILL BE CONSIDERED BY THE FAIR ELECTIONS BOARD  
32 AND ITS ADVISORY OPINIONS, INCLUDING BY PUBLICATION ON ITS WEBSITE;

33 (B) DEVELOP A PROGRAM FOR INFORMING AND TRAINING CANDIDATES AND THE  
34 PUBLIC AS TO THE PURPOSE AND EFFECT OF THE PROVISIONS OF THIS TITLE,  
35 INCLUDING BY MEANS OF A WEBSITE;

36 (C) HAVE THE AUTHORITY TO PROMULGATE SUCH RULES AND REGULATIONS AND  
37 PRESCRIBE SUCH FORMS AS THE FAIR ELECTIONS BOARD DEEMS NECESSARY FOR THE  
38 ADMINISTRATION OF THIS TITLE; AND

39 (D) IN CONJUNCTION WITH THE STATE BOARD OF ELECTIONS DEVELOP AN INTER-  
40 ACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION  
41 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMA-  
42 TION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR  
43 AUTHORIZED COMMITTEES AND DISTRIBUTIONS OF MONEYS FROM THE FUND AND  
44 SHALL BE ACCESSIBLE TO THE PUBLIC ON THE STATE BOARD OF ELECTIONS'  
45 WEBSITE.

46 8. CONSISTENT WITH THE PROVISIONS OF THE CIVIL SERVICE LAW AND SUBDI-  
47 VISION SEVENTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,  
48 AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL  
49 POSITIONS ON THE STAFF OF THE FAIR ELECTIONS BOARD SHALL BE CLASSIFIED  
50 IN THE EXEMPT CLASS OF THE CIVIL SERVICE AND SUCH POSITIONS SHALL BE  
51 FILLED, TO THE EXTENT POSSIBLE, WITH AN EQUAL NUMBER OF PERSONS FROM  
52 EACH OF THE TWO POLITICAL PARTIES FOR WHICH THE HIGHEST AND THE NEXT  
53 HIGHEST NUMBER OF VOTES WERE CAST FOR THE OFFICE OF STATE COMPTROLLER AT  
54 THE LAST PRECEDING GENERAL ELECTION FOR SUCH OFFICE.

1 9. THE FAIR ELECTIONS BOARD'S ADMINISTRATION OF THE FUND SHALL BE  
2 GOVERNED BY THE PROVISIONS OF THIS TITLE AND SECTION NINETY-TWO-T OF THE  
3 STATE FINANCE LAW.

4 10. THE FAIR ELECTIONS BOARD AND ITS PROCEEDINGS SHALL BE GOVERNED BY  
5 THE STATE ADMINISTRATIVE PROCEDURE ACT AND SUBJECT TO ARTICLES SIX AND  
6 SEVEN OF THE PUBLIC OFFICERS LAW.

7 11. THE FAIR ELECTIONS BOARD MAY TAKE SUCH OTHER ACTIONS AS ARE NECES-  
8 SARY AND PROPER TO CARRY OUT THE PURPOSES OF THIS TITLE.

9 S 14-218. EXAMINATIONS AND AUDITS. 1. THE FAIR ELECTIONS BOARD SHALL  
10 CONDUCT A THOROUGH EXAMINATION AND AUDIT OF THE CONTRIBUTIONS AND QUALI-  
11 FIED CAMPAIGN EXPENSES OF THE PARTICIPATING COMMITTEE OF EVERY PARTIC-  
12 IPATING CANDIDATE WHO RECEIVED PAYMENTS PURSUANT TO SECTION 14-210 OF  
13 THIS TITLE. SUCH AUDITS SHALL BE CONDUCTED AS FREQUENTLY AS THE FAIR  
14 ELECTIONS BOARD DEEMS NECESSARY TO ENSURE COMPLIANCE WITH THIS TITLE.  
15 EVERY CANDIDATE WHO RECEIVES PUBLIC MATCHING FUNDS UNDER THIS TITLE  
16 SHALL ALSO BE AUDITED BY THE FAIR ELECTIONS BOARD POST-ELECTION. THE  
17 COST OF COMPLYING WITH A POST-ELECTION AUDIT SHALL BE BORNE BY THE  
18 CANDIDATE'S AUTHORIZED COMMITTEE. A CANDIDATE WHO HAS RECEIVED PUBLIC  
19 MATCHING FUNDS UNDER THIS TITLE MUST MAINTAIN A RESERVE OF AT LEAST ONE  
20 PERCENT OF THE TOTAL AMOUNT OF MATCHING FUNDS RECEIVED BY SUCH CANDIDATE  
21 IN HIS OR HER CAMPAIGN ACCOUNT TO COMPLY WITH THE POST-ELECTION AUDIT. A  
22 CANDIDATE WHO RUNS IN BOTH A PRIMARY AND A GENERAL ELECTION, MUST MAIN-  
23 TAIN A RESERVE OF ONE PERCENT OF THE TOTAL AMOUNT OF PUBLIC MATCHING  
24 FUNDS RECEIVED BY SUCH CANDIDATE FOR BOTH HIS OR HER PRIMARY AND GENERAL  
25 ELECTION. A CANDIDATE MAY USE PUBLIC MATCHING FUNDS, PRIVATE FUNDS OR A  
26 COMBINATION OF PUBLIC AND PRIVATE FUNDS TO COMPLY WITH A POST-ELECTION  
27 AUDIT. THE FAIR ELECTIONS BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED THE  
28 FINAL POST-ELECTION AUDIT REPORT THAT DETAILS ITS FINDINGS AND SHALL  
29 PROVIDE SUCH AUDIT TO THE GOVERNOR AND LEGISLATIVE LEADERS AND MAKE SUCH  
30 AUDIT REPORT AVAILABLE ON THE STATE BOARD OF ELECTIONS' WEBSITE.

31 2. (A) IF THE FAIR ELECTIONS BOARD DETERMINES THAT ANY PORTION OF THE  
32 PAYMENT MADE TO A PARTICIPATING COMMITTEE FROM THE FUND WAS IN EXCESS OF  
33 THE AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS  
34 ENTITLED PURSUANT TO SECTION 14-210 OF THIS TITLE, IT SHALL NOTIFY SUCH  
35 COMMITTEE OF THE EXCESS AMOUNT AND SUCH COMMITTEE SHALL PAY TO THE FAIR  
36 ELECTIONS BOARD AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS;  
37 PROVIDED, HOWEVER, THAT IF THE ERRONEOUS PAYMENT WAS DUE TO AN ERROR  
38 MADE BY THE FAIR ELECTIONS BOARD, THEN THE ERRONEOUS PAYMENT WILL BE  
39 OFFSET AGAINST ANY FUTURE PAYMENT, IF ANY. THE PARTICIPATING CANDIDATE  
40 AND HIS OR HER PARTICIPATING COMMITTEE SHALL BE JOINTLY AND SEVERALLY  
41 LIABLE FOR ANY REPAYMENTS DUE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT BY  
42 SUCH BOARD INTO THE NEW YORK STATE CAMPAIGN FUND.

43 (B) IF THE BOARD DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO A  
44 PARTICIPATING COMMITTEE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN  
45 TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY SUCH PARTICIPAT-  
46 ING COMMITTEE OF THE AMOUNT DISQUALIFIED AND SUCH PARTICIPATING COMMIT-  
47 TEE SHALL PAY TO THE FAIR ELECTIONS BOARD AN AMOUNT EQUAL TO SUCH  
48 DISQUALIFIED AMOUNT. SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK  
49 STATE CAMPAIGN FINANCE FUND CREATED PURSUANT TO SECTION NINETY-TWO-T OF  
50 THE STATE FINANCE LAW. THE CANDIDATE AND THE CANDIDATE'S AUTHORIZED  
51 COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE  
52 TO THE FAIR ELECTIONS BOARD.

53 (C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE FUND RECEIVED  
54 BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING  
55 COMMITTEE, EXCEEDS THE PUBLIC FUNDING RECEIPT LIMITATION OF SUCH CANDI-  
56 DATE AND COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS

1 FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM  
2 THE FUND NOT LATER THAN TEN DAYS AFTER ALL PERMISSIBLE LIABILITIES HAVE  
3 BEEN PAID AND IN ANY EVENT, NOT LATER THAN TWENTY DAYS AFTER THE DATE ON  
4 WHICH THE FAIR ELECTIONS BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE  
5 PARTICIPATING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT  
6 MATCHING FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE  
7 AND PAYABLE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT INTO THE NEW YORK  
8 STATE CAMPAIGN FINANCE FUND UPON ITS DETERMINATION THAT THE PARTICIPANT  
9 WILLFULLY DELAYED THE POST-ELECTION AUDIT PROCESS. A PARTICIPATING  
10 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-  
11 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH ENDING A CAMPAIGN AND  
12 RESPONDING TO THE POST-ELECTION AUDIT.

13 3. IF A COURT OF COMPETENT JURISDICTION DISQUALIFIES A CANDIDATE WHOSE  
14 PARTICIPATING COMMITTEE HAS RECEIVED PUBLIC FUNDS ON THE GROUNDS THAT  
15 SUCH CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON  
16 THE BALLOT AND SUCH DECISION IS NOT REVERSED BY A HIGHER COURT, SUCH  
17 CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE SHALL PAY TO THE  
18 FAIR ELECTIONS BOARD AN AMOUNT EQUAL TO THE TOTAL OF PUBLIC FUNDS  
19 RECEIVED BY SUCH PARTICIPATING COMMITTEE.

20 4. THE BOARD MUST PROVIDE WRITTEN NOTICE OF ALL PAYMENTS DUE FROM A  
21 PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE TO THE BOARD AND  
22 PROVIDE AN OPPORTUNITY FOR THE CANDIDATE OR COMMITTEE TO REBUT, IN WHOLE  
23 OR IN PART, THE ALLEGED AMOUNT DUE. UPON A FINAL WRITTEN DETERMINATION  
24 BY THE BOARD, THE AMOUNT DUE SHALL BE PAID TO THE BOARD WITHIN THIRTY  
25 DAYS OF SUCH DETERMINATION.

26 5. ALL PAYMENTS RECEIVED BY THE BOARD PURSUANT TO THIS SECTION SHALL  
27 BE DEPOSITED IN THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED BY  
28 SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

29 S 14-220. CIVIL ENFORCEMENT. 1. ANY PERSON OR AUTHORIZED COMMITTEE WHO  
30 KNOWINGLY AND WILFULLY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS  
31 OF THIS TITLE SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THE  
32 AMOUNT OF FIVE THOUSAND DOLLARS.

33 2. ANY PERSON OR AUTHORIZED COMMITTEE WHO KNOWINGLY AND INTENTIONALLY  
34 VIOLATES ANY OTHER PROVISION OF THIS TITLE OR ANY RULE PROMULGATED HERE-  
35 UNDER SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THE AMOUNT OF  
36 TEN THOUSAND DOLLARS.

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

48 4. THE FAIR ELECTIONS BOARD SHALL PUBLISH ON THE STATE BOARD OF  
49 ELECTIONS' WEBSITE THE FINAL ORDER ADJUDICATING ANY MATTER BROUGHT  
50 PURSUANT TO THIS SECTION.

51 5. ALL PAYMENTS RECEIVED BY THE FAIR ELECTIONS BOARD PURSUANT TO THIS  
52 SECTION SHALL BE DEPOSITED IN THE NEW YORK STATE FAIR ELECTIONS FUND  
53 ESTABLISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

54 S 14-222. CRIMINAL PENALTIES. 1. ANY PERSON WHO KNOWINGLY AND WILLFUL-  
55 LY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS OF THIS TITLE WITH-  
56 IN TEN DAYS AFTER THE DATE PROVIDED FOR SUCH, OR ANYONE THAT KNOWINGLY

1 AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE SHALL BE GUILTY  
2 OF A MISDEMEANOR AND, IN ADDITION TO SUCH OTHER PENALTIES AS MAY BE  
3 PROVIDED BY LAW, SHALL BE SUBJECT TO A FINE NOT TO EXCEED THE AMOUNT OF  
4 TEN THOUSAND DOLLARS.

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

10 3. ANY PERSON WHO KNOWINGLY AND WILLFULLY MAKES A FALSE STATEMENT OR  
11 KNOWINGLY OMITTS A MATERIAL FACT TO THE FAIR ELECTIONS BOARD OR AN AUDI-  
12 TOR DESIGNATED BY THE FAIR ELECTIONS BOARD DURING ANY AUDIT CONDUCTED  
13 PURSUANT TO SECTION 14-218 OF THIS TITLE SHALL BE GUILTY OF A CLASS E  
14 FELONY.

15 4. IN ADDITION TO ANY OTHER SENTENCE LAWFULLY IMPOSED UPON A FINDING  
16 OF GUILT IN A CRIMINAL PROSECUTION COMMENCED PURSUANT TO THE PROVISIONS  
17 OF THIS SECTION, THE COURT MAY ORDER A DEFENDANT TO REPAY TO THE FAIR  
18 ELECTIONS BOARD ANY PUBLIC MATCHING FUNDS OBTAINED AS A RESULT OF ANY  
19 CRIMINAL CONDUCT.

20 5. ALL SUCH PROSECUTIONS FOR CRIMINAL ACTS UNDER THIS TITLE SHALL BE  
21 PROSECUTED BY THE ATTORNEY GENERAL OF THE STATE OF NEW YORK EXCEPT AS  
22 PROVIDED IN PARAGRAPH (B) OF SUBDIVISION ELEVEN OF SECTION 3-104 OF THIS  
23 CHAPTER.

24 6. ANY AND ALL FINES IMPOSED PURSUANT TO THIS SECTION SHALL BE MADE  
25 PAYABLE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT INTO THE NEW YORK STATE  
26 CAMPAIGN FINANCE FUND.

27 S 14-224. REPORTS. THE FAIR ELECTIONS BOARD SHALL SUBMIT A REPORT TO  
28 THE GOVERNOR AND LEGISLATIVE LEADERS ON OR BEFORE FEBRUARY FIRST, TWO  
29 THOUSAND SIXTEEN, AND EVERY FOUR YEARS THEREAFTER, WHICH SHALL INCLUDE:

30 1. A LIST OF THE PARTICIPATING AND NONPARTICIPATING CANDIDATES IN  
31 COVERED ELECTIONS AND THE VOTES RECEIVED BY EACH CANDIDATE IN THOSE  
32 ELECTIONS;

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

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

37 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGNS FOR  
38 ALL OFFICES COVERED UNDER SECTION 14-206 OF THIS TITLE, INCLUDING ITS  
39 EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF  
40 CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES,  
41 THE CANDIDATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND  
42 THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

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

47 6. ANY OTHER INFORMATION THAT THE FAIR ELECTIONS BOARD DEEMS RELEVANT.

48 S 14-226. DEBATES. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGU-  
49 LATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTIC-  
50 IPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE  
51 BEFORE THE PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENER-  
52 AL ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE  
53 PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDI-  
54 DATE MAY BE A PARTY TO SUCH DEBATES.

55 S 14-228. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND. 1. THIS SECTION  
56 GOVERNS THE FAIR ELECTIONS BOARD'S DISTRIBUTION OF FUNDS FROM THE

1 CAMPAIGN FINANCE FUND CREATED BY SECTION NINETY-TWO-T OF THE STATE  
2 FINANCE LAW, EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

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

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

9 4. NO MONEYS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO HAS BEEN  
10 DISQUALIFIED BY THE FAIR ELECTIONS BOARD OR WHOSE DESIGNATING PETITIONS  
11 HAVE BEEN DECLARED INVALID BY THE STATE BOARD OF ELECTIONS OR A COURT OF  
12 COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY AN  
13 APPELLATE COURT.

14 5. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR  
15 SUCH A CANDIDATE'S AUTHORIZED COMMITTEE ON THE DATE OF SUCH DISQUALI-  
16 FICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE  
17 EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE THAT DATE. ALL EXCESS  
18 PUBLIC MONEYS PAID TO A DISQUALIFIED CANDIDATE SHALL BE RETURNED TO THE  
19 FUND NOT LESS THAN THIRTY DAYS AFTER THE GENERAL ELECTION FOR THOSE  
20 PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS FOR THE GENERAL  
21 ELECTION, AND OTHERWISE, NOT LESS THAN THIRTY DAYS AFTER THE PRIMARY  
22 ELECTION FOR THOSE PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS  
23 SOLELY FOR THE PRIMARY ELECTION.

24 6. (A) PARTICIPATING CANDIDATES SHALL PAY TO THE FAIR ELECTIONS BOARD  
25 UNSPENT PUBLIC CAMPAIGN FUNDS FROM AN ELECTION NOT LATER THAN THIRTY  
26 DAYS AFTER ALL LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND, IN ANY  
27 EVENT, NOT LESS THAN TWENTY DAYS AFTER THE DATE UPON WHICH THE FAIR  
28 ELECTIONS BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING  
29 CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT PUBLIC  
30 CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE  
31 AND PAYABLE TO THE FAIR ELECTIONS BOARD UPON ITS DETERMINATION THAT THE  
32 PARTICIPATING CANDIDATE HAS, WITHOUT JUST CAUSE, DELAYED THE POST-ELEC-  
33 TION AUDIT PROCESS. UNSPENT CAMPAIGN FUNDS DETERMINATIONS MADE BY THE  
34 FAIR ELECTIONS BOARD SHALL BE BASED ON THE PARTICIPATING CANDIDATE  
35 COMMITTEE'S RECEIPTS AND EXPENDITURES. THE FAIR ELECTIONS BOARD MAY ALSO  
36 CONSIDER ANY OTHER RELEVANT INFORMATION REVEALED IN THE COURSE OF ITS  
37 AUDITS OR INVESTIGATIONS OR THE INVESTIGATIONS BY ANY OTHER AGENCY.

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

43 (II) BEFORE REPAYING UNSPENT PUBLIC CAMPAIGN FUNDS, A PARTICIPATING  
44 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-  
45 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND  
46 RESPONDING TO THE POST-ELECTION AUDIT. SUCH EXPENDITURES MAY INCLUDE:  
47 PAYMENT OF UTILITY BILLS AND RENT; REASONABLE STAFF SALARIES AND  
48 CONSULTANT FEES FOR RESPONDING TO A POST-ELECTION AUDIT; REASONABLE  
49 MOVING EXPENSES RELATED TO CLOSING A CAMPAIGN OFFICE; A HOLIDAY CARD  
50 MAILING TO CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS; THANK  
51 YOU NOTES FOR CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS;  
52 PAYMENT OF TAXES AND OTHER REASONABLE EXPENSES FOR COMPLIANCE WITH  
53 APPLICABLE TAX LAWS; AND INTEREST EXPENSES. ROUTINE POST-ELECTION  
54 EXPENDITURES THAT MAY BE PAID FOR WITH UNSPENT CAMPAIGN FUNDS DO NOT  
55 INCLUDE SUCH ITEMS AS POST-ELECTION MAILINGS OTHER THAN AS SPECIFICALLY  
56 PROVIDED FOR IN THIS SUBPARAGRAPH; MAKING CONTRIBUTIONS; MAKING BONUS

1 PAYMENTS OR GIFTS TO STAFF MEMBERS OR VOLUNTEERS; OR HOLDING ANY POST-E-  
2 LECTION DAY EVENT, INCLUDING, BUT NOT LIMITED TO, ANY MEAL OR ANY PARTY.  
3 UNSPENT CAMPAIGN FUNDS MAY NOT BE USED FOR TRANSITION OR INAUGURATION  
4 ACTIVITIES.

5 7. ALL MONIES RECEIVED BY THE FAIR ELECTIONS BOARD PURSUANT TO THIS  
6 SECTION SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND  
7 PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

8 S 15. The election law is amended by adding a new section 16-103 to  
9 read as follows:

10 S 16-103. PROCEEDINGS AS TO PUBLIC FINANCING. 1. THE DETERMINATION OF  
11 ELIGIBILITY PURSUANT TO SECTION 14-206 OF THIS CHAPTER AND ANY QUESTION  
12 OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSU-  
13 ANT TO SECTION 14-210 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING  
14 INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDI-  
15 DATE.

16 2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR  
17 PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-210  
18 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETER-  
19 MINATION WAS MADE. THE FAIR ELECTIONS BOARD SHALL BE MADE A PARTY TO ANY  
20 SUCH PROCEEDING.

21 3. UPON THE FAIR ELECTIONS BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE  
22 FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE  
23 ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVI-  
24 SION FOUR OF SECTION 14-218 OF THIS CHAPTER, SUCH BOARD IS AUTHORIZED TO  
25 INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY  
26 COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO  
27 THE FAIR ELECTIONS BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE  
28 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER.

29 4. THE FAIR ELECTIONS BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL  
30 PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A  
31 JUDGMENT FOR CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE FAIR  
32 ELECTIONS BOARD PURSUANT TO SECTION 14-218 OF THIS CHAPTER.

33 S 16. The election law is amended by adding a new section 4-115 to  
34 read as follows:

35 S 4-115. NOTICE TO THE STATE BOARD OF ELECTIONS OF CANDIDATES FOR THE  
36 LEGISLATURE. 1. EACH BOARD OF ELECTIONS WITH WHICH PETITIONS ARE FILED  
37 FOR MEMBER OF THE STATE LEGISLATURE SHALL, NOT LATER THAN ONE WEEK AFTER  
38 THE LAST DAY TO FILE SUCH PETITIONS, SEND NOTICE TO THE STATE BOARD OF  
39 ELECTIONS OF SUCH INFORMATION ABOUT EACH SUCH PETITION AS THE STATE  
40 BOARD SHALL REQUIRE.

41 2. EACH SUCH COUNTY BOARD OF ELECTIONS SHALL, NOT LATER THAN THE DAY  
42 AFTER THE LAST DAY TO FILE A PETITION OR CERTIFICATE OF NOMINATION FOR A  
43 GENERAL OR SPECIAL ELECTION OR A CERTIFICATE OF ACCEPTANCE, DECLINATION  
44 OR SUBSTITUTION FOR A GENERAL, PRIMARY OR SPECIAL ELECTION FOR ANY SUCH  
45 OFFICE, SEND TO THE STATE BOARD OF ELECTIONS SUCH INFORMATION ABOUT EACH  
46 SUCH PETITION OR CERTIFICATE AS THE STATE BOARD SHALL REQUIRE.

47 3. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHOULD DISQUALIFY ANY SUCH  
48 CANDIDATE OR RULE THE PETITION OR CERTIFICATE DESIGNATING OR NOMINATING  
49 ANY SUCH CANDIDATE INVALID, IT SHALL FORTHWITH NOTIFY THE STATE BOARD OF  
50 ELECTIONS OF SUCH DECISION.

51 4. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHALL BE NOTIFIED OF A DECI-  
52 SION OF A COURT OF COMPETENT JURISDICTION DISQUALIFYING ANY SUCH CANDI-  
53 DATE OR DECLARING ANY SUCH PETITION INVALID OR REVERSING ANY SUCH DECI-  
54 SION BY SUCH BOARD OF ELECTIONS OR ANOTHER COURT, SUCH BOARD OF  
55 ELECTIONS SHALL FORTHWITH NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH  
56 DECISION.



1 5. THE STATE BOARD OF ELECTIONS MAY PRESCRIBE FORMS FOR THE NOTICES  
2 REQUIRED BY THIS SECTION AND SHALL PRESCRIBE THE MANNER IN WHICH SUCH  
3 NOTICES SHALL BE GIVEN.

4 S 17. The general business law is amended by adding a new section  
5 359-gg to read as follows:

6 S 359-GG. ADDITIONAL SURCHARGE. IN ADDITION TO ANY PENALTY AUTHORIZED  
7 BY SECTION THREE HUNDRED FIFTY-NINE-G OF THIS ARTICLE OR ANY DAMAGES OR  
8 OTHER COMPENSATION RECOVERABLE INCLUDING, BUT NOT LIMITED TO, ANY  
9 SETTLEMENT AUTHORIZED BY SECTION SIXTY-THREE OR SIXTY-THREE-C OF THE  
10 EXECUTIVE LAW, THERE SHALL BE ASSESSED THEREON AN ADDITIONAL SURCHARGE  
11 IN THE AMOUNT OF TEN PERCENT OF THE TOTAL AMOUNT OF SUCH PENALTY,  
12 DAMAGES OR SETTLEMENT. SUCH SURCHARGE SHALL BE DEPOSITED IN THE NEW YORK  
13 STATE FAIR ELECTIONS FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE  
14 STATE FINANCE LAW.

15 S 18. The state finance law is amended by adding a new section 92-t to  
16 read as follows:

17 S 92-T. NEW YORK STATE CAMPAIGN FINANCE FUND. 1. THERE IS HEREBY  
18 ESTABLISHED IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE A  
19 SPECIAL FUND TO BE KNOWN AS THE NEW YORK STATE CAMPAIGN FINANCE FUND.

20 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE SURCHARGE  
21 IMPOSED PURSUANT TO SECTION THREE HUNDRED FIFTY-NINE-GG OF THE GENERAL  
22 BUSINESS LAW, REVENUES RECEIVED FROM CAMPAIGN FINANCE FUND CHECK-OFF  
23 PURSUANT TO SECTION SIX HUNDRED THIRTY-D OF THE TAX LAW AND ALL OTHER  
24 MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE  
25 PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE  
26 STATE FROM RECEIVING GRANTS, GIFTS, BEQUESTS OR VOLUNTARY CONTRIBUTIONS  
27 FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING  
28 THEM INTO THE FUND ACCORDING TO LAW. MONIES IN THE FUND SHALL BE KEPT  
29 SEPARATE FROM AND NOT COMMINGLED WITH OTHER FUNDS HELD IN THE CUSTODY OF  
30 THE COMMISSIONER OF TAXATION AND FINANCE.

31 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY  
32 BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT  
33 TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE  
34 PAID OUT OF THE FUND BY THE COMMISSIONER OF TAXATION AND FINANCE ON  
35 VOUCHERS CERTIFIED OR APPROVED BY THE FAIR ELECTIONS BOARD ESTABLISHED  
36 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW, OR THE  
37 DULY DESIGNATED REPRESENTATIVE OF SUCH BOARD, IN THE MANNER PRESCRIBED  
38 BY LAW, NOT MORE THAN ONE WORKING DAY AFTER A VOUCHER DULY CERTIFIED,  
39 APPROVED AND EXECUTED BY SUCH BOARD OR ITS REPRESENTATIVE IN THE FORM  
40 PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE IS RECEIVED BY  
41 THE COMMISSIONER OF TAXATION AND FINANCE.

42 4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF, IN ANY  
43 STATE FISCAL YEAR, THE STATE CAMPAIGN FINANCE FUND LACKS THE AMOUNT OF  
44 MONEY TO PAY ALL CLAIMS VOUCHERED BY ELIGIBLE CANDIDATES AND CERTIFIED  
45 OR APPROVED BY THE FAIR ELECTIONS BOARD, ANY SUCH DEFICIENCY SHALL BE  
46 PAID, UPON AUDIT AND WARRANT OF THE STATE COMPTROLLER, FROM FUNDS DEPOS-  
47 ITED IN THE GENERAL FUND OF THE STATE NOT MORE THAN ONE WORKING DAY  
48 AFTER SUCH VOUCHER IS RECEIVED BY THE STATE COMPTROLLER.

49 5. COMMENCING IN TWO THOUSAND SIXTEEN, IF THE SURPLUS IN THE FUND ON  
50 APRIL FIRST OF THE YEAR AFTER AN ELECTION CYCLE EXCEEDS TWENTY-FIVE  
51 PERCENT OF THE DISBURSEMENTS FROM THE FUND OVER THE PREVIOUS FOUR YEARS,  
52 THE EXCESS SHALL REVERT TO THE GENERAL FUND OF THE STATE.

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

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

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

13 S 19. The tax law is amended by adding a new section 630-d to read as  
14 follows:

15 S 630-D. CONTRIBUTION TO NEW YORK STATE CAMPAIGN FINANCE FUND. EFFEC-  
16 TIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO  
17 THOUSAND THIRTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO  
18 CONTRIBUTE TO THE NEW YORK STATE CAMPAIGN FINANCE FUND. SUCH CONTRIB-  
19 UTION SHALL BE IN THE AMOUNT OF FIVE DOLLARS AND SHALL NOT REDUCE THE  
20 AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL  
21 INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO  
22 MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL  
23 REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW  
24 YORK STATE CAMPAIGN FINANCE FUND AND USED ONLY FOR THOSE PURPOSES  
25 ENUMERATED IN SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

26 S 20. Severability. If any clause, sentence, subdivision, paragraph,  
27 section or part of title 2 of article 14 of the election law, as added  
28 by section thirteen of this act be adjudged by any court of competent  
29 jurisdiction to be invalid, such judgment shall not affect, impair or  
30 invalidate the remainder thereof, but shall be confined in its operation  
31 to the clause, sentence, subdivision, paragraph, section or part thereof  
32 directly involved in the controversy in which such judgment shall have  
33 been rendered.

34 S 21. This act shall take effect immediately; provided, however,  
35 candidates for state comptroller will be eligible to participate in the  
36 public financing system beginning with the 2014 election, all state  
37 legislature candidates will be eligible to participate in the public  
38 financing system beginning with the 2016 election and all state candi-  
39 dates and constitutional convention delegates will be eligible to  
40 participate in the public financing system beginning with the 2018  
41 election.