

4705--B

2013-2014 Regular Sessions

I N S E N A T E

April 18, 2013

Introduced by Sens. STEWART-COUSINS, GIANARIS, 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to enacting the "2014 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 "2014 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-

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

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1 sight and enforcement capabilities dedicated to working with and assist-
2 ing candidates excel in the public financing system.

3 S 3. Subdivision 3, paragraph (c) of subdivision 9-A and subdivision
4 17 of section 3-102 of the election law, subdivisions 3 and 17 as
5 amended by chapter 9 of the laws of 1978, paragraph (c) of subdivision
6 9-A as added by chapter 430 of the laws of 1997 and subdivision 17 as
7 renumbered by chapter 23 of the laws of 2005, are amended to read as
8 follows:

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

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

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

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

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

32 S 4. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as
33 redesignated and subdivision 2 as amended by chapter 9 of the laws of
34 1978, is amended to read as follows:

35 S 3-104. State board of elections AND THE FAIR ELECTIONS BOARD
36 ENFORCEMENT COUNSEL; enforcement powers. 1. (A) THERE SHALL BE A UNIT
37 KNOWN AS THE FAIR ELECTIONS ENFORCEMENT UNIT ESTABLISHED WITHIN THE FAIR
38 ELECTIONS BOARD. THE HEAD OF SUCH UNIT SHALL BE THE ENFORCEMENT COUN-
39 SEL.

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

51 2. (A) Whenever [the state board of elections or other] A LOCAL board
52 of elections shall determine, on its own initiative or upon complaint,
53 or otherwise, that there is substantial reason to believe a violation of
54 this chapter or any code or regulation promulgated thereunder has
55 [occurred] BEEN COMMITTED BY A CANDIDATE OR POLITICAL COMMITTEE THAT
56 FILES STATEMENTS REQUIRED BY ARTICLE FOURTEEN OF THIS CHAPTER SOLELY

1 WITH SUCH LOCAL BOARD, it shall expeditiously make an investigation
2 which shall also include investigation of reports and statements made or
3 failed to be made by the complainant and any political committee
4 supporting his OR HER candidacy if the complainant is a candidate or, if
5 the complaint was made by an officer or member of a political committee,
6 of reports and statements made or failed to be made by such political
7 committee and any candidates supported by it. [The state board of
8 elections, in lieu of making such an investigation, may direct the
9 appropriate board of elections to make an investigation.]

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

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

19 4. The state or other board of elections may, where appropriate,
20 commence a judicial proceeding with respect to the filing or failure to
21 file any statement of receipts, expenditures, or contributions, under
22 the provisions of this chapter, and the state board of elections may
23 direct the appropriate other board of elections to commence such
24 proceeding.

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

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

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

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

54 7. IF, UPON CONSIDERING THE ENFORCEMENT COUNSEL'S NOTICE OF INTENT TO
55 COMMENCE AN INVESTIGATION, THE FAIR ELECTIONS BOARD BELIEVES THAT THE
56 ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOUR-

1 TEEN OF THIS CHAPTER, OR THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE
2 EVIDENCE OR, THAT ON BALANCE, THE EQUITIES FAVOR A DISMISSAL OF THE
3 COMPLAINT, THE BOARD SHALL PUBLICLY DIRECT THAT AN INVESTIGATION NOT BE
4 UNDERTAKEN NO LATER THAN SIXTY DAYS AFTER THE RECEIPT OF NOTIFICATION
5 FROM THE ENFORCEMENT COUNSEL OF HIS OR HER INTENT TO COMMENCE AN INVE-
6 TIGATION. IN DETERMINING WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE
7 COMPLAINT, THE FAIR ELECTIONS BOARD SHALL CONSIDER THE FOLLOWING
8 FACTORS: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF
9 ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT OF THE
10 COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION; AND (C)
11 WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR
12 VIOLATIONS. DETERMINATIONS OF THE FAIR ELECTIONS BOARD TO DISMISS A
13 COMPLAINT AND NOT PROCEED WITH A FORMAL INVESTIGATION SHALL BE VOTED
14 UPON AS PROVIDED IN SUBDIVISION TWELVE OF SECTION 14-216 OF THIS CHAPTER
15 AT AN OPEN MEETING PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW,
16 AND SHALL BE MADE ON A FAIR AND EQUITABLE BASIS AND WITHOUT REGARD TO
17 THE STATUS OF THE SUBJECT OF THE COMPLAINT.

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

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

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

53 11. (A) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDI-
54 VISION TEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO BELIEVE
55 THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL
56 COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW,

1 HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIM-
2 TATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, WHICH COULD
3 WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION
4 14-126 OR SUBDIVISION TWO OF SECTION 14-222 OF THIS CHAPTER, THE BOARD
5 SHALL DIRECT THE COMMENCEMENT OF A SPECIAL PROCEEDING IN THE SUPREME
6 COURT PURSUANT TO SECTION 16-122 OF THIS CHAPTER.

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

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

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

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

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

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

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

48 S 3-111. PERSONAL USE OF CAMPAIGN FUNDS. UPON WRITTEN REQUEST FROM ANY
49 PERSON WHO IS SUBJECT TO THE REQUIREMENTS OF SECTION 14-130 OF THIS
50 CHAPTER, THE FAIR ELECTIONS BOARD SHALL RENDER FORMAL OPINIONS ON THE
51 REQUIREMENTS OF SAID PROVISION. AN OPINION RENDERED BY THE BOARD, UNTIL
52 AND UNLESS AMENDED OR REVOKED, SHALL BE BINDING ON THE BOARD IN ANY
53 SUBSEQUENT PROCEEDING CONCERNING THE PERSON WHO REQUESTED THE OPINION
54 AND WHO ACTED IN GOOD FAITH, UNLESS MATERIAL FACTS WERE OMITTED OR
55 MISSTATED BY THE PERSON IN THE REQUEST FOR AN OPINION. SUCH OPINION MAY
56 ALSO BE RELIED UPON BY SUCH PERSON, AND MAY BE INTRODUCED AND SHALL BE

1 DEFENSE IN ANY CRIMINAL OR CIVIL ACTION. SUCH REQUEST SHALL BE CONFIDEN-
2 TIAL, BUT THE BOARD SHALL PUBLISH SUCH OPINIONS PROVIDED THAT THE NAME
3 OF THE REQUESTING PERSON AND OTHER IDENTIFYING DETAILS SHALL NOT BE
4 INCLUDED IN THE PUBLICATION.

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

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

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

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

21 12. "EXPRESS ADVOCACY" MEANS A COMMUNICATION:

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

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

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

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

34 13. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

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

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

37 (C) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFER-
38 ENCE.

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

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

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

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

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

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

45 S 9-a. Section 14-106 of the election law, as amended by section 2 of
46 part E of chapter 399 of the laws of 2011, is amended to read as
47 follows:

48 S 14-106. Political communication. The statements required to be filed
49 under the provisions of this article next succeeding a primary, general
50 or special election shall be accompanied by a copy of all broadcast,
51 cable or satellite schedules and scripts, internet, print and other
52 types of advertisements, pamphlets, circulars, flyers, brochures,
53 letterheads and other printed matter purchased or produced, AND REPROD-
54 UCTIONS OF STATEMENTS OR INFORMATION PUBLISHED TO FIVE HUNDRED OR MORE
55 MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR OTHER ELECTRONIC
56 DEVICE INCLUDING, BUT NOT LIMITED TO, ELECTRONIC MAIL OR TEXT MESSAGE,

1 purchased in connection with such election by or under the authority of
2 the person filing the statement or the committee or the person on whose
3 behalf it is filed, as the case may be. Such copies, schedules and
4 scripts shall be preserved by the officer with whom or the board with
5 which it is required to be filed for a period of one year from the date
6 of filing thereof.

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

9 S 14-107. INDEPENDENT EXPENDITURE REPORTING. 1. FOR PURPOSES OF THIS
10 ARTICLE:

11 (A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE IN SUPPORT OR
12 OPPOSITION OF A CANDIDATE: FOR AN AUDIO OR VIDEO COMMUNICATION TO A
13 GENERAL PUBLIC AUDIENCE VIA BROADCAST, CABLE OR SATELLITE OR A WRITTEN
14 COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA ADVERTISEMENTS,
15 PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS OR OTHER PRINTED
16 MATTER AND COMMUNICATIONS CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A
17 GENERAL PUBLIC AUDIENCE BY PHONE, COMPUTER OR OTHER ELECTRONIC DEVICES
18 THAT:

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

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

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

26 (C) "ELECTIONEERING COMMUNICATION" MEANS:

27 (I) AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA
28 BROADCAST, CABLE OR SATELLITE, OR A COMMUNICATION MADE BY PAID ADVERTIS-
29 ING THAT IS PUBLISHED ON THE INTERNET OR IN A NEWSPAPER OR PERIODICAL
30 DISTRIBUTED TO A GENERAL PUBLIC AUDIENCE, OR A COMMUNICATION TO FIVE
31 HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY PHONE, COMPUTER
32 OR OTHER ELECTRONIC DEVICES,

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

35 (III) WHICH REFERS TO A CLEARLY IDENTIFIED CANDIDATE OR BALLOT
36 PROPOSAL, AND

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

41 (D) INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS DO NOT
42 INCLUDE:

43 (I) A COMMUNICATION APPEARING IN A WRITTEN NEWS STORY, COMMENTARY, OR
44 EDITORIAL OR DISTRIBUTED THROUGH THE FACILITIES OF ANY BROADCASTING
45 STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR FACILITIES ARE
46 OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL COMMITTEE OR
47 CANDIDATE; OR

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

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

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

53 2. WHENEVER ANY PERSON MAKES AN INDEPENDENT EXPENDITURE OR ELECTIO-
54 NEERING COMMUNICATION THAT COSTS MORE THAN ONE THOUSAND DOLLARS IN THE
55 AGGREGATE, SUCH COMMUNICATION SHALL CLEARLY STATE THE NAME OF THE PERSON
56 WHO PAID FOR, OR OTHERWISE PUBLISHED OR DISTRIBUTED, THE COMMUNICATION

1 AND STATE, WITH RESPECT TO COMMUNICATIONS REGARDING CANDIDATES, THAT THE
2 COMMUNICATION IS NOT AUTHORIZED BY ANY CANDIDATE, ANY CANDIDATE'S POLI-
3 TICAL COMMITTEE OR ANY OF ITS AGENTS. A KNOWING AND WILLFUL VIOLATION OF
4 THE PROVISIONS OF THIS SUBDIVISION SHALL SUBJECT THE PERSON TO A CIVIL
5 PENALTY EQUAL TO ONE THOUSAND DOLLARS OR THE COST OF THE COMMUNICATION,
6 WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY
7 THE FAIR ELECTIONS BOARD.

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

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

18 4. EACH SUCH STATEMENT SHALL INCLUDE:

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

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

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

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

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

33 (III) THE AGGREGATE AMOUNT OF ALL SUCH PAYMENTS MADE BY THE PERSON
34 AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR
35 SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT; BUT ONLY IF SUCH
36 PAYMENT WAS MADE BY A PERSON WHO MADE PAYMENTS TO THE ACCOUNT IN AN
37 AGGREGATE AMOUNT OF ONE THOUSAND DOLLARS OR MORE AFTER JANUARY FIRST OF
38 THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS HELD FOR
39 THE PUBLIC OFFICE SOUGHT.

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

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

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

48 (III) THE AGGREGATE AMOUNT OF ALL SUCH PAYMENTS MADE BY THE PERSON
49 AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR
50 SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT; BUT ONLY IF SUCH
51 PAYMENT WAS MADE BY A PERSON WHO MADE PAYMENTS TO THE INDEPENDENT SPEND-
52 ER IN AN AGGREGATE AMOUNT OF ONE THOUSAND DOLLARS OR MORE AFTER JANUARY
53 FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS
54 HELD FOR THE PUBLIC OFFICE SOUGHT.

55 (E) THE DOLLAR AMOUNT PAID FOR EACH INDEPENDENT EXPENDITURE OR ELECTI-
56 ONEERING COMMUNICATION, THE NAME AND ADDRESS OF THE PERSON OR ENTITY

1 RECEIVING THE PAYMENT, THE DATE THE PAYMENT WAS MADE AND A DESCRIPTION
2 OF THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION; AND

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

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

11 6. ANY REPORT OF A LOAN THAT IS MADE FOR AN INDEPENDENT EXPENDITURE OR
12 ELECTIONEERING COMMUNICATION SHALL INCLUDE WRITTEN EVIDENCE OF THE
13 INDEBTEDNESS.

14 7. CONTRIBUTIONS:

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

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

22 (II) ALL CONTRIBUTIONS AGGREGATING ONE THOUSAND DOLLARS OR MORE
23 ACCEPTED FROM AN INDIVIDUAL DURING THE TWELVE MONTHS PRECEDING THE
24 ELECTION.

25 (B) EACH CONTRIBUTION SHALL BE DISCLOSED IN THE REPORTING PERIOD IN
26 WHICH IT WAS RECEIVED. FOR EACH CONTRIBUTION, THE INDEPENDENT SPENDER
27 SHALL PROVIDE:

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

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

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

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

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

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

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

46 S 14-110. Place for filing statements. The places for filing the
47 statements required by this article shall be determined by rule or regu-
48 lation of the state board of elections; provided, however, that the
49 statements of a candidate for election to the office of governor, lieu-
50 tenant governor, attorney general, comptroller, member of the legisla-
51 ture, delegate to a constitutional convention, justice of the supreme
52 court or for nomination for any such office at a primary election and of
53 any committee aiding or taking part in the designation, nomination,
54 election or defeat of candidates for one or more of such offices or
55 promoting the success or defeat of a question to be voted on by the
56 voters of the entire state shall be filed with the state board of

1 elections and in such other places as the state board of elections may,
2 by rule or regulation provide. UPON FILING, THE STATE BOARD OF
3 ELECTIONS SHALL MAKE ALL STATEMENTS FILED THEREWITH READILY AVAILABLE
4 AND ACCESSIBLE TO THE FAIR ELECTIONS BOARD.

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

7 S 14-112. Political committee authorization statement. Any political
8 committee aiding or taking part in the election or nomination of any
9 candidate, other than by making contributions, shall file, in the office
10 in which the statements of such committee are to be filed pursuant to
11 this [article] TITLE, either a sworn verified statement by the treasurer
12 of such committee that the candidate has authorized the political
13 committee to aid or take part in his election or that the candidate has
14 not authorized the committee to aid or take part in his election.

15 S 13. Sections 14-100, 14-102, 14-104, 14-106, 14-107, 14-108, 14-110,
16 14-112, 14-114, 14-116, 14-118, 14-120, 14-122, 14-124, 14-126, 14-127,
17 14-128 and 14-130 of the election law are designated title 1 and a new
18 title heading is added to read as follows:

19 RECEIPTS AND EXPENDITURES; GENERAL

20 S 14. Section 14-116 of the election law, subdivision 1 as redesign-
21 nated by chapter 9 of the laws of 1978 and subdivision 2 as amended by
22 chapter 260 of the laws of 1981, is amended to read as follows:

23 S 14-116. Political contributions by certain organizations. 1. No
24 corporation, LIMITED LIABILITY COMPANY or joint-stock association doing
25 business in this state, except [a corporation or association] AN ENTITY
26 organized or maintained for political purposes only, shall directly or
27 indirectly pay or use or offer, consent or agree to pay or use any money
28 or property for or in aid of any political party, committee or organiza-
29 tion, or for, or in aid of, any corporation, LIMITED LIABILITY COMPANY,
30 joint-stock or other association organized or maintained for political
31 purposes, or for, or in aid of, any candidate for political office or
32 for nomination for such office, or for any political purpose whatever,
33 or for the reimbursement or indemnification of any person for moneys or
34 property so used. Any officer, director, stock-holder, attorney or agent
35 of any corporation, LIMITED LIABILITY COMPANY or joint-stock association
36 which violates any of the provisions of this section, who participates
37 in, aids, abets or advises or consents to any such violations, and any
38 person who solicits or knowingly receives any money or property in
39 violation of this section, shall be guilty of a misdemeanor.

40 2. Notwithstanding the provisions of subdivision one of this section,
41 any corporation or an organization financially supported in whole or in
42 part, by such corporation, AND ANY LIMITED LIABILITY COMPANY may make
43 expenditures, including contributions, not otherwise prohibited by law,
44 for political purposes, in an amount not to exceed five thousand dollars
45 in the aggregate in any calendar year; provided that no public utility
46 shall use revenues received from the rendition of public service within
47 the state for contributions for political purposes unless such cost is
48 charged to the shareholders of such a public service corporation.

49 S 15. Subdivision 3 of section 14-124 of the election law, as amended
50 by chapter 71 of the laws of 1988, is amended to read as follows:

51 3. The contribution and receipt limits of this article shall not apply
52 to monies received and expenditures made by a party committee or consti-
53 tuted committee to maintain a permanent headquarters and staff and carry
54 on ordinary activities which are not for the express purpose of promot-
55 ing the candidacy of specific candidates. PROVIDED THAT THE FUNDS
56 DESCRIBED IN THIS SUBDIVISION SHALL BE PROHIBITED FROM BEING TRANS-

1 FERRED. PROVIDED FURTHER, THAT EXPENDITURES MADE BY A PARTY COMMITTEE OR
 2 CONSTITUTED COMMITTEE FOR A POLITICAL COMMUNICATION IN ACCORDANCE WITH
 3 THE PROVISIONS OF THIS SUBDIVISION SHALL NOT INCLUDE THE NAME, LIKENESS
 4 OR VOICE OF ANY CANDIDATE OR ELECTED OFFICIAL.

5 S 16. Title 1 of article 14 of the election law is amended by adding a
 6 new section 14-132 to read as follows:

7 S 14-132. USE OF CONTRIBUTIONS IN VIOLATION OF FEDERAL POSTAL REGU-
 8 LATIONS PROHIBITED. NO PARTY OR CONSTITUTED COMMITTEE WHICH HAS BEEN
 9 DESIGNATED AS A NOT-FOR-PROFIT ORGANIZATION BY THE UNITED STATES INTER-
 10 NATIONAL REVENUE SERVICE SHALL MAKE EXPENDITURES, OF DIRECT OR INDIRECT
 11 CONTRIBUTIONS OR TRANSFERS RECEIVED BY SUCH COMMITTEE, IN VIOLATION OF
 12 UNITED STATES POSTAL SERVICE REGULATIONS.

13 S 17. Article 14 of the election law is amended by adding a new title
 14 2 to read as follows:

15 TITLE II
 16 PUBLIC FINANCING

17 SECTION 14-200. APPLICABILITY OF TITLE.
 18 14-202. DEFINITIONS.
 19 14-204. REPORTING REQUIREMENTS.
 20 14-206. ELIGIBILITY.
 21 14-208. QUALIFIED CAMPAIGN EXPENDITURES.
 22 14-210. OPTIONAL PUBLIC FINANCING.
 23 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS.
 24 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS.
 25 14-216. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES.
 26 14-218. EXAMINATIONS AND AUDITS.
 27 14-220. CIVIL ENFORCEMENT.
 28 14-222. CRIMINAL PENALTIES.
 29 14-224. REPORTS.
 30 14-226. DEBATES.
 31 14-228. DISTRIBUTIONS FROM FAIR ELECTIONS FUND.

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

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

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

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

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

50 4. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE WHO IS
 51 ELIGIBLE TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM ESTAB-
 52 LISHED BY THIS TITLE, HAS MET THE THRESHOLD FOR ELIGIBILITY AND HAS
 53 ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM.

54 5. THE TERM "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR
 55 ANY OFFICE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING UNDER THIS TITLE FOR A

1 COVERED ELECTION WHO FAILS TO FILE A STATEMENT IN THE FORM OF AN AFFIDA-
2 VIT PURSUANT TO SECTION 14-210 OF THIS TITLE.

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

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

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

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

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

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

24 (F) CONTRIBUTIONS FROM INDIVIDUAL VENDORS TO WHOM THE PARTICIPATING
25 CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE MAKES AN EXPENDITURE, IN
26 FURTHERANCE OF THE NOMINATION FOR ELECTION OR ELECTION COVERED BY THE
27 CANDIDATE'S CERTIFICATION, UNLESS SUCH EXPENDITURE IS REIMBURSING AN
28 ADVANCE.

29 (G) ALL CONTRIBUTIONS RECEIVED BETWEEN THE DAY AFTER THE GENERAL
30 ELECTION IN WHICH THE PARTICIPATING CANDIDATE IS SEEKING OFFICE AND THE
31 THIRTY-FIRST DAY OF DECEMBER OF THE YEAR BEFORE THE YEAR IN WHICH THE
32 NEXT GENERAL ELECTION IS TO BE HELD, INCLUSIVELY.

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

35 8. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE FAIR ELECTIONS FUND
36 CREATED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

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

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

44 11. THE TERM "ELECTION CYCLE" SHALL MEAN THE TWO YEAR PERIOD STARTING
45 THE DAY AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR THE STATE
46 LEGISLATURE AND SHALL MEAN THE FOUR YEAR PERIOD STARTING AFTER THE DAY
47 AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR STATEWIDE OFFICE.

48 S 14-204. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE
49 SHALL NOT DESIGNATE MORE THAN ONE AUTHORIZED COMMITTEE. BEFORE RECEIVING
50 ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION, EACH
51 PARTICIPATING CANDIDATE SHALL NOTIFY THE FAIR ELECTIONS BOARD AS TO THE
52 EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN DESIGNATED
53 AND APPROVED BY SUCH CANDIDATE. EACH SUCH AUTHORIZED COMMITTEE SHALL,
54 BEFORE OPENING A COMMITTEE BANK ACCOUNT, RECEIVING ANY CONTRIBUTION OR
55 MAKING ANY EXPENDITURE FOR A COVERED ELECTION:

56 (A) DESIGNATE A TREASURER; AND

1 (B) OBTAIN A TAX IDENTIFICATION NUMBER FROM THE INTERNAL REVENUE
2 SERVICE.

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

8 (B) THE FAIR ELECTIONS BOARD SHALL REVIEW EACH DISCLOSURE REPORT FILED
9 WITH THE STATE BOARD OF ELECTIONS PURSUANT TO TITLE ONE OF THIS ARTICLE
10 AND SHALL INFORM PARTICIPATING CANDIDATES AND POLITICAL COMMITTEES
11 INCLUDING THE AUTHORIZED COMMITTEE, OF RELEVANT QUESTIONS THE FAIR
12 ELECTIONS BOARD HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF THIS
13 TITLE AND OF THE RULES ISSUED BY THE FAIR ELECTIONS BOARD; AND (II)
14 QUALIFICATION FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS
15 TITLE. IN THE COURSE OF SUCH REVIEW, THE FAIR ELECTIONS BOARD SHALL GIVE
16 CANDIDATES AND POLITICAL COMMITTEES INCLUDING THE AUTHORIZED COMMITTEE,
17 AN OPPORTUNITY TO RESPOND TO AND CORRECT POTENTIAL VIOLATIONS AND GIVE
18 CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS THE BOARD HAS CONCERNING
19 THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER ISSUES CONCERNING ELIGIBIL-
20 ITY FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. NOTHING
21 IN THIS PARAGRAPH SHALL PRECLUDE THE BOARD FROM SUBSEQUENTLY REVIEWING
22 SUCH A DISCLOSURE REPORT AND TAKING ANY ACTION OTHERWISE AUTHORIZED BY
23 THIS TITLE.

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

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

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

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

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

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

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

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

48 (G) FOR ANY CANDIDATE ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC
49 FINANCING SYSTEM IN THE YEAR IN WHICH SUCH OPTIONAL PUBLIC FINANCING
50 SYSTEM IS FIRST EFFECTIVE, FOR THE COVERED OFFICE BEING SOUGHT BY SUCH
51 CANDIDATE, AND, IN EACH SUBSEQUENT YEAR, THOSE CANDIDATES WHO DID NOT
52 ELECT TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM IN THE YEAR
53 IMMEDIATELY PRECEDING THE CURRENT YEAR, AGREE NOT TO EXPEND FOR CAMPAIGN
54 PURPOSES ANY PORTION OF ANY PRE-EXISTING FUNDS RAISED FOR ANY PUBLIC
55 OFFICE OR PARTY POSITION PRIOR TO THE DATE OF ELECTING TO PARTICIPATE IN
56 THE PUBLIC FINANCING SYSTEM AS SET FORTH IN PARAGRAPH (C) OF THIS SUBDI-

1 VISION. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO LIMIT, IN ANY
2 WAY, ANY CANDIDATE OR PUBLIC OFFICIAL FROM EXPENDING ANY PORTION OF
3 PRE-EXISTING CAMPAIGN FUNDS FOR ANY LAWFUL PURPOSE OTHER THAN THOSE
4 RELATED TO HIS OR HER CAMPAIGN.

5 (H) AGREE NOT TO ACCEPT CONTRIBUTIONS IN EXCESS OF THE LIMITS SET
6 FORTH IN SECTION 14-212 OF THIS ARTICLE FROM THE TIME HE OR SHE ELECTS
7 TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM, AS SET FORTH BY
8 PARAGRAPH (C) OF THIS SECTION, THROUGH THE THIRTY-FIRST DAY OF DECEMBER
9 OF THE YEAR BEFORE THE YEAR IN WHICH THE NEXT GENERAL ELECTION IS TO BE
10 HELD.

11 2. THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR CANDIDATES IN
12 A PRIMARY, GENERAL OR SPECIAL ELECTION FOR THE FOLLOWING OFFICES SHALL
13 BE:

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

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

23 (C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL
24 ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST TWO
25 HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED
26 FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE
27 INCLUDING AT LEAST TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED INDI-
28 VIDUAL CONTRIBUTORS WHO RESIDE IN THE SENATE DISTRICT OR RESIDE IN ANY
29 PORTION OF ANY COUNTY WHICH CONSTITUTES ANY MEASURE OF THE DISTRICT IN
30 WHICH THE SEAT IS TO BE FILLED.

31 (D) MEMBERS OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION.
32 NOT LESS THAN TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED MATCHABLE
33 CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER
34 INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE INCLUDING AT LEAST
35 FIVE THOUSAND DOLLARS FROM AT LEAST FIFTY INDIVIDUALS WHO RESIDE IN THE
36 ASSEMBLY DISTRICT OR RESIDE IN ANY PORTION OF ANY COUNTY WHICH CONSTI-
37 TUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

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

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

48 3. IN ORDER TO BE ELIGIBLE TO RECEIVE PUBLIC FUNDS IN A PRIMARY
49 ELECTION A CANDIDATE MUST AGREE, THAT IN THE EVENT SUCH CANDIDATE IS A
50 CANDIDATE FOR SUCH OFFICE IN THE GENERAL ELECTION IN SUCH YEAR, THAT
51 SUCH CANDIDATE WILL BE BOUND BY THE PROVISIONS OF THIS TITLE, INCLUDING,
52 BUT NOT LIMITED TO, THE PUBLIC FUNDS RECEIPT LIMITS OF THIS TITLE.

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

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

3 6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR
4 SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING
5 SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS THERE IS
6 AT LEAST ONE OTHER CANDIDATE, AS DEFINED BY SUBDIVISION SEVEN OF SECTION
7 14-100 OF THIS TITLE FOR SUCH OFFICE IN SUCH ELECTION.

8 S 14-208. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED
9 UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY
10 THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDI-
11 TURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION
12 OR ELECTION AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR
13 GENERAL ELECTION IS HELD FOR THE OFFICE SOUGHT, FOR SERVICES, MATERIALS,
14 FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT ELECTION CYCLE OR,
15 IN THE CASE OF A SPECIAL ELECTION, FOR EXPENDITURES DURING THE PERIOD
16 COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL
17 ELECTION.

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

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

21 (B) PAYMENTS OR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A
22 RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH
23 PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY
24 SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE IN EXCESS OF THE FAIR
25 MARKET VALUE OF SUCH SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF
26 VALUE RECEIVED IN EXCHANGE;

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

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

34 (E) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF
35 DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE,
36 AUTHORIZATION, DECLINATION OR SUBSTITUTION;

37 (F) EXPENDITURE FOR NONCAMPAIGN RELATED FOOD, DRINK OR ENTERTAINMENT;

38 (G) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS, OR OTHER PRINTED CAMPAIGN
39 MATERIALS; AND

40 (H) CONTRIBUTIONS OR TRANSFERS TO A POLITICAL COMMITTEE.

41 S 14-210. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR
42 NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY
43 OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALI-
44 FIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A
45 PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON
46 THE BALLOT AND FILED A SWORN STATEMENT WITH THE FAIR ELECTIONS BOARD
47 ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND
48 AGREEING TO ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT
49 EXCEED THE AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN
50 ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE
51 MADE TO A PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC
52 FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED
53 CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS
54 USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

55 2. THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE SHALL
56 BE ENTITLED TO SIX DOLLARS IN PUBLIC FUNDS FOR EACH ONE DOLLAR OF MATCH-

1 ABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE FAIR ELECTIONS BOARD IN
2 ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, PROVIDED, HOWEVER, SUCH
3 PUBLIC FUNDS SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

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

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

15 4. THE FAIR ELECTIONS BOARD SHALL PROMPTLY EXAMINE ALL REPORTS OF
16 CONTRIBUTIONS TO DETERMINE WHETHER, ON THEIR FACE, THEY MEET THE
17 REQUIREMENTS FOR MATCHABLE CONTRIBUTIONS, AND SHALL KEEP A RECORD OF
18 SUCH CONTRIBUTIONS.

19 5. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGULATIONS FOR THE
20 CERTIFICATION OF THE AMOUNT OF FUNDS PAYABLE BY THE COMPTROLLER, FROM
21 THE FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE
22 FINANCE LAW, TO A PARTICIPATING CANDIDATE THAT HAS QUALIFIED TO RECEIVE
23 SUCH PAYMENT. THESE REGULATIONS SHALL INCLUDE THE PROMULGATION AND
24 DISTRIBUTION OF FORMS ON WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE
25 REPORTED, THE PERIODS DURING WHICH SUCH REPORTS MUST BE FILED AND THE
26 VERIFICATION REQUIRED. THE BOARD SHALL INSTITUTE PROCEDURES WHICH WILL
27 MAKE POSSIBLE PAYMENT BY THE FUND WITHIN TWO BUSINESS DAYS AFTER RECEIPT
28 OF THE REQUIRED FORMS AND VERIFICATIONS.

29 S 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,
30 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE
31 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A
32 CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTIC-
33 IPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING
34 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE
35 AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

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

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

53 (C) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
54 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
55 FUNDS, A PARTICIPATING CANDIDATE FOR STATE SENATOR IN A PRIMARY, GENERAL
56 OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY

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

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

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

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

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

32 3. NOTWITHSTANDING ANY PUBLIC FUNDS RECEIPT LIMIT IN THIS SUBDIVISION,
33 EACH COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR
34 STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE, INCLUDING WITHIN THE TERM
35 COUNTY COMMITTEE ANY OF ITS SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF SUCH
36 PARTY'S CANDIDATES FOR STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE WHO
37 HAS AGREED TO ACCEPT PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED
38 THE SUM OF TWO CENTS FOR EACH VOTER REGISTERED IN SUCH COUNTY AS DETER-
39 MINED BY THE RECORDS OF THE APPROPRIATE BOARD OF ELECTIONS AS OF THE
40 PRECEDING GENERAL ELECTION.

41 4. IN COMPUTING THE AGGREGATE AMOUNT EXPENDED FOR PURPOSES OF THIS
42 SECTION, EXPENDITURES MADE BY A STATE CONSTITUTED COMMITTEE OR A COUNTY
43 COMMITTEE IN SUPPORT OF MORE THAN ONE CANDIDATE SHALL BE ALLOCATED AMONG
44 SUCH CANDIDATES SUPPORTED BY THE COMMITTEE IN ACCORDANCE WITH FORMULAS
45 PROMULGATED BY THE FAIR ELECTIONS BOARD OR, IN THE ABSENCE OF SUCH OFFI-
46 CIAL FORMULAS, IN ACCORDANCE WITH A FORMULA BASED UPON REASONABLE STAND-
47 ARDS. THE STATEMENTS FILED BY SUCH CONSTITUTED COMMITTEE IN ACCORDANCE
48 WITH THIS CHAPTER SHALL SET FORTH, IN ADDITION TO THE OTHER INFORMATION
49 REQUIRED, THE TOTAL AMOUNT EXPENDED BY THE PARTY COMMITTEE ON BEHALF OF
50 ALL SUCH CANDIDATES AND THE AMOUNT ALLOCATED TO EACH CANDIDATE BY DOLLAR
51 AMOUNT AND PERCENTAGE. EXPENDITURES BY A PARTY FOR ACTIVITIES WHICH DO
52 NOT SUPPORT OR OPPOSE THE ELECTION OF ANY CANDIDATE OR CANDIDATES BY
53 NAME OR BY CLEAR INFERENCE SHALL NOT BE REGARDED AS EXPENDITURES ON
54 BEHALF OF OR IN OPPOSITION TO A CANDIDATE.

55 5. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC
56 FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIB-

UTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF THE GENERAL ELECTION FOR THE OFFICE SOUGHT, EXCEPT THAT A PARTICIPATING CANDIDATE OR PARTICIPATING COMMITTEE WHICH HAS A DEFICIT ON THE DAY OF THE GENERAL ELECTION MAY, AFTER SUCH DATE, ACCEPT CONTRIBUTIONS WHICH DO NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAISING SUCH CONTRIBUTIONS OR THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS.

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

S 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS. THE FOLLOWING LIMITATIONS APPLY TO THE TOTAL AMOUNT OF PUBLIC FUNDS THAT MAY BE PROVIDED TO A PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE FOR AN ELECTION CYCLE:

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

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

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

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

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

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

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

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

CANDIDATES FOR ELECTION TO THE OFFICE OF:

GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED)	\$12,000,000
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ATTORNEY GENERAL	\$8,000,000
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COMPTROLLER	\$8,000,000
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MEMBER OF SENATE	\$400,000
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MEMBER OF ASSEMBLY	\$200,000
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DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION	\$350,000
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DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION	\$75,000
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3. PARTICIPATING CANDIDATES FOR OFFICE WHO ARE UNOPPOSED IN THE PRIMARY ELECTION MAY RECEIVE PUBLIC FUNDS BEFORE THE PRIMARY ELECTION, FOR SERVICES, MATERIALS OR FACILITIES USED ON OR BEFORE THE DATE OF SUCH PRIMARY ELECTION, AN AMOUNT EQUAL TO HALF THE SUM SUCH CANDIDATES WOULD BE ENTITLED TO RECEIVE IF THEIR NOMINATION WAS CONTESTED IN SUCH PRIMARY ELECTION PROVIDED THERE IS A PRIMARY CONTEST FOR THE NOMINATION OF AT LEAST ONE OTHER PARTY FOR SUCH OFFICE.

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

5. AT THE BEGINNING OF EACH SECOND CALENDAR YEAR, COMMENCING IN TWO THOUSAND SIXTEEN, THE FAIR ELECTIONS BOARD SHALL DETERMINE THE PERCENTAGE OF THE DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE MONTHLY CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE THE UNITED STATES BUREAU OF LABOR STATISTICS AND SUCH CONSUMER PRICE INDEX PUBLISHED FOR THE SAME MONTH FOUR YEARS PREVIOUSLY. THE AMOUNT OF EACH PUBLIC FUNDS RECEIPT LIMITATION FIXED IN THIS SECTION SHALL BE ADJUSTED BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE HUNDRED DOLLARS BY THE

1 STATE BOARD WHICH, NOT LATER THAN THE FIRST DAY OF FEBRUARY IN EACH SUCH
2 YEAR, SHALL ISSUE A REGULATION PUBLISHING THE AMOUNT OF EACH SUCH
3 CONTRIBUTION LIMIT. EACH PUBLIC FUND RECEIPT LIMIT AS SO ADJUSTED SHALL
4 BE THE PUBLIC FUNDS RECEIPT LIMIT IN EFFECT FOR ANY ELECTION HELD BEFORE
5 THE NEXT SUCH ADJUSTMENT.

6 S 14-216. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES. 1. THERE
7 SHALL BE A BOARD WITHIN THE STATE BOARD OF ELECTIONS KNOWN AS THE "FAIR
8 ELECTIONS BOARD" COMPOSED OF FIVE MEMBERS, OF WHICH ONE MEMBER SHALL BE
9 APPOINTED BY THE GOVERNOR AND ONE MEMBER SHALL BE APPOINTED BY EACH
10 LEGISLATIVE LEADER OF THE SENATE AND ASSEMBLY. NO MEMBER OF THE FAIR
11 ELECTIONS BOARD SHALL HOLD ELECTIVE OFFICE, NOR SHALL ANY MEMBER BE A
12 LOBBYIST AS DEFINED IN SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLA-
13 TIVE LAW. THE CHAIR SHALL BE RESPONSIBLE FOR MANAGING THE FAIR ELECTIONS
14 BOARD. THE MEMBERS SHALL EACH SERVE FOR A TERM OF FOUR YEARS.

15 2. THE MEMBERS OF THE FAIR ELECTIONS BOARD SHALL DESIGNATE THE CHAIR-
16 MAN OF THE FAIR ELECTIONS BOARD FROM AMONG THE MEMBERS THEREOF, WHO
17 SHALL SERVE AS CHAIRMAN AT THE PLEASURE OF THE MEMBERS OF THE FAIR
18 ELECTIONS BOARD. THE CHAIRMAN OR ANY THREE MEMBERS OF THE FAIR ELECTIONS
19 BOARD MAY CALL A MEETING.

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

32 4. THE MEMBERS OF THE FAIR ELECTIONS BOARD SHALL BE ENTITLED TO
33 RECEIVE PAYMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
34 PERFORMANCE OF THEIR DUTIES AS MEMBERS OF SUCH BOARD.

35 5. A MEMBER OF THE FAIR ELECTIONS BOARD MAY BE REMOVED FOR CAUSE BY
36 THE APPOINTING AUTHORITY UPON NOTICE AND AN OPPORTUNITY FOR A HEARING.

37 6. THE FAIR ELECTIONS BOARD SHALL APPOINT AN ENFORCEMENT COUNSEL, A
38 DEPUTY ENFORCEMENT COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR
39 POLITICAL PARTY THAN THE ENFORCEMENT COUNSEL, A SPECIAL COUNSEL, A DEPU-
40 TY SPECIAL COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL
41 PARTY THAN THE SPECIAL COUNSEL, A DIRECTOR OF PUBLIC INFORMATION, A
42 DEPUTY DIRECTOR OF PUBLIC INFORMATION, WHO SHALL BE A MEMBER OF A
43 DIFFERENT MAJOR POLITICAL PARTY THAN THE DIRECTOR OF PUBLIC INFORMATION.
44 THE FAIR ELECTIONS BOARD MAY UTILIZE EXISTING STAFF OF THE STATE BOARD
45 OF ELECTIONS AS MAY BE NECESSARY, AND MAKE NECESSARY EXPENDITURES
46 SUBJECT TO APPROPRIATION, PROVIDED HOWEVER THAT THE ENFORCEMENT COUNSEL,
47 IN CONSULTATION WITH THE FAIR ELECTIONS BOARD, SHALL HAVE THE AUTHORITY
48 TO HIRE AT LEAST FOUR NEW FAIR ELECTIONS BOARD STAFF MEMBERS. SUCH FAIR
49 ELECTIONS BOARD STAFF MEMBERS SHALL BE DEDICATED TO TRAINING AND ASSIST-
50 ING PARTICIPATING CANDIDATES IN COMPLYING WITH THE REQUIREMENTS OF
51 OPTIONAL PUBLIC FINANCING AS PROVIDED FOR UNDER THE PROVISIONS OF TITLE
52 TWO OF ARTICLE FOURTEEN OF THIS CHAPTER. THE FAIR ELECTIONS BOARD SHALL
53 RETAIN AN INDEPENDENT AUDITOR TO PERFORM ONGOING AUDITS OF EACH COVERED
54 ELECTION BY CONTRACT ENTERED INTO PURSUANT TO SECTION ONE HUNDRED
55 SIXTY-THREE OF THE STATE FINANCE LAW.

1 7. THE ENFORCEMENT COUNSEL AND THE SPECIAL COUNSEL SHALL EACH SERVE A
2 TERM OF FOUR YEARS AND MAY ONLY BE REMOVED FOR CAUSE. ANY TIME AFTER THE
3 EFFECTIVE DATE OF THIS SECTION, THE MEMBERS, OR IN THE CASE OF A VACANCY
4 ON THE FAIR ELECTIONS BOARD, THE MEMBERS, OF EACH OF THE SAME MAJOR
5 POLITICAL PARTY AS THE INCUMBENT ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT
6 COUNSEL, SHALL APPOINT SUCH COUNSELS, AND DEPUTIES. ANY VACANCY IN THE
7 OFFICE OF ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT COUNSEL, SPECIAL COUN-
8 SEL, SPECIAL DEPUTY COUNSEL, DIRECTOR OF PUBLIC INFORMATION AND DEPUTY
9 DIRECTOR OF PUBLIC INFORMATION SHALL BE FILLED BY THE MEMBERS OF THE
10 FAIR ELECTIONS BOARD OR IN THE CASE OF A VACANCY ON THE BOARD, THE
11 MEMBERS OF THE SAME MAJOR POLITICAL PARTY AS THE VACATING INCUMBENT FOR
12 THE REMAINING PERIOD OF THE TERM OF SUCH VACATING INCUMBENT.

13 8. IN ADDITION TO THE ENFORCEMENT POWERS, AND ANY OTHER POWERS AND
14 DUTIES SPECIFIED BY LAW, THE FAIR ELECTIONS BOARD SHALL:

15 (A)(I) RENDER ADVISORY OPINIONS WITH RESPECT TO QUESTIONS ARISING
16 UNDER THIS ARTICLE UPON THE WRITTEN REQUEST OF A CANDIDATE, AN OFFICER
17 OF A POLITICAL COMMITTEE OR MEMBER OF THE PUBLIC, OR UPON ITS OWN INITI-
18 ATIVE; (II) PROMULGATE RULES REGARDING REASONABLE TIMES TO RESPOND TO
19 SUCH REQUESTS; AND (III) MAKE PUBLIC THE QUESTIONS OF INTERPRETATION FOR
20 WHICH ADVISORY OPINIONS WILL BE CONSIDERED BY THE FAIR ELECTIONS BOARD
21 AND ITS ADVISORY OPINIONS, INCLUDING BY PUBLICATION ON ITS WEBSITE;

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

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

28 (D) IN CONJUNCTION WITH THE STATE BOARD OF ELECTIONS DEVELOP AN INTER-
29 ACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION
30 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMA-
31 TION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR
32 AUTHORIZED COMMITTEES AND DISTRIBUTIONS OF MONEYS FROM THE FUND AND
33 SHALL BE ACCESSIBLE TO THE PUBLIC ON THE STATE BOARD OF ELECTIONS'
34 WEBSITE.

35 9. CONSISTENT WITH THE PROVISIONS OF THE CIVIL SERVICE LAW AND SUBDI-
36 VISION SEVENTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
37 AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL
38 POSITIONS ON THE STAFF OF THE FAIR ELECTIONS BOARD SHALL BE CLASSIFIED
39 IN THE EXEMPT CLASS OF THE CIVIL SERVICE AND SUCH POSITIONS SHALL BE
40 FILLED, TO THE EXTENT POSSIBLE, WITH AN EQUAL NUMBER OF PERSONS FROM
41 EACH OF THE TWO POLITICAL PARTIES FOR WHICH THE HIGHEST AND THE NEXT
42 HIGHEST NUMBER OF VOTES WERE CAST FOR THE OFFICE OF STATE COMPTROLLER AT
43 THE LAST PRECEDING GENERAL ELECTION FOR SUCH OFFICE.

44 10. THE FAIR ELECTIONS BOARD'S ADMINISTRATION OF THE FUND SHALL BE
45 GOVERNED BY THE PROVISIONS OF THIS TITLE AND SECTION NINETY-TWO-T OF THE
46 STATE FINANCE LAW.

47 11. THE FAIR ELECTIONS BOARD AND ITS PROCEEDINGS SHALL BE GOVERNED BY
48 THE STATE ADMINISTRATIVE PROCEDURE ACT AND SUBJECT TO ARTICLES SIX AND
49 SEVEN OF THE PUBLIC OFFICERS LAW.

50 12. FOR THE PURPOSES OF MEETINGS, THREE COMMISSIONERS SHALL CONSTI-
51 TUTE A QUORUM. THE AFFIRMATIVE VOTE OF THREE COMMISSIONERS SHALL BE
52 REQUIRED FOR ANY ACTION OF THE FAIR ELECTIONS BOARD.

53 13. THE FAIR ELECTIONS BOARD SHALL KEEP ALL INFORMATION REGARDING
54 PRELIMINARY, APPROVED OR COMPLETED INVESTIGATIONS CONFIDENTIAL UNTIL
55 SUCH INVESTIGATIONS ARE COMPLETED, DISMISSED, SUBJECT TO A CIVIL COURT

1 FILING OR REFERRED TO A LAW ENFORCEMENT AGENCY AS PROVIDED FOR IN SUBDI-
2 VISION ELEVEN OF SECTION 3-104 OF THIS CHAPTER.

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

5 S 14-218. EXAMINATIONS AND AUDITS. 1. THE FAIR ELECTIONS BOARD MAY
6 CONDUCT A THOROUGH EXAMINATION AND PRE-ELECTION AUDIT OF THE CONTRIB-
7 UTIONS AND QUALIFIED CAMPAIGN EXPENSES OF THE PARTICIPATING COMMITTEE OF
8 EVERY PARTICIPATING CANDIDATE WHO RECEIVED PAYMENTS PURSUANT TO SECTION
9 14-210 OF THIS TITLE. SUCH AUDITS SHALL BE CONDUCTED AS FREQUENTLY AS
10 THE FAIR ELECTIONS BOARD DEEMS NECESSARY TO ENSURE COMPLIANCE WITH THIS
11 TITLE. THE FAIR ELECTIONS BOARD SHALL NOTIFY, IN WRITING, ANY CANDI-
12 DATE'S AUTHORIZED COMMITTEE PRIOR TO THE COMMENCEMENT OF SUCH PRE-ELEC-
13 TION AUDIT. NO PRE-ELECTION AUDIT SHALL COMMENCE IN THE ABSENCE OF THE
14 NOTICE REQUIREMENT OF THIS SUBDIVISION. EVERY CANDIDATE WHO RECEIVES
15 PUBLIC MATCHING FUNDS UNDER THIS TITLE SHALL ALSO BE AUDITED BY THE FAIR
16 ELECTIONS BOARD POST-ELECTION. THE COST OF COMPLYING WITH A POST-ELEC-
17 TION AUDIT SHALL BE BORNE BY THE CANDIDATE'S AUTHORIZED COMMITTEE. A
18 CANDIDATE WHO HAS RECEIVED PUBLIC MATCHING FUNDS UNDER THIS TITLE MUST
19 MAINTAIN A RESERVE OF AT LEAST ONE PERCENT OF THE TOTAL AMOUNT OF MATCH-
20 ING FUNDS RECEIVED BY SUCH CANDIDATE IN HIS OR HER CAMPAIGN ACCOUNT TO
21 COMPLY WITH THE POST-ELECTION AUDIT. A CANDIDATE WHO RUNS IN BOTH A
22 PRIMARY AND A GENERAL ELECTION, MUST MAINTAIN A RESERVE OF ONE PERCENT
23 OF THE TOTAL AMOUNT OF PUBLIC MATCHING FUNDS RECEIVED BY SUCH CANDIDATE
24 FOR BOTH HIS OR HER PRIMARY AND GENERAL ELECTION. A CANDIDATE MAY USE
25 PUBLIC MATCHING FUNDS, PRIVATE FUNDS OR A COMBINATION OF PUBLIC AND
26 PRIVATE FUNDS TO COMPLY WITH A POST-ELECTION AUDIT. THE FAIR ELECTIONS
27 BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED THE FINAL POST-ELECTION AUDIT
28 REPORT THAT DETAILS ITS FINDINGS AND SHALL PROVIDE SUCH AUDIT TO THE
29 GOVERNOR AND LEGISLATIVE LEADERS AND MAKE SUCH AUDIT REPORT AVAILABLE ON
30 THE STATE BOARD OF ELECTIONS' WEBSITE. FINAL POST-ELECTION AUDIT
31 REPORTS SHALL BE COMPLETED NO LATER THAN TWELVE MONTHS AFTER THE DATE OF
32 THE ELECTION OR ELECTIONS FOR WHICH THE CANDIDATE RECEIVED PUBLIC FUNDS.
33 THIS AUDIT DEADLINE SHALL NOT APPLY IN CASES INVOLVING POTENTIAL CAMP-
34 AIGN-RELATED FRAUD, KNOWING AND WILLFUL VIOLATIONS OF ARTICLE FOURTEEN
35 OF THIS CHAPTER OR CRIMINAL ACTIVITY.

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

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

1 COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE
2 TO THE FAIR ELECTIONS BOARD.

3 (C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE FUND RECEIVED
4 BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING
5 COMMITTEE, EXCEEDS THE PUBLIC FUNDING RECEIPT LIMITATION OF SUCH CANDI-
6 DATE AND COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS
7 FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM
8 THE FUND NOT LATER THAN TEN DAYS AFTER ALL PERMISSIBLE LIABILITIES HAVE
9 BEEN PAID AND IN ANY EVENT, NOT LATER THAN TWENTY DAYS AFTER THE DATE ON
10 WHICH THE FAIR ELECTIONS BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE
11 PARTICIPATING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT
12 MATCHING FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE
13 AND PAYABLE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT INTO THE NEW YORK
14 STATE FAIR ELECTIONS FUND UPON ITS DETERMINATION THAT THE PARTICIPANT
15 WILLFULLY DELAYED THE POST-ELECTION AUDIT PROCESS. A PARTICIPATING
16 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-
17 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH ENDING A CAMPAIGN AND
18 RESPONDING TO THE POST-ELECTION AUDIT. NOTHING IN THIS SECTION SHALL BE
19 CONSTRUED TO PROHIBIT THE POST-ELECTION EXPENDITURE OF PUBLIC FUNDS FOR
20 DEBTS INCURRED DURING THE CAMPAIGN FOR WHICH PUBLIC FUNDS WERE ELIGIBLE
21 TO BE USED.

22 3. IF A COURT OF COMPETENT JURISDICTION DISQUALIFIES A CANDIDATE WHOSE
23 PARTICIPATING COMMITTEE HAS RECEIVED PUBLIC FUNDS ON THE GROUNDS THAT
24 SUCH CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON
25 THE BALLOT AND SUCH DECISION IS NOT REVERSED BY A HIGHER COURT, SUCH
26 CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE SHALL PAY TO THE
27 FAIR ELECTIONS BOARD AN AMOUNT EQUAL TO THE TOTAL OF PUBLIC FUNDS
28 RECEIVED BY SUCH PARTICIPATING COMMITTEE.

29 4. THE BOARD MUST PROVIDE WRITTEN NOTICE OF ALL PAYMENTS DUE FROM A
30 PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE TO THE BOARD AND
31 PROVIDE AN OPPORTUNITY FOR THE CANDIDATE OR COMMITTEE TO REBUT, IN WHOLE
32 OR IN PART, THE ALLEGED AMOUNT DUE. UPON A FINAL WRITTEN DETERMINATION
33 BY THE BOARD, THE AMOUNT DUE SHALL BE PAID TO THE BOARD WITHIN THIRTY
34 DAYS OF SUCH DETERMINATION.

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

38 6. ANY ADVICE PROVIDED BY THE STAFF OR MEMBERS OF THE FAIR ELECTIONS
39 BOARD TO A PARTICIPATING OR NON-PARTICIPATING CANDIDATE IN CONNECTION
40 WITH ANY ACTION UNDER THIS ARTICLE, WHEN RELIED UPON IN GOOD FAITH,
41 SHALL BE PRESUMPTIVE EVIDENCE THAT SUCH CANDIDATE OR HIS OR HER COMMIT-
42 TEE DID NOT KNOWINGLY AND WILLFULLY VIOLATE THE PROVISIONS OF THIS ARTI-
43 CLE.

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

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

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

1 SUCH HEARINGS, THE FAIR ELECTIONS BOARD SHALL BE DEEMED TO BE AN AGENCY
2 WITHIN THE MEANING OF ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCE-
3 DURE ACT AND SHALL ADOPT RULES GOVERNING THE CONDUCT OF ADJUDICATORY
4 PROCEEDINGS AND APPEALS TAKEN PURSUANT TO A PROCEEDING COMMENCED UNDER
5 ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES RELATING TO
6 THE ASSESSMENT OF THE CIVIL PENALTIES HEREIN AUTHORIZED.

7 4. THE FAIR ELECTIONS BOARD SHALL PUBLISH ON THE STATE BOARD OF
8 ELECTIONS' WEBSITE THE FINAL ORDER ADJUDICATING ANY MATTER BROUGHT
9 PURSUANT TO THIS SECTION.

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

13 S 14-222. CRIMINAL PENALTIES. 1. ANY PERSON WHO KNOWINGLY AND WILLFUL-
14 LY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS OF THIS TITLE WITH-
15 IN TEN DAYS AFTER THE DATE PROVIDED FOR SUCH, OR ANYONE THAT KNOWINGLY
16 AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE SHALL BE GUILTY
17 OF A MISDEMEANOR AND, IN ADDITION TO SUCH OTHER PENALTIES AS MAY BE
18 PROVIDED BY LAW, SHALL BE SUBJECT TO A FINE NOT TO EXCEED THE AMOUNT OF
19 TEN THOUSAND DOLLARS.

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

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

30 4. IN ADDITION TO ANY OTHER SENTENCE LAWFULLY IMPOSED UPON A FINDING
31 OF GUILT IN A CRIMINAL PROSECUTION COMMENCED PURSUANT TO THE PROVISIONS
32 OF THIS SECTION, THE COURT MAY ORDER A DEFENDANT TO REPAY TO THE FAIR
33 ELECTIONS BOARD ANY PUBLIC MATCHING FUNDS OBTAINED AS A RESULT OF ANY
34 CRIMINAL CONDUCT.

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

39 6. ANY AND ALL FINES IMPOSED PURSUANT TO THIS SECTION SHALL BE MADE
40 PAYABLE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT INTO THE NEW YORK STATE
41 FAIR ELECTIONS FUND.

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

45 1. A LIST OF THE PARTICIPATING AND NONPARTICIPATING CANDIDATES IN
46 COVERED ELECTIONS AND THE VOTES RECEIVED BY EACH CANDIDATE IN THOSE
47 ELECTIONS;

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

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

52 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGNS FOR
53 ALL OFFICES COVERED UNDER SECTION 14-206 OF THIS TITLE, INCLUDING ITS
54 EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF
55 CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES,

1 THE CANDIDATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND
2 THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

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

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

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

15 S 14-228. DISTRIBUTIONS FROM FAIR ELECTIONS FUND. 1. THIS SECTION
16 GOVERNS THE FAIR ELECTIONS BOARD'S DISTRIBUTION OF FUNDS FROM THE FAIR
17 ELECTIONS FUND CREATED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW,
18 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

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

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

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

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

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

54 (B)(I) A PARTICIPATING CANDIDATE MAY NOT USE RECEIPTS FOR ANY PURPOSE
55 OTHER THAN DISBURSEMENTS IN THE PRECEDING ELECTION UNTIL ALL UNSPENT
56 PUBLIC CAMPAIGN FUNDS HAVE BEEN REPAID. A PARTICIPATING CANDIDATE SHALL

1 HAVE THE BURDEN OF DEMONSTRATING THAT A POST-ELECTION EXPENDITURE IS FOR
2 THE PRECEDING ELECTION.

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

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

24 8. ANY CANDIDATE WHO ACCEPTS A CONTRIBUTION OR CONTRIBUTIONS IN EXCESS
25 OF THE LIMITS SET FORTH IN SECTION 14-212 OF THIS ARTICLE, PRIOR TO
26 ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM, AS SET
27 FORTH BY PARAGRAPH (C) OF SUBDIVISION 1 OF SECTION 14-206 OF THIS ARTI-
28 CLE, SHALL HAVE HIS OR HER TOTAL PUBLIC MATCHING FUND GRANT REDUCED BY
29 SUCH EXCESS AMOUNT. SUCH AMOUNT SHALL BE DEDUCTED BEGINNING FROM THE
30 FIRST ALLOWABLE DISBURSEMENT FROM THE FUND UNTIL SUCH EXCESS AMOUNT IS
31 REACHED, AT WHICH POINT THE PUBLIC FUND DISBURSEMENT SHALL BE PROVIDED
32 TO THE CANDIDATE CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

33 S 18. The election law is amended by adding a new section 16-103 to
34 read as follows:

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

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

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

54 4. THE FAIR ELECTIONS BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL
55 PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A

1 JUDGMENT FOR CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE FAIR
2 ELECTIONS BOARD PURSUANT TO SECTION 14-218 OF THIS CHAPTER.

3 S 19. The election law is amended by adding a new section 4-115 to
4 read as follows:

5 S 4-115. NOTICE TO THE STATE BOARD OF ELECTIONS OF CANDIDATES FOR THE
6 LEGISLATURE. 1. EACH BOARD OF ELECTIONS WITH WHICH PETITIONS ARE FILED
7 FOR MEMBER OF THE STATE LEGISLATURE SHALL, NOT LATER THAN ONE WEEK AFTER
8 THE LAST DAY TO FILE SUCH PETITIONS, SEND NOTICE TO THE STATE BOARD OF
9 ELECTIONS OF SUCH INFORMATION ABOUT EACH SUCH PETITION AS THE STATE
10 BOARD SHALL REQUIRE.

11 2. EACH SUCH COUNTY BOARD OF ELECTIONS SHALL, NOT LATER THAN THE DAY
12 AFTER THE LAST DAY TO FILE A PETITION OR CERTIFICATE OF NOMINATION FOR A
13 GENERAL OR SPECIAL ELECTION OR A CERTIFICATE OF ACCEPTANCE, DECLINATION
14 OR SUBSTITUTION FOR A GENERAL, PRIMARY OR SPECIAL ELECTION FOR ANY SUCH
15 OFFICE, SEND TO THE STATE BOARD OF ELECTIONS SUCH INFORMATION ABOUT EACH
16 SUCH PETITION OR CERTIFICATE AS THE STATE BOARD SHALL REQUIRE.

17 3. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHOULD DISQUALIFY ANY SUCH
18 CANDIDATE OR RULE THE PETITION OR CERTIFICATE DESIGNATING OR NOMINATING
19 ANY SUCH CANDIDATE INVALID, IT SHALL FORTHWITH NOTIFY THE STATE BOARD OF
20 ELECTIONS OF SUCH DECISION.

21 4. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHALL BE NOTIFIED OF A DECI-
22 SION OF A COURT OF COMPETENT JURISDICTION DISQUALIFYING ANY SUCH CANDI-
23 DATE OR DECLARING ANY SUCH PETITION INVALID OR REVERSING ANY SUCH DECI-
24 SION BY SUCH BOARD OF ELECTIONS OR ANOTHER COURT, SUCH BOARD OF
25 ELECTIONS SHALL FORTHWITH NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH
26 DECISION.

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

30 S 20. The general business law is amended by adding a new section
31 359-gg to read as follows:

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

41 S 21. The state finance law is amended by adding a new section 92-t to
42 read as follows:

43 S 92-T. NEW YORK STATE FAIR ELECTIONS FUND. 1. THERE IS HEREBY ESTAB-
44 LISHED IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE A
45 SPECIAL FUND TO BE KNOWN AS THE NEW YORK STATE FAIR ELECTIONS FUND.

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

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

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

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

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

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

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

38 S 22. The tax law is amended by adding a new section 630-d to read as
39 follows:

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

51 S 23. Severability. If any clause, sentence, subdivision, paragraph,
52 section or part of title 2 of article 14 of the election law, as added
53 by section seventeen of this act be adjudged by any court of competent
54 jurisdiction to be invalid, such judgment shall not affect, impair or
55 invalidate the remainder thereof, but shall be confined in its operation
56 to the clause, sentence, subdivision, paragraph, section or part thereof

1 directly involved in the controversy in which such judgment shall have
2 been rendered.

3 S 24. This act shall take effect immediately; provided, however,
4 candidates for state comptroller will be eligible to participate in the
5 public financing system beginning with the 2014 election, all state
6 legislature candidates will be eligible to participate in the public
7 financing system beginning with the 2016 election and all state candi-
8 dates and constitutional convention delegates will be eligible to
9 participate in the public financing system beginning with the 2018
10 election.