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

5319

2013-2014 Regular Sessions

I N  S E N A T E

May 16, 2013

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

AN ACT to amend the election law, the public officers law, the legislative law and the executive law, in relation to statements of campaign receipts, contributions, transfers and expenditures

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

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

1. The treasurer of every political committee which, or any officer, member or agent of any such committee who, in connection with any election, receives or expends any money or other valuable thing or incurs any liability to pay money or its equivalent shall file statements sworn, or subscribed and bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law, at the times prescribed by this article setting forth all the receipts, contributions to and the expenditures by and liabilities of the committee, and of its officers, members and agents in its behalf. Such statements shall include the dollar amount of any receipt, contribution or transfer, or the fair market value of any receipt, contribution or transfer, which is other than of money, the name and address of the transferor, contributor or person from whom received, *IF THE CONTRIBUTOR IS A LOBBYIST REGISTERED PURSUANT TO ARTICLE ONE-A OF THE LEGISLATIVE LAW* and if the transferor, contributor or person is a political committee; the name of and the political unit represented by the committee, the date of its receipt, the dollar amount of every expenditure, the name and address of the person to whom it was made or the name of and the political unit represented by the committee to which it was made and the date thereof, and shall state clearly the purpose of such expenditure. Any statement reporting a loan shall have

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

LBD10315-03-3

attached to it a copy of the evidence of indebtedness. Expenditures in sums under fifty dollars need not be specifically accounted for by separate items in said statements, and receipts and contributions aggregating not more than ninety-nine dollars, from any one contributor need not be specifically accounted for by separate items in said statements, provided however, that such expenditures, receipts and contributions shall be subject to the other provisions of section 14-118 of this article.

S 2. Subdivision 3 of section 74 of the public officers law is amended by adding a new paragraph j to read as follows:

J. NO LEGISLATIVE EMPLOYEE SHOULD SOLICIT, ACCEPT, RECEIVE, DISTRIBUTE OR BE THE CUSTODIAN OF ANY MONEY IN CONNECTION WITH ANY CAMPAIGN FOR THE NOMINATION FOR ELECTION, OR THE ELECTION, OF ANY OTHER INDIVIDUAL TO THE LEGISLATURE OR STATEWIDE OFFICE. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO THE LEGISLATIVE EMPLOYEE EXPRESSLY DESIGNATED IN WRITING BY THE APPOINTING AUTHORITY OF SUCH LEGISLATIVE EMPLOYEE AND ON FILE WITH THE STATE BOARD OF ELECTIONS AND THE LEGISLATIVE ETHICS COMMISSION TO SOLICIT, ACCEPT, RECEIVE, DISTRIBUTE OR BE THE CUSTODIAN OF SUCH CAMPAIGN FUNDS. NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH, A LEGISLATIVE EMPLOYEE MAY ASSIST IN THE PLANNING OF POLITICAL FUNDRAISING EVENTS RELATED TO AN ELECTION TO THE LEGISLATURE OR STATEWIDE OFFICE, SO LONG AS SUCH PLANNING ASSISTANCE DOES NOT INCLUDE HOSTING ANY SUCH FUNDRAISING EVENT OR OTHER INVOLVEMENT IN THE ACTUAL SOLICITATION OR ACCEPTANCE OF CAMPAIGN FUNDS.

S 3. Subdivision 3 of section 74 of the public officers law is amended by adding a new paragraph k to read as follows:

K. NO MEMBER OF THE LEGISLATURE SHALL DIRECTLY OR INDIRECTLY USE HIS OR HER AUTHORITY OR OFFICIAL INFLUENCE TO COMPEL OR INDUCE ANY LEGISLATIVE EMPLOYEE NOT ALREADY DESIGNATED IN WRITING BY SUCH MEMBER IN ACCORDANCE WITH PROVISIONS OF THIS SUBDIVISION TO SOLICIT, ACCEPT, RECEIVE, DISTRIBUTE OR BE THE CUSTODIAN OF ANY MONEY IN CONNECTION WITH ANY CAMPAIGN FOR THE NOMINATION FOR ELECTION, OR THE ELECTION, OF ANY INDIVIDUAL TO THE LEGISLATURE OR STATEWIDE OFFICE.

S 4. The closing paragraph of subdivision 10 of section 80 of the legislative law, as added by section 9 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

The commission's disposition shall be reported in writing and published on its website no later than ten days after such disposition unless requested by a law enforcement agency to suspend the commission's action because of an ongoing criminal investigation. THE DISPOSITION OF ANY VIOLATION OF PARAGRAPH J OF SUBDIVISION THREE OF SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW SHALL ALSO BE REPORTED, WITHIN TEN DAYS OF SUCH DISPOSITION, TO THE APPOINTING AUTHORITY FOR THE INDIVIDUAL SUBJECT TO THE JURISDICTION OF THE COMMISSION.

S 5. Subdivision 14-b of section 94 of the executive law, as added by section 6 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

14-b. With respect to the investigation of any individual who is not a member of the legislature or a legislative employee or candidate for member of the legislature, if after its investigation the joint commission has found a substantial basis to conclude that the individual has violated the public officers law or the legislative law, the joint commission shall send a substantial basis investigation report containing its findings of fact and conclusions of law to the individual AND THE APPOINTING AUTHORITY, IF ANY, FOR SUCH INDIVIDUAL. With respect to an individual who is a statewide elected official or a direct appointee

of such an official, no violation may be found unless the majority voting in support of such a finding includes at least two members appointed by the governor and lieutenant governor and enrolled in the individual's major political party, if he or she is enrolled in a major political party. Where the subject of such investigation is a state officer or employee who is not a direct appointee of a statewide elected official, at least two of the eight or more members who vote to issue a substantial basis investigation report must have been appointed by the governor and lieutenant governor. The commission shall release such report publicly within forty-five days of its issuance.

S 6. The opening paragraph of subdivision 4 of section 74 of the public officers law is designated paragraph a and a new paragraph b is added to read as follows:

B. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH A OF THIS SUBDIVISION, NO LEGISLATIVE EMPLOYEE SHALL BE FINED OR SUSPENDED FOR A FIRST VIOLATION OF THE PROVISIONS OF PARAGRAPH J OF SUBDIVISION THREE OF THIS SECTION.

S 7. Subdivision 3 of section 74 of the public officers law is amended by adding a new paragraph l to read as follows:

L. NO MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE SHOULD ACCEPT ANY CONTRIBUTION REPORTABLE UNDER ARTICLE FOURTEEN OF THE ELECTION LAW, INCLUDING CONTRIBUTIONS MADE IN VIOLATION OF THAT ARTICLE OF THE ELECTION LAW, IF IT IS REASONABLE TO BELIEVE THAT SUCH CONTRIBUTION IS BEING MADE OR GIVEN IN LIEU OF COMPENSATION, REWARD, EMPLOYMENT, GIFT, HONORARIUM, TRAVEL REIMBURSEMENT, SUBSISTENCE EXPENSE OR OTHER THING OF VALUE FROM ANY SOURCE, FOR ANY SERVICE, ADVICE, ASSISTANCE, APPEARANCE, SPEECH OR OTHER MATTER RELATED TO THE EXERCISE OF HIS OR HER OFFICIAL DUTIES.

S 8. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that the state board of elections shall notify all registered campaign committees of the applicable provisions of this act within thirty days after this act shall have become a law.