

S T A T E   O F   N E W   Y O R K

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10079--A

I N   A S S E M B L Y

May 10, 2016

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Introduced by M. of A. McLAUGHLIN, STEC -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law and the legislative law, in relation to campaign finance reform and legislative leadership position term limits

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

1     Section 1. The election law is amended by adding a new section 14-115  
2     to read as follows:  
3     S 14-115. RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS FOR INDIVIDUALS,  
4     BUSINESSES OR CORPORATIONS THAT WERE AWARDED CONTRACTS WITH THE STATE OR  
5     ANY MUNICIPAL CORPORATION. 1. INDIVIDUALS, BUSINESSES OR CORPORATIONS  
6     THAT ENTER INTO A CONTRACT WITH THIS STATE OR ANY MUNICIPAL CORPORATION  
7     SHALL BE PROHIBITED FROM MAKING ANY CONTRIBUTION TO ANY STATE OFFICIAL  
8     ELECTED TO PUBLIC OFFICE OR HIS OR HER FAMILY, ANY POLITICAL COMMITTEE  
9     DEFINED UNDER SECTION 14-100 OF THIS ARTICLE OR ANY INDEPENDENT EXPENDI-  
10    TURE AS DEFINED UNDER SECTION 14-107 OF THIS ARTICLE WITHIN ONE YEAR OF  
11    THE CONTRACT BEING AWARDED TO THE PERSON, BUSINESS OR CORPORATION.  
12    2. INDIVIDUALS, BUSINESSES OR CORPORATIONS THAT SUBMIT A REQUEST FOR  
13    PROPOSAL WITH THE STATE OR ANY MUNICIPALITY IN REGARD TO A CONTRACT  
14    SHALL DISCLOSE IN THE PROPOSAL ANY CAMPAIGN CONTRIBUTIONS MADE IN THE  
15    PREVIOUS THREE HUNDRED SIXTY-FIVE DAYS TO ANY STATE OFFICIAL ELECTED TO  
16    PUBLIC OFFICE OR HIS OR HER FAMILY, ANY POLITICAL COMMITTEE OR ANY INDE-  
17    PENDENT EXPENDITURE AND IF THE INDIVIDUAL, BUSINESS OR CORPORATION IS  
18    AWARDED THE CONTRACT, ANY STATE OFFICIAL ELECTED TO PUBLIC OFFICE OR HIS  
19    OR HER FAMILY, ANY POLITICAL COMMITTEE OR ANY INDEPENDENT EXPENDITURE  
20    THAT RECEIVED ANY CAMPAIGN CONTRIBUTIONS FROM SAID INDIVIDUAL, BUSINESS  
21    OR CORPORATION SHALL REFUND THE INDIVIDUAL, BUSINESS OR CORPORATION IN  
22    FULL.  
23    S 2. The legislative law is amended by adding a new section 5-b to  
24    read as follows:  
25    S 5-B. LEGISLATIVE LEADERSHIP POSITION TERM LIMITS. NO MEMBER OF THE  
26    STATE LEGISLATURE SHALL SERVE AS AN OFFICER OR IN A SPECIAL CAPACITY

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

LBD15297-04-6

1 POSITION, AS DEFINED UNDER SECTION FIVE-A OF THIS ARTICLE, FOR MORE THAN  
2 EIGHT YEARS.

3 S 3. Subdivision 1 of section 14-114 of the election law, as amended  
4 by chapter 79 of the laws of 1992, paragraphs a and b as amended by  
5 chapter 659 of the laws of 1994, is amended to read as follows:

6 1. The following limitations apply to all contributions to candidates  
7 for election to any public office or for nomination for any such office,  
8 or for election to any party positions, and to all contributions to  
9 political committees working directly or indirectly with any candidate  
10 to aid or participate in such candidate's nomination or election, other  
11 than any contributions to any party committee or constituted committee:

12 a. In any election for a public office to be voted on by the voters of  
13 the entire state, or for nomination to any such office, no contributor  
14 may make a contribution to any candidate or political committee, and no  
15 candidate or political committee may accept any contribution from any  
16 contributor, which is in the aggregate amount greater than: (i) in the  
17 case of any nomination to public office, the product of the total number  
18 of enrolled voters in the candidate's party in the state, excluding  
19 voters in inactive status, multiplied by \$.005, but such amount shall be  
20 not less than four thousand dollars nor more than [twelve] TEN thousand  
21 dollars as increased or decreased by the cost of living adjustment  
22 described in paragraph c of this subdivision, and (ii) in the case of  
23 any election to a public office, [twenty-five] TEN thousand dollars [as  
24 increased or decreased by the cost of living adjustment described in  
25 paragraph c of this subdivision; provided however, that the maximum  
26 amount which may be so contributed or accepted, in the aggregate, from  
27 any candidate's child, parent, grandparent, brother and sister, and the  
28 spouse of any such persons, shall not exceed in the case of any nomi-  
29 nation to public office an amount equivalent to the product of the  
30 number of enrolled voters in the candidate's party in the state, exclud-  
31 ing voters in inactive status, multiplied by \$.025, and in the case of  
32 any election for a public office, an amount equivalent to the product of  
33 the number of registered voters in the state excluding voters in inac-  
34 tive status, multiplied by \$.025].

35 b. In any other election for party position or for election to a  
36 public office or for nomination for any such office, no contributor may  
37 make a contribution to any candidate or political committee and no  
38 candidate or political committee may accept any contribution from any  
39 contributor, which is in the aggregate amount greater than: [(i) in the  
40 case of any election for party position, or for nomination to public  
41 office, the product of the total number of enrolled voters in the candi-  
42 date's party in the district in which he is a candidate, excluding  
43 voters in inactive status, multiplied by \$.05, and (ii) in the case of  
44 any election for a public office, the product of the total number of  
45 registered voters in the district, excluding voters in inactive status,  
46 multiplied by \$.05,] TEN THOUSAND DOLLARS, however in the case of a  
47 nomination within the city of New York for the office of mayor, public  
48 advocate or comptroller, such amount shall be not less than four thou-  
49 sand dollars nor more than [twelve] TEN thousand dollars as increased or  
50 decreased by the cost of living adjustment described in paragraph c of  
51 this subdivision; in the case of an election within the city of New York  
52 for the office of mayor, public advocate or comptroller, [twenty-five]  
53 TEN thousand dollars as increased or decreased by the cost of living  
54 adjustment described in paragraph c of this subdivision; in the case of  
55 a nomination for state senator, four thousand dollars as increased or  
56 decreased by the cost of living adjustment described in paragraph c of

1 this subdivision; in the case of an election for state senator, six  
2 thousand two hundred fifty dollars as increased or decreased by the cost  
3 of living adjustment described in paragraph c of this subdivision; in  
4 the case of an election or nomination for a member of the assembly,  
5 twenty-five hundred dollars as increased or decreased by the cost of  
6 living adjustment described in paragraph c of this subdivision; but in  
7 no event shall any such maximum exceed [fifty] TEN thousand dollars or  
8 be less than one thousand dollars; provided however, that the maximum  
9 amount which may be so contributed or accepted, in the aggregate, from  
10 any candidate's child, parent, grandparent, brother and sister, and the  
11 spouse of any such persons, shall not exceed in the case of any election  
12 for party position or nomination for public office an amount equivalent  
13 to [the number of enrolled voters in the candidate's party in the  
14 district in which he is a candidate, excluding voters in inactive  
15 status, multiplied by \$.25 and in the case of any election to public  
16 office, an amount equivalent to the number of registered voters in the  
17 district, excluding voters in inactive status, multiplied by \$.25; or]  
18 twelve hundred fifty dollars, [whichever is greater,] or in the case of  
19 a nomination or election of a state senator, [twenty] TEN thousand  
20 dollars, [whichever is greater,] or in the case of a nomination or  
21 election of a member of the assembly [twelve] TEN thousand [five  
22 hundred] dollars, [whichever is greater,] but in no event shall any such  
23 maximum exceed [one hundred] TEN thousand dollars.

24 c. At the beginning of each fourth calendar year, commencing in [nine-  
25 teen hundred ninety-five] TWO THOUSAND SIXTEEN, the state board shall  
26 determine the percentage of the difference between the most recent  
27 available monthly consumer price index for all urban consumers published  
28 by the United States bureau of labor statistics and such consumer price  
29 index published for the same month four years previously. The amount of  
30 each contribution limit fixed in this subdivision shall be adjusted by  
31 the amount of such percentage difference to the closest one hundred  
32 dollars by the state board which, not later than the first day of Febru-  
33 ary in each such year, shall issue a regulation publishing the amount of  
34 each such contribution limit. Each contribution limit as so adjusted  
35 shall be the contribution limit in effect for any election held before  
36 the next such adjustment.

37 S 4. Subdivision 8 of section 14-114 of the election law, as amended  
38 by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the  
39 laws of 1978, is amended to read as follows:

40 8. A. Except as may otherwise be provided [for] BY a candidate [and  
41 his family] FOR HIS OR HER OWN CAMPAIGN, no NATURAL person may contrib-  
42 ute, loan or guarantee in excess of [one hundred fifty] TEN thousand  
43 dollars within the state OF NEW YORK IN ANY CALENDAR YEAR in connection  
44 with the nomination or election of [persons to] CANDIDATES FOR state  
45 [and] OR local public offices [and] OR party positions [within the state  
46 of New York in any one calendar year].

47 B. For the purposes of this subdivision "loan" or "guarantee" shall  
48 mean a loan or guarantee which is not repaid or discharged in the calen-  
49 dar year in which it is made.

50 S 5. Subdivision 10 of section 14-114 of the election law, as added by  
51 chapter 79 of the laws of 1992, is amended to read as follows:

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

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

14    S 6. This act shall take effect on the ninetieth day after it shall  
15    have become a law.