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

5728--C

2015-2016 Regular Sessions

I N A S S E M B L Y

March 3, 2015

Introduced by M. of A. KAVANAGH, MONTESANO, PAULIN -- Multi-Sponsored by -- M. of A. McLAUGHLIN -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to contribution activities by an intermediary

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

Section 1. This act shall be known and may be cited as the "Campaign finance intermediary disclosure act."

S 2. Section 14-100 of the election law is amended by adding three new subdivisions 1-a, 15 and 15-a to read as follows:

1-A. "AUTHORIZED COMMITTEE" MEANS ANY POLITICAL COMMITTEE DESIGNATED BY A CANDIDATE TO RECEIVE CONTRIBUTIONS AUTHORIZED BY THIS ARTICLE OR TO AID SUCH CANDIDATE OR OTHERWISE TAKE PART IN ELECTIONS ON SUCH CANDIDATE'S BEHALF.

15. "INTERMEDIARY" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION OR OTHER ENTITY WHICH:

(A) OTHER THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY OR MESSENGER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR ENTITY TO A CANDIDATE, AUTHORIZED COMMITTEE OR PARTY COMMITTEE; OR

(B) SOLICITS CONTRIBUTIONS TO A CANDIDATE, AUTHORIZED COMMITTEE OR PARTY COMMITTEE WHERE SUCH SOLICITATION IS KNOWN TO SUCH CANDIDATE, AUTHORIZED COMMITTEE OR PARTY COMMITTEE. FOR PURPOSES OF THIS PARAGRAPH, ONLY PERSONS CLEARLY IDENTIFIED AS THE SOLICITOR OF A CONTRIBUTION TO

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

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THE CANDIDATE, AUTHORIZED COMMITTEE OR PARTY COMMITTEE SHALL BE PRESUMED TO BE KNOWN TO SUCH CANDIDATE, AUTHORIZED COMMITTEE OR PARTY COMMITTEE.

15-A. "INTERMEDIARY" SHALL NOT INCLUDE SPOUSES, DOMESTIC PARTNERS, PARENTS, CHILDREN OR SIBLINGS OF THE PERSON MAKING SUCH CONTRIBUTION, OR ANY EMPLOYEE OR FULL-TIME VOLUNTEER CAMPAIGN WORKER OR COMMERCIAL FUNDRAISING FIRM RETAINED BY THE CANDIDATE OR THE AGENTS THEREOF.

S 3. The election law is amended by adding a new section 14-105 to read as follows:

S 14-105. INTERMEDIARIES. 1. REPORTS BY INTERMEDIARIES. FOR EACH CONTRIBUTION DELIVERED BY AN INTERMEDIARY, SUCH INTERMEDIARY SHALL INDICATE TO THE RECIPIENT CANDIDATE, AUTHORIZED COMMITTEE OR PARTY COMMITTEE THE NAME AND MAILING ADDRESS OF THE CONTRIBUTOR, AMOUNT OF THE CONTRIBUTION, AND THE DATE THE CONTRIBUTION WAS RECEIVED BY THE INTERMEDIARY.

2. REPORTS BY RECIPIENT CANDIDATES, AUTHORIZED COMMITTEES OR PARTY COMMITTEES. ANY CANDIDATE, AUTHORIZED COMMITTEE OR PARTY COMMITTEE SHALL REPORT TO THE STATE BOARD OF ELECTIONS ANY INTERMEDIARY WHO DELIVERS OR SOLICITS CONTRIBUTIONS THAT IN THE AGGREGATE EQUAL OR EXCEED FIVE HUNDRED DOLLARS. SUCH REPORT SHALL INCLUDE THE NAME, MAILING ADDRESS, OCCUPATION, EMPLOYER AND EMPLOYER'S ADDRESS OF SUCH INTERMEDIARY, WHICH CONTRIBUTIONS REQUIRED TO BE ITEMIZED UNDER SECTION 14-102 OF THIS ARTICLE THE INTERMEDIARY DELIVERED OR SOLICITED, AND THE TOTAL MONETARY VALUE OF CONTRIBUTIONS DELIVERED OR SOLICITED BY SUCH INTERMEDIARY.

3. CONTRIBUTIONS DELIVERED BY AN INTERMEDIARY TO A CANDIDATE, AUTHORIZED COMMITTEE OR PARTY COMMITTEE IN ACCORDANCE WITH THIS SECTION SHALL BE DEEMED TO BE CONTRIBUTIONS FROM THE CONTRIBUTOR ONLY AND SHALL NOT BE DEEMED TO BE CONTRIBUTIONS FROM THE INTERMEDIARY.

S 4. This act shall take effect January 14, 2017, provided that section three of this act shall apply to any contribution received on or after January 14, 2017; and provided further, that contributions legally received prior to the effective date of this act may be retained and expended for lawful purposes and shall not provide the basis for a violation of article 14 of the election law, as amended by this act; and provided, further, that effective immediately the state board of elections is authorized and directed to promulgate any rules necessary to implement the provisions of this act and shall notify all candidates and political committees of the applicable provisions of this act on or before such effective date.