

5752--A

2015-2016 Regular Sessions

I N A S S E M B L Y

March 4, 2015

Introduced by M. of A. KAVANAGH, GALEF -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations 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 legislative law and the election law, in relation to disclosures required for lobbyists, and to amend the election law and the public officers law, in relation to campaign funds for personal use

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

- 1 Section 1. This act shall be known and may be cited as the "Lobbyist  
2 Disclosure Campaign Fund Act".  
3 S 2. Section 1-c of the legislative law is amended by adding a new  
4 subdivision (x) to read as follows:  
5 (X) THE TERM "FAMILY MEMBER" SHALL MEAN ANY OF THE FOLLOWING, INCLUD-  
6 ING PARENTS, STEPPARENTS, SPOUSE, DOMESTIC PARTNERS, GRANDPARENTS,  
7 BROTHERS, SISTERS, UNCLES, AND AUNTS, WHETHER OF THE WHOLE BLOOD OR HALF  
8 BLOOD OR BY OR THROUGH LEGAL SANCTION.  
9 S 3. Paragraph 5 of subdivision (b) of section 1-h of the legislative  
10 law is amended by adding two new subparagraphs (vi) and (vii) to read as  
11 follows:  
12 (VI) THE CAMPAIGN CONTRIBUTIONS MADE, IN ANY FORM, TO ANY CAMPAIGN OR  
13 POLITICAL COMMITTEE IN NEW YORK STATE BY THE CLIENT BY WHOM OR ON WHOSE  
14 BEHALF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED, BY THE LOBBY-  
15 IST, AND BY ANY EMPLOYEES OF THE LOBBYIST.  
16 (VII) THE AMOUNT OF COMPENSATION PAID AND THE NAMES OF ANY FAMILY  
17 MEMBERS OF A PUBLIC OFFICIAL TO WHOM A LOBBYIST AND THE CLIENT BY WHOM  
18 OR ON WHOSE BEHALF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED HAS  
19 PAID COMPENSATION OF MORE THAN FIVE HUNDRED DOLLARS IN THE PRECEDING  
20 CALENDAR YEAR FOR PERSONAL EMPLOYMENT OR PROFESSIONAL SERVICES.

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

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1 S 4. Subdivision (b) of section 1-h of the legislative law is amended  
2 by adding a new paragraph 6 to read as follows:

3 (6) THE NAME, ADDRESS AND TELEPHONE NUMBER OF ANY PUBLIC OFFICIAL WITH  
4 WHOM THE LOBBYIST HAS ANY BUSINESS RELATIONSHIP.

5 S 5. Paragraph 5 of subdivision (b) of section 1-j of the legislative  
6 law is amended by adding two new subparagraphs (vi) and (vii) to read as  
7 follows:

8 (VI) THE CAMPAIGN CONTRIBUTIONS MADE, IN ANY FORM, TO ANY CAMPAIGN OR  
9 POLITICAL COMMITTEE IN NEW YORK STATE BY THE CLIENT BY WHOM OR ON WHOSE  
10 BEHALF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED, BY THE LOBBY-  
11 IST, AND BY ANY EMPLOYEES OF THE LOBBYIST.

12 (VII) THE AMOUNT OF COMPENSATION PAID AND THE NAMES OF ANY FAMILY  
13 MEMBERS OF A PUBLIC OFFICIAL TO WHOM A LOBBYIST AND THE CLIENT BY WHOM  
14 OR ON WHOSE BEHALF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED HAS  
15 PAID COMPENSATION OF MORE THAN FIVE HUNDRED DOLLARS IN THE PRECEDING  
16 CALENDAR YEAR FOR PERSONAL EMPLOYMENT OR PROFESSIONAL SERVICES.

17 S 6. Subdivision (b) of section 1-j of the legislative law is amended  
18 by adding a new paragraph 7 to read as follows:

19 (7) THE NAME, ADDRESS AND TELEPHONE NUMBER OF ANY PUBLIC OFFICIAL WITH  
20 WHOM THE LOBBYIST HAS ANY BUSINESS RELATIONSHIP.

21 S 7. The election law is amended by adding three new sections 14-131,  
22 14-132 and 14-133 to read as follows:

23 S 14-131. LOBBYIST REPORTING AND CONTRIBUTION LIMITS. 1. DEFINITIONS.  
24 THE FOLLOWING DEFINITIONS SHALL APPLY TO THIS SECTION:

25 A. "AGENT" MEANS ANY PERSON ACTING AT THE DIRECTION OF OR ON BEHALF OF  
26 AN INDIVIDUAL OR BUSINESS ENTITY;

27 B. "BUSINESS ENTITY" MEANS A BUSINESS CORPORATION, PROFESSIONAL  
28 SERVICES CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, LIMITED  
29 PARTNERSHIP, BUSINESS TRUST, ASSOCIATION OR ANY OTHER LEGAL COMMERCIAL  
30 ENTITY ORGANIZED UNDER THE LAWS OF THIS STATE OR ANY OTHER STATE OR  
31 FOREIGN JURISDICTION, INCLUDING ANY SUBSIDIARY DIRECTLY OR INDIRECTLY  
32 CONTROLLED BY THE BUSINESS ENTITY, AND ANY POLITICAL ORGANIZATION,  
33 INCLUDING BUT NOT LIMITED TO ANY POLITICAL ORGANIZATION ORGANIZED UNDER  
34 SECTION 527 OF THE INTERNAL REVENUE CODE, THAT IS DIRECTLY OR INDIRECTLY  
35 CONTROLLED BY THE BUSINESS ENTITY;

36 C. "IMMEDIATE FAMILY" MEANS ANY SPOUSE OR CHILD OF AN INDIVIDUAL OR  
37 ANY FINANCIALLY DEPENDENT RELATIVES WHO RESIDE IN THE INDIVIDUAL'S  
38 HOUSEHOLD;

39 D. "HOUSEKEEPING ACCOUNT" MEANS AN ACCOUNT MAINTAINED BY A PARTY  
40 COMMITTEE OR CONSTITUTED COMMITTEE FROM WHICH EXPENDITURES ARE MADE TO  
41 MAINTAIN A PERMANENT HEADQUARTERS AND STAFF AND CARRY ON ORDINARY PARTY  
42 ACTIVITIES WHICH ARE NOT FOR THE EXPRESS PURPOSE OF PROMOTING THE CANDI-  
43 DACY OF SPECIFIC CANDIDATES;

44 E. "CANDIDATE FOR STATE OFFICE" MEANS A CANDIDATE FOR THE FOLLOWING  
45 STATE OFFICES: GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMP-  
46 TROLLER, SENATOR, AND MEMBER OF THE ASSEMBLY;

47 F. "BEHESTED PAYMENTS" MEANS CONTRIBUTIONS OR PAYMENTS SOLICITED BY  
48 STATE ELECTED OFFICIALS TO BE USED FOR LEGISLATIVE, GOVERNMENTAL OR  
49 CHARITABLE PURPOSES, BUT NOT CAMPAIGN PURPOSES; AND

50 G. "PERSONAL BUSINESS TRANSACTION" MEANS TRANSACTIONS FOR SERVICES  
51 OFFERED BY THE ELECTED OFFICIAL IN HIS OR HER CAPACITY AS A PRIVATE  
52 CITIZEN TO ANY MEMBER OF THE PUBLIC.

53 2. THE FOLLOWING PERSONS AND BUSINESS ENTITIES WHO MAKE A CONTRIBUTION  
54 TO A CANDIDATE FOR STATE OFFICE, A POLITICAL COMMITTEE WORKING DIRECTLY  
55 OR INDIRECTLY TO AID OR PARTICIPATE IN SUCH CANDIDATE'S NOMINATION OR  
56 ELECTION, A POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY SUCH CANDI-

1 DATE, OR A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY, INCLUDING A  
2 HOUSEKEEPING ACCOUNT, SHALL FILE REPORTS AS REQUIRED BY SUBDIVISION  
3 THREE OF THIS SECTION WITH THE STATE BOARD OF ELECTIONS WITHIN SEVEN  
4 CALENDAR DAYS AFTER THE DATE OF A CONTRIBUTION:

5 A. A LOBBYIST REGISTERED UNDER SECTION ONE-E OF THE LEGISLATIVE LAW,  
6 INCLUDING ANY PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY  
7 THAT IS SO REGISTERED;

8 B. ANY PERSON WHO OWNS MORE THAN TEN PERCENT OF A BUSINESS ENTITY  
9 DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION;

10 C. ANY PERSON EMPLOYED BY AN ORGANIZATION, GROUP, OR BUSINESS ENTITY  
11 DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION WHO HOLDS A SENIOR MANAGE-  
12 MENT POSITION AS DEFINED BY THE COMMISSION ON GOVERNMENTAL ETHICS;

13 D. THE IMMEDIATE FAMILY MEMBER OF A PERSON WHO IS DESCRIBED IN PARA-  
14 GRAPH A, B OR C OF THIS SUBDIVISION; OR

15 E. ANY POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A PERSON,  
16 ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY DESCRIBED IN PARA-  
17 GRAPHS A, B, C OR D OF THIS SUBDIVISION.

18 3. THE BOARD OF ELECTIONS SHALL PRESCRIBE FORMS AND PROCEDURES FOR THE  
19 REPORTING REQUIRED IN SUBDIVISION TWO OF THIS SECTION WHICH, AT A MINI-  
20 MUM, SHALL REQUIRE ELECTRONIC FILING OF THE FOLLOWING INFORMATION:

21 A. THE NAME, ADDRESS, EMPLOYER AND NAME OF SPOUSE OF THE PERSON MAKING  
22 THE CONTRIBUTION AND THE NAME OF THE SPOUSE'S EMPLOYER;

23 B. THE NAME OF THE CANDIDATE, POLITICAL COMMITTEE, OR STATE OR LOCAL  
24 COMMITTEE OF A POLITICAL PARTY, INCLUDING A HOUSEKEEPING ACCOUNT,  
25 RECEIVING THE CONTRIBUTION;

26 C. THE AMOUNT AND DATE OF THE CONTRIBUTION; AND

27 D. IF AN ORGANIZATION, GROUP OF PERSONS, OR BUSINESS ENTITY IS MAKING  
28 THE CONTRIBUTION:

29 (I) THE NAMES AND BUSINESS ADDRESSES OF ALL PERSONS WHO OWN MORE THAN  
30 TEN PERCENT OF THE ORGANIZATION, GROUP OR ENTITY; OR

31 (II) THE NAMES AND BUSINESS ADDRESSES OF ALL PERSONS EMPLOYED BY THE  
32 ORGANIZATION, GROUP, OR BUSINESS ENTITY WHO HOLD A SENIOR MANAGEMENT  
33 POSITION AS DEFINED BY THE COMMISSION ON GOVERNMENTAL ETHICS.

34 4. ELECTED OFFICIALS MUST REPORT ANY BEHESTED PAYMENTS THEY HAVE  
35 SOLICITED IF THEY TOTAL FIVE THOUSAND DOLLARS OR MORE PER CALENDAR YEAR  
36 FROM A SINGLE SOURCE WITHIN THIRTY DAYS OF THE DATE THE BEHESTED PAYMENT  
37 IS MADE ON FORMS PROSCRIBED BY THE COMMISSION ON GOVERNMENTAL ETHICS.

38 5. THE BOARD OF ELECTIONS SHALL MAINTAIN COMPLETED FORMS AND REPORTS  
39 DESCRIBED IN SUBDIVISION TWO OF THIS SECTION FOR PUBLIC INSPECTION BOTH  
40 AT THE BOARD OF ELECTIONS OFFICE AND THROUGH THE BOARD OF ELECTIONS  
41 ELECTRONIC FILING SYSTEM FOR CAMPAIGN FINANCE DISCLOSURE (EFS).

42 6. IT SHALL BE UNLAWFUL FOR ANY PERSON, ORGANIZATION, GROUP OF PERSONS  
43 OR BUSINESS ENTITY DESCRIBED IN PARAGRAPHS A, B, C, D AND E OF SUBDIVI-  
44 SION TWO OF THIS SECTION TO:

45 A. MAKE CONTRIBUTIONS TO A CANDIDATE FOR STATE OFFICE, A POLITICAL  
46 COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR PARTICIPATE IN SUCH  
47 CANDIDATE'S NOMINATION OR ELECTION, OR A POLITICAL COMMITTEE ESTABLISHED  
48 OR CONTROLLED BY SUCH CANDIDATE THAT EXCEED THE FOLLOWING AMOUNTS PER  
49 ELECTION FOR THE FOLLOWING OFFICES:

50 (I) GOVERNOR: FIVE HUNDRED DOLLARS;

51 (II) LIEUTENANT GOVERNOR: FIVE HUNDRED DOLLARS;

52 (III) ATTORNEY GENERAL: FIVE HUNDRED DOLLARS;

53 (IV) COMPTROLLER: FIVE HUNDRED DOLLARS;

54 (V) SENATOR: THREE HUNDRED FIFTY DOLLARS; AND

55 (VI) MEMBER OF ASSEMBLY: TWO HUNDRED FIFTY DOLLARS;

56 B. MAKE CONTRIBUTIONS TO:

1 (I) POLITICAL COMMITTEES WORKING DIRECTLY OR INDIRECTLY TO AID OR  
2 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR THE OFFICES  
3 DESCRIBED IN SUBPARAGRAPHS (I), (II), (III), (IV), (V) AND (VI) OF PARA-  
4 GRAPH A OF THIS SUBDIVISION, OR OTHER POLITICAL COMMITTEES ESTABLISHED  
5 OR CONTROLLED BY A CANDIDATE FOR THE OFFICES DESCRIBED IN SUBPARAGRAPHS  
6 (I), (II), (III), (IV), (V) AND (VI) OF PARAGRAPH A OF THIS SUBDIVISION,  
7 THAT IN THE AGGREGATE EXCEED FOUR THOUSAND DOLLARS PER ELECTION; OR

8 (II) STATE OR LOCAL COMMITTEES OF A POLITICAL PARTY, OR ANY HOUSE-  
9 KEEPING ACCOUNT, IN AN AMOUNT GREATER THAN ONE THOUSAND DOLLARS PER  
10 ELECTION, AND IN AN AGGREGATE TO ALL STATE OR LOCAL COMMITTEES OF POLI-  
11 TICAL PARTIES IN AN AGGREGATE THAT EXCEEDS TWO THOUSAND DOLLARS PER  
12 ELECTION;

13 C. TRANSMIT A CONTRIBUTION ON BEHALF OF ANOTHER TO, OR SOLICIT A  
14 CONTRIBUTION ON BEHALF OF:

15 (I) A CANDIDATE FOR ANY OF THE OFFICES FOR WHICH CONTRIBUTIONS ARE  
16 LIMITED UNDER PARAGRAPH A OF THIS SUBDIVISION;

17 (II) ANY POLITICAL COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR  
18 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR OFFICE FOR  
19 WHICH THEIR CONTRIBUTIONS ARE LIMITED IN PARAGRAPH A OF THIS SUBDIVI-  
20 SION, OR ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A  
21 CANDIDATE FOR THE OFFICES FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED  
22 UNDER PARAGRAPH A OF THIS SUBDIVISION;

23 (III) A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY, INCLUDING A  
24 HOUSEKEEPING ACCOUNT;

25 D. PARTICIPATE IN ANY FUND-RAISING ACTIVITIES FOR:

26 (I) A CANDIDATE FOR ANY OF THE OFFICES FOR WHICH CONTRIBUTIONS ARE  
27 LIMITED UNDER PARAGRAPH A OF THIS SUBDIVISION;

28 (II) ANY POLITICAL COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR  
29 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR OFFICE FOR  
30 WHICH THEIR CONTRIBUTIONS ARE LIMITED IN PARAGRAPH A OF THIS SUBDIVI-  
31 SION, OR ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A  
32 CANDIDATE FOR THE OFFICES FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED  
33 UNDER PARAGRAPH A OF THIS SUBDIVISION;

34 (III) A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY, INCLUDING A  
35 HOUSEKEEPING ACCOUNT;

36 E. SERVE AS CHAIRPERSON, TREASURER, OR ANY OTHER OFFICER OF:

37 (I) ANY POLITICAL COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR  
38 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR OFFICE FOR  
39 WHICH THEIR CONTRIBUTIONS ARE LIMITED UNDER PARAGRAPH A OF THIS SUBDIVI-  
40 SION; OR

41 (II) ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A  
42 CANDIDATE FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED UNDER PARAGRAPH A OF  
43 THIS SUBDIVISION;

44 F. CONDUCT PERSONAL BUSINESS TRANSACTIONS IN AN AMOUNT OVER TWO THOU-  
45 SAND DOLLARS IN ANY CALENDAR YEAR WITH A PUBLIC OFFICIAL HOLDING THE  
46 OFFICES FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED UNDER PARAGRAPH A OF  
47 THIS SUBDIVISION;

48 G. DELIVER TO ANY CONDUIT OR INTERMEDIARY ANY CONTRIBUTION EARMARKED  
49 FOR A PARTICULAR CANDIDATE FOR THE OFFICES FOR WHICH THEIR CONTRIBUTIONS  
50 ARE LIMITED UNDER PARAGRAPH A OF THIS SUBDIVISION, OR ANY COMMITTEE  
51 WORKING DIRECTLY OR INDIRECTLY TO AID OR PARTICIPATE IN SUCH CANDIDATE'S  
52 NOMINATION OR ELECTION, OR ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR  
53 CONTROLLED BY SUCH CANDIDATE; OR

54 H. KNOWINGLY TAKE OTHER STEPS TO CIRCUMVENT THE RESTRICTIONS IN THIS  
55 SUBSECTION.

1 7. NO CANDIDATE FOR STATE OFFICE, COMMITTEE WORKING DIRECTLY OR INDI-  
2 RECTLY TO AID OR PARTICIPATE IN SUCH CANDIDATE'S NOMINATION OR ELECTION,  
3 OR ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY SUCH  
4 CANDIDATE SHALL ACCEPT CONTRIBUTIONS FROM ANY PERSON, ORGANIZATION,  
5 GROUP OF PERSONS, OR BUSINESS ENTITY DESCRIBED IN PARAGRAPH A, B, C, D  
6 OR E OF SUBDIVISION TWO OF THIS SECTION THAT EXCEED THE FOLLOWING  
7 AMOUNTS PER ELECTION FOR THE FOLLOWING OFFICES:

- 8 A. GOVERNOR: FIVE HUNDRED DOLLARS;  
9 B. LIEUTENANT GOVERNOR: FIVE HUNDRED DOLLARS;  
10 C. COMPTROLLER: FIVE HUNDRED DOLLARS;  
11 D. ATTORNEY GENERAL: FIVE HUNDRED DOLLARS;  
12 E. SENATOR: THREE HUNDRED FIFTY DOLLARS; AND  
13 F. MEMBER OF ASSEMBLY: TWO HUNDRED FIFTY DOLLARS.

14 8. NO STATE OR LOCAL POLITICAL PARTY COMMITTEES, INCLUDING ANY HOUSE-  
15 KEEPING ACCOUNT, SHALL ACCEPT CONTRIBUTIONS IN AN AMOUNT GREATER THAN  
16 ONE THOUSAND DOLLARS PER ELECTION FROM ANY PERSON, ORGANIZATION, GROUP  
17 OF PERSONS OR BUSINESS ENTITY DESCRIBED IN PARAGRAPH A, B, C, D OR E OF  
18 SUBDIVISION TWO OF THIS SECTION.

19 9. NO PUBLIC OFFICIAL HOLDING ANY OF THE OFFICES LISTED IN PARAGRAPH A  
20 OF SUBDIVISION SIX OF THIS SECTION SHALL CONDUCT PERSONAL BUSINESS TRAN-  
21 SACTIONS IN AN AMOUNT OVER TWO THOUSAND DOLLARS IN ANY CALENDAR YEAR  
22 WITH ANY PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY  
23 DESCRIBED IN PARAGRAPH A, B, C, D OR E OF SUBDIVISION TWO OF THIS  
24 SECTION.

25 10. THIS SECTION SHALL NOT PROHIBIT ANY PERSON FROM INFORMING ANY  
26 OTHER PERSON OF A POSITION TAKEN BY A PUBLIC OFFICIAL OR A CANDIDATE FOR  
27 PUBLIC OFFICE.

28 11. THE PROVISIONS OF SUBDIVISIONS TWO AND SIX OF THIS SECTION SHALL  
29 NOT APPLY TO THE CAMPAIGN OF ANY PERSON DESCRIBED IN PARAGRAPH A, B, C  
30 OR D OF SUBDIVISION TWO OF THIS SECTION WHO IS A CANDIDATE FOR ANY OF  
31 THOSE OFFICES LISTED IN PARAGRAPH A OF SUBDIVISION SIX OF THIS SECTION.

32 S 14-132. GOVERNMENT CONTRACTOR REPORTING AND CONTRIBUTION LIMITS. 1.  
33 DEFINITIONS. THE FOLLOWING DEFINITIONS SHALL APPLY TO THIS SECTION:

34 A. "AGENT" MEANS ANY PERSON ACTING AT THE DIRECTION OF OR ON BEHALF OF  
35 AN INDIVIDUAL OR BUSINESS ENTITY;

36 B. "BUSINESS ENTITY" MEANS A BUSINESS CORPORATION, PROFESSIONAL  
37 SERVICES CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, LIMITED  
38 PARTNERSHIP, BUSINESS TRUST, ASSOCIATION OR ANY OTHER LEGAL COMMERCIAL  
39 ENTITY ORGANIZED UNDER THE LAWS OF THIS STATE OR ANY OTHER STATE OR  
40 FOREIGN JURISDICTION, INCLUDING ANY SUBSIDIARY DIRECTLY OR INDIRECTLY  
41 CONTROLLED BY THE BUSINESS ENTITY, AND ANY POLITICAL ORGANIZATION,  
42 INCLUDING BUT NOT LIMITED TO ANY POLITICAL ORGANIZATION ORGANIZED UNDER  
43 SECTION 527 OF THE INTERNAL REVENUE CODE, THAT IS DIRECTLY OR INDIRECTLY  
44 CONTROLLED BY THE BUSINESS ENTITY;

45 C. "IMMEDIATE FAMILY" MEANS ANY SPOUSE OR CHILD OF AN INDIVIDUAL OR  
46 ANY FINANCIALLY DEPENDENT RELATIVES WHO RESIDE IN THE INDIVIDUAL'S  
47 HOUSEHOLD;

48 D. "HOUSEKEEPING ACCOUNT" MEANS AN ACCOUNT MAINTAINED BY A PARTY  
49 COMMITTEE OR CONSTITUTED COMMITTEE FROM WHICH EXPENDITURES ARE MADE TO  
50 MAINTAIN A PERMANENT HEADQUARTERS AND STAFF AND CARRY ON ORDINARY PARTY  
51 ACTIVITIES WHICH ARE NOT FOR THE EXPRESS PURPOSE OF PROMOTING THE CANDI-  
52 DACY OF SPECIFIC CANDIDATES;

53 E. "CANDIDATE FOR STATE OFFICE" MEANS A CANDIDATE FOR THE FOLLOWING  
54 STATE OFFICES: GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMP-  
55 TROLLER, SENATOR, AND MEMBER OF THE ASSEMBLY; AND

1 F. "PERSONAL BUSINESS TRANSACTION" MEANS TRANSACTIONS FOR SERVICES  
2 OFFERED BY THE ELECTED OFFICIAL IN HIS OR HER CAPACITY AS A PRIVATE  
3 CITIZEN TO ANY MEMBER OF THE PUBLIC.

4 2. THE FOLLOWING PERSONS AND BUSINESS ENTITIES WHO MAKE A CONTRIBUTION  
5 TO A CANDIDATE FOR STATE OFFICE, A POLITICAL COMMITTEE WORKING DIRECTLY  
6 OR INDIRECTLY TO AID OR PARTICIPATE IN SUCH CANDIDATE'S NOMINATION OR  
7 ELECTION, A POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY SUCH CANDI-  
8 DATE, OR A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY, INCLUDING A  
9 HOUSEKEEPING ACCOUNT, SHALL FILE REPORTS AS REQUIRED BY SUBDIVISION  
10 THREE OF THIS SECTION WITH THE BOARD OF ELECTIONS WITHIN SEVEN CALENDAR  
11 DAYS AFTER THE DATE OF A CONTRIBUTION MADE WITHIN THIRTY-SIX DAYS OF AN  
12 ELECTION, OR, FOR CONTRIBUTIONS MADE AT ANY OTHER TIME, WITHIN  
13 THIRTY-SIX DAYS OF THE DATE OF THE CONTRIBUTION OR THE DATE OF ANY  
14 APPLICABLE CONTRACT, WHICHEVER OCCURS LATER:

15 A. ANY PERSON, ORGANIZATION, GROUP OF PERSONS, OR BUSINESS ENTITY THAT  
16 HAS RECEIVED, IN A CALENDAR YEAR FIFTY THOUSAND DOLLARS OR MORE THROUGH  
17 CONTRACTS FROM THE STATE OR ANY STATE-APPOINTED ENTITY WITH CONTRACTING  
18 POWER;

19 B. ANY PERSON WHO OWNS MORE THAN TEN PERCENT OF A BUSINESS ENTITY THAT  
20 IS DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION;

21 C. ANY PERSON EMPLOYED BY AN ORGANIZATION, GROUP, OR BUSINESS ENTITY  
22 DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION WHO HOLDS A SENIOR MANAGE-  
23 MENT POSITION AS DEFINED BY THE STATE ETHICS COMMISSION;

24 D. THE IMMEDIATE FAMILY MEMBER OF A PERSON WHO IS DESCRIBED IN PARA-  
25 GRAPH A, B OR C OF THIS SUBDIVISION; OR

26 E. ANY POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A PERSON,  
27 ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY DESCRIBED IN PARAGRAPH  
28 A, B, C AND D OF THIS SUBDIVISION.

29 3. THE BOARD OF ELECTIONS SHALL PRESCRIBE FORMS AND PROCEDURES FOR THE  
30 REPORTING REQUIRED IN SUBDIVISION TWO OF THIS SECTION WHICH, AT A MINI-  
31 MUM, SHALL REQUIRE THE ELECTRONIC FILING OF THE FOLLOWING INFORMATION:

32 A. THE NAME, ADDRESS, EMPLOYER AND THE NAME OF SPOUSE OF THE PERSON  
33 MAKING THE CONTRIBUTION AND THE NAME OF THE SPOUSE'S EMPLOYER;

34 B. THE NAME OF THE CANDIDATE, POLITICAL COMMITTEE, OR STATE OR LOCAL  
35 COMMITTEE OF A POLITICAL PARTY, INCLUDING A HOUSEKEEPING ACCOUNT,  
36 RECEIVING THE CONTRIBUTION;

37 C. THE AMOUNT OF THE CONTRACT WITH THE STATE OR OTHER ENTITY DEFINED  
38 IN PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, AND THE DATES AND  
39 OTHER INFORMATION IDENTIFYING EACH CONTRACT FOR SERVICES OR GOODS; AND

40 D. IF AN ORGANIZATION, GROUP OF PERSONS, OR BUSINESS ENTITY IS MAKING  
41 THE CONTRIBUTION:

42 (I) THE NAMES AND BUSINESS ADDRESSES OF ALL PERSONS WHO OWN MORE THAN  
43 TEN PERCENT OF THE ORGANIZATION, GROUP OR ENTITY; OR

44 (II) THE NAMES AND BUSINESS ADDRESSES OF ALL PERSONS EMPLOYED BY THE  
45 ORGANIZATION, GROUP, OR BUSINESS ENTITY WHO HOLD A SENIOR MANAGEMENT  
46 POSITION AS DEFINED BY THE COMMISSION ON GOVERNMENTAL ETHICS.

47 4. THE BOARD OF ELECTIONS SHALL MAINTAIN COMPLETED FORMS AND REPORTS  
48 DESCRIBED IN SUBDIVISION TWO OF THIS SECTION FOR PUBLIC INSPECTION BOTH  
49 AT THE BOARD OF ELECTIONS OFFICE AND THROUGH THE BOARD OF ELECTIONS  
50 ELECTRONIC FILING SYSTEM FOR CAMPAIGN FINANCE DISCLOSURE (EFS).

51 5. FROM TWELVE MONTHS AFTER A BID OR PROPOSAL TO THE RELEVANT AGENCY  
52 OR CONTRACTING AUTHORITY FOR A CONTRACT DESCRIBED IN SUBDIVISION TWO OF  
53 THIS SECTION AND EITHER TWELVE MONTHS AFTER COMPLETION OF THE APPLICABLE  
54 CONTRACT, OR UPON COMPLETION OF THE APPLICABLE ELECTED OFFICIAL'S TERM  
55 IN OFFICE, WHICHEVER IS LONGER, IT SHALL BE UNLAWFUL FOR ANY PERSON,

1 ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY DESCRIBED IN PARA-  
2 GRAPHS A, B, C AND D OR E OF SUBDIVISION TWO OF THIS SECTION TO:

3 A. MAKE CONTRIBUTIONS TO A CANDIDATE FOR STATE OFFICE, ANY POLITICAL  
4 COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR PARTICIPATE IN SUCH  
5 CANDIDATE'S NOMINATION OR ELECTION, OR ANY OTHER POLITICAL COMMITTEE  
6 ESTABLISHED OR CONTROLLED BY SUCH CANDIDATE THAT EXCEED THE FOLLOWING  
7 AMOUNTS PER ELECTION FOR THE FOLLOWING OFFICES:

- 8 (I) GOVERNOR: FIVE HUNDRED DOLLARS;
- 9 (II) LIEUTENANT GOVERNOR: FIVE HUNDRED DOLLARS;
- 10 (III) COMPTROLLER: FIVE HUNDRED DOLLARS;
- 11 (IV) ATTORNEY GENERAL: FIVE HUNDRED DOLLARS;
- 12 (V) SENATOR: THREE HUNDRED FIFTY DOLLARS; OR
- 13 (VI) MEMBER OF ASSEMBLY: TWO HUNDRED FIFTY DOLLARS;

14 B. MAKE CONTRIBUTIONS TO:

15 (I) POLITICAL COMMITTEES WORKING DIRECTLY OR INDIRECTLY TO AID OR  
16 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR THE OFFICES  
17 DESCRIBED IN SUBPARAGRAPHS (I), (II), (III), (IV), (V) AND (VI) OF PARA-  
18 GRAPH A OF THIS SUBDIVISION, OR OTHER POLITICAL COMMITTEES ESTABLISHED  
19 OR CONTROLLED BY A CANDIDATE FOR THE OFFICES DESCRIBED IN SUBPARAGRAPHS  
20 (I), (II), (III), (IV), (V) AND (VI) OF PARAGRAPH A OF THIS SUBDIVISION  
21 THAT IN THE AGGREGATE EXCEED FOUR THOUSAND DOLLARS PER ELECTION; OR

22 (II) STATE OR LOCAL COMMITTEES OF A POLITICAL PARTY, OR ANY HOUSE-  
23 KEEPING ACCOUNT, IN AN AMOUNT GREATER THAN ONE THOUSAND DOLLARS PER  
24 ELECTION, AND IN AN AGGREGATE TO ALL STATE OR LOCAL COMMITTEES OF POLI-  
25 TICAL PARTIES IN AN AGGREGATE THAT EXCEEDS TWO THOUSAND DOLLARS PER  
26 ELECTION;

27 C. SOLICIT A CONTRIBUTION ON BEHALF OF, OR TRANSMIT A CONTRIBUTION ON  
28 BEHALF OF ANOTHER TO:

29 (I) A CANDIDATE FOR ANY OF THE OFFICES FOR WHICH CONTRIBUTIONS ARE  
30 LIMITED UNDER PARAGRAPH A OF THIS SUBDIVISION;

31 (II) ANY POLITICAL COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR  
32 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR OFFICE FOR  
33 WHICH THEIR CONTRIBUTIONS ARE LIMITED IN PARAGRAPH A OF THIS SUBDIVI-  
34 SION, OR ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A  
35 CANDIDATE FOR THE OFFICES FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED  
36 UNDER PARAGRAPH A OF THIS SUBDIVISION;

37 (III) A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY INCLUDING A  
38 HOUSEKEEPING ACCOUNT;

39 D. PARTICIPATE IN ANY FUND-RAISING ACTIVITIES FOR:

40 (I) A CANDIDATE FOR ANY OF THE OFFICES FOR WHICH CONTRIBUTIONS ARE  
41 LIMITED UNDER PARAGRAPH A OF THIS SUBDIVISION;

42 (II) ANY POLITICAL COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR  
43 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR OFFICE FOR  
44 WHICH THEIR CONTRIBUTIONS ARE LIMITED IN PARAGRAPH A OF THIS SUBDIVI-  
45 SION, OR ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A  
46 CANDIDATE FOR THE OFFICES FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED  
47 UNDER PARAGRAPH A OF THIS SUBDIVISION;

48 (III) A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY, INCLUDING A  
49 HOUSEKEEPING ACCOUNT;

50 E. SERVE AS CHAIRPERSON, TREASURER, OR ANY OTHER OFFICER OF:

51 (I) ANY POLITICAL COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR  
52 PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR OFFICE FOR  
53 WHICH THEIR CONTRIBUTIONS ARE LIMITED UNDER PARAGRAPH A OF THIS SUBDIVI-  
54 SION; OR

1 (II) ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY A  
2 CANDIDATE FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED UNDER PARAGRAPH A OF  
3 THIS SUBDIVISION;

4 F. CONDUCT PERSONAL BUSINESS TRANSACTIONS IN AN AMOUNT OVER TWO THOU-  
5 SAND DOLLARS IN ANY CALENDAR YEAR WITH A PUBLIC OFFICIAL HOLDING THE  
6 OFFICES FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED UNDER PARAGRAPH A OF  
7 THIS SUBDIVISION;

8 G. DELIVER TO ANY CONDUIT OR INTERMEDIARY ANY CONTRIBUTION EARMARKED  
9 FOR A PARTICULAR CANDIDATE FOR THE OFFICES FOR WHICH THEIR CONTRIBUTIONS  
10 ARE LIMITED UNDER PARAGRAPH A OF THIS SUBDIVISION, OR ANY COMMITTEE  
11 WORKING DIRECTLY OR INDIRECTLY TO AID OR PARTICIPATE IN SUCH CANDIDATE'S  
12 NOMINATION OR ELECTION, OR ANY OTHER POLITICAL COMMITTEE ESTABLISHED OR  
13 CONTROLLED BY SUCH CANDIDATE; OR

14 H. KNOWINGLY TAKE ANY STEP TO CIRCUMVENT THE RESTRICTIONS IN THIS  
15 SUBDIVISION.

16 I. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY FOR A CONTRACTOR  
17 MAKING A CONTRIBUTION, OR ANY DISCLOSURE THEREOF REQUIRED BY THIS ARTI-  
18 CLE, IN ANY CALENDAR YEAR IN WHICH SUCH CONTRACTOR RECEIVES FUNDS  
19 DISBURSED BY THE STATE OR ANY INSTRUMENTALITY THEREOF PURSUANT TO A  
20 FEDERAL STATUTE, RULE OR REGULATION THAT WOULD RENDER THE STATE OR SUCH  
21 INSTRUMENTALITY OR CONTRACTOR INELIGIBLE TO RECEIVE SUCH FUNDS BY VIRTUE  
22 OF THE OPERATION OF THIS SECTION.

23 THIS SUBDIVISION SHALL NOT BE APPLICABLE TO CONTRIBUTIONS MADE BY ANY  
24 PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY AT A TIME WHEN  
25 THE PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY DID NOT  
26 MEET THE DESCRIPTIONS OF PARAGRAPHS A, B, C, D AND E OF SUBDIVISION TWO  
27 OF THIS SECTION.

28 6. THE STATE OR ANY STATE DEPARTMENT, PUBLIC ENTITY OR AUTHORITY WITH  
29 CONTRACT-MAKING POWER SHALL NOT ENTER INTO AN AGREEMENT OR OTHERWISE  
30 CONTRACT TO PROCURE SERVICES OR ANY MATERIAL, SUPPLIES OR EQUIPMENT, OR  
31 TO ACQUIRE, SELL, OR LEASE ANY LAND OR BUILDING FROM ANY PERSON, ORGAN-  
32 IZATION, GROUP OF PERSONS OR BUSINESS ENTITY DESCRIBED IN PARAGRAPHS A,  
33 B, C AND D OF SUBDIVISION TWO OF THIS SECTION WHO HAS MADE A CONTRIB-  
34 UTION PROHIBITED IN SUBDIVISION FIVE OF THIS SECTION. THIS SUBDIVISION  
35 SHALL NOT BE APPLICABLE TO CONTRIBUTIONS MADE BY ANY PERSON, ORGANIZA-  
36 TION, GROUP OF PERSONS OR BUSINESS ENTITY AT A TIME WHEN THE PERSON,  
37 ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY DID NOT MEET THE  
38 DESCRIPTIONS OF PARAGRAPH A, B, C, D OR E OF SUBDIVISION TWO OF THIS  
39 SECTION. NOTHING IN THIS SECTION SHALL IMPAIR THE POWER OF THE STATE OR  
40 ANY INSTRUMENTALITY THEREOF TO ENTER INTO A CONTRACT WITH ANY CONTRACTOR  
41 WHERE FEDERAL FUNDS WOULD SUPPORT THE PAYMENT OR PERFORMANCE OF SUCH  
42 CONTRACT AND A FEDERAL STATUTE, RULE OR REGULATION WOULD RENDER THE  
43 STATE OR SUCH INSTRUMENTALITY OR CONTRACTOR INELIGIBLE TO RECEIVE SUCH  
44 FUNDS BY VIRTUE OF THE OPERATION OF THIS SECTION.

45 7. EVERY CONTRACT AND BID APPLICATION AND SPECIFICATIONS PROMULGATED  
46 BY THE STATE OR ANY STATE DEPARTMENT, PUBLIC ENTITY OR AUTHORITY WITH  
47 CONTRACT-MAKING POWER SHALL CONTAIN A PROVISION DESCRIBING THE REQUIRE-  
48 MENTS OF SECTION 14-116 OF THIS ARTICLE.

49 8. BEFORE ENTERING INTO ANY AGREEMENT OR ANY OTHER CONTRACT TO PROCURE  
50 FROM ANY PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY  
51 SERVICES OR ANY MATERIAL, SUPPLIES OR EQUIPMENT, OR TO ACQUIRE, SELL, OR  
52 LEASE ANY LAND OR BUILDING, THE STATE OR ANY STATE DEPARTMENT, PUBLIC  
53 ENTITY OR AUTHORITY WITH CONTRACT-MAKING POWER SHALL RECEIVE A SWORN  
54 STATEMENT FROM THE CONTRACTOR, MADE UNDER PENALTY OF PERJURY, THAT THE  
55 BIDDER OR OFFERER HAS NOT MADE A CONTRIBUTION IN VIOLATION OF THIS  
56 SECTION.



1 9. NO CANDIDATE FOR STATE OFFICE SHALL ACCEPT CAMPAIGN CONTRIBUTIONS  
2 FROM A PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY  
3 DESCRIBED IN PARAGRAPH A, B, C, D OR E OF SUBDIVISION TWO OF THIS  
4 SECTION IN AN AMOUNT EXCEEDING THOSE PERMITTED IN PARAGRAPH A OF SUBDI-  
5 VISION FIVE OF THIS SECTION FOR TWELVE MONTHS AFTER COMPLETION OF THE  
6 APPLICABLE CONTRACT, OR THE REMAINDER OF THE CANDIDATE'S TERM IN OFFICE,  
7 WHICHEVER IS LONGER. THIS SUBDIVISION SHALL NOT BE APPLICABLE TO  
8 CONTRIBUTIONS MADE BY ANY PERSON, ORGANIZATION, GROUP OF PERSONS OR  
9 BUSINESS ENTITY AT A TIME WHEN THE PERSON, ORGANIZATION, GROUP OF  
10 PERSONS OR BUSINESS ENTITY DID NOT MEET THE DESCRIPTIONS OF PARAGRAPH A,  
11 B, C, D OR E OF SUBDIVISION TWO OF THIS SECTION.

12 10. NO PUBLIC OFFICIAL HOLDING ANY OF THE OFFICES LISTED IN PARAGRAPH  
13 A OF SUBDIVISION FIVE OF THIS SECTION SHALL CONDUCT PERSONAL BUSINESS  
14 TRANSACTIONS IN AN AMOUNT OVER TWO THOUSAND DOLLARS IN ANY CALENDAR YEAR  
15 WITH ANY PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY  
16 DESCRIBED IN PARAGRAPHS A, B, C AND D OF SUBDIVISION TWO OF THIS  
17 SECTION.

18 11. THIS SECTION SHALL NOT PROHIBIT ANY PERSON FROM INFORMING ANY  
19 OTHER PERSON OF A POSITION TAKEN BY A PUBLIC OFFICIAL OR A CANDIDATE FOR  
20 PUBLIC OFFICE.

21 12. THE PROVISIONS OF SUBDIVISIONS TWO AND FIVE OF THIS SECTION SHALL  
22 NOT APPLY TO THE CAMPAIGN OF ANY PERSON DESCRIBED IN PARAGRAPH A, B, C  
23 OR D OF SUBDIVISION TWO OF THIS SECTION WHO IS A CANDIDATE FOR ANY OF  
24 THOSE OFFICES LISTED IN PARAGRAPH A OF SUBDIVISION FIVE OF THIS SECTION.

25 S 14-133. COMMISSIONING AUTHORITIES AND LICENSING AUTHORITIES. THE  
26 FOLLOWING PERSONS SHALL NOT BE APPOINTED TO A STATE PUBLIC BOARD OR  
27 COMMISSION WHICH HAS THE AUTHORITY TO AWARD OR AUDIT ANY PUBLIC  
28 CONTRACT:

29 1. A LOBBYIST REGISTERED UNDER SECTION ONE-E OF THE LEGISLATIVE LAW;

30 2. ANY PERSON OR BUSINESS ENTITY WHO, IN THE PREVIOUS TWO YEARS, HAS  
31 RECEIVED FIFTY THOUSAND DOLLARS OR MORE THROUGH ONE OR MORE CONTRACTS  
32 FROM THE STATE OR ANY STATE-APPOINTED ENTITY WITH CONTRACTING POWER;

33 3. ANY PERSON WHO OWNS MORE THAN TEN PERCENT OF A BUSINESS ENTITY THAT  
34 IS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION;

35 4. ANY PERSON EMPLOYED BY AN ORGANIZATION, GROUP, OR BUSINESS ENTITY  
36 DESCRIBED IN SUBDIVISION TWO OF THIS SECTION WHO HOLDS A SENIOR MANAGE-  
37 MENT POSITION AS DEFINED BY THE COMMISSION ON GOVERNMENTAL ETHICS; OR

38 5. AN IMMEDIATE FAMILY MEMBER OF A PERSON DESCRIBED IN SUBDIVISION  
39 ONE, TWO, THREE, OR FOUR OF THIS SECTION.

40 S 8. Section 14-130 of the election law, as amended by section 9 of  
41 part CC of chapter 56 of the laws of 2015, is amended to read as  
42 follows:

43 S 14-130. Campaign funds for personal use. 1. Contributions received  
44 by a candidate or a political committee may ONLY be expended for [any  
45 lawful purpose. Such funds shall not be converted by any person to a  
46 personal use which is unrelated to a political campaign or the holding  
47 of a public office or party position] BONA FIDE PURPOSES DIRECTLY  
48 RELATED TO EITHER:

49 A. PROMOTING THE NOMINATION OR ELECTION OF A CANDIDATE; OR

50 B. PERFORMING THOSE DUTIES OF PUBLIC OFFICE OR PARTY POSITION WHICH  
51 ARE NOT PAID FOR OR ELIGIBLE FOR REIMBURSEMENT BY THE STATE OR ANY POLI-  
52 TICAL SUBDIVISION OR PRIVATE PARTY.

53 2. PERMISSIBLE ORDINARY AND NECESSARY EXPENSES RELATING TO THE HOLDING  
54 OF PUBLIC OFFICE OR PARTY POSITION SHALL INCLUDE:

55 A. PRODUCTION AND CIRCULATION OF FLYERS OR OTHER WRITTEN MATERIALS  
56 RELATED TO DUTIES OF OFFICEHOLDER; THE PLACEMENT OF HOLIDAY GREETINGS

1 AND CONGRATULATORY ADS AND MEMORIAL NOTICES IN LOCAL NEWSPAPERS, MAGA-  
2 ZINES, JOURNALS OR OTHER PUBLICATION;

3 B. SPONSORSHIP OR HOSTING OF COMMUNITY MEETINGS; TICKETS OR DONATIONS  
4 TO LOCAL CHARITABLE, NON-PROFIT OR POLITICAL EVENTS, ORGANIZATIONS OR  
5 ACTIVITIES THAT PROMOTE THE WELFARE OF CONSTITUENTS OR POLITICAL  
6 CAMPAIGNS;

7 C. INCIDENTAL EXPENDITURES FOR THE OPERATION OF LEGISLATIVE OFFICES,  
8 INCLUDING PURCHASE OF ITEMS SUCH AS MEMORIAL OR GET-WELL GIFTS, FLOWERS  
9 OR SIMILAR ITEMS OF NOMINAL VALUE FOR CONSTITUENTS OR OTHERS;

10 D. MEMBERSHIP IN ORGANIZATIONS RELATED TO OFFICIAL DUTIES AND COSTS OF  
11 ATTENDING INFORMATIONAL MEETINGS ATTENDED IN CONNECTION WITH SUCH  
12 DUTIES; AND

13 E. TRAVEL RELATED TO DUTIES OF OFFICE, PROVIDED THAT THE TRAVEL IS NOT  
14 UNDERTAKEN FOR ANY PURPOSE RESULTING IN A PERSONAL OR FINANCIAL BENEFIT  
15 TO THE CANDIDATE OR OFFICEHOLDER. IF SUCH EXPENSES INVOLVE BOTH PERSONAL  
16 ACTIVITY AND CAMPAIGN OR OFFICIAL ACTIVITIES, THE INCREMENTAL EXPENSES  
17 ASSOCIATED WITH THE PERSONAL ACTIVITIES ARE PERSONAL USES UNLESS THE  
18 CAMPAIGN IS REIMBURSED FOR SUCH SUMS FROM OTHER THAN CAMPAIGN FUNDS  
19 WITHIN THIRTY DAYS OF THE EXPENDITURE.

20 NOTHING IN THIS SECTION SHALL PROHIBIT A CANDIDATE FROM PURCHASING  
21 OFFICE EQUIPMENT WITH PERSONAL FUNDS AND LEASING OR RENTING SUCH EQUIP-  
22 MENT OR PROPERTY TO A COMMITTEE WORKING WITH OR FOR THE CANDIDATE,  
23 PROVIDED THE CANDIDATE OR THE CAMPAIGN TREASURER SIGN A WRITTEN LEASE OR  
24 RENTAL AGREEMENT AND FILES IT WITH THE APPROPRIATE REQUIRED CAMPAIGN  
25 FINANCIAL FILING WHICH SHALL INCLUDE THE LEASE OR RENTAL PRICE WHICH  
26 SHALL NOT EXCEED THE FAIR LEASE OR RENTAL VALUE OF THE EQUIPMENT OR IN  
27 THE AGGREGATE EXCEED THE COST OF ITS PURCHASE.

28 3. CAMPAIGN FUNDS SHALL NOT BE CONVERTED TO PERSONAL USE, WHICH SHALL  
29 BE DEFINED AS EXPENDITURES THAT:

30 A. ARE FOR THE PERSONAL BENEFIT OF OR TO DEFRAY NORMAL LIVING EXPENSES  
31 OF THE CANDIDATE, OFFICEHOLDER, IMMEDIATE FAMILY OR PARTNER OF EITHER OR  
32 ANY OTHER PERSON;

33 B. ARE USED TO FULFILL ANY COMMITMENT, OBLIGATION, OR EXPENSE THAT  
34 WOULD EXIST IRRESPECTIVE OF THE CANDIDATE'S CAMPAIGN OR DUTIES AS AN  
35 OFFICEHOLDER; OR

36 C. ARE PUT TO ANY USE FOR WHICH THE CANDIDATE OR OFFICEHOLDER WOULD BE  
37 REQUIRED TO TREAT THE AMOUNT OF THE EXPENDITURE AS GROSS INCOME UNDER  
38 SECTION 61 OF THE INTERNAL REVENUE CODE.

39 4. EXPENDITURES FOR PERSONAL USE SHALL ALSO INCLUDE, BUT ARE NOT  
40 LIMITED TO, EXPENDITURES FOR:

41 A. RESIDENTIAL OR HOUSEHOLD ITEMS, SUPPLIES, MAINTENANCE OR OTHER  
42 EXPENDITURES, INCLUDING MORTGAGE, RENT, UTILITIES, REPAIRS, OR IMPROVE-  
43 MENTS FOR ANY PART OF ANY PERSONAL RESIDENCE OF A CANDIDATE OR OFFICE-  
44 HOLDER, HIS OR HER IMMEDIATE FAMILY OR PARTNER;

45 B. RENT OR UTILITY PAYMENTS THAT EXCEED FAIR MARKET VALUE FOR USE OF  
46 ANY PART OF ANY NON-RESIDENTIAL PROPERTY OWNED BY A CANDIDATE, OR A  
47 MEMBER OF A CANDIDATE'S FAMILY OR PARTNER USED FOR CAMPAIGN PURPOSES;

48 C. SALARY AND OTHER FEES FOR BONA FIDE SERVICES TO A CAMPAIGN OR  
49 LEGISLATIVE OFFICE THAT EXCEED FAIR AND REASONABLE MARKET VALUE OF SUCH  
50 SERVICES;

51 D. INTEREST OR ANY OTHER FINANCE CHARGES FOR MONIES LOANED TO THE  
52 CAMPAIGN BY THE CANDIDATE OR THE SPOUSE OR PARTNER OF SUCH CANDIDATE;

53 E. TUITION PAYMENTS;

54 F. DUES, FEES, OR GRATUITIES AT PRIVATE CLUBS, RECREATIONAL FACILITIES  
55 OR OTHER NONPOLITICAL ORGANIZATIONS, UNLESS CONNECTED TO A SPECIFIC

1 WIDELY ATTENDED FUNDRAISING EVENT THAT TAKES PLACE ON THE ORGANIZATION'S  
2 PREMISES;

3 G. AUTOMOBILE PURCHASES OR LONG TERM LEASES; SHORT TERM CAR RENTALS  
4 AND CELLULAR EQUIPMENT AND SERVICES NOT USED EXCLUSIVELY FOR CAMPAIGN  
5 PURPOSES OR DUTIES AS AN OFFICEHOLDER;

6 H. ADMISSION TO SPORTING EVENTS, CONCERTS, THEATERS, OR OTHER FORMS OF  
7 ENTERTAINMENT, UNLESS PART OF A SPECIFIC CAMPAIGN OR OFFICEHOLDER  
8 RELATED ACTIVITY; AND

9 I. PAYMENT OF ANY FINES, FEES, OR PENALTIES ASSESSED PURSUANT TO THIS  
10 CHAPTER.

11 5. NO CAMPAIGN FUNDS SHALL BE USED TO PAY ATTORNEY'S FEES OR ANY COSTS  
12 OF DEFENDING AGAINST ANY CIVIL OR CRIMINAL INVESTIGATION OR PROSECUTION  
13 FOR ALLEGED VIOLATIONS OF STATE OR FEDERAL LAW ALLEGED TO HAVE BEEN  
14 COMMITTED WHILE HOLDING PUBLIC OFFICE OR AS A CANDIDATE FOR OFFICE WHERE  
15 THE CANDIDATE OR PUBLIC OR PARTY OFFICIAL, MEMBERS OF THEIR IMMEDIATE  
16 FAMILIES OR PARTNERS OR THE CAMPAIGN IS THE TARGET OF SUCH INVESTIGATION  
17 OR PROSECUTION UNLESS SUCH EXPENDITURE IS USED EXCLUSIVELY FOR COSTS  
18 RELATED TO CIVIL OR CRIMINAL ACTIONS FOR ALLEGED VIOLATIONS RELATED TO  
19 ACTIVITIES PROMOTING THE NOMINATION OR ELECTION OF A CANDIDATE.

20 [2.] 6. No contribution shall be used to pay interest or any other  
21 finance charges upon monies loaned to the campaign by such candidate or  
22 the spouse of such candidate.

23 [3.] 7. For the purposes of this section, contributions "converted by  
24 any person to a personal use" are expenditures that are exclusively for  
25 the personal benefit of the candidate or any other individual, not in  
26 connection with a political campaign or the holding of a public office  
27 or party position. "Converted by any person to a personal use", when  
28 meeting the definition in this subdivision, shall include, but not be  
29 limited to, expenses for the following:

30 (i) any residential or household items, supplies or expenditures,  
31 including mortgage, rent or utility payments for any part of any  
32 personal residence of a candidate or officeholder or a member of the  
33 candidate's or officeholder's family that are not incurred as a result  
34 of, or to facilitate, the individual's campaign, or the execution of his  
35 or her duties of public office or party position. In the event that any  
36 property or building is used for both personal and campaign use or as  
37 part of the execution of his or her duties of public office or party  
38 position, personal use shall constitute expenses that exceed the pro-  
39 rated amount for such expenses based on fair-market value.

40 (ii) mortgage, rent, or utility payments to a candidate or officehold-  
41 er for any part of any non-residential property that is owned by a  
42 candidate or officeholder or a member of a candidate's or officeholder's  
43 family and used for campaign purposes, to the extent the payments exceed  
44 the fair market value of the property's usage for campaign activities;

45 (iii) clothing, other than items that are used in the campaign or in  
46 the execution of the duties of public office or party position;

47 (iv) tuition payments unrelated to a political campaign or the holding  
48 of a public office or party position;

49 (v) salary payments or other compensation provided to any person for  
50 services where such services are not solely for campaign purposes or  
51 provided in connection with the execution of the duties of public office  
52 or party position;

53 (vi) salary payments or other compensation provided to a member of a  
54 candidate's family, unless the family member is providing bona fide  
55 services to the campaign. If a family member provides bona fide services  
56 to a campaign, any salary payments or other compensation in excess of

1 the fair market value of the services provided shall be considered  
2 payments for personal use;

3 (vii) admission to a sporting event, concert, theater, or other form  
4 of entertainment, unless such event is part of, or in connection with, a  
5 campaign or is related to the holding of public office or party posi-  
6 tion;

7 (viii) payment of any fines or penalties assessed against the candi-  
8 date pursuant to this chapter or in connection with a criminal  
9 conviction or by the joint commission for public ethics pursuant to  
10 section ninety-four of the executive law or sections seventy-three or  
11 seventy-three-a of the public officers law or the legislative ethics  
12 commission pursuant to section eighty of the legislative law;

13 (ix) dues, fees, or gratuities at a country club, health club, recre-  
14 ational facility or other entities with a similar purpose, unless they  
15 are expenses connected with a specific fundraising event or activity  
16 associated with a political campaign or the holding of public office or  
17 party position that takes place on the organization's premises; and

18 (x) travel expenses including automobile purchases or leases, unless  
19 used for campaign purposes or in connection with the execution of the  
20 duties of public office or party position and usage of such vehicle  
21 which is incidental to such purposes or the execution of such duties.

22 [4.] 8. Nothing in this section shall prohibit a candidate from  
23 purchasing equipment or property from his or her personal funds and  
24 leasing or renting such equipment or property to a committee working  
25 directly or indirectly with him to aid or participate in his or her  
26 nomination or election, including an exploratory committee, provided  
27 that the candidate and his or her campaign treasurer sign a written  
28 lease or rental agreement. Such agreement shall include the lease or  
29 rental price, which shall not exceed the fair lease or rental value of  
30 the equipment. The candidate shall not receive lease or rental payments  
31 which, in the aggregate, exceed the cost of purchasing the equipment or  
32 property.

33 [5.] 9. Nothing in this section shall prohibit an elected public  
34 officeholder from using campaign contributions to facilitate, support,  
35 or otherwise assist in the execution or performance of the duties of his  
36 or her public office.

37 [6.] 10. The state board of elections shall issue advisory opinions  
38 upon request regarding expenditures that may or may not be considered  
39 personal use of contributions. Any formal or informal advisory opinions  
40 issued by a majority vote of the commissioners of the state board of  
41 elections shall be binding on the board, the chief enforcement counsel  
42 established by subdivision three-a of section 3-100 of this chapter, and  
43 in any subsequent civil or criminal action or proceeding or administra-  
44 tive proceeding.

45 S 9. The election law is amended by adding a new section 14-134 to  
46 read as follows:

47 S 14-134. DISPOSITION OF CAMPAIGN FUNDS. 1. AN AUTHORIZED CONTINUING  
48 CANDIDATE COMMITTEE MUST DISPOSE OF ALL FUNDS AND CLOSE WITHIN FOUR  
49 YEARS AFTER THE LATER OF (A) THE END OF THE INDIVIDUAL'S MOST RECENT  
50 TERM OF OFFICE, OR (B) THE DATE OF THE ELECTION IN WHICH THE INDIVIDUAL  
51 LAST WAS A FILED CANDIDATE.

52 2. ANY CANDIDATE OR POLITICAL COMMITTEE REQUIRED TO DISPOSE OF FUNDS  
53 PURSUANT TO THIS SECTION SHALL, AT THE OPTION OF THE CANDIDATE, OR THE  
54 TREASURER OF A POLITICAL COMMITTEE FORMED SOLELY TO PROMOTE THE PASSAGE  
55 OR DEFEAT OF A BALLOT PROPOSAL, DISPOSE OF SUCH FUNDS BY ANY OF THE  
56 FOLLOWING MEANS, OR ANY COMBINATION THEREOF:

- 1 A. RETURNING, PRO RATA, TO EACH CONTRIBUTOR THE FUNDS THAT HAVE NOT  
2 BEEN SPENT OR OBLIGATED;
- 3 B. DONATING THE FUNDS TO A CHARITABLE ORGANIZATION OR ORGANIZATIONS  
4 THAT MEET THE QUALIFICATIONS OF SECTION 501(C)(3) OF THE INTERNAL REVEN-  
5 UE CODE;
- 6 C. DONATING THE FUNDS TO THE STATE UNIVERSITY;
- 7 D. DONATING THE FUNDS TO THE STATE'S GENERAL FUND;
- 8 E. TRANSFERRING THE FUNDS TO A POLITICAL PARTY COMMITTEE REGISTERED  
9 WITH THE STATE BOARD OF ELECTIONS; OR
- 10 F. CONTRIBUTING THE FUNDS TO A CANDIDATE OR POLITICAL COMMITTEE SUCH  
11 THAT THIS DOES NOT EXCEED THE LIMITS SET FORTH IN SECTION 14-114 OF THIS  
12 ARTICLE.
- 13 3. NO CANDIDATE OR POLITICAL COMMITTEE SHALL DISPOSE OF CAMPAIGN FUNDS  
14 BY MAKING EXPENDITURES FOR PERSONAL USE AS DEFINED IN SECTION 14-130 OF  
15 THIS ARTICLE.
- 16 4. UPON THE DEATH OF A CANDIDATE, FORMER CANDIDATE OR HOLDER OF ELEC-  
17 TIVE OFFICE, WHO RECEIVED CAMPAIGN CONTRIBUTIONS, ALL CONTRIBUTIONS  
18 SHALL BE DISPOSED OF ACCORDING TO THIS SECTION WITHIN TWELVE MONTHS OF  
19 THE DEATH OF THE CANDIDATE.
- 20 S 10. Subdivision 1 of section 14-102 of the election law, as amended  
21 by chapter 8 and redesignated by chapter 9 of the laws of 1978, is  
22 amended to read as follows:
- 23 1. The treasurer of every political committee which, or any officer,  
24 member or agent of any such committee who, in connection with any  
25 election, receives or expends any money or other valuable thing or  
26 incurs any liability to pay money or its equivalent shall file state-  
27 ments sworn, or subscribed and bearing a form notice that false state-  
28 ments made therein are punishable as a class A misdemeanor pursuant to  
29 section 210.45 of the penal law, at the times prescribed by this article  
30 setting forth all the receipts, contributions to and the expenditures by  
31 and liabilities of the committee, and of its officers, members and  
32 agents in its behalf. Such statements shall include the dollar amount of  
33 any receipt, contribution or transfer, or the fair market value of any  
34 receipt, contribution or transfer, which is other than of money, the  
35 name and address of the transferor, contributor or person from whom  
36 received, IF THE CONTRIBUTOR IS A LOBBYIST REGISTERED PURSUANT TO ARTI-  
37 CLE ONE-A OF THE LEGISLATIVE LAW and if the transferor, contributor or  
38 person is a political committee; the name of and the political unit  
39 represented by the committee, the date of its receipt, the dollar amount  
40 of every expenditure, the name and address of the person to whom it was  
41 made or the name of and the political unit represented by the committee  
42 to which it was made and the date thereof, and shall state clearly the  
43 purpose of such expenditure. Any statement reporting a loan shall have  
44 attached to it a copy of the evidence of indebtedness. Expenditures in  
45 sums under fifty dollars need not be specifically accounted for by sepa-  
46 rate items in said statements, and receipts and contributions aggregat-  
47 ing not more than ninety-nine dollars, from any one contributor need not  
48 be specifically accounted for by separate items in said statements,  
49 provided however, that such expenditures, receipts and contributions  
50 shall be subject to the other provisions of section 14-118 of this arti-  
51 cle.
- 52 S 11. Subdivision 3 of section 74 of the public officers law is  
53 amended by adding a new paragraph j to read as follows:
- 54 J. NO OFFICER OR EMPLOYEE OF A STATE AGENCY REQUIRED TO FILE AN ANNUAL  
55 STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SECTION SEVENTY-THREE-A OF

1 THIS ARTICLE SHALL SOLICIT OR RECEIVE CONTRIBUTIONS FOR A CAMPAIGN FOR  
2 STATE OR FEDERAL OFFICE.

3 S 12. This act shall take effect on the first of January next succeed-  
4 ing the date on which it shall have become a law; provided that section  
5 14-132 of the election law as added by section seven of this act shall  
6 take effect two years after such effective date; and provided further  
7 that sections eight, nine, ten and eleven of this act shall take effect  
8 on the sixtieth day after it shall have become a law; provided, however,  
9 that the state board of elections shall notify all registered campaign  
10 committees of the applicable provisions of sections eight, nine, ten and  
11 eleven of this act within thirty days after this act shall have become a  
12 law.