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

7870

2015-2016 Regular Sessions

I N A S S E M B L Y

May 28, 2015

Introduced by M. of A. LENTOL, O'DONNELL, KAMINSKY -- (at request of the Department of Law) -- read once and referred to the Committee on Election Law

AN ACT to amend the penal law, in relation to undisclosed self-dealing; to amend the penal law, in relation to the descriptions of certain bribery offenses and defenses; to amend the executive law, in relation to the jurisdiction of the attorney general (Part A); to amend the retirement and social security law, in relation to removal of pension and retirement benefits from persons convicted of certain felonies; to amend the legislative law, in relation to prohibiting members of the state legislature from receiving earned income from any source other then the state; to amend the legislative law, in relation to per diem allowances to members of the legislature; to amend part E of chapter 60 of the laws of 2015 establishing a commission on legislative, judicial and executive compensation, in relation to salaries of members of the legislature (Part B); and to amend the election law, in relation to campaign receipts and expenditures and public financing; to amend the election law, in relation to contributions from limited liability companies; to amend the election law, in relation to monies received and expenditures made by a party committee or constituted committee; to amend the election law, in relation to restricting campaign contributions by those with business relationships with the state and in relation to imposing contribution and receipt limits with respect to monies received and expenditures made by party committees and constituted committees; to amend the state finance law, in relation to the New York state campaign finance fund; and to amend the tax law, in relation to the New York state campaign finance fund; to amend the legislative law, in relation to restrictions on political contributions from lobbyists; to amend the election law, in relation to restricting campaign funds for personal use (Part C)

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

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

LBD11348-03-5

Section 1. This act shall be known as the End New York Corruption Now Act.

S 2. This act enacts into law major components which are necessary to enact ethics reform for public officials, reform the campaign finance system and expand law enforcement tools to combat public corruption. Each component is wholly contained within a Part identified as Parts A through C. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section four of this act sets forth the general effective date of this act.

PART A

Section 1. The penal law is amended by adding two new sections 195.30 and 195.35 to read as follows:

S 195.30 UNDISCLOSED SELF-DEALING IN THE SECOND DEGREE.

A PERSON IS GUILTY OF UNDISCLOSED SELF-DEALING IN THE SECOND DEGREE WHEN, BEING A PUBLIC SERVANT, HE OR SHE INTENTIONALLY ENGAGES IN CONDUCT OR A COURSE OF CONDUCT IN HIS OR HER OFFICIAL CAPACITY IN CONNECTION WITH THE AWARD OF A PUBLIC CONTRACT OR PUBLIC GRANT OR OTHER EFFORT TO OBTAIN OR RETAIN PUBLIC BUSINESS OR PUBLIC FUNDS THAT IS INTENDED TO CONFER AN UNDISCLOSED BENEFIT ON HIMSELF, HERSELF, A SPOUSE, DOMESTIC PARTNER, CHILD, PARENT, OR SIBLING OF THE PUBLIC SERVANT, A PERSON WITH WHOM A PUBLIC SERVANT HAS A BUSINESS OR OTHER FINANCIAL RELATIONSHIP, OR A FIRM IN WHICH THE PUBLIC SERVANT HAS A PRESENT OR POTENTIAL INTEREST AND THEREBY OBTAINS OR ATTEMPTS TO OBTAIN A BENEFIT FOR HIMSELF, HERSELF, A SPOUSE, DOMESTIC PARTNER, CHILD, PARENT, OR SIBLING OF THE PUBLIC SERVANT, A PERSON WITH WHOM A PUBLIC SERVANT HAS A BUSINESS OR OTHER FINANCIAL RELATIONSHIP, OR A FIRM IN WHICH THE PUBLIC SERVANT HAS A PRESENT OR POTENTIAL INTEREST WITH A VALUE IN EXCESS OF THREE THOUSAND DOLLARS. A BENEFIT IS DISCLOSED IF ITS EXISTENCE IS MADE KNOWN PRIOR TO THE ALLEGED WRONGFUL CONDUCT TO EITHER (I) THE RELEVANT STATE OR LOCAL ETHICS COMMISSION OR (II) THE OFFICIAL RESPONSIBLE FOR THE PUBLIC SERVANT'S APPOINTMENT TO HIS OR HER POSITION, PROVIDED THAT PERSON IS NOT A PARTICIPANT IN THE ALLEGED WRONGFUL CONDUCT.

UNDISCLOSED SELF-DEALING IN THE SECOND DEGREE IS A CLASS D FELONY.

S 195.35 UNDISCLOSED SELF-DEALING IN THE FIRST DEGREE.

A PERSON IS GUILTY OF UNDISCLOSED SELF-DEALING IN THE FIRST DEGREE WHEN, BEING A PUBLIC SERVANT, HE OR SHE INTENTIONALLY ENGAGES IN CONDUCT OR A COURSE OF CONDUCT IN HIS OR HER OFFICIAL CAPACITY IN CONNECTION WITH THE AWARD OF A PUBLIC CONTRACT OR PUBLIC GRANT OR OTHER EFFORT TO OBTAIN OR RETAIN PUBLIC BUSINESS OR PUBLIC FUNDS THAT IS INTENDED TO CONFER AN UNDISCLOSED BENEFIT ON HIMSELF, HERSELF, A SPOUSE, DOMESTIC PARTNER, CHILD, PARENT, OR SIBLING OF THE PUBLIC SERVANT, A PERSON WITH WHOM A PUBLIC SERVANT HAS A BUSINESS OR OTHER FINANCIAL RELATIONSHIP, OR A FIRM IN WHICH THE PUBLIC SERVANT HAS A PRESENT OR POTENTIAL INTEREST AND THEREBY OBTAINS OR ATTEMPTS TO OBTAIN A BENEFIT FOR HIMSELF, HERSELF, A SPOUSE, DOMESTIC PARTNER, CHILD, PARENT, OR SIBLING OF THE PUBLIC SERVANT, A PERSON WITH WHOM A PUBLIC SERVANT HAS A BUSINESS OR OTHER FINANCIAL RELATIONSHIP, OR A FIRM IN WHICH THE PUBLIC SERVANT HAS A PRESENT OR POTENTIAL INTEREST WITH A VALUE IN EXCESS OF TEN THOUSAND DOLLARS. A BENEFIT IS DISCLOSED IF ITS EXISTENCE IS MADE KNOWN PRIOR TO

THE ALLEGED WRONGFUL CONDUCT TO EITHER (I) THE RELEVANT STATE OR LOCAL ETHICS COMMISSION OR (II) THE OFFICIAL RESPONSIBLE FOR THE PUBLIC SERVANT'S APPOINTMENT TO HIS OR HER POSITION, PROVIDED THAT PERSON IS NOT A PARTICIPANT IN THE ALLEGED WRONGFUL CONDUCT.

UNDISCLOSED SELF-DEALING IN THE FIRST DEGREE IS A CLASS C FELONY.

S 2. Section 200.00 of the penal law, as amended by chapter 833 of the laws of 1986, is amended to read as follows:

S 200.00 Bribery in the third degree.

A person is guilty of bribery in the third degree when he OR SHE confers, or offers or agrees to confer, any benefit upon a public servant [upon an agreement or understanding that] WITH THE INTENT TO INFLUENCE such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant [will thereby be influenced].

Bribery in the third degree is a class D felony.

S 3. Section 200.03 of the penal law, as amended by section 18 of subpart A of part H of chapter 55 of the laws of 2014, is amended to read as follows:

S 200.03 Bribery in the second degree.

A person is guilty of bribery in the second degree when he OR SHE confers, or offers or agrees to confer, any benefit valued in excess of five thousand dollars upon a public servant [upon an agreement or understanding that] WITH THE INTENT TO INFLUENCE such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant [will thereby be influenced].

Bribery in the second degree is a class C felony.

S 4. Section 200.04 of the penal law, as amended by section 19 of subpart A of part H of chapter 55 of the laws of 2014, is amended to read as follows:

S 200.04 Bribery in the first degree.

A person is guilty of bribery in the first degree when the person confers, or offers or agrees to confer: (1) any benefit upon a public servant [upon an agreement or understanding that] WITH THE INTENT TO INFLUENCE such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant [will thereby be influenced] in the investigation, arrest, detention, prosecution or incarceration of any person for the commission or alleged commission of a class A felony defined in article two hundred twenty of this part or an attempt to commit any such class A felony; or (2) any benefit valued in excess of one hundred thousand dollars upon a public servant [upon an agreement or understanding that] WITH THE INTENT TO INFLUENCE such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant [will thereby be influenced].

Bribery in the first degree is a class B felony.

S 5. Section 200.05 of the penal law is amended to read as follows:

S 200.05 Bribery; defense.

In any prosecution for bribery[,]: (1) it is a defense that the defendant conferred or agreed to confer the benefit involved upon the public servant involved as a result of conduct of the latter constituting larceny committed by means of extortion, or an attempt to commit the same, or coercion, or an attempt to commit coercion[.]; AND (2) IT IS ALSO A DEFENSE THAT THE BENEFIT THAT THE DEFENDANT CONFERRED, OR OFFERED OR AGREED TO CONFER, UPON THE PUBLIC SERVANT WAS A LEGITIMATE CAMPAIGN CONTRIBUTION, UNLESS SUCH CONTRIBUTION WAS MADE UPON AN AGREEMENT OR UNDERSTANDING THAT SUCH PUBLIC SERVANT'S VOTE, OPINION, JUDGMENT, ACTION, DECISION OR EXERCISE OF DISCRETION AS A PUBLIC SERVANT WOULD THEREBY BE INFLUENCED.

S 6. Section 63 of the executive law is amended by adding a new subdivision 3-a to read as follows:

3-A. INVESTIGATE, TO THE EXTENT THAT THE ATTORNEY GENERAL DEEMS JUST AND PROPER, THE ALLEGED COMMISSION OF ANY INDICTABLE OFFENSE OR OFFENSES IN VIOLATION OF LAW (I) ARISING UNDER SECTION 195.00, SECTION 195.20, ARTICLE TWO HUNDRED, OR ARTICLE FOUR HUNDRED NINETY-SIX OF THE PENAL LAW; OR (II) INVOLVING LARCENY FROM OR AN INTENT TO DEFRAUD THE STATE, ANY POLITICAL SUBDIVISION, PUBLIC AUTHORITY, OR PUBLIC BENEFIT CORPORATION OF THE STATE; OR (III) COMMITTED BY OR IN CONCERT WITH A PUBLIC SERVANT RELATING TO HIS OR HER PUBLIC OFFICE, AS THOSE TERMS ARE USED IN THE PENAL LAW; AND WHERE APPROPRIATE PROSECUTE THE PERSON OR PERSONS BELIEVED TO HAVE COMMITTED THE SAME AND ANY CRIME OR OFFENSE ARISING OUT OF SUCH INVESTIGATION OR PROSECUTION OR BOTH, INCLUDING BUT NOT LIMITED TO APPEARING BEFORE AND PRESENTING ALL SUCH MATTERS TO A GRAND JURY.

S 7. This act shall take effect immediately, provided, however that: sections one, two, three, four and five of this act shall take effect on the ninetieth day after it shall have become a law.

PART B

Section 1. Paragraphs (h), (i), and (j) of subdivision 8 of section 157 of the retirement and social security law, as amended by section 13 of part CC of chapter 56 of the laws of 2015, are amended to read as follows:

(h) The proportionality of forfeiture of all or part of the pension to the crime committed; AND

(i) [The years of service in public office by the defendant where no criminal activity has been found by a court; and

(j)] Any such other factors as, in the judgment of the supreme court, justice may require; PROVIDED HOWEVER, THAT, IN DETERMINING WHETHER THE PENSION SHALL BE REDUCED OR REVOKED, THE SUPREME COURT SHALL NOT CONSIDER THE YEARS OF SERVICE IN PUBLIC OFFICE BY THE DEFENDANT WHERE NO CRIMINAL ACTIVITY WAS DETECTED OR FOUND BY A COURT OR APPROPRIATE LAW ENFORCEMENT AGENCY.

S 2. Subdivision 10 of section 157 of the retirement and social security law, as amended by section 12 of part CC of chapter 56 of the laws of 2015, is amended to read as follows:

10. [(a)] Upon a finding by the court by clear and convincing evidence that the defendant knowingly and intentionally committed a crime related to public office, the court may issue an order to the appropriate retirement system to reduce or revoke the defendant's pension to which he or she is otherwise entitled as such a public official. All orders and findings made by the court pursuant to this section shall be served by the attorney general or the district attorney, as the case may be upon the chief administrator of the defendant's retirement system and the defendant.

[(b) If the court issues an order pursuant to paragraph (a) of this subdivision, the court shall order payment of a portion of such pension benefit to: (1) the innocent spouse if so requested by such spouse payable at the time the public official would have been eligible for retirement if such spouse has not otherwise waived, in writing, his or her right to such benefit; and (2) innocent minor children and other dependents pursuant to law of the public official in an amount that the court finds just and proper consistent with the pension benefits to which the public official would be entitled and the portion of those benefits which would be used for the support of such minor children or dependents

pursuant to law. Such payment to the innocent spouse shall be computed pursuant to paragraph (c) of this subdivision, and payments pursuant to subparagraphs one and two of this paragraph shall be adjusted to reflect interest accrued between the time of such conviction and the time of such payment.

(c) When determining the amount of benefits which the defendant's innocent spouse is entitled to receive, the factors contained in paragraph d of subdivision five of part B of section two hundred thirty-six of the domestic relations law shall be considered by the court. However, when determining such apportionment, the court shall not annul or modify any prior court order regarding such benefits.]

S 3. The legislative law is amended by adding a new section 5-b to read as follows:

S 5-B. PROHIBITION OF OUTSIDE EARNED INCOME FOR MEMBERS. 1. A MEMBER OF THE LEGISLATURE SHALL BE PROHIBITED FROM PERFORMING ANY ACTIVITY FOR COMPENSATION THAT RESULTS IN OUTSIDE EARNED INCOME, EXCEPT AS AUTHORIZED BY THIS SECTION.

2. A. FOR PURPOSES OF THIS SECTION, THE TERM "OUTSIDE EARNED INCOME" SHALL INCLUDE, BUT NOT BE LIMITED TO, WAGES, SALARIES, FEES AND OTHER FORMS OF COMPENSATION FOR SERVICES ACTUALLY RENDERED.

B. FOR THE PURPOSES OF THIS SECTION, THE TERM "OUTSIDE EARNED INCOME" SHALL NOT INCLUDE:

(1) SALARY, BENEFITS AND ALLOWANCES PAID BY THE STATE;

(2) INCOME AND ALLOWANCES ATTRIBUTABLE TO SERVICE IN THE RESERVES OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR OTHER ACTIVE MILITARY SERVICE;

(3) ROYALTIES FROM THE SALE OF A BOOK, ARTISTIC PERFORMANCE OR OTHER INTELLECTUAL PROPERTY; PROVIDED, HOWEVER, THAT NO ADVANCE FEES SHALL BE PERMITTED; OR

(4) A PENSION, INVESTMENT, CAPITAL GAINS OR OTHER EARNINGS ACCRUED FROM PRIOR EMPLOYMENT OR ACTUAL SERVICES RENDERED PRIOR TO THE MEMBER TAKING OFFICE.

3. A MEMBER OF THE LEGISLATURE WHO KNOWINGLY AND WILLFULLY VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS. ASSESSMENT OF A CIVIL PENALTY SHALL BE MADE BY THE JOINT COMMISSION ON PUBLIC ETHICS. SUCH COMMISSION, MAY, IN LIEU OF OR IN ADDITION TO A CIVIL PENALTY, REFER A VIOLATION TO THE APPROPRIATE PROSECUTOR.

4. WILLFUL VIOLATION OF THE PROVISIONS OF THIS SECTION IS PUNISHABLE AS A CLASS A MISDEMEANOR.

S 4. Subdivision 2 of section 5 of the legislative law, as added by section 7 of part CC of chapter 56 of the laws of 2015, is amended to read as follows:

2. (a) Each member of the legislature, upon verification of attendance, which shall be by electronic verification when practicable, in compliance with the policies set forth by the speaker of the assembly and the temporary president of the senate for their respective bodies, shall be eligible to receive payment of actual and necessary travel expenses [and a per diem equivalent to the most recent federal per diem rates published by the general services administration as set forth in 41 CFR (Code of Federal Regulations) Part 301, App. A,] for the time in which the member was in travel status in the performance of his or her duties during the months in which the legislature is scheduled to be in regular session. During the months when the legislature is not scheduled to be in regular session, members shall receive such actual and necessary travel expenses [and per diems], in compliance with verification

policies and in accord with standards and limits for reimbursable events set forth by the speaker of the assembly and the temporary president of the senate for their respective bodies. [The per diem allowances including partial per diem allowances shall be made on audit and warrant of the comptroller on vouchers approved by the temporary president of the senate or his or her designee and speaker of the assembly or his or her designee for their respective houses.]

(b) Each house shall make available on its website all documentation otherwise available to the public pursuant to section eighty-eight of the public officers law related to the payment of travel expenses [and per diems].

S 5. Subdivision 3 of section 2 of part E of chapter 60 of the laws of 2015, establishing a commission on legislative, judicial and executive compensation, is amended to read as follows:

3. In discharging its responsibilities under subdivision two of this section, the commission shall take into account all appropriate factors including, but not limited to: the overall economic climate; rates of inflation; changes in public-sector spending; the levels of compensation and non-salary benefits received by executive branch officials and legislators of other states and of the federal government; the levels of compensation and non-salary benefits received by professionals in government, academia and private and nonprofit enterprise; and the state's ability to fund increases in compensation and non-salary benefits. THE FIRST COMMISSION THAT MEETS AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF 2015 THAT AMENDED THIS SUBDIVISION SHALL RECOMMEND A LEVEL OF COMPENSATION FOR MEMBERS OF THE LEGISLATURE THAT IS NOT LESS THAN $112,500 AND NOT MORE THAN $174,000. EACH SUBSEQUENT COMMISSION SHALL RECOMMEND A SALARY FOR MEMBERS OF THE LEGISLATURE NOT LESS THAN THE THEN EXISTING COMPENSATION PLUS AN INCREASE COMMENSURATE WITH COST OF LIVING ADJUSTMENTS PROVIDED TO OTHER STATE EMPLOYEES.

S 6. This act shall take effect immediately; provided, however that:

(a) section two of this act shall take effect on the same date and in the same manner as part CC of chapter 56 of the laws of 2015 takes effect; and

(b) section three of this act shall take effect on January 1, 2017.

PART C

Section 1. The article heading of article 14 of the election law is amended to read as follows:

[Campaign Receipts and Expenditures] CAMPAIGN RECEIPTS AND EXPENDITURES; PUBLIC FINANCING

S 2. Sections 14-100 through 14-130 of article 14 of the election law are designated title I and a new title heading is added to read as follows:

CAMPAIGN RECEIPTS AND EXPENDITURES

S 3. Section 14-100 of the election law is amended by adding a new subdivision 15 to read as follows:

15. "AUTHORIZED COMMITTEE" MEANS THE SINGLE POLITICAL COMMITTEE DESIGNATED BY A CANDIDATE TO RECEIVE ALL CONTRIBUTIONS AUTHORIZED BY THIS TITLE.

S 4. Section 3-104 of the election law is amended by adding a new subdivision 9 to read as follows:

9. THERE SHALL BE A UNIT KNOWN AS THE STATE BOARD OF ELECTIONS PUBLIC FINANCING UNIT ESTABLISHED WITHIN THE STATE BOARD OF ELECTIONS, WHICH SHALL BE RESPONSIBLE FOR ADMINISTERING AND, WITH THE DIVISION OF

ELECTION LAW ENFORCEMENT, ENFORCING THE REQUIREMENTS OF THE PUBLIC FINANCING SYSTEM SET FORTH IN TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER.

S 5. Subdivisions 1 and 10 of section 14-114 of the election law, subdivision 1 as amended and subdivision 10 as added by chapter 79 of the laws of 1992 and paragraphs a and b of subdivision 1 as amended by chapter 659 of the laws of 1994, are amended to read as follows:

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

a. In any election for a public office to be voted on by the voters of the entire state, or for nomination to any such office, no contributor may make a contribution to any candidate or political committee PARTICIPATING IN THE STATE'S PUBLIC CAMPAIGN FINANCING SYSTEM AS DEFINED IN TITLE TWO OF THIS ARTICLE, and no SUCH candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any nomination to public office, the product of the total number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.005, but such amount shall be not [less than four thousand dollars nor] more than [twelve] FIVE thousand dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision,] and (ii) in the case of any election to [a] SUCH public office, [twenty-five] FIVE thousand dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision]; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by $.025.

b. In any other election for party position or for election to a public office or for nomination for any such office, no contributor may make a contribution to any candidate or political committee PARTICIPATING IN THE STATE'S PUBLIC CAMPAIGN FINANCING SYSTEM DEFINED IN TITLE TWO OF THIS ARTICLE (FOR THOSE OFFICES OR POSITIONS COVERED BY THAT SYSTEM) and no SUCH candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any election for party position, or for nomination to public office, the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.05, and (ii) in the case of any election for a public office, the product of the total number of registered voters in the district, excluding voters in inactive status, multiplied by $.05, however in the case of a nomination within the city of New York for the office of mayor, public advocate or comptroller, such amount shall be not less than four thousand dollars nor more than twelve thousand dollars as increased or decreased by the cost of living adjustment described in paragraph [c] E of this subdivision; in the case

of an election within the city of New York for the office of mayor, public advocate or comptroller, twenty-five thousand dollars as increased or decreased by the cost of living adjustment described in paragraph [c] E of this subdivision; in the case of a nomination OR ELECTION for state senator, [four] THREE thousand dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election for state senator, six thousand two hundred fifty dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision]; in the case of an election or nomination for a member of the assembly, [twenty-five hundred] TWO THOUSAND dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; but in no event shall any such maximum exceed fifty thousand dollars or be less than one thousand dollars]; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any election for party position or nomination for public office an amount equivalent to the number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.25 and in the case of any election to public office, an amount equivalent to the number of registered voters in the district, excluding voters in inactive status, multiplied by $.25; or twelve hundred fifty dollars, whichever is greater, or in the case of a nomination or election of a state senator, twenty thousand dollars, whichever is greater, or in the case of a nomination or election of a member of the assembly twelve thousand five hundred dollars, whichever is greater, but in no event shall any such maximum exceed one hundred thousand dollars.

C. IN ANY ELECTION FOR A PUBLIC OFFICE TO BE VOTED ON BY THE VOTERS OF THE ENTIRE STATE, OR FOR NOMINATION TO ANY SUCH OFFICE, NO CONTRIBUTOR MAY MAKE A CONTRIBUTION TO ANY CANDIDATE OR POLITICAL COMMITTEE IN CONNECTION WITH A CANDIDATE WHO IS NOT A PARTICIPATING CANDIDATE AS DEFINED IN SUBDIVISION FOURTEEN OF SECTION 14-200 OF THIS ARTICLE, AND NO SUCH CANDIDATE OR POLITICAL COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR, WHICH IS IN THE AGGREGATE AMOUNT GREATER THAN: (I) IN THE CASE OF ANY NOMINATION TO PUBLIC OFFICE, THE PRODUCT OF THE TOTAL NUMBER OF ENROLLED VOTERS IN THE CANDIDATE'S PARTY IN THE STATE, EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY $.005, BUT SUCH AMOUNT SHALL BE NOT LESS THAN FOUR THOUSAND DOLLARS NOR MORE THAN FIVE THOUSAND DOLLARS, AND (II) IN THE CASE OF ANY ELECTION TO A PUBLIC OFFICE, FIVE THOUSAND DOLLARS; PROVIDED HOWEVER, THAT THE MAXIMUM AMOUNT WHICH MAY BE SO CONTRIBUTED OR ACCEPTED, IN THE AGGREGATE, FROM ANY CANDIDATE'S CHILD, PARENT, GRANDPARENT, BROTHER AND SISTER, AND THE SPOUSE OF ANY SUCH PERSONS, SHALL NOT EXCEED IN THE CASE OF ANY NOMINATION TO PUBLIC OFFICE AN AMOUNT EQUIVALENT TO THE PRODUCT OF THE NUMBER OF ENROLLED VOTERS IN THE CANDIDATE'S PARTY IN THE STATE, EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY $.025, AND IN THE CASE OF ANY ELECTION FOR A PUBLIC OFFICE, AN AMOUNT EQUIVALENT TO THE PRODUCT OF THE NUMBER OF REGISTERED VOTERS IN THE STATE EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY $.025.

D. IN ANY OTHER ELECTION FOR PARTY POSITION OR FOR ELECTION TO A PUBLIC OFFICE OR FOR NOMINATION FOR ANY SUCH OFFICE, NO CONTRIBUTOR MAY MAKE A CONTRIBUTION TO ANY CANDIDATE OR POLITICAL COMMITTEE IN CONNECTION WITH A CANDIDATE WHO IS NOT A PARTICIPATING CANDIDATE AS DEFINED IN SUBDIVISION FOURTEEN OF SECTION 14-200 OF THIS ARTICLE AND NO

SUCH CANDIDATE OR POLITICAL COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR, WHICH IS IN THE AGGREGATE AMOUNT GREATER THAN: (I) IN THE CASE OF ANY ELECTION FOR PARTY POSITION, OR FOR NOMINATION TO PUBLIC OFFICE, THE PRODUCT OF THE TOTAL NUMBER OF ENROLLED VOTERS IN THE CANDIDATE'S PARTY IN THE DISTRICT IN WHICH HE IS A CANDIDATE, EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY $.05, AND (II) IN THE CASE OF ANY ELECTION FOR A PUBLIC OFFICE, THE PRODUCT OF THE TOTAL NUMBER OF REGISTERED VOTERS IN THE DISTRICT, EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY $.05, HOWEVER IN THE CASE OF A NOMINATION WITHIN THE CITY OF NEW YORK FOR THE OFFICE OF MAYOR, PUBLIC ADVOCATE OR COMPTROLLER, SUCH AMOUNT SHALL BE NOT LESS THAN FOUR THOUSAND DOLLARS NOR MORE THAN TWELVE THOUSAND DOLLARS AS INCREASED OR DECREASED BY THE COST OF LIVING ADJUSTMENT DESCRIBED IN PARAGRAPH E OF THIS SUBDIVISION; IN THE CASE OF AN ELECTION WITHIN THE CITY OF NEW YORK FOR THE OFFICE OF MAYOR, PUBLIC ADVOCATE OR COMPTROLLER, TWENTY-FIVE THOUSAND DOLLARS AS INCREASED OR DECREASED BY THE COST OF LIVING ADJUSTMENT DESCRIBED IN PARAGRAPH E OF THIS SUBDIVISION; IN THE CASE OF A NOMINATION OR ELECTION FOR STATE SENATOR, THREE THOUSAND DOLLARS; IN THE CASE OF AN ELECTION OR NOMINATION FOR A MEMBER OF THE ASSEMBLY, TWO THOUSAND DOLLARS; PROVIDED HOWEVER, THAT THE MAXIMUM AMOUNT WHICH MAY BE SO CONTRIBUTED OR ACCEPTED, IN THE AGGREGATE, FROM ANY CANDIDATE'S CHILD, PARENT, GRANDPARENT, BROTHER AND SISTER, AND THE SPOUSE OF ANY SUCH PERSONS, SHALL NOT EXCEED IN THE CASE OF ANY ELECTION FOR PARTY POSITION OR NOMINATION FOR PUBLIC OFFICE AN AMOUNT EQUIVALENT TO THE NUMBER OF ENROLLED VOTERS IN THE CANDIDATE'S PARTY IN THE DISTRICT IN WHICH HE IS A CANDIDATE, EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY $.25 AND IN THE CASE OF ANY ELECTION TO PUBLIC OFFICE, AN AMOUNT EQUIVALENT TO THE NUMBER OF REGISTERED VOTERS IN THE DISTRICT, EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY $.25; OR TWELVE HUNDRED FIFTY DOLLARS, WHICHEVER IS GREATER, OR IN THE CASE OF A NOMINATION OR ELECTION OF A STATE SENATOR, TWENTY THOUSAND DOLLARS, WHICHEVER IS GREATER, OR IN THE CASE OF A NOMINATION OR ELECTION OF A MEMBER OF THE ASSEMBLY TWELVE THOUSAND FIVE HUNDRED DOLLARS, WHICHEVER IS GREATER, BUT IN NO EVENT SHALL ANY SUCH MAXIMUM EXCEED ONE HUNDRED THOUSAND DOLLARS.

E. At the beginning of each fourth calendar year, commencing in [nineteen hundred ninety-five] TWO THOUSAND TWENTY-ONE, the state board shall determine the percentage of the difference between the most recent available monthly consumer price index for all urban consumers published by the United States bureau of labor statistics and such consumer price index published for the same month four years previously. The amount of each contribution limit fixed in this subdivision shall be adjusted by the amount of such percentage difference to the closest one hundred dollars by the state board which, not later than the first day of February in each such year, shall issue a regulation publishing the amount of each such contribution limit. Each contribution limit as so adjusted shall be the contribution limit in effect for any election held before the next such adjustment.

F. EACH PARTY OR CONSTITUTED COMMITTEE MAY TRANSFER TO, OR SPEND TO ELECT OR OPPOSE A CANDIDATE, OR TRANSFER TO ANOTHER PARTY OR CONSTITUTED COMMITTEE, NO MORE THAN FIVE THOUSAND DOLLARS PER ELECTION, AS INCREASED OR DECREASED BY THE COST OF LIVING ADJUSTMENTS DESCRIBED IN PARAGRAPH E OF THIS SUBDIVISION EXCEPT THAT SUCH COMMITTEE MAY IN ADDITION TO SUCH TRANSFERS OR EXPENDITURES:

(I) IN A GENERAL OR SPECIAL ELECTION TRANSFER TO, OR SPEND TO ELECT OR OPPOSE A CANDIDATE, NO MORE THAN FIVE HUNDRED DOLLARS AS INCREASED OR

DECREASED BY THE COST OF LIVING ADJUSTMENTS DESCRIBED IN PARAGRAPH E OF THIS SUBDIVISION RECEIVED FROM EACH CONTRIBUTOR; AND

(II) IN ANY ELECTION SPEND WITHOUT LIMITATION FOR NON-CANDIDATE EXPENDITURES NOT DESIGNED OR INTENDED TO ELECT A PARTICULAR CANDIDATE OR CANDIDATES.

FOR PURPOSES OF THIS PARAGRAPH, "SPEND TO ELECT OR OPPOSE" DOES NOT INCLUDE SPENDING THAT IS INDEPENDENT OF THE CANDIDATE OR HIS OR HER AGENTS OR AUTHORIZED POLITICAL COMMITTEES.

G. NOTWITHSTANDING ANY OTHER CONTRIBUTION LIMIT IN THIS SECTION, PARTICIPATING CANDIDATES AS DEFINED IN SUBDIVISION FOURTEEN OF SECTION 14-200 OF THIS ARTICLE MAY CONTRIBUTE, OUT OF THEIR OWN MONEY, THREE TIMES THE APPLICABLE CONTRIBUTION LIMIT TO THEIR OWN AUTHORIZED COMMITTEE.

10. [a.] No contributor may make a contribution to a party or constituted committee and no such committee may accept a contribution from any contributor which, in the aggregate, is greater than [sixty-two thousand five hundred] TWENTY-FIVE THOUSAND dollars per annum.

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

S 6. Article 14 of the election law is amended by adding a new title II to read as follows:

TITLE II
PUBLIC FINANCING

SECTION 14-200. DEFINITIONS.
14-201. REPORTING REQUIREMENTS.
14-202. CONTRIBUTIONS.
14-203. PROOF OF COMPLIANCE.
14-204. ELIGIBILITY.
14-205. LIMITS ON PUBLIC FINANCING.
14-206. PAYMENT OF PUBLIC MATCHING FUNDS.
14-207. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDITURES.
14-208. POWERS AND DUTIES OF BOARD.
14-209. AUDITS AND REPAYMENTS.
14-210. ENFORCEMENT AND PENALTIES FOR VIOLATIONS AND OTHER PROCEEDINGS.
14-211. REPORTS.
14-212. DEBATES FOR CANDIDATES FOR STATEWIDE OFFICE.
14-213. SEVERABILITY.

S 14-200. DEFINITIONS. FOR THE PURPOSES OF THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. THE TERM "AUTHORIZED COMMITTEE" SHALL MEAN THE SINGLE COMMITTEE DESIGNATED BY A CANDIDATE PURSUANT TO SECTION 14-201 OF THIS TITLE TO RECEIVE CONTRIBUTIONS AND MAKE EXPENDITURES IN SUPPORT OF THE CANDIDATE'S CAMPAIGN.

2. THE TERM "BOARD" SHALL MEAN THE STATE BOARD OF ELECTIONS.
3. THE TERM "CONTRIBUTION" SHALL HAVE THE SAME MEANING AS APPEARS IN SUBDIVISION NINE OF SECTION 14-100 OF THIS ARTICLE.
4. THE TERM "CONTRIBUTOR" SHALL MEAN ANY PERSON OR ENTITY THAT MAKES A CONTRIBUTION.
5. THE TERM "COVERED ELECTION" SHALL MEAN ANY PRIMARY, GENERAL, OR SPECIAL ELECTION FOR NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, STATE COMPTROLLER, STATE SENATOR, OR MEMBER OF THE ASSEMBLY.
6. THE TERM "ELECTION CYCLE" SHALL MEAN THE TWO YEAR PERIOD STARTING THE DAY AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR THE STATE LEGISLATURE AND SHALL MEAN THE FOUR YEAR PERIOD STARTING AFTER THE DAY AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR STATEWIDE OFFICE.
7. THE TERM "EXPENDITURE" SHALL MEAN ANY GIFT, SUBSCRIPTION, ADVANCE, PAYMENT, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, OR A CONTRACT TO MAKE ANY GIFT, SUBSCRIPTION, PAYMENT, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION, OR ELECTION, OF ANY CANDIDATE. EXPENDITURES MADE BY CONTRACT ARE DEEMED MADE WHEN SUCH FUNDS ARE OBLIGATED.
8. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE CAMPAIGN FINANCE FUND.
9. THE TERM "IMMEDIATE FAMILY" SHALL MEAN A SPOUSE, CHILD, SIBLING OR PARENT.
10. THE TERM "INTERMEDIARY" SHALL MEAN AN INDIVIDUAL, CORPORATION, PARTNERSHIP, POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION OR OTHER ENTITY WHICH BUNDLES, CAUSES TO BE DELIVERED OR OTHERWISE DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR ENTITY TO A CANDIDATE OR AUTHORIZED COMMITTEE, OTHER THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY OR MESSENGER SERVICE. PROVIDED, HOWEVER, THAT AN "INTERMEDIARY" SHALL NOT INCLUDE SPOUSES, DOMESTIC PARTNERS, PARENTS, CHILDREN OR SIBLINGS OF THE PERSON MAKING SUCH CONTRIBUTION OR A STAFF MEMBER OR VOLUNTEER OF THE CAMPAIGN IDENTIFIED IN WRITING TO THE STATE BOARD OF ELECTIONS. HERE "CAUSES TO BE DELIVERED" SHALL INCLUDE PROVIDING POSTAGE, ENVELOPES OR OTHER SHIPPING MATERIALS FOR THE USE OF DELIVERING THE CONTRIBUTION TO THE ULTIMATE RECIPIENT.
11. THE TERM "ITEM WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE" SHALL MEAN ANY ITEM, INCLUDING TICKETS TO AN EVENT, THAT ARE VALUED AT TWENTY-FIVE DOLLARS OR MORE.
12. (A) THE TERM "MATCHABLE CONTRIBUTION" SHALL MEAN A CONTRIBUTION, CONTRIBUTIONS OR A PORTION OF A CONTRIBUTION OR CONTRIBUTIONS FOR ANY COVERED ELECTIONS HELD IN THE SAME ELECTION CYCLE, MADE BY A NATURAL PERSON WHO IS A UNITED STATES CITIZEN AND RESIDENT IN THE STATE OF NEW YORK TO A PARTICIPATING CANDIDATE, THAT HAS BEEN REPORTED IN FULL TO THE BOARD IN ACCORDANCE WITH SECTIONS 14-102 AND 14-104 OF THIS ARTICLE BY THE CANDIDATE'S AUTHORIZED COMMITTEE AND HAS BEEN CONTRIBUTED ON OR BEFORE THE DAY OF THE APPLICABLE PRIMARY, GENERAL, RUNOFF OR SPECIAL ELECTION. ANY CONTRIBUTION, CONTRIBUTIONS, OR A PORTION OF A CONTRIBUTION DETERMINED TO BE INVALID FOR MATCHING FUNDS BY THE BOARD MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION FOR ANY PURPOSE.
(B) THE FOLLOWING CONTRIBUTIONS ARE NOT MATCHABLE:
(I) LOANS;
(II) IN-KIND CONTRIBUTIONS OF PROPERTY, GOODS, OR SERVICES;
(III) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR AN ITEM WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE;
(IV) TRANSFERS FROM A PARTY OR CONSTITUTED COMMITTEE;

(V) ANONYMOUS CONTRIBUTIONS OR CONTRIBUTIONS WHOSE SOURCE IS NOT ITEMIZED AS REQUIRED BY SECTION 14-201 OF THIS TITLE;
(VI) CONTRIBUTIONS GATHERED DURING A PREVIOUS ELECTION CYCLE;
(VII) ILLEGAL CONTRIBUTIONS;
(VIII) CONTRIBUTIONS FROM MINORS;
(IX) CONTRIBUTIONS FROM VENDORS FOR CAMPAIGNS; AND
(X) CONTRIBUTIONS FROM LOBBYISTS REGISTERED PURSUANT TO SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLATIVE LAW.

13. THE TERM "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR A COVERED ELECTION WHO FAILS TO FILE A WRITTEN CERTIFICATION IN THE FORM OF AN AFFIDAVIT UNDER SECTION 14-204 OF THIS TITLE BY THE APPLICABLE DEADLINE.

14. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, STATE COMPTROLLER, STATE SENATOR, OR MEMBER OF THE ASSEMBLY WHO FILES A WRITTEN CERTIFICATION IN THE FORM OF AN AFFIDAVIT PURSUANT TO SECTION 14-204 OF THIS TITLE.

15. THE TERM "POST-ELECTION PERIOD" SHALL MEAN THE FIVE YEARS FOLLOWING AN ELECTION WHEN A CANDIDATE IS SUBJECT TO AN AUDIT.

16. THE TERM "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE FOR WHICH PUBLIC MATCHING FUNDS MAY BE USED.

17. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF MATCHABLE CONTRIBUTIONS THAT A CANDIDATE'S AUTHORIZED COMMITTEE MUST RECEIVE IN TOTAL IN ORDER FOR SUCH CANDIDATE TO QUALIFY FOR VOLUNTARY PUBLIC FINANCING UNDER THIS TITLE.

18. THE TERM "TRANSFER" SHALL MEAN ANY EXCHANGE OF FUNDS BETWEEN A PARTY OR CONSTITUTED COMMITTEE AND A CANDIDATE OR ANY OF HIS OR HER AUTHORIZED COMMITTEES.

S 14-201. REPORTING REQUIREMENTS. 1. POLITICAL COMMITTEE REGISTRATION. POLITICAL COMMITTEES AS DEFINED PURSUANT TO SUBDIVISION ONE OF SECTION 14-100 OF THIS ARTICLE SHALL REGISTER WITH THE BOARD BEFORE MAKING ANY CONTRIBUTION OR EXPENDITURE. THE BOARD SHALL PUBLISH A CUMULATIVE LIST OF POLITICAL COMMITTEES THAT HAVE REGISTERED, INCLUDING ON ITS WEBPAGE, AND REGULARLY UPDATE IT.

2. ONLY ONE AUTHORIZED COMMITTEE PER CANDIDATE PER ELECTIVE OFFICE SOUGHT. BEFORE RECEIVING ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION, EACH CANDIDATE SHALL NOTIFY THE BOARD AS TO THE EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN APPROVED BY SUCH CANDIDATE. EACH CANDIDATE SHALL HAVE ONE AND ONLY ONE AUTHORIZED COMMITTEE PER ELECTIVE OFFICE SOUGHT. EACH AUTHORIZED COMMITTEE SHALL HAVE A TREASURER AND IS SUBJECT TO THE RESTRICTIONS FOUND IN SECTION 14-112 OF THIS ARTICLE.

3. DISCLOSURE REPORTS. (A) DETAILED REPORTING. IN ADDITION TO EACH AUTHORIZED AND POLITICAL COMMITTEE REPORTING TO THE BOARD EVERY CONTRIBUTION AND LOAN RECEIVED AND EVERY EXPENDITURE MADE IN THE TIME AND MANNER PRESCRIBED BY SECTIONS 14-102, 14-104 AND 14-108 OF THIS ARTICLE, EACH AUTHORIZED AND POLITICAL COMMITTEE SHALL ALSO SUBMIT DISCLOSURE REPORTS ON MARCH FIFTEENTH AND MAY FIFTEENTH OF EACH ELECTION YEAR REPORTING TO THE BOARD EVERY CONTRIBUTION AND LOAN RECEIVED AND EVERY EXPENDITURE MADE. FOR CONTRIBUTORS WHO MAKE CONTRIBUTIONS OF FIVE HUNDRED DOLLARS OR MORE, EACH AUTHORIZED AND POLITICAL COMMITTEE SHALL REPORT TO THE BOARD THE OCCUPATION, AND BUSINESS ADDRESS OF EACH CONTRIBUTOR, LENDER, AND INTERMEDIARY. THE BOARD SHALL REVISE, PREPARE AND POST FORMS ON ITS WEBPAGE THAT FACILITATE COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

(B) BOARD REVIEW. THE BOARD'S PUBLIC FINANCING UNIT SHALL REVIEW EACH DISCLOSURE REPORT FILED AND SHALL INFORM AUTHORIZED AND POLITICAL COMMITTEES OF RELEVANT QUESTIONS THE UNIT HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF THIS TITLE AND OF THE RULES ISSUED BY THE BOARD; AND (II) QUALIFICATION FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. IN THE COURSE OF THIS REVIEW, THE UNIT SHALL GIVE AUTHORIZED AND POLITICAL COMMITTEES AN OPPORTUNITY TO RESPOND TO AND CORRECT POTENTIAL VIOLATIONS AND GIVE CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS THE UNIT HAS CONCERNING THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER ISSUES CONCERNING ELIGIBILITY FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. NOTHING IN THIS PARAGRAPH SHALL PRECLUDE THE UNIT OR THE BOARD FROM SUBSEQUENTLY REVIEWING SUCH DISCLOSURE REPORTS AND TAKING ANY ACTION OTHERWISE AUTHORIZED UNDER THIS TITLE.

(C) ITEMIZATION. CONTRIBUTIONS THAT ARE NOT ITEMIZED IN REPORTS FILED WITH THE BOARD SHALL NOT BE MATCHABLE.

(D) OPTION TO FILE MORE FREQUENTLY. PARTICIPATING CANDIDATES MAY FILE REPORTS OF CONTRIBUTIONS AS FREQUENTLY AS ONCE A WEEK ON FRIDAYS SO THAT THEIR MATCHING FUNDS MAY BE PAID AT THE EARLIEST ALLOWABLE DATE.

S 14-202. CONTRIBUTIONS. RECIPIENTS OF FUNDS PURSUANT TO THIS TITLE SHALL BE SUBJECT TO THE APPLICABLE CONTRIBUTION LIMITS SET FORTH IN SECTION 14-114 OF THIS ARTICLE.

S 14-203. PROOF OF COMPLIANCE. AUTHORIZED AND POLITICAL COMMITTEES SHALL MAINTAIN SUCH RECORDS OF RECEIPTS AND EXPENDITURES FOR A COVERED ELECTION AS REQUIRED BY THE BOARD. AUTHORIZED AND POLITICAL COMMITTEES SHALL OBTAIN AND FURNISH TO THE PUBLIC FINANCING UNIT ANY INFORMATION IT MAY REQUEST RELATING TO FINANCIAL TRANSACTIONS OR CONTRIBUTIONS AND FURNISH SUCH DOCUMENTATION AND OTHER PROOF OF COMPLIANCE WITH THIS TITLE AS MAY BE REQUESTED. IN COMPLIANCE WITH SECTION 14-108 OF THIS ARTICLE, AUTHORIZED AND POLITICAL COMMITTEES SHALL MAINTAIN COPIES OF SUCH RECORDS FOR A PERIOD OF FIVE YEARS.

S 14-204. ELIGIBILITY. 1. TERMS AND CONDITIONS. TO BE ELIGIBLE FOR VOLUNTARY PUBLIC FINANCING UNDER THIS TITLE, A CANDIDATE MUST:

(A) BE A CANDIDATE IN A COVERED ELECTION;

(B) MEET ALL THE REQUIREMENTS OF LAW TO HAVE HIS OR HER NAME ON THE BALLOT;

(C) IN THE CASE OF A COVERED GENERAL OR SPECIAL ELECTION, BE OPPOSED BY ANOTHER CANDIDATE ON THE BALLOT WHO IS NOT A WRITE-IN CANDIDATE;

(D) SUBMIT A CERTIFICATION IN THE FORM OF AN AFFIDAVIT, IN SUCH FORM AS MAY BE PRESCRIBED BY THE BOARD, THAT SETS FORTH HIS OR HER ACCEPTANCE OF AND AGREEMENT TO COMPLY WITH THE TERMS AND CONDITIONS FOR THE PROVISION OF SUCH FUNDS IN EACH COVERED ELECTION AND SUCH CERTIFICATION SHALL BE SUBMITTED AT LEAST FOUR MONTHS BEFORE THE ELECTION PURSUANT TO A SCHEDULE PROMULGATED BY THE PUBLIC FINANCING UNIT OF THE BOARD;

(E) BE CERTIFIED AS A PARTICIPATING CANDIDATE BY THE BOARD;

(F) NOT MAKE, AND NOT HAVE MADE, EXPENDITURES FROM OR USE HIS OR HER PERSONAL FUNDS OR PROPERTY OR THE PERSONAL FUNDS OR PROPERTY JOINTLY HELD WITH HIS OR HER SPOUSE, OR UNEMANCIPATED CHILDREN IN CONNECTION WITH HIS OR HER NOMINATION ELECTION OR ELECTION TO A COVERED OFFICE EXCEPT AS A CONTRIBUTION TO HIS OR HER AUTHORIZED COMMITTEE IN AN AMOUNT THAT EXCEEDS THREE TIMES THE APPLICABLE CONTRIBUTION LIMIT FROM AN INDIVIDUAL CONTRIBUTOR TO CANDIDATES FOR THE OFFICE THAT HE OR SHE IS SEEKING;

(G) MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION TWO OF THIS SECTION;

(H) CONTINUE TO ABIDE BY ALL REQUIREMENTS DURING THE POST-ELECTION PERIOD;

(I) AGREE NOT TO EXPEND FOR CAMPAIGN PURPOSES ANY PORTION OF ANY PRE-EXISTING FUNDS RAISED FOR ANY PUBLIC OFFICE OR PARTY POSITION PRIOR TO THE FIRST DAY OF THE ELECTION CYCLE FOR WHICH THE CANDIDATE SEEKS CERTIFICATION. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO LIMIT, IN ANY WAY, ANY CANDIDATE OR PUBLIC OFFICIAL FROM EXPENDING ANY PORTION OF PRE-EXISTING CAMPAIGN FUNDS FOR ANY LAWFUL PURPOSE OTHER THAN THOSE RELATED TO HIS OR HER CAMPAIGN; AND

(J) NOT HAVE ACCEPTED CONTRIBUTIONS IN AMOUNTS EXCEEDING THE CONTRIBUTION LIMITS SET FORTH FOR PARTICIPATING CANDIDATES IN PARAGRAPHS A AND B OF SUBDIVISION ONE OF SECTION 14-114 OF THIS ARTICLE DURING THE ELECTION CYCLE FOR WHICH THE CANDIDATE SEEKS CERTIFICATION;

(I) PROVIDED HOWEVER, THAT, IF A CANDIDATE ACCEPTED CONTRIBUTIONS EXCEEDING SUCH LIMITS BEFORE CERTIFICATION, SUCH ACCEPTANCE SHALL NOT PREVENT THE CANDIDATE FROM BEING CERTIFIED BY THE BOARD IF THE CANDIDATE IMMEDIATELY PAYS TO THE FUND OR RETURNS TO THE CONTRIBUTOR THE PORTION OF ANY CONTRIBUTION THAT EXCEEDED THE APPLICABLE CONTRIBUTION LIMIT.

(II) IF THE CANDIDATE IS UNABLE TO RETURN SUCH FUNDS IMMEDIATELY BECAUSE THEY HAVE ALREADY BEEN SPENT, ACCEPTANCE OF CONTRIBUTIONS EXCEEDING THE LIMITS SHALL NOT PREVENT THE CANDIDATE FROM BEING CERTIFIED BY THE BOARD IF THE CANDIDATE SUBMITS AN AFFIDAVIT AGREEING TO PAY TO THE FUND ALL PORTIONS OF ANY CONTRIBUTIONS THAT EXCEEDED THE LIMIT NO LATER THAN THIRTY DAYS BEFORE THE GENERAL ELECTION. IF A CANDIDATE PROVIDES THE BOARD WITH SUCH AN AFFIDAVIT, ANY DISBURSEMENT OF PUBLIC FUNDS TO THE CANDIDATE MADE UNDER SECTION 14-206 OF THIS TITLE SHALL BE REDUCED BY NO MORE THAN TWENTY-FIVE PERCENT UNTIL THE TOTAL AMOUNT OWED BY THE CANDIDATE IS REPAID.

(III) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE A CANDIDATE WHO RETAINS FUNDS RAISED DURING A PREVIOUS ELECTION CYCLE TO FORFEIT SUCH FUNDS. FUNDS RAISED DURING A PREVIOUS ELECTION CYCLE MAY BE RETAINED, BUT ONLY IF THE CANDIDATE PLACES THE FUNDS IN ESCROW.

(IV) CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BY THE CANDIDATE OR AN AUTHORIZED COMMITTEE OF THE CANDIDATE PRIOR TO THE EFFECTIVE DATE OF THIS TITLE SHALL NOT CONSTITUTE A VIOLATION OF THIS TITLE. UNEXPENDED CONTRIBUTIONS SHALL BE TREATED THE SAME AS CAMPAIGN SURPLUSES UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.

2. THRESHOLD FOR ELIGIBILITY. (A) THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR PARTICIPATING CANDIDATES SHALL BE IN THE CASE OF:

(I) GOVERNOR, NOT LESS THAN THREE HUNDRED THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST THREE THOUSAND MATCHABLE CONTRIBUTIONS COMPRISED OF SUMS BETWEEN TEN AND ONE HUNDRED SEVENTY-FIVE DOLLARS PER CONTRIBUTOR, FROM RESIDENTS OF NEW YORK STATE;

(II) LIEUTENANT GOVERNOR, ATTORNEY GENERAL, AND COMPTROLLER, NOT LESS THAN ONE HUNDRED THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST ONE THOUSAND MATCHABLE CONTRIBUTIONS COMPRISED OF SUMS BETWEEN TEN AND ONE HUNDRED SEVENTY-FIVE DOLLARS PER CONTRIBUTOR, FROM RESIDENTS OF NEW YORK STATE;

(III) STATE SENATOR, NOT LESS THAN TWELVE THOUSAND FIVE HUNDRED DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST ONE HUNDRED TWENTY-FIVE MATCHABLE CONTRIBUTIONS COMPRISED OF SUMS BETWEEN TEN AND ONE HUNDRED SEVENTY-FIVE DOLLARS PER CONTRIBUTOR, FROM RESIDENTS OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED; AND

(IV) MEMBER OF THE ASSEMBLY, NOT LESS THAN FIVE THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST FIFTY MATCHABLE CONTRIBUTIONS COMPRISED OF SUMS BETWEEN TEN AND ONE HUNDRED SEVENTY-FIVE DOLLARS PER CONTRIBUTOR, FROM RESIDENTS OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

(B) ANY PARTICIPATING CANDIDATE MEETING THE THRESHOLD FOR ELIGIBILITY IN A PRIMARY ELECTION FOR ONE OF THE FOREGOING OFFICES SHALL BE DEEMED TO HAVE MET THE THRESHOLD FOR ELIGIBILITY FOR SUCH OFFICE IN ANY OTHER SUBSEQUENT ELECTION HELD IN THE SAME CALENDAR YEAR.

(C) AT THE BEGINNING OF EACH FOURTH CALENDAR YEAR, COMMENCING IN TWO THOUSAND TWENTY-ONE, THE STATE BOARD SHALL DETERMINE THE PERCENTAGE OF THE DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE MONTHLY CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS AND SUCH CONSUMER PRICE INDEX PUBLISHED FOR THE SAME MONTH FOUR YEARS PREVIOUSLY. THE AMOUNT OF EACH THRESHOLD FOR ELIGIBILITY FIXED IN THIS SUBDIVISION SHALL BE ADJUSTED BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE HUNDRED DOLLARS BY THE STATE BOARD WHICH, NOT LATER THAN THE FIRST DAY OF FEBRUARY IN EACH SUCH YEAR, SHALL ISSUE A REGULATION PUBLISHING THE AMOUNT OF EACH SUCH THRESHOLD FOR ELIGIBILITY. EACH THRESHOLD FOR ELIGIBILITY AS SO ADJUSTED SHALL BE THE LIMIT IN EFFECT FOR ANY ELECTION HELD BEFORE THE NEXT SUCH ADJUSTMENT. THE MINIMUM AND MAXIMUM DOLLAR AMOUNTS FOR THE MATCHABLE CONTRIBUTIONS THAT FUNDS RAISED MUST BE COMPRISED BY TO MEET THE THRESHOLDS FOR ELIGIBILITY FOR CANDIDATES FIXED IN THIS SUBDIVISION SHALL BE ADJUSTED BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE DOLLAR BY THE STATE BOARD WHICH, NOT LATER THAN THE FIRST DAY OF FEBRUARY IN EACH SUCH YEAR, SHALL ISSUE A REGULATION PUBLISHING THE SUCH MINIMUM AND MAXIMUM AMOUNTS. THE MINIMUM AND MAXIMUM AMOUNTS AS SO ADJUSTED SHALL BE IN EFFECT FOR ANY ELECTION HELD BEFORE THE NEXT SUCH ADJUSTMENT.

S 14-205. LIMITS ON PUBLIC FINANCING. THE FOLLOWING LIMITATIONS APPLY TO THE TOTAL AMOUNTS 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 EIGHT MILLION DOLLARS;

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

(III) FOR SENATOR, THE SUM OF THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS;

(IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS.

2. IN ANY GENERAL OR SPECIAL ELECTION, RECEIPT OF PUBLIC FUNDS BY A PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

CANDIDATES FOR ELECTION TO THE OFFICE OF:	
GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED)	$10,000,000
ATTORNEY GENERAL	$4,000,000
COMPTROLLER	$4,000,000
MEMBER OF SENATE	$375,000
MEMBER OF ASSEMBLY	$175,000

3. NO PARTICIPATING CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS NOT OPPOSED BY A CANDIDATE ON THE BALLOT IN A PRIMARY ELECTION SHALL BE ENTITLED TO PAYMENT OF PUBLIC MATCHING FUNDS, EXCEPT THAT, WHERE THERE IS A CONTEST IN SUCH PRIMARY ELECTION FOR THE NOMINATION OF AT LEAST ONE OF THE TWO POLITICAL PARTIES WITH THE HIGHEST AND SECOND HIGHEST NUMBER OF ENROLLED MEMBERS FOR SUCH OFFICE, A PARTICIPATING CANDIDATE WHO IS UNOPPOSED IN THE PRIMARY ELECTION MAY RECEIVE PUBLIC FUNDS BEFORE THE PRIMARY ELECTION, FOR EXPENSES INCURRED ON OR BEFORE THE DATE OF SUCH PRIMARY ELECTION, IN AN AMOUNT EQUAL TO UP TO HALF THE SUM SET FORTH IN PARAGRAPH ONE OF THIS SECTION.

4. AT THE BEGINNING OF EACH FOURTH CALENDAR YEAR, COMMENCING IN TWO THOUSAND TWENTY-ONE, THE STATE BOARD SHALL DETERMINE THE PERCENTAGE OF THE DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE MONTHLY CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY 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 LIMIT FIXED IN THIS SECTION SHALL BE ADJUSTED BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE HUNDRED DOLLARS BY THE STATE BOARD WHICH, NOT LATER THAN THE FIRST DAY OF FEBRUARY IN EACH SUCH YEAR, SHALL ISSUE A REGULATION PUBLISHING THE AMOUNT OF EACH SUCH PUBLIC FUNDS LIMIT. EACH PUBLIC FUNDS LIMIT AS SO ADJUSTED SHALL BE THE LIMIT IN EFFECT FOR ANY ELECTION HELD BEFORE THE NEXT SUCH ADJUSTMENT.

S 14-206. PAYMENT OF PUBLIC MATCHING FUNDS. 1. DETERMINATION OF ELIGIBILITY. NO PUBLIC MATCHING FUNDS SHALL BE PAID TO AN AUTHORIZED COMMITTEE UNLESS THE PUBLIC FINANCING UNIT DETERMINES THAT THE PARTICIPATING CANDIDATE HAS MET THE ELIGIBILITY REQUIREMENTS OF THIS TITLE. PAYMENT SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN SUBDIVISION TWO OF THIS SECTION, AND SHALL BE MADE ONLY IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENT MAY BE MADE ONLY TO THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE. NO PUBLIC MATCHING FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

2. CALCULATION OF PAYMENT. IF THE THRESHOLD FOR ELIGIBILITY IS MET, THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE SHALL RECEIVE PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES OF SIX DOLLARS OF PUBLIC MATCHING FUNDS FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS, MADE ON OR AFTER THE FIRST DAY OF THE ELECTION CYCLE FOR WHICH THE CANDIDATE IS A PARTICIPATING CANDIDATE, FOR THE FIRST ONE HUNDRED SEVENTY-FIVE DOLLARS OF ELIGIBLE PRIVATE FUNDS PER CONTRIBUTOR, OBTAINED AND REPORTED TO THE BOARD IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. THE MAXIMUM PAYMENT OF PUBLIC MATCHING FUNDS SHALL BE LIMITED TO THE AMOUNTS SET FORTH IN SECTION 14-205 OF THIS TITLE FOR THE COVERED ELECTION.

3. AT THE BEGINNING OF EACH FOURTH CALENDAR YEAR, COMMENCING IN TWO THOUSAND TWENTY-ONE, THE STATE BOARD SHALL DETERMINE THE PERCENTAGE OF THE DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE MONTHLY CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS AND SUCH CONSUMER PRICE INDEX PUBLISHED FOR THE SAME MONTH FOUR YEARS PREVIOUSLY. THE DOLLAR AMOUNT OF EACH MATCHABLE CONTRIBUTION TO BE MATCHED AS SET FORTH IN SUBDIVISION TWO OF THIS SECTION SHALL BE ADJUSTED BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE DOLLAR BY THE STATE BOARD WHICH, NOT LATER THAN THE FIRST DAY OF FEBRUARY IN EACH SUCH YEAR, SHALL ISSUE A REGULATION PUBLISHING THE AMOUNT OF MATCHABLE CONTRIBUTIONS THAT SHALL BE MATCHED. EACH SUCH AMOUNT AS SO ADJUSTED SHALL BE THE AMOUNT IN EFFECT FOR ANY ELECTION HELD BEFORE THE NEXT SUCH ADJUSTMENT.

4. TIMING OF PAYMENT. THE PUBLIC FINANCING UNIT SHALL MAKE ANY PAYMENT OF PUBLIC MATCHING FUNDS TO PARTICIPATING CANDIDATES AS SOON AS IS PRACTICABLE. BUT IN ALL CASES, THAT UNIT SHALL VERIFY ELIGIBILITY FOR PUBLIC MATCHING FUNDS WITHIN FOUR DAYS OF RECEIVING A CAMPAIGN CONTRIBUTION REPORT FILED IN COMPLIANCE WITH SECTION 14-104 OF THIS ARTICLE. WITHIN TWO DAYS OF DETERMINING THAT A CANDIDATE FOR A COVERED OFFICE IS ELIGIBLE FOR PUBLIC MATCHING FUNDS, THE UNIT SHALL PAY THE APPLICABLE MATCHING FUNDS OWED TO THE CANDIDATE. HOWEVER, THE UNIT SHALL NOT MAKE ANY PAYMENTS OF PUBLIC MONEY EARLIER THAN THE EARLIEST DATES FOR MAKING SUCH PAYMENTS AS PROVIDED BY THIS TITLE. IF ANY OF SUCH PAYMENTS WOULD

REQUIRE PAYMENT ON A WEEKEND OR FEDERAL HOLIDAY, PAYMENT SHALL BE MADE ON THE NEXT BUSINESS DAY.

5. ELECTRONIC FUNDS TRANSFER. THE BOARD SHALL PROMULGATE RULES TO FACILITATE ELECTRONIC FUNDS TRANSFERS DIRECTLY FROM THE FUND INTO AN AUTHORIZED COMMITTEE'S BANK ACCOUNT.

6. IRREGULARLY SCHEDULED ELECTIONS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE BOARD SHALL PROMULGATE RULES TO PROVIDE FOR THE PROMPT ISSUANCE OF PUBLIC MATCHING FUNDS TO ELIGIBLE PARTICIPATING CANDIDATES FOR QUALIFIED CAMPAIGN EXPENDITURES IN THE CASE OF ANY OTHER COVERED ELECTION HELD ON A DAY DIFFERENT FROM THAT THAN ORIGINALLY SCHEDULED INCLUDING SPECIAL ELECTIONS. BUT IN ALL CASES, THE PUBLIC FINANCING UNIT SHALL (A) WITHIN FOUR DAYS OF RECEIVING A REPORT OF CONTRIBUTIONS FROM A CANDIDATE FOR A COVERED OFFICE CLAIMING ELIGIBILITY FOR PUBLIC MATCHING FUNDS VERIFY THAT CANDIDATE'S ELIGIBILITY FOR PUBLIC MATCHING FUNDS; AND (B) WITHIN TWO DAYS OF DETERMINING THAT THE CANDIDATE FOR A COVERED OFFICE IS ELIGIBLE FOR PUBLIC MATCHING FUNDS, THE UNIT SHALL PAY THE APPLICABLE MATCHING FUNDS OWED TO THE CANDIDATE.

S 14-207. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC MATCHING FUNDS PROVIDED UNDER THE PROVISIONS OF THIS TITLE MAY BE USED ONLY BY AN AUTHORIZED COMMITTEE FOR EXPENDITURES TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION OR ELECTION, INCLUDING PAYING FOR DEBTS INCURRED WITHIN ONE YEAR PRIOR TO AN ELECTION TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION OR ELECTION.

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

(A) AN EXPENDITURE IN VIOLATION OF ANY LAW;

(B) AN EXPENDITURE IN EXCESS OF THE FAIR MARKET VALUE OF SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF VALUE RECEIVED IN EXCHANGE;

(C) AN EXPENDITURE MADE AFTER THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE BALLOT;

(D) AN EXPENDITURE MADE AFTER THE ONLY REMAINING OPPONENT OF THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE GENERAL OR SPECIAL ELECTION BALLOT;

(E) AN EXPENDITURE MADE BY CASH PAYMENT;

(F) A CONTRIBUTION OR LOAN OR TRANSFER MADE TO OR EXPENDITURE TO SUPPORT ANOTHER CANDIDATE OR POLITICAL COMMITTEE OR PARTY, COMMITTEE OR CONSTITUTED COMMITTEE;

(G) AN EXPENDITURE TO SUPPORT OR OPPOSE A CANDIDATE FOR AN OFFICE OTHER THAN THAT WHICH THE PARTICIPATING CANDIDATE SEEKS;

(H) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER PRINTED CAMPAIGN MATERIAL;

(I) LEGAL FEES TO DEFEND AGAINST A CRIMINAL CHARGE;

(J) PAYMENTS TO IMMEDIATE FAMILY MEMBERS OF THE PARTICIPATING CANDIDATE; OR

(K) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE, AUTHORIZATION, DECLINATION OR SUBSTITUTION.

S 14-208. POWERS AND DUTIES OF BOARD. 1. ADVISORY OPINIONS. THE BOARD SHALL RENDER ADVISORY OPINIONS WITH RESPECT TO QUESTIONS ARISING UNDER THIS TITLE UPON THE WRITTEN REQUEST OF A CANDIDATE, AN OFFICER OF A POLITICAL COMMITTEE OR MEMBER OF THE PUBLIC, OR UPON ITS OWN INITIATIVE. THE BOARD SHALL PROMULGATE RULES REGARDING REASONABLE TIMES TO RESPOND TO SUCH REQUESTS. THE BOARD SHALL MAKE PUBLIC THE QUESTIONS OF INTERPRETATION FOR WHICH ADVISORY OPINIONS WILL BE CONSIDERED BY THE BOARD AND ITS ADVISORY OPINIONS, INCLUDING BY PUBLICATION ON ITS WEBPAGE WITH

IDENTIFYING INFORMATION REDACTED AS THE BOARD DETERMINES TO BE APPROPRIATE.

2. PUBLIC INFORMATION AND CANDIDATE EDUCATION. THE BOARD SHALL DEVELOP A PROGRAM FOR INFORMING CANDIDATES AND THE PUBLIC AS TO THE PURPOSE AND EFFECT OF THE PROVISIONS OF THIS TITLE, INCLUDING BY MEANS OF A WEBPAGE. THE BOARD SHALL PREPARE IN PLAIN LANGUAGE AND MAKE AVAILABLE EDUCATIONAL MATERIALS, INCLUDING COMPLIANCE MANUALS AND SUMMARIES AND EXPLANATIONS OF THE PURPOSES AND PROVISIONS OF THIS TITLE. THE BOARD SHALL PREPARE OR HAVE PREPARED AND MAKE AVAILABLE MATERIALS, INCLUDING, TO THE EXTENT FEASIBLE, COMPUTER SOFTWARE, TO FACILITATE THE TASK OF COMPLIANCE WITH THE DISCLOSURE AND RECORD-KEEPING REQUIREMENTS OF THIS TITLE.

3. RULES AND REGULATIONS. THE BOARD SHALL HAVE THE AUTHORITY TO PROMULGATE SUCH RULES AND REGULATIONS AND PROVIDE SUCH FORMS AS IT DEEMS NECESSARY FOR THE ADMINISTRATION OF THIS TITLE.

4. DATABASE. THE BOARD SHALL DEVELOP AN INTERACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMATION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR AUTHORIZED COMMITTEE, INDEPENDENT EXPENDITURES IN SUPPORT OR OPPOSITION OF CANDIDATES FOR COVERED OFFICES, AND DISTRIBUTIONS OF MONEYS FROM THE FUND. SUCH DATABASE SHALL BE ACCESSIBLE TO THE PUBLIC ON THE BOARD'S WEBPAGE.

5. THE BOARD'S PUBLIC FINANCING UNIT SHALL WORK WITH THE ENFORCEMENT UNIT TO ENFORCE THIS SECTION.

S 14-209. AUDITS AND REPAYMENTS. 1. AUDITS. THE BOARD SHALL AUDIT AND EXAMINE ALL MATTERS RELATING TO THE PROPER ADMINISTRATION OF THIS TITLE AND SHALL COMPLETE SUCH AUDIT NO LATER THAN TWO YEARS AFTER THE ELECTION IN QUESTION. EVERY CANDIDATE WHO RECEIVES PUBLIC FUNDS UNDER THIS TITLE SHALL BE AUDITED BY THE BOARD. THE COST OF COMPLYING WITH A POST-ELECTION AUDIT SHALL BE BORNE BY THE CANDIDATE'S AUTHORIZED COMMITTEE USING PUBLIC FUNDS, PRIVATE FUNDS OR ANY COMBINATION OF SUCH FUNDS. CANDIDATES WHO RUN IN BOTH A PRIMARY AND GENERAL ELECTION MUST MAINTAIN A RESERVE OF THREE PERCENT OF THE PUBLIC FUNDS RECEIVED TO COMPLY WITH THE POST-ELECTION AUDIT. THE BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED A FINAL AUDIT REPORT THAT DETAILS ITS FINDINGS.

2. REPAYMENTS. (A) IF THE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE FUND WAS IN EXCESS OF THE AGGREGATE AMOUNT OF PAYMENTS THAT SUCH CANDIDATE WAS ELIGIBLE TO RECEIVE PURSUANT TO THIS TITLE, IT SHALL NOTIFY SUCH COMMITTEE AND SUCH COMMITTEE SHALL PAY TO THE BOARD AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS. PROVIDED, HOWEVER, THAT IF THE ERRONEOUS PAYMENT WAS THE RESULT OF AN ERROR BY THE BOARD, THEN THE ERRONEOUS PAYMENT WILL BE DEDUCTED FROM ANY FUTURE PAYMENT, IF ANY, AND IF NO PAYMENT IS TO BE MADE THEN NEITHER THE CANDIDATE NOR THE COMMITTEE SHALL BE LIABLE TO REPAY THE EXCESS AMOUNT TO THE BOARD. THE CANDIDATE, THE TREASURER AND THE CANDIDATE'S AUTHORIZED COMMITTEE ARE JOINTLY AND SEVERABLY LIABLE FOR ANY REPAYMENTS TO THE BOARD.

(B) IF THE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN QUALIFIED CAMPAIGN EXPENDITURES AND SUCH EXPENDITURES WERE NOT APPROVED BY THE BOARD, IT SHALL NOTIFY SUCH COMMITTEE OF THE AMOUNT SO DISQUALIFIED AND SUCH COMMITTEE SHALL PAY TO THE BOARD AN AMOUNT EQUAL TO SUCH DISQUALIFIED AMOUNT. THE CANDIDATE, THE TREASURER AND THE CANDIDATE'S AUTHORIZED COMMITTEE ARE JOINTLY AND SEVERABLY LIABLE FOR ANY REPAYMENTS TO THE BOARD.

(C) IF THE TOTAL OF PAYMENTS FROM THE FUND RECEIVED BY A PARTICIPATING CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEE EXCEED THE TOTAL CAMPAIGN

EXPENDITURES OF SUCH CANDIDATE AND AUTHORIZED COMMITTEE FOR ALL COVERED ELECTIONS HELD IN THE SAME CALENDAR YEAR OR FOR A SPECIAL ELECTION TO FILL A VACANCY, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH AUTHORIZED COMMITTEE FROM THE FUND DURING SUCH CALENDAR YEAR OR FOR SUCH SPECIAL ELECTION. PARTICIPATING CANDIDATES SHALL PAY TO THE BOARD UNSPENT PUBLIC CAMPAIGN FUNDS FROM AN ELECTION NOT LATER THAN TWENTY-SEVEN DAYS AFTER ALL LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND IN ANY EVENT, NOT LATER THAN THE DAY ON WHICH THE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT PUBLIC CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE AND PAYABLE TO THE BOARD UPON A DETERMINATION BY THE BOARD THAT THE PARTICIPANT HAS DELAYED THE POST-ELECTION AUDIT. A PARTICIPATING CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES WITH PUBLIC FUNDS ONLY FOR ROUTINE ACTIVITIES INVOLVING NOMINAL COST ASSOCIATED WITH WINDING UP A CAMPAIGN AND RESPONDING TO THE POST-ELECTION AUDIT. NOTHING IN THIS TITLE SHALL BE CONSTRUED TO PREVENT A CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEE FROM USING CAMPAIGN CONTRIBUTIONS RECEIVED FROM PRIVATE CONTRIBUTORS FOR OTHERWISE LAWFUL EXPENDITURES.

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

S 14-210. ENFORCEMENT AND PENALTIES FOR VIOLATIONS AND OTHER PROCEEDINGS. 1. CIVIL PENALTIES. VIOLATIONS OF ANY PROVISION OF THIS TITLE OR RULE PROMULGATED PURSUANT TO THIS TITLE SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT IN EXCESS OF FIFTEEN THOUSAND DOLLARS.

2. NOTICE OF VIOLATION AND OPPORTUNITY TO CONTEST. THE BOARD SHALL:

(A) DETERMINE WHETHER A VIOLATION OF ANY PROVISION OF THIS TITLE OR RULE PROMULGATED HEREUNDER HAS BEEN COMMITTED;

(B) GIVE WRITTEN NOTICE AND THE OPPORTUNITY TO CONTEST BEFORE AN INDEPENDENT HEARING OFFICER TO EACH PERSON OR ENTITY IT HAS REASON TO BELIEVE HAS COMMITTED A VIOLATION; AND

(C) IF APPROPRIATE, ASSESS PENALTIES FOR VIOLATIONS, FOLLOWING SUCH NOTICE AND OPPORTUNITY TO CONTEST.

3. CRIMINAL CONDUCT. ANY PERSON WHO KNOWINGLY AND WILLFULLY FURNISHES OR SUBMITS FALSE STATEMENTS OR INFORMATION TO THE BOARD IN CONNECTION WITH ITS ADMINISTRATION OF THIS TITLE, SHALL BE GUILTY OF A MISDEMEANOR IN ADDITION TO ANY OTHER PENALTY AS MAY BE IMPOSED UNDER THIS CHAPTER OR PURSUANT TO ANY OTHER LAW. THE BOARD SHALL SEEK TO RECOVER ANY PUBLIC MATCHING FUNDS OBTAINED AS A RESULT OF SUCH CRIMINAL CONDUCT.

4. PROCEEDINGS AS TO PUBLIC FINANCING. (A) THE DETERMINATION OF ELIGIBILITY PURSUANT TO THIS TITLE AND ANY QUESTION OR ISSUE RELATING TO PAYMENTS FOR CAMPAIGN EXPENDITURES PURSUANT TO THIS TITLE MAY BE CONTESTED IN A PROCEEDING INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDIDATE.

(B) A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO THIS CHAPTER SHALL BE INSTITUTED WITHIN FOURTEEN DAYS AFTER SUCH DETERMINATION WAS MADE. THE BOARD SHALL BE MADE A PARTY TO ANY SUCH PROCEEDING.

(C) UPON THE BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S AUTHORIZED COMMITTEE AFTER THE ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY THIS TITLE, THE BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO THE BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE PURSUANT TO THIS TITLE OR TO OBTAIN SUCH AMOUNTS DIRECTLY FROM THE CANDIDATE OR AUTHORIZED COMMITTEE AFTER A HEARING AT THE STATE BOARD OF ELECTIONS.

(D) THE BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE BOARD PURSUANT TO THIS TITLE OR TO IMPOSE SUCH PENALTY DIRECTLY AFTER A HEARING AT THE STATE BOARD OF ELECTIONS.

S 14-211. REPORTS. THE BOARD SHALL REVIEW AND EVALUATE THE EFFECT OF THIS TITLE UPON THE CONDUCT OF ELECTION CAMPAIGNS AND SHALL SUBMIT A REPORT TO THE LEGISLATURE ON OR BEFORE JANUARY FIRST, TWO THOUSAND TWENTY, AND EVERY THIRD YEAR THEREAFTER, AND AT ANY OTHER TIME UPON THE REQUEST OF THE GOVERNOR AND AT SUCH OTHER TIMES AS THE BOARD DEEMS APPROPRIATE. THESE REPORTS SHALL INCLUDE:

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

2. THE AMOUNT OF CONTRIBUTIONS AND LOANS RECEIVED, AND EXPENDITURES MADE, ON BEHALF OF THESE CANDIDATES;

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

4. ANALYSIS OF THE EFFECT OF THIS TITLE ON POLITICAL CAMPAIGNS, INCLUDING ITS EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES, THE CANDIDATES' ABILITY TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE; AND

5. RECOMMENDATIONS FOR AMENDMENTS TO THIS TITLE, INCLUDING CHANGES IN CONTRIBUTION LIMITS, THRESHOLDS FOR ELIGIBILITY, AND ANY OTHER FEATURES OF THE SYSTEM.

S 14-212. DEBATES FOR CANDIDATES FOR STATEWIDE OFFICE. THE BOARD SHALL PROMULGATE REGULATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES WHO SEEK ELECTION TO STATEWIDE OFFICE. PARTICIPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN ONE DEBATE BEFORE EACH ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. NONPARTICIPATING CANDIDATES MAY PARTICIPATE IN SUCH DEBATES.

S 14-213. SEVERABILITY. IF ANY CLAUSE, SENTENCE, SUBDIVISION, PARAGRAPH, SECTION OR PART OF THIS TITLE BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, SUBDIVISION, PARAGRAPH, SECTION OR PART THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED.

S 7. The state finance law is amended by adding a new section 92-t to read as follows:

S 92-T. NEW YORK STATE CAMPAIGN FINANCE FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE NEW YORK STATE CAMPAIGN FINANCE FUND.

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE NEW YORK STATE CAMPAIGN FINANCE FUND CHECK-OFF PURSUANT TO SUBSECTION (H) OF SECTION SIX HUNDRED FIFTY-EIGHT OF THE TAX LAW, FROM THE ABANDONED PROPERTY FUND PURSUANT TO SECTION NINETY-FIVE OF THIS ARTICLE, FROM THE GENERAL FUND, AND FROM ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. SUCH FUND SHALL ALSO RECEIVE CONTRIBUTIONS FROM PRIVATE INDIVIDUALS, ORGANIZATIONS, OR OTHER PERSONS TO FULFILL THE PURPOSES OF THE PUBLIC FINANCING SYSTEM.

3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT TO TITLE II OF ARTICLE FOURTEEN OF THE ELECTION LAW AND FOR ADMINISTRATIVE EXPENSES RELATED TO THE IMPLEMENTATION OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE PAID OUT OF THE FUND BY THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE STATE BOARD OF ELECTIONS, OR ITS DULY DESIGNATED REPRESENTATIVE, IN THE MANNER PRESCRIBED BY LAW, NOT MORE THAN FOUR WORKING DAYS AFTER SUCH VOUCHER IS RECEIVED BY THE STATE COMPTROLLER.

4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF, IN ANY STATE FISCAL YEAR, THE STATE CAMPAIGN FINANCE FUND LACKS THE AMOUNT OF MONEY TO PAY ALL CLAIMS VOUCHERED BY ELIGIBLE CANDIDATES AND CERTIFIED OR APPROVED BY THE STATE BOARD OF ELECTIONS, ANY SUCH DEFICIENCY SHALL BE PAID BY THE STATE COMPTROLLER, FROM FUNDS DEPOSITED IN THE GENERAL FUND OF THE STATE NOT MORE THAN FOUR WORKING DAYS AFTER SUCH VOUCHER IS RECEIVED BY THE STATE COMPTROLLER.

5. COMMENCING IN TWO THOUSAND SEVENTEEN, IF THE SURPLUS IN THE FUND ON APRIL FIRST OF THE YEAR AFTER A YEAR IN WHICH A GOVERNOR IS ELECTED EXCEEDS TWENTY-FIVE PERCENT OF THE DISBURSEMENTS FROM THE FUND OVER THE PREVIOUS FOUR YEARS, THE EXCESS SHALL REVERT TO THE GENERAL FUND OF THE STATE.

6. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A PRIMARY ELECTION ANY EARLIER THAN THIRTY DAYS AFTER DESIGNATING PETITIONS, INDEPENDENT NOMINATING PETITIONS, OR CERTIFICATES OF NOMINATION HAVE BEEN FILED AND NOT LESS THAN FORTY-FIVE DAYS BEFORE SUCH ELECTION.

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

8. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A SPECIAL ELECTION ANY EARLIER THAN THE DAY AFTER THE LAST DAY TO FILE CERTIFICATES OF PARTY NOMINATION FOR SUCH SPECIAL ELECTION.

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

S 8. Section 95 of the state finance law is amended by adding a new subdivision 5 to read as follows:

5. NOTWITHSTANDING ANY PROVISION OF THIS SECTION AUTHORIZING THE TRANSFER OF ANY MONEYS IN THE ABANDONED PROPERTY FUND TO THE GENERAL FUND, IN JANUARY OF EACH YEAR IN WHICH A STATE GENERAL ELECTION IS TO BE HELD PURSUANT TO LAW, OR AT LEAST SIX WEEKS PRIOR TO ANY STATE SPECIAL ELECTION, THE COMPTROLLER, UPON WARRANT OR VOUCHER BY THE STATE BOARD OF

ELECTIONS OR ITS DULY APPOINTED REPRESENTATIVE, SHALL TRANSFER MONEYS OF THE ABANDONED PROPERTY FUND INTO THE CAMPAIGN FINANCE FUND PURSUANT TO SECTION NINETY-TWO-T OF THIS ARTICLE. ON MARCH THIRTY-FIRST OF THE YEAR FOLLOWING SUCH GENERAL ELECTION YEAR, SUCH BOARD SHALL TRANSFER TO THE GENERAL FUND ANY SURPLUS MONEYS OF THE CAMPAIGN FINANCE FUND AS OF SUCH DATE.

S 9. Section 658 of the tax law is amended by adding a new subsection (h) to read as follows:

(H) NEW YORK STATE CAMPAIGN FINANCE FUND CHECK-OFF. (1) FOR EACH TAXABLE YEAR BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, EVERY RESIDENT TAXPAYER WHOSE NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR WHICH THE RETURN IS FILED IS FORTY DOLLARS OR MORE MAY DESIGNATE ON SUCH RETURN THAT FORTY DOLLARS BE PAID INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW. WHERE A HUSBAND AND WIFE FILE A JOINT RETURN AND HAVE A NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR WHICH THE RETURN IS FILED IS EIGHTY DOLLARS OR MORE, OR FILE SEPARATE RETURNS ON A SINGLE FORM, EACH SUCH TAXPAYER MAY MAKE SEPARATE DESIGNATIONS ON SUCH RETURN OF FORTY DOLLARS TO BE PAID INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND.

(2) THE COMMISSIONER SHALL TRANSFER TO THE NEW YORK STATE CAMPAIGN FINANCE FUND, ESTABLISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW, AN AMOUNT EQUAL TO FORTY DOLLARS MULTIPLIED BY THE NUMBER OF DESIGNATIONS.

(3) FOR PURPOSES OF THIS SUBSECTION, THE INCOME TAX LIABILITY OF AN INDIVIDUAL FOR ANY TAXABLE YEAR IS THE AMOUNT OF TAX IMPOSED UNDER THIS ARTICLE REDUCED BY THE SUM OF THE CREDITS (AS SHOWN IN HIS OR HER RETURN) ALLOWABLE UNDER THIS ARTICLE.

(4) THE DEPARTMENT SHALL INCLUDE A PLACE ON EVERY PERSONAL INCOME TAX RETURN FORM TO BE FILED BY AN INDIVIDUAL FOR A TAX YEAR BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, FOR SUCH TAXPAYER TO MAKE THE DESIGNATIONS DESCRIBED IN PARAGRAPH ONE OF THIS SUBSECTION. SUCH RETURN FORM SHALL CONTAIN A CONCISE EXPLANATION OF THE PURPOSE OF SUCH OPTIONAL DESIGNATIONS.

(5) AT THE BEGINNING OF EACH FOURTH CALENDAR YEAR, COMMENCING IN TWO THOUSAND TWENTY-ONE, THE DEPARTMENT SHALL DETERMINE THE PERCENTAGE OF THE DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE MONTHLY CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS AND SUCH CONSUMER PRICE INDEX PUBLISHED FOR THE SAME MONTH FOUR YEARS PREVIOUSLY. EACH DOLLAR AMOUNT SET OUT IN PARAGRAPH ONE OF THIS SUBSECTION SHALL BE ADJUSTED BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE DOLLAR BY THE DEPARTMENT, WHICH SHALL ISSUE A REGULATION PUBLISHING THE AMOUNT OF EACH SUCH DOLLAR AMOUNT. EACH DOLLAR AMOUNT AS SO ADJUSTED SHALL GOVERN THE OPERATION OF THE STATE CAMPAIGN FINANCE FUND CHECK-OFF BEFORE THE NEXT SUCH ADJUSTMENT.

S 10. Subdivision 2 of section 14-120 of the election law, as added by chapter 79 of the laws of 1992, is amended to read as follows:

2. Notwithstanding subdivision one of this section, a partnership, as defined in section ten of the partnership law, OR A LIMITED LIABILITY COMPANY, AS DEFINED IN SECTION ONE HUNDRED TWO OF THE LIMITED LIABILITY COMPANY LAW, may be considered a separate entity for the purposes of this section, and as such may make contributions in the name of said partnership OR LIMITED LIABILITY COMPANY without attributing such contributions to the individual members of the partnership OR LIMITED LIABILITY COMPANY provided that any such contribution made by a partnership OR LIMITED LIABILITY COMPANY to a candidate or to a political

committee, shall not exceed[,] twenty-five hundred dollars. In the event that such partnership OR LIMITED LIABILITY COMPANY contribution to any such candidate or political committee exceeds twenty-five hundred dollars, the aggregate amount of such contribution shall be attributed to each partner OR LIMITED LIABILITY COMPANY MEMBER whose share of the contribution exceeds ninety-nine dollars.

S 11. Subdivision 3 of section 14-124 of the election law, as amended by chapter 71 of the laws of 1988, is amended to read as follows:

[3. The contribution and receipt limits of this article shall not apply to monies received and expenditures made by a party committee or constituted committee to maintain a permanent headquarters and staff and carry on ordinary activities which are not for the express purpose of promoting the candidacy of specific candidates.]

S 12. The election law is amended by adding a new section 14-125 to read as follows:

S 14-125. NEW YORK STATE BUSINESS CONTRACT DATABASE. 1. A. AS USED IN THIS SECTION:

(I) THE TERM "BUSINESS RELATIONSHIPS WITH THE STATE" SHALL MEAN ANY CONTRACT FOR THE PROCUREMENT OF GOODS, SERVICES OR CONSTRUCTION THAT IS ENTERED INTO OR IN EFFECT WITH THE STATE OF NEW YORK OR ANY AGENCY OR ENTITY AFFILIATED THERETO NOT AWARDED THROUGH A COMPETITIVE BID PROCESS PURSUANT TO ARTICLES NINE AND ELEVEN OF THE STATE FINANCE LAW. BUSINESS RELATIONSHIPS WITH THE STATE SHALL NOT MEAN ANY PERSON OR ENTITY REJECTED FROM PARTICIPATION IN SUCH A CONTRACT OR ANY PERSON OR ENTITY NOT PARTICIPATING IN SUCH A CONTRACT WITHIN TWENTY-FOUR MONTHS OF ANY ELECTION.

(II) THE TERM "NEW YORK STATE BUSINESS CONTRACT DATABASE" SHALL MEAN A DATABASE CREATED, OPERATED, MAINTAINED AND UPDATED BY THE STATE COMPTROLLER ACCESSIBLE TO THE PUBLIC WHICH CONTAINS THE NAMES OF PERSONS WHO HAVE BUSINESS RELATIONSHIPS WITH THE STATE. SUCH DATABASE SHALL PROVIDE A UNIQUE IDENTIFIER ASSIGNED BY THE STATE COMPTROLLER FOR EACH PERSON WHO HAS A BUSINESS RELATIONSHIP WITH THE STATE AND SHALL BE CREATED, OPERATED, MAINTAINED AND UPDATED BY THE STATE COMPTROLLER IN A MANNER SO AS TO ENSURE ITS REASONABLE ACCURACY AND COMPLETENESS; PROVIDED, HOWEVER, THAT IN NO EVENT SHALL SUCH DATABASE BE UPDATED LESS FREQUENTLY THAN ONCE A MONTH IN ANY GENERAL ELECTION YEAR. SUCH DATABASE SHALL ENABLE MEMBERS OF THE PUBLIC TO DETERMINE IF A GIVEN PERSON HAS A BUSINESS RELATIONSHIP WITH THE STATE.

(III) THE TERM "PERSON" SHALL INCLUDE ANY CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER OR CHIEF OPERATING OFFICER OF SUCH ENTITY OR PERSONS SERVING IN AN EQUIVALENT CAPACITY, ANY PERSON EMPLOYED IN A SENIOR MANAGERIAL CAPACITY REGARDING SUCH ENTITY, OR ANY PERSON WITH AN INTEREST IN SUCH ENTITY WHICH EXCEEDS TEN PERCENT OF THE VALUE OF SUCH ENTITY AT FAIR MARKET VALUE.

(IV) THE TERM "SENIOR MANAGERIAL CAPACITY" SHALL MEAN A HIGH LEVEL SUPERVISORY CAPACITY, EITHER BY VIRTUE OF TITLE OR DUTIES, IN WHICH SUBSTANTIAL DISCRETION AND OVERSIGHT IS EXERCISED OVER THE SOLICITATION, LETTING OR ADMINISTRATION OF BUSINESS TRANSACTIONS WITH THE STATE, INCLUDING CONTRACTS, FRANCHISES, CONCESSION, GRANTS, ECONOMIC DEVELOPMENT AGREEMENTS AND APPLICATION FOR LAND USE APPROVALS.

B. ANY DATABASE MAINTAINED BY THE COMPTROLLER AS OF THE EFFECTIVE DATE OF THIS SECTION MAY SERVE AS THE NEW YORK STATE BUSINESS CONTRACT DATABASE UPON CERTIFICATION BY THE COMPTROLLER TO THE STATE BOARD OF ELECTIONS THAT SUCH DATABASE FULFILLS THE REQUIREMENTS OF THIS SECTION. EVERY STATE AGENCY OR AUTHORITY OF THE STATE INCLUDING ANY ENTITY AFFILIATED THERETO SHALL PROVIDE THE COMPTROLLER WITH SUCH INFORMATION AS IS

NECESSARY TO CONSTRUCT, MODIFY AND MAINTAIN SUCH DATABASE IN A TIMELY MANNER.

2. A. NEITHER A CANDIDATE PARTICIPATING IN THE VOLUNTARY CAMPAIGN FINANCE PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE, NOR A POLITICAL COMMITTEE OF SUCH CANDIDATE SHALL ACCEPT CONTRIBUTIONS FOR A COVERED ELECTION WHICH IN THE AGGREGATE EXCEEDS FOUR HUNDRED DOLLARS FROM A PERSON OR ENTITY WHO HAS A BUSINESS RELATIONSHIP WITH THE STATE.

B. NEITHER A CANDIDATE WHO DOES NOT PARTICIPATE IN A VOLUNTARY CAMPAIGN FINANCE PROGRAM PURSUANT TO THIS ARTICLE NOR A POLITICAL COMMITTEE OF SUCH CANDIDATE SHALL ACCEPT CONTRIBUTIONS FOR A COVERED ELECTION WHICH IN THE AGGREGATE EXCEEDS FOUR HUNDRED DOLLARS FROM A PERSON OR ENTITY WHO HAS A BUSINESS RELATIONSHIP WITH THE STATE.

C. NO CONTRIBUTION PURSUANT TO THIS SECTION TO A CANDIDATE OR TO A POLITICAL COMMITTEE OF SUCH CANDIDATE SHALL BE ELIGIBLE FOR MATCHING CONTRIBUTIONS PURSUANT TO TITLE TWO OF THIS ARTICLE.

D. IF THE STATE BOARD OF ELECTIONS DETERMINES THAT ANY CONTRIBUTION TO A CANDIDATE OR TO THE POLITICAL COMMITTEE OF SUCH CANDIDATE VIOLATES THE PROVISIONS OF THIS SECTION, SUCH BOARD SHALL NOTIFY SUCH CANDIDATE WITHIN TWENTY DAYS OF SUCH DETERMINATION AND SUCH CANDIDATE OR CANDIDATE'S POLITICAL COMMITTEE SHALL MAKE A REASONABLE ATTEMPT TO RETURN SUCH CONTRIBUTION TO THE CONTRIBUTOR; PROVIDED, HOWEVER, THAT IF SUCH CANDIDATE OR THE POLITICAL COMMITTEE OF SUCH CANDIDATE IS UNABLE TO RETURN SUCH CONTRIBUTION, SUCH MONIES SHALL BE PAID TO THE STATE BOARD OF ELECTIONS FOR PAYMENT INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

E. WHEN PUBLICLY REPORTING CAMPAIGN CONTRIBUTIONS, WHERE APPLICABLE, THE BOARD OF ELECTIONS SHALL INCORPORATE THE UNIQUE IDENTIFIER ASSIGNED BY THE STATE COMPTROLLER FOR ANY CONTRIBUTOR WITH A BUSINESS RELATIONSHIP WITH THE STATE.

F. THE STATE COMPTROLLER AND THE STATE BOARD OF ELECTIONS SHALL PROMULGATE SUCH RULES AND REGULATIONS AS THE COMPTROLLER AND THE BOARD DEEM NECESSARY FOR THE ADMINISTRATION OF THIS SECTION.

S 13. Sections 1-u and 1-v of the legislative law, section 1-v as relettered by chapter 1 of the laws of 2005, are renumbered sections 1-w and 1-x and two new sections 1-u and 1-v are added to read as follows:

S 1-U. RESTRICTIONS ON POLITICAL CONTRIBUTIONS BY LOBBYISTS. A LOBBYIST SHALL NOT SOLICIT, MAKE OR TRANSMIT A CONTRIBUTION OR A REQUEST FOR A CONTRIBUTION FROM OR TO ANY PERSON, INCLUDING A POLITICAL COMMITTEE FOR THE BENEFIT OF A PUBLIC OFFICIAL OR PARTY COMMITTEE, FOR ELECTION TO ANY STATE OR MUNICIPAL CORPORATION OFFICE; EXCEPT THAT A LOBBYIST MAY MAKE A POLITICAL CONTRIBUTION UP TO TWO HUNDRED FIFTY DOLLARS PER CANDIDATE PER ELECTION; PROVIDED HOWEVER, THAT FOR STATE LEVEL PUBLIC OFFICIALS, SUCH CONTRIBUTION MAY ONLY BE MADE BETWEEN JULY FIRST AND DECEMBER THIRTY-FIRST.

S 1-V. RESTRICTIONS ON ACCEPTANCE OF POLITICAL CONTRIBUTIONS BY PUBLIC OFFICIALS. A PUBLIC OFFICIAL SHALL NOT KNOWINGLY ACCEPT, SOLICIT, OR TRANSMIT A CONTRIBUTION OR A REQUEST FOR A CONTRIBUTION FOR HIMSELF OR HERSELF OR ANY PUBLIC OFFICIAL, POLITICAL COMMITTEE, OR CANDIDATE FROM OR ON BEHALF OF ANY LOBBYIST REGULATED BY THIS ARTICLE, EXCEPT THAT A PUBLIC OFFICIAL MAY ACCEPT POLITICAL CONTRIBUTIONS FROM A LOBBYIST, UP TO TWO HUNDRED FIFTY DOLLARS PER ELECTION; PROVIDED HOWEVER, THAT FOR STATE LEVEL PUBLIC OFFICIALS, SUCH CONTRIBUTION MAY ONLY BE MADE BETWEEN JULY FIRST AND DECEMBER THIRTY-FIRST.

S 14. Paragraphs (iii) and (iv) of subdivision 3 of section 14-130 of the election law, as added by section 9 of part CC of chapter 56 of the laws of 2015, are amended to read as follows:

(iii) clothing[, other than items that are] TO BE used [in the campaign or in the execution of the duties of public office or party position] BY THE CANDIDATE OR OFFICE HOLDER OR A MEMBER OF THE CANDIDATE'S OR OFFICE HOLDER'S FAMILY;

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

S 15. Severability. If any clause, sentence, subdivision, paragraph, section or part of title II of article 14 of the election law, as added by section six of this act be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 16. This act shall take effect immediately; provided, however, all state legislative candidates will be eligible to participate in voluntary public financing beginning with the 2017 primary election and all other state candidates, including those in irregularly scheduled elections, will be eligible to participate in voluntary public financing beginning with the 2019 primary election.

S 3. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 4. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through C of this act shall be as specifically set forth in the last section of such Parts.