

2505--A

2015-2016 Regular Sessions

I N S E N A T E

January 26, 2015

Introduced by Sens. KRUEGER, ADDABBO, AVELLA, HOYLMAN, PERKINS, SERRANO, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- 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

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

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PAID COMPENSATION OF MORE THAN FIVE HUNDRED DOLLARS IN THE PRECEDING CALENDAR YEAR FOR PERSONAL EMPLOYMENT OR PROFESSIONAL SERVICES.

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

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

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

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

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

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

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

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

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

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

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

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

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

E. "CANDIDATE FOR STATE OFFICE" MEANS A CANDIDATE FOR THE FOLLOWING STATE OFFICES: GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, SENATOR, AND MEMBER OF THE ASSEMBLY;

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

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

2. THE FOLLOWING PERSONS AND BUSINESS ENTITIES WHO MAKE A CONTRIBUTION TO A CANDIDATE FOR STATE OFFICE, A POLITICAL COMMITTEE WORKING DIRECTLY

OR INDIRECTLY TO AID OR PARTICIPATE IN SUCH CANDIDATE'S NOMINATION OR ELECTION, A POLITICAL COMMITTEE ESTABLISHED OR CONTROLLED BY SUCH CANDIDATE, OR A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY, INCLUDING A HOUSEKEEPING ACCOUNT, SHALL FILE REPORTS AS REQUIRED BY SUBDIVISION THREE OF THIS SECTION WITH THE STATE BOARD OF ELECTIONS WITHIN SEVEN CALENDAR DAYS AFTER THE DATE OF A CONTRIBUTION:

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

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

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

D. THE IMMEDIATE FAMILY MEMBER OF A PERSON WHO IS DESCRIBED IN PARAGRAPH A, B OR C OF THIS SUBDIVISION; OR

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

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

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

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

C. THE AMOUNT AND DATE OF THE CONTRIBUTION; AND

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

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

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

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

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

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

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

(I) GOVERNOR: FIVE HUNDRED DOLLARS;

(II) LIEUTENANT GOVERNOR: FIVE HUNDRED DOLLARS;

(III) ATTORNEY GENERAL: FIVE HUNDRED DOLLARS;

(IV) COMPTROLLER: FIVE HUNDRED DOLLARS;

(V) SENATOR: THREE HUNDRED FIFTY DOLLARS; AND

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

B. MAKE CONTRIBUTIONS TO:

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

(II) STATE OR LOCAL COMMITTEES OF A POLITICAL PARTY, OR ANY HOUSEKEEPING ACCOUNT, IN AN AMOUNT GREATER THAN ONE THOUSAND DOLLARS PER ELECTION, AND IN AN AGGREGATE TO ALL STATE OR LOCAL COMMITTEES OF POLITICAL PARTIES IN AN AGGREGATE THAT EXCEEDS TWO THOUSAND DOLLARS PER ELECTION;

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

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

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

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

D. PARTICIPATE IN ANY FUND-RAISING ACTIVITIES FOR:

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

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

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

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

(I) ANY POLITICAL COMMITTEE WORKING DIRECTLY OR INDIRECTLY TO AID OR PARTICIPATE IN THE NOMINATION OR ELECTION OF A CANDIDATE FOR OFFICE FOR WHICH THEIR CONTRIBUTIONS ARE LIMITED UNDER PARAGRAPH A OF THIS SUBDIVISION; OR

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

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

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

1 H. KNOWINGLY TAKE OTHER STEPS TO CIRCUMVENT THE RESTRICTIONS IN THIS
2 SUBSECTION.

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

10 A. GOVERNOR: FIVE HUNDRED DOLLARS;

11 B. LIEUTENANT GOVERNOR: FIVE HUNDRED DOLLARS;

12 C. COMPTROLLER: FIVE HUNDRED DOLLARS;

13 D. ATTORNEY GENERAL: FIVE HUNDRED DOLLARS;

14 E. SENATOR: THREE HUNDRED FIFTY DOLLARS; AND

15 F. MEMBER OF ASSEMBLY: TWO HUNDRED FIFTY DOLLARS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 B. THE NAME OF THE CANDIDATE, POLITICAL COMMITTEE, OR STATE OR LOCAL
38 COMMITTEE OF A POLITICAL PARTY, INCLUDING A HOUSEKEEPING ACCOUNT,
39 RECEIVING THE CONTRIBUTION;

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

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

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

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

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

54 5. FROM TWELVE MONTHS AFTER A BID OR PROPOSAL TO THE RELEVANT AGENCY
55 OR CONTRACTING AUTHORITY FOR A CONTRACT DESCRIBED IN SUBDIVISION TWO OF
56 THIS SECTION AND EITHER TWELVE MONTHS AFTER COMPLETION OF THE APPLICABLE

1 CONTRACT, OR UPON COMPLETION OF THE APPLICABLE ELECTED OFFICIAL'S TERM
2 IN OFFICE, WHICHEVER IS LONGER, IT SHALL BE UNLAWFUL FOR ANY PERSON,
3 ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY DESCRIBED IN PARA-
4 GRAPHS A, B, C AND D OR E OF SUBDIVISION TWO OF THIS SECTION TO:

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

10 (I) GOVERNOR: FIVE HUNDRED DOLLARS;

11 (II) LIEUTENANT GOVERNOR: FIVE HUNDRED DOLLARS;

12 (III) COMPTROLLER: FIVE HUNDRED DOLLARS;

13 (IV) ATTORNEY GENERAL: FIVE HUNDRED DOLLARS;

14 (V) SENATOR: THREE HUNDRED FIFTY DOLLARS; OR

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

16 B. MAKE CONTRIBUTIONS TO:

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

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

29 C. SOLICIT A CONTRIBUTION ON BEHALF OF, OR TRANSMIT A CONTRIBUTION ON
30 BEHALF OF ANOTHER TO:

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

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

39 (III) A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY INCLUDING A
40 HOUSEKEEPING ACCOUNT;

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

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

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

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

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

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

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

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

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

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

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

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

6. THE STATE OR ANY STATE DEPARTMENT, PUBLIC ENTITY OR AUTHORITY WITH CONTRACT-MAKING POWER SHALL NOT ENTER INTO AN AGREEMENT OR OTHERWISE CONTRACT TO PROCURE SERVICES OR ANY MATERIAL, SUPPLIES OR EQUIPMENT, OR TO ACQUIRE, SELL, OR LEASE ANY LAND OR BUILDING FROM ANY PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY DESCRIBED IN PARAGRAPHS A, B, C AND D OF SUBDIVISION TWO OF THIS SECTION WHO HAS MADE A CONTRIBUTION PROHIBITED IN SUBDIVISION FIVE OF THIS SECTION. THIS SUBDIVISION SHALL NOT BE APPLICABLE TO CONTRIBUTIONS MADE BY ANY PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY AT A TIME WHEN THE PERSON, ORGANIZATION, GROUP OF PERSONS OR BUSINESS ENTITY DID NOT MEET THE DESCRIPTIONS OF PARAGRAPH A, B, C, D OR E OF SUBDIVISION TWO OF THIS SECTION. NOTHING IN THIS SECTION SHALL IMPAIR THE POWER OF THE STATE OR ANY INSTRUMENTALITY THEREOF TO ENTER INTO A CONTRACT WITH ANY CONTRACTOR WHERE FEDERAL FUNDS WOULD SUPPORT THE PAYMENT OR PERFORMANCE OF SUCH CONTRACT AND A FEDERAL STATUTE, RULE OR REGULATION WOULD RENDER THE STATE OR SUCH INSTRUMENTALITY OR CONTRACTOR INELIGIBLE TO RECEIVE SUCH FUNDS BY VIRTUE OF THE OPERATION OF THIS SECTION.

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

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

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

(vii) admission to a sporting event, concert, theater, or other form of entertainment, unless such event is part of, or in connection with, a campaign or is related to the holding of public office or party position;

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

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

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

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

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

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

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

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

2. ANY CANDIDATE OR POLITICAL COMMITTEE REQUIRED TO DISPOSE OF FUNDS PURSUANT TO THIS SECTION SHALL, AT THE OPTION OF THE CANDIDATE, OR THE TREASURER OF A POLITICAL COMMITTEE FORMED SOLELY TO PROMOTE THE PASSAGE OR DEFEAT OF A BALLOT PROPOSAL, DISPOSE OF SUCH FUNDS BY ANY OF THE 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.