

3502

2015-2016 Regular Sessions

I N S E N A T E

February 10, 2015

Introduced by Sens. STEWART-COUSINS, ADDABBO, BRESLIN, DILAN, GIANARIS, KENNEDY, KRUEGER, LATIMER, MONTGOMERY, PERKINS, RIVERA, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to enacting the "Fair Elections Act"; to amend the election law, the state finance law and the tax law, in relation to providing for optional partial public financing of certain election campaigns in this state; and to amend the general business law, in relation to additional surcharges

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Fair Elections Act".

3 S 2. Legislative findings and declarations. The legislature declares
4 that is in the public interest to create and ensure a truly democratic
5 political system in which citizens, irrespective of their income,
6 status, or financial connections, are enabled and encouraged to compete
7 for public office. Therefore, the legislature finds it necessary to
8 establish a system of public financing for all qualified candidates for
9 state elective offices and constitutional convention delegates. The
10 legislature further finds that a new system of public financing would be
11 best administered by a new "fair elections board" empowered with effec-
12 tive oversight and enforcement capabilities dedicated to working with
13 and assisting candidates excel in the public financing system.

14 S 3. Section 3-102 of the election law is amended by adding 2 new
15 subdivisions 3-a and 16-b to read as follows:

16 3-A. NOTWITHSTANDING SUBDIVISION THREE OF THIS SECTION, THE FAIR
17 ELECTIONS BOARD ENFORCEMENT COUNSEL, ESTABLISHED PURSUANT TO SUBDIVISION
18 SIX OF SECTION 14-216 OF THIS CHAPTER, AS IT MAY DEEM NECESSARY, AFTER
19 THE FAIR ELECTIONS BOARD HAS CONSIDERED THE MATTER OR MATTERS IN QUES-
20 TION SHALL CONDUCT ANY INVESTIGATION NECESSARY TO ENFORCE THE PROVISIONS

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

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1 OF TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER ON BEHALF OF THE BOARD
2 OF ELECTIONS. SUCH INVESTIGATIONS SHALL BE KEPT CONFIDENTIAL UNTIL
3 BROUGHT TO THE FAIR ELECTIONS BOARD FOR REVIEW AND CONSIDERATION.

4 16-B. HEAR AND CONSIDER THE RECOMMENDATIONS OF THE FAIR ELECTIONS
5 BOARD ENFORCEMENT COUNSEL REGARDING THE ENFORCEMENT OF VIOLATIONS OF
6 TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER, AS IT MAY DEEM NECESSARY,
7 AFTER THE FAIR ELECTIONS BOARD HAS CONSIDERED THE MATTER OR MATTERS IN
8 QUESTION;

9 S 4. Subdivision 1 of section 3-104 of the election law is amended by
10 adding a new paragraph (a-1) to read as follows:

11 (A-1) THERE SHALL ALSO BE A UNIT KNOWN AS THE FAIR ELECTIONS ENFORCE-
12 MENT UNIT ESTABLISHED WITHIN THE FAIR ELECTIONS BOARD. THE HEAD OF SUCH
13 UNIT SHALL BE THE ENFORCEMENT COUNSEL. SUCH UNIT SHALL HAVE SOLE
14 AUTHORITY WITHIN THE STATE BOARD OF ELECTIONS TO INVESTIGATE ALLEGED
15 VIOLATIONS AND COMPLAINTS ARISING UNDER TITLE TWO OF ARTICLE FOURTEEN OF
16 THIS CHAPTER.

17 S 5. Section 3-104 of the election law is amended by adding twelve new
18 subdivisions 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 to read as
19 follows:

20 9. IF THE FAIR ELECTION BOARD ENFORCEMENT COUNSEL DETERMINES THAT A
21 VIOLATION OF TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER HAS OCCURRED
22 WHICH COULD WARRANT A CIVIL PENALTY, THE ENFORCEMENT COUNSEL SHALL, UPON
23 HIS OR HER DISCRETION, SEEK TO RESOLVE THE MATTER EXTRA-JUDICIALLY OR
24 COMMENCE A SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTION
25 16-114 OF THIS CHAPTER.

26 10. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION ALLEGING
27 ANY OTHER VIOLATION OF TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER,
28 THE FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL SHALL ANALYZE THE COMPLAINT
29 TO DETERMINE IF AN INVESTIGATION SHOULD BE UNDERTAKEN. THE FAIR
30 ELECTIONS BOARD ENFORCEMENT COUNSEL SHALL, IF NECESSARY, REQUEST ADDI-
31 TIONAL INFORMATION FROM THE COMPLAINANT TO ASSIST SUCH COUNSEL IN MAKING
32 THIS DETERMINATION. SUCH ANALYSIS SHALL BE CONFIDENTIAL AND INCLUDE THE
33 FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A
34 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND, SECOND, WHETHER THE
35 ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

36 11. IF THE FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL DETERMINES THAT
37 THE ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF TITLE TWO
38 OF ARTICLE FOURTEEN OF THIS CHAPTER OR THAT THE ALLEGATIONS ARE NOT
39 SUPPORTED BY CREDIBLE EVIDENCE, HE OR SHE SHALL ISSUE A LETTER TO THE
40 COMPLAINANT DISMISSING THE COMPLAINT.

41 12. IF THE FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL DETERMINES THAT
42 THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF TITLE TWO OF
43 ARTICLE FOURTEEN OF THIS CHAPTER AND THAT THE ALLEGATIONS APPEAR TO BE
44 SUPPORTED BY CREDIBLE EVIDENCE, HE OR SHE SHALL NOTIFY THE FAIR
45 ELECTIONS BOARD OF (A) HIS OR HER INTENT TO RESOLVE THE MATTER EXTRA-JU-
46 DICIAALLY DUE TO THE DE MINIMUS NATURE OF THE VIOLATION; OR (B) HIS OR
47 HER INTENT TO COMMENCE AN INVESTIGATION, NO LATER THAN THE FAIR
48 ELECTIONS BOARD'S NEXT REGULARLY SCHEDULED MEETING. NOTIFICATION SHALL
49 SUMMARIZE THE RELEVANT FACTS AND THE APPLICABLE LAW AND SHALL, TO THE
50 EXTENT POSSIBLE, PROTECT FROM PUBLIC DISCLOSURE THE IDENTITY OF THE
51 COMPLAINANT AND THE INDIVIDUAL SUBJECT TO THE COMPLAINT. IN DETERMINING
52 WHETHER A VIOLATION IS DE MINIMUS IN NATURE THE ENFORCEMENT COUNSEL
53 SHALL CONSIDER THE FOLLOWING FACTORS: (A) WHETHER ANY UNFORESEEN
54 EXTRAORDINARY CIRCUMSTANCES, SUCH AS A NATURAL DISASTER, CONTRIBUTED TO
55 THE VIOLATION ALLEGED IN THE COMPLAINT; (B) WHETHER THE PARTICIPATING
56 CANDIDATE OR SUCH CANDIDATE'S CAMPAIGN TREASURER EXERCISED DUE DILIGENCE

1 TO ABIDE BY THE APPLICABLE RULES; (C) WHETHER THE PARTICIPATING CANDI-
2 DATE OR SUCH CANDIDATE'S CAMPAIGN TREASURER HAS USED SUCH CANDIDATE'S OR
3 TREASURER'S PERSONAL FUNDS TO REMEDY ANY ALLEGED VIOLATIONS OR REIMBURSE
4 THE CANDIDATE'S COMMITTEE FOR ANY ALLEGED IMPROPER EXPENDITURES; (D)
5 WHETHER THE PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S CAMPAIGN TREAS-
6 URER AGREES TO PAY ANY PENALTIES ASSESSED BY THE BOARD IN RELATION TO
7 ANY POTENTIAL EXCESS EXPENDITURE; AND (E) WHETHER THE SUBJECT OF THE
8 COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT ANY ALLEGED VIOLATION.

9 13. IF, UPON CONSIDERING THE FAIR ELECTIONS BOARD ENFORCEMENT COUN-
10 SEL'S NOTICE OF INTENT TO COMMENCE AN INVESTIGATION, THE FAIR ELECTIONS
11 BOARD BELIEVES THAT THE ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A
12 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, OR THE ALLEGATIONS ARE
13 NOT SUPPORTED BY CREDIBLE EVIDENCE OR, THAT ON BALANCE, THE EQUITIES
14 FAVOR A DISMISSAL OF THE COMPLAINT, THE BOARD SHALL PUBLICLY DIRECT THAT
15 AN INVESTIGATION NOT BE UNDERTAKEN NO LATER THAN SIXTY DAYS AFTER THE
16 RECEIPT OF NOTIFICATION FROM THE FAIR ELECTIONS BOARD ENFORCEMENT COUN-
17 SEL OF HIS OR HER INTENT TO COMMENCE AN INVESTIGATION. IN DETERMINING
18 WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE COMPLAINT, THE FAIR
19 ELECTIONS BOARD SHALL CONSIDER THE FOLLOWING FACTORS: (A) WHETHER THE
20 COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF ARTICLE FOURTEEN OF THIS
21 CHAPTER; (B) WHETHER THE SUBJECT OF THE COMPLAINT HAS MADE A GOOD FAITH
22 EFFORT TO CORRECT THE VIOLATION; AND (C) WHETHER THE SUBJECT OF THE
23 COMPLAINT HAS A HISTORY OF SIMILAR VIOLATIONS. DETERMINATIONS OF THE
24 FAIR ELECTIONS BOARD TO DISMISS A COMPLAINT AND NOT PROCEED WITH A
25 FORMAL INVESTIGATION SHALL BE VOTED UPON AS PROVIDED IN SUBDIVISION
26 TWELVE OF SECTION 14-216 OF THIS CHAPTER AT AN OPEN MEETING PURSUANT TO
27 ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE ON A FAIR
28 AND EQUITABLE BASIS AND WITHOUT REGARD TO THE STATUS OF THE SUBJECT OF
29 THE COMPLAINT.

30 14. ABSENT A TIMELY DETERMINATION BY THE FAIR ELECTIONS BOARD THAT AN
31 INVESTIGATION SHALL NOT BE UNDERTAKEN, THE FAIR ELECTIONS BOARD ENFORCE-
32 MENT COUNSEL SHALL COMMENCE AN INVESTIGATION ON A TIMELY BASIS. IF THE
33 FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL DETERMINES THAT ADDITIONAL
34 INVESTIGATIVE POWERS, AS PROVIDED FOR IN SUBDIVISIONS FOUR, FIVE AND SIX
35 OF SECTION 3-102 OF THIS TITLE, ARE NEEDED TO COMPLETE THE COUNSEL'S
36 INVESTIGATION, HE OR SHE SHALL REQUEST, UPON APPROVAL OF THE FAIR
37 ELECTIONS BOARD, SUCH ADDITIONAL POWERS FROM THE STATE BOARD OF
38 ELECTIONS. SUCH POWERS SHALL BE GRANTED BY THE BOARD IN PUBLIC, AS
39 PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE, ONLY WHEN
40 THE BOARD FINDS THAT FURTHER INVESTIGATION IS WARRANTED AND JUSTIFIED.

41 15. AT THE CONCLUSION OF ITS INVESTIGATION, THE FAIR ELECTIONS BOARD
42 ENFORCEMENT COUNSEL SHALL PROVIDE THE FAIR ELECTIONS BOARD WITH A WRIT-
43 TEN RECOMMENDATION AS TO: (A) WHETHER SUBSTANTIAL REASON EXISTS TO
44 BELIEVE A VIOLATION OF TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER HAS
45 OCCURRED AND, IF SO, THE NATURE OF THE VIOLATION AND ANY APPLICABLE
46 PENALTY, AS DEFINED IN SECTION 14-126, 14-220 OR 14-222 OF THIS CHAPTER,
47 BASED ON THE NATURE OF THE VIOLATION; (B) WHETHER THE MATTER SHOULD BE
48 RESOLVED EXTRA-JUDICIALLY; (C) WHETHER A SPECIAL PROCEEDING SHOULD BE
49 COMMENCED IN THE SUPREME COURT TO RECOVER A CIVIL PENALTY; AND (D)
50 WHETHER A REFERRAL SHOULD BE MADE TO A DISTRICT ATTORNEY OR THE ATTORNEY
51 GENERAL PURSUANT TO SUBDIVISION SEVENTEEN OF THIS SECTION BECAUSE
52 REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION WARRANTING CRIMINAL PROS-
53 ECUTION HAS TAKEN PLACE.

54 16. THE FAIR ELECTIONS BOARD SHALL ACCEPT, MODIFY OR REJECT THE
55 ENFORCEMENT COUNSEL'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER
56 RECEIPT OF SUCH RECOMMENDATION. IN MAKING ITS DETERMINATION, THE BOARD

1 SHALL AGAIN CONSIDER: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS
2 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT
3 OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION;
4 AND (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR
5 VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE VOTED UPON AS PROVIDED IN
6 SUBDIVISION TWELVE OF SECTION 14-216 OF THIS CHAPTER AT AN OPEN MEETING
7 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE
8 ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE STATUS OF THE
9 SUBJECT OF THE COMPLAINT.

10 17. (A) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDI-
11 VISION SIXTEEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO
12 BELIEVE THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLI-
13 TICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH
14 LAW, HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION
15 LIMITATION ESTABLISHED IN TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER,
16 WHICH COULD WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION THREE
17 OF SECTION 14-126 OR SUBDIVISION TWO OF SECTION 14-222 OF THIS CHAPTER,
18 THE BOARD SHALL DIRECT THE COMMENCEMENT OF A SPECIAL PROCEEDING IN THE
19 SUPREME COURT.

20 (B) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDIVISION
21 SIXTEEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A
22 VIOLATION OF TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER WARRANTING
23 CRIMINAL PROSECUTION HAS TAKEN PLACE, THE BOARD SHALL REFER THE MATTER
24 TO A DISTRICT ATTORNEY AND SHALL MAKE AVAILABLE TO SUCH DISTRICT ATTOR-
25 NEY ALL PAPERS, DOCUMENTS, TESTIMONY AND FINDINGS RELEVANT TO ITS INVES-
26 TIGATION. WHERE REASONABLE CAUSE EXISTS TO BELIEVE THAT A CANDIDATE FOR
27 THE OFFICE OF ATTORNEY GENERAL HAS VIOLATED TITLE TWO OF ARTICLE FOUR-
28 TEEN OF THIS CHAPTER, THE BOARD SHALL REFER THE MATTER TO THE DISTRICT
29 ATTORNEY OF THE APPROPRIATE COUNTY.

30 (C) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDIVISION
31 SIXTEEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A
32 VIOLATION OF TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER, WARRANTING
33 CRIMINAL PROSECUTION HAS TAKEN PLACE, THE BOARD SHALL, EXCEPT AS
34 PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, REFER THE MATTER TO THE
35 ATTORNEY GENERAL AND SHALL MAKE AVAILABLE TO THE SAME ALL PAPERS, DOCU-
36 MENTS, TESTIMONY AND FINDINGS RELEVANT TO ITS INVESTIGATION.

37 18. UPON NOTIFICATION THAT A SPECIAL PROCEEDING HAS BEEN COMMENCED BY
38 A PARTY OTHER THAN THE FAIR ELECTIONS BOARD, PURSUANT TO SECTION 16-114
39 OF THIS CHAPTER, THE FAIR ELECTIONS BOARD SHALL DIRECT THE FAIR
40 ELECTIONS BOARD ENFORCEMENT COUNSEL TO INVESTIGATE THE ALLEGED
41 VIOLATIONS UNLESS OTHERWISE DIRECTED BY THE COURT.

42 19. THE FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL SHALL PREPARE A
43 REPORT, TO BE INCLUDED IN THE ANNUAL REPORT TO THE GOVERNOR AND LEGISLA-
44 TURE, SUMMARIZING THE ACTIVITIES OF THE UNIT DURING THE PREVIOUS YEAR.
45 SUCH REPORT SHALL INCLUDE: (I) THE NUMBER OF COMPLAINTS RECEIVED; (II)
46 THE NUMBER OF COMPLAINTS THAT WERE FOUND TO NEED INVESTIGATION AND THE
47 NATURE OF EACH COMPLAINT; AND (III) THE NUMBER OF MATTERS THAT HAVE BEEN
48 RESOLVED. THE REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH
49 DISCLOSURE IS NOT PERMITTED.

50 20. THE FAIR ELECTIONS BOARD MAY PROMULGATE RULES AND REGULATIONS
51 CONSISTENT WITH LAW TO EFFECTUATE THE PROVISIONS OF THIS SECTION.

52 S 6. The state of New York shall appropriate during each fiscal year
53 to the New York state fair elections board enforcement unit, not less
54 than thirty-five percent of the appropriation available from the general
55 fund for the state board of elections to pay for the expenses of such
56 enforcement unit. Notwithstanding section fifty-one of the state

1 finance law, such funding shall not be decreased by interchange with any
2 other appropriation.

3 S 7. The election law is amended by adding a new section 3-111 to read
4 as follows:

5 S 3-111. PERSONAL USE OF CAMPAIGN FUNDS. UPON WRITTEN REQUEST FROM ANY
6 PERSON WHO IS SUBJECT TO THE REQUIREMENTS OF SECTION 14-130 OF THIS
7 CHAPTER, THE FAIR ELECTIONS BOARD SHALL RENDER FORMAL AND ADVISORY OPIN-
8 IONS ON THE REQUIREMENTS OF SAID PROVISION. AN OPINION RENDERED BY THE
9 BOARD, UNTIL AND UNLESS AMENDED OR REVOKED, SHALL BE BINDING ON THE
10 BOARD IN ANY SUBSEQUENT PROCEEDING CONCERNING THE PERSON WHO REQUESTED
11 THE OPINION AND WHO ACTED IN GOOD FAITH AND RELIANCE ON SUCH OPINION,
12 UNLESS MATERIAL FACTS WERE OMITTED OR MISSTATED BY THE PERSON IN THE
13 REQUEST FOR AN OPINION. SUCH OPINION MAY ALSO BE RELIED UPON BY SUCH
14 PERSON, AND MAY BE INTRODUCED AND SHALL BE DEFENSE IN ANY CRIMINAL OR
15 CIVIL ACTION. SUCH REQUEST SHALL BE CONFIDENTIAL, BUT THE BOARD SHALL
16 PUBLISH SUCH OPINIONS PROVIDED THAT THE NAME OF THE REQUESTING PERSON
17 AND OTHER IDENTIFYING DETAILS SHALL NOT BE INCLUDED IN THE PUBLICATION.

18 S 8. Section 14-100 of the election law is amended by adding a new
19 subdivision 15 to read as follows:

20 15. "INTERMEDIARY" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP,
21 POLITICAL COMMITTEE, LABOR ORGANIZATION, OR OTHER ENTITY WHICH, OTHER
22 THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY, OR MESSEN-
23 GER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR ENTITY TO
24 A CANDIDATE OR AN AUTHORIZED COMMITTEE.

25 "INTERMEDIARY" SHALL NOT INCLUDE SPOUSES, PARENTS, CHILDREN, OR
26 SIBLINGS OF THE PERSON MAKING SUCH CONTRIBUTION.

27 S 9. Subdivision 1 of section 14-102 of the election law, as amended
28 by chapter 8 and as redesignated by chapter 9 of the laws of 1978, is
29 amended to read as follows:

30 1. The treasurer of every political committee which, or any officer,
31 member or agent of any such committee who, in connection with any
32 election, receives or expends any money or other valuable thing or
33 incurs any liability to pay money or its equivalent shall file state-
34 ments sworn, or subscribed and bearing a form notice that false state-
35 ments made therein are punishable as a class A misdemeanor pursuant to
36 section 210.45 of the penal law, at the times prescribed by this [arti-
37 cle] TITLE setting forth all the receipts, contributions to and the
38 expenditures by and liabilities of the committee, and of its officers,
39 members and agents in its behalf. Such statements shall include the
40 dollar amount of any receipt, contribution or transfer, or the fair
41 market value of any receipt, contribution or transfer, which is other
42 than of money, the name and address of the transferor, contributor,
43 INTERMEDIARY, or person from whom received, and if the transferor,
44 contributor, INTERMEDIARY, or person is a political committee; the name
45 of and the political unit represented by the committee, the date of its
46 receipt, the dollar amount of every expenditure, the name and address of
47 the person to whom it was made or the name of and the political unit
48 represented by the committee to which it was made and the date thereof,
49 and shall state clearly the purpose of such expenditure. AN INTERMEDIARY
50 NEED NOT BE REPORTED FOR A CONTRIBUTION THAT WAS COLLECTED FROM A
51 CONTRIBUTOR IN CONNECTION WITH A PARTY OR OTHER CANDIDATE-RELATED EVENT
52 HELD AT THE RESIDENCE OF THE PERSON DELIVERING THE CONTRIBUTION, UNLESS
53 THE EXPENSES OF SUCH EVENT AT SUCH RESIDENCE FOR SUCH CANDIDATE EXCEED
54 FIVE HUNDRED DOLLARS OR THE AGGREGATE CONTRIBUTIONS RECEIVED FROM THAT
55 CONTRIBUTOR AT SUCH EVENT EXCEED FIVE HUNDRED DOLLARS. Any statement
56 reporting a loan shall have attached to it a copy of the evidence of

1 indebtedness. Expenditures in sums under fifty dollars need not be
2 specifically accounted for by separate items in said statements, and
3 receipts and contributions aggregating not more than ninety-nine
4 dollars, from any one contributor need not be specifically accounted for
5 by separate items in said statements, provided however, that such
6 expenditures, receipts and contributions shall be subject to the other
7 provisions of section 14-118 of this [article] TITLE.

8 S 10. Section 14-110 of the election law, as amended by chapter 46 of
9 the laws of 1984, is amended to read as follows:

10 S 14-110. Place for filing statements. The places for filing the
11 statements required by this article shall be determined by rule or regu-
12 lation of the state board of elections; provided, however, that the
13 statements of a candidate for election to the office of governor, lieu-
14 tenant governor, attorney general, comptroller, member of the legisla-
15 ture, delegate to a constitutional convention, justice of the supreme
16 court or for nomination for any such office at a primary election and of
17 any committee aiding or taking part in the designation, nomination,
18 election or defeat of candidates for one or more of such offices or
19 promoting the success or defeat of a question to be voted on by the
20 voters of the entire state shall be filed with the state board of
21 elections and in such other places as the state board of elections may,
22 by rule or regulation provide. UPON FILING, THE STATE BOARD OF
23 ELECTIONS SHALL MAKE ALL STATEMENTS FILED THEREWITH READILY AVAILABLE
24 AND ACCESSIBLE TO THE FAIR ELECTIONS BOARD.

25 S 11. Section 14-112 of the election law, as amended by chapter 930 of
26 the laws of 1981, is amended to read as follows:

27 S 14-112. Political committee authorization statement. Any political
28 committee aiding or taking part in the election or nomination of any
29 candidate, other than by making contributions, shall file, in the office
30 in which the statements of such committee are to be filed pursuant to
31 this [article] TITLE, either a sworn verified statement by the treasurer
32 of such committee that the candidate has authorized the political
33 committee to aid or take part in his election or that the candidate has
34 not authorized the committee to aid or take part in his election.

35 S 12. Section 14-116 of the election law, subdivision 1 as redesign-
36 nated by chapter 9 of the laws of 1978 and subdivision 2 as amended by
37 chapter 260 of the laws of 1981, is amended to read as follows:

38 S 14-116. Political contributions by certain organizations. 1. No
39 corporation, LIMITED LIABILITY COMPANY or joint-stock association doing
40 business in this state, except [a corporation or association] AN ENTITY
41 organized or maintained for political purposes only, shall directly or
42 indirectly pay or use or offer, consent or agree to pay or use any money
43 or property for or in aid of any political party, committee or organiza-
44 tion, or for, or in aid of, any corporation, LIMITED LIABILITY COMPANY,
45 joint-stock or other association organized or maintained for political
46 purposes, or for, or in aid of, any candidate for political office or
47 for nomination for such office, or for any political purpose whatever,
48 or for the reimbursement or indemnification of any person for moneys or
49 property so used. Any officer, director, stock-holder, attorney or agent
50 of any corporation, LIMITED LIABILITY COMPANY or joint-stock association
51 which violates any of the provisions of this section, who participates
52 in, aids, abets or advises or consents to any such violations, and any
53 person who solicits or knowingly receives any money or property in
54 violation of this section, shall be guilty of a misdemeanor.

55 2. Notwithstanding the provisions of subdivision one of this section,
56 any corporation or an organization financially supported in whole or in

1 part, by such corporation, AND ANY LIMITED LIABILITY COMPANY may make
 2 expenditures, including contributions, not otherwise prohibited by law,
 3 for political purposes, in an amount not to exceed five thousand dollars
 4 in the aggregate in any calendar year; provided that no public utility
 5 shall use revenues received from the rendition of public service within
 6 the state for contributions for political purposes unless such cost is
 7 charged to the shareholders of such a public service corporation.

8 S 13. Subdivision 3 of section 14-124 of the election law, as amended
 9 by chapter 71 of the laws of 1988, is amended to read as follows:

10 3. The contribution and receipt limits of this article shall not apply
 11 to monies received and expenditures made by a party committee or consti-
 12 tuted committee to maintain a permanent headquarters and staff and carry
 13 on ordinary activities which are not for the express purpose of promot-
 14 ing the candidacy of specific candidates. PROVIDED THAT THE FUNDS
 15 DESCRIBED IN THIS SUBDIVISION SHALL BE PROHIBITED FROM BEING TRANS-
 16 FERRED. PROVIDED FURTHER, THAT EXPENDITURES MADE BY A PARTY COMMITTEE OR
 17 CONSTITUTED COMMITTEE FOR A POLITICAL COMMUNICATION IN ACCORDANCE WITH
 18 THE PROVISIONS OF THIS SUBDIVISION SHALL NOT INCLUDE THE NAME, LIKENESS
 19 OR VOICE OF ANY CANDIDATE OR ELECTED OFFICIAL.

20 S 13-a. Sections 14-100 through 14-130 of article 14 of the election
 21 law are designated title 1 and a new title heading is added to read as
 22 follows:

CAMPAIGN RECEIPTS AND EXPENDITURES

24 S 14. The election law is amended by adding a new section 14-132 to
 25 read as follows:

26 S 14-132. USE OF CONTRIBUTIONS IN VIOLATION OF FEDERAL POSTAL REGU-
 27 LATIONS PROHIBITED. NO PARTY OR CONSTITUTED COMMITTEE WHICH HAS BEEN
 28 DESIGNATED AS A NOT-FOR-PROFIT ORGANIZATION BY THE UNITED STATES INTER-
 29 NATIONAL REVENUE SERVICE SHALL MAKE EXPENDITURES, OF DIRECT OR INDIRECT
 30 CONTRIBUTIONS OR TRANSFERS RECEIVED BY SUCH COMMITTEE, IN VIOLATION OF
 31 UNITED STATES POSTAL SERVICE REGULATIONS.

32 S 14-a. The article heading of article 14 of the election law is
 33 amended to read as follows:

CAMPAIGN RECEIPTS AND EXPENDITURES; MATCHING FINANCING

35 S 15. Article 14 of the election law is amended by adding a new title
 36 2 to read as follows:

TITLE II PUBLIC FINANCING

39 SECTION 14-200. APPLICABILITY OF TITLE.
 40 14-202. DEFINITIONS.
 41 14-204. REPORTING REQUIREMENTS.
 42 14-206. ELIGIBILITY.
 43 14-208. QUALIFIED CAMPAIGN EXPENDITURES.
 44 14-210. OPTIONAL PUBLIC FINANCING.
 45 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS.
 46 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS.
 47 14-216. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES.
 48 14-218. EXAMINATIONS AND AUDITS.
 49 14-220. CIVIL ENFORCEMENT.
 50 14-222. CRIMINAL PENALTIES.
 51 14-224. REPORTS.
 52 14-226. DEBATES.
 53 14-228. DISTRIBUTIONS FROM FAIR ELECTIONS FUND.

54 S 14-200. APPLICABILITY OF TITLE. THIS TITLE SHALL ONLY APPLY TO THOSE
 55 CANDIDATES WHO ELECT TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING
 56 SYSTEM.

1 S 14-202. DEFINITIONS. AS USED IN THIS TITLE, UNLESS ANOTHER MEANING
2 IS CLEARLY INDICATED:

3 1. THE TERM "BOARD" OR "FAIR ELECTIONS BOARD" MEANS THE BOARD CREATED
4 BY SECTION 14-216 OF THIS TITLE TO ADMINISTER THE FAIR ELECTIONS FUND.

5 2. THE TERM "ELIGIBLE CANDIDATE" SHALL MEAN A CANDIDATE FOR NOMINATION
6 OR ELECTION TO ANY OF THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR,
7 COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE STATE LEGISLATURE, AT-LARGE
8 DELEGATE TO A CONSTITUTIONAL CONVENTION OR DISTRICT DELEGATE TO A
9 CONSTITUTIONAL CONVENTION.

10 3. THE TERM "PARTICIPATING COMMITTEE" SHALL MEAN A SINGLE AUTHORIZED
11 POLITICAL COMMITTEE WHICH A CANDIDATE CERTIFIES IS THE COMMITTEE THAT
12 WILL SOLELY BE USED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTAB-
13 LISHED BY THIS TITLE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMA-
14 RY, GENERAL OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT. A
15 MULTI-CANDIDATE COMMITTEE MAY NOT BE A PARTICIPATING COMMITTEE.

16 4. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE WHO IS
17 ELIGIBLE TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM ESTAB-
18 LISHED BY THIS TITLE, HAS MET THE THRESHOLD FOR ELIGIBILITY AND HAS
19 ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM.

20 5. THE TERM "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR
21 ANY OFFICE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING UNDER THIS TITLE FOR A
22 COVERED ELECTION WHO FAILS TO FILE A STATEMENT IN THE FORM OF AN AFFIDA-
23 VIT PURSUANT TO SECTION 14-210 OF THIS TITLE.

24 6. THE TERM "MATCHABLE CONTRIBUTIONS" SHALL MEAN THAT PORTION OF THE
25 AGGREGATE CONTRIBUTIONS MADE (A) IN THE CASE OF A PRIMARY OR GENERAL
26 ELECTION, AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENER-
27 AL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR (B) IN THE CASE OF A
28 SPECIAL ELECTION, WITHIN SIX MONTHS OF SUCH ELECTION BY NATURAL PERSONS
29 RESIDENT IN THE STATE OF NEW YORK TO A CANDIDATE FOR NOMINATION OR
30 ELECTION TO ANY OF THE OFFICES COVERED BY THE PROVISIONS OF THIS TITLE
31 WHICH DO NOT EXCEED TWO HUNDRED FIFTY DOLLARS, WHICH HAVE BEEN REPORTED
32 IN FULL BY THE CANDIDATE'S PARTICIPATING COMMITTEE TO THE FAIR ELECTIONS
33 BOARD, INCLUDING THE CONTRIBUTOR'S FULL NAME AND RESIDENTIAL ADDRESS. A
34 LOAN MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION. THE FOLLOWING
35 CONTRIBUTIONS ARE NOT MATCHABLE:

36 (A) IN-KIND CONTRIBUTIONS OF PROPERTY, GOODS, OR SERVICES;

37 (B) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR AN ITEM
38 WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE;

39 (C) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR OR OTHER-
40 WISE INDUCED BY A CHANCE TO PARTICIPATE IN A RAFFLE, LOTTERY, OR SIMILAR
41 DRAWING FOR VALUABLE PRIZES;

42 (D) MONEY ORDER CONTRIBUTIONS FROM ANY ONE CONTRIBUTOR THAT ARE, IN
43 THE AGGREGATE, GREATER THAN ONE HUNDRED DOLLARS;

44 (E) CONTRIBUTIONS FROM INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS;

45 (F) CONTRIBUTIONS FROM INDIVIDUAL VENDORS TO WHOM THE PARTICIPATING
46 CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE MAKES AN EXPENDITURE, IN
47 FURTHERANCE OF THE NOMINATION FOR ELECTION OR ELECTION COVERED BY THE
48 CANDIDATE'S CERTIFICATION, UNLESS SUCH EXPENDITURE IS REIMBURSING AN
49 ADVANCE.

50 (G) ALL CONTRIBUTIONS RECEIVED BETWEEN THE DAY AFTER THE GENERAL
51 ELECTION IN WHICH THE PARTICIPATING CANDIDATE IS SEEKING OFFICE AND THE
52 THIRTY-FIRST DAY OF DECEMBER OF THE YEAR BEFORE THE YEAR IN WHICH THE
53 NEXT GENERAL ELECTION IS TO BE HELD, INCLUSIVELY.

54 7. THE TERM "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE
55 FOR WHICH PUBLIC FUNDS MAY BE USED.

1 8. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE FAIR ELECTIONS FUND
2 CREATED BY SECTION NINETY-TWO-Y OF THE STATE FINANCE LAW.

3 9. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL
4 MATCHABLE CONTRIBUTIONS THAT THE PARTICIPATING COMMITTEE OF AN OTHERWISE
5 ELIGIBLE CANDIDATE MUST RECEIVE, AS REQUIRED BY SECTION 14-206 OF THIS
6 TITLE, IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO
7 THIS TITLE.

8 10. THE TERM "CONTRIBUTION" SHALL HAVE THE SAME MEANING AS IN SUBDIVI-
9 SION NINE OF SECTION 14-100 OF THIS ARTICLE.

10 11. THE TERM "ELECTION CYCLE" SHALL MEAN THE TWO YEAR PERIOD STARTING
11 THE DAY AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR THE STATE
12 LEGISLATURE AND SHALL MEAN THE FOUR YEAR PERIOD STARTING AFTER THE DAY
13 AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR STATEWIDE OFFICE.

14 S 14-204. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE
15 SHALL NOT DESIGNATE MORE THAN ONE AUTHORIZED COMMITTEE. BEFORE RECEIVING
16 ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION, EACH
17 PARTICIPATING CANDIDATE SHALL NOTIFY THE FAIR ELECTIONS BOARD AS TO THE
18 EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN DESIGNATED
19 AND APPROVED BY SUCH CANDIDATE. EACH SUCH AUTHORIZED COMMITTEE SHALL,
20 BEFORE OPENING A COMMITTEE BANK ACCOUNT, RECEIVING ANY CONTRIBUTION OR
21 MAKING ANY EXPENDITURE FOR A COVERED ELECTION:

22 (A) DESIGNATE A TREASURER; AND

23 (B) OBTAIN A TAX IDENTIFICATION NUMBER FROM THE INTERNAL REVENUE
24 SERVICE.

25 2. DISCLOSURE. (A) EVERY PARTICIPATING CANDIDATE SHALL FILE FINANCIAL
26 DISCLOSURE REPORTS WITH THE STATE BOARD OF ELECTIONS AS REQUIRED BY
27 TITLE ONE OF THIS ARTICLE. COPIES OF SUCH REPORTS SHALL ALSO BE SUBMIT-
28 TED TO THE FAIR ELECTIONS BOARD CREATED PURSUANT TO THIS ARTICLE AT THE
29 SAME TIME SUCH REPORTS ARE FILED WITH THE STATE BOARD OF ELECTIONS.

30 (B) THE FAIR ELECTIONS BOARD SHALL REVIEW EACH DISCLOSURE REPORT FILED
31 WITH THE STATE BOARD OF ELECTIONS PURSUANT TO TITLE ONE OF THIS ARTICLE
32 AND SHALL INFORM PARTICIPATING CANDIDATES AND POLITICAL COMMITTEES
33 INCLUDING THE AUTHORIZED COMMITTEE, OF RELEVANT QUESTIONS THE FAIR
34 ELECTIONS BOARD HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF THIS
35 TITLE AND OF THE RULES ISSUED BY THE FAIR ELECTIONS BOARD; AND (II)
36 QUALIFICATION FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS
37 TITLE. IN THE COURSE OF SUCH REVIEW, THE FAIR ELECTIONS BOARD SHALL GIVE
38 CANDIDATES AND POLITICAL COMMITTEES INCLUDING THE AUTHORIZED COMMITTEE,
39 AN OPPORTUNITY TO RESPOND TO AND CORRECT POTENTIAL VIOLATIONS AND GIVE
40 CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS THE BOARD HAS CONCERNING
41 THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER ISSUES CONCERNING ELIGIBIL-
42 ITY FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. NOTHING
43 IN THIS PARAGRAPH SHALL PRECLUDE THE BOARD FROM SUBSEQUENTLY REVIEWING
44 SUCH A DISCLOSURE REPORT AND TAKING ANY ACTION OTHERWISE AUTHORIZED BY
45 THIS TITLE.

46 (C) ONLY ITEMIZED CONTRIBUTIONS CONTAINED IN REPORTS FILED WITH THE
47 FAIR ELECTIONS BOARD SHALL BE ELIGIBLE FOR MATCHING FUNDS PURSUANT TO
48 THIS TITLE.

49 S 14-206. ELIGIBILITY. 1. TO BE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING
50 UNDER THIS TITLE, A CANDIDATE FOR NOMINATION OR ELECTION MUST:

51 (A) MEET ALL THE REQUIREMENTS OF THIS CHAPTER AND OTHER PROVISIONS OF
52 LAW TO HAVE HIS OR HER NAME ON THE BALLOT;

53 (B) BE A CANDIDATE FOR STATEWIDE OFFICE, THE STATE LEGISLATURE OR
54 DELEGATE TO A CONSTITUTIONAL CONVENTION AT A PRIMARY, GENERAL OR SPECIAL
55 ELECTION AND MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION
56 TWO OF THIS SECTION;

1 (C) ELECT TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY
2 THIS TITLE NOT LATER THAN SEVEN DAYS AFTER THE LAST DAY TO FILE DESIG-
3 NATING PETITIONS FOR THE OFFICE SUCH CANDIDATE IS SEEKING OR, IN THE
4 CASE OF A SPECIAL ELECTION, NOT LATER THAN THE LAST DAY TO FILE NOMINAT-
5 ING CERTIFICATES FOR SUCH OFFICE;

6 (D) AGREE TO OBTAIN AND FURNISH TO THE FAIR ELECTIONS BOARD ANY
7 EVIDENCE IT MAY REASONABLY REQUEST RELATING TO HIS OR HER CAMPAIGN
8 EXPENDITURES OR CONTRIBUTIONS AND FURNISH SUCH OTHER PROOF OF COMPLIANCE
9 WITH THIS TITLE AS MAY BE REQUESTED BY THE BOARD;

10 (E) HAVE A SINGLE AUTHORIZED POLITICAL COMMITTEE WHICH HE OR SHE
11 CERTIFIES AS THE PARTICIPATING COMMITTEE FOR THE PURPOSES OF THIS TITLE;

12 (F) AGREE TO IDENTIFY ACCURATELY IN ALL CAMPAIGN MATERIALS THE PERSON
13 OR ENTITY THAT PAID FOR SUCH CAMPAIGN MATERIAL; AND

14 (G) FOR ANY CANDIDATE ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC
15 FINANCING SYSTEM IN THE YEAR IN WHICH SUCH OPTIONAL PUBLIC FINANCING
16 SYSTEM IS FIRST EFFECTIVE, FOR THE COVERED OFFICE BEING SOUGHT BY SUCH
17 CANDIDATE, AND, IN EACH SUBSEQUENT YEAR, THOSE CANDIDATES WHO DID NOT
18 ELECT TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM IN THE YEAR
19 IMMEDIATELY PRECEDING THE CURRENT YEAR, AGREE NOT TO EXPEND FOR CAMPAIGN
20 PURPOSES ANY PORTION OF ANY PRE-EXISTING FUNDS RAISED FOR ANY PUBLIC
21 OFFICE OR PARTY POSITION PRIOR TO THE DATE OF ELECTING TO PARTICIPATE IN
22 THE PUBLIC FINANCING SYSTEM AS SET FORTH IN PARAGRAPH (C) OF THIS SUBDI-
23 VISION. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO LIMIT, IN ANY
24 WAY, ANY CANDIDATE OR PUBLIC OFFICIAL FROM EXPENDING ANY PORTION OF
25 PRE-EXISTING CAMPAIGN FUNDS FOR ANY LAWFUL PURPOSE OTHER THAN THOSE
26 RELATED TO HIS OR HER CAMPAIGN.

27 (H) AGREE NOT TO ACCEPT CONTRIBUTIONS IN EXCESS OF THE LIMITS SET
28 FORTH IN SECTION 14-212 OF THIS TITLE FROM THE TIME HE OR SHE ELECTS TO
29 PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM, AS SET FORTH BY
30 PARAGRAPH (C) OF THIS SECTION, THROUGH THE THIRTY-FIRST DAY OF DECEMBER
31 OF THE YEAR BEFORE THE YEAR IN WHICH THE NEXT GENERAL ELECTION IS TO BE
32 HELD.

33 2. THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR CANDIDATES IN
34 A PRIMARY, GENERAL OR SPECIAL ELECTION FOR THE FOLLOWING OFFICES SHALL
35 BE:

36 (A) GOVERNOR IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN SIX
37 HUNDRED FIFTY THOUSAND DOLLARS FROM AT LEAST SIX THOUSAND FIVE HUNDRED
38 MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY
39 DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

40 (B) LIEUTENANT GOVERNOR IN A PRIMARY ELECTION AND COMPTROLLER OR
41 ATTORNEY GENERAL IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN TWO
42 HUNDRED THOUSAND DOLLARS FROM AT LEAST TWO THOUSAND MATCHABLE CONTRIB-
43 UTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL
44 CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

45 (C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL
46 ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST TWO
47 HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED
48 FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE
49 INCLUDING AT LEAST TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED INDI-
50 VIDUAL CONTRIBUTORS WHO RESIDE IN THE SENATE DISTRICT OR RESIDE IN ANY
51 PORTION OF ANY COUNTY WHICH CONSTITUTES ANY MEASURE OF THE DISTRICT IN
52 WHICH THE SEAT IS TO BE FILLED.

53 (D) MEMBERS OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION.
54 NOT LESS THAN TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED MATCHABLE
55 CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER
56 INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE INCLUDING AT LEAST

1 FIVE THOUSAND DOLLARS FROM AT LEAST FIFTY INDIVIDUALS WHO RESIDE IN THE
2 ASSEMBLY DISTRICT OR RESIDE IN ANY PORTION OF ANY COUNTY WHICH CONSTI-
3 TUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

4 (E) AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR
5 GENERAL ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST
6 TWO HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED
7 FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

8 (F) DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR
9 GENERAL ELECTION. NOT LESS THAN FIVE THOUSAND DOLLARS FROM AT LEAST
10 FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY
11 DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN THE DISTRICT OR IN THE
12 CONSTITUENT COUNTY OR RESIDES IN ANY PORTION OF ANY COUNTY WHICH CONSTI-
13 TUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

14 3. IN ORDER TO BE ELIGIBLE TO RECEIVE PUBLIC FUNDS IN A PRIMARY
15 ELECTION A CANDIDATE MUST AGREE, THAT IN THE EVENT SUCH CANDIDATE IS A
16 CANDIDATE FOR SUCH OFFICE IN THE GENERAL ELECTION IN SUCH YEAR, THAT
17 SUCH CANDIDATE WILL BE BOUND BY THE PROVISIONS OF THIS TITLE, INCLUDING,
18 BUT NOT LIMITED TO, THE PUBLIC FUNDS RECEIPT LIMITS OF THIS TITLE.

19 4. CANDIDATES WHO ARE CONTESTED IN A PRIMARY ELECTION AND WHO DO NOT
20 SEEK PUBLIC FUNDS SHALL NOT BE ELIGIBLE FOR PUBLIC FUNDS FOR THE GENERAL
21 ELECTION IN THAT YEAR. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT
22 APPLY TO CANDIDATES FOR THE OFFICE OF LIEUTENANT GOVERNOR.

23 5. CANDIDATES WHO ARE UNOPPOSED IN A GENERAL OR SPECIAL ELECTION SHALL
24 NOT BE ELIGIBLE TO RECEIVE PUBLIC FUNDS.

25 6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR
26 SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING
27 SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS THERE IS
28 AT LEAST ONE OTHER CANDIDATE, AS DEFINED BY SUBDIVISION SEVEN OF SECTION
29 14-100 OF THIS ARTICLE FOR SUCH OFFICE IN SUCH ELECTION.

30 S 14-208. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED
31 UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY
32 THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDI-
33 TURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION
34 OR ELECTION AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR
35 GENERAL ELECTION IS HELD FOR THE OFFICE SOUGHT, FOR SERVICES, MATERIALS,
36 FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT ELECTION CYCLE OR,
37 IN THE CASE OF A SPECIAL ELECTION, FOR EXPENDITURES DURING THE PERIOD
38 COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL
39 ELECTION.

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

41 (A) AN EXPENDITURE IN VIOLATION OF ANY LAW OF THE UNITED STATES OR OF
42 THIS STATE;

43 (B) PAYMENTS OR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A
44 RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH
45 PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY
46 SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE IN EXCESS OF THE FAIR
47 MARKET VALUE OF SUCH SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF
48 VALUE RECEIVED IN EXCHANGE;

49 (C) PAYMENT IN EXCESS OF THE FAIR MARKET VALUE OF SERVICES, MATERIALS,
50 FACILITIES OR OTHER THINGS OF VALUE RECEIVED IN EXCHANGE;

51 (D) ANY EXPENDITURE MADE AFTER THE PARTICIPATING CANDIDATE, OR THE
52 ONLY REMAINING OPPONENT OF SUCH CANDIDATE, HAS BEEN DISQUALIFIED OR HAD
53 SUCH CANDIDATE'S PETITIONS DECLARED INVALID BY A BOARD OF ELECTIONS OR A
54 COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS
55 REVERSED BY A HIGHER AUTHORITY.

1 (E) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF
2 DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE,
3 AUTHORIZATION, DECLINATION OR SUBSTITUTION;

4 (F) EXPENDITURE FOR NONCAMPAIGN RELATED FOOD, DRINK OR ENTERTAINMENT;

5 (G) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS, OR OTHER PRINTED CAMPAIGN
6 MATERIALS; AND

7 (H) CONTRIBUTIONS OR TRANSFERS TO A POLITICAL COMMITTEE.

8 S 14-210. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR
9 NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY
10 OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALI-
11 FIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A
12 PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON
13 THE BALLOT AND FILED A SWORN STATEMENT WITH THE FAIR ELECTIONS BOARD
14 ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND
15 AGREEING TO ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT
16 EXCEED THE AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN
17 ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE
18 MADE TO A PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC
19 FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED
20 CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS
21 USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

22 2. THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE SHALL
23 BE ENTITLED TO SIX DOLLARS IN PUBLIC FUNDS FOR EACH ONE DOLLAR OF MATCH-
24 ABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE FAIR ELECTIONS BOARD IN
25 ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, PROVIDED, HOWEVER, SUCH
26 PUBLIC FUNDS SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

27 3. (A) NO PARTICIPATING CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS
28 UNOPPOSED IN A PRIMARY ELECTION SHALL BE ENTITLED TO PAYMENT FROM THE
29 FUND FOR QUALIFIED CAMPAIGN EXPENDITURES.

30 (B) WHERE THERE IS A CONTEST IN SUCH PRIMARY FOR THE NOMINATION OF AT
31 LEAST ONE OTHER PARTY FOR SUCH OFFICE, THE PARTICIPATING COMMITTEE OF AN
32 UNOPPOSED PARTICIPATING CANDIDATE FOR NOMINATION MAY RAISE AND SPEND AN
33 AMOUNT EQUAL TO ONE-HALF THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE,
34 AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
35 FUNDS, WITH CONTRIBUTIONS OF UP TO TWO THOUSAND DOLLARS PER CONTRIBUTOR.
36 SUCH PAYMENT CAN ONLY BE EXPENDED FOR PROPERTY, SERVICES OR FACILITIES
37 USED ON OR BEFORE THE DATE OF SUCH PRIMARY ELECTION.

38 4. THE FAIR ELECTIONS BOARD SHALL PROMPTLY EXAMINE ALL REPORTS OF
39 CONTRIBUTIONS TO DETERMINE WHETHER, ON THEIR FACE, THEY MEET THE
40 REQUIREMENTS FOR MATCHABLE CONTRIBUTIONS, AND SHALL KEEP A RECORD OF
41 SUCH CONTRIBUTIONS.

42 5. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGULATIONS FOR THE
43 CERTIFICATION OF THE AMOUNT OF FUNDS PAYABLE BY THE COMPTROLLER, FROM
44 THE FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-Y OF THE STATE
45 FINANCE LAW, TO A PARTICIPATING CANDIDATE THAT HAS QUALIFIED TO RECEIVE
46 SUCH PAYMENT. THESE REGULATIONS SHALL INCLUDE THE PROMULGATION AND
47 DISTRIBUTION OF FORMS ON WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE
48 REPORTED, THE PERIODS DURING WHICH SUCH REPORTS MUST BE FILED AND THE
49 VERIFICATION REQUIRED. THE BOARD SHALL INSTITUTE PROCEDURES WHICH WILL
50 MAKE POSSIBLE PAYMENT BY THE FUND WITHIN TWO BUSINESS DAYS AFTER RECEIPT
51 OF THE REQUIRED FORMS AND VERIFICATIONS.

52 S 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,
53 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE
54 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A
55 CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTIC-
56 IPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING

1 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE
2 AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

3 2. (A) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE
4 AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
5 FUNDS, A PARTICIPATING CANDIDATE FOR GOVERNOR OR LIEUTENANT GOVERNOR IN
6 A PRIMARY OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMIT-
7 TEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED
8 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
9 EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER,
10 THAT TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A
11 TRANSFER.

12 (B) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
13 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
14 FUNDS, A PARTICIPATING CANDIDATE FOR ATTORNEY GENERAL OR COMPTROLLER IN
15 A PRIMARY OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMIT-
16 TEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED
17 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
18 EXCEED ONE MILLION DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT
19 OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

20 (C) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
21 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
22 FUNDS, A PARTICIPATING CANDIDATE FOR STATE SENATOR IN A PRIMARY, GENERAL
23 OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY
24 ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED SUCH
25 CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
26 EXCEED ONE HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE
27 PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

28 (D) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
29 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
30 FUNDS, A PARTICIPATING CANDIDATE FOR MEMBER OF THE ASSEMBLY IN A PRIMA-
31 RY, GENERAL OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING
32 COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMI-
33 NATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES
34 NOT EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE
35 PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

36 (E) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
37 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
38 FUNDS, A PARTICIPATING CANDIDATE FOR DELEGATE AT-LARGE TO A CONSTITU-
39 TIONAL CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPAT-
40 ING COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS
41 NOMINATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE,
42 DOES NOT EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-
43 FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

44 (F) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
45 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
46 FUNDS, A PARTICIPATING CANDIDATE FOR DISTRICT DELEGATE TO A CONSTITU-
47 TIONAL CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPAT-
48 ING COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS
49 NOMINATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE,
50 DOES NOT EXCEED TEN THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT
51 TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A
52 TRANSFER.

53 (G) FOR PURPOSES OF THIS SUBDIVISION, THE TERM STATE CONSTITUTED
54 COMMITTEE INCLUDES ANY OF ITS SUBCOMMITTEES.

55 3. NOTWITHSTANDING ANY PUBLIC FUNDS RECEIPT LIMIT IN THIS SUBDIVISION,
56 EACH COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR

1 STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE, INCLUDING WITHIN THE TERM
 2 COUNTY COMMITTEE ANY OF ITS SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF SUCH
 3 PARTY'S CANDIDATES FOR STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE WHO
 4 HAS AGREED TO ACCEPT PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED
 5 THE SUM OF TWO CENTS FOR EACH VOTER REGISTERED IN SUCH COUNTY AS DETER-
 6 MINED BY THE RECORDS OF THE APPROPRIATE BOARD OF ELECTIONS AS OF THE
 7 PRECEDING GENERAL ELECTION.

8 4. IN COMPUTING THE AGGREGATE AMOUNT EXPENDED FOR PURPOSES OF THIS
 9 SECTION, EXPENDITURES MADE BY A STATE CONSTITUTED COMMITTEE OR A COUNTY
 10 COMMITTEE IN SUPPORT OF MORE THAN ONE CANDIDATE SHALL BE ALLOCATED AMONG
 11 SUCH CANDIDATES SUPPORTED BY THE COMMITTEE IN ACCORDANCE WITH FORMULAS
 12 PROMULGATED BY THE FAIR ELECTIONS BOARD OR, IN THE ABSENCE OF SUCH OFFI-
 13 CIAL FORMULAS, IN ACCORDANCE WITH A FORMULA BASED UPON REASONABLE STAND-
 14 ARDS. THE STATEMENTS FILED BY SUCH CONSTITUTED COMMITTEE IN ACCORDANCE
 15 WITH THIS CHAPTER SHALL SET FORTH, IN ADDITION TO THE OTHER INFORMATION
 16 REQUIRED, THE TOTAL AMOUNT EXPENDED BY THE PARTY COMMITTEE ON BEHALF OF
 17 ALL SUCH CANDIDATES AND THE AMOUNT ALLOCATED TO EACH CANDIDATE BY DOLLAR
 18 AMOUNT AND PERCENTAGE. EXPENDITURES BY A PARTY FOR ACTIVITIES WHICH DO
 19 NOT SUPPORT OR OPPOSE THE ELECTION OF ANY CANDIDATE OR CANDIDATES BY
 20 NAME OR BY CLEAR INFERENCE SHALL NOT BE REGARDED AS EXPENDITURES ON
 21 BEHALF OF OR IN OPPOSITION TO A CANDIDATE.

22 5. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC
 23 FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIB-
 24 UTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR
 25 THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF
 26 THE GENERAL ELECTION FOR THE OFFICE SOUGHT, EXCEPT THAT A PARTICIPATING
 27 CANDIDATE OR PARTICIPATING COMMITTEE WHICH HAS A DEFICIT ON THE DAY OF
 28 THE GENERAL ELECTION MAY, AFTER SUCH DATE, ACCEPT CONTRIBUTIONS WHICH DO
 29 NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAIS-
 30 ING SUCH CONTRIBUTIONS OR THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED
 31 BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS.

32 6. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION,
 33 PARTICIPATING CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF THIS
 34 ARTICLE.

35 S 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS. THE FOLLOWING
 36 LIMITATIONS APPLY TO THE TOTAL AMOUNT OF PUBLIC FUNDS THAT MAY BE
 37 PROVIDED TO A PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE FOR AN
 38 ELECTION CYCLE:

39 1. IN ANY PRIMARY ELECTION, RECEIPT OF PUBLIC FUNDS BY PARTICIPATING
 40 CANDIDATES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED:

41 (I) FOR GOVERNOR, THE SUM OF NINE MILLION DOLLARS;

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

44 (III) FOR SENATOR, THE SUM OF THREE HUNDRED FIFTY THOUSAND DOLLARS;

45 (IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF ONE HUNDRED FIFTY THOUSAND
 46 DOLLARS;

47 (V) FOR AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION, THE SUM OF
 48 ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS;

49 (VI) FOR DISTRICT DELEGATES TO A CONSTITUTIONAL CONVENTION, THE SUM OF
 50 FIFTY THOUSAND DOLLARS;

51 2. IN ANY GENERAL OR SPECIAL ELECTION, RECEIPT OF PUBLIC FUNDS BY
 52 PARTICIPATING CANDIDATES FOR THE FOLLOWING OFFICES AND BY THEIR PARTIC-
 53 IPATING COMMITTEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

54 CANDIDATES FOR ELECTION TO THE OFFICE OF:

55 GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED) \$12,000,000

56 ATTORNEY GENERAL \$8,000,000

1	COMPTROLLER	\$8,000,000
2	MEMBER OF SENATE	\$400,000
3	MEMBER OF ASSEMBLY	\$200,000
4	DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION	\$350,000
5	DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION	\$75,000

6 3. PARTICIPATING CANDIDATES FOR OFFICE WHO ARE UNOPPOSED IN THE PRIMA-
7 RY ELECTION MAY RECEIVE PUBLIC FUNDS BEFORE THE PRIMARY ELECTION, FOR
8 SERVICES, MATERIALS OR FACILITIES USED ON OR BEFORE THE DATE OF SUCH
9 PRIMARY ELECTION, AN AMOUNT EQUAL TO HALF THE SUM SUCH CANDIDATES WOULD
10 BE ENTITLED TO RECEIVE IF THEIR NOMINATION WAS CONTESTED IN SUCH PRIMARY
11 ELECTION PROVIDED THERE IS A PRIMARY CONTEST FOR THE NOMINATION OF AT
12 LEAST ONE OTHER PARTY FOR SUCH OFFICE.

13 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE AMOUNT OF
14 PRIVATE FUNDS A PARTICIPATING CANDIDATE MAY RECEIVE SUBJECT TO THE
15 CONTRIBUTION LIMITS CONTAINED IN SECTION 14-212 OF THIS TITLE.

16 5. AT THE BEGINNING OF EACH SECOND CALENDAR YEAR, COMMENCING IN TWO
17 THOUSAND SEVENTEEN, THE FAIR ELECTIONS BOARD SHALL DETERMINE THE
18 PERCENTAGE OF THE DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE MONTHLY
19 CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE THE UNITED
20 STATES BUREAU OF LABOR STATISTICS AND SUCH CONSUMER PRICE INDEX
21 PUBLISHED FOR THE SAME MONTH FOUR YEARS PREVIOUSLY. THE AMOUNT OF EACH
22 PUBLIC FUNDS RECEIPT LIMITATION FIXED IN THIS SECTION SHALL BE ADJUSTED
23 BY THE AMOUNT OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE HUNDRED
24 DOLLARS BY THE STATE BOARD WHICH, NOT LATER THAN THE FIRST DAY OF FEBRU-
25 ARY IN EACH SUCH YEAR, SHALL ISSUE A REGULATION PUBLISHING THE AMOUNT OF
26 EACH SUCH CONTRIBUTION LIMIT. EACH PUBLIC FUND RECEIPT LIMIT AS SO
27 ADJUSTED SHALL BE THE PUBLIC FUNDS RECEIPT LIMIT IN EFFECT FOR ANY
28 ELECTION HELD BEFORE THE NEXT SUCH ADJUSTMENT.

29 S 14-216. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES. 1. THERE
30 SHALL BE A BOARD WITHIN THE STATE BOARD OF ELECTIONS KNOWN AS THE "FAIR
31 ELECTIONS BOARD" COMPOSED OF FIVE MEMBERS, OF WHICH ONE MEMBER SHALL BE
32 APPOINTED BY THE GOVERNOR AND ONE MEMBER SHALL BE APPOINTED BY EACH
33 LEGISLATIVE LEADER OF THE SENATE AND ASSEMBLY. NO MEMBER OF THE FAIR
34 ELECTIONS BOARD SHALL HOLD ELECTIVE OFFICE, NOR SHALL ANY MEMBER BE A
35 LOBBYIST AS DEFINED IN SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLA-
36 TIVE LAW. THE CHAIR SHALL BE RESPONSIBLE FOR MANAGING THE FAIR ELECTIONS
37 BOARD. THE MEMBERS SHALL EACH SERVE FOR A TERM OF FOUR YEARS.

38 2. THE MEMBERS OF THE FAIR ELECTIONS BOARD SHALL DESIGNATE THE CHAIR-
39 MAN OF THE FAIR ELECTIONS BOARD FROM AMONG THE MEMBERS THEREOF, WHO
40 SHALL SERVE AS CHAIRMAN AT THE PLEASURE OF THE MEMBERS OF THE FAIR
41 ELECTIONS BOARD. THE CHAIRMAN OR ANY THREE MEMBERS OF THE FAIR ELECTIONS
42 BOARD MAY CALL A MEETING.

43 3. EACH MEMBER'S TERM SHALL COMMENCE ON JANUARY FIRST, TWO THOUSAND
44 SIXTEEN. IN CASE OF A VACANCY IN THE OFFICE OF A MEMBER, A MEMBER SHALL
45 BE APPOINTED ACCORDING TO THE ORIGINAL MANNER OF APPOINTMENT. EACH
46 MEMBER SHALL BE A RESIDENT OF THE STATE OF NEW YORK AND REGISTERED TO
47 VOTE THEREIN. EACH MEMBER SHALL AGREE NOT TO MAKE AND SHALL NOT MAKE
48 CONTRIBUTIONS TO ANY CANDIDATE OR AUTHORIZED COMMITTEE FOR NOMINATION
49 FOR ELECTION. NO MEMBER SHALL SERVE AS AN OFFICER OF A POLITICAL PARTY
50 OR COMMITTEE OR BE A CANDIDATE OR PARTICIPATE IN ANY CAPACITY IN A
51 CAMPAIGN BY A CANDIDATE FOR NOMINATION FOR ELECTION. AN OFFICER OR
52 EMPLOYEE OF THE STATE OR ANY STATE AGENCY SHALL NOT BE ELIGIBLE TO BE A
53 MEMBER OF THE FAIR ELECTIONS BOARD.

54 4. THE MEMBERS OF THE FAIR ELECTIONS BOARD SHALL BE ENTITLED TO
55 RECEIVE PAYMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
56 PERFORMANCE OF THEIR DUTIES AS MEMBERS OF SUCH BOARD.

1 5. A MEMBER OF THE FAIR ELECTIONS BOARD MAY BE REMOVED FOR CAUSE BY
2 THE APPOINTING AUTHORITY UPON NOTICE AND AN OPPORTUNITY FOR A HEARING.

3 6. THE FAIR ELECTIONS BOARD SHALL APPOINT A COUNSEL, A DEPUTY COUN-
4 SEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY THAN THE
5 COUNSEL, A SPECIAL COUNSEL, A DEPUTY SPECIAL COUNSEL, WHO SHALL BE A
6 MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY THAN THE SPECIAL COUNSEL, A
7 DIRECTOR OF PUBLIC INFORMATION, A DEPUTY DIRECTOR OF PUBLIC INFORMATION,
8 WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY THAN THE
9 DIRECTOR OF PUBLIC INFORMATION. THE FAIR ELECTIONS BOARD MAY UTILIZE
10 EXISTING STAFF OF THE STATE BOARD OF ELECTIONS AS MAY BE NECESSARY, AND
11 MAKE NECESSARY EXPENDITURES SUBJECT TO APPROPRIATION, PROVIDED HOWEVER
12 THAT THE COUNSEL, IN CONSULTATION WITH THE FAIR ELECTIONS BOARD, SHALL
13 HAVE THE AUTHORITY TO HIRE AT LEAST FOUR NEW FAIR ELECTIONS BOARD STAFF
14 MEMBERS. SUCH FAIR ELECTIONS BOARD STAFF MEMBERS SHALL BE DEDICATED TO
15 TRAINING AND ASSISTING PARTICIPATING CANDIDATES IN COMPLYING WITH THE
16 REQUIREMENTS OF OPTIONAL PUBLIC FINANCING AS PROVIDED FOR UNDER THIS
17 TITLE. THE FAIR ELECTIONS BOARD SHALL RETAIN AN INDEPENDENT AUDITOR TO
18 PERFORM ONGOING AUDITS OF EACH COVERED ELECTION BY CONTRACT ENTERED INTO
19 PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW.

20 7. THE COUNSEL AND THE SPECIAL COUNSEL SHALL EACH SERVE A TERM OF FOUR
21 YEARS AND MAY ONLY BE REMOVED FOR CAUSE. ANY TIME AFTER THE EFFECTIVE
22 DATE OF THIS SECTION, THE MEMBERS, OR IN THE CASE OF A VACANCY ON THE
23 FAIR ELECTIONS BOARD, THE MEMBERS, OF EACH OF THE SAME MAJOR POLITICAL
24 PARTY AS THE INCUMBENT COUNSEL, DEPUTY COUNSEL, SHALL APPOINT SUCH COUN-
25 SELS, AND DEPUTIES. ANY VACANCY IN THE OFFICE OF COUNSEL, DEPUTY COUN-
26 SEL, SPECIAL COUNSEL, SPECIAL DEPUTY COUNSEL, DIRECTOR OF PUBLIC INFOR-
27 MATION AND DEPUTY DIRECTOR OF PUBLIC INFORMATION SHALL BE FILLED BY THE
28 MEMBERS OF THE FAIR ELECTIONS BOARD OR IN THE CASE OF A VACANCY ON THE
29 BOARD, THE MEMBERS OF THE SAME MAJOR POLITICAL PARTY AS THE VACATING
30 INCUMBENT FOR THE REMAINING PERIOD OF THE TERM OF SUCH VACATING INCUM-
31 BENT.

32 8. THE FAIR ELECTIONS BOARD SHALL:

33 (A)(I) RENDER ADVISORY OPINIONS WITH RESPECT TO QUESTIONS ARISING
34 UNDER THIS ARTICLE UPON THE WRITTEN REQUEST OF A CANDIDATE, AN OFFICER
35 OF A POLITICAL COMMITTEE OR MEMBER OF THE PUBLIC, OR UPON ITS OWN INITI-
36 ATIVE; (II) PROMULGATE RULES REGARDING REASONABLE TIMES TO RESPOND TO
37 SUCH REQUESTS; AND (III) MAKE PUBLIC THE QUESTIONS OF INTERPRETATION FOR
38 WHICH ADVISORY OPINIONS WILL BE CONSIDERED BY THE FAIR ELECTIONS BOARD
39 AND ITS ADVISORY OPINIONS, INCLUDING BY PUBLICATION ON ITS WEBSITE;

40 (B) DEVELOP A PROGRAM FOR INFORMING AND TRAINING CANDIDATES AND THE
41 PUBLIC AS TO THE PURPOSE AND EFFECT OF THE PROVISIONS OF THIS TITLE,
42 INCLUDING BY MEANS OF A WEBSITE;

43 (C) HAVE THE AUTHORITY TO PROMULGATE SUCH RULES AND REGULATIONS AND
44 PRESCRIBE SUCH FORMS AS THE FAIR ELECTIONS BOARD DEEMS NECESSARY FOR THE
45 ADMINISTRATION OF THIS TITLE; AND

46 (D) IN CONJUNCTION WITH THE STATE BOARD OF ELECTIONS DEVELOP AN INTER-
47 ACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION
48 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMA-
49 TION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR
50 AUTHORIZED COMMITTEES AND DISTRIBUTIONS OF MONEYS FROM THE FUND AND
51 SHALL BE ACCESSIBLE TO THE PUBLIC ON THE STATE BOARD OF ELECTIONS'
52 WEBSITE.

53 9. CONSISTENT WITH THE PROVISIONS OF THE CIVIL SERVICE LAW AND SUBDI-
54 VISION SEVENTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
55 AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL
56 POSITIONS ON THE STAFF OF THE FAIR ELECTIONS BOARD SHALL BE CLASSIFIED

1 IN THE EXEMPT CLASS OF THE CIVIL SERVICE AND SUCH POSITIONS SHALL BE
2 FILLED, TO THE EXTENT POSSIBLE, WITH AN EQUAL NUMBER OF PERSONS FROM
3 EACH OF THE TWO POLITICAL PARTIES FOR WHICH THE HIGHEST AND THE NEXT
4 HIGHEST NUMBER OF VOTES WERE CAST FOR THE OFFICE OF STATE COMPTROLLER AT
5 THE LAST PRECEDING GENERAL ELECTION FOR SUCH OFFICE.

6 10. THE FAIR ELECTIONS BOARD'S ADMINISTRATION OF THE FUND SHALL BE
7 GOVERNED BY THE PROVISIONS OF THIS TITLE AND SECTION NINETY-TWO-Y OF THE
8 STATE FINANCE LAW.

9 11. THE FAIR ELECTIONS BOARD AND ITS PROCEEDINGS SHALL BE GOVERNED BY
10 THE STATE ADMINISTRATIVE PROCEDURE ACT AND SUBJECT TO ARTICLES SIX AND
11 SEVEN OF THE PUBLIC OFFICERS LAW.

12 12. FOR THE PURPOSES OF MEETINGS, THREE COMMISSIONERS SHALL CONSTI-
13 TUTE A QUORUM. THE AFFIRMATIVE VOTE OF THREE COMMISSIONERS SHALL BE
14 REQUIRED FOR ANY ACTION OF THE FAIR ELECTIONS BOARD.

15 13. THE FAIR ELECTIONS BOARD MAY TAKE SUCH OTHER ACTIONS AS ARE NECES-
16 SARY AND PROPER TO CARRY OUT THE PURPOSES OF THIS TITLE.

17 S 14-218. EXAMINATIONS AND AUDITS. 1. THE FAIR ELECTIONS BOARD MAY
18 CONDUCT A THOROUGH EXAMINATION AND PRE-ELECTION AUDIT OF THE CONTRIB-
19 UTIONS AND QUALIFIED CAMPAIGN EXPENSES OF THE PARTICIPATING COMMITTEE OF
20 EVERY PARTICIPATING CANDIDATE WHO RECEIVED PAYMENTS PURSUANT TO SECTION
21 14-210 OF THIS TITLE. SUCH AUDITS SHALL BE CONDUCTED AS FREQUENTLY AS
22 THE FAIR ELECTIONS BOARD DEEMS NECESSARY TO ENSURE COMPLIANCE WITH THIS
23 TITLE. THE FAIR ELECTIONS BOARD SHALL NOTIFY, IN WRITING, ANY CANDI-
24 DATE'S AUTHORIZED COMMITTEE PRIOR TO THE COMMENCEMENT OF SUCH PRE-ELEC-
25 TION AUDIT. NO PRE-ELECTION AUDIT SHALL COMMENCE IN THE ABSENCE OF THE
26 NOTICE REQUIREMENT OF THIS SUBDIVISION. EVERY CANDIDATE WHO RECEIVES
27 PUBLIC MATCHING FUNDS UNDER THIS TITLE SHALL ALSO BE AUDITED BY THE FAIR
28 ELECTIONS BOARD POST-ELECTION. THE COST OF COMPLYING WITH A POST-ELEC-
29 TION AUDIT SHALL BE BORNE BY THE CANDIDATE'S AUTHORIZED COMMITTEE. A
30 CANDIDATE WHO HAS RECEIVED PUBLIC MATCHING FUNDS UNDER THIS TITLE MUST
31 MAINTAIN A RESERVE OF AT LEAST ONE PERCENT OF THE TOTAL AMOUNT OF MATCH-
32 ING FUNDS RECEIVED BY SUCH CANDIDATE IN HIS OR HER CAMPAIGN ACCOUNT TO
33 COMPLY WITH THE POST-ELECTION AUDIT. A CANDIDATE WHO RUNS IN BOTH A
34 PRIMARY AND A GENERAL ELECTION, MUST MAINTAIN A RESERVE OF ONE PERCENT
35 OF THE TOTAL AMOUNT OF PUBLIC MATCHING FUNDS RECEIVED BY SUCH CANDIDATE
36 FOR BOTH HIS OR HER PRIMARY AND GENERAL ELECTION. A CANDIDATE MAY USE
37 PUBLIC MATCHING FUNDS, PRIVATE FUNDS OR A COMBINATION OF PUBLIC AND
38 PRIVATE FUNDS TO COMPLY WITH A POST-ELECTION AUDIT. THE FAIR ELECTIONS
39 BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED THE FINAL POST-ELECTION AUDIT
40 REPORT THAT DETAILS ITS FINDINGS AND SHALL PROVIDE SUCH AUDIT TO THE
41 GOVERNOR AND LEGISLATIVE LEADERS AND MAKE SUCH AUDIT REPORT AVAILABLE ON
42 THE STATE BOARD OF ELECTIONS' WEBSITE. FINAL POST-ELECTION AUDIT
43 REPORTS SHALL BE COMPLETED NO LATER THAN TWELVE MONTHS AFTER THE DATE OF
44 THE ELECTION OR ELECTIONS FOR WHICH THE CANDIDATE RECEIVED PUBLIC FUNDS.
45 THIS AUDIT DEADLINE SHALL NOT APPLY IN CASES INVOLVING POTENTIAL CAMP-
46 AIGN-RELATED FRAUD, KNOWING AND WILLFUL VIOLATIONS OF THIS ARTICLE OR
47 CRIMINAL ACTIVITY.

48 2. (A) IF THE FAIR ELECTIONS BOARD DETERMINES THAT ANY PORTION OF THE
49 PAYMENT MADE TO A PARTICIPATING COMMITTEE FROM THE FUND WAS IN EXCESS OF
50 THE AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS
51 ENTITLED PURSUANT TO SECTION 14-210 OF THIS TITLE, IT SHALL NOTIFY SUCH
52 COMMITTEE OF THE EXCESS AMOUNT AND SUCH COMMITTEE SHALL PAY TO THE FAIR
53 ELECTIONS BOARD AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS;
54 PROVIDED, HOWEVER, THAT IF THE ERRONEOUS PAYMENT WAS DUE TO AN ERROR
55 MADE BY THE FAIR ELECTIONS BOARD, THEN THE ERRONEOUS PAYMENT WILL BE
56 OFFSET AGAINST ANY FUTURE PAYMENT, IF ANY. THE PARTICIPATING COMMITTEE

1 SHALL BE LIABLE FOR ANY REPAYMENTS DUE TO THE FAIR ELECTIONS BOARD FOR
2 DEPOSIT BY SUCH BOARD INTO THE NEW YORK STATE CAMPAIGN FUND.

3 (B) IF THE BOARD DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO A
4 PARTICIPATING COMMITTEE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN
5 TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY SUCH PARTICIPAT-
6 ING COMMITTEE OF THE AMOUNT DISQUALIFIED AND SUCH PARTICIPATING COMMIT-
7 TEE SHALL PAY TO THE FAIR ELECTIONS BOARD AN AMOUNT EQUAL TO SUCH
8 DISQUALIFIED AMOUNT. SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK
9 STATE FAIR ELECTIONS FUND CREATED PURSUANT TO SECTION NINETY-TWO-Y OF
10 THE STATE FINANCE LAW. THE CANDIDATE'S AUTHORIZED COMMITTEE SHALL BE
11 LIABLE FOR ANY REPAYMENTS DUE TO THE FAIR ELECTIONS BOARD.

12 (C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE FUND RECEIVED
13 BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING
14 COMMITTEE, EXCEEDS THE PUBLIC FUNDING RECEIPT LIMITATION OF SUCH CANDI-
15 DATE AND COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS
16 FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM
17 THE FUND NOT LATER THAN TEN DAYS AFTER ALL PERMISSIBLE LIABILITIES HAVE
18 BEEN PAID AND IN ANY EVENT, NOT LATER THAN TWENTY DAYS AFTER THE DATE ON
19 WHICH THE FAIR ELECTIONS BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE
20 PARTICIPATING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT
21 MATCHING FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE
22 AND PAYABLE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT INTO THE NEW YORK
23 STATE FAIR ELECTIONS FUND UPON ITS DETERMINATION THAT THE PARTICIPANT
24 WILLFULLY DELAYED THE POST-ELECTION AUDIT PROCESS. A PARTICIPATING
25 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-
26 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH ENDING A CAMPAIGN AND
27 RESPONDING TO THE POST-ELECTION AUDIT. NOTHING IN THIS SECTION SHALL BE
28 CONSTRUED TO PROHIBIT THE POST-ELECTION EXPENDITURE OF PUBLIC FUNDS FOR
29 DEBTS INCURRED DURING THE CAMPAIGN FOR WHICH PUBLIC FUNDS WERE ELIGIBLE
30 TO BE USED.

31 3. IF A COURT OF COMPETENT JURISDICTION DISQUALIFIES A CANDIDATE WHOSE
32 PARTICIPATING COMMITTEE HAS RECEIVED PUBLIC FUNDS ON THE GROUNDS THAT
33 SUCH CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON
34 THE BALLOT AND SUCH DECISION IS NOT REVERSED BY A HIGHER COURT, SUCH
35 CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE SHALL PAY TO THE
36 FAIR ELECTIONS BOARD AN AMOUNT EQUAL TO THE TOTAL OF PUBLIC FUNDS
37 RECEIVED BY SUCH PARTICIPATING COMMITTEE.

38 4. THE BOARD MUST PROVIDE WRITTEN NOTICE OF ALL PAYMENTS DUE FROM A
39 PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE TO THE BOARD AND
40 PROVIDE AN OPPORTUNITY FOR THE CANDIDATE OR COMMITTEE TO REBUT, IN WHOLE
41 OR IN PART, THE ALLEGED AMOUNT DUE. UPON A FINAL WRITTEN DETERMINATION
42 BY THE BOARD, THE AMOUNT DUE SHALL BE PAID TO THE BOARD WITHIN THIRTY
43 DAYS OF SUCH DETERMINATION.

44 5. ALL PAYMENTS RECEIVED BY THE BOARD PURSUANT TO THIS SECTION SHALL
45 BE DEPOSITED IN THE NEW YORK STATE FAIR ELECTIONS FUND ESTABLISHED BY
46 SECTION NINETY-TWO-Y OF THE STATE FINANCE LAW.

47 6. ANY ADVICE PROVIDED BY THE STAFF OR MEMBERS OF THE FAIR ELECTIONS
48 BOARD TO A PARTICIPATING OR NON-PARTICIPATING CANDIDATE IN CONNECTION
49 WITH ANY ACTION UNDER THIS ARTICLE, WHEN RELIED UPON IN GOOD FAITH,
50 SHALL BE PRESUMPTIVE EVIDENCE THAT SUCH CANDIDATE OR HIS OR HER COMMIT-
51 TEE DID NOT KNOWINGLY AND WILLFULLY VIOLATE THE PROVISIONS OF THIS ARTI-
52 CLE.

53 S 14-220. CIVIL ENFORCEMENT. 1. ANY PERSON OR AUTHORIZED COMMITTEE WHO
54 KNOWINGLY AND WILFULLY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS
55 OF THIS TITLE SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THE
56 AMOUNT OF FIVE THOUSAND DOLLARS.

1 2. ANY PERSON OR AUTHORIZED COMMITTEE WHO KNOWINGLY AND INTENTIONALLY
2 VIOLATES ANY OTHER PROVISION OF THIS TITLE OR ANY RULE PROMULGATED HERE-
3 UNDER SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THE AMOUNT OF
4 TEN THOUSAND DOLLARS.

5 3. FINES AUTHORIZED UNDER THIS SECTION WILL BE IMPOSED BY THE FAIR
6 ELECTIONS BOARD AFTER A HEARING AT WHICH THE SUBJECT PERSON OR AUTHOR-
7 IZED COMMITTEE SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD. SUCH HEARING
8 SHALL BE HELD IN SUCH MANNER AND UPON SUCH NOTICE AS MAY BE PRESCRIBED
9 BY THE RULES OF THE FAIR ELECTIONS BOARD. FOR PURPOSES OF CONDUCTING
10 SUCH HEARINGS, THE FAIR ELECTIONS BOARD SHALL BE DEEMED TO BE AN AGENCY
11 WITHIN THE MEANING OF ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCE-
12 DURE ACT AND SHALL ADOPT RULES GOVERNING THE CONDUCT OF ADJUDICATORY
13 PROCEEDINGS AND APPEALS TAKEN PURSUANT TO A PROCEEDING COMMENCED UNDER
14 ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES RELATING TO
15 THE ASSESSMENT OF THE CIVIL PENALTIES HEREIN AUTHORIZED.

16 4. THE FAIR ELECTIONS BOARD SHALL PUBLISH ON THE STATE BOARD OF
17 ELECTIONS' WEBSITE THE FINAL ORDER ADJUDICATING ANY MATTER BROUGHT
18 PURSUANT TO THIS SECTION.

19 5. ALL PAYMENTS RECEIVED BY THE FAIR ELECTIONS BOARD PURSUANT TO THIS
20 SECTION SHALL BE DEPOSITED IN THE NEW YORK STATE FAIR ELECTIONS FUND
21 ESTABLISHED BY SECTION NINETY-TWO-Y OF THE STATE FINANCE LAW.

22 S 14-222. CRIMINAL PENALTIES. 1. ANY PERSON WHO KNOWINGLY AND WILLFUL-
23 LY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS OF THIS TITLE WITH-
24 IN TEN DAYS AFTER THE DATE PROVIDED FOR SUCH, OR ANYONE THAT KNOWINGLY
25 AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE SHALL BE GUILTY
26 OF A MISDEMEANOR AND, IN ADDITION TO SUCH OTHER PENALTIES AS MAY BE
27 PROVIDED BY LAW, SHALL BE SUBJECT TO A FINE NOT TO EXCEED THE AMOUNT OF
28 TEN THOUSAND DOLLARS.

29 2. ANY PERSON WHO KNOWINGLY AND WILLFULLY CONTRIBUTES, ACCEPTS OR AIDS
30 OR PARTICIPATES IN THE CONTRIBUTION OR ACCEPTANCE OF A CONTRIBUTION IN
31 AN AMOUNT EXCEEDING AN APPLICABLE MAXIMUM SPECIFIED IN THIS ARTICLE
32 SHALL BE GUILTY OF A MISDEMEANOR AND SHALL BE SUBJECT TO A FINE NOT TO
33 EXCEED THE AMOUNT OF TEN THOUSAND DOLLARS.

34 3. ANY PERSON WHO KNOWINGLY AND WILLFULLY MAKES A FALSE STATEMENT OR
35 KNOWINGLY OMITTS A MATERIAL FACT TO THE FAIR ELECTIONS BOARD OR AN AUDI-
36 TOR DESIGNATED BY THE FAIR ELECTIONS BOARD DURING ANY AUDIT CONDUCTED
37 PURSUANT TO SECTION 14-218 OF THIS TITLE SHALL BE GUILTY OF A CLASS E
38 FELONY.

39 4. IN ADDITION TO ANY OTHER SENTENCE LAWFULLY IMPOSED UPON A FINDING
40 OF GUILT IN A CRIMINAL PROSECUTION COMMENCED PURSUANT TO THE PROVISIONS
41 OF THIS SECTION, THE COURT MAY ORDER A DEFENDANT TO REPAY TO THE FAIR
42 ELECTIONS BOARD ANY PUBLIC MATCHING FUNDS OBTAINED AS A RESULT OF ANY
43 CRIMINAL CONDUCT.

44 5. ALL SUCH PROSECUTIONS FOR CRIMINAL ACTS UNDER THIS TITLE SHALL BE
45 PROSECUTED BY THE ATTORNEY GENERAL OF THE STATE OF NEW YORK.

46 6. ANY AND ALL FINES IMPOSED PURSUANT TO THIS SECTION SHALL BE MADE
47 PAYABLE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT INTO THE NEW YORK STATE
48 FAIR ELECTIONS FUND.

49 S 14-224. REPORTS. THE FAIR ELECTIONS BOARD SHALL SUBMIT A REPORT TO
50 THE GOVERNOR AND LEGISLATIVE LEADERS ON OR BEFORE FEBRUARY FIRST, TWO
51 THOUSAND SEVENTEEN, AND EVERY FOUR YEARS THEREAFTER, WHICH SHALL
52 INCLUDE:

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

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

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

5 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGNS FOR
6 ALL OFFICES COVERED UNDER SECTION 14-206 OF THIS TITLE, INCLUDING ITS
7 EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF
8 CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES,
9 THE CANDIDATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND
10 THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

11 5. RECOMMENDATIONS FOR CHANGES OR AMENDMENTS TO THIS TITLE, INCLUDING
12 CHARGES IN CONTRIBUTION LIMITS, THRESHOLDS FOR ELIGIBILITY AND LIMITS ON
13 TOTAL MATCHING FUNDS AS WELL AS INSTITUTING A PROGRAM OF FULL PUBLIC
14 CAMPAIGN FINANCING FOR ELECTION FOR ALL STATEWIDE OFFICES; AND

15 6. ANY OTHER INFORMATION THAT THE FAIR ELECTIONS BOARD DEEMS RELEVANT.

16 S 14-226. DEBATES. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGU-
17 LATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTIC-
18 IPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE
19 BEFORE THE PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENER-
20 AL ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE
21 PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDI-
22 DATE MAY BE A PARTY TO SUCH DEBATES.

23 S 14-228. DISTRIBUTIONS FROM FAIR ELECTIONS FUND. 1. THIS SECTION
24 GOVERNS THE FAIR ELECTIONS BOARD'S DISTRIBUTION OF FUNDS FROM THE FAIR
25 ELECTIONS FUND CREATED BY SECTION NINETY-TWO-Y OF THE STATE FINANCE LAW,
26 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

27 2. NO MONEYS SHALL BE PAID TO PARTICIPATING CANDIDATES IN A PRIMARY
28 ELECTION ANY EARLIER THAN TWO WEEKS AFTER THE LAST DAY TO FILE DESIGNAT-
29 ING PETITIONS FOR SUCH PRIMARY ELECTION.

30 3. NO MONEYS SHALL BE PAID TO PARTICIPATING CANDIDATES IN A GENERAL
31 ELECTION ANY EARLIER THAN A WEEK AFTER THE PRIMARY ELECTION HELD TO
32 NOMINATE CANDIDATES FOR SUCH ELECTION.

33 4. NO MONEYS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO HAS BEEN
34 DISQUALIFIED BY THE FAIR ELECTIONS BOARD OR WHOSE DESIGNATING PETITIONS
35 HAVE BEEN DECLARED INVALID BY THE STATE BOARD OF ELECTIONS OR A COURT OF
36 COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY AN
37 APPELLATE COURT.

38 5. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR
39 SUCH A CANDIDATE'S AUTHORIZED COMMITTEE ON THE DATE OF SUCH DISQUALI-
40 FICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE
41 EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE THAT DATE. ALL EXCESS
42 PUBLIC MONEYS PAID TO A DISQUALIFIED CANDIDATE SHALL BE RETURNED TO THE
43 FUND NOT LESS THAN THIRTY DAYS AFTER THE GENERAL ELECTION FOR THOSE
44 PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS FOR THE GENERAL
45 ELECTION, AND OTHERWISE, NOT LESS THAN THIRTY DAYS AFTER THE PRIMARY
46 ELECTION FOR THOSE PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS
47 SOLELY FOR THE PRIMARY ELECTION.

48 6. (A) PARTICIPATING CANDIDATES SHALL PAY TO THE FAIR ELECTIONS BOARD
49 UNSPENT PUBLIC CAMPAIGN FUNDS FROM AN ELECTION NOT LATER THAN THIRTY
50 DAYS AFTER ALL LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND, IN ANY
51 EVENT, NOT LESS THAN TWENTY DAYS AFTER THE DATE UPON WHICH THE FAIR
52 ELECTIONS BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING
53 CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT PUBLIC
54 CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE
55 AND PAYABLE TO THE FAIR ELECTIONS BOARD UPON ITS DETERMINATION THAT THE
56 PARTICIPATING CANDIDATE HAS, WITHOUT JUST CAUSE, DELAYED THE POST-ELEC-

1 TION AUDIT PROCESS. UNSPENT CAMPAIGN FUNDS DETERMINATIONS MADE BY THE
2 FAIR ELECTIONS BOARD SHALL BE BASED ON THE PARTICIPATING CANDIDATE
3 COMMITTEE'S RECEIPTS AND EXPENDITURES. THE FAIR ELECTIONS BOARD MAY ALSO
4 CONSIDER ANY OTHER RELEVANT INFORMATION REVEALED IN THE COURSE OF ITS
5 AUDITS OR INVESTIGATIONS OR THE INVESTIGATIONS BY ANY OTHER AGENCY.

6 (B)(I) A PARTICIPATING CANDIDATE MAY NOT USE RECEIPTS FOR ANY PURPOSE
7 OTHER THAN DISBURSEMENTS IN THE PRECEDING ELECTION UNTIL ALL UNSPENT
8 PUBLIC CAMPAIGN FUNDS HAVE BEEN REPAYED. A PARTICIPATING CANDIDATE SHALL
9 HAVE THE BURDEN OF DEMONSTRATING THAT A POST-ELECTION EXPENDITURE IS FOR
10 THE PRECEDING ELECTION.

11 (II) BEFORE REPAYING UNSPENT PUBLIC CAMPAIGN FUNDS, A PARTICIPATING
12 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-
13 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND
14 RESPONDING TO THE POST-ELECTION AUDIT. SUCH EXPENDITURES MAY INCLUDE:
15 PAYMENT OF UTILITY BILLS AND RENT; REASONABLE STAFF SALARIES AND
16 CONSULTANT FEES FOR RESPONDING TO A POST-ELECTION AUDIT; REASONABLE
17 MOVING EXPENSES RELATED TO CLOSING A CAMPAIGN OFFICE; A HOLIDAY CARD
18 MAILING TO CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS; THANK
19 YOU NOTES FOR CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS;
20 PAYMENT OF TAXES AND OTHER REASONABLE EXPENSES FOR COMPLIANCE WITH
21 APPLICABLE TAX LAWS; AND INTEREST EXPENSES. ROUTINE POST-ELECTION
22 EXPENDITURES THAT MAY BE PAID FOR WITH UNSPENT CAMPAIGN FUNDS DO NOT
23 INCLUDE SUCH ITEMS AS POST-ELECTION MAILINGS OTHER THAN AS SPECIFICALLY
24 PROVIDED FOR IN THIS SUBPARAGRAPH; MAKING CONTRIBUTIONS; MAKING BONUS
25 PAYMENTS OR GIFTS TO STAFF MEMBERS OR VOLUNTEERS; OR HOLDING ANY POST-E-
26 LECTION DAY EVENT, INCLUDING, BUT NOT LIMITED TO, ANY MEAL OR ANY PARTY.
27 UNSPENT CAMPAIGN FUNDS MAY NOT BE USED FOR TRANSITION OR INAUGURATION
28 ACTIVITIES.

29 7. ALL MONIES RECEIVED BY THE FAIR ELECTIONS BOARD PURSUANT TO THIS
30 SECTION SHALL BE DEPOSITED INTO THE NEW YORK STATE FAIR ELECTIONS FUND
31 PURSUANT TO SECTION NINETY-TWO-Y OF THE STATE FINANCE LAW.

32 8. ANY CANDIDATE WHO ACCEPTS A CONTRIBUTION OR CONTRIBUTIONS IN EXCESS
33 OF THE LIMITS SET FORTH IN SECTION 14-212 OF THIS TITLE, PRIOR TO ELECT-
34 ING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM, AS SET FORTH
35 BY PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION 14-206 OF THIS TITLE,
36 SHALL HAVE HIS OR HER TOTAL PUBLIC MATCHING FUND GRANT REDUCED BY SUCH
37 EXCESS AMOUNT. SUCH AMOUNT SHALL BE DEDUCTED BEGINNING FROM THE FIRST
38 ALLOWABLE DISBURSEMENT FROM THE FUND UNTIL SUCH EXCESS AMOUNT IS
39 REACHED, AT WHICH POINT THE PUBLIC FUND DISBURSEMENT SHALL BE PROVIDED
40 TO THE CANDIDATE CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

41 S 16. The election law is amended by adding a new section 16-103 to
42 read as follows:

43 S 16-103. PROCEEDINGS AS TO PUBLIC FINANCING. 1. THE DETERMINATION OF
44 ELIGIBILITY PURSUANT TO SECTION 14-206 OF THIS CHAPTER AND ANY QUESTION
45 OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSU-
46 ANT TO SECTION 14-210 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING
47 INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDI-
48 DATE.

49 2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR
50 PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-210
51 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETER-
52 MINATION WAS MADE. THE FAIR ELECTIONS BOARD SHALL BE MADE A PARTY TO ANY
53 SUCH PROCEEDING.

54 3. UPON THE FAIR ELECTIONS BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE
55 FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE
56 ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVI-

1 SION FOUR OF SECTION 14-218 OF THIS CHAPTER, SUCH BOARD IS AUTHORIZED TO
2 INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY
3 COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO
4 THE FAIR ELECTIONS BOARD.

5 4. THE FAIR ELECTIONS BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL
6 PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A
7 JUDGMENT FOR CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE FAIR
8 ELECTIONS BOARD PURSUANT TO SECTION 14-218 OF THIS CHAPTER.

9 S 17. The election law is amended by adding a new section 4-115 to
10 read as follows:

11 S 4-115. NOTICE TO THE STATE BOARD OF ELECTIONS OF CANDIDATES FOR THE
12 LEGISLATURE. 1. EACH BOARD OF ELECTIONS WITH WHICH PETITIONS ARE FILED
13 FOR MEMBER OF THE STATE LEGISLATURE SHALL, NOT LATER THAN ONE WEEK AFTER
14 THE LAST DAY TO FILE SUCH PETITIONS, SEND NOTICE TO THE STATE BOARD OF
15 ELECTIONS OF SUCH INFORMATION ABOUT EACH SUCH PETITION AS THE STATE
16 BOARD SHALL REQUIRE.

17 2. EACH SUCH COUNTY BOARD OF ELECTIONS SHALL, NOT LATER THAN THE DAY
18 AFTER THE LAST DAY TO FILE A PETITION OR CERTIFICATE OF NOMINATION FOR A
19 GENERAL OR SPECIAL ELECTION OR A CERTIFICATE OF ACCEPTANCE, DECLINATION
20 OR SUBSTITUTION FOR A GENERAL, PRIMARY OR SPECIAL ELECTION FOR ANY SUCH
21 OFFICE, SEND TO THE STATE BOARD OF ELECTIONS SUCH INFORMATION ABOUT EACH
22 SUCH PETITION OR CERTIFICATE AS THE STATE BOARD SHALL REQUIRE.

23 3. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHOULD DISQUALIFY ANY SUCH
24 CANDIDATE OR RULE THE PETITION OR CERTIFICATE DESIGNATING OR NOMINATING
25 ANY SUCH CANDIDATE INVALID, IT SHALL FORTHWITH NOTIFY THE STATE BOARD OF
26 ELECTIONS OF SUCH DECISION.

27 4. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHALL BE NOTIFIED OF A DECI-
28 SION OF A COURT OF COMPETENT JURISDICTION DISQUALIFYING ANY SUCH CANDI-
29 DATE OR DECLARING ANY SUCH PETITION INVALID OR REVERSING ANY SUCH DECI-
30 SION BY SUCH BOARD OF ELECTIONS OR ANOTHER COURT, SUCH BOARD OF
31 ELECTIONS SHALL FORTHWITH NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH
32 DECISION.

33 5. THE STATE BOARD OF ELECTIONS MAY PRESCRIBE FORMS FOR THE NOTICES
34 REQUIRED BY THIS SECTION AND SHALL PRESCRIBE THE MANNER IN WHICH SUCH
35 NOTICES SHALL BE GIVEN.

36 S 18. The general business law is amended by adding a new section
37 359-gg to read as follows:

38 S 359-GG. ADDITIONAL SURCHARGE. IN ADDITION TO ANY PENALTY AUTHORIZED
39 BY SECTION THREE HUNDRED FIFTY-NINE-G OF THIS ARTICLE OR ANY DAMAGES OR
40 OTHER COMPENSATION RECOVERABLE INCLUDING, BUT NOT LIMITED TO, ANY
41 SETTLEMENT AUTHORIZED BY SECTION SIXTY-THREE OR SIXTY-THREE-C OF THE
42 EXECUTIVE LAW, THERE SHALL BE ASSESSED THEREON AN ADDITIONAL SURCHARGE
43 IN THE AMOUNT OF TEN PERCENT OF THE TOTAL AMOUNT OF SUCH PENALTY,
44 DAMAGES OR SETTLEMENT. SUCH SURCHARGE SHALL BE DEPOSITED IN THE NEW YORK
45 STATE FAIR ELECTIONS FUND ESTABLISHED BY SECTION NINETY-TWO-Y OF THE
46 STATE FINANCE LAW.

47 S 19. The state finance law is amended by adding a new section 92-y to
48 read as follows:

49 S 92-Y. NEW YORK STATE FAIR ELECTIONS FUND. 1. THERE IS HEREBY ESTAB-
50 LISHED IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE A
51 SPECIAL FUND TO BE KNOWN AS THE NEW YORK STATE FAIR ELECTIONS FUND.

52 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE SURCHARGE
53 IMPOSED PURSUANT TO SECTION THREE HUNDRED FIFTY-NINE-GG OF THE GENERAL
54 BUSINESS LAW, REVENUES RECEIVED FROM FAIR ELECTIONS FUND CHECK-OFF
55 PURSUANT TO SECTION SIX HUNDRED THIRTY-D OF THE TAX LAW AND ALL OTHER
56 MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE

1 PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE
2 STATE FROM RECEIVING GRANTS, GIFTS, BEQUESTS OR VOLUNTARY CONTRIBUTIONS
3 FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING
4 THEM INTO THE FUND ACCORDING TO LAW. MONIES IN THE FUND SHALL BE KEPT
5 SEPARATE FROM AND NOT COMMINGLED WITH OTHER FUNDS HELD IN THE CUSTODY OF
6 THE COMMISSIONER OF TAXATION AND FINANCE.

7 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY
8 BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT
9 TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE
10 PAID OUT OF THE FUND BY THE COMMISSIONER OF TAXATION AND FINANCE ON
11 VOUCHERS CERTIFIED OR APPROVED BY THE FAIR ELECTIONS BOARD ESTABLISHED
12 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW, OR THE
13 DULY DESIGNATED REPRESENTATIVE OF SUCH BOARD, IN THE MANNER PRESCRIBED
14 BY LAW, NOT MORE THAN ONE WORKING DAY AFTER A VOUCHER DULY CERTIFIED,
15 APPROVED AND EXECUTED BY SUCH BOARD OR ITS REPRESENTATIVE IN THE FORM
16 PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE IS RECEIVED BY
17 THE COMMISSIONER OF TAXATION AND FINANCE.

18 4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF, IN ANY
19 STATE FISCAL YEAR, THE STATE FAIR ELECTIONS FUND LACKS THE AMOUNT OF
20 MONEY TO PAY ALL CLAIMS VOUCHERED BY ELIGIBLE CANDIDATES AND CERTIFIED
21 OR APPROVED BY THE FAIR ELECTIONS BOARD, ANY SUCH DEFICIENCY SHALL BE
22 PAID, UPON AUDIT AND WARRANT OF THE STATE COMPTROLLER, FROM FUNDS DEPOS-
23 ITED IN THE GENERAL FUND OF THE STATE NOT MORE THAN ONE WORKING DAY
24 AFTER SUCH VOUCHER IS RECEIVED BY THE STATE COMPTROLLER.

25 5. COMMENCING IN TWO THOUSAND SEVENTEEN, IF THE SURPLUS IN THE FUND ON
26 APRIL FIRST OF THE YEAR AFTER AN ELECTION CYCLE EXCEEDS TWENTY-FIVE
27 PERCENT OF THE DISBURSEMENTS FROM THE FUND OVER THE PREVIOUS FOUR YEARS,
28 THE EXCESS SHALL REVERT TO THE GENERAL FUND OF THE STATE.

29 6. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A
30 PRIMARY ELECTION ANY EARLIER THAN THE DAY THAT SUCH CANDIDATE IS CERTI-
31 FIED AS BEING ON THE BALLOT FOR SUCH PRIMARY ELECTION.

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

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

44 S 20. The tax law is amended by adding a new section 630-d to read as
45 follows:

46 S 630-D. CONTRIBUTION TO NEW YORK STATE FAIR ELECTIONS FUND. EFFEC-
47 TIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO
48 THOUSAND FIFTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO
49 CONTRIBUTE TO THE NEW YORK STATE FAIR ELECTIONS FUND. SUCH CONTRIBUTION
50 SHALL BE IN THE AMOUNT OF FIVE DOLLARS AND SHALL NOT REDUCE THE AMOUNT
51 OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE
52 SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE
53 SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL REVEN-
54 UES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK
55 STATE FAIR ELECTIONS FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN
56 SECTION NINETY-TWO-Y OF THE STATE FINANCE LAW.

1 S 21. Severability. If any clause, sentence, subdivision, paragraph,
2 section or part of title 2 of article 14 of the election law, as added
3 by section fifteen of this act be adjudged by any court of competent
4 jurisdiction to be invalid, such judgment shall not affect, impair or
5 invalidate the remainder thereof, but shall be confined in its operation
6 to the clause, sentence, subdivision, paragraph, section or part thereof
7 directly involved in the controversy in which such judgment shall have
8 been rendered.

9 S 22. This act shall take effect immediately; provided, however,
10 candidates for state legislature will be eligible to participate in the
11 public financing system beginning with the 2016 election and all state
12 candidates and constitutional convention delegates will be eligible to
13 participate in the public financing system beginning with the 2018
14 election.