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

7837

I N S E N A T E

May 13, 2016

Introduced by Sen. RANZENHOFER -- 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 media disclosure requirements and political contribution limitations

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

Section 1. Subdivision 2 of section 14-107 of the election law, as added by section 4 of subpart C of part H of chapter 55 of the laws of 2014, is amended to read as follows:

2. Whenever any person makes an independent expenditure that costs more than one thousand dollars in the aggregate, such communication shall clearly state the name of the person who paid for, or otherwise published or distributed the communication [and], state, with respect to communications regarding candidates, that the communication was not expressly authorized or requested by any candidate, or by any candidate's political committee or any of its agents AND SHALL IN ADDITION DISCLOSE THE AMOUNT OF MONEY, IF ANY, RECEIVED BY THE PERSON, ITS CONTRIBUTORS AND THE CONTRIBUTOR'S MEMBERS, OWNERS AND MEMBERS, FROM STATE OR OTHER PUBLIC ENTITIES WITHIN NEW YORK STATE DURING THE PRIOR CALENDAR YEAR. AT A MINIMUM SUCH DISCLOSURE SHALL READ: "THIS COMMUNICATION HAS BEEN SPONSORED BY -----. THIS COMMUNICATION WAS NOT EXPRESSLY AUTHORIZED OR REQUESTED BY ANY CANDIDATE, OR BY ANY CANDIDATE'S POLITICAL COMMITTEE OR ANY OF ITS AGENTS. THE SPONSOR, ITS CONTRIBUTORS, MEMBERS AND OWNERS (HAVE OR DO NOT HAVE) A RELATIONSHIP WITH PUBLIC ENTITIES AND HAVE RECEIVED APPROXIMATELY $----- FROM THE STATE OF NEW YORK AND OTHER PUBLIC ENTITIES LOCATED WITHIN THE STATE DURING (PRIOR CALENDAR YEAR)".

S 2. Subdivision 1 of section 14-114 of the election law, as amended by chapter 79 of the laws of 1992, paragraphs a and b as amended by chapter 659 of the laws of 1994, is amended to read as follows:

1. The following limitations apply to all contributions to candidates for election to any public office or for nomination for any such office, or for election to any party positions, and to all contributions to political committees working directly or indirectly with any candidate

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

LBD14574-07-6

to aid or participate in such candidate's nomination or election, other than any contributions to any party committee or constituted committee:

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

b. In any other election for party position or for election to a public office or for nomination for any such office, no contributor may make a contribution to any candidate or political committee and no candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any election for party position, or for nomination to public office, the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.05, and (ii) in the case of any election for a public office, the product of the total number of registered voters in the district, excluding voters in inactive status, multiplied by $.05, however in the case of a nomination within the city of New York for the office of mayor, public advocate or comptroller, such amount shall be not less than four thousand dollars nor more than twelve thousand dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision]; in the case of an election within the city of New York for the office of mayor, public advocate or comptroller, twenty-five thousand dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision]; in the case of a nomination for state senator, four thousand dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision]; in the case of an election for state senator, six thousand two hundred fifty dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision]; in the case of an election or nomination for a member of the assembly, twenty-five hundred dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision]; but in no event shall any such maximum exceed [fifty] TWENTY-FIVE thousand dollars or be less than one thousand dollars; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child,

parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any election for party position or nomination for public office an amount equivalent to the number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.25 and in the case of any election to public office, an amount equivalent to the number of registered voters in the district, excluding voters in inactive status, multiplied by $.25; or twelve hundred fifty dollars, whichever is greater, or in the case of a nomination or election of a state senator, twenty thousand dollars, whichever is greater, or in the case of a nomination or election of a member of the assembly twelve thousand five hundred dollars, whichever is greater, but in no event shall any such maximum exceed one hundred thousand dollars.

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

S 3. Subdivision 10 of section 14-114 of the election law, as added by chapter 79 of the laws of 1992, is amended to read as follows:

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

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

S 4. Section 14-116 of the election law, subdivision 1 as redesignated by chapter 9 of the laws of 1978 and subdivision 2 as amended by chapter 260 of the laws of 1981, is amended to read as follows:

S 14-116. Political contributions by certain organizations. 1. No corporation [or], LIMITED LIABILITY COMPANY, joint-stock association, UNINCORPORATED BUSINESS ENTITY, LABOR ORGANIZATION, ASSOCIATION, GROUP, ORGANIZATION, COMMITTEE OR POLITICAL COMMITTEE, OTHER THAN A PARTY COMMITTEE, doing business [in] WITHIN OR WITHOUT this state, [except a corporation or association organized or maintained for political purposes only,] shall directly or indirectly pay or use or offer, consent or agree to pay or use any money or property for or in aid of any CANDIDATE, political party, committee or organization, or for, or in

aid of, any corporation, joint-stock or other association organized or maintained for political purposes, or for, or in aid of, any candidate for political office or for nomination for such office, or for any political purpose whatever, or for the reimbursement or indemnification of any person for moneys or property so used. Any officer, director, stockholder, MEMBER, OWNER, attorney or agent of any corporation [or], LIMITED LIABILITY COMPANY, joint-stock association, UNINCORPORATED BUSINESS ENTITY, LABOR ORGANIZATION, ASSOCIATION, GROUP, ORGANIZATION, COMMITTEE OR POLITICAL COMMITTEE, OTHER THAN A PARTY COMMITTEE, DOING BUSINESS WITHIN OR WITHOUT THIS STATE which violates any of the provisions of this section, who participates in, aids, abets or advises or consents to any such violations, and any person who solicits or knowingly receives any money or property in violation of this section, shall be guilty of a misdemeanor.

2. Notwithstanding the provisions of subdivision one of this section, any corporation, LIMITED LIABILITY COMPANY, JOINT-STOCK ASSOCIATION, UNINCORPORATED BUSINESS ENTITY, LABOR ORGANIZATION, ASSOCIATION, GROUP, ORGANIZATION, COMMITTEE OR POLITICAL COMMITTEE, OTHER THAN A PARTY COMMITTEE, DOING BUSINESS WITHIN OR WITHOUT THIS STATE or an organization financially supported in whole or in part[,] by ANY such [corporation] ENTITY may make expenditures, including contributions, not otherwise prohibited by law, for political purposes, in an amount not to exceed five thousand dollars in the aggregate in any calendar year; provided that no public utility shall use revenues received from the rendition of public service within the state for contributions for political purposes unless such cost is charged to the shareholders of such a public service corporation.

S 5. If any part or provision of this act is adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining portions of this act shall be deemed null and void.

S 6. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such effective date.