

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:

1     Section 1. Subdivision 2 of section 14-107 of the election law, as  
2     added by section 4 of subpart C of part H of chapter 55 of the laws of  
3     2014, is amended to read as follows:  
4     2. Whenever any person makes an independent expenditure that costs  
5     more than one thousand dollars in the aggregate, such communication  
6     shall clearly state the name of the person who paid for, or otherwise  
7     published or distributed the communication [and], state, with respect to  
8     communications regarding candidates, that the communication was not  
9     expressly authorized or requested by any candidate, or by any candi-  
10    date's political committee or any of its agents AND SHALL IN ADDITION  
11    DISCLOSE THE AMOUNT OF MONEY, IF ANY, RECEIVED BY THE PERSON, ITS  
12    CONTRIBUTORS AND THE CONTRIBUTOR'S MEMBERS, OWNERS AND MEMBERS, FROM  
13    STATE OR OTHER PUBLIC ENTITIES WITHIN NEW YORK STATE DURING THE PRIOR  
14    CALENDAR YEAR. AT A MINIMUM SUCH DISCLOSURE SHALL READ: "THIS COMMUNI-  
15    CATION HAS BEEN SPONSORED BY ----- . THIS COMMUNICATION WAS NOT EXPRESSLY  
16    AUTHORIZED OR REQUESTED BY ANY CANDIDATE, OR BY ANY CANDIDATE'S POLI-  
17    TICAL COMMITTEE OR ANY OF ITS AGENTS. THE SPONSOR, ITS CONTRIBUTORS,  
18    MEMBERS AND OWNERS (HAVE OR DO NOT HAVE) A RELATIONSHIP WITH PUBLIC  
19    ENTITIES AND HAVE RECEIVED APPROXIMATELY \$----- FROM THE STATE OF NEW  
20    YORK AND OTHER PUBLIC ENTITIES LOCATED WITHIN THE STATE DURING (PRIOR  
21    CALENDAR YEAR)".  
22    S 2. Subdivision 1 of section 14-114 of the election law, as amended  
23    by chapter 79 of the laws of 1992, paragraphs a and b as amended by  
24    chapter 659 of the laws of 1994, is amended to read as follows:  
25    1. The following limitations apply to all contributions to candidates  
26    for election to any public office or for nomination for any such office,  
27    or for election to any party positions, and to all contributions to  
28    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

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

3 a. In any election for a public office to be voted on by the voters of  
4 the entire state, or for nomination to any such office, no contributor  
5 may make a contribution to any candidate or political committee, and no  
6 candidate or political committee may accept any contribution from any  
7 contributor, which is in the aggregate amount greater than: (i) in the  
8 case of any nomination to public office, the product of the total number  
9 of enrolled voters in the candidate's party in the state, excluding  
10 voters in inactive status, multiplied by \$.005, but such amount shall be  
11 not less than four thousand dollars nor more than twelve thousand  
12 dollars [as increased or decreased by the cost of living adjustment  
13 described in paragraph c of this subdivision], and (ii) in the case of  
14 any election to a public office, twenty-five thousand dollars [as  
15 increased or decreased by the cost of living adjustment described in  
16 paragraph c of this subdivision]; provided however, that the maximum  
17 amount which may be so contributed or accepted, in the aggregate, from  
18 any candidate's child, parent, grandparent, brother and sister, and the  
19 spouse of any such persons, shall not exceed in the case of any nomi-  
20 nation to public office an amount equivalent to the product of the  
21 number of enrolled voters in the candidate's party in the state, exclud-  
22 ing voters in inactive status, multiplied by \$.025, and in the case of  
23 any election for a public office, an amount equivalent to the product of  
24 the number of registered voters in the state excluding voters in inac-  
25 tive status, multiplied by \$.025.

26 b. In any other election for party position or for election to a  
27 public office or for nomination for any such office, no contributor may  
28 make a contribution to any candidate or political committee and no  
29 candidate or political committee may accept any contribution from any  
30 contributor, which is in the aggregate amount greater than: (i) in the  
31 case of any election for party position, or for nomination to public  
32 office, the product of the total number of enrolled voters in the candi-  
33 date's party in the district in which he is a candidate, excluding  
34 voters in inactive status, multiplied by \$.05, and (ii) in the case of  
35 any election for a public office, the product of the total number of  
36 registered voters in the district, excluding voters in inactive status,  
37 multiplied by \$.05, however in the case of a nomination within the city  
38 of New York for the office of mayor, public advocate or comptroller,  
39 such amount shall be not less than four thousand dollars nor more than  
40 twelve thousand dollars [as increased or decreased by the cost of living  
41 adjustment described in paragraph c of this subdivision]; in the case of  
42 an election within the city of New York for the office of mayor, public  
43 advocate or comptroller, twenty-five thousand dollars [as increased or  
44 decreased by the cost of living adjustment described in paragraph c of  
45 this subdivision]; in the case of a nomination for state senator, four  
46 thousand dollars [as increased or decreased by the cost of living  
47 adjustment described in paragraph c of this subdivision]; in the case of  
48 an election for state senator, six thousand two hundred fifty dollars  
49 [as increased or decreased by the cost of living adjustment described in  
50 paragraph c of this subdivision]; in the case of an election or nomi-  
51 nation for a member of the assembly, twenty-five hundred dollars [as  
52 increased or decreased by the cost of living adjustment described in  
53 paragraph c of this subdivision]; but in no event shall any such maximum  
54 exceed [fifty] TWENTY-FIVE thousand dollars or be less than one thousand  
55 dollars; provided however, that the maximum amount which may be so  
56 contributed or accepted, in the aggregate, from any candidate's child,

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

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

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

28 10. [a.] No contributor may make a contribution to a party or consti-  
29 tuted committee and no such committee may accept a contribution from any  
30 contributor which, in the aggregate, is greater than [sixty-two] TWEN-  
31 TY-FIVE thousand [five hundred] dollars per annum.

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

45 S 4. Section 14-116 of the election law, subdivision 1 as redesignated  
46 by chapter 9 of the laws of 1978 and subdivision 2 as amended by chapter  
47 260 of the laws of 1981, is amended to read as follows:

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

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

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

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

31 S 6. This act shall take effect on the one hundred eightieth day after  
32 it shall have become a law. Effective immediately, the addition, amend-  
33 ment and/or repeal of any rule or regulation necessary for the implemen-  
34 tation of this act on its effective date are authorized to be made on or  
35 before such effective date.