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

10079--A

I N A S S E M B L Y

May 10, 2016

Introduced by M. of A. McLAUGHLIN, STEC -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law and the legislative law, in relation to campaign finance reform and legislative leadership position term limits

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

Section 1. The election law is amended by adding a new section 14-115 to read as follows:

S 14-115. RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS FOR INDIVIDUALS, BUSINESSES OR CORPORATIONS THAT WERE AWARDED CONTRACTS WITH THE STATE OR ANY MUNICIPAL CORPORATION. 1. INDIVIDUALS, BUSINESSES OR CORPORATIONS THAT ENTER INTO A CONTRACT WITH THIS STATE OR ANY MUNICIPAL CORPORATION SHALL BE PROHIBITED FROM MAKING ANY CONTRIBUTION TO ANY STATE OFFICIAL ELECTED TO PUBLIC OFFICE OR HIS OR HER FAMILY, ANY POLITICAL COMMITTEE DEFINED UNDER SECTION 14-100 OF THIS ARTICLE OR ANY INDEPENDENT EXPENDITURE AS DEFINED UNDER SECTION 14-107 OF THIS ARTICLE WITHIN ONE YEAR OF THE CONTRACT BEING AWARDED TO THE PERSON, BUSINESS OR CORPORATION.

2. INDIVIDUALS, BUSINESSES OR CORPORATIONS THAT SUBMIT A REQUEST FOR PROPOSAL WITH THE STATE OR ANY MUNICIPALITY IN REGARD TO A CONTRACT SHALL DISCLOSE IN THE PROPOSAL ANY CAMPAIGN CONTRIBUTIONS MADE IN THE PREVIOUS THREE HUNDRED SIXTY-FIVE DAYS TO ANY STATE OFFICIAL ELECTED TO PUBLIC OFFICE OR HIS OR HER FAMILY, ANY POLITICAL COMMITTEE OR ANY INDEPENDENT EXPENDITURE AND IF THE INDIVIDUAL, BUSINESS OR CORPORATION IS AWARDED THE CONTRACT, ANY STATE OFFICIAL ELECTED TO PUBLIC OFFICE OR HIS OR HER FAMILY, ANY POLITICAL COMMITTEE OR ANY INDEPENDENT EXPENDITURE THAT RECEIVED ANY CAMPAIGN CONTRIBUTIONS FROM SAID INDIVIDUAL, BUSINESS OR CORPORATION SHALL REFUND THE INDIVIDUAL, BUSINESS OR CORPORATION IN FULL.

S 2. The legislative law is amended by adding a new section 5-b to read as follows:

S 5-B. LEGISLATIVE LEADERSHIP POSITION TERM LIMITS. NO MEMBER OF THE STATE LEGISLATURE SHALL SERVE AS AN OFFICER OR IN A SPECIAL CAPACITY

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

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POSITION, AS DEFINED UNDER SECTION FIVE-A OF THIS ARTICLE, FOR MORE THAN EIGHT YEARS.

S 3. 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 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] TEN 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] TEN 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,] TEN THOUSAND DOLLARS, 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] TEN 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] TEN 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] TEN 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] TEN thousand dollars, [whichever is greater,] or in the case of a nomination or election of a member of the assembly [twelve] TEN thousand [five hundred] dollars, [whichever is greater,] but in no event shall any such maximum exceed [one hundred] TEN thousand dollars.

c. At the beginning of each fourth calendar year, commencing in [nineteen hundred ninety-five] TWO THOUSAND SIXTEEN, 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 4. Subdivision 8 of section 14-114 of the election law, as amended by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

8. A. Except as may otherwise be provided [for] BY a candidate [and his family] FOR HIS OR HER OWN CAMPAIGN, no NATURAL person may contribute, loan or guarantee in excess of [one hundred fifty] TEN thousand dollars within the state OF NEW YORK IN ANY CALENDAR YEAR in connection with the nomination or election of [persons to] CANDIDATES FOR state [and] OR local public offices [and] OR party positions [within the state of New York in any one calendar year].

B. For the purposes of this subdivision "loan" or "guarantee" shall mean a loan or guarantee which is not repaid or discharged in the calendar year in which it is made.

S 5. 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] TEN thousand [five hundred] dollars per annum.

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

S 6. This act shall take effect on the ninetieth day after it shall have become a law.