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

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I N A S S E M B L Y

April 15, 2015

Introduced by M. of A. KAVANAGH, SIMON, ZEBROWSKI, CAHILL, MILLER, GOTTFRIED, LAVINE, JAFFEE, GALEF, ABINANTI, WOERNER, BUCHWALD, COLTON, KAMINSKY, MAGNARELLI, MAYER, MOSLEY, SANTABARBARA, SKOUFIS, COOK, BRONSON, ROSENTHAL, RYAN, BARRETT, FAHY, RUSSELL, STECK, ROZIC, SIMOTAS, ORTIZ, BLAKE, QUART, DINOWITZ, PEOPLES-STOKES, LIFTON, SCHIMEL, CUSICK, TITONE, HUNTER, STIRPE, CERETTO -- Multi-Sponsored by -- M. of A. BRENNAN, ENGLEBRIGHT, FARRELL, GLICK, LUPARDO, MAGEE, MARKEY, McDONALD, ROBINSON, SCHIMMINGER, SEAWRIGHT, THIELE -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the election law, in relation to political contributions

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

Section 1. 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 OR OTHER CORPORATE ENTITY doing business in 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 political party, committee or organization, or for, or in aid of, any corporation, LIMITED LIABILITY COMPANY, joint-stock [or], other association, OR OTHER CORPORATE ENTITY organized or maintained for political purposes, or for, or in aid of, any candidate for political office or for nomination for

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

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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, stock-holder, MEMBER, OWNER, attorney or agent of any corporation [or], LIMITED LIABILITY COMPANY, joint-stock association OR OTHER CORPORATE ENTITY 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 or an organization financially supported in whole or in part, by such corporation, ANY LIMITED LIABILITY COMPANY OR OTHER CORPORATE 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.

3. EACH LIMITED LIABILITY COMPANY THAT MAKES AN EXPENDITURE FOR POLITICAL PURPOSES SHALL FILE WITH THE STATE BOARD OF ELECTIONS, BY DECEMBER THIRTY-FIRST OF THE YEAR IN WHICH THE EXPENDITURE IS MADE, ON THE FORM PRESCRIBED BY THE STATE BOARD OF ELECTIONS, THE IDENTITY OF ALL DIRECT AND INDIRECT OWNERS OF THE MEMBERSHIP INTERESTS IN THE LIMITED LIABILITY COMPANY AND THE PROPORTION OF EACH DIRECT OR INDIRECT MEMBER'S OWNERSHIP INTEREST IN THE LIMITED LIABILITY COMPANY.

S 2. Section 14-120 of the election law is amended by adding a new subdivision 3 to read as follows:

3. (A) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ALL CONTRIBUTIONS MADE TO A CAMPAIGN OR POLITICAL COMMITTEE BY A LIMITED LIABILITY COMPANY SHALL BE ATTRIBUTED TO EACH MEMBER OF THE LIMITED LIABILITY COMPANY IN PROPORTION TO THE MEMBER'S OWNERSHIP INTEREST IN THE LIMITED LIABILITY COMPANY.

(B) IF, BY APPLICATION OF PARAGRAPH (A) OF THIS SUBDIVISION, A CAMPAIGN CONTRIBUTION IS ATTRIBUTED TO A LIMITED LIABILITY COMPANY, THE CONTRIBUTIONS SHALL BE FURTHER ATTRIBUTED TO EACH MEMBER OF THE LIMITED LIABILITY COMPANY IN PROPORTION TO THE MEMBER'S OWNERSHIP INTEREST IN THE LIMITED LIABILITY COMPANY.

(C) THE STATE BOARD OF ELECTIONS SHALL ENACT REGULATIONS THAT PREVENT THE AVOIDANCE OF THE RULES SET FORTH IN PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION.

S 3. This act shall take effect immediately.