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

7397--A

2015-2016 Regular Sessions

I N  A S S E M B L Y

May 8, 2015

Introduced by M. of A. CUSICK -- 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, in relation to registration requirements for a political action committee and prohibitive spending by certain committees

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

Section 1. Section 14-100 of the election law is amended by adding two new subdivisions 15 and 16 to read as follows:

15. "INDEPENDENT EXPENDITURE COMMITTEE" MEANS A POLITICAL COMMITTEE THAT: (A) MAKES ONLY INDEPENDENT EXPENDITURES AS DEFINED IN THIS ARTICLE; (B) CONDUCTS ITS ACTIVITIES ENTIRELY INDEPENDENT OF CANDIDATES; AND (C) HAS NOT BEEN AUTHORIZED BY, REQUESTED BY, SUGGESTED BY, FOSTERED BY, OR OTHERWISE COOPERATED IN ANY WAY IN THE FORMATION OR OPERATION OF A CANDIDATE'S CAMPAIGN, A CANDIDATE'S POLITICAL COMMITTEE, OR ANY OTHER COMMITTEE THAT MAKES EXPENDITURES FOR OR ON BEHALF OF A POLITICAL PARTY OR A CANDIDATE.

16. "POLITICAL ACTION COMMITTEE" MEANS A POLITICAL COMMITTEE WHICH MAKES NO EXPENDITURES, TO AID OR TAKE PART IN THE ELECTION OR DEFEAT OF A CANDIDATE, OTHER THAN IN THE FORM OF CONTRIBUTIONS INCLUDING IN-KIND CONTRIBUTIONS.

S 2. Section 14-112 of the election law, as amended by chapter 930 of the laws of 1981, is amended to read as follows:

S 14-112. Political committee authorization statement. Any political committee aiding or taking part in the election or nomination of any candidate, other than [by making contributions] A POLITICAL ACTION COMMITTEE, shall file, in the office in which the statements of such committee are to be filed pursuant to this article, either a sworn verified statement by the treasurer of such committee that the candidate has authorized the political committee to aid or take part in his election

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

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or that the candidate has not authorized the committee to aid or take part in his election.

S 3. Subdivision 1 of section 14-118 of the election law, as amended by chapter 156 of the laws of 2010, is amended to read as follows:

1. Every political committee shall have a treasurer and a depository, and shall cause the treasurer to keep detailed, bound accounts of all receipts, transfers, loans, liabilities, contributions and expenditures, made by the committee or any of its officers, members or agents acting under its authority or in its behalf. All such accounts shall be retained by a treasurer for a period of five years from the date of the filing of the final statement with respect to the election, primary election or convention to which they pertain. No officer, member or agent of any political committee shall receive any receipt, transfer or contribution, or make any expenditure or incur any liability until the committee shall have chosen a treasurer and depository and filed their names in accordance with this subdivision. There shall be filed in the office in which the committee is required to file its statements under section 14-110 of this article, within five days after the choice of a treasurer and depository, a statement giving the name and address of the treasurer chosen, the name and address of any person authorized to sign checks by such treasurer, the name and address of the depository chosen and the candidate or candidates or ballot proposal or proposals the success or defeat of which the committee is to aid or take part; provided, however, that such statement shall not be required of a constituted committee and provided further that a political ACTION committee which makes no expenditures, to aid or take part in the election or defeat of a candidate, other than in the form of contributions, shall not be required to list the candidates being supported or opposed by such committee. Such statement shall be signed by the treasurer and all other persons authorized to sign checks. Any change in the information required in any statement shall be reported, in an amended statement filed in the same manner and in the same office as an original statement filed under this section, within two days after it occurs, except that any change to the mailing address on any such statement filed at the state board may also be made in any manner deemed acceptable by the state board. Only a banking organization authorized to do business in this state may be designated a depository hereunder.

S 4. The election law is amended by adding a new section 14-107-a to read as follows:

S 14-107-A. PROHIBITED SPENDING BY INDEPENDENT EXPENDITURE COMMITTEES AND POLITICAL ACTION COMMITTEES. 1. AN INDEPENDENT EXPENDITURE COMMITTEE SHALL NOT CONTRIBUTE TO ANY CANDIDATE, CONSTITUTED COMMITTEE, POLITICAL COMMITTEE, OR POLITICAL PARTY.

2. A POLITICAL ACTION COMMITTEE SHALL NOT MAKE ANY INDEPENDENT EXPENDITURES OR CONTRIBUTIONS TO ANY INDEPENDENT EXPENDITURE COMMITTEE.

S 5. Section 14-126 of the election law is amended by adding a new subdivision 3-a to read as follows:

3-A. ANY PERSON WHO, ACTING AS OR ON BEHALF OF AN INDEPENDENT EXPENDITURE COMMITTEE OR A POLITICAL ACTION COMMITTEE, KNOWINGLY AND WILLFULLY VIOLATES SECTION 14-107-A OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY, UP TO ONE THOUSAND DOLLARS OR UP TO THE COST OF THE COMMUNICATION, WHICHEVER IS GREATER, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT BY THE STATE BOARD OF ELECTIONS.

S 6. This act shall take effect immediately.