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

S. 6411 A. 9011

S E N A T E - A S S E M B L Y

January 14, 2016

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the election law, in relation to political contributions by limited liability companies (Part A); to amend the legislative law, in relation to prohibiting outside earned income by members of the legislature (Part B); to amend the election law, in relation to statements of campaign receipts, contributions, transfers and expenditures to and by political committees; to amend the election law, in relation to the filing of statements regarding campaign receipts and expenditures; to amend the election law, in relation to establishing a contribution limit for certain contributions to a party committee or constituted committee; to amend the election law, in relation to campaign finance reform; to amend the election law, in relation to public financing; to amend the state finance law, in relation to the New York state campaign finance fund; and to amend the tax law, in relation to the New York state campaign finance fund check-off (Part C); to amend the public officers law, the civil practice law and rules and the executive law, in relation to the freedom of information law; and to repeal certain provisions of the public officers law, the environmental conservation law and the county law relating to access to certain records (Part D); to amend the public officers law, the executive law and the legislative law, in relation to financial disclosure of certain public officers (Part E); to amend the election law, in relation to motor vehicle voter registration; and to repeal certain provisions of such law relating thereto (Part F); to direct the state comptroller, the attorney general, the chief information officer of the office of information technology services and the commissioner of general services to make recommendations on assigning a single identifying code to contractors, vendors and other payees (Part G); and to amend the legislative law and the election law, in relation to the regulation of political consultants; and repealing certain provisions of such law relating thereto (Part H)

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

LBD12675-01-6

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

Section 1. This act enacts into law major components of legislation relating to Good Government and Ethics Reform. Each component is wholly contained within a Part identified as Parts A through H. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

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 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.

PART B

Section 1. The legislative law is amended by adding a new section 5-b to read as follows:

S 5-B. LIMIT ON OUTSIDE EARNED INCOME FOR MEMBERS. 1. A MEMBER OF THE LEGISLATURE RECEIVING A SALARY FOR LEGISLATIVE WORK FROM THE STATE OF NEW YORK SHALL BE PERMITTED TO EARN OUTSIDE INCOME EACH YEAR FOR PERFORMING FEE FOR SERVICE ACTIVITIES AND COMPENSATED OUTSIDE ACTIVITIES IN AN AMOUNT TOTALING NO GREATER THAN FIFTEEN PERCENT OF THE MEMBER BASE COMPENSATION SET FORTH IN SUBDIVISION ONE OF SECTION FIVE OF THIS ARTICLE. COMPLIANCE WITH THE LIMIT ON OUTSIDE EARNED INCOME DESCRIBED IN THIS SECTION SHALL BE A CONDITION PRECEDENT TO RECEIVING A SALARY FOR LEGISLATIVE ACTIVITIES FROM THE STATE OF NEW YORK, AND VOTING AS A MEMBER OF THE LEGISLATURE OF THE STATE OF NEW YORK.

2. A. FOR PURPOSES OF THIS SECTION, THE TERM "OUTSIDE EARNED INCOME" SHALL INCLUDE, BUT NOT BE LIMITED TO, WAGES, SALARIES, FEES AND OTHER FORMS OF COMPENSATION FOR SERVICES ACTUALLY RENDERED.

B. FOR THE PURPOSES OF THIS SECTION, THE TERM "OUTSIDE EARNED INCOME" SHALL NOT INCLUDE:

(1) SALARY, BENEFITS AND ALLOWANCES PAID BY THE STATE;

(2) INCOME AND ALLOWANCES ATTRIBUTABLE TO SERVICE IN THE RESERVES OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR OTHER ACTIVE MILITARY SERVICE;

(3) ROYALTIES FROM THE SALE OF A BOOK, ARTISTIC PERFORMANCE OR OTHER INTELLECTUAL PROPERTY; PROVIDED, HOWEVER, THAT NO ADVANCE FEES SHALL BE PERMITTED; OR

(4) A PENSION, INVESTMENT, CAPITAL GAINS OR OTHER EARNINGS ACCRUED FROM PRIOR EMPLOYMENT OR ACTUAL SERVICES RENDERED PRIOR TO THE MEMBER TAKING OFFICE.

3. A MEMBER OF THE LEGISLATURE WHO KNOWINGLY AND WILLFULLY VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS. ASSESSMENT OF A CIVIL PENALTY SHALL BE MADE BY THE JOINT COMMISSION ON PUBLIC ETHICS. SUCH COMMISSION MAY, IN LIEU OF OR IN ADDITION TO A CIVIL PENALTY, REFER A VIOLATION TO THE APPROPRIATE PROSECUTOR.

4. WILLFUL VIOLATION OF THE PROVISIONS OF THIS SECTION IS PUNISHABLE AS A CLASS A MISDEMEANOR.

S 2. This act shall take effect January 1, 2017.

PART C

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

15. "INTERMEDIARY" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, POLITICAL COMMITTEE, LABOR ORGANIZATION, OR OTHER ENTITY WHICH, OTHER THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY, OR MESSENGER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR ENTITY TO A CANDIDATE OR AN AUTHORIZED COMMITTEE.

"INTERMEDIARY" SHALL NOT INCLUDE SPOUSES, PARENTS, CHILDREN, OR SIBLINGS OF THE PERSON MAKING SUCH CONTRIBUTION.

16. "AUTHORIZED COMMITTEE" MEANS THE SINGLE POLITICAL COMMITTEE DESIGNATED BY A CANDIDATE TO RECEIVE ALL CONTRIBUTIONS AUTHORIZED BY THIS TITLE.

S 2. Subdivision 1 of section 14-102 of the election law, as amended by chapter 8 and as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

1. The treasurer of every political committee which, or any officer, member or agent of any such committee who, in connection with any election, receives or expends any money or other valuable thing or incurs any liability to pay money or its equivalent shall file statements sworn, or subscribed and bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law, at the times prescribed by this [article] TITLE setting forth all the receipts, contributions to and the expenditures by and liabilities of the committee, and of its officers, members and agents in its behalf. Such statements shall include the dollar amount of any receipt, contribution or transfer, or the fair market value of any receipt, contribution or transfer, which is other than of money, the name and address of the transferor, contributor, INTERMEDIARY, or person from whom received, and if the transferor, contributor, INTERMEDIARY, or person is a political committee; the name of and the political unit represented by the committee, the date of its receipt, the dollar amount of every expenditure, the name and address of the person to whom it was made or the name of and the political unit represented by the committee to which it was made and the date thereof, and shall state clearly the purpose of such expenditure. AN INTERMEDIARY NEED NOT BE REPORTED FOR A CONTRIBUTION THAT WAS COLLECTED FROM A CONTRIBUTOR IN CONNECTION WITH A PARTY OR OTHER CANDIDATE-RELATED EVENT HELD AT THE RESIDENCE OF THE PERSON DELIVERING THE CONTRIBUTION, UNLESS THE EXPENSES OF SUCH EVENT AT SUCH RESIDENCE FOR SUCH CANDIDATE EXCEED FIVE HUNDRED DOLLARS OR THE AGGREGATE CONTRIBUTIONS RECEIVED FROM THAT CONTRIBUTOR AT SUCH EVENT EXCEED FIVE HUNDRED DOLLARS. Any statement reporting a loan shall have attached to it a copy of the evidence of indebtedness. Expenditures in sums under fifty dollars need not be specifically accounted for by separate items in said statements, and receipts and contributions aggregating not more than ninety-nine dollars, from any one contributor need not be specifically accounted for by separate items in said statements, provided however, that such expenditures, receipts and contributions shall be subject to the other provisions of section 14-118 of this [article] TITLE.

S 3. Subdivision 3 of section 14-124 of the election law, as amended by chapter 71 of the laws of 1988, is amended to read as follows:

3. The contribution and receipt limits of this article shall not apply to monies received and expenditures made by a party committee or constituted committee to maintain a permanent headquarters and staff and carry

on ordinary activities which are not for the express purpose of promoting the candidacy of specific candidates, EXCEPT THAT CONTRIBUTIONS MADE FOR SUCH ACTIVITIES TO A PARTY COMMITTEE OR CONSTITUTED COMMITTEE SHALL BE LIMITED TO TWENTY-FIVE THOUSAND DOLLARS IN THE AGGREGATE FROM EACH CONTRIBUTOR IN EACH YEAR.

S 4. Subdivision 2 of section 14-108 of the election law, as amended by chapter 109 of the laws of 1997, is amended to read as follows:

2. Each statement shall cover the period up to and including the fourth day next preceding the day specified for the filing thereof[; provided, however, that]. THE RECEIPT OF ANY CONTRIBUTION OR LOAN IN EXCESS OF ONE THOUSAND DOLLARS SHALL BE DISCLOSED WITHIN SIXTY DAYS OF RECEIPT. SUCH SUBMISSIONS SHALL BE REPORTED IN THE SAME MANNER AS ANY OTHER CONTRIBUTION OR LOAN ON THE NEXT APPLICABLE STATEMENT. HOWEVER, any contribution or loan in excess of one thousand dollars, if received after the close of the period to be covered in the last statement filed before any primary, general or special election but before such election, shall be reported, in the same manner as other contributions, within twenty-four hours after receipt.

S 5. The article heading of article 14 of the election law is amended to read as follows:

[Campaign Receipts and Expenditures] CAMPAIGN RECEIPTS AND EXPENDITURES; PUBLIC FINANCING

S 6. Subdivisions 1 and 10 of section 14-114 of the election law, subdivision 1 as amended and subdivision 10 as added by chapter 79 of the laws of 1992 and paragraphs a and b of subdivision 1 as amended by chapter 659 of the laws of 1994, are 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 PARTICIPATING IN THE STATE'S PUBLIC CAMPAIGN FINANCING SYSTEM AS DEFINED IN TITLE TWO OF THIS ARTICLE, and no SUCH 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] SIX 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] SUCH public office, [twenty-five] SIX 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 PARTICIPATING IN THE STATE'S PUBLIC CAMPAIGN FINANCING SYSTEM DEFINED IN TITLE TWO OF THIS ARTICLE (FOR THOSE OFFICES OR POSITIONS COVERED BY THAT SYSTEM) and no SUCH 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] E 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] E of this subdivision; in the case of a nomination OR ELECTION 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, DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, OR DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, [twenty-five hundred] TWO THOUSAND 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 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, DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, OR DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, twelve thousand five hundred dollars, whichever is greater, but in no event shall any such maximum exceed one hundred thousand dollars.

C. 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 IN

CONNECTION WITH A CANDIDATE WHO IS NOT A PARTICIPATING CANDIDATE AS DEFINED IN SUBDIVISION FOURTEEN OF SECTION 14-200-A OF THIS ARTICLE, AND NO SUCH 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 TEN THOUSAND DOLLARS, AND (II) IN THE CASE OF ANY ELECTION TO A PUBLIC OFFICE, FIFTEEN 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 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.

D. 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 IN CONNECTION WITH A CANDIDATE WHO IS NOT A PARTICIPATING CANDIDATE AS DEFINED IN SUBDIVISION FOURTEEN OF SECTION 14-200-A OF THIS ARTICLE AND NO SUCH 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 E 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 E OF THIS SUBDIVISION; IN THE CASE OF A NOMINATION OR ELECTION FOR STATE SENATOR, FIVE THOUSAND DOLLARS; IN THE CASE OF AN ELECTION OR NOMINATION FOR A MEMBER OF THE ASSEMBLY, DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, OR DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, THREE 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, DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, OR DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, TWELVE THOUSAND FIVE HUNDRED DOLLARS, WHICHEVER IS GREATER, BUT IN NO EVENT SHALL ANY SUCH MAXIMUM EXCEED ONE HUNDRED THOUSAND DOLLARS.

E. At the beginning of each fourth calendar year, commencing in [nineteen hundred ninety-five] TWO THOUSAND TWENTY-ONE, 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 AND EXPRESSLY IDENTIFIED FOR ADJUSTMENT 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.

F. EACH PARTY OR CONSTITUTED COMMITTEE MAY TRANSFER TO, OR SPEND TO ELECT OR OPPOSE A CANDIDATE, OR TRANSFER TO ANOTHER PARTY OR CONSTITUTED COMMITTEE, NO MORE THAN FIVE THOUSAND DOLLARS PER ELECTION, EXCEPT THAT SUCH COMMITTEE MAY IN ADDITION TO SUCH TRANSFERS OR EXPENDITURES:

(I) IN A GENERAL OR SPECIAL ELECTION TRANSFER TO, OR SPEND TO ELECT OR OPPOSE A CANDIDATE, NO MORE THAN FIVE HUNDRED DOLLARS RECEIVED FROM EACH CONTRIBUTOR; AND

(II) IN ANY ELECTION SPEND WITHOUT LIMITATION FOR NON-CANDIDATE EXPENDITURES NOT DESIGNED OR INTENDED TO ELECT A PARTICULAR CANDIDATE OR CANDIDATES.

G. NOTWITHSTANDING ANY OTHER CONTRIBUTION LIMIT IN THIS SECTION, PARTICIPATING CANDIDATES AS DEFINED IN SUBDIVISION FOURTEEN OF SECTION 14-200-A OF THIS ARTICLE MAY CONTRIBUTE, OUT OF THEIR OWN MONEY, THREE TIMES THE APPLICABLE CONTRIBUTION LIMIT TO THEIR OWN AUTHORIZED COMMITTEE.

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 thousand five hundred] TWENTY-FIVE THOUSAND 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 7. Sections 14-100 through 14-130 of the election law are designated Title I and a new title heading is added to read as follows:

CAMPAIGN RECEIPTS AND EXPENDITURES

S 8. Article 14 of the election law is amended by adding a new title II to read as follows:

TITLE II

PUBLIC FINANCING

SECTION 14-200. LEGISLATIVE FINDINGS AND INTENT.
14-200-A. DEFINITIONS.
14-201. REPORTING REQUIREMENTS.
14-202. CONTRIBUTIONS.
14-203. PROOF OF COMPLIANCE.
14-204. ELIGIBILITY.
14-205. LIMITS ON PUBLIC FINANCING.
14-206. PAYMENT OF PUBLIC MATCHING FUNDS.
14-207. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDITURES.
14-208. POWERS AND DUTIES OF THE BOARD.
14-209. AUDITS AND REPAYMENTS.
14-210. ENFORCEMENT AND PENALTIES FOR VIOLATIONS AND OTHER PROCEEDINGS.
14-211. REPORTS.
14-212. DEBATES FOR CANDIDATES FOR STATEWIDE OFFICE.
14-213. SEVERABILITY.

S 14-200. LEGISLATIVE FINDINGS AND INTENT. THE LEGISLATURE FINDS THAT REFORM OF NEW YORK STATE'S CAMPAIGN FINANCE SYSTEM IS CRUCIAL TO IMPROVING PUBLIC CONFIDENCE IN THE STATE'S DEMOCRATIC PROCESSES AND CONTINUING TO ENSURE A GOVERNMENT THAT IS ACCOUNTABLE TO ALL OF THE VOTERS OF THE STATE REGARDLESS OF WEALTH OR POSITION. THE LEGISLATURE FINDS THAT NEW YORK'S CURRENT SYSTEM OF CAMPAIGN FINANCE, WITH ITS LARGE CONTRIBUTIONS TO CANDIDATES FOR OFFICE AND PARTY COMMITTEES, HAS CREATED THE POTENTIAL FOR AND THE APPEARANCE OF CORRUPTION. THE LEGISLATURE FURTHER FINDS THAT, WHETHER OR NOT THIS SYSTEM CREATES ACTUAL CORRUPTION, THE APPEARANCE OF SUCH CORRUPTION CAN GIVE RISE TO A DISTRUST IN GOVERNMENT AND CITIZEN APATHY THAT UNDERMINE THE DEMOCRATIC OPERATION OF THE POLITICAL PROCESS.

THE LEGISLATURE ALSO FINDS THAT THE HIGH COST OF RUNNING FOR OFFICE IN NEW YORK DISCOURAGES QUALIFIED CANDIDATES FROM RUNNING FOR OFFICE AND CREATES AN ELECTORAL SYSTEM THAT ENCOURAGES CANDIDATES TO SPEND TOO MUCH TIME RAISING MONEY RATHER THAN ATTENDING TO THE DUTIES OF THEIR OFFICE, REPRESENTING THE NEEDS OF THEIR CONSTITUENTS, AND COMMUNICATING WITH VOTERS.

THE LEGISLATURE AMENDS THIS CHAPTER CREATING A NEW TITLE TWO TO ARTICLE FOURTEEN OF THIS CHAPTER TO REDUCE THE POSSIBILITY AND APPEARANCE THAT SPECIAL INTERESTS EXERCISE UNDUE INFLUENCE OVER STATE OFFICIALS; TO INCREASE THE ACTUAL AND APPARENT RESPONSIVENESS OF ELECTED OFFICIALS TO ALL VOTERS; TO ENCOURAGE QUALIFIED CANDIDATES TO RUN FOR OFFICE; AND TO REDUCE THE PRESSURE ON CANDIDATES TO SPEND LARGE AMOUNTS OF TIME RAISING LARGE CONTRIBUTIONS FOR THEIR CAMPAIGNS.

THE LEGISLATURE FINDS THAT THIS ARTICLE'S LIMITATIONS ON CONTRIBUTIONS FURTHER THE GOVERNMENT'S INTEREST IN REDUCING REAL AND APPARENT CORRUPTION AND IN BUILDING TRUST IN GOVERNMENT. THE LEGISLATURE FINDS THAT THE CONTRIBUTION LEVELS ARE SUFFICIENTLY HIGH TO ALLOW CANDIDATES AND POLITICAL PARTIES TO RAISE ENOUGH MONEY TO RUN EFFECTIVE CAMPAIGNS. IN ADDITION, THE LEGISLATURE FINDS THAT GRADUATED CONTRIBUTION LIMITATIONS REFLECT THE CAMPAIGN NEEDS OF CANDIDATES FOR DIFFERENT OFFICES.

THE LEGISLATURE ALSO FINDS THAT THE SYSTEM OF VOLUNTARY PUBLIC FINANCING FURTHERS THE GOVERNMENT'S INTEREST IN ENCOURAGING QUALIFIED CANDIDATES TO RUN FOR OFFICE. THE LEGISLATURE FINDS THAT THE VOLUNTARY PUBLIC

FUNDING PROGRAM WILL ENLARGE THE PUBLIC DEBATE AND INCREASE PARTICIPATION IN THE DEMOCRATIC PROCESS. IN ADDITION, THE LEGISLATURE FINDS THAT THE VOLUNTARY EXPENDITURE LIMITATIONS AND MATCHING FUND PROGRAM REDUCE THE BURDEN ON CANDIDATES AND OFFICEHOLDERS TO SPEND TIME RAISING MONEY FOR THEIR CAMPAIGNS.

THEREFORE, THE LEGISLATURE DECLARES THAT THESE AMENDMENTS FURTHER THE IMPORTANT AND VALID GOVERNMENT INTERESTS OF REDUCING VOTER APATHY, BUILDING CONFIDENCE IN GOVERNMENT, REDUCING THE REALITY AND APPEARANCE OF CORRUPTION, AND ENCOURAGING QUALIFIED CANDIDATES TO RUN FOR OFFICE, WHILE REDUCING CANDIDATES' AND OFFICEHOLDERS' FUNDRAISING BURDENS.

S 14-200-A. DEFINITIONS. FOR THE PURPOSES OF THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. THE TERM "AUTHORIZED COMMITTEE" SHALL MEAN THE SINGLE COMMITTEE DESIGNATED BY A CANDIDATE PURSUANT TO SECTION 14-201 OF THIS TITLE TO RECEIVE CONTRIBUTIONS AND MAKE EXPENDITURES IN SUPPORT OF THE CANDIDATE'S CAMPAIGN.

2. THE TERM "BOARD" SHALL MEAN THE STATE BOARD OF ELECTIONS.

3. THE TERM "CONTRIBUTION" SHALL HAVE THE SAME MEANING AS APPEARS IN SUBDIVISION NINE OF SECTION 14-100 OF THIS ARTICLE.

4. THE TERM "CONTRIBUTOR" SHALL MEAN ANY PERSON OR ENTITY THAT MAKES A CONTRIBUTION.

5. THE TERM "COVERED ELECTION" SHALL MEAN ANY PRIMARY, GENERAL, OR SPECIAL ELECTION FOR NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, STATE COMPTROLLER, STATE SENATOR, MEMBER OF THE ASSEMBLY, DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, OR DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION.

6. THE TERM "ELECTION CYCLE" SHALL MEAN THE TWO YEAR PERIOD STARTING THE DAY AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR THE STATE LEGISLATURE AND SHALL MEAN THE FOUR YEAR PERIOD STARTING AFTER THE DAY AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR STATEWIDE OFFICE.

7. THE TERM "EXPENDITURE" SHALL MEAN ANY GIFT, SUBSCRIPTION, ADVANCE, PAYMENT, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, OR A CONTRACT TO MAKE ANY GIFT, SUBSCRIPTION, PAYMENT, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION, OR ELECTION, OF ANY CANDIDATE. EXPENDITURES MADE BY CONTRACT ARE DEEMED MADE WHEN SUCH FUNDS ARE OBLIGATED.

8. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE CAMPAIGN FINANCE FUND.

9. THE TERM "IMMEDIATE FAMILY" SHALL MEAN A SPOUSE, CHILD, SIBLING OR PARENT.

10. THE TERM "INTERMEDIARY" SHALL MEAN AN INDIVIDUAL, CORPORATION, PARTNERSHIP, POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION OR OTHER ENTITY WHICH BUNDLES, CAUSES TO BE DELIVERED OR OTHERWISE DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR ENTITY TO A CANDIDATE OR AUTHORIZED COMMITTEE, OTHER THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY OR MESSENGER SERVICE. PROVIDED, HOWEVER, THAT AN "INTERMEDIARY" SHALL NOT INCLUDE SPOUSES, DOMESTIC PARTNERS, PARENTS, CHILDREN OR SIBLINGS OF THE PERSON MAKING SUCH CONTRIBUTION OR A STAFF MEMBER OR VOLUNTEER OF THE CAMPAIGN IDENTIFIED IN WRITING TO THE STATE BOARD OF ELECTIONS. HERE "CAUSES TO BE DELIVERED" SHALL INCLUDE PROVIDING POSTAGE, ENVELOPES OR OTHER SHIPPING MATERIALS FOR THE USE OF DELIVERING THE CONTRIBUTION TO THE ULTIMATE RECIPIENT.

11. THE TERM "ITEM WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE" SHALL MEAN ANY ITEM, INCLUDING TICKETS TO AN EVENT, THAT ARE VALUED AT TWENTY-FIVE DOLLARS OR MORE.

12. (A) THE TERM "MATCHABLE CONTRIBUTION" SHALL MEAN A CONTRIBUTION, CONTRIBUTIONS OR A PORTION OF A CONTRIBUTION OR CONTRIBUTIONS FOR ANY COVERED ELECTIONS HELD IN THE SAME ELECTION CYCLE, MADE BY A NATURAL PERSON WHO IS A UNITED STATES CITIZEN AND RESIDENT IN THE STATE OF NEW YORK TO A PARTICIPATING CANDIDATE, THAT HAS BEEN REPORTED IN FULL TO THE BOARD IN ACCORDANCE WITH SECTIONS 14-102 AND 14-104 OF THIS ARTICLE BY THE CANDIDATE'S AUTHORIZED COMMITTEE AND HAS BEEN CONTRIBUTED ON OR BEFORE THE DAY OF THE APPLICABLE PRIMARY, GENERAL, RUNOFF OR SPECIAL ELECTION. ANY CONTRIBUTION, CONTRIBUTIONS, OR A PORTION OF A CONTRIBUTION DETERMINED TO BE INVALID FOR MATCHING FUNDS BY THE BOARD MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION FOR ANY PURPOSE.

(B) THE FOLLOWING CONTRIBUTIONS ARE NOT MATCHABLE:

(I) LOANS;

(II) IN-KIND CONTRIBUTIONS OF PROPERTY, GOODS, OR SERVICES;

(III) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR AN ITEM WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE;

(IV) TRANSFERS FROM A PARTY OR CONSTITUTED COMMITTEE;

(V) ANONYMOUS CONTRIBUTIONS OR CONTRIBUTIONS WHOSE SOURCE IS NOT ITEMIZED AS REQUIRED BY SECTION 14-201 OF THIS TITLE;

(VI) CONTRIBUTIONS GATHERED DURING A PREVIOUS ELECTION CYCLE;

(VII) ILLEGAL CONTRIBUTIONS;

(VIII) CONTRIBUTIONS FROM MINORS;

(IX) CONTRIBUTIONS FROM VENDORS FOR CAMPAIGNS; AND

(X) CONTRIBUTIONS FROM LOBBYISTS REGISTERED PURSUANT TO SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLATIVE LAW.

13. THE TERM "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR A COVERED ELECTION WHO FAILS TO FILE A WRITTEN CERTIFICATION IN THE FORM OF AN AFFIDAVIT UNDER SECTION 14-204 OF THIS TITLE BY THE APPLICABLE DEADLINE.

14. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, STATE COMPTROLLER, STATE SENATOR, MEMBER OF THE ASSEMBLY, DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, OR DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, WHO FILES A WRITTEN CERTIFICATION IN THE FORM OF AN AFFIDAVIT PURSUANT TO SECTION 14-204 OF THIS TITLE.

15. THE TERM "POST-ELECTION PERIOD" SHALL MEAN THE FIVE YEARS FOLLOWING AN ELECTION WHEN A CANDIDATE IS SUBJECT TO AN AUDIT.

16. THE TERM "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE FOR WHICH PUBLIC MATCHING FUNDS MAY BE USED.

17. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF MATCHABLE CONTRIBUTIONS THAT A CANDIDATE'S AUTHORIZED COMMITTEE MUST RECEIVE IN TOTAL IN ORDER FOR SUCH CANDIDATE TO QUALIFY FOR VOLUNTARY PUBLIC FINANCING UNDER THIS TITLE.

18. THE TERM "TRANSFER" SHALL MEAN ANY EXCHANGE OF FUNDS BETWEEN A PARTY OR CONSTITUTED COMMITTEE AND A CANDIDATE OR ANY OF HIS OR HER AUTHORIZED COMMITTEES.

S 14-201. REPORTING REQUIREMENTS. 1. POLITICAL COMMITTEE REGISTRATION. POLITICAL COMMITTEES AS DEFINED PURSUANT TO SUBDIVISION ONE OF SECTION 14-100 OF THIS ARTICLE SHALL REGISTER WITH THE BOARD BEFORE MAKING ANY CONTRIBUTION OR EXPENDITURE. THE BOARD SHALL PUBLISH A CUMULATIVE LIST OF POLITICAL COMMITTEES THAT HAVE REGISTERED, INCLUDING ON ITS WEBPAGE, AND REGULARLY UPDATE IT.

2. ONLY ONE AUTHORIZED COMMITTEE PER CANDIDATE PER ELECTIVE OFFICE SOUGHT. BEFORE RECEIVING ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR

A COVERED ELECTION, EACH CANDIDATE SHALL NOTIFY THE BOARD AS TO THE EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN APPROVED BY SUCH CANDIDATE. EACH CANDIDATE SHALL HAVE ONE AND ONLY ONE AUTHORIZED COMMITTEE PER ELECTIVE OFFICE SOUGHT. EACH AUTHORIZED COMMITTEE SHALL HAVE A TREASURER AND IS SUBJECT TO THE RESTRICTIONS FOUND IN SECTION 14-112 OF THIS ARTICLE.

3. (A) DETAILED REPORTING. IN ADDITION TO EACH AUTHORIZED AND POLITICAL COMMITTEE REPORTING TO THE BOARD EVERY CONTRIBUTION AND LOAN RECEIVED AND EVERY EXPENDITURE MADE IN THE TIME AND MANNER PRESCRIBED BY SECTIONS 14-102, 14-104 AND 14-108 OF THIS ARTICLE, EACH AUTHORIZED AND POLITICAL COMMITTEE SHALL ALSO SUBMIT DISCLOSURE REPORTS ON MARCH FIFTEENTH AND MAY FIFTEENTH OF EACH ELECTION YEAR REPORTING TO THE BOARD EVERY CONTRIBUTION AND LOAN RECEIVED AND EVERY EXPENDITURE MADE. FOR CONTRIBUTORS WHO MAKE CONTRIBUTIONS OF FIVE HUNDRED DOLLARS OR MORE, EACH AUTHORIZED AND POLITICAL COMMITTEE SHALL REPORT TO THE BOARD THE OCCUPATION, AND BUSINESS ADDRESS OF EACH CONTRIBUTOR, LENDER, AND INTERMEDIARY. THE BOARD SHALL REVISE, PREPARE AND POST FORMS ON ITS WEBPAGE THAT FACILITATE COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

(B) BOARD REVIEW. THE BOARD SHALL REVIEW EACH DISCLOSURE REPORT FILED AND SHALL INFORM AUTHORIZED AND POLITICAL COMMITTEES OF RELEVANT QUESTIONS IT HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF THIS TITLE AND OF THE RULES ISSUED BY THE BOARD; AND (II) QUALIFICATION FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. IN THE COURSE OF THIS REVIEW, IT SHALL GIVE AUTHORIZED AND POLITICAL COMMITTEES AN OPPORTUNITY TO RESPOND TO AND CORRECT POTENTIAL VIOLATIONS AND GIVE CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS IT HAS CONCERNING THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER ISSUES CONCERNING ELIGIBILITY FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. NOTHING IN THIS PARAGRAPH SHALL PRECLUDE THE CHIEF ENFORCEMENT COUNSEL FROM SUBSEQUENTLY REVIEWING SUCH DISCLOSURE REPORTS AND TAKING ANY ACTION OTHERWISE AUTHORIZED UNDER THIS TITLE.

(C) ITEMIZATION. CONTRIBUTIONS THAT ARE NOT ITEMIZED IN REPORTS FILED WITH THE BOARD SHALL NOT BE MATCHABLE.

(D) OPTION TO FILE MORE FREQUENTLY. PARTICIPATING CANDIDATES MAY FILE REPORTS OF CONTRIBUTIONS AS FREQUENTLY AS ONCE A WEEK ON MONDAY SO THAT THEIR MATCHING FUNDS MAY BE PAID AT THE EARLIEST ALLOWABLE DATE.

S 14-202. CONTRIBUTIONS. RECIPIENTS OF FUNDS PURSUANT TO THIS TITLE SHALL BE SUBJECT TO THE APPLICABLE CONTRIBUTION LIMITS SET FORTH IN SECTION 14-114 OF THIS ARTICLE.

S 14-203. PROOF OF COMPLIANCE. AUTHORIZED AND POLITICAL COMMITTEES SHALL MAINTAIN SUCH RECORDS OF RECEIPTS AND EXPENDITURES FOR A COVERED ELECTION AS REQUIRED BY THE BOARD. AUTHORIZED AND POLITICAL COMMITTEES SHALL OBTAIN AND FURNISH TO THE BOARD ANY INFORMATION IT MAY REQUEST RELATING TO FINANCIAL TRANSACTIONS OR CONTRIBUTIONS AND FURNISH SUCH DOCUMENTATION AND OTHER PROOF OF COMPLIANCE WITH THIS TITLE AS MAY BE REQUESTED. IN COMPLIANCE WITH SECTION 14-108 OF THIS ARTICLE, AUTHORIZED AND POLITICAL COMMITTEES SHALL MAINTAIN COPIES OF SUCH RECORDS FOR A PERIOD OF FIVE YEARS.

S 14-204. ELIGIBILITY. 1. TERMS AND CONDITIONS. TO BE ELIGIBLE FOR VOLUNTARY PUBLIC FINANCING UNDER THIS TITLE, A CANDIDATE MUST:

(A) BE A CANDIDATE IN A COVERED ELECTION;

(B) MEET ALL THE REQUIREMENTS OF LAW TO HAVE HIS OR HER NAME ON THE BALLOT;

(C) IN THE CASE OF A COVERED GENERAL OR SPECIAL ELECTION, BE OPPOSED BY ANOTHER CANDIDATE ON THE BALLOT WHO IS NOT A WRITE-IN CANDIDATE;

(D) SUBMIT A CERTIFICATION IN THE FORM OF AN AFFIDAVIT, IN SUCH FORM AS MAY BE PRESCRIBED BY THE BOARD, THAT SETS FORTH HIS OR HER ACCEPTANCE OF AND AGREEMENT TO COMPLY WITH THE TERMS AND CONDITIONS FOR THE PROVISION OF SUCH FUNDS IN EACH COVERED ELECTION AND SUCH CERTIFICATION SHALL BE SUBMITTED AT LEAST FOUR MONTHS BEFORE THE ELECTION PURSUANT TO A SCHEDULE PROMULGATED BY THE BOARD;

(E) BE CERTIFIED AS A PARTICIPATING CANDIDATE BY THE BOARD;

(F) NOT MAKE, AND NOT HAVE MADE, EXPENDITURES FROM OR USE HIS OR HER PERSONAL FUNDS OR PROPERTY OR THE PERSONAL FUNDS OR PROPERTY JOINTLY HELD WITH HIS OR HER SPOUSE, OR UNEMANCIPATED CHILDREN IN CONNECTION WITH HIS OR HER NOMINATION ELECTION OR ELECTION TO A COVERED OFFICE, BUT MAY MAKE A CONTRIBUTION TO HIS OR HER AUTHORIZED COMMITTEE IN AN AMOUNT THAT DOES NOT EXCEED THREE TIMES THE APPLICABLE CONTRIBUTION LIMIT FROM AN INDIVIDUAL CONTRIBUTOR TO CANDIDATES FOR THE OFFICE THAT HE OR SHE IS SEEKING;

(G) MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION TWO OF THIS SECTION;

(H) CONTINUE TO ABIDE BY ALL REQUIREMENTS DURING THE POST-ELECTION PERIOD;

(I) AGREE NOT TO EXPEND FOR CAMPAIGN PURPOSES ANY PORTION OF ANY PRE-EXISTING FUNDS RAISED FOR ANY PUBLIC OFFICE OR PARTY POSITION PRIOR TO THE FIRST DAY OF THE ELECTION CYCLE FOR WHICH THE CANDIDATE SEEKS CERTIFICATION. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO LIMIT, IN ANY WAY, ANY CANDIDATE OR PUBLIC OFFICIAL FROM EXPENDING ANY PORTION OF PRE-EXISTING CAMPAIGN FUNDS FOR ANY LAWFUL PURPOSE OTHER THAN THOSE RELATED TO HIS OR HER CAMPAIGN; AND

(J) NOT HAVE ACCEPTED CONTRIBUTIONS IN AMOUNTS EXCEEDING THE CONTRIBUTION LIMITS SET FORTH FOR PARTICIPATING CANDIDATES IN PARAGRAPHS A AND B OF SUBDIVISION ONE OF SECTION 14-114 OF THIS ARTICLE DURING THE ELECTION CYCLE FOR WHICH THE CANDIDATE SEEKS CERTIFICATION;

(I) PROVIDED HOWEVER, THAT, IF A CANDIDATE ACCEPTED CONTRIBUTIONS EXCEEDING SUCH LIMITS BEFORE CERTIFICATION, SUCH ACCEPTANCE SHALL NOT PREVENT THE CANDIDATE FROM BEING CERTIFIED BY THE BOARD IF THE CANDIDATE IMMEDIATELY PAYS TO THE FUND OR RETURNS TO THE CONTRIBUTOR THE PORTION OF ANY CONTRIBUTION THAT EXCEEDED THE APPLICABLE CONTRIBUTION LIMIT.

(II) IF THE CANDIDATE IS UNABLE TO RETURN SUCH FUNDS IMMEDIATELY BECAUSE THEY HAVE ALREADY BEEN SPENT, ACCEPTANCE OF CONTRIBUTIONS EXCEEDING THE LIMITS SHALL NOT PREVENT THE CANDIDATE FROM BEING CERTIFIED BY THE BOARD IF THE CANDIDATE SUBMITS AN AFFIDAVIT AGREEING TO PAY TO THE FUND ALL PORTIONS OF ANY CONTRIBUTIONS THAT EXCEEDED THE LIMIT NO LATER THAN THIRTY DAYS BEFORE THE GENERAL ELECTION. IF A CANDIDATE PROVIDES THE BOARD WITH SUCH AN AFFIDAVIT, ANY DISBURSEMENT OF PUBLIC FUNDS TO THE CANDIDATE MADE UNDER SECTION 14-206 OF THIS TITLE SHALL BE REDUCED BY NO MORE THAN TWENTY-FIVE PERCENT UNTIL THE TOTAL AMOUNT OWED BY THE CANDIDATE IS REPAID.

(III) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE A CANDIDATE WHO RETAINS FUNDS RAISED DURING A PREVIOUS ELECTION CYCLE TO FORFEIT SUCH FUNDS. FUNDS RAISED DURING A PREVIOUS ELECTION CYCLE MAY BE RETAINED, BUT ONLY IF THE CANDIDATE PLACES THE FUNDS IN ESCROW.

(IV) CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BY THE CANDIDATE OR AN AUTHORIZED COMMITTEE OF THE CANDIDATE PRIOR TO THE EFFECTIVE DATE OF THIS TITLE SHALL NOT CONSTITUTE A VIOLATION OF THIS TITLE. UNEXPENDED CONTRIBUTIONS SHALL BE TREATED THE SAME AS CAMPAIGN SURPLUSES UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.

2. THRESHOLD FOR ELIGIBILITY. (A) THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR PARTICIPATING CANDIDATES SHALL BE IN THE CASE OF:

(I) GOVERNOR, NOT LESS THAN SIX HUNDRED FIFTY THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST SIX THOUSAND FIVE HUNDRED MATCHABLE CONTRIBUTIONS COMPRISED OF SUMS BETWEEN TEN AND ONE HUNDRED SEVENTY-FIVE DOLLARS PER CONTRIBUTOR, FROM RESIDENTS OF NEW YORK STATE;

(II) LIEUTENANT GOVERNOR, ATTORNEY GENERAL, AND COMPTROLLER, NOT LESS THAN TWO HUNDRED THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST TWO THOUSAND MATCHABLE CONTRIBUTIONS COMPRISED OF SUMS BETWEEN TEN AND ONE HUNDRED SEVENTY-FIVE DOLLARS PER CONTRIBUTOR, FROM RESIDENTS OF NEW YORK STATE;

(III) STATE SENATOR, NOT LESS THAN TWENTY THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST TWO HUNDRED MATCHABLE CONTRIBUTIONS COMPRISED OF SUMS BETWEEN TEN AND ONE HUNDRED SEVENTY-FIVE DOLLARS PER CONTRIBUTOR, FROM RESIDENTS OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED; AND

(IV) MEMBER OF THE ASSEMBLY, DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, OR DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, NOT LESS THAN TEN THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST ONE HUNDRED MATCHABLE CONTRIBUTIONS COMPRISED OF SUMS BETWEEN TEN AND ONE HUNDRED SEVENTY-FIVE DOLLARS PER CONTRIBUTOR, FROM RESIDENTS OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

(B) ANY PARTICIPATING CANDIDATE MEETING THE THRESHOLD FOR ELIGIBILITY IN A PRIMARY ELECTION FOR ONE OF THE FOREGOING OFFICES SHALL BE DEEMED TO HAVE MET THE THRESHOLD FOR ELIGIBILITY FOR SUCH OFFICE IN ANY OTHER SUBSEQUENT ELECTION HELD IN THE SAME CALENDAR YEAR.

S 14-205. LIMITS ON PUBLIC FINANCING. THE FOLLOWING LIMITATIONS APPLY TO THE TOTAL AMOUNTS OF PUBLIC FUNDS THAT MAY BE PROVIDED TO A PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE FOR AN ELECTION CYCLE:

1. IN ANY PRIMARY ELECTION, RECEIPT OF PUBLIC FUNDS BY PARTICIPATING CANDIDATES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED:

(I) FOR GOVERNOR, THE SUM OF EIGHT MILLION DOLLARS;

(II) FOR LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL, THE SUM OF FOUR MILLION DOLLARS;

(III) FOR SENATOR, THE SUM OF THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS;

(IV) FOR MEMBER OF THE ASSEMBLY, DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, OR DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, THE SUM OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS.

2. IN ANY GENERAL OR SPECIAL ELECTION, RECEIPT OF PUBLIC FUNDS BY A PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

CANDIDATES FOR ELECTION TO THE OFFICE OF:	
GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED)	$10,000,000
ATTORNEY GENERAL	$4,000,000
COMPTROLLER	$4,000,000
MEMBER OF SENATE	$375,000
MEMBER OF ASSEMBLY, DELEGATE-AT-LARGE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION, OR DISTRICT DELEGATE TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION	$175,000

3. NO PARTICIPATING CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS NOT OPPOSED BY A CANDIDATE ON THE BALLOT IN A PRIMARY ELECTION SHALL BE ENTITLED TO PAYMENT OF PUBLIC MATCHING FUNDS, EXCEPT THAT, WHERE THERE IS A CONTEST IN SUCH PRIMARY ELECTION FOR THE NOMINATION OF AT LEAST ONE

OF THE TWO POLITICAL PARTIES WITH THE HIGHEST AND SECOND HIGHEST NUMBER OF ENROLLED MEMBERS FOR SUCH OFFICE, A PARTICIPATING CANDIDATE WHO IS UNOPPOSED IN THE PRIMARY ELECTION MAY RECEIVE PUBLIC FUNDS BEFORE THE PRIMARY ELECTION, FOR EXPENSES INCURRED ON OR BEFORE THE DATE OF SUCH PRIMARY ELECTION, IN AN AMOUNT EQUAL TO UP TO HALF THE SUM SET FORTH IN PARAGRAPH ONE OF THIS SECTION.

S 14-206. PAYMENT OF PUBLIC MATCHING FUNDS. 1. DETERMINATION OF ELIGIBILITY. NO PUBLIC MATCHING FUNDS SHALL BE PAID TO AN AUTHORIZED COMMITTEE UNLESS THE BOARD DETERMINES THAT THE PARTICIPATING CANDIDATE HAS MET THE ELIGIBILITY REQUIREMENTS OF THIS TITLE. PAYMENT SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN SUBDIVISION TWO OF THIS SECTION, AND SHALL BE MADE ONLY IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENT MAY BE MADE ONLY TO THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE. NO PUBLIC MATCHING FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

2. CALCULATION OF PAYMENT. IF THE THRESHOLD FOR ELIGIBILITY IS MET, THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE SHALL RECEIVE PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES OF SIX DOLLARS OF PUBLIC MATCHING FUNDS FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS, FOR THE FIRST ONE HUNDRED SEVENTY-FIVE DOLLARS OF ELIGIBLE PRIVATE FUNDS PER CONTRIBUTOR, OBTAINED AND REPORTED TO THE BOARD IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. THE MAXIMUM PAYMENT OF PUBLIC MATCHING FUNDS SHALL BE LIMITED TO THE AMOUNTS SET FORTH IN SECTION 14-205 OF THIS TITLE FOR THE COVERED ELECTION.

3. TIMING OF PAYMENT. THE BOARD SHALL MAKE ANY PAYMENT OF PUBLIC MATCHING FUNDS TO PARTICIPATING CANDIDATES AS SOON AS IS PRACTICABLE. BUT IN ALL CASES, IT SHALL VERIFY ELIGIBILITY FOR PUBLIC MATCHING FUNDS WITHIN FOUR DAYS, EXCLUDING WEEKENDS AND HOLIDAYS, OF RECEIVING A CAMPAIGN CONTRIBUTION REPORT FILED IN COMPLIANCE WITH SECTION 14-104 OF THIS ARTICLE. WITHIN TWO DAYS OF DETERMINING THAT A CANDIDATE FOR A COVERED OFFICE IS ELIGIBLE FOR PUBLIC MATCHING FUNDS, IT SHALL AUTHORIZE PAYMENT OF THE APPLICABLE MATCHING FUNDS OWED TO THE CANDIDATE. HOWEVER, IT SHALL NOT MAKE ANY PAYMENTS OF PUBLIC MONEY EARLIER THAN THE EARLIEST DATES FOR MAKING SUCH PAYMENTS AS PROVIDED BY THIS TITLE. IF ANY OF SUCH PAYMENTS WOULD REQUIRE PAYMENT ON A WEEKEND OR FEDERAL HOLIDAY, PAYMENT SHALL BE MADE ON THE NEXT BUSINESS DAY.

4. ELECTRONIC FUNDS TRANSFER. THE BOARD SHALL, IN CONSULTATION WITH THE OFFICE OF THE COMPTROLLER, PROMULGATE RULES TO FACILITATE ELECTRONIC FUNDS TRANSFERS DIRECTLY FROM THE CAMPAIGN FINANCE FUND INTO AN AUTHORIZED COMMITTEE'S BANK ACCOUNT.

5. IRREGULARLY SCHEDULED ELECTIONS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE BOARD SHALL PROMULGATE RULES TO PROVIDE FOR THE PROMPT ISSUANCE OF PUBLIC MATCHING FUNDS TO ELIGIBLE PARTICIPATING CANDIDATES FOR QUALIFIED CAMPAIGN EXPENDITURES IN THE CASE OF ANY OTHER COVERED ELECTION HELD ON A DAY DIFFERENT FROM THAT THAN ORIGINALLY SCHEDULED INCLUDING SPECIAL ELECTIONS. BUT IN ALL CASES, THE BOARD SHALL (A) WITHIN FOUR DAYS, EXCLUDING WEEKENDS AND HOLIDAYS, OF RECEIVING A REPORT OF CONTRIBUTIONS FROM A CANDIDATE FOR A COVERED OFFICE CLAIMING ELIGIBILITY FOR PUBLIC MATCHING FUNDS VERIFY THAT CANDIDATE'S ELIGIBILITY FOR PUBLIC MATCHING FUNDS; AND (B) WITHIN TWO DAYS OF DETERMINING THAT THE CANDIDATE FOR A COVERED OFFICE IS ELIGIBLE FOR PUBLIC MATCHING FUNDS, IT SHALL AUTHORIZE PAYMENT OF THE APPLICABLE MATCHING FUNDS OWED TO THE CANDIDATE.

S 14-207. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC MATCHING FUNDS PROVIDED UNDER THE PROVISIONS OF THIS

TITLE MAY BE USED ONLY BY AN AUTHORIZED COMMITTEE FOR EXPENDITURES TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION OR ELECTION, INCLUDING PAYING FOR DEBTS INCURRED WITHIN ONE YEAR PRIOR TO AN ELECTION TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION OR ELECTION.

2. SUCH PUBLIC MATCHING FUNDS MAY NOT BE USED FOR:

(A) AN EXPENDITURE IN VIOLATION OF ANY LAW;

(B) AN EXPENDITURE IN EXCESS OF THE FAIR MARKET VALUE OF SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF VALUE RECEIVED IN EXCHANGE;

(C) AN EXPENDITURE MADE AFTER THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE BALLOT;

(D) AN EXPENDITURE MADE AFTER THE ONLY REMAINING OPPONENT OF THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE GENERAL OR SPECIAL ELECTION BALLOT;

(E) AN EXPENDITURE MADE BY CASH PAYMENT;

(F) A CONTRIBUTION OR LOAN OR TRANSFER MADE TO OR EXPENDITURE TO SUPPORT ANOTHER CANDIDATE OR POLITICAL COMMITTEE OR PARTY, COMMITTEE OR CONSTITUTED COMMITTEE;

(G) AN EXPENDITURE TO SUPPORT OR OPPOSE A CANDIDATE FOR AN OFFICE OTHER THAN THAT WHICH THE PARTICIPATING CANDIDATE SEEKS;

(H) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER PRINTED CAMPAIGN MATERIAL;

(I) LEGAL FEES TO DEFEND AGAINST A CRIMINAL CHARGE;

(J) PAYMENTS TO IMMEDIATE FAMILY MEMBERS OF THE PARTICIPATING CANDIDATE; OR

(K) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE, AUTHORIZATION, DECLINATION OR SUBSTITUTION.

S 14-208. POWERS AND DUTIES OF THE BOARD. 1. ADVISORY OPINIONS. THE BOARD SHALL RENDER ADVISORY OPINIONS WITH RESPECT TO QUESTIONS ARISING UNDER THIS TITLE UPON THE WRITTEN REQUEST OF A CANDIDATE, AN OFFICER OF A POLITICAL COMMITTEE OR MEMBER OF THE PUBLIC, OR UPON ITS OWN INITIATIVE. THE BOARD SHALL PROMULGATE RULES REGARDING REASONABLE TIMES TO RESPOND TO SUCH REQUESTS. THE BOARD SHALL MAKE PUBLIC THE QUESTIONS OF INTERPRETATION FOR WHICH ADVISORY OPINIONS WILL BE CONSIDERED BY THE BOARD AND ITS ADVISORY OPINIONS, INCLUDING BY PUBLICATION ON ITS WEBPAGE WITH IDENTIFYING INFORMATION REDACTED AS THE BOARD DETERMINES TO BE APPROPRIATE.

2. PUBLIC INFORMATION AND CANDIDATE EDUCATION. THE BOARD SHALL DEVELOP A PROGRAM FOR INFORMING CANDIDATES AND THE PUBLIC AS TO THE PURPOSE AND EFFECT OF THE PROVISIONS OF THIS TITLE, INCLUDING BY MEANS OF A WEBPAGE. THE BOARD SHALL PREPARE IN PLAIN LANGUAGE AND MAKE AVAILABLE EDUCATIONAL MATERIALS, INCLUDING COMPLIANCE MANUALS AND SUMMARIES AND EXPLANATIONS OF THE PURPOSES AND PROVISIONS OF THIS TITLE. THE BOARD SHALL PREPARE OR HAVE PREPARED AND MAKE AVAILABLE MATERIALS, INCLUDING, TO THE EXTENT FEASIBLE, COMPUTER SOFTWARE, TO FACILITATE THE TASK OF COMPLIANCE WITH THE DISCLOSURE AND RECORD-KEEPING REQUIREMENTS OF THIS TITLE.

3. RULES AND REGULATIONS. THE BOARD SHALL HAVE THE AUTHORITY TO PROMULGATE SUCH RULES AND REGULATIONS AND PROVIDE SUCH FORMS AS IT DEEMS NECESSARY FOR THE ADMINISTRATION OF THIS TITLE.

4. DATABASE. THE BOARD SHALL DEVELOP AN INTERACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMATION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR AUTHORIZED COMMITTEE, INDEPENDENT EXPENDITURES IN SUPPORT OR OPPOSITION OF CANDIDATES FOR

COVERED OFFICES, AND DISTRIBUTIONS OF MONEYS FROM THE FUND. SUCH DATABASE SHALL BE ACCESSIBLE TO THE PUBLIC ON THE BOARD'S WEBPAGE.

5. THE BOARD SHALL WORK WITH THE CHIEF ENFORCEMENT COUNSEL TO ENFORCE THIS SECTION.

S 14-209. AUDITS AND REPAYMENTS. 1. AUDITS. THE BOARD SHALL AUDIT AND EXAMINE ALL MATTERS RELATING TO THE PROPER ADMINISTRATION OF THIS TITLE AND SHALL COMPLETE SUCH AUDIT NO LATER THAN TWO YEARS AFTER THE ELECTION IN QUESTION. EVERY CANDIDATE WHO RECEIVES PUBLIC FUNDS UNDER THIS TITLE SHALL BE AUDITED BY THE BOARD. THE COST OF COMPLYING WITH A POST-ELECTION AUDIT SHALL BE BORNE BY THE CANDIDATE'S AUTHORIZED COMMITTEE USING PUBLIC FUNDS, PRIVATE FUNDS OR ANY COMBINATION OF SUCH FUNDS. CANDIDATES WHO RUN IN ANY PRIMARY OR GENERAL ELECTION MUST MAINTAIN A RESERVE OF THREE PERCENT OF THE PUBLIC FUNDS RECEIVED TO COMPLY WITH THE POST-ELECTION AUDIT. THE BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED A FINAL AUDIT REPORT THAT DETAILS ITS FINDINGS.

2. REPAYMENTS. (A) IF THE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE FUND WAS IN EXCESS OF THE AGGREGATE AMOUNT OF PAYMENTS THAT SUCH CANDIDATE WAS ELIGIBLE TO RECEIVE PURSUANT TO THIS TITLE, IT SHALL NOTIFY SUCH COMMITTEE AND SUCH COMMITTEE SHALL PAY TO THE BOARD AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS. PROVIDED, HOWEVER, THAT IF THE ERRONEOUS PAYMENT WAS THE RESULT OF AN ERROR BY THE BOARD, THEN THE ERRONEOUS PAYMENT WILL BE DEDUCTED FROM ANY FUTURE PAYMENT, IF ANY, AND IF NO PAYMENT IS TO BE MADE THEN NEITHER THE CANDIDATE NOR THE COMMITTEE SHALL BE LIABLE TO REPAY THE EXCESS AMOUNT TO THE BOARD. THE CANDIDATE, THE TREASURER AND THE CANDIDATE'S AUTHORIZED COMMITTEE ARE JOINTLY AND SEVERABLY LIABLE FOR ANY REPAYMENTS TO THE BOARD.

(B) IF THE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN QUALIFIED CAMPAIGN EXPENDITURES AND SUCH EXPENDITURES WERE NOT APPROVED BY THE BOARD, IT SHALL NOTIFY SUCH COMMITTEE OF THE AMOUNT SO DISQUALIFIED AND SUCH COMMITTEE SHALL PAY TO THE BOARD AN AMOUNT EQUAL TO SUCH DISQUALIFIED AMOUNT. THE CANDIDATE, THE TREASURER AND THE CANDIDATE'S AUTHORIZED COMMITTEE ARE JOINTLY AND SEVERABLY LIABLE FOR ANY REPAYMENTS TO THE BOARD.

(C) IF THE TOTAL OF PAYMENTS FROM THE FUND RECEIVED BY A PARTICIPATING CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEE EXCEED THE TOTAL CAMPAIGN EXPENDITURES OF SUCH CANDIDATE AND AUTHORIZED COMMITTEE FOR ALL COVERED ELECTIONS HELD IN THE SAME CALENDAR YEAR OR FOR A SPECIAL ELECTION TO FILL A VACANCY, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH AUTHORIZED COMMITTEE FROM THE FUND DURING SUCH CALENDAR YEAR OR FOR SUCH SPECIAL ELECTION. PARTICIPATING CANDIDATES SHALL PAY TO THE BOARD UNSPENT PUBLIC CAMPAIGN FUNDS FROM AN ELECTION NOT LATER THAN TWENTY-SEVEN DAYS AFTER ALL LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND IN ANY EVENT, NOT LATER THAN THE DAY ON WHICH THE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT PUBLIC CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE AND PAYABLE TO THE BOARD UPON A DETERMINATION BY THE BOARD THAT THE PARTICIPANT HAS DELAYED THE POST-ELECTION AUDIT. A PARTICIPATING CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES WITH PUBLIC FUNDS ONLY FOR ROUTINE ACTIVITIES INVOLVING NOMINAL COST ASSOCIATED WITH WINDING UP A CAMPAIGN AND RESPONDING TO THE POST-ELECTION AUDIT. NOTHING IN THIS TITLE SHALL BE CONSTRUED TO PREVENT A CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEE FROM USING CAMPAIGN CONTRIBUTIONS RECEIVED FROM PRIVATE CONTRIBUTORS FOR OTHERWISE LAWFUL EXPENDITURES.

3. RULES AND REGULATIONS. THE BOARD SHALL PROMULGATE REGULATIONS FOR THE CERTIFICATION OF THE AMOUNT OF FUNDS PAYABLE BY THE COMPTROLLER, FROM THE FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW, TO A PARTICIPATING CANDIDATE THAT HAS QUALIFIED TO RECEIVE SUCH PAYMENT. THESE REGULATIONS SHALL INCLUDE THE PROMULGATION AND DISTRIBUTION OF FORMS ON WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE REPORTED, THE PERIODS DURING WHICH SUCH REPORTS MUST BE FILED AND THE VERIFICATION REQUIRED. THE BOARD SHALL INSTITUTE PROCEDURES WHICH WILL MAKE POSSIBLE PAYMENT BY THE FUND WITHIN FOUR BUSINESS DAYS AFTER RECEIPT OF THE REQUIRED FORMS AND VERIFICATIONS.

S 14-210. ENFORCEMENT AND PENALTIES FOR VIOLATIONS AND OTHER PROCEEDINGS. 1. CIVIL PENALTIES. VIOLATIONS OF ANY PROVISION OF THIS TITLE OR RULE PROMULGATED PURSUANT TO THIS TITLE SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT IN EXCESS OF FIFTEEN THOUSAND DOLLARS.

2. NOTICE OF VIOLATION AND OPPORTUNITY TO CONTEST. THE BOARD SHALL:

(A) DETERMINE WHETHER A VIOLATION OF ANY PROVISION OF THIS TITLE OR RULE PROMULGATED HEREUNDER HAS BEEN COMMITTED;

(B) GIVE WRITTEN NOTICE AND THE OPPORTUNITY TO CONTEST BEFORE AN INDEPENDENT HEARING OFFICER TO EACH PERSON OR ENTITY IT HAS REASON TO BELIEVE HAS COMMITTED A VIOLATION; AND

(C) IF APPROPRIATE, ASSESS PENALTIES FOR VIOLATIONS, FOLLOWING SUCH NOTICE AND OPPORTUNITY TO CONTEST.

3. CRIMINAL CONDUCT. ANY PERSON WHO KNOWINGLY AND WILLFULLY FURNISHES OR SUBMITS FALSE STATEMENTS OR INFORMATION TO THE BOARD IN CONNECTION WITH ITS ADMINISTRATION OF THIS TITLE, SHALL BE GUILTY OF A MISDEMEANOR IN ADDITION TO ANY OTHER PENALTY AS MAY BE IMPOSED UNDER THIS CHAPTER OR PURSUANT TO ANY OTHER LAW. THE CHIEF ENFORCEMENT COUNSEL SHALL SEEK TO RECOVER ANY PUBLIC MATCHING FUNDS OBTAINED AS A RESULT OF SUCH CRIMINAL CONDUCT.

4. PROCEEDINGS AS TO PUBLIC FINANCING. (A) THE DETERMINATION OF ELIGIBILITY PURSUANT TO THIS TITLE AND ANY QUESTION OR ISSUE RELATING TO PAYMENTS FOR CAMPAIGN EXPENDITURES PURSUANT TO THIS TITLE MAY BE CONTESTED IN A PROCEEDING INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDIDATE.

(B) A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO THIS CHAPTER SHALL BE INSTITUTED WITHIN FOURTEEN DAYS AFTER SUCH DETERMINATION WAS MADE. THE BOARD SHALL BE MADE A PARTY TO ANY SUCH PROCEEDING.

(C) UPON THE BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S AUTHORIZED COMMITTEE AFTER THE ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY THIS TITLE, THE CHIEF ENFORCEMENT COUNSEL IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO THE BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE PURSUANT TO THIS TITLE OR TO OBTAIN SUCH AMOUNTS DIRECTLY FROM THE CANDIDATE OR AUTHORIZED COMMITTEE AFTER A HEARING AT THE BOARD.

(D) THE CHIEF ENFORCEMENT COUNSEL IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE BOARD PURSUANT TO THIS TITLE OR TO IMPOSE SUCH PENALTY DIRECTLY AFTER A HEARING AT THE BOARD.

S 14-211. REPORTS. THE BOARD SHALL REVIEW AND EVALUATE THE EFFECT OF THIS TITLE UPON THE CONDUCT OF ELECTION CAMPAIGNS AND SHALL SUBMIT A REPORT TO THE LEGISLATURE ON OR BEFORE JANUARY FIRST, TWO THOUSAND TWENTY, AND EVERY THIRD YEAR THEREAFTER, AND AT ANY OTHER TIME UPON THE

REQUEST OF THE GOVERNOR AND AT SUCH OTHER TIMES AS THE BOARD DEEMS APPROPRIATE. THESE REPORTS SHALL INCLUDE:

1. A LIST OF THE PARTICIPATING AND NONPARTICIPATING CANDIDATES IN COVERED ELECTIONS AND THE VOTES RECEIVED BY EACH CANDIDATE IN THOSE ELECTIONS;

2. THE AMOUNT OF CONTRIBUTIONS AND LOANS RECEIVED, AND EXPENDITURES MADE, ON BEHALF OF THESE CANDIDATES;

3. THE AMOUNT OF PUBLIC MATCHING FUNDS EACH PARTICIPATING CANDIDATE RECEIVED, SPENT, AND REPAID PURSUANT TO THIS TITLE;

4. ANALYSIS OF THE EFFECT OF THIS TITLE ON POLITICAL CAMPAIGNS, INCLUDING ITS EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES, THE CANDIDATES' ABILITY TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE; AND

5. RECOMMENDATIONS FOR AMENDMENTS TO THIS TITLE, INCLUDING CHANGES IN CONTRIBUTION LIMITS, THRESHOLDS FOR ELIGIBILITY, AND ANY OTHER FEATURES OF THE SYSTEM.

S 14-212. DEBATES FOR CANDIDATES FOR STATEWIDE OFFICE. THE BOARD SHALL PROMULGATE REGULATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES WHO SEEK ELECTION TO STATEWIDE OFFICE. PARTICIPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN ONE DEBATE BEFORE EACH ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. NONPARTICIPATING CANDIDATES MAY PARTICIPATE IN SUCH DEBATES.

S 14-213. SEVERABILITY. IF ANY CLAUSE, SENTENCE, SUBDIVISION, PARAGRAPH, SECTION OR PART OF THIS TITLE BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, SUBDIVISION, PARAGRAPH, SECTION OR PART THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED.

S 9. The state finance law is amended by adding a new section 92-t to read as follows:

S 92-T. NEW YORK STATE CAMPAIGN FINANCE FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE NEW YORK STATE CAMPAIGN FINANCE FUND.

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE NEW YORK STATE CAMPAIGN FINANCE FUND CHECK-OFF PURSUANT TO SUBSECTION (H) OF SECTION SIX HUNDRED FIFTY-EIGHT OF THE TAX LAW, FROM THE ABANDONED PROPERTY FUND PURSUANT TO SECTION NINETY-FIVE OF THIS ARTICLE, FROM THE GENERAL FUND, AND FROM ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. SUCH FUND SHALL ALSO RECEIVE CONTRIBUTIONS FROM PRIVATE INDIVIDUALS, ORGANIZATIONS, OR OTHER PERSONS TO FULFILL THE PURPOSES OF THE PUBLIC FINANCING SYSTEM.

3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT TO TITLE II OF ARTICLE FOURTEEN OF THE ELECTION LAW AND FOR ADMINISTRATIVE EXPENSES RELATED TO THE IMPLEMENTATION OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE PAID OUT OF THE FUND BY THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE STATE BOARD OF ELECTIONS, OR ITS DULY DESIGNATED REPRESENTATIVE, IN THE MANNER PRESCRIBED BY LAW, NOT MORE THAN FIVE WORKING DAYS AFTER SUCH VOUCHER IS RECEIVED BY THE STATE COMPTROLLER.

4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF, IN ANY STATE FISCAL YEAR, THE STATE CAMPAIGN FINANCE FUND LACKS THE AMOUNT OF MONEY TO PAY ALL CLAIMS VOUCHERED BY ELIGIBLE CANDIDATES AND CERTIFIED OR APPROVED BY THE STATE BOARD OF ELECTIONS, ANY SUCH DEFICIENCY SHALL BE PAID BY THE STATE COMPTROLLER, FROM FUNDS DEPOSITED IN THE GENERAL FUND OF THE STATE NOT MORE THAN FOUR WORKING DAYS AFTER SUCH VOUCHER IS RECEIVED BY THE STATE COMPTROLLER.

5. COMMENCING IN TWO THOUSAND NINETEEN, IF THE SURPLUS IN THE FUND ON APRIL FIRST OF THE YEAR AFTER A YEAR IN WHICH A GOVERNOR IS ELECTED EXCEEDS TWENTY-FIVE PERCENT OF THE DISBURSEMENTS FROM THE FUND OVER THE PREVIOUS FOUR YEARS, THE EXCESS SHALL REVERT TO THE GENERAL FUND OF THE STATE.

6. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A PRIMARY ELECTION ANY EARLIER THAN THIRTY DAYS AFTER DESIGNATING PETITIONS OR CERTIFICATES OF NOMINATION HAVE BEEN FILED AND NOT LATER THAN THIRTY DAYS AFTER SUCH PRIMARY ELECTION.

7. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A GENERAL ELECTION ANY EARLIER THAN THE DAY AFTER THE DAY OF THE PRIMARY ELECTION HELD TO NOMINATE CANDIDATES FOR SUCH ELECTION.

8. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A SPECIAL ELECTION ANY EARLIER THAN THE DAY AFTER THE LAST DAY TO FILE CERTIFICATES OF PARTY NOMINATION FOR SUCH SPECIAL ELECTION.

9. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO HAS BEEN DISQUALIFIED OR WHOSE DESIGNATING PETITIONS HAVE BEEN DECLARED INVALID BY THE APPROPRIATE BOARD OF ELECTIONS OR A COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY A HIGHER COURT IN A FINAL JUDGMENT. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE ON THE DATE OF SUCH DISQUALIFICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE SUCH DATE. ALL SUCH MONEYS SHALL BE REPAID TO THE FUND.

S 10. Section 95 of the state finance law is amended by adding a new subdivision 5 to read as follows:

5. (A) AS OFTEN AS NECESSARY, THE CO-CHAIRS OF THE STATE BOARD OF ELECTIONS SHALL CERTIFY THE AMOUNT SUCH CO-CHAIRS HAVE DETERMINED NECESSARY TO FUND ESTIMATED PAYMENTS FROM THE FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THIS ARTICLE FOR THE PRIMARY, GENERAL OR SPECIAL ELECTION.

(B) NOTWITHSTANDING ANY PROVISION OF THIS SECTION AUTHORIZING THE TRANSFER OF ANY MONEYS IN THE ABANDONED PROPERTY FUND TO THE GENERAL FUND, THE COMPTROLLER, AFTER RECEIVING AMOUNTS SUFFICIENT TO PAY CLAIMS AGAINST THE ABANDONED PROPERTY FUND, SHALL, BASED UPON A CERTIFICATION OF THE STATE BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, AND AT THE DIRECTION OF THE DIRECTOR OF THE BUDGET, TRANSFER THE REQUESTED AMOUNT FROM REMAINING AVAILABLE MONIES IN THE ABANDONED PROPERTY FUND TO THE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THIS ARTICLE.

S 11. Section 658 of the tax law is amended by adding a new subsection (h) to read as follows:

(H) NEW YORK STATE CAMPAIGN FINANCE FUND CHECK-OFF. (1) FOR EACH TAXABLE YEAR BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, EVERY RESIDENT TAXPAYER WHOSE NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR WHICH THE RETURN IS FILED IS FORTY DOLLARS OR MORE MAY DESIGNATE ON SUCH RETURN THAT FORTY DOLLARS BE PAID INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW. WHERE A HUSBAND AND WIFE FILE A JOINT RETURN AND

HAVE A NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR WHICH THE RETURN IS FILED IS EIGHTY DOLLARS OR MORE, OR FILE SEPARATE RETURNS ON A SINGLE FORM, EACH SUCH TAXPAYER MAY MAKE SEPARATE DESIGNATIONS ON SUCH RETURN OF FORTY DOLLARS TO BE PAID INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND.

(2) THE COMMISSIONER SHALL TRANSFER TO THE NEW YORK STATE CAMPAIGN FINANCE FUND, ESTABLISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW, AN AMOUNT EQUAL TO FORTY DOLLARS MULTIPLIED BY THE NUMBER OF DESIGNATIONS.

(3) FOR PURPOSES OF THIS SUBSECTION, THE INCOME TAX LIABILITY OF AN INDIVIDUAL FOR ANY TAXABLE YEAR IS THE AMOUNT OF TAX IMPOSED UNDER THIS ARTICLE REDUCED BY THE SUM OF THE CREDITS (AS SHOWN IN HIS OR HER RETURN) ALLOWABLE UNDER THIS ARTICLE.

(4) THE DEPARTMENT SHALL INCLUDE A PLACE ON EVERY PERSONAL INCOME TAX RETURN FORM TO BE FILED BY AN INDIVIDUAL FOR A TAX YEAR BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, FOR SUCH TAXPAYER TO MAKE THE DESIGNATIONS DESCRIBED IN PARAGRAPH ONE OF THIS SUBSECTION. SUCH RETURN FORM SHALL CONTAIN A CONCISE EXPLANATION OF THE PURPOSE OF SUCH OPTIONAL DESIGNATIONS.

S 12. Severability. If any clause, sentence, subdivision, paragraph, section or part of title II of article 14 of the election law, as added by section three of this act be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 13. This act shall take effect immediately; provided, however, all affected candidates will be eligible to participate in voluntary public financing beginning with the 2018 primary election.

PART D

Section 1. Subdivisions 2 and 3 of section 86 of the public officers law, as added by chapter 933 of the laws of 1977, are amended and a new subdivision 6 is added to read as follows:

2. "State legislature" means the [legislature of the state of New York, including] NEW YORK STATE SENATE, NEW YORK STATE ASSEMBLY, any committee, subcommittee, joint committee, select committee, or commission thereof, AND ANY MEMBERS, OFFICERS, REPRESENTATIVES AND EMPLOYEES THEREOF.

3. "Agency" means any state or municipal department, board, bureau, division, commission, committee, public authority, public corporation, council, office or other governmental entity performing a governmental or proprietary function for the state or any one or more municipalities thereof, except the judiciary [or the state legislature].

6. "RESPECTIVE HOUSE OF THE STATE LEGISLATURE" MEANS THE NEW YORK STATE SENATE, NEW YORK STATE ASSEMBLY, AND ANY CORRESPONDING COMMITTEE, SUBCOMMITTEE, JOINT COMMITTEE, SELECT COMMITTEE, OR COMMISSION THEREOF, AND ANY MEMBERS, OFFICERS, REPRESENTATIVES AND EMPLOYEES THEREOF.

S 2. Section 87 of the public officers law, as added by chapter 933 of the laws of 1977, paragraph (a) and the opening paragraph of paragraph (b) of subdivision 1 as amended by chapter 80 of the laws of 1983, subparagraph iii of paragraph (b) of subdivision 1 as amended and paragraph (c) of subdivision 1 and subdivision 5 as added by chapter 223 of the laws of 2008, paragraph (d) of subdivision 2 as amended by chapter

289 of the laws of 1990, paragraph (f) of subdivision 2 as amended by chapter 403 of the laws of 2003, paragraph (g) of subdivision 2 as amended by chapter 510 of the laws of 1999, paragraph (i) of subdivision 2 as amended by chapter 154 of the laws of 2010, paragraph (j) of subdivision 2 as added by chapter 746 of the laws of 1988, paragraph (k) of subdivision 2 as separately added by chapters 19, 20, 21, 22, 23 and 383 of the laws of 2009, paragraph (l) of subdivision 2 as added by section 12 of part II of chapter 59 of the laws of 2010, paragraph (m) of subdivision 2 as added by chapter 189 of the laws of 2013, paragraph (n) of subdivision 2 as added by chapter 43 of the laws of 2014, paragraph (n) of subdivision 2 as separately added by chapters 99, 101, and 123 of the laws of 2014, paragraph (o) of subdivision 2 as added by chapter 222 of the laws of 2015, paragraph (c) of subdivision 3 as amended by chapter 499 of the laws of 2008, subdivision 4 as added by chapter 890 of the laws of 1981, and paragraph (c) of subdivision 4 as added by chapter 102 of the laws of 2007, is amended to read as follows:

S 87. Access to agency OR STATE LEGISLATURE records. 1. (a) Within sixty days after the effective date of this article, the governing body of each public corporation shall promulgate uniform rules and regulations for all agencies in such public corporation pursuant to such general rules and regulations as may be promulgated by the committee on open government in conformity with the provisions of this article, pertaining to the administration of this article.

(b) Each agency AND EACH HOUSE OF THE STATE LEGISLATURE shall promulgate rules and regulations, in conformity with this article and applicable rules and regulations promulgated pursuant to the provisions of paragraph (a) of this subdivision, and pursuant to such general rules and regulations as may be promulgated by the committee on open government in conformity with the provisions of this article, pertaining to the availability of records and procedures to be followed, including, but not limited to:

i. the times and places such records are available;

ii. the persons from whom such records may be obtained[,]; and

iii. the fees for copies of records which shall not exceed twenty-five cents per photocopy not in excess of nine inches by fourteen inches, or the actual cost of reproducing any other record in accordance with the provisions of paragraph (c) of this subdivision, except when a different fee is otherwise prescribed by statute.

(c) In determining the actual cost of reproducing a record, an agency AND THE STATE LEGISLATURE may include only:

i. an amount equal to the hourly salary attributed to the lowest paid EMPLOYEE OF AN agency or [employee] RESPECTIVE HOUSE OF THE STATE LEGISLATURE who has the necessary skill required to prepare a copy of the requested record;

ii. the actual cost of the storage devices or media provided to the person making the request in complying with such request;

iii. the actual cost to the agency OR TO THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE of engaging an outside professional service to prepare a copy of a record, but only when an agency's OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE'S information technology equipment is inadequate to prepare a copy, if such service is used to prepare the copy; and

iv. preparing a copy shall not include search time or administrative costs, and no fee shall be charged unless at least two hours of agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE employee time is needed to prepare a copy of the record requested. A person requesting a record shall be informed of the estimated cost of preparing a copy of the

record if more than two hours of an agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE employee's time is needed, or if an outside professional service would be retained to prepare a copy of the record.

2. Each agency AND THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency AND THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE may deny access to records or portions thereof that:

(a) are specifically exempted from disclosure by state or federal statute;

(b) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article;

(c) if disclosed would impair present or imminent contract awards or collective bargaining negotiations PROVIDED, HOWEVER, THAT THE PROPOSED TERMS OF AN AGREEMENT BETWEEN A PUBLIC EMPLOYER AND AN EMPLOYEE ORGANIZATION, AS THOSE TERMS ARE DEFINED IN ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, THAT REQUIRE RATIFICATION BY MEMBERS OF THE EMPLOYEE ORGANIZATION OR BY THE PUBLIC EMPLOYER, WHERE APPLICABLE, OR APPROVAL OF SUCH PROVISIONS BY THE APPROPRIATE LEGISLATIVE BODY AS REQUIRED BY SECTION TWO HUNDRED FOUR-A OF THE CIVIL SERVICE LAW, SHALL BE MADE AVAILABLE TO THE PUBLIC NO LATER THAN WHEN SUCH PROPOSED TERMS ARE SENT TO MEMBERS OF THE EMPLOYEE ORGANIZATION FOR RATIFICATION, WHEN SUCH TERMS ARE PRESENTED TO THE EMPLOYER FOR RATIFICATION, WHERE APPLICABLE, OR WHEN THE PROVISIONS OF SUCH AGREEMENT REQUIRING APPROVAL BY THE APPROPRIATE LEGISLATIVE BODY PURSUANT TO SECTION TWO HUNDRED FOUR-A OF THE CIVIL SERVICE LAW ARE SUBMITTED TO SUCH BODY, WHICHEVER DATE IS EARLIEST. ADDITIONALLY, A COPY OF THE PROPOSED TERMS OF SUCH AGREEMENT SHALL BE PLACED ON THE WEBSITE OF THE APPLICABLE PUBLIC EMPLOYER, IF SUCH WEBSITES EXIST, AND WITHIN THE LOCAL PUBLIC LIBRARIES AND OFFICES OF SUCH PUBLIC EMPLOYER, OR IN THE CASE OF COLLECTIVE BARGAINING AGREEMENTS NEGOTIATED BY THE STATE, ON THE WEBSITE OF THE OFFICE OF EMPLOYEE RELATIONS ON SUCH DATE;

(d) are trade secrets or are submitted to an agency OR TO THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;

(e) are compiled for law enforcement purposes and which, if disclosed, would:

i. interfere with law enforcement investigations or judicial proceedings;

ii. deprive a person of a right to a fair trial or impartial adjudication;

iii. identify a confidential source or disclose confidential information relating to a criminal investigation; or

iv. reveal criminal investigative techniques or procedures, except routine techniques and procedures;

(f) if disclosed could endanger CRITICAL INFRASTRUCTURE OR the life or safety of any person;

(g) are inter-agency or intra-agency materials which are not:

i. statistical or factual tabulations or data;

ii. instructions to staff that affect the public;

iii. final agency policy or determinations;

iv. external audits, including but not limited to audits performed by the comptroller and the federal government; [or]

(G-1) ARE MATERIALS EXCHANGED WITHIN THE STATE LEGISLATURE WHICH ARE NOT:

I. STATISTICAL OR FACTUAL TABULATIONS OR DATA;

II. INSTRUCTIONS TO STAFF THAT AFFECT THE PUBLIC;

III. FINAL POLICY OR DETERMINATIONS OF THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE;

IV. EXTERNAL AUDITS, INCLUDING BUT NOT LIMITED TO AUDITS PERFORMED BY THE COMPTROLLER AND THE FEDERAL GOVERNMENT; OR

(h) are examination questions or answers which are requested prior to the final administration of such questions.

(i) if disclosed, would jeopardize the capacity of an agency, THE STATE LEGISLATURE, or an entity that has shared information with an agency OR THE STATE LEGISLATURE to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or

(j) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-a of the vehicle and traffic law.

(k) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-b of the vehicle and traffic law.

(l) are photographs, microphotographs, videotape or other recorded images produced by a bus lane photo device prepared under authority of section eleven hundred eleven-c of the vehicle and traffic law.

(m) are photographs, microphotographs, videotape or other recorded images prepared under the authority of section eleven hundred eighty-b of the vehicle and traffic law.

(n) are photographs, microphotographs, videotape or other recorded images prepared under the authority of section eleven hundred eighty-c of the vehicle and traffic law.

(n) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-d of the vehicle and traffic law.

(o) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-e of the vehicle and traffic law.

3. Each agency AND THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE shall maintain:

(a) a record of the final vote of each member in every agency OR STATE LEGISLATURE proceeding in which the member votes;

(B) A RECORD OF VOTES OF EACH MEMBER IN EVERY SESSION AND EVERY COMMITTEE AND SUBCOMMITTEE MEETING IN WHICH THE MEMBER OF THE SENATE OR ASSEMBLY VOTES;

[(b)] (C) a record setting forth the name, public office address, title and salary of every officer or employee of the agency OR THE STATE LEGISLATURE; and

[(c)] (D) a reasonably detailed current list by subject matter of all records in the possession of the agency OR STATE LEGISLATURE, whether or not available under this article. Each agency AND EACH RESPECTIVE HOUSE OF THE STATE LEGISLATURE shall update its subject matter list annually, and the date of the most recent update shall be conspicuously indicated on the list. [Each] THE STATE LEGISLATURE AND EACH state agency as defined in subdivision four of this section that maintains a website shall post its current list on its website and such posting shall be linked to the website of the committee on open government. Any such agency OR PART OF THE STATE LEGISLATURE that does not maintain a website

shall arrange to have its list posted on the website of the committee on open government.

4. (a) Each state agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE which maintains records containing trade secrets, to which access may be denied pursuant to paragraph (d) of subdivision two of this section, shall promulgate regulations in conformity with the provisions of subdivision five of section eighty-nine of this article pertaining to such records, including, but not limited to the following:

(1) the manner of identifying the records or parts;

(2) the manner of identifying persons within the agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE to whose custody the records or parts will be charged and for whose inspection and study the records will be made available;

(3) the manner of safeguarding against any unauthorized access to the records.

(b) As used in this subdivision the term "agency" or "state agency" means only a state department, board, bureau, division, council or office and any public corporation the majority of whose members are appointed by the governor.

(c) AS USED IN THIS SUBDIVISION THE TERM "STATE LEGISLATURE" MEANS THE LEGISLATURE AS DEFINED IN SUBDIVISION TWO OF SECTION EIGHTY-SIX OF THIS ARTICLE.

(D) Each state agency AND RESPECTIVE HOUSE OF THE STATE LEGISLATURE that maintains a website shall post information related to this article and article six-A of this chapter on its website. Such information shall include, at a minimum, contact information for the persons from whom records of the agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE may be obtained, the times and places such records are available for inspection and copying, and information on how to request records in person, by mail, and, if the agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE accepts requests for records electronically, by e-mail. This posting shall be linked to the website of the committee on open government.

5. (a) An agency AND THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE shall provide records on the medium requested by a person, if the agency OR THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE can reasonably make such copy or have such copy made by engaging an outside professional service. Records provided in a computer format shall not be encrypted.

(b) No agency NOR THE STATE LEGISLATURE shall enter into or renew a contract for the creation or maintenance of records if such contract impairs the right of the public to inspect or copy the agency's OR THE STATE LEGISLATURE'S records.

6. (A) EACH AGENCY AND HOUSE OF THE STATE LEGISLATURE SHALL PUBLISH, ON ITS INTERNET WEBSITE, TO THE EXTENT PRACTICABLE, RECORDS OR PORTIONS OF RECORDS THAT ARE AVAILABLE TO THE PUBLIC PURSUANT TO THE PROVISIONS OF THIS ARTICLE, OR WHICH, IN CONSIDERATION OF THEIR NATURE, CONTENT OR SUBJECT MATTER, ARE DETERMINED BY THE AGENCY OR HOUSE OF THE STATE LEGISLATURE TO BE OF SUBSTANTIAL INTEREST TO THE PUBLIC. ANY SUCH RECORDS MAY BE REMOVED FROM THE INTERNET WEBSITE WHEN THE AGENCY OR HOUSE OF THE STATE LEGISLATURE DETERMINES THAT THEY ARE NO LONGER OF SUBSTANTIAL INTEREST TO THE PUBLIC. ANY SUCH RECORDS MAY BE REMOVED FROM THE INTERNET WEBSITE WHEN THEY HAVE REACHED THE END OF THEIR LEGAL RETENTION PERIOD. GUIDANCE ON CREATING RECORDS IN ACCESSIBLE FORMATS AND ENSURING THEIR CONTINUING ACCESSIBILITY SHALL BE AVAILABLE FROM THE OFFICE FOR TECHNOLOGY AND THE STATE ARCHIVES.

(B) THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION SHALL NOT APPLY TO RECORDS OR PORTIONS OF RECORDS THE DISCLOSURE OF WHICH WOULD CONSTITUTE AN UNWARRANTED INVASION OF PERSONAL PRIVACY IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION EIGHTY-NINE OF THIS ARTICLE.

(C) THE COMMITTEE ON OPEN GOVERNMENT SHALL PROMULGATE GUIDELINES TO EFFECTUATE THIS SUBDIVISION.

(D) NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED AS TO LIMIT OR ABRIDGE THE POWER OF AN AGENCY OR HOUSE OF THE STATE LEGISLATURE TO PUBLISH RECORDS ON ITS INTERNET WEBSITE THAT ARE SUBJECT TO THE PROVISIONS OF THIS ARTICLE PRIOR TO A WRITTEN REQUEST OR PRIOR TO A FREQUENT REQUEST.

S 3. Section 88 of the public officers law is REPEALED.

S 4. Section 89 of the public officers law, as added by chapter 933 of the laws of 1977, paragraph (a) of subdivision 1 as amended by chapter 33 of the laws of 1984, paragraph (b) of subdivision 1 as amended by chapter 182 of the laws of 2006, subdivision 2 as amended by section 11 of part U of chapter 61 of the laws of 2011, subdivision 2-a as added by chapter 652 of the laws of 1983, subdivision 3 as amended by chapter 223 of the laws of 2008, subdivision 4 as amended by chapter 22 of the laws of 2005, paragraph (c) of subdivision 4 as amended by chapter 492 of the laws of 2006, subdivision 5 as added and subdivision 6 as renumbered by chapter 890 of the laws of 1981, paragraph (a) of subdivision 5 as amended by chapter 403 of the laws of 2003, paragraph (d) of subdivision 5 as amended by chapter 339 of the laws of 2004, subdivision 7 as added by chapter 783 of the laws of 1983, subdivision 8 as added by chapter 705 of the laws of 1989, and subdivision 9 as added by chapter 351 of the laws of 2008, is amended to read as follows:

S 89. General provisions relating to access to records; certain cases. The provisions of this section apply to access to all records, except as hereinafter specified:

1. (a) The committee on open government is continued and shall consist of the lieutenant governor or the delegate of such officer, the secretary of state or the delegate of such officer, whose office shall act as secretariat for the committee, the commissioner of the office of general services or the delegate of such officer, the director of the budget or the delegate of such officer, and seven other persons, none of whom shall hold any other state or local public office except the representative of local governments as set forth herein, to be appointed as follows: five by the governor, at least two of whom are or have been representatives of the news media, one of whom shall be a representative of local government who, at the time of appointment, is serving as a duly elected officer of a local government, one by the temporary president of the senate, and one by the speaker of the assembly. The persons appointed by the temporary president of the senate and the speaker of the assembly shall be appointed to serve, respectively, until the expiration of the terms of office of the temporary president and the speaker to which the temporary president and speaker were elected. The four persons presently serving by appointment of the governor for fixed terms shall continue to serve until the expiration of their respective terms. Thereafter, their respective successors shall be appointed for terms of four years. The member representing local government shall be appointed for a term of four years, so long as such member shall remain a duly elected officer of a local government. The committee shall hold no less than two meetings annually, but may meet at any time. The members of the committee shall be entitled to reimbursement for actual expenses incurred in the discharge of their duties.

(b) The committee shall:

i. furnish to any agency AND TO EACH HOUSE OF THE STATE LEGISLATURE advisory guidelines, opinions or other appropriate information regarding this article;

ii. furnish to any person advisory opinions or other appropriate information regarding this article;

iii. promulgate rules and regulations with respect to the implementation of subdivision one and paragraph (c) of subdivision three of section eighty-seven of this article;

iv. request from any agency AND FROM EITHER HOUSE OF THE STATE LEGISLATURE such assistance, services and information as will enable the committee to effectively carry out its powers and duties;

v. develop a form, which shall be made available on the internet, that may be used by the public to request a record; and

vi. report on its activities and findings regarding this article and article seven of this chapter, including recommendations for changes in the law, to the governor and the legislature annually, on or before December fifteenth.

2. (a) The committee on public access to records may promulgate guidelines regarding deletion of identifying details or withholding of records otherwise available under this article to prevent unwarranted invasions of personal privacy. In the absence of such guidelines, an agency AND THE RESPECTIVE HOUSE OF STATE LEGISLATURE may delete identifying details when it makes records available.

(b) An unwarranted invasion of personal privacy includes, but shall not be limited to:

i. disclosure of employment, medical or credit histories or personal references of applicants for employment;

ii. disclosure of items involving the medical or personal records of a client or patient in a medical facility;

iii. sale or release of lists of names and addresses if such lists would be used for solicitation or fund-raising purposes;

iv. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE requesting or maintaining it;

v. disclosure of information of a personal nature reported in confidence to an agency OR TO THE STATE LEGISLATURE and not relevant to the ordinary work of such agency OR THE STATE LEGISLATURE;

vi. information of a personal nature contained in a workers' compensation record, except as provided by section one hundred ten-a of the workers' compensation law; [or]

vii. disclosure of electronic contact information, such as an e-mail address or a social network username, that has been collected from a taxpayer under section one hundred four of the real property tax law[.]; OR

VIII. DISCLOSURE OF COMMUNICATIONS OF A PERSONAL NATURE BETWEEN LEGISLATORS AND THEIR CONSTITUENTS.

(c) Unless otherwise provided by this article, disclosure shall not be construed to constitute an unwarranted invasion of personal privacy pursuant to paragraphs (a) and (b) of this subdivision:

i. when identifying details are deleted;

ii. when the person to whom a record pertains consents in writing to disclosure;

iii. when upon presenting reasonable proof of identity, a person seeks access to records pertaining to him or her; or

iv. when a record or group of records relates to the right, title or interest in real property, or relates to the inventory, status or characteristics of real property, in which case disclosure and providing copies of such record or group of records shall not be deemed an unwarranted invasion of personal privacy, provided that nothing herein shall be construed to authorize the disclosure of electronic contact information, such as an e-mail address or a social network username, that has been collected from a taxpayer under section one hundred four of the real property tax law.

2-a. Nothing in this article shall permit disclosure which constitutes an unwarranted invasion of personal privacy as defined in subdivision two of this section if such disclosure is prohibited under section ninety-six of this chapter.

3. (a) Each entity subject to the provisions of this article, within five business days of the receipt of a written request for a record reasonably described, shall make such record available to the person requesting it, deny such request in writing or furnish a written acknowledgement of the receipt of such request and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied, including, where appropriate, a statement that access to the record will be determined in accordance with subdivision five of this section. [An] NEITHER AN agency NOR THE STATE LEGISLATURE shall [not] deny a request on the basis that the request is voluminous or that locating or reviewing the requested records or providing the requested copies is burdensome because the agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE lacks sufficient staffing or on any other basis if the agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE may engage an outside professional service to provide copying, programming or other services required to provide the copy, the costs of which the agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE may recover pursuant to paragraph (c) of subdivision one of section eighty-seven of this article. An agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE may require a person requesting lists of names and addresses to provide a written certification that such person will not use such lists of names and addresses for solicitation or fund-raising purposes and will not sell, give or otherwise make available such lists of names and addresses to any other person for the purpose of allowing that person to use such lists of names and addresses for solicitation or fund-raising purposes. If an agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the record or records within twenty business days from the date of the acknowledgement of the receipt of the request, the agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE shall state, in writing, both the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part. Upon payment of, or offer to pay, the fee prescribed therefor, the entity shall provide a copy of such record and certify to the correctness of such copy if so requested, or as the case may be, shall certify that it does not have possession of such record or that such record cannot be found after diligent search. Nothing in this article shall be construed to require any entity to prepare any record not possessed or maintained by such entity except the records specified in subdivision three of section eighty-seven [and subdivision three of section eighty-eight] of this article. When an agency OR THE RESPECTIVE HOUSE OF THE STATE LEGIS-

LATURE has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, it shall be required to do so. When doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency AND RESPECTIVE HOUSE OF THE STATE LEGISLATURE shall be required to retrieve or extract such record or data electronically. Any programming necessary to retrieve a record maintained in a computer storage system and to transfer that record to the medium requested by a person or to allow the transferred record to be read or printed shall not be deemed to be the preparation or creation of a new record.

(b) All entities shall, provided such entity has reasonable means available, accept requests for records submitted in the form of electronic mail and shall respond to such requests by electronic mail, using forms, to the extent practicable, consistent with the form or forms developed by the committee on open government pursuant to subdivision one of this section and provided that the written requests do not seek a response in some other form.

4. (a) Except as provided in subdivision five of this section, any person denied access to a record may within thirty days appeal in writing such denial to the head, chief executive or governing body of the entity, or the person therefor designated by such head, chief executive, or governing body, who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought. In addition, each agency OR THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE shall immediately forward to the committee on open government a copy of such appeal when received by the agency OR SUCH HOUSE and the ensuing determination thereon. Failure by an agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE to conform to the provisions of subdivision three of this section shall constitute a denial.

(b) Except as provided in subdivision five of this section, a person denied access to a record in an appeal determination under the provisions of paragraph (a) of this subdivision may bring a proceeding for review of such denial pursuant to article seventy-eight of the civil practice law and rules. In the event that access to any record is denied pursuant to the provisions of subdivision two of section eighty-seven of this article, the agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE involved shall have the burden of proving that such record falls within the provisions of such subdivision two. Failure by an agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE to conform to the provisions of paragraph (a) of this subdivision shall constitute a denial.

(c) (I) The court in such a proceeding may assess, against such agency OR THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE involved, reasonable [attorney's] ATTORNEYS' fees and other litigation costs reasonably incurred by such person, in any case under the provisions of this section in which such person has substantially prevailed[, when:

i. the agency had no reasonable basis for denying access; or

ii.] AND the agency failed to respond to a request or appeal within the statutory time.

(II) THE COURT IN SUCH PROCEEDING SHALL ASSESS, AGAINST SUCH AGENCY OR THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE INVOLVED, REASONABLE ATTORNEYS' FEES AND OTHER LITIGATION COSTS REASONABLY INCURRED BY SUCH PERSON, IN ANY CASE UNDER THE PROVISIONS OF THIS SECTION IN WHICH SUCH PERSON HAS SUBSTANTIALLY PREVAILED AND THE COURT FINDS THAT THE AGENCY DENIED ACCESS IN CLEAR DISREGARD OF THE EXCEPTIONS TO RIGHTS OF ACCESS

IN SECTION EIGHTY-SEVEN OF THIS ARTICLE AND HAD NO REASONABLE BASIS FOR DENYING ACCESS.

(D) APPEAL TO THE APPELLATE DIVISION OF THE SUPREME COURT MUST BE MADE IN ACCORDANCE WITH LAW, AND MUST BE FILED WITHIN THIRTY DAYS AFTER SERVICE BY A PARTY UPON THE APPELLANT OF A COPY OF THE JUDGMENT OR ORDER APPEALED FROM AND WRITTEN NOTICE OF ITS ENTRY. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, AN APPEAL TAKEN FROM AN ORDER OF THE COURT UNDER THIS SECTION SHALL BE GIVEN PREFERENCE, SHALL BE BROUGHT ON FOR ARGUMENT ON SUCH TERMS AND CONDITIONS AS THE PRESIDING JUSTICE MAY DIRECT UPON APPLICATION OF ANY PARTY TO THE PROCEEDING, AND SHALL BE DEEMED NOT TIMELY FILED WHEN A PARTY FAILS TO SERVE AND FILE A RECORD AND BRIEF WITHIN SIXTY DAYS AFTER THE DATE OF THE NOTICE OF APPEAL. THE CLERK OR A JUSTICE MAY GRANT REASONABLE ENLARGEMENTS OF TIME TO PERFECT OR TO SERVE AND FILE A BRIEF UPON STIPULATION OF THE PARTIES, OR, FOR CAUSE WHERE A PARTY ESTABLISHES A REASONABLE GROUND WHY THERE CANNOT OR COULD NOT BE COMPLIANCE WITH THE TIME LIMITS PRESCRIBED BY THIS SUBDIVISION. FAILURE BY A PARTY TO SERVE AND FILE A RECORD AND BRIEF WITHIN THE ALLOTTED TIME, SUBJECT TO ANY ENLARGEMENTS OF TIME GRANTED BY A CLERK OR JUSTICE, SHALL RESULT IN THE DISMISSAL OF THE APPEAL.

5. (a) (1) A person acting pursuant to law or regulation who, subsequent to the effective date of this subdivision, submits any information to any state agency OR TO THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE may, at the time of submission, request that the agency OR SUCH HOUSE PROVISIONALLY except such information from disclosure under paragraph (d) of subdivision two of section eighty-seven of this article. Where the request itself contains information which if disclosed would defeat the purpose for which the exception is sought, such information shall also be PROVISIONALLY excepted from disclosure.

(1-a) A person or entity who submits or otherwise makes available any records to any agency OR A HOUSE OF THE STATE LEGISLATURE, may, at any time, identify those records or portions thereof that may contain critical infrastructure information, and request that the agency OR HOUSE OF THE STATE LEGISLATURE that maintains such records except such information from disclosure under subdivision two of section eighty-seven of this article. Where the request itself contains information which if disclosed would defeat the purpose for which the exception is sought, such information shall also be PROVISIONALLY excepted from disclosure.

(2) The request for an exception shall be in writing, SHALL SPECIFICALLY IDENTIFY WHICH PORTIONS OF THE RECORD ARE THE SUBJECT OF THE REQUEST FOR EXCEPTION and SHALL state the reasons why the information should be PROVISIONALLY excepted from disclosure. ANY SUCH REQUEST FOR AN EXCEPTION SHALL BE EFFECTIVE FOR A FIVE-YEAR PERIOD FROM THE AGENCY'S OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE'S RECEIPT THEREOF. PROVIDED, HOWEVER, THAT NOT LESS THAN SIXTY DAYS PRIOR TO THE EXPIRATION OF THE THEN CURRENT TERM OF THE EXCEPTION REQUEST, THE SUBMITTER MAY APPLY TO THE AGENCY OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE FOR A TWO-YEAR EXTENSION OF ITS EXCEPTION REQUEST. UPON TIMELY RECEIPT OF A REQUEST FOR AN EXTENSION OF AN EXCEPTION REQUEST, AN AGENCY OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE MAY EITHER (A) PERFORM A CURSORY REVIEW OF THE APPLICATION AND GRANT THE EXTENSION SHOULD IT FIND ANY JUSTIFICATION FOR SUCH DETERMINATION, OR (B) COMMENCE THE PROCEDURE SET FORTH IN PARAGRAPH (B) OF THIS SUBDIVISION TO MAKE A FINAL DETERMINATION GRANTING OR TERMINATING SUCH EXCEPTION.

(3) Information submitted as provided in subparagraphs one and one-a of this paragraph shall be PROVISIONALLY excepted from disclosure and be

maintained apart by the agency AND THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE from all other records until THE EXPIRATION OF THE SUBMITTER'S EXCEPTION REQUEST OR fifteen days after the entitlement to such exception has been finally determined or such further time as ordered by a court of competent jurisdiction.

(b) [On the] DURING THE EFFECTIVE PERIOD OF AN EXCEPTION REQUEST UNDER THIS SUBDIVISION, ON THE initiative of the agency OR EITHER HOUSE OF THE STATE LEGISLATURE at any time, or upon the request of any person for a record excepted from disclosure pursuant to this subdivision, the agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE shall:

(1) inform the person who requested the exception of the agency's OR SUCH HOUSE'S intention to determine whether such exception should be granted or continued;

(2) permit the person who requested the exception, within ten business days of receipt of notification from the agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE, to submit a written statement of the necessity for the granting or continuation of such exception;

(3) within seven business days of receipt of such written statement, or within seven business days of the expiration of the period prescribed for submission of such statement, issue a written determination granting, continuing or terminating such exception and stating the reasons therefor; copies of such determination shall be served upon the person, if any, requesting the record, the person who requested the exception, and the committee on [public access to records] OPEN GOVERNMENT.

(c) A denial of an exception from disclosure under paragraph (b) of this subdivision may be appealed by the person submitting the information and a denial of access to the record may be appealed by the person requesting the record in accordance with this subdivision:

(1) Within seven business days of receipt of written notice denying the request, the person may file a written appeal from the determination of the agency OR THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE with the head of the agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE, the chief executive officer or governing body or their designated representatives.

(2) The appeal shall be determined within ten business days of the receipt of the appeal. Written notice of the determination shall be served upon the person, if any, requesting the record, the person who requested the exception and the committee on [public access to records] OPEN GOVERNMENT. The notice shall contain a statement of the reasons for the determination.

(d) A proceeding to review an adverse determination pursuant to paragraph (c) of this subdivision may be commenced pursuant to article seventy-eight of the civil practice law and rules. Such proceeding, when brought by a person seeking an exception from disclosure pursuant to this subdivision, must be commenced within fifteen days of the service of the written notice containing the adverse determination provided for in subparagraph two of paragraph (c) of this subdivision. THE PROCEEDING SHALL BE GIVEN PREFERENCE AND SHALL BE BROUGHT ON FOR ARGUMENT ON SUCH TERMS AND CONDITIONS AS THE PRESIDING JUSTICE MAY DIRECT, NOT TO EXCEED FORTY-FIVE DAYS. APPEAL TO THE APPELLATE DIVISION OF THE SUPREME COURT MUST BE MADE IN ACCORDANCE WITH LAW, AND MUST BE FILED WITHIN FIFTEEN DAYS AFTER SERVICE BY A PARTY UPON THE APPELLANT OF A COPY OF THE JUDGMENT OR ORDER APPEALED FROM AND WRITTEN NOTICE OF ITS ENTRY. AN APPEAL TAKEN FROM AN ORDER OF THE COURT REQUIRING DISCLOSURE SHALL BE GIVEN PREFERENCE AND SHALL BE BROUGHT ON FOR ARGUMENT ON SUCH TERMS AND CONDITIONS AS THE PRESIDING JUSTICE MAY DIRECT, NOT TO EXCEED SIXTY DAYS.

THIS ACTION SHALL BE DEEMED ABANDONED WHEN THE PARTY REQUESTING AN EXCLUSION FROM DISCLOSURE FAILS TO SERVE AND FILE A RECORD AND BRIEF WITHIN THIRTY DAYS AFTER THE DATE OF THE NOTICE OF APPEAL. FAILURE BY THE PARTY REQUESTING AN EXCLUSION FROM DISCLOSURE TO SERVE AND FILE A RECORD AND BRIEF WITHIN THE ALLOTTED TIME SHALL RESULT IN THE DISMISSAL OF THE APPEAL.

(e) The person requesting an exception from disclosure pursuant to this subdivision shall in all proceedings have the burden of proving entitlement to the exception.

(f) Where the agency OR THE RESPECTIVE HOUSE OF THE STATE LEGISLATURE denies access to a record pursuant to paragraph [(d) of] (B) OF THIS SUBDIVISION IN CONJUNCTION WITH subdivision two of section eighty-seven of this article, the agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE shall have the burden of proving that the record falls within the provisions of such exception.

(g) Nothing in this subdivision shall be construed to deny any person access, pursuant to the remaining provisions of this article, to any record or part excepted from disclosure upon the express written consent of the person who had requested the exception.

(h) As used in this subdivision the term "agency" or "state agency" means only a state department, board, bureau, division, council or office and any public corporation the majority of whose members are appointed by the governor.

(I) AS USED IN THIS SUBDIVISION THE TERM "STATE LEGISLATURE" MEANS THE LEGISLATURE AS DEFINED IN SUBDIVISION TWO OF SECTION EIGHTY-SIX OF THIS ARTICLE.

6. Nothing in this article shall be construed to limit or abridge any otherwise available right of access at law or in equity of any party to records.

7. Nothing in this article shall require the disclosure of the home address of an officer or employee, former officer or employee, or of a retiree of a public employees' retirement system; nor shall anything in this article require the disclosure of the name or home address of a beneficiary of a public employees' retirement system or of an applicant for appointment to public employment; provided however, that nothing in this subdivision shall limit or abridge the right of an employee organization, certified or recognized for any collective negotiating unit of an employer pursuant to article fourteen of the civil service law, to obtain the name or home address of any officer, employee or retiree of such employer, if such name or home address is otherwise available under this article.

8. Any person who, with intent to prevent the public inspection of a record pursuant to this article, willfully conceals or destroys any such record shall be guilty of a violation.

9. When records maintained electronically include items of information that would be available under this article, as well as items of information that may be withheld, an agency OR RESPECTIVE HOUSE OF THE STATE LEGISLATURE in designing its information retrieval methods, whenever practicable and reasonable, shall do so in a manner that permits the segregation and retrieval of available items in order to provide maximum public access.

S 5. Subdivisions (t) and (u) of section 105 of the civil practice law and rules, subdivision (u) as relettered by chapter 100 of the laws of 1994, are relettered subdivisions (u) and (v) and a new subdivision (t) is added to read as follows:

(T) "STATE LEGISLATURE" MEANS THE NEW YORK STATE SENATE, NEW YORK STATE ASSEMBLY, ANY COMMITTEE, SUBCOMMITTEE, JOINT COMMITTEE, SELECT COMMITTEE, OR COMMISSION THEREOF, AND ANY MEMBERS, OFFICERS, REPRESENTATIVES AND EMPLOYEES THEREOF.

S 6. Subdivision (a) of section 7802 of the civil practice law and rules is amended to read as follows:

(a) Definition of "body or officer". The expression "body or officer" includes every court, tribunal, board, corporation, officer, STATE LEGISLATURE, or other person, or aggregation of persons, whose action may be affected by a proceeding under this article.

S 7. Subdivision 3 of section 713 of the executive law, as amended by section 16 of part B of chapter 56 of the laws of 2010, is amended to read as follows:

3. Any reports prepared pursuant to this article shall not be subject to disclosure pursuant to [section eighty-eight] ARTICLE SIX of the public officers law.

S 8. Section 70-0113 of the environmental conservation law is REPEALED.

S 9. Subdivision 4 of section 308 of the county law is REPEALED.

S 10. This act shall take effect immediately; provided however that the amendments to paragraphs (j), (k), (l), (m), (n), (n), and (o) of subdivision 2 of section 87 of the public officers law made by section two of this act shall not affect the repeal of such paragraphs and shall be deemed repealed therewith.

PART E

Section 1. Subdivision 4 of section 74 of the public officers law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

4. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally violates the provisions of [paragraph b, c, d or i of] subdivision three of this section shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. [Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation.]

S 2. Subparagraph (b) of paragraph 3 of subdivision 3 of section 73-a of the public officers law, as amended by section 5 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

(b) List the names of all unemancipated children.

_____
_____
_____
_____
_____

Answer each of the following questions completely, with respect to calendar year _____, unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported [as being within one of the following Categories in Table I or Table II of this subdivision as called for in the question: A reporting individual shall indicate the Category by letter only] TO THE NEAREST DOLLAR.

Whenever "income" is required to be reported herein, the term "income" shall mean the aggregate net income before taxes from the source identified.

The term "calendar year" shall mean the year ending the December 31st preceding the date of filing of the annual statement.

S 3. Paragraph 6 of subdivision 3 of section 73-a of the public officers law, as amended by section 5 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

6. List any interest, in EXCESS of $1,000, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, 10% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do NOT include bonds and notes. Do NOT list any interest in any such contract on which final payment has been made and all obligations under the contract except for guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do NOT list any interest in a contract made or executed by a local agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

Self, Spouse or Child	Entity Which Held Interest in Contract	Relationship to Entity and Interest in Contract	Contracting State or Local Agency	[Category of] TOTAL Value of Contract [(In Table II)]

S 4. Subparagraphs (b-1), (b-2), and (c) of paragraph 8 of subdivision 3 of section 73-a of the public officers law, subparagraphs (b-1) and (b-2) as added by section 2 of part CC of chapter 56 of the laws of 2015, and subparagraph (c) as amended by section 1 of part CC of chapter 56 of the laws of 2015, are amended to read as follows:

(b-1) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE

SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

If the reporting individual receives income from employment reportable in question 8(a) and personally provides services to any person or entity, or works as a member or employee of a partnership or corporation that provides such services (referred to hereinafter as a "firm"), the reporting individual shall identify each client or customer to whom the reporting individual personally provided services, or who was referred to the firm by the reporting individual, and from whom the reporting individual or his or her firm earned fees in excess of $10,000 during the reporting period in direct connection with:

(i) A contract in an amount totaling $10,000 or more from the state or any state agency for services, materials, or property;

(ii) A grant of $10,000 or more from the state or any state agency during the reporting period;

(iii) A grant obtained through a legislative initiative during the reporting period; or

(iv) A case, proceeding, application or other matter that is not a ministerial matter before a state agency during the reporting period.

For such services rendered by the reporting individual directly to each such client, describe each matter that was the subject of such representation, the services actually provided and the payment received. For payments received from clients referred to the firm by the reporting individual, if the reporting individual directly received a referral fee or fees for such referral, identify the client and the payment so received.

For purposes of this question, "referred to the firm" shall mean: having intentionally and knowingly taken a specific act or series of acts to intentionally procure for the reporting individual's firm or having knowingly solicited or directed to the reporting individual's firm in whole or substantial part, a person or entity that becomes a client of that firm for the purposes of representation for a matter as defined in clauses (i) through (iv) of this subparagraph, as the result of such procurement, solicitation or direction of the reporting individual. A reporting individual need not disclose activities performed while lawfully acting in his or her capacity as provided in paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article.

Client	Matter	Nature of Services Provided	[Category of] Amount [(in Table I)]

(b-2) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

(i) With respect to reporting individuals who receive ten thousand dollars or more from employment or activity reportable under question 8(a), for each client or customer NOT otherwise disclosed or exempted in question 8 or 13, disclose the name of each client or customer known to the reporting individual to whom the reporting individual provided services: (A) who paid the reporting individual in excess of five thousand dollars for such services; or (B) who had been billed with the knowledge of the reporting individual in excess of five thousand dollars by the firm or other entity named in question 8(a) for the reporting individual's services.

Client	Services Actually Provided	[Category of] Amount [(in Table I)]

FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":

* REVIEWED DOCUMENTS AND CORRESPONDENCE;
* REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
* PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
* CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/MEMBERS OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
* PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY NAME);
* REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR REPRESENTATION OR CONSULTATION;
* COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);
* PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);
* COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).

(ii) With respect to reporting individuals who disclosed in question 8(a) that the reporting individual did not provide services to a client but provided services to a firm or business, identify the category of amount received for providing such services and describe the services rendered.

A reporting individual need not disclose activities performed while lawfully acting in his or her capacity as provided in paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article.

The disclosure requirement in questions (b-1) and (b-2) shall not require disclosing clients or customers receiving medical, pharmaceutical or dental services, mental health services, or residential real estate brokering services from the reporting individual or his or her firm or if federal law prohibits or limits disclosure. The reporting individual need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities, bankruptcy, family court, estate planning, or domestic relations matters, nor shall the reporting individual identify individuals represented pursuant to an insurance policy but the reporting individual shall in such circumstances only

report the entity that provides compensation to the reporting individual; with respect to matters in which the client's name is required by law to be kept confidential (such as matters governed by the family court act) or in matters in which the reporting individual represents or provides services to minors, the client's name may be replaced with initials. To the extent that the reporting individual, or his or her firm, provided legal representation with respect to an initial public offering, and professional disciplinary rules, federal law or regulations restrict the disclosure of information relating to such work, the reporting individual shall (i) disclose the identity of the client and the services provided relating to the initial public offering to the office of court administration, who will maintain such information confidentially in a locked box; and (ii) include in his or her response to questions (b-1) and (b-2) that pursuant to this paragraph, a disclosure to the office of court administration has been made. Upon such time that the disclosure of information maintained in the locked box is no longer restricted by professional disciplinary rules, federal law or regulation, the reporting individual shall disclose such information in an amended disclosure statement in response to the disclosure requirements in questions (b-1) and (b-2). The office of court administration shall develop and maintain a secure portal through which information submitted to it pursuant to this paragraph can be safely and confidentially stored. With respect to clients represented in other matters not otherwise exempt, the reporting individual may request an exemption to publicly disclosing the name of that client from the joint commission pursuant to paragraph (i) of subdivision nine of section ninety-four of the executive law, or from the office of court administration. In such application, the reporting individual shall state the following: "My client is not currently receiving my services or seeking my services in connection with:

(i) A proposed bill or resolution in the senate or assembly during the reporting period;

(ii) A contract in an amount totaling $10,000 or more from the state or any state agency for services, materials, or property;

(iii) A grant of $10,000 or more from the state or any state agency during the reporting period;

(iv) A grant obtained through a legislative initiative during the reporting period; or

(v) A case, proceeding, application or other matter that is not a ministerial matter before a state agency during the reporting period."

In reviewing the request for an exemption, the joint commission or the office of court administration may consult with bar or other professional associations and the legislative ethics commission for individuals subject to its jurisdiction and may consider the rules of professional conduct. In making its determination, the joint commission or the office of court administration shall conduct its own inquiry and shall consider factors including, but not limited to: (i) the nature and the size of the client; (ii) whether the client has any business before the state; and if so, how significant the business is; and whether the client has any particularized interest in pending legislation and if so how significant the interest is; (iii) whether disclosure may reveal trade secrets; (iv) whether disclosure could reasonably result in retaliation against the client; (v) whether disclosure may cause undue harm to the client; (vi) whether disclosure may result in undue harm to the attorney-client relationship; and (vii) whether disclosure may result in an unnecessary invasion of privacy to the client.

The joint commission or, as the case may be, the office of court administration shall promptly make a final determination in response to such request, which shall include an explanation for its determination. The office of court administration shall issue its final determination within three days of receiving the request. Notwithstanding any other provision of law or any professional disciplinary rule to the contrary, the disclosure of the identity of any client or customer in response to this question shall not constitute professional misconduct or a ground for disciplinary action of any kind, or form the basis for any civil or criminal cause of action or proceeding. A reporting individual who first enters public office after January first, two thousand sixteen, need not report clients or customers with respect to matters for which the reporting individual or his or her firm was retained prior to entering public office.

Client	Services Actually Provided	[Category of] Amount [(in Table I)]

(c) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN:

If the reporting individual receives income of ten thousand dollars or greater from any employment or activity reportable under question 8(a), identify each registered lobbyist who has directly referred to such individual a client who was successfully referred to the reporting individual's business and from whom the reporting individual or firm received a fee for services in excess of five thousand dollars. Report only those referrals that were made to a reporting individual by direct communication from a person known to such reporting individual to be a registered lobbyist at the time the referral is made. With respect to each such referral, the reporting individual shall identify the client, the registered lobbyist who has made the referral, the category of value of the compensation received and a general description of the type of matter so referred. A reporting individual need not disclose activities performed while lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article. The disclosure requirements in this question shall not require disclosing clients or customers receiving medical, pharmaceutical or dental services, mental health services, or residential real estate brokering services from the reporting individual or his or her firm or if federal law prohibits or limits disclosure. The reporting individual need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities, bankruptcy, family court, estate planning, or domestic relations matters, nor shall the reporting individual identify individuals represented pursuant to an insurance policy but the reporting individual shall in such circumstances only report the entity that provides compensation to the reporting individual; with respect to matters in which the client's name is required by law to be kept confidential (such as matters governed by the family court act) or in matters in which the reporting individual represents or provides services to

minors, the client's name may be replaced with initials. To the extent that the reporting individual, or his or her firm, provided legal representation with respect to an initial public offering, and federal law or regulations restricts the disclosure of information relating to such work, the reporting individual shall (i) disclose the identity of the client and the services provided relating to the initial public offering to the office of court administration, who will maintain such information confidentially in a locked box; and (ii) include in his or her response a statement that pursuant to this paragraph, a disclosure to the office of court administration has been made. Upon such time that the disclosure of information maintained in the locked box is no longer restricted by federal law or regulation, the reporting individual shall disclose such information in an amended disclosure statement in response to the disclosure requirements of this paragraph. The office of court administration shall develop and maintain a secure portal through which information submitted to it pursuant to this paragraph can be safely and confidentially stored. With respect to clients represented in other matters not otherwise exempt, the reporting individual may request an exemption to publicly disclosing the name of that client from the joint commission pursuant to paragraph (i) of subdivision nine of section ninety-four of the executive law, or from the office of court administration. In such application, the reporting individual shall state the following: "My client is not currently receiving my services or seeking my services in connection with:

(i) A proposed bill or resolution in the senate or assembly during the reporting period;

(ii) A contract in an amount totaling $10,000 or more from the state or any state agency for services, materials, or property;

(iii) A grant of $10,000 or more from the state or any state agency during the reporting period;

(iv) A grant obtained through a legislative initiative during the reporting period; or

(v) A case, proceeding, application or other matter that is not a ministerial matter before a state agency during the reporting period."

In reviewing the request for an exemption, the joint commission or the office of court administration may consult with bar or other professional associations and the legislative ethics commission for individuals subject to its jurisdiction and may consider the rules of professional conduct. In making its determination, the joint commission or the office of court administration shall conduct its own inquiry and shall consider factors including, but not limited to: (i) the nature and the size of the client; (ii) whether the client has any business before the state; and if so, how significant the business is; and whether the client has any particularized interest in pending legislation and if so how significant the interest is; (iii) whether disclosure may reveal trade secrets; (iv) whether disclosure could reasonably result in retaliation against the client; (v) whether disclosure may cause undue harm to the client; (vi) whether disclosure may result in undue harm to the attorney-client relationship; and (vii) whether disclosure may result in an unnecessary invasion of privacy to the client.

The joint commission or, as the case may be, the office of court administration shall promptly make a final determination in response to such request, which shall include an explanation for its determination. The office of court administration shall issue its final determination within three days of receiving the request. Notwithstanding any other provision of law or any professional disciplinary rule to the contrary,

the disclosure of the identity of any client or customer in response to this question shall not constitute professional misconduct or a ground for disciplinary action of any kind, or form the basis for any civil or criminal cause of action or proceeding. A reporting individual who first enters public office after December thirty-first, two thousand fifteen, need not report clients or customers with respect to matters for which the reporting individual or his or her firm was retained prior to entering public office.

Client	Name of Lobbyist	[Category of] Amount [(in Table 1)]

S 5. Paragraphs 9, 11, 13, 14, 15, 16, 17, 18 and 19 of subdivision 3 of section 73-a of the public officers law, as amended by section 5 of part A of chapter 399 of the laws of 2011, paragraph 13 as amended by section 1 of part CC of chapter 56 of the laws of 2015, are amended to read as follows:

9. List each source of gifts, EXCLUDING campaign contributions, in EXCESS of $1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse or unemancipated child from the same donor, EXCLUDING gifts from a relative. INCLUDE the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in item 10. Indicate the value and nature of each such gift.

Self, Spouse or Child	Name of Donor	Address	Nature of Gift	[Category of] Value of Gift [(In Table I)]

11. List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans (other than retirement plans of the state of New York or the city of New York), and deferred compensation plans (e.g., 401, 403(b), 457, etc.) established in accordance with the internal revenue code, in which the REPORTING INDIVIDUAL held a beneficial interest in EXCESS of $1,000 at any time during the preceding year. Do NOT report interests in a trust, estate or other beneficial interest established by or for, or the estate of, a relative.

Identity	[Category of] Value* [(In Table II)]

_____
_____
_____
_____
_____

* The value of such interest shall be reported only if reasonably ascertainable.

13. List below the nature and amount of any income in EXCESS of $1,000 from EACH SOURCE for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. Each such source must be described with particularity. Nature of income includes, but is not limited to, all income (other than that received from the employment listed under Item 2 above) from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Self/ Spouse	Source	Nature	[Category of] Amount [(In Table I)]

14. List the sources of any deferred income (not retirement income) in EXCESS of $1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

Source	[Category of] Amount [(In Table I)]

15. List each assignment of income in EXCESS of $1,000, and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of $1,000, which would otherwise be required to be reported herein and is not or has not been so reported.

Item Assigned or Transferred	Assigned or Transferred to	[Category of] Value [(In Table I)]

16. List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in EXCESS of $1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed ONLY IF the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership ONLY if the reporting person or the reporting person's spouse holds more than five percent (5%) of the stock of a corporation in which the stock is publicly traded or more than ten percent (10%) of the stock of a corporation in which the stock is NOT publicly traded. Also list securities owned for investment purposes by a corporation more than fifty percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item the term "securities" shall mean mutual funds, bonds, mortgages, notes, obligations,

warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits (CDs) and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in item 8 (a) or if the security is corporate stock, NOT publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse.

Self/ Spouse	Issuing Entity	Type of Security	Percentage of corporate stock owned or controlled (if more than 5% of publicly traded stock, or more than 10% if stock not publicly traded, is held)	[Category of] Market Value as of the close of the taxable year last occurring prior to the filing of this statement [(In Table II)]

17. List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in EXCESS of $1,000 is held by the reporting individual or the reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than fifty percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do NOT list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative.

Self/ Spouse/ Corporation	Location	Size	General Nature	Acquisition Date	Percentage of Ownership	[Category of] Market Value [(In Table II)]

18. List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in EXCESS of $1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in item 16 hereinabove. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

Name of Debtor	Type of Obligation, Date Due, and Nature of Collateral, if any	[Category of] Amount [(In Table II)]

19. List below all liabilities of the reporting individual and such individual's spouse, in EXCESS of $10,000 as of the date of filing of this statement, other than liabilities to a relative. Do NOT list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

Name of Creditor or Guarantor	Type of Liability and Collateral, if any	[Category of] Amount [(In Table II)]

The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of

unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

_____ _____

(Signature of Reporting Individual) Date (month/day/year)

[TABLE I

Category A	none		
Category B	$ 1	to under	$ 1,000
Category C	$ 1,000	to under	$ 5,000
Category D	$ 5,000	to under	$ 20,000
Category E	$ 20,000	to under	$ 50,000
Category F	$ 50,000	to under	$ 75,000
Category G	$ 75,000	to under	$ 100,000
Category H	$ 100,000	to under	$ 150,000
Category I	$ 150,000	to under	$ 250,000
Category J	$ 250,000	to under	$ 350,000
Category K	$ 350,000	to under	$ 450,000
Category L	$ 450,000	to under	$ 550,000
Category M	$ 550,000	to under	$ 650,000
Category N	$ 650,000	to under	$ 750,000
Category O	$ 750,000	to under	$ 850,000
Category P	$ 850,000	to under	$ 950,000
Category Q	$ 950,000	to under	$1,050,000
Category R	$1,050,000	to under	$1,150,000
Category S	$1,150,000	to under	$1,250,000
Category T	$1,250,000	to under	$1,350,000
Category U	$1,350,000	to under	$1,450,000
Category V	$1,450,000	to under	$1,550,000
Category W	$1,550,000	to under	$1,650,000
Category X	$1,650,000	to under	$1,750,000
Category Y	$1,750,000	to under	$1,850,000
Category Z	$1,850,000	to under	$1,950,000
Category AA	$1,950,000	to under	$2,050,000
Category BB	$2,050,000	to under	$2,150,000
Category CC	$2,150,000	to under	$2,250,000
Category DD	$2,250,000	to under	$2,350,000
Category EE	$2,350,000	to under	$2,450,000
Category FF	$2,450,000	to under	$2,550,000
Category GG	$2,550,000	to under	$2,650,000
Category HH	$2,650,000	to under	$2,750,000
Category II	$2,750,000	to under	$2,850,000
Category JJ	$2,850,000	to under	$2,950,000
Category KK	$2,950,000	to under	$3,050,000
Category LL	$3,050,000	to under	$3,150,000
Category MM	$3,150,000	to under	$3,250,000
Category NN	$3,250,000	to under	$3,350,000
Category OO	$3,350,000	to under	$3,450,000
Category PP	$3,450,000	to under	$3,550,000
Category QQ	$3,550,000	to under	$3,650,000
Category RR	$3,650,000	to under	$3,750,000
Category SS	$3,750,000	to under	$3,850,000
Category TT	$3,850,000	to under	$3,950,000
Category UU	$3,950,000	to under	$4,050,000
Category VV	$4,050,000	to under	$4,150,000
Category WW	$4,150,000	to under	$4,250,000

Category XX	$4,250,000 to under	$4,350,000
Category YY	$4,350,000 to under	$4,450,000
Category ZZ	$4,450,000 to under	$4,550,000
Category AAA	$4,550,000 to under	$4,650,000
Category BBB	$4,650,000 to under	$4,750,000
Category CCC	$4,750,000 to under	$4,850,000
Category DDD	$4,850,000 to under	$4,950,000
Category EEE	$4,950,000 to under	$5,050,000
Category FFF	$5,050,000 to under	$5,150,000
Category GGG	$5,150,000 to under	$5,250,000
Category HHH	$5,250,000 to under	$5,350,000
Category III	$5,350,000 to under	$5,450,000
Category JJJ	$5,450,000 to under	$5,550,000
Category KKK	$5,550,000 to under	$5,650,000
Category LLL	$5,650,000 to under	$5,750,000
Category MMM	$5,750,000 to under	$5,850,000
Category NNN	$5,580,000 to under	$5,950,000
Category OOO	$5,950,000 to under	$6,050,000
Category PPP	$6,050,000 to under	$6,150,000
Category QQQ	$6,150,000 to under	$6,250,000
Category RRR	$6,250,000 to under	$6,350,000
Category SSS	$6,350,000 to under	$6,450,000
Category TTT	$6,450,000 to under	$6,550,000
Category UUU	$6,550,000 to under	$6,650,000
Category VVV	$6,650,000 to under	$6,750,000
Category WWW	$6,750,000 to under	$6,850,000
Category XXX	$6,850,000 to under	$6,950,000
Category YYY	$6,950,000 to under	$7,050,000
Category ZZZ	$7,050,000 to under	$7,150,000
Category AAAA	$7,150,000 to under	$7,250,000
Category BBBB	$7,250,000 to under	$7,350,000
Category CCCC	$7,350,000 to under	$7,450,000
Category DDDD	$7,450,000 to under	$7,550,000
Category EEEE	$7,550,000 to under	$7,650,000
Category FFFF	$7,650,000 to under	$7,750,000
Category GGGG	$7,750,000 to under	$7,850,000
Category HHHH	$7,850,000 to under	$7,950,000
Category IIII	$7,950,000 to under	$8,050,000
Category JJJJ	$8,050,000 to under	$8,150,000
Category KKKK	$8,150,000 to under	$8,250,000
Category LLLL	$8,250,000 to under	$8,350,000
Category MMMM	$8,350,000 to under	$8,450,000
Category NNNN	$8,450,000 to under	$8,550,000
Category OOOO	$8,550,000 to under	$8,650,000
Category PPPP	$8,650,000 to under	$8,750,000
Category QQQQ	$8,750,000 to under	$8,850,000
Category RRRR	$8,850,000 to under	$8,950,000
Category SSSS	$8,950,000 to under	$9,050,000
Category TTTT	$9,050,000 to under	$9,150,000
Category UUUU	$9,150,000 to under	$9,250,000
Category VVVV	$9,250,000 to under	$9,350,000
Category WWWW	$9,350,000 to under	$9,450,000
Category XXXX	$9,450,000 to under	$9,550,000
Category YYYY	$9,550,000 to under	$9,650,000
Category ZZZZ	$9,650,000 to under	$9,750,000
Category AAAAA	$9,750,000 to under	$9,850,000

Category BBBBB $9,850,000 to under $9,950,000
Category CCCCC $9,950,000 to under $10,000,000
Category DDDDD $10,000,000 or over

TABLE II

Category A	none		
Category B	$ 1	to under	$ 1,000
Category C	$ 1,000	to under	$ 5,000
Category D	$ 5,000	to under	$ 20,000
Category E	$ 20,000	to under	$ 50,000
Category F	$ 50,000	to under	$ 75,000
Category G	$ 75,000	to under	$ 100,000
Category H	$ 100,000	to under	$ 150,000
Category I	$ 150,000	to under	$ 250,000
Category J	$ 250,000	to under	$ 500,000
Category K	$ 500,000	to under	$ 750,000
Category L	$ 750,000	to under	$1,000,000
Category M	$1,000,000	to under	$1,250,000
Category N	$1,250,000	to under	$1,500,000
Category O	$1,500,000	to under	$1,750,000
Category P	$1,750,000	to under	$2,000,000
Category Q	$2,000,000	to under	$2,250,000
Category R	$2,250,000	to under	$2,500,000
Category S	$2,500,000	to under	$2,750,000
Category T	$2,750,000	to under	$3,000,000
Category U	$3,000,000	to under	$3,250,000
Category V	$3,250,000	to under	$3,500,000
Category W	$3,500,000	to under	$3,750,000
Category X	$3,750,000	to under	$4,000,000
Category Y	$4,000,000	to under	$4,250,000
Category Z	$4,250,000	to under	$4,500,000
Category AA	$4,500,000	to under	$4,750,000
Category BB	$4,750,000	to under	$5,000,000
Category CC	$5,000,000	to under	$5,250,000
Category DD	$5,250,000	to under	$5,500,000
Category EE	$5,500,000	to under	$5,750,000
Category FF	$5,750,000	to under	$6,000,000
Category GG	$6,000,000	to under	$6,250,000
Category HH	$6,250,000	to under	$6,500,000
Category II	$6,500,000	to under	$6,750,000
Category JJ	$6,750,000	to under	$7,000,000
Category KK	$7,000,000	to under	$7,250,000
Category LL	$7,250,000	to under	$7,500,000
Category MM	$7,500,000	to under	$7,750,000
Category NN	$7,750,000	to under	$8,000,000
Category OO	$8,000,000	to under	$8,250,000
Category PP	$8,250,000	to under	$8,500,000
Category QQ	$8,500,000	to under	$8,750,000
Category RR	$8,750,000	to under	$9,000,000
Category SS	$9,000,000	to under	$9,250,000
Category TT	$9,250,000	to under	$9,500,000
Category UU	$9,500,000	or over]	

S 6. Subdivision 4 of section 73-a of the public officers law, as amended by section 5 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

4. A reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be subject to a civil penalty in an amount not to exceed forty thousand dollars AND ADDITIONALLY SUCH VIOLATION MAY BE PUNISHABLE AS A CLASS A MISDEMEANOR. A PERSON WHO KNOWINGLY AND WILFULLY FAILS TO RESPOND TO THE COMMISSION, FAILS TO PROVIDE INFORMATION REQUESTED, OR OTHERWISE REFUSES TO COOPERATE IN THE CONDUCT OF A REVIEW OF AN ANNUAL STATEMENT OF FINANCIAL DISCLOSURE CONDUCTED PURSUANT TO SECTION NINETY-FOUR OF THE EXECUTIVE LAW MAY BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FORTY THOUSAND DOLLARS. Assessment of a civil penalty hereunder shall be made by the joint commission on public ethics or by the legislative ethics commission, as the case may be, with respect to persons subject to their respective jurisdictions. The joint commission on public ethics acting pursuant to subdivision fourteen of section ninety-four of the executive law or the legislative ethics commission acting pursuant to [subdivision eleven of section eighty] PARAGRAPH (A) OF SUBDIVISION NINE OF SECTION EIGHTY of the legislative law, as the case may be, may, in lieu of or in addition to a civil penalty, refer a violation to the appropriate prosecutor [and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor]. A civil penalty for false filing may not be imposed hereunder in the event a [category of] "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. [Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law.] The joint commission on public ethics and the legislative ethics commission shall each be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the joint commission on public ethics or the legislative ethics commission, pursuant to article seventy-eight of the civil practice law and rules.

S 7. Paragraph (a) of subdivision 9 of section 80 of the legislative law, as amended by section 9 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

(a) An individual subject to the jurisdiction of the commission with respect to the imposition of penalties who knowingly and intentionally violates the provisions of subdivisions two through five-a, seven, eight, twelve, fourteen or fifteen of section seventy-three of the public officers law or a reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such state-

ment of financial disclosure filed pursuant to section seventy-three-a of the public officers law, OR WHO SOLICITS, REQUESTS, COMMANDS, IMPORTUNES, OR INTENTIONALLY AIDS ANOTHER PERSON TO ENGAGE IN ANY OF THE ABOVE-MENTIONED CONDUCT, OR WHO KNOWINGLY AND WILLFULLY FAILS TO RESPOND TO THE JOINT COMMISSION ON PUBLIC ETHICS, FAILS TO PROVIDE INFORMATION REQUESTED, OR OTHERWISE REFUSES TO COOPERATE IN THE CONDUCT OF A REVIEW OF AN ANNUAL STATEMENT OF FINANCIAL DISCLOSURE CONDUCTED PURSUANT TO SECTION NINETY-FOUR OF THE EXECUTIVE LAW shall be subject to a civil penalty in an amount not to exceed forty thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of [paragraph a, b, c, d, e, g, or i of] subdivision three of section seventy-four of the public officers law, OR WHO SOLICITS, REQUESTS, COMMANDS, IMPORTUNES, OR INTENTIONALLY AIDS ANOTHER PERSON TO ENGAGE IN ANY OF THE ABOVE-MENTIONED CONDUCT, shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Assessment of a civil penalty hereunder shall be made by the commission with respect to persons subject to its jurisdiction. In assessing the amount of the civil penalties to be imposed, the commission shall consider the seriousness of the violation, the amount of gain to the individual and whether the individual previously had any civil or criminal penalties imposed pursuant to this section, and any other factors the commission deems appropriate. For a violation of this section, other than for conduct which constitutes a violation of subdivision twelve, fourteen or fifteen of section seventy-three or section seventy-four of the public officers law, the legislative ethics commission may, in lieu of or in addition to a civil penalty, refer a violation to the appropriate prosecutor [and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor]. Where the commission finds sufficient cause, it shall refer such matter to the appropriate prosecutor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. [Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, or a violation of subdivision six of section seventy-three of the public officers law, except that the appointing authority may impose disciplinary action as otherwise provided by law.] The legislative ethics commission shall be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under article seventy-eight of the civil practice law and rules relating to the assessment of the civil penalties herein authorized. Such rules, which shall not be subject to the promulgation and hearing requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition, with respect to the assessment of such penalty, or unless such denial of request is reversed within such time period, and upon becoming final shall be subject to review at the instance of the affected reporting individuals in a proceeding commenced

against the legislative ethics commission, pursuant to article seventy-eight of the civil practice law and rules.

S 8. Paragraph (n) of subdivision 9 of section 94 of the executive law, as added by section 6 of part A of chapter 399 of the laws of 2011, are amended to read as follows:

(n) Promulgate guidelines for the commission to conduct a program of random reviews, to be carried out in the following manner: (i) annual statements of financial disclosure shall be selected for review in a manner pursuant to which the identity of any particular person whose statement is selected is unknown to the commission and its staff prior to its selection; (ii) such review shall include a preliminary examination of the selected statement for internal consistency, a comparison with other records maintained by the commission, including previously filed statements and requests for advisory opinions, and examination of relevant public information; (iii) upon completion of the preliminary examination, the commission shall determine whether further inquiry is warranted, whereupon it shall notify the reporting individual in writing that the statement is under review, advise the reporting individual of the specific areas of inquiry, and provide the reporting individual with the opportunity to provide any relevant information related to the specific areas of inquiry, REQUEST SUPPORTING DOCUMENTATION (IF A PERSON CANNOT OBTAIN DOCUMENTS REQUESTED BY THE COMMISSION, OR SUCH DOCUMENTS DO NOT EXIST, THE PERSON MUST SIGN A STATEMENT BASED ON KNOWLEDGE AND BELIEF THAT SUCH DOCUMENTS ARE UNAVAILABLE OR DO NOT EXIST), and the opportunity to file amendments to the selected statement on forms provided by the commission; and (iv) if thereafter sufficient cause exists, the commission shall take additional actions, as appropriate and consistent with law.

S 9. Paragraph (b) of subdivision 9-a of section 94 of the executive law, as added by section 6 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

(b) [Except as otherwise required or provided by law,] UNLESS OTHERWISE REQUIRED HEREIN, CONFIDENTIAL INFORMATION, INCLUDING testimony received or any other information obtained by a commissioner or staff of the commission DURING THE COURSE OF AN INVESTIGATION, shall not be disclosed by any such individual to any person or entity outside the commission [during the pendency of any matter. Any confidential communication to any person or entity outside the commission related to the matters before the commission may occur only as authorized by the commission] EXCEPT AS AUTHORIZED BY THE COMMISSION OR IN RESPONSE TO A COURT ORDER OR A SUBPOENA LAWFULLY ISSUED BY A FEDERAL, STATE OR LOCAL LAW ENFORCEMENT AGENCY.

S 10. Paragraph (a) of subdivision 13 of section 94 of the executive law, as amended by section 6 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

(a) Investigations. If the commission receives a sworn complaint alleging a violation of section seventy-three, seventy-three-a, or seventy-four of the public officers law, section one hundred seven of the civil service law or article one-A of the legislative law by a person or entity subject to the jurisdiction of the commission including members of the legislature and legislative employees and candidates for member of the legislature, or if a reporting individual has filed a statement which reveals a possible violation of these provisions, or if the commission determines on its own initiative to investigate a possible violation, the commission shall notify the individual in writing, describe the possible or alleged violation of such laws and provide the

person with a fifteen day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. The commission shall, within [forty-five] SIXTY calendar days after a complaint or a referral is received or an investigation is initiated on the commission's own initiative, vote on whether to commence a full investigation of the matter under consideration to determine whether a substantial basis exists to conclude that a violation of law has occurred. IN LIEU OF SUCH VOTE, THE COMMISSION MAY VOTE TO ADJOURN A MATTER UNTIL THE NEXT SCHEDULED MEETING OF THE COMMISSION OR, UPON THE REQUEST OF A LAW ENFORCEMENT AGENCY, THE COMMISSION MAY VOTE TO DEFER A DETERMINATION ON WHETHER TO COMMENCE AN INVESTIGATION PENDING THE OUTCOME OF A CRIMINAL PROCEEDING. The staff of the joint commission shall provide to the members prior to such vote information regarding the likely scope and content of the investigation, and a subpoena plan, to the extent such information is available. Such investigation shall be conducted if at least eight members of the commission vote to authorize it. Where the subject of such investigation is a member of the legislature or a legislative employee or a candidate for member of the legislature, at least two of the eight or more members who so vote to authorize such an investigation must have been appointed by a legislative leader or leaders from the major political party in which the subject of the proposed investigation is enrolled if such person is enrolled in a major political party. Where the subject of such investigation is a state officer or state employee, at least two of the eight or more members who so vote to authorize such an investigation must have been appointed by the governor and lieutenant governor. Where the subject of such investigation is a statewide elected official or a direct appointee of such an official, at least two of the eight or more members who so vote to authorize such an investigation must have been appointed by the governor and lieutenant governor and be enrolled in the major political party in which the subject of the proposed investigation is enrolled, if such person is enrolled in a major political party.

S 11. Subdivision 14 of section 94 of the executive law, as amended by section 6 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

14. An individual subject to the jurisdiction of the commission who knowingly and intentionally violates the provisions of subdivisions two through five-a, seven, eight, twelve or fourteen through seventeen of section seventy-three of the public officers law, section one hundred seven of the civil service law, or a reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or fraudulent omission or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to section seventy-three-a of the public officers law, OR WHO SOLICITS, REQUESTS, COMMANDS, IMPORTUNES, OR INTENTIONALLY AIDS ANOTHER PERSON TO ENGAGE IN ANY OF THE ABOVE-MENTIONED CONDUCT, OR WHO KNOWINGLY AND WILFULLY FAILS TO RESPOND TO THE COMMISSION, FAILS TO PROVIDE INFORMATION REQUESTED, OR OTHERWISE REFUSES TO COOPERATE IN THE CONDUCT OF A REVIEW OF AN ANNUAL STATEMENT OF FINANCIAL DISCLOSURE CONDUCTED PURSUANT TO THIS SECTION, shall be subject to a civil penalty in an amount not to exceed forty thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. An individual who knowingly and intentionally violates the provisions of [paragraph a, b, c, d, e, g, or i of] subdivision three of section seventy-four of the public officers law, OR WHO SOLICITS, REQUESTS, COMMANDS, IMPORTUNES, OR

INTENTIONALLY AIDS ANOTHER PERSON TO ENGAGE IN ANY OF THE ABOVE-MENTIONED CONDUCT, shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. An individual OR ENTITY subject to the jurisdiction of the commission who knowingly and willfully violates article one-A of the legislative law, OR WHO SOLICITS, REQUESTS, COMMANDS, IMPORTUNES, OR INTENTIONALLY AIDS ANOTHER PERSON OR ENTITY TO ENGAGE IN ANY OF THE ABOVE-MENTIONED CONDUCT, shall be subject to civil penalty as provided for in that article. Except with respect to members of the legislature and legislative employees, assessment of a civil penalty hereunder shall be made by the commission with respect to persons subject to its jurisdiction. With respect to a violation of any law other than sections seventy-three, seventy-three-a, and seventy-four of the public officers law, where the commission finds sufficient cause by a vote [held in the same manner as set forth in paragraph (b) of subdivision thirteen of this section], it shall refer such matter to the appropriate prosecutor for further investigation. In assessing the amount of the civil penalties to be imposed, the commission shall consider the seriousness of the violation, the amount of gain to the individual and whether the individual previously had any civil or criminal penalties imposed pursuant to this section, and any other factors the commission deems appropriate. Except with respect to members of the legislature and legislative employees, for a violation of this subdivision, other than for conduct which constitutes a violation of section one hundred seven of the civil service law, subdivisions twelve or fourteen through seventeen of section seventy-three or section seventy-four of the public officers law or article one-A of the legislative law, the commission may, in lieu of or in addition to a civil penalty, refer a violation to the appropriate prosecutor [and upon such conviction, such violation shall be punishable as a class A misdemeanor]. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. [Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, or a violation of subdivision six of section seventy-three of the public officers law, except that the appointing authority may impose disciplinary action as otherwise provided by law.] The commission may refer violations of this subdivision to the appointing authority for disciplinary action as otherwise provided by law. The commission shall be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under article seventy-eight of the civil practice law and rules relating to the assessment of the civil penalties herein authorized and commission denials of requests for certain deletions or exemptions to be made from a financial disclosure statement as authorized in paragraph (h) or paragraph (i) of subdivision nine of this section. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in article three of the state administrative procedure act but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty or commission denial of such a request shall be final unless modified, suspended or vacated within thirty days of imposition, with respect to the assessment of such penalty, or unless such denial of

request is reversed within such time period, and upon becoming final shall be subject to review at the instance of the affected reporting individuals in a proceeding commenced against the commission, pursuant to article seventy-eight of the civil practice law and rules.

S 12. Subdivision 18 of section 94 of the executive law, as amended by section 6 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

18. Within one hundred twenty days of the effective date of this subdivision, the commission shall create and thereafter maintain a publicly accessible website which shall set forth the procedure for filing a complaint with the commission, and which shall contain [the documents identified in subdivision nineteen of this section, other than financial disclosure statements filed by state officers or employees or legislative employees, and] any other records or information which the commission determines to be appropriate.

S 13. Paragraphs (a) and (b) of subdivision 19 of section 94 of the executive law, as amended by section 6 of part A of chapter 399 of the laws of 2011, are amended and a new paragraph (a-1) is added to read as follows:OFF;

(a) [Notwithstanding the provisions of article six of the public officers law, the only records of the commission which shall be available for public inspection and copying are:

(1) the information set forth in an annual statement of financial disclosure filed pursuant to section seventy-three-a of the public officers law except information deleted pursuant to paragraph (h) of subdivision nine of this section;

(2) notices of delinquency sent under subdivision twelve of this section;

(3) notices of civil assessments imposed under this section which shall include a description of the nature of the alleged wrongdoing, the procedural history of the complaint, the findings and determinations made by the commission, and any sanction imposed;

(4) the terms of any settlement or compromise of a complaint or referral which includes a fine, penalty or other remedy;

(5) those required to be held or maintained publicly available pursuant to article one-A of the legislative law; and

(6) substantial basis investigation reports issued by the commission pursuant to subdivision fourteen-a or fourteen-b of this section. With respect to reports concerning members of the legislature or legislative employees or candidates for member of the legislature, the joint commission shall not publicly disclose or otherwise disseminate such reports except in conformance with the requirements of paragraph (b) of subdivision nine of section eighty of the legislative law.] COMMISSION RECORDS CREATED AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF 2016 WHICH AMENDED THIS PARAGRAPH SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND COPYING PURSUANT TO THE PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW, EXCEPT THAT THE COMMISSION MAY ALSO DENY ACCESS TO RECORDS OR PORTIONS THEREOF THAT RELATE TO REQUESTS FROM ANY PERSON OR ENTITY, WHO IS SUBJECT TO THE JURISDICTION OF THE COMMISSION AND THE REQUIREMENTS OF SECTIONS SEVENTY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW OR ARTICLE ONE-A OF THE LEGISLATIVE LAW OR APPLICABLE REGULATIONS, FOR ADVICE AND GUIDANCE OR APPROVAL RELATING TO SAID PROVISIONS.

(A-1) NOTWITHSTANDING THE PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW, THE ONLY RECORDS OF THE COMMISSION CREATED BEFORE THE

CHAPTER OF THE LAWS OF 2016 WHICH AMENDED THIS PARAGRAPH WHICH SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND COPYING ARE:

(1) THE INFORMATION SET FORTH IN AN ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FILED PURSUANT TO SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW EXCEPT THE CATEGORIES OF VALUE OR AMOUNT, WHICH SHALL REMAIN CONFIDENTIAL, AND ANY OTHER ITEM OF INFORMATION DELETED PURSUANT TO PARAGRAPH (H) OF SUBDIVISION NINE OF THIS SECTION;

(2) THE INFORMATION SET FORTH IN AN ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FILED PURSUANT TO SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW EXCEPT INFORMATION DELETED PURSUANT TO PARAGRAPH (H) OF SUBDIVISION NINE OF THIS SECTION;

(3) NOTICES OF DELINQUENCY SENT UNDER SUBDIVISION TWELVE OF THIS SECTION;

(4) NOTICES OF CIVIL ASSESSMENTS IMPOSED UNDER THIS SECTION WHICH SHALL INCLUDE A DESCRIPTION OF THE NATURE OF THE ALLEGED WRONGDOING, THE PROCEDURAL HISTORY OF THE COMPLAINT, THE FINDINGS AND DETERMINATIONS MADE BY THE COMMISSION, AND ANY SANCTION IMPOSED;

(5) THE TERMS OF ANY SETTLEMENT OR COMPROMISE OF A COMPLAINT OR REFERRAL WHICH INCLUDES A FINE, PENALTY OR OTHER REMEDY;

(6) THOSE REQUIRED TO BE HELD OR MAINTAINED PUBLICLY AVAILABLE PURSUANT TO ARTICLE ONE-A OF THE LEGISLATIVE LAW; AND

(7) SUBSTANTIAL BASIS INVESTIGATION REPORTS ISSUED BY THE COMMISSION PURSUANT TO SUBDIVISION FOURTEEN-A OR FOURTEEN-B OF THIS SECTION. WITH RESPECT TO REPORTS CONCERNING MEMBERS OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEES OR CANDIDATES FOR MEMBER OF THE LEGISLATURE, THE JOINT COMMISSION SHALL NOT PUBLICLY DISCLOSE OR OTHERWISE DISSEMINATE SUCH REPORTS EXCEPT IN CONFORMANCE WITH THE REQUIREMENTS OF PARAGRAPH (B) OF SUBDIVISION NINE OF SECTION EIGHTY OF THE LEGISLATIVE LAW.

(b) [Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding, including any such proceeding contemplated under paragraph (h) or (i) of subdivision nine of this section,] MEETINGS AND PROCEEDINGS of the commission shall be open to the public[, except if expressly provided otherwise by the commission or as is required by article one-A of the legislative law] PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW. NOTWITHSTANDING THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, COMMISSIONERS MAY PARTICIPATE IN A MEETING OR PROCEEDING OF THE COMMISSION, INCLUDING VOTING, FROM A LOCATION NOT OPEN TO THE GENERAL PUBLIC TO CONDUCT THE BUSINESS OF THE COMMISSION, SO LONG AS ONE OF THE LOCATIONS FROM WHICH THE MEETING OR PROCEEDING IS BEING CONDUCTED COMPLIES WITH THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW. SUCH PARTICIPATION SHALL COUNT TOWARDS QUORUM.

S 14. Subdivision (b) of section 1-k of the legislative law, as amended by chapter 1 of the laws of 2005, is amended to read as follows:

(b) No person shall accept such a retainer or employment. [A violation of] ANY PERSON WHO VIOLATES this section shall be SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THE GREATER OF TEN THOUSAND DOLLARS OR THE VALUE OF THE CONTINGENT FEE, AND SUCH VIOLATION SHALL BE a class [A misdemeanor] E FELONY.

S 15. Subdivision (b) of section 1-o of the legislative law is amended by adding a new paragraph (vii) to read as follows:

(VII) A LOBBYIST OR CLIENT WHO KNOWINGLY AND WILFULLY FAILS TO COMPLY WITH REQUESTS FOR THE PRODUCTION OF DOCUMENTS OR OTHERWISE FAILS TO COOPERATE DURING THE CONDUCT OF A RANDOM AUDIT UNDER SECTION 1-D OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED TEN THOUSAND DOLLARS.

S 16. Section 1-s of the legislative law, as relettered by chapter 1 of the laws of 2005, is amended to read as follows:

S 1-s. Public access to records; format of records and reports. (A) The commission shall make information furnished by lobbyists and clients available to the public for inspection and copying in electronic [and paper formats] FORMAT. Access to such information shall also be made available for remote computer users through the internet network.

(B) BEGINNING WITH THE STATEMENT OF REGISTRATION AND REPORTS DUE IN CALENDAR YEAR TWO THOUSAND SEVENTEEN, ALL REGISTRATION STATEMENTS AND REPORTS MUST BE SUBMITTED ON THE ELECTRONIC FILING SYSTEM ADMINISTERED BY THE JOINT COMMISSION ON PUBLIC ETHICS.

(I) AN INDIVIDUAL MAY SUBMIT A REGISTRATION STATEMENT OR REPORT ON A FORM SUPPLIED BY THE COMMISSION WITH A WRITTEN ATTESTATION FROM A PHYSICIAN OR OTHER HEALTH PROVIDER INDICATING THAT THE INDIVIDUAL HAS A DISABILITY OR INFIRMITY PREVENTING THE INDIVIDUAL FROM COMPLETING THE REGISTRATION STATEMENT OR REPORT ON THE ELECTRONIC FILING SYSTEM PROVIDED BY THE COMMISSION.

(II) ANY INDIVIDUAL REQUIRED TO FILE A STATEMENT PURSUANT TO THIS SECTION MAY REQUEST FROM THE JOINT COMMISSION ON PUBLIC ETHICS ACCESS TO AN ELECTRONIC COMPUTER TERMINAL TO FILE THE STATEMENT.

(III) AN INDIVIDUAL WHO REQUESTS ACCESS TO AN ELECTRONIC COMPUTER TERMINAL PURSUANT TO PARAGRAPH (I) OF THIS SUBDIVISION MUST BE PROVIDED SUCH ACCESS WITHIN TWO BUSINESS DAYS OF SUBMITTING THE REQUEST.

(IV) NO INDIVIDUAL SHALL BE DEEMED TO NOT HAVE TIMELY FILED A REGISTRATION STATEMENT OR REPORT IF ACCESS TO AN ELECTRONIC COMPUTER TERMINAL WAS NOT AVAILABLE AS PROVIDED IN PARAGRAPH (II) OF THIS SUBDIVISION.

S 17. Paragraph a of subdivision 12 of section 80 of the legislative law, as amended by section 9 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

a. [Notwithstanding the provisions of article six of the public officers law, the only records of the commission which shall be available for public inspection and copying are:

(1) the terms of any settlement or compromise of a complaint or referral or report which includes a fine, penalty or other remedy reached after the commission has received a report from the joint commission on public ethics pursuant to subdivision fourteen-a of section ninety-four of the executive law;

(2) generic advisory opinions;

(3) all reports required by this section; and

(4) all reports received from the joint commission on public ethics pursuant to subdivision fourteen-a of section ninety-four of the executive law and in conformance with paragraph (b) of subdivision nine-b of this section.] COMMISSION RECORDS CREATED AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN WHICH AMENDED THIS PARAGRAPH SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION AND COPYING PURSUANT TO THE PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

S 18. This act shall take effect immediately provided, however, that sections two, three, four, five, twelve, thirteen, fourteen, fifteen, sixteen and seventeen of this act shall take effect January 1, 2017.

PART F

Section 1. Section 5-212 of the election law is REPEALED and a new section 5-212 is added to read as follows:

S 5-212. MOTOR VEHICLE REGISTRATION. 1. IN ADDITION TO ANY OTHER METHOD OF VOTER REGISTRATION PROVIDED FOR IN THIS ARTICLE, ANY QUALIFIED

PERSON SHALL BE AUTOMATICALLY APPLIED FOR REGISTRATION AND ENROLLMENT SIMULTANEOUSLY WITH AND UPON APPLICATION FOR A MOTOR VEHICLE DRIVER'S LICENSE, A DRIVER'S LICENSE RENEWAL OR AN IDENTIFICATION CARD IF SUCH A CARD IS ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES IN ITS NORMAL COURSE OF BUSINESS UNLESS SUCH QUALIFIED PERSON DECLINES SUCH APPLICATION FOR REGISTRATION AND ENROLLMENT AT THE TIME OF MAKING AN APPLICATION FOR A MOTOR VEHICLE DRIVER'S LICENSE, DRIVER'S LICENSE RENEWAL OR AN IDENTIFICATION CARD IF SUCH CARD IS ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES IN ITS NORMAL COURSE OF BUSINESS.

2. THE DEPARTMENT OF MOTOR VEHICLES, WITH THE APPROVAL OF THE STATE BOARD OF ELECTIONS, SHALL DESIGN A FORM OR FORMS WHICH SHALL, IN ADDITION TO ELICITING SUCH INFORMATION AS MAY BE REQUIRED BY THE DEPARTMENT OF MOTOR VEHICLES FOR A DRIVER'S LICENSE, A DRIVER'S LICENSE RENEWAL, A CHANGE OF ADDRESS NOTIFICATION OR AN IDENTIFICATION CARD, SERVE AS AN APPLICATION FOR REGISTRATION AND ENROLLMENT, OR A REGISTRATION NECESSITATED BY A CHANGE OF RESIDENCE. ONLY ONE SIGNATURE SHALL BE REQUIRED TO MEET THE CERTIFICATION AND ATTESTATION NEEDS OF THE PORTION OF THE FORM PERTAINING TO THE APPLICATION FOR A DRIVER'S LICENSE, A DRIVER'S LICENSE RENEWAL, A CHANGE OF ADDRESS NOTIFICATION OR AN IDENTIFICATION CARD, AND THE PORTION OF THE FORM PERTAINING TO VOTER REGISTRATION AND ENROLLMENT. THE COST OF SUCH FORMS SHALL BE BORNE BY THE DEPARTMENT OF MOTOR VEHICLES.

3. THE VOTER REGISTRATION PORTION OF SUCH FORM SHALL:

(A) NOT REQUIRE ANY INFORMATION THAT DUPLICATES THE INFORMATION REQUIRED ON THE APPLICATION FOR THE DRIVER LICENSE PORTION AND SHALL REQUIRE ONLY SUCH ADDITIONAL INFORMATION AS WILL ENABLE ELECTION OFFICIALS TO ASSESS THE APPLICANT'S ELIGIBILITY TO REGISTER TO VOTE, PREVENT DUPLICATE REGISTRATION AND TO ADMINISTER VOTER REGISTRATION AND OTHER PARTS OF THE ELECTION PROCESS;

(B) INCLUDE A STATEMENT OF THE ELIGIBILITY REQUIREMENTS FOR VOTER REGISTRATION AND SHALL REQUIRE THE APPLICANT TO ATTEST BY HIS OR HER SIGNATURE THAT HE OR SHE MEETS THOSE REQUIREMENTS UNDER PENALTY OF PERJURY UNLESS SUCH APPLICANT DECLINES SUCH REGISTRATION;

(C) INFORM THE APPLICANT, IN PRINT IDENTICAL TO THAT USED IN THE ATTESTATION SECTION OF THE FOLLOWING:

(I) VOTER ELIGIBILITY REQUIREMENTS;

(II) PENALTIES FOR SUBMISSION OF FALSE REGISTRATION APPLICATION;

(III) THAT THE OFFICE WHERE APPLICANT REGISTERS SHALL REMAIN CONFIDENTIAL AND THE INFORMATION BE USED ONLY FOR VOTER REGISTRATION PURPOSES;

(IV) IF THE APPLICANT DECLINES TO REGISTER, SUCH APPLICANT'S DECLINATION SHALL REMAIN CONFIDENTIAL AND BE USED ONLY FOR VOTER REGISTRATION PURPOSES;

(D) INCLUDE A BOX FOR THE APPLICANT TO CHECK TO INDICATE WHETHER THE APPLICANT WOULD LIKE TO DECLINE TO REGISTER TO VOTE ALONG WITH THE STATEMENT IN PROMINENT TYPE, "IF YOU DO NOT CHECK THIS BOX, YOU PROVIDE YOUR SIGNATURE ON THE SPACE PROVIDED BELOW, AND YOU ARE AT LEAST 18 YEARS OF AGE OR OLDER, YOU WILL HAVE PERSONALLY APPLIED TO REGISTER TO VOTE AT THIS TIME.";

(E) INCLUDE A SPACE FOR THE APPLICANT TO INDICATE HIS OR HER CHOICE OF PARTY ENROLLMENT, WITH A CLEAR ALTERNATIVE PROVIDED FOR THE APPLICANT TO DECLINE TO AFFILIATE WITH ANY PARTY;

(F) INCLUDE THE STATEMENT, "IF YOU WOULD LIKE HELP IN FILLING OUT THE VOTER REGISTRATION APPLICATION FORM, WE WILL HELP YOU. THE DECISION WHETHER TO SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT THE APPLICATION FORM IN PRIVATE.";

(G) INCLUDE THE STATEMENT, "IF YOU BELIEVE THAT SOMEONE HAS INTERFERED WITH YOUR RIGHT TO REGISTER OR DECLINE TO REGISTER TO VOTE, YOUR RIGHT TO PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO VOTE, OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL PARTY OR OTHER POLITICAL PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE STATE BOARD OF ELECTIONS (ADDRESS AND TOLL FREE TELEPHONE NUMBER).";

(H) INCLUDE A TOLL FREE NUMBER AT THE STATE BOARD OF ELECTIONS THAT CAN BE CALLED FOR ANSWERS TO REGISTRATION QUESTIONS; AND

(I) INCLUDE ANY OTHER INFORMATION THAT IS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE NATIONAL VOTER REGISTRATION ACT.

4. THE DEPARTMENT OF MOTOR VEHICLES SHALL TRANSMIT THAT PORTION OF THE FORM WHICH CONSTITUTES THE COMPLETED APPLICATION FOR REGISTRATION OR CHANGE OF ADDRESS FORM TO THE APPROPRIATE BOARD OF ELECTIONS NOT LATER THAN TEN DAYS AFTER RECEIPT EXCEPT THAT ALL SUCH COMPLETED APPLICATIONS AND FORMS RECEIVED BY THE DEPARTMENT BETWEEN THE THIRTIETH AND TWENTY-FIFTH DAY BEFORE AN ELECTION SHALL BE TRANSMITTED IN SUCH MANNER AND AT SUCH TIME AS TO ASSURE THEIR RECEIPT BY SUCH BOARD OF ELECTIONS NOT LATER THAN THE TWENTIETH DAY BEFORE SUCH ELECTION. ALL TRANSMITTALS SHALL INCLUDE ORIGINAL SIGNATURES.

5. COMPLETED APPLICATION FORMS RECEIVED BY THE DEPARTMENT OF MOTOR VEHICLES NOT LATER THAN THE TWENTY-FIFTH DAY BEFORE THE NEXT ENSUING PRIMARY, GENERAL OR SPECIAL ELECTION AND TRANSMITTED BY SUCH DEPARTMENT TO THE APPROPRIATE BOARD OF ELECTIONS SO THAT THEY ARE RECEIVED NOT LATER THAN THE TWENTIETH DAY BEFORE SUCH ELECTION SHALL ENTITLE THE APPLICANT TO VOTE IN SUCH ELECTION PROVIDED THE BOARD DETERMINES THAT THE APPLICANT IS OTHERWISE QUALIFIED.

6. DISCLOSURE OF VOTER REGISTRATION INFORMATION, INCLUDING A DECLINATION TO REGISTER, BY THE DEPARTMENT OF MOTOR VEHICLES, ITS AGENTS OR EMPLOYEES, FOR OTHER THAN VOTER REGISTRATION PURPOSES, SHALL BE DEEMED AN UNWARRANTED INVASION OF PERSONAL PRIVACY PURSUANT TO THE PROVISIONS OF SUBDIVISION TWO OF SECTION EIGHTY-NINE OF THE PUBLIC OFFICERS LAW AND SHALL CONSTITUTE A VIOLATION OF THIS CHAPTER.

7. APPLICATION FORMS SHALL BE PROCESSED BY THE BOARD OF ELECTIONS IN THE MANNER PRESCRIBED BY SECTION 5-210 OF THIS TITLE OR, IF THE APPLICANT IS ALREADY REGISTERED TO VOTE FROM ANOTHER ADDRESS IN SUCH COUNTY OR CITY, IN THE MANNER PRESCRIBED BY SECTION 5-208 OF THIS TITLE. THE BOARD SHALL SEND THE APPROPRIATE NOTICE OF APPROVAL OR REJECTION AS REQUIRED BY EITHER SUBDIVISION NINE OF SUCH SECTION 5-210 OR SUBDIVISION FIVE OF SUCH SECTION 5-208.

8. STRICT NEUTRALITY WITH RESPECT TO A PERSON'S PARTY ENROLLMENT SHALL BE MAINTAINED AND ALL PERSONS SEEKING VOTER REGISTRATION FORMS AND INFORMATION SHALL BE ADVISED THAT GOVERNMENT SERVICES ARE NOT CONDITIONED ON BEING REGISTERED TO VOTE.

9. NO STATEMENT SHALL BE MADE NOR ANY ACTION TAKEN TO DISCOURAGE THE APPLICANT FROM REGISTERING TO VOTE.

10. THE DEPARTMENT OF MOTOR VEHICLES SHALL PROVIDE TO EACH PERSON WHO CHOOSES TO REGISTER TO VOTE THE SAME LEVEL OF ASSISTANCE PROVIDED TO PERSONS IN CONNECTION WITH THE COMPLETION OF THE AGENCY'S REQUISITE INFORMATION, UNLESS SUCH PERSON REFUSES SUCH ASSISTANCE.

11. THE STATE BOARD SHALL ADOPT SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE REQUIREMENTS OF THIS SECTION. THE BOARD SHALL ALSO ADOPT SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO REQUIRE COUNTY BOARDS AND THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE THE STATE BOARD WITH SUCH INFORMATION AND DATA AS THE BOARD DEEMS NECESSARY TO ASSESS COMPLIANCE WITH THIS SECTION AND TO COMPILE SUCH STATISTICS AS MAY BE REQUIRED BY THE FEDERAL ELECTIONS COMMISSION.

12. THE STATE BOARD SHALL DEVELOP AND DISTRIBUTE PUBLIC INFORMATION AND PROMOTIONAL MATERIALS RELATING TO THE PURPOSES AND IMPLEMENTATION OF THIS PROGRAM.

13. THE STATE BOARD SHALL PREPARE AND DISTRIBUTE TO THE DEPARTMENT OF MOTOR VEHICLES WRITTEN INSTRUCTIONS AS TO THE IMPLEMENTATION OF THE PROGRAM AND SHALL BE RESPONSIBLE FOR ESTABLISHING TRAINING PROGRAMS FOR EMPLOYEES OF THE DEPARTMENT OF MOTOR VEHICLES INVOLVED IN SUCH PROGRAM.

14. THE COMMISSIONER OF MOTOR VEHICLES SHALL TAKE ALL ACTIONS WHICH ARE NECESSARY AND PROPER FOR THE IMPLEMENTATION OF THIS SECTION. THE COMMISSIONER OF MOTOR VEHICLES SHALL DESIGNATE ONE PERSON WITHIN THE AGENCY AS THE AGENCY VOTER REGISTRATION COORDINATOR WHO WILL, UNDER THE DIRECTION OF THE STATE BOARD OF ELECTIONS, BE RESPONSIBLE FOR THE VOTER REGISTRATION PROGRAM IN SUCH AGENCY.

15. NOTWITHSTANDING SUBDIVISION SIX OF SECTION 5-210 OF THIS TITLE AND ANY OTHER LAW TO THE CONTRARY, AN APPLICANT WHO IS LESS THAN EIGHTEEN YEARS OF AGE WHO IMPROPERLY FAILS TO DECLINE TO VOTE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION SHALL NOT BE GUILTY OF ANY CRIME AS THE RESULT OF THE APPLICANT'S FAILURE TO MAKE SUCH DECLINATION.

S 2. Paragraph (a) of subdivision 2 of section 5-712 of the election law, as amended by chapter 200 of the laws of 1996, is amended to read as follows:

(a) The board of elections shall also send a confirmation notice to every registered voter for whom it receives a notice of change of address to an address not in such city or county which is not signed by the voter. Such change of address notices shall include, but not be limited to, notices of change of address received pursuant to subdivision eleven of section 5-211 and subdivision [six] FOUR of section 5-212 of this article, notice of change of address from the United States Postal Service through the National Change of Address System or from any other agency of the federal government or any agency of any state or local government and notice of a forwarding address on mail sent to a voter by the board of elections and returned by the postal service. Such confirmation notices shall be sent to such new address.

S 3. Subdivision 5 of section 5-210 of the election law is amended by adding a new paragraph (n) to read as follows:

(N) THE FORM OF APPLICATION REQUIRED BY SECTION 5-212 OF THIS TITLE SHALL BE DEEMED TO MEET THE REQUIREMENTS OF THIS SECTION.

S 4. Subdivision 27 of section 1-104 of the election law is amended to read as follows:

27. The term "personal application" means a signed writing which may be delivered by mailing [or], in person, OR ELECTRONICALLY.

S 5. Section 3-400 of the election law is amended by adding a new subdivision 9 to read as follows:

9. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THIS ARTICLE, ELECTION INSPECTORS OR POLL CLERKS, IF ANY, AT POLLING PLACES FOR EARLY VOTING, SHALL CONSIST OF EITHER BOARD OF ELECTIONS EMPLOYEES WHO SHALL BE APPOINTED BY THE COMMISSIONERS OF SUCH BOARD OR DULY QUALIFIED INDIVIDUALS, APPOINTED IN THE MANNER SET FORTH IN THIS SECTION. APPOINTMENTS TO THE OFFICES OF ELECTION INSPECTOR OR POLL CLERK IN EACH POLLING PLACE FOR EARLY VOTING SHALL BE EQUALLY DIVIDED BETWEEN THE MAJOR POLITICAL PARTIES. THE BOARD OF ELECTIONS SHALL ASSIGN STAFF AND PROVIDE THE RESOURCES THEY REQUIRE TO ENSURE WAIT TIMES AT EARLY VOTING SITES DO NOT EXCEED THIRTY MINUTES.

S 6. Section 4-117 of the election law is amended by adding a new subdivision 1-a to read as follows:

1-A. THE NOTICE REQUIRED BY SUBDIVISION ONE OF THIS SECTION SHALL INCLUDE THE DATES, HOURS AND LOCATIONS OF EARLY VOTING FOR THE GENERAL AND PRIMARY ELECTION. THE BOARD OF ELECTIONS MAY SATISFY THE NOTICE REQUIREMENT OF THIS SUBDIVISION BY PROVIDING IN THE NOTICE INSTRUCTIONS TO OBTAIN THE REQUIRED EARLY VOTING INFORMATION FROM A WEBSITE OF THE BOARD OF ELECTIONS AND PROVIDING A PHONE NUMBER TO CALL FOR SUCH INFORMATION.

S 7. Subdivision 2 of section 8-100 of the election law, as amended by chapter 335 of the laws of 2000, is amended to read as follows:

2. Polls shall be open for voting during the following hours: a primary election from twelve o'clock noon until nine o'clock in the evening, except in the city of New York and the counties of Nassau, Suffolk, Westchester, Rockland, Orange, Putnam and Erie, and in such city or county from six o'clock in the morning until nine o'clock in the evening; the general election from six o'clock in the morning until nine o'clock in the evening; a special election called by the governor pursuant to the public officers law, and, except as otherwise provided by law, every other election, from six o'clock in the morning until nine o'clock in the evening; EARLY VOTING HOURS SHALL BE AS PROVIDED IN SECTION 8-600 OF THIS ARTICLE.

S 8. Subdivision 1 of section 8-102 of the election law is amended by adding a new paragraph (k) to read as follows:

(K) VOTING AT EACH POLLING PLACE FOR EARLY VOTING SHALL BE CONDUCTED IN A MANNER CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE, WITH THE EXCEPTION OF THE TABULATION AND PROCLAMATION OF ELECTION RESULTS WHICH SHALL BE COMPLETED ACCORDING TO SUBDIVISIONS EIGHT AND NINE OF SECTION 8-600 OF THIS ARTICLE.

S 9. Section 8-104 of the election law is amended by adding a new subdivision 7 to read as follows:

7. THIS SECTION SHALL APPLY ON ALL EARLY VOTING DAYS AS PROVIDED FOR IN SECTION 8-600 OF THIS ARTICLE.

S 10. Paragraph (b) of subdivision 2 of section 8-508 of the election law, as amended by chapter 200 of the laws of 1996, is amended to read as follows:

(b) The second section of such report shall be reserved for the board of inspectors to enter the name, address and registration serial number of each person who is challenged on the day of election OR ON ANY DAY IN WHICH THERE IS EARLY VOTING PURSUANT TO SECTION 8-600 OF THIS ARTICLE, together with the reason for the challenge. If no voters are challenged, the board of inspectors shall enter the words "No Challenges" across the space reserved for such names. In lieu of preparing section two of the challenge report, the board of elections may provide, next to the name of each voter on the computer generated registration list, a place for the inspectors of election to record the information required to be entered in such section two, or provide at the end of such computer generated registration list, a place for the inspectors of election to enter such information.

S 11. Article 8 of the election law is amended by adding a new title 6 to read as follows:

TITLE VI
EARLY VOTING

SECTION 8-600. EARLY VOTING.
8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES FOR EARLY VOTING.

S 8-600. EARLY VOTING. 1. BEGINNING THE THIRTEENTH DAY PRIOR TO ANY GENERAL, PRIMARY OR SPECIAL ELECTION FOR ANY PUBLIC OR PARTY OFFICE, AND

ENDING ON AND INCLUDING THE SECOND DAY PRIOR TO SUCH GENERAL, PRIMARY OR SPECIAL ELECTION FOR SUCH PUBLIC OR PARTY OFFICE, PERSONS DULY REGISTERED AND ELIGIBLE TO VOTE AT SUCH ELECTION SHALL BE PERMITTED TO VOTE AS PROVIDED IN THIS TITLE. THE BOARD OF ELECTIONS OF EACH COUNTY AND THE CITY OF NEW YORK SHALL ESTABLISH PROCEDURES, SUBJECT TO APPROVAL OF THE STATE BOARD OF ELECTIONS, TO ENSURE THAT PERSONS WHO VOTE DURING THE EARLY VOTING PERIOD SHALL NOT BE PERMITTED TO VOTE SUBSEQUENTLY IN THE SAME ELECTION.

2. (A) THE BOARD OF ELECTIONS OF EACH COUNTY OR THE CITY OF NEW YORK SHALL DESIGNATE POLLING PLACES FOR EARLY VOTING IN EACH COUNTY, WHICH MAY INCLUDE THE OFFICES OF THE BOARD OF ELECTIONS, FOR PERSONS TO VOTE EARLY PURSUANT TO THIS SECTION. THERE SHALL BE SO DESIGNATED AT LEAST ONE EARLY VOTING POLLING PLACE FOR EVERY FULL INCREMENT OF FIFTY THOUSAND REGISTERED VOTERS IN EACH COUNTY; PROVIDED, HOWEVER, THE NUMBER OF EARLY VOTING POLLING PLACES IN A COUNTY SHALL NOT BE REQUIRED TO BE GREATER THAN SEVEN, AND A COUNTY WITH FEWER THAN FIFTY THOUSAND VOTERS SHALL HAVE AT LEAST ONE EARLY VOTING POLLING PLACE.

(B) THE BOARD OF ELECTIONS OF EACH COUNTY OR THE CITY OF NEW YORK MAY ESTABLISH ADDITIONAL POLLING PLACES FOR EARLY VOTING IN EXCESS OF THE MINIMUM NUMBER REQUIRED BY THIS SUBDIVISION FOR THE CONVENIENCE OF ELIGIBLE VOTERS WISHING TO VOTE DURING THE EARLY VOTING PERIOD.

(C) NOTWITHSTANDING THE MINIMUM NUMBER OF EARLY VOTING POLL SITES OTHERWISE REQUIRED BY THIS SUBDIVISION, FOR ANY PRIMARY OR SPECIAL ELECTION, UPON MAJORITY VOTE OF THE BOARD OF ELECTIONS, THE NUMBER OF EARLY VOTING SITES MAY BE REDUCED IF THE BOARD OF ELECTIONS REASONABLY DETERMINES A LESSER NUMBER OF SITES IS SUFFICIENT TO MEET THE NEEDS OF EARLY VOTERS.

(D) POLLING PLACES FOR EARLY VOTING SHALL BE LOCATED TO ENSURE, TO THE EXTENT PRACTICABLE, THAT ELIGIBLE VOTERS HAVE ADEQUATE EQUITABLE ACCESS, TAKING INTO CONSIDERATION POPULATION DENSITY, TRAVEL TIME TO THE POLLING PLACE, PROXIMITY TO OTHER LOCATIONS OR COMMONLY USED TRANSPORTATION ROUTES AND SUCH OTHER FACTORS THE BOARD OF ELECTIONS OF THE COUNTY OR THE CITY OF NEW YORK DEEMS APPROPRIATE. THE PROVISIONS OF SECTION 4-104 OF THIS CHAPTER, EXCEPT SUBDIVISIONS FOUR AND FIVE OF SUCH SECTION, SHALL APPLY TO THE DESIGNATION OF POLLING PLACES FOR EARLY VOTING EXCEPT TO THE EXTENT SUCH PROVISIONS ARE INCONSISTENT WITH THIS SECTION.

3. ANY PERSON PERMITTED TO VOTE EARLY MAY DO SO AT ANY POLLING PLACE FOR EARLY VOTING ESTABLISHED PURSUANT TO SUBDIVISION TWO OF THIS SECTION IN THE COUNTY WHERE SUCH VOTER IS REGISTERED TO VOTE. PROVIDED, HOWEVER, (I) IF IT IS IMPRACTICAL TO PROVIDE EACH POLLING PLACE FOR EARLY VOTING ALL APPROPRIATE BALLOTS FOR EACH ELECTION TO BE VOTED ON IN THE COUNTY, OR (II) IF PERMITTING SUCH PERSONS TO VOTE EARLY AT ANY POLLING PLACE ESTABLISHED FOR EARLY VOTING WOULD MAKE IT IMPRACTICAL TO ENSURE THAT SUCH VOTER HAS NOT PREVIOUSLY VOTED EARLY DURING SUCH ELECTION, THE BOARD OF ELECTIONS MAY DESIGNATE EACH POLLING PLACE FOR EARLY VOTING ONLY FOR THOSE VOTERS REGISTERED TO VOTE IN A PORTION OF THE COUNTY TO BE SERVED BY SUCH POLLING PLACE FOR EARLY VOTING, PROVIDED THAT ALL VOTERS IN EACH COUNTY SHALL HAVE ONE OR MORE POLLING PLACES AT WHICH THEY ARE ELIGIBLE TO VOTE THROUGHOUT THE EARLY VOTING PERIOD ON A SUBSTANTIALLY EQUAL BASIS.

4. (A) POLLS SHALL BE OPEN FOR EARLY VOTING FOR AT LEAST EIGHT HOURS BETWEEN SEVEN O'CLOCK IN THE MORNING AND EIGHT O'CLOCK IN THE EVENING EACH WEEK DAY DURING THE EARLY VOTING PERIOD.

(B) AT LEAST ONE POLLING PLACE FOR EARLY VOTING SHALL REMAIN OPEN UNTIL EIGHT O'CLOCK IN THE EVENING ON AT LEAST TWO WEEK DAYS IN EACH CALENDAR WEEK DURING THE EARLY VOTING PERIOD. IF POLLING PLACES FOR

EARLY VOTING ARE LIMITED TO VOTERS FROM CERTAIN AREAS PURSUANT TO SUBDIVISION THREE OF THIS SECTION, POLLING PLACES THAT REMAIN OPEN UNTIL EIGHT O'CLOCK SHALL BE DESIGNATED SUCH THAT ANY PERSON ENTITLED TO VOTE EARLY MAY VOTE UNTIL EIGHT O'CLOCK IN THE EVENING ON AT LEAST TWO WEEK DAYS DURING THE EARLY VOTING PERIOD.

(C) POLLS SHALL BE OPEN FOR EARLY VOTING FOR AT LEAST FIVE HOURS BETWEEN NINE O'CLOCK IN THE MORNING AND SIX O'CLOCK IN THE EVENING ON EACH SATURDAY, SUNDAY AND LEGAL HOLIDAY DURING THE EARLY VOTING PERIOD.

(D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT ANY BOARD OF ELECTIONS FROM ESTABLISHING A GREATER NUMBER OF HOURS FOR VOTING DURING THE EARLY VOTING PERIOD BEYOND THE NUMBER OF HOURS REQUIRED IN THIS SUBDIVISION.

(E) EARLY VOTING POLLING PLACES AND THEIR HOURS OF OPERATION FOR EARLY VOTING AT A GENERAL ELECTION SHALL BE DESIGNATED BY MAY FIRST OF EACH YEAR PURSUANT TO SUBDIVISION ONE OF SECTION 4-104 OF THIS CHAPTER. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF SECTION 4-104 OF THIS CHAPTER REQUIRING POLL SITE DESIGNATION BY MAY FIRST, EARLY VOTING POLLING PLACES AND THEIR HOURS OF OPERATION FOR EARLY VOTING FOR A PRIMARY OR SPECIAL ELECTION SHALL BE MADE NOT LATER THAN FORTY-FIVE DAYS BEFORE SUCH PRIMARY OR SPECIAL ELECTION.

5. EACH BOARD OF ELECTIONS SHALL CREATE A COMMUNICATION PLAN TO INFORM ELIGIBLE VOTERS OF THE OPPORTUNITY TO VOTE EARLY. SUCH PLAN MAY UTILIZE ANY AND ALL MEDIA OUTLETS, INCLUDING SOCIAL MEDIA, AND SHALL PUBLICIZE: THE LOCATION AND DATES AND HOURS OF OPERATION OF ALL POLLING PLACES FOR EARLY VOTING; AN INDICATION OF WHETHER EACH POLLING PLACE IS ACCESSIBLE TO VOTERS WITH PHYSICAL DISABILITIES; A CLEAR AND UNAMBIGUOUS NOTICE TO VOTERS THAT IF THEY CAST A BALLOT DURING THE EARLY VOTING PERIOD THEY WILL NOT BE ALLOWED TO VOTE ELECTION DAY; AND IF POLLING PLACES FOR EARLY VOTING ARE LIMITED TO VOTERS FROM CERTAIN AREAS PURSUANT TO SUBDIVISION THREE OF THIS SECTION, THE LOCATION OF THE POLLING PLACES FOR EARLY VOTING SERVING THE VOTERS OF EACH PARTICULAR CITY, TOWN OR OTHER POLITICAL SUBDIVISION.

6. THE FORM OF PAPER BALLOTS USED IN EARLY VOTING SHALL COMPLY WITH THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER THAT ARE APPLICABLE TO VOTING BY PAPER BALLOT ON ELECTION DAY AND SUCH BALLOT SHALL BE CAST IN THE SAME MANNER AS PROVIDED FOR IN SECTION 8-312 OF THIS ARTICLE, PROVIDED, HOWEVER, THAT BALLOTS CAST DURING THE EARLY VOTING PERIOD SHALL BE SECURED IN THE MANNER OF VOTED BALLOTS CAST ON ELECTION DAY AND SUCH BALLOTS SHALL NOT BE CANVASSED OR EXAMINED UNTIL AFTER THE CLOSE OF THE POLLS ON ELECTION DAY, AND NO UNOFFICIAL TABULATIONS OF ELECTION RESULTS SHALL BE PRINTED OR VIEWED IN ANY MANNER UNTIL AFTER THE CLOSE OF POLLS ON ELECTION DAY.

7. VOTERS CASTING BALLOTS PURSUANT TO THIS TITLE SHALL BE SUBJECT TO CHALLENGE AS PROVIDED IN SECTIONS 8-500, 8-502 AND 8-504 OF THIS ARTICLE.

8. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER, AT THE END OF EACH DAY OF EARLY VOTING, ANY EARLY VOTING BALLOTS THAT HAVE NOT BEEN SCANNED BECAUSE A BALLOT SCANNER WAS NOT AVAILABLE OR BECAUSE THE BALLOT HAS BEEN ABANDONED BY THE VOTER AT THE BALLOT SCANNER SHALL BE CAST IN A MANNER CONSISTENT WITH SECTION 9-110 OF THIS CHAPTER, EXCEPT THAT ANY BALLOTS THAT WOULD OTHERWISE BE SCANNED AT THE CLOSE OF THE POLLS PURSUANT TO SUCH SECTION SHALL BE SCANNED AT THE CLOSE OF EACH DAY'S EARLY VOTING.

9. THE BOARD OF ELECTIONS SHALL SECURE ALL BALLOTS AND SCANNERS USED FOR EARLY VOTING FROM THE BEGINNING OF THE EARLY VOTING PERIOD THROUGH THE CLOSE OF THE POLLS OF THE ELECTION ON ELECTION DAY. AS SOON AS THE

POLLS OF THE ELECTION ARE CLOSED ON ELECTION DAY, AND NOT BEFORE, INSPECTORS OR BOARD OF ELECTIONS EMPLOYEES SHALL FOLLOW ALL RELEVANT PROVISIONS OF ARTICLE NINE OF THIS CHAPTER THAT ARE NOT INCONSISTENT WITH THIS SECTION, FOR CANVASSING, PROCESSING, RECORDING, AND ANNOUNCING RESULTS OF VOTING AT POLLING PLACES FOR EARLY VOTING, AND SECURING BALLOTS, SCANNERS, AND OTHER ELECTION MATERIALS.

S 8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES FOR EARLY VOTING. ANY RULE OR REGULATION NECESSARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS TITLE SHALL BE PROMULGATED BY THE STATE BOARD OF ELECTIONS PROVIDED THAT SUCH RULES AND REGULATIONS SHALL INCLUDE PROVISIONS TO ENSURE THAT BALLOTS CAST EARLY, BY ANY METHOD ALLOWED UNDER LAW, ARE COUNTED AND CANVASSED AS IF CAST ON ELECTION DAY. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE ANY OTHER RULES AND REGULATIONS NECESSARY TO ENSURE AN EFFICIENT AND FAIR EARLY VOTING PROCESS THAT RESPECTS THE PRIVACY OF THE VOTER. PROVIDED, FURTHER, THAT SUCH RULES AND REGULATIONS SHALL REQUIRE THAT THE VOTING HISTORY RECORD FOR EACH VOTER BE CONTINUALLY UPDATED TO REFLECT EACH INSTANCE OF EARLY VOTING BY SUCH VOTER.

S 12. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to any election held 120 days or more after it shall have taken effect; provided, however that sections one, two, three and four of this act shall take effect on April 1, 2017.

PART G

Section 1. The New York state comptroller, or his or her designee, the attorney general of the state of New York, or his or her designee, the chief information officer of the office of information technology services, or his or her designee and the commissioner of general services, or his or her designee, are hereby directed to review, examine and make recommendations concerning the feasibility of assigning a single identifying code to contractors, vendors and other payees to track such entities and expenditures. This group shall submit a report to the governor, temporary president of the senate, and the speaker of the assembly on or before January 1, 2017, of its findings and recommendations.

S 2. This act shall take effect immediately.

PART H

Section 1. Subdivisions (b), (h) and (w) of section 1-c of the legislative law, subdivisions (b) and (h) as added by chapter 2 of the laws of 1999 and subdivision (w) as added by section 8 of part A of chapter 399 of the laws of 2011, are amended and a new subdivision (x) is added to read as follows:

(b) The term "client" shall mean every person or organization who retains, employs or designates any person or organization to carry on lobbying activities OR POLITICAL CONSULTING SERVICES on behalf of such client.

(h) The term "compensation" shall mean any salary, fee, gift, payment, benefit, loan, advance or any other thing of value paid, owed, given or promised to the lobbyist OR POLITICAL CONSULTANT by the client for lobbying OR POLITICAL CONSULTING but shall not include contributions reportable pursuant to article fourteen of the election law.

(w) The term "reportable business relationship" shall mean a relationship in which compensation is paid by a lobbyist, POLITICAL CONSULTANT, or by a client of a lobbyist OR A POLITICAL CONSULTANT, in exchange for any goods, services or anything of value, the total value of which is in excess of one thousand dollars annually, to be performed or provided by or intended to be performed or provided by (i) any statewide elected official, state officer, state employee, member of the legislature or legislative employee, or (ii) any entity in which the lobbyist or the client of a lobbyist OR A POLITICAL CONSULTANT OR THE CLIENT OF A POLITICAL CONSULTANT knows or has reason to know the statewide elected official, state officer, state employee, member of the legislature or legislative employee is a proprietor, partner, director, officer or manager, or owns or controls ten percent or more of the stock of such entity (or one percent in the case of a corporation whose stock is regularly traded on an established securities exchange).

(X) THE TERM "POLITICAL CONSULTING" MEANS AND INCLUDES THE PROVISION FOR COMPENSATION, TO ANY ELECTED STATE OR LOCAL PUBLIC OFFICIAL OF ADVICE, SERVICES OR ASSISTANCE IN SECURING FUTURE STATE OR LOCAL PUBLIC OFFICE INCLUDING, BUT NOT LIMITED TO, CAMPAIGN MANAGEMENT, FUNDRAISING ACTIVITIES, PUBLIC RELATIONS OR MEDIA SERVICES, BUT SHALL EXCLUDE LEGAL WORK DIRECTLY RELATED TO LITIGATION OR LEGAL ADVICE WITH REGARD TO SECURING A PLACE ON THE BALLOT, THE PETITIONING PROCESS, THE CONDUCT OF AN ELECTION OR WHICH INVOLVES THIS CHAPTER.

S 2. Section 1-d of the legislative law, as amended by chapter 14 of the laws of 2007 and subdivision (h) as added by section 7 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

S 1-d. Lobby-related AND POLITICAL CONSULTING-RELATED powers of the commission. In addition to any other powers and duties provided by section ninety-four of the executive law, the commission shall, with respect to its lobbying-related AND POLITICAL CONSULTING-RELATED functions only, have the power and duty to:

(a) administer and enforce all the provisions of this article;

(b) conduct a program of random audits subject to the terms and conditions of this section. Any such program shall be carried out in the following manner:

(i) The commission may randomly select reports or registration statements required to be filed by lobbyists, POLITICAL CONSULTANTS, or clients pursuant to this article for audit. Any such selection shall be done in a manner pursuant to which the identity of any particular lobbyist, POLITICAL CONSULTANT, or client whose statement or report is selected for audit is unknown to the commission, its staff or any of their agents prior to selection.

(ii) The commission shall develop protocols for the conduct of such random audits. Such random audits may require the production of books, papers, records or memoranda relevant and material to the preparation of the selected statements or reports, for examination by the commission. Any such protocols shall ensure that similarly situated statements or reports are audited in a uniform manner.

(iii) The commission shall contract with an outside accounting entity, which shall monitor the process pursuant to which the commission selects statements or reports for audit and carries out the provisions of paragraphs (i) and (ii) of this subdivision and certifies that such process complies with the provisions of such paragraphs.

(iv) Upon completion of a random audit conducted in accordance with the provisions of paragraphs (i), (ii) and (iii) of this subdivision, the commission shall determine whether there is reasonable cause to

believe that any such statement or report is inaccurate or incomplete. Upon a determination that such reasonable cause exists, the commission may require the production of further books, records or memoranda, subpoena witnesses, compel their attendance and testimony and administer oaths or affirmations, to the extent the commission determines such actions are necessary to obtain information relevant and material to investigating such inaccuracies or omissions;

(c) conduct hearings pursuant to article seven of the public officers law. Any hearing may be conducted as a video conference in accordance with the provisions of subdivision four of section one hundred four of the public officers law;

(d) prepare uniform forms for the statements and reports required by this article;

(e) meet at least once during each bi-monthly reporting period of the year as established by subdivision (a) of section one-h of this article and may meet at such other times as the commission, or the chair and vice-chair jointly, shall determine;

(f) issue advisory opinions to those under its jurisdiction. Such advisory opinions, which shall be published and made available to the public, shall not be binding upon such commission except with respect to the person to whom such opinion is rendered, provided, however, that a subsequent modification by such commission of such an advisory opinion shall operate prospectively only; and

(g) submit by the first day of March next following the year for which such report is made to the governor and the members of the legislature an annual report summarizing the commission's work, listing the lobbyists, POLITICAL CONSULTANTS, and clients required to register pursuant to this article and the expenses and compensation reported pursuant to this article and making recommendations with respect to this article. The commission shall make this report available free of charge to the public.

(h) provide an online ethics training course for individuals registered as lobbyists AND POLITICAL CONSULTANTS pursuant to section one-e of this article. The curriculum for the course shall include, but not be limited to, explanations and discussions of the statutes and regulations of New York concerning ethics in the public officers law, the election law, the legislative law, summaries of advisory opinions, underlying purposes and principles of the relevant laws, and examples of practical application of these laws and principles. The commission shall prepare those methods and materials necessary to implement the curriculum. Each individual registered as a lobbyist OR A POLITICAL CONSULTANT pursuant to section one-e of this article shall complete such training course at least once in any three-year period during which he or she is registered as a lobbyist OR A POLITICAL CONSULTANT.

S 3. Section 1-e of the legislative law, as amended by section 1 of part S of chapter 62 of the laws of 2003, subdivisions (a) and (c) as amended by chapter 1 of the laws of 2005, paragraph 1 of subdivision (c) as amended by chapter 14 of the laws of 2007 and paragraph 8 of subdivision (c) as added by section 7-a of part A of chapter 399 of the laws of 2011, is amended to read as follows:

S 1-e. Statement of registration. (a) (1) Every lobbyist OR POLITICAL CONSULTANT shall annually file with the commission, on forms provided by the commission, a statement of registration for each calendar year; provided, however, that the filing of such statement of registration shall not be required of any lobbyist OR POLITICAL CONSULTANT who (i) in any year does not expend, incur or receive an amount in excess of two

thousand dollars for years prior to two thousand six and in excess of five thousand dollars in the year two thousand six and the years thereafter of reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section one-h of this article, for the purposes of lobbying OR POLITICAL CONSULTING or (ii) is an officer, director, trustee or employee of any public corporation, when acting in such official capacity; provided however, that nothing in this section shall be construed to relieve any public corporation of the obligation to file such statements and reports as required by this article. The amounts expended, incurred, or received of reportable compensation and expenses for lobbying OR POLITICAL CONSULTING activities shall be computed cumulatively for all lobbying OR POLITICAL CONSULTING activities when determining whether the thresholds set forth in this section have been met.

(2) (i) Through calendar year two thousand three, such filing shall be completed on or before January first by those persons who have been retained, employed or designated as lobbyist on or before December fifteenth who reasonably anticipate that in the coming year they will expend, incur or receive combined reportable compensation and expenses in an amount in excess of two thousand dollars; for those lobbyists retained, employed or designated after December fifteenth, and for those lobbyists who subsequent to their retainer, employment or designation reasonably anticipate combined reportable compensation and expenses in excess of such amount, such filing must be completed within fifteen days thereafter, but in no event later than ten days after the actual incurring or receiving of such reportable compensation and expenses.

(ii) For calendar year two thousand four, such filings shall be completed on or before January first by those persons who have been retained, employed or designated as lobbyist on or before December fifteenth, two thousand three who reasonably anticipate that in the coming year they will expend, incur or receive combined reportable compensation and expenses in an amount in excess of two thousand dollars; for those lobbyists retained, employed or designated after December fifteenth, two thousand three, and for those lobbyists who subsequent to their retainer, employment or designation reasonably anticipate combined reportable compensation and expenses in excess of such amount, such filing must be completed within fifteen days thereafter, but in no event later than ten days after the actual incurring or receiving of such reportable compensation and expenses.

(3) Commencing calendar year two thousand five and thereafter every lobbyist shall, AND COMMENCING CALENDAR YEAR TWO THOUSAND SEVENTEEN EVERY POLITICAL CONSULTANT SHALL, biennially file with the commission, on forms provided by the commission, a statement of registration for each biennial period beginning with the first year of the biennial cycle commencing calendar year two thousand five and thereafter FOR LOBBYISTS, AND TWO THOUSAND SEVENTEEN FOR POLITICAL CONSULTANTS; provided, however, that the biennial filing of such statement of registration shall not be required of any lobbyist OR POLITICAL CONSULTANT who (i) in any year prior to calendar year two thousand six does not expend, incur or receive an amount in excess of two thousand dollars of reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section one-h of this article, for the purposes of lobbying OR POLITICAL CONSULTING and commencing with calendar year two thousand six does not expend, incur or receive an amount in excess of five thousand dollars of reportable compensation, as provided in paragraph five of subdivision (b) of section one-h of this article for the purposes of

lobbying OR POLITICAL CONSULTING or (ii) is an officer, director, trustee or employee of any public corporation, when acting in such official capacity; provided however, that nothing in this section shall be construed to relieve any public corporation of the obligation to file such statements and reports as required by this article.

(4) Such biennial filings shall be completed on or before January first of the first year of a biennial cycle commencing in calendar year two thousand five and thereafter, by those persons who have been retained, employed or designated as A lobbyist OR A POLITICAL CONSULTANT on or before December fifteenth of the previous calendar year and who reasonably anticipate that in the coming year they will expend, incur or receive combined reportable compensation and expenses in an amount in excess of two thousand dollars in years prior to calendar year two thousand six and five thousand dollars commencing in two thousand six; for those lobbyists OR POLITICAL CONSULTANTS retained, employed or designated after the previous December fifteenth, and for those lobbyists OR POLITICAL CONSULTANTS who subsequent to their retainer, employment or designation reasonably anticipate combined reportable compensation and expenses in excess of such amount, such filing must be completed within fifteen days thereafter, but in no event later than ten days after the actual incurring or receiving of such reportable compensation and expenses.

(b) (i) Such statements of registration shall be kept on file for a period of three years for those filing periods where annual statements are required, and shall be open to public inspection during such period; (ii) Biennial statements of registration shall be kept on file for a period of three biennial filing periods where biennial statements are required, and shall be open to public inspection during such period.

(c) Such statement of registration shall contain:

(1) the name, address and telephone number of the lobbyist OR POLITICAL CONSULTANT, and if the lobbyist OR POLITICAL CONSULTANT is an organization the names, addresses and telephone numbers of any officer or employee of such lobbyist OR POLITICAL CONSULTANT who engages in any lobbying OR POLITICAL CONSULTING activities or who is employed in an organization's division that engages in lobbying OR POLITICAL CONSULTING activities of the organization;

(2) the name, address and telephone number of the client by whom or on whose behalf the lobbyist OR POLITICAL CONSULTANT is retained, employed or designated;

(3) if such lobbyist OR POLITICAL CONSULTANT is retained or employed pursuant to a written agreement of retainer or employment, a copy of such shall also be attached and if such retainer or employment is oral, a statement of the substance thereof; such written retainer, or if it is oral, a statement of the substance thereof, and any amendment thereto, shall be retained for a period of three years;

(4) a written authorization from the client by whom the lobbyist OR POLITICAL CONSULTANT is authorized to lobby OR CONSULT FOR, unless such lobbyist OR POLITICAL CONSULTANT has filed a written agreement of retainer or employment pursuant to paragraph three of this subdivision;

(5) the following information on which the lobbyist expects to lobby OR THE POLITICAL CONSULTANT INTENDS TO CONSULT: (i) a description of the general subject or subjects, (ii) the legislative bill numbers of any bills, (iii) the numbers or subject matter (if there are no numbers) of gubernatorial executive orders or executive orders issued by the chief executive officer of a municipality, (iv) the subject matter of and tribes involved in tribal-state compacts, memoranda of understand-

ing, or any other state-tribal agreements and any state actions related to class III gaming as provided in 25 U.S.C. S 2701, (v) the rule, regulation, and ratemaking numbers of any rules, regulations, rates, or municipal ordinances and resolutions, or proposed rules, regulations, or rates, or municipal ordinances and resolutions, [and] (vi) the titles and any identifying numbers of any procurement contracts and other documents disseminated by a state agency, either house of the state legislature, the unified court system, municipal agency or local legislative body in connection with a governmental procurement, AND (VII) THE ISSUES AND/OR CAMPAIGNS FOR WHICH WORK IS CONTEMPLATED;

(6) the name of the person, organization, or legislative body before which the lobbyist is lobbying or expects to lobby OR THE NAME OF THE ELECTED OFFICIAL FOR WHOM THE POLITICAL CONSULTANT INTENDS TO CONSULT;

(7) if the lobbyist OR POLITICAL CONSULTANT is retained, employed or designated by more than one client, a separate statement of registration shall be required for each such client.

(8) (i) the name and public office address of any statewide elected official, state officer or employee, member of the legislature or legislative employee and entity with whom the lobbyist OR POLITICAL CONSULTANT has a reportable business relationship;

(ii) a description of the general subject or subjects of the transactions between the lobbyist [or], lobbyists, POLITICAL CONSULTANT OR POLITICAL CONSULTANTS and the statewide elected official, state officer or employee, member of the legislature or legislative employee and entity; and

(iii) the compensation, including expenses, to be paid and paid by virtue of the business relationship.

(d) Any amendment to the information filed by the lobbyist OR POLITICAL CONSULTANT in the original statement of registration shall be submitted to the commission on forms supplied by the commission within ten days after such amendment, however, this shall not require the lobbyist OR POLITICAL CONSULTANT to amend the entire registration form.

(e) (i) The first statement of registration filed annually by each lobbyist OR POLITICAL CONSULTANT for calendar years through two thousand three shall be accompanied by a registration fee of fifty dollars except that no registration fee shall be required of a public corporation. A fee of fifty dollars shall be required for any subsequent statement of registration filed by a lobbyist OR POLITICAL CONSULTANT during the same calendar year; (ii) The first statement of registration filed annually by each lobbyist OR POLITICAL CONSULTANT for calendar year two thousand four shall be accompanied by a registration fee of one hundred dollars except that no registration fee shall be required from any lobbyist OR POLITICAL CONSULTANT who in any year does not expend, incur or receive an amount in excess of five thousand dollars of reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section one-h of this article, for the purposes of lobbying, POLITICAL CONSULTING or of a public corporation. A fee of one hundred dollars shall be required for any subsequent statement of registration filed by a lobbyist OR A POLITICAL CONSULTANT during the same calendar year; (iii) The first statement of registration filed biennially by each lobbyist OR POLITICAL CONSULTANT for the first biennial registration requirements for calendar years two thousand five and two thousand six and thereafter, shall be accompanied by a registration fee of two hundred dollars except that no registration fee shall be required from any lobbyist OR POLITICAL CONSULTANT who in any year does not expend, incur or receive an amount in excess of five thousand dollars of report-

able compensation and expenses, as provided in paragraph five of subdivision (b) of section one-h of this article, for the purposes of lobbying, POLITICAL CONSULTING or of a public corporation. A fee of two hundred dollars shall be required for any subsequent statement of registration filed by a lobbyist OR A POLITICAL CONSULTANT during the same biennial period; (iv) The statement of registration filed after the due date of a biennial registration shall be accompanied by a registration fee that is prorated to one hundred dollars for any registration filed after January first of the second calendar year covered by the biennial reporting requirement. In addition to the fees authorized by this section, the commission may impose a fee for late filing of a registration statement required by this section not to exceed twenty-five dollars for each day that the statement required to be filed is late, except that if the lobbyist OR POLITICAL CONSULTANT making a late filing has not previously been required by statute to file such a statement, the fee for late filing shall not exceed ten dollars for each day that the statement required to be filed is late.

S 4. Section 1-g of the legislative law, as added by chapter 2 of the laws of 1999, is amended to read as follows:

S 1-g. Termination of retainer, employment or designation. Upon the termination of a lobbyist's OR POLITICAL CONSULTANT'S retainer, employment or designation, such lobbyist OR POLITICAL CONSULTANT and the client on whose behalf such service has been rendered shall both give written notice to the commission within thirty days after the lobbyist OR POLITICAL CONSULTANT ceases the activity that required such lobbyist OR POLITICAL CONSULTANT to file a statement of registration; however, such lobbyist OR POLITICAL CONSULTANT shall nevertheless comply with the bi-monthly reporting requirements up to the date such activity has ceased as required by this article and both such parties shall each file the semi-annual report required by section one-j of this article. The commission shall enter notice of such termination in the appropriate monthly registration docket required by section one-f of this article.

S 5. Section 1-h of the legislative law, as added by chapter 2 of the laws of 1999, subdivision (a) and paragraph 3 of subdivision (b) as amended by chapter 14 of the laws of 2007, and paragraph 4 of subdivision (c) as added by section 1 of part B of chapter 399 of the laws of 2011, is amended to read as follows:

S 1-h. Bi-monthly reports of certain lobbyists OR POLITICAL CONSULTANTS. (a) Any lobbyist OR POLITICAL CONSULTANT required to file a statement of registration pursuant to section one-e of this article who in any lobbying OR POLITICAL CONSULTING year reasonably anticipates that during the year such lobbyist OR POLITICAL CONSULTANT will expend, incur or receive combined reportable compensation and expenses in an amount in excess of five thousand dollars, as provided in paragraph five of subdivision (b) of this section, for the purpose of lobbying OR POLITICAL CONSULTING, shall file with the commission a bi-monthly written report, on forms supplied by the commission, by the fifteenth day next succeeding the end of the reporting period in which the lobbyist OR POLITICAL CONSULTANT was first required to file a statement of registration. Such reporting periods shall be the period of January first to the last day of February, March first to April thirtieth, May first to June thirtieth, July first to August thirty-first, September first to October thirty-first and November first to December thirty-first.

(b) Such bi-monthly report shall contain:

(1) the name, address and telephone number of the lobbyist OR POLITICAL CONSULTANT;

(2) the name, address and telephone number of the client by whom or on whose behalf the lobbyist OR POLITICAL CONSULTANT is retained, employed or designated;

(3) the following information on which the lobbyist has lobbied OR THE POLITICAL CONSULTANT HAS CONSULTED: (i) a description of the general subject or subjects, (ii) the legislative bill numbers of any bills, (iii) the numbers or subject matter (if there are no numbers) of gubernatorial executive orders or executive orders issued by the chief executive officer of a municipality, (iv) the subject matter of and tribes involved in tribal-state compacts, memoranda of understanding, or any other state-tribal agreements and any state actions related to class III gaming as provided in 25 U.S.C. S 2701, (v) the rule, regulation, and ratemaking or municipal ordinance or resolution numbers of any rules, regulations, or rates or ordinance or proposed rules, regulations, or rates or municipal ordinances or resolutions, and (vi) the titles and any identifying numbers of any procurement contracts and other documents disseminated by a state agency, either house of the state legislature, the unified court system, municipal agency or local legislative body in connection with a governmental procurement;

(4) the name of the person, organization, or legislative body before which the lobbyist has lobbied OR THE POLITICAL CONSULTANT HAS CONSULTED;

(5) (i) the compensation paid or owed to the lobbyist OR POLITICAL CONSULTANT, and any expenses expended, received or incurred by the lobbyist OR POLITICAL CONSULTANT for the purpose of lobbying OR POLITICAL CONSULTING.

(ii) expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate if seventy-five dollars or less and if more than seventy-five dollars such expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expense is more than seventy-five dollars on behalf of any one person, the name of such person shall be listed.

(iii) for the purposes of this paragraph, expenses shall not include:

(A) personal sustenance, lodging and travel disbursements of such lobbyist OR POLITICAL CONSULTANT;

(B) expenses, not in excess of five hundred dollars in any one calendar year, directly incurred for the printing or other means of reproduction or mailing of letters, memoranda or other written communications.

(iv) expenses paid or incurred for salaries other than that of the lobbyist OR POLITICAL CONSULTANT shall be listed in the aggregate.

(v) expenses of more than fifty dollars shall be paid by check or substantiated by receipts and such checks and receipts shall be kept on file by the lobbyist OR POLITICAL CONSULTANT for a period of three years.

(c) (1) All such bi-monthly reports shall be subject to review by the commission.

(2) Such bi-monthly reports shall be kept on file for three years and shall be open to public inspection during such time.

(3) In addition to the filing fees authorized by this article, the commission may impose a fee for late filing of a bi-monthly report required by this section not to exceed twenty-five dollars for each day that the report required to be filed is late, except that if the lobbyist OR POLITICAL CONSULTANT making a late filing has not previously been required by statute to file such a report, the fee for late filing shall not exceed ten dollars for each day that the report required to be filed is late.

(4) Any lobbyist OR POLITICAL CONSULTANT registered pursuant to section one-e of this article whose lobbying OR CONSULTING activity is performed on its own behalf and not pursuant to retention by a client:

(i) that has spent over fifty thousand dollars for reportable compensation and expenses for lobbying OR POLITICAL CONSULTING either during the calendar year, or during the twelve-month period, prior to the date of this bi-monthly report, and

(ii) at least three percent of whose total expenditures during the same period were devoted to lobbying OR POLITICAL CONSULTING in New York shall report to the commission the names of each source of funding over five thousand dollars from a single source that were used to fund the lobbying OR CONSULTING activities reported and the amounts received from each identified source of funding.

This disclosure shall not require disclosure of the sources of funding whose disclosure, in the determination of the commission based upon a review of the relevant facts presented by the reporting lobbyist OR POLITICAL CONSULTANT, may cause harm, threats, harassment, or reprisals to the source or to individuals or property affiliated with the source. The reporting lobbyist OR POLITICAL CONSULTANT may appeal the commission's determination and such appeal shall be heard by a judicial hearing officer who is independent and not affiliated with or employed by the commission, pursuant to regulations promulgated by the commission. The reporting lobbyist OR POLITICAL CONSULTANT shall not be required to disclose the sources of funding that are the subject of such appeal pending final judgment on appeal.

The disclosure shall not apply to:

(i) any corporation registered pursuant to article seven-A of the executive law that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. S 501(c)(3);

(ii) any corporation registered pursuant to article seven-A of the executive law that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. S 501(c)(4) and whose primary activities concern any area of public concern determined by the commission to create a substantial likelihood that application of this disclosure requirement would lead to harm, threats, harassment, or reprisals to a source of funding or to individuals or property affiliated with such source, including but not limited to the area of civil rights and civil liberties and any other area of public concern determined pursuant to regulations promulgated by the commission to form a proper basis for exemption on this basis from this disclosure requirement; or

(iii) any governmental entity.

The joint commission on public ethics shall promulgate regulations to implement these requirements.

S 6. Section 1-j of the legislative law, as amended by chapter 1 of the laws of 2005, subdivision (a) as amended by chapter 14 of the laws of 2007, paragraph 6 of subdivision (b) as added by section 7-b of part A and paragraph 4 of subdivision (c) as added by section 2 of part B of chapter 399 of the laws of 2011, is amended to read as follows:

S 1-j. Semi-annual reports. (a) Semi-annual reports shall be filed by any client retaining, employing or designating a lobbyist or lobbyists OR POLITICAL CONSULTANT OR CONSULTANTS, whether or not any such lobbyist OR POLITICAL CONSULTANT was required to file a bi-monthly report, if such client reasonably anticipates that during the year such client will expend or incur an amount in excess of five thousand dollars of combined reportable compensation and expenses, as provided in paragraph five of

subdivision (c) of this section, for the purposes of lobbying OR POLITICAL CONSULTING.

(b) Such report shall be filed with the commission, on forms supplied by the commission, by the fifteenth day of July of the year and by the fifteenth day of January next following the year for which such report is made and shall contain:

(1) the name, address and telephone number of the client;

(2) the name, address and telephone number of each lobbyist OR POLITICAL CONSULTANT retained, employed or designated by such client;

(3) the following information on which each lobbyist OR POLITICAL CONSULTANT retained, employed or designated by such client has lobbied OR CONSULTED, and on which such client has lobbied OR REQUIRED CONSULTING: (i) a description of the general subject or subjects, (ii) the legislative bill numbers of any bills, (iii) the numbers or subject matter (if there are no numbers) of gubernatorial executive orders or executive orders issued by the chief executive officer of a municipality, (iv) the subject matter of and tribes involved in tribal-state compacts, memoranda of understanding, or any other state-tribal agreements and any state actions related to class III gaming as provided in 25 U.S.C. 2701, (v) the rule, regulation, and ratemaking or municipal resolution or ordinance numbers of any rules, regulations, or rates, or municipal resolutions or ordinances or proposed rules, regulations, or rates, or municipal ordinances or resolutions and (vi) the titles and any identifying numbers of any procurement contracts and other documents disseminated by a state agency, either house of the state legislature, the unified court system, municipal agency or local legislative body in connection with a governmental procurement;

(4) the name of the person, organization, or legislative body before which such client has lobbied OR CONSULTED;

(5) (i) the compensation paid or owed to each such lobbyist OR POLITICAL CONSULTANT, and any other expenses paid or incurred by such client for the purpose of lobbying OR POLITICAL CONSULTING.

(ii) any expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate if seventy-five dollars or less and if more than seventy-five dollars such expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expenses are more than seventy-five dollars on behalf of any one person, the name of such person shall be listed.

(iii) for the purposes of this paragraph, expenses shall not include:

(A) personal sustenance, lodging and travel disbursements of such lobbyist OR POLITICAL CONSULTANT and client;

(B) expenses, not in excess of five hundred dollars, directly incurred for the printing or other means of reproduction or mailing of letters, memoranda or other written communications.

(iv) expenses paid or incurred for salaries other than that of the lobbyist OR POLITICAL CONSULTANT shall be listed in the aggregate.

(v) expenses of more than fifty dollars must be paid by check or substantiated by receipts and such checks and receipts shall be kept on file by such client for a period of three years.

(6) (i) the name and public office address of any statewide elected official, state officer or employee, member of the legislature or legislative employee and entity with whom the client of a lobbyist OR POLITICAL CONSULTANT has a reportable business relationship;

(ii) a description of the general subject or subjects of the transactions between the client of a lobbyist OR POLITICAL CONSULTANT and the

statewide elected official, state officer or employee, member of the legislature or legislative employee and entity; and

(iii) the compensation, including expenses, to be paid and paid by virtue of the business relationship.

(c) (1) All such semi-annual reports shall be subject to review by the commission.

(2) Such semi-annual reports shall be kept on file for a period of three years and shall be open to public inspection during such period.

(3) Each semi-annual report filed by a client pursuant to this section shall be accompanied by a filing fee of fifty dollars. In addition to the filing fees authorized by this article, the commission may impose a fee for late filing of a semi-annual report required by this section not to exceed twenty-five dollars for each day that the report required to be filed is late, except that if the client making a late filing has not previously been required by statute to file an annual or semi-annual report, the fee for late filing shall not exceed ten dollars for each day that the report required to be filed is late.

(4) Any client of a lobbyist OR POLITICAL CONSULTANT that is required to file a semi-annual report and:

(i) that has spent over fifty thousand dollars for reportable compensation and expenses for lobbying OR POLITICAL CONSULTING either during the calendar year, or during the twelve-month period, prior to the date of this semi-annual report, and

(ii) at least three percent of whose total expenditures during the same period were devoted to lobbying OR POLITICAL CONSULTING in New York shall report to the commission the names of each source of funding over five thousand dollars from a single source that were used to fund the lobbying OR POLITICAL CONSULTING activities reported and the amounts received from each identified source of funding.

This disclosure shall not require disclosure of the sources of funding whose disclosure, in the determination of the commission based upon a review of the relevant facts presented by the reporting client or lobbyist OR POLITICAL CONSULTANT, may cause harm, threats, harassment, or reprisals to the source or to individuals or property affiliated with the source. The reporting lobbyist OR POLITICAL CONSULTANT may appeal the commission's determination and such appeal shall be heard by a judicial hearing officer who is independent and not affiliated with or employed by the commission, pursuant to regulations promulgated by the commission. The reporting lobbyist OR POLITICAL CONSULTANT shall not be required to disclose the sources of funding that are the subject of such appeal pending final judgment on appeal. The disclosure shall not apply to:

(i) any corporation registered pursuant to article seven-A of the executive law that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. S 501(c)(3);

(ii) any corporation registered pursuant to article seven-A of the executive law that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. S 501(c)(4) and whose primary activities concern any area of public concern determined by the commission to create a substantial likelihood that application of this disclosure requirement would lead to harm, threats, harassment, or reprisals to a source of funding or to individuals or property affiliated with such source, including but not limited to the area of civil rights and civil liberties and any other area of public concern determined pursuant to regulations promulgated by the commission to form a

proper basis for exemption on this basis from this disclosure requirement; or

(iii) any governmental entity.

The joint commission on public ethics shall promulgate regulations to implement these requirements.

S 7. The opening paragraph of subdivision (a) of section 1-k of the legislative law, as amended by chapter 1 of the laws of 2005, is amended to read as follows:

No client shall retain or employ any lobbyist OR POLITICAL CONSULTANT for compensation, the rate or amount of which compensation in whole or part is contingent or dependent upon:

S 8. Section 1-l of the legislative law , as added by chapter 14 of the laws of 2007, is amended to read as follows:

S 1-l. Reports of lobbying OR POLITICAL CONSULTING for the purpose of involving disbursement of public monies. (a) Any lobbyist OR POLITICAL CONSULTANT required to file a statement of registration pursuant to section one-e of this article who in any lobbying year reasonably anticipates that during the year they will expend, incur or receive combined reportable compensation and expenses in an amount in excess of five thousand dollars shall file with the commission, on forms supplied by the commission, a report of any attempts to influence a determination by a public official, or by a person or entity working in cooperation with a public official, with respect to the solicitation, award or administration of a grant, loan, or agreement involving the disbursement of public monies in excess of fifteen thousand dollars other than a governmental procurement as defined in section one-c of this article.

(b) Such public monies lobbying OR POLITICAL CONSULTING reports shall contain:

(i) the name, address and telephone number of the lobbyist OR POLITICAL CONSULTANT and the individuals employed by the lobbyist OR POLITICAL CONSULTANT engaged in such public monies lobbying activities;

(ii) the name, address and telephone number of the client by whom or on whose behalf the lobbyist OR POLITICAL CONSULTANT is retained, employed or designated on whose behalf the lobbyist OR POLITICAL CONSULTANT has engaged in lobbying reportable under this paragraph;

(iii) a description of the grant, loan, or agreement involving the disbursement of public monies on which the lobbyist has lobbied OR POLITICAL CONSULTANT HAS CONSULTED;

(iv) the name of the person, organization, or legislative body before which the lobbyist OR POLITICAL CONSULTANT has engaged in lobbying OR CONSULTING reportable under this paragraph; and

(v) the compensation paid or owed to the lobbyist OR POLITICAL CONSULTANT, and any expenses expended, received or incurred by the lobbyist OR CONSULTANT for the purpose of lobbying reportable under this paragraph.

(c) Public monies lobbying OR CONSULTING reports required pursuant to this section shall be filed in accordance with the schedule applicable to the filing of bi-monthly reports pursuant to section one-h of this article and shall be filed not later than the fifteenth day next succeeding the end of such reporting period.

(d) In addition to any other fees authorized by this section, the commission may impose a fee for late filing of a report required by this subdivision not to exceed twenty-five dollars for each day that the report required to be filed is late, except that if the lobbyist OR CONSULTANT making a late filing has not previously been required by

statute to file such a report, the fee for late filing shall not exceed ten dollars for each day that the report required to be filed is late.

(e) All reports filed pursuant to this subdivision shall be subject to review by the commission. Such reports shall be kept in electronic form by the commission and shall be available for public inspection.

S 9. Section 1-o of the legislative law, as added by chapter 14 of the laws of 2007, is amended to read as follows:

S 1-o. Penalties. (a) (i) Any lobbyist, POLITICAL CONSULTANT, public corporation, or client who knowingly and wilfully fails to file timely a report or statement required by this section or knowingly and wilfully files false information or knowingly and wilfully violates section one-m of this article shall be guilty of a class A misdemeanor; and

(ii) any lobbyist, POLITICAL CONSULTANT, public corporation, or client who knowingly and wilfully fails to file timely a report or statement required by this section or knowingly and wilfully files false information or knowingly and wilfully violates section one-m of this article, after having previously been convicted in the preceding five years of the crime described in paragraph (i) of this subdivision, shall be guilty of a class E felony. Any lobbyist OR POLITICAL CONSULTANT convicted of or pleading guilty to a felony under the provisions of this section may be barred from acting as a lobbyist OR POLITICAL CONSULTANT for a period of one year from the date of the conviction. For the purposes of this subdivision, the chief administrative officer of any organization required to file a statement or report shall be the person responsible for making and filing such statement or report unless some other person prior to the due date thereof has been duly designated to make and file such statement or report.

(b)(i) A lobbyist, POLITICAL CONSULTANT, public corporation, or client who knowingly and wilfully fails to file a statement or report within the time required for the filing of such report or knowingly and wilfully violates section one-m of this article shall be subject to a civil penalty for each such failure or violation, in an amount not to exceed the greater of twenty-five thousand dollars or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received, to be assessed by the commission.

(ii) A lobbyist, POLITICAL CONSULTANT, public corporation, or client who knowingly and wilfully files a false statement or report shall be subject to a civil penalty, in an amount not to exceed the greater of fifty thousand dollars or five times the amount the person failed to report properly, to be assessed by the commission.

(iii)(A) A lobbyist, POLITICAL CONSULTANT or client who knowingly and wilfully violates the provisions of subdivision one of section one-n of this article shall be subject to a civil penalty not to exceed ten thousand dollars for an initial violation.

(B) If, after a lobbyist, POLITICAL CONSULTANT or client has been found to have violated subdivision one of section one-n of this article, a lobbyist, POLITICAL CONSULTANT or client knowingly and wilfully violates the provisions of subdivision one of section one-n of this article within four years of such finding, the lobbyist, POLITICAL CONSULTANT or client shall be subject to a civil penalty not to exceed twenty-five thousand dollars.

(iv) Any lobbyist, POLITICAL CONSULTANT or client that knowingly and wilfully fails to file a statement or report within the time required for the filing of such report, knowingly and wilfully files a false statement or report, or knowingly and wilfully violates section one-m of this article, after having been found by the commission to have [know-

ing] KNOWINGLY and wilfully committed such conduct or violation in the preceding five years, may be subject to a determination that the lobbyist, POLITICAL CONSULTANT or client is prohibited from engaging in lobbying activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article, for a period of one year.

(v) Any lobbyist, POLITICAL CONSULTANT or client that knowingly and wilfully engages in lobbying OR POLITICAL CONSULTING activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article, during the period in which they are prohibited from engaging in lobbying OR POLITICAL CONSULTING activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article pursuant to this subdivision, may be subject to a determination that the lobbyist, POLITICAL CONSULTANT or client is prohibited from engaging in lobbying OR POLITICAL CONSULTING activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article, for a period of up to four years, and shall be subject to a civil penalty not to exceed fifty thousand dollars, plus a civil penalty in an amount equal to five times the value of any gift, compensation or benefit received as a result of the violation.

(vi) A lobbyist, POLITICAL CONSULTANT, public corporation, or client who knowingly and wilfully fails to retain their records pursuant to paragraph three of subdivision (c) of section one-e of this article, subparagraph (v) of paragraph five of subdivision (b) of section one-h of this article, or paragraph five of subdivision (b) of section one-j of this article shall be subject to a civil penalty in an amount of two thousand dollars per violation to be assessed by the commission.

(c)(i) Any assessment or order to debar shall be determined only after a hearing at which the party shall be entitled to appear, present evidence and be heard. Any assessment or order to debar pursuant to this section may only be imposed after the commission sends by certified and first-class mail written notice of intent to assess a penalty or order to debar and the basis for the penalty or order to debar. Any assessment may be recovered in an action brought by the attorney general.

(ii) In assessing any fine or penalty pursuant to this section, the commission shall consider: (A) as a mitigating factor that the lobbyist, POLITICAL CONSULTANT, public corporation or client has not previously been required to register, and (B) as an aggravating factor that the lobbyist, POLITICAL CONSULTANT, public corporation or client has had fines or penalties assessed against it in the past. The amount of compensation expended, incurred or received shall be a factor to consider in determining a proportionate penalty.

(iii) Any lobbyist, POLITICAL CONSULTANT, public corporation or client who receives a notice of intent to assess a penalty for knowingly and wilfully failing to file a report or statement pursuant to subdivision (b) of this section and who has never previously received a notice of intent to assess a penalty for failing to file a report or statement required under this section shall be granted fifteen days within which to file the statement of registration or report without being subject to the fine or penalty set forth in subdivision (b) of this section. Upon the failure of such lobbyist, POLITICAL CONSULTANT, public corporation or client to file within such fifteen day period, such lobbyist, POLITICAL CONSULTANT, public corporation or client shall be subject to a fine or penalty pursuant to subdivision (b) of this section.

(d) All moneys recovered by the attorney general or received by the commission from the assessment of civil penalties authorized by this section shall be deposited to the general fund.

S 10. Section 1-r of the legislative law, as added by chapter 2 of the laws of 1999 and as relettered by chapter 1 of the laws of 2005, is amended to read as follows:

S 1-r. Publication of statement on lobbying AND POLITICAL CONSULTING regulations. The commission shall publish a statement on lobbying AND POLITICAL CONSULTING regulations setting forth the requirements of this article in a clear and brief manner. Such statement shall contain an explanation of the registration and filing requirements and the penalties for violation thereof, together with such other information as the commission shall determine, and copies thereof shall be made available to the public at convenient locations throughout the state.

S 11. Section 1-s of the legislative law, as added by chapter 2 of the laws of 1999 and as relettered by chapter 1 of the laws of 2005, is amended to read as follows:

S 1-s. Public access to records; format of records and reports. The commission shall make information furnished by lobbyists, POLITICAL CONSULTANTS, and clients available to the public for inspection and copying in electronic and paper formats. Access to such information shall also be made available for remote computer users through the internet network.

S 12. The section heading, the opening paragraph of subdivision (a) and subdivisions (c) and (d) of section 1-t of the legislative law, as added by chapter 1 of the laws of 2005, are amended to read as follows:

Advisory council on procurement lobbying AND POLITICAL CONSULTING.

There is hereby established an advisory council on procurement lobbying AND POLITICAL CONSULTING. The council shall be composed of eleven members as follows:

(c) The council shall provide advice to the commission with respect to the implementation of the provisions of this article as such provisions pertain to procurement lobbying AND POLITICAL CONSULTING.

(d) The council shall annually report to the legislature any problems in the implementation of the provisions of this article as such provisions pertain to procurement lobbying AND POLITICAL CONSULTING. The council shall include in the report any recommended changes to increase the effectiveness of that implementation.

S 13. Section 14-100 of the election law is amended by adding two new subdivisions 15 and 16 to read as follows:

15. "POLITICAL CONSULTING" MEANS AND INCLUDES THE PROVISION FOR COMPENSATION, TO ANY ELECTED STATE OR LOCAL PUBLIC OFFICIAL OF ADVICE, SERVICES OR ASSISTANCE IN SECURING FUTURE STATE OR LOCAL PUBLIC OFFICE INCLUDING, BUT NOT LIMITED TO, CAMPAIGN MANAGEMENT, FUNDRAISING ACTIVITIES, PUBLIC RELATIONS OR MEDIA SERVICES, BUT SHALL EXCLUDE LEGAL WORK DIRECTLY RELATED TO LITIGATION OR LEGAL ADVICE WITH REGARD TO SECURING A PLACE ON THE BALLOT, THE PETITIONING PROCESS, THE CONDUCT OF AN ELECTION OR WHICH INVOLVES THIS CHAPTER.

16. "COMPENSATION" MEANS ANY SALARY, FEE, GIFT, PAYMENT, BENEFIT, LOAN, ADVANCE OR ANY OTHER THING OF VALUE PAID, OWED, GIVEN OR PROMISED, BUT SHALL NOT INCLUDE CONTRIBUTIONS REPORTABLE PURSUANT TO THIS ARTICLE.

S 14. Subdivision 1 of section 14-102 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:

1. The treasurer of every political committee which, or any officer, member or agent of any such committee who, in connection with any election, receives or expends any money or other valuable thing or incurs any liability to pay money or its equivalent shall file statements sworn, or subscribed and bearing a form notice that false state-

ments made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law, at the times prescribed by this article setting forth all the receipts, contributions to and the expenditures by and liabilities of the committee, and of its officers, members and agents in its behalf. Such statements shall include the dollar amount of any receipt, contribution or transfer, or the fair market value of any receipt, contribution or transfer, which is other than of money, the name and address of the transferor, contributor or person from whom received, and if the transferor, contributor or person is a political committee; the name of and the political unit represented by the committee, the date of its receipt, the dollar amount of every expenditure, the name and address of the person to whom it was made or the name of and the political unit represented by the committee to which it was made and the date thereof, and shall state clearly the purpose of such expenditure. FURTHERMORE, SUCH STATEMENTS SHALL INCLUDE A LIST OF ALL PERSONS AND ORGANIZATIONS WHICH PROVIDED POLITICAL CONSULTING SERVICES, AND THE FAIR MARKET VALUE OF AND THE ACTUAL AMOUNT PAID TO EACH SUCH PERSON AND ORGANIZATION FOR THE PROVISION OF POLITICAL CONSULTING SERVICES. Any statement reporting a loan shall have attached to it a copy of the evidence of indebtedness. Expenditures in sums under fifty dollars need not be specifically accounted for by separate items in said statements, and receipts and contributions aggregating not more than ninety-nine dollars, from any one contributor need not be specifically accounted for by separate items in said statements, provided however, that such expenditures, receipts and contributions shall be subject to the other provisions of section 14-118 of this article.

S 15. Subdivision 1 of section 14-104 of the election law, as amended by chapter 430 of the laws of 1997, is amended to read as follows:

1. Any candidate for election to public office, or for nomination for public office at a contested primary election or convention, or for election to a party position at a primary election, shall file statements sworn, or subscribed and bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law, at the times prescribed by this article setting forth the particulars specified by section 14-102 of this article, as to all moneys or other valuable things, paid, given, expended or promised by him OR HER to aid his OR HER own nomination or election, or to promote the success or defeat of a political party, or to aid or influence the nomination or election or the defeat of any other candidate to be voted for at the election or primary election or at a convention, including contributions to political committees, officers, members or agents thereof, and transfers, receipts and contributions to him to be used for any of the purposes above specified, or in lieu thereof, any such candidate may file such a sworn statement at the first filing period, on a form prescribed by the state board of elections that such candidate has made no such expenditures and does not intend to make any such expenditures, except through a political committee authorized by such candidate pursuant to this article. FURTHERMORE, SUCH STATEMENTS SHALL INCLUDE A LIST OF ALL PERSONS AND ORGANIZATIONS WHICH PROVIDED POLITICAL CONSULTING SERVICES, AND THE FAIR MARKET VALUE OF AND THE ACTUAL AMOUNT PAID TO EACH SUCH PERSON AND ORGANIZATION FOR THE PROVISION OF POLITICAL CONSULTING SERVICES. A committee authorized by such a candidate may fulfill all of the filing requirements of this act on behalf of such candidate.

S 16. Subparagraph (O) of paragraph (x) of subdivision (c) of section 1-c of the legislative law is REPEALED.

S 17. Subdivision (u) of section 1-c of the legislative law is REPEALED.

S 18. This act shall take effect on the thirtieth day after it shall have become a law.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through H of this act shall be as specifically set forth in the last section of such Parts.