

2503

2015-2016 Regular Sessions

I N S E N A T E

January 26, 2015

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to increasing penalties for certain violations

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

1 Section 1. Section 14-126 of the election law, as amended by section 6
2 of subpart C of part H of chapter 55 of the laws of 2014, subdivision 1
3 as separately amended by section 1 of subpart B of part H of chapter 55
4 of the laws of 2014, is amended to read as follows:
5 S 14-126. Violations; penalties. 1. (a) Any person who fails to file a
6 statement required to be filed by this article shall be subject to a
7 civil penalty, not in excess of one thousand dollars, to be recoverable
8 in a special proceeding or civil action to be brought by the chief
9 enforcement counsel pursuant to section 16-114 of this chapter. Any
10 person who, three or more times within a given election cycle for such
11 term of office, fails to file a statement or statements required to be
12 filed by this article, shall be subject to a civil penalty, not in
13 excess of ten thousand dollars, to be recoverable as provided for in
14 this subdivision.
15 (b) All payments received by the state board of elections pursuant to
16 this section shall be retained in the appropriate accounts as designated
17 by the division of the budget for enforcement activities by the board of
18 elections.
19 2. Any person who, acting as or on behalf of a candidate or political
20 committee, under circumstances evincing an intent to violate such law,
21 unlawfully accepts a contribution in excess of a contribution limitation
22 established in this article, shall be required to refund such excess
23 amount and shall be subject to a civil penalty equal to the excess
24 amount plus a fine of up to ten thousand dollars, to be recoverable in a

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

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1 special proceeding or civil action to be brought by the state board of
2 elections chief enforcement counsel.

3 3. Any person who falsely identifies or knowingly fails to identify
4 any independent expenditure as required by subdivision two of section
5 14-107 of this [article] TITLE shall be subject to a civil penalty up to
6 one thousand dollars or up to the cost of the communication, whichever
7 is greater, in a special proceeding or civil action brought by the state
8 board of elections chief enforcement counsel or imposed directly by the
9 state board of elections. For purposes of this subdivision, the term
10 "person" shall mean a person, group of persons, corporation, unincorpo-
11 rated business entity, labor organization or business, trade or profes-
12 sional association or organization or political committee.

13 4. ANY PERSON WHO, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL
14 COMMITTEE, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW,
15 UNLAWFULLY (A) EXPENDS CAMPAIGN FUNDS FOR A PERSONAL USE IN VIOLATION OF
16 THIS ARTICLE, OR (B) CONDUCTS ACTIVITIES PROHIBITED BY THIS ARTICLE,
17 SHALL BE SUBJECT TO A CIVIL PENALTY, NOT IN EXCESS OF TEN THOUSAND
18 DOLLARS, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE
19 BROUGHT BY THE STATE BOARD OF ELECTIONS.

20 5. Any person who knowingly and willfully fails to file a statement
21 required to be filed by this article within ten days after the date
22 provided for filing such statement or any person who knowingly and will-
23 fully violates any other provision of this article shall be guilty of a
24 misdemeanor.

25 [5.] 6. Any person who knowingly and willfully contributes, accepts or
26 aids or participates in the acceptance of a contribution in an amount
27 exceeding an applicable maximum specified in this article shall be guilt-
28 ty of a class A misdemeanor.

29 [6.] 7. Any person who shall, acting on behalf of a candidate or poli-
30 tical committee, knowingly and willfully solicit, organize or coordinate
31 the formation of activities of one or more unauthorized committees, make
32 expenditures in connection with the nomination for election or election
33 of any candidate, or solicit any person to make any such expenditures,
34 for the purpose of evading the contribution limitations of this article,
35 shall be guilty of a class E felony.

36 8. ANY PERSON WHO, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE
37 THIS ARTICLE, ESTABLISHES A PARTNERSHIP FOR THE SOLE PURPOSE OF EVADING
38 THE CONTRIBUTION LIMITS THAT WOULD OTHERWISE APPLY TO THAT INDIVIDUAL IN
39 VIOLATION OF SUBDIVISION TWO OF SECTION 14-120 OF THIS TITLE SHALL BE
40 SUBJECT TO A CIVIL PENALTY EQUAL TO TWO TIMES THE AMOUNT CONTRIBUTED BY
41 THE PARTNERSHIP IN EXCESS OF THE CONTRIBUTION LIMITS THAT WOULD OTHER-
42 WISE APPLY TO THAT INDIVIDUAL PLUS A FINE OF UP TO TEN THOUSAND DOLLARS,
43 TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT
44 BY THE STATE BOARD OF ELECTIONS.

45 9. ANY PERSON WHO, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE
46 THIS ARTICLE, ESTABLISHES A LIMITED LIABILITY COMPANY FOR THE SOLE
47 PURPOSE OF EVADING THE CONTRIBUTION LIMITS THAT WOULD OTHERWISE APPLY TO
48 THAT INDIVIDUAL IN VIOLATION OF SECTION 14-120 OF THIS TITLE SHALL BE
49 SUBJECT TO A CIVIL PENALTY EQUAL TO TWO TIMES THE AMOUNT CONTRIBUTED BY
50 THE LIMITED LIABILITY COMPANY IN EXCESS OF THE CONTRIBUTION LIMITS THAT
51 WOULD OTHERWISE APPLY TO THAT INDIVIDUAL PLUS A FINE OF UP TO TEN THOU-
52 SAND DOLLARS, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION
53 TO BE BROUGHT BY THE STATE BOARD OF ELECTIONS.

54 S 2. This act shall take effect on the sixtieth day after it shall
55 have become a law.