

60--B

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sens. SQUADRON, ADDABBO, COMRIE, ESPAILLAT, GIANARIS, HOYLMAN, KENNEDY, KRUEGER, PANEPINTO, PERKINS, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- reported favorably from said committee and committed to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. Section 14-116 of the election law, subdivision 1 as reded-  
2 igned by chapter 9 of the laws of 1978 and subdivision 2 as amended by  
3 chapter 260 of the laws of 1981, is amended to read as follows:  
4 S 14-116. Political contributions by certain organizations. 1. No  
5 corporation [or], LIMITED LIABILITY COMPANY, joint-stock association OR  
6 OTHER CORPORATE ENTITY doing business in this state, except a corpo-  
7 ration or association organized or maintained for political purposes  
8 only, shall directly or indirectly pay or use or offer, consent or agree  
9 to pay or use any money or property for or in aid of any political  
10 party, committee or organization, or for, or in aid of, any corporation,  
11 LIMITED LIABILITY COMPANY, joint-stock [or], other association, OR OTHER  
12 CORPORATE ENTITY organized or maintained for political purposes, or for,  
13 or in aid of, any candidate for political office or for nomination for  
14 such office, or for any political purpose whatever, or for the  
15 reimbursement or indemnification of any person for moneys or property so  
16 used. Any officer, director, stock-holder, MEMBER, OWNER, attorney or  
17 agent of any corporation [or], LIMITED LIABILITY COMPANY, joint-stock

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

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1 association OR OTHER CORPORATE ENTITY which violates any of the  
2 provisions of this section, who participates in, aids, abets or advises  
3 or consents to any such violations, and any person who solicits or know-  
4 ingly receives any money or property in violation of this section, shall  
5 be guilty of a misdemeanor.

6 2. Notwithstanding the provisions of subdivision one of this section,  
7 any corporation or an organization financially supported in whole or in  
8 part, by such corporation, ANY LIMITED LIABILITY COMPANY OR OTHER CORPO-  
9 RATE ENTITY may make expenditures, including contributions, not other-  
10 wise prohibited by law, for political purposes, in an amount not to  
11 exceed five thousand dollars in the aggregate in any calendar year;  
12 provided that no public utility shall use revenues received from the  
13 rendition of public service within the state for contributions for poli-  
14 tical purposes unless such cost is charged to the shareholders of such a  
15 public service corporation.

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

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

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

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

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

38 S 3. This act shall take effect immediately.