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

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I N S E N A T E

May 5, 2016

Introduced by Sens. KLEIN, AVELLA, CARLUCCI, SAVINO, VALESKY -- 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 overhauling campaign financing and providing a voluntary financing program for campaigns for state officers; to amend the general business law, in relation to authorizing the imposition of an additional surcharge on recoveries for fraudulent practices relating to stocks, bonds and other securities; to amend the state finance law, in relation to establishing the New York state campaign finance fund and providing for transfers thereto from the abandoned property fund; to amend the tax law, in relation to providing for a New York state campaign finance fund check-off; and to repeal certain provisions of the election law relating thereto

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

Section 1. Short title. This act shall be known and may be cited as the "integrity in elections act of 2016".

S 2. Legislative intent. The legislature declares that it is in the public interest to create and ensure a truly democratic political system, one of the highest integrity, in which citizens, regardless of their income, status or financial wealth, are enabled and encouraged to compete for public office. The legislature further declares that large and unregulated independent expenditures may grant the financial backers of such independent expenditures undue influence in election based on ability to pay. Finally, the legislature further declares that present campaign finance laws must be amended to ensure that the voices of individual small contributors are heard and that elections are conducted in a fair and open manner.

Therefore, the legislature finds it necessary to establish a voluntary system for the financing of campaigns for all qualified candidates for state elective offices and constitutional convention delegates. The legislature further finds that this new system which provides matching funds for small contributions from individuals allows increased citizen

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

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participation in state elections. The legislature also creates a new campaign finance board placed within and working hand in hand with the state board of elections to provide effective oversight and enforcement of the voluntary campaign financing system. Finally, the legislature lowers contribution limits for all contributors, whether or not the candidate participates in the voluntary system, thereby removing the influence of large contributions in state and local elections.

S 3. Subdivision 10 of section 14-100 of the election law, as added by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the laws of 1978, is amended and a new subdivision 15 is added to read as follows:

10. "transfer" means any exchange of funds or any thing of value between political committees authorized by the same candidate and taking part solely in his OR HER campaign[, or any exchange of funds between a party or constituted committee and a candidate or any of his authorized political committees].

15. "BOARD", "STATE BOARD" OR "STATE BOARD OF ELECTIONS" MEANS THE CAMPAIGN FINANCE BOARD AS ESTABLISHED IN TITLE TWO OF THIS ARTICLE.

S 4. 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 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[,] OR contribution [or transfer], or the fair market value of any receipt[,] OR 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] FOR ANY TRANSFER, CONTRIBUTION OR RECEIPT MADE BY 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. 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 5. Section 14-107 of the election law as added by section 4 of subpart C of part H of chapter 55 of the laws of 2014, subdivision 1 as amended by section 8 of part CC of chapter 56 of the laws of 2015, is amended to read as follows:

S 14-107. Independent expenditure reporting. 1. For purposes of this article:

(a) "Independent expenditure" means an expenditure made by a person conveyed to five hundred or more members of a general public audience in the form of (i) an audio or video communication via broadcast, cable or satellite, (ii) a written communication via advertisements, pamphlets, circulars, flyers, brochures, letterheads or (iii) other published statements which: (i) irrespective of when such communication is made, contains words such as "vote," "oppose," "support," "elect," "defeat," or "reject," which call for the election or defeat of the clearly identified candidate, (ii) refers to and advocates for or against a clearly identified candidate or ballot proposal on or after January first of the year of the election in which such candidate is seeking office or such proposal shall appear on the ballot, or (iii) within sixty days before a general or special election for the office sought by the candidate or thirty days before a primary election, includes or references a clearly identified candidate. An independent expenditure shall not include communications where such candidate, the candidate's political committee or its agents, a party committee or its agents, or a constituted committee or its agents or a political committee formed to promote the success or defeat of a ballot proposal or its agents, did authorize, request, suggest, foster or cooperate in such communication.

(b) "INDEPENDENT SPENDER" MEANS AN INDIVIDUAL OR ENTITY THAT MAKES AN INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION.

(C) "ELECTIONEERING COMMUNICATION" MEANS:

(I) AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA BROADCAST, CABLE OR SATELLITE, OR A COMMUNICATION MADE BY PAID ADVERTISING THAT IS PUBLISHED ON THE INTERNET OR IN A NEWSPAPER OR PERIODICAL DISTRIBUTED TO A GENERAL PUBLIC AUDIENCE, OR A COMMUNICATION TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY PHONE, COMPUTER OR OTHER ELECTRONIC DEVICES;

(II) WHICH IS BROADCAST OR PUBLISHED WITHIN SIXTY DAYS OF A GENERAL ELECTION OR THIRTY DAYS OF A PRIMARY ELECTION;

(III) WHICH REFERS TO A CLEARLY IDENTIFIED CANDIDATE OR BALLOT PROPOSAL; AND

(IV) SUCH CANDIDATE, THE CANDIDATE'S POLITICAL COMMITTEE OR ITS AGENTS, OR A POLITICAL COMMITTEE FORMED TO PROMOTE THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL OR ITS AGENTS, DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY SUCH COMMUNICATION.

(D) Independent expenditures [do] AND ELECTIONEERING COMMUNICATIONS SHALL not include [expenditures in connection with]:

(i) a written news story, commentary, or editorial or a news story, commentary, or editorial distributed through the facilities of any broadcasting station, cable or satellite unless such publication or facilities are owned or controlled by any political party, political committee or candidate; or

(ii) a communication that constitutes a candidate debate or forum; or

(iii) internal communication by members to other members of a membership organization of not more than five hundred members, for the purpose of supporting or opposing a candidate or candidates for elective office, provided such expenditures are not used for the costs of campaign material or communications used in connection with broadcasting, telecasting, newspapers, magazines, or other periodical publication, billboards, or similar types of general public communications; or

(iv) internal communications by members to other members of a membership organization of not more than five hundred members or communications by a corporation organized for charitable purposes pursuant to S501(c)(3) of the internal revenue code, within sixty days before a

general or special election for the office sought by the candidate or thirty days before a primary election, that includes or references a clearly identified candidate but does not otherwise qualify as an independent expenditure under this section.

(v) a communication published on the Internet, unless the communication is a paid advertisement.

[(c)] (E) For purposes of this section, the term "person" shall mean person, group of persons, corporation, unincorporated business entity, labor organization or business, trade or professional association or organization, or political committee; provided, however, that such definition shall not include any party or constituted committee, that is required to file disclosure reports under this chapter.

2. Whenever any person makes an independent expenditure that costs more than one thousand dollars in the aggregate, such communication shall clearly state the name of the person who paid for, or otherwise published or distributed the communication and state, with respect to communications regarding candidates, that the communication was not expressly authorized or requested by any candidate, or by any candidate's political committee or any of its agents.

3. (a) Any person prior to making any independent expenditure shall first register with the state board of elections as a political committee in conformance with this article. Such person shall comply with all disclosure obligations required for political committees by law.

(b) Any person who has registered with the state board of elections pursuant to paragraph (a) of this subdivision shall disclose to the state board of elections electronically, once a week on Friday any contribution to such person over one thousand dollars or expenditures by such person over five thousand dollars made prior to thirty days before any primary, general, or special election.

(c) Any person who has registered with the state board of elections pursuant to paragraph (a) of this subdivision shall disclose to the state board of elections electronically, within twenty-four hours of receipt, any contribution to such person over one thousand dollars or expenditure by such person over five thousand dollars made within thirty days before any primary, general, or special election.

(D) ANY INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION MADE 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 WITHIN TWENTY-FOUR HOURS IN THE SAME MANNER AS PROVIDED FOR IN SUBDIVISION TWO OF SECTION 14-108 OF THIS TITLE.

[(d)] (E) A knowing and willful violation of the provisions of this subdivision shall subject the person to a civil penalty equal to five thousand dollars or the cost of the communication, whichever is greater, in a special proceeding or civil action brought by the board or imposed directly by the board of elections.

4. The disclosures required by subdivision three of this section shall include, in addition to any other information required by law:

(a) the name, address, occupation and employer of the person making the statement;

(b) the name, address, occupation and employer of the person making the independent expenditure;

(c) the name, address, occupation and employer of any person providing a contribution, gift, loan, advance or deposit of one thousand dollars or more for the independent expenditure, or the provision of services for the same, and the date it was given;

(d) the dollar amount paid for each independent expenditure OR ELECTIONEERING COMMUNICATION, the name and address of the person or entity receiving the payment, the date the payment was made and a description of the independent expenditure; [and]

(e) the election to which the independent expenditure OR ELECTIONEERING COMMUNICATION pertains and the name of the clearly identified candidate or the ballot proposal referenced[.];

(F) IF THE INDEPENDENT SPENDER MAKES INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS USING EXCLUSIVELY FUNDS IN A SEGREGATED BANK ACCOUNT CONSISTING OF FUNDS THAT WERE PAID DIRECTLY TO SUCH ACCOUNT BY PERSONS OTHER THAN THE INDEPENDENT SPENDER THAT CONTROLS THE ACCOUNT, FOR EACH SUCH PAYMENT TO THE ACCOUNT, THE AGGREGATE AMOUNT OF ALL SUCH PAYMENTS MADE BY THE PERSON AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS HELD FOR A BALLOT PROPOSAL OR THE PUBLIC OFFICE SOUGHT; BUT ONLY IF SUCH PAYMENT WAS MADE BY A PERSON WHO MADE PAYMENTS TO THE ACCOUNT IN AN AGGREGATE AMOUNT OF ONE THOUSAND DOLLARS OR MORE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS HELD FOR A BALLOT PROPOSAL OR THE PUBLIC OFFICE SOUGHT; AND

(G) IF THE INDEPENDENT SPENDER MAKES INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS USING FUNDS OTHER THAN FUNDS IN A SEGREGATED BANK ACCOUNT DESCRIBED IN PARAGRAPH (F) OF THIS SUBDIVISION, FOR EACH PAYMENT TO THE INDEPENDENT SPENDER:

(I) THE NAME AND ADDRESS OF EACH PERSON WHO MADE SUCH PAYMENT DURING THE PERIOD COVERED BY THE STATEMENT;

(II) THE DATE AND AMOUNT OF SUCH PAYMENT; AND

(III) THE AGGREGATE AMOUNT OF ALL SUCH PAYMENTS MADE BY THE PERSON AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS HELD FOR A BALLOT PROPOSAL OR THE PUBLIC OFFICE SOUGHT; BUT ONLY IF SUCH PAYMENT WAS MADE BY A PERSON WHO MADE PAYMENTS TO THE INDEPENDENT SPENDER IN AN AGGREGATE AMOUNT OF ONE THOUSAND DOLLARS OR MORE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS HELD FOR A BALLOT PROPOSAL OR THE PUBLIC OFFICE SOUGHT.

5. A copy of all political communications paid for by the independent expenditure, including but not limited to broadcast, cable or satellite schedules and scripts, advertisements, pamphlets, circulars, flyers, brochures, letterheads and other printed matter and statements or information conveyed to one thousand or more members of a general public audience by computer or other electronic devices shall be filed with the state board of elections with the statements required by this section.

6. ANY REPORT OF A LOAN THAT IS MADE FOR AN INDEPENDENT EXPENDITURE SHALL INCLUDE WRITTEN EVIDENCE OF THE INDEBTEDNESS.

7. (A) WHEN AN INDEPENDENT SPENDER THAT IS AN ENTITY MAKING INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS OF ONE HUNDRED DOLLARS OR MORE AGGREGATING FIVE THOUSAND DOLLARS OR MORE IN THE TWELVE MONTHS PRECEDING THE ELECTION FOR COMMUNICATIONS THAT REFER TO ANY SINGLE CANDIDATE, IT IS REQUIRED TO REPORT:

(I) ALL CONTRIBUTIONS FROM OTHER ENTITIES SINCE THE FIRST DAY OF THE CALENDAR YEAR PRECEDING THE YEAR OF THE ELECTION; AND

(II) ALL CONTRIBUTIONS AGGREGATING ONE THOUSAND DOLLARS OR MORE ACCEPTED FROM AN INDIVIDUAL DURING THE TWELVE MONTHS PRECEDING THE ELECTION.

(B) EACH CONTRIBUTION SHALL BE DISCLOSED IN THE REPORTING PERIOD IN WHICH IT WAS RECEIVED. FOR EACH CONTRIBUTION, THE INDEPENDENT SPENDER SHALL PROVIDE:

(I) FOR EACH CONTRIBUTION ACCEPTED FROM ANOTHER ENTITY, THE ENTITY'S NAME, ADDRESS AND TYPE OF ORGANIZATION;

(II) FOR EACH CONTRIBUTION ACCEPTED FROM AN INDIVIDUAL, THE INDIVIDUAL'S NAME AND ADDRESS; AND

(III) THE DATE OF RECEIPT AND AMOUNT OF EACH SUCH CONTRIBUTION.

(C) CONTRIBUTIONS THAT ARE EARMARKED FOR AN EXPLICITLY STATED NON-ELECTORAL PURPOSE ARE NOT REQUIRED TO BE REPORTED; PROVIDED, HOWEVER, THAT RECORDS OF THESE CONTRIBUTIONS MUST BE MAINTAINED AND MAY BE REQUESTED BY THE BOARD TO VERIFY THEIR QUALIFICATIONS FOR THIS EXEMPTION.

8. Every statement required to be filed pursuant to this section shall be filed electronically with the state board of elections.

[7.] 9. The state board of elections shall promulgate regulations with respect to the statements required to be filed by this section and shall provide forms suitable for such statements.

S 6. Subdivisions 1 and 3 of section 14-114 of the election law, subdivision 1 as amended by chapter 79 of the laws of 1992, paragraphs a and b of subdivision 1 as amended by chapter 659 of the laws of 1994 and subdivision 3 as amended by chapter 517 of the laws of 1986, 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, and no 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] TWO thousand SIX HUNDRED 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 public office, [twenty-five] TWO thousand SIX HUNDRED dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision]; provided however, THAT THE MAXIMUM AMOUNT CONTRIBUTED BY ANY CONTRIBUTOR OR ACCEPTED BY ANY CANDIDATE OR POLITICAL COMMITTEE FOR BOTH A PRIMARY AND A GENERAL ELECTION SHALL NOT EXCEED TWO THOUSAND SIX HUNDRED DOLLARS; AND PROVIDED FURTHER that the maximum amount which may be so contributed or accepted[, in the aggregate,] from any candidate's child, parent, grandparent, brother [and] OR sister, [and] OR 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] TWO THOUSAND SIX HUNDRED DOLLARS. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "CHILD" SHALL INCLUDE PERSONS EIGHTEEN YEARS OF AGE OR OLDER.

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 and no candidate or political committee may accept any contribution from any contributor, which [is in the aggregate amount greater than] SHALL NOT EXCEED: (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, OR TWO THOUSAND SIX HUNDRED DOLLARS, 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, OR TWO THOUSAND SIX HUNDRED DOLLARS, 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 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 of this subdivision]; in the case of a nomination for state senator, [four] TWO thousand SIX HUNDRED 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] TWO thousand [two] SIX 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, [twenty-five] TWO THOUSAND SIX hundred 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] OR sister, [and] OR 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], TWO THOUSAND SIX hundred [fifty] dollars, [whichever is greater,] or in the case of a nomination or election of a state senator, [twenty] TWO thousand SIX HUNDRED dollars, [whichever is greater,] or in the case of a nomination or election of a member of the assembly [twelve] TWO thousand [five] SIX hundred dollars[, whichever is greater, but in no event shall any such maximum exceed one hundred thousand dollars]; PROVIDED, HOWEVER, THAT THE MAXIMUM AMOUNT CONTRIBUTED BY ANY CONTRIBUTOR OR ACCEPTED BY ANY CANDIDATE OR POLITICAL COMMITTEE FOR BOTH A PRIMARY AND A GENERAL ELECTION SHALL NOT EXCEED TWO THOUSAND SIX HUNDRED DOLLARS; AND PROVIDED, FURTHER THAT THE MAXIMUM AMOUNT WHICH MAY BE SO CONTRIBUTED OR ACCEPTED FROM ANY CANDIDATE'S CHILD, PARENT, GRANDPARENT, BROTHER OR SISTER, OR THE SPOUSE OF ANY SUCH PERSONS, SHALL NOT EXCEED TWO THOUSAND SIX HUNDRED DOLLARS FOR THE NOMINATION AND ELECTION TO A PUBLIC OFFICE. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "CHILD" SHALL MEAN PERSONS EIGHTEEN YEARS OF AGE OR OLDER.

[c. 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 each contribution limit fixed 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.]

3. As used in this section the term "contributor" shall [not] include a party committee supporting the candidate of such party or a constituted committee supporting the candidate of such party.

S 7. Subdivision 6 of section 14-114 of the election law is REPEALED.

S 8. Subdivision 10 of section 14-114 of the election law, as added by chapter 79 of the laws of 1992, is amended to read as follows:

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] TEN thousand [five hundred] 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 9. Subdivision 2 of section 14-116 of the election law, as amended by chapter 260 of the laws of 1981, is amended to read as follows:

2. A. Notwithstanding [the provisions of subdivision one of this section, any corporation or an organization financially supported in whole or in part, by such corporation 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] ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO CONTRIBUTION, LOAN, LOAN GUARANTEE OR OTHER SECURITY FOR SUCH A LOAN FROM ANY CORPORATION, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP OR PARTNERSHIP, OTHER THAN IN THE REGULAR COURSE OF THE LENDER'S BUSINESS, MAY BE ACCEPTED BY A CANDIDATE OR A POLITICAL COMMITTEE, OTHER THAN A CORPORATION, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP OR PARTNERSHIP THAT IS A POLITICAL COMMITTEE, FOR ALL NOMINATIONS TO ANY OFFICE OR ELECTION TO ANY OFFICE.

B. A LOAN MADE TO A CANDIDATE OR POLITICAL COMMITTEE, OTHER THAN A CONSTITUTED COMMITTEE, BY ANY PERSON, FIRM OR ASSOCIATION SHALL BE

REPAID BY THE DATE OF THE PRIMARY, SPECIAL OR GENERAL ELECTION, AS THE CASE MAY BE, OR SUCH LOAN SHALL BE CONSIDERED A CONTRIBUTION BY SUCH PERSON, FIRM OR ASSOCIATION INCLUDING ANY PERSON ENDORSING, COSIGNING, GUARANTEEING, COLLATERALIZING OR OTHER PROVIDING SECURITY FOR THE LOAN.

S 10. Subdivision 3 of section 14-124 of the election law is REPEALED.

S 11. The election law is amended by adding a new section 14-125 to read as follows:

S 14-125. NEW YORK STATE BUSINESS CONTRACT DATABASE. 1. A. AS USED IN THIS SECTION:

(I) THE TERM "BUSINESS RELATIONSHIPS WITH THE STATE" SHALL MEAN ANY CONTRACT FOR THE PROCUREMENT OF GOODS, SERVICES OR CONSTRUCTION THAT IS ENTERED INTO OR IN EFFECT WITH THE STATE OF NEW YORK OR ANY AGENCY OR ENTITY AFFILIATED THERETO NOT AWARDED THROUGH A COMPETITIVE BID PROCESS PURSUANT TO ARTICLES NINE AND ELEVEN OF THE STATE FINANCE LAW. BUSINESS RELATIONSHIPS WITH THE STATE SHALL NOT MEAN ANY PERSON OR ENTITY REJECTED FROM PARTICIPATION IN SUCH A CONTRACT OR ANY PERSON OR ENTITY NOT PARTICIPATING IN SUCH A CONTRACT WITHIN TWENTY-FOUR MONTHS OF ANY ELECTION.

(II) THE TERM "NEW YORK STATE BUSINESS CONTRACT DATABASE" SHALL MEAN A DATABASE CREATED, OPERATED, MAINTAINED AND UPDATED BY THE STATE COMPTROLLER ACCESSIBLE TO THE PUBLIC WHICH CONTAINS THE NAMES OF PERSONS WHO HAVE BUSINESS RELATIONSHIPS WITH THE STATE. SUCH DATABASE SHALL BE CREATED, OPERATED, MAINTAINED AND UPDATED BY THE STATE COMPTROLLER IN A MANNER SO AS TO ENSURE ITS REASONABLE ACCURACY AND COMPLETENESS; PROVIDED, HOWEVER, THAT IN NO EVENT SHALL SUCH DATABASE BE UPDATED LESS FREQUENTLY THAN ONCE A MONTH IN ANY GENERAL ELECTION YEAR. SUCH DATABASE SHALL ENABLE MEMBERS OF THE PUBLIC TO DETERMINE IF A GIVEN PERSON HAS A BUSINESS RELATIONSHIP WITH THE STATE.

(III) THE TERM "PERSON" SHALL INCLUDE ANY CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER OR CHIEF OPERATING OFFICER OF SUCH ENTITY OR PERSONS SERVING IN AN EQUIVALENT CAPACITY, ANY PERSON EMPLOYED IN A SENIOR MANAGERIAL CAPACITY REGARDING SUCH ENTITY, OR ANY PERSON WITH AN INTEREST IN SUCH ENTITY WHICH EXCEEDS TEN PERCENT OF THE VALUE OF SUCH ENTITY AT FAIR MARKET VALUE.

(IV) THE TERM "SENIOR MANAGERIAL CAPACITY" SHALL MEAN A HIGH LEVEL SUPERVISORY CAPACITY, EITHER BY VIRTUE OF TITLE OR DUTIES, IN WHICH SUBSTANTIAL DISCRETION AND OVERSIGHT IS EXERCISED OVER THE SOLICITATION, LETTING OR ADMINISTRATION OF BUSINESS TRANSACTIONS WITH THE STATE, INCLUDING CONTRACTS, FRANCHISES, CONCESSION, GRANTS, ECONOMIC DEVELOPMENT AGREEMENTS AND APPLICATION FOR LAND USE APPROVALS.

B. ANY DATABASE MAINTAINED BY THE COMPTROLLER AS OF THE EFFECTIVE DATE OF THIS SECTION MAY SERVE AS THE NEW YORK STATE BUSINESS CONTRACT DATABASE UPON CERTIFICATION BY THE COMPTROLLER TO THE CHAIRMAN OF THE CAMPAIGN FINANCE BOARD THAT SUCH DATABASE FULFILLS THE REQUIREMENTS OF THIS SECTION. EVERY STATE AGENCY OR AUTHORITY OF THE STATE INCLUDING ANY ENTITY AFFILIATED THERETO SHALL PROVIDE THE COMPTROLLER WITH SUCH INFORMATION AS IS NECESSARY TO CONSTRUCT, MODIFY AND MAINTAIN SUCH DATABASE IN A TIMELY MANNER.

2. A. NEITHER A CANDIDATE PARTICIPATING IN THE VOLUNTARY CAMPAIGN FINANCE PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE, NOR A POLITICAL COMMITTEE OF SUCH CANDIDATE SHALL ACCEPT CONTRIBUTIONS FOR A COVERED ELECTION WHICH IN THE AGGREGATE EXCEEDS FOUR HUNDRED DOLLARS FROM A PERSON OR ENTITY WHO HAS A BUSINESS RELATIONSHIP WITH THE STATE.

B. NEITHER A CANDIDATE WHO DOES NOT PARTICIPATE IN A VOLUNTARY CAMPAIGN FINANCE PROGRAM PURSUANT TO THIS ARTICLE NOR A POLITICAL COMMITTEE OF SUCH CANDIDATE SHALL ACCEPT CONTRIBUTIONS FOR A COVERED

ELECTION WHICH IN THE AGGREGATE EXCEEDS FOUR HUNDRED DOLLARS FROM A PERSON OR ENTITY WHO HAS A BUSINESS RELATIONSHIP WITH THE STATE.

C. NO CONTRIBUTION PURSUANT TO THIS SECTION TO A CANDIDATE OR TO A POLITICAL COMMITTEE OF SUCH CANDIDATE SHALL BE ELIGIBLE FOR MATCHING CONTRIBUTIONS PURSUANT TO TITLE TWO OF THIS ARTICLE.

D. IF THE CAMPAIGN FINANCE BOARD DETERMINES THAT ANY CONTRIBUTION TO A CANDIDATE OR TO THE POLITICAL COMMITTEE OF SUCH CANDIDATE VIOLATES THE PROVISIONS OF THIS SECTION, THE CAMPAIGN FINANCE BOARD SHALL NOTIFY SUCH CANDIDATE WITHIN TWENTY DAYS OF SUCH DETERMINATION AND SUCH CANDIDATE OR CANDIDATE'S POLITICAL COMMITTEE SHALL MAKE A REASONABLE ATTEMPT TO RETURN SUCH CONTRIBUTION TO THE CONTRIBUTOR; PROVIDED, HOWEVER, THAT IF SUCH CANDIDATE OR THE POLITICAL COMMITTEE OF SUCH CANDIDATE IS UNABLE TO RETURN SUCH CONTRIBUTION, SUCH MONIES SHALL BE PAID TO THE CAMPAIGN FINANCE BOARD FOR PAYMENT INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND PURSUANT TO SECTION NINETY-NINE-Z OF THE STATE FINANCE LAW.

E. THE STATE COMPTROLLER AND THE CHAIRMAN OF THE CAMPAIGN FINANCE BOARD SHALL PROMULGATE SUCH RULES AND REGULATIONS AS THE COMPTROLLER AND THE CHAIRMAN DEEM NECESSARY FOR THE ADMINISTRATION OF THIS SECTION.

S 12. The article heading of article 14 of the election law is amended to read as follows:

CAMPAIGN [RECEIPTS AND EXPENDITURES] FINANCE

S 13. Sections 14-100 through 14-130 of article 14 of the election law are designated title 1 and a new title heading is added to read as follows:

CAMPAIGN RECEIPTS AND EXPENDITURES

S 14. Article 14 of the election law is amended by adding a new title 2 to read as follows:

TITLE II
MATCHING FINANCING

SECTION 14-200. APPLICABILITY AND DEFINITIONS.
14-202. REPORTING REQUIREMENTS.
14-204. CONTRIBUTION AND RECEIPT LIMITATIONS.
14-206. PROOF OF COMPLIANCE.
14-208. ELIGIBILITY.
14-212. PAYMENT OF MATCHING FUNDS.
14-214. USE OF MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDITURES.
14-216. CAMPAIGN FINANCE BOARD; GENERAL POWERS AND DUTIES.
14-218. AUDITS AND REPAYMENTS.
14-220. CIVIL ENFORCEMENT.
14-222. CRIMINAL PENALTIES.
14-224. REPORTS.
14-226. DEBATES.
14-228. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND.

S 14-200. APPLICABILITY AND DEFINITIONS. THIS TITLE SHALL APPLY EXCLUSIVELY TO THE FINANCING OF CAMPAIGNS OF CANDIDATES FOR THE NOMINATION FOR ELECTION, AND FOR ELECTION TO, THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR AND DELEGATE TO A CONSTITUTIONAL CONVENTION. FOR PURPOSES OF THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "AUTHORIZED COMMITTEE" MEANS A POLITICAL COMMITTEE DESIGNATED BY A CANDIDATE PURSUANT TO SECTION 14-202 OF THIS TITLE TO RECEIVE CONTRIBUTIONS AND MAKE EXPENDITURES IN SUPPORT OF SUCH CANDIDATE'S CAMPAIGN. NO

MORE THAN ONE AUTHORIZED COMMITTEE MAY BE DESIGNATED BY A CANDIDATE IN ANY ELECTION CYCLE.

2. "BOARD" OR "CAMPAIGN FINANCE BOARD" MEANS THE BOARD CREATED BY SECTION 14-216 OF THIS TITLE TO ADMINISTER THE CAMPAIGN FINANCE FUND.

3. "CANDIDATE" MEANS ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR FOR ELECTION TO, THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR AND DELEGATE TO A CONSTITUTIONAL CONVENTION WHETHER SUCH CANDIDATE IS A "PARTICIPATING CANDIDATE" OR "NONPARTICIPATING CANDIDATE" AS DEFINED IN THIS SECTION.

4. "CONTRIBUTION" MEANS:

(A) ANY GIFT, SUBSCRIPTION, OUTSTANDING LOAN (TO THE EXTENT PROVIDED FOR IN SECTION 14-114 OF THIS ARTICLE), ADVANCE, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION, OR ELECTION, OF ANY CANDIDATE, OR MADE TO PROMOTE THE SUCCESS OR DEFEAT OF A POLITICAL PARTY OR PRINCIPLE, OR OF ANY BALLOT PROPOSAL;

(B) ANY PAYMENT, BY ANY PERSON OTHER THAN A CANDIDATE OR AN AUTHORIZED COMMITTEE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION OR ELECTION OF ANY CANDIDATE, OR ANY PAYMENT MADE TO PROMOTE THE SUCCESS OR DEFEAT OF A POLITICAL PARTY OR PRINCIPLE, OR OF ANY BALLOT PROPOSAL INCLUDING BUT NOT LIMITED TO COMPENSATION FOR THE PERSONAL SERVICES OF ANY INDIVIDUAL WHICH ARE RENDERED IN CONNECTION WITH A CANDIDATE'S ELECTION OR NOMINATION WITHOUT CHARGE; PROVIDED HOWEVER, THAT NONE OF THE FOREGOING SHALL BE DEEMED A CONTRIBUTION IF IT IS MADE, TAKEN OR PERFORMED BY A CANDIDATE OR HIS OR HER SPOUSE OR BY A PERSON OR A POLITICAL COMMITTEE INDEPENDENT OF THE CANDIDATE OR HIS OR HER AGENTS OR POLITICAL COMMITTEES. FOR PURPOSES OF THIS TITLE, THE TERM "INDEPENDENT OF THE CANDIDATE OR HIS OR HER AGENTS OR POLITICAL COMMITTEES" SHALL MEAN THAT THE CANDIDATE OR HIS OR HER AGENTS OR POLITICAL COMMITTEE DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY SUCH ACTIVITY; AND PROVIDED FURTHER, THAT THE TERM CONTRIBUTION SHALL NOT INCLUDE:

(I) THE VALUE OF SERVICES PROVIDED WITHOUT COMPENSATION BY INDIVIDUALS WHO VOLUNTEER A PORTION OR ALL OF THEIR TIME ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE;

(II) THE USE OF REAL OR PERSONAL PROPERTY AND THE COST OF INVITATIONS, FOOD AND BEVERAGES VOLUNTARILY PROVIDED BY AN INDIVIDUAL TO A CANDIDATE OR POLITICAL COMMITTEE ON THE INDIVIDUAL'S RESIDENTIAL PREMISES FOR CANDIDATE-RELATED ACTIVITIES TO THE EXTENT SUCH SERVICES DO NOT EXCEED FIVE HUNDRED DOLLARS IN VALUE;

(III) THE TRAVEL EXPENSES OF ANY INDIVIDUAL WHO ON HIS OR HER OWN BEHALF VOLUNTEERS HIS OR HER PERSONAL SERVICES TO ANY CANDIDATE OR POLITICAL COMMITTEE TO THE EXTENT SUCH EXPENSES ARE UNREIMBURSED AND DO NOT EXCEED FIVE HUNDRED DOLLARS IN VALUE; AND

(IV) EXPENDITURES BY A BONA FIDE MEMBERSHIP ORGANIZATION IN SUPPORT OF THE FOLLOWING ACTIVITIES BY MEMBERS OF THE ORGANIZATION WHO ARE VOLUNTEERING THEIR TIME ON BEHALF OF A CANDIDATE, NOT TO EXCEED TWENTY-FIVE DOLLARS PER MEMBER WHO VOLUNTEER FOR: (1) TRANSPORTATION OF VOLUNTEERS TO AND FROM CAMPAIGN ACTIVITIES; (2) COST OF FEEDING VOLUNTEERS WHILE VOLUNTEERING FOR THE CAMPAIGN; AND (3) MATERIALS SUCH AS BADGES AND CLOTHING THAT IDENTIFIES THE NAME OF THE ORGANIZATION OR CANDIDATE; AND

(C) ANY FUNDS RECEIVED BY A POLITICAL COMMITTEE FROM ANOTHER POLITICAL COMMITTEE TO THE EXTENT SUCH FUNDS DO NOT CONSTITUTE A TRANSFER.

5. "CONTRIBUTOR" MEANS AN ENTITY, INCLUDING, BUT NOT LIMITED TO, NATURAL PERSONS, ASSOCIATIONS AND BONA FIDE MEMBERSHIP ORGANIZATIONS, THAT MAKES A CONTRIBUTION, AS DEFINED IN SUBDIVISION FOUR OF THIS SECTION AND PURSUANT TO SECTION 14-116 OF THIS ARTICLE.

6. "COVERED ELECTION" MEANS ANY PRIMARY ELECTION FOR NOMINATION, SPECIAL OR GENERAL ELECTION FOR ELECTION, TO THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR AND DELEGATE TO A CONSTITUTIONAL CONVENTION.

7. "ELECTION CYCLE" MEANS (A) THE FOUR YEAR PERIOD STARTING THE DAY AFTER THE GENERAL ELECTION AND ENDING ON THE DAY OF THE NEXT SUCCEEDING GENERAL ELECTION FOR THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER AND ATTORNEY GENERAL, (B) THE TWO YEAR PERIOD STARTING THE DAY AFTER THE GENERAL ELECTION AND ENDING ON THE DATE OF THE NEXT SUCCEEDING GENERAL ELECTION FOR CANDIDATES FOR THE OFFICES OF STATE SENATOR AND MEMBER OF THE ASSEMBLY, AND (C) SIX MONTHS PRIOR TO ANY SPECIAL ELECTION ENDING ON THE DAY AFTER SUCH SPECIAL ELECTION.

8. "EXPENDITURE" MEANS 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.

9. "FUND" MEANS THE CAMPAIGN FINANCE FUND CREATED BY SECTION NINETY-NINE-Z OF THE STATE FINANCE LAW.

10. "FAMILY OR HOUSEHOLD MEMBERS" MEAN THE FOLLOWING INDIVIDUALS:

(A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

(B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

(C) PERSONS FORMERLY MARRIED TO ONE ANOTHER REGARDLESS OF WHETHER THEY STILL RESIDE IN THE SAME HOUSEHOLD;

(D) PERSONS WHO HAVE A CHILD IN COMMON REGARDLESS OF WHETHER SUCH PERSONS ARE MARRIED OR HAVE LIVED TOGETHER AT ANY TIME; OR

(E) PERSONS WHO ARE NOT RELATED BY CONSANGUINITY OR AFFINITY AND WHO ARE OR HAVE BEEN IN AN INTIMATE RELATIONSHIP REGARDLESS OF WHETHER SUCH PERSONS HAVE LIVED TOGETHER AT ANY TIME.

11. "ITEM WITH SIGNIFICANT VALUE" MEANS ANY ITEM, INCLUDING ANY ITEM VALUED AT TWENTY-FIVE DOLLARS OR MORE.

12. "LEGISLATIVE LEADER" MEANS ANY OF THE FOLLOWING: THE TEMPORARY PRESIDENT OF THE SENATE; THE SPEAKER OF THE ASSEMBLY; THE MINORITY LEADER OF THE SENATE; OR THE MINORITY LEADER OF THE ASSEMBLY.

13. "MATCHABLE CONTRIBUTION" MEANS A CONTRIBUTION, CONTRIBUTIONS OR SUCH PORTION OF A CONTRIBUTION OR CONTRIBUTIONS MADE BY A NATURAL PERSON RESIDING IN THE STATE OF NEW YORK AT THE TIME OF SUCH CONTRIBUTION, WITH A VALUE NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS, TO A PARTICIPATING CANDIDATE FOR ANY PRIMARY AND A CONTRIBUTION, CONTRIBUTIONS OR SUCH PORTION OF A CONTRIBUTION OR CONTRIBUTIONS MADE BY A NATURAL PERSON RESIDING IN THE STATE OF NEW YORK AT THE TIME OF SUCH CONTRIBUTION WITH A VALUE NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS TO A PARTICIPATING CANDIDATE FOR A GENERAL ELECTION HELD IN THE SAME ELECTION CYCLE OR TO A PARTICIPATING CANDIDATE IN A SPECIAL ELECTION THAT HAS BEEN REPORTED IN FULL TO THE STATE BOARD OF ELECTIONS IN ACCORDANCE WITH SECTIONS 14-102, 14-104 AND 14-108 OF THIS ARTICLE BY THE CANDIDATE'S AUTHORIZED COMMITTEE AND HAS BEEN CONTRIBUTED ON OR BEFORE THE DATE OF THE APPLICABLE PRIMARY OR GENERAL OR SPECIAL ELECTION IN ANY ELECTION CYCLE. ANY CONTRIBUTION, CONTRIBUTIONS, OR SUCH PORTION OF A CONTRIBUTION OR CONTRIBUTIONS DETERMINED TO BE INVALID FOR MATCHING FUNDS BY THE CAMPAIGN FINANCE BOARD PURSUANT TO THE PROVISIONS OF THIS TITLE MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION. IN ADDITION, THE FOLLOWING CONTRIBUTIONS ARE NOT MATCHABLE: (A) LOANS; (B) IN-KIND CONTRIBUTIONS OF PROPERTY, GOODS, OR SERVICES; (C) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR AN ITEM WITH SIGNIFICANT VALUE; (D) ANONYMOUS

CONTRIBUTIONS OR CONTRIBUTIONS WHOSE SOURCE IS NOT ITEMIZED AS REQUIRED BY SECTION 14-202 OF THIS TITLE; (E) CONTRIBUTIONS RECEIVED DURING A PREVIOUS ELECTION CYCLE; (F) ILLEGAL CONTRIBUTIONS; AND (G) CONTRIBUTIONS FROM INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS AT THE TIME THE CONTRIBUTION IS MADE.

14. "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR OR DELEGATE TO A CONSTITUTIONAL CONVENTION FOR A COVERED ELECTION WHO FAILS TO FILE A WRITTEN CERTIFICATION IN THE FORM OF AN AFFIDAVIT PURSUANT TO SECTION 14-208 OF THIS TITLE.

15. "PARTICIPATING CANDIDATE" SHALL MEAN ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR AND DELEGATE TO A CONSTITUTIONAL CONVENTION WHO FILES A WRITTEN CERTIFICATION IN THE FORM OF AN AFFIDAVIT PURSUANT TO SECTION 14-208 OF THIS TITLE.

16. "POLITICAL COMMITTEE" MEANS A COMMITTEE AS DEFINED IN SECTION 14-100 OF THIS ARTICLE.

17. "MATCHING FUNDS" MEANS MONIES PAID FROM THE CAMPAIGN FINANCE FUND TO THE AUTHORIZED COMMITTEE OF PARTICIPATING CANDIDATES PURSUANT TO THIS TITLE.

18. "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE FOR WHICH MATCHING FUNDS MAY BE USED.

19. "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 MATCHING FUNDS UNDER THIS ARTICLE.

20. "TRANSFER" SHALL MEAN ANY EXCHANGE OF FUNDS OR ANY THING OF VALUE BETWEEN POLITICAL COMMITTEES AUTHORIZED BY THE SAME CANDIDATE TAKING PART SOLELY IN HIS OR HER CAMPAIGN.

S 14-202. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE SHALL DESIGNATE ONLY ONE AUTHORIZED COMMITTEE TO BE ELIGIBLE TO RECEIVE CONTRIBUTIONS OF MATCHING FUNDS. BEFORE RECEIVING ANY SUCH CONTRIBUTION OR MAKING ANY EXPENDITURE THEREFROM FOR A COVERED ELECTION, EACH PARTICIPATING CANDIDATE SHALL NOTIFY THE STATE BOARD OF ELECTIONS AND THE CAMPAIGN FINANCE BOARD AS TO THE EXISTENCE OF HIS OR HER ELIGIBLE AUTHORIZED COMMITTEE THAT HAS BEEN DESIGNATED AND APPROVED BY SUCH CANDIDATE. SUCH AUTHORIZED COMMITTEE SHALL, BEFORE RECEIVING ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION: (A) DESIGNATE A TREASURER; (B) OBTAIN A TAX IDENTIFICATION NUMBER FROM THE INTERNAL REVENUE SERVICE; AND (C) SUBMIT TO THE STATE BOARD OF ELECTIONS, EITHER IN WRITING OR ELECTRONICALLY, THE IDENTIFICATION NUMBER OF THE COMMITTEE DESIGNATED TO BE ELIGIBLE TO RECEIVE MATCHING FUNDS.

2. DISCLOSURE. (A) EVERY PARTICIPATING CANDIDATE SHALL SUBMIT SUCH REPORTS TO THE STATE BOARD OF ELECTIONS AS REQUIRED BY TITLE ONE OF THIS ARTICLE. COPIES OF SUCH REPORTS SHALL ALSO BE SUBMITTED TO THE CAMPAIGN FINANCE BOARD CREATED PURSUANT TO THIS ARTICLE AT THE SAME TIME SUCH REPORTS ARE SUBMITTED TO THE STATE BOARD OF ELECTIONS.

(B) THE CAMPAIGN FINANCE BOARD SHALL REVIEW EACH DISCLOSURE REPORT FILED WITH THE STATE BOARD OF ELECTIONS PURSUANT TO TITLE ONE OF THIS ARTICLE AND SHALL INFORM PARTICIPATING CANDIDATES AND POLITICAL COMMITTEES INCLUDING THE AUTHORIZED COMMITTEE, OF RELEVANT QUESTIONS THE BOARD HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF THIS TITLE AND OF THE RULES ISSUED BY THE BOARD; AND (II) QUALIFICATIONS FOR RECEIVING

PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. IN THE COURSE OF SUCH REVIEW, THE BOARD SHALL GIVE CANDIDATES AND POLITICAL COMMITTEES INCLUDING THE AUTHORIZED COMMITTEE, AN OPPORTUNITY TO RESPOND TO AND CORRECT POTENTIAL VIOLATIONS AND GIVE CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS THE BOARD HAS CONCERNING THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER ISSUES CONCERNING ELIGIBILITY FOR RECEIVING MATCHING FUNDS PURSUANT TO THIS TITLE. NOTHING IN THIS PARAGRAPH SHALL PRECLUDE THE BOARD FROM SUBSEQUENTLY REVIEWING SUCH A DISCLOSURE REPORT AND TAKING ANY ACTION OTHERWISE AUTHORIZED BY THIS TITLE.

(C) ONLY ITEMIZED CONTRIBUTIONS CONTAINED IN REPORTS FILED WITH THE STATE BOARD OF ELECTIONS SHALL BE ELIGIBLE FOR MATCHING FUNDS PURSUANT TO THIS TITLE.

S 14-204. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. A PARTICIPATING CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEE SHALL NOT ACCEPT, EITHER DIRECTLY OR INDIRECTLY:

(A) TOTAL CONTRIBUTIONS FROM ANY ONE CONTRIBUTOR THAT EXCEED TWO THOUSAND SIX HUNDRED DOLLARS IN ANY PRIMARY IN AN ELECTION CYCLE FOR THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR AND DELEGATE TO A CONSTITUTIONAL CONVENTION AND TWO THOUSAND SIX HUNDRED DOLLARS FOR A GENERAL OR SPECIAL ELECTION IN AN ELECTION CYCLE FOR THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR OR DELEGATE TO A CONSTITUTIONAL CONVENTION, PROVIDED, HOWEVER, THAT NOT MORE THAN TWO THOUSAND SIX HUNDRED DOLLARS MAY BE RECEIVED BY A CANDIDATE FROM A CONTRIBUTOR PER ELECTION CYCLE; OR

(B) ANY CONTRIBUTION FROM A POLITICAL COMMITTEE THAT HAS NOT REGISTERED WITH THE STATE BOARD OF ELECTIONS OR HAS NOT REGISTERED WITH THE APPROPRIATE ENTITY AS REQUIRED BY LAW.

2. ALL MONETARY CONTRIBUTIONS AND ALL MATCHING FUNDS ACCEPTED BY A CANDIDATE'S AUTHORIZED COMMITTEE SHALL BE DEPOSITED INTO AN ACCOUNT WITH A BANK LICENSED BY THE DEPARTMENT OF FINANCIAL SERVICES HELD IN THE NAME OF THE AUTHORIZED POLITICAL COMMITTEE WITHIN TEN BUSINESS DAYS OF RECEIPT. EACH AUTHORIZED COMMITTEE SHALL HAVE NO MORE THAN ONE CHECKING ACCOUNT. MONETARY CONTRIBUTIONS, OTHER THAN MATCHING FUNDS, MAY BE INVESTED IN ACCORDANCE WITH THE PROVISIONS OF LAW RELATING THERETO.

3. CONTRIBUTIONS TO CANDIDATES IN COVERED ELECTIONS SHALL, FOR EACH ELECTION CYCLE, IN ALL OTHER RESPECTS, BE SUBJECT TO THE LIMITATIONS AND PROVISIONS OF TITLE ONE OF THIS ARTICLE.

S 14-206. PROOF OF COMPLIANCE. CANDIDATES AND POLITICAL COMMITTEES SHALL MAINTAIN SUCH RECORDS OF RECEIPTS AND EXPENDITURES FOR A COVERED ELECTION AS MAY BE REQUIRED BY THE CAMPAIGN FINANCE BOARD. CANDIDATES AND POLITICAL COMMITTEES SHALL OBTAIN AND FURNISH TO THE BOARD ANY INFORMATION IT MAY REQUEST RELATING TO THE FINANCIAL TRANSACTIONS OR CONTRIBUTIONS OF CANDIDATES AND POLITICAL COMMITTEES AND FURNISH SUCH DOCUMENTATION AND OTHER PROOF OF COMPLIANCE WITH THIS TITLE AS MAY BE REQUESTED BY THE BOARD. CANDIDATES AND POLITICAL COMMITTEES SHALL MAINTAIN COPIES OF SUCH RECORDS FOR A PERIOD OF FIVE YEARS FOLLOWING A GENERAL ELECTION.

S 14-208. ELIGIBILITY. 1. TO BE ELIGIBLE FOR MATCHING FUNDS PURSUANT TO THIS TITLE, A CANDIDATE MUST: (A) BE A CANDIDATE FOR THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR OR DELEGATE TO A CONSTITUTIONAL CONVENTION IN A COVERED ELECTION; (B) SATISFY ALL THE REQUIREMENTS OF LAW TO HAVE HIS OR HER NAME ON THE BALLOT; (C) IN THE CASE OF A COVERED GENERAL 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 CAMPAIGN FINANCE BOARD, THAT SETS FORTH HIS OR HER AGREEMENT TO COMPLY WITH THE TERMS AND CONDITIONS FOR THE PROVISION OF SUCH FUNDS IN EACH COVERED ELECTION WHICH SHALL BE FILED WITH SUCH BOARD NO LATER THAN JUNE FIRST OF AN ELECTION YEAR; (E) BE CERTIFIED AS A PARTICIPATING CANDIDATE BY SUCH BOARD NOT LATER THAN TWO WEEKS AFTER THE FILING OF SUCH AFFIDAVIT; (F) NOT MAKE, AND NOT HAVE MADE, EXPENDITURES FROM, OR USE, HIS OR HER PERSONAL FUNDS OR PROPERTY OR PERSONAL FUNDS OR PROPERTY JOINTLY HELD WITH HIS OR HER SPOUSE, DOMESTIC PARTNER, OR CHILD IN CONNECTION WITH HIS OR HER NOMINATION FOR ELECTION OR ELECTION TO A COVERED OFFICE EXCEPT AS A CONTRIBUTION TO HIS OR HER AUTHORIZED COMMITTEE IN AN AMOUNT THAT EXCEEDS THE APPLICABLE CONTRIBUTION LIMIT OF 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; AND (H) ABIDE BY THE REQUIREMENTS SET FORTH IN THIS TITLE AND CHAPTER DURING THE POST-ELECTION PERIOD.

2. THE THRESHOLD FOR ELIGIBILITY FOR MATCHING FUNDS FOR CANDIDATES IN A PRIMARY, GENERAL OR SPECIAL ELECTION FOR THE FOLLOWING OFFICES SHALL BE:

(A) GOVERNOR IN A PRIMARY OR GENERAL ELECTION. THE RECEIPT OF NOT LESS THAN SIX HUNDRED FIFTY THOUSAND DOLLARS FROM AT LEAST SIX THOUSAND FIVE HUNDRED MATCHABLE CONTRIBUTIONS IN SINGLE AMOUNTS OF NO MORE THAN TWO HUNDRED FIFTY DOLLARS FROM NATURAL PERSONS RESIDING IN THE STATE;

(B) LIEUTENANT GOVERNOR IN A PRIMARY ELECTION AND STATE COMPTROLLER OR ATTORNEY GENERAL IN A PRIMARY OR GENERAL ELECTION. THE RECEIPT OF NOT LESS THAN TWO HUNDRED THOUSAND DOLLARS FROM AT LEAST TWO THOUSAND MATCHABLE CONTRIBUTIONS IN SINGLE AMOUNTS OF NO MORE THAN TWO HUNDRED FIFTY DOLLARS FROM NATURAL PERSONS RESIDING IN THE STATE;

(C) STATE SENATORS IN A PRIMARY, GENERAL OR SPECIAL ELECTION. THE RECEIPT OF NOT LESS THAN TWENTY THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS IN SINGLE AMOUNTS OF NO MORE THAN TWO HUNDRED FIFTY DOLLARS FROM NATURAL PERSONS RESIDING IN THE STATE, INCLUDING AT LEAST TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED CONTRIBUTORS WHO RESIDE IN THE SENATE DISTRICT OR RESIDE IN ANY PORTION OF ANY COUNTY WHICH CONSTITUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED;

(D) MEMBERS OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION. THE RECEIPT OF NOT LESS THAN TEN THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS IN SINGLE AMOUNTS OF NO MORE THAN TWO HUNDRED FIFTY DOLLARS FROM NATURAL PERSONS RESIDING IN THE STATE, INCLUDING AT LEAST FIVE THOUSAND DOLLARS FROM AT LEAST FIFTY CONTRIBUTORS WHO RESIDE IN THE ASSEMBLY DISTRICT OR RESIDE IN ANY PORTION OF ANY COUNTY WHICH CONSTITUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED;

(E) AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR A GENERAL ELECTION. THE RECEIPT OF NOT LESS THAN TWENTY THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS IN SINGLE AMOUNTS OF NO MORE THAN TWO HUNDRED FIFTY DOLLARS FROM NATURAL PERSONS RESIDING IN THE STATE; AND

(F) DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR GENERAL ELECTION. THE RECEIPT OF NOT LESS THAN FIVE THOUSAND DOLLARS IN AT LEAST FIFTY MATCHABLE CONTRIBUTIONS IN SINGLE AMOUNTS OF NO MORE THAN TWO HUNDRED FIFTY DOLLARS FROM NATURAL PERSONS RESIDING IN THE DISTRICT OR IN THE CONSTITUENT COUNTY OR RESIDING IN ANY PORTION OF ANY COUNTY WHICH CONSTITUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

3. (A) CANDIDATES WHO ARE CONTESTED IN A PRIMARY ELECTION AND WHO DO NOT SEEK MATCHING FUNDS SHALL NOT BE ELIGIBLE FOR MATCHING FUNDS FOR THE

GENERAL ELECTION IN THAT YEAR. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO CANDIDATES FOR THE OFFICE OF LIEUTENANT GOVERNOR.

(B) CANDIDATES WHO ARE UNOPPOSED IN A GENERAL OR SPECIAL ELECTION SHALL NOT BE ELIGIBLE TO RECEIVE MATCHING FUNDS.

(C) NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE VOLUNTARY CAMPAIGN FINANCING SYSTEM SHALL BE DEEMED OPPOSED AND BE ELIGIBLE FOR MATCHING FUNDS UNLESS THERE IS AT LEAST ONE OTHER CANDIDATE, AS DEFINED BY SUBDIVISION SEVEN OF SECTION 14-100 OF THIS ARTICLE FOR SUCH OFFICE FOR SUCH ELECTION.

(D) ANY PARTICIPATING CANDIDATE MEETING THE THRESHOLD FOR ELIGIBILITY IN A PRIMARY ELECTION SHALL BE DEEMED TO HAVE MET THE THRESHOLD FOR ELIGIBILITY FOR SUCH OFFICE IN ANY OTHER ELECTION HELD IN THE SAME ELECTION CYCLE.

(E) NO PARTICIPATING CANDIDATE FOR NOMINATION TO AN OFFICE WHO IS UNOPPOSED IN A PRIMARY ELECTION SHALL BE ELIGIBLE FOR MATCHING FOR QUALIFIED CAMPAIGN EXPENDITURES, PROVIDED, HOWEVER, THAT WHERE A CONTEST OCCURS IN A PRIMARY FOR THE NOMINATION OF AT LEAST ONE OTHER PARTY FOR OFFICE, THE AUTHORIZED COMMITTEE OF AN UNOPPOSED PARTICIPATING CANDIDATE FOR NOMINATION MAY RAISE AND SPEND AN AMOUNT EQUAL TO ONE-HALF OF THE MATCHING FUNDS RECEIPT LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT MATCHING FUNDS, WITH CONTRIBUTIONS OF UP TO TWO THOUSAND SIX HUNDRED DOLLARS PER CONTRIBUTOR PURSUANT TO SECTION 14-204 OF THIS TITLE.

S 14-212. PAYMENT OF MATCHING FUNDS. 1. NO MATCHING FUNDS SHALL BE PAID TO AN AUTHORIZED COMMITTEE UNLESS THE CAMPAIGN FINANCE BOARD DETERMINES THAT THE PARTICIPATING CANDIDATE HAS QUALIFIED PURSUANT TO THIS TITLE. PAYMENT SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN THIS SECTION AND MAY BE MADE ONLY TO THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE. NO MATCHING FUNDS SHALL BE USED EXCEPT TO REIMBURSE OR PAY FOR QUALIFIED CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

2. IF THE THRESHOLD FOR ELIGIBILITY IS MET, THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE SHALL RECEIVE PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES OF SIX DOLLARS OF MATCHING FUNDS FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS FOR A PRIMARY ELECTION AND SIX DOLLARS OF MATCHING FUNDS FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS FOR A GENERAL OR SPECIAL ELECTION FOR ALL MATCHABLE CONTRIBUTIONS RECEIVED AFTER JANUARY FIRST OF THE YEAR IN WHICH SUCH PRIMARY OR GENERAL ELECTION TO BE HELD AND REPORTED TO THE BOARD.

3. (A) MATCHING FUNDS RECEIVED BY PARTICIPATING CANDIDATES AND THEIR AUTHORIZED COMMITTEES IN A PRIMARY ELECTION SHALL NOT EXCEED:

(I) THE SUM OF FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS FOR THE OFFICE OF GOVERNOR;

(II) THE SUM OF TWO MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE OFFICES OF LIEUTENANT GOVERNOR, STATE COMPTROLLER AND ATTORNEY GENERAL;

(III) THE SUM OF EIGHT HUNDRED TWENTY-FIVE THOUSAND DOLLARS FOR THE OFFICE OF STATE SENATOR;

(IV) THE SUM OF FOUR HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS FOR THE OFFICE OF MEMBER OF THE ASSEMBLY;

(V) THE SUM OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS FOR AN AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION; AND

(VI) THE SUM OF FIFTY THOUSAND DOLLARS FOR A DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION.

(B) MATCHING FUNDS RECEIVED BY PARTICIPATING CANDIDATES AND THEIR AUTHORIZED COMMITTEES IN A GENERAL OR SPECIAL ELECTION SHALL NOT EXCEED:

(I) THE SUM OF EIGHT MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS FOR THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR;

(II) THE SUM OF FOUR MILLION ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS FOR THE OFFICES OF STATE COMPTROLLER AND ATTORNEY GENERAL;

(III) THE SUM OF EIGHT HUNDRED TWENTY-FIVE THOUSAND DOLLARS FOR THE OFFICE OF STATE SENATOR;

(IV) THE SUM OF FOUR HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS FOR THE OFFICE OF MEMBER OF THE ASSEMBLY;

(V) THE SUM OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS FOR AN AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION; AND

(VI) THE SUM OF FIFTY THOUSAND DOLLARS FOR A DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION.

4. NO MATCHING FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A PRIMARY ELECTION ANY EARLIER THAN THE DAY THAT SUCH CANDIDATE IS CERTIFIED AS BEING ON THE BALLOT FOR SUCH PRIMARY ELECTION.

5. NO MATCHING 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.

6. NO MATCHING 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 AUTHORITY. 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.

7. THE COMMISSIONER OF TAXATION AND FINANCE SHALL MAKE ALL PAYMENTS OF MATCHING FUNDS TO PARTICIPATING CANDIDATES AS SOON AS PRACTICABLE, BUT NO LATER THAN FIVE DAYS AFTER SUBMISSION BY THE PARTICIPATING CANDIDATE OF A CAMPAIGN CONTRIBUTION REPORT FILED WITH THE STATE BOARD OF ELECTIONS IN COMPLIANCE WITH THIS ARTICLE. THE CAMPAIGN FINANCE BOARD SHALL VERIFY ELIGIBILITY FOR AND AMOUNT OF MATCHING FUNDS WITHIN THREE DAYS AFTER RECEIPT OF SUCH CONTRIBUTION REPORT. UPON DETERMINATION OF ELIGIBILITY OF A PARTICIPATING CANDIDATE FOR MATCHING FUNDS AND OF AMOUNT OF SUCH MATCHING FUNDS, THE CAMPAIGN FINANCE BOARD SHALL SUBMIT WITHIN ONE DAY A DULY APPROVED, CERTIFIED AND EXECUTED VOUCHER TO THE DEPARTMENT OF TAXATION AND FINANCE REQUESTING PAYMENT OF SUCH MATCHING FUNDS AND PAYMENT THEREOF SHALL BE MADE TO THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE NOT LESS THAN ONE DAY AFTER SUCH VOUCHER IS RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE. IF ANY OF THE TIME LIMITS IN THIS TITLE FOR PAYMENT FALL ON A WEEKEND OR HOLIDAY, PAYMENT SHALL BE MADE ON THE NEXT BUSINESS DAY.

8. THE CAMPAIGN FINANCE BOARD AND THE DEPARTMENT OF TAXATION AND FINANCE SHALL PROMULGATE RULES TO FACILITATE ELECTRONIC FUND TRANSFERS DIRECTLY FROM THE FUND INTO AN AUTHORIZED COMMITTEE'S BANK ACCOUNT.

S 14-214. USE OF MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDITURES. 1. 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 PAYMENT FOR DEBTS INCURRED WITHIN ONE YEAR BEFORE AN ELECTION TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION OR ELECTION.

2. SUCH MATCHING FUNDS MAY NOT BE USED FOR: (A) AN EXPENDITURE THAT VIOLATES ANY LAW OR REGULATION; (B) AN EXPENDITURE IN EXCESS OF THE FAIR

MARKET VALUE OF SERVICES, MATERIALS, FACILITIES OR OTHER ITEM OF SIGNIFICANT VALUE RECEIVED IN EXCHANGE; (C) AN EXPENDITURE MADE AFTER THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE BALLOT; (D) AN EXPENDITURE FOR AN OBLIGATION INCURRED AFTER THE ONLY REMAINING OPPONENT OF THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE BALLOT; (E) AN EXPENDITURE MADE BY CASH PAYMENT; (F) A CONTRIBUTION OR LOAN MADE TO ANOTHER CANDIDATE OR POLITICAL COMMITTEE; (G) AN EXPENDITURE TO SUPPORT OR OPPOSE ANOTHER CANDIDATE OR POLITICAL COMMITTEE; (H) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER PRINTED CAMPAIGN MATERIAL; (I) LEGAL FEES TO DEFEND AGAINST A CRIMINAL CHARGE; OR (J) A PAYMENT TO AN IMMEDIATE FAMILY MEMBER OF THE PARTICIPATING CANDIDATE.

S 14-216. CAMPAIGN FINANCE BOARD; GENERAL POWERS AND DUTIES. 1. THERE SHALL BE A BOARD WITHIN THE STATE BOARD OF ELECTIONS KNOWN AS THE "CAMPAIGN FINANCE BOARD" COMPOSED OF SEVEN MEMBERS, OF WHICH ONE MEMBER, WHO SHALL BE THE CHAIRPERSON, SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, ONE MEMBER SHALL BE APPOINTED BY THE STATE COMPTROLLER, ONE MEMBER SHALL BE APPOINTED BY THE ATTORNEY GENERAL, ONE MEMBER SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE AND ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY. NO MEMBER OF THE CAMPAIGN FINANCE BOARD SHALL HOLD ELECTIVE OFFICE, NOR SHALL ANY MEMBER BE A LOBBYIST AS DEFINED IN SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLATIVE LAW. THE MEMBERS SHALL FIRST BE APPOINTED TO SERVE AS FOLLOWS: (A) TWO MEMBERS, ONE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY FOR A TERM OF TWO YEARS, (B) TWO MEMBERS, ONE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE SPEAKER OF THE ASSEMBLY FOR A TERM OF THREE YEARS, (C) ONE MEMBER APPOINTED BY THE ATTORNEY GENERAL FOR A TERM OF FOUR YEARS, (D) ONE MEMBER APPOINTED BY THE COMPTROLLER FOR A TERM OF FIVE YEARS AND (E) THE CHAIRPERSON SHALL SERVE FOR A TERM OF SIX YEARS. MEMBERS APPOINTED THEREAFTER SHALL BE APPOINTED FOR TERMS OF SIX YEARS.

2. EACH INITIAL MEMBER'S TERM SHALL COMMENCE ON JANUARY FIRST, TWO THOUSAND SEVENTEEN. IN CASE OF A VACANCY IN THE OFFICE OF A MEMBER, A MEMBER SHALL BE APPOINTED ACCORDING TO THE ORIGINAL MANNER OF APPOINTMENT. EACH MEMBER SHALL BE A RESIDENT OF THE STATE OF NEW YORK AND REGISTERED TO VOTE THEREIN. EACH MEMBER SHALL AGREE NOT TO MAKE AND SHALL NOT MAKE CONTRIBUTIONS TO ANY CANDIDATE OR AUTHORIZED COMMITTEE FOR NOMINATION FOR ELECTION OR FOR ELECTION TO THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR AND DELEGATE TO A CONSTITUTIONAL CONVENTION. NO MEMBER SHALL SERVE AS AN OFFICER OF A POLITICAL PARTY OR COMMITTEE OR BE A CANDIDATE OR PARTICIPATE IN ANY CAPACITY IN A CAMPAIGN BY A CANDIDATE FOR NOMINATION FOR ELECTION, OR FOR ELECTION TO THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR AND DELEGATE TO A CONSTITUTIONAL CONVENTION. AN OFFICER OR EMPLOYEE OF THE STATE OR ANY STATE AGENCY SHALL NOT BE ELIGIBLE TO BE A MEMBER OF THE CAMPAIGN FINANCE BOARD.

3. THE MEMBERS OF THE CAMPAIGN FINANCE BOARD SHALL BE ENTITLED TO RECEIVE PAYMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES AS MEMBERS OF SUCH BOARD.

4. A MEMBER OF THE CAMPAIGN FINANCE BOARD MAY BE REMOVED BY HIS OR HER APPOINTING AUTHORITY SOLELY FOR SUBSTANTIAL NEGLECT OF DUTY, GROSS MISCONDUCT IN OFFICE, INABILITY TO DISCHARGE THE POWERS OR DUTIES OF THE OFFICE, OR VIOLATION OF THE PROVISIONS OF THIS CHAPTER, AFTER WRITTEN

NOTICE AND OPPORTUNITY FOR A PUBLIC HEARING PURSUANT TO RULES DEVELOPED BY THE CAMPAIGN FINANCE BOARD.

5. THE CAMPAIGN FINANCE BOARD MAY EMPLOY OR SHALL UTILIZE EXISTING STAFF OF THE STATE BOARD OF ELECTIONS AS MAY BE NECESSARY, INCLUDING AN EXECUTIVE DIRECTOR AND A COUNSEL, AND MAKE NECESSARY EXPENDITURES SUBJECT TO APPROPRIATION. THE CAMPAIGN FINANCE BOARD SHALL RETAIN AN INDEPENDENT AUDITOR TO PERFORM ONGOING AUDITS OF EACH COVERED ELECTION BY CONTRACT ENTERED INTO PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW.

6. IN ADDITION TO THE ENFORCEMENT POWERS, AND ANY OTHER POWERS AND DUTIES SPECIFIED BY LAW, THE CAMPAIGN FINANCE BOARD SHALL:

(A) (I) 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; (II) PROMULGATE RULES REGARDING REASONABLE TIMES TO RESPOND TO SUCH REQUESTS; AND (III) MAKE PUBLIC THE QUESTIONS OF INTERPRETATION FOR WHICH ADVISORY OPINIONS WILL BE CONSIDERED BY THE CAMPAIGN FINANCE BOARD AND ITS ADVISORY OPINIONS, INCLUDING BY PUBLICATION ON ITS WEBSITE;

(B) 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 WEBSITE;

(C) HAVE THE AUTHORITY TO PROMULGATE SUCH RULES AND REGULATIONS AND PRESCRIBE SUCH FORMS AS THE CAMPAIGN FINANCE BOARD DEEMS NECESSARY FOR THE ADMINISTRATION OF THIS TITLE; AND

(D) IN CONJUNCTION WITH THE STATE BOARD OF ELECTIONS 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 COMMITTEES AND DISTRIBUTIONS OF MONEYS FROM THE FUND AND SHALL BE ACCESSIBLE TO THE PUBLIC ON THE STATE BOARD OF ELECTIONS' WEBSITE.

7. CONSISTENT WITH THE PROVISIONS OF THE CIVIL SERVICE LAW AND SUBDIVISION SEVENTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL POSITIONS ON THE STAFF OF THE CAMPAIGN FINANCE BOARD SHALL BE CLASSIFIED IN THE EXEMPT CLASS OF THE CIVIL SERVICE.

8. THE CAMPAIGN FINANCE BOARD'S ADMINISTRATION OF THE FUND SHALL BE GOVERNED BY THE PROVISIONS OF THIS TITLE AND SECTION NINETY-NINE-Z OF THE STATE FINANCE LAW.

9. THE CAMPAIGN FINANCE BOARD AND ITS PROCEEDINGS SHALL BE GOVERNED BY THE STATE ADMINISTRATIVE PROCEDURE ACT AND SUBJECT TO ARTICLES SIX AND SEVEN OF THE PUBLIC OFFICERS LAW.

10. THE CAMPAIGN FINANCE BOARD MAY TAKE SUCH OTHER ACTIONS AS ARE NECESSARY AND PROPER TO CARRY OUT THE PURPOSES OF THIS TITLE.

S 14-218. AUDITS AND REPAYMENTS. 1. THE CAMPAIGN FINANCE BOARD IS HEREBY EMPOWERED TO AUDIT AND EXAMINE, PURSUANT TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, ALL MATTERS RELATING TO THE PERFORMANCE OF ITS FUNCTIONS AND ANY OTHER MATTER RELATING TO THE ADMINISTRATION OF THIS TITLE. SUCH AUDITS SHALL BE CONDUCTED AS FREQUENTLY AS THE CAMPAIGN FINANCE BOARD DEEMS NECESSARY TO ENSURE COMPLIANCE WITH THIS TITLE. EVERY CANDIDATE WHO RECEIVES MATCHING FUNDS UNDER THIS TITLE SHALL ALSO BE AUDITED BY THE CAMPAIGN FINANCE BOARD POST-ELECTION. THE COST OF COMPLYING WITH A POST-ELECTION AUDIT SHALL BE BORNE BY THE CANDIDATE'S AUTHORIZED COMMITTEE. A CANDIDATE WHO HAS RECEIVED MATCHING FUNDS UNDER THIS TITLE MUST MAINTAIN A RESERVE OF AT LEAST ONE PERCENT OF THE TOTAL AMOUNT OF MATCHING FUNDS RECEIVED BY SUCH CANDIDATE IN HIS OR HER

CAMPAIGN ACCOUNT TO COMPLY WITH THE POST-ELECTION AUDIT. A CANDIDATE WHO RUNS IN BOTH A PRIMARY AND A GENERAL ELECTION, MUST MAINTAIN A RESERVE OF ONE PERCENT OF THE TOTAL AMOUNT OF MATCHING FUNDS RECEIVED BY SUCH CANDIDATE FOR BOTH HIS OR HER PRIMARY AND GENERAL ELECTION. A CANDIDATE MAY USE MATCHING FUNDS, PRIVATE FUNDS OR A COMBINATION OF MATCHING AND PRIVATE FUNDS TO COMPLY WITH A POST-ELECTION AUDIT. THE CAMPAIGN FINANCE BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED THE FINAL POST-ELECTION AUDIT REPORT THAT DETAILS ITS FINDINGS AND SHALL PROVIDE SUCH AUDIT TO THE GOVERNOR AND LEGISLATIVE LEADERS AND MAKE SUCH AUDIT REPORT AVAILABLE ON THE STATE BOARD OF ELECTIONS' WEBSITE.

2. IF THE CAMPAIGN FINANCE BOARD DETERMINES THAT ANY PORTION OF A PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE FUND EXCEEDED THE AMOUNT THAT SUCH CANDIDATE WAS ELIGIBLE TO RECEIVE PURSUANT TO THIS TITLE, THE CAMPAIGN FINANCE BOARD SHALL NOTIFY SUCH COMMITTEE AND SUCH COMMITTEE SHALL PAY TO THE CAMPAIGN FINANCE BOARD AN AMOUNT EQUAL TO THE AMOUNT OF THE EXCESS PAYMENT; PROVIDED, HOWEVER, THAT IF THE ERRONEOUS PAYMENT WAS DUE TO AN ERROR MADE BY THE CAMPAIGN FINANCE BOARD, THEN THE ERRONEOUS PAYMENT WILL BE OFFSET AGAINST ANY FUTURE PAYMENT, IF ANY. THE PARTICIPATING CANDIDATE AND THE CANDIDATE'S AUTHORIZED COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT BY SUCH BOARD INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND.

3. IF THE CAMPAIGN FINANCE BOARD DETERMINES THAT ANY PORTION OF A PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE NEW YORK STATE CAMPAIGN FINANCE FUND WAS USED FOR PURPOSES OTHER THAN QUALIFIED CAMPAIGN EXPENDITURES, THE CAMPAIGN FINANCE BOARD SHALL NOTIFY SUCH COMMITTEE OF THE AMOUNT SO DISQUALIFIED AND SUCH COMMITTEE SHALL PAY TO THE CAMPAIGN FINANCE BOARD AN AMOUNT EQUAL TO SUCH DISQUALIFIED AMOUNT. SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED PURSUANT TO SECTION NINETY-NINE-Z OF THE STATE FINANCE LAW. THE CANDIDATE AND THE CANDIDATE'S AUTHORIZED COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE TO THE CAMPAIGN FINANCE BOARD.

4. A PARTICIPATING CANDIDATE SHALL PAY TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT INTO THE CAMPAIGN FINANCE FUND UNSPENT MATCHING FUNDS FOR AN ELECTION NOT LATER THAN THIRTY DAYS AFTER ALL LIABILITIES FOR THE ELECTION CAMPAIGN HAVE BEEN PAID AND IN ANY EVENT, NOT LATER THAN TWENTY DAYS AFTER THE DATE ON WHICH THE CAMPAIGN FINANCE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT MATCHING FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE AND PAYABLE TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND UPON ITS DETERMINATION THAT THE PARTICIPANT WILLFULLY DELAYED THE POST-ELECTION AUDIT PROCESS. A PARTICIPATING CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIVITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND RESPONDING TO THE POST-ELECTION AUDIT PURSUANT TO SECTION 14-228 OF THIS TITLE. FOR ACCOUNTING PURPOSES, ALL PRIVATE AND PERSONAL CONTRIBUTIONS SHALL BE CONSIDERED SPENT BEFORE REVENUE FROM THE FUND IS SPENT OR COMMITTED.

S 14-220. CIVIL ENFORCEMENT. 1. ANY PERSON OR AUTHORIZED COMMITTEE WHO KNOWINGLY AND WILLFULLY FAILS TO MAKE A FILING AS REQUIRED BY THE PROVISIONS OF THIS TITLE SHALL BE SUBJECT TO A FINE TO BE IMPOSED BY THE CAMPAIGN FINANCE BOARD IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS.

2. ANY PERSON OR AUTHORIZED COMMITTEE WHO KNOWINGLY AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE OR ANY RULE PROMULGATED HERE-

UNDER SHALL BE SUBJECT TO A FINE TO BE IMPOSED BY THE CAMPAIGN FINANCE BOARD IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS.

3. FINES AUTHORIZED UNDER THIS SECTION WILL BE IMPOSED BY THE CAMPAIGN FINANCE BOARD AFTER A HEARING AT WHICH THE SUBJECT PERSON OR AUTHORIZED COMMITTEE SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD. SUCH HEARING SHALL BE HELD IN SUCH MANNER AND UPON SUCH NOTICE AS MAY BE PRESCRIBED BY THE RULES OF THE CAMPAIGN FINANCE BOARD. FOR PURPOSES OF CONDUCTING SUCH HEARINGS, THE CAMPAIGN FINANCE BOARD 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 FINES HEREIN AUTHORIZED.

4. THE CAMPAIGN FINANCE BOARD SHALL PUBLISH ON THE STATE BOARD OF ELECTIONS' WEBSITE THE FINAL ORDER ADJUDICATING ANY MATTER BROUGHT PURSUANT TO THIS SECTION.

5. ANY FINES IMPOSED BY THE CAMPAIGN FINANCE BOARD PURSUANT TO THIS SECTION SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND.

S 14-222. CRIMINAL PENALTIES. 1. ANY PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS OF THIS TITLE WITHIN TEN DAYS AFTER THE DATE PROVIDED FOR SUCH, OR ANYONE THAT KNOWINGLY AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE SHALL BE GUILTY OF A MISDEMEANOR AND, IN ADDITION TO SUCH OTHER PENALTIES AS MAY BE PROVIDED BY LAW, SHALL BE SUBJECT TO A FINE NOT TO EXCEED THE AMOUNT OF TEN THOUSAND DOLLARS.

2. ANY PERSON WHO KNOWINGLY AND WILLFULLY CONTRIBUTES, ACCEPTS OR AIDS OR PARTICIPATES IN THE CONTRIBUTION OR ACCEPTANCE OF A CONTRIBUTION IN AN AMOUNT EXCEEDING AN APPLICABLE MAXIMUM SPECIFIED IN THIS ARTICLE SHALL BE GUILTY OF A MISDEMEANOR AND SHALL BE SUBJECT TO A FINE NOT TO EXCEED THE AMOUNT OF TEN THOUSAND DOLLARS.

3. ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT OR KNOWINGLY OMITS A MATERIAL FACT TO THE CAMPAIGN FINANCE BOARD OR AN AUDITOR DESIGNATED BY THE CAMPAIGN FINANCE BOARD DURING ANY AUDIT CONDUCTED PURSUANT TO SECTION 14-218 OF THIS TITLE SHALL BE GUILTY OF A CLASS E FELONY.

4. IN ADDITION ANY OTHER SENTENCE LAWFULLY IMPOSED UPON A FINDING OF GUILT IN A CRIMINAL PROSECUTION COMMENCED PURSUANT TO THE PROVISIONS OF THIS SECTION, THE COURT MAY ORDER A DEFENDANT TO REPAY TO THE CAMPAIGN FINANCE BOARD ANY MATCHING FUNDS OBTAINED AS A RESULT OF ANY CRIMINAL CONDUCT.

5. ALL SUCH PROSECUTIONS FOR CRIMINAL ACTS UNDER THIS ARTICLE SHALL BE PROSECUTED BY THE ATTORNEY GENERAL.

6. ANY AND ALL FINES IMPOSED PURSUANT TO THIS SECTION SHALL BE MADE PAYABLE TO THE CAMPAIGN FINANCE BOARD FOR DEPOSIT INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND.

S 14-224. REPORTS. THE CAMPAIGN FINANCE BOARD SHALL SUBMIT A REPORT TO THE GOVERNOR AND LEGISLATIVE LEADERS ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND NINETEEN, AND EVERY TWO YEARS THEREAFTER, WHICH 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 PARTICIPATING AND NONPARTICIPATING CANDIDATES;

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

4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGN FOR THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, STATE COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE ASSEMBLY, STATE SENATOR AND DELEGATE TO A CONSTITUTIONAL CONVENTION, INCLUDING ITS EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES, THE CANDIDATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

5. RECOMMENDATIONS FOR CHANGES OR AMENDMENTS TO THIS TITLE, INCLUDING CHANGES IN CONTRIBUTION LIMITS, THRESHOLDS FOR ELIGIBILITY AND LIMITS ON TOTAL MATCHING FUNDS; AND

6. ANY OTHER INFORMATION THAT THE CAMPAIGN FINANCE BOARD DEEMS RELEVANT.

S 14-226. DEBATES. THE CAMPAIGN FINANCE BOARD SHALL PROMULGATE REGULATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTICIPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE BEFORE THE PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENERAL ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDIDATE MAY BE A PARTY TO SUCH DEBATES.

S 14-228. DISTRIBUTIONS FROM CAMPAIGN FINANCE FUND. 1. THIS SECTION GOVERNS THE CAMPAIGN FINANCE BOARD'S DISTRIBUTION OF FUNDS FROM THE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-NINE-Z OF THE STATE FINANCE LAW, EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

2. NO MONEYS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO HAS BEEN DISQUALIFIED BY THE CAMPAIGN FINANCE BOARD OR WHOSE DESIGNATING PETITIONS HAVE BEEN DECLARED INVALID BY THE STATE BOARD OF ELECTIONS OR A COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY AN APPELLATE COURT.

3. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR SUCH A CANDIDATE'S AUTHORIZED COMMITTEE ON THE DATE OF SUCH DISQUALIFICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE THAT DATE. ALL EXCESS MATCHING MONEYS PAID TO A DISQUALIFIED CANDIDATE SHALL BE RETURNED TO THE FUND NOT LESS THAN THIRTY DAYS AFTER THE GENERAL ELECTION FOR THOSE PARTICIPATING CANDIDATES WHO RECEIVED MATCHING MONEYS FOR THE GENERAL ELECTION, AND OTHERWISE, NOT LESS THAN THIRTY DAYS AFTER THE PRIMARY ELECTION FOR THOSE PARTICIPATING CANDIDATES WHO RECEIVED MATCHING MONEYS SOLELY FOR THE PRIMARY ELECTION.

4. (A) PARTICIPATING CANDIDATES SHALL PAY TO THE CAMPAIGN FINANCE BOARD UNSPENT MATCHING CAMPAIGN FUNDS FROM AN ELECTION NOT LATER THAN THIRTY DAYS AFTER ALL LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND, IN ANY EVENT, NOT LESS THAN TWENTY DAYS AFTER THE DATE UPON WHICH THE CAMPAIGN FINANCE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT MATCHING CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE AND PAYABLE TO THE CAMPAIGN FINANCE BOARD UPON ITS DETERMINATION THAT THE PARTICIPATING CANDIDATE HAS, WITHOUT JUST CAUSE, DELAYED THE POST-ELECTION AUDIT PROCESS. UNSPENT MATCHING CAMPAIGN FUNDS DETERMINATIONS MADE BY THE CAMPAIGN FINANCE BOARD SHALL BE BASED ON THE PARTICIPATING CANDIDATE COMMITTEE'S RECEIPTS AND EXPENDITURES. THE CAMPAIGN FINANCE BOARD MAY ALSO CONSIDER ANY OTHER RELEVANT INFORMATION REVEALED IN THE COURSE OF ITS AUDITS OR INVESTIGATIONS OR THE INVESTIGATIONS BY ANY OTHER AGENCY.

(B) (I) A PARTICIPATING CANDIDATE MAY NOT USE RECEIPTS FOR ANY PURPOSE OTHER THAN DISBURSEMENTS IN THE PRECEDING ELECTION UNTIL ALL UNSPENT

MATCHING CAMPAIGN FUNDS HAVE BEEN REPAID. A PARTICIPATING CANDIDATE SHALL HAVE THE BURDEN OF DEMONSTRATING THAT A POST-ELECTION EXPENDITURE IS FOR THE PRECEDING ELECTION.

(II) BEFORE REPAYING UNSPENT MATCHING CAMPAIGN FUNDS, A PARTICIPATING CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIVITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND RESPONDING TO THE POST-ELECTION AUDIT. SUCH EXPENDITURES MAY INCLUDE: PAYMENT OF UTILITY BILLS AND RENT; REASONABLE STAFF SALARIES AND CONSULTANT FEES FOR RESPONDING TO A POST-ELECTION AUDIT; REASONABLE MOVING EXPENSES RELATED TO CLOSING A CAMPAIGN OFFICE; A HOLIDAY CARD MAILING TO CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS; THANK YOU NOTES FOR CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS; PAYMENT OF TAXES AND OTHER REASONABLE EXPENSES FOR COMPLIANCE WITH APPLICABLE TAX LAWS; AND INTEREST EXPENSES. ROUTINE POST-ELECTION EXPENDITURES THAT MAY BE PAID FOR WITH UNSPENT MATCHING CAMPAIGN FUNDS DO NOT INCLUDE SUCH ITEMS AS POST-ELECTION MAILINGS OTHER THAN AS SPECIFICALLY PROVIDED FOR IN THIS SUBPARAGRAPH; MAKING CONTRIBUTIONS; OR HOLDING ANY POST-ELECTION DAY EVENT, INCLUDING, BUT NOT LIMITED TO, ANY MEAL OR ANY PARTY. UNSPENT CAMPAIGN FUNDS MAY NOT BE USED FOR TRANSITION OR INAUGURATION ACTIVITIES.

5. ALL MONIES RECEIVED BY THE CAMPAIGN FINANCE BOARD PURSUANT TO THIS SECTION SHALL BE DEPOSITED INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND PURSUANT TO SECTION NINETY-NINE-Z OF THE STATE FINANCE LAW.

S 15. The election law is amended by adding a new section 16-103 to read as follows:

S 16-103. PROCEEDINGS AS TO MATCHING FUNDS. 1. THE DETERMINATION OF ELIGIBILITY PURSUANT TO SECTION 14-208 OF THIS CHAPTER AND ANY QUESTION OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-212 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDIDATE.

2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-212 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETERMINATION WAS MADE. THE CAMPAIGN FINANCE BOARD SHALL BE MADE A PARTY TO ANY SUCH PROCEEDING.

3. UPON THE CAMPAIGN FINANCE BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVISION FOUR OF SECTION 14-218 OF THIS CHAPTER, SUCH BOARD 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 CAMPAIGN FINANCE BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER.

4. THE CAMPAIGN FINANCE BOARD 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 FAIR ELECTIONS BOARD PURSUANT TO SECTION 14-218 OF THIS CHAPTER.

S 16. The general business law is amended by adding a new section 359-gg to read as follows:

S 359-GG. ADDITIONAL SURCHARGE. IN ADDITION TO ANY PENALTY AUTHORIZED BY SECTION THREE HUNDRED FIFTY-NINE-G OF THIS ARTICLE OR ANY DAMAGES OR OTHER COMPENSATION RECOVERABLE INCLUDING, BUT NOT LIMITED TO, ANY SETTLEMENT AUTHORIZED BY SECTION SIXTY-THREE OR SIXTY-THREE-C OF THE EXECUTIVE LAW, THERE SHALL BE ASSESSED THEREON AN ADDITIONAL SURCHARGE IN THE AMOUNT OF TEN PERCENT OF THE TOTAL AMOUNT OF SUCH PENALTY,

DAMAGES OR SETTLEMENT. SUCH SURCHARGE SHALL BE DEPOSITED IN THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-NINE-Z OF THE STATE FINANCE LAW.

S 17. The state finance law is amended by adding a new section 99-z to read as follows:

S 99-Z. NEW YORK STATE CAMPAIGN FINANCE FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE STATE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE "NEW YORK STATE CAMPAIGN FINANCE FUND".

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE SURCHARGE IMPOSED PURSUANT TO SECTION THREE HUNDRED FIFTY-NINE-GG OF THE GENERAL BUSINESS LAW, REVENUES RECEIVED FROM CAMPAIGN FINANCE FUND CHECK-OFF PURSUANT TO SECTION SIX HUNDRED THIRTY-E OF THE TAX LAW, REVENUES FROM THE ABANDONED PROPERTY FUND PURSUANT TO SECTION NINETY-FIVE OF THIS ARTICLE, AND ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS, BEQUESTS OR VOLUNTARY CONTRIBUTIONS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW. MONIES IN THE FUND SHALL BE KEPT SEPARATE FROM AND NOT COMMINGLED WITH OTHER FUNDS HELD IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE STATE COMPTROLLER.

3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT TO TITLE TWO 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 CAMPAIGN FINANCE BOARD ESTABLISHED PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW, OR THE DULY DESIGNATED REPRESENTATIVE OF SUCH BOARD, IN THE MANNER PRESCRIBED BY LAW, NOT MORE THAN ONE WORKING DAY AFTER A VOUCHER DULY CERTIFIED, APPROVED AND EXECUTED BY SUCH BOARD OR ITS REPRESENTATIVE IN THE FORM PRESCRIBED BY THE STATE COMPTROLLER IS RECEIVED BY THE STATE COMPTROLLER.

S 18. The tax law is amended by adding a new section 630-e to read as follows:

S 630-E. CONTRIBUTION TO NEW YORK STATE CAMPAIGN FINANCE FUND. EFFECTIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO-THOUSAND SEVENTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE NEW YORK STATE CAMPAIGN FINANCE FUND. SUCH CONTRIBUTION SHALL BE IN THE AMOUNT OF FIVE DOLLARS AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK STATE CAMPAIGN FINANCE FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-NINE-Z OF THE STATE FINANCE LAW.

S 19. Section 95 of the state finance law is amended by adding a new subdivision 5 to read as follows:

5. NOTWITHSTANDING ANY PROVISION OF THIS SECTION AUTHORIZING THE TRANSFER OF ANY MONEYS IN THE ABANDONED PROPERTY FUND TO THE GENERAL FUND, IN JANUARY OF EACH YEAR IN WHICH A STATE GENERAL ELECTION IS TO BE HELD PURSUANT TO LAW, OR AT LEAST SIX WEEKS PRIOR TO ANY STATE SPECIAL ELECTION, THE COMPTROLLER, UPON WARRANT OR VOUCHER BY THE CHAIR OF THE CAMPAIGN FINANCE BOARD OR HIS OR HER DULY APPOINTED REPRESENTATIVE, SHALL TRANSFER MONEYS OF THE ABANDONED PROPERTY FUND INTO THE CAMPAIGN FINANCE FUND PURSUANT TO SECTION NINETY-NINE-Z OF THIS ARTICLE. ON MARCH THIRTY-FIRST OF THE YEAR FOLLOWING SUCH GENERAL ELECTION YEAR, SUCH

CHAIR SHALL TRANSFER TO THE GENERAL FUND ANY SURPLUS MONEYS OF THE CAMPAIGN FINANCE FUND AS OF SUCH DATE.

S 20. Severability. If any clause, sentence, subdivision, paragraph, section or part 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 21. This act shall take effect January 1, 2017; provided, however, that all candidates will be eligible to participate in the optional campaign finance system beginning with the 2018 general election.