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I N S E N A T E

May 13, 2016

Introduced by Sen. RANZENHOFER -- 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 media disclosure
requirements and political contribution limitations

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

1 Section 1. Subdivision 2 of section 14-107 of the election law, as
2 added by section 4 of subpart C of part H of chapter 55 of the laws of
3 2014, is amended to read as follows:
4 2. Whenever any person makes an independent expenditure that costs
5 more than one thousand dollars in the aggregate, such communication
6 shall clearly state the name of the person who paid for, or otherwise
7 published or distributed the communication [and], state, with respect to
8 communications regarding candidates, that the communication was not
9 expressly authorized or requested by any candidate, or by any candi-
10 date's political committee or any of its agents AND SHALL IN ADDITION
11 DISCLOSE THE AMOUNT OF MONEY, IF ANY, RECEIVED BY THE PERSON, ITS
12 CONTRIBUTORS AND THE CONTRIBUTOR'S MEMBERS, OWNERS AND MEMBERS, FROM
13 STATE OR OTHER PUBLIC ENTITIES WITHIN NEW YORK STATE DURING THE PRIOR
14 CALENDAR YEAR. AT A MINIMUM SUCH DISCLOSURE SHALL READ: "THIS COMMUNI-
15 CATION HAS BEEN SPONSORED BY ----- . THIS COMMUNICATION WAS NOT EXPRESSLY
16 AUTHORIZED OR REQUESTED BY ANY CANDIDATE, OR BY ANY CANDIDATE'S POLI-
17 TICAL COMMITTEE OR ANY OF ITS AGENTS. THE SPONSOR, ITS CONTRIBUTORS,
18 MEMBERS AND OWNERS (HAVE OR DO NOT HAVE) A RELATIONSHIP WITH PUBLIC
19 ENTITIES AND HAVE RECEIVED APPROXIMATELY \$----- FROM THE STATE OF NEW
20 YORK AND OTHER PUBLIC ENTITIES LOCATED WITHIN THE STATE DURING (PRIOR
21 CALENDAR YEAR)".
22 S 2. Subdivision 1 of section 14-114 of the election law, as amended
23 by chapter 79 of the laws of 1992, paragraphs a and b as amended by
24 chapter 659 of the laws of 1994, is amended to read as follows:
25 1. The following limitations apply to all contributions to candidates
26 for election to any public office or for nomination for any such office,
27 or for election to any party positions, and to all contributions to
28 political committees working directly or indirectly with any candidate

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

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1 to aid or participate in such candidate's nomination or election, other
2 than any contributions to any party committee or constituted committee:

3 a. In any election for a public office to be voted on by the voters of
4 the entire state, or for nomination to any such office, no contributor
5 may make a contribution to any candidate or political committee, and no
6 candidate or political committee may accept any contribution from any
7 contributor, which is in the aggregate amount greater than: (i) in the
8 case of any nomination to public office, the product of the total number
9 of enrolled voters in the candidate's party in the state, excluding
10 voters in inactive status, multiplied by \$.005, but such amount shall be
11 not less than four thousand dollars nor more than twelve thousand
12 dollars [as increased or decreased by the cost of living adjustment
13 described in paragraph c of this subdivision], and (ii) in the case of
14 any election to a public office, twenty-five thousand dollars [as
15 increased or decreased by the cost of living adjustment described in
16 paragraph c of this subdivision]; provided however, that the maximum
17 amount which may be so contributed or accepted, in the aggregate, from
18 any candidate's child, parent, grandparent, brother and sister, and the
19 spouse of any such persons, shall not exceed in the case of any nomi-
20 nation to public office an amount equivalent to the product of the
21 number of enrolled voters in the candidate's party in the state, exclud-
22 ing voters in inactive status, multiplied by \$.025, and in the case of
23 any election for a public office, an amount equivalent to the product of
24 the number of registered voters in the state excluding voters in inac-
25 tive status, multiplied by \$.025.

26 b. In any other election for party position or for election to a
27 public office or for nomination for any such office, no contributor may
28 make a contribution to any candidate or political committee and no
29 candidate or political committee may accept any contribution from any
30 contributor, which is in the aggregate amount greater than: (i) in the
31 case of any election for party position, or for nomination to public
32 office, the product of the total number of enrolled voters in the candi-
33 date's party in the district in which he is a candidate, excluding
34 voters in inactive status, multiplied by \$.05, and (ii) in the case of
35 any election for a public office, the product of the total number of
36 registered voters in the district, excluding voters in inactive status,
37 multiplied by \$.05, however in the case of a nomination within the city
38 of New York for the office of mayor, public advocate or comptroller,
39 such amount shall be not less than four thousand dollars nor more than
40 twelve thousand dollars [as increased or decreased by the cost of living
41 adjustment described in paragraph c of this subdivision]; in the case of
42 an election within the city of New York for the office of mayor, public
43 advocate or comptroller, twenty-five thousand dollars [as increased or
44 decreased by the cost of living adjustment described in paragraph c of
45 this subdivision]; in the case of a nomination for state senator, four
46 thousand dollars [as increased or decreased by the cost of living
47 adjustment described in paragraph c of this subdivision]; in the case of
48 an election for state senator, six thousand two hundred fifty dollars
49 [as increased or decreased by the cost of living adjustment described in
50 paragraph c of this subdivision]; in the case of an election or nomi-
51 nation for a member of the assembly, twenty-five hundred dollars [as
52 increased or decreased by the cost of living adjustment described in
53 paragraph c of this subdivision]; but in no event shall any such maximum
54 exceed [fifty] TWENTY-FIVE thousand dollars or be less than one thousand
55 dollars; provided however, that the maximum amount which may be so
56 contributed or accepted, in the aggregate, from any candidate's child,

1 parent, grandparent, brother and sister, and the spouse of any such
2 persons, shall not exceed in the case of any election for party position
3 or nomination for public office an amount equivalent to the number of
4 enrolled voters in the candidate's party in the district in which he is
5 a candidate, excluding voters in inactive status, multiplied by \$.25 and
6 in the case of any election to public office, an amount equivalent to
7 the number of registered voters in the district, excluding voters in
8 inactive status, multiplied by \$.25; or twelve hundred fifty dollars,
9 whichever is greater, or in the case of a nomination or election of a
10 state senator, twenty thousand dollars, whichever is greater, or in the
11 case of a nomination or election of a member of the assembly twelve
12 thousand five hundred dollars, whichever is greater, but in no event
13 shall any such maximum exceed one hundred thousand dollars.

14 [c. At the beginning of each fourth calendar year, commencing in nine-
15 teen hundred ninety-five, the state board shall determine the percentage
16 of the difference between the most recent available monthly consumer
17 price index for all urban consumers published by the United States
18 bureau of labor statistics and such consumer price index published for
19 the same month four years previously. The amount of each contribution
20 limit fixed in this subdivision shall be adjusted by the amount of such
21 percentage difference to the closest one hundred dollars by the state
22 board which, not later than the first day of February in each such year,
23 shall issue a regulation publishing the amount of each such contribution
24 limit. Each contribution limit as so adjusted shall be the contribution
25 limit in effect for any election held before the next such adjustment.]

26 S 3. Subdivision 10 of section 14-114 of the election law, as added by
27 chapter 79 of the laws of 1992, is amended to read as follows:

28 10. [a.] No contributor may make a contribution to a party or consti-
29 tuted committee and no such committee may accept a contribution from any
30 contributor which, in the aggregate, is greater than [sixty-two] TWEN-
31 TY-FIVE thousand [five hundred] dollars per annum.

32 [b. At the beginning of each fourth calendar year, commencing in nine-
33 teen hundred ninety-five, the state board shall determine the percentage
34 of the difference between the most recent available monthly consumer
35 price index for all urban consumers published by the United States
36 bureau of labor statistics and such consumer price index published for
37 the same month four years previously. The amount of such contribution
38 limit fixed in paragraph a of this subdivision shall be adjusted by the
39 amount of such percentage difference to the closest one hundred dollars
40 by the state board which, not later than the first day of February in
41 each such year, shall issue a regulation publishing the amount of such
42 contribution limit. Such contribution limit as so adjusted shall be the
43 contribution limit in effect for any election held before the next such
44 adjustment.]

45 S 4. Section 14-116 of the election law, subdivision 1 as redesignated
46 by chapter 9 of the laws of 1978 and subdivision 2 as amended by chapter
47 260 of the laws of 1981, is amended to read as follows:

48 S 14-116. Political contributions by certain organizations. 1. No
49 corporation [or], LIMITED LIABILITY COMPANY, joint-stock association,
50 UNINCORPORATED BUSINESS ENTITY, LABOR ORGANIZATION, ASSOCIATION, GROUP,
51 ORGANIZATION, COMMITTEE OR POLITICAL COMMITTEE, OTHER THAN A PARTY
52 COMMITTEE, doing business [in] WITHIN OR WITHOUT this state, [except a
53 corporation or association organized or maintained for political
54 purposes only,] shall directly or indirectly pay or use or offer,
55 consent or agree to pay or use any money or property for or in aid of
56 any CANDIDATE, political party, committee or organization, or for, or in

1 aid of, any corporation, joint-stock or other association organized or
2 maintained for political purposes, or for, or in aid of, any candidate
3 for political office or for nomination for such office, or for any poli-
4 tical purpose whatever, or for the reimbursement or indemnification of
5 any person for moneys or property so used. Any officer, director, stock-
6 holder, MEMBER, OWNER, attorney or agent of any corporation [or], LIMIT-
7 ED LIABILITY COMPANY, joint-stock association, UNINCORPORATED BUSINESS
8 ENTITY, LABOR ORGANIZATION, ASSOCIATION, GROUP, ORGANIZATION, COMMITTEE
9 OR POLITICAL COMMITTEE, OTHER THAN A PARTY COMMITTEE, DOING BUSINESS
10 WITHIN OR WITHOUT THIS STATE which violates any of the provisions of
11 this section, who participates in, aids, abets or advises or consents to
12 any such violations, and any person who solicits or knowingly receives
13 any money or property in violation of this section, shall be guilty of a
14 misdemeanor.

15 2. Notwithstanding the provisions of subdivision one of this section,
16 any corporation, LIMITED LIABILITY COMPANY, JOINT-STOCK ASSOCIATION,
17 UNINCORPORATED BUSINESS ENTITY, LABOR ORGANIZATION, ASSOCIATION, GROUP,
18 ORGANIZATION, COMMITTEE OR POLITICAL COMMITTEE, OTHER THAN A PARTY
19 COMMITTEE, DOING BUSINESS WITHIN OR WITHOUT THIS STATE or an organiza-
20 tion financially supported in whole or in part[,] by ANY such [corpo-
21 ration] ENTITY may make expenditures, including contributions, not
22 otherwise prohibited by law, for political purposes, in an amount not to
23 exceed five thousand dollars in the aggregate in any calendar year;
24 provided that no public utility shall use revenues received from the
25 rendition of public service within the state for contributions for poli-
26 tical purposes unless such cost is charged to the shareholders of such a
27 public service corporation.

28 S 5. If any part or provision of this act is adjudged by a court of
29 competent jurisdiction to be unconstitutional or otherwise invalid, the
30 remaining portions of this act shall be deemed null and void.

31 S 6. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law. Effective immediately, the addition, amend-
33 ment and/or repeal of any rule or regulation necessary for the implemen-
34 tation of this act on its effective date are authorized to be made on or
35 before such effective date.