

STATE OF NEW YORK

S. 2010

A. 3010

SENATE - ASSEMBLY

January 23, 2017

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

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

AN ACT to amend the public officers law and the legislative law, in relation to outside employment and income (Part A); to amend the election law, in relation to political contributions by limited liability companies or other corporate entities (Part B); to amend the executive law and the general municipal law, in relation to requiring the financial disclosures of certain local officials (Part C); to amend the election law, in relation to establishing contribution limits and a public campaign financing system; to amend the state finance law, in relation to establishing the New York state campaign finance fund; and to amend the tax law, in relation to establishing a New York state campaign finance fund check-off (Part D); to amend the public officers law, the civil practice law and rules, and the executive law, in relation to the freedom of information law; and to repeal section 88 of the public officers law, section 70-0113 of the environmental conservation law and subdivision 4 of section 308 of the county law relating thereto (Part E); to amend the executive law, in relation to including certain not-for-profit organizations and foundations within the jurisdiction of the state inspector general (Part F); to amend the executive law, in relation to giving the inspector general jurisdiction over state procurement (Part G); to amend the education law, in relation to the implementation and enforcement of SUNY and CUNY financial control policies, including the policies of affiliated nonprofit organizations and foundations (Part H); to amend the public officers law and the criminal procedure law, in relation to the establishment of the New York port authority inspector general (Part I); to amend the education law, in relation to the establishment of a state education department inspector general (Part J); to amend the executive law, the state finance law and the public authorities law, in relation to the appointment of a chief procurement officer (Part K); to amend the election law, in relation to government vendor contrib-

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

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utions (Part L); to direct the preparation of a report on the feasibility of single identifying codes or numbers (Part M); and to amend the election law, in relation to motor vehicle registration and to establish early voting; and to repeal section 5-212 of the election law relating thereto (Part N)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

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

11 PART A

12 Section 1. The public officers law is amended by adding a new section
13 74-b to read as follows:

14 § 74-b. Duty of members of the legislature regarding outside employ-
15 ment. A member of the legislature, who obtains outside employment as
16 defined in this section, shall request a formal advisory opinion from
17 the legislative ethics commission pursuant to the provisions of section
18 eighty of the legislative law on whether the outside employment violates
19 the provisions of section seventy-four of this article and the commis-
20 sion shall provide an opinion. For purposes of this section, "outside
21 employment" means compensation in excess of five thousand dollars per
22 year, other than compensation provided pursuant to sections five and
23 five-a of the legislative law, from employment for services rendered or
24 goods sold during the member's term.

25 § 2. Subdivision 1 of section 80 of the legislative law, as amended by
26 section 9 of part A of chapter 399 of the laws of 2011, is amended to
27 read as follows:

28 1. There is established a legislative ethics commission which shall
29 consist of nine members. Four members shall be members of the legisla-
30 ture and shall be appointed as follows: one by the temporary president
31 of the senate, one by the speaker of the assembly, one by the minority
32 leader of the senate and one by the minority leader of the assembly.
33 One of the five remaining members must be appointed by the office of
34 court administration, and shall be the chief administrative law judge or
35 his or her designee and shall be appointed only for the purpose of
36 reviewing and responding to requests for formal advisory opinions on
37 outside income. The remaining five members shall not be present or
38 former members of the legislature, candidates for member of the legisla-
39 ture, employees of the legislature, political party chairmen as defined
40 in paragraph (k) of subdivision one of section seventy-three of the
41 public officers law, or lobbyists, as defined in section one-c of this
42 chapter, or persons who have been employees of the legislature, poli-
43 tical party chairmen as defined in paragraph (k) of subdivision one of
44 section seventy-three of the public officers law, or lobbyists, as

defined in section one-c of this chapter in the previous five years, and shall be appointed as follows: one by the temporary president of the senate, one by the speaker of the assembly, one by the minority leader of the senate, one by the minority leader of the assembly, and one jointly by the speaker of the assembly and majority leader of the senate. The commission shall serve as described in this section and have and exercise the powers and duties set forth in this section only with respect to members of the legislature, legislative employees as defined in section seventy-three of the public officers law, candidates for member of the legislature and individuals who have formerly held such positions or who have formerly been such candidates.

§ 3. This act shall take effect immediately.

PART B

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

§ 14-116. Political contributions by certain organizations. 1. No corporation ~~[or]~~, limited liability company, joint-stock association or other corporate entity doing business in this state, except a corporation or association organized or maintained for political purposes only, shall directly or indirectly pay or use or offer, consent or agree to pay or use any money or property for or in aid of any political party, committee or organization, or for, or in aid of, any corporation, limited liability company, joint-stock ~~[or]~~, other association, or other corporate entity organized or maintained for political purposes, or for, or in aid of, any candidate for political office or for nomination for such office, or for any political purpose whatever, or for the reimbursement or indemnification of any person for moneys or property so used. Any officer, director, stock-holder, member, owner, attorney or agent of any corporation ~~[or]~~, limited liability company, joint-stock association or other corporate entity which violates any of the provisions of this section, who participates in, aids, abets or advises or consents to any such violations, and any person who solicits or knowingly receives any money or property in violation of this section, shall be guilty of a misdemeanor.

2. Notwithstanding the provisions of subdivision one of this section, any corporation or an organization financially supported in whole or in part, by such corporation, any limited liability company or other corporate entity may make expenditures, including contributions, not otherwise prohibited by law, for political purposes, in an amount not to exceed five thousand dollars in the aggregate in any calendar year; provided that no public utility shall use revenues received from the rendition of public service within the state for contributions for political purposes unless such cost is charged to the shareholders of such a public service corporation.

3. Each limited liability company that makes an expenditure for political purposes shall file with the state board of elections, by December thirty-first of the year in which the expenditure is made, on the form prescribed by the state board of elections, the identity of all direct and indirect owners of the membership interests in the limited liability company and the proportion of each direct or indirect member's ownership interest in the limited liability company.

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

1 3. (a) Notwithstanding any law to the contrary, all contributions made
2 to a campaign or political committee by a limited liability company
3 shall be attributed to each member of the limited liability company in
4 proportion to the member's ownership interest in the limited liability
5 company.

6 (b) If, by application of paragraph (a) of this subdivision, a
7 campaign contribution is attributed to a limited liability company, the
8 contributions shall be further attributed to each member of the limited
9 liability company in proportion to the member's ownership interest in
10 the limited liability company.

11 (c) The state board of elections shall enact regulations that prevent
12 the avoidance of the rules set forth in paragraphs (a) and (b) of this
13 subdivision.

14 § 3. This act shall take effect immediately.

15 PART C

16 Section 1. Subdivision 1 of section 94 of the executive law, as
17 amended by section 6 of part A of chapter 399 of the laws of 2011, is
18 amended to read as follows:

19 1. There is established within the department of state a joint commis-
20 sion on public ethics which shall consist of fourteen members and shall
21 have and exercise the powers and duties set forth in this section with
22 respect to statewide elected officials, members of the legislature and
23 employees of the legislature, and state officers and employees, as
24 defined in sections seventy-three and seventy-three-a of the public
25 officers law, candidates for statewide elected office and for the senate
26 or assembly, and the political party chairman as that term is defined in
27 section seventy-three-a of the public officers law, lobbyists and the
28 clients of lobbyists as such terms are defined in article one-A of the
29 legislative law, and individuals who have formerly held such positions,
30 were lobbyists or clients of lobbyists, as such terms are defined in
31 article one-A of the legislative law, or who have formerly been such
32 candidates. The commission shall also have and exercise the powers set
33 forth in this section with respect to covered municipal officers as such
34 term is defined in section eight hundred ten of the general municipal
35 law, provided, however, that the jurisdiction of the joint commission on
36 public ethics with respect to such covered municipal officers shall be
37 limited to the provisions of this section relating to the filing of
38 accurate annual statements of financial disclosure, and provided,
39 further, if the commission has a reasonable basis to believe that there
40 are ethical or legal issues outside its jurisdiction, but related to the
41 annual statement of financial disclosure, such issues shall be referred
42 to the appropriate body as defined in section eight hundred ten of the
43 general municipal law or the district attorney from the county where the
44 municipal corporation is located. This section shall not be deemed to
45 have revoked or rescinded any regulations or advisory opinions issued by
46 the legislative ethics commission, the commission on public integrity,
47 the state ethics commission and the temporary lobbying commission in
48 effect upon the effective date of chapter fourteen of the laws of two
49 thousand seven which amended this section to the extent that such regu-
50 lations or opinions are not inconsistent with any law of the state of
51 New York, but such regulations and opinions shall apply only to matters
52 over which such commissions had jurisdiction at the time such regu-
53 lations and opinions were promulgated or issued. The commission shall
54 undertake a comprehensive review of all such regulations and opinions,

1 which will address the consistency of such regulations and opinions
2 among each other and with the new statutory language, and of the effec-
3 tiveness of the existing laws, regulations, guidance and ethics enforce-
4 ment structure to address the ethics of covered public officials and
5 related parties. Such review shall be conducted with the legislative
6 ethics commission and, to the extent possible, the report's findings
7 shall reflect the full input and deliberations of both commissions after
8 joint consultation. The commission shall, before February first, two
9 thousand fifteen, report to the governor and legislature regarding such
10 review and shall propose any regulatory or statutory changes and issue
11 any advisory opinions necessitated by such review.

12 § 2. Subparagraph 1 of paragraph (a) of subdivision 19 of section 94
13 of the executive law, as amended by section 6 of part A of chapter 399
14 of the laws of 2011, is amended to read as follows:

15 (1) the information set forth in an annual statement of financial
16 disclosure filed pursuant to section seventy-three-a of the public offi-
17 cers law and pursuant to subdivision three of section eight hundred
18 eleven and subdivision one of section eight hundred twelve of the gener-
19 al municipal law, except information deleted pursuant to paragraph (h)
20 of subdivision nine of this section;

21 § 3. Section 810 of the general municipal law is amended by adding a
22 new subdivision 13 to read as follows:

23 (13) "Covered municipal officer" means (a) any individual elected to
24 serve the government of any municipal corporation who receives compen-
25 sation of fifty thousand dollars or more annually from such municipal
26 corporation as well as (b) any individual who is either elected or
27 appointed to serve as county executive, county manager, or chair of the
28 county board of supervisors.

29 § 4. Section 811 of the general municipal law is amended by adding a
30 new subdivision 3 to read as follows:

31 3. (a) Notwithstanding any local law, ordinance, or resolution provid-
32 ing for the annual filing of an annual statement of financial disclo-
33 sure, a covered municipal officer shall be required to file the annual
34 statement of financial disclosure set forth in section seventy-three-a
35 of the public officers law with the joint commission on public ethics,
36 provided, however a covered municipal officer may satisfy the filing
37 requirements of this subdivision by filing a copy of the statement of
38 financial disclosure filed pursuant to paragraph (a) or (a-1) of subdi-
39 vision one of this section with the joint commission on public ethics on
40 or before the filing deadline provided in section seventy-three-a of the
41 public officers law, if such statement of financial disclosure filed
42 pursuant to paragraph (a) or (a-1) of subdivision one of this section
43 has been authorized by the joint commission on public ethics pursuant to
44 paragraph (b) of this subdivision.

45 (b) The governing body of each municipal corporation may adopt a
46 resolution to request authorization from the joint commission on public
47 ethics for its covered municipal officers to file with the joint commis-
48 sion on public ethics a copy of the annual statement of financial
49 disclosure filed pursuant to paragraph (a) or (a-1) of subdivision one
50 of this section to satisfy the filing requirements of a covered muni-
51 pal officer of paragraph (a) of this subdivision. The joint commission
52 on public ethics shall promptly make a determination in response to each
53 request, which shall include an explanation for its determination. If
54 authorization is denied, the municipal corporation may amend its request
55 and resubmit.

(c) The governing body of each municipal corporation may adopt a local law, ordinance, or resolution authorizing its covered municipal officers to satisfy the filing requirements of paragraph (a) or (a-1) of subdivision one of this section by filing a copy of the annual statement of financial disclosure as set forth in section seventy-three-a of the public officers law filed pursuant to paragraph (a) of this subdivision with the appropriate body.

§ 5. Subdivision 1 of section 812 of the general municipal law is amended by adding a new paragraph (j) to read as follows:

(j) A covered municipal officer shall be required to file the annual statement of financial disclosure set forth in section seventy-three-a of the public officers law with the joint commission on public ethics. A covered municipal officer may satisfy the filing requirements of paragraph (a) of this subdivision by filing a copy of the annual statement of financial disclosure filed pursuant to this paragraph with the appropriate body.

§ 6. This act shall take effect January 1, 2018.

PART D

Section 1. Section 14-100 of the election law is amended by adding two new subdivisions 17 and 18 to read as follows:

17. "intermediary" means an individual, corporation, partnership, political committee, labor organization, or other entity which, other than in the regular course of business as a postal, delivery, or messenger service, delivers any contribution from another person or entity to a candidate or an authorized committee.

"Intermediary" shall not include spouses, parents, children, or siblings of the person making such contribution.

18. "authorized committee" means the single political committee designated by a candidate to receive all contributions authorized by this title.

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

1. The treasurer of every political committee which, or any officer, member or agent of any such committee who, in connection with any election, receives or expends any money or other valuable thing or incurs any liability to pay money or its equivalent shall file statements sworn, or subscribed and bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law, at the times prescribed by this ~~[article]~~ title setting forth all the receipts, contributions to and the expenditures by and liabilities of the committee, and of its officers, members and agents in its behalf. Such statements shall include the dollar amount of any receipt, contribution or transfer, or the fair market value of any receipt, contribution or transfer, which is other than of money, the name and address of the transferor, contributor, intermediary, or person from whom received, and if the transferor, contributor, intermediary, or person is a political committee; the name of and the political unit represented by the committee, the date of its receipt, the dollar amount of every expenditure, the name and address of the person to whom it was made or the name of and the political unit represented by the committee to which it was made and the date thereof, and shall state clearly the purpose of such expenditure. An intermediary need not be reported for a contribution that was collected from a

contributor in connection with a party or other candidate-related event held at the residence of the person delivering the contribution, unless the expenses of such event at such residence for such candidate exceed five hundred dollars or the aggregate contributions received from that contributor at such event exceed five hundred dollars. Any statement reporting a loan shall have attached to it a copy of the evidence of indebtedness. Expenditures in sums under fifty dollars need not be specifically accounted for by separate items in said statements, and receipts and contributions aggregating not more than ninety-nine dollars, from any one contributor need not be specifically accounted for by separate items in said statements, provided however, that such expenditures, receipts and contributions shall be subject to the other provisions of section 14-118 of this ~~[article]~~ title.

§ 3. Subdivision 3 of section 14-124 of the election law, as amended by section 1 of part B of chapter 286 of the laws of 2016, is amended to read as follows:

3. The contribution and receipt limits of this article shall not apply to monies received and expenditures made by a party committee or constituted committee to maintain a permanent headquarters and staff and carry on ordinary activities which are not for the express purpose of promoting the candidacy of specific candidates, except that contributions made for such activities to a party committee or constituted committee shall be limited to twenty-five thousand dollars in the aggregate from each contributor in each year; provided that such monies described in this subdivision shall be deposited in a segregated account.

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

2. Each statement shall cover the period up to and including the fourth day next preceding the day specified for the filing thereof[~~+~~ ~~provided, however, that~~]. The receipt of any contribution or loan in excess of one thousand dollars shall be disclosed within sixty days of receipt. Such submissions shall be reported in the same manner as any other contribution or loan on the next applicable statement. However, any contribution or loan in excess of one thousand dollars, if received after the close of the period to be covered in the last statement filed before any primary, general or special election but before such election, shall be reported, in the same manner as other contributions, within twenty-four hours after receipt.

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

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

§ 6. Subdivisions 1 and 10 of section 14-114 of the election law, subdivision 1 as amended and subdivision 10 as added by chapter 79 of the laws of 1992 and paragraphs a and b of subdivision 1 as amended by chapter 659 of the laws of 1994, are amended to read as follows:

1. The following limitations apply to all contributions to candidates for election to any public office or for nomination for any such office, or for election to any party positions, and to all contributions to political committees working directly or indirectly with any candidate to aid or participate in such candidate's nomination or election, other than any contributions to any party committee or constituted committee:

a. In any election for a public office to be voted on by the voters of the entire state, or for nomination to any such office, no contributor may make a contribution to any candidate or political committee participating in the state's public campaign financing system as defined in

1 title two of this article, and no such candidate or political committee
2 may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any nomination to public
3 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~~
4 ~~dollars nor~~] more than [~~twelve~~] six thousand dollars [~~as increased or~~
5 ~~decreased by the cost of living adjustment described in paragraph e of~~
6 ~~this subdivision,~~] and (ii) in the case of any election to [~~a~~] such
7 public office, [~~twenty-five~~] six thousand dollars [~~as increased or~~
8 ~~decreased by the cost of living adjustment described in paragraph e of~~
9 ~~this subdivision~~]; provided however, that the maximum amount which may
10 be so contributed or accepted, in the aggregate, from any candidate's
11 child, parent, grandparent, brother and sister, and the spouse of any
12 such persons, shall not exceed in the case of any nomination to public
13 office an amount equivalent to the product of the number of enrolled
14 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
15 public office, an amount equivalent to the product of the number of
16 registered voters in the state excluding voters in inactive status,
17 multiplied by \$.025.

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

1 accepted, in the aggregate, from any candidate's child, parent, grand-
2 parent, brother and sister, and the spouse of any such persons, shall
3 not exceed in the case of any election for party position or nomination
4 for public office an amount equivalent to the number of enrolled voters
5 in the candidate's party in the district in which he is a candidate,
6 excluding voters in inactive status, multiplied by \$.25 and in the case
7 of any election to public office, an amount equivalent to the number of
8 registered voters in the district, excluding voters in inactive status,
9 multiplied by \$.25; or twelve hundred fifty dollars, whichever is great-
10 er, or in the case of a nomination or election of a state senator, twen-
11 ty thousand dollars, whichever is greater, or in the case of a nomi-
12 nation or election of a member of the assembly, delegate-at-large to a
13 convention to revise and amend the state constitution, or district dele-
14 gate to a convention to revise and amend the state constitution, twelve
15 thousand five hundred dollars, whichever is greater, but in no event
16 shall any such maximum exceed one hundred thousand dollars.

17 c. In any election for a public office to be voted on by the voters
18 of the entire state, or for nomination to any such office, no contribu-
19 tor may make a contribution to any candidate or political committee in
20 connection with a candidate who is not a participating candidate as
21 defined in subdivision fourteen of section 14-200-a of this article, and
22 no such candidate or political committee may accept any contribution
23 from any contributor, which is in the aggregate amount greater than:
24 (i) in the case of any nomination to public office, the product of the
25 total number of enrolled voters in the candidate's party in the state,
26 excluding voters in inactive status, multiplied by \$.005, but such
27 amount shall be not less than four thousand dollars nor more than ten
28 thousand dollars, and (ii) in the case of any election to a public
29 office, fifteen thousand dollars; provided however, that the maximum
30 amount which may be so contributed or accepted, in the aggregate, from
31 any candidate's child, parent, grandparent, brother and sister, and the
32 spouse of any such persons, shall not exceed in the case of any nomi-
33 nation to public office an amount equivalent to the product of the
34 number of enrolled voters in the candidate's party in the state, exclud-
35 ing voters in inactive status, multiplied by \$.025, and in the case of
36 any election for a public office, an amount equivalent to the product of
37 the number of registered voters in the state excluding voters in inac-
38 tive status, multiplied by \$.025.

39 d. In any other election for party position or for election to a
40 public office or for nomination for any such office, no contributor may
41 make a contribution to any candidate or political committee in
42 connection with a candidate who is not a participating candidate as
43 defined in subdivision fourteen of section 14-200-a of this article and
44 no such candidate or political committee may accept any contribution
45 from any contributor, which is in the aggregate amount greater than: (i)
46 in the case of any election for party position, or for nomination to
47 public office, the product of the total number of enrolled voters in the
48 candidate's party in the district in which he is a candidate, excluding
49 voters in inactive status, multiplied by \$.05, and (ii) in the case of
50 any election for a public office, the product of the total number of
51 registered voters in the district, excluding voters in inactive status,
52 multiplied by \$.05, however in the case of a nomination within the city
53 of New York for the office of mayor, public advocate or comptroller,
54 such amount shall be not less than four thousand dollars nor more than
55 twelve thousand dollars as increased or decreased by the cost of living
56 adjustment described in paragraph e of this subdivision; in the case of

1 an election within the city of New York for the office of mayor, public
2 advocate or comptroller, twenty-five thousand dollars as increased or
3 decreased by the cost of living adjustment described in paragraph e of
4 this subdivision; in the case of a nomination or election for state
5 senator, five thousand dollars; in the case of an election or nomination
6 for a member of the assembly, delegate-at-large to a convention to
7 revise and amend the state constitution, or district delegate to a
8 convention to revise and amend the state constitution, three thousand
9 dollars; provided however, that the maximum amount which may be so
10 contributed or accepted, in the aggregate, from any candidate's child,
11 parent, grandparent, brother and sister, and the spouse of any such
12 persons, shall not exceed in the case of any election for party position
13 or nomination for public office an amount equivalent to the number of
14 enrolled voters in the candidate's party in the district in which he is
15 a candidate, excluding voters in inactive status, multiplied by \$.25 and
16 in the case of any election to public office, an amount equivalent to
17 the number of registered voters in the district, excluding voters in
18 inactive status, multiplied by \$.25; or twelve hundred fifty dollars,
19 whichever is greater, or in the case of a nomination or election of a
20 state senator, twenty thousand dollars, whichever is greater, or in the
21 case of a nomination or election of a member of the assembly, delegate-
22 at-large to a convention to revise and amend the state constitution, or
23 district delegate to a convention to revise and amend the state consti-
24 tution, twelve thousand five hundred dollars, whichever is greater, but
25 in no event shall any such maximum exceed one hundred thousand dollars.

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

39 f. Each party or constituted committee may transfer to, or spend to
40 elect or oppose a candidate, or transfer to another party or constituted
41 committee, no more than five thousand dollars per election, except that
42 such committee may in addition to such transfers or expenditures:

43 (i) in a general or special election transfer to, or spend to elect or
44 oppose a candidate, no more than five hundred dollars received from each
45 contributor; and

46 (ii) in any election spend without limitation for non-candidate
47 expenditures not designed or intended to elect a particular candidate or
48 candidates.

49 g. Notwithstanding any other contribution limit in this section,
50 participating candidates as defined in subdivision fourteen of section
51 14-200-a of this article may contribute, out of their own money, three
52 times the applicable contribution limit to their own authorized commit-
53 tee.

54 10. [~~a-~~] No contributor may make a contribution to a party or consti-
55 tuted committee and no such committee may accept a contribution from any

contributor which, in the aggregate, is greater than [~~sixty-two thousand five hundred~~] twenty-five thousand dollars per annum.

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

§ 7. Sections 14-100 through 14-132 of article 14 of the election law are designated title I and a new title heading is added to read as follows:

CAMPAIGN RECEIPTS AND EXPENDITURES

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

TITLE II

PUBLIC FINANCING

Section 14-200. Legislative findings and intent.

14-200-a. Definitions.

14-201. Reporting requirements.

14-202. Contributions.

14-203. Proof of compliance.

14-204. Eligibility.

14-205. Limits on public financing.

14-206. Payment of public matching funds.

14-207. Use of public matching funds; qualified campaign expenditures.

14-208. Powers and duties of the board.

14-209. Audits and repayments.

14-210. Enforcement and penalties for violations and other proceedings.

14-211. Reports.

14-212. Debates for candidates for statewide office.

14-213. Severability.

§ 14-200. Legislative findings and intent. The legislature finds that reform of New York state's campaign finance system is crucial to improving public confidence in the state's democratic processes and continuing to ensure a government that is accountable to all of the voters of the state regardless of wealth or position. The legislature finds that New York's current system of campaign finance, with its large contributions to candidates for office and party committees, has created the potential for and the appearance of corruption. The legislature further finds that, whether or not this system creates actual corruption, the appearance of such corruption can give rise to a distrust in government and citizen apathy that undermine the democratic operation of the political process.

The legislature also finds that the high cost of running for office in New York discourages qualified candidates from running for office and

1 creates an electoral system that encourages candidates to spend too much
2 time raising money rather than attending to the duties of their office,
3 representing the needs of their constituents, and communicating with
4 voters.

5 The legislature amends this chapter creating a new title two to arti-
6 cle fourteen of this chapter to reduce the possibility and appearance
7 that special interests exercise undue influence over state officials; to
8 increase the actual and apparent responsiveness of elected officials to
9 all voters; to encourage qualified candidates to run for office; and to
10 reduce the pressure on candidates to spend large amounts of time raising
11 large contributions for their campaigns.

12 The legislature finds that this article's limitations on contributions
13 further the government's interest in reducing real and apparent
14 corruption and in building trust in government. The legislature finds
15 that the contribution levels are sufficiently high to allow candidates
16 and political parties to raise enough money to run effective campaigns.
17 In addition, the legislature finds that graduated contribution limita-
18 tions reflect the campaign needs of candidates for different offices.

19 The legislature also finds that the system of voluntary public financ-
20 ing furthers the government's interest in encouraging qualified candi-
21 dates to run for office. The legislature finds that the voluntary public
22 funding program will enlarge the public debate and increase partic-
23 ipation in the democratic process. In addition, the legislature finds
24 that the voluntary expenditure limitations and matching fund program
25 reduce the burden on candidates and officeholders to spend time raising
26 money for their campaigns.

27 Therefore, the legislature declares that these amendments further the
28 important and valid government interests of reducing voter apathy,
29 building confidence in government, reducing the reality and appearance
30 of corruption, and encouraging qualified candidates to run for office,
31 while reducing candidates' and officeholders' fundraising burdens.

32 § 14-200-a. Definitions. For the purposes of this title, the follow-
33 ing terms shall have the following meanings:

34 1. The term "authorized committee" shall mean the single committee
35 designated by a candidate pursuant to section 14-201 of this title to
36 receive contributions and make expenditures in support of the candi-
37 date's campaign.

38 2. The term "board" shall mean the state board of elections.

39 3. The term "contribution" shall have the same meaning as appears in
40 subdivision nine of section 14-100 of this article.

41 4. The term "contributor" shall mean any person or entity that makes a
42 contribution.

43 5. The term "covered election" shall mean any primary, general, or
44 special election for nomination for election, or election, to the office
45 of governor, lieutenant governor, attorney general, state comptroller,
46 state senator, member of the assembly, delegate-at-large to a convention
47 to revise and amend the state constitution, or district delegate to a
48 convention to revise and amend the state constitution.

49 6. The term "election cycle" shall mean the two year period starting
50 the day after the last general election for candidates for the state
51 legislature and shall mean the four year period starting after the day
52 after the last general election for candidates for statewide office.

53 7. The term "expenditure" shall mean any gift, subscription, advance,
54 payment, or deposit of money or anything of value, or a contract to make
55 any gift, subscription, payment, or deposit of money or anything of
56 value, made in connection with the nomination for election, or election,

1 of any candidate. Expenditures made by contract are deemed made when
2 such funds are obligated.

3 8. The term "fund" shall mean the New York state campaign finance
4 fund.

5 9. The term "immediate family" shall mean a spouse, child, sibling or
6 parent.

7 10. The term "intermediary" shall mean an individual, corporation,
8 partnership, political committee, employee organization or other entity
9 which bundles, causes to be delivered or otherwise delivers any contribu-
10 tion from another person or entity to a candidate or authorized commit-
11 tee, other than in the regular course of business as a postal, delivery
12 or messenger service. Provided, however, that an "intermediary" shall
13 not include spouses, domestic partners, parents, children or siblings of
14 the person making such contribution or a staff member or volunteer of
15 the campaign identified in writing to the state board of elections. Here
16 "causes to be delivered" shall include providing postage, envelopes or
17 other shipping materials for the use of delivering the contribution to
18 the ultimate recipient.

19 11. The term "item with significant intrinsic and enduring value"
20 shall mean any item, including tickets to an event, that are valued at
21 twenty-five dollars or more.

22 12. (a) The term "matchable contribution" shall mean a contribution,
23 contributions or a portion of a contribution or contributions for any
24 covered elections held in the same election cycle, made by a natural
25 person who is a United States citizen and resident in the state of New
26 York to a participating candidate, that has been reported in full to the
27 board in accordance with sections 14-102 and 14-104 of this article by
28 the candidate's authorized committee and has been contributed on or
29 before the day of the applicable primary, general, runoff or special
30 election. Any contribution, contributions, or a portion of a contribu-
31 tion determined to be invalid for matching funds by the board may not
32 be treated as a matchable contribution for any purpose.

33 (b) The following contributions are not matchable:

34 (i) loans;

35 (ii) in-kind contributions of property, goods, or services;

36 (iii) contributions in the form of the purchase price paid for an item
37 with significant intrinsic and enduring value;

38 (iv) transfers from a party or constituted committee;

39 (v) anonymous contributions or contributions whose source is not item-
40 ized as required by section 14-201 of this title;

41 (vi) contributions gathered during a previous election cycle;

42 (vii) illegal contributions;

43 (viii) contributions from minors;

44 (ix) contributions from vendors for campaigns; and

45 (x) contributions from lobbyists registered pursuant to subdivision
46 (a) of section one-c of the legislative law.

47 13. The term "nonparticipating candidate" shall mean a candidate for a
48 covered election who fails to file a written certification in the form
49 of an affidavit under section 14-204 of this title by the applicable
50 deadline.

51 14. The term "participating candidate" shall mean any candidate for
52 nomination for election, or election, to the office of governor, lieu-
53 tenant governor, attorney general, state comptroller, state senator,
54 member of the assembly, delegate-at-large to a convention to revise and
55 amend the state constitution, or district delegate to a convention to
56 revise and amend the state constitution, who files a written certif-

1 ication in the form of an affidavit pursuant to section 14-204 of this
2 title.

3 15. The term "post-election period" shall mean the five years follow-
4 ing an election when a candidate is subject to an audit.

5 16. The term "qualified campaign expenditure" shall mean an expendi-
6 ture for which public matching funds may be used.

7 17. The term "threshold for eligibility" shall mean the amount of
8 matchable contributions that a candidate's authorized committee must
9 receive in total in order for such candidate to qualify for voluntary
10 public financing under this title.

11 18. The term "transfer" shall mean any exchange of funds between a
12 party or constituted committee and a candidate or any of his or her
13 authorized committees.

14 § 14-201. Reporting requirements. 1. Political committee registra-
15 tion. Political committees as defined pursuant to subdivision one of
16 section 14-100 of this article shall register with the board before
17 making any contribution or expenditure. The board shall publish a cumu-
18 lative list of political committees that have registered, including on
19 its webpage, and regularly update it.

20 2. Only one authorized committee per candidate per elective office
21 sought. Before receiving any contribution or making any expenditure for
22 a covered election, each candidate shall notify the board as to the
23 existence of his or her authorized committee that has been approved by
24 such candidate. Each candidate shall have one and only one authorized
25 committee per elective office sought. Each authorized committee shall
26 have a treasurer and is subject to the restrictions found in section
27 14-112 of this article.

28 3. (a) Detailed reporting. In addition to each authorized and poli-
29 tical committee reporting to the board every contribution and loan
30 received and every expenditure made in the time and manner prescribed by
31 sections 14-102, 14-104 and 14-108 of this article, each authorized and
32 political committee shall also submit disclosure reports on March
33 fifteenth and May fifteenth of each election year reporting to the board
34 every contribution and loan received and every expenditure made. For
35 contributors who make contributions of five hundred dollars or more,
36 each authorized and political committee shall report to the board the
37 occupation, and business address of each contributor, lender, and inter-
38 mediary. The board shall revise, prepare and post forms on its webpage
39 that facilitate compliance with the requirements of this section.

40 (b) Board review. The board shall review each disclosure report filed
41 and shall inform authorized and political committees of relevant ques-
42 tions it has concerning: (i) compliance with requirements of this title
43 and of the rules issued by the board; and (ii) qualification for receiv-
44 ing public matching funds pursuant to this title. In the course of this
45 review, it shall give authorized and political committees an opportunity
46 to respond to and correct potential violations and give candidates an
47 opportunity to address questions it has concerning their matchable
48 contribution claims or other issues concerning eligibility for receiving
49 public matching funds pursuant to this title. Nothing in this paragraph
50 shall preclude the chief enforcement counsel from subsequently reviewing
51 such disclosure reports and taking any action otherwise authorized under
52 this title.

53 (c) Itemization. Contributions that are not itemized in reports filed
54 with the board shall not be matchable.

1 (d) Option to file more frequently. Participating candidates may file
2 reports of contributions as frequently as once a week on Monday so that
3 their matching funds may be paid at the earliest allowable date.

4 § 14-202. Contributions. Recipients of funds pursuant to this title
5 shall be subject to the applicable contribution limits set forth in
6 section 14-114 of this article.

7 § 14-203. Proof of compliance. Authorized and political committees
8 shall maintain such records of receipts and expenditures for a covered
9 election as required by the board. Authorized and political committees
10 shall obtain and furnish to the board any information it may request
11 relating to financial transactions or contributions and furnish such
12 documentation and other proof of compliance with this title as may be
13 requested. In compliance with section 14-108 of this article, authorized
14 and political committees shall maintain copies of such records for a
15 period of five years.

16 § 14-204. Eligibility. 1. Terms and conditions. To be eligible for
17 voluntary public financing under this title, a candidate must:

18 (a) be a candidate in a covered election;

19 (b) meet all the requirements of law to have his or her name on the
20 ballot;

21 (c) in the case of a covered general or special election, be opposed
22 by another candidate on the ballot who is not a write-in candidate;

23 (d) submit a certification in the form of an affidavit, in such form
24 as may be prescribed by the board, that sets forth his or her acceptance
25 of and agreement to comply with the terms and conditions for the
26 provision of such funds in each covered election and such certification
27 shall be submitted at least four months before the election pursuant to
28 a schedule promulgated by the board;

29 (e) be certified as a participating candidate by the board;

30 (f) not make, and not have made, expenditures from or use his or her
31 personal funds or property or the personal funds or property jointly
32 held with his or her spouse, or unemancipated children in connection
33 with his or her nomination election or election to a covered office, but
34 may make a contribution to his or her authorized committee in an amount
35 that does not exceed three times the applicable contribution limit from
36 an individual contributor to candidates for the office that he or she is
37 seeking;

38 (g) meet the threshold for eligibility set forth in subdivision two of
39 this section;

40 (h) continue to abide by all requirements during the post-election
41 period;

42 (i) agree not to expend for campaign purposes any portion of any pre-
43 existing funds raised for any public office or party position prior to
44 the first day of the election cycle for which the candidate seeks
45 certification. Nothing in this paragraph shall be construed to limit, in
46 any way, any candidate or public official from expending any portion of
47 pre-existing campaign funds for any lawful purpose other than those
48 related to his or her campaign; and

49 (j) not have accepted contributions in amounts exceeding the contrib-
50 ution limits set forth for participating candidates in paragraphs a and
51 b of subdivision one of section 14-114 of this article during the
52 election cycle for which the candidate seeks certification;

53 (i) Provided however, that, if a candidate accepted contributions
54 exceeding such limits before certification, such acceptance shall not
55 prevent the candidate from being certified by the board if the candidate

1 immediately pays to the fund or returns to the contributor the portion
2 of any contribution that exceeded the applicable contribution limit.

3 (ii) If the candidate is unable to return such funds immediately
4 because they have already been spent, acceptance of contributions
5 exceeding the limits shall not prevent the candidate from being certi-
6 fied by the board if the candidate submits an affidavit agreeing to pay
7 to the fund all portions of any contributions that exceeded the limit no
8 later than thirty days before the general election. If a candidate
9 provides the board with such an affidavit, any disbursement of public
10 funds to the candidate made under section 14-206 of this title shall be
11 reduced by no more than twenty-five percent until the total amount owed
12 by the candidate is repaid.

13 (iii) Nothing in this section shall be interpreted to require a candi-
14 date who retains funds raised during a previous election cycle to
15 forfeit such funds. Funds raised during a previous election cycle may be
16 retained, but only if the candidate places the funds in escrow.

17 (iv) Contributions received and expenditures made by the candidate or
18 an authorized committee of the candidate prior to the effective date of
19 this title shall not constitute a violation of this title. Unexpended
20 contributions shall be treated the same as campaign surpluses under
21 subparagraph (iii) of this paragraph.

22 2. Threshold for eligibility. (a) The threshold for eligibility for
23 public funding for participating candidates shall be in the case of:

24 (i) Governor, not less than six hundred fifty thousand dollars in
25 matchable contributions including at least six thousand five hundred
26 matchable contributions comprised of sums between ten and one hundred
27 seventy-five dollars per contributor, from residents of New York state;

28 (ii) Lieutenant governor, attorney general, and comptroller, not less
29 than two hundred thousand dollars in matchable contributions including
30 at least two thousand matchable contributions comprised of sums between
31 ten and one hundred seventy-five dollars per contributor, from residents
32 of New York state;

33 (iii) State senator, not less than twenty thousand dollars in matcha-
34 ble contributions including at least two hundred matchable contributions
35 comprised of sums between ten and one hundred seventy-five dollars per
36 contributor, from residents of the district in which the seat is to be
37 filled; and

38 (iv) Member of the assembly, delegate-at-large to a convention to
39 revise and amend the state constitution, or district delegate to a
40 convention to revise and amend the state constitution, not less than ten
41 thousand dollars in matchable contributions including at least one
42 hundred matchable contributions comprised of sums between ten and one
43 hundred seventy-five dollars per contributor, from residents of the
44 district in which the seat is to be filled.

45 (b) Any participating candidate meeting the threshold for eligibility
46 in a primary election for one of the foregoing offices shall be deemed
47 to have met the threshold for eligibility for such office in any other
48 subsequent election held in the same calendar year.

49 § 14-205. Limits on public financing. The following limitations apply
50 to the total amounts of public funds that may be provided to a partic-
51 ipating candidate's authorized committee for an election cycle:

52 1. In any primary election, receipt of public funds by participating
53 candidates and by their participating committees shall not exceed:

54 (i) for governor, the sum of eight million dollars;

55 (ii) for lieutenant governor, comptroller or attorney general, the sum
56 of four million dollars;

(iii) for senator, the sum of three hundred seventy-five thousand dollars;

(iv) for member of the assembly, delegate-at-large to a convention to revise and amend the state constitution, or district delegate to a convention to revise and amend the state constitution, the sum of one hundred seventy-five thousand dollars.

2. In any general or special election, receipt of public funds by a participating candidate's authorized committees shall not exceed the following amounts:

Candidates for election to the office of:

Governor and lieutenant governor (combined) \$10,000,000

Attorney general \$4,000,000

Comptroller \$4,000,000

Member of senate \$375,000

Member of assembly, delegate-at-large to a \$175,000

convention to revise and amend the state

constitution, or district delegate to a

convention to revise and amend the state

constitution

3. No participating candidate for nomination for an office who is not opposed by a candidate on the ballot in a primary election shall be entitled to payment of public matching funds, except that, where there is a contest in such primary election for the nomination of at least one of the two political parties with the highest and second highest number of enrolled members for such office, a participating candidate who is unopposed in the primary election may receive public funds before the primary election, for expenses incurred on or before the date of such primary election, in an amount equal to up to half the sum set forth in paragraph one of this section.

§ 14-206. Payment of public matching funds. 1. Determination of eligibility. No public matching funds shall be paid to an authorized committee unless the board determines that the participating candidate has met the eligibility requirements of this title. Payment shall not exceed the amounts specified in subdivision two of this section, and shall be made only in accordance with the provisions of this title. Such payment may be made only to the participating candidate's authorized committee. No public matching funds shall be used except as reimbursement or payment for qualified campaign expenditures actually and lawfully incurred or to repay loans used to pay qualified campaign expenditures.

2. Calculation of payment. If the threshold for eligibility is met, the participating candidate's authorized committee shall receive payment for qualified campaign expenditures of six dollars of public matching funds for each one dollar of matchable contributions, for the first one hundred seventy-five dollars of eligible private funds per contributor, obtained and reported to the board in accordance with the provisions of this title. The maximum payment of public matching funds shall be limited to the amounts set forth in section 14-205 of this title for the covered election.

3. Timing of payment. The board shall make any payment of public matching funds to participating candidates as soon as is practicable. But in all cases, it shall verify eligibility for public matching funds within four days, excluding weekends and holidays, of receiving a campaign contribution report filed in compliance with section 14-104 of this article. Within two days of determining that a candidate for a covered office is eligible for public matching funds, it shall authorize payment of the applicable matching funds owed to the candidate. However,

1 it shall not make any payments of public money earlier than the earliest
2 dates for making such payments as provided by this title. If any of
3 such payments would require payment on a weekend or federal holiday,
4 payment shall be made on the next business day.

5 4. Electronic funds transfer. The board shall, in consultation with
6 the office of the comptroller, promulgate rules to facilitate electronic
7 funds transfers directly from the campaign finance fund into an author-
8 ized committee's bank account.

9 5. Irregularly scheduled elections. Notwithstanding any other
10 provision of this title, the board shall promulgate rules to provide for
11 the prompt issuance of public matching funds to eligible participating
12 candidates for qualified campaign expenditures in the case of any other
13 covered election held on a day different from that than originally sche-
14 duled including special elections. But in all cases, the board shall (a)
15 within four days, excluding weekends and holidays, of receiving a report
16 of contributions from a candidate for a covered office claiming eligi-
17 bility for public matching funds verify that candidate's eligibility for
18 public matching funds; and (b) within two days of determining that the
19 candidate for a covered office is eligible for public matching funds, it
20 shall authorize payment of the applicable matching funds owed to the
21 candidate.

22 § 14-207. Use of public matching funds; qualified campaign expendi-
23 tures. 1. Public matching funds provided under the provisions of this
24 title may be used only by an authorized committee for expenditures to
25 further the participating candidate's nomination for election or
26 election, including paying for debts incurred within one year prior to
27 an election to further the participating candidate's nomination for
28 election or election.

29 2. Such public matching funds may not be used for:
30 (a) an expenditure in violation of any law;
31 (b) an expenditure in excess of the fair market value of services,
32 materials, facilities or other things of value received in exchange;
33 (c) an expenditure made after the candidate has been finally disquali-
34 fied from the ballot;

35 (d) an expenditure made after the only remaining opponent of the
36 candidate has been finally disqualified from the general or special
37 election ballot;

38 (e) an expenditure made by cash payment;

39 (f) a contribution or loan or transfer made to or expenditure to
40 support another candidate or political committee or party, committee or
41 constituted committee;

42 (g) an expenditure to support or oppose a candidate for an office
43 other than that which the participating candidate seeks;

44 (h) gifts, except brochures, buttons, signs and other printed campaign
45 material;

46 (i) legal fees to defend against a criminal charge;

47 (j) payments to immediate family members of the participating candi-
48 date; or

49 (k) any expenditure made to challenge the validity of any petition of
50 designation or nomination or any certificate of nomination, acceptance,
51 authorization, declination or substitution.

52 § 14-208. Powers and duties of the board. 1. Advisory opinions. The
53 board shall render advisory opinions with respect to questions arising
54 under this title upon the written request of a candidate, an officer of
55 a political committee or member of the public, or upon its own initi-
56 ative. The board shall promulgate rules regarding reasonable times to

1 respond to such requests. The board shall make public the questions of
2 interpretation for which advisory opinions will be considered by the
3 board and its advisory opinions, including by publication on its webpage
4 with identifying information redacted as the board determines to be
5 appropriate.

6 2. Public information and candidate education. The board shall develop
7 a program for informing candidates and the public as to the purpose and
8 effect of the provisions of this title, including by means of a webpage.
9 The board shall prepare in plain language and make available educational
10 materials, including compliance manuals and summaries and explanations
11 of the purposes and provisions of this title. The board shall prepare or
12 have prepared and make available materials, including, to the extent
13 feasible, computer software, to facilitate the task of compliance with
14 the disclosure and record-keeping requirements of this title.

15 3. Rules and regulations. The board shall have the authority to
16 promulgate such rules and regulations and provide such forms as it deems
17 necessary for the administration of this title.

18 4. Database. The board shall develop an interactive, searchable
19 computer database that shall contain all information necessary for the
20 proper administration of this title including information on contrib-
21 utions to and expenditures by candidates and their authorized committee,
22 independent expenditures in support or opposition of candidates for
23 covered offices, and distributions of moneys from the fund. Such data-
24 base shall be accessible to the public on the board's webpage.

25 5. The board shall work with the chief enforcement counsel to enforce
26 this section.

27 § 14-209. Audits and repayments. 1. Audits. The board shall audit and
28 examine all matters relating to the proper administration of this title
29 and shall complete such audit no later than two years after the election
30 in question. Every candidate who receives public funds under this title
31 shall be audited by the board. The cost of complying with a post-elec-
32 tion audit shall be borne by the candidate's authorized committee using
33 public funds, private funds or any combination of such funds. Candi-
34 dates who run in any primary or general election must maintain a reserve
35 of three percent of the public funds received to comply with the post-e-
36 lection audit. The board shall issue to each campaign audited a final
37 audit report that details its findings.

38 2. Repayments. (a) If the board determines that any portion of the
39 payment made to a candidate's authorized committee from the fund was in
40 excess of the aggregate amount of payments that such candidate was
41 eligible to receive pursuant to this title, it shall notify such commit-
42 tee and such committee shall pay to the board an amount equal to the
43 amount of excess payments. Provided, however, that if the erroneous
44 payment was the result of an error by the board, then the erroneous
45 payment will be deducted from any future payment, if any, and if no
46 payment is to be made then neither the candidate nor the committee shall
47 be liable to repay the excess amount to the board. The candidate, the
48 treasurer and the candidate's authorized committee are jointly and
49 severally liable for any repayments to the board.

50 (b) If the board determines that any portion of the payment made to a
51 candidate's authorized committee from the fund was used for purposes
52 other than qualified campaign expenditures and such expenditures were
53 not approved by the board, it shall notify such committee of the amount
54 so disqualified and such committee shall pay to the board an amount
55 equal to such disqualified amount. The candidate, the treasurer and the

1 candidate's authorized committee are jointly and severally liable for
2 any repayments to the board.

3 (c) If the total of payments from the fund received by a participating
4 candidate and his or her authorized committee exceed the total campaign
5 expenditures of such candidate and authorized committee for all covered
6 elections held in the same calendar year or for a special election to
7 fill a vacancy, such candidate and committee shall use such excess funds
8 to reimburse the fund for payments received by such authorized committee
9 from the fund during such calendar year or for such special election.
10 Participating candidates shall pay to the board unspent public campaign
11 funds from an election not later than twenty-seven days after all
12 liabilities for the election have been paid and in any event, not later
13 than the day on which the board issues its final audit report for the
14 participating candidate's authorized committee; provided, however, that
15 all unspent public campaign funds for a participating candidate shall be
16 immediately due and payable to the board upon a determination by the
17 board that the participant has delayed the post-election audit. A
18 participating candidate may make post-election expenditures with public
19 funds only for routine activities involving nominal cost associated with
20 winding up a campaign and responding to the post-election audit. Noth-
21 ing in this title shall be construed to prevent a candidate or his or
22 her authorized committee from using campaign contributions received from
23 private contributors for otherwise lawful expenditures.

24 3. Rules and regulations. The board shall promulgate regulations for
25 the certification of the amount of funds payable by the comptroller,
26 from the fund established pursuant to section ninety-two-t of the state
27 finance law, to a participating candidate that has qualified to receive
28 such payment. These regulations shall include the promulgation and
29 distribution of forms on which contributions and expenditures are to be
30 reported, the periods during which such reports must be filed and the
31 verification required. The board shall institute procedures which will
32 make possible payment by the fund within four business days after
33 receipt of the required forms and verifications.

34 § 14-210. Enforcement and penalties for violations and other
35 proceedings. 1. Civil penalties. Violations of any provision of this
36 title or rule promulgated pursuant to this title shall be subject to a
37 civil penalty in an amount not in excess of fifteen thousand dollars.

38 2. Notice of violation and opportunity to contest. The board shall:

39 (a) determine whether a violation of any provision of this title or
40 rule promulgated hereunder has been committed;

41 (b) give written notice and the opportunity to contest before an inde-
42 pendent hearing officer to each person or entity it has reason to
43 believe has committed a violation; and

44 (c) if appropriate, assess penalties for violations, following such
45 notice and opportunity to contest.

46 3. Criminal conduct. Any person who knowingly and willfully furnishes
47 or submits false statements or information to the board in connection
48 with its administration of this title, shall be guilty of a misdemeanor
49 in addition to any other penalty as may be imposed under this chapter or
50 pursuant to any other law. The chief enforcement counsel shall seek to
51 recover any public matching funds obtained as a result of such criminal
52 conduct.

53 4. Proceedings as to public financing. (a) The determination of eligi-
54 bility pursuant to this title and any question or issue relating to
55 payments for campaign expenditures pursuant to this title may be

1 contested in a proceeding instituted in the Supreme court, Albany coun-
2 ty, by any aggrieved candidate.

3 (b) A proceeding with respect to such a determination of eligibility
4 or payment for qualified campaign expenditures pursuant to this chapter
5 shall be instituted within fourteen days after such determination was
6 made. The board shall be made a party to any such proceeding.

7 (c) Upon the board's failure to receive the amount due from a partic-
8 ipating candidate or such candidate's authorized committee after the
9 issuance of written notice of such amount due, as required by this
10 title, the chief enforcement counsel is authorized to institute a
11 special proceeding or civil action in Supreme Court, Albany county, to
12 obtain a judgment for any amounts determined to be payable to the board
13 as a result of an examination and audit made pursuant to this title or
14 to obtain such amounts directly from the candidate or authorized commit-
15 tee after a hearing at the board.

16 (d) The chief enforcement counsel is authorized to institute a special
17 proceeding or civil action in Supreme Court, Albany county, to obtain a
18 judgment for civil penalties determined to be payable to the board
19 pursuant to this title or to impose such penalty directly after a hear-
20 ing at the board.

21 § 14-211. Reports. The board shall review and evaluate the effect of
22 this title upon the conduct of election campaigns and shall submit a
23 report to the legislature on or before January first, two thousand twen-
24 ty-one, and every third year thereafter, and at any other time upon the
25 request of the governor and at such other times as the board deems
26 appropriate. These reports shall include:

27 1. a list of the participating and nonparticipating candidates in
28 covered elections and the votes received by each candidate in those
29 elections;

30 2. the amount of contributions and loans received, and expenditures
31 made, on behalf of these candidates;

32 3. the amount of public matching funds each participating candidate
33 received, spent, and repaid pursuant to this title;

34 4. analysis of the effect of this title on political campaigns,
35 including its effect on the sources and amounts of private financing,
36 the level of campaign expenditures, voter participation, the number of
37 candidates, the candidates' ability to campaign effectively for public
38 office, and the diversity of candidates seeking and elected to office;
39 and

40 5. recommendations for amendments to this title, including changes in
41 contribution limits, thresholds for eligibility, and any other features
42 of the system.

43 § 14-212. Debates for candidates for statewide office. The board
44 shall promulgate regulations to facilitate debates among participating
45 candidates who seek election to statewide office. Participating candi-
46 dates are required to participate in one debate before each election for
47 which the candidate receives public funds, unless the participating
48 candidate is running unopposed. Nonparticipating candidates may partic-
49 ipate in such debates.

50 § 14-213. Severability. If any clause, sentence, subdivision, para-
51 graph, section or part of this title be adjudged by any court of compe-
52 tent jurisdiction to be invalid, such judgment shall not affect, impair
53 or invalidate the remainder thereof, but shall be confined in its opera-
54 tion to the clause, sentence, subdivision, paragraph, section or part
55 thereof directly involved in the controversy in which such judgment
56 shall have been rendered.

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

§ 92-t. New York state campaign finance fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a fund to be known as the New York state campaign finance fund.

2. Such fund shall consist of all revenues received from the New York state campaign finance fund check-off pursuant to subsection (h) of section six hundred fifty-eight of the tax law, from the abandoned property fund pursuant to section ninety-five of this article, from the general fund, and from all other moneys credited or transferred thereto from any other fund or source pursuant to law. Such fund shall also receive contributions from private individuals, organizations, or other persons to fulfill the purposes of the public financing system.

3. Moneys of the fund, following appropriation by the legislature, may be expended for the purposes of making payments to candidates pursuant to title II of article fourteen of the election law and for administrative expenses related to the implementation of article fourteen of the election law. Moneys shall be paid out of the fund by the state comptroller on vouchers certified or approved by the state board of elections, or its duly designated representative, in the manner prescribed by law, not more than five working days after such voucher is received by the state comptroller.

4. Notwithstanding any provision of law to the contrary, if, in any state fiscal year, the state campaign finance fund lacks the amount of money to pay all claims vouchered by eligible candidates and certified or approved by the state board of elections, any such deficiency shall be paid by the state comptroller, from funds deposited in the general fund of the state not more than four working days after such voucher is received by the state comptroller.

5. Commencing in two thousand twenty, if the surplus in the fund on April first of the year after a year in which a governor is elected exceeds twenty-five percent of the disbursements from the fund over the previous four years, the excess shall revert to the general fund of the state.

6. No public funds shall be paid to any participating candidates in a primary election any earlier than thirty days after designating petitions or certificates of nomination have been filed and not later than thirty days after such primary election.

7. No public funds shall be paid to any participating candidates in a general election any earlier than the day after the day of the primary election held to nominate candidates for such election.

8. No public funds shall be paid to any participating candidates in a special election any earlier than the day after the last day to file certificates of party nomination for such special election.

9. No public funds shall be paid to any participating candidate who has been disqualified or whose designating petitions have been declared invalid by the appropriate board of elections or a court of competent jurisdiction until and unless such finding is reversed by a higher court in a final judgment. No payment from the fund in the possession of such a candidate or such candidate's participating committee on the date of such disqualification or invalidation may thereafter be expended for any purpose except the payment of liabilities incurred before such date. All such moneys shall be repaid to the fund.

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

1 5. (a) As often as necessary, the co-chairs of the state board of
2 elections shall certify the amount such co-chairs have determined neces-
3 sary to fund estimated payments from the fund established by section
4 ninety-two-t of this article for the primary, general or special
5 election.

6 (b) Notwithstanding any provision of this section authorizing the
7 transfer of any moneys in the abandoned property fund to the general
8 fund, the comptroller, after receiving amounts sufficient to pay claims
9 against the abandoned property fund, shall, based upon a certification
10 of the state board of elections pursuant to paragraph (a) of this subdi-
11 vision, and at the direction of the director of the budget, transfer the
12 requested amount from remaining available monies in the abandoned prop-
13 erty fund to the campaign finance fund established by section ninety-
14 two-t of this article.

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

17 (h) New York state campaign finance fund check-off. (1) For each taxa-
18 ble year beginning on and after January first, two thousand seventeen,
19 every resident taxpayer whose New York state income tax liability for
20 the taxable year for which the return is filed is forty dollars or more
21 may designate on such return that forty dollars be paid into the New
22 York state campaign finance fund established by section ninety-two-t of
23 the state finance law. Where a husband and wife file a joint return and
24 have a New York state income tax liability for the taxable year for
25 which the return is filed is eighty dollars or more, or file separate
26 returns on a single form, each such taxpayer may make separate desig-
27 nations on such return of forty dollars to be paid into the New York
28 state campaign finance fund.

29 (2) The commissioner shall transfer to the New York state campaign
30 finance fund, established pursuant to section ninety-two-t of the state
31 finance law, an amount equal to forty dollars multiplied by the number
32 of designations.

33 (3) For purposes of this subsection, the income tax liability of an
34 individual for any taxable year is the amount of tax imposed under this
35 article reduced by the sum of the credits (as shown in his or her
36 return) allowable under this article.

37 (4) The department shall include a place on every personal income tax
38 return form to be filed by an individual for a tax year beginning on or
39 after January first, two thousand seventeen, for such taxpayer to make
40 the designations described in paragraph one of this subsection. Such
41 return form shall contain a concise explanation of the purpose of such
42 optional designations.

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

51 § 13. This act shall take effect immediately; provided, however, all
52 affected candidates will be eligible to participate in voluntary public
53 financing beginning with the 2019 primary election.

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

4 2. "State legislature" means the [~~legislature of the state of New~~
5 ~~York, including~~] New York state senate, New York state assembly, any
6 committee, subcommittee, joint committee, select committee, or commis-
7 sion thereof, and any members, officers, representatives and employees
8 thereof.

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

14 6. "Respective house of the state legislature" means the New York
15 state senate, New York state assembly, and any corresponding committee,
16 subcommittee, joint committee, select committee, or commission thereof,
17 and any members, officers, representatives and employees thereof.

18 § 2. Section 87 of the public officers law, as added by chapter 933 of
19 the laws of 1977, paragraph (a) and the opening paragraph of paragraph
20 (b) of subdivision 1 as amended by chapter 80 of the laws of 1983,
21 subparagraph iii of paragraph (b) of subdivision 1 as amended and para-
22 graph (c) of subdivision 1 and subdivision 5 as added by chapter 223 of
23 the laws of 2008, paragraph (d) of subdivision 2 as amended by chapter
24 289 of the laws of 1990, paragraph (f) of subdivision 2 as amended by
25 chapter 403 of the laws of 2003, paragraph (g) of subdivision 2 as
26 amended by chapter 510 of the laws of 1999, paragraph (i) of subdivision
27 2 as amended by chapter 154 of the laws of 2010, paragraph (j) of subdi-
28 vision 2 as added by chapter 746 of the laws of 1988, paragraph (k) of
29 subdivision 2 as separately added by chapters 19, 20, 21, 22, 23 and 383
30 of the laws of 2009, paragraph (l) of subdivision 2 as added by section
31 12 of part II of chapter 59 of the laws of 2010, paragraph (m) of subdi-
32 vision 2 as added by chapter 189 of the laws of 2013, paragraph (n) of
33 subdivision 2 as added by chapter 43 of the laws of 2014, paragraph (n)
34 of subdivision 2 as separately added by chapters 99, 101, and 123 of the
35 laws of 2014, paragraph (o) of subdivision 2 as added by chapter 222 of
36 the laws of 2015, paragraph (c) of subdivision 3 as amended by chapter
37 499 of the laws of 2008, subdivision 4 as added by chapter 890 of the
38 laws of 1981, and paragraph (c) of subdivision 4 as added by chapter 102
39 of the laws of 2007, is amended to read as follows:

40 § 87. Access to agency or state legislature records. 1. (a) Within
41 sixty days after the effective date of this article, the governing body
42 of each public corporation shall promulgate uniform rules and regu-
43 lations for all agencies in such public corporation pursuant to such
44 general rules and regulations as may be promulgated by the committee on
45 open government in conformity with the provisions of this article,
46 pertaining to the administration of this article.

47 (b) Each agency and each house of the state legislature shall promul-
48 gate rules and regulations, in conformity with this article and applica-
49 ble rules and regulations promulgated pursuant to the provisions of
50 paragraph (a) of this subdivision, and pursuant to such general rules
51 and regulations as may be promulgated by the committee on open govern-
52 ment in conformity with the provisions of this article, pertaining to
53 the availability of records and procedures to be followed, including,
54 but not limited to:

55 i. the times and places such records are available;

56 ii. the persons from whom such records may be obtained[~~7~~]; and

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

6 (c) In determining the actual cost of reproducing a record, an agency
7 and the state legislature may include only:

8 i. an amount equal to the hourly salary attributed to the lowest paid
9 employee of an agency or [employee] respective house of the state legis-
10 lature who has the necessary skill required to prepare a copy of the
11 requested record;

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

14 iii. the actual cost to the agency or to the respective house of the
15 state legislature of engaging an outside professional service to prepare
16 a copy of a record, but only when an agency's or respective house of the
17 state legislature's information technology equipment is inadequate to
18 prepare a copy, if such service is used to prepare the copy; and

19 iv. preparing a copy shall not include search time or administrative
20 costs, and no fee shall be charged unless at least two hours of agency
21 or respective house of the state legislature employee time is needed to
22 prepare a copy of the record requested. A person requesting a record
23 shall be informed of the estimated cost of preparing a copy of the
24 record if more than two hours of an agency or respective house of the
25 state legislature employee's time is needed, or if an outside profes-
26 sional service would be retained to prepare a copy of the record.

27 2. Each agency and the respective house of the state legislature
28 shall, in accordance with its published rules, make available for public
29 inspection and copying all records, except that such agency and the
30 respective house of the state legislature may deny access to records or
31 portions thereof that:

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

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

37 (c) if disclosed would impair present or imminent contract awards or
38 collective bargaining negotiations provided, however, that the proposed
39 terms of an agreement between a public employer and an employee organ-
40 ization, as those terms are defined in article fourteen of the civil
41 service law, that require ratification by members of the employee organ-
42 ization or by the public employer, where applicable, or approval of such
43 provisions by the appropriate legislative body as required by section
44 two hundred four-a of the civil service law, shall be made available to
45 the public no later than when such proposed terms are sent to members of
46 the employee organization for ratification, when such terms are
47 presented to the employer for ratification, where applicable, or when
48 the provisions of such agreement requiring approval by the appropriate
49 legislative body pursuant to section two hundred four-a of the civil
50 service law are submitted to such body, whichever date is earliest.
51 Additionally, a copy of the proposed terms of such agreement shall be
52 placed on the website of the applicable public employer, if such
53 websites exist, and within the local public libraries and offices of
54 such public employer, or in the case of collective bargaining agreements
55 negotiated by the state, on the website of the office of employee
56 relations on such date;

(d) are trade secrets or are submitted to an agency or to the respective house of the state legislature by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;

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

i. interfere with law enforcement investigations or judicial proceedings;

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

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

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

(f) if disclosed could endanger critical infrastructure or the life or safety of any person;

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

i. statistical or factual tabulations or data;

ii. instructions to staff that affect the public;

iii. final agency policy or determinations;

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

(g-1) are materials exchanged within the state legislature which are not:

i. statistical or factual tabulations or data;

ii. instructions to staff that affect the public;

iii. final policy or determinations of the respective house of the state legislature;

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

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

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

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

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

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

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

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

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

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

3. Each agency and the respective house of the state legislature shall maintain:

(a) a record of the final vote of each member in every agency or state legislature proceeding in which the member votes;

(b) a record of votes of each member in every session and every committee and subcommittee meeting in which the member of the senate or assembly votes;

~~[(b)]~~ (c) a record setting forth the name, public office address, title and salary of every officer or employee of the agency or the state legislature; and

~~[(c)]~~ (d) a reasonably detailed current list by subject matter of all records in the possession of the agency or state legislature, whether or not available under this article. Each agency and each respective house of the state legislature shall update its subject matter list annually, and the date of the most recent update shall be conspicuously indicated on the list. ~~[Each]~~ The state legislature and each state agency as defined in subdivision four of this section that maintains a website shall post its current list on its website and such posting shall be linked to the website of the committee on open government. Any such agency or part of the state legislature that does not maintain a website shall arrange to have its list posted on the website of the committee on open government.

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

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

(2) the manner of identifying persons within the agency or respective house of the state legislature to whose custody the records or parts will be charged and for whose inspection and study the records will be made available;

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

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

(c) As used in this subdivision the term "state legislature" means the legislature as defined in subdivision two of section eighty-six of this article.

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

1 5. (a) An agency and the respective house of the state legislature
2 shall provide records on the medium requested by a person, if the agency
3 or the respective house of the state legislature can reasonably make
4 such copy or have such copy made by engaging an outside professional
5 service. Records provided in a computer format shall not be encrypted.

6 (b) No agency nor the state legislature shall enter into or renew a
7 contract for the creation or maintenance of records if such contract
8 impairs the right of the public to inspect or copy the agency's or the
9 state legislature's records.

10 6. (a) Each agency and house of the state legislature shall publish,
11 on its internet website, to the extent practicable, records or portions
12 of records that are available to the public pursuant to the provisions
13 of this article, or which, in consideration of their nature, content or
14 subject matter, are determined by the agency or house of the state
15 legislature to be of substantial interest to the public. Any such
16 records may be removed from the internet website when the agency or
17 house of the state legislature determines that they are no longer of
18 substantial interest to the public. Any such records may be removed from
19 the internet website when they have reached the end of their legal
20 retention period. Guidance on creating records in accessible formats and
21 ensuring their continuing accessibility shall be available from the
22 office for technology and the state archives.

23 (b) The provisions of paragraph (a) of this subdivision shall not
24 apply to records or portions of records the disclosure of which would
25 constitute an unwarranted invasion of personal privacy in accordance
26 with subdivision two of section eighty-nine of this article.

27 (c) The committee on open government shall promulgate guidelines to
28 effectuate this subdivision.

29 (d) Nothing in this subdivision shall be construed as to limit or
30 abridge the power of an agency or house of the state legislature to
31 publish records on its internet website that are subject to the
32 provisions of this article prior to a written request or prior to a
33 frequent request.

34 § 3. Section 88 of the public officers law is REPEALED.

35 § 4. Section 89 of the public officers law, as added by chapter 933 of
36 the laws of 1977, paragraph (a) of subdivision 1 as amended by chapter
37 33 of the laws of 1984, paragraph (b) of subdivision 1 as amended by
38 chapter 182 of the laws of 2006, subdivision 2 as amended by section 11
39 of part U of chapter 61 of the laws of 2011, subdivision 2-a as added by
40 chapter 652 of the laws of 1983, subdivision 3 as amended by chapter 223
41 of the laws of 2008, subdivision 4 as amended by chapter 22 of the laws
42 of 2005, paragraph (c) of subdivision 4 as amended by chapter 492 of the
43 laws of 2006, paragraph (d) of subdivision 4 as added by chapter 487 of
44 the laws of 2016, subdivision 5 as added and subdivision 6 as renumbered
45 by chapter 890 of the laws of 1981, paragraph (a) of subdivision 5 as
46 amended by chapter 403 of the laws of 2003, paragraph (d) of subdivision
47 5 as amended by chapter 339 of the laws of 2004, subdivision 7 as added
48 by chapter 783 of the laws of 1983, subdivision 8 as added by chapter
49 705 of the laws of 1989, and subdivision 9 as added by chapter 351 of
50 the laws of 2008, is amended to read as follows:

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

54 1. (a) The committee on open government is continued and shall consist
55 of the lieutenant governor or the delegate of such officer, the secre-
56 tary of state or the delegate of such officer, whose office shall act as

1 secretariat for the committee, the commissioner of the office of general
2 services or the delegate of such officer, the director of the budget or
3 the delegate of such officer, and seven other persons, none of whom
4 shall hold any other state or local public office except the represen-
5 tative of local governments as set forth herein, to be appointed as
6 follows: five by the governor, at least two of whom are or have been
7 representatives of the news media, one of whom shall be a representative
8 of local government who, at the time of appointment, is serving as a
9 duly elected officer of a local government, one by the temporary presi-
10 dent of the senate, and one by the speaker of the assembly. The persons
11 appointed by the temporary president of the senate and the speaker of
12 the assembly shall be appointed to serve, respectively, until the expi-
13 ration of the terms of office of the temporary president and the speaker
14 to which the temporary president and speaker were elected. The four
15 persons presently serving by appointment of the governor for fixed terms
16 shall continue to serve until the expiration of their respective terms.
17 Thereafter, their respective successors shall be appointed for terms of
18 four years. The member representing local government shall be appointed
19 for a term of four years, so long as such member shall remain a duly
20 elected officer of a local government. The committee shall hold no less
21 than two meetings annually, but may meet at any time. The members of the
22 committee shall be entitled to reimbursement for actual expenses
23 incurred in the discharge of their duties.

24 (b) The committee shall:

25 i. furnish to any agency and to each house of the state legislature
26 advisory guidelines, opinions or other appropriate information regarding
27 this article;

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

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

33 iv. request from any agency and from either house of the state legis-
34 lature such assistance, services and information as will enable the
35 committee to effectively carry out its powers and duties;

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

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

42 2. (a) The committee on public access to records may promulgate guide-
43 lines regarding deletion of identifying details or withholding of
44 records otherwise available under this article to prevent unwarranted
45 invasions of personal privacy. In the absence of such guidelines, an
46 agency and the respective house of state legislature may delete identi-
47 fying details when it makes records available.

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

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

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

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

iv. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency or respective house of the state legislature requesting or maintaining it;

v. disclosure of information of a personal nature reported in confidence to an agency or to the state legislature and not relevant to the ordinary work of such agency or the state legislature;

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

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

viii. disclosure of communications of a personal nature between legislators and their constituents.

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

i. when identifying details are deleted;

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

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

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

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

3. (a) Each entity subject to the provisions of this article, within five business days of the receipt of a written request for a record reasonably described, shall make such record available to the person requesting it, deny such request in writing or furnish a written acknowledgement of the receipt of such request and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied, including, where appropriate, a statement that access to the record will be determined in accordance with subdivision five of this section. ~~And~~ Neither

an agency nor the state legislature shall ~~not~~ deny a request on the basis that the request is voluminous or that locating or reviewing the requested records or providing the requested copies is burdensome because the agency or respective house of the state legislature lacks sufficient staffing or on any other basis if the agency or respective house of the state legislature may engage an outside professional service to provide copying, programming or other services required to provide the copy, the costs of which the agency may recover pursuant to paragraph (c) of subdivision one of section eighty-seven of this article. An agency or respective house of the state legislature may require

1 a person requesting lists of names and addresses to provide a written
2 certification that such person will not use such lists of names and
3 addresses for solicitation or fund-raising purposes and will not sell,
4 give or otherwise make available such lists of names and addresses to
5 any other person for the purpose of allowing that person to use such
6 lists of names and addresses for solicitation or fund-raising purposes.
7 If an agency or respective house of the state legislature determines to
8 grant a request in whole or in part, and if circumstances prevent
9 disclosure to the person requesting the record or records within twenty
10 business days from the date of the acknowledgement of the receipt of the
11 request, the agency or respective house of the state legislature shall
12 state, in writing, both the reason for the inability to grant the
13 request within twenty business days and a date certain within a reason-
14 able period, depending on the circumstances, when the request will be
15 granted in whole or in part. Upon payment of, or offer to pay, the fee
16 prescribed therefor, the entity shall provide a copy of such record and
17 certify to the correctness of such copy if so requested, or as the case
18 may be, shall certify that it does not have possession of such record or
19 that such record cannot be found after diligent search. Nothing in this
20 article shall be construed to require any entity to prepare any record
21 not possessed or maintained by such entity except the records specified
22 in subdivision three of section eighty-seven ~~[and subdivision three of~~
23 ~~section eighty-eight]~~ of this article. When an agency or the respective
24 house of the state legislature has the ability to retrieve or extract a
25 record or data maintained in a computer storage system with reasonable
26 effort, it shall be required to do so. When doing so requires less
27 employee time than engaging in manual retrieval or redactions from non-
28 electronic records, the agency and respective house of the state legis-
29 lature shall be required to retrieve or extract such record or data
30 electronically. Any programming necessary to retrieve a record main-
31 tained in a computer storage system and to transfer that record to the
32 medium requested by a person or to allow the transferred record to be
33 read or printed shall not be deemed to be the preparation or creation of
34 a new record.

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

42 4. (a) Except as provided in subdivision five of this section, any
43 person denied access to a record may within thirty days appeal in writ-
44 ing such denial to the head, chief executive or governing body of the
45 entity, or the person therefor designated by such head, chief executive,
46 or governing body, who shall within ten business days of the receipt of
47 such appeal fully explain in writing to the person requesting the record
48 the reasons for further denial, or provide access to the record sought.
49 In addition, each agency or the respective house of the state legisla-
50 ture shall immediately forward to the committee on open government a
51 copy of such appeal when received by the agency or such house and the
52 ensuing determination thereon. Failure by an agency or respective house
53 of the state legislature to conform to the provisions of subdivision
54 three of this section shall constitute a denial.

55 (b) Except as provided in subdivision five of this section, a person
56 denied access to a record in an appeal determination under the

provisions of paragraph (a) of this subdivision may bring a proceeding for review of such denial pursuant to article seventy-eight of the civil practice law and rules. In the event that access to any record is denied pursuant to the provisions of subdivision two of section eighty-seven of this article, the agency or respective house of the state legislature involved shall have the burden of proving that such record falls within the provisions of such subdivision two. Failure by an agency or respective house of the state legislature to conform to the provisions of paragraph (a) of this subdivision shall constitute a denial.

(c) (i) The court in such a proceeding may assess, against such agency or the respective house of the state legislature involved, reasonable ~~[attorney's]~~ attorneys' fees and other litigation costs reasonably incurred by such person, in any case under the provisions of this section in which such person has substantially prevailed~~[, when:~~
~~i. the agency had no reasonable basis for denying access, or~~
~~ii.]~~ and the agency failed to respond to a request or appeal within the statutory time.

(ii) The court in such proceeding shall assess, against such agency or the respective house of the state legislature involved, reasonable attorneys' fees and other litigation costs reasonably incurred by such person, in any case under the provisions of this section in which such person has substantially prevailed and the court finds that the agency denied access in clear disregard of the exceptions to rights of access in section eighty-seven of this article and had no reasonable basis for denying access.

(d) (i) Appeal to the appellate division of the supreme court must be made in accordance with subdivision (a) of section fifty-five hundred thirteen of the civil practice law and rules.

(ii) An appeal from an agency or respective house of the state legislature taken from an order of the court requiring disclosure of any of all records sought:

(A) shall be given preference;

(B) shall be brought on for argument on such terms and conditions as the presiding justice may direct, upon application of any party to the proceedings; and

(C) shall be deemed abandoned if the agency or respective house of the state legislature fails to serve and file a record and brief within sixty days after the date of service upon the petitioner of the notice of appeal, unless consent to further extension is given by all parties, or unless further extension is granted by the court upon such terms as may be just and upon good cause shown.

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

(1-a) A person or entity who submits or otherwise makes available any records to any agency or a house of the state legislature, may, at any time, identify those records or portions thereof that may contain critical infrastructure information, and request that the agency or house of the state legislature that maintains such records except such information from disclosure under subdivision two of section eighty-seven of

1 this article. Where the request itself contains information which if
2 disclosed would defeat the purpose for which the exception is sought,
3 such information shall also be provisionally excepted from disclosure.

4 (2) The request for an exception shall be in writing, shall specif-
5 ically identify which portions of the record are the subject of the
6 request for exception and shall state the reasons why the information
7 should be provisionally excepted from disclosure. Any such request for
8 an exception shall be effective for a five-year period from the agency's
9 or respective house of the state legislature's receipt thereof.
10 Provided, however, that not less than sixty days prior to the expiration
11 of the then current term of the exception request, the submitter may
12 apply to the agency or respective house of the state legislature for a
13 two-year extension of its exception request. Upon timely receipt of a
14 request for an extension of an exception request, an agency or respec-
15 tive house of the state legislature may either (A) perform a cursory
16 review of the application and grant the extension should it find any
17 justification for such determination, or (B) commence the procedure set
18 forth in paragraph (b) of this subdivision to make a final determination
19 granting or terminating such exception.

20 (3) Information submitted as provided in subparagraphs one and one-a
21 of this paragraph shall be provisionally excepted from disclosure and be
22 maintained apart by the agency and the respective house of the state
23 legislature from all other records until the expiration of the submit-
24 ter's exception request or fifteen days after the entitlement to such
25 exception has been finally determined or such further time as ordered by
26 a court of competent jurisdiction.

27 (b) ~~[On the]~~ During the effective period of an exception request under
28 this subdivision, on the initiative of the agency or either house of the
29 state legislature at any time, or upon the request of any person for a
30 record excepted from disclosure pursuant to this subdivision, the agency
31 or respective house of the state legislature shall:

32 (1) inform the person who requested the exception of the agency's or
33 such house's intention to determine whether such exception should be
34 granted or continued;

35 (2) permit the person who requested the exception, within ten business
36 days of receipt of notification from the agency or respective house of
37 the state legislature, to submit a written statement of the necessity
38 for the granting or continuation of such exception;

39 (3) within seven business days of receipt of such written statement,
40 or within seven business days of the expiration of the period prescribed
41 for submission of such statement, issue a written determination grant-
42 ing, continuing or terminating such exception and stating the reasons
43 therefor; copies of such determination shall be served upon the person,
44 if any, requesting the record, the person who requested the exception,
45 and the committee on ~~[public access to records]~~ open government.

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

50 (1) Within seven business days of receipt of written notice denying
51 the request, the person may file a written appeal from the determination
52 of the agency or the respective house of the state legislature with the
53 head of the agency or respective house of the state legislature, the
54 chief executive officer or governing body or their designated represen-
55 tatives.

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

(d) A proceeding to review an adverse determination pursuant to paragraph (c) of this subdivision may be commenced pursuant to article seventy-eight of the civil practice law and rules. Such proceeding, when brought by a person seeking an exception from disclosure pursuant to this subdivision, must be commenced within fifteen days of the service of the written notice containing the adverse determination provided for in subparagraph two of paragraph (c) of this subdivision. The proceeding shall be given preference and shall be brought on for argument on such terms and conditions as the presiding justice may direct, not to exceed forty-five days. Appeal to the appellate division of the supreme court must be made in accordance with law, and must be filed within fifteen days after service by a party upon the appellant of a copy of the judgment or order appealed from and written notice of its entry. An appeal taken from an order of the court requiring disclosure shall be given preference and shall be brought on for argument on such terms and conditions as the presiding justice may direct, not to exceed sixty days. This action shall be deemed abandoned when the party requesting an exclusion from disclosure fails to serve and file a record and brief within thirty days after the date of the notice of appeal. Failure by the party requesting an exclusion from disclosure to serve and file a record and brief within the allotted time shall result in the dismissal of the appeal.

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

(f) Where the agency or the respective house of the state legislature denies access to a record pursuant to paragraph ~~[(d) — of]~~ (b) of this subdivision in conjunction with subdivision two of section eighty-seven of this article, the agency or respective house of the state legislature shall have the burden of proving that the record falls within the provisions of such exception.

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

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

(i) As used in this subdivision the term "state legislature" means the legislature as defined in subdivision two of section eighty-six of this article.

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

7. Nothing in this article shall require the disclosure of the home address of an officer or employee, former officer or employee, or of a retiree of a public employees' retirement system; nor shall anything in this article require the disclosure of the name or home address of a beneficiary of a public employees' retirement system or of an applicant

1 for appointment to public employment; provided however, that nothing in
2 this subdivision shall limit or abridge the right of an employee organ-
3 ization, certified or recognized for any collective negotiating unit of
4 an employer pursuant to article fourteen of the civil service law, to
5 obtain the name or home address of any officer, employee or retiree of
6 such employer, if such name or home address is otherwise available under
7 this article.

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

11 9. When records maintained electronically include items of information
12 that would be available under this article, as well as items of informa-
13 tion that may be withheld, an agency or respective house of the state
14 legislature in designing its information retrieval methods, whenever
15 practicable and reasonable, shall do so in a manner that permits the
16 segregation and retrieval of available items in order to provide maximum
17 public access.

18 § 5. Subdivisions (t) and (u) of section 105 of the civil practice law
19 and rules, subdivision (u) as relettered by chapter 100 of the laws of
20 1994, are relettered subdivisions (u) and (v) and a new subdivision (t)
21 is added to read as follows:

22 (t) "State legislature" means the New York state senate, New York
23 state assembly, any committee, subcommittee, joint committee, select
24 committee, or commission thereof, and any members, officers, represen-
25 tatives and employees thereof.

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

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

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

35 3. Any reports prepared pursuant to this article shall not be subject
36 to disclosure pursuant to [~~section eighty-eight~~] article six of the
37 public officers law.

38 § 8. Section 70-0113 of the environmental conservation law is
39 REPEALED.

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

41 § 10. This act shall take effect immediately; provided however that
42 the amendments to paragraphs (j), (k), (l), (m), (n), and (o) of subdi-
43 vision 2 of section 87 of the public officers law made by section two of
44 this act shall not affect the repeal of such paragraphs and shall be
45 deemed repealed therewith; provided, further, however that the amend-
46 ments to paragraph (d) of subdivision 4 of section 89 of the public
47 officers law made by section four of this act shall take effect on the
48 same date and in the same manner as chapter 487 of the laws of 2016,
49 takes effect.

50 PART F

51 Section 1. Section 51 of the executive law, as added by chapter 766 of
52 the laws of 2005, is amended to read as follows:

53 § 51. Jurisdiction. This article shall, subject to the limitations
54 contained herein, confer upon the office of the state inspector general,

jurisdiction over all covered agencies. For the purposes of this article "covered agency" shall include:

1. all executive branch agencies, departments, divisions, officers, boards and commissions, public authorities (other than multi-state or multi-national authorities), and public benefit corporations, the heads of which are appointed by the governor and which do not have their own inspector general by statute. Wherever a covered agency is a board, commission, a public authority or public benefit corporation, the head of the agency is the chairperson thereof; or

2. an organization or foundation formed under the not-for-profit corporation law or any other entity formed for the benefit of or controlled by the state university of New York or the city university of New York or their respective universities, colleges, community colleges, campuses or subdivisions, including the research foundation of the state university of New York and the research foundation of the city university of New York, to assist in meeting the specific needs of, or providing a direct benefit to, the respective university, college, community college, campus or subdivision or the university as a whole, that has control of, manages or receives fifty thousand dollars or more annually, including alumni associations. For the purposes of this article, this term does not include a student-run organization comprised solely of enrolled students and formed for the purpose of advancing a student objective.

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

PART G

Section 1. The executive law is amended by adding a new section 53-a to read as follows:

§ 53-a. State procurement oversight defined. 1. For purposes of this article, "state procurement" shall mean any loan, contract or grant awarded or entered into by a covered agency.

2. Consistent with the general investigatory authority of the state inspector general as established in this article, the state inspector general is expressly empowered to investigate alleged corruption, fraud, criminal activity, conflicts of interest or abuse, by officers, employees and contracted parties related to any state procurement.

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

PART H

Section 1. The education law is amended by adding a new section 6235 to read as follows:

§ 6235. Public university foundation oversight. 1. It is hereby established that the office of the state inspector general shall independently oversee implementation and enforcement of financial control policies at the state university of New York and the city university of New York and affiliated nonprofit organizations and foundations pursuant to this section.

2. (a) As used within this section "office of the state inspector general" means the office of the state inspector general as established in article four-a of the executive law and "state inspector general" means the state inspector general who is the head of the office of the

1 state inspector general as established in article four-a of the execu-
2 tive law.

3 (b) As used within this section, "affiliated nonprofit organization or
4 foundation" means an organization or foundation formed under the not-
5 for-profit corporation law or any other entity formed for the benefit of
6 or controlled by the state university of New York or the city university
7 of New York or their respective universities, colleges, community
8 colleges, campuses or subdivisions, including the research foundation of
9 the state university of New York and the research foundation of the city
10 university of New York, to assist in meeting the specific needs of, or
11 providing a direct benefit to, the respective university, college,
12 community college, campus or subdivision or the university as a whole,
13 that has control of, manages or receives fifty thousand dollars or more
14 annually, including alumni associations. For the purposes of this
15 section, this term does not include a student-run organization comprised
16 solely of enrolled students and formed for the purpose of advancing a
17 student objective.

18 3. (a) For the purposes of this section, the state inspector general
19 shall have the same powers enumerated in article four-A of the executive
20 law.

21 (b) The state inspector general shall require that each affiliated
22 nonprofit organization or foundation adopt written policies including
23 by-laws consistent with the requirements of this paragraph. Each affil-
24 iated nonprofit organization or foundation shall, in consultation with
25 the state inspector general, adopt written policies designed to prevent
26 corruption, fraud, criminal activity, conflicts of interest or abuse.

27 (c) The state inspector general shall have the authority to appoint,
28 in consultation with the state university of New York and the city
29 university of New York and any respective campus of the state university
30 of New York and the city university of New York, compliance officers
31 from within the staff of the state university of New York and the city
32 university of New York and any campus of the state university of New
33 York and the city university of New York to provide assistance in over-
34 sight and monitoring of policies established by affiliated nonprofit
35 organizations and foundations.

36 4. Failure by an affiliated nonprofit organization or foundation to
37 comply with any provision of this section shall render the affiliated
38 nonprofit organization or foundation ineligible to receive state aid or
39 assistance or any aid or assistance from the state university of New
40 York, the city university of New York or the respective campuses until
41 the state inspector general has certified that such entity is in compli-
42 ance with the provisions of this section. Upon a determination of
43 noncompliance and ineligibility, the state inspector general shall
44 provide the organization with written notice of such final determi-
45 nation, including the basis thereof, which shall be subject to review
46 pursuant to article seventy-eight of the civil practice law and rules.

47 § 2. This act shall take effect on the one hundred eightieth day after
48 it shall have become a law.

49 PART I

50 Section 1. The public officers law is amended by adding a new article
51 5-A to read as follows:

52 ARTICLE 5-A
53 OFFICE OF THE NEW YORK PORT AUTHORITY INSPECTOR GENERAL

1 Section 81. Jurisdiction.

2 82. Establishment and organization.

3 83. Functions and duties.

4 § 81. Jurisdiction. 1. This article shall, subject to the limitations
5 contained herein, confer upon the office of the New York port authority
6 inspector general, jurisdiction over New York-related port authority
7 conduct. Nothing contained in this section shall replace or diminish
8 the jurisdiction of the attorney general or local district attorney.

9 2. For purposes of this article: (a) "New York-related port authority
10 conduct" shall mean any port authority action with a nexus to the state
11 of New York or its residents and involves an action engaged in by a New
12 York commissioner or managerial appointee or managerial employee of the
13 port authority.

14 (b) "Port authority" shall mean the port authority of New York and New
15 Jersey as created by chapter one hundred fifty-four of the laws of nine-
16 teen hundred twenty-one.

17 (c) "New York commissioner" shall mean commissioners appointed by the
18 governor of New York to the port authority of New York and New Jersey
19 pursuant to article four of section one of chapter one hundred fifty-
20 four of the laws of nineteen hundred twenty-one, as amended by chapter
21 four hundred nineteen of the laws of nineteen hundred thirty.

22 (d) "Managerial appointee or managerial employee" shall mean any indi-
23 vidual who: (i) formulates policy; (ii) may reasonably be required to
24 assist directly in the preparation for and conduct of negotiations
25 concerning major fiscal matters or expenditures provided that such role
26 is not of a routine or clerical nature and requires the exercise of
27 independent judgment; or (iii) has a major role in the administration of
28 personnel agreements or in personnel administration, provided that such
29 role is not of a routine or clerical nature and requires the exercise of
30 independent judgment.

31 3. Every New York commissioner and managerial appointee or managerial
32 employee shall report promptly to the office of the New York port
33 authority inspector general or other appropriate law enforcement offi-
34 cial any New York-related port authority conduct concerning corruption,
35 fraud, criminal activity, conflicts of interest or abuse, by another
36 relating to his or her office or employment, or by a person having busi-
37 ness dealings with the port authority of New York and New Jersey relat-
38 ing to those dealings. The knowing failure of any New York commissioner
39 or managerial appointee or managerial employee to so report shall be
40 cause for removal from office or other appropriate penalty provided
41 however, that notice and an opportunity to be heard shall be afforded
42 officers and employees in accordance with provisions included within an
43 existing collective bargaining agreement. The office of the New York
44 port authority inspector general shall notify, upon hiring and annually,
45 every New York commissioner, and every managerial appointee or manageri-
46 al employee in writing of their rights and responsibilities under this
47 article.

48 § 82. Establishment and organization. 1. There is hereby established
49 the office of the New York port authority inspector general in the exec-
50 utive department. The head of the office shall be the New York port
51 authority inspector general who shall be appointed by the governor.

52 2. The New York port authority inspector general shall hold office
53 until the end of the term of the governor by whom he or she was
54 appointed and until his or her successor is appointed and has qualified.

1 3. The New York port authority inspector general may appoint one or
2 more deputy officers to serve at his or her pleasure, who shall be
3 responsible for conducting investigations.

4 4. The salary of the New York port authority inspector general shall
5 be established by the governor within the limit of funds available
6 therefor.

7 § 83. Functions and duties. The New York port authority inspector
8 general shall have the following duties and responsibilities:

9 1. receive and investigate complaints from any source, or upon his or
10 her own initiative, concerning allegations of corruption, fraud, crimi-
11 nal activity, conflicts of interest or abuse in any New York-related
12 port authority conduct committed by a New York commissioner, managerial
13 appointee or managerial employee;

14 2. inform the New York commissioners of such allegations and the
15 progress of investigations related thereto, unless special circumstances
16 require confidentiality, provided that the inspector general shall main-
17 tain a written record that specifies the reason confidentiality is
18 necessary under this subdivision;

19 3. determine with respect to such allegations whether civil or crimi-
20 nal prosecution, or further investigation by an appropriate federal,
21 state or local agency is warranted, and to assist in such investi-
22 gations;

23 4. prepare and release to the public written reports of such investi-
24 gations, as appropriate and to the extent permitted by law, subject to
25 redaction to protect the confidentiality of witnesses. The release of
26 all or portions of such reports may be deferred to protect the confiden-
27 tiality of ongoing investigations, provided that the inspector general
28 shall maintain a written record that specifies the reason confidentiali-
29 ty is necessary under this subdivision;

30 5. review and examine periodically the policies and procedures of New
31 York commissioners and any managerial appointees or managerial employees
32 with regard to the prevention and detection of corruption, fraud, crimi-
33 nal activity, conflicts of interest or abuse in New York-related port
34 authority conduct;

35 6. recommend remedial action to prevent or eliminate corruption,
36 fraud, criminal activity, conflicts of interest or abuse in New York-re-
37 lated port authority conduct; and

38 7. establish programs for training New York commissioners and any
39 managerial appointees or managerial employees regarding the prevention
40 and elimination of corruption, fraud, criminal activity, conflicts of
41 interest or abuse in New York-related port authority conduct.

42 § 2. Subdivision 32 of section 1.20 of the criminal procedure law, as
43 amended by section 4 of part A of chapter 501 of the laws of 2012, is
44 amended to read as follows:

45 32. "District attorney" means a district attorney, an assistant
46 district attorney or a special district attorney, and, where appropri-
47 ate, the attorney general, an assistant attorney general, a deputy
48 attorney general, a special deputy attorney general, [ex] the special
49 prosecutor and inspector general for the protection of people with
50 special needs or his or her assistants when acting pursuant to their
51 duties in matters arising under article twenty of the executive law, or
52 the port authority inspector general or his or her assistants when
53 acting pursuant to article five-A of the public officers law.

54 § 3. Section 39 of the public officers law, as amended by chapter 122
55 of the laws of 1947, is amended to read as follows:

§ 39. Filling vacancies in office of officer appointed by governor and senate. 1. A vacancy which shall occur during the session of the senate, in the office of an officer appointed by the governor by and with the advice and consent of the senate, shall be filled in the same manner as an original appointment. Such a vacancy occurring or existing while the senate is not in session, including offices in which officers are holding over pursuant to the provisions of section five of this chapter or any other law, and offices vacant during the session of the senate, shall be filled by the governor for a term which shall expire upon the appointment and qualification of a successor but in any event such term shall expire at the end of twenty days from the commencement of the next meeting of the senate.

2. Notwithstanding subdivision one of this section, or any other law to the contrary, the governor may fill a vacancy in a position at the port authority of New York and New Jersey, as created pursuant to chapter one hundred fifty-four of the laws of nineteen hundred twenty-one, at any time the senate is adjourned and scheduled to reconvene at the call of the temporary president, or, if after June thirtieth, the senate is scheduled to reconvene more than seven days after adjournment. Any appointment made pursuant to this subdivision shall be subject to the confirmation of the senate once the senate reconvenes. Any appointment made pursuant to this subdivision shall continue until the senate has acted on such appointment. For purposes of this subdivision, the length of an adjournment shall be calculated from the date the senate is first adjourned until the date the entire senate actually reconvenes.

§ 4. This act shall take effect immediately; provided however that section one of this act shall take effect on the one hundred twentieth day after it shall have become a law.

PART J

Section 1. The education law is amended by adding a new article 4 to read as follows:

ARTICLE 4

OFFICE OF THE STATE EDUCATION DEPARTMENT INSPECTOR GENERAL

Section 190. Jurisdiction.

191. Establishment and organization.

192. Functions and duties.

193. Powers.

194. Responsibilities of department officers and employees.

§ 190. Jurisdiction. This article shall, subject to the limitations contained herein, confer certain jurisdiction upon the office of the state education department inspector general over officers and employees of the department.

§ 191. Establishment and organization. 1. There is hereby established, the office of the state education department inspector general, an independent office within the department. The head of the office shall be the state education department inspector general and he or she shall hold office for a term of five years at which time a successor shall be appointed. The initial term of the state education department inspector general shall first commence on June first, two thousand seventeen.

2. Appointment. The state education department inspector general shall be appointed by the legislature by concurrent resolution and any vacancy may be filled for the remainder of an unexpired term caused by such vacancy in the same manner.

3. The state education department inspector general shall have not less than ten years professional experience in law, investigation, or auditing. The state education department inspector general shall report to the board of regents. The state education department inspector general may be removed during his or her term by concurrent resolution of the legislature provided that such removal shall only be for substantial neglect of duty, gross misconduct in office, or the inability to discharge the powers or duties of office. Provided further such concurrent resolution shall only be made upon recommendation of the board of regents, or upon findings of such neglect of duty, gross misconduct or inability to discharge the powers or duties of office.

§ 192. Functions and duties. The state education department inspector general shall have the following duties and responsibilities:

1. receive and investigate complaints from any source, or upon his or her own initiative, concerning allegations of corruption, fraud, criminal activity, conflicts of interest or abuse in the department, provided that the state education department inspector general shall consult with the board of regents ethics committee and the department's ethics officer regarding investigations related to conduct under the public officers law;

2. inform the board of regents and commissioner of such allegations and the progress of investigations related thereto, unless special circumstances relating to a specific allegation or investigation require confidentiality, provided, however, the state education department inspector general shall regularly review any decision to keep such information confidential and maintain contemporary written records that specify the reason confidentiality is necessary;

3. determine with respect to such allegations whether disciplinary action, civil or criminal prosecution, or further investigation by an appropriate federal, state or local agency is warranted, and to assist in such investigations;

4. prepare and release to the public written reports of such investigations, as appropriate and to the extent permitted by law, subject to redaction to protect the confidentiality of witnesses. The release of all or portions of such reports may be deferred to protect the confidentiality of one or more specific ongoing investigations, provided, however, the state education department inspector general shall regularly review any decision to keep such information confidential and maintain contemporary written records that specify the reason confidentiality is necessary;

5. review and examine periodically the policies and procedures of the department with regard to the prevention and detection of corruption, fraud, criminal activity, conflicts of interest or abuse;

6. recommend remedial action designed to prevent or eliminate corruption, fraud, criminal activity, conflicts of interest or abuse in the department; and

7. establish programs for training state education department officers and employees designed for the prevention and elimination of corruption, fraud, criminal activity, conflicts of interest or abuse in the department. The department shall annually notify all officers and employees in writing of their rights and responsibilities under this section and shall provide training to all new officers and employees and, on an annual basis, all existing officers and employees, regarding this article of law and such rights and responsibilities, including but not limited to the responsibilities under section one hundred ninety-four of this article. The department shall use multiple methods to

1 educate officers and employees about this section and may include such
2 training in existing professional development and staff training
3 programs for officers and employees.

4 § 193. Powers. The state education department inspector general shall
5 have the power to:

6 1. subpoena and enforce the attendance of witnesses;

7 2. administer oaths or affirmations and examine witnesses under oath;

8 3. require the production of any books and papers that are material to
9 any investigation, examination or review provided that the production of
10 such materials shall be subject to applicable federal laws related to
11 confidentiality and disclosure, including but not limited to those
12 related to education records and student information;

13 4. examine and copy or remove documents or records of any kind
14 prepared, maintained or held by the department provided that the exam-
15 ination, copy, or removal of such materials shall be subject to applica-
16 ble federal laws related to confidentiality and disclosure, including
17 but not limited to those related to education records and student infor-
18 mation;

19 5. require any officer or employee of the department to answer ques-
20 tions concerning corruption, fraud, criminal activity, conflicts of
21 interest or abuse in the department related to the performance of his or
22 her official duties. No statement or other evidence derived therefrom
23 may be used against such officer or employee in any subsequent criminal
24 prosecution other than for perjury or contempt arising from such testi-
25 mony. The refusal of any officer or employee to answer questions shall
26 be cause for removal from office or employment or other applicable
27 penalty, provided, however, that notice and opportunity to be heard
28 shall be afforded to any such officer or employee, and provided,
29 further, that any such officer or employee shall have a right to repre-
30 sentation by his or her certified or recognized officer or employee
31 organization pursuant to article fourteen of the civil service law and
32 shall be notified, in advance of such opportunity to be heard, in writ-
33 ing, of such right. Any officer or employee without a certified or
34 recognized officer or employee organization pursuant to article fourteen
35 of the civil service law shall also have the opportunity to represen-
36 tation of his or her choice and shall be notified, in advance of such
37 opportunity to be heard, in writing, of such right;

38 6. monitor the implementation by the department of any recommendations
39 made by the state education department inspector general; and

40 7. refer to the state inspector general any information concerning
41 matters within the state inspector general's jurisdiction.

42 § 194. Responsibilities of department officers and employees. 1. Every
43 officer and employee of the department shall report promptly to the
44 state education department inspector general or other appropriate law
45 enforcement officer or department official any information concerning
46 corruption, fraud, criminal activity, conflicts of interest or abuse by
47 another officer or employee relating to his or her office or employment,
48 or by a person having business dealings with the department relating to
49 those dealings. The knowing failure of any officer or employee to so
50 report shall be cause for removal from employment or applicable penalty,
51 provided, however, that notice and opportunity to be heard shall be
52 afforded to any such officer or employee and provided, further, that any
53 such officer or employee shall have a right to representation by his or
54 her certified or recognized officer or employee organization pursuant to
55 article fourteen of the civil service law and shall be notified, in
56 advance of such opportunity to be heard, in writing, of such right. Any

officer or employee without a certified or recognized officer or employee organization pursuant to article fourteen of the civil service law shall also have the opportunity to representation of his or her choice and shall be notified, in advance of such opportunity to be heard, in writing, of such right. Any officer or employee who acts pursuant to this subdivision by reporting to the state education department inspector general, or other appropriate officer or official, corruption, fraud, criminal activity, conflicts of interest or abuse in the department, or improper governmental action as defined in section seventy-five-b of the civil service law shall not be subject to dismissal, discipline or other adverse personnel action.

2. The board of regents and the commissioner shall advise the governor and the legislature within ninety days of the issuance of a report by the state education department inspector general as to the remedial action that the department has taken in response to any recommendation for such action contained in such report.

§ 2. This act shall take effect immediately; provided, however, that subdivision 1 of section 194 of the education law as added by section one of this act shall take effect on the one hundred eightieth day after it shall have become a law.

PART K

Section 1. The executive law is amended by adding a new section 204 to read as follows:

§ 204. Chief procurement officer. There shall be a chief procurement officer, appointed by the governor, for the state of New York who shall serve as the principal officer tasked with oversight of all state procurements, under the direction of the commissioner of general services, whose duties shall include, but not be limited to, ensuring the wise and prudent use of public money in the best interest of the taxpayers of the state and guarding against favoritism, improvidence, extravagance, fraud and corruption in connection with all procurements of state agencies as such term is defined in section one hundred sixty of the state finance law and public authorities as such term is defined in section two of the public authorities law. The chief procurement officer shall have the authorization to review any procurement and report promptly any suspicion or allegation of corruption, fraud, criminal activity, conflicts of interest or abuse in any agency or authority's procurement to the office of the state inspector general for appropriate action. Prior to making such a report, the chief procurement officer shall inform the commissioner and the heads of the relevant agencies and authorities of such suspicion or allegation and the progress of investigations related thereto, unless special circumstances require confidentiality.

§ 2. Paragraph a of subdivision 1 of section 161 of the state finance law, as amended by chapter 452 of the laws of 2012, is amended to read as follows:

a. The state procurement council shall continuously strive to improve the state's procurement process. Such council shall consist of ~~[twenty-one]~~ twenty-two members, including the chief procurement officer as established pursuant to section two hundred four of the executive law, the commissioner, the state comptroller, the director of the budget, the chief diversity officer and the commissioner of economic development, or their respective designees; seven members who shall be the heads of other large and small state agencies chosen by the governor, or their

1 respective designees; one member, appointed by the governor, represent-
2 ing a not-for-profit New York-based organization engaged in the market-
3 ing and/or promotion of New York grown farm and agricultural products or
4 a not-for-profit New York-based organization engaged solely in the advoca-
5 cacy, marketing and/or promotion of organic New York grown farm and
6 agricultural products to be limited to a two year term; and eight at
7 large members appointed as follows: three appointed by the temporary
8 president of the senate, one of whom shall be a representative of local
9 government and one of whom shall be a representative of private busi-
10 ness; three appointed by the speaker of the assembly, one of whom shall
11 be a representative of local government and one of whom shall be a
12 representative of private business; one appointed by the minority leader
13 of the senate; and, one appointed by the minority leader of the assem-
14 bly; and two non-voting observers appointed as follows: one appointed by
15 the temporary president of the senate and one appointed by the speaker
16 of the assembly. The non-voting observers shall be provided, contempora-
17 neously, all documentation and materials distributed to members. The
18 council shall be chaired by the chief procurement officer, or, if there
19 is no chief procurement officer, then by the commissioner and shall meet
20 at least quarterly.

21 § 3. Subdivision 1 of section 55 of the executive law, as added by
22 chapter 766 of the laws of 2005, is amended to read as follows:

23 1. Every state officer or employee in a covered agency, and the chief
24 procurement officer appointed by the governor as established by section
25 two hundred four of the executive law, shall report promptly to the
26 state inspector general any information concerning corruption, fraud,
27 criminal activity, conflicts of interest or abuse by another state offi-
28 cer or employee relating to his or her office or employment, or by a
29 person having business dealings with a covered agency relating to those
30 dealings. The knowing failure of any officer or employee to so report
31 shall be cause for removal from office or employment or other appropri-
32 ate penalty. Any officer or employee who acts pursuant to this subdivi-
33 sion by reporting to the state inspector general improper governmental
34 action as defined in section seventy-five-b of the civil service law
35 shall not be subject to dismissal, discipline or other adverse personnel
36 action.

37 § 4. Paragraphs (a), (c), and (d) of subdivision 5 and paragraph (a)
38 of subdivision 8 of section 2879 of the public authorities law, para-
39 graph (a) of subdivision 5 as amended by chapter 531 of the laws of
40 1993, paragraphs (c) and (d) of subdivision 5 as amended by chapter 383
41 of the laws of 2000, and paragraph (a) of subdivision 8 as amended by
42 chapter 844 of the laws of 1992, are amended to read as follows:

43 (a) Each corporation shall notify the commissioner of economic devel-
44 opment and the chief procurement officer as defined in section two
45 hundred four of the executive law, of the award of a procurement
46 contract for the purchase of goods or services from a foreign business
47 enterprise in an amount equal to or greater than one million dollars
48 simultaneously with notifying the successful bidder therefor. No corpo-
49 ration shall thereafter enter into a procurement contract for said goods
50 or services until at least fifteen days has elapsed, except for procure-
51 ment contracts awarded on an emergency or critical basis, or where the
52 commissioner of economic development waives the provisions of this
53 sentence. The notification to the commissioner of economic development
54 and the chief procurement officer shall include the name, address and
55 telephone and facsimile number of the foreign business enterprise, a
56 brief description of the goods or services to be obtained pursuant to

1 the proposed procurement contract, the amount of the proposed procure-
2 ment contract, the term of the proposed procurement contract, and the
3 name of the individual at the foreign business enterprise or acting on
4 behalf of the same who is principally responsible for the proposed
5 procurement contract. Such notification shall be used by the commission-
6 er of economic development solely to provide notification to New York
7 state business enterprises of opportunities to participate as subcon-
8 tractors and suppliers on such procurement contracts, to promote and
9 encourage the location and development of new business in the state, to
10 assist New York state business enterprises in obtaining offset credits
11 from foreign countries, and to otherwise investigate, study and under-
12 take means of promoting and encouraging the prosperous development and
13 protection of the legitimate interest and welfare of New York state
14 business enterprises, industry and commerce.

15 (c) In including any additional business enterprises on invitations to
16 bid for the procurement of goods or services, the chief executive offi-
17 cer of the corporation shall not include any foreign business enterprise
18 which has its principal place of business located in a discriminatory
19 jurisdiction contained on the list prepared by the commissioner of
20 economic development pursuant to subdivision six of section one hundred
21 sixty-five of the state finance law, except, however, business enter-
22 prises which are New York state business enterprises as defined by this
23 section. The corporation may waive the application of the provisions of
24 this section whenever the chief executive officer of the corporation
25 determines in writing that it is in the best interests of the state to
26 do so. The chief executive officer of the corporation shall deliver each
27 such waiver to the commissioner of economic development and the chief
28 procurement officer.

29 (d) A corporation shall not enter into a contract with a foreign busi-
30 ness enterprise which has its principal place of business located in a
31 discriminatory jurisdiction contained on the list prepared by the
32 commissioner of economic development pursuant to subdivision six of
33 section one hundred sixty-five of the state finance law. The provisions
34 of this section may be waived by the chief executive officer of the
35 corporation if the chief executive officer of the corporation determines
36 in writing that it is in the best interests of the state to do so. The
37 chief executive officer of the corporation shall deliver each such waiv-
38 er to the commissioner of economic development and the chief procurement
39 officer.

40 (a) Each corporation shall annually submit its report on procurement
41 contracts to the division of the budget and copies thereof to the
42 department of audit and control, the department of economic development,
43 the senate finance committee and the assembly ways and means committee
44 and the chief procurement officer.

45 § 5. This act shall take effect on the sixtieth day after it shall
46 have become a law.

47 PART L

48 Section 1. The election law is amended by adding a new section 14-131
49 to read as follows:

50 § 14-131. Government vendor contributions. 1. (a) It shall be unlawful
51 during the restricted vendor contribution period for any person, organ-
52 ization, group of persons, or business entity that submits a bid, quota-
53 tion, offer or response to a state governmental entity posting or solici-
54 itation for procurement to make a contribution to any officeholder of

1 the state governmental entity or entities issuing such posting or solic-
2 itation, evaluating such response or approving or awarding the final
3 procurement contract, or to any candidate for an office of such govern-
4 mental entity, including to such officeholder's or candidate's author-
5 ized political committees.

6 (b) For purposes of this section the assembly and senate shall be
7 separate and distinct governmental entities when a particular posting or
8 solicitation for procurement is issued by only one respective house.

9 (c) The state governmental entity directly responsible for issuing
10 such posting or solicitation for procurement shall include a notice of
11 the prohibition established by this section and the state governmental
12 entity responsible for evaluating responses to such posting or solicita-
13 tion shall provide to any person, organization, group of persons, or
14 business entity that submits a proposal in response to such posting or
15 solicitation a notice of the prohibition established by this section and
16 the restricted vendor contribution period commencement date.

17 2. As used in this section "business entity" means a business corpo-
18 ration, professional services corporation, limited liability company,
19 partnership, limited partnership, business trust, association or any
20 other legal commercial entity organized under the laws of this state or
21 any other state or foreign jurisdiction, including any subsidiary
22 directly or indirectly controlled by the business entity, and any poli-
23 tical organization, including but not limited to any political organiza-
24 tion organized under section 527 of the Internal Revenue Code, that is
25 directly or indirectly controlled by the business entity.

26 3. The restricted vendor contribution period described in this section
27 shall commence, with respect to a specific person, organization, group
28 of persons, or business entity that submits a bid, quotation, offer or
29 response to the state governmental entity posting or solicitation, at
30 the earliest posting, on a state governmental entity's website, in a
31 newspaper of general circulation or in the procurement opportunities
32 newsletter in accordance with article four-C of the economic development
33 law of written notice, advertisement or solicitation of a request for
34 proposal, invitation for bids, or solicitations of proposals, or any
35 other method provided for by law or regulation for soliciting a response
36 from offerers intending to result in a procurement contract with a state
37 governmental entity. The restricted vendor contribution period does not
38 apply to a person, organization, group of persons or business entity
39 that is responding to a state governmental entity's request for informa-
40 tion or other informational exchanges occurring prior to such govern-
41 mental entity's posting or solicitation for procurement.

42 4. The restricted vendor contribution period described in this section
43 shall end with respect to a specific person, organization, group of
44 persons, or business entity as follows:

45 (a) If the person, organization, group of persons, or business entity
46 is the recipient of the final contract award, the restricted vendor
47 contribution period shall end six months after the final contract award
48 and approval by the state governmental entity and, where applicable, the
49 state comptroller.

50 (b) If the person, organization, group of persons, or business entity
51 is not the recipient of the final contract award, the restricted vendor
52 contribution period shall end with the final contract award and approval
53 by the state governmental entity and, where applicable, the state comp-
54 troller.

55 § 2. Section 14-126 of the election law is amended by adding a new
56 subdivision 7 to read as follows:

7. (a) Any person, organization, group of persons, or business entity as that term is used in section 14-131 of this article, who, under circumstances evincing an intent to violate such law, makes a contribution in contravention of section 14-131 of this article shall be subject to a civil penalty not to exceed the greater of ten thousand dollars or an amount equal to two hundred percent of the contribution, to be recoverable in a special proceeding or civil action to be brought by the state board of elections chief enforcement counsel.

(b) Any person who, acting as or on behalf of an officeholder, candidate, or political committee, accepts a contribution in contravention of section 14-131 of this article shall be required to refund such contribution.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.

PART M

Section 1. 1. The New York state comptroller, or his or her designee, the attorney general of the state of New York, or his or her designee, the chief information officer of the office of information technology services, or his or her designee, and the commissioner of general services, or his or her designee, are hereby directed to collectively prepare a report regarding the feasibility of developing a system which would require the assignment of single identifying vendor codes or numbers to all contractors, vendors and grantees directly receiving payments of state funds to facilitate the tracking of such entities and facilitate the tracking of final audit determinations of such entities issued by the attorney general and the state comptroller. This system must consider and serve to supplement existing coding systems and shall be made publicly available. Such feasibility report shall include, but not be limited to, the group's assessment, analysis and findings on the information gathered after taking into consideration input from all group members, alternatives considered, the fiscal impact, and the effect the proposed system would have on the state and existing systems. The report shall be provided to the governor, temporary president of the senate and the speaker of the assembly on or before September 1, 2017.

2. If all members of the group determine that it is feasible to develop such a system, the system shall be implemented no later than September 1, 2018. The director of the budget, or his or her designee, shall make the final determination regarding the codes or numbers that shall serve as the single identifier for such entities if, after the issuance of the report, the group is unable to reach agreement regarding which identifying codes or numbers should be used for the subject system. Such determination shall be based on the most cost effective manner of implementing such codes or numbers that would have the least fiscal impact to the state of New York.

3. If the group determines that it is not feasible to develop such a system pursuant to subdivision one of this section, the group shall submit an additional feasibility report to the governor, temporary president of the senate and the speaker of the assembly on or before December 1, 2017, which shall include, but not be limited to, the barriers to implementing such a system, the findings of the initial feasibility report and further recommendations.

§ 2. This act shall take effect immediately.

PART N

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

3 § 5-212. Motor vehicle registration. 1. In addition to any other meth-
4 od of voter registration provided for in this article, any qualified
5 person shall be automatically applied for registration and enrollment
6 simultaneously with and upon application for a motor vehicle driver's
7 license, a driver's license renewal or an identification card if such a
8 card is issued by the department of motor vehicles in its normal course
9 of business unless such qualified person declines such application for
10 registration and enrollment at the time of making an application for a
11 motor vehicle driver's license, driver's license renewal or an identifi-
12 cation card if such card is issued by the department of motor vehicles
13 in its normal course of business.

14 2. The department of motor vehicles, with the approval of the state
15 board of elections, shall design a form or forms which shall, in addi-
16 tion to eliciting such information as may be required by the department
17 of motor vehicles for a driver's license, a driver's license renewal, a
18 change of address notification or an identification card, serve as an
19 application for registration and enrollment, or a registration necessi-
20 tated by a change of residence. Only one signature shall be required to
21 meet the certification and attestation needs of the portion of the form
22 pertaining to the application for a driver's license, a driver's license
23 renewal, a change of address notification or an identification card, and
24 the portion of the form pertaining to voter registration and enrollment.
25 The cost of such forms shall be borne by the department of motor vehi-
26 cles.

27 3. The voter registration portion of such form shall:

28 (a) not require any information that duplicates the information
29 required on the application for the driver license portion and shall
30 require only such additional information as will enable election offi-
31 cial to assess the applicant's eligibility to register to vote, prevent
32 duplicate registration and to administer voter registration and other
33 parts of the election process;

34 (b) include a statement of the eligibility requirements for voter
35 registration and shall require the applicant to attest by his or her
36 signature that he or she meets those requirements under penalty of
37 perjury unless such applicant declines such registration;

38 (c) inform the applicant, in print identical to that used in the
39 attestation section of the following:

40 (i) voter eligibility requirements;

41 (ii) penalties for submission of false registration application;

42 (iii) that the office where applicant registers shall remain confiden-
43 tial and the information be used only for voter registration purposes;

44 (iv) if the applicant declines to register, such applicant's declina-
45 tion shall remain confidential and be used only for voter registration
46 purposes;

47 (d) include a box for the applicant to check to indicate whether the
48 applicant would like to decline to register to vote along with the
49 statement in prominent type, "IF YOU DO NOT CHECK THIS BOX, YOU PROVIDE
50 YOUR SIGNATURE ON THE SPACE PROVIDED BELOW, AND YOU ARE AT LEAST 18
51 YEARS OF AGE OR OLDER, YOU WILL HAVE PERSONALLY APPLIED TO REGISTER TO
52 VOTE AT THIS TIME.";

53 (e) include a space for the applicant to indicate his or her choice of
54 party enrollment, with a clear alternative provided for the applicant to
55 decline to affiliate with any party;

1 (f) include the statement, "If you would like help in filling out the
2 voter registration application form, we will help you. The decision
3 whether to seek or accept help is yours. You may fill out the applica-
4 tion form in private.";

5 (g) include the statement, "If you believe that someone has interfered
6 with your right to register or decline to register to vote, your right
7 to privacy in deciding whether to register or in applying to register to
8 vote, or your right to choose your own political party or other politi-
9 cultural preference, you may file a complaint with the state board of
10 elections (address and toll free telephone number).";

11 (h) include a toll free number at the state board of elections that
12 can be called for answers to registration questions; and

13 (i) include any other information that is necessary to comply with the
14 requirements of the National Voter Registration Act.

15 4. The department of motor vehicles shall transmit that portion of the
16 form which constitutes the completed application for registration or
17 change of address form to the appropriate board of elections not later
18 than ten days after receipt except that all such completed applications
19 and forms received by the department between the thirtieth and twenty-
20 fifth day before an election shall be transmitted in such manner and at
21 such time as to assure their receipt by such board of elections not
22 later than the twentieth day before such election. All transmittals
23 shall include original signatures.

24 5. Completed application forms received by the department of motor
25 vehicles not later than the twenty-fifth day before the next ensuing
26 primary, general or special election and transmitted by such department
27 to the appropriate board of elections so that they are received not
28 later than the twentieth day before such election shall entitle the
29 applicant to vote in such election provided the board determines that
30 the applicant is otherwise qualified.

31 6. Disclosure of voter registration information, including a declina-
32 tion to register, by the department of motor vehicles, its agents or
33 employees, for other than voter registration purposes, shall be deemed
34 an unwarranted invasion of personal privacy pursuant to the provisions
35 of subdivision two of section eighty-nine of the public officers law and
36 shall constitute a violation of this chapter.

37 7. Application forms shall be processed by the board of elections in
38 the manner prescribed by section 5-210 of this title or, if the appli-
39 cant is already registered to vote from another address in such county
40 or city, in the manner prescribed by section 5-208 of this title. The
41 board shall send the appropriate notice of approval or rejection as
42 required by either subdivision nine of such section 5-210 or subdivision
43 five of such section 5-208.

44 8. Strict neutrality with respect to a person's party enrollment shall
45 be maintained and all persons seeking voter registration forms and
46 information shall be advised that government services are not condi-
47 tioned on being registered to vote.

48 9. No statement shall be made nor any action taken to discourage the
49 applicant from registering to vote.

50 10. The department of motor vehicles shall provide to each person who
51 chooses to register to vote the same level of assistance provided to
52 persons in connection with the completion of the agency's requisite
53 information, unless such person refuses such assistance.

54 11. The state board shall adopt such rules and regulations as may be
55 necessary to carry out the requirements of this section. The board shall
56 also adopt such rules and regulations as may be necessary to require

county boards and the department of motor vehicles to provide the state board with such information and data as the board deems necessary to assess compliance with this section and to compile such statistics as may be required by the federal elections commission.

12. The state board shall develop and distribute public information and promotional materials relating to the purposes and implementation of this program.

13. The state board shall prepare and distribute to the department of motor vehicles written instructions as to the implementation of the program and shall be responsible for establishing training programs for employees of the department of motor vehicles involved in such program.

14. The commissioner of motor vehicles shall take all actions which are necessary and proper for the implementation of this section. The commissioner of motor vehicles shall designate one person within the agency as the agency voter registration coordinator who will, under the direction of the state board of elections, be responsible for the voter registration program in such agency.

15. Notwithstanding subdivision six of section 5-210 of this title and any other law to the contrary, an applicant who is less than eighteen years of age who improperly fails to decline to vote in accordance with the provisions of this section shall not be guilty of any crime as the result of the applicant's failure to make such declination.

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

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

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

(n) The form of application required by section 5-212 of this title shall be deemed to meet the requirements of this section.

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

27. The term "personal application" means a signed writing which may be delivered by mailing ~~or~~, in person, or electronically.

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

9. Notwithstanding any inconsistent provisions of this article, election inspectors or poll clerks, if any, at polling places for early voting, shall consist of either board of elections employees who shall be appointed by the commissioners of such board or duly qualified individuals, appointed in the manner set forth in this section. Appointments to the offices of election inspector or poll clerk in each polling place for early voting shall be equally divided between the major political parties. The board of elections shall assign staff and provide the

1 resources they require to ensure wait times at early voting sites do not
2 exceed thirty minutes.

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

5 1-a. The notice required by subdivision one of this section shall
6 include the dates, hours and locations of early voting for the general
7 and primary election. The board of elections may satisfy the notice
8 requirement of this subdivision by providing in the notice instructions
9 to obtain the required early voting information from a website of the
10 board of elections and providing a phone number to call for such infor-
11 mation.

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

14 2. Polls shall be open for voting during the following hours: a prima-
15 ry election from twelve o'clock noon until nine o'clock in the evening,
16 except in the city of New York and the counties of Nassau, Suffolk,
17 Westchester, Rockland, Orange, Putnam and Erie, and in such city or
18 county from six o'clock in the morning until nine o'clock in the even-
19 ing; the general election from six o'clock in the morning until nine
20 o'clock in the evening; a special election called by the governor pursu-
21 ant to the public officers law, and, except as otherwise provided by
22 law, every other election, from six o'clock in the morning until nine
23 o'clock in the evening; early voting hours shall be as provided in
24 section 8-600 of this article.

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

27 (k) Voting at each polling place for early voting shall be conducted
28 in a manner consistent with the provisions of this article, with the
29 exception of the tabulation and proclamation of election results which
30 shall be completed according to subdivisions eight and nine of section
31 8-600 of this article.

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

34 7. This section shall apply on all early voting days as provided for
35 in section 8-600 of this article.

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

39 (b) The second section of such report shall be reserved for the board
40 of inspectors to enter the name, address and registration serial number
41 of each person who is challenged on the day of election or on any day in
42 which there is early voting pursuant to section 8-600 of this article,
43 together with the reason for the challenge. If no voters are chal-
44 lenged, the board of inspectors shall enter the words "No Challenges"
45 across the space reserved for such names. In lieu of preparing section
46 two of the challenge report, the board of elections may provide, next to
47 the name of each voter on the computer generated registration list, a
48 place for the inspectors of election to record the information required
49 to be entered in such section two, or provide at the end of such comput-
50 er generated registration list, a place for the inspectors of election
51 to enter such information.

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

54 TITLE VI
55 EARLY VOTING

56 Section 8-600. Early voting.

8-602. State board of elections; powers and duties for early voting.

§ 8-600. Early voting. 1. Beginning the thirteenth day prior to any general, primary or special election for any public or party office, and ending on and including the second day prior to such general, primary or special election for such public or party office, persons duly registered and eligible to vote at such election shall be permitted to vote as provided in this title. The board of elections of each county and the city of New York shall establish procedures, subject to approval of the state board of elections, to ensure that persons who vote during the early voting period shall not be permitted to vote subsequently in the same election.

2. (a) The board of elections of each county or the city of New York shall designate polling places for early voting in each county, which may include the offices of the board of elections, for persons to vote early pursuant to this section. There shall be so designated at least one early voting polling place for every full increment of fifty thousand registered voters in each county; provided, however, the number of early voting polling places in a county shall not be required to be greater than seven, and a county with fewer than fifty thousand voters shall have at least one early voting polling place.

(b) The board of elections of each county or the city of New York may establish additional polling places for early voting in excess of the minimum number required by this subdivision for the convenience of eligible voters wishing to vote during the early voting period.

(c) Notwithstanding the minimum number of early voting poll sites otherwise required by this subdivision, for any primary or special election, upon majority vote of the board of elections, the number of early voting sites may be reduced if the board of elections reasonably determines a lesser number of sites is sufficient to meet the needs of early voters.

(d) Polling places for early voting shall be located to ensure, to the extent practicable, that eligible voters have adequate equitable access, taking into consideration population density, travel time to the polling place, proximity to other locations or commonly used transportation routes and such other factors the board of elections of the county or the city of New York deems appropriate. The provisions of section 4-104 of this chapter, except subdivisions four and five of such section, shall apply to the designation of polling places for early voting except to the extent such provisions are inconsistent with this section.

3. Any person permitted to vote early may do so at any polling place for early voting established pursuant to subdivision two of this section in the county where such voter is registered to vote. Provided, however, (i) if it is impractical to provide each polling place for early voting all appropriate ballots for each election to be voted on in the county, or (ii) if permitting such persons to vote early at any polling place established for early voting would make it impractical to ensure that such voter has not previously voted early during such election, the board of elections may designate each polling place for early voting only for those voters registered to vote in a portion of the county to be served by such polling place for early voting, provided that all voters in each county shall have one or more polling places at which they are eligible to vote throughout the early voting period on a substantially equal basis.

1 4. (a) Polls shall be open for early voting for at least eight hours
2 between seven o'clock in the morning and eight o'clock in the evening
3 each week day during the early voting period.

4 (b) At least one polling place for early voting shall remain open
5 until eight o'clock in the evening on at least two week days in each
6 calendar week during the early voting period. If polling places for
7 early voting are limited to voters from certain areas pursuant to subdivi-
8 sion three of this section, polling places that remain open until
9 eight o'clock shall be designated such that any person entitled to vote
10 early may vote until eight o'clock in the evening on at least two week
11 days during the early voting period.

12 (c) Polls shall be open for early voting for at least five hours
13 between nine o'clock in the morning and six o'clock in the evening on
14 each Saturday, Sunday and legal holiday during the early voting period.

15 (d) Nothing in this section shall be construed to prohibit any board
16 of elections from establishing a greater number of hours for voting
17 during the early voting period beyond the number of hours required in
18 this subdivision.

19 (e) Early voting polling places and their hours of operation for early
20 voting at a general election shall be designated by May first of each
21 year pursuant to subdivision one of section 4-104 of this chapter.
22 Notwithstanding the provisions of subdivision one of section 4-104 of
23 this chapter requiring poll site designation by May first, early voting
24 polling places and their hours of operation for early voting for a
25 primary or special election shall be made not later than forty-five days
26 before such primary or special election.

27 5. Each board of elections shall create a communication plan to inform
28 eligible voters of the opportunity to vote early. Such plan may utilize
29 any and all media outlets, including social media, and shall publicize:
30 the location and dates and hours of operation of all polling places for
31 early voting; an indication of whether each polling place is accessible
32 to voters with physical disabilities; a clear and unambiguous notice to
33 voters that if they cast a ballot during the early voting period they
34 will not be allowed to vote election day; and if polling places for
35 early voting are limited to voters from certain areas pursuant to subdivi-
36 sion three of this section, the location of the polling places for
37 early voting serving the voters of each particular city, town or other
38 political subdivision.

39 6. The form of paper ballots used in early voting shall comply with
40 the provisions of article seven of this chapter that are applicable to
41 voting by paper ballot on election day and such ballot shall be cast in
42 the same manner as provided for in section 8-312 of this article,
43 provided, however, that ballots cast during the early voting period
44 shall be secured in the manner of voted ballots cast on election day and
45 such ballots shall not be canvassed or examined until after the close of
46 the polls on election day, and no unofficial tabulations of election
47 results shall be printed or viewed in any manner until after the close
48 of polls on election day.

49 7. Voters casting ballots pursuant to this title shall be subject to
50 challenge as provided in sections 8-500, 8-502 and 8-504 of this arti-
51 cle.

52 8. Notwithstanding any other provisions of this chapter, at the end of
53 each day of early voting, any early voting ballots that have not been
54 scanned because a ballot scanner was not available or because the ballot
55 has been abandoned by the voter at the ballot scanner shall be cast in a
56 manner consistent with section 9-110 of this chapter, except that any

1 ballots that would otherwise be scanned at the close of the polls pursu-
2 ant to such section shall be scanned at the close of each day's early
3 voting.

4 9. The board of elections shall secure all ballots and scanners used
5 for early voting from the beginning of the early voting period through
6 the close of the polls of the election on election day. As soon as the
7 polls of the election are closed on election day, and not before,
8 inspectors or board of elections employees shall follow all relevant
9 provisions of article nine of this chapter that are not inconsistent
10 with this section, for canvassing, processing, recording, and announcing
11 results of voting at polling places for early voting, and securing
12 ballots, scanners, and other election materials.

13 § 8-602. State board of elections; powers and duties for early voting.
14 Any rule or regulation necessary for the implementation of the
15 provisions of this title shall be promulgated by the state board of
16 elections provided that such rules and regulations shall include
17 provisions to ensure that ballots cast early, by any method allowed
18 under law, are counted and canvassed as if cast on election day. The
19 state board of elections shall promulgate any other rules and regu-
20 lations necessary to ensure an efficient and fair early voting process
21 that respects the privacy of the voter. Provided, further, that such
22 rules and regulations shall require that the voting history record for
23 each voter be continually updated to reflect each instance of early
24 voting by such voter.

25 § 12. This act shall take effect on the first of January next succeed-
26 ing the date on which it shall have become a law and shall apply to any
27 election held 120 days or more after it shall have taken effect;
28 provided, however that sections one, two, three and four of this act
29 shall take effect on April 1, 2018.

30 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
31 sion, section or part of this act shall be adjudged by any court of
32 competent jurisdiction to be invalid, such judgment shall not affect,
33 impair, or invalidate the remainder thereof, but shall be confined in
34 its operation to the clause, sentence, paragraph, subdivision, section
35 or part thereof directly involved in the controversy in which such judg-
36 ment shall have been rendered. It is hereby declared to be the intent of
37 the legislature that this act would have been enacted even if such
38 invalid provisions had not been included herein.

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