# 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:**

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

PART A

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

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

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

1. There is established a legislative ethics commission which shall consist of nine members. Four members shall be members of the legislature 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 and one by the minority leader of the assembly. **One of the five remaining members must be appointed by the office of court administration, and shall be the chief administrative law judge or his or her designee and shall be appointed only for the purpose of reviewing and responding to requests for formal advisory opinions on outside income.** The remaining five members shall not be present or former members of the legislature, candidates for member of the legislature, employees of the legislature, political party chairmen as defined in paragraph (k) of subdivision one of section seventy-three of the public officers law, or lobbyists, as defined in section one-c of this chapter, or persons who have been employees of the legislature, political party chairmen as defined in paragraph (k) of subdivision one of 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:

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

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

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

§ 3. This act shall take effect immediately.

PART C

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

1. There is established within the department of state a joint commission on public ethics which shall consist of fourteen members and shall have and exercise the powers and duties set forth in this section with respect to statewide elected officials, members of the legislature and employees of the legislature, and state officers and employees, as defined in sections seventy-three and seventy-three-a of the public officers law, candidates for statewide elected office and for the senate or assembly, and the political party chairman as that term is defined in section seventy-three-a of the public officers law, lobbyists and the clients of lobbyists as such terms are defined in article one-A of the legislative law, and individuals who have formerly held such positions, were lobbyists or clients of lobbyists, as such terms are defined in article one-A of the legislative law, or who have formerly been such candidates. **The commission shall also have and exercise the powers set forth in this section with respect to covered municipal officers as such term is defined in section eight hundred ten of the general municipal law, provided, however, that the jurisdiction of the joint commission on public ethics with respect to such covered municipal officers shall be limited to the provisions of this section relating to the filing of accurate annual statements of financial disclosure, and provided, further, if the commission has a reasonable basis to believe that there are ethical or legal issues outside its jurisdiction, but related to the annual statement of financial disclosure, such issues shall be referred to the appropriate body as defined in section eight hundred ten of the general municipal law or the district attorney from the county where the municipal corporation is located.** This section shall not be deemed to have revoked or rescinded any regulations or advisory opinions issued by the legislative ethics commission, the commission on public integrity, the state ethics commission and the temporary lobbying commission in effect upon the effective date of chapter fourteen of the laws of two thousand seven which amended this section to the extent that such regulations or opinions are not inconsistent with any law of the state of New York, but such regulations and opinions shall apply only to matters over which such commissions had jurisdiction at the time such regulations and opinions were promulgated or issued. The commission shall undertake a comprehensive review of all such regulations and opinions,

which will address the consistency of such regulations and opinions among each other and with the new statutory language, and of the effectiveness of the existing laws, regulations, guidance and ethics enforcement structure to address the ethics of covered public officials and related parties. Such review shall be conducted with the legislative ethics commission and, to the extent possible, the report's findings shall reflect the full input and deliberations of both commissions after joint consultation. The commission shall, before February first, two thousand fifteen, report to the governor and legislature regarding such review and shall propose any regulatory or statutory changes and issue any advisory opinions necessitated by such review.

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

(1) the information set forth in an annual statement of financial disclosure filed pursuant to section seventy-three-a of the public officers law **and pursuant to subdivision three of section eight hundred eleven and subdivision one of section eight hundred twelve of the general municipal law,** except information deleted pursuant to paragraph (h) of subdivision nine of this section;

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

**(13) "Covered municipal officer" means (a) any individual elected to serve the government of any municipal corporation who receives compensation of fifty thousand dollars or more annually from such municipal corporation as well as (b) any individual who is either elected or appointed to serve as county executive, county manager, or chair of the county board of supervisors.**

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

**3. (a) Notwithstanding any local law, ordinance, or resolution providing for the annual filing of an annual statement of financial disclosure, 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, provided, however a covered municipal officer may satisfy the filing requirements of this subdivision by filing a copy of the statement of financial disclosure filed pursuant to paragraph (a) or (a-1) of subdivision one of this section with the joint commission on public ethics on or before the filing deadline provided in section seventy-three-a of the public officers law, if such statement of financial disclosure filed pursuant to paragraph (a) or (a-1) of subdivision one of this section has been authorized by the joint commission on public ethics pursuant to paragraph (b) of this subdivision.**

**(b) The governing body of each municipal corporation may adopt a resolution to request authorization from the joint commission on public ethics for its covered municipal officers to file with the joint commission on public ethics a copy of the annual statement of financial disclosure filed pursuant to paragraph (a) or (a-1) of subdivision one of this section to satisfy the filing requirements of a covered municipal officer of paragraph (a) of this subdivision. The joint commission on public ethics shall promptly make a determination in response to each request, which shall include an explanation for its determination. If authorization is denied, the municipal corporation may amend its request 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**

title two of this article, and no such candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any nomination to public office, the product of the total number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.005, but such amount shall be not [~~less than four thousand dollars nor~~] more than [~~twelve~~] six thousand dollars [~~as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision,~~] and (ii) in the case of any election to [~~a~~] such public office, [~~twenty-five~~] six thousand dollars [~~as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision~~]; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by $.025.

b. In any other election for party position or for election to a public office or for nomination for any such office, no contributor may make a contribution to any candidate or political committee participating in the state's public campaign financing system defined in title two of this article (for those offices or positions covered by that system) and no such candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any election for party position, or for nomination to public office, the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.05, and (ii) in the case of any election for a public office, the product of the total number of registered voters in the district, excluding voters in inactive status, multiplied by $.05, however in the case of a nomination within the city of New York for the office of mayor, public advocate or comptroller, such amount shall be not less than four thousand dollars nor more than twelve thousand dollars as increased or decreased by the cost of living adjustment described in paragraph [~~c~~] e of this subdivision; in the case of an election within the city of New York for the office of mayor, public advocate or comptroller, twenty-five thousand dollars as increased or decreased by the cost of living adjustment described in paragraph [~~c~~] e of this subdivision; in the case of a nomination or election for state senator, four thousand dollars [~~as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election for state senator, six thousand two hundred fifty dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision~~]; in the case of an election or nomination for a member of the assembly, 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, [~~twenty-five hundred~~] two thousand dollars [~~as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; but in no event shall any such maximum exceed fifty thousand dollars or be less than one thousand dollars~~]; provided however, that the maximum amount which may be so contributed or

accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any election for party position or nomination for public office an amount equivalent to the number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.25 and in the case of any election to public office, an amount equivalent to the number of registered voters in the district, excluding voters in inactive status, multiplied by $.25; or twelve hundred fifty dollars, whichever is greater, or in the case of a nomination or election of a state senator, twenty thousand dollars, whichever is greater, or in the case of a nomination or election of a 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, twelve thousand five hundred dollars, whichever is greater, but in no event shall any such maximum exceed one hundred thousand dollars.

c. 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 in connection with a candidate who is not a participating candidate as defined in subdivision fourteen of section 14-200-a of this article, and no such candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any nomination to public office, the product of the total number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.005, but such amount shall be not less than four thousand dollars nor more than ten thousand dollars, and (ii) in the case of any election to a public office, fifteen thousand dollars; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by $.025.

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

an election within the city of New York for the office of mayor, public advocate or comptroller, twenty-five thousand dollars as increased or decreased by the cost of living adjustment described in paragraph e of this subdivision; in the case of a nomination or election for state senator, five thousand dollars; in the case of an election or nomination for a 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, three thousand dollars; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any election for party position or nomination for public office an amount equivalent to the number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.25 and in the case of any election to public office, an amount equivalent to the number of registered voters in the district, excluding voters in inactive status, multiplied by $.25; or twelve hundred fifty dollars, whichever is greater, or in the case of a nomination or election of a state senator, twenty thousand dollars, whichever is greater, or in the case of a nomination or election of a 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, twelve thousand five hundred dollars, whichever is greater, but in no event shall any such maximum exceed one hundred thousand dollars.

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

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

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

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

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

10. [~~a.~~] No contributor may make a contribution to a party or constituted committee and no such committee may accept a contribution from any

contributor which, in the aggregate, is greater than [~~sixty-two 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

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

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

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

The legislature also finds that the system of voluntary public financing furthers the government's interest in encouraging qualified candidates to run for office. The legislature finds that the voluntary public funding program will enlarge the public debate and increase participation in the democratic process. In addition, the legislature finds that the voluntary expenditure limitations and matching fund program reduce the burden on candidates and officeholders to spend time raising money for their campaigns.

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

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

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

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

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

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

5. The term "covered election" shall mean any primary, general, or special election for nomination for election, or election, to the office of governor, lieutenant governor, attorney general, state comptroller, state senator, 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.

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

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

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

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

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

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

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

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

(b) The following contributions are not matchable:

(i) loans;

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

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

(iv) transfers from a party or constituted committee;

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

(vi) contributions gathered during a previous election cycle;

(vii) illegal contributions;

(viii) contributions from minors;

(ix) contributions from vendors for campaigns; and

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

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

14. The term "participating candidate" shall mean any candidate for nomination for election, or election, to the office of governor, lieutenant governor, attorney general, state comptroller, state senator, 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, who files a written certif-

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

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

16. The term "qualified campaign expenditure" shall mean an expenditure for which public matching funds may be used.

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

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

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

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

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

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

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

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

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

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

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

(a) be a candidate in a covered election;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) 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, not less than ten thousand dollars in matchable contributions including at least one hundred matchable contributions comprised of sums between ten and one hundred seventy-five dollars per contributor, from residents of the district in which the seat is to be filled.

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

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

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

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

(ii) for lieutenant governor, comptroller or attorney general, the sum 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 convention to revise and amend the state constitution, or district delegate to a convention to revise and amend the state constitution | $175,000 |

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,

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

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

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

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

2. Such public matching funds may not be used for:

(a) an expenditure in violation of any law;

(b) an expenditure in excess of the fair market value of services, materials, facilities or other things of value received in exchange;

(c) an expenditure made after the candidate has been finally disqualified from the ballot;

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

(e) an expenditure made by cash payment;

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

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

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

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

(j) payments to immediate family members of the participating candidate; or

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

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

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

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

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

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

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

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

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

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

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

(c) If the total of payments from the fund received by a participating candidate and his or her authorized committee exceed the total campaign expenditures of such candidate and authorized committee for all covered elections held in the same calendar year or for a special election to fill a vacancy, such candidate and committee shall use such excess funds to reimburse the fund for payments received by such authorized committee from the fund during such calendar year or for such special election. Participating candidates shall pay to the board unspent public campaign funds from an election not later than twenty-seven days after all liabilities for the election have been paid and in any event, not later than the day on which the board issues its final audit report for the participating candidate's authorized committee; provided, however, that all unspent public campaign funds for a participating candidate shall be immediately due and payable to the board upon a determination by the board that the participant has delayed the post-election audit. A participating candidate may make post-election expenditures with public funds only for routine activities involving nominal cost associated with winding up a campaign and responding to the post-election audit. Nothing in this title shall be construed to prevent a candidate or his or her authorized committee from using campaign contributions received from private contributors for otherwise lawful expenditures.

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

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

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

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

(b) give written notice and the opportunity to contest before an independent hearing officer to each person or entity it has reason to believe has committed a violation; and

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

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

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

contested in a proceeding instituted in the Supreme court, Albany county, by any aggrieved candidate.

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

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

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

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

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

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

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

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

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

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

§ 14-213. Severability. If any clause, sentence, subdivision, paragraph, section or part of this title be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 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:

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

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

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

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

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

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

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

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

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

PART E

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

2. "State legislature" means the [~~legislature of the state of New York, including~~] New York state senate, New York state assembly, any committee, subcommittee, joint committee, select committee, or commission thereof, and any members, officers, representatives and employees thereof.

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

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

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

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

(b) Each agency and each house of the state legislature shall promulgate rules and regulations, in conformity with this article and applicable rules and regulations promulgated pursuant to the provisions of paragraph (a) of this subdivision, and pursuant to such general rules and regulations as may be promulgated by the committee on open government in conformity with the provisions of this article, pertaining to the availability of records and procedures to be followed, including, but not limited to:

i. the times and places such records are available;

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

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

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

i. an amount equal to the hourly salary attributed to the lowest paid **employee of an** agency or [~~employee~~] **respective house of the state legislature** who has the necessary skill required to prepare a copy of the requested record;

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

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

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

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

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

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

(c) if disclosed would impair present or imminent contract awards or collective bargaining negotiations **provided, however, that the proposed terms of an agreement between a public employer and an employee organization, as those terms are defined in article fourteen of the civil service law, that require ratification by members of the employee organization or by the public employer, where applicable, or approval of such provisions by the appropriate legislative body as required by section two hundred four-a of the civil service law, shall be made available to the public no later than when such proposed terms are sent to members of the employee organization for ratification, when such terms are presented to the employer for ratification, where applicable, or when the provisions of such agreement requiring approval by the appropriate legislative body pursuant to section two hundred four-a of the civil service law are submitted to such body, whichever date is earliest. Additionally, a copy of the proposed terms of such agreement shall be placed on the website of the applicable public employer, if such websites exist, and within the local public libraries and offices of such public employer, or in the case of collective bargaining agreements negotiated by the state, on the website of the office of employee 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; [~~or~~]

**(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.

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

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

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

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

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

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

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

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

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

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

secretariat for the committee, the commissioner of the office of general services or the delegate of such officer, the director of the budget or the delegate of such officer, and seven other persons, none of whom shall hold any other state or local public office except the representative of local governments as set forth herein, to be appointed as follows: five by the governor, at least two of whom are or have been representatives of the news media, one of whom shall be a representative of local government who, at the time of appointment, is serving as a duly elected officer of a local government, one by the temporary president of the senate, and one by the speaker of the assembly. The persons appointed by the temporary president of the senate and the speaker of the assembly shall be appointed to serve, respectively, until the expiration of the terms of office of the temporary president and the speaker to which the temporary president and speaker were elected. The four persons presently serving by appointment of the governor for fixed terms shall continue to serve until the expiration of their respective terms. Thereafter, their respective successors shall be appointed for terms of four years. The member representing local government shall be appointed for a term of four years, so long as such member shall remain a duly elected officer of a local government. The committee shall hold no less than two meetings annually, but may meet at any time. The members of the committee shall be entitled to reimbursement for actual expenses incurred in the discharge of their duties.

(b) The committee shall:

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

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

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

iv. request from any agency **and from either house of the state legislature** such assistance, services and information as will enable the committee to effectively carry out its powers and duties;

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

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

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

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

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

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

iii. sale or release of lists of names and addresses if such lists 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. [~~An~~] **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

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

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

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

(b) Except as provided in subdivision five of this section, a person 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

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.

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

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

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

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

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

(3) within seven business days of receipt of such written statement, or within seven business days of the expiration of the period prescribed for submission of such statement, issue a written determination granting, continuing or terminating such exception and stating the reasons therefor; copies of such 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**.

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

(1) Within seven business days of receipt of written notice denying the request, the person may file a written appeal from the determination of the agency **or the respective house of the state legislature** with the head of the agency **or respective house of the state legislature**, the chief executive officer or governing body or their designated representatives.

(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

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

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

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

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

**(t) "State legislature" means the New York state senate, New York state assembly, any committee, subcommittee, joint committee, select committee, or commission thereof, and any members, officers, representatives and employees thereof.**

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

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

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

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

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

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

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

PART F

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

§ 51. Jurisdiction. This article shall, subject to the limitations 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

state inspector general as established in article four-a of the executive law.

(b) As used within this section, "affiliated nonprofit organization or foundation" means 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 section, this term does not include a student-run organization comprised solely of enrolled students and formed for the purpose of advancing a student objective.

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

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

(c) The state inspector general shall have the authority to appoint, in consultation with the state university of New York and the city university of New York and any respective campus of the state university of New York and the city university of New York, compliance officers from within the staff of the state university of New York and the city university of New York and any campus of the state university of New York and the city university of New York to provide assistance in oversight and monitoring of policies established by affiliated nonprofit organizations and foundations.

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

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

PART I

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

ARTICLE 5-A

OFFICE OF THE NEW YORK PORT AUTHORITY INSPECTOR GENERAL

Section 81. Jurisdiction.
82. Establishment and organization.
83. Functions and duties.

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

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

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

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

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

3. Every New York commissioner and managerial appointee or managerial employee shall report promptly to the office of the New York port authority inspector general or other appropriate law enforcement official any New York-related port authority conduct concerning corruption, fraud, criminal activity, conflicts of interest or abuse, by another relating to his or her office or employment, or by a person having business dealings with the port authority of New York and New Jersey relating to those dealings. The knowing failure of any New York commissioner or managerial appointee or managerial employee to so report shall be cause for removal from office or other appropriate penalty provided however, that notice and an opportunity to be heard shall be afforded officers and employees in accordance with provisions included within an existing collective bargaining agreement. The office of the New York port authority inspector general shall notify, upon hiring and annually, every New York commissioner, and every managerial appointee or managerial employee in writing of their rights and responsibilities under this article.

§ 82. Establishment and organization. 1. There is hereby established the office of the New York port authority inspector general in the executive department. The head of the office shall be the New York port authority inspector general who shall be appointed by the governor.

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

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

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

§ 83. Functions and duties. The New York port authority 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 any New York-related port authority conduct committed by a New York commissioner, managerial appointee or managerial employee;

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

3. determine with respect to such allegations whether 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 ongoing investigations, provided that the inspector general shall maintain a written record that specifies the reason confidentiality is necessary under this subdivision;

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

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

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

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

32. "District attorney" means a district attorney, an assistant district attorney or a special district attorney, and, where appropriate, the attorney general, an assistant attorney general, a deputy attorney general, a special deputy attorney general, [~~or~~] the special prosecutor and inspector general for the protection of people with special needs or his or her assistants when acting pursuant to their duties in matters arising under article twenty of the executive law, or the port authority inspector general or his or her assistants when acting pursuant to article five-A of the public officers law.

§ 3. Section 39 of the public officers law, as amended by chapter 122 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

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

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

1. subpoena and enforce the attendance of witnesses;

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

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

4. examine and copy or remove documents or records of any kind prepared, maintained or held by the department provided that the examination, copy, or removal of such materials shall be subject to applicable federal laws related to confidentiality and disclosure, including but not limited to those related to education records and student information;

5. require any officer or employee of the department to answer questions concerning corruption, fraud, criminal activity, conflicts of interest or abuse in the department related to the performance of his or her official duties. No statement or other evidence derived therefrom may be used against such officer or employee in any subsequent criminal prosecution other than for perjury or contempt arising from such testimony. The refusal of any officer or employee to answer questions shall be cause for removal from office or employment or other applicable penalty, provided, however, that notice and opportunity to be heard shall be afforded to any such officer or employee, and provided, further, that any such officer or employee shall have a right to representation by his or her certified or recognized officer or employee organization pursuant to article fourteen of the civil service law and shall be notified, in 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;

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

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

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

respective designees; one member, appointed by the governor, representing a not-for-profit New York-based organization engaged in the marketing and/or promotion of New York grown farm and agricultural products or a not-for-profit New York-based organization engaged solely in the advocacy, marketing and/or promotion of organic New York grown farm and agricultural products to be limited to a two year term; and eight at large members appointed as follows: three appointed by the temporary president of the senate, one of whom shall be a representative of local government and one of whom shall be a representative of private business; three appointed by the speaker of the assembly, one of whom shall be a representative of local government and one of whom shall be a representative of private business; one appointed by the minority leader of the senate; and, one appointed by the minority leader of the assembly; and two non-voting observers appointed as follows: one appointed by the temporary president of the senate and one appointed by the speaker of the assembly. The non-voting observers shall be provided, contemporaneously, all documentation and materials distributed to members. The council shall be chaired by **the chief procurement officer, or, if there is no chief procurement officer, then by** the commissioner and shall meet at least quarterly.

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

1. Every state officer or employee in a covered agency**, and the chief procurement officer appointed by the governor as established by section two hundred four of the executive law,** shall report promptly to the state inspector general any information concerning corruption, fraud, criminal activity, conflicts of interest or abuse by another state officer or employee relating to his or her office or employment, or by a person having business dealings with a covered agency relating to those dealings. The knowing failure of any officer or employee to so report shall be cause for removal from office or employment or other appropriate penalty. Any officer or employee who acts pursuant to this subdivision by reporting to the state inspector general 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.

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

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

the proposed procurement contract, the amount of the proposed procurement contract, the term of the proposed procurement contract, and the name of the individual at the foreign business enterprise or acting on behalf of the same who is principally responsible for the proposed procurement contract. Such notification shall be used by the commissioner of economic development solely to provide notification to New York state business enterprises of opportunities to participate as subcontractors and suppliers on such procurement contracts, to promote and encourage the location and development of new business in the state, to assist New York state business enterprises in obtaining offset credits from foreign countries, and to otherwise investigate, study and undertake means of promoting and encouraging the prosperous development and protection of the legitimate interest and welfare of New York state business enterprises, industry and commerce.

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

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

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

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

PART L

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

**§ 14-131. Government vendor contributions. 1. (a) It shall be unlawful during the restricted vendor contribution period for any person, organization, group of persons, or business entity that submits a bid, quotation, offer or response to a state governmental entity posting or solicitation for procurement to make a contribution to any officeholder of**

the state governmental entity or entities issuing such posting or solicitation, evaluating such response or approving or awarding the final procurement contract, or to any candidate for an office of such governmental entity, including to such officeholder's or candidate's authorized political committees.

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

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

2. As used in this section "business entity" means a business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this state or any other state or foreign jurisdiction, including any subsidiary directly or indirectly controlled by the business entity, and any political organization, including but not limited to any political organization organized under section 527 of the Internal Revenue Code, that is directly or indirectly controlled by the business entity.

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

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

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

(b) If the person, organization, group of persons, or business entity is not the recipient of the final contract award, the restricted vendor contribution period shall end with the final contract award and approval by the state governmental entity and, where applicable, the state comptroller.

§ 2. Section 14-126 of the election law is amended by adding a new 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

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

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

2. The department of motor vehicles, with the approval of the state board of elections, shall design a form or forms which shall, in addition to eliciting such information as may be required by the department of motor vehicles for a driver's license, a driver's license renewal, a change of address notification or an identification card, serve as an application for registration and enrollment, or a registration necessitated by a change of residence. Only one signature shall be required to meet the certification and attestation needs of the portion of the form pertaining to the application for a driver's license, a driver's license renewal, a change of address notification or an identification card, and the portion of the form pertaining to voter registration and enrollment. The cost of such forms shall be borne by the department of motor vehicles.

3. The voter registration portion of such form shall:

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

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

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

(i) voter eligibility requirements;

(ii) penalties for submission of false registration application;

(iii) that the office where applicant registers shall remain confidential and the information be used only for voter registration purposes;

(iv) if the applicant declines to register, such applicant's declination shall remain confidential and be used only for voter registration purposes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Polls shall be open for voting during the following hours: a primary election from twelve o'clock noon until nine o'clock in the evening, except in the city of New York and the counties of Nassau, Suffolk, Westchester, Rockland, Orange, Putnam and Erie, and in such city or county from six o'clock in the morning until nine o'clock in the evening; the general election from six o'clock in the morning until nine o'clock in the evening; a special election called by the governor pursuant to the public officers law, and, except as otherwise provided by law, every other election, from six o'clock in the morning until nine o'clock in the evening; early voting hours shall be as provided in section 8-600 of this article.

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

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

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

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

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

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

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

## TITLE VI
## EARLY VOTING

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.

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

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

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

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

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

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

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

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

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

ballots that would otherwise be scanned at the close of the polls pursuant to such section shall be scanned at the close of each day's early voting.

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

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

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

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

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