

STATE OF NEW YORK

S. 7510

A. 9510

SENATE - ASSEMBLY

January 18, 2018

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 election law, in relation to the disclosure of the identities of political committees, persons, organizations, or agents making certain expenditures for political communications (Part A); 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 B); to amend the public officers law and the legislative law, in relation to outside employment and income (Part C); to amend the election law, in relation to political contributions by limited liability companies or other corporate entities (Part D); to amend the executive law and the general municipal law, in relation to requiring the financial disclosures of certain local officials (Part E); 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 F); 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 G); to amend the executive law, in relation to including certain not-for-profit organizations and foundations within the jurisdiction of the inspector general (Part H); to amend the executive law, in relation to giving the inspector general jurisdiction over state procurement (Part I); 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 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

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

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K); to amend the election law, in relation to government vendor contributions (Part L); and to direct the preparation of a report on the feasibility of single identifying codes or numbers (Part M)

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

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

11

PART A

12 Section 1. Section 14-106 of the election law, as amended by section 3
13 of subpart C of part H of chapter 55 of the laws of 2014, is amended to
14 read as follows:

15 § 14-106. Political communication. The statements required to be filed
16 under the provisions of this article next succeeding a primary, general
17 or special election shall be accompanied by a copy of all broadcast,
18 cable or satellite schedules and scripts, [~~internet~~] paid internet or
19 digital, print and other types of advertisements, pamphlets, circulars,
20 flyers, brochures, letterheads and other printed matter purchased or
21 produced, and reproductions of statements or information published to
22 five hundred or more members of a general public audience by computer or
23 other electronic device including but not limited to electronic mail or
24 text message, purchased in connection with such election by or under the
25 authority of the person filing the statement or the committee or the
26 person on whose behalf it is filed, as the case may be. Such copies,
27 schedules and scripts shall be preserved by the officer with whom or the
28 board with which it is required to be filed for a period of one year
29 from the date of filing thereof.

30 § 2. Paragraph (a) of subdivision 1 of section 14-107 of the election
31 law, as amended by section 1 of part A of chapter 286 of the laws of
32 2016, is amended to read as follows:

33 (a) "Independent expenditure" means an expenditure made by an inde-
34 pendent expenditure committee [~~conveyed to five hundred or more members~~
35 ~~of a general public audience~~] in the form of (i) an audio or video
36 communication via broadcast, cable or satellite, (ii) a written communi-
37 cation via advertisements, pamphlets, circulars, flyers, brochures,
38 letterheads or (iii) other published statements where such expenditure
39 is conveyed to five hundred or more members of a general public audience
40 or in the form of any paid internet or digital advertisement which: (i)
41 irrespective of when such communication is made, contains words such as
42 "vote," "oppose," "support," "elect," "defeat," or "reject," which call
43 for the election or defeat of the clearly identified candidate, (ii)
44 refers to and advocates for or against a clearly identified candidate or
45 ballot proposal on or after January first of the year of the election in
46 which such candidate is seeking office or such proposal shall appear on

1 the ballot, or (iii) within sixty days before a general or special
2 election for the office sought by the candidate or thirty days before a
3 primary election, includes or references a clearly identified candidate.
4 An independent expenditure shall not include communications where such
5 candidate, the candidate's political committee or its agents, a party
6 committee or its agents, or a constituted committee or its agents or a
7 political committee formed to promote the success or defeat of a ballot
8 proposal or its agents, did authorize, request, suggest, foster or coop-
9 erate in such communication.

10 § 3. Subdivision 2 of section 14-107 of the election law, as amended
11 by section 2 of part A of chapter 286 of the laws of 2016, is amended to
12 read as follows:

13 2. Whenever any person makes an independent expenditure in the form of
14 an audio or video communication via broadcast, cable or satellite, a
15 written communication via advertisements, pamphlets, circulars, flyers,
16 brochures, letterheads or other published statement where such expendi-
17 ture is conveyed to five hundred or more members of a general public
18 audience that costs one thousand dollars or more in the aggregate or an
19 independent expenditure in the form of any paid internet or digital
20 advertisement irrespective of the cost of such expenditure, such commu-
21 nication shall [~~clearly~~] state in a clear and conspicuous manner the
22 name of the person who paid for, or otherwise published or distributed
23 the communication and state, with respect to communications regarding
24 candidates, that the communication was not expressly authorized or
25 requested by any candidate, or by any candidate's political committee or
26 any of its agents.

27 § 4. The opening paragraph of subdivision 3 of section 14-107 of the
28 election law, as amended by section 3 of part A of chapter 286 of the
29 laws of 2016, is amended to read as follows:

30 Any person prior to making any independent expenditure shall first
31 register with the state board of elections as a political committee and
32 as an independent expenditure committee in conformance with this article
33 provided, however, that no foreign national, government, instrumentality
34 or agent may register as an independent expenditure committee for the
35 purpose of making independent expenditures in any state or local
36 election. Such person shall comply with all disclosure obligations
37 required for political committees by law and shall provide the following
38 additional information upon registration:

39 § 5. The election law is amended by adding a new section 14-107-b to
40 read as follows:

41 § 14-107-b. Independent expenditure verification. 1. Each television
42 or radio broadcast station, provider of cable or satellite television,
43 or online platform shall make reasonable efforts to ensure that all
44 independent expenditures, as defined in section 14-107 of this article,
45 comply with the requirements of subdivisions two and three of section
46 14-107 of this article.

47 2. Each online platform shall maintain and make available online for
48 public inspection in a machine readable format, a complete record of any
49 request to purchase on such online platform any independent expenditure
50 which is made by an independent expenditure committee whose aggregate
51 requests to purchase such communications exceeds five hundred dollars.

52 3. A record maintained under subdivision two of this section shall
53 contain:

54 (a) a digital copy of such independent expenditure;

1 (b) a description of the audience targeted by the advertisement, the
2 number of views generated from the advertisement, and the date and time
3 that the advertisement is first displayed and last displayed; and

4 (c) information regarding:

5 (i) the average rate charged for such advertisement;

6 (ii) the name of the candidate to which such advertisement refers and
7 the office to which the candidate is seeking election, the election to
8 which such advertisement refers, or the ballot proposal to which such
9 advertisement refers; and

10 (iii) the name of the person purchasing such advertisement, the name,
11 address, and phone number of a contact person for such person, and a
12 list of the chief executive officers or members of the executive commit-
13 tee or of the board of directors of such person in a manner consistent
14 with the requirements of subdivision three of section 14-107 of this
15 article.

16 4. Any television or radio broadcast station, provider of cable or
17 satellite television, or online platform that fails to comply with the
18 requirements of this section shall be subject to a civil penalty up to
19 one thousand dollars for each violation.

20 § 6. This act shall take effect immediately and shall apply to all
21 communications made on or after the sixtieth day next succeeding the
22 date on which it shall have become a law.

23 PART B

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

26 § 5-212. Motor vehicle registration. 1. In addition to any other meth-
27 od of voter registration provided for in this article, any qualified
28 person shall be automatically applied for registration and enrollment
29 simultaneously with and upon application for a motor vehicle driver's
30 license, a driver's license renewal or an identification card if such a
31 card is issued by the department of motor vehicles in its normal course
32 of business unless such qualified person declines such application for
33 registration and enrollment at the time of making an application for a
34 motor vehicle driver's license, driver's license renewal or an identifi-
35 cation card if such card is issued by the department of motor vehicles
36 in its normal course of business.

37 2. The department of motor vehicles, with the approval of the state
38 board of elections, shall design a form or forms which shall, in addi-
39 tion to eliciting such information as may be required by the department
40 of motor vehicles for a driver's license, a driver's license renewal, a
41 change of address notification or an identification card, serve as an
42 application for registration and enrollment, or a registration necessi-
43 tated by a change of residence. Only one signature shall be required to
44 meet the certification and attestation needs of the portion of the form
45 pertaining to the application for a driver's license, a driver's license
46 renewal, a change of address notification or an identification card, and
47 the portion of the form pertaining to voter registration and enrollment.
48 The cost of such forms shall be borne by the department of motor vehi-
49 cles.

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

51 (a) not require any information that duplicates the information
52 required on the application for the driver license portion and shall
53 require only such additional information as will enable election offi-
54 cial to assess the applicant's eligibility to register to vote, prevent

1 duplicate registration and to administer voter registration and other
2 parts of the election process;

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

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

9 (i) voter eligibility requirements;

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

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

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

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

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

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

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

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

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

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

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

55 6. Disclosure of voter registration information, including a declina-
56 tion to register, by the department of motor vehicles, its agents or

1 employees, for other than voter registration purposes, shall be deemed
2 an unwarranted invasion of personal privacy pursuant to the provisions
3 of subdivision two of section eighty-nine of the public officers law and
4 shall constitute a violation of this chapter.

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

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

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

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

22 11. The state board shall adopt such rules and regulations as may be
23 necessary to carry out the requirements of this section. The board shall
24 also adopt such rules and regulations as may be necessary to require
25 county boards and the department of motor vehicles to provide the state
26 board with such information and data as the board deems necessary to
27 assess compliance with this section and to compile such statistics as
28 may be required by the federal elections commission.

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

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

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

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

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

50 (a) The board of elections shall also send a confirmation notice to
51 every registered voter for whom it receives a notice of change of
52 address to an address not in such city or county which is not signed by
53 the voter. Such change of address notices shall include, but not be
54 limited to, notices of change of address received pursuant to subdivi-
55 sion eleven of section 5-211 and subdivision ~~six~~ **four** of section 5-212
56 of this article, notice of change of address from the United States

1 Postal Service through the National Change of Address System or from any
2 other agency of the federal government or any agency of any state or
3 local government and notice of a forwarding address on mail sent to a
4 voter by the board of elections and returned by the postal service. Such
5 confirmation notices shall be sent to such new address.

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

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

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

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

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

16 9. Notwithstanding any inconsistent provisions of this article,
17 election inspectors or poll clerks, if any, at polling places for early
18 voting, shall consist of either board of elections employees who shall
19 be appointed by the commissioners of such board or duly qualified indi-
20 viduals, appointed in the manner set forth in this section. Appointments
21 to the offices of election inspector or poll clerk in each polling place
22 for early voting shall be equally divided between the major political
23 parties. The board of elections shall assign staff and provide the
24 resources they require to ensure wait times at early voting sites do not
25 exceed thirty minutes.

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

28 1-a. The notice required by subdivision one of this section shall
29 include the dates, hours and locations of early voting for the general
30 and primary election. The board of elections may satisfy the notice
31 requirement of this subdivision by providing in the notice instructions
32 to obtain the required early voting information from a website of the
33 board of elections and providing a phone number to call for such infor-
34 mation.

35 § 7. Subdivision 2 of section 8-100 of the election law, as amended by
36 chapter 367 of the laws of 2017, is amended to read as follows:

37 2. Polls shall be open for voting during the following hours: a prima-
38 ry election from twelve o'clock noon until nine o'clock in the evening,
39 except in the city of New York and the counties of Nassau, Suffolk,
40 Westchester, Rockland, Orange, Putnam, Dutchess and Erie, and in such
41 city or county from six o'clock in the morning until nine o'clock in the
42 evening; the general election from six o'clock in the morning until nine
43 o'clock in the evening; a special election called by the governor pursu-
44 ant to the public officers law, and, except as otherwise provided by
45 law, every other election, from six o'clock in the morning until nine
46 o'clock in the evening; early voting hours shall be as provided in
47 section 8-600 of this article.

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

50 (k) Voting at each polling place for early voting shall be conducted
51 in a manner consistent with the provisions of this article, with the
52 exception of the tabulation and proclamation of election results which
53 shall be completed according to subdivisions eight and nine of section
54 8-600 of this article.

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

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

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

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

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

21 TITLE VI

22 EARLY VOTING

23 Section 8-600. Early voting.

24 8-602. State board of elections; powers and duties for early
25 voting.

26 § 8-600. Early voting. 1. Beginning the thirteenth day prior to any
27 general, primary or special election for any public or party office, and
28 ending on and including the second day prior to such general, primary or
29 special election for such public or party office, persons duly regis-
30 tered and eligible to vote at such election shall be permitted to vote
31 as provided in this title. The board of elections of each county and
32 the city of New York shall establish procedures, subject to approval of
33 the state board of elections, to ensure that persons who vote during the
34 early voting period shall not be permitted to vote subsequently in the
35 same election.

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

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

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

55 (d) Polling places for early voting shall be located to ensure, to the
56 extent practicable, that eligible voters have adequate equitable access,

1 taking into consideration population density, travel time to the polling
2 place, proximity to other locations or commonly used transportation
3 routes and such other factors the board of elections of the county or
4 the city of New York deems appropriate. The provisions of section 4-104
5 of this chapter, except subdivisions four and five of such section,
6 shall apply to the designation of polling places for early voting except
7 to the extent such provisions are inconsistent with this section.

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

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

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

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

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

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

48 5. Each board of elections shall create a communication plan to inform
49 eligible voters of the opportunity to vote early. Such plan may utilize
50 any and all media outlets, including social media, and shall publicize:
51 the location and dates and hours of operation of all polling places for
52 early voting; an indication of whether each polling place is accessible
53 to voters with physical disabilities; a clear and unambiguous notice to
54 voters that if they cast a ballot during the early voting period they
55 will not be allowed to vote election day; and if polling places for
56 early voting are limited to voters from certain areas pursuant to subdi-

1 vision three of this section, the location of the polling places for
2 early voting serving the voters of each particular city, town or other
3 political subdivision.

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

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

17 8. Notwithstanding any other provisions of this chapter, at the end of
18 each day of early voting, any early voting ballots that have not been
19 scanned because a ballot scanner was not available or because the ballot
20 has been abandoned by the voter at the ballot scanner shall be cast in a
21 manner consistent with section 9-110 of this chapter, except that any
22 ballots that would otherwise be scanned at the close of the polls pursu-
23 ant to such section shall be scanned at the close of each day's early
24 voting.

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

34 § 8-602. State board of elections; powers and duties for early voting.
35 Any rule or regulation necessary for the implementation of the
36 provisions of this title shall be promulgated by the state board of
37 elections provided that such rules and regulations shall include
38 provisions to ensure that ballots cast early, by any method allowed
39 under law, are counted and canvassed as if cast on election day. The
40 state board of elections shall promulgate any other rules and regu-
41 lations necessary to ensure an efficient and fair early voting process
42 that respects the privacy of the voter. Provided, further, that such
43 rules and regulations shall require that the voting history record for
44 each voter be continually updated to reflect each instance of early
45 voting by such voter.

46 § 12. This act shall take effect on the first of January next succeed-
47 ing the date on which it shall have become a law and shall apply to any
48 election held 120 days or more after it shall have taken effect;
49 provided, however that sections one, two, three and four of this act
50 shall take effect April 1, 2019.

51 PART C

52 Section 1. The public officers law is amended by adding a new section
53 74-b to read as follows:

1 § 74-b. Duty of members of the legislature regarding outside employ-
2 ment. A member of the legislature, who obtains outside employment as
3 defined in this section, shall request a formal advisory opinion from
4 the legislative ethics commission pursuant to the provisions of section
5 eighty of the legislative law on whether the outside employment violates
6 the provisions of section seventy-four of this article and the commis-
7 sion shall provide an opinion. For purposes of this section, "outside
8 employment" means compensation in excess of five thousand dollars per
9 year, other than compensation provided pursuant to sections five and
10 five-a of the legislative law, from employment for services rendered or
11 goods sold during the member's term.

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

15 1. There is established a legislative ethics commission which shall
16 consist of [~~nine~~] ten members. Four members shall be members of the
17 legislature and shall be appointed as follows: one by the temporary
18 president of the senate, one by the speaker of the assembly, one by the
19 minority leader of the senate and one by the minority leader of the
20 assembly. One of the six remaining members must be appointed by the
21 office of court administration, and shall be the chief administrative
22 law judge or his or her designee and shall be appointed only for the
23 purpose of reviewing and responding to requests for formal advisory
24 opinions on outside income. The remaining five members shall not be
25 present or former members of the legislature, candidates for member of
26 the legislature, employees of the legislature, political party chairmen
27 as defined in paragraph (k) of subdivision one of section seventy-three
28 of the public officers law, or lobbyists, as defined in section one-c of
29 this chapter, or persons who have been employees of the legislature,
30 political party chairmen as defined in paragraph (k) of subdivision one
31 of section seventy-three of the public officers law, or lobbyists, as
32 defined in section one-c of this chapter in the previous five years, and
33 shall be appointed as follows: one by the temporary president of the
34 senate, one by the speaker of the assembly, one by the minority leader
35 of the senate, one by the minority leader of the assembly, and one
36 jointly by the speaker of the assembly and majority leader of the
37 senate. The commission shall serve as described in this section and have
38 and exercise the powers and duties set forth in this section only with
39 respect to members of the legislature, legislative employees as defined
40 in section seventy-three of the public officers law, candidates for
41 member of the legislature and individuals who have formerly held such
42 positions or who have formerly been such candidates.

43 § 3. This act shall take effect immediately.

44 PART D

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

48 § 14-116. Political contributions by certain organizations. 1. No
49 corporation [~~e*~~], limited liability company, joint-stock association or
50 other corporate entity doing business in this state, except a corpo-
51 ration or association organized or maintained for political purposes
52 only, shall directly or indirectly pay or use or offer, consent or agree
53 to pay or use any money or property for or in aid of any political
54 party, committee or organization, or for, or in aid of, any corporation,

1 limited liability company, joint-stock [~~or other~~] association, or other
2 corporate entity organized or maintained for political purposes, or for,
3 or in aid of, any candidate for political office or for nomination for
4 such office, or for any political purpose whatever, or for the
5 reimbursement or indemnification of any person for moneys or property so
6 used. Any officer, director, stock-holder, member, owner, attorney or
7 agent of any corporation [~~or~~], limited liability company, joint-stock
8 association or other corporate entity which violates any of the
9 provisions of this section, who participates in, aids, abets or advises
10 or consents to any such violations, and any person who solicits or know-
11 ingly receives any money or property in violation of this section, shall
12 be guilty of a misdemeanor.

13 2. Notwithstanding the provisions of subdivision one of this section,
14 any corporation or an organization financially supported in whole or in
15 part, by such corporation, any limited liability company or other corpo-
16 rate entity may make expenditures, including contributions, not other-
17 wise prohibited by law, for political purposes, in an amount not to
18 exceed five thousand dollars in the aggregate in any calendar year;
19 provided that no public utility shall use revenues received from the
20 rendition of public service within the state for contributions for poli-
21 tical purposes unless such cost is charged to the shareholders of such a
22 public service corporation.

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

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

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

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

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

45 § 3. This act shall take effect immediately.

46

PART E

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

50 1. There is established within the department of state a joint commis-
51 sion on public ethics which shall consist of fourteen members and shall
52 have and exercise the powers and duties set forth in this section with
53 respect to statewide elected officials, members of the legislature and
54 employees of the legislature, and state officers and employees, as

1 defined in sections seventy-three and seventy-three-a of the public
2 officers law, candidates for statewide elected office and for the senate
3 or assembly, and the political party chairman as that term is defined in
4 section seventy-three-a of the public officers law, lobbyists and the
5 clients of lobbyists as such terms are defined in article one-A of the
6 legislative law, and individuals who have formerly held such positions,
7 were lobbyists or clients of lobbyists, as such terms are defined in
8 article one-A of the legislative law, or who have formerly been such
9 candidates. The commission shall also have and exercise the powers set
10 forth in this section with respect to covered municipal officers as such
11 term is defined in section eight hundred ten of the general municipal
12 law, provided, however, that the jurisdiction of the joint commission on
13 public ethics with respect to such covered municipal officers shall be
14 limited to the provisions of this section relating to the filing of
15 accurate annual statements of financial disclosure, and provided,
16 further, if the commission has a reasonable basis to believe that there
17 are ethical or legal issues outside its jurisdiction, but related to the
18 annual statement of financial disclosure, such issues shall be referred
19 to the appropriate body as defined in section eight hundred ten of the
20 general municipal law or the district attorney from the county where the
21 municipal corporation is located. This section shall not be deemed to
22 have revoked or rescinded any regulations or advisory opinions issued by
23 the legislative ethics commission, the commission on public integrity,
24 the state ethics commission and the temporary lobbying commission in
25 effect upon the effective date of chapter fourteen of the laws of two
26 thousand seven which amended this section to the extent that such regu-
27 lations or opinions are not inconsistent with any law of the state of
28 New York, but such regulations and opinions shall apply only to matters
29 over which such commissions had jurisdiction at the time such regu-
30 lations and opinions were promulgated or issued. The commission shall
31 undertake a comprehensive review of all such regulations and opinions,
32 which will address the consistency of such regulations and opinions
33 among each other and with the new statutory language, and of the effec-
34 tiveness of the existing laws, regulations, guidance and ethics enforce-
35 ment structure to address the ethics of covered public officials and
36 related parties. Such review shall be conducted with the legislative
37 ethics commission and, to the extent possible, the report's findings
38 shall reflect the full input and deliberations of both commissions after
39 joint consultation. The commission shall, before February first, two
40 thousand fifteen, report to the governor and legislature regarding such
41 review and shall propose any regulatory or statutory changes and issue
42 any advisory opinions necessitated by such review.

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

46 (1) the information set forth in an annual statement of financial
47 disclosure filed pursuant to section seventy-three-a of the public offi-
48 cers law and pursuant to subdivision three of section eight hundred
49 eleven and subdivision one of section eight hundred twelve of the gener-
50 al municipal law, except information deleted pursuant to paragraph (h)
51 of subdivision nine of this section;

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

54 13. "Covered municipal officer" means (a) any individual elected to
55 serve the government of any municipal corporation who receives compen-
56 sation of fifty thousand dollars or more annually from such municipal

1 corporation as well as (b) any individual who is either elected or
2 appointed to serve as county executive, county manager, or chair of the
3 county board of supervisors.

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

6 3. (a) Notwithstanding any local law, ordinance, or resolution provid-
7 ing for the annual filing of an annual statement of financial disclo-
8 sure, a covered municipal officer shall be required to file the annual
9 statement of financial disclosure set forth in section seventy-three-a
10 of the public officers law with the joint commission on public ethics,
11 provided, however a covered municipal officer may satisfy the filing
12 requirements of this subdivision by filing a copy of the statement of
13 financial disclosure filed pursuant to paragraph (a) of (a-1) of subdivi-
14 vision one of this section with the joint commission on public ethics on
15 or before the filing deadline provided in section seventy-three-a of the
16 public officers law, if such statement of financial disclosure filed
17 pursuant to paragraph (a) or (a-1) of subdivision one of this section
18 has been authorized by the the joint commission on public ethics pursu-
19 ant to paragraph (b) of this subdivision.

20 (b) The governing body of each municipal corporation may adopt a
21 resolution to request authorization from the joint commission on public
22 ethics for its covered municipal officers to file with the joint commis-
23 sion on public ethics a copy of the annual statement of financial
24 disclosure filed pursuant to paragraph (a) or (a-1) of subdivision one
25 of this section to satisfy the filing requirements of a covered municip-
26 al officer of paragraph (a) of this subdivision. The joint commission
27 on public ethics shall promptly make a determination in response to each
28 request, which shall include an explanation for its determination. If
29 authorization is denied, the municipal corporation may amend its request
30 and resubmit.

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

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

40 (j) A covered municipal officer shall be required to file the annual
41 statement of financial disclosure set forth in section seventy-three-a
42 of the public officers law with the joint commission on public ethics. A
43 covered municipal officer may satisfy the filing requirements of para-
44 graph (a) of this subdivision by filing a copy of the annual statement
45 of financial disclosure filed pursuant to this paragraph with the appro-
46 priate body.

47 § 6. This act shall take effect January 1, 2019.

48 PART F

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

51 17. "intermediary" means an individual, corporation, partnership,
52 political committee, labor organization, or other entity which, other
53 than in the regular course of business as a postal, delivery, or messen-

1 ger service, delivers any contribution from another person or entity to
2 a candidate or an authorized committee.

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

5 18. "authorized committee" means the single political committee desig-
6 nated by a candidate to receive all contributions authorized by this
7 title.

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

11 1. The treasurer of every political committee which, or any officer,
12 member or agent of any such committee who, in connection with any
13 election, receives or expends any money or other valuable thing or
14 incurs any liability to pay money or its equivalent shall file state-
15 ments sworn, or subscribed and bearing a form notice that false state-
16 ments made therein are punishable as a class A misdemeanor pursuant to
17 section 210.45 of the penal law, at the times prescribed by this [~~arti-~~
18 ~~cle~~] title setting forth all the receipts, contributions to and the
19 expenditures by and liabilities of the committee, and of its officers,
20 members and agents in its behalf. Such statements shall include the
21 dollar amount of any receipt, contribution or transfer, or the fair
22 market value of any receipt, contribution or transfer, which is other
23 than of money, the name and address of the transferor, contributor,
24 intermediary, or person from whom received, and if the transferor,
25 contributor, intermediary, or person is a political committee; the name
26 of and the political unit represented by the committee, the date of its
27 receipt, the dollar amount of every expenditure, the name and address of
28 the person to whom it was made or the name of and the political unit
29 represented by the committee to which it was made and the date thereof,
30 and shall state clearly the purpose of such expenditure. An intermediary
31 need not be reported for a contribution that was collected from a
32 contributor in connection with a party or other candidate-related event
33 held at the residence of the person delivering the contribution, unless
34 the expenses of such event at such residence for such candidate exceed
35 five hundred dollars or the aggregate contributions received from that
36 contributor at such event exceed five hundred dollars. Any statement
37 reporting a loan shall have attached to it a copy of the evidence of
38 indebtedness. Expenditures in sums under fifty dollars need not be
39 specifically accounted for by separate items in said statements, and
40 receipts and contributions aggregating not more than ninety-nine
41 dollars, from any one contributor need not be specifically accounted for
42 by separate items in said statements, provided however, that such
43 expenditures, receipts and contributions shall be subject to the other
44 provisions of section 14-118 of this [~~article~~] title.

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

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

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

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

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

16 CAMPAIGN RECEIPTS AND EXPENDITURES; PUBLIC FINANCING

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

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

27 a. In any election for a public office to be voted on by the voters of
28 the entire state, or for nomination to any such office, no contributor
29 may make a contribution to any candidate or political committee partic-
30 ipating in the state's public campaign financing system pursuant to
31 title two of this article, and no such candidate or political committee
32 may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any nomination to public
33 office, the product of the total number of enrolled voters in the candi-
34 date's party in the state, excluding voters in inactive status, multi-
35 plied by \$.005, but such amount shall be not [~~less than four thousand~~
36 ~~dollars nor~~] more than [~~twelve~~] six thousand dollars [~~as increased or~~
37 ~~decreased by the cost of living adjustment described in paragraph c of~~
38 ~~this subdivision,~~] and (ii) in the case of any election to [~~a~~] such
39 public office, [~~twenty-five~~] six thousand dollars [~~as increased or~~
40 ~~decreased by the cost of living adjustment described in paragraph c of~~
41 ~~this subdivision~~]; provided however, that the maximum amount which may
42 be so contributed or accepted, in the aggregate, from any candidate's
43 child, parent, grandparent, brother and sister, and the spouse of any
44 such persons, shall not exceed in the case of any nomination to public
45 office an amount equivalent to the product of the number of enrolled
46 voters in the candidate's party in the state, excluding voters in inactive
47 status, multiplied by \$.025, and in the case of any election for a
48 public office, an amount equivalent to the product of the number of
49 registered voters in the state excluding voters in inactive status,
50 multiplied by \$.025.

51 b. In any other election for party position or for election to a
52 public office or for nomination for any such office, no contributor may
53 make a contribution to any candidate or political committee participat-
54 ing in the state's public campaign financing system pursuant to title
55 two of this article (for those offices or positions covered by that
56

1 system) and no such candidate or political committee may accept any
2 contribution from any contributor, which is in the aggregate amount
3 greater than: (i) in the case of any election for party position, or for
4 nomination to public office, the product of the total number of enrolled
5 voters in the candidate's party in the district in which he is a candi-
6 date, excluding voters in inactive status, multiplied by \$.05, and (ii)
7 in the case of any election for a public office, the product of the
8 total number of registered voters in the district, excluding voters in
9 inactive status, multiplied by \$.05, however in the case of a nomination
10 within the city of New York for the office of mayor, public advocate or
11 comptroller, such amount shall be not less than four thousand dollars
12 nor more than twelve thousand dollars as increased or decreased by the
13 cost of living adjustment described in paragraph [e] e of this subdivi-
14 sion; in the case of an election within the city of New York for the
15 office of mayor, public advocate or comptroller, twenty-five thousand
16 dollars as increased or decreased by the cost of living adjustment
17 described in paragraph [e] e of this subdivision; in the case of a nomi-
18 nation or election for state senator, four thousand dollars [~~as~~
19 ~~increased or decreased by the cost of living adjustment described in~~
20 ~~paragraph e of this subdivision; in the case of an election for state~~
21 ~~senator, six thousand two hundred fifty dollars as increased or~~
22 ~~decreased by the cost of living adjustment described in paragraph e of~~
23 ~~this subdivision~~]; in the case of an election or nomination for a member
24 of the assembly, [~~twenty-five hundred~~] delegate-at-large to a convention
25 to revise and amend the state constitution, or district delegate to a
26 convention to revise and amend the state constitution, two thousand
27 ~~dollars [as increased or decreased by the cost of living adjustment~~
28 ~~described in paragraph e of this subdivision; but in no event shall any~~
29 ~~such maximum exceed fifty thousand dollars or be less than one thousand~~
30 ~~dollars~~]; provided however, that the maximum amount which may be so
31 contributed or accepted, in the aggregate, from any candidate's child,
32 parent, grandparent, brother and sister, and the spouse of any such
33 persons, shall not exceed in the case of any election for party position
34 or nomination for public office an amount equivalent to the number of
35 enrolled voters in the candidate's party in the district in which he is
36 a candidate, excluding voters in inactive status, multiplied by \$.25 and
37 in the case of any election to public office, an amount equivalent to
38 the number of registered voters in the district, excluding voters in
39 inactive status, multiplied by \$.25; or twelve hundred fifty dollars,
40 whichever is greater, or in the case of a nomination or election of a
41 state senator, twenty thousand dollars, whichever is greater, or in the
42 case of a nomination or election of a member of the assembly, delegate-
43 at-large to a convention to revise and amend the state constitution, or
44 district delegate to a convention to revise and amend the state consti-
45 tution, twelve thousand five hundred dollars, whichever is greater, but
46 in no event shall any such maximum exceed one hundred thousand dollars.

47 c. In any election for a public office to be voted on by the voters
48 of the entire state, or for nomination to any such office, no contribu-
49 tor may make a contribution to any candidate or political committee in
50 connection with a candidate who is not a participating candidate as
51 defined in subdivision fourteen of section 14-200-a of this article, and
52 no such candidate or political committee may accept any contribution
53 from any contributor, which is in the aggregate amount greater than:
54 (i) in the case of any nomination to public office, the product of the
55 total number of enrolled voters in the candidate's party in the state,
56 excluding voters in inactive status, multiplied by \$.005, but such

1 amount shall be not less than four thousand dollars nor more than ten
2 thousand dollars, and (ii) in the case of any election to a public
3 office, fifteen thousand dollars; provided however, that the maximum
4 amount which may be so contributed or accepted, in the aggregate, from
5 any candidate's child, parent, grandparent, brother and sister, and the
6 spouse of any such persons, shall not exceed in the case of any nomi-
7 nation to public office an amount equivalent to the product of the
8 number of enrolled voters in the candidate's party in the state, exclud-
9 ing voters in inactive status, multiplied by \$.025, and in the case of
10 any election for a public office, an amount equivalent to the product of
11 the number of registered voters in the state excluding voters in inac-
12 tive status, multiplied by \$.025.

13 d. In any other election for party position or for election to a
14 public office or for nomination for any such office, no contributor may
15 make a contribution to any candidate or political committee in
16 connection with a candidate who is not a participating candidate as
17 defined in subdivision fourteen of section 14-200-a of this article and
18 no such candidate or political committee may accept any contribution
19 from any contributor, which is in the aggregate amount greater than: (i)
20 in the case of any election for party position, or for nomination to
21 public office, the product of the total number of enrolled voters in the
22 candidate's party in the district in which he is a candidate, excluding
23 voters in inactive status, multiplied by \$.05, and (ii) in the case of
24 any election for a public office, the product of the total number of
25 registered voters in the district, excluding voters in inactive status,
26 multiplied by \$.05, however in the case of a nomination within the city
27 of New York for the office of mayor, public advocate or comptroller,
28 such amount shall be not less than four thousand dollars nor more than
29 twelve thousand dollars as increased or decreased by the cost of living
30 adjustment described in paragraph e of this subdivision; in the case of
31 an election within the city of New York for the office of mayor, public
32 advocate or comptroller, twenty-five thousand dollars as increased or
33 decreased by the cost of living adjustment described in paragraph e of
34 this subdivision; in the case of a nomination or election for state
35 senator, five thousand dollars; in the case of an election or nomination
36 for a member of the assembly, delegate-at-large to a convention to
37 revise and amend the state constitution, or district delegate to a
38 convention to revise and amend the state constitution, three thousand
39 dollars; provided however, that the maximum amount which may be so
40 contributed or accepted, in the aggregate, from any candidate's child,
41 parent, grandparent, brother and sister, and the spouse of any such
42 persons, shall not exceed in the case of any election for party position
43 or nomination for public office an amount equivalent to the number of
44 enrolled voters in the candidate's party in the district in which he is
45 a candidate, excluding voters in inactive status, multiplied by \$.25 and
46 in the case of any election to public office, an amount equivalent to
47 the number of registered voters in the district, excluding voters in
48 inactive status, multiplied by \$.25; or twelve hundred fifty dollars,
49 whichever is greater, or in the case of a nomination or election of a
50 state senator, twenty thousand dollars, whichever is greater, or in the
51 case of a nomination or election of a member of the assembly, delegate-
52 at-large to a convention to revise and amend the state constitution, or
53 district delegate to a convention to revise and amend the state consti-
54 tution, twelve thousand five hundred dollars, whichever is greater, but
55 in no event shall any such maximum exceed one hundred thousand dollars.

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

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

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

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

24 g. Notwithstanding any other contribution limit in this section,
25 participating candidates as defined in subdivision fourteen of section
26 14-200-a of this article may contribute, out of their own money, three
27 times the applicable contribution limit to their own authorized commit-
28 tee.

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

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

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

49 CAMPAIGN RECEIPTS AND EXPENDITURES

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

52 TITLE II

53 PUBLIC FINANCING

54 Section 14-200. Legislative findings and intent.

1 14-200-a. Definitions.

2 14-201. Reporting requirements.

3 14-202. Contributions.

4 14-203. Proof of compliance.

5 14-204. Eligibility.

6 14-205. Limits on public financing.

7 14-206. Payment of public matching funds.

8 14-207. Use of public matching funds; qualified campaign
9 expenditures.

10 14-208. Powers and duties of the board.

11 14-209. Audits and repayments.

12 14-210. Enforcement and penalties for violations and other
13 proceedings.

14 14-211. Reports.

15 14-212. Debates for candidates for statewide office.

16 14-213. Severability.

17 § 14-200. Legislative findings and intent. The legislature finds that
18 reform of New York state's campaign finance system is crucial to improv-
19 ing public confidence in the state's democratic processes and continuing
20 to ensure a government that is accountable to all of the voters of the
21 state regardless of wealth or position. The legislature finds that New
22 York's current system of campaign finance, with its large contributions
23 to candidates for office and party committees, has created the potential
24 for and the appearance of corruption. The legislature further finds
25 that, whether or not this system creates actual corruption, the appear-
26 ance of such corruption can give rise to a distrust in government and
27 citizen apathy that undermine the democratic operation of the political
28 process.

29 The legislature also finds that the high cost of running for office in
30 New York discourages qualified candidates from running for office and
31 creates an electoral system that encourages candidates to spend too much
32 time raising money rather than attending to the duties of their office,
33 representing the needs of their constituents, and communicating with
34 voters.

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

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

49 The legislature also finds that the system of voluntary public financ-
50 ing furthers the government's interest in encouraging qualified candi-
51 dates to run for office. The legislature finds that the voluntary public
52 funding program will enlarge the public debate and increase partic-
53 ipation in the democratic process. In addition, the legislature finds
54 that the voluntary expenditure limitations and matching fund program
55 reduce the burden on candidates and officeholders to spend time raising
56 money for their campaigns.

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

6 § 14-200-a. Definitions. For the purposes of this title, the follow-
7 ing terms shall have the following meanings:

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

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

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

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

17 5. The term "covered election" shall mean any primary, general, or
18 special election for nomination for election, or election, to the office
19 of governor, lieutenant governor, attorney general, state comptroller,
20 state senator, member of the assembly, delegate-at-large to a convention
21 to revise and amend the state constitution, or district delegate to a
22 convention to revise and amend the state constitution.

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

27 7. The term "expenditure" shall mean any gift, subscription, advance,
28 payment, or deposit of money or anything of value, or a contract to make
29 any gift, subscription, payment, or deposit of money or anything of
30 value, made in connection with the nomination for election, or election,
31 of any candidate. Expenditures made by contract are deemed made when
32 such funds are obligated.

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

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

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

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

52 12. (a) The term "matchable contribution" shall mean a contribution,
53 contributions or a portion of a contribution or contributions for any
54 covered elections held in the same election cycle, made by a natural
55 person who is a United States citizen and resident in the state of New
56 York to a participating candidate, that has been reported in full to the

1 board in accordance with sections 14-102 and 14-104 of this article by
2 the candidate's authorized committee and has been contributed on or
3 before the day of the applicable primary, general, runoff or special
4 election. Any contribution, contributions, or a portion of a contribu-
5 tion determined to be invalid for matching funds by the board may not
6 be treated as a matchable contribution for any purpose.

7 (b) The following contributions are not matchable:

8 (i) loans;

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

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

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

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

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

16 (vii) illegal contributions;

17 (viii) contributions from minors;

18 (ix) contributions from vendors for campaigns; and

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

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

25 14. The term "participating candidate" shall mean any candidate for
26 nomination for election, or election, to the office of governor, lieu-
27 tenant governor, attorney general, state comptroller, state senator,
28 member of the assembly, delegate-at-large to a convention to revise and
29 amend the state constitution, or district delegate to a convention to
30 revise and amend the state constitution, who files a written certifi-
31 cation in the form of an affidavit pursuant to section 14-204 of this
32 title.

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

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

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

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

44 § 14-201. Reporting requirements. 1. Political committee registra-
45 tion. Political committees as defined pursuant to subdivision one of
46 section 14-100 of this article shall register with the board before
47 making any contribution or expenditure. The board shall publish a cumu-
48 lative list of political committees that have registered, including on
49 its webpage, and regularly update it.

50 2. Only one authorized committee per candidate per elective office
51 sought. Before receiving any contribution or making any expenditure for
52 a covered election, each candidate shall notify the board as to the
53 existence of his or her authorized committee that has been approved by
54 such candidate. Each candidate shall have one and only one authorized
55 committee per elective office sought. Each authorized committee shall

1 have a treasurer and is subject to the restrictions found in section
2 14-112 of this article.

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

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

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

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

33 § 14-202. Contributions. Recipients of funds pursuant to this title
34 shall be subject to the applicable contribution limits set forth in
35 section 14-114 of this article.

36 § 14-203. Proof of compliance. Authorized and political committees
37 shall maintain such records of receipts and expenditures for a covered
38 election as required by the board. Authorized and political committees
39 shall obtain and furnish to the board any information it may request
40 relating to financial transactions or contributions and furnish such
41 documentation and other proof of compliance with this title as may be
42 requested. In compliance with section 14-108 of this article, authorized
43 and political committees shall maintain copies of such records for a
44 period of five years.

45 § 14-204. Eligibility. 1. Terms and conditions. To be eligible for
46 voluntary public financing under this title, a candidate must:

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

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

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

52 (d) submit a certification in the form of an affidavit, in such form
53 as may be prescribed by the board, that sets forth his or her acceptance
54 of and agreement to comply with the terms and conditions for the
55 provision of such funds in each covered election and such certification

1 shall be submitted at least four months before the election pursuant to
2 a schedule promulgated by the board;

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

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

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

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

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

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

27 (i) Provided however, that, if a candidate accepted contributions
28 exceeding such limits before certification, such acceptance shall not
29 prevent the candidate from being certified by the board if the candidate
30 immediately pays to the fund or returns to the contributor the portion
31 of any contribution that exceeded the applicable contribution limit.

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

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

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

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

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

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

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

11 (iv) Member of the assembly, delegate-at-large to a convention to
 12 revise and amend the state constitution, or district delegate to a
 13 convention to revise and amend the state constitution, not less than ten
 14 thousand dollars in matchable contributions including at least one
 15 hundred matchable contributions comprised of sums between ten and one
 16 hundred seventy-five dollars per contributor, from residents of the
 17 district in which the seat is to be filled.

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

22 § 14-205. Limits on public financing. The following limitations apply
 23 to the total amounts of public funds that may be provided to a partic-
 24 ipating candidate's authorized committee for an election cycle:

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

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

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

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

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

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

39 Candidates for election to the office of:

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

41 Attorney general \$4,000,000

42 Comptroller \$4,000,000

43 Member of senate \$375,000

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

45 convention to revise and amend the state

46 constitution, or district delegate to a

47 convention to revise and amend the state

48 constitution

49 3. No participating candidate for nomination for an office who is not
 50 opposed by a candidate on the ballot in a primary election shall be
 51 entitled to payment of public matching funds, except that, where there
 52 is a contest in such primary election for the nomination of at least one
 53 of the two political parties with the highest and second highest number
 54 of enrolled members for such office, a participating candidate who is
 55 unopposed in the primary election may receive public funds before the
 56 primary election, for expenses incurred on or before the date of such

1 primary election, in an amount equal to up to half the sum set forth in
2 paragraph one of this section.

3 § 14-206. Payment of public matching funds. 1. Determination of eligi-
4 bility. No public matching funds shall be paid to an authorized commit-
5 tee unless the board determines that the participating candidate has met
6 the eligibility requirements of this title. Payment shall not exceed the
7 amounts specified in subdivision two of this section, and shall be made
8 only in accordance with the provisions of this title. Such payment may
9 be made only to the participating candidate's authorized committee. No
10 public matching funds shall be used except as reimbursement or payment
11 for qualified campaign expenditures actually and lawfully incurred or to
12 repay loans used to pay qualified campaign expenditures.

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

22 3. Timing of payment. The board shall make any payment of public
23 matching funds to participating candidates as soon as is practicable.
24 But in all cases, it shall verify eligibility for public matching funds
25 within four days, excluding weekends and holidays, of receiving a
26 campaign contribution report filed in compliance with section 14-104 of
27 this article. Within two days of determining that a candidate for a
28 covered office is eligible for public matching funds, it shall authorize
29 payment of the applicable matching funds owed to the candidate. However,
30 it shall not make any payments of public money earlier than the earliest
31 dates for making such payments as provided by this title. If any of
32 such payments would require payment on a weekend or federal holiday,
33 payment shall be made on the next business day.

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

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

51 § 14-207. Use of public matching funds; qualified campaign expendi-
52 tures. 1. Public matching funds provided under the provisions of this
53 title may be used only by an authorized committee for expenditures to
54 further the participating candidate's nomination for election or
55 election, including paying for debts incurred within one year prior to

1 an election to further the participating candidate's nomination for
2 election or election.

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

4 (a) an expenditure in violation of any law;

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

7 (c) an expenditure made after the candidate has been finally disquali-
8 fied from the ballot;

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

12 (e) an expenditure made by cash payment;

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

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

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

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

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

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

26 § 14-208. Powers and duties of the board. 1. Advisory opinions. The
27 board shall render advisory opinions with respect to questions arising
28 under this title upon the written request of a candidate, an officer of
29 a political committee or member of the public, or upon its own initi-
30 ative. The board shall promulgate rules regarding reasonable times to
31 respond to such requests. The board shall make public the questions of
32 interpretation for which advisory opinions will be considered by the
33 board and its advisory opinions, including by publication on its webpage
34 with identifying information redacted as the board determines to be
35 appropriate.

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

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

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

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

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

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

24 (b) If the board determines that any portion of the payment made to a
25 candidate's authorized committee from the fund was used for purposes
26 other than qualified campaign expenditures and such expenditures were
27 not approved by the board, it shall notify such committee of the amount
28 so disqualified and such committee shall pay to the board an amount
29 equal to such disqualified amount. The candidate, the treasurer and the
30 candidate's authorized committee are jointly and severally liable for
31 any repayments to the board.

32 (c) If the total of payments from the fund received by a participating
33 candidate and his or her authorized committee exceed the total campaign
34 expenditures of such candidate and authorized committee for all covered
35 elections held in the same calendar year or for a special election to
36 fill a vacancy, such candidate and committee shall use such excess funds
37 to reimburse the fund for payments received by such authorized committee
38 from the fund during such calendar year or for such special election.
39 Participating candidates shall pay to the board unspent public campaign
40 funds from an election not later than twenty-seven days after all
41 liabilities for the election have been paid and in any event, not later
42 than the day on which the board issues its final audit report for the
43 participating candidate's authorized committee; provided, however, that
44 all unspent public campaign funds for a participating candidate shall be
45 immediately due and payable to the board upon a determination by the
46 board that the participant has delayed the post-election audit. A
47 participating candidate may make post-election expenditures with public
48 funds only for routine activities involving nominal cost associated with
49 winding up a campaign and responding to the post-election audit. Noth-
50 ing in this title shall be construed to prevent a candidate or his or
51 her authorized committee from using campaign contributions received from
52 private contributors for otherwise lawful expenditures.

53 3. Rules and regulations. The board shall promulgate regulations for
54 the certification of the amount of funds payable by the comptroller,
55 from the fund established pursuant to section ninety-two-t of the state
56 finance law, to a participating candidate that has qualified to receive

1 such payment. These regulations shall include the promulgation and
2 distribution of forms on which contributions and expenditures are to be
3 reported, the periods during which such reports must be filed and the
4 verification required. The board shall institute procedures which will
5 make possible payment by the fund within four business days after
6 receipt of the required forms and verifications.

7 § 14-210. Enforcement and penalties for violations and other
8 proceedings. 1. Civil penalties. Violations of any provision of this
9 title or rule promulgated pursuant to this title shall be subject to a
10 civil penalty in an amount not in excess of fifteen thousand dollars.

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

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

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

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

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

26 4. Proceedings as to public financing. (a) The determination of eligi-
27 bility pursuant to this title and any question or issue relating to
28 payments for campaign expenditures pursuant to this title may be
29 contested in a proceeding instituted in the Supreme court, Albany coun-
30 ty, by any aggrieved candidate.

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

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

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

49 § 14-211. Reports. The board shall review and evaluate the effect of
50 this title upon the conduct of election campaigns and shall submit a
51 report to the legislature on or before January first, two thousand twen-
52 ty-one, and every third year thereafter, and at any other time upon the
53 request of the governor and at such other times as the board deems
54 appropriate. These reports shall include:

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

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

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

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

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

17 § 14-212. Debates for candidates for statewide office. The board
18 shall promulgate regulations to facilitate debates among participating
19 candidates who seek election to statewide office. Participating candi-
20 dates are required to participate in one debate before each election for
21 which the candidate receives public funds, unless the participating
22 candidate is running unopposed. Nonparticipating candidates may partic-
23 ipate in such debates.

24 § 14-213. Severability. If any clause, sentence, subdivision, para-
25 graph, section or part of this title be adjudged by any court of compe-
26 tent jurisdiction to be invalid, such judgment shall not affect, impair
27 or invalidate the remainder thereof, but shall be confined in its opera-
28 tion to the clause, sentence, subdivision, paragraph, section or part
29 thereof directly involved in the controversy in which such judgment
30 shall have been rendered.

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

33 § 92-t. New York state campaign finance fund. 1. There is hereby
34 established in the joint custody of the state comptroller and the
35 commissioner of taxation and finance a fund to be known as the New York
36 state campaign finance fund.

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

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

54 4. Notwithstanding any provision of law to the contrary, if, in any
55 state fiscal year, the state campaign finance fund lacks the amount of
56 money to pay all claims vouchered by eligible candidates and certified

1 or approved by the state board of elections, any such deficiency shall
2 be paid by the state comptroller, from funds deposited in the general
3 fund of the state not more than four working days after such voucher is
4 received by the state comptroller.

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

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

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

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

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

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

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

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

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

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

1 nations on such return of forty dollars to be paid into the New York
2 state campaign finance fund.

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

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

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

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

25 § 13. This act shall take effect immediately; provided, however, all
26 affected candidates will be eligible to participate in voluntary public
27 financing beginning with the 2020 primary election.

28 PART G

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

32 2. "State legislature" means the [~~legislature of the state of New~~
33 ~~York, including~~] New York state senate, New York state assembly, any
34 committee, subcommittee, joint committee, select committee, or commis-
35 sion thereof, and any members, officers, representatives and employees
36 thereof.

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

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

46 § 2. Section 87 of the public officers law, as added by chapter 933 of
47 the laws of 1977, paragraph (a) and the opening paragraph of paragraph
48 (b) of subdivision 1 as amended by chapter 80 of the laws of 1983,
49 subparagraph iii of paragraph (b) of subdivision 1 as amended and para-
50 graph (c) of subdivision 1 and subdivision 5 as added by chapter 223 of
51 the laws of 2008, paragraph (d) of subdivision 2 as amended by chapter
52 289 of the laws of 1990, paragraph (f) of subdivision 2 as amended by
53 chapter 403 of the laws of 2003, paragraph (g) of subdivision 2 as
54 amended by chapter 510 of the laws of 1999, paragraph (i) of subdivision

1 2 as amended by chapter 154 of the laws of 2010, paragraph (j) of subdivi-
2 vision 2 as added by chapter 746 of the laws of 1988, paragraph (k) of
3 subdivision 2 as separately added by chapters 19, 20, 21, 22, 23 and 383
4 of the laws of 2009, paragraph (l) of subdivision 2 as added by section
5 12 of part II of chapter 59 of the laws of 2010, paragraph (m) of subdivi-
6 vision 2 as added by chapter 189 of the laws of 2013, paragraph (n) of
7 subdivision 2 as added by chapter 43 of the laws of 2014, paragraph (n)
8 of subdivision 2 as separately added by chapters 99, 101, and 123 of the
9 laws of 2014, paragraph (o) of subdivision 2 as added by chapter 222 of
10 the laws of 2015, paragraph (c) of subdivision 3 as amended by chapter
11 499 of the laws of 2008, subdivision 4 as added by chapter 890 of the
12 laws of 1981, and paragraph (c) of subdivision 4 as added by chapter 102
13 of the laws of 2007, is amended to read as follows:

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

21 (b) Each agency and each house of the state legislature shall promul-
22 gate rules and regulations, in conformity with this article and applica-
23 ble rules and regulations promulgated pursuant to the provisions of
24 paragraph (a) of this subdivision, and pursuant to such general rules
25 and regulations as may be promulgated by the committee on open govern-
26 ment in conformity with the provisions of this article, pertaining to
27 the availability of records and procedures to be followed, including,
28 but not limited to:

29 i. the times and places such records are available;
30 ii. the persons from whom such records may be obtained[~~7~~]; and
31 iii. the fees for copies of records which shall not exceed twenty-five
32 cents per photocopy not in excess of nine inches by fourteen inches, or
33 the actual cost of reproducing any other record in accordance with the
34 provisions of paragraph (c) of this subdivision, except when a different
35 fee is otherwise prescribed by statute.

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

38 i. an amount equal to the hourly salary attributed to the lowest paid
39 employee of an agency or [~~employee~~] respective house of the state legis-
40 lature who has the necessary skill required to prepare a copy of the
41 requested record;

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

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

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

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

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

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

11 (c) if disclosed would impair present or imminent contract awards or
12 collective bargaining negotiations provided, however, that the proposed
13 terms of an agreement between a public employer and an employee organ-
14 ization, as those terms are defined in article fourteen of the civil
15 service law, that require ratification by members of the employee organ-
16 ization or by the public employer, where applicable, or approval of such
17 provisions by the appropriate legislative body as required by section
18 two hundred four-a of the civil service law, shall be made available to
19 the public no later than when such proposed terms are sent to members of
20 the employee organization for ratification, when such terms are
21 presented to the employer for ratification, where applicable, or when
22 the provisions of such agreement requiring approval by the appropriate
23 legislative body pursuant to section two hundred four-a of the civil
24 service law are submitted to such body, whichever date is earliest.
25 Additionally, a copy of the proposed terms of such agreement shall be
26 placed on the website of the applicable public employer, if such
27 websites exist, and within the local public libraries and offices of
28 such public employer, or in the case of collective bargaining agreements
29 negotiated by the state, on the website of the office of employee
30 relations on such date;

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

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

38 i. interfere with law enforcement investigations or judicial
39 proceedings;

40 ii. deprive a person of a right to a fair trial or impartial adjudi-
41 cation;

42 iii. identify a confidential source or disclose confidential informa-
43 tion relating to a criminal investigation; or

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

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

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

49 i. statistical or factual tabulations or data;

50 ii. instructions to staff that affect the public;

51 iii. final agency policy or determinations;

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

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

56 i. statistical or factual tabulations or data;

1 ii. instructions to staff that affect the public;
2 iii. final policy or determinations of the respective house of the
3 state legislature;
4 iv. external audits, including but not limited to audits performed by
5 the comptroller and the federal government; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54 (b) The provisions of paragraph (a) of this subdivision shall not
55 apply to records or portions of records the disclosure of which would

1 constitute an unwarranted invasion of personal privacy in accordance
2 with subdivision two of section eighty-nine of this article.

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

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

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

11 § 4. Section 89 of the public officers law, as added by chapter 933 of
12 the laws of 1977, paragraph (a) of subdivision 1 as amended by chapter
13 33 of the laws of 1984, paragraph (b) of subdivision 1 as amended by
14 chapter 182 of the laws of 2006, subdivision 2 as amended by section 11
15 of part U of chapter 61 of the laws of 2011, subdivision 2-a as added by
16 chapter 652 of the laws of 1983, subdivision 3 as amended by chapter 223
17 of the laws of 2008, subdivision 4 as amended by chapter 22 of the laws
18 of 2005, paragraph (c) of subdivision 4 as amended by chapter 453 of the
19 laws of 2017, paragraph (d) of subdivision 4 as added by chapter 487 of
20 the laws of 2016, subdivision 5 as added and subdivision 6 as renumbered
21 by chapter 890 of the laws of 1981, paragraph (a) of subdivision 5 as
22 amended by chapter 403 of the laws of 2003, paragraph (d) of subdivision
23 5 as amended by chapter 339 of the laws of 2004, subdivision 7 as added
24 by chapter 783 of the laws of 1983, subdivision 8 as added by chapter
25 705 of the laws of 1989, and subdivision 9 as added by chapter 351 of
26 the laws of 2008, is amended to read as follows:

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

30 1. (a) The committee on open government is continued and shall consist
31 of the lieutenant governor or the delegate of such officer, the secre-
32 tary of state or the delegate of such officer, whose office shall act as
33 secretariat for the committee, the commissioner of the office of general
34 services or the delegate of such officer, the director of the budget or
35 the delegate of such officer, and seven other persons, none of whom
36 shall hold any other state or local public office except the represen-
37 tative of local governments as set forth herein, to be appointed as
38 follows: five by the governor, at least two of whom are or have been
39 representatives of the news media, one of whom shall be a representative
40 of local government who, at the time of appointment, is serving as a
41 duly elected officer of a local government, one by the temporary presi-
42 dent of the senate, and one by the speaker of the assembly. The persons
43 appointed by the temporary president of the senate and the speaker of
44 the assembly shall be appointed to serve, respectively, until the expi-
45 ration of the terms of office of the temporary president and the speaker
46 to which the temporary president and speaker were elected. The four
47 persons presently serving by appointment of the governor for fixed terms
48 shall continue to serve until the expiration of their respective terms.
49 Thereafter, their respective successors shall be appointed for terms of
50 four years. The member representing local government shall be appointed
51 for a term of four years, so long as such member shall remain a duly
52 elected officer of a local government. The committee shall hold no less
53 than two meetings annually, but may meet at any time. The members of the
54 committee shall be entitled to reimbursement for actual expenses
55 incurred in the discharge of their duties.

56 (b) The committee shall:

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

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

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

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

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

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

18 2. (a) The committee on [~~public access to records~~] open government may
19 promulgate guidelines regarding deletion of identifying details or with-
20 holding of records otherwise available under this article to prevent
21 unwarranted invasions of personal privacy. In the absence of such guide-
22 lines, an agency and the respective house of state legislature may
23 delete identifying details when it makes records available.

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

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

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

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

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

36 v. disclosure of information of a personal nature reported in confi-
37 dence to an agency or to the state legislature and not relevant to the
38 ordinary work of such agency or the state legislature;

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

42 vii. disclosure of electronic contact information, such as an e-mail
43 address or a social network username, that has been collected from a
44 taxpayer under section one hundred four of the real property tax law; or
45 viii. disclosure of communications of a personal nature between legis-
46 lators and their constituents.

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

50 i. when identifying details are deleted;

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

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

55 iv. when a record or group of records relates to the right, title or
56 interest in real property, or relates to the inventory, status or char-

1 acteristics of real property, in which case disclosure and providing
2 copies of such record or group of records shall not be deemed an unwar-
3 ranted invasion of personal privacy, provided that nothing herein shall
4 be construed to authorize the disclosure of electronic contact informa-
5 tion, such as an e-mail address or a social network username, that has
6 been collected from a taxpayer under section one hundred four of the
7 real property tax law.

8 2-a. Nothing in this article shall permit disclosure which constitutes
9 an unwarranted invasion of personal privacy as defined in subdivision
10 two of this section if such disclosure is prohibited under section nine-
11 ty-six of this chapter.

12 3. (a) Each entity subject to the provisions of this article, within
13 five business days of the receipt of a written request for a record
14 reasonably described, shall make such record available to the person
15 requesting it, deny such request in writing or furnish a written
16 acknowledgement of the receipt of such request and a statement of the
17 approximate date, which shall be reasonable under the circumstances of
18 the request, when such request will be granted or denied, including,
19 where appropriate, a statement that access to the record will be deter-
20 mined in accordance with subdivision five of this section. [~~An~~] Neither
21 an agency nor the state legislature shall [~~not~~] deny a request on the
22 basis that the request is voluminous or that locating or reviewing the
23 requested records or providing the requested copies is burdensome
24 because the agency or respective house of the state legislature lacks
25 sufficient staffing or on any other basis if the agency or respective
26 house of the state legislature may engage an outside professional
27 service to provide copying, programming or other services required to
28 provide the copy, the costs of which the agency may recover pursuant to
29 paragraph (c) of subdivision one of section eighty-seven of this arti-
30 cle. An agency or respective house of the state legislature may require
31 a person requesting lists of names and addresses to provide a written
32 certification that such person will not use such lists of names and
33 addresses for solicitation or fund-raising purposes and will not sell,
34 give or otherwise make available such lists of names and addresses to
35 any other person for the purpose of allowing that person to use such
36 lists of names and addresses for solicitation or fund-raising purposes.
37 If an agency or respective house of the state legislature determines to
38 grant a request in whole or in part, and if circumstances prevent
39 disclosure to the person requesting the record or records within twenty
40 business days from the date of the acknowledgement of the receipt of the
41 request, the agency or respective house of the state legislature shall
42 state, in writing, both the reason for the inability to grant the
43 request within twenty business days and a date certain within a reason-
44 able period, depending on the circumstances, when the request will be
45 granted in whole or in part. Upon payment of, or offer to pay, the fee
46 prescribed therefor, the entity shall provide a copy of such record and
47 certify to the correctness of such copy if so requested, or as the case
48 may be, shall certify that it does not have possession of such record or
49 that such record cannot be found after diligent search. Nothing in this
50 article shall be construed to require any entity to prepare any record
51 not possessed or maintained by such entity except the records specified
52 in subdivision three of section eighty-seven [~~and subdivision three of~~
53 ~~section eighty-eight~~] of this article. When an agency or the respective
54 house of the state legislature has the ability to retrieve or extract a
55 record or data maintained in a computer storage system with reasonable
56 effort, it shall be required to do so. When doing so requires less

1 employee time than engaging in manual retrieval or redactions from non-
2 electronic records, the agency and respective house of the state legis-
3 lature shall be required to retrieve or extract such record or data
4 electronically. Any programming necessary to retrieve a record main-
5 tained in a computer storage system and to transfer that record to the
6 medium requested by a person or to allow the transferred record to be
7 read or printed shall not be deemed to be the preparation or creation of
8 a new record.

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

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

29 (b) Except as provided in subdivision five of this section, a person
30 denied access to a record in an appeal determination under the
31 provisions of paragraph (a) of this subdivision may bring a proceeding
32 for review of such denial pursuant to article seventy-eight of the civil
33 practice law and rules. In the event that access to any record is denied
34 pursuant to the provisions of subdivision two of section eighty-seven of
35 this article, the agency or respective house of the state legislature
36 involved shall have the burden of proving that such record falls within
37 the provisions of such subdivision two. Failure by an agency or respec-
38 tive house of the state legislature to conform to the provisions of
39 paragraph (a) of this subdivision shall constitute a denial.

40 (c) The court in such a proceeding: (i) may assess, against such agen-
41 cy involved, reasonable attorney's fees and other litigation costs
42 reasonably incurred by such person in any case under the provisions of
43 this section in which such person has substantially prevailed, and when
44 the agency failed to respond to a request or appeal within the statutory
45 time; and (ii) shall assess, against such agency involved, reasonable
46 attorney's fees and other litigation costs reasonably incurred by such
47 person in any case under the provisions of this section in which such
48 person has substantially prevailed and the court finds that the agency
49 had no reasonable basis for denying access.

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

53 (ii) An appeal from an agency or respective house of the state legis-
54 lature taken from an order of the court requiring disclosure of any of
55 all records sought:

56 (A) shall be given preference;

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

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

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

19 (1-a) A person or entity who submits or otherwise makes available any
20 records to any agency or a house of the state legislature, may, at any
21 time, identify those records or portions thereof that may contain crit-
22 ical infrastructure information, and request that the agency or house of
23 the state legislature that maintains such records except such informa-
24 tion from disclosure under subdivision two of section eighty-seven of
25 this article. Where the request itself contains information which if
26 disclosed would defeat the purpose for which the exception is sought,
27 such information shall also be provisionally excepted from disclosure.

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

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

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

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

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

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

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

19 (1) Within seven business days of receipt of written notice denying
20 the request, the person may file a written appeal from the determination
21 of the agency or the respective house of the state legislature with the
22 head of the agency or respective house of the state legislature, the
23 chief executive officer or governing body or their designated represen-
24 tatives.

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

31 (d) A proceeding to review an adverse determination pursuant to para-
32 graph (c) of this subdivision may be commenced pursuant to article
33 seventy-eight of the civil practice law and rules. Such proceeding, when
34 brought by a person seeking an exception from disclosure pursuant to
35 this subdivision, must be commenced within fifteen days of the service
36 of the written notice containing the adverse determination provided for
37 in subparagraph two of paragraph (c) of this subdivision. The proceeding
38 shall be given preference and shall be brought on for argument on such
39 terms and conditions as the presiding justice may direct, not to exceed
40 forty-five days. Appeal to the appellate division of the supreme court
41 must be made in accordance with law, and must be filed within fifteen
42 days after service by a party upon the appellant of a copy of the judg-
43 ment or order appealed from and written notice of its entry. An appeal
44 taken from an order of the court requiring disclosure shall be given
45 preference and shall be brought on for argument on such terms and condi-
46 tions as the presiding justice may direct, not to exceed sixty days.
47 This action shall be deemed abandoned when the party requesting an
48 exclusion from disclosure fails to serve and file a record and brief
49 within thirty days after the date of the notice of appeal. Failure by
50 the party requesting an exclusion from disclosure to serve and file a
51 record and brief within the allotted time shall result in the dismissal
52 of the appeal.

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

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

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

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

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

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

21 7. Nothing in this article shall require the disclosure of the home
22 address of an officer or employee, former officer or employee, or of a
23 retiree of a public employees' retirement system; nor shall anything in
24 this article require the disclosure of the name or home address of a
25 beneficiary of a public employees' retirement system or of an applicant
26 for appointment to public employment; provided however, that nothing in
27 this subdivision shall limit or abridge the right of an employee organ-
28 ization, certified or recognized for any collective negotiating unit of
29 an employer pursuant to article fourteen of the civil service law, to
30 obtain the name or home address of any officer, employee or retiree of
31 such employer, if such name or home address is otherwise available under
32 this article.

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

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

43 § 5. Subdivisions (t) and (u) of section 105 of the civil practice law
44 and rules, subdivision (u) as relettered by chapter 100 of the laws of
45 1994, are relettered subdivisions (u) and (v) and a new subdivision (t)
46 is added to read as follows:

47 (t) "State legislature" means the New York state senate, New York
48 state assembly, any committee, subcommittee, joint committee, select
49 committee, or commission thereof, and any members, officers, represen-
50 tatives and employees thereof.

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

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

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

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

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

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

10 § 10. This act shall take effect immediately; provided however that
11 the amendments to paragraphs (j), (k), (l), (m), (n), (n) and (o) of
12 subdivision 2 of section 87 of the public officers law made by section
13 two of this act shall not affect the repeal of such paragraphs and shall
14 be deemed repealed therewith.

15 PART H

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

18 § 51. Jurisdiction. This article shall, subject to the limitations
19 contained herein, confer upon the office of the state inspector general,
20 jurisdiction over all covered agencies. For the purposes of this article
21 "covered agency" shall include:

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

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

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

45 PART I

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

48 § 53-a. State procurement oversight defined. 1. For purposes of this
49 article, "state procurement" shall mean any loan, contract or grant
50 awarded or entered into by a covered agency.

51 2. Consistent with the general investigatory authority of the state
52 inspector general as established in this article, the state inspector

1 general is expressly empowered to investigate alleged corruption, fraud,
2 criminal activity, conflicts of interest or abuse, by officers, employ-
3 ees and contracted parties related to any state procurement.

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

6 PART J

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

9 § 6235. Public university foundation oversight. 1. It is hereby estab-
10 lished that the office of the state inspector general shall independent-
11 ly oversee implementation and enforcement of financial control policies
12 at the state university of New York and the city university of New York
13 and affiliated nonprofit organizations and foundations pursuant to this
14 section.

15 2. (a) As used within this section "office of the state inspector
16 general" means the office of the state inspector general as established
17 in article four-A of the executive law and "state inspector general"
18 means the state inspector general who is the head of the office of the
19 state inspector general as established in article four-A of the execu-
20 tive law.

21 (b) As used within this section, "affiliated nonprofit organization or
22 foundation" means an organization or foundation formed under the not-
23 for-profit corporation law or any other entity formed for the benefit of
24 or controlled by the state university of New York or the city university
25 of New York or their respective universities, colleges, community
26 colleges, campuses or subdivisions, including the research foundation of
27 the state university of New York and the research foundation of the city
28 university of New York, to assist in meeting the specific needs of, or
29 providing a direct benefit to, the respective university, college,
30 community college, campus or subdivision or the university as a whole,
31 that has control of, manages or receives fifty thousand dollars or more
32 annually, including alumni associations. For the purposes of this
33 section, this term does not include a student-run organization comprised
34 solely of enrolled students and formed for the purpose of advancing a
35 student objective.

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

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

45 (c) The state inspector general shall have the authority to appoint,
46 in consultation with the state university of New York and the city
47 university of New York and any respective campus of the state university
48 of New York and the city university of New York, compliance officers
49 from within the staff of the state university of New York and the city
50 university of New York and any campus of the state university of New
51 York and the city university of New York to provide assistance in over-
52 sight and monitoring of policies established by affiliated nonprofit
53 organizations and foundations.

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

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

14 PART K

15 Section 1. The executive law is amended by adding a new section 4-b to
16 read as follows:

17 § 4-b. Chief procurement officer. There shall be a chief procurement
18 officer, appointed by the governor, for the state of New York who shall
19 serve as the principal officer tasked with oversight of all state
20 procurements, whose duties shall include, but not be limited to, ensur-
21 ing the wise and prudent use of public money in the best interest of the
22 taxpayers of the state and guarding against favoritism, improvidence,
23 extravagance, fraud and corruption in connection with all procurements
24 of state agencies as such term is defined in section one hundred sixty
25 of the state finance law and public authorities as such term is defined
26 in section two of the public authorities law. The chief procurement
27 officer shall have the authorization to review any procurement and
28 report promptly any suspicion or allegation of corruption, fraud, crimi-
29 nal activity, conflicts of interest or abuse in any agency or authori-
30 ty's procurement to the office of the state inspector general for appro-
31 priate action. Prior to making such a report, the chief procurement
32 officer shall inform the heads of the relevant agencies and authorities
33 of such suspicion or allegation and the progress of investigations
34 related thereto, unless special circumstances require confidentiality.

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

38 a. The state procurement council shall continuously strive to improve
39 the state's procurement process. Such council shall consist of [~~twen-~~
40 ~~ty-one~~] twenty-two members, including the chief procurement officer as
41 established pursuant to section four-b of the executive law, the commis-
42 sioner, the state comptroller, the director of the budget, the chief
43 diversity officer and the commissioner of economic development, or their
44 respective designees; seven members who shall be the heads of other
45 large and small state agencies chosen by the governor, or their respec-
46 tive designees; one member, appointed by the governor, representing a
47 not-for-profit New York-based organization engaged in the marketing
48 and/or promotion of New York grown farm and agricultural products or a
49 not-for-profit New York-based organization engaged solely in the advoca-
50 cy, marketing and/or promotion of organic New York grown farm and agri-
51 cultural products to be limited to a two year term; and eight at large
52 members appointed as follows: three appointed by the temporary president
53 of the senate, one of whom shall be a representative of local government
54 and one of whom shall be a representative of private business; three

1 appointed by the speaker of the assembly, one of whom shall be a repre-
2 sentative of local government and one of whom shall be a representative
3 of private business; one appointed by the minority leader of the senate;
4 and, one appointed by the minority leader of the assembly; and two non-
5 voting observers appointed as follows: one appointed by the temporary
6 president of the senate and one appointed by the speaker of the assem-
7 bly. The non-voting observers shall be provided, contemporaneously, all
8 documentation and materials distributed to members. The council shall be
9 chaired by the chief procurement officer, or, by the commissioner and
10 shall meet at least quarterly.

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

13 1. Every state officer or employee in a covered agency, and the chief
14 procurement officer appointed by the governor as established by section
15 four-b of this chapter, shall report promptly to the state inspector
16 general any information concerning corruption, fraud, criminal activity,
17 conflicts of interest or abuse by another state officer or employee
18 relating to his or her office or employment, or by a person having busi-
19 ness dealings with a covered agency relating to those dealings. The
20 knowing failure of any officer or employee to so report shall be cause
21 for removal from office or employment or other appropriate penalty. Any
22 officer or employee who acts pursuant to this subdivision by reporting
23 to the state inspector general improper governmental action as defined
24 in section seventy-five-b of the civil service law shall not be subject
25 to dismissal, discipline or other adverse personnel action.

26 § 4. Paragraphs (a), (c), and (d) of subdivision 5 and paragraph (a)
27 of subdivision 8 of section 2879 of the public authorities law, para-
28 graph (a) of subdivision 5 as amended by chapter 531 of the laws of
29 1993, paragraphs (c) and (d) of subdivision 5 as amended by chapter 383
30 of the laws of 2000, and paragraph (a) of subdivision 8 as amended by
31 chapter 844 of the laws of 1992, are amended to read as follows:

32 (a) Each corporation shall notify the commissioner of economic devel-
33 opment and the chief procurement officer as defined in section four-b of
34 the executive law, of the award of a procurement contract for the
35 purchase of goods or services from a foreign business enterprise in an
36 amount equal to or greater than one million dollars simultaneously with
37 notifying the successful bidder therefor. No corporation shall thereaft-
38 er enter into a procurement contract for said goods or services until at
39 least fifteen days has elapsed, except for procurement contracts awarded
40 on an emergency or critical basis, or where the commissioner of economic
41 development waives the provisions of this sentence. The notification to
42 the commissioner of economic development and the chief procurement offi-
43 cer shall include the name, address and telephone and facsimile number
44 of the foreign business enterprise, a brief description of the goods or
45 services to be obtained pursuant to the proposed procurement contract,
46 the amount of the proposed procurement contract, the term of the
47 proposed procurement contract, and the name of the individual at the
48 foreign business enterprise or acting on behalf of the same who is prin-
49 cipally responsible for the proposed procurement contract. Such notifi-
50 cation shall be used by the commissioner of economic development solely
51 to provide notification to New York state business enterprises of oppor-
52 tunities to participate as subcontractors and suppliers on such procure-
53 ment contracts, to promote and encourage the location and development of
54 new business in the state, to assist New York state business enterprises
55 in obtaining offset credits from foreign countries, and to otherwise
56 investigate, study and undertake means of promoting and encouraging the

1 prosperous development and protection of the legitimate interest and
2 welfare of New York state business enterprises, industry and commerce.

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

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

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

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

35 PART L

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

38 § 14-131. Government vendor contributions. 1. (a) It shall be unlawful
39 during the restricted vendor contribution period for any person, organ-
40 ization, group of persons, or business entity that submits a bid, quota-
41 tion, offer or response to a state governmental entity posting or solici-
42 itation for procurement to make a contribution to any officeholder of
43 the state governmental entity or entities issuing such posting or solici-
44 itation, evaluating such response or approving or awarding the final
45 procurement contract, or to any candidate for an office of such govern-
46 mental entity, including to such officeholder's or candidate's author-
47 ized political committees.

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

51 (c) The state governmental entity directly responsible for issuing
52 such posting or solicitation for procurement shall include a notice of
53 the prohibition established by this section and the state governmental
54 entity responsible for evaluating responses to such posting or sollicita-

1 tion shall provide to any person, organization, group of persons, or
2 business entity that submits a proposal in response to such posting or
3 solicitation a notice of the prohibition established by this section and
4 the restricted vendor contribution period commencement date.

5 2. As used in this section "business entity" means a business corpo-
6 ration, professional services corporation, limited liability company,
7 partnership, limited partnership, business trust, association or any
8 other legal commercial entity organized under the laws of this state or
9 any other state or foreign jurisdiction, including any subsidiary
10 directly or indirectly controlled by the business entity, and any poli-
11 tical organization, including but not limited to any political organiza-
12 tion organized under section 527 of the Internal Revenue Code, that is
13 directly or indirectly controlled by the business entity.

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

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

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

38 (b) If the person, organization, group of persons, or business entity
39 is not the recipient of the final contract award, the restricted vendor
40 contribution period shall end with the final contract award and approval
41 by the state governmental entity and, where applicable, the state comp-
42 troller.

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

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

53 (b) Any person who, acting as or on behalf of an officeholder, candi-
54 date, or political committee, accepts a contribution in contravention of
55 section 14-131 of this article shall be required to refund such contrib-
56 ution.

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

3 PART M

4 Section 1. 1. The New York state comptroller, or his or her designee,
5 the attorney general of the state of New York, or his or her designee,
6 the chief information officer of the office of information technology
7 services, or his or her designee, and the commissioner of general
8 services, or his or her designee, are hereby directed to collectively
9 prepare a report regarding the feasibility of developing a system which
10 would require the assignment of single identifying vendor codes or
11 numbers to all contractors, vendors and grantees directly receiving
12 payments of state funds to facilitate the tracking of such entities and
13 facilitate the tracking of final audit determinations of such entities
14 issued by the attorney general and the state comptroller. This system
15 must consider and serve to supplement existing coding systems and shall
16 be made publicly available. Such feasibility report shall include, but
17 not be limited to, the group's assessment, analysis and findings on the
18 information gathered after taking into consideration input from all
19 group members, alternatives considered, the fiscal impact, and the
20 effect the proposed system would have on the state and existing systems.
21 The report shall be provided to the governor, temporary president of the
22 senate and the speaker of the assembly on or before September 1, 2018.

23 2. If all members of the group determine that it is feasible to devel-
24 op such a system, the system shall be implemented no later than Septem-
25 ber 1, 2019. The director of the budget, or his or her designee, shall
26 make the final determination regarding the codes or numbers that shall
27 serve as the single identifier for such entities if, after the issuance
28 of the report, the group is unable to reach agreement regarding which
29 identifying codes or numbers should be used for the subject system. Such
30 determination shall be based on the most cost effective manner of imple-
31 menting such codes or numbers that would have the least fiscal impact to
32 the state of New York.

33 3. If the group determines that it is not feasible to develop such a
34 system pursuant to subdivision one of this section, the group shall
35 submit an additional feasibility report to the governor, temporary pres-
36 ident of the senate and the speaker of the assembly on or before Decem-
37 ber 1, 2018, which shall include, but not be limited to, the barriers to
38 implementing such a system, the findings of the initial feasibility
39 report and further recommendations.

40 § 2. This act shall take effect immediately.

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

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