

# STATE OF NEW YORK

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5609

2017-2018 Regular Sessions

## IN SENATE

April 20, 2017

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Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, the legislative law, the public officers law and the state finance law, in relation to the nomination and election of delegates to a constitutional convention

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

1 Section 1. Legislative findings. The legislature hereby finds and  
2 declares that the power of the people of this state to call a constitu-  
3 tional convention to periodically reevaluate their social contract is  
4 one of the great democratic mechanisms in existence. It is important,  
5 however, to ensure that the people of this state are fully represented  
6 and have fair access to this important process.

7 § 2. Subdivision 1 and the opening paragraph and paragraph (h) of  
8 subdivision 2 of section 6-136 of the election law, subdivision 1 as  
9 amended by chapter 200 of the laws of 1996, the opening paragraph of  
10 subdivision 2 as amended by chapter 659 of the laws of 1994 and para-  
11 graph (h) of subdivision 2 as amended by chapter 79 of the laws of 1992,  
12 are amended and three new subdivisions 2-a, 4 and 5 are added to read as  
13 follows:

14 1. Petitions for any office to be filled by the voters of the entire  
15 state, except the office of delegate-at-large to a convention to revise  
16 and amend the state constitution, must be signed by not less than  
17 fifteen thousand or five per centum, whichever is less, of the then  
18 enrolled voters of the party in the state (excluding voters in inactive  
19 status), of whom not less than one hundred or five per centum, whichever  
20 is less, of such enrolled voters shall reside in each of one-half of the  
21 congressional districts of the state. Petitions for the office of dele-  
22 gate-at-large to a convention to revise and amend the state constitution  
23 must be signed by not less than five thousand or two and one-half per  
24 centum, whichever is less, of such enrolled voters.

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

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1 All other petitions, except petitions for the office of district dele-  
2 gate to a convention to revise and amend the state constitution, must be  
3 signed by not less than five per centum, as determined by the preceding  
4 enrollment, of the then enrolled voters of the party residing within the  
5 political unit in which the office or position is to be voted for  
6 (excluding voters in inactive status), provided, however, that for the  
7 following public offices the number of signatures need not exceed the  
8 following limits:

9 (h) For any office to be filled by all the voters of any state senatorial district, except the office of district delegate to a convention to  
10 revise and amend the state constitution, one thousand signatures;

11 2-a. Petitions for the office of district delegate to a convention to  
12 revise and amend the state constitution must be signed by not less than  
13 five hundred or two and one-half per centum, whichever is less, of the  
14 then enrolled voters of the party residing within the state senate  
15 district (excluding voters in inactive status).

16 4. If a petition of a candidate for the office of delegate to a  
17 convention to revise and amend the state constitution is rejected, such  
18 candidate shall be afforded seven business days to correct technical  
19 errors in filed petitions after the official filing of petition or, when  
20 the petition is the subject of a judicial challenge within seven busi-  
21 ness days after the commencement of the lawsuit.

22 5. The provisions of this section shall be liberally construed to  
23 avoid the disqualification of candidates to the maximum extent feasible,  
24 not inconsistent with substantial compliance therewith and the  
25 prevention of fraud. "Substantial compliance" within this section means  
26 actual compliance in respect to the substance essential to every reason-  
27 able objective of the statute. It means that a court should determine  
28 whether the statute has been followed sufficiently so as to carry out  
29 the intent for which it was adopted. Substantial compliance with a stat-  
30 ute is not shown unless it is made to appear that the purpose of the  
31 statute is shown to have been served. What constitutes substantial  
32 compliance with a statute is a matter depending on the facts of each  
33 particular case.

34 § 3. Section 7-104 of the election law is amended by adding two new  
35 subdivisions 9 and 10 to read as follows:

36 9. At a general election at which the names of candidates for dele-  
37 gate-at-large to a convention to revise and amend the state constitution  
38 appear on the ballot, each voter shall be entitled to vote for one  
39 candidate and the fifteen candidates statewide receiving the highest  
40 number of votes shall be elected to the office of delegate-at-large to  
41 such convention to revise and amend the state constitution.

42 10. At a general election at which the names of candidates for the  
43 office of district delegate to a convention to revise and amend the  
44 state constitution appear on the ballot of such district, each voter  
45 shall be entitled to vote for one candidate and the three candidates of  
46 such district receiving the highest number of votes shall be elected to  
47 the office of district delegates to such convention to revise and amend  
48 the state constitution.

49 § 4. Subdivision 1 of section 14-114 of the election law is amended by  
50 adding a new paragraph b-1 to read as follows:

51 b-1. No contributor may make a contribution to any candidate or  
52 authorized committee of a candidate for an office or position subject to  
53 the provisions of this section who is also a candidate in the same  
54 election for the office of delegate-at-large or district delegate to a  
55 convention to revise and amend the state constitution, and no such  
56

candidate or authorized committee of a candidate for delegate-at-large or district delegate may accept any contribution from any contributor which is in the aggregate amount, greater than the larger amount which may be contributed to such a candidate for delegate-at-large or district delegate to a convention to revise and amend the state constitution or such other office or position subject to the provisions of this section.

§ 5. Sections 14-100 through 14-132 of article 14 of the election law are designated title 1 and a new title heading is added to read as follows:

GENERAL CAMPAIGN RECEIPTS AND EXPENDITURES

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

TITLE II  
STATE PUBLIC FINANCING  
FOR THE ELECTION OF  
DELEGATES TO A CONVENTION  
TO REVISE AND AMEND THE STATE  
CONSTITUTION

Section 14-200. Definitions.

14-202. Eligibility.

14-204. Qualified campaign expenditures.

14-206. Optional public financing.

14-208. Contribution and receipt limitations.

14-210. Expenditure limitations.

14-212. Examinations and audits; repayments.

14-214. Penalties.

14-216. Civil penalties.

§ 14-200. Definitions. As used in this title, unless another meaning is clearly indicated:

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

2. The term "candidate" shall mean a candidate for nomination or election to the office of delegate-at-large to a convention to revise and amend the state constitution, or a candidate for nomination or election to the office of district delegate to a convention to revise and amend the state constitution.

3. The term "eligible candidate" shall mean a candidate who meets the requirements for eligibility in section 14-202 of this title.

4. The term "matchable contributions" shall mean that portion of the aggregate contributions made after the effective date of this title by natural persons resident in the state of New York to a candidate for nomination or election to any of the offices covered by the provisions of this title which do not exceed five hundred dollars, which have been reported in full by the candidate's authorized committee to the state board, including the contributor's full name and residential address and, with respect to contributions of more than one hundred dollars, the name and address of the contributor's employer. "Matchable contributions" shall be the net amount of any monetary contribution realized by a candidate or designated committee after deducting the reasonable value of any goods or services provided the contributor in connection with the contribution, except that contributions from any person who has received a payment or anything of value from such committee or from a person who is an officer, director or employee of, or a person who has a ten percent or greater ownership interest in any entity which has received such a payment or thing of value shall not be matchable. A loan may not

1 be treated as a matchable contribution. For purposes of this subdivi-  
2 sion, a "contributor" shall be deemed to include the spouse and uneman-  
3 cipated children of any individual contributor.

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

6 6. The term "fund" shall mean the New York state delegate to the  
7 constitutional convention campaign finance fund established in section  
8 eighty-two of the state finance law.

9 7. The term "threshold for eligibility" shall mean the amount of total  
10 matchable contributions that the authorized committee of an otherwise  
11 eligible candidate for election must receive in order to qualify for  
12 optional public financing pursuant to this title.

13 § 14-202. Eligibility. 1. To be eligible for optional public financing  
14 under this title, a candidate for nomination or election must:

15 (a) Meet all the requirements of this chapter and other provisions of  
16 law to have his or her name on the ballot;

17 (b) Be a candidate as defined in section 14-200 of this title at a  
18 primary or general election and meet the threshold for eligibility set  
19 forth in subdivision two of this section;

20 (c) Elect to participate in the public funding provisions of this  
21 title not later than seven days after the last day to file designating  
22 petitions for the office such candidate is seeking;

23 (d) Agree to obtain and furnish to the state board any evidence it may  
24 reasonably request relating to his or her campaign expenditures or  
25 contributions and furnish such other proof of compliance with this title  
26 as may be requested by the state board;

27 (e) Have a single authorized political committee which he or she  
28 certifies as the authorized committee for the purposes of this title;

29 (f) Agree to identify accurately in all campaign materials the person  
30 or entity that paid for such campaign material; and

31 (g) Agree not to make expenditures for his or her designation, nomi-  
32 nation or election to more than one office or position or any combina-  
33 tion thereof on the ballot in the same election in which he or she is a  
34 candidate for the office of delegate-at-large or district delegate to a  
35 convention to revise and amend the state constitution, which in the  
36 aggregate, for all such offices and positions sought at the election,  
37 exceed the expenditure limitations established by this title for an  
38 eligible candidate.

39 2. The threshold for eligibility for public funding for candidates in  
40 a primary or general election for the following offices shall be:

41 (a) A candidate for delegate-at-large to a convention to revise and  
42 amend the state constitution in a primary election or a candidate for  
43 delegate-at-large to a convention to revise and amend the state consti-  
44 tution in a general election. Not less than seventy-five thousand  
45 dollars in matchable contributions including at least five hundred such  
46 contributions of ten dollars or more or one-half of the expenditure  
47 limit, whichever is less.

48 (b) District delegate to a convention to revise and amend the state  
49 constitution in a primary or general election. Not less than seven thou-  
50 sand five hundred dollars in matchable contributions including at least  
51 twenty-five such contributions of ten dollars or more from residents of  
52 the district in which the seat is to be filled or one-half of the  
53 expenditure limit, whichever is less.

54 3. In order to be eligible to receive public funds in a primary  
55 election, a candidate must agree that in the event such candidate is a  
56 candidate for such office in the general election in such year, such

1 candidate will be bound by the provisions of this title and section  
2 eighty-two of the state finance law, including, but not limited to, the  
3 receipt and expenditure limits of this title.

4 4. Candidates for district delegate who are contested in a primary  
5 election and who do not seek public funds shall not be eligible for  
6 public funds for the general election in that year.

7 5. Candidates who are unopposed in a general election shall not be  
8 eligible to receive public funds.

9 6. No candidate for election to an office in a primary or general  
10 election who has qualified for public funds shall receive such public  
11 funds unless at least one other candidate for such office in such  
12 election also qualified to receive public funds or at least one other  
13 candidate for such office in such election and such candidate's author-  
14 ized committee have spent, or contracted or obligated to spend, or have  
15 received in loans or contributions an amount exceeding ten percent of  
16 the expenditure limit for such office in such election which is fixed by  
17 this title for candidates who have elected to accept such public funds.  
18 If a candidate for an office and the authorized committee of such candi-  
19 date reaches the threshold to qualify to receive public funds, or spends  
20 or contracts or obligates to spend, or receives in loans or contrib-  
21 utions, an amount exceeding ten percent of the expenditure limit for  
22 such office in such election at any time after the filing deadline for  
23 the last report required to be filed before the first distribution of  
24 public funds for such election, such candidate or committee must notify  
25 the state board of that fact within forty-eight hours by express mail.

26 § 14-204. Qualified campaign expenditures. 1. Public funds provided  
27 under the provisions of this title and section eighty-two of the state  
28 finance law may only be used for expenditures by any one committee  
29 authorized by the candidate to make expenditures on such candidate's  
30 behalf, to further the candidate's nomination or election during the  
31 calendar year in which the primary or general election in which the  
32 candidate seeking nomination or election is held, for services, materi-  
33 als, facilities or other things of value used during that year. The  
34 total of all expenditures made by the candidate and such candidate's  
35 authorized committee, including all payments received from the fund,  
36 shall not exceed the expenditure limitations established in section  
37 14-210 of this title, except insofar as such payments are made to repay  
38 loans used to pay campaign expenditures.

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

40 (a) An expenditure in violation of any law of the United States or of  
41 this state;

42 (b) Payments or anything of value given or made to the candidate, a  
43 relative of the candidate, or to a business entity in which any such  
44 person has a ten percent or greater ownership interest or of which any  
45 such person is an officer, director or employee;

46 (c) Payment in excess of the fair market value of services, materials,  
47 facilities or other things of value received in exchange;

48 (d) Any expenditure made after the candidate, or the only remaining  
49 opponent of the candidate, has been disqualified or had such candidate's  
50 petitions declared invalid by a board of elections or a court of compe-  
51 tent jurisdiction until and unless such finding is reversed by a higher  
52 authority. This paragraph shall not apply to a candidate entitled to  
53 expend public funds pursuant to the provisions of subdivision three of  
54 section 14-206 of this title;



1 (e) Any expenditure made to challenge the validity of any petition of  
2 designation or nomination or any certificate of nomination, acceptance,  
3 authorization, declination or substitution;

4 (f) Expenditure for noncampaign related food, drink or entertainment;  
5 and

6 (g) Gifts, except brochures, buttons, signs and other campaign materi-  
7 al.

8 § 14-206. Optional public financing. 1. Eligible candidates for nomi-  
9 nation or election in primary and general elections may obtain payment  
10 to authorized committees from public funds for qualified campaign  
11 expenditures. No such public funds shall be paid to an authorized  
12 committee until the candidate has qualified as an eligible candidate and  
13 filed a sworn statement with the state board electing to receive public  
14 funds and agreeing to abide by the requirements of this title and  
15 section eighty-two of the state finance law. Payments shall not exceed  
16 the amounts specified in this title, and shall be made only in accord-  
17 ance with the provisions of this title and section eighty-two of the  
18 state finance law. Such payments may only be made to an eligible candi-  
19 date's authorized committee. No public funds shall be used except as  
20 reimbursement or payment for qualified campaign expenditures actually  
21 and lawfully incurred or to repay loans used to pay qualified campaign  
22 expenditures.

23 2. (a) The authorized committee of each eligible candidate shall be  
24 entitled to payment for qualified campaign expenditures not to exceed  
25 one dollar for each one dollar of matchable contributions obtained and  
26 reported to the state board in accordance with the provisions of this  
27 title.

28 (b) However, if any candidate in any election for an office for which  
29 public funds are available pursuant to the provisions of this title and  
30 section eighty-two of the state finance law, elects not to accept such  
31 public funds and such candidate and such candidate's authorized commit-  
32 tee spend or contract or obligate to spend, or receive in loans or  
33 contributions, an amount exceeding one-third of the expenditure limit  
34 for such office fixed by this title for candidates who have elected to  
35 accept such public funds, then the authorized committee of each eligible  
36 candidate for such office shall be entitled to payment for qualified  
37 campaign expenditures not to exceed two dollars for each such dollar of  
38 matchable contributions. If a candidate who elects not to accept such  
39 public funds, or the authorized committee of such a candidate, spends or  
40 contracts or obligates to spend, or receives in loans or contributions,  
41 an amount exceeding one-third of the expenditure limit for such office,  
42 such candidate or committee must notify the state board of the fact  
43 within forty-eight hours by express mail.

44 3. No candidate for nomination for an office who is unopposed in a  
45 primary election shall be entitled to payment from the fund for quali-  
46 fied campaign expenditures, unless there is a contest in such primary  
47 for the nomination of at least one other party for such office. Where  
48 there is such a contest, the authorized committee of an unopposed candi-  
49 date for nomination may receive one-half of the payment provided in  
50 subdivision two of this section, provided that such candidate otherwise  
51 qualifies pursuant to the provisions of this title. Such payment may  
52 only be expended for property, services or facilities used on or before  
53 the date of such primary.

54 4. The total payments from the fund received by the authorized commit-  
55 tee of any candidate, when added to the total of contributions received  
56 by such candidate and such candidate's authorized committee, may not

1 exceed the amount which may be expended by such candidate pursuant to  
2 the provisions of this title.

3 5. The state board shall promptly examine all reports of contributions  
4 to determine that, on their face, they meet the requirements for matcha-  
5 ble contributions, and shall keep a record of such contributions.

6 6. The state board shall promulgate regulations for the certification  
7 for approval of payment by the New York state delegate to the constitu-  
8 tional convention campaign finance fund pursuant to section eighty-two  
9 of the state finance law of the sum of public funds that such candidate  
10 has qualified to receive from the New York state delegate to the consti-  
11 tutional convention campaign finance fund. These regulations shall  
12 include the promulgation and distribution of forms on which contrib-  
13 utions and expenditures are to be reported, the periods during which  
14 such reports must be filed and the verification required. The state  
15 board shall endeavor to institute procedures which will make possible  
16 payment by the New York state delegate to the constitutional convention  
17 campaign finance fund within four business days after receipt of the  
18 required forms and verifications.

19 § 14-208. Contribution and receipt limitations. 1. The following limi-  
20 tations apply to all contributions for those offices for which public  
21 funds are available pursuant to the provisions of this title and section  
22 eighty-two of the state finance law:

23 (a) In any primary or general election for a public office to be voted  
24 on by the voters of the entire state, no contributor may make a contrib-  
25 ution to any candidate or authorized committee, and no candidate or  
26 authorized committee may accept any contribution from any contributor,  
27 which, in the aggregate amount, is greater than four thousand dollars. A  
28 candidate for delegate-at-large to a convention to revise and amend the  
29 state constitution in a general election who has elected to participate  
30 in the optional public financing provisions of this title may accept  
31 from one or more of the party committees or constituted committees of  
32 all the parties which have nominated such candidate, an amount which, in  
33 the aggregate, does not exceed one hundred thousand dollars. A candi-  
34 date for delegate-at-large to a convention to revise and amend the state  
35 constitution in a general election who has elected not to participate in  
36 such optional public financing may accept from such party or constituted  
37 committee an amount, which in the aggregate, does not exceed fifty thou-  
38 sand dollars.

39 (b) In any primary or general election for district delegate to a  
40 convention to revise and amend the state constitution, no contributor  
41 may make a contribution to any candidate or authorized committee, and no  
42 candidate or authorized committee may accept any contribution from any  
43 contributor, which, in the aggregate amount, is greater than one thou-  
44 sand five hundred dollars, except that a candidate for district delegate  
45 to a convention to revise and amend the state constitution in a general  
46 election who has elected to participate in the optional public financing  
47 provisions of this title or such candidate's authorized committee may  
48 accept from one or more of the party or constituted committees of all of  
49 the parties which have nominated such candidate, an amount which in the  
50 aggregate does not exceed fifty thousand dollars. A candidate for  
51 district delegate to a convention to revise and amend the state consti-  
52 tution who has elected not to participate in such optional public  
53 financing may accept from such party or constituted committees an amount  
54 which, in the aggregate, does not exceed thirty thousand dollars.

55 (c) However, if any candidate elects not to accept such public funds  
56 and such candidate and such candidate's authorized committee spend or

1 contract or obligate to spend, or receive in loans or contributions, an  
2 amount exceeding one-third of the expenditure limit for such office  
3 fixed by this title for candidates who have elected to accept such  
4 public funds, contributors to those candidates for such office who have  
5 elected to receive public funds shall be allowed to contribute and such  
6 candidates or authorized committees shall be allowed to accept contrib-  
7 utions from any contributor, which, in the aggregate, are twice the  
8 amount which would otherwise be allowed by paragraphs (a) and (b) of  
9 this subdivision, whichever is applicable. If a candidate who elects not  
10 to accept such public funds, and the authorized committee of such a  
11 candidate spends or contracts or obligates to spend, or receives in  
12 loans or contributions, an amount exceeding one-third of the expenditure  
13 limit for such office, such candidate or committee must notify the state  
14 board of that fact within forty-eight hours by express mail.

15 (d) Sixty days before an election at which a ballot question which  
16 asks the voters of the state if there shall be a convention to revise  
17 and amend the state constitution is on the ballot, the state board shall  
18 determine the percentage difference between the most recent available  
19 monthly consumer price index for all urban consumers published by the  
20 United States bureau of labor statistics and such consumer price index  
21 published for the same month at the end of two thousand one. The amount  
22 of each contribution limit fixed in this subdivision shall be adjusted  
23 by the amount of such percentage difference to the closest one hundred  
24 dollars by the state board, which shall forthwith issue a regulation  
25 setting forth the amount of each such contribution limit. Each contrib-  
26 ution limit as so adjusted shall be the contribution limit in effect for  
27 any election held before the next such adjustment.

28 2. A committee which has been authorized by a person who is a candi-  
29 date for delegate-at-large or district delegate to a convention to  
30 revise and amend the state constitution in connection with such person's  
31 candidacy for another office or position may not be designated as the  
32 authorized committee for the election for delegate-at-large or district  
33 delegate to the convention to revise and amend the state constitution.  
34 Such committee may not contribute to such candidate and such candidate's  
35 authorized committee for the office of delegate-at-large or district  
36 delegate to a convention to revise and amend the state constitution any  
37 more than the contribution limit for such office established by this  
38 title, nor shall such other authorized committee transfer any money or  
39 thing of value to such candidate or the committee authorized by such  
40 candidate for the election for delegate-at-large or district delegate to  
41 a convention to revise and amend the state constitution.

42 3. Except for the limitations specifically set forth in this section,  
43 such eligible candidates shall be subject to the provisions of section  
44 14-114 of this article.

45 § 14-210. Expenditure limitations. 1. The following limitations apply  
46 to all expenditures by eligible candidates and their authorized commit-  
47 tees receiving public funds pursuant to the provisions of this title and  
48 section eighty-two of the state finance law.

49 2. (a) In any primary election, expenditures by eligible candidates  
50 for delegate-at-large to a convention to revise and amend the state  
51 constitution and their authorized committees, including expenditures for  
52 nomination to any other office or position for which such person is a  
53 candidate at such election, shall not exceed the sum of seventy-five  
54 cents for each voter enrolled in the candidate's party in the state, or  
55 two hundred fifty thousand dollars, whichever is greater, and expendi-  
56 tures by eligible candidates for district delegate to a convention to



1 revise and amend the state constitution and their authorized committees  
2 shall not exceed the sum of one dollar and seventy-five cents for each  
3 voter enrolled in the candidate's party in the district in which such  
4 candidate is a candidate as determined by the records of the appropriate  
5 board or boards of election as of the last general election preceding  
6 the primary election, or fifteen thousand dollars, whichever is greater.  
7 However, such expenditures shall not exceed five hundred thousand  
8 dollars in a primary election for delegate-at-large to a convention to  
9 revise and amend the state constitution, and thirty thousand dollars in  
10 a primary election for district delegate to a convention to revise and  
11 amend the state constitution.

12 (b) In any general election, expenditures by eligible candidates for  
13 the following offices and their designated committees, including expend-  
14 itures for election to any other office for which such person is a  
15 candidate at such election, shall not exceed the following amounts:

16 For a candidate for:

17 delegate-at-large  
18 to a convention to revise and  
19 amend the state constitution \$1,500,000

20 district delegate  
21 to a convention to revise and  
22 amend the state constitution \$150,000

23 (c) However, if any candidate elects not to accept such public funds  
24 and such candidate and such candidate's authorized committee spend or  
25 contract or obligate to spend, or receive in loans or contributions, an  
26 amount exceeding one-third of the expenditure limit for such office  
27 fixed by paragraph (a) or (b) of this subdivision, whichever is applica-  
28 ble, for candidates who have elected to accept such public funds, there  
29 shall be no expenditure limit for those candidates for such office who  
30 have elected to receive public funds. If a candidate who elects not to  
31 accept such public funds, and such candidate and the authorized commit-  
32 tee of such a candidate spends or contracts or obligates to spend, or  
33 receives in loans or contributions, an amount exceeding one-third of the  
34 expenditure limit for such office, such candidate or committee must  
35 notify the state board of that fact within forty-eight hours by express  
36 mail.

37 (d) Candidates for office who are unopposed in the primary election  
38 may expend before the primary election, for services, materials or  
39 facilities used on or before the date of such primary election, an  
40 amount equal to half the sum such candidates would be entitled to spend  
41 if their nomination was contested in such primary election; provided  
42 that there is a contest in such primary for the nomination of at least  
43 one other party for such office.

44 (e) Expenditures for legal fees and expenses to defend the validity of  
45 petitions of designation or nomination or certificates of nomination,  
46 acceptance, authorization, declination or substitution, or to challenge  
47 successfully, any such petition or certificate on grounds of fraud and  
48 for expenses incurred to comply with the campaign finance reporting  
49 requirements of this article shall not be subject to the expenditure  
50 limits of this subdivision.

51 (f) Notwithstanding any expenditure limit in this subdivision, each  
52 county committee of any party which nominates a candidate for statewide

1 office, including any subcommittees of such a committee, may expend in  
2 support of each such candidate for statewide office of such party who  
3 has agreed to accept public financing, an amount which shall not exceed  
4 the sum of two cents for each voter registered in such county as deter-  
5 mined by the records of the appropriate board of elections as of the  
6 preceding general election.

7 (g) Sixty days before an election at which a ballot question which  
8 asks the voters of the state if there shall be a convention to revise  
9 and amend the state constitution is on the ballot, the state board shall  
10 determine the percentage difference between the most recent available  
11 monthly consumer price index for all urban consumers published by the  
12 United States bureau of labor statistics and such consumer price index  
13 published at the end of two thousand one. The amount of each expenditure  
14 limit fixed in this subdivision shall be adjusted by the amount of such  
15 percentage difference to the closest one thousand dollars by the state  
16 board, which shall forthwith issue a regulation setting forth the amount  
17 of each such contribution limit. Each contribution limit as so adjusted  
18 shall be the contribution limit in effect for any election held before  
19 the next such adjustment.

20 3. In computing the aggregate amount expended for purposes of this  
21 section, expenditures made by a committee in support of more than one  
22 candidate shall be allocated among such candidates supported by the  
23 committee in accordance with formulas promulgated by the state board or,  
24 in the absence of such official formulas, in accordance with any formula  
25 based upon reasonable standards. The statements filed by such committee  
26 in accordance with this chapter shall set forth, in addition to the  
27 other information required, the total amount expended by the committee  
28 on behalf of all such candidates and the amount allocated to each candi-  
29 date by dollar amount and percentage. Expenditures by a state or other  
30 committee of a political party for activities which do not support or  
31 oppose the election of any candidate or candidates by name or by clear  
32 inference shall not be regarded as expenditures on behalf of or in oppo-  
33 sition to a candidate.

34 § 14-212. Examinations and audits; repayments. 1. The state board  
35 shall conduct a thorough examination and audit of the contributions and  
36 qualified campaign expenses of the authorized committee of every eligi-  
37 ble candidate who received payments pursuant to section 14-206 of this  
38 title.

39 2. (a) If the state board determines that any portion of the payment  
40 made to such authorized committee from the fund was in excess of the  
41 aggregate amount of payments to which such eligible candidate was enti-  
42 tled pursuant to section 14-206 of this title, it shall notify such  
43 committee, and such committee shall pay to the state board an amount  
44 equal to the amount of excess payments.

45 (b) If the state board determines that any amount of payment made to  
46 an authorized committee of an eligible candidate from the fund was used  
47 for purposes other than to defray qualified campaign expenses, it shall  
48 notify the said authorized committee of the amount disqualified, and the  
49 said authorized committee shall pay to the state board an amount equal  
50 to such disqualified amount.

51 (c) If the total of contributions and payments from the fund received  
52 by any candidate and such candidate's authorized committee exceeds the  
53 campaign expenditures of such candidate and committee, such candidate  
54 and committee shall use such excess funds to reimburse the fund for  
55 payments received by such committee from the fund not later than ten  
56 days after all liabilities have been paid and in any event, not later

1 than March thirty-first of the year following the year of the election  
2 for which such payments were intended. No such excess funds shall be  
3 used for any other purpose, unless the total amount due the fund from  
4 such candidate and committee has been repaid.

5 3. If a court of competent jurisdiction disqualifies a candidate whose  
6 authorized committee has received public funds on the grounds that such  
7 candidate committed fraudulent acts in order to obtain a place on the  
8 ballot and such decision is not reversed by a higher court, such candi-  
9 date and such candidate's authorized committee shall pay to the state  
10 board an amount equal to the total of public funds received by such  
11 authorized committee.

12 4. All payments received by the state board pursuant to this section  
13 shall be deposited in the New York state delegate to the constitutional  
14 convention campaign finance fund.

15 § 14-214. Penalties. 1. Any person who knowingly and willfully fails  
16 to file a statement required to be filed by this title or the rules or  
17 regulations of the state board in implementation thereof within five  
18 days after the date provided for filing such statement, or any person  
19 who knowingly and willfully violates any other provision of this title  
20 or of section eighty-two of the state finance law shall be guilty of a  
21 class A misdemeanor, unless a greater penalty is specifically prescribed  
22 in another applicable statute.

23 2. Any person who knowingly and willfully contributes or expends or  
24 aids or participates in the contribution or expenditure of funds in an  
25 amount exceeding an applicable maximum specified in this title, or who  
26 knowingly and willfully accepts or aids or participates in the accept-  
27 ance of a contribution in an amount exceeding an applicable maximum  
28 specified in this title shall be guilty of a class A misdemeanor.

29 3. Any person who knowingly and willfully neglects or refuses to  
30 furnish any information required or authorized by this title or by  
31 section eighty-two of the state finance law, or to exhibit records,  
32 papers or documents authorized by this title or by section eighty-two of  
33 the state finance law to be inspected or which are required to be exhib-  
34 ited, shall be guilty of a class A misdemeanor.

35 4. Any person who knowingly and willfully expends or aids or partic-  
36 ipates in the expenditure of funds for a purpose or in a manner which  
37 violates the provisions of this title, or which violates the provisions  
38 of section eighty-two of the state finance law, shall be guilty of a  
39 class A misdemeanor.

40 5. Any person who knowingly and willfully fails to return or aids or  
41 participates in the failure to return to the state board or to the New  
42 York state delegate to the constitutional convention campaign finance  
43 fund any funds required to be returned to such board or fund pursuant to  
44 the provisions of this title or section eighty-two of the state finance  
45 law shall be guilty of a class A misdemeanor.

46 6. Any person who furnishes any false, fictitious or fraudulent  
47 evidence, books or information to the state board of elections under  
48 this title or includes in any evidence, books, or information so  
49 furnished any misrepresentation of a material fact, or falsifies or  
50 conceals any evidence, books, or information relevant to any audit by  
51 the state board of elections or knowingly and willfully violates any  
52 other provision of this title or of section eighty-two of the state  
53 finance law shall be guilty of a class A misdemeanor.

54 7. The attorney general shall be primarily responsible for instituting  
55 and conducting prosecutions under this section. In such cases, the  
56 attorney general or the attorney general's deputy shall exercise all the

1 powers and perform all the duties which the district attorney would  
2 otherwise be authorized or required to exercise or perform; whenever any  
3 such prosecution is instituted by the attorney general, the district  
4 attorney shall only exercise such powers and perform such duties as are  
5 required of the district attorney by the attorney general or the deputy  
6 attorney general. Until and unless the attorney general exercises  
7 authority under this section, an otherwise authorized district attorney  
8 may institute and conduct a prosecution under this section.

9 8. Whenever the attorney general is authorized under this title to  
10 prosecute a criminal proceeding on behalf of the state board, the attor-  
11 ney general shall have the discretion to delegate the authority to  
12 initiate or conduct any such prosecution to the state board.

13 § 14-216. Civil penalties. 1. Any person who fails to file a statement  
14 or record required to be filed by this title or the rules or regulations  
15 of the state board in implementation thereof shall be subject to a civil  
16 penalty, not in excess of one thousand dollars, to be recoverable in a  
17 civil action brought by the state board.

18 2. If the aggregate amount of expenditures by a candidate and such  
19 candidate's authorized committee exceeds the expenditure limitations  
20 contained in this title, such candidate shall be liable for a civil  
21 penalty in an amount equal to three times the sum by which such expendi-  
22 tures exceed the permitted amount.

23 § 7. Paragraphs (ix) and (x) of subdivision (c) of section 1-c of the  
24 legislative law, as added by chapter 1 of the laws of 2005, are amended  
25 and a new paragraph (xi) is added to read as follows:

26 (ix) the adoption or rejection of any rule, regulation, or resolution  
27 having the force and effect of a local law, ordinance, resolution, or  
28 regulation; [ex]

29 (x) the outcome of any rate making proceeding by any municipality or  
30 subdivision thereof[-]; or

31 (xi) the action or inaction of a delegate to a constitutional conven-  
32 tion.

33 § 8. Section 1-f of the legislative law, as added by chapter 2 of the  
34 laws of 1999, is amended to read as follows:

35 § 1-f. [~~Monthly registration~~] Registration docket. 1. Monthly regis-  
36 tration docket. It shall be the duty of the commission to compile a  
37 monthly docket of statements of registration containing all information  
38 required by section one-e of this article. Each such monthly docket  
39 shall contain all statements of registration filed during such month and  
40 all amendments to previously filed statements of registration. Copies  
41 shall be made available for public inspection.

42 2. Constitutional convention delegate contact log. From the date upon  
43 which the board of elections certifies the election of delegates to the  
44 constitutional convention to the date the constitutional convention is  
45 adjourned, each lobbyist, as defined by this article, shall file a log  
46 each week of all contacts with delegates to the constitutional conven-  
47 tion. Such log of these contacts shall be submitted to the commission.  
48 The commission shall maintain a weekly docket which shall contain all  
49 logs, copies of which shall be open and available for inspection by the  
50 public.

51 § 9. Section 1-o of the legislative law is amended by adding a new  
52 subdivision (e) to read as follows:

53 (e) Any person who fails to file any log of contacts with delegates of  
54 the constitutional convention as required by this article shall be  
55 subject to a civil penalty, not in excess of twenty-five dollars for the  
56 first offense. Any person who knowingly and willfully fails to file any

1 log of contacts with delegates of the constitutional convention as  
2 required by this article shall be guilty of a class A misdemeanor for  
3 the second offense and each offense thereafter.

4 § 10. The opening paragraph of paragraph (a) of subdivision 2 of  
5 section 73-a of the public officers law, as amended by section 5 of part  
6 A of chapter 399 of the laws of 2011, is amended to read as follows:

7 Every statewide elected official, state officer or employee, member of  
8 the legislature, delegate to a constitutional convention, legislative  
9 employee and political party chairman and every candidate for statewide  
10 elected office or for member of the legislature or for delegate to a  
11 constitutional convention shall file an annual statement of financial  
12 disclosure containing the information and in the form set forth in  
13 subdivision three of this section. On or before the fifteenth day of May  
14 with respect to the preceding calendar year:

15 § 11. The state finance law is amended by adding a new section 82 to  
16 read as follows:

17 § 82. New York state delegate to the constitutional convention  
18 campaign finance fund. 1. There is hereby established a special fund, to  
19 be known as the New York state delegate to the constitutional convention  
20 campaign finance fund, in the joint custody of the state comptroller and  
21 the commissioner of taxation and finance. The moneys in such fund may be  
22 expended by the state board of elections only as payments for partic-  
23 ipating candidates in accordance with the provisions of title two of  
24 article fourteen of the election law.

25 2. The fund shall be kept separate from all other funds and shall be  
26 credited with all sums appropriated therefor, any donations received  
27 pursuant to subdivision five of this section and all earnings accruing  
28 on such funds.

29 3. As soon as practicable in the year two thousand eighteen and in  
30 time for inclusion in the executive expense budget in every year there-  
31 after, and at such other times as the state board of elections shall  
32 deem necessary, said board shall submit its estimate of the amount of  
33 public funds which will be necessary to provide candidates for delegates  
34 to the constitutional convention sufficient financing for elections in  
35 the next year in which elections are scheduled pursuant to law, and a  
36 reserve for contingencies. Such estimates shall be submitted in such  
37 manner and at such times as to ensure that such amounts as shall be  
38 necessary may be appropriated in full by the beginning of the fiscal  
39 year prior to that in which elections are scheduled pursuant to law and  
40 that additional amounts may be appropriated as necessary.

41 4. The moneys in such fund shall be paid to participating candidates  
42 by said board upon its certification that such candidates qualify for  
43 such funds.

44 5. Said board shall be empowered to accept donations to be credited to  
45 the fund. Said board may devise such methods of soliciting and collect-  
46 ing donations as it may deem feasible and appropriate.

47 § 12. If any item, clause, sentence, subparagraph, subdivision,  
48 section, or any other part of this act, or the application thereof to  
49 any person or circumstances, is held to be invalid, such holding shall  
50 not affect, impair, or invalidate the remainder of this act, of the  
51 application of such section or part of a section held invalid, to any  
52 other person or circumstances, but shall be confined in its operation to  
53 the item, clause, sentence, subparagraph, subdivision, section, or other  
54 part of this act directly involved in such holding, or to the person and  
55 circumstances therein involved.



1     § 13. This act shall take effect on the first of January next succeed-  
2     ing the date on which it shall have become a law; provided, however,  
3     that the state commissioner of taxation and finance and the state comp-  
4     troller may promulgate any rules, regulations and forms necessary for  
5     the implementation of section 82 of the state finance law, as added by  
6     section eleven of this act on or before the effective date of this act.