

STATE OF NEW YORK

7070

IN SENATE

(Prefiled)

January 3, 2018

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

AN ACT to amend the election law, in relation to decreasing contribution limitations

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

1 Section 1. Subdivision 1 of section 14-114 of the election law, as
2 amended by chapter 79 of the laws of 1992, paragraphs a and b as amended
3 by chapter 659 of the laws of 1994, is amended to read as follows:

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

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

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

LBD03065-02-7

~~number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by \$.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by \$.025].~~

b. In any other election for party position or for election to a public office or for nomination for any such office, no contributor may make a contribution to any candidate or political committee and no candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any election for party position, or for nomination to public office, the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by \$.05, and (ii) in the case of any election for a public office, the product of the total number of registered voters in the district, excluding voters in inactive status, multiplied by \$.05~~];~~ but in no event shall any such maximum exceed

three thousand dollars or be less than one thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; however in the case of a nomination or election

within the city of New York for the office of mayor, public advocate ~~[or]~~ comptroller, borough president or member of the city council, such

amount shall be ~~[not less than four thousand dollars nor more than~~

~~twelve thousand dollars as increased or decreased by the cost of living~~

~~adjustment described in paragraph c of this subdivision; in the case of~~

~~an election within the city of New York for the office of mayor, public~~

~~advocate or comptroller, twenty five thousand dollars as increased or~~

~~decreased by the cost of living adjustment described in paragraph c of~~

~~this subdivision]~~ equal to the contribution limits set forth in para-

graph (f) of subdivision one of section 3-703 of the administrative code

of the city of New York; provided however in the case of a nomination or

election for state senator, such amount shall be ~~[four]~~ six thousand

dollars as increased or decreased by the cost of living adjustment

described in paragraph c of this subdivision; ~~[in the case of an~~

~~election for state senator, six thousand two hundred fifty dollars as~~

~~increased or decreased by the cost of living adjustment described in~~

~~paragraph c of this subdivision;]~~ in the case of ~~[an election or]~~ a

nomination or election for a member of the assembly, ~~[twenty five~~

~~hundred]~~ three thousand dollars as increased or decreased by the cost of

living adjustment described in paragraph c of this subdivision~~;~~ but in

no event shall any such maximum exceed fifty thousand dollars or be less

than one thousand dollars; provided however, that the maximum amount

which may be so contributed or accepted, in the aggregate, from any

candidate's child, parent, grandparent, brother and sister, and the

spouse of any such persons, shall not exceed in the case of any election

for party position or nomination for public office an amount equivalent

to the number of enrolled voters in the candidate's party in the

district in which he is a candidate, excluding voters in inactive

status, multiplied by \$.25 and in the case of any election to public

office, an amount equivalent to the number of registered voters in the

district, excluding voters in inactive status, multiplied by \$.25; or

twelve hundred fifty dollars, whichever is greater, or in the case of a

nomination or election of a state senator, twenty thousand dollars,

whichever is greater, or in the case of a nomination or election of a

member of the assembly twelve thousand five hundred dollars, whichever

1 ~~is greater, but in no event shall any such maximum exceed one hundred~~
2 ~~thousand dollars~~].

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

16 § 2. Subdivision 10 of section 14-114 of the election law, as added by
17 chapter 79 of the laws of 1992, is amended to read as follows:

18 10. a. No contributor may make a contribution to a party or consti-
19 tuted committee and no such committee may accept a contribution from any
20 contributor which, in the aggregate, is greater than [~~sixty-two~~] twen-
21 ty-five thousand [~~five hundred~~] dollars per annum.

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

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

38 3. The contribution and receipt limits of this article shall not apply
39 to monies received and expenditures made by a party committee or consti-
40 tuted committee to maintain a permanent headquarters and staff and carry
41 on ordinary activities which are not for the express purpose of promot-
42 ing the candidacy of specific candidates; provided that such monies
43 described in this subdivision shall be deposited in a segregated
44 account. Contributions made for such activities to a party committee or
45 constituted committee shall be limited to twenty-five thousand dollars
46 in the aggregate from each contributor in each year.

47 § 4. This act shall take effect on the one hundred eightieth day after
48 it shall have become a law; provided, that contributions legally
49 received prior to the effective date of this act may be retained and
50 expended for lawful purposes and shall not provide the basis for a
51 violation of article 14 of the election law, as amended by this act; and
52 provided, further, that the state board of elections shall notify all
53 candidates and political committees of the applicable provisions of this
54 act within thirty days after this act shall have become a law.