

STATE OF NEW YORK

8104

IN SENATE

March 28, 2018

Introduced by Sen. RANZENHOFER -- 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 restricted government
participant contribution periods

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

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

3 § 14-131. Government participant contributions. 1. For the purposes of
4 this section the following terms shall have the following meanings:

5 (a) "Relative of any person" shall mean any person living in the same
6 household as the individual and any person who is a direct descendant of
7 the grandparents of such individual or of the grandparents of such indi-
8 vidual's spouse or the spouse of such descendants;

9 (b) "Licensing" shall mean any activity respecting the grant, denial,
10 renewal, revocation, enforcement, suspension, annulment, withdrawal,
11 recall, cancellation or amendment of a license, permit or other form of
12 permission conferring the right or privilege to engage in (i) a profes-
13 sion, trade, or occupation, or (ii) any business or activity regulated
14 by a regulatory agency of a city agency that in the absence of such
15 license, permit or other form of permission would be prohibited;

16 (c) "Municipal agency" shall mean: (i) any department, board, bureau,
17 commission, division, office, council, committee or officer of a munici-
18 pality, whether permanent or temporary, or (ii) an industrial develop-
19 ment agency or local public benefit corporation as that term is defined
20 in section sixty-six of the general construction law;

21 (d) "Business entity" shall mean a business corporation, professional
22 services corporation, limited liability company, partnership, limited
23 partnership, business trust, association or any other legal commercial
24 entity organized under the laws of this state or any other state or
25 foreign jurisdiction, including any subsidiary directly or indirectly
26 controlled by the business entity, and any political organization,
27 including but not limited to any political organization organized under
28 section five hundred twenty-seven of the internal revenue code, that is

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

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1 directly or indirectly controlled by the business entity, and any owner,
2 officer, director or partner of such business entity, or a relative of
3 such person;

4 2. The "restricted participant contribution period" as used in this
5 section shall:

6 (i) commence, with respect to a specific person, relative of any
7 person, organization, group of persons, or business entity that submits
8 a bid, quotation, application, offer, or response to the state or local
9 governmental entity posting or solicitation, at the earliest of the date
10 of application or bid, or the date of posting on a state or local
11 governmental entity's website, in a newspaper of general circulation or
12 in the procurement opportunities newsletter in accordance with article
13 four-C of the economic development law of written notice, advertisement
14 or solicitation of a request for proposal, invitation for bids, or
15 solicitations of proposals, or any other method provided for by law or
16 regulation for soliciting a response from offerors intending to result
17 in a procurement contract grant or license with a state or local govern-
18 mental entity or the date of application. The restricted participant
19 contribution period does not apply to a person, relative of any individ-
20 ual, organization, group of persons or business entity that is respond-
21 ing to a state governmental entity's request for information or other
22 informational exchanges occurring prior to such governmental entity's
23 posting or solicitation for participation; and

24 (ii) end with respect to a specific person, relative of any person,
25 organization, group of persons, or business entity;

26 (1) if the person, relative, organization, group of persons, or busi-
27 ness entity is the recipient of the final contract grant or license
28 award, the restricted vendor contribution period shall end one year
29 after the final contract grant or license award and approval by the
30 state or local governmental entity and, where applicable, the state
31 comptroller; or

32 (2) if the person, relative, organization, group of persons, or busi-
33 ness entity is not the recipient of the final contract, license or grant
34 award, the restricted vendor contribution period shall end with the
35 final contractor grant award and approval by the state or local govern-
36 mental entity and, where applicable, the state comptroller, or the
37 disapproval of the license or grant.

38 3. During the restricted participant contribution period, the contrib-
39 ution limits set forth in article fourteen of this chapter for any
40 person, relative of any person, organization, group of persons or busi-
41 ness entity or any owner, director or officer, or their relative, of
42 such business entity that submits an application for any grant or
43 license, or a bid, quotation, offer, response or application to a state
44 or local entity in response to a solicitation or request for proposal
45 for procurement, construction, reconstruction or repair, shall be
46 reduced to fifteen percent of the contribution limits otherwise permit-
47 ted pursuant to section 14-114 of this article to any officeholder of
48 the state or local governmental entity or entities responsible for, or
49 responsible for choosing, directly or indirectly, the person or persons
50 responsible for, issuing such posting, solicitation, license, request
51 for proposal, evaluating such response, or responsible for approving or
52 awarding the final procurement contract, license or grant, or to any
53 candidate for an office of such governmental entity including to the
54 authorized political committees of such office holder or candidate.

55 4. For purposes of this section, the assembly and senate shall be
56 considered to be two separate and distinct governmental entities when a

1 posting or solicitation for procurement is issued by only one respective
2 house.

3 5. The state or local governmental entity directly responsible for
4 issuing such posting or solicitation for procurement shall include a
5 notice of the prohibition established by this section and the state
6 governmental entity responsible for evaluating responses to such posting
7 or solicitation shall provide, to any person, organization, group of
8 persons, or business entity that submits a proposal in response to such
9 posting or solicitation for procurement, a notice of the prohibition
10 established by this section and the restricted vendor contribution peri-
11 od commencement date.

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

14 7. (a) Any person, relative of any person, organization, group of
15 persons, or business entity as such terms are used and defined in
16 section 14-131 of this article, who, under circumstances evincing an
17 intent to violate such law, makes a contribution in contravention of
18 section 14-131 of this article shall be subject to a civil penalty not
19 to exceed the greater of ten thousand dollars or an amount equal to two
20 hundred percent of the contribution, to be recoverable in a special
21 proceeding or civil action to be brought by the state board of elections
22 chief enforcement counsel.

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

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