

STATE OF NEW YORK

8174

IN SENATE

April 13, 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 matching financing; and to amend the state finance law, in relation to the New York state campaign finance fund and the abandoned property fund

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

Section 1. The article heading of article 14 of the election law is amended to read as follows:

CAMPAIGN RECEIPTS AND EXPENDITURES; MATCHING FINANCING

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

CAMPAIGN RECEIPTS AND EXPENDITURES

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

TITLE II

MATCHING FINANCING

Section 14-200. Definitions.

14-201. Reporting requirements.

14-202. Contribution limits.

14-203. Proof of compliance.

14-204. Eligibility.

14-205. Limits on matching financing.

14-206. Payment of matching funds.

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

14-208. Powers and duties of board.

14-209. Audits and repayments.

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

14-211. Reports.

14-212. Debates for candidates for district attorney or justice of the supreme court.

14-213. Severability.

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

LBD08884-02-7

1 § 14-200. Definitions. For the purposes of this title, the following
2 terms shall have the following meanings:

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

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

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

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

12 5. The term "covered election" shall mean any primary or general
13 election for nomination for election, or election, to the office of
14 district attorney or justice of the supreme court.

15 6. The term "election cycle" shall mean: (a) for a district attorney,
16 the four year period starting after the day after the last general
17 election for candidates for statewide office; (b) for a justice of the
18 supreme court, the fourteen year period starting the day after the last
19 general election for candidates for statewide office.

20 7. The term "expenditure" shall mean any gift, subscription, advance,
21 payment, or deposit of money or anything of value, or a contract to make
22 any gift, subscription, payment, or deposit of money or anything of
23 value, made in connection with the nomination for election, or election,
24 of any candidate. Expenditures made by contract are deemed made when
25 such funds are obligated.

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

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

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

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

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

55 (b) The following contributions are not matchable:

56 (i) loans;

(ii) in-kind contributions of property, goods, or services;
(iii) contributions in the form of the purchase price paid for an item with significant intrinsic and enduring value;
(iv) transfers from a party or constituted committee;
(v) anonymous contributions or contributions whose source is not itemized as required by section 14-201 of this title;
(vi) contributions gathered during a previous election cycle;
(vii) illegal contributions;
(viii) contributions from persons under eighteen;
(ix) contributions from vendors for campaigns; and
(x) contributions from lobbyists registered pursuant to subdivision (a) of section one-c of the legislative law.

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

14. The term "participating candidate" shall mean any candidate for nomination for election, or election, to the office of district attorney or justice of the supreme court who files a written certification in the form of an affidavit pursuant to section 14-204 of this title.

15. The term "post-election period" shall mean the six months following the election for a district attorney or a supreme court justice when such candidate is subject to an audit.

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

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

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

§ 14-201. Reporting requirements. 1. Only one authorized committee per participating candidate for district attorney or justice of the supreme court. Before receiving any contribution or making any expenditure for a covered election, each candidate shall notify the board as to the existence of his or her authorized committee that has been approved by such candidate. Each candidate shall have one and only one authorized committee per elective office sought. Each authorized committee shall have a treasurer and is subject to the restrictions found in section 14-112 of this article.

2. Disclosure reports. (a) Detailed reporting. Each authorized and political committee shall report to the board every contribution and loan received and every expenditure made in the time and manner prescribed by sections 14-102, 14-104 and 14-108 of this article. For contributors who make contributions of one hundred dollars or more, each authorized and political committee shall report to the board the occupation, and business address of each contributor, lender, and intermediary. The receipt of any contribution or loan in excess of one thousand dollars shall be disclosed within forty-eight hours of receipt, and shall be reported in the same manner as any other contribution or loan on the next applicable statement. The board shall revise, prepare and post forms on its webpage that facilitate compliance with the requirements of this section.

(b) Board review. The board shall review each disclosure report filed and shall inform authorized and political committees of relevant ques-

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

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

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

§ 14-202. Contribution limits. Recipients of funds pursuant to this title shall be subject to the following contribution limits:

1. In the election for district attorney or justice of the supreme court, or for nomination to such office, no contributor may make a contribution to any candidate or political committee participating in the state's public campaign financing system as defined in this title, and no such candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (a) in the case of any nomination to a district attorney or a justice of the supreme court, the product of the total number of enrolled voters in the jurisdiction in which such participating candidate is seeking office, excluding voters in inactive status, multiplied by \$.005, but such amount shall be not more than six thousand dollars and (b) in the case of any election to such public office, six thousand dollars; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the jurisdiction in which such participating candidate is seeking office, 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.

2. In the event that a candidate for district attorney or justice of the supreme court has received a contribution which exceeds the limitations of this subdivision prior to becoming a participating candidate in the state's matching campaign financing system, the candidate shall either (a) deposit any amount in excess of the contribution limit set forth in this subdivision, into a segregated account where it shall not be withdrawn for campaign expenditures for any district attorney or justice of the supreme court election; or (b) return any amount in excess of the contribution limit set forth in this section, by bank check or certified check made out to the contributor.

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

1 requested. In compliance with section 14-108 of this article, authorized
2 and political committees shall maintain copies of such records for a
3 period of five years.

4 § 14-204. Eligibility. 1. Terms and conditions. To be eligible for
5 voluntary public financing under this title, a candidate must:

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

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

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

11 (d) submit a certification in the form of an affidavit, in such form
12 as may be prescribed by the board, that sets forth his or her acceptance
13 of and agreement to comply with the terms and conditions for the
14 provision of such funds in each covered election and such certification
15 shall be submitted before the election pursuant to a schedule promulgat-
16 ed by the board;

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

18 (f) not make expenditures from or use his or her personal funds or
19 property or the personal funds or property jointly held with his or her
20 spouse, or unemancipated children in connection with his or her nomi-
21 nation election or election to a covered office except as a contribution
22 to his or her authorized committee in an amount that exceeds three times
23 the applicable contribution limit from an individual contributor to
24 candidates for the office that he or she is seeking;

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

27 (h) continue to abide by all requirements during the post-election
28 period.

29 2. Threshold for eligibility. (a) The threshold for eligibility for
30 matching funding for participating candidates for district attorney or
31 justice of the supreme court shall be not less than ten thousand dollars
32 in matchable contributions including at least seven hundred fifty match-
33 able contributions comprised of sums between ten and seventy-five
34 dollars per contributor, from residents of New York state.

35 (b) Any participating candidate meeting the threshold for eligibility
36 in a primary election for the foregoing office shall be deemed to have
37 met the threshold for eligibility for such office in the general
38 election held in the same calendar year.

39 § 14-205. Limits on matching financing. The following limitations
40 apply to the total amounts of matching funds that may be provided to a
41 participating candidate's authorized committee for an election cycle:

42 1. In any primary election, receipt of matching funds by participating
43 candidates for district attorney or justice of the supreme court and by
44 each participating committee shall not exceed the sum of two hundred
45 fifty thousand dollars.

46 2. In any general election, receipt of matching funds by a participat-
47 ing candidate's authorized committee shall not exceed one million
48 dollars.

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 matching funds, except that, where there is a
52 contest in such primary election for the nomination of at least one of
53 the two political parties with the highest and second highest number of
54 enrolled members for such office, a participating candidate who is unop-
55 posed in the primary election may receive matching 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 subdivision one of this section.

3 § 14-206. Payment of matching funds. 1. Determination of eligibility.
4 No matching funds shall be paid to an authorized committee unless the
5 board determines that the participating candidate has met the eligibil-
6 ity requirements of this title. Payment shall not exceed the amounts
7 specified in subdivision two of this section, and shall be made only in
8 accordance with the provisions of this title. Such payment may be made
9 only to the participating candidate's authorized committee. No matching
10 funds shall be used except as reimbursement or payment for qualified
11 campaign expenditures actually and lawfully incurred or to repay loans
12 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 matching funds for
16 each one dollar of matchable contributions, for the first one hundred
17 seventy-five dollars of eligible private funds per contributor, obtained
18 and reported to the board in accordance with the provisions of this
19 title. The maximum payment of matching funds shall be limited to the
20 amounts set forth in section 14-205 of this title for the covered
21 election.

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

33 4. Electronic funds transfer. The board shall promulgate rules to
34 facilitate electronic funds transfers directly from the fund into an
35 authorized committee's bank account.

36 § 14-207. Use of matching funds; qualified campaign expenditures. 1.
37 Matching funds provided under the provisions of this title may be used
38 only by an authorized committee for expenditures to further the partic-
39 ipating candidate's nomination for election or election, including
40 paying for debts incurred within one year prior to an election to
41 further the participating candidate's nomination for election or
42 election.

43 2. Such matching funds may not be used for:
44 (a) an expenditure in violation of any law;
45 (b) an expenditure in excess of the fair market value of services,
46 materials, facilities or other things of value received in exchange;
47 (c) an expense incurred after the candidate has been finally disquali-
48 fied from the ballot;
49 (d) an expense incurred after the only remaining opponent of the
50 candidate has been finally disqualified from the general or special
51 election ballot;
52 (e) an expenditure made by cash payment;
53 (f) a contribution or loan or transfer made to or expenditure to
54 support another candidate or political committee or party, committee or
55 constituted committee;

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

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

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

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

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

11 § 14-208. Powers and duties of board. 1. Advisory opinions. The board
12 shall render advisory opinions with respect to questions arising under
13 this title upon the written request of a candidate, an officer of a
14 political committee or member of the public, or upon its own initiative.
15 The board shall promulgate rules regarding reasonable times to respond
16 to such requests. The board shall make public the questions of interpre-
17 tation for which advisory opinions will be considered by the board and
18 its advisory opinions, including by publication on its webpage with
19 identifying information redacted as the board determines to be appropri-
20 ate.

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

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

33 4. Enforcement. The board shall work with the enforcement unit to
34 enforce this section.

35 § 14-209. Audits and repayments. 1. Audits. The board shall audit and
36 examine all matters relating to the proper administration of this title
37 and shall complete such audit no later than six months after the
38 election in question. Every candidate who receives matching funds under
39 this title shall be audited by the board. The cost of complying with a
40 post-election audit shall be borne by the candidate's authorized commit-
41 tee using matching funds, private funds or any combination of such
42 funds. Candidates who run in both a primary and general election must
43 maintain a reserve of three percent of the matching funds received to
44 comply with the post-election audit. The board shall issue to each
45 campaign audited a final audit report that details its findings.

46 2. Repayments. (a) If the board determines that any portion of the
47 payment made to a candidate's authorized committee from the fund was in
48 excess of the aggregate amount of payments that such candidate was
49 eligible to receive pursuant to this title, it shall notify such commit-
50 tee and such committee shall pay to the board an amount equal to the
51 amount of excess payments. Provided, however, that if the erroneous
52 payment was the result of an error by the board, then the erroneous
53 payment will be deducted from any future payment, if any, and if no
54 payment is to be made then neither the candidate nor the committee shall
55 be liable to repay the excess amount to the board. The candidate, the

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

3 (b) If the board determines that any portion of the payment made to a
4 candidate's authorized committee from the fund was used for purposes
5 other than qualified campaign expenditures, it shall notify such commit-
6 tee of the amount so disqualified and such committee shall pay to the
7 board an amount equal to such disqualified amount. The candidate, the
8 treasurer and the candidate's authorized committee are jointly and
9 severally liable for any repayments to the board.

10 (c) If the total of payments from the fund received by a participating
11 candidate and his or her authorized committee exceed the total campaign
12 expenditures of such candidate and authorized committee for the district
13 attorney or justice of supreme court election, such candidate and
14 committee shall use such excess funds to reimburse the fund for payments
15 received by such authorized committee from the fund during such calen-
16 dar. Participating candidates shall pay to the board unspent public
17 campaign funds from an election not later than twenty-seven days after
18 all liabilities for the election have been paid and in any event, not
19 later than the day on which the board issues its final audit report for
20 the participating candidate's authorized committee; provided, however,
21 that all unspent public campaign funds for a participating candidate
22 shall be immediately due and payable to the board upon a determination
23 by the board that the participant has knowingly delayed the post-elec-
24 tion audit. A participating candidate may make post-election expendi-
25 tures with public funds only for routine activities involving nominal
26 cost associated with winding up a campaign and responding to the post-e-
27 lection audit except for liabilities incurred before the election.
28 Nothing in this title shall be construed to prevent a candidate or his
29 or her authorized committee from using campaign contributions received
30 from private contributors for otherwise lawful expenditures.

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

41 § 14-210. Enforcement and penalties for violations and other
42 proceedings. 1. Civil penalties. Knowing violations of any provision of
43 this title or rule promulgated pursuant to this title shall be subject
44 to a civil penalty in an amount not in excess of ten thousand dollars.

45 2. Notice of violation and opportunity to be heard. The board shall:

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

48 (b) give written notice and the opportunity to be heard in accordance
49 with the state administrative procedure act before an independent hear-
50 ing officer to each person or entity it has reason to believe has
51 committed a violation; and

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

54 3. Criminal conduct. Any person who knowingly and willfully furnishes
55 or submits false statements or information to the board in connection
56 with its administration of this title, shall be guilty of a misdemeanor

1 in addition to any other penalty as may be imposed under this chapter or
2 pursuant to any other law. The board shall seek to recover any matching
3 funds obtained as a result of such criminal conduct.

4 4. Proceedings as to matching financing. (a) The determination of
5 eligibility pursuant to this title and any question or issue relating to
6 payments for campaign expenditures pursuant to this title may be
7 contested in a proceeding instituted in the supreme court, Albany coun-
8 ty, by any aggrieved candidate.

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

13 (c) Upon the board's failure to receive the amount due from a partic-
14 ipating candidate or such candidate's authorized committee after the
15 issuance of written notice of such amount due, as required by this
16 title, the board is authorized to institute a special proceeding or
17 civil action in supreme court, Albany county, to obtain a judgment for
18 any amounts determined to be payable to the board as a result of an
19 examination and audit made pursuant to this title or to obtain such
20 amounts directly from the candidate or authorized committee after a
21 hearing at the state board of elections.

22 (d) The board is authorized to institute a special proceeding or civil
23 action in supreme court, Albany county, to obtain a judgment for civil
24 penalties determined to be payable to the board pursuant to this title
25 or to impose such penalty directly after a hearing at the state board of
26 elections.

27 § 14-211. Reports. The board shall submit a report to the governor,
28 the temporary president of the senate, and the speaker of the assembly.
29 Such report shall include:

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

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

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

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

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

46 § 14-212. Debates for candidates for district attorney or justice of
47 the supreme court. The board shall promulgate regulations to facilitate
48 debates among participating candidates who seek election for the office
49 of district attorney or justice of the supreme court. Participating
50 candidates are required to participate in one debate before each
51 election for which the candidate receives matching funds, unless the
52 participating candidate is running unopposed. Nonparticipating candi-
53 dates may participate in such debates.

54 § 14-213. Severability. If any clause, sentence, subdivision, para-
55 graph, section or part of this title be adjudged by any court of compe-
56 tent jurisdiction to be invalid, such judgment shall not affect, impair

1 or invalidate the remainder thereof, but shall be confined in its opera-
2 tion to the clause, sentence, subdivision, paragraph, section or part
3 thereof directly involved in the controversy in which such judgment
4 shall have been rendered.

5 § 4. The state finance law is amended by adding a new section 92-t to
6 read as follows:

7 § 92-t. New York state campaign finance fund. 1. There is hereby
8 established in the joint custody of the state comptroller and the
9 commissioner of taxation and finance a fund to be known as the New York
10 state campaign finance fund.

11 2. Such fund shall consist of all revenues received from the abandoned
12 property fund pursuant to section ninety-five of this article.

13 3. Moneys of the fund, following appropriation by the legislature, may
14 be expended for the purposes of making payments to candidates pursuant
15 to title II of article fourteen of the election law. Moneys shall be
16 paid out of the fund upon audit and warrant by the state comptroller on
17 vouchers certified or approved by the state board of elections, or its
18 duly designated representative, in the manner prescribed by law, not
19 more than four working days after such voucher is audited and approved
20 by the state comptroller.

21 4. No matching funds shall be paid to any participating candidates in
22 a primary election any earlier than thirty days after designating
23 petitions, independent nominating petitions, or certificates of nomi-
24 nation have been filed and not less than forty-five days before such
25 election.

26 5. No matching funds shall be paid to any participating candidates in
27 a general election any earlier than the day after the day of the primary
28 election held to nominate candidates for such election.

29 6. No matching funds shall be paid to any participating candidate who
30 has been disqualified or whose designating petitions have been declared
31 invalid by the appropriate board of elections or a court of competent
32 jurisdiction until and unless such finding is reversed by a higher court
33 in a final judgment. No payment from the fund in the possession of such
34 a candidate or such candidate's participating committee on the date of
35 such disqualification or invalidation may thereafter be expended for any
36 purpose except the payment of liabilities incurred before such date.
37 All such moneys shall be repaid to the fund.

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

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

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

53 § 6. Severability. If any clause, sentence, subdivision, paragraph,
54 section or part of title II of article 14 of the election law, as added
55 by section three of this act be adjudged by any court of competent
56 jurisdiction to be invalid, such judgment shall not affect, impair or

1 invalidate the remainder thereof, but shall be confined in its operation
2 to the clause, sentence, subdivision, paragraph, section or part thereof
3 directly involved in the controversy in which such judgment shall have
4 been rendered.

5 § 7. This act shall take effect immediately.