

STATE OF NEW YORK

S. 1101

A. 776

2019-2020 Regular Sessions

SENATE - ASSEMBLY

January 10, 2019

IN SENATE -- Introduced by Sens. KAVANAGH, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BRESLIN, BROOKS, CARLUCCI, COMRIE, GAUGHRAN, GIANARIS, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KENNEDY, KRUEGER, LIU, MARTINEZ, MAY, MAYER, METZGER, MONTGOMERY, MYRIE, PARKER, PERSAUD, RAMOS, RIVERA, SALAZAR, SANDERS, SAVINO, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, STEWART-COUSINS, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

IN ASSEMBLY -- Introduced by M. of A. SIMON, LAVINE, HEASTIE, BUCHWALD, M. G. MILLER, THIELE, ORTIZ, NIOU, FAHY, DINOWITZ, GOTTFRIED, SANTA-BARBARA, GLICK, SEAWRIGHT, MAGNARELLI, D'URSO, MONTESANO, ARROYO, MOSLEY, CAHILL, ZEBROWSKI, ABINANTI, BARNWELL, BLAKE, CARROLL, BARRON, TAYLOR, GALEF, LUPARDO, STECK, L. ROSENTHAL, WALLACE, ROZIC, RYAN, JAFFEE, BURKE, CRUZ, EICHENSTEIN, EPSTEIN, FALL, FRONTUS, GRIFFIN, JACOBSON, LIFTON, McMAHON, OTIS, REYES, WEINSTEIN -- Multi-Sponsored by -- M. of A. COOK, ENGLEBRIGHT -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to political contributions

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

1 Section 1. Section 14-116 of the election law, subdivision 1 as redesignated by chapter 9 of the laws of 1978 and subdivision 2 as amended by
2 chapter 260 of the laws of 1981, is amended to read as follows:
3 § 14-116. Political contributions by certain organizations. 1. No
4 corporation [~~or~~], limited liability company, joint-stock association or
5 other corporate entity doing business in this state, except a corporation
6 or association organized or maintained for political purposes
7 only, shall directly or indirectly pay or use or offer, consent or agree
8 to pay or use any money or property for or in aid of any political
9 party, committee or organization, or for, or in aid of, any corporation,
10

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

LBD01804-02-9

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

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

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

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

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

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

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

45 § 3. This act shall take effect on the seventh day after it shall have
46 become a law.