

STATE OF NEW YORK

S. 1510

A. 2010

SENATE - ASSEMBLY

January 18, 2019

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the election law, in relation to requiring certain candidates to disclose tax returns (Part A); to amend the election law, in relation to establishing contribution limits and a public campaign financing system; to amend the state finance law, in relation to establishing the New York state campaign finance fund; and to amend the tax law, in relation to establishing a New York state campaign finance fund checkoff (Part B); to amend the election law, in relation to enacting the Voter Enfranchisement Modernization Act of 2019; in relation to establishing the electronic personal voter registration process (Part C); to amend the election law, in relation to early voting implementation (Part D); to amend the election law, in relation to primary elections and amending certain deadlines to facilitate the timely transmission of ballots to military voters stationed overseas; to amend the election law, in relation to date of primary elections; to amend the election law, in relation to canvass and audit of returns; and to amend the public officers law, in relation to filling vacancies in elective offices (Subpart A); to amend the election law, in relation to vacancies for elective offices; to judicial proceedings for designating or nominating petitions and to ballots for primary and general elections (Subpart B)(Part E); to amend the election law, in relation to political contributions by limited liability companies (Part F); to amend the election law, in relation to integrated personal voter registration applications (Part G); to amend the election law, in relation to time allowed for employees to vote (Part H); to amend the election law, in relation to providing uniform polling hours during primary elections (Part I); to amend the election law, in relation to providing for the pre-registration of voters (Part J); to amend the election law, in relation to prohibiting vendors engaged in procurements with the state from making campaign contributions to elected officials (Part K); to amend the election law, in

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

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relation to implementing automatic voter registration updates for any voter who moves anywhere within the state (Part L); to amend the election law, in relation to prohibiting certain loans to be made to candidates or political committees (Part M); to amend the election law, in relation to authorizing computer generated registration lists; in relation to the list of supplies to be delivered to poll sites (Part N); to amend the legislative law, in relation to disclosing lobbyist filing of campaign contributions, solicitations of contributions, and political consulting reports (Part O); to amend the legislative law, in relation to prohibiting lobbyists from engaging in political consulting for candidates for and holders of state office and prohibiting certain political consultants from engaging in lobbying; and to amend the election law, in relation to requiring the reporting of the provision of political consulting services (Part P); to amend the executive law, in relation to disclosure requirements for certain nonprofits (Part Q); to amend the legislative law, in relation to lowering the monetary disclosure threshold for lobbyists to report prior relationships with agencies or elected officials and to file statements of registration (Part R); to amend the legislative law to increase penalties for lobbyists who are convicted of a crime (Part S); to amend the public officers law, in relation to increasing the length of the existing bar on the appearance and practice of former state officers or employees, members of the legislature and members of the executive chamber (Part T); to amend the civil service law, in relation to prohibiting staff of elected state officials to perform volunteer services for the election campaigns of such officials (Part U); to amend the executive law and the general municipal law, in relation to requiring the financial disclosures of certain local officials (Part V); to amend the legislative law, in relation to creating and enforcing a code of conduct for lobbyists (Part W); and to amend the election law, in relation to motor vehicle voter registration; and to repeal section 5-212 of the election law relating thereto (Part X)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2019-2020
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through X. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part,
7 including the effective date of the Part, which makes reference to a
8 section "of this act", when used in connection with that particular
9 component, shall be deemed to mean and refer to the corresponding
10 section of the Part in which it is found. Section three of this act sets
11 forth the general effective date of this act.

12 PART A

13 Section 1. The election law is amended by adding a new section 6-170
14 to read as follows:

15 **§ 6-170. Disclosure of tax returns by candidates for public office. 1.**
16 **Not later than sixty days before a general election, any candidate for**
17 **the office of governor, lieutenant governor, attorney general, comp-**

1 troller, state senator, and member of the assembly, other than a write-
2 in candidate, shall:

3 (a) file with the state board of elections copies of the federal and
4 New York state income tax returns, of such candidate for at least the
5 ten most recent taxable years for which such returns have been filed if
6 such candidate is a candidate for statewide office, and for at least the
7 five most recent taxable years for which such returns have been filed if
8 such candidate is a candidate for state senator or member of the assem-
9 bly; and

10 (b) provide written consent to the commissioners of the state board of
11 elections, in such form as shall be prescribed by the state board of
12 elections, for the public disclosure of such returns pursuant to subdivi-
13 vision two of this section.

14 2. Income tax returns filed with the state board of elections by a
15 candidate pursuant to subdivision one of this section shall be made
16 publicly available on the website of the state board of elections no
17 later than seven days after such income tax returns have been filed,
18 subject to such redaction as may be warranted pursuant to subdivision
19 three of this section.

20 3. Prior to making any income tax return filed pursuant to subdivision
21 one of this section public, the state board of elections shall redact
22 such information as the board, in consultation with the commissioner of
23 taxation and finance or his or her delegate, deems appropriate or
24 required by law. The candidate shall be entitled to request that the
25 board make particular redactions at the time that the candidate files
26 the returns with the board pursuant to paragraph (a) of subdivision one
27 of this section.

28 4. Notwithstanding any other section of law to the contrary, if a
29 candidate has not timely filed with the state board of elections the
30 income tax returns and written consent required by subdivision one of
31 this section, the name of such candidate shall not be printed upon the
32 official ballot for the general election.

33 § 2. This act shall take effect immediately.

34 PART B

35 Section 1. Section 14-100 of the election law is amended by adding two
36 new subdivisions 18 and 19 to read as follows:

37 18. "Intermediary" shall mean an individual, corporation, partnership,
38 political committee, employee organization or other entity which
39 bundles, causes to be delivered or otherwise delivers any contribution
40 from another person or entity to a candidate or authorized committee,
41 other than in the regular course of business as a postal, delivery or
42 messenger service. Provided, however, that an "intermediary" shall not
43 include spouses, domestic partners, parents, children or siblings of the
44 person making such contribution or a staff member or volunteer of the
45 campaign identified in writing to the state board of elections. As used
46 in this subdivision "causes to be delivered" shall include providing
47 postage, envelopes or other shipping materials for the use of delivering
48 the contribution to the ultimate recipient.

49 19. "authorized committee" means the single political committee desig-
50 nated by a candidate to receive all contributions authorized by this
51 title.

52 § 2. Subdivision 1 of section 14-102 of the election law, as amended
53 by chapter 8 and as redesignated by chapter 9 of the laws of 1978, is
54 amended to read as follows:

1 1. The treasurer of every political committee which, or any officer,
2 member or agent of any such committee who, in connection with any
3 election, receives or expends any money or other valuable thing or
4 incurs any liability to pay money or its equivalent shall file state-
5 ments sworn, or subscribed and bearing a form notice that false state-
6 ments made therein are punishable as a class A misdemeanor pursuant to
7 section 210.45 of the penal law, at the times prescribed by this [~~arti-~~
8 ~~cle~~] title setting forth all the receipts, contributions to and the
9 expenditures by and liabilities of the committee, and of its officers,
10 members and agents in its behalf. Such statements shall include the
11 dollar amount of any receipt, contribution or transfer, or the fair
12 market value of any receipt, contribution or transfer, which is other
13 than of money, the name and address of the transferor, contributor,
14 intermediary, or person from whom received, and if the transferor,
15 contributor, intermediary, or person is a political committee; the name
16 of and the political unit represented by the committee, the date of its
17 receipt, the dollar amount of every expenditure, the name and address of
18 the person to whom it was made or the name of and the political unit
19 represented by the committee to which it was made and the date thereof,
20 and shall state clearly the purpose of such expenditure. An intermediary
21 need not be reported for a contribution that was collected from a
22 contributor in connection with a party or other candidate-related event
23 held at the residence of the person delivering the contribution, unless
24 the expenses of such event at such residence for such candidate exceed
25 five hundred dollars or the aggregate contributions received from that
26 contributor at such event exceed five hundred dollars. Any statement
27 reporting a loan shall have attached to it a copy of the evidence of
28 indebtedness. Expenditures in sums under fifty dollars need not be
29 specifically accounted for by separate items in said statements, and
30 receipts and contributions aggregating not more than ninety-nine
31 dollars, from any one contributor need not be specifically accounted for
32 by separate items in said statements, provided however, that such
33 expenditures, receipts and contributions shall be subject to the other
34 provisions of section 14-118 of this [~~article~~] title.

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, except that contributions made
43 for such activities to a party committee or constituted committee shall
44 be limited to twenty-five thousand dollars in the aggregate from each
45 contributor in each year; provided that such monies described in this
46 subdivision shall be deposited in a segregated account.

47 § 4. Subdivision 2 of section 14-108 of the election law, as amended
48 by chapter 109 of the laws of 1997, is amended to read as follows:

49 2. Each statement shall cover the period up to and including the
50 fourth day next preceding the day specified for the filing thereof[~~+~~
51 ~~provided, however, that~~]. The receipt of any contribution or loan in
52 excess of one thousand dollars shall be disclosed within sixty days of
53 receipt. If such contribution or loan would not otherwise be reported
54 within sixty days of receipt on the next applicable statement, then the
55 contribution or loan shall be separately reported within sixty days of
56 receipt in the same manner as any other contribution or loan. However,

1 any contribution or loan in excess of one thousand dollars, if received
2 after the close of the period to be covered in the last statement filed
3 before any primary, general or special election but before such
4 election, shall be reported, in the same manner as other contributions,
5 within twenty-four hours after receipt.

6 § 5. The article heading of article 14 of the election law is amended
7 to read as follows:

8 CAMPAIGN RECEIPTS AND EXPENDITURES; PUBLIC FINANCING

9 § 6. Subdivisions 1 and 10 of section 14-114 of the election law,
10 subdivision 1 as amended and subdivision 10 as added by chapter 79 of
11 the laws of 1992 and paragraphs a and b of subdivision 1 as amended by
12 chapter 659 of the laws of 1994, are amended to read as follows:

13 1. The following limitations apply to all contributions to candidates
14 for election to any public office or for nomination for any such office,
15 or for election to any party positions, and to all contributions to
16 political committees working directly or indirectly with any candidate
17 to aid or participate in such candidate's nomination or election, other
18 than any contributions to any party committee or constituted committee:

19 a. In any election for a public office to be voted on by the voters of
20 the entire state, or for nomination to any such office, no contributor
21 may make a contribution to any candidate or political committee partic-
22 ipating in the state's public campaign financing system pursuant to
23 title two of this article, and no such candidate or political committee
24 may accept any contribution from any contributor, which is in the aggre-
25 gate amount greater than: (i) in the case of any nomination to public
26 office, the product of the total number of enrolled voters in the candi-
27 date's party in the state, excluding voters in inactive status, multi-
28 plied by \$.005, but such amount shall be not [~~less than four thousand~~
29 ~~dollars nor~~] more than [~~twelve~~] six thousand dollars [~~as increased or~~
30 ~~decreased by the cost of living adjustment described in paragraph c of~~
31 ~~this subdivision,~~] and (ii) in the case of any election to [~~a~~] such
32 public office, [~~twenty five~~] six thousand dollars [~~as increased or~~
33 ~~decreased by the cost of living adjustment described in paragraph c of~~
34 ~~this subdivision~~]; provided however, that the maximum amount which may
35 be so contributed or accepted, in the aggregate, from any candidate's
36 child, parent, grandparent, brother and sister, and the spouse of any
37 such persons, shall not exceed in the case of any nomination to public
38 office an amount equivalent to the product of the number of enrolled
39 voters in the candidate's party in the state, excluding voters in inac-
40 tive status, multiplied by \$.025, and in the case of any election for a
41 public office, an amount equivalent to the product of the number of
42 registered voters in the state excluding voters in inactive status,
43 multiplied by \$.025.

44 b. In any other election for party position or for election to a
45 public office or for nomination for any such office, no contributor may
46 make a contribution to any candidate or political committee participat-
47 ing in the state's public campaign financing system pursuant to title
48 two of this article (for those offices or positions covered by that
49 system) and no such candidate or political committee may accept any
50 contribution from any contributor, which is in the aggregate amount
51 greater than: (i) in the case of any election for party position, or for
52 nomination to public office, the product of the total number of enrolled
53 voters in the candidate's party in the district in which he is a candi-
54 date, excluding voters in inactive status, multiplied by \$.05, and (ii)
55 in the case of any election for a public office, the product of the
56 total number of registered voters in the district, excluding voters in

inactive status, multiplied by \$.05, [~~however in the case of a nomination within the city of New York for the office of mayor, public advocate or comptroller, 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]~~] e 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~~] e of this subdivision;] in the case of a nomination or election for state senator, four 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 nomination for a member of the assembly, [~~twenty five hundred~~] two 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 is greater, but in no event shall any such maximum exceed one hundred thousand dollars.

c. In any election for a public office to be voted on by the voters of the entire state, or for nomination to any such office, no contributor may make a contribution to any candidate or political committee in connection with a candidate who is not a participating candidate as defined in subdivision fourteen of section 14-200-a of this article, and no such 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 nomination to public office, the product of the total number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by \$.005, but such amount shall be not less than four thousand dollars nor more than ten thousand dollars, and (ii) in the case of any election to a public office, fifteen 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 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.

d. 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 in connection with a candidate who is not a participating candidate as defined in subdivision fourteen of section 14-200-a of this article and no such 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, however in the case of a nomination within the city of New York for the office of mayor, public advocate or comptroller, 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 e 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 e of this subdivision; in the case of a nomination or election for state senator, five thousand dollars; in the case of an election or nomination for a member of the assembly, three 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 is greater, but in no event shall any such maximum exceed one hundred thousand dollars.

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

f. Each party or constituted committee may transfer to, or spend to elect or oppose a candidate, or transfer to another party or constituted committee, no more than five thousand dollars per election, except that such committee may in addition to such transfers or expenditures:

(i) in a general or special election transfer to, or spend to elect or oppose a candidate, no more than five hundred dollars received from each contributor; and

(ii) in any election spend without limitation for non-candidate expenditures not designed or intended to elect a particular candidate or candidates.

g. Notwithstanding any other contribution limit in this section, participating candidates as defined in subdivision fourteen of section 14-200-a of this article may contribute, out of their own money, three times the applicable contribution limit to their own authorized committee.

10. ~~[a.]~~ No contributor may make a contribution to a party or constituted committee and no such committee may accept a contribution from any contributor which, in the aggregate, is greater than ~~[sixty-two thousand five hundred]~~ twenty-five thousand dollars per annum.

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

§ 7. 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

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

TITLE II PUBLIC FINANCING

Section 14-200. Legislative findings and intent.

14-200-a. Definitions.

14-201. Reporting requirements.

14-202. Contributions.

14-203. Proof of compliance.

14-204. Eligibility.

14-205. Limits on public financing.

14-206. Payment of public matching funds.

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

14-208. Powers and duties of the 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 statewide office.

14-213. Severability.

1 § 14-200. Legislative findings and intent. The legislature finds that
2 reform of New York state's campaign finance system is crucial to improv-
3 ing public confidence in the state's democratic processes and continuing
4 to ensure a government that is accountable to all of the voters of the
5 state regardless of wealth or position. The legislature finds that New
6 York's current system of campaign finance, with its large contributions
7 to candidates for office and party committees, has created the potential
8 for and the appearance of corruption. The legislature further finds
9 that, whether or not this system creates actual corruption, the appear-
10 ance of such corruption can give rise to a distrust in government and
11 citizen apathy that undermine the democratic operation of the political
12 process.

13 The legislature also finds that the high cost of running for office in
14 New York discourages qualified candidates from running for office and
15 creates an electoral system that encourages candidates to spend too much
16 time raising money rather than attending to the duties of their office,
17 representing the needs of their constituents, and communicating with
18 voters.

19 The legislature amends this chapter creating a new title two to arti-
20 cle fourteen of this chapter to reduce the possibility and appearance
21 that special interests exercise undue influence over state officials; to
22 increase the actual and apparent responsiveness of elected officials to
23 all voters; to encourage qualified candidates to run for office; and to
24 reduce the pressure on candidates to spend large amounts of time raising
25 large contributions for their campaigns.

26 The legislature finds that this article's limitations on contributions
27 further the government's interest in reducing real and apparent
28 corruption and in building trust in government. The legislature finds
29 that the contribution levels are sufficiently high to allow candidates
30 and political parties to raise enough money to run effective campaigns.
31 In addition, the legislature finds that graduated contribution limita-
32 tions reflect the campaign needs of candidates for different offices.

33 The legislature also finds that the system of voluntary public financ-
34 ing furthers the government's interest in encouraging qualified candi-
35 dates to run for office. The legislature finds that the voluntary public
36 funding program will enlarge the public debate and increase partic-
37 ipation in the democratic process. In addition, the legislature finds
38 that the voluntary expenditure limitations and matching fund program
39 reduce the burden on candidates and officeholders to spend time raising
40 money for their campaigns.

41 Therefore, the legislature declares that these amendments further the
42 important and valid government interests of reducing voter apathy,
43 building confidence in government, reducing the reality and appearance
44 of corruption, and encouraging qualified candidates to run for office,
45 while reducing candidates' and officeholders' fundraising burdens.

46 § 14-200-a. Definitions. For the purposes of this title, the follow-
47 ing terms shall have the following meanings:

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

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

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

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

1 5. The term "covered election" shall mean any primary, general, or
2 special election for nomination for election, or election, to the office
3 of governor, lieutenant governor, attorney general, state comptroller,
4 state senator, or member of the assembly.

5 6. The term "election cycle" shall mean the two year period starting
6 the day after the last general election for candidates for the state
7 legislature and shall mean the four year period starting after the day
8 after the last general election for candidates for statewide office.

9 7. The term "expenditure" shall mean any gift, subscription, advance,
10 payment, or deposit of money or anything of value, or a contract to make
11 any gift, subscription, payment, or deposit of money or anything of
12 value, made in connection with the nomination for election, or election,
13 of any candidate. Expenditures made by contract are deemed made when
14 such funds are obligated.

15 8. The term "fund" shall mean the New York state campaign finance
16 fund.

17 9. The term "immediate family" shall mean a spouse, child, sibling or
18 parent.

19 10. The term "intermediary" shall mean an individual, corporation,
20 partnership, political committee, employee organization or other entity
21 which bundles, causes to be delivered or otherwise delivers any contrib-
22 ution from another person or entity to a candidate or authorized commit-
23 tee, other than in the regular course of business as a postal, delivery
24 or messenger service. Provided, however, that an "intermediary" shall
25 not include spouses, domestic partners, parents, children or siblings of
26 the person making such contribution or a staff member or volunteer of
27 the campaign identified in writing to the state board of elections. Here
28 "causes to be delivered" shall include providing postage, envelopes or
29 other shipping materials for the use of delivering the contribution to
30 the ultimate recipient.

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

34 12. (a) The term "matchable contribution" shall mean a contribution,
35 contributions or a portion of a contribution or contributions for any
36 covered elections held in the same election cycle, made by a natural
37 person who is a resident in the state of New York to a participating
38 candidate, that has been reported in full to the board in accordance
39 with sections 14-102 and 14-104 of this article by the candidate's
40 authorized committee and has been contributed on or before the day of
41 the applicable primary, general, runoff or special election. Any
42 contribution, contributions, or a portion of a contribution determined
43 to be invalid for matching funds by the board may not be treated as a
44 matchable contribution for any purpose.

45 (b) The following contributions are not matchable:

46 (i) loans;

47 (ii) in-kind contributions of property, goods, or services;

48 (iii) contributions in the form of the purchase price paid for an item
49 with significant intrinsic and enduring value;

50 (iv) transfers from a party or constituted committee;

51 (v) anonymous contributions or contributions whose source is not item-
52 ized as required by section 14-201 of this title;

53 (vi) contributions gathered during a previous election cycle;

54 (vii) illegal contributions;

55 (viii) contributions from minors;

56 (ix) contributions from vendors for campaigns; and

1 (x) contributions from lobbyists registered pursuant to subdivision
2 (a) of section one-c of the legislative law.

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

7 14. The term "participating candidate" shall mean any candidate for
8 nomination for election, or election, to the office of governor, lieu-
9 tenant governor, attorney general, state comptroller, state senator, or
10 member of the assembly, who files a written certification in the form of
11 an affidavit pursuant to section 14-204 of this title.

12 15. The term "post-election period" shall mean the five years follow-
13 ing an election when a candidate is subject to an audit.

14 16. The term "qualified campaign expenditure" shall mean an expendi-
15 ture for which public matching funds may be used.

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

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

23 § 14-201. Reporting requirements. 1. Political committee registra-
24 tion. Political committees as defined pursuant to subdivision one of
25 section 14-100 of this article shall register with the board before
26 making any contribution or expenditure. The board shall publish a cumu-
27 lative list of political committees that have registered, including on
28 its webpage, and regularly update it.

29 2. Only one authorized committee per candidate per elective office
30 sought. Before receiving any contribution or making any expenditure for
31 a covered election, each candidate shall notify the board as to the
32 existence of his or her authorized committee that has been approved by
33 such candidate. Each candidate shall have one and only one authorized
34 committee per elective office sought. Each authorized committee shall
35 have a treasurer and is subject to the restrictions found in section
36 14-112 of this article.

37 3. (a) Detailed reporting. In addition to each authorized and poli-
38 tical committee reporting to the board every contribution and loan
39 received and every expenditure made in the time and manner prescribed by
40 sections 14-102, 14-104 and 14-108 of this article, each authorized and
41 political committee shall also submit disclosure reports on March
42 fifteenth and May fifteenth of each election year reporting to the board
43 every contribution and loan received and every expenditure made. For
44 contributors who make contributions of five hundred dollars or more,
45 each authorized and political committee shall report to the board the
46 occupation, and business address of each contributor, lender, and inter-
47 mediary. The board shall revise, prepare and post forms on its webpage
48 that facilitate compliance with the requirements of this section.

49 (b) Board review. The board shall review each disclosure report filed
50 and shall inform authorized and political committees of relevant ques-
51 tions it has concerning: (i) compliance with requirements of this title
52 and of the rules issued by the board; and (ii) qualification for receiv-
53 ing public matching funds pursuant to this title. In the course of this
54 review, it shall give authorized and political committees an opportunity
55 to respond to and correct potential violations and give candidates an
56 opportunity to address questions it has concerning their matchable

1 contribution claims or other issues concerning eligibility for receiving
2 public matching funds pursuant to this title. Nothing in this paragraph
3 shall preclude the chief enforcement counsel from subsequently reviewing
4 such disclosure reports and taking any action otherwise authorized under
5 this title.

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

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

11 § 14-202. Contributions. Recipients of funds pursuant to this title
12 shall be subject to the applicable contribution limits set forth in
13 section 14-114 of this article.

14 § 14-203. Proof of compliance. Authorized and political committees
15 shall maintain such records of receipts and expenditures for a covered
16 election as required by the board. Authorized and political committees
17 shall obtain and furnish to the board any information it may request
18 relating to financial transactions or contributions and furnish such
19 documentation and other proof of compliance with this title as may be
20 requested. In compliance with section 14-108 of this article, authorized
21 and political committees shall maintain copies of such records for a
22 period of five years.

23 § 14-204. Eligibility. 1. Terms and conditions. To be eligible for
24 voluntary public financing under this title, a candidate must:

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

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

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

30 (d) submit a certification in the form of an affidavit, in such form
31 as may be prescribed by the board, that sets forth his or her acceptance
32 of and agreement to comply with the terms and conditions for the
33 provision of such funds in each covered election and such certification
34 shall be submitted at least four months before the election pursuant to
35 a schedule promulgated by the board;

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

37 (f) not make, and not have made, expenditures from or use his or her
38 personal funds or property or the personal funds or property jointly
39 held with his or her spouse, or unemancipated children in connection
40 with his or her nomination election or election to a covered office, but
41 may make a contribution to his or her authorized committee in an amount
42 that does not exceed three times the applicable contribution limit from
43 an individual contributor to candidates for the office that he or she is
44 seeking;

45 (g) meet the threshold for eligibility set forth in subdivision two of
46 this section;

47 (h) continue to abide by all requirements during the post-election
48 period;

49 (i) agree not to expend for campaign purposes any portion of any pre-
50 existing funds raised for any public office or party position prior to
51 the first day of the election cycle for which the candidate seeks
52 certification. Nothing in this paragraph shall be construed to limit, in
53 any way, any candidate or public official from expending any portion of
54 pre-existing campaign funds for any lawful purpose other than those
55 related to his or her campaign; and

1 (j) not have accepted contributions in amounts exceeding the contribu-
2 tion limits set forth for participating candidates in paragraphs a and
3 b of subdivision one of section 14-114 of this article during the
4 election cycle for which the candidate seeks certification;

5 (i) Provided however, that, if a candidate accepted contributions
6 exceeding such limits before certification, such acceptance shall not
7 prevent the candidate from being certified by the board if the candidate
8 immediately pays to the fund or returns to the contributor the portion
9 of any contribution that exceeded the applicable contribution limit.

10 (ii) If the candidate is unable to return such funds immediately
11 because they have already been spent, acceptance of contributions
12 exceeding the limits shall not prevent the candidate from being certi-
13 fied by the board if the candidate submits an affidavit agreeing to pay
14 to the fund all portions of any contributions that exceeded the limit no
15 later than thirty days before the general election. If a candidate
16 provides the board with such an affidavit, any disbursement of public
17 funds to the candidate made under section 14-206 of this title shall be
18 reduced by no more than twenty-five percent until the total amount owed
19 by the candidate is repaid.

20 (iii) Nothing in this section shall be interpreted to require a candi-
21 date who retains funds raised during a previous election cycle to
22 forfeit such funds. Funds raised during a previous election cycle may be
23 retained, but only if the candidate places the funds in escrow.

24 (iv) Contributions received and expenditures made by the candidate or
25 an authorized committee of the candidate prior to the effective date of
26 this title shall not constitute a violation of this title. Unexpended
27 contributions shall be treated the same as campaign surpluses under
28 subparagraph (iii) of this paragraph.

29 2. Threshold for eligibility. (a) The threshold for eligibility for
30 public funding for participating candidates shall be in the case of:

31 (i) Governor, not less than six hundred fifty thousand dollars in
32 matchable contributions including at least six thousand five hundred
33 matchable contributions comprised of sums between ten and one hundred
34 seventy-five dollars per contributor, from residents of New York state;

35 (ii) Lieutenant governor, attorney general, and comptroller, not less
36 than two hundred thousand dollars in matchable contributions including
37 at least two thousand matchable contributions comprised of sums between
38 ten and one hundred seventy-five dollars per contributor, from residents
39 of New York state;

40 (iii) State senator, not less than twenty thousand dollars in matcha-
41 ble contributions including at least two hundred matchable contributions
42 comprised of sums between ten and one hundred seventy-five dollars per
43 contributor, from residents of the district in which the seat is to be
44 filled; and

45 (iv) Member of the assembly, not less than ten thousand dollars in
46 matchable contributions including at least one hundred matchable
47 contributions comprised of sums between ten and one hundred seventy-five
48 dollars per contributor, from residents of the district in which the
49 seat is to be filled.

50 (b) Any participating candidate meeting the threshold for eligibility
51 in a primary election for one of the foregoing offices shall be deemed
52 to have met the threshold for eligibility for such office in any other
53 subsequent election held in the same calendar year.

54 (c) The board shall adjust the dollar amount of each threshold for
55 eligibility fixed in this section by the amount of the percentage
56 difference in the consumer price index calculated and published by the

board pursuant to paragraph e of subdivision one of section 14-114 of this article to the closest one hundred dollars. Not later than the first day of March in each such year, the board shall issue a regulation publishing the amount of each such threshold for eligibility. Each threshold for eligibility as so adjusted shall be the threshold for eligibility in effect for any election held before the next such adjustment. The one hundred seventy-five dollar maximum amount for the matchable contributions that funds raised must be comprised of to meet the thresholds for eligibility for candidates fixed in this section shall be adjusted by the amount of percentage difference to the closest one dollar by the board which, not later than the first day of March in each such year, shall issue a regulation publishing such maximum amounts. The one hundred seventy-five dollar maximum amounts as so adjusted shall be in effect for the next election cycle after the year the board publishes the contribution limit adjustment and until the next adjustment pursuant to this paragraph.

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

1. In any primary election, receipt of public funds by participating candidates and by their participating committees shall not exceed:

(i) for governor, the sum of eight million dollars;

(ii) for lieutenant governor, comptroller or attorney general, the sum of four million dollars;

(iii) for senator, the sum of three hundred seventy-five thousand dollars;

(iv) for member of the assembly, the sum of one hundred seventy-five thousand dollars.

2. In any general or special election, receipt of public funds by a participating candidate's authorized committees shall not exceed the following amounts:

Candidates for election to the office of:

Governor and lieutenant governor (combined)	\$10,000,000
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Attorney general	\$4,000,000
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Comptroller	\$4,000,000
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Member of senate	\$375,000
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Member of assembly	\$175,000
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3. No participating candidate for nomination for an office who is not opposed by a candidate on the ballot in a primary election shall be entitled to payment of public matching funds, except that, where there is a contest in such primary election for the nomination of at least one of the two political parties with the highest and second highest number of enrolled members for such office, a participating candidate who is unopposed in the primary election may receive public funds before the primary election, for expenses incurred on or before the date of such primary election, in an amount equal to up to half the sum set forth in paragraph one of this section.

4. Nothing in this section shall be construed to limit the amount of private funds a participating candidate may receive subject to the contribution limits for participating candidates contained in section 14-114 of this article.

5. The board shall adjust the amount of each public funds receipt limit fixed in this section by the amount of the percentage difference in the consumer price index calculated and published by the board pursuant to paragraph e of subdivision one of section 14-114 of this article to the closest one hundred dollars. Not later than the first day of

1 March in each such year, the board shall issue a regulation publishing
2 the amount of such limit. Each public fund receipt limit as so adjusted
3 shall be the public funds receipt limit in effect for any election held
4 before the next such adjustment.

5 § 14-206. Payment of public matching funds. 1. Determination of eligi-
6 bility. No public matching funds shall be paid to an authorized commit-
7 tee unless the board determines that the participating candidate has met
8 the eligibility requirements of this title. Payment shall not exceed the
9 amounts specified in subdivision two of this section, and shall be made
10 only in accordance with the provisions of this title. Such payment may
11 be made only to the participating candidate's authorized committee. No
12 public matching funds shall be used except as reimbursement or payment
13 for qualified campaign expenditures actually and lawfully incurred or to
14 repay loans used to pay qualified campaign expenditures.

15 2. Calculation of payment. If the threshold for eligibility is met,
16 the participating candidate's authorized committee shall receive payment
17 for qualified campaign expenditures of six dollars of public matching
18 funds for each one dollar of matchable contributions, for the first one
19 hundred seventy-five dollars of eligible private funds per contributor,
20 obtained and reported to the board in accordance with the provisions of
21 this title. The maximum payment of public matching funds shall be limit-
22 ed to the amounts set forth in section 14-205 of this title for the
23 covered election.

24 The board shall adjust the maximum dollar amount for matchable
25 contributions fixed in this subdivision by the amount of the percentage
26 difference in the consumer price index calculated by the board pursuant
27 to paragraph e of subdivision one of section 14-114 of this article to
28 the closest one dollar. Not later than the first day of March in each
29 year the board makes the contribution limit adjustment pursuant to para-
30 graph e of subdivision one of section 14-114 of this article, the board
31 shall issue a regulation publishing the amount of each such maximum
32 dollar amount. The maximum dollar amount as so adjusted shall be the
33 maximum dollar amount in effect for the next election cycle after the
34 year the board publishes such contribution limit adjustment.

35 3. Timing of payment. The board shall make any payment of public
36 matching funds to participating candidates as soon as is practicable.
37 But in all cases, it shall verify eligibility for public matching funds
38 within four days, excluding weekends and holidays, of receiving a
39 campaign contribution report filed in compliance with section 14-104 of
40 this article. Within two days of determining that a candidate for a
41 covered office is eligible for public matching funds, it shall authorize
42 payment of the applicable matching funds owed to the candidate. However,
43 it shall not make any payments of public money earlier than the earliest
44 dates for making such payments as provided by this title. If any of
45 such payments would require payment on a weekend or federal holiday,
46 payment shall be made on the next business day.

47 4. Electronic funds transfer. The board shall, in consultation with
48 the office of the comptroller, promulgate rules to facilitate electronic
49 funds transfers directly from the campaign finance fund into an author-
50 ized committee's bank account.

51 5. Irregularly scheduled elections. Notwithstanding any other
52 provision of this title, the board shall promulgate rules to provide for
53 the prompt issuance of public matching funds to eligible participating
54 candidates for qualified campaign expenditures in the case of any other
55 covered election held on a day different from the day originally sched-
56 uled including special elections. But in all cases, the board shall (a)

1 within four days, excluding weekends and holidays, of receiving a report
2 of contributions from a candidate for a covered office claiming eligi-
3 bility for public matching funds verify that candidate's eligibility for
4 public matching funds; and (b) within two days of determining that the
5 candidate for a covered office is eligible for public matching funds, it
6 shall authorize payment of the applicable matching funds owed to the
7 candidate.

8 § 14-207. Use of public matching funds; qualified campaign expendi-
9 tures. 1. Public matching funds provided under the provisions of this
10 title may be used only by an authorized committee for expenditures to
11 further the participating candidate's nomination for election or
12 election, including paying for debts incurred within one year prior to
13 an election to further the participating candidate's nomination for
14 election or election.

15 2. Such public matching funds may not be used for:

16 (a) an expenditure in violation of any law;

17 (b) an expenditure in excess of the fair market value of services,
18 materials, facilities or other things of value received in exchange;

19 (c) an expenditure made after the candidate has been finally disquali-
20 fied from the ballot;

21 (d) an expenditure made after the only remaining opponent of the
22 candidate has been finally disqualified from the general or special
23 election ballot;

24 (e) an expenditure made by cash payment;

25 (f) a contribution or loan or transfer made to or expenditure to
26 support another candidate or political committee or party, committee or
27 constituted committee;

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

30 (h) gifts, except brochures, buttons, signs and other printed campaign
31 material;

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

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

35 (k) any expenditure made to challenge the validity of any petition of
36 designation or nomination or any certificate of nomination, acceptance,
37 authorization, declination or substitution.

38 § 14-208. Powers and duties of the board. 1. Advisory opinions. The
39 board shall render advisory opinions with respect to questions arising
40 under this title upon the written request of a candidate, an officer of
41 a political committee or member of the public, or upon its own initi-
42 ative. The board shall promulgate rules regarding reasonable times to
43 respond to such requests. The board shall make public the questions of
44 interpretation for which advisory opinions will be considered by the
45 board and its advisory opinions, including by publication on its webpage
46 with identifying information redacted as the board determines to be
47 appropriate.

48 2. Public information and candidate education. The board shall develop
49 a program for informing candidates and the public as to the purpose and
50 effect of the provisions of this title, including by means of a webpage.
51 The board shall prepare in plain language and make available educational
52 materials, including compliance manuals and summaries and explanations
53 of the purposes and provisions of this title. The board shall prepare or
54 have prepared and make available materials, including, to the extent
55 feasible, computer software, to facilitate the task of compliance with
56 the disclosure and record-keeping requirements of this title.

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

4 4. Database. The board shall develop an interactive, searchable
5 computer database that shall contain all information necessary for the
6 proper administration of this title including information on contribu-
7 tions to and expenditures by candidates and their authorized committee,
8 independent expenditures in support or opposition of candidates for
9 covered offices, and distributions of moneys from the fund. Such data-
10 base shall be accessible to the public on the board's webpage.

11 5. The board shall work with the chief enforcement counsel to enforce
12 this section.

13 § 14-209. Audits and repayments. 1. Audits. (a) The board shall audit
14 and examine all matters relating to the proper administration of this
15 title and shall complete such audit no later than one year after the
16 election in question. This deadline shall not apply in cases involving
17 potential campaign-related fraud, knowing and willful violations of
18 article fourteen of this chapter, or criminal activity.

19 (b) Every participating candidate for statewide office who receives
20 public funds under this title shall be audited by the board.

21 (c) Except as provided in paragraph (b) of this subdivision, the board
22 shall select not more than fifty percent of all participating candidates
23 in covered elections for audit through a lottery. A separate lottery
24 shall be conducted for each office. The board shall select senate and
25 assembly districts to be audited, auditing every participating candidate
26 in each selected district, while ensuring that the number of audited
27 candidates within those districts does not exceed fifty percent of all
28 participating candidates for the relevant office. The lottery for senate
29 and assembly elections shall be weighted to increase the likelihood that
30 a district for the relevant office is audited based on how frequently it
31 has not been selected for auditing during the past three election
32 cycles. The board shall promulgate rules concerning the method of
33 weighting the senate and assembly lotteries, including provisions for
34 the first three election cycles for each office.

35 (d) The cost of complying with a post-election audit shall be borne by
36 the candidate's authorized committee using public funds, private funds
37 or any combination of such funds. Candidates who run in any primary or
38 general election must maintain a reserve of three percent of the public
39 funds received to comply with the post-election audit.

40 (e) The board shall issue to each campaign audited a final audit
41 report that details its findings.

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

54 (b) If the board determines that any portion of the payment made to a
55 candidate's authorized committee from the fund was used for purposes
56 other than qualified campaign expenditures and such expenditures were

1 not approved by the board, it shall notify such committee of the amount
2 so disqualified and such committee shall pay to the board an amount
3 equal to such disqualified amount. The candidate, the treasurer and the
4 candidate's authorized committee are jointly and severally liable for
5 any repayments to the board.

6 (c) If the total of payments from the fund received by a participating
7 candidate and his or her authorized committee exceed the total campaign
8 expenditures of such candidate and authorized committee for all covered
9 elections held in the same calendar year or for a special election to
10 fill a vacancy, such candidate and committee shall use such excess funds
11 to reimburse the fund for payments received by such authorized committee
12 from the fund during such calendar year or for such special election.
13 Participating candidates shall pay to the board unspent public campaign
14 funds from an election not later than twenty-seven days after all
15 liabilities for the election have been paid and in any event, not later
16 than the day on which the board issues its final audit report for the
17 participating candidate's authorized committee; provided, however, that
18 all unspent public campaign funds for a participating candidate shall be
19 immediately due and payable to the board upon a determination by the
20 board that the participant has delayed the post-election audit. A
21 participating candidate may make post-election expenditures with public
22 funds only for routine activities involving nominal cost associated with
23 winding up a campaign and responding to the post-election audit. Noth-
24 ing in this title shall be construed to prevent a candidate or his or
25 her authorized committee from using campaign contributions received from
26 private contributors for otherwise lawful expenditures.

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

37 § 14-210. Enforcement and penalties for violations and other
38 proceedings. 1. Civil penalties. Violations of any provision of this
39 title or rule promulgated pursuant to this title shall be subject to a
40 civil penalty in an amount not in excess of fifteen thousand dollars.

41 2. Notice of violation and opportunity to contest. The board shall:
42 (a) determine whether a violation of any provision of this title or
43 rule promulgated hereunder has been committed;

44 (b) give written notice and the opportunity to contest before an inde-
45 pendent hearing officer to each person or entity it has reason to
46 believe has committed a violation;

47 (c) if appropriate, assess penalties for violations, following such
48 notice and opportunity to contest; and

49 (d) any formal or informal advisory opinion issued by a majority vote
50 of the commissioners of the state board of elections to a participating
51 candidate in connection with any action under this title, when relied
52 upon in good faith, shall be presumptive evidence that such candidate or
53 his or her committee did not knowingly or willfully violate the
54 provisions of this title.

55 3. Criminal conduct. Any person who knowingly and willfully furnishes
56 or submits false statements or information to the board in connection

1 with its administration of this title, shall be guilty of a misdemeanor
2 in addition to any other penalty as may be imposed under this chapter or
3 pursuant to any other law. The chief enforcement counsel shall seek to
4 recover any public matching funds obtained as a result of such criminal
5 conduct.

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

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

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

24 (d) The chief enforcement counsel is authorized to institute a special
25 proceeding or civil action in Supreme Court, Albany county, to obtain a
26 judgment for civil penalties determined to be payable to the board
27 pursuant to this title or to impose such penalty directly after a hear-
28 ing at the board.

29 § 14-211. Reports. The board shall review and evaluate the effect of
30 this title upon the conduct of election campaigns and shall submit a
31 report to the legislature on or before January first, two thousand twen-
32 ty-one, and every third year thereafter, and at any other time upon the
33 request of the governor and at such other times as the board deems
34 appropriate. These reports shall include:

35 1. a list of the participating and nonparticipating candidates in
36 covered elections and the votes received by each candidate in those
37 elections;

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

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

42 4. analysis of the effect of this title on political campaigns,
43 including its effect on the sources and amounts of private financing,
44 the level of campaign expenditures, voter participation, the number of
45 candidates, the candidates' ability to campaign effectively for public
46 office, and the diversity of candidates seeking and elected to office;
47 and

48 5. recommendations for amendments to this title, including changes in
49 contribution limits, thresholds for eligibility, and any other features
50 of the system.

51 § 14-212. Debates for candidates for statewide office. The board
52 shall promulgate regulations to facilitate debates among participating
53 candidates who seek election to statewide office. Participating candi-
54 dates are required to participate in one debate before each election for
55 which the candidate receives public funds, unless the participating

1 candidate is running unopposed. Nonparticipating candidates may partic-
2 ipate in such debates.

3 § 14-213. Severability. If any clause, sentence, subdivision, para-
4 graph, section or part of this title be adjudged by any court of compe-
5 tent jurisdiction to be invalid, such judgment shall not affect, impair
6 or invalidate the remainder thereof, but shall be confined in its opera-
7 tion to the clause, sentence, subdivision, paragraph, section or part
8 thereof directly involved in the controversy in which such judgment
9 shall have been rendered.

10 § 9. The state finance law is amended by adding a new section 92-t to
11 read as follows:

12 § 92-t. New York state campaign finance fund. 1. There is hereby
13 established in the joint custody of the state comptroller and the
14 commissioner of taxation and finance a fund to be known as the New York
15 state campaign finance fund.

16 2. Such fund shall consist of all revenues received from the New York
17 state campaign finance fund check-off pursuant to subsection (h) of
18 section six hundred fifty-eight of the tax law, from the abandoned prop-
19 erty fund pursuant to section ninety-five of this article, from the
20 general fund, and from all other moneys credited or transferred thereto
21 from any other fund or source pursuant to law. Such fund shall also
22 receive contributions from private individuals, organizations, or other
23 persons to fulfill the purposes of the public financing system.

24 3. Moneys of the fund, following appropriation by the legislature, may
25 be expended for the purposes of making payments to candidates pursuant
26 to title two of article fourteen of the election law and for administra-
27 tive expenses related to the implementation of article fourteen of the
28 election law. Moneys shall be paid out of the fund by the state comp-
29 troller on vouchers certified or approved by the state board of
30 elections, or its duly designated representative, in the manner
31 prescribed by law, not more than five working days after such voucher is
32 received by the state comptroller.

33 4. Notwithstanding any provision of law to the contrary, if, in any
34 state fiscal year, the state campaign finance fund lacks the amount of
35 money to pay all claims vouchered by eligible candidates and certified
36 or approved by the state board of elections, any such deficiency shall
37 be paid by the state comptroller, from funds deposited in the general
38 fund of the state not more than four working days after such voucher is
39 received by the state comptroller.

40 5. Commencing in two thousand twenty, if the surplus in the fund on
41 April first of the year after a year in which a governor is elected
42 exceeds twenty-five percent of the disbursements from the fund over the
43 previous four years, the excess shall revert to the general fund of the
44 state.

45 6. No public funds shall be paid to any participating candidates in a
46 primary election any earlier than thirty days after designating
47 petitions or certificates of nomination have been filed and not later
48 than thirty days after such primary election.

49 7. No public funds shall be paid to any participating candidates in a
50 general election any earlier than the day after the day of the primary
51 election held to nominate candidates for such election.

52 8. No public funds shall be paid to any participating candidates in a
53 special election any earlier than the day after the last day to file
54 certificates of party nomination for such special election.

55 9. No public funds shall be paid to any participating candidate who
56 has been disqualified or whose designating petitions have been declared

1 invalid by the appropriate board of elections or a court of competent
2 jurisdiction until and unless such finding is reversed by a higher court
3 in a final judgment. No payment from the fund in the possession of such
4 a candidate or such candidate's participating committee on the date of
5 such disqualification or invalidation may thereafter be expended for any
6 purpose except the payment of liabilities incurred before such date.
7 All such moneys shall be repaid to the fund.

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

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

15 (b) Notwithstanding any provision of this section authorizing the
16 transfer of any moneys in the abandoned property fund to the general
17 fund, the comptroller, after receiving amounts sufficient to pay claims
18 against the abandoned property fund, shall, based upon a certification
19 of the state board of elections pursuant to paragraph (a) of this subdi-
20 vision, and at the direction of the director of the budget, transfer the
21 requested amount from remaining available monies in the abandoned prop-
22 erty fund to the campaign finance fund established by section ninety-
23 two-t of this article.

24 § 11. Section 658 of the tax law is amended by adding a new subsection
25 (h) to read as follows:

26 (h) New York state campaign finance fund check-off. (1) For each taxa-
27 ble year beginning on and after January first, two thousand nineteen,
28 every resident taxpayer whose New York state income tax liability for
29 the taxable year for which the return is filed is forty dollars or more
30 may designate on such return that forty dollars be paid into the New
31 York state campaign finance fund established by section ninety-two-t of
32 the state finance law. Where a husband and wife file a joint return and
33 have a New York state income tax liability for the taxable year for
34 which the return is filed is eighty dollars or more, or file separate
35 returns on a single form, each such taxpayer may make separate desig-
36 inations on such return of forty dollars to be paid into the New York
37 state campaign finance fund.

38 (2) The commissioner shall transfer to the New York state campaign
39 finance fund, established pursuant to section ninety-two-t of the state
40 finance law, an amount equal to forty dollars multiplied by the number
41 of designations.

42 (3) For purposes of this subsection, the income tax liability of an
43 individual for any taxable year is the amount of tax imposed under this
44 article reduced by the sum of the credits (as shown in his or her
45 return) allowable under this article.

46 (4) The department shall include a place on every personal income tax
47 return form to be filed by an individual for a tax year beginning on or
48 after January first, two thousand nineteen, for such taxpayer to make
49 the designations described in paragraph one of this subsection. Such
50 return form shall contain a concise explanation of the purpose of such
51 optional designations.

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

1 to the clause, sentence, subdivision, paragraph, section or part thereof
2 directly involved in the controversy in which such judgment shall have
3 been rendered.

4 § 13. This act shall take effect immediately; provided, however, all
5 affected candidates will be eligible to participate in voluntary public
6 financing beginning with the 2020 primary election.

7
8 PART C

9 Section 1. Short title. This act shall be known as and may be cited as
10 the "Voter Enfranchisement Modernization Act of 2019 (VEMA)".

11 § 2. Declaration of Legislative Intent. The right to vote is a funda-
12 mental right, the well-spring of all others, secured by the federal and
13 state constitutions. On-line forms of communication and conducting tran-
14 sactions did not exist at the time New York's paper-based voter regis-
15 tration system was enacted. In the last twenty years, many paper-based
16 processes have migrated to on-line processes, including filing tax
17 returns, applying for social security benefits, routine banking trans-
18 actions, official communications and purchase transactions of all types.
19 This on-line migration has improved cost efficiency, increased accessi-
20 bility and provided greater convenience to the public in many contexts.
21 The predominantly paper-based voter registration application process in
22 New York is antiquated and must be supplemented with on-line voter
23 registration. To remove unnecessary burdens to the fundamental right of
24 the people to vote, the State Board of Elections shall establish the
25 Voter Enfranchisement Modernization Program for the purpose of increas-
26 ing opportunities for voter registration by any person who is qualified
27 to be a voter under Article II of the New York State Constitution. This
28 effort modernizes voter registration and supplements the methods of
29 voter registration provided under current law.

30 § 3. Article 5 of the election law is amended by adding a new title 8
31 to read as follows:

32 TITLE VIII

33 ELECTRONIC PERSONAL VOTER REGISTRATION PROCESS

34 Section 5-800. Electronic voter registration transmittal system.

35 5-802. Online voter registration application.

36 5-804. Failure to provide exemplar signature not to prevent
37 registration.

38 § 5-800. Electronic voter registration transmittal system. In addition
39 to any other means of voter registration provided for by this chapter,
40 the state board of elections shall establish and maintain an electronic
41 voter registration transmittal system through which applicants may apply
42 to register to vote online. The state board of elections shall elec-
43 tronically transmit such applications to the applicable board of
44 elections of each county or the city of New York for filing, processing
45 and verification consistent with this chapter. In accordance with tech-
46 nical specifications provided by the state board of elections, each
47 board of elections shall maintain a voter registration system capable of
48 receiving and processing voter registration application information,
49 including electronic signatures, from the electronic voter registration
50 transmittal system established by the state board of elections. Notwith-
51 standing any other inconsistent provision of this chapter, applications
52 filed using such system shall be considered filed with the applicable
53 board of elections on the calendar date the application is initially
54 transmitted by the voter through the electronic voter registration tran-
smittal system.

1 § 5-802. Online voter registration application. 1. A voter shall be
2 able to apply to register to vote using a personal online voter regis-
3 tration application submitted through the electronic voter registration
4 transmittal system when the voter:

5 (a) completes an electronic voter registration application promulgated
6 by the state board of elections which shall include all of the voter
7 registration information required by section 5-210 of this article; and

8 (b) affirms, subject to penalty of perjury, by means of electronic or
9 manual signature, that the information contained in the voter registra-
10 tion application is true and that the applicant meets all of the quali-
11 fications to become a registered voter; and

12 (c) consents to the use of an electronic copy of the individual's
13 manual signature that is in the custody of the department of motor vehi-
14 cles, the state board of elections, or other agency designated by
15 sections 5-211 or 5-212 of this article, as the individual's voter
16 registration exemplar signature, or provides such a signature by direct
17 upload in a manner that complies with the New York state electronic
18 signature and records act and the rules and regulations promulgated by
19 the state board of elections.

20 2. The board of elections shall provide the personal online voter
21 registration application in any language required by the federal Voting
22 Rights Act of 1965 (52 U.S.C. Sec. 10503) in any county in the state.

23 3. The online voter registration application process shall provide
24 reasonable accommodations to improve accessibility for persons with
25 disabilities, and shall be compatible for use with standard online
26 accessibility assistance tools for persons with visual, physical or
27 perceptive disabilities.

28 4. The state board of elections shall promulgate rules and regulations
29 for the creation and administration of an online voter registration
30 system pursuant to this section.

31 § 5-804. Failure to provide exemplar signature not to prevent regis-
32 tration. 1. If a voter registration exemplar signature is not provided
33 by an applicant who submits a voter registration application pursuant to
34 this title, the local board shall seek to obtain such exemplar signature
35 from the statewide voter registration database, the state board of
36 elections, or a state or local agency designated by section 5-211 or
37 5-212 of this article.

38 2. If such exemplar signature is not available from the statewide
39 voter registration database, the state board of elections, or a state or
40 local agency designated by section 5-211 or 5-212 of this article, the
41 local board of elections shall, absent another reason to reject the
42 application, proceed to register and, as applicable, enroll the appli-
43 cant. Within ten days of such action, the board of elections shall send
44 a standard form promulgated by the state board of elections to the voter
45 whose record lacks an exemplar signature, requiring such voter to submit
46 a signature for identification purposes. The voter shall submit to the
47 board of elections a voter registration exemplar signature by any one of
48 the following methods: in person, by mail with return postage paid
49 provided by the board of elections, by electronic mail, or by electronic
50 upload to the board of elections through the electronic voter registra-
51 tion transmittal system. If such voter does not provide the required
52 exemplar signature, when the voter appears to vote the voter shall be
53 entitled to vote in the same manner as a voter with a notation indicat-
54 ing the voter's identity has not yet been verified in the manner
55 provided by section 8-302 of this chapter.

§ 4. This act shall take effect on the earlier occurrence of: (i) two years after it shall have become a law; provided, however, the state board of elections shall be authorized to implement necessary rules and regulations and to take steps required to implement this act immediately; or (ii) five days after the date of certification by the state board of elections that the information technology infrastructure to substantially implement this act is functional. Provided, further that the state board of elections shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART D

Section 1. Section 3-400 of the election law is amended by adding a new subdivision 9 to read as follows:

9. Notwithstanding any inconsistent provisions of this article, election inspectors or poll clerks, if any, at polling places for early voting, shall consist of either board of elections employees who shall be appointed by the commissioners of such board or duly qualified individuals, appointed in the manner set forth in this section. Appointments to the offices of election inspector or poll clerk in each polling place for early voting shall be equally divided between the major political parties. The board of elections shall assign staff and provide the resources they require to ensure wait times at early voting sites do not exceed thirty minutes.

§ 2. Section 4-117 of the election law is amended by adding a new subdivision 1-a to read as follows:

1-a. The notice required by subdivision one of this section shall include the dates, hours and locations of early voting for the general and primary election. The board of elections may satisfy the notice requirement of this subdivision by providing in the notice instructions to obtain the required early voting information from a website of the board of elections and providing a phone number to call for such information.

§ 3. Subdivision 2 of section 8-100 of the election law, as amended by chapter 367 of the laws of 2017, is amended to read as follows:

2. Polls shall be open for voting during the following hours: a primary election from twelve o'clock noon until nine o'clock in the evening, except in the city of New York and the counties of Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Dutchess and Erie, and in such city or county from six o'clock in the morning until nine o'clock in the evening; the general election from six o'clock in the morning until nine o'clock in the evening; a special election called by the governor pursuant to the public officers law, and, except as otherwise provided by law, every other election, from six o'clock in the morning until nine o'clock in the evening; early voting hours shall be as provided in section 8-600 of this article.

§ 4. Subdivision 1 of section 8-102 of the election law is amended by adding a new paragraph (k) to read as follows:

(k) Voting at each polling place for early voting shall be conducted in a manner consistent with the provisions of this article, with the exception of the tabulation and proclamation of election results which

1 shall be completed according to subdivisions eight and nine of section
2 8-600 of this article.

3 § 5. Section 8-104 of the election law is amended by adding a new
4 subdivision 7 to read as follows:

5 7. This section shall apply on all early voting days as provided for
6 in section 8-600 of this article.

7 § 6. Paragraph (b) of subdivision 2 of section 8-508 of the election
8 law, as amended by chapter 200 of the laws of 1996, is amended to read
9 as follows:

10 (b) The second section of such report shall be reserved for the board
11 of inspectors to enter the name, address and registration serial number
12 of each person who is challenged on the day of election or on any day in
13 which there is early voting pursuant to section 8-600 of this article,
14 together with the reason for the challenge. If no voters are chal-
15 lenged, the board of inspectors shall enter the words "No Challenges"
16 across the space reserved for such names. In lieu of preparing section
17 two of the challenge report, the board of elections may provide, next to
18 the name of each voter on the computer generated registration list, a
19 place for the inspectors of election to record the information required
20 to be entered in such section two, or provide at the end of such comput-
21 er generated registration list, a place for the inspectors of election
22 to enter such information.

23 § 7. Article 8 of the election law is amended by adding a new title 6
24 to read as follows:

25 TITLE VI
26 EARLY VOTING

27 Section 8-600. Early voting.

28 8-602. State board of elections; powers and duties for early
29 voting.

30 § 8-600. Early voting. 1. Beginning the thirteenth day prior to any
31 general, primary or special election for any public or party office, and
32 ending on and including the second day prior to such general, primary or
33 special election for such public or party office, persons duly regis-
34 tered and eligible to vote at such election shall be permitted to vote
35 as provided in this title. The board of elections shall establish
36 procedures, which shall be consistent with this chapter and the regu-
37 lations of the state board of elections, to ensure that persons who vote
38 during the early voting period shall not be permitted to vote subse-
39 quently in the same election.

40 2. (a) The board of elections shall designate polling places for early
41 voting in each county, which may include the offices of the board of
42 elections, for persons to vote early pursuant to this section. There
43 shall be so designated at least one early voting polling place for every
44 full increment of fifty thousand registered voters in each county;
45 provided, however, the number of early voting polling places in a county
46 shall not be required to be greater than seven, and a county with fewer
47 than fifty thousand voters shall have at least one early voting polling
48 place.

49 (b) The board of elections may establish additional polling places for
50 early voting in excess of the minimum number required by this subdivi-
51 sion for the convenience of eligible voters wishing to vote during the
52 early voting period.

53 (c) Notwithstanding the minimum number of early voting poll sites
54 otherwise required by this subdivision, for any primary or special
55 election, upon majority vote of the board of elections, the number of
56 early voting sites may be reduced if the board of elections reasonably

1 determines a lesser number of sites is sufficient to meet the needs of
2 early voters.

3 (d) Polling places for early voting shall be located to ensure, to the
4 extent practicable, that eligible voters have equitable access to such
5 polling places, taking into consideration population density, travel
6 time to the polling place, proximity to other early voting polling plac-
7 es, commonly used transportation routes, public transportation, and such
8 other factors the board of elections deems appropriate. The provisions
9 of section 4-104 of this chapter, except subdivisions four and five of
10 such section, shall apply to the designation of polling places for early
11 voting except to the extent such provisions are inconsistent with this
12 section.

13 3. Any person permitted to vote early may do so at any polling place
14 for early voting established pursuant to subdivision two of this section
15 in the county where such voter is registered to vote. Provided, however,
16 (i) if it is impractical to provide each polling place for early voting
17 all appropriate ballots for each election to be voted on in the county,
18 or (ii) if permitting such persons to vote early at any polling place
19 established for early voting would make it impractical to ensure that
20 such voter has not previously voted early during such election, the
21 board of elections may designate each polling place for early voting
22 only for those voters registered to vote in a portion of the county to
23 be served by such polling place for early voting, provided that all
24 voters in each county shall have one or more polling places at which
25 they are eligible to vote throughout the early voting period on a
26 substantially equal basis.

27 4. (a) Polls shall be open for early voting for at least eight hours
28 between seven o'clock in the morning and eight o'clock in the evening
29 each week day during the early voting period.

30 (b) At least one polling place for early voting shall remain open
31 until eight o'clock in the evening on at least two week days in each
32 calendar week during the early voting period. If polling places for
33 early voting are limited to voters from certain areas pursuant to subdivi-
34 sion three of this section, polling places that remain open until
35 eight o'clock shall be designated such that any person entitled to vote
36 early may vote until eight o'clock in the evening on at least two week
37 days during the early voting period.

38 (c) Polls shall be open for early voting for at least five hours
39 between nine o'clock in the morning and six o'clock in the evening on
40 each Saturday, Sunday and legal holiday during the early voting period.

41 (d) Nothing in this section shall be construed to prohibit any board
42 of elections from establishing a greater number of hours for voting
43 during the early voting period beyond the number of hours required in
44 this subdivision.

45 (e) Early voting polling places and their hours of operation for early
46 voting at a general election shall be designated pursuant to subdivision
47 one of section 4-104 of this chapter. Notwithstanding the provisions of
48 subdivision one of section 4-104 of this chapter requiring poll site
49 designation by May first, early voting polling places and their hours of
50 operation for early voting for a primary or special election shall be
51 made not later than forty-five days before such primary or special
52 election.

53 5. Each board of elections shall create a communication plan to inform
54 eligible voters of the opportunity to vote early. Such plan may utilize
55 any and all media outlets, including social media, and shall publicize:
56 the location and dates and hours of operation of all polling places for

1 early voting; an indication of whether each polling place is accessible
2 to voters with physical disabilities; a clear and unambiguous notice to
3 voters that if they cast a ballot during the early voting period they
4 will not be allowed to vote election day; and if polling places for
5 early voting are limited to voters from certain areas pursuant to subdi-
6 vision three of this section, the location of the polling places for
7 early voting serving the voters of each particular city, town or other
8 political subdivision.

9 6. The form of paper ballots used in early voting shall comply with
10 the provisions of article seven of this chapter that are applicable to
11 voting by paper ballot on election day and such ballot shall be cast in
12 the same manner as provided for in section 8-312 of this article,
13 provided, however, that ballots cast during the early voting period
14 shall be secured in the manner of voted ballots cast on election day and
15 such ballots shall not be canvassed or examined until after the close of
16 the polls on election day, and no unofficial tabulations of election
17 results shall be printed or viewed in any manner until after the close
18 of polls on election day.

19 7. Voters casting ballots pursuant to this title shall be subject to
20 challenge as provided in sections 8-500, 8-502 and 8-504 of this arti-
21 cle.

22 8. Notwithstanding any other provisions of this chapter, at the end of
23 each day of early voting, any early voting ballots that have not been
24 scanned because a ballot scanner was not available or because the ballot
25 has been abandoned by the voter at the ballot scanner shall be cast in a
26 manner consistent with section 9-110 of this chapter, except that any
27 ballots that would otherwise be scanned at the close of the polls pursu-
28 ant to such section shall be scanned at the close of each day's early
29 voting.

30 9. The board of elections shall secure all ballots and scanners used
31 for early voting from the beginning of the early voting period through
32 the close of the polls of the election on election day. As soon as the
33 polls of the election are closed on election day, and not before,
34 inspectors or board of elections employees shall follow all relevant
35 provisions of article nine of this chapter that are not inconsistent
36 with this section, for canvassing, processing, recording, and announcing
37 results of voting at polling places for early voting, and securing
38 ballots, scanners, and other election materials.

39 10. This title shall not apply to village elections conducted pursuant
40 to article fifteen and title two of article six of this chapter.

41 § 8-602. State board of elections; powers and duties for early voting.
42 Any rule or regulation necessary for the implementation of the
43 provisions of this title shall be promulgated by the state board of
44 elections provided that such rules and regulations shall include
45 provisions to ensure that ballots cast early, by any method allowed
46 under law, are counted and canvassed as if cast on election day. The
47 state board of elections shall promulgate any other rules and regu-
48 lations necessary to ensure an efficient and fair early voting process
49 that respects the privacy of the voter. Provided, further, that such
50 rules and regulations shall require that the voting history record for
51 each voter be continually updated to reflect each instance of early
52 voting by such voter.

53 § 8. This act shall take effect on the first of January next succeed-
54 ing the date on which it shall have become a law and shall apply to any
55 election held 120 days or more after it shall have taken effect.

1

PART E

2 Section 1. This part enacts into law major components of legislation
3 relating to elections. Each component is wholly contained within a
4 Subpart identified as Subparts A through B. The effective date for each
5 particular provision contained within such Subpart is set forth in the
6 last section of such Subpart. Any provision in any section contained
7 within a Subpart, including the effective date of the Subpart, which
8 makes a reference to a section "of this act", when used in connection
9 with that particular component, shall be deemed to mean and refer to the
10 corresponding section of the Subpart in which it is found. Section three
11 of this part sets forth the general effective date of this part.

12

SUBPART A

13 Section 1. Subdivision 1 of section 1-106 of the election law, as
14 amended by chapter 700 of the laws of 1977, is amended to read as
15 follows:

16 1. All papers required to be filed pursuant to the provisions of this
17 chapter shall, unless otherwise provided, be filed between the hours of
18 nine A.M. and five P.M. If the last day for filing shall fall on a
19 Saturday, Sunday or legal holiday, the next business day shall become
20 the last day for filing. All papers sent by mail in an envelope post-
21 marked prior to midnight of the last day of filing shall be deemed time-
22 ly filed and accepted for filing when received, except that all certif-
23 icates and petitions of designation or nomination, certificates of
24 acceptance or declination of such designations or nominations, certif-
25 icates of authorization for such designations or nominations, certif-
26 icates of disqualification, certificates of substitution for such desig-
27 nations or nominations and objections and specifications of objections
28 to such certificates and petitions required to be filed with the state
29 board of elections or a board of elections outside of the city of New
30 York shall be deemed timely filed and accepted for filing if sent by
31 mail or overnight delivery service pursuant to subdivision three of this
32 section, and received no later than two business days after the last day
33 to file such certificates, petitions, objections or specifications.
34 Failure of the post office or any other person or entity to deliver any
35 such petition, certificate or objection to such board of elections
36 outside the city of New York no later than two business days after the
37 last day to file such certificates, petitions, objections or specifica-
38 tions shall be a fatal defect. Excepted further that all certificates
39 and petitions of designation or nomination, certificates of acceptance
40 or declination of such designations and nominations, certificates of
41 substitution for such designations or nominations and objections and
42 specifications of objections to such certificates and petitions required
43 to be filed with the board of elections of the city of New York must be
44 actually received by such city board of elections on or before the last
45 day to file any such petition, certificate or objection and such office
46 shall be open for the receipt of such petitions, certificates and
47 objections until midnight on the last day to file any such petition,
48 certificate or objection. Failure of the post office or any other person
49 or entity to deliver any such petition, certificate or objection to such
50 city board of elections on or before such last day shall be a fatal
51 defect.

52 § 2. Subdivision 1 of section 4-104 of the election law, as amended by
53 chapter 180 of the laws of 2005, is amended to read as follows:

1 1. Every board of elections shall, in consultation with each city,
2 town and village, designate the polling places in each election district
3 in which the meetings for the registration of voters, and for any
4 election may be held. The board of trustees of each village in which
5 general and special village elections conducted by the board of
6 elections are held at a time other than the time of a general election
7 shall submit such a list of polling places for such village elections to
8 the board of elections. A polling place may be located in a building
9 owned by a religious organization or used by it as a place of worship.
10 If such a building is designated as a polling place, it shall not be
11 required to be open for voter registration on any Saturday if this is
12 contrary to the religious beliefs of the religious organization. In such
13 a situation, the board of elections shall designate an alternate
14 location to be used for voter registration. Such polling places must be
15 designated by ~~[May first]~~ March fifteenth, of each year, and shall be
16 effective for one year thereafter. Such a list required to be submitted
17 by a village board of trustees must be submitted at least four months
18 before each general village election and shall be effective until four
19 months before the subsequent general village election. No place in which
20 a business licensed to sell alcoholic beverages for on premises consump-
21 tion is conducted on any day of local registration or of voting shall be
22 so designated. If, within the discretion of the board of elections a
23 particular polling place so designated is subsequently found to be
24 unsuitable or unsafe or should circumstances arise that make a desig-
25 nated polling place unsuitable or unsafe, then the board of elections is
26 empowered to select an alternative meeting place. In the city of New
27 York, the board of elections shall designate such polling places and
28 alternate registration places if the polling place cannot be used for
29 voter registration on Saturdays.

30 § 3. Subdivisions 1 and 2 of section 4-106 of the election law, subdi-
31 vision 2 as amended by chapter 635 of the laws of 1990, are amended to
32 read as follows:

33 1. The state board of elections shall, ~~[at least eight months before~~
34 ~~each]~~ by February first in the year of each general election, make and
35 transmit to the board of elections of each county, a certificate stating
36 each office, except county, city, village and town offices to be voted
37 for at such election in such county.

38 2. Each county, city, village and town clerk, ~~[at least eight months~~
39 ~~before each]~~ by February first in the year of each general election,
40 shall make and transmit to the board of elections a certificate stating
41 each county, city, village or town office, respectively to be voted for
42 at each such election. Each village clerk, at least five months before
43 each general village election conducted by the board of elections, shall
44 make, and transmit to such board, a certificate stating each village
45 office to be filled at such election.

46 § 4. Paragraph b of subdivision 1 of section 4-108 of the election
47 law, as amended by chapter 117 of the laws of 1985, is amended to read
48 as follows:

49 b. Whenever any proposal, proposition or referendum as provided by law
50 is to be submitted to a vote of the people of a county, city, town,
51 village or special district, at an election conducted by the board of
52 elections, the clerk of such political subdivision, at least ~~[thirty six~~
53 ~~days]~~ three months prior to the general election at which such proposal,
54 proposition or referendum is to be submitted, shall transmit to each
55 board of elections a certified copy of the text of such proposal, propo-
56 sition or referendum and a statement of the form in which it is to be

1 submitted. If a special election is to be held, such transmittal shall
2 also give the date of such election.

3 § 5. Section 4-110 of the election law, as amended by chapter 434 of
4 the laws of 1984, is amended to read as follows:

5 § 4-110. Certification of primary election candidates; state board of
6 elections. The state board of elections, not later than ~~[thirty-six]~~
7 fifty-five days before a primary election, shall certify to each county
8 board of elections: The name and residence of each candidate to be voted
9 for within the political subdivision of such board for whom a design-
10 nation has been filed with the state board; the title of the office or
11 position for which the candidate is designated; the name of the party
12 upon whose primary ballot his or her name is to be placed; and the order
13 in which the names of the candidates are to be printed as determined by
14 the state board. Where an office or position is uncontested, such
15 certification shall state such fact.

16 § 6. Subdivision 1 of section 4-112 of the election law, as amended by
17 chapter 4 of the laws of 2011, is amended to read as follows:

18 1. The state board of elections, not later than ~~[thirty-six]~~ fifty-
19 five days before a general election, or fifty-three days before a
20 special election, shall certify to each county board of elections the
21 name and residence of each candidate nominated in any valid certificate
22 filed with it or by the returns canvassed by it, the title of the office
23 for which nominated; the name of the party or body specified of which he
24 or she is a candidate; the emblem chosen to distinguish the candidates
25 of the party or body; and a notation as to whether or not any litigation
26 is pending concerning the candidacy. Upon the completion of any such
27 litigation, the state board of elections shall forthwith notify the
28 appropriate county boards of elections of the results of such liti-
29 gation.

30 § 7. Section 4-114 of the election law, as amended by chapter 4 of the
31 laws of 2011, is amended to read as follows:

32 § 4-114. Determination of candidates and questions; county board of
33 elections. The county board of elections, not later than the ~~[thirty-~~
34 ~~fifth]~~ fifty-fourth day before the day of a primary or general election,
35 or the fifty-third day before a special election, shall determine the
36 candidates duly nominated for public office and the questions that shall
37 appear on the ballot within the jurisdiction of that board of elections.

38 § 8. Subdivision 1 of section 4-117 of the election law, as amended by
39 chapter 3 of the laws of 2018, is amended to read as follows:

40 1. The board of elections, ~~[-between August first and August fifth of~~
41 ~~each year]~~ not less than sixty-five days nor more than seventy days
42 before the primary election in each year, shall send by mail on which is
43 endorsed such language designated by the state board of elections to
44 ensure postal authorities do not forward such mail but return it to the
45 board of elections with forwarding information, when it cannot be deliv-
46 ered as addressed and which contains a request that any such mail
47 received for persons not residing at the address be dropped back in the
48 mail, a communication, in a form approved by the state board of
49 elections, to every registered voter who has been registered without a
50 change of address since the beginning of such year, except that the
51 board of elections shall not be required to send such communications to
52 voters in inactive status. The communication shall notify the voter of
53 the days and hours of the ensuing primary and general elections, the
54 place where he or she appears by his or her registration records to be
55 entitled to vote, the fact that voters who have moved or will have moved
56 from the address where they were last registered must re-register or,

1 that if such move was to another address in the same county or city,
2 that such voter may either notify the board of elections of his or her
3 new address or vote by paper ballot at the polling place for his or her
4 new address even if such voter has not re-registered, or otherwise noti-
5 fied the board of elections of the change of address. If the primary
6 will not be held on the first Tuesday after the second Monday in Septem-
7 ber, the communication shall contain a conspicuous notice in all capital
8 letters and bold font notifying the voter of the primary date. If the
9 location of the polling place for the voter's election district has been
10 moved, the communication shall contain the following legend in bold
11 type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....".
12 The communication shall also indicate whether the polling place is
13 accessible to physically disabled voters, that a voter who will be out
14 of the city or county on the day of the primary or general election or a
15 voter who is ill or physically disabled may obtain an absentee ballot,
16 that a physically disabled voter whose polling place is not accessible
17 may request that his registration record be moved to an election
18 district which has a polling place which is accessible, the phone number
19 to call for applications to move a registration record or for absentee
20 ballot applications, the phone number to call for the location of regis-
21 tration and polling places, the phone number to call to indicate that
22 the voter is willing to serve on election day as an election inspector,
23 poll clerk, interpreter or in other capacities, the phone number to call
24 to obtain an application for registration by mail, and such other infor-
25 mation concerning the elections or registration as the board may
26 include. In lieu of sending such communication to every registered
27 voter, the board of elections may send a single communication to a
28 household containing more than one registered voter, provided that the
29 names of all such voters appear as part of the address on such communi-
30 cation.

31 § 9. Subdivision 1 of section 5-604 of the election law, as amended by
32 chapter 28 of the laws of 2010, is amended to read as follows:

33 1. The board of elections shall also cause to be published for each
34 election district a complete list of the registered voters of each
35 election district. Such list shall, in addition to the information
36 required for registration lists, include the party enrollment of each
37 voter. At least as many copies of such list shall be prepared as the
38 required minimum number of registration lists.

39 Lists for all the election districts in a ward or assembly district
40 may be bound together in one volume. The board of elections shall also
41 cause to be published a complete list of names and residence addresses
42 of the registered voters, including the party enrollment of each voter,
43 for each town and city over which the board has jurisdiction. The names
44 for each town and city may be arranged according to street and number or
45 alphabetically. Such lists shall be published before the first day of
46 ~~April~~ February. The board shall keep at least five copies for public
47 inspection at each main office or branch office of the board. Surplus
48 copies of the lists shall be sold at a charge not exceeding the cost of
49 publication.

50 § 10. Paragraph a of subdivision 5 of section 5-708 of the election
51 law, as added by chapter 659 of the laws of 1994, is amended to read as
52 follows:

53 a. At least once each year during the month of ~~May~~ February, each
54 board of elections shall obtain through the National Change of Address
55 System, the forwarding address for every voter registered with such
56 board of elections for whom the United States Postal Service has such a

1 forwarding address together with the name of each such voter whom the
2 Postal Service records indicate has moved from the address at which he
3 is registered without leaving a forwarding address.

4 § 11. Subdivision 1 of section 6-108 of the election law, as amended
5 by chapter 160 of the laws of 1996, is amended to read as follows:

6 1. In any town in a county having a population of over seven hundred
7 fifty thousand inhabitants, as shown by the latest federal decennial or
8 special population census, party nominations of candidates for town
9 offices shall be made at the primary preceding the election. In any
10 other town, nominations of candidates for town offices shall be made by
11 caucus or primary election as the rules of the county committee shall
12 provide, except that the members of the county committee from a town may
13 adopt by a two-thirds vote, a rule providing that the party candidates
14 for town offices shall be nominated at the primary election. If a rule
15 adopted by the county committee of a political party or by the members
16 of the county committee from a town, provides that party candidates for
17 town offices, shall be nominated at a primary election, such rule shall
18 not apply to nor affect a primary held less than four months after a
19 certified copy of the rule shall have been filed with the board of
20 elections. After the filing of such a rule, the rule shall continue in
21 force until a certified copy of a rule revoking the same shall have been
22 filed with such board at least four months before a subsequent primary.
23 Such a caucus shall be held no earlier than the first day on which
24 designating petitions for the [~~fall~~] primary election may be signed.

25 § 12. Subdivisions 1 and 2 of section 6-147 of the election law, as
26 amended by chapter 434 of the laws of 1984, are amended to read as
27 follows:

28 1. The name of a person designated on more than one petition as a
29 candidate for a party position to be filled by two or more persons shall
30 be printed on the ballot with the group of candidates designated by the
31 petition first filed unless such person, in a certificate duly acknowl-
32 edged by him or her and filed with the board of elections not later than
33 the [~~eighth~~] tenth Tuesday preceding the primary election or five days
34 after the board of elections mails such person notice of his or her
35 designation in more than one group, whichever is later, specifies ano-
36 ther group in which his or her name shall be printed.

37 2. A person designated as a candidate for the position of member of
38 the county committee in more than one election district shall be deemed
39 to have been designated in the lowest numbered election district unless
40 such person, in a certificate duly acknowledged by him or her, and filed
41 with the board of elections not later than the [~~eighth~~] tenth Tuesday
42 preceding the primary election or five days after the board of elections
43 mails such person notice of his or her designation in more than one
44 election district whichever is later, specifies that he or she wishes to
45 be deemed designated in a different election district.

46 § 13. Subdivisions 1, 4, 5, 6, 9, 11, 12 and 14 of section 6-158 of
47 the election law, subdivisions 1, 4, 11 and 12 as amended by chapter 434
48 of the laws of 1984, subdivision 6 as amended by chapter 79 of the laws
49 of 1992, and subdivision 9 as amended by chapter 517 of the laws of
50 1986, are amended to read as follows:

51 1. A designating petition shall be filed not earlier than the [~~tenth~~]
52 thirteenth Monday before, and not later than the [~~ninth~~] twelfth Thurs-
53 day preceding the primary election.

54 4. A petition of enrolled members of a party requesting an opportunity
55 to write in the name of an undesignated candidate for a public office or
56 party position at a primary election shall be filed not later than the

1 ~~[eighth]~~ eleventh Thursday preceding the primary election. However,
2 where a designating petition has been filed and the person named therein
3 has declined such designation and another person has been designated to
4 fill the vacancy, then in that event, a petition for an opportunity to
5 ballot in a primary election shall be filed not later than the ~~[seventh]~~
6 tenth Thursday preceding such primary election.

7 5. A judicial district convention shall be held not earlier than the
8 ~~[Tuesday]~~ Thursday following the ~~[third Monday in September]~~ first
9 Monday in August preceding the general election and not later than ~~[the~~
10 ~~fourth Monday in September preceding such election]~~ six days thereafter.

11 6. (a) A certificate of a party nomination made other than at the
12 primary election for an office to be filled at the time of a general
13 election shall be filed not later than ~~[seven]~~ thirty days after the
14 ~~[fall]~~ primary election, (b) except that a certificate of nomination
15 for an office which becomes vacant after the seventh day preceding such
16 primary election shall be filed not later than ~~[fourteen]~~ thirty days
17 after the primary election or ten days after the creation of such vacan-
18 cy, whichever is later, and (c) except, further, that a certificate of
19 party nomination of candidates for elector of president and vice-presi-
20 dent of the United States shall be filed not later than ~~[fourteen]~~
21 seventy-four days after the ~~[fall]~~ primary election, and (d) except
22 still further that a certificate of party nomination made at a judicial
23 district convention shall be filed not later than the day after the last
24 day to hold such convention and the minutes of such convention, duly
25 certified by the chairman and secretary, shall be filed within seventy-
26 two hours after adjournment of the convention. A certificate of party
27 nomination for an office to be filled at a special election shall be
28 filed not later than ten days following the issuance of a proclamation
29 of such election.

30 9. A petition for an independent nomination for an office to be filled
31 at the time of a general election shall be filed not earlier than
32 ~~[twelve]~~ twenty-four weeks and not later than ~~[eleven]~~ twenty-three
33 weeks preceding such election. A petition for an independent nomination
34 for an office to be filled at a special election shall be filed not
35 later than twelve days following the issuance of a proclamation of such
36 election. ~~[A petition for trustee of the Long Island Power Authority~~
37 ~~shall be filed not earlier than seven weeks and not later than six weeks~~
38 ~~preceding the day of the election of such trustees.]~~

39 11. A certificate of acceptance or declination of an independent nomi-
40 nation for an office to be filled at the time of a general election
41 shall be filed not later than the third day after the ~~[eleventh]~~ twen-
42 ty-third Tuesday preceding such election except that a candidate who
43 files such a certificate of acceptance for an office for which there
44 have been filed certificates or petitions designating more than one
45 candidate for the nomination of any party, may thereafter file a certif-
46 icate of declination not later than the third day after the primary
47 election. A certificate of acceptance or declination of an independent
48 nomination for an office to be filled at a special election shall be
49 filed not later than fourteen days following the issuance of a proclama-
50 tion of such election.

51 12. A certificate to fill a vacancy caused by a declination of an
52 independent nomination for an office to be filled at the time of a
53 general election shall be filed not later than the sixth day after the
54 ~~[eleventh]~~ twenty-third Tuesday preceding such election. A certificate
55 to fill a vacancy caused by a declination of an independent nomination
56 for an office to be filled at a special election shall be filed not

1 later than sixteen days following the issuance of a proclamation of such
2 election.

3 14. A vacancy occurring three months or more before [~~September twenti-~~
4 ~~eth of~~] the general election in any year in any office authorized to be
5 filled at a general election, except in the offices of governor, lieu-
6 tenant-governor, or United States senator shall be filled at the general
7 election held next thereafter, unless otherwise provided by the consti-
8 tution, or unless previously filled at a special election.

9 § 14. Paragraph (a) of subdivision 1 of section 8-100 of the election
10 law, as amended by chapter 17 of the laws of 2007, is amended to read as
11 follows:

12 (a) A primary election[~~, to be known as the fall primary,~~] shall be
13 held on the [~~first~~] fourth Tuesday [~~after the second Monday~~] in [~~Septem-~~
14 ~~ber~~] June before every general election unless otherwise changed by an
15 act of the legislature. Members of the state and county committees and
16 assembly district leaders and associate district leaders and all other
17 party positions to be elected shall be elected at such primary and all
18 nominations for public office required to be made at a primary election
19 in such year shall be made at such primary. In each year in which elec-
20 tors of president and vice president of the United States are to be
21 elected an additional primary election, to be known as the spring prima-
22 ry, shall be held on the first Tuesday in February unless otherwise
23 changed by an act of the legislature, for the purpose of electing deleg-
24 ates to the national convention[~~, members of state and county committees~~
25 ~~and assembly district leaders and associate assembly district leaders~~].

26 § 15. Subdivision 1 of section 9-200 of the election law, as amended
27 by chapter 250 of the laws of 1984, is amended to read as follows:

28 1. The board of elections shall canvass the returns of primary
29 elections filed with it. It shall canvass first the votes of the deleg-
30 ates and alternates to judicial district conventions and complete such
31 canvass at the earliest time possible. It shall complete the canvass
32 otherwise within [~~nine~~] thirteen days from the day upon which the prima-
33 ry election is held. Upon the completion of the canvass the board shall
34 make and file in its office tabulated statements, signed by the members
35 of such board or a majority thereof, of the number of votes cast for all
36 the candidates for nomination to each public office or for election to
37 each party position, and the number of votes cast for each such candi-
38 date. The candidate receiving the highest number of votes for nomination
39 for a public office or for election to a party position voted for wholly
40 within the political unit for which such board is acting, shall be the
41 nominee of his party for such office or elected to such party position
42 and the board, if requested by a candidate elected to a party position,
43 shall furnish to him a certificate of election.

44 § 16. Subdivision 1 of section 9-208 of the election law, as amended
45 by chapter 163 of the laws of 2010, is amended to read as follows:

46 1. Within fifteen days after each general[~~, or~~] or special [~~or~~] election,
47 and within twenty days after a primary election, and within seven days
48 after every village election conducted by the board of elections at
49 which ballot scanners are used, the board of elections, or a bipartisan
50 committee of or appointed by said board shall, in each county using
51 ballot scanners, make a record of the serial number of each ballot scan-
52 ner used in each election district in such general, special or primary
53 election. No person who was a candidate at such election shall be
54 appointed to membership on the committee. Such board of elections or
55 bipartisan committee shall recanvass the tabulated result tape from each
56 ballot scanner used in each election district by comparing such tape

1 with the numbers as recorded on the return of canvass. The said board or
2 committee shall also make a recanvass of any election day paper ballots
3 that have not been scanned and were hand counted pursuant to subdivision
4 two of section 9-110 of this article and compare the results with the
5 number as recorded on the return of canvass. The board or committee
6 shall then recanvass write-in votes, if any, on ballots which were
7 otherwise scanned and canvassed at polling places on election night. The
8 board or committee shall validate and prove such sums. Before making
9 such canvass the board of elections, with respect to each election
10 district to be recanvassed, shall give notice in writing to the voting
11 machine custodian thereof, to the state and county chair of each party
12 or independent body which shall have nominated candidates for the said
13 general or special election or nominated or elected candidates at the
14 said primary election and to each individual candidate whose name
15 appears on the office ballot, of the time and place where such canvass
16 is to be made; and the state and county chair of each such party or
17 independent body and each such individual candidate may send a represen-
18 tative to be present at such recanvass. Each candidate whose name
19 appears on the official ballot, or his or her representative, shall have
20 the right personally to examine and make a record of the vote recorded
21 on the tabulated result tape and any ballots which were hand counted.

22 § 17. Subdivision 1 of section 9-211 of the election law, as amended
23 by chapter 515 of the laws of 2015, is amended to read as follows:

24 1. Within fifteen days after each general or special election, ~~[and]~~
25 within ~~[seven]~~ thirteen days after every primary ~~[or]~~ election, and
26 within seven days after every village election conducted by the board of
27 elections, the board of elections or a bipartisan committee appointed by
28 such board shall audit the voter verifiable audit records from three
29 percent of voting machines or systems within the jurisdiction of such
30 board. Such audits may be performed manually or via the use of any auto-
31 mated tool authorized for such use by the state board of elections which
32 is independent from the voting system it is being used to audit. Voting
33 machines or systems shall be selected for audit through a random, manual
34 process. At least five days prior to the time fixed for such selection
35 process, the board of elections shall send notice by first class mail to
36 each candidate, political party and independent body entitled to have
37 had watchers present at the polls in any election district in such
38 board's jurisdiction. Such notice shall state the time and place fixed
39 for such random selection process. The audit shall be conducted in the
40 same manner, to the extent applicable, as a canvass of paper ballots.
41 Each candidate, political party or independent body entitled to appoint
42 watchers to attend at a polling place shall be entitled to appoint such
43 number of watchers to observe the audit.

44 § 18. Paragraph (a) of subdivision 1 of section 10-108 of the election
45 law, as amended by chapter 4 of the laws of 2011, is amended to read as
46 follows:

47 (a) Ballots for military voters shall be mailed or otherwise distrib-
48 uted by the board of elections, in accordance with the preferred method
49 of transmission designated by the voter pursuant to section 10-107 of
50 this article, as soon as practicable but in any event not later than
51 ~~[thirty-two]~~ forty-six days before a primary or general election~~[-; twen-~~
52 ~~ty-five days before]~~ a New York city community school board district or
53 city of Buffalo school district election; fourteen days before a village
54 election conducted by the board of elections; and forty-five days before
55 a special election. A voter who submits a military ballot application
56 shall be entitled to a military ballot thereafter for each subsequent

1 election through and including the next two regularly scheduled general
2 elections held in even numbered years, including any run-offs which may
3 occur; provided, however, such application shall not be valid for any
4 election held within seven days after its receipt. Ballots shall also
5 be mailed to any qualified military voter who is already registered and
6 who requests such military ballot from such board of elections in a
7 letter, which is signed by the voter and received by the board of
8 elections not later than the seventh day before the election for which
9 the ballot is requested and which states the address where the voter is
10 registered and the address to which the ballot is to be mailed. The
11 board of elections shall enclose with such ballot a form of application
12 for military ballot. In the case of a primary election, the board shall
13 deliver only the ballot of the party with which the military voter is
14 enrolled according to the military voter's registration records. In the
15 event a primary election is uncontested in the military voter's election
16 district for all offices or positions except the party position of
17 member of the ward, town, city or county committee, no ballot shall be
18 delivered to such military voter for such election; and the military
19 voter shall be advised of the reason why he or she will not receive a
20 ballot.

21 § 19. Subdivision 4 of section 11-204 of the election law, as amended
22 by chapter 4 of the laws of 2011, is amended to read as follows:

23 4. If the board of elections shall determine that the applicant making
24 the application provided for in this section is qualified to receive and
25 vote a special federal ballot, it shall, as soon as practicable after it
26 shall have so determined, or not later than ~~[thirty-two]~~ forty-six days
27 before each general or primary election ~~[and forty-five days before~~
28 ~~each]~~ or special election in which such applicant is qualified to vote,
29 or three days after receipt of such an application, whichever is later,
30 mail to him or her at the residence address outside the United States
31 shown in his or her application, a special federal ballot, an inner
32 affirmation envelope and an outer envelope, or otherwise distribute same
33 to the voter in accordance with the preferred method of transmission
34 designated by the voter pursuant to section 11-203 of this title. The
35 board of elections shall also mail, or otherwise distribute in accord-
36 ance with the preferred method of transmission designated by the voter
37 pursuant to section 11-203 of this title, a special federal ballot to
38 every qualified special federal voter who is already registered and who
39 requests such special federal ballot from such board of elections in a
40 letter, which is signed by the voter and received by the board of
41 elections not later than the seventh day before the election for which
42 the ballot is first requested and which states the address where the
43 voter is registered and the address to which the ballot is to be mailed.
44 The board of elections shall enclose with such ballot a form of applica-
45 tion for a special federal ballot.

46 § 20. Subdivision 4 of section 16-102 of the election law, as added by
47 chapter 135 of the laws of 1986, is amended to read as follows:

48 4. A final order including the resolution of any appeals in any
49 proceeding involving the names of candidates on ballots or voting
50 machines shall be made, if possible, at least five weeks before the day
51 of the election at which such ballots or voting machines are to be used,
52 or if such proceeding is commenced within five weeks of such election,
53 no later than the day following the day on which the case is heard.

54 § 21. Subdivisions 3 and 4 of section 16-104 of the election law,
55 subdivision 3 as added by chapter 136 of the laws of 1978 and subdivi-

1 sion 4 as amended by chapter 117 of the laws of 1985, are amended to
2 read as follows:

3 3. A proceeding pursuant to subdivision two of this section must be
4 instituted within [~~fourteen~~ seven] days after the last day to certify
5 the wording of any such abstract or form of submission.

6 4. A final order including the resolution of any appeals in any
7 proceeding involving the contents of official ballots on voting machines
8 shall be made, if possible, at least five weeks before the day of the
9 election at which such voting machines are to be used, or if such
10 proceeding is commenced within five weeks of an election, no later than
11 the day following the day on which the case is heard.

12 § 22. Subdivisions 1 and 4 of section 42 of the public officers law,
13 subdivision 1 as amended by chapter 878 of the laws of 1946 and subdivi-
14 sion 4 as amended by chapter 317 of the laws of 1954, are amended to
15 read as follows:

16 1. A vacancy occurring three months or more before [~~September twenti-~~
17 ~~eth of~~] the general election in any year in any office authorized to be
18 filled at a general election, except in the offices of governor or lieu-
19 tenant-governor, shall be filled at the general election held next ther-
20 eafter, unless otherwise provided by the constitution, or unless previ-
21 ously filled at a special election.

22 4. A special election shall not be held to fill a vacancy in the
23 office of a representative in congress unless such vacancy occurs on or
24 before the first day of July of the last year of the term of office, or
25 unless it occurs thereafter and a special session of congress is called
26 to meet before the next general election, or be called after [~~September~~
27 ~~nineteenth of~~] three months before the general election in such year;
28 nor to fill a vacancy in the office of state senator or in the office of
29 member of assembly, unless the vacancy occurs before the first day of
30 April of the last year of the term of office, or unless the vacancy
31 occurs in either such office of senator or member of assembly after such
32 first day of April and a special session of the legislature be called to
33 meet between such first day of April and the next general election or be
34 called after three months before the next general election [~~or be called~~
35 ~~after September nineteenth~~] in such year. If a special election to fill
36 an office shall not be held as required by law, the office shall be
37 filled at the next general election.

38 § 23. This act shall take effect December 31, 2019.

39 SUBPART B

40 Section 1. Section 6-150 of the election law is amended to read as
41 follows:

42 § 6-150. Nomination; vacancy caused by death or disqualification,
43 unfilled at time of general or special election. If a vacancy shall
44 occur in a nomination, caused by disqualification or death of the candi-
45 date subsequent to [~~noon of the Tuesday~~] thirty days before a general or
46 special election and prior to the closing of the polls on such election
47 day, such vacancy shall not be filled, and the votes cast for such
48 [~~deceased~~] candidate shall be canvassed and counted, and if he or she
49 shall receive a plurality of the votes cast, a vacancy shall exist in
50 the office for which such nomination was made to be filled in the manner
51 provided by law for vacancies in office occurring by reason of death
52 after election.

53 § 2. Section 6-152 of the election law, as amended by chapter 234 of
54 the laws of 1976, is amended to read as follows:

§ 6-152. Vacancies caused by death or disqualification and unfilled at time of primary election. If a vacancy shall occur in a designation of a candidate for nomination or election at a primary election, caused by the death or disqualification of a candidate subsequent to [~~noon of the seventh day~~] thirty days before the primary election and prior to the closing of the polls, such vacancy shall not be filled and the votes cast for such [~~deceased or disqualified~~] candidate shall be canvassed and counted, and, if he or she shall receive a plurality of the votes cast, another candidate may thereafter be nominated or the vacancy filled as provided by law or the rules of the party.

§ 3. Section 6-154 of the election law is amended by adding a new subdivision 4 to read as follows:

4. Each board of elections or the state board of elections as applicable shall make any determination required by this section no later than sixty days before the primary election in the case of challenges to designating or opportunity to ballot petitions and no later than seventy days before the general election in the case of challenges to nominating petitions and certificates of designation or nomination.

§ 4. Section 7-116 of the election law is amended by adding a new subdivision 8 to read as follows:

8. In cases where a name is added to or removed from the county board of elections' official ballot too late to make a complete compliance to these requirements feasible, the name may be added at the end of the row or column of candidates in all election districts, or removed from the ballot in all election districts without changing the previously arranged order of other names and without invalidating the election. Any inadvertent error in the order of names discovered too late to correct the order of the names on the ballots concerned shall not invalidate an election.

Except where a contest or candidate is removed from the ballot by court order too late to make complete compliance with this section feasible, the title of each public office or party position and the names of the candidates for such office or position appearing on any ballot used for elections over which the county board of elections has jurisdiction shall appear on such ballot immediately adjacent to one another, either horizontally or vertically; and no blank spaces shall separate the names of candidates actually running for an office or party position on such ballot, and no blank spaces shall separate any two such offices or positions which appear on such ballot in the same column or row.

§ 5. Subdivision 3 of section 7-122 of the election law, as amended by chapter 165 of the laws of 2010, is amended to read as follows:

3. The determination of the appropriate county board of elections as to the candidates duly designated or nominated for public office or party position whose name shall appear on the absentee ballot and as to ballot proposals to be voted on shall be made no later than the day after the state board of elections issues its certification of those candidates to be voted for at the general, special or primary election. The determinations of the state board of elections and the respective county boards of elections shall be final and conclusive with respect to such offices for which petitions or certificates are required to be filed with such boards, as the case may be but nothing herein contained shall prevent a board of elections, or a court of competent jurisdiction from determining at a later date that any such certification, designation or nomination is invalid and, in the event of such later determination, no vote cast for any such nominee by any voter shall be counted

1 at the election. Any order of a court of competent jurisdiction or
2 determination by the board of elections changing the ballot as previous-
3 ly determined by the board of elections must be made and, where
4 required, entered at least twenty days prior to the election.

5 § 6. Subdivisions 1 and 2 of section 7-128 of the election law are
6 amended to read as follows:

7 1. Each officer or board charged with the duty of providing official
8 ballots for an election shall have sample ballots open to public
9 inspection ~~[five]~~ fifty days, except in the case of extraordinary
10 circumstances in which case on the earliest day practicable, before the
11 election for which ~~[they were]~~ the ballots have been prepared and the
12 official ballots open to such inspection ~~[four]~~ fifty days, except in
13 the case of extraordinary circumstances in which case on the earliest
14 day practicable, before such election except that the sample and offi-
15 cial ballots for a village election held at a different time from a
16 general election shall be open to public inspection at least two days
17 before such election. During the times within which the ballots are open
18 for inspection, such officer or board shall deliver to each voter apply-
19 ing therefor a sample of the ballot which he or she is entitled to vote.

20 2. Each officer or board charged with the duty of preparing ballots to
21 be used ~~[on]~~ with voting machines in any election shall:

22 a. give written notice, by first class mail, to all candidates, except
23 candidates for member of the county committee, who are lawfully entitled
24 to have their names appear thereon, of the time when, and the place
25 where, they may inspect the ~~[voting machines]~~ ballots to be used for
26 such election. The candidates or their designated representatives may
27 appear at the time and place specified in such notice to inspect such
28 [machines] ballots, provided, however, that the time so specified shall
29 [be not less than two] occur no later than forty-six days ~~[prior to the~~
30 ~~date of]~~ before the election at which the ballots will be used. A
31 candidate, whose name appears on the ballot ~~[for an election district]~~
32 or his or her designated representative, may, in the presence of the
33 election officer attending the ~~[voting machine]~~ ballot, inspect the
34 ~~[face of the machine]~~ ballot to see that his or her ballot ~~[label]~~ posi-
35 tion is in its proper place~~[, but at no time during the inspection shall~~
36 ~~the booth be closed]~~ or places.

37 b. give written notice, by first class mail, to all candidates, except
38 candidates for member of the county committee, who are lawfully entitled
39 to have their names appear thereon, of the time when, and the place
40 where, they may inspect the voting machines or systems to be used for
41 such election. The candidates or their designated representatives may
42 appear at the time and place specified in such notice to view the
43 conduct of the logic and accuracy testing required to be performed on
44 such voting machines or systems, provided however, that the time so
45 specified shall be not less than twenty days prior to the date of the
46 election.

47 § 7. Section 7-130 of the election law is amended to read as follows:

48 § 7-130. Ballots; examination by voters and instruction in use of
49 voting machines or systems. One or more voting machines ~~[which shall~~
50 ~~contain the ballot labels]~~ or systems on which ballots shall be cast,
51 showing the party ~~[emblems]~~ names and ~~[title]~~ titles of ~~[officers]~~
52 offices to be voted for, and which shall so far as practicable contain
53 the names of the candidates to be voted for, shall be placed on public
54 exhibition in some suitable place by the board of elections, ~~[in charge~~
55 ~~of competent instructors,]~~ for at least three days during the thirty
56 days next preceding an election. No voting machine or system which is to

1 be assigned for use in an election shall be used for such purpose after
2 having been prepared and sealed for the election. During such public
3 exhibition, the counting mechanism of the machine or system shall be
4 concealed from view and the doors, if any, may be temporarily opened
5 only when authorized by the board or official having charge and control
6 of the election. Any voter shall be allowed to examine such machine or
7 system, and upon request shall be instructed in its use.

8 § 8. Section 16-100 of the election law is amended by adding a new
9 subdivision 3 to read as follows:

10 3. In view of the time required for boards of elections to reprint
11 ballots and to conduct logic and accuracy testing required by title two
12 of article seven of this chapter and regulations of the state board of
13 elections, no court shall, except in extraordinary circumstances, enter
14 a final order including the resolution of any appeals issued pursuant to
15 subdivision four of section 16-102 of this article or subdivision four
16 of section 16-104 of this article unless such order or determination
17 shall be made in conformance with the time frame requirements of those
18 sections.

19 § 9. Subdivision 4 of section 16-102 of the election law, as added by
20 chapter 135 of the laws of 1986, is amended to read as follows:

21 4. A final order including the resolution of any appeals in any
22 proceeding involving the names of candidates on ballots or voting
23 [~~machines~~] systems shall, except in extraordinary circumstances, be
24 made[~~, if possible,~~] at least [~~five weeks~~] fifty-five days before the
25 day of the election at which such ballots or voting [~~machines~~] systems
26 are to be used, or if such proceeding is commenced within [~~five weeks~~]
27 fifty-five days of such election, no later than the day following the
28 day on which the case is heard.

29 § 10. Subdivisions 1, 3 and 4 of section 16-104 of the election law,
30 subdivision 3 as added by chapter 136 of the laws of 1978 and subdivi-
31 sion 4 as amended by chapter 117 of the laws of 1985, are amended to
32 read as follows:

33 1. The form and content of any ballot, or portion thereof, to be used
34 in an election, and the right to use any emblem design, color, party or
35 independent body name, may be contested in a proceeding instituted in
36 the supreme court by any aggrieved candidate or by the chairman of any
37 party committee or independent body. A proceeding pursuant to this
38 subdivision must be instituted within five days of the last date of the
39 inspection of the ballot pursuant to paragraph (a) of subdivision two of
40 section 7-128 of this chapter.

41 3. A proceeding pursuant to subdivision two of this section must be
42 instituted within [~~fourteen~~] seven days after the last day to certify
43 the wording of any such abstract or form of submission.

44 4. A final order including the resolution of any appeals in any
45 proceeding involving the contents of official ballots to be used on
46 [~~voting machines~~] ballot scanners shall, except in extraordinary circum-
47 stances, be made[~~, if possible,~~] at least [~~five weeks~~] twenty-five days
48 before the day of the election at which such [~~voting machines~~] ballot
49 scanners are to be used[~~, or if such proceeding is commenced within five~~
50 ~~weeks of an election, no later than the day following the day on which~~
51 ~~the case is heard~~].

52 § 11. This act shall take effect December 31, 2019.

53 § 2. Severability. If any clause, sentence, paragraph, subdivision,
54 section or part of this act shall be adjudged by any court or competent
55 jurisdiction to be invalid, such judgement shall not affect, impair, or
56 invalidate the remainder thereof, but shall be confined in its operation

1 to the clause, sentence, paragraph, subdivision, section or subpart
2 thereof directly involved in the controversy in which such judgement
3 shall have been rendered. It is hereby declared to be intent of the
4 legislature that this act would have been enacted even if such invalid
5 provisions had not been included herein.

6 § 3. This act shall take effect immediately; provided, however, that
7 the applicable effective date of subparts A through B of this part shall
8 be as specifically set forth in the last section of such subparts.

9

PART F

10 Section 1. Section 14-116 of the election law, subdivision 1 as
11 redesignated by chapter 9 of the laws of 1978, subdivision 2 as amended
12 by chapter 260 of the laws of 1981, is amended to read as follows:

13 § 14-116. Political contributions by certain organizations. 1. No
14 corporation or joint-stock association doing business in this state,
15 except a corporation or association organized or maintained for poli-
16 tical purposes only, shall directly or indirectly pay or use or offer,
17 consent or agree to pay or use any money or property for or in aid of
18 any political party, committee or organization, or for, or in aid of,
19 any corporation, limited liability company, joint-stock or other associ-
20 ation organized or maintained for political purposes, or for, or in aid
21 of, any candidate for political office or for nomination for such
22 office, or for any political purpose whatever, or for the reimbursement
23 or indemnification of any person for moneys or property so used. Any
24 officer, director, stock-holder, member, owner, attorney or agent of any
25 corporation, limited liability company, or joint-stock association which
26 violates any of the provisions of this section, who participates in,
27 aids, abets or advises or consents to any such violations, and any
28 person who solicits or knowingly receives any money or property in
29 violation of this section, shall be guilty of a misdemeanor.

30 2. Notwithstanding the provisions of subdivision one of this section,
31 any corporation, limited liability company, joint stock association, or
32 an organization financially supported in whole or in part[~~r~~] by any such
33 [~~corporation~~] entity, may make expenditures[~~, including contributions,~~
34 ~~not otherwise prohibited by law, for political purposes, in an amount~~
35 ~~not to exceed five thousand dollars in the aggregate in any calendar~~
36 ~~year~~] not otherwise prohibited by law for political purposes in the form
37 of contributions to independent expenditure committees, and in the form
38 of independent expenditures made as an independent expenditure
39 committee; provided that no public utility shall use revenues received
40 from the rendition of public service within the state for contributions
41 for political purposes unless such cost is charged to the shareholders
42 of such a public service corporation.

43 § 2. This act shall take effect immediately.

44

PART G

45 Section 1. Section 5-211 of the election law, as amended by chapter
46 659 of the laws of 1994, the section heading and opening paragraph as
47 amended by chapter 265 of the laws of 2013, and subdivisions 11 and 14
48 as amended by chapter 200 of the laws of 1996, is amended to read as
49 follows:

50 § 5-211. Agency assisted registration. Each agency designated as a
51 participating agency under the provisions of this section shall imple-
52 ment and administer a program of [~~distribution of~~] integrated personal

1 voter registration [~~forms~~] applications pursuant to the provisions of
2 this section. The following offices which provide public assistance
3 and/or provide state funded programs primarily engaged in providing
4 services to persons with disabilities are hereby designated as voter
5 registration agencies: designated as the state agencies which provide
6 public assistance are the office of children and family services, the
7 office of temporary and disability assistance and the department of
8 health. Also designated as public assistance agencies are all agencies
9 of local government that provide such assistance. Designated as state
10 agencies that provide programs primarily engaged in providing services
11 to people with disabilities are the department of labor, office for the
12 aging, division of veterans' affairs, office of mental health, office of
13 vocational and educational services for individuals with disabilities,
14 commission on quality of care for the mentally disabled, office of
15 mental retardation and developmental disabilities, commission for the
16 blind, office of alcoholism and substance abuse services, the office of
17 the advocate for the disabled and all offices which administer programs
18 established or funded by such agencies. Additional state agencies desig-
19 nated as voter registration offices are the department of state and the
20 division of workers' compensation. Such agencies shall be required to
21 offer [~~voter registration forms~~] integrated personal voter registration
22 applications to persons upon initial application for services, renewal
23 or recertification for services and change of address relating to such
24 services whether electronically or on paper. Such agencies shall also
25 be responsible for providing assistance to applicants in completing
26 voter registration forms, receiving and transmitting the completed
27 application form from all applicants who wish to have such form trans-
28 mitted to the appropriate board of elections. The agency shall transmit
29 to the state board of elections that portion of each integrated personal
30 voter registration application received by the agency, whether received
31 electronically or on paper, that includes voter registration informa-
32 tion. Such transmittal by the agency shall occur through an interface
33 with the electronic voter registration transmittal system established
34 and maintained by the state board of elections. The state board of
35 elections shall electronically forward such application to the applica-
36 ble board of elections of each county or the city of New York for
37 filing, processing and verification consistent with this chapter. The
38 state board of elections shall, together with representatives of the
39 department of defense, develop and implement procedures for including
40 recruitment offices of the armed forces of the United States as voter
41 registration offices when such offices are so designated by federal law.
42 The state board shall also make request of the United States Immigration
43 and Naturalization Service to include applications for registration by
44 mail with any materials which are given to new citizens. All insti-
45 tutions of the state university of New York and the city university of
46 New York, shall, at the beginning of the school year, and again in Janu-
47 ary of a year in which the president of the United States is to be
48 elected, provide an application for registration to each student in each
49 such institution. The state board of elections may, by regulation, grant
50 a waiver from any or all of the requirements of this section to any
51 office or program of an agency, if it determines that it is not feasible
52 for such office or program to administer such requirement.

53 1. The state board of elections shall adopt such rules and regulations
54 as may be necessary to carry out the requirements of this section and
55 shall prepare and distribute to participating agencies written
56 instructions as to the implementation of the program and shall be

1 responsible for establishing training programs for employees of partic-
2 ipating agencies involved in such program. The state board of elections
3 shall provide a toll free telephone to answer registration questions.

4 2. Strict neutrality with respect to a person's party enrollment shall
5 be maintained and all persons seeking voter registration forms and
6 information shall be advised that government services are not condi-
7 tioned on being registered to vote. No statement shall be made nor any
8 action taken to discourage the applicant from registering to vote.

9 3. If a participating agency provides services to a person with a
10 disability at the person's place of residence, the agency shall offer
11 the opportunity to complete a voter registration form at such place of
12 residence.

13 4. Each participating agency shall provide to each applicant who does
14 not decline to register to vote the same degree of assistance with
15 regard to the completion of the registration application form as is
16 provided by the agency with regard to the completion of its own form
17 unless the applicant refuses such assistance.

18 5. Employees of a voter registration agency who provide voter regis-
19 tration assistance shall not:

20 (a) seek to influence an applicant's political preference or party
21 designation;

22 (b) display any political preference or party allegiance;

23 (c) make any statement to an applicant or take any action the purpose
24 or effect of which is to discourage the applicant from registering to
25 vote; or

26 (d) make any statement to an applicant or take any action the purpose
27 or effect of which is to lead the applicant to believe that a decision
28 to register or not to register has any bearing on the availability of
29 services or benefits.

30 6. The state board of elections shall coordinate and monitor the
31 distribution of voter registration forms by those state agencies,
32 departments, divisions and offices selected to participate in the
33 program to maximize the efficient and non partisan distribution of voter
34 registration information and forms. The board shall also adopt such
35 rules and regulations as may be necessary to require county boards and
36 participating agencies to provide the state board with such information
37 and data as the board deems necessary to assess compliance with this
38 section and to compile such statistics as may be required by the federal
39 elections commission.

40 7. Each participating agency, department, division and office that
41 makes available integrated personal voter registration [~~forms~~] applica-
42 tions shall prominently display promotional materials designed and
43 approved by the state board of elections, informing the public of the
44 existence of voter registration services.

45 8. Each participating agency, department, division or office that
46 makes available integrated personal voter registration [~~forms~~] applica-
47 tions pursuant to this section shall offer with each application for the
48 services or assistance of such agency, department, division or office
49 and with each recertification, renewal or change of address form relat-
50 ing to such service or assistance, [~~a registration form together~~] wheth-
51 er electronically or on paper, an application with instructions relating
52 to eligibility to register and for completing the form [~~except that~~
53 ~~forms used by the department of social services for the initial applica-~~
54 ~~tion for services, renewal or recertification for services and change of~~
55 ~~address relating to such services shall physically incorporate a voter~~
56 ~~registration application in a fashion that permits the voter registra-~~

~~tion portion of the agency form to be detached therefrom~~]. Such voter registration application shall be designed so as to ensure the confidentiality of the source of the application. ~~[Included on]~~ The voter registration related portion of each participating agency's integrated application for services or assistance ~~[or on a separate form]~~ shall ~~[be]~~:

(a) not require any information that duplicates the information required by the portion of the form related to the application for agency services or assistance and shall require only such additional information as will enable election officials to assess the applicant's eligibility to register to vote, prevent duplicate registration and to administer voter registration and other parts of the election process;

(b) include a statement of the eligibility requirements for voter registration and shall require the applicant to attest by his or her signature that he or she meets those requirements under penalty of perjury unless such applicant declines such registration;

(c) inform the applicant, in print identical to that used in the attestation section of the following:

(i) voter eligibility requirements;

(ii) penalties for submission of false registration application;

(iii) that the office where the applicant applies for registration shall remain confidential and the voter registration information shall be used only for voter registration purposes;

(iv) that if the applicant applies to register to vote electronically, such applicant thereby consents to the use of an electronic copy of the individual's manual signature that is in the custody of the department of motor vehicles, the state board of elections, or other agency designated by this section or section 5-212 of this title, as the individual's voter registration exemplar signature if the individual voter's exemplar signature is not provided with the voter registration application, or provides such a signature by direct upload in a manner that complies with the New York state electronic signature and records act and the rules and regulations promulgated by the state board of elections; and

(v) if the applicant declines to register, such applicant's declination shall remain confidential and be used only for voter registration purposes;

(d) include a box for the applicant to check to indicate whether the applicant would like to decline to register to vote along with the statement in prominent type, "IF YOU DO NOT CHECK THIS BOX, AND YOU PROVIDE YOUR SIGNATURE ON THE SPACE BELOW, YOU WILL HAVE ATTESTED TO YOUR ELIGIBILITY TO REGISTER TO VOTE AND YOU WILL HAVE APPLIED TO REGISTER TO VOTE.";

(e) include a space for the applicant to indicate his or her choice of party enrollment, with a clear alternative provided for the applicant to decline to affiliate with any party;

~~[(a) the question, "If you are not registered to vote where you live now, would you like to apply to register here today?"]~~

~~[(b) The statement,] (f) state~~ "applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

~~[(c) boxes for the applicant to check to indicate whether the applicant would like to register or decline to register to vote.~~

~~(d) the statement in prominent type, "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."]~~

1 ~~[(e) the statement,]~~ (g) state "If you would like help in filling out
2 the voter registration application form, we will help you. The decision
3 whether to seek or accept help is yours. You may fill out the applica-
4 tion form in private.";

5 ~~[(f) the statement,]~~ (h) state "If you believe that someone has inter-
6 fered with your right to register or decline to register to vote, your
7 right to privacy in deciding whether to register or in applying to
8 register to vote, or your right to choose your own political party or
9 other political preference, you may file a complaint with the state
10 board of elections (address and toll free telephone number)."; and

11 ~~[(g)]~~ (i) contain a toll free number at the state board of elections
12 that can be called for answers to registration questions.

13 9. An integrated personal voter registration application submitted to
14 an agency in paper format shall be transmitted to the state board of
15 elections through an electronic voter registration transmittal system by
16 converting the paper form to an image file or a portable document format
17 file which shall thereafter be deemed the original form for voter regis-
18 tration and enrollment purposes. The agency shall retain the complete
19 original paper application for no less than two years. The transmittal
20 of the converted paper application shall include all of the voter regis-
21 tration data elements, including signature, and record of attestation of
22 the accuracy of the voter registration information, and may include or
23 be accompanied by data elements and transmittal information as required
24 by the rules and regulations of the state board of elections. A digital
25 image of a signature shall satisfy the signature requirement for
26 purposes of this subdivision.

27 10. An integrated personal voter registration application submitted to
28 an agency in an electronic format shall be transmitted to the state
29 board of elections through the electronic voter registration transmittal
30 system and shall include all of the voter registration data elements,
31 including signature, and record of attestation of the accuracy of the
32 voter registration information and any relevant document images. A
33 signature may be electronic for purposes of this subdivision.

34 11. The agency shall redact or remove from the completed integrated
35 application to be transmitted to the state board of elections any infor-
36 mation solely applicable to the agency application.

37 12. Disclosure of voter registration information, including a declina-
38 tion to register, by a participating agency, its agents or employees,
39 for other than voter registration purposes, shall be deemed an unwar-
40 ranted invasion of personal privacy pursuant to the provisions of subdi-
41 vision two of section eighty-nine of the public officers law and shall
42 constitute a violation of this chapter.

43 ~~[10.]~~ 13. The form containing the declination to register to vote
44 shall be retained by the recipient agency for the same period of time as
45 such agency retains the accompanying application for services or for
46 such shorter period of time as may be approved by the state board of
47 elections.

48 ~~[11.]~~ 14. The participating agency shall transmit the completed inte-
49 grated personal voter registration applications ~~[for registration]~~ and
50 change of address forms to the ~~[appropriate]~~ state board of elections
51 not later than ten days after receipt except that all such completed
52 applications and forms received by the agency between the thirtieth and
53 twenty-fifth day before an election shall be transmitted in such manner
54 and at such time as to assure their receipt by ~~[such]~~ the appropriate
55 board of elections not later than the twentieth day before such
56 election.

1 ~~[12-]~~ 15. Completed ~~[application forms]~~ integrated personal voter
2 registration applications, when received by a participating agency not
3 later than the twenty-fifth day before the next ensuing primary, general
4 or special election and transmitted by such agency to the ~~[appropriate]~~
5 state board of elections so that they are received by ~~[such]~~ the appro-
6 priate board not later than the twentieth day before such election shall
7 entitle the applicant to vote in such election provided the board deter-
8 mines that the applicant is otherwise qualified.

9 ~~[13. The state board of elections shall provide application forms for~~
10 ~~use pursuant to this section except that any agency which uses a form~~
11 ~~other than such registration form shall be responsible for providing~~
12 ~~such form. Forms which vary in design and or content from the form~~
13 ~~approved by the state board of elections may only be used with the~~
14 ~~approval of such board.~~

15 ~~14-]~~ 16. Applications shall be processed by the board of elections in
16 the manner prescribed by section 5-210 of this title or, if the appli-
17 cant is already registered to vote from another address in the county or
18 city, in the manner prescribed by section 5-208 of this title. The board
19 shall send the appropriate notice of approval or rejection as required
20 by either subdivision nine of such section 5-210 or subdivision five of
21 such section 5-208.

22 ~~[15-]~~ 17. The head of each participating agency shall take all actions
23 which are necessary and proper for the implementation of this section.
24 Each agency head shall designate one person within the agency as the
25 agency voter registration coordinator who will, under the direction of
26 the state board of elections, be responsible for the voter registration
27 program in such agency.

28 ~~[16-]~~ 18. The state board shall develop and distribute public informa-
29 tion and promotional materials relating to the purposes and implementa-
30 tion of this program.

31 ~~[17-]~~ 19. Each agency designated as a participating agency under this
32 section shall conduct a study and prepare a report to determine the
33 feasibility, practicality and cost-effectiveness of designing their
34 agency intake forms to serve also as voter registration forms that
35 comply with state and federal law. Such study and report shall be
36 completed by December 1, 1996. Copies of such reports shall be provided
37 to the governor, the temporary president of the senate, the speaker of
38 the assembly and the state board of elections. After submission of the
39 report, participating agencies that determine that it is feasible, prac-
40 tical and cost-effective to have such forms also serve as voter regis-
41 tration forms shall do so upon the approval of the state board of
42 elections. For each agency that determines it is feasible, practical and
43 cost effective to use agency intake forms that serve also as voter
44 registration forms, the state board of elections shall approve or disap-
45 prove such use within six months of the submission of the report by the
46 agency.

47 20. The voter shall be able to sign the voter registration application
48 and the agency application by means of a single manual or electronic
49 signature unless the agency requires more than one signature for other
50 agency purposes.

51 21. No application for voter registration shall be submitted if the
52 applicant declines registration or fails to sign the integrated applica-
53 tion, whether on paper or online.

54 22. (a) If a voter registration exemplar signature is not provided by
55 an applicant who submits a voter registration application pursuant to
56 this title, the local board shall seek to obtain such exemplar signature

1 from the statewide voter registration database, the state board of
2 elections, or a state or local agency designated by this section or
3 section 5-212 of this title.

4 (b) If such exemplar signature is not available from the statewide
5 voter registration database, the state board of elections, or a state or
6 local agency designated by this section or section 5-212 of this title,
7 the local board of elections shall, absent another reason to reject the
8 application, proceed to register and, as applicable, enroll the appli-
9 cant. Within ten days of such action, the board of elections shall send
10 a standard form promulgated by the state board of elections to the voter
11 whose record lacks an exemplar signature, requiring such voter to submit
12 a signature for identification purposes. The voter shall submit to the
13 board of elections a voter registration exemplar signature by any one of
14 the following methods: in person, by mail with return postage paid
15 provided by the board of elections, by electronic mail, or by electronic
16 upload to the board of elections through the electronic voter registra-
17 tion transmittal system. If such voter does not provide the required
18 exemplar signature, when the voter appears to vote the voter shall be
19 entitled to vote in the same manner as a voter with a notation indicat-
20 ing the voter's identity has not yet been verified in the manner
21 provided by section 8-302 of this chapter.

22 23. Notwithstanding subdivision six of section 5-210 of this title or
23 any other law to the contrary, a person who is ineligible to vote who
24 fails to decline to register to vote in accordance with the provisions
25 of this section and did not willfully or knowingly seek to register to
26 vote knowing that he or she is not eligible to do so:

27 (a) shall not be guilty of any crime as the result of the applicant's
28 failure to make such declination;

29 (b) shall be deemed to have been registered with official authori-
30 zation; and

31 (c) such act may not be considered as evidence of a claim to citizen-
32 ship.

33 24. Notwithstanding subdivision six of section 5-210 of this title or
34 any other law to the contrary, a person who is ineligible to vote who
35 fails to decline to register to vote in accordance with the provisions
36 of this section, who then either votes or attempts to vote in an
37 election held after the effective date of that person's registration,
38 and who did not willfully or knowingly seek to register to vote knowing
39 that he or she is not eligible to do so, and did not subsequently vote
40 or attempt to vote knowing that he or she is not eligible to do so:

41 (a) shall not be guilty of any crime as the result of the applicant's
42 failure to make such declination and subsequent vote or attempt to vote;

43 (b) shall be deemed to have been registered with official authori-
44 zation; and

45 (c) such act may not be considered as evidence of a claim to citizen-
46 ship.

47 25. Notwithstanding any other law to the contrary, no agency desig-
48 nated under this section shall transmit to the board of elections any
49 application for registration or pre-registration for a person that is,
50 by virtue of data maintained by the agency, demonstrably ineligible to
51 register or pre-register to vote by reason of age or not being a citizen
52 of the United States.

53 26. The state board of elections shall promulgate rules and regu-
54 lations to implement this section. All agency forms and notices
55 required by this section shall be approved by the state board of
56 elections. All applications and notices for use by a board of elections

pursuant to this section shall be promulgated by the state board of elections, and no addition or alteration to such forms by a board of elections shall be made without approval of the state board of elections.

§ 2. This act shall take effect on the earlier occurrence of: (i) two years after it shall have become a law; or (ii) five days after the date of certification by the state board of elections that the information technology infrastructure to substantially implement this act is functional. Provided, further that the state board of elections shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.

PART H

Section 1. Section 3-110 of the election law, as renumbered by chapter 234 of the laws of 1976, is amended to read as follows:

§ 3-110. Time allowed employees to vote. 1. ~~[If a] A registered voter [does not have sufficient time outside of his working hours, within which to vote at any election, he]~~ may, without loss of pay for up to ~~[two]~~ three hours, take off so much working time as will ~~[, when added to his voting time outside his working hours,]~~ enable him or her to vote at any election.

2. ~~[If an employee has four consecutive hours either between the opening of the polls and the beginning of his working shift, or between the end of his working shift and the closing of the polls, he shall be deemed to have sufficient time outside his working hours within which to vote. If he has less than four consecutive hours he may take off so much working time as will when added to his voting time outside his working hours enable him to vote, but not more than two hours of which shall be without loss of pay, provided that he]~~ The employee shall be allowed time off for voting only at the beginning or end of his or her working shift, as the employer may designate, unless otherwise mutually agreed.

3. If the employee requires working time off to vote ~~[he]~~ the employee shall notify his or her employer not ~~[more than ten nor]~~ less than two working days before the day of the election that he or she requires time off to vote in accordance with the provisions of this section.

4. Not less than ten working days before every election, every employer shall post conspicuously in the place of work where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of this section. Such notice shall be kept posted until the close of the polls on election day.

§ 2. This act shall take effect immediately.

PART I

Section 1. Subdivision 2 of section 8-100 of the election law, as amended by chapter 367 of the laws of 2017, is amended to read as follows:

2. Polls shall be open for voting during the following hours: a primary election from ~~[twelve o'clock noon until nine o'clock in the evening, except in the city of New York and the counties of Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Dutchess and Erie, and in such city or county from]~~ six o'clock in the morning until nine o'clock in the evening; the general election from six o'clock in the morning until nine o'clock in the evening; a special election called by the governor pursuant to the public officers law, and, except as otherwise provided by law, every other election, from six o'clock in the morning until nine o'clock in the evening; early voting hours shall be as provided in title six of this article.

§ 2. This act shall take effect on the first of January after it shall have become a law and shall apply to any election held 120 days after.

PART J

Section 1. The opening paragraph of paragraph (b) of subdivision 4 of section 3-212 of the election law, as amended by chapter 79 of the laws of 1992, is amended to read as follows:

Said annual report, as required by paragraph (a) of this subdivision, shall include a detailed description of existing programs designed to enhance voter registration, including pre-registration. Such report shall include a voter registration action plan which details the various activities and programs of each board, including a description of those steps which shall be taken in the future to increase registration opportunities, especially for those identifiable groups of persons historically underrepresented on the rolls of registered voters; and coordinate voter education programs with school districts, colleges and universities within the board's jurisdiction including voter registration of qualified applicants and instructional or extracurricular activities promoting participation in the electoral process.

§ 2. Paragraph (g) and subparagraphs (vi) and (xi) of paragraph (k) of subdivision 5 of section 5-210 of the election law, as amended by chapter 179 of the laws of 2005, are amended to read as follows:

(g) Notice that the applicant must be a citizen of the United States, is ~~[or will be]~~ at least ~~[eighteen]~~ sixteen years old ~~[not later than December thirty first of the calendar year in which he or she registers]~~, and is a resident of the county or city to which application is made.

(vi) A space for the applicant to answer the question ~~["Will you be 18 years of age on or before election day?"]~~ "Are you at least 16 years old?" and the statement "If you checked "no" in response to this question, do not complete this form ~~[unless you will be 18 by the end of the year]~~."

(xi) A place for the applicant to execute the form on a line which is clearly labeled "signature of applicant" preceded by the following specific form of affirmation:

AFFIDAVIT: I swear or affirm that:

- * I am a citizen of the United States.
- * I will have lived in the county, city, or village for at least 30 days before the election.
- * I meet all the requirements to register or pre-register to vote in New York State.
- * This is my signature or mark on the line below.

* All the information contained on this application is true. I understand that if it is not true I can be convicted and fined up to \$5,000 and/or jailed for up to four years.

which form of affirmation shall be followed by a space for the date and the aforementioned line for the applicant's signature.

§ 3. Paragraph o of subdivision 4 of section 5-500 of the election law, as amended by chapter 659 of the laws of 1994, is amended and a new paragraph p is added to read as follows:

o. A space for "remarks" regarding other facts required by this chapter to be recorded or appropriate to identify the voter[+];

p. A space for pre-registering applicants to respond to the following question: "Are you at least 16 years of age and understand that you must be 18 years of age on or before election day to vote, and that until you reach the age of 18 your registration will be marked as 'pending' and you will be unable to cast a ballot in any election?".

§ 4. Subdivision 1 of section 5-102 of the election law is amended to read as follows:

1. No person shall be qualified to register for and vote at any election unless he is a citizen of the United States [~~and is or will be, on the day of such election~~], is eighteen years of age or over, and is a resident of this state and of the county, city or village for a minimum of thirty days next preceding such election.

§ 5. The election law is amended by adding a new section 5-507 to read as follows:

§ 5-507. Voter pre-registration. A person who is at least sixteen years of age and who is otherwise qualified to register to vote may pre-register to vote, and shall be automatically registered upon reaching the age of eligibility, following verification of the person's qualifications and address.

§ 6. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.

PART K

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

§ 14-131. Government vendor contributions. 1. (a) It shall be unlawful during the restricted vendor contribution period for any person, organization, group of persons, or business entity that submits a bid, quotation, offer or response to a state governmental entity posting or solicitation for procurement to make a contribution to any officeholder of the state governmental entity or entities issuing such posting or solicitation, evaluating such response or approving or awarding the final procurement contract, or to any candidate for an office of such governmental entity, including to such officeholder's or candidate's authorized political committees.

(b) For purposes of this section the assembly and senate shall be separate and distinct governmental entities when a particular posting or solicitation for procurement is issued by only one respective house.

(c) The state governmental entity directly responsible for issuing such posting or solicitation for procurement shall include a notice of the prohibition established by this section and the state governmental entity responsible for evaluating responses to such posting or solicitation.

1 tion shall provide to any person, organization, group of persons, or
2 business entity that submits a proposal in response to such posting or
3 solicitation a notice of the prohibition established by this section and
4 the restricted vendor contribution period commencement date.

5 2. As used in this section "business entity" means a business corpo-
6 ration, professional services corporation, limited liability company,
7 partnership, limited partnership, business trust, association or any
8 other legal commercial entity organized under the laws of this state or
9 any other state or foreign jurisdiction, including any subsidiary
10 directly or indirectly controlled by the business entity, and any poli-
11 tical organization, including but not limited to any political organiza-
12 tion organized under section 527 of the Internal Revenue Code, that is
13 directly or indirectly controlled by the business entity.

14 3. The restricted vendor contribution period described in this section
15 shall commence, with respect to a specific person, organization, group
16 of persons, or business entity that submits a bid, quotation, offer or
17 response to the state governmental entity posting or solicitation, at
18 the earliest posting, on a state governmental entity's website, in a
19 newspaper of general circulation or in the procurement opportunities
20 newsletter in accordance with article four-C of the economic development
21 law of written notice, advertisement or solicitation of a request for
22 proposal, invitation for bids, or solicitations of proposals, or any
23 other method provided for by law or regulation for soliciting a response
24 from offerers intending to result in a procurement contract with a state
25 governmental entity. The restricted vendor contribution period does not
26 apply to a person, organization, group of persons or business entity
27 that is responding to a state governmental entity's request for informa-
28 tion or other informational exchanges occurring prior to such govern-
29 mental entity's posting or solicitation for procurement.

30 4. The restricted vendor contribution period described in this section
31 shall end with respect to a specific person, organization, group of
32 persons, or business entity as follows:

33 (a) If the person, organization, group of persons, or business entity
34 is the recipient of the final contract award, the restricted vendor
35 contribution period shall end one year after the final contract award
36 and approval by the state governmental entity and, where applicable, the
37 state comptroller.

38 (b) If the person, organization, group of persons, or business entity
39 is not the recipient of the final contract award, the restricted vendor
40 contribution period shall end with the final contract award and approval
41 by the state governmental entity and, where applicable, the state comp-
42 troller.

43 § 2. Section 14-126 of the election law is amended by adding a new
44 subdivision 8 to read as follows:

45 8. (a) Any person, organization, group of persons, or business entity
46 as that term is used in section 14-131 of this article, who, under
47 circumstances evincing an intent to violate such law, makes a contrib-
48 ution in contravention of section 14-131 of this article shall be
49 subject to a civil penalty not to exceed the greater of ten thousand
50 dollars or an amount equal to two hundred percent of the contribution,
51 to be recoverable in a special proceeding or civil action to be brought
52 by the state board of elections chief enforcement counsel.

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

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

3 PART L

4 Section 1. Section 5-208 of the election law, as added by chapter 659
5 of the laws of 1994, subdivisions 1, 5 and 8 as amended by chapter 200
6 of the laws of 1996, is amended to read as follows:

7 § 5-208. Transfer of registration and enrollment. 1. The board of
8 elections shall transfer the registration and enrollment of any voter
9 appearing on a statewide voter list pursuant to subdivision one of
10 section 5-614 of this article for whom it receives a notice of change of
11 address to another address in [~~the same county or city~~] New York state,
12 or for any voter who casts a ballot in an affidavit ballot envelope
13 which sets forth such a new address. Such notices shall include, but
14 not be limited to, notices received from any state agency which conducts
15 a voter registration program pursuant to the provisions of sections
16 5-211 and 5-212 of this title, that the voter has notified such agency
17 of a change of address in [~~the same city or county~~] New York state
18 unless the voter has indicated that such change of address is not for
19 voter registration purposes, notices of change of address from the
20 United States Postal Service through the National Change of Address
21 System, any notices of a forwarding address on mail sent to a voter by
22 the board of elections and returned by the postal service, national or
23 state voter registration forms, confirmation mailing response cards,
24 United States Postal Service notices to correspondents of change of
25 address, applications for registration from persons already registered
26 in [~~such county or city~~] New York state, or any other notices to corre-
27 spondents sent to the board of elections by such voters.

28 2. Upon receipt of such a notice, the board shall compare the signa-
29 ture (if any) and other information with the signature and other infor-
30 mation on the registration record on file. If such signature and other
31 information appears to be correct, the board shall change the address of
32 the voter in all the records of such board.

33 3. If such a notice is received at least twenty days before a primary,
34 special or general election, such change of address must be completed
35 before such election.

36 4. If such application for registration from a voter already regis-
37 tered in [~~such county or city~~] New York state also reflects a change of
38 enrollment, the board of elections shall treat such application as an
39 application for change of enrollment pursuant to section 5-304 of this
40 article.

41 5. As soon as practicable, after it transfers a voter's registration,
42 the board of elections shall send the voter, by forwardable first class
43 or return postage guaranteed mail, a notice advising him or her of the
44 transfer in a form which is similar to the notice sent to new regis-
45 trants pursuant to the provisions of section 5-210 of this title and
46 which has been approved by the state board of elections. If the notice
47 of change of address did not contain the voter's signature, such notice
48 shall include a postage paid return card, in a form prescribed by the
49 state board of elections, on which the voter may notify the board of
50 elections of any correction of address, together with a statement on
51 such notice and on the return card that the voter should return such
52 card only if the address to which the notice was sent is not the voter's
53 current address.

6. If a notice sent pursuant to subdivision five of this section is returned by the postal service as undeliverable and without a forwarding address, the board of elections shall return the registration of such voter to the original address, send such voter a confirmation notice pursuant to the provisions of subdivision one of section 5-712 of this ~~[title]~~ article and place such voter in inactive status.

7. The board of elections shall preserve such notices of change of address for as long as registration records are otherwise required to be preserved or, if the computer readable records maintained by the board of elections include a complete copy of such notice, the board shall preserve the original notice for a period of at least two years or such longer period as the state board of elections may require.

8. If the board of elections receives notice of a change of address within ~~[such city or county]~~ New York state from, or with respect to, a person who it determines is not registered in ~~[such county or city]~~ New York state, it shall forthwith send such person a notice to that effect in a form approved by the state board of elections at the new address set forth in such notice of change of address, together with a voter registration form.

9. The state board of elections shall promulgate regulations as to the procedures for transferring a voter's registration and enrollment from one county to another.

§ 2. Subparagraph (ii) of paragraph (e) of subdivision 3 of section 8-302 of the election law, as amended by chapter 164 of the laws of 2010, is amended to read as follows:

(ii) He or she may swear to and subscribe an affidavit stating that he or she has duly registered to vote, the address in such election district from which he or she registered, that he or she remains a duly qualified voter in such election district, that his or her registration poll record appears to be lost or misplaced or that his or her name and/or his or her signature was omitted from the computer generated registration list or that he or she has moved within ~~[the county or city]~~ New York state since he or she last registered, the address from which he or she was previously registered and the address at which he or she currently resides, and at a primary election, the party in which he or she is enrolled. The inspectors of election shall offer such an affidavit to each such voter whose residence address is in such election district. Each such affidavit shall be in a form prescribed by the state board of elections, shall be printed on an envelope of the size and quality used for an absentee ballot envelope, and shall contain an acknowledgment that the affiant understands that any false statement made therein is perjury punishable according to law. Such form prescribed by the state board of elections shall request information required to register such voter should the county board determine that such voter is not registered and shall constitute an application to register to vote. The voter's name and the entries required shall then be entered without delay and without further inquiry in the fourth section of the challenge report or in the place provided at the end of the computer generated registration list, with the notation that the voter has executed the affidavit hereinabove prescribed, or, if such person's name appears on the computer generated registration list, the board of elections may provide a place to make such entry next to his or her name on such list. The voter shall then, without further inquiry, be permitted to vote an affidavit ballot provided for by this chapter. Such ballot shall thereupon be placed in the envelope containing his or her affidavit, and the envelope sealed and returned to the board of

elections in the manner provided by this chapter for protested official ballots, including a statement of the number of such ballots.

§ 3. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.

PART M

Section 1. Subdivision 6 of section 14-114 of the election law is amended by adding a new paragraph c to read as follows:

c. Lobbyists, as defined by subdivision (a) of section one-c of the legislative law or by subdivision (a) of section 3-211 of the administrative code of the city of New York, political action committees, labor unions, and any person who has registered with the state board of elections as an independent expenditure committee pursuant to subdivision three of section 14-107 of this article are prohibited from making loans to candidates or political committees; provided, however, that a lobbyist shall not be prohibited from making a loan to himself or herself or to his or her own political committee when such lobbyist is a candidate for office.

§ 2. This act shall take effect immediately.

PART N

Section 1. Section 1-104 of the election law is amended by adding a new subdivision 38 to read as follows:

38. "Computer generated registration list" means a printed or electronic list of voters in alphabetical order for a single election district or poll site, generated from a computer registration file for each election and containing for each voter listed, a facsimile of the signature of the voter. Such a list may be in a single volume or in more than one volume. The list may be utilized in place of registration poll records, to establish a person's eligibility to vote in the polling place on election day.

(a) The state board of elections shall promulgate minimum security standards for any electronic device, and any network or system to which the electronic device is connected, that is used to store or otherwise access a computer generated registration list, and shall also promulgate a list of devices that are approved for use. No local board of elections shall be permitted to use such a device unless the state board of elections has previously approved the device for use and has certified that the network or system to which the electronic device is connected is compliant with the minimum security standards.

(b) The minimum security standards for such devices shall be commensurate with the level of security risk applicable to such devices and shall specifically take into account any security risk associated with voting equipment-related supply chains in addition to any other applicable security risk.

§ 2. Subdivision 1 of section 4-128 of the election law, as amended by chapter 125 of the laws of 2011, is amended to read as follows:

1. The board of elections of each county shall provide the requisite number of official and facsimile ballots, two cards of instruction to voters in the form prescribed by the state board of elections, at least one copy of the instruction booklet for inspectors, a sufficient number of maps, street finders or other descriptions of all of the polling places and election districts within the political subdivision in which the polling place is located to enable the election inspectors and poll

1 clerks to determine the correct election district and polling place for
2 each street address within the political subdivision in which the poll-
3 ing place is located, distance markers, tally sheets and return blanks,
4 pens, [~~black ink, or ball point pens with black ink,~~] pencils [~~having~~
5 ~~black lead~~], or other appropriate marking devices, envelopes for the
6 ballots of voters whose registration poll records are not in the ledger
7 or whose names are not [~~on~~] in the computer generated registration list,
8 envelopes for returns, identification buttons, badges or emblems for the
9 inspectors and clerks in the form prescribed by the state board of
10 elections and such other articles of stationery as may be necessary for
11 the proper conduct of elections, except that when a town, city or
12 village holds an election not conducted by the board of elections, the
13 clerk of such town, city or village, shall provide such official and
14 facsimile ballots and the necessary blanks, supplies and stationery for
15 such election.

16 § 3. Subdivision c of section 4-132 of the election law, as amended by
17 chapter 164 of the laws of 1985, is amended to read as follows:

18 c. A booth or device in each election district for the use of voters
19 marking ballots. Such booth or device shall be so constructed as to
20 permit the voter to mark his or her ballot in secrecy and shall be
21 furnished at all times with [~~a pencil having black lead only~~] an appro-
22 priate marking device.

23 § 4. Section 4-134 of the election law, the section heading as amended
24 by chapter 373 of the laws of 1978, subdivisions 1 and 3 as amended by
25 chapter 163 of the laws of 2010, subdivision 2 as amended by chapter 425
26 of the laws of 1986, and subdivisions 5 and 6 as amended by chapter 635
27 of the laws of 1990, is amended to read as follows:

28 § 4-134. Preparation and delivery of ballots, supplies and equipment
29 for use at elections. 1. The board of elections shall deliver, at its
30 office, to the clerk of each town or city in the county, except the
31 cities of New York, Buffalo and Rochester and to the clerk of each
32 village in the county in which elections are conducted by the board of
33 elections, by the Saturday before the primary, general, village or other
34 election for which they are required: the official and sample ballots;
35 ledgers prepared for delivery in the manner provided in subdivision two
36 of this section and containing the registration poll records of all
37 persons entitled to vote at such election in such town, city or village,
38 or computer generated registration lists containing the names of all
39 persons entitled to vote at such election in such town, city or village;
40 challenge reports prepared as directed by this chapter; sufficient
41 applications for registration by mail; sufficient ledger seals and other
42 supplies and equipment required by this article to be provided by the
43 board of elections for each polling place in such town, city or village.
44 The town, city or village clerk shall call at the office of such board
45 of elections at such time and receive such ballots, supplies and equip-
46 ment. In the cities of New York, Buffalo and Rochester the board of
47 elections shall cause such ballots, supplies and equipment to be deliv-
48 ered to the board of inspectors of each election district approximately
49 one-half hour before the opening of the polls for voting, and shall take
50 receipts therefor.

51 2. The board of elections shall provide for each election district a
52 ledger or ledgers containing the registration poll records or [~~printed~~]
53 lists with computer generated facsimile signatures, of all persons enti-
54 tled to vote in such election district at such election. Such ledgers
55 shall be labelled, sealed, locked and transported in locked carrying
56 cases. After leaving the board of elections no such carrying case shall

be unlocked except at the time and in the manner provided in this chapter.

~~3. [Any envelope containing absentee voters' ballots on which the blanks have not been properly filled in shall be stamped to indicate the defect and shall be preserved by the board for at least one year after the receipt thereof.]~~

4.] Each kind of official ballot shall be arranged in a package in the consecutive order of the numbers printed on the stubs thereof beginning with number one. All official and sample ballots for each election district shall be in separate sealed packages, clearly marked on the outside thereof, with the number and kind of ballots contained therein and indorsed with the designation of the election district for which they were prepared. The other supplies provided for each election district also shall be ~~[inclosed]~~ enclosed in a sealed package, or packages, with a label on the outside thereof showing the contents of each package.

~~5. Each town, city and village clerk receiving such packages shall cause all~~ 4. All such packages so received and marked for any election district ~~[to]~~ shall be delivered unopened and with the seals thereof unbroken to the inspectors of election of such election districts at least ~~[one-half]~~ one hour before the opening of the polls of such election therein, ~~[and]~~ who shall ~~[take]~~ give a receipt therefor specifying the number and kind of packages delivered. ~~[At the same time each such clerk shall cause to be delivered to such inspectors the equipment described in subdivision two of this section and shall cause a receipt to be taken therefor.]~~

~~6.]~~ 5. Town, city and village clerks required to provide official and sample ballots, registration records, seals, supplies and equipment, as described in this section, for town, city and village elections not conducted by the board of elections, shall in like manner, deliver them to the inspectors or presiding officers of the election at each polling place at which such meetings and elections are held, respectively, in like sealed packages marked on the outside in like manner, and shall take receipts therefor in like manner.

§ 5. Subdivision 1 of section 5-302 of the election law, as separately amended by chapters 164 and 558 of the laws of 1985, is amended to read as follows:

1. Before placing the registration poll record in the poll ledger or in the computer generated registration list, the board shall enter in the space provided therefor ~~[on the back of such registration poll record]~~ the name of the party designated by the voter on his application form, provided such party continues to be a party as defined in this law. If such party ceases to be a party at any time, either before or after such enrollment is so entered, the enrollment of such voter shall be deemed to be blank and shall be entered as such until such voter files an application for change of enrollment pursuant to the provisions of this chapter. ~~[In the city of New York the board shall also affix a gummed sticker of a different color for each party in a place on such registration poll record immediately adjacent to such entry.]~~ The board shall enter the date of such entry and affix initials thereto in the space provided.

§ 6. Paragraph c of subdivision 3 of section 5-506 of the election law, as amended by chapter 659 of the laws of 1994, is amended to read as follows:

c. The computer generated registration list prepared for each election in each election district shall be ~~[printed by a printer]~~ prepared in a

1 manner which meets or exceeds standards for clarity and speed of
2 [~~reproduction~~] production established by the state board of elections,
3 shall be in a form approved by such board, shall include the names of
4 all voters eligible to vote in such election and shall be in alphabet-
5 ical order, except that, at a primary election, the names of the voters
6 enrolled in each political party may be placed in a separate part of the
7 list or in a separate list, as the board of elections in its discretion,
8 may determine. Such list shall contain, adjacent to each voter's name,
9 or in a space so designated, at least the following: street address,
10 date of birth, party enrollment, year of registration, a computer
11 reproduced facsimile of the voter's signature or an indication that the
12 voter is unable to sign his name, a place for the voter to sign his name
13 at such election and a place for the inspectors to mark the voting
14 machine number, the public counter number [~~and~~] if any, or the number of
15 any paper ballots given the voter.

16 § 7. Subdivision 2 of section 8-202 of the election law, as amended by
17 chapter 164 of the laws of 2010, is amended to read as follows:

18 2. The exterior of any ballot scanner, ballot marking device and
19 privacy booth and every part of the polling place shall be in plain view
20 of the election inspectors and watchers. The ballot scanners, ballot
21 marking devices, and privacy booths shall be placed at least four feet
22 from the table used by the inspectors in charge of the poll [~~books~~]
23 ledger or computer generated registration list. The guard-rail shall be
24 at least three feet from the machine and the table used by the inspec-
25 tors. The election inspectors shall not themselves be, or allow any
26 other person to be, in any position or near any position, that will
27 permit one to see or ascertain how a voter votes, or how he or she has
28 voted nor shall they permit any other person to be less than three feet
29 from the ballot scanner, ballot marking device, or privacy booth while
30 occupied. The election inspectors or clerks attending the ballot scan-
31 ner, ballot marking device, or privacy booth shall regularly inspect the
32 face of the ballot scanner, ballot marking device, or the interior of
33 the privacy booth to see that the ballot scanner, ballot marking device,
34 or privacy booth has not been damaged or tampered with. During elections
35 the door or other covering of the counter compartment of the machine
36 shall not be unlocked or opened except by a member of the board of
37 elections, a voting machine custodian or any other person upon the
38 specific instructions of the board of elections.

39 § 8. Subdivisions 2, 2-a, 3, 4 and 5 of section 8-302 of the election
40 law, subdivision 2-a as added by chapter 179 of the laws of 2005, subdivi-
41 sions 3 and 4 as amended by chapter 200 of the laws of 1996, the open-
42 ing paragraph of paragraph (e) of subdivision 3 as amended by chapter
43 125 of the laws of 2011 and subparagraph (ii) of paragraph (e) of subdivi-
44 sion 3 as amended by chapter 164 of the laws of 2010, are amended to
45 read as follows:

46 2. The voter shall give [~~his~~] the voter's name and [~~his~~] the voter's
47 residence address to the inspectors. An inspector shall then loudly and
48 distinctly announce the name and residence of the voter.

49 2-a. (a) If a voter's name appears in the ledger or computer generated
50 registration list with a notation indicating that the voter's identity
51 was not yet verified as required by the federal Help America Vote Act,
52 the inspector shall require that the voter produce one of the following
53 types of identification before permitting the voter to cast his or her
54 vote on the voting machine:

55 (i) a driver's license or department of motor vehicles non-driver
56 photo ID card or other current and valid photo identification;

1 (ii) a copy of a current utility bill, bank statement, government
2 check, paycheck or other government document that shows the name and
3 address of the voter.

4 (b) If the voter produces an identification document listed in para-
5 graph (a) of this subdivision, the inspector shall indicate so in the
6 ledger or computer generated registration list, the voter will be deemed
7 verified as required by the federal Help America Vote Act and the voter
8 shall be permitted to cast his or her vote on the voting machine.

9 (c) If the voter does not produce an identification document listed in
10 paragraph (a) of this subdivision, the voter shall only be entitled to
11 vote by affidavit ballot unless a court order provides otherwise.

12 3. (a) If an applicant is challenged, the board, without delay, shall
13 either enter his name in the second section of the challenge report
14 together with the other entries required to be made in such section
15 opposite the applicant's name or make an entry next to ~~[his]~~ the voter's
16 name ~~[on]~~ in the computer generated registration list or in the place
17 provided ~~[at the end of]~~ in the computer generated registration list.

18 (b) A person who claims to have moved to a new address within the
19 election district in which he or she is registered to vote shall be
20 permitted to vote in the same manner as other voters unless challenged
21 on other grounds. The inspectors shall enter the names and new addresses
22 of all such persons in either the first section of the challenge report
23 or in the place provided ~~[at the end of]~~ in the computer generated
24 registration list and shall also enter the new address next to such
25 person's address on such computer generated registration list. When the
26 registration poll records of persons who have voted from new addresses
27 within the same election district are returned to the board of
28 elections, such board shall change the addresses on the face of such
29 registration poll records without completely obliterating the old
30 addresses and shall enter such new addresses and the new addresses for
31 any such persons whose names were ~~[on]~~ in computer generated registra-
32 tion lists into its computer records for such persons.

33 (c) A person who claims a changed name shall be permitted to vote in
34 the same manner as other voters unless challenged on other grounds. The
35 inspectors shall either enter the names of all such persons in the first
36 section of the challenge report or in the place provided ~~[at the end of]~~
37 in the computer generated registration list, in the form in which they
38 are registered, followed in parentheses by the name as changed or enter
39 the name as changed next to such voter's name on the computer generated
40 registration list. The voter shall sign first on the registration poll
41 record or ~~[on]~~ in the computer generated registration list, the name
42 under which the voter is registered and, immediately above it, the new
43 name, provided that ~~[on]~~ in such ~~[a computer generated]~~ registration
44 list, the new name may be signed in the place provided ~~[at the end of~~
45 ~~such list]~~. When the registration poll record of a person who has voted
46 under a new name is returned to the board of elections, such board shall
47 change ~~[his]~~ the voter's name on the face of each ~~[of his]~~ registration
48 ~~[records]~~ record without completely obliterating the old one, and there-
49 after such person shall vote only under his or her new name. If a voter
50 has signed a new name ~~[on]~~ in a computer generated registration list,
51 such board shall enter such voter's new name and new signature in such
52 voter's computer record.

53 (d) If an applicant requests assistance in voting and qualifies there-
54 for, the board shall provide assistance as directed by this chapter, and
55 shall without delay either enter such applicant's name and the other
56 entries required in the third section of the challenge report or make an

1 entry next to such applicant's name ~~[on]~~ in the computer generated
2 registration list or in the place provided ~~[at the end of the computer~~
3 ~~generated]~~ in such registration list.

4 (e) Whenever a voter presents himself or herself and offers to cast a
5 ballot, and he or she claims to live in the election district in which
6 he or she seeks to vote but no registration poll record can be found for
7 him or her in the poll ledger or his or her name does not appear ~~[on]~~ in
8 the computer generated registration list or his or her signature does
9 not appear next to his or her name ~~[on]~~ in such ~~[computer generated]~~
10 registration list or his or her registration poll record or the computer
11 generated registration list does not show him or her to be enrolled in
12 the party in which he or she claims to be enrolled, a poll clerk or
13 election inspector shall consult a map, street finder or other
14 description of all of the polling places and election districts within
15 the political subdivision in which said election district is located and
16 if necessary, contact the board of elections to obtain the relevant
17 information and advise the voter of the correct polling place and
18 election district for the residence address provided by the voter to
19 such poll clerk or election inspector. Thereafter, such voter shall be
20 permitted to vote in said election district only as hereinafter
21 provided:

22 (i) He or she may present a court order requiring that he or she be
23 permitted to vote. At a primary election, such a court order must speci-
24 fy the party in which the voter is permitted to vote. ~~[He]~~ The voter
25 shall be required to sign ~~[his]~~ their full name on top of the first page
26 of such order, together with ~~[his]~~ the voter's registration serial
27 number, if any, and ~~[his]~~ the voter's name and the other entries
28 required shall then be entered without delay in the fourth section of
29 the challenge report or in the place provided ~~[at the end of]~~ in the
30 computer generated registration list, or, if such person's name appears
31 on ~~[the computer generated]~~ such registration list, the board of
32 elections may provide a place to make such entry next to his or her name
33 on such list. The voter shall then be permitted to vote in the manner
34 otherwise prescribed for voters whose registration poll records are
35 found in the ledger or whose names are found on the computer generated
36 registration list; or

37 (ii) He or she may swear to and subscribe an affidavit stating that he
38 or she has duly registered to vote, the address in such election
39 district from which he or she registered, that he or she remains a duly
40 qualified voter in such election district, that his or her registration
41 poll record appears to be lost or misplaced or that his or her name
42 and/or his or her signature was omitted from the computer generated
43 registration list or that he or she has moved within the county or city
44 since he or she last registered, the address from which he or she was
45 previously registered and the address at which he or she currently
46 resides, and at a primary election, the party in which he or she is
47 enrolled. The inspectors of election shall offer such an affidavit to
48 each such voter whose residence address is in such election district.
49 Each such affidavit shall be in a form prescribed by the state board of
50 elections, shall be printed on an envelope of the size and quality used
51 for an absentee ballot envelope, and shall contain an acknowledgment
52 that the affiant understands that any false statement made therein is
53 perjury punishable according to law. Such form prescribed by the state
54 board of elections shall request information required to register such
55 voter should the county board determine that such voter is not regis-
56 tered and shall constitute an application to register to vote. The

1 voter's name and the entries required shall then be entered without
2 delay and without further inquiry in the fourth section of the challenge
3 report or in the place provided ~~[at the end of]~~ in the computer gener-
4 ated registration list, with the notation that the voter has executed
5 the affidavit hereinabove prescribed, or, if such person's name appears
6 ~~[on the computer generated]~~ in such registration list, the board of
7 elections may provide a place to make such entry next to his or her name
8 ~~[on]~~ in such list. The voter shall then, without further inquiry, be
9 permitted to vote an affidavit ballot provided for by this chapter. Such
10 ballot shall thereupon be placed in the envelope containing his or her
11 affidavit, and the envelope sealed and returned to the board of
12 elections in the manner provided by this chapter for protested official
13 ballots, including a statement of the number of such ballots.

14 4. At a primary election, a voter whose registration poll record is in
15 the ledger or computer generated registration list shall be permitted to
16 vote only in the primary of the party in which such record shows ~~[him]~~
17 the voter to be enrolled unless ~~[he]~~ the voter shall present a court
18 order pursuant to the provisions of subparagraph (i) of paragraph (e) of
19 subdivision three of this section requiring that ~~[he]~~ the voter be
20 permitted to vote in the primary of another party, or unless ~~[he]~~ the
21 voter shall present a certificate of enrollment issued by the board of
22 elections, not earlier than one month before such primary election,
23 pursuant to the provisions of this chapter which certifies that ~~[he]~~ the
24 voter is enrolled in a party other than the one in which such record
25 shows ~~[him]~~ the voter to be enrolled, or unless he or she shall
26 subscribe an affidavit pursuant to the provisions of subparagraph (ii)
27 of paragraph (e) of subdivision three of this section.

28 5. Except for voters unable to sign their names, no person shall be
29 permitted to vote without first identifying himself or herself as
30 required by this chapter.

31 § 9. Subdivisions 1, 2 and 3 of section 8-304 of the election law,
32 subdivisions 1 and 2 as amended by chapter 425 of the laws of 1986, are
33 amended to read as follows:

34 1. A person before being allowed to vote shall be required, except as
35 provided in this chapter, to sign his or her name on the back of his or
36 her registration poll record on the first line reserved for his or her
37 signature at the time of election which is not filled with a previous
38 signature, or ~~[on the line of]~~ in the space provided in the computer
39 generated registration list reserved for ~~[his]~~ the voter's signature.
40 The two inspectors in charge shall satisfy themselves by a comparison of
41 this signature with ~~[his]~~ the voter's registration signature and by
42 comparison of ~~[his]~~ the voter's appearance with the descriptive material
43 on the face of the registration poll record that ~~[he]~~ the voter is the
44 person registered. If they are so satisfied they shall enter the other
45 information required for the election on the same line with the voter's
46 latest signature, shall sign their names or initials in the spaces
47 provided therefor, and shall permit the applicant to vote. Any inspector
48 or inspectors not satisfied shall challenge the applicant forthwith.

49 2. If a person who alleges ~~[his]~~ an inability to sign his or her name
50 presents himself or herself to vote, the board of inspectors shall
51 permit ~~[him]~~ such person to vote, unless challenged on other grounds,
52 provided ~~[he]~~ the voter had been permitted to register without signing
53 ~~[his]~~ the voter's name. The board shall enter the words "Unable to Sign"
54 in the space on ~~[his]~~ the voter's registration poll record reserved for
55 ~~[his]~~ the voter's signature or on the line ~~[of]~~ or space the computer
56 generated registration list reserved for ~~[his]~~ the voter's signature at

1 such election. If ~~[his]~~ the voter's signature appears upon ~~[his]~~ the
2 voter's registration record or ~~[upon]~~ in the computer generated regis-
3 tration list the board shall challenge ~~[him]~~ the voter forthwith, except
4 that if such a person claims that he or she is unable to sign his or her
5 name by reason of a physical disability incurred since ~~[his]~~ the voter's
6 registration, the board, if convinced of the existence of such disabili-
7 ty, shall permit him or her to vote, shall enter the words "Unable to
8 Sign" and a brief description of such disability in the space reserved
9 for ~~[his]~~ the voter's signature at such election. At each subsequent
10 election, if such disability still exists, ~~[he]~~ the voter shall be enti-
11 tled to vote without signing ~~[his]~~ their name and the board of inspec-
12 tors, without further notation, shall enter the words "Unable to Sign"
13 in the space reserved for ~~[his]~~ the voter's signature at such election.

14 3. The voter's facsimile signature ~~[made by him upon registration and~~
15 ~~his signature made at subsequent elections]~~ shall be effectively
16 concealed from the voter by a blotter or ~~[piece of opaque paper]~~ other
17 means until after the voter shall have completed ~~[his]~~ the signature.

18 § 10. Subdivision 3 of section 8-306 of the election law, as amended
19 by chapter 154 of the laws of 1991, is amended to read as follows:

20 3. Any voter who requires assistance to vote by reason of blindness,
21 disability or inability to read or write may be given assistance by a
22 person of the voter's choice, other than the voter's employer or agent
23 of the employer or officer or agent of the voter's union. A voter enti-
24 tled to assistance in voting who does not select a particular person may
25 be assisted by two election inspectors not of the same political faith.
26 The inspectors or person assisting a voter shall enter the voting
27 machine or booth with ~~[him]~~ the voter, help ~~[him]~~ the voter in the prep-
28 aration of ~~[his]~~ the voter's ballot and, if necessary, in the return of
29 the voted ballot to the inspectors for deposit in the ballot box. The
30 inspectors shall enter in the ~~[remarks space on the registration poll~~
31 ~~card of an assisted voter, or next to the name of]~~ space provided for
32 such voter ~~[on]~~ in the computer generated registration list, the name of
33 each officer or person rendering such assistance.

34 § 11. Subdivision 2 of section 8-508 of the election law, as amended
35 by chapter 200 of the laws of 1996, is amended to read as follows:

36 2. (a) The first section of such report shall be reserved for the
37 inspectors of election to enter the name, address and registration seri-
38 al number of each person who claims a change in name, or a change of
39 address within the election district, together with the new name or
40 address of each such person. In lieu of preparing section one of the
41 challenge list, the board of elections may provide, next to the name of
42 each voter ~~[on]~~ in the computer generated registration list, a place for
43 the inspectors of election to record the information required to be
44 entered in such section one, or provide ~~[at the end of such computer~~
45 ~~generated]~~ elsewhere in such registration list, a place for the inspec-
46 tors of election to enter such information.

47 (b) The second section of such report shall be reserved for the board
48 of inspectors to enter the name, address and registration serial number
49 of each person who is challenged on the day of election, together with
50 the reason for the challenge. If no voters are challenged, the board of
51 inspectors shall enter the words "No Challenges" across the space
52 reserved for such names. In lieu of preparing section two of the chal-
53 lenge report, the board of elections may provide, next to the name of
54 each voter ~~[on]~~ in the computer generated registration list, a place for
55 the inspectors of election to record the information required to be
56 entered in such section two, or provide ~~[at the end of such computer~~

1 ~~generated~~ elsewhere in such registration list, a place for the inspec-
2 tors of election to enter such information.

3 (c) The third section of such report shall be reserved for the board
4 of inspectors to enter the name, address and registration serial number
5 of each voter given assistance, together with the reason the voter was
6 allowed assistance, the name of the person giving such assistance and
7 his address if not an inspector. If no voters are given assistance, the
8 board of inspectors shall enter the words "No Assistance" across the
9 space reserved for such names. In lieu of providing section three of the
10 challenge report, the board of elections may provide, next to the name
11 of each voter ~~[on]~~ in the computer generated registration list, a place
12 for the inspectors of election to record the information required to be
13 entered in such section three, or provide ~~[at the end of such computer~~
14 ~~generated]~~ elsewhere in such registration list, a place for the inspec-
15 tors of election to enter such information.

16 (d) The fourth section of such report shall be reserved for the board
17 of inspectors to enter the name, address and registration serial number
18 of each person who was permitted to vote pursuant to a court order, or
19 to vote on a paper ballot which was inserted in an affidavit envelope.
20 If there are no such names, such board shall enter the word "None"
21 across the space provided for such names. In lieu of providing section
22 four of such report, the board of elections may provide, next to the
23 name of each voter ~~[on]~~ in the computer generated registration list, a
24 place for the inspectors of election to record the information required
25 to be entered in such section four, or provide ~~[at the end of the~~
26 ~~computer generated]~~ elsewhere in such registration list, a place for the
27 inspectors of election to enter such information.

28 (e) At the foot of such report ~~[and]~~ or at the end of any such comput-
29 er generated registration list, if applicable, shall be ~~[printed]~~ a
30 certificate that such report or list contains the names of all persons
31 who were challenged on the day of election, and that each voter so
32 reported as having been challenged took the oaths as required, that such
33 report or list contains the names of all voters to whom such board gave
34 or allowed assistance and lists the nature of the disability which
35 required such assistance to be given and the names and family relation-
36 ship, if any, to the voter of the persons by whom such assistance was
37 rendered; that each such assisted voter informed such board under oath
38 that he required such assistance and that each person rendering such
39 assistance took the required oath; that such report or list contains the
40 names of all voters who were permitted to vote although their registra-
41 tion poll records were missing; that the entries made by such board are
42 a true and accurate record of its proceedings with respect to the
43 persons named in such report or list.

44 (f) Upon the return of such report ~~[and]~~ or lists to the board of
45 elections, it shall complete the investigation of voting qualifications
46 of all persons named in the second section thereof or for whom entries
47 were placed ~~[on]~~ in such computer generated registration lists in lieu
48 of the preparation of the second section of the challenge report, and
49 shall forthwith proceed to cancel the registration of any person who, as
50 noted upon such report, or in such list, was challenged at such election
51 and refused either to take a challenge oath or to answer any challenge
52 question.

53 (g) The state board of elections shall prescribe a form of challenge
54 report for use pursuant to the provisions of this section. Such form may
55 require the insertion of such other information as the state board shall
56 deem appropriate.

§ 12. Section 8-510 of the election law, the section heading as amended by chapter 373 of the laws of 1978, subdivision 1 as amended by chapter 200 of the laws of 1996, and subdivision 3 as amended by chapter 43 of the laws of 1988, is amended to read as follows:

§ 8-510. Challenge report; completion of and ~~[closing of registration poll ledgers]~~ procedure after. 1. Immediately after the close of the polls the board of inspectors of election shall verify the entries which it has made on the challenge report or ~~[at the end of the]~~ in the spaces provided in the computer generated registration list by comparing such entries with the information appearing on the registration poll records of the affected voters or the information appearing ~~[next to the names of such voters on]~~ in the spaces provided in the computer generated registration list. If it has made no entries in section two, three or four of such report it shall write across or note in such section the words "No challenges", "No assistance" or "None", as the case may be, as directed in this chapter.

2. After completing such report the inspectors shall sign ~~[the]~~ a certificate ~~[at the end of]~~ in the spaces provided by the county board of elections for such report.

3. The inspectors shall place such completed report, and each court order, if any, directing that a person be permitted to vote, ~~[inside a]~~ in the secure container provided by the county board of elections for such ledger of registration records or computer generated registration lists ~~[between the front cover, and the first registration record]~~ and then shall close and seal each ledger of registration records or computer generated registration lists, ~~[affix their signature to the seal,]~~ lock such ledger in the carrying case furnished for that purpose and enclose the keys in a sealed package or seal such list in the envelope provided for that purpose.

§ 13. Clauses (C) and (D) of subparagraph (i) of paragraph (a) of subdivision 2 of section 9-209 of the election law, as amended by chapter 308 of the laws of 2011, are amended to read as follows:

(C) If such person is found to be registered and has not voted in person, an inspector shall compare the signature, if any, on each envelope with the signature, if any, on the registration poll record, the computer generated list of registered voters or the list of special presidential voters, of the person of the same name who registered from the same address. If the signatures are found to correspond, such inspector shall certify thereto by [signing] placing his or her initials in the ~~["Inspector's Initials" line on the]~~ space provided in the computer generated list of registered voters ~~[or in the "remarks" column as appropriate]~~.

(D) If such person is found to be registered and has not voted in person, and if no challenge is made, or if a challenge made is not sustained, the envelope shall be opened, the ballot or ballots withdrawn without unfolding, and the ballot or ballots deposited in the proper ballot box or boxes, or envelopes, provided however that, in the case of a primary election, the ballot shall be deposited in the box only if the ballot is of the party with which the voter is enrolled according to the entry on the back of his or her registration poll record or ~~[next to his or her name on]~~ in the computer generated registration list; if not, the ballot shall be rejected without inspection or unfolding and shall be returned to the envelope which shall be endorsed "not enrolled." At the time of the deposit of such ballot or ballots in the box or envelopes, the inspectors shall enter the words "absentee vote" or "military vote" in the space reserved for the voter's signature on the aforesaid list or

1 in the "remarks" [~~column~~] space as appropriate, and shall enter the year
2 and month of the election on the same line in the spaces provided there-
3 for.

4 § 14. Subdivision 4 of section 11-206 of the election law, as amended
5 by chapter 91 of the laws of 1992, is amended to read as follows:

6 4. The registration poll records of special federal voters shall be
7 filed, in alphabetical order, by election district. At each election at
8 which [~~the ballots of~~] special federal voters are [~~delivered to the~~
9 ~~inspectors of election in each election district~~] eligible to vote, the
10 registration poll records of all special federal voters [~~eligible to~~
11 ~~vote at such election~~] shall be delivered to such inspectors of election
12 together with the other registration poll records or the names of such
13 voters shall be included [~~on~~] in the computer generated registration
14 list. Such records shall be delivered either in a separate poll ledger
15 or a separate, clearly marked section, of the main poll ledger or [~~in a~~
16 ~~separate,~~] be clearly marked[~~, section of~~] in the computer generated
17 registration list as the board of elections shall determine.

18 § 15. This act shall take effect on the first of January next succeed-
19 ing the date on which it shall have become a law.

20 PART 0

21 Section 1. Section 1-c of the legislative law is amended by adding a
22 new paragraph (x) to read as follows:

23 (x) The term "fundraising activities" shall mean solicitation or
24 collection by a lobbyist of contributions for a candidate for nomination
25 for election, or election, to the office of governor, lieutenant gover-
26 nor, comptroller, attorney general, member of the legislature, elected
27 office in a municipality, or for a political committee for use in an
28 election campaign of any such candidate.

29 § 2. Sections 1-u and 1-v of the legislative law, section 1-v as
30 renumbered by chapter 1 of the laws of 2005, are renumbered sections 1-y
31 and 1-z and a new section 1-u is added to read as follows:

32 § 1-u. Fundraising reports. (a) (i) For purposes of this section, the
33 terms "contribution", "political committee", and "candidate" shall have
34 the meanings set forth in section 14-100 of the election law.

35 (ii) For purposes of this section, the term "lobbyist" shall mean a
36 lobbyist as defined in section one-c of this article.

37 (b) Any lobbyist required to file a statement of registration pursuant
38 to section one-e of this article who in any calendar year to which the
39 statement of registration relates, or in the six months preceding such
40 calendar year, engages in fundraising activities, shall file, with the
41 joint commission on public ethics, on forms prescribed by the joint
42 commission on public ethics, a fundraising report. Such report shall be
43 filed in accordance with the schedule applicable to the filing of
44 bi-monthly reports under section one-h of this article, provided that
45 the first fundraising report filed in any calendar year shall include
46 information on fundraising activities that occurred in any period begin-
47 ning six months preceding the calendar year to which the statement of
48 registration relates through the end of the reporting period for which
49 the report is filed, to the extent such information has not been
50 reported in a previously filed fundraising report. Each subsequent
51 fundraising report filed in or with respect to the calendar year to
52 which the statement of registration relates shall include information on
53 all fundraising activities that occurred in the reporting period for
54 which the current report is filed.

1 (c) Such fundraising report shall contain: (i) the name, address and
2 telephone number of the lobbyist and the individuals utilized by the
3 lobbyist engaged in such fundraising; (ii) the name, address and tele-
4 phone number of the candidate, public servant, or elected official to
5 whom or on whose behalf the lobbyist provided fundraising services;
6 (iii) (1) the compensation, if any, paid or owed to the lobbyist and any
7 expenses incurred by the lobbyist for such fundraising activities; (2) a
8 list of all persons or entities with whom the lobbyist contracted for
9 the purpose of providing fundraising services; (iv) the total dollar
10 amount raised for each candidate or committee for which such activities
11 were performed, including contributions made by the lobbyist.

12 (d) All such fundraising reports shall be subject to review by the
13 joint commission on public ethics.

14 (e) Whenever there is a change in the information filed by a lobbyist
15 in a report filed pursuant to this section, an amended report shall be
16 submitted to the joint commission on public ethics on forms prescribed
17 by the joint commission on public ethics, within ten days of the change
18 in the information occurring.

19 (f) Such fundraising reports shall be kept in electronic form by the
20 joint commission on public ethics and shall be available for public
21 inspection pursuant to section one-s of this article.

22 § 3. This act shall take effect immediately.

23 PART P

24 Section 1. Section 1-c of the legislative law is amended by adding a
25 new subdivision (x) to read as follows:

26 (x) The term "political consulting" shall mean and include the
27 provision, for compensation, to any public official or candidate for an
28 elected state office, of advice, services or assistance in securing such
29 public office including, but not limited to, campaign management,
30 fundraising activities, public relations or media services, but shall
31 exclude bona fide legal work directly related to litigation or legal
32 advice with regard to securing a place on the ballot, the petitioning
33 process, the conduct of an election or which involves the election law.

34 § 2. Section 1-m of the legislative law, as added by chapter 14 of the
35 laws of 2007, is amended to read as follows:

36 § 1-m. Prohibition of gifts and political consulting. (a) No individ-
37 ual or entity required to be listed on a statement of registration
38 pursuant to this article shall offer or give a gift to any public offi-
39 cial as defined within this article, unless under the circumstances it
40 is not reasonable to infer that the gift was intended to influence such
41 public official. No individual or entity required to be listed on a
42 statement of registration pursuant to this article shall offer or give a
43 gift to the spouse or unemancipated child of any public official as
44 defined within this article under circumstances where it is reasonable
45 to infer that the gift was intended to influence such public official.
46 No spouse or unemancipated child of an individual required to be listed
47 on a statement of registration pursuant to this article shall offer or
48 give a gift to a public official under circumstances where it is reason-
49 able to infer that the gift was intended to influence such public offi-
50 cial. This section shall not apply to gifts to officers, members or
51 directors of boards, commissions, councils, public authorities or public
52 benefit corporations who receive no compensation or are compensated on a
53 per diem basis, unless the person listed on the statement of registra-

tion appears or has matters pending before the board, commission or council on which the recipient sits.

(b) No person that is engaged in lobbying an elected official shall engage in political consulting for that elected official.

(c) No person that is engaged in political consulting for any elected official or candidate for an elected office shall engage in lobbying that elected official.

§ 3. Subdivision (h) of section 1-c of the legislative law, as added by chapter 2 of the laws of 1999, is amended to read as follows:

(h) The term "compensation" shall mean any salary, fee, gift, payment, benefit, loan, advance or any other thing of value paid, owed, given or promised to the lobbyist or political consultant by the client for lobbying or political consulting but shall not include contributions reportable pursuant to article fourteen of the election law.

§ 4. Section 14-100 of the election law is amended by adding two new subdivisions 18 and 19 to read as follows:

18. "political consulting" means and includes the provision for compensation, to any political committee or candidate for an elected office of advice, services or assistance in securing public office including, but not limited to, campaign management, fundraising activities, public relations or media services, but shall exclude legal work directly related to litigation or legal advice with regard to securing a place on the ballot, the petitioning process, the conduct of an election or which involves this chapter.

19. "compensation" means any salary, fee, gift, payment, benefit, loan, advance or any other thing of value paid, owed, given or promised, but shall not include contributions reportable pursuant to this article.

§ 5. Subdivision 1 of section 14-102 of the election law, as amended by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

1. The treasurer of every political committee which, or any officer, member or agent of any such committee who, in connection with any election, receives or expends any money or other valuable thing or incurs any liability to pay money or its equivalent shall file statements sworn, or subscribed and bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law, at the times prescribed by this article setting forth all the receipts, contributions to and the expenditures by and liabilities of the committee, and of its officers, members and agents in its behalf. Such statements shall include the dollar amount of any receipt, contribution or transfer, or the fair market value of any receipt, contribution or transfer, which is other than of money, the name and address of the transferor, contributor or person from whom received, and if the transferor, contributor or person is a political committee; the name of and the political unit represented by the committee, the date of its receipt, the dollar amount of every expenditure, the name and address of the person to whom it was made or the name of and the political unit represented by the committee to which it was made and the date thereof, and shall state clearly the purpose of such expenditure. Furthermore, such statements shall include a list of all persons which provided political consulting services, and the fair market value of and the actual amount paid to each such person for the provision of political consulting services. Any statement reporting a loan shall have attached to it a copy of the evidence of indebtedness. Expenditures in sums under fifty dollars need not be specifically accounted for by separate items in said statements, and receipts and

contributions aggregating not more than ninety-nine dollars, from any one contributor need not be specifically accounted for by separate items in said statements, provided however, that such expenditures, receipts and contributions shall be subject to the other provisions of section 14-118 of this article.

§ 6. Subdivision 1 of section 14-104 of the election law, as amended by section 1 of part C of chapter 286 of the laws of 2016, is amended to read as follows:

1. Any candidate for election to public office, or for nomination for public office at a contested primary election or convention, or for election to a party position at a primary election, shall file statements sworn, or subscribed and bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law, at the times prescribed by this article setting forth the particulars specified by section 14-102 of this article, as to all moneys or other valuable things, paid, given, expended or promised by him or her to aid his or her own nomination or election, or to promote the success or defeat of a political party, or to aid or influence the nomination or election or the defeat of any other candidate to be voted for at the election or primary election or at a convention, including contributions to political committees, officers, members or agents thereof, and transfers, receipts and contributions to him or her to be used for any of the purposes above specified, or in lieu thereof, any such candidate may file such a sworn statement at the first filing period, on a form prescribed by the state board of elections that such candidate has made no such expenditures and does not intend to make any such expenditures, except through a political committee authorized by such candidate pursuant to this article. Furthermore, such statements shall include a list of all persons which provided political consulting services, and the fair market value of and the actual amount paid to each such person for the provision of political consulting services. Such candidate may designate a committee of no less than three persons who shall be authorized to appoint and remove the treasurer of any authorized committee of the candidate. The designation or revocation of the committee shall be evidenced in a writing filed with the state board of elections by the candidate authorizing the committee. The candidate may revoke such designation at any time. A committee authorized by such a candidate may fulfill all of the filing requirements of this act on behalf of such candidate.

§ 7. This act shall take effect on the thirtieth day after it shall have become a law.

PART Q

Section 1. Section 172-e of the executive law, as added by section 1 of part F of chapter 286 of the laws of 2016, is amended to read as follows:

§ 172-e. Disclosure of certain donations by charitable non-profit entities. 1. Definitions. For the purposes of this section:

(a) "Covered entity" shall mean any corporation or entity that is qualified as an exempt organization or entity by the United States Department of the Treasury under I.R.C. 501(c)(3) that is required to report to the ~~[department of law]~~ joint commission on public ethics pursuant to this section.

(b) "In-kind donation" shall mean ~~[donations]~~ any contribution or donation of staff, staff time, personnel, offices, office supplies,

1 ~~[financial]~~ or other non-monetary support of any kind ~~[or any other~~
2 ~~resources]~~.

3 (c) ~~["Donation"]~~ "Monetary donation" shall mean any financial contrib-
4 ution, including a monetary gift, loan, ~~[in-kind donation,]~~ or advance
5 ~~[or deposit of money or anything of value]~~.

6 (d) "Recipient entity" shall mean any corporation or entity that is
7 qualified as an exempt organization or entity by the United States
8 Department of the Treasury under I.R.C. 501(c)(4) that is required to
9 file a source of funding report with the joint commission on public
10 ethics pursuant to sections one-h and one-j of the legislative law.

11 (e) "Reporting period" shall mean the six month period within a calen-
12 dar year starting January first and ending June thirtieth or the six
13 month period within a calendar year starting July first and ending
14 December thirty-first.

15 2. Funding disclosure reports to be filed by covered entities. (a) Any
16 covered entity that makes a monetary donation or an in-kind donation in
17 excess of two thousand five hundred dollars to a recipient entity during
18 a ~~[relevant]~~ reporting period shall file a funding disclosure report
19 with the ~~[department of law]~~ joint commission on public ethics. The
20 funding disclosure report shall include:

21 (i) the name and address of the covered entity that made the monetary
22 or in-kind donation;

23 (ii) the name and address of the recipient entity that received or
24 benefitted from the monetary or in-kind donation;

25 (iii) the names of any persons who exert operational or managerial
26 control over the covered entity. The disclosures required by this para-
27 graph shall include the name of at least one natural person;

28 (iv) the date the monetary or in-kind donation was made by the covered
29 entity;

30 (v) ~~[any donation in excess of two thousand five hundred dollars to~~
31 ~~the covered entity during the relevant reporting period including the~~
32 ~~identity of the donor of any such donation]~~ the name and address of any
33 individual, corporation, association or group that made any monetary or
34 in-kind donation in excess of two thousand five hundred dollars to the
35 covered entity during the relevant reporting period; and

36 (vi) the date of any such monetary or in-kind donation to a covered
37 entity.

38 (b) The covered entity shall file a funding disclosure report with the
39 ~~[department of law]~~ joint commission on public ethics within thirty days
40 of the close of a reporting period.

41 (c) The recipient entity shall send a written notification to any
42 covered entity who has made an in-kind or monetary donation in excess of
43 two thousand five hundred dollars to the recipient entity during a rele-
44 vant reporting period. Such notification shall advise that the recipient
45 entity is required to file a source of funding report with the joint
46 commission on public ethics pursuant to sections one-h and one-j of the
47 legislative law.

48 (d) A covered entity that maintains one or more segregated bank
49 accounts containing funds used solely for monetary donations and makes
50 all of its monetary donations to recipient entities from such an account
51 and makes no in-kind donations, then with respect to donations included
52 in paragraph (a) of this subdivision, the funding disclosure report need
53 only include monetary donations deposited into such accounts.

54 3. Public disclosure of funding disclosure reports. The ~~[department of~~
55 ~~law]~~ joint commission on public ethics shall promulgate any regulations
56 necessary to implement these requirements and shall ~~[forward the disclo-~~

~~sure reports to the joint commission on public ethics for the purpose of publishing such]~~ publish the funding disclosure reports on the commission's website, within thirty days of the close of each reporting period; provided however that ~~[the attorney general]~~ up to one hundred eighty days before the start of a reporting period, or at any time if good cause is shown, a covered entity may make an application for an exemption from the public disclosure requirements outlined in this subdivision. Exemption determinations shall be made by the executive director of the joint commission on public ethics, or his or her designee, who may determine that disclosure of donations to the covered entity shall not be made public if, based upon a review of the relevant facts presented by the covered entity, such disclosure may cause harm, threats, harassment, or reprisals to the source of the donation or to individuals or property affiliated with the source of the donation. With respect to future donations and donors, the executive director of the joint commission on public ethics, or his or her designee, shall determine that disclosure of donations to the covered entity shall not be made public if, based upon a review of the relevant facts presented by the covered entity, such disclosure is likely to cause future harm, threats, harassment, or reprisals to future donors, or is likely to dissuade future donors from donating to the covered entity. The determination of the executive director of the joint commission on public ethics that certain disclosures shall not be made public shall remain in effect for two consecutive reporting periods and may be extended by the executive director of the joint commission on public ethics, or his or her designee, based upon good cause shown. The covered entity may appeal the ~~[attorney general's]~~ determination of the executive director of the joint commission on public ethics and such appeal shall be heard by a judicial hearing officer who is independent and not affiliated with or employed by the ~~[department of law]~~ joint commission on public ethics, pursuant to regulations promulgated by the ~~[department of law]~~ joint commission on public ethics. The covered entity's sources of donations that are the subject of such appeal shall not be made public pending final judgment on appeal.

§ 2. Paragraph (b) of subdivision 1, paragraph (c) of subdivision 2 and subdivision 3 of section 172-f of the executive law, as added by section 1 of part G of chapter 286 of the laws of 2016, are amended to read as follows:

(b) "Covered communication" means a communication, that does not require a report pursuant to article one-A of the legislative law or article fourteen of the election law, by a covered entity, that is conveyed to five hundred or more members of a general public audience in the form of: (i) an audio or video communication via broadcast, cable or satellite; (ii) a written communication via advertisements, pamphlets, circulars, flyers, brochures, letterheads; or (iii) other published statement which~~+~~ refers to and advocates for or against: ~~a clearly identified elected official [or the position of any elected official or administrative or legislative body relating to], a declared candidate for elected office,~~ the outcome of any vote ~~[or substance of any legislation, potential legislation, pending legislation]~~ or decision by any legislative, executive or administrative body, or the drafting, passage or defeat of any legislation, rule, regulation, or hearing~~, or decision by any legislative, executive or administrative body].~~

Covered communication shall not include: (i) communications with a professional journalist or newscaster, including an editorial board or editorial writer of a newspaper, magazine, news agency, press associ-

1 ation or wire service, relating to news, as these terms are defined in
2 section seventy-nine-h of the civil rights law, and communications
3 relating to confidential and non-confidential news as described in
4 subdivisions (b) and (c) of section seventy-nine-h of the civil rights
5 law respectively and communications made pursuant to community outreach
6 efforts for broadcast stations required by federal law; or

7 (ii) a communication that is: (A) directed, sent or distributed by the
8 covered entity only to individuals who affirmatively consent to be
9 members of the covered entity, contribute funds to the covered entity,
10 or, pursuant to the covered entity's articles or bylaws, have the right
11 to vote directly or indirectly for the election of directors or offi-
12 cers, or on changes to bylaws, disposition of all or substantially all
13 of the covered entity's assets or the merger or dissolution of the
14 covered entity; or (B) for the purpose of promoting or staging any
15 candidate debate, town hall or similar forum to which at least two
16 candidates seeking the same office, or two proponents of differing posi-
17 tions on a referendum or question submitted to voters, are invited as
18 participants, and which does not promote or advance one candidate or
19 position over another.

20 (c) ~~[If a]~~ A covered entity ~~[keeps]~~ that maintains one or more segre-
21 gated bank accounts containing funds used solely for covered communi-
22 cations and makes all of its expenditures for covered communications
23 from such accounts, then with respect to monetary donations included in
24 subparagraph (iv) of paragraph (a) of this subdivision, the financial
25 report need only include monetary donations deposited into such
26 accounts.

27 3. The ~~[department of law]~~ joint commission on public ethics shall
28 make the financial disclosure reports available to the public on the
29 ~~[department of law]~~ joint commission on public ethics website within
30 thirty days of the close of each reporting period, provided however that
31 ~~[the attorney general]~~ up to one hundred eighty days before the start of
32 a reporting period, or at any time if good cause is shown, a covered
33 entity may make an application for an exemption from the public disclo-
34 sure requirements outlined in subdivision two of this section. Exemption
35 determinations shall be made by the executive director of the joint
36 commission on public ethics, or his or her designee, who may determine
37 that disclosure of donations shall not be made public if, based upon a
38 review of the relevant facts presented by the covered entity, such
39 disclosure may cause harm, threats, harassment, or reprisals to the
40 source of the donation or to individuals or property affiliated with the
41 source of the donation. With respect to future donations and donors,
42 the executive director of the joint commission on public ethics, or his
43 or her designee, shall determine that disclosure of donations to the
44 covered entity shall not be made public if, based upon a review of the
45 relevant facts presented by the covered entity, such disclosure is like-
46 ly to cause future harm, threats, harassment, or reprisals to future
47 donors, or is likely to dissuade future donors from donating to the
48 covered entity. The determination of the executive director of the joint
49 commission on public ethics that certain disclosures shall not be made
50 public shall remain in effect for two consecutive reporting periods and
51 may be extended by the executive director of the joint commission on
52 public ethics, or his or her designee, based upon good cause shown. The
53 covered entity may appeal the ~~[attorney general's]~~ determination of the
54 executive director of the joint commission on public ethics and such
55 appeal shall be heard by a judicial hearing officer who is independent
56 and not affiliated with or employed by the ~~[department of law]~~ joint

1 commission on public ethics, pursuant to regulations promulgated by the
2 ~~[department of law]~~ joint commission on public ethics. The covered enti-
3 ty shall not be required to disclose the sources of donations that are
4 the subject of such appeal pending final judgment on appeal.

5 § 3. This act shall take effect on the thirtieth day after it shall
6 have become a law.

7 PART R

8 Section 1. Subdivision (w) of section 1-c of the legislative law, as
9 added by section 8 of part A of chapter 399 of the laws of 2011, is
10 amended to read as follows:

11 (w) The term "reportable business relationship" shall mean either a
12 relationship in which compensation is paid by a lobbyist or by a client
13 of a lobbyist, in exchange for any goods, services or anything of value,
14 the total value of which is in excess of ~~[one thousand]~~ five hundred
15 dollars annually, to be performed or provided by or intended to be
16 performed or provided by (i) any statewide elected official, state offi-
17 cer, state employee, member of the legislature or legislative employee,
18 or (ii) any entity in which the lobbyist or the client of a lobbyist
19 knows or has reason to know the statewide elected official, state offi-
20 cer, state employee, member of the legislature or legislative employee
21 is a proprietor, partner, director, officer or manager, or owns or
22 controls ten percent or more of the stock of such entity (or one percent
23 in the case of a corporation whose stock is regularly traded on an
24 established securities exchange).

25 § 2. Subdivision (a) of section 1-h of the legislative law, as amended
26 by chapter 14 of the laws of 2007, is amended to read as follows:

27 (a) Any lobbyist required to file a statement of registration pursuant
28 to section one-e of this article who in any lobbying year reasonably
29 anticipates that during the year such lobbyist will expend, incur or
30 receive combined reportable compensation and expenses in an amount in
31 excess of five ~~[thousand]~~ hundred dollars, as provided in paragraph five
32 of subdivision (b) of this section, for the purpose of lobbying, shall
33 file with the commission a bi-monthly written report, on forms supplied
34 by the commission, by the fifteenth day next succeeding the end of the
35 reporting period in which the lobbyist was first required to file a
36 statement of registration. Such reporting periods shall be the period of
37 January first to the last day of February, March first to April thirti-
38 eth, May first to June thirtieth, July first to August thirty-first,
39 September first to October thirty-first and November first to December
40 thirty-first.

41 § 3. Subdivision (a) of section 1-j of the legislative law, as amended
42 by chapter 14 of the laws of 2007, is amended to read as follows:

43 (a) Semi-annual reports shall be filed by any client retaining,
44 employing or designating a lobbyist or lobbyists, whether or not any
45 such lobbyist was required to file a bi-monthly report, if such client
46 reasonably anticipates that during the year such client will expend or
47 incur an amount in excess of five ~~[thousand]~~ hundred dollars of combined
48 reportable compensation and expenses, as provided in paragraph five of
49 subdivision ~~[(e)]~~ (b) of this section, for the purposes of lobbying.

50 § 4. Paragraphs 3 and 4 of subdivision (a) of section 1-e of the
51 legislative law, as amended by chapter 1 of the laws of 2005, are
52 amended to read as follows:

53 (3) Commencing calendar year two thousand five and thereafter every
54 lobbyist shall biennially file with the commission, on forms provided by

1 the commission, a statement of registration for each biennial period
2 beginning with the first year of the biennial cycle commencing calendar
3 year two thousand five and thereafter; provided, however, that the bien-
4 nial filing of such statement of registration shall not be required of
5 any lobbyist who (i) in any year prior to calendar year two thousand six
6 does not expend, incur or receive an amount in excess of two thousand
7 dollars of reportable compensation and expenses, as provided in para-
8 graph five of subdivision (b) of section one-h of this article, for the
9 purposes of lobbying and commencing with calendar year two thousand six
10 does not expend, incur or receive an amount in excess of five thousand
11 dollars of reportable compensation, as provided in paragraph five of
12 subdivision (b) of section one-h of this article for the purposes of
13 lobbying ~~[or]~~ and (ii) starting year two thousand twenty-one, does not
14 expend, incur or receive an amount in excess of five hundred dollars of
15 reportable compensation and expenses, as provided in paragraph five of
16 subdivision (b) of section one-h of this article, for the purposes of
17 lobbying commencing with calendar year two thousand twenty-one does not
18 expend, incur or receive an amount in excess of five hundred dollars of
19 reportable compensation, as provided in paragraph five of subdivision
20 (b) of section one-h of this article for the purposes of lobbying or
21 (iii) is an officer, director, trustee or employee of any public corpo-
22 ration, when acting in such official capacity; provided however, that
23 nothing in this section shall be construed to relieve any public corpo-
24 ration of the obligation to file such statements and reports as required
25 by this article.

26 (4) Such biennial filings shall be completed on or before January
27 first of the first year of a biennial cycle commencing in calendar year
28 two thousand five and thereafter, by those persons who have been
29 retained, employed or designated as lobbyist on or before December
30 fifteenth of the previous calendar year and who reasonably anticipate
31 that in the coming year they will expend, incur or receive combined
32 reportable compensation and expenses in an amount in excess of two thou-
33 sand dollars in years prior to calendar year two thousand six and five
34 thousand dollars ~~[commencing in]~~ from two thousand six to two thousand
35 twenty and five hundred dollars commencing in two thousand twenty-one;
36 for those lobbyists retained, employed or designated after the previous
37 December fifteenth, and for those lobbyists who subsequent to their
38 retainer, employment or designation reasonably anticipate combined
39 reportable compensation and expenses in excess of such amount, such
40 filing must be completed within fifteen days thereafter, but in no event
41 later than ten days after the actual incurring or receiving of such
42 reportable compensation and expenses.

43 § 5. This act shall take effect on the thirtieth day after it shall
44 have become a law.

45 PART S

46 Section 1. Subparagraphs (i) and (ii) of subdivision (a) of section
47 1-o of the legislative law, as added by chapter 14 of the laws of 2007,
48 are amended to read as follows:

49 (i) Any lobbyist, public corporation, or client who knowingly and
50 wilfully fails to file timely a report or statement required by this
51 section or knowingly and wilfully files false information or knowingly
52 and wilfully violates section one-m of this article shall be guilty of a
53 class A misdemeanor and may be barred from engaging in lobbying activ-

ities, as the term is defined in subdivision (c) of section one-c of this article, for a period of up to two years; and

(ii) any lobbyist, public corporation, or client who knowingly and wilfully fails to file timely a report or statement required by this section or knowingly and wilfully files false information or knowingly and wilfully violates section one-m of this article, after having previously been convicted in the preceding ~~[five]~~ ten years of the crime described in paragraph (i) of this subdivision, shall be guilty of a class E felony. Any lobbyist, public corporation or client convicted of or pleading guilty to a felony under the provisions of this section ~~[may]~~ shall be barred from ~~[acting as a lobbyist]~~ engaging in lobbying activities, as the term is defined in subdivision (c) of section one-c of this article, for a period of ~~[one year]~~ no less than two years and no more than six years from the date of the conviction. For the purposes of this subdivision, the chief administrative officer of any organization required to file a statement or report shall be the person responsible for making and filing such statement or report unless some other person prior to the due date thereof has been duly designated to make and file such statement or report.

§ 2. Subparagraph (B) of paragraph (iii) of subdivision (b) of section 1-o of the legislative law, as added by chapter 14 of the laws of 2007, is amended to read as follows:

(B) If, after a lobbyist or client has been found to have violated subdivision one of section one-n of this article, a lobbyist or client knowingly and wilfully violates the provisions of subdivision one of section one-n of this article within ~~[four]~~ ten years of such finding, the lobbyist or client shall be subject to a civil penalty not to exceed twenty-five thousand dollars.

§ 3. Paragraph (iv) of subdivision (b) of section 1-o of the legislative law, as added by chapter 14 of the laws of 2007, is amended to read as follows:

(iv) Any lobbyist or client that knowingly and wilfully fails to file a statement or report within the time required for the filing of such report, knowingly and wilfully files a false statement or report, or knowingly and wilfully violates section one-m of this article, after having been found by the commission to have knowing and wilfully committed such conduct or violation in the preceding ~~[five]~~ ten years, may be subject to a determination that the lobbyist or client is ~~[prohibited]~~ barred from engaging in lobbying activities, as that term is defined in ~~[paragraph (v) of]~~ subdivision (c) of section one-c of this article, for a period of ~~[one year]~~ no less than two years and no more than six years.

§ 4. Paragraph (v) of subdivision (b) of section 1-o of the legislative law, as added by chapter 14 of the laws of 2007, is amended to read as follows:

(v) Any lobbyist, public corporation or client that knowingly and wilfully engages in lobbying activities, as that term is defined in ~~[paragraph (v) of]~~ subdivision (c) of section one-c of this article, during the period in which the commission determined that they are ~~[prohibited]~~ barred from engaging in lobbying activities, ~~[as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article]~~ pursuant to this ~~[subdivision]~~ section, shall be guilty of a class E felony and may be subject to a determination that the lobbyist, public corporation, or client is prohibited from engaging in lobbying activities~~[, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article,~~ for a period of ~~[up to four]~~ not less

1 than two and no more than ten years, and such lobbyist, public corpo-
2 ration or client, in addition to or in lieu of such penalty shall be
3 subject to a civil penalty not to exceed fifty thousand dollars, plus a
4 civil penalty in an amount equal to five times the value of any gift,
5 compensation or benefit received as a result of the violation.

6 § 5. Subdivision (b) of section 1-o of the legislative law, is amended
7 by adding a new paragraph (vii) to read as follows:

8 (vii) A lobbyist or client who, during the conduct of a random audit
9 pursuant to section one-d of this chapter, knowingly and willfully fails
10 to comply with requests for the production of documents bearing upon any
11 matters required to be included in a filing or registration or otherwise
12 fails to comply with requests of the commission related to the enforce-
13 ment of this chapter, shall be subject to a civil penalty not to exceed
14 ten thousand dollars.

15 § 6. Paragraphs (i) and (ii) of subdivision (c) of section 1-o of the
16 legislative law, as added by chapter 14 of the laws of 2007, are amended
17 to read as follows:

18 (i) Any assessment or order to debar rendered by the commission pursu-
19 ant to this section shall be determined only after a hearing at which
20 the party shall be entitled to appear, present evidence and be heard. In
21 ordering debarment, the commission shall consider whether the facts,
22 circumstances and public interest warrant any firm, partnership or
23 corporation of, or in which such lobbyist is or becomes a shareholder,
24 owner, member, partner, director or officer be barred from acting as a
25 lobbyist. If it so finds, then such order of debarment shall apply to
26 such firm, partnership or corporation, as well. Any assessment or order
27 to debar pursuant to this section may only be imposed after the commis-
28 sion sends by certified and first-class mail written notice of intent to
29 assess a penalty or order to debar and the basis for the penalty or
30 order to debar. Any assessment may be recovered in an action brought by
31 the attorney general and, if assessed against a firm, partnership or
32 corporation may, if the commission so finds the facts, circumstances and
33 public interest so warrant, notwithstanding any other law to the contra-
34 ry, be assessed jointly and severally against the shareholders, owners,
35 members, partners, directors and officers of such firm, partnership or
36 corporation.

37 (ii) In assessing any fine or penalty pursuant to this section, the
38 commission shall consider: (A) as a mitigating factor that the lobbyist,
39 public corporation or client has not previously been required to regis-
40 ter, and (B) (1) as an aggravating factor that the lobbyist, public
41 corporation or client has received written notice pursuant to subdivi-
42 sion thirteen of section ninety-four of the executive law of the exist-
43 ence of a possible violation or violations of law, previously entered
44 into a settlement with the commission or had otherwise been the subject
45 of an investigation commenced pursuant to such subdivision, or had fines
46 or penalties assessed against it in the past. The amount of compensation
47 expended, incurred or received shall be a factor to consider in deter-
48 mining a proportionate penalty. (2) For the purposes of this section,
49 where the lobbyist is an individual, past penalties shall include any
50 penalties levied against such lobbyist or levied against any firm, part-
51 nership, or corporation of or in which such lobbyist participated in and
52 shared culpability for the acts resulting in such past penalties.

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

55 (e) Any lobbyist, public corporation, or client who, knowing that a
56 statement or report made pursuant to this article contains false infor-

1 mation, and with intent to defraud the state, offers or presents a
2 statement or report to the commission with the knowledge or belief that
3 it will be filed with, registered or recorded in or otherwise become a
4 part of the records of the commission, shall be guilty of a class E
5 felony, and may be subject to a penalty of the greater of seventy-five
6 thousand dollars, or an amount equal to ten times the value of any
7 compensation or benefit received as a result of the violation. The
8 commission may assess such civil penalties.

9 § 8. This act shall take effect immediately; provided however, the
10 provisions of this act shall only be applicable to conduct occurring
11 after this act shall have become a law.

12 PART T

13 Section 1. Paragraph (a) of subdivision 8 of section 73 of the public
14 officers law, as amended by chapter 299 of the laws of 1995, subpara-
15 graph (iii) as amended and subparagraph (iv) as added by chapter 14 of
16 the laws of 2007, is amended to read as follows:

17 (a) (i) No person who has served as a state officer or employee shall
18 within a period of [~~two~~] five years after the termination of such
19 service or employment appear or practice before such state agency,
20 register as a lobbyist or engage in lobbying as defined in article one-A
21 of the legislative law or receive compensation for any services rendered
22 by such former officer or employee on behalf of any person, firm, corpo-
23 ration or association in relation to any case, proceeding or application
24 or other matter before such agency.

25 (ii) No person who has served as a state officer or employee, who was
26 required to file an annual statement of financial disclosure pursuant to
27 section seventy-three-a of this article, shall after the termination of
28 such service or employment appear, practice, communicate, register as a
29 lobbyist or engage in lobbying as defined in article one-A of the legis-
30 lative law or otherwise render services before any state agency or
31 receive compensation for any such services rendered by such former offi-
32 cer or employee on behalf of any person, firm, corporation or other
33 entity in relation to any case, proceeding, application or transaction
34 with respect to which such person was directly concerned and in which he
35 or she personally participated during the period of his or her service
36 or employment, or which was under his or her active consideration.

37 (iii) No person who has served as a member of the legislature who was
38 required to file an annual statement of financial disclosure pursuant to
39 section seventy-three-a of this article shall within a period of [~~two~~]
40 five years after the termination of such service receive compensation
41 for any services on behalf of any person, firm, corporation or associ-
42 ation to promote or oppose, directly or indirectly, the passage of bills
43 or resolutions by either house of the legislature, or register as a
44 lobbyist or engage in lobbying as defined in article one-A of the legis-
45 lative law. No legislative employee, who was required to file an annual
46 statement of financial disclosure pursuant to section seventy-three-a of
47 this article, shall within a period of [~~two~~] five years after the termi-
48 nation of such service receive compensation for any services on behalf
49 of any person, firm, corporation or association to appear, practice or
50 directly communicate before either house of the legislature to promote
51 or oppose the passage of bills or resolutions by either house of the
52 legislature, or register as a lobbyist or engage in lobbying as defined
53 in article one-A of the legislative law.

(iv) No person who has served as an officer or employee in the executive chamber of the governor, who was required to file an annual statement of financial disclosure pursuant to section seventy-three-a of this article, shall within a period of [~~two~~] five years after termination of such service appear or practice before any state agency, or register as a lobbyist or engage in lobbying as defined in article one-A of the legislative law.

§ 2. This act shall take effect on January 1, 2020 and shall only apply to persons leaving state service after the effective date of this act.

PART U

Section 1. Section 107 of the civil service law is amended by adding a new subdivision 4-a to read as follows:

4-a. No officer or employee of a statewide officeholder, a state senator, or a member of the assembly, shall be permitted to volunteer his or her services in furtherance of a campaign for elected office in which the employing elected officeholder is the campaign candidate.

§ 2. This act shall take effect immediately.

PART V

Section 1. Subdivision 1 of section 94 of the executive law, as amended by section 6 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

1. There is established within the department of state a joint commission on public ethics which shall consist of fourteen members and shall have and exercise the powers and duties set forth in this section with respect to statewide elected officials, members of the legislature and employees of the legislature, and state officers and employees, as defined in sections seventy-three and seventy-three-a of the public officers law, candidates for statewide elected office and for the senate or assembly, and the political party chairman as that term is defined in section seventy-three-a of the public officers law, lobbyists and the clients of lobbyists as such terms are defined in article one-A of the legislative law, and individuals who have formerly held such positions, were lobbyists or clients of lobbyists, as such terms are defined in article one-A of the legislative law, or who have formerly been such candidates. The commission shall also have and exercise the powers set forth in this section with respect to covered municipal officers as such term is defined in section eight hundred ten of the general municipal law, provided, however, that the jurisdiction of the joint commission on public ethics with respect to such covered municipal officers shall be limited to the provisions of this section relating to the filing of accurate annual statements of financial disclosure, and provided, further, if the commission has a reasonable basis to believe that there are ethical or legal issues outside its jurisdiction, but related to the annual statement of financial disclosure, such issues shall be referred to the appropriate body as defined in section eight hundred ten of the general municipal law or the district attorney from the county where the municipal corporation is located. This section shall not be deemed to have revoked or rescinded any regulations or advisory opinions issued by the legislative ethics commission, the commission on public integrity, the state ethics commission and the temporary lobbying commission in effect upon the effective date of chapter fourteen of the laws of two

1 thousand seven which amended this section to the extent that such regu-
2 lations or opinions are not inconsistent with any law of the state of
3 New York, but such regulations and opinions shall apply only to matters
4 over which such commissions had jurisdiction at the time such regu-
5 lations and opinions were promulgated or issued. The commission shall
6 undertake a comprehensive review of all such regulations and opinions,
7 which will address the consistency of such regulations and opinions
8 among each other and with the new statutory language, and of the effec-
9 tiveness of the existing laws, regulations, guidance and ethics enforce-
10 ment structure to address the ethics of covered public officials and
11 related parties. Such review shall be conducted with the legislative
12 ethics commission and, to the extent possible, the report's findings
13 shall reflect the full input and deliberations of both commissions after
14 joint consultation. The commission shall, before February first, two
15 thousand fifteen, report to the governor and legislature regarding such
16 review and shall propose any regulatory or statutory changes and issue
17 any advisory opinions necessitated by such review.

18 § 2. Subparagraph 1 of paragraph (a) of subdivision 19 of section 94
19 of the executive law, as amended by section 6 of part A of chapter 399
20 of the laws of 2011, is amended to read as follows:

21 (1) the information set forth in an annual statement of financial
22 disclosure filed pursuant to section seventy-three-a of the public offi-
23 cers law and pursuant to subdivision three of section eight hundred
24 eleven and subdivision one of section eight hundred twelve of the gener-
25 al municipal law, except information deleted pursuant to paragraph (h)
26 of subdivision nine of this section;

27 § 3. Section 810 of the general municipal law is amended by adding a
28 new subdivision 13 to read as follows:

29 13. "Covered municipal officer" means (a) any individual elected to
30 serve the government of any municipal corporation who receives compen-
31 sation of fifty thousand dollars or more annually from such municipal
32 corporation as well as (b) any individual who is either elected or
33 appointed to serve as county executive, county manager, or chair of the
34 county board of supervisors.

35 § 4. Section 811 of the general municipal law is amended by adding a
36 new subdivision 3 to read as follows:

37 3. (a) Notwithstanding any local law, ordinance, or resolution provid-
38 ing for the annual filing of an annual statement of financial disclo-
39 sure, a covered municipal officer shall be required to file the annual
40 statement of financial disclosure set forth in section seventy-three-a
41 of the public officers law with the joint commission on public ethics,
42 provided, however a covered municipal officer may satisfy the filing
43 requirements of this subdivision by filing a copy of the statement of
44 financial disclosure filed pursuant to paragraph (a) or (a-1) of subdi-
45 vision one of this section with the joint commission on public ethics on
46 or before the filing deadline provided in section seventy-three-a of the
47 public officers law, if such statement of financial disclosure filed
48 pursuant to paragraph (a) or (a-1) of subdivision one of this section
49 has been authorized by the joint commission on public ethics pursuant to
50 paragraph (b) of this subdivision.

51 (b) The governing body of each municipal corporation may adopt a
52 resolution to request authorization from the joint commission on public
53 ethics for its covered municipal officers to file with the joint commis-
54 sion on public ethics a copy of the annual statement of financial
55 disclosure filed pursuant to paragraph (a) or (a-1) of subdivision one
56 of this section to satisfy the filing requirements of a covered munici-

pal officer of paragraph (a) of this subdivision. The joint commission on public ethics shall promptly make a determination in response to each request, which shall include an explanation for its determination. If authorization is denied, the municipal corporation may amend its request and resubmit.

(c) The governing body of each municipal corporation may adopt a local law, ordinance, or resolution authorizing its covered municipal officers to satisfy the filing requirements of paragraph (a) or (a-1) of subdivision one of this section by filing a copy of the annual statement of financial disclosure as set forth in section seventy-three-a of the public officers law filed pursuant to paragraph (a) of this subdivision with the appropriate body.

§ 5. Subdivision 1 of section 812 of the general municipal law is amended by adding a new paragraph (j) to read as follows:

(j) A covered municipal officer shall be required to file the annual statement of financial disclosure set forth in section seventy-three-a of the public officers law with the joint commission on public ethics. A covered municipal officer may satisfy the filing requirements of paragraph (a) of this subdivision by filing a copy of the annual statement of financial disclosure filed pursuant to this paragraph with the appropriate body.

§ 6. This act shall take effect January 1, 2021.

PART W

Section 1. Section 1-a of the legislative law, as added by chapter 2 of the laws of 1999, is amended to read as follows:

§ 1-a. Legislative declaration. (a) The legislature hereby declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to appropriate officials their opinions on legislation and governmental operations; and that, to preserve and maintain the integrity of the governmental decision-making process in this state, it is necessary that the identity, expenditures and activities of persons and organizations retained, employed or designated to influence the passage or defeat of any legislation by either house of the legislature or the approval, or veto, of any legislation by the governor and attempts to influence the adoption or rejection of any rule or regulation having the force and effect of law or the outcome of any rate making proceeding by a state agency, and the attempts to influence the passage or defeat of any local law, ordinance, or regulation be publicly and regularly disclosed.

(b) Code of Conduct for Lobbyists. To help preserve and advance the principles articulated in subdivision (a) of this section, every lobbyist shall uphold the following minimum standards of professional conduct:

(i) Duty of Honesty and Loyalty:

A lobbyist shall act with honesty, integrity, and in good faith with respect to both his or her clients and to government officials. A lobbyist shall not represent clients with conflicting interests, or interests that appear to be conflicting, without the informed consent, in writing, of all relevant clients. Where such informed consent of a conflict is given by a lobbyist's clients, the lobbyist has a duty to disclose the conflict and the client consent to any government official that the lobbyist interacts with on that matter.

(ii) Duty of Disclosure:

1 A lobbyist shall inform his or her client of the lobbyist disclosure
2 duties pursuant to the Legislative Law and shall inform their client
3 about his or her duties pursuant to this code of conduct. A lobbyist
4 shall communicate with his or her client to identify, disclose, and
5 resolve any actual or appearances of a conflict of interest. A lobbyist
6 shall inform his or her client if any other person or entity is receiv-
7 ing a direct or indirect referral or consulting fee from the lobbyist
8 due to or in connection with the matter on which the lobbyist has been
9 retained and shall disclose the amount of such fee to his or her
10 client.

11 (iii) Duty to Provide Accurate Information:

12 A lobbyist shall not knowingly provide untruthful or deceptive infor-
13 mation to a government official or to a client and should endeavor to
14 provide factually correct, current, and accurate information to such
15 persons to the best of their knowledge, information, and belief. A
16 lobbyist shall use reasonable measures to verify the truth of the state-
17 ments and information that he or she provides both to clients and to
18 government officials. If a lobbyist is aware that information he or she
19 provided to a client or a government official is, or becomes, inaccurate
20 in a significant, relevant, and material way, a lobbyist has a duty to
21 promptly provide any relevant parties with corrected information. A
22 lobbyist shall act in a manner that is respectful to his or her clients
23 and to the government Institutions that he or she interacts with.

24 (iv) The joint commission on public ethics is authorized to issue
25 regulations to effectuate this section.

26 § 2. Subdivisions (c) and (d) of section 1-o of the legislative law,
27 as added by chapter 14 of the laws of 2007, are amended to read as
28 follows:

29 (c) In addition to any penalty contained in any other provision of
30 law, any lobbyist who knowingly and willfully violates any of the
31 provisions of the lobbyist code of conduct pursuant to section one-a of
32 this article shall be subject to a civil penalty not to exceed twenty-
33 five thousand dollars for the first offense; for any subsequent offense,
34 the lobbyist may be barred from engaging in lobbying activities for a
35 minimum of six months and a maximum of five years.

36 (d) (i) Any assessment or order to debar shall be determined only
37 after a hearing at which the party shall be entitled to appear, present
38 evidence and be heard. Any assessment or order to debar pursuant to this
39 section may only be imposed after the commission sends by certified and
40 first-class mail written notice of intent to assess a penalty or order
41 to debar and the basis for the penalty or order to debar. Any assessment
42 may be recovered in an action brought by the attorney general.

43 (ii) In assessing any fine or penalty pursuant to this section, the
44 commission shall consider: (A) as a mitigating factor that the lobbyist,
45 public corporation or client has not previously been required to regis-
46 ter, and (B) as an aggravating factor that the lobbyist, public corpo-
47 ration or client has had fines or penalties assessed against it in the
48 past. The amount of compensation expended, incurred or received shall be
49 a factor to consider in determining a proportionate penalty.

50 (iii) Any lobbyist, public corporation or client who receives a notice
51 of intent to assess a penalty for knowingly and wilfully failing to file
52 a report or statement pursuant to subdivision (b) of this section and
53 who has never previously received a notice of intent to assess a penalty
54 for failing to file a report or statement required under this section
55 shall be granted fifteen days within which to file the statement of
56 registration or report without being subject to the fine or penalty set

1 forth in subdivision (b) of this section. Upon the failure of such
2 lobbyist, public corporation or client to file within such fifteen day
3 period, such lobbyist, public corporation or client shall be subject to
4 a fine or penalty pursuant to subdivision (b) of this section.

5 ~~[(d)]~~ (e) All moneys recovered by the attorney general or received by
6 the commission from the assessment of civil penalties authorized by this
7 section shall be deposited to the general fund.

8 § 3. This act shall take effect immediately.

9 PART X

10 Section 1. Section 5-212 of the election law is REPEALED and a new
11 section 5-212 is added to read as follows:

12 § 5-212. Motor vehicle registration. 1. In addition to any other meth-
13 od of voter registration provided for in this article, any qualified
14 person shall be automatically applied for registration and enrollment
15 simultaneously with and upon application for a motor vehicle driver's
16 license, a driver's license renewal, a change of address, or an iden-
17 tification card if such a card is issued by the department of motor
18 vehicles in its normal course of business unless such qualified person
19 declines such application for registration and enrollment at the time of
20 making an application for such a motor vehicle driver's license, driv-
21 er's license renewal, a change of address, or an identification card if
22 such card is issued by the department of motor vehicles in its normal
23 course of business.

24 2. The department of motor vehicles, with the approval of the state
25 board of elections, shall design a form or forms that shall, in addition
26 to eliciting such information as may be required by the department of
27 motor vehicles for a driver's license, a driver's license renewal, a
28 change of address or an identification card, serve as an application for
29 registration and enrollment, or a registration necessitated by a change
30 of residence. Only one signature shall be required to meet the certif-
31 ication and attestation needs of the portion of the form pertaining to
32 the application for a driver's license, a driver's license renewal, a
33 change of address notification or an identification card, and the
34 portion of the form pertaining to voter registration and enrollment. The
35 cost of such forms shall be borne by the department of motor vehicles.

36 3. The voter registration portion of such form shall:

37 (a) not require any information that duplicates the information
38 required on the application for the driver's license, change of address,
39 or identification card portion and shall require only such additional
40 information as will enable election officials to assess the applicant's
41 eligibility to register to vote, to prevent duplicate registration, and
42 to administer voter registration and other parts of the election proc-
43 ess;

44 (b) include a statement of the eligibility requirements for voter
45 registration and shall require the applicant to attest by his or her
46 signature that he or she meets those requirements under penalty of
47 perjury unless such applicant declines such registration;

48 (c) inform the applicant, in print identical to that used in the
49 attestation section of the following:

50 (i) voter eligibility requirements;

51 (ii) penalties for submission of false registration application;

52 (iii) that the office where the applicant registers shall remain
53 confidential and that the voter's information shall be used only for
54 voter registration purposes;

1 (iv) if the applicant declines to register, such applicant's declina-
2 tion shall remain confidential and shall be used only for voter regis-
3 tration purposes;

4 (v) that if an applicant is a victim of domestic violence or stalking,
5 he or she may contact the state board of elections in order to receive
6 information regarding the address confidentiality program for victims of
7 domestic violence under section 5-508 of this article;

8 (d) include a box for the applicant to check to indicate whether the
9 applicant would like to decline to register to vote along with the
10 statement in prominent type, "IF YOU DO NOT CHECK THIS BOX, YOU PROVIDE
11 YOUR SIGNATURE ON THE SPACE PROVIDED BELOW, AND YOU ARE AT LEAST 18
12 YEARS OF AGE OR OLDER, YOU WILL HAVE ATTESTED TO YOUR ELIGIBILITY TO
13 REGISTER TO VOTE AND YOU WILL HAVE APPLIED TO REGISTER TO VOTE.";

14 (e) include a space for the applicant to indicate his or her choice of
15 party enrollment, with a clear alternative provided for the applicant to
16 decline to affiliate with any party;

17 (f) include the statement, "If you would like help in filling out the
18 voter registration application form, we will help you. The decision
19 whether to seek or accept help is yours. You may fill out the applica-
20 tion form in private.";

21 (g) include the statement, "If you believe that someone has interfered
22 with your right to register or decline to register to vote, your right
23 to privacy in deciding whether to register or in applying to register to
24 vote, or your right to choose your own political party or other poli-
25 tical preference, you may file a complaint with the state board of
26 elections (address and toll free telephone number).";

27 (h) include a toll free number at the state board of elections that
28 can be called for answers to registration questions; and

29 (i) include any other information that is necessary to comply with the
30 requirements of the National Voter Registration Act.

31 4. The department of motor vehicles shall transmit that portion of the
32 form which constitutes the completed application for registration or
33 change of address form to the appropriate board of elections not later
34 than ten days after receipt except that all such completed applications
35 and forms received by such department between the thirtieth and twenty-
36 fifth day before an election shall be transmitted in such manner and at
37 such time as to assure their receipt by such board of elections not
38 later than the twentieth day before such election. All transmittals
39 shall include signatures. A digital image of a signature shall satisfy
40 this requirement.

41 5. Completed application forms received by the department of motor
42 vehicles not later than the twenty-fifth day before the next ensuing
43 primary, general, or special election and transmitted by such department
44 to the appropriate board of elections so that they are received not
45 later than the twentieth day before such election shall entitle the
46 applicant to vote in such election provided the board determines that
47 the applicant is otherwise qualified.

48 6. Disclosure of voter registration information, including a declina-
49 tion to register, by the department of motor vehicles, its agents or its
50 employees, for other than voter registration purposes, shall be deemed
51 an unwarranted invasion of personal privacy pursuant to the provisions
52 of subdivision two of section eighty-nine of the public officers law and
53 shall constitute a violation of this chapter.

54 7. Application forms shall be processed by the board of elections in
55 the manner prescribed by section 5-210 of this title or, if the appli-
56 cant is already registered to vote from another address in such county

1 or city, in the manner prescribed by section 5-208 of this title. The
2 board shall send the appropriate notice of approval or rejection as
3 required by either subdivision nine of such section 5-210 or subdivision
4 five of such section 5-208.

5 8. Strict neutrality with respect to a person's party enrollment shall
6 be maintained and all persons seeking voter registration forms and
7 information shall be advised that government services are not condi-
8 tioned on being registered to vote.

9 9. No statement shall be made nor any action taken to discourage the
10 applicant from registering to vote.

11 10. The department of motor vehicles shall provide to each person who
12 chooses to register to vote the same level of assistance provided to
13 persons in connection with the completion of the agency's requisite
14 information, unless such person refuses such assistance.

15 11. The state board of elections shall adopt such rules and regu-
16 lations as may be necessary to carry out the requirements of this
17 section. The state board of elections shall also adopt such rules and
18 regulations as may be necessary to require boards of elections and the
19 department of motor vehicles to provide the state board of elections
20 with such information and data as the state board of elections deems
21 necessary to assess compliance with this section and to compile such
22 statistics as may be required by the United State Election Assistance
23 Commission.

24 12. The state board of elections shall develop and distribute public
25 information and promotional materials relating to the purposes and
26 implementation of this program.

27 13. The state board of elections shall prepare and distribute to the
28 department of motor vehicles written instructions as to the implementa-
29 tion of the program and shall be responsible for establishing training
30 programs for employees of the department of motor vehicles involved in
31 such program.

32 14. The commissioner of motor vehicles shall take all actions that are
33 necessary and proper for the implementation of this section. The commis-
34 sioner of motor vehicles shall designate one person within the agency as
35 the agency voter registration coordinator who will, under the direction
36 of the state board of elections, be responsible for the voter registra-
37 tion program in such agency.

38 15. Notwithstanding subdivision six of section 5-210 of this title and
39 any other law to the contrary, a person who is ineligible to vote who
40 fails to decline to register to vote in accordance with the provisions
41 of this section and did not willfully or knowingly seek to register to
42 vote knowing that he or she is not eligible to do so; (a) shall not be
43 guilty of any crime as the result of the applicant's failure to make
44 such declination; (b) shall be deemed to have been registered with offi-
45 cial authorization; and (c) such act may not be considered as evidence
46 of a claim to citizenship.

47 16. Notwithstanding subdivision six of section 5-210 of this title and
48 any other law to the contrary, a person who is ineligible to vote who
49 fails to decline to register to vote in accordance with the provisions
50 of this section, who then either votes or attempts to vote in an
51 election held after the effective date of that person's registration,
52 and who did not willfully or knowingly seek to register to vote knowing
53 that he or she is not eligible to do so, and did not subsequently vote
54 or attempt to vote knowing that he or she is not eligible to do so, (a)
55 shall not be guilty of any crime as the result of the applicant's fail-
56 ure to make such declination and subsequent vote or attempt to vote; (b)

1 shall be deemed to have been registered with official authorization; and
2 (c) such act may not be considered as evidence of a claim to citizen-
3 ship.

4 17. Notwithstanding any other law to the contrary, the department of
5 motor vehicles shall not transmit to the board of elections any applica-
6 tion for registration or pre-registration for a person that is, by
7 virtue of data maintained by the department, demonstrably ineligible to
8 register or pre-register to vote by reason of age or not being a citizen
9 of the United States.

10 § 2. Paragraph (a) of subdivision 2 of section 5-712 of the election
11 law, as amended by chapter 200 of the laws of 1996, is amended to read
12 as follows:

13 (a) The board of elections shall also send a confirmation notice to
14 every registered voter for whom it receives a notice of change of
15 address to an address not in such city or county [~~which~~] that is not
16 signed by the voter. Such change of address notices shall include, but
17 not be limited to, notices of change of address received pursuant to
18 subdivision eleven of section 5-211 and subdivision [~~six~~] four of
19 section 5-212 of this article, notice of change of address from the
20 United States Postal Service through the National Change of Address
21 System or from any other agency of the federal government or any agency
22 of any state or local government and notice of a forwarding address on
23 mail sent to a voter by the board of elections and returned by the
24 postal service. Such confirmation notices shall be sent to such new
25 address.

26 § 3. Subdivision 5 of section 5-210 of the election law is amended by
27 adding a new paragraph (n) to read as follows:

28 (n) The form of application required by section 5-212 of this title
29 shall be deemed to meet the requirements of this section.

30 § 4. Subdivision 27 of section 1-104 of the election law is amended to
31 read as follows:

32 27. The term "personal application" means a signed writing [~~which~~]
33 that may be delivered by mailing [~~or~~], in person, or electronically.

34 § 5. This act shall take effect April 1, 2020.

35 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
36 sion, section or part of this act shall be adjudged by any court of
37 competent jurisdiction to be invalid, such judgment shall not affect,
38 impair, or invalidate the remainder thereof, but shall be confined in
39 its operation to the clause, sentence, paragraph, subdivision, section
40 or part thereof directly involved in the controversy in which such judg-
41 ment shall have been rendered. It is hereby declared to be the intent of
42 the legislature that this act would have been enacted even if such
43 invalid provisions had not been included herein.

44 § 3. This act shall take effect immediately provided, however, that
45 the applicable effective date of Parts A through X of this act shall be
46 as specifically set forth in the last section of such Parts.