

# STATE OF NEW YORK

1935

2019-2020 Regular Sessions

## IN SENATE

January 17, 2019

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

AN ACT to amend the election law, in relation to restricted government participant contribution periods

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

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

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

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

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

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

21 (d) "Business entity" shall mean a business corporation, professional  
22 services corporation, limited liability company, partnership, limited  
23 partnership, business trust, association or any other legal commercial  
24 entity organized under the laws of this state or any other state or  
25 foreign jurisdiction, including any subsidiary directly or indirectly

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

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1 controlled by the business entity, and any political organization,  
2 including but not limited to any political organization organized under  
3 section five hundred twenty-seven of the internal revenue code, that is  
4 directly or indirectly controlled by the business entity, and any owner,  
5 officer, director or partner of such business entity, or a relative of  
6 such person;

7 2. The "restricted participant contribution period" as used in this  
8 section shall:

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

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

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

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

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

1 candidate for an office of such governmental entity including to the  
2 authorized political committees of such office holder or candidate.

3 4. For purposes of this section, the assembly and senate shall be  
4 considered to be two separate and distinct governmental entities when a  
5 posting or solicitation for procurement is issued by only one respective  
6 house.

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

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

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

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

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