STATE OF NEW YORK

3983

2019-2020 Regular Sessions

IN SENATE

February 22, 2019

Introduced by Sens. KRUEGER, SERRANO -- 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 increasing penalties for certain violations

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

Section 1. Section 14-126 of the election law, as amended by section 6 of subpart C of part H of chapter 55 of the laws of 2014, subdivision 1 as separately amended by section 1 of subpart B of part H of chapter 55 of the laws of 2014, subdivision 3 as amended and subdivision 7 as added by section 12 of part JJJ of chapter 59 of the laws of 2018, and subdivision 3-a as added by section 11 of part A of chapter 286 of the laws of 2016, is amended to read as follows:

§ 14-126. Violations; penalties. 1. (a) Any person who fails to file a statement required to be filed by this article shall be subject to a civil penalty, not in excess of one thousand dollars, to be recoverable in a special proceeding or civil action to be brought by the chief enforcement counsel pursuant to section 16-114 of this chapter. Any person who, three or more times within a given election cycle for such term of office, fails to file a statement or statements required to be filed by this article, shall be subject to a civil penalty, not in excess of ten thousand dollars, to be recoverable as provided for in this subdivision.

(b) All payments received by the state board of elections pursuant to this section shall be retained in the appropriate accounts as designated by the division of the budget for enforcement activities by the board of elections.

2. Any person who, acting as or on behalf of a candidate or political committee, under circumstances evincing an intent to violate such law, unlawfully accepts a contribution in excess of a contribution limitation established in this article, shall be required to refund such excess

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

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amount and shall be subject to a civil penalty equal to the excess amount plus a fine of up to ten thousand dollars, to be recoverable in a special proceeding or civil action to be brought by the state board of elections chief enforcement counsel.

3. Any person who falsely identifies or knowingly fails to identify any independent expenditure as required by subdivision two of section 14-107 of this article shall be subject to a civil penalty up to one thousand dollars or up to the cost of the communication, whichever is greater, in a special proceeding or civil action brought by the state board of elections chief enforcement counsel pursuant to paragraph (a) of subdivision five of section 3-104 of this chapter. For purposes of this subdivision, the term "person" shall mean a person, group of persons, corporation, unincorporated business entity, labor organization or business, trade or professional association or organization or political committee.

[~~3-a. Any person who, acting as or on behalf of an independent expenditure committee or a political action committee, knowingly and willfully violates the provisions of section 14-107-a of this article shall be subject to a civil penalty, up to one thousand dollars or up to the cost of the communication, whichever is greater, to be recoverable in a special proceeding or civil action to be brought by the state board of elections.~~]

4. **Any person who, acting as or on behalf of a candidate or political committee, under circumstances evincing an intent to violate such law, unlawfully (a) expends campaign funds for a personal use in violation of this article, or (b) conducts activities prohibited by this article, shall be subject to a civil penalty, not in excess of ten thousand dollars, to be recoverable in a special proceeding or civil action to be brought by the state board of elections.**

5. Any person who knowingly and willfully fails to file a statement required to be filed by this article within ten days after the date provided for filing such statement or any person who knowingly and willfully violates any other provision of this article shall be guilty of a misdemeanor.

[~~5.~~] **6.** Any person who knowingly and willfully contributes, accepts or aids or participates in the acceptance of a contribution in an amount exceeding an applicable maximum specified in this article shall be guilty of a class A misdemeanor.

[~~6.~~] **7.** Any person who shall, acting on behalf of a candidate or political committee, knowingly and willfully solicit, organize or coordinate the formation of activities of one or more unauthorized committees, make expenditures in connection with the nomination for election or election of any candidate, or solicit any person to make any such expenditures, for the purpose of evading the contribution limitations of this article, shall be guilty of a class E felony.

8. Any person who, under circumstances evincing an intent to violate this article, establishes a partnership for the sole purpose of evading the contribution limits that would otherwise apply to that individual in violation of subdivision two of section 14-120 of this title shall be subject to a civil penalty equal to two times the amount contributed by the partnership in excess of the contribution limits that would otherwise apply to that individual plus a fine of up to ten thousand dollars, to be recoverable in a special proceeding or civil action to be brought by the state board of elections.

9. Any person who, under circumstances evincing an intent to violate this article, establishes a limited liability company for the sole

purpose of evading the contribution limits that would otherwise apply to that individual in violation of section 14-120 of this title shall be subject to a civil penalty equal to two times the amount contributed by the limited liability company in excess of the contribution limits that would otherwise apply to that individual plus a fine of up to ten thousand dollars, to be recoverable in a special proceeding or civil action to be brought by the state board of elections.

[~~7.~~] **10.** Any online platform that fails to comply with the requirements of section 14-107-b of this article shall be subject to a civil penalty up to one thousand dollars for each violation in a special proceeding or civil action brought by the state board of elections chief enforcement counsel pursuant to paragraph (a) of subdivision five of section 3-104 of this chapter.

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