

STATE OF NEW YORK

10210

IN ASSEMBLY

March 24, 2020

Introduced by M. of A. THIELE -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to requiring statements of campaign expenditure and contributions to be filed by candidates for district commissioner of a special district

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

1 Section 1. The town law is amended by adding a new article 12-D to
2 read as follows:

ARTICLE 12-D

STATEMENTS OF CAMPAIGN EXPENDITURES AND CONTRIBUTIONS

3 Section 209-t. Expenditure and contribution statement.

4 209-u. Times for filing statements.

5 209-v. Proceedings to compel filing of campaign expenditures and
6 contributions statements or corrected statements of
7 campaign expenditures and contributions.

8 209-w. Procedures.

9 § 209-t. Expenditure and contribution statement. 1. (a) Any candidate
10 for election for district commissioner of a special district, as defined
11 in subdivision sixteen of section one hundred two of the real property
12 tax law, shall file a sworn statement of campaign expenditures and
13 contributions with the state board of elections setting forth all moneys
14 and other valuables paid, given, expended or promised by such candidate
15 or incurred for or on behalf of such candidate with his or her approval
16 by any person, firm, association, or corporation to aid the nomination
17 or election of such candidate or to aid or influence the nomination or
18 defeat of any candidate to be voted for at the election. A candidate
19 for election for district commissioner of a special district shall not
20 be required to file such statement with the board of elections if the
21 candidate did not have any expenditures or whose only expenditures were
22 for personal use which when taken together with the total expenditures
23 incurred by others on his or her behalf and with his or her approval do
24 not exceed five hundred dollars and where the aggregate amount of all
25 contributions made to such candidate does not exceed five hundred
26
27

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

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1 dollars; provided, however, that such candidate shall file a sworn
2 statement with the board of elections stating that his or her election
3 expenditures did not exceed five hundred dollars and contributions
4 received by such candidate did not exceed five hundred dollars.

5 (b) Any campaign expenditures and contributions statements required to
6 be filed pursuant to paragraph (a) of this subdivision shall include:
7 the dollar amount of any receipt, contribution or transfer or the fair
8 market value of any non-monetary receipt, contribution or transfer; the
9 name and address of the transferor, contributor or person from whom such
10 contribution was received and where the transferor, contributor or
11 person is a political committee, as defined in subdivision one of
12 section 14-100 of the election law, the name of the committee and the
13 political unit represented by the committee; the date of receipt of such
14 contribution; the dollar amount of every expenditure; the name and
15 address of the person to whom such contribution was made or the name of
16 and the political unit represented by the committee to which such
17 contribution was made and the date thereof.

18 (c) No person shall make expenditures on behalf of a candidate without
19 the approval of the candidate unless such person or persons files a
20 sworn statement with the state board of elections stating that the
21 candidate did not approve such expenditure. Such expenditure shall be
22 limited to twenty-five dollars and shall not be included in determining
23 the five hundred dollars exemption authorized pursuant to paragraph (a)
24 of this subdivision.

25 2. For the purposes of this section, expenditures for personal use
26 shall have the same meaning as in section 14-130 of the election law.

27 § 209-u. Times for filing statements. 1. Campaign expenditures and
28 contributions statements required to be filed pursuant to section two
29 hundred nine-t of this article shall be filed in accordance with the
30 following schedule:

31 (a) The first statement shall be filed on or before the thirtieth day
32 next preceding the election to which such statement relates;

33 (b) A second statement shall be filed on or before the fifth day next
34 preceding the election to which such statement relates; and

35 (c) A third statement shall be filed within twenty days next succeed-
36 ing the election to which such statement relates.

37 3. Each statement shall be preserved by the board with which it is
38 required to be filed for a period of five years from the date of filing
39 thereof.

40 4. Each statement filed pursuant to paragraph (a) of subdivision one
41 of section two hundred nine-t of this article shall constitute a part of
42 the public records of such board and shall be open to public inspection.

43 5. Unless otherwise provided, each campaign expenditures and contrib-
44 utions statement shall cover the period up to and including the day next
45 preceding the day specified for the filing thereof pursuant to subdivi-
46 sion two of this section; provided, however, that any contribution or
47 loan in excess of one thousand dollars, if received after the close of
48 the period to be covered in the last statement filed before the election
49 but before such election, shall be reported, in the same manner as other
50 contributions, within twenty-four hours after receipt of such contrib-
51 ution.

52 6. Each statement shall include a summary of all expenditures,
53 contributions and other information reported in each previous statement,
54 provided, however, that data reported in a previous statement shall not
55 be required to be itemized in subsequent statements.

1 7. A statement shall be deemed properly filed when deposited in an
2 established post-office within the prescribed time, duly stamped, certi-
3 fied and directed to the officer or board with which such statement is
4 required to be filed. In the event a statement is not received by the
5 officer or board, such officer or board shall provide notice to the
6 candidate that the statement has not been received and the candidate
7 shall promptly file a duplicate statement with the officer or board.

8 § 209-v. Proceedings to compel filing of campaign expenditures and
9 contributions statements or corrected statements of campaign expendi-
10 tures and contributions. 1. The supreme court or a justice thereof, in a
11 proceeding instituted by any five qualified voters or by the candidate
12 voted for in the election for which campaign expenditures and contrib-
13 utions statements were required to be filed, may compel by order any
14 candidate required under the provisions of this article to file a
15 campaign expenditures and contributions statement who has not filed such
16 statement within the time prescribed by this article to file such state-
17 ment within five days after notice of such order.

18 2. The supreme court or a justice thereof, in a proceeding instituted
19 by any five qualified voters or by the candidate voted for in the
20 election for which campaign expenditures and contributions statements
21 were required to be filed, may compel by order any candidate or other
22 person or persons required under the provisions of this article to file
23 a campaign expenditures and contributions statement who has filed a
24 statement which does not conform to the requirements of this article in
25 respect to the truth, sufficiency in detail or other deficiency to file,
26 within five days' notice of the order, a new or supplemental statement
27 which makes the statement or statements true and complete. The state
28 board of elections shall be a necessary party in any such proceeding.

29 3. In every proceeding instituted under this section, the court may
30 confer immunity in accordance with the provisions of section 50.20 of
31 the criminal procedure law; provided, however, that no immunity shall be
32 conferred except upon twenty-four hours prior written notice to both the
33 attorney general and the appropriate district attorney having an offi-
34 cial interest therein.

35 § 209-w. Procedures. A special proceeding under the foregoing
36 provisions of this article shall be heard upon a verified petition and
37 such oral or written proof as may be offered, and, upon notice to such
38 officers, persons or candidates as the court, justice or judge shall
39 direct, shall be summarily determined.

40 § 2. This act shall take effect immediately.