STATE OF NEW YORK

2516

2019-2020 Regular Sessions

IN SENATE

January 25, 2019

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

AN ACT to amend the election law, the legislative law, the public officers law and the state finance law, in relation to the nomination and election of delegates to a constitutional convention

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

Section 1. Legislative findings. The legislature hereby finds and declares that the power of the people of this state to call a constitutional convention to periodically reevaluate their social contract is one of the great democratic mechanisms in existence. It is important, however, to ensure that the people of this state are fully represented and have fair access to this important process.

§ 2. Subdivision 1 and the opening paragraph and paragraph (h) of subdivision 2 of section 6-136 of the election law, subdivision 1 as amended by chapter 200 of the laws of 1996, the opening paragraph of subdivision 2 as amended by chapter 659 of the laws of 1994 and paragraph (h) of subdivision 2 as amended by chapter 79 of the laws of 1992, are amended and three new subdivisions 2-a, 4 and 5 are added to read as follows:

1. Petitions for any office to be filled by the voters of the entire state**, except the office of delegate-at-large to a convention to revise and amend the state constitution,** must be signed by not less than fifteen thousand or five per centum, whichever is less, of the then enrolled voters of the party in the state (excluding voters in inactive status), of whom not less than one hundred or five per centum, whichever is less, of such enrolled voters shall reside in each of one-half of the congressional districts of the state. **Petitions for the office of delegate-at-large to a convention to revise and amend the state constitution must be signed by not less than five thousand or two and one-half per centum, whichever is less, of such enrolled voters.**

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

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All other petitions, except petitions for the office of district delegate to a convention to revise and amend the state constitution, must be signed by not less than five per centum, as determined by the preceding enrollment, of the then enrolled voters of the party residing within the political unit in which the office or position is to be voted for (excluding voters in inactive status), provided, however, that for the following public offices the number of signatures need not exceed the following limits:

(h) For any office to be filed by all the voters of any state senatorial district, except the office of district delegate to a convention to revise and amend the state constitution, one thousand signatures;

2-a. Petitions for the office of district delegate to a convention to revise and amend the state constitution must be signed by not less than five hundred or two and one-half per centum, whichever is less, of the then enrolled voters of the party residing within the state senate district (excluding voters in inactive status).

4. If a petition of a candidate for the office of delegate to a convention to revise and amend the state constitution is rejected, such candidate shall be afforded seven business days to correct technical errors in filed petitions after the official filing of petition or, when the petition is the subject of a judicial challenge within seven business days after the commencement of the lawsuit.

5. The provisions of this section shall be liberally construed to avoid the disqualification of candidates to the maximum extent feasible, not inconsistent with substantial compliance therewith and the prevention of fraud. "Substantial compliance" within this section means actual compliance in respect to the substance essential to every reasonable objective of the statute. It means that a court should determine whether the statute has been followed sufficiently so as to carry out the intent for which it was adopted. Substantial compliance with a statute is not shown unless it is made to appear that the purpose of the statute is shown to have been served. What constitutes substantial compliance with a statute is a matter depending on the facts of each particular case.

§ 3. Section 7-104 of the election law is amended by adding two new subdivisions 9 and 10 to read as follows:

9. At a general election at which the names of candidates for delegate-at-large to a convention to revise and amend the state constitution appear on the ballot, each voter shall be entitled to vote for one candidate and the fifteen candidates statewide receiving the highest number of votes shall be elected to the office of delegate-at-large to such convention to revise and amend the state constitution.

10. At a general election at which the names of candidates for the office of district delegate to a convention to revise and amend the state constitution appear on the ballot of such district, each voter shall be entitled to vote for one candidate and the three candidates of such district receiving the highest number of votes shall be elected to the office of district delegates to such convention to revise and amend the state constitution.

§ 4. Subdivision 1 of section 14-114 of the election law is amended by adding a new paragraph b-1 to read as follows:

b-1. No contributor may make a contribution to any candidate or authorized committee of a candidate for an office or position subject to the provisions of this section who is also a candidate in the same election for the office of delegate-at-large or district delegate to a convention to revise and amend the state constitution, and no such

candidate or authorized committee of a candidate for delegate-at-large or district delegate may accept any contribution from any contributor which is in the aggregate amount, greater than the larger amount which may be contributed to such a candidate for delegate-at-large or district delegate to a convention to revise and amend the state constitution or such other office or position subject to the provisions of this section.

§ 5. Sections 14-100 through 14-132 of article 14 of the election law are designated title 1 and a new title heading is added to read as follows:

GENERAL CAMPAIGN RECEIPTS AND EXPENDITURES

§ 6. Article 14 of the election law is amended by adding a new title 2 to read as follows:

TITLE II
STATE PUBLIC FINANCING FOR THE ELECTION OF DELEGATES TO A CONVENTION TO REVISE AND AMEND THE STATE CONSTITUTION

Section 14-200. Definitions.
14-202. Eligibility.
14-204. Qualified campaign expenditures.
14-206. Optional public financing.
14-208. Contribution and receipt limitations.
14-210. Expenditure limitations.
14-212. Examinations and audits; repayments.
14-214. Penalties.
14-216. Civil penalties.

§ 14-200. Definitions. As used in this title, unless another meaning is clearly indicated:

1. The term "state board" shall mean the state board of elections.

2. The term "candidate" shall mean a candidate for nomination or election to the office of delegate-at-large to a convention to revise and amend the state constitution, or a candidate for nomination or election to the office of district delegate to a convention to revise and amend the state constitution.

3. The term "eligible candidate" shall mean a candidate who meets the requirements for eligibility in section 14-202 of this title.

4. The term "matchable contributions" shall mean that portion of the aggregate contributions made after the effective date of this title by natural persons resident in the state of New York to a candidate for nomination or election to any of the offices covered by the provisions of this title which do not exceed five hundred dollars, which have been reported in full by the candidate's authorized committee to the state board, including the contributor's full name and residential address and, with respect to contributions of more than one hundred dollars, the name and address of the contributor's employer. "Matchable contributions" shall be the net amount of any monetary contribution realized by a candidate or designated committee after deducting the reasonable value of any goods or services provided the contributor in connection with the contribution, except that contributions from any person who has received a payment or anything of value from such committee or from a person who is an officer, director or employee of, or a person who has a ten percent or greater ownership interest in any entity which has received such a payment or thing of value shall not be matchable. A loan may not

be treated as a matchable contribution. For purposes of this subdivision, a "contributor" shall be deemed to include the spouse and unemancipated children of any individual contributor.

5. The term "qualified campaign expenditure" shall mean an expenditure for which public funds may be used.

6. The term "fund" shall mean the New York state delegate to the constitutional convention campaign finance fund established in section eighty-five of the state finance law.

7. The term "threshold for eligibility" shall mean the amount of total matchable contributions that the authorized committee of an otherwise eligible candidate for election must receive in order to qualify for optional public financing pursuant to this title.

§ 14-202. Eligibility. 1. To be eligible for optional public financing under this title, a candidate for nomination or election must:

(a) Meet all the requirements of this chapter and other provisions of law to have his or her name on the ballot;

(b) Be a candidate as defined in section 14-200 of this title at a primary or general election and meet the threshold for eligibility set forth in subdivision two of this section;

(c) Elect to participate in the public funding provisions of this title not later than seven days after the last day to file designating petitions for the office such candidate is seeking;

(d) Agree to obtain and furnish to the state board any evidence it may reasonably request relating to his or her campaign expenditures or contributions and furnish such other proof of compliance with this title as may be requested by the state board;

(e) Have a single authorized political committee which he or she certifies as the authorized committee for the purposes of this title;

(f) Agree to identify accurately in all campaign materials the person or entity that paid for such campaign material; and

(g) Agree not to make expenditures for his or her designation, nomination or election to more than one office or position or any combination thereof on the ballot in the same election in which he or she is a candidate for the office of delegate-at-large or district delegate to a convention to revise and amend the state constitution, which in the aggregate, for all such offices and positions sought at the election, exceed the expenditure limitations established by this title for an eligible candidate.

2. The threshold for eligibility for public funding for candidates in a primary or general election for the following offices shall be:

(a) A candidate for delegate-at-large to a convention to revise and amend the state constitution in a primary election or a candidate for delegate-at-large to a convention to revise and amend the state constitution in a general election. Not less than seventy-five thousand dollars in matchable contributions including at least five hundred such contributions of ten dollars or more or one-half of the expenditure limit, whichever is less.

(b) District delegate to a convention to revise and amend the state constitution in a primary or general election. Not less than seven thousand five hundred dollars in matchable contributions including at least twenty-five such contributions of ten dollars or more from residents of the district in which the seat is to be filled or one-half of the expenditure limit, whichever is less.

3. In order to be eligible to receive public funds in a primary election, a candidate must agree that in the event such candidate is a candidate for such office in the general election in such year, such

candidate will be bound by the provisions of this title and section eighty-five of the state finance law, including, but not limited to, the receipt and expenditure limits of this title.

4. Candidates for district delegate who are contested in a primary election and who do not seek public funds shall not be eligible for public funds for the general election in that year.

5. Candidates who are unopposed in a general election shall not be eligible to receive public funds.

6. No candidate for election to an office in a primary or general election who has qualified for public funds shall receive such public funds unless at least one other candidate for such office in such election also qualified to receive public funds or at least one other candidate for such office in such election and such candidate's authorized committee have spent, or contracted or obligated to spend, or have received in loans or contributions an amount exceeding ten percent of the expenditure limit for such office in such election which is fixed by this title for candidates who have elected to accept such public funds. If a candidate for an office and the authorized committee of such candidate reaches the threshold to qualify to receive public funds, or spends or contracts or obligates to spend, or receives in loans or contributions, an amount exceeding ten percent of the expenditure limit for such office in such election at any time after the filing deadline for the last report required to be filed before the first distribution of public funds for such election, such candidate or committee must notify the state board of that fact within forty-eight hours by express mail.

§ 14-204. Qualified campaign expenditures. 1. Public funds provided under the provisions of this title and section eighty-five of the state finance law may only be used for expenditures by any one committee authorized by the candidate to make expenditures on such candidate's behalf, to further the candidate's nomination or election during the calendar year in which the primary or general election in which the candidate seeking nomination or election is held, for services, materials, facilities or other things of value used during that year. The total of all expenditures made by the candidate and such candidate's authorized committee, including all payments received from the fund, shall not exceed the expenditure limitations established in section 14-210 of this title, except insofar as such payments are made to repay loans used to pay campaign expenditures.

2. Such public funds may not be used for:

(a) An expenditure in violation of any law of the United States or of this state;

(b) Payments or anything of value given or made to the candidate, a relative of the candidate, or to a business entity in which any such person has a ten percent or greater ownership interest or of which any such person is an officer, director or employee;

(c) Payment in excess of the fair market value of services, materials, facilities or other things of value received in exchange;

(d) Any expenditure made after the candidate, or the only remaining opponent of the candidate, has been disqualified or had such candidate's petitions declared invalid by a board of elections or a court of competent jurisdiction until and unless such finding is reversed by a higher authority. This paragraph shall not apply to a candidate entitled to expend public funds pursuant to the provisions of subdivision three of section 14-206 of this title;

(e) Any expenditure made to challenge the validity of any petition of designation or nomination or any certificate of nomination, acceptance, authorization, declination or substitution;

(f) Expenditure for noncampaign related food, drink or entertainment; and

(g) Gifts, except brochures, buttons, signs and other campaign material.

§ 14-206. Optional public financing. 1. Eligible candidates for nomination or election in primary and general elections may obtain payment to authorized committees from public funds for qualified campaign expenditures. No such public funds shall be paid to an authorized committee until the candidate has qualified as an eligible candidate and filed a sworn statement with the state board electing to receive public funds and agreeing to abide by the requirements of this title and section eighty-five of the state finance law. Payments shall not exceed the amounts specified in this title, and shall be made only in accordance with the provisions of this title and section eighty-five of the state finance law. Such payments may only be made to an eligible candidate's authorized committee. No public funds shall be used except as reimbursement or payment for qualified campaign expenditures actually and lawfully incurred or to repay loans used to pay qualified campaign expenditures.

2. (a) The authorized committee of each eligible candidate shall be entitled to payment for qualified campaign expenditures not to exceed one dollar for each one dollar of matchable contributions obtained and reported to the state board in accordance with the provisions of this title.

(b) However, if any candidate in any election for an office for which public funds are available pursuant to the provisions of this title and section eighty-five of the state finance law, elects not to accept such public funds and such candidate and such candidate's authorized committee spend or contract or obligate to spend, or receive in loans or contributions, an amount exceeding one-third of the expenditure limit for such office fixed by this title for candidates who have elected to accept such public funds, then the authorized committee of each eligible candidate for such office shall be entitled to payment for qualified campaign expenditures not to exceed two dollars for each such dollar of matchable contributions. If a candidate who elects not to accept such public funds, or the authorized committee of such a candidate, spends or contracts or obligates to spend, or receives in loans or contributions, an amount exceeding one-third of the expenditure limit for such office, such candidate or committee must notify the state board of the fact within forty-eight hours by express mail.

3. No candidate for nomination for an office who is unopposed in a primary election shall be entitled to payment from the fund for qualified campaign expenditures, unless there is a contest in such primary for the nomination of at least one other party for such office. Where there is such a contest, the authorized committee of an unopposed candidate for nomination may receive one-half of the payment provided in subdivision two of this section, provided that such candidate otherwise qualifies pursuant to the provisions of this title. Such payment may only be expended for property, services or facilities used on or before the date of such primary.

4. The total payments from the fund received by the authorized committee of any candidate, when added to the total of contributions received by such candidate and such candidate's authorized committee, may not

exceed the amount which may be expended by such candidate pursuant to the provisions of this title.

5. The state board shall promptly examine all reports of contributions to determine that, on their face, they meet the requirements for matchable contributions, and shall keep a record of such contributions.

6. The state board shall promulgate regulations for the certification for approval of payment by the New York state delegate to the constitutional convention campaign finance fund pursuant to section eighty-five of the state finance law of the sum of public funds that such candidate has qualified to receive from the New York state delegate to the constitutional convention campaign finance fund. These regulations shall include the promulgation and distribution of forms on which contributions and expenditures are to be reported, the periods during which such reports must be filed and the verification required. The state board shall endeavor to institute procedures which will make possible payment by the New York state delegate to the constitutional convention campaign finance fund within four business days after receipt of the required forms and verifications.

§ 14-208. Contribution and receipt limitations. 1. The following limitations apply to all contributions for those offices for which public funds are available pursuant to the provisions of this title and section eighty-five of the state finance law:

(a) In any primary or general election for a public office to be voted on by the voters of the entire state, no contributor may make a contribution to any candidate or authorized committee, and no candidate or authorized committee may accept any contribution from any contributor, which, in the aggregate amount, is greater than four thousand dollars. A candidate for delegate-at-large to a convention to revise and amend the state constitution in a general election who has elected to participate in the optional public financing provisions of this title may accept from one or more of the party committees or constituted committees of all the parties which have nominated such candidate, an amount which, in the aggregate, does not exceed one hundred thousand dollars. A candidate for delegate-at-large to a convention to revise and amend the state constitution in a general election who has elected not to participate in such optional public financing may accept from such party or constituted committee an amount, which in the aggregate, does not exceed fifty thousand dollars.

(b) In any primary or general election for district delegate to a convention to revise and amend the state constitution, no contributor may make a contribution to any candidate or authorized committee, and no candidate or authorized committee may accept any contribution from any contributor, which, in the aggregate amount, is greater than one thousand five hundred dollars, except that a candidate for district delegate to a convention to revise and amend the state constitution in a general election who has elected to participate in the optional public financing provisions of this title or such candidate's authorized committee may accept from one or more of the party or constituted committees of all of the parties which have nominated such candidate, an amount which in the aggregate does not exceed fifty thousand dollars. A candidate for district delegate to a convention to revise and amend the state constitution who has elected not to participate in such optional public financing may accept from such party or constituted committees an amount which, in the aggregate, does not exceed thirty thousand dollars.

(c) However, if any candidate elects not to accept such public funds and such candidate and such candidate's authorized committee spend or

contract or obligate to spend, or receive in loans or contributions, an amount exceeding one-third of the expenditure limit for such office fixed by this title for candidates who have elected to accept such public funds, contributors to those candidates for such office who have elected to receive public funds shall be allowed to contribute and such candidates or authorized committees shall be allowed to accept contributions from any contributor, which, in the aggregate, are twice the amount which would otherwise be allowed by paragraphs (a) and (b) of this subdivision, whichever is applicable. If a candidate who elects not to accept such public funds, and the authorized committee of such a candidate spends or contracts or obligates to spend, or receives in loans or contributions, an amount exceeding one-third of the expenditure limit for such office, such candidate or committee must notify the state board of that fact within forty-eight hours by express mail.

(d) Sixty days before an election at which a ballot question which asks the voters of the state if there shall be a convention to revise and amend the state constitution is on the ballot, the state board shall determine the percentage 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 at the end of two thousand one. The amount of each contribution limit fixed in this subdivision shall be adjusted by the amount of such percentage difference to the closest one hundred dollars by the state board, which shall forthwith issue a regulation setting forth 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.

2. A committee which has been authorized by a person who is a candidate for delegate-at-large or district delegate to a convention to revise and amend the state constitution in connection with such person's candidacy for another office or position may not be designated as the authorized committee for the election for delegate-at-large or district delegate to the convention to revise and amend the state constitution. Such committee may not contribute to such candidate and such candidate's authorized committee for the office of delegate-at-large or district delegate to a convention to revise and amend the state constitution any more than the contribution limit for such office established by this title, nor shall such other authorized committee transfer any money or thing of value to such candidate or the committee authorized by such candidate for the election for delegate-at-large or district delegate to a convention to revise and amend the state constitution.

3. Except for the limitations specifically set forth in this section, such eligible candidates shall be subject to the provisions of section 14-114 of this article.

§ 14-210. Expenditure limitations. 1. The following limitations apply to all expenditures by eligible candidates and their authorized committees receiving public funds pursuant to the provisions of this title and section eighty-five of the state finance law.

2. (a) In any primary election, expenditures by eligible candidates for delegate-at-large to a convention to revise and amend the state constitution and their authorized committees, including expenditures for nomination to any other office or position for which such person is a candidate at such election, shall not exceed the sum of seventy-five cents for each voter enrolled in the candidate's party in the state, or two hundred fifty thousand dollars, whichever is greater, and expenditures by eligible candidates for district delegate to a convention to

revise and amend the state constitution and their authorized committees shall not exceed the sum of one dollar and seventy-five cents for each voter enrolled in the candidate's party in the district in which such candidate is a candidate as determined by the records of the appropriate board or boards of election as of the last general election preceding the primary election, or fifteen thousand dollars, whichever is greater. However, such expenditures shall not exceed five hundred thousand dollars in a primary election for delegate-at-large to a convention to revise and amend the state constitution, and thirty thousand dollars in a primary election for district delegate to a convention to revise and amend the state constitution.

(b) In any general election, expenditures by eligible candidates for the following offices and their designated committees, including expenditures for election to any other office for which such person is a candidate at such election, shall not exceed the following amounts:

For a candidate for:	
delegate-at-large to a convention to revise and amend the state constitution	$1,500,000
district delegate to a convention to revise and amend the state constitution	$150,000

(c) However, if any candidate elects not to accept such public funds and such candidate and such candidate's authorized committee spend or contract or obligate to spend, or receive in loans or contributions, an amount exceeding one-third of the expenditure limit for such office fixed by paragraph (a) or (b) of this subdivision, whichever is applicable, for candidates who have elected to accept such public funds, there shall be no expenditure limit for those candidates for such office who have elected to receive public funds. If a candidate who elects not to accept such public funds, and such candidate and the authorized committee of such a candidate spends or contracts or obligates to spend, or receives in loans or contributions, an amount exceeding one-third of the expenditure limit for such office, such candidate or committee must notify the state board of that fact within forty-eight hours by express mail.

(d) Candidates for office who are unopposed in the primary election may expend before the primary election, for services, materials or facilities used on or before the date of such primary election, an amount equal to half the sum such candidates would be entitled to spend if their nomination was contested in such primary election; provided that there is a contest in such primary for the nomination of at least one other party for such office.

(e) Expenditures for legal fees and expenses to defend the validity of petitions of designation or nomination or certificates of nomination, acceptance, authorization, declination or substitution, or to challenge successfully, any such petition or certificate on grounds of fraud and for expenses incurred to comply with the campaign finance reporting requirements of this article shall not be subject to the expenditure limits of this subdivision.

(f) Notwithstanding any expenditure limit in this subdivision, each county committee of any party which nominates a candidate for statewide

office, including any subcommittees of such a committee, may expend in support of each such candidate for statewide office of such party who has agreed to accept public financing, an amount which shall not exceed the sum of two cents for each voter registered in such county as determined by the records of the appropriate board of elections as of the preceding general election.

(g) Sixty days before an election at which a ballot question which asks the voters of the state if there shall be a convention to revise and amend the state constitution is on the ballot, the state board shall determine the percentage 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 at the end of two thousand one. The amount of each expenditure limit fixed in this subdivision shall be adjusted by the amount of such percentage difference to the closest one thousand dollars by the state board, which shall forthwith issue a regulation setting forth 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.

3. In computing the aggregate amount expended for purposes of this section, expenditures made by a committee in support of more than one candidate shall be allocated among such candidates supported by the committee in accordance with formulas promulgated by the state board or, in the absence of such official formulas, in accordance with any formula based upon reasonable standards. The statements filed by such committee in accordance with this chapter shall set forth, in addition to the other information required, the total amount expended by the committee on behalf of all such candidates and the amount allocated to each candidate by dollar amount and percentage. Expenditures by a state or other committee of a political party for activities which do not support or oppose the election of any candidate or candidates by name or by clear inference shall not be regarded as expenditures on behalf of or in opposition to a candidate.

§ 14-212. Examinations and audits; repayments. 1. The state board shall conduct a thorough examination and audit of the contributions and qualified campaign expenses of the authorized committee of every eligible candidate who received payments pursuant to section 14-206 of this title.

2. (a) If the state board determines that any portion of the payment made to such authorized committee from the fund was in excess of the aggregate amount of payments to which such eligible candidate was entitled pursuant to section 14-206 of this title, it shall notify such committee, and such committee shall pay to the state board an amount equal to the amount of excess payments.

(b) If the state board determines that any amount of payment made to an authorized committee of an eligible candidate from the fund was used for purposes other than to defray qualified campaign expenses, it shall notify the said authorized committee of the amount disqualified, and the said authorized committee shall pay to the state board an amount equal to such disqualified amount.

(c) If the total of contributions and payments from the fund received by any candidate and such candidate's authorized committee exceeds the campaign expenditures of such candidate and committee, such candidate and committee shall use such excess funds to reimburse the fund for payments received by such committee from the fund not later than ten days after all liabilities have been paid and in any event, not later

than March thirty-first of the year following the year of the election for which such payments were intended. No such excess funds shall be used for any other purpose, unless the total amount due the fund from such candidate and committee has been repaid.

3. If a court of competent jurisdiction disqualifies a candidate whose authorized committee has received public funds on the grounds that such candidate committed fraudulent acts in order to obtain a place on the ballot and such decision is not reversed by a higher court, such candidate and such candidate's authorized committee shall pay to the state board an amount equal to the total of public funds received by such authorized committee.

4. All payments received by the state board pursuant to this section shall be deposited in the New York state delegate to the constitutional convention campaign finance fund.

§ 14-214. Penalties. 1. Any person who knowingly and willfully fails to file a statement required to be filed by this title or the rules or regulations of the state board in implementation thereof within five days after the date provided for filing such statement, or any person who knowingly and willfully violates any other provision of this title or of section eighty-five of the state finance law shall be guilty of a class A misdemeanor, unless a greater penalty is specifically prescribed in another applicable statute.

2. Any person who knowingly and willfully contributes or expends or aids or participates in the contribution or expenditure of funds in an amount exceeding an applicable maximum specified in this title, or who knowingly and willfully accepts or aids or participates in the acceptance of a contribution in an amount exceeding an applicable maximum specified in this title shall be guilty of a class A misdemeanor.

3. Any person who knowingly and willfully neglects or refuses to furnish any information required or authorized by this title or by section eighty-five of the state finance law, or to exhibit records, papers or documents authorized by this title or by section eighty-five of the state finance law to be inspected or which are required to be exhibited, shall be guilty of a class A misdemeanor.

4. Any person who knowingly and willfully expends or aids or participates in the expenditure of funds for a purpose or in a manner which violates the provisions of this title, or which violates the provisions of section eighty-five of the state finance law, shall be guilty of a class A misdemeanor.

5. Any person who knowingly and willfully fails to return or aids or participates in the failure to return to the state board or to the New York state delegate to the constitutional convention campaign finance fund any funds required to be returned to such board or fund pursuant to the provisions of this title or section eighty-five of the state finance law shall be guilty of a class A misdemeanor.

6. Any person who furnishes any false, fictitious or fraudulent evidence, books or information to the state board of elections under this title or includes in any evidence, books, or information so furnished any misrepresentation of a material fact, or falsifies or conceals any evidence, books, or information relevant to any audit by the state board of elections or knowingly and willfully violates any other provision of this title or of section eighty-five of the state finance law shall be guilty of a class A misdemeanor.

7. The attorney general shall be primarily responsible for instituting and conducting prosecutions under this section. In such cases, the attorney general or the attorney general's deputy shall exercise all the

powers and perform all the duties which the district attorney would otherwise be authorized or required to exercise or perform; whenever any such prosecution is instituted by the attorney general, the district attorney shall only exercise such powers and perform such duties as are required of the district attorney by the attorney general or the deputy attorney general. Until and unless the attorney general exercises authority under this section, an otherwise authorized district attorney may institute and conduct a prosecution under this section.

8. Whenever the attorney general is authorized under this title to prosecute a criminal proceeding on behalf of the state board, the attorney general shall have the discretion to delegate the authority to initiate or conduct any such prosecution to the state board.

§ 14-216. Civil penalties. 1. Any person who fails to file a statement or record required to be filed by this title or the rules or regulations of the state board in implementation thereof shall be subject to a civil penalty, not in excess of one thousand dollars, to be recoverable in a civil action brought by the state board.

2. If the aggregate amount of expenditures by a candidate and such candidate's authorized committee exceeds the expenditure limitations contained in this title, such candidate shall be liable for a civil penalty in an amount equal to three times the sum by which such expenditures exceed the permitted amount.

§ 7. Paragraphs (ix) and (x) of subdivision (c) of section 1-c of the legislative law, as added by chapter 1 of the laws of 2005, are amended and a new paragraph (xi) is added to read as follows:

(ix) the adoption or rejection of any rule, regulation, or resolution having the force and effect of a local law, ordinance, resolution, or regulation; [~~or~~]

(x) the outcome of any rate making proceeding by any municipality or subdivision thereof[~~.~~]; or

(xi) the action or inaction of a delegate to a constitutional convention.

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

§ 1-f. [~~Monthly registration~~] Registration docket. 1. Monthly registration docket. It shall be the duty of the commission to compile a monthly docket of statements of registration containing all information required by section one-e of this article. Each such monthly docket shall contain all statements of registration filed during such month and all amendments to previously filed statements of registration. Copies shall be made available for public inspection.

2. Constitutional convention delegate contact log. From the date upon which the board of elections certifies the election of delegates to the constitutional convention to the date the constitutional convention is adjourned, each lobbyist, as defined by this article, shall file a log each week of all contacts with delegates to the constitutional convention. Such log of these contacts shall be submitted to the commission. The commission shall maintain a weekly docket which shall contain all logs, copies of which shall be open and available for inspection by the public.

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

(e) Any person who fails to file any log of contacts with delegates of the constitutional convention as required by this article shall be subject to a civil penalty, not in excess of twenty-five dollars for the first offense. Any person who knowingly and willfully fails to file any

log of contacts with delegates of the constitutional convention as required by this article shall be guilty of a class A misdemeanor for the second offense and each offense thereafter.

§ 10. The opening paragraph of paragraph (a) of subdivision 2 of section 73-a of the public officers law, as amended by section 5 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

Every statewide elected official, state officer or employee, member of the legislature, delegate to a constitutional convention, legislative employee and political party chairman and every candidate for statewide elected office or for member of the legislature or for delegate to a constitutional convention shall file an annual statement of financial disclosure containing the information and in the form set forth in subdivision three of this section. On or before the fifteenth day of May with respect to the preceding calendar year:

§ 11. The state finance law is amended by adding a new section 85 to read as follows:

§ 85. New York state delegate to the constitutional convention campaign finance fund. 1. There is hereby established a special fund, to be known as the New York state delegate to the constitutional convention campaign finance fund, in the joint custody of the state comptroller and the commissioner of taxation and finance. The moneys in such fund may be expended by the state board of elections only as payments for participating candidates in accordance with the provisions of title two of article fourteen of the election law.

2. The fund shall be kept separate from all other funds and shall be credited with all sums appropriated therefor, any donations received pursuant to subdivision five of this section and all earnings accruing on such funds.

3. As soon as practicable in the year two thousand twenty and in time for inclusion in the executive expense budget in every year thereafter, and at such other times as the state board of elections shall deem necessary, said board shall submit its estimate of the amount of public funds which will be necessary to provide candidates for delegates to the constitutional convention sufficient financing for elections in the next year in which elections are scheduled pursuant to law, and a reserve for contingencies. Such estimates shall be submitted in such manner and at such times as to ensure that such amounts as shall be necessary may be appropriated in full by the beginning of the fiscal year prior to that in which elections are scheduled pursuant to law and that additional amounts may be appropriated as necessary.

4. The moneys in such fund shall be paid to participating candidates by said board upon its certification that such candidates qualify for such funds.

5. Said board shall be empowered to accept donations to be credited to the fund. Said board may devise such methods of soliciting and collecting donations as it may deem feasible and appropriate.

§ 12. If any item, clause, sentence, subparagraph, subdivision, section, or any other part of this act, or the application thereof to any person or circumstances, is held to be invalid, such holding shall not affect, impair, or invalidate the remainder of this act, of the application of such section or part of a section held invalid, to any other person or circumstances, but shall be confined in its operation to the item, clause, sentence, subparagraph, subdivision, section, or other part of this act directly involved in such holding, or to the person and circumstances therein involved.

§ 13. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that the state commissioner of taxation and finance and the state comptroller may promulgate any rules, regulations and forms necessary for the implementation of section 85 of the state finance law, as added by section eleven of this act on or before the effective date of this act.