

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 Assem-
bly, do enact as follows:

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

8 § 14-126. Violations; penalties. 1. (a) Any person who fails to file a
9 statement required to be filed by this article shall be subject to a
10 civil penalty, not in excess of one thousand dollars, to be recoverable
11 in a special proceeding or civil action to be brought by the chief
12 enforcement counsel pursuant to section 16-114 of this chapter. Any
13 person who, three or more times within a given election cycle for such
14 term of office, fails to file a statement or statements required to be
15 filed by this article, shall be subject to a civil penalty, not in
16 excess of ten thousand dollars, to be recoverable as provided for in
17 this subdivision.

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

22 2. Any person who, acting as or on behalf of a candidate or political
23 committee, under circumstances evincing an intent to violate such law,
24 unlawfully accepts a contribution in excess of a contribution limitation
25 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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1 amount and shall be subject to a civil penalty equal to the excess
2 amount plus a fine of up to ten thousand dollars, to be recoverable in a
3 special proceeding or civil action to be brought by the state board of
4 elections chief enforcement counsel.

5 3. Any person who falsely identifies or knowingly fails to identify
6 any independent expenditure as required by subdivision two of section
7 14-107 of this article shall be subject to a civil penalty up to one
8 thousand dollars or up to the cost of the communication, whichever is
9 greater, in a special proceeding or civil action brought by the state
10 board of elections chief enforcement counsel pursuant to paragraph (a)
11 of subdivision five of section 3-104 of this chapter. For purposes of
12 this subdivision, the term "person" shall mean a person, group of
13 persons, corporation, unincorporated business entity, labor organization
14 or business, trade or professional association or organization or poli-
15 tical committee.

16 ~~[3-a. Any person who, acting as or on behalf of an independent expend-~~
17 ~~iture committee or a political action committee, knowingly and willfully~~
18 ~~violates the provisions of section 14-107-a of this article shall be~~
19 ~~subject to a civil penalty, up to one thousand dollars or up to the cost~~
20 ~~of the communication, whichever is greater, to be recoverable in a~~
21 ~~special proceeding or civil action to be brought by the state board of~~
22 ~~elections.]~~

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

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

35 ~~[5-]~~ 6. Any person who knowingly and willfully contributes, accepts or
36 aids or participates in the acceptance of a contribution in an amount
37 exceeding an applicable maximum specified in this article shall be guilty
38 of a class A misdemeanor.

39 ~~[6-]~~ 7. Any person who shall, acting on behalf of a candidate or poli-
40 tical committee, knowingly and willfully solicit, organize or coordinate
41 the formation of activities of one or more unauthorized committees, make
42 expenditures in connection with the nomination for election or election
43 of any candidate, or solicit any person to make any such expenditures,
44 for the purpose of evading the contribution limitations of this article,
45 shall be guilty of a class E felony.

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

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

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

8 [~~7.~~] 10. Any online platform that fails to comply with the require-
9 ments of section 14-107-b of this article shall be subject to a civil
10 penalty up to one thousand dollars for each violation in a special
11 proceeding or civil action brought by the state board of elections chief
12 enforcement counsel pursuant to paragraph (a) of subdivision five of
13 section 3-104 of this chapter.

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