

STATE OF NEW YORK

5149

2019-2020 Regular Sessions

IN SENATE

April 11, 2019

Introduced by Sen. BIAGGI -- 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 transition and inauguration receipts and expenditures

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 article 18 to
2 read as follows:

ARTICLE 18

TRANSITION AND INAUGURATION RECEIPTS AND EXPENDITURES

5 Section 18-100. Statements of receipts, contributions, transfers and
6 expenditures to transition and inauguration entities.

18-101. Penalties.

8 § 18-100. Statements of receipts, contributions, transfers and expend-
9 itures to transition and inauguration entities. 1. (a) An entity formed
10 for the purpose of accepting donations and loans, and for making expend-
11 itures for transition or inauguration into office shall file, at the
12 times prescribed by the board of elections, a statement with the board
13 setting forth all the receipts, contributions to and the expenditures by
14 and liabilities of the entity, and of its officers, members and agents
15 on its behalf. Such statements shall include the dollar amount of any
16 receipt, contribution or transfer, or the fair market value of any
17 receipt, contribution or transfer, which is other than of money, the
18 name and address of the transferor, contributor or person from whom
19 received, and if the transferor, contributor or person is a political
20 committee, the name of and the political unit represented by the commit-
21 tee, the date of its receipt, the dollar amount of every expenditure,
22 the name and address of the person to whom it was made or the name of
23 and the political unit represented by the committee to which it was made
24 and the date thereof, and shall state clearly the purpose of such
25 expenditure. Any statement reporting a loan shall have attached to it a

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

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1 copy of the evidence of indebtedness. Expenditures in sums under fifty
2 dollars need not be specifically accounted for by separate items in said
3 statements, and receipts and contributions aggregating not more than
4 ninety-nine dollars, from any one contributor need not be specifically
5 accounted for by separate items in said statements.

6 (b) Disclosure reports shall be submitted at such times and in such
7 form as the board of elections shall require and shall be clearly legi-
8 ble. The board of elections shall make available to the public a copy
9 of these disclosure reports within two business days after they are
10 accepted by the board of elections.

11 2. The final disclosure report submitted by such entity shall set
12 forth the disposition of any funds remaining after all liabilities are
13 paid, after which the entity shall be terminated. If an entity has funds
14 remaining after all liabilities have been paid, it shall return those
15 funds to one or more of the entity's donors, or if that is impractica-
16 ble, dispose of the funds in a manner set forth by the board of
17 elections.

18 § 18-101. Penalties. 1. Any candidate whose transition or inauguration
19 entity fails to file in a timely manner a statement or record required
20 to be filed by this article or the rules of the board of elections in
21 implementation thereof shall be subject to a civil penalty, not in
22 excess of one thousand dollars, to be recoverable in a special proceed-
23 ing or civil action to be brought by the chief enforcement counsel
24 pursuant to section 16-114 of this chapter.

25 2. Any person who knowingly and willfully fails to file a statement
26 required to be filed by this article within ten days after the date
27 provided for filing such statement or any person who knowingly and will-
28 fully violates any other provision of this article shall be guilty of a
29 class A misdemeanor.

30 3. Any person who, acting as or on behalf of a candidate or transition
31 or inauguration entity, under circumstances evincing an intent to
32 violate such law, unlawfully accepts a contribution in excess of a
33 contribution limitation established in this article, shall be required
34 to refund such excess amount and shall be subject to a civil penalty
35 equal to the excess amount plus a fine of up to ten thousand dollars, to
36 be recoverable in a special proceeding or civil action to be brought by
37 the state board of elections chief enforcement counsel.

38 4. Any person who knowingly and willfully contributes, accepts or aids
39 or participates in the acceptance of a contribution in an amount exceed-
40 ing an applicable maximum specified in this article shall be guilty of a
41 class A misdemeanor.

42 5. Any person who shall, acting on behalf of a candidate or transition
43 or inauguration entity, knowingly and willfully solicit, organize or
44 coordinate the formation of activities of one or more unauthorized
45 committees, make expenditures in connection with the transition or inau-
46 guration of any candidate, or solicit any person to make any such
47 expenditures, for the purpose of evading the contribution limitations of
48 this article, shall be guilty of a class E felony.

49 § 2. This act shall take effect on the fifteenth of December next
50 succeeding the date on which it shall have become a law. Effective imme-
51 diately, the addition, amendment and/or repeal of any rule or regulation
52 necessary for the implementation of this act on its effective date are
53 authorized to be made and completed on or before such effective date.