STATE OF NEW YORK

4554

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. LAWLER -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to public financing for state office; to repeal the title heading of title I and title II of the election law relating thereto; to repeal section 92-t and subdivision 5 of section 95 of the state finance law relating to the New York state campaign finance fund; and to repeal section 630-h of the tax law relating to the New York state campaign finance fund check-off

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

Section 1. The article heading of article 14 of the election law, as amended by section 1 of part ZZZ of chapter 58 of the laws of 2020, is amended to read as follows:

CAMPAIGN RECEIPTS AND EXPENDITURES [~~PUBLIC FINANCING~~]

§ 2. The title heading of title I and title II of article 14 of the election law are REPEALED.

§ 3. Subdivision 1 of section 14-114 of the election law, as amended by section 3 of part ZZZ of chapter 58 of the laws of 2020, is amended to read as follows:

1. The following limitations apply to all contributions to candidates for election to any public office or for nomination for any such office, or for election to any party positions, and to all contributions to political committees working directly or indirectly with any candidate to aid or participate in such candidate's nomination or election, other than any contributions to any party committee or constituted committee:

a. In any election for a public office to be voted on by the voters of the entire state, or for nomination to any such office, no contributor may make a contribution to any candidate or political committee, [~~participating in the state's public campaign financing system pursuant to title two of this article~~] and no [~~such~~] candidate or political committee may accept any contribution from any contributor, which is in

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

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the aggregate amount greater than [~~eighteen~~]: (i) in the case of any nomination to public office, the product of the total number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.005, but such amount shall be not less than four thousand dollars nor more than twelve thousand dollars [~~divided equally among the primary and general election in an election cycle~~] as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision, and (ii) in the case of any election to a public office, twenty-five thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by $.025.

b. In any other election for party position or for election to a public office or for nomination for any such office, no contributor may make a contribution to any candidate or political committee [~~participating in the state's public campaign financing system pursuant to title two of this article~~] and no [~~such~~] candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than election for party position, or for nomination to public office, the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.05, and (ii) in the case of any election for a public office, the product of the total number of registered voters in the district, excluding voters in inactive status, multiplied by $.05, however in the case of a nomination within the city of New York for the office of mayor, public advocate or comptroller, such amount shall be not less than four thousand dollars nor more than twelve thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election within the city of New York for the office of mayor, public advocate or comptroller, twenty-five thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of a nomination [~~or election~~] for state senator, [~~ten~~] four thousand dollars[~~, divided equally among the primary and general election in an election cycle~~] as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election for state senator, six thousand two hundred fifty dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election or nomination for a member of the assembly, [~~six thousand~~] twenty-five hundred dollars, [~~divided equally among the primary and general election in an election cycle~~] as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; but in no event shall any such maximum exceed fifty thousand dollars or be less than one thousand dollars; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any election

for party position or nomination for public office an amount equivalent to the number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.25 and in the case of any election to public office, an amount equivalent to the number of registered voters in the district, excluding voters in inactive status, multiplied by $.25; or twelve hundred fifty dollars, whichever is greater, or in the case of a nomination or election of a state senator, twenty thousand dollars, whichever is greater, or in the case of a nomination or election of a member of the assembly twelve thousand five hundred dollars, whichever is greater, but in no event shall any such maximum exceed one hundred thousand dollars.

c. [~~In any election for a public office to be voted on by the voters of the entire state, or for nomination to any such office, no contributor may make a contribution to any candidate or political committee in connection with a candidate who is not a participating candidate as defined in subdivision fourteen of section 14-200-a of this article, and no such candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than eighteen thousand dollars, divided equally among the primary and general election in an election cycle; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state, excluding voters in inactive status, multiplied by $.025.~~

~~d. In any nomination or election of a candidate who is not a participating candidate for state senator, ten thousand dollars, divided equally among the primary and general election in an election cycle; in the case of an election or nomination for a member of the assembly, six thousand dollars, divided equally among the primary and general election in an election cycle.~~

~~e.(1)~~] At the beginning of each fourth calendar year, commencing in nineteen hundred ninety-five, the state board shall determine the percentage of the 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 four years previously. 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, not later than the first day of February in each such year, shall issue a regulation publishing 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) Provided, however, that such adjustments shall not occur for candidates seeking statewide office, or the position of state senator or member of the assembly, whether such candidate does or does not participate in the public finance program established pursuant to title two of this article.~~

~~f. Notwithstanding any other contribution limit in this section, participating candidates as defined in subdivision fourteen of section~~

~~14-200-a of this article may contribute, out of their own money, three times the applicable contribution limit to their own authorized committee.~~]

§ 4. Section 92-t of the state finance law is REPEALED.

§ 5. Subdivision 5 of section 95 of the state finance law is REPEALED.

§ 6. Section 630-h of the tax law is REPEALED.

§ 7. Paragraph (a) of subdivision 9-A of section 3-102 of the election law, as amended by section 8 of part ZZZ of chapter 58 of the laws of 2020, is amended to read as follows:

(a) develop an electronic reporting system to process the statements of campaign receipts, contributions, transfers and expenditures required to be filed with any board of elections pursuant to the provisions of sections 14-102[~~,~~] **and** 14-104 [~~and 14-201~~] of this chapter;

§ 8. This act shall take effect immediately; provided, however, that sections one, two and three of this act shall take effect on the same date and in the same manner as part ZZZ of chapter 58 of the laws of 2020, as amended, takes effect.