

STATE OF NEW YORK

8182--A

2021-2022 Regular Sessions

IN ASSEMBLY

August 25, 2021

Introduced by M. of A. JACOBSON, GLICK, WALLACE, ZEBROWSKI, MAGNARELLI, MONTESANO, ENGLEBRIGHT, SIMON, GOTTFRIED, O'DONNELL -- Multi-Sponsored by -- M. of A. SALKA -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to recurring contributions solicited by a candidate, political campaign, political committee, party committee, or not-for-profit or for-profit entity

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 section
2 14-114-a to read as follows:

3 § 14-114-a. Recurring contributions. 1. Any candidate, political
4 campaign, political committee, party committee, not-for-profit entity,
5 or for-profit entity soliciting a recurring contribution to a political
6 campaign, political committee, or party committee shall receive the
7 affirmative consent of the contributor to make a recurring contribution
8 at the time of the initial contribution.

9 2. No solicitation of a contribution, whether electronically or by
10 paper, shall provide for recurring contributions as the default contribu-
11 tion. Passive action by the contributor, such as failing to uncheck a
12 pre-checked box authorizing a recurring contribution, shall not meet the
13 requirements of affirmative consent under this section.

14 3. All solicitations for contributions as described in subdivision one
15 of this section shall state that such contribution may be cancelled by
16 the contributor at any time.

17 4. Any candidate, political campaign, political committee, party
18 committee, not-for-profit entity, or for-profit entity accepting a
19 recurring contribution shall:

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

LBD11875-03-2

1 a. provide the contributor with a receipt for the initial contribution
2 and each recurring contribution that clearly and conspicuously discloses
3 all material terms of the contribution within twenty-four hours of the
4 initial contribution and each recurring contribution;

5 b. provide the contributor with all information needed to cancel
6 recurring contributions in each communication with the contributor with
7 respect to the recurring contribution and any solicitation for addi-
8 tional contributions; and

9 c. immediately cancel recurring contributions upon request of the
10 contributor.

11 5. Any entity that violates the provisions of this section shall
12 return the entire amount of contributions made, less the initial
13 installment of the contribution, and pay a civil fine equal to five
14 times the amount of the contribution to be refunded or one thousand
15 dollars, whichever is greater.

16 § 2. This act shall take effect immediately.