

STATE OF NEW YORK

3090

2021-2022 Regular Sessions

IN SENATE

January 27, 2021

Introduced by Sen. KAVANAGH -- 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 contribution activities by an intermediary

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

1 Section 1. This act shall be known and may be cited as the "Campaign
2 finance intermediary disclosure act".

3 § 2. Section 14-100 of the election law is amended by adding three new
4 subdivisions 1-a, 18 and 18-a to read as follows:

5 1-a. "authorized committee" means any political committee designated
6 by a candidate to receive contributions authorized by this article or to
7 aid such candidate or otherwise take part in elections on such candi-
8 date's behalf.

9 18. "intermediary" means an individual, corporation, partnership,
10 political committee, employee organization or other entity which:

11 (a) other than in the regular course of business as a postal, delivery
12 or messenger service, delivers any contribution from another person or
13 entity to a candidate, authorized committee or party committee; or

14 (b) solicits contributions to a candidate, authorized committee or
15 party committee where such solicitation is known to such candidate,
16 authorized committee or party committee. For purposes of this paragraph,
17 only persons clearly identified as the solicitor of a contribution to
18 the candidate, authorized committee or party committee shall be presumed
19 to be known to such candidate, authorized committee or party committee.

20 18-a. "intermediary" shall not include spouses, domestic partners,
21 parents, children or siblings of the person making such contribution, or
22 any employee or full-time volunteer campaign worker or commercial
23 fundraising firm retained by the candidate or the agents thereof.

24 § 3. The election law is amended by adding a new section 14-134 to
25 read as follows:

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

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1 § 14-134. Intermediaries. 1. Reports by intermediaries. For each
2 contribution delivered by an intermediary, such intermediary shall indi-
3 cate to the recipient candidate, authorized committee or party committee
4 the name and mailing address of the contributor, amount of the contrib-
5 ution, and the date the contribution was received by the intermediary.

6 2. Reports by recipient candidates, authorized committees or party
7 committees. Any candidate, authorized committee or party committee shall
8 report to the state board of elections any intermediary who delivers or
9 solicits contributions that in the aggregate equal or exceed five
10 hundred dollars. Such report shall include the name, mailing address,
11 occupation, employer and employer's address of such intermediary, which
12 contributions required to be itemized under section 14-102 of this arti-
13 cle the intermediary delivered or solicited, and the total monetary
14 value of contributions delivered or solicited by such intermediary.

15 3. Contributions delivered by an intermediary to a candidate, author-
16 ized committee or party committee in accordance with this section shall
17 be deemed to be contributions from the contributor only and shall not be
18 deemed to be contributions from the intermediary.

19 § 4. This act shall take effect January 14, 2023, provided that
20 section three of this act shall apply to any contribution received on or
21 after January 14, 2023; and provided, further, that contributions legal-
22 ly received prior to the effective date of this act may be retained and
23 expended for lawful purposes and shall not provide the basis for a
24 violation of article 14 of the election law, as amended by this act.
25 Effective immediately, the state board of elections is authorized to
26 promulgate any rules necessary to implement the provisions of this act
27 and shall notify all candidates and political committees of the applica-
28 ble provisions of this act on or before such effective date.