

# STATE OF NEW YORK

6932

2021-2022 Regular Sessions

## IN SENATE

May 20, 2021

Introduced by Sen. RATH -- 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 restricted government participant contribution periods

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 14-131  
2 to read as follows:

3 § 14-131. Government participant contributions. 1. For the purposes of  
4 this section the following terms shall have the following meanings:

5 (a) "Relative of any individual" shall mean any person living in the  
6 same household as the individual and any person who is a direct descend-  
7 ant of the grandparents of such individual or of the grandparents of  
8 such individual's spouse or the spouse of such descendants;

9 (b) "Licensing" shall mean any activity respecting the grant, denial,  
10 renewal, revocation, enforcement, suspension, annulment, withdrawal,  
11 recall, cancellation or amendment of a license, permit or other form of  
12 permission conferring the right or privilege to engage in (i) a profes-  
13 sion, trade, or occupation or (ii) any business or activity regulated by  
14 a regulatory agency of a city agency that in the absence of such  
15 license, permit or other form of permission would be prohibited;

16 (c) "Municipal agency" shall mean: (i) any department, board, bureau,  
17 commission, division, office, council, committee or officer of a munici-  
18 pality, whether permanent or temporary or (ii) an industrial development  
19 agency or local public benefit corporation as that term is defined in  
20 section sixty-six of the general construction law; and

21 (d) "Business entity" shall mean a business corporation, professional  
22 services corporation, limited liability company, partnership, limited  
23 partnership, business trust, association or any other legal commercial  
24 entity organized under the laws of this state or any other state or  
25 foreign jurisdiction, including any subsidiary directly or indirectly

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

LBD11616-01-1

1 controlled by the business entity, and any political organization,  
2 including but not limited to any political organization organized under  
3 section five hundred twenty-seven of the internal revenue code, that is  
4 directly or indirectly controlled by the business entity, and any owner,  
5 officer, director or partner of such business entity, or a relative of  
6 such person.

7 2. (a) It shall be unlawful during the restricted participant contrib-  
8 ution period for any person, organization, group of persons or business  
9 entity or any owner, director or officer, or their relative, of such  
10 business entity that submits an application for any grant or license, or  
11 a bid, quotation, offer, response or application to a state or local  
12 entity in response to a solicitation or request for proposal for  
13 procurement, construction, reconstruction or repair, to make a contrib-  
14 ution to any officeholder of the state or local governmental entity or  
15 entities responsible for, or responsible for choosing, directly or indi-  
16 rectly, the person or persons responsible for, issuing such posting,  
17 solicitation, license, request for proposal, evaluating such response,  
18 or responsible for approving or awarding the final procurement contract,  
19 license or grant, or to any candidate for an office of such governmental  
20 entity including to the authorized political committees of such office-  
21 holder or candidate.

22 (b) For purposes of this section the assembly and senate shall be  
23 considered to be two separate and distinct governmental entities when a  
24 posting or solicitation for procurement is issued by only one respective  
25 house.

26 (c) The state or local governmental entity directly responsible for  
27 issuing such posting or solicitation for procurement shall include a  
28 notice of the prohibition established by this section and the state  
29 governmental entity responsible for evaluating responses to such posting  
30 or solicitation shall provide, to any person, organization, group of  
31 persons, or business entity that submits a proposal in response to such  
32 posting or solicitation for procurement, a notice of the prohibition  
33 established by this section and the restricted vendor contribution peri-  
34 od commencement date.

35 3. The restricted participant contribution period described in this  
36 section shall commence, with respect to a specific person, organization,  
37 group of persons, or business entity that submits a bid, quotation,  
38 application, offer or response to the state or local governmental entity  
39 posting or solicitation, at the earliest of the date of application or  
40 bid, or the date of posting on a state or local governmental entity's  
41 website, in a newspaper of general circulation or in the procurement  
42 opportunities newsletter in accordance with article four-C of the  
43 economic development law of written notice, advertisement or sollicita-  
44 tion of a request for proposal, invitation for bids, or solicitations of  
45 proposals, or any other method provided for by law or regulation for  
46 soliciting a response from offerors intending to result in a procurement  
47 contract grant or license with a state or local governmental entity or  
48 the date of application. The restricted participant contribution period  
49 does not apply to a person, organization, group of persons or business  
50 entity that is responding to a state governmental entity's request for  
51 information or other informational exchanges occurring prior to such  
52 governmental entity's posting or solicitation for participation.

53 4. The restricted participation contribution period described in this  
54 section shall end with respect to a specific person, organization, group  
55 of persons, or business entity as provided in paragraph (a) or (b) of  
56 this subdivision.

1 (a) If the person, organization, group of persons, or business entity  
2 is the recipient of the final contract grant or license award, the  
3 restricted vendor contribution period shall end one year after the final  
4 contract grant or license award and approval by the state or local  
5 governmental entity and, where applicable, the state comptroller.

6 (b) If the person, organization, group of persons, or business entity  
7 is not the recipient of the final contract, license or grant award, the  
8 restricted vendor contribution period shall end with the final contrac-  
9 tor grant award and approval by the state or local governmental entity  
10 and, where applicable, the state comptroller, or the disapproval of the  
11 license or grant.

12 § 2. Section 14-126 of the election law is amended by adding a new  
13 subdivision 8 to read as follows:

14 8. (a) Any person, organization, group of persons, or business entity  
15 as that term is used in section 14-131 of this article, who, under  
16 circumstances evincing an intent to violate such law, makes a contrib-  
17 ution in contravention of section 14-131 of this article shall be  
18 subject to a civil penalty not to exceed the greater of ten thousand  
19 dollars or an amount equal to two hundred percent of the contribution,  
20 to be recoverable in a special proceeding or civil action to be brought  
21 by the state board of elections chief enforcement counsel.

22 (b) Any person who, acting as or on behalf of an officeholder, candi-  
23 date, or political committee, accepts a contribution in contravention of  
24 section 14-131 of this article shall be required to refund such contrib-  
25 ution.

26 § 3. This act shall take effect on the one hundred eightieth day after  
27 it shall have become a law.