

STATE OF NEW YORK

840

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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

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

18-101. Penalties.

5 § 18-100. Statements of receipts, contributions, transfers and expend-
6 itures to transition and inauguration entities. 1. (a) An entity formed
7 for the purpose of accepting donations and loans, and for making expend-
8 itures for transition or inauguration into office shall file, at the
9 times prescribed by the board of elections, a statement with the board
10 setting forth all the receipts, contributions to and the expenditures by
11 and liabilities of the entity, and of its officers, members and agents
12 on its behalf. Such statements shall include the dollar amount of any
13 receipt, contribution or transfer, or the fair market value of any
14 receipt, contribution or transfer, which is other than of money, the
15 name and address of the transferor, contributor or person from whom
16 received, and if the transferor, contributor or person is a political
17 committee, the name of and the political unit represented by the commit-
18 tee, the date of its receipt, the dollar amount of every expenditure,
19 the name and address of the person to whom it was made or the name of
20 and the political unit represented by the committee to which it was made
21 and the date thereof, and shall state clearly the purpose of such
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 expenditure. Any statement reporting a loan shall have attached to it a
2 copy of the evidence of indebtedness. Expenditures in sums under fifty
3 dollars need not be specifically accounted for by separate items in said
4 statements, and receipts and contributions aggregating not more than
5 ninety-nine dollars, from any one contributor need not be specifically
6 accounted for by separate items in said statements.

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

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

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

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

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

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

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

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