

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:

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

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

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6 election law are REPEALED.

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

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

16 a. In any election for a public office to be voted on by the voters of
17 the entire state, or for nomination to any such office, no contributor
18 may make a contribution to any candidate or political committee,
19 [~~participating in the state's public campaign financing system pursuant~~
20 ~~to title two of this article~~] and no [~~such~~] candidate or political
21 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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1 the aggregate amount greater than [~~eighteen~~]: (i) in the case of any
2 nomination to public office, the product of the total number of enrolled
3 voters in the candidate's party in the state, excluding voters in inac-
4 tive status, multiplied by \$.005, but such amount shall be not less than
5 four thousand dollars nor more than twelve thousand dollars [~~divided~~
6 ~~equally among the primary and general election in an election cycle~~] as
7 increased or decreased by the cost of living adjustment described in
8 paragraph c of this subdivision, and (ii) in the case of any election to
9 a public office, twenty-five thousand dollars as increased or decreased
10 by the cost of living adjustment described in paragraph c of this subdivi-
11 vision; provided however, that the maximum amount which may be so
12 contributed or accepted, in the aggregate, from any candidate's child,
13 parent, grandparent, brother and sister, and the spouse of any such
14 persons, shall not exceed in the case of any nomination to public office
15 an amount equivalent to the product of the number of enrolled voters in
16 the candidate's party in the state, excluding voters in inactive status,
17 multiplied by \$.025, and in the case of any election for a public
18 office, an amount equivalent to the product of the number of registered
19 voters in the state excluding voters in inactive status, multiplied by
20 \$.025.

21 b. In any other election for party position or for election to a
22 public office or for nomination for any such office, no contributor may
23 make a contribution to any candidate or political committee [~~participat-~~
24 ~~ing in the state's public campaign financing system pursuant to title~~
25 ~~two of this article~~] and no [~~such~~] candidate or political committee may
26 accept any contribution from any contributor, which is in the aggregate
27 amount greater than election for party position, or for nomination to
28 public office, the product of the total number of enrolled voters in the
29 candidate's party in the district in which he is a candidate, excluding
30 voters in inactive status, multiplied by \$.05, and (ii) in the case of
31 any election for a public office, the product of the total number of
32 registered voters in the district, excluding voters in inactive status,
33 multiplied by \$.05, however in the case of a nomination within the city
34 of New York for the office of mayor, public advocate or comptroller,
35 such amount shall be not less than four thousand dollars nor more than
36 twelve thousand dollars as increased or decreased by the cost of living
37 adjustment described in paragraph c of this subdivision; in the case of
38 an election within the city of New York for the office of mayor, public
39 advocate or comptroller, twenty-five thousand dollars as increased or
40 decreased by the cost of living adjustment described in paragraph c of
41 this subdivision; in the case of a nomination [~~or election~~] for state
42 senator, [~~ten~~] four thousand dollars [~~, divided equally among the primary~~
43 ~~and general election in an election cycle~~] as increased or decreased by
44 the cost of living adjustment described in paragraph c of this subdivi-
45 sion; in the case of an election for state senator, six thousand two
46 hundred fifty dollars as increased or decreased by the cost of living
47 adjustment described in paragraph c of this subdivision; in the case of
48 an election or nomination for a member of the assembly, [~~six thousand~~
49 twenty-five hundred dollars, [~~divided equally among the primary and~~
50 ~~general election in an election cycle~~] as increased or decreased by the
51 cost of living adjustment described in paragraph c of this subdivision;
52 but in no event shall any such maximum exceed fifty thousand dollars or
53 be less than one thousand dollars; provided however, that the maximum
54 amount which may be so contributed or accepted, in the aggregate, from
55 any candidate's child, parent, grandparent, brother and sister, and the
56 spouse of any such persons, shall not exceed in the case of any election

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

13 ~~c. [In any election for a public office to be voted on by the voters
14 of the entire state, or for nomination to any such office, no contribu-
15 tor may make a contribution to any candidate or political committee in
16 connection with a candidate who is not a participating candidate as
17 defined in subdivision fourteen of section 14-200-a of this article, and
18 no such candidate or political committee may accept any contribution
19 from any contributor, which is in the aggregate amount greater than
20 eighteen thousand dollars, divided equally among the primary and general
21 election in an election cycle, provided however, that the maximum amount
22 which may be so contributed or accepted, in the aggregate, from any
23 candidate's child, parent, grandparent, brother and sister, and the
24 spouse of any such persons, shall not exceed in the case of any nomi-
25 nation to public office an amount equivalent to the product of the
26 number of enrolled voters in the candidate's party in the state, exclud-
27 ing voters in inactive status, multiplied by \$.025, and in the case of
28 any election for a public office, an amount equivalent to the product of
29 the number of registered voters in the state, excluding voters in inac-
30 tive status, multiplied by \$.025.~~

31 ~~d. In any nomination or election of a candidate who is not a partic-
32 ipating candidate for state senator, ten thousand dollars, divided
33 equally among the primary and general election in an election cycle, in
34 the case of an election or nomination for a member of the assembly, six
35 thousand dollars, divided equally among the primary and general election
36 in an election cycle.~~

37 ~~e.(1)]~~ At the beginning of each fourth calendar year, commencing in
38 nineteen hundred ninety-five, the state board shall determine the
39 percentage of the difference between the most recent available monthly
40 consumer price index for all urban consumers published by the United
41 States bureau of labor statistics and such consumer price index
42 published for the same month four years previously. The amount of each
43 contribution limit fixed in this subdivision shall be adjusted by the
44 amount of such percentage difference to the closest one hundred dollars
45 by the state board which, not later than the first day of February in
46 each such year, shall issue a regulation publishing the amount of each
47 such contribution limit. Each contribution limit as so adjusted shall be
48 the contribution limit in effect for any election held before the next
49 such adjustment.

50 ~~[(2) Provided, however, that such adjustments shall not occur for
51 candidates seeking statewide office, or the position of state senator or
52 member of the assembly, whether such candidate does or does not partic-
53 ipate in the public finance program established pursuant to title two of
54 this article.~~

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

1 ~~14-200-a of this article may contribute, out of their own money, three~~
2 ~~times the applicable contribution limit to their own authorized commit-~~
3 ~~tee.]~~

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

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

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

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

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

14 § 8. This act shall take effect immediately; provided, however, that
15 sections one, two and three of this act shall take effect on the same
16 date and in the same manner as part ZZZ of chapter 58 of the laws of
17 2020, as amended, takes effect.