

# STATE OF NEW YORK

4927

2021-2022 Regular Sessions

## IN ASSEMBLY

February 9, 2021

Introduced by M. of A. SIMPSON -- read once and referred to the Committee on Election Law

AN ACT to amend the election law and the legislative law, in relation to campaign finance reform and legislative leadership position term limits

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 14-115  
2 to read as follows:

3 § 14-115. Restrictions on campaign contributions for individuals,  
4 businesses or corporations that were awarded contracts with the state or  
5 any municipal corporation. 1. Individuals, businesses or corporations  
6 that enter into a contract with this state or any municipal corporation  
7 shall be prohibited from making any contribution to any state official  
8 elected to public office or his or her family, any political committee  
9 defined under section 14-100 of this article or any independent expendi-  
10 ture as defined under section 14-107 of this article within one year of  
11 the contract being awarded to the person, business or corporation.

12 2. Individuals, businesses or corporations that submit a request for  
13 proposal with the state or any municipality in regard to a contract  
14 shall disclose in the proposal any campaign contributions made in the  
15 previous three hundred sixty-five days to any state official elected to  
16 public office or his or her family, any political committee or any inde-  
17 pendent expenditure and if the individual, business or corporation is  
18 awarded the contract, any state official elected to public office or his  
19 or her family, any political committee or any independent expenditure  
20 that received any campaign contributions from said individual, business  
21 or corporation shall refund the individual, business or corporation in  
22 full.

23 § 2. The legislative law is amended by adding a new section 5-b to  
24 read as follows:

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

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1 § 5-b. Legislative leadership position term limits. No member of the  
2 state legislature shall serve as an officer or in a special capacity  
3 position, as defined under section five-a of this article, for more than  
4 eight years.

5 § 3. Subdivision 1 of section 14-114 of the election law, as amended  
6 by chapter 79 of the laws of 1992, paragraphs a and b as amended by  
7 chapter 659 of the laws of 1994, is amended to read as follows:

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

14 a. In any election for a public office to be voted on by the voters of  
15 the entire state, or for nomination to any such office, no contributor  
16 may make a contribution to any candidate or political committee, and no  
17 candidate or political committee may accept any contribution from any  
18 contributor, which is in the aggregate amount greater than: (i) in the  
19 case of any nomination to public office, the product of the total number  
20 of enrolled voters in the candidate's party in the state, excluding  
21 voters in inactive status, multiplied by \$.005, but such amount shall be  
22 not less than four thousand dollars nor more than [~~twelve~~] ten thousand  
23 dollars as increased or decreased by the cost of living adjustment  
24 described in paragraph c of this subdivision, and (ii) in the case of  
25 any election to a public office, [~~twenty-five~~] ten thousand dollars [~~as~~  
26 ~~increased or decreased by the cost of living adjustment described in~~  
27 ~~paragraph c of this subdivision; provided however, that the maximum~~  
28 ~~amount which may be so contributed or accepted, in the aggregate, from~~  
29 ~~any candidate's child, parent, grandparent, brother and sister, and the~~  
30 ~~spouse of any such persons, shall not exceed in the case of any nomi-~~  
31 ~~nation to public office an amount equivalent to the product of the~~  
32 ~~number of enrolled voters in the candidate's party in the state, exclud-~~  
33 ~~ing voters in inactive status, multiplied by \$.025, and in the case of~~  
34 ~~any election for a public office, an amount equivalent to the product of~~  
35 ~~the number of registered voters in the state excluding voters in inac-~~  
36 ~~tive status, multiplied by \$.025].~~

37 b. In any other election for party position or for election to a  
38 public office or for nomination for any such office, no contributor may  
39 make a contribution to any candidate or political committee and no  
40 candidate or political committee may accept any contribution from any  
41 contributor, which is in the aggregate amount greater than[~~+(i) in the~~  
42 ~~case of any election for party position, or for nomination to public~~  
43 ~~office, the product of the total number of enrolled voters in the candi-~~  
44 ~~date's party in the district in which he is a candidate, excluding~~  
45 ~~voters in inactive status, multiplied by \$.05, and (ii) in the case of~~  
46 ~~any election for a public office, the product of the total number of~~  
47 ~~registered voters in the district, excluding voters in inactive status,~~  
48 ~~multiplied by \$.05,] ten thousand dollars, however in the case of a  
49 nomination within the city of New York for the office of mayor, public  
50 advocate or comptroller, such amount shall be not less than four thou-  
51 sand dollars nor more than [~~twelve~~] ten thousand dollars as increased or  
52 decreased by the cost of living adjustment described in paragraph c of  
53 this subdivision; in the case of an election within the city of New York  
54 for the office of mayor, public advocate or comptroller, [~~twenty-five~~]  
55 ten thousand dollars as increased or decreased by the cost of living  
56 adjustment described in paragraph c of this subdivision; in the case of~~

1 a nomination for state senator, four thousand dollars as increased or  
2 decreased by the cost of living adjustment described in paragraph c of  
3 this subdivision; in the case of an election for state senator, six  
4 thousand two hundred fifty dollars as increased or decreased by the cost  
5 of living adjustment described in paragraph c of this subdivision; in  
6 the case of an election or nomination for a member of the assembly,  
7 twenty-five hundred dollars as increased or decreased by the cost of  
8 living adjustment described in paragraph c of this subdivision; but in  
9 no event shall any such maximum exceed [~~fifty~~] ten thousand dollars or  
10 be less than one thousand dollars; provided however, that the maximum  
11 amount which may be so contributed or accepted, in the aggregate, from  
12 any candidate's child, parent, grandparent, brother and sister, and the  
13 spouse of any such persons, shall not exceed in the case of any election  
14 for party position or nomination for public office an amount equivalent  
15 to [~~the number of enrolled voters in the candidate's party in the~~  
16 ~~district in which he is a candidate, excluding voters in inactive~~  
17 ~~status, multiplied by \$.25 and in the case of any election to public~~  
18 ~~office, an amount equivalent to the number of registered voters in the~~  
19 ~~district, excluding voters in inactive status, multiplied by \$.25, or~~  
20 twelve hundred fifty dollars, [~~whichever is greater,~~] or in the case of  
21 a nomination or election of a state senator, [~~twenty~~] ten thousand  
22 dollars, [~~whichever is greater,~~] or in the case of a nomination or  
23 election of a member of the assembly [~~twelve~~] ten thousand [~~five~~  
24 ~~hundred~~] dollars, [~~whichever is greater,~~] but in no event shall any such  
25 maximum exceed [~~one hundred~~] ten thousand dollars.

26 c. At the beginning of each fourth calendar year, commencing in [~~nine-~~  
27 ~~teen hundred ninety five~~] two thousand twenty, the state board shall  
28 determine the percentage of the difference between the most recent  
29 available monthly consumer price index for all urban consumers published  
30 by the United States bureau of labor statistics and such consumer price  
31 index published for the same month four years previously. The amount of  
32 each contribution limit fixed in this subdivision shall be adjusted by  
33 the amount of such percentage difference to the closest one hundred  
34 dollars by the state board which, not later than the first day of Febru-  
35 ary in each such year, shall issue a regulation publishing the amount of  
36 each such contribution limit. Each contribution limit as so adjusted  
37 shall be the contribution limit in effect for any election held before  
38 the next such adjustment.

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

42 1. The following limitations apply to all contributions to candidates  
43 for election to any public office or for nomination for any such office,  
44 or for election to any party positions, and to all contributions to  
45 political committees working directly or indirectly with any candidate  
46 to aid or participate in such candidate's nomination or election, other  
47 than any contributions to any party committee or constituted committee:

48 a. In any election for a public office to be voted on by the voters of  
49 the entire state, or for nomination to any such office, no contributor  
50 may make a contribution to any candidate or political committee, partic-  
51 ipating in the state's public campaign financing system pursuant to  
52 title two of this article and no such candidate or political committee  
53 may accept any contribution from any contributor, which is in the aggre-  
54 gate amount greater than [~~eighteen~~] ten thousand dollars divided equally  
55 among the primary and general election in an election cycle[~~, provided~~  
56 ~~however, that the maximum amount which may be so contributed or~~

1 ~~accepted, in the aggregate, from any candidate's child, parent, grand-~~  
2 ~~parent, brother and sister, and the spouse of any such persons, shall~~  
3 ~~not exceed in the case of any nomination to public office an amount~~  
4 ~~equivalent to the product of the number of enrolled voters in the candi-~~  
5 ~~date's party in the state, excluding voters in inactive status, multi-~~  
6 ~~plied by \$.025, and in the case of any election for a public office, an~~  
7 ~~amount equivalent to the product of the number of registered voters in~~  
8 ~~the state excluding voters in inactive status, multiplied by \$.025].~~

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

50 c. In any election for a public office to be voted on by the voters of  
51 the entire state, or for nomination to any such office, no contributor  
52 may make a contribution to any candidate or political committee in  
53 connection with a candidate who is not a participating candidate as  
54 defined in subdivision fourteen of section 14-200-a of this article, and  
55 no such candidate or political committee may accept any contribution  
56 from any contributor, which is in the aggregate amount greater than

1 [~~eighteen~~ ten thousand dollars, divided equally among the primary and  
2 general election in an election cycle; provided however, that the maxi-  
3 mum amount which may be so contributed or accepted, in the aggregate,  
4 from any candidate's child, parent, grandparent, brother and sister, and  
5 the spouse of any such persons, shall not exceed in the case of any  
6 nomination to public office an amount equivalent to [~~the product of the~~  
7 ~~number of enrolled voters in the candidate's party in the state, exclud-~~  
8 ~~ing voters in inactive status, multiplied by \$.025, and in the case of~~  
9 ~~any election for a public office, an amount equivalent to the product of~~  
10 ~~the number of registered voters in the state, excluding voters in inac-~~  
11 ~~tive status, multiplied by \$.025] twelve hundred fifty dollars.~~

12 d. In any nomination or election of a candidate who is not a partic-  
13 ipating candidate for state senator, ten thousand dollars, divided  
14 equally among the primary and general election in an election cycle; in  
15 the case of an election or nomination for a member of the assembly, six  
16 thousand dollars, divided equally among the primary and general election  
17 in an election cycle.

18 e. (1) At the beginning of each fourth calendar year, commencing in  
19 [~~nineteen hundred ninety-five~~] two thousand twenty-four, the state board  
20 shall determine the percentage of the difference between the most recent  
21 available monthly consumer price index for all urban consumers published  
22 by the United States bureau of labor statistics and such consumer price  
23 index published for the same month four years previously. The amount of  
24 each contribution limit fixed in this subdivision shall be adjusted by  
25 the amount of such percentage difference to the closest one hundred  
26 dollars by the state board which, not later than the first day of Febru-  
27 ary in each such year, shall issue a regulation publishing the amount of  
28 each such contribution limit. Each contribution limit as so adjusted  
29 shall be the contribution limit in effect for any election held before  
30 the next such adjustment.

31 (2) Provided, however, that such adjustments shall not occur for  
32 candidates seeking statewide office, or the position of state senator or  
33 member of the assembly, whether such candidate does or does not partic-  
34 ipate in the public finance program established pursuant to title two of  
35 this article.

36 f. Notwithstanding any other contribution limit in this section,  
37 participating candidates as defined in subdivision fourteen of section  
38 14-200-a of this article may contribute, out of their own money, three  
39 times the applicable contribution limit to their own authorized commit-  
40 tee.

41 § 5. Subdivision 8 of section 14-114 of the election law, as amended  
42 by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the  
43 laws of 1978, is amended to read as follows:

44 8. a. Except as may otherwise be provided [~~for~~] by a candidate [~~and~~  
45 ~~his family~~] for his or her own campaign, no natural person may contrib-  
46 ute, loan or guarantee in excess of [~~one hundred fifty~~] ten thousand  
47 dollars within the state of New York in any calendar year in connection  
48 with the nomination or election of [~~persons to~~] candidates for state  
49 [~~and~~] or local public offices [~~and~~] or party positions [~~within the state~~  
50 ~~of New York in any one calendar year~~].

51 b. For the purposes of this subdivision "loan" or "guarantee" shall  
52 mean a loan or guarantee which is not repaid or discharged in the calen-  
53 dar year in which it is made.

54 § 6. Subdivision 10 of section 14-114 of the election law, as added by  
55 chapter 79 of the laws of 1992, is amended to read as follows:

1 10. a. No contributor may make a contribution to a party or consti-  
2 tuted committee and no such committee may accept a contribution from any  
3 contributor which, in the aggregate, is greater than [~~sixty-two~~] ten  
4 thousand [~~five hundred~~] dollars per annum.

5 b. At the beginning of each fourth calendar year, commencing in [~~nine-~~  
6 ~~teen hundred ninety-five~~] two thousand twenty-four, the state board  
7 shall determine the percentage of the difference between the most recent  
8 available monthly consumer price index for all urban consumers published  
9 by the United States bureau of labor statistics and such consumer price  
10 index published for the same month four years previously. The amount of  
11 such contribution limit fixed in paragraph a of this subdivision shall  
12 be adjusted by the amount of such percentage difference to the closest  
13 one hundred dollars by the state board which, not later than the first  
14 day of February in each such year, shall issue a regulation publishing  
15 the amount of such contribution limit. Such contribution limit as so  
16 adjusted shall be the contribution limit in effect for any election held  
17 before the next such adjustment.

18 § 7. This act shall take effect on the ninetieth day after it shall  
19 have become a law; provided, however, that section four of this act  
20 shall take effect on the same date and in the same manner as section 3  
21 of part ZZZ of chapter 58 of the laws of 2020, takes effect.