STATE OF NEW YORK

6402--A

2021-2022 Regular Sessions

IN ASSEMBLY

March 17, 2021

Introduced by M. of A. THIELE -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the town law, in relation to requiring statements of campaign expenditure and contributions to be filed by candidates for district commissioner of a special district

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

Section 1. The town law is amended by adding a new article 12-D to read as follows:

ARTICLE 12-D

STATEMENTS OF CAMPAIGN EXPENDITURES AND CONTRIBUTIONS

Section 209-t. Expenditure and contribution statement.
209-u. Times for filing statements.
209-v. Proceedings to compel filing of campaign expenditures and contributions statements or corrected statements of campaign expenditures and contributions.
209-w. Procedures.

§ 209-t. Expenditure and contribution statement. 1. (a) Any candidate for election for district commissioner of a special district, as defined in subdivision sixteen of section one hundred two of the real property tax law, shall file a sworn statement of campaign expenditures and contributions with the state board of elections setting forth all moneys and other valuables paid, given, expended or promised by such candidate or incurred for or on behalf of such candidate with his or her approval by any person, firm, association, or corporation to aid the nomination or election of such candidate or to aid or influence the nomination or defeat of any candidate to be voted for at the election. A candidate for election for district commissioner of a special district shall not be required to file such statement with the board of elections if the candidate did not have any expenditures or whose only expenditures were

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

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for personal use which when taken together with the total expenditures incurred by others on his or her behalf and with his or her approval do not exceed five hundred dollars and where the aggregate amount of all contributions made to such candidate does not exceed five hundred dollars; provided, however, that such candidate shall file a sworn statement with the board of elections stating that his or her election expenditures did not exceed five hundred dollars and contributions received by such candidate did not exceed five hundred dollars.

(b) Any campaign expenditures and contributions statements required to be filed pursuant to paragraph (a) of this subdivision shall include: the dollar amount of any receipt, contribution or transfer or the fair market value of any non-monetary receipt, contribution or transfer; the name and address of the transferor, contributor or person from whom such contribution was received and where the transferor, contributor or person is a political committee, as defined in subdivision one of section 14-100 of the election law, the name of the committee and the political unit represented by the committee; the date of receipt of such contribution; the dollar amount of every expenditure; the name and address of the person to whom such contribution was made or the name of and the political unit represented by the committee to which such contribution was made and the date thereof.

(c) No person shall make expenditures on behalf of a candidate without the approval of the candidate unless such person or persons files a sworn statement with the state board of elections stating that the candidate did not approve such expenditure. Such expenditure shall be limited to twenty-five dollars and shall not be included in determining the five hundred dollars exemption authorized pursuant to paragraph (a) of this subdivision.

2. For the purposes of this section, expenditures for personal use shall have the same meaning as in section 14-130 of the election law.

§ 209-u. Times for filing statements. 1. Campaign expenditures and contributions statements required to be filed pursuant to section two hundred nine-t of this article shall be filed in accordance with the following schedule:

(a) The first statement shall be filed on or before the thirtieth day next preceding the election to which such statement relates;

(b) A second statement shall be filed on or before the fifth day next preceding the election to which such statement relates; and

(c) A third statement shall be filed within twenty days next succeeding the election to which such statement relates.

3. Each statement shall be preserved by the board with which it is required to be filed for a period of five years from the date of filing thereof.

4. Each statement filed pursuant to paragraph (a) of subdivision one of section two hundred nine-t of this article shall constitute a part of the public records of such board and shall be open to public inspection.

5. Unless otherwise provided, each campaign expenditures and contributions statement shall cover the period up to and including the day next preceding the day specified for the filing thereof pursuant to subdivision two of this section; provided, however, that any contribution or loan in excess of one thousand dollars, if received after the close of the period to be covered in the last statement filed before the election but before such election, shall be reported, in the same manner as other contributions, within twenty-four hours after receipt of such contribution.

6. Each statement shall include a summary of all expenditures, contributions and other information reported in each previous statement, provided, however, that data reported in a previous statement shall not be required to be itemized in subsequent statements.

7. A statement shall be deemed properly filed when deposited in an established post-office within the prescribed time, duly stamped, certified and directed to the officer or board with which such statement is required to be filed. In the event a statement is not received by the officer or board, such officer or board shall provide notice to the candidate that the statement has not been received and the candidate shall promptly file a duplicate statement with the officer or board.

§ 209-v. Proceedings to compel filing of campaign expenditures and contributions statements or corrected statements of campaign expenditures and contributions. 1. The supreme court or a justice thereof, in a proceeding instituted by any five qualified voters or by the candidate voted for in the election for which campaign expenditures and contributions statements were required to be filed, may compel by order any candidate required under the provisions of this article to file a campaign expenditures and contributions statement who has not filed such statement within the time prescribed by this article to file such statement within five days after notice of such order.

2. The supreme court or a justice thereof, in a proceeding instituted by any five qualified voters or by the candidate voted for in the election for which campaign expenditures and contributions statements were required to be filed, may compel by order any candidate or other person or persons required under the provisions of this article to file a campaign expenditures and contributions statement who has filed a statement which does not conform to the requirements of this article in respect to the truth, sufficiency in detail or other deficiency to file, within five days' notice of the order, a new or supplemental statement which makes the statement or statements true and complete. The state board of elections shall be a necessary party in any such proceeding.

3. In every proceeding instituted under this section, the court may confer immunity in accordance with the provisions of section 50.20 of the criminal procedure law; provided, however, that no immunity shall be conferred except upon twenty-four hours prior written notice to both the attorney general and the appropriate district attorney having an official interest therein.

§ 209-w. Procedures. A special proceeding under the foregoing provisions of this article shall be heard upon a verified petition and such oral or written proof as may be offered, and, upon notice to such officers, persons or candidates as the court, justice or judge shall direct, shall be summarily determined.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.