

STATE OF NEW YORK

2899

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sen. KAVANAGH -- 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 decreasing contribution limitations

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

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

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

10 a. In any election for a public office to be voted on by the voters of
11 the entire state, or for nomination to any such office, no contributor
12 may make a contribution to any candidate or political committee, and no
13 candidate or political committee may accept any contribution from any
14 contributor, which is in the aggregate amount greater than: (i) in the
15 case of any nomination to public office, the product of the total number
16 of enrolled voters in the candidate's party in the state, excluding
17 voters in inactive status, multiplied by \$.005, but such amount shall be
18 not [~~less than four thousand dollars nor~~] more than [~~twelve~~] two thou-
19 sand eight hundred dollars as increased or decreased by the cost of
20 living adjustment described in paragraph c of this subdivision, and (ii)
21 in the case of any election to a public office, [~~twenty-five~~] not more
22 than two thousand eight hundred dollars as increased or decreased by the
23 cost of living adjustment described in paragraph c of this subdivision[~~;~~
24 ~~provided however, that the maximum amount which may be so contributed or~~
25 ~~accepted, in the aggregate, from any candidate's child, parent, grand-~~

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

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~~parent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by \$.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by \$.025].~~

b. In any other election for party position or for election to a public office or for nomination for any such office, no contributor may make a contribution to any candidate or political committee and no candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any election for party position, or for nomination to public office, the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by \$.05, and (ii) in the case of any election for a public office, the product of the total number of registered voters in the district, excluding voters in inactive status, multiplied by \$.05~~[-];~~ but in no event shall any such maximum exceed two thousand eight hundred dollars or be less than one thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; however in the case of a nomination or election within the city of New York for the office of mayor, public advocate ~~[or]~~, comptroller, borough president or member of the city council, such amount shall be ~~[not less than four thousand dollars nor more than twelve thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election within the city of New York for the office of mayor, public advocate or comptroller, twenty-five thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision]~~ equal to the contribution limits set forth in paragraph (f) of subdivision one of section 3-703 of the administrative code of the city of New York; provided however in the case of

a nomination or election for state senator, such amount shall be [four] not more than two thousand eight hundred dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; ~~[in the case of an election for state senator, six thousand two hundred fifty dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision;]~~ in the case of ~~[an election or]~~ a nomination or election for a member of the assembly, ~~[twenty-five hundred]~~ not more than two thousand eight hundred dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision~~[-; but in no event shall any such maximum exceed fifty thousand dollars or be less than one thousand dollars; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any election for party position or nomination for public office an amount equivalent to the number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by \$.25 and in the case of any election to public office, an amount equivalent to the number of registered voters in the district, excluding voters in inactive status, multiplied by \$.25; or twelve hundred fifty dollars, whichever is greater, or in the case of a nomination or election of a state senator, twenty thousand dollars, whichever is~~

~~greater, or in the case of a nomination or election of a member of the assembly twelve thousand five hundred dollars, whichever is greater, but in no event shall any such maximum exceed one hundred thousand dollars].~~

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

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

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

a. In any election for a public office to be voted on by the voters of the entire state, or for nomination to any such office, no contributor may make a contribution to any candidate or political committee, participating in the state's public campaign financing system pursuant to title two of this article and no such candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than eighteen thousand dollars divided equally among the primary and general election in an election cycle~~;~~ ~~provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by \$.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by \$.025].~~

b. In any other election for party position or for election to a public office or for nomination for any such office, no contributor may make a contribution to any candidate or political committee participating in the state's public campaign financing system pursuant to title two of this article and no such candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than election for party position, or for nomination to public office, the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by \$.05, and (ii) in the case of any election for a public office, the product of the total number of registered voters in the district, excluding voters in inactive status, multiplied by \$.05~~[.7]~~; but in no event shall any such maximum exceed two thousand eight hundred dollars or be less than one thousand dollars as

1 increased or decreased by the cost of living adjustment described in
2 paragraph e of this subdivision; however in the case of a nomination or
3 election within the city of New York for the office of mayor, public
4 advocate [~~or~~], comptroller, borough president or member of the city
5 council, such amount shall be [~~not less than four thousand dollars nor~~
6 ~~more than twelve thousand dollars as increased or decreased by the cost~~
7 ~~of living adjustment described in paragraph c of this subdivision]~~ equal
8 to the contribution limits set forth in paragraph (f) of subdivision one
9 of section 3-703 of the administrative code of the city of New York; [~~in~~
10 ~~the case of an election within the city of New York for the office of~~
11 ~~mayor, public advocate or comptroller, twenty five thousand dollars as~~
12 ~~increased or decreased by the cost of living adjustment described in~~
13 ~~paragraph c of this subdivision;~~] provided however, in the case of a
14 nomination or election for state senator, ten thousand dollars, divided
15 equally among the primary and general election in an election cycle; in
16 the case of an election or nomination for a member of the assembly, six
17 thousand dollars, divided equally among the primary and general election
18 in an election cycle[~~;~~ ~~provided however, that the maximum amount which~~
19 ~~may be so contributed or accepted, in the aggregate, from any candi-~~
20 ~~date's child, parent, grandparent, brother and sister, and the spouse of~~
21 ~~any such persons, shall not exceed in the case of any election for party~~
22 ~~position or nomination for public office an amount equivalent to the~~
23 ~~number of enrolled voters in the candidate's party in the district in~~
24 ~~which he is a candidate, excluding voters in inactive status, multiplied~~
25 ~~by \$.25 and in the case of any election to public office, an amount~~
26 ~~equivalent to the number of registered voters in the district, excluding~~
27 ~~voters in inactive status, multiplied by \$.25; or twelve hundred fifty~~
28 ~~dollars, whichever is greater, or in the case of a nomination or~~
29 ~~election of a state senator, twenty thousand dollars, whichever is~~
30 ~~greater, or in the case of a nomination or election of a member of the~~
31 ~~assembly twelve thousand five hundred dollars, whichever is greater, but~~
32 ~~in no event shall any such maximum exceed one hundred thousand dollars]~~.

33 c. In any election for a public office to be voted on by the voters of
34 the entire state, or for nomination to any such office, no contributor
35 may make a contribution to any candidate or political committee in
36 connection with a candidate who is not a participating candidate as
37 defined in subdivision fourteen of section 14-200-a of this article, and
38 no such candidate or political committee may accept any contribution
39 from any contributor, which is in the aggregate amount greater than
40 eighteen thousand dollars, divided equally among the primary and general
41 election in an election cycle[~~;~~ ~~provided however, that the maximum~~
42 ~~amount which may be so contributed or accepted, in the aggregate, from~~
43 ~~any candidate's child, parent, grandparent, brother and sister, and the~~
44 ~~spouse of any such persons, shall not exceed in the case of any nomi-~~
45 ~~nation to public office an amount equivalent to the product of the~~
46 ~~number of enrolled voters in the candidate's party in the state, exclud-~~
47 ~~ing voters in inactive status, multiplied by \$.025, and in the case of~~
48 ~~any election for a public office, an amount equivalent to the product of~~
49 ~~the number of registered voters in the state, excluding voters in inac-~~
50 ~~tive status, multiplied by \$.025]~~.

51 d. In any nomination or election of a candidate who is not a partic-
52 ipating candidate for state senator, ten thousand dollars, divided
53 equally among the primary and general election in an election cycle; in
54 the case of an election or nomination for a member of the assembly, six
55 thousand dollars, divided equally among the primary and general election
56 in an election cycle.

1 e. (1) At the beginning of each [~~fourth~~] second calendar year,
2 commencing in [~~nineteen hundred ninety five~~] two thousand twenty-two,
3 the state board shall determine the percentage of the difference between
4 the most recent available monthly consumer price index for all urban
5 consumers published by the United States bureau of labor statistics and
6 such consumer price index published for the same month [~~four~~] two years
7 previously. The amount of each contribution limit fixed in this subdivi-
8 sion shall be adjusted by the amount of such percentage difference to
9 the closest one hundred dollars by the state board which, not later than
10 the first day of February in each such year, shall issue a regulation
11 publishing the amount of each such contribution limit. Each contribution
12 limit as so adjusted shall be the contribution limit in effect for any
13 election held before the next such adjustment.

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

19 f. Notwithstanding any other contribution limit in this section,
20 participating candidates as defined in subdivision fourteen of section
21 14-200-a of this article may contribute, out of their own money, three
22 times the applicable contribution limit to their own authorized commit-
23 tee.

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

26 10. a. No contributor may make a contribution to a party or consti-
27 tuted committee and no such committee may accept a contribution from any
28 contributor which, in the aggregate, is greater than [~~sixty-two~~] twen-
29 ty-five thousand [~~five hundred~~] dollars per annum.

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

43 § 4. Subdivision 3 of section 14-124 of the election law, as amended
44 by section 1 of part B of chapter 286 of the laws of 2016, is amended to
45 read as follows:

46 3. The contribution and receipt limits of this article shall not apply
47 to monies received and expenditures made by a party committee or consti-
48 tuted committee to maintain a permanent headquarters and staff and carry
49 on ordinary activities which are not for the express purpose of promot-
50 ing the candidacy of specific candidates; provided that such monies
51 described in this subdivision shall be deposited in a segregated
52 account. Contributions made for such activities to a party committee or
53 constituted committee shall be limited to twenty-five thousand dollars
54 in the aggregate from each contributor in each year.

55 § 5. This act shall take effect on the one hundred eightieth day after
56 it shall have become a law; provided, however, that section two of this

1 act shall take effect on the same date and in the same manner as section
2 3 of part ZZZ of chapter 58 of the laws of 2020, takes effect; provided,
3 further, that contributions legally received prior to the effective date
4 of this act may be retained and expended for lawful purposes and shall
5 not provide the basis for a violation of article 14 of the election law,
6 as amended by this act; and provided, further, that the state board of
7 elections shall notify all candidates and political committees of the
8 applicable provisions of this act within thirty days after this act
9 shall have become a law.