

# STATE OF NEW YORK

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3113

2021-2022 Regular Sessions

## IN SENATE

January 27, 2021

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Introduced by Sens. KRUEGER, SERRANO -- 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 increasing penalties  
for certain violations

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

1 Section 1. Section 14-126 of the election law, as amended by section 6  
2 of subpart C of part H of chapter 55 of the laws of 2014, subdivision 1  
3 as separately amended by section 1 of subpart B of part H of chapter 55  
4 of the laws of 2014, subdivision 3 as amended by chapter 87 of the laws  
5 of 2020, subdivision 7 as added by section 12 of part JJJ of chapter 59  
6 of the laws of 2018, and subdivision 3-a as added by section 11 of part  
7 A of chapter 286 of the laws of 2016, is amended to read as follows:

8 § 14-126. Violations; penalties. 1. (a) Any person who fails to file a  
9 statement required to be filed by this article shall be subject to a  
10 civil penalty, not in excess of one thousand dollars, to be recoverable  
11 in a special proceeding or civil action to be brought by the chief  
12 enforcement counsel pursuant to section 16-114 of this chapter. Any  
13 person who, three or more times within a given election cycle for such  
14 term of office, fails to file a statement or statements required to be  
15 filed by this article, shall be subject to a civil penalty, not in  
16 excess of ten thousand dollars, to be recoverable as provided for in  
17 this subdivision.

18 (b) All payments received by the state board of elections pursuant to  
19 this section shall be retained in the appropriate accounts as designated  
20 by the division of the budget for enforcement activities by the board of  
21 elections.

22 2. Any person who, acting as or on behalf of a candidate or political  
23 committee, under circumstances evincing an intent to violate such law,  
24 unlawfully accepts a contribution in excess of a contribution limitation  
25 established in this article, shall be required to refund such excess

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

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1 amount and shall be subject to a civil penalty equal to the excess  
2 amount plus a fine of up to ten thousand dollars, to be recoverable in a  
3 special proceeding or civil action to be brought by the state board of  
4 elections chief enforcement counsel.

5 3. Any person who falsely identifies or knowingly fails to identify  
6 any independent expenditure as required by subdivision two of section  
7 14-107 of this article or any political communication as required in  
8 section 14-106 of this article shall be subject to a civil penalty up to  
9 one thousand dollars or up to the cost of the communication, whichever  
10 is greater, in a special proceeding or civil action brought by the state  
11 board of elections chief enforcement counsel pursuant to paragraph (a)  
12 of subdivision five of section 3-104 of this chapter. For purposes of  
13 this subdivision, the term "person" shall mean a person, group of  
14 persons, corporation, unincorporated business entity, labor organization  
15 or business, trade or professional association or organization or poli-  
16 tical committee.

17 ~~[3-a. Any person who, acting as or on behalf of an independent expend-~~  
18 ~~iture committee or a political action committee, knowingly and willfully~~  
19 ~~violates the provisions of section 14-107-a of this article shall be~~  
20 ~~subject to a civil penalty, up to one thousand dollars or up to the cost~~  
21 ~~of the communication, whichever is greater, to be recoverable in a~~  
22 ~~special proceeding or civil action to be brought by the state board of~~  
23 ~~elections.]~~

24 4. Any person who, acting as or on behalf of a candidate or political  
25 committee, under circumstances evincing an intent to violate such law,  
26 unlawfully (a) expends campaign funds for a personal use in violation of  
27 this article, or (b) conducts activities prohibited by this article,  
28 shall be subject to a civil penalty, not in excess of ten thousand  
29 dollars, to be recoverable in a special proceeding or civil action to be  
30 brought by the state board of elections.

31 5. Any person who knowingly and willfully fails to file a statement  
32 required to be filed by this article within ten days after the date  
33 provided for filing such statement or any person who knowingly and will-  
34 fully violates any other provision of this article shall be guilty of a  
35 misdemeanor.

36 ~~[5-]~~ 6. Any person who knowingly and willfully contributes, accepts or  
37 aids or participates in the acceptance of a contribution in an amount  
38 exceeding an applicable maximum specified in this article shall be guilty  
39 of a class A misdemeanor.

40 ~~[6-]~~ 7. Any person who shall, acting on behalf of a candidate or poli-  
41 tical committee, knowingly and willfully solicit, organize or coordinate  
42 the formation of activities of one or more unauthorized committees, make  
43 expenditures in connection with the nomination for election or election  
44 of any candidate, or solicit any person to make any such expenditures,  
45 for the purpose of evading the contribution limitations of this article,  
46 shall be guilty of a class E felony.

47 8. Any person who, under circumstances evincing an intent to violate  
48 this article, establishes a partnership for the sole purpose of evading  
49 the contribution limits that would otherwise apply to that individual in  
50 violation of subdivision two of section 14-120 of this title shall be  
51 subject to a civil penalty equal to two times the amount contributed by  
52 the partnership in excess of the contribution limits that would other-  
53 wise apply to that individual plus a fine of up to ten thousand dollars,  
54 to be recoverable in a special proceeding or civil action to be brought  
55 by the state board of elections.

1 9. Any person who, under circumstances evincing an intent to violate  
2 this article, establishes a limited liability company for the sole  
3 purpose of evading the contribution limits that would otherwise apply to  
4 that individual in violation of section 14-120 of this title shall be  
5 subject to a civil penalty equal to two times the amount contributed by  
6 the limited liability company in excess of the contribution limits that  
7 would otherwise apply to that individual plus a fine of up to ten thou-  
8 sand dollars, to be recoverable in a special proceeding or civil action  
9 to be brought by the state board of elections.

10 [~~7-~~] 10. Any online platform that fails to comply with the require-  
11 ments of section 14-107-b of this article shall be subject to a civil  
12 penalty up to one thousand dollars for each violation in a special  
13 proceeding or civil action brought by the state board of elections chief  
14 enforcement counsel pursuant to paragraph (a) of subdivision five of  
15 section 3-104 of this chapter.

16 § 2. This act shall take effect on the sixtieth day after it shall  
17 have become a law.