

STATE OF NEW YORK

6934

2021-2022 Regular Sessions

IN SENATE

May 20, 2021

Introduced by Sen. RATH -- 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 restricted government participant contribution periods

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 14-131
2 to read as follows:

3 § 14-131. Government participant contributions. 1. For the purposes of
4 this section the following terms shall have the following meanings:

5 (a) "Relative of any person" shall mean any person living in the same
6 household as the individual and any person who is a direct descendant of
7 the grandparents of such individual or of the grandparents of such indi-
8 vidual's spouse or the spouse of such descendants;

9 (b) "Licensing" shall mean any activity respecting the grant, denial,
10 renewal, revocation, enforcement, suspension, annulment, withdrawal,
11 recall, cancellation or amendment of a license, permit or other form of
12 permission conferring the right or privilege to engage in (i) a profes-
13 sion, trade, or occupation, or (ii) any business or activity regulated
14 by a regulatory agency of a city agency that in the absence of such
15 license, permit or other form of permission would be prohibited;

16 (c) "Municipal agency" shall mean: (i) any department, board, bureau,
17 commission, division, office, council, committee or officer of a munici-
18 pality, whether permanent or temporary, or (ii) an industrial develop-
19 ment agency or local public benefit corporation as that term is defined
20 in section sixty-six of the general construction law;

21 (d) "Business entity" shall mean a business corporation, professional
22 services corporation, limited liability company, partnership, limited
23 partnership, business trust, association or any other legal commercial
24 entity organized under the laws of this state or any other state or
25 foreign jurisdiction, including any subsidiary directly or indirectly

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

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1 controlled by the business entity, and any political organization,
2 including but not limited to any political organization organized under
3 section five hundred twenty-seven of the internal revenue code, that is
4 directly or indirectly controlled by the business entity, and any owner,
5 officer, director or partner of such business entity, or a relative of
6 such person;

7 2. The "restricted participant contribution period" as used in this
8 section shall:

9 (i) commence, with respect to a specific person, relative of any
10 person, organization, group of persons, or business entity that submits
11 a bid, quotation, application, offer, or response to the state or local
12 governmental entity posting or solicitation, at the earliest of the date
13 of application or bid, or the date of posting on a state or local
14 governmental entity's website, in a newspaper of general circulation or
15 in the procurement opportunities newsletter in accordance with article
16 four-C of the economic development law of written notice, advertisement
17 or solicitation of a request for proposal, invitation for bids, or
18 solicitations of proposals, or any other method provided for by law or
19 regulation for soliciting a response from offerors intending to result
20 in a procurement contract grant or license with a state or local govern-
21 mental entity or the date of application. The restricted participant
22 contribution period does not apply to a person, relative of any individ-
23 ual, organization, group of persons or business entity that is respond-
24 ing to a state governmental entity's request for information or other
25 informational exchanges occurring prior to such governmental entity's
26 posting or solicitation for participation; and

27 (ii) end with respect to a specific person, relative of any person,
28 organization, group of persons, or business entity;

29 (1) if the person, relative, organization, group of persons, or busi-
30 ness entity is the recipient of the final contract grant or license
31 award, the restricted vendor contribution period shall end one year
32 after the final contract grant or license award and approval by the
33 state or local governmental entity and, where applicable, the state
34 comptroller; or

35 (2) if the person, relative, organization, group of persons, or busi-
36 ness entity is not the recipient of the final contract, license or grant
37 award, the restricted vendor contribution period shall end with the
38 final contractor grant award and approval by the state or local govern-
39 mental entity and, where applicable, the state comptroller, or the
40 disapproval of the license or grant.

41 3. During the restricted participant contribution period, the contrib-
42 ution limits set forth in article fourteen of this chapter for any
43 person, relative of any person, organization, group of persons or busi-
44 ness entity or any owner, director or officer, or their relative, of
45 such business entity that submits an application for any grant or
46 license, or a bid, quotation, offer, response or application to a state
47 or local entity in response to a solicitation or request for proposal
48 for procurement, construction, reconstruction or repair, shall be
49 reduced to fifteen percent of the contribution limits otherwise permit-
50 ted pursuant to section 14-114 of this article to any officeholder of
51 the state or local governmental entity or entities responsible for, or
52 responsible for choosing, directly or indirectly, the person or persons
53 responsible for, issuing such posting, solicitation, license, request
54 for proposal, evaluating such response, or responsible for approving or
55 awarding the final procurement contract, license or grant, or to any

1 candidate for an office of such governmental entity including to the
2 authorized political committees of such office holder or candidate.

3 4. For purposes of this section, the assembly and senate shall be
4 considered to be two separate and distinct governmental entities when a
5 posting or solicitation for procurement is issued by only one respective
6 house.

7 5. The state or local governmental entity directly responsible for
8 issuing such posting or solicitation for procurement shall include a
9 notice of the prohibition established by this section and the state
10 governmental entity responsible for evaluating responses to such posting
11 or solicitation shall provide, to any person, organization, group of
12 persons, or business entity that submits a proposal in response to such
13 posting or solicitation for procurement, a notice of the prohibition
14 established by this section and the restricted vendor contribution peri-
15 od commencement date.

16 § 2. Section 14-126 of the election law is amended by adding a new
17 subdivision 8 to read as follows:

18 8. (a) Any person, relative of any person, organization, group of
19 persons, or business entity as such terms are used and defined in
20 section 14-131 of this article, who, under circumstances evincing an
21 intent to violate such law, makes a contribution in contravention of
22 section 14-131 of this article shall be subject to a civil penalty not
23 to exceed the greater of ten thousand dollars or an amount equal to two
24 hundred percent of the contribution, to be recoverable in a special
25 proceeding or civil action to be brought by the state board of elections
26 chief enforcement counsel.

27 (b) Any person who, acting as or on behalf of an officeholder, candi-
28 date, or political committee, accepts a contribution in contravention of
29 section 14-131 of this article shall be required to refund such contrib-
30 ution.

31 § 3. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law.