

# STATE OF NEW YORK

9431

## IN SENATE

May 26, 2022

Introduced by Sen. SKOUFIS -- 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 recurring contributions solicited by a candidate, political campaign, political committee, party committee, or not-for-profit or for-profit entity

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  
2 14-114-a to read as follows:

3 § 14-114-a. Recurring contributions. 1. Any candidate, political  
4 campaign, political committee, party committee, not-for-profit entity,  
5 or for-profit entity soliciting a recurring contribution to a political  
6 campaign, political committee, or party committee shall receive the  
7 affirmative consent of the contributor to make a recurring contribution  
8 at the time of the initial contribution.

9 2. No solicitation of a contribution, whether electronically or by  
10 paper, shall provide for recurring contributions as the default contrib-  
11 ution. Passive action by the contributor, such as failing to uncheck a  
12 pre-checked box authorizing a recurring contribution, shall not meet the  
13 requirements of affirmative consent under this section.

14 3. All solicitations for contributions as described in subdivision one  
15 of this section shall state that such contribution may be cancelled by  
16 the contributor at any time.

17 4. Any candidate, political campaign, political committee, party  
18 committee, not-for-profit entity, or for-profit entity accepting a  
19 recurring contribution shall:

20 a. provide the contributor with a receipt for the initial contribution  
21 and each recurring contribution that clearly and conspicuously discloses  
22 all material terms of the contribution within twenty-four hours of the  
23 initial contribution and each recurring contribution;

24 b. provide the contributor with all information needed to cancel  
25 recurring contributions in each communication with the contributor with  
26 respect to the recurring contribution and any solicitation for addi-  
27 tional contributions; and

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

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1 c. immediately cancel recurring contributions upon request of the  
2 contributor.  
3 5. Any entity that violates the provisions of this section shall  
4 return the entire amount of contributions made, less the initial  
5 installment of the contribution, and pay a civil fine equal to five  
6 times the amount of the contribution to be refunded or one thousand  
7 dollars, whichever is greater.  
8 § 2. This act shall take effect immediately.