STATE OF NEW YORK

5843

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. SHIMSKY -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to requiring a candidate for office to file additional information about the candidate's educational background, military service, and employment history and providing penalties for violations

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

Section 1. Short title. This act shall be known and may be cited as the "Candidate Truth in Background Disclosures Act".

§ 2. The section heading and subdivision 1 of section 14-104 of the election law, the section heading as amended by chapter 430 of the laws of 1997, and subdivision 1 as amended by section 1 of part C of chapter 286 of the laws of 2016, are amended to read as follows:

Statements of campaign receipts, contributions, transfers and expenditures by and to candidates ***and of educational background, military service history and employment history***. 1. ***(a)*** Any candidate for election to public office, or for nomination for public office at a contested primary election or convention, or for election to a party position at a primary election, shall file statements sworn, or subscribed and bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law, at the times prescribed by this article setting forth the particulars specified by section 14-102 of this article, as to all moneys or other valuable things, paid, given, expended or promised by him or her to aid his or her own nomination or election, or to promote the success or defeat of a political party, or to aid or influence the nomination or election or the defeat of any other candidate to be voted for at the election or primary election or at a convention, including contributions to political committees, officers, members or agents thereof, and transfers, receipts and contributions to him or her to be used

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

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for any of the purposes above specified, or in lieu thereof, any such candidate may file such a sworn statement at the first filing period, on a form prescribed by the state board of elections that such candidate has made no such expenditures and does not intend to make any such expenditures, except through a political committee authorized by such candidate pursuant to this article. Such candidate may designate a committee of no less than three persons who shall be authorized to appoint and remove the treasurer of any authorized committee of the candidate. The designation or revocation of the committee shall be evidenced in a writing filed with the state board of elections by the candidate authorizing the committee. The candidate may revoke such designation at any time. A committee authorized by such a candidate may fulfill all of the filing requirements of this act on behalf of such candidate.

(b) Any candidate for election to public office, or for nomination for public office at a contested primary election or convention, or for election to a party position at a primary election, shall file statements sworn, or subscribed and bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law at the times prescribed by this article setting forth the particulars of the candidate's educational background, military service history and employment history. A statement or statements filed pursuant to this paragraph must be filed by the candidate; a statement filed by a designee, including a committee, shall be held to be invalid. As used in this paragraph:

(i) "educational background" means all secondary schools and institutions of higher education attended by the candidate, the years of attendance at such schools, and, if applicable, the year of such graduation;

(ii) "military service history" means military service of the state or military service of the United States, as defined in section one of the military law, service as a member of military reserves, and military service for any other country or territory or subdivision thereof, the number of years served by the candidate, the year the candidate finished their military service and the rank with which the candidate left military service with; and

(iii) "employment history" means each position of employment held by the candidate since the age of twenty-one or for the past twenty years, whichever period is shorter, whether as an employee or an independent contractor, that exceeded three months, and the name of the employer.

§ 3. The section heading and subdivisions 1 and 2 of section 16-114 of the election law, subdivisions 1 and 2 as redesignated by chapter 9 of the laws of 1978, are amended to read as follows:

Proceedings to compel filing of statements or corrected statements of campaign receipts, expenditures and contributions **or of educational background, military service history and employment history**. 1. The supreme court or a justice thereof, in a proceeding instituted by any candidate voted for at the election or primary or by any five qualified voters or by the state or other board of elections may compel by order, any person required to file a statement of receipts, expenditures or contributions for campaign purposes **or a statement of educational background, military service history and employment history**, who has not filed any such statement within the time prescribed by this chapter, to file such statement within five days after notice of the order.

2. The supreme court or a justice thereof, in a proceeding instituted by any candidate voted for at the election or primary or by any five

qualified voters, or by the state or other board of elections in accordance with the provision of this chapter may compel by order any person required under the provisions of this chapter to file a statement of receipts, expenditures or contributions for campaign purposes **or a statement of of educational background, military service history and employment history**, who has filed a statement which does not conform to the requirements of this chapter in respect to its truth, sufficiency in detail or otherwise, to file a new or supplemental statement which shall make the statement or statements true and complete within five days after notice of the order. The state board of elections shall be a necessary party in any such proceeding.

§ 4. Paragraph (a) of subdivision 9-A of section 3-102 of the election law, as amended by section 8 of part ZZZ of chapter 58 of the laws of 2020, is amended to read as follows:

(a) develop an electronic reporting system to process the statements of campaign receipts, contributions, transfers and expenditures required to be filed with any board of elections pursuant to the provisions of sections 14-102, 14-104 and 14-201 of this chapter **and statements of educational background, military service history and employment history required to be filed with any board of elections pursuant to the provisions of section 14-104 of this chapter**;

§ 5. Subdivision 1 of section 14-126 of the election law is amended by adding a new paragraph (c) to read as follows:

(c) Notwithstanding the provisions of paragraph (a) of this subdivision, any person who knowingly and willfully violates the provisions of paragraph (b) of subdivision one of section 14-104 of this article, including an individual who knowingly and willfully provides false information described in paragraph (b) of subdivision one of section 14-104 of this article, shall be fined one thousand dollars or shall be imprisoned for one year, or both. Such fine shall be recoverable in a special proceeding or civil action to be brought by the chief enforcement counsel pursuant to section 16-114 of this chapter. Any person who, three or more times within a given election cycle for such term of office, knowingly and willfully violates the provisions of paragraph (b) of subdivision one of section 14-104 of this article, including an individual who knowingly and willfully provides false information of educational background, military service history and employment history of this article, shall be subject to a civil penalty, not in excess of ten thousand dollars, to be recoverable as provided for in this subdivision.

§ 6. This act shall take effect one year after it shall have become a law and shall apply to candidates running for office in elections commencing on and after such effective date.