

# STATE OF NEW YORK

6628

2023-2024 Regular Sessions

## IN SENATE

May 2, 2023

Introduced by Sen. HARCKHAM -- 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 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:

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

3 § 2. The section heading and subdivision 1 of section 14-104 of the  
4 election law, the section heading as amended by chapter 430 of the laws  
5 of 1997, and subdivision 1 as amended by section 1 of part C of chapter  
6 286 of the laws of 2016, are amended to read as follows:

7 Statements of campaign receipts, contributions, transfers and expendi-  
8 tures by and to candidates and of educational background, military  
9 service history and employment history. 1. (a) Any candidate for

10 election to public office, or for nomination for public office at a  
11 contested primary election or convention, or for election to a party  
12 position at a primary election, shall file statements sworn, or  
13 subscribed and bearing a form notice that false statements made therein  
14 are punishable as a class A misdemeanor pursuant to section 210.45 of  
15 the penal law, at the times prescribed by this article setting forth the  
16 particulars specified by section 14-102 of this article, as to all  
17 moneys or other valuable things, paid, given, expended or promised by  
18 him or her to aid his or her own nomination or election, or to promote  
19 the success or defeat of a political party, or to aid or influence the  
20 nomination or election or the defeat of any other candidate to be voted  
21 for at the election or primary election or at a convention, including  
22 contributions to political committees, officers, members or agents ther-  
23 eof, 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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1 for any of the purposes above specified, or in lieu thereof, any such  
2 candidate may file such a sworn statement at the first filing period, on  
3 a form prescribed by the state board of elections that such candidate  
4 has made no such expenditures and does not intend to make any such  
5 expenditures, except through a political committee authorized by such  
6 candidate pursuant to this article. Such candidate may designate a  
7 committee of no less than three persons who shall be authorized to  
8 appoint and remove the treasurer of any authorized committee of the  
9 candidate. The designation or revocation of the committee shall be  
10 evidenced in a writing filed with the state board of elections by the  
11 candidate authorizing the committee. The candidate may revoke such  
12 designation at any time. A committee authorized by such a candidate may  
13 fulfill all of the filing requirements of this act on behalf of such  
14 candidate.

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

26 (i) "educational background" means all secondary schools and insti-  
27 tutions of higher education attended by the candidate, the years of  
28 attendance at such schools, and, if applicable, the year of such gradu-  
29 ation;

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

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

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

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

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

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

12 § 4. Paragraph (a) of subdivision 9-A of section 3-102 of the election  
13 law, as amended by section 8 of part ZZZ of chapter 58 of the laws of  
14 2020, is amended to read as follows:

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

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

24 (c) Notwithstanding the provisions of paragraph (a) of this subdivi-  
25 sion, any person who knowingly and willfully violates the provisions of  
26 paragraph (b) of subdivision one of section 14-104 of this article,  
27 including an individual who knowingly and willfully provides false  
28 information described in paragraph (b) of subdivision one of section  
29 14-104 of this article, shall be fined one thousand dollars or shall be  
30 imprisoned for one year, or both. Such fine shall be recoverable in a  
31 special proceeding or civil action to be brought by the chief enforce-  
32 ment counsel pursuant to section 16-114 of this chapter. Any person who,  
33 three or more times within a given election cycle for such term of  
34 office, knowingly and willfully violates the provisions of paragraph (b)  
35 of subdivision one of section 14-104 of this article, including an indi-  
36 vidual who knowingly and willfully provides false information of educa-  
37 tional background, military service history and employment history of  
38 this article, shall be subject to a civil penalty, not in excess of  
39 ten thousand dollars, to be recoverable as provided for in this  
40 subdivision.

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