

STATE OF NEW YORK

6874--A

2023-2024 Regular Sessions

IN SENATE

May 12, 2023

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law and the state finance law, in relation to making technical corrections regarding the public financing of elections; and to repeal certain provisions of part ZZZ of chapter 58 of the laws of 2020 amending the state finance law relating to establishing the New York state campaign finance fund, in relation thereto

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

Section 1. Subdivisions 1, 11, 13, and 19 of section 14-200-a of the election law, as added by section 4 of part ZZZ of chapter 58 of the laws of 2020, are amended to read as follows:

1. "authorized committee" means the single political committee designated by a candidate pursuant to ~~[these recommendations]~~ this title to receive contributions and make expenditures in support of the candidate's campaign for such election.

11. (a) "matchable contribution" means a contribution not less than five dollars and not more than an aggregate of two hundred fifty dollars~~[, for a candidate for public office to be voted on by the voters of the entire state or for nomination to any such office, a contribution for any covered elections held in the same election cycle, made by a natural person who is a resident in the state of New York to a participating candidate, and for a candidate for election to the state assembly or state senate or for nomination to any such office, a contribution for any covered elections held in the same election cycle, made by a natural person who is also a resident of such state assembly or state senate district from which such candidate is seeking nomination or election,]~~ per unique contributor, made to a participating candidate for any covered election held in the same election cycle, that has been

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

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1 reported in full to the PCFB in accordance with sections 14-102 and
2 14-104 of this article by the candidate's authorized committee [~~and~~],
3 has been contributed on or before the day of the applicable primary,
4 general, runoff, or special election, and: (i) is for a candidate for
5 public office to be voted on by the voters of the entire state or for
6 nomination to any such office, and has been made by a natural person who
7 is a resident in the state of New York; or (ii) is for a candidate for
8 election to the state assembly or state senate or for nomination to any
9 such office, and has been made by a natural person who is also a resi-
10 dent of such state assembly or state senate district for which such
11 candidate is seeking nomination or election. Any contribution, contrib-
12 utions, or a portion of a contribution determined to be invalid for
13 public matching funds by the PCFB may not be treated as a matchable
14 contribution for any purpose.

15 (b) The following contributions are not matchable:

- 16 (i) loans;
- 17 (ii) in-kind contributions of property, goods, or services;
- 18 (iii) contributions in the form of the purchase price paid for an item
19 with significant intrinsic and enduring value;
- 20 (iv) transfers from a party or constituted committee;
- 21 (v) anonymous contributions;
- 22 (vi) contributions whose source is not itemized as required by [~~these~~
23 ~~recommendations~~] this title;
- 24 (vii) contributions gathered during a previous election cycle;
- 25 (viii) illegal contributions;
- 26 (ix) contributions from minors;
- 27 (x) contributions from vendors for campaigns hired by the candidate
28 for such election cycle;
- 29 (xi) contributions from lobbyists registered pursuant to subdivision
30 (a) of section one-c of the legislative law; and
- 31 (xii) any portion of a contribution when the aggregate contributions
32 within the election cycle are in excess of two hundred fifty dollars
33 from any one contributor to such participating candidate for nomination
34 or election.

35 13. "nonparticipating candidate" means a candidate for a covered
36 election who fails to file a written certification in the form of an
37 affidavit pursuant to [~~these recommendation~~] this title by the applica-
38 ble deadline.

39 19. "surplus" means those funds where the total sum of contributions
40 received and public [~~matchable~~] matching funds received by a participat-
41 ing candidate and his or her authorized committee exceeds the total
42 campaign expenditures of such candidate and authorized committee for all
43 covered elections held in the same calendar year or for a special
44 election to fill a vacancy.

45 § 2. Paragraph (b) of subdivision 3 of section 14-201 of the election
46 law, as added by section 4 of part ZZZ of chapter 58 of the laws of
47 2020, is amended to read as follows:

48 (b) The PCFB shall review each disclosure report filed and shall
49 inform authorized and political committees of relevant questions it has
50 concerning: (i) compliance with requirements of this title and of the
51 rules issued by the PCFB, and (ii) qualification for receiving public
52 matching funds pursuant to this title. In the course of this review,
53 [~~it~~] the PCFB shall give authorized and political committees an opportu-
54 nity to respond to and correct potential violations and give candidates
55 an opportunity to address questions [~~it~~] the PCFB has concerning [~~their~~]

1 ~~the candidate's~~ matchable contribution claims or other issues concerning
2 eligibility for receiving public matching funds pursuant to this title.

3 § 3. Paragraph (i) of subdivision 1 and subdivision 2 of section
4 14-203 of the election law, as added by section 4 of part ZZZ of chapter
5 58 of the laws of 2020, are amended to read as follows:

6 (i) not have accepted contributions in amounts exceeding the contrib-
7 ution limits set forth for candidates in paragraphs ~~[a and b]~~ c and d of
8 subdivision one of section 14-114 of this article during the election
9 cycle for which the candidate seeks certification;

10 (i) Provided however, that, if a candidate accepted contributions
11 exceeding such limits, such acceptance shall not prevent the candidate
12 from being certified by the PCFB if the candidate in a reasonable time,
13 as determined by rule, pays to the fund or returns to the contributor
14 the portion of any contribution that exceeded the applicable contrib-
15 ution limit.

16 (ii) If the candidate is unable to return such funds in a reasonable
17 time, as determined by rule, because they have already been spent,
18 acceptance of contributions exceeding the limits shall not prevent the
19 candidate from being certified by the PCFB if the candidate submits an
20 affidavit agreeing to pay to the fund all portions of any contributions
21 that exceeded the limit no later than thirty days before the general
22 election. If a candidate provides the PCFB with such an affidavit, any
23 disbursement of public matching funds to the candidate shall be reduced
24 by no more than twenty-five percent until the total amount owed by the
25 candidate is repaid.

26 (iii) Nothing in this section shall be interpreted to require a candi-
27 date who retains funds raised during any previous election cycle to
28 forfeit such funds. Funds raised during a previous election cycle may be
29 retained and used by the candidate for the candidate's campaign in the
30 next election cycle but funds shall not ~~[qualify for satisfying]~~ be
31 counted toward the applicable threshold for ~~[participating]~~ eligibility
32 a candidate must meet to participate in the public campaign finance
33 program established in this title nor shall they be eligible to be
34 matched. The PCFB shall adopt regulations to ensure that contributions
35 that would satisfy the applicable contribution limits authorized in this
36 title shall be transferred into the appropriate campaign account.

37 (iv) Contributions received and expenditures made by the candidate or
38 an authorized committee of the candidate prior to the effective date of
39 this title shall not constitute a violation of this title. Unexpended
40 contributions shall be treated the same as ~~[campaign surpluses]~~ funds
41 raised during a previous election cycle under subparagraph (iii) of this
42 paragraph. Nothing in this ~~[recommendation]~~ title shall be construed to
43 limit, in any way, any candidate or public official from expending any
44 portion of pre-existing campaign funds for any lawful purpose other than
45 those related to his or her campaign.

46 (v) A candidate who has raised matchable contributions but, in the
47 case of a covered primary, general or special election, is not opposed
48 by another candidate on the ballot who is not a write-in candidate, or
49 who chooses not to accept ~~[matchable]~~ public matching funds, may retain
50 such contributions and apply them in accord with this title to the
51 candidate's next campaign, should there be one, in the next election
52 cycle.

53 2. Threshold for eligibility. (a) The threshold for eligibility for
54 public funding for participating candidates shall be in the case of:

55 (i) governor, not less than five hundred thousand dollars in contrib-
56 utions ~~[including at least five thousand matchable contributions shall]~~

~~be counted toward this qualifying threshold]~~ from residents of the state of New York, including matchable contributions from at least five thousand unique contributors;

(ii) lieutenant governor, attorney general and comptroller, not less than one hundred thousand dollars in contributions ~~[including at least one thousand matchable contributions shall be counted toward this qualifying threshold]~~ from residents of the state of New York, including matchable contributions from at least one thousand unique contributors;

(iii) state senator, except as otherwise provided in paragraph (c) of this subdivision, not less than twelve thousand dollars in contributions ~~[including at least one hundred fifty matchable contributions shall be counted toward this qualifying threshold]~~ from residents of the district in which the seat is to be filled, including matchable contributions from at least one hundred fifty unique contributors; and

(iv) member of the assembly, except as otherwise provided in paragraph (c) of this subdivision, not less than six thousand dollars in contributions ~~[including at least seventy-five matchable contributions shall be counted toward this qualifying threshold]~~ from residents of the district in which the seat is to be filled, including matchable contributions from at least seventy-five unique contributors.

(b) However, solely for purposes of achieving the monetary thresholds in paragraph (a) of this subdivision, the first two hundred fifty dollars of any contribution of more than two hundred fifty dollars in the aggregate to a candidate or a candidate's committee, which would otherwise be matchable except that it comes from a contributor who has contributed more than two hundred fifty dollars to such candidate or candidate's committee, ~~[is deemed to be a matchable contribution and]~~ shall count toward satisfying such monetary threshold but shall not otherwise be considered a matchable contribution.

(c) With respect to the minimum dollar threshold for participating candidates for state senate and state assembly, in such districts where ~~[average median income ("AMI") is below the AMI as determined by the United States Census Bureau three years before such election for which public funds are sought]~~ the median household income is below the average statewide median household income for the three years prior to the election for which the public funds are sought, based on the most recent median household income data published by the United States bureau of the census, such minimum dollar threshold for eligibility shall be reduced by one-third. ~~[The]~~ If median household income data are not available for the three years prior to the election, the PCFB shall use the average of the median household income for the three most recent years for which data are available to calculate the minimum dollar threshold reduction. PCFB shall make public which districts are subject to such reduction no later than two years before the first primary election for which funding is sought.

(d) Any participating candidate meeting the threshold for eligibility in a primary election for one of the foregoing offices shall be ~~[applied]~~ deemed to satisfy the threshold for eligibility for such office in any other subsequent election held in the same calendar year. Any participating candidate who is nominated in a primary election and has participated in the public financing program set forth in this title~~[, must]~~ shall also participate in the public financing program in the general election for such office.

§ 4. Subdivisions 1, 2, and 5 of section 14-204 of the election law, as added by section 4 of part ZZZ of chapter 58 of the laws of 2020, are amended to read as follows:

1. In any primary election, receipt of public funds by participating candidates and by their [~~participating~~] authorized committees shall not exceed:

- (a) for Governor \$3,500,000
- (b) for Lieutenant Governor, Attorney General or Comptroller \$3,500,000
- (c) for State Senator \$375,000
- (d) for Member of the Assembly \$175,000

2. In any general or special election, receipt of public funds by a participating candidate's authorized [~~committees~~] committee shall not exceed:

- (a) for Governor and Lieutenant Governor (combined) \$3,500,000
- (b) for Attorney General \$3,500,000
- (c) for Comptroller \$3,500,000
- (d) for State Senator \$375,000
- (e) for Member of the Assembly \$175,000

5. A candidate only on the ballot in one or more primary elections in which the number of persons eligible to vote for party nominees in each such election totals fewer than one thousand shall not receive public funds in excess of five thousand dollars for qualified campaign expenditures in such election or elections. For the purposes of this section, the number of persons eligible to vote for party nominees in a primary election shall be as determined by the state board of elections for the calendar year of the primary election. A candidate for office on the ballot in more than one primary for such office[~~r~~] shall be deemed, for purposes of this [~~recommendation~~] title, to be a single candidate.

§ 5. Subdivisions 2, 3, 4 and 6 of section 14-205 of the election law, as added by section 4 of part ZZZ of chapter 58 of the laws of 2020, are amended to read as follows:

2. Calculation of payment. (a) In any election for a public office to be voted on by the voters of the entire state or for nomination to any such office, if the threshold for eligibility is met, the participating candidate's authorized committee shall receive payment for qualified campaign expenditures of six dollars of public matching funds for each one dollar of matchable contributions, obtained and reported to the PCFB in accordance with the provisions of this title. The maximum payment of public matching funds shall be limited to the amounts set forth in [~~this~~] section 14-204 of this title for the covered election.

(b) In any election for state senate or state assembly or for nomination to any such office, if the threshold for eligibility is met, the participating candidate's authorized committee shall receive payment for qualified campaign expenditures for matchable contributions of eligible private funds per contributor, obtained, and reported to the PCFB herein, of: twelve dollars of public matching funds for each of the first fifty dollars of matchable contributions; nine dollars of public matching funds for each of the next one hundred dollars of [~~public~~] matchable contributions; and eight dollars for [~~the~~] each of the next one hundred dollars of [~~public~~] matchable contributions. The maximum payment of public matching funds shall be limited to the amounts set forth in [~~this~~] section 14-204 of this title for the covered election.

3. Timing of payment. The PCFB shall make any payment of public matching funds to participating candidates as soon as is practicable. But in all cases, it shall verify eligibility for public matching funds within four days, excluding weekends and holidays, of receiving a campaign contribution report filed in compliance with section 14-104 of this article. Within two days of determining that a candidate for a covered office is eligible for public matching funds, it shall authorize payment

1 of the applicable public matching funds owed to the candidate. The PCFB
2 shall schedule at least three payment dates in the thirty days prior to
3 a covered primary, general, or special election. If any of such payments
4 would require payment on a weekend or federal holiday, payment shall be
5 made on the next business day.

6 4. Notwithstanding any provision of this section to the contrary, the
7 amount of public funds payable to a participating candidate on the
8 ballot in any covered election shall not exceed one-quarter of the maxi-
9 mum public funds payment otherwise applicable [~~and no participating~~
10 ~~candidate shall be eligible to receive a disbursement of public funds~~
11 ~~prior to two weeks after the last day to file designating petitions for~~
12 ~~a primary election~~] unless the participating candidate is opposed by a
13 competitive candidate. The PCFB shall, by regulation, set forth objec-
14 tive standards to determine whether a candidate is competitive and the
15 procedures for qualifying for the payment of public funds.

16 6. Irregularly scheduled elections. Notwithstanding any other
17 provision of this title, the PCFB shall promulgate rules to provide for
18 the prompt issuance of public matching funds to eligible participating
19 candidates for qualified campaign expenditures in the case of any other
20 covered election held on a day different from the day originally sched-
21 uled, including special elections. Provided, however, in all cases, the
22 PCFB shall: (a) within four days, excluding weekends and holidays, of
23 receiving a report of contributions from a candidate for a covered
24 office claiming eligibility for public matching funds, verify that
25 candidate's eligibility for public matching funds; and (b) within two
26 days of determining that the candidate for a covered office is eligible
27 for public matching funds, it shall authorize payment of the applicable
28 public matching funds owed to the candidate.

29 § 6. Subdivisions 1, 2, 6, and 9 of section 14-207 of the election
30 law, as added by section 4 of part ZZZ of chapter 58 of the laws of
31 2020, are amended to read as follows:

32 1. There shall be a public campaign finance board within the state
33 board of elections that shall be comprised of the following commission-
34 ers: the four state board of elections commissioners and three addi-
35 tional commissioners, one jointly appointed by the legislative leaders
36 of one major political party in each house of the legislature, one
37 jointly appointed by the legislative leaders of the other major poli-
38 tical party in each house of the legislature, and one of whom shall be
39 appointed by the governor. Each commissioner must be a New York state
40 resident and registered voter, and may not currently be, or within the
41 previous five years have been, an officer of a political party or poli-
42 tical committee as defined in the election law, or a registered lobby-
43 ist. The chair of the PCFB shall be designated by the PCFB from among
44 the three additional commissioners. Each of the three additional commis-
45 sioners shall receive a per diem of three hundred fifty dollars for work
46 actually performed not to exceed twenty-five thousand dollars in any one
47 calendar year. They shall be considered public officers for purposes of
48 sections seventy-three-a and seventy-four of the public officers law.
49 The three commissioners so appointed pursuant to this [~~recommendation~~
50 title] will be appointed for a term of five years to commence on July
51 first, two thousand twenty and may be removed by his or her appointing
52 authority solely for substantial neglect of duty, gross misconduct in
53 office, or inability to discharge the power or duties of office, after
54 written notice and opportunity to be heard. During the period of his or
55 her term as a commissioner appointed hereunder, each such commissioner
56 is barred from making, or soliciting from other persons, any contrib-

utions to candidates for election to the offices of governor, lieutenant governor, attorney general, comptroller, member of the assembly, or state senator. Any vacancy occurring on the PCFB shall be filled within thirty days of its occurrence in the same manner as the member whose vacancy is being filled was appointed. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member he or she succeeds. Four members of the PCFB shall constitute a quorum, and the PCFB shall have the power to act by majority vote of the total number of members of the commission without vacancy. All members of the PCFB shall be appointed no later than the first day of July, two thousand twenty and the PCFB shall promulgate such regulations as are needed no later than the first day of July, two thousand twenty-one.

2. The PCFB and state board of elections may utilize existing state board of elections staff and hire such other staff as are necessary to carry out its duties. It may expand its staffing, as needed, to provide additional candidate liaisons to assist candidates in complying with the terms of this public campaign finance system as provided for in [~~these recommendations~~] this title, as well as auditors, trainers, attorneys, technical staff and other such staff as the PCFB determines is necessary to administer this system. Annually, on or before the first of every year, the PCFB shall submit to the governor and the division of the budget a request for appropriations for the next state fiscal year to fully support the administration of the public campaign finance program established in this title.

6. Any advice provided by PCFB staff to a participating or [~~non participating~~] nonparticipating candidate with regard to an action shall be presumptive evidence that such action, if taken in reliance on such advice, should not be subject to a penalty or repayment obligation where such candidate or such candidate's committee has confirmed such advice in writing to such PCFB staff by registered or certified mail to the correct address, or by electronic or facsimile transmission with evidence of receipt, describing the action to be taken pursuant to the advice given and the PCFB or its staff has not responded to such written confirmation within seven business days disavowing or altering such advice, provided that the PCFB's response shall be by registered or certified mail to the correct address, or by electronic or facsimile transmission with evidence of receipt.

9. The PCFB may take such other actions as are necessary and proper to carry out the purposes of this [~~recommendation~~] title.

§ 7. Paragraphs (a) and (c) of subdivision 2 and paragraphs (a) and (b) of subdivision 3 of section 14-208 of the election law, as added by section 4 of part ZZZ of chapter 58 of the laws of 2020, are amended to read as follows:

(a) If the PCFB determines that any portion of the payment made to a candidate's authorized committee from the fund was in excess of the aggregate amount of payments that such candidate was eligible to receive pursuant to this title, it shall notify such committee and such committee shall pay to the PCFB an amount equal to the amount of excess payments. Such committee shall first utilize [~~the surplus~~] any excess payments of the public matching funds for repayment of such sums and then such other funds as it may have. Provided, however, that if the erroneous payment was the result of an error by the PCFB, then the erroneous payment will be deducted from any future payment, if any, and if no future payment is to be made then neither the candidate nor the committee shall be liable to repay the excess amount to the PCFB. The

1 candidate and the candidate's authorized committee are jointly and
2 severally liable for any repayments to the PCFB.

3 (c) If the total sum of contributions received and public matching
4 payments from the fund received by a participating candidate and his or
5 her authorized committee exceed the total campaign expenditures of such
6 candidate and authorized committee for all covered elections held in the
7 same calendar year or for a special election to fill a vacancy, such
8 candidate and committee shall use such surplus funds to reimburse the
9 fund for payments received by such authorized committee from the fund
10 during such calendar year or for such special election. Participating
11 candidates shall make such payments not later than twenty-seven days
12 after all liabilities for the election have been paid and in any event,
13 not later than the day on which the PCFB issues its final audit report
14 for the participating candidate's authorized committee; provided, howev-
15 er, that all unspent public campaign funds for a participating candidate
16 shall be immediately due and payable to the PCFB upon a determination by
17 the PCFB that the participant has delayed the post-election audit. A
18 participating candidate may make post-election expenditures with public
19 funds only for routine activities involving nominal ~~cost~~ costs associ-
20 ated with winding up a campaign and responding to the post-election
21 audit. Nothing in this title shall be construed to prevent a candidate
22 or his or her authorized committee from using campaign contributions
23 received from private contributors for otherwise lawful expenditures.

24 (a) The PCFB shall promulgate regulations for the certification of the
25 amount of funds payable by the comptroller from the fund established
26 pursuant to section ninety-two-t of the state finance law, to a partic-
27 ipating candidate that has qualified to receive such payment. These
28 regulations shall include the promulgation and distribution of forms on
29 which contributions and expenditures are to be reported, the periods
30 during which such reports must be filed, and the verification required.
31 The PCFB shall institute procedures which will make possible payment by
32 the fund ~~[within four business days after receipt of the required forms~~
33 ~~and verifications]~~ consistent with the time limits provided in section
34 14-205 of this title.

35 (b) All rules and regulations promulgated pursuant to this ~~[recommen-~~
36 ~~dation]~~ title shall be promulgated pursuant to the state administrative
37 procedure act. The PCFB's determinations pursuant to such regulations
38 and ~~[these recommendations]~~ this title shall be deemed final.

39 § 8. Subdivision 1 of section 14-209 of the election law, as added by
40 section 4 of part ZZZ of chapter 58 of the laws of 2020, is amended to
41 read as follows:

42 1. Civil penalties. Violations of any provisions regarding public
43 campaign financing stated in this title or regulation promulgated pursu-
44 ant to this title shall be subject to a civil penalty in an amount not
45 in excess of fifteen thousand dollars and such other lesser fines as the
46 PCFB may promulgate in regulation. Such regulations shall include a
47 schedule of fines for alleged failures to file, late reports and noticed
48 deficiencies, including fines that the PCFB may assess directly on
49 violators. Candidates may contest ~~[alleged failures to file, late~~
50 ~~reports and reports with noticed deficiencies]~~ the allegations against
51 them and have an opportunity to be heard by the PCFB in accordance with
52 subdivision two of this section. ~~[The PCFB shall promulgate a regulation~~
53 ~~setting forth a schedule of fines for such infractions including those~~
54 ~~that it may assess directly on violators.]~~ The PCFB shall investigate
55 referrals and complaints. After investigation, it may recommend dismiss-
56 al, settlement, civil action, or referral to law enforcement. The PCFB

1 may assess penalties and it is authorized to commence a civil action in
2 court to enforce all penalties and recover money due.

3 § 9. Section 14-212 of the election law, as added by section 4 of part
4 ZZZ of chapter 58 of the laws of 2020, is amended to read as follows:

5 § 14-212. Severability. 1. If any clause, sentence, paragraph, subdivi-
6 vision, section or part of this article shall be determined by any court
7 of competent jurisdiction to be invalid, such judgment shall not affect,
8 impair or invalidate the remainder thereof, but shall be confined in its
9 operation to the particular clause, sentence, paragraph, subdivision,
10 section or part thereof directly found invalid in the judgment rendered.
11 It is hereby declared to be the intent of the legislature that this
12 article would have been enacted even if such invalid provisions had not
13 been included herein.

14 2. If any clause, sentence, or other portion of paragraph (c) of
15 subdivision two of section 14-203 of this title be adjudged by any court
16 of competent jurisdiction to be invalid, then subparagraphs (iii) and
17 (iv) of paragraph (a) of subdivision two of section 14-203 of this title
18 shall read as follows:

19 (iii) state senator, [~~except as otherwise provided in paragraph (c) of~~
20 ~~this subdivision,~~] not less than ten thousand dollars in [~~matchable~~
21 ~~contributions including at least one hundred and fifty matchable~~
22 ~~contributions in an amount greater than five dollars and no greater than~~
23 ~~the limits in this chapter, of which the first two hundred fifty dollars~~
24 ~~shall be counted toward this qualifying threshold]~~ contributions from
25 residents of the district in which the seat is to be filled, including
26 matchable contributions from at least one hundred fifty unique contribu-
27 tors; and

28 (iv) member of the assembly, [~~except as otherwise provided in para-~~
29 ~~graph (c) of this subdivision,~~] not less than five thousand dollars in
30 [~~matchable~~] contributions [~~including at least seventy-five matchable~~
31 ~~contributions in an amount greater than five dollars and no greater than~~
32 ~~the limits in this chapter, of which the first two hundred fifty dollars~~
33 ~~shall be counted toward this qualifying threshold]~~ contributions from
34 residents of the district in which the seat is to be filled, including
35 matchable contributions from at least seventy-five unique contributors.

36 § 10. Subdivisions 3, 4, and 5 of section 92-t of the state finance
37 law, as added by section 5 of part ZZZ of chapter 58 of the laws of
38 2020, are amended to read as follows:

39 3. Moneys of the fund, following appropriation by the legislature, may
40 be expended for the purposes of making payments to candidates pursuant
41 to title two of article fourteen of the election law and for administra-
42 tive expenses related to the implementation of article fourteen of the
43 election law. Moneys shall be paid out of the fund by the state comp-
44 troller on vouchers certified or approved by the [~~state board of~~
45 ~~elections]~~ public campaign finance board, or its duly designated repre-
46 sentative, in the manner prescribed by law, not more than five working
47 days after such voucher is received by the state comptroller.

48 4. Notwithstanding any provision of law to the contrary, if, in any
49 state fiscal year, the state campaign finance fund lacks the amount of
50 money to pay all claims vouchered by eligible candidates and certified
51 or approved by the [~~state board of elections]~~ public campaign finance
52 board, any such deficiency shall be paid by the state comptroller, from
53 funds deposited in the general fund of the state not more than four
54 working days after such voucher is received by the state comptroller.

55 5. Commencing in two thousand twenty-five, if the [~~surplus]~~ moneys in
56 the fund on April first of the year after a year in which a governor is

1 elected exceeds twenty-five percent of the disbursements from the fund
2 over the previous four years, the excess shall revert to the general
3 fund of the state.

4 § 11. Paragraphs (a) and (b) of subdivision 5 of section 95 of the
5 state finance law, as added by section 6 of part ZZZ of chapter 58 of
6 the laws of 2020, are amended to read as follows:

7 (a) As often as necessary, the ~~[co-chairs of the state board of~~
8 ~~elections]~~ public campaign finance board shall certify the amount ~~[such~~
9 ~~co-chairs have]~~ it has determined necessary to fund estimated payments
10 from the fund established by section ninety-two-t of this article for
11 the primary, general or special election.

12 (b) Notwithstanding any provision of this section authorizing the
13 transfer of any moneys in the abandoned property fund to the general
14 fund, the comptroller, after receiving amounts sufficient to pay claims
15 against the abandoned property fund, shall, based upon a certification
16 of the ~~[state board of elections]~~ public campaign finance board pursuant
17 to paragraph (a) of this subdivision, and at the direction of the direc-
18 tor of the budget, transfer the requested amount from remaining avail-
19 able monies in the abandoned property fund to the campaign finance fund
20 established by section ninety-two-t of this article.

21 § 12. Paragraphs a, b, c and d of subdivision 1 of section 14-114 of
22 the election law, as amended by chapter 105 of the laws of 2023, are
23 amended to read as follows:

24 a. In any election for a public office to be voted on by the voters of
25 the entire state, or for nomination to any such office, no contributor
26 may make a contribution to any candidate or political committee, partic-
27 ipating in the state's public campaign financing system pursuant to
28 title two of this article, and no such candidate or political committee
29 may accept any contribution from any contributor, which is in the aggre-
30 gate amount greater than eighteen thousand dollars divided equally among
31 the primary and general election in an election cycle; provided however,
32 that the maximum amount which may be so contributed or accepted, in the
33 aggregate, from any candidate's child, parent, grandparent, brother and
34 sister, and the spouse of any such persons, shall not exceed in the case
35 of any nomination to public office an amount equivalent to the product
36 of the number of enrolled voters in the candidate's party in the state,
37 excluding voters in inactive status, multiplied by \$.025, and in the
38 case of any election for a public office, an amount equivalent to the
39 product of the number of registered voters in the state excluding voters
40 in inactive status, multiplied by \$.025.

41 b. In any nomination or election of a candidate not participating in
42 the state's public campaign financing system pursuant to title two of
43 this article, no such candidate or political committee may accept any
44 contribution from any contributor, which is in the aggregate amount
45 greater than: (i) in the case of a nomination or election for state
46 senator, ten thousand dollars, divided equally among the primary and
47 general election in an election cycle; and (ii) in the case of a nomi-
48 nation or election for member of the assembly, six thousand dollars,
49 divided equally among the primary and general election in an election
50 cycle; provided however, that the maximum amount which may be so
51 contributed or accepted, in the aggregate, from such candidate's child,
52 parent, grandparent, brother and sister, and the spouse of any such
53 persons, shall not exceed in the case of any nomination for state
54 senator or member of the assembly an amount equivalent to the number of
55 enrolled voters in the candidate's party in the district in which he or
56 she is a candidate, excluding voters in inactive status, multiplied by

1 \$.25 and in the case of any election for state senator or member of the
2 assembly, an amount equivalent to the number of registered voters in the
3 district, excluding voters in inactive status, multiplied by \$.25;
4 provided, however, in the case of a nomination or election of a state
5 senator, twenty thousand dollars, whichever is greater, or in the case
6 of a nomination or election of a member of the assembly twelve thousand
7 five hundred dollars, whichever is greater, but in no event shall any
8 such maximum exceed one hundred thousand dollars.

9 c. In any election for a public office to be voted on by the voters of
10 the entire state, or for nomination to any such office, no contributor
11 may make a contribution to any candidate or political committee in
12 connection with a candidate who is [not] a participating candidate as
13 defined in subdivision fourteen of section 14-200-a of this article, and
14 no such candidate or political committee may accept any contribution
15 from any contributor, which is in the aggregate amount greater than
16 eighteen thousand dollars, divided equally among the primary and general
17 election in an election cycle[~~, provided however, that the maximum~~
18 ~~amount which may be so contributed or accepted, in the aggregate, from~~
19 ~~any candidate's child, parent, grandparent, brother and sister, and the~~
20 ~~spouse of any such persons, shall not exceed in the case of any nomi-~~
21 ~~nation to public office an amount equivalent to the product of the~~
22 ~~number of enrolled voters in the candidate's party in the state, exclud-~~
23 ~~ing voters in inactive status, multiplied by \$.025, and in the case of~~
24 ~~any election for a public office, an amount equivalent to the product of~~
25 ~~the number of registered voters in the state, excluding voters in inac-~~
26 ~~tive status, multiplied by \$.025].~~

27 d. In any nomination or election of a candidate who is [not] a partic-
28 ipating candidate for state senator, ten thousand dollars, divided
29 equally among the primary and general election in an election cycle; in
30 the case of a nomination or election for member of the assembly, six
31 thousand dollars, divided equally among the primary and general election
32 in an election cycle.

33 § 13. Section 11 of part ZZZ of chapter 58 of the laws of 2020 amend-
34 ing the state finance law relating to establishing the New York state
35 campaign finance fund, is REPEALED.

36 § 14. This act shall take effect immediately.