

# STATE OF NEW YORK

1165

2023-2024 Regular Sessions

## IN ASSEMBLY

January 13, 2023

Introduced by M. of A. JACOBSON, GLICK, WALLACE, ZEBROWSKI, MAGNARELLI,  
SIMON -- read once and referred to the Committee on Election Law

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 Assem-  
bly, 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;

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

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1 b. provide the contributor with all information needed to cancel  
2 recurring contributions in each communication with the contributor with  
3 respect to the recurring contribution and any solicitation for addi-  
4 tional contributions; and

5 c. immediately cancel recurring contributions upon request of the  
6 contributor.

7 5. Any entity that violates the provisions of this section shall  
8 return the entire amount of contributions made, less the initial  
9 installment of the contribution, and pay a civil fine equal to five  
10 times the amount of the contribution to be refunded or one thousand  
11 dollars, whichever is greater.

12 § 2. This act shall take effect immediately.