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 Assembly, do enact as follows:

Section 1. The election law is amended by adding a new section 14-114-a to read as follows:

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

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

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

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

a. provide the contributor with a receipt for the initial contribution and each recurring contribution that clearly and conspicuously discloses all material terms of the contribution within twenty-four hours of the 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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b. provide the contributor with all information needed to cancel recurring contributions in each communication with the contributor with respect to the recurring contribution and any solicitation for additional contributions; and

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

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

§ 2. This act shall take effect immediately.