

AN ACT to amend the election law, the executive law and the penal law, in relation to enacting the “campaign finance reform, enforcement, transparency and accountability act of 2008,” and repealing certain provisions of the election law relating to the filing of statements of campaign receipts, contributions, transfers and expenditures

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

3 Section 1. Legislative findings and declarations. The legislature finds and declares that
4 preserving public confidence in the effective operation of government requires that candidates
5 for public office conduct their election campaigns with utmost transparency and accountability
6 to reduce the appearance or reality of favoritism and corruption in public office. The current
7 campaign finance laws of this state, with unusually high contribution limits far more permissive
8 than federal law and other states allow, promote the appearance if not also the reality that public
9 business is subject to disproportionate and improper influence by lobbyists, interest groups and
10 private donors able to make large campaign contributions. This perception directly undermines
11 public confidence in the fairness and integrity of state government. The legislature further finds
12 and declares that historically lax enforcement of such campaign finance laws as exist warrant
13 little confidence that abuses are effectively deterred, timely detected and properly penalized;
14 instead, weak enforcement can encourage the very abuses and public distrust that instead must
15 be the public policy of this state to prevent. To help restore public trust and confidence in
16 government, reduce the deleterious effects of large campaign contributions on the political

1 process, ensure both the reality and perception that all individuals and organizations have a fair
2 and meaningful opportunity to participate in government, and enhance transparency so that
3 voters timely can obtain important information regarding the funding and conduct of campaigns,
4 the legislature declares the public policy of this state to: (1) reduce contribution limits to levels
5 more consistent with federal standards, (2) particularly reduce contributions from lobbyists
6 directly influencing government decisions, (3) ban contributions from entities perceived to abuse
7 or evade campaign finance law, (4) promote transparency by enhancing the timeliness and rigor
8 of campaign finance reporting, (5) ensure proper disclosure of the sources of election-season
9 political advertising, (6) enhance the independence and rigor of campaign finance enforcement,
10 (7) raise civil and criminal penalties for noncompliance to deter and penalize violations, and (8)
11 enhance voter participation in and comprehension of the state election system.

12 § 2. This act shall be known and may be cited as the “campaign finance reform,
13 enforcement, transparency and accountability act of 2008.”

14 § 3. Subdivision 7 of section 3-102 of the election law is REPEALED and subdivisions 3
15 and 6 such section, as renumbered by chapter 9 of the laws of 1978, and paragraph (e) of
16 subdivision 9-A of such section, as added by chapter 430 of the laws of 1997, are amended to
17 read as follows:

18 3. conduct any investigation necessary to carry out the provisions of this chapter;
19 provided that the office of campaign finance enforcement, established pursuant to section 14-134
20 of this chapter, shall conduct any investigation necessary to carry out the provisions of article
21 fourteen of this chapter on behalf of the state board of elections;

1 6. confer immunity in accordance with the provisions of section 50.20 of the criminal
2 procedure law in any investigation relating to any crime or offense with respect to which, by
3 express provisions of statute, a competent authority is authorized to confer immunity; provided,
4 however, that such immunity shall be conferred only after the attorney general and appropriate
5 district attorney are afforded the opportunity to be heard respecting any objections which either
6 may have to the conferring thereof; and provided, further, that if either the attorney general or
7 any such appropriate district attorney shall object to the conferring of immunity, immunity may
8 be conferred only by unanimous vote of all four commissioners of the state board; and provided
9 further that the office of campaign finance enforcement established pursuant to section 14-134 of
10 this chapter shall investigate or prosecute offenses and collect civil penalties pursuant to article
11 fourteen of this chapter and, in connection with such investigations, such office shall have the
12 power to confer immunity in the name of the state board of elections subject to the provisions of
13 this subdivision;

14 (e) cause all information contained in such a statement filed with the state board of
15 elections which is not on such electronic reporting system to be entered into such system [as
16 soon as practicable but in no event later than ten business days after its] immediately and
17 forthwith upon receipt by the state board of elections; and

18 § 4. Subdivision 1 of section 3-104 of the election law, as renumbered by chapter 9 of the
19 laws of 1978, is amended to read as follows:

20 1. The state board of elections shall have jurisdiction of, and be responsible for, the
21 execution and enforcement of the provisions of [article fourteen of this chapter and other]
22 statutes governing campaigns, elections and related procedures; provided that the office of

1 campaign finance enforcement established pursuant to section 14-134 of this chapter shall
2 execute and enforce the provisions of article fourteen of this chapter in the name of the state
3 board of elections;

4 § 5. The election law is amended by adding a new section 3-201 to read as follows:

5 § 3-201. Office of the state public advocate for elections. 1. Office established. There
6 shall be within the state board of elections an office of the state public advocate for elections.
7 The head of the office shall be the state public advocate for elections. Within sixty days of the
8 effective date of this section, and thereafter within fifteen days of a vacancy or expected vacancy
9 in such office, the advisory committee for the state board of elections established pursuant to
10 subdivision three of this section shall transmit to the governor no less than three and no more
11 than five nominees well qualified for such position on the basis of education, integrity and
12 experience. Not less than ten days thereafter, the governor shall appoint a state public advocate
13 for elections from among such nominees; provided that if the governor shall fail timely to make
14 such appointment, then the advisory committee shall appoint a state public advocate for elections
15 from among such nominees not later than ten days thereafter. The state public advocate for
16 elections shall serve for a renewable term of five years; provided that he or she shall continue to
17 serve after the expiration of his or her term until his or her successor shall have been selected.
18 The state public advocate for elections shall be removed only for cause by the governor, on prior
19 consultation with the advisory committee, after suitable public notice to the state public advocate
20 for elections and reasonable opportunity for him or her to be heard on the cause for removal in a
21 public hearing. The annual compensation of the state public advocate for elections shall be no
22 less than the annual compensation of a co-executive director of the state board of elections.

1 2. Duties and powers of office. a. The office of the state public advocate for elections
2 shall:

3 (1) educate and provide guidance to candidates, political committees and members of the
4 public, regularly and at locations across the state, to promote maximum understanding of and
5 cost-effective compliance with the provisions of this chapter;

6 (2) maintain toll-free telephone and internet access to the office for candidates, political
7 committees and members of the public to obtain such guidance;

8 (3) assist in the support and coordination of local boards of elections to promote the
9 consistent and cost-effective application of this chapter;

10 (4) cooperate with relevant offices of state and local government as necessary;

11 (5) conduct studies, contract for the provision of studies and issue public reports on the
12 operation and administration of elections, registration of voters, filing of campaign finance
13 statements and other matters bearing on the consistent and cost-effective application and
14 enforcement of this chapter, and recommend such statutory, regulatory and other initiatives as
15 the office may determine on the basis of such studies and reports to enhance the fair and cost-
16 effective application of this chapter; and

17 (6) issue an annual report to the governor, temporary president of the senate, minority
18 leader of the senate, speaker of the assembly and the minority leader of the assembly relating to
19 the duties and accomplishments of the office in the preceding year.

20 b. In furtherance of the duties of office, the state public advocate for elections shall have
21 the powers to subpoena and enforce the attendance of witnesses, administer oaths and examine

1 witnesses under oath and require the production of any books or papers deemed relevant or
2 material, and enforce such powers pursuant to law.

3 3. Advisory committee for the state board of elections. a. There shall be an advisory
4 committee for the state board of elections. Such advisory committee shall be comprised of nine
5 members appointed by the governor, of whom one shall be on nomination of the temporary
6 president of the senate, one shall be on nomination of the minority leader of the senate, one shall
7 be on nomination of the speaker of the assembly and one shall be on nomination of the minority
8 leader of the assembly. Of the five members appointed by the governor not on recommendation
9 of a member of the legislature, no more than two shall be enrolled members of the party whose
10 candidate for governor at the general election preceding appointment received the highest
11 number of votes, no more than two shall be enrolled members of the party whose candidate for
12 governor at the general election preceding appointment received the second highest number of
13 votes, and at least one shall not be an enrolled member of any party for at least six prior to
14 appointment and for the duration of service on the advisory committee and shall be deemed to
15 resign from such committee upon registration with any party; provided, however, that at least
16 two members appointed by the governor not on recommendation of a member of the legislature
17 shall represent one or more not-for-profit organizations that regularly advocate for the interests
18 of voters and/or the proper conduct of elections statewide. Of the members appointed on
19 nomination of a member of the legislature, no more than two shall be enrolled members of a
20 political party whose candidate for governor at the general election preceding appointment
21 received the highest number of votes, and no more than two shall be enrolled members of a
22 political party whose candidate for governor at the general election preceding appointment

1 received the second highest number of votes. Members shall serve for renewable terms of five
2 years; provided that the member first nominated by the temporary president of the senate shall
3 serve for four years, the member first nominated by the speaker of the assembly shall serve for
4 three years, the member first nominated by the minority leader of the senate shall serve for two
5 years, the member first nominated by the minority leader of the assembly shall serve for one
6 year, and the five members first appointed by the governor not on recommendation of a member
7 of the legislature shall serve for one, two, three, four and five years, respectively, as the governor
8 shall designate at the time of first appointment. Members first appointed hereunder shall be
9 nominated and appointed within thirty days of the effective date of this section; vacancies shall
10 be filled for the unexpired term within fifteen days of the vacancy in the same manner as an
11 original appointment. The advisory committee shall select a chairperson for a renewable term of
12 three years and shall establish its own rules of procedure.

13 b. For their services hereunder, members of the advisory committee shall receive no
14 compensation but shall be entitled to reimbursement for reasonable and necessary expenses
15 directly related to their duties. No member shall be disqualified from holding any other public
16 office or employment, nor shall he or she forfeit any such office or employment, by reason of his
17 or her appointment pursuant to this subdivision, notwithstanding the provisions of any general,
18 special or local law, regulation, rule, ordinance or charter.

19 c. The advisory committee shall consult with and assist the state public advocate for
20 elections in the discharge of his or her duties. The advisory committee shall make nominations
21 for state public advocate for elections in the manner and by the date specified in subdivision one

1 of this section, and for chief enforcement officer of the office of campaign finance enforcement
2 in the manner and by the date specified in subdivision one of section 14-134 of this article.

3 4. Notwithstanding any other provision of law:

4 a. The state public advocate for elections, or an employee authorized by him or her, shall
5 be entitled to be present at every meeting of the state board of elections, including every
6 executive sessions thereof, and shall receive timely notice of each such meeting and session in
7 like fashion as a commissioner of the state board of elections; provided that nothing in this
8 paragraph shall be construed otherwise to waive the confidentiality of such executive sessions;

9 b. The office of the state public advocate for elections shall be entitled promptly to
10 receive any and all information, reports, papers, data, accounts and other materials kept, held or
11 filed by the state board of elections and any local board of elections; provided that nothing in this
12 paragraph shall be construed to authorize breach of the confidentiality of matters otherwise
13 privileged against disclosure;

14 c. The office of the state public advocate for elections shall be entitled promptly to
15 receive from the state board of elections, local boards of elections and other instrumentalities of
16 state, county or local government such further cooperation and information as he or she may
17 request to effectuate the provisions of this section;

18 d. There shall be no less than four full-time staff persons dedicated to the affairs of the
19 office, in addition to the state public advocate for elections, which persons shall be selected by
20 the state public advocate for elections and shall be removable either by him or her, or for cause
21 by majority vote of the state board of elections after suitable public notice and a reasonable
22 opportunity to be heard on the cause for removal; and

1 14-124. Exceptions.

2 14-126. Disposition of anonymous contributions.

3 14-128. Campaign funds for personal use; other impermissible uses.

4 14-129. Dissolution of inactive campaign committees.

5 14-130. Violations; penalties.

6 14-132. Notice of civil penalty to authorizing candidate.

7 14-134. Enforcement.

8 14-136. Random audits.

9 14-138. Official communications by electronic means.

10 14-140. Construction.

11 § 14-100. Definitions. As used in this article:

12 1. “political committee” means any corporation aiding or promoting and any committee,
13 political club or combination of one or more persons operating or co-operating to aid or to
14 promote the success or defeat of a political party or principle, or of any ballot proposal; or to aid
15 or take part in the election or defeat of a candidate for public office or to aid or take part in the
16 election or defeat of a candidate for nomination at a primary election, caucus or convention,
17 including all proceedings prior to such primary election, or of a candidate for any party position
18 voted for at a primary election, or to aid or defeat the nomination by petition of an independent
19 candidate for public office; but nothing in this article shall apply to any committee or
20 organization for the discussion or advancement of political questions or principles without
21 connection with any vote or to a national committee organized for the election of presidential or
22 vice-presidential candidates; provided, however, that a person or corporation making a

1 contribution or contributions to a candidate or a political committee which has filed pursuant to
2 section 14-118 of this article shall not, by that fact alone, be deemed to be a political committee
3 as herein defined;

4 2. “party committee” means any committee provided for in the rules of the political
5 party in accordance with section 2-100 of this chapter, other than a constituted committee;

6 3. “constituted committee” means a state committee, a county committee, or a duly
7 constituted subcommittee of a county committee;

8 4. “duly constituted subcommittee of a county committee” means, outside the city of
9 New York, a city, town or village committee, and, within the city of New York, an assembly
10 district committee, which consists of all county committee members from the city, town, village
11 or assembly district, as the case may be, and only such members;

12 5. “authorized committee” means a political committee which has been authorized by
13 one or more candidates to act on their behalf and which shall be the political committee
14 empowered to issue poll watcher certificates for its candidates in a primary election;

15 6. “multi-candidate committee” means a political committee which has been in existence
16 for six months, has received contributions from more than fifty persons, has made contributions
17 of money to at least five candidates in New York state, makes only monetary contributions and
18 is not an authorized committee for any candidate;

19 7. “district” means the entire state or any part thereof, as the case may be;

20 8. “candidate” means an individual who seeks nomination for election, or election, to
21 any public office or party position to be voted for at a caucus, primary, general, special or New
22 York City community school district election or election for trustee of the Long Island Power

1 Authority, whether or not the public office or party position has been specifically identified at
2 such time and whether or not such individual is nominated or elected, and, for purposes of this
3 subdivision, an individual shall be deemed to seek nomination for election, or election, to an
4 office or position, if he or she has (a) taken the action necessary to qualify himself or herself for
5 nomination for election, or election, or (b) received contributions or made expenditures, given
6 his or her consent for any other person to receive contributions or make expenditures, with a
7 view to bringing about his or her nomination for election, or election, to any office or position at
8 anytime whether in the year in which such contributions or expenditures are made or at any other
9 time;

10 9. “legislative leader” means any of the following: the speaker of the assembly, the
11 minority leader of the assembly, the temporary president of the senate and the minority leader of
12 the senate;

13 10. “contribution” means:

14 a. any gift, subscription, guarantee or forgiveness of any loan to the extent provided for
15 in section 14-114 of this article, advance, transfer or deposit of money or any item of value,
16 made in connection with the nomination for election, or election, of any candidate, or made to
17 promote the success or defeat of a political party or principle, or of any ballot proposal;

18 b. any funds received by a political committee from another committee;

19 c. any payment, by any person other than a candidate or a political committee authorized
20 by the candidate, made in connection with the nomination for election, or election, of any
21 candidate, or any payment made to promote the success or defeat of a political party or principle,
22 or of any ballot proposal, including but not limited to compensation for the personal services of

1 any individual which are rendered in connection with a candidate's election or nomination
2 without charge; provided, however, that none of the foregoing shall be deemed a contribution if
3 it is made, taken or performed by a candidate or his or her spouse or by a person or a political
4 committee independent of the candidate or his or her agents or authorized political committees;
5 or

6 d. the fair market value of any discount or rebate not extended to the general public, other
7 than a discount or rebate on or for the production or dissemination of political advertising where
8 such discount or rebate is not extended equally to all candidates for the same office in an
9 election.

10 For purposes of this article, the term contribution shall not include: (1) the value of
11 services provided without compensation by individuals who volunteer a portion or all of their
12 time on behalf of a candidate or political committee, (2) the use of real or personal property and
13 the cost of invitations, food and beverages voluntarily provided by an individual to a candidate
14 or political committee on the individual's residential premises for candidate-related activities to
15 the extent that such services do not exceed five hundred dollars in value, (3) the travel expenses
16 of any individual who on his or her own behalf volunteers his or her personal services to any
17 candidate or political committee to the extent that such expenses are unreimbursed and do not
18 exceed five hundred dollars in value, and (4) public funds of any kind whatsoever allocated to a
19 campaign pursuant to a voluntary system of public financing pursuant to state or local law.

20 11. "election" means all general, special and primary elections, whether such elections
21 are contested or uncontested, but shall not include elections provided pursuant to the education
22 law, special district elections, fire district elections or library district elections.

1 § 14-102. Statements of campaign receipts, contributions and expenditures to and by
2 political committees. 1. The treasurer of every political committee which, or any officer,
3 member or agent of any such committee who, in connection with any election, receives or
4 expends any money or other valuable item of value or incurs any liability to pay money or its
5 equivalent shall file statements sworn, or subscribed and bearing a form notice that false
6 statements made therein are punishable as a class E felony pursuant to section 210.46 of the
7 penal law, at the times prescribed by this article setting forth all the receipts, contributions to and
8 the expenditures made by and liabilities of the committee, and of its officers, members and
9 agents in its behalf. Such statements shall include the dollar amount of any receipt, contribution
10 or transfer, or if other than money the fair market value thereof, the name and address of the
11 contributor, transferor or person from whom received, the occupation of such person, and for a
12 natural person contributing one hundred dollars or more, the name and business address of such
13 person's employer, and if the contributor, transferor or person is a political committee, multi-
14 candidate committee, party committee, constituted committee or constituted sub-committee, the
15 name of and the political unit represented by the committee, the date of its receipt, the dollar
16 amount of every expenditure, the name and address of the person to whom it was made or the
17 name of and the political unit represented by the committee to which it was made and the date
18 thereof, and shall state clearly the purpose of such expenditure. If any one expenditure is made
19 for more than one purpose, or as payment for goods and services supplied by more than one
20 supplier or person, such statement shall set forth separately each such purpose or supplier and
21 the amount expended for each such purpose or for or to each such supplier. For example, the
22 previous sentence includes, but is not limited to, consulting fees paid through the use of a mail

1 house. All parties who receive any monies as a campaign expenditure must be identified. Any
2 statement reporting a loan shall have attached to it a copy of the evidence of indebtedness.
3 Expenditures in sums under fifty dollars need not be specifically accounted for by separate items
4 in said statements, provided, however, that such expenditures, receipts and contributions shall be
5 subject to the other provisions of section 14-118 of this article.

6 2. Whenever a person or entity, such as a consultant acting on behalf of a political
7 committee which supports or opposes candidates for any public office or party position or which
8 supports or opposes any proposition, subcontracts for finished goods and services, the treasurer
9 of the committee shall, in addition to reporting the expenditures made to such consultant or
10 agent, report the name, address and amount expended to each person or entity providing such
11 goods or services the cost of which exceeds, in the aggregate, one thousand dollars. The
12 treasurer of any committee which makes such expenditures may, in lieu of providing such
13 information on the statement which lists the expenditure, include the information on a separate
14 schedule to be included with the committee's first statement filed after the general election or if
15 it relates to a primary election, with the first statement filed after the primary. In such case, the
16 schedule entry shall reference the statement in which the expenditure is listed.

17 3. The state board of elections shall promulgate regulations with respect to the
18 accounting methods to be applied in complying with, and in preparing the statements required
19 by, the provisions of this article and shall provide forms suitable for such statements. Such
20 regulations shall be drawn to assure compliance and obtain the maximum possible disclosure.

21 4. Any committee required to file statements with the state board of elections pursuant to
22 this article and that raises or spends or expects to raise or spend more than one thousand dollars

1 in any calendar year shall file all such statements pursuant to the electronic reporting system
2 prescribed by the state board of elections as set forth in subdivision nine-A of section 3-102 of
3 this chapter. Notwithstanding the provisions of this subdivision, upon the filing of a sworn
4 instrument by the treasurer of a political committee which states that such political committee
5 does not have access to the technology necessary to comply with the electronic filing
6 requirements of such subdivision and that filing by such means would constitute a substantial
7 hardship for such political committee, the state board of elections may issue an exemption from
8 the electronic filing requirements of this article; provided that the state board of elections, on
9 receipt of the statements of such a political committee, forthwith and immediately shall upload
10 to such electronic reporting system all data from such statements so that such data are accessible
11 to the public on such electronic reporting system to the same extent as statements filed by such
12 electronic reporting system pursuant to such subdivision.

13 § 14-104. Statements of campaign receipts, contributions and expenditures by and to
14 candidates. 1. Any candidate for election to public office, or for nomination for public office at
15 a contested or uncontested primary election, caucus or convention, or for election to a contested
16 or uncontested party position at a primary election shall file statements sworn, or subscribed and
17 bearing a form notice that false statements made therein are punishable as a class E felony
18 pursuant to section 210.46 the penal law, at the times prescribed by this article setting forth the
19 particulars specified by section 14-102 of this article, as to all moneys or other items of value,
20 paid, given, expended or promised by him or her to aid his or her own nomination or election, or
21 to promote the success or defeat of a political party, or to aid or influence the nomination or
22 election or the defeat of any other candidate to be voted for at the election or primary election or

1 at a caucus or convention, including contributions to political committees, officers, members or
2 agents thereof, and receipts and contributions to him or her to be used for any of the purposes
3 above specified, or in lieu thereof, any such candidate may file such a sworn statement at the
4 first filing period, on a form prescribed by the state board of elections, that such candidate has
5 made no such expenditures and does not intend to make any such expenditures, except through a
6 political committee authorized by such candidate pursuant to this article.

7 2. A candidate who is unopposed in a primary election and a committee authorized by
8 him or her pursuant to the provisions of this article and taking part solely in his or her campaign
9 shall be required to file the statements of receipts, expenditures and contributions required by
10 this article to be filed immediately prior to such uncontested primary election as well as any
11 other statements required to be filed by this article which are applicable to a candidate who is
12 opposed in a primary election and to a committee authorized by such a candidate.

13 3. Statements filed by any political committee authorized by a candidate pursuant to this
14 article which is required to file such statements with the state board of elections and which raises
15 or spends or expects to raise or spend more than one thousand dollars in any calendar year shall
16 file all such statements pursuant to the electronic reporting system prescribed by the state board
17 of elections as set forth in subdivision nine-A of section 3-102 of this chapter. Notwithstanding
18 the provisions of this section, upon the filing of a sworn instrument by the treasurer of a political
19 committee authorized by a candidate pursuant to this article which states that such committee
20 does not have access to the technology necessary to comply with the electronic filing
21 requirements of such subdivision and that filing by such means would constitute a substantial
22 hardship for such committee, the state board of elections may issue an exemption from the

1 electronic filing requirements of this article; provided that the state board of elections, on receipt
2 of the statements of such a political committee, forthwith and immediately shall upload to such
3 electronic reporting system all data from such statements so that such data are accessible to the
4 public on such electronic reporting system to the same extent as statements filed by such
5 electronic reporting system pursuant to such subdivision.

6 § 14-105. Contribution delivery activities by an intermediary. 1. For purposes of this
7 section, “intermediary” means any person, committee, employee organization or other entity,
8 other than a candidate or the candidate’s authorized committee or its agents, who or that delivers
9 a contribution other than in the regular course of business as a postal, delivery or messenger
10 service from a contributor, other than an intermediary, to any candidate for nomination or
11 election to public office, authorized committee of any such candidate, multi-candidate committee
12 supporting at least one such candidate, party committee or any agent of any such candidate or
13 committee. The following persons shall not be considered to be intermediaries:

14 a. an individual who is a resident of the candidate’s household or an employee of the
15 candidate, the candidate’s authorized committee, a multi-candidate committee, a party
16 committee or a commercial fundraising firm retained by the candidate or such committee, who is
17 expressly authorized by the candidate, such committee or firm to engage in fundraising on behalf
18 of such candidate or committee; or

19 b. an individual who acts as the host of a fundraiser for a candidate or such committee.

20 2. When an intermediary delivers contributions totaling in the aggregate one thousand
21 dollars or more to or on behalf of any candidate, authorized candidate committee, multi-
22 candidate committee, party committee or agent of such candidate or committee in any calendar

1 year, such intermediary shall transmit to the recipient candidate or committee, by writing
2 delivered contemporaneously with the contributions, the name, mailing address and occupation
3 of each contributor, the amount of each contribution, the date each contribution was received by
4 the intermediary, and for contributions of one hundred dollars or more, the name and address of
5 such contributor's employer.

6 3. For each intermediary who delivers contributions totaling in the aggregate one
7 thousand dollars or more to or on behalf of any candidate, authorized candidate committee,
8 multi-candidate committee, party committee or agent of such candidate or committee in any
9 calendar year, the recipient candidate or committee shall report to the state board of elections the
10 name, mailing address and occupation of the intermediary, the name and mailing address of his
11 or her employer, and the total amount of contributions delivered by the intermediary to such
12 candidate or committee, within thirty days of such delivery or with the next succeeding
13 statement required to be filed pursuant to section 14-102 of this article, whichever is earlier.

14 4. Notwithstanding any contrary provision of law, no person required to register as a
15 lobbyist pursuant to article one-a of the legislative law and no member such person's household
16 shall serve as an intermediary for any contribution that exceeds the contribution limit specified
17 in subdivision four of section 14-114 of this article for persons required to register as lobbyists.
18 Any person that knowingly violates this subdivision, or participates in, aids, abets, advises or
19 consents to any such violation, shall be guilty of a class E felony.

20 § 14-106. Political communication; filing and identification. 1. The statements required
21 by this article to be filed next succeeding a primary, general or special election shall be
22 accompanied by a copy of all broadcast, cable or satellite schedules and scripts, advertisements,

1 pamphlets, circulars, flyers, brochures, letterheads and other printed matter purchased or
2 produced, scripts or recordings of automated telephone calls, and reproductions of statements or
3 information conveyed by computer or other electronic device to one hundred or more members
4 of a general public audience in the aggregate, purchased in connection with such election by or
5 under the authority of the person filing the statement or the committee or the person on whose
6 behalf it is filed, as the case may be. Such copies, schedules, scripts and recordings shall be
7 preserved by the officer with whom or the board with which it is required to be filed for a period
8 of three years from the date of filing thereof.

9 2. Whenever any person makes an expenditure of five hundred dollars or more in the
10 aggregate for the purpose of financing, or otherwise publishes or distributes to a general public
11 audience, any covered communication within the meaning of subdivision four of this section,
12 such communication:

13 a. if paid for and authorized by a candidate, an authorized political committee of a
14 candidate or its agents, shall clearly state that the communication has been paid for by such
15 candidate, authorized political committee or agent;

16 b. if paid for by other persons but authorized by a candidate, an authorized political
17 committee of a candidate or its agents, shall clearly state that the communication is paid for by
18 such other persons and authorized by such candidate, authorized political committee or agent.

19 A communication subject to this subdivision that is disseminated by cable, satellite,
20 television, telephone, radio or other electronic means shall include, in clearly spoken form in the
21 voice of the candidate, the phrase “I am [Name of Candidate], and I approve this message.”

1 3. Whenever any person makes an expenditure or expenditures of five hundred dollars or
2 more in the aggregate for the purpose of financing, or otherwise publishes or distributes to a
3 general public audience, any covered communication within the meaning of subdivision four of
4 this section, and such communication is not authorized by a candidate, an authorized political
5 committee of a candidate or its agents, such communication shall clearly state the name of the
6 person or other organization or entity that paid for or otherwise published or distributed the
7 communication and state that the communication is not authorized by any candidate or
8 candidate’s committee. Whenever any such person for such purpose makes an expenditure or
9 expenditures in the aggregate of the lesser of twenty-five thousand dollars or twenty-five percent
10 of the total cost of producing and disseminating such covered communication, such statement
11 also shall include the phrase “Major Funding Provided By [Name of Person or Entity],” and for
12 each such person or entity shall specify the municipality and state of residence or incorporation,
13 as the case may be. For an audio or video communication, such statement shall be clearly
14 spoken, and otherwise such statement shall be in a printed or drawn box apart from any other
15 printed material in at least ten point type on each page or fold, except for a billboard, poster or
16 other public display, such statement shall be in a printed or drawn box in type at least ten percent
17 of the largest typeface otherwise used therein.

18 4. For purposes of this section:

19 a. the term “person” shall include an individual, political action committee, organization,
20 entity or other group of persons;

21 b. the term “communication” shall include any audio or video communications via
22 broadcast, cable or satellite, any written communications via advertisements, pamphlets,

1 circulares, flyers, brochures, letterheads or other printed materials, telephonic calls and statements
2 or information conveyed by computer or other electronic devices to one hundred or more
3 members of a general public audience; and

4 c. the term “covered communication” shall mean:

5 (i) a communication that expressly advocates the election or defeat of a clearly identified
6 candidate, the success or defeat of a political party or principle, or the success or defeat of a
7 ballot proposal, including but not limited to a communication that:

8 (A) contains terms or synonyms thereof such as “vote for,” “elect,” “support,” “cast your
9 ballot for,” “Smith for Assembly,” “Jones 2008,” “Jones/Brown,” “Veterans for Smith,” “vote
10 against,” “oppose,” “defeat” or “reject”; or

11 (B) is susceptible of no reasonable interpretation other than as an appeal to support or
12 oppose a specified candidate, political party, principle or ballot proposal, whether or not by
13 referring to clearly identified candidates competing in an election or taking a position on any
14 clearly identified candidate’s character, experience, qualifications or fitness for office; provided,
15 that a communication that takes a position on an issue or specifies a clearly identified
16 candidate’s position on an issue and that exhorts recipients of such communication to contact a
17 clearly identified candidate in relation to such issue shall not, merely in the taking or
18 specification of such position and exhorting such communication to a candidate, be deemed a
19 “covered communication”; or

20 (ii) a communication transmitted, broadcast or otherwise disseminated to a target
21 electorate within forty-five days of a primary election or sixty days of a general election, where
22 such communication names, depicts, pictures or references either:

1 (A) a clearly identified candidate subject to nomination or election before such target
2 electorate in such election, whether or not by name or nickname or by words or synonyms
3 thereof such as “the incumbent,” “the challenger,” “the Democratic candidate for” or “the
4 Republican candidate for”; or

5 (B) the public office or nomination for public office that such candidate seeks in such
6 election, whether or not by words or synonyms thereof such as “your governor,” “legislator,”
7 “senator,” “district 15,” “assemblymember” or “county court judge.”

8 For purpose of this subparagraph, “target electorate” shall mean at least one hundred
9 persons capable of receiving such communication in the district such candidate seeks to
10 represent.

11 5. A knowing and willful violation of the provisions of this section shall constitute a class
12 A misdemeanor.

13 § 14-108. Time for filing statements. 1. The statements required by this article shall be
14 filed at such times as the state board of elections, by rule or regulation, shall specify; provided,
15 however, that in no event shall the board provide for fewer than three filings in the aggregate in
16 connection with any primary, general or special election, or in connection with a question to be
17 voted on, and two of said filings shall be before any such election, including one such filing not
18 less than thirty days nor more than forty-five days prior to such election and one such filing not
19 less than eleven days nor more than fifteen days prior to such election. In addition, the board
20 shall provide that every political committee which has filed a statement of treasurer and
21 depository shall make at least one filing every three months between the time such statement of
22 treasurer and depository is filed and the time such committee goes out of business. If any

1 candidate or committee shall be required by the provisions of this section, or by rule or
2 regulation hereunder, to effect two filings within a period of five days, then the state board of
3 elections may, by rule or regulation, waive the requirement of filing the earlier of such
4 statements. If a statement filed by a candidate or committee after the election to which it
5 pertains is not a final statement showing satisfaction of all liabilities and disposition of all assets,
6 then such candidate or committee shall file such additional statements as the board shall, by rule
7 or regulation, provide until such a final statement is filed.

8 2. Each statement shall cover the period up to and including the fourth day next
9 preceding the day specified for the filing thereof; provided, however, that any contribution or
10 loan in excess of one thousand dollars, if received after the close of the period to be covered in
11 the last statement filed before any primary, general or special election but before such election,
12 shall be reported, in the same manner as other contributions, within twenty-four hours after
13 receipt.

14 3. Each statement shall be preserved by the officer with whom or the board with which it
15 is required to be filed for a period of seven years from the date of filing thereof.

16 4. Each statement shall constitute a part of the public records of such officer or board
17 and shall be open to immediate public inspection.

18 5. The state board of elections, not later than ten days after the last day to file any such
19 statement except not later than five days after the last day to file a statement required to be filed
20 within fifteen days before an election, shall notify each person required to file any such
21 statement which has not been received by the board by such tenth day or fifth day in accordance
22 with this article of such person's failure to file such statement timely. Such notice shall be in

1 writing and mailed to the last known residence or business address of such person by certified
2 mail, return receipt requested. Failure to file within five days of receipt of such notice, or within
3 twenty-four hours of receipt for a statement required to be filed within fifteen days before an
4 election, shall constitute prima facie evidence of a willful failure to file. If the person required to
5 file such statement is a treasurer who has stated that the committee has been authorized by one or
6 more candidates, a copy of such notice shall be sent to each such candidate by first class mail.

7 6. A statement shall be deemed properly filed when deposited in an established post
8 office within the prescribed time, duly stamped, certified and directed to the officer with whom it
9 is required to be filed or to the state board of elections, but in the event that it is not received, a
10 duplicate of such statement shall be promptly filed upon notice by such officer or the board of its
11 nonreceipt.

12 7. All statements required to be filed during the period of fifteen days before an election
13 shall be transmitted electronically to the state board of elections by the internet in the manner
14 promulgated by the state board of elections or, if mailed, shall be sent by express mail and shall
15 be deemed properly filed when deposited in an established post office within the prescribed time,
16 duly stamped, certified and directed to the officer with whom it is required to be filed or to the
17 state board of elections, and in the event that it is not received within two days, a duplicate of
18 such statement immediately shall be filed upon notice by such officer or the board of its
19 nonreceipt. Willful violation of this subdivision shall be punishable as a class A misdemeanor.

20 § 14-110. Place for filing statements. All filings required by this article shall be filed
21 with the state board of elections.

1 § 14-112. Political committee authorization statement. 1. Any political committee
2 aiding or taking part in the election or nomination of any candidate, other than making
3 contributions, shall file with the state board of elections either a sworn verified statement by the
4 treasurer of such committee and the candidate that such candidate has authorized the political
5 committee to aid or take part in his or her election or that the candidate has not authorized the
6 committee to aid or take part in his or her election.

7 2. No candidate may have more than one authorized political committee per election
8 expending monies on such candidate's behalf. Any candidate who on the effective date of this
9 section shall have authorized more than one political committee for any one public office or
10 party position in a particular election shall, not later than thirty days after said date, close all but
11 one of such committees and transfer existing funds to such candidate's remaining committee for
12 the same public office or party position in a particular election. Any candidate who on the
13 thirty-first day after the effective date of this section shall have more than one political
14 committee for any one public office or party position in a particular election shall be deemed to
15 disavow every committee other than the one with which greater funds remain, and all funds then
16 remaining in such other committees shall be forfeited to the state of New York and shall be
17 remitted to the comptroller of the state for deposit in the general treasury of the state. This
18 subdivision shall not apply to a multi-candidate committee or to the authorization of an
19 exploratory committee by an elected public official.

20 § 14-114. Contribution and receipt limitations. 1. No person or committee may
21 contribute, loan or guarantee in excess of the applicable contribution limit specified in this
22 section for such contributor, election and public office in connection with the nomination or

1 election of persons to state and local public offices and party positions within the state of New
2 York in any one calendar year. For purposes of this subdivision, “loan” or “guarantee” shall
3 mean a loan or guarantee which is not repaid or discharged in the calendar year in which it is
4 made.

5 2. a. No person, including but not limited to a spouse, parent, child, grandparent or
6 sibling of a candidate, shall make a contribution and no committee shall accept a contribution to
7 any candidate and his or her authorized committee with respect to any contested nomination for
8 statewide public office or election to such public office, that in the aggregate exceeds:

9 (1) for a candidate for statewide office, citywide office in the city of New York, state
10 senate, justice of the supreme court or countywide office, the applicable contribution limit for a
11 member of congress as provided in title forty-two of the United States code;

12 (2) for a candidate for state assembly, one half of the applicable contribution limit for a
13 member of congress, as provided in title forty-two of the United States code;

14 (3) for a candidate for any other public office, or with respect to any party position, the
15 lesser of (i) one half of the applicable contribution limit for a member of congress as provided in
16 title forty-two of the United States code, or (ii) the product of the total number of enrolled voters
17 in the candidate’s party in the district in which he or she is a candidate, excluding voters in
18 inactive status, multiplied by \$.05, but not less than two hundred dollars.

19 b. No person shall make a contribution and no committee specified below shall accept a
20 contribution that in the aggregate for any calendar year exceeds:

21 (1) to party and constituted committees, five thousand dollars; or

22 (2) to constituted subcommittees, five hundred dollars.

1 c. No multi-candidate committee shall make a contribution and no committee shall
2 accept a contribution:

3 (1) to any candidate and his or her authorized committee with respect to any contested
4 nomination for statewide public office or election to public office, that in the aggregate exceeds:

5 (A) for a candidate for statewide office, citywide office in the city of New York, state
6 senate, justice of the supreme court or countywide office, the applicable contribution limit for a
7 member of congress as provided in title forty-two of the United States code;

8 (B) for a candidate for state assembly, one half of the applicable contribution limit for a
9 member of congress, as provided in title forty-two of the United States code;

10 (C) for any other contested nomination for public office or election to public office, or
11 with respect to any party position, that in the aggregate exceeds the lesser of (i) one half of the
12 applicable contribution limit for a member of congress as provided in title forty-two of the
13 United States code, or (ii) the product of the total number of enrolled voters in the candidate's
14 party in the district in which he or she is a candidate, excluding voters in inactive status,
15 multiplied by \$.05, but not less than two hundred dollars;

16 (2) to party and constituted committees in any calendar year, that in the aggregate
17 exceeds two thousand five hundred dollars;

18 (3) to constituted subcommittees in any calendar year, that in the aggregate exceeds two
19 hundred fifty dollars; and

20 (4) to any other committee in any calendar year, that in the aggregate exceeds two
21 thousand five hundred dollars.

22 3. Intentionally omitted.

1 4. Notwithstanding the provisions of subdivision two or three of this section, no person
2 required in any calendar year to register as a lobbyist pursuant to article one-a of the legislative
3 law and no member of such person's household shall make in such calendar year any
4 contribution that in the aggregate exceeds the greater of two hundred dollars or ten percent of the
5 contribution limit otherwise specified in this section for such contribution.

6 5. No constituted committee may expend, in any twelve month period terminating on the
7 day of a general election, other than as non-candidate expenditures, any portion of any individual
8 contribution which exceeds, in the case of a state committee, one-half of one cent for each
9 registered voter in the state, or in the case of any other constituted committee, the greater of one
10 cent for each registered voter in the district in which the committee is organized or five hundred
11 dollars. The number of such voters shall be determined as of the date of such general election or
12 as of the date of the general election in whichever of the proceeding four years shall result in the
13 greatest number.

14 6. Notwithstanding any contrary provision of this article, no natural person except a
15 candidate for his or her own campaign may contribute, loan or guarantee in excess of twenty-
16 five thousand dollars within the state of New York in any calendar year in connection with the
17 nomination or election of candidates for state or local public offices or party positions.

18 7. Nothing herein shall impair any voluntary system of public campaign financing
19 pursuant to local law or the powers of any locality or instrumentality thereof, including but not
20 limited to the New York city campaign finance board, to operate and enforce the requirements of
21 such system, where such local law requires a candidate or committee receiving or expending
22 public funds pursuant to such local law to comply with expenditure restrictions and disclosure

1 requirements stated therein. Such a local law shall supersede contrary provisions of this section
2 to the extent of contribution limits for candidates and committees participating in such system.

3 8. For purposes of this section:

4 a. contributions other than money shall be evaluated at their fair market value, and the
5 state board of elections shall promulgate regulations, consistent with law, governing the manner
6 of computing fair market value;

7 b. the term “contributor” shall not include a party committee supporting the candidate of
8 such party or a constituted committee supporting the candidate of such party.

9 c. the number of registered or enrolled voters shall be determined as of the date of the
10 general, special or primary election, as the case may be, or as of the date of the general election
11 in any of the preceding four years, whichever date shall result in the greatest number and
12 candidates running jointly for the offices of governor and lieutenant governor in a general or
13 special election shall be deemed to be one candidate; and

14 d. a portion of every contribution to a party committee, expended as other than non-
15 candidate expenditures, and a portion of every contribution to a political committee authorized to
16 support more than one candidate, shall be deemed contributed to every candidate supported by
17 such committee. That portion shall be determined by allocating the contributions received by the
18 committee among all the candidates supported by the committee in accordance with any formula
19 based on reasonable standards established by the committee. The statements filed by such
20 committee in accordance with this article shall set forth, in addition to the other information
21 required to be set forth, the total amount received by the committee from each contributor on
22 behalf of all such candidates and the amount of each such contribution allocated to each

1 candidate by the dollar amount and percentage. Nothing in this subdivision shall require
2 allocating contributions expended on non-candidate expenditures to candidates.

3 9. a. A loan made to a candidate or political committee, other than a constituted
4 committee, by any person, firm, association or corporation other than in the regular course of the
5 lender's business shall be deemed, to the extent not repaid by the date of the primary, general or
6 special election, as the case may be, a contribution by such person, firm, association or
7 corporation.

8 b. A loan made to a candidate or political committee, other than a constituted committee,
9 by any person, firm, association or corporation in the regular course of the lender's business
10 shall be deemed, to the extent not repaid by the date of the primary, general or special election,
11 as the case may be, a contribution by the obligor on the loan and by any other person endorsing,
12 cosigning, guaranteeing, collateralizing or otherwise providing security for the loan.

13 § 14-116. Political contributions by lobbyists and certain organizations. 1. No
14 corporation or joint-stock association, limited liability company, professional limited liability
15 company, partnership or labor organization doing business in this state, except a corporation or
16 association organized and maintained for political purposes only, shall directly or indirectly pay
17 or use, or offer, consent or agree to pay or use, any money or property for or in aid of any
18 political party, committee or organization, or for or in aid of any corporation, joint-stock or other
19 association organized or maintained for political purposes, or for or in aid of any candidate for
20 political office or for nomination for such office, or for any political purpose whatever, or for the
21 reimbursement or indemnification of any person for moneys or properties so used. Any person,
22 corporation, joint-stock association, limited liability corporation, professional limited liability

1 company, partnership or labor organization, or agent thereof, that knowingly contributes, offers
2 to contribute, uses, solicits or receives money or property in violation of this subdivision, or
3 participates in, aids, abets, advises or consents to any such violation, shall be guilty of a class E
4 felony.

5 2. No person required to register as a lobbyist pursuant to article one-a of the legislative
6 law and no member such person's household shall directly or indirectly pay or use, or offer,
7 consent or agree to pay or use, any money or property for or in aid of any political party,
8 committee or organization, or for or in aid of any corporation, joint-stock or other association
9 organized or maintained for political purposes, or for or in aid of any candidate for political
10 office or for nomination for such office, or for any political purpose whatever, or for the
11 reimbursement or indemnification of any person for moneys or properties so used, in excess of
12 the contribution limit specified therefor in subdivision four of section 14-114 of this article. Any
13 person that knowingly contributes, offers to contribute, uses, solicits or receives money or
14 property in violation of this subdivision, or participates in, aids, abets, advises or consents to any
15 such violation, shall be guilty of a class E felony.

16 § 14-118. Committee officers and depository of political committee; filing of names and
17 addresses. 1. Every political committee shall have a chairperson, treasurer and a depository, and
18 shall cause the treasurer to keep detailed, bound accounts of all receipts, loans, liabilities,
19 contributions and expenditures made by the committee or any of its officers, members or agents
20 acting under its authority or in its behalf. All such accounts shall be retained by the treasurer for
21 a period of seven years from the date of the filing of the final statement with respect to the
22 election, primary election, caucus or convention to which they pertain. No officer, member or

1 agent of any committee shall receive any receipt or contribution, or make any expenditure or
2 incur any liability until the committee shall have chosen a treasurer and depository and filed their
3 names in accordance with this subdivision. There shall be filed with the state board of elections,
4 within five days after the choice of a chairperson, treasurer and depositor, a statement giving the
5 name, postal address and electronic mail address of the chairperson and treasurer chosen, the
6 name, postal address and electronic mail address of any person authorized by such chairperson
7 or treasurer to sign checks, the name and postal address of the depository chosen and the
8 candidate or candidates or ballot proposal or proposals the success or defeat of which the
9 committee is to aid or take part. Such statement shall be signed by the chairperson, treasurer and
10 all other persons authorized to sign checks. Any change in the information required in any
11 statement shall be reported, in an amended statement filed in the same manner as an original
12 statement filed under this section, within two days after it occurs. Only a banking organization
13 authorized to do business in this state may be designated a depository hereunder.

14 2. No candidate, political committee or agent thereof may receive from any one person
15 an aggregate amount greater than fifty dollars except in the form of a check, draft or other
16 instrument payable to the candidate, political committee or treasurer and signed or endorsed by
17 the donor; except that such a candidate, political committee or agent may receive contributions
18 in amounts greater than one hundred dollars which are made by credit card, provided that such
19 candidate, political or agent preserves, together with the other accounts which such candidate,
20 committee or agent is required to preserve pursuant to the provisions of this article, a copy of the
21 document which was submitted to secure payment of the funds so contributed. All such checks,
22 drafts or other instruments shall be deposited in the account of the candidate or committee in the

1 designated depository. No candidate or political committee shall expend an amount in excess of
2 one hundred dollars except by check drawn on the depository and signed by the treasurer or a
3 person authorized to sign checks on behalf of the committee.

4 3. Every candidate who receives or expends any money or other item of value or incurs
5 any liability to pay money or its equivalent shall keep and retain detailed, bound accounts as
6 provided in subdivision a of this section.

7 § 14-120. Campaign contribution to be under true name of contributor. No person, in
8 any name except his or her own, shall directly or indirectly make a payment or a promise of
9 payment to a candidate or political committee or to any officer or member thereof, or to any
10 person acting under its authority or in its behalf or on behalf of any candidate, nor shall any such
11 committee or any such person or candidate knowingly receive a payment or promise of payment,
12 or enter or cause the same to be entered in the accounts or records of such committee, in any
13 name other than that of the person or persons by whom it is made.

14 § 14-122. Accounting to treasurer or candidate; vouchers. 1. Whoever, acting as an
15 officer, member or agent of a committee, or as an agent of a candidate for election to public
16 office, or for nomination for public office at primary election, caucus or convention, or for
17 election to party position at a primary election, receives any receipt or contribution, or makes
18 any expenditure or incurs any liability, shall, within three days after demand and in any event
19 within fourteen days after such receipt, contribution, expenditure, or liability, give to the
20 treasurer of such committee, or to such candidate if an agent authorized by him or her a detailed
21 account of the same, with all vouchers required by this article, which shall be a part of the
22 accounts and files of such treasurer or such candidate.

1 2. Every payment required to be accounted for, unless the total expense payable to any
2 one person be not excess of ten dollars, shall be vouched for by a receipted bill stating the
3 particulars of expense.

4 § 14-124. Exceptions. 1. This article shall not apply to any person, association or
5 corporation engaged in the publication or distribution of any newspaper or other publication
6 issued at regular intervals in respect to the ordinary conduct of such business.

7 2. The filing requirements and the expenditure, contribution and receipt limits of this
8 article shall not apply to any candidate or committee who or which engages exclusively in
9 activities on account of which, pursuant to the laws of the United States, there is required to be
10 filed a statement or report of the campaign receipts, expenditures and liabilities of such candidate
11 or committee with an office or officers of the government of the United States, provided a copy
12 of each such statement or report is filed in the office of the state board of elections.

13 3. The provisions of sections 14-102 and 14-112 and subdivision one of section 14-118
14 of this article shall not apply to a committee supporting or opposing candidates for state or local
15 office which, pursuant to the laws of the United States, is required to file a statement or report of
16 the campaign receipts, expenditures and liabilities of such committee with an office or officer of
17 the government of the United States, provided that such committee makes no expenditures to aid
18 or take part in the election or defeat of a candidate for state or local office other than in the form
19 of contributions which do not exceed in the aggregate the contribution limit specified for such
20 office in subdivision one of section 14-114 of this article, and provided further, that a copy of the
21 federal report which lists such contributions is filed with the state board of elections at the same
22 time that it is filed with the federal filing office or officer.

1 4. No candidate and no committee taking part solely in his or her campaign and
2 authorized to do so by him or her in accordance with this article and no committee involved
3 solely in promoting the success or defeat of a ballot proposal shall be required to file a statement
4 required by section 14-102 and 14-104 of this article if at the close of the reporting period for
5 which such statement would be required neither the aggregate receipts nor the aggregate
6 expenditures by and on behalf of such candidate or to promote the success or defeat of such
7 proposal, by such candidate or such committee or committees exceed one thousand dollars and
8 such candidate or such committee files, on the filing date otherwise provided, a statement, sworn
9 or subscribed and bearing a form notice that false statements made therein are punishable as a
10 class E felony pursuant to section 210.46 of the penal law, stating that each of such aggregate
11 receipts and aggregate expenditures does not exceed one thousand dollars.

12 5. The provisions of section 14-104 and 14-112 and subdivision one of section 14-118 of
13 this article shall not apply to any candidate for member of a county committee of a political party
14 or any candidate for delegate or alternate delegate to a judicial district convention if the
15 campaign expenditures made by or on behalf of such candidate do not exceed fifty dollars.

16 6. The provisions of sections 14-102, 14-104 and 14-118 of this article shall not apply to
17 a candidate or a committee taking part solely in his or her campaign and authorized to do so by
18 him or her in accordance with the provisions of this article in a campaign for election to public
19 office or to a committee involved solely in promoting the success or defeat of a ballot proposal
20 in a city, town or village having a population of less than ten thousand, as shown by the latest
21 federal or state census or enumeration, unless the aggregate receipts of said candidate and his or
22 her authorized committee or the committees promoting the success or defeat of a proposal or the

1 aggregate expenditures made by such candidate and his or her authorized committees or the
2 committees promoting the success or defeat of a proposal exceed one thousand dollars.

3 7. A political committee formed solely to promote the success or defeat of any ballot
4 proposal submitted to vote at a public election is exempt from filing statements required by this
5 article until that committee has received or expended an amount in excess of one hundred
6 dollars.

7 § 14-126. Disposition of anonymous contributions. Any anonymous contributions
8 received by a campaign treasurer, political committee or agency thereof shall not be used or
9 expended, but the same shall be paid over to the comptroller of the state of New York for deposit
10 in the general treasury of the state unless, before the date for filing statements and reports as
11 herein provided, the identity of such anonymous contributor shall become known, and, in such
12 event the anonymous contribution shall be returned to such contributor or retained and properly
13 reported as a contribution from such contributor.

14 § 14-128. Campaign funds for personal use; other impermissible uses. 1. Contributions
15 received by a candidate or political committee shall not be converted by any person to a public
16 use as defined in title two, section four hundred thirty-nine-a of the United States code or by
17 effectuating rules and regulations of the federal election commission for contributions received
18 by a candidate for member of congress or his or her political committee, or as otherwise
19 provided by this article; provided, however, that the chief enforcement officer of the office of
20 campaign finance enforcement established pursuant to section 14-134 of this article may adopt,
21 amend and rescind rules and regulations and issue opinions not inconsistent with such provisions
22 of federal law, rules or regulations to effectuate the provisions of this section, and these rules,

1 regulations and opinions of the office of campaign finance enforcement shall have the same
2 force and effect as rules and regulations of the federal election commission for purposes of this
3 section; and further provided that the state public advocate for elections shall, and the board of
4 elections may, make public comment on any such proposed rule or regulation of the office of
5 campaign finance enforcement and shall be consulted prior to the issuance of any such rule,
6 regulation or opinion.

7 2. No contribution shall be used to pay interest or any other finance charge on moneys
8 loaned to a campaign by a candidate or any member of a candidate's household.

9 3. No contribution shall be used to pay attorney's fees or any costs of defending against
10 any civil or criminal investigation or prosecution for alleged violations of state or federal law
11 allegedly committed while holding public office or being a candidate for such office.

12 § 14-129. Dissolution of inactive campaign committees. 1. An authorized committee
13 shall dispose of all funds, wind up and dissolve no later than two years after the last day of the
14 candidate's most recent term of office or the date of the election for which he or she last was a
15 filed candidate, whichever is later, except no later than one year after the death of such candidate
16 or holder of elective office. A political committee formed solely to promote the passage or
17 defeat of a ballot proposal shall dispose of all funds, wind up and dissolve no later than one year
18 after the election at which such proposal was submitted for election. A committee that on the
19 effective date of this section would be required hereunder to dissolve within one year shall
20 dispose of all funds, wind up and dissolve no later than one year after such effective date.

21 2. A committee required to dissolve pursuant to this section shall dispose of all funds of
22 such committee not spent or obligated by the date specified in subdivision one of this section
23 only by the following means or any combination thereof, as such candidate for an authorized

1 committee or the treasurer for any other committee shall specify by written dissolution plan filed
2 with the state board of elections no later than thirty days before the date specified for such
3 dissolution:

4 a. reimbursing a pro rata share of such funds to each contributor to such committee
5 during the prior twenty-four months, except that no contributor shall receive hereunder any
6 reimbursement greater than the aggregate contributions such contributor shall have made to such
7 committee during such twenty-four month period;

8 b. donating such funds to one or more organizations that meet the qualifications for a not-
9 for-profit charitable organization pursuant to paragraph three of subdivision (c) of section five
10 hundred one of the Internal Revenue Code;

11 c. donating such funds to the state university of New York; or

12 d. donating such funds to the state general fund.

13 3. A committee that shall fail timely and properly to file a dissolution plan or dispose of
14 funds pursuant to this section shall be deemed, on the date for the filing of the dissolution plan
15 specified in subdivision two of this section or the dissolution date specified in subdivision one of
16 this section, as the case may be, to forfeit such funds to the state of New York, and in such event
17 the attorney-general shall bring any action or proceeding necessary to recover such funds on
18 behalf of the state. Such funds shall be deposited to the state general fund.

19 4. The state board of elections shall promulgate rules and regulations to effectuate the
20 provisions of this section.

21 § 14-130. Violations; penalties. 1. Civil violations and penalties. Upon the
22 establishment of prima facie evidence of the following violations, the following penalties shall

1 be recovered in the name of the state board of elections by the office of campaign finance
2 enforcement established pursuant to section 14-134 of this article:

3 a. Any person who or committee that fails to file a statement required by this article to be
4 filed by the date specified therefor shall be subject to a civil penalty not less than two hundred
5 fifty dollars and not more than one thousand dollars for a first violation, and otherwise not less
6 than five hundred dollars and not more than two thousand dollars.

7 b. Any person who or committee that files a statement required by this article to be filed
8 that is incomplete or that otherwise does not comply with the provisions of this article or rules
9 promulgated hereunder shall be subject to a civil penalty not less than one hundred dollars and
10 not more than five hundred dollars for a first violation, and otherwise not less than two hundred
11 fifty dollars and not more than one thousand dollars.

12 c. Any person who or committee that accepts a contribution in an amount exceeding an
13 applicable maximum specified in this article or converts a contribution to personal use or any
14 other impermissible use in violation of section 14-128 of this article shall be subject to a civil
15 penalty of double the amount by which such contribution exceeds the applicable maximum or
16 the amount of the conversion for a first violation, and otherwise triple such amount, and
17 additionally in the case of an excess contribution shall be required to refund such excess amount
18 to the contributor.

19 In enforcing the foregoing penalties, the office of campaign finance enforcement shall
20 not have to bring a judicial proceeding but shall comply with such rules and procedures as the
21 office shall promulgate pursuant to subdivision four of section 14-134 of this article.

22 Notwithstanding subdivision fifteen of section sixty-three of the executive law, the attorney-

1 general shall not have the power to waive or diminish the foregoing civil penalties. All moneys
2 recovered pursuant to this subdivision shall be deposited to the general fund.

3 2. Criminal violations and penalties. Notwithstanding any contrary provision of law:

4 a. Any person who or committee that knowingly and willfully fails to pay a civil penalty
5 assessed pursuant to subdivision one of this section within thirty days of such assessment, other
6 than a person who or committee that by such date either challenges such assessment by special
7 proceeding pursuant to article seventy-eight of the civil practice law and rules or executes and
8 files with the office of campaign finance enforcement a written instrument, bearing a legally
9 authorized form notice to the effect that false statements made therein are punishable as a class E
10 felony pursuant to section 210.46 of the penal law, that he, she or it cannot afford to pay such
11 penalty, shall be guilty of a class A misdemeanor.

12 b. Any person who or committee that knowingly and willfully fails to file a statement
13 required by this article to be filed within ten days after the date provided for filing such
14 statement shall be guilty of a class E felony.

15 c. Any person who or committee that knowingly and willfully contributes, accepts or aids
16 or participates in the acceptance of a contribution in an amount exceeding an applicable
17 contribution limit specified in this article, or knowingly and willfully converts or aids or
18 participates in the conversion of a contribution to personal use or other impermissible use in
19 violation of this article, shall be guilty of a class E felony.

20 d. Any person who or committee that knowingly and willfully makes a false statement,
21 which he or she does not believe to be true, in a written instrument required by this chapter to be
22 filed and bearing a legally authorized form notice to the effect that false statements made therein
23 are punishable, or otherwise to the chief enforcement officer of the office of campaign finance

1 enforcement or an employee of such office in connection with the investigation or enforcement
2 of this article, shall be guilty of a class E felony.

3 e. Any person who, acting on behalf of a candidate or political committee, knowingly and
4 willfully solicits, organizes or coordinates the formation of activities of one or more
5 unauthorized committees, makes expenditures in connection with the nomination for election or
6 election of any candidate, or solicits any person to make any such expenditures, for the purpose
7 of evading a limitation on contributions or expenditures in this article, shall be guilty of a class D
8 felony.

9 In addition to other penalties specified by law, each of the foregoing criminal offenses
10 also shall be punishable by a fine of up to ten thousand dollars.

11 3. Immediately upon the establishment of prima facie evidence of a civil violation
12 specified in subdivision one of this section or the filing of an accusatory instrument charging a
13 criminal violation specified in subdivision two of this section, the office of campaign finance
14 enforcement shall cause to be displayed prominently on its public website a statement specifying
15 the name of the person, committee or other instrumentality alleged to be in violation, the
16 provision or provisions of this article alleged to be violated, a brief description of each such
17 alleged violation, the date of each such alleged violation and the minimum and maximum
18 penalty for each such violation. Such office immediately shall modify such website entry to
19 reflect the remittance of payment of a civil penalty, the withdrawal of criminal charges or an
20 acquittal or conviction thereon, as the case may be. The office shall continuously maintain on its
21 public website a complete database of all such entries and each such entry shall be accessible to
22 the public for no less than four years from the date of such entry or the most recent modification
23 thereto.

1 § 14-132. Notice of civil penalty to authorizing candidate. If any person or committee
2 fails to file a statement of campaign receipts and expenditures for a candidate-authorized
3 political committee, the office of campaign finance enforcement immediately shall provide to
4 the authorizing candidate notice of such failure and the possible penalties by certified mail,
5 return receipt requested, or by personal service.

6 § 14-134. Enforcement. 1. There is established within the state board of elections an
7 office of campaign finance enforcement. The head of the office shall be the chief enforcement
8 officer. Within fifteen days of a vacancy or expected vacancy in such office, the advisory
9 committee for the state board of elections established pursuant to subdivision three of section 3-
10 201 of this chapter shall transmit to the state board of elections no less than three and no more
11 than five nominees well qualified for such position on the basis of education, integrity and
12 experience in the area of campaign finance law and/or enforcement. Not later than ten days
13 thereafter, the state board of elections shall appoint a chief enforcement officer from among such
14 nominees; provided, however, that if the state board of elections shall fail timely to make such
15 appointment, then the advisory committee shall appoint a chief enforcement officer from among
16 such nominees not later than ten days thereafter. The chief enforcement officer shall serve for a
17 renewable term of five years; provided that he or she shall continue to serve after the expiration
18 of his or her term until his or her successor shall have been selected. The chief enforcement
19 officer shall be removed only for cause by majority vote of the state board of elections, on prior
20 consultation with the advisory committee, after suitable public notice to the chief enforcement
21 officer and reasonable opportunity for him or her to be heard on the cause for removal in a
22 public hearing of the state board of elections. The annual compensation of the chief enforcement
23 officer for elections shall be no less than the annual compensation of a co-executive director of
24 the state board of elections.

1 2. The chief enforcement officer shall appoint deputies, counsel, investigators, assistants
2 and other staff, contract for services and do all things necessary, within appropriations made
3 available therefor, to ensure the proper discharge of the duties of the office of campaign finance
4 enforcement pursuant to this section. Such staff shall be removed only by the chief enforcement
5 officer. The chief enforcement officer and all staff thereof shall refrain from partisan political
6 activity for the duration of their appointment or employment hereunder. Appropriations to the
7 office of campaign finance enforcement shall be sufficient to ensure the proper discharge of its
8 duties and responsibilities hereunder.

9 3. Notwithstanding any contrary provision of law but consistent with the provisions of
10 subdivision four of this section, the office of campaign finance enforcement shall enforce the
11 provisions of this article in the name of the state board of elections. In furtherance thereof and in
12 consultation with the advisory committee, the state board of elections shall establish procedures
13 to immediately and automatically inform the office of campaign finance enforcement of any
14 apparent violation of this article, including but not limited to requirements for the timely and
15 proper submission of campaign finance statements. For each such apparent violation alleged and
16 for each complaint either initiated by such office or received from an outside complainant, the
17 office of campaign finance enforcement shall determine whether the allegation, if true, would
18 constitute a violation of this article and may make such inquiry as necessary to effectuate such
19 determination. Where the office determines that such allegations are not supported by credible
20 evidence, the office forthwith shall so inform the complainant, if any, in writing. Where the
21 office determines that such allegations are supported by credible evidence, the office forthwith
22 shall undertake the enforcement measures specified in subdivision five and six of this section
23 and, in the case of a criminal violation or of any civil penalty for which the fine payable pursuant

1 to this section exceeds five hundred dollars, the office forthwith shall inform the attorney-
2 general. In furtherance of such investigations and enforcement measures, the chief enforcement
3 officer shall have the powers to administer oaths and affirmations, subpoena witnesses and
4 compel their attendance, examine them under oath or affirmation and require the production of
5 any books, records, documents or other evidence he or she may deem relevant or material, and
6 may delegate such powers to such employees of the office as he or she may determine; provided
7 that in connection with any such investigation, any grant of immunity by the office of campaign
8 finance enforcement shall comply with the provisions of subdivision six of section 3-102 of this
9 chapter. In furtherance of its powers and duties pursuant to this article, the office of campaign
10 finance enforcement shall be entitled to receive the assistance and cooperation of the
11 commission on public integrity established pursuant to section ninety-four of the executive law.
12 Except as necessary to the proper investigation and enforcement of alleged violations of this
13 article, the office of campaign finance enforcement shall keep confidential all matters pertaining
14 thereto until a civil penalty is assessed or a criminal charge is made pursuant to law. To the
15 maximum extent practicable consistent with such confidentiality, the office of campaign finance
16 enforcement shall collaborate with the state public advocate for elections and the state board of
17 elections to obtain information relevant to the effective enforcement of this article, promote
18 public understanding of this article and deter violations thereof.

19 4. The office of campaign finance enforcement shall promulgate rules and procedures
20 for the discharge of its powers and duties pursuant to this article, including but not limited to
21 procedures governing the mandatory collection of civil penalties, investigations and prosecutions
22 consistent with law. Such rules may provide for the assessment of interest and/or additional civil
23 penalties for late payment which shall be collected in the same manner as an original civil
24 penalty.

1 5. In the case of a civil penalty required to be assessed pursuant to subdivision one of
2 section 14-130 of this article, the office of campaign finance enforcement shall ensure timely and
3 proper notification to alleged violators and the timely and complete remittance of penalties,
4 including any interest or further penalties assessed thereon. A challenge to such a penalty
5 assessment shall lie pursuant to article seventy-eight of the civil practice law and rules.

6 6. Upon the establishment of probable cause to believe that a criminal violation of this
7 article has occurred, the chief enforcement officer forthwith shall notify the attorney-general
8 thereof and shall provide the evidence supporting such probable cause. Not later than thirty days
9 after such notification and, in the case of an investigation conducted by the attorney-general
10 pursuant to section sixty-three-e of the executive law, not later than thirty days after receiving
11 notification from the attorney-general that probable cause exists to believe that a criminal
12 violation of this article has occurred, the chief enforcement officer shall commence a prosecution
13 of such offense in the name of the people of the state of New York, and in pursuance thereof
14 shall have all the powers and duties of a district attorney and may prosecute such offense in any
15 county in which a district attorney could prosecute it; provided, that the costs associated
16 therewith shall be charges against the state board of elections. If the chief enforcement officer
17 shall fail to commence such prosecution by such date, the attorney-general may prosecute such
18 offense in the place of the chief enforcement officer. In any prosecution pursuant to this
19 subdivision, the district attorney of the county in which the prosecution arises shall provide
20 maximum cooperation and assistance. Nothing in this subdivision shall impair any power of the
21 attorney- general pursuant to section sixty-three-e of the executive law or of any district attorney
22 in this state.

1 7. The chief enforcement officer shall report annually to the governor, the legislature and
2 the advisory committee on the conduct and affairs of the office. Such report shall include a
3 summary for the preceding twelve month period setting forth the number of investigations
4 conducted, the number of random audits conducted pursuant to section 14-136 of this article, the
5 number and amount of civil penalties assessed, the number and amount of civil penalties paid
6 and unpaid, the nature of civil and criminal violations alleged, court actions in progress, court
7 actions completed, regulations or other protocols adopted, amended or rescinded, trends in the
8 nature and/or number of such violations over the preceding twelve month period, and such other
9 matters as the chief enforcement officer may determine to maximize public understanding of the
10 status and effectiveness of campaign finance enforcement.

11 § 14-136. Random audits. In addition to other powers and duties specified in this article,
12 the office of campaign finance enforcement shall have the power and duty to conduct a program
13 of random audits subject to the provisions of this section. Such program shall be carried out in
14 the following manner:

15 1. The office of campaign finance enforcement shall randomly select for audit
16 committees required to file pursuant to this article. Such selection shall be done in a manner
17 pursuant to which the identity of any particular committee whose filings are to be audited is
18 unknown to the office, its staff or any agents thereof prior to selection.

19 2. The office of campaign finance enforcement shall develop protocols for the conduct of
20 such random audits, in consultation with the commission on public integrity and any other
21 instrumentality of state or local government that may conduct random audits pursuant to law.
22 Random audits by the office of campaign finance enforcement may require the production of
23 books, papers, records or memoranda relevant and material to the preparation of statements

1 required by this article to be filed during the previous twenty-four months, for examination by
2 the office of campaign finance enforcement. Such protocols shall ensure that similarly situated
3 filers and statements thereof are audited in a uniform manner.

4 3. The office of campaign finance enforcement shall contract with an outside accounting
5 entity, which shall monitor the process pursuant to which the office selects committees for audit
6 and carries out the provisions of subdivisions one and two of this section and certifies that such
7 process complies with the provisions thereof.

8 4. Upon completion of a random audit conducted in accordance with the provisions of
9 this section, the office of campaign finance enforcement shall determine whether there is
10 reasonable cause to believe that any statement required to be filed by this article is missing,
11 inaccurate or incomplete. Upon a determination that such reasonable cause exists, the office
12 may require the production of further books, records or memoranda, subpoena witnesses, compel
13 their attendance and testimony and administer oaths or affirmations, to the extent the office
14 determines such actions are necessary to obtain information relevant and material to
15 investigating such inaccuracies or omissions.

16 5. Where the office of campaign finance enforcement determines on the basis of such a
17 random audit or further inquiry pursuant thereto that there was a violation of any provision of
18 this article, the enforcement provisions of section 14-134 of this article shall apply; provided,
19 that nothing hereunder shall require a random audit as a condition of any investigation or
20 enforcement pursuant to this article.

21 § 14-138. Official communications by electronic means. All official communications
22 required or authorized by this article to be sent to a candidate, committee or an agent thereof
23 shall be sent both by mail in the manner specified by this article and by electronic mail to the

1 electronic mail address or addresses on file with the state board of elections for such committee
2 or agent pursuant to subdivision one of section 14-118 of this article; provided that no such
3 communication shall be deemed untimely or otherwise defective solely on grounds that the
4 electronic communication shall not be sent or received. In lieu of communications by certified
5 or express mail, a candidate or committee may elect to receive official communications by
6 facsimile or other electronic means; provided that the means of making each such transmission
7 in lieu of communication by certified or express mail shall ensure automatic delivery of proof to
8 the sender that such communication properly was received and the time and date of such receipt.
9 The state board of elections shall promulgate rules to govern communications by electronic
10 means hereunder.

11 § 14-140. Construction. This article, and all rules, regulations, policies and procedures
12 promulgated pursuant to this article, shall be construed to require maximum disclosure,
13 encourage maximum compliance and authorize maximum enforcement in accordance with law.

14 § 7. Section 16-114 of the election law, as redesignated by chapter 9 of the laws of 1978,
15 is amended by adding a new subdivision five thereto to read as follows:

16 5. Nothing in this section shall be construed to require the office of campaign finance
17 enforcement, established pursuant to section 14-134 of this article, to commence a judicial
18 proceeding to collect a civil penalty assessable pursuant to section 14-130 of this article.

19 § 8. The executive law is amended by adding thereto a new section 63-e to read as
20 follows:

21 § 63-e. Powers of the attorney-general to enforce the election law. The attorney-general
22 may investigate any alleged civil or criminal violation of the election law on his or her own
23 investigation, information filed with the state board of elections or any office thereof, or

1 complaint of a private citizen. Where the attorney-general shall determine that probable cause of
2 a criminal violation of article fourteen of the election law, the attorney-general shall so inform
3 the chief enforcement officer of the office of campaign finance enforcement established pursuant
4 to section 14-134 of this article and shall provide the evidence supporting such probable cause.
5 Notwithstanding any contrary provision of law, the attorney-general may prosecute a violation of
6 article fourteen of the election law in the manner and to the extent specified in subdivision six of
7 section 14- 134 of the election law. In furtherance of the powers and duties specified in this
8 section, the attorney-general is authorized to take proofs, make determinations of relevant facts
9 and issue subpoenas in accordance with law, and such authorization shall not abate or terminate
10 by reason of any civil or criminal action or proceeding to enforce the election law or any
11 collection or determination to collect a civil penalty pursuant thereto. Nothing in this section
12 shall impair the enforcement jurisdiction of any district attorney in this state, the state board of
13 elections or any office thereof pursuant to law.

14 § 9. Subdivision 9 of section 94 of the executive law is amended by adding thereto a new
15 paragraph (j-1) to read as follows:

16 (j-1) Advise and assist the office of campaign finance enforcement established pursuant
17 to section 14-134 of the election law to effectively discharge the powers and duties of such
18 office, including but not limited to ensuring the prompt and accurate dissemination to such office
19 of the names and addresses of persons required to file as lobbyists pursuant to article one-A of
20 the legislative law.

21 § 10. The penal law is amended by adding thereto a new section 210.46 to read as
22 follows:

1 § 210.46. Making a punishable false written election-compliance statement. A person is
2 guilty of making a punishable false written election-compliance statement when he knowingly
3 makes a false statement, which he does not believe to be true, in a written instrument required by
4 the election law to be filed and bearing a legally authorized form notice to the effect that false
5 statements made therein are punishable.

6 Making a punishable false written election-compliance statement is a class E felony.

7 § 11. The reports of campaign receipts and expenditures hereinbefore filed with a county
8 board of elections or with the New York city board of elections pursuant to article fourteen of
9 the election law on or before the effective date of section six of this act, and all records in the
10 possession thereof pertaining to enforcement of reporting requirements of the same, are declared
11 to be the property of the state board of elections. The state board of elections, the state public
12 advocate for elections and the respective county and New York city boards of elections together
13 shall ensure the orderly and secure transfer of such reports to the state board of elections on such
14 terms as the state board of elections may direct consistent with law.

15 § 12. Severability. If any clause, sentence, paragraph, subdivision, section or part of this
16 act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall
17 not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the
18 clause, sentence, paragraph, subdivision, section or part thereof directly involved in the
19 controversy in which such judgment shall have been rendered. It is hereby declared to be the
20 intent of the legislature that this act would have been enacted even if such invalid provisions had
21 not been included herein.

22 § 13. This act shall take effect immediately; provided, however, that:

23 (a) sections 3, 4, 6, 7, 10 and 11 of this act shall take effect on January 1, 2009;

1 (b) no later than October 1, 2008, the advisory committee for the state board of elections
2 established pursuant to subdivision three of section 3-201 of the election law, as added by
3 section 5 of this act, shall transmit to the state board of elections no less than three and no more
4 than five nominees well qualified for the position of chief enforcement officer for the office of
5 campaign finance enforcement, to be established pursuant to section 14-134 of the election law,
6 as added by section 6 of this act, on the basis of education, integrity and experience in the area of
7 campaign finance law and/or enforcement; and not later than ten days thereafter, the state board
8 of elections shall appoint a chief enforcement officer from among such nominees, to take office
9 on January 1, 2009; provided, however, that if the state board of elections shall fail timely to
10 make such appointment, then the advisory committee shall appoint a chief enforcement officer
11 from among such nominees not later than ten days thereafter; and

12 (c) the state board of elections immediately is authorized to promulgate rules to
13 effectuate the provisions of section 11 of this act.