

2016-17 NEW YORK STATE EXECUTIVE BUDGET

**GOOD GOVERNMENT AND ETHICS REFORM
ARTICLE VII LEGISLATION**

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Legislative Bill Drafting Commission
12675-01-6

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI

(Enacts into law major components of
legislation relating to Good Govern-
ment and Ethics Reform)

BUDGBI Ethics Reform Article VII

AN ACT

to amend the election law, in
relation to political contributions
by limited liability companies (Part
A); to amend the legislative law, in
relation to prohibiting outside
earned income by members of the
legislature (Part B); to amend the
election law, in relation to state-
ments of campaign receipts, contrib-
utions, transfers and expenditures
to and by political committees; to
amend the election law, in relation
to the filing of statements regard-

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s31 Espaillat	s27 Hoylman	s40 Murphy	s10 Sanders
s52 Akshar	s49 Farley	s63 Kennedy	s54 Nozzolio	s23 Savino
s46 Amedore	s17 Felder	s34 Klein	s58 O'Mara	s41 Serino
s11 Avella	s02 Flanagan	s28 Krueger	s62 Ortt	s29 Serrano
s42 Bonacic	s55 Funke	s24 Lanza	s60 Panepinto	s51 Seward
s04 Boyle	s59 Gallivan	s39 Larkin	s21 Parker	s26 Squadron
s44 Breslin	s12 Gianaris	s37 Latimer	s13 Peralta	s16 Stavisky
s38 Carlucci	s22 Golden	s01 LaValle	s30 Perkins	s35 Stewart-
s14 Comrie	s47 Griffo	s45 Little	s19 Persaud	Cousins
s03 Croci	s20 Hamilton	s05 Marcellino	s61 Ranzenhofer	s53 Valesky
s50 DeFrancisco	s06 Hannon	s43 Marchione	s48 Ritchie	s08 Venditto
s32 Diaz	s36 Hassell-	s07 Martins	s33 Rivera	s57 Young
s18 Dilan	Thompson	s25 Montgomery	s56 Robach	s09

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a054 Dilan	a135 Johns	a003 Murray	a076 Seawright
a092 Abinanti	a081 Dinowitz	a077 Joyner	a133 Nojay	a087 Sepulveda
a084 Arroyo	a147 DiPietro	a020 Kaminsky	a037 Nolan	a027 Simanowitz
a035 Aubry	a115 Duprey	a094 Katz	a130 Oaks	a052 Simon
a120 Barclay	a004 Englebright	a074 Kavanagh	a069 O'Donnell	a036 Simotas
a106 Barrett	a109 Fahy	a142 Kearns	a051 Ortiz	a104 Skartados
a060 Barron	a071 Farrell	a040 Kim	a091 Otis	a099 Skoufis
a082 Benedetto	a126 Finch	a131 Kolb	a132 Palmesano	a022 Solages
a042 Bichotte	a008 Fitzpatrick	a105 Lalor	a002 Palumbo	a114 Stec
a079 Blake	a124 Friend	a013 Lavine	a088 Paulin	a110 Steck
a117 Blankenbush	a095 Galef	a134 Lawrence	a141 Peoples-	a127 Stirpe
a098 Brabenec	a137 Gantt	a050 Lentol	Stokes	a112 Tedisco
a026 Braunstein	a007 Garbarino	a125 Lifton	a058 Perry	a101 Tenney
a044 Brennan	a148 Giglio	a072 Linares	a086 Pichardo	a001 Thiele
a119 Brindisi	a080 Gjonaj	a102 Lopez	a089 Pretlow	a061 Titone
a138 Bronson	a066 Glick	a123 Lupardo	a073 Quart	a031 Titus
a093 Buchwald	a023 Goldfeder	a010 Lupinacci	a019 Ra	a055 Walker
a118 Butler	a150 Goodell	a121 Magee	a012 Raia	a146 Walter
a103 Cahill	a075 Gottfried	a129 Magnarelli	a006 Ramos	a041 Weinstein
a145 Ceretto	a005 Graf	a064 Malliotakis	a043 Richardson	a024 Weprin
a033 Clark	a100 Gunther	a030 Markey	a078 Rivera	a113 Woerner
a047 Colton	a046 Harris	a090 Mayer	a056 Robinson	a143 Wozniak
a032 Cook	a139 Hawley	a108 McDonald	a068 Rodriguez	a070 Wright
a144 Corwin	a083 Heastie	a014 McDonough	a067 Rosenthal	a096 Zebrowski
a085 Crespo	a028 Hevesi	a017 McKevitt	a025 Rozic	a059
a122 Crouch	a048 Hikind	a107 McLaughlin	a116 Russell	a062
a021 Curran	a018 Hooper	a038 Miller	a149 Ryan	a065
a063 Cusick	a128 Hunter	a015 Montesano	a009 Saladino	
a045 Cymbrowitz	a029 Hyndman	a136 Morelle	a111 Santabarbara	
a053 Davila	a097 Jaffee	a057 Mosley	a016 Schimel	
a034 DenDekker	a011 Jean-Pierre	a039 Moya	a140 Schimminger	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

ing campaign receipts and expenditures; to amend the election law, in relation to establishing a contribution limit for certain contributions to a party committee or constituted committee; to amend the election law, in relation to campaign finance reform; to amend the election law, in relation to public financing; to amend the state finance law, in relation to the New York state campaign finance fund; and to amend the tax law, in relation to the New York state campaign finance fund check-off (Part C); to amend the public officers law, the civil practice law and rules and the executive law, in relation to the freedom of information law; and to repeal certain provisions of the public officers law, the environmental conservation law and the county law relating to access to certain records (Part D); to amend the public officers law, the executive law and the legislative law, in relation to financial disclosure of certain public officers (Part E); to amend the election law, in relation to motor vehicle voter registration; and to repeal certain provisions of such law relating thereto (Part F); to direct the state comptroller, the attorney general, the chief information officer of the office of information technology services and the commissioner of general services to make recommendations on assigning a single identifying code to contractors, vendors and other payees (Part G); and to amend the legislative law and the election law, in relation to the regulation of political consultants; and repealing certain provisions of such law relating thereto (Part H)

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

1 Section 1. This act enacts into law major components of legislation
2 relating to Good Government and Ethics Reform. Each component is wholly
3 contained within a Part identified as Parts A through H. The effective
4 date for each particular provision contained within such Part is set
5 forth in the last section of such Part. Any provision in any section
6 contained within a Part, including the effective date of the Part, which
7 makes reference to a section "of this act", when used in connection with
8 that particular component, shall be deemed to mean and refer to the
9 corresponding section of the Part in which it is found. Section three of
10 this act sets forth the general effective date of this act.

11 PART A

12 Section 1. Section 14-116 of the election law, subdivision 1 as reded-
13 igned by chapter 9 of the laws of 1978 and subdivision 2 as amended by
14 chapter 260 of the laws of 1981, is amended to read as follows:

15 § 14-116. Political contributions by certain organizations. 1. No
16 corporation [or], limited liability company, joint-stock association or
17 other corporate entity doing business in this state, except a corpo-
18 ration or association organized or maintained for political purposes
19 only, shall directly or indirectly pay or use or offer, consent or agree
20 to pay or use any money or property for or in aid of any political
21 party, committee or organization, or for, or in aid of, any corporation,
22 limited liability company, joint-stock [or], other association, or other
23 corporate entity organized or maintained for political purposes, or for,
24 or in aid of, any candidate for political office or for nomination for
25 such office, or for any political purpose whatever, or for the
26 reimbursement or indemnification of any person for moneys or property so

1 used. Any officer, director, stock-holder, member, owner, attorney or
2 agent of any corporation [or], limited liability company, joint-stock
3 association or other corporate entity which violates any of the
4 provisions of this section, who participates in, aids, abets or advises
5 or consents to any such violations, and any person who solicits or know-
6 ingly receives any money or property in violation of this section, shall
7 be guilty of a misdemeanor.

8 2. Notwithstanding the provisions of subdivision one of this section,
9 any corporation or an organization financially supported in whole or in
10 part, by such corporation, any limited liability company or other corpo-
11 rate entity may make expenditures, including contributions, not other-
12 wise prohibited by law, for political purposes, in an amount not to
13 exceed five thousand dollars in the aggregate in any calendar year;
14 provided that no public utility shall use revenues received from the
15 rendition of public service within the state for contributions for poli-
16 tical purposes unless such cost is charged to the shareholders of such a
17 public service corporation.

18 3. Each limited liability company that makes an expenditure for poli-
19 tical purposes shall file with the state board of elections, by December
20 thirty-first of the year in which the expenditure is made, on the form
21 prescribed by the state board of elections, the identity of all direct
22 and indirect owners of the membership interests in the limited liability
23 company and the proportion of each direct or indirect member's ownership
24 interest in the limited liability company.

25 § 2. Section 14-120 of the election law is amended by adding a new
26 subdivision 3 to read as follows:

27 3. (a) Notwithstanding any law to the contrary, all contributions made
28 to a campaign or political committee by a limited liability company

1 shall be attributed to each member of the limited liability company in
2 proportion to the member's ownership interest in the limited liability
3 company.

4 (b) If, by application of paragraph (a) of this subdivision, a
5 campaign contribution is attributed to a limited liability company, the
6 contributions shall be further attributed to each member of the limited
7 liability company in proportion to the member's ownership interest in
8 the limited liability company.

9 (c) The state board of elections shall enact regulations that prevent
10 the avoidance of the rules set forth in paragraphs (a) and (b) of this
11 subdivision.

12 § 3. This act shall take effect immediately.

13 PART B

14 Section 1. The legislative law is amended by adding a new section 5-b
15 to read as follows:

16 § 5-b. Limit on outside earned income for members. 1. A member of the
17 legislature receiving a salary for legislative work from the state of
18 New York shall be permitted to earn outside income each year for
19 performing fee for service activities and compensated outside activities
20 in an amount totaling no greater than fifteen percent of the member base
21 compensation set forth in subdivision one of section five of this arti-
22 cle. Compliance with the limit on outside earned income described in
23 this section shall be a condition precedent to receiving a salary for
24 legislative activities from the state of New York, and voting as a
25 member of the legislature of the state of New York.

1 2. a. For purposes of this section, the term "outside earned income"
2 shall include, but not be limited to, wages, salaries, fees and other
3 forms of compensation for services actually rendered.

4 b. For the purposes of this section, the term "outside earned income"
5 shall not include:

6 (1) salary, benefits and allowances paid by the state;

7 (2) income and allowances attributable to service in the reserves of
8 the armed forces of the United States, national guard or other active
9 military service;

10 (3) royalties from the sale of a book, artistic performance or other
11 intellectual property; provided, however, that no advance fees shall be
12 permitted; or

13 (4) a pension, investment, capital gains or other earnings accrued
14 from prior employment or actual services rendered prior to the member
15 taking office.

16 3. A member of the legislature who knowingly and willfully violates
17 the provisions of this section shall be subject to a civil penalty in an
18 amount not to exceed fifty thousand dollars. Assessment of a civil
19 penalty shall be made by the joint commission on public ethics. Such
20 commission may, in lieu of or in addition to a civil penalty, refer a
21 violation to the appropriate prosecutor.

22 4. Willful violation of the provisions of this section is punishable
23 as a class A misdemeanor.

24 § 2. This act shall take effect January 1, 2017.

1 Section 1. Section 14-100 of the election law is amended by adding
2 two new subdivisions 15 and 16 to read as follows:

3 15. "intermediary" means an individual, corporation, partnership,
4 political committee, labor organization, or other entity which, other
5 than in the regular course of business as a postal, delivery, or messen-
6 ger service, delivers any contribution from another person or entity to
7 a candidate or an authorized committee.

8 "Intermediary" shall not include spouses, parents, children, or
9 siblings of the person making such contribution.

10 16. "authorized committee" means the single political committee desig-
11 nated by a candidate to receive all contributions authorized by this
12 title.

13 § 2. Subdivision 1 of section 14-102 of the election law, as amended
14 by chapter 8 and as redesignated by chapter 9 of the laws of 1978, is
15 amended to read as follows:

16 1. The treasurer of every political committee which, or any officer,
17 member or agent of any such committee who, in connection with any
18 election, receives or expends any money or other valuable thing or
19 incurs any liability to pay money or its equivalent shall file state-
20 ments sworn, or subscribed and bearing a form notice that false state-
21 ments made therein are punishable as a class A misdemeanor pursuant to
22 section 210.45 of the penal law, at the times prescribed by this [arti-
23 cle] title setting forth all the receipts, contributions to and the
24 expenditures by and liabilities of the committee, and of its officers,
25 members and agents in its behalf. Such statements shall include the
26 dollar amount of any receipt, contribution or transfer, or the fair
27 market value of any receipt, contribution or transfer, which is other
28 than of money, the name and address of the transferor, contributor,

1 intermediary, or person from whom received, and if the transferor,
2 contributor, intermediary, or person is a political committee; the name
3 of and the political unit represented by the committee, the date of its
4 receipt, the dollar amount of every expenditure, the name and address of
5 the person to whom it was made or the name of and the political unit
6 represented by the committee to which it was made and the date thereof,
7 and shall state clearly the purpose of such expenditure. An intermediary
8 need not be reported for a contribution that was collected from a
9 contributor in connection with a party or other candidate-related event
10 held at the residence of the person delivering the contribution, unless
11 the expenses of such event at such residence for such candidate exceed
12 five hundred dollars or the aggregate contributions received from that
13 contributor at such event exceed five hundred dollars. Any statement
14 reporting a loan shall have attached to it a copy of the evidence of
15 indebtedness. Expenditures in sums under fifty dollars need not be
16 specifically accounted for by separate items in said statements, and
17 receipts and contributions aggregating not more than ninety-nine
18 dollars, from any one contributor need not be specifically accounted for
19 by separate items in said statements, provided however, that such
20 expenditures, receipts and contributions shall be subject to the other
21 provisions of section 14-118 of this [article] title.

22 § 3. Subdivision 3 of section 14-124 of the election law, as amended
23 by chapter 71 of the laws of 1988, is amended to read as follows:

24 3. The contribution and receipt limits of this article shall not apply
25 to monies received and expenditures made by a party committee or consti-
26 tuted committee to maintain a permanent headquarters and staff and carry
27 on ordinary activities which are not for the express purpose of promot-
28 ing the candidacy of specific candidates, except that contributions made

1 for such activities to a party committee or constituted committee shall
2 be limited to twenty-five thousand dollars in the aggregate from each
3 contributor in each year.

4 § 4. Subdivision 2 of section 14-108 of the election law, as amended
5 by chapter 109 of the laws of 1997, is amended to read as follows:

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

17 § 5. The article heading of article 14 of the election law is amended
18 to read as follows:

19 [Campaign Receipts and Expenditures] CAMPAIGN RECEIPTS AND EXPENDI-
20 TURES; PUBLIC FINANCING

21 § 6. Subdivisions 1 and 10 of section 14-114 of the election law,
22 subdivision 1 as amended and subdivision 10 as added by chapter 79 of
23 the laws of 1992 and paragraphs a and b of subdivision 1 as amended by
24 chapter 659 of the laws of 1994, are amended to read as follows:

25 1. The following limitations apply to all contributions to candidates
26 for election to any public office or for nomination for any such office,
27 or for election to any party positions, and to all contributions to
28 political committees working directly or indirectly with any candidate

1 to aid or participate in such candidate's nomination or election, other
2 than any contributions to any party committee or constituted committee:

3 a. In any election for a public office to be voted on by the voters of
4 the entire state, or for nomination to any such office, no contributor
5 may make a contribution to any candidate or political committee partic-
6 ipating in the state's public campaign financing system as defined in
7 title two of this article, and no such candidate or political committee
8 may accept any contribution from any contributor, which is in the aggreg-
9 gate amount greater than: (i) in the case of any nomination to public
10 office, the product of the total number of enrolled voters in the candi-
11 date's party in the state, excluding voters in inactive status, multi-
12 plied by \$.005, but such amount shall be not [less than four thousand
13 dollars nor] more than [twelve] six thousand dollars [as increased or
14 decreased by the cost of living adjustment described in paragraph c of
15 this subdivision,] and (ii) in the case of any election to [a] such
16 public office, [twenty-five] six thousand dollars [as increased or
17 decreased by the cost of living adjustment described in paragraph c of
18 this subdivision]; provided however, that the maximum amount which may
19 be so contributed or accepted, in the aggregate, from any candidate's
20 child, parent, grandparent, brother and sister, and the spouse of any
21 such persons, shall not exceed in the case of any nomination to public
22 office an amount equivalent to the product of the number of enrolled
23 voters in the candidate's party in the state, excluding voters in inac-
24 tive status, multiplied by \$.025, and in the case of any election for a
25 public office, an amount equivalent to the product of the number of
26 registered voters in the state excluding voters in inactive status,
27 multiplied by \$.025.

1 b. In any other election for party position or for election to a
2 public office or for nomination for any such office, no contributor may
3 make a contribution to any candidate or political committee participat-
4 ing in the state's public campaign financing system defined in title two
5 of this article (for those offices or positions covered by that system)
6 and no such candidate or political committee may accept any contribution
7 from any contributor, which is in the aggregate amount greater than: (i)
8 in the case of any election for party position, or for nomination to
9 public office, the product of the total number of enrolled voters in the
10 candidate's party in the district in which he is a candidate, excluding
11 voters in inactive status, multiplied by \$.05, and (ii) in the case of
12 any election for a public office, the product of the total number of
13 registered voters in the district, excluding voters in inactive status,
14 multiplied by \$.05, however in the case of a nomination within the city
15 of New York for the office of mayor, public advocate or comptroller,
16 such amount shall be not less than four thousand dollars nor more than
17 twelve thousand dollars as increased or decreased by the cost of living
18 adjustment described in paragraph [c] e of this subdivision; in the case
19 of an election within the city of New York for the office of mayor,
20 public advocate or comptroller, twenty-five thousand dollars as
21 increased or decreased by the cost of living adjustment described in
22 paragraph [c] e of this subdivision; in the case of a nomination or
23 election for state senator, four thousand dollars [as increased or
24 decreased by the cost of living adjustment described in paragraph c of
25 this subdivision; in the case of an election for state senator, six
26 thousand two hundred fifty dollars as increased or decreased by the cost
27 of living adjustment described in paragraph c of this subdivision]; in
28 the case of an election or nomination for a member of the assembly,

1 delegate-at-large to a convention to revise and amend the state consti-
2 tution, or district delegate to a convention to revise and amend the
3 state constitution, [twenty-five hundred] two thousand dollars [as
4 increased or decreased by the cost of living adjustment described in
5 paragraph c of this subdivision; but in no event shall any such maximum
6 exceed fifty thousand dollars or be less than one thousand dollars];
7 provided however, that the maximum amount which may be so contributed or
8 accepted, in the aggregate, from any candidate's child, parent, grand-
9 parent, brother and sister, and the spouse of any such persons, shall
10 not exceed in the case of any election for party position or nomination
11 for public office an amount equivalent to the number of enrolled voters
12 in the candidate's party in the district in which he is a candidate,
13 excluding voters in inactive status, multiplied by \$.25 and in the case
14 of any election to public office, an amount equivalent to the number of
15 registered voters in the district, excluding voters in inactive status,
16 multiplied by \$.25; or twelve hundred fifty dollars, whichever is great-
17 er, or in the case of a nomination or election of a state senator, twen-
18 ty thousand dollars, whichever is greater, or in the case of a nomi-
19 nation or election of a member of the assembly, delegate-at-large to a
20 convention to revise and amend the state constitution, or district dele-
21 gate to a convention to revise and amend the state constitution, twelve
22 thousand five hundred dollars, whichever is greater, but in no event
23 shall any such maximum exceed one hundred thousand dollars.

24 c. In any election for a public office to be voted on by the voters
25 of the entire state, or for nomination to any such office, no contribu-
26 tor may make a contribution to any candidate or political committee in
27 connection with a candidate who is not a participating candidate as
28 defined in subdivision fourteen of section 14-200-a of this article, and

1 no such candidate or political committee may accept any contribution
2 from any contributor, which is in the aggregate amount greater than:
3 (i) in the case of any nomination to public office, the product of the
4 total number of enrolled voters in the candidate's party in the state,
5 excluding voters in inactive status, multiplied by \$.005, but such
6 amount shall be not less than four thousand dollars nor more than ten
7 thousand dollars, and (ii) in the case of any election to a public
8 office, fifteen thousand dollars; provided however, that the maximum
9 amount which may be so contributed or accepted, in the aggregate, from
10 any candidate's child, parent, grandparent, brother and sister, and the
11 spouse of any such persons, shall not exceed in the case of any nomi-
12 nation to public office an amount equivalent to the product of the
13 number of enrolled voters in the candidate's party in the state, exclud-
14 ing voters in inactive status, multiplied by \$.025, and in the case of
15 any election for a public office, an amount equivalent to the product of
16 the number of registered voters in the state excluding voters in inac-
17 tive status, multiplied by \$.025.

18 d. In any other election for party position or for election to a
19 public office or for nomination for any such office, no contributor may
20 make a contribution to any candidate or political committee in
21 connection with a candidate who is not a participating candidate as
22 defined in subdivision fourteen of section 14-200-a of this article and
23 no such candidate or political committee may accept any contribution
24 from any contributor, which is in the aggregate amount greater than: (i)
25 in the case of any election for party position, or for nomination to
26 public office, the product of the total number of enrolled voters in the
27 candidate's party in the district in which he is a candidate, excluding
28 voters in inactive status, multiplied by \$.05, and (ii) in the case of

1 any election for a public office, the product of the total number of
2 registered voters in the district, excluding voters in inactive status,
3 multiplied by \$.05, however in the case of a nomination within the city
4 of New York for the office of mayor, public advocate or comptroller,
5 such amount shall be not less than four thousand dollars nor more than
6 twelve thousand dollars as increased or decreased by the cost of living
7 adjustment described in paragraph e of this subdivision; in the case of
8 an election within the city of New York for the office of mayor, public
9 advocate or comptroller, twenty-five thousand dollars as increased or
10 decreased by the cost of living adjustment described in paragraph e of
11 this subdivision; in the case of a nomination or election for state
12 senator, five thousand dollars; in the case of an election or nomination
13 for a member of the assembly, delegate-at-large to a convention to
14 revise and amend the state constitution, or district delegate to a
15 convention to revise and amend the state constitution, three thousand
16 dollars; provided however, that the maximum amount which may be so
17 contributed or accepted, in the aggregate, from any candidate's child,
18 parent, grandparent, brother and sister, and the spouse of any such
19 persons, shall not exceed in the case of any election for party position
20 or nomination for public office an amount equivalent to the number of
21 enrolled voters in the candidate's party in the district in which he is
22 a candidate, excluding voters in inactive status, multiplied by \$.25 and
23 in the case of any election to public office, an amount equivalent to
24 the number of registered voters in the district, excluding voters in
25 inactive status, multiplied by \$.25; or twelve hundred fifty dollars,
26 whichever is greater, or in the case of a nomination or election of a
27 state senator, twenty thousand dollars, whichever is greater, or in the
28 case of a nomination or election of a member of the assembly, delegate-

1 at-large to a convention to revise and amend the state constitution, or
2 district delegate to a convention to revise and amend the state consti-
3 tution, twelve thousand five hundred dollars, whichever is greater, but
4 in no event shall any such maximum exceed one hundred thousand dollars.

5 e. At the beginning of each fourth calendar year, commencing in [nine-
6 teen hundred ninety-five] two thousand twenty-one, the state board shall
7 determine the percentage of the difference between the most recent
8 available monthly consumer price index for all urban consumers published
9 by the United States bureau of labor statistics and such consumer price
10 index published for the same month four years previously. The amount of
11 each contribution limit fixed and expressly identified for adjustment in
12 this subdivision shall be adjusted by the amount of such percentage
13 difference to the closest one hundred dollars by the state board which,
14 not later than the first day of February in each such year, shall issue
15 a regulation publishing the amount of each such contribution limit. Each
16 contribution limit as so adjusted shall be the contribution limit in
17 effect for any election held before the next such adjustment.

18 f. Each party or constituted committee may transfer to, or spend to
19 elect or oppose a candidate, or transfer to another party or constituted
20 committee, no more than five thousand dollars per election, except that
21 such committee may in addition to such transfers or expenditures:

22 (i) in a general or special election transfer to, or spend to elect or
23 oppose a candidate, no more than five hundred dollars received from each
24 contributor; and

25 (ii) in any election spend without limitation for non-candidate
26 expenditures not designed or intended to elect a particular candidate or
27 candidates.

1 g. Notwithstanding any other contribution limit in this section,
2 participating candidates as defined in subdivision fourteen of section
3 14-200-a of this article may contribute, out of their own money, three
4 times the applicable contribution limit to their own authorized commit-
5 tee.

6 10. [a.] No contributor may make a contribution to a party or consti-
7 tuted committee and no such committee may accept a contribution from any
8 contributor which, in the aggregate, is greater than [sixty-two thousand
9 five hundred] twenty-five thousand dollars per annum.

10 [b. At the beginning of each fourth calendar year, commencing in nine-
11 teen hundred ninety-five, the state board shall determine the percentage
12 of the difference between the most recent available monthly consumer
13 price index for all urban consumers published by the United States
14 bureau of labor statistics and such consumer price index published for
15 the same month four years previously. The amount of such contribution
16 limit fixed in paragraph a of this subdivision shall be adjusted by the
17 amount of such percentage difference to the closest one hundred dollars
18 by the state board which, not later than the first day of February in
19 each such year, shall issue a regulation publishing the amount of such
20 contribution limit. Such contribution limit as so adjusted shall be the
21 contribution limit in effect for any election held before the next such
22 adjustment.]

23 § 7. Sections 14-100 through 14-130 of the election law are designated
24 Title I and a new title heading is added to read as follows:

25 CAMPAIGN RECEIPTS AND EXPENDITURES

1 § 8. Article 14 of the election law is amended by adding a new title
2 II to read as follows:

3 TITLE II

4 PUBLIC FINANCING

5 Section 14-200. Legislative findings and intent.

6 14-200-a. Definitions.

7 14-201. Reporting requirements.

8 14-202. Contributions.

9 14-203. Proof of compliance.

10 14-204. Eligibility.

11 14-205. Limits on public financing.

12 14-206. Payment of public matching funds.

13 14-207. Use of public matching funds; qualified campaign
14 expenditures.

15 14-208. Powers and duties of the board.

16 14-209. Audits and repayments.

17 14-210. Enforcement and penalties for violations and other
18 proceedings.

19 14-211. Reports.

20 14-212. Debates for candidates for statewide office.

21 14-213. Severability.

22 § 14-200. Legislative findings and intent. The legislature finds that
23 reform of New York state's campaign finance system is crucial to improv-
24 ing public confidence in the state's democratic processes and continuing
25 to ensure a government that is accountable to all of the voters of the
26 state regardless of wealth or position. The legislature finds that New
27 York's current system of campaign finance, with its large contributions
28 to candidates for office and party committees, has created the potential

1 for and the appearance of corruption. The legislature further finds
2 that, whether or not this system creates actual corruption, the appear-
3 ance of such corruption can give rise to a distrust in government and
4 citizen apathy that undermine the democratic operation of the political
5 process.

6 The legislature also finds that the high cost of running for office in
7 New York discourages qualified candidates from running for office and
8 creates an electoral system that encourages candidates to spend too much
9 time raising money rather than attending to the duties of their office,
10 representing the needs of their constituents, and communicating with
11 voters.

12 The legislature amends this chapter creating a new title two to arti-
13 cle fourteen of this chapter to reduce the possibility and appearance
14 that special interests exercise undue influence over state officials; to
15 increase the actual and apparent responsiveness of elected officials to
16 all voters; to encourage qualified candidates to run for office; and to
17 reduce the pressure on candidates to spend large amounts of time raising
18 large contributions for their campaigns.

19 The legislature finds that this article's limitations on contributions
20 further the government's interest in reducing real and apparent
21 corruption and in building trust in government. The legislature finds
22 that the contribution levels are sufficiently high to allow candidates
23 and political parties to raise enough money to run effective campaigns.
24 In addition, the legislature finds that graduated contribution limita-
25 tions reflect the campaign needs of candidates for different offices.

26 The legislature also finds that the system of voluntary public financ-
27 ing furthers the government's interest in encouraging qualified candi-
28 dates to run for office. The legislature finds that the voluntary public

1 funding program will enlarge the public debate and increase partic-
2 ipation in the democratic process. In addition, the legislature finds
3 that the voluntary expenditure limitations and matching fund program
4 reduce the burden on candidates and officeholders to spend time raising
5 money for their campaigns.

6 Therefore, the legislature declares that these amendments further the
7 important and valid government interests of reducing voter apathy,
8 building confidence in government, reducing the reality and appearance
9 of corruption, and encouraging qualified candidates to run for office,
10 while reducing candidates' and officeholders' fundraising burdens.

11 § 14-200-a. Definitions. For the purposes of this title, the follow-
12 ing terms shall have the following meanings:

13 1. The term "authorized committee" shall mean the single committee
14 designated by a candidate pursuant to section 14-201 of this title to
15 receive contributions and make expenditures in support of the candi-
16 date's campaign.

17 2. The term "board" shall mean the state board of elections.

18 3. The term "contribution" shall have the same meaning as appears in
19 subdivision nine of section 14-100 of this article.

20 4. The term "contributor" shall mean any person or entity that makes a
21 contribution.

22 5. The term "covered election" shall mean any primary, general, or
23 special election for nomination for election, or election, to the office
24 of governor, lieutenant governor, attorney general, state comptroller,
25 state senator, member of the assembly, delegate-at-large to a convention
26 to revise and amend the state constitution, or district delegate to a
27 convention to revise and amend the state constitution.

1 6. The term "election cycle" shall mean the two year period starting
2 the day after the last general election for candidates for the state
3 legislature and shall mean the four year period starting after the day
4 after the last general election for candidates for statewide office.

5 7. The term "expenditure" shall mean any gift, subscription, advance,
6 payment, or deposit of money or anything of value, or a contract to make
7 any gift, subscription, payment, or deposit of money or anything of
8 value, made in connection with the nomination for election, or election,
9 of any candidate. Expenditures made by contract are deemed made when
10 such funds are obligated.

11 8. The term "fund" shall mean the New York state campaign finance
12 fund.

13 9. The term "immediate family" shall mean a spouse, child, sibling or
14 parent.

15 10. The term "intermediary" shall mean an individual, corporation,
16 partnership, political committee, employee organization or other entity
17 which bundles, causes to be delivered or otherwise delivers any contrib-
18 ution from another person or entity to a candidate or authorized commit-
19 tee, other than in the regular course of business as a postal, delivery
20 or messenger service. Provided, however, that an "intermediary" shall
21 not include spouses, domestic partners, parents, children or siblings of
22 the person making such contribution or a staff member or volunteer of
23 the campaign identified in writing to the state board of elections. Here
24 "causes to be delivered" shall include providing postage, envelopes or
25 other shipping materials for the use of delivering the contribution to
26 the ultimate recipient.

1 11. The term "item with significant intrinsic and enduring value"
2 shall mean any item, including tickets to an event, that are valued at
3 twenty-five dollars or more.

4 12. (a) The term "matchable contribution" shall mean a contribution,
5 contributions or a portion of a contribution or contributions for any
6 covered elections held in the same election cycle, made by a natural
7 person who is a United States citizen and resident in the state of New
8 York to a participating candidate, that has been reported in full to the
9 board in accordance with sections 14-102 and 14-104 of this article by
10 the candidate's authorized committee and has been contributed on or
11 before the day of the applicable primary, general, runoff or special
12 election. Any contribution, contributions, or a portion of a contrib-
13 ution determined to be invalid for matching funds by the board may not
14 be treated as a matchable contribution for any purpose.

15 (b) The following contributions are not matchable:

16 (i) loans;

17 (ii) in-kind contributions of property, goods, or services;

18 (iii) contributions in the form of the purchase price paid for an item
19 with significant intrinsic and enduring value;

20 (iv) transfers from a party or constituted committee;

21 (v) anonymous contributions or contributions whose source is not item-
22 ized as required by section 14-201 of this title;

23 (vi) contributions gathered during a previous election cycle;

24 (vii) illegal contributions;

25 (viii) contributions from minors;

26 (ix) contributions from vendors for campaigns; and

27 (x) contributions from lobbyists registered pursuant to subdivision

28 (a) of section one-c of the legislative law.

1 13. The term "nonparticipating candidate" shall mean a candidate for a
2 covered election who fails to file a written certification in the form
3 of an affidavit under section 14-204 of this title by the applicable
4 deadline.

5 14. The term "participating candidate" shall mean any candidate for
6 nomination for election, or election, to the office of governor, lieu-
7 tenant governor, attorney general, state comptroller, state senator,
8 member of the assembly, delegate-at-large to a convention to revise and
9 amend the state constitution, or district delegate to a convention to
10 revise and amend the state constitution, who files a written certif-
11 ication in the form of an affidavit pursuant to section 14-204 of this
12 title.

13 15. The term "post-election period" shall mean the five years follow-
14 ing an election when a candidate is subject to an audit.

15 16. The term "qualified campaign expenditure" shall mean an expendi-
16 ture for which public matching funds may be used.

17 17. The term "threshold for eligibility" shall mean the amount of
18 matchable contributions that a candidate's authorized committee must
19 receive in total in order for such candidate to qualify for voluntary
20 public financing under this title.

21 18. The term "transfer" shall mean any exchange of funds between a
22 party or constituted committee and a candidate or any of his or her
23 authorized committees.

24 § 14-201. Reporting requirements. 1. Political committee registra-
25 tion. Political committees as defined pursuant to subdivision one of
26 section 14-100 of this article shall register with the board before
27 making any contribution or expenditure. The board shall publish a cumu-

1 lative list of political committees that have registered, including on
2 its webpage, and regularly update it.

3 2. Only one authorized committee per candidate per elective office
4 sought. Before receiving any contribution or making any expenditure for
5 a covered election, each candidate shall notify the board as to the
6 existence of his or her authorized committee that has been approved by
7 such candidate. Each candidate shall have one and only one authorized
8 committee per elective office sought. Each authorized committee shall
9 have a treasurer and is subject to the restrictions found in section
10 14-112 of this article.

11 3. (a) Detailed reporting. In addition to each authorized and poli-
12 tical committee reporting to the board every contribution and loan
13 received and every expenditure made in the time and manner prescribed by
14 sections 14-102, 14-104 and 14-108 of this article, each authorized and
15 political committee shall also submit disclosure reports on March
16 fifteenth and May fifteenth of each election year reporting to the board
17 every contribution and loan received and every expenditure made. For
18 contributors who make contributions of five hundred dollars or more,
19 each authorized and political committee shall report to the board the
20 occupation, and business address of each contributor, lender, and inter-
21 mediary. The board shall revise, prepare and post forms on its webpage
22 that facilitate compliance with the requirements of this section.

23 (b) Board review. The board shall review each disclosure report filed
24 and shall inform authorized and political committees of relevant ques-
25 tions it has concerning: (i) compliance with requirements of this title
26 and of the rules issued by the board; and (ii) qualification for receiv-
27 ing public matching funds pursuant to this title. In the course of this
28 review, it shall give authorized and political committees an opportunity

1 to respond to and correct potential violations and give candidates an
2 opportunity to address questions it has concerning their matchable
3 contribution claims or other issues concerning eligibility for receiving
4 public matching funds pursuant to this title. Nothing in this paragraph
5 shall preclude the chief enforcement counsel from subsequently reviewing
6 such disclosure reports and taking any action otherwise authorized under
7 this title.

8 (c) Itemization. Contributions that are not itemized in reports filed
9 with the board shall not be matchable.

10 (d) Option to file more frequently. Participating candidates may file
11 reports of contributions as frequently as once a week on Monday so that
12 their matching funds may be paid at the earliest allowable date.

13 § 14-202. Contributions. Recipients of funds pursuant to this title
14 shall be subject to the applicable contribution limits set forth in
15 section 14-114 of this article.

16 § 14-203. Proof of compliance. Authorized and political committees
17 shall maintain such records of receipts and expenditures for a covered
18 election as required by the board. Authorized and political committees
19 shall obtain and furnish to the board any information it may request
20 relating to financial transactions or contributions and furnish such
21 documentation and other proof of compliance with this title as may be
22 requested. In compliance with section 14-108 of this article, authorized
23 and political committees shall maintain copies of such records for a
24 period of five years.

25 § 14-204. Eligibility. 1. Terms and conditions. To be eligible for
26 voluntary public financing under this title, a candidate must:

27 (a) be a candidate in a covered election;

1 (b) meet all the requirements of law to have his or her name on the
2 ballot;

3 (c) in the case of a covered general or special election, be opposed
4 by another candidate on the ballot who is not a write-in candidate;

5 (d) submit a certification in the form of an affidavit, in such form
6 as may be prescribed by the board, that sets forth his or her acceptance
7 of and agreement to comply with the terms and conditions for the
8 provision of such funds in each covered election and such certification
9 shall be submitted at least four months before the election pursuant to
10 a schedule promulgated by the board;

11 (e) be certified as a participating candidate by the board;

12 (f) not make, and not have made, expenditures from or use his or her
13 personal funds or property or the personal funds or property jointly
14 held with his or her spouse, or unemancipated children in connection
15 with his or her nomination election or election to a covered office, but
16 may make a contribution to his or her authorized committee in an amount
17 that does not exceed three times the applicable contribution limit from
18 an individual contributor to candidates for the office that he or she is
19 seeking;

20 (g) meet the threshold for eligibility set forth in subdivision two of
21 this section;

22 (h) continue to abide by all requirements during the post-election
23 period;

24 (i) agree not to expend for campaign purposes any portion of any pre-
25 existing funds raised for any public office or party position prior to
26 the first day of the election cycle for which the candidate seeks
27 certification. Nothing in this paragraph shall be construed to limit, in
28 any way, any candidate or public official from expending any portion of

1 pre-existing campaign funds for any lawful purpose other than those
2 related to his or her campaign; and

3 (j) not have accepted contributions in amounts exceeding the contrib-
4 ution limits set forth for participating candidates in paragraphs a and
5 b of subdivision one of section 14-114 of this article during the
6 election cycle for which the candidate seeks certification;

7 (i) Provided however, that, if a candidate accepted contributions
8 exceeding such limits before certification, such acceptance shall not
9 prevent the candidate from being certified by the board if the candidate
10 immediately pays to the fund or returns to the contributor the portion
11 of any contribution that exceeded the applicable contribution limit.

12 (ii) If the candidate is unable to return such funds immediately
13 because they have already been spent, acceptance of contributions
14 exceeding the limits shall not prevent the candidate from being certi-
15 fied by the board if the candidate submits an affidavit agreeing to pay
16 to the fund all portions of any contributions that exceeded the limit no
17 later than thirty days before the general election. If a candidate
18 provides the board with such an affidavit, any disbursement of public
19 funds to the candidate made under section 14-206 of this title shall be
20 reduced by no more than twenty-five percent until the total amount owed
21 by the candidate is repaid.

22 (iii) Nothing in this section shall be interpreted to require a candi-
23 date who retains funds raised during a previous election cycle to
24 forfeit such funds. Funds raised during a previous election cycle may be
25 retained, but only if the candidate places the funds in escrow.

26 (iv) Contributions received and expenditures made by the candidate or
27 an authorized committee of the candidate prior to the effective date of
28 this title shall not constitute a violation of this title. Unexpended

1 contributions shall be treated the same as campaign surpluses under
2 subparagraph (iii) of this paragraph.

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

5 (i) Governor, not less than six hundred fifty thousand dollars in
6 matchable contributions including at least six thousand five hundred
7 matchable contributions comprised of sums between ten and one hundred
8 seventy-five dollars per contributor, from residents of New York state;

9 (ii) Lieutenant governor, attorney general, and comptroller, not less
10 than two hundred thousand dollars in matchable contributions including
11 at least two thousand matchable contributions comprised of sums between
12 ten and one hundred seventy-five dollars per contributor, from residents
13 of New York state;

14 (iii) State senator, not less than twenty thousand dollars in matcha-
15 ble contributions including at least two hundred matchable contributions
16 comprised of sums between ten and one hundred seventy-five dollars per
17 contributor, from residents of the district in which the seat is to be
18 filled; and

19 (iv) Member of the assembly, delegate-at-large to a convention to
20 revise and amend the state constitution, or district delegate to a
21 convention to revise and amend the state constitution, not less than ten
22 thousand dollars in matchable contributions including at least one
23 hundred matchable contributions comprised of sums between ten and one
24 hundred seventy-five dollars per contributor, from residents of the
25 district in which the seat is to be filled.

26 (b) Any participating candidate meeting the threshold for eligibility
27 in a primary election for one of the foregoing offices shall be deemed

1 to have met the threshold for eligibility for such office in any other
 2 subsequent election held in the same calendar year.

3 § 14-205. Limits on public financing. The following limitations apply
 4 to the total amounts of public funds that may be provided to a partic-
 5 ipating candidate's authorized committee for an election cycle:

6 1. In any primary election, receipt of public funds by participating
 7 candidates and by their participating committees shall not exceed:

8 (i) for governor, the sum of eight million dollars;

9 (ii) for lieutenant governor, comptroller or attorney general, the sum
 10 of four million dollars;

11 (iii) for senator, the sum of three hundred seventy-five thousand
 12 dollars;

13 (iv) for member of the assembly, delegate-at-large to a convention to
 14 revise and amend the state constitution, or district delegate to a
 15 convention to revise and amend the state constitution, the sum of one
 16 hundred seventy-five thousand dollars.

17 2. In any general or special election, receipt of public funds by a
 18 participating candidate's authorized committees shall not exceed the
 19 following amounts:

20 Candidates for election to the office of:

21 Governor and lieutenant governor (combined) \$10,000,000

22 Attorney general \$4,000,000

23 Comptroller \$4,000,000

24 Member of senate \$375,000

25 Member of assembly, delegate-at-large to a \$175,000

26 convention to revise and amend the state

27 constitution, or district delegate to a

1 convention to revise and amend the state
2 constitution

3 3. No participating candidate for nomination for an office who is not
4 opposed by a candidate on the ballot in a primary election shall be
5 entitled to payment of public matching funds, except that, where there
6 is a contest in such primary election for the nomination of at least one
7 of the two political parties with the highest and second highest number
8 of enrolled members for such office, a participating candidate who is
9 unopposed in the primary election may receive public funds before the
10 primary election, for expenses incurred on or before the date of such
11 primary election, in an amount equal to up to half the sum set forth in
12 paragraph one of this section.

13 § 14-206. Payment of public matching funds. 1. Determination of eligi-
14 bility. No public matching funds shall be paid to an authorized commit-
15 tee unless the board determines that the participating candidate has met
16 the eligibility requirements of this title. Payment shall not exceed the
17 amounts specified in subdivision two of this section, and shall be made
18 only in accordance with the provisions of this title. Such payment may
19 be made only to the participating candidate's authorized committee. No
20 public matching funds shall be used except as reimbursement or payment
21 for qualified campaign expenditures actually and lawfully incurred or to
22 repay loans used to pay qualified campaign expenditures.

23 2. Calculation of payment. If the threshold for eligibility is met,
24 the participating candidate's authorized committee shall receive payment
25 for qualified campaign expenditures of six dollars of public matching
26 funds for each one dollar of matchable contributions, for the first one
27 hundred seventy-five dollars of eligible private funds per contributor,
28 obtained and reported to the board in accordance with the provisions of

1 this title. The maximum payment of public matching funds shall be limit-
2 ed to the amounts set forth in section 14-205 of this title for the
3 covered election.

4 3. Timing of payment. The board shall make any payment of public
5 matching funds to participating candidates as soon as is practicable.
6 But in all cases, it shall verify eligibility for public matching funds
7 within four days, excluding weekends and holidays, of receiving a
8 campaign contribution report filed in compliance with section 14-104 of
9 this article. Within two days of determining that a candidate for a
10 covered office is eligible for public matching funds, it shall authorize
11 payment of the applicable matching funds owed to the candidate. However,
12 it shall not make any payments of public money earlier than the earliest
13 dates for making such payments as provided by this title. If any of
14 such payments would require payment on a weekend or federal holiday,
15 payment shall be made on the next business day.

16 4. Electronic funds transfer. The board shall, in consultation with
17 the office of the comptroller, promulgate rules to facilitate electronic
18 funds transfers directly from the campaign finance fund into an author-
19 ized committee's bank account.

20 5. Irregularly scheduled elections. Notwithstanding any other
21 provision of this title, the board shall promulgate rules to provide for
22 the prompt issuance of public matching funds to eligible participating
23 candidates for qualified campaign expenditures in the case of any other
24 covered election held on a day different from that than originally sche-
25 duled including special elections. But in all cases, the board shall (a)
26 within four days, excluding weekends and holidays, of receiving a report
27 of contributions from a candidate for a covered office claiming eligi-
28 bility for public matching funds verify that candidate's eligibility for

1 public matching funds; and (b) within two days of determining that the
2 candidate for a covered office is eligible for public matching funds, it
3 shall authorize payment of the applicable matching funds owed to the
4 candidate.

5 § 14-207. Use of public matching funds; qualified campaign expendi-
6 tures. 1. Public matching funds provided under the provisions of this
7 title may be used only by an authorized committee for expenditures to
8 further the participating candidate's nomination for election or
9 election, including paying for debts incurred within one year prior to
10 an election to further the participating candidate's nomination for
11 election or election.

12 2. Such public matching funds may not be used for:

13 (a) an expenditure in violation of any law;

14 (b) an expenditure in excess of the fair market value of services,
15 materials, facilities or other things of value received in exchange;

16 (c) an expenditure made after the candidate has been finally disquali-
17 fied from the ballot;

18 (d) an expenditure made after the only remaining opponent of the
19 candidate has been finally disqualified from the general or special
20 election ballot;

21 (e) an expenditure made by cash payment;

22 (f) a contribution or loan or transfer made to or expenditure to
23 support another candidate or political committee or party, committee or
24 constituted committee;

25 (g) an expenditure to support or oppose a candidate for an office
26 other than that which the participating candidate seeks;

27 (h) gifts, except brochures, buttons, signs and other printed campaign
28 material;

- 1 (i) legal fees to defend against a criminal charge;
2 (j) payments to immediate family members of the participating candi-
3 date; or
4 (k) any expenditure made to challenge the validity of any petition of
5 designation or nomination or any certificate of nomination, acceptance,
6 authorization, declination or substitution.

7 § 14-208. Powers and duties of the board. 1. Advisory opinions. The
8 board shall render advisory opinions with respect to questions arising
9 under this title upon the written request of a candidate, an officer of
10 a political committee or member of the public, or upon its own initi-
11 ative. The board shall promulgate rules regarding reasonable times to
12 respond to such requests. The board shall make public the questions of
13 interpretation for which advisory opinions will be considered by the
14 board and its advisory opinions, including by publication on its webpage
15 with identifying information redacted as the board determines to be
16 appropriate.

17 2. Public information and candidate education. The board shall develop
18 a program for informing candidates and the public as to the purpose and
19 effect of the provisions of this title, including by means of a webpage.
20 The board shall prepare in plain language and make available educational
21 materials, including compliance manuals and summaries and explanations
22 of the purposes and provisions of this title. The board shall prepare or
23 have prepared and make available materials, including, to the extent
24 feasible, computer software, to facilitate the task of compliance with
25 the disclosure and record-keeping requirements of this title.

26 3. Rules and regulations. The board shall have the authority to
27 promulgate such rules and regulations and provide such forms as it deems
28 necessary for the administration of this title.

1 4. Database. The board shall develop an interactive, searchable
2 computer database that shall contain all information necessary for the
3 proper administration of this title including information on contrib-
4 utions to and expenditures by candidates and their authorized committee,
5 independent expenditures in support or opposition of candidates for
6 covered offices, and distributions of moneys from the fund. Such data-
7 base shall be accessible to the public on the board's webpage.

8 5. The board shall work with the chief enforcement counsel to enforce
9 this section.

10 § 14-209. Audits and repayments. 1. Audits. The board shall audit and
11 examine all matters relating to the proper administration of this title
12 and shall complete such audit no later than two years after the election
13 in question. Every candidate who receives public funds under this title
14 shall be audited by the board. The cost of complying with a post-elec-
15 tion audit shall be borne by the candidate's authorized committee using
16 public funds, private funds or any combination of such funds. Candi-
17 dates who run in any primary or general election must maintain a reserve
18 of three percent of the public funds received to comply with the post-e-
19 lection audit. The board shall issue to each campaign audited a final
20 audit report that details its findings.

21 2. Repayments. (a) If the board determines that any portion of the
22 payment made to a candidate's authorized committee from the fund was in
23 excess of the aggregate amount of payments that such candidate was
24 eligible to receive pursuant to this title, it shall notify such commit-
25 tee and such committee shall pay to the board an amount equal to the
26 amount of excess payments. Provided, however, that if the erroneous
27 payment was the result of an error by the board, then the erroneous
28 payment will be deducted from any future payment, if any, and if no

1 payment is to be made then neither the candidate nor the committee shall
2 be liable to repay the excess amount to the board. The candidate, the
3 treasurer and the candidate's authorized committee are jointly and
4 severably liable for any repayments to the board.

5 (b) If the board determines that any portion of the payment made to a
6 candidate's authorized committee from the fund was used for purposes
7 other than qualified campaign expenditures and such expenditures were
8 not approved by the board, it shall notify such committee of the amount
9 so disqualified and such committee shall pay to the board an amount
10 equal to such disqualified amount. The candidate, the treasurer and the
11 candidate's authorized committee are jointly and severably liable for
12 any repayments to the board.

13 (c) If the total of payments from the fund received by a participating
14 candidate and his or her authorized committee exceed the total campaign
15 expenditures of such candidate and authorized committee for all covered
16 elections held in the same calendar year or for a special election to
17 fill a vacancy, such candidate and committee shall use such excess funds
18 to reimburse the fund for payments received by such authorized committee
19 from the fund during such calendar year or for such special election.
20 Participating candidates shall pay to the board unspent public campaign
21 funds from an election not later than twenty-seven days after all
22 liabilities for the election have been paid and in any event, not later
23 than the day on which the board issues its final audit report for the
24 participating candidate's authorized committee; provided, however, that
25 all unspent public campaign funds for a participating candidate shall be
26 immediately due and payable to the board upon a determination by the
27 board that the participant has delayed the post-election audit. A
28 participating candidate may make post-election expenditures with public

1 funds only for routine activities involving nominal cost associated with
2 winding up a campaign and responding to the post-election audit. Noth-
3 ing in this title shall be construed to prevent a candidate or his or
4 her authorized committee from using campaign contributions received from
5 private contributors for otherwise lawful expenditures.

6 3. Rules and regulations. The board shall promulgate regulations for
7 the certification of the amount of funds payable by the comptroller,
8 from the fund established pursuant to section ninety-two-t of the state
9 finance law, to a participating candidate that has qualified to receive
10 such payment. These regulations shall include the promulgation and
11 distribution of forms on which contributions and expenditures are to be
12 reported, the periods during which such reports must be filed and the
13 verification required. The board shall institute procedures which will
14 make possible payment by the fund within four business days after
15 receipt of the required forms and verifications.

16 § 14-210. Enforcement and penalties for violations and other
17 proceedings. 1. Civil penalties. Violations of any provision of this
18 title or rule promulgated pursuant to this title shall be subject to a
19 civil penalty in an amount not in excess of fifteen thousand dollars.

20 2. Notice of violation and opportunity to contest. The board shall:

21 (a) determine whether a violation of any provision of this title or
22 rule promulgated hereunder has been committed;

23 (b) give written notice and the opportunity to contest before an inde-
24 pendent hearing officer to each person or entity it has reason to
25 believe has committed a violation; and

26 (c) if appropriate, assess penalties for violations, following such
27 notice and opportunity to contest.

1 3. Criminal conduct. Any person who knowingly and willfully furnishes
2 or submits false statements or information to the board in connection
3 with its administration of this title, shall be guilty of a misdemeanor
4 in addition to any other penalty as may be imposed under this chapter or
5 pursuant to any other law. The chief enforcement counsel shall seek to
6 recover any public matching funds obtained as a result of such criminal
7 conduct.

8 4. Proceedings as to public financing. (a) The determination of eligi-
9 bility pursuant to this title and any question or issue relating to
10 payments for campaign expenditures pursuant to this title may be
11 contested in a proceeding instituted in the Supreme court, Albany coun-
12 ty, by any aggrieved candidate.

13 (b) A proceeding with respect to such a determination of eligibility
14 or payment for qualified campaign expenditures pursuant to this chapter
15 shall be instituted within fourteen days after such determination was
16 made. The board shall be made a party to any such proceeding.

17 (c) Upon the board's failure to receive the amount due from a partic-
18 ipating candidate or such candidate's authorized committee after the
19 issuance of written notice of such amount due, as required by this
20 title, the chief enforcement counsel is authorized to institute a
21 special proceeding or civil action in Supreme Court, Albany county, to
22 obtain a judgment for any amounts determined to be payable to the board
23 as a result of an examination and audit made pursuant to this title or
24 to obtain such amounts directly from the candidate or authorized commit-
25 tee after a hearing at the board.

26 (d) The chief enforcement counsel is authorized to institute a special
27 proceeding or civil action in Supreme Court, Albany county, to obtain a
28 judgment for civil penalties determined to be payable to the board

1 pursuant to this title or to impose such penalty directly after a hear-
2 ing at the board.

3 § 14-211. Reports. The board shall review and evaluate the effect of
4 this title upon the conduct of election campaigns and shall submit a
5 report to the legislature on or before January first, two thousand twen-
6 ty, and every third year thereafter, and at any other time upon the
7 request of the governor and at such other times as the board deems
8 appropriate. These reports shall include:

9 1. a list of the participating and nonparticipating candidates in
10 covered elections and the votes received by each candidate in those
11 elections;

12 2. the amount of contributions and loans received, and expenditures
13 made, on behalf of these candidates;

14 3. the amount of public matching funds each participating candidate
15 received, spent, and repaid pursuant to this title;

16 4. analysis of the effect of this title on political campaigns,
17 including its effect on the sources and amounts of private financing,
18 the level of campaign expenditures, voter participation, the number of
19 candidates, the candidates' ability to campaign effectively for public
20 office, and the diversity of candidates seeking and elected to office;
21 and

22 5. recommendations for amendments to this title, including changes in
23 contribution limits, thresholds for eligibility, and any other features
24 of the system.

25 § 14-212. Debates for candidates for statewide office. The board
26 shall promulgate regulations to facilitate debates among participating
27 candidates who seek election to statewide office. Participating candi-
28 dates are required to participate in one debate before each election for

1 which the candidate receives public funds, unless the participating
2 candidate is running unopposed. Nonparticipating candidates may partic-
3 ipate in such debates.

4 § 14-213. Severability. If any clause, sentence, subdivision, para-
5 graph, section or part of this title be adjudged by any court of compe-
6 tent jurisdiction to be invalid, such judgment shall not affect, impair
7 or invalidate the remainder thereof, but shall be confined in its opera-
8 tion to the clause, sentence, subdivision, paragraph, section or part
9 thereof directly involved in the controversy in which such judgment
10 shall have been rendered.

11 § 9. The state finance law is amended by adding a new section 92-t to
12 read as follows:

13 § 92-t. New York state campaign finance fund. 1. There is hereby
14 established in the joint custody of the state comptroller and the
15 commissioner of taxation and finance a fund to be known as the New York
16 state campaign finance fund.

17 2. Such fund shall consist of all revenues received from the New York
18 state campaign finance fund check-off pursuant to subsection (h) of
19 section six hundred fifty-eight of the tax law, from the abandoned prop-
20 erty fund pursuant to section ninety-five of this article, from the
21 general fund, and from all other moneys credited or transferred thereto
22 from any other fund or source pursuant to law. Such fund shall also
23 receive contributions from private individuals, organizations, or other
24 persons to fulfill the purposes of the public financing system.

25 3. Moneys of the fund, following appropriation by the legislature, may
26 be expended for the purposes of making payments to candidates pursuant
27 to title II of article fourteen of the election law and for administra-
28 tive expenses related to the implementation of article fourteen of the

1 election law. Moneys shall be paid out of the fund by the state comp-
2 troller on vouchers certified or approved by the state board of
3 elections, or its duly designated representative, in the manner
4 prescribed by law, not more than five working days after such voucher is
5 received by the state comptroller.

6 4. Notwithstanding any provision of law to the contrary, if, in any
7 state fiscal year, the state campaign finance fund lacks the amount of
8 money to pay all claims vouchered by eligible candidates and certified
9 or approved by the state board of elections, any such deficiency shall
10 be paid by the state comptroller, from funds deposited in the general
11 fund of the state not more than four working days after such voucher is
12 received by the state comptroller.

13 5. Commencing in two thousand nineteen, if the surplus in the fund on
14 April first of the year after a year in which a governor is elected
15 exceeds twenty-five percent of the disbursements from the fund over the
16 previous four years, the excess shall revert to the general fund of the
17 state.

18 6. No public funds shall be paid to any participating candidates in a
19 primary election any earlier than thirty days after designating
20 petitions or certificates of nomination have been filed and not later
21 than thirty days after such primary election.

22 7. No public funds shall be paid to any participating candidates in a
23 general election any earlier than the day after the day of the primary
24 election held to nominate candidates for such election.

25 8. No public funds shall be paid to any participating candidates in a
26 special election any earlier than the day after the last day to file
27 certificates of party nomination for such special election.

1 9. No public funds shall be paid to any participating candidate who
2 has been disqualified or whose designating petitions have been declared
3 invalid by the appropriate board of elections or a court of competent
4 jurisdiction until and unless such finding is reversed by a higher court
5 in a final judgment. No payment from the fund in the possession of such
6 a candidate or such candidate's participating committee on the date of
7 such disqualification or invalidation may thereafter be expended for any
8 purpose except the payment of liabilities incurred before such date.
9 All such moneys shall be repaid to the fund.

10 § 10. Section 95 of the state finance law is amended by adding a new
11 subdivision 5 to read as follows:

12 5. (a) As often as necessary, the co-chairs of the state board of
13 elections shall certify the amount such co-chairs have determined neces-
14 sary to fund estimated payments from the fund established by section
15 ninety-two-t of this article for the primary, general or special
16 election.

17 (b) Notwithstanding any provision of this section authorizing the
18 transfer of any moneys in the abandoned property fund to the general
19 fund, the comptroller, after receiving amounts sufficient to pay claims
20 against the abandoned property fund, shall, based upon a certification
21 of the state board of elections pursuant to paragraph (a) of this subdi-
22 vision, and at the direction of the director of the budget, transfer the
23 requested amount from remaining available monies in the abandoned prop-
24 erty fund to the campaign finance fund established by section ninety-
25 two-t of this article.

26 § 11. Section 658 of the tax law is amended by adding a new subsection
27 (h) to read as follows:

1 (h) New York state campaign finance fund check-off. (1) For each taxa-
2 ble year beginning on and after January first, two thousand sixteen,
3 every resident taxpayer whose New York state income tax liability for
4 the taxable year for which the return is filed is forty dollars or more
5 may designate on such return that forty dollars be paid into the New
6 York state campaign finance fund established by section ninety-two-t of
7 the state finance law. Where a husband and wife file a joint return and
8 have a New York state income tax liability for the taxable year for
9 which the return is filed is eighty dollars or more, or file separate
10 returns on a single form, each such taxpayer may make separate desig-
11 nations on such return of forty dollars to be paid into the New York
12 state campaign finance fund.

13 (2) The commissioner shall transfer to the New York state campaign
14 finance fund, established pursuant to section ninety-two-t of the state
15 finance law, an amount equal to forty dollars multiplied by the number
16 of designations.

17 (3) For purposes of this subsection, the income tax liability of an
18 individual for any taxable year is the amount of tax imposed under this
19 article reduced by the sum of the credits (as shown in his or her
20 return) allowable under this article.

21 (4) The department shall include a place on every personal income tax
22 return form to be filed by an individual for a tax year beginning on or
23 after January first, two thousand sixteen, for such taxpayer to make the
24 designations described in paragraph one of this subsection. Such return
25 form shall contain a concise explanation of the purpose of such optional
26 designations.

27 § 12. Severability. If any clause, sentence, subdivision, paragraph,
28 section or part of title II of article 14 of the election law, as added

1 by section three of this act be adjudged by any court of competent
2 jurisdiction to be invalid, such judgment shall not affect, impair or
3 invalidate the remainder thereof, but shall be confined in its operation
4 to the clause, sentence, subdivision, paragraph, section or part thereof
5 directly involved in the controversy in which such judgment shall have
6 been rendered.

7 § 13. This act shall take effect immediately; provided, however, all
8 affected candidates will be eligible to participate in voluntary public
9 financing beginning with the 2018 primary election.

10 PART D

11 Section 1. Subdivisions 2 and 3 of section 86 of the public officers
12 law, as added by chapter 933 of the laws of 1977, are amended and a new
13 subdivision 6 is added to read as follows:

14 2. "State legislature" means the [legislature of the state of New
15 York, including] New York state senate, New York state assembly, any
16 committee, subcommittee, joint committee, select committee, or commis-
17 sion thereof, and any members, officers, representatives and employees
18 thereof.

19 3. "Agency" means any state or municipal department, board, bureau,
20 division, commission, committee, public authority, public corporation,
21 council, office or other governmental entity performing a governmental
22 or proprietary function for the state or any one or more municipalities
23 thereof, except the judiciary [or the state legislature].

24 6. "Respective house of the state legislature" means the New York
25 state senate, New York state assembly, and any corresponding committee,

1 subcommittee, joint committee, select committee, or commission thereof,
2 and any members, officers, representatives and employees thereof.

3 § 2. Section 87 of the public officers law, as added by chapter 933 of
4 the laws of 1977, paragraph (a) and the opening paragraph of paragraph
5 (b) of subdivision 1 as amended by chapter 80 of the laws of 1983,
6 subparagraph iii of paragraph (b) of subdivision 1 as amended and para-
7 graph (c) of subdivision 1 and subdivision 5 as added by chapter 223 of
8 the laws of 2008, paragraph (d) of subdivision 2 as amended by chapter
9 289 of the laws of 1990, paragraph (f) of subdivision 2 as amended by
10 chapter 403 of the laws of 2003, paragraph (g) of subdivision 2 as
11 amended by chapter 510 of the laws of 1999, paragraph (i) of subdivision
12 2 as amended by chapter 154 of the laws of 2010, paragraph (j) of subdi-
13 vision 2 as added by chapter 746 of the laws of 1988, paragraph (k) of
14 subdivision 2 as separately added by chapters 19, 20, 21, 22, 23 and 383
15 of the laws of 2009, paragraph (l) of subdivision 2 as added by section
16 12 of part II of chapter 59 of the laws of 2010, paragraph (m) of subdi-
17 vision 2 as added by chapter 189 of the laws of 2013, paragraph (n) of
18 subdivision 2 as added by chapter 43 of the laws of 2014, paragraph (n)
19 of subdivision 2 as separately added by chapters 99, 101, and 123 of the
20 laws of 2014, paragraph (o) of subdivision 2 as added by chapter 222 of
21 the laws of 2015, paragraph (c) of subdivision 3 as amended by chapter
22 499 of the laws of 2008, subdivision 4 as added by chapter 890 of the
23 laws of 1981, and paragraph (c) of subdivision 4 as added by chapter 102
24 of the laws of 2007, is amended to read as follows:

25 § 87. Access to agency or state legislature records. 1. (a) Within
26 sixty days after the effective date of this article, the governing body
27 of each public corporation shall promulgate uniform rules and regu-
28 lations for all agencies in such public corporation pursuant to such

1 general rules and regulations as may be promulgated by the committee on
2 open government in conformity with the provisions of this article,
3 pertaining to the administration of this article.

4 (b) Each agency and each house of the state legislature shall promul-
5 gate rules and regulations, in conformity with this article and applica-
6 ble rules and regulations promulgated pursuant to the provisions of
7 paragraph (a) of this subdivision, and pursuant to such general rules
8 and regulations as may be promulgated by the committee on open govern-
9 ment in conformity with the provisions of this article, pertaining to
10 the availability of records and procedures to be followed, including,
11 but not limited to:

12 i. the times and places such records are available;

13 ii. the persons from whom such records may be obtained[,]; and

14 iii. the fees for copies of records which shall not exceed twenty-five
15 cents per photocopy not in excess of nine inches by fourteen inches, or
16 the actual cost of reproducing any other record in accordance with the
17 provisions of paragraph (c) of this subdivision, except when a different
18 fee is otherwise prescribed by statute.

19 (c) In determining the actual cost of reproducing a record, an agency
20 and the state legislature may include only:

21 i. an amount equal to the hourly salary attributed to the lowest paid
22 employee of an agency or [employee] respective house of the state legis-
23 lature who has the necessary skill required to prepare a copy of the
24 requested record;

25 ii. the actual cost of the storage devices or media provided to the
26 person making the request in complying with such request;

27 iii. the actual cost to the agency or to the respective house of the
28 state legislature of engaging an outside professional service to prepare

1 a copy of a record, but only when an agency's or respective house of the
2 state legislature's information technology equipment is inadequate to
3 prepare a copy, if such service is used to prepare the copy; and

4 iv. preparing a copy shall not include search time or administrative
5 costs, and no fee shall be charged unless at least two hours of agency
6 or respective house of the state legislature employee time is needed to
7 prepare a copy of the record requested. A person requesting a record
8 shall be informed of the estimated cost of preparing a copy of the
9 record if more than two hours of an agency or respective house of the
10 state legislature employee's time is needed, or if an outside profes-
11 sional service would be retained to prepare a copy of the record.

12 2. Each agency and the respective house of the state legislature
13 shall, in accordance with its published rules, make available for public
14 inspection and copying all records, except that such agency and the
15 respective house of the state legislature may deny access to records or
16 portions thereof that:

17 (a) are specifically exempted from disclosure by state or federal
18 statute;

19 (b) if disclosed would constitute an unwarranted invasion of personal
20 privacy under the provisions of subdivision two of section eighty-nine
21 of this article;

22 (c) if disclosed would impair present or imminent contract awards or
23 collective bargaining negotiations provided, however, that the proposed
24 terms of an agreement between a public employer and an employee organ-
25 ization, as those terms are defined in article fourteen of the civil
26 service law, that require ratification by members of the employee organ-
27 ization or by the public employer, where applicable, or approval of such
28 provisions by the appropriate legislative body as required by section

1 two hundred four-a of the civil service law, shall be made available to
2 the public no later than when such proposed terms are sent to members of
3 the employee organization for ratification, when such terms are
4 presented to the employer for ratification, where applicable, or when
5 the provisions of such agreement requiring approval by the appropriate
6 legislative body pursuant to section two hundred four-a of the civil
7 service law are submitted to such body, whichever date is earliest.
8 Additionally, a copy of the proposed terms of such agreement shall be
9 placed on the website of the applicable public employer, if such
10 websites exist, and within the local public libraries and offices of
11 such public employer, or in the case of collective bargaining agreements
12 negotiated by the state, on the website of the office of employee
13 relations on such date;

14 (d) are trade secrets or are submitted to an agency or to the respec-
15 tive house of the state legislature by a commercial enterprise or
16 derived from information obtained from a commercial enterprise and which
17 if disclosed would cause substantial injury to the competitive position
18 of the subject enterprise;

19 (e) are compiled for law enforcement purposes and which, if disclosed,
20 would:

21 i. interfere with law enforcement investigations or judicial
22 proceedings;

23 ii. deprive a person of a right to a fair trial or impartial adjudi-
24 cation;

25 iii. identify a confidential source or disclose confidential informa-
26 tion relating to a criminal investigation; or

27 iv. reveal criminal investigative techniques or procedures, except
28 routine techniques and procedures;

1 (f) if disclosed could endanger critical infrastructure or the life or
2 safety of any person;

3 (g) are inter-agency or intra-agency materials which are not:

4 i. statistical or factual tabulations or data;

5 ii. instructions to staff that affect the public;

6 iii. final agency policy or determinations;

7 iv. external audits, including but not limited to audits performed by
8 the comptroller and the federal government; [or]

9 (g-1) are materials exchanged within the state legislature which are
10 not:

11 i. statistical or factual tabulations or data;

12 ii. instructions to staff that affect the public;

13 iii. final policy or determinations of the respective house of the
14 state legislature;

15 iv. external audits, including but not limited to audits performed by
16 the comptroller and the federal government; or

17 (h) are examination questions or answers which are requested prior to
18 the final administration of such questions.

19 (i) if disclosed, would jeopardize the capacity of an agency, the
20 state legislature, or an entity that has shared information with an
21 agency or the state legislature to guarantee the security of its infor-
22 mation technology assets, such assets encompassing both electronic
23 information systems and infrastructures; or

24 (j) are photographs, microphotographs, videotape or other recorded
25 images prepared under authority of section eleven hundred eleven-a of
26 the vehicle and traffic law.

1 (k) are photographs, microphotographs, videotape or other recorded
2 images prepared under authority of section eleven hundred eleven-b of
3 the vehicle and traffic law.

4 (l) are photographs, microphotographs, videotape or other recorded
5 images produced by a bus lane photo device prepared under authority of
6 section eleven hundred eleven-c of the vehicle and traffic law.

7 (m) are photographs, microphotographs, videotape or other recorded
8 images prepared under the authority of section eleven hundred eighty-b
9 of the vehicle and traffic law.

10 (n) are photographs, microphotographs, videotape or other recorded
11 images prepared under the authority of section eleven hundred eighty-c
12 of the vehicle and traffic law.

13 (n) are photographs, microphotographs, videotape or other recorded
14 images prepared under authority of section eleven hundred eleven-d of
15 the vehicle and traffic law.

16 (o) are photographs, microphotographs, videotape or other recorded
17 images prepared under authority of section eleven hundred eleven-e of
18 the vehicle and traffic law.

19 3. Each agency and the respective house of the state legislature shall
20 maintain:

21 (a) a record of the final vote of each member in every agency or state
22 legislature proceeding in which the member votes;

23 (b) a record of votes of each member in every session and every
24 committee and subcommittee meeting in which the member of the senate or
25 assembly votes;

26 [(b)] (c) a record setting forth the name, public office address,
27 title and salary of every officer or employee of the agency or the state
28 legislature; and

1 [(c)] (d) a reasonably detailed current list by subject matter of all
2 records in the possession of the agency or state legislature, whether or
3 not available under this article. Each agency and each respective house
4 of the state legislature shall update its subject matter list annually,
5 and the date of the most recent update shall be conspicuously indicated
6 on the list. [Each] The state legislature and each state agency as
7 defined in subdivision four of this section that maintains a website
8 shall post its current list on its website and such posting shall be
9 linked to the website of the committee on open government. Any such
10 agency or part of the state legislature that does not maintain a website
11 shall arrange to have its list posted on the website of the committee on
12 open government.

13 4. (a) Each state agency or respective house of the state legislature
14 which maintains records containing trade secrets, to which access may be
15 denied pursuant to paragraph (d) of subdivision two of this section,
16 shall promulgate regulations in conformity with the provisions of subdivi-
17 sion five of section eighty-nine of this article pertaining to such
18 records, including, but not limited to the following:

19 (1) the manner of identifying the records or parts;

20 (2) the manner of identifying persons within the agency or respective
21 house of the state legislature to whose custody the records or parts
22 will be charged and for whose inspection and study the records will be
23 made available;

24 (3) the manner of safeguarding against any unauthorized access to the
25 records.

26 (b) As used in this subdivision the term "agency" or "state agency"
27 means only a state department, board, bureau, division, council or

1 office and any public corporation the majority of whose members are
2 appointed by the governor.

3 (c) As used in this subdivision the term "state legislature" means the
4 legislature as defined in subdivision two of section eighty-six of this
5 article.

6 (d) Each state agency and respective house of the state legislature
7 that maintains a website shall post information related to this article
8 and article six-A of this chapter on its website. Such information shall
9 include, at a minimum, contact information for the persons from whom
10 records of the agency or respective house of the state legislature may
11 be obtained, the times and places such records are available for
12 inspection and copying, and information on how to request records in
13 person, by mail, and, if the agency or respective house of the state
14 legislature accepts requests for records electronically, by e-mail. This
15 posting shall be linked to the website of the committee on open govern-
16 ment.

17 5. (a) An agency and the respective house of the state legislature
18 shall provide records on the medium requested by a person, if the agency
19 or the respective house of the state legislature can reasonably make
20 such copy or have such copy made by engaging an outside professional
21 service. Records provided in a computer format shall not be encrypted.

22 (b) No agency nor the state legislature shall enter into or renew a
23 contract for the creation or maintenance of records if such contract
24 impairs the right of the public to inspect or copy the agency's or the
25 state legislature's records.

26 6. (a) Each agency and house of the state legislature shall publish,
27 on its internet website, to the extent practicable, records or portions
28 of records that are available to the public pursuant to the provisions

1 of this article, or which, in consideration of their nature, content or
2 subject matter, are determined by the agency or house of the state
3 legislature to be of substantial interest to the public. Any such
4 records may be removed from the internet website when the agency or
5 house of the state legislature determines that they are no longer of
6 substantial interest to the public. Any such records may be removed from
7 the internet website when they have reached the end of their legal
8 retention period. Guidance on creating records in accessible formats and
9 ensuring their continuing accessibility shall be available from the
10 office for technology and the state archives.

11 (b) The provisions of paragraph (a) of this subdivision shall not
12 apply to records or portions of records the disclosure of which would
13 constitute an unwarranted invasion of personal privacy in accordance
14 with subdivision two of section eighty-nine of this article.

15 (c) The committee on open government shall promulgate guidelines to
16 effectuate this subdivision.

17 (d) Nothing in this subdivision shall be construed as to limit or
18 abridge the power of an agency or house of the state legislature to
19 publish records on its internet website that are subject to the
20 provisions of this article prior to a written request or prior to a
21 frequent request.

22 § 3. Section 88 of the public officers law is REPEALED.

23 § 4. Section 89 of the public officers law, as added by chapter 933 of
24 the laws of 1977, paragraph (a) of subdivision 1 as amended by chapter
25 33 of the laws of 1984, paragraph (b) of subdivision 1 as amended by
26 chapter 182 of the laws of 2006, subdivision 2 as amended by section 11
27 of part U of chapter 61 of the laws of 2011, subdivision 2-a as added by
28 chapter 652 of the laws of 1983, subdivision 3 as amended by chapter 223

1 of the laws of 2008, subdivision 4 as amended by chapter 22 of the laws
2 of 2005, paragraph (c) of subdivision 4 as amended by chapter 492 of the
3 laws of 2006, subdivision 5 as added and subdivision 6 as renumbered by
4 chapter 890 of the laws of 1981, paragraph (a) of subdivision 5 as
5 amended by chapter 403 of the laws of 2003, paragraph (d) of subdivision
6 5 as amended by chapter 339 of the laws of 2004, subdivision 7 as added
7 by chapter 783 of the laws of 1983, subdivision 8 as added by chapter
8 705 of the laws of 1989, and subdivision 9 as added by chapter 351 of
9 the laws of 2008, is amended to read as follows:

10 § 89. General provisions relating to access to records; certain cases.
11 The provisions of this section apply to access to all records, except as
12 hereinafter specified:

13 1. (a) The committee on open government is continued and shall consist
14 of the lieutenant governor or the delegate of such officer, the secre-
15 tary of state or the delegate of such officer, whose office shall act as
16 secretariat for the committee, the commissioner of the office of general
17 services or the delegate of such officer, the director of the budget or
18 the delegate of such officer, and seven other persons, none of whom
19 shall hold any other state or local public office except the represen-
20 tative of local governments as set forth herein, to be appointed as
21 follows: five by the governor, at least two of whom are or have been
22 representatives of the news media, one of whom shall be a representative
23 of local government who, at the time of appointment, is serving as a
24 duly elected officer of a local government, one by the temporary presi-
25 dent of the senate, and one by the speaker of the assembly. The persons
26 appointed by the temporary president of the senate and the speaker of
27 the assembly shall be appointed to serve, respectively, until the expi-
28 ration of the terms of office of the temporary president and the speaker

1 to which the temporary president and speaker were elected. The four
2 persons presently serving by appointment of the governor for fixed terms
3 shall continue to serve until the expiration of their respective terms.
4 Thereafter, their respective successors shall be appointed for terms of
5 four years. The member representing local government shall be appointed
6 for a term of four years, so long as such member shall remain a duly
7 elected officer of a local government. The committee shall hold no less
8 than two meetings annually, but may meet at any time. The members of the
9 committee shall be entitled to reimbursement for actual expenses
10 incurred in the discharge of their duties.

11 (b) The committee shall:

12 i. furnish to any agency and to each house of the state legislature
13 advisory guidelines, opinions or other appropriate information regarding
14 this article;

15 ii. furnish to any person advisory opinions or other appropriate
16 information regarding this article;

17 iii. promulgate rules and regulations with respect to the implementa-
18 tion of subdivision one and paragraph (c) of subdivision three of
19 section eighty-seven of this article;

20 iv. request from any agency and from either house of the state legis-
21 lature such assistance, services and information as will enable the
22 committee to effectively carry out its powers and duties;

23 v. develop a form, which shall be made available on the internet, that
24 may be used by the public to request a record; and

25 vi. report on its activities and findings regarding this article and
26 article seven of this chapter, including recommendations for changes in
27 the law, to the governor and the legislature annually, on or before
28 December fifteenth.

1 2. (a) The committee on public access to records may promulgate guide-
2 lines regarding deletion of identifying details or withholding of
3 records otherwise available under this article to prevent unwarranted
4 invasions of personal privacy. In the absence of such guidelines, an
5 agency and the respective house of state legislature may delete identi-
6 fying details when it makes records available.

7 (b) An unwarranted invasion of personal privacy includes, but shall
8 not be limited to:

9 i. disclosure of employment, medical or credit histories or personal
10 references of applicants for employment;

11 ii. disclosure of items involving the medical or personal records of a
12 client or patient in a medical facility;

13 iii. sale or release of lists of names and addresses if such lists
14 would be used for solicitation or fund-raising purposes;

15 iv. disclosure of information of a personal nature when disclosure
16 would result in economic or personal hardship to the subject party and
17 such information is not relevant to the work of the agency or respective
18 house of the state legislature requesting or maintaining it;

19 v. disclosure of information of a personal nature reported in confi-
20 dence to an agency or to the state legislature and not relevant to the
21 ordinary work of such agency or the state legislature;

22 vi. information of a personal nature contained in a workers' compen-
23 sation record, except as provided by section one hundred ten-a of the
24 workers' compensation law; [or]

25 vii. disclosure of electronic contact information, such as an e-mail
26 address or a social network username, that has been collected from a
27 taxpayer under section one hundred four of the real property tax law[.];

28 or

1 viii. disclosure of communications of a personal nature between legis-
2 lators and their constituents.

3 (c) Unless otherwise provided by this article, disclosure shall not be
4 construed to constitute an unwarranted invasion of personal privacy
5 pursuant to paragraphs (a) and (b) of this subdivision:

6 i. when identifying details are deleted;

7 ii. when the person to whom a record pertains consents in writing to
8 disclosure;

9 iii. when upon presenting reasonable proof of identity, a person seeks
10 access to records pertaining to him or her; or

11 iv. when a record or group of records relates to the right, title or
12 interest in real property, or relates to the inventory, status or char-
13 acteristics of real property, in which case disclosure and providing
14 copies of such record or group of records shall not be deemed an unwar-
15 ranted invasion of personal privacy, provided that nothing herein shall
16 be construed to authorize the disclosure of electronic contact informa-
17 tion, such as an e-mail address or a social network username, that has
18 been collected from a taxpayer under section one hundred four of the
19 real property tax law.

20 2-a. Nothing in this article shall permit disclosure which constitutes
21 an unwarranted invasion of personal privacy as defined in subdivision
22 two of this section if such disclosure is prohibited under section nine-
23 ty-six of this chapter.

24 3. (a) Each entity subject to the provisions of this article, within
25 five business days of the receipt of a written request for a record
26 reasonably described, shall make such record available to the person
27 requesting it, deny such request in writing or furnish a written
28 acknowledgement of the receipt of such request and a statement of the

1 approximate date, which shall be reasonable under the circumstances of
2 the request, when such request will be granted or denied, including,
3 where appropriate, a statement that access to the record will be deter-
4 mined in accordance with subdivision five of this section. [An] Neither
5 an agency nor the state legislature shall [not] deny a request on the
6 basis that the request is voluminous or that locating or reviewing the
7 requested records or providing the requested copies is burdensome
8 because the agency or respective house of the state legislature lacks
9 sufficient staffing or on any other basis if the agency or respective
10 house of the state legislature may engage an outside professional
11 service to provide copying, programming or other services required to
12 provide the copy, the costs of which the agency or respective house of
13 the state legislature may recover pursuant to paragraph (c) of subdivi-
14 sion one of section eighty-seven of this article. An agency or respec-
15 tive house of the state legislature may require a person requesting
16 lists of names and addresses to provide a written certification that
17 such person will not use such lists of names and addresses for sollicita-
18 tion or fund-raising purposes and will not sell, give or otherwise make
19 available such lists of names and addresses to any other person for the
20 purpose of allowing that person to use such lists of names and addresses
21 for solicitation or fund-raising purposes. If an agency or respective
22 house of the state legislature determines to grant a request in whole or
23 in part, and if circumstances prevent disclosure to the person request-
24 ing the record or records within twenty business days from the date of
25 the acknowledgement of the receipt of the request, the agency or respec-
26 tive house of the state legislature shall state, in writing, both the
27 reason for the inability to grant the request within twenty business
28 days and a date certain within a reasonable period, depending on the

1 circumstances, when the request will be granted in whole or in part.
2 Upon payment of, or offer to pay, the fee prescribed therefor, the enti-
3 ty shall provide a copy of such record and certify to the correctness of
4 such copy if so requested, or as the case may be, shall certify that it
5 does not have possession of such record or that such record cannot be
6 found after diligent search. Nothing in this article shall be construed
7 to require any entity to prepare any record not possessed or maintained
8 by such entity except the records specified in subdivision three of
9 section eighty-seven [and subdivision three of section eighty-eight] of
10 this article. When an agency or the respective house of the state legis-
11 lature has the ability to retrieve or extract a record or data main-
12 tained in a computer storage system with reasonable effort, it shall be
13 required to do so. When doing so requires less employee time than engag-
14 ing in manual retrieval or redactions from non-electronic records, the
15 agency and respective house of the state legislature shall be required
16 to retrieve or extract such record or data electronically. Any program-
17 ming necessary to retrieve a record maintained in a computer storage
18 system and to transfer that record to the medium requested by a person
19 or to allow the transferred record to be read or printed shall not be
20 deemed to be the preparation or creation of a new record.

21 (b) All entities shall, provided such entity has reasonable means
22 available, accept requests for records submitted in the form of elec-
23 tronic mail and shall respond to such requests by electronic mail, using
24 forms, to the extent practicable, consistent with the form or forms
25 developed by the committee on open government pursuant to subdivision
26 one of this section and provided that the written requests do not seek a
27 response in some other form.

1 4. (a) Except as provided in subdivision five of this section, any
2 person denied access to a record may within thirty days appeal in writ-
3 ing such denial to the head, chief executive or governing body of the
4 entity, or the person therefor designated by such head, chief executive,
5 or governing body, who shall within ten business days of the receipt of
6 such appeal fully explain in writing to the person requesting the record
7 the reasons for further denial, or provide access to the record sought.
8 In addition, each agency or the respective house of the state legisla-
9 ture shall immediately forward to the committee on open government a
10 copy of such appeal when received by the agency or such house and the
11 ensuing determination thereon. Failure by an agency or respective house
12 of the state legislature to conform to the provisions of subdivision
13 three of this section shall constitute a denial.

14 (b) Except as provided in subdivision five of this section, a person
15 denied access to a record in an appeal determination under the
16 provisions of paragraph (a) of this subdivision may bring a proceeding
17 for review of such denial pursuant to article seventy-eight of the civil
18 practice law and rules. In the event that access to any record is denied
19 pursuant to the provisions of subdivision two of section eighty-seven of
20 this article, the agency or respective house of the state legislature
21 involved shall have the burden of proving that such record falls within
22 the provisions of such subdivision two. Failure by an agency or respec-
23 tive house of the state legislature to conform to the provisions of
24 paragraph (a) of this subdivision shall constitute a denial.

25 (c) (i) The court in such a proceeding may assess, against such agency
26 or the respective house of the state legislature involved, reasonable
27 [attorney's] attorneys' fees and other litigation costs reasonably

1 incurred by such person, in any case under the provisions of this
2 section in which such person has substantially prevailed[, when:

3 i. the agency had no reasonable basis for denying access; or

4 ii.] and the agency failed to respond to a request or appeal within
5 the statutory time.

6 (ii) The court in such proceeding shall assess, against such agency or
7 the respective house of the state legislature involved, reasonable
8 attorneys' fees and other litigation costs reasonably incurred by such
9 person, in any case under the provisions of this section in which such
10 person has substantially prevailed and the court finds that the agency
11 denied access in clear disregard of the exceptions to rights of access
12 in section eighty-seven of this article and had no reasonable basis for
13 denying access.

14 (d) Appeal to the appellate division of the supreme court must be made
15 in accordance with law, and must be filed within thirty days after
16 service by a party upon the appellant of a copy of the judgment or order
17 appealed from and written notice of its entry. Notwithstanding any
18 provision of law, rule or regulation to the contrary, an appeal taken
19 from an order of the court under this section shall be given preference,
20 shall be brought on for argument on such terms and conditions as the
21 presiding justice may direct upon application of any party to the
22 proceeding, and shall be deemed not timely filed when a party fails to
23 serve and file a record and brief within sixty days after the date of
24 the notice of appeal. The clerk or a justice may grant reasonable
25 enlargements of time to perfect or to serve and file a brief upon stipu-
26 lation of the parties, or, for cause where a party establishes a reason-
27 able ground why there cannot or could not be compliance with the time
28 limits prescribed by this subdivision. Failure by a party to serve and

1 file a record and brief within the allotted time, subject to any
2 enlargements of time granted by a clerk or justice, shall result in the
3 dismissal of the appeal.

4 5. (a) (1) A person acting pursuant to law or regulation who, subse-
5 quent to the effective date of this subdivision, submits any information
6 to any state agency or to the respective house of the state legislature
7 may, at the time of submission, request that the agency or such house
8 provisionally except such information from disclosure under paragraph
9 (d) of subdivision two of section eighty-seven of this article. Where
10 the request itself contains information which if disclosed would defeat
11 the purpose for which the exception is sought, such information shall
12 also be provisionally excepted from disclosure.

13 (1-a) A person or entity who submits or otherwise makes available any
14 records to any agency or a house of the state legislature, may, at any
15 time, identify those records or portions thereof that may contain crit-
16 ical infrastructure information, and request that the agency or house of
17 the state legislature that maintains such records except such informa-
18 tion from disclosure under subdivision two of section eighty-seven of
19 this article. Where the request itself contains information which if
20 disclosed would defeat the purpose for which the exception is sought,
21 such information shall also be provisionally excepted from disclosure.

22 (2) The request for an exception shall be in writing, shall specif-
23 ically identify which portions of the record are the subject of the
24 request for exception and shall state the reasons why the information
25 should be provisionally excepted from disclosure. Any such request for
26 an exception shall be effective for a five-year period from the agency's
27 or respective house of the state legislature's receipt thereof.
28 Provided, however, that not less than sixty days prior to the expiration

1 of the then current term of the exception request, the submitter may
2 apply to the agency or respective house of the state legislature for a
3 two-year extension of its exception request. Upon timely receipt of a
4 request for an extension of an exception request, an agency or respec-
5 tive house of the state legislature may either (A) perform a cursory
6 review of the application and grant the extension should it find any
7 justification for such determination, or (B) commence the procedure set
8 forth in paragraph (b) of this subdivision to make a final determination
9 granting or terminating such exception.

10 (3) Information submitted as provided in subparagraphs one and one-a
11 of this paragraph shall be provisionally excepted from disclosure and be
12 maintained apart by the agency and the respective house of the state
13 legislature from all other records until the expiration of the submit-
14 ter's exception request or fifteen days after the entitlement to such
15 exception has been finally determined or such further time as ordered by
16 a court of competent jurisdiction.

17 (b) [On the] During the effective period of an exception request under
18 this subdivision, on the initiative of the agency or either house of the
19 state legislature at any time, or upon the request of any person for a
20 record excepted from disclosure pursuant to this subdivision, the agency
21 or respective house of the state legislature shall:

22 (1) inform the person who requested the exception of the agency's or
23 such house's intention to determine whether such exception should be
24 granted or continued;

25 (2) permit the person who requested the exception, within ten business
26 days of receipt of notification from the agency or respective house of
27 the state legislature, to submit a written statement of the necessity
28 for the granting or continuation of such exception;

1 (3) within seven business days of receipt of such written statement,
2 or within seven business days of the expiration of the period prescribed
3 for submission of such statement, issue a written determination grant-
4 ing, continuing or terminating such exception and stating the reasons
5 therefor; copies of such determination shall be served upon the person,
6 if any, requesting the record, the person who requested the exception,
7 and the committee on [public access to records] open government.

8 (c) A denial of an exception from disclosure under paragraph (b) of
9 this subdivision may be appealed by the person submitting the informa-
10 tion and a denial of access to the record may be appealed by the person
11 requesting the record in accordance with this subdivision:

12 (1) Within seven business days of receipt of written notice denying
13 the request, the person may file a written appeal from the determination
14 of the agency or the respective house of the state legislature with the
15 head of the agency or respective house of the state legislature, the
16 chief executive officer or governing body or their designated represen-
17 tatives.

18 (2) The appeal shall be determined within ten business days of the
19 receipt of the appeal. Written notice of the determination shall be
20 served upon the person, if any, requesting the record, the person who
21 requested the exception and the committee on [public access to records]
22 open government. The notice shall contain a statement of the reasons for
23 the determination.

24 (d) A proceeding to review an adverse determination pursuant to para-
25 graph (c) of this subdivision may be commenced pursuant to article
26 seventy-eight of the civil practice law and rules. Such proceeding, when
27 brought by a person seeking an exception from disclosure pursuant to
28 this subdivision, must be commenced within fifteen days of the service

1 of the written notice containing the adverse determination provided for
2 in subparagraph two of paragraph (c) of this subdivision. The proceeding
3 shall be given preference and shall be brought on for argument on such
4 terms and conditions as the presiding justice may direct, not to exceed
5 forty-five days. Appeal to the appellate division of the supreme court
6 must be made in accordance with law, and must be filed within fifteen
7 days after service by a party upon the appellant of a copy of the judg-
8 ment or order appealed from and written notice of its entry. An appeal
9 taken from an order of the court requiring disclosure shall be given
10 preference and shall be brought on for argument on such terms and condi-
11 tions as the presiding justice may direct, not to exceed sixty days.
12 This action shall be deemed abandoned when the party requesting an
13 exclusion from disclosure fails to serve and file a record and brief
14 within thirty days after the date of the notice of appeal. Failure by
15 the party requesting an exclusion from disclosure to serve and file a
16 record and brief within the allotted time shall result in the dismissal
17 of the appeal.

18 (e) The person requesting an exception from disclosure pursuant to
19 this subdivision shall in all proceedings have the burden of proving
20 entitlement to the exception.

21 (f) Where the agency or the respective house of the state legislature
22 denies access to a record pursuant to paragraph [(d) of] (b) of this
23 subdivision in conjunction with subdivision two of section eighty-seven
24 of this article, the agency or respective house of the state legislature
25 shall have the burden of proving that the record falls within the
26 provisions of such exception.

27 (g) Nothing in this subdivision shall be construed to deny any person
28 access, pursuant to the remaining provisions of this article, to any

1 record or part excepted from disclosure upon the express written consent
2 of the person who had requested the exception.

3 (h) As used in this subdivision the term "agency" or "state agency"
4 means only a state department, board, bureau, division, council or
5 office and any public corporation the majority of whose members are
6 appointed by the governor.

7 (i) As used in this subdivision the term "state legislature" means the
8 legislature as defined in subdivision two of section eighty-six of this
9 article.

10 6. Nothing in this article shall be construed to limit or abridge any
11 otherwise available right of access at law or in equity of any party to
12 records.

13 7. Nothing in this article shall require the disclosure of the home
14 address of an officer or employee, former officer or employee, or of a
15 retiree of a public employees' retirement system; nor shall anything in
16 this article require the disclosure of the name or home address of a
17 beneficiary of a public employees' retirement system or of an applicant
18 for appointment to public employment; provided however, that nothing in
19 this subdivision shall limit or abridge the right of an employee organ-
20 ization, certified or recognized for any collective negotiating unit of
21 an employer pursuant to article fourteen of the civil service law, to
22 obtain the name or home address of any officer, employee or retiree of
23 such employer, if such name or home address is otherwise available under
24 this article.

25 8. Any person who, with intent to prevent the public inspection of a
26 record pursuant to this article, willfully conceals or destroys any such
27 record shall be guilty of a violation.

1 9. When records maintained electronically include items of information
2 that would be available under this article, as well as items of informa-
3 tion that may be withheld, an agency or respective house of the state
4 legislature in designing its information retrieval methods, whenever
5 practicable and reasonable, shall do so in a manner that permits the
6 segregation and retrieval of available items in order to provide maximum
7 public access.

8 § 5. Subdivisions (t) and (u) of section 105 of the civil practice law
9 and rules, subdivision (u) as relettered by chapter 100 of the laws of
10 1994, are relettered subdivisions (u) and (v) and a new subdivision (t)
11 is added to read as follows:

12 (t) "State legislature" means the New York state senate, New York
13 state assembly, any committee, subcommittee, joint committee, select
14 committee, or commission thereof, and any members, officers, represen-
15 tatives and employees thereof.

16 § 6. Subdivision (a) of section 7802 of the civil practice law and
17 rules is amended to read as follows:

18 (a) Definition of "body or officer". The expression "body or officer"
19 includes every court, tribunal, board, corporation, officer, state
20 legislature, or other person, or aggregation of persons, whose action
21 may be affected by a proceeding under this article.

22 § 7. Subdivision 3 of section 713 of the executive law, as amended by
23 section 16 of part B of chapter 56 of the laws of 2010, is amended to
24 read as follows:

25 3. Any reports prepared pursuant to this article shall not be subject
26 to disclosure pursuant to [section eighty-eight] article six of the
27 public officers law.

1 § 8. Section 70-0113 of the environmental conservation law is
2 REPEALED.

3 § 9. Subdivision 4 of section 308 of the county law is REPEALED.

4 § 10. This act shall take effect immediately; provided however that
5 the amendments to paragraphs (j), (k), (l), (m), (n), (n), and (o) of
6 subdivision 2 of section 87 of the public officers law made by section
7 two of this act shall not affect the repeal of such paragraphs and shall
8 be deemed repealed therewith.

9 PART E

10 Section 1. Subdivision 4 of section 74 of the public officers law, as
11 amended by chapter 14 of the laws of 2007, is amended to read as
12 follows:

13 4. Violations. In addition to any penalty contained in any other
14 provision of law any such officer, member or employee who shall knowing-
15 ly and intentionally violate any of the provisions of this section may
16 be fined, suspended or removed from office or employment in the manner
17 provided by law. Any such individual who knowingly and intentionally
18 violates the provisions of [paragraph b, c, d or i of] subdivision three
19 of this section shall be subject to a civil penalty in an amount not to
20 exceed ten thousand dollars and the value of any gift, compensation or
21 benefit received as a result of such violation. [Any such individual who
22 knowingly and intentionally violates the provisions of paragraph a, e or
23 g of subdivision three of this section shall be subject to a civil
24 penalty in an amount not to exceed the value of any gift, compensation
25 or benefit received as a result of such violation.]

1 § 2. Subparagraph (b) of paragraph 3 of subdivision 3 of section 73-a
 2 of the public officers law, as amended by section 5 of part A of chapter
 3 399 of the laws of 2011, is amended to read as follows:

4 (b) List
 5 the names of all unemancipated children.

6 _____
 7 _____
 8 _____
 9 _____
 10 _____

11 Answer each of the following questions completely, with respect to
 12 calendar year _____, unless another period or date is otherwise
 13 specified. If additional space is needed, attach additional pages.

14 Whenever a "value" or "amount" is required to be reported herein, such
 15 value or amount shall be reported [as being within one of the following
 16 Categories in Table I or Table II of this subdivision as called for in
 17 the question: A reporting individual shall indicate the Category by
 18 letter only] to the nearest dollar.

19 Whenever "income" is required to be reported herein, the term "income"
 20 shall mean the aggregate net income before taxes from the source identi-
 21 fied.

22 The term "calendar year" shall mean the year ending the December 31st
 23 preceding the date of filing of the annual statement.

1 § 3. Paragraph 6 of subdivision 3 of section 73-a of the public offi-
 2 cers law, as amended by section 5 of part A of chapter 399 of the laws
 3 of 2011, is amended to read as follows:

4 6. List any interest, in EXCESS of \$1,000, held by the reporting indi-
 5 vidual, such individual's spouse or unemancipated child, or partner-
 6 ship of which any such person is a member, or corporation, 10% or
 7 more of the stock of which is owned or controlled by any such
 8 person, whether vested or contingent, in any contract made or
 9 executed by a state or local agency and include the name of the
 10 entity which holds such interest and the relationship of the report-
 11 ing individual or such individual's spouse or such child to such
 12 entity and the interest in such contract. Do NOT include bonds and
 13 notes. Do NOT list any interest in any such contract on which final
 14 payment has been made and all obligations under the contract except
 15 for guarantees and warranties have been performed, provided, howev-
 16 er, that such an interest must be listed if there has been an ongo-
 17 ing dispute during the calendar year for which this statement is
 18 filed with respect to any such guarantees or warranties. Do NOT list
 19 any interest in a contract made or executed by a local agency after
 20 public notice and pursuant to a process for competitive bidding or a
 21 process for competitive requests for proposals.

22	Entity	Relationship	Contracting	[Category
23	Self, Which Held	to Entity	State or	of] <u>Total</u>
24	Spouse or Interest in	and Interest	Local	Value of
25	Child Contract	in Contract	Agency	Contract
26				[(In Table II)]

1 _____
2 _____
3 _____
4 _____
5 _____

6 § 4. Subparagraphs (b-1), (b-2), and (c) of paragraph 8 of subdivision
7 3 of section 73-a of the public officers law, subparagraphs (b-1) and
8 (b-2) as added by section 2 of part CC of chapter 56 of the laws of
9 2015, and subparagraph (c) as amended by section 1 of part CC of chapter
10 56 of the laws of 2015, are amended to read as follows:

11 (b-1) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES
12 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR
13 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE
14 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
15 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN
16 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

17 If the reporting individual receives income from employment reportable
18 in question 8(a) and personally provides services to any person or enti-
19 ty, or works as a member or employee of a partnership or corporation
20 that provides such services (referred to hereinafter as a "firm"), the
21 reporting individual shall identify each client or customer to whom the
22 reporting individual personally provided services, or who was referred
23 to the firm by the reporting individual, and from whom the reporting
24 individual or his or her firm earned fees in excess of \$10,000 during
25 the reporting period in direct connection with:

26 (i) A contract in an amount totaling \$10,000 or more from the state or
27 any state agency for services, materials, or property;

1 (ii) A grant of \$10,000 or more from the state or any state agency
2 during the reporting period;

3 (iii) A grant obtained through a legislative initiative during the
4 reporting period; or

5 (iv) A case, proceeding, application or other matter that is not a
6 ministerial matter before a state agency during the reporting period.

7 For such services rendered by the reporting individual directly to
8 each such client, describe each matter that was the subject of such
9 representation, the services actually provided and the payment received.
10 For payments received from clients referred to the firm by the reporting
11 individual, if the reporting individual directly received a referral fee
12 or fees for such referral, identify the client and the payment so
13 received.

14 For purposes of this question, "referred to the firm" shall mean:
15 having intentionally and knowingly taken a specific act or series of
16 acts to intentionally procure for the reporting individual's firm or
17 having knowingly solicited or directed to the reporting individual's
18 firm in whole or substantial part, a person or entity that becomes a
19 client of that firm for the purposes of representation for a matter as
20 defined in clauses (i) through (iv) of this subparagraph, as the result
21 of such procurement, solicitation or direction of the reporting individ-
22 ual. A reporting individual need not disclose activities performed while
23 lawfully acting in his or her capacity as provided in paragraphs (c),
24 (d), (e) and (f) of subdivision seven of section seventy-three of this
25 article.

26 Client Matter Nature of Services Provided [Category
27 of] Amount
28 [(in Table I)]

1 _____
 2 _____
 3 _____
 4 _____
 5 _____

6 (b-2) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES
 7 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR
 8 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE
 9 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
 10 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN
 11 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

12 (i) With respect to reporting individuals who receive ten thousand
 13 dollars or more from employment or activity reportable under question
 14 8(a), for each client or customer NOT otherwise disclosed or exempted in
 15 question 8 or 13, disclose the name of each client or customer known to
 16 the reporting individual to whom the reporting individual provided
 17 services: (A) who paid the reporting individual in excess of five thou-
 18 sand dollars for such services; or (B) who had been billed with the
 19 knowledge of the reporting individual in excess of five thousand dollars
 20 by the firm or other entity named in question 8(a) for the reporting
 21 individual's services.

22 Client	Services	[Category of] Amount
	Actually Provided	[(in Table I)]

1 FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF
2 DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":

- 3 * REVIEWED DOCUMENTS AND CORRESPONDENCE;
- 4 * REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
- 5 * PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- 6 * CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/MEMBERS
7 OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- 8 * PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY
9 NAME);
- 10 * REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR
11 REPRESENTATION OR CONSULTATION;
- 12 * COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);
- 13 * PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING
14 RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);
- 15 * COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).

16 (ii) With respect to reporting individuals who disclosed in question
17 8(a) that the reporting individual did not provide services to a client
18 but provided services to a firm or business, identify the category of
19 amount received for providing such services and describe the services
20 rendered.

21 A reporting individual need not disclose activities performed while
22 lawfully acting in his or her capacity as provided in paragraphs (c),

1 (d), (e) and (f) of subdivision seven of section seventy-three of this
2 article.

3 The disclosure requirement in questions (b-1) and (b-2) shall not
4 require disclosing clients or customers receiving medical, pharmaceu-
5 tical or dental services, mental health services, or residential real
6 estate brokering services from the reporting individual or his or her
7 firm or if federal law prohibits or limits disclosure. The reporting
8 individual need not identify any client to whom he or she or his or her
9 firm provided legal representation with respect to investigation or
10 prosecution by law enforcement authorities, bankruptcy, family court,
11 estate planning, or domestic relations matters, nor shall the reporting
12 individual identify individuals represented pursuant to an insurance
13 policy but the reporting individual shall in such circumstances only
14 report the entity that provides compensation to the reporting individ-
15 ual; with respect to matters in which the client's name is required by
16 law to be kept confidential (such as matters governed by the family
17 court act) or in matters in which the reporting individual represents or
18 provides services to minors, the client's name may be replaced with
19 initials. To the extent that the reporting individual, or his or her
20 firm, provided legal representation with respect to an initial public
21 offering, and professional disciplinary rules, federal law or regu-
22 lations restrict the disclosure of information relating to such work,
23 the reporting individual shall (i) disclose the identity of the client
24 and the services provided relating to the initial public offering to the
25 office of court administration, who will maintain such information
26 confidentially in a locked box; and (ii) include in his or her response
27 to questions (b-1) and (b-2) that pursuant to this paragraph, a disclo-
28 sure to the office of court administration has been made. Upon such time

1 that the disclosure of information maintained in the locked box is no
2 longer restricted by professional disciplinary rules, federal law or
3 regulation, the reporting individual shall disclose such information in
4 an amended disclosure statement in response to the disclosure require-
5 ments in questions (b-1) and (b-2). The office of court administration
6 shall develop and maintain a secure portal through which information
7 submitted to it pursuant to this paragraph can be safely and confiden-
8 tially stored. With respect to clients represented in other matters not
9 otherwise exempt, the reporting individual may request an exemption to
10 publicly disclosing the name of that client from the joint commission
11 pursuant to paragraph (i) of subdivision nine of section ninety-four of
12 the executive law, or from the office of court administration. In such
13 application, the reporting individual shall state the following: "My
14 client is not currently receiving my services or seeking my services in
15 connection with:

16 (i) A proposed bill or resolution in the senate or assembly during the
17 reporting period;

18 (ii) A contract in an amount totaling \$10,000 or more from the state
19 or any state agency for services, materials, or property;

20 (iii) A grant of \$10,000 or more from the state or any state agency
21 during the reporting period;

22 (iv) A grant obtained through a legislative initiative during the
23 reporting period; or

24 (v) A case, proceeding, application or other matter that is not a
25 ministerial matter before a state agency during the reporting period."

26 In reviewing the request for an exemption, the joint commission or the
27 office of court administration may consult with bar or other profes-
28 sional associations and the legislative ethics commission for individ-

1 uals subject to its jurisdiction and may consider the rules of profes-
2 sional conduct. In making its determination, the joint commission or the
3 office of court administration shall conduct its own inquiry and shall
4 consider factors including, but not limited to: (i) the nature and the
5 size of the client; (ii) whether the client has any business before the
6 state; and if so, how significant the business is; and whether the
7 client has any particularized interest in pending legislation and if so
8 how significant the interest is; (iii) whether disclosure may reveal
9 trade secrets; (iv) whether disclosure could reasonably result in retal-
10 iation against the client; (v) whether disclosure may cause undue harm
11 to the client; (vi) whether disclosure may result in undue harm to the
12 attorney-client relationship; and (vii) whether disclosure may result in
13 an unnecessary invasion of privacy to the client.

14 The joint commission or, as the case may be, the office of court
15 administration shall promptly make a final determination in response to
16 such request, which shall include an explanation for its determination.
17 The office of court administration shall issue its final determination
18 within three days of receiving the request. Notwithstanding any other
19 provision of law or any professional disciplinary rule to the contrary,
20 the disclosure of the identity of any client or customer in response to
21 this question shall not constitute professional misconduct or a ground
22 for disciplinary action of any kind, or form the basis for any civil or
23 criminal cause of action or proceeding. A reporting individual who first
24 enters public office after January first, two thousand sixteen, need not
25 report clients or customers with respect to matters for which the
26 reporting individual or his or her firm was retained prior to entering
27 public office.

28 Client Services [Category of] Amount

1 Actually Provided [(in Table I)]

2 (c) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE
3 PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR
4 NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE
5 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
6 SAND FIFTEEN:

7 If the reporting individual receives income of ten thousand dollars or
8 greater from any employment or activity reportable under question 8(a),
9 identify each registered lobbyist who has directly referred to such
10 individual a client who was successfully referred to the reporting indi-
11 vidual's business and from whom the reporting individual or firm
12 received a fee for services in excess of five thousand dollars. Report
13 only those referrals that were made to a reporting individual by direct
14 communication from a person known to such reporting individual to be a
15 registered lobbyist at the time the referral is made. With respect to
16 each such referral, the reporting individual shall identify the client,
17 the registered lobbyist who has made the referral, the category of value
18 of the compensation received and a general description of the type of
19 matter so referred. A reporting individual need not disclose activities
20 performed while lawfully acting pursuant to paragraphs (c), (d), (e) and
21 (f) of subdivision seven of section seventy-three of this article. The
22 disclosure requirements in this question shall not require disclosing
23 clients or customers receiving medical, pharmaceutical or dental

1 services, mental health services, or residential real estate brokering
2 services from the reporting individual or his or her firm or if federal
3 law prohibits or limits disclosure. The reporting individual need not
4 identify any client to whom he or she or his or her firm provided legal
5 representation with respect to investigation or prosecution by law
6 enforcement authorities, bankruptcy, family court, estate planning, or
7 domestic relations matters, nor shall the reporting individual identify
8 individuals represented pursuant to an insurance policy but the report-
9 ing individual shall in such circumstances only report the entity that
10 provides compensation to the reporting individual; with respect to
11 matters in which the client's name is required by law to be kept confi-
12 dential (such as matters governed by the family court act) or in matters
13 in which the reporting individual represents or provides services to
14 minors, the client's name may be replaced with initials. To the extent
15 that the reporting individual, or his or her firm, provided legal repre-
16 sentation with respect to an initial public offering, and federal law or
17 regulations restricts the disclosure of information relating to such
18 work, the reporting individual shall (i) disclose the identity of the
19 client and the services provided relating to the initial public offering
20 to the office of court administration, who will maintain such informa-
21 tion confidentially in a locked box; and (ii) include in his or her
22 response a statement that pursuant to this paragraph, a disclosure to
23 the office of court administration has been made. Upon such time that
24 the disclosure of information maintained in the locked box is no longer
25 restricted by federal law or regulation, the reporting individual shall
26 disclose such information in an amended disclosure statement in response
27 to the disclosure requirements of this paragraph. The office of court
28 administration shall develop and maintain a secure portal through which

1 information submitted to it pursuant to this paragraph can be safely and
2 confidentially stored. With respect to clients represented in other
3 matters not otherwise exempt, the reporting individual may request an
4 exemption to publicly disclosing the name of that client from the joint
5 commission pursuant to paragraph (i) of subdivision nine of section
6 ninety-four of the executive law, or from the office of court adminis-
7 tration. In such application, the reporting individual shall state the
8 following: "My client is not currently receiving my services or seeking
9 my services in connection with:

10 (i) A proposed bill or resolution in the senate or assembly during the
11 reporting period;

12 (ii) A contract in an amount totaling \$10,000 or more from the state
13 or any state agency for services, materials, or property;

14 (iii) A grant of \$10,000 or more from the state or any state agency
15 during the reporting period;

16 (iv) A grant obtained through a legislative initiative during the
17 reporting period; or

18 (v) A case, proceeding, application or other matter that is not a
19 ministerial matter before a state agency during the reporting period."

20 In reviewing the request for an exemption, the joint commission or the
21 office of court administration may consult with bar or other profes-
22 sional associations and the legislative ethics commission for individ-
23 uals subject to its jurisdiction and may consider the rules of profes-
24 sional conduct. In making its determination, the joint commission or the
25 office of court administration shall conduct its own inquiry and shall
26 consider factors including, but not limited to: (i) the nature and the
27 size of the client; (ii) whether the client has any business before the
28 state; and if so, how significant the business is; and whether the

1 client has any particularized interest in pending legislation and if so
 2 how significant the interest is; (iii) whether disclosure may reveal
 3 trade secrets; (iv) whether disclosure could reasonably result in retal-
 4 iation against the client; (v) whether disclosure may cause undue harm
 5 to the client; (vi) whether disclosure may result in undue harm to the
 6 attorney-client relationship; and (vii) whether disclosure may result in
 7 an unnecessary invasion of privacy to the client.

8 The joint commission or, as the case may be, the office of court
 9 administration shall promptly make a final determination in response to
 10 such request, which shall include an explanation for its determination.
 11 The office of court administration shall issue its final determination
 12 within three days of receiving the request. Notwithstanding any other
 13 provision of law or any professional disciplinary rule to the contrary,
 14 the disclosure of the identity of any client or customer in response to
 15 this question shall not constitute professional misconduct or a ground
 16 for disciplinary action of any kind, or form the basis for any civil or
 17 criminal cause of action or proceeding. A reporting individual who first
 18 enters public office after December thirty-first, two thousand fifteen,
 19 need not report clients or customers with respect to matters for which
 20 the reporting individual or his or her firm was retained prior to enter-
 21 ing public office.

22	Client	Name of Lobbyist	[Category of]	Amount [(in
23				Table 1)]
24	<hr/>			
25	<hr/>			
26	<hr/>			
27	<hr/>			
28	<hr/>			

1 § 5. Paragraphs 9, 11, 13, 14, 15, 16, 17, 18 and 19 of subdivision 3
 2 of section 73-a of the public officers law, as amended by section 5 of
 3 part A of chapter 399 of the laws of 2011, paragraph 13 as amended by
 4 section 1 of part CC of chapter 56 of the laws of 2015, are amended to
 5 read as follows:

6 9. List each source of gifts, EXCLUDING campaign contributions, in
 7 EXCESS of \$1,000, received during the reporting period for which this
 8 statement is filed by the reporting individual or such individual's
 9 spouse or unemancipated child from the same donor, EXCLUDING gifts from
 10 a relative. INCLUDE the name and address of the donor. The term "gifts"
 11 does not include reimbursements, which term is defined in item 10.
 12 Indicate the value and nature of each such gift.

13					[Category
14	Self,				of]
15	Spouse or	Name of		Nature	Value of
16	Child	Donor	Address	of Gift	Gift
17					[(In Table I)]

18 _____

19 _____

20 _____

21 _____

22 _____

23 11. List the identity and value, if reasonably ascertainable, of each
 24 interest in a trust, estate or other beneficial interest, including
 25 retirement plans (other than retirement plans of the state of New

1 York or the city of New York), and deferred compensation plans
 2 (e.g., 401, 403(b), 457, etc.) established in accordance with the
 3 internal revenue code, in which the REPORTING INDIVIDUAL held a
 4 beneficial interest in EXCESS of \$1,000 at any time during the
 5 preceding year. Do NOT report interests in a trust, estate or other
 6 beneficial interest established by or for, or the estate of, a rela-
 7 tive.

8		[Category
9	Identity	of] Value*
10		[(In Table II)]

11 _____

12 _____

13 _____

14 _____

15 _____

16 * The value of such interest shall be reported only if reasonably
 17 ascertainable.

18 13. List below the nature and amount of any income in EXCESS of \$1,000
 19 from EACH SOURCE for the reporting individual and such individual's
 20 spouse for the taxable year last occurring prior to the date of
 21 filing. Each such source must be described with particularity.
 22 Nature of income includes, but is not limited to, all income (other
 23 than that received from the employment listed under Item 2 above)
 24 from compensated employment whether public or private, directorships
 25 and other fiduciary positions, contractual arrangements, teaching

1 income, partnerships, honorariums, lecture fees, consultant fees,
 2 bank and bond interest, dividends, income derived from a trust, real
 3 estate rents, and recognized gains from the sale or exchange of real
 4 or other property. Income from a business or profession and real
 5 estate rents shall be reported with the source identified by the
 6 building address in the case of real estate rents and otherwise by
 7 the name of the entity and not by the name of the individual custom-
 8 ers, clients or tenants, with the aggregate net income before taxes
 9 for each building address or entity. The receipt of maintenance
 10 received in connection with a matrimonial action, alimony and child
 11 support payments shall not be listed.

12	Self/			[Category
13	Spouse	Source	Nature	of] Amount
14				[(In Table I)]

15 _____

16 _____

17 _____

18 _____

19 _____

20 14. List the sources of any deferred income (not retirement income) in
 21 EXCESS of \$1,000 from each source to be paid to the reporting indi-
 22 vidual following the close of the calendar year for which this
 23 disclosure statement is filed, other than deferred compensation
 24 reported in item 11 hereinabove. Deferred income derived from the
 25 practice of a profession shall be listed in the aggregate and shall

1 identify as the source, the name of the firm, corporation, partner-
 2 ship or association through which the income was derived, but shall
 3 not identify individual clients.

4 [Category
 5 Source of] Amount
 6 [(In Table I)]

7 _____
 8 _____
 9 _____
 10 _____
 11 _____

12 15. List each assignment of income in EXCESS of \$1,000, and each trans-
 13 fer other than to a relative during the reporting period for which
 14 this statement is filed for less than fair consideration of an
 15 interest in a trust, estate or other beneficial interest, securities
 16 or real property, by the reporting individual, in excess of \$1,000,
 17 which would otherwise be required to be reported herein and is not
 18 or has not been so reported.

19 Item Assigned Assigned or [Category
 20 or Transferred Transferred to of] Value
 21 [(In Table I)]

22 _____
 23 _____

1 _____
2 _____
3 _____

4 16. List below the type and market value of securities held by the
5 reporting individual or such individual's spouse from each issuing
6 entity in EXCESS of \$1,000 at the close of the taxable year last
7 occurring prior to the date of filing, including the name of the
8 issuing entity exclusive of securities held by the reporting indi-
9 vidual issued by a professional corporation. Whenever an interest in
10 securities exists through a beneficial interest in a trust, the
11 securities held in such trust shall be listed ONLY IF the reporting
12 individual has knowledge thereof except where the reporting individ-
13 ual or the reporting individual's spouse has transferred assets to
14 such trust for his or her benefit in which event such securities
15 shall be listed unless they are not ascertainable by the reporting
16 individual because the trustee is under an obligation or has been
17 instructed in writing not to disclose the contents of the trust to
18 the reporting individual. Securities of which the reporting individ-
19 ual or the reporting individual's spouse is the owner of record but
20 in which such individual or the reporting individual's spouse has no
21 beneficial interest shall not be listed. Indicate percentage of
22 ownership ONLY if the reporting person or the reporting person's
23 spouse holds more than five percent (5%) of the stock of a corpo-
24 ration in which the stock is publicly traded or more than ten
25 percent (10%) of the stock of a corporation in which the stock is
26 NOT publicly traded. Also list securities owned for investment
27 purposes by a corporation more than fifty percent (50%) of the stock

1 of which is owned or controlled by the reporting individual or such
 2 individual's spouse. For the purpose of this item the term "securi-
 3 ties" shall mean mutual funds, bonds, mortgages, notes, obligations,
 4 warrants and stocks of any class, investment interests in limited or
 5 general partnerships and certificates of deposits (CDs) and such
 6 other evidences of indebtedness and certificates of interest as are
 7 usually referred to as securities. The market value for such secu-
 8 rities shall be reported only if reasonably ascertainable and shall
 9 not be reported if the security is an interest in a general partner-
 10 ship that was listed in item 8 (a) or if the security is corporate
 11 stock, NOT publicly traded, in a trade or business of a reporting
 12 individual or a reporting individual's spouse.

13			Percentage	
14			of corporate	
15			stock owned	
16			or controlled	[Category of]
17			(if more than	Market Value
18			5% of pub-	as of the close
19			licly traded	of the
20			stock, or	taxable year
21			more than	last occurring
22			10% if stock	prior to
23	Self/	Issuing	Type of	not publicly
24	Spouse	Entity	Security	traded, is held)
25				the filing of
				this statement
				[(In Table II)]

1 _____

2 _____

3 _____

4 _____

5 _____

6 17. List below the location, size, general nature, acquisition date,
 7 market value and percentage of ownership of any real property in
 8 which any vested or contingent interest in EXCESS of \$1,000 is held
 9 by the reporting individual or the reporting individual's spouse.
 10 Also list real property owned for investment purposes by a corpo-
 11 ration more than fifty percent (50%) of the stock of which is owned
 12 or controlled by the reporting individual or such individual's
 13 spouse. Do NOT list any real property which is the primary or
 14 secondary personal residence of the reporting individual or the
 15 reporting individual's spouse, except where there is a co-owner who
 16 is other than a relative.

17 [Category
 18 Self/ Percentage of]
 19 Spouse/ General Acquisition of Market
 20 Corporation Location Size Nature Date Ownership Value
 21 [(In
 22 Table
 23 II)]

24 _____

25 _____

1 _____
 2 _____
 3 _____

4 18. List below all notes and accounts receivable, other than from goods
 5 or services sold, held by the reporting individual at the close of
 6 the taxable year last occurring prior to the date of filing and
 7 other debts owed to such individual at the close of the taxable year
 8 last occurring prior to the date of filing, in EXCESS of \$1,000,
 9 including the name of the debtor, type of obligation, date due and
 10 the nature of the collateral securing payment of each, if any,
 11 excluding securities reported in item 16 hereinabove. Debts, notes
 12 and accounts receivable owed to the individual by a relative shall
 13 not be reported.

14	Type of Obligation,	[Category
15	Date Due, and Nature	of]
16	Name of Debtor	of Collateral, if any
17		Amount
		[(In Table II)]

18 _____
 19 _____
 20 _____
 21 _____
 22 _____

23 19. List below all liabilities of the reporting individual and such
 24 individual's spouse, in EXCESS of \$10,000 as of the date of filing

1 of this statement, other than liabilities to a relative. Do NOT list
 2 liabilities incurred by, or guarantees made by, the reporting indi-
 3 vidual or such individual's spouse or by any proprietorship, part-
 4 nership or corporation in which the reporting individual or such
 5 individual's spouse has an interest, when incurred or made in the
 6 ordinary course of the trade, business or professional practice of
 7 the reporting individual or such individual's spouse. Include the
 8 name of the creditor and any collateral pledged by such individual
 9 to secure payment of any such liability. A reporting individual
 10 shall not list any obligation to pay maintenance in connection with
 11 a matrimonial action, alimony or child support payments. Any loan
 12 issued in the ordinary course of business by a financial institution
 13 to finance educational costs, the cost of home purchase or improve-
 14 ments for a primary or secondary residence, or purchase of a
 15 personally owned motor vehicle, household furniture or appliances
 16 shall be excluded. If any such reportable liability has been guaran-
 17 teed by any third person, list the liability and name the guarantor.

18			[Category
19	Name of Creditor	Type of Liability	of]
20	or Guarantor	and Collateral, if any	Amount
21			[(In Table II)]

22 _____

23 _____

24 _____

25 _____

26 _____

1 The requirements of law relating to the reporting of financial
 2 interests are in the public interest and no adverse inference of
 3 unethical or illegal conduct or behavior will be drawn merely from
 4 compliance with these requirements.

5 _____
 6 (Signature of Reporting Individual) Date (month/day/year)

7 [TABLE I

8	Category A		none	
9	Category B	\$	1 to under	\$ 1,000
10	Category C	\$	1,000 to under	\$ 5,000
11	Category D	\$	5,000 to under	\$ 20,000
12	Category E	\$	20,000 to under	\$ 50,000
13	Category F	\$	50,000 to under	\$ 75,000
14	Category G	\$	75,000 to under	\$ 100,000
15	Category H	\$	100,000 to under	\$ 150,000
16	Category I	\$	150,000 to under	\$ 250,000
17	Category J	\$	250,000 to under	\$ 350,000
18	Category K	\$	350,000 to under	\$ 450,000
19	Category L	\$	450,000 to under	\$ 550,000
20	Category M	\$	550,000 to under	\$ 650,000
21	Category N	\$	650,000 to under	\$ 750,000
22	Category O	\$	750,000 to under	\$ 850,000
23	Category P	\$	850,000 to under	\$ 950,000
24	Category Q	\$	950,000 to under	\$1,050,000
25	Category R	\$	1,050,000 to under	\$1,150,000
26	Category S	\$	1,150,000 to under	\$1,250,000

1	Category T	\$1,250,000 to under \$1,350,000
2	Category U	\$1,350,000 to under \$1,450,000
3	Category V	\$1,450,000 to under \$1,550,000
4	Category W	\$1,550,000 to under \$1,650,000
5	Category X	\$1,650,000 to under \$1,750,000
6	Category Y	\$1,750,000 to under \$1,850,000
7	Category Z	\$1,850,000 to under \$1,950,000
8	Category AA	\$1,950,000 to under \$2,050,000
9	Category BB	\$2,050,000 to under \$2,150,000
10	Category CC	\$2,150,000 to under \$2,250,000
11	Category DD	\$2,250,000 to under \$2,350,000
12	Category EE	\$2,350,000 to under \$2,450,000
13	Category FF	\$2,450,000 to under \$2,550,000
14	Category GG	\$2,550,000 to under \$2,650,000
15	Category HH	\$2,650,000 to under \$2,750,000
16	Category II	\$2,750,000 to under \$2,850,000
17	Category JJ	\$2,850,000 to under \$2,950,000
18	Category KK	\$2,950,000 to under \$3,050,000
19	Category LL	\$3,050,000 to under \$3,150,000
20	Category MM	\$3,150,000 to under \$3,250,000
21	Category NN	\$3,250,000 to under \$3,350,000
22	Category OO	\$3,350,000 to under \$3,450,000
23	Category PP	\$3,450,000 to under \$3,550,000
24	Category QQ	\$3,550,000 to under \$3,650,000
25	Category RR	\$3,650,000 to under \$3,750,000
26	Category SS	\$3,750,000 to under \$3,850,000
27	Category TT	\$3,850,000 to under \$3,950,000
28	Category UU	\$3,950,000 to under \$4,050,000

1	Category VV	\$4,050,000 to under \$4,150,000
2	Category WW	\$4,150,000 to under \$4,250,000
3	Category XX	\$4,250,000 to under \$4,350,000
4	Category YY	\$4,350,000 to under \$4,450,000
5	Category ZZ	\$4,450,000 to under \$4,550,000
6	Category AAA	\$4,550,000 to under \$4,650,000
7	Category BBB	\$4,650,000 to under \$4,750,000
8	Category CCC	\$4,750,000 to under \$4,850,000
9	Category DDD	\$4,850,000 to under \$4,950,000
10	Category EEE	\$4,950,000 to under \$5,050,000
11	Category FFF	\$5,050,000 to under \$5,150,000
12	Category GGG	\$5,150,000 to under \$5,250,000
13	Category HHH	\$5,250,000 to under \$5,350,000
14	Category III	\$5,350,000 to under \$5,450,000
15	Category JJJ	\$5,450,000 to under \$5,550,000
16	Category KKK	\$5,550,000 to under \$5,650,000
17	Category LLL	\$5,650,000 to under \$5,750,000
18	Category MMM	\$5,750,000 to under \$5,850,000
19	Category NNN	\$5,880,000 to under \$5,950,000
20	Category OOO	\$5,950,000 to under \$6,050,000
21	Category PPP	\$6,050,000 to under \$6,150,000
22	Category QQQ	\$6,150,000 to under \$6,250,000
23	Category RRR	\$6,250,000 to under \$6,350,000
24	Category SSS	\$6,350,000 to under \$6,450,000
25	Category TTT	\$6,450,000 to under \$6,550,000
26	Category UUU	\$6,550,000 to under \$6,650,000
27	Category VVV	\$6,650,000 to under \$6,750,000
28	Category WWW	\$6,750,000 to under \$6,850,000

1	Category XXX	\$6,850,000 to under \$6,950,000
2	Category YYY	\$6,950,000 to under \$7,050,000
3	Category ZZZ	\$7,050,000 to under \$7,150,000
4	Category AAAA	\$7,150,000 to under \$7,250,000
5	Category BBBB	\$7,250,000 to under \$7,350,000
6	Category CCCC	\$7,350,000 to under \$7,450,000
7	Category DDDD	\$7,450,000 to under \$7,550,000
8	Category EEEE	\$7,550,000 to under \$7,650,000
9	Category FFFF	\$7,650,000 to under \$7,750,000
10	Category GGGG	\$7,750,000 to under \$7,850,000
11	Category HHHH	\$7,850,000 to under \$7,950,000
12	Category IIII	\$7,950,000 to under \$8,050,000
13	Category JJJJ	\$8,050,000 to under \$8,150,000
14	Category KKKK	\$8,150,000 to under \$8,250,000
15	Category LLLL	\$8,250,000 to under \$8,350,000
16	Category MMMM	\$8,350,000 to under \$8,450,000
17	Category NNNN	\$8,450,000 to under \$8,550,000
18	Category OOOO	\$8,550,000 to under \$8,650,000
19	Category PPPP	\$8,650,000 to under \$8,750,000
20	Category QQQQ	\$8,750,000 to under \$8,850,000
21	Category RRRR	\$8,850,000 to under \$8,950,000
22	Category SSSS	\$8,950,000 to under \$9,050,000
23	Category TTTT	\$9,050,000 to under \$9,150,000
24	Category UUUU	\$9,150,000 to under \$9,250,000
25	Category VVVV	\$9,250,000 to under \$9,350,000
26	Category WWWW	\$9,350,000 to under \$9,450,000
27	Category XXXX	\$9,450,000 to under \$9,550,000
28	Category YYYY	\$9,550,000 to under \$9,650,000

1	Category ZZZZ	\$9,650,000 to under \$9,750,000
2	Category AAAAA	\$9,750,000 to under \$9,850,000
3	Category BBBBB	\$9,850,000 to under \$9,950,000
4	Category CCCCC	\$9,950,000 to under \$10,000,000
5	Category DDDDD	\$10,000,000 or over

6 TABLE II

7	Category A	none
8	Category B	\$ 1 to under \$ 1,000
9	Category C	\$ 1,000 to under \$ 5,000
10	Category D	\$ 5,000 to under \$ 20,000
11	Category E	\$ 20,000 to under \$ 50,000
12	Category F	\$ 50,000 to under \$ 75,000
13	Category G	\$ 75,000 to under \$ 100,000
14	Category H	\$ 100,000 to under \$ 150,000
15	Category I	\$ 150,000 to under \$ 250,000
16	Category J	\$ 250,000 to under \$ 500,000
17	Category K	\$ 500,000 to under \$ 750,000
18	Category L	\$ 750,000 to under \$1,000,000
19	Category M	\$1,000,000 to under \$1,250,000
20	Category N	\$1,250,000 to under \$1,500,000
21	Category O	\$1,500,000 to under \$1,750,000
22	Category P	\$1,750,000 to under \$2,000,000
23	Category Q	\$2,000,000 to under \$2,250,000
24	Category R	\$2,250,000 to under \$2,500,000
25	Category S	\$2,500,000 to under \$2,750,000
26	Category T	\$2,750,000 to under \$3,000,000
27	Category U	\$3,000,000 to under \$3,250,000

1	Category V	\$3,250,000 to under \$3,500,000
2	Category W	\$3,500,000 to under \$3,750,000
3	Category X	\$3,750,000 to under \$4,000,000
4	Category Y	\$4,000,000 to under \$4,250,000
5	Category Z	\$4,250,000 to under \$4,500,000
6	Category AA	\$4,500,000 to under \$4,750,000
7	Category BB	\$4,750,000 to under \$5,000,000
8	Category CC	\$5,000,000 to under \$5,250,000
9	Category DD	\$5,250,000 to under \$5,500,000
10	Category EE	\$5,500,000 to under \$5,750,000
11	Category FF	\$5,750,000 to under \$6,000,000
12	Category GG	\$6,000,000 to under \$6,250,000
13	Category HH	\$6,250,000 to under \$6,500,000
14	Category II	\$6,500,000 to under \$6,750,000
15	Category JJ	\$6,750,000 to under \$7,000,000
16	Category KK	\$7,000,000 to under \$7,250,000
17	Category LL	\$7,250,000 to under \$7,500,000
18	Category MM	\$7,500,000 to under \$7,750,000
19	Category NN	\$7,750,000 to under \$8,000,000
20	Category OO	\$8,000,000 to under \$8,250,000
21	Category PP	\$8,250,000 to under \$8,500,000
22	Category QQ	\$8,500,000 to under \$8,750,000
23	Category RR	\$8,750,000 to under \$9,000,000
24	Category SS	\$9,000,000 to under \$9,250,000
25	Category TT	\$9,250,000 to under \$9,500,000
26	Category UU	\$9,500,000 or over]

1 § 6. Subdivision 4 of section 73-a of the public officers law, as
2 amended by section 5 of part A of chapter 399 of the laws of 2011, is
3 amended to read as follows:

4 4. A reporting individual who knowingly and wilfully fails to file an
5 annual statement of financial disclosure or who knowingly and wilfully
6 with intent to deceive makes a false statement or gives information
7 which such individual knows to be false on such statement of financial
8 disclosure filed pursuant to this section shall be subject to a civil
9 penalty in an amount not to exceed forty thousand dollars and addi-
10 tionally such violation may be punishable as a class A misdemeanor. A
11 person who knowingly and wilfully fails to respond to the commission,
12 fails to provide information requested, or otherwise refuses to cooper-
13 ate in the conduct of a review of an annual statement of financial
14 disclosure conducted pursuant to section ninety-four of the executive
15 law may be subject to a civil penalty not to exceed forty thousand
16 dollars. Assessment of a civil penalty hereunder shall be made by the
17 joint commission on public ethics or by the legislative ethics commis-
18 sion, as the case may be, with respect to persons subject to their
19 respective jurisdictions. The joint commission on public ethics acting
20 pursuant to subdivision fourteen of section ninety-four of the executive
21 law or the legislative ethics commission acting pursuant to [subdivision
22 eleven of section eighty] paragraph (a) of subdivision nine of section
23 eighty of the legislative law, as the case may be, may, in lieu of or in
24 addition to a civil penalty, refer a violation to the appropriate prose-
25 cutor [and upon such conviction, but only after such referral, such
26 violation shall be punishable as a class A misdemeanor]. A civil penalty
27 for false filing may not be imposed hereunder in the event a [category
28 of] "value" or "amount" reported hereunder is incorrect unless such

1 reported information is falsely understated. [Notwithstanding any other
2 provision of law to the contrary, no other penalty, civil or criminal
3 may be imposed for a failure to file, or for a false filing, of such
4 statement, except that the appointing authority may impose disciplinary
5 action as otherwise provided by law.] The joint commission on public
6 ethics and the legislative ethics commission shall each be deemed to be
7 an agency within the meaning of article three of the state administra-
8 tive procedure act and shall adopt rules governing the conduct of adju-
9 dicatory proceedings and appeals relating to the assessment of the civil
10 penalties herein authorized. Such rules, which shall not be subject to
11 the approval requirements of the state administrative procedure act,
12 shall provide for due process procedural mechanisms substantially simi-
13 lar to those set forth in such article three but such mechanisms need
14 not be identical in terms or scope. Assessment of a civil penalty shall
15 be final unless modified, suspended or vacated within thirty days of
16 imposition and upon becoming final shall be subject to review at the
17 instance of the affected reporting individual in a proceeding commenced
18 against the joint commission on public ethics or the legislative ethics
19 commission, pursuant to article seventy-eight of the civil practice law
20 and rules.

21 § 7. Paragraph (a) of subdivision 9 of section 80 of the legislative
22 law, as amended by section 9 of part A of chapter 399 of the laws of
23 2011, is amended to read as follows:

24 (a) An individual subject to the jurisdiction of the commission with
25 respect to the imposition of penalties who knowingly and intentionally
26 violates the provisions of subdivisions two through five-a, seven,
27 eight, twelve, fourteen or fifteen of section seventy-three of the
28 public officers law or a reporting individual who knowingly and wilfully

1 fails to file an annual statement of financial disclosure or who know-
2 ingly and wilfully with intent to deceive makes a false statement or
3 gives information which such individual knows to be false on such state-
4 ment of financial disclosure filed pursuant to section seventy-three-a
5 of the public officers law, or who solicits, requests, commands, impor-
6 tunes, or intentionally aids another person to engage in any of the
7 above-mentioned conduct, or who knowingly and willfully fails to respond
8 to the joint commission on public ethics, fails to provide information
9 requested, or otherwise refuses to cooperate in the conduct of a review
10 of an annual statement of financial disclosure conducted pursuant to
11 section ninety-four of the executive law shall be subject to a civil
12 penalty in an amount not to exceed forty thousand dollars and the value
13 of any gift, compensation or benefit received as a result of such
14 violation. Any such individual who knowingly and intentionally violates
15 the provisions of [paragraph a, b, c, d, e, g, or i of] subdivision
16 three of section seventy-four of the public officers law, or who solici-
17 its, requests, commands, importunes, or intentionally aids another
18 person to engage in any of the above-mentioned conduct, shall be subject
19 to a civil penalty in an amount not to exceed ten thousand dollars and
20 the value of any gift, compensation or benefit received as a result of
21 such violation. Assessment of a civil penalty hereunder shall be made by
22 the commission with respect to persons subject to its jurisdiction. In
23 assessing the amount of the civil penalties to be imposed, the commis-
24 sion shall consider the seriousness of the violation, the amount of gain
25 to the individual and whether the individual previously had any civil or
26 criminal penalties imposed pursuant to this section, and any other
27 factors the commission deems appropriate. For a violation of this
28 section, other than for conduct which constitutes a violation of subdi-

1 vision twelve, fourteen or fifteen of section seventy-three or section
2 seventy-four of the public officers law, the legislative ethics commis-
3 sion may, in lieu of or in addition to a civil penalty, refer a
4 violation to the appropriate prosecutor [and upon such conviction, but
5 only after such referral, such violation shall be punishable as a class
6 A misdemeanor]. Where the commission finds sufficient cause, it shall
7 refer such matter to the appropriate prosecutor. A civil penalty for
8 false filing may not be imposed hereunder in the event a category of
9 "value" or "amount" reported hereunder is incorrect unless such reported
10 information is falsely understated. [Notwithstanding any other provision
11 of law to the contrary, no other penalty, civil or criminal may be
12 imposed for a failure to file, or for a false filing, of such statement,
13 or a violation of subdivision six of section seventy-three of the public
14 officers law, except that the appointing authority may impose discipli-
15 nary action as otherwise provided by law.] The legislative ethics
16 commission shall be deemed to be an agency within the meaning of article
17 three of the state administrative procedure act and shall adopt rules
18 governing the conduct of adjudicatory proceedings and appeals taken
19 pursuant to a proceeding commenced under article seventy-eight of the
20 civil practice law and rules relating to the assessment of the civil
21 penalties herein authorized. Such rules, which shall not be subject to
22 the promulgation and hearing requirements of the state administrative
23 procedure act, shall provide for due process procedural mechanisms
24 substantially similar to those set forth in such article three but such
25 mechanisms need not be identical in terms or scope. Assessment of a
26 civil penalty shall be final unless modified, suspended or vacated with-
27 in thirty days of imposition, with respect to the assessment of such
28 penalty, or unless such denial of request is reversed within such time

1 period, and upon becoming final shall be subject to review at the
2 instance of the affected reporting individuals in a proceeding commenced
3 against the legislative ethics commission, pursuant to article seventy-
4 eight of the civil practice law and rules.

5 § 8. Paragraph (n) of subdivision 9 of section 94 of the executive
6 law, as added by section 6 of part A of chapter 399 of the laws of 2011,
7 are amended to read as follows:

8 (n) Promulgate guidelines for the commission to conduct a program of
9 random reviews, to be carried out in the following manner: (i) annual
10 statements of financial disclosure shall be selected for review in a
11 manner pursuant to which the identity of any particular person whose
12 statement is selected is unknown to the commission and its staff prior
13 to its selection; (ii) such review shall include a preliminary examina-
14 tion of the selected statement for internal consistency, a comparison
15 with other records maintained by the commission, including previously
16 filed statements and requests for advisory opinions, and examination of
17 relevant public information; (iii) upon completion of the preliminary
18 examination, the commission shall determine whether further inquiry is
19 warranted, whereupon it shall notify the reporting individual in writing
20 that the statement is under review, advise the reporting individual of
21 the specific areas of inquiry, and provide the reporting individual with
22 the opportunity to provide any relevant information related to the
23 specific areas of inquiry, request supporting documentation (if a person
24 cannot obtain documents requested by the commission, or such documents
25 do not exist, the person must sign a statement based on knowledge and
26 belief that such documents are unavailable or do not exist), and the
27 opportunity to file amendments to the selected statement on forms
28 provided by the commission; and (iv) if thereafter sufficient cause

1 exists, the commission shall take additional actions, as appropriate and
2 consistent with law.

3 § 9. Paragraph (b) of subdivision 9-a of section 94 of the executive
4 law, as added by section 6 of part A of chapter 399 of the laws of 2011,
5 is amended to read as follows:

6 (b) [Except as otherwise required or provided by law,] Unless other-
7 wise required herein, confidential information, including testimony
8 received or any other information obtained by a commissioner or staff of
9 the commission during the course of an investigation, shall not be
10 disclosed by any such individual to any person or entity outside the
11 commission [during the pendency of any matter. Any confidential communi-
12 cation to any person or entity outside the commission related to the
13 matters before the commission may occur only as authorized by the
14 commission] except as authorized by the commission or in response to a
15 court order or a subpoena lawfully issued by a federal, state or local
16 law enforcement agency.

17 § 10. Paragraph (a) of subdivision 13 of section 94 of the executive
18 law, as amended by section 6 of part A of chapter 399 of the laws of
19 2011, is amended to read as follows:

20 (a) Investigations. If the commission receives a sworn complaint
21 alleging a violation of section seventy-three, seventy-three-a, or
22 seventy-four of the public officers law, section one hundred seven of
23 the civil service law or article one-A of the legislative law by a
24 person or entity subject to the jurisdiction of the commission including
25 members of the legislature and legislative employees and candidates for
26 member of the legislature, or if a reporting individual has filed a
27 statement which reveals a possible violation of these provisions, or if
28 the commission determines on its own initiative to investigate a possi-

1 ble violation, the commission shall notify the individual in writing,
2 describe the possible or alleged violation of such laws and provide the
3 person with a fifteen day period in which to submit a written response
4 setting forth information relating to the activities cited as a possible
5 or alleged violation of law. The commission shall, within [forty-five]
6 sixty calendar days after a complaint or a referral is received or an
7 investigation is initiated on the commission's own initiative, vote on
8 whether to commence a full investigation of the matter under consider-
9 ation to determine whether a substantial basis exists to conclude that a
10 violation of law has occurred. In lieu of such vote, the commission may
11 vote to adjourn a matter until the next scheduled meeting of the commis-
12 sion or, upon the request of a law enforcement agency, the commission
13 may vote to defer a determination on whether to commence an investi-
14 gation pending the outcome of a criminal proceeding. The staff of the
15 joint commission shall provide to the members prior to such vote infor-
16 mation regarding the likely scope and content of the investigation, and
17 a subpoena plan, to the extent such information is available. Such
18 investigation shall be conducted if at least eight members of the
19 commission vote to authorize it. Where the subject of such investigation
20 is a member of the legislature or a legislative employee or a candidate
21 for member of the legislature, at least two of the eight or more members
22 who so vote to authorize such an investigation must have been appointed
23 by a legislative leader or leaders from the major political party in
24 which the subject of the proposed investigation is enrolled if such
25 person is enrolled in a major political party. Where the subject of such
26 investigation is a state officer or state employee, at least two of the
27 eight or more members who so vote to authorize such an investigation
28 must have been appointed by the governor and lieutenant governor. Where

1 the subject of such investigation is a statewide elected official or a
2 direct appointee of such an official, at least two of the eight or more
3 members who so vote to authorize such an investigation must have been
4 appointed by the governor and lieutenant governor and be enrolled in the
5 major political party in which the subject of the proposed investigation
6 is enrolled, if such person is enrolled in a major political party.

7 § 11. Subdivision 14 of section 94 of the executive law, as amended by
8 section 6 of part A of chapter 399 of the laws of 2011, is amended to
9 read as follows:

10 14. An individual subject to the jurisdiction of the commission who
11 knowingly and intentionally violates the provisions of subdivisions two
12 through five-a, seven, eight, twelve or fourteen through seventeen of
13 section seventy-three of the public officers law, section one hundred
14 seven of the civil service law, or a reporting individual who knowingly
15 and wilfully fails to file an annual statement of financial disclosure
16 or who knowingly and wilfully with intent to deceive makes a false
17 statement or fraudulent omission or gives information which such indi-
18 vidual knows to be false on such statement of financial disclosure filed
19 pursuant to section seventy-three-a of the public officers law, or who
20 solicits, requests, commands, importunes, or intentionally aids another
21 person to engage in any of the above-mentioned conduct, or who knowingly
22 and wilfully fails to respond to the commission, fails to provide infor-
23 mation requested, or otherwise refuses to cooperate in the conduct of a
24 review of an annual statement of financial disclosure conducted pursuant
25 to this section, shall be subject to a civil penalty in an amount not to
26 exceed forty thousand dollars and the value of any gift, compensation or
27 benefit received as a result of such violation. An individual who know-
28 ingly and intentionally violates the provisions of [paragraph a, b, c,

1 d, e, g, or i of] subdivision three of section seventy-four of the
2 public officers law, or who solicits, requests, commands, importunes, or
3 intentionally aids another person to engage in any of the above-men-
4 tioned conduct, shall be subject to a civil penalty in an amount not to
5 exceed ten thousand dollars and the value of any gift, compensation or
6 benefit received as a result of such violation. An individual or entity
7 subject to the jurisdiction of the commission who knowingly and willful-
8 ly violates article one-A of the legislative law, or who solicits,
9 requests, commands, importunes, or intentionally aids another person or
10 entity to engage in any of the above-mentioned conduct, shall be subject
11 to civil penalty as provided for in that article. Except with respect to
12 members of the legislature and legislative employees, assessment of a
13 civil penalty hereunder shall be made by the commission with respect to
14 persons subject to its jurisdiction. With respect to a violation of any
15 law other than sections seventy-three, seventy-three-a, and seventy-four
16 of the public officers law, where the commission finds sufficient cause
17 by a vote [held in the same manner as set forth in paragraph (b) of
18 subdivision thirteen of this section], it shall refer such matter to the
19 appropriate prosecutor for further investigation. In assessing the
20 amount of the civil penalties to be imposed, the commission shall
21 consider the seriousness of the violation, the amount of gain to the
22 individual and whether the individual previously had any civil or crimi-
23 nal penalties imposed pursuant to this section, and any other factors
24 the commission deems appropriate. Except with respect to members of the
25 legislature and legislative employees, for a violation of this subdivi-
26 sion, other than for conduct which constitutes a violation of section
27 one hundred seven of the civil service law, subdivisions twelve or four-
28 teen through seventeen of section seventy-three or section seventy-four

1 of the public officers law or article one-A of the legislative law, the
2 commission may, in lieu of or in addition to a civil penalty, refer a
3 violation to the appropriate prosecutor [and upon such conviction, such
4 violation shall be punishable as a class A misdemeanor]. A civil penalty
5 for false filing may not be imposed hereunder in the event a category of
6 "value" or "amount" reported hereunder is incorrect unless such reported
7 information is falsely understated. [Notwithstanding any other provision
8 of law to the contrary, no other penalty, civil or criminal may be
9 imposed for a failure to file, or for a false filing, of such statement,
10 or a violation of subdivision six of section seventy-three of the public
11 officers law, except that the appointing authority may impose discipli-
12 nary action as otherwise provided by law.] The commission may refer
13 violations of this subdivision to the appointing authority for discipli-
14 nary action as otherwise provided by law. The commission shall be deemed
15 to be an agency within the meaning of article three of the state admin-
16 istrative procedure act and shall adopt rules governing the conduct of
17 adjudicatory proceedings and appeals taken pursuant to a proceeding
18 commenced under article seventy-eight of the civil practice law and
19 rules relating to the assessment of the civil penalties herein author-
20 ized and commission denials of requests for certain deletions or
21 exemptions to be made from a financial disclosure statement as author-
22 ized in paragraph (h) or paragraph (i) of subdivision nine of this
23 section. Such rules, which shall not be subject to the approval require-
24 ments of the state administrative procedure act, shall provide for due
25 process procedural mechanisms substantially similar to those set forth
26 in article three of the state administrative procedure act but such
27 mechanisms need not be identical in terms or scope. Assessment of a
28 civil penalty or commission denial of such a request shall be final

1 unless modified, suspended or vacated within thirty days of imposition,
2 with respect to the assessment of such penalty, or unless such denial of
3 request is reversed within such time period, and upon becoming final
4 shall be subject to review at the instance of the affected reporting
5 individuals in a proceeding commenced against the commission, pursuant
6 to article seventy-eight of the civil practice law and rules.

7 § 12. Subdivision 18 of section 94 of the executive law, as amended by
8 section 6 of part A of chapter 399 of the laws of 2011, is amended to
9 read as follows:

10 18. Within one hundred twenty days of the effective date of this
11 subdivision, the commission shall create and thereafter maintain a
12 publicly accessible website which shall set forth the procedure for
13 filing a complaint with the commission, and which shall contain [the
14 documents identified in subdivision nineteen of this section, other than
15 financial disclosure statements filed by state officers or employees or
16 legislative employees, and] any other records or information which the
17 commission determines to be appropriate.

18 § 13. Paragraphs (a) and (b) of subdivision 19 of section 94 of the
19 executive law, as amended by section 6 of part A of chapter 399 of the
20 laws of 2011, are amended and a new paragraph (a-1) is added to read as
21 follows:off;

22 (a) [Notwithstanding the provisions of article six of the public offi-
23 cers law, the only records of the commission which shall be available
24 for public inspection and copying are:

25 (1) the information set forth in an annual statement of financial
26 disclosure filed pursuant to section seventy-three-a of the public offi-
27 cers law except information deleted pursuant to paragraph (h) of subdi-
28 vision nine of this section;

1 (2) notices of delinquency sent under subdivision twelve of this
2 section;

3 (3) notices of civil assessments imposed under this section which
4 shall include a description of the nature of the alleged wrongdoing, the
5 procedural history of the complaint, the findings and determinations
6 made by the commission, and any sanction imposed;

7 (4) the terms of any settlement or compromise of a complaint or refer-
8 ral which includes a fine, penalty or other remedy;

9 (5) those required to be held or maintained publicly available pursu-
10 ant to article one-A of the legislative law; and

11 (6) substantial basis investigation reports issued by the commission
12 pursuant to subdivision fourteen-a or fourteen-b of this section. With
13 respect to reports concerning members of the legislature or legislative
14 employees or candidates for member of the legislature, the joint commis-
15 sion shall not publicly disclose or otherwise disseminate such reports
16 except in conformance with the requirements of paragraph (b) of subdivi-
17 sion nine of section eighty of the legislative law.] Commission records
18 created after the effective date of the chapter of the laws of 2016
19 which amended this paragraph shall be available for public inspection
20 and copying pursuant to the provisions of article six of the public
21 officers law, except that the commission may also deny access to records
22 or portions thereof that relate to requests from any person or entity,
23 who is subject to the jurisdiction of the commission and the require-
24 ments of sections seventy-three, seventy-three-a or seventy-four of the
25 public officers law or article one-a of the legislative law or applica-
26 ble regulations, for advice and guidance or approval relating to said
27 provisions.

1 (a-1) Notwithstanding the provisions of article six of the public
2 officers law, the only records of the commission created before the
3 chapter of the laws of 2016 which amended this paragraph which shall be
4 available for public inspection and copying are:

5 (1) the information set forth in an annual statement of financial
6 disclosure filed pursuant to section seventy-three-a of the public offi-
7 cers law except the categories of value or amount, which shall remain
8 confidential, and any other item of information deleted pursuant to
9 paragraph (h) of subdivision nine of this section;

10 (2) the information set forth in an annual statement of financial
11 disclosure filed pursuant to section seventy-three-a of the public offi-
12 cers law except information deleted pursuant to paragraph (h) of subdivi-
13 vision nine of this section;

14 (3) notices of delinquency sent under subdivision twelve of this
15 section;

16 (4) notices of civil assessments imposed under this section which
17 shall include a description of the nature of the alleged wrongdoing, the
18 procedural history of the complaint, the findings and determinations
19 made by the commission, and any sanction imposed;

20 (5) the terms of any settlement or compromise of a complaint or refer-
21 ral which includes a fine, penalty or other remedy;

22 (6) those required to be held or maintained publicly available pursu-
23 ant to article one-A of the legislative law; and

24 (7) substantial basis investigation reports issued by the commission
25 pursuant to subdivision fourteen-a or fourteen-b of this section. With
26 respect to reports concerning members of the legislature or legislative
27 employees or candidates for member of the legislature, the joint commis-
28 sion shall not publicly disclose or otherwise disseminate such reports

1 except in conformance with the requirements of paragraph (b) of subdivi-
2 sion nine of section eighty of the legislative law.

3 (b) [Notwithstanding the provisions of article seven of the public
4 officers law, no meeting or proceeding, including any such proceeding
5 contemplated under paragraph (h) or (i) of subdivision nine of this
6 section,] Meetings and proceedings of the commission shall be open to
7 the public[, except if expressly provided otherwise by the commission or
8 as is required by article one-A of the legislative law] pursuant to
9 article seven of the public officers law. Notwithstanding the provisions
10 of article seven of the public officers law, commissioners may partic-
11 ipate in a meeting or proceeding of the commission, including voting,
12 from a location not open to the general public to conduct the business
13 of the commission, so long as one of the locations from which the meet-
14 ing or proceeding is being conducted complies with the provisions of
15 article seven of the public officers law. Such participation shall count
16 towards quorum.

17 § 14. Subdivision (b) of section 1-k of the legislative law, as
18 amended by chapter 1 of the laws of 2005, is amended to read as follows:

19 (b) No person shall accept such a retainer or employment. [A violation
20 of] Any person who violates this section shall be subject to a civil
21 penalty not to exceed the greater of ten thousand dollars or the value
22 of the contingent fee, and such violation shall be a class [A misdemea-
23 nor] E felony.

24 § 15. Subdivision (b) of section 1-o of the legislative law is amended
25 by adding a new paragraph (vii) to read as follows:

26 (vii) A lobbyist or client who knowingly and wilfully fails to comply
27 with requests for the production of documents or otherwise fails to
28 cooperate during the conduct of a random audit under section 1-d of this

1 article shall be subject to a civil penalty not to exceed ten thousand
2 dollars.

3 § 16. Section 1-s of the legislative law, as relettered by chapter 1
4 of the laws of 2005, is amended to read as follows:

5 § 1-s. Public access to records; format of records and reports. (a)
6 The commission shall make information furnished by lobbyists and clients
7 available to the public for inspection and copying in electronic [and
8 paper formats] format. Access to such information shall also be made
9 available for remote computer users through the internet network.

10 (b) Beginning with the statement of registration and reports due in
11 calendar year two thousand seventeen, all registration statements and
12 reports must be submitted on the electronic filing system administered
13 by the joint commission on public ethics.

14 (i) An individual may submit a registration statement or report on a
15 form supplied by the commission with a written attestation from a physi-
16 cian or other health provider indicating that the individual has a disa-
17 bility or infirmity preventing the individual from completing the regis-
18 tration statement or report on the electronic filing system provided by
19 the commission.

20 (ii) Any individual required to file a statement pursuant to this
21 section may request from the joint commission on public ethics access to
22 an electronic computer terminal to file the statement.

23 (iii) An individual who requests access to an electronic computer
24 terminal pursuant to paragraph (i) of this subdivision must be provided
25 such access within two business days of submitting the request.

26 (iv) No individual shall be deemed to not have timely filed a regis-
27 tration statement or report if access to an electronic computer terminal
28 was not available as provided in paragraph (ii) of this subdivision.

1 § 17. Paragraph a of subdivision 12 of section 80 of the legislative
2 law, as amended by section 9 of part A of chapter 399 of the laws of
3 2011, is amended to read as follows:

4 a. [Notwithstanding the provisions of article six of the public offi-
5 cers law, the only records of the commission which shall be available
6 for public inspection and copying are:

7 (1) the terms of any settlement or compromise of a complaint or refer-
8 ral or report which includes a fine, penalty or other remedy reached
9 after the commission has received a report from the joint commission on
10 public ethics pursuant to subdivision fourteen-a of section ninety-four
11 of the executive law;

12 (2) generic advisory opinions;

13 (3) all reports required by this section; and

14 (4) all reports received from the joint commission on public ethics
15 pursuant to subdivision fourteen-a of section ninety-four of the execu-
16 tive law and in conformance with paragraph (b) of subdivision nine-b of
17 this section.] Commission records created after the effective date of
18 the chapter of the laws of two thousand sixteen which amended this para-
19 graph shall be made available for public inspection and copying pursuant
20 to the provisions of article six of the public officers law.

21 § 18. This act shall take effect immediately provided, however, that
22 sections two, three, four, five, twelve, thirteen, fourteen, fifteen,
23 sixteen and seventeen of this act shall take effect January 1, 2017.

24 PART F

25 Section 1. Section 5-212 of the election law is REPEALED and a new
26 section 5-212 is added to read as follows:

1 § 5-212. Motor vehicle registration. 1. In addition to any other meth-
2 od of voter registration provided for in this article, any qualified
3 person shall be automatically applied for registration and enrollment
4 simultaneously with and upon application for a motor vehicle driver's
5 license, a driver's license renewal or an identification card if such a
6 card is issued by the department of motor vehicles in its normal course
7 of business unless such qualified person declines such application for
8 registration and enrollment at the time of making an application for a
9 motor vehicle driver's license, driver's license renewal or an identifi-
10 cation card if such card is issued by the department of motor vehicles
11 in its normal course of business.

12 2. The department of motor vehicles, with the approval of the state
13 board of elections, shall design a form or forms which shall, in addi-
14 tion to eliciting such information as may be required by the department
15 of motor vehicles for a driver's license, a driver's license renewal, a
16 change of address notification or an identification card, serve as an
17 application for registration and enrollment, or a registration necessi-
18 tated by a change of residence. Only one signature shall be required to
19 meet the certification and attestation needs of the portion of the form
20 pertaining to the application for a driver's license, a driver's license
21 renewal, a change of address notification or an identification card, and
22 the portion of the form pertaining to voter registration and enrollment.
23 The cost of such forms shall be borne by the department of motor vehi-
24 cles.

25 3. The voter registration portion of such form shall:

26 (a) not require any information that duplicates the information
27 required on the application for the driver license portion and shall
28 require only such additional information as will enable election offi-

1 cials to assess the applicant's eligibility to register to vote, prevent
2 duplicate registration and to administer voter registration and other
3 parts of the election process;

4 (b) include a statement of the eligibility requirements for voter
5 registration and shall require the applicant to attest by his or her
6 signature that he or she meets those requirements under penalty of
7 perjury unless such applicant declines such registration;

8 (c) inform the applicant, in print identical to that used in the
9 attestation section of the following:

10 (i) voter eligibility requirements;

11 (ii) penalties for submission of false registration application;

12 (iii) that the office where applicant registers shall remain confiden-
13 tial and the information be used only for voter registration purposes;

14 (iv) if the applicant declines to register, such applicant's declina-
15 tion shall remain confidential and be used only for voter registration
16 purposes;

17 (d) include a box for the applicant to check to indicate whether the
18 applicant would like to decline to register to vote along with the
19 statement in prominent type, "IF YOU DO NOT CHECK THIS BOX, YOU PROVIDE
20 YOUR SIGNATURE ON THE SPACE PROVIDED BELOW, AND YOU ARE AT LEAST 18
21 YEARS OF AGE OR OLDER, YOU WILL HAVE PERSONALLY APPLIED TO REGISTER TO
22 VOTE AT THIS TIME.";

23 (e) include a space for the applicant to indicate his or her choice of
24 party enrollment, with a clear alternative provided for the applicant to
25 decline to affiliate with any party;

26 (f) include the statement, "If you would like help in filling out the
27 voter registration application form, we will help you. The decision

1 whether to seek or accept help is yours. You may fill out the applica-
2 tion form in private.";

3 (g) include the statement, "If you believe that someone has interfered
4 with your right to register or decline to register to vote, your right
5 to privacy in deciding whether to register or in applying to register to
6 vote, or your right to choose your own political party or other poli-
7 tical preference, you may file a complaint with the state board of
8 elections (address and toll free telephone number).";

9 (h) include a toll free number at the state board of elections that
10 can be called for answers to registration questions; and

11 (i) include any other information that is necessary to comply with the
12 requirements of the National Voter Registration Act.

13 4. The department of motor vehicles shall transmit that portion of the
14 form which constitutes the completed application for registration or
15 change of address form to the appropriate board of elections not later
16 than ten days after receipt except that all such completed applications
17 and forms received by the department between the thirtieth and twenty-
18 fifth day before an election shall be transmitted in such manner and at
19 such time as to assure their receipt by such board of elections not
20 later than the twentieth day before such election. All transmittals
21 shall include original signatures.

22 5. Completed application forms received by the department of motor
23 vehicles not later than the twenty-fifth day before the next ensuing
24 primary, general or special election and transmitted by such department
25 to the appropriate board of elections so that they are received not
26 later than the twentieth day before such election shall entitle the
27 applicant to vote in such election provided the board determines that
28 the applicant is otherwise qualified.

1 6. Disclosure of voter registration information, including a declina-
2 tion to register, by the department of motor vehicles, its agents or
3 employees, for other than voter registration purposes, shall be deemed
4 an unwarranted invasion of personal privacy pursuant to the provisions
5 of subdivision two of section eighty-nine of the public officers law and
6 shall constitute a violation of this chapter.

7 7. Application forms shall be processed by the board of elections in
8 the manner prescribed by section 5-210 of this title or, if the appli-
9 cant is already registered to vote from another address in such county
10 or city, in the manner prescribed by section 5-208 of this title. The
11 board shall send the appropriate notice of approval or rejection as
12 required by either subdivision nine of such section 5-210 or subdivision
13 five of such section 5-208.

14 8. Strict neutrality with respect to a person's party enrollment shall
15 be maintained and all persons seeking voter registration forms and
16 information shall be advised that government services are not condi-
17 tioned on being registered to vote.

18 9. No statement shall be made nor any action taken to discourage the
19 applicant from registering to vote.

20 10. The department of motor vehicles shall provide to each person who
21 chooses to register to vote the same level of assistance provided to
22 persons in connection with the completion of the agency's requisite
23 information, unless such person refuses such assistance.

24 11. The state board shall adopt such rules and regulations as may be
25 necessary to carry out the requirements of this section. The board shall
26 also adopt such rules and regulations as may be necessary to require
27 county boards and the department of motor vehicles to provide the state
28 board with such information and data as the board deems necessary to

1 assess compliance with this section and to compile such statistics as
2 may be required by the federal elections commission.

3 12. The state board shall develop and distribute public information
4 and promotional materials relating to the purposes and implementation of
5 this program.

6 13. The state board shall prepare and distribute to the department of
7 motor vehicles written instructions as to the implementation of the
8 program and shall be responsible for establishing training programs for
9 employees of the department of motor vehicles involved in such program.

10 14. The commissioner of motor vehicles shall take all actions which
11 are necessary and proper for the implementation of this section. The
12 commissioner of motor vehicles shall designate one person within the
13 agency as the agency voter registration coordinator who will, under the
14 direction of the state board of elections, be responsible for the voter
15 registration program in such agency.

16 15. Notwithstanding subdivision six of section 5-210 of this title and
17 any other law to the contrary, an applicant who is less than eighteen
18 years of age who improperly fails to decline to vote in accordance with
19 the provisions of this section shall not be guilty of any crime as the
20 result of the applicant's failure to make such declination.

21 § 2. Paragraph (a) of subdivision 2 of section 5-712 of the election
22 law, as amended by chapter 200 of the laws of 1996, is amended to read
23 as follows:

24 (a) The board of elections shall also send a confirmation notice to
25 every registered voter for whom it receives a notice of change of
26 address to an address not in such city or county which is not signed by
27 the voter. Such change of address notices shall include, but not be
28 limited to, notices of change of address received pursuant to subdivi-

1 sion eleven of section 5-211 and subdivision [six] four of section 5-212
2 of this article, notice of change of address from the United States
3 Postal Service through the National Change of Address System or from any
4 other agency of the federal government or any agency of any state or
5 local government and notice of a forwarding address on mail sent to a
6 voter by the board of elections and returned by the postal service. Such
7 confirmation notices shall be sent to such new address.

8 § 3. Subdivision 5 of section 5-210 of the election law is amended by
9 adding a new paragraph (n) to read as follows:

10 (n) The form of application required by section 5-212 of this title
11 shall be deemed to meet the requirements of this section.

12 § 4. Subdivision 27 of section 1-104 of the election law is amended to
13 read as follows:

14 27. The term "personal application" means a signed writing which may
15 be delivered by mailing [or], in person, or electronically.

16 § 5. Section 3-400 of the election law is amended by adding a new
17 subdivision 9 to read as follows:

18 9. Notwithstanding any inconsistent provisions of this article,
19 election inspectors or poll clerks, if any, at polling places for early
20 voting, shall consist of either board of elections employees who shall
21 be appointed by the commissioners of such board or duly qualified indi-
22 viduals, appointed in the manner set forth in this section. Appointments
23 to the offices of election inspector or poll clerk in each polling place
24 for early voting shall be equally divided between the major political
25 parties. The board of elections shall assign staff and provide the
26 resources they require to ensure wait times at early voting sites do not
27 exceed thirty minutes.

1 § 6. Section 4-117 of the election law is amended by adding a new
2 subdivision 1-a to read as follows:

3 1-a. The notice required by subdivision one of this section shall
4 include the dates, hours and locations of early voting for the general
5 and primary election. The board of elections may satisfy the notice
6 requirement of this subdivision by providing in the notice instructions
7 to obtain the required early voting information from a website of the
8 board of elections and providing a phone number to call for such infor-
9 mation.

10 § 7. Subdivision 2 of section 8-100 of the election law, as amended by
11 chapter 335 of the laws of 2000, is amended to read as follows:

12 2. Polls shall be open for voting during the following hours: a prima-
13 ry election from twelve o'clock noon until nine o'clock in the evening,
14 except in the city of New York and the counties of Nassau, Suffolk,
15 Westchester, Rockland, Orange, Putnam and Erie, and in such city or
16 county from six o'clock in the morning until nine o'clock in the even-
17 ing; the general election from six o'clock in the morning until nine
18 o'clock in the evening; a special election called by the governor pursu-
19 ant to the public officers law, and, except as otherwise provided by
20 law, every other election, from six o'clock in the morning until nine
21 o'clock in the evening; early voting hours shall be as provided in
22 section 8-600 of this article.

23 § 8. Subdivision 1 of section 8-102 of the election law is amended by
24 adding a new paragraph (k) to read as follows:

25 (k) Voting at each polling place for early voting shall be conducted
26 in a manner consistent with the provisions of this article, with the
27 exception of the tabulation and proclamation of election results which

1 shall be completed according to subdivisions eight and nine of section
2 8-600 of this article.

3 § 9. Section 8-104 of the election law is amended by adding a new
4 subdivision 7 to read as follows:

5 7. This section shall apply on all early voting days as provided for
6 in section 8-600 of this article.

7 § 10. Paragraph (b) of subdivision 2 of section 8-508 of the election
8 law, as amended by chapter 200 of the laws of 1996, is amended to read
9 as follows:

10 (b) The second section of such report shall be reserved for the board
11 of inspectors to enter the name, address and registration serial number
12 of each person who is challenged on the day of election or on any day in
13 which there is early voting pursuant to section 8-600 of this article,
14 together with the reason for the challenge. If no voters are chal-
15 lenged, the board of inspectors shall enter the words "No Challenges"
16 across the space reserved for such names. In lieu of preparing section
17 two of the challenge report, the board of elections may provide, next to
18 the name of each voter on the computer generated registration list, a
19 place for the inspectors of election to record the information required
20 to be entered in such section two, or provide at the end of such comput-
21 er generated registration list, a place for the inspectors of election
22 to enter such information.

23 § 11. Article 8 of the election law is amended by adding a new title 6
24 to read as follows:

25 TITLE VI

26 EARLY VOTING

27 Section 8-600. Early voting.

1 8-602. State board of elections; powers and duties for early
2 voting.

3 § 8-600. Early voting. 1. Beginning the thirteenth day prior to any
4 general, primary or special election for any public or party office, and
5 ending on and including the second day prior to such general, primary or
6 special election for such public or party office, persons duly regis-
7 tered and eligible to vote at such election shall be permitted to vote
8 as provided in this title. The board of elections of each county and
9 the city of New York shall establish procedures, subject to approval of
10 the state board of elections, to ensure that persons who vote during the
11 early voting period shall not be permitted to vote subsequently in the
12 same election.

13 2. (a) The board of elections of each county or the city of New York
14 shall designate polling places for early voting in each county, which
15 may include the offices of the board of elections, for persons to vote
16 early pursuant to this section. There shall be so designated at least
17 one early voting polling place for every full increment of fifty thou-
18 sand registered voters in each county; provided, however, the number of
19 early voting polling places in a county shall not be required to be
20 greater than seven, and a county with fewer than fifty thousand voters
21 shall have at least one early voting polling place.

22 (b) The board of elections of each county or the city of New York may
23 establish additional polling places for early voting in excess of the
24 minimum number required by this subdivision for the convenience of
25 eligible voters wishing to vote during the early voting period.

26 (c) Notwithstanding the minimum number of early voting poll sites
27 otherwise required by this subdivision, for any primary or special
28 election, upon majority vote of the board of elections, the number of

1 early voting sites may be reduced if the board of elections reasonably
2 determines a lesser number of sites is sufficient to meet the needs of
3 early voters.

4 (d) Polling places for early voting shall be located to ensure, to the
5 extent practicable, that eligible voters have adequate equitable access,
6 taking into consideration population density, travel time to the polling
7 place, proximity to other locations or commonly used transportation
8 routes and such other factors the board of elections of the county or
9 the city of New York deems appropriate. The provisions of section 4-104
10 of this chapter, except subdivisions four and five of such section,
11 shall apply to the designation of polling places for early voting except
12 to the extent such provisions are inconsistent with this section.

13 3. Any person permitted to vote early may do so at any polling place
14 for early voting established pursuant to subdivision two of this section
15 in the county where such voter is registered to vote. Provided, however,
16 (i) if it is impractical to provide each polling place for early voting
17 all appropriate ballots for each election to be voted on in the county,
18 or (ii) if permitting such persons to vote early at any polling place
19 established for early voting would make it impractical to ensure that
20 such voter has not previously voted early during such election, the
21 board of elections may designate each polling place for early voting
22 only for those voters registered to vote in a portion of the county to
23 be served by such polling place for early voting, provided that all
24 voters in each county shall have one or more polling places at which
25 they are eligible to vote throughout the early voting period on a
26 substantially equal basis.

1 4. (a) Polls shall be open for early voting for at least eight hours
2 between seven o'clock in the morning and eight o'clock in the evening
3 each week day during the early voting period.

4 (b) At least one polling place for early voting shall remain open
5 until eight o'clock in the evening on at least two week days in each
6 calendar week during the early voting period. If polling places for
7 early voting are limited to voters from certain areas pursuant to subdi-
8 vision three of this section, polling places that remain open until
9 eight o'clock shall be designated such that any person entitled to vote
10 early may vote until eight o'clock in the evening on at least two week
11 days during the early voting period.

12 (c) Polls shall be open for early voting for at least five hours
13 between nine o'clock in the morning and six o'clock in the evening on
14 each Saturday, Sunday and legal holiday during the early voting period.

15 (d) Nothing in this section shall be construed to prohibit any board
16 of elections from establishing a greater number of hours for voting
17 during the early voting period beyond the number of hours required in
18 this subdivision.

19 (e) Early voting polling places and their hours of operation for early
20 voting at a general election shall be designated by May first of each
21 year pursuant to subdivision one of section 4-104 of this chapter.
22 Notwithstanding the provisions of subdivision one of section 4-104 of
23 this chapter requiring poll site designation by May first, early voting
24 polling places and their hours of operation for early voting for a
25 primary or special election shall be made not later than forty-five days
26 before such primary or special election.

27 5. Each board of elections shall create a communication plan to inform
28 eligible voters of the opportunity to vote early. Such plan may utilize

1 any and all media outlets, including social media, and shall publicize:
2 the location and dates and hours of operation of all polling places for
3 early voting; an indication of whether each polling place is accessible
4 to voters with physical disabilities; a clear and unambiguous notice to
5 voters that if they cast a ballot during the early voting period they
6 will not be allowed to vote election day; and if polling places for
7 early voting are limited to voters from certain areas pursuant to subdi-
8 vision three of this section, the location of the polling places for
9 early voting serving the voters of each particular city, town or other
10 political subdivision.

11 6. The form of paper ballots used in early voting shall comply with
12 the provisions of article seven of this chapter that are applicable to
13 voting by paper ballot on election day and such ballot shall be cast in
14 the same manner as provided for in section 8-312 of this article,
15 provided, however, that ballots cast during the early voting period
16 shall be secured in the manner of voted ballots cast on election day and
17 such ballots shall not be canvassed or examined until after the close of
18 the polls on election day, and no unofficial tabulations of election
19 results shall be printed or viewed in any manner until after the close
20 of polls on election day.

21 7. Voters casting ballots pursuant to this title shall be subject to
22 challenge as provided in sections 8-500, 8-502 and 8-504 of this arti-
23 cle.

24 8. Notwithstanding any other provisions of this chapter, at the end of
25 each day of early voting, any early voting ballots that have not been
26 scanned because a ballot scanner was not available or because the ballot
27 has been abandoned by the voter at the ballot scanner shall be cast in a
28 manner consistent with section 9-110 of this chapter, except that any

1 ballots that would otherwise be scanned at the close of the polls pursu-
2 ant to such section shall be scanned at the close of each day's early
3 voting.

4 9. The board of elections shall secure all ballots and scanners used
5 for early voting from the beginning of the early voting period through
6 the close of the polls of the election on election day. As soon as the
7 polls of the election are closed on election day, and not before,
8 inspectors or board of elections employees shall follow all relevant
9 provisions of article nine of this chapter that are not inconsistent
10 with this section, for canvassing, processing, recording, and announcing
11 results of voting at polling places for early voting, and securing
12 ballots, scanners, and other election materials.

13 § 8-602. State board of elections; powers and duties for early voting.
14 Any rule or regulation necessary for the implementation of the
15 provisions of this title shall be promulgated by the state board of
16 elections provided that such rules and regulations shall include
17 provisions to ensure that ballots cast early, by any method allowed
18 under law, are counted and canvassed as if cast on election day. The
19 state board of elections shall promulgate any other rules and regu-
20 lations necessary to ensure an efficient and fair early voting process
21 that respects the privacy of the voter. Provided, further, that such
22 rules and regulations shall require that the voting history record for
23 each voter be continually updated to reflect each instance of early
24 voting by such voter.

25 § 12. This act shall take effect on the first of January next succeed-
26 ing the date on which it shall have become a law and shall apply to any
27 election held 120 days or more after it shall have taken effect;

1 provided, however that sections one, two, three and four of this act
2 shall take effect on April 1, 2017.

3 PART G

4 Section 1. The New York state comptroller, or his or her designee, the
5 attorney general of the state of New York, or his or her designee, the
6 chief information officer of the office of information technology
7 services, or his or her designee and the commissioner of general
8 services, or his or her designee, are hereby directed to review, examine
9 and make recommendations concerning the feasibility of assigning a
10 single identifying code to contractors, vendors and other payees to
11 track such entities and expenditures. This group shall submit a report
12 to the governor, temporary president of the senate, and the speaker of
13 the assembly on or before January 1, 2017, of its findings and recommen-
14 dations.

15 § 2. This act shall take effect immediately.

16 PART H

17 Section 1. Subdivisions (b), (h) and (w) of section 1-c of the legis-
18 lative law, subdivisions (b) and (h) as added by chapter 2 of the laws
19 of 1999 and subdivision (w) as added by section 8 of part A of chapter
20 399 of the laws of 2011, are amended and a new subdivision (x) is added
21 to read as follows:

22 (b) The term "client" shall mean every person or organization who
23 retains, employs or designates any person or organization to carry on

1 lobbying activities or political consulting services on behalf of such
2 client.

3 (h) The term "compensation" shall mean any salary, fee, gift, payment,
4 benefit, loan, advance or any other thing of value paid, owed, given or
5 promised to the lobbyist or political consultant by the client for
6 lobbying or political consulting but shall not include contributions
7 reportable pursuant to article fourteen of the election law.

8 (w) The term "reportable business relationship" shall mean a relation-
9 ship in which compensation is paid by a lobbyist, political consultant,
10 or by a client of a lobbyist or a political consultant, in exchange for
11 any goods, services or anything of value, the total value of which is in
12 excess of one thousand dollars annually, to be performed or provided by
13 or intended to be performed or provided by (i) any statewide elected
14 official, state officer, state employee, member of the legislature or
15 legislative employee, or (ii) any entity in which the lobbyist or the
16 client of a lobbyist or a political consultant or the client of a poli-
17 tical consultant knows or has reason to know the statewide elected offi-
18 cial, state officer, state employee, member of the legislature or legis-
19 lative employee is a proprietor, partner, director, officer or manager,
20 or owns or controls ten percent or more of the stock of such entity (or
21 one percent in the case of a corporation whose stock is regularly traded
22 on an established securities exchange).

23 (x) The term "political consulting" means and includes the provision
24 for compensation, to any elected state or local public official of
25 advice, services or assistance in securing future state or local public
26 office including, but not limited to, campaign management, fundraising
27 activities, public relations or media services, but shall exclude legal
28 work directly related to litigation or legal advice with regard to

1 securing a place on the ballot, the petitioning process, the conduct of
2 an election or which involves this chapter.

3 § 2. Section 1-d of the legislative law, as amended by chapter 14 of
4 the laws of 2007 and subdivision (h) as added by section 7 of part A of
5 chapter 399 of the laws of 2011, is amended to read as follows:

6 § 1-d. Lobby-related and political consulting-related powers of the
7 commission. In addition to any other powers and duties provided by
8 section ninety-four of the executive law, the commission shall, with
9 respect to its lobbying-related and political consulting-related func-
10 tions only, have the power and duty to:

11 (a) administer and enforce all the provisions of this article;

12 (b) conduct a program of random audits subject to the terms and condi-
13 tions of this section. Any such program shall be carried out in the
14 following manner:

15 (i) The commission may randomly select reports or registration state-
16 ments required to be filed by lobbyists, political consultants, or
17 clients pursuant to this article for audit. Any such selection shall be
18 done in a manner pursuant to which the identity of any particular lobby-
19 ist, political consultant, or client whose statement or report is
20 selected for audit is unknown to the commission, its staff or any of
21 their agents prior to selection.

22 (ii) The commission shall develop protocols for the conduct of such
23 random audits. Such random audits may require the production of books,
24 papers, records or memoranda relevant and material to the preparation of
25 the selected statements or reports, for examination by the commission.
26 Any such protocols shall ensure that similarly situated statements or
27 reports are audited in a uniform manner.

1 (iii) The commission shall contract with an outside accounting entity,
2 which shall monitor the process pursuant to which the commission selects
3 statements or reports for audit and carries out the provisions of para-
4 graphs (i) and (ii) of this subdivision and certifies that such process
5 complies with the provisions of such paragraphs.

6 (iv) Upon completion of a random audit conducted in accordance with
7 the provisions of paragraphs (i), (ii) and (iii) of this subdivision,
8 the commission shall determine whether there is reasonable cause to
9 believe that any such statement or report is inaccurate or incomplete.
10 Upon a determination that such reasonable cause exists, the commission
11 may require the production of further books, records or memoranda,
12 subpoena witnesses, compel their attendance and testimony and administer
13 oaths or affirmations, to the extent the commission determines such
14 actions are necessary to obtain information relevant and material to
15 investigating such inaccuracies or omissions;

16 (c) conduct hearings pursuant to article seven of the public officers
17 law. Any hearing may be conducted as a video conference in accordance
18 with the provisions of subdivision four of section one hundred four of
19 the public officers law;

20 (d) prepare uniform forms for the statements and reports required by
21 this article;

22 (e) meet at least once during each bi-monthly reporting period of the
23 year as established by subdivision (a) of section one-h of this article
24 and may meet at such other times as the commission, or the chair and
25 vice-chair jointly, shall determine;

26 (f) issue advisory opinions to those under its jurisdiction. Such
27 advisory opinions, which shall be published and made available to the
28 public, shall not be binding upon such commission except with respect to

1 the person to whom such opinion is rendered, provided, however, that a
2 subsequent modification by such commission of such an advisory opinion
3 shall operate prospectively only; and

4 (g) submit by the first day of March next following the year for which
5 such report is made to the governor and the members of the legislature
6 an annual report summarizing the commission's work, listing the lobby-
7 ists, political consultants, and clients required to register pursuant
8 to this article and the expenses and compensation reported pursuant to
9 this article and making recommendations with respect to this article.
10 The commission shall make this report available free of charge to the
11 public.

12 (h) provide an online ethics training course for individuals regis-
13 tered as lobbyists and political consultants pursuant to section one-e
14 of this article. The curriculum for the course shall include, but not be
15 limited to, explanations and discussions of the statutes and regulations
16 of New York concerning ethics in the public officers law, the election
17 law, the legislative law, summaries of advisory opinions, underlying
18 purposes and principles of the relevant laws, and examples of practical
19 application of these laws and principles. The commission shall prepare
20 those methods and materials necessary to implement the curriculum. Each
21 individual registered as a lobbyist or a political consultant pursuant
22 to section one-e of this article shall complete such training course at
23 least once in any three-year period during which he or she is registered
24 as a lobbyist or a political consultant.

25 § 3. Section 1-e of the legislative law, as amended by section 1 of
26 part S of chapter 62 of the laws of 2003, subdivisions (a) and (c) as
27 amended by chapter 1 of the laws of 2005, paragraph 1 of subdivision (c)
28 as amended by chapter 14 of the laws of 2007 and paragraph 8 of subdivi-

1 sion (c) as added by section 7-a of part A of chapter 399 of the laws of
2 2011, is amended to read as follows:

3 § 1-e. Statement of registration. (a) (1) Every lobbyist or political
4 consultant shall annually file with the commission, on forms provided by
5 the commission, a statement of registration for each calendar year;
6 provided, however, that the filing of such statement of registration
7 shall not be required of any lobbyist or political consultant who (i) in
8 any year does not expend, incur or receive an amount in excess of two
9 thousand dollars for years prior to two thousand six and in excess of
10 five thousand dollars in the year two thousand six and the years there-
11 after of reportable compensation and expenses, as provided in paragraph
12 five of subdivision (b) of section one-h of this article, for the
13 purposes of lobbying or political consulting or (ii) is an officer,
14 director, trustee or employee of any public corporation, when acting in
15 such official capacity; provided however, that nothing in this section
16 shall be construed to relieve any public corporation of the obligation
17 to file such statements and reports as required by this article. The
18 amounts expended, incurred, or received of reportable compensation and
19 expenses for lobbying or political consulting activities shall be
20 computed cumulatively for all lobbying or political consulting activ-
21 ities when determining whether the thresholds set forth in this section
22 have been met.

23 (2) (i) Through calendar year two thousand three, such filing shall be
24 completed on or before January first by those persons who have been
25 retained, employed or designated as lobbyist on or before December
26 fifteenth who reasonably anticipate that in the coming year they will
27 expend, incur or receive combined reportable compensation and expenses
28 in an amount in excess of two thousand dollars; for those lobbyists

1 retained, employed or designated after December fifteenth, and for those
2 lobbyists who subsequent to their retainer, employment or designation
3 reasonably anticipate combined reportable compensation and expenses in
4 excess of such amount, such filing must be completed within fifteen days
5 thereafter, but in no event later than ten days after the actual incur-
6 ring or receiving of such reportable compensation and expenses.

7 (ii) For calendar year two thousand four, such filings shall be
8 completed on or before January first by those persons who have been
9 retained, employed or designated as lobbyist on or before December
10 fifteenth, two thousand three who reasonably anticipate that in the
11 coming year they will expend, incur or receive combined reportable
12 compensation and expenses in an amount in excess of two thousand
13 dollars; for those lobbyists retained, employed or designated after
14 December fifteenth, two thousand three, and for those lobbyists who
15 subsequent to their retainer, employment or designation reasonably
16 anticipate combined reportable compensation and expenses in excess of
17 such amount, such filing must be completed within fifteen days thereaft-
18 er, but in no event later than ten days after the actual incurring or
19 receiving of such reportable compensation and expenses.

20 (3) Commencing calendar year two thousand five and thereafter every
21 lobbyist shall, and commencing calendar year two thousand seventeen
22 every political consultant shall, biennially file with the commission,
23 on forms provided by the commission, a statement of registration for
24 each biennial period beginning with the first year of the biennial cycle
25 commencing calendar year two thousand five and thereafter for lobbyists,
26 and two thousand seventeen for political consultants; provided, however,
27 that the biennial filing of such statement of registration shall not be
28 required of any lobbyist or political consultant who (i) in any year

1 prior to calendar year two thousand six does not expend, incur or
2 receive an amount in excess of two thousand dollars of reportable
3 compensation and expenses, as provided in paragraph five of subdivision
4 (b) of section one-h of this article, for the purposes of lobbying or
5 political consulting and commencing with calendar year two thousand six
6 does not expend, incur or receive an amount in excess of five thousand
7 dollars of reportable compensation, as provided in paragraph five of
8 subdivision (b) of section one-h of this article for the purposes of
9 lobbying or political consulting or (ii) is an officer, director, trus-
10 tee or employee of any public corporation, when acting in such official
11 capacity; provided however, that nothing in this section shall be
12 construed to relieve any public corporation of the obligation to file
13 such statements and reports as required by this article.

14 (4) Such biennial filings shall be completed on or before January
15 first of the first year of a biennial cycle commencing in calendar year
16 two thousand five and thereafter, by those persons who have been
17 retained, employed or designated as a lobbyist or a political consultant
18 on or before December fifteenth of the previous calendar year and who
19 reasonably anticipate that in the coming year they will expend, incur or
20 receive combined reportable compensation and expenses in an amount in
21 excess of two thousand dollars in years prior to calendar year two thou-
22 sand six and five thousand dollars commencing in two thousand six; for
23 those lobbyists or political consultants retained, employed or desig-
24 nated after the previous December fifteenth, and for those lobbyists or
25 political consultants who subsequent to their retainer, employment or
26 designation reasonably anticipate combined reportable compensation and
27 expenses in excess of such amount, such filing must be completed within
28 fifteen days thereafter, but in no event later than ten days after the

1 actual incurring or receiving of such reportable compensation and
2 expenses.

3 (b) (i) Such statements of registration shall be kept on file for a
4 period of three years for those filing periods where annual statements
5 are required, and shall be open to public inspection during such period;

6 (ii) Biennial statements of registration shall be kept on file for a
7 period of three biennial filing periods where biennial statements are
8 required, and shall be open to public inspection during such period.

9 (c) Such statement of registration shall contain:

10 (1) the name, address and telephone number of the lobbyist or poli-
11 tical consultant, and if the lobbyist or political consultant is an
12 organization the names, addresses and telephone numbers of any officer
13 or employee of such lobbyist or political consultant who engages in any
14 lobbying or political consulting activities or who is employed in an
15 organization's division that engages in lobbying or political consulting
16 activities of the organization;

17 (2) the name, address and telephone number of the client by whom or on
18 whose behalf the lobbyist or political consultant is retained, employed
19 or designated;

20 (3) if such lobbyist or political consultant is retained or employed
21 pursuant to a written agreement of retainer or employment, a copy of
22 such shall also be attached and if such retainer or employment is oral,
23 a statement of the substance thereof; such written retainer, or if it is
24 oral, a statement of the substance thereof, and any amendment thereto,
25 shall be retained for a period of three years;

26 (4) a written authorization from the client by whom the lobbyist or
27 political consultant is authorized to lobby or consult for, unless such

1 lobbyist or political consultant has filed a written agreement of
2 retainer or employment pursuant to paragraph three of this subdivision;

3 (5) the following information on which the lobbyist expects to lobby
4 or the political consultant intends to consult: (i) a description of
5 the general subject or subjects, (ii) the legislative bill numbers of
6 any bills, (iii) the numbers or subject matter (if there are no numbers)
7 of gubernatorial executive orders or executive orders issued by the
8 chief executive officer of a municipality, (iv) the subject matter of
9 and tribes involved in tribal-state compacts, memoranda of understand-
10 ing, or any other state-tribal agreements and any state actions related
11 to class III gaming as provided in 25 U.S.C. § 2701, (v) the rule, regu-
12 lation, and ratemaking numbers of any rules, regulations, rates, or
13 municipal ordinances and resolutions, or proposed rules, regulations, or
14 rates, or municipal ordinances and resolutions, [and] (vi) the titles
15 and any identifying numbers of any procurement contracts and other docu-
16 ments disseminated by a state agency, either house of the state legisla-
17 ture, the unified court system, municipal agency or local legislative
18 body in connection with a governmental procurement, and (vii) the issues
19 and/or campaigns for which work is contemplated;

20 (6) the name of the person, organization, or legislative body before
21 which the lobbyist is lobbying or expects to lobby or the name of the
22 elected official for whom the political consultant intends to consult;

23 (7) if the lobbyist or political consultant is retained, employed or
24 designated by more than one client, a separate statement of registration
25 shall be required for each such client.

26 (8) (i) the name and public office address of any statewide elected
27 official, state officer or employee, member of the legislature or legis-

1 lative employee and entity with whom the lobbyist or political consult-
2 ant has a reportable business relationship;

3 (ii) a description of the general subject or subjects of the trans-
4 actions between the lobbyist [or], lobbyists, political consultant or
5 political consultants and the statewide elected official, state officer
6 or employee, member of the legislature or legislative employee and enti-
7 ty; and

8 (iii) the compensation, including expenses, to be paid and paid by
9 virtue of the business relationship.

10 (d) Any amendment to the information filed by the lobbyist or poli-
11 tical consultant in the original statement of registration shall be
12 submitted to the commission on forms supplied by the commission within
13 ten days after such amendment, however, this shall not require the
14 lobbyist or political consultant to amend the entire registration form.

15 (e) (i) The first statement of registration filed annually by each
16 lobbyist or political consultant for calendar years through two thousand
17 three shall be accompanied by a registration fee of fifty dollars except
18 that no registration fee shall be required of a public corporation. A
19 fee of fifty dollars shall be required for any subsequent statement of
20 registration filed by a lobbyist or political consultant during the same
21 calendar year; (ii) The first statement of registration filed annually
22 by each lobbyist or political consultant for calendar year two thousand
23 four shall be accompanied by a registration fee of one hundred dollars
24 except that no registration fee shall be required from any lobbyist or
25 political consultant who in any year does not expend, incur or receive
26 an amount in excess of five thousand dollars of reportable compensation
27 and expenses, as provided in paragraph five of subdivision (b) of
28 section one-h of this article, for the purposes of lobbying, political

1 consulting or of a public corporation. A fee of one hundred dollars
2 shall be required for any subsequent statement of registration filed by
3 a lobbyist or a political consultant during the same calendar year;
4 (iii) The first statement of registration filed biennially by each
5 lobbyist or political consultant for the first biennial registration
6 requirements for calendar years two thousand five and two thousand six
7 and thereafter, shall be accompanied by a registration fee of two
8 hundred dollars except that no registration fee shall be required from
9 any lobbyist or political consultant who in any year does not expend,
10 incur or receive an amount in excess of five thousand dollars of report-
11 able compensation and expenses, as provided in paragraph five of subdi-
12 vision (b) of section one-h of this article, for the purposes of lobby-
13 ing, political consulting or of a public corporation. A fee of two
14 hundred dollars shall be required for any subsequent statement of regis-
15 tration filed by a lobbyist or a political consultant during the same
16 biennial period; (iv) The statement of registration filed after the due
17 date of a biennial registration shall be accompanied by a registration
18 fee that is prorated to one hundred dollars for any registration filed
19 after January first of the second calendar year covered by the biennial
20 reporting requirement. In addition to the fees authorized by this
21 section, the commission may impose a fee for late filing of a registra-
22 tion statement required by this section not to exceed twenty-five
23 dollars for each day that the statement required to be filed is late,
24 except that if the lobbyist or political consultant making a late filing
25 has not previously been required by statute to file such a statement,
26 the fee for late filing shall not exceed ten dollars for each day that
27 the statement required to be filed is late.

1 § 4. Section 1-g of the legislative law, as added by chapter 2 of the
2 laws of 1999, is amended to read as follows:

3 § 1-g. Termination of retainer, employment or designation. Upon the
4 termination of a lobbyist's or political consultant's retainer, employ-
5 ment or designation, such lobbyist or political consultant and the
6 client on whose behalf such service has been rendered shall both give
7 written notice to the commission within thirty days after the lobbyist
8 or political consultant ceases the activity that required such lobbyist
9 or political consultant to file a statement of registration; however,
10 such lobbyist or political consultant shall nevertheless comply with the
11 bi-monthly reporting requirements up to the date such activity has
12 ceased as required by this article and both such parties shall each file
13 the semi-annual report required by section one-j of this article. The
14 commission shall enter notice of such termination in the appropriate
15 monthly registration docket required by section one-f of this article.

16 § 5. Section 1-h of the legislative law, as added by chapter 2 of the
17 laws of 1999, subdivision (a) and paragraph 3 of subdivision (b) as
18 amended by chapter 14 of the laws of 2007, and paragraph 4 of subdivi-
19 sion (c) as added by section 1 of part B of chapter 399 of the laws of
20 2011, is amended to read as follows:

21 § 1-h. Bi-monthly reports of certain lobbyists or political consult-
22 ants. (a) Any lobbyist or political consultant required to file a state-
23 ment of registration pursuant to section one-e of this article who in
24 any lobbying or political consulting year reasonably anticipates that
25 during the year such lobbyist or political consultant will expend, incur
26 or receive combined reportable compensation and expenses in an amount in
27 excess of five thousand dollars, as provided in paragraph five of subdivi-
28 sion (b) of this section, for the purpose of lobbying or political

1 consulting, shall file with the commission a bi-monthly written report,
2 on forms supplied by the commission, by the fifteenth day next succeed-
3 ing the end of the reporting period in which the lobbyist or political
4 consultant was first required to file a statement of registration. Such
5 reporting periods shall be the period of January first to the last day
6 of February, March first to April thirtieth, May first to June thirti-
7 eth, July first to August thirty-first, September first to October thir-
8 ty-first and November first to December thirty-first.

9 (b) Such bi-monthly report shall contain:

10 (1) the name, address and telephone number of the lobbyist or poli-
11 tical consultant;

12 (2) the name, address and telephone number of the client by whom or on
13 whose behalf the lobbyist or political consultant is retained, employed
14 or designated;

15 (3) the following information on which the lobbyist has lobbied or the
16 political consultant has consulted: (i) a description of the general
17 subject or subjects, (ii) the legislative bill numbers of any bills,
18 (iii) the numbers or subject matter (if there are no numbers) of guber-
19 natorial executive orders or executive orders issued by the chief execu-
20 tive officer of a municipality, (iv) the subject matter of and tribes
21 involved in tribal-state compacts, memoranda of understanding, or any
22 other state-tribal agreements and any state actions related to class III
23 gaming as provided in 25 U.S.C. § 2701, (v) the rule, regulation, and
24 ratemaking or municipal ordinance or resolution numbers of any rules,
25 regulations, or rates or ordinance or proposed rules, regulations, or
26 rates or municipal ordinances or resolutions, and (vi) the titles and
27 any identifying numbers of any procurement contracts and other documents
28 disseminated by a state agency, either house of the state legislature,

1 the unified court system, municipal agency or local legislative body in
2 connection with a governmental procurement;

3 (4) the name of the person, organization, or legislative body before
4 which the lobbyist has lobbied or the political consultant has
5 consulted;

6 (5) (i) the compensation paid or owed to the lobbyist or political
7 consultant, and any expenses expended, received or incurred by the
8 lobbyist or political consultant for the purpose of lobbying or poli-
9 tical consulting.

10 (ii) expenses required to be reported pursuant to subparagraph (i) of
11 this paragraph shall be listed in the aggregate if seventy-five dollars
12 or less and if more than seventy-five dollars such expenses shall be
13 detailed as to amount, to whom paid, and for what purpose; and where
14 such expense is more than seventy-five dollars on behalf of any one
15 person, the name of such person shall be listed.

16 (iii) for the purposes of this paragraph, expenses shall not include:

17 (A) personal sustenance, lodging and travel disbursements of such
18 lobbyist or political consultant;

19 (B) expenses, not in excess of five hundred dollars in any one calen-
20 dar year, directly incurred for the printing or other means of reprod-
21 uction or mailing of letters, memoranda or other written communications.

22 (iv) expenses paid or incurred for salaries other than that of the
23 lobbyist or political consultant shall be listed in the aggregate.

24 (v) expenses of more than fifty dollars shall be paid by check or
25 substantiated by receipts and such checks and receipts shall be kept on
26 file by the lobbyist or political consultant for a period of three
27 years.

1 (c) (1) All such bi-monthly reports shall be subject to review by the
2 commission.

3 (2) Such bi-monthly reports shall be kept on file for three years and
4 shall be open to public inspection during such time.

5 (3) In addition to the filing fees authorized by this article, the
6 commission may impose a fee for late filing of a bi-monthly report
7 required by this section not to exceed twenty-five dollars for each day
8 that the report required to be filed is late, except that if the lobby-
9 ist or political consultant making a late filing has not previously been
10 required by statute to file such a report, the fee for late filing shall
11 not exceed ten dollars for each day that the report required to be filed
12 is late.

13 (4) Any lobbyist or political consultant registered pursuant to
14 section one-e of this article whose lobbying or consulting activity is
15 performed on its own behalf and not pursuant to retention by a client:

16 (i) that has spent over fifty thousand dollars for reportable compen-
17 sation and expenses for lobbying or political consulting either during
18 the calendar year, or during the twelve-month period, prior to the date
19 of this bi-monthly report, and

20 (ii) at least three percent of whose total expenditures during the
21 same period were devoted to lobbying or political consulting in New York
22 shall report to the commission the names of each source of funding over
23 five thousand dollars from a single source that were used to fund the
24 lobbying or consulting activities reported and the amounts received from
25 each identified source of funding.

26 This disclosure shall not require disclosure of the sources of funding
27 whose disclosure, in the determination of the commission based upon a
28 review of the relevant facts presented by the reporting lobbyist or

1 political consultant, may cause harm, threats, harassment, or reprisals
2 to the source or to individuals or property affiliated with the source.
3 The reporting lobbyist or political consultant may appeal the commis-
4 sion's determination and such appeal shall be heard by a judicial hear-
5 ing officer who is independent and not affiliated with or employed by
6 the commission, pursuant to regulations promulgated by the commission.
7 The reporting lobbyist or political consultant shall not be required to
8 disclose the sources of funding that are the subject of such appeal
9 pending final judgment on appeal.

10 The disclosure shall not apply to:

11 (i) any corporation registered pursuant to article seven-A of the
12 executive law that is qualified as an exempt organization by the United
13 States Department of the Treasury under I.R.C. § 501(c)(3);

14 (ii) any corporation registered pursuant to article seven-A of the
15 executive law that is qualified as an exempt organization by the United
16 States Department of the Treasury under I.R.C. § 501(c)(4) and whose
17 primary activities concern any area of public concern determined by the
18 commission to create a substantial likelihood that application of this
19 disclosure requirement would lead to harm, threats, harassment, or
20 reprisals to a source of funding or to individuals or property affil-
21 iated with such source, including but not limited to the area of civil
22 rights and civil liberties and any other area of public concern deter-
23 mined pursuant to regulations promulgated by the commission to form a
24 proper basis for exemption on this basis from this disclosure require-
25 ment; or

26 (iii) any governmental entity.

27 The joint commission on public ethics shall promulgate regulations to
28 implement these requirements.

1 § 6. Section 1-j of the legislative law, as amended by chapter 1 of
2 the laws of 2005, subdivision (a) as amended by chapter 14 of the laws
3 of 2007, paragraph 6 of subdivision (b) as added by section 7-b of part
4 A and paragraph 4 of subdivision (c) as added by section 2 of part B of
5 chapter 399 of the laws of 2011, is amended to read as follows:

6 § 1-j. Semi-annual reports. (a) Semi-annual reports shall be filed by
7 any client retaining, employing or designating a lobbyist or lobbyists
8 or political consultant or consultants, whether or not any such lobbyist
9 or political consultant was required to file a bi-monthly report, if
10 such client reasonably anticipates that during the year such client will
11 expend or incur an amount in excess of five thousand dollars of combined
12 reportable compensation and expenses, as provided in paragraph five of
13 subdivision (c) of this section, for the purposes of lobbying or poli-
14 tical consulting.

15 (b) Such report shall be filed with the commission, on forms supplied
16 by the commission, by the fifteenth day of July of the year and by the
17 fifteenth day of January next following the year for which such report
18 is made and shall contain:

19 (1) the name, address and telephone number of the client;

20 (2) the name, address and telephone number of each lobbyist or poli-
21 tical consultant retained, employed or designated by such client;

22 (3) the following information on which each lobbyist or political
23 consultant retained, employed or designated by such client has lobbied
24 or consulted, and on which such client has lobbied or required consult-
25 ing: (i) a description of the general subject or subjects, (ii) the
26 legislative bill numbers of any bills, (iii) the numbers or subject
27 matter (if there are no numbers) of gubernatorial executive orders or
28 executive orders issued by the chief executive officer of a municipi-

1 pality, (iv) the subject matter of and tribes involved in tribal-state
2 compacts, memoranda of understanding, or any other state-tribal agree-
3 ments and any state actions related to class III gaming as provided in
4 25 U.S.C. 2701, (v) the rule, regulation, and ratemaking or municipal
5 resolution or ordinance numbers of any rules, regulations, or rates, or
6 municipal resolutions or ordinances or proposed rules, regulations, or
7 rates, or municipal ordinances or resolutions and (vi) the titles and
8 any identifying numbers of any procurement contracts and other documents
9 disseminated by a state agency, either house of the state legislature,
10 the unified court system, municipal agency or local legislative body in
11 connection with a governmental procurement;

12 (4) the name of the person, organization, or legislative body before
13 which such client has lobbied or consulted;

14 (5) (i) the compensation paid or owed to each such lobbyist or poli-
15 tical consultant, and any other expenses paid or incurred by such client
16 for the purpose of lobbying or political consulting.

17 (ii) any expenses required to be reported pursuant to subparagraph (i)
18 of this paragraph shall be listed in the aggregate if seventy-five
19 dollars or less and if more than seventy-five dollars such expenses
20 shall be detailed as to amount, to whom paid, and for what purpose; and
21 where such expenses are more than seventy-five dollars on behalf of any
22 one person, the name of such person shall be listed.

23 (iii) for the purposes of this paragraph, expenses shall not include:

24 (A) personal sustenance, lodging and travel disbursements of such
25 lobbyist or political consultant and client;

26 (B) expenses, not in excess of five hundred dollars, directly incurred
27 for the printing or other means of reproduction or mailing of letters,
28 memoranda or other written communications.

1 (iv) expenses paid or incurred for salaries other than that of the
2 lobbyist or political consultant shall be listed in the aggregate.

3 (v) expenses of more than fifty dollars must be paid by check or
4 substantiated by receipts and such checks and receipts shall be kept on
5 file by such client for a period of three years.

6 (6) (i) the name and public office address of any statewide elected
7 official, state officer or employee, member of the legislature or legis-
8 lative employee and entity with whom the client of a lobbyist or poli-
9 tical consultant has a reportable business relationship;

10 (ii) a description of the general subject or subjects of the trans-
11 actions between the client of a lobbyist or political consultant and the
12 statewide elected official, state officer or employee, member of the
13 legislature or legislative employee and entity; and

14 (iii) the compensation, including expenses, to be paid and paid by
15 virtue of the business relationship.

16 (c) (1) All such semi-annual reports shall be subject to review by the
17 commission.

18 (2) Such semi-annual reports shall be kept on file for a period of
19 three years and shall be open to public inspection during such period.

20 (3) Each semi-annual report filed by a client pursuant to this section
21 shall be accompanied by a filing fee of fifty dollars. In addition to
22 the filing fees authorized by this article, the commission may impose a
23 fee for late filing of a semi-annual report required by this section not
24 to exceed twenty-five dollars for each day that the report required to
25 be filed is late, except that if the client making a late filing has not
26 previously been required by statute to file an annual or semi-annual
27 report, the fee for late filing shall not exceed ten dollars for each
28 day that the report required to be filed is late.

1 (4) Any client of a lobbyist or political consultant that is required
2 to file a semi-annual report and:

3 (i) that has spent over fifty thousand dollars for reportable compen-
4 sation and expenses for lobbying or political consulting either during
5 the calendar year, or during the twelve-month period, prior to the date
6 of this semi-annual report, and

7 (ii) at least three percent of whose total expenditures during the
8 same period were devoted to lobbying or political consulting in New York
9 shall report to the commission the names of each source of funding over
10 five thousand dollars from a single source that were used to fund the
11 lobbying or political consulting activities reported and the amounts
12 received from each identified source of funding.

13 This disclosure shall not require disclosure of the sources of funding
14 whose disclosure, in the determination of the commission based upon a
15 review of the relevant facts presented by the reporting client or lobby-
16 ist or political consultant, may cause harm, threats, harassment, or
17 reprisals to the source or to individuals or property affiliated with
18 the source. The reporting lobbyist or political consultant may appeal
19 the commission's determination and such appeal shall be heard by a judi-
20 cial hearing officer who is independent and not affiliated with or
21 employed by the commission, pursuant to regulations promulgated by the
22 commission. The reporting lobbyist or political consultant shall not be
23 required to disclose the sources of funding that are the subject of such
24 appeal pending final judgment on appeal. The disclosure shall not apply
25 to:

26 (i) any corporation registered pursuant to article seven-A of the
27 executive law that is qualified as an exempt organization by the United
28 States Department of the Treasury under I.R.C. § 501(c)(3);

1 (ii) any corporation registered pursuant to article seven-A of the
2 executive law that is qualified as an exempt organization by the United
3 States Department of the Treasury under I.R.C. § 501(c)(4) and whose
4 primary activities concern any area of public concern determined by the
5 commission to create a substantial likelihood that application of this
6 disclosure requirement would lead to harm, threats, harassment, or
7 reprisals to a source of funding or to individuals or property affil-
8 iated with such source, including but not limited to the area of civil
9 rights and civil liberties and any other area of public concern deter-
10 mined pursuant to regulations promulgated by the commission to form a
11 proper basis for exemption on this basis from this disclosure require-
12 ment; or

13 (iii) any governmental entity.

14 The joint commission on public ethics shall promulgate regulations to
15 implement these requirements.

16 § 7. The opening paragraph of subdivision (a) of section 1-k of the
17 legislative law, as amended by chapter 1 of the laws of 2005, is amended
18 to read as follows:

19 No client shall retain or employ any lobbyist or political consultant
20 for compensation, the rate or amount of which compensation in whole or
21 part is contingent or dependent upon:

22 § 8. Section 1-1 of the legislative law , as added by chapter 14 of
23 the laws of 2007, is amended to read as follows:

24 § 1-1. Reports of lobbying or political consulting for the purpose of
25 involving disbursement of public monies. (a) Any lobbyist or political
26 consultant required to file a statement of registration pursuant to
27 section one-e of this article who in any lobbying year reasonably antic-
28 ipates that during the year they will expend, incur or receive combined

1 reportable compensation and expenses in an amount in excess of five
2 thousand dollars shall file with the commission, on forms supplied by
3 the commission, a report of any attempts to influence a determination by
4 a public official, or by a person or entity working in cooperation with
5 a public official, with respect to the solicitation, award or adminis-
6 tration of a grant, loan, or agreement involving the disbursement of
7 public monies in excess of fifteen thousand dollars other than a govern-
8 mental procurement as defined in section one-c of this article.

9 (b) Such public monies lobbying or political consulting reports shall
10 contain:

11 (i) the name, address and telephone number of the lobbyist or poli-
12 tical consultant and the individuals employed by the lobbyist or poli-
13 tical consultant engaged in such public monies lobbying activities;

14 (ii) the name, address and telephone number of the client by whom or
15 on whose behalf the lobbyist or political consultant is retained,
16 employed or designated on whose behalf the lobbyist or political
17 consultant has engaged in lobbying reportable under this paragraph;

18 (iii) a description of the grant, loan, or agreement involving the
19 disbursement of public monies on which the lobbyist has lobbied or poli-
20 tical consultant has consulted;

21 (iv) the name of the person, organization, or legislative body before
22 which the lobbyist or political consultant has engaged in lobbying or
23 consulting reportable under this paragraph; and

24 (v) the compensation paid or owed to the lobbyist or political
25 consultant, and any expenses expended, received or incurred by the
26 lobbyist or consultant for the purpose of lobbying reportable under this
27 paragraph.

1 (c) Public monies lobbying or consulting reports required pursuant to
2 this section shall be filed in accordance with the schedule applicable
3 to the filing of bi-monthly reports pursuant to section one-h of this
4 article and shall be filed not later than the fifteenth day next
5 succeeding the end of such reporting period.

6 (d) In addition to any other fees authorized by this section, the
7 commission may impose a fee for late filing of a report required by this
8 subdivision not to exceed twenty-five dollars for each day that the
9 report required to be filed is late, except that if the lobbyist or
10 consultant making a late filing has not previously been required by
11 statute to file such a report, the fee for late filing shall not exceed
12 ten dollars for each day that the report required to be filed is late.

13 (e) All reports filed pursuant to this subdivision shall be subject to
14 review by the commission. Such reports shall be kept in electronic form
15 by the commission and shall be available for public inspection.

16 § 9. Section 1-o of the legislative law, as added by chapter 14 of
17 the laws of 2007, is amended to read as follows:

18 § 1-o. Penalties. (a) (i) Any lobbyist, political consultant, public
19 corporation, or client who knowingly and wilfully fails to file timely a
20 report or statement required by this section or knowingly and wilfully
21 files false information or knowingly and wilfully violates section one-m
22 of this article shall be guilty of a class A misdemeanor; and

23 (ii) any lobbyist, political consultant, public corporation, or client
24 who knowingly and wilfully fails to file timely a report or statement
25 required by this section or knowingly and wilfully files false informa-
26 tion or knowingly and wilfully violates section one-m of this article,
27 after having previously been convicted in the preceding five years of
28 the crime described in paragraph (i) of this subdivision, shall be guil-

1 ty of a class E felony. Any lobbyist or political consultant convicted
2 of or pleading guilty to a felony under the provisions of this section
3 may be barred from acting as a lobbyist or political consultant for a
4 period of one year from the date of the conviction. For the purposes of
5 this subdivision, the chief administrative officer of any organization
6 required to file a statement or report shall be the person responsible
7 for making and filing such statement or report unless some other person
8 prior to the due date thereof has been duly designated to make and file
9 such statement or report.

10 (b) (i) A lobbyist, political consultant, public corporation, or client
11 who knowingly and wilfully fails to file a statement or report within
12 the time required for the filing of such report or knowingly and wilful-
13 ly violates section one-m of this article shall be subject to a civil
14 penalty for each such failure or violation, in an amount not to exceed
15 the greater of twenty-five thousand dollars or three times the amount
16 the person failed to report properly or unlawfully contributed,
17 expended, gave or received, to be assessed by the commission.

18 (ii) A lobbyist, political consultant, public corporation, or client
19 who knowingly and wilfully files a false statement or report shall be
20 subject to a civil penalty, in an amount not to exceed the greater of
21 fifty thousand dollars or five times the amount the person failed to
22 report properly, to be assessed by the commission.

23 (iii) (A) A lobbyist, political consultant or client who knowingly and
24 wilfully violates the provisions of subdivision one of section one-n of
25 this article shall be subject to a civil penalty not to exceed ten thou-
26 sand dollars for an initial violation.

27 (B) If, after a lobbyist, political consultant or client has been
28 found to have violated subdivision one of section one-n of this article,

1 a lobbyist, political consultant or client knowingly and wilfully
2 violates the provisions of subdivision one of section one-n of this
3 article within four years of such finding, the lobbyist, political
4 consultant or client shall be subject to a civil penalty not to exceed
5 twenty-five thousand dollars.

6 (iv) Any lobbyist, political consultant or client that knowingly and
7 wilfully fails to file a statement or report within the time required
8 for the filing of such report, knowingly and wilfully files a false
9 statement or report, or knowingly and wilfully violates section one-m of
10 this article, after having been found by the commission to have [know-
11 ing] knowingly and wilfully committed such conduct or violation in the
12 preceding five years, may be subject to a determination that the lobby-
13 ist, political consultant or client is prohibited from engaging in
14 lobbying activities, as that term is defined in paragraph (v) of subdivi-
15 sion (c) of section one-c of this article, for a period of one year.

16 (v) Any lobbyist, political consultant or client that knowingly and
17 wilfully engages in lobbying or political consulting activities, as that
18 term is defined in paragraph (v) of subdivision (c) of section one-c of
19 this article, during the period in which they are prohibited from engag-
20 ing in lobbying or political consulting activities, as that term is
21 defined in paragraph (v) of subdivision (c) of section one-c of this
22 article pursuant to this subdivision, may be subject to a determination
23 that the lobbyist, political consultant or client is prohibited from
24 engaging in lobbying or political consulting activities, as that term is
25 defined in paragraph (v) of subdivision (c) of section one-c of this
26 article, for a period of up to four years, and shall be subject to a
27 civil penalty not to exceed fifty thousand dollars, plus a civil penalty

1 in an amount equal to five times the value of any gift, compensation or
2 benefit received as a result of the violation.

3 (vi) A lobbyist, political consultant, public corporation, or client
4 who knowingly and wilfully fails to retain their records pursuant to
5 paragraph three of subdivision (c) of section one-e of this article,
6 subparagraph (v) of paragraph five of subdivision (b) of section one-h
7 of this article, or paragraph five of subdivision (b) of section one-j
8 of this article shall be subject to a civil penalty in an amount of two
9 thousand dollars per violation to be assessed by the commission.

10 (c) (i) Any assessment or order to debar shall be determined only after
11 a hearing at which the party shall be entitled to appear, present
12 evidence and be heard. Any assessment or order to debar pursuant to this
13 section may only be imposed after the commission sends by certified and
14 first-class mail written notice of intent to assess a penalty or order
15 to debar and the basis for the penalty or order to debar. Any assessment
16 may be recovered in an action brought by the attorney general.

17 (ii) In assessing any fine or penalty pursuant to this section, the
18 commission shall consider: (A) as a mitigating factor that the lobbyist,
19 political consultant, public corporation or client has not previously
20 been required to register, and (B) as an aggravating factor that the
21 lobbyist, political consultant, public corporation or client has had
22 fines or penalties assessed against it in the past. The amount of
23 compensation expended, incurred or received shall be a factor to consid-
24 er in determining a proportionate penalty.

25 (iii) Any lobbyist, political consultant, public corporation or client
26 who receives a notice of intent to assess a penalty for knowingly and
27 wilfully failing to file a report or statement pursuant to subdivision
28 (b) of this section and who has never previously received a notice of

1 intent to assess a penalty for failing to file a report or statement
2 required under this section shall be granted fifteen days within which
3 to file the statement of registration or report without being subject to
4 the fine or penalty set forth in subdivision (b) of this section. Upon
5 the failure of such lobbyist, political consultant, public corporation
6 or client to file within such fifteen day period, such lobbyist, poli-
7 tical consultant, public corporation or client shall be subject to a
8 fine or penalty pursuant to subdivision (b) of this section.

9 (d) All moneys recovered by the attorney general or received by the
10 commission from the assessment of civil penalties authorized by this
11 section shall be deposited to the general fund.

12 § 10. Section 1-r of the legislative law, as added by chapter 2 of the
13 laws of 1999 and as relettered by chapter 1 of the laws of 2005, is
14 amended to read as follows:

15 § 1-r. Publication of statement on lobbying and political consulting
16 regulations. The commission shall publish a statement on lobbying and
17 political consulting regulations setting forth the requirements of this
18 article in a clear and brief manner. Such statement shall contain an
19 explanation of the registration and filing requirements and the penal-
20 ties for violation thereof, together with such other information as the
21 commission shall determine, and copies thereof shall be made available
22 to the public at convenient locations throughout the state.

23 § 11. Section 1-s of the legislative law, as added by chapter 2 of the
24 laws of 1999 and as relettered by chapter 1 of the laws of 2005, is
25 amended to read as follows:

26 § 1-s. Public access to records; format of records and reports. The
27 commission shall make information furnished by lobbyists, political
28 consultants, and clients available to the public for inspection and

1 copying in electronic and paper formats. Access to such information
2 shall also be made available for remote computer users through the
3 internet network.

4 § 12. The section heading, the opening paragraph of subdivision (a)
5 and subdivisions (c) and (d) of section 1-t of the legislative law, as
6 added by chapter 1 of the laws of 2005, are amended to read as follows:

7 Advisory council on procurement lobbying and political consulting.

8 There is hereby established an advisory council on procurement lobby-
9 ing and political consulting. The council shall be composed of eleven
10 members as follows:

11 (c) The council shall provide advice to the commission with respect to
12 the implementation of the provisions of this article as such provisions
13 pertain to procurement lobbying and political consulting.

14 (d) The council shall annually report to the legislature any problems
15 in the implementation of the provisions of this article as such
16 provisions pertain to procurement lobbying and political consulting.
17 The council shall include in the report any recommended changes to
18 increase the effectiveness of that implementation.

19 § 13. Section 14-100 of the election law is amended by adding two new
20 subdivisions 15 and 16 to read as follows:

21 15. "political consulting" means and includes the provision for
22 compensation, to any elected state or local public official of advice,
23 services or assistance in securing future state or local public office
24 including, but not limited to, campaign management, fundraising activ-
25 ities, public relations or media services, but shall exclude legal work
26 directly related to litigation or legal advice with regard to securing a
27 place on the ballot, the petitioning process, the conduct of an election
28 or which involves this chapter.

1 16. "compensation" means any salary, fee, gift, payment, benefit,
2 loan, advance or any other thing of value paid, owed, given or promised,
3 but shall not include contributions reportable pursuant to this article.

4 § 14. Subdivision 1 of section 14-102 of the election law, as amended
5 by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the
6 laws of 1978, is amended to read as follows:

7 1. The treasurer of every political committee which, or any officer,
8 member or agent of any such committee who, in connection with any
9 election, receives or expends any money or other valuable thing or
10 incurs any liability to pay money or its equivalent shall file state-
11 ments sworn, or subscribed and bearing a form notice that false state-
12 ments made therein are punishable as a class A misdemeanor pursuant to
13 section 210.45 of the penal law, at the times prescribed by this article
14 setting forth all the receipts, contributions to and the expenditures by
15 and liabilities of the committee, and of its officers, members and
16 agents in its behalf. Such statements shall include the dollar amount of
17 any receipt, contribution or transfer, or the fair market value of any
18 receipt, contribution or transfer, which is other than of money, the
19 name and address of the transferor, contributor or person from whom
20 received, and if the transferor, contributor or person is a political
21 committee; the name of and the political unit represented by the commit-
22 tee, the date of its receipt, the dollar amount of every expenditure,
23 the name and address of the person to whom it was made or the name of
24 and the political unit represented by the committee to which it was made
25 and the date thereof, and shall state clearly the purpose of such
26 expenditure. Furthermore, such statements shall include a list of all
27 persons and organizations which provided political consulting services,
28 and the fair market value of and the actual amount paid to each such

1 person and organization for the provision of political consulting
2 services. Any statement reporting a loan shall have attached to it a
3 copy of the evidence of indebtedness. Expenditures in sums under fifty
4 dollars need not be specifically accounted for by separate items in said
5 statements, and receipts and contributions aggregating not more than
6 ninety-nine dollars, from any one contributor need not be specifically
7 accounted for by separate items in said statements, provided however,
8 that such expenditures, receipts and contributions shall be subject to
9 the other provisions of section 14-118 of this article.

10 § 15. Subdivision 1 of section 14-104 of the election law, as amended
11 by chapter 430 of the laws of 1997, is amended to read as follows:

12 1. Any candidate for election to public office, or for nomination for
13 public office at a contested primary election or convention, or for
14 election to a party position at a primary election, shall file state-
15 ments sworn, or subscribed and bearing a form notice that false state-
16 ments made therein are punishable as a class A misdemeanor pursuant to
17 section 210.45 of the penal law, at the times prescribed by this article
18 setting forth the particulars specified by section 14-102 of this arti-
19 cle, as to all moneys or other valuable things, paid, given, expended or
20 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
22 influence the nomination or election or the defeat of any other candi-
23 date to be voted for at the election or primary election or at a conven-
24 tion, including contributions to political committees, officers, members
25 or agents thereof, and transfers, receipts and contributions to him to
26 be used for any of the purposes above specified, or in lieu thereof, any
27 such candidate may file such a sworn statement at the first filing peri-
28 od, on a form prescribed by the state board of elections that such

1 candidate has made no such expenditures and does not intend to make any
2 such expenditures, except through a political committee authorized by
3 such candidate pursuant to this article. Furthermore, such statements
4 shall include a list of all persons and organizations which provided
5 political consulting services, and the fair market value of and the
6 actual amount paid to each such person and organization for the
7 provision of political consulting services. A committee authorized by
8 such a candidate may fulfill all of the filing requirements of this act
9 on behalf of such candidate.

10 § 16. Subparagraph (O) of paragraph (x) of subdivision (c) of section
11 1-c of the legislative law is REPEALED.

12 § 17. Subdivision (u) of section 1-c of the legislative law is
13 REPEALED.

14 § 18. This act shall take effect on the thirtieth day after it shall
15 have become a law.

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

25 § 3. This act shall take effect immediately provided, however, that
26 the applicable effective date of Parts A through H of this act shall be
27 as specifically set forth in the last section of such Parts.