

FY 2019 NEW YORK STATE EXECUTIVE BUDGET

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

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Legislative Bill Drafting Commission
12675-01-8

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 necessary to implement
good government and ethics reform
budget for 2018-2019)

BUDGBI. GGER Article VII

AN ACT

to amend the election law, in
relation to the disclosure of the
identities of political committees,
persons, organizations, or agents
making certain expenditures for
political communications (Part A);
to amend the election law, in
relation to motor vehicle registra-
tion and to establish early voting;
and to repeal section 5-212 of the
election law relating thereto (Part
B); to amend the public officers law

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

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

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).

and the legislative law, in relation to outside employment and income (Part C); to amend the election law, in relation to political contributions by limited liability companies or other corporate entities (Part D); to amend the executive law and the general municipal law, in relation to requiring the financial disclosures of certain local officials (Part E); to amend the election law, in relation to establishing contribution limits and a public campaign financing system; to amend the state finance law, in relation to establishing the New York state campaign finance fund; and to amend the tax law, in relation to establishing a New York state campaign finance fund check-off (Part F); 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 section 88 of the public officers law, section 70-0113 of the environmental conservation law and subdivision 4 of section 308 of the county law relating thereto (Part G); to amend the executive law, in relation to including certain not-for-profit organizations and foundations within the jurisdiction of the inspector general (Part H); to amend the executive law, in relation to giving the inspector general jurisdiction over state procurement (Part I); to amend the education law, in relation to the implementation and enforcement of SUNY and CUNY financial control policies, including the policies of affiliated nonprofit organizations and foundations (Part J); to amend the executive law, the state finance law and the public authorities law, in relation to the appointment of a chief procurement officer (Part K); to amend the election law, in relation to government vendor contributions (Part L); and to direct the preparation of a report on the feasibility of single identifying codes or numbers (Part M)

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 M. 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 a reference to a section "of this act", when used in connection
8 with 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 14-106 of the election law, as amended by section 3
13 of subpart C of part H of chapter 55 of the laws of 2014, is amended to
14 read as follows:

15 § 14-106. Political communication. The statements required to be filed
16 under the provisions of this article next succeeding a primary, general
17 or special election shall be accompanied by a copy of all broadcast,
18 cable or satellite schedules and scripts, [internet] paid internet or
19 digital, print and other types of advertisements, pamphlets, circulars,
20 flyers, brochures, letterheads and other printed matter purchased or
21 produced, and reproductions of statements or information published to
22 five hundred or more members of a general public audience by computer or
23 other electronic device including but not limited to electronic mail or
24 text message, purchased in connection with such election by or under the
25 authority of the person filing the statement or the committee or the
26 person on whose behalf it is filed, as the case may be. Such copies,

1 schedules and scripts shall be preserved by the officer with whom or the
2 board with which it is required to be filed for a period of one year
3 from the date of filing thereof.

4 § 2. Paragraph (a) of subdivision 1 of section 14-107 of the election
5 law, as amended by section 1 of part A of chapter 286 of the laws of
6 2016, is amended to read as follows:

7 (a) "Independent expenditure" means an expenditure made by an inde-
8 pendent expenditure committee [conveyed to five hundred or more members
9 of a general public audience] in the form of (i) an audio or video
10 communication via broadcast, cable or satellite, (ii) a written communi-
11 cation via advertisements, pamphlets, circulars, flyers, brochures,
12 letterheads or (iii) other published statements where such expenditure
13 is conveyed to five hundred or more members of a general public audience
14 or in the form of any paid internet or digital advertisement which: (i)
15 irrespective of when such communication is made, contains words such as
16 "vote," "oppose," "support," "elect," "defeat," or "reject," which call
17 for the election or defeat of the clearly identified candidate, (ii)
18 refers to and advocates for or against a clearly identified candidate or
19 ballot proposal on or after January first of the year of the election in
20 which such candidate is seeking office or such proposal shall appear on
21 the ballot, or (iii) within sixty days before a general or special
22 election for the office sought by the candidate or thirty days before a
23 primary election, includes or references a clearly identified candidate.
24 An independent expenditure shall not include communications where such
25 candidate, the candidate's political committee or its agents, a party
26 committee or its agents, or a constituted committee or its agents or a
27 political committee formed to promote the success or defeat of a ballot

1 proposal or its agents, did authorize, request, suggest, foster or coop-
2 erate in such communication.

3 § 3. Subdivision 2 of section 14-107 of the election law, as amended
4 by section 2 of part A of chapter 286 of the laws of 2016, is amended to
5 read as follows:

6 2. Whenever any person makes an independent expenditure in the form of
7 an audio or video communication via broadcast, cable or satellite, a
8 written communication via advertisements, pamphlets, circulars, flyers,
9 brochures, letterheads or other published statement where such expendi-
10 ture is conveyed to five hundred or more members of a general public
11 audience that costs one thousand dollars or more in the aggregate or an
12 independent expenditure in the form of any paid internet or digital
13 advertisement irrespective of the cost of such expenditure, such commu-
14 nication shall [clearly] state in a clear and conspicuous manner the
15 name of the person who paid for, or otherwise published or distributed
16 the communication and state, with respect to communications regarding
17 candidates, that the communication was not expressly authorized or
18 requested by any candidate, or by any candidate's political committee or
19 any of its agents.

20 § 4. The opening paragraph of subdivision 3 of section 14-107 of the
21 election law, as amended by section 3 of part A of chapter 286 of the
22 laws of 2016, is amended to read as follows:

23 Any person prior to making any independent expenditure shall first
24 register with the state board of elections as a political committee and
25 as an independent expenditure committee in conformance with this article
26 provided, however, that no foreign national, government, instrumentality
27 or agent may register as an independent expenditure committee for the
28 purpose of making independent expenditures in any state or local

1 election. Such person shall comply with all disclosure obligations
2 required for political committees by law and shall provide the following
3 additional information upon registration:

4 § 5. The election law is amended by adding a new section 14-107-b to
5 read as follows:

6 § 14-107-b. Independent expenditure verification. 1. Each television
7 or radio broadcast station, provider of cable or satellite television,
8 or online platform shall make reasonable efforts to ensure that all
9 independent expenditures, as defined in section 14-107 of this article,
10 comply with the requirements of subdivisions two and three of section
11 14-107 of this article.

12 2. Each online platform shall maintain and make available online for
13 public inspection in a machine readable format, a complete record of any
14 request to purchase on such online platform any independent expenditure
15 which is made by an independent expenditure committee whose aggregate
16 requests to purchase such communications exceeds five hundred dollars.

17 3. A record maintained under subdivision two of this section shall
18 contain:

19 (a) a digital copy of such independent expenditure;

20 (b) a description of the audience targeted by the advertisement, the
21 number of views generated from the advertisement, and the date and time
22 that the advertisement is first displayed and last displayed; and

23 (c) information regarding:

24 (i) the average rate charged for such advertisement;

25 (ii) the name of the candidate to which such advertisement refers and
26 the office to which the candidate is seeking election, the election to
27 which such advertisement refers, or the ballot proposal to which such
28 advertisement refers; and

1 (iii) the name of the person purchasing such advertisement, the name,
2 address, and phone number of a contact person for such person, and a
3 list of the chief executive officers or members of the executive commit-
4 tee or of the board of directors of such person in a manner consistent
5 with the requirements of subdivision three of section 14-107 of this
6 article.

7 4. Any television or radio broadcast station, provider of cable or
8 satellite television, or online platform that fails to comply with the
9 requirements of this section shall be subject to a civil penalty up to
10 one thousand dollars for each violation.

11 § 6. This act shall take effect immediately and shall apply to all
12 communications made on or after the sixtieth day next succeeding the
13 date on which it shall have become a law.

14 PART B

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

17 § 5-212. Motor vehicle registration. 1. In addition to any other meth-
18 od of voter registration provided for in this article, any qualified
19 person shall be automatically applied for registration and enrollment
20 simultaneously with and upon application for a motor vehicle driver's
21 license, a driver's license renewal or an identification card if such a
22 card is issued by the department of motor vehicles in its normal course
23 of business unless such qualified person declines such application for
24 registration and enrollment at the time of making an application for a
25 motor vehicle driver's license, driver's license renewal or an identifi-

1 cation card if such card is issued by the department of motor vehicles
2 in its normal course of business.

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

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

17 (a) not require any information that duplicates the information
18 required on the application for the driver license portion and shall
19 require only such additional information as will enable election offi-
20 cial to assess the applicant's eligibility to register to vote, prevent
21 duplicate registration and to administer voter registration and other
22 parts of the election process;

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

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

- 1 (i) voter eligibility requirements;
2 (ii) penalties for submission of false registration application;
3 (iii) that the office where applicant registers shall remain confiden-
4 tial and the information be used only for voter registration purposes;
5 (iv) if the applicant declines to register, such applicant's declina-
6 tion shall remain confidential and be used only for voter registration
7 purposes;
8 (d) include a box for the applicant to check to indicate whether the
9 applicant would like to decline to register to vote along with the
10 statement in prominent type, "IF YOU DO NOT CHECK THIS BOX, YOU PROVIDE
11 YOUR SIGNATURE ON THE SPACE PROVIDED BELOW, AND YOU ARE AT LEAST 18
12 YEARS OF AGE OR OLDER, YOU WILL HAVE PERSONALLY APPLIED TO REGISTER TO
13 VOTE AT THIS TIME.";
14 (e) include a space for the applicant to indicate his or her choice of
15 party enrollment, with a clear alternative provided for the applicant to
16 decline to affiliate with any party;
17 (f) include the statement, "If you would like help in filling out the
18 voter registration application form, we will help you. The decision
19 whether to seek or accept help is yours. You may fill out the applica-
20 tion form in private.";
21 (g) include the statement, "If you believe that someone has interfered
22 with your right to register or decline to register to vote, your right
23 to privacy in deciding whether to register or in applying to register to
24 vote, or your right to choose your own political party or other poli-
25 tical preference, you may file a complaint with the state board of
26 elections (address and toll free telephone number).";
27 (h) include a toll free number at the state board of elections that
28 can be called for answers to registration questions; and

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

3 4. The department of motor vehicles shall transmit that portion of the
4 form which constitutes the completed application for registration or
5 change of address form to the appropriate board of elections not later
6 than ten days after receipt except that all such completed applications
7 and forms received by such department between the thirtieth and twenty-
8 fifth day before an election shall be transmitted in such manner and at
9 such time as to assure their receipt by such board of elections not
10 later than the twentieth day before such election. All transmittals
11 shall include original signatures.

12 5. Completed application forms received by the department of motor
13 vehicles not later than the twenty-fifth day before the next ensuing
14 primary, general or special election and transmitted by such department
15 to the appropriate board of elections so that they are received not
16 later than the twentieth day before such election shall entitle the
17 applicant to vote in such election provided the board determines that
18 the applicant is otherwise qualified.

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

25 7. Application forms shall be processed by the board of elections in
26 the manner prescribed by section 5-210 of this title or, if the appli-
27 cant is already registered to vote from another address in such county
28 or city, in the manner prescribed by section 5-208 of this title. The

1 board shall send the appropriate notice of approval or rejection as
2 required by either subdivision nine of such section 5-210 or subdivision
3 five of such section 5-208.

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

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

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

14 11. The state board shall adopt such rules and regulations as may be
15 necessary to carry out the requirements of this section. The board shall
16 also adopt such rules and regulations as may be necessary to require
17 county boards and the department of motor vehicles to provide the state
18 board with such information and data as the board deems necessary to
19 assess compliance with this section and to compile such statistics as
20 may be required by the federal elections commission.

21 12. The state board shall develop and distribute public information
22 and promotional materials relating to the purposes and implementation of
23 this program.

24 13. The state board shall prepare and distribute to the department of
25 motor vehicles written instructions as to the implementation of the
26 program and shall be responsible for establishing training programs for
27 employees of the department of motor vehicles involved in such program.

1 14. The commissioner of motor vehicles shall take all actions which
2 are necessary and proper for the implementation of this section. The
3 commissioner of motor vehicles shall designate one person within the
4 agency as the agency voter registration coordinator who will, under the
5 direction of the state board of elections, be responsible for the voter
6 registration program in such agency.

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

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

15 (a) The board of elections shall also send a confirmation notice to
16 every registered voter for whom it receives a notice of change of
17 address to an address not in such city or county which is not signed by
18 the voter. Such change of address notices shall include, but not be
19 limited to, notices of change of address received pursuant to subdivi-
20 sion eleven of section 5-211 and subdivision [six] four of section 5-212
21 of this article, notice of change of address from the United States
22 Postal Service through the National Change of Address System or from any
23 other agency of the federal government or any agency of any state or
24 local government and notice of a forwarding address on mail sent to a
25 voter by the board of elections and returned by the postal service. Such
26 confirmation notices shall be sent to such new address.

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

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

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

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

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

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

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

21 1-a. The notice required by subdivision one of this section shall
22 include the dates, hours and locations of early voting for the general
23 and primary election. The board of elections may satisfy the notice
24 requirement of this subdivision by providing in the notice instructions
25 to obtain the required early voting information from a website of the
26 board of elections and providing a phone number to call for such infor-
27 mation.

1 § 7. Subdivision 2 of section 8-100 of the election law, as amended by
2 chapter 367 of the laws of 2017, is amended to read as follows:

3 2. Polls shall be open for voting during the following hours: a prima-
4 ry election from twelve o'clock noon until nine o'clock in the evening,
5 except in the city of New York and the counties of Nassau, Suffolk,
6 Westchester, Rockland, Orange, Putnam, Dutchess and Erie, and in such
7 city or county from six o'clock in the morning until nine o'clock in the
8 evening; the general election from six o'clock in the morning until nine
9 o'clock in the evening; a special election called by the governor pursu-
10 ant to the public officers law, and, except as otherwise provided by
11 law, every other election, from six o'clock in the morning until nine
12 o'clock in the evening; early voting hours shall be as provided in
13 section 8-600 of this article.

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

16 (k) Voting at each polling place for early voting shall be conducted
17 in a manner consistent with the provisions of this article, with the
18 exception of the tabulation and proclamation of election results which
19 shall be completed according to subdivisions eight and nine of section
20 8-600 of this article.

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

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

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

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

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

16 TITLE VI

17 EARLY VOTING

18 Section 8-600. Early voting.

19 8-602. State board of elections; powers and duties for early
20 voting.

21 § 8-600. Early voting. 1. Beginning the thirteenth day prior to any
22 general, primary or special election for any public or party office, and
23 ending on and including the second day prior to such general, primary or
24 special election for such public or party office, persons duly regis-
25 tered and eligible to vote at such election shall be permitted to vote
26 as provided in this title. The board of elections of each county and
27 the city of New York shall establish procedures, subject to approval of
28 the state board of elections, to ensure that persons who vote during the

1 early voting period shall not be permitted to vote subsequently in the
2 same election.

3 2. (a) The board of elections of each county or the city of New York
4 shall designate polling places for early voting in each county, which
5 may include the offices of the board of elections, for persons to vote
6 early pursuant to this section. There shall be so designated at least
7 one early voting polling place for every full increment of fifty thou-
8 sand registered voters in each county; provided, however, the number of
9 early voting polling places in a county shall not be required to be
10 greater than seven, and a county with fewer than fifty thousand voters
11 shall have at least one early voting polling place.

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

16 (c) Notwithstanding the minimum number of early voting poll sites
17 otherwise required by this subdivision, for any primary or special
18 election, upon majority vote of the board of elections, the number of
19 early voting sites may be reduced if the board of elections reasonably
20 determines a lesser number of sites is sufficient to meet the needs of
21 early voters.

22 (d) Polling places for early voting shall be located to ensure, to the
23 extent practicable, that eligible voters have adequate equitable access,
24 taking into consideration population density, travel time to the polling
25 place, proximity to other locations or commonly used transportation
26 routes and such other factors the board of elections of the county or
27 the city of New York deems appropriate. The provisions of section 4-104
28 of this chapter, except subdivisions four and five of such section,

1 shall apply to the designation of polling places for early voting except
2 to the extent such provisions are inconsistent with this section.

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

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

20 (b) At least one polling place for early voting shall remain open
21 until eight o'clock in the evening on at least two week days in each
22 calendar week during the early voting period. If polling places for
23 early voting are limited to voters from certain areas pursuant to subdi-
24 vision three of this section, polling places that remain open until
25 eight o'clock shall be designated such that any person entitled to vote
26 early may vote until eight o'clock in the evening on at least two week
27 days during the early voting period.

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

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

8 (e) Early voting polling places and their hours of operation for early
9 voting at a general election shall be designated by May first of each
10 year pursuant to subdivision one of section 4-104 of this chapter.
11 Notwithstanding the provisions of subdivision one of section 4-104 of
12 this chapter requiring poll site designation by May first, early voting
13 polling places and their hours of operation for early voting for a
14 primary or special election shall be made not later than forty-five days
15 before such primary or special election.

16 5. Each board of elections shall create a communication plan to inform
17 eligible voters of the opportunity to vote early. Such plan may utilize
18 any and all media outlets, including social media, and shall publicize:
19 the location and dates and hours of operation of all polling places for
20 early voting; an indication of whether each polling place is accessible
21 to voters with physical disabilities; a clear and unambiguous notice to
22 voters that if they cast a ballot during the early voting period they
23 will not be allowed to vote election day; and if polling places for
24 early voting are limited to voters from certain areas pursuant to subdi-
25 vision three of this section, the location of the polling places for
26 early voting serving the voters of each particular city, town or other
27 political subdivision.

1 6. The form of paper ballots used in early voting shall comply with
2 the provisions of article seven of this chapter that are applicable to
3 voting by paper ballot on election day and such ballot shall be cast in
4 the same manner as provided for in section 8-312 of this article,
5 provided, however, that ballots cast during the early voting period
6 shall be secured in the manner of voted ballots cast on election day and
7 such ballots shall not be canvassed or examined until after the close of
8 the polls on election day, and no unofficial tabulations of election
9 results shall be printed or viewed in any manner until after the close
10 of polls on election day.

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

14 8. Notwithstanding any other provisions of this chapter, at the end of
15 each day of early voting, any early voting ballots that have not been
16 scanned because a ballot scanner was not available or because the ballot
17 has been abandoned by the voter at the ballot scanner shall be cast in a
18 manner consistent with section 9-110 of this chapter, except that any
19 ballots that would otherwise be scanned at the close of the polls pursu-
20 ant to such section shall be scanned at the close of each day's early
21 voting.

22 9. The board of elections shall secure all ballots and scanners used
23 for early voting from the beginning of the early voting period through
24 the close of the polls of the election on election day. As soon as the
25 polls of the election are closed on election day, and not before,
26 inspectors or board of elections employees shall follow all relevant
27 provisions of article nine of this chapter that are not inconsistent
28 with this section, for canvassing, processing, recording, and announcing

1 results of voting at polling places for early voting, and securing
2 ballots, scanners, and other election materials.

3 § 8-602. State board of elections; powers and duties for early voting.
4 Any rule or regulation necessary for the implementation of the
5 provisions of this title shall be promulgated by the state board of
6 elections provided that such rules and regulations shall include
7 provisions to ensure that ballots cast early, by any method allowed
8 under law, are counted and canvassed as if cast on election day. The
9 state board of elections shall promulgate any other rules and regu-
10 lations necessary to ensure an efficient and fair early voting process
11 that respects the privacy of the voter. Provided, further, that such
12 rules and regulations shall require that the voting history record for
13 each voter be continually updated to reflect each instance of early
14 voting by such voter.

15 § 12. This act shall take effect on the first of January next succeed-
16 ing the date on which it shall have become a law and shall apply to any
17 election held 120 days or more after it shall have taken effect;
18 provided, however that sections one, two, three and four of this act
19 shall take effect April 1, 2019.

20 PART C

21 Section 1. The public officers law is amended by adding a new section
22 74-b to read as follows:

23 § 74-b. Duty of members of the legislature regarding outside employ-
24 ment. A member of the legislature, who obtains outside employment as
25 defined in this section, shall request a formal advisory opinion from
26 the legislative ethics commission pursuant to the provisions of section

1 eighty of the legislative law on whether the outside employment violates
2 the provisions of section seventy-four of this article and the commis-
3 sion shall provide an opinion. For purposes of this section, "outside
4 employment" means compensation in excess of five thousand dollars per
5 year, other than compensation provided pursuant to sections five and
6 five-a of the legislative law, from employment for services rendered or
7 goods sold during the member's term.

8 § 2. Subdivision 1 of section 80 of the legislative law, as amended by
9 section 9 of part A of chapter 399 of the laws of 2011, is amended to
10 read as follows:

11 1. There is established a legislative ethics commission which shall
12 consist of [nine] ten members. Four members shall be members of the
13 legislature and shall be appointed as follows: one by the temporary
14 president of the senate, one by the speaker of the assembly, one by the
15 minority leader of the senate and one by the minority leader of the
16 assembly. One of the six remaining members must be appointed by the
17 office of court administration, and shall be the chief administrative
18 law judge or his or her designee and shall be appointed only for the
19 purpose of reviewing and responding to requests for formal advisory
20 opinions on outside income. The remaining five members shall not be
21 present or former members of the legislature, candidates for member of
22 the legislature, employees of the legislature, political party chairmen
23 as defined in paragraph (k) of subdivision one of section seventy-three
24 of the public officers law, or lobbyists, as defined in section one-c of
25 this chapter, or persons who have been employees of the legislature,
26 political party chairmen as defined in paragraph (k) of subdivision one
27 of section seventy-three of the public officers law, or lobbyists, as
28 defined in section one-c of this chapter in the previous five years, and

1 shall be appointed as follows: one by the temporary president of the
2 senate, one by the speaker of the assembly, one by the minority leader
3 of the senate, one by the minority leader of the assembly, and one
4 jointly by the speaker of the assembly and majority leader of the
5 senate. The commission shall serve as described in this section and have
6 and exercise the powers and duties set forth in this section only with
7 respect to members of the legislature, legislative employees as defined
8 in section seventy-three of the public officers law, candidates for
9 member of the legislature and individuals who have formerly held such
10 positions or who have formerly been such candidates.

11 § 3. This act shall take effect immediately.

12 PART D

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

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

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

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

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

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

1 3. (a) Notwithstanding any law to the contrary, all contributions made
2 to a campaign or political committee by a limited liability company
3 shall be attributed to each member of the limited liability company in
4 proportion to the member's ownership interest in the limited liability
5 company.

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

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

14 § 3. This act shall take effect immediately.

15 PART E

16 Section 1. Subdivision 1 of section 94 of the executive law, as
17 amended by section 6 of part A of chapter 399 of the laws of 2011, is
18 amended to read as follows:

19 1. There is established within the department of state a joint commis-
20 sion on public ethics which shall consist of fourteen members and shall
21 have and exercise the powers and duties set forth in this section with
22 respect to statewide elected officials, members of the legislature and
23 employees of the legislature, and state officers and employees, as
24 defined in sections seventy-three and seventy-three-a of the public
25 officers law, candidates for statewide elected office and for the senate
26 or assembly, and the political party chairman as that term is defined in

1 section seventy-three-a of the public officers law, lobbyists and the
2 clients of lobbyists as such terms are defined in article one-A of the
3 legislative law, and individuals who have formerly held such positions,
4 were lobbyists or clients of lobbyists, as such terms are defined in
5 article one-A of the legislative law, or who have formerly been such
6 candidates. The commission shall also have and exercise the powers set
7 forth in this section with respect to covered municipal officers as such
8 term is defined in section eight hundred ten of the general municipal
9 law, provided, however, that the jurisdiction of the joint commission on
10 public ethics with respect to such covered municipal officers shall be
11 limited to the provisions of this section relating to the filing of
12 accurate annual statements of financial disclosure, and provided,
13 further, if the commission has a reasonable basis to believe that there
14 are ethical or legal issues outside its jurisdiction, but related to the
15 annual statement of financial disclosure, such issues shall be referred
16 to the appropriate body as defined in section eight hundred ten of the
17 general municipal law or the district attorney from the county where the
18 municipal corporation is located. This section shall not be deemed to
19 have revoked or rescinded any regulations or advisory opinions issued by
20 the legislative ethics commission, the commission on public integrity,
21 the state ethics commission and the temporary lobbying commission in
22 effect upon the effective date of chapter fourteen of the laws of two
23 thousand seven which amended this section to the extent that such regu-
24 lations or opinions are not inconsistent with any law of the state of
25 New York, but such regulations and opinions shall apply only to matters
26 over which such commissions had jurisdiction at the time such regu-
27 lations and opinions were promulgated or issued. The commission shall
28 undertake a comprehensive review of all such regulations and opinions,

1 which will address the consistency of such regulations and opinions
2 among each other and with the new statutory language, and of the effec-
3 tiveness of the existing laws, regulations, guidance and ethics enforce-
4 ment structure to address the ethics of covered public officials and
5 related parties. Such review shall be conducted with the legislative
6 ethics commission and, to the extent possible, the report's findings
7 shall reflect the full input and deliberations of both commissions after
8 joint consultation. The commission shall, before February first, two
9 thousand fifteen, report to the governor and legislature regarding such
10 review and shall propose any regulatory or statutory changes and issue
11 any advisory opinions necessitated by such review.

12 § 2. Subparagraph 1 of paragraph (a) of subdivision 19 of section 94
13 of the executive law, as amended by section 6 of part A of chapter 399
14 of the laws of 2011, is amended to read as follows:

15 (1) the information set forth in an annual statement of financial
16 disclosure filed pursuant to section seventy-three-a of the public offi-
17 cers law and pursuant to subdivision three of section eight hundred
18 eleven and subdivision one of section eight hundred twelve of the gener-
19 al municipal law, except information deleted pursuant to paragraph (h)
20 of subdivision nine of this section;

21 § 3. Section 810 of the general municipal law is amended by adding a
22 new subdivision 13 to read as follows:

23 13. "Covered municipal officer" means (a) any individual elected to
24 serve the government of any municipal corporation who receives compen-
25 sation of fifty thousand dollars or more annually from such municipal
26 corporation as well as (b) any individual who is either elected or
27 appointed to serve as county executive, county manager, or chair of the
28 county board of supervisors.

1 § 4. Section 811 of the general municipal law is amended by adding a
2 new subdivision 3 to read as follows:

3 3. (a) Notwithstanding any local law, ordinance, or resolution provid-
4 ing for the annual filing of an annual statement of financial disclo-
5 sure, a covered municipal officer shall be required to file the annual
6 statement of financial disclosure set forth in section seventy-three-a
7 of the public officers law with the joint commission on public ethics,
8 provided, however a covered municipal officer may satisfy the filing
9 requirements of this subdivision by filing a copy of the statement of
10 financial disclosure filed pursuant to paragraph (a) of (a-1) of subdivi-
11 vision one of this section with the joint commission on public ethics on
12 or before the filing deadline provided in section seventy-three-a of the
13 public officers law, if such statement of financial disclosure filed
14 pursuant to paragraph (a) or (a-1) of subdivision one of this section
15 has been authorized by the the joint commission on public ethics pursu-
16 ant to paragraph (b) of this subdivision.

17 (b) The governing body of each municipal corporation may adopt a
18 resolution to request authorization from the joint commission on public
19 ethics for its covered municipal officers to file with the joint commis-
20 sion on public ethics a copy of the annual statement of financial
21 disclosure filed pursuant to paragraph (a) or (a-1) of subdivision one
22 of this section to satisfy the filing requirements of a covered munici-
23 pal officer of paragraph (a) of this subdivision. The joint commission
24 on public ethics shall promptly make a determination in response to each
25 request, which shall include an explanation for its determination. If
26 authorization is denied, the municipal corporation may amend its request
27 and resubmit.

1 (c) The governing body of each municipal corporation may adopt a local
2 law, ordinance, or resolution authorizing its covered municipal officers
3 to satisfy the filing requirements of paragraph (a) or (a-1) of subdivi-
4 sion one of this section by filing a copy of the annual statement of
5 financial disclosure as set forth in section seventy-three-a of the
6 public officers law filed pursuant to paragraph (a) of this subdivision
7 with the appropriate body.

8 § 5. Subdivision 1 of section 812 of the general municipal law is
9 amended by adding a new paragraph (j) to read as follows:

10 (j) A covered municipal officer shall be required to file the annual
11 statement of financial disclosure set forth in section seventy-three-a
12 of the public officers law with the joint commission on public ethics. A
13 covered municipal officer may satisfy the filing requirements of para-
14 graph (a) of this subdivision by filing a copy of the annual statement
15 of financial disclosure filed pursuant to this paragraph with the appro-
16 priate body.

17 § 6. This act shall take effect January 1, 2019.

18 PART F

19 Section 1. Section 14-100 of the election law is amended by adding two
20 new subdivisions 17 and 18 to read as follows:

21 17. "intermediary" means an individual, corporation, partnership,
22 political committee, labor organization, or other entity which, other
23 than in the regular course of business as a postal, delivery, or messen-
24 ger service, delivers any contribution from another person or entity to
25 a candidate or an authorized committee.

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

3 18. "authorized committee" means the single political committee desig-
4 nated by a candidate to receive all contributions authorized by this
5 title.

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

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

1 need not be reported for a contribution that was collected from a
2 contributor in connection with a party or other candidate-related event
3 held at the residence of the person delivering the contribution, unless
4 the expenses of such event at such residence for such candidate exceed
5 five hundred dollars or the aggregate contributions received from that
6 contributor at such event exceed five hundred dollars. Any statement
7 reporting a loan shall have attached to it a copy of the evidence of
8 indebtedness. Expenditures in sums under fifty dollars need not be
9 specifically accounted for by separate items in said statements, and
10 receipts and contributions aggregating not more than ninety-nine
11 dollars, from any one contributor need not be specifically accounted for
12 by separate items in said statements, provided however, that such
13 expenditures, receipts and contributions shall be subject to the other
14 provisions of section 14-118 of this [article] title.

15 § 3. Subdivision 3 of section 14-124 of the election law, as amended
16 by section 1 of part B of chapter 286 of the laws of 2016, is amended to
17 read as follows:

18 3. The contribution and receipt limits of this article shall not apply
19 to monies received and expenditures made by a party committee or consti-
20 tuted committee to maintain a permanent headquarters and staff and carry
21 on ordinary activities which are not for the express purpose of promot-
22 ing the candidacy of specific candidates, except that contributions made
23 for such activities to a party committee or constituted committee shall
24 be limited to twenty-five thousand dollars in the aggregate from each
25 contributor in each year; provided that such monies described in this
26 subdivision shall be deposited in a segregated account.

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

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

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

14 CAMPAIGN RECEIPTS AND EXPENDITURES; PUBLIC FINANCING

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

19 1. The following limitations apply to all contributions to candidates
20 for election to any public office or for nomination for any such office,
21 or for election to any party positions, and to all contributions to
22 political committees working directly or indirectly with any candidate
23 to aid or participate in such candidate's nomination or election, other
24 than any contributions to any party committee or constituted committee:

25 a. In any election for a public office to be voted on by the voters of
26 the entire state, or for nomination to any such office, no contributor
27 may make a contribution to any candidate or political committee partic-
28 ipating in the state's public campaign financing system pursuant to

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

22 b. In any other election for party position or for election to a
23 public office or for nomination for any such office, no contributor may
24 make a contribution to any candidate or political committee participat-
25 ing in the state's public campaign financing system pursuant to title
26 two of this article (for those offices or positions covered by that
27 system) and no such candidate or political committee may accept any
28 contribution from any contributor, which is in the aggregate amount

1 greater than: (i) in the case of any election for party position, or for
2 nomination to public office, the product of the total number of enrolled
3 voters in the candidate's party in the district in which he is a candi-
4 date, excluding voters in inactive status, multiplied by \$.05, and (ii)
5 in the case of any election for a public office, the product of the
6 total number of registered voters in the district, excluding voters in
7 inactive status, multiplied by \$.05, however in the case of a nomination
8 within the city of New York for the office of mayor, public advocate or
9 comptroller, such amount shall be not less than four thousand dollars
10 nor more than twelve thousand dollars as increased or decreased by the
11 cost of living adjustment described in paragraph [c] e of this subdivi-
12 sion; in the case of an election within the city of New York for the
13 office of mayor, public advocate or comptroller, twenty-five thousand
14 dollars as increased or decreased by the cost of living adjustment
15 described in paragraph [c] e of this subdivision; in the case of a nomi-
16 nation or election for state senator, four thousand dollars [as
17 increased or decreased by the cost of living adjustment described in
18 paragraph c of this subdivision; in the case of an election for state
19 senator, six thousand two hundred fifty dollars as increased or
20 decreased by the cost of living adjustment described in paragraph c of
21 this subdivision]; in the case of an election or nomination for a member
22 of the assembly, [twenty-five hundred] delegate-at-large to a convention
23 to revise and amend the state constitution, or district delegate to a
24 convention to revise and amend the state constitution, two thousand
25 dollars [as increased or decreased by the cost of living adjustment
26 described in paragraph c of this subdivision; but in no event shall any
27 such maximum exceed fifty thousand dollars or be less than one thousand
28 dollars]; provided however, that the maximum amount which may be so

1 contributed or accepted, in the aggregate, from any candidate's child,
2 parent, grandparent, brother and sister, and the spouse of any such
3 persons, shall not exceed in the case of any election for party position
4 or nomination for public office an amount equivalent to the number of
5 enrolled voters in the candidate's party in the district in which he is
6 a candidate, excluding voters in inactive status, multiplied by \$.25 and
7 in the case of any election to public office, an amount equivalent to
8 the number of registered voters in the district, excluding voters in
9 inactive status, multiplied by \$.25; or twelve hundred fifty dollars,
10 whichever is greater, or in the case of a nomination or election of a
11 state senator, twenty thousand dollars, whichever is greater, or in the
12 case of a nomination or election of a member of the assembly, delegate-
13 at-large to a convention to revise and amend the state constitution, or
14 district delegate to a convention to revise and amend the state consti-
15 tution, twelve thousand five hundred dollars, whichever is greater, but
16 in no event shall any such maximum exceed one hundred thousand dollars.

17 c. In any election for a public office to be voted on by the voters
18 of the entire state, or for nomination to any such office, no contribu-
19 tor may make a contribution to any candidate or political committee in
20 connection with a candidate who is not a participating candidate as
21 defined in subdivision fourteen of section 14-200-a of this article, and
22 no such candidate or political committee may accept any contribution
23 from any contributor, which is in the aggregate amount greater than:
24 (i) in the case of any nomination to public office, the product of the
25 total number of enrolled voters in the candidate's party in the state,
26 excluding voters in inactive status, multiplied by \$.005, but such
27 amount shall be not less than four thousand dollars nor more than ten
28 thousand dollars, and (ii) in the case of any election to a public

1 office, fifteen thousand dollars; provided however, that the maximum
2 amount which may be so contributed or accepted, in the aggregate, from
3 any candidate's child, parent, grandparent, brother and sister, and the
4 spouse of any such persons, shall not exceed in the case of any nomi-
5 nation to public office an amount equivalent to the product of the
6 number of enrolled voters in the candidate's party in the state, exclud-
7 ing voters in inactive status, multiplied by \$.025, and in the case of
8 any election for a public office, an amount equivalent to the product of
9 the number of registered voters in the state excluding voters in inac-
10 tive status, multiplied by \$.025.

11 d. In any other election for party position or for election to a
12 public office or for nomination for any such office, no contributor may
13 make a contribution to any candidate or political committee in
14 connection with a candidate who is not a participating candidate as
15 defined in subdivision fourteen of section 14-200-a of this article and
16 no such candidate or political committee may accept any contribution
17 from any contributor, which is in the aggregate amount greater than: (i)
18 in the case of any election for party position, or for nomination to
19 public office, the product of the total number of enrolled voters in the
20 candidate's party in the district in which he is a candidate, excluding
21 voters in inactive status, multiplied by \$.05, and (ii) in the case of
22 any election for a public office, the product of the total number of
23 registered voters in the district, excluding voters in inactive status,
24 multiplied by \$.05, however in the case of a nomination within the city
25 of New York for the office of mayor, public advocate or comptroller,
26 such amount shall be not less than four thousand dollars nor more than
27 twelve thousand dollars as increased or decreased by the cost of living
28 adjustment described in paragraph e of this subdivision; in the case of

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

26 e. At the beginning of each fourth calendar year, commencing in [nine-
27 teen hundred ninety-five] two thousand twenty-two, the state board shall
28 determine the percentage of the difference between the most recent

1 available monthly consumer price index for all urban consumers published
2 by the United States bureau of labor statistics and such consumer price
3 index published for the same month four years previously. The amount of
4 each contribution limit fixed and expressly identified for adjustment in
5 this subdivision shall be adjusted by the amount of such percentage
6 difference to the closest one hundred dollars by the state board which,
7 not later than the first day of February in each such year, shall issue
8 a regulation publishing the amount of each such contribution limit. Each
9 contribution limit as so adjusted shall be the contribution limit in
10 effect for any election held before the next such adjustment.

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

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

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

21 g. Notwithstanding any other contribution limit in this section,
22 participating candidates as defined in subdivision fourteen of section
23 14-200-a of this article may contribute, out of their own money, three
24 times the applicable contribution limit to their own authorized commit-
25 tee.

26 10. [a.] No contributor may make a contribution to a party or consti-
27 tuted committee and no such committee may accept a contribution from any

1 contributor which, in the aggregate, is greater than [sixty-two thousand
2 five hundred] twenty-five thousand dollars per annum.

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

16 § 7. Sections 14-100 through 14-132 of article 14 of the election law
17 are designated title I and a new title heading is added to read as
18 follows:

19 CAMPAIGN RECEIPTS AND EXPENDITURES

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

22 TITLE II

23 PUBLIC FINANCING

24 Section 14-200. Legislative findings and intent.

25 14-200-a. Definitions.

26 14-201. Reporting requirements.

- 1 14-202. Contributions.
- 2 14-203. Proof of compliance.
- 3 14-204. Eligibility.
- 4 14-205. Limits on public financing.
- 5 14-206. Payment of public matching funds.
- 6 14-207. Use of public matching funds; qualified campaign
7 expenditures.
- 8 14-208. Powers and duties of the board.
- 9 14-209. Audits and repayments.
- 10 14-210. Enforcement and penalties for violations and other
11 proceedings.
- 12 14-211. Reports.
- 13 14-212. Debates for candidates for statewide office.
- 14 14-213. Severability.

15 § 14-200. Legislative findings and intent. The legislature finds that
16 reform of New York state's campaign finance system is crucial to improv-
17 ing public confidence in the state's democratic processes and continuing
18 to ensure a government that is accountable to all of the voters of the
19 state regardless of wealth or position. The legislature finds that New
20 York's current system of campaign finance, with its large contributions
21 to candidates for office and party committees, has created the potential
22 for and the appearance of corruption. The legislature further finds
23 that, whether or not this system creates actual corruption, the appear-
24 ance of such corruption can give rise to a distrust in government and
25 citizen apathy that undermine the democratic operation of the political
26 process.

27 The legislature also finds that the high cost of running for office in
28 New York discourages qualified candidates from running for office and

1 creates an electoral system that encourages candidates to spend too much
2 time raising money rather than attending to the duties of their office,
3 representing the needs of their constituents, and communicating with
4 voters.

5 The legislature amends this chapter creating a new title two to arti-
6 cle fourteen of this chapter to reduce the possibility and appearance
7 that special interests exercise undue influence over state officials; to
8 increase the actual and apparent responsiveness of elected officials to
9 all voters; to encourage qualified candidates to run for office; and to
10 reduce the pressure on candidates to spend large amounts of time raising
11 large contributions for their campaigns.

12 The legislature finds that this article's limitations on contributions
13 further the government's interest in reducing real and apparent
14 corruption and in building trust in government. The legislature finds
15 that the contribution levels are sufficiently high to allow candidates
16 and political parties to raise enough money to run effective campaigns.
17 In addition, the legislature finds that graduated contribution limita-
18 tions reflect the campaign needs of candidates for different offices.

19 The legislature also finds that the system of voluntary public financ-
20 ing furthers the government's interest in encouraging qualified candi-
21 dates to run for office. The legislature finds that the voluntary public
22 funding program will enlarge the public debate and increase partic-
23 ipation in the democratic process. In addition, the legislature finds
24 that the voluntary expenditure limitations and matching fund program
25 reduce the burden on candidates and officeholders to spend time raising
26 money for their campaigns.

27 Therefore, the legislature declares that these amendments further the
28 important and valid government interests of reducing voter apathy,

1 building confidence in government, reducing the reality and appearance
2 of corruption, and encouraging qualified candidates to run for office,
3 while reducing candidates' and officeholders' fundraising burdens.

4 § 14-200-a. Definitions. For the purposes of this title, the follow-
5 ing terms shall have the following meanings:

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

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

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

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

15 5. The term "covered election" shall mean any primary, general, or
16 special election for nomination for election, or election, to the office
17 of governor, lieutenant governor, attorney general, state comptroller,
18 state senator, member of the assembly, delegate-at-large to a convention
19 to revise and amend the state constitution, or district delegate to a
20 convention to revise and amend the state constitution.

21 6. The term "election cycle" shall mean the two year period starting
22 the day after the last general election for candidates for the state
23 legislature and shall mean the four year period starting after the day
24 after the last general election for candidates for statewide office.

25 7. The term "expenditure" shall mean any gift, subscription, advance,
26 payment, or deposit of money or anything of value, or a contract to make
27 any gift, subscription, payment, or deposit of money or anything of
28 value, made in connection with the nomination for election, or election,

1 of any candidate. Expenditures made by contract are deemed made when
2 such funds are obligated.

3 8. The term "fund" shall mean the New York state campaign finance
4 fund.

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

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

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

22 12. (a) The term "matchable contribution" shall mean a contribution,
23 contributions or a portion of a contribution or contributions for any
24 covered elections held in the same election cycle, made by a natural
25 person who is a United States citizen and resident in the state of New
26 York to a participating candidate, that has been reported in full to the
27 board in accordance with sections 14-102 and 14-104 of this article by
28 the candidate's authorized committee and has been contributed on or

1 before the day of the applicable primary, general, runoff or special
2 election. Any contribution, contributions, or a portion of a contrib-
3 ution determined to be invalid for matching funds by the board may not
4 be treated as a matchable contribution for any purpose.

5 (b) The following contributions are not matchable:

6 (i) loans;

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

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

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

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

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

14 (vii) illegal contributions;

15 (viii) contributions from minors;

16 (ix) contributions from vendors for campaigns; and

17 (x) contributions from lobbyists registered pursuant to subdivision
18 (a) of section one-c of the legislative law.

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

23 14. The term "participating candidate" shall mean any candidate for
24 nomination for election, or election, to the office of governor, lieu-
25 tenant governor, attorney general, state comptroller, state senator,
26 member of the assembly, delegate-at-large to a convention to revise and
27 amend the state constitution, or district delegate to a convention to
28 revise and amend the state constitution, who files a written certif-

1 ication in the form of an affidavit pursuant to section 14-204 of this
2 title.

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

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

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

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

14 § 14-201. Reporting requirements. 1. Political committee registra-
15 tion. Political committees as defined pursuant to subdivision one of
16 section 14-100 of this article shall register with the board before
17 making any contribution or expenditure. The board shall publish a cumu-
18 lative list of political committees that have registered, including on
19 its webpage, and regularly update it.

20 2. Only one authorized committee per candidate per elective office
21 sought. Before receiving any contribution or making any expenditure for
22 a covered election, each candidate shall notify the board as to the
23 existence of his or her authorized committee that has been approved by
24 such candidate. Each candidate shall have one and only one authorized
25 committee per elective office sought. Each authorized committee shall
26 have a treasurer and is subject to the restrictions found in section
27 14-112 of this article.

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

13 (b) Board review. The board shall review each disclosure report filed
14 and shall inform authorized and political committees of relevant ques-
15 tions it has concerning: (i) compliance with requirements of this title
16 and of the rules issued by the board; and (ii) qualification for receiv-
17 ing public matching funds pursuant to this title. In the course of this
18 review, it shall give authorized and political committees an opportunity
19 to respond to and correct potential violations and give candidates an
20 opportunity to address questions it has concerning their matchable
21 contribution claims or other issues concerning eligibility for receiving
22 public matching funds pursuant to this title. Nothing in this paragraph
23 shall preclude the chief enforcement counsel from subsequently reviewing
24 such disclosure reports and taking any action otherwise authorized under
25 this title.

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

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

4 § 14-202. Contributions. Recipients of funds pursuant to this title
5 shall be subject to the applicable contribution limits set forth in
6 section 14-114 of this article.

7 § 14-203. Proof of compliance. Authorized and political committees
8 shall maintain such records of receipts and expenditures for a covered
9 election as required by the board. Authorized and political committees
10 shall obtain and furnish to the board any information it may request
11 relating to financial transactions or contributions and furnish such
12 documentation and other proof of compliance with this title as may be
13 requested. In compliance with section 14-108 of this article, authorized
14 and political committees shall maintain copies of such records for a
15 period of five years.

16 § 14-204. Eligibility. 1. Terms and conditions. To be eligible for
17 voluntary public financing under this title, a candidate must:

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

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

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

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

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

2 (f) not make, and not have made, expenditures from or use his or her
3 personal funds or property or the personal funds or property jointly
4 held with his or her spouse, or unemancipated children in connection
5 with his or her nomination election or election to a covered office, but
6 may make a contribution to his or her authorized committee in an amount
7 that does not exceed three times the applicable contribution limit from
8 an individual contributor to candidates for the office that he or she is
9 seeking;

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

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

14 (i) agree not to expend for campaign purposes any portion of any pre-
15 existing funds raised for any public office or party position prior to
16 the first day of the election cycle for which the candidate seeks
17 certification. Nothing in this paragraph shall be construed to limit, in
18 any way, any candidate or public official from expending any portion of
19 pre-existing campaign funds for any lawful purpose other than those
20 related to his or her campaign; and

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

25 (i) Provided however, that, if a candidate accepted contributions
26 exceeding such limits before certification, such acceptance shall not
27 prevent the candidate from being certified by the board if the candidate

1 immediately pays to the fund or returns to the contributor the portion
2 of any contribution that exceeded the applicable contribution limit.

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

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

17 (iv) Contributions received and expenditures made by the candidate or
18 an authorized committee of the candidate prior to the effective date of
19 this title shall not constitute a violation of this title. Unexpended
20 contributions shall be treated the same as campaign surpluses under
21 subparagraph (iii) of this paragraph.

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

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

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

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

11 (iv) Member of the assembly, delegate-at-large to a convention to
12 revise and amend the state constitution, or district delegate to a
13 convention to revise and amend the state constitution, not less than ten
14 thousand dollars in matchable contributions including at least one
15 hundred matchable contributions comprised of sums between ten and one
16 hundred seventy-five dollars per contributor, from residents of the
17 district in which the seat is to be filled.

18 (b) Any participating candidate meeting the threshold for eligibility
19 in a primary election for one of the foregoing offices shall be deemed
20 to have met the threshold for eligibility for such office in any other
21 subsequent election held in the same calendar year.

22 § 14-205. Limits on public financing. The following limitations apply
23 to the total amounts of public funds that may be provided to a partic-
24 ipating candidate's authorized committee for an election cycle:

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

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

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

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

5 (iv) for member of the assembly, delegate-at-large to a convention to
 6 revise and amend the state constitution, or district delegate to a
 7 convention to revise and amend the state constitution, the sum of one
 8 hundred seventy-five thousand dollars.

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

12 Candidates for election to the office of:

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

14 Attorney general \$4,000,000

15 Comptroller \$4,000,000

16 Member of senate \$375,000

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

18 convention to revise and amend the state

19 constitution, or district delegate to a

20 convention to revise and amend the state

21 constitution

22 3. No participating candidate for nomination for an office who is not
 23 opposed by a candidate on the ballot in a primary election shall be
 24 entitled to payment of public matching funds, except that, where there
 25 is a contest in such primary election for the nomination of at least one
 26 of the two political parties with the highest and second highest number
 27 of enrolled members for such office, a participating candidate who is
 28 unopposed in the primary election may receive public funds before the

1 primary election, for expenses incurred on or before the date of such
2 primary election, in an amount equal to up to half the sum set forth in
3 paragraph one of this section.

4 § 14-206. Payment of public matching funds. 1. Determination of eligi-
5 bility. No public matching funds shall be paid to an authorized commit-
6 tee unless the board determines that the participating candidate has met
7 the eligibility requirements of this title. Payment shall not exceed the
8 amounts specified in subdivision two of this section, and shall be made
9 only in accordance with the provisions of this title. Such payment may
10 be made only to the participating candidate's authorized committee. No
11 public matching funds shall be used except as reimbursement or payment
12 for qualified campaign expenditures actually and lawfully incurred or to
13 repay loans used to pay qualified campaign expenditures.

14 2. Calculation of payment. If the threshold for eligibility is met,
15 the participating candidate's authorized committee shall receive payment
16 for qualified campaign expenditures of six dollars of public matching
17 funds for each one dollar of matchable contributions, for the first one
18 hundred seventy-five dollars of eligible private funds per contributor,
19 obtained and reported to the board in accordance with the provisions of
20 this title. The maximum payment of public matching funds shall be limit-
21 ed to the amounts set forth in section 14-205 of this title for the
22 covered election.

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

1 covered office is eligible for public matching funds, it shall authorize
2 payment of the applicable matching funds owed to the candidate. However,
3 it shall not make any payments of public money earlier than the earliest
4 dates for making such payments as provided by this title. If any of
5 such payments would require payment on a weekend or federal holiday,
6 payment shall be made on the next business day.

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

11 5. Irregularly scheduled elections. Notwithstanding any other
12 provision of this title, the board shall promulgate rules to provide for
13 the prompt issuance of public matching funds to eligible participating
14 candidates for qualified campaign expenditures in the case of any other
15 covered election held on a day different from that than originally sche-
16 duled including special elections. But in all cases, the board shall (a)
17 within four days, excluding weekends and holidays, of receiving a report
18 of contributions from a candidate for a covered office claiming eligi-
19 bility for public matching funds verify that candidate's eligibility for
20 public matching funds; and (b) within two days of determining that the
21 candidate for a covered office is eligible for public matching funds, it
22 shall authorize payment of the applicable matching funds owed to the
23 candidate.

24 § 14-207. Use of public matching funds; qualified campaign expendi-
25 tures. 1. Public matching funds provided under the provisions of this
26 title may be used only by an authorized committee for expenditures to
27 further the participating candidate's nomination for election or
28 election, including paying for debts incurred within one year prior to

1 an election to further the participating candidate's nomination for
2 election or election.

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

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

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

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

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

12 (e) an expenditure made by cash payment;

13 (f) a contribution or loan or transfer made to or expenditure to
14 support another candidate or political committee or party, committee or
15 constituted committee;

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

18 (h) gifts, except brochures, buttons, signs and other printed campaign
19 material;

20 (i) legal fees to defend against a criminal charge;

21 (j) payments to immediate family members of the participating candi-
22 date; or

23 (k) any expenditure made to challenge the validity of any petition of
24 designation or nomination or any certificate of nomination, acceptance,
25 authorization, declination or substitution.

26 § 14-208. Powers and duties of the board. 1. Advisory opinions. The
27 board shall render advisory opinions with respect to questions arising
28 under this title upon the written request of a candidate, an officer of

1 a political committee or member of the public, or upon its own initi-
2 ative. The board shall promulgate rules regarding reasonable times to
3 respond to such requests. The board shall make public the questions of
4 interpretation for which advisory opinions will be considered by the
5 board and its advisory opinions, including by publication on its webpage
6 with identifying information redacted as the board determines to be
7 appropriate.

8 2. Public information and candidate education. The board shall develop
9 a program for informing candidates and the public as to the purpose and
10 effect of the provisions of this title, including by means of a webpage.
11 The board shall prepare in plain language and make available educational
12 materials, including compliance manuals and summaries and explanations
13 of the purposes and provisions of this title. The board shall prepare or
14 have prepared and make available materials, including, to the extent
15 feasible, computer software, to facilitate the task of compliance with
16 the disclosure and record-keeping requirements of this title.

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

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

27 5. The board shall work with the chief enforcement counsel to enforce
28 this section.

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

12 2. Repayments. (a) If the board determines that any portion of the
13 payment made to a candidate's authorized committee from the fund was in
14 excess of the aggregate amount of payments that such candidate was
15 eligible to receive pursuant to this title, it shall notify such commit-
16 tee and such committee shall pay to the board an amount equal to the
17 amount of excess payments. Provided, however, that if the erroneous
18 payment was the result of an error by the board, then the erroneous
19 payment will be deducted from any future payment, if any, and if no
20 payment is to be made then neither the candidate nor the committee shall
21 be liable to repay the excess amount to the board. The candidate, the
22 treasurer and the candidate's authorized committee are jointly and
23 severally liable for any repayments to the board.

24 (b) If the board determines that any portion of the payment made to a
25 candidate's authorized committee from the fund was used for purposes
26 other than qualified campaign expenditures and such expenditures were
27 not approved by the board, it shall notify such committee of the amount
28 so disqualified and such committee shall pay to the board an amount

1 equal to such disqualified amount. The candidate, the treasurer and the
2 candidate's authorized committee are jointly and severally liable for
3 any repayments to the board.

4 (c) If the total of payments from the fund received by a participating
5 candidate and his or her authorized committee exceed the total campaign
6 expenditures of such candidate and authorized committee for all covered
7 elections held in the same calendar year or for a special election to
8 fill a vacancy, such candidate and committee shall use such excess funds
9 to reimburse the fund for payments received by such authorized committee
10 from the fund during such calendar year or for such special election.
11 Participating candidates shall pay to the board unspent public campaign
12 funds from an election not later than twenty-seven days after all
13 liabilities for the election have been paid and in any event, not later
14 than the day on which the board issues its final audit report for the
15 participating candidate's authorized committee; provided, however, that
16 all unspent public campaign funds for a participating candidate shall be
17 immediately due and payable to the board upon a determination by the
18 board that the participant has delayed the post-election audit. A
19 participating candidate may make post-election expenditures with public
20 funds only for routine activities involving nominal cost associated with
21 winding up a campaign and responding to the post-election audit. Noth-
22 ing in this title shall be construed to prevent a candidate or his or
23 her authorized committee from using campaign contributions received from
24 private contributors for otherwise lawful expenditures.

25 3. Rules and regulations. The board shall promulgate regulations for
26 the certification of the amount of funds payable by the comptroller,
27 from the fund established pursuant to section ninety-two-t of the state
28 finance law, to a participating candidate that has qualified to receive

1 such payment. These regulations shall include the promulgation and
2 distribution of forms on which contributions and expenditures are to be
3 reported, the periods during which such reports must be filed and the
4 verification required. The board shall institute procedures which will
5 make possible payment by the fund within four business days after
6 receipt of the required forms and verifications.

7 § 14-210. Enforcement and penalties for violations and other
8 proceedings. 1. Civil penalties. Violations of any provision of this
9 title or rule promulgated pursuant to this title shall be subject to a
10 civil penalty in an amount not in excess of fifteen thousand dollars.

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

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

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

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

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

26 4. Proceedings as to public financing. (a) The determination of eligi-
27 bility pursuant to this title and any question or issue relating to
28 payments for campaign expenditures pursuant to this title may be

1 contested in a proceeding instituted in the Supreme court, Albany coun-
2 ty, by any aggrieved candidate.

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

7 (c) Upon the board's failure to receive the amount due from a partic-
8 ipating candidate or such candidate's authorized committee after the
9 issuance of written notice of such amount due, as required by this
10 title, the chief enforcement counsel is authorized to institute a
11 special proceeding or civil action in Supreme Court, Albany county, to
12 obtain a judgment for any amounts determined to be payable to the board
13 as a result of an examination and audit made pursuant to this title or
14 to obtain such amounts directly from the candidate or authorized commit-
15 tee after a hearing at the board.

16 (d) The chief enforcement counsel is authorized to institute a special
17 proceeding or civil action in Supreme Court, Albany county, to obtain a
18 judgment for civil penalties determined to be payable to the board
19 pursuant to this title or to impose such penalty directly after a hear-
20 ing at the board.

21 § 14-211. Reports. The board shall review and evaluate the effect of
22 this title upon the conduct of election campaigns and shall submit a
23 report to the legislature on or before January first, two thousand twen-
24 ty-one, and every third year thereafter, and at any other time upon the
25 request of the governor and at such other times as the board deems
26 appropriate. These reports shall include:

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

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

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

8 4. analysis of the effect of this title on political campaigns,
9 including its effect on the sources and amounts of private financing,
10 the level of campaign expenditures, voter participation, the number of
11 candidates, the candidates' ability to campaign effectively for public
12 office, and the diversity of candidates seeking and elected to office;
13 and

14 5. recommendations for amendments to this title, including changes in
15 contribution limits, thresholds for eligibility, and any other features
16 of the system.

17 § 14-212. Debates for candidates for statewide office. The board
18 shall promulgate regulations to facilitate debates among participating
19 candidates who seek election to statewide office. Participating candi-
20 dates are required to participate in one debate before each election for
21 which the candidate receives public funds, unless the participating
22 candidate is running unopposed. Nonparticipating candidates may partic-
23 ipate in such debates.

24 § 14-213. Severability. If any clause, sentence, subdivision, para-
25 graph, section or part of this title be adjudged by any court of compe-
26 tent jurisdiction to be invalid, such judgment shall not affect, impair
27 or invalidate the remainder thereof, but shall be confined in its opera-
28 tion to the clause, sentence, subdivision, paragraph, section or part

1 thereof directly involved in the controversy in which such judgment
2 shall have been rendered.

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

5 § 92-t. New York state campaign finance fund. 1. There is hereby
6 established in the joint custody of the state comptroller and the
7 commissioner of taxation and finance a fund to be known as the New York
8 state campaign finance fund.

9 2. Such fund shall consist of all revenues received from the New York
10 state campaign finance fund check-off pursuant to subsection (h) of
11 section six hundred fifty-eight of the tax law, from the abandoned prop-
12 erty fund pursuant to section ninety-five of this article, from the
13 general fund, and from all other moneys credited or transferred thereto
14 from any other fund or source pursuant to law. Such fund shall also
15 receive contributions from private individuals, organizations, or other
16 persons to fulfill the purposes of the public financing system.

17 3. Moneys of the fund, following appropriation by the legislature, may
18 be expended for the purposes of making payments to candidates pursuant
19 to title II of article fourteen of the election law and for administra-
20 tive expenses related to the implementation of article fourteen of the
21 election law. Moneys shall be paid out of the fund by the state comp-
22 troller on vouchers certified or approved by the state board of
23 elections, or its duly designated representative, in the manner
24 prescribed by law, not more than five working days after such voucher is
25 received by the state comptroller.

26 4. Notwithstanding any provision of law to the contrary, if, in any
27 state fiscal year, the state campaign finance fund lacks the amount of
28 money to pay all claims vouchered by eligible candidates and certified

1 or approved by the state board of elections, any such deficiency shall
2 be paid by the state comptroller, from funds deposited in the general
3 fund of the state not more than four working days after such voucher is
4 received by the state comptroller.

5 5. Commencing in two thousand twenty, if the surplus in the fund on
6 April first of the year after a year in which a governor is elected
7 exceeds twenty-five percent of the disbursements from the fund over the
8 previous four years, the excess shall revert to the general fund of the
9 state.

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

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

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

20 9. No public funds shall be paid to any participating candidate who
21 has been disqualified or whose designating petitions have been declared
22 invalid by the appropriate board of elections or a court of competent
23 jurisdiction until and unless such finding is reversed by a higher court
24 in a final judgment. No payment from the fund in the possession of such
25 a candidate or such candidate's participating committee on the date of
26 such disqualification or invalidation may thereafter be expended for any
27 purpose except the payment of liabilities incurred before such date.
28 All such moneys shall be repaid to the fund.

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

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

8 (b) Notwithstanding any provision of this section authorizing the
9 transfer of any moneys in the abandoned property fund to the general
10 fund, the comptroller, after receiving amounts sufficient to pay claims
11 against the abandoned property fund, shall, based upon a certification
12 of the state board of elections pursuant to paragraph (a) of this subdi-
13 vision, and at the direction of the director of the budget, transfer the
14 requested amount from remaining available monies in the abandoned prop-
15 erty fund to the campaign finance fund established by section ninety-
16 two-t of this article.

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

19 (h) New York state campaign finance fund check-off. (1) For each taxa-
20 ble year beginning on and after January first, two thousand eighteen,
21 every resident taxpayer whose New York state income tax liability for
22 the taxable year for which the return is filed is forty dollars or more
23 may designate on such return that forty dollars be paid into the New
24 York state campaign finance fund established by section ninety-two-t of
25 the state finance law. Where a husband and wife file a joint return and
26 have a New York state income tax liability for the taxable year for
27 which the return is filed is eighty dollars or more, or file separate
28 returns on a single form, each such taxpayer may make separate desig-

1 nations on such return of forty dollars to be paid into the New York
2 state campaign finance fund.

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

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

11 (4) The department shall include a place on every personal income tax
12 return form to be filed by an individual for a tax year beginning on or
13 after January first, two thousand eighteen, for such taxpayer to make
14 the designations described in paragraph one of this subsection. Such
15 return form shall contain a concise explanation of the purpose of such
16 optional designations.

17 § 12. Severability. If any clause, sentence, subdivision, paragraph,
18 section or part of title II of article 14 of the election law, as added
19 by section three of this act be adjudged by any court of competent
20 jurisdiction to be invalid, such judgment shall not affect, impair or
21 invalidate the remainder thereof, but shall be confined in its operation
22 to the clause, sentence, subdivision, paragraph, section or part thereof
23 directly involved in the controversy in which such judgment shall have
24 been rendered.

25 § 13. This act shall take effect immediately; provided, however, all
26 affected candidates will be eligible to participate in voluntary public
27 financing beginning with the 2020 primary election.

1

PART G

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

5 2. "State legislature" means the [legislature of the state of New
6 York, including] New York state senate, New York state assembly, any
7 committee, subcommittee, joint committee, select committee, or commis-
8 sion thereof, and any members, officers, representatives and employees
9 thereof.

10 3. "Agency" means any state or municipal department, board, bureau,
11 division, commission, committee, public authority, public corporation,
12 council, office, or other governmental entity performing a governmental
13 or proprietary function for the state or any one or more municipalities
14 thereof, except the judiciary [or the state legislature].

15 6. "Respective house of the state legislature" means the New York
16 state senate, New York state assembly, and any corresponding committee,
17 subcommittee, joint committee, select committee, or commission thereof,
18 and any members, officers, representatives and employees thereof.

19 § 2. Section 87 of the public officers law, as added by chapter 933 of
20 the laws of 1977, paragraph (a) and the opening paragraph of paragraph
21 (b) of subdivision 1 as amended by chapter 80 of the laws of 1983,
22 subparagraph iii of paragraph (b) of subdivision 1 as amended and para-
23 graph (c) of subdivision 1 and subdivision 5 as added by chapter 223 of
24 the laws of 2008, paragraph (d) of subdivision 2 as amended by chapter
25 289 of the laws of 1990, paragraph (f) of subdivision 2 as amended by
26 chapter 403 of the laws of 2003, paragraph (g) of subdivision 2 as
27 amended by chapter 510 of the laws of 1999, paragraph (i) of subdivision

1 2 as amended by chapter 154 of the laws of 2010, paragraph (j) of subdivi-
2 vision 2 as added by chapter 746 of the laws of 1988, paragraph (k) of
3 subdivision 2 as separately added by chapters 19, 20, 21, 22, 23 and 383
4 of the laws of 2009, paragraph (l) of subdivision 2 as added by section
5 12 of part II of chapter 59 of the laws of 2010, paragraph (m) of subdivi-
6 vision 2 as added by chapter 189 of the laws of 2013, paragraph (n) of
7 subdivision 2 as added by chapter 43 of the laws of 2014, paragraph (n)
8 of subdivision 2 as separately added by chapters 99, 101, and 123 of the
9 laws of 2014, paragraph (o) of subdivision 2 as added by chapter 222 of
10 the laws of 2015, paragraph (c) of subdivision 3 as amended by chapter
11 499 of the laws of 2008, subdivision 4 as added by chapter 890 of the
12 laws of 1981, and paragraph (c) of subdivision 4 as added by chapter 102
13 of the laws of 2007, is amended to read as follows:

14 § 87. Access to agency or state legislature records. 1. (a) Within
15 sixty days after the effective date of this article, the governing body
16 of each public corporation shall promulgate uniform rules and regu-
17 lations for all agencies in such public corporation pursuant to such
18 general rules and regulations as may be promulgated by the committee on
19 open government in conformity with the provisions of this article,
20 pertaining to the administration of this article.

21 (b) Each agency and each house of the state legislature shall promul-
22 gate rules and regulations, in conformity with this article and applica-
23 ble rules and regulations promulgated pursuant to the provisions of
24 paragraph (a) of this subdivision, and pursuant to such general rules
25 and regulations as may be promulgated by the committee on open govern-
26 ment in conformity with the provisions of this article, pertaining to
27 the availability of records and procedures to be followed, including,
28 but not limited to:

- 1 i. the times and places such records are available;
- 2 ii. the persons from whom such records may be obtained[,]; and
- 3 iii. the fees for copies of records which shall not exceed twenty-five
- 4 cents per photocopy not in excess of nine inches by fourteen inches, or
- 5 the actual cost of reproducing any other record in accordance with the
- 6 provisions of paragraph (c) of this subdivision, except when a different
- 7 fee is otherwise prescribed by statute.

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

- 10 i. an amount equal to the hourly salary attributed to the lowest paid
- 11 employee of an agency or [employee] respective house of the state legis-
- 12 lature who has the necessary skill required to prepare a copy of the
- 13 requested record;
- 14 ii. the actual cost of the storage devices or media provided to the
- 15 person making the request in complying with such request;
- 16 iii. the actual cost to the agency or to the respective house of the
- 17 state legislature of engaging an outside professional service to prepare
- 18 a copy of a record, but only when an agency's or respective house of the
- 19 state legislature's information technology equipment is inadequate to
- 20 prepare a copy, if such service is used to prepare the copy; and
- 21 iv. preparing a copy shall not include search time or administrative
- 22 costs, and no fee shall be charged unless at least two hours of agency
- 23 or respective house of the state legislature employee time is needed to
- 24 prepare a copy of the record requested. A person requesting a record
- 25 shall be informed of the estimated cost of preparing a copy of the
- 26 record if more than two hours of an agency or respective house of the
- 27 state legislature employee's time is needed, or if an outside profes-
- 28 sional service would be retained to prepare a copy of the record.

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

6 (a) are specifically exempted from disclosure by state or federal
7 statute;

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

11 (c) if disclosed would impair present or imminent contract awards or
12 collective bargaining negotiations provided, however, that the proposed
13 terms of an agreement between a public employer and an employee organ-
14 ization, as those terms are defined in article fourteen of the civil
15 service law, that require ratification by members of the employee organ-
16 ization or by the public employer, where applicable, or approval of such
17 provisions by the appropriate legislative body as required by section
18 two hundred four-a of the civil service law, shall be made available to
19 the public no later than when such proposed terms are sent to members of
20 the employee organization for ratification, when such terms are
21 presented to the employer for ratification, where applicable, or when
22 the provisions of such agreement requiring approval by the appropriate
23 legislative body pursuant to section two hundred four-a of the civil
24 service law are submitted to such body, whichever date is earliest.
25 Additionally, a copy of the proposed terms of such agreement shall be
26 placed on the website of the applicable public employer, if such
27 websites exist, and within the local public libraries and offices of
28 such public employer, or in the case of collective bargaining agreements

1 negotiated by the state, on the website of the office of employee
2 relations on such date;

3 (d) are trade secrets or are submitted to an agency or to the respec-
4 tive house of the state legislature by a commercial enterprise or
5 derived from information obtained from a commercial enterprise and which
6 if disclosed would cause substantial injury to the competitive position
7 of the subject enterprise;

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

10 i. interfere with law enforcement investigations or judicial
11 proceedings;

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

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

16 iv. reveal criminal investigative techniques or procedures, except
17 routine techniques and procedures;

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

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

21 i. statistical or factual tabulations or data;

22 ii. instructions to staff that affect the public;

23 iii. final agency policy or determinations;

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

26 (g-1) are materials exchanged within the state legislature which are
27 not:

28 i. statistical or factual tabulations or data;

- 1 ii. instructions to staff that affect the public;
2 iii. final policy or determinations of the respective house of the
3 state legislature;
4 iv. external audits, including but not limited to audits performed by
5 the comptroller and the federal government; or
- 6 (h) are examination questions or answers which are requested prior to
7 the final administration of such questions.
- 8 (i) if disclosed, would jeopardize the capacity of an agency, the
9 state legislature, or an entity that has shared information with an
10 agency or the state legislature to guarantee the security of its infor-
11 mation technology assets, such assets encompassing both electronic
12 information systems and infrastructures; or
- 13 (j) are photographs, microphotographs, videotape or other recorded
14 images prepared under authority of section eleven hundred eleven-a of
15 the vehicle and traffic law.
- 16 (k) are photographs, microphotographs, videotape or other recorded
17 images prepared under authority of section eleven hundred eleven-b of
18 the vehicle and traffic law.
- 19 (l) are photographs, microphotographs, videotape or other recorded
20 images produced by a bus lane photo device prepared under authority of
21 section eleven hundred eleven-c of the vehicle and traffic law.
- 22 (m) are photographs, microphotographs, videotape or other recorded
23 images prepared under the authority of section eleven hundred eighty-b
24 of the vehicle and traffic law.
- 25 (n) are photographs, microphotographs, videotape or other recorded
26 images prepared under the authority of section eleven hundred eighty-c
27 of the vehicle and traffic law.

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

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

7 3. Each agency and respective house of the state legislature shall
8 maintain:

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

11 (b) a record of votes of each member in every session and every
12 committee and subcommittee meeting in which the member of the senate or
13 assembly votes;

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

17 [(c)] (d) a reasonably detailed current list by subject matter of all
18 records in the possession of the agency or state legislature, whether or
19 not available under this article. Each agency and each respective house
20 of the state legislature shall update its subject matter list annually,
21 and the date of the most recent update shall be conspicuously indicated
22 on the list. [Each] The state legislature and each state agency as
23 defined in subdivision four of this section that maintains a website
24 shall post its current list on its website and such posting shall be
25 linked to the website of the committee on open government. Any such
26 agency or part of the state legislature that does not maintain a website
27 shall arrange to have its list posted on the website of the committee on
28 open government.

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

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

8 (2) the manner of identifying persons within the agency or respective
9 house of the state legislature to whose custody the records or parts
10 will be charged and for whose inspection and study the records will be
11 made available;

12 (3) the manner of safeguarding against any unauthorized access to the
13 records.

14 (b) As used in this subdivision the term "agency" or "state agency"
15 means only a state department, board, bureau, division, council [or],
16 office and any public corporation the majority of whose members are
17 appointed by the governor.

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

21 (d) Each state agency and respective house of the state legislature
22 that maintains a website shall post information related to this article
23 and article six-A of this chapter on its website. Such information shall
24 include, at a minimum, contact information for the persons from whom
25 records of the agency or respective house of the state legislature may
26 be obtained, the times and places such records are available for
27 inspection and copying, and information on how to request records in
28 person, by mail, and, if the agency or respective house of the state

1 legislature accepts requests for records electronically, by e-mail. This
2 posting shall be linked to the website of the committee on open govern-
3 ment.

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

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

13 6. (a) Each agency and house of the state legislature shall publish,
14 on its internet website, to the extent practicable, records or portions
15 of records that are available to the public pursuant to the provisions
16 of this article, or which, in consideration of their nature, content or
17 subject matter, are determined by the agency or house of the state
18 legislature to be of substantial interest to the public. Any such
19 records may be removed from the internet website when the agency or
20 house of the state legislature determines that they are no longer of
21 substantial interest to the public. Any such records may be removed from
22 the internet website when they have reached the end of their legal
23 retention period. Guidance on creating records in accessible formats and
24 ensuring their continuing accessibility shall be available from the
25 office of information technology services and the state archives.

26 (b) The provisions of paragraph (a) of this subdivision shall not
27 apply to records or portions of records the disclosure of which would

1 constitute an unwarranted invasion of personal privacy in accordance
2 with subdivision two of section eighty-nine of this article.

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

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

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

11 § 4. Section 89 of the public officers law, as added by chapter 933 of
12 the laws of 1977, paragraph (a) of subdivision 1 as amended by chapter
13 33 of the laws of 1984, paragraph (b) of subdivision 1 as amended by
14 chapter 182 of the laws of 2006, subdivision 2 as amended by section 11
15 of part U of chapter 61 of the laws of 2011, subdivision 2-a as added by
16 chapter 652 of the laws of 1983, subdivision 3 as amended by chapter 223
17 of the laws of 2008, subdivision 4 as amended by chapter 22 of the laws
18 of 2005, paragraph (c) of subdivision 4 as amended by chapter 453 of the
19 laws of 2017, paragraph (d) of subdivision 4 as added by chapter 487 of
20 the laws of 2016, subdivision 5 as added and subdivision 6 as renumbered
21 by chapter 890 of the laws of 1981, paragraph (a) of subdivision 5 as
22 amended by chapter 403 of the laws of 2003, paragraph (d) of subdivision
23 5 as amended by chapter 339 of the laws of 2004, subdivision 7 as added
24 by chapter 783 of the laws of 1983, subdivision 8 as added by chapter
25 705 of the laws of 1989, and subdivision 9 as added by chapter 351 of
26 the laws of 2008, is amended to read as follows:

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

4 1. (a) The committee on open government is continued and shall consist
5 of the lieutenant governor or the delegate of such officer, the secre-
6 tary of state or the delegate of such officer, whose office shall act as
7 secretariat for the committee, the commissioner of the office of general
8 services or the delegate of such officer, the director of the budget or
9 the delegate of such officer, and seven other persons, none of whom
10 shall hold any other state or local public office except the represen-
11 tative of local governments as set forth herein, to be appointed as
12 follows: five by the governor, at least two of whom are or have been
13 representatives of the news media, one of whom shall be a representative
14 of local government who, at the time of appointment, is serving as a
15 duly elected officer of a local government, one by the temporary presi-
16 dent of the senate, and one by the speaker of the assembly. The persons
17 appointed by the temporary president of the senate and the speaker of
18 the assembly shall be appointed to serve, respectively, until the expi-
19 ration of the terms of office of the temporary president and the speaker
20 to which the temporary president and speaker were elected. The four
21 persons presently serving by appointment of the governor for fixed terms
22 shall continue to serve until the expiration of their respective terms.
23 Thereafter, their respective successors shall be appointed for terms of
24 four years. The member representing local government shall be appointed
25 for a term of four years, so long as such member shall remain a duly
26 elected officer of a local government. The committee shall hold no less
27 than two meetings annually, but may meet at any time. The members of the

1 committee shall be entitled to reimbursement for actual expenses
2 incurred in the discharge of their duties.

3 (b) The committee shall:

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

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

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

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

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

17 vi. report on its activities and findings regarding this article and
18 article seven of this chapter, including recommendations for changes in
19 the law, to the governor and the legislature annually, on or before
20 December fifteenth.

21 2. (a) The committee on [public access to records] open government may
22 promulgate guidelines regarding deletion of identifying details or with-
23 holding of records otherwise available under this article to prevent
24 unwarranted invasions of personal privacy. In the absence of such guide-
25 lines, an agency and the respective house of state legislature may
26 delete identifying details when it makes records available.

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

- 1 i. disclosure of employment, medical or credit histories or personal
2 references of applicants for employment;
- 3 ii. disclosure of items involving the medical or personal records of a
4 client or patient in a medical facility;
- 5 iii. sale or release of lists of names and addresses if such lists
6 would be used for solicitation or fund-raising purposes;
- 7 iv. disclosure of information of a personal nature when disclosure
8 would result in economic or personal hardship to the subject party and
9 such information is not relevant to the work of the agency or respective
10 house of the state legislature requesting or maintaining it;
- 11 v. disclosure of information of a personal nature reported in confi-
12 dence to an agency or to the state legislature and not relevant to the
13 ordinary work of such agency or the state legislature;
- 14 vi. information of a personal nature contained in a workers' compen-
15 sation record, except as provided by section one hundred ten-a of the
16 workers' compensation law; [or]
- 17 vii. disclosure of electronic contact information, such as an e-mail
18 address or a social network username, that has been collected from a
19 taxpayer under section one hundred four of the real property tax law; or
20 viii. disclosure of communications of a personal nature between legis-
21 lators and their constituents.

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

- 25 i. when identifying details are deleted;
- 26 ii. when the person to whom a record pertains consents in writing to
27 disclosure;

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

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

12 2-a. Nothing in this article shall permit disclosure which constitutes
13 an unwarranted invasion of personal privacy as defined in subdivision
14 two of this section if such disclosure is prohibited under section nine-
15 ty-six of this chapter.

16 3. (a) Each entity subject to the provisions of this article, within
17 five business days of the receipt of a written request for a record
18 reasonably described, shall make such record available to the person
19 requesting it, deny such request in writing or furnish a written
20 acknowledgement of the receipt of such request and a statement of the
21 approximate date, which shall be reasonable under the circumstances of
22 the request, when such request will be granted or denied, including,
23 where appropriate, a statement that access to the record will be deter-
24 mined in accordance with subdivision five of this section. [An] Neither
25 an agency nor the state legislature shall [not] deny a request on the
26 basis that the request is voluminous or that locating or reviewing the
27 requested records or providing the requested copies is burdensome
28 because the agency or respective house of the state legislature lacks

1 sufficient staffing or on any other basis if the agency or respective
2 house of the state legislature may engage an outside professional
3 service to provide copying, programming or other services required to
4 provide the copy, the costs of which the agency may recover pursuant to
5 paragraph (c) of subdivision one of section eighty-seven of this arti-
6 cle. An agency or respective house of the state legislature may require
7 a person requesting lists of names and addresses to provide a written
8 certification that such person will not use such lists of names and
9 addresses for solicitation or fund-raising purposes and will not sell,
10 give or otherwise make available such lists of names and addresses to
11 any other person for the purpose of allowing that person to use such
12 lists of names and addresses for solicitation or fund-raising purposes.
13 If an agency or respective house of the state legislature determines to
14 grant a request in whole or in part, and if circumstances prevent
15 disclosure to the person requesting the record or records within twenty
16 business days from the date of the acknowledgement of the receipt of the
17 request, the agency or respective house of the state legislature shall
18 state, in writing, both the reason for the inability to grant the
19 request within twenty business days and a date certain within a reason-
20 able period, depending on the circumstances, when the request will be
21 granted in whole or in part. Upon payment of, or offer to pay, the fee
22 prescribed therefor, the entity shall provide a copy of such record and
23 certify to the correctness of such copy if so requested, or as the case
24 may be, shall certify that it does not have possession of such record or
25 that such record cannot be found after diligent search. Nothing in this
26 article shall be construed to require any entity to prepare any record
27 not possessed or maintained by such entity except the records specified
28 in subdivision three of section eighty-seven [and subdivision three of

1 section eighty-eight] of this article. When an agency or the respective
2 house of the state legislature has the ability to retrieve or extract a
3 record or data maintained in a computer storage system with reasonable
4 effort, it shall be required to do so. When doing so requires less
5 employee time than engaging in manual retrieval or redactions from non-
6 electronic records, the agency and respective house of the state legis-
7 lature shall be required to retrieve or extract such record or data
8 electronically. Any programming necessary to retrieve a record main-
9 tained in a computer storage system and to transfer that record to the
10 medium requested by a person or to allow the transferred record to be
11 read or printed shall not be deemed to be the preparation or creation of
12 a new record.

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

20 4. (a) Except as provided in subdivision five of this section, any
21 person denied access to a record may within thirty days appeal in writ-
22 ing such denial to the head, chief executive or governing body of the
23 entity, or the person therefor designated by such head, chief executive,
24 or governing body, who shall within ten business days of the receipt of
25 such appeal fully explain in writing to the person requesting the record
26 the reasons for further denial, or provide access to the record sought.
27 In addition, each agency or the respective house of the state legisla-
28 ture shall immediately forward to the committee on open government a

1 copy of such appeal when received by the agency or such house and the
2 ensuing determination thereon. Failure by an agency or respective house
3 of the state legislature to conform to the provisions of subdivision
4 three of this section shall constitute a denial.

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

16 (c) The court in such a proceeding: (i) may assess, against such agen-
17 cy involved, reasonable attorney's fees and other litigation costs
18 reasonably incurred by such person in any case under the provisions of
19 this section in which such person has substantially prevailed, and when
20 the agency failed to respond to a request or appeal within the statutory
21 time; and (ii) shall assess, against such agency involved, reasonable
22 attorney's fees and other litigation costs reasonably incurred by such
23 person in any case under the provisions of this section in which such
24 person has substantially prevailed and the court finds that the agency
25 had no reasonable basis for denying access.

26 (d) (i) Appeal to the appellate division of the supreme court must be
27 made in accordance with subdivision (a) of section fifty-five hundred
28 thirteen of the civil practice law and rules.

1 (ii) An appeal from an agency or respective house of the state legis-
2 lature taken from an order of the court requiring disclosure of any of
3 all records sought:

4 (A) shall be given preference;

5 (B) shall be brought on for argument on such terms and conditions as
6 the presiding justice may direct, upon application of any party to the
7 proceedings; and

8 (C) shall be deemed abandoned if the agency or respective house of the
9 state legislature fails to serve and file a record and brief within
10 sixty days after the date of service upon the petitioner of the notice
11 of appeal, unless consent to further extension is given by all parties,
12 or unless further extension is granted by the court upon such terms as
13 may be just and upon good cause shown.

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

23 (1-a) A person or entity who submits or otherwise makes available any
24 records to any agency or a house of the state legislature, may, at any
25 time, identify those records or portions thereof that may contain crit-
26 ical infrastructure information, and request that the agency or house of
27 the state legislature that maintains such records except such informa-
28 tion from disclosure under subdivision two of section eighty-seven of

1 this article. Where the request itself contains information which if
2 disclosed would defeat the purpose for which the exception is sought,
3 such information shall also be provisionally excepted from disclosure.

4 (2) The request for an exception shall be in writing, shall specif-
5 ically identify which portions of the record are the subject of the
6 request for exception and shall state the reasons why the information
7 should be provisionally excepted from disclosure. Any such request for
8 an exception shall be effective for a five-year period from the agency's
9 or respective house of the state legislature's receipt thereof.
10 Provided, however, that not less than sixty days prior to the expiration
11 of the then current term of the exception request, the submitter may
12 apply to the agency or respective house of the state legislature for a
13 two-year extension of its exception request. Upon timely receipt of a
14 request for an extension of an exception request, an agency or respec-
15 tive house of the state legislature may either (A) perform a cursory
16 review of the application and grant the extension should it find any
17 justification for such determination, or (B) commence the procedure set
18 forth in paragraph (b) of this subdivision to make a final determination
19 granting or terminating such exception.

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

27 (b) [On the] During the effective period of an exception request under
28 this subdivision, on the initiative of the agency or either house of the

1 state legislature at any time, or upon the request of any person for a
2 record excepted from disclosure pursuant to this subdivision, the agency
3 or respective house of the state legislature shall:

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

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

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

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

22 (1) Within seven business days of receipt of written notice denying
23 the request, the person may file a written appeal from the determination
24 of the agency or the respective house of the state legislature with the
25 head of the agency or respective house of the state legislature, the
26 chief executive officer or governing body or their designated represen-
27 tatives.

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

7 (d) A proceeding to review an adverse determination pursuant to para-
8 graph (c) of this subdivision may be commenced pursuant to article
9 seventy-eight of the civil practice law and rules. Such proceeding, when
10 brought by a person seeking an exception from disclosure pursuant to
11 this subdivision, must be commenced within fifteen days of the service
12 of the written notice containing the adverse determination provided for
13 in subparagraph two of paragraph (c) of this subdivision. The proceeding
14 shall be given preference and shall be brought on for argument on such
15 terms and conditions as the presiding justice may direct, not to exceed
16 forty-five days. Appeal to the appellate division of the supreme court
17 must be made in accordance with law, and must be filed within fifteen
18 days after service by a party upon the appellant of a copy of the judg-
19 ment or order appealed from and written notice of its entry. An appeal
20 taken from an order of the court requiring disclosure shall be given
21 preference and shall be brought on for argument on such terms and condi-
22 tions as the presiding justice may direct, not to exceed sixty days.
23 This action shall be deemed abandoned when the party requesting an
24 exclusion from disclosure fails to serve and file a record and brief
25 within thirty days after the date of the notice of appeal. Failure by
26 the party requesting an exclusion from disclosure to serve and file a
27 record and brief within the allotted time shall result in the dismissal
28 of the appeal.

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

4 (f) Where the agency or the respective house of the state legislature
5 denies access to a record pursuant to paragraph [(d) of] (b) of this
6 subdivision in conjunction with subdivision two of section eighty-seven
7 of this article, the agency or respective house of the state legislature
8 shall have the burden of proving that the record falls within the
9 provisions of such exception.

10 (g) Nothing in this subdivision shall be construed to deny any person
11 access, pursuant to the remaining provisions of this article, to any
12 record or part excepted from disclosure upon the express written consent
13 of the person who had requested the exception.

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

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

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

24 7. Nothing in this article shall require the disclosure of the home
25 address of an officer or employee, former officer or employee, or of a
26 retiree of a public employees' retirement system; nor shall anything in
27 this article require the disclosure of the name or home address of a
28 beneficiary of a public employees' retirement system or of an applicant

1 for appointment to public employment; provided however, that nothing in
2 this subdivision shall limit or abridge the right of an employee organ-
3 ization, certified or recognized for any collective negotiating unit of
4 an employer pursuant to article fourteen of the civil service law, to
5 obtain the name or home address of any officer, employee or retiree of
6 such employer, if such name or home address is otherwise available under
7 this article.

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

11 9. When records maintained electronically include items of information
12 that would be available under this article, as well as items of informa-
13 tion that may be withheld, an agency or respective house of the state
14 legislature in designing its information retrieval methods, whenever
15 practicable and reasonable, shall do so in a manner that permits the
16 segregation and retrieval of available items in order to provide maximum
17 public access.

18 § 5. Subdivisions (t) and (u) of section 105 of the civil practice law
19 and rules, subdivision (u) as relettered by chapter 100 of the laws of
20 1994, are relettered subdivisions (u) and (v) and a new subdivision (t)
21 is added to read as follows:

22 (t) "State legislature" means the New York state senate, New York
23 state assembly, any committee, subcommittee, joint committee, select
24 committee, or commission thereof, and any members, officers, represen-
25 tatives and employees thereof.

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

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

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

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

11 § 8. Section 70-0113 of the environmental conservation law is
12 REPEALED.

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

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

19 PART H

20 Section 1. Section 51 of the executive law, as added by chapter 766 of
21 the laws of 2005, is amended to read as follows:

22 § 51. Jurisdiction. This article shall, subject to the limitations
23 contained herein, confer upon the office of the state inspector general,
24 jurisdiction over all covered agencies. For the purposes of this article
25 "covered agency" shall include:

1 1. all executive branch agencies, departments, divisions, officers,
2 boards and commissions, public authorities (other than multi-state or
3 multi-national authorities), and public benefit corporations, the heads
4 of which are appointed by the governor and which do not have their own
5 inspector general by statute. Wherever a covered agency is a board,
6 commission, a public authority or public benefit corporation, the head
7 of the agency is the chairperson thereof; or

8 2. an organization or foundation formed under the not-for-profit
9 corporation law or any other entity formed for the benefit of or
10 controlled by the state university of New York or the city university of
11 New York or their respective universities, colleges, community colleges,
12 campuses or subdivisions, including the research foundation of the state
13 university of New York and the research foundation of the city universi-
14 ty of New York, to assist in meeting the specific needs of, or providing
15 a direct benefit to, the respective university, college, community
16 college, campus or subdivision or the university as a whole, that has
17 control of, manages or receives fifty thousand dollars or more annually,
18 including alumni associations. For the purposes of this article, this
19 term does not include a student-run organization comprised solely of
20 enrolled students and formed for the purpose of advancing a student
21 objective.

22 § 2. This act shall take effect on the sixtieth day after it shall
23 have become a law.

24 PART I

25 Section 1. The executive law is amended by adding a new section 53-a
26 to read as follows:

1 § 53-a. State procurement oversight defined. 1. For purposes of this
2 article, "state procurement" shall mean any loan, contract or grant
3 awarded or entered into by a covered agency.

4 2. Consistent with the general investigatory authority of the state
5 inspector general as established in this article, the state inspector
6 general is expressly empowered to investigate alleged corruption, fraud,
7 criminal activity, conflicts of interest or abuse, by officers, employ-
8 ees and contracted parties related to any state procurement.

9 § 2. This act shall take effect on the sixtieth day after it shall
10 have become a law.

11 PART J

12 Section 1. The education law is amended by adding a new section 6235
13 to read as follows:

14 § 6235. Public university foundation oversight. 1. It is hereby estab-
15 lished that the office of the state inspector general shall independent-
16 ly oversee implementation and enforcement of financial control policies
17 at the state university of New York and the city university of New York
18 and affiliated nonprofit organizations and foundations pursuant to this
19 section.

20 2. (a) As used within this section "office of the state inspector
21 general" means the office of the state inspector general as established
22 in article four-A of the executive law and "state inspector general"
23 means the state inspector general who is the head of the office of the
24 state inspector general as established in article four-A of the execu-
25 tive law.

1 (b) As used within this section, "affiliated nonprofit organization or
2 foundation" means an organization or foundation formed under the not-
3 for-profit corporation law or any other entity formed for the benefit of
4 or controlled by the state university of New York or the city university
5 of New York or their respective universities, colleges, community
6 colleges, campuses or subdivisions, including the research foundation of
7 the state university of New York and the research foundation of the city
8 university of New York, to assist in meeting the specific needs of, or
9 providing a direct benefit to, the respective university, college,
10 community college, campus or subdivision or the university as a whole,
11 that has control of, manages or receives fifty thousand dollars or more
12 annually, including alumni associations. For the purposes of this
13 section, this term does not include a student-run organization comprised
14 solely of enrolled students and formed for the purpose of advancing a
15 student objective.

16 3. (a) For the purposes of this section, the state inspector general
17 shall have the same powers enumerated in article four-A of the executive
18 law.

19 (b) The state inspector general shall require that each affiliated
20 nonprofit organization or foundation adopt written policies including
21 by-laws consistent with the requirements of this paragraph. Each affil-
22 iated nonprofit organization or foundation shall, in consultation with
23 the state inspector general, adopt written policies designed to prevent
24 corruption, fraud, criminal activity, conflicts of interest or abuse.

25 (c) The state inspector general shall have the authority to appoint,
26 in consultation with the state university of New York and the city
27 university of New York and any respective campus of the state university
28 of New York and the city university of New York, compliance officers

1 from within the staff of the state university of New York and the city
2 university of New York and any campus of the state university of New
3 York and the city university of New York to provide assistance in over-
4 sight and monitoring of policies established by affiliated nonprofit
5 organizations and foundations.

6 4. Failure by an affiliated nonprofit organization or foundation to
7 comply with any provision of this section shall render the affiliated
8 nonprofit organization or foundation ineligible to receive state aid or
9 assistance or any aid or assistance from the state university of New
10 York, the city university of New York or the respective campuses until
11 the state inspector general has certified that such entity is in compli-
12 ance with the provisions of this section. Upon a determination of
13 noncompliance and ineligibility, the state inspector general shall
14 provide the organization with written notice of such final determi-
15 nation, including the basis thereof, which shall be subject to review
16 pursuant to article seventy-eight of the civil practice law and rules.

17 § 2. This act shall take effect on the one hundred eightieth day after
18 it shall have become a law.

19 PART K

20 Section 1. The executive law is amended by adding a new section 4-b to
21 read as follows:

22 § 4-b. Chief procurement officer. There shall be a chief procurement
23 officer, appointed by the governor, for the state of New York who shall
24 serve as the principal officer tasked with oversight of all state
25 procurements, whose duties shall include, but not be limited to, ensur-
26 ing the wise and prudent use of public money in the best interest of the

1 taxpayers of the state and guarding against favoritism, improvidence,
2 extravagance, fraud and corruption in connection with all procurements
3 of state agencies as such term is defined in section one hundred sixty
4 of the state finance law and public authorities as such term is defined
5 in section two of the public authorities law. The chief procurement
6 officer shall have the authorization to review any procurement and
7 report promptly any suspicion or allegation of corruption, fraud, crimi-
8 nal activity, conflicts of interest or abuse in any agency or authori-
9 ty's procurement to the office of the state inspector general for appro-
10 priate action. Prior to making such a report, the chief procurement
11 officer shall inform the heads of the relevant agencies and authorities
12 of such suspicion or allegation and the progress of investigations
13 related thereto, unless special circumstances require confidentiality.

14 § 2. Paragraph a of subdivision 1 of section 161 of the state finance
15 law, as amended by chapter 452 of the laws of 2012, is amended to read
16 as follows:

17 a. The state procurement council shall continuously strive to improve
18 the state's procurement process. Such council shall consist of [twen-
19 ty-one] twenty-two members, including the chief procurement officer as
20 established pursuant to section four-b of the executive law, the commis-
21 sioner, the state comptroller, the director of the budget, the chief
22 diversity officer and the commissioner of economic development, or their
23 respective designees; seven members who shall be the heads of other
24 large and small state agencies chosen by the governor, or their respec-
25 tive designees; one member, appointed by the governor, representing a
26 not-for-profit New York-based organization engaged in the marketing
27 and/or promotion of New York grown farm and agricultural products or a
28 not-for-profit New York-based organization engaged solely in the advoca-

1 cy, marketing and/or promotion of organic New York grown farm and agri-
2 cultural products to be limited to a two year term; and eight at large
3 members appointed as follows: three appointed by the temporary president
4 of the senate, one of whom shall be a representative of local government
5 and one of whom shall be a representative of private business; three
6 appointed by the speaker of the assembly, one of whom shall be a repre-
7 sentative of local government and one of whom shall be a representative
8 of private business; one appointed by the minority leader of the senate;
9 and, one appointed by the minority leader of the assembly; and two non-
10 voting observers appointed as follows: one appointed by the temporary
11 president of the senate and one appointed by the speaker of the assem-
12 bly. The non-voting observers shall be provided, contemporaneously, all
13 documentation and materials distributed to members. The council shall be
14 chaired by the chief procurement officer, or, by the commissioner and
15 shall meet at least quarterly.

16 § 3. Subdivision 1 of section 55 of the executive law, as added by
17 chapter 766 of the laws of 2005, is amended to read as follows:

18 1. Every state officer or employee in a covered agency, and the chief
19 procurement officer appointed by the governor as established by section
20 four-b of this chapter, shall report promptly to the state inspector
21 general any information concerning corruption, fraud, criminal activity,
22 conflicts of interest or abuse by another state officer or employee
23 relating to his or her office or employment, or by a person having busi-
24 ness dealings with a covered agency relating to those dealings. The
25 knowing failure of any officer or employee to so report shall be cause
26 for removal from office or employment or other appropriate penalty. Any
27 officer or employee who acts pursuant to this subdivision by reporting
28 to the state inspector general improper governmental action as defined

1 in section seventy-five-b of the civil service law shall not be subject
2 to dismissal, discipline or other adverse personnel action.

3 § 4. Paragraphs (a), (c), and (d) of subdivision 5 and paragraph (a)
4 of subdivision 8 of section 2879 of the public authorities law, para-
5 graph (a) of subdivision 5 as amended by chapter 531 of the laws of
6 1993, paragraphs (c) and (d) of subdivision 5 as amended by chapter 383
7 of the laws of 2000, and paragraph (a) of subdivision 8 as amended by
8 chapter 844 of the laws of 1992, are amended to read as follows:

9 (a) Each corporation shall notify the commissioner of economic devel-
10 opment and the chief procurement officer as defined in section four-b of
11 the executive law, of the award of a procurement contract for the
12 purchase of goods or services from a foreign business enterprise in an
13 amount equal to or greater than one million dollars simultaneously with
14 notifying the successful bidder therefor. No corporation shall thereaft-
15 er enter into a procurement contract for said goods or services until at
16 least fifteen days has elapsed, except for procurement contracts awarded
17 on an emergency or critical basis, or where the commissioner of economic
18 development waives the provisions of this sentence. The notification to
19 the commissioner of economic development and the chief procurement offi-
20 cer shall include the name, address and telephone and facsimile number
21 of the foreign business enterprise, a brief description of the goods or
22 services to be obtained pursuant to the proposed procurement contract,
23 the amount of the proposed procurement contract, the term of the
24 proposed procurement contract, and the name of the individual at the
25 foreign business enterprise or acting on behalf of the same who is prin-
26 cipally responsible for the proposed procurement contract. Such notifi-
27 cation shall be used by the commissioner of economic development solely
28 to provide notification to New York state business enterprises of oppor-

1 tunities to participate as subcontractors and suppliers on such procure-
2 ment contracts, to promote and encourage the location and development of
3 new business in the state, to assist New York state business enterprises
4 in obtaining offset credits from foreign countries, and to otherwise
5 investigate, study and undertake means of promoting and encouraging the
6 prosperous development and protection of the legitimate interest and
7 welfare of New York state business enterprises, industry and commerce.

8 (c) In including any additional business enterprises on invitations to
9 bid for the procurement of goods or services, the chief executive offi-
10 cer of the corporation shall not include any foreign business enterprise
11 which has its principal place of business located in a discriminatory
12 jurisdiction contained on the list prepared by the commissioner of
13 economic development pursuant to subdivision six of section one hundred
14 sixty-five of the state finance law, except, however, business enter-
15 prises which are New York state business enterprises as defined by this
16 section. The corporation may waive the application of the provisions of
17 this section whenever the chief executive officer of the corporation
18 determines in writing that it is in the best interests of the state to
19 do so. The chief executive officer of the corporation shall deliver each
20 such waiver to the commissioner of economic development and the chief
21 procurement officer.

22 (d) A corporation shall not enter into a contract with a foreign busi-
23 ness enterprise which has its principal place of business located in a
24 discriminatory jurisdiction contained on the list prepared by the
25 commissioner of economic development pursuant to subdivision six of
26 section one hundred sixty-five of the state finance law. The provisions
27 of this section may be waived by the chief executive officer of the
28 corporation if the chief executive officer of the corporation determines

1 in writing that it is in the best interests of the state to do so. The
2 chief executive officer of the corporation shall deliver each such waiv-
3 er to the commissioner of economic development and the chief procurement
4 officer.

5 (a) Each corporation shall annually submit its report on procurement
6 contracts to the division of the budget and copies thereof to the
7 department of audit and control, the department of economic development,
8 the senate finance committee and the assembly ways and means committee
9 and the chief procurement officer.

10 § 5. This act shall take effect on the sixtieth day after it shall
11 have become a law.

12 PART L

13 Section 1. The election law is amended by adding a new section 14-131
14 to read as follows:

15 § 14-131. Government vendor contributions. 1. (a) It shall be unlawful
16 during the restricted vendor contribution period for any person, organ-
17 ization, group of persons, or business entity that submits a bid, quota-
18 tion, offer or response to a state governmental entity posting or solici-
19 itation for procurement to make a contribution to any officeholder of
20 the state governmental entity or entities issuing such posting or solici-
21 itation, evaluating such response or approving or awarding the final
22 procurement contract, or to any candidate for an office of such govern-
23 mental entity, including to such officeholder's or candidate's author-
24 ized political committees.

1 (b) For purposes of this section the assembly and senate shall be
2 separate and distinct governmental entities when a particular posting or
3 solicitation for procurement is issued by only one respective house.

4 (c) The state governmental entity directly responsible for issuing
5 such posting or solicitation for procurement shall include a notice of
6 the prohibition established by this section and the state governmental
7 entity responsible for evaluating responses to such posting or solicita-
8 tion shall provide to any person, organization, group of persons, or
9 business entity that submits a proposal in response to such posting or
10 solicitation a notice of the prohibition established by this section and
11 the restricted vendor contribution period commencement date.

12 2. As used in this section "business entity" means a business corpo-
13 ration, professional services corporation, limited liability company,
14 partnership, limited partnership, business trust, association or any
15 other legal commercial entity organized under the laws of this state or
16 any other state or foreign jurisdiction, including any subsidiary
17 directly or indirectly controlled by the business entity, and any poli-
18 tical organization, including but not limited to any political organiza-
19 tion organized under section 527 of the Internal Revenue Code, that is
20 directly or indirectly controlled by the business entity.

21 3. The restricted vendor contribution period described in this section
22 shall commence, with respect to a specific person, organization, group
23 of persons, or business entity that submits a bid, quotation, offer or
24 response to the state governmental entity posting or solicitation, at
25 the earliest posting, on a state governmental entity's website, in a
26 newspaper of general circulation or in the procurement opportunities
27 newsletter in accordance with article four-C of the economic development
28 law of written notice, advertisement or solicitation of a request for

1 proposal, invitation for bids, or solicitations of proposals, or any
2 other method provided for by law or regulation for soliciting a response
3 from offerers intending to result in a procurement contract with a state
4 governmental entity. The restricted vendor contribution period does not
5 apply to a person, organization, group of persons or business entity
6 that is responding to a state governmental entity's request for informa-
7 tion or other informational exchanges occurring prior to such govern-
8 mental entity's posting or solicitation for procurement.

9 4. The restricted vendor contribution period described in this section
10 shall end with respect to a specific person, organization, group of
11 persons, or business entity as follows:

12 (a) If the person, organization, group of persons, or business entity
13 is the recipient of the final contract award, the restricted vendor
14 contribution period shall end six months after the final contract award
15 and approval by the state governmental entity and, where applicable, the
16 state comptroller.

17 (b) If the person, organization, group of persons, or business entity
18 is not the recipient of the final contract award, the restricted vendor
19 contribution period shall end with the final contract award and approval
20 by the state governmental entity and, where applicable, the state comp-
21 troller.

22 § 2. Section 14-126 of the election law is amended by adding a new
23 subdivision 7 to read as follows:

24 7. (a) Any person, organization, group of persons, or business entity
25 as that term is used in section 14-131 of this article, who, under
26 circumstances evincing an intent to violate such law, makes a contrib-
27 ution in contravention of section 14-131 of this article shall be
28 subject to a civil penalty not to exceed the greater of ten thousand

1 dollars or an amount equal to two hundred percent of the contribution,
2 to be recoverable in a special proceeding or civil action to be brought
3 by the state board of elections chief enforcement counsel.

4 (b) Any person who, acting as or on behalf of an officeholder, candi-
5 date, or political committee, accepts a contribution in contravention of
6 section 14-131 of this article shall be required to refund such contrib-
7 ution.

8 § 3. This act shall take effect on the one hundred eightieth day after
9 it shall have become a law.

10

PART M

11 Section 1. 1. The New York state comptroller, or his or her designee,
12 the attorney general of the state of New York, or his or her designee,
13 the chief information officer of the office of information technology
14 services, or his or her designee, and the commissioner of general
15 services, or his or her designee, are hereby directed to collectively
16 prepare a report regarding the feasibility of developing a system which
17 would require the assignment of single identifying vendor codes or
18 numbers to all contractors, vendors and grantees directly receiving
19 payments of state funds to facilitate the tracking of such entities and
20 facilitate the tracking of final audit determinations of such entities
21 issued by the attorney general and the state comptroller. This system
22 must consider and serve to supplement existing coding systems and shall
23 be made publicly available. Such feasibility report shall include, but
24 not be limited to, the group's assessment, analysis and findings on the
25 information gathered after taking into consideration input from all
26 group members, alternatives considered, the fiscal impact, and the

1 effect the proposed system would have on the state and existing systems.
2 The report shall be provided to the governor, temporary president of the
3 senate and the speaker of the assembly on or before September 1, 2018.

4 2. If all members of the group determine that it is feasible to devel-
5 op such a system, the system shall be implemented no later than Septem-
6 ber 1, 2019. The director of the budget, or his or her designee, shall
7 make the final determination regarding the codes or numbers that shall
8 serve as the single identifier for such entities if, after the issuance
9 of the report, the group is unable to reach agreement regarding which
10 identifying codes or numbers should be used for the subject system. Such
11 determination shall be based on the most cost effective manner of imple-
12 menting such codes or numbers that would have the least fiscal impact to
13 the state of New York.

14 3. If the group determines that it is not feasible to develop such a
15 system pursuant to subdivision one of this section, the group shall
16 submit an additional feasibility report to the governor, temporary pres-
17 ident of the senate and the speaker of the assembly on or before Decem-
18 ber 1, 2018, which shall include, but not be limited to, the barriers to
19 implementing such a system, the findings of the initial feasibility
20 report and further recommendations.

21 § 2. This act shall take effect immediately.

22 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
23 sion, section or part of this act shall be adjudged by any court of
24 competent jurisdiction to be invalid, such judgment shall not affect,
25 impair, or invalidate the remainder thereof, but shall be confined in
26 its operation to the clause, sentence, paragraph, subdivision, section
27 or part thereof directly involved in the controversy in which such judg-
28 ment shall have been rendered. It is hereby declared to be the intent of

1 the legislature that this act would have been enacted even if such
2 invalid provisions had not been included herein.

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