

STATE OF NEW YORK

S. 6411

A. 9011

SENATE - ASSEMBLY

January 14, 2016

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

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

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

LBD12675-01-6

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

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

11

PART A

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

15 § 14-116. Political contributions by certain organizations. 1. No
16 corporation [or], limited liability company, joint-stock association or
17 other corporate entity doing business in this state, except a corpo-
18 ration or association organized or maintained for political purposes
19 only, shall directly or indirectly pay or use or offer, consent or agree
20 to pay or use any money or property for or in aid of any political
21 party, committee or organization, or for, or in aid of, any corporation,
22 limited liability company, joint-stock [or], other association, or other
23 corporate entity organized or maintained for political purposes, or for,
24 or in aid of, any candidate for political office or for nomination for
25 such office, or for any political purpose whatever, or for the
26 reimbursement or indemnification of any person for moneys or property so
27 used. Any officer, director, stock-holder, member, owner, attorney or
28 agent of any corporation [or], limited liability company, joint-stock
29 association or other corporate entity which violates any of the
30 provisions of this section, who participates in, aids, abets or advises
31 or consents to any such violations, and any person who solicits or know-
32 ingly receives any money or property in violation of this section, shall
33 be guilty of a misdemeanor.

34 2. Notwithstanding the provisions of subdivision one of this section,
35 any corporation or an organization financially supported in whole or in
36 part, by such corporation, any limited liability company or other corpo-
37 rate entity may make expenditures, including contributions, not other-
38 wise prohibited by law, for political purposes, in an amount not to
39 exceed five thousand dollars in the aggregate in any calendar year;
40 provided that no public utility shall use revenues received from the
41 rendition of public service within the state for contributions for poli-
42 tical purposes unless such cost is charged to the shareholders of such a
43 public service corporation.

44 3. Each limited liability company that makes an expenditure for poli-
45 tical purposes shall file with the state board of elections, by December
46 thirty-first of the year in which the expenditure is made, on the form
47 prescribed by the state board of elections, the identity of all direct
48 and indirect owners of the membership interests in the limited liability
49 company and the proportion of each direct or indirect member's ownership
50 interest in the limited liability company.



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

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

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

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

16 § 3. This act shall take effect immediately.

17

PART B

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

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

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

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

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

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

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

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

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

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

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

1

PART C

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

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

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

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

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

17 1. The treasurer of every political committee which, or any officer,
18 member or agent of any such committee who, in connection with any
19 election, receives or expends any money or other valuable thing or
20 incurs any liability to pay money or its equivalent shall file state-
21 ments sworn, or subscribed and bearing a form notice that false state-
22 ments made therein are punishable as a class A misdemeanor pursuant to
23 section 210.45 of the penal law, at the times prescribed by this [arti-
24 cle] title setting forth all the receipts, contributions to and the
25 expenditures by and liabilities of the committee, and of its officers,
26 members and agents in its behalf. Such statements shall include the
27 dollar amount of any receipt, contribution or transfer, or the fair
28 market value of any receipt, contribution or transfer, which is other
29 than of money, the name and address of the transferor, contributor,
30 intermediary, or person from whom received, and if the transferor,
31 contributor, intermediary, or person is a political committee; the name
32 of and the political unit represented by the committee, the date of its
33 receipt, the dollar amount of every expenditure, the name and address of
34 the person to whom it was made or the name of and the political unit
35 represented by the committee to which it was made and the date thereof,
36 and shall state clearly the purpose of such expenditure. An intermediary
37 need not be reported for a contribution that was collected from a
38 contributor in connection with a party or other candidate-related event
39 held at the residence of the person delivering the contribution, unless
40 the expenses of such event at such residence for such candidate exceed
41 five hundred dollars or the aggregate contributions received from that
42 contributor at such event exceed five hundred dollars. Any statement
43 reporting a loan shall have attached to it a copy of the evidence of
44 indebtedness. Expenditures in sums under fifty dollars need not be
45 specifically accounted for by separate items in said statements, and
46 receipts and contributions aggregating not more than ninety-nine
47 dollars, from any one contributor need not be specifically accounted for
48 by separate items in said statements, provided however, that such
49 expenditures, receipts and contributions shall be subject to the other
50 provisions of section 14-118 of this [article] title.

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

53 3. The contribution and receipt limits of this article shall not apply
54 to monies received and expenditures made by a party committee or consti-
55 tuted committee to maintain a permanent headquarters and staff and carry

1 on ordinary activities which are not for the express purpose of promot-
2 ing the candidacy of specific candidates, except that contributions made
3 for such activities to a party committee or constituted committee shall
4 be limited to twenty-five thousand dollars in the aggregate from each
5 contributor in each year.

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

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

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

21 [Campaign Receipts and Expenditures] CAMPAIGN RECEIPTS AND EXPENDI-
22 TURES; PUBLIC FINANCING

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

27 1. The following limitations apply to all contributions to candidates
28 for election to any public office or for nomination for any such office,
29 or for election to any party positions, and to all contributions to
30 political committees working directly or indirectly with any candidate
31 to aid or participate in such candidate's nomination or election, other
32 than any contributions to any party committee or constituted committee:

33 a. In any election for a public office to be voted on by the voters of
34 the entire state, or for nomination to any such office, no contributor
35 may make a contribution to any candidate or political committee partic-
36 ipating in the state's public campaign financing system as defined in
37 title two of this article, and no such candidate or political committee
38 may accept any contribution from any contributor, which is in the aggre-
39 gate amount greater than: (i) in the case of any nomination to public
40 office, the product of the total number of enrolled voters in the candi-
41 date's party in the state, excluding voters in inactive status, multi-
42 plied by \$.005, but such amount shall be not [less than four thousand
43 dollars nor] more than [twelve] six thousand dollars [as increased or
44 decreased by the cost of living adjustment described in paragraph c of
45 this subdivision,] and (ii) in the case of any election to [a] such
46 public office, [twenty-five] six thousand dollars [as increased or
47 decreased by the cost of living adjustment described in paragraph c of
48 this subdivision]; provided however, that the maximum amount which may
49 be so contributed or accepted, in the aggregate, from any candidate's
50 child, parent, grandparent, brother and sister, and the spouse of any
51 such persons, shall not exceed in the case of any nomination to public
52 office an amount equivalent to the product of the number of enrolled
53 voters in the candidate's party in the state, excluding voters in inac-
54 tive status, multiplied by \$.025, and in the case of any election for a
55 public office, an amount equivalent to the product of the number of

1 registered voters in the state excluding voters in inactive status,
2 multiplied by \$.025.

3 b. In any other election for party position or for election to a
4 public office or for nomination for any such office, no contributor may
5 make a contribution to any candidate or political committee participat-
6 ing in the state's public campaign financing system defined in title two
7 of this article (for those offices or positions covered by that system)
8 and no such candidate or political committee may accept any contribution
9 from any contributor, which is in the aggregate amount greater than: (i)
10 in the case of any election for party position, or for nomination to
11 public office, the product of the total number of enrolled voters in the
12 candidate's party in the district in which he is a candidate, excluding
13 voters in inactive status, multiplied by \$.05, and (ii) in the case of
14 any election for a public office, the product of the total number of
15 registered voters in the district, excluding voters in inactive status,
16 multiplied by \$.05, however in the case of a nomination within the city
17 of New York for the office of mayor, public advocate or comptroller,
18 such amount shall be not less than four thousand dollars nor more than
19 twelve thousand dollars as increased or decreased by the cost of living
20 adjustment described in paragraph [c] e of this subdivision; in the case
21 of an election within the city of New York for the office of mayor,
22 public advocate or comptroller, twenty-five thousand dollars as
23 increased or decreased by the cost of living adjustment described in
24 paragraph [c] e of this subdivision; in the case of a nomination or
25 election for state senator, four thousand dollars [as increased or
26 decreased by the cost of living adjustment described in paragraph c of
27 this subdivision; in the case of an election for state senator, six
28 thousand two hundred fifty dollars as increased or decreased by the cost
29 of living adjustment described in paragraph c of this subdivision]; in
30 the case of an election or nomination for a member of the assembly,
31 delegate-at-large to a convention to revise and amend the state consti-
32 tution, or district delegate to a convention to revise and amend the
33 state constitution, [twenty-five hundred] two thousand dollars [as
34 increased or decreased by the cost of living adjustment described in
35 paragraph c of this subdivision; but in no event shall any such maximum
36 exceed fifty thousand dollars or be less than one thousand dollars];
37 provided however, that the maximum amount which may be so contributed or
38 accepted, in the aggregate, from any candidate's child, parent, grand-
39 parent, brother and sister, and the spouse of any such persons, shall
40 not exceed in the case of any election for party position or nomination
41 for public office an amount equivalent to the number of enrolled voters
42 in the candidate's party in the district in which he is a candidate,
43 excluding voters in inactive status, multiplied by \$.25 and in the case
44 of any election to public office, an amount equivalent to the number of
45 registered voters in the district, excluding voters in inactive status,
46 multiplied by \$.25; or twelve hundred fifty dollars, whichever is great-
47 er, or in the case of a nomination or election of a state senator, twen-
48 ty thousand dollars, whichever is greater, or in the case of a nomi-
49 nation or election of a member of the assembly, delegate-at-large to a
50 convention to revise and amend the state constitution, or district dele-
51 gate to a convention to revise and amend the state constitution, twelve
52 thousand five hundred dollars, whichever is greater, but in no event
53 shall any such maximum exceed one hundred thousand dollars.

54 c. In any election for a public office to be voted on by the voters
55 of the entire state, or for nomination to any such office, no contribu-
56 tor may make a contribution to any candidate or political committee in

1 connection with a candidate who is not a participating candidate as
2 defined in subdivision fourteen of section 14-200-a of this article, and
3 no such candidate or political committee may accept any contribution
4 from any contributor, which is in the aggregate amount greater than:
5 (i) in the case of any nomination to public office, the product of the
6 total number of enrolled voters in the candidate's party in the state,
7 excluding voters in inactive status, multiplied by \$.005, but such
8 amount shall be not less than four thousand dollars nor more than ten
9 thousand dollars, and (ii) in the case of any election to a public
10 office, fifteen thousand dollars; provided however, that the maximum
11 amount which may be so contributed or accepted, in the aggregate, from
12 any candidate's child, parent, grandparent, brother and sister, and the
13 spouse of any such persons, shall not exceed in the case of any nomi-
14 nation to public office an amount equivalent to the product of the
15 number of enrolled voters in the candidate's party in the state, exclud-
16 ing voters in inactive status, multiplied by \$.025, and in the case of
17 any election for a public office, an amount equivalent to the product of
18 the number of registered voters in the state excluding voters in inac-
19 tive status, multiplied by \$.025.

20 d. In any other election for party position or for election to a
21 public office or for nomination for any such office, no contributor may
22 make a contribution to any candidate or political committee in
23 connection with a candidate who is not a participating candidate as
24 defined in subdivision fourteen of section 14-200-a of this article and
25 no such candidate or political committee may accept any contribution
26 from any contributor, which is in the aggregate amount greater than: (i)
27 in the case of any election for party position, or for nomination to
28 public office, the product of the total number of enrolled voters in the
29 candidate's party in the district in which he is a candidate, excluding
30 voters in inactive status, multiplied by \$.05, and (ii) in the case of
31 any election for a public office, the product of the total number of
32 registered voters in the district, excluding voters in inactive status,
33 multiplied by \$.05, however in the case of a nomination within the city
34 of New York for the office of mayor, public advocate or comptroller,
35 such amount shall be not less than four thousand dollars nor more than
36 twelve thousand dollars as increased or decreased by the cost of living
37 adjustment described in paragraph e of this subdivision; in the case of
38 an election within the city of New York for the office of mayor, public
39 advocate or comptroller, twenty-five thousand dollars as increased or
40 decreased by the cost of living adjustment described in paragraph e of
41 this subdivision; in the case of a nomination or election for state
42 senator, five thousand dollars; in the case of an election or nomination
43 for a member of the assembly, delegate-at-large to a convention to
44 revise and amend the state constitution, or district delegate to a
45 convention to revise and amend the state constitution, three thousand
46 dollars; provided however, that the maximum amount which may be so
47 contributed or accepted, in the aggregate, from any candidate's child,
48 parent, grandparent, brother and sister, and the spouse of any such
49 persons, shall not exceed in the case of any election for party position
50 or nomination for public office an amount equivalent to the number of
51 enrolled voters in the candidate's party in the district in which he is
52 a candidate, excluding voters in inactive status, multiplied by \$.25 and
53 in the case of any election to public office, an amount equivalent to
54 the number of registered voters in the district, excluding voters in
55 inactive status, multiplied by \$.25; or twelve hundred fifty dollars,
56 whichever is greater, or in the case of a nomination or election of a



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

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

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

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

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

30 g. Notwithstanding any other contribution limit in this section,
31 participating candidates as defined in subdivision fourteen of section
32 14-200-a of this article may contribute, out of their own money, three
33 times the applicable contribution limit to their own authorized commit-
34 tee.

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

39 [b. At the beginning of each fourth calendar year, commencing in nine-
40 teen hundred ninety-five, the state board shall determine the percentage
41 of the difference between the most recent available monthly consumer
42 price index for all urban consumers published by the United States
43 bureau of labor statistics and such consumer price index published for
44 the same month four years previously. The amount of such contribution
45 limit fixed in paragraph a of this subdivision shall be adjusted by the
46 amount of such percentage difference to the closest one hundred dollars
47 by the state board which, not later than the first day of February in
48 each such year, shall issue a regulation publishing the amount of such
49 contribution limit. Such contribution limit as so adjusted shall be the
50 contribution limit in effect for any election held before the next such
51 adjustment.]

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

54

CAMPAIGN RECEIPTS AND EXPENDITURES



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

3 TITLE II

4 PUBLIC FINANCING

5 Section 14-200. Legislative findings and intent.

6 14-200-a. Definitions.

7 14-201. Reporting requirements.

8 14-202. Contributions.

9 14-203. Proof of compliance.

10 14-204. Eligibility.

11 14-205. Limits on public financing.

12 14-206. Payment of public matching funds.

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

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

16 14-209. Audits and repayments.

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

19 14-211. Reports.

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

21 14-213. Severability.

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

34 The legislature also finds that the high cost of running for office in
35 New York discourages qualified candidates from running for office and
36 creates an electoral system that encourages candidates to spend too much
37 time raising money rather than attending to the duties of their office,
38 representing the needs of their constituents, and communicating with
39 voters.

40 The legislature amends this chapter creating a new title two to arti-
41 cle fourteen of this chapter to reduce the possibility and appearance
42 that special interests exercise undue influence over state officials; to
43 increase the actual and apparent responsiveness of elected officials to
44 all voters; to encourage qualified candidates to run for office; and to
45 reduce the pressure on candidates to spend large amounts of time raising
46 large contributions for their campaigns.

47 The legislature finds that this article's limitations on contributions
48 further the government's interest in reducing real and apparent
49 corruption and in building trust in government. The legislature finds
50 that the contribution levels are sufficiently high to allow candidates
51 and political parties to raise enough money to run effective campaigns.
52 In addition, the legislature finds that graduated contribution limita-
53 tions reflect the campaign needs of candidates for different offices.

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

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

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

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

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

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

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

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

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

28 6. The term "election cycle" shall mean the two year period starting
29 the day after the last general election for candidates for the state
30 legislature and shall mean the four year period starting after the day
31 after the last general election for candidates for statewide office.

32 7. The term "expenditure" shall mean any gift, subscription, advance,
33 payment, or deposit of money or anything of value, or a contract to make
34 any gift, subscription, payment, or deposit of money or anything of
35 value, made in connection with the nomination for election, or election,
36 of any candidate. Expenditures made by contract are deemed made when
37 such funds are obligated.

38 8. The term "fund" shall mean the New York state campaign finance
39 fund.

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

42 10. The term "intermediary" shall mean an individual, corporation,
43 partnership, political committee, employee organization or other entity
44 which bundles, causes to be delivered or otherwise delivers any contrib-
45 ution from another person or entity to a candidate or authorized commit-
46 tee, other than in the regular course of business as a postal, delivery
47 or messenger service. Provided, however, that an "intermediary" shall
48 not include spouses, domestic partners, parents, children or siblings of
49 the person making such contribution or a staff member or volunteer of
50 the campaign identified in writing to the state board of elections. Here
51 "causes to be delivered" shall include providing postage, envelopes or
52 other shipping materials for the use of delivering the contribution to
53 the ultimate recipient.

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

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

12 (b) The following contributions are not matchable:

13 (i) loans;

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

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

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

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

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

21 (vii) illegal contributions;

22 (viii) contributions from minors;

23 (ix) contributions from vendors for campaigns; and

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

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

30 14. The term "participating candidate" shall mean any candidate for
31 nomination for election, or election, to the office of governor, lieu-
32 tenant governor, attorney general, state comptroller, state senator,
33 member of the assembly, delegate-at-large to a convention to revise and
34 amend the state constitution, or district delegate to a convention to
35 revise and amend the state constitution, who files a written certif-
36 ication in the form of an affidavit pursuant to section 14-204 of this
37 title.

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

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

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

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

49 § 14-201. Reporting requirements. 1. Political committee registra-
50 tion. Political committees as defined pursuant to subdivision one of
51 section 14-100 of this article shall register with the board before
52 making any contribution or expenditure. The board shall publish a cumu-
53 lative list of political committees that have registered, including on
54 its webpage, and regularly update it.

55 2. Only one authorized committee per candidate per elective office
56 sought. Before receiving any contribution or making any expenditure for

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

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

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

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

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

37 § 14-202. Contributions. Recipients of funds pursuant to this title
38 shall be subject to the applicable contribution limits set forth in
39 section 14-114 of this article.

40 § 14-203. Proof of compliance. Authorized and political committees
41 shall maintain such records of receipts and expenditures for a covered
42 election as required by the board. Authorized and political committees
43 shall obtain and furnish to the board any information it may request
44 relating to financial transactions or contributions and furnish such
45 documentation and other proof of compliance with this title as may be
46 requested. In compliance with section 14-108 of this article, authorized
47 and political committees shall maintain copies of such records for a
48 period of five years.

49 § 14-204. Eligibility. 1. Terms and conditions. To be eligible for
50 voluntary public financing under this title, a candidate must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 § 14-205. Limits on public financing. The following limitations apply
 27 to the total amounts of public funds that may be provided to a partic-
 28 ipating candidate's authorized committee for an election cycle:

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

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

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

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

36 (iv) for member of the assembly, delegate-at-large to a convention to
 37 revise and amend the state constitution, or district delegate to a
 38 convention to revise and amend the state constitution, the sum of one
 39 hundred seventy-five thousand dollars.

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

43 Candidates for election to the office of:

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

45 Attorney general \$4,000,000

46 Comptroller \$4,000,000

47 Member of senate \$375,000

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

49 convention to revise and amend the state

50 constitution, or district delegate to a

51 convention to revise and amend the state

52 constitution

53 3. No participating candidate for nomination for an office who is not
 54 opposed by a candidate on the ballot in a primary election shall be
 55 entitled to payment of public matching funds, except that, where there
 56 is a contest in such primary election for the nomination of at least one

1 of the two political parties with the highest and second highest number
2 of enrolled members for such office, a participating candidate who is
3 unopposed in the primary election may receive public funds before the
4 primary election, for expenses incurred on or before the date of such
5 primary election, in an amount equal to up to half the sum set forth in
6 paragraph one of this section.

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

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

26 3. Timing of payment. The board shall make any payment of public
27 matching funds to participating candidates as soon as is practicable.
28 But in all cases, it shall verify eligibility for public matching funds
29 within four days, excluding weekends and holidays, of receiving a
30 campaign contribution report filed in compliance with section 14-104 of
31 this article. Within two days of determining that a candidate for a
32 covered office is eligible for public matching funds, it shall authorize
33 payment of the applicable matching funds owed to the candidate. However,
34 it shall not make any payments of public money earlier than the earliest
35 dates for making such payments as provided by this title. If any of
36 such payments would require payment on a weekend or federal holiday,
37 payment shall be made on the next business day.

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

42 5. Irregularly scheduled elections. Notwithstanding any other
43 provision of this title, the board shall promulgate rules to provide for
44 the prompt issuance of public matching funds to eligible participating
45 candidates for qualified campaign expenditures in the case of any other
46 covered election held on a day different from that than originally sche-
47 duled including special elections. But in all cases, the board shall (a)
48 within four days, excluding weekends and holidays, of receiving a report
49 of contributions from a candidate for a covered office claiming eligi-
50 bility for public matching funds verify that candidate's eligibility for
51 public matching funds; and (b) within two days of determining that the
52 candidate for a covered office is eligible for public matching funds, it
53 shall authorize payment of the applicable matching funds owed to the
54 candidate.

55 § 14-207. Use of public matching funds; qualified campaign expendi-
56 tures. 1. Public matching funds provided under the provisions of this

1 title may be used only by an authorized committee for expenditures to
2 further the participating candidate's nomination for election or
3 election, including paying for debts incurred within one year prior to
4 an election to further the participating candidate's nomination for
5 election or election.

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

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

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

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

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

15 (e) an expenditure made by cash payment;

16 (f) a contribution or loan or transfer made to or expenditure to
17 support another candidate or political committee or party, committee or
18 constituted committee;

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

21 (h) gifts, except brochures, buttons, signs and other printed campaign
22 material;

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

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

26 (k) any expenditure made to challenge the validity of any petition of
27 designation or nomination or any certificate of nomination, acceptance,
28 authorization, declination or substitution.

29 § 14-208. Powers and duties of the board. 1. Advisory opinions. The
30 board shall render advisory opinions with respect to questions arising
31 under this title upon the written request of a candidate, an officer of
32 a political committee or member of the public, or upon its own initi-
33 ative. The board shall promulgate rules regarding reasonable times to
34 respond to such requests. The board shall make public the questions of
35 interpretation for which advisory opinions will be considered by the
36 board and its advisory opinions, including by publication on its webpage
37 with identifying information redacted as the board determines to be
38 appropriate.

39 2. Public information and candidate education. The board shall develop
40 a program for informing candidates and the public as to the purpose and
41 effect of the provisions of this title, including by means of a webpage.
42 The board shall prepare in plain language and make available educational
43 materials, including compliance manuals and summaries and explanations
44 of the purposes and provisions of this title. The board shall prepare or
45 have prepared and make available materials, including, to the extent
46 feasible, computer software, to facilitate the task of compliance with
47 the disclosure and record-keeping requirements of this title.

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

51 4. Database. The board shall develop an interactive, searchable
52 computer database that shall contain all information necessary for the
53 proper administration of this title including information on contrib-
54 utions to and expenditures by candidates and their authorized committee,
55 independent expenditures in support or opposition of candidates for

1 covered offices, and distributions of moneys from the fund. Such data-
2 base shall be accessible to the public on the board's webpage.

3 5. The board shall work with the chief enforcement counsel to enforce
4 this section.

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

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

28 (b) If the board determines that any portion of the payment made to a
29 candidate's authorized committee from the fund was used for purposes
30 other than qualified campaign expenditures and such expenditures were
31 not approved by the board, it shall notify such committee of the amount
32 so disqualified and such committee shall pay to the board an amount
33 equal to such disqualified amount. The candidate, the treasurer and the
34 candidate's authorized committee are jointly and severably liable for
35 any repayments to the board.

36 (c) If the total of payments from the fund received by a participating
37 candidate and his or her authorized committee exceed the total campaign
38 expenditures of such candidate and authorized committee for all covered
39 elections held in the same calendar year or for a special election to
40 fill a vacancy, such candidate and committee shall use such excess funds
41 to reimburse the fund for payments received by such authorized committee
42 from the fund during such calendar year or for such special election.
43 Participating candidates shall pay to the board unspent public campaign
44 funds from an election not later than twenty-seven days after all
45 liabilities for the election have been paid and in any event, not later
46 than the day on which the board issues its final audit report for the
47 participating candidate's authorized committee; provided, however, that
48 all unspent public campaign funds for a participating candidate shall be
49 immediately due and payable to the board upon a determination by the
50 board that the participant has delayed the post-election audit. A
51 participating candidate may make post-election expenditures with public
52 funds only for routine activities involving nominal cost associated with
53 winding up a campaign and responding to the post-election audit. Noth-
54 ing in this title shall be construed to prevent a candidate or his or
55 her authorized committee from using campaign contributions received from
56 private contributors for otherwise lawful expenditures.

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

11 § 14-210. Enforcement and penalties for violations and other
12 proceedings. 1. Civil penalties. Violations of any provision of this
13 title or rule promulgated pursuant to this title shall be subject to a
14 civil penalty in an amount not in excess of fifteen thousand dollars.

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

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

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

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

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

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

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

39 (c) Upon the board's failure to receive the amount due from a partic-
40 ipating candidate or such candidate's authorized committee after the
41 issuance of written notice of such amount due, as required by this
42 title, the chief enforcement counsel is authorized to institute a
43 special proceeding or civil action in Supreme Court, Albany county, to
44 obtain a judgment for any amounts determined to be payable to the board
45 as a result of an examination and audit made pursuant to this title or
46 to obtain such amounts directly from the candidate or authorized commit-
47 tee after a hearing at the board.

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

53 § 14-211. Reports. The board shall review and evaluate the effect of
54 this title upon the conduct of election campaigns and shall submit a
55 report to the legislature on or before January first, two thousand twen-
56 ty, and every third year thereafter, and at any other time upon the

1 request of the governor and at such other times as the board deems
2 appropriate. These reports shall include:

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

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

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

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

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

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

26 § 14-213. Severability. If any clause, sentence, subdivision, para-
27 graph, section or part of this title be adjudged by any court of compe-
28 tent jurisdiction to be invalid, such judgment shall not affect, impair
29 or invalidate the remainder thereof, but shall be confined in its opera-
30 tion to the clause, sentence, subdivision, paragraph, section or part
31 thereof directly involved in the controversy in which such judgment
32 shall have been rendered.

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

35 § 92-t. New York state campaign finance fund. 1. There is hereby
36 established in the joint custody of the state comptroller and the
37 commissioner of taxation and finance a fund to be known as the New York
38 state campaign finance fund.

39 2. Such fund shall consist of all revenues received from the New York
40 state campaign finance fund check-off pursuant to subsection (h) of
41 section six hundred fifty-eight of the tax law, from the abandoned prop-
42 erty fund pursuant to section ninety-five of this article, from the
43 general fund, and from all other moneys credited or transferred thereto
44 from any other fund or source pursuant to law. Such fund shall also
45 receive contributions from private individuals, organizations, or other
46 persons to fulfill the purposes of the public financing system.

47 3. Moneys of the fund, following appropriation by the legislature, may
48 be expended for the purposes of making payments to candidates pursuant
49 to title II of article fourteen of the election law and for administra-
50 tive expenses related to the implementation of article fourteen of the
51 election law. Moneys shall be paid out of the fund by the state comp-
52 troller on vouchers certified or approved by the state board of
53 elections, or its duly designated representative, in the manner
54 prescribed by law, not more than five working days after such voucher is
55 received by the state comptroller.



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

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

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

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

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

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

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

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

39 (b) Notwithstanding any provision of this section authorizing the
40 transfer of any moneys in the abandoned property fund to the general
41 fund, the comptroller, after receiving amounts sufficient to pay claims
42 against the abandoned property fund, shall, based upon a certification
43 of the state board of elections pursuant to paragraph (a) of this subdi-
44 vision, and at the direction of the director of the budget, transfer the
45 requested amount from remaining available monies in the abandoned prop-
46 erty fund to the campaign finance fund established by section ninety-
47 two-t of this article.

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

50 (h) New York state campaign finance fund check-off. (1) For each taxa-
51 ble year beginning on and after January first, two thousand sixteen,
52 every resident taxpayer whose New York state income tax liability for
53 the taxable year for which the return is filed is forty dollars or more
54 may designate on such return that forty dollars be paid into the New
55 York state campaign finance fund established by section ninety-two-t of
56 the state finance law. Where a husband and wife file a joint return and

1 have a New York state income tax liability for the taxable year for
2 which the return is filed is eighty dollars or more, or file separate
3 returns on a single form, each such taxpayer may make separate desig-
4 nations on such return of forty dollars to be paid into the New York
5 state campaign finance fund.

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

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

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

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

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

31

PART D

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

35 2. "State legislature" means the [legislature of the state of New
36 York, including] New York state senate, New York state assembly, any
37 committee, subcommittee, joint committee, select committee, or commis-
38 sion thereof, and any members, officers, representatives and employees
39 thereof.

40 3. "Agency" means any state or municipal department, board, bureau,
41 division, commission, committee, public authority, public corporation,
42 council, office or other governmental entity performing a governmental
43 or proprietary function for the state or any one or more municipalities
44 thereof, except the judiciary [or the state legislature].

45 6. "Respective house of the state legislature" means the New York
46 state senate, New York state assembly, and any corresponding committee,
47 subcommittee, joint committee, select committee, or commission thereof,
48 and any members, officers, representatives and employees thereof.

49 § 2. Section 87 of the public officers law, as added by chapter 933 of
50 the laws of 1977, paragraph (a) and the opening paragraph of paragraph
51 (b) of subdivision 1 as amended by chapter 80 of the laws of 1983,
52 subparagraph iii of paragraph (b) of subdivision 1 as amended and para-
53 graph (c) of subdivision 1 and subdivision 5 as added by chapter 223 of
54 the laws of 2008, paragraph (d) of subdivision 2 as amended by chapter

1 289 of the laws of 1990, paragraph (f) of subdivision 2 as amended by
2 chapter 403 of the laws of 2003, paragraph (g) of subdivision 2 as
3 amended by chapter 510 of the laws of 1999, paragraph (i) of subdivision
4 2 as amended by chapter 154 of the laws of 2010, paragraph (j) of subdi-
5 vision 2 as added by chapter 746 of the laws of 1988, paragraph (k) of
6 subdivision 2 as separately added by chapters 19, 20, 21, 22, 23 and 383
7 of the laws of 2009, paragraph (l) of subdivision 2 as added by section
8 12 of part II of chapter 59 of the laws of 2010, paragraph (m) of subdi-
9 vision 2 as added by chapter 189 of the laws of 2013, paragraph (n) of
10 subdivision 2 as added by chapter 43 of the laws of 2014, paragraph (n)
11 of subdivision 2 as separately added by chapters 99, 101, and 123 of the
12 laws of 2014, paragraph (o) of subdivision 2 as added by chapter 222 of
13 the laws of 2015, paragraph (c) of subdivision 3 as amended by chapter
14 499 of the laws of 2008, subdivision 4 as added by chapter 890 of the
15 laws of 1981, and paragraph (c) of subdivision 4 as added by chapter 102
16 of the laws of 2007, is amended to read as follows:

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

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

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

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

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

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

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

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

47 iii. the actual cost to the agency or to the respective house of the
48 state legislature of engaging an outside professional service to prepare
49 a copy of a record, but only when an agency's or respective house of the
50 state legislature's information technology equipment is inadequate to
51 prepare a copy, if such service is used to prepare the copy; and

52 iv. preparing a copy shall not include search time or administrative
53 costs, and no fee shall be charged unless at least two hours of agency
54 or respective house of the state legislature employee time is needed to
55 prepare a copy of the record requested. A person requesting a record
56 shall be informed of the estimated cost of preparing a copy of the

1 record if more than two hours of an agency or respective house of the
2 state legislature employee's time is needed, or if an outside profes-
3 sional service would be retained to prepare a copy of the record.

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

9 (a) are specifically exempted from disclosure by state or federal
10 statute;

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

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

34 (d) are trade secrets or are submitted to an agency or to the respec-
35 tive house of the state legislature by a commercial enterprise or
36 derived from information obtained from a commercial enterprise and which
37 if disclosed would cause substantial injury to the competitive position
38 of the subject enterprise;

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

41 i. interfere with law enforcement investigations or judicial
42 proceedings;

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

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

47 iv. reveal criminal investigative techniques or procedures, except
48 routine techniques and procedures;

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

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

52 i. statistical or factual tabulations or data;

53 ii. instructions to staff that affect the public;

54 iii. final agency policy or determinations;

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

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

3 i. statistical or factual tabulations or data;
4 ii. instructions to staff that affect the public;
5 iii. final policy or determinations of the respective house of the
6 state legislature;

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

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

11 (i) if disclosed, would jeopardize the capacity of an agency, the
12 state legislature, or an entity that has shared information with an
13 agency or the state legislature to guarantee the security of its infor-
14 mation technology assets, such assets encompassing both electronic
15 information systems and infrastructures; or

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

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

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

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

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

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

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

37 3. Each agency and the respective house of the state legislature shall
38 maintain:

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

41 (b) a record of votes of each member in every session and every
42 committee and subcommittee meeting in which the member of the senate or
43 assembly votes;

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

47 [(c)] (d) a reasonably detailed current list by subject matter of all
48 records in the possession of the agency or state legislature, whether or
49 not available under this article. Each agency and each respective house
50 of the state legislature shall update its subject matter list annually,
51 and the date of the most recent update shall be conspicuously indicated
52 on the list. [Each] The state legislature and each state agency as
53 defined in subdivision four of this section that maintains a website
54 shall post its current list on its website and such posting shall be
55 linked to the website of the committee on open government. Any such
56 agency or part of the state legislature that does not maintain a website

1 shall arrange to have its list posted on the website of the committee on
2 open government.

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

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

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

14 (3) the manner of safeguarding against any unauthorized access to the
15 records.

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

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

23 (d) Each state agency and respective house of the state legislature
24 that maintains a website shall post information related to this article
25 and article six-A of this chapter on its website. Such information shall
26 include, at a minimum, contact information for the persons from whom
27 records of the agency or respective house of the state legislature may
28 be obtained, the times and places such records are available for
29 inspection and copying, and information on how to request records in
30 person, by mail, and, if the agency or respective house of the state
31 legislature accepts requests for records electronically, by e-mail. This
32 posting shall be linked to the website of the committee on open govern-
33 ment.

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

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

43 6. (a) Each agency and house of the state legislature shall publish,
44 on its internet website, to the extent practicable, records or portions
45 of records that are available to the public pursuant to the provisions
46 of this article, or which, in consideration of their nature, content or
47 subject matter, are determined by the agency or house of the state
48 legislature to be of substantial interest to the public. Any such
49 records may be removed from the internet website when the agency or
50 house of the state legislature determines that they are no longer of
51 substantial interest to the public. Any such records may be removed from
52 the internet website when they have reached the end of their legal
53 retention period. Guidance on creating records in accessible formats and
54 ensuring their continuing accessibility shall be available from the
55 office for technology and the state archives.

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

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

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

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

13 § 4. Section 89 of the public officers law, as added by chapter 933 of
14 the laws of 1977, paragraph (a) of subdivision 1 as amended by chapter
15 33 of the laws of 1984, paragraph (b) of subdivision 1 as amended by
16 chapter 182 of the laws of 2006, subdivision 2 as amended by section 11
17 of part U of chapter 61 of the laws of 2011, subdivision 2-a as added by
18 chapter 652 of the laws of 1983, subdivision 3 as amended by chapter 223
19 of the laws of 2008, subdivision 4 as amended by chapter 22 of the laws
20 of 2005, paragraph (c) of subdivision 4 as amended by chapter 492 of the
21 laws of 2006, subdivision 5 as added and subdivision 6 as renumbered by
22 chapter 890 of the laws of 1981, paragraph (a) of subdivision 5 as
23 amended by chapter 403 of the laws of 2003, paragraph (d) of subdivision
24 5 as amended by chapter 339 of the laws of 2004, subdivision 7 as added
25 by chapter 783 of the laws of 1983, subdivision 8 as added by chapter
26 705 of the laws of 1989, and subdivision 9 as added by chapter 351 of
27 the laws of 2008, is amended to read as follows:

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

31 1. (a) The committee on open government is continued and shall consist
32 of the lieutenant governor or the delegate of such officer, the secre-
33 tary of state or the delegate of such officer, whose office shall act as
34 secretariat for the committee, the commissioner of the office of general
35 services or the delegate of such officer, the director of the budget or
36 the delegate of such officer, and seven other persons, none of whom
37 shall hold any other state or local public office except the represen-
38 tative of local governments as set forth herein, to be appointed as
39 follows: five by the governor, at least two of whom are or have been
40 representatives of the news media, one of whom shall be a representative
41 of local government who, at the time of appointment, is serving as a
42 duly elected officer of a local government, one by the temporary presi-
43 dent of the senate, and one by the speaker of the assembly. The persons
44 appointed by the temporary president of the senate and the speaker of
45 the assembly shall be appointed to serve, respectively, until the expi-
46 ration of the terms of office of the temporary president and the speaker
47 to which the temporary president and speaker were elected. The four
48 persons presently serving by appointment of the governor for fixed terms
49 shall continue to serve until the expiration of their respective terms.
50 Thereafter, their respective successors shall be appointed for terms of
51 four years. The member representing local government shall be appointed
52 for a term of four years, so long as such member shall remain a duly
53 elected officer of a local government. The committee shall hold no less
54 than two meetings annually, but may meet at any time. The members of the
55 committee shall be entitled to reimbursement for actual expenses
56 incurred in the discharge of their duties.

1 (b) The committee shall:

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

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

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

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

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

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

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

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

27 i. disclosure of employment, medical or credit histories or personal
28 references of applicants for employment;

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

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

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

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

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

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

47 viii. disclosure of communications of a personal nature between legis-
48 lators and their constituents.

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

52 i. when identifying details are deleted;

53 ii. when the person to whom a record pertains consents in writing to
54 disclosure;

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

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

10 2-a. Nothing in this article shall permit disclosure which constitutes
11 an unwarranted invasion of personal privacy as defined in subdivision
12 two of this section if such disclosure is prohibited under section nine-
13 ty-six of this chapter.

14 3. (a) Each entity subject to the provisions of this article, within
15 five business days of the receipt of a written request for a record
16 reasonably described, shall make such record available to the person
17 requesting it, deny such request in writing or furnish a written
18 acknowledgement of the receipt of such request and a statement of the
19 approximate date, which shall be reasonable under the circumstances of
20 the request, when such request will be granted or denied, including,
21 where appropriate, a statement that access to the record will be deter-
22 mined in accordance with subdivision five of this section. [An] Neither
23 an agency nor the state legislature shall [not] deny a request on the
24 basis that the request is voluminous or that locating or reviewing the
25 requested records or providing the requested copies is burdensome
26 because the agency or respective house of the state legislature lacks
27 sufficient staffing or on any other basis if the agency or respective
28 house of the state legislature may engage an outside professional
29 service to provide copying, programming or other services required to
30 provide the copy, the costs of which the agency or respective house of
31 the state legislature may recover pursuant to paragraph (c) of subdivi-
32 sion one of section eighty-seven of this article. An agency or respec-
33 tive house of the state legislature may require a person requesting
34 lists of names and addresses to provide a written certification that
35 such person will not use such lists of names and addresses for sollicita-
36 tion or fund-raising purposes and will not sell, give or otherwise make
37 available such lists of names and addresses to any other person for the
38 purpose of allowing that person to use such lists of names and addresses
39 for solicitation or fund-raising purposes. If an agency or respective
40 house of the state legislature determines to grant a request in whole or
41 in part, and if circumstances prevent disclosure to the person request-
42 ing the record or records within twenty business days from the date of
43 the acknowledgement of the receipt of the request, the agency or respec-
44 tive house of the state legislature shall state, in writing, both the
45 reason for the inability to grant the request within twenty business
46 days and a date certain within a reasonable period, depending on the
47 circumstances, when the request will be granted in whole or in part.
48 Upon payment of, or offer to pay, the fee prescribed therefor, the enti-
49 ty shall provide a copy of such record and certify to the correctness of
50 such copy if so requested, or as the case may be, shall certify that it
51 does not have possession of such record or that such record cannot be
52 found after diligent search. Nothing in this article shall be construed
53 to require any entity to prepare any record not possessed or maintained
54 by such entity except the records specified in subdivision three of
55 section eighty-seven [and subdivision three of section eighty-eight] of
56 this article. When an agency or the respective house of the state legis-



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

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

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

31 (b) Except as provided in subdivision five of this section, a person
32 denied access to a record in an appeal determination under the
33 provisions of paragraph (a) of this subdivision may bring a proceeding
34 for review of such denial pursuant to article seventy-eight of the civil
35 practice law and rules. In the event that access to any record is denied
36 pursuant to the provisions of subdivision two of section eighty-seven of
37 this article, the agency or respective house of the state legislature
38 involved shall have the burden of proving that such record falls within
39 the provisions of such subdivision two. Failure by an agency or respec-
40 tive house of the state legislature to conform to the provisions of
41 paragraph (a) of this subdivision shall constitute a denial.

42 (c) (i) The court in such a proceeding may assess, against such agency
43 or the respective house of the state legislature involved, reasonable
44 [attorney's] attorneys' fees and other litigation costs reasonably
45 incurred by such person, in any case under the provisions of this
46 section in which such person has substantially prevailed[, when:

47 i. the agency had no reasonable basis for denying access; or
48 ii.] and the agency failed to respond to a request or appeal within
49 the statutory time.

50 (ii) The court in such proceeding shall assess, against such agency or
51 the respective house of the state legislature involved, reasonable
52 attorneys' fees and other litigation costs reasonably incurred by such
53 person, in any case under the provisions of this section in which such
54 person has substantially prevailed and the court finds that the agency
55 denied access in clear disregard of the exceptions to rights of access

1 in section eighty-seven of this article and had no reasonable basis for
2 denying access.

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

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

30 (1-a) A person or entity who submits or otherwise makes available any
31 records to any agency or a house of the state legislature, may, at any
32 time, identify those records or portions thereof that may contain crit-
33 ical infrastructure information, and request that the agency or house of
34 the state legislature that maintains such records except such informa-
35 tion from disclosure under subdivision two of section eighty-seven of
36 this article. Where the request itself contains information which if
37 disclosed would defeat the purpose for which the exception is sought,
38 such information shall also be provisionally excepted from disclosure.

39 (2) The request for an exception shall be in writing, shall specif-
40 ically identify which portions of the record are the subject of the
41 request for exception and shall state the reasons why the information
42 should be provisionally excepted from disclosure. Any such request for
43 an exception shall be effective for a five-year period from the agency's
44 or respective house of the state legislature's receipt thereof.
45 Provided, however, that not less than sixty days prior to the expiration
46 of the then current term of the exception request, the submitter may
47 apply to the agency or respective house of the state legislature for a
48 two-year extension of its exception request. Upon timely receipt of a
49 request for an extension of an exception request, an agency or respec-
50 tive house of the state legislature may either (A) perform a cursory
51 review of the application and grant the extension should it find any
52 justification for such determination, or (B) commence the procedure set
53 forth in paragraph (b) of this subdivision to make a final determination
54 granting or terminating such exception.

55 (3) Information submitted as provided in subparagraphs one and one-a
56 of this paragraph shall be provisionally excepted from disclosure and be

1 maintained apart by the agency and the respective house of the state
2 legislature from all other records until the expiration of the submit-
3 ter's exception request or fifteen days after the entitlement to such
4 exception has been finally determined or such further time as ordered by
5 a court of competent jurisdiction.

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

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

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

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

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

29 (1) Within seven business days of receipt of written notice denying
30 the request, the person may file a written appeal from the determination
31 of the agency or the respective house of the state legislature with the
32 head of the agency or respective house of the state legislature, the
33 chief executive officer or governing body or their designated represen-
34 tatives.

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

41 (d) A proceeding to review an adverse determination pursuant to para-
42 graph (c) of this subdivision may be commenced pursuant to article
43 seventy-eight of the civil practice law and rules. Such proceeding, when
44 brought by a person seeking an exception from disclosure pursuant to
45 this subdivision, must be commenced within fifteen days of the service
46 of the written notice containing the adverse determination provided for
47 in subparagraph two of paragraph (c) of this subdivision. The proceeding
48 shall be given preference and shall be brought on for argument on such
49 terms and conditions as the presiding justice may direct, not to exceed
50 forty-five days. Appeal to the appellate division of the supreme court
51 must be made in accordance with law, and must be filed within fifteen
52 days after service by a party upon the appellant of a copy of the judg-
53 ment or order appealed from and written notice of its entry. An appeal
54 taken from an order of the court requiring disclosure shall be given
55 preference and shall be brought on for argument on such terms and condi-
56 tions as the presiding justice may direct, not to exceed sixty days.

1 This action shall be deemed abandoned when the party requesting an
2 exclusion from disclosure fails to serve and file a record and brief
3 within thirty days after the date of the notice of appeal. Failure by
4 the party requesting an exclusion from disclosure to serve and file a
5 record and brief within the allotted time shall result in the dismissal
6 of the appeal.

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

10 (f) Where the agency or the respective house of the state legislature
11 denies access to a record pursuant to paragraph [(d) of] (b) of this
12 subdivision in conjunction with subdivision two of section eighty-seven
13 of this article, the agency or respective house of the state legislature
14 shall have the burden of proving that the record falls within the
15 provisions of such exception.

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

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

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

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

30 7. Nothing in this article shall require the disclosure of the home
31 address of an officer or employee, former officer or employee, or of a
32 retiree of a public employees' retirement system; nor shall anything in
33 this article require the disclosure of the name or home address of a
34 beneficiary of a public employees' retirement system or of an applicant
35 for appointment to public employment; provided however, that nothing in
36 this subdivision shall limit or abridge the right of an employee organ-
37 ization, certified or recognized for any collective negotiating unit of
38 an employer pursuant to article fourteen of the civil service law, to
39 obtain the name or home address of any officer, employee or retiree of
40 such employer, if such name or home address is otherwise available under
41 this article.

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

45 9. When records maintained electronically include items of information
46 that would be available under this article, as well as items of informa-
47 tion that may be withheld, an agency or respective house of the state
48 legislature in designing its information retrieval methods, whenever
49 practicable and reasonable, shall do so in a manner that permits the
50 segregation and retrieval of available items in order to provide maximum
51 public access.

52 § 5. Subdivisions (t) and (u) of section 105 of the civil practice law
53 and rules, subdivision (u) as relettered by chapter 100 of the laws of
54 1994, are relettered subdivisions (u) and (v) and a new subdivision (t)
55 is added to read as follows:

1 (t) "State legislature" means the New York state senate, New York
2 state assembly, any committee, subcommittee, joint committee, select
3 committee, or commission thereof, and any members, officers, represen-
4 tatives and employees thereof.

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

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

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

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

17 § 8. Section 70-0113 of the environmental conservation law is
18 REPEALED.

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

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

25 PART E

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

29 4. Violations. In addition to any penalty contained in any other
30 provision of law any such officer, member or employee who shall knowing-
31 ly and intentionally violate any of the provisions of this section may
32 be fined, suspended or removed from office or employment in the manner
33 provided by law. Any such individual who knowingly and intentionally
34 violates the provisions of [paragraph b, c, d or i of] subdivision three
35 of this section shall be subject to a civil penalty in an amount not to
36 exceed ten thousand dollars and the value of any gift, compensation or
37 benefit received as a result of such violation. [Any such individual who
38 knowingly and intentionally violates the provisions of paragraph a, e or
39 g of subdivision three of this section shall be subject to a civil
40 penalty in an amount not to exceed the value of any gift, compensation
41 or benefit received as a result of such violation.]

42 § 2. Subparagraph (b) of paragraph 3 of subdivision 3 of section 73-a
43 of the public officers law, as amended by section 5 of part A of chapter
44 399 of the laws of 2011, is amended to read as follows:

45 (b) List
46 the names of all unemancipated children.

- 47 _____
- 48 _____
- 49 _____
- 50 _____
- 51 _____

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

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

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

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

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

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

35		Entity	Relationship	Contracting	[Category
36	Self,	Which Held	to Entity	State or	of] <u>Total</u>
37	Spouse or	Interest in	and Interest	Local	Value of
38	Child	Contract	in Contract	Agency	Contract
39					[(In Table II)]

40 _____

41 _____

42 _____

43 _____

44 _____

45 § 4. Subparagraphs (b-1), (b-2), and (c) of paragraph 8 of subdivision
46 3 of section 73-a of the public officers law, subparagraphs (b-1) and
47 (b-2) as added by section 2 of part CC of chapter 56 of the laws of
48 2015, and subparagraph (c) as amended by section 1 of part CC of chapter
49 56 of the laws of 2015, are amended to read as follows:

50 (b-1) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES
51 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR
52 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE

1 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
2 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN
3 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

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

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

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

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

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

21 For such services rendered by the reporting individual directly to
22 each such client, describe each matter that was the subject of such
23 representation, the services actually provided and the payment received.
24 For payments received from clients referred to the firm by the reporting
25 individual, if the reporting individual directly received a referral fee
26 or fees for such referral, identify the client and the payment so
27 received.

28 For purposes of this question, "referred to the firm" shall mean:
29 having intentionally and knowingly taken a specific act or series of
30 acts to intentionally procure for the reporting individual's firm or
31 having knowingly solicited or directed to the reporting individual's
32 firm in whole or substantial part, a person or entity that becomes a
33 client of that firm for the purposes of representation for a matter as
34 defined in clauses (i) through (iv) of this subparagraph, as the result
35 of such procurement, solicitation or direction of the reporting individ-
36 ual. A reporting individual need not disclose activities performed while
37 lawfully acting in his or her capacity as provided in paragraphs (c),
38 (d), (e) and (f) of subdivision seven of section seventy-three of this
39 article.

40	Client	Matter	Nature of Services Provided	[Category 41 of] Amount 42 [(in Table I)]
43	_____			
44	_____			
45	_____			
46	_____			
47	_____			

48 (b-2) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES
49 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR
50 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE
51 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
52 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN
53 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

1 (i) With respect to reporting individuals who receive ten thousand
 2 dollars or more from employment or activity reportable under question
 3 8(a), for each client or customer NOT otherwise disclosed or exempted in
 4 question 8 or 13, disclose the name of each client or customer known to
 5 the reporting individual to whom the reporting individual provided
 6 services: (A) who paid the reporting individual in excess of five thou-
 7 sand dollars for such services; or (B) who had been billed with the
 8 knowledge of the reporting individual in excess of five thousand dollars
 9 by the firm or other entity named in question 8(a) for the reporting
 10 individual's services.

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

13 FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF
 14 DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":
 15 * REVIEWED DOCUMENTS AND CORRESPONDENCE;
 16 * REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
 17 * PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
 18 * CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/MEMBERS
 19 OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
 20 * PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY
 21 NAME);
 22 * REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR
 23 REPRESENTATION OR CONSULTATION;
 24 * COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);
 25 * PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING
 26 RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);
 27 * COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).

28 (ii) With respect to reporting individuals who disclosed in question
 29 8(a) that the reporting individual did not provide services to a client
 30 but provided services to a firm or business, identify the category of
 31 amount received for providing such services and describe the services
 32 rendered.

33 A reporting individual need not disclose activities performed while
 34 lawfully acting in his or her capacity as provided in paragraphs (c),
 35 (d), (e) and (f) of subdivision seven of section seventy-three of this
 36 article.

37 The disclosure requirement in questions (b-1) and (b-2) shall not
 38 require disclosing clients or customers receiving medical, pharmaceu-
 39 tical or dental services, mental health services, or residential real
 40 estate brokering services from the reporting individual or his or her
 41 firm or if federal law prohibits or limits disclosure. The reporting
 42 individual need not identify any client to whom he or she or his or her
 43 firm provided legal representation with respect to investigation or
 44 prosecution by law enforcement authorities, bankruptcy, family court,
 45 estate planning, or domestic relations matters, nor shall the reporting
 46 individual identify individuals represented pursuant to an insurance
 47 policy but the reporting individual shall in such circumstances only

1 report the entity that provides compensation to the reporting individ-
2 ual; with respect to matters in which the client's name is required by
3 law to be kept confidential (such as matters governed by the family
4 court act) or in matters in which the reporting individual represents or
5 provides services to minors, the client's name may be replaced with
6 initials. To the extent that the reporting individual, or his or her
7 firm, provided legal representation with respect to an initial public
8 offering, and professional disciplinary rules, federal law or regu-
9 lations restrict the disclosure of information relating to such work,
10 the reporting individual shall (i) disclose the identity of the client
11 and the services provided relating to the initial public offering to the
12 office of court administration, who will maintain such information
13 confidentially in a locked box; and (ii) include in his or her response
14 to questions (b-1) and (b-2) that pursuant to this paragraph, a disclo-
15 sure to the office of court administration has been made. Upon such time
16 that the disclosure of information maintained in the locked box is no
17 longer restricted by professional disciplinary rules, federal law or
18 regulation, the reporting individual shall disclose such information in
19 an amended disclosure statement in response to the disclosure require-
20 ments in questions (b-1) and (b-2). The office of court administration
21 shall develop and maintain a secure portal through which information
22 submitted to it pursuant to this paragraph can be safely and confiden-
23 tially stored. With respect to clients represented in other matters not
24 otherwise exempt, the reporting individual may request an exemption to
25 publicly disclosing the name of that client from the joint commission
26 pursuant to paragraph (i) of subdivision nine of section ninety-four of
27 the executive law, or from the office of court administration. In such
28 application, the reporting individual shall state the following: "My
29 client is not currently receiving my services or seeking my services in
30 connection with:

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

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

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

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

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

41 In reviewing the request for an exemption, the joint commission or the
42 office of court administration may consult with bar or other profes-
43 sional associations and the legislative ethics commission for individ-
44 uals subject to its jurisdiction and may consider the rules of profes-
45 sional conduct. In making its determination, the joint commission or the
46 office of court administration shall conduct its own inquiry and shall
47 consider factors including, but not limited to: (i) the nature and the
48 size of the client; (ii) whether the client has any business before the
49 state; and if so, how significant the business is; and whether the
50 client has any particularized interest in pending legislation and if so
51 how significant the interest is; (iii) whether disclosure may reveal
52 trade secrets; (iv) whether disclosure could reasonably result in retal-
53 iation against the client; (v) whether disclosure may cause undue harm
54 to the client; (vi) whether disclosure may result in undue harm to the
55 attorney-client relationship; and (vii) whether disclosure may result in
56 an unnecessary invasion of privacy to the client.



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

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

17 (c) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE
 18 PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR
 19 NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE
 20 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
 21 SAND FIFTEEN:

22 If the reporting individual receives income of ten thousand dollars or
 23 greater from any employment or activity reportable under question 8(a),
 24 identify each registered lobbyist who has directly referred to such
 25 individual a client who was successfully referred to the reporting indi-
 26 vidual's business and from whom the reporting individual or firm
 27 received a fee for services in excess of five thousand dollars. Report
 28 only those referrals that were made to a reporting individual by direct
 29 communication from a person known to such reporting individual to be a
 30 registered lobbyist at the time the referral is made. With respect to
 31 each such referral, the reporting individual shall identify the client,
 32 the registered lobbyist who has made the referral, the category of value
 33 of the compensation received and a general description of the type of
 34 matter so referred. A reporting individual need not disclose activities
 35 performed while lawfully acting pursuant to paragraphs (c), (d), (e) and
 36 (f) of subdivision seven of section seventy-three of this article. The
 37 disclosure requirements in this question shall not require disclosing
 38 clients or customers receiving medical, pharmaceutical or dental
 39 services, mental health services, or residential real estate brokering
 40 services from the reporting individual or his or her firm or if federal
 41 law prohibits or limits disclosure. The reporting individual need not
 42 identify any client to whom he or she or his or her firm provided legal
 43 representation with respect to investigation or prosecution by law
 44 enforcement authorities, bankruptcy, family court, estate planning, or
 45 domestic relations matters, nor shall the reporting individual identify
 46 individuals represented pursuant to an insurance policy but the report-
 47 ing individual shall in such circumstances only report the entity that
 48 provides compensation to the reporting individual; with respect to
 49 matters in which the client's name is required by law to be kept confi-
 50 dential (such as matters governed by the family court act) or in matters
 51 in which the reporting individual represents or provides services to

1 minors, the client's name may be replaced with initials. To the extent
2 that the reporting individual, or his or her firm, provided legal repre-
3 sentation with respect to an initial public offering, and federal law or
4 regulations restricts the disclosure of information relating to such
5 work, the reporting individual shall (i) disclose the identity of the
6 client and the services provided relating to the initial public offering
7 to the office of court administration, who will maintain such informa-
8 tion confidentially in a locked box; and (ii) include in his or her
9 response a statement that pursuant to this paragraph, a disclosure to
10 the office of court administration has been made. Upon such time that
11 the disclosure of information maintained in the locked box is no longer
12 restricted by federal law or regulation, the reporting individual shall
13 disclose such information in an amended disclosure statement in response
14 to the disclosure requirements of this paragraph. The office of court
15 administration shall develop and maintain a secure portal through which
16 information submitted to it pursuant to this paragraph can be safely and
17 confidentially stored. With respect to clients represented in other
18 matters not otherwise exempt, the reporting individual may request an
19 exemption to publicly disclosing the name of that client from the joint
20 commission pursuant to paragraph (i) of subdivision nine of section
21 ninety-four of the executive law, or from the office of court adminis-
22 tration. In such application, the reporting individual shall state the
23 following: "My client is not currently receiving my services or seeking
24 my services in connection with:

- 25 (i) A proposed bill or resolution in the senate or assembly during the
26 reporting period;
27 (ii) A contract in an amount totaling \$10,000 or more from the state
28 or any state agency for services, materials, or property;
29 (iii) A grant of \$10,000 or more from the state or any state agency
30 during the reporting period;
31 (iv) A grant obtained through a legislative initiative during the
32 reporting period; or
33 (v) A case, proceeding, application or other matter that is not a
34 ministerial matter before a state agency during the reporting period."

35 In reviewing the request for an exemption, the joint commission or the
36 office of court administration may consult with bar or other profes-
37 sional associations and the legislative ethics commission for individ-
38 uals subject to its jurisdiction and may consider the rules of profes-
39 sional conduct. In making its determination, the joint commission or the
40 office of court administration shall conduct its own inquiry and shall
41 consider factors including, but not limited to: (i) the nature and the
42 size of the client; (ii) whether the client has any business before the
43 state; and if so, how significant the business is; and whether the
44 client has any particularized interest in pending legislation and if so
45 how significant the interest is; (iii) whether disclosure may reveal
46 trade secrets; (iv) whether disclosure could reasonably result in retal-
47 iation against the client; (v) whether disclosure may cause undue harm
48 to the client; (vi) whether disclosure may result in undue harm to the
49 attorney-client relationship; and (vii) whether disclosure may result in
50 an unnecessary invasion of privacy to the client.

51 The joint commission or, as the case may be, the office of court
52 administration shall promptly make a final determination in response to
53 such request, which shall include an explanation for its determination.
54 The office of court administration shall issue its final determination
55 within three days of receiving the request. Notwithstanding any other
56 provision of law or any professional disciplinary rule to the contrary,

1 the disclosure of the identity of any client or customer in response to
 2 this question shall not constitute professional misconduct or a ground
 3 for disciplinary action of any kind, or form the basis for any civil or
 4 criminal cause of action or proceeding. A reporting individual who first
 5 enters public office after December thirty-first, two thousand fifteen,
 6 need not report clients or customers with respect to matters for which
 7 the reporting individual or his or her firm was retained prior to enter-
 8 ing public office.

9 Client	Name of Lobbyist	[Category of]	Amount [(in
			Table 1)]
10			
11			
12			
13			
14			
15			

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

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

28	Self,	Name of	Address	Nature	[Category
29	Spouse or	Donor		of Gift	of]
30	Child				Value of
31					Gift
32					[(In Table I)]
33					
34					
35					
36					
37					

38 11. List the identity and value, if reasonably ascertainable, of each
 39 interest in a trust, estate or other beneficial interest, including
 40 retirement plans (other than retirement plans of the state of New
 41 York or the city of New York), and deferred compensation plans
 42 (e.g., 401, 403(b), 457, etc.) established in accordance with the
 43 internal revenue code, in which the REPORTING INDIVIDUAL held a
 44 beneficial interest in EXCESS of \$1,000 at any time during the
 45 preceding year. Do NOT report interests in a trust, estate or other
 46 beneficial interest established by or for, or the estate of, a rela-
 47 tive.

48	Identity	[Category
49		of] Value*
50		[(In Table II)]

1 _____
 2 _____
 3 _____
 4 _____
 5 _____

6 * The value of such interest shall be reported only if reasonably
 7 ascertainable.

8 13. List below the nature and amount of any income in EXCESS of \$1,000
 9 from EACH SOURCE for the reporting individual and such individual's
 10 spouse for the taxable year last occurring prior to the date of
 11 filing. Each such source must be described with particularity.
 12 Nature of income includes, but is not limited to, all income (other
 13 than that received from the employment listed under Item 2 above)
 14 from compensated employment whether public or private, directorships
 15 and other fiduciary positions, contractual arrangements, teaching
 16 income, partnerships, honorariums, lecture fees, consultant fees,
 17 bank and bond interest, dividends, income derived from a trust, real
 18 estate rents, and recognized gains from the sale or exchange of real
 19 or other property. Income from a business or profession and real
 20 estate rents shall be reported with the source identified by the
 21 building address in the case of real estate rents and otherwise by
 22 the name of the entity and not by the name of the individual custom-
 23 ers, clients or tenants, with the aggregate net income before taxes
 24 for each building address or entity. The receipt of maintenance
 25 received in connection with a matrimonial action, alimony and child
 26 support payments shall not be listed.

27	Self/			[Category
28	Spouse	Source	Nature	of] Amount
29				[(In Table I)]

30 _____
 31 _____
 32 _____
 33 _____
 34 _____

35 14. List the sources of any deferred income (not retirement income) in
 36 EXCESS of \$1,000 from each source to be paid to the reporting indi-
 37 vidual following the close of the calendar year for which this
 38 disclosure statement is filed, other than deferred compensation
 39 reported in item 11 hereinabove. Deferred income derived from the
 40 practice of a profession shall be listed in the aggregate and shall
 41 identify as the source, the name of the firm, corporation, partner-
 42 ship or association through which the income was derived, but shall
 43 not identify individual clients.

1		[Category
2	Source	of] Amount
3		[(In Table I)]
4	_____	
5	_____	
6	_____	
7	_____	
8	_____	

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

16	Item Assigned	Assigned or	[Category
17	or Transferred	Transferred to	of] Value
18			[(In Table I)]
19	_____		
20	_____		
21	_____		
22	_____		
23	_____		

24 16. List below the type and market value of securities held by the
 25 reporting individual or such individual's spouse from each issuing
 26 entity in EXCESS of \$1,000 at the close of the taxable year last
 27 occurring prior to the date of filing, including the name of the
 28 issuing entity exclusive of securities held by the reporting indi-
 29 vidual issued by a professional corporation. Whenever an interest in
 30 securities exists through a beneficial interest in a trust, the
 31 securities held in such trust shall be listed ONLY IF the reporting
 32 individual has knowledge thereof except where the reporting individ-
 33 ual or the reporting individual's spouse has transferred assets to
 34 such trust for his or her benefit in which event such securities
 35 shall be listed unless they are not ascertainable by the reporting
 36 individual because the trustee is under an obligation or has been
 37 instructed in writing not to disclose the contents of the trust to
 38 the reporting individual. Securities of which the reporting individ-
 39 ual or the reporting individual's spouse is the owner of record but
 40 in which such individual or the reporting individual's spouse has no
 41 beneficial interest shall not be listed. Indicate percentage of
 42 ownership ONLY if the reporting person or the reporting person's
 43 spouse holds more than five percent (5%) of the stock of a corpo-
 44 ration in which the stock is publicly traded or more than ten
 45 percent (10%) of the stock of a corporation in which the stock is
 46 NOT publicly traded. Also list securities owned for investment
 47 purposes by a corporation more than fifty percent (50%) of the stock
 48 of which is owned or controlled by the reporting individual or such
 49 individual's spouse. For the purpose of this item the term "securi-
 50 ties" shall mean mutual funds, bonds, mortgages, notes, obligations,

1 warrants and stocks of any class, investment interests in limited or
 2 general partnerships and certificates of deposits (CDs) and such
 3 other evidences of indebtedness and certificates of interest as are
 4 usually referred to as securities. The market value for such secu-
 5 rities shall be reported only if reasonably ascertainable and shall
 6 not be reported if the security is an interest in a general partner-
 7 ship that was listed in item 8 (a) or if the security is corporate
 8 stock, NOT publicly traded, in a trade or business of a reporting
 9 individual or a reporting individual's spouse.

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

28 17. List below the location, size, general nature, acquisition date,
 29 market value and percentage of ownership of any real property in
 30 which any vested or contingent interest in EXCESS of \$1,000 is held
 31 by the reporting individual or the reporting individual's spouse.
 32 Also list real property owned for investment purposes by a corpo-
 33 ration more than fifty percent (50%) of the stock of which is owned
 34 or controlled by the reporting individual or such individual's
 35 spouse. Do NOT list any real property which is the primary or
 36 secondary personal residence of the reporting individual or the
 37 reporting individual's spouse, except where there is a co-owner who
 38 is other than a relative.

39							[Category
40	Self/					Percentage	of]
41	Spouse/		General	Acquisition		of	Market
42	Corporation	Location	Nature	Date	Ownership	Market	Value
43		Size				Value	[(In
44						Table	II)]
45							
46	<hr/>						
47	<hr/>						
48	<hr/>						
49	<hr/>						
50	<hr/>						

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

11	Name of Debtor	Type of Obligation, Date Due, and Nature of Collateral, if any	[Category of] Amount
12			[(In Table II)]
13			
14			
15			
16			
17			
18			
19			

20 19. List below all liabilities of the reporting individual and such
 21 individual's spouse, in EXCESS of \$10,000 as of the date of filing
 22 of this statement, other than liabilities to a relative. Do NOT list
 23 liabilities incurred by, or guarantees made by, the reporting indi-
 24 vidual or such individual's spouse or by any proprietorship, part-
 25 nership or corporation in which the reporting individual or such
 26 individual's spouse has an interest, when incurred or made in the
 27 ordinary course of the trade, business or professional practice of
 28 the reporting individual or such individual's spouse. Include the
 29 name of the creditor and any collateral pledged by such individual
 30 to secure payment of any such liability. A reporting individual
 31 shall not list any obligation to pay maintenance in connection with
 32 a matrimonial action, alimony or child support payments. Any loan
 33 issued in the ordinary course of business by a financial institution
 34 to finance educational costs, the cost of home purchase or improve-
 35 ments for a primary or secondary residence, or purchase of a
 36 personally owned motor vehicle, household furniture or appliances
 37 shall be excluded. If any such reportable liability has been guaran-
 38 teed by any third person, list the liability and name the guarantor.

39	Name of Creditor or Guarantor	Type of Liability and Collateral, if any	[Category of] Amount
40			[(In Table II)]
41			
42			
43			
44			
45			
46			
47			

48 The requirements of law relating to the reporting of financial
 49 interests are in the public interest and no adverse inference of

1 unethical or illegal conduct or behavior will be drawn merely from
2 compliance with these requirements.

3 _____
4 (Signature of Reporting Individual) Date (month/day/year)

[TABLE I

5	Category A	none		
6	Category B	\$ 1 to under	\$ 1,000	
7	Category C	\$ 1,000 to under	\$ 5,000	
8	Category D	\$ 5,000 to under	\$ 20,000	
9	Category E	\$ 20,000 to under	\$ 50,000	
10	Category F	\$ 50,000 to under	\$ 75,000	
11	Category G	\$ 75,000 to under	\$ 100,000	
12	Category H	\$ 100,000 to under	\$ 150,000	
13	Category I	\$ 150,000 to under	\$ 250,000	
14	Category J	\$ 250,000 to under	\$ 350,000	
15	Category K	\$ 350,000 to under	\$ 450,000	
16	Category L	\$ 450,000 to under	\$ 550,000	
17	Category M	\$ 550,000 to under	\$ 650,000	
18	Category N	\$ 650,000 to under	\$ 750,000	
19	Category O	\$ 750,000 to under	\$ 850,000	
20	Category P	\$ 850,000 to under	\$ 950,000	
21	Category Q	\$ 950,000 to under	\$1,050,000	
22	Category R	\$1,050,000 to under	\$1,150,000	
23	Category S	\$1,150,000 to under	\$1,250,000	
24	Category T	\$1,250,000 to under	\$1,350,000	
25	Category U	\$1,350,000 to under	\$1,450,000	
26	Category V	\$1,450,000 to under	\$1,550,000	
27	Category W	\$1,550,000 to under	\$1,650,000	
28	Category X	\$1,650,000 to under	\$1,750,000	
29	Category Y	\$1,750,000 to under	\$1,850,000	
30	Category Z	\$1,850,000 to under	\$1,950,000	
31	Category AA	\$1,950,000 to under	\$2,050,000	
32	Category BB	\$2,050,000 to under	\$2,150,000	
33	Category CC	\$2,150,000 to under	\$2,250,000	
34	Category DD	\$2,250,000 to under	\$2,350,000	
35	Category EE	\$2,350,000 to under	\$2,450,000	
36	Category FF	\$2,450,000 to under	\$2,550,000	
37	Category GG	\$2,550,000 to under	\$2,650,000	
38	Category HH	\$2,650,000 to under	\$2,750,000	
39	Category II	\$2,750,000 to under	\$2,850,000	
40	Category JJ	\$2,850,000 to under	\$2,950,000	
41	Category KK	\$2,950,000 to under	\$3,050,000	
42	Category LL	\$3,050,000 to under	\$3,150,000	
43	Category MM	\$3,150,000 to under	\$3,250,000	
44	Category NN	\$3,250,000 to under	\$3,350,000	
45	Category OO	\$3,350,000 to under	\$3,450,000	
46	Category PP	\$3,450,000 to under	\$3,550,000	
47	Category QQ	\$3,550,000 to under	\$3,650,000	
48	Category RR	\$3,650,000 to under	\$3,750,000	
49	Category SS	\$3,750,000 to under	\$3,850,000	
50	Category TT	\$3,850,000 to under	\$3,950,000	
51	Category UU	\$3,950,000 to under	\$4,050,000	
52	Category VV	\$4,050,000 to under	\$4,150,000	
53	Category WW	\$4,150,000 to under	\$4,250,000	

1	Category XX	\$4,250,000	to under	\$4,350,000
2	Category YY	\$4,350,000	to under	\$4,450,000
3	Category ZZ	\$4,450,000	to under	\$4,550,000
4	Category AAA	\$4,550,000	to under	\$4,650,000
5	Category BBB	\$4,650,000	to under	\$4,750,000
6	Category CCC	\$4,750,000	to under	\$4,850,000
7	Category DDD	\$4,850,000	to under	\$4,950,000
8	Category EEE	\$4,950,000	to under	\$5,050,000
9	Category FFF	\$5,050,000	to under	\$5,150,000
10	Category GGG	\$5,150,000	to under	\$5,250,000
11	Category HHH	\$5,250,000	to under	\$5,350,000
12	Category III	\$5,350,000	to under	\$5,450,000
13	Category JJJ	\$5,450,000	to under	\$5,550,000
14	Category KKK	\$5,550,000	to under	\$5,650,000
15	Category LLL	\$5,650,000	to under	\$5,750,000
16	Category MMM	\$5,750,000	to under	\$5,850,000
17	Category NNN	\$5,580,000	to under	\$5,950,000
18	Category OOO	\$5,950,000	to under	\$6,050,000
19	Category PPP	\$6,050,000	to under	\$6,150,000
20	Category QQQ	\$6,150,000	to under	\$6,250,000
21	Category RRR	\$6,250,000	to under	\$6,350,000
22	Category SSS	\$6,350,000	to under	\$6,450,000
23	Category TTT	\$6,450,000	to under	\$6,550,000
24	Category UUU	\$6,550,000	to under	\$6,650,000
25	Category VVV	\$6,650,000	to under	\$6,750,000
26	Category WWW	\$6,750,000	to under	\$6,850,000
27	Category XXX	\$6,850,000	to under	\$6,950,000
28	Category YYY	\$6,950,000	to under	\$7,050,000
29	Category ZZZ	\$7,050,000	to under	\$7,150,000
30	Category AAAA	\$7,150,000	to under	\$7,250,000
31	Category BBBB	\$7,250,000	to under	\$7,350,000
32	Category CCCC	\$7,350,000	to under	\$7,450,000
33	Category DDDD	\$7,450,000	to under	\$7,550,000
34	Category EEEE	\$7,550,000	to under	\$7,650,000
35	Category FFFF	\$7,650,000	to under	\$7,750,000
36	Category GGGG	\$7,750,000	to under	\$7,850,000
37	Category HHHH	\$7,850,000	to under	\$7,950,000
38	Category IIII	\$7,950,000	to under	\$8,050,000
39	Category JJJJ	\$8,050,000	to under	\$8,150,000
40	Category KKKK	\$8,150,000	to under	\$8,250,000
41	Category LLLL	\$8,250,000	to under	\$8,350,000
42	Category MMMM	\$8,350,000	to under	\$8,450,000
43	Category NNNN	\$8,450,000	to under	\$8,550,000
44	Category OOOO	\$8,550,000	to under	\$8,650,000
45	Category PPPP	\$8,650,000	to under	\$8,750,000
46	Category QQQQ	\$8,750,000	to under	\$8,850,000
47	Category RRRR	\$8,850,000	to under	\$8,950,000
48	Category SSSS	\$8,950,000	to under	\$9,050,000
49	Category TTTT	\$9,050,000	to under	\$9,150,000
50	Category UUUU	\$9,150,000	to under	\$9,250,000
51	Category VVVV	\$9,250,000	to under	\$9,350,000
52	Category WWWW	\$9,350,000	to under	\$9,450,000
53	Category XXXX	\$9,450,000	to under	\$9,550,000
54	Category YYYYY	\$9,550,000	to under	\$9,650,000
55	Category ZZZZ	\$9,650,000	to under	\$9,750,000
56	Category AAAAA	\$9,750,000	to under	\$9,850,000



1 Category BBBBB \$9,850,000 to under \$9,950,000
 2 Category CCCCC \$9,950,000 to under \$10,000,000
 3 Category DDDDD \$10,000,000 or over

TABLE II

4	Category A	none
5	Category B	\$ 1 to under \$ 1,000
6	Category C	\$ 1,000 to under \$ 5,000
7	Category D	\$ 5,000 to under \$ 20,000
8	Category E	\$ 20,000 to under \$ 50,000
9	Category F	\$ 50,000 to under \$ 75,000
10	Category G	\$ 75,000 to under \$ 100,000
11	Category H	\$ 100,000 to under \$ 150,000
12	Category I	\$ 150,000 to under \$ 250,000
13	Category J	\$ 250,000 to under \$ 500,000
14	Category K	\$ 500,000 to under \$ 750,000
15	Category L	\$ 750,000 to under \$1,000,000
16	Category M	\$1,000,000 to under \$1,250,000
17	Category N	\$1,250,000 to under \$1,500,000
18	Category O	\$1,500,000 to under \$1,750,000
19	Category P	\$1,750,000 to under \$2,000,000
20	Category Q	\$2,000,000 to under \$2,250,000
21	Category R	\$2,250,000 to under \$2,500,000
22	Category S	\$2,500,000 to under \$2,750,000
23	Category T	\$2,750,000 to under \$3,000,000
24	Category U	\$3,000,000 to under \$3,250,000
25	Category V	\$3,250,000 to under \$3,500,000
26	Category W	\$3,500,000 to under \$3,750,000
27	Category X	\$3,750,000 to under \$4,000,000
28	Category Y	\$4,000,000 to under \$4,250,000
29	Category Z	\$4,250,000 to under \$4,500,000
30	Category AA	\$4,500,000 to under \$4,750,000
31	Category BB	\$4,750,000 to under \$5,000,000
32	Category CC	\$5,000,000 to under \$5,250,000
33	Category DD	\$5,250,000 to under \$5,500,000
34	Category EE	\$5,500,000 to under \$5,750,000
35	Category FF	\$5,750,000 to under \$6,000,000
36	Category GG	\$6,000,000 to under \$6,250,000
37	Category HH	\$6,250,000 to under \$6,500,000
38	Category II	\$6,500,000 to under \$6,750,000
39	Category JJ	\$6,750,000 to under \$7,000,000
40	Category KK	\$7,000,000 to under \$7,250,000
41	Category LL	\$7,250,000 to under \$7,500,000
42	Category MM	\$7,500,000 to under \$7,750,000
43	Category NN	\$7,750,000 to under \$8,000,000
44	Category OO	\$8,000,000 to under \$8,250,000
45	Category PP	\$8,250,000 to under \$8,500,000
46	Category QQ	\$8,500,000 to under \$8,750,000
47	Category RR	\$8,750,000 to under \$9,000,000
48	Category SS	\$9,000,000 to under \$9,250,000
49	Category TT	\$9,250,000 to under \$9,500,000
50	Category UU	\$9,500,000 or over]

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

1 4. A reporting individual who knowingly and wilfully fails to file an
2 annual statement of financial disclosure or who knowingly and wilfully
3 with intent to deceive makes a false statement or gives information
4 which such individual knows to be false on such statement of financial
5 disclosure filed pursuant to this section shall be subject to a civil
6 penalty in an amount not to exceed forty thousand dollars and addi-
7 tionally such violation may be punishable as a class A misdemeanor. A
8 person who knowingly and wilfully fails to respond to the commission,
9 fails to provide information requested, or otherwise refuses to cooper-
10 ate in the conduct of a review of an annual statement of financial
11 disclosure conducted pursuant to section ninety-four of the executive
12 law may be subject to a civil penalty not to exceed forty thousand
13 dollars. Assessment of a civil penalty hereunder shall be made by the
14 joint commission on public ethics or by the legislative ethics commis-
15 sion, as the case may be, with respect to persons subject to their
16 respective jurisdictions. The joint commission on public ethics acting
17 pursuant to subdivision fourteen of section ninety-four of the executive
18 law or the legislative ethics commission acting pursuant to [subdivision
19 eleven of section eighty] paragraph (a) of subdivision nine of section
20 eighty of the legislative law, as the case may be, may, in lieu of or in
21 addition to a civil penalty, refer a violation to the appropriate prose-
22 cutor [and upon such conviction, but only after such referral, such
23 violation shall be punishable as a class A misdemeanor]. A civil penalty
24 for false filing may not be imposed hereunder in the event a [category
25 of] "value" or "amount" reported hereunder is incorrect unless such
26 reported information is falsely understated. [Notwithstanding any other
27 provision of law to the contrary, no other penalty, civil or criminal
28 may be imposed for a failure to file, or for a false filing, of such
29 statement, except that the appointing authority may impose disciplinary
30 action as otherwise provided by law.] The joint commission on public
31 ethics and the legislative ethics commission shall each be deemed to be
32 an agency within the meaning of article three of the state administra-
33 tive procedure act and shall adopt rules governing the conduct of adju-
34 dicatory proceedings and appeals relating to the assessment of the civil
35 penalties herein authorized. Such rules, which shall not be subject to
36 the approval requirements of the state administrative procedure act,
37 shall provide for due process procedural mechanisms substantially simi-
38 lar to those set forth in such article three but such mechanisms need
39 not be identical in terms or scope. Assessment of a civil penalty shall
40 be final unless modified, suspended or vacated within thirty days of
41 imposition and upon becoming final shall be subject to review at the
42 instance of the affected reporting individual in a proceeding commenced
43 against the joint commission on public ethics or the legislative ethics
44 commission, pursuant to article seventy-eight of the civil practice law
45 and rules.

46 § 7. Paragraph (a) of subdivision 9 of section 80 of the legislative
47 law, as amended by section 9 of part A of chapter 399 of the laws of
48 2011, is amended to read as follows:

49 (a) An individual subject to the jurisdiction of the commission with
50 respect to the imposition of penalties who knowingly and intentionally
51 violates the provisions of subdivisions two through five-a, seven,
52 eight, twelve, fourteen or fifteen of section seventy-three of the
53 public officers law or a reporting individual who knowingly and wilfully
54 fails to file an annual statement of financial disclosure or who know-
55 ingly and wilfully with intent to deceive makes a false statement or
56 gives information which such individual knows to be false on such state-

1 ment of financial disclosure filed pursuant to section seventy-three-a
2 of the public officers law, or who solicits, requests, commands, impor-
3 tones, or intentionally aids another person to engage in any of the
4 above-mentioned conduct, or who knowingly and willfully fails to respond
5 to the joint commission on public ethics, fails to provide information
6 requested, or otherwise refuses to cooperate in the conduct of a review
7 of an annual statement of financial disclosure conducted pursuant to
8 section ninety-four of the executive law shall be subject to a civil
9 penalty in an amount not to exceed forty thousand dollars and the value
10 of any gift, compensation or benefit received as a result of such
11 violation. Any such individual who knowingly and intentionally violates
12 the provisions of [paragraph a, b, c, d, e, g, or i of] subdivision
13 three of section seventy-four of the public officers law, or who solici-
14 its, requests, commands, importunes, or intentionally aids another
15 person to engage in any of the above-mentioned conduct, shall be subject
16 to a civil penalty in an amount not to exceed ten thousand dollars and
17 the value of any gift, compensation or benefit received as a result of
18 such violation. Assessment of a civil penalty hereunder shall be made by
19 the commission with respect to persons subject to its jurisdiction. In
20 assessing the amount of the civil penalties to be imposed, the commis-
21 sion shall consider the seriousness of the violation, the amount of gain
22 to the individual and whether the individual previously had any civil or
23 criminal penalties imposed pursuant to this section, and any other
24 factors the commission deems appropriate. For a violation of this
25 section, other than for conduct which constitutes a violation of subdi-
26 vision twelve, fourteen or fifteen of section seventy-three or section
27 seventy-four of the public officers law, the legislative ethics commis-
28 sion may, in lieu of or in addition to a civil penalty, refer a
29 violation to the appropriate prosecutor [and upon such conviction, but
30 only after such referral, such violation shall be punishable as a class
31 A misdemeanor]. Where the commission finds sufficient cause, it shall
32 refer such matter to the appropriate prosecutor. A civil penalty for
33 false filing may not be imposed hereunder in the event a category of
34 "value" or "amount" reported hereunder is incorrect unless such reported
35 information is falsely understated. [Notwithstanding any other provision
36 of law to the contrary, no other penalty, civil or criminal may be
37 imposed for a failure to file, or for a false filing, of such statement,
38 or a violation of subdivision six of section seventy-three of the public
39 officers law, except that the appointing authority may impose discipli-
40 nary action as otherwise provided by law.] The legislative ethics
41 commission shall be deemed to be an agency within the meaning of article
42 three of the state administrative procedure act and shall adopt rules
43 governing the conduct of adjudicatory proceedings and appeals taken
44 pursuant to a proceeding commenced under article seventy-eight of the
45 civil practice law and rules relating to the assessment of the civil
46 penalties herein authorized. Such rules, which shall not be subject to
47 the promulgation and hearing requirements of the state administrative
48 procedure act, shall provide for due process procedural mechanisms
49 substantially similar to those set forth in such article three but such
50 mechanisms need not be identical in terms or scope. Assessment of a
51 civil penalty shall be final unless modified, suspended or vacated with-
52 in thirty days of imposition, with respect to the assessment of such
53 penalty, or unless such denial of request is reversed within such time
54 period, and upon becoming final shall be subject to review at the
55 instance of the affected reporting individuals in a proceeding commenced



1 against the legislative ethics commission, pursuant to article seventy-
2 eight of the civil practice law and rules.

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

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

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

32 (b) [Except as otherwise required or provided by law,] Unless other-
33 wise required herein, confidential information, including testimony
34 received or any other information obtained by a commissioner or staff of
35 the commission during the course of an investigation, shall not be
36 disclosed by any such individual to any person or entity outside the
37 commission [during the pendency of any matter. Any confidential communi-
38 cation to any person or entity outside the commission related to the
39 matters before the commission may occur only as authorized by the
40 commission] except as authorized by the commission or in response to a
41 court order or a subpoena lawfully issued by a federal, state or local
42 law enforcement agency.

43 § 10. Paragraph (a) of subdivision 13 of section 94 of the executive
44 law, as amended by section 6 of part A of chapter 399 of the laws of
45 2011, is amended to read as follows:

46 (a) Investigations. If the commission receives a sworn complaint
47 alleging a violation of section seventy-three, seventy-three-a, or
48 seventy-four of the public officers law, section one hundred seven of
49 the civil service law or article one-A of the legislative law by a
50 person or entity subject to the jurisdiction of the commission including
51 members of the legislature and legislative employees and candidates for
52 member of the legislature, or if a reporting individual has filed a
53 statement which reveals a possible violation of these provisions, or if
54 the commission determines on its own initiative to investigate a possi-
55 ble violation, the commission shall notify the individual in writing,
56 describe the possible or alleged violation of such laws and provide the

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

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

36 14. An individual subject to the jurisdiction of the commission who
37 knowingly and intentionally violates the provisions of subdivisions two
38 through five-a, seven, eight, twelve or fourteen through seventeen of
39 section seventy-three of the public officers law, section one hundred
40 seven of the civil service law, or a reporting individual who knowingly
41 and wilfully fails to file an annual statement of financial disclosure
42 or who knowingly and wilfully with intent to deceive makes a false
43 statement or fraudulent omission or gives information which such indi-
44 vidual knows to be false on such statement of financial disclosure filed
45 pursuant to section seventy-three-a of the public officers law, or who
46 solicits, requests, commands, importunes, or intentionally aids another
47 person to engage in any of the above-mentioned conduct, or who knowingly
48 and wilfully fails to respond to the commission, fails to provide infor-
49 mation requested, or otherwise refuses to cooperate in the conduct of a
50 review of an annual statement of financial disclosure conducted pursuant
51 to this section, shall be subject to a civil penalty in an amount not to
52 exceed forty thousand dollars and the value of any gift, compensation or
53 benefit received as a result of such violation. An individual who know-
54 ingly and intentionally violates the provisions of [paragraph a, b, c,
55 d, e, g, or i of] subdivision three of section seventy-four of the
56 public officers law, or who solicits, requests, commands, importunes, or



1 intentionally aids another person to engage in any of the above-men-
2 tioned conduct, shall be subject to a civil penalty in an amount not to
3 exceed ten thousand dollars and the value of any gift, compensation or
4 benefit received as a result of such violation. An individual or entity
5 subject to the jurisdiction of the commission who knowingly and willful-
6 ly violates article one-A of the legislative law, or who solicits,
7 requests, commands, importunes, or intentionally aids another person or
8 entity to engage in any of the above-mentioned conduct, shall be subject
9 to civil penalty as provided for in that article. Except with respect to
10 members of the legislature and legislative employees, assessment of a
11 civil penalty hereunder shall be made by the commission with respect to
12 persons subject to its jurisdiction. With respect to a violation of any
13 law other than sections seventy-three, seventy-three-a, and seventy-four
14 of the public officers law, where the commission finds sufficient cause
15 by a vote [held in the same manner as set forth in paragraph (b) of
16 subdivision thirteen of this section], it shall refer such matter to the
17 appropriate prosecutor for further investigation. In assessing the
18 amount of the civil penalties to be imposed, the commission shall
19 consider the seriousness of the violation, the amount of gain to the
20 individual and whether the individual previously had any civil or crimi-
21 nal penalties imposed pursuant to this section, and any other factors
22 the commission deems appropriate. Except with respect to members of the
23 legislature and legislative employees, for a violation of this subdivi-
24 sion, other than for conduct which constitutes a violation of section
25 one hundred seven of the civil service law, subdivisions twelve or four-
26 teen through seventeen of section seventy-three or section seventy-four
27 of the public officers law or article one-A of the legislative law, the
28 commission may, in lieu of or in addition to a civil penalty, refer a
29 violation to the appropriate prosecutor [and upon such conviction, such
30 violation shall be punishable as a class A misdemeanor]. A civil penalty
31 for false filing may not be imposed hereunder in the event a category of
32 "value" or "amount" reported hereunder is incorrect unless such reported
33 information is falsely understated. [Notwithstanding any other provision
34 of law to the contrary, no other penalty, civil or criminal may be
35 imposed for a failure to file, or for a false filing, of such statement,
36 or a violation of subdivision six of section seventy-three of the public
37 officers law, except that the appointing authority may impose discipli-
38 nary action as otherwise provided by law.] The commission may refer
39 violations of this subdivision to the appointing authority for discipli-
40 nary action as otherwise provided by law. The commission shall be deemed
41 to be an agency within the meaning of article three of the state admin-
42 istrative procedure act and shall adopt rules governing the conduct of
43 adjudicatory proceedings and appeals taken pursuant to a proceeding
44 commenced under article seventy-eight of the civil practice law and
45 rules relating to the assessment of the civil penalties herein author-
46 ized and commission denials of requests for certain deletions or
47 exemptions to be made from a financial disclosure statement as author-
48 ized in paragraph (h) or paragraph (i) of subdivision nine of this
49 section. Such rules, which shall not be subject to the approval require-
50 ments of the state administrative procedure act, shall provide for due
51 process procedural mechanisms substantially similar to those set forth
52 in article three of the state administrative procedure act but such
53 mechanisms need not be identical in terms or scope. Assessment of a
54 civil penalty or commission denial of such a request shall be final
55 unless modified, suspended or vacated within thirty days of imposition,
56 with respect to the assessment of such penalty, or unless such denial of

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

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

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

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

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

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

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

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

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

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

37 (6) substantial basis investigation reports issued by the commission
38 pursuant to subdivision fourteen-a or fourteen-b of this section. With
39 respect to reports concerning members of the legislature or legislative
40 employees or candidates for member of the legislature, the joint commis-
41 sion shall not publicly disclose or otherwise disseminate such reports
42 except in conformance with the requirements of paragraph (b) of subdivi-
43 sion nine of section eighty of the legislative law.] Commission records
44 created after the effective date of the chapter of the laws of 2016
45 which amended this paragraph shall be available for public inspection
46 and copying pursuant to the provisions of article six of the public
47 officers law, except that the commission may also deny access to records
48 or portions thereof that relate to requests from any person or entity,
49 who is subject to the jurisdiction of the commission and the require-
50 ments of sections seventy-three, seventy-three-a or seventy-four of the
51 public officers law or article one-a of the legislative law or applica-
52 ble regulations, for advice and guidance or approval relating to said
53 provisions.

54 (a-1) Notwithstanding the provisions of article six of the public
55 officers law, the only records of the commission created before the

1 chapter of the laws of 2016 which amended this paragraph which shall be
2 available for public inspection and copying are:

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

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

12 (3) notices of delinquency sent under subdivision twelve of this
13 section;

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

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

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

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

29 (b) [Notwithstanding the provisions of article seven of the public
30 officers law, no meeting or proceeding, including any such proceeding
31 contemplated under paragraph (h) or (i) of subdivision nine of this
32 section,] Meetings and proceedings of the commission shall be open to
33 the public[, except if expressly provided otherwise by the commission or
34 as is required by article one-A of the legislative law] pursuant to
35 article seven of the public officers law. Notwithstanding the provisions
36 of article seven of the public officers law, commissioners may partic-
37 ipate in a meeting or proceeding of the commission, including voting,
38 from a location not open to the general public to conduct the business
39 of the commission, so long as one of the locations from which the meet-
40 ing or proceeding is being conducted complies with the provisions of
41 article seven of the public officers law. Such participation shall count
42 towards quorum.

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

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

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

52 (vii) A lobbyist or client who knowingly and wilfully fails to comply
53 with requests for the production of documents or otherwise fails to
54 cooperate during the conduct of a random audit under section 1-d of this
55 article shall be subject to a civil penalty not to exceed ten thousand
56 dollars.

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

3 § 1-s. Public access to records; format of records and reports. (a)
4 The commission shall make information furnished by lobbyists and clients
5 available to the public for inspection and copying in electronic [and
6 paper formats] format. Access to such information shall also be made
7 available for remote computer users through the internet network.

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

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

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

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

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

27 § 17. Paragraph a of subdivision 12 of section 80 of the legislative
28 law, as amended by section 9 of part A of chapter 399 of the laws of
29 2011, is amended to read as follows:

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

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

38 (2) generic advisory opinions;

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

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

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

50

PART F

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

53 § 5-212. Motor vehicle registration. 1. In addition to any other meth-
54 od of voter registration provided for in this article, any qualified



1 person shall be automatically applied for registration and enrollment
2 simultaneously with and upon application for a motor vehicle driver's
3 license, a driver's license renewal or an identification card if such a
4 card is issued by the department of motor vehicles in its normal course
5 of business unless such qualified person declines such application for
6 registration and enrollment at the time of making an application for a
7 motor vehicle driver's license, driver's license renewal or an identifi-
8 cation card if such card is issued by the department of motor vehicles
9 in its normal course of business.

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

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

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

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

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

36 (i) voter eligibility requirements;

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

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

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

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

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

52 (f) include the statement, "If you would like help in filling out the
53 voter registration application form, we will help you. The decision
54 whether to seek or accept help is yours. You may fill out the applica-
55 tion form in private.";

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

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

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

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

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

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

33 7. Application forms shall be processed by the board of elections in
34 the manner prescribed by section 5-210 of this title or, if the appli-
35 cant is already registered to vote from another address in such county
36 or city, in the manner prescribed by section 5-208 of this title. The
37 board shall send the appropriate notice of approval or rejection as
38 required by either subdivision nine of such section 5-210 or subdivision
39 five of such section 5-208.

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

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

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

50 11. The state board shall adopt such rules and regulations as may be
51 necessary to carry out the requirements of this section. The board shall
52 also adopt such rules and regulations as may be necessary to require
53 county boards and the department of motor vehicles to provide the state
54 board with such information and data as the board deems necessary to
55 assess compliance with this section and to compile such statistics as
56 may be required by the federal elections commission.

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

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

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

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

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

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

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

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

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

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

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

44 9. Notwithstanding any inconsistent provisions of this article,
45 election inspectors or poll clerks, if any, at polling places for early
46 voting, shall consist of either board of elections employees who shall
47 be appointed by the commissioners of such board or duly qualified indi-
48 viduals, appointed in the manner set forth in this section. Appointments
49 to the offices of election inspector or poll clerk in each polling place
50 for early voting shall be equally divided between the major political
51 parties. The board of elections shall assign staff and provide the
52 resources they require to ensure wait times at early voting sites do not
53 exceed thirty minutes.

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

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

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

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

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

23 (k) Voting at each polling place for early voting shall be conducted
24 in a manner consistent with the provisions of this article, with the
25 exception of the tabulation and proclamation of election results which
26 shall be completed according to subdivisions eight and nine of section
27 8-600 of this article.

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

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

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

35 (b) The second section of such report shall be reserved for the board
36 of inspectors to enter the name, address and registration serial number
37 of each person who is challenged on the day of election or on any day in
38 which there is early voting pursuant to section 8-600 of this article,
39 together with the reason for the challenge. If no voters are chal-
40 lenged, the board of inspectors shall enter the words "No Challenges"
41 across the space reserved for such names. In lieu of preparing section
42 two of the challenge report, the board of elections may provide, next to
43 the name of each voter on the computer generated registration list, a
44 place for the inspectors of election to record the information required
45 to be entered in such section two, or provide at the end of such comput-
46 er generated registration list, a place for the inspectors of election
47 to enter such information.

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

50 TITLE VI

51 EARLY VOTING

52 Section 8-600. Early voting.

53 8-602. State board of elections; powers and duties for early
54 voting.

55 § 8-600. Early voting. 1. Beginning the thirteenth day prior to any
56 general, primary or special election for any public or party office, and

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

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

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

22 (c) Notwithstanding the minimum number of early voting poll sites
23 otherwise required by this subdivision, for any primary or special
24 election, upon majority vote of the board of elections, the number of
25 early voting sites may be reduced if the board of elections reasonably
26 determines a lesser number of sites is sufficient to meet the needs of
27 early voters.

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

37 3. Any person permitted to vote early may do so at any polling place
38 for early voting established pursuant to subdivision two of this section
39 in the county where such voter is registered to vote. Provided, however,
40 (i) if it is impractical to provide each polling place for early voting
41 all appropriate ballots for each election to be voted on in the county,
42 or (ii) if permitting such persons to vote early at any polling place
43 established for early voting would make it impractical to ensure that
44 such voter has not previously voted early during such election, the
45 board of elections may designate each polling place for early voting
46 only for those voters registered to vote in a portion of the county to
47 be served by such polling place for early voting, provided that all
48 voters in each county shall have one or more polling places at which
49 they are eligible to vote throughout the early voting period on a
50 substantially equal basis.

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

54 (b) At least one polling place for early voting shall remain open
55 until eight o'clock in the evening on at least two week days in each
56 calendar week during the early voting period. If polling places for

1 early voting are limited to voters from certain areas pursuant to subdi-
2 vision three of this section, polling places that remain open until
3 eight o'clock shall be designated such that any person entitled to vote
4 early may vote until eight o'clock in the evening on at least two week
5 days during the early voting period.

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

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

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

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

33 6. The form of paper ballots used in early voting shall comply with
34 the provisions of article seven of this chapter that are applicable to
35 voting by paper ballot on election day and such ballot shall be cast in
36 the same manner as provided for in section 8-312 of this article,
37 provided, however, that ballots cast during the early voting period
38 shall be secured in the manner of voted ballots cast on election day and
39 such ballots shall not be canvassed or examined until after the close of
40 the polls on election day, and no unofficial tabulations of election
41 results shall be printed or viewed in any manner until after the close
42 of polls on election day.

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

46 8. Notwithstanding any other provisions of this chapter, at the end of
47 each day of early voting, any early voting ballots that have not been
48 scanned because a ballot scanner was not available or because the ballot
49 has been abandoned by the voter at the ballot scanner shall be cast in a
50 manner consistent with section 9-110 of this chapter, except that any
51 ballots that would otherwise be scanned at the close of the polls pursu-
52 ant to such section shall be scanned at the close of each day's early
53 voting.

54 9. The board of elections shall secure all ballots and scanners used
55 for early voting from the beginning of the early voting period through
56 the close of the polls of the election on election day. As soon as the

1 polls of the election are closed on election day, and not before,
2 inspectors or board of elections employees shall follow all relevant
3 provisions of article nine of this chapter that are not inconsistent
4 with this section, for canvassing, processing, recording, and announcing
5 results of voting at polling places for early voting, and securing
6 ballots, scanners, and other election materials.

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

19 § 12. This act shall take effect on the first of January next succeed-
20 ing the date on which it shall have become a law and shall apply to any
21 election held 120 days or more after it shall have taken effect;
22 provided, however that sections one, two, three and four of this act
23 shall take effect on April 1, 2017.

24

PART G

25 Section 1. The New York state comptroller, or his or her designee, the
26 attorney general of the state of New York, or his or her designee, the
27 chief information officer of the office of information technology
28 services, or his or her designee and the commissioner of general
29 services, or his or her designee, are hereby directed to review, examine
30 and make recommendations concerning the feasibility of assigning a
31 single identifying code to contractors, vendors and other payees to
32 track such entities and expenditures. This group shall submit a report
33 to the governor, temporary president of the senate, and the speaker of
34 the assembly on or before January 1, 2017, of its findings and recommen-
35 dations.

36 § 2. This act shall take effect immediately.

37

PART H

38 Section 1. Subdivisions (b), (h) and (w) of section 1-c of the legis-
39 lative law, subdivisions (b) and (h) as added by chapter 2 of the laws
40 of 1999 and subdivision (w) as added by section 8 of part A of chapter
41 399 of the laws of 2011, are amended and a new subdivision (x) is added
42 to read as follows:

43 (b) The term "client" shall mean every person or organization who
44 retains, employs or designates any person or organization to carry on
45 lobbying activities or political consulting services on behalf of such
46 client.

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



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

16 (x) The term "political consulting" means and includes the provision
17 for compensation, to any elected state or local public official of
18 advice, services or assistance in securing future state or local public
19 office including, but not limited to, campaign management, fundraising
20 activities, public relations or media services, but shall exclude legal
21 work directly related to litigation or legal advice with regard to
22 securing a place on the ballot, the petitioning process, the conduct of
23 an election or which involves this chapter.

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

27 § 1-d. Lobby-related and political consulting-related powers of the
28 commission. In addition to any other powers and duties provided by
29 section ninety-four of the executive law, the commission shall, with
30 respect to its lobbying-related and political consulting-related func-
31 tions only, have the power and duty to:

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

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

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

43 (ii) The commission shall develop protocols for the conduct of such
44 random audits. Such random audits may require the production of books,
45 papers, records or memoranda relevant and material to the preparation of
46 the selected statements or reports, for examination by the commission.
47 Any such protocols shall ensure that similarly situated statements or
48 reports are audited in a uniform manner.

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

54 (iv) Upon completion of a random audit conducted in accordance with
55 the provisions of paragraphs (i), (ii) and (iii) of this subdivision,
56 the commission shall determine whether there is reasonable cause to

1 believe that any such statement or report is inaccurate or incomplete.
2 Upon a determination that such reasonable cause exists, the commission
3 may require the production of further books, records or memoranda,
4 subpoena witnesses, compel their attendance and testimony and administer
5 oaths or affirmations, to the extent the commission determines such
6 actions are necessary to obtain information relevant and material to
7 investigating such inaccuracies or omissions;

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

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

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

18 (f) issue advisory opinions to those under its jurisdiction. Such
19 advisory opinions, which shall be published and made available to the
20 public, shall not be binding upon such commission except with respect to
21 the person to whom such opinion is rendered, provided, however, that a
22 subsequent modification by such commission of such an advisory opinion
23 shall operate prospectively only; and

24 (g) submit by the first day of March next following the year for which
25 such report is made to the governor and the members of the legislature
26 an annual report summarizing the commission's work, listing the lobby-
27 ists, political consultants, and clients required to register pursuant
28 to this article and the expenses and compensation reported pursuant to
29 this article and making recommendations with respect to this article.
30 The commission shall make this report available free of charge to the
31 public.

32 (h) provide an online ethics training course for individuals regis-
33 tered as lobbyists and political consultants pursuant to section one-e
34 of this article. The curriculum for the course shall include, but not be
35 limited to, explanations and discussions of the statutes and regulations
36 of New York concerning ethics in the public officers law, the election
37 law, the legislative law, summaries of advisory opinions, underlying
38 purposes and principles of the relevant laws, and examples of practical
39 application of these laws and principles. The commission shall prepare
40 those methods and materials necessary to implement the curriculum. Each
41 individual registered as a lobbyist or a political consultant pursuant
42 to section one-e of this article shall complete such training course at
43 least once in any three-year period during which he or she is registered
44 as a lobbyist or a political consultant.

45 § 3. Section 1-e of the legislative law, as amended by section 1 of
46 part S of chapter 62 of the laws of 2003, subdivisions (a) and (c) as
47 amended by chapter 1 of the laws of 2005, paragraph 1 of subdivision (c)
48 as amended by chapter 14 of the laws of 2007 and paragraph 8 of subdivi-
49 sion (c) as added by section 7-a of part A of chapter 399 of the laws of
50 2011, is amended to read as follows:

51 § 1-e. Statement of registration. (a) (1) Every lobbyist or political
52 consultant shall annually file with the commission, on forms provided by
53 the commission, a statement of registration for each calendar year;
54 provided, however, that the filing of such statement of registration
55 shall not be required of any lobbyist or political consultant who (i) in
56 any year does not expend, incur or receive an amount in excess of two

1 thousand dollars for years prior to two thousand six and in excess of
2 five thousand dollars in the year two thousand six and the years there-
3 after of reportable compensation and expenses, as provided in paragraph
4 five of subdivision (b) of section one-h of this article, for the
5 purposes of lobbying or political consulting or (ii) is an officer,
6 director, trustee or employee of any public corporation, when acting in
7 such official capacity; provided however, that nothing in this section
8 shall be construed to relieve any public corporation of the obligation
9 to file such statements and reports as required by this article. The
10 amounts expended, incurred, or received of reportable compensation and
11 expenses for lobbying or political consulting activities shall be
12 computed cumulatively for all lobbying or political consulting activ-
13 ities when determining whether the thresholds set forth in this section
14 have been met.

15 (2) (i) Through calendar year two thousand three, such filing shall be
16 completed on or before January first by those persons who have been
17 retained, employed or designated as lobbyist on or before December
18 fifteenth who reasonably anticipate that in the coming year they will
19 expend, incur or receive combined reportable compensation and expenses
20 in an amount in excess of two thousand dollars; for those lobbyists
21 retained, employed or designated after December fifteenth, and for those
22 lobbyists who subsequent to their retainer, employment or designation
23 reasonably anticipate combined reportable compensation and expenses in
24 excess of such amount, such filing must be completed within fifteen days
25 thereafter, but in no event later than ten days after the actual incur-
26 ring or receiving of such reportable compensation and expenses.

27 (ii) For calendar year two thousand four, such filings shall be
28 completed on or before January first by those persons who have been
29 retained, employed or designated as lobbyist on or before December
30 fifteenth, two thousand three who reasonably anticipate that in the
31 coming year they will expend, incur or receive combined reportable
32 compensation and expenses in an amount in excess of two thousand
33 dollars; for those lobbyists retained, employed or designated after
34 December fifteenth, two thousand three, and for those lobbyists who
35 subsequent to their retainer, employment or designation reasonably
36 anticipate combined reportable compensation and expenses in excess of
37 such amount, such filing must be completed within fifteen days thereaft-
38 er, but in no event later than ten days after the actual incurring or
39 receiving of such reportable compensation and expenses.

40 (3) Commencing calendar year two thousand five and thereafter every
41 lobbyist shall, and commencing calendar year two thousand seventeen
42 every political consultant shall, biennially file with the commission,
43 on forms provided by the commission, a statement of registration for
44 each biennial period beginning with the first year of the biennial cycle
45 commencing calendar year two thousand five and thereafter for lobbyists,
46 and two thousand seventeen for political consultants; provided, however,
47 that the biennial filing of such statement of registration shall not be
48 required of any lobbyist or political consultant who (i) in any year
49 prior to calendar year two thousand six does not expend, incur or
50 receive an amount in excess of two thousand dollars of reportable
51 compensation and expenses, as provided in paragraph five of subdivision
52 (b) of section one-h of this article, for the purposes of lobbying or
53 political consulting and commencing with calendar year two thousand six
54 does not expend, incur or receive an amount in excess of five thousand
55 dollars of reportable compensation, as provided in paragraph five of
56 subdivision (b) of section one-h of this article for the purposes of



1 lobbying or political consulting or (ii) is an officer, director, trustee or employee of any public corporation, when acting in such official capacity; provided however, that nothing in this section shall be construed to relieve any public corporation of the obligation to file such statements and reports as required by this article.

6 (4) Such biennial filings shall be completed on or before January 7 first of the first year of a biennial cycle commencing in calendar year 8 two thousand five and thereafter, by those persons who have been 9 retained, employed or designated as a lobbyist or a political consultant 10 on or before December fifteenth of the previous calendar year and who 11 reasonably anticipate that in the coming year they will expend, incur or 12 receive combined reportable compensation and expenses in an amount in 13 excess of two thousand dollars in years prior to calendar year two thousand 14 six and five thousand dollars commencing in two thousand six; for 15 those lobbyists or political consultants retained, employed or designated 16 after the previous December fifteenth, and for those lobbyists or 17 political consultants who subsequent to their retainer, employment or 18 designation reasonably anticipate combined reportable compensation and 19 expenses in excess of such amount, such filing must be completed within 20 fifteen days thereafter, but in no event later than ten days after the 21 actual incurring or receiving of such reportable compensation and 22 expenses.

23 (b) (i) Such statements of registration shall be kept on file for a 24 period of three years for those filing periods where annual statements 25 are required, and shall be open to public inspection during such period; 26 (ii) Biennial statements of registration shall be kept on file for a 27 period of three biennial filing periods where biennial statements are 28 required, and shall be open to public inspection during such period.

29 (c) Such statement of registration shall contain:

30 (1) the name, address and telephone number of the lobbyist or political consultant, and if the lobbyist or political consultant is an 31 organization the names, addresses and telephone numbers of any officer 32 or employee of such lobbyist or political consultant who engages in any 33 lobbying or political consulting activities or who is employed in an 34 organization's division that engages in lobbying or political consulting 35 activities of the organization;

36 (2) the name, address and telephone number of the client by whom or on 37 whose behalf the lobbyist or political consultant is retained, employed 38 or designated;

39 (3) if such lobbyist or political consultant is retained or employed 40 pursuant to a written agreement of retainer or employment, a copy of 41 such shall also be attached and if such retainer or employment is oral, 42 a statement of the substance thereof; such written retainer, or if it is 43 oral, a statement of the substance thereof, and any amendment thereto, 44 shall be retained for a period of three years;

45 (4) a written authorization from the client by whom the lobbyist or 46 political consultant is authorized to lobby or consult for, unless such 47 lobbyist or political consultant has filed a written agreement of 48 retainer or employment pursuant to paragraph three of this subdivision;

49 (5) the following information on which the lobbyist expects to lobby 50 or the political consultant intends to consult: (i) a description of 51 the general subject or subjects, (ii) the legislative bill numbers of 52 any bills, (iii) the numbers or subject matter (if there are no numbers) 53 of gubernatorial executive orders or executive orders issued by the 54 chief executive officer of a municipality, (iv) the subject matter of 55 and tribes involved in tribal-state compacts, memoranda of understand-

1 ing, or any other state-tribal agreements and any state actions related
2 to class III gaming as provided in 25 U.S.C. § 2701, (v) the rule, regu-
3 lation, and ratemaking numbers of any rules, regulations, rates, or
4 municipal ordinances and resolutions, or proposed rules, regulations, or
5 rates, or municipal ordinances and resolutions, [and] (vi) the titles
6 and any identifying numbers of any procurement contracts and other docu-
7 ments disseminated by a state agency, either house of the state legisla-
8 ture, the unified court system, municipal agency or local legislative
9 body in connection with a governmental procurement, and (vii) the issues
10 and/or campaigns for which work is contemplated;

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

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

17 (8) (i) the name and public office address of any statewide elected
18 official, state officer or employee, member of the legislature or legis-
19 lative employee and entity with whom the lobbyist or political consult-
20 ant has a reportable business relationship;

21 (ii) a description of the general subject or subjects of the trans-
22 actions between the lobbyist [or], lobbyists, political consultant or
23 political consultants and the statewide elected official, state officer
24 or employee, member of the legislature or legislative employee and enti-
25 ty; and

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

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

33 (e) (i) The first statement of registration filed annually by each
34 lobbyist or political consultant for calendar years through two thousand
35 three shall be accompanied by a registration fee of fifty dollars except
36 that no registration fee shall be required of a public corporation. A
37 fee of fifty dollars shall be required for any subsequent statement of
38 registration filed by a lobbyist or political consultant during the same
39 calendar year; (ii) The first statement of registration filed annually
40 by each lobbyist or political consultant for calendar year two thousand
41 four shall be accompanied by a registration fee of one hundred dollars
42 except that no registration fee shall be required from any lobbyist or
43 political consultant who in any year does not expend, incur or receive
44 an amount in excess of five thousand dollars of reportable compensation
45 and expenses, as provided in paragraph five of subdivision (b) of
46 section one-h of this article, for the purposes of lobbying, political
47 consulting or of a public corporation. A fee of one hundred dollars
48 shall be required for any subsequent statement of registration filed by
49 a lobbyist or a political consultant during the same calendar year;
50 (iii) The first statement of registration filed biennially by each
51 lobbyist or political consultant for the first biennial registration
52 requirements for calendar years two thousand five and two thousand six
53 and thereafter, shall be accompanied by a registration fee of two
54 hundred dollars except that no registration fee shall be required from
55 any lobbyist or political consultant who in any year does not expend,
56 incur or receive an amount in excess of five thousand dollars of report-

1 able compensation and expenses, as provided in paragraph five of subdi-
2 vision (b) of section one-h of this article, for the purposes of lobby-
3 ing, political consulting or of a public corporation. A fee of two
4 hundred dollars shall be required for any subsequent statement of regis-
5 tration filed by a lobbyist or a political consultant during the same
6 biennial period; (iv) The statement of registration filed after the due
7 date of a biennial registration shall be accompanied by a registration
8 fee that is prorated to one hundred dollars for any registration filed
9 after January first of the second calendar year covered by the biennial
10 reporting requirement. In addition to the fees authorized by this
11 section, the commission may impose a fee for late filing of a registra-
12 tion statement required by this section not to exceed twenty-five
13 dollars for each day that the statement required to be filed is late,
14 except that if the lobbyist or political consultant making a late filing
15 has not previously been required by statute to file such a statement,
16 the fee for late filing shall not exceed ten dollars for each day that
17 the statement required to be filed is late.

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

20 § 1-g. Termination of retainer, employment or designation. Upon the
21 termination of a lobbyist's or political consultant's retainer, employ-
22 ment or designation, such lobbyist or political consultant and the
23 client on whose behalf such service has been rendered shall both give
24 written notice to the commission within thirty days after the lobbyist
25 or political consultant ceases the activity that required such lobbyist
26 or political consultant to file a statement of registration; however,
27 such lobbyist or political consultant shall nevertheless comply with the
28 bi-monthly reporting requirements up to the date such activity has
29 ceased as required by this article and both such parties shall each file
30 the semi-annual report required by section one-j of this article. The
31 commission shall enter notice of such termination in the appropriate
32 monthly registration docket required by section one-f of this article.

33 § 5. Section 1-h of the legislative law, as added by chapter 2 of the
34 laws of 1999, subdivision (a) and paragraph 3 of subdivision (b) as
35 amended by chapter 14 of the laws of 2007, and paragraph 4 of subdivi-
36 sion (c) as added by section 1 of part B of chapter 399 of the laws of
37 2011, is amended to read as follows:

38 § 1-h. Bi-monthly reports of certain lobbyists or political consult-
39 ants. (a) Any lobbyist or political consultant required to file a state-
40 ment of registration pursuant to section one-e of this article who in
41 any lobbying or political consulting year reasonably anticipates that
42 during the year such lobbyist or political consultant will expend, incur
43 or receive combined reportable compensation and expenses in an amount in
44 excess of five thousand dollars, as provided in paragraph five of subdivi-
45 sion (b) of this section, for the purpose of lobbying or political
46 consulting, shall file with the commission a bi-monthly written report,
47 on forms supplied by the commission, by the fifteenth day next succeed-
48 ing the end of the reporting period in which the lobbyist or political
49 consultant was first required to file a statement of registration. Such
50 reporting periods shall be the period of January first to the last day
51 of February, March first to April thirtieth, May first to June thirti-
52 eth, July first to August thirtieth, September first to October thir-
53 ty-first and November first to December thirty-first.

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

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

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

4 (3) the following information on which the lobbyist has lobbied or the
5 political consultant has consulted: (i) a description of the general
6 subject or subjects, (ii) the legislative bill numbers of any bills,
7 (iii) the numbers or subject matter (if there are no numbers) of guber-
8 natorial executive orders or executive orders issued by the chief execu-
9 tive officer of a municipality, (iv) the subject matter of and tribes
10 involved in tribal-state compacts, memoranda of understanding, or any
11 other state-tribal agreements and any state actions related to class III
12 gaming as provided in 25 U.S.C. § 2701, (v) the rule, regulation, and
13 ratemaking or municipal ordinance or resolution numbers of any rules,
14 regulations, or rates or ordinance or proposed rules, regulations, or
15 rates or municipal ordinances or resolutions, and (vi) the titles and
16 any identifying numbers of any procurement contracts and other documents
17 disseminated by a state agency, either house of the state legislature,
18 the unified court system, municipal agency or local legislative body in
19 connection with a governmental procurement;

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

23 (5) (i) the compensation paid or owed to the lobbyist or political
24 consultant, and any expenses expended, received or incurred by the
25 lobbyist or political consultant for the purpose of lobbying or poli-
26 tical consulting.

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

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

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

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

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

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

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

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

49 (3) In addition to the filing fees authorized by this article, the
50 commission may impose a fee for late filing of a bi-monthly report
51 required by this section not to exceed twenty-five dollars for each day
52 that the report required to be filed is late, except that if the lobby-
53 ist or political consultant making a late filing has not previously been
54 required by statute to file such a report, the fee for late filing shall
55 not exceed ten dollars for each day that the report required to be filed
56 is late.

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

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

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

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

26 The disclosure shall not apply to:

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

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

42 (iii) any governmental entity.

43 The joint commission on public ethics shall promulgate regulations to
44 implement these requirements.

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

50 § 1-j. Semi-annual reports. (a) Semi-annual reports shall be filed by
51 any client retaining, employing or designating a lobbyist or lobbyists
52 or political consultant or consultants, whether or not any such lobbyist
53 or political consultant was required to file a bi-monthly report, if
54 such client reasonably anticipates that during the year such client will
55 expend or incur an amount in excess of five thousand dollars of combined
56 reportable compensation and expenses, as provided in paragraph five of

1 subdivision (c) of this section, for the purposes of lobbying or poli-
2 tical consulting.

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

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

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

10 (3) the following information on which each lobbyist or political
11 consultant retained, employed or designated by such client has lobbied
12 or consulted, and on which such client has lobbied or required consult-
13 ing: (i) a description of the general subject or subjects, (ii) the
14 legislative bill numbers of any bills, (iii) the numbers or subject
15 matter (if there are no numbers) of gubernatorial executive orders or
16 executive orders issued by the chief executive officer of a municipi-
17 pality, (iv) the subject matter of and tribes involved in tribal-state
18 compacts, memoranda of understanding, or any other state-tribal agree-
19 ments and any state actions related to class III gaming as provided in
20 25 U.S.C. 2701, (v) the rule, regulation, and ratemaking or municipal
21 resolution or ordinance numbers of any rules, regulations, or rates, or
22 municipal resolutions or ordinances or proposed rules, regulations, or
23 rates, or municipal ordinances or resolutions and (vi) the titles and
24 any identifying numbers of any procurement contracts and other documents
25 disseminated by a state agency, either house of the state legislature,
26 the unified court system, municipal agency or local legislative body in
27 connection with a governmental procurement;

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

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

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

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

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

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

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

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

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

54 (ii) a description of the general subject or subjects of the trans-
55 actions between the client of a lobbyist or political consultant and the

1 statewide elected official, state officer or employee, member of the
2 legislature or legislative employee and entity; and

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

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

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

9 (3) Each semi-annual report filed by a client pursuant to this section
10 shall be accompanied by a filing fee of fifty dollars. In addition to
11 the filing fees authorized by this article, the commission may impose a
12 fee for late filing of a semi-annual report required by this section not
13 to exceed twenty-five dollars for each day that the report required to
14 be filed is late, except that if the client making a late filing has not
15 previously been required by statute to file an annual or semi-annual
16 report, the fee for late filing shall not exceed ten dollars for each
17 day that the report required to be filed is late.

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

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

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

30 This disclosure shall not require disclosure of the sources of funding
31 whose disclosure, in the determination of the commission based upon a
32 review of the relevant facts presented by the reporting client or lobby-
33 ist or political consultant, may cause harm, threats, harassment, or
34 reprisals to the source or to individuals or property affiliated with
35 the source. The reporting lobbyist or political consultant may appeal
36 the commission's determination and such appeal shall be heard by a judi-
37 cial hearing officer who is independent and not affiliated with or
38 employed by the commission, pursuant to regulations promulgated by the
39 commission. The reporting lobbyist or political consultant shall not be
40 required to disclose the sources of funding that are the subject of such
41 appeal pending final judgment on appeal. The disclosure shall not apply
42 to:

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

46 (ii) any corporation registered pursuant to article seven-A of the
47 executive law that is qualified as an exempt organization by the United
48 States Department of the Treasury under I.R.C. § 501(c)(4) and whose
49 primary activities concern any area of public concern determined by the
50 commission to create a substantial likelihood that application of this
51 disclosure requirement would lead to harm, threats, harassment, or
52 reprisals to a source of funding or to individuals or property affil-
53 iated with such source, including but not limited to the area of civil
54 rights and civil liberties and any other area of public concern deter-
55 mined pursuant to regulations promulgated by the commission to form a

1 proper basis for exemption on this basis from this disclosure require-
2 ment; or

3 (iii) any governmental entity.

4 The joint commission on public ethics shall promulgate regulations to
5 implement these requirements.

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

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

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

14 § 1-1. Reports of lobbying or political consulting for the purpose of
15 involving disbursement of public monies. (a) Any lobbyist or political
16 consultant required to file a statement of registration pursuant to
17 section one-e of this article who in any lobbying year reasonably antic-
18 ipates that during the year they will expend, incur or receive combined
19 reportable compensation and expenses in an amount in excess of five
20 thousand dollars shall file with the commission, on forms supplied by
21 the commission, a report of any attempts to influence a determination by
22 a public official, or by a person or entity working in cooperation with
23 a public official, with respect to the solicitation, award or adminis-
24 tration of a grant, loan, or agreement involving the disbursement of
25 public monies in excess of fifteen thousand dollars other than a govern-
26 mental procurement as defined in section one-c of this article.

27 (b) Such public monies lobbying or political consulting reports shall
28 contain:

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

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

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

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

42 (v) the compensation paid or owed to the lobbyist or political
43 consultant, and any expenses expended, received or incurred by the
44 lobbyist or consultant for the purpose of lobbying reportable under this
45 paragraph.

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

51 (d) In addition to any other fees authorized by this section, the
52 commission may impose a fee for late filing of a report required by this
53 subdivision not to exceed twenty-five dollars for each day that the
54 report required to be filed is late, except that if the lobbyist or
55 consultant making a late filing has not previously been required by

1 statute to file such a report, the fee for late filing shall not exceed
2 ten dollars for each day that the report required to be filed is late.

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

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

8 § 1-o. Penalties. (a) (i) Any lobbyist, political consultant, public
9 corporation, or client who knowingly and wilfully fails to file timely a
10 report or statement required by this section or knowingly and wilfully
11 files false information or knowingly and wilfully violates section one-m
12 of this article shall be guilty of a class A misdemeanor; and

13 (ii) any lobbyist, political consultant, public corporation, or client
14 who knowingly and wilfully fails to file timely a report or statement
15 required by this section or knowingly and wilfully files false informa-
16 tion or knowingly and wilfully violates section one-m of this article,
17 after having previously been convicted in the preceding five years of
18 the crime described in paragraph (i) of this subdivision, shall be guil-
19 ty of a class E felony. Any lobbyist or political consultant convicted
20 of or pleading guilty to a felony under the provisions of this section
21 may be barred from acting as a lobbyist or political consultant for a
22 period of one year from the date of the conviction. For the purposes of
23 this subdivision, the chief administrative officer of any organization
24 required to file a statement or report shall be the person responsible
25 for making and filing such statement or report unless some other person
26 prior to the due date thereof has been duly designated to make and file
27 such statement or report.

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

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

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

45 (B) If, after a lobbyist, political consultant or client has been
46 found to have violated subdivision one of section one-n of this article,
47 a lobbyist, political consultant or client knowingly and wilfully
48 violates the provisions of subdivision one of section one-n of this
49 article within four years of such finding, the lobbyist, political
50 consultant or client shall be subject to a civil penalty not to exceed
51 twenty-five thousand dollars.

52 (iv) Any lobbyist, political consultant or client that knowingly and
53 wilfully fails to file a statement or report within the time required
54 for the filing of such report, knowingly and wilfully files a false
55 statement or report, or knowingly and wilfully violates section one-m of
56 this article, after having been found by the commission to have [know-

1 ing] knowingly and wilfully committed such conduct or violation in the
2 preceding five years, may be subject to a determination that the lobby-
3 ist, political consultant or client is prohibited from engaging in
4 lobbying activities, as that term is defined in paragraph (v) of subdi-
5 vision (c) of section one-c of this article, for a period of one year.

6 (v) Any lobbyist, political consultant or client that knowingly and
7 wilfully engages in lobbying or political consulting activities, as that
8 term is defined in paragraph (v) of subdivision (c) of section one-c of
9 this article, during the period in which they are prohibited from engag-
10 ing in lobbying or political consulting activities, as that term is
11 defined in paragraph (v) of subdivision (c) of section one-c of this
12 article pursuant to this subdivision, may be subject to a determination
13 that the lobbyist, political consultant or client is prohibited from
14 engaging in lobbying or political consulting activities, as that term is
15 defined in paragraph (v) of subdivision (c) of section one-c of this
16 article, for a period of up to four years, and shall be subject to a
17 civil penalty not to exceed fifty thousand dollars, plus a civil penalty
18 in an amount equal to five times the value of any gift, compensation or
19 benefit received as a result of the violation.

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

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

34 (ii) In assessing any fine or penalty pursuant to this section, the
35 commission shall consider: (A) as a mitigating factor that the lobbyist,
36 political consultant, public corporation or client has not previously
37 been required to register, and (B) as an aggravating factor that the
38 lobbyist, political consultant, public corporation or client has had
39 fines or penalties assessed against it in the past. The amount of
40 compensation expended, incurred or received shall be a factor to consid-
41 er in determining a proportionate penalty.

42 (iii) Any lobbyist, political consultant, public corporation or client
43 who receives a notice of intent to assess a penalty for knowingly and
44 wilfully failing to file a report or statement pursuant to subdivision
45 (b) of this section and who has never previously received a notice of
46 intent to assess a penalty for failing to file a report or statement
47 required under this section shall be granted fifteen days within which
48 to file the statement of registration or report without being subject to
49 the fine or penalty set forth in subdivision (b) of this section. Upon
50 the failure of such lobbyist, political consultant, public corporation
51 or client to file within such fifteen day period, such lobbyist, poli-
52 tical consultant, public corporation or client shall be subject to a
53 fine or penalty pursuant to subdivision (b) of this section.

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

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

4 § 1-r. Publication of statement on lobbying and political consulting
5 regulations. The commission shall publish a statement on lobbying and
6 political consulting regulations setting forth the requirements of this
7 article in a clear and brief manner. Such statement shall contain an
8 explanation of the registration and filing requirements and the penal-
9 ties for violation thereof, together with such other information as the
10 commission shall determine, and copies thereof shall be made available
11 to the public at convenient locations throughout the state.

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

15 § 1-s. Public access to records; format of records and reports. The
16 commission shall make information furnished by lobbyists, political
17 consultants, and clients available to the public for inspection and
18 copying in electronic and paper formats. Access to such information
19 shall also be made available for remote computer users through the
20 internet network.

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

24 Advisory council on procurement lobbying and political consulting.

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

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

31 (d) The council shall annually report to the legislature any problems
32 in the implementation of the provisions of this article as such
33 provisions pertain to procurement lobbying and political consulting.
34 The council shall include in the report any recommended changes to
35 increase the effectiveness of that implementation.

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

38 15. "political consulting" means and includes the provision for
39 compensation, to any elected state or local public official of advice,
40 services or assistance in securing future state or local public office
41 including, but not limited to, campaign management, fundraising activ-
42 ities, public relations or media services, but shall exclude legal work
43 directly related to litigation or legal advice with regard to securing a
44 place on the ballot, the petitioning process, the conduct of an election
45 or which involves this chapter.

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

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

52 1. The treasurer of every political committee which, or any officer,
53 member or agent of any such committee who, in connection with any
54 election, receives or expends any money or other valuable thing or
55 incurs any liability to pay money or its equivalent shall file state-
56 ments sworn, or subscribed and bearing a form notice that false state-

1 ments made therein are punishable as a class A misdemeanor pursuant to
2 section 210.45 of the penal law, at the times prescribed by this article
3 setting forth all the receipts, contributions to and the expenditures by
4 and liabilities of the committee, and of its officers, members and
5 agents in its behalf. Such statements shall include the dollar amount of
6 any receipt, contribution or transfer, or the fair market value of any
7 receipt, contribution or transfer, which is other than of money, the
8 name and address of the transferor, contributor or person from whom
9 received, and if the transferor, contributor or person is a political
10 committee; the name of and the political unit represented by the commit-
11 tee, the date of its receipt, the dollar amount of every expenditure,
12 the name and address of the person to whom it was made or the name of
13 and the political unit represented by the committee to which it was made
14 and the date thereof, and shall state clearly the purpose of such
15 expenditure. Furthermore, such statements shall include a list of all
16 persons and organizations which provided political consulting services,
17 and the fair market value of and the actual amount paid to each such
18 person and organization for the provision of political consulting
19 services. Any statement reporting a loan shall have attached to it a
20 copy of the evidence of indebtedness. Expenditures in sums under fifty
21 dollars need not be specifically accounted for by separate items in said
22 statements, and receipts and contributions aggregating not more than
23 ninety-nine dollars, from any one contributor need not be specifically
24 accounted for by separate items in said statements, provided however,
25 that such expenditures, receipts and contributions shall be subject to
26 the other provisions of section 14-118 of this article.

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

29 1. Any candidate for election to public office, or for nomination for
30 public office at a contested primary election or convention, or for
31 election to a party position at a primary election, shall file state-
32 ments sworn, or subscribed and bearing a form notice that false state-
33 ments made therein are punishable as a class A misdemeanor pursuant to
34 section 210.45 of the penal law, at the times prescribed by this article
35 setting forth the particulars specified by section 14-102 of this arti-
36 cle, as to all moneys or other valuable things, paid, given, expended or
37 promised by him or her to aid his or her own nomination or election, or
38 to promote the success or defeat of a political party, or to aid or
39 influence the nomination or election or the defeat of any other candi-
40 date to be voted for at the election or primary election or at a conven-
41 tion, including contributions to political committees, officers, members
42 or agents thereof, and transfers, receipts and contributions to him to
43 be used for any of the purposes above specified, or in lieu thereof, any
44 such candidate may file such a sworn statement at the first filing peri-
45 od, on a form prescribed by the state board of elections that such
46 candidate has made no such expenditures and does not intend to make any
47 such expenditures, except through a political committee authorized by
48 such candidate pursuant to this article. Furthermore, such statements
49 shall include a list of all persons and organizations which provided
50 political consulting services, and the fair market value of and the
51 actual amount paid to each such person and organization for the
52 provision of political consulting services. A committee authorized by
53 such a candidate may fulfill all of the filing requirements of this act
54 on behalf of such candidate.

55 § 16. Subparagraph (O) of paragraph (x) of subdivision (c) of section
56 1-c of the legislative law is REPEALED.

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

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

5 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
6 sion, section or part of this act shall be adjudged by any court of
7 competent jurisdiction to be invalid, such judgment shall not affect,
8 impair, or invalidate the remainder thereof, but shall be confined in
9 its operation to the clause, sentence, paragraph, subdivision, section
10 or part thereof directly involved in the controversy in which such judg-
11 ment shall have been rendered. It is hereby declared to be the intent of
12 the legislature that this act would have been enacted even if such
13 invalid provisions had not been included herein.

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

