

STATE OF NEW YORK

S. 1510--A

A. 2010--A

SENATE - ASSEMBLY

January 18, 2019

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to requiring certain candidates to disclose tax returns (Part A); to amend the election law, in relation to establishing contribution limits and a public campaign financing system; to amend the state finance law, in relation to establishing the New York state campaign finance fund; and to amend the tax law, in relation to establishing a New York state campaign finance fund checkoff (Part B); to amend the election law, in relation to enacting the Voter Enfranchisement Modernization Act of 2019; in relation to establishing the electronic personal voter registration process (Part C); to amend the election law, in relation to early voting implementation (Part D); to amend the election law, in relation to primary elections and amending certain deadlines to facilitate the timely transmission of ballots to military voters stationed overseas; to amend the election law, in relation to date of primary elections; to amend the election law, in relation to canvass and audit of returns; and to amend the public officers law, in relation to filling vacancies in elective offices (Subpart A); to amend the election law, in relation to vacancies for elective offices; to judicial proceedings for designating or nominating petitions and to ballots for primary and general elections (Subpart B) (Part E); to amend the election law, in relation to political contributions by limited liability companies (Part F); to amend the election law, in relation to integrated personal voter registration applications (Part G); to amend the election law, in relation to time allowed for employees to vote (Part H); to amend the election law, in relation to providing uniform polling hours during primary elections (Part I); to amend the election law, in relation to providing for the pre-registration of voters (Part

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

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J); to amend the election law, in relation to prohibiting vendors engaged in procurements with the state from making campaign contributions to elected officials (Part K); to amend the election law, in relation to implementing automatic voter registration updates for any voter who moves anywhere within the state (Part L); to amend the election law, in relation to prohibiting certain loans to be made to candidates or political committees (Part M); to amend the election law, in relation to authorizing computer generated registration lists; in relation to the list of supplies to be delivered to poll sites (Part N); to amend the legislative law, in relation to disclosing lobbyist filing of campaign contributions, solicitations of contributions, and political consulting reports (Part O); to amend the legislative law, in relation to prohibiting lobbyists from engaging in political consulting for candidates for and holders of state office and prohibiting certain political consultants from engaging in lobbying; and to amend the election law, in relation to requiring the reporting of the provision of political consulting services (Part P); to amend the executive law, in relation to disclosure requirements for certain nonprofits (Part Q); to amend the legislative law, in relation to lowering the monetary disclosure threshold for lobbyists to report prior relationships with agencies or elected officials and to file statements of registration (Part R); to amend the legislative law to increase penalties for lobbyists who are convicted of a crime (Part S); to amend the public officers law, in relation to increasing the length of the existing bar on the appearance and practice of former state officers or employees, members of the legislature and members of the executive chamber (Part T); to amend the civil service law, in relation to prohibiting staff of elected state officials to perform volunteer services for the election campaigns of such officials (Part U); to amend the executive law and the general municipal law, in relation to requiring the financial disclosures of certain local officials (Part V); to amend the legislative law, in relation to creating and enforcing a code of conduct for lobbyists (Part W); and to amend the election law, in relation to motor vehicle voter registration; and to repeal section 5-212 of the election law relating thereto (Part X)

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 which are necessary to implement the state fiscal plan for the 2019-2020
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through X. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part,
7 including the effective date of the Part, which makes reference to a
8 section "of this act", when used in connection with that particular
9 component, shall be deemed to mean and refer to the corresponding
10 section of the Part in which it is found. Section three of this act sets
11 forth the general effective date of this act.

12 PART A

13 Section 1. The election law is amended by adding a new section 6-170
14 to read as follows:

1 § 6-170. Disclosure of tax returns by candidates for public office. 1.
2 Not later than sixty days before a general election, any candidate for
3 the office of governor, lieutenant governor, attorney general, comp-
4 troller, state senator, and member of the assembly, other than a write-
5 in candidate, shall:

6 (a) file with the state board of elections copies of the federal and
7 New York state income tax returns of such candidate for at least the ten
8 most recent taxable years for which such returns have been filed if such
9 candidate is a candidate for statewide office, and for at least the five
10 most recent taxable years for which such returns have been filed if such
11 candidate is a candidate for state senator or member of the assembly;
12 and

13 (b) provide written consent to the commissioners of the state board of
14 elections, in such form as shall be prescribed by the state board of
15 elections, for the public disclosure of such returns pursuant to subdi-
16 vision two of this section.

17 2. Income tax returns filed with the state board of elections by a
18 candidate pursuant to subdivision one of this section shall be made
19 publicly available on the website of the state board of elections no
20 later than seven days after such income tax returns have been filed,
21 subject to such redaction as may be warranted pursuant to subdivision
22 three of this section.

23 3. Prior to making any income tax return filed pursuant to subdivision
24 one of this section public, the state board of elections shall redact
25 such information as the board, in consultation with the commissioner of
26 taxation and finance or his or her delegate, deems appropriate or
27 required by law. The candidate shall be entitled to request that the
28 board make particular redactions at the time that the candidate files
29 the returns with the board pursuant to paragraph (a) of subdivision one
30 of this section.

31 4. Notwithstanding any other section of law to the contrary, if a
32 candidate has not timely filed with the state board of elections the
33 income tax returns and written consent required by subdivision one of
34 this section, the name of such candidate shall not be printed upon the
35 official ballot for the general election.

36 § 2. This act shall take effect immediately.

37 PART B

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

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

52 19. "authorized committee" means the single political committee desig-
53 nated by a candidate to receive all contributions authorized by this
54 title.

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

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

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

41 3. The contribution and receipt limits of this article shall not apply
42 to monies received and expenditures made by a party committee or consti-
43 tuted committee to maintain a permanent headquarters and staff and carry
44 on ordinary activities which are not for the express purpose of promot-
45 ing the candidacy of specific candidates, except that contributions made
46 for such activities to a party committee or constituted committee shall
47 be limited to twenty-five thousand dollars in the aggregate from each
48 contributor in each year; provided that such monies described in this
49 subdivision shall be deposited in a segregated account.

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

52 2. Each statement shall cover the period up to and including the
53 fourth day next preceding the day specified for the filing thereof[;
54 provided, however, that]. The receipt of any contribution or loan in
55 excess of one thousand dollars shall be disclosed within sixty days of
56 receipt. If such contribution or loan would not otherwise be reported

1 within sixty days of receipt on the next applicable statement, then the
2 contribution or loan shall be separately reported within sixty days of
3 receipt in the same manner as any other contribution or loan. However,
4 any contribution or loan in excess of one thousand dollars, if received
5 after the close of the period to be covered in the last statement filed
6 before any primary, general or special election but before such
7 election, shall be reported, in the same manner as other contributions,
8 within twenty-four hours after receipt.

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

11 CAMPAIGN RECEIPTS AND EXPENDITURES; PUBLIC FINANCING

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

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

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

47 b. In any other election for party position or for election to a
48 public office or for nomination for any such office, no contributor may
49 make a contribution to any candidate or political committee participat-
50 ing in the state's public campaign financing system pursuant to title
51 two of this article (for those offices or positions covered by that
52 system) and no such candidate or political committee may accept any
53 contribution from any contributor, which is in the aggregate amount
54 greater than: (i) in the case of any election for party position, or for
55 nomination to public office, the product of the total number of enrolled
56 voters in the candidate's party in the district in which he is a candi-

1 date, excluding voters in inactive status, multiplied by \$.05, and (ii)
2 in the case of any election for a public office, the product of the
3 total number of registered voters in the district, excluding voters in
4 inactive status, multiplied by \$.05, [however in the case of a nomi-
5 nation within the city of New York for the office of mayor, public advo-
6 cate or comptroller, such amount shall be not less than four thousand
7 dollars nor more than twelve thousand dollars as increased or decreased
8 by the cost of living adjustment described in paragraph [c] e of this
9 subdivision; in the case of an election within the city of New York for
10 the office of mayor, public advocate or comptroller, twenty-five thou-
11 sand dollars as increased or decreased by the cost of living adjustment
12 described in paragraph [c] e of this subdivision;] in the case of a
13 nomination or election for state senator, four thousand dollars [as
14 increased or decreased by the cost of living adjustment described in
15 paragraph c of this subdivision; in the case of an election for state
16 senator, six thousand two hundred fifty dollars as increased or
17 decreased by the cost of living adjustment described in paragraph c of
18 this subdivision]; in the case of an election or nomination for a member
19 of the assembly, [twenty-five hundred] two thousand dollars [as
20 increased or decreased by the cost of living adjustment described in
21 paragraph c of this subdivision; but in no event shall any such maximum
22 exceed fifty thousand dollars or be less than one thousand dollars];
23 provided however, that the maximum amount which may be so contributed or
24 accepted, in the aggregate, from any candidate's child, parent, grand-
25 parent, brother and sister, and the spouse of any such persons, shall
26 not exceed in the case of any election for party position or nomination
27 for public office an amount equivalent to the number of enrolled voters
28 in the candidate's party in the district in which he is a candidate,
29 excluding voters in inactive status, multiplied by \$.25 and in the case
30 of any election to public office, an amount equivalent to the number of
31 registered voters in the district, excluding voters in inactive status,
32 multiplied by \$.25; or twelve hundred fifty dollars, whichever is great-
33 er, or in the case of a nomination or election of a state senator, twen-
34 ty thousand dollars, whichever is greater, or in the case of a nomi-
35 nation or election of a member of the assembly, twelve thousand five
36 hundred dollars, whichever is greater, but in no event shall any such
37 maximum exceed one hundred thousand dollars.

38 c. In any election for a public office to be voted on by the voters
39 of the entire state, or for nomination to any such office, no contribu-
40 tor may make a contribution to any candidate or political committee in
41 connection with a candidate who is not a participating candidate as
42 defined in subdivision fourteen of section 14-200-a of this article, and
43 no such candidate or political committee may accept any contribution
44 from any contributor, which is in the aggregate amount greater than:
45 (i) in the case of any nomination to public office, the product of the
46 total number of enrolled voters in the candidate's party in the state,
47 excluding voters in inactive status, multiplied by \$.005, but such
48 amount shall be not less than four thousand dollars nor more than ten
49 thousand dollars, and (ii) in the case of any election to a public
50 office, fifteen thousand dollars; provided however, that the maximum
51 amount which may be so contributed or accepted, in the aggregate, from
52 any candidate's child, parent, grandparent, brother and sister, and the
53 spouse of any such persons, shall not exceed in the case of any nomi-
54 nation to public office an amount equivalent to the product of the
55 number of enrolled voters in the candidate's party in the state, exclud-
56 ing voters in inactive status, multiplied by \$.025, and in the case of

1 any election for a public office, an amount equivalent to the product of
2 the number of registered voters in the state excluding voters in inac-
3 tive status, multiplied by \$.025.

4 d. In any other election for party position or for election to a
5 public office or for nomination for any such office, no contributor may
6 make a contribution to any candidate or political committee in
7 connection with a candidate who is not a participating candidate as
8 defined in subdivision fourteen of section 14-200-a of this article and
9 no such candidate or political committee may accept any contribution
10 from any contributor, which is in the aggregate amount greater than: (i)
11 in the case of any election for party position, or for nomination to
12 public office, the product of the total number of enrolled voters in the
13 candidate's party in the district in which he is a candidate, excluding
14 voters in inactive status, multiplied by \$.05, and (ii) in the case of
15 any election for a public office, the product of the total number of
16 registered voters in the district, excluding voters in inactive status,
17 multiplied by \$.05, however in the case of a nomination within the city
18 of New York for the office of mayor, public advocate or comptroller,
19 such amount shall be not less than four thousand dollars nor more than
20 twelve thousand dollars as increased or decreased by the cost of living
21 adjustment described in paragraph e of this subdivision; in the case of
22 an election within the city of New York for the office of mayor, public
23 advocate or comptroller, twenty-five thousand dollars as increased or
24 decreased by the cost of living adjustment described in paragraph e of
25 this subdivision; in the case of a nomination or election for state
26 senator, five thousand dollars; in the case of an election or nomination
27 for a member of the assembly, three thousand dollars; provided however,
28 that the maximum amount which may be so contributed or accepted, in the
29 aggregate, from any candidate's child, parent, grandparent, brother and
30 sister, and the spouse of any such persons, shall not exceed in the case
31 of any election for party position or nomination for public office an
32 amount equivalent to the number of enrolled voters in the candidate's
33 party in the district in which he is a candidate, excluding voters in
34 inactive status, multiplied by \$.25 and in the case of any election to
35 public office, an amount equivalent to the number of registered voters
36 in the district, excluding voters in inactive status, multiplied by
37 \$.25; or twelve hundred fifty dollars, whichever is greater, or in the
38 case of a nomination or election of a state senator, twenty thousand
39 dollars, whichever is greater, or in the case of a nomination or
40 election of a member of the assembly, twelve thousand five hundred
41 dollars, whichever is greater, but in no event shall any such maximum
42 exceed one hundred thousand dollars.

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

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

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

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

11 g. Notwithstanding any other contribution limit in this section,
 12 participating candidates as defined in subdivision fourteen of section
 13 14-200-a of this article may contribute, out of their own money, three
 14 times the applicable contribution limit to their own authorized commit-
 15 tee.

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

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

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

36 CAMPAIGN RECEIPTS AND EXPENDITURES

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

39 TITLE II

40 PUBLIC FINANCING

41 Section 14-200. Legislative findings and intent.

42 14-200-a. Definitions.

43 14-201. Reporting requirements.

44 14-202. Contributions.

45 14-203. Proof of compliance.

46 14-204. Eligibility.

47 14-205. Limits on public financing.

48 14-206. Payment of public matching funds.

49 14-207. Use of public matching funds; qualified campaign
 50 expenditures.

51 14-208. Powers and duties of the board.

52 14-209. Audits and repayments.

53 14-210. Enforcement and penalties for violations and other
 54 proceedings.



1 14-211. Reports.

2 14-212. Debates for candidates for statewide office.

3 14-213. Severability.

4 § 14-200. Legislative findings and intent. The legislature finds that
5 reform of New York state's campaign finance system is crucial to improv-
6 ing public confidence in the state's democratic processes and continuing
7 to ensure a government that is accountable to all of the voters of the
8 state regardless of wealth or position. The legislature finds that New
9 York's current system of campaign finance, with its large contributions
10 to candidates for office and party committees, has created the potential
11 for and the appearance of corruption. The legislature further finds
12 that, whether or not this system creates actual corruption, the appear-
13 ance of such corruption can give rise to a distrust in government and
14 citizen apathy that undermine the democratic operation of the political
15 process.

16 The legislature also finds that the high cost of running for office in
17 New York discourages qualified candidates from running for office and
18 creates an electoral system that encourages candidates to spend too much
19 time raising money rather than attending to the duties of their office,
20 representing the needs of their constituents, and communicating with
21 voters.

22 The legislature amends this chapter creating a new title two to arti-
23 cle fourteen of this chapter to reduce the possibility and appearance
24 that special interests exercise undue influence over state officials; to
25 increase the actual and apparent responsiveness of elected officials to
26 all voters; to encourage qualified candidates to run for office; and to
27 reduce the pressure on candidates to spend large amounts of time raising
28 large contributions for their campaigns.

29 The legislature finds that this article's limitations on contributions
30 further the government's interest in reducing real and apparent
31 corruption and in building trust in government. The legislature finds
32 that the contribution levels are sufficiently high to allow candidates
33 and political parties to raise enough money to run effective campaigns.
34 In addition, the legislature finds that graduated contribution limita-
35 tions reflect the campaign needs of candidates for different offices.

36 The legislature also finds that the system of voluntary public financ-
37 ing furthers the government's interest in encouraging qualified candi-
38 dates to run for office. The legislature finds that the voluntary public
39 funding program will enlarge the public debate and increase partici-
40 ipation in the democratic process. In addition, the legislature finds
41 that the voluntary expenditure limitations and matching fund program
42 reduce the burden on candidates and officeholders to spend time raising
43 money for their campaigns.

44 Therefore, the legislature declares that these amendments further the
45 important and valid government interests of reducing voter apathy,
46 building confidence in government, reducing the reality and appearance
47 of corruption, and encouraging qualified candidates to run for office,
48 while reducing candidates' and officeholders' fundraising burdens.

49 § 14-200-a. Definitions. For the purposes of this title, the follow-
50 ing terms shall have the following meanings:

51 1. The term "authorized committee" shall mean the single political
52 committee designated by a candidate pursuant to section 14-201 of this
53 title to receive contributions and make expenditures in support of the
54 candidate's campaign.

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

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

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

5 5. The term "covered election" shall mean any primary, general, or
6 special election for nomination for election, or election, to the office
7 of governor, lieutenant governor, attorney general, state comptroller,
8 state senator, or member of the assembly.

9 6. The term "election cycle" shall mean the two year period starting
10 the day after the last general election for candidates for the state
11 legislature and shall mean the four year period starting after the day
12 after the last general election for candidates for statewide office.

13 7. The term "expenditure" shall mean any gift, subscription, advance,
14 payment, or deposit of money or anything of value, or a contract to make
15 any gift, subscription, payment, or deposit of money or anything of
16 value, made in connection with the nomination for election, or election,
17 of any candidate. Expenditures made by contract are deemed made when
18 such funds are obligated.

19 8. The term "fund" shall mean the New York state campaign finance
20 fund.

21 9. The term "immediate family" shall mean a spouse, domestic partner,
22 child, sibling or parent.

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

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

38 12. (a) The term "matchable contribution" shall mean a contribution,
39 contributions or a portion of a contribution or contributions for any
40 covered elections held in the same election cycle, made by a natural
41 person who is a resident in the state of New York to a participating
42 candidate, that has been reported in full to the board in accordance
43 with sections 14-102 and 14-104 of this article by the candidate's
44 authorized committee and has been contributed on or before the day of
45 the applicable primary, general, runoff or special election. Any
46 contribution, contributions, or a portion of a contribution determined
47 to be invalid for matching funds by the board may not be treated as a
48 matchable contribution for any purpose.

49 (b) The following contributions are not matchable:

50 (i) loans;

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

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

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

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

1 (vi) contributions gathered during a previous election cycle;
2 (vii) illegal contributions;
3 (viii) contributions from minors;
4 (ix) contributions from vendors for campaigns; and
5 (x) contributions from lobbyists registered pursuant to subdivision
6 (a) of section one-c of the legislative law.

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

11 14. The term "participating candidate" shall mean any candidate for
12 nomination for election, or election, to the office of governor, lieu-
13 tenant governor, attorney general, state comptroller, state senator, or
14 member of the assembly, who files a written certification in the form of
15 an affidavit pursuant to section 14-204 of this title by the applicable
16 deadline.

17 15. The term "post-election period" shall mean the period following an
18 election when a candidate is subject to an audit.

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

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

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

28 § 14-201. Reporting requirements. 1. Political committee registra-
29 tion. Political committees as defined pursuant to subdivision one of
30 section 14-100 of this article shall register with the board before
31 making any contribution or expenditure. The board shall publish a cumu-
32 lative list of political committees that have registered, including on
33 its webpage, and regularly update it.

34 2. Only one authorized committee per candidate per elective office
35 sought. Before receiving any contribution or making any expenditure for
36 a covered election, each candidate shall notify the board as to the
37 existence of his or her authorized committee that has been approved by
38 such candidate. Each candidate shall have one and only one authorized
39 committee per elective office sought. Each authorized committee shall
40 have a treasurer and is subject to the restrictions found in section
41 14-112 of this article.

42 3. (a) Detailed reporting. In addition to each authorized and poli-
43 tical committee reporting to the board every contribution and loan
44 received and every expenditure made in the time and manner prescribed by
45 sections 14-102, 14-104 and 14-108 of this article, each authorized and
46 political committee shall also submit disclosure reports on March
47 fifteenth and May fifteenth of each election year reporting to the board
48 every contribution and loan received and every expenditure made. For
49 contributors who make contributions of five hundred dollars or more,
50 each authorized and political committee shall report to the board the
51 occupation, and business address of each contributor, lender, and inter-
52 mediary. The board shall revise, prepare and post forms on its webpage
53 that facilitate compliance with the requirements of this section.

54 (b) Board review. The board shall review each disclosure report filed
55 and shall inform authorized and political committees of relevant ques-
56 tions it has concerning: (i) compliance with requirements of this title

1 and of the rules issued by the board; and (ii) qualification for receiv-
2 ing public matching funds pursuant to this title. In the course of this
3 review, it shall give authorized and political committees an opportunity
4 to respond to and correct potential violations and give candidates an
5 opportunity to address questions it has concerning their matchable
6 contribution claims or other issues concerning eligibility for receiving
7 public matching funds pursuant to this title. Nothing in this paragraph
8 shall preclude the chief enforcement counsel from subsequently reviewing
9 such disclosure reports and taking any action otherwise authorized under
10 this title.

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

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

16 § 14-202. Contributions. Recipients of funds pursuant to this title
17 shall be subject to the applicable contribution limits set forth in
18 section 14-114 of this article.

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

28 § 14-204. Eligibility. 1. Terms and conditions. To be eligible for
29 voluntary public financing under this title, a candidate must:

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

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

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

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

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

42 (f) not make, and not have made, expenditures from or use his or her
43 personal funds or property or the personal funds or property jointly
44 held with his or her spouse, or unemancipated children in connection
45 with his or her nomination for election or election to a covered office,
46 but may make a contribution to his or her authorized committee in an
47 amount that does not exceed three times the applicable contribution
48 limit from an individual contributor to candidates for the office that
49 he or she is seeking;

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

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

54 (i) agree not to expend for campaign purposes any portion of any pre-
55 existing funds raised for any public office or party position prior to
56 the first day of the election cycle for which the candidate seeks

1 certification. Nothing in this paragraph shall be construed to limit, in
2 any way, any candidate or public official from expending any portion of
3 pre-existing campaign funds for any lawful purpose other than those
4 related to his or her campaign; and

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

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

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

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

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

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

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

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

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

49 (iv) Member of the assembly, not less than ten thousand dollars in
50 matchable contributions including at least one hundred matchable
51 contributions comprised of sums between ten and one hundred seventy-five
52 dollars per contributor, from residents of the district in which the
53 seat is to be filled.

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

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

3 (c) The board shall adjust the dollar amount of each threshold for
 4 eligibility fixed in this section by the amount of the percentage
 5 difference in the consumer price index calculated and published by the
 6 board pursuant to paragraph e of subdivision one of section 14-114 of
 7 this article to the closest one hundred dollars. Not later than the
 8 first day of March in each such year, the board shall issue a regulation
 9 publishing the amount of each such threshold for eligibility. Each
 10 threshold for eligibility as so adjusted shall be the threshold for
 11 eligibility in effect from the beginning of the next election cycle
 12 until the beginning of the election cycle following the next adjustment,
 13 at which time the next adjustment shall take effect. This process shall
 14 be repeated for each adjustment thereafter. The one hundred seventy-
 15 five dollar maximum amount for the matchable contributions that funds
 16 raised must be comprised of to meet the thresholds for eligibility for
 17 candidates fixed in this section shall be adjusted by the amount of
 18 percentage difference to the closest one dollar by the board which, not
 19 later than the first day of March in each such year, shall issue a regu-
 20 lation publishing such maximum amounts. The one hundred seventy-five
 21 dollar maximum amounts as so adjusted shall be in effect from the begin-
 22 ning of the next election cycle until the beginning of the election
 23 cycle following the next adjustment, at which time the next adjustment
 24 shall take effect. This process shall be repeated for each adjustment
 25 thereafter.

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, the sum of one hundred seventy-five
 37 thousand dollars.

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

41 Candidates for election to the office of:

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

43 Attorney general \$4,000,000

44 Comptroller \$4,000,000

45 Member of senate \$375,000

46 Member of assembly \$175,000

47 3. No participating candidate for nomination for an office who is not
 48 opposed by a candidate on the ballot in a primary election shall be
 49 entitled to payment of public matching funds, except that, where there
 50 is a contest in such primary election for the nomination of at least one
 51 of the two political parties with the highest and second highest number
 52 of enrolled members for such office, a participating candidate who is
 53 unopposed in the primary election may receive public funds before the
 54 primary election, for expenses incurred on or before the date of such
 55 primary election, in an amount equal to up to half the sum set forth in
 56 paragraph one of this section.

1 4. Nothing in this section shall be construed to limit the amount of
2 private funds a participating candidate may receive subject to the
3 contribution limits for participating candidates contained in section
4 14-114 of this article.

5 5. The board shall adjust the amount of each public funds receipt
6 limit fixed in this section by the amount of the percentage difference
7 in the consumer price index calculated and published by the board pursu-
8 ant to paragraph e of subdivision one of section 14-114 of this article
9 to the closest one hundred dollars. Not later than the first day of
10 March in each such year, the board shall issue a regulation publishing
11 the amount of such limit. Each public fund receipt limit as so adjusted
12 shall be the public funds receipt limit in effect from the beginning of
13 the next election cycle until the beginning of the election cycle
14 following the next adjustment, at which time the next adjustment shall
15 take effect. This process shall be repeated for each adjustment there-
16 after.

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

27 2. Calculation of payment. If the threshold for eligibility is met,
28 the participating candidate's authorized committee shall receive payment
29 for qualified campaign expenditures of six dollars of public matching
30 funds for each one dollar of matchable contributions, for the first one
31 hundred seventy-five dollars of eligible private funds per contributor,
32 obtained and reported to the board in accordance with the provisions of
33 this title. The maximum payment of public matching funds shall be limit-
34 ed to the amounts set forth in section 14-205 of this title for the
35 covered election.

36 The board shall adjust the maximum dollar amount for matchable
37 contributions fixed in this subdivision by the amount of the percentage
38 difference in the consumer price index calculated by the board pursuant
39 to paragraph e of subdivision one of section 14-114 of this article to
40 the closest one dollar. Not later than the first day of March in each
41 year the board makes the contribution limit adjustment pursuant to para-
42 graph e of subdivision one of section 14-114 of this article, the board
43 shall issue a regulation publishing the amount of each such maximum
44 dollar amount. The maximum dollar amount as so adjusted shall be the
45 maximum dollar amount in effect from the beginning of the next election
46 cycle until the beginning of the election cycle following the next
47 adjustment, at which time the next adjustment shall take effect. This
48 process shall be repeated for each adjustment thereafter.

49 3. Timing of payment. The board shall make any payment of public
50 matching funds to participating candidates as soon as is practicable.
51 But in all cases, it shall verify eligibility for public matching funds
52 within four days, excluding weekends and holidays, of receiving a
53 campaign contribution report filed in compliance with section 14-104 of
54 this article. Within two days of determining that a candidate for a
55 covered office is eligible for public matching funds, it shall authorize
56 payment of the applicable matching funds owed to the candidate. However,

1 it shall not make any payments of public money earlier than the earliest
2 dates for making such payments as provided by this title. If any of
3 such payments would require payment on a weekend or federal holiday,
4 payment shall be made on the next business day.

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

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

22 § 14-207. Use of public matching funds; qualified campaign expendi-
23 tures. 1. Public matching funds provided under the provisions of this
24 title may be used only by an authorized committee for expenditures to
25 further the participating candidate's nomination for election or
26 election, including paying for debts incurred within one year prior to
27 an election to further the participating candidate's nomination for
28 election or election.

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

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

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

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

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

38 (e) an expenditure made by cash payment;

39 (f) a contribution or loan or transfer made to or expenditure to
40 support another candidate or political committee or party committee or
41 constituted committee;

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

44 (h) gifts, except brochures, buttons, signs and other printed campaign
45 material;

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

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

49 (k) any expenditure made to challenge the validity of any petition of
50 designation or nomination or any certificate of nomination, acceptance,
51 authorization, declination or substitution.

52 § 14-208. Powers and duties of the board. 1. Advisory opinions. The
53 board shall render advisory opinions with respect to questions arising
54 under this title upon the written request of a candidate, an officer of
55 a political committee or member of the public, or upon its own initi-
56 ative. The board shall promulgate rules regarding reasonable times to

1 respond to such requests. The board shall make public the questions of
2 interpretation for which advisory opinions will be considered by the
3 board and its advisory opinions, including by publication on its webpage
4 with identifying information redacted as the board determines to be
5 appropriate.

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

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

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

25 5. The board shall work with the chief enforcement counsel to enforce
26 this section.

27 § 14-209. Audits and repayments. 1. Audits. (a) The board shall audit
28 and examine all matters relating to the proper administration of this
29 title and shall complete such audit no later than one year after the
30 election in question. This deadline shall not apply in cases involving
31 potential campaign-related fraud, knowing and willful violations of
32 article fourteen of this chapter, or criminal activity.

33 (b) Every participating candidate for statewide office who receives
34 public funds under this title shall be audited by the board.

35 (c) Except as provided in paragraph (b) of this subdivision, the board
36 shall select not more than fifty percent of all participating candidates
37 in covered elections for audit through a lottery. A separate lottery
38 shall be conducted for each office. The board shall select senate and
39 assembly districts to be audited, auditing every participating candidate
40 in each selected district, while ensuring that the number of audited
41 candidates within those districts does not exceed fifty percent of all
42 participating candidates for the relevant office. The lottery for senate
43 and assembly elections shall be weighted to increase the likelihood that
44 a district for the relevant office is audited based on how frequently it
45 has not been selected for auditing during the past three election
46 cycles. The board shall promulgate rules concerning the method of
47 weighting the senate and assembly lotteries, including provisions for
48 the first three election cycles for each office.

49 (d) The cost of complying with a post-election audit shall be borne by
50 the candidate's authorized committee using public funds, private funds
51 or any combination of such funds. Candidates who run in any primary or
52 general election must maintain a reserve of three percent of the public
53 funds received to comply with the post-election audit.

54 (e) The board shall issue to each campaign audited a final audit
55 report that details its findings.

1 2. Repayments. (a) If the board determines that any portion of the
2 payment made to a candidate's authorized committee from the fund was in
3 excess of the aggregate amount of payments that such candidate was
4 eligible to receive pursuant to this title, it shall notify such commit-
5 tee and such committee shall pay to the board an amount equal to the
6 amount of excess payments. Provided, however, that if the erroneous
7 payment was the result of an error by the board, then the erroneous
8 payment will be deducted from any future payment, if any, and if no
9 future payment is to be made then neither the candidate nor the commit-
10 tee shall be liable to repay the excess amount to the board. The candi-
11 date, the treasurer and the candidate's authorized committee are jointly
12 and severally liable for any repayments to the board.

13 (b) If the board determines that any portion of the payment made to a
14 candidate's authorized committee from the fund was used for purposes
15 other than qualified campaign expenditures and such expenditures were
16 not approved by the board, it shall notify such committee of the amount
17 so disqualified and such committee shall pay to the board an amount
18 equal to such disqualified amount. The candidate, the treasurer and the
19 candidate's authorized committee are jointly and severally liable for
20 any repayments to the board.

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

42 3. Rules and regulations. The board shall promulgate regulations for
43 the certification of the amount of funds payable by the comptroller,
44 from the fund established pursuant to section ninety-two-t of the state
45 finance law, to a participating candidate that has qualified to receive
46 such payment. These regulations shall include the promulgation and
47 distribution of forms on which contributions and expenditures are to be
48 reported, the periods during which such reports must be filed and the
49 verification required. The board shall institute procedures which will
50 make possible payment by the fund within four business days after
51 receipt of the required forms and verifications.

52 § 14-210. Enforcement and penalties for violations and other
53 proceedings. 1. Civil penalties. Violations of any provision of this
54 title or rule promulgated pursuant to this title shall be subject to a
55 civil penalty in an amount not in excess of fifteen thousand dollars.

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

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

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

6 (c) if appropriate, assess penalties for violations, following such
7 notice and opportunity to contest; and

8 (d) any formal or informal advisory opinion issued by a majority vote
9 of the commissioners of the state board of elections to a participating
10 candidate in connection with any action under this title, when relied
11 upon in good faith, shall be presumptive evidence that such candidate or
12 his or her committee did not knowingly or willfully violate the
13 provisions of this title.

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

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

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

30 (c) Upon the board's failure to receive the amount due from a partic-
31 ipating candidate or such candidate's authorized committee after the
32 issuance of written notice of such amount due, as required by this
33 title, the chief enforcement counsel is authorized to institute a
34 special proceeding or civil action in Supreme Court, Albany county, to
35 obtain a judgment for any amounts determined to be payable to the board
36 as a result of an examination and audit made pursuant to this title or
37 to obtain such amounts directly from the candidate or authorized commit-
38 tee after a hearing at the board.

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

44 § 14-211. Reports. The board shall review and evaluate the effect of
45 this title upon the conduct of election campaigns and shall submit a
46 report to the legislature on or before January first, two thousand twen-
47 ty-one, and every third year thereafter, and at any other time upon the
48 request of the governor and at such other times as the board deems
49 appropriate. These reports shall include:

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

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

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

1 4. analysis of the effect of this title on political campaigns,
2 including its effect on the sources and amounts of private financing,
3 the level of campaign expenditures, voter participation, the number of
4 candidates, the candidates' ability to campaign effectively for public
5 office, and the diversity of candidates seeking and elected to office;
6 and

7 5. recommendations for amendments to this title, including changes in
8 contribution limits, thresholds for eligibility, and any other features
9 of the system.

10 § 14-212. Debates for candidates for statewide office. The board
11 shall promulgate regulations to facilitate debates among participating
12 candidates who seek election to statewide office. Participating candi-
13 dates are required to participate in one debate before each election for
14 which the candidate receives public funds, unless the participating
15 candidate is running unopposed. Nonparticipating candidates may partic-
16 ipate in such debates.

17 § 14-213. Severability. If any clause, sentence, subdivision, para-
18 graph, section or part of this title be adjudged by any court of compe-
19 tent jurisdiction to be invalid, such judgment shall not affect, impair
20 or invalidate the remainder thereof, but shall be confined in its opera-
21 tion to the clause, sentence, subdivision, paragraph, section or part
22 thereof directly involved in the controversy in which such judgment
23 shall have been rendered.

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

26 § 92-t. New York state campaign finance fund. 1. There is hereby
27 established in the joint custody of the state comptroller and the
28 commissioner of taxation and finance a fund to be known as the New York
29 state campaign finance fund.

30 2. Such fund shall consist of all revenues received from the New York
31 state campaign finance fund check-off pursuant to subsection (h) of
32 section six hundred fifty-eight of the tax law, from the abandoned prop-
33 erty fund pursuant to section ninety-five of this article, from the
34 general fund, and from all other moneys credited or transferred thereto
35 from any other fund or source pursuant to law. Such fund shall also
36 receive contributions from private individuals, organizations, or other
37 persons to fulfill the purposes of the public financing system.

38 3. Moneys of the fund, following appropriation by the legislature, may
39 be expended for the purposes of making payments to candidates pursuant
40 to title two of article fourteen of the election law and for administra-
41 tive expenses related to the implementation of article fourteen of the
42 election law. Moneys shall be paid out of the fund by the state comp-
43 troller on vouchers certified or approved by the state board of
44 elections, or its duly designated representative, in the manner
45 prescribed by law, not more than five working days after such voucher is
46 received by the state comptroller.

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

54 5. Commencing in two thousand twenty, if the surplus in the fund on
55 April first of the year after a year in which a governor is elected
56 exceeds twenty-five percent of the disbursements from the fund over the

1 previous four years, the excess shall revert to the general fund of the
2 state.

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

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

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

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

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

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

29 (b) Notwithstanding any provision of this section authorizing the
30 transfer of any moneys in the abandoned property fund to the general
31 fund, the comptroller, after receiving amounts sufficient to pay claims
32 against the abandoned property fund, shall, based upon a certification
33 of the state board of elections pursuant to paragraph (a) of this subdi-
34 vision, and at the direction of the director of the budget, transfer the
35 requested amount from remaining available monies in the abandoned prop-
36 erty fund to the campaign finance fund established by section ninety-
37 two-t of this article.

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

40 (h) New York state campaign finance fund check-off. (1) For each taxa-
41 ble year beginning on and after January first, two thousand nineteen,
42 every resident taxpayer whose New York state income tax liability for
43 the taxable year for which the return is filed is forty dollars or more
44 may designate on such return that forty dollars be paid into the New
45 York state campaign finance fund established by section ninety-two-t of
46 the state finance law. Where a husband and wife file a joint return and
47 have a New York state income tax liability for the taxable year for
48 which the return is filed is eighty dollars or more, or file separate
49 returns on a single form, each such taxpayer may make separate desig-
50 nations on such return of forty dollars to be paid into the New York
51 state campaign finance fund.

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

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

5 (4) The department shall include a place on every personal income tax
6 return form to be filed by an individual for a tax year beginning on or
7 after January first, two thousand nineteen, for such taxpayer to make
8 the designations described in paragraph one of this subsection. Such
9 return form shall contain a concise explanation of the purpose of such
10 optional designations.

11 § 12. Paragraph (a) of subdivision 9-A of section 3-102 of the
12 election law, as amended by chapter 406 of the laws of 2005, is amended
13 to read as follows:

14 9-A. (a) develop an electronic reporting system to process the state-
15 ments of campaign receipts, contributions, transfers and expenditures
16 required to be filed with any board of elections pursuant to the
17 provisions of sections 14-102, [and] 14-104, and 14-201 of this chapter;

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

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

29

PART C

30 Section 1. Short title. This act shall be known as and may be cited as
31 the "Voter Enfranchisement Modernization Act of 2019 (VEMA)".

32 § 2. Declaration of Legislative Intent. The right to vote is a funda-
33 mental right, the well-spring of all others, secured by the federal and
34 state constitutions. On-line forms of communication and conducting tran-
35 sactions did not exist at the time New York's paper-based voter regis-
36 tration system was enacted. In the last twenty years, many paper-based
37 processes have migrated to on-line processes, including filing tax
38 returns, applying for social security benefits, routine banking trans-
39 actions, official communications and purchase transactions of all types.
40 This on-line migration has improved cost efficiency, increased accessi-
41 bility and provided greater convenience to the public in many contexts.
42 The predominantly paper-based voter registration application process in
43 New York is antiquated and must be supplemented with on-line voter
44 registration. To remove unnecessary burdens to the fundamental right of
45 the people to vote, the State Board of Elections shall establish the
46 Voter Enfranchisement Modernization Program for the purpose of increas-
47 ing opportunities for voter registration by any person who is qualified
48 to be a voter under Article II of the New York State Constitution. This
49 effort modernizes voter registration and supplements the methods of
50 voter registration provided under current law.

51 § 3. Article 5 of the election law is amended by adding a new title 8
52 to read as follows:

TITLE VIII

ELECTRONIC PERSONAL VOTER REGISTRATION PROCESS

53

54

1 Section 5-800. Electronic voter registration transmittal system.
2 5-802. Online voter registration application.
3 5-804. Failure to provide exemplar signature not to prevent
4 registration.

5 § 5-800. Electronic voter registration transmittal system. In addition
6 to any other means of voter registration provided for by this chapter,
7 the state board of elections shall establish and maintain an electronic
8 voter registration transmittal system through which applicants may apply
9 to register to vote online. The state board of elections shall elec-
10 tronically transmit such applications to the applicable board of
11 elections of each county or the city of New York for filing, processing
12 and verification consistent with this chapter. In accordance with tech-
13 nical specifications provided by the state board of elections, each
14 board of elections shall maintain a voter registration system capable of
15 receiving and processing voter registration application information,
16 including electronic signatures, from the electronic voter registration
17 transmittal system established by the state board of elections. Notwith-
18 standing any other inconsistent provision of this chapter, applications
19 filed using such system shall be considered filed with the applicable
20 board of elections on the calendar date the application is initially
21 transmitted by the voter through the electronic voter registration tran-
22 smittal system.

23 § 5-802. Online voter registration application. 1. A voter shall be
24 able to apply to register to vote using a personal online voter regis-
25 tration application submitted through the electronic voter registration
26 transmittal system when the voter:

27 (a) completes an electronic voter registration application promulgated
28 by the state board of elections which shall include all of the voter
29 registration information required by section 5-210 of this article; and

30 (b) affirms, subject to penalty of perjury, by means of electronic or
31 manual signature, that the information contained in the voter registra-
32 tion application is true and that the applicant meets all of the quali-
33 fications to become a registered voter; and

34 (c) consents to the use of an electronic copy of the individual's
35 manual signature that is in the custody of the department of motor vehi-
36 cles, the state board of elections, or other agency designated by
37 sections 5-211 or 5-212 of this article, as the individual's voter
38 registration exemplar signature, or provides such a signature by direct
39 upload in a manner that complies with the New York state electronic
40 signature and records act and the rules and regulations promulgated by
41 the state board of elections.

42 2. The board of elections shall provide the personal online voter
43 registration application in any language required by the federal Voting
44 Rights Act of 1965 (52 U.S.C. Sec. 10503) in any county in the state.

45 3. The online voter registration application process shall provide
46 reasonable accommodations to improve accessibility for persons with
47 disabilities, and shall be compatible for use with standard online
48 accessibility assistance tools for persons with visual, physical or
49 perceptive disabilities.

50 4. The state board of elections shall promulgate rules and regulations
51 for the creation and administration of an online voter registration
52 system pursuant to this section.

53 § 5-804. Failure to provide exemplar signature not to prevent regis-
54 tration. 1. If a voter registration exemplar signature is not provided
55 by an applicant who submits a voter registration application pursuant to
56 this title, the local board shall seek to obtain such exemplar signature

1 from the statewide voter registration database, the state board of
2 elections, or a state or local agency designated by section 5-211 or
3 5-212 of this article.

4 2. If such exemplar signature is not available from the statewide
5 voter registration database, the state board of elections, or a state or
6 local agency designated by section 5-211 or 5-212 of this article, the
7 local board of elections shall, absent another reason to reject the
8 application, proceed to register and, as applicable, enroll the appli-
9 cant. Within ten days of such action, the board of elections shall send
10 a standard form promulgated by the state board of elections to the voter
11 whose record lacks an exemplar signature, requiring such voter to submit
12 a signature for identification purposes. The voter shall submit to the
13 board of elections a voter registration exemplar signature by any one of
14 the following methods: in person, by mail with return postage paid
15 provided by the board of elections, by electronic mail, or by electronic
16 upload to the board of elections through the electronic voter registra-
17 tion transmittal system. If such voter does not provide the required
18 exemplar signature, when the voter appears to vote the voter shall be
19 entitled to vote in the same manner as a voter with a notation indicat-
20 ing the voter's identity has not yet been verified in the manner
21 provided by section 8-302 of this chapter.

22 § 4. This act shall take effect on the earlier occurrence of: (i)
23 two years after it shall have become a law; provided, however, the state
24 board of elections shall be authorized to implement necessary rules and
25 regulations and to take steps required to implement this act immediate-
26 ly; or (ii) five days after the date of certification by the state board
27 of elections that the information technology infrastructure to substan-
28 tially implement this act is functional. Provided, further that the
29 state board of elections shall notify the legislative bill drafting
30 commission upon the occurrence of the enactment of the legislation
31 provided for in this act in order that the commission may maintain an
32 accurate and timely effective data base of the official text of the laws
33 of the state of New York in furtherance of effectuating the provisions
34 of section 44 of the legislative law and section 70-b of the public
35 officers law.

36 PART D

37 Section 1. Section 3-400 of the election law is amended by adding a
38 new subdivision 9 to read as follows:

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

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

51 1-a. The notice required by subdivision one of this section shall
52 include the dates, hours and locations of early voting for the general
53 and primary election. The board of elections may satisfy the notice
54 requirement of this subdivision by providing in the notice instructions

1 to obtain the required early voting information from a website of the
2 board of elections and providing a phone number to call for such infor-
3 mation.

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

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

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

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

24 § 5. Section 8-104 of the election law is amended by adding a new
25 subdivision 7 to read as follows:

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

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

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

44 § 7. Article 8 of the election law is amended by adding a new title 6
45 to read as follows:

46 TITLE VI
47 EARLY VOTING

48 Section 8-600. Early voting.

49 8-602. State board of elections; powers and duties for early
50 voting.

51 § 8-600. Early voting. 1. Beginning the thirteenth day prior to any
52 general, primary or special election for any public or party office, and
53 ending on and including the second day prior to such general, primary or
54 special election for such public or party office, persons duly regis-
55 tered and eligible to vote at such election shall be permitted to vote
56 as provided in this title. The board of elections shall establish

1 procedures, which shall be consistent with this chapter and the regu-
2 lations of the state board of elections, to ensure that persons who vote
3 during the early voting period shall not be permitted to vote subse-
4 quently in the same election.

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

14 (b) The board of elections may establish additional polling places for
15 early voting in excess of the minimum number required by this subdivi-
16 sion for the convenience of eligible voters wishing to vote during the
17 early voting period.

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

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

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

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

51 (b) At least one polling place for early voting shall remain open
52 until eight o'clock in the evening on at least two week days in each
53 calendar week during the early voting period. If polling places for
54 early voting are limited to voters from certain areas pursuant to subdi-
55 vision three of this section, polling places that remain open until
56 eight o'clock shall be designated such that any person entitled to vote

1 early may vote until eight o'clock in the evening on at least two week
2 days during the early voting period.

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

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

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

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

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

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

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

51 9. The board of elections shall secure all ballots and scanners used
52 for early voting from the beginning of the early voting period through
53 the close of the polls of the election on election day. As soon as the
54 polls of the election are closed on election day, and not before,
55 inspectors or board of elections employees shall follow all relevant
56 provisions of article nine of this chapter that are not inconsistent

1 with this section, for canvassing, processing, recording, and announcing
2 results of voting at polling places for early voting, and securing
3 ballots, scanners, and other election materials.

4 10. This title shall not apply to village elections conducted pursuant
5 to article fifteen and title two of article six of this chapter.

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

18 § 8. This act shall take effect on the first of January next succeed-
19 ing the date on which it shall have become a law and shall apply to any
20 election held 120 days or more after it shall have taken effect.

21

PART E

22 Section 1. This part enacts into law major components of legislation
23 relating to elections. Each component is wholly contained within a
24 Subpart identified as Subparts A through B. The effective date for each
25 particular provision contained within such Subpart is set forth in the
26 last section of such Subpart. Any provision in any section contained
27 within a Subpart, including the effective date of the Subpart, which
28 makes a reference to a section "of this act", when used in connection
29 with that particular component, shall be deemed to mean and refer to the
30 corresponding section of the Subpart in which it is found. Section three
31 of this part sets forth the general effective date of this part.

32

SUBPART A

33 Section 1. Subdivision 1 of section 1-106 of the election law, as
34 amended by chapter 700 of the laws of 1977, is amended to read as
35 follows:

36 1. All papers required to be filed pursuant to the provisions of this
37 chapter shall, unless otherwise provided, be filed between the hours of
38 nine A.M. and five P.M. If the last day for filing shall fall on a
39 Saturday, Sunday or legal holiday, the next business day shall become
40 the last day for filing. All papers sent by mail in an envelope post-
41 marked prior to midnight of the last day of filing shall be deemed time-
42 ly filed and accepted for filing when received, except that all certif-
43 icates and petitions of designation or nomination, certificates of
44 acceptance or declination of such designations or nominations, certif-
45 icates of authorization for such designations or nominations, certif-
46 icates of disqualification, certificates of substitution for such desig-
47 nations or nominations and objections and specifications of objections
48 to such certificates and petitions required to be filed with the state
49 board of elections or a board of elections outside of the city of New
50 York shall be deemed timely filed and accepted for filing if sent by
51 mail or overnight delivery service pursuant to subdivision three of this
52 section, and received no later than two business days after the last day



1 to file such certificates, petitions, objections or specifications.
2 Failure of the post office or any other person or entity to deliver any
3 such petition, certificate or objection to such board of elections
4 outside the city of New York no later than two business days after the
5 last day to file such certificates, petitions, objections or specifica-
6 tions shall be a fatal defect. Excepted further that all certificates
7 and petitions of designation or nomination, certificates of acceptance
8 or declination of such designations and nominations, certificates of
9 substitution for such designations or nominations and objections and
10 specifications of objections to such certificates and petitions required
11 to be filed with the board of elections of the city of New York must be
12 actually received by such city board of elections on or before the last
13 day to file any such petition, certificate or objection and such office
14 shall be open for the receipt of such petitions, certificates and
15 objections until midnight on the last day to file any such petition,
16 certificate or objection. Failure of the post office or any other person
17 or entity to deliver any such petition, certificate or objection to such
18 city board of elections on or before such last day shall be a fatal
19 defect.

20 § 2. Subdivision 1 of section 4-104 of the election law, as amended by
21 chapter 180 of the laws of 2005, is amended to read as follows:

22 1. Every board of elections shall, in consultation with each city,
23 town and village, designate the polling places in each election district
24 in which the meetings for the registration of voters, and for any
25 election may be held. The board of trustees of each village in which
26 general and special village elections conducted by the board of
27 elections are held at a time other than the time of a general election
28 shall submit such a list of polling places for such village elections to
29 the board of elections. A polling place may be located in a building
30 owned by a religious organization or used by it as a place of worship.
31 If such a building is designated as a polling place, it shall not be
32 required to be open for voter registration on any Saturday if this is
33 contrary to the religious beliefs of the religious organization. In such
34 a situation, the board of elections shall designate an alternate
35 location to be used for voter registration. Such polling places must be
36 designated by [May first] March fifteenth, of each year, and shall be
37 effective for one year thereafter. Such a list required to be submitted
38 by a village board of trustees must be submitted at least four months
39 before each general village election and shall be effective until four
40 months before the subsequent general village election. No place in which
41 a business licensed to sell alcoholic beverages for on premises consump-
42 tion is conducted on any day of local registration or of voting shall be
43 so designated. If, within the discretion of the board of elections a
44 particular polling place so designated is subsequently found to be
45 unsuitable or unsafe or should circumstances arise that make a desig-
46 nated polling place unsuitable or unsafe, then the board of elections is
47 empowered to select an alternative meeting place. In the city of New
48 York, the board of elections shall designate such polling places and
49 alternate registration places if the polling place cannot be used for
50 voter registration on Saturdays.

51 § 3. Subdivisions 1 and 2 of section 4-106 of the election law, subdi-
52 vision 2 as amended by chapter 635 of the laws of 1990, are amended to
53 read as follows:

54 1. The state board of elections shall, [at least eight months before
55 each] by February first in the year of each general election, make and
56 transmit to the board of elections of each county, a certificate stating

1 each office, except county, city, village and town offices to be voted
2 for at such election in such county.

3 2. Each county, city, village and town clerk, [at least eight months
4 before each] by February first in the year of each general election,
5 shall make and transmit to the board of elections a certificate stating
6 each county, city, village or town office, respectively to be voted for
7 at each such election. Each village clerk, at least five months before
8 each general village election conducted by the board of elections, shall
9 make, and transmit to such board, a certificate stating each village
10 office to be filled at such election.

11 § 4. Paragraph b of subdivision 1 of section 4-108 of the election
12 law, as amended by chapter 117 of the laws of 1985, is amended to read
13 as follows:

14 b. Whenever any proposal, proposition or referendum as provided by law
15 is to be submitted to a vote of the people of a county, city, town,
16 village or special district, at an election conducted by the board of
17 elections, the clerk of such political subdivision, at least [thirty-six
18 days] three months prior to the general election at which such proposal,
19 proposition or referendum is to be submitted, shall transmit to each
20 board of elections a certified copy of the text of such proposal, propo-
21 sition or referendum and a statement of the form in which it is to be
22 submitted. If a special election is to be held, such transmittal shall
23 also give the date of such election.

24 § 5. Section 4-110 of the election law, as amended by chapter 434 of
25 the laws of 1984, is amended to read as follows:

26 § 4-110. Certification of primary election candidates; state board of
27 elections. The state board of elections, not later than [thirty-six]
28 fifty-five days before a primary election, shall certify to each county
29 board of elections: The name and residence of each candidate to be voted
30 for within the political subdivision of such board for whom a desig-
31 nation has been filed with the state board; the title of the office or
32 position for which the candidate is designated; the name of the party
33 upon whose primary ballot his or her name is to be placed; and the order
34 in which the names of the candidates are to be printed as determined by
35 the state board. Where an office or position is uncontested, such
36 certification shall state such fact.

37 § 6. Subdivision 1 of section 4-112 of the election law, as amended by
38 chapter 4 of the laws of 2011, is amended to read as follows:

39 1. The state board of elections, not later than [thirty-six] fifty-
40 five days before a general election, or fifty-three days before a
41 special election, shall certify to each county board of elections the
42 name and residence of each candidate nominated in any valid certificate
43 filed with it or by the returns canvassed by it, the title of the office
44 for which nominated; the name of the party or body specified of which he
45 or she is a candidate; the emblem chosen to distinguish the candidates
46 of the party or body; and a notation as to whether or not any litigation
47 is pending concerning the candidacy. Upon the completion of any such
48 litigation, the state board of elections shall forthwith notify the
49 appropriate county boards of elections of the results of such liti-
50 gation.

51 § 7. Section 4-114 of the election law, as amended by chapter 4 of the
52 laws of 2011, is amended to read as follows:

53 § 4-114. Determination of candidates and questions; county board of
54 elections. The county board of elections, not later than the [thirty-
55 fifth] fifty-fourth day before the day of a primary or general election,
56 or the fifty-third day before a special election, shall determine the

1 candidates duly nominated for public office and the questions that shall
2 appear on the ballot within the jurisdiction of that board of elections.

3 § 8. Subdivision 1 of section 4-117 of the election law, as amended by
4 chapter 3 of the laws of 2018, is amended to read as follows:

5 1. The board of elections, [between August first and August fifth of
6 each year] not less than sixty-five days nor more than seventy days
7 before the primary election in each year, shall send by mail on which is
8 endorsed such language designated by the state board of elections to
9 ensure postal authorities do not forward such mail but return it to the
10 board of elections with forwarding information, when it cannot be deliv-
11 ered as addressed and which contains a request that any such mail
12 received for persons not residing at the address be dropped back in the
13 mail, a communication, in a form approved by the state board of
14 elections, to every registered voter who has been registered without a
15 change of address since the beginning of such year, except that the
16 board of elections shall not be required to send such communications to
17 voters in inactive status. The communication shall notify the voter of
18 the days and hours of the ensuing primary and general elections, the
19 place where he or she appears by his or her registration records to be
20 entitled to vote, the fact that voters who have moved or will have moved
21 from the address where they were last registered must re-register or,
22 that if such move was to another address in the same county or city,
23 that such voter may either notify the board of elections of his or her
24 new address or vote by paper ballot at the polling place for his or her
25 new address even if such voter has not re-registered, or otherwise noti-
26 fied the board of elections of the change of address. If the primary
27 will not be held on the first Tuesday after the second Monday in Septem-
28 ber, the communication shall contain a conspicuous notice in all capital
29 letters and bold font notifying the voter of the primary date. If the
30 location of the polling place for the voter's election district has been
31 moved, the communication shall contain the following legend in bold
32 type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....".
33 The communication shall also indicate whether the polling place is
34 accessible to physically disabled voters, that a voter who will be out
35 of the city or county on the day of the primary or general election or a
36 voter who is ill or physically disabled may obtain an absentee ballot,
37 that a physically disabled voter whose polling place is not accessible
38 may request that his registration record be moved to an election
39 district which has a polling place which is accessible, the phone number
40 to call for applications to move a registration record or for absentee
41 ballot applications, the phone number to call for the location of regis-
42 tration and polling places, the phone number to call to indicate that
43 the voter is willing to serve on election day as an election inspector,
44 poll clerk, interpreter or in other capacities, the phone number to call
45 to obtain an application for registration by mail, and such other infor-
46 mation concerning the elections or registration as the board may
47 include. In lieu of sending such communication to every registered
48 voter, the board of elections may send a single communication to a
49 household containing more than one registered voter, provided that the
50 names of all such voters appear as part of the address on such communi-
51 cation.

52 § 9. Subdivision 1 of section 5-604 of the election law, as amended by
53 chapter 28 of the laws of 2010, is amended to read as follows:

54 1. The board of elections shall also cause to be published for each
55 election district a complete list of the registered voters of each
56 election district. Such list shall, in addition to the information

1 required for registration lists, include the party enrollment of each
2 voter. At least as many copies of such list shall be prepared as the
3 required minimum number of registration lists.

4 Lists for all the election districts in a ward or assembly district
5 may be bound together in one volume. The board of elections shall also
6 cause to be published a complete list of names and residence addresses
7 of the registered voters, including the party enrollment of each voter,
8 for each town and city over which the board has jurisdiction. The names
9 for each town and city may be arranged according to street and number or
10 alphabetically. Such lists shall be published before the first day of
11 [April] February. The board shall keep at least five copies for public
12 inspection at each main office or branch office of the board. Surplus
13 copies of the lists shall be sold at a charge not exceeding the cost of
14 publication.

15 § 10. Paragraph a of subdivision 5 of section 5-708 of the election
16 law, as added by chapter 659 of the laws of 1994, is amended to read as
17 follows:

18 a. At least once each year during the month of [May] February, each
19 board of elections shall obtain through the National Change of Address
20 System, the forwarding address for every voter registered with such
21 board of elections for whom the United States Postal Service has such a
22 forwarding address together with the name of each such voter whom the
23 Postal Service records indicate has moved from the address at which he
24 is registered without leaving a forwarding address.

25 § 11. Subdivision 1 of section 6-108 of the election law, as amended
26 by chapter 160 of the laws of 1996, is amended to read as follows:

27 1. In any town in a county having a population of over seven hundred
28 fifty thousand inhabitants, as shown by the latest federal decennial or
29 special population census, party nominations of candidates for town
30 offices shall be made at the primary preceding the election. In any
31 other town, nominations of candidates for town offices shall be made by
32 caucus or primary election as the rules of the county committee shall
33 provide, except that the members of the county committee from a town may
34 adopt by a two-thirds vote, a rule providing that the party candidates
35 for town offices shall be nominated at the primary election. If a rule
36 adopted by the county committee of a political party or by the members
37 of the county committee from a town, provides that party candidates for
38 town offices, shall be nominated at a primary election, such rule shall
39 not apply to nor affect a primary held less than four months after a
40 certified copy of the rule shall have been filed with the board of
41 elections. After the filing of such a rule, the rule shall continue in
42 force until a certified copy of a rule revoking the same shall have been
43 filed with such board at least four months before a subsequent primary.
44 Such a caucus shall be held no earlier than the first day on which
45 designating petitions for the [fall] primary election may be signed.

46 § 12. Subdivisions 1 and 2 of section 6-147 of the election law, as
47 amended by chapter 434 of the laws of 1984, are amended to read as
48 follows:

49 1. The name of a person designated on more than one petition as a
50 candidate for a party position to be filled by two or more persons shall
51 be printed on the ballot with the group of candidates designated by the
52 petition first filed unless such person, in a certificate duly acknowl-
53 edged by him or her and filed with the board of elections not later than
54 the [eighth] tenth Tuesday preceding the primary election or five days
55 after the board of elections mails such person notice of his or her

1 designation in more than one group, whichever is later, specifies another
2 er group in which his or her name shall be printed.

3 2. A person designated as a candidate for the position of member of
4 the county committee in more than one election district shall be deemed
5 to have been designated in the lowest numbered election district unless
6 such person, in a certificate duly acknowledged by him or her, and filed
7 with the board of elections not later than the [eighth] tenth Tuesday
8 preceding the primary election or five days after the board of elections
9 mails such person notice of his or her designation in more than one
10 election district whichever is later, specifies that he or she wishes to
11 be deemed designated in a different election district.

12 § 13. Subdivisions 1, 4, 5, 6, 9, 11, 12 and 14 of section 6-158 of
13 the election law, subdivisions 1, 4, 11 and 12 as amended by chapter 434
14 of the laws of 1984, subdivision 6 as amended by chapter 79 of the laws
15 of 1992, and subdivision 9 as amended by chapter 517 of the laws of
16 1986, are amended to read as follows:

17 1. A designating petition shall be filed not earlier than the [tenth]
18 thirteenth Monday before, and not later than the [ninth] twelfth Thurs-
19 day preceding the primary election.

20 4. A petition of enrolled members of a party requesting an opportunity
21 to write in the name of an undesignated candidate for a public office or
22 party position at a primary election shall be filed not later than the
23 [eighth] eleventh Thursday preceding the primary election. However,
24 where a designating petition has been filed and the person named therein
25 has declined such designation and another person has been designated to
26 fill the vacancy, then in that event, a petition for an opportunity to
27 ballot in a primary election shall be filed not later than the [seventh]
28 tenth Thursday preceding such primary election.

29 5. A judicial district convention shall be held not earlier than the
30 [Tuesday] Thursday following the [third Monday in September] first
31 Monday in August preceding the general election and not later than [the
32 fourth Monday in September preceding such election] six days thereafter.

33 6. (a) A certificate of a party nomination made other than at the
34 primary election for an office to be filled at the time of a general
35 election shall be filed not later than [seven] thirty days after the
36 [fall] primary election, (b) except that a certificate of nomination
37 for an office which becomes vacant after the seventh day preceding such
38 primary election shall be filed not later than [fourteen] thirty days
39 after the primary election or ten days after the creation of such vacan-
40 cy, whichever is later, and (c) except, further, that a certificate of
41 party nomination of candidates for elector of president and vice-presi-
42 dent of the United States shall be filed not later than [fourteen]
43 seventy-four days after the [fall] primary election, and (d) except
44 still further that a certificate of party nomination made at a judicial
45 district convention shall be filed not later than the day after the last
46 day to hold such convention and the minutes of such convention, duly
47 certified by the chairman and secretary, shall be filed within seventy-
48 two hours after adjournment of the convention. A certificate of party
49 nomination for an office to be filled at a special election shall be
50 filed not later than ten days following the issuance of a proclamation
51 of such election.

52 9. A petition for an independent nomination for an office to be filled
53 at the time of a general election shall be filed not earlier than
54 [twelve] twenty-four weeks and not later than [eleven] twenty-three
55 weeks preceding such election. A petition for an independent nomination
56 for an office to be filled at a special election shall be filed not

1 later than twelve days following the issuance of a proclamation of such
2 election. [A petition for trustee of the Long Island Power Authority
3 shall be filed not earlier than seven weeks and not later than six weeks
4 preceding the day of the election of such trustees.]

5 11. A certificate of acceptance or declination of an independent nomi-
6 nation for an office to be filled at the time of a general election
7 shall be filed not later than the third day after the [~~eleventh~~] twen-
8 ty-third Tuesday preceding such election except that a candidate who
9 files such a certificate of acceptance for an office for which there
10 have been filed certificates or petitions designating more than one
11 candidate for the nomination of any party, may thereafter file a certifi-
12 cate of declination not later than the third day after the primary
13 election. A certificate of acceptance or declination of an independent
14 nomination for an office to be filled at a special election shall be
15 filed not later than fourteen days following the issuance of a proclama-
16 tion of such election.

17 12. A certificate to fill a vacancy caused by a declination of an
18 independent nomination for an office to be filled at the time of a
19 general election shall be filed not later than the sixth day after the
20 [~~eleventh~~] twenty-third Tuesday preceding such election. A certificate
21 to fill a vacancy caused by a declination of an independent nomination
22 for an office to be filled at a special election shall be filed not
23 later than sixteen days following the issuance of a proclamation of such
24 election.

25 14. A vacancy occurring three months or more before [September twenti-
26 eth of] the general election in any year in any office authorized to be
27 filled at a general election, except in the offices of governor, lieu-
28 tenant-governor, or United States senator shall be filled at the general
29 election held next thereafter, unless otherwise provided by the consti-
30 tution, or unless previously filled at a special election.

31 § 14. Paragraph (a) of subdivision 1 of section 8-100 of the election
32 law, as amended by chapter 17 of the laws of 2007, is amended to read as
33 follows:

34 (a) A primary election[, to be known as the fall primary,] shall be
35 held on the [first] fourth Tuesday [after the second Monday] in [Septem-
36 ber] June before every general election unless otherwise changed by an
37 act of the legislature. Members of the state and county committees and
38 assembly district leaders and associate district leaders and all other
39 party positions to be elected shall be elected at such primary and all
40 nominations for public office required to be made at a primary election
41 in such year shall be made at such primary. In each year in which elec-
42 tors of president and vice president of the United States are to be
43 elected an additional primary election, to be known as the spring prima-
44 ry, shall be held on the first Tuesday in February unless otherwise
45 changed by an act of the legislature, for the purpose of electing deleg-
46 ates to the national convention[, members of state and county committees
47 and assembly district leaders and associate assembly district leaders].

48 § 15. Subdivision 1 of section 9-200 of the election law, as amended
49 by chapter 250 of the laws of 1984, is amended to read as follows:

50 1. The board of elections shall canvass the returns of primary
51 elections filed with it. It shall canvass first the votes of the deleg-
52 ates and alternates to judicial district conventions and complete such
53 canvass at the earliest time possible. It shall complete the canvass
54 otherwise within [nine] thirteen days from the day upon which the prima-
55 ry election is held. Upon the completion of the canvass the board shall
56 make and file in its office tabulated statements, signed by the members

1 of such board or a majority thereof, of the number of votes cast for all
2 the candidates for nomination to each public office or for election to
3 each party position, and the number of votes cast for each such candi-
4 date. The candidate receiving the highest number of votes for nomination
5 for a public office or for election to a party position voted for wholly
6 within the political unit for which such board is acting, shall be the
7 nominee of his party for such office or elected to such party position
8 and the board, if requested by a candidate elected to a party position,
9 shall furnish to him a certificate of election.

10 § 16. Subdivision 1 of section 9-208 of the election law, as amended
11 by chapter 163 of the laws of 2010, is amended to read as follows:

12 1. Within fifteen days after each general[,] or special [or] election,
13 and within twenty days after a primary election, and within seven days
14 after every village election conducted by the board of elections at
15 which ballot scanners are used, the board of elections, or a bipartisan
16 committee of or appointed by said board shall, in each county using
17 ballot scanners, make a record of the serial number of each ballot scan-
18 ner used in each election district in such general, special or primary
19 election. No person who was a candidate at such election shall be
20 appointed to membership on the committee. Such board of elections or
21 bipartisan committee shall recanvass the tabulated result tape from each
22 ballot scanner used in each election district by comparing such tape
23 with the numbers as recorded on the return of canvass. The said board or
24 committee shall also make a recanvass of any election day paper ballots
25 that have not been scanned and were hand counted pursuant to subdivision
26 two of section 9-110 of this article and compare the results with the
27 number as recorded on the return of canvass. The board or committee
28 shall then recanvass write-in votes, if any, on ballots which were
29 otherwise scanned and canvassed at polling places on election night. The
30 board or committee shall validate and prove such sums. Before making
31 such canvass the board of elections, with respect to each election
32 district to be recanvassed, shall give notice in writing to the voting
33 machine custodian thereof, to the state and county chair of each party
34 or independent body which shall have nominated candidates for the said
35 general or special election or nominated or elected candidates at the
36 said primary election and to each individual candidate whose name
37 appears on the office ballot, of the time and place where such canvass
38 is to be made; and the state and county chair of each such party or
39 independent body and each such individual candidate may send a represen-
40 tative to be present at such recanvass. Each candidate whose name
41 appears on the official ballot, or his or her representative, shall have
42 the right personally to examine and make a record of the vote recorded
43 on the tabulated result tape and any ballots which were hand counted.

44 § 17. Subdivision 1 of section 9-211 of the election law, as amended
45 by chapter 515 of the laws of 2015, is amended to read as follows:

46 1. Within fifteen days after each general or special election, [and]
47 within [seven] thirteen days after every primary [or] election, and
48 within seven days after every village election conducted by the board of
49 elections, the board of elections or a bipartisan committee appointed by
50 such board shall audit the voter verifiable audit records from three
51 percent of voting machines or systems within the jurisdiction of such
52 board. Such audits may be performed manually or via the use of any auto-
53 mated tool authorized for such use by the state board of elections which
54 is independent from the voting system it is being used to audit. Voting
55 machines or systems shall be selected for audit through a random, manual
56 process. At least five days prior to the time fixed for such selection

1 process, the board of elections shall send notice by first class mail to
2 each candidate, political party and independent body entitled to have
3 had watchers present at the polls in any election district in such
4 board's jurisdiction. Such notice shall state the time and place fixed
5 for such random selection process. The audit shall be conducted in the
6 same manner, to the extent applicable, as a canvass of paper ballots.
7 Each candidate, political party or independent body entitled to appoint
8 watchers to attend at a polling place shall be entitled to appoint such
9 number of watchers to observe the audit.

10 § 18. Paragraph (a) of subdivision 1 of section 10-108 of the election
11 law, as amended by chapter 4 of the laws of 2011, is amended to read as
12 follows:

13 (a) Ballots for military voters shall be mailed or otherwise distrib-
14 uted by the board of elections, in accordance with the preferred method
15 of transmission designated by the voter pursuant to section 10-107 of
16 this article, as soon as practicable but in any event not later than
17 [thirty-two] ~~forty-six~~ days before a primary or general election[; twen-
18 ty-five days before] a New York city community school board district or
19 city of Buffalo school district election; fourteen days before a village
20 election conducted by the board of elections; and forty-five days before
21 a special election. A voter who submits a military ballot application
22 shall be entitled to a military ballot thereafter for each subsequent
23 election through and including the next two regularly scheduled general
24 elections held in even numbered years, including any run-offs which may
25 occur; provided, however, such application shall not be valid for any
26 election held within seven days after its receipt. Ballots shall also
27 be mailed to any qualified military voter who is already registered and
28 who requests such military ballot from such board of elections in a
29 letter, which is signed by the voter and received by the board of
30 elections not later than the seventh day before the election for which
31 the ballot is requested and which states the address where the voter is
32 registered and the address to which the ballot is to be mailed. The
33 board of elections shall enclose with such ballot a form of application
34 for military ballot. In the case of a primary election, the board shall
35 deliver only the ballot of the party with which the military voter is
36 enrolled according to the military voter's registration records. In the
37 event a primary election is uncontested in the military voter's election
38 district for all offices or positions except the party position of
39 member of the ward, town, city or county committee, no ballot shall be
40 delivered to such military voter for such election; and the military
41 voter shall be advised of the reason why he or she will not receive a
42 ballot.

43 § 19. Subdivision 4 of section 11-204 of the election law, as amended
44 by chapter 4 of the laws of 2011, is amended to read as follows:

45 4. If the board of elections shall determine that the applicant making
46 the application provided for in this section is qualified to receive and
47 vote a special federal ballot, it shall, as soon as practicable after it
48 shall have so determined, or not later than [thirty-two] ~~forty-six~~ days
49 before each general or primary election [and forty-five days before
50 each] or special election in which such applicant is qualified to vote,
51 or three days after receipt of such an application, whichever is later,
52 mail to him or her at the residence address outside the United States
53 shown in his or her application, a special federal ballot, an inner
54 affirmation envelope and an outer envelope, or otherwise distribute same
55 to the voter in accordance with the preferred method of transmission
56 designated by the voter pursuant to section 11-203 of this title. The

1 board of elections shall also mail, or otherwise distribute in accord-
2 ance with the preferred method of transmission designated by the voter
3 pursuant to section 11-203 of this title, a special federal ballot to
4 every qualified special federal voter who is already registered and who
5 requests such special federal ballot from such board of elections in a
6 letter, which is signed by the voter and received by the board of
7 elections not later than the seventh day before the election for which
8 the ballot is first requested and which states the address where the
9 voter is registered and the address to which the ballot is to be mailed.
10 The board of elections shall enclose with such ballot a form of applica-
11 tion for a special federal ballot.

12 § 20. Subdivision 4 of section 16-102 of the election law, as added by
13 chapter 135 of the laws of 1986, is amended to read as follows:

14 4. A final order including the resolution of any appeals in any
15 proceeding involving the names of candidates on ballots or voting
16 machines shall be made, if possible, at least five weeks before the day
17 of the election at which such ballots or voting machines are to be used,
18 or if such proceeding is commenced within five weeks of such election,
19 no later than the day following the day on which the case is heard.

20 § 21. Subdivisions 3 and 4 of section 16-104 of the election law,
21 subdivision 3 as added by chapter 136 of the laws of 1978 and subdivi-
22 sion 4 as amended by chapter 117 of the laws of 1985, are amended to
23 read as follows:

24 3. A proceeding pursuant to subdivision two of this section must be
25 instituted within [fourteen] seven days after the last day to certify
26 the wording of any such abstract or form of submission.

27 4. A final order including the resolution of any appeals in any
28 proceeding involving the contents of official ballots on voting machines
29 shall be made, if possible, at least five weeks before the day of the
30 election at which such voting machines are to be used, or if such
31 proceeding is commenced within five weeks of an election, no later than
32 the day following the day on which the case is heard.

33 § 22. Subdivisions 1 and 4 of section 42 of the public officers law,
34 subdivision 1 as amended by chapter 878 of the laws of 1946 and subdivi-
35 sion 4 as amended by chapter 317 of the laws of 1954, are amended to
36 read as follows:

37 1. A vacancy occurring three months or more before [September twenti-
38 eth of] the general election in any year in any office authorized to be
39 filled at a general election, except in the offices of governor or lieu-
40 tenant-governor, shall be filled at the general election held next ther-
41 eafter, unless otherwise provided by the constitution, or unless previ-
42 ously filled at a special election.

43 4. A special election shall not be held to fill a vacancy in the
44 office of a representative in congress unless such vacancy occurs on or
45 before the first day of July of the last year of the term of office, or
46 unless it occurs thereafter and a special session of congress is called
47 to meet before the next general election, or be called after [September
48 nineteenth of] three months before the general election in such year;
49 nor to fill a vacancy in the office of state senator or in the office of
50 member of assembly, unless the vacancy occurs before the first day of
51 April of the last year of the term of office, or unless the vacancy
52 occurs in either such office of senator or member of assembly after such
53 first day of April and a special session of the legislature be called to
54 meet between such first day of April and the next general election or be
55 called after three months before the next general election [or be called
56 after September nineteenth] in such year. If a special election to fill

1 an office shall not be held as required by law, the office shall be
2 filled at the next general election.

3 § 23. This act shall take effect December 31, 2019.

4 SUBPART B

5 Section 1. Section 6-150 of the election law is amended to read as
6 follows:

7 § 6-150. Nomination; vacancy caused by death or disqualification,
8 unfilled at time of general or special election. If a vacancy shall
9 occur in a nomination, caused by disqualification or death of the candi-
10 date subsequent to [noon of the Tuesday] thirty days before a general or
11 special election and prior to the closing of the polls on such election
12 day, such vacancy shall not be filled, and the votes cast for such
13 [deceased] candidate shall be canvassed and counted, and if he or she
14 shall receive a plurality of the votes cast, a vacancy shall exist in
15 the office for which such nomination was made to be filled in the manner
16 provided by law for vacancies in office occurring by reason of death
17 after election.

18 § 2. Section 6-152 of the election law, as amended by chapter 234 of
19 the laws of 1976, is amended to read as follows:

20 § 6-152. Vacancies caused by death or disqualification and unfilled at
21 time of primary election. If a vacancy shall occur in a designation of a
22 candidate for nomination or election at a primary election, caused by
23 the death or disqualification of a candidate subsequent to [noon of the
24 seventh day] thirty days before the primary election and prior to the
25 closing of the polls, such vacancy shall not be filled and the votes
26 cast for such [deceased or disqualified] candidate shall be canvassed
27 and counted, and, if he or she shall receive a plurality of the votes
28 cast, another candidate may thereafter be nominated or the vacancy
29 filled as provided by law or the rules of the party.

30 § 3. Section 6-154 of the election law is amended by adding a new
31 subdivision 4 to read as follows:

32 4. Each board of elections or the state board of elections as applica-
33 ble shall make any determination required by this section no later than
34 sixty days before the primary election in the case of challenges to
35 designating or opportunity to ballot petitions and no later than seventy
36 days before the general election in the case of challenges to nominating
37 petitions and certificates of designation or nomination.

38 § 4. Section 7-116 of the election law is amended by adding a new
39 subdivision 8 to read as follows:

40 8. In cases where a name is added to or removed from the county board
41 of elections' official ballot too late to make a complete compliance to
42 these requirements feasible, the name may be added at the end of the row
43 or column of candidates in all election districts, or removed from the
44 ballot in all election districts without changing the previously
45 arranged order of other names and without invalidating the election. Any
46 inadvertent error in the order of names discovered too late to correct
47 the order of the names on the ballots concerned shall not invalidate an
48 election.

49 Except where a contest or candidate is removed from the ballot by
50 court order too late to make complete compliance with this section
51 feasible, the title of each public office or party position and the
52 names of the candidates for such office or position appearing on any
53 ballot used for elections over which the county board of elections has
54 jurisdiction shall appear on such ballot immediately adjacent to one

1 another, either horizontally or vertically; and no blank spaces shall
2 separate the names of candidates actually running for an office or party
3 position on such ballot, and no blank spaces shall separate any two such
4 offices or positions which appear on such ballot in the same column or
5 row.

6 § 5. Subdivision 3 of section 7-122 of the election law, as amended by
7 chapter 165 of the laws of 2010, is amended to read as follows:

8 3. The determination of the appropriate county board of elections as
9 to the candidates duly designated or nominated for public office or
10 party position whose name shall appear on the absentee ballot and as to
11 ballot proposals to be voted on shall be made no later than the day
12 after the state board of elections issues its certification of those
13 candidates to be voted for at the general, special or primary election.
14 The determinations of the state board of elections and the respective
15 county boards of elections shall be final and conclusive with respect to
16 such offices for which petitions or certificates are required to be
17 filed with such boards, as the case may be but nothing herein contained
18 shall prevent a board of elections, or a court of competent jurisdiction
19 from determining at a later date that any such certification, designa-
20 tion or nomination is invalid and, in the event of such later determi-
21 nation, no vote cast for any such nominee by any voter shall be counted
22 at the election. Any order of a court of competent jurisdiction or
23 determination by the board of elections changing the ballot as previous-
24 ly determined by the board of elections must be made and, where
25 required, entered at least twenty days prior to the election.

26 § 6. Subdivisions 1 and 2 of section 7-128 of the election law are
27 amended to read as follows:

28 1. Each officer or board charged with the duty of providing official
29 ballots for an election shall have sample ballots open to public
30 inspection [five] fifty days, except in the case of extraordinary
31 circumstances in which case on the earliest day practicable, before the
32 election for which [they were] the ballots have been prepared and the
33 official ballots open to such inspection [four] fifty days, except in
34 the case of extraordinary circumstances in which case on the earliest
35 day practicable, before such election except that the sample and offi-
36 cial ballots for a village election held at a different time from a
37 general election shall be open to public inspection at least two days
38 before such election. During the times within which the ballots are open
39 for inspection, such officer or board shall deliver to each voter apply-
40 ing therefor a sample of the ballot which he or she is entitled to vote.

41 2. Each officer or board charged with the duty of preparing ballots to
42 be used [on] with voting machines in any election shall:

43 a. give written notice, by first class mail, to all candidates, except
44 candidates for member of the county committee, who are lawfully entitled
45 to have their names appear thereon, of the time when, and the place
46 where, they may inspect the [voting machines] ballots to be used for
47 such election. The candidates or their designated representatives may
48 appear at the time and place specified in such notice to inspect such
49 [machines] ballots, provided, however, that the time so specified shall
50 [be not less than two] occur no later than forty-six days [prior to the
51 date of] before the election at which the ballots will be used. A
52 candidate, whose name appears on the ballot [for an election district]
53 or his or her designated representative, may, in the presence of the
54 election officer attending the [voting machine] ballot, inspect the
55 [face of the machine] ballot to see that his or her ballot [label] posi-

1 tion is in its proper place[, but at no time during the inspection shall
2 the booth be closed] or places.

3 b. give written notice, by first class mail, to all candidates, except
4 candidates for member of the county committee, who are lawfully entitled
5 to have their names appear thereon, of the time when, and the place
6 where, they may inspect the voting machines or systems to be used for
7 such election. The candidates or their designated representatives may
8 appear at the time and place specified in such notice to view the
9 conduct of the logic and accuracy testing required to be performed on
10 such voting machines or systems, provided however, that the time so
11 specified shall be not less than twenty days prior to the date of the
12 election.

13 § 7. Section 7-130 of the election law is amended to read as follows:

14 § 7-130. Ballots; examination by voters and instruction in use of
15 voting machines or systems. One or more voting machines [which shall
16 contain the ballot labels] or systems on which ballots shall be cast,
17 showing the party [emblems] names and [title] titles of [officers]
18 offices to be voted for, and which shall so far as practicable contain
19 the names of the candidates to be voted for, shall be placed on public
20 exhibition in some suitable place by the board of elections, [in charge
21 of competent instructors,] for at least three days during the thirty
22 days next preceding an election. No voting machine or system which is to
23 be assigned for use in an election shall be used for such purpose after
24 having been prepared and sealed for the election. During such public
25 exhibition, the counting mechanism of the machine or system shall be
26 concealed from view and the doors, if any, may be temporarily opened
27 only when authorized by the board or official having charge and control
28 of the election. Any voter shall be allowed to examine such machine or
29 system, and upon request shall be instructed in its use.

30 § 8. Section 16-100 of the election law is amended by adding a new
31 subdivision 3 to read as follows:

32 3. In view of the time required for boards of elections to reprint
33 ballots and to conduct logic and accuracy testing required by title two
34 of article seven of this chapter and regulations of the state board of
35 elections, no court shall, except in extraordinary circumstances, enter
36 a final order including the resolution of any appeals issued pursuant to
37 subdivision four of section 16-102 of this article or subdivision four
38 of section 16-104 of this article unless such order or determination
39 shall be made in conformance with the time frame requirements of those
40 sections.

41 § 9. Subdivision 4 of section 16-102 of the election law, as added by
42 chapter 135 of the laws of 1986, is amended to read as follows:

43 4. A final order including the resolution of any appeals in any
44 proceeding involving the names of candidates on ballots or voting
45 [machines] systems shall, except in extraordinary circumstances, be
46 made[, if possible,] at least [five weeks] fifty-five days before the
47 day of the election at which such ballots or voting [machines] systems
48 are to be used, or if such proceeding is commenced within [five weeks]
49 fifty-five days of such election, no later than the day following the
50 day on which the case is heard.

51 § 10. Subdivisions 1, 3 and 4 of section 16-104 of the election law,
52 subdivision 3 as added by chapter 136 of the laws of 1978 and subdivi-
53 sion 4 as amended by chapter 117 of the laws of 1985, are amended to
54 read as follows:

55 1. The form and content of any ballot, or portion thereof, to be used
56 in an election, and the right to use any emblem design, color, party or

1 independent body name, may be contested in a proceeding instituted in
2 the supreme court by any aggrieved candidate or by the chairman of any
3 party committee or independent body. A proceeding pursuant to this
4 subdivision must be instituted within five days of the last date of the
5 inspection of the ballot pursuant to paragraph (a) of subdivision two of
6 section 7-128 of this chapter.

7 3. A proceeding pursuant to subdivision two of this section must be
8 instituted within [fourteen] seven days after the last day to certify
9 the wording of any such abstract or form of submission.

10 4. A final order including the resolution of any appeals in any
11 proceeding involving the contents of official ballots to be used on
12 [voting machines] ballot scanners shall, except in extraordinary circum-
13 stances, be made[, if possible,] at least [five weeks] twenty-five days
14 before the day of the election at which such [voting machines] ballot
15 scanners are to be used[, or if such proceeding is commenced within five
16 weeks of an election, no later than the day following the day on which
17 the case is heard].

18 § 11. This act shall take effect December 31, 2019.

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

28 § 3. This act shall take effect immediately; provided, however, that
29 the applicable effective date of subparts A through B of this part shall
30 be as specifically set forth in the last section of such subparts.

31 PART F

32 Section 1. Section 14-116 of the election law, subdivision 1 as
33 redesignated by chapter 9 of the laws of 1978, subdivision 2 as amended
34 by chapter 260 of the laws of 1981, is amended to read as follows:

35 § 14-116. Political contributions by certain organizations. 1. No
36 corporation or joint-stock association doing business in this state,
37 except a corporation or association organized or maintained for poli-
38 tical purposes only, shall directly or indirectly pay or use or offer,
39 consent or agree to pay or use any money or property for or in aid of
40 any political party, committee or organization, or for, or in aid of,
41 any corporation, limited liability company, joint-stock or other associ-
42 ation organized or maintained for political purposes, or for, or in aid
43 of, any candidate for political office or for nomination for such
44 office, or for any political purpose whatever, or for the reimbursement
45 or indemnification of any person for moneys or property so used. Any
46 officer, director, stock-holder, member, owner, attorney or agent of any
47 corporation, limited liability company, or joint-stock association which
48 violates any of the provisions of this section, who participates in,
49 aids, abets or advises or consents to any such violations, and any
50 person who solicits or knowingly receives any money or property in
51 violation of this section, shall be guilty of a misdemeanor.

52 2. Notwithstanding the provisions of subdivision one of this section,
53 any corporation, limited liability company, joint stock association, or
54 an organization financially supported in whole or in part[,] by any such

1 [corporation] entity, may make expenditures[, including contributions,
2 not otherwise prohibited by law, for political purposes, in an amount
3 not to exceed five thousand dollars in the aggregate in any calendar
4 year] not otherwise prohibited by law for political purposes in the form
5 of contributions to independent expenditure committees, and in the form
6 of independent expenditures made as an independent expenditure
7 committee; provided that no public utility shall use revenues received
8 from the rendition of public service within the state for contributions
9 for political purposes unless such cost is charged to the shareholders
10 of such a public service corporation.

11 § 2. This act shall take effect immediately.

12

PART G

13 Section 1. Section 5-211 of the election law, as amended by chapter
14 659 of the laws of 1994, the section heading and opening paragraph as
15 amended by chapter 265 of the laws of 2013, and subdivisions 11 and 14
16 as amended by chapter 200 of the laws of 1996, is amended to read as
17 follows:

18 § 5-211. Agency assisted registration. Each agency designated as a
19 participating agency under the provisions of this section shall imple-
20 ment and administer a program of [distribution of] integrated personal
21 voter registration [forms] applications pursuant to the provisions of
22 this section. The following offices which provide public assistance
23 and/or provide state funded programs primarily engaged in providing
24 services to persons with disabilities are hereby designated as voter
25 registration agencies: designated as the state agencies which provide
26 public assistance are the office of children and family services, the
27 office of temporary and disability assistance and the department of
28 health. Also designated as public assistance agencies are all agencies
29 of local government that provide such assistance. Designated as state
30 agencies that provide programs primarily engaged in providing services
31 to people with disabilities are the department of labor, office for the
32 aging, division of veterans' affairs, office of mental health, [office
33 of vocational and educational services for individuals with disabili-
34 ties, commission on quality of care for the mentally disabled, office of
35 mental retardation and developmental disabilities,] office of adult
36 career and continuing education services-vocational rehabilitation,
37 office for people with developmental disabilities, commission for the
38 blind, office of alcoholism and substance abuse services, [the office of
39 the advocate for the disabled] the justice center and all offices which
40 administer programs established or funded by such agencies. Additional
41 state agencies designated as voter registration offices are the depart-
42 ment of state and the division of workers' compensation. Such agencies
43 shall be required to offer [voter registration forms] integrated
44 personal voter registration applications to persons upon initial appli-
45 cation for services, renewal or recertification for services and change
46 of address relating to such services whether electronically or on paper.
47 Such integrated personal voter registration application shall also serve
48 as an application for pre-registration, as applicable. Such agencies
49 shall also be responsible for providing assistance to applicants in
50 completing voter registration forms, receiving and transmitting the
51 completed application form from all applicants who wish to have such
52 form transmitted to the appropriate board of elections. The agency
53 shall transmit to the state board of elections that portion of each
54 integrated personal voter registration application received by the agen-



1 cy, whether received electronically or on paper, that includes voter
2 registration information. Such transmittal by the agency shall occur
3 through an interface with the electronic voter registration transmittal
4 system established and maintained by the state board of elections. The
5 state board of elections shall electronically forward such application
6 to the applicable board of elections of each county or the city of New
7 York for filing, processing and verification consistent with this chap-
8 ter. The state board of elections shall, together with representatives
9 of the department of defense, develop and implement procedures for
10 including recruitment offices of the armed forces of the United States
11 as voter registration offices when such offices are so designated by
12 federal law. The state board shall also make request of the United
13 States Immigration and Naturalization Service to include applications
14 for registration by mail with any materials which are given to new citi-
15 zens. All institutions of the state university of New York and the city
16 university of New York, shall, at the beginning of the school year, and
17 again in January of a year in which the president of the United States
18 is to be elected, provide an application for registration to each
19 student in each such institution. The state board of elections may, by
20 regulation, grant a waiver from any or all of the requirements of this
21 section to any office or program of an agency, if it determines that it
22 is not feasible for such office or program to administer such require-
23 ment.

24 1. The state board of elections shall adopt such rules and regulations
25 as may be necessary to carry out the requirements of this section and
26 shall prepare and distribute to participating agencies written
27 instructions as to the implementation of the program and shall be
28 responsible for establishing training programs for employees of partic-
29 ipating agencies involved in such program. The state board of elections
30 shall provide a toll free telephone to answer registration questions.

31 2. Strict neutrality with respect to a person's party enrollment shall
32 be maintained and all persons seeking voter registration forms and
33 information shall be advised that government services are not condi-
34 tioned on being registered to vote. No statement shall be made nor any
35 action taken to discourage the applicant from registering to vote.

36 3. If a participating agency provides services to a person with a
37 disability at the person's place of residence, the agency shall offer
38 the opportunity to complete a voter registration form at such place of
39 residence.

40 4. Each participating agency shall provide to each applicant who does
41 not decline to register to vote the same degree of assistance with
42 regard to the completion of the registration application form as is
43 provided by the agency with regard to the completion of its own form
44 unless the applicant refuses such assistance.

45 5. Employees of a voter registration agency who provide voter regis-
46 tration assistance shall not:

47 (a) seek to influence an applicant's political preference or party
48 designation;

49 (b) display any political preference or party allegiance;

50 (c) make any statement to an applicant or take any action the purpose
51 or effect of which is to discourage the applicant from registering to
52 vote; or

53 (d) make any statement to an applicant or take any action the purpose
54 or effect of which is to lead the applicant to believe that a decision
55 to register or not to register has any bearing on the availability of
56 services or benefits.

1 6. The state board of elections shall coordinate and monitor the
2 distribution of voter registration forms by those state agencies,
3 departments, divisions and offices selected to participate in the
4 program to maximize the efficient and non partisan distribution of voter
5 registration information and forms. The board shall also adopt such
6 rules and regulations as may be necessary to require county boards and
7 participating agencies to provide the state board with such information
8 and data as the board deems necessary to assess compliance with this
9 section and to compile such statistics as may be required by the [feder-
10 al elections commission] United States Election Assistance Commission.

11 7. Each participating agency, department, division and office that
12 makes available integrated personal voter registration [forms] applica-
13 tions shall prominently display promotional materials designed and
14 approved by the state board of elections, informing the public of the
15 existence of voter registration services.

16 8. Each participating agency, department, division or office that
17 makes available integrated personal voter registration [forms] applica-
18 tions pursuant to this section shall offer with each application for the
19 services or assistance of such agency, department, division or office
20 and with each recertification, renewal or change of address form relat-
21 ing to such service or assistance, [a registration form together] wheth-
22 er electronically or on paper, an application with instructions relating
23 to eligibility to register and for completing the form [except that
24 forms used by the department of social services for the initial applica-
25 tion for services, renewal or recertification for services and change of
26 address relating to such services shall physically incorporate a voter
27 registration application in a fashion that permits the voter registra-
28 tion portion of the agency form to be detached therefrom]. Such voter
29 registration application shall be designed so as to ensure the confiden-
30 tiality of the source of the application. [Included on] The voter regis-
31 tration related portion of each participating agency's integrated appli-
32 cation for services or assistance [or on a separate form] shall [be]:

33 (a) not require any information that duplicates the information
34 required by the portion of the form related to the application for agen-
35 cy services or assistance and shall require only such additional infor-
36 mation as will enable election officials to assess the applicant's
37 eligibility to register to vote, prevent duplicate registration and to
38 administer voter registration and other parts of the election process;

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

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

45 (i) voter eligibility requirements;

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

47 (iii) that the office where the applicant applies for registration
48 shall remain confidential and the voter registration information shall
49 be used only for voter registration purposes;

50 (iv) that if the applicant applies to register to vote electronically,
51 such applicant thereby consents to the use of an electronic copy of the
52 individual's manual signature that is in the custody of the department
53 of motor vehicles, the state board of elections, or other agency desig-
54 nated by this section or section 5-212 of this title, as the individ-
55 ual's voter registration exemplar signature if the individual voter's
56 exemplar signature is not provided with the voter registration applica-



1 tion, or provides such a signature by direct upload in a manner that
2 complies with the New York state electronic signature and records act
3 and the rules and regulations promulgated by the state board of
4 elections; and

5 (v) if the applicant declines to register, such applicant's declina-
6 tion shall remain confidential and be used only for voter registration
7 purposes;

8 (d) include a box for the applicant to check to indicate whether the
9 applicant would like to decline to register to vote along with the
10 statement in prominent type, "IF YOU DO NOT CHECK THIS BOX, AND YOU
11 PROVIDE YOUR SIGNATURE ON THE SPACE BELOW, YOU WILL HAVE ATTESTED TO
12 YOUR ELIGIBILITY TO REGISTER TO VOTE AND YOU WILL HAVE APPLIED TO REGIS-
13 TER TO VOTE.";

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

17 [(a) the question, "If you are not registered to vote where you live
18 now, would you like to apply to register here today?"]

19 [(b) The statement,] (f) state "applying to register or declining to
20 register to vote will not affect the amount of assistance that you will
21 be provided by this agency.";

22 [(c) boxes for the applicant to check to indicate whether the appli-
23 cant would like to register or decline to register to vote.

24 (d) the statement in prominent type, "IF YOU DO NOT CHECK EITHER BOX,
25 YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS
26 TIME.";

27 [(e) the statement,] (g) state "If you would like help in filling out
28 the voter registration application form, we will help you. The decision
29 whether to seek or accept help is yours. You may fill out the applica-
30 tion form in private.";

31 (h) state that if an applicant is a victim of domestic violence or
32 stalking, he or she may contact the state board of elections in order to
33 receive information regarding the address confidentiality program for
34 victims of domestic violence under section 5-508 of this title;

35 [(f) the statement,] (i) state "If you believe that someone has inter-
36 fered with your right to register or decline to register to vote, your
37 right to privacy in deciding whether to register or in applying to
38 register to vote, or your right to choose your own political party or
39 other political preference, you may file a complaint with the state
40 board of elections (address and toll free telephone number).";

41 [(g)] (j) contain a toll free number at the state board of elections
42 that can be called for answers to registration questions[.]; and

43 (k) include any other information that is necessary to comply with the
44 requirements of the National Voter Registration Act.

45 9. An integrated personal voter registration application submitted to
46 an agency in paper format shall be transmitted to the state board of
47 elections through an electronic voter registration transmittal system by
48 converting the paper form to an image file or a portable document format
49 file which shall thereafter be deemed the original form for voter regis-
50 tration and enrollment purposes. The agency shall retain the complete
51 original paper application for no less than two years. The transmittal
52 of the converted paper application shall include all of the voter regis-
53 tration data elements, including signature, and record of attestation of
54 the accuracy of the voter registration information, and may include or
55 be accompanied by data elements and transmittal information as required
56 by the rules and regulations of the state board of elections. A digital

1 image of a signature shall satisfy the signature requirement for
2 purposes of this subdivision.

3 10. An integrated personal voter registration application submitted to
4 an agency in an electronic format shall be transmitted to the state
5 board of elections through the electronic voter registration transmittal
6 system and shall include all of the voter registration data elements,
7 including signature, and record of attestation of the accuracy of the
8 voter registration information and any relevant document images. A
9 signature may be electronic for purposes of this subdivision.

10 11. The agency shall redact or remove from the completed integrated
11 application to be transmitted to the state board of elections any infor-
12 mation solely applicable to the agency application.

13 12. Disclosure of voter registration information, including a declina-
14 tion to register, by a participating agency, its agents or employees,
15 for other than voter registration purposes, shall be deemed an unwar-
16 ranted invasion of personal privacy pursuant to the provisions of subdi-
17 vision two of section eighty-nine of the public officers law and shall
18 constitute a violation of this chapter.

19 [10.] 13. The form containing the declination to register to vote
20 shall be retained by the recipient agency for the same period of time as
21 such agency retains the accompanying application for services or for
22 such shorter period of time as may be approved by the state board of
23 elections.

24 [11.] 14. The participating agency shall transmit the completed inte-
25 grated personal voter registration applications [for registration] and
26 change of address forms to the [appropriate] state board of elections
27 not later than ten days after receipt except that all such completed
28 applications and forms received by the agency between the thirtieth and
29 twenty-fifth day before an election shall be transmitted in such manner
30 and at such time as to assure their receipt by [such] the appropriate
31 board of elections not later than the twentieth day before such
32 election.

33 [12.] 15. Completed [application forms] integrated personal voter
34 registration applications, when received by a participating agency not
35 later than the twenty-fifth day before the next ensuing primary, general
36 or special election and transmitted by such agency to the [appropriate]
37 state board of elections so that they are received by [such] the appro-
38 priate board not later than the twentieth day before such election shall
39 entitle the applicant to vote in such election provided the board deter-
40 mines that the applicant is otherwise qualified.

41 [13.] The state board of elections shall provide application forms for
42 use pursuant to this section except that any agency which uses a form
43 other than such registration form shall be responsible for providing
44 such form. Forms which vary in design and or content from the form
45 approved by the state board of elections may only be used with the
46 approval of such board.

47 [14.] 16. Applications shall be processed by the board of elections in
48 the manner prescribed by section 5-210 of this title or, if the appli-
49 cant is already registered to vote from another address in the county or
50 city, in the manner prescribed by section 5-208 of this title. The board
51 shall send the appropriate notice of approval or rejection as required
52 by either subdivision nine of such section 5-210 or subdivision five of
53 such section 5-208.

54 [15.] 17. The head of each participating agency shall take all actions
55 which are necessary and proper for the implementation of this section.
56 Each agency head shall designate one person within the agency as the

1 agency voter registration coordinator who will, under the direction of
2 the state board of elections, be responsible for the voter registration
3 program in such agency.

4 [16.] 18. The state board shall develop and distribute public informa-
5 tion and promotional materials relating to the purposes and implementa-
6 tion of this program.

7 [17.] 19. Each agency designated as a participating agency under this
8 section shall conduct a study and prepare a report to determine the
9 feasibility, practicality and cost-effectiveness of designing their
10 agency intake forms to serve also as voter registration forms that
11 comply with state and federal law. Such study and report shall be
12 completed by December 1, 1996. Copies of such reports shall be provided
13 to the governor, the temporary president of the senate, the speaker of
14 the assembly and the state board of elections. After submission of the
15 report, participating agencies that determine that it is feasible, prac-
16 tical and cost-effective to have such forms also serve as voter regis-
17 tration forms shall do so upon the approval of the state board of
18 elections. For each agency that determines it is feasible, practical and
19 cost effective to use agency intake forms that serve also as voter
20 registration forms, the state board of elections shall approve or disap-
21 prove such use within six months of the submission of the report by the
22 agency.

23 20. The voter shall be able to sign the voter registration application
24 and the agency application by means of a single manual or electronic
25 signature unless the agency requires more than one signature for other
26 agency purposes.

27 21. No application for voter registration shall be submitted if the
28 applicant declines registration or fails to sign the integrated applica-
29 tion, whether on paper or online.

30 22. (a) If a voter registration exemplar signature is not provided by
31 an applicant who submits a voter registration application pursuant to
32 this title, the local board shall seek to obtain such exemplar signature
33 from the statewide voter registration database, the state board of
34 elections, or a state or local agency designated by this section or
35 section 5-212 of this title.

36 (b) If such exemplar signature is not available from the statewide
37 voter registration database, the state board of elections, or a state or
38 local agency designated by this section or section 5-212 of this title,
39 the local board of elections shall, absent another reason to reject the
40 application, proceed to register and, as applicable, enroll the appli-
41 cant. Within ten days of such action, the board of elections shall send
42 a standard form promulgated by the state board of elections to the voter
43 whose record lacks an exemplar signature, requiring such voter to submit
44 a signature for identification purposes. The voter shall submit to the
45 board of elections a voter registration exemplar signature by any one of
46 the following methods: in person, by mail with return postage paid
47 provided by the board of elections, by electronic mail, or by electronic
48 upload to the board of elections through the electronic voter registra-
49 tion transmittal system. If such voter does not provide the required
50 exemplar signature, when the voter appears to vote the voter shall be
51 entitled to vote in the same manner as a voter with a notation indicat-
52 ing the voter's identity has not yet been verified in the manner
53 provided by section 8-302 of this chapter.

54 23. Notwithstanding subdivision six of section 5-210 of this title or
55 any other law to the contrary, a person who is ineligible to vote who
56 fails to decline to register to vote in accordance with the provisions



1 of this section and did not willfully or knowingly seek to register to
2 vote knowing that he or she is not eligible to do so:

3 (a) shall not be guilty of any crime as the result of the applicant's
4 failure to make such declination;

5 (b) shall be deemed to have been registered with official authori-
6 zation; and

7 (c) such act may not be considered as evidence of a claim to citizen-
8 ship.

9 24. Notwithstanding subdivision six of section 5-210 of this title or
10 any other law to the contrary, a person who is ineligible to vote who
11 fails to decline to register to vote in accordance with the provisions
12 of this section, who then either votes or attempts to vote in an
13 election held after the effective date of that person's registration,
14 and who did not willfully or knowingly seek to register to vote knowing
15 that he or she is not eligible to do so, and did not subsequently vote
16 or attempt to vote knowing that he or she is not eligible to do so:

17 (a) shall not be guilty of any crime as the result of the applicant's
18 failure to make such declination and subsequent vote or attempt to vote;

19 (b) shall be deemed to have been registered with official authori-
20 zation; and

21 (c) such act may not be considered as evidence of a claim to citizen-
22 ship.

23 25. Notwithstanding any other law to the contrary, no agency desig-
24 nated under this section shall transmit to the board of elections any
25 application for registration or pre-registration for a person that is,
26 by virtue of data maintained by the agency, demonstrably ineligible to
27 register or pre-register to vote by reason of age or not being a citizen
28 of the United States.

29 26. The state board of elections shall promulgate rules and regu-
30 lations to implement this section. All agency forms and notices
31 required by this section shall be approved by the state board of
32 elections. All applications and notices for use by a board of elections
33 pursuant to this section shall be promulgated by the state board of
34 elections, and no addition or alteration to such forms by a board of
35 elections shall be made without approval of the state board of
36 elections.

37 § 2. This act shall take effect on the earlier occurrence of: (i) two
38 years after it shall have become a law; or (ii) five days after the date
39 of certification by the state board of elections that the information
40 technology infrastructure to substantially implement this act is func-
41 tional. Provided, further that the state board of elections shall notify
42 the legislative bill drafting commission upon the occurrence of the
43 enactment of the legislation provided for in this act in order that the
44 commission may maintain an accurate and timely effective data base of
45 the official text of the laws of the state of New York in furtherance of
46 effectuating the provisions of section 44 of the legislative law and
47 section 70-b of the public officers law. Effective immediately, the
48 addition, amendment and/or repeal of any rule or regulation necessary
49 for the implementation of this act on its effective date are authorized
50 to be made and completed on or before such date.

51

PART H

52 Section 1. Section 3-110 of the election law, as renumbered by chapter
53 234 of the laws of 1976, is amended to read as follows:



1 § 3-110. Time allowed employees to vote. 1. [If a] A registered voter
2 [does not have sufficient time outside of his working hours, within
3 which to vote at any election, he] may, without loss of pay for up to
4 [two] three hours, take off so much working time as will[, when added to
5 his voting time outside his working hours,] enable him or her to vote at
6 any election.

7 2. [If an employee has four consecutive hours either between the open-
8 ing of the polls and the beginning of his working shift, or between the
9 end of his working shift and the closing of the polls, he shall be
10 deemed to have sufficient time outside his working hours within which to
11 vote. If he has less than four consecutive hours he may take off so much
12 working time as will when added to his voting time outside his working
13 hours enable him to vote, but not more than two hours of which shall be
14 without loss of pay, provided that he] The employee shall be allowed
15 time off for voting only at the beginning or end of his or her working
16 shift, as the employer may designate, unless otherwise mutually agreed.

17 3. If the employee requires working time off to vote [he] the employee
18 shall notify his or her employer not [more than ten nor] less than two
19 working days before the day of the election that he or she requires time
20 off to vote in accordance with the provisions of this section.

21 4. Not less than ten working days before every election, every employ-
22 er shall post conspicuously in the place of work where it can be seen as
23 employees come or go to their place of work, a notice setting forth the
24 provisions of this section. Such notice shall be kept posted until the
25 close of the polls on election day.

26 § 2. This act shall take effect immediately.

27 PART I

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

31 2. Polls shall be open for voting during the following hours: a prima-
32 ry election from [twelve o'clock noon until nine o'clock in the evening,
33 except in the city of New York and the counties of Nassau, Suffolk,
34 Westchester, Rockland, Orange, Putnam, Dutchess and Erie, and in such
35 city or county from] six o'clock in the morning until nine o'clock in
36 the evening; the general election from six o'clock in the morning until
37 nine o'clock in the evening; a special election called by the governor
38 pursuant to the public officers law, and, except as otherwise provided
39 by law, every other election, from six o'clock in the morning until nine
40 o'clock in the evening; early voting hours shall be as provided in title
41 six of this article.

42 § 2. This act shall take effect on the first of January after it shall
43 have become a law and shall apply to any election held 120 days after.

44 PART J

45 Section 1. The opening paragraph of paragraph (b) of subdivision 4 of
46 section 3-212 of the election law, as amended by chapter 79 of the laws
47 of 1992, is amended to read as follows:

48 Said annual report, as required by paragraph (a) of this subdivision,
49 shall include a detailed description of existing programs designed to
50 enhance voter registration, including pre-registration. Such report
51 shall include a voter registration action plan which details the various
52 activities and programs of each board, including a description of those

1 steps which shall be taken in the future to increase registration oppor-
2 tunities, especially for those identifiable groups of persons histor-
3 ically underrepresented on the rolls of registered voters; and coordi-
4 nate voter education programs with school districts, colleges and
5 universities within the board's jurisdiction including voter registra-
6 tion of qualified applicants and instructional or extracurricular activ-
7 ities promoting participation in the electoral process.

8 § 2. Paragraph (g) and subparagraphs (vi) and (xi) of paragraph (k) of
9 subdivision 5 of section 5-210 of the election law, as amended by chap-
10 ter 179 of the laws of 2005, are amended to read as follows:

11 (g) Notice that the applicant must be a citizen of the United States,
12 is [or will be] at least [eighteen] sixteen years old [not later than
13 December thirty-first of the calendar year in which he or she
14 registers], and is a resident of the county or city to which application
15 is made.

16 (vi) A space for the applicant to answer the question ["Will you be 18
17 years of age on or before election day?"] "Are you at least 16 years
18 old?" and the statement "If you checked "no" in response to this ques-
19 tion, do not complete this form [unless you will be 18 by the end of the
20 year]."

21 (xi) A place for the applicant to execute the form on a line which is
22 clearly labeled "signature of applicant" preceded by the following
23 specific form of affirmation:

24 AFFIDAVIT: I swear or affirm that:

25 * I am a citizen of the United States.

26 * I will have lived in the county, city, or village for at least 30
27 days before the election.

28 * I meet all the requirements to register or pre-register to vote
29 in New York State.

30 * This is my signature or mark on the line below.

31 * All the information contained on this application is true. I
32 understand that if it is not true I can be convicted and fined up
33 to \$5,000 and/or jailed for up to four years.

34 which form of affirmation shall be followed by a space for the date and
35 the aforementioned line for the applicant's signature.

36 § 3. Paragraph o of subdivision 4 of section 5-500 of the election
37 law, as amended by chapter 659 of the laws of 1994, is amended and a new
38 paragraph p is added to read as follows:

39 o. A space for "remarks" regarding other facts required by this chap-
40 ter to be recorded or appropriate to identify the voter[.];

41 p. A space for pre-registering applicants to respond to the following
42 question: "Are you at least 16 years of age and understand that you must
43 be 18 years of age on or before election day to vote, and that until you
44 reach the age of 18 your registration will be marked as 'pending' and
45 you will be unable to cast a ballot in any election?".

46 § 4. Subdivision 1 of section 5-102 of the election law is amended to
47 read as follows:

48 1. No person shall be qualified to register for and vote at any
49 election unless he is a citizen of the United States [and is or will be,
50 on the day of such election], is eighteen years of age or over, and is a
51 resident of this state and of the county, city or village for a minimum
52 of thirty days next preceding such election.

53 § 5. The election law is amended by adding a new section 5-507 to read
54 as follows:

55 § 5-507. Voter pre-registration. A person who is at least sixteen
56 years of age and who is otherwise qualified to register to vote may

1 pre-register to vote, and shall be automatically registered upon reach-
2 ing the age of eligibility, following verification of the person's qual-
3 ifications and address.

4 § 6. This act shall take effect on the first of January next succeed-
5 ing the date on which it shall have become a law. Effective immediately,
6 the addition, amendment and/or repeal of any rules or regulations neces-
7 sary for the implementation of this act on its effective date are
8 authorized to be made and completed on or before such date.

9

PART K

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

12 § 14-131. Government vendor contributions. 1. (a) It shall be unlawful
13 during the restricted vendor contribution period for any person, organ-
14 ization, group of persons, or business entity that submits a bid, quota-
15 tion, offer or response to a state governmental entity posting or solici-
16 itation for procurement to make a contribution to any officeholder of
17 the state governmental entity or entities issuing such posting or solici-
18 itation, evaluating such response or approving or awarding the final
19 procurement contract, or to any candidate for an office of such govern-
20 mental entity, including to such officeholder's or candidate's author-
21 ized political committees.

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

25 (c) The state governmental entity directly responsible for issuing
26 such posting or solicitation for procurement shall include a notice of
27 the prohibition established by this section and the state governmental
28 entity responsible for evaluating responses to such posting or sollicita-
29 tion shall provide to any person, organization, group of persons, or
30 business entity that submits a proposal in response to such posting or
31 solicitation a notice of the prohibition established by this section and
32 the restricted vendor contribution period commencement date.

33 2. As used in this section "business entity" means a business corpo-
34 ration, professional services corporation, limited liability company,
35 partnership, limited partnership, business trust, association or any
36 other legal commercial entity organized under the laws of this state or
37 any other state or foreign jurisdiction, including any subsidiary
38 directly or indirectly controlled by the business entity, and any poli-
39 tical organization, including but not limited to any political organiza-
40 tion organized under section 527 of the Internal Revenue Code, that is
41 directly or indirectly controlled by the business entity.

42 3. The restricted vendor contribution period described in this section
43 shall commence, with respect to a specific person, organization, group
44 of persons, or business entity that submits a bid, quotation, offer or
45 response to the state governmental entity posting or solicitation, at
46 the earliest posting, on a state governmental entity's website, in a
47 newspaper of general circulation or in the procurement opportunities
48 newsletter in accordance with article four-C of the economic development
49 law of written notice, advertisement or solicitation of a request for
50 proposal, invitation for bids, or solicitations of proposals, or any
51 other method provided for by law or regulation for soliciting a response
52 from offerers intending to result in a procurement contract with a state
53 governmental entity. The restricted vendor contribution period does not
54 apply to a person, organization, group of persons or business entity

1 that is responding to a state governmental entity's request for informa-
2 tion or other informational exchanges occurring prior to such govern-
3 mental entity's posting or solicitation for procurement.

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

7 (a) If the person, organization, group of persons, or business entity
8 is the recipient of the final contract award, the restricted vendor
9 contribution period shall end one year after the final contract award
10 and approval by the state governmental entity and, where applicable, the
11 state comptroller.

12 (b) If the person, organization, group of persons, or business entity
13 is not the recipient of the final contract award, the restricted vendor
14 contribution period shall end with the final contract award and approval
15 by the state governmental entity and, where applicable, the state comp-
16 troller.

17 § 2. Section 14-126 of the election law is amended by adding a new
18 subdivision 8 to read as follows:

19 8. (a) Any person, organization, group of persons, or business entity
20 as that term is used in section 14-131 of this article, who, under
21 circumstances evincing an intent to violate such law, makes a contrib-
22 ution in contravention of section 14-131 of this article shall be
23 subject to a civil penalty not to exceed the greater of ten thousand
24 dollars or an amount equal to two hundred percent of the contribution,
25 to be recoverable in a special proceeding or civil action to be brought
26 by the state board of elections chief enforcement counsel.

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

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

33

PART I

34 Section 1. Section 5-208 of the election law, as added by chapter 659
35 of the laws of 1994, subdivisions 1, 5 and 8 as amended by chapter 200
36 of the laws of 1996, is amended to read as follows:

37 § 5-208. Transfer of registration and enrollment. 1. The board of
38 elections shall transfer the registration and enrollment of any voter
39 appearing on a statewide voter list pursuant to subdivision one of
40 section 5-614 of this article for whom it receives a notice of change of
41 address to another address in [the same county or city] New York state,
42 or for any voter who casts a ballot in an affidavit ballot envelope
43 which sets forth such a new address. Such notices shall include, but
44 not be limited to, notices received from any state agency which conducts
45 a voter registration program pursuant to the provisions of sections
46 5-211 and 5-212 of this title, that the voter has notified such agency
47 of a change of address in [the same city or county] New York state
48 unless the voter has indicated that such change of address is not for
49 voter registration purposes, notices of change of address from the
50 United States Postal Service through the National Change of Address
51 System, any notices of a forwarding address on mail sent to a voter by
52 the board of elections and returned by the postal service, national or
53 state voter registration forms, confirmation mailing response cards,
54 United States Postal Service notices to correspondents of change of



1 address, applications for registration from persons already registered
2 in [such county or city] New York state, or any other notices to corre-
3 spondents sent to the board of elections by such voters.

4 2. Upon receipt of such a notice, the board shall compare the signa-
5 ture (if any) and other information with the signature and other infor-
6 mation on the registration record on file. If such signature and other
7 information appears to be correct, the board shall change the address of
8 the voter in all the records of such board.

9 3. If such a notice is received at least twenty days before a primary,
10 special or general election, such change of address must be completed
11 before such election.

12 4. If such application for registration from a voter already regis-
13 tered in [such county or city] New York state also reflects a change of
14 enrollment, the board of elections shall treat such application as an
15 application for change of enrollment pursuant to section 5-304 of this
16 article.

17 5. As soon as practicable, after it transfers a voter's registration,
18 the board of elections shall send the voter, by forwardable first class
19 or return postage guaranteed mail, a notice advising him or her of the
20 transfer in a form which is similar to the notice sent to new regis-
21 trants pursuant to the provisions of section 5-210 of this title and
22 which has been approved by the state board of elections. If the notice
23 of change of address did not contain the voter's signature, such notice
24 shall include a postage paid return card, in a form prescribed by the
25 state board of elections, on which the voter may notify the board of
26 elections of any correction of address, together with a statement on
27 such notice and on the return card that the voter should return such
28 card only if the address to which the notice was sent is not the voter's
29 current address.

30 6. If a notice sent pursuant to subdivision five of this section is
31 returned by the postal service as undeliverable and without a forwarding
32 address, the board of elections shall return the registration of such
33 voter to the original address, send such voter a confirmation notice
34 pursuant to the provisions of subdivision one of section 5-712 of this
35 [title] article and place such voter in inactive status.

36 7. The board of elections shall preserve such notices of change of
37 address for as long as registration records are otherwise required to be
38 preserved or, if the computer readable records maintained by the board
39 of elections include a complete copy of such notice, the board shall
40 preserve the original notice for a period of at least two years or such
41 longer period as the state board of elections may require.

42 8. If the board of elections receives notice of a change of address
43 within [such city or county] New York state from, or with respect to, a
44 person who it determines is not registered in [such county or city] New
45 York state, it shall forthwith send such person a notice to that effect
46 in a form approved by the state board of elections at the new address
47 set forth in such notice of change of address, together with a voter
48 registration form.

49 9. The state board of elections shall promulgate regulations as to the
50 procedures for transferring a voter's registration and enrollment from
51 one county to another.

52 § 2. Subparagraph (ii) of paragraph (e) of subdivision 3 of section
53 8-302 of the election law, as amended by chapter 164 of the laws of
54 2010, is amended to read as follows:

55 (ii) He or she may swear to and subscribe an affidavit stating that he
56 or she has duly registered to vote, the address in such election

1 district from which he or she registered, that he or she remains a duly
2 qualified voter in such election district, that his or her registration
3 poll record appears to be lost or misplaced or that his or her name
4 and/or his or her signature was omitted from the computer generated
5 registration list or that he or she has moved within [the county or
6 city] New York state since he or she last registered, the address from
7 which he or she was previously registered and the address at which he or
8 she currently resides, and at a primary election, the party in which he
9 or she is enrolled. The inspectors of election shall offer such an affi-
10 davit to each such voter whose residence address is in such election
11 district. Each such affidavit shall be in a form prescribed by the
12 state board of elections, shall be printed on an envelope of the size
13 and quality used for an absentee ballot envelope, and shall contain an
14 acknowledgment that the affiant understands that any false statement
15 made therein is perjury punishable according to law. Such form
16 prescribed by the state board of elections shall request information
17 required to register such voter should the county board determine that
18 such voter is not registered and shall constitute an application to
19 register to vote. The voter's name and the entries required shall then
20 be entered without delay and without further inquiry in the fourth
21 section of the challenge report or in the place provided at the end of
22 the computer generated registration list, with the notation that the
23 voter has executed the affidavit hereinabove prescribed, or, if such
24 person's name appears on the computer generated registration list, the
25 board of elections may provide a place to make such entry next to his or
26 her name on such list. The voter shall then, without further inquiry,
27 be permitted to vote an affidavit ballot provided for by this chapter.
28 Such ballot shall thereupon be placed in the envelope containing his or
29 her affidavit, and the envelope sealed and returned to the board of
30 elections in the manner provided by this chapter for protested official
31 ballots, including a statement of the number of such ballots.
32 § 3. This act shall take effect on the first of July next succeeding
33 the date on which it shall have become a law.

34

PART M

35 Section 1. Subdivision 6 of section 14-114 of the election law is
36 amended by adding a new paragraph c to read as follows:
37 c. Lobbyists, as defined by subdivision (a) of section one-c of the
38 legislative law or by subdivision (a) of section 3-211 of the adminis-
39 trative code of the city of New York, political action committees, labor
40 unions, and any person who has registered with the state board of
41 elections as an independent expenditure committee pursuant to subdivi-
42 sion three of section 14-107 of this article are prohibited from making
43 loans to candidates or political committees; provided, however, that a
44 lobbyist shall not be prohibited from making a loan to himself or
45 herself or to his or her own political committee when such lobbyist is a
46 candidate for office.
47 § 2. This act shall take effect immediately.

48

PART N

49 Section 1. Section 1-104 of the election law is amended by adding a
50 new subdivision 38 to read as follows:
51 38. "Computer generated registration list" means a printed or elec-
52 tronic list of voters in alphabetical order for a single election

1 district or poll site, generated from a computer registration file for
2 each election and containing for each voter listed, a facsimile of the
3 signature of the voter. Such a list may be in a single volume or in more
4 than one volume. The list may be utilized in place of registration poll
5 records, to establish a person's eligibility to vote in the polling
6 place on election day.

7 (a) The state board of elections shall promulgate minimum security
8 standards for any electronic device, and any network or system to which
9 the electronic device is connected, that is used to store or otherwise
10 access a computer generated registration list, and shall also promulgate
11 a list of devices that are approved for use. No local board of elections
12 shall be permitted to use such a device unless the state board of
13 elections has previously approved the device for use and has certified
14 that the network or system to which the electronic device is connected
15 is compliant with the minimum security standards.

16 (b) The minimum security standards for such devices shall be commensu-
17 rate with the level of security risk applicable to such devices and
18 shall specifically take into account any security risk associated with
19 voting equipment-related supply chains in addition to any other applica-
20 ble security risk.

21 § 2. Subdivision 1 of section 4-128 of the election law, as amended by
22 chapter 125 of the laws of 2011, is amended to read as follows:

23 1. The board of elections of each county shall provide the requisite
24 number of official and facsimile ballots, two cards of instruction to
25 voters in the form prescribed by the state board of elections, at least
26 one copy of the instruction booklet for inspectors, a sufficient number
27 of maps, street finders or other descriptions of all of the polling
28 places and election districts within the political subdivision in which
29 the polling place is located to enable the election inspectors and poll
30 clerks to determine the correct election district and polling place for
31 each street address within the political subdivision in which the poll-
32 ing place is located, distance markers, tally sheets and return blanks,
33 pens, [black ink, or ball point pens with black ink,] pencils [having
34 black lead], or other appropriate marking devices, envelopes for the
35 ballots of voters whose registration poll records are not in the ledger
36 or whose names are not [on] in the computer generated registration list,
37 envelopes for returns, identification buttons, badges or emblems for the
38 inspectors and clerks in the form prescribed by the state board of
39 elections and such other articles of stationery as may be necessary for
40 the proper conduct of elections, except that when a town, city or
41 village holds an election not conducted by the board of elections, the
42 clerk of such town, city or village, shall provide such official and
43 facsimile ballots and the necessary blanks, supplies and stationery for
44 such election.

45 § 3. Subdivision c of section 4-132 of the election law, as amended by
46 chapter 164 of the laws of 1985, is amended to read as follows:

47 c. A booth or device in each election district for the use of voters
48 marking ballots. Such booth or device shall be so constructed as to
49 permit the voter to mark his or her ballot in secrecy and shall be
50 furnished at all times with [a pencil having black lead only] an appro-
51 prate marking device.

52 § 4. Section 4-134 of the election law, the section heading as amended
53 by chapter 373 of the laws of 1978, subdivisions 1 and 3 as amended by
54 chapter 163 of the laws of 2010, subdivision 2 as amended by chapter 425
55 of the laws of 1986, and subdivisions 5 and 6 as amended by chapter 635
56 of the laws of 1990, is amended to read as follows:

1 § 4-134. Preparation and delivery of ballots, supplies and equipment
2 for use at elections. 1. The board of elections shall deliver, at its
3 office, to the clerk of each town or city in the county, except the
4 cities of New York, Buffalo and Rochester and to the clerk of each
5 village in the county in which elections are conducted by the board of
6 elections, by the Saturday before the primary, general, village or other
7 election for which they are required: the official and sample ballots;
8 ledgers prepared for delivery in the manner provided in subdivision two
9 of this section and containing the registration poll records of all
10 persons entitled to vote at such election in such town, city or village,
11 or computer generated registration lists containing the names of all
12 persons entitled to vote at such election in such town, city or village;
13 challenge reports prepared as directed by this chapter; sufficient
14 applications for registration by mail; sufficient ledger seals and other
15 supplies and equipment required by this article to be provided by the
16 board of elections for each polling place in such town, city or village.
17 The town, city or village clerk shall call at the office of such board
18 of elections at such time and receive such ballots, supplies and equip-
19 ment. In the cities of New York, Buffalo and Rochester the board of
20 elections shall cause such ballots, supplies and equipment to be deliv-
21 ered to the board of inspectors of each election district approximately
22 one-half hour before the opening of the polls for voting, and shall take
23 receipts therefor.

24 2. The board of elections shall provide for each election district a
25 ledger or ledgers containing the registration poll records or [printed]
26 lists with computer generated facsimile signatures, of all persons enti-
27 tled to vote in such election district at such election. Such ledgers
28 shall be labelled, sealed, locked and transported in locked carrying
29 cases. After leaving the board of elections no such carrying case shall
30 be unlocked except at the time and in the manner provided in this chap-
31 ter.

32 3. [Any envelope containing absentee voters' ballots on which the
33 blanks have not been properly filled in shall be stamped to indicate the
34 defect and shall be preserved by the board for at least one year after
35 the receipt thereof.

36 4.] Each kind of official ballot shall be arranged in a package in the
37 consecutive order of the numbers printed on the stubs thereof beginning
38 with number one. All official and sample ballots for each election
39 district shall be in separate sealed packages, clearly marked on the
40 outside thereof, with the number and kind of ballots contained therein
41 and indorsed with the designation of the election district for which
42 they were prepared. The other supplies provided for each election
43 district also shall be [inclosed] enclosed in a sealed package, or pack-
44 ages, with a label on the outside thereof showing the contents of each
45 package.

46 [5. Each town, city and village clerk receiving such packages shall
47 cause all] 4. All such packages so received and marked for any election
48 district [to] shall be delivered unopened and with the seals thereof
49 unbroken to the inspectors of election of such election districts at
50 least [one-half] one hour before the opening of the polls of such
51 election therein, [and] who shall [take] give a receipt therefor speci-
52 fying the number and kind of packages delivered. [At the same time each
53 such clerk shall cause to be delivered to such inspectors the equipment
54 described in subdivision two of this section and shall cause a receipt
55 to be taken therefor.

1 6.] 5. Town, city and village clerks required to provide official and
2 sample ballots, registration records, seals, supplies and equipment, as
3 described in this section, for town, city and village elections not
4 conducted by the board of elections, shall in like manner, deliver them
5 to the inspectors or presiding officers of the election at each polling
6 place at which such meetings and elections are held, respectively, in
7 like sealed packages marked on the outside in like manner, and shall
8 take receipts therefor in like manner.

9 § 5. Subdivision 1 of section 5-302 of the election law, as separately
10 amended by chapters 164 and 558 of the laws of 1985, is amended to read
11 as follows:

12 1. Before placing the registration poll record in the poll ledger or
13 in the computer generated registration list, the board shall enter in
14 the space provided therefor [on the back of such registration poll
15 record] the name of the party designated by the voter on his application
16 form, provided such party continues to be a party as defined in this
17 law. If such party ceases to be a party at any time, either before or
18 after such enrollment is so entered, the enrollment of such voter shall
19 be deemed to be blank and shall be entered as such until such voter
20 files an application for change of enrollment pursuant to the provisions
21 of this chapter. [In the city of New York the board shall also affix a
22 gummed sticker of a different color for each party in a place on such
23 registration poll record immediately adjacent to such entry.] The board
24 shall enter the date of such entry and affix initials thereto in the
25 space provided.

26 § 6. Paragraph c of subdivision 3 of section 5-506 of the election
27 law, as amended by chapter 659 of the laws of 1994, is amended to read
28 as follows:

29 c. The computer generated registration list prepared for each election
30 in each election district shall be [printed by a printer] prepared in a
31 manner which meets or exceeds standards for clarity and speed of
32 [reproduction] production established by the state board of elections,
33 shall be in a form approved by such board, shall include the names of
34 all voters eligible to vote in such election and shall be in alphabet-
35 ical order, except that, at a primary election, the names of the voters
36 enrolled in each political party may be placed in a separate part of the
37 list or in a separate list, as the board of elections in its discretion,
38 may determine. Such list shall contain, adjacent to each voter's name,
39 or in a space so designated, at least the following: street address,
40 date of birth, party enrollment, year of registration, a computer
41 reproduced facsimile of the voter's signature or an indication that the
42 voter is unable to sign his name, a place for the voter to sign his name
43 at such election and a place for the inspectors to mark the voting
44 machine number, the public counter number [and] if any, or the number of
45 any paper ballots given the voter.

46 § 7. Subdivision 2 of section 8-202 of the election law, as amended by
47 chapter 164 of the laws of 2010, is amended to read as follows:

48 2. The exterior of any ballot scanner, ballot marking device and
49 privacy booth and every part of the polling place shall be in plain view
50 of the election inspectors and watchers. The ballot scanners, ballot
51 marking devices, and privacy booths shall be placed at least four feet
52 from the table used by the inspectors in charge of the poll [books]
53 ledger or computer generated registration list. The guard-rail shall be
54 at least three feet from the machine and the table used by the inspec-
55 tors. The election inspectors shall not themselves be, or allow any
56 other person to be, in any position or near any position, that will

1 permit one to see or ascertain how a voter votes, or how he or she has
2 voted nor shall they permit any other person to be less than three feet
3 from the ballot scanner, ballot marking device, or privacy booth while
4 occupied. The election inspectors or clerks attending the ballot scan-
5 ner, ballot marking device, or privacy booth shall regularly inspect the
6 face of the ballot scanner, ballot marking device, or the interior of
7 the privacy booth to see that the ballot scanner, ballot marking device,
8 or privacy booth has not been damaged or tampered with. During elections
9 the door or other covering of the counter compartment of the machine
10 shall not be unlocked or opened except by a member of the board of
11 elections, a voting machine custodian or any other person upon the
12 specific instructions of the board of elections.

13 § 8. Subdivisions 2, 2-a, 3, 4 and 5 of section 8-302 of the election
14 law, subdivision 2-a as added by chapter 179 of the laws of 2005, subdi-
15 visions 3 and 4 as amended by chapter 200 of the laws of 1996, the open-
16 ing paragraph of paragraph (e) of subdivision 3 as amended by chapter
17 125 of the laws of 2011 and subparagraph (ii) of paragraph (e) of subdi-
18 vision 3 as amended by chapter 164 of the laws of 2010, are amended to
19 read as follows:

20 2. The voter shall give [his] the voter's name and [his] the voter's
21 residence address to the inspectors. An inspector shall then loudly and
22 distinctly announce the name and residence of the voter.

23 2-a. (a) If a voter's name appears in the ledger or computer generated
24 registration list with a notation indicating that the voter's identity
25 was not yet verified as required by the federal Help America Vote Act,
26 the inspector shall require that the voter produce one of the following
27 types of identification before permitting the voter to cast his or her
28 vote on the voting machine:

29 (i) a driver's license or department of motor vehicles non-driver
30 photo ID card or other current and valid photo identification;

31 (ii) a copy of a current utility bill, bank statement, government
32 check, paycheck or other government document that shows the name and
33 address of the voter.

34 (b) If the voter produces an identification document listed in para-
35 graph (a) of this subdivision, the inspector shall indicate so in the
36 ledger or computer generated registration list, the voter will be deemed
37 verified as required by the federal Help America Vote Act and the voter
38 shall be permitted to cast his or her vote on the voting machine.

39 (c) If the voter does not produce an identification document listed in
40 paragraph (a) of this subdivision, the voter shall only be entitled to
41 vote by affidavit ballot unless a court order provides otherwise.

42 3. (a) If an applicant is challenged, the board, without delay, shall
43 either enter his name in the second section of the challenge report
44 together with the other entries required to be made in such section
45 opposite the applicant's name or make an entry next to [his] the voter's
46 name [on] in the computer generated registration list or in the place
47 provided [at the end of] in the computer generated registration list.

48 (b) A person who claims to have moved to a new address within the
49 election district in which he or she is registered to vote shall be
50 permitted to vote in the same manner as other voters unless challenged
51 on other grounds. The inspectors shall enter the names and new addresses
52 of all such persons in either the first section of the challenge report
53 or in the place provided [at the end of] in the computer generated
54 registration list and shall also enter the new address next to such
55 person's address on such computer generated registration list. When the
56 registration poll records of persons who have voted from new addresses

1 within the same election district are returned to the board of
2 elections, such board shall change the addresses on the face of such
3 registration poll records without completely obliterating the old
4 addresses and shall enter such new addresses and the new addresses for
5 any such persons whose names were [on] in computer generated registra-
6 tion lists into its computer records for such persons.

7 (c) A person who claims a changed name shall be permitted to vote in
8 the same manner as other voters unless challenged on other grounds. The
9 inspectors shall either enter the names of all such persons in the first
10 section of the challenge report or in the place provided [at the end of]
11 in the computer generated registration list, in the form in which they
12 are registered, followed in parentheses by the name as changed or enter
13 the name as changed next to such voter's name on the computer generated
14 registration list. The voter shall sign first on the registration poll
15 record or [on] in the computer generated registration list, the name
16 under which the voter is registered and, immediately above it, the new
17 name, provided that [on] in such [a computer generated] registration
18 list, the new name may be signed in the place provided [at the end of
19 such list]. When the registration poll record of a person who has voted
20 under a new name is returned to the board of elections, such board shall
21 change [his] the voter's name on the face of each [of his] registration
22 [records] record without completely obliterating the old one, and there-
23 after such person shall vote only under his or her new name. If a voter
24 has signed a new name [on] in a computer generated registration list,
25 such board shall enter such voter's new name and new signature in such
26 voter's computer record.

27 (d) If an applicant requests assistance in voting and qualifies there-
28 for, the board shall provide assistance as directed by this chapter, and
29 shall without delay either enter such applicant's name and the other
30 entries required in the third section of the challenge report or make an
31 entry next to such applicant's name [on] in the computer generated
32 registration list or in the place provided [at the end of the computer
33 generated] in such registration list.

34 (e) Whenever a voter presents himself or herself and offers to cast a
35 ballot, and he or she claims to live in the election district in which
36 he or she seeks to vote but no registration poll record can be found for
37 him or her in the poll ledger or his or her name does not appear [on] in
38 the computer generated registration list or his or her signature does
39 not appear next to his or her name [on] in such [computer generated]
40 registration list or his or her registration poll record or the computer
41 generated registration list does not show him or her to be enrolled in
42 the party in which he or she claims to be enrolled, a poll clerk or
43 election inspector shall consult a map, street finder or other
44 description of all of the polling places and election districts within
45 the political subdivision in which said election district is located and
46 if necessary, contact the board of elections to obtain the relevant
47 information and advise the voter of the correct polling place and
48 election district for the residence address provided by the voter to
49 such poll clerk or election inspector. Thereafter, such voter shall be
50 permitted to vote in said election district only as hereinafter
51 provided:

52 (i) He or she may present a court order requiring that he or she be
53 permitted to vote. At a primary election, such a court order must speci-
54 fy the party in which the voter is permitted to vote. [He] The voter
55 shall be required to sign [his] their full name on top of the first page
56 of such order, together with [his] the voter's registration serial

1 number, if any, and [his] the voter's name and the other entries
2 required shall then be entered without delay in the fourth section of
3 the challenge report or in the place provided [at the end of] in the
4 computer generated registration list, or, if such person's name appears
5 on [the computer generated] such registration list, the board of
6 elections may provide a place to make such entry next to his or her name
7 on such list. The voter shall then be permitted to vote in the manner
8 otherwise prescribed for voters whose registration poll records are
9 found in the ledger or whose names are found on the computer generated
10 registration list; or

11 (ii) He or she may swear to and subscribe an affidavit stating that he
12 or she has duly registered to vote, the address in such election
13 district from which he or she registered, that he or she remains a duly
14 qualified voter in such election district, that his or her registration
15 poll record appears to be lost or misplaced or that his or her name
16 and/or his or her signature was omitted from the computer generated
17 registration list or that he or she has moved within the county or city
18 since he or she last registered, the address from which he or she was
19 previously registered and the address at which he or she currently
20 resides, and at a primary election, the party in which he or she is
21 enrolled. The inspectors of election shall offer such an affidavit to
22 each such voter whose residence address is in such election district.
23 Each such affidavit shall be in a form prescribed by the state board of
24 elections, shall be printed on an envelope of the size and quality used
25 for an absentee ballot envelope, and shall contain an acknowledgment
26 that the affiant understands that any false statement made therein is
27 perjury punishable according to law. Such form prescribed by the state
28 board of elections shall request information required to register such
29 voter should the county board determine that such voter is not regis-
30 tered and shall constitute an application to register to vote. The
31 voter's name and the entries required shall then be entered without
32 delay and without further inquiry in the fourth section of the challenge
33 report or in the place provided [at the end of] in the computer gener-
34 ated registration list, with the notation that the voter has executed
35 the affidavit hereinabove prescribed, or, if such person's name appears
36 [on the computer generated] in such registration list, the board of
37 elections may provide a place to make such entry next to his or her name
38 [on] in such list. The voter shall then, without further inquiry, be
39 permitted to vote an affidavit ballot provided for by this chapter. Such
40 ballot shall thereupon be placed in the envelope containing his or her
41 affidavit, and the envelope sealed and returned to the board of
42 elections in the manner provided by this chapter for protested official
43 ballots, including a statement of the number of such ballots.

44 4. At a primary election, a voter whose registration poll record is in
45 the ledger or computer generated registration list shall be permitted to
46 vote only in the primary of the party in which such record shows [him]
47 the voter to be enrolled unless [he] the voter shall present a court
48 order pursuant to the provisions of subparagraph (i) of paragraph (e) of
49 subdivision three of this section requiring that [he] the voter be
50 permitted to vote in the primary of another party, or unless [he] the
51 voter shall present a certificate of enrollment issued by the board of
52 elections, not earlier than one month before such primary election,
53 pursuant to the provisions of this chapter which certifies that [he] the
54 voter is enrolled in a party other than the one in which such record
55 shows [him] the voter to be enrolled, or unless he or she shall

1 subscribe an affidavit pursuant to the provisions of subparagraph (ii)
2 of paragraph (e) of subdivision three of this section.

3 5. Except for voters unable to sign their names, no person shall be
4 permitted to vote without first identifying himself or herself as
5 required by this chapter.

6 § 9. Subdivisions 1, 2 and 3 of section 8-304 of the election law,
7 subdivisions 1 and 2 as amended by chapter 425 of the laws of 1986, are
8 amended to read as follows:

9 1. A person before being allowed to vote shall be required, except as
10 provided in this chapter, to sign his or her name on the back of his or
11 her registration poll record on the first line reserved for his or her
12 signature at the time of election which is not filled with a previous
13 signature, or [on the line of] in the space provided in the computer
14 generated registration list reserved for [his] the voter's signature.
15 The two inspectors in charge shall satisfy themselves by a comparison of
16 this signature with [his] the voter's registration signature and by
17 comparison of [his] the voter's appearance with the descriptive material
18 on the face of the registration poll record that [he] the voter is the
19 person registered. If they are so satisfied they shall enter the other
20 information required for the election on the same line with the voter's
21 latest signature, shall sign their names or initials in the spaces
22 provided therefor, and shall permit the applicant to vote. Any inspector
23 or inspectors not satisfied shall challenge the applicant forthwith.

24 2. If a person who alleges [his] an inability to sign his or her name
25 presents himself or herself to vote, the board of inspectors shall
26 permit [him] such person to vote, unless challenged on other grounds,
27 provided [he] the voter had been permitted to register without signing
28 [his] the voter's name. The board shall enter the words "Unable to Sign"
29 in the space on [his] the voter's registration poll record reserved for
30 [his] the voter's signature or on the line [of] or space the computer
31 generated registration list reserved for [his] the voter's signature at
32 such election. If [his] the voter's signature appears upon [his] the
33 voter's registration record or [upon] in the computer generated regis-
34 tration list the board shall challenge [him] the voter forthwith, except
35 that if such a person claims that he or she is unable to sign his or her
36 name by reason of a physical disability incurred since [his] the voter's
37 registration, the board, if convinced of the existence of such disabili-
38 ty, shall permit him or her to vote, shall enter the words "Unable to
39 Sign" and a brief description of such disability in the space reserved
40 for [his] the voter's signature at such election. At each subsequent
41 election, if such disability still exists, [he] the voter shall be enti-
42 tled to vote without signing [his] their name and the board of inspec-
43 tors, without further notation, shall enter the words "Unable to Sign"
44 in the space reserved for [his] the voter's signature at such election.

45 3. The voter's facsimile signature [made by him upon registration and
46 his signature made at subsequent elections] shall be effectively
47 concealed from the voter by a blotter or [piece of opaque paper] other
48 means until after the voter shall have completed [his] the signature.

49 § 10. Subdivision 3 of section 8-306 of the election law, as amended
50 by chapter 154 of the laws of 1991, is amended to read as follows:

51 3. Any voter who requires assistance to vote by reason of blindness,
52 disability or inability to read or write may be given assistance by a
53 person of the voter's choice, other than the voter's employer or agent
54 of the employer or officer or agent of the voter's union. A voter enti-
55 tled to assistance in voting who does not select a particular person may
56 be assisted by two election inspectors not of the same political faith.

1 The inspectors or person assisting a voter shall enter the voting
2 machine or booth with [him] the voter, help [him] the voter in the prep-
3 aration of [his] the voter's ballot and, if necessary, in the return of
4 the voted ballot to the inspectors for deposit in the ballot box. The
5 inspectors shall enter in the [remarks space on the registration poll
6 card of an assisted voter, or next to the name of] space provided for
7 such voter [on] in the computer generated registration list, the name of
8 each officer or person rendering such assistance.

9 § 11. Subdivision 2 of section 8-508 of the election law, as amended
10 by chapter 200 of the laws of 1996, is amended to read as follows:

11 2. (a) The first section of such report shall be reserved for the
12 inspectors of election to enter the name, address and registration seri-
13 al number of each person who claims a change in name, or a change of
14 address within the election district, together with the new name or
15 address of each such person. In lieu of preparing section one of the
16 challenge list, the board of elections may provide, next to the name of
17 each voter [on] in the computer generated registration list, a place for
18 the inspectors of election to record the information required to be
19 entered in such section one, or provide [at the end of such computer
20 generated] elsewhere in such registration list, a place for the inspec-
21 tors of election to enter such information.

22 (b) The second section of such report shall be reserved for the board
23 of inspectors to enter the name, address and registration serial number
24 of each person who is challenged on the day of election, together with
25 the reason for the challenge. If no voters are challenged, the board of
26 inspectors shall enter the words "No Challenges" across the space
27 reserved for such names. In lieu of preparing section two of the chal-
28 lenge report, the board of elections may provide, next to the name of
29 each voter [on] in the computer generated registration list, a place for
30 the inspectors of election to record the information required to be
31 entered in such section two, or provide [at the end of such computer
32 generated] elsewhere in such registration list, a place for the inspec-
33 tors of election to enter such information.

34 (c) The third section of such report shall be reserved for the board
35 of inspectors to enter the name, address and registration serial number
36 of each voter given assistance, together with the reason the voter was
37 allowed assistance, the name of the person giving such assistance and
38 his address if not an inspector. If no voters are given assistance, the
39 board of inspectors shall enter the words "No Assistance" across the
40 space reserved for such names. In lieu of providing section three of the
41 challenge report, the board of elections may provide, next to the name
42 of each voter [on] in the computer generated registration list, a place
43 for the inspectors of election to record the information required to be
44 entered in such section three, or provide [at the end of such computer
45 generated] elsewhere in such registration list, a place for the inspec-
46 tors of election to enter such information.

47 (d) The fourth section of such report shall be reserved for the board
48 of inspectors to enter the name, address and registration serial number
49 of each person who was permitted to vote pursuant to a court order, or
50 to vote on a paper ballot which was inserted in an affidavit envelope.
51 If there are no such names, such board shall enter the word "None"
52 across the space provided for such names. In lieu of providing section
53 four of such report, the board of elections may provide, next to the
54 name of each voter [on] in the computer generated registration list, a
55 place for the inspectors of election to record the information required
56 to be entered in such section four, or provide [at the end of the

1 computer generated] elsewhere in such registration list, a place for the
2 inspectors of election to enter such information.

3 (e) At the foot of such report [and] or at the end of any such comput-
4 er generated registration list, if applicable, shall be [printed] a
5 certificate that such report or list contains the names of all persons
6 who were challenged on the day of election, and that each voter so
7 reported as having been challenged took the oaths as required, that such
8 report or list contains the names of all voters to whom such board gave
9 or allowed assistance and lists the nature of the disability which
10 required such assistance to be given and the names and family relation-
11 ship, if any, to the voter of the persons by whom such assistance was
12 rendered; that each such assisted voter informed such board under oath
13 that he required such assistance and that each person rendering such
14 assistance took the required oath; that such report or list contains the
15 names of all voters who were permitted to vote although their registra-
16 tion poll records were missing; that the entries made by such board are
17 a true and accurate record of its proceedings with respect to the
18 persons named in such report or list.

19 (f) Upon the return of such report [and] or lists to the board of
20 elections, it shall complete the investigation of voting qualifications
21 of all persons named in the second section thereof or for whom entries
22 were placed [on] in such computer generated registration lists in lieu
23 of the preparation of the second section of the challenge report, and
24 shall forthwith proceed to cancel the registration of any person who, as
25 noted upon such report, or in such list, was challenged at such election
26 and refused either to take a challenge oath or to answer any challenge
27 question.

28 (g) The state board of elections shall prescribe a form of challenge
29 report for use pursuant to the provisions of this section. Such form may
30 require the insertion of such other information as the state board shall
31 deem appropriate.

32 § 12. Section 8-510 of the election law, the section heading as
33 amended by chapter 373 of the laws of 1978, subdivision 1 as amended by
34 chapter 200 of the laws of 1996, and subdivision 3 as amended by chapter
35 43 of the laws of 1988, is amended to read as follows:

36 § 8-510. Challenge report; completion of and [closing of registration
37 poll ledgers] procedure after. 1. Immediately after the close of the
38 polls the board of inspectors of election shall verify the entries which
39 it has made on the challenge report or [at the end of the] in the spaces
40 provided in the computer generated registration list by comparing such
41 entries with the information appearing on the registration poll records
42 of the affected voters or the information appearing [next to the names
43 of such voters on] in the spaces provided in the computer generated
44 registration list. If it has made no entries in section two, three or
45 four of such report it shall write across or note in such section the
46 words "No challenges", "No assistance" or "None", as the case may be, as
47 directed in this chapter.

48 2. After completing such report the inspectors shall sign [the] a
49 certificate [at the end of] in the spaces provided by the county board
50 of elections for such report.

51 3. The inspectors shall place such completed report, and each court
52 order, if any, directing that a person be permitted to vote, [inside a]
53 in the secure container provided by the county board of elections for
54 such ledger of registration records or computer generated registration
55 lists [between the front cover, and the first registration record] and
56 then shall close and seal each ledger of registration records or comput-

1 er generated registration lists, [affix their signature to the seal,]
2 lock such ledger in the carrying case furnished for that purpose and
3 enclose the keys in a sealed package or seal such list in the envelope
4 provided for that purpose.

5 § 13. Clauses (C) and (D) of subparagraph (i) of paragraph (a) of
6 subdivision 2 of section 9-209 of the election law, as amended by chap-
7 ter 308 of the laws of 2011, are amended to read as follows:

8 (C) If such person is found to be registered and has not voted in
9 person, an inspector shall compare the signature, if any, on each envel-
10 ope with the signature, if any, on the registration poll record, the
11 computer generated list of registered voters or the list of special
12 presidential voters, of the person of the same name who registered from
13 the same address. If the signatures are found to correspond, such
14 inspector shall certify thereto by [signing] placing his or her initials
15 in the ["Inspector's Initials" line on the] space provided in the
16 computer generated list of registered voters [or in the "remarks" column
17 as appropriate].

18 (D) If such person is found to be registered and has not voted in
19 person, and if no challenge is made, or if a challenge made is not
20 sustained, the envelope shall be opened, the ballot or ballots withdrawn
21 without unfolding, and the ballot or ballots deposited in the proper
22 ballot box or boxes, or envelopes, provided however that, in the case of
23 a primary election, the ballot shall be deposited in the box only if the
24 ballot is of the party with which the voter is enrolled according to the
25 entry on the back of his or her registration poll record or [next to his
26 or her name on] in the computer generated registration list; if not, the
27 ballot shall be rejected without inspection or unfolding and shall be
28 returned to the envelope which shall be endorsed "not enrolled." At the
29 time of the deposit of such ballot or ballots in the box or envelopes,
30 the inspectors shall enter the words "absentee vote" or "military vote"
31 in the space reserved for the voter's signature on the aforesaid list or
32 in the "remarks" [column] space as appropriate, and shall enter the year
33 and month of the election on the same line in the spaces provided there-
34 for.

35 § 14. Subdivision 4 of section 11-206 of the election law, as amended
36 by chapter 91 of the laws of 1992, is amended to read as follows:

37 4. The registration poll records of special federal voters shall be
38 filed, in alphabetical order, by election district. At each election at
39 which [the ballots of] special federal voters are [delivered to the
40 inspectors of election in each election district] eligible to vote, the
41 registration poll records of all special federal voters [eligible to
42 vote at such election] shall be delivered to such inspectors of election
43 together with the other registration poll records or the names of such
44 voters shall be included [on] in the computer generated registration
45 list. Such records shall be delivered either in a separate poll ledger
46 or a separate, clearly marked section, of the main poll ledger or [in a
47 separate,] be clearly marked[, section of] in the computer generated
48 registration list as the board of elections shall determine.

49 § 15. This act shall take effect on the first of January next succeed-
50 ing the date on which it shall have become a law.

51

PART O

52 Section 1. Section 1-c of the legislative law is amended by adding a
53 new paragraph (x) to read as follows:

1 (x) The term "fundraising activities" shall mean solicitation or
2 collection by a lobbyist of contributions for a candidate for nomination
3 for election, or election, to the office of governor, lieutenant gover-
4 nor, comptroller, attorney general, member of the legislature, elected
5 office in a municipality, or for a political committee for use in an
6 election campaign of any such candidate.

7 § 2. Sections 1-u and 1-v of the legislative law, section 1-v as
8 renumbered by chapter 1 of the laws of 2005, are renumbered sections 1-y
9 and 1-z and a new section 1-u is added to read as follows:

10 § 1-u. Fundraising reports. (a) (i) For purposes of this section, the
11 terms "contribution", "political committee", and "candidate" shall have
12 the meanings set forth in section 14-100 of the election law.

13 (ii) For purposes of this section, the term "lobbyist" shall mean a
14 lobbyist as defined in section one-c of this article.

15 (b) Any lobbyist required to file a statement of registration pursuant
16 to section one-e of this article who in any calendar year to which the
17 statement of registration relates, or in the six months preceding such
18 calendar year, engages in fundraising activities, shall file, with the
19 joint commission on public ethics, on forms prescribed by the joint
20 commission on public ethics, a fundraising report. Such report shall be
21 filed in accordance with the schedule applicable to the filing of
22 bi-monthly reports under section one-h of this article, provided that
23 the first fundraising report filed in any calendar year shall include
24 information on fundraising activities that occurred in any period begin-
25 ning six months preceding the calendar year to which the statement of
26 registration relates through the end of the reporting period for which
27 the report is filed, to the extent such information has not been
28 reported in a previously filed fundraising report. Each subsequent
29 fundraising report filed in or with respect to the calendar year to
30 which the statement of registration relates shall include information on
31 all fundraising activities that occurred in the reporting period for
32 which the current report is filed.

33 (c) Such fundraising report shall contain: (i) the name, address and
34 telephone number of the lobbyist and the individuals utilized by the
35 lobbyist engaged in such fundraising; (ii) the name, address and tele-
36 phone number of the candidate, public servant, or elected official to
37 whom or on whose behalf the lobbyist provided fundraising services;
38 (iii) (1) the compensation, if any, paid or owed to the lobbyist and any
39 expenses incurred by the lobbyist for such fundraising activities; (2) a
40 list of all persons or entities with whom the lobbyist contracted for
41 the purpose of providing fundraising services; (iv) the total dollar
42 amount raised for each candidate or committee for which such activities
43 were performed, including contributions made by the lobbyist.

44 (d) All such fundraising reports shall be subject to review by the
45 joint commission on public ethics.

46 (e) Whenever there is a change in the information filed by a lobbyist
47 in a report filed pursuant to this section, an amended report shall be
48 submitted to the joint commission on public ethics on forms prescribed
49 by the joint commission on public ethics, within ten days of the change
50 in the information occurring.

51 (f) Such fundraising reports shall be kept in electronic form by the
52 joint commission on public ethics and shall be available for public
53 inspection pursuant to section one-s of this article.

54 § 3. This act shall take effect immediately.

1 Section 1. Section 1-c of the legislative law is amended by adding a
2 new subdivision (x) to read as follows:

3 (x) The term "political consulting" shall mean and include the
4 provision, for compensation, to any public official or candidate for an
5 elected state office, of advice, services or assistance in securing such
6 public office including, but not limited to, campaign management,
7 fundraising activities, public relations or media services, but shall
8 exclude bona fide legal work directly related to litigation or legal
9 advice with regard to securing a place on the ballot, the petitioning
10 process, the conduct of an election or which involves the election law.

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

13 § 1-m. Prohibition of gifts and political consulting. (a) No individ-
14 ual or entity required to be listed on a statement of registration
15 pursuant to this article shall offer or give a gift to any public offi-
16 cial as defined within this article, unless under the circumstances it
17 is not reasonable to infer that the gift was intended to influence such
18 public official. No individual or entity required to be listed on a
19 statement of registration pursuant to this article shall offer or give a
20 gift to the spouse or unemancipated child of any public official as
21 defined within this article under circumstances where it is reasonable
22 to infer that the gift was intended to influence such public official.
23 No spouse or unemancipated child of an individual required to be listed
24 on a statement of registration pursuant to this article shall offer or
25 give a gift to a public official under circumstances where it is reason-
26 able to infer that the gift was intended to influence such public offi-
27 cial. This section shall not apply to gifts to officers, members or
28 directors of boards, commissions, councils, public authorities or public
29 benefit corporations who receive no compensation or are compensated on a
30 per diem basis, unless the person listed on the statement of registra-
31 tion appears or has matters pending before the board, commission or
32 council on which the recipient sits.

33 (b) No person that is engaged in lobbying an elected official shall
34 engage in political consulting for that elected official.

35 (c) No person that is engaged in political consulting for any elected
36 official or candidate for an elected office shall engage in lobbying
37 that elected official.

38 § 3. Subdivision (h) of section 1-c of the legislative law, as added
39 by chapter 2 of the laws of 1999, is amended to read as follows:

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

45 § 4. Section 14-100 of the election law is amended by adding two new
46 subdivisions 18 and 19 to read as follows:

47 18. "political consulting" means and includes the provision for
48 compensation, to any political committee or candidate for an elected
49 office of advice, services or assistance in securing public office
50 including, but not limited to, campaign management, fundraising activ-
51 ities, public relations or media services, but shall exclude legal work
52 directly related to litigation or legal advice with regard to securing a
53 place on the ballot, the petitioning process, the conduct of an election
54 or which involves this chapter.

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

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

7 1. The treasurer of every political committee which, or any officer,
8 member or agent of any such committee who, in connection with any
9 election, receives or expends any money or other valuable thing or
10 incurs any liability to pay money or its equivalent shall file state-
11 ments sworn, or subscribed and bearing a form notice that false state-
12 ments made therein are punishable as a class A misdemeanor pursuant to
13 section 210.45 of the penal law, at the times prescribed by this article
14 setting forth all the receipts, contributions to and the expenditures by
15 and liabilities of the committee, and of its officers, members and
16 agents in its behalf. Such statements shall include the dollar amount of
17 any receipt, contribution or transfer, or the fair market value of any
18 receipt, contribution or transfer, which is other than of money, the
19 name and address of the transferor, contributor or person from whom
20 received, and if the transferor, contributor or person is a political
21 committee; the name of and the political unit represented by the commit-
22 tee, the date of its receipt, the dollar amount of every expenditure,
23 the name and address of the person to whom it was made or the name of
24 and the political unit represented by the committee to which it was made
25 and the date thereof, and shall state clearly the purpose of such
26 expenditure. Furthermore, such statements shall include a list of all
27 persons which provided political consulting services, and the fair
28 market value of and the actual amount paid to each such person for the
29 provision of political consulting services. Any statement reporting a
30 loan shall have attached to it a copy of the evidence of indebtedness.
31 Expenditures in sums under fifty dollars need not be specifically
32 accounted for by separate items in said statements, and receipts and
33 contributions aggregating not more than ninety-nine dollars, from any
34 one contributor need not be specifically accounted for by separate items
35 in said statements, provided however, that such expenditures, receipts
36 and contributions shall be subject to the other provisions of section
37 14-118 of this article.

38 § 6. Subdivision 1 of section 14-104 of the election law, as amended
39 by section 1 of part C of chapter 286 of the laws of 2016, is amended to
40 read as follows:

41 1. Any candidate for election to public office, or for nomination for
42 public office at a contested primary election or convention, or for
43 election to a party position at a primary election, shall file state-
44 ments sworn, or subscribed and bearing a form notice that false state-
45 ments made therein are punishable as a class A misdemeanor pursuant to
46 section 210.45 of the penal law, at the times prescribed by this article
47 setting forth the particulars specified by section 14-102 of this arti-
48 cle, as to all moneys or other valuable things, paid, given, expended or
49 promised by him or her to aid his or her own nomination or election, or
50 to promote the success or defeat of a political party, or to aid or
51 influence the nomination or election or the defeat of any other candi-
52 date to be voted for at the election or primary election or at a conven-
53 tion, including contributions to political committees, officers, members
54 or agents thereof, and transfers, receipts and contributions to him or
55 her to be used for any of the purposes above specified, or in lieu ther-
56 eof, any such candidate may file such a sworn statement at the first

1 filing period, on a form prescribed by the state board of elections that
2 such candidate has made no such expenditures and does not intend to make
3 any such expenditures, except through a political committee authorized
4 by such candidate pursuant to this article. Furthermore, such state-
5 ments shall include a list of all persons which provided political
6 consulting services, and the fair market value of and the actual amount
7 paid to each such person for the provision of political consulting
8 services. Such candidate may designate a committee of no less than three
9 persons who shall be authorized to appoint and remove the treasurer of
10 any authorized committee of the candidate. The designation or revocation
11 of the committee shall be evidenced in a writing filed with the state
12 board of elections by the candidate authorizing the committee. The
13 candidate may revoke such designation at any time. A committee author-
14 ized by such a candidate may fulfill all of the filing requirements of
15 this act on behalf of such candidate.

16 § 7. This act shall take effect on the thirtieth day after it shall
17 have become a law.

18

PART Q

19 Section 1. Section 172-e of the executive law, as added by section 1
20 of part F of chapter 286 of the laws of 2016, is amended to read as
21 follows:

22 § 172-e. Disclosure of certain donations by charitable non-profit
23 entities. 1. Definitions. For the purposes of this section:

24 (a) "Covered entity" shall mean any corporation or entity that is
25 qualified as an exempt organization or entity by the United States
26 Department of the Treasury under I.R.C. 501(c)(3) that is required to
27 report to the [department of law] joint commission on public ethics
28 pursuant to this section.

29 (b) "In-kind donation" shall mean [donations] any contribution or
30 donation of staff, staff time, personnel, offices, office supplies,
31 [financial] or other non-monetary support of any kind [or any other
32 resources].

33 (c) ["Donation"] "Monetary donation" shall mean any financial contrib-
34 ution, including a monetary gift, loan, [in-kind donation,] or advance
35 [or deposit of money or anything of value].

36 (d) "Recipient entity" shall mean any corporation or entity that is
37 qualified as an exempt organization or entity by the United States
38 Department of the Treasury under I.R.C. 501(c)(4) that is required to
39 file a source of funding report with the joint commission on public
40 ethics pursuant to sections one-h and one-j of the legislative law.

41 (e) "Reporting period" shall mean the six month period within a calen-
42 dar year starting January first and ending June thirtieth or the six
43 month period within a calendar year starting July first and ending
44 December thirty-first.

45 2. Funding disclosure reports to be filed by covered entities. (a) Any
46 covered entity that makes a monetary donation or an in-kind donation in
47 excess of two thousand five hundred dollars to a recipient entity during
48 a [relevant] reporting period shall file a funding disclosure report
49 with the [department of law] joint commission on public ethics. The
50 funding disclosure report shall include:

51 (i) the name and address of the covered entity that made the monetary
52 or in-kind donation;

53 (ii) the name and address of the recipient entity that received or
54 benefitted from the monetary or in-kind donation;



1 (iii) the names of any persons who exert operational or managerial
2 control over the covered entity. The disclosures required by this para-
3 graph shall include the name of at least one natural person;

4 (iv) the date the monetary or in-kind donation was made by the covered
5 entity;

6 (v) [any donation in excess of two thousand five hundred dollars to
7 the covered entity during the relevant reporting period including the
8 identity of the donor of any such donation] the name and address of any
9 individual, corporation, association or group that made any monetary or
10 in-kind donation in excess of two thousand five hundred dollars to the
11 covered entity during the relevant reporting period; and

12 (vi) the date of any such monetary or in-kind donation to a covered
13 entity.

14 (b) The covered entity shall file a funding disclosure report with the
15 [department of law] joint commission on public ethics within thirty days
16 of the close of a reporting period.

17 (c) The recipient entity shall send a written notification to any
18 covered entity who has made an in-kind or monetary donation in excess of
19 two thousand five hundred dollars to the recipient entity during a rele-
20 vant reporting period. Such notification shall advise that the recipient
21 entity is required to file a source of funding report with the joint
22 commission on public ethics pursuant to sections one-h and one-j of the
23 legislative law.

24 (d) A covered entity that maintains one or more segregated bank
25 accounts containing funds used solely for monetary donations and makes
26 all of its monetary donations to recipient entities from such an account
27 and makes no in-kind donations, then with respect to donations included
28 in paragraph (a) of this subdivision, the funding disclosure report need
29 only include monetary donations deposited into such accounts.

30 3. Public disclosure of funding disclosure reports. The [department of
31 law] joint commission on public ethics shall promulgate any regulations
32 necessary to implement these requirements and shall [forward the disclo-
33 sure reports to the joint commission on public ethics for the purpose of
34 publishing such] publish the funding disclosure reports on the commis-
35 sion's website, within thirty days of the close of each reporting peri-
36 od; provided however that [the attorney general] up to one hundred
37 eighty days before the start of a reporting period, or at any time if
38 good cause is shown, a covered entity may make an application for an
39 exemption from the public disclosure requirements outlined in this
40 subdivision. Exemption determinations shall be made by the executive
41 director of the joint commission on public ethics, or his or her desig-
42 nee, who may determine that disclosure of donations to the covered enti-
43 ty shall not be made public if, based upon a review of the relevant
44 facts presented by the covered entity, such disclosure may cause harm,
45 threats, harassment, or reprisals to the source of the donation or to
46 individuals or property affiliated with the source of the donation.
47 With respect to future donations and donors, the executive director of
48 the joint commission on public ethics, or his or her designee, shall
49 determine that disclosure of donations to the covered entity shall not
50 be made public if, based upon a review of the relevant facts presented
51 by the covered entity, such disclosure is likely to cause future harm,
52 threats, harassment, or reprisals to future donors, or is likely to
53 dissuade future donors from donating to the covered entity. The determi-
54 nation of the executive director of the joint commission on public
55 ethics that certain disclosures shall not be made public shall remain in
56 effect for two consecutive reporting periods and may be extended by the

1 executive director of the joint commission on public ethics, or his or
2 her designee, based upon good cause shown. The covered entity may appeal
3 the [attorney general's] determination of the executive director of the
4 joint commission on public ethics and such appeal shall be heard by a
5 judicial hearing officer who is independent and not affiliated with or
6 employed by the [department of law] joint commission on public ethics,
7 pursuant to regulations promulgated by the [department of law] joint
8 commission on public ethics. The covered entity's sources of donations
9 that are the subject of such appeal shall not be made public pending
10 final judgment on appeal.

11 § 2. Paragraph (b) of subdivision 1, paragraphs (b) and (c) of subdivi-
12 sion 2 and subdivision 3 of section 172-f of the executive law, as
13 added by section 1 of part G of chapter 286 of the laws of 2016, are
14 amended to read as follows:

15 (b) "Covered communication" means a communication, that does not
16 require a report pursuant to article one-A of the legislative law or
17 article fourteen of the election law, by a covered entity, that is
18 conveyed to five hundred or more members of a general public audience in
19 the form of: (i) an audio or video communication via broadcast, cable or
20 satellite; (ii) a written communication via advertisements, pamphlets,
21 circulars, flyers, brochures, letterheads; or (iii) other published
22 statement which[:] refers to and advocates for or against: a clearly
23 identified elected official [or the position of any elected official or
24 administrative or legislative body relating to], a declared candidate
25 for elected office, the outcome of any vote [or substance of any legis-
26 lation, potential legislation, pending legislation] or decision by any
27 legislative, executive or administrative body, or the drafting, passage
28 or defeat of any legislation, rule, regulation, or hearing[, or decision
29 by any legislative, executive or administrative body].

30 Covered communication shall not include: (i) communications with a
31 professional journalist or newscaster, including an editorial board or
32 editorial writer of a newspaper, magazine, news agency, press associ-
33 ation or wire service, relating to news, as these terms are defined in
34 section seventy-nine-h of the civil rights law, and communications
35 relating to confidential and non-confidential news as described in
36 subdivisions (b) and (c) of section seventy-nine-h of the civil rights
37 law respectively and communications made pursuant to community outreach
38 efforts for broadcast stations required by federal law; or

39 (ii) a communication that is: (A) directed, sent or distributed by the
40 covered entity only to individuals who affirmatively consent to be
41 members of the covered entity, contribute funds to the covered entity,
42 or, pursuant to the covered entity's articles or bylaws, have the right
43 to vote directly or indirectly for the election of directors or offi-
44 cers, or on changes to bylaws, disposition of all or substantially all
45 of the covered entity's assets or the merger or dissolution of the
46 covered entity; or (B) for the purpose of promoting or staging any
47 candidate debate, town hall or similar forum to which at least two
48 candidates seeking the same office, or two proponents of differing posi-
49 tions on a referendum or question submitted to voters, are invited as
50 participants, and which does not promote or advance one candidate or
51 position over another.

52 (b) The covered entity shall file a financial disclosure report with
53 the [department of law] joint commission on public ethics within thirty
54 days of the close of a reporting period.

55 (c) [If a] A covered entity [keeps] that maintains one or more segre-
56 gated bank accounts containing funds used solely for covered communi-

1 cations and makes all of its expenditures for covered communications
2 from such accounts, then with respect to monetary donations included in
3 subparagraph (iv) of paragraph (a) of this subdivision, the financial
4 report need only include monetary donations deposited into such
5 accounts.

6 3. The [department of law] joint commission on public ethics shall
7 make the financial disclosure reports available to the public on the
8 [department of law] joint commission on public ethics website within
9 thirty days of the close of each reporting period, provided however that
10 [the attorney general] up to one hundred eighty days before the start of
11 a reporting period, or at any time if good cause is shown, a covered
12 entity may make an application for an exemption from the public disclo-
13 sure requirements outlined in subdivision two of this section. Exemption
14 determinations shall be made by the executive director of the joint
15 commission on public ethics, or his or her designee, who may determine
16 that disclosure of donations shall not be made public if, based upon a
17 review of the relevant facts presented by the covered entity, such
18 disclosure may cause harm, threats, harassment, or reprisals to the
19 source of the donation or to individuals or property affiliated with the
20 source of the donation. With respect to future donations and donors,
21 the executive director of the joint commission on public ethics, or his
22 or her designee, shall determine that disclosure of donations to the
23 covered entity shall not be made public if, based upon a review of the
24 relevant facts presented by the covered entity, such disclosure is like-
25 ly to cause future harm, threats, harassment, or reprisals to future
26 donors, or is likely to dissuade future donors from donating to the
27 covered entity. The determination of the executive director of the joint
28 commission on public ethics that certain disclosures shall not be made
29 public shall remain in effect for two consecutive reporting periods and
30 may be extended by the executive director of the joint commission on
31 public ethics, or his or her designee, based upon good cause shown. The
32 covered entity may appeal the [attorney general's] determination of the
33 executive director of the joint commission on public ethics and such
34 appeal shall be heard by a judicial hearing officer who is independent
35 and not affiliated with or employed by the [department of law] joint
36 commission on public ethics, pursuant to regulations promulgated by the
37 [department of law] joint commission on public ethics. The covered enti-
38 ty shall not be required to disclose the sources of donations that are
39 the subject of such appeal pending final judgment on appeal.

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

42

PART R

43 Section 1. Subdivision (w) of section 1-c of the legislative law, as
44 added by section 8 of part A of chapter 399 of the laws of 2011, is
45 amended to read as follows:

46 (w) The term "reportable business relationship" shall mean either a
47 relationship in which compensation is paid by a lobbyist or by a client
48 of a lobbyist, in exchange for any goods, services or anything of value,
49 the total value of which is in excess of [one thousand] five hundred
50 dollars annually, to be performed or provided by or intended to be
51 performed or provided by (i) any statewide elected official, state offi-
52 cer, state employee, member of the legislature or legislative employee,
53 or (ii) any entity in which the lobbyist or the client of a lobbyist
54 knows or has reason to know the statewide elected official, state offi-



1 cer, state employee, member of the legislature or legislative employee
2 is a proprietor, partner, director, officer or manager, or owns or
3 controls ten percent or more of the stock of such entity (or one percent
4 in the case of a corporation whose stock is regularly traded on an
5 established securities exchange).

6 § 2. Subdivision (a) of section 1-h of the legislative law, as amended
7 by chapter 14 of the laws of 2007, is amended to read as follows:

8 (a) Any lobbyist required to file a statement of registration pursuant
9 to section one-e of this article who in any lobbying year reasonably
10 anticipates that during the year such lobbyist will expend, incur or
11 receive combined reportable compensation and expenses in an amount in
12 excess of five [thousand] hundred dollars, as provided in paragraph five
13 of subdivision (b) of this section, for the purpose of lobbying, shall
14 file with the commission a bi-monthly written report, on forms supplied
15 by the commission, by the fifteenth day next succeeding the end of the
16 reporting period in which the lobbyist was first required to file a
17 statement of registration. Such reporting periods shall be the period of
18 January first to the last day of February, March first to April thirti-
19 eth, May first to June thirtieth, July first to August thirty-first,
20 September first to October thirty-first and November first to December
21 thirty-first.

22 § 3. Subdivision (a) of section 1-j of the legislative law, as amended
23 by chapter 14 of the laws of 2007, is amended to read as follows:

24 (a) Semi-annual reports shall be filed by any client retaining,
25 employing or designating a lobbyist or lobbyists, whether or not any
26 such lobbyist was required to file a bi-monthly report, if such client
27 reasonably anticipates that during the year such client will expend or
28 incur an amount in excess of five [thousand] hundred dollars of combined
29 reportable compensation and expenses, as provided in paragraph five of
30 subdivision [(c)] (b) of this section, for the purposes of lobbying.

31 § 4. Paragraphs 3 and 4 of subdivision (a) of section 1-e of the
32 legislative law, as amended by chapter 1 of the laws of 2005, are
33 amended to read as follows:

34 (3) Commencing calendar year two thousand five and thereafter every
35 lobbyist shall biennially file with the commission, on forms provided by
36 the commission, a statement of registration for each biennial period
37 beginning with the first year of the biennial cycle commencing calendar
38 year two thousand five and thereafter; provided, however, that the bien-
39 nial filing of such statement of registration shall not be required of
40 any lobbyist who (i) in any year prior to calendar year two thousand six
41 does not expend, incur or receive an amount in excess of two thousand
42 dollars of reportable compensation and expenses, as provided in para-
43 graph five of subdivision (b) of section one-h of this article, for the
44 purposes of lobbying and commencing with calendar year two thousand six
45 does not expend, incur or receive an amount in excess of five thousand
46 dollars of reportable compensation, as provided in paragraph five of
47 subdivision (b) of section one-h of this article for the purposes of
48 lobbying [or] and (ii) starting year two thousand twenty-one, does not
49 expend, incur or receive an amount in excess of five hundred dollars of
50 reportable compensation and expenses, as provided in paragraph five of
51 subdivision (b) of section one-h of this article, for the purposes of
52 lobbying commencing with calendar year two thousand twenty-one does not
53 expend, incur or receive an amount in excess of five hundred dollars of
54 reportable compensation, as provided in paragraph five of subdivision
55 (b) of section one-h of this article for the purposes of lobbying or
56 (iii) is an officer, director, trustee or employee of any public corpo-

1 ration, when acting in such official capacity; provided however, that
2 nothing in this section shall be construed to relieve any public corpo-
3 ration of the obligation to file such statements and reports as required
4 by this article.

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

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

24

PART S

25 Section 1. Subparagraphs (i) and (ii) of subdivision (a) of section
26 1-o of the legislative law, as added by chapter 14 of the laws of 2007,
27 are amended to read as follows:

28 (i) Any lobbyist, public corporation, or client who knowingly and
29 wilfully fails to file timely a report or statement required by this
30 section or knowingly and wilfully files false information or knowingly
31 and wilfully violates section one-m of this article shall be guilty of a
32 class A misdemeanor and may be barred from engaging in lobbying activ-
33 ities, as the term is defined in subdivision (c) of section one-c of
34 this article, for a period of up to two years; and

35 (ii) any lobbyist, public corporation, or client who knowingly and
36 wilfully fails to file timely a report or statement required by this
37 section or knowingly and wilfully files false information or knowingly
38 and wilfully violates section one-m of this article, after having previ-
39 ously been convicted in the preceding [five] ten years of the crime
40 described in paragraph (i) of this subdivision, shall be guilty of a
41 class E felony. Any lobbyist, public corporation or client convicted of
42 or pleading guilty to a felony under the provisions of this section
43 [may] shall be barred from [acting as a lobbyist] engaging in lobbying
44 activities, as the term is defined in subdivision (c) of section one-c
45 of this article, for a period of [one year] no less than two years and
46 no more than six years from the date of the conviction. For the purposes
47 of this subdivision, the chief administrative officer of any organiza-
48 tion required to file a statement or report shall be the person respon-
49 sible for making and filing such statement or report unless some other
50 person prior to the due date thereof has been duly designated to make
51 and file such statement or report.

52 § 2. Subparagraph (B) of paragraph (iii) of subdivision (b) of section
53 1-o of the legislative law, as added by chapter 14 of the laws of 2007,
54 is amended to read as follows:

1 (B) If, after a lobbyist or client has been found to have violated
2 subdivision one of section one-n of this article, a lobbyist or client
3 knowingly and wilfully violates the provisions of subdivision one of
4 section one-n of this article within [four] ten years of such finding,
5 the lobbyist or client shall be subject to a civil penalty not to exceed
6 twenty-five thousand dollars.

7 § 3. Paragraph (iv) of subdivision (b) of section 1-o of the legisla-
8 tive law, as added by chapter 14 of the laws of 2007, is amended to read
9 as follows:

10 (iv) Any lobbyist or client that knowingly and wilfully fails to file
11 a statement or report within the time required for the filing of such
12 report, knowingly and wilfully files a false statement or report, or
13 knowingly and wilfully violates section one-m of this article, after
14 having been found by the commission to have knowing and wilfully commit-
15 ted such conduct or violation in the preceding [five] ten years, may be
16 subject to a determination that the lobbyist or client is [prohibited]
17 barred from engaging in lobbying activities, as that term is defined in
18 [paragraph (v) of] subdivision (c) of section one-c of this article, for
19 a period of [one year] no less than two years and no more than six
20 years.

21 § 4. Paragraph (v) of subdivision (b) of section 1-o of the legisla-
22 tive law, as added by chapter 14 of the laws of 2007, is amended to read
23 as follows:

24 (v) Any lobbyist, public corporation or client that knowingly and
25 wilfully engages in lobbying activities, as that term is defined in
26 [paragraph (v) of] subdivision (c) of section one-c of this article,
27 during the period in which the commission determined that they are
28 [prohibited] barred from engaging in lobbying activities, [as that term
29 is defined in paragraph (v) of subdivision (c) of section one-c of this
30 article] pursuant to this [subdivision] section, shall be guilty of a
31 class E felony and may be subject to a determination that the lobbyist,
32 public corporation, or client is prohibited from engaging in lobbying
33 activities[, as that term is defined in paragraph (v) of subdivision (c)
34 of section one-c of this article,] for a period of [up to four] not less
35 than two and no more than ten years, and such lobbyist, public corpo-
36 ration or client, in addition to or in lieu of such penalty shall be
37 subject to a civil penalty not to exceed fifty thousand dollars, plus a
38 civil penalty in an amount equal to five times the value of any gift,
39 compensation or benefit received as a result of the violation.

40 § 5. Subdivision (b) of section 1-o of the legislative law, is amended
41 by adding a new paragraph (vii) to read as follows:

42 (vii) A lobbyist or client who, during the conduct of a random audit
43 pursuant to section one-d of this chapter, knowingly and willfully fails
44 to comply with requests for the production of documents bearing upon any
45 matters required to be included in a filing or registration or otherwise
46 fails to comply with requests of the commission related to the enforce-
47 ment of this chapter, shall be subject to a civil penalty not to exceed
48 ten thousand dollars.

49 § 6. Paragraphs (i) and (ii) of subdivision (c) of section 1-o of the
50 legislative law, as added by chapter 14 of the laws of 2007, are amended
51 to read as follows:

52 (i) Any assessment or order to debar rendered by the commission pursu-
53 ant to this section shall be determined only after a hearing at which
54 the party shall be entitled to appear, present evidence and be heard. In
55 ordering debarment, the commission shall consider whether the facts,
56 circumstances and public interest warrant any firm, partnership or

1 corporation of, or in which such lobbyist is or becomes a shareholder,
2 owner, member, partner, director or officer be barred from acting as a
3 lobbyist. If it so finds, then such order of debarment shall apply to
4 such firm, partnership or corporation, as well. Any assessment or order
5 to debar pursuant to this section may only be imposed after the commis-
6 sion sends by certified and first-class mail written notice of intent to
7 assess a penalty or order to debar and the basis for the penalty or
8 order to debar. Any assessment may be recovered in an action brought by
9 the attorney general and, if assessed against a firm, partnership or
10 corporation may, if the commission so finds the facts, circumstances and
11 public interest so warrant, notwithstanding any other law to the contra-
12 ry, be assessed jointly and severally against the shareholders, owners,
13 members, partners, directors and officers of such firm, partnership or
14 corporation.

15 (ii) In assessing any fine or penalty pursuant to this section, the
16 commission shall consider: (A) as a mitigating factor that the lobbyist,
17 public corporation or client has not previously been required to regis-
18 ter, and (B) (1) as an aggravating factor that the lobbyist, public
19 corporation or client has received written notice pursuant to subdivi-
20 sion thirteen of section ninety-four of the executive law of the exist-
21 ence of a possible violation or violations of law, previously entered
22 into a settlement with the commission or had otherwise been the subject
23 of an investigation commenced pursuant to such subdivision, or had fines
24 or penalties assessed against it in the past. The amount of compensation
25 expended, incurred or received shall be a factor to consider in deter-
26 mining a proportionate penalty. (2) For the purposes of this section,
27 where the lobbyist is an individual, past penalties shall include any
28 penalties levied against such lobbyist or levied against any firm, part-
29 nership, or corporation of or in which such lobbyist participated in and
30 shared culpability for the acts resulting in such past penalties.

31 § 7. Section 1-o of the legislative law is amended by adding a new
32 subdivision (e) to read as follows:

33 (e) Any lobbyist, public corporation, or client who, knowing that a
34 statement or report made pursuant to this article contains false infor-
35 mation, and with intent to defraud the state, offers or presents a
36 statement or report to the commission with the knowledge or belief that
37 it will be filed with, registered or recorded in or otherwise become a
38 part of the records of the commission, shall be guilty of a class E
39 felony, and may be subject to a penalty of the greater of seventy-five
40 thousand dollars, or an amount equal to ten times the value of any
41 compensation or benefit received as a result of the violation. The
42 commission may assess such civil penalties.

43 § 8. This act shall take effect immediately; provided however, the
44 provisions of this act shall only be applicable to conduct occurring
45 after this act shall have become a law.

46

PART T

47 Section 1. Paragraph (a) of subdivision 8 of section 73 of the public
48 officers law, as amended by chapter 299 of the laws of 1995, subpara-
49 graph (iii) as amended and subparagraph (iv) as added by chapter 14 of
50 the laws of 2007, is amended to read as follows:

51 (a) (i) No person who has served as a state officer or employee shall
52 within a period of [two] five years after the termination of such
53 service or employment appear or practice before such state agency,
54 register as a lobbyist or engage in lobbying as defined in article one-A



1 of the legislative law or receive compensation for any services rendered
2 by such former officer or employee on behalf of any person, firm, corpo-
3 ration or association in relation to any case, proceeding or application
4 or other matter before such agency.

5 (ii) No person who has served as a state officer or employee, who was
6 required to file an annual statement of financial disclosure pursuant to
7 section seventy-three-a of this article, shall after the termination of
8 such service or employment appear, practice, communicate, register as a
9 lobbyist or engage in lobbying as defined in article one-A of the legis-
10 lative law or otherwise render services before any state agency or
11 receive compensation for any such services rendered by such former offi-
12 cer or employee on behalf of any person, firm, corporation or other
13 entity in relation to any case, proceeding, application or transaction
14 with respect to which such person was directly concerned and in which he
15 or she personally participated during the period of his or her service
16 or employment, or which was under his or her active consideration.

17 (iii) No person who has served as a member of the legislature who was
18 required to file an annual statement of financial disclosure pursuant to
19 section seventy-three-a of this article shall within a period of [two]
20 five years after the termination of such service receive compensation
21 for any services on behalf of any person, firm, corporation or associ-
22 ation to promote or oppose, directly or indirectly, the passage of bills
23 or resolutions by either house of the legislature, or register as a
24 lobbyist or engage in lobbying as defined in article one-A of the legis-
25 lative law. No legislative employee, who was required to file an annual
26 statement of financial disclosure pursuant to section seventy-three-a of
27 this article, shall within a period of [two] five years after the termi-
28 nation of such service receive compensation for any services on behalf
29 of any person, firm, corporation or association to appear, practice or
30 directly communicate before either house of the legislature to promote
31 or oppose the passage of bills or resolutions by either house of the
32 legislature, or register as a lobbyist or engage in lobbying as defined
33 in article one-A of the legislative law.

34 (iv) No person who has served as an officer or employee in the execu-
35 tive chamber of the governor, who was required to file an annual state-
36 ment of financial disclosure pursuant to section seventy-three-a of this
37 article, shall within a period of [two] five years after termination of
38 such service appear or practice before any state agency, or register as
39 a lobbyist or engage in lobbying as defined in article one-A of the
40 legislative law.

41 § 2. This act shall take effect on January 1, 2020 and shall only
42 apply to persons leaving state service after the effective date of this
43 act.

44 PART U

45 Section 1. Section 107 of the civil service law is amended by adding a
46 new subdivision 4-a to read as follows:

47 4-a. No officer or employee of a statewide officeholder, a state
48 senator, or a member of the assembly, shall be permitted to volunteer
49 his or her services in furtherance of a campaign for elected office in
50 which the employing elected officeholder is the campaign candidate.

51 § 2. This act shall take effect immediately.

52 PART V

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

4 1. There is established within the department of state a joint commis-
5 sion on public ethics which shall consist of fourteen members and shall
6 have and exercise the powers and duties set forth in this section with
7 respect to statewide elected officials, members of the legislature and
8 employees of the legislature, and state officers and employees, as
9 defined in sections seventy-three and seventy-three-a of the public
10 officers law, candidates for statewide elected office and for the senate
11 or assembly, and the political party chairman as that term is defined in
12 section seventy-three-a of the public officers law, lobbyists and the
13 clients of lobbyists as such terms are defined in article one-A of the
14 legislative law, and individuals who have formerly held such positions,
15 were lobbyists or clients of lobbyists, as such terms are defined in
16 article one-A of the legislative law, or who have formerly been such
17 candidates. The commission shall also have and exercise the powers set
18 forth in this section with respect to covered municipal officers as such
19 term is defined in section eight hundred ten of the general municipal
20 law, provided, however, that the jurisdiction of the joint commission on
21 public ethics with respect to such covered municipal officers shall be
22 limited to the provisions of this section relating to the filing of
23 accurate annual statements of financial disclosure, and provided,
24 further, if the commission has a reasonable basis to believe that there
25 are ethical or legal issues outside its jurisdiction, but related to the
26 annual statement of financial disclosure, such issues shall be referred
27 to the appropriate body as defined in section eight hundred ten of the
28 general municipal law or the district attorney from the county where the
29 municipal corporation is located. This section shall not be deemed to
30 have revoked or rescinded any regulations or advisory opinions issued by
31 the legislative ethics commission, the commission on public integrity,
32 the state ethics commission and the temporary lobbying commission in
33 effect upon the effective date of chapter fourteen of the laws of two
34 thousand seven which amended this section to the extent that such regu-
35 lations or opinions are not inconsistent with any law of the state of
36 New York, but such regulations and opinions shall apply only to matters
37 over which such commissions had jurisdiction at the time such regu-
38 lations and opinions were promulgated or issued. The commission shall
39 undertake a comprehensive review of all such regulations and opinions,
40 which will address the consistency of such regulations and opinions
41 among each other and with the new statutory language, and of the effec-
42 tiveness of the existing laws, regulations, guidance and ethics enforce-
43 ment structure to address the ethics of covered public officials and
44 related parties. Such review shall be conducted with the legislative
45 ethics commission and, to the extent possible, the report's findings
46 shall reflect the full input and deliberations of both commissions after
47 joint consultation. The commission shall, before February first, two
48 thousand fifteen, report to the governor and legislature regarding such
49 review and shall propose any regulatory or statutory changes and issue
50 any advisory opinions necessitated by such review.

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

54 (1) the information set forth in an annual statement of financial
55 disclosure filed pursuant to section seventy-three-a of the public offi-
56 cers law and pursuant to subdivision three of section eight hundred

1 eleven and subdivision one of section eight hundred twelve of the gener-
2 al municipal law, except information deleted pursuant to paragraph (h)
3 of subdivision nine of this section;

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

6 13. "Covered municipal officer" means (a) any individual elected to
7 serve the government of any municipal corporation who receives compen-
8 sation of fifty thousand dollars or more annually from such municipal
9 corporation as well as (b) any individual who is either elected or
10 appointed to serve as county executive, county manager, or chair of the
11 county board of supervisors.

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

14 3. (a) Notwithstanding any local law, ordinance, or resolution provid-
15 ing for the annual filing of an annual statement of financial disclo-
16 sure, a covered municipal officer shall be required to file the annual
17 statement of financial disclosure set forth in section seventy-three-a
18 of the public officers law with the joint commission on public ethics,
19 provided, however a covered municipal officer may satisfy the filing
20 requirements of this subdivision by filing a copy of the statement of
21 financial disclosure filed pursuant to paragraph (a) or (a-1) of subdivi-
22 vision one of this section with the joint commission on public ethics on
23 or before the filing deadline provided in section seventy-three-a of the
24 public officers law, if such statement of financial disclosure filed
25 pursuant to paragraph (a) or (a-1) of subdivision one of this section
26 has been authorized by the joint commission on public ethics pursuant to
27 paragraph (b) of this subdivision.

28 (b) The governing body of each municipal corporation may adopt a
29 resolution to request authorization from the joint commission on public
30 ethics for its covered municipal officers to file with the joint commis-
31 sion on public ethics a copy of the annual statement of financial
32 disclosure filed pursuant to paragraph (a) or (a-1) of subdivision one
33 of this section to satisfy the filing requirements of a covered municipi-
34 pal officer of paragraph (a) of this subdivision. The joint commission
35 on public ethics shall promptly make a determination in response to each
36 request, which shall include an explanation for its determination. If
37 authorization is denied, the municipal corporation may amend its request
38 and resubmit.

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

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

48 (j) A covered municipal officer shall be required to file the annual
49 statement of financial disclosure set forth in section seventy-three-a
50 of the public officers law with the joint commission on public ethics. A
51 covered municipal officer may satisfy the filing requirements of para-
52 graph (a) of this subdivision by filing a copy of the annual statement
53 of financial disclosure filed pursuant to this paragraph with the appro-
54 priate body.

55 § 6. This act shall take effect January 1, 2021.

1

PART W

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

4 § 1-a. Legislative declaration. (a) The legislature hereby declares
5 that the operation of responsible democratic government requires that
6 the fullest opportunity be afforded to the people to petition their
7 government for the redress of grievances and to express freely to appro-
8 priate officials their opinions on legislation and governmental oper-
9 ations; and that, to preserve and maintain the integrity of the govern-
10 mental decision-making process in this state, it is necessary that the
11 identity, expenditures and activities of persons and organizations
12 retained, employed or designated to influence the passage or defeat of
13 any legislation by either house of the legislature or the approval, or
14 veto, of any legislation by the governor and attempts to influence the
15 adoption or rejection of any rule or regulation having the force and
16 effect of law or the outcome of any rate making proceeding by a state
17 agency, and the attempts to influence the passage or defeat of any local
18 law, ordinance, or regulation be publicly and regularly disclosed.

19 (b) Code of Conduct for Lobbyists. To help preserve and advance the
20 principles articulated in subdivision (a) of this section, every lobby-
21 ist shall uphold the following minimum standards of professional
22 conduct:

23 (i) Duty of Honesty and Loyalty:

24 A lobbyist shall act with honesty, integrity, and in good faith with
25 respect to both his or her clients and to government officials. A
26 lobbyist shall not represent clients with conflicting interests, or
27 interests that appear to be conflicting, without the informed consent,
28 in writing, of all relevant clients. Where such informed consent of a
29 conflict is given by a lobbyist's clients, the lobbyist has a duty to
30 disclose the conflict and the client consent to any government official
31 that the lobbyist interacts with on that matter.

32 (ii) Duty of Disclosure:

33 A lobbyist shall inform his or her client of the lobbyist disclosure
34 duties pursuant to the Legislative Law and shall inform their client
35 about his or her duties pursuant to this code of conduct. A lobbyist
36 shall communicate with his or her client to identify, disclose, and
37 resolve any actual or appearances of a conflict of interest. A lobbyist
38 shall inform his or her client if any other person or entity is receiv-
39 ing a direct or indirect referral or consulting fee from the lobbyist
40 due to or in connection with the matter on which the lobbyist has been
41 retained and shall disclose the amount of such fee to his or her
42 client.

43 (iii) Duty to Provide Accurate Information:

44 A lobbyist shall not knowingly provide untruthful or deceptive infor-
45 mation to a government official or to a client and should endeavor to
46 provide factually correct, current, and accurate information to such
47 persons to the best of their knowledge, information, and belief. A
48 lobbyist shall use reasonable measures to verify the truth of the state-
49 ments and information that he or she provides both to clients and to
50 government officials. If a lobbyist is aware that information he or she
51 provided to a client or a government official is, or becomes, inaccurate
52 in a significant, relevant, and material way, a lobbyist has a duty to
53 promptly provide any relevant parties with corrected information. A
54 lobbyist shall act in a manner that is respectful to his or her clients
55 and to the government Institutions that he or she interacts with.

1 (iv) The joint commission on public ethics is authorized to issue
2 regulations to effectuate this section.

3 § 2. Subdivisions (c) and (d) of section 1-o of the legislative law,
4 as added by chapter 14 of the laws of 2007, are amended to read as
5 follows:

6 (c) In addition to any penalty contained in any other provision of
7 law, any lobbyist who knowingly and willfully violates any of the
8 provisions of the lobbyist code of conduct pursuant to section one-a of
9 this article shall be subject to a civil penalty not to exceed twenty-
10 five thousand dollars for the first offense; for any subsequent offense,
11 the lobbyist may be barred from engaging in lobbying activities for a
12 minimum of six months and a maximum of five years.

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

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

27 (iii) Any lobbyist, public corporation or client who receives a notice
28 of intent to assess a penalty for knowingly and wilfully failing to file
29 a report or statement pursuant to subdivision (b) of this section and
30 who has never previously received a notice of intent to assess a penalty
31 for failing to file a report or statement required under this section
32 shall be granted fifteen days within which to file the statement of
33 registration or report without being subject to the fine or penalty set
34 forth in subdivision (b) of this section. Upon the failure of such
35 lobbyist, public corporation or client to file within such fifteen day
36 period, such lobbyist, public corporation or client shall be subject to
37 a fine or penalty pursuant to subdivision (b) of this section.

38 [(d)] (e) All moneys recovered by the attorney general or received by
39 the commission from the assessment of civil penalties authorized by this
40 section shall be deposited to the general fund.

41 § 3. This act shall take effect immediately.

42

PART X

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

45 § 5-212. Motor vehicle registration. 1. In addition to any other meth-
46 od of voter registration provided for in this article, any qualified
47 person shall be automatically applied for registration and enrollment,
48 or pre-registration and enrollment, as applicable, simultaneously with
49 and upon application for a motor vehicle driver's license, a driver's
50 license renewal, a change of address, or an identification card if such
51 a card is issued by the department of motor vehicles in its normal
52 course of business unless such qualified person declines such applica-
53 tion for registration and enrollment at the time of making an applica-
54 tion for such a motor vehicle driver's license, driver's license



1 renewal, a change of address, or an identification card if such card is
2 issued by the department of motor vehicles in its normal course of busi-
3 ness.

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

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

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

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

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

30 (i) voter eligibility requirements;

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

32 (iii) that the office where the applicant registers shall remain
33 confidential and that the voter's information shall be used only for
34 voter registration purposes;

35 (iv) that if the applicant declines to register, such applicant's
36 declination shall remain confidential and shall be used only for voter
37 registration purposes;

38 (v) that if an applicant is a victim of domestic violence or stalking,
39 he or she may contact the state board of elections in order to receive
40 information regarding the address confidentiality program for victims of
41 domestic violence under section 5-508 of this article;

42 (d) include a box for the applicant to check to indicate whether the
43 applicant would like to decline to register to vote along with the
44 statement in prominent type, "IF YOU DO NOT CHECK THIS BOX, AND YOU
45 PROVIDE YOUR SIGNATURE ON THE SPACE PROVIDED BELOW, YOU WILL HAVE
46 ATTESTED TO YOUR ELIGIBILITY TO REGISTER TO VOTE AND YOU WILL HAVE
47 APPLIED TO REGISTER TO VOTE.";

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

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

55 (g) include the statement, "If you believe that someone has interfered
56 with your right to register or decline to register to vote, your right

1 to privacy in deciding whether to register or in applying to register to
2 vote, or your right to choose your own political party or other poli-
3 tical preference, you may file a complaint with the state board of
4 elections (address and toll free telephone number).";

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

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

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

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

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

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

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

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

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

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

1 statistics as may be required by the United States Election Assistance
2 Commission.

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

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

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

17 15. Notwithstanding subdivision six of section 5-210 of this title and
18 any other law to the contrary, a person who is ineligible to vote who
19 fails to decline to register to vote in accordance with the provisions
20 of this section and did not willfully or knowingly seek to register to
21 vote knowing that he or she is not eligible to do so; (a) shall not be
22 guilty of any crime as the result of the applicant's failure to make
23 such declination; (b) shall be deemed to have been registered with offi-
24 cial authorization; and (c) such act may not be considered as evidence
25 of a claim to citizenship.

26 16. Notwithstanding subdivision six of section 5-210 of this title and
27 any other law to the contrary, a person who is ineligible to vote who
28 fails to decline to register to vote in accordance with the provisions
29 of this section, who then either votes or attempts to vote in an
30 election held after the effective date of that person's registration,
31 and who did not willfully or knowingly seek to register to vote knowing
32 that he or she is not eligible to do so, and did not subsequently vote
33 or attempt to vote knowing that he or she is not eligible to do so, (a)
34 shall not be guilty of any crime as the result of the applicant's fail-
35 ure to make such declination and subsequent vote or attempt to vote; (b)
36 shall be deemed to have been registered with official authorization; and
37 (c) such act may not be considered as evidence of a claim to citizen-
38 ship.

39 17. Notwithstanding any other law to the contrary, the department of
40 motor vehicles shall not transmit to the board of elections any applica-
41 tion for registration or pre-registration for a person that is, by
42 virtue of data maintained by the department, demonstrably ineligible to
43 register or pre-register to vote by reason of age or not being a citizen
44 of the United States.

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

48 (a) The board of elections shall also send a confirmation notice to
49 every registered voter for whom it receives a notice of change of
50 address to an address not in such city or county [which] that is not
51 signed by the voter. Such change of address notices shall include, but
52 not be limited to, notices of change of address received pursuant to
53 subdivision eleven of section 5-211 and subdivision [six] four of
54 section 5-212 of this article, notice of change of address from the
55 United States Postal Service through the National Change of Address
56 System or from any other agency of the federal government or any agency

1 of any state or local government and notice of a forwarding address on
2 mail sent to a voter by the board of elections and returned by the
3 postal service. Such confirmation notices shall be sent to such new
4 address.

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

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

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

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

13 § 5. This act shall take effect April 1, 2020.

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

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

