

BUDGET #11R

FY 2020 Executive Budget Amendments

Amendments to Senate S.1510; Assembly A.2010 (GGER Article VII Bill)

Part A, relating to the disclosure of tax returns for certain candidates, is amended to:

- Make a technical correction.

Part B, relating to the establishment of contribution limits and the creation of a public campaign financing system, is amended to:

- Make a technical correction.

Part G, relating to integrated personal voter registration, is amended to:

- Make various technical corrections.

Part Q, relating to the disclosure requirements for certain nonprofits, is amended to:

- Make a technical correction.

Part X, relating to motor vehicle voter registration, is amended to:

- Make various technical corrections.

Amend Senate S1510, Assembly A2010, AN ACT to amend the election law, in relation to requiring certain candidates to disclose tax returns;...

Page	Line	Amendment
Page 3,	Line 4,	After " <u>returns</u> " Strike out ", "
Page 9,	Line 48,	After " <u>single</u> " Insert " <u>political</u> "
Page 10,	Line 17,	After " <u>spouse,</u> " Insert " <u>domestic partner,</u> "
Page 11,	Line 11,	After " <u>title</u> " Insert " <u>by the applicable deadline</u> "
Page 11,	Line 12,	Strike out " <u>five years</u> " Insert " <u>period</u> "
Page 12,	Line 40,	After " <u>nomination</u> " Insert " <u>for</u> "
Page 14,	Lines 6-7,	Strike out " <u>for any election held before the next such adjustment.</u> " and Insert " <u>from the beginning of the next election cycle until the beginning of the election cycle following the next adjustment, at which time the next adjustment shall take effect. This process shall be repeated for each adjustment thereafter.</u> "
Page 14,	Lines 14-16,	Strike out " <u>for the next election cycle after the year the board publishes the contribution limit adjustment and until the next adjustment pursuant to this paragraph.</u> " and Insert " <u>from the beginning of the next election cycle until the beginning of the election cycle following the next adjustment, at which time the next adjustment shall take effect. This process shall be repeated for each adjustment thereafter.</u> "
Page 15,	Lines 3-4,	Strike out " <u>for any election held before the next such adjustment.</u> " and Insert " <u>from the beginning of the next election cycle until the beginning of the election cycle following the next adjustment, at which time the next adjustment shall take effect. This process shall be repeated for each adjustment thereafter.</u> "
Page 15,	Lines 33-34,	Strike out " <u>for the next election cycle after the year the board publishes such contribution limit adjustment.</u> " and Insert " <u>from the beginning of the next election cycle until the beginning of the election cycle following the next adjustment, at which time the next adjustment shall take effect. This process shall be repeated for each adjustment thereafter.</u> "
Page 16,	Line 26,	After " <u>party</u> " Strike out ", "
Page 17,	Line 49,	After " <u>no</u> " Insert " <u>future</u> "

Page 21,	Between Lines 51 & 52,	Insert " <u>§12. Paragraph (a) of subdivision 9-A of section 3-102 of election law, as amended by chapter 406 of the laws of 2005, is amended to read as follows: 9-A. (a) develop an electronic reporting system to process the statements of campaign receipts, contributions, transfers and expenditures required to be filed with any board of elections pursuant to the provisions of sections 14-102, [and] 14-104, and 14-201 of this chapter;</u>
Page 21,	Line 52,	Strike out " <u>§12</u> " and Insert " <u>§13</u> "
Page 22,	Line 4,	Strike out " <u>§13</u> " and Insert " <u>§14</u> "
Page 42,	Lines 12-15,	After "health," Strike out "[office of vocational and educational services for individuals with disabilities, commission on quality of care for the mentally disabled, office of mental retardation and developmental disabilities,]" and Insert " <u>office of adult career and continuing education services-vocational rehabilitation, office for people with developmental disabilities,</u> "
Page 42,	Line 16-17,	After "services," Strike out "[the office of the advocate for the disabled]" and Insert " <u>the justice center</u> "
Page 42,	Line 24,	After "paper." Insert " <u>Such integrated personal voter registration application shall also serve as an application for pre-registration, as applicable.</u> "
Page 43,	Lines 38-39	Strike out "[federal elections commission]" and Insert " <u>United States Election Assistance Commission</u> "
Page 45,	Between Lines 4 & 5,	Insert " <u>(h) state that if an applicant is a victim of domestic violence or stalking, he or she may contact the state board of elections in order to receive information regarding the address confidentiality program for victims of domestic violence under section 5-508 of this title;</u> "
Page 45,	Line 5,	Strike out " <u>(h)</u> "; Insert " <u>(i)</u> "
Page 45,	Line 10,	Strike out " <u>and</u> "
Page 45,	Line 11,	Strike out " <u>(i)</u> "; Insert " <u>(j)</u> "
Page 45,	Line 12,	Strike out " <u>[.]</u> " and insert " <u>; and</u> "
Page 45,	Between Lines 12 & 13,	Insert " <u>(k) include any other information that is necessary to comply with the requirements of the National Voter Registration Act.</u> "

Page 69,	Line 35,	After "subdivision 1," Strike out "paragraph" and Insert "paragraphs (b) and"
Page 70,	Between Lines 19 & 20,	Insert "(b) The covered entity shall file a financial disclosure report with the [department of law] <u>joint commission on public ethics</u> within thirty days of the close of a reporting period."
Page 80,	Line 14,	After "enrollment" Insert " <u>, or pre-registration and enrollment, as applicable,</u> "
Page 81,	Line 1,	After " <u>(iv)</u> " Insert " <u>that</u> "
Page 81,	Line 10,	After " <u>BOX,</u> " Insert " <u>AND</u> "
Page 81,	Line 11-12,	After " <u>BELOW,</u> " Strike out " <u>AND YOU ARE AT LEAST 18 YEARS OF AGE OR OLDER,</u> "
Page 81-82,	Lines 56-1,	Strike out " <u>in such county or city</u> "
Page 82,	Line 3,	Strike out " <u>such</u> "
Page 82,	Line 4,	Strike out " <u>such</u> " and after 5-208 add " <u>, as appropriate</u> "
Page 82,	Line 22,	Strike out " <u>State</u> " and Insert " <u>States</u> "

Insert 1

from the beginning of the next election cycle until the beginning of the election cycle following the next adjustment, at which time the next adjustment shall take effect. This process shall be repeated for each adjustment thereafter.

Insert 2

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

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

Insert 3

office of adult career and continuing education services-vocational rehabilitation, office for people with developmental disabilities,

Insert 4

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

Insert 5

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

1 troller, state senator, and member of the assembly, other than a write-
2 in candidate, shall:

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

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

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

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

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

33 § 2. This act shall take effect immediately.

34

PART B

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

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

49 19. "authorized committee" means the single political committee desig-
50 nated by a candidate to receive all contributions authorized by this
51 title.

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

1 § 14-200. Legislative findings and intent. The legislature finds that
2 reform of New York state's campaign finance system is crucial to improv-
3 ing public confidence in the state's democratic processes and continuing
4 to ensure a government that is accountable to all of the voters of the
5 state regardless of wealth or position. The legislature finds that New
6 York's current system of campaign finance, with its large contributions
7 to candidates for office and party committees, has created the potential
8 for and the appearance of corruption. The legislature further finds
9 that, whether or not this system creates actual corruption, the appear-
10 ance of such corruption can give rise to a distrust in government and
11 citizen apathy that undermine the democratic operation of the political
12 process.

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

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

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

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

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

46 § 14-200-a. Definitions. For the purposes of this title, the follow-
47 ing terms shall have the following meanings:

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

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

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

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

Political

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

5 6. The term "election cycle" shall mean the two year period starting
6 the day after the last general election for candidates for the state
7 legislature and shall mean the four year period starting after the day
8 after the last general election for candidates for statewide office.

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

15 8. The term "fund" shall mean the New York state campaign finance
16 fund.

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

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

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

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

45 (b) The following contributions are not matchable:

- 46 (i) loans;
- 47 (ii) in-kind contributions of property, goods, or services;
- 48 (iii) contributions in the form of the purchase price paid for an item
49 with significant intrinsic and enduring value;
- 50 (iv) transfers from a party or constituted committee;
- 51 (v) anonymous contributions or contributions whose source is not item-
52 ized as required by section 14-201 of this title;
- 53 (vi) contributions gathered during a previous election cycle;
- 54 (vii) illegal contributions;
- 55 (viii) contributions from minors;
- 56 (ix) contributions from vendors for campaigns; and

domestic partners

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

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

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

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

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

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

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

23 § 14-201. Reporting requirements. 1. Political committee registra-
24 tion. Political committees as defined pursuant to subdivision one of
25 section 14-100 of this article shall register with the board before
26 making any contribution or expenditure. The board shall publish a cumu-
27 lative list of political committees that have registered, including on
28 its webpage, and regularly update it.

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

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

49 (b) Board review. The board shall review each disclosure report filed
50 and shall inform authorized and political committees of relevant ques-
51 tions it has concerning: (i) compliance with requirements of this title
52 and of the rules issued by the board; and (ii) qualification for receiv-
53 ing public matching funds pursuant to this title. In the course of this
54 review, it shall give authorized and political committees an opportunity
55 to respond to and correct potential violations and give candidates an
56 opportunity to address questions it has concerning their matchable

by the
applicable
deadline
period

1 contribution claims or other issues concerning eligibility for receiving
2 public matching funds pursuant to this title. Nothing in this paragraph
3 shall preclude the chief enforcement counsel from subsequently reviewing
4 such disclosure reports and taking any action otherwise authorized under
5 this title.

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

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

11 § 14-202. Contributions. Recipients of funds pursuant to this title
12 shall be subject to the applicable contribution limits set forth in
13 section 14-114 of this article.

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

23 § 14-204. Eligibility. 1. Terms and conditions. To be eligible for
24 voluntary public financing under this title, a candidate must:

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

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

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

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

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

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

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

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

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

1 board pursuant to paragraph e of subdivision one of section 14-114 of
 2 this article to the closest one hundred dollars. Not later than the
 3 first day of March in each such year, the board shall issue a regulation
 4 publishing the amount of each such threshold for eligibility. Each
 5 threshold for eligibility as so adjusted shall be the threshold for
 6 eligibility in effect for any election held before the next such adjust-
 7 ment. ~~The one hundred seventy-five dollar maximum amount for the match-~~ ← Insert 1
 8 ~~able contributions that funds raised must be comprised of to meet the~~
 9 ~~thresholds for eligibility for candidates fixed in this section shall be~~
 10 ~~adjusted by the amount of percentage difference to the closest one~~
 11 ~~dollar by the board which, not later than the first day of March in each~~
 12 ~~such year, shall issue a regulation publishing such maximum amounts. The~~
 13 ~~one hundred seventy-five dollar maximum amounts as so adjusted shall be~~
 14 ~~in effect for the next election cycle after the year the board publishes~~ ← Insert 1
 15 ~~the contribution limit adjustment and until the next adjustment pursuant~~
 16 ~~to this paragraph.~~

17 § 14-205. Limits on public financing. The following limitations apply
 18 to the total amounts of public funds that may be provided to a partic-
 19 ipating candidate's authorized committee for an election cycle:

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

- 22 (i) for governor, the sum of eight million dollars;
- 23 (ii) for lieutenant governor, comptroller or attorney general, the sum
 24 of four million dollars;
- 25 (iii) for senator, the sum of three hundred seventy-five thousand
 26 dollars;
- 27 (iv) for member of the assembly, the sum of one hundred seventy-five
 28 thousand dollars.

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

32 Candidates for election to the office of:

33 <u>Governor and lieutenant governor (combined)</u>	<u>\$10,000,000</u>
34 <u>Attorney general</u>	<u>\$4,000,000</u>
35 <u>Comptroller</u>	<u>\$4,000,000</u>
36 <u>Member of senate</u>	<u>\$375,000</u>
37 <u>Member of assembly</u>	<u>\$175,000</u>

38 3. No participating candidate for nomination for an office who is not
 39 opposed by a candidate on the ballot in a primary election shall be
 40 entitled to payment of public matching funds, except that, where there
 41 is a contest in such primary election for the nomination of at least one
 42 of the two political parties with the highest and second highest number
 43 of enrolled members for such office, a participating candidate who is
 44 unopposed in the primary election may receive public funds before the
 45 primary election, for expenses incurred on or before the date of such
 46 primary election, in an amount equal to up to half the sum set forth in
 47 paragraph one of this section.

48 4. Nothing in this section shall be construed to limit the amount of
 49 private funds a participating candidate may receive subject to the
 50 contribution limits for participating candidates contained in section
 51 14-114 of this article.

52 5. The board shall adjust the amount of each public funds receipt
 53 limit fixed in this section by the amount of the percentage difference
 54 in the consumer price index calculated and published by the board pursu-
 55 ant to paragraph e of subdivision one of section 14-114 of this article
 56 to the closest one hundred dollars. Not later than the first day of

1 March in each such year, the board shall issue a regulation publishing
 2 the amount of such limit. Each public fund receipt limit as so adjusted
 3 shall be the public funds receipt limit in effect for any election held
 4 before the next such adjustment. ← Insert 1

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

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

24 The board shall adjust the maximum dollar amount for matchable
 25 contributions fixed in this subdivision by the amount of the percentage
 26 difference in the consumer price index calculated by the board pursuant
 27 to paragraph e of subdivision one of section 14-114 of this article to
 28 the closest one dollar. Not later than the first day of March in each
 29 year the board makes the contribution limit adjustment pursuant to para-
 30 graph e of subdivision one of section 14-114 of this article, the board
 31 shall issue a regulation publishing the amount of each such maximum
 32 dollar amount. The maximum dollar amount as so adjusted shall be the
 33 maximum dollar amount in effect for the next election cycle after the
 34 year the board publishes such contribution limit adjustment. ← Insert 1

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

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

51 5. Irregularly scheduled elections. Notwithstanding any other
 52 provision of this title, the board shall promulgate rules to provide for
 53 the prompt issuance of public matching funds to eligible participating
 54 candidates for qualified campaign expenditures in the case of any other
 55 covered election held on a day different from the day originally sched-
 56 uled including special elections. But in all cases, the board shall (a)

1 within four days, excluding weekends and holidays, of receiving a report
2 of contributions from a candidate for a covered office claiming eligi-
3 bility for public matching funds verify that candidate's eligibility for
4 public matching funds; and (b) within two days of determining that the
5 candidate for a covered office is eligible for public matching funds, it
6 shall authorize payment of the applicable matching funds owed to the
7 candidate.

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

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

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

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

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

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

24 (e) an expenditure made by cash payment;

25 (f) a contribution or loan or transfer made to or expenditure to
26 support another candidate or political committee or party/ committee or
27 constituted committee;

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

30 (h) gifts, except brochures, buttons, signs and other printed campaign
31 material;

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

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

35 (k) any expenditure made to challenge the validity of any petition of
36 designation or nomination or any certificate of nomination, acceptance,
37 authorization, declination or substitution.

38 § 14-208. Powers and duties of the board. 1. Advisory opinions. The
39 board shall render advisory opinions with respect to questions arising
40 under this title upon the written request of a candidate, an officer of
41 a political committee or member of the public, or upon its own initi-
42 ative. The board shall promulgate rules regarding reasonable times to
43 respond to such requests. The board shall make public the questions of
44 interpretation for which advisory opinions will be considered by the
45 board and its advisory opinions, including by publication on its webpage
46 with identifying information redacted as the board determines to be
47 appropriate.

48 2. Public information and candidate education. The board shall develop
49 a program for informing candidates and the public as to the purpose and
50 effect of the provisions of this title, including by means of a webpage.
51 The board shall prepare in plain language and make available educational
52 materials, including compliance manuals and summaries and explanations
53 of the purposes and provisions of this title. The board shall prepare or
54 have prepared and make available materials, including, to the extent
55 feasible, computer software, to facilitate the task of compliance with
56 the disclosure and record-keeping requirements of this title.

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

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

11 5. The board shall work with the chief enforcement counsel to enforce
12 this section.

13 § 14-209. Audits and repayments. 1. Audits. (a) The board shall audit
14 and examine all matters relating to the proper administration of this
15 title and shall complete such audit no later than one year after the
16 election in question. This deadline shall not apply in cases involving
17 potential campaign-related fraud, knowing and willful violations of
18 article fourteen of this chapter, or criminal activity.

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

21 (c) Except as provided in paragraph (b) of this subdivision, the board
22 shall select not more than fifty percent of all participating candidates
23 in covered elections for audit through a lottery. A separate lottery
24 shall be conducted for each office. The board shall select senate and
25 assembly districts to be audited, auditing every participating candidate
26 in each selected district, while ensuring that the number of audited
27 candidates within those districts does not exceed fifty percent of all
28 participating candidates for the relevant office. The lottery for senate
29 and assembly elections shall be weighted to increase the likelihood that
30 a district for the relevant office is audited based on how frequently it
31 has not been selected for auditing during the past three election
32 cycles. The board shall promulgate rules concerning the method of
33 weighting the senate and assembly lotteries, including provisions for
34 the first three election cycles for each office.

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

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

42 2. Repayments. (a) If the board determines that any portion of the
43 payment made to a candidate's authorized committee from the fund was in
44 excess of the aggregate amount of payments that such candidate was
45 eligible to receive pursuant to this title, it shall notify such commit-
46 tee and such committee shall pay to the board an amount equal to the
47 amount of excess payments. Provided, however, that if the erroneous
48 payment was the result of an error by the board, then the erroneous
49 payment will be deducted from any future payment, if any, and if no
50 payment is to be made then neither the candidate nor the committee shall
51 be liable to repay the excess amount to the board. The candidate, the
52 treasurer and the candidate's authorized committee are jointly and
53 severally liable for any repayments to the board.

54 (b) If the board determines that any portion of the payment made to a
55 candidate's authorized committee from the fund was used for purposes
56 other than qualified campaign expenditures and such expenditures were

← future

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

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

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

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

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

26 (h) New York state campaign finance fund check-off. (1) For each taxa-
 27 ble year beginning on and after January first, two thousand nineteen,
 28 every resident taxpayer whose New York state income tax liability for
 29 the taxable year for which the return is filed is forty dollars or more
 30 may designate on such return that forty dollars be paid into the New
 31 York state campaign finance fund established by section ninety-two-t of
 32 the state finance law. Where a husband and wife file a joint return and
 33 have a New York state income tax liability for the taxable year for
 34 which the return is filed is eighty dollars or more, or file separate
 35 returns on a single form, each such taxpayer may make separate desiq-
 36 inations on such return of forty dollars to be paid into the New York
 37 state campaign finance fund.

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

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

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

52 § 1213 Severability. If any clause, sentence, subdivision, paragraph,
 53 section or part of title II of article 14 of the election law, as added
 54 by section three of this act be adjudged by any court of competent
 55 jurisdiction to be invalid, such judgment shall not affect, impair or
 56 invalidate the remainder thereof, but shall be confined in its operation

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1 to the clause, sentence, subdivision, paragraph, section or part thereof
 2 directly involved in the controversy in which such judgment shall have
 3 been rendered.

4 § 13.14 This act shall take effect immediately; provided, however, all
 5 affected candidates will be eligible to participate in voluntary public
 6 financing beginning with the 2020 primary election. X

7

PART C

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

10 § 2. Declaration of Legislative Intent. The right to vote is a funda-
 11 mental right, the well-spring of all others, secured by the federal and
 12 state constitutions. On-line forms of communication and conducting tran-
 13 sactions did not exist at the time New York's paper-based voter regis-
 14 tration system was enacted. In the last twenty years, many paper-based
 15 processes have migrated to on-line processes, including filing tax
 16 returns, applying for social security benefits, routine banking trans-
 17 actions, official communications and purchase transactions of all types.
 18 This on-line migration has improved cost efficiency, increased accessi-
 19 bility and provided greater convenience to the public in many contexts.
 20 The predominantly paper-based voter registration application process in
 21 New York is antiquated and must be supplemented with on-line voter
 22 registration. To remove unnecessary burdens to the fundamental right of
 23 the people to vote, the State Board of Elections shall establish the
 24 Voter Enfranchisement Modernization Program for the purpose of increas-
 25 ing opportunities for voter registration by any person who is qualified
 26 to be a voter under Article II of the New York State Constitution. This
 27 effort modernizes voter registration and supplements the methods of
 28 voter registration provided under current law.

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

TITLE VIII

ELECTRONIC PERSONAL VOTER REGISTRATION PROCESS

33 Section 5-800. Electronic voter registration transmittal system.

34 5-802. Online voter registration application.

35 5-804. Failure to provide exemplar signature not to prevent
 36 registration.

37 § 5-800. Electronic voter registration transmittal system. In addition
 38 to any other means of voter registration provided for by this chapter,
 39 the state board of elections shall establish and maintain an electronic
 40 voter registration transmittal system through which applicants may apply
 41 to register to vote online. The state board of elections shall elec-
 42 tronically transmit such applications to the applicable board of
 43 elections of each county or the city of New York for filing, processing
 44 and verification consistent with this chapter. In accordance with tech-
 45 anical specifications provided by the state board of elections, each
 46 board of elections shall maintain a voter registration system capable of
 47 receiving and processing voter registration application information,
 48 including electronic signatures, from the electronic voter registration
 49 transmittal system established by the state board of elections. Notwith-
 50 standing any other inconsistent provision of this chapter, applications
 51 filed using such system shall be considered filed with the applicable
 52 board of elections on the calendar date the application is initially
 53 transmitted by the voter through the electronic voter registration tran-
 54 smittal system.

1 voter registration [forms] applications pursuant to the provisions of
 2 this section. The following offices which provide public assistance
 3 and/or provide state funded programs primarily engaged in providing
 4 services to persons with disabilities are hereby designated as voter
 5 registration agencies: designated as the state agencies which provide
 6 public assistance are the office of children and family services, the
 7 office of temporary and disability assistance and the department of
 8 health. Also designated as public assistance agencies are all agencies
 9 of local government that provide such assistance. Designated as state
 10 agencies that provide programs primarily engaged in providing services
 11 to people with disabilities are the department of labor, office for the
 12 aging, division of veterans' affairs, office of mental health, office of
 13 vocational and educational services for individuals with disabilities,
 14 commission on quality of care for the mentally disabled, office of
 15 mental retardation and developmental disabilities, commission for the
 16 blind, office of alcoholism and substance abuse services, the office of
 17 the advocate for the disabled] and all offices which administer programs
 18 established or funded by such agencies. Additional state agencies desig-
 19 nated as voter registration offices are the department of state and the
 20 division of workers' compensation. Such agencies shall be required to
 21 offer [voter registration forms] integrated personal voter registration
 22 applications to persons upon initial application for services, renewal
 23 or recertification for services and change of address relating to such
 24 services whether electronically or on paper. Such agencies shall also
 25 be responsible for providing assistance to applicants in completing
 26 voter registration forms, receiving and transmitting the completed
 27 application form from all applicants who wish to have such form trans-
 28 mitted to the appropriate board of elections. The agency shall transmit
 29 to the state board of elections that portion of each integrated personal
 30 voter registration application received by the agency, whether received
 31 electronically or on paper, that includes voter registration informa-
 32 tion. Such transmittal by the agency shall occur through an interface
 33 with the electronic voter registration transmittal system established
 34 and maintained by the state board of elections. The state board of
 35 elections shall electronically forward such application to the applica-
 36 ble board of elections of each county or the city of New York for
 37 filing, processing and verification consistent with this chapter. The
 38 state board of elections shall, together with representatives of the
 39 department of defense, develop and implement procedures for including
 40 recruitment offices of the armed forces of the United States as voter
 41 registration offices when such offices are so designated by federal law.
 42 The state board shall also make request of the United States Immigration
 43 and Naturalization Service to include applications for registration by
 44 mail with any materials which are given to new citizens. All insti-
 45 tutions of the state university of New York and the city university of
 46 New York, shall, at the beginning of the school year, and again in Janu-
 47 ary of a year in which the president of the United States is to be
 48 elected, provide an application for registration to each student in each
 49 such institution. The state board of elections may, by regulation, grant
 50 a waiver from any or all of the requirements of this section to any
 51 office or program of an agency, if it determines that it is not feasible
 52 for such office or program to administer such requirement.

53 1. The state board of elections shall adopt such rules and regulations
 54 as may be necessary to carry out the requirements of this section and
 55 shall prepare and distribute to participating agencies written
 56 instructions as to the implementation of the program and shall be

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such integrated Personal Vote Registration application shall serve as an application for pre-registration as applicable

1 responsible for establishing training programs for employees of partic-
 2 ipating agencies involved in such program. The state board of elections
 3 shall provide a toll free telephone to answer registration questions.

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

9 3. If a participating agency provides services to a person with a
 10 disability at the person's place of residence, the agency shall offer
 11 the opportunity to complete a voter registration form at such place of
 12 residence.

13 4. Each participating agency shall provide to each applicant who does
 14 not decline to register to vote the same degree of assistance with
 15 regard to the completion of the registration application form as is
 16 provided by the agency with regard to the completion of its own form
 17 unless the applicant refuses such assistance.

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

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

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

23 (c) make any statement to an applicant or take any action the purpose
 24 or effect of which is to discourage the applicant from registering to
 25 vote; or

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

30 6. The state board of elections shall coordinate and monitor the
 31 distribution of voter registration forms by those state agencies,
 32 departments, divisions and offices selected to participate in the
 33 program to maximize the efficient and non partisan distribution of voter
 34 registration information and forms. The board shall also adopt such
 35 rules and regulations as may be necessary to require county boards and
 36 participating agencies to provide the state board with such information
 37 and data as the board deems necessary to assess compliance with this
 38 section and to compile such statistics as may be required by the [Federal
 39 elections commission].

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

45 8. Each participating agency, department, division or office that
 46 makes available integrated personal voter registration [forms] applica-
 47 tions pursuant to this section shall offer with each application for the
 48 services or assistance of such agency, department, division or office
 49 and with each recertification, renewal or change of address form relat-
 50 ing to such service or assistance, [a registration form together] wheth-
 51 er electronically or on paper, an application with instructions relating
 52 to eligibility to register and for completing the form [except that
 53 forms used by the department of social services for the initial applica-
 54 tion for services, renewal or recertification for services and change of
 55 address relating to such services shall physically incorporate a voter
 56 registration application in a fashion that permits the voter registra-

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Electron
Assistance
Commission

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

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5 [(f) the statement,] (i) state "If you believe that someone has inter-
 6 ferred with your right to register or decline to register to vote, your
 7 right to privacy in deciding whether to register or in applying to
 8 register to vote, or your right to choose your own political party or
 9 other political preference, you may file a complaint with the state
 10 board of elections (address and toll free telephone number)."; and

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

and

13 9. An integrated personal voter registration application submitted to
 14 an agency in paper format shall be transmitted to the state board of
 15 elections through an electronic voter registration transmittal system by
 16 converting the paper form to an image file or a portable document format
 17 file which shall thereafter be deemed the original form for voter regis-
 18 tration and enrollment purposes. The agency shall retain the complete
 19 original paper application for no less than two years. The transmittal
 20 of the converted paper application shall include all of the voter regis-
 21 tration data elements, including signature, and record of attestation of
 22 the accuracy of the voter registration information, and may include or
 23 be accompanied by data elements and transmittal information as required
 24 by the rules and regulations of the state board of elections. A digital
 25 image of a signature shall satisfy the signature requirement for
 26 purposes of this subdivision.

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27 10. An integrated personal voter registration application submitted to
 28 an agency in an electronic format shall be transmitted to the state
 29 board of elections through the electronic voter registration transmittal
 30 system and shall include all of the voter registration data elements,
 31 including signature, and record of attestation of the accuracy of the
 32 voter registration information and any relevant document images. A
 33 signature may be electronic for purposes of this subdivision.

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

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

43 [10.] 13. The form containing the declination to register to vote
 44 shall be retained by the recipient agency for the same period of time as
 45 such agency retains the accompanying application for services or for
 46 such shorter period of time as may be approved by the state board of
 47 elections.

48 [11.] 14. The participating agency shall transmit the completed inte-
 49 grated personal voter registration applications [for registration] and
 50 change of address forms to the [appropriate] state board of elections
 51 not later than ten days after receipt except that all such completed
 52 applications and forms received by the agency between the thirtieth and
 53 twenty-fifth day before an election shall be transmitted in such manner
 54 and at such time as to assure their receipt by [such] the appropriate
 55 board of elections not later than the twentieth day before such
 56 election.

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

Paragraph 202
 Subparagraph 202

35 § 2. Paragraph (b) of subdivision 1, ~~paragraph (c)~~ of subdivision 2
 36 and subdivision 3 of section 172-f of the executive law, as added by
 37 section 1 of part G of chapter 286 of the laws of 2016, are amended to
 38 read as follows:

39 (b) "Covered communication" means a communication, that does not
 40 require a report pursuant to article one-A of the legislative law or
 41 article fourteen of the election law, by a covered entity, that is
 42 conveyed to five hundred or more members of a general public audience in
 43 the form of: (i) an audio or video communication via broadcast, cable or
 44 satellite; (ii) a written communication via advertisements, pamphlets,
 45 circulars, flyers, brochures, letterheads; or (iii) other published
 46 statement which[:] refers to and advocates for or against; a clearly
 47 identified elected official [or the position of any elected official or
 48 administrative or legislative body relating to], a declared candidate
 49 for elected office, the outcome of any vote [or substance of any legis-
 50 lation, potential legislation, pending legislation] or decision by any
 51 legislative, executive or administrative body, or the drafting, passage
 52 or defeat of any legislation, rule, regulation, or hearing[, or decision
 53 by any legislative, executive or administrative body].

54 Covered communication shall not include: (i) communications with a
 55 professional journalist or newscaster, including an editorial board or
 56 editorial writer of a newspaper, magazine, news agency, press associ-

1 ation or wire service, relating to news, as these terms are defined in
 2 section seventy-nine-h of the civil rights law, and communications
 3 relating to confidential and non-confidential news as described in
 4 subdivisions (b) and (c) of section seventy-nine-h of the civil rights
 5 law respectively and communications made pursuant to community outreach
 6 efforts for broadcast stations required by federal law; or

7 (ii) a communication that is: (A) directed, sent or distributed by the
 8 covered entity only to individuals who affirmatively consent to be
 9 members of the covered entity, contribute funds to the covered entity,
 10 or, pursuant to the covered entity's articles or bylaws, have the right
 11 to vote directly or indirectly for the election of directors or offi-
 12 cers, or on changes to bylaws, disposition of all or substantially all
 13 of the covered entity's assets or the merger or dissolution of the
 14 covered entity; or (B) for the purpose of promoting or staging any
 15 candidate debate, town hall or similar forum to which at least two
 16 candidates seeking the same office, or two proponents of differing posi-
 17 tions on a referendum or question submitted to voters, are invited as
 18 participants, and which does not promote or advance one candidate or
 19 position over another.

20 (c) [If a] A covered entity [keeps] that maintains one or more segre-
 21 gated bank accounts containing funds used solely for covered communi-
 22 cations and makes all of its expenditures for covered communications
 23 from such accounts, then with respect to monetary donations included in
 24 subparagraph (iv) of paragraph (a) of this subdivision, the financial
 25 report need only include monetary donations deposited into such
 26 accounts.

27 3. The [department of law] joint commission on public ethics shall
 28 make the financial disclosure reports available to the public on the
 29 [department of law] joint commission on public ethics website within
 30 thirty days of the close of each reporting period, provided however that
 31 [the attorney general] up to one hundred eighty days before the start of
 32 a reporting period, or at any time if good cause is shown, a covered
 33 entity may make an application for an exemption from the public disclo-
 34 sure requirements outlined in subdivision two of this section. Exemption
 35 determinations shall be made by the executive director of the joint
 36 commission on public ethics, or his or her designee, who may determine
 37 that disclosure of donations shall not be made public if, based upon a
 38 review of the relevant facts presented by the covered entity, such
 39 disclosure may cause harm, threats, harassment, or reprisals to the
 40 source of the donation or to individuals or property affiliated with the
 41 source of the donation. With respect to future donations and donors,
 42 the executive director of the joint commission on public ethics, or his
 43 or her designee, shall determine that disclosure of donations to the
 44 covered entity shall not be made public if, based upon a review of the
 45 relevant facts presented by the covered entity, such disclosure is like-
 46 ly to cause future harm, threats, harassment, or reprisals to future
 47 donors, or is likely to dissuade future donors from donating to the
 48 covered entity. The determination of the executive director of the joint
 49 commission on public ethics that certain disclosures shall not be made
 50 public shall remain in effect for two consecutive reporting periods and
 51 may be extended by the executive director of the joint commission on
 52 public ethics, or his or her designee, based upon good cause shown. The
 53 covered entity may appeal the [attorney general's] determination of the
 54 executive director of the joint commission on public ethics and such
 55 appeal shall be heard by a judicial hearing officer who is independent
 56 and not affiliated with or employed by the [department of law] joint

(b) The covered entity shall file a financial disclosure report with the
 Department of Law Joint Commission on Public Ethics within thirty days of
 the close of a reporting period.

1 forth in subdivision (b) of this section. Upon the failure of such
2 lobbyist, public corporation or client to file within such fifteen day
3 period, such lobbyist, public corporation or client shall be subject to
4 a fine or penalty pursuant to subdivision (b) of this section.

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

8 § 3. This act shall take effect immediately.

9

PART X

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

12 § 5-212. Motor vehicle registration. 1. In addition to any other meth-
13 od of voter registration provided for in this article, any qualified
14 person shall be automatically applied for registration and enrollment
15 simultaneously with and upon application for a motor vehicle driver's
16 license, a driver's license renewal, a change of address, or an iden-
17 tification card if such a card is issued by the department of motor
18 vehicles in its normal course of business unless such qualified person
19 declines such application for registration and enrollment at the time of
20 making an application for such a motor vehicle driver's license, driv-
21 er's license renewal, a change of address, or an identification card if
22 such card is issued by the department of motor vehicles in its normal
23 course of business.

for Pre-
Registration
and enrollment
as applicable

24 2. The department of motor vehicles, with the approval of the state
25 board of elections, shall design a form or forms that shall, in addition
26 to eliciting such information as may be required by the department of
27 motor vehicles for a driver's license, a driver's license renewal, a
28 change of address or an identification card, serve as an application for
29 registration and enrollment, or a registration necessitated by a change
30 of residence. Only one signature shall be required to meet the certif-
31 ication and attestation needs of the portion of the form pertaining to
32 the application for a driver's license, a driver's license renewal, a
33 change of address notification or an identification card, and the
34 portion of the form pertaining to voter registration and enrollment. The
35 cost of such forms shall be borne by the department of motor vehicles.

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

37 (a) not require any information that duplicates the information
38 required on the application for the driver's license, change of address,
39 or identification card portion and shall require only such additional
40 information as will enable election officials to assess the applicant's
41 eligibility to register to vote, to prevent duplicate registration, and
42 to administer voter registration and other parts of the election proc-
43 ess;

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

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

50 (i) voter eligibility requirements;

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

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

1 (iv) ^{that} if the applicant declines to register, such applicant's declina-
2 tion shall remain confidential and shall be used only for voter regis-
3 tration purposes;

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

8 (d) include a box for the applicant to check to indicate whether the
9 applicant would like to decline to register to vote along with the
10 statement in prominent type, "IF YOU DO NOT CHECK THIS BOX, YOU PROVIDE
11 YOUR SIGNATURE ON THE SPACE PROVIDED BELOW, ~~AND YOU ARE AT LEAST 18~~ ^{AND}
12 ~~YEARS OF AGE OR OLDER, YOU WILL HAVE ATTESTED TO YOUR ELIGIBILITY TO~~
13 REGISTER TO VOTE AND YOU WILL HAVE APPLIED TO REGISTER 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 (f) include the statement, "If you would like help in filling out the
18 voter registration application form, we will help you. The decision
19 whether to seek or accept help is yours. You may fill out the applica-
20 tion form in private.";

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

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

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

31 4. The department of motor vehicles shall transmit that portion of the
32 form which constitutes the completed application for registration or
33 change of address form to the appropriate board of elections not later
34 than ten days after receipt except that all such completed applications
35 and forms received by such department between the thirtieth and twenty-
36 fifth day before an election shall be transmitted in such manner and at
37 such time as to assure their receipt by such board of elections not
38 later than the twentieth day before such election. All transmittals
39 shall include signatures. A digital image of a signature shall satisfy
40 this requirement.

41 5. Completed application forms received by the department of motor
42 vehicles not later than the twenty-fifth day before the next ensuing
43 primary, general, or special election and transmitted by such department
44 to the appropriate board of elections so that they are received not
45 later than the twentieth day before such election shall entitle the
46 applicant to vote in such election provided the board determines that
47 the applicant is otherwise qualified.

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

54 7. Application forms shall be processed by the board of elections in
55 the manner prescribed by section 5-210 of this title or, if the appli-
56 cant is already registered to vote from another address in such county X

1 ~~or city~~, in the manner prescribed by section 5-208 of this title. The
 2 board shall send the appropriate notice of approval or rejection as
 3 required by either subdivision nine of ~~such~~ section 5-210 or subdivision
 4 five of ~~such~~ section 5-208. ~~as appropriate~~
 5 8. Strict neutrality with respect to a person's party enrollment shall
 6 be maintained and all persons seeking voter registration forms and
 7 information shall be advised that government services are not condi-
 8 tioned on being registered to vote.
 9 9. No statement shall be made nor any action taken to discourage the
 10 applicant from registering to vote.
 11 10. The department of motor vehicles shall provide to each person who
 12 chooses to register to vote the same level of assistance provided to
 13 persons in connection with the completion of the agency's requisite
 14 information, unless such person refuses such assistance.
 15 11. The state board of elections shall adopt such rules and regu-
 16 lations as may be necessary to carry out the requirements of this
 17 section. The state board of elections shall also adopt such rules and
 18 regulations as may be necessary to require boards of elections and the
 19 department of motor vehicles to provide the state board of elections
 20 with such information and data as the state board of elections deems
 21 necessary to assess compliance with this section and to compile such
 22 statistics as may be required by the United ~~States~~ Election Assistance
 23 Commission. ~~States~~
 24 12. The state board of elections shall develop and distribute public ~~States~~
 25 information and promotional materials relating to the purposes and
 26 implementation of this program.
 27 13. The state board of elections shall prepare and distribute to the
 28 department of motor vehicles written instructions as to the implementa-
 29 tion of the program and shall be responsible for establishing training
 30 programs for employees of the department of motor vehicles involved in
 31 such program.
 32 14. The commissioner of motor vehicles shall take all actions that are
 33 necessary and proper for the implementation of this section. The commis-
 34 sioner of motor vehicles shall designate one person within the agency as
 35 the agency voter registration coordinator who will, under the direction
 36 of the state board of elections, be responsible for the voter registra-
 37 tion program in such agency.
 38 15. Notwithstanding subdivision six of section 5-210 of this title and
 39 any other law to the contrary, a person who is ineligible to vote who
 40 fails to decline to register to vote in accordance with the provisions
 41 of this section and did not willfully or knowingly seek to register to
 42 vote knowing that he or she is not eligible to do so; (a) shall not be
 43 guilty of any crime as the result of the applicant's failure to make
 44 such declination; (b) shall be deemed to have been registered with offi-
 45 cial authorization; and (c) such act may not be considered as evidence
 46 of a claim to citizenship.
 47 16. Notwithstanding subdivision six of section 5-210 of this title and
 48 any other law to the contrary, a person who is ineligible to vote who
 49 fails to decline to register to vote in accordance with the provisions
 50 of this section, who then either votes or attempts to vote in an
 51 election held after the effective date of that person's registration,
 52 and who did not willfully or knowingly seek to register to vote knowing
 53 that he or she is not eligible to do so, and did not subsequently vote
 54 or attempt to vote knowing that he or she is not eligible to do so, (a)
 55 shall not be guilty of any crime as the result of the applicant's fail-
 56 ure to make such declination and subsequent vote or attempt to vote; (b)

X
X
X

States