

STATE OF NEW YORK

7149

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to political contributions

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

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

2 § 14-116. Political contributions by certain organizations. 1. No
3 corporation [or], limited liability company, joint-stock association or
4 other corporate entity doing business in this state, except a corporation or association organized or maintained for political purposes
5 only, shall directly or indirectly pay or use or offer, consent or agree
6 to pay or use any money or property for or in aid of any political
7 party, committee or organization, or for, or in aid of, any corporation,
8 limited liability company, joint-stock [or], other association, or other
9 corporate entity organized or maintained for political purposes, or for,
10 or in aid of, any candidate for political office or for nomination for
11 such office, or for any political purpose whatever, or for the
12 reimbursement or indemnification of any person for moneys or property so
13 used. Any officer, director, stock-holder, member, owner, attorney or
14 agent of any corporation [or], limited liability company, joint-stock
15 association or other corporate entity which violates any of the
16 provisions of this section, who participates in, aids, abets or advises
17 or consents to any such violations, and any person who solicits or knowingly receives any money or property in violation of this section, shall
18 be guilty of a misdemeanor.

19 2. Notwithstanding the provisions of subdivision one of this section,
20 any corporation or an organization financially supported in whole or in
21 part, by such corporation, any limited liability company or other corporate entity may make expenditures, including contributions, not otherwise prohibited by law, for political purposes, in an amount not to
22 exceed five thousand dollars in the aggregate in any calendar year;

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

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1 provided that no public utility shall use revenues received from the
2 rendition of public service within the state for contributions for poli-
3 tical purposes unless such cost is charged to the shareholders of such a
4 public service corporation.

5 3. Each limited liability company that makes an expenditure for poli-
6 tical purposes shall file with the state board of elections, by December
7 thirty-first of the year in which the expenditure is made, on the form
8 prescribed by the state board of elections, the identity of all direct
9 and indirect owners of the membership interests in the limited liability
10 company and the proportion of each direct or indirect member's ownership
11 interest in the limited liability company.

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

14 3. (a) Notwithstanding any law to the contrary, all contributions made
15 to a campaign or political committee by a limited liability company
16 shall be attributed to each member of the limited liability company in
17 proportion to the member's ownership interest in the limited liability
18 company.

19 (b) If, by application of paragraph (a) of this subdivision, a
20 campaign contribution is attributed to a limited liability company, the
21 contributions shall be further attributed to each member of the limited
22 liability company in proportion to the member's ownership interest in
23 the limited liability company.

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

27 § 3. This act shall take effect on the seventh day after it shall have
28 become a law.