

**STATE OF NEW YORK  
2014  
ELECTION LAW SUPPLEMENT**



**(AMENDED THROUGH LAWS 2014, CHAPTER 1 TO 20, 50 TO 60)  
SELECTED PROVISIONS OF STATE CONSTITUTION  
SELECTED PROVISIONS OF RULES AND REGULATIONS**

*Provided courtesy of the New York State Board of Elections*

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# 2014 ELECTION LAW SUPPLEMENT

Laws 1976, Chapter 233, § 1

Effective December 1, 1977

AN ACT in relation to the election law, recodifying the provisions thereof, by repealing chapter seventeen of the consolidated laws and reenacting a new chapter seventeen thereof and repealing subdivision six of section forty-two of the public officers law and amending such law in relation to filling vacancies.

Became a law June 1, 1976, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

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

## CHAPTER SEVENTEEN OF THE CONSOLIDATED LAWS

*[Italicized text is material that was added  
or amended by the Laws of 2014]*

Article	Section
2. Party Organization .....	2-120
3. Election Officials .....	3-100
6. Designation and Nomination of Candidates .....	6-104
12. Presidential Electors and Federal Elected Officers .....	12-400
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### ARTICLE 2—PARTY ORGANIZATION

#### Section

2-120. Party positions; to be filled at primary election, time for filing statement as to.

#### § 2-120. Party positions; to be filled at primary election, time for filing statement as to

1. *[Eff. until Sept. 10, 2014, pursuant to L.2014, c. 20, § 4. See, also, subd. 1, below.]* The chairman of the county committee of each party or such person as may be designated by

the rules of the county committee shall file with the board of elections not later than two weeks before the first day on which designating petitions for a primary election may be signed, a statement of the party positions to be filled by such party at such primary election, and the number of persons to be elected to each position; provided, however, that failure to file such statement shall not be construed as a prerequisite to filing designating petitions for such position; *provided further, however, that in the year two thousand fourteen, such statement shall be filed no later than May twentieth, two thousand fourteen.*

1. *[Eff. Sept. 10, 2014, pursuant to L.2014, c. 20, § 4. See, also, subd. 1, above.]* The chairman of the county committee of each party or such person as may be designated by the rules of the county committee shall file with the board of elections not later than two weeks before the first day on which designating petitions for a primary election may be signed, a statement of the party positions to be filled by such party at such primary election, and the number of persons to be elected to each position; provided, however, that failure to file such statement shall not be construed as a prerequisite to filing designating petitions for such position.

2. If the party positions to be filled are elected from a district which includes parts of two or more counties, the chairman of the state committee of each party or such person as may be designated by the rules of the state committee shall file such statement with the state board of elections and the board of elections for each county within such district.

3. In each county within the city of New York, and in each county outside of such city where the rules of the county committee of a party provide for the election of assembly district leaders, or one assembly district leader and one associate assembly district leader from parts of an assembly district, the statement filed by such committee shall also set forth the election districts contained within each such part of such assembly district.

(L.1976, c. 233, § 1. Amended L.1978, c. 9, § 11; L.1984, c. 434, § 1; L.1988, c. 16, § 1; L.1992, c. 79, § 3; L.2014, c. 20, § 1, eff. May 9, 2014.)

ARTICLE 3—ELECTION OFFICIALS

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TITLE I—STATEWIDE PROVISIONS

<b>Section</b>	
3-100.	New York state board of elections; membership; organization.
3-102.	State board of elections; general powers and duties.
3-104.	State board of elections; enforcement powers.
3-104-a.	Compliance unit; compliance procedures.

**§ 3-100. New York state board of elections; membership; organization**

1. There is hereby created within the executive department a New York state board of elections, hereafter referred to as the “state board of elections”, composed of four commissioners appointed by the governor: two commissioners, one each from among not fewer than two persons recommended by the chairman of the state committee of each of the major political parties; and two other commissioners, one upon the joint recommendation of the legislative leaders, of one major political party, in each house of the legislature and one upon the joint recommendation of the legislative leaders, of the other major political party, in each house of the legislature. The commissioners shall be appointed for terms of two years each and in the same manner as their respective predecessors. A commissioner appointed to the board to fill a vacancy caused other than by expiration of a term, shall serve for the balance of the unexpired term. In the event that there is a vacancy in the office of the commissioner appointed on the recommendation of such legislative leaders caused by expiration of term or otherwise, such legislative leaders responsible for making the joint recommendation to fill such vacancy shall jointly recommend an individual to fill such vacancy and the governor shall make the appointment from such joint recommendation within thirty days of receiving such joint recommendation. In the event the governor does not act on such joint recommendation within thirty days or objects to such joint recommendation, then the legislative leaders making

such joint recommendation shall have the option of: (a) appointing the individual so jointly recommended as a commissioner, or (b) jointly recommending another individual for appointment by the governor according to the procedure outlined in this subdivision.

2. The two commissioners of the board appointed upon the recommendation of the legislative leaders shall be co-chairs of the state board of elections.

3. The commissioners of the state board of elections shall have no other public employment. The commissioners shall receive an annual salary of twenty-five thousand dollars, within the amounts made available therefor by appropriation. The board shall, for the purposes of sections seventy-three and seventy-four of the public officers law, be a "state agency", and such commissioners shall be "officers" of the state board of elections for the purposes of such sections. Within the amounts made available by appropriation therefor, the state board of elections shall appoint two co-executive directors, and such other staff members as are necessary in the exercise of its functions, and may fix their compensation. *The* commissioners or, in the case of a vacancy on the board, the commissioner of each of the major political parties shall appoint one co-executive director. Each co-executive director shall serve a term of four years. *Any vacancy in the office of co-executive director* shall be filled by the commissioners or, in the case of a vacancy on the board, the commissioner of the same major political party as the vacating incumbent for the remaining period of the term of such vacating incumbent.

*3-a. There is established within the state board of elections the office of chief enforcement counsel to head the division of election law enforcement. Such counsel shall serve in said office for a fixed term of five years commencing September first, two thousand fourteen, and may only be removed by the governor for substantial neglect of duty, gross misconduct in office, or the inability to discharge the powers or duties of office, upon notice with an opportunity to be heard. The chief enforcement counsel shall have sole authority over personnel decisions within the enforcement division.*

*All hiring decisions made by the chief enforcement counsel shall be made without regard to political affiliation. The chief enforcement counsel shall not hold any other public office, be a party officer during his or her term of office, or otherwise engage in outside employment. He or she shall be chosen by the governor which choice shall be confirmed by each house of the legislature separately by a majority vote of the members elected to each house of the legislature.*

4. For the purposes of meetings, three commissioners shall constitute a quorum. The affirmative vote of three commissioners shall be required for any official action of the state board of elections.

5. The principal office of the state board of elections shall be in the county of Albany.

(L.1976, c. 233, § 1. Amended L.1976, c. 234, § 6; L.1978, c. 9, § 13; L.2005, c. 220, § 2, eff. July 12, 2005; L.2014, c. 55, pt. H, subpt. B, §§ 2, 2-a, eff. June 29, 2014.)

### **§ 3-102. State board of elections; general powers and duties**

In addition to the enforcement powers and any other powers and duties specified by law, the state board of elections shall have the power and duty to:

1. issue instructions and promulgate rules and regulations relating to the administration of the election process, election campaign practices and campaign financing practices consistent with the provisions of law;

2. visit boards of elections, examine their procedures and records and direct that any such procedures be modified in any manner consistent with the provisions of this chapter;

3. conduct any investigation necessary to carry out the provisions of this chapter, *provided, however, that the state board of elections chief enforcement counsel, established pursuant to section 3-100 of this article, shall conduct all investigations necessary to enforce the provisions of this chapter;*

4. conduct private or public hearings;

5. administer oaths or affirmations, subpoena witnesses, compel their attendance, examine them under oath or affirmation and require the production of any books, records, documents or other evidence it may deem relevant or material;

6. confer immunity in accordance with the provisions of section 50.20 of the criminal procedure law, in any investigation relating to any crime or offense with respect to which, by express provisions of statute, a competent authority is authorized to confer immunity; provided, however, that such immunity shall be conferred only after the attorney general and appropriate district attorney are afforded the opportunity to be heard respecting any objections which either may have to the conferring thereof; and provided, further, that if either the attorney general or any such appropriate district attorney shall object to the conferring of immunity, immunity may be conferred only by unanimous vote of all four commissioners of the state board;

7. institute, or direct a board of elections to institute such judicial proceedings as may be necessary to enforce compliance with any provision of article fourteen of this chapter or any regulation promulgated thereunder including, but not limited to, application, on notice served upon the respondent in the manner directed by the court at least six hours prior to the time of return thereon, to a justice of the supreme court within the judicial district in which an alleged violation of any such provision or regulation occurred or is threatened, for an order prohibiting the continued or threatened violation thereof or for such other or further relief as the court may deem just and proper;

8. Prepare uniform forms for the statements required by article fourteen of this chapter and uniform forms for use by local election officials in the conduct of registration and voting; design, prepare and make available to county boards of election and to such other institutions and groups as such board in its discretion shall determine uniform application forms for registration and enrollment, transfer of registration and/or enrollment and special enrollment upon applica-

tion filed by mail pursuant to the provisions of section 5-210 of this chapter;

9. study and examine the administration of elections within the state including campaign financing, campaign financing reporting, and campaign practices;

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 of this chapter;

(b) prescribe the information required in the form for each statement to be filed;

(c) establish *an educational and training program on all reporting requirements including but not limited to* the electronic reporting process and make it *easily and readily* available to any such candidate or committee;

(d) make the electronic reporting process available to any such candidate or committee which is required to file or which agrees to file such statements by such electronic reporting process;

(e) cause all information contained in such a statement filed with the state board of elections which is not on such electronic reporting system to be entered into such system as soon as practicable but in no event later than ten business days after its receipt by the state board of elections; and

(f) make all data from electronic reporting process available at all times on the internet.

10. establish rules allowing the admission of news media representatives to the area of the polling place where the canvass of ballots cast can be directly observed;

11. recommend such legislation or administrative measures as it finds appropriate to promote fair, honest and efficiently administered elections, including, but not limited to, legislation to adjust the contribution limitations set forth in article fourteen of this chapter;

12. monitor the adequacy and effectiveness of the election laws and report thereon at least annually to the governor and the legislature;

13. compile the information required with respect to the operation of the National Voter Registration Act<sup>1</sup> and report such information annually to the governor, the legislature and the Federal Election Commission together with an assessment of the operation of such act and any recommendations for changes and improvements.

14. take all appropriate steps to encourage the broadest possible voter participation in elections including the administration of a program of registration form distribution by participating state agencies as prescribed by section 5-211 of this chapter;

15. receive from the secretary of the senate and the clerk of the assembly a list of the mailing addresses of senators and members of the assembly. When members of the public, government officials, or agencies request the mailing addresses of senators and members of the assembly, the mailing addresses submitted to the board by the secretary of the senate and the clerk of the assembly shall be provided;

16. administer the administrative complaint procedure as provided for in section 3-105 of this article;

16-a. provide the department of corrections and community supervision with a sufficient number of voter registration forms to allow the department of corrections and community supervision to comply with the duty to provide such voter registration forms to persons upon the expiration of their maximum sentence of imprisonment. Such voter registration forms shall be addressed to the state board of elections.

17. perform such other acts as may be necessary to carry out the purposes of this chapter.

(L.1976, c. 233, § 1. Amended L.1978, c. 8, § 2; L.1978, c. 9, § 14; L.1983, c. 169, § 2; L.1985, c. 695, § 1; L.1992, c. 79, § 4; L.1994, c. 659, § 3; L.1997, c. 430, § 25, eff. Aug. 20, 1997; L.2003, c. 249, § 1, eff. July 29, 2003; L.2005, c. 23, § 1, eff. May 3, 2005; L.2005, c. 406, § 1,

eff. Jan. 1, 2006; L.2010, c. 56, pt. OO, § 10, eff. July 22, 2010; L.2011, c. 62, pt. C, subpt. B, § 91, eff. March 31, 2011; L.2014, c. 55, pt. H, subpt. B, § 3, eff. June 29, 2014.)

<sup>1</sup> 42 USCA § 1973gg, nt.

### § 3-104. State board of elections; enforcement powers

1. (a) *There shall be a unit known as the division of election law enforcement established within the state board of elections. The head of such unit shall be the chief enforcement counsel.*

(b) *The state board of elections shall have jurisdiction of, and be responsible for, the execution and enforcement of the provisions of article fourteen of this chapter and other statutes governing campaigns, elections and related procedures; provided however that the chief enforcement counsel shall have sole authority within the state board of elections to investigate on his or her own initiative or upon complaint alleged violations of such statutes and all complaints alleging violations shall be forwarded to the division of election law enforcement.*

2. (a) *Whenever a local board of elections shall determine, on its own initiative or upon complaint, or otherwise, that there is substantial reason to believe a violation of this chapter or any code or regulation promulgated thereunder has been committed by a candidate or political committee or other person or entity that files statements required by article fourteen of this chapter solely with such local board, it shall expeditiously make an investigation which shall also include investigation of reports and statements made or failed to be made by the complainant and any political committee supporting his candidacy if the complainant is a candidate or, if the complaint was made by an officer or member of a political committee, of reports and statements made or failed to be made by such political committee and any candidates supported by it. The local board shall report the results of its investigation to the division of election law enforcement chief enforcement counsel within ninety days of the start of such investigation. The chief enforcement counsel may direct the local board of elections at any time to suspend its investiga-*

tion so that the division of election law enforcement can investigate the matter.

(b) The *chief enforcement counsel* may request, and shall receive, the assistance of the state police in any investigation it shall conduct.

3. Upon receipt of a complaint and supporting information alleging any violation of this chapter, or upon his or her own initiative, the *chief enforcement counsel* shall determine if an investigation should be undertaken. The *chief enforcement counsel* shall, if necessary, obtain additional information from the complainant or from other sources to assist such counsel in making this determination. Such analysis shall include the following: first, whether the allegations, if true, would constitute a violation of this chapter and, second, whether the allegations are supported by credible evidence. The *chief enforcement counsel* may at any time ask that the board authorize him or her to exercise the powers which the board is otherwise authorized to exercise pursuant to subdivisions five and six of section 3-102 of this title. The board shall vote on whether to grant or refuse to grant such authority no later than twenty days after the *chief enforcement counsel* makes such request. For purposes of considering and voting on such request, the *chief enforcement counsel* shall be entitled to participate in all matters related thereto and shall vote on the board's granting or refusal to grant such request only when there is a tie. Should the board not vote on such request within twenty days of its submission, or grant the *chief enforcement counsel's* request, the *chief enforcement counsel* shall be so empowered to act pursuant to subdivisions five and six of section 3-102 of this title.

4. If the *chief enforcement counsel* determines that the allegations, if true, would not constitute a violation of this chapter or that the allegations are not supported by credible evidence, he or she shall issue a letter forthwith to the complainant dismissing the complaint and notice to the board.

5. (a) If, an individual has failed to cure pursuant to section 3-104-a of this title, or the *chief enforcement counsel* determines that substantial reason exists to believe that a person, acting as or on behalf of a candidate or political

*committee under circumstances evincing an intent to violate such law that does not otherwise warrant criminal prosecution, or has unlawfully violated any provision of this chapter, the board shall assign a hearing officer, randomly from a list of prospective hearing officers each of whom shall have been approved by a majority vote of the board. The chief enforcement counsel shall provide a written report to such hearing officer as to: (1) whether substantial reason exists to believe a violation of this chapter has occurred and, if so, the nature of the violation and any applicable penalty, based on the nature of the violation; (2) whether the matter should be resolved extra-judicially; and (3) whether a special proceeding should be commenced in the supreme court to recover a civil penalty. The hearing officer shall make findings of fact and conclusions of law based on a preponderance of the evidence as to whether a violation has been established and, if so, who is guilty of such violation on notice to and with an opportunity for the individual or entity accused of any violations to be heard. However, if the hearing officer finds that on balance, the equities favor a dismissal of the complaint, the hearing officer shall dismiss the charges. In determining whether the equities favor a dismissal, the hearing officer shall consider the following factors: (1) whether the complaint alleges a de minimis violation of article fourteen of this chapter; (2) whether the subject of the complaint has made a good faith effort to correct the violation; and (3) whether the subject of the complaint has a history of similar violations. For purposes of making any such findings under this subdivision, proceedings before the hearing officer shall be governed by article three of the state administrative procedure act. The chief enforcement counsel shall adopt the report of the hearing officer and may, in his or her discretion, commence a special proceeding in the supreme court pursuant to sections 16-100, 16-114 and 16-116 of this chapter should the findings of fact and conclusions of law support the commencement of such proceeding or enter into an agreement to settle such matter with the subject of the complaint. In the event the chief enforcement counsel commences a special proceeding, the court shall afford the subject of the complaint an opportunity to be heard and shall be empowered to accept, reject or modify the findings of fact and conclusions of law made by the*

hearing officer. If the board fails to produce a list of eligible hearing officers, the chief enforcement counsel may commence a special proceeding as provided herein in accordance with recommendations made in his or her report.

(b) If the chief enforcement counsel determines that reasonable cause exists to believe a violation warranting criminal prosecution has taken place, the chief enforcement counsel shall present such findings to the board. Within thirty days of such submission, the board shall vote on whether to accept or reject such findings. For purposes of voting on acceptance or rejection of findings by the chief enforcement counsel, the chief enforcement counsel shall be entitled to participate in all matters related to the review of his or her report and shall vote on its acceptance or rejection only when there is a tie. Should the board fail to vote to either accept or reject the findings within thirty days of submission of such findings, or should the board accept the findings by the chief enforcement counsel that there is reasonable cause to believe that a violation warranting criminal prosecution has taken place, the chief enforcement counsel shall, forthwith, and in any event no later than seven calendar days of such failure to accept or reject the findings by the board, refer such matter to the attorney general or district attorney with jurisdiction over such matter to commence a criminal action as such term is defined in the criminal procedure law.

6. Upon notification that a special proceeding has been commenced by a party other than the state board of elections, pursuant to section 16-114 of this chapter, the chief enforcement counsel shall investigate the alleged violations unless otherwise directed by the court.

7. The chief enforcement counsel shall prepare a report to be included in the annual report of the board to the governor, the state board of elections and legislature, summarizing the activities of the unit during the previous year.

8. The state board of elections may promulgate rules and regulations consistent with law to effectuate the provisions of this section.

(L.1976, c. 233, § 1. Amended L.1978, c. 9, § 15; L.2014, c. 55, pt. H, subpt. B, § 4, eff. June 29, 2014.)

**§ 3-104-a. Compliance unit; compliance procedures**

1. *There shall be a compliance unit within the board of elections. The compliance unit shall examine campaign finance statements required to be filed pursuant to article fourteen of this chapter. If such statements are found to be deficient, the compliance unit shall notify the person required to file such statement of such deficiency. Such notice shall be in writing and mailed to the last known residence or business address of such person by certified mail, return receipt requested. If the person required to file such statement is a treasurer who has stated that the committee has been authorized by one or more candidates, a copy of such notice shall be sent to each candidate by first class mail.*

2. *Upon a failure to remedy the deficiencies identified by the compliance unit within thirty days of the receipt of such notice the chief enforcement counsel may proceed pursuant to subdivision five of section 3-104 of this title. If such notice is received within thirty days of an election, failure to remedy the deficiencies identified within seven days of the receipt of such notice the chief enforcement counsel may proceed pursuant to subdivision five of section 3-104 of this title.*

(Added L.2014, c. 55, pt. H, subpt. B, § 5, eff. June 29, 2014.)

**ARTICLE 6—DESIGNATION AND NOMINATION  
OF CANDIDATES****Section**

6-104. Party designation; statewide office.

6-134. Designating petition; rules.

**§ 6-104. Party designation; statewide office**

1. Party designation of a candidate for nomination for any office to be filled by the voters of the entire state shall be made by the state committee.

2. The state committee shall make a decision by majority vote. The person receiving the majority vote shall be the party's designated candidate for nomination, and all other persons who shall have received twenty-five percent or more of the vote cast on any ballot shall have the right to make written demand, duly acknowledged, to the state board of

elections that their names appear on the primary ballot as candidates for such nomination. Such demand shall be made not later than seven days after such meeting and may be withdrawn in the same manner within fourteen days after such meeting.

3. In the absence of a party rule forming and designating the members of a committee to fill any vacancy in designations which may occur after the state committee has adjourned its meeting and before the primary election, the state committee shall also enact a resolution forming such a committee and selecting the members of same.

4. Upon the vote for such designation, each member of the state committee shall be entitled to cast a number of votes which shall be in accordance with the ratio which the number of votes cast for the party candidate for governor on the line or column of the party at the last preceding general state election in the unit of representation of such member bears to the total vote cast on such line or column at such election for such candidate in the entire state. The apportionment of such votes as so prescribed shall be determined by the rules of the party.

5. Enrolled members of the party may make other designations by petition for a member of the same party.

6. *[Eff. until Sept. 10, 2014, pursuant to L.2014, c. 20, § 4. See, also, subd. 6, below.]* The meeting of the state committee for the purpose of designating candidates shall be held not earlier than twenty-one days before the first day to sign designating petitions and not later than the first day to sign designating petitions for the primary election, *provided, however, that in the year two thousand fourteen, such meeting shall be held not earlier than May thirteenth, two thousand fourteen and not later than June third, two thousand fourteen.*

6. *[Eff. Sept. 10, 2014, pursuant to L.2014, c. 20, § 4. See, also, subd. 6, above.]* The meeting of the state committee for the purpose of designating candidates shall be held not earlier than twenty-one days before the first day to sign designating petitions and not later than the first day to sign designating petitions for the primary election.

## DESIGNATIONS AND NOMINATIONS

## § 6-134

7. Within four days after such meeting, the state committee shall file with the state board of elections.

(a) The names of persons who have received the designation of the state committee and the offices for which designated, and the name of each person who received twenty-five percent or more, of the vote on any ballot and the offices for which they received such vote.

(b) The names of the persons selected as the committee to fill vacancies or a certified copy of the party rule forming and empowering such a committee to fill vacancies.

8. No person may be designated by a state committee for more than one statewide office pursuant to the provisions of this section.

(L.1976, c. 233, § 1. Amended L.1978, c. 8, § 13; L.1978, c. 9, § 42; L.1984, c. 434, § 5; L.1988, c. 16, § 2; L.1992, c. 79, § 9; L.2014, c. 20, § 2, eff. May 9, 2014.)

### § 6-134. Designating petition; rules

1. A designating petition may designate candidates for nomination for one or more different public offices or for nomination for election to one or more party positions or both, but designations or nominations for which the petitions are required to be filed in different offices or petitions for the same public office or party position in different political subdivisions may not be combined in the same petition. If two or more offices having the same title are to be filled for different terms, the terms of office shall be included as part of the title of the office.

2. Sheets of a designating petition shall be delivered to the board of elections in the manner prescribed by regulations that shall be promulgated by the state board of elections, provided, however, that the sheets of any volume of a petition shall be numbered. Such regulations shall be no more restrictive than is reasonably necessary for the processing of such petitions by the board of elections. Such regulations shall be binding on the boards of election in each county and in the city of New York. When a determination is made that a designating petition does not comply with

such regulations, the candidate shall have three business days from the date of such determination to cure the violation.

3. If a voter shall sign any petition or petitions designating a greater number of candidates for public office or party position than the number of persons to be elected thereto his signatures, if they bear the same date, shall not be counted upon any petition, and if they bear different dates shall be counted in the order of their priority of date, for only so many designees as there are persons to be elected.

4. *[Eff. until Sept. 10, 2014, pursuant to L.2014, c. 20, § 4. See, also, subd. 4, below.]* A signature made earlier than forty-two days before the last day to file designating petitions for the primary election shall not be counted.

4. *[Eff. Sept. 10, 2014, pursuant to L.2014, c. 20, § 4. See, also, subd. 4, above.]* A signature made earlier than thirty-seven days before the last day to file designating petitions for the primary election shall not be counted.

5. The use of titles, initials or customary abbreviations of given names by the signers of, or witnesses to, designating petitions or the use of customary abbreviations of addresses of such signers or witnesses, shall not invalidate such signatures or witness statement provided that the identity of the signer or witness as a registered voter can be established by reference to the signature on the petition and that of a person whose name appears in the registration poll ledgers.

6. An alteration or correction of information appearing on a signature line, other than the signature itself and the date, shall not invalidate such signature.

7. A signer need only place his signature upon the petition, and need not himself fill in the other required information.

8. Notwithstanding any other provision of this chapter, the failure to list a committee to fill vacancies or the failure to list at least three eligible voters as a committee to fill vacancies shall not invalidate the petition unless a vacancy occurs which, under law, may be filled only by such a committee.

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9. A person other than the subscribing witness may insert the information required by the subscribing witness statement, provided that all subscribing witness information required above the subscribing witness' signature is inserted either before such subscribing witness signs the statement or in the presence of such subscribing witness.

10. The provisions of this section shall be liberally construed, not inconsistent with substantial compliance thereto and the prevention of fraud.

11. If the number of signatures on any petition sheet is understated in the witness statement, such petition sheet shall not be invalid solely because of such understatement, but such petition sheet will be deemed to contain the number of signatures indicated on such witness statement and the signatures at the end of such petition sheet that are in excess of the number so indicated shall be deemed not to have been filed.

12. A signature on a petition sheet shall not be deemed invalid solely because the address provided is the post office address of the signer provided that proof that such address is the accepted address of such signer is provided to the board of elections no later than three days following the receipt of specific objections to such signature.

13. In addition to the requirement for the signature, the printed name of the signer may be added, provided that the failure to provide a place to print the name or failure to print a name if a space is provided shall not invalidate the signature or petition.

(Added L.1996, c. 709, § 3. Amended L.2009, c. 71, § 1, eff. June 24, 2009; L.2014, c. 20, § 3, eff. May 9, 2014.)

**ARTICLE 12—PRESIDENTIAL ELECTORS  
AND FEDERAL ELECTED OFFICERS**

<b>Title</b>	<b>Section</b>
<b>IV. Agreement Among the States to Elect the President by National Popular Vote .....</b>	<b>12-400</b>

ELECTION LAW

**TITLE IV—AGREEMENT AMONG THE STATES  
TO ELECT THE PRESIDENT BY  
NATIONAL POPULAR VOTE**

**Section**

12-400. Short title.

12-402. Adoption and text of compact.

**§ 12-400. Short title**

*[Expires and deemed repealed Dec. 31, 2018, pursuant to L.2014, c. 19, § 2, and contingency therein.]*

*This title shall be known and may be cited as “agreement among the states to elect the president by national popular vote”.*

(Added L.2014, c. 19, § 1, eff. April 15, 2014.)

**§ 12-402. Adoption and text of compact**

*[Expires and deemed repealed Dec. 31, 2018, pursuant to L.2014, c. 19, § 2, and contingency therein.]*

*The agreement among the states to elect the president by national popular vote is adopted and enacted into law as follows:*

**ARTICLE I**

*Membership. Any state of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.*

**ARTICLE II**

*Right of the people in member states to vote for president and vice president. Each member state shall conduct a statewide popular election for president and vice president of the United States.*

**ARTICLE III**

*Manner of appointing presidential electors in member states. 1. Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each state of the United States and*

## **PRESIDENTIAL ELECTORS; FEDERAL OFFICERS § 12-402**

*in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a “national popular vote total” for each presidential slate.*

*2. The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the “national popular vote winner”.*

*3. The presidential elector certifying official of each member state shall certify the appointment in that official’s own state of the elector slate nominated in that state in association with the national popular vote winner.*

*4. At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within twenty-four hours to the chief election official of each other member state.*

*5. The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state’s final determination conclusive as to the counting of electoral votes by congress.*

*6. In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official’s own state.*

*7. If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state’s number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state’s presidential elector certifying official shall certify the appointment of such nominees.*

8. *The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.*

9. *This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July twentieth, in effect in states cumulatively possessing a majority of the electoral votes.*

ARTICLE IV

*Other provisions. This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state. Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a president's term shall not become effective until a president or vice president shall have been qualified to serve the next term. The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.*

*This agreement shall terminate if the electoral college is abolished.*

*If any provision of this agreement is held invalid, the remaining provisions shall not be affected.*

ARTICLE V

*Definitions. For purposes of this agreement:*

1. *"Chief executive" shall mean the governor of a state of the United States or the mayor of the District of Columbia.*

2. *"Elector slate" shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate.*

3. *"Chief election official" shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate.*

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4. “Presidential elector” shall mean an elector for president and vice president of the United States.

5. “Presidential elector certifying official” shall mean the state official or body that is authorized to certify the appointment of the state’s presidential electors.

6. “Presidential slate” shall mean a slate of two persons, the first of whom has been nominated as a candidate for president of the United States and the second of whom has been nominated as a candidate for vice president of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state.

7. “State” shall mean a state of the United States and the District of Columbia.

8. “Statewide popular election” shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

(Added L.2014, c. 19, § 1, eff. April 15, 2014.)

**ARTICLE 14—CAMPAIGN RECEIPTS AND EXPENDITURES; MATCHING FINANCING**

<b>Title</b>	<b>Section</b>
<b>I. Campaign Receipts and Expenditures</b> .....	<b>14-100</b>
<b>II. Matching Financing</b> .....	<b>14-200</b>

**TITLE I—CAMPAIGN RECEIPTS AND EXPENDITURES**

- Section**
- 14-100. Definitions.
  - 14-106. Political communication.
  - 14-107. Independent expenditure reporting.
  - 14-126. Violations; penalties.

**§ 14-100. Definitions**

As used in this article:

1. “political committee” means any corporation aiding or promoting and any committee, political club or combination of one or more persons operating or co-operating to aid

or to promote the success or defeat of a political party or principle, or of any ballot proposal; or to aid or take part in the election or defeat of a candidate for public office or to aid or take part in the election or defeat of a candidate for nomination at a primary election or convention, including all proceedings prior to such primary election, or of a candidate for any party position voted for at a primary election, or to aid or defeat the nomination by petition of an independent candidate for public office; but nothing in this article shall apply to any committee or organization for the discussion or advancement of political questions or principles without connection with any vote or to a national committee organized for the election of presidential or vice-presidential candidates; provided, however, that a person or corporation making a contribution or contributions to a candidate or a political committee which has filed pursuant to section 14-118 shall not, by that fact alone, be deemed to be a political committee as herein defined.

2. “party committee” means any committee provided for in the rules of the political party in accordance with section two-one hundred of this chapter, other than a constituted committee.

3. “constituted committee” means a state committee, a county committee or a duly constituted subcommittee of a county committee;

4. “duly constituted subcommittee of a county committee” means, outside the city of New York, a city, town or village committee, and, within the city of New York, an assembly district committee, which consists of all county committee members from the city, town, village or assembly district, as the case may be, and only such members;

5. “non-candidate expenditures” means expenditures made by a party committee or a constituted committee to maintain a permanent headquarters and staff and carry on ordinary party activities not promoting the candidacy of specific candidates;

6. “district” means the entire state or any part thereof, as the case may be;

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7. “candidate” means an individual who seeks nomination for election, or election, to any public office or party position to be voted for at a primary, general or special or New York city community school district election or election for trustee of the Long Island Power Authority, whether or not the public office or party position has been specifically identified at such time and whether or not such individual is nominated or elected, and, for purposes of this subdivision, an individual shall be deemed to seek nomination for election, or election, to an office or position, if he has (1) taken the action necessary to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to any office or position at any time whether in the year in which such contributions or expenditures are made or at any other time; and

8. “legislative leader” means any of the following: the speaker of the assembly; the minority leader of the assembly; the temporary president of the senate and the minority leader of the senate.

9. “contribution” means:

(1) any gift, subscription, outstanding loan (to the extent provided for in section 14-114 of this chapter), advance, or deposit of money or any thing of value, made in connection with the nomination for election, or election, of any candidate, or made to promote the success or defeat of a political party or principle, or of any ballot proposal,

(2) any funds received by a political committee from another political committee to the extent such funds do not constitute a transfer,

(3) any payment, by any person other than a candidate or a political committee authorized by the candidate, made in connection with the nomination for election or election of any candidate, or any payment made to promote the success or defeat of a political party or principle, or of any ballot proposal including but not limited to compensation for the

personal services of any individual which are rendered in connection with a candidate’s election or nomination without charge; provided however, that none of the foregoing shall be deemed a contribution if it is made, taken or performed by a candidate or his spouse or by a person or a political committee independent of the candidate or his agents or authorized political committees. For purposes of this article, the term “independent of the candidate or his agents or authorized political committees” shall mean that the candidate or his agents or authorized political committees did not authorize, request, suggest, foster or cooperate in any such activity; and provided further, that the term contribution shall not include:

(A) the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee,

(B) the use of real or personal property and the cost of invitations, food and beverages voluntarily provided by an individual to a candidate or political committee on the individual’s residential premises for candidate-related activities to the extent such services do not exceed five hundred dollars in value, and

(C) the travel expenses of any individual who on his own behalf volunteers his personal services to any candidate or political committee to the extent such expenses are unreimbursed and do not exceed five hundred dollars in value.

10. “transfer” means any exchange of funds or any thing of value between political committees authorized by the same candidate and taking part solely in his campaign, or any exchange of funds between a party or constituted committee and a candidate or any of his authorized political committees.

11. “election” means all general, special and primary elections, but shall not include elections provided for pursuant to the education law, special district elections, fire district elections or library district elections.

12. “clearly identified candidate” means that:

(a) the name of the candidate involved appears;

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*(b) a photograph or drawing of the candidate appears; or  
(c) the identity of the candidate is apparent by unambiguous reference.*

13. *“general public audience” means an audience composed of members of the public, including a targeted subgroup of members of the public; provided, however, it does not mean an audience solely comprised of members, retirees and staff of a labor organization or members of their households or an audience solely comprised of employees of a corporation, unincorporated business entity or members of a business, trade or professional association or organization.*

14. *“labor organization” means any organization of any kind which exists for the purpose, in whole or in part, of representing employees employed within the state of New York in dealing with employers or employer organizations or with a state government, or any political or civil subdivision or other agency thereof, concerning terms and conditions of employment, grievances, labor disputes, or other matters incidental to the employment relationship. For the purposes of this article, each local, parent national or parent international organization of a statewide labor organization, and each statewide federation receiving dues from subsidiary labor organizations, shall be considered a separate labor organization.*

(L.1976, c. 233, § 1. Amended L.1978, c. 8, §§ 34, 35; L.1978, c. 9, § 96; L.1982, c. 647, § 25; L.1983, c. 70, § 1; L.1983, c. 955, § 1; L.1986, c. 517, § 7; L.1987, c. 480, § 1; L.1988, c. 71, § 2; L.2014, c. 55, pt. H, subpt. C, § 1, eff. June 1, 2014.)

**§ 14-106. Political communication**

The statements required to be filed under the provisions of this article next succeeding a primary, general or special election shall be accompanied by a copy of all broadcast, cable or satellite schedules and scripts, internet, print and other types of advertisements, pamphlets, circulars, flyers, brochures, letterheads and other printed matter purchased or produced, *and reproductions of statements or information published to five hundred or more members of a general public audience by computer or other electronic device including but not limited to electronic mail or text message*, purchased in

connection with such election by or under the authority of the person filing the statement or the committee or the person on whose behalf it is filed, as the case may be. Such copies, schedules and scripts shall be preserved by the officer with whom or the board with which it is required to be filed for a period of one year from the date of filing thereof.

(L.1976, c. 233, § 1. Amended L.1978, c. 8, § 37; L.2011, c. 399, pt. E, § 2, eff. Aug. 15, 2011; L.2014, c. 55, pt. H, subpt. C, § 3, eff. June 1, 2014.)

**§ 14–107. *Independent expenditure reporting***

1. *For purposes of this article:*

(a) *“Independent expenditure” means an expenditure made by a person conveyed to five hundred or more members of a general public audience in the form of (i) an audio or video communication via broadcast, cable or satellite, (ii) a written communication via advertisements, pamphlets, circulars, flyers, brochures, letterheads or (iii) other published statements which: (i) irrespective of when such communication is made, contains words such as “vote,” “oppose,” “support,” “elect,” “defeat,” or “reject,” which call for the election or defeat of the clearly identified candidate, or (ii) refers to and advocates for or against a clearly identified candidate or ballot proposal on or after January first of the year of the election in which such candidate is seeking office or such proposal shall appear on the ballot. An independent expenditure shall not include communications where such candidate, the candidate’s political committee or its agents, or a political committee formed to promote the success or defeat of a ballot proposal or its agents, did authorize, request, suggest, foster or cooperate in such communication.*

(b) *Independent expenditures do not include expenditures in connection with:*

(i) *a written news story, commentary, or editorial or a news story, commentary, or editorial distributed through the facilities of any broadcasting station, cable or satellite unless such publication or facilities are owned or controlled by any political party, political committee or candidate; or*

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*(ii) a communication that constitutes a candidate debate or forum; or*

*(iii) internal communication by members to other members of a membership organization of not more than five hundred members, for the purpose of supporting or opposing a candidate or candidates for elective office, provided such expenditures are not used for the costs of campaign material or communications used in connection with broadcasting, telecasting, newspapers, magazines, or other periodical publication, billboards, or similar types of general public communications; or*

*(iv) a communication published on the Internet, unless the communication is a paid advertisement.*

*(c) For purposes of this section, the term “person” shall mean person, group of persons, corporation, unincorporated business entity, labor organization or business, trade or professional association or organization, or political committee.*

*2. Whenever any person makes an independent expenditure that costs more than one thousand dollars in the aggregate, such communication shall clearly state the name of the person who paid for, or otherwise published or distributed the communication and state, with respect to communications regarding candidates, that the communication was not expressly authorized or requested by any candidate, or by any candidate’s political committee or any of its agents.*

*3. (a) Any person prior to making any independent expenditure shall first register with the state board of elections as a political committee in conformance with this article. Such person shall comply with all disclosure obligations required for political committees by law.*

*(b) Any person who has registered with the state board of elections pursuant to paragraph (a) of this subdivision shall disclose to the state board of elections electronically, once a week on Friday any contribution to such person over one thousand dollars or expenditures by such person over five thousand dollars made prior to thirty days before any primary, general, or special election.*

*(c) Any person who has registered with the state board of elections pursuant to paragraph (a) of this subdivision shall disclose to the state board of elections electronically, within twenty-four hours of receipt, any contribution to such person over one thousand dollars or expenditure by such person over five thousand dollars made within thirty days before any primary, general, or special election.*

*(d) A knowing and willful violation of the provisions of this subdivision shall subject the person to a civil penalty equal to five thousand dollars or the cost of the communication, whichever is greater, in a special proceeding or civil action brought by the board or imposed directly by the board of elections.*

*4. The disclosures required by subdivision three of this section shall include, in addition to any other information required by law:*

*(a) the name, address, occupation and employer of the person making the statement;*

*(b) the name, address, occupation and employer of the person making the independent expenditure;*

*(c) the name, address, occupation and employer of any person providing a contribution, gift, loan, advance or deposit of one thousand dollars or more for the independent expenditure, or the provision of services for the same, and the date it was given;*

*(d) the dollar amount paid for each independent expenditure, the name and address of the person or entity receiving the payment, the date the payment was made and a description of the independent expenditure; and*

*(e) the election to which the independent expenditure pertains and the name of the clearly identified candidate or the ballot proposal referenced.*

*5. A copy of all political communications paid for by the independent expenditure, including but not limited to broadcast, cable or satellite schedules and scripts, advertisements, pamphlets, circulars, flyers, brochures, letterheads and other printed matter and statements or information conveyed to one*

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*thousand or more members of a general public audience by computer or other electronic devices shall be filed with the state board of elections with the statements required by this section.*

6. *Every statement required to be filed pursuant to this section shall be filed electronically with the state board of elections.*

7. *The state board of elections shall promulgate regulations with respect to the statements required to be filed by this section and shall provide forms suitable for such statements.*

(Added L.2014, c. 55, pt. H, subpt. C, § 4, eff. June 1, 2014.)

**§ 14–126. Violations; penalties**

1. (a) Any person who fails to file a statement required to be filed by this article shall be subject to a civil penalty, not in excess of one thousand dollars, to be recoverable in a special proceeding or civil action to be brought by the *chief enforcement counsel pursuant to section 16–114 of this chapter*. Any person who, three or more times within a given election cycle for such term of office, fails to file a statement or statements required to be filed by this article, shall be subject to a civil penalty, not in excess of ten thousand dollars, to be recoverable as provided for in this subdivision.

(b) *All payments received by the state board of elections pursuant to this section shall be retained in the appropriate accounts as designated by the division of the budget for enforcement activities by the board of elections.*

2. Any person who, acting as or on behalf of a candidate or political committee, under circumstances evincing an intent to violate such law, unlawfully accepts a contribution in excess of a contribution limitation established in this article, shall be required to refund such excess amount and shall be subject to a civil penalty equal to the excess amount plus a fine of up to ten thousand dollars, to be recoverable in a special proceeding or civil action to be brought by the state board of elections *chief enforcement counsel*.

3. Any person who falsely identifies or knowingly fails to identify any independent expenditure as required by subdivision two of section 14–107 of this article shall be subject to a civil penalty up to one thousand dollars or up to the cost of the communication, whichever is greater, in a special proceeding or civil action brought by the state board of elections chief enforcement counsel or imposed directly by the state board of elections. For purposes of this subdivision, the term “person” shall mean a person, group of persons, corporation, unincorporated business entity, labor organization or business, trade or professional association or organization or political committee.

4. Any person who knowingly and willfully fails to file a statement required to be filed by this article within ten days after the date provided for filing such statement or any person who knowingly and willfully violates any other provision of this article shall be guilty of a misdemeanor.

5. Any person who knowingly and willfully contributes, accepts or aids or participates in the acceptance of a contribution in an amount exceeding an applicable maximum specified in this article shall be guilty of a *class A* misdemeanor.

6. Any person who shall, acting on behalf of a candidate or political committee, knowingly and willfully solicit, organize or coordinate the formation of activities of one or more unauthorized committees, make expenditures in connection with the nomination for election or election of any candidate, or solicit any person to make any such expenditures, for the purpose of evading the contribution limitations of this article, shall be guilty of a class E felony.

(L.1976, c. 233, § 1. Amended L.1978, c. 8, § 48; L.1978, c. 9, § 106; L.1994, c. 128, § 1; L.2011, c. 399, pt. E, § 3, eff. Aug. 15, 2011; L.2014, c. 55, pt. H, subpt. B, § 1, eff. June 29, 2014; L.2014, c. 55, pt. H, subpt. C, § 6, eff. June 1, 2014.)

***TITLE II—MATCHING FINANCING [EXPIRES AND  
DEEMED REPEALED DEC. 31, 2014]***

**Section**  
14–200. Definitions.

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**Section**

- 14–201. Reporting requirements.
- 14–202. Contribution limits.
- 14–203. Proof of compliance.
- 14–204. Eligibility.
- 14–205. Limits on matching financing.
- 14–206. Payment of matching funds.
- 14–207. Use of matching funds; qualified campaign expenditures.
- 14–208. Powers and duties of board.
- 14–209. Audits and repayments.
- 14–210. Enforcement and penalties for violations and other proceedings.
- 14–211. Reports.
- 14–212. Debates for candidates for comptroller.
- 14–213. Severability.

**§ 14–200. Definitions**

*[Expires and deemed repealed December 31, 2014, pursuant to L.2014, c. 55, pt. H, subpt. D, § 7.]*

*For the purposes of this title, the following terms shall have the following meanings:*

- 1. The term “authorized committee” shall mean the single committee designated by a candidate pursuant to section 14–201 of this title to receive contributions and make expenditures in support of the candidate’s campaign.*
- 2. The term “board” shall mean the state board of elections.*
- 3. The term “contribution” shall have the same meaning as appears in subdivision nine of section 14–100 of this article.*
- 4. The term “contributor” shall mean any person or entity that makes a contribution.*
- 5. The term “covered election” shall mean any primary or general election for nomination for election, or election, to the office of state comptroller.*
- 6. The term “election cycle” shall mean the four year period starting after the day after the last general election for candidates for statewide office.*
- 7. The term “expenditure” shall mean any gift, subscription, advance, payment, or deposit of money or anything of value, or a contract to make any gift, subscription, payment, or deposit of money or anything of value, made in connection*

*with the nomination for election, or election, of any candidate. Expenditures made by contract are deemed made when such funds are obligated.*

8. *The term “fund” shall mean the New York state campaign finance fund.*

9. *The term “immediate family” shall mean a spouse, domestic partner, child, sibling or parent.*

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

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

12. (a) *The term “matchable contribution” shall mean a contribution, contributions or a portion of a contribution or contributions for any covered elections held in the same election cycle, made by a natural person who is a resident in the state of New York to a participating candidate, that has been reported in full to the board in accordance with sections 14–102 and 14–104 of this article by the candidate’s authorized committee and has been contributed on or before the day of the applicable election. Any contribution, contributions, or a portion of a contribution determined to be invalid for matching funds by the board may not be treated as a matchable contribution for any purpose.*

(b) *The following contributions are not matchable:*

(i) *loans;*

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- (ii) in-kind contributions of property, goods, or services;*
- (iii) contributions in the form of the purchase price paid for an item with significant intrinsic and enduring value;*
- (iv) transfers from a party or constituted committee;*
- (v) anonymous contributions or contributions whose source is not itemized as required by section 14–201 of this title;*
- (vi) contributions gathered during a previous election cycle;*
- (vii) illegal contributions;*
- (viii) contributions from persons under eighteen;*
- (ix) contributions from vendors for campaigns; and*
- (x) contributions from lobbyists registered pursuant to subdivision (a) of section one-c of the legislative law.*

13. The term “nonparticipating candidate” shall mean a candidate for a covered election who fails to file a written certification in the form of an affidavit under section 14–204 of this title by the applicable deadline.

14. The term “participating candidate” shall mean any candidate for nomination for election, or election, to the office of state comptroller who files a written certification in the form of an affidavit pursuant to section 14–204 of this title.

15. The term “postelection period” shall mean the six months following the two thousand fourteen comptroller election when a candidate is subject to an audit.

16. The term “qualified campaign expenditure” shall mean an expenditure for which public matching funds may be used.

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

18. The term “transfer” shall mean any exchange of funds between a party or constituted committee and a candidate or any of his or her authorized committees.

(Added L.2014, c. 55, pt. H, subpt. D, § 3, eff. March 31, 2014.)

**§ 14–201. Reporting requirements**

*[Expires and deemed repealed December 31, 2014, pursuant to L.2014, c. 55, pt. H, subpt. D, § 7.]*

1. *Only one authorized committee per participating candidate for comptroller. Before receiving any contribution or making any expenditure for a covered election, each candidate shall notify the board as to the existence of his or her authorized committee that has been approved by such candidate. Each candidate shall have one and only one authorized committee per elective office sought. Each authorized committee shall have a treasurer and is subject to the restrictions found in section 14–112 of this article.*

2. *Disclosure reports. (a) Detailed reporting. Each authorized and political committee shall report to the board every contribution and loan received and every expenditure made in the time and manner prescribed by sections 14–102, 14–104 and 14–108 of this article, contributors who make contributions of five hundred dollars or more, each authorized and political committee shall report to the board the occupation, and business address of each contributor, lender, and intermediary. The receipt of any contribution or loan in excess of one thousand dollars shall be disclosed within forty-eight hours of receipt, and shall be reported in the same manner as any other contribution or loan on the next applicable statement. The board shall revise, prepare and post forms on its webpage that facilitate compliance with the requirements of this section.*

*(b) Board review. The board shall review each disclosure report filed and shall inform authorized and political committees of relevant questions it has concerning: (i) compliance with requirements of this title and of the rules issued by the board; and (ii) qualification for receiving public matching funds pursuant to this title. In the course of this review, the board shall give authorized and political committees an opportunity to respond to and correct potential violations and give candidates an opportunity to address questions the unit has concerning their matchable contribution claims or other issues concerning eligibility for receiving public matching funds pursuant to this title. Nothing in this paragraph shall*

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*preclude the board from subsequently reviewing such disclosure reports and taking any action otherwise authorized under this title.*

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

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

(Added L.2014, c. 55, pt. H, subpt. D, § 3, eff. March 31, 2014.)

**§ 14–202. Contribution limits**

*[Expires and deemed repealed December 31, 2014, pursuant to L.2014, c. 55, pt. H, subpt. D, § 7.]*

*Recipients of funds pursuant to this title shall be subject to the following contribution limits:*

*1. In the two thousand fourteen election for comptroller, or for nomination to such office, no contributor may make a contribution to any candidate or political committee participating in the state's public campaign financing system as defined in title two of this article, and no such candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (a) in the case of any nomination to public office, the product of the total number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by \$.005, but such amount shall be not more than six thousand dollars and (b) in the case of any election to such public office, six thousand dollars; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by \$.025, and in the case of any election for a public office, an amount equivalent to the*

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*product of the number of registered voters in the state excluding voters in inactive status, multiplied by \$.025.*

*2. In the event that a candidate for the two thousand fourteen election for comptroller has received a contribution which exceeds the limitations of this subdivision prior to becoming a participating candidate in the state's matching campaign financing system, the candidate shall either (a) deposit any amount in excess of the contribution limit set forth in this subdivision, into a segregated account where it shall not be withdrawn for campaign expenditures for any comptroller election in the year two thousand fourteen; or (b) return any amount in excess of the contribution limit set forth in this section, by bank check or certified check made out to the contributor.*

(Added L.2014, c. 55, pt. H, subpt. D, § 3, eff. March 31, 2014.)

### **§ 14–203. Proof of compliance**

*[Expires and deemed repealed December 31, 2014, pursuant to L.2014, c. 55, pt. H, subpt. D, § 7.]*

*Authorized and political committees shall maintain such records of receipts and expenditures for a covered election as required by the board. Authorized and political committees shall obtain and furnish to the board any information it may request relating to financial transactions or contributions and furnish such documentation and other proof of compliance with this title as may be requested. In compliance with section 14–108 of this article, authorized and political committees shall maintain copies of such records for a period of five years.*

(Added L.2014, c. 55, pt. H, subpt. D, § 3, eff. March 31, 2014.)

### **§ 14–204. Eligibility**

*[Expires and deemed repealed December 31, 2014, pursuant to L.2014, c. 55, pt. H, subpt. D, § 7.]*

*1. Terms and conditions. To be eligible for voluntary public financing under this title, a candidate must:*

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

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

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

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

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

*(f) not make expenditures from or use his or her personal funds or property or the personal funds or property jointly held with his or her spouse, or unemancipated children in connection with his or her nomination election or election to a covered office except as a contribution to his or her authorized committee in an amount that exceeds three times the applicable contribution limit from an individual contributor to candidates for the office that he or she is seeking;*

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

*(h) continue to abide by all requirements during the post-election period.*

*2. Threshold for eligibility. (a) The threshold for eligibility for matching funding for participating candidates for comptroller shall be not less than two hundred thousand dollars in matchable contributions including at least two thousand matchable contributions comprised of sums between ten and one hundred seventy-five dollars per contributor, from residents of New York state.*

*(b) Any participating candidate meeting the threshold for eligibility in a primary election for the foregoing office shall be deemed to have met the threshold for eligibility for such office in the general election held in the same calendar year.*

*(Added L.2014, c. 55, pt. H, subpt. D, § 3, eff. March 31, 2014.)*

**§ 14–205. Limits on matching financing**

*[Expires and deemed repealed December 31, 2014, pursuant to L.2014, c. 55, pt. H, subpt. D, § 7.]*

*The following limitations apply to the total amounts of matching funds that may be provided to a participating candidate's authorized committee for an election cycle:*

*1. In any primary election, receipt of matching funds by participating candidates for comptroller and by each participating committees shall not exceed the sum of four million dollars.*

*2. In any general election, receipt of matching funds by a participating candidate's authorized committee shall not exceed four million dollars.*

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

*(Added L.2014, c. 55, pt. H, subpt. D, § 3, eff. March 31, 2014.)*

**§ 14–206. Payment of matching funds**

*[Expires and deemed repealed December 31, 2014, pursuant to L.2014, c. 55, pt. H, subpt. D, § 7.]*

*1. Determination of eligibility. No matching funds shall be paid to an authorized committee unless the board determines that the participating candidate has met the eligibility requirements of this title. Payment shall not exceed the amounts specified in subdivision two of this section, and shall be made only in accordance with the provisions of this title. Such payment may be made only to the participating candidate's authorized committee. No matching funds shall be used except as reimbursement or payment for qualified*

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*campaign expenditures actually and lawfully incurred or to repay loans used to pay qualified campaign expenditures.*

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

3. *Timing of payment. The board shall make any payment of matching funds to participating candidates as soon as is practicable. But in all cases, the board shall verify eligibility for matching funds within four days of receiving a campaign contribution report filed in compliance with section 14–104 of this article. Within two days of determining that a candidate for a covered office is eligible for matching funds, the board shall pay the applicable matching funds owed to the candidate. However, the board shall not make any payments of public money earlier than the earliest dates for making such payments as provided by this title. If any of such payments would require payment on a weekend or federal holiday, payment shall be made on the next business day.*

4. *Electronic funds transfer. The board shall promulgate rules to facilitate electronic funds transfers directly from the fund into an authorized committee's bank account.*

(Added L.2014, c. 55, pt. H, subpt. D, § 3, eff. March 31, 2014.)

**§ 14–207. Use of matching funds; qualified campaign expenditures**

*[Expires and deemed repealed December 31, 2014, pursuant to L.2014, c. 55, pt. H, subpt. D, § 7.]*

1. *Matching funds provided under the provisions of this title may be used only by an authorized committee for expenditures to further the participating candidate's nomination for election or election, including paying for debts incurred with-*

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*in one year prior to an election to further the participating candidate's nomination for election or election.*

2. *Such matching funds may not be used for:*

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

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

*(c) an expense incurred after the candidate has been finally disqualified from the ballot;*

*(d) an expense incurred after the only remaining opponent of the candidate has been finally disqualified from the general or special election ballot;*

*(e) an expenditure made by cash payment;*

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

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

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

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

*(j) payments to immediate family members of the participating candidate; or*

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

(Added L.2014, c. 55, pt. H, subpt. D, § 3, eff. March 31, 2014.)

**§ 14–208. Powers and duties of board**

*[Expires and deemed repealed December 31, 2014, pursuant to L.2014, c. 55, pt. H, subpt. D, § 7.]*

1. *Advisory opinions. The board shall render advisory opinions with respect to questions arising under this title*

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*upon the written request of a candidate, an officer of a political committee or member of the public, or upon its own initiative. The board shall promulgate rules regarding reasonable times to respond to such requests. The board shall make public the questions of interpretation for which advisory opinions will be considered by the board and its advisory opinions, including by publication on its webpage with identifying information redacted as the board determines to be appropriate.*

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

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

*4. The board shall work with the enforcement unit to enforce this section.*

(Added L.2014, c. 55, pt. H, subpt. D, § 3, eff. March 31, 2014.)

**§ 14-209. Audits and repayments**

*[Expires and deemed repealed December 31, 2014, pursuant to L.2014, c. 55, pt. H, subpt. D, § 7.]*

*1. Audits. The board shall audit and examine all matters relating to the proper administration of this title and shall complete such audit no later than six months after the election in question. Every candidate who receives matching funds under this title shall be audited by the board. The cost of complying with a postelection audit shall be borne by the candidate's authorized committee using matching funds, pri-*

vate funds or any combination of such funds. Candidates who run in both a primary and general election must maintain a reserve of three percent of the matching funds received to comply with the postelection audit. The board shall issue to each campaign audited a final audit report that details its findings.

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

(b) If the board determines that any portion of the payment made to a candidate's authorized committee from the fund was used for purposes other than qualified campaign expenditures, it shall notify such committee of the amount so disqualified and such committee shall pay to the board an amount equal to such disqualified amount. The candidate, the treasurer and the candidate's authorized committee are jointly and severably liable for any repayments to the board.

(c) If the total of payments from the fund received by a participating candidate and his or her authorized committee exceed the total campaign expenditures of such candidate and authorized committee for the two thousand fourteen comptroller election, such candidate and committee shall use such excess funds to reimburse the fund for payments received by such authorized committee from the fund during such calendar. Participating candidates shall pay to the board unspent public campaign funds from an election not later than twenty-seven days after all liabilities for the election have been paid and in any event, not later than the day on which the board

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*issues its final audit report for the participating candidate's authorized committee; provided, however, that all unspent public campaign funds for a participating candidate shall be immediately due and payable to the board upon a determination by the board that the participant has knowingly delayed the post-election audit. A participating candidate may make post-election expenditures with public funds only for routine activities involving nominal cost associated with winding up a campaign and responding to the post-election audit except for liabilities incurred before the election. Nothing in this title shall be construed to prevent a candidate or his or her authorized committee from using campaign contributions received from private contributors for otherwise lawful expenditures.*

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

(Added L.2014, c. 55, pt. H, subpt. D, § 3, eff. March 31, 2014.)

**§ 14-210. Enforcement and penalties for violations and other proceedings**

*[Expires and deemed repealed December 31, 2014, pursuant to L.2014, c. 55, pt. H, subpt. D, § 7.]*

1. *Civil penalties. Knowing violations of any provision of this title or rule promulgated pursuant to this title shall be subject to a civil penalty in an amount not in excess of ten thousand dollars.*

2. *Notice of violation and opportunity to be heard. The board shall:*

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

(b) give written notice and the opportunity to be heard in accordance with the state administrative procedure act before an independent hearing officer to each person or entity it has reason to believe has committed a violation; and

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

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

4. *Proceedings as to matching financing.* (a) The determination of eligibility pursuant to this title and any question or issue relating to payments for campaign expenditures pursuant to this title may be contested in a proceeding instituted in the Supreme court, Albany county, by any aggrieved candidate.

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

(c) Upon the board's failure to receive the amount due from a participating candidate or such candidate's authorized committee after the issuance of written notice of such amount due, as required by this title, the board is authorized to institute a special proceeding or civil action in Supreme Court, Albany county, to obtain a judgment for any amounts determined to be payable to the board as a result of an examination and audit made pursuant to this title or to obtain such amounts directly from the candidate or authorized committee after a hearing at the state board of elections.

(d) The board is authorized to institute a special proceeding or civil action in Supreme Court, Albany county, to obtain a

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*judgment for civil penalties determined to be payable to the board pursuant to this title or to impose such penalty directly after a hearing at the state board of elections.*

(Added L.2014, c. 55, pt. H, subpt. D, § 3, eff. March 31, 2014.)

**§ 14–211. Reports**

*[Expires and deemed repealed December 31, 2014, pursuant to L.2014, c. 55, pt. H, subpt. D, § 7.]*

*The board shall submit a report to the governor, the temporary president of the senate, and the speaker of the assembly. Such report shall include:*

- 1. a list of the participating and nonparticipating candidates in covered elections and the votes received by each candidate in those elections;*
- 2. the amount of contributions and loans received, and expenditures made, on behalf of these candidates;*
- 3. the amount of public matching funds each participating candidate received, spent, and repaid pursuant to this title;*
- 4. analysis of the effect of this title on political campaigns, including its effect on the sources and amounts of private financing, the level of campaign expenditures, voter participation, the number of candidates, the candidates' ability to campaign effectively for public office, and the diversity of candidates seeking and elected to office; and*
- 5. recommendations for amendments to this title, including changes in contribution limits, thresholds for eligibility, and any other features of the system.*

(Added L.2014, c. 55, pt. H, subpt. D, § 3, eff. March 31, 2014.)

**§ 14–212. Debates for candidates for comptroller**

*[Expires and deemed repealed December 31, 2014, pursuant to L.2014, c. 55, pt. H, subpt. D, § 7.]*

*The board shall promulgate regulations to facilitate debates among participating candidates who seek election for the office of comptroller. Participating candidates are required to participate in one debate before each election for which the candidate receives matching funds, unless the participating*

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*candidate is running unopposed. Nonparticipating candidates may participate in such debates.*

(Added L.2014, c. 55, pt. H, subpt. D, § 3, eff. March 31, 2014.)

**§ 14–213. Severability**

*[Expires and deemed repealed December 31, 2014, pursuant to L.2014, c. 55, pt. H, subpt. D, § 7.]*

*If any clause, sentence, subdivision, paragraph, section or part of this title be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.*

(Added L.2014, c. 55, pt. H, subpt. D, § 3, eff. March 31, 2014.)

**ARTICLE 17—VIOLATIONS OF THE  
ELECTIVE FRANCHISE**

**Section**  
17–158. Repealed.

**§ 17–158. Repealed by L.2014, c. 55, pt. H, subpt. A,  
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