



May 25, 2023

VIA EMAIL

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**Re: Expand Regulations Expediting Enforcement for Delinquent Filers to Include LLC Statement of Identity Reports (I.D. No. SBE-13-23-00004-P)**

Dear Mr. Quail and Mr. Murphy,

We support the proposed new regulations 6218.13, “Special Provisions For Failure to File Adjudications”<sup>1</sup> to increase enforcement for failure to file required campaign disclosures, and ask you to expand its scope to include failure to file required [statement of identity reports](#) for Limited Liability Companies (LLCs) and Professional Limited Liability Companies (PLLCS) as required by Section 14-116 of the Election Law.

The Chief Enforcement Counsel position was created at the State Board of Elections with the intent to increase enforcement of campaign finance violations. Under the statute, the Chief Enforcement Counsel has wide responsibility for enforcing violations of Article 14 of the Election Law, as brought to them from the Compliance Unit or otherwise (see Sections 3-104 and 3-104-a of the Election Law). The Compliance Unit is responsible for monitoring all filings required under Article 14 of the Election Law, including Section 14-116 regarding LLC and corporate statement of identity reports that disclose their beneficial owners.

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<sup>1</sup> Published in the [State Register on March 23, 2023](#).

Under Section 14-120, all campaign contributions must be made under the true name of the contributor, including the owners of LLCs. This section specifies that the Board of Elections “shall enact regulations that prevent the avoidance of the rules” regarding attribution of contributions to LLC owners.

As written now, under 6218.13(a), the Chief Enforcement Counsel may only “present a list of committees and candidates” that have failed to file required reports. This language is limiting, as it does not include persons or corporations required to file statements of identity under Section 14-116 of the Election Law.

We ask that you update the language to (additions in all capitals): “present a list of all committees, candidates, LIMITED LIABILITY COMPANIES, AND PERSONAL LIMITED LIABILITY COMPANIES” that have failed to file required reports, and ensure that it is inclusive of all reporting requirements under Article 14 of the Election Law.

Additionally, 6218.13(d) should be amended as follows (additions in all capitals): “This section shall apply exclusively to allegations of failure to file a required campaign financial disclosure report, A REQUIRED STATEMENT OF IDENTITY REPORT, OR OTHER REPORTS REQUIRED TO BE FILED pursuant to title one of article fourteen of the election law.”

Thank you for your consideration.

Sincerely,

Rachael Fauss  
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Reinvent Albany

Ben Weinberg  
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