S T A T E O F N E W Y O R K

3020

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. BENJAMIN, MOLINARO, ALFANO, BALL, CALHOUN, KOLB, GALEF -- Multi-Sponsored by -- M. of A. BARRA, BROOK-KRASNY, FINCH, MAGEE, MAYERSOHN, TOWNS, WRIGHT -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to forfeiture of unspent campaign funds after criminal conviction and resignation of the elected official

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

S 14-131. CONTRIBUTION FUNDS; FORFEITURE AFTER CRIMINAL CONVICTION. 1. ALL CONTRIBUTIONS RECEIVED BY AN ELECTED CANDIDATE FOR PUBLIC OFFICE, WHO IS CHARGED WITH A CRIME, SHALL BE SUBJECT TO IMMEDIATE AUDIT AND ANY UNSPENT CONTRIBUTIONS SHALL BE SUBJECT TO FORFEITURE PROCEEDINGS UPON CONVICTION OR RESIGNATION OF SUCH ELECTED CANDIDATE.

2. THE ATTORNEY GENERAL, OR DISTRICT ATTORNEY OF THE COUNTY WHEREIN THE ELECTION OCCURRED, SHALL HAVE SUBJECT MATTER JURISDICTION OVER THE FORFEITURE PROCEEDINGS. TO THE EXTENT APPLICABLE, THE PROCEDURES OF ARTICLE THIRTEEN-A OF THE CIVIL PRACTICE LAW AND RULES SHALL GOVERN THE PROCEEDINGS AND ACTIONS UNDER THIS SECTION.

3. THE COMPTROLLER SHALL RECEIVE ANY FORFEITED UNSPENT CONTRIBUTIONS AND TO THE EXTENT PRACTICABLE, RETURN SUCH FUNDS TO THE PRIVATE SOURCE OF SUCH FUNDS. IN THE CASE OF ANY UNSPENT PUBLIC CONTRIBUTIONS, THE UNSPENT CONTRIBUTIONS SHALL BE RETURNED TO THE APPLICABLE ELECTION CAMPAIGN FINANCE FUND.

2. This act shall take effect immediately.

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

LBD05584-01-9