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

6394

2015-2016 Regular Sessions

I N A S S E M B L Y

March 23, 2015

Introduced by M. of A. PERRY, STECK, BRONSON -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to enacting the "forfeiture of campaign finance accounts and return of contributions act"

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

Section 1. This act shall be known and may be cited as the "forfeiture of campaign finance accounts and return of contributions act."

S 2. The election law is amended by adding a new section 14-132 to read as follows:

S 14-132. FORFEITURE OF CAMPAIGN FINANCE ACCOUNTS AND RETURN OF CONTRIBUTIONS. 1. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY PERSON WHO HOLDS OR MAINTAINS A CAMPAIGN FINANCE ACCOUNT OR ACCOUNTS SUBJECT TO THE PROVISIONS OF THIS ARTICLE WHO:

(A) IS INDICTED OR CHARGED WITH A CRIME OR IS CHARGED WITH A VIOLATION OF THE STATE ETHICS LAW AND RESIGNS FROM OFFICE DUE TO SAID CHARGES PRIOR TO CONVICTION OR ADJUDICATION AND COMPLETE DISPOSITION OF SAID CHARGES; OR

(B) IS CONVICTED OF A FELONY OR CRIME FOR WHICH SUCH CONVICTION WOULD DISQUALIFY THE PERSON FROM HOLDING THE ELECTED OFFICE FOR WHICH THE CAMPAIGN FUNDS WERE RAISED; OR

(C) RESIGNS FROM OFFICE DUE TO FORMAL COMPLAINTS FILED WITH AND CHARGES BROUGHT BY THE LEGISLATIVE ETHICS COMMISSION, ESTABLISHED BY SECTION EIGHTY OF THE LEGISLATIVE LAW FOR VIOLATION OF STATE ETHICS LAWS PRIOR TO COMPLETE ADJUDICATION AND DISPOSITION OF SUCH COMPLAINTS OR CHARGES.

2. ALL SUCH CAMPAIGN FINANCE ACCOUNTS SUBJECT TO THE PROVISIONS OF THIS ARTICLE AND HELD OR MAINTAINED BY ANY PERSON DESCRIBED IN SUBDIVISION ONE OF THIS SECTION OR, ON BEHALF OF SUCH PERSON, SHALL BE FORFEITED TO THE CUSTODY AND THE CONTROL OF THE OFFICE OF THE NEW YORK STATE COMPTROLLER WITHIN TEN DAYS OF THE EFFECTIVE DATE OF RESIGNATION OF SAID PERSON'S FORFEITURE OF THEIR OFFICE. THE TREASURER OF THE

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

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CAMPAIGN COMMITTEE AND THE FORMER OFFICE HOLDER FOR WHICH THE CAMPAIGN FINANCE ACCOUNT WAS MAINTAINED, SHALL BE RESPONSIBLE FOR COMPLIANCE WITHIN THE PERIOD SET FORTH IN THIS ARTICLE OR SAID PERSON SHALL BE SUBJECT TO A CIVIL PENALTY OF ONE THOUSAND DOLLARS PER DAY UNTIL COMPLIANCE IS MET.

3. THE NEW YORK STATE COMPTROLLER SHALL ESTABLISH A FORFEITED CAMPAIGN FINANCE FUNDS ACCOUNT FOR THE PURPOSE OF THE RETURN OF SAID CAMPAIGN FUNDS TO THE ORIGINAL DONORS AND SHALL ESTABLISH A PROCESS TO PROVIDE FOR THE MOST EXPEDITIOUS RETURN OF CAMPAIGN FINANCE FUNDS TO DONORS IN THE ORDER OF LAST DONOR FIRST, UNTIL SUCH FUNDS HAVE BEEN FULLY EXPENDED. TO THE EXTENT THAT IT IS NOT POSSIBLE TO ASCERTAIN THE IDENTITY OF INDIVIDUAL DONORS, ANY REMAINING UNCLAIMED FORFEITED CAMPAIGN FINANCE FUNDS MAY BE APPLIED TO THE NEW YORK STATE COMPTROLLER'S COST TO ADMINISTER THE FORFEITED CAMPAIGN FINANCE FUND ACCOUNT.

S 3. This act shall take effect on the first of January next succeeding the date upon which it shall become a law.