

4976--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 10, 2015

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Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to disposition of campaign funds

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

- 1     Section 1. The election law is amended by adding a new section 14-132  
2     to read as follows:  
3     S 14-132. DISPOSITION OF CAMPAIGN FUNDS. 1. A CANDIDATE MAKING THEIR  
4     OWN DISCLOSURES WITHOUT AN AUTHORIZED POLITICAL COMMITTEE OR THE TREAS-  
5     URER OF A CANDIDATE'S AUTHORIZED POLITICAL COMMITTEE SHALL DISPOSE OF  
6     ALL FUNDS AND TERMINATE THEIR FILING OBLIGATION WITH THE APPLICABLE  
7     BOARD OF ELECTIONS WITHIN FOUR YEARS AFTER THE LATER OF (A) THE END OF  
8     THE CANDIDATE'S MOST RECENT TERM OF OFFICE, (B) THE DATE OF THE ELECTION  
9     IN WHICH THE CANDIDATE LAST APPEARED ON THE BALLOT, OR (C) THE DATE OF  
10    THE ELECTION IN WHICH THE CANDIDATE LAST FILED TO SEEK POLITICAL OFFICE.  
11    2. ANY SUCH CANDIDATE OR SUCH CANDIDATE'S AUTHORIZED POLITICAL COMMIT-  
12    TEE REQUIRED TO DISPOSE OF FUNDS PURSUANT TO THIS SECTION SHALL, AT THE  
13    OPTION OF THE CANDIDATE OR THE TREASURER OF SUCH COMMITTEE, DISPOSE OF  
14    SUCH FUNDS BY ANY OF THE FOLLOWING MEANS, OR ANY COMBINATION THEREOF:  
15    (A) RETURNING, PRO RATA, TO EACH CONTRIBUTOR THE FUNDS THAT HAVE NOT  
16    BEEN SPENT OR OBLIGATED;  
17    (B) DONATING THE FUNDS TO A CHARITABLE ORGANIZATION OR ORGANIZATIONS  
18    THAT MEET THE QUALIFICATIONS OF SECTION 501(C)(3) OF THE INTERNAL REVEN-  
19    UE CODE;  
20    (C) DONATING THE FUNDS TO THE STATE UNIVERSITY OF NEW YORK OR THE CITY  
21    UNIVERSITY OF NEW YORK;  
22    (D) DONATING THE FUNDS TO THE STATE'S GENERAL FUND;

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

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1 (E) CONTRIBUTING THE FUNDS TO A CANDIDATE, PARTY, CONSTITUTED OR POLI-  
2 TICAL COMMITTEE IN ACCORDANCE WITH THE LIMITS SET FORTH IN SECTION  
3 14-114 OF THIS ARTICLE.

4 3. NO SUCH CANDIDATE OR SUCH CANDIDATE'S AUTHORIZED POLITICAL COMMIT-  
5 TEE SHALL DISPOSE OF CAMPAIGN FUNDS BY MAKING EXPENDITURES FOR PERSONAL  
6 USE AS DEFINED IN SECTION 14-130 OF THIS ARTICLE.

7 4. UPON THE DEATH OF A CANDIDATE, FORMER CANDIDATE OR HOLDER OF ELEC-  
8 TIVE OFFICE, WHO RECEIVED CAMPAIGN CONTRIBUTIONS, ALL FUNDS SHALL BE  
9 DISPOSED OF ACCORDING TO THIS SECTION WITHIN TWELVE MONTHS OF THE DEATH  
10 OF SUCH PERSON.

11 5. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, A  
12 CANDIDATE MAKING THEIR OWN DISCLOSURES WITHOUT AN AUTHORIZED POLITICAL  
13 COMMITTEE OR THE TREASURER OF A CANDIDATE'S AUTHORIZED POLITICAL COMMIT-  
14 TEE SHALL DISPOSE OF ALL FUNDS AND TERMINATE THEIR FILING OBLIGATION  
15 WITH THE APPLICABLE BOARD OF ELECTIONS WITHIN TWELVE MONTHS AFTER FINAL  
16 STATE OR FEDERAL COURT AFFIRMANCE OF ANY FELONY CONVICTION AND SENTENCE  
17 OF SUCH CANDIDATE ON DIRECT REVIEW OR THE EXPIRATION OF THE TIME FOR  
18 SEEKING SUCH REVIEW, PROVIDED, HOWEVER, THAT FUNDS MAY ONLY BE DISPOSED  
19 OF IN ACCORDANCE WITH PARAGRAPH (A), (B), (C) OR (D) OF SUBDIVISION TWO  
20 OF THIS SECTION.

21 6. IF FUNDS ARE NOT DISPOSED OF WITHIN THE TIME REQUIRED BY THIS  
22 SECTION, SUCH FUNDS SHALL BE RECOVERABLE BY THE CHIEF ENFORCEMENT COUN-  
23 SEL OF THE STATE BOARD OF ELECTIONS IN A SPECIAL PROCEEDING IN STATE  
24 SUPREME COURT IN THE MANNER PRESCRIBED BY SECTION 16-116 OF THIS CHAPTER  
25 AND DEPOSITED INTO THE STATE'S GENERAL FUND.

26 S 2. This act shall take effect July 1, 2017, provided, however, that  
27 where the applicable time frame for disposing of funds established by  
28 section 14-132 of the election law as added by section one of this act  
29 has elapsed on such effective date, a candidate making their own disclo-  
30 sures without an authorized political committee or the treasurer of a  
31 candidate's authorized political committee shall dispose of all funds  
32 and terminate their filing obligation with the applicable board of  
33 elections within 12 months of such effective date.