STATE OF NEW YORK

91--A

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to the disposition of campaign funds upon the conviction of a felony of a candidate, former candidate or holder of elective office

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

Section 1. Subdivision 1 of section 14-132 of the election law, as added by section 2 of part C of chapter 286 of the laws of 2016, is amended and a new subdivision 1-a is added to read as follows:

1. Upon the death of a candidate, former candidate or holder of elective office, where such candidate or candidate's authorized committee received campaign contributions, all such funds shall be disposed of by any of the following means, or any combination thereof, within two years of the death of such person:

(a) returning, pro rata, to each contributor the funds that have not been spent or obligated;

(b) donating the funds to a charitable organization or organizations that meet the qualifications of section 501(c)(3) of the Internal Revenue Code;

(c) donating the funds to the state university of New York or the city university of New York; **or**

(d) donating the funds to the state's general fund[~~; or~~

~~(e) contributing or transferring the funds to a candidate, party, constituted or political committee in accordance with the applicable limits, if any, set forth in this article~~].

1-a. Upon the felony conviction of a candidate, former candidate or holder of elective office, where such candidate, candidate's authorized

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

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committee, or holder of elective office received campaign contributions, any expenditures of such funds shall be prohibited. Such prohibition shall be lifted upon reversal of the conviction and dismissal of the accusatory instrument. If the conviction becomes final, all such funds shall be disposed of by any of the means listed under subdivision one of this section or any combination thereof within two years of the conviction becoming final.

§ 2. This act shall take effect immediately.