STATE OF NEW YORK

4431

2023-2024 Regular Sessions

IN SENATE

February 8, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to the disposition of campaign funds raised by an elected official who has been convicted of a crime committed while in public office or has been impeached and convicted or has resigned

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

Section 1. Section 14-132 of the election law is amended by adding a new subdivision 1-a to read as follows:

1-a. No elected official who has been convicted of a crime committed while in public office, or who has been impeached and convicted, or who resigned his or her public office following findings by either the attorney general or a committee of the legislature that the official has violated the law, shall expend any campaign funds raised while he or she held such same public office in support of any candidate for public office or any issue in any campaign for public office in this state. Provided, however, that nothing in this subdivision shall prohibit such former officeholder from raising and spending money in support of political activities in an account that did not exist at the time he or she held office, unless barred from doing so by any sentence for a crime or impeachable offense. Where such elected official or elected official'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 conviction or resignation:

(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;

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

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(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.

§ 2. Subdivision 2 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 to read as follows:

2. No [~~such candidate's~~] authorized political committee **on behalf of a candidate as described by subdivision one of this section or elected official described by subdivision one-a of this section** shall dispose of campaign funds by making expenditures for personal use as defined in section 14-130 of this article.

§ 3. This act shall take effect immediately.