

September 9th, 2021

Michael L. Johnson, Esq.
Chief Enforcement Counsel
New York State Board of Elections

Dear Mr. Johnson,

The undersigned groups write to bring to your attention a potential violation of Election Law Sec. 14-130 by former Governor Andrew Cuomo. NY Election Law Sec. 14-130 (1) provides that campaign funds “shall not be converted by any person to a personal use which is unrelated to a political campaign or the holding of a public office or party position.” EL 14-130(3)(v) provides:

3. For the purposes of this section, contributions “converted by any person to a personal use” are expenditures that are exclusively for the personal benefit of the candidate or any other individual, not in connection with a political campaign or the holding of a public office or party position.

“Converted by any person to a personal use”, when meeting the definition in this subdivision, shall include, but not be limited to, expenses for the following: ...

(v) salary payments or other compensation provided to any person for services where such services are not solely for campaign purposes or provided in connection with the execution of the duties of public office or party position;

Recently resigned former Governor Andrew Cuomo left office with a campaign war chest of over \$18 million. Almost immediately, he hired a former press aide to be his “spokesman”, apparently paying for those services from his campaign funds. This raises questions about the appropriate use of his campaign funds.[1] News articles point out that the former governor has no current plans to run for office [2] and it is indisputable that he does not currently hold office. Therefore, under the express provisions of E.L. Sec. 14-130(3)(v), former Governor Cuomo cannot legally pay the salary of a spokesman out of his campaign funds.

Accordingly, we ask that you regard this letter as a complaint alleging a potential violation of N.Y. Election Law Sec. 14-130(3)(v) by former Governor Cuomo and request that you investigate and take appropriate enforcement action.

Common Cause/NY
League of Women Voters NYS
NY Public Interest Research Group
Reinvent Albany

[1]<https://www.timesunion.com/state/article/Senator-to-Cuomo-donors-Ask-for-your-money-back-16416636.php>

[2] <https://www.usatoday.com/story/news/politics/2021/08/23/andrew-cuomo-farewell-address/8242149002/>