



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

On January 6, Senator Hoylman Announces RIOT Act to Bar Insurrectionists From Public Office

BRAD HOYLMAN-SIGAL January 6, 2023

| ISSUE: **JANUARY 6TH INSURRECTION**

NEW YORK — Today, on the second anniversary of the January 6, 2021 attack on the U.S. Capitol, State Senator Brad Hoylman announced the RIOT (Restrict Insurrectionists from Office Taking) Act to prohibit those who engage in insurrection or rebellion from serving in civil office in New York.

State Senator Hoylman said: “Up to 47 New Yorkers were arrested and charged with their roles in the January 6 U.S. Capitol riots that left five people dead in the immediate aftermath, four subsequent deaths from suicide, and dozens of police officers injured. Our RIOT Act will bar anyone who’s acted against the sanctity of our democracy from holding elected office and sends a strong message that violence is incompatible with government service. We must continue to safeguard our democracy from the extremists attempting to destroy it.”

Planning or participating in insurrection or rebellion is directly in conflict with the oath of office members of the legislature and all offices, executive and judicial, must take to support the constitution of the United States and the constitution of the state of New York. At a congressional level, at least two new elected representatives have been credibly accused of participating in the violent insurrection on January 6.

There is historic precedent for this type of exclusion. On a federal level, the Fourteenth Amendment’s disqualification clause of the U.S. Constitution prohibits from federal or state office anyone who previously swore an oath to defend the constitution and engaged in insurrection or rebellion, but it does not address candidates who have not yet taken an oath or affirmation. Federal law also bars insurrectionists from holding office under the United States, but not state or local governments. 18 U.S.C. § 2383. With this bill, New York can close those loopholes by barring such criminals from becoming a member of the state legislature, executive officer, or judge.

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