

# STATE OF NEW YORK

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5268--A

Cal. No. 462

2023-2024 Regular Sessions

## IN SENATE

March 1, 2023

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Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the election law, in relation to the authority of the state board of elections to issue subpoenas

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

1 Section 1. Paragraph (b) of subdivision 1 of section 3-104 of the  
2 election law, as amended by section 4 of subpart B of part H of chapter  
3 55 of the laws of 2014, is amended to read as follows:

4 (b) The state board of elections shall have jurisdiction of, and be  
5 responsible for, the execution and enforcement of the provisions of  
6 article fourteen of this chapter and other statutes governing campaigns,  
7 elections and related procedures; provided however that the chief  
8 enforcement counsel shall have sole authority within the state board of  
9 elections to investigate on his or her own initiative, or upon  
10 complaint, alleged violations of such statutes, and all complaints  
11 alleging violations shall be forwarded to the division of election law  
12 enforcement.

13 § 2. Subdivision 3 of section 3-104 of the election law, as amended  
14 by section 4 of subpart B of part H of chapter 55 of the laws of 2014,  
15 is amended to read as follows:

16 3. Upon receipt of a complaint and supporting information alleging any  
17 violation of this chapter, or upon his or her own initiative, the chief  
18 enforcement counsel shall determine if an investigation should be under-  
19 taken. The chief enforcement counsel shall, if necessary, obtain addi-  
20 tional information from the complainant or from other sources to assist  
21 such counsel in making this determination. Such analysis shall include  
22 the following: first, whether the allegations, if true, would constitute

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

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1 a violation of this chapter and, second, whether the allegations are  
2 supported by credible evidence. The chief enforcement counsel may at any  
3 time ask that the board authorize him or her to exercise the powers  
4 which the board is otherwise authorized to exercise pursuant to subdivi-  
5 sions five and six of section 3-102 of this title. The board shall vote  
6 on whether to grant or refuse to grant such authority no later than  
7 twenty days after the chief enforcement counsel makes such request. For  
8 purposes of considering and voting on such request, quorum requirements  
9 are met if two board members and the chief enforcement counsel are pres-  
10 ent at the vote, and the chief enforcement counsel shall be entitled to  
11 participate in all matters related thereto and shall vote on the board's  
12 granting or refusal to grant such request only when there is a tie.  
13 Should the board not vote on such request within twenty days of its  
14 submission, or grant the chief enforcement counsel's request, the chief  
15 enforcement counsel shall be so empowered to act pursuant to subdivi-  
16 sions five and six of section 3-102 of this title.

17 § 3. Within thirty days of the effective date of this act, the state  
18 board of elections shall issue any rules and regulations necessary for  
19 the implementation of this act.

20 § 4. This act shall take effect immediately.