S T A T E O F N E W Y O R K

10950

I N A S S E M B L Y

May 5, 2010

Introduced by M. of A. BALL, CASTELLI -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law and the legislative law, in relation to disclosure of all income from employment (Part A); to amend the legislative law, in relation to the terms of legislative committee chairs (Part B); to amend the legislative law, in relation to term limits for state legislators (Part C); to amend the election law, in relation to the time for filing statements of campaign receipts and expenditures (Part D); and to amend the judiciary law, in relation to regulating the activities of judicial candidates (Part E)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act enacts into law major components of legislation which are necessary to enact ethics reform. Each component is wholly contained within a Part identified as Parts A through E. The effective date of each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Paragraph 5 of subdivision 3 of section 73-a of the public officers law is amended by adding a new subparagraph (c) to read as follows:

(C) IF YOU ARE A MEMBER OF THE LEGISLATURE OR A CANDIDATE FOR MEMBER OF THE LEGISLATURE, LIST EACH SOURCE AND THE AMOUNT OF INCOME THEREFROM, IN EXCESS OF $1,000, (OTHER THAN FROM THE EMPLOYMENT LISTED UNDER PARAGRAPH 2 ABOVE) RECEIVED DURING THE REPORTING PERIOD FOR WHICH THIS STATEMENT IS FILED BY THE REPORTING INDIVIDUAL FROM THE PRACTICE OF EVERY OCCUPATION, EMPLOYMENT, TRADE, BUSINESS AND PROFESSION ENGAGED IN

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

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BY THE REPORTING INDIVIDUAL AND REPORTED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH. INCLUDE, NOTWITHSTANDING THE EXISTENCE OF ANY PROFESSIONAL EXEMPTION, THE NAME AND ADDRESS OF EACH SUCH SOURCE OF INCOME, THE WORK PERFORMED TO EARN SUCH INCOME AND THE AMOUNT OF SUCH INCOME.

NAME OF SOURCE OF INCOME	ADDRESS	WORK PERFORMED	AMOUNT OF INCOME

S 2. Paragraphs i, p and q of subdivision 7 of section 80 of the legislative law, as amended by chapter 14 of the laws of 2007, are amended and a new paragraph r is added to read as follows:

i. Permit any person required to file a financial disclosure statement to request the commission to delete from the copy thereof made available for public inspection and copying one or more items of information, which may be deleted by the commission upon a finding that the information which would otherwise be required to be disclosed will have no material bearing on the discharge of the reporting person's official duties; PROVIDED, HOWEVER, THAT, IF SUCH PERSON IS A MEMBER OF THE LEGISLATURE OR A CANDIDATE FOR MEMBER OF THE LEGISLATURE, UNDER NO CIRCUMSTANCES SHALL THE COMMISSION DELETE FROM THE COPY THEREOF MADE AVAILABLE FOR PUBLIC INSPECTION AND COPYING ANY OF THE INFORMATION INCLUDED IN SUBPARAGRAPH (C) OF PARAGRAPH FIVE OF SUCH FINANCIAL DISCLOSURE STATEMENT;

p. Develop educational materials and training with regard to legislative ethics for members of the legislature and legislative employees; [and]

q. Prepare an annual report to the governor and legislature summarizing the activities of the commission during the previous year and recommending any changes in the laws governing the conduct of persons subject to the jurisdiction of the commission, or the rules, regulations and procedures governing the commission's conduct. Such report shall include: (i) a listing by assigned number of each complaint and referral received which alleged a possible violation within its jurisdiction, including the current status of each complaint, and (ii) where a matter has been resolved, the date and nature of the disposition and any sanction imposed, subject to the confidentiality requirements of this section. Such annual report shall not contain any information for which disclosure is not permitted pursuant to subdivision fourteen of this section[.]; AND

R. COMPILE AND POST ON THE INTERNET WEBSITES OF THE SENATE AND ASSEMBLY THE MOST CURRENT FINANCIAL DISCLOSURE STATEMENTS OF MEMBERS OF THE LEGISLATURE AND CANDIDATES FOR MEMBER OF THE LEGISLATURE.

S 3. Subparagraph 1 of paragraph a of subdivision 14 of section 80 of the legislative law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

(1) [the] ALL information set forth in an annual statement of financial disclosure filed pursuant to section seventy-three-a of the public officers law except [the categories of value or amount which shall be confidential, and any other item] THOSE ITEMS of information deleted pursuant to paragraph i of subdivision seven of this section;

S 4. This act shall take effect January 1, 2011.

PART B

Section 1. Section 5-a of the legislative law is amended by adding a new subdivision 4 to read as follows:

4. ANY MEMBER OF EITHER HOUSE OF THE LEGISLATURE SERVING AS A COMMITTEE CHAIR OF ANY COMMITTEE AS ENUMERATED IN THE SCHEDULE SET FORTH IN SUBDIVISION ONE OF THIS SECTION SHALL NOT SERVE IN SUCH CAPACITY AS THE CHAIR FOR A TERM LONGER THAN FOUR CONSECUTIVE YEARS.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

PART C

Section 1. The legislative law is amended by adding a new section 2-a to read as follows:

S 2-A. LEGISLATIVE TERM LIMITS. MEMBERS OF THE LEGISLATURE SHALL NOT SERVE MORE THAN FIVE TWO YEAR TERMS IN EITHER THE SENATE OR THE ASSEMBLY. IN NO EVENT MAY A LEGISLATOR SERVE MORE THAN TEN YEARS IN EITHER THE SENATE OR ASSEMBLY.

S 2. This act shall take effect January 1, 2011.

PART D

Section 1. Subdivision 3 of section 14-108 of the election law, as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

3. Each statement shall be preserved by the officer with whom or the board with which it is required to be filed for a period of [five] FIFTEEN years from the date of filing thereof.

S 2. This act shall take effect immediately.

PART E

Section 1. Article 23 and sections 860 and 861 of the judiciary law, as renumbered by chapter 840 of the laws of 1983, are renumbered article 24 and sections 870 and 871, and a new article 23 is added to read as follows:

ARTICLE 23

ACTIVITIES OF A JUDICIAL CANDIDATE

SECTION 860. LEGISLATIVE INTENT.
861. ACTIVITIES PROHIBITED.
862. ACTIVITIES NOT CONDONED.
863. LIMITATIONS ON POLITICAL ACTIVITY.
864. EFFECT OF REVISION OF JUDICIAL SELECTION METHOD.
865. CAMPAIGN CONTRIBUTION AND EXPENSE; REPORTING.

S 860. LEGISLATIVE INTENT. THE LEGISLATURE FINDS THAT A JUDICIAL OFFICE IS A NONPARTISAN OFFICE, AND A CANDIDATE FOR ELECTION OR RETENTION THERETO IS PROHIBITED FROM CAMPAIGNING OR QUALIFYING FOR SUCH AN OFFICE BASED ON PARTY AFFILIATION. TO INSURE THAT SUCH CAMPAIGNS FOR ELECTION OR RETENTION ARE CONDUCTED ON A NONPARTISAN BASIS, THE LEGISLATURE WANTS THE ELECTION LAW TO IMPOSE CERTAIN RESTRICTIONS ON THE ACTIVITIES OF A JUDICIAL CANDIDATE TO INSULATE HIM OR HER FROM POLITICAL PARTIES.

S 861. ACTIVITIES PROHIBITED. A CANDIDATE FOR JUDICIAL OFFICE SHALL NOT:

1. PARTICIPATE IN ANY PARTISAN POLITICAL PARTY ACTIVITIES, EXCEPT THAT SUCH CANDIDATE MAY REGISTER TO VOTE AS A MEMBER OF ANY POLITICAL PARTY

AND MAY VOTE IN ANY PARTY PRIMARY FOR CANDIDATES FOR NOMINATION OF THE PARTY IN WHICH HE OR SHE IS REGISTERED TO VOTE.

2. CAMPAIGN AS A MEMBER OF ANY POLITICAL PARTY.

3. PUBLICLY REPRESENT OR ADVERTISE HIMSELF OR HERSELF AS A MEMBER OF ANY POLITICAL PARTY.

4. ENDORSE ANY CANDIDATE.

5. MAKE POLITICAL SPEECHES OTHER THAN ON HIS OR HER BEHALF.

6. MAKE CONTRIBUTIONS TO POLITICAL PARTY FUNDS.

7. ACCEPT CONTRIBUTIONS FROM ANY POLITICAL PARTY.

8. SOLICIT CONTRIBUTIONS FROM ANY POLITICAL PARTY.

9. ACCEPT OR RETAIN A PLACE ON ANY POLITICAL PARTY COMMITTEE.

10. MAKE ANY CONTRIBUTION TO ANY PERSON, GROUP OR ORGANIZATION FOR ITS ENDORSEMENT TO JUDICIAL OFFICE.

11. AGREE TO PAY ALL OR ANY PART OF ANY ADVERTISEMENT SPONSORED BY ANY PERSON, GROUP OR ORGANIZATION WHEREIN THE CANDIDATE MAY BE ENDORSED FOR JUDICIAL OFFICE BY ANY SUCH PERSON, GROUP OR ORGANIZATION.

12. IN ADDITION TO THE ABOVE, POLITICAL PARTIES AND PARTISAN POLITICAL GROUPS, I.E., THOSE ASSOCIATED WITH A PARTICULAR POLITICAL PARTY OR CANDIDATE, ARE PROHIBITED FROM ENDORSING, SUPPORTING OR ASSISTING ANY JUDICIAL CANDIDATE.

A VIOLATION OF THIS SECTION SHALL CONSTITUTE A CLASS A MISDEMEANOR.

S 862. ACTIVITIES NOT CONDONED. A JUDGE OR A CANDIDATE FOR ELECTION TO JUDICIAL OFFICE SHALL NOT:

1. ACT AS A LEADER OR HOLD ANY OFFICE IN A POLITICAL ORGANIZATION;

2. MAKE SPEECHES FOR A POLITICAL ORGANIZATION OR CANDIDATE, OR PUBLICLY ENDORSE A CANDIDATE FOR A PUBLIC OFFICE;

3. SOLICIT FUNDS FOR, PAY AN ASSESSMENT OR MAKE A CONTRIBUTION TO A POLITICAL ORGANIZATION OR CANDIDATE, OR PURCHASE TICKETS FOR POLITICAL PARTY DINNERS OR OTHER FUNCTIONS;

4. PARTICIPATE IN ANY ACTIVITY THAT HAS ANY RELATIONSHIP WHATSOEVER TO A POLITICAL PARTY; HOWEVER, HE OR SHE MAY CAMPAIGN ON HIS OR HER OWN BEHALF AND MAY SPEAK AT MEETINGS OF PARTY EXECUTIVE COMMITTEES, RALLIES AND OTHER POLITICAL GATHERINGS, AND MAY ATTEND AND SPEAK AT MEETINGS OF POLITICAL PARTIES OR ANY PARTISAN ORGANIZATION. CARE SHALL BE TAKEN TO INSURE THAT ANY APPEARANCE BY A JUDICIAL CANDIDATE IS ALSO AVAILABLE TO ALL OTHER SUCH CANDIDATES AND THAT THE ORGANIZATION IS NOT COLLECTIVELY SUPPORTING ANY PARTICULAR JUDICIAL CANDIDATES. IT IS ALSO REQUIRED THAT ANY APPEARANCES BEFORE PARTISAN GROUPS BY JUDICIAL CANDIDATES BE SEPARATE FROM THOSE BY PARTISAN CANDIDATES.

A VIOLATION OF THIS SECTION SHALL CONSTITUTE A VIOLATION AS DEFINED IN THE PENAL LAW.

S 863. LIMITATIONS ON POLITICAL ACTIVITY. 1. NO POLITICAL PARTY OR PARTISAN POLITICAL ORGANIZATION SHALL ENDORSE, SUPPORT OR ASSIST ANY CANDIDATE IN A CAMPAIGN FOR ELECTION TO JUDICIAL OFFICE.

2. ANY PERSON WHO KNOWINGLY, IN AN INDIVIDUAL CAPACITY OR AS AN OFFICER OF AN ORGANIZATION, VIOLATES THE PROVISIONS OF THIS SECTION IS GUILTY OF A CLASS A MISDEMEANOR.

S 864. EFFECT OF REVISION OF JUDICIAL SELECTION METHOD. NO JUDGE ELECTED PRIOR TO OR AT THE ELECTION THAT APPROVES ANY REVISION TO THE SELECTION OF JUDGESHIPS SHALL BE AFFECTED IN HIS OR HER CURRENT TERM OF OFFICE. ANY JUDGE WISHING TO APPLY FOR A SUBSEQUENT TERM WILL BE ELECTED OR RETAINED PURSUANT TO THE METHOD OF ELECTION OR SELECTION AND RETENTION OF JUDGES IN EFFECT AS SET BY THE ABOVE JUDICIAL ELECTION PROCESSES.

S 865. CAMPAIGN CONTRIBUTION AND EXPENSE; REPORTING. 1. A CANDIDATE FOR JUDICIAL OFFICE MAY ACCEPT CONTRIBUTIONS AND MAY INCUR ONLY SUCH

EXPENSES AS ARE AUTHORIZED BY LAW. EACH SUCH CANDIDATE SHALL KEEP AN ACCURATE RECORD OF HIS OR HER CONTRIBUTIONS AND EXPENSES, AND SHALL FILE REPORTS PURSUANT TO CURRENT STANDARDS.

2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A CANDIDATE FOR RE-ELECTION AS A JUSTICE OR A JUDGE WHO HAS NOT RECEIVED ANY CONTRIBUTION OR MADE ANY EXPENDITURE MAY FILE A SWORN STATEMENT AT THE TIME OF QUALIFYING THAT HE OR SHE DOES NOT ANTICIPATE RECEIVING CONTRIBUTIONS OR MAKING EXPENDITURES IN CONNECTION WITH THE CANDIDACY FOR RE-ELECTION TO OFFICE. SUCH CANDIDATE SHALL FILE A FINAL REPORT WITHIN NINETY DAYS FOLLOWING THE GENERAL ELECTION FOR WHICH THE CANDIDATE'S NAME APPEARED ON THE BALLOT FOR RE-ELECTION. ANY SUCH CANDIDATE FOR RE-ELECTION TO JUDICIAL OFFICE WHO, AFTER FILING A STATEMENT PURSUANT TO THIS SUBDIVISION, RECEIVES ANY CONTRIBUTION OR MAKES ANY EXPENDITURE IN CONNECTION WITH THE CANDIDACY FOR RE-ELECTION SHALL IMMEDIATELY FILE A STATEMENT TO THAT EFFECT.

S 2. This act shall take effect immediately.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 3. This act shall take effect immediately; provided, however, that the applicable effective date of Parts A through E of this act shall be as specifically set forth in the last section of such Parts.