STATE OF NEW YORK

5268

2023-2024 Regular Sessions

IN SENATE

March 1, 2023

Introduced by Sen. MYRIE -- 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 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:

Section 1. Subdivision 5 of section 3-102 of the election law, as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

5. administer oaths or affirmations, subpoena witnesses **through its chief enforcement counsel**, compel their attendance, examine them under oath or affirmation and require the production of any books, records, documents or other evidence it may deem relevant or material;

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

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

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

3. Upon receipt of a complaint and supporting information alleging any violation of this chapter, or upon his or her own initiative, the chief enforcement counsel shall determine if an investigation should be under-

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

LBD06814-03-3

taken. The chief enforcement counsel shall, if necessary, obtain additional information from the complainant or from other sources to assist such counsel in making this determination. Such analysis shall include the following: first, whether the allegations, if true, would constitute a violation of this chapter and, second, whether the allegations are supported by credible evidence. The chief enforcement counsel may at any time ask that the board authorize him or her to exercise the powers which the board is otherwise authorized to exercise pursuant to subdivisions five and six of section 3-102 of this title. The board shall vote on whether to grant or refuse to grant such authority no later than twenty days after the chief enforcement counsel makes such request. For purposes of considering and voting on such request, **quorum requirements are met if two board members and the chief enforcement counsel are present at the vote, and** the chief enforcement counsel shall be entitled to participate in all matters related thereto and shall vote on the board's granting or refusal to grant such request only when there is a tie. Should the board not vote on such request within twenty days of its submission, or grant the chief enforcement counsel's request, the chief enforcement counsel shall be so empowered to act pursuant to subdivisions five and six of section 3-102 of this title.

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

§ 5. This act shall take effect immediately.