

# STATE OF NEW YORK

10389

## IN ASSEMBLY

March 3, 2026

Introduced by M. of A. DILAN -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to enacting the citizens utility board act; and making an appropriation therefor

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "citizens utility board act".

3 § 2. The public service law is amended by adding a new article 12 to  
4 read as follows:

### ARTICLE 12

#### CITIZENS UTILITY BOARD

##### Section 250. Purpose.

8 251. Definitions.

9 252. Citizens utility board: formation and membership.

10 253. Powers and duties.

11 254. Contributions.

12 255. Board of directors.

13 256. Duties of directors.

14 257. Director statement of financial interest.

15 258. Executive director: qualifications; appointment.

16 259. Annual membership meeting.

17 260. Mailing procedures.

18 261. Prohibited acts.

19 262. Appointment of interim board of directors.

20 263. Membership of the board of directors.

21 264. Public records.

22 265. Officers of the board of directors.

23 266. Corrupt practices and conflicts of interest.

24 267. Board to be nonpartisan.

25 268. Expenses.

26 269. Dissolution.

27 270. Construction.

28 271. Liability of public utility.

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

LBD14874-02-6

1 § 250. Purpose. The purpose of this article is to promote the health,  
2 welfare and prosperity of all the citizens of this state by ensuring  
3 effective and democratic representation of utility consumers before the  
4 public service commission, the federal energy regulatory commission, the  
5 federal communications commission, the courts, and other public bodies  
6 and by providing for consumer education on utility service prices and on  
7 benefits and methods of energy conservation. Such purpose shall be  
8 deemed a statewide interest and not a private or special concern.

9 § 251. Definitions. As used in this article, the following terms shall  
10 have the following meanings:

11 1. "Board" means the citizens utility board established pursuant to  
12 section two hundred fifty-two of this article.

13 2. "Board of directors" means the board of directors of the citizens  
14 utility board.

15 3. "Campaign contribution" means a gift, subscription, loan, advance  
16 or deposit of money or anything of value, made for the purpose of elect-  
17 ing a candidate to the board of directors; or a contract, a promise or  
18 agreement, express or implied, whether or not legally enforceable, to  
19 make any campaign contribution; but does not include the value of  
20 services provided without compensation by individuals who volunteer a  
21 portion or all of their time on behalf of a candidate or political  
22 committee, or the use of real or personal property and the cost of invi-  
23 tations, food and beverages, voluntarily provided by an individual to a  
24 candidate in rendering voluntary personal services on the individual's  
25 residential premises for candidate-related activities.

26 4. "Campaign expenditures" means a purchase, payment distribution,  
27 loan, advance, deposit or gift of money or anything of value, made for  
28 the purpose of electing a candidate to the board of directors; or a  
29 contract, promise, or agreement, express or implied, whether or not  
30 legally enforceable, to make any campaign expenditure; but does not  
31 include the use of real or personal property and the cost of invita-  
32 tions, food and beverages, voluntarily provided by an individual to a  
33 candidate in rendering voluntary personal services on the individual's  
34 residential premises for candidate-related activities.

35 5. "Class A utility" means any gas, electric or water-works corpo-  
36 ration with annual total gross operating revenues of two million five  
37 hundred thousand dollars or more or any telephone corporation with annu-  
38 al total gross operating revenues of one million six hundred thousand  
39 dollars or more on the effective date of this article.

40 6. "Director" means any member of the board of directors.

41 7. "District" means a board district, the boundaries of which are  
42 congruent with the boundaries of the judicial districts in the state.

43 8. "Immediate family" of a person means the person's spouse and legal  
44 dependents.

45 9. "Member" means any person who satisfies the requirements for  
46 membership pursuant to section two hundred fifty-two of this article.

47 10. "Periodic customer billing" means a demand for payment for utility  
48 services by a public utility to a residential utility consumer on a  
49 monthly or other regular basis.

50 11. "Political committee" means any committee, club, association or  
51 other group of persons which make campaign expenditures or receive  
52 campaign contributions during the year before an election of the board  
53 of directors.

54 12. "Public utility" shall have the same meaning as "public utility  
55 company" defined in subdivision twenty-three of section two of this

1 chapter, provided, however "public utility" shall additionally include  
2 entities subject to the provisions of article eleven of this chapter.

3 13. "Utility consumer" means any individual who is located in this  
4 state and which is furnished with a utility service by a public utility.

5 14. "Utility service" means electricity, natural gas, water and tele-  
6 phone service supplied by a public utility.

7 § 252. Citizens utility board: formation and membership. 1. There is  
8 created a nonprofit public body corporate and politic to be known as the  
9 "citizens utility board". Any utility consumer who has submitted a  
10 membership form and has contributed membership dues to the board in the  
11 preceding twelve months shall be a member of the board. A member may  
12 resign from membership at any time.

13 2. The board shall, upon certification of their nominations pursuant  
14 to subdivision two of section two hundred sixty-three of this article  
15 and request by the candidate, within five days provide to each candidate  
16 for election to the board of directors a current list of members resid-  
17 ing in the candidate's district. Such list shall include the names and  
18 current addresses of members within such district, and may be used by  
19 the candidate only for election purposes.

20 3. Notwithstanding any other provision of this article or any other  
21 provisions of law, if the board does not receive contributions from at  
22 least ten thousand citizens of this state within three years of the  
23 effective date of this article, the board shall be dissolved.

24 § 253. Powers and duties. 1. The board shall:

25 (a) Represent and protect the interests of the residential utility  
26 consumers of this state. All actions by the board under this article  
27 shall be directed toward such duty; provided that the board may also  
28 give due consideration to the interests of business in the state.

29 (b) Inform, in so far as possible, all utility consumers about the  
30 board, including the procedure for obtaining membership in the board.

31 2. The board shall have all the powers necessary or convenient for the  
32 effective representation and protection of the interest of utility  
33 consumers and to implement this article, including the following powers  
34 in addition to all other powers granted by this article:

35 (a) To make, amend and repeal bylaws and rules for the regulation of  
36 its affairs and the conduct of its business; to adopt an official seal  
37 and alter it at pleasure; to maintain an office; to sue and be sued in  
38 its own name, plead and be impleaded; and to make and execute contracts  
39 and other instruments necessary or convenient to the exercise of the  
40 powers of the board.

41 (b) To employ such agents, employees and special advisors as it finds  
42 necessary and to fix their compensation.

43 (c) To solicit and accept gifts, loans, or other aid in order to  
44 support activities concerning the interests of utility consumers.  
45 Except as provided in section two hundred fifty-four of this article,  
46 the board may not accept gifts, loans or other aid from any public util-  
47 ity or from any director, employee or agent or member of the immediate  
48 family of a director, employee or agent of any public utility. As used  
49 in this paragraph, "aid" does not mean payment of membership dues.

50 (d) To intervene as a party or otherwise participate on behalf of  
51 utility consumers in any proceeding which affects the interest of utili-  
52 ty consumers.

53 (e) To represent the interests of utility consumers before the commis-  
54 sion, the federal energy regulatory commission, the federal communi-  
55 ications commission, the courts, and other public bodies, except that no  
56 director, employee or agent of the board may engage in lobbying without

1 first complying with any applicable statute, administrative rule or  
2 other regulation relating to lobbying.

3 (f) To establish annual dues which shall be set at a level that  
4 provides sufficient funding for the board to effectively perform its  
5 powers and duties, and is reasonable and affordable for as many utility  
6 consumers as is possible.

7 (g) To implement solicitation for board funding and membership.

8 (h) To seek tax exempt status under state and federal law, including  
9 501(c)(3) status under the United States internal revenue code.

10 (i) To provide information and advice to utility consumers on any  
11 matter with respect to utility service, including but not limited to  
12 information and advice on benefits and methods of energy conservation.

13 3. The powers, duties, rights and privileges conferred or imposed upon  
14 the board by this article shall not be transferred.

15 4. The board shall refrain from interfering with collective bargaining  
16 rights of any employees of a public utility.

17 § 254. Contributions. Notwithstanding paragraph (c) of subdivision two  
18 of section two hundred fifty-three of this article, the board shall have  
19 the authority to solicit and accept contributions from the clean energy  
20 fund.

21 § 255. Board of directors. The board shall be managed by, and its  
22 powers, functions and duties shall be exercised through a board of  
23 directors to be composed as follows:

24 1. Election and terms of directors. The citizens utility board  
25 districts shall be divided into two groups for the purpose of establish-  
26 ing terms for which the directors shall be elected in each group. One  
27 group shall be comprised of the even numbered judicial districts within  
28 the state and one at-large member. The odd numbered judicial districts  
29 within the state and one at-large member shall comprise the other group.

30 (a) The interim board of directors, within sixty days after their  
31 appointment, shall meet and publicly by lot determine which group shall  
32 be the first group and which group shall be the second. The board of  
33 directors members or their successors from the first group shall be  
34 elected for successive terms of two years, two years and four years; and  
35 members or their successors from the second group shall be elected for  
36 successive terms of four years, two years and two years.

37 (b) The first election of the board of directors is to be held no  
38 later than the thirtieth of April next succeeding the effective date of  
39 this article. Subsequent elections of the board of directors shall be  
40 held on March thirty-first of each election year. If March thirty-first  
41 falls on a weekend or holiday, the election shall occur on the next  
42 business day following March thirty-first.

43 (c) Interim and elected board members shall serve until their succes-  
44 sors are elected and have qualified.

45 2. Qualifications. A director shall be a resident of the district they  
46 represent, provided however, that an at-large director only needs to be  
47 a resident of the state, and all directors shall be members of the  
48 board. No person who is an employee in any managerial or supervisory  
49 capacity, director, officer or agent or who is a member of the immediate  
50 family of any such employee, director, officer or agent of any public  
51 utility is eligible to be a director. No director may hold any elective  
52 position, be a candidate for any elective position, be a state public  
53 official, be employed by the commission, or be employed in a govern-  
54 mental position.

1 3. Director, family member employment. No director, nor member of  
2 their immediate family shall, either directly or indirectly, be employed  
3 for compensation as a staff member or consultant of the board.

4 4. Meetings. The board of directors shall hold regular meetings at  
5 least once every three months on such dates and at such places as it may  
6 determine. Special meetings may be called by the president or by a  
7 majority of the directors upon at least seven days' advance written  
8 notice. Unless otherwise provided in the bylaws, a majority of the  
9 board of directors shall constitute a quorum; provided, that in no event  
10 shall a quorum consist of less than one-third of the board of directors.  
11 The act of the majority of the directors, present at a meeting at which  
12 a quorum is present, shall be the act of the board of directors unless  
13 the act of a greater number is required by this article or bylaws. A  
14 summary of the minutes of every board meeting shall be made available to  
15 each public library in the state upon request and to individuals upon  
16 request.

17 5. Expenses. A director may not receive any compensation for their  
18 services but shall be reimbursed for necessary expenses, including trav-  
19 el expenses incurred in the discharge of duties. The board of directors  
20 shall establish standard allowances for mileage, room and meals and the  
21 purposes for which such allowances may be made and shall determine the  
22 reasonableness and necessity for such reimbursements. The board of  
23 directors shall include the schedule of such standard allowances in the  
24 annual report pursuant to paragraph (d) of subdivision four of section  
25 two hundred fifty-six of this article.

26 6. Bonding. Directors and employees eligible to disburse funds shall  
27 be bonded. The costs of such bonds shall be paid by the board.

28 § 256. Duties of directors. The board of directors shall have the  
29 following duties:

30 1. To establish the policy of the board regarding appearances before  
31 regulatory agencies, legislative bodies and other public authorities,  
32 and regarding other activities which the board has the authority to  
33 perform under this article.

34 2. To employ an executive director who shall have the following powers  
35 and duties, subject at all times to the direction and supervision of the  
36 board of directors:

37 (a) To implement the policy established by the board under subdivision  
38 one of this section.

39 (b) To employ and discharge employees of the board.

40 (c) To supervise the offices, facilities and work of the employees of  
41 the board.

42 (d) To have custody of and maintain the books, records and membership  
43 rolls of the board under this article.

44 (e) To prepare and submit to the board annual and quarterly statements  
45 of the financial and substantive operations of the board, and financial  
46 estimates for the future operations of the board.

47 (f) To attend and participate in meetings of the board of directors,  
48 but without a vote.

49 (g) To file annually with the board of directors a current financial  
50 statement which includes the information required pursuant to subdivi-  
51 sion three of section two hundred sixty-three of this article.

52 (h) To exercise such other powers and perform such other duties as the  
53 board of directors delegates.

54 3. To hold an annual meeting of the membership on a date and at a  
55 place within the state to be determined by the board pursuant to section  
56 two hundred fifty-nine of this article.

1 4. To assure preparation of:

2 (a) Up-to-date membership rolls.

3 (b) Quarterly statements of the financial and substantive operations  
4 of the board.

5 (c) An audit of the board's books at least once each fiscal year. Such  
6 audit shall be by a certified public accountant.

7 (d) An annual report of the board's financial and substantive oper-  
8 ations. The board shall prepare the report at the close of the board's  
9 fiscal year and shall make the report available to each of its members,  
10 as well as to members of the news media who request it. It shall also  
11 make the report available to each library in the state that requests it,  
12 and to individuals upon request.

13 5. To establish and make available to the public a written policy on  
14 the availability and distribution of all records required to be kept by  
15 the board under this article.

16 6. To prepare membership applications in English and the six most  
17 commonly spoken non-English languages in the state and distribute such  
18 applications on the public website of the board, and in sufficient  
19 amounts or in machine copyable form to every library system in the  
20 state, so as to allow such library systems to distribute the applica-  
21 tions to all of the public libraries throughout the state, wherefrom  
22 utility consumers may obtain the applications to submit to the board,  
23 with annual dues, for membership.

24 7. To prepare nominating petitions in English and the six most common-  
25 ly spoken non-English languages in the state and distribute such  
26 petitions on the public website of the board, and in sufficient amounts  
27 or in machine copyable form to every library system in the state, so as  
28 to allow such library systems to distribute the petitions to all of the  
29 public libraries throughout the state, wherefrom members of the board  
30 may obtain the petitions to circulate when running for nomination for a  
31 director.

32 8. To provide all candidates for election to the board with a current  
33 list of members residing in the candidate's district, or within the  
34 state for an at-large nomination, upon certification of nomination  
35 pursuant to subdivision two of section two hundred sixty-three of this  
36 article and within five days of a request by the candidate.

37 9. To carry out all other duties and responsibilities imposed upon the  
38 board and the board under this article.

39 § 257. Director statement of financial interest. Every director shall  
40 file annually with the board of directors a current financial statement  
41 which includes the information required pursuant to subdivision three of  
42 section two hundred sixty-three of this article.

43 § 258. Executive director: qualifications; appointment. 1. The execu-  
44 tive director hired by the board of directors pursuant to section two  
45 hundred fifty-six of this article shall have the same qualifications as  
46 a director pursuant to section two hundred sixty-three of this article,  
47 except that the executive director need not be a resident of this state  
48 nor a member of the board. The executive director may not be a candidate  
49 for director while serving as executive director.

50 2. To hire the executive director pursuant to section two hundred  
51 fifty-six of this article, the board of directors shall adhere to any  
52 applicable state or federal law prohibiting discrimination in employ-  
53 ment.

54 3. The board of directors shall require all applicants for the posi-  
55 tion of executive director of the board to file a financial statement  
56 which includes the information required pursuant to subdivision four of

1 section two hundred sixty-three of this article. The board shall require  
2 the executive director to file a current statement annually.

3 § 259. Annual membership meeting. All members shall be eligible to  
4 attend, participate in and vote in the annual membership meeting called  
5 by the board of directors pursuant to subdivision three of section two  
6 hundred fifty-six of this article. The meeting shall be open to the  
7 public and shall be held in different districts on a rotating basis.  
8 Each year a meeting shall be held in each board of directors district  
9 for the members of such district. Such members shall receive notice of  
10 that meeting at least fourteen days in advance.

11 § 260. Mailing procedures. 1. As used in this section:

12 (a) "Enclosure" means a card, leaflet, envelope, electronic or digital  
13 materials, or combination thereof furnished by the board under this  
14 section.

15 (b) "Mailing" means any communication by a public utility, that is  
16 sent through the United States postal service or electronically to util-  
17 ity consumers.

18 2. To accomplish its powers and duties pursuant to section two hundred  
19 fifty-three of this article, the board, subject to the following limita-  
20 tions, may prepare and furnish to the secretary of state an enclosure to  
21 be provided to public utilities for inclusion in mailings of such public  
22 utilities. All enclosures prepared by the board shall be in English and  
23 the six most commonly spoken non-English languages in the state.

24 (a) A public utility furnished with an enclosure shall include such  
25 enclosure within the mailing designated by the board.

26 (b) An enclosure furnished by the board under this section shall be  
27 provided to the secretary of state and the public utility a reasonable  
28 period of time in advance of a mailing.

29 (c) An enclosure furnished by the board under this section shall be  
30 limited to informing the reader of the purpose, nature and activities of  
31 the board as set forth in this article and informing the reader that it  
32 may become a member of the board, maintain membership in the board and  
33 contribute money to the board directly.

34 (d) The secretary of state shall review and approve of the content of  
35 the enclosure prior to providing such enclosure to a public utility. The  
36 secretary of state shall approve the enclosure if it determines that the  
37 enclosure (i) is not false or misleading and (ii) satisfies the require-  
38 ments of this article. The secretary of state shall be deemed to have  
39 approved the enclosure unless it disapproves the enclosure within four-  
40 teen days from the date of receipt.

41 § 261. Prohibited acts. 1. No person may interfere or threaten to  
42 interfere with or cause any interference with utility service or with  
43 the utility service of or penalize any person who contributes to the  
44 board or participates in any of its activities, in retribution for such  
45 contribution or participation.

46 2. No person may act with intent to prevent, interfere with or hinder  
47 the activities permitted under this article.

48 3. A person who violates this section shall be subject to a fine of  
49 not more than one thousand dollars. Each such violation shall constitute  
50 a separate and continuing violation of this article. A person who know-  
51 ingly and willfully violates this section may be imprisoned not more  
52 than six months.

53 § 262. Appointment of interim board of directors. 1. Within ninety  
54 days of the effective date of this article, an interim board of direc-  
55 tors shall be appointed. The board of directors shall consist of fifteen  
56 members. The governor, the temporary president of the senate, the speak-

1 er of the assembly, the minority leader of the senate and the minority  
2 leader of the assembly shall each appoint three members. The appointees  
3 shall reflect the geographical diversity of this state and shall include  
4 representation from minority groups, low-income persons, labor organiza-  
5 tions, business, persons of different genders and senior citizens. No  
6 interim director appointed under this section may hold an elective posi-  
7 tion, be a candidate for any elective position, or be a state public  
8 official.

9 2. The interim board of directors appointed under this section shall:

10 (a) As soon as possible after appointment, organize for the trans-  
11 action of business.

12 (b) Inform the utility consumers of this state of the existence,  
13 nature and purposes of the board, and encourage utility consumers to  
14 join the board, to participate in the board's activities and to contrib-  
15 ute to the board.

16 (c) Establish annual dues to be in effect until such time as an  
17 elected board of directors assumes the duty as provided in paragraph (f)  
18 of section two hundred fifty-three of this article.

19 (d) Elect officers as provided pursuant to section two hundred sixty-  
20 three of this article.

21 (e) Employ such staff as the interim directors deem necessary to carry  
22 out the purposes of this section. The interim board appointed under this  
23 section shall follow the procedures required pursuant to section two  
24 hundred fifty-eight of this article if it hires an executive director of  
25 the board.

26 (f) Make all necessary preparations for the first election of direc-  
27 tors, oversee the election campaign and tally the votes pursuant to  
28 section two hundred sixty-three of this article.

29 (g) Solicit funds for the board.

30 (h) Carry out all other duties and exercise all other powers accorded  
31 to the board of directors under this article including the powers given  
32 to the board pursuant to section two hundred sixty of this article.

33 § 263. Membership of the board of directors. 1. Eligibility. To be  
34 eligible for election to the board of directors, a candidate must:

35 (a) Meet the qualifications for directors pursuant to subdivision two  
36 of section two hundred fifty-five of this article.

37 (b) Have their nomination certified by the board of directors pursuant  
38 to subdivision two of this section.

39 (c) Submit to the board of directors a statement of financial inter-  
40 ests under subdivision three of this section and a statement of personal  
41 background and positions under subdivision four of this section.

42 (d) Make the affirmation pursuant to paragraph (e) of subdivision  
43 three of this section.

44 2. Nomination. A candidate for election to the board of directors  
45 shall circulate or have a member of the board circulate a petition for  
46 nomination on the candidate's behalf not sooner than one hundred twenty  
47 days preceding the election and shall file the petition with the board  
48 not later than sixty days prior to the election. The petition for nomi-  
49 nation shall be signed by at least five members or thirty percent of the  
50 members residing in their district, whichever is less. The board of  
51 directors shall verify the validity of the signatures by comparing them  
52 to the signatures on the membership applications and the current list of  
53 members maintained by the board of directors. Within fourteen days after  
54 the petition is due, the board of directors shall determine whether a  
55 sufficient number of signatures are valid. If the board of directors

1 determines a sufficient number of signatures are valid, it shall certify  
2 the nomination of the candidate.

3 3. Statement of financial interests. A candidate for election to the  
4 board of directors whose nomination is certified under subdivision two  
5 of this section shall submit to the board of directors, not later than  
6 sixty days prior to the election, a statement of financial interests  
7 upon a form provided by the board of directors. The statement of finan-  
8 cial interests shall include the following information:

9 (a) The occupation, employer and position at place of employment of  
10 the candidate and of their immediate family members.

11 (b) A list of all corporate directorships or other offices, and of all  
12 fiduciary relationships, held in the past three years by the candidate  
13 and by their immediate family members.

14 (c) The name of any creditor to whom the candidate or a member of the  
15 candidate's immediate family owes ten thousand dollars or more.

16 (d) The name of any corporation in which the candidate holds a securi-  
17 ty, the current market value of which is five thousand dollars or more.

18 (e) An affirmation, subject to penalty of perjury, that the informa-  
19 tion contained in the statement of financial interests is true and  
20 complete.

21 4. Statement of personal background and positions. A candidate for  
22 election to the board whose nomination is certified under subdivision  
23 two of this section shall submit to the board of directors, not later  
24 than sixty days prior to the election, on a form to be provided by the  
25 board, a statement concerning their personal background and positions on  
26 issues relating to public utilities or the operations of the board. The  
27 statement shall contain an affirmation, subject to penalty of perjury,  
28 that the candidate meets the qualifications prescribed for directors in  
29 subdivision two of section two hundred fifty-five of this article.

30 5. Restrictions on a reporting of campaign contributions and expendi-  
31 tures. (a) Each candidate for election to the board of directors shall  
32 keep complete records of all contributions to their campaign of twenty-  
33 five dollars or more from one year before the date of an election  
34 through the date of the election, and, at the board of directors'  
35 request, shall make such records available for inspection by the board  
36 of directors.

37 (b) Each candidate for election to the board of directors shall keep  
38 complete records of their campaign expenditures, and, at the board of  
39 directors' request, shall make such records available for inspection by  
40 the board of directors.

41 (c) No earlier than fourteen days and no later than eight days preced-  
42 ing the election and no earlier than twenty-one days and no later than  
43 thirty days after the election, each candidate for election to the board  
44 of directors shall submit to the board of directors, on a form provided  
45 by the board of directors, an accurate statement of their campaign  
46 contributions, swearing that they have fully complied with the require-  
47 ments of this subdivision.

48 (d) No candidate for election to the board of directors may use any  
49 campaign contribution for any purpose except for campaign expenditures.  
50 Any campaign contribution not expended shall be donated no later than  
51 ninety days after the election to the board or to any charitable organ-  
52 ization at the option of the candidate.

53 6. Election procedures. (a) The board of directors shall mail or  
54 distribute to each member's address on file with the board, not sooner  
55 than thirty and not later than ten days before the date fixed for the  
56 election:

1 (i) An official ballot listing all candidates for director from the  
2 member's district and any at-large candidates whose nominations the  
3 board of directors has certified and who satisfy the requirements of  
4 subdivision one of this section. The board of directors shall include  
5 with the ballot each candidate's statement of financial interests  
6 submitted pursuant to subdivision three of this section.

7 (ii) The statement by each candidate for election to the board of  
8 directors of personal background and positions as required under subdivi-  
9 vision four of this section, if the candidate has agreed in writing to  
10 limit their campaign expenditures under paragraph (b) of subdivision  
11 five of this section.

12 (b) Each member may vote in the election by returning their official  
13 ballot in person or by first class mail, properly marked, to the ballot  
14 return location designated by the board. Ballots returned to the  
15 location designated by the board must be postmarked on or before the  
16 date fixed for the election or must be received at the ballot return  
17 location designated by the board on or before the date fixed for the  
18 election.

19 (c) Voting shall be by secret ballot.

20 (d) The board of directors shall tally votes with all reasonable speed  
21 and shall inform the membership promptly of the names of the candidates  
22 elected.

23 (e) For each district and any at-large positions the board within  
24 thirty days of the election shall certify the candidate elected to the  
25 board of directors if the candidate has the most votes in the district,  
26 or most votes overall for an at-large candidate, and if they have  
27 complied with the provisions of this section.

28 (f) If a vacancy in nomination occurs because no candidate has filed  
29 for nomination, the board of directors by a majority of those voting  
30 shall appoint a member of the board who resides in the district where  
31 the vacancy exists to be the candidate.

32 (g) If the candidate with the most votes dies, declines or resigns  
33 from candidacy prior to being certified under paragraph (e) of this  
34 subdivision, or for any other reason is not certified under paragraph  
35 (e) of this subdivision, the office for which the candidate ran shall be  
36 vacant and shall be filled by the board of directors as provided in this  
37 subdivision.

38 (h) If a vacancy on the board of directors occurs, with more than  
39 twelve months remaining in the term, the board of directors shall set a  
40 date for a special election for the vacant office for the purpose of  
41 electing a director to serve out the term of such vacant office and  
42 shall so notify every member in the district, or state for an at-large  
43 seat. The election shall not be less than two months nor more than four  
44 months after such notification. An election under this subdivision shall  
45 be conducted in the same manner as other elections of directors are  
46 conducted. The seat shall remain vacant if there are eight months or  
47 less remaining in the term.

48 7. Election rules. The board of directors may prescribe rules for the  
49 conduct of elections and election campaigns not inconsistent with this  
50 article.

51 § 264. Public records. Statements filed with the board shall be avail-  
52 able for public inspection at the office of the board during reasonable  
53 hours of the day. Such records may be copied. The board may charge a  
54 reasonable fee for the cost of such copies.

55 § 265. Officers of the board of directors. 1. Election. The interim  
56 board of directors and the board of directors, at the first regular

1 meeting of each at which a quorum is present, shall elect by a majority  
2 vote of the directors present and voting a president, vice president,  
3 secretary and treasurer. The board may elect such other officers as it  
4 deems necessary.

5 2. Term of office. (a) Officers of the board of directors shall begin  
6 servicing immediately upon their election and their term of office shall  
7 be one year. After their term of office has expired, an officer of the  
8 board of directors shall continue to serve until their successor is  
9 elected and certified.

10 (b) If a officer position of the board of directors is vacant, the  
11 board of directors shall elect a successor to serve out the term of the  
12 office.

13 3. Powers and duties. Officers of the board of directors shall exer-  
14 cise powers and perform duties as prescribed by this article or as  
15 delegated to them by the board of directors.

16 § 266. Corrupt practices and conflicts of interest. 1. No person shall  
17 offer or give anything of monetary value to any director, employee or  
18 agent of the board if the offer or gift influences, or is intended to  
19 influence, the action or judgment of the director, employee or agent of  
20 the board in their capacity as director, employee or agent of the board.

21 2. No director, employee or agent of the board shall solicit or accept  
22 anything of monetary value from any person if the solicitation or  
23 acceptance influences, or is intended to influence, the official action  
24 or judgment of the director, employee or agent in their capacity as  
25 director, employee or agent of the board.

26 3. Any person who knowingly and willfully violates the provisions of  
27 this section may be fined not more than one thousand dollars or impri-  
28 soned not more than six months or both.

29 4. The board of directors shall remove from office any director  
30 convicted under this section and shall fill such office pursuant to  
31 paragraph (h) of subdivision six of section two hundred sixty-three of  
32 this article.

33 § 267. Board to be nonpartisan. 1. The board shall not sponsor,  
34 endorse or otherwise support, nor shall it oppose any political party or  
35 the candidacy of any person for public office. The board and its direc-  
36 tors and employees shall not in their official capacity make statements  
37 which are intended to influence elections.

38 2. The board shall not lobby or advocate for or against legislation.  
39 The board and its directors and employees shall not in their official  
40 capacity make statements which are intended to lobby or advocate for or  
41 against legislation.

42 § 268. Expenses. All expenses of the board incurred in carrying out  
43 this article shall be payable solely from the funding as provided under  
44 this article, and no liability may be incurred by the board beyond the  
45 extent to which moneys have been provided under this article except  
46 that, for the purposes of meeting the necessary expenses of preparing  
47 the enclosure, initial organization and operation of the board for the  
48 period commencing on the effective date of this article and continuing  
49 until the first election of the board of directors pursuant to section  
50 two hundred sixty-three of this article, the board or any individual may  
51 borrow such moneys as it requires. Such moneys borrowed by the board or  
52 any individual shall subsequently be repaid with appropriate interest  
53 over a reasonable period of time.

54 § 269. Dissolution. The board may dissolve or be dissolved under the  
55 not-for-profit corporation law.

1 § 270. Construction. 1. This article, being necessary for the welfare  
2 of the state and its inhabitants, shall be liberally construed to effect  
3 its purposes.

4 2. Nothing in this article shall be construed to limit the right of  
5 any person to initiate, intervene in, or otherwise participate in any  
6 regulatory agency proceeding or court action, nor to require any peti-  
7 tion or notification to the board as a condition precedent to the exer-  
8 cise of such right, nor to relieve any regulatory agency or court of any  
9 obligation, or to affect its discretion, to permit intervention or  
10 participation by any person in any proceeding or action.

11 § 271. Liability of public utility. No public utility shall be liable  
12 on any claim based on any action it is required to take to be in compli-  
13 ance with this article.

14 § 3. The sum of one million dollars (\$1,000,000), or so much thereof  
15 as may be necessary, is hereby appropriated to the citizens utility  
16 board out of any moneys in the state treasury in the general fund not  
17 otherwise appropriated, and made immediately available, for the purpose  
18 of carrying out the provisions of this act. Such moneys shall be payable  
19 on the audit and warrant of the comptroller on vouchers certified or  
20 approved by the chair of the board of directors of the citizens utility  
21 board in the manner prescribed by law.

22 § 4. Severability. If any clause, sentence, paragraph, section or part  
23 of this act shall be adjudged by any court of competent jurisdiction to  
24 be invalid and after exhaustion of all further judicial review, the  
25 judgment shall not affect, impair or invalidate the remainder thereof,  
26 but shall be confined in its operation to the clause, sentence, para-  
27 graph, section or part of this act directly involved in the controversy  
28 in which the judgment shall have been rendered.

29 § 5. This act shall take effect on the one hundred eightieth day after  
30 it shall have become a law. Effective immediately, the addition, amend-  
31 ment and/or repeal of any rule or regulation necessary for the implemen-  
32 tation of this act on its effective date are authorized to be made and  
33 completed on or before such effective date.