

STATE OF NEW YORK

811

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Election Law

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~~] the chief enforcement counsel's
10 own initiative, or upon complaint, alleged violations of such statutes,
11 and all complaints alleging violations shall be forwarded to the divi-
12 sion of election law 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~~] the chief enforcement
18 counsel's own initiative, the chief enforcement counsel shall determine
19 if an investigation should be undertaken. The chief enforcement counsel
20 shall, if necessary, obtain additional information from the complainant
21 or from other sources to assist such counsel in making this determi-
22 nation. Such analysis shall include the following: first, whether the
23 allegations, if true, would constitute a violation of this chapter and,
24 second, whether the allegations are supported by credible evidence. The

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

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

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

19 § 4. This act shall take effect immediately.