§ 3-100. New York state board of elections; membership; organization. 1. There is hereby created within the executive department a New York state board of elections, hereafter referred to as the "state board of elections", composed of four commissioners appointed by the governor: two commissioners, one each from among not fewer than two persons recommended by the chairman of the state committee of each of the major political parties; and two other commissioners, one upon the joint recommendation of the legislative leaders, of one major political party, in each house of the legislature and one upon the joint recommendation of the legislative leaders, of the other major political party, in each house of the legislature. The commissioners shall be appointed for terms of two years each and in the same manner as their respective predecessors. A commissioner appointed to the board to fill a vacancy caused other than by expiration of a term, shall serve for the balance of the unexpired term. In the event that there is a vacancy in the office of the commissioner appointed on the recommendation of such legislative leaders caused by expiration of term or otherwise, such legislative leaders responsible for making the joint recommendation to fill such vacancy shall jointly recommend an individual to fill such vacancy and the governor shall make the appointment from such joint recommendation within thirty days of receiving such joint recommendation. In the event the governor does not act on such joint recommendation within thirty days or objects to such joint recommendation, then the legislative leaders making such joint recommendation shall have the option of: (a) appointing the individual so jointly recommended as a commissioner, or (b) jointly recommending another individual for appointment by the governor according to the procedure outlined in this subdivision.

2. The two commissioners of the board appointed upon the recommendation of the legislative leaders shall be co-chairs of the state board of elections.

3. The commissioners of the state board of elections shall have no other public employment. The commissioners shall receive an annual salary of twenty-five thousand dollars, within the amounts made available therefor by appropriation. The board shall, for the purposes

of sections seventy-three and seventy-four of the public officers law, be a "state agency", and such commissioners shall be "officers" of the state board of elections for the purposes of such sections. Within the amounts made available by appropriation therefor, the state board of elections shall appoint two co-executive directors, and such other staff members as are necessary in the exercise of its functions, and may fix their compensation. The commissioners or, in the case of a vacancy on the board, the commissioner of each of the major political parties shall appoint one co-executive director. Each co-executive director shall serve a term of four years. Any vacancy in the office of co-executive director shall be filled by the commissioners or, in the case of a vacancy on the board, the commissioner of the same major political party as the vacating incumbent for the remaining period of the term of such vacating incumbent.

3-a. There is established within the state board of elections the office of chief enforcement counsel to head the division of election law enforcement. Such counsel shall serve in said office for a fixed term of five years commencing September first, two thousand fourteen, and may only be removed by the governor for substantial neglect of duty, gross misconduct in office, or the inability to discharge the powers or duties of office, upon notice with an opportunity to be heard. The chief enforcement counsel shall have sole authority over personnel decisions within the enforcement division. All hiring decisions made by the chief enforcement counsel shall be made without regard to political affiliation. The chief enforcement counsel shall not hold any other public office, be a party officer during his or her term of office, or otherwise engage in outside employment. He or she shall be chosen by the governor which choice shall be confirmed by each house of the legislature separately by a majority vote of the members elected to each house of the legislature.

4. For the purposes of meetings, three commissioners shall constitute a quorum. The affirmative vote of three commissioners shall be required for any official action of the state board of elections.

5. The principal office of the state board of elections shall be in

the county of Albany.