



MEMO OF SUPPORT

[A6611 \(Hyndman\)/ S5254A \(Biaggi\)](#)

Simplifies Voting Requirements at the Joint Commission on Public Ethics

April 2021

Title

An act to amend the executive law, in relation to the joint commission on public ethics.

Summary

Section 1 amends section 94 the executive law to remove the requirements that in order to initiate ethical investigations or issue a report with findings that there is a *substantial basis* to conclude that violations have occurred, two members of the Joint Commission on Public Ethics (JCOPE) voting in favor of the action must also be members of the suspected individual's own political party and/or branch of government. Section two sets the effective date as immediately.

Statement of Support

Reinvent Albany supports this legislation because the convoluted voting rules at JCOPE have contributed to the public losing confidence in the agency's ability to do its job to oversee ethical conduct in Albany. Currently, the rules for voting on investigations and issuing reports finding that there has been misconduct are complicated, requiring support from two commissioners of the suspected individual's political party *and* branch of government.

For example, for investigations into the conduct of a statewide official, investigations can be blocked if there are not at least two votes from commissioners appointed by the Governor. Similar rules apply regarding investigations of legislators and staff, which require at least two votes from appointees of legislative leaders representing the individual's political party.

This is an unnecessarily high threshold for investigating claims of misconduct. Instead, a simple vote of 8 of the 14 commissioners of JCOPE should be required to proceed with investigations or issue reports finding that misconduct has occurred, with no requirements regarding commissioners' political affiliations and appointers.

While much more must be done to provide the public confidence that misconduct will be handled independently and effectively, this legislation is a step in the right direction to improve enforcement of the state's ethics and lobbying laws.