

New York State to Replace JCOPE With New Commission on Ethics and Lobbying in Government

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New York's recently passed budget bill is set to replace the state's Joint Commission on Public Ethics (JCOPE) with a new Commission on Ethics and Lobbying in Government, effective July 8.

A portion of the budget bill referred to as the "Ethics Commission Reform Act of 2022" establishes the new Commission, which will consist of 11 members serving staggered four-year terms and nominated by the Governor, majority and minority party legislative leaders from both houses of the state legislature, the Attorney General, and the Comptroller. Nominees for the new Commission will be subject to vetting by an "independent review committee" consisting of 15 New York state law school deans or their designees.

The composition and nomination procedures of members of the new Commission are a notable departure from JCOPE. Compared to JCOPE, the number of commission members is reduced from 14 to 11. The number of members nominated by the Governor, Temporary President of the Senate, and Speaker of the Assembly are reduced; the Lieutenant Governor is stripped of nomination authority; and the Attorney General and Comptroller are given nomination authority. Further, members of the new Commission will elect a chairperson to serve for a two-year term – in contrast to JCOPE's chair, who is designated by and serves at the pleasure of the Governor.

Additionally, members of the new Commission will be prohibited from making or soliciting contributions to candidates, PACS, parties or committees, newsletter funds, or political advertisements for election to the offices of Governor, Lieutenant Governor, members of the

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legislature, Attorney General, or State Comptroller. This is another new addition compared to JCOPE.

Notably, the new law does not alter, revoke, or rescind any regulations or advisory opinions issued by JCOPE that are currently in effect. As such, there will be no immediate changes to the lobbying and ethics law, including registration and reporting. However, the Commission will have power to adopt, amend, and rescind rules and regulations, as well as establish and amend procedures of the Commission.

The Commission will also have the power to develop and promulgate training programs and guidance to carry out the Commission's mission. The Commission will appoint an executive director to serve a four-year term and establish the following units within the Commission: Advice and Guidance, Training, Financial Disclosure, Lobbying, and Investigations and Enforcement.

Our Election Law & Government Ethics team will continue to monitor developments to the ethics and lobbying law as the new Commission is implemented.