

Political Law Update

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Court Strikes Down Authority of New York Commission on Ethics and Lobbying To Enforce the Law

On September 11, 2023, a New York state justice struck down the provisions of state law that granted the New York State Commission on Ethics and Lobbying in Government (commission) the authority to enforce the state ethics and lobby laws. The decision held the delegation of authority impermissible under the state constitution and requires the commission to brief whether the body can continue to exist without the enjoined enforcement power.

The commission's chair and executive director said in a joint statement that they disagreed with the court's decision and were reviewing all options, including whether to file an appeal or push for interim legislation, if appropriate. The governor's office also expressed support for an appeal. As part of any potential appeal, the commission would likely seek a stay of this decision.

Even with the commission's status in question, New York state's ethics and lobbying laws remain in effect. While there may be delays in enforcement actions by the commission pending an appeal, companies should continue complying with any restrictions or legal obligations administered by the body, including those involving gift rules and lobbying registration and reporting.

We will continue to monitor future developments surrounding the commission. Please contact us with any questions.

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