

Silver expects early gun control action

Assembly speaker also introduces legislation to change voting rules

By Jimmy Vielkind

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ALBANY — The leader of the state Assembly expects early pushes for gun control and election overhaul when lawmakers convene at the Capitol next month.

Speaker Sheldon Silver introduced legislation Thursday that would allow New Yorkers to vote up to two weeks before Election Day and force greater disclosure of the money behind political advertising. He also said tightening the state's gun laws — perhaps in a special session as soon as next week — would help highlight the issue, and make New York a "template" for other states after fatal shootings in Newtown, Conn., and suburban Rochester.

Asked if dealing with gun control in a special session was preferable to waiting for the start of the new Legislature, Silver said, "It probably doesn't (matter), but it gives the opportunity to highlight it before we get into the state budget and other issues that may cloud the focus."

"Anything is possible. My members have been instructed since last week to be on standby," Silver, D-Manhattan, told the Times Union. " ... There have been some staff-level discussions on an agenda. I'm not sure there's agreement at this point."

If legislators return before Jan. 1, they could conceivably also vote themselves a pay increase that would take effect in 2013. Such a move had long been anticipated, but was pushed to the back burner as Gov. Andrew Cuomo and his administration officials dealt with the aftermath of Superstorm Sandy.

But last week, Cuomo aides began pushing for a special session to quickly enact tougher gun laws. Other officials indicated this week that since there is no deal, a special session is unlikely. A Cuomo administration source even joked, "Keep the New Year's champagne on ice — at home."

Silver said the state should ban high-capacity rifle magazines, regardless of whether they were manufactured prior to 1994 — the cutoff in current law — and tighten the definition of assault weapons that are banned.

Silver said he and Cuomo, a fellow Democrat, were "functionally in the same place" on the issue, but Republicans who now control the state Senate had not signed on. Spokesmen for Cuomo and Senate Majority Leader Dean Skelos, R-Long Island, declined comment.

Silver said he would advance the two election measures early in the next session, and said

they would "give New York's voters a far stronger voice and help level the playing field in the electoral process."

The first bill, co-sponsored by Staten Island Assemblyman Mike Cusick, a Democrat who chairs the Election Law Committee, would require each county to have at least five sites for early voting and open them each of the 14 days leading up to the November election.

The hope is to boost voter turnout. Currently, New Yorkers can only vote in person from 6 a.m. to 9 p.m. on Election Day, or by filling out an absentee ballot if they have a reasonable belief they'll be unable to get the polls. Thirty-two other states, including Florida and Ohio, have some form of early voting.

The second measure would force disclosure of the funding sources behind political ads and vote-getting efforts not coordinated with a candidate. These so-called "independent expenditure" campaigns are a growing force in New York elections: The New York State United Teachers union spent over \$4 million to boost mostly Democratic candidates in 2012, and two downstate Super PACs spent over \$500,000 supporting Duanesburg Democrat Cecilia Tkaczyk's bid for state Senate.

Just before Election Day, the State Board of Elections ruled that this spending only needs to be disclosed if it contains "magic words" that clearly direct voters to support or oppose a candidate. This standard did prompt disclosure by NYSUT and the pro-Tkaczyk PACs, but it is looser than definitions governing federal campaigns and elections in New York City.

Silver's bill would set the definition for state races more broadly, so that any campaign that is the "functional equivalent" of direct advocacy is required to disclose its spending and major donors.

"People are taking notice how much is being spent on independent expenditures," Silver said. "People are thinking it's the way to impact elections and avoid caps on donations. With the money that's being spent, it's important for voters to know who's behind those campaign messages."

Scott Reif, a spokesman for Senate Republicans, said they would review the bill.

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