

STATE OF NEW YORK

4542

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to prohibiting conflicts of interest among board of elections employees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The election law is amended by adding a new section 3-304
2 to read as follows:

3 § 3-304. Board employees; conflicts of interest. 1. No board of
4 elections employee shall engage in or participate in any trade or busi-
5 ness which creates, or may tend to create, an actual or potential
6 conflict of interest. No board of elections employee shall maintain a
7 financial interest, directly or indirectly, in a company providing
8 services to a candidate who has an election overseen by such employee's
9 office, including but not limited to, printing companies, election
10 consulting companies, direct mail companies and digital marketing compa-
11 nies. No board of elections employee shall maintain a financial inter-
12 est, directly or indirectly, in a vendor that sells voting machines. A
13 violation of any of the provisions of this subdivision shall be cause
14 for discipline by the board of elections, including removal of the board
15 of elections employee.

16 2. No board of elections employee shall remain on the board of
17 elections payroll while also a candidate for an office who has an
18 election overseen by the board at which they are employed. For the
19 purposes of this article, a board of elections employee shall be deemed
20 a candidate for elective office upon the filing of designating petitions
21 for such office or, where nominations for such office are made other
22 than by petition, upon acceptance of a nomination. Such employee may
23 remain in "leave without pay" status until such time as his or her
24 candidacy shall cease, or upon the day following the certification of
25 election results for such office, whichever comes first. Notwithstanding

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 the provisions of this section, a candidate who does not have an oppo-
2 nent in a primary election may remain on the board of elections payroll
3 for no more than ninety days prior to a general election.

4 § 2. This act shall take effect immediately; provided that subdivision
5 1 of section 3-304, as added by section one of this act, shall take
6 effect one year after this act shall have become a law.