

STATE OF NEW YORK

4153

2023-2024 Regular Sessions

IN ASSEMBLY

February 10, 2023

Introduced by M. of A. KELLES, CLARK -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to establishing a code of ethics for all board of election 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 3-201
2 to read as follows:

3 § 3-201. Boards of elections; employee code of ethics. 1. Definition.
4 As used in this section the term "board of elections employee" shall
5 mean any permanent full-time employee of a board of election.

6 2. Rule with respect to conflicts of interest. No board of elections
7 employee should have any interest, financial or otherwise, direct or
8 indirect, or engage in any business or transaction or professional
9 activity or incur any obligation of any nature, which is in substantial
10 conflict with the proper discharge of his or her duties in the public
11 interest.

12 3. Standards. (a) No board of elections employee should accept other
13 employment which will impair his or her independence of judgment in the
14 exercise of his or her official duties, including but not limited to,
15 receiving compensation or other forms of payment from a campaign or
16 political campaign account for non-governmental political work.

17 (b) No board of elections employee should use or attempt to use his or
18 her official position to secure unwarranted privileges or exemptions for
19 himself or herself or others, including but not limited to, the misap-
20 propriation to himself, herself or to others, of the property, services
21 or other resources of the state for private business or other compen-
22 sated non-governmental purposes.

23 (c) A board of elections employee should not, by his or her conduct,
24 give reasonable basis for the impression that any person can improperly
25 influence such employee or unduly enjoy his or her favor in the perform-

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

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1 ance of his or her official duties, or that he or she is affected by the
2 kinship, rank, position or influence of any party or person.

3 (d) A board of elections employee should abstain from making personal
4 investments in enterprises which he or she has reason to believe may be
5 directly involved in decisions to be made by the employee or which will
6 otherwise create substantial conflict between his or her duty in the
7 public interest and his or her private interest.

8 (e) A board of elections employee should endeavor to pursue a course
9 of conduct which will not raise suspicion among the public that he or
10 she is likely to be engaged in acts that are in violation of his or her
11 trust.

12 4. Violations. In addition to any penalty contained in any other
13 provision of law, any such board of elections employee who shall know-
14 ingly and intentionally violate any of the provisions of this section
15 may be fined, suspended or removed from office or employment in the
16 manner provided by law.

17 (a) Any such employee who knowingly and intentionally violates the
18 provisions of paragraph (b), (c), (d) or (h) of subdivision three of
19 this section shall be subject to a civil penalty in an amount not to
20 exceed ten thousand dollars plus the value of any gift, compensation or
21 benefit received as a result of such violation.

22 (b) Any such employee who knowingly and intentionally violates the
23 provisions of paragraph (a), (e) or (g) of subdivision three of this
24 section shall be subject to a civil penalty in an amount not to exceed
25 the value of any gift, compensation or benefit received as a result of
26 such violation.

27 § 2. This act shall take effect on the sixtieth day after it shall
28 have become a law.