

STATE OF NEW YORK

612--B

Cal. No. 623

2023-2024 Regular Sessions

IN SENATE

January 5, 2023

Introduced by Sens. MAYER, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- reported favorably from said committee and committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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 or be employed by a
8 vendor or a company providing services to a candidate who has an
9 election overseen by such employee's office, including but not limited
10 to, printing companies, election consulting companies, direct mail
11 companies and digital marketing companies. No board of elections employ-
12 ee shall maintain a financial interest, directly or indirectly, in or be
13 employed by a vendor or company that sells to the board voting machines,
14 electronic poll books, printers or other technical or electronic equip-
15 ment. A violation of any of the provisions of this subdivision shall be

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

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1 cause for discipline by the board of elections, including removal of the
2 board of elections employee.

3 2. (a) No board of elections employee shall remain on the board of
4 elections payroll while also a candidate for an office who has an
5 election overseen by the board at which they are employed. For the
6 purposes of this article, a board of elections employee shall be deemed
7 a candidate for elective office upon the filing of a designating or
8 nominating petition for such office or, where nominations for such
9 office are made other than by petition, upon acceptance of a nomination.
10 Such employee may remain in "leave without pay" status until such time
11 as his or her candidacy shall cease, or upon the day following the
12 certification of election results for such office, whichever comes
13 first. Notwithstanding the provisions of this section, when there are no
14 primary elections for the office being sought by a candidate that is
15 employed by the board of elections, that candidate may remain on the
16 board of elections payroll for no more than ninety days prior to a
17 general election.

18 (b) It shall not be a conflict of interest for a board employee to
19 file a designating petition for a party position, including a member of
20 a county committee as defined in section 2-104 of this chapter, district
21 leader as outlined in section 2-110 of this chapter, member of the state
22 committee as described in section 2-102 of this chapter, a delegate or
23 an alternate delegate to judicial district nominating conventions as
24 described in section 6-124 of this chapter, or delegate or an alternate
25 delegate to national party conventions as described in section 2-122 of
26 this chapter. However, upon another person filing a valid designating
27 petition creating a primary for that party position, then the board
28 employee may remain in "leave without pay" status until his or her
29 candidacy shall cease or upon the day following the certification of the
30 elections results whichever is first.

31 3. It shall not be considered a conflict of interest for a board of
32 elections employee who is a member of a county committee as defined in
33 section 2-104 of this chapter, a district leader as outlined in section
34 2-110 of this chapter, a member of the state committee as described in
35 section 2-102 of this chapter, a delegate or an alternate delegate to
36 judicial district nominating conventions as described in section 6-124
37 of this chapter, or a delegate or an alternate delegate to national
38 party conventions as described in section 2-122 of this chapter who, as
39 part of their duties in said party position, endorses or supports a
40 candidate for a party position or public office.

41 § 2. This act shall take effect one year after it shall have become a
42 law.