

# STATE OF NEW YORK

4254

2021-2022 Regular Sessions

## IN ASSEMBLY

February 1, 2021

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

AN ACT to amend the election law, in relation to prohibiting election commissioners and deputy elections commissioners from holding a publicly elected office

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

1 Section 1. Subdivision 4 of section 3-200 of the election law, as  
2 amended by chapter 195 of the laws of 2003, is amended to read as  
3 follows:

4 4. No person [~~shall be~~] appointed as election commissioner or deputy  
5 election commissioner shall continue to hold office who is not a regis-  
6 tered voter in the county and not an enrolled member of the party recom-  
7 mending his or her appointment, or who is the chair of the respective  
8 democratic or republican party or committee in such county or who holds  
9 any other public office, except that of commissioner of deeds, notary  
10 public, [~~village officer, city or town justice,~~] member of a community  
11 board within the city of New York or trustee or officer of a school  
12 district outside of a city; provided, however, that the provision of  
13 this subdivision prohibiting an election commissioner or deputy election  
14 commissioner from continuing to hold office who is the chair of the  
15 respective democratic or republican party or committee in such county  
16 shall not apply to any person currently serving as election commissioner  
17 or deputy election commissioner.

18 § 2. Subdivision 6 of section 3-200 of the election law is amended to  
19 read as follows:

20 6. An election commissioner or deputy election commissioner shall not  
21 be a candidate for any elective office which he or she would not be  
22 entitled to hold under the provisions of this article, unless he or she  
23 has ceased by resignation or otherwise, to be commissioner or deputy  
24 commissioner prior to his or her nomination or designation therefor.  
25 Otherwise such nomination or designation shall be null and void.

26 § 3. This act shall take effect immediately.

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

LBD00713-01-1