

STATE OF NEW YORK

4542--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 or be employed by a vendor or company
13 that sells voting machines, electronic pollbooks, printers or other
14 technical or electronic equipment. A violation of any of the provisions
15 of this subdivision shall be cause for discipline by the board of
16 elections, including removal of the board of elections employee.

17 2. No board of elections employee shall remain on the board of
18 elections payroll while also a candidate for an office who has an
19 election overseen by the board at which they are employed. For the
20 purposes of this article, a board of elections employee shall be deemed
21 a candidate for elective office upon the filing of designating petitions
22 for such office or, where nominations for such office are made other
23 than by petition, upon acceptance of a nomination. Such employee may

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

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1 remain in "leave without pay" status until such time as his or her
2 candidacy shall cease, or upon the day following the certification of
3 election results for such office, whichever comes first. Notwithstanding
4 the provisions of this section, when there are no primary elections for
5 the office being sought by a candidate that is employed by the board of
6 elections, that candidate may remain on the board of elections payroll
7 for no more than ninety days prior to a general election.

8 § 2. This act shall take effect immediately; provided that subdivision
9 1 of section 3-304 of the election law, as added by section one of this
10 act, shall take effect one year after this act shall have become a law.