STATE OF NEW YORK

6220

2021-2022 Regular Sessions

IN SENATE

April 15, 2021

Introduced by Sen. HARCKHAM -- 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 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:

Section 1. The election law is amended by adding a new section 3-201 to read as follows:

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

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

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

(b) No board of elections employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others, including but not limited to, the misappropriation to himself, herself or to others, of the property, services or other resources of the state for private business or other compensated non-governmental purposes.

(c) A board of elections employee should not, by his or her conduct, give reasonable basis for the impression that any person can improperly 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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ance of his or her official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.

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

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

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

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

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

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