

STATE OF NEW YORK

1244--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. JACOBSON, EACHUS, GUNTHER, McDONALD, GIBBS --
read once and referred to the Committee on Election Law -- 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 Assem-
bly, 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, with the exception of a member of a county committee
5 as defined in section 2-104 of this chapter and a district leader as
6 outlined in section 2-110 of this chapter, shall engage in or partic-
7 ipate in any trade or business which creates, or may tend to create, an
8 actual or potential conflict of interest. No board of elections employ-
9 ee, with the exception of a member of a county committee as defined in
10 section 2-104 of this chapter and a district leader as outlined in
11 section 2-110 of this chapter, shall maintain a financial interest,
12 directly or indirectly, in a company providing services to a candidate
13 who has an election overseen by such employee's office, including but
14 not limited to, printing companies, election consulting companies,
15 direct mail companies and digital marketing companies. No board of
16 elections employee, with the exception of a member of a county committee
17 as defined in section 2-104 of this chapter and a district leader as
18 outlined in section 2-110 of this chapter, shall maintain a financial
19 interest, directly or indirectly, in or be employed by a vendor or
20 company that sells voting machines, electronic pollbooks, printers or
21 other technical or electronic equipment. A violation of any of the
22 provisions of this subdivision shall be cause for discipline by the

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

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1 board of elections, including removal of the board of elections employ-
2 ee.

3 2. No board of elections employee, with the exception of a member of a
4 county committee as defined in section 2-104 of this chapter and a
5 district leader as outlined in section 2-110 of this chapter, shall
6 remain on the board of elections payroll while also a candidate for an
7 office who has an election overseen by the board at which they are
8 employed. For the purposes of this article, a board of elections employ-
9 ee shall be deemed a candidate for elective office upon the filing of
10 designating petitions for such office or, where nominations for such
11 office are made other than by petition, upon acceptance of a nomination.
12 Such employee may remain in "leave without pay" status until such time
13 as his or her candidacy shall cease, or upon the day following the
14 certification of election results for such office, whichever comes
15 first. Notwithstanding the provisions of this section, when there are no
16 primary elections for the office being sought by a candidate that is
17 employed by the board of elections, that candidate may remain on the
18 board of elections payroll for no more than ninety days prior to a
19 general election.

20 § 2. This act shall take effect immediately; provided that subdivision
21 1 of section 3-304 of the election law, as added by section one of this
22 act, shall take effect one year after this act shall have become a law.