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 Assembly, do enact as follows:

Section 1. The election law is amended by adding a new section 3-304 to read as follows:

§ 3-304. Board employees; conflicts of interest. 1. No board of elections employee, with the exception of a member of a county committee as defined in section 2-104 of this chapter and a district leader as outlined in section 2-110 of this chapter, shall engage in or participate in any trade or business which creates, or may tend to create, an actual or potential conflict of interest. No board of elections employee, with the exception of a member of a county committee as defined in section 2-104 of this chapter and a district leader as outlined in section 2-110 of this chapter, shall maintain a financial interest, directly or indirectly, in a company providing services to a candidate who has an election overseen by such employee's office, including but not limited to, printing companies, election consulting companies, direct mail companies and digital marketing companies. No board of elections employee, with the exception of a member of a county committee as defined in section 2-104 of this chapter and a district leader as outlined in section 2-110 of this chapter, shall maintain a financial interest, directly or indirectly, in or be employed by a vendor or company that sells voting machines, electronic pollbooks, printers or other technical or electronic equipment. A violation of any of the 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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board of elections, including removal of the board of elections employee.

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

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