STATE OF NEW YORK

1244--C

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. JACOBSON, EACHUS, GUNTHER, McDONALD, GIBBS, ARDILA, SIMON, DAVILA -- Multi-Sponsored by -- M. of A. LEVENBERG -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- 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 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 shall maintain a direct financial interest in or be employed by a vendor or 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 shall maintain a direct financial interest in or be employed by a vendor or company that sells to the board voting machines, electronic poll books, printers or other technical or electronic equipment. A violation of any of the provisions of this subdivision shall be cause for discipline by the board of elections, including removal of the board of elections employee.

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

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2. (a) No board of elections employee 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 a designating or nominating petition 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 their 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.

(b) It shall not be a conflict of interest for a board employee to file a designating petition for a party position, including a member of a county committee as defined in section 2-104 of this chapter, district leader as outlined in section 2-110 of this chapter, member of the state committee as described in section 2-102 of this chapter, a delegate or an alternate delegate to judicial district nominating conventions as described in section 6-124 of this chapter, or delegate or an alternate delegate to national party conventions as described in section 2-122 of this chapter. However, upon another person filing a valid designating petition creating a primary for that party position, then the board employee may remain in "leave without pay" status until their candidacy shall cease or upon the day following the certification of the elections results whichever is first.

3. It shall not be considered a conflict of interest for a board of elections employee who is a member of a county committee as defined in section 2-104 of this chapter, a district leader as outlined in section 2-110 of this chapter, a member of the state committee as described in section 2-102 of this chapter, a delegate or an alternate delegate to judicial district nominating conventions as described in section 6-124 of this chapter, or a delegate or an alternate delegate to national party conventions as described in section 2-122 of this chapter who, as part of their duties in said party position, endorses or supports a candidate for a party position or public office.

§ 2. This act shall take effect one year after it shall have become a law.