

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:

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 direct financial interest in or be employed by a vendor or a company
8 providing services to a candidate who has an election overseen by such
9 employee's office, including but not limited to, printing companies,
10 election consulting companies, direct mail companies and digital market-
11 ing companies. No board of elections employee shall maintain a direct
12 financial interest in or be employed by a vendor or company that sells
13 to the board voting machines, electronic poll books, 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.

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

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1 2. (a) No board of elections employee shall remain on the board of
2 elections payroll while also a candidate for an office who has an
3 election overseen by the board at which they are employed. For the
4 purposes of this article, a board of elections employee shall be deemed
5 a candidate for elective office upon the filing of a designating or
6 nominating petition for such office or, where nominations for such
7 office are made other than by petition, upon acceptance of a nomination.
8 Such employee may remain in "leave without pay" status until such time
9 as their candidacy shall cease, or upon the day following the certifi-
10 ication of election results for such office, whichever comes first.
11 Notwithstanding the provisions of this section, when there are no prima-
12 ry elections for the office being sought by a candidate that is employed
13 by the board of elections, that candidate may remain on the board of
14 elections payroll for no more than ninety days prior to a general
15 election.

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

29 3. It shall not be considered a conflict of interest for a board of
30 elections employee who is a member of a county committee as defined in
31 section 2-104 of this chapter, a district leader as outlined in section
32 2-110 of this chapter, a member of the state committee as described in
33 section 2-102 of this chapter, a delegate or an alternate delegate to
34 judicial district nominating conventions as described in section 6-124
35 of this chapter, or a delegate or an alternate delegate to national
36 party conventions as described in section 2-122 of this chapter who, as
37 part of their duties in said party position, endorses or supports a
38 candidate for a party position or public office.

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