

STATE OF NEW YORK

1244--D

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. JACOBSON, EACHUS, GUNTHER, McDONALD, GIBBS, ARDILA, SIMON, DAVILA, SIMONE -- 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 -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- 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

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

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1 to the board voting machines, electronic poll books, printers or other
2 technical or electronic equipment. A violation of any of the provisions
3 of this subdivision shall be cause for discipline by the board of
4 elections, including removal of the board of elections employee.

5 2. No board of elections employee shall remain on the board of
6 elections payroll while also a candidate for an office who has an
7 election overseen by the board at which they are employed. For the
8 purposes of this article, a board of elections employee shall be deemed
9 a candidate for elective office upon the filing of a designating or
10 nominating petition 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 their candidacy shall cease, or upon the day following the certif-
14 ication of election results for such office, whichever comes first.
15 Notwithstanding the provisions of this section, when there are no prima-
16 ry elections for the office being sought by a candidate that is employed
17 by the board of elections, that candidate may remain on the board of
18 elections payroll for no more than ninety days prior to a general
19 election. The provisions of this subdivision shall not apply to unpaid
20 party positions.

21 3. It shall not be considered a conflict of interest for a board of
22 elections employee who is a member of a county committee as defined in
23 section 2-104 of this chapter, a district leader as outlined in section
24 2-110 of this chapter, a member of the state committee as described in
25 section 2-102 of this chapter, a delegate or an alternate delegate to
26 judicial district nominating conventions as described in section 6-124
27 of this chapter, or a delegate or an alternate delegate to national
28 party conventions as described in section 2-122 of this chapter who, as
29 part of their duties in said party position, endorses or supports a
30 candidate for a party position or public office.

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