STATE OF NEW YORK

4153--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 10, 2023

Introduced by M. of A. KELLES, CLARK -- 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 establishing a code of ethics for all 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 3-201 to read as follows:

§ 3-201. Boards of elections; employee code of ethics. 1. Definition. As used in this section the term "board of elections employee" shall mean any permanent full-time employee of a board of elections.

2. Rule with respect to conflicts of interest. No board of elections employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of their duties in the public interest.

3. Standards. (a) No board of elections employee should accept other employment which will impair their independence of judgment in the exercise of their official duties, including but not limited to, receiving compensation or other forms of payment from a campaign or political campaign account for non-governmental political work.

(b) No board of elections employee should use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others, including but not limited to, the misappropriation to themselves or to others, of the property, services or other resources of the state for private business or other compensated non-governmental purposes.

(c) A board of elections employee should not, by their conduct, give reasonable basis for the impression that any person can improperly

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

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influence such employee or unduly enjoy their favor in the performance of their official duties, or that they are affected by the kinship, rank, position or influence of any party or person.

(d) A board of elections employee should abstain from making personal investments in enterprises which they have reason to believe may be directly involved in decisions to be made by the employee or which will otherwise create substantial conflict between their duty in the public interest and their private interest.

(e) A board of elections employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of their trust.

4. Violations. In addition to any penalty contained in any other provision of law, any such board of elections employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law.

(a) Any such employee who knowingly and intentionally violates the provisions of paragraph (b), (c) or (d) of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed ten thousand dollars plus the value of any gift, compensation or benefit received as a result of such violation.

(b) Any such employee who knowingly and intentionally violates the provisions of paragraph (a) or (e) of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.