

# STATE OF NEW YORK

2100--A

2023-2024 Regular Sessions

## IN SENATE

January 18, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- 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.

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

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1 (c) A board of elections employee should not, by their conduct, give  
2 reasonable basis for the impression that any person can improperly  
3 influence such employee or unduly enjoy their favor in the performance  
4 of their official duties, or that they are affected by the kinship,  
5 rank, position or influence of any party or person.

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

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

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

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

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

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