

STATE OF NEW YORK

612--D

Cal. No. 623

2023-2024 Regular Sessions

IN SENATE

January 5, 2023

Introduced by Sens. MAYER, JACKSON, MAY, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- reported favorably from said committee and committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- reported favorably from said committee, amended on second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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-

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

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1 ing companies. No board of elections employee shall maintain a direct
2 financial interest in or be employed by a vendor or company that sells
3 to the board voting machines, electronic poll books, printers or other
4 technical or electronic equipment. A violation of any of the provisions
5 of this subdivision shall be cause for discipline by the board of
6 elections, including removal of the board of elections employee.

7 2. No board of elections employee shall remain on the board of
8 elections payroll while also a candidate for an office who has an
9 election overseen by the board at which they are employed. For the
10 purposes of this article, a board of elections employee shall be deemed
11 a candidate for elective office upon the filing of a designating or
12 nominating petition for such office or, where nominations for such
13 office are made other than by petition, upon acceptance of a nomination.
14 Such employee may remain in "leave without pay" status until such time
15 as their candidacy shall cease, or upon the day following the certifi-
16 cation of election results for such office, whichever comes first.
17 Notwithstanding the provisions of this section, when there are no prima-
18 ry elections for the office being sought by a candidate that is employed
19 by the board of elections, that candidate may remain on the board of
20 elections payroll for no more than ninety days prior to a general
21 election. The provisions of this subdivision shall not apply to unpaid
22 party positions.

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

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