

# STATE OF NEW YORK

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Cal. No. 623

2023-2024 Regular Sessions

## IN SENATE

January 5, 2023

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Introduced by Sens. MAYER, MAY -- 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

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

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

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1 technical or electronic equipment. A violation of any of the provisions  
2 of this subdivision shall be cause for discipline by the board of  
3 elections, including removal of the board of elections employee.

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

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

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

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