STATE OF NEW YORK

799

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

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

AN ACT to amend the election law, in relation to permitting candidates for office to be employees of a board of elections with prior authorization and a majority vote of the election commissioners

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 3-304 of the election law, as added by a chapter of the laws of 2024 amending the election law relating to prohibiting conflicts of interest among board of elections employees, as proposed in legislative bills numbers S.612-D and A. 1244-D, is amended to read as follows:

2. No board of elections employee shall remain on the board of elections payroll while also a candidate for an office who has an election overseen by the board at which they are employed, without prior authorization by a majority vote of the board of elections commissioners and in accordance with the rules and regulations of the state board.

(a) The state board shall promulgate rules and regulations relating to the circumstances that may permit a board of elections to authorize an employee who is also a candidate for an office who has an election overseen by the board at which they are employed to remain employed, provided that such employee be restricted from working on matters directly related to the election in the jurisdiction in which the employee is a candidate and any other restrictions set forth by state board rules and regulations.

(b) For the purposes of this article, a board of elections employee shall be deemed a candidate for elective office upon the filing of a designating or nominating petition for such office or, where nominations for such office are made other than by petition, upon acceptance of a nomination. Such employee may remain in "leave without pay" status until

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

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such time as their candidacy shall cease, or upon the day following the certification of election results for such office, whichever comes first.

(c) Notwithstanding the provisions of this section, when there are no primary elections for the office being sought by a candidate that is employed by the board of elections, that candidate may remain on the board of elections payroll for no more than ninety days prior to a general election.

(d) The provisions of this subdivision shall not apply to unpaid party positions.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2024 amending the election law relating to prohibiting conflicts of interest among board of elections employees, as proposed in legislative bills numbers S.612-D and A. 1244-D, takes effect.