

STATE OF NEW YORK

1015

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. JACOBSON -- read once and referred to the Committee on Election Law

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:

1 Section 1. Subdivision 2 of section 3-304 of the election law, as
2 added by a chapter of the laws of 2024 amending the election law relat-
3 ing to prohibiting conflicts of interest among board of elections
4 employees, as proposed in legislative bills numbers S.612-D and A.
5 1244-D, is amended to read as follows:

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

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

19 (b) For the purposes of this article, a board of elections employee
20 shall be deemed a candidate for elective office upon the filing of a
21 designating or nominating petition for such office or, where nominations
22 for such office are made other than by petition, upon acceptance of a
23 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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1 such time as their candidacy shall cease, or upon the day following the
2 certification of election results for such office, whichever comes
3 first.

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

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

11 § 2. This act shall take effect on the same date and in the same
12 manner as a chapter of the laws of 2024 amending the election law relat-
13 ing to prohibiting conflicts of interest among board of elections
14 employees, as proposed in legislative bills numbers S.612-D and A.
15 1244-D, takes effect.