



New York State Board of Elections

PROPOSED RESOLUTION 25-18

Resolution to Add Part 6224 of 9 NYCRR Subtitle V Related to Conflicts of Interest Among Board of Elections Employees, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, on December 21, 2024, the Governor signed into law Chapter 639 of the Laws of 2024, which created a new provision of the Election Law relating to conflicts on interest among board of elections employees; and

WHEREAS, Election Law Section 3-304 provides that the New York State Board of Elections “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...”; and

WHEREAS, it is necessary to create a new Part 6224 of Title 9 of the NYCRR in order to fully implement the provisions of Chapter 639 of the Laws of 2024;

NOW THEREFORE BE IT RESOLVED: that the Office of Counsel is hereby authorized and directed to take steps necessary pursuant to SAPA § 202 to effectuate this ninety-day emergency adoption of the addition of Part 6224 to 9 NYCRR Subtitle V and any necessary extension thereof.

PART 6224. CONFLICTS OF INTEREST AMONG
BOARD OF ELECTIONS EMPLOYEES

Section

- 6224.1. Definitions.
- 6224.2. Prohibition of conflicts of interest.
- 6224.3. Authorization for employee to seek elective office.
- 6224.4. Penalties.
- 6224.5. Endorsements not to create conflicts of interest.

Section 6224.1. Definitions

The terms used in this Part shall have the significance herein defined unless another meaning is clearly apparent in language or content.

(a) *Conflict of interest* means a situation wherein a person is in a position to derive pecuniary benefit from actions or decisions made in his or her official capacity.

(b) *Board of elections employee* means any person directly compensated with wages or salary by a board of elections for his or her full-time or part-time work, excluding election inspectors, poll clerks, and election coordinators compensated solely for their work at a general, primary, or special election.

(c) *Direct financial interest* means a monetary benefit earned by an individual or by an entity in which said individual has an ownership stake, beneficial interest, or controlling influence.

(d) *Vendor* means any manufacturer, company, or individual who seeks to sell voting systems and/or election-related services for such systems in New York State, including but not limited to voting machines, electronic poll books, printers, tabulation equipment, voter registration systems, poll worker management systems, election night reporting systems, or any other technical or electronic equipment utilized in election administration. For purposes of 6222.2 (b) of this

section, vendor shall also mean printing companies, election consulting companies, direct mail companies and digital marketing companies.

(e) *Party position* means an unpaid position within a recognized political party, including county committee member, district leader, state committee member, chair of a political party, member of an executive committee for a political party, delegate or alternate delegate to a nominating or party convention or judicial convention, or any similar internal party office that does not carry compensation. Party positions shall not be considered public offices for purposes of this Part.

Section 6224.2. Prohibition of conflicts of interest

(a) No board of elections employee shall engage in or participate in any trade or business which creates, or may tend to create, an actual or potential conflict of interest.

(b) No board of elections employee shall maintain a direct financial interest in or be employed by a vendor or a company providing services to a candidate who has an election overseen by such employee's office, including but not limited to, printing companies, election consulting companies, direct mail companies and digital marketing companies.

(c) No board of elections employee shall maintain a direct financial interest in or be employed by a vendor or company that sells to the board voting machines, electronic poll books, printers, tabulation equipment, or other technical or electronic equipment.

(d) 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, in whole or in part, 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 provisions of Section 6222.3.

Section 6224.3. Authorization for employee to seek elective office

- (a) A board of elections employee who is also a candidate for public office at an election overseen by said board may remain under paid employment under the following circumstances:
- a. The commissioners of the board of elections approve the authorization by majority vote, and issue said authorization in a signed writing executed by both commissioners and acknowledged by the employee asking for such approval.
 - b. A board of elections employee so authorized shall be restricted from working on, and must not have any material contact with, or decision-making authority as to matters related to the election in the political subdivision in which the covered employee is a candidate, including but not limited to:
 - i. Designating or nominating petitions which the covered employee's name appears as a candidate for public office or any other petitions for any other person seeking the same office in the same political subdivision;
 - ii. Canvass of returns of elections in the same political subdivision as the covered employee, election day operations, poll site management, poll worker assignments or related election management activities in the same political subdivision where the covered employee's name appears as a candidate for public office;
 - iii. Voting machine setup, maintenance, testing, or any related activities for machines in use in the same political subdivision where the covered employee's name appears as a candidate for public office;
 - iv. Voter registration activities for any voter in the political subdivision where the covered employee's name appears as a candidate for public office; or
 - v. Any other board activity wherein participation or action by the covered employee could create the appearance of impropriety or a conflict of interest.

- c. A board of elections employee so authorized shall be prohibited from soliciting or accepting any contribution, as defined in section 14-100(9) of the election law, from any other employee of said board of elections.
- d. 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.
- e. Notwithstanding the provisions of this Part, when there are no primary elections for the office being sought by a candidate that is also a board of elections employee, that candidate may remain on the board of elections payroll until ninety days prior to a general election.
- f. A board of elections employee who either does not request authorization or was denied authorization under this section shall be placed in "leave without pay" status until such time as their candidacy shall cease, or upon the day following the certification of election results for such office, whichever comes first.
- g. The provisions of this Part shall not apply to unpaid party positions.

Section 6224.4. Penalties

- (a) Violation of these provisions shall be cause for discipline by the board of elections. Penalties for violation of these provisions may include, but are not limited to:
 - a. Suspension of the board of elections employee without pay, with said suspension not to be lifted until the conflict of interest is remedied.
 - b. Termination of employment.
 - c. Referral of the board of elections employee to local law enforcement.

Section 6224.5. Endorsements not to create conflicts of interest

- (a) It shall not be considered a conflict of interest for a board of elections employee to seek, endorse, or support a candidate for a party position, or to serve in such a party position.

(b) It shall likewise not be deemed a conflict of interest for a board of elections employee to endorse or support a candidate for public office when acting solely in their capacity as a county committee member, district leader, state committee member, chair of a political party, member of an executive committee for a political party, delegate or alternate delegate to a nominating or party convention or judicial convention.