

STATE OF NEW YORK

1227

2021-2022 Regular Sessions

IN SENATE

January 8, 2021

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

AN ACT to amend the penal law and the election law, in relation to establishing the crime of voter intimidation or harassment

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

1 Section 1. The penal law is amended by adding a new section 240.78 to
2 read as follows:

3 § 240.78 Voter intimidation or harassment.

4 A person is guilty of voter intimidation or harassment when he or she,
5 with intent to influence how an individual votes in an election under
6 the election law or the education law of this state:

7 1. Intentionally harasses or intimidates another person by engaging in
8 a course of conduct or by committing acts which place such person in
9 reasonable fear of physical injury; or

10 2. Threatens retaliation against such individual based on the individ-
11 ual voting for a certain candidate, proposition or ballot measure. For
12 the purposes of this section retaliation includes, but is not limited
13 to, changes to employment status, including changes to job titles,
14 hours, or wages.

15 Voter intimidation or harassment is a class A misdemeanor.

16 § 2. Subdivision 2 of section 5-106 of the election law, as amended by
17 chapter 373 of the laws of 1978, is amended to read as follows:

18 2. No person who has been convicted of a felony pursuant to the laws
19 of this state or convicted of a misdemeanor pursuant to section 240.78
20 of the penal law, shall have the right to register for or vote at any
21 election unless he or she shall have been pardoned or restored to the
22 rights of citizenship by the governor, or his or her maximum sentence of
23 imprisonment has expired, or he or she has been discharged from parole.
24 The governor, however, may attach as a condition to any such pardon a
25 provision that any such person shall not have the right of suffrage
26 until it shall have been separately restored to him or her.

27 § 3. This act shall take effect immediately.

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

LBD05037-01-1