STATE OF NEW YORK

9006--A

IN SENATE

September 25, 2020

Introduced by Sens. RITCHIE, BORRELLO, JORDAN, LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

§ 240.78 Voter intimidation or harassment.

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

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

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

Voter intimidation or harassment is a class A misdemeanor.

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

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

§ 3. This act shall take effect immediately.

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

LBD17205-02-0