STATE OF NEW YORK

1805

2021-2022 Regular Sessions

IN SENATE

January 15, 2021

Introduced by Sens. BORRELLO, HELMING, JORDAN, O'MARA, ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to prohibiting ballot harvesting

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

Section 1. The election law is amended by adding a new section 8-414 to read as follows:

§ 8-414. Ballot harvesting prohibited. 1. It shall be an unlawful practice for any person to engage in ballot harvesting. For purposes of this section, ballot harvesting shall include:

(a) the making or submission of an application for an absentee ballot, pursuant to section 8-400 of this article, on behalf of another voter, unless done in accordance with subdivision two of this section; and

(b) the collection, distribution or submission to a board of elections, of voted or unvoted absentee ballots, unless done in accordance with subdivision three of this section.

2. A person may submit an application for an absentee ballot on behalf of another voter, if the voter has signed the absentee ballot application, and if:

(a) the person submitting such application for an absentee ballot on behalf of the other voter, is a family member of the other voter, within three degrees of consanguinity; or

(b) a voter has executed a signed, written, notarized consent, not more than thirty days prior to the date of the application, authorizing the person submitting the application for an absentee ballot to do so on the voter's behalf, and such person submitting the application for an absentee ballot on such other voter's behalf also files such signed, written, notarized consent with the local board of elections at the time of submitting such application for the absentee ballot, and such person

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

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submitting the application for an absentee ballot on the other voter's behalf has not submitted any other absentee ballot application on behalf of any other voter under this subdivision.

3. A person may collect, distribute or submit to a board of elections, a voted or unvoted absentee ballot, if such person collecting, distributing or submitting such ballot is:

(a) a family member of the voter, to whom the absentee ballot belongs, within three degrees of consanguinity; or

(b) a caregiver of the voter, to whom the absentee ballot belongs, if such voter has filed with the board of elections, a signed, written, notarized statement executed by the voter, that such person so collecting, distributing and/or submitting the ballot on the voter's behalf, is in fact a caregiver of the voter, with permission to collect, distribute and/or submit such voter's absentee ballot; or

(c) an election official employed by the board of elections, who at the time of the collection, distribution or submission of such absentee ballot, was exclusively engaged in and performing their official duties; or

(d) a United States postal service employee, who at the time of the collection, distribution or submission of such absentee ballot, was exclusively engaged in and performing their official duties; or

(e) a delivery courier hired by the voter whose ballot is being collected, distributed or submitted, who at the time of the collection, distribution or submission of such absentee ballot, was exclusively engaged in and performing their official duties.

§ 2. The election law is amended by adding a new section 17-172 to read as follows:

§ 17-172. Ballot harvesting. 1. Any person who willfully engages in unlawful ballot harvesting, pursuant to section 8-414 of this chapter, shall be guilty of a class D felony.

2. Any person who engages in unlawful ballot harvesting, pursuant to section 8-414 of this chapter, shall be guilty of a class A misdemeanor.

§ 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.