STATE OF NEW YORK

365

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. HOYLMAN -- 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 allowing voters to take photographs of themselves and their ballots while voting

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

Section 1. Section 8-300 of the election law is amended by adding a new subdivision 4 to read as follows:

4. (a) A voter shall be allowed to take photographs of themselves and their own ballot, or absentee ballot, while in a privacy booth. Such voter shall also be allowed to share and disseminate such photographs on social media. For purposes of this subdivision social media shall include, but shall not be limited to forms of communication through which users participate in online communities to share information, ideas, personal messages, and other content. Social media shall also include text messages and the transmission of images via electronic forms of communication.

(b) Any person who interferes with a voter's photograph pursuant to paragraph (a) of this subdivision shall be guilty of a misdemeanor.

§ 2. Subdivisions 10 and 11 of section 17-130 of the election law are amended to read as follows:

10. [~~Shows his~~] **Solicits a voter to show his or her** ballot after it is prepared for voting, to any person so as to reveal the contents[~~, or solicits a voter to show the same~~]; or,

11. Places any mark upon his ballot, or does any other act in connection with his ballot with the intent that it may be identified as the one voted by him**, other than what is allowed pursuant to subdivision four of section 8-300 of this chapter**; or,

§ 3. This act shall take effect immediately.

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

LBD00944-01-1