STATE OF NEW YORK

3354

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. JENSEN -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to restricting electioneering activities near polling places

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

Section 1. Subdivision 1 of section 8-104 of the election law, as amended by chapter 232 of the laws of 2020, is amended to read as follows:

1. The American flag shall be kept displayed at each polling place throughout the election. Facsimile ballots, voter information posting and distance markers shall not be taken down, torn or defaced during the election. [~~While the polls are open no person shall do any electioneering within the polling place, or in any public street, within a one hundred foot radial measured from the entrances designated by the inspectors of election, to such polling place or within such distance in any place in a public manner; and no political banner, button, poster or placard shall be allowed in or upon the polling place or within such one hundred foot radial.~~] While the polls are open no person shall consume any alcoholic beverages within the polling place. While the polls are open no person shall make any change, alteration or modification to any entrance to or exit from the polling place unless such change, alteration or modification allows for increased access for persons with disabilities or is necessary to maintain public safety due to the occurrence of an emergency. Any such change, alteration or modification shall be clearly marked on signage placed adjacent to the former entrance or exit.

§ 2. Subdivision 2 of section 8-104 of the election law is renumbered subdivision 2-a and a new subdivision 2 is added to read as follows:

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

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2. (a) While the polls are open, no political banner, sign, button, poster or placard shall be allowed and no person shall do any electioneering within the polling place or within either:

(i) one six hundred foot radial measured from the entrances designated by the inspectors of election, including public streets, to such polling place; or

(ii) the entire property in which the polling place is located.

(b) If a polling location is in a building with multiple stories, the electioneering distance restriction shall not apply to floors above or below the polling site which are not visible to voters who are in the process of entering or exiting the actual polling location but shall apply to stairwells which voters need to access such polling location.

(c) Selection as to which measurement will be used to restrict electioneering at or near a polling place shall be made by the board of elections no later than twenty-four hours prior to the first day of voting at the polling location. The board of elections shall announce the determination of electioneering ban on each polling location throughout the county on their website no later than twenty-four hours prior to the first day of voting at the polling location.

§ 3. This act shall take effect immediately.