STATE OF NEW YORK

4759--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 23, 2023

Introduced by M. of A. LAVINE, BURDICK, OTIS, KELLES, SILLITTI, SIMON, BURGOS, SHIMSKY -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to enacting the "election workers and polling places protection act"

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

Section 1. Short title. This act shall be known and may be cited as the "election workers and polling places protection act".

§ 2. The election law is amended by adding a new section 17-213 to read as follows:

§ 17-213. Election workers and polling place protection. 1. Whoever, whether or not acting under color of law, by force or threat of force, or violence, or threat of harm to any person or property, willfully intimidates or interferes with, or attempts to intimidate or interfere with, the ability of any person or any class of persons to qualify or act as a poll watcher, or any legally authorized election official, in any primary, special, or general election, or any person who is, or is employed by, an agent, contractor, or vendor of a legally authorized election official assisting in the administration of any primary, special, or general election, is guilty of a class D felony.

2. Whoever, whether or not acting under color of law, willfully physically damages or threatens to physically damage any physical property being used as a polling place or tabulation center or other election infrastructure, with the intent to interfere with the administration of an election or the tabulation or certification of votes, is guilty of a class D felony.

3. For purposes of this section, de minimus damage or threats of de minimus damage to physical property shall not be considered a violation of this section.

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

LBD02053-02-3

4. For purposes of this section, the term:

(a) "election infrastructure" means any office of an election official, staff, worker, or volunteer or any physical, mechanical, or electrical device, structure, or tangible item used in the process of creating, distributing, voting, returning, counting, tabulating, auditing, storing, or other handling of voter registration or ballot information. Such term shall also include any equipment specified in section 4-132 of this chapter.

(b) "election worker" means any election inspector, poll clerk or election coordinator.

§ 3. This act shall take effect immediately.