STATE OF NEW YORK

263

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sen. STEWART-COUSINS -- 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 the suppression of voters

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

Section 1. This act shall be known and may be cited as the "deceptive practices and voter suppression prevention act".

- § 2. The election law is amended by adding a new section 17-151 to read as follows:
- § 17-151. Deceptive practices. 1. Any person, political committee, labor organization, corporation, or other entity, whether acting under color of law or otherwise, who knowingly communicates or knowingly causes to be communicated deceptive information, knowing such information to be false and, in acting in the manner described, prevents or deters another person from exercising the right to vote in any election, is quilty of a misdemeanor.
- 2. The following definitions are applicable to this section: (a)

 "deceptive information" means false information regarding: (i) the time,

 place, or manner of any election; (ii) the qualifications for or

 restrictions on voter eligibility for any election, including any penal
 ties associated with voting by ineligible voters; (iii) information

 regarding a voter's registration status or eligibility; or (iv) the

 political party affiliation of any candidate: and
- political party affiliation of any candidate; and

 (b) "election" as used in this article shall be deemed to apply to and
 include all elections administered by the state or city of New York
 boards of elections, or any county board of elections, including any
- 22 general, primary, run-off, or special election for any state or local

23 <u>office or ballot proposition.</u>

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

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3. Any person aggrieved by a violation of subdivision one of this section may institute a civil action or other proper proceeding for preventative relief, or may apply for a permanent or temporary injunction, restraining order, declaratory judgment, or other order in any court with jurisdiction pursuant to section 16-100 of this chapter.

- 4. Any attempt to commit an offense described in subdivision one of this section, in accordance with the applicable provision of the penal law, is a class B misdemeanor.
- 5. The provisions of article twenty and article one hundred five of the penal law, relating to criminal liability for conduct of another and conspiracy, shall apply to prosecutions under this section.
- 6. Notwithstanding any other provision of law, the attorney general shall have concurrent jurisdiction with any district attorney in the prosecution of any offenses under this section relating to deceptive practices as well as any offenses arising out of such prosecution.
- 16 The election law is amended by adding a new section 17-153 to 17 read as follows:
 - § 17-153. Suppression of voters. 1. Any person, political committee, labor organization, corporation, or other entity who suppresses or threatens to suppress the right of any person to lawfully exercise their franchise, or in any other manner compels such person to vote or to refrain from voting for or against a particular candidate for public office or for or against a particular ballot proposition is guilty of a class A misdemeanor.
 - 2. For purposes of this section, the term "suppress" shall mean to use force, authority or an abuse of power to prevent, restrain, inhibit or compel another from acting in his or her own interests or intentions, or into not acting at all.
 - 3. Any person, political committee, labor organization, or corporation who attempts to commit an offense described in subdivision one of this section is guilty of a class B misdemeanor.
 - 4. The provisions of article twenty and article one hundred five of the penal law, relating to criminal liability for conduct of another and conspiracy shall apply to prosecutions under this section.
 - 5. Notwithstanding any other provision of law, the attorney general shall have concurrent jurisdiction with any district attorney in the prosecution of any offenses under this section relating to deceptive practices as well as any offenses arising out of such prosecution.
 - § 4. Section 17-166 of the election law is amended to read as follows:
- 39 17-166. Penalty. Any person convicted of a misdemeanor under this 40 article shall for a first offense be punished by a sentence of imprison-41 42 ment for not more than one year, or by a fine of not less than one 43 hundred dollars nor more than five hundred dollars, or by both such fine 44 and imprisonment, unless otherwise provided by law. Any person who, 45 having been convicted of a misdemeanor under this article, shall thereafter be convicted of another misdemeanor under this article, shall be 46 47 guilty of a class E felony. For any subsequent offense, he or she shall 48 be quilty of a class D felony.
 - § 5. This act shall take effect immediately.