



NEW YORK STATE SENATOR

Andrea Stewart-Cousins

Senate Passes Deceptive Practices and Voter Suppression Prevention Act

ANDREA STEWART-COUSINS June 16, 2010

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In an effort to end voter coercion and intimidation practices, Senator Andrea Stewart-Cousins (35th District –D/WF) announced passage of legislation in the Senate (S2554-B) making voter suppression punishable as a misdemeanor. If signed into law, the legislation will amend New York State election laws to address issues pertaining to voter coercion and intimidation that are not currently covered.

Senator Andrea Stewart-Cousins introduced the bill in the State Senate following numerous reports of attempted voter suppression that have been documented during recent elections across the State of New York. The suppressive actions reported on and recounted in a series of hearings, included the destruction of voting machines, obstructing the entryways to select polling sites in heavily populated minority areas, and challenges to thousands of voters regarding their voter registration information.

Provisions of the Bill Include:

Prohibiting Deceptive Practices

- The election law is amended by adding a new Section 17-151 to state: 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 guilty of a misdemeanor.
- The section defines “deceptive information” as false information regarding the time, place, or manner of any election; the qualifications for or restrictions on voter eligibility for any election, including any penalties associated with voting by ineligible voters; information regarding a voter’s registration status or eligibility; or the political party affiliation of any candidate.
- Also defined in this section is “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 general, primary, run-off, or special election for any state or local office or ballot proposition.

Prohibiting Suppression of Voter Participation

- This bill also amends Article 17 of the Election Law by adding a new Section 17-153, creating the crime of voter suppression and providing penalties therefore that states: Any person, political committee, labor organization, corporation, or other entity who suppresses or threaten to suppress the right of any person to lawfully exercise their franchise, or in any 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.
- The Section defines the term “suppress” as 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. Any person, political committee, labor organization, or corporation who attempts to commit an offense herein described is guilty of a class B misdemeanor.

“We must empower all New Yorkers equally,” said Senator Andrea Stewart-Cousins. “Each citizen has the right to freely and fairly cast their vote without being intimidated, harassed or knowingly given false information. This legislation will help provide individuals, particularly in communities with a large minority population, to exercise their right to vote without the scare tactics used in the past.”

“As leaders in the non-partisan Election Protection coalition, we have seen deception and intimidation used far too many times to keep certain voters from exercising their civic duty. The Lawyers’ Committee for Civil Rights Under Law applauds Senator Stewart-Cousins for her leadership on this issue. Now that the Senate has passed this important legislation we urge the Assembly to quickly do the same,” said Tanya Clay House, Director of Public Policy for the Lawyers’ Committee for Civil Rights Under Law.

Although Article 17 of New York State election law contains statutes that prohibit voter coercion and intimidation, no specific statute currently deals with the actual suppression of voters. Under the provisions of the proposed legislation, misdemeanor voter suppression would be punishable by up to a year in prison or up to a \$500 fine.

"As members of the non-partisan Election Protection coalition, our interest is in seeing that elections are fair and every eligible voter who wants to vote is able to do so. This legislation is an important and necessary step in that direction. We applaud Senator Stewart-Cousins for her leadership, and hope the Assembly will now do its part," said Sarah M. Egan, New York Election Protection Coalition.

“I introduced the Deceptive Practices of Voter Suppression Prevention Act to protect the rights of every voter, and the power of every vote. It will not only shed light on the issues of the past, but will also ensure that there are consequences for individuals or groups that attempt to disenfranchise any voter, anywhere, any time,” concluded Senator Andrea Stewart-Cousins.