

NEW YORK 2024 LAW ENFORCEMENT QUICK REFERENCE GUIDE

This pocket reference guide contains key penal provisions found within Chapter 17 of the New York Consolidated Laws and other relevant sections.

- Using or threatening force, violence, or restraint to intimidate or interfere with a voter is a misdemeanor.
- Using intimidation, force, or interference to obstruct a government function or prevent a public servant from performing their duties is a misdemeanor.
- Knowingly carrying a firearm in or upon a polling location is a felony.

VOTING HOURS

6 a.m. to 9 p.m.

2024 ELECTION DATES

Presidential Primary: April 2

Primary Election: June 25

General Election: November 5

For more election dates:

elections.ny.gov/registration-and-voting-deadlines

REPORT SUSPICIOUS BEHAVIOR TO

Your local election official:

publicreporting.elections.ny.gov/CountyBoardRoster/CountyBoardRoster

NY Board of Elections: (518) 474-6220

enforcement@elections.ny.gov

For more information:

electionenforcement.ny.gov/violations



Duress and intimidation of voters

NY Elec. Law § 17-150

Any person or corporation who directly or indirectly:

- (1) Uses or threatens to use any force, violence or restraint, or inflicts or threatens to inflict any injury, damage, harm or loss, or in any other manner practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting for or against any particular person or for or against any proposition submitted to voters at such election, or to place or cause to be placed or refrain from placing or causing to be placed his name upon a registry of voters, or on account of such person having voted or refrained from voting at such election, or having voted or refrained from voting for or against any particular person or persons, or for or against any proposition submitted to voters at such election, or having registered or refrained from registering as a voter; or,
- (2) By abduction, duress or any forcible or fraudulent device or contrivance whatever impedes, prevents or otherwise interferes with the free exercise of the elective franchise by any voter, or compels, induces or prevails upon any voter to give or refrain from giving his vote for or against any particular person at any election; or,

Obstructing governmental administration in the second degree.

NY Penal Law § 195.05

A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or

perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service or by means of releasing a dangerous animal under circumstances evincing the actor's intent that the animal obstruct governmental administration.

Obstructing governmental administration is a class A misdemeanor.

Criminal possession of a firearm, rifle or shotgun in a sensitive location.

NY Penal Law § 265.01-e

1. A person is guilty of criminal possession of a firearm, rifle or shotgun in a sensitive location when such person possesses a firearm, rifle or shotgun in or upon a sensitive location, and such person knows or reasonably should know such location is a sensitive location.

2. For the purposes of this section, a sensitive location shall mean:

(q) any location being used as a polling place;

Criminal possession of a firearm, rifle or shotgun in a sensitive location is a class E felony.

[Pursuant to NY Penal Law § 265.01-e (3), exceptions to this section include authorized qualified law enforcement

officers, police and peace officers, registered authorized on-duty security guards, active-duty military personnel, individuals lawfully engaged in historical reenactments, educational programming or military ceremonies, and other persons licensed to carry in the course of their official duties or otherwise authorized.]

Prohibition against voter intimidation, deception or obstruction.

NY Elec. Law § 17-212.

1. (a) No person, whether acting under color of law or otherwise, may engage in acts of intimidation, deception, or obstruction that affects the right of voters to access the elective franchise.

(b) A violation of paragraph (a) of this subdivision shall be established if:

- (i) a person uses or threatens to use any force, violence, restraint, abduction or duress, or inflicts or threatens to inflict any injury, damage, harm or loss, or in any other manner practices intimidation that causes or will reasonably have the effect of causing any person to vote or refrain from voting in general or for or against any particular person or for or against any proposition submitted to voters at such election; to place or refrain from placing their name upon a registry of voters; or to request or refrain from requesting an early mail or absentee ballot; or
- (ii) a person knowingly uses any deceptive or fraudulent device, contrivance or communication, that impedes, prevents or otherwise interferes with

the free exercise of the elective franchise by any person, or that causes or will reasonably have the effect of causing any person to vote or refrain from voting in general or for or against any particular person or for or against any proposition submitted to voters at such election; to place or refrain from placing their name upon a registry of voters; or to request or refrain from requesting an early mail or absentee ballot; or

(iii) a person obstructs, impedes, or otherwise interferes with access to any polling place or elections office, or obstructs, impedes, or otherwise interferes with any voter in any manner that causes or will reasonably have the effect of causing any delay in voting or the voting process, including the canvassing and tabulation of ballots.

Misdemeanor in relation to elections.

NY Elec. Law § 17-130.

Any person who:

3. Wilfully and unlawfully obstructs, hinders or delays, or aids or assists in obstructing or delaying any elector on his way to a registration or polling place, or while he is attempting to register or vote; or,

4. Electioneers on election day or on days of registration within one hundred feet, as defined herein, from a polling place. Said prohibition shall not apply to a building or room that has been maintained for political purposes at least six months prior to said election or registration days, except that no political displays, placards or posters shall

be exhibited therefrom. For the purposes of this section, the one hundred feet distance shall be deemed to include a one hundred foot radial measured from the entrances, designated by the inspectors of elections, to a building where the election or registration is being held.

5. Removes any official ballot from a polling place before the closing of the polls; or,

6. Unlawfully goes within the guard-rail of any polling place or unlawfully remains within such guard-rail after having been commanded to remove therefrom by any inspector of election; or,

17. Wilfully defaces, injures, mutilates, destroys or secretes any voting machine which belongs to any municipality or board of elections for use at elections, and any person who commits or attempts to commit a fraud in the use of any such voting machine during election; or,

18. Not being lawfully authorized, makes or has in his possession a key to a voting machine which has been adopted and will be used in elections; or,

19. Not being an inspector or clerk of election, handles a voted or unvoted ballot or stub thereof, during the canvass of votes at an election; or,

20. Intentionally opens a voter's ballot envelope or examines the contents thereof after the receipt of the envelope by the board of elections and before the close of the polls at the election except as provided in section 9-209 of this chapter; or,

21. Willfully disobeys any lawful command of the board of inspectors, or any member thereof; or,
22. Induces or attempts to induce any poll clerk, election inspector, election coordinator, or officer, clerk or employee of the board of elections discharging any duty or performing any act required or made necessary by the election law, to do any act in violation of his duty or in violation of the election law; or,
23. Not having been appointed or named an inspector of elections or clerk and not having taken the oath for such office shall wear or display any button, badge or emblem identifying or purporting to identify such person as an inspector of election or clerk, is guilty of a misdemeanor.

Misconduct of election officers

NY Elec. Law § 17-106.

Any election officer who wilfully refuses to accord to any duly accredited watcher or to any voter or candidate any right given him by this chapter, or who wilfully violates any provision of the election law relative to the registration of electors or to the taking, recording, counting, canvassing, tallying or certifying of votes, or who wilfully neglects or refuses to perform any duty imposed on him by law, or is guilty of any fraud in the execution of the duties of his office, or connives in any electoral fraud, or knowingly permits any such fraud to be practiced, is guilty of a felony.

2. The ballot boxes, other secure storage containers and all official ballots shall be kept within the guard-rail, and at least six feet therefrom, from the opening of the polls until the announcement of the result of the canvass and the signing of the inspectors' returns thereof. No person shall be admitted within the guard-rail during such period except the election officers, authorized watchers, persons admitted by the inspectors to preserve order or enforce the law, voters duly admitted for the purpose of voting and children under the age of sixteen accompanying their voting parents or guardians; provided, however, that candidates voted for at the polling place may be within the guard-rail during the canvass.

