STATE OF NEW YORK

10599

IN SENATE

May 29, 2026

Introduced by Sen. GONZALEZ -- 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 the inspection of election materials, equipment and non-public records

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

Section 1. The election law is amended by adding a new section 17-171 to read as follows:

§ 17-171. Inspection of election materials, equipment and non-public records. 1. If any state, county, or local official or employee, including any election officer or voting machine custodian, receives from any private or governmental entity, individual or official a subpoena, warrant or other request for or to inspect any of the items in paragraphs (a) through (f) of this subdivision, or service of a complaint or petition in a legal proceeding seeking such relief, such official or custodian shall, not later than thirty-six hours after the receipt of such subpoena, warrant or other request, or service of such complaint or petition, provide a copy to the attorney general and the state board of elections. The attorney general and the state board of elections shall post notice, on each of such offices' websites, of the methods by which an official or custodian may provide such copy to such offices. In the case of the state board of elections receiving such a subpoena, warrant or other request, or service of such complaint or petition, the board shall immediately provide a copy of such subpoena, warrant or other request, or complaint or petition for items in paragraphs (a) through (f) of this subdivision, to the attorney general. The obligations of this section shall apply to the following items:

(a) voted ballots; official ballots; ballot images; or envelopes;

(b) ballot drop box as defined in section 8-416 of this chapter;

(c) voting or ballot counting machine or other device used in the conduct of any election;

(d) any non-public voter information as specified by section 3-220 of this chapter;

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

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(e) documentation of requests for absentee or early vote by mail ballots that include non-public personally identifiable information; or

(f) non-public personally identifiable information of any elections officer as defined by section 1-104 of this chapter.

2. Upon receipt of such subpoena, warrant, or other request, the attorney general may seek preliminary or permanent injunctive, declaratory or other appropriate equitable relief in connection with any election by bringing a complaint to a designated court, in which the attorney general shall set out the subpoena, warrant, or other request.

3. Notwithstanding any other provision of state law, in any action or proceeding filed in state court venue shall be proper only in one of the following designated courts in a judicial department within which at least one plaintiff is located:

(a) first judicial department: New York county;

(b) second judicial department: Westchester county;

(c) third judicial department: Albany county; or

(d) fourth judicial department: Erie county.

4. The attorney general shall file a certification attached to the complaint indicating that a copy of the complaint has been sent by first-class mail or delivered to the state board of elections, and any other interested party. If such complaint is made prior to such election, the judge hearing such case shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing, if any, to be given to the state board of elections.

5. Actions brought pursuant to this section shall be subject to expedited pretrial and trial proceedings and receive an automatic calendar preference. Notwithstanding any other provision of state law, in any action alleging a violation of this section in which the attorney general seeks preliminary relief with respect to an upcoming election, the court shall grant relief if it determines that the attorney general is more likely than not to succeed on the merits. The court may forthwith order any injunctive or declaratory relief necessary to preserve or restore the status quo, including, but not limited to, ordering that an election officer retain custody of any voted or official ballot, ballot images or envelopes; ballot drop box; voting or ballot counting machine or other device used in the conduct of any election; any non-public voter information; documentation of requests for absentee or early mail ballots that include non-public personally identifiable information; or non-public personally identifiable information of any elections officer.

6. Upon a showing of exigent circumstances, the court may issue an immediate ex parte order granting such relief as the court deems appropriate. The court shall forthwith order a hearing to be had upon such complaint, upon a day not more than five or less than three days from the making of such order, and shall cause notice of not less than three or more than five days to be given to any candidate or candidates whose election may be affected by the decision upon such hearing, to any election officer who may be affected by the decision upon such hearing, to the state board of elections and to any other party or parties whom the court deems proper parties thereto, of the time and place for the hearing upon such complaint.

7. If an action has been commenced under this section, voted ballots shall be subject to the order of the court in which the action is pending. In no event shall voted ballots or voting or ballot counting machines be taken from the custody of election officers or machine custodians.

8. Any election officer who provides to any third party that has not been authorized by the state board of elections any voting or ballot counting machine or any part or appliance thereof shall be guilty of a class A misdemeanor and a penalty not exceeding ten thousand dollars.

9. Notwithstanding any other provision of state law, nothing in this section shall prohibit compliance with an order enforceable in New York entered by a court of competent jurisdiction.

§ 2. If any provision of this act or its application to any person, political subdivision, or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

§ 3. This act shall take effect immediately.