

# STATE OF NEW YORK

11592

## IN ASSEMBLY

June 5, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Walker) --  
read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the John R. Lewis  
voting rights act of New York

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

1 Section 1. Subdivision 6 of section 17-204 of the election law, as  
2 added by chapter 226 of the laws of 2022, is amended to read as follows:  
3 6. "Racially polarized voting" means voting in which there is a diver-  
4 gence in the [~~candidate~~] candidates, political preferences, or electoral  
5 [~~choice~~] choices of members in a protected class from the candidates,  
6 political preferences, or electoral [~~choice~~] choices of [~~the rest of the~~  
7 ~~electorate~~] another class or set of classes.  
8 § 2. Subdivisions 2, 3, 4 and 7 of section 17-206 of the election law,  
9 as added by chapter 226 of the laws of 2022, subparagraph (ii) of para-  
10 graph (b) of subdivision 2, the opening paragraph, paragraph (b) and  
11 subparagraphs (i), (iii) and (iv) of paragraph (c) of subdivision 7 as  
12 amended by chapter 216 of the laws of 2024, are amended to read as  
13 follows:  
14 2. Prohibition against vote dilution. (a) No board of elections or  
15 political subdivision shall use any method of election, having the  
16 effect of impairing the ability of members of a protected class to elect  
17 candidates of their choice or influence the outcome of elections, as a  
18 result of vote dilution.  
19 (b) A violation of paragraph (a) of this subdivision shall be estab-  
20 lished upon a showing that a political subdivision or board of  
21 elections:  
22 (i) used an at-large method of election and either: (A) voting  
23 patterns of members of the protected class within the political subdivi-  
24 sion are racially polarized; or (B) under the totality of the circum-  
25 stances, the ability of members of the protected class to elect candi-  
26 dates of their choice or influence the outcome of elections is impaired;  
27 or

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

LBD14264-01-5

1 (ii) used a district-based or alternative method of election and that  
2 candidates or electoral choices preferred by members of the protected  
3 class would usually be defeated, and either: (A) voting patterns of  
4 members of the protected class within the political subdivision are  
5 racially polarized; or (B) under the totality of the circumstances, the  
6 ability of members of the protected class to elect candidates of their  
7 choice or influence the outcome of elections is impaired.

8 (c) For the purposes of demonstrating that a violation of paragraph  
9 (a) of this subdivision has occurred, evidence shall be weighed and  
10 considered as follows: (i) elections conducted prior to the filing of an  
11 action pursuant to this subdivision are more probative than elections  
12 conducted after the filing of the action; (ii) evidence concerning  
13 elections for members of the governing body of the political subdivision  
14 are more probative than evidence concerning other elections; (iii)  
15 statistical evidence is more probative than non-statistical evidence;  
16 (iv) where there is evidence that more than one protected class of  
17 eligible voters are politically cohesive in the political subdivision,  
18 members of each of those protected classes may be combined; (v) evidence  
19 concerning the intent on the part of the voters, elected officials, or  
20 the political subdivision to discriminate against a protected class is  
21 not required; (vi) evidence that voting patterns and election outcomes  
22 could be explained by factors other than racially polarized voting,  
23 including but not limited to partisanship, shall not be considered;  
24 (vii) evidence that sub-groups within a protected class have different  
25 voting patterns shall not be considered; (viii) evidence concerning  
26 whether members of a protected class are geographically compact or  
27 concentrated shall not be considered, but may be a factor in determining  
28 an appropriate remedy; and (ix) evidence concerning projected changes in  
29 population or demographics shall not be considered, but may be a  
30 factor[7] in determining an appropriate remedy.

31 3. In determining whether, under the totality of the circumstances, a  
32 violation of subdivision one or two of this section has occurred,  
33 factors that may be considered shall include, but not be limited to: (a)  
34 the history of discrimination in or affecting the political subdivision;  
35 (b) the extent to which members of the protected class have been elected  
36 to office in the political subdivision; (c) the use of any voting quali-  
37 fication, prerequisite to voting, law, ordinance, standard, practice,  
38 procedure, regulation, or policy that may enhance the dilutive effects  
39 of the election scheme; (d) denying eligible voters or candidates who  
40 are members of the protected class to processes determining which groups  
41 of candidates receive access to the ballot, financial support, or other  
42 support in a given election; (e) the extent to which members of the  
43 protected class contribute to political campaigns at lower rates; (f)  
44 the extent to which members of a protected class in the state or poli-  
45 tical subdivision vote at lower rates than other members of the elector-  
46 ate; (g) the extent to which members of the protected class are disad-  
47 vantaged in areas including but not limited to education, employment,  
48 health, criminal justice, housing, land use, or environmental  
49 protection; (h) the extent to which members of the protected class are  
50 disadvantaged in other areas which may hinder their ability to partic-  
51 ipate effectively in the political process; (i) the use of overt or  
52 subtle racial appeals in political campaigns; (j) a significant lack of  
53 responsiveness on the part of elected officials to the particularized  
54 needs of members of the protected class; and (k) whether the political  
55 subdivision or board of elections has a compelling policy justification  
56 that is substantiated and supported by evidence for adopting or main-

1 taining the method of election or the voting qualification, prerequisite  
2 to voting, law, ordinance, standard, practice, procedure, regulation, or  
3 policy. Nothing in this subdivision shall preclude any additional  
4 factors from being considered, nor shall any specified number of factors  
5 be required in establishing that such a violation has occurred.

6 4. Standing. Any aggrieved person, organization whose membership  
7 includes aggrieved persons or members of a protected class, organization  
8 whose mission, in whole or in part, is to ensure voting access and such  
9 mission would be hindered by a violation of this section, or the attor-  
10 ney general may file an action against a political subdivision or board  
11 of elections pursuant to this section in the supreme court of the county  
12 in which the political subdivision or board of elections is located.

13 7. Notification requirement and safe harbor for judicial actions.  
14 Before commencing a judicial action against a political subdivision or  
15 board of elections under this section, a prospective plaintiff shall  
16 send by certified mail a written notice to the clerk of the political  
17 subdivision[7] (or, if the political subdivision does not have a clerk,  
18 the governing body of the political subdivision[7]) or the commissioners  
19 of the board of elections against which the action would be brought,  
20 asserting that the political subdivision or board of elections may be in  
21 violation of this title. This written notice shall be referred to as a  
22 "NYVRA notification letter" in this title. The NYVRA notification letter  
23 shall specify the potential violation or violations alleged and shall  
24 contain a statement of facts to support such allegation; provided,  
25 however, that failure to so specify shall not be a basis for dismissal  
26 of such judicial action, but may affect the calculation of reimbursement  
27 pursuant to paragraph (e) of this subdivision. The prospective plaintiff  
28 shall also send by first class mail or email a copy of the NYVRA notifi-  
29 cation letter to the civil rights bureau. For actions against a school  
30 district or any other political subdivision that holds elections  
31 governed by the education law, the prospective plaintiff shall also send  
32 by certified mail a copy of the NYVRA notification letter to the commis-  
33 sioner of education.

34 (a) A prospective plaintiff shall not commence a judicial action  
35 against a political subdivision or board of elections under this section  
36 within fifty days of sending to the political subdivision or board of  
37 elections a NYVRA notification letter.

38 (b) Before receiving a NYVRA notification letter, or within fifty days  
39 of mailing of a NYVRA notification letter, the governing body of a poli-  
40 tical subdivision or board of elections may pass a resolution affirming:  
41 (i) the political subdivision's or board of elections' intention to  
42 enact and implement a remedy for a potential violation of this title;  
43 (ii) specific steps the political subdivision or board of elections will  
44 undertake to facilitate approval and implementation of such a remedy;  
45 and (iii) a schedule for enacting and implementing such a remedy. Such a  
46 resolution shall be referred to as a "NYVRA resolution" in this title.  
47 If a political subdivision or board of elections passes a NYVRA resolu-  
48 tion, such political subdivision or board of elections shall have nine-  
49 ty days after such passage to enact and implement such remedy, during  
50 which a prospective plaintiff shall not commence an action to enforce  
51 this section against the political subdivision or board of elections.  
52 For actions against a school district, the commissioner of education may  
53 order the enactment of a NYVRA resolution pursuant to the commissioner's  
54 authority under section three hundred five of the education law. Within  
55 seven days of passing a NYVRA resolution, the political subdivision or

1 board of elections shall send by first class mail or email a copy of the  
2 resolution to the civil rights bureau.

3 (c) If a board of elections or the governing body of a political  
4 subdivision lacks the authority under this title or applicable state law  
5 or local laws to enact or implement a remedy identified in a NYVRA  
6 resolution, or fails to enact or implement a remedy identified in a  
7 NYVRA resolution, within ninety days after the passage of the NYVRA  
8 resolution, or if the political subdivision or board of elections is a  
9 covered entity as defined under section 17-210 of this title, the board  
10 of elections or the governing body of the political subdivision shall  
11 undertake the steps enumerated in the following provisions:

12 (i) The board of elections or governing body of the political subdivi-  
13 sion may approve a proposed remedy that complies with this title and  
14 submit such a proposed remedy to the civil rights bureau no later than  
15 one hundred twenty days after the passage of the NYVRA resolution. Such  
16 a submission shall be referred to as a "NYVRA proposal" in this title.

17 (ii) Prior to passing a NYVRA proposal, the political subdivision or  
18 board of elections shall hold at least one public hearing, at which the  
19 public shall be invited to provide input regarding the NYVRA proposal.  
20 Before this hearing, the political subdivision or board of elections may  
21 conduct outreach to the public, including to non-English-speaking commu-  
22 nities, to encourage public participation.

23 (iii) Within sixty days of receipt of a NYVRA proposal, the civil  
24 rights bureau shall grant or deny approval of the NYVRA proposal. The  
25 civil rights bureau may invoke an extension of up to twenty days to  
26 review the proposal.

27 (iv) The civil rights bureau shall only grant approval to the NYVRA  
28 proposal if it concludes that: (A) the political subdivision or board of  
29 elections may be in violation of this title; (B) the NYVRA proposal  
30 would remedy any potential violation of this title cited in the NYVRA  
31 notification letter and would not give rise to any other violation of  
32 this title; (C) the NYVRA proposal is unlikely to violate the constitu-  
33 tion or any relevant federal law; and (D) implementation of the NYVRA  
34 proposal is feasible.

35 (v) If the civil rights bureau grants approval, the NYVRA proposal  
36 shall be enacted and implemented immediately, notwithstanding any other  
37 provision of law, including any other state or local law.

38 (vi) If the political subdivision or board of elections is a covered  
39 entity as defined under section 17-210 of this title, the political  
40 subdivision or board of elections shall not be required to obtain  
41 preclearance for the NYVRA proposal pursuant to such section upon  
42 approval of the NYVRA proposal by the civil rights bureau.

43 (vii) If the civil rights bureau denies approval, the NYVRA proposal  
44 shall not be enacted or implemented. The civil rights bureau shall  
45 explain the basis for such denial and may, in its discretion, make  
46 recommendations for an alternative remedy for which it would grant  
47 approval.

48 (viii) If the civil rights bureau does not respond, the NYVRA proposal  
49 shall not be enacted or implemented.

50 (d) A political subdivision or board of elections that has passed a  
51 NYVRA resolution may enter into an agreement with the prospective plain-  
52 tiff providing that such prospective plaintiff shall not commence an  
53 action pursuant to this section against the political subdivision or  
54 board of elections for an additional ninety days. Such agreement shall  
55 include a requirement that [~~either~~] the political subdivision or board  
56 of elections shall either enact and implement a remedy that complies

1 with this title or [~~the political subdivision shall pass~~] a NYVRA  
2 proposal and submit it to the civil rights bureau.

3 (e) If, pursuant to a process commenced by a NYVRA notification  
4 letter, a political subdivision or board of elections enacts or imple-  
5 ments a remedy or the civil rights bureau grants approval to a NYVRA  
6 proposal, a prospective plaintiff who sent the NYVRA notification letter  
7 may, within thirty days of the enactment or implementation of the remedy  
8 or approval of the NYVRA proposal, demand reimbursement for the cost of  
9 the work product generated to support the NYVRA notification letter. A  
10 prospective plaintiff shall make the demand in writing and shall  
11 substantiate the demand with financial documentation, such as a detailed  
12 invoice for demography services or for the analysis of voting patterns  
13 in the political subdivision. A political subdivision or board of  
14 elections may request additional documentation if the provided documen-  
15 tation is insufficient to corroborate the claimed costs. A political  
16 subdivision or board of elections shall reimburse a prospective plain-  
17 tiff for reasonable costs claimed, or in an amount to which the parties  
18 mutually agree. The cumulative amount of reimbursements to all prospec-  
19 tive plaintiffs, except for actions brought by the attorney general,  
20 shall not exceed forty-three thousand dollars, as adjusted annually to  
21 the consumer price index for all urban consumers, United States city  
22 average, as published by the United States department of labor. To the  
23 extent a prospective plaintiff who sent the NYVRA notification letter  
24 and a political subdivision or board of elections are unable to come to  
25 a mutual agreement, either party may file a declaratory judgment action  
26 to obtain a clarification of rights.

27 (f) Notwithstanding the provisions of this subdivision, in the event  
28 that the first day for designating petitions for a political subdivi-  
29 sion's next regular election to select members of its governing board  
30 has begun or is scheduled to begin within thirty days, or in the event  
31 that a political subdivision or board of elections is scheduled to  
32 conduct any election within one hundred twenty days, a plaintiff alleg-  
33 ing any violation of this title may commence a judicial action against a  
34 political subdivision or board of elections under this section, provided  
35 that the relief sought by such a plaintiff includes preliminary relief  
36 for that election. Prior to or concurrent with commencing such a judi-  
37 cial action, any such plaintiff shall also submit a NYVRA notification  
38 letter to the political subdivision or board of elections. In the event  
39 that a judicial action commenced under this provision is withdrawn or  
40 dismissed for mootness because the political subdivision or board of  
41 elections has enacted or implemented a remedy or the civil rights bureau  
42 has granted approval of a NYVRA proposal pursuant to a process commenced  
43 by a NYVRA notification letter, any such plaintiff may only demand  
44 reimbursement pursuant to this subdivision.

45 § 3. Paragraph (b) of subdivision 5 of section 17-206 of the election  
46 law, as added by chapter 226 of the laws of 2022, is amended to read as  
47 follows:

48 (b) The court shall consider proposed remedies by any parties and  
49 interested non-parties, but shall not provide deference or priority to a  
50 proposed remedy offered by the political subdivision or board of  
51 elections. The court shall have the power to require a political subdivi-  
52 sion or board of elections to implement remedies that are inconsistent  
53 with any other provision of law where such inconsistent provision of law  
54 would preclude the court from ordering an otherwise appropriate remedy  
55 in such matter.

1 § 4. Subdivisions 1, 2, 3, 4, 5 and 7 of section 17-210 of the  
2 election law, subdivisions 1, 2, 4 and 5 as added by chapter 226 of the  
3 laws of 2022, subdivision 3, subparagraph (ii) of paragraph (f) of  
4 subdivision 4 and subdivision 7 as amended by chapter 216 of the laws of  
5 2024, are amended to read as follows:

6 1. Preclearance. To ensure that the right to vote is not denied or  
7 abridged on account of race, color, or language-minority group, the  
8 enactment or implementation of a covered policy by a covered entity, as  
9 defined in subdivisions two and three of this section respectively,  
10 shall be subject to preclearance by either the civil rights bureau or by  
11 a designated court as set forth in this section.

12 2. Covered policies. A "covered policy" shall include any new or modi-  
13 fied voting qualification, prerequisite to voting, law, ordinance, stan-  
14 dard, practice, procedure, regulation, or policy concerning any of the  
15 following topics:

16 (a) Method of election;  
17 (b) Form of government;  
18 (c) Annexation of a political subdivision;  
19 (d) Incorporation of a political subdivision;  
20 (e) Consolidation or division of political subdivisions;  
21 (f) Removal of voters from enrollment lists or other list maintenance  
22 activities;

23 (g) Number[~~7~~] or location[~~7~~ ~~or hours~~] of any election day or early  
24 voting poll site;

25 (h) Hours of any election day or early voting poll site;

26 (i) Dates of elections and the election calendar, except with respect  
27 to special elections;

28 [~~(i)~~] (j) Registration of voters;

29 [~~(j)~~] (k) Assignment of election districts to election day or early  
30 voting poll sites;

31 [~~(k)~~] (l) Assistance offered to members of a language-minority group;  
32 and

33 [~~(l)~~] (m) Any additional topics designated by the civil rights bureau  
34 pursuant to a rule promulgated under the state administrative procedure  
35 act, upon a determination by the civil rights bureau that a new or modi-  
36 fied voting qualification, prerequisite to voting, law, ordinance, stan-  
37 dard, practice, procedure, regulation, or policy concerning such topics  
38 may have the effect of denying or abridging the right to vote on account  
39 of race, color, or language-minority group.

40 3. Covered entity. A "covered entity" shall include: (a) any political  
41 subdivision or board of elections which, within the previous twenty-five  
42 years, has become subject to a court order or government enforcement  
43 action based upon a finding of any violation of this title, the federal  
44 voting rights act, the fifteenth amendment to the United States consti-  
45 tution, or a voting-related violation of the fourteenth amendment to the  
46 United States constitution; (b) any political subdivision or board of  
47 elections which, within the previous twenty-five years, has become  
48 subject to at least three court orders or government enforcement actions  
49 based upon a finding of any violation of any state or federal civil  
50 rights law or the fourteenth amendment to the United States constitution  
51 concerning discrimination against members of a protected class; (c) any  
52 county in which, based on data provided by the division of criminal  
53 justice services, the combined misdemeanor and felony arrest rate of  
54 voting age members of any protected class consisting of at least ten  
55 thousand citizens of voting age or whose members comprise at least ten  
56 percent of the citizen voting age population of the county, exceeds the

1 proportion that the protected class constitutes of the citizen voting  
2 age population of the county as a whole by at least twenty percentage  
3 points at any point within the previous ten years; (d) any political  
4 subdivision in which, based on data made available by the United States  
5 census, the dissimilarity index of any protected class consisting of at  
6 least twenty-five thousand citizens of voting age or whose members  
7 comprise at least ten percent of the citizen voting age population of  
8 the political subdivision, is in excess of fifty with respect to non-  
9 Hispanic white individuals within the political subdivision at any point  
10 within the previous ten years; (e) any political subdivision in which a  
11 board of elections has been established, if such board of elections is a  
12 covered entity or if such political subdivision contains a covered enti-  
13 ty fully within its borders; or (f) any board of elections that has been  
14 established in a political subdivision that is a covered entity pursuant  
15 to paragraph (a), (b), (c), (d) or (e) of this subdivision.

16 4. Preclearance by the attorney general. A covered entity may obtain  
17 preclearance for a covered policy from the civil rights bureau, provided  
18 that no application for preclearance concerning such covered policy is  
19 then pending before any court pursuant to subdivision five of this  
20 section, pursuant to the following process:

21 (a) The covered entity shall submit the covered policy in writing to  
22 the civil rights bureau. If the covered entity is a county or city board  
23 of elections, it shall contemporaneously provide a copy of the covered  
24 policy to the state board of elections.

25 (b) Upon submission of a covered policy for preclearance, as soon as  
26 practicable but no later than within ten days, the civil rights bureau  
27 shall publish the submission on its website.

28 (c) After publication of a submission, there shall be an opportunity  
29 for members of the public to comment on the submission to the civil  
30 rights bureau within the time periods set forth below. To facilitate  
31 public comment, the civil rights bureau shall provide an opportunity for  
32 members of the public to sign up to receive notifications or alerts  
33 regarding submission of a covered policy for preclearance.

34 (d) Upon submission of a covered policy for preclearance, the civil  
35 rights bureau shall review the covered policy, and any public comment,  
36 and shall, within the time periods set forth below, provide a report and  
37 determination as to whether, under this title, preclearance should be  
38 granted or denied to the covered policy. Such time period shall run  
39 concurrent with the time periods for public comment. The civil rights  
40 bureau shall not make such determination until the period for public  
41 comment is closed; provided, however, that the civil rights bureau may  
42 grant preclearance on a preliminary basis before such comment period has  
43 closed. The civil rights bureau may request additional information from  
44 a covered entity at any time during its review to aid in developing its  
45 report and recommendation. The failure to timely comply with reasonable  
46 requests for more information may be grounds for the denial of preclear-  
47 ance. The civil rights bureau's reports and determination shall be post-  
48 ed publicly on its website.

49 (e) In any determination as to preclearance, the civil rights bureau  
50 shall identify in writing whether it is approving or rejecting the  
51 covered policy; provided, however, that the civil rights bureau may, in  
52 its discretion, designate preclearance as "preliminary" in which case  
53 the civil rights bureau may deny preclearance within sixty days follow-  
54 ing the receipt of submission of the covered policy.

55 (i) The civil rights bureau shall grant preclearance only if it deter-  
56 mines that the covered policy will not diminish the ability of protected

1 class members to participate in the political process and to elect their  
2 preferred candidates to office. If the civil rights bureau grants  
3 preclearance, the covered entity may enact or implement the covered  
4 policy immediately.

5 (ii) If the civil rights bureau denies preclearance, the civil rights  
6 bureau shall interpose objections explaining its basis and the covered  
7 policy shall not be enacted or implemented.

8 (iii) If the civil rights bureau fails to respond within the required  
9 time frame as established in this section, the covered policy shall be  
10 deemed precleared and the covered entity may enact or implement such  
11 covered policy.

12 (f) The time periods for public comment, civil rights bureau review,  
13 and the determination of the civil rights bureau to grant or deny  
14 preclearance on submission shall be as follows:

15 (i) For any covered policy concerning the designation or selection of  
16 poll sites or the assignment of election districts to poll sites, wheth-  
17 er for election day or early voting, the period for public comment shall  
18 be five business days. The civil rights bureau shall review the covered  
19 policy, including any public comment, and make a determination to deny  
20 or grant preclearance for such covered policy within fifteen business  
21 days following the receipt of such covered policy.

22 (ii) The civil rights bureau may invoke an extension of up to twenty  
23 business days to make a determination pursuant to this paragraph, if the  
24 civil rights bureau determines that good cause exists for such exten-  
25 sion.

26 (iii) For any other covered policy, the period for public comment  
27 shall be ten business days. The civil rights bureau shall review the  
28 covered policy, including any public comment, within fifty-five business  
29 days following the receipt of such covered policy and make a determi-  
30 nation to deny or grant preclearance for such covered policy. The civil  
31 rights bureau may invoke up to two extensions of ninety days each.

32 (iv) The civil rights bureau is hereby authorized to promulgate rules  
33 for an expedited, emergency preclearance process in the event of a  
34 covered policy occurring during or imminently preceding an election as a  
35 result of any disaster within the meaning of section 3-108 of this chap-  
36 ter or other exigent circumstances. Any preclearance granted under this  
37 provision shall be designated "preliminary" and the civil rights bureau  
38 may deny preclearance within sixty days following receipt of the covered  
39 policy.

40 (g) Appeal of any denial by the civil rights bureau may be heard in  
41 the supreme court for the county of New York or the county of Albany in  
42 a proceeding commenced by the covered entity subject to the determi-  
43 nation against the civil rights bureau, pursuant to article seventy-  
44 eight of the civil practice law and rules, from which appeal may be  
45 taken according to the ordinary rules of appellate procedure. Due to the  
46 frequency and urgency of elections, actions brought pursuant to this  
47 section shall be subject to expedited pretrial and trial proceedings and  
48 receive an automatic calendar preference on appeal.

49 5. Preclearance by a designated court. A covered entity may obtain  
50 preclearance for a covered policy from a court, provided that no appli-  
51 cation for preclearance concerning such covered policy is then pending  
52 before the civil rights bureau pursuant to subdivision four of this  
53 section, pursuant to the following process:

54 (a) The covered entity shall [~~submit the covered policy in writing to~~]  
55 file a verified petition and proposed order to show cause, naming the  
56 attorney general as respondent, with the supreme court for the following

1 designated [~~court~~] county in the judicial department within which the  
2 covered entity is located: (i) first judicial department: New York coun-  
3 ty; (ii) second judicial department: Westchester county; (iii) third  
4 judicial department: Albany county; and (iv) fourth judicial department:  
5 Erie county. The petition shall set forth each covered policy for which  
6 the covered entity seeks preclearance in a separate count and shall  
7 append affidavits and other evidence, including expert evidence as  
8 necessary, sufficient to prove that each such covered policy satisfies  
9 the requirements for preclearance pursuant to paragraph (h) of this  
10 subdivision. If a petition contains multiple covered policies, the  
11 attorney general may move for severance so that the covered policies may  
12 be addressed in separate proceedings. The order to show cause may  
13 provide for an initial appearance upon the scheduled return date,  
14 provided that the return date shall thereafter be adjourned as necessary  
15 to allow for adequate review of the application by the attorney general  
16 as set forth in paragraph (c) of this subdivision. Simultaneously with  
17 the filing of the petition, the covered entity shall file a request for  
18 judicial intervention requesting the assignment of a judge. If the  
19 covered entity is a county or city board of elections, it shall contem-  
20 poraneously provide a copy of the [~~covered policy~~] petition to the state  
21 board of elections.

22 (b) [~~The covered entity shall contemporaneously provide a copy of the~~  
23 ~~covered policy to the civil rights bureau. The failure of the covered~~  
24 ~~entity to provide a copy of the covered policy to the civil rights~~  
25 ~~bureau will result in an automatic denial of preclearance.~~

26 [~~The court shall grant or deny preclearance within sixty days~~  
27 ~~following the receipt of submission of the covered policy.~~

28 [~~d~~] Within three business days of filing a petition, the covered  
29 entity shall file an affidavit demonstrating that a copy of the applica-  
30 tion was provided to the civil rights bureau in the manner specified by  
31 such bureau, which shall constitute service of the petition. If no such  
32 affidavit is timely filed, the court shall automatically dismiss the  
33 petition without prejudice, and preclearance shall be denied.

34 (c) Upon the attorney general's receipt of a petition, the attorney  
35 general shall be permitted to review the petition and assert a position  
36 or no position as to whether preclearance is appropriate as provided  
37 herein, and the return date on the petition shall be adjourned, by stip-  
38 ulation, order of the court, or otherwise, as necessary to allow for  
39 such adequate review. If the attorney general determines that the infor-  
40 mation provided by the petitioner with the application is insufficient  
41 for the attorney general to adequately review the application, the  
42 attorney general may request the petitioner provide any omitted informa-  
43 tion, document, or file. If the petitioner fails to provide the informa-  
44 tion, document, or file requested, or fails to demonstrate that any  
45 requested information, document, or file is unavailable after the exer-  
46 cise of due diligence, the attorney general may move to dismiss the  
47 petition. Such requests for information by the attorney general and  
48 responses by the petitioner shall not be filed with the court unless  
49 otherwise ordered. Upon the completion of the attorney general's review,  
50 the attorney general shall file either a notice of the attorney gener-  
51 al's election not to take any position concerning the petition or an  
52 answer to the petition, which shall admit or deny whether each covered  
53 policy set forth in the petition satisfies the requirements for  
54 preclearance set forth in paragraph (h) of this subdivision. The attor-  
55 ney general's failure to timely file either a notice or an answer shall

1 be deemed as the attorney general not taking any position concerning the  
2 petition.

3 (d) If the attorney general files a notice of election not to take any  
4 position concerning the petition, the petition shall be deemed fully  
5 submitted on that date. The court shall review the record, including any  
6 submissions made pursuant to paragraph (g) of this subdivision, hold any  
7 hearings or proceedings the court deems necessary, and determine whether  
8 each covered policy set forth in the petition satisfies the requirements  
9 for preclearance set forth in paragraph (h) of this subdivision. Within  
10 sixty days following the submission, the court shall issue judgment  
11 granting or denying preclearance accordingly.

12 (e) If the attorney general files an answer admitting that any covered  
13 policy satisfies the requirements for preclearance, there shall be no  
14 reply by the petitioner and the application shall be deemed fully  
15 submitted on that date. The court may hold any hearings or proceedings  
16 the court deems necessary. The court shall issue judgment no later than  
17 sixty days from the date the application is deemed fully submitted.

18 (f) If the attorney general files an answer denying that any covered  
19 policy satisfies the requirements for preclearance, the petitioner shall  
20 be permitted a reply, after which the matter shall be deemed fully  
21 submitted to the court on a date set by stipulation, order of the court,  
22 or otherwise. The court shall review the record, including any  
23 submissions made pursuant to paragraph (g) of this subdivision, hold any  
24 hearings or proceedings the court deems necessary, and determine whether  
25 each covered policy set forth in the petition satisfies the requirements  
26 for preclearance set forth in paragraph (h) of this subdivision. Within  
27 sixty days following the submission, the court shall issue judgment  
28 granting or denying preclearance accordingly.

29 (g) The court shall make provision for the consideration of the views  
30 of aggrieved persons or organizations as the court deems appropriate,  
31 including through intervention with leave of court, the acceptance of  
32 amicus curiae submissions, or informal methods of submission.

33 (h) The court shall grant preclearance only if it determines that the  
34 covered policy will not diminish the ability of protected class members  
35 to participate in the political process and to elect their preferred  
36 candidates to office. If the court grants preclearance, the covered  
37 entity may enact or implement the covered policy immediately.

38 ~~[(e)]~~ (i) If the court denies preclearance, or fails to respond within  
39 ~~[sixty days]~~ the timeframes set forth in this subdivision, the covered  
40 policy shall not be enacted or implemented.

41 ~~[(f)]~~ (j) Appeal of any denial may be taken by the covered entity  
42 subject to the determination according to the ordinary rules of appel-  
43 late procedure. Due to the frequency and urgency of elections, ~~[actions]~~  
44 proceedings brought pursuant to this section by covered entities shall  
45 be subject to expedited pretrial and trial proceedings and receive an  
46 automatic calendar preference on appeal, subject to the provisions of  
47 this subdivision.

48 7. Notification. (a) Any political subdivision or board of elections  
49 that becomes subject to a court order or government enforcement action  
50 as provided in paragraph (a) or (b) of subdivision three of this section  
51 shall notify the civil rights bureau within thirty days of the issuance  
52 of such order or enforcement action.

53 (b) Any political subdivision or board of elections that becomes  
54 involved in litigation concerning voting shall notify the civil rights  
55 bureau within thirty days of the commencement of such litigation.

1 (c) No more than thirty days after publication of a list of covered  
2 entities by the civil rights bureau, each covered entity included in  
3 such list shall notify the civil rights bureau of the name, email  
4 address, and telephone number of an individual with the authority to  
5 submit covered policies for preclearance on behalf of the covered enti-  
6 ty. Each such covered entity shall notify the civil rights bureau within  
7 thirty days of any material change to the information required pursuant  
8 to this paragraph.

9 § 5. Section 17-214 of the election law, as amended by chapter 216 of  
10 the laws of 2024, is amended to read as follows:

11 § 17-214. [~~Enforcement~~] Attorney general authorities and miscellaneous  
12 provisions. 1. Enforcement by the attorney general. If the civil rights  
13 bureau concludes that a submission by a political subdivision or any  
14 other party is insufficient to complete its review, the civil rights  
15 bureau may request that the party provide additional information, and  
16 the time periods for review provided in this title shall recommence upon  
17 receipt of such information. If such information is not provided, such  
18 time periods for review shall not apply.

19 2. Authority to issue subpoenas. In any action or investigation to  
20 enforce any provision of this title, the attorney general shall have the  
21 authority to take proof and determine relevant facts and to issue  
22 subpoenas in accordance with the civil practice law and rules.

23 3. Preclearance. Covered entities shall provide information relevant  
24 to preclearance to the civil rights bureau upon request.

25 4. Any plaintiff that commences a judicial action under this title  
26 shall send a copy of the complaint to the civil rights bureau by first  
27 class mail or email within ten days of the commencement of such action.

28 § 6. Section 17-222 of the election law, as added by chapter 226 of  
29 the laws of 2022, is amended to read as follows:

30 § 17-222. Severability. If any provision of this title or its applica-  
31 tion to any person, political subdivision, board of elections, or  
32 circumstance is held invalid, the invalidity shall not affect other  
33 provisions or applications of this title which can be given effect with-  
34 out the invalid provision or application, and to this end the provisions  
35 of this title are severable.

36 § 7. This act shall take effect immediately.