

STATE OF NEW YORK

5846--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

Introduced by M. of A. GIBBS, EPSTEIN, SIMONE, LEVENBERG, LAVINE, DAVILA, REYES, R. CARROLL, SEAWRIGHT, PAULIN -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to providing a remedy for election disruptions

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

1 Section 1. The election law is amended by adding a new section 3-109
2 to read as follows:

3 § 3-109. Disruption; additional time for voting; publicity of remedy.

4 1. (a) Except as provided in subdivision two of this section, in the
5 event that early voting or election day voting at one or more polling
6 places, or for one or more election districts, is delayed or disrupted
7 prior to the close of polls on any day of election for a duration
8 exceeding fifteen consecutive minutes, the board of elections shall
9 toll, adjust, and extend the scheduled timeframe for voting on that day
10 of election to account for and compensate the lost time for voting at
11 all such impacted polling places or election districts. For the
12 purposes of this section, "delay or disruption" and variations thereof
13 shall mean when no voting is occurring due to an obstruction or inter-
14 ruption of voting at a polling place or election district for a period
15 of time exceeding fifteen consecutive minutes during a scheduled time-
16 frame for voting.

17 (b) Pursuant to paragraph (a) of this subdivision, in the event that
18 early voting or election day voting at one or more polling places, or
19 for one or more election districts, is delayed or disrupted, such sched-
20 uled timeframe for voting shall be tolled, beginning from the actual
21 time of commencement of the delay or disruption to voting, or, if such
22 actual time cannot be reasonably determined by the board of elections,
23 beginning at the latest from the time a report of such delay or

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

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1 disruption is first electronically transmitted or telephonically commu-
2 nicated to the board of elections. Such tolling shall continue until
3 such time as the delay or disruption to voting has ended and the
4 impacted election districts and polling places have reopened for voting,
5 or the time for the scheduled close of polls on that day of election,
6 whichever occurs first. The scheduled timeframe for voting shall then be
7 adjusted, proportionately, for each such polling place or election
8 district, and extended on that day of election, or, if extending the
9 timeframe for voting at such election districts or polling places on
10 that day of election, or in that location, would be administratively
11 impracticable, such additional time for voting shall be scheduled on the
12 next day for voting or a successive day for voting scheduled for the
13 same election, but not later than election day, in the same polling
14 place or, if such polling place is unavailable, at alternative locations
15 that may be designated as polling places pursuant to the provisions of
16 section 4-104 of this chapter and is, to the extent practicable, in
17 close proximity to the delayed or disrupted polling places or election
18 districts, to account for and compensate the lost time at all such
19 impacted polling places or election districts.

20 (c) In any election district or polling place in which a voting
21 machine or voting system was used prior to a delay or disruption, such
22 machine or system shall be used for the additional time for voting
23 unless found to be inoperable, in which case the provisions of section
24 7-120 of this chapter shall apply. Except as directed by the board of
25 elections, the original seal on such machines shall not be removed nor
26 shall the machines be unlocked until the reopening of the polls and the
27 board of elections shall provide additional seals as necessary to be
28 used as soon as the polls are closed on such day. The state board of
29 elections shall promulgate rules and/or regulations to ensure the fair,
30 transparent, and uniform administration of this section.

31 2. (a) By majority vote of the commissioners, the board of elections
32 may determine that the remedy of additional time for voting to account
33 and compensate for the lost time for voting as prescribed by subdivision
34 one of this section would constitute inappropriate or unnecessary relief
35 in light of the particular circumstances of delay or disruption
36 presented at a specific polling place or election district. Such vote
37 shall be taken during a public meeting held for such purpose, shall
38 specify the cause or nature of the delay or disruption, and shall memo-
39 rialize in writing the results of any such vote and the particular
40 considerations relied upon by the board of elections in reaching a
41 determination that a proportionate extension of time to account and
42 compensate for the lost time at such impacted polling places or election
43 districts would constitute inappropriate or unnecessary relief.

44 (b) In the event that the board of elections reaches such determi-
45 nation, such board shall electronically or telephonically inform the
46 bipartisan co-executive directors of the state board of elections and
47 the civil rights bureau of the office of the attorney general regard-
48 ing the circumstances that appear to have caused delay or disruption and
49 an accounting of the polling places or election districts impacted,
50 the respective durations of such delays or disruptions, the results of
51 such vote, the particular circumstances relied upon by the board of
52 elections in reaching a determination that a proportionate extension
53 of time to account and compensate for the lost time at such impacted
54 polling places or election districts would constitute inappropriate or
55 unnecessary relief, any alternative remedial action taken by the

1 board of elections or other individuals or entities, and a description
2 of all related publicity efforts already undertaken or to be undertaken.

3 3. (a) In the event that the scheduled timeframe for early voting or
4 election day voting at one or more polling places, or for one or more
5 election districts, is extended pursuant to subdivision one of this
6 section, the board of elections shall, with the assistance of the state
7 board of elections, and under the coordination of the state board of
8 elections if necessary, make use of all reasonable means and channels of
9 communications to publicize, forthwith, the remedial action taken with
10 respect to the polling places and/or election districts impacted, indi-
11 cating in plain language the duration and timeframe of such remedial
12 action, as follows:

13 (i) electronically or telephonically inform the bipartisan co-execu-
14 tive directors of the state board of elections and the civil rights
15 bureau of the office of the attorney general of the circumstances that
16 appear to have caused the delay or disruption at issue, an accounting of
17 the polling places or election districts impacted and the respective
18 durations of such delays or disruptions, the remedial action taken, and
19 a description of all related publicity efforts already undertaken or to
20 be undertaken;

21 (ii) electronically or telephonically inform any candidate or commit-
22 tee with candidates or questions appearing on a ballot to be voted upon
23 in any such polling place or election district impacted, or the desig-
24 nated agent of such candidate or committee of the remedial action taken,
25 and including a description of all related publicity efforts already
26 undertaken or to be undertaken;

27 (iii) electronically or telephonically inform local print and broad-
28 cast news media organizations and local non-partisan civic organizations
29 and community-based groups situated within the municipalities impacted
30 or serving segments of the voting public or communities impacted,
31 including media and civic organizations primarily serving prevalent
32 language-minority communities, and including a description of all
33 related publicity efforts already undertaken or to be undertaken; and

34 (iv) utilize free or paid traditional, website, and social media chan-
35 nels and networks, including official advisory or public notification
36 tools or websites made available by the impacted county or munici-
37 palities, and issue electronic mail or phone or text messages directly
38 to impacted voters who have not already voted and who have provided such
39 personal contact information to the board of elections, to inform the
40 voting public residing in the communities served by the impacted polling
41 places or election districts of the remedial action taken and the
42 remaining opportunities to vote.

43 (b) Pursuant to paragraph (a) of this subdivision, such publicity
44 shall direct attention to any change of the location of impacted polling
45 places or election districts, if applicable, and shall contain such
46 other information as the board of elections shall deem necessary and
47 proper.

48 4. Action by the board of elections to provide additional time for
49 voting pursuant to subdivision one of this section shall be dispositive
50 and conclusive of the issue of whether a delay or disruption has
51 occurred warranting such remedial action, and any ballots cast by eligi-
52 ble voters during the adjusted remedial timeframe for voting shall not
53 be segregated from other ballots cast by eligible voters or subject to
54 challenge or judicial review on the basis that such ballots were cast
55 out of time; provided, however, that this subdivision shall not preju-
56 dice the right of any registered voter eligible to vote at such a

1 delayed or disrupted polling place or election district, or any candi-
2 date or committee with candidates or questions appearing on a ballot to
3 be voted upon in any such polling place or election district, to seek
4 independent judicial relief for an order extending the timeframe for
5 voting pursuant to subdivision one of this section, or for review of an
6 adverse agency decision pursuant to subdivision two of this section,
7 pursuant to state or federal law.

8 § 2. Subdivision 2 of section 8-100 of the election law, as separately
9 amended by chapter 6 and section 1 of part BBB of chapter 55 of the laws
10 of 2019, is amended to read as follows:

11 2. Polls shall be open for voting during the following hours: a prima-
12 ry election from six o'clock in the morning until nine o'clock in the
13 evening; the general election from six o'clock in the morning until nine
14 o'clock in the evening; a special election called by the governor pursu-
15 ant to the public officers law, and, except as otherwise provided by
16 law, every other election, from six o'clock in the morning until nine
17 o'clock in the evening; early voting hours shall be as provided in title
18 six of this article. Early voting times shall be as provided in section
19 8-600 of this article. In the event of a delay or disruption to voting,
20 the board of elections is authorized to toll, adjust, and extend the
21 timeframe for voting pursuant to section 3-109 of this chapter.

22 § 3. Section 8-102 of the election law is amended by adding a new
23 subdivision 3 to read as follows:

24 3. In the event that early voting or election day voting for one or
25 more election districts or poll sites is delayed or disrupted prior to
26 the close of polls on any day of election for a duration exceeding
27 fifteen consecutive minutes, the polling place coordinator, election
28 district chairperson, or, if such persons are unavailable, any inspector
29 of election, shall immediately notify the board of elections. There
30 shall be a presumption of a violation of subdivision one of section
31 17-212 of this chapter when any person, by commission or omission,
32 intentionally frustrates the purposes of this section.

33 § 4. Paragraph (f) of subdivision 4 of section 8-600 of the election
34 law, as added by chapter 480 of the laws of 2023, is amended to read as
35 follows:

36 (f) If the location of an early voting polling place as designated
37 pursuant to paragraph (e) of this subdivision changes prior to such
38 early voting period, notice shall be provided to all affected eligible
39 voters no later than five days prior to such voting period in accordance
40 with the communication plan established pursuant to subdivision five of
41 this section or as soon as practicable if such location change occurs
42 within five days of the commencement of such early voting period;
43 provided, however, no such location change may occur within forty-eight
44 hours of such commencement unless there is any disaster within the mean-
45 ing of section 3-108 of this chapter or disruption within the meaning of
46 section 3-109 of this chapter or a declared state of emergency by the
47 governor or any court of competent jurisdiction in the county where the
48 polling place is located.

49 § 5. This act shall take effect immediately.