

# STATE OF NEW YORK

5846--B

2025-2026 Regular Sessions

## IN ASSEMBLY

February 24, 2025

Introduced by M. of A. GIBBS, SIMONE, LEVENBERG, LAVINE, DAVILA, REYES, R. CARROLL, SEAWRIGHT, PAULIN, CUNNINGHAM, SHRESTHA, BURROUGHS, TAYLOR, GALLAGHER, SIMON, CRUZ, SHIMSKY, VALDEZ, ZINERMAN, RAGA, ROSENTHAL -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- 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) In the event that early voting or election day voting at one or  
5 more polling places is disrupted prior to the close of polls on any day  
6 of election for a duration exceeding one hour, the board of elections  
7 shall toll, adjust, and extend the scheduled timeframe for voting on  
8 that day of election to account for the lost time to voters of all such  
9 impacted election districts. For the purposes of this section,  
10 "disruption" shall mean an obstruction or interruption at a polling  
11 place that causes voters of at least one election district to be unable  
12 to vote for a period of time exceeding one hour during a scheduled time-  
13 frame for voting.

14 (b) Pursuant to paragraph (a) of this subdivision, in the event of a  
15 disruption to early voting or election day voting at one or more polling  
16 places, such scheduled timeframe for voting shall be tolled, beginning  
17 from the actual time of commencement of the disruption to voting, or, if  
18 such actual time is not agreed upon by the board of elections commis-

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

LBD07308-09-6

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

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

29 2. (a) In the event that the scheduled timeframe for early voting or  
30 election day voting at one or more polling places is extended pursuant  
31 to subdivision one of this section, the board of elections shall, in  
32 coordination with the state board of elections, make use of all reason-  
33 able means and channels of communications to publicize the polling plac-  
34 es impacted, indicating the duration and timeframe of any such corre-  
35 sponding extension, including a conspicuous written notice posted  
36 outside of such impacted polling place. At a minimum, such information  
37 shall be made available publicly on the state and local board of  
38 elections' websites and communicated electronically or telephonically to  
39 the following:

40 (i) the bipartisan co-executive directors of the state board of  
41 elections;

42 (ii) the civil rights bureau of the office of the attorney general;  
43 and

44 (iii) any candidate or committee with candidates or questions appear-  
45 ing on a ballot to be voted upon in any such polling place impacted, or  
46 the designated agent of such candidate or committee.

47 (b) The state or local board of elections shall employ best efforts to  
48 inform local media, and are authorized to inform local news media organ-  
49 izations and non-partisan civic organizations and community-based groups  
50 including media and civic organizations primarily serving prevalent  
51 language-minority communities, and utilize free or paid traditional,  
52 website, and social media channels and networks, including official  
53 advisory or public notification tools or websites made available by the  
54 impacted county or municipalities to inform the voting public of the  
55 corresponding extension and the remaining opportunities to vote.

1 3. Any ballots cast by eligible voters during an extended timeframe  
2 for voting shall not be segregated from other ballots cast by eligible  
3 voters or subject to challenge or judicial review on the basis that such  
4 ballots were untimely cast; provided, however, that this subdivision  
5 shall not prejudice the right of any registered voter eligible to vote  
6 at such a disrupted polling place, or any candidate or committee with  
7 candidates or questions appearing on a ballot to be voted upon in any  
8 such polling place, to seek independent judicial relief for an order  
9 extending the timeframe for voting pursuant to subdivision one of this  
10 section.

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

14 2. Polls shall be open for voting during the following hours: a prima-  
15 ry election from six o'clock in the morning until nine o'clock in the  
16 evening; the general election from six o'clock in the morning until nine  
17 o'clock in the evening; a special election called by the governor pursu-  
18 ant to the public officers law, and, except as otherwise provided by  
19 law, every other election, from six o'clock in the morning until nine  
20 o'clock in the evening; early voting hours shall be as provided in title  
21 six of this article. Early voting times shall be as provided in section  
22 8-600 of this article. In the event of a disruption to voting, the board  
23 of elections is authorized to toll, adjust, and extend the timeframe for  
24 voting pursuant to section 3-109 of this chapter.

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

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

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

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

52 § 5. This act shall take effect immediately.