

# 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:

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

3 § 17-171. Inspection of election materials, equipment and non-public  
4 records. 1. If any state, county, or local official or employee, includ-  
5 ing any election officer or voting machine custodian, receives from any  
6 private or governmental entity, individual or official a subpoena,  
7 warrant or other request for or to inspect any of the items in para-  
8 graphs (a) through (f) of this subdivision, or service of a complaint or  
9 petition in a legal proceeding seeking such relief, such official or  
10 custodian shall, not later than thirty-six hours after the receipt of  
11 such subpoena, warrant or other request, or service of such complaint or  
12 petition, provide a copy to the attorney general and the state board of  
13 elections. The attorney general and the state board of elections shall  
14 post notice, on each of such offices' websites, of the methods by which  
15 an official or custodian may provide such copy to such offices. In the  
16 case of the state board of elections receiving such a subpoena, warrant  
17 or other request, or service of such complaint or petition, the board  
18 shall immediately provide a copy of such subpoena, warrant or other  
19 request, or complaint or petition for items in paragraphs (a) through  
20 (f) of this subdivision, to the attorney general. The obligations of  
21 this section shall apply to the following items:

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

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

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

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

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

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1 (e) documentation of requests for absentee or early vote by mail  
2 ballots that include non-public personally identifiable information; or  
3 (f) non-public personally identifiable information of any elections  
4 officer as defined by section 1-104 of this chapter.

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

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

14 (a) first judicial department: New York county;

15 (b) second judicial department: Westchester county;

16 (c) third judicial department: Albany county; or

17 (d) fourth judicial department: Erie county.

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

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

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

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

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

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

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

13     § 3. This act shall take effect immediately.