

STATE OF NEW YORK

10385

IN ASSEMBLY

March 3, 2026

Introduced by M. of A. SHIMSKY -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to protection of the voter franchise; to amend the penal law, in relation to the carrying of firearms in sensitive locations; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. This act shall be known and may be cited as the "Protect
2 Our Polls (P.O.P.) Act".

3 § 2. The election law is amended by adding a new section 17-158 to
4 read as follows:

5 § 17-158. Vote disruption; immigration enforcement. 1. No person shall
6 perform or conspire to perform any act for the purpose of, or in further-
7 erance of, the enforcement of federal immigration laws while within two
8 hundred feet of any polling place, county elections office, location
9 designated by a county elections officer as an official polling place,
10 or location at which ballots are being counted, canvassed, audited,
11 certified, or recounted.

12 2. For purposes of this section, the two hundred feet distance shall
13 be deemed to include a two hundred foot radial measured from the
14 entrances, designated by the inspectors of elections, to a building
15 where the election or registration is being held, or measured from an
16 outdoor site, designated by the inspectors of elections, including a
17 curbside area, at which a voter may drop off a mail-in ballot.

18 3. A violation of this section or of subdivision four of section
19 17-130 of this title shall be a misdemeanor pursuant to section 17-110
20 and/or 17-130 of this title, as applicable.

21 4. (a) Any aggrieved person, organization whose membership includes
22 aggrieved persons or members of a protected class, organization whose
23 mission, in whole or in part, is to ensure voting access and such
24 mission would be hindered by a violation of this section, or the attor-
25 ney general may file an action pursuant to this section in the supreme

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

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1 court of the county in which the alleged violation of this section
2 occurred.

3 (b) Upon a finding of a violation of the provisions of this section,
4 the court shall implement appropriate remedies that are tailored to
5 remedy the violation, including but not limited to providing for addi-
6 tional time to cast a ballot that may be counted in the election at
7 issue. Any party who shall violate any of the provisions of this section
8 or who shall aid the violation of any of said provisions shall be liable
9 to any prevailing plaintiff party for damages, including nominal damages
10 for any violation, and compensatory or punitive damages for any inten-
11 tional violation. Damages recovered by the attorney general shall be
12 deposited into the general fund.

13 § 3. Section 17-110 of the election law, subdivision 3 as amended by
14 chapter 215 of the laws of 1983, is amended to read as follows:

15 § 17-110. Misdemeanors concerning police commissioners or officers or
16 members of any police force. Any person who, being a police commissioner
17 or any officer or member of any police force in this state:

18 1. Uses or threatens or attempts to use [~~his~~] such person's official
19 power or authority, in any manner, directly or indirectly, in aid of or
20 against any political party, organization, association or society, or to
21 control, affect, influence, reward or punish, the political adherence,
22 affiliation, action, expression or opinion of any citizen; or

23 2. Appoints, promotes, transfers, retires or punishes an officer or
24 member of a police force, or asks for or aids in the promotion, trans-
25 fer, retirement or punishment of an officer or member of a police force
26 because of the party adherence or affiliation of such officer or member,
27 or for or on the request, direct or indirect, of any political party,
28 organization, association or society, or of any officer, member of a
29 committee or representative official or otherwise of any political
30 party, organization, association or society; or

31 3. Solicits, collects or receives any money for, any political fund,
32 club, association, society or committee; or

33 4. Violates section 17-158 of this title, is guilty of a misdemeanor.

34 § 4. Subdivision 23 of section 17-130 of the election law, as renum-
35 bered by chapter 373 of the laws of 1978, is amended to read as follows:

36 23. Not having been appointed or named an inspector of elections or
37 clerk and not having taken the oath for such office shall wear or
38 display any button, badge or emblem identifying or purporting to identi-
39 fy such person as an inspector of election or clerk; or

40 24. Violates section 17-158 of this title, is guilty of a misdemeanor.

41 § 5. Subdivision 4 of section 17-130 of the election law is amended to
42 read as follows:

43 4. Electioneers on election day or on days of registration within
44 [~~one~~] two hundred feet, as defined herein, from a polling place. Said
45 prohibition shall not apply to a building or room that has been main-
46 tained for political purposes at least six months prior to said election
47 or registration days, except that no political displays, placards or
48 posters shall be exhibited therefrom. For the purposes of this section,
49 the [~~one~~] two hundred feet distance shall be deemed to include a [~~one~~]
50 two hundred foot radial measured from the entrances, designated by the
51 inspectors of elections, to a building where the election or registra-
52 tion is being held or measured from an outdoor site, designated by the
53 inspectors of elections, including a curbside area, at which a voter may
54 drop off a mail-in ballot.

55 § 6. The election law is amended by adding a new section 8-110 to read
56 as follows:

1 § 8-110. Extended voting hours; immigration enforcement disruption. 1.
2 Notwithstanding any inconsistent provision of law, on election day or on
3 any early voting day, a county elections official may extend the time
4 for closing the polls at any polling place if the county elections offi-
5 cial determines, in the official's discretion, that voting at the poll-
6 ing place was disrupted as a result of a violation of section 17-158 or
7 subdivision four of section 17-130 of this chapter.

8 2. If the time for closing the polls is extended pursuant to subdivi-
9 sion one of this section, all votes cast during the time that the clos-
10 ing of the polls is extended shall be by provisional ballot. Any provi-
11 sional ballots cast pursuant to this subdivision shall be separated and
12 held apart from other provisional ballots cast by voters prior to the
13 time the closing of the polls was extended, but shall be counted in the
14 same manner as such other provisional ballots.

15 § 7. Paragraph (a) of subdivision 3 of section 265.01-e of the penal
16 law, as amended by section 1 of part F of chapter 55 of the laws of
17 2023, is amended to read as follows:

18 (a) qualified law enforcement officers who are authorized to carry
19 concealed firearms pursuant to 18 U.S.C 926B, or qualified retired law
20 enforcement officers who are authorized to carry concealed firearms
21 pursuant to 18 U.S.C. 926C; provided, however, that the exemption
22 provided by this paragraph shall not apply to current or retired federal
23 law enforcement officers present at any location being used as a polling
24 place for purposes of acting in violation of section 17-158 of the
25 election law;

26 § 8. Severability. If any clause, sentence, paragraph, subdivision,
27 section or part of this act shall be adjudged by any court of competent
28 jurisdiction to be invalid, such judgment shall not affect, impair, or
29 invalidate the remainder thereof, but shall be confined in its operation
30 to the clause, sentence, paragraph, subdivision, section or part thereof
31 directly involved in the controversy in which such judgment shall have
32 been rendered. It is hereby declared to be the intent of the legislature
33 that this act would have been enacted even if such invalid provisions
34 had not been included herein.

35 § 9. This act shall take effect immediately and shall apply to
36 elections occurring on and after such effective date; provided that this
37 act shall expire and be deemed repealed January 1, 2030.