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:

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

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

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

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

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

4. (a) Any aggrieved person, organization whose membership includes aggrieved persons or members of a protected class, organization whose mission, in whole or in part, is to ensure voting access and such mission would be hindered by a violation of this section, or the attorney 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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court of the county in which the alleged violation of this section occurred.

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

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

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

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

2. Appoints, promotes, transfers, retires or punishes an officer or member of a police force, or asks for or aids in the promotion, transfer, retirement or punishment of an officer or member of a police force because of the party adherence or affiliation of such officer or member, or for or on the request, direct or indirect, of any political party, organization, association or society, or of any officer, member of a committee or representative official or otherwise of any political party, organization, association or society; or

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

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

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

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

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

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

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

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

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

2. If the time for closing the polls is extended pursuant to subdivision one of this section, all votes cast during the time that the closing of the polls is extended shall be by provisional ballot. Any provisional ballots cast pursuant to this subdivision shall be separated and held apart from other provisional ballots cast by voters prior to the time the closing of the polls was extended, but shall be counted in the same manner as such other provisional ballots.

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

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

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

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