STATE OF NEW YORK

11530

IN ASSEMBLY

May 29, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Shimsky) -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to prohibiting members of the military or armed government presence from interfering with elections

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

Section 1. The election law is amended by adding four new sections 17-172, 17-174, 17-176, and 17-178 to read as follows:

§ 17-172. Troops or armed government presence at polls. 1. Whoever, being an officer of the army or navy, or other person in the civil, military, or naval service of the state of New York or the United States, orders, brings, keeps, or has under their authority or control any troops or armed persons at any place where an election is held, unless such force be necessary to repel armed enemies of the United States, and thereby acts in violation of federal law, shall be fined or imprisoned not more than five years, or both.

2. This section shall not prevent any officer or member of the armed forces of the state of New York or United States from exercising the right of suffrage.

3. This section shall not apply to:

(a) law enforcement whose presence has been requested or authorized by the presiding election officer to respond to a specific emergency or disturbance that poses an imminent threat to the life, physical safety, or right to vote of an individual in the election officer's jurisdiction;

(b) law enforcement whose presence is otherwise required by law; or

(c) an officer or member of the state or national guard of the state of New York who has been activated by the governor of the state of New York to perform election-related duties under the supervision of an election officer.

4. Notwithstanding any other provision of law, the attorney general shall have jurisdiction to prosecute any offenses under this section.

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

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5. The terms in this section shall be construed consistently with the same or similar terms in 18 U.S.C. § 592. This section shall not be read to permit any conduct prohibited by 18 U.S.C. § 592.

§ 17-174. Interference by armed forces. 1. Whoever, being an officer or member of the armed forces of the state of New York or United States: (a) prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in the state, and thereby acts in violation of federal law; (b) prevents or attempts to prevent by force, threat, intimidation, advice or otherwise any qualified voter of the state from fully exercising the right of suffrage at any election, and thereby acts in violation of federal law; (c) orders or compels or attempts to compel any election officer in the state to receive a vote from a person not legally qualified to vote, and thereby acts in violation of federal law; (d) imposes or attempts to impose any regulations for conducting any election in the state, different from those prescribed by law, and thereby acts in violation of federal law; or (e) interferes in any manner with an election officer's discharge of their duties, and thereby acts in violation of federal law shall be fined or imprisoned not more than five years, or both.

2. This section shall not prevent any officer or member of the armed forces from exercising the right of suffrage.

3. Notwithstanding any other provision of law, the attorney general shall have jurisdiction to prosecute any offenses under this section.

4. The terms in this section shall be construed consistently with the same or similar terms in 18 U.S.C. § 593. This section shall not be read to permit any conduct prohibited by 18 U.S.C. § 593.

§ 17-176. Interference by administrative employees of federal, state, or local governments. 1. Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the state of New York, or any political subdivision, municipality, or agency thereof, or agency of such political subdivision or municipality (including any corporation owned or controlled by the state of New York or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States or the state of New York, or any department or agency thereof, uses their official authority for the purpose of interfering with the nomination or the election of any candidate for federal, state, or local public office, and thereby acts in violation of federal law, shall be fined or imprisoned not more than one year, or both.

2. This section shall not prohibit or make unlawful any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any state or political subdivision thereof, or by the District of Columbia or by any territory or possession of the United States; or by any recognized religious, philanthropic or cultural organization.

3. Notwithstanding any other provision of law, the attorney general shall have jurisdiction to prosecute any offenses under this section.

4. The terms in this section shall be construed consistently with the same or similar terms in 18 U.S.C. § 595. This section shall not be read to permit any conduct prohibited by 18 U.S.C. § 595.

§ 17-178. Civil enforcement of prohibitions on troops or armed government presence at polls, interference by armed forces, and interference by administrative employees of federal, state, or local governments. 1. A person aggrieved by a violation of section 17-172, 17-174, or 17-176

of this title may enforce the provisions of such section in a suit in equity. A prevailing plaintiff in such an action shall recover reasonable attorney's fees, reasonable expert fees, reasonable litigation expenses, and all such fees as are appropriate as part of the costs to be determined by a court of competent jurisdiction.

2. An election officer holding an election or conducting a canvass may enforce the provisions of section 17-172, 17-174, or 17-176 of this title and may institute an action for equitable relief on behalf of an aggrieved person who is in the officer's jurisdiction or is eligible to vote in the officer's jurisdiction.

3. The attorney general may enforce the provisions of section 17-172, 17-174, or 17-176 of this title and may institute for the state, or in the name of the state, an action for equitable relief, including an application for a temporary or permanent injunction, restraining order, or other order.

4. A suit brought by an election officer holding an election or conducting a canvass or the attorney general under this section does not preclude a contemporaneous private suit by an aggrieved person to enforce the provisions of section 17-172, 17-174, or 17-176 of this title.

5. The provisions of sections 17-172, 17-174, and 17-176 of this title are cumulative and shall not be construed as restricting the application of any other law, including, but not limited to, the application of a criminal law to a person whose conduct violates this act.

6. Actions brought pursuant to this section must be subject to expedited pretrial and trial proceedings and receive an automatic calendar preference.

§ 2. Severability clause. If any clause, sentence, paragraph, 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.

§ 3. This act shall take effect immediately.