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:

Section 1. The election law is amended by adding a new section 3-109 to read as follows:

§ 3-109. Disruption; additional time for voting; publicity of remedy. 1. (a) In the event that early voting or election day voting at one or more polling places is disrupted prior to the close of polls on any day of election for a duration exceeding one hour, the board of elections shall toll, adjust, and extend the scheduled timeframe for voting on that day of election to account for the lost time to voters of all such impacted election districts. For the purposes of this section, "disruption" shall mean an obstruction or interruption at a polling place that causes voters of at least one election district to be unable to vote for a period of time exceeding one hour during a scheduled timeframe for voting.

(b) Pursuant to paragraph (a) of this subdivision, in the event of a disruption to early voting or election day voting at one or more polling places, such scheduled timeframe for voting shall be tolled, beginning from the actual time of commencement of the disruption to voting, or, if 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.

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

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

2. (a) In the event that the scheduled timeframe for early voting or election day voting at one or more polling places is extended pursuant to subdivision one of this section, the board of elections shall, in coordination with the state board of elections, make use of all reasonable means and channels of communications to publicize the polling places impacted, indicating the duration and timeframe of any such corresponding extension, including a conspicuous written notice posted outside of such impacted polling place. At a minimum, such information shall be made available publicly on the state and local board of elections' websites and communicated electronically or telephonically to the following:

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

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

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

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

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

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

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

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

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

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

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

§ 5. This act shall take effect immediately.