
New York

Help America Vote Act (HAVA) Complaint Process Guide

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State Guide to HAVA & Election Complaint Process

This is a guide to your state's laws relating to the Help America Vote Act (HAVA) and other election related complaints.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

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What is the Help America Vote Act (HAVA)?

[Link to HAVA Statute](#)

[Link to Election Assistance Commission](#)

According to the EAC.gov website:

The Help America Vote Act (HAVA) of 2002 was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election. HAVA mandates that EAC test and certify voting equipment, maintain the National Voter Registration form and administer a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections.

HAVA creates new mandatory minimum standards for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA compliance and to distribute HAVA funds to the states. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program. EAC is also responsible for maintaining the National Voter Registration form, conducting research, and administering a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections. HAVA requires that the states implement the following new programs and procedures:

- Provisional Voting
- Voting Information
- Updated and Upgraded Voting Equipment
- Statewide Voter Registration Databases
- Voter Identification Procedures
- Administrative Complaint Procedures

How do I file a HAVA complaint?

[Link to HAVA Complaint Process](#)

[Link to Form](#)

Any person who believes that there is a violation of any provision of Title III of HAVA, which has occurred, is occurring, or is about to occur, may file a Formal Complaint with the State Board of Elections. HAVA Formal Complaints may on-ly be filed with the State Board of Elections.

How do I file a non-HAVA election complaint?

[Link to Process](#)

[Link to Form](#)

If someone wants to file a complaint about a potential NYS Election Law violation with the New York Sate Board oof Elections Division of Election Law Enforcement (DELE), they may submit their complaint by mail, email, or fax. The DELE has an [online](#) and fillable pdf [Com-plaint Form](#) available to use to ensure all of the necessary information is captured in the complaint. Please note, the DELE will not accept complaints by phone.

Who can I contact regarding an election related complaint?

New York State Board of Elections— Division of Election Law Enforcement	
Physical Address:	40 North Pearl Street, Suite 10-D Albany, NY 12207
Mailing Address:	Division of Election Law Enforcement NYS Board of Elections 40 N. Pearl St., Suite 10-D Albany, NY 12207-2729
Fax Number:	518-457-5247
Email Address:	Enforcement.info@elections.nv.gov
Website:	https://electionenforcement.nv.gov/

New York State Board of Elections— Office of Counsel	
Physical Address:	40 North Pearl Street, Suite 5 Albany, NY 12207-2729
Mailing Address:	The New York State Board of Elections Office of Counsel 40 N. Pearl St., Suite 5 Albany, NY 12207
Phone Number:	800-458-3453
Fax Number:	518-486-6627