



New York

*Help America Vote Act
(HAVA) Complaint
Process Guide*

Provided by

VOTER
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FOUNDATION

Disclaimer: 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 this guide or the information linked to on the state site.

This guide was last updated on 03/01/2026.

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What is the Help America Vote Act (HAVA)?

According to the [Election Assistance Commission](#):

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 HAVA Complaint 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 only be filed with the State Board of Elections.

How do I file a non-HAVA election complaint?

[Link to non-HAVA Complaint Process](#)

[Link to non-HAVA Complaint Form](#)

If someone wants to file a complaint about a potential NYS Election Law violation with the New York State Board of 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 [Complaint 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?

Board of Elections, Division of Election Law Enforcement

Physical/Mailing Address:

NYS Board of Elections
40 North Pearl Street, Suite 10-D
Albany, NY 12207

Phone Number:

518-457-5247

Email Address:

enforcement.info@elections.ny.gov

Website:

<https://electionenforcement.ny.gov/>

New York State Board of Elections, Office of Counsel

Physical/Mailing Address:

NYS Board of Elections – Office of Counsel
40 North Pearl Street, Suite 5
Albany, NY 12207

Phone Number:

518-474-6367

Email Address:

info@elections.ny.gov

Online Address:

<https://elections.ny.gov/contact-us>