

5172--A

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sens. DILAN, DIAZ, HASSELL-THOMPSON, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, the labor law, and the education law, in relation to authorizing persons seventeen years of age to serve as election inspectors and poll clerks and to repeal section 3207-a of the education law relating to authorizing the board of education of the city of New York to reduce the length of recitation periods

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Subdivision 6 of section 3-400 of the election law, as
2 amended by chapter 340 of the laws of 1995, is amended and a new subdi-
3 vision 7 is added to read as follows:
4 6. No person shall be certified or act as an election inspector or
5 poll clerk who is not a registered voter (UNLESS SUCH PERSON IS DULY
6 QUALIFIED UNDER SUBDIVISION SEVEN OF THIS SECTION) and a resident of the
7 county in which he OR SHE serves, or within the city of New York, of
8 such city, who holds any elective public office, or who is a candidate
9 for any public office to be voted for by the voters of the district in
10 which he OR SHE is to serve, or the spouse, parent, or child of such a
11 candidate, or who is not able to speak and read the English language and
12 write it legibly.
13 7. A PERSON SEVENTEEN YEARS OF AGE WHO IS ENROLLED IN A SCHOOL
14 DISTRICT AND FULFILLING THE REQUIREMENTS OF SECTION THIRTY-TWO HUNDRED
15 SEVEN-A OF THE EDUCATION LAW SHALL BE ELIGIBLE TO BE APPOINTED AS, AND
16 TO PERFORM THE DUTIES OF, AN ELECTION INSPECTOR OR POLL CLERK AS
17 PROVIDED IN THIS CHAPTER.
18 S 2. Subdivision 3 of section 132 of the labor law is amended by
19 adding a new paragraph f to read as follows:

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

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1 F. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE EMPLOY-
2 MENT OF A MINOR SEVENTEEN YEARS OF AGE AS AN ELECTION INSPECTOR OR POLL
3 CLERK PURSUANT TO SECTION 3-400 OF THE ELECTION LAW, OR TO REQUIRE AN
4 EMPLOYMENT CERTIFICATE OR PERMIT THEREFOR.

5 S 3. Section 143 of the labor law is amended by adding a new subdivi-
6 sion 6 to read as follows:

7 6. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE EMPLOYMENT OF
8 A MINOR SEVENTEEN YEARS OF AGE AS AN ELECTION INSPECTOR OR POLL CLERK
9 PURSUANT TO SECTION 3-400 OF THE ELECTION LAW.

10 S 4. Section 2025 of the education law is amended by adding a new
11 subdivision 6 to read as follows:

12 6. A PERSON SEVENTEEN YEARS OF AGE WHO IS ENROLLED IN A SCHOOL
13 DISTRICT AND FULFILLING THE REQUIREMENTS OF SECTION THIRTY-TWO HUNDRED
14 SEVEN-A OF THIS CHAPTER SHALL BE ELIGIBLE TO BE APPOINTED AS, AND TO
15 PERFORM THE DUTIES OF, AN ELECTION INSPECTOR OR POLL CLERK AS PROVIDED
16 IN THIS PART.

17 S 5. Section 2036 of the education law, as added by chapter 801 of the
18 laws of 1953, is amended to read as follows:

19 S 2036. Effect of failure to appoint or elect qualified voters as
20 district meeting or election officials. The proceedings of no annual or
21 special school district meeting or election shall be held illegal for
22 failure to appoint or elect a qualified voter (OR A PERSON SATISFYING
23 THE REQUIREMENTS OF SUBDIVISION SEVEN OF SECTION 3-400 OF THE ELECTION
24 LAW) as an official at such district meeting or election, unless it
25 shall appear that the acts of such official or officials were improper
26 or that the action of such meeting or election was prejudiced thereby.

27 S 6. Section 2607 of the education law, as amended by chapter 231 of
28 the laws of 1958, is amended to read as follows:

29 S 2607. Inspectors of election; organization. Not less than ten days
30 prior to each special or annual election, the board of education shall
31 appoint for each election district three qualified voters residing ther-
32 ein to act as inspectors of election in such election district at such
33 election. The clerk of the board of education shall give written notice
34 of appointment to the persons so appointed. If a person appointed an
35 inspector of election refuses to accept such appointment or fails to
36 serve, the board may appoint a qualified voter of the school election
37 district to fill the vacancy. Additional inspectors of elections for
38 each district may be appointed for one or more of such school election
39 districts[,] when, in the opinion of the board, special circumstances
40 exist requiring the services of such additional inspectors. Such
41 inspectors shall, before opening the polls in the election district for
42 which they are appointed, organize by electing one of their number as
43 [chairman,] CHAIRPERSON and one as poll clerk. The [chairman] CHAIR-
44 PERSON may also appoint one of the inspectors as an assistant poll
45 clerk. Each inspector shall receive for his OR HER services a compen-
46 sation to be fixed by the board of education, not to exceed the basic
47 compensation paid to inspectors of election at the preceding general
48 elections, as fixed by the governing body of the city in which such
49 school district is wholly or partly located, to be paid out of the
50 school funds in the same manner as other claims against the city school
51 district. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, A
52 PERSON SEVENTEEN YEARS OF AGE WHO IS ENROLLED IN A SCHOOL DISTRICT AND
53 FULFILLING THE REQUIREMENTS OF SECTION THIRTY-TWO HUNDRED SEVEN-A OF
54 THIS CHAPTER SHALL BE ELIGIBLE TO BE APPOINTED AS, AND TO PERFORM THE
55 DUTIES OF, AN ELECTION INSPECTOR OR POLL CLERK AS PROVIDED IN THIS ARTI-
56 CLE.

1 S 7. Section 3207-a of the education law is REPEALED and a new section
2 3207-a is added to read as follows:
3 S 3207-A. SERVICE OF PERSONS SEVENTEEN YEARS OF AGE AS ELECTION
4 INSPECTORS OR POLL CLERKS. A SCHOOL DISTRICT MAY PERMIT AN ENROLLED
5 STUDENT, WITH THE CONSENT OF SUCH STUDENT'S PARENT, GUARDIAN, OR OTHER
6 PERSON IN PARENTAL RELATION, TO SERVE AS AN ELECTION INSPECTOR OR POLL
7 CLERK PURSUANT TO SECTION 3-400 OF THE ELECTION LAW (AND OTHER APPLICA-
8 BLE PROVISIONS OF THIS CHAPTER AND THE LABOR LAW). FOR THE PURPOSES OF
9 ATTENDANCE, ANY STUDENT SO SERVING WHILE SCHOOL IS IN SESSION SHALL BE
10 RECORDED AS IN ATTENDANCE.
11 S 8. This act shall take effect immediately.