

7584

I N   S E N A T E

April 23, 2010

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Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and  
when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to use of lever voting  
machines and providing for the repeal of such provisions upon expira-  
tion thereof

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

1     Section 1.     Subdivision 5 of section 1803 of the education law, as  
2 amended by chapter 461 of the laws of 1996, is amended to read as  
3 follows:  
4     5. Votes upon the adoption of a resolution shall be cast in the same  
5 manner as votes for the election of school district trustees. The  
6 commissioner of education may order such modifications in the manner of  
7 voting as are customary for school district elections in the community  
8 affected by such vote. Such modifications may include the use of voting  
9 machines, AS PROVIDED IN SUBDIVISION ONE OF SECTION TWO THOUSAND THIR-  
10 TY-FIVE OF THIS CHAPTER, and shall include the use of absentee ballots  
11 as provided under section two thousand eighteen-a or two thousand eigh-  
12 teen-b of this chapter, whichever shall apply.  
13     S 2.     Subdivision 8 of section 1803-a of the education law, as added  
14 by chapter 236 of the laws of 1979, is amended to read as follows:  
15     8. The commissioner of education may order such modifications in the  
16 manner of voting on the resolution described in subdivision two of  
17 section eighteen hundred three of this [chapter] ARTICLE and for the  
18 election described in subdivision seven of this section as are customary  
19 in school district elections in the community affected by such vote.  
20 Such modifications may include the use of voting machines, AS PROVIDED  
21 IN SUBDIVISION ONE OF SECTION TWO THOUSAND THIRTY-FIVE OF THIS CHAPTER,  
22 and the use of nominating petitions.  
23     S 3. Paragraph g of subdivision 2 of section 1951 of the education  
24 law, as added by chapter 795 of the laws of 1967 and such section as  
25 renumbered by chapter 378 of the laws of 1972, is amended to read as  
26 follows:

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

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1 g. If the board of cooperative educational services shall so deter-  
2 mine, voting machines, INCLUDING LEVER VOTING MACHINES, may be used for  
3 recording the vote at such meeting. Before any such machine is used at  
4 any such meeting, the inspectors of election shall examine it and see  
5 that all the counters are set at zero (000) and that the ballot labels  
6 are properly placed, and that the machine is in all respects in proper  
7 condition for use. The use of such machine shall be deemed a compliance  
8 with any provision of law requiring the vote to be by ballot. The board  
9 of cooperative educational services may purchase the necessary voting  
10 machine or machines; or if the county board of elections shall consent  
11 thereto, such machines belonging to the county or belonging to the town  
12 in which any part of said board of cooperative educational services  
13 shall be located may be used at any such meeting, the expense of deliv-  
14 ery and returning and setting up, and any other expense connected there-  
15 with shall be defrayed by the board of cooperative educational services;  
16 but such machines belonging to the county shall not be so used at the  
17 time or times when they may be required under the election law. NOTHING  
18 IN THIS SUBDIVISION SHALL BE CONSTRUED TO REQUIRE THE BOARD OF ELECTIONS  
19 TO MAINTAIN THE CARE, CUSTODY OR CONTROL OF LEVER VOTING MACHINES.

20 S 4. Subdivision 1 of section 2035 of the education law, as amended  
21 by chapter 571 of the laws of 1958, is amended to read as follows:

22 1. If the trustees or board of education of any school district shall  
23 so determine, voting machines, INCLUDING LEVER VOTING MACHINES, may be  
24 used for recording the vote on elections and questions, or either, at  
25 the school district meetings or elections, annual and special, or  
26 either, in such district. Before any such machine is used at any such  
27 meeting or election, the inspectors of election shall examine it and see  
28 that all the counters are set at zero (000) and that the ballot labels  
29 are properly placed, and that the machine is in all respects in proper  
30 condition for use. The use of such machine shall be deemed a compliance  
31 with any provision of law requiring the vote to be by ballot. Such trus-  
32 tees or board of education, with district funds available, may purchase  
33 the necessary voting machine or machines; or, if the county board of  
34 elections shall consent thereto, such machines belonging to the county  
35 or belonging to the town in which any part of said school district shall  
36 be located, may be used at any such meeting, the expense of delivery and  
37 returning and setting up, and any other expense connected therewith, to  
38 be defrayed by the school district; but such machines belonging to the  
39 county shall not be so used at the time or times when they may be  
40 required under the election law. NOTHING IN THIS SUBDIVISION SHALL BE  
41 CONSTRUED TO REQUIRE THE BOARD OF ELECTIONS TO MAINTAIN THE CARE, CUSTO-  
42 DY OR CONTROL OF LEVER VOTING MACHINES.

43 S 5. Paragraph 1 of subdivision 9 of section 2502 of the education  
44 law, as added by chapter 65 of the laws of 1972, is amended to read as  
45 follows:

46 1. Voting for the election of members of such board of education shall  
47 be by voting machine, AS PROVIDED IN SUBDIVISION ONE OF SECTION TWO  
48 THOUSAND THIRTY-FIVE OF THIS CHAPTER, and shall be governed by the  
49 applicable provisions of the election law with respect to voting  
50 machines.

51 S 6. Paragraph 1 of subdivision 9-a of section 2502 of the education  
52 law, as amended by chapter 36 of the laws of 1990, is amended to read as  
53 follows:

54 1. Voting for the election of members of such board of education shall  
55 be by voting machine, AS PROVIDED IN SUBDIVISION ONE OF SECTION TWO  
56 THOUSAND THIRTY-FIVE OF THIS CHAPTER, and shall be governed by the

1 applicable provisions of the election law with respect to voting  
2 machines; provided, however, that a single polling place, at a location  
3 within the school district of the city of Rensselaer specified by the  
4 board of education not later than thirty days prior to the annual school  
5 election, shall be utilized.

6 S 7. Paragraph 1 of subdivision 10 of section 2553 of the education  
7 law, as added by chapter 242 of the laws of 1974, is amended to read as  
8 follows:

9 1. Voting for the election of members of such board of education shall  
10 be by voting machine, AS PROVIDED IN SUBDIVISION ONE OF SECTION TWO  
11 THOUSAND THIRTY-FIVE OF THIS CHAPTER, and shall be governed by the  
12 applicable provisions of the election law with respect to voting  
13 machines.

14 S 8. This act shall take effect immediately and shall expire and be  
15 deemed repealed December 31, 2012.