

2478--A

2011-2012 Regular Sessions

I N   S E N A T E

January 21, 2011

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Introduced by Sens. GRISANTI, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education 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 education law, in relation to providing for the election of members of the board of education of the Buffalo city school district in November

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

1     Section 1. Subparagraph 3 of paragraph d and paragraphs n, o and p of  
2     subdivision 10 of section 2553 of the education law, subparagraph 3 of  
3     paragraph d and paragraphs n and o as added by chapter 242 of the laws  
4     of 1974 and paragraph p as amended by chapter 95 of the laws of 1979,  
5     are amended to read as follows:  
6     (3)     For the election held in [May, nineteen hundred seventy-four]  
7     NOVEMBER, TWO THOUSAND TWELVE, such petition shall be deemed to be time-  
8     ly filed for such election if filed with the clerk of the board of  
9     elections of Erie county on or before [April ninth, nineteen hundred  
10    seventy-four] OCTOBER FOURTH, TWO THOUSAND TWELVE. A petition sent by  
11    mail in an envelope postmarked prior to midnight on [April ninth, nine-  
12    teen hundred seventy-four] OCTOBER FOURTH, TWO THOUSAND TWELVE, shall be  
13    deemed to be timely filed when received.     Written objection to such  
14    petition shall be filed within [two] THREE days after the [date this act  
15    shall have become a law] LAST DAY TO FILE THE PETITION and specifica-  
16    tions of the grounds of the objections shall be filed with the board  
17    within [one day] SIX DAYS after the filing of the objection and institu-  
18    tion of court proceedings relating thereto shall be commenced not later  
19    than [May second, nineteen hundred seventy-four] FOURTEEN DAYS AFTER THE  
20    LAST DAY TO FILE THE PETITION OR WITHIN THREE BUSINESS DAYS AFTER THE

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

LBD07599-02-2

1 BOARD OF ELECTIONS MAKES A DETERMINATION OF INVALIDITY WITH RESPECT TO  
2 SUCH PETITION, WHICHEVER IS LATER.

3 n. [The] FOR MEMBERS ELECTED IN NOVEMBER, TWO THOUSAND TWELVE THE TERM  
4 OF OFFICE FOR EACH MEMBER OF SUCH BOARD FROM A CITY SCHOOL SUBDISTRICT  
5 SHALL BE TWO YEARS, AND FOR EACH MEMBER ELECTED AT LARGE SHALL BE FOUR  
6 YEARS AND UPON THE EXPIRATION OF SUCH TERMS, THE term of office of each  
7 member of such board from a city school subdistrict shall be three  
8 years, and the term of office of each such member of the board elected  
9 at large shall be for five years. Of the candidates to be elected for  
10 membership on the board of education of the city school district of the  
11 city of Buffalo by the voters at large the three candidates receiving  
12 the largest number of votes cast in the city, shall be declared elected  
13 as at-large members of such board of education. In each city school  
14 subdistrict the candidates seeking the election as the member of such  
15 board of education for such city school subdistrict receiving a plurali-  
16 ty of votes in such city school subdistrict shall be declared elected to  
17 that position.

18 Whenever a vacancy shall occur or exist in the office of member of the  
19 board of education except by reason of expiration of term or increase in  
20 the number of members of such board, such vacancy shall be filled by a  
21 majority vote of the remaining members of the board of education within  
22 thirty days of the date when such vacancy shall have occurred. If the  
23 remaining members of the board of education shall fail to fill such  
24 vacancy within such thirty day period, then the mayor of the city of  
25 Buffalo shall within thirty days thereafter fill such vacancy subject to  
26 the confirmation of such appointment by the common council of the city  
27 of Buffalo. No one shall be appointed to fill a vacancy of a subdistrict  
28 member of the board of education unless he fulfills all of the quali-  
29 fications in this subdivision to enable him to be a candidate for the  
30 office of a member of the board of education from the subdistrict  
31 involved.

32 o. The members so elected to the board of education shall convene on  
33 the first business day in [July] JANUARY of each year, at the time of  
34 the commencement of their term of office and select from their members a  
35 president who shall serve for a term of one year or such other term, not  
36 exceeding the term of his office, as may be fixed by the rules and regu-  
37 lations of the board.

38 p. The election of members of the board of education of the school  
39 district of the city of Buffalo shall take place on [May seventh, nine-  
40 teen hundred seventy-four] NOVEMBER EIGHTH, TWO THOUSAND TWELVE and on  
41 the first Tuesday AFTER THE FIRST MONDAY in [May] NOVEMBER thereafter in  
42 each year in which an incumbent's term expires. Such election shall be  
43 conducted by the board of elections of the county of Erie in the same  
44 manner as other elections are conducted by it. Polls shall be open for  
45 voting for the hours prescribed by section 8-100 of the election law for  
46 primary elections. The results of such elections, after canvassing,  
47 shall be certified and reported by the board of elections to the board  
48 of education of such city. The clerk or other appropriate officer of  
49 the board of education shall within twenty-four hours after receipt of  
50 such certification by the board of elections serve a written notice  
51 either personally or by mail upon each person declared to be elected as  
52 a member of the board of education informing him of his election and the  
53 length of his term.

54 S. 2. Notwithstanding any inconsistent provision of law, the term of  
55 every member of the board of education of the city school district of  
56 Buffalo, which term is scheduled to expire on June 30, 2012, is hereby

1 extended from June thirtieth of the year in which it is scheduled to  
2 expire to December thirty-first of such year. Terms of such members  
3 elected after this act becomes law shall begin on the first day of Janu-  
4 ary and end on the last day of December of the appropriate year.

5 S 3. This act shall take effect immediately.