

STATE OF NEW YORK

4853

2021-2022 Regular Sessions

IN SENATE

February 16, 2021

Introduced by Sen. REICHLIN-MELNICK -- 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 providing public
school districts the authority to decline or change a school
building's designation as a polling location

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Subdivision 1 of section 2002 of the education law, as
2 amended by section 5 of part C of chapter 58 of the laws of 1998, is
3 amended to read as follows:

4 1. The annual meeting and election of each school district shall be
5 held on the third Tuesday of May in each year, provided, however that
6 such annual meeting and election shall be held on the second Tuesday in
7 May if the commissioner at the request of a local school board certifies
8 no later than March first that such election would conflict with reli-
9 gious observances. Unless the hour and place thereof shall have been
10 fixed by a vote of a previous district meeting, the same shall be held
11 in the schoolhouse at seven-thirty o'clock in the evening in the case of
12 a school district that is not divided into election districts and
13 conducts its election or vote by recording the ayes or noes of the qual-
14 ified voters attending, or, in the case of all other districts, during
15 at least six consecutive hours after six a.m., two of which hours shall
16 be after six p.m. as determined by resolution of the trustees or board
17 of education, provided, however, that the trustees or board of education
18 of any school district that conducted its annual meeting at seven-thirty
19 p.m. in nineteen hundred ninety-seven may conduct its annual election
20 and budget vote at such time in nineteen hundred ninety-eight. If a
21 district possesses more than one schoolhouse, it shall be held in the
22 one usually employed for that purpose, unless the trustees or board of
23 education designate another, provided that if the school district is
24 divided into election districts such annual meeting and election shall

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

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1 be held at such place in each election district as the board of educa-
2 tion may designate. If by resolution of the trustees or board of educa-
3 tion the district [~~possesses no schoolhouse, or if the schoolhouse shall~~
4 ~~not be accessible or adequate, then the~~] elects to designate a publicly
5 accessible location within district boundaries that is not a school
6 building for purposes of conducting the annual meeting and election,
7 such annual meeting and election shall be held at such place as the
8 trustees or board of education, or the clerk, shall designate in the
9 notice.

10 § 2. Section 2604 of the education law, as amended by chapter 741 of
11 the laws of 1954, is amended to read as follows:

12 § 2604. Division of city school district into school election
13 districts; elections held in schoolhouses. The board of education of
14 each city school district shall adopt a resolution on or before the
15 first day of April, preceding the first annual school election held
16 hereunder, dividing the city school district into school election
17 districts. The city school district shall be so divided that if circum-
18 stances will permit, school election districts will be coterminous with
19 one or more general election districts, and that, if practicable, there
20 shall be a schoolhouse in each election district. The election
21 districts thus formed shall continue in existence until modified by
22 resolution of the board of education. Such resolution shall accurately
23 describe the boundaries of such election districts by streets, alleys
24 and highways, when practicable. School elections shall be held in such
25 school election districts so far as may be possible in the public
26 schoolhouses therein [~~if there is no public schoolhouse in a school~~
27 ~~election district,~~]; provided, however, the board of education [~~shall~~]
28 may by resolution designate [~~the place~~] a publicly accessible alterna-
29 tive location where the election in such district shall be held.
30 Notwithstanding the foregoing provisions of this section, the board of
31 education of any city school district of a city of less than ten thou-
32 sand inhabitants may, by resolution, designate the entire city school
33 district as a single school district.

34 § 3. This act shall take effect immediately.