S T A T E O F N E W Y O R K

5137

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. V. LOPEZ, TOWNS -- read once and referred to the Committee on Education

AN ACT to amend the education law, the tax law and the state finance law, in relation to requiring that voter education be encouraged in high school civics and that the commissioner of education monitor and affirm that a student has received such instruction prior to graduation from high school, establishing a voter education fund and income tax check off for such fund

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

Section 1. The growth and stability of a democratic society depends in large measure on the participation of its citizens which is, in turn, principally determined by the extent of their understanding of the electoral process. At present, unfortunately, students in our secondary schools are not receiving sufficient instruction in this vital area, thus making this legislation a matter of public necessity.

S 2. Subparagraph 2 of paragraph a of subdivision 3 of section 3204 of the education law, as amended by chapter 124 of the laws of 1951, is amended to read as follows:

(2) The courses of study and of specialized training beyond the first eight years of full time public day schools shall provide for instruction in at least the English language and its use, in civics, *ENCOURAGING INSTRUCTION IN VOTER EDUCATION*, hygiene, physical training, and American history including the principles of government proclaimed in the Declaration of Independence and established by the constitution of the United States. *THE COMMISSIONER SHALL MONITOR SUCH INSTRUCTION IN VOTER EDUCATION AND SHALL AFFIRM TO THE BOARD OF REGENTS THAT STUDENTS HAVE RECEIVED THE SAME PRIOR TO GRADUATION FROM HIGH SCHOOL.*

S 3. The tax law is amended by adding a new section 616-a to read as follows:

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

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S 616-A. CHECK OFF FOR VOTER EDUCATION. (A) FOR THE TAXABLE YEAR BEGINNING JANUARY FIRST, NEXT SUCCEEDING THE EFFECTIVE DATE OF THIS SECTION, EVERY PERSONAL INCOME TAX RETURN SHALL INCLUDE A PLACE ON THE FIRST PAGE WHERE THE TAXPAYER MAY DESIGNATE THAT ONE DOLLAR OF THE TAXPAYER'S TAXES BE PAID INTO THE VOTER EDUCATION FUND ESTABLISHED PURSUANT TO SECTION SEVENTY-NINE-A OF THE STATE FINANCE LAW. SUCH RETURN SHALL CONTAIN A CONCISE EXPLANATION OF THE PURPOSE OF SUCH OPTIONAL DESIGNATION. WHERE TWO TAXPAYERS FILE JOINTLY, SUCH RETURN SHALL INDICATE THAT EACH SUCH TAXPAYER MAY MAKE SEPARATE DESIGNATIONS TO BE PAID INTO SUCH FUND.

(B) AFTER CERTIFICATION BY THE COMMISSIONER OF THE NUMBER OF DESIGNATIONS MADE, THE COMPTROLLER SHALL TRANSFER TO THE VOTER EDUCATION FUND, OUT OF THE STATE TREASURY, AN AMOUNT EQUAL TO ONE DOLLAR MULTIPLIED BY THE NUMBER OF DESIGNATIONS.

S 4. The state finance law is amended by adding a new section 79-a to read as follows:

S 79-A. VOTER EDUCATION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE "VOTER EDUCATION FUND".

2. SUCH FUND SHALL CONSIST OF ALL MONIES RECEIVED AS A RESULT OF THE DESIGNATIONS TO SUCH FUND MADE UPON TAX RETURNS AS PROVIDED PURSUANT TO SECTION SIX HUNDRED SIXTEEN-A OF THE TAX LAW.

3. AN AMOUNT EQUAL TO ALL OF THE MONIES RECEIVED BY THE VOTER EDUCATION FUND PURSUANT TO SUBDIVISION TWO OF THIS SECTION SHALL BE APPROPRIATED AND USED BY THE EDUCATION DEPARTMENT TO GIVE INSTRUCTION IN VOTER EDUCATION.

4. AMOUNTS APPROPRIATED FOR VOTER EDUCATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION SHALL NOT AFFECT THE AMOUNT WHICH WOULD OTHERWISE BE APPROPRIATED FOR EDUCATION UNDER ANY OTHER PROVISION OF LAW.

S 5. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.