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

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2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. MILLER, THIELE, SAYWARD, ERRIGO, BARCLAY, BALL -- Multi-Sponsored by -- M. of A. CALHOUN, CONTE, CROUCH, FINCH, KOLB, O'MARA, REILICH, SPANO, TEDISCO, TOWNSEND -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to elections in school districts

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

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

1. The annual meeting and election of each school district shall be held on the third Tuesday of May in each year, provided, however that such annual meeting and election shall be held on the second Tuesday in May if the commissioner at the request of a local school board certifies no later than March first that such election would conflict with religious observances. [Unless the hour and place thereof shall have been fixed by a vote of a previous district meeting, the same] THE ANNUAL DISTRICT MEETING AND ELECTION shall be held in the schoolhouse at seven-thirty o'clock in the evening in the case of a school district that is not divided into election districts and conducts its election or vote by recording the ayes or noes of the qualified voters attending, or, in the case of all other districts, [during at least six consecutive hours after six a.m., two of which hours shall be after six p.m. as determined by resolution of the trustees or board of education, provided, however, that the trustees or board of education of any school district that conducted its annual meeting at seven-thirty p.m. in nineteen hundred ninety-seven may conduct its annual election and budget vote at such time in nineteen hundred ninety-eight] FROM SIX O'CLOCK IN THE MORNING UNTIL NINE O'CLOCK IN THE EVENING. If a district possesses more than one schoolhouse, it shall be held in the one usually employed

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

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for that purpose, unless the trustees or board of education designate another OR DETERMINE THAT THE ANNUAL MEETING AND ELECTION SHALL BE HELD IN MORE THAN ONE SCHOOLHOUSE WITHIN THE DISTRICT WITHOUT DIVIDING INTO ELECTION DISTRICTS, provided that if the school district is divided into election districts such annual meeting and election shall be held at such place in each election district as the board of education may designate. If the district possesses no schoolhouse, or if the schoolhouse shall not be accessible or adequate, then the annual meeting and election shall be held at such place OR PLACES as the trustees or board of education, or the clerk, shall designate in the notice.

S 2. Section 2005 of the education law, as amended by section 3 of part M of chapter 57 of the laws of 2005, is amended to read as follows:

S 2005. Special meeting to transact business of annual meeting. Whenever the time for holding the annual meeting in a school district shall pass without such meeting being held, a special meeting[, to be held on the date specified for a school budget revote pursuant to subdivision three of section two thousand seven of this part], shall thereafter be called by the trustees or by the clerk of such district for the purpose of transacting the business of the annual meeting; and if no such meeting be called by the trustees or the clerk within ten days after such time shall have passed, the district superintendent of the supervisory district in which said school district is situated or the commissioner [of education] may order any inhabitant of such district to give notice of such meeting in the manner provided in section two thousand one of this part, and the officers of the district shall make to such meeting the reports required to be made at the annual meeting, subject to the same penalty in case of neglect; and the officers elected at such meeting shall hold their respective offices only until the next annual meeting and until their successors are elected and shall have qualified. Notice of such annual meeting shall comply with the requirements of section two thousand three or section two thousand four of this part by publishing such notices once in each week within the two weeks next preceding such special meeting, the first publication to be at least fourteen days before such meeting and any required posting to be fourteen days before the time of such meeting. If the qualified voters at such special district meeting defeat the school district budget, the trustees or board of education shall adopt a contingency budget pursuant to section two thousand twenty-three of this part. [Notwithstanding any other provision in law, the trustees or board of education following the adoption of a contingency budget may call a special district meeting for a second vote on the proposed budget pursuant to the requirements of subdivision three of section two thousand seven or subdivision three of section two thousand six of this chapter.]

S 3. The education law is amended by adding a new section 2022-a to read as follows:

S 2022-A. BOND RESOLUTION VOTES. NO BOND RESOLUTION PROPOSED TO BE ADOPTED BY A SCHOOL DISTRICT PURSUANT TO SECTION 31.00 OF THE LOCAL FINANCE LAW, SHALL BE PRESENTED TO VOTERS TO BE VOTED ON AT ANY TIME EXCEPT AS PART OF THE ANNUAL MEETING AND ELECTION OF SUCH SCHOOL DISTRICT, AS PROVIDED IN SECTION TWO THOUSAND TWENTY-TWO OF THIS PART.

S 4. The education law is amended by adding a new section 2013 to read as follows:

S 2013. REVIEW OF ELECTION PROCEDURES BY COUNTY BOARDS OF ELECTION. 1. NOTWITHSTANDING ANY PROVISIONS OF THIS ARTICLE, ARTICLE FIFTY-THREE OF THIS CHAPTER OR ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, THE TRUSTEES OR BOARD OF EDUCATION OF EVERY SCHOOL DISTRICT TO WHICH

THIS ARTICLE APPLIES SHALL CONSULT WITH THE COUNTY BOARD OF ELECTIONS OF THE COUNTY IN WHICH THE CHIEF ADMINISTRATIVE OFFICE OF THE SCHOOL DISTRICT IS LOCATED CONCERNING THE PROCEDURES USED BY THE SCHOOL DISTRICT IN CONDUCTING SCHOOL DISTRICT MEETINGS AND ELECTIONS. EACH COUNTY BOARD OF ELECTIONS SHALL PERIODICALLY REVIEW SUCH SCHOOL DISTRICT PROCEDURES AND MAKE RECOMMENDATIONS TO THE TRUSTEES OR BOARD OF EDUCATION OF EACH SUCH SCHOOL DISTRICT ON WAYS TO IMPROVE THE FAIRNESS AND PROTECT THE INTEGRITY OF THE ELECTORAL PROCESS, WHICH SHALL INCLUDE THE OPTION OF SUPERVISION OF THE SCHOOL MEETINGS AND ELECTIONS BY THE COUNTY BOARD OF ELECTIONS PURSUANT TO SUBDIVISIONS TWO, THREE AND FOUR OF THIS SECTION. THE FIRST SUCH REVIEW SHALL BE COMPLETED IN SUFFICIENT TIME TO PERMIT CHANGES IN PROCEDURES USED IN THE CONDUCT OF SCHOOL DISTRICT ANNUAL AND SPECIAL DISTRICT MEETINGS AND ELECTIONS HELD ON OR AFTER THE SECOND TUESDAY IN MAY, TWO THOUSAND NINE. THE TRUSTEES OF EACH SCHOOL DISTRICT SHALL COOPERATE WITH AND PROVIDE ALL ASSISTANCE REQUIRED BY THE COUNTY BOARD OF ELECTIONS TO COMPLETE SUCH REVIEW. THE TRUSTEES OR BOARD OF EDUCATION SHALL PREPARE A WRITTEN RESPONSE TO THE RECOMMENDATIONS OF THE COUNTY BOARD OF ELECTIONS, INCLUDING AN EXPLANATION OF ITS REASONS FOR REJECTING ANY RECOMMENDATIONS OF THE COUNTY BOARD OF ELECTIONS, AND SHALL HOLD A PUBLIC HEARING TO PRESENT ITS RESPONSE TO THE QUALIFIED VOTERS. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO SCHOOL DISTRICT ELECTIONS CURRENTLY UNDER THE SUPERVISION OF A COUNTY BOARD OF ELECTIONS PURSUANT TO SUBDIVISION NINE OR NINE-A OF SECTION TWENTY-FIVE HUNDRED TWO OF THIS TITLE. THE SCHOOL AUTHORITIES SHALL COOPERATE WITH THE COUNTY BOARDS OF ELECTION IN IMPLEMENTING THE PROVISIONS OF THIS SECTION.

2. THE TRUSTEES OR BOARD OF EDUCATION MAY REQUEST THE COUNTY BOARD OF ELECTIONS TO ASSUME ALL OR SOME OF THE FUNCTIONS, POWERS AND DUTIES ASSIGNED TO THE TRUSTEES OR BOARD OF EDUCATION IN OVERSEEING OR ADMINISTERING ELECTIONS PURSUANT TO THE PROVISIONS OF: SUBDIVISION FOUR OF SECTION EIGHTEEN HUNDRED THREE-A, SUBDIVISIONS FOUR AND FIVE OF SECTION NINETEEN HUNDRED SIX AND SECTIONS TWO THOUSAND FOURTEEN, TWO THOUSAND SEVENTEEN, TWO THOUSAND EIGHTEEN-A, TWO THOUSAND EIGHTEEN-B, TWO THOUSAND EIGHTEEN-C, TWO THOUSAND NINETEEN-A, TWO THOUSAND TWENTY-FIVE, TWO THOUSAND THIRTY, TWO THOUSAND THIRTY-FOUR, SUBDIVISION ONE OF SECTION TWO THOUSAND THIRTY-FIVE (EXCEPT THE AUTHORITY TO AUTHORIZE THE PURCHASE OF VOTING MACHINES) AND SECTIONS TWENTY-SIX HUNDRED FOUR, TWENTY-SIX HUNDRED SIX, TWENTY-SIX HUNDRED SEVEN, TWENTY-SIX HUNDRED TEN, TWENTY-SIX HUNDRED ELEVEN AND TWENTY-SIX HUNDRED THIRTEEN OF THIS TITLE AND ANY OTHER PROVISION OF LAW RELATING TO THE REGISTRATION OF VOTERS OR THE CASTING OR CANVASSING OF BALLOTS OR PROCEDURES AT DISTRICT MEETINGS. THE MEMBERS OF THE COUNTY BOARD OF ELECTIONS AND ANY OF ITS OFFICERS OR EMPLOYEES OR OTHER PERSONS APPOINTED OR ASSIGNED TO CARRY OUT THE DUTIES OF TRUSTEES OR BOARD OF EDUCATION PURSUANT TO THIS SUBDIVISION SHALL BE DEEMED TO BE SCHOOL DISTRICT OFFICERS OR EMPLOYEES FOR PURPOSES OF SECTIONS THIRTY-EIGHT HUNDRED TEN, THIRTY-EIGHT HUNDRED ELEVEN, THIRTY-EIGHT HUNDRED TWELVE AND THIRTY-EIGHT HUNDRED THIRTEEN OF THIS CHAPTER, AND ANY OF THEIR ACTIONS OR OMISSIONS RELATING TO THE CONDUCT OF A SCHOOL DISTRICT MEETING OR ELECTION SHALL BE DEEMED ACTIONS OR OMISSIONS OF SCHOOL AUTHORITIES FOR PURPOSES OF SECTIONS THREE HUNDRED TEN AND TWO THOUSAND THIRTY-SEVEN OF THIS CHAPTER.

3. THE TRUSTEES OR BOARD OF EDUCATION MAY ALSO REQUEST THE COUNTY BOARD OF ELECTIONS TO APPOINT OR DESIGNATE, FOR EACH SCHOOL DISTRICT, ONE OR MORE PERSONS TO CARRY OUT ALL THE FUNCTIONS, POWERS AND DUTIES ASSIGNED TO THE DISTRICT CLERK OR A DESIGNEE UNDER THE PROVISIONS OF: ARTICLE THIRTY-TWO OF THIS CHAPTER, SUBDIVISIONS FOUR AND FIVE OF

SECTION NINETEEN HUNDRED SIX, AND SECTIONS TWO THOUSAND FOURTEEN, TWO THOUSAND FIFTEEN, TWO THOUSAND EIGHTEEN, TWO THOUSAND EIGHTEEN-A, TWO THOUSAND EIGHTEEN-B, TWO THOUSAND EIGHTEEN-C, TWO THOUSAND TWENTY, TWO THOUSAND TWENTY-FIVE, TWO THOUSAND TWENTY-NINE, TWO THOUSAND THIRTY-TWO, TWO THOUSAND THIRTY-FOUR, TWENTY-SIX HUNDRED SIX, TWENTY-SIX HUNDRED SEVEN, TWENTY-SIX HUNDRED EIGHT AND TWENTY-SIX HUNDRED TEN OF THIS TITLE AND ANY OTHER PROVISION OF LAW RELATING TO FILING OF EXPENDITURE AND CONTRIBUTION STATEMENTS OR NOMINATING PETITIONS, THE RECEIPT OR CANVASSING OF BALLOTS OR RECORDING THE RESULTS OF THE VOTE. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SUCH PERSONS SHALL NOT BE REQUIRED TO BE RESIDENTS OF THE SCHOOL DISTRICT. ANY OFFICERS OR EMPLOYEES OF THE COUNTY BOARD OF ELECTIONS OR OTHER PERSONS SO APPOINTED OR DESIGNATED TO CARRY OUT THE DUTIES OF A DISTRICT CLERK PURSUANT TO THIS SUBDIVISION SHALL BE DEEMED TO BE SCHOOL DISTRICT OFFICERS OR EMPLOYEES FOR PURPOSES OF SECTIONS THIRTY-EIGHT HUNDRED TEN, THIRTY-EIGHT HUNDRED ELEVEN, THIRTY-EIGHT HUNDRED TWELVE AND THIRTY-EIGHT HUNDRED THIRTEEN OF THIS CHAPTER, AND ANY OF THEIR ACTIONS OR OMISSIONS RELATING TO THE CONDUCT OF A SCHOOL DISTRICT MEETING OR ELECTION SHALL BE DEEMED ACTIONS OR OMISSIONS OF SCHOOL AUTHORITIES FOR PURPOSES OF SECTIONS THREE HUNDRED TEN AND TWO THOUSAND THIRTY-SEVEN OF THIS CHAPTER.

4. THE COUNTY BOARD OF ELECTIONS SHALL NOTIFY THE TRUSTEES OR BOARD OF EDUCATION OF EACH SCHOOL DISTRICT OF THE ADDRESS OF ANY PERSON OR PERSONS APPOINTED OR DESIGNATED TO SERVE AS DISTRICT CLERK PURSUANT TO SUBDIVISION THREE OF THIS SECTION AT WHICH EXPENDITURE STATEMENTS, NOMINATING PETITIONS, APPLICATIONS FOR ABSENTEE BALLOTS AND OTHER DOCUMENTS RELATING TO SCHOOL DISTRICT MEETINGS OR ELECTIONS MUST BE FILED. THE FIRST SUCH NOTICE SHALL BE PROVIDED AT LEAST SIXTY DAYS PRECEDING THE FIRST ANNUAL MEETING AT WHICH SUCH PERSON WILL SERVE AS DISTRICT CLERK. THE COUNTY BOARD OF ELECTIONS SHALL NOTIFY AFFECTED SCHOOL DISTRICTS AT LEAST SEVEN DAYS IN ADVANCE OF ANY SUBSEQUENT CHANGE IN SUCH ADDRESS. THE COUNTY BOARD OF ELECTIONS MAY TERMINATE SUCH APPOINTMENT OR DESIGNATION PRIOR TO ANY ANNUAL DISTRICT MEETING OR ELECTION, UPON AT LEAST NINETY DAYS NOTICE TO THE TRUSTEES OR BOARD OF EDUCATION. IT SHALL BE THE DUTY OF THE TRUSTEES OR BOARD OF EDUCATION TO INCLUDE SUCH ADDRESS IN THE NOTICE OF ANY ANNUAL OR SPECIAL DISTRICT MEETING OR ELECTION HELD ON OR AFTER THE SECOND TUESDAY IN MAY, TWO THOUSAND ELEVEN.

5. EACH COUNTY BOARD OF ELECTIONS, IN CONSULTATION WITH THE TRUSTEES OR BOARD OF EDUCATION OF SCHOOL DISTRICTS WITHIN THEIR JURISDICTION, SHALL DEVELOP RECOMMENDATIONS TO EXPAND THE NUMBER AND ENHANCE THE ACCESSIBILITY OF POLLING PLACES WITHIN THE SCHOOL DISTRICT FOR CONDUCTING SCHOOL DISTRICT MEETINGS AND ELECTIONS TO BE COMPARABLE TO THE NUMBER AND ACCESSIBILITY OF POLLING PLACES FOR THE GENERAL ELECTION. SUCH PLAN MAY CALL FOR ESTABLISHMENT OR MODIFICATION OF ELECTION DISTRICTS OR THE CONDUCT OF THE VOTE IN MULTIPLE LOCATIONS IN A SCHOOL DISTRICT THAT IS NOT DIVIDED INTO ELECTION DISTRICTS. EACH COUNTY BOARD OF ELECTIONS SHALL SUBMIT SUCH RECOMMENDATIONS TO THE DISTRICT AND TO THE DEPARTMENT BY THE TWENTY-EIGHTH DAY OF FEBRUARY, TWO THOUSAND ELEVEN.

6. NO SCHOOL DISTRICT OFFICER OR EMPLOYEE, OR CANDIDATE FOR A POSITION AS A SCHOOL DISTRICT OFFICER, SHALL BE ELIGIBLE FOR APPOINTMENT OR DESIGNATION BY A COUNTY BOARD OF ELECTIONS PURSUANT TO SUBDIVISION ONE OR TWO OF THIS SECTION OR TO SERVE AS AN ELECTION INSPECTOR, A MEMBER OF A BOARD OF REGISTRATION, OR A POLL CLERK WITHIN THE MEANING OF SECTION TWO THOUSAND NINETEEN-A OF THIS ARTICLE, IN A SCHOOL DISTRICT MEETING OR ELECTION CONDUCTED FOR THE SCHOOL DISTRICT IN WHICH HE OR SHE IS AN

OFFICER OR EMPLOYEE OR A CANDIDATE FOR A POSITION AS A SCHOOL DISTRICT OFFICER.

7. ANY COSTS INCURRED BY A COUNTY BOARD OF ELECTIONS CARRYING OUT THE REQUIREMENTS OF THIS SECTION SHALL BE A CHARGE UPON THE SCHOOL DISTRICT FOR WHICH THE DISTRICT MEETING OR ELECTION IS HELD.

8. THE PROVISIONS OF THIS SECTION SHALL APPLY TO A DISTRICT MEETING OR ELECTION CONDUCTED BY A SCHOOL DISTRICT ON BEHALF OF A SCHOOL DISTRICT PUBLIC LIBRARY PURSUANT TO SUBDIVISION TEN OF SECTION TWO HUNDRED SIXTY OF THIS CHAPTER, BUT SHALL NOT APPLY TO A MEETING OR ELECTION CONDUCTED BY THE TRUSTEES OF A PUBLIC LIBRARY OR LIBRARY DISTRICT.

S 5. Paragraph b of subdivision 2 of section 2019-a of the education law, as added by chapter 474 of the laws of 1977, is amended to read as follows:

b. The board of education shall designate [itself or such of its employees] SUCH QUALIFIED VOTERS OF THE SCHOOL DISTRICT as it shall deem appropriate as a set of poll clerks to cast and canvass such ballots, and fix a time and place for their meeting for such purposes, provided that such meeting shall be no more than ten days after any election at which such ballots are voted. The board may designate additional sets of poll clerks and if it designates more than one such set, shall apportion among all such sets the election districts from which such ballots have been received, provided that all such ballots from a single election district shall be assigned to a single set of clerks. Each such set of clerks shall be deemed a central board of inspectors for purposes of this section.

S 6. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.