

7584

I N S E N A T E

April 23, 2010

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.