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

10507--A

I N A S S E M B L Y

April 2, 2010

Introduced by M. of A. NOLAN, LIFTON, JAFFEE -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to use of lever voting machines and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Subdivision 5 of section 1803 of the education law, as amended by chapter 461 of the laws of 1996, is amended to read as follows:

5. Votes upon the adoption of a resolution shall be cast in the same manner as votes for the election of school district trustees. The commissioner of education may order such modifications in the manner of voting as are customary for school district elections in the community affected by such vote. Such modifications may include the use of voting machines, AS PROVIDED IN SUBDIVISION ONE OF SECTION TWO THOUSAND THIRTY-FIVE OF THIS CHAPTER, and shall include the use of absentee ballots as provided under section two thousand eighteen-a or two thousand eighteen-b of this chapter, whichever shall apply.

S 2. Subdivision 8 of section 1803-a of the education law, as added by chapter 236 of the laws of 1979, is amended to read as follows:

8. The commissioner of education may order such modifications in the manner of voting on the resolution described in subdivision two of section eighteen hundred three of this [chapter] ARTICLE and for the election described in subdivision seven of this section as are customary in school district elections in the community affected by such vote. Such modifications may include the use of voting machines, AS PROVIDED IN SUBDIVISION ONE OF SECTION TWO THOUSAND THIRTY-FIVE OF THIS CHAPTER, and the use of nominating petitions.

S 3. Paragraph g of subdivision 2 of section 1951 of the education law, as added by chapter 795 of the laws of 1967 and such section as renumbered by chapter 378 of the laws of 1972, is amended to read as follows:

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

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g. If the board of cooperative educational services shall so determine, voting machines, INCLUDING LEVER VOTING MACHINES, may be used for recording the vote at such meeting. Before any such machine is used at any such meeting, the inspectors of election shall examine it and see that all the counters are set at zero (000) and that the ballot labels are properly placed, and that the machine is in all respects in proper condition for use. The use of such machine shall be deemed a compliance with any provision of law requiring the vote to be by ballot. The board of cooperative educational services may purchase the necessary voting machine or machines; or if the county board of elections shall consent thereto, such machines belonging to the county or belonging to the town in which any part of said board of cooperative educational services shall be located may be used at any such meeting, the expense of delivery and returning and setting up, and any other expense connected therewith shall be defrayed by the board of cooperative educational services; but such machines belonging to the county shall not be so used at the time or times when they may be required under the election law. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO REQUIRE THE BOARD OF ELECTIONS TO MAINTAIN THE CARE, CUSTODY OR CONTROL OF LEVER VOTING MACHINES.

S 4. Subdivision 1 of section 2035 of the education law, as amended by chapter 571 of the laws of 1958, is amended to read as follows:

1. If the trustees or board of education of any school district shall so determine, voting machines, INCLUDING LEVER VOTING MACHINES, may be used for recording the vote on elections and questions, or either, at the school district meetings or elections, annual and special, or either, in such district. Before any such machine is used at any such meeting or election, the inspectors of election shall examine it and see that all the counters are set at zero (000) and that the ballot labels are properly placed, and that the machine is in all respects in proper condition for use. The use of such machine shall be deemed a compliance with any provision of law requiring the vote to be by ballot. Such trustees or board of education, with district funds available, may purchase the necessary voting machine or machines; or, if the county board of elections shall consent thereto, such machines belonging to the county or belonging to the town in which any part of said school district shall be located, may be used at any such meeting, the expense of delivery and returning and setting up, and any other expense connected therewith, to be defrayed by the school district; but such machines belonging to the county shall not be so used at the time or times when they may be required under the election law. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO REQUIRE THE BOARD OF ELECTIONS TO MAINTAIN THE CARE, CUSTODY OR CONTROL OF LEVER VOTING MACHINES.

S 5. Paragraph l of subdivision 9 of section 2502 of the education law, as added by chapter 65 of the laws of 1972, is amended to read as follows:

l. Voting for the election of members of such board of education shall be by voting machine, AS PROVIDED IN SUBDIVISION ONE OF SECTION TWO THOUSAND THIRTY-FIVE OF THIS CHAPTER, and shall be governed by the applicable provisions of the election law with respect to voting machines.

S 6. Paragraph l of subdivision 9-a of section 2502 of the education law, as amended by chapter 36 of the laws of 1990, is amended to read as follows:

l. Voting for the election of members of such board of education shall be by voting machine, AS PROVIDED IN SUBDIVISION ONE OF SECTION TWO THOUSAND THIRTY-FIVE OF THIS CHAPTER, and shall be governed by the

applicable provisions of the election law with respect to voting machines; provided, however, that a single polling place, at a location within the school district of the city of Rensselaer specified by the board of education not later than thirty days prior to the annual school election, shall be utilized.

S 7. Paragraph l of subdivision 10 of section 2553 of the education law, as added by chapter 242 of the laws of 1974, is amended to read as follows:

l. Voting for the election of members of such board of education shall be by voting machine, AS PROVIDED IN SUBDIVISION ONE OF SECTION TWO THOUSAND THIRTY-FIVE OF THIS CHAPTER, and shall be governed by the applicable provisions of the election law with respect to voting machines.

S 8. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2012.