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

4467

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. BRODSKY -- Multi-Sponsored by -- M. of A. CHRISTENSEN, COOK, DINOWITZ, FARRELL, GALEF, GOTTFRIED, JOHN, LIFTON, McENENY, MILLMAN, PAULIN, WRIGHT -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, the labor law, and the education law, in relation to authorizing persons seventeen years of age to serve as election inspectors and poll clerks and to repeal section 3207-a of the education law relating to authorizing the board of education of the city of New York to reduce the length of recitation periods

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

Section 1. Subdivision 6 of section 3-400 of the election law, as amended by chapter 340 of the laws of 1995, is amended and a new subdivision 7 is added to read as follows:

6. No person shall be certified or act as an election inspector or poll clerk who is not a registered voter (UNLESS SUCH PERSON IS DULY QUALIFIED UNDER SUBDIVISION SEVEN OF THIS SECTION) and a resident of the county in which he OR SHE serves, or within the city of New York, of such city, who holds any elective public office, or who is a candidate for any public office to be voted for by the voters of the district in which he OR SHE is to serve, or the spouse, parent, or child of such a candidate, or who is not able to speak and read the English language and write it legibly.

7. A PERSON SEVENTEEN YEARS OF AGE WHO IS ENROLLED IN A SCHOOL DISTRICT AND FULFILLING THE REQUIREMENTS OF SECTION THIRTY-TWO HUNDRED SEVEN-A OF THE EDUCATION LAW SHALL BE ELIGIBLE TO BE APPOINTED AS, AND TO PERFORM THE DUTIES OF, AN ELECTION INSPECTOR OR POLL CLERK AS PROVIDED IN THIS CHAPTER.

S 2. Subdivision 3 of section 132 of the labor law is amended by adding a new paragraph f to read as follows:

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

F. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE EMPLOYMENT OF A MINOR SEVENTEEN YEARS OF AGE AS AN ELECTION INSPECTOR OR POLL CLERK PURSUANT TO SECTION 3-400 OF THE ELECTION LAW, OR TO REQUIRE AN EMPLOYMENT CERTIFICATE OR PERMIT THEREFOR.

S 3. Section 143 of the labor law is amended by adding a new subdivision 6 to read as follows:

6. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE EMPLOYMENT OF A MINOR SEVENTEEN YEARS OF AGE AS AN ELECTION INSPECTOR OR POLL CLERK PURSUANT TO SECTION 3-400 OF THE ELECTION LAW.

S 4. Section 2025 of the education law is amended by adding a new subdivision 6 to read as follows:

6. A PERSON SEVENTEEN YEARS OF AGE WHO IS ENROLLED IN A SCHOOL DISTRICT AND FULFILLING THE REQUIREMENTS OF SECTION THIRTY-TWO HUNDRED SEVEN-A OF THIS CHAPTER SHALL BE ELIGIBLE TO BE APPOINTED AS, AND TO PERFORM THE DUTIES OF, AN ELECTION INSPECTOR OR POLL CLERK AS PROVIDED IN THIS PART.

S 5. Section 2036 of the education law, as added by chapter 801 of the laws of 1953, is amended to read as follows:

S 2036. Effect of failure to appoint or elect qualified voters as district meeting or election officials. The proceedings of no annual or special school district meeting or election shall be held illegal for failure to appoint or elect a qualified voter (OR A PERSON SATISFYING THE REQUIREMENTS OF SUBDIVISION SEVEN OF SECTION 3-400 OF THE ELECTION LAW) as an official at such district meeting or election, unless it shall appear that the acts of such official or officials were improper or that the action of such meeting or election was prejudiced thereby.

S 6. Section 2607 of the education law, as amended by chapter 231 of the laws of 1958, is amended to read as follows:

S 2607. Inspectors of election; organization. Not less than ten days prior to each special or annual election, the board of education shall appoint for each election district three qualified voters residing therein to act as inspectors of election in such election district at such election. The clerk of the board of education shall give written notice of appointment to the persons so appointed. If a person appointed an inspector of election refuses to accept such appointment or fails to serve, the board may appoint a qualified voter of the school election district to fill the vacancy. Additional inspectors of elections for each district may be appointed for one or more of such school election districts[,] when, in the opinion of the board, special circumstances exist requiring the services of such additional inspectors. Such inspectors shall, before opening the polls in the election district for which they are appointed, organize by electing one of their number as [chairman,] CHAIRPERSON and one as poll clerk. The [chairman] CHAIRPERSON may also appoint one of the inspectors as an assistant poll clerk. Each inspector shall receive for his OR HER services a compensation to be fixed by the board of education, not to exceed the basic compensation paid to inspectors of election at the preceding general elections, as fixed by the governing body of the city in which such school district is wholly or partly located, to be paid out of the school funds in the same manner as other claims against the city school district. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, A PERSON SEVENTEEN YEARS OF AGE WHO IS ENROLLED IN A SCHOOL DISTRICT AND FULFILLING THE REQUIREMENTS OF SECTION THIRTY-TWO HUNDRED SEVEN-A OF THIS CHAPTER SHALL BE ELIGIBLE TO BE APPOINTED AS, AND TO PERFORM THE DUTIES OF, AN ELECTION INSPECTOR OR POLL CLERK AS PROVIDED IN THIS ARTICLE.

S 7. Section 3207-a of the education law is REPEALED and a new section 3207-a is added to read as follows:

S 3207-A. SERVICE OF PERSONS SEVENTEEN YEARS OF AGE AS ELECTION INSPECTORS OR POLL CLERKS. A SCHOOL DISTRICT MAY PERMIT AN ENROLLED STUDENT, WITH THE CONSENT OF SUCH STUDENT'S PARENT, GUARDIAN, OR OTHER PERSON IN PARENTAL RELATION, TO SERVE AS AN ELECTION INSPECTOR OR POLL CLERK PURSUANT TO SECTION 3-400 OF THE ELECTION LAW (AND OTHER APPLICABLE PROVISIONS OF THIS CHAPTER AND THE LABOR LAW). FOR THE PURPOSES OF ATTENDANCE, ANY STUDENT SO SERVING WHILE SCHOOL IS IN SESSION SHALL BE RECORDED AS IN ATTENDANCE.

S 8. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.