

4467--A

Cal. No. 332

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 4, 2009

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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 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

1     Section 1. Subdivision 6 of section 3-400 of the election law, as  
2     amended by chapter 340 of the laws of 1995, is amended and a new subdivision 7 is added to read as follows:  
3  
4     6. No person shall be certified or act as an election inspector or  
5     poll clerk who is not a registered voter (UNLESS SUCH PERSON IS DULY  
6     QUALIFIED UNDER SUBDIVISION SEVEN OF THIS SECTION) and a resident of the  
7     county in which he OR SHE serves, or within the city of New York, of  
8     such city, who holds any elective public office, or who is a candidate  
9     for any public office to be voted for by the voters of the district in  
10    which he OR SHE is to serve, or the spouse, parent, or child of such a  
11    candidate, or who is not able to speak and read the English language and  
12    write it legibly.  
13    7. A PERSON SEVENTEEN YEARS OF AGE WHO IS ENROLLED IN A SCHOOL  
14    DISTRICT AND FULFILLING THE REQUIREMENTS OF SECTION THIRTY-TWO HUNDRED  
15    SEVEN-A OF THE EDUCATION LAW SHALL BE ELIGIBLE TO BE APPOINTED AS, AND  
16    TO PERFORM THE DUTIES OF, AN ELECTION INSPECTOR OR POLL CLERK AS  
17    PROVIDED IN THIS CHAPTER.

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

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

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

7 S 3. Section 143 of the labor law is amended by adding a new subdivi-  
8 sion 6 to read as follows:

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

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

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

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

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

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

31 S 2607. Inspectors of election; organization. Not less than ten days  
32 prior to each special or annual election, the board of education shall  
33 appoint for each election district three qualified voters residing ther-  
34 ein to act as inspectors of election in such election district at such  
35 election. The clerk of the board of education shall give written notice  
36 of appointment to the persons so appointed. If a person appointed an  
37 inspector of election refuses to accept such appointment or fails to  
38 serve, the board may appoint a qualified voter of the school election  
39 district to fill the vacancy. Additional inspectors of elections for  
40 each district may be appointed for one or more of such school election  
41 districts[,] when, in the opinion of the board, special circumstances  
42 exist requiring the services of such additional inspectors. Such  
43 inspectors shall, before opening the polls in the election district for  
44 which they are appointed, organize by electing one of their number as  
45 [chairman,] CHAIRPERSON and one as poll clerk. The [chairman] CHAIR-  
46 PERSON may also appoint one of the inspectors as an assistant poll  
47 clerk. Each inspector shall receive for his OR HER services a compen-  
48 sation to be fixed by the board of education, not to exceed the basic  
49 compensation paid to inspectors of election at the preceding general  
50 elections, as fixed by the governing body of the city in which such  
51 school district is wholly or partly located, to be paid out of the  
52 school funds in the same manner as other claims against the city school  
53 district. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, A  
54 PERSON SEVENTEEN YEARS OF AGE WHO IS ENROLLED IN A SCHOOL DISTRICT AND  
55 FULFILLING THE REQUIREMENTS OF SECTION THIRTY-TWO HUNDRED SEVEN-A OF  
56 THIS CHAPTER SHALL BE ELIGIBLE TO BE APPOINTED AS, AND TO PERFORM THE

1 DUTIES OF, AN ELECTION INSPECTOR OR POLL CLERK AS PROVIDED IN THIS ARTI-  
2 CLE.

3 S 7. Section 3207-a of the education law is REPEALED and a new section  
4 3207-a is added to read as follows:

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

13 S 8. This act shall take effect immediately.