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

6028--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 24, 2009

Introduced by M. of A. HOYT, GABRYSZAK, PEOPLES, SCHROEDER -- 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 providing for the election of members of the board of education of the Buffalo city school district in November

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

Section 1. Subparagraph 3 of paragraph d and paragraphs n, o and p of subdivision 10 of section 2553 of the education law, subparagraph 3 of paragraph d and paragraphs n and o as added by chapter 242 of the laws of 1974 and paragraph p as amended by chapter 95 of the laws of 1979, are amended to read as follows:

(3) For the election held in [May, nineteen hundred seventy-four] NOVEMBER, TWO THOUSAND TEN, such petition shall be deemed to be timely filed for such election if filed with the clerk of the board of elections of Erie county on or before [April ninth, nineteen hundred seventy-four] OCTOBER FOURTH, TWO THOUSAND TEN. A petition sent by mail in an envelope postmarked prior to midnight on [April ninth, nineteen hundred seventy-four] OCTOBER FOURTH, TWO THOUSAND TEN, shall be deemed to be timely filed when received. Written objection to such petition shall be filed within [two] THREE days after the [date this act shall have become a law] LAST DAY TO FILE THE PETITION and specifications of the grounds of the objections shall be filed with the board within [one day] SIX DAYS after the filing of the objection and institution of court proceedings relating thereto shall be commenced not later than [May second, nineteen hundred seventy-four] FOURTEEN DAYS AFTER THE LAST DAY TO FILE THE PETITION OR WITHIN THREE BUSINESS DAYS AFTER THE BOARD OF ELECTIONS MAKES A DETERMINATION OF INVALIDITY WITH RESPECT TO SUCH PETITION, WHICHEVER IS LATER.

n. [The] FOR MEMBERS ELECTED IN NOVEMBER, TWO THOUSAND TEN THE TERM OF OFFICE FOR EACH MEMBER OF SUCH BOARD FROM A CITY SCHOOL SUBDISTRICT SHALL BE TWO YEARS, AND FOR EACH MEMBER ELECTED AT LARGE SHALL BE FOUR

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

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YEARS AND UPON THE EXPIRATION OF SUCH TERMS, THE term of office of each member of such board from a city school subdistrict shall be three years, and the term of office of each such member of the board elected at large shall be for five years. Of the candidates to be elected for membership on the board of education of the city school district of the city of Buffalo by the voters at large the three candidates receiving the largest number of votes cast in the city, shall be declared elected as at-large members of such board of education. In each city school subdistrict the candidates seeking the election as the member of such board of education for such city school subdistrict receiving a plurality of votes in such city school subdistrict shall be declared elected to that position.

Whenever a vacancy shall occur or exist in the office of member of the board of education except by reason of expiration of term or increase in the number of members of such board, such vacancy shall be filled by a majority vote of the remaining members of the board of education within thirty days of the date when such vacancy shall have occurred. If the remaining members of the board of education shall fail to fill such vacancy within such thirty day period, then the mayor of the city of Buffalo shall within thirty days thereafter fill such vacancy subject to the confirmation of such appointment by the common council of the city of Buffalo. No one shall be appointed to fill a vacancy of a subdistrict member of the board of education unless he fulfills all of the qualifications in this subdivision to enable him to be a candidate for the office of a member of the board of education from the subdistrict involved.

o. The members so elected to the board of education shall convene on the first business day in [July] JANUARY of each year, at the time of the commencement of their term of office and select from their members a president who shall serve for a term of one year or such other term, not exceeding the term of his office, as may be fixed by the rules and regulations of the board.

p. The election of members of the board of education of the school district of the city of Buffalo shall take place on [May seventh, nineteen hundred seventy-four] NOVEMBER EIGHTH, TWO THOUSAND TEN and on the first Tuesday AFTER THE FIRST MONDAY in [May] NOVEMBER thereafter in each year in which an incumbent's term expires. Such election shall be conducted by the board of elections of the county of Erie in the same manner as other elections are conducted by it. Polls shall be open for voting for the hours prescribed by section 8-100 of the election law for primary elections. The results of such elections, after canvassing, shall be certified and reported by the board of elections to the board of education of such city. The clerk or other appropriate officer of the board of education shall within twenty-four hours after receipt of such certification by the board of elections serve a written notice either personally or by mail upon each person declared to be elected as a member of the board of education informing him of his election and the length of his term.

S 2. Notwithstanding any inconsistent provision of law, the term of every member of the board of education of the city school district of Buffalo, which term is scheduled to expire on June 30, 2010, is hereby extended from June thirtieth of the year in which it is scheduled to expire to December thirty-first of such year. Terms of such members elected after this act becomes law shall begin on the first day of January and end on the last day of December of the appropriate year.

S 3. This act shall take effect immediately.