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2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to establishing no school shall serve as a polling place

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

1 Section 1. Subdivision 3 of section 4-104 of the election law, as
2 amended by chapter 694 of the laws of 1989, is amended and a new subdi-
3 vision 7-a is added to read as follows:
4 3. A building exempt from taxation shall be used whenever possible as
5 a polling place if it is situated in the same or a contiguous election
6 district, and may contain as many distinctly separate polling places as
7 public convenience may require. The expense, if any, incidental to its
8 use, shall be paid like the expense of other places of registration and
9 voting. [If a board or body empowered to designate polling places choos-
10 es a public school building for such purpose, the board or agency which
11 controls such building must make available a room or rooms in such
12 building which are suitable for registration and voting and which are as
13 close as possible to a convenient entrance to such building and must
14 make available any such room or rooms which the board or body designat-
15 ing such building determines are accessible to physically disabled
16 voters as provided in subdivision one-a.] Notwithstanding the provisions
17 of any general, special or local law, if a board or body empowered to
18 designate polling places chooses a publicly owned or leased building[,
19 other than a public school building,] for such purposes the board or
20 body which controls such building must make available a room or rooms in
21 such building which are suitable for registration and voting and which
22 are as close as possible to a convenient entrance to such building, and
23 must make available any such room or rooms which the board or body
24 designating such building determines are accessible to physically disa-

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

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1 bled voters unless, not later than thirty days after notice of its
2 designation as a polling place, the board or body controlling such
3 building, files a written request for a cancellation of such designation
4 with the board or body empowered to designate polling places on such
5 form as shall be provided by the board or body making such designation.
6 The board or body empowered to so designate shall, within twenty days
7 after such request is filed, determine whether the use of such building
8 as a polling place would unreasonably interfere with the usual activ-
9 ities conducted in such building and upon such determination, may cancel
10 such designation.

11 7-A. NO POLLING PLACE SHALL BE LOCATED ON THE PREMISES OF ANY PUBLIC
12 OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL OR A SCHOOL FOR PRESCHOOL
13 CHILDREN, AS THAT TERM IS DEFINED IN PARAGRAPH I OF SUBDIVISION ONE OF
14 SECTION FORTY-FOUR HUNDRED TEN OF THE EDUCATION LAW.

15 S 2. This act shall take effect immediately.