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

8144

2011-2012 Regular Sessions

I N A S S E M B L Y

June 2, 2011

Introduced by M. of A. HANNA -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the timing of annual elections in school districts

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

Section 1. This act shall be known and may be cited as the "School Budget Voter Participation Act."

S 2. Subdivision 1 of section 2022 of the education law, as amended by section 8 of part C of chapter 58 of the laws of 1998, is amended to read as follows:

1. Notwithstanding any law, rule or regulation to the contrary, PRIOR TO TWO THOUSAND THIRTEEN, the election of trustees or members of the board of education, and the vote upon the appropriation of the necessary funds to meet the estimated expenditures, in any common school district, union free school district, central school district or central high school district shall be held at the annual meeting and election on the third Tuesday in May, provided, however, that such election shall be held on the second Tuesday in May if the commissioner at the request of a local school board certifies no later than March first that such election would conflict with religious observances. COMMENCING IN TWO THOUSAND THIRTEEN, THE VOTE UPON THE APPROPRIATION OF THE NECESSARY FUNDS TO MEET THE ESTIMATED EXPENDITURES, IN ANY COMMON SCHOOL DISTRICT, UNION FREE SCHOOL DISTRICT, CENTRAL SCHOOL DISTRICT OR CENTRAL HIGH SCHOOL DISTRICT SHALL BE HELD ON THE TUESDAY NEXT SUCCEEDING THE FIRST MONDAY IN NOVEMBER, OR WHICHEVER DATE IS SET BY SECTION 8-100 OF THE ELECTION LAW TO BE THE DATE OF THE GENERAL ELECTION. When such election or vote is taken by recording the ayes and noes of the qualified voters attending, a majority of the qualified voters present and voting, by a hand or voice vote, may determine to take up the question of voting the necessary funds to meet the estimated expenditures for a specific item

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

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separately, and the qualified voters present and voting may increase the amount of any estimated expenditures or reduce the same, except for teachers' salaries, and the ordinary contingent expenses of the schools. The sole trustee, board of trustees or board of education of every common, union free, central or central high school district and every city school district to which this article applies shall hold a budget hearing not less than seven nor more than fourteen days prior to the annual meeting and election or special district meeting at which a school budget vote will occur, and shall prepare and present to the voters at such budget hearing a proposed school district budget for the ensuing school year.

S 2. Subdivision 2 of section 2601-a of the education law, as amended by section 6 of part M of chapter 57 of the laws of 2005, is amended to read as follows:

2. The board of education shall conduct all annual and special school district meetings for the purpose of adopting a school district budget in the same manner as a union free school district in accordance with the provisions of article forty-one of this title, except as otherwise provided by this section. [The] PRIOR TO TWO THOUSAND THIRTEEN, THE annual meeting and election of each such city school district shall be held on the third Tuesday of May in each year, provided, however that such annual meeting and election shall be held on the second Tuesday in May if the commissioner at the request of a local school board certifies no later than March first that such election would conflict with religious observances, and any school budget revote shall be held on the date and in the same manner specified in subdivision three of section two thousand seven of this title. COMMENCING IN TWO THOUSAND THIRTEEN, THE VOTE UPON THE APPROPRIATION OF THE NECESSARY FUNDS TO MEET THE ESTIMATED EXPENDITURES, IN ANY COMMON SCHOOL DISTRICT, UNION FREE SCHOOL DISTRICT, CENTRAL SCHOOL DISTRICT OR CENTRAL HIGH SCHOOL DISTRICT SHALL BE HELD ON THE TUESDAY NEXT SUCCEEDING THE FIRST MONDAY IN NOVEMBER, OR WHICHEVER DATE IS SET BY SECTION 8-100 OF THE ELECTION LAW TO BE THE DATE OF THE GENERAL ELECTION. The provisions of this article, and where applicable subdivisions nine and nine-a of section twenty-five hundred two of this title, governing the qualification and registration of voters, and procedures for the nomination and election of members of the board of education shall continue to apply, and shall govern the qualification and registration of voters and voting procedures with respect to the adoption of a school district budget.

S 3. Subdivision 3 of section 2006 of the education law, as added by section 4 of part M of chapter 57 of the laws of 2005, is amended to read as follows:

3. Whenever the voters shall have defeated the budget of the school district at the annual meeting and election, the trustees may call a special district meeting for a school budget revote to be held on the [third] SECOND Tuesday of [June] DECEMBER, provided, however that such budget revote shall be held on the [second] FIRST Tuesday in [June] DECEMBER if the commissioner at the request of a local school board certifies no later than [March] SEPTEMBER first that such vote would conflict with religious observances. The trustees shall give the notices required by subdivision one of section two thousand three of this part and this section by publishing such notices once in each week within the two weeks next preceding such special meeting, the first publication to be at least fourteen days before such meeting, with any required posting to be fourteen days before the time of such meeting.

S 4. Paragraph b of subdivision 3 of section 2007 of the education law, as amended by section 5 of part M of chapter 57 of the laws of 2005, is amended to read as follows:

b. A school budget revote called pursuant to paragraph a of this subdivision shall be held on the [third] SECOND Tuesday of [June] DECEMBER, provided, however that such budget revote shall be held on the [second] FIRST Tuesday in [June] DECEMBER if the commissioner at the request of a local school board certifies no later than [March] SEPTEMBER first that such vote would conflict with religious observances.

S 5. This act shall take effect January 1, 2013.