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

4935

2011-2012 Regular Sessions

I N A S S E M B L Y

February 9, 2011

Introduced by M. of A. KAVANAGH, P. RIVERA -- Multi-Sponsored by -- M. of A. CORWIN, SALADINO -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, the education law and the county law, in relation to the conduct of school board elections by the board of elections

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

Section 1. Section 1-102 of the election law, as amended by chapter 727 of the laws of 1991, is amended to read as follows:

S 1-102. Applicability of chapter. This chapter shall govern the conduct of all elections at which voters of the state of New York may cast a ballot for the purpose of electing an individual to any party position or nominating or electing an individual to any federal, state, county, city, town [or], village OR SCHOOL BOARD office, or deciding any AND ALL ballot [question] QUESTIONS AND/OR BUDGET REFERENDUM submitted to all the voters of the state or the voters of any county or city, or deciding any ballot question submitted to the voters of any town or village at the time of a general election. Where a specific provision of law exists in any other law which is inconsistent with the provisions of this chapter, such provision shall apply unless a provision of this chapter specifies that such provision of this chapter shall apply notwithstanding any other provision of law.

S 2. Section 3-102 of the election law is amended by adding a new subdivision 9-B to read as follows:

9-B. PROMULGATE RULES AND REGULATIONS, IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION, PROVIDING FOR THE CONDUCT AND SUPERVISION OF ELECTION OF SCHOOL BOARD MEMBERS OR TRUSTEES BY THE BOARD OF ELECTIONS;

S 3. Section 1602 of the education law is amended by adding a new subdivision 4 to read as follows:

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

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4. THE ELECTION OF TRUSTEES PURSUANT TO THIS SECTION MAY BE CONDUCTED BY AND SUBJECT TO THE SUPERVISION OF THE BOARD OF ELECTIONS, AS DEFINED IN SECTION 1-104 OF THE ELECTION LAW, UPON THE PASSAGE OF A RESOLUTION BY THE BOARD OF TRUSTEES.

S 4. Section 1702 of the education law is amended by adding a new subdivision 4 to read as follows:

4. AN ELECTION PURSUANT TO THIS SECTION MAY BE CONDUCTED BY AND SUBJECT TO THE SUPERVISION OF THE BOARD OF ELECTIONS, AS DEFINED IN SECTION 1-104 OF THE ELECTION LAW UPON THE PASSAGE OF A RESOLUTION BY THE SCHOOL BOARD.

S 5. Subdivision 3 of section 1703 of the education law, as amended by chapter 797 of the laws of 1957, is amended to read as follows:

3. The additional members first elected shall be elected at a special meeting which shall be called by the board and be held not less than thirty nor more than sixty days following the annual meeting at which the number was increased, and pending the first election of such additional members no vacancy shall be deemed to exist in the offices thereof except for the purpose of filling the same by election, notwithstanding any inconsistent provision of any law. AN ELECTION PURSUANT TO THIS SECTION MAY BE CONDUCTED BY AND SUBJECT TO THE SUPERVISION OF THE BOARD OF ELECTIONS, AS DEFINED IN SECTION 1-104 OF THE ELECTION LAW, UPON THE PASSAGE OF A RESOLUTION BY THE SCHOOL BOARD.

S 6. Subdivision 4 of section 1804 of the education law, as amended by section 1 of part M of chapter 57 of the laws of 2005, is amended to read as follows:

4. The annual meeting and election in each central school district shall be held on the third Tuesday of May 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 specified in subdivision three of section two thousand seven of this title. Such annual meeting and school budget revote shall be conducted and the election of members of the board shall be held in the same manner as in union free school districts organized and operating under the provisions of this chapter, INCLUDING THE CONDUCT AND SUPERVISION OF SUCH ELECTION BY THE BOARD OF ELECTIONS WHERE THE BOARD HAS PASSED A RESOLUTION PROVIDING THEREFOR. The board of education of each central school district shall hold a budget hearing not less than seven nor more than fourteen days prior to the annual 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 7. The education law is amended by adding a new section 2022-a to read as follows:

S 2022-A. CONDUCT OF ELECTION OF TRUSTEES AND MEMBERS OF THE BOARD OF EDUCATION. UPON THE PASSAGE OF A RESOLUTION BY THE BOARD OF EDUCATION OR TRUSTEES PROVIDING THEREFOR, ELECTIONS FOR THE OFFICE OF TRUSTEE OR MEMBER OF THE BOARD OF EDUCATION MAY BE CONDUCTED BY AND SUBJECT TO THE SUPERVISION OF THE BOARD OF ELECTIONS, AS DEFINED IN SECTION 1-104 OF THE ELECTION LAW.

S 8. Subdivision 2 of section 2502 of the education law, as amended by chapter 698 of the laws of 1989, is amended to read as follows:

2. Each board of education shall consist of five, seven or nine members, to be known as members of the board of education. In the city of Albany, such board shall consist of seven members; and in the city of

Rensselaer, such board shall consist of five members; subject, however, to any increase or decrease of the number of members of such board as provided pursuant to the provisions of paragraph a of subdivision four of this section. Members of such board shall be elected by the qualified voters at large of the school district at annual school elections, under the provisions of article fifty-three of this chapter except in the city school district of the city of Albany; provided, however, each board of education may upon its own motion, and shall upon a written petition, subscribed by not less than five hundred qualified voters of the district, cause to be submitted at the annual school election a proposition to consider each vacancy upon the board of education a separate specific office requiring a separate petition to nominate a candidate to each separate office in accordance with the provisions of article fifty-three of this chapter. AN ELECTION PURSUANT TO THIS SECTION MAY BE CONDUCTED BY AND SUBJECT TO THE SUPERVISION OF THE BOARD OF ELECTIONS, AS DEFINED IN SECTION 1-104 OF THE ELECTION LAW, UPON THE PASSAGE OF A RESOLUTION BY THE SCHOOL BOARD.

S 9. Subdivision 1 of section 2553 of the education law, as separately amended by chapters 211 and 441 of the laws of 1980, is amended to read as follows:

1. No person shall be eligible to the office of member of a board of education who is not a citizen of the United States, who is not qualified to register for or vote at an election in accordance with the provisions of section 5-106 of the election law, and who, in the case of the city school district of the city of Yonkers, has not been a resident of the city school district for which he is chosen for a period of at least three years immediately preceding the date of his election or appointment and who, in the case of the city school district of the city of Buffalo, in the case of a member to be elected at large is not a qualified voter of such city school district and who has not been a resident of such district for a period of at least three years immediately preceding the date of his election and in the case of a member elected from a city school subdistrict is not a qualified voter of such city school subdistrict and has not been a resident of the city school district for three years and a resident of the city school subdistrict which he represents or seeks to represent for a period of one year immediately preceding the date of his election, and who, in the case of the city school district of the city of Rochester, is not a qualified voter under section 5-102 of the election law of such city school district; and who in the case of the city school district of the city of Syracuse has not been a qualified voter under section 5-102 of the election law of such city school district for at least ninety days immediately preceding the date of his election or appointment. AN ELECTION PURSUANT TO THIS SECTION MAY BE CONDUCTED BY AND SUBJECT TO THE SUPERVISION OF THE BOARD OF ELECTIONS, AS DEFINED IN SECTION 1-104 OF THE ELECTION LAW, UPON THE PASSAGE OF A RESOLUTION BY THE SCHOOL BOARD.

S 10. Section 361-a of the county law, as amended by chapter 359 of the laws of 1989, is amended to read as follows:

S 361-a. Expenses of boards of elections outside New York City; apportionment of. The board of elections in each county, outside of the city of New York, on or before the fifteenth day of December and not earlier than the first day of October, in each year, shall certify to the clerk of the legislative body of the county, the total amount of the expenses of such board of elections, including salaries for the preceding year, and, if the legislative body of any county shall so direct, shall certify to such clerk the portions of such expenses which under provisions of

law are to be borne by any city or cities in said county and the portion thereof which is to be borne by the rest of such county and such clerk shall thereupon notify the proper local official or officials, who, in spreading upon the assessment-rolls the taxes to be levied upon the taxable property in the city or any such cities, and in the rest of the county, shall include in the amount so spread the amounts certified by the board of elections to be borne by such city or cities, respectively, and in the amount spread upon the assessment-rolls of the taxable property in the several towns or other political subdivisions of the rest of the county the amount so certified by said board of elections to be borne by such towns or political subdivisions respectively. Whenever any additional expenses either for salaries or supplies in addition to the regular county-wide primary and election expenses are incurred by a board of elections incidental to any election in any city, town, SCHOOL DISTRICT or village, such board of elections shall certify to the county legislative body a detailed statement of such expenses and said county legislative body may cause the amount thereof to be levied against such city, town, SCHOOL DISTRICT or village or may certify the amount thereof to such city, town, SCHOOL DISTRICT or village and such city, town, SCHOOL DISTRICT or village shall upon such certification, include the amount so certified in the next budget and tax levy and shall pay the same to the county.

S 11. This act shall take effect on the one hundred eightieth day after it shall have become a law. Any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be promulgated, amended or repealed on or before such date.