

4670

2013-2014 Regular Sessions

I N   S E N A T E

April 17, 2013

---

Introduced by Sen. CARLUCCI -- 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 the applicability of such chapter to boards of education elections; to amend the education law, in relation to school board elections; and in relation to library district elections

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

1     Section 1. Section 1-102 of the election law, as amended by chapter  
2     727 of the laws of 1991, is amended to read as follows:  
3     S 1-102. Applicability of chapter. This chapter shall govern the  
4     conduct of all elections at which voters of the state of New York may  
5     cast a ballot for the purpose of electing an individual to any party  
6     position or nominating or electing an individual to any federal, state,  
7     county, city, town [or], village OR SCHOOL BOARD office, or deciding any  
8     ballot question submitted to all the voters of the state or the voters  
9     of any county or city, or deciding any ballot question submitted to the  
10    voters of any town or village at the time of a general election. Where a  
11    specific provision of law exists in any other law which is inconsistent  
12    with the provisions of this chapter, such provision shall apply unless a  
13    provision of this chapter specifies that such provision of this chapter  
14    shall apply notwithstanding any other provision of law.  
15    S 2. Subdivision 35 of section 1-104 of the election law, as added by  
16    chapter 359 of the laws of 1989, is amended to read as follows:  
17    35. The term "election" shall include a "general village election" or  
18    "special village election" except where a specific provision of this  
19    chapter may not be consistently applied to the village election procedure;  
20    PROVIDED FURTHER THAT IT SHALL INCLUDE THE ELECTION OF SCHOOL  
21    BOARD MEMBERS; PROVIDED, FURTHER, THAT IT SHALL INCLUDE LIBRARY DISTRICT  
22    ELECTIONS.

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

LBD08369-02-3

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

3 9-B. PROMULGATE RULES AND REGULATIONS, IN CONSULTATION WITH THE  
4 COMMISSIONER OF EDUCATION, PROVIDING FOR THE SUPERVISION BY THE BOARDS  
5 OF ELECTIONS OF THE ELECTION OF SCHOOL BOARD MEMBERS;

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

9 4. The annual meeting [and election] in each central school district  
10 shall be held on the third Tuesday of May provided, however that such  
11 annual meeting [and election] shall be held on the second Tuesday in May  
12 if the commissioner at the request of a local school board certifies no  
13 later than March first that such [election] ANNUAL MEETING would  
14 conflict with religious observances, and any school budget revote shall  
15 be held on the date specified in subdivision three of section two thou-  
16 sand seven of this title. THE SCHOOL BOARD ELECTION SHALL BE HELD ON  
17 THE TUESDAY NEXT SUCCEEDING THE FIRST MONDAY IN NOVEMBER. Such annual  
18 meeting and school budget revote shall be conducted and [the election of  
19 members of the board] shall be held in the same manner as in union free  
20 school districts organized and operating under the provisions of this  
21 chapter. The board of education of each central school district shall  
22 hold a budget hearing not less than seven nor more than fourteen days  
23 prior to the annual or special district meeting at which a school budget  
24 vote will occur, and shall prepare and present to the voters at such  
25 budget hearing a proposed school district budget for the ensuing school  
26 year. THE ELECTION OF MEMBERS OF THE BOARD SHALL BE GOVERNED BY THE  
27 PROVISIONS OF THE ELECTION LAW.

28 S 5. Subdivision 1 of section 2022 of the education law, as amended by  
29 section 7 of part A of chapter 97 of the laws of 2011, is amended to  
30 read as follows:

31 1. Notwithstanding any law, rule or regulation to the contrary, [the  
32 election of trustees or members of the board of education, and] the vote  
33 upon the appropriation of the necessary funds to meet the estimated  
34 expenditures, in any common school district, union free school district,  
35 central school district or central high school district shall be held at  
36 the annual meeting [and election] on the third Tuesday in May, provided,  
37 however, that such [election] ANNUAL MEETING shall be held on the second  
38 Tuesday in May if the commissioner at the request of a local school  
39 board certifies no later than March first that such election would  
40 conflict with religious observances. THE SCHOOL BOARD ELECTION SHALL BE  
41 HELD ON THE TUESDAY NEXT SUCCEEDING THE FIRST MONDAY IN NOVEMBER. The  
42 sole trustee, board of trustees or board of education of every common,  
43 union free, central or central high school district and every city  
44 school district to which this article applies shall hold a budget hear-  
45 ing not less than seven nor more than fourteen days prior to the annual  
46 meeting [and election] or special district meeting at which a school  
47 budget vote will occur, and shall prepare and present to the voters at  
48 such budget hearing a proposed school district budget for the ensuing  
49 school year.

50 S 6. Subdivision 2 of section 2601-a of the education law, as amended  
51 by section 9 of part A of chapter 97 of the laws of 2011, is amended to  
52 read as follows:

53 2. The board of education shall conduct all annual and special school  
54 district meetings for the purpose of adopting a school district budget  
55 in the same manner as a union free school district in accordance with  
56 the provisions of article forty-one of this title, except as otherwise

1 provided by this section. The annual meeting [and election] of each such  
2 city school district shall be held on the third Tuesday of May in each  
3 year, provided, however that such annual meeting [and election] shall be  
4 held on the second Tuesday in May if the commissioner at the request of  
5 a local school board certifies no later than March first that such  
6 election would conflict with religious observances, and any school budg-  
7 et revote shall be held on the date and in the same manner specified in  
8 subdivision three of section two thousand seven of this title. THE  
9 SCHOOL BOARD ELECTION SHALL BE HELD ON THE TUESDAY NEXT SUCCEEDING THE  
10 FIRST MONDAY IN NOVEMBER. The provisions of this article, and where  
11 applicable subdivisions nine and nine-a of section twenty-five hundred  
12 two of this title, governing the qualification and registration of  
13 voters, and procedures for the nomination and election of members of the  
14 board of education shall continue to apply, and shall govern the quali-  
15 fication and registration of voters and voting procedures with respect  
16 to the adoption of a school district budget.

17 S 7. Notwithstanding any inconsistent provision of this act or of any  
18 other general, special or local law, all library district elections  
19 shall be held on the Tuesday next succeeding the first Monday in Novem-  
20 ber.

21 S 8. This act shall take effect at the first general election next  
22 succeeding the date on which it shall have become a law; provided,  
23 however, that effective immediately, the addition, amendment and/or  
24 repeal of any rule or regulation necessary for the implementation of  
25 this act on its effective date are authorized and directed to be made  
26 and completed on or before such effective date; provided, however, that  
27 the amendments to subdivision 1 of section 2022 and subdivision 2 of  
28 section 2601-a of the education law made by sections five and six of  
29 this act, respectively shall not affect the expiration of such sections  
30 and shall be deemed to expire therewith.