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

3935--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 28, 2015

Introduced by M. of A. JOHNS, TENNEY -- Multi-Sponsored by -- M. of A. LAWRENCE -- 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 the posting of notices for annual meetings at common and union free school districts and the form thereof; and to repeal certain provisions of such law relating thereto

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

Section 1. Section 2004 of the education law is REPEALED and a new section 2004 is added to read as follows:

S 2004. NOTICE OF ANNUAL MEETING IN UNION FREE SCHOOL DISTRICT. 1. THE CLERK OF EACH UNION FREE SCHOOL DISTRICT SHALL GIVE NOTICE OF THE AVAILABILITY OF THE STATEMENT OF EXPENDITURES PURSUANT TO THE PROVISIONS OF SECTION SEVENTEEN HUNDRED SIXTEEN OF THIS TITLE. THE CLERK SHALL ALSO GIVE NOTICE OF THE TIME AND PLACE OF THE ANNUAL MEETING AND THE NOTICE REQUIRED BY SECTION SEVENTEEN HUNDRED SIXTEEN OF THIS TITLE BY:

A. PUBLISHING A NOTICE FOUR TIMES WITHIN THE SEVEN WEEKS NEXT PRECEDING SUCH DISTRICT MEETING, THE FIRST PUBLICATION TO BE AT LEAST FORTY-FIVE DAYS BEFORE SAID MEETING;

B. NOTICE SHALL BE PROVIDED IN TWO NEWSPAPERS IF THERE SHALL BE TWO, OR IN ONE NEWSPAPER IF THERE SHALL BE BUT ONE PROVIDED, HOWEVER, ALL NEWSPAPER PUBLICATIONS SHALL BE MADE IN NEWSPAPERS HAVING A GENERAL CIRCULATION WITHIN SUCH DISTRICT;

C. BUT IF NO NEWSPAPER HAS CIRCULATION IN SUCH DISTRICT NOTICE SHALL BE POSTED IN AT LEAST TWENTY OF THE MOST PUBLIC PLACES IN SAID DISTRICT, INCLUDING, BUT NOT LIMITED TO PUBLIC ROADWAYS, THE LOCAL UNITED STATES POST OFFICE AND LOCAL GROCERY FOOD STORES;

D. NOTICE POSTED IN PUBLIC PLACES SHALL BE POSTED FORTY-FIVE DAYS BEFORE THE TIME OF SUCH MEETING; AND

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

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E. NOTICE SHALL NOT BE POSTED ON DISTRICT PROPERTY. A DISTRICT MAY NOT GIVE VOLUNTARY NOTICE.

2. SUCH NOTICE SHALL ALSO STATE THAT PETITIONS NOMINATING CANDIDATES FOR THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION MUST BE FILED IN THE OFFICE OF THE CLERK OF THE DISTRICT BETWEEN THE HOURS OF NINE A.M. AND FIVE P.M., NOT LATER THAN THE THIRTIETH DAY PRECEDING THE SCHOOL MEETING OR ELECTION AT WHICH THE CANDIDATES SO NOMINATED ARE TO BE ELECTED.

3. POSTING OF SUCH NOTICE SHALL BE MANDATORY AND SCHOOL DISTRICTS FAILING TO PROVIDE NOTICE SHALL BE FINED ONE THOUSAND DOLLARS FOR THE FIRST OFFENSE AND FIVE THOUSAND DOLLARS FOR EACH ADDITIONAL OFFENSE.

4. TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION THE BOARD OF EDUCATION SHALL APPOINT AN OFFICIAL IN EACH SCHOOL DISTRICT TO CONDUCT A UNIFORM INSPECTION OF THE BUDGET VOTE AND WITH ALL NOTICE POSTING AND REQUIREMENTS PURSUANT TO THIS SECTION AND ANY OTHER RULES AND REGULATIONS THAT THE BOARD MAY PROMULGATE.

5. IF THE DISTRICT HAS PERSONAL REGISTRATION OF VOTERS PURSUANT TO SECTION TWO THOUSAND FOURTEEN OF THIS PART, AND HAS NOT BEEN DIVIDED INTO ELECTION DISTRICTS PURSUANT TO SECTION TWO THOUSAND SEVENTEEN OF THIS PART, SUCH NOTICE SHALL ALSO STATE:

A. THE PLACE AND HOUR OR HOURS AT WHICH THE BOARD OF REGISTRATION SHALL MEET TO PREPARE THE REGISTER OF THE SCHOOL DISTRICT AND ANY PERSON SHALL BE ENTITLED TO HAVE HIS NAME PLACED UPON SUCH REGISTER, PROVIDED THAT AT SUCH MEETING OF THE BOARD OF REGISTRATION, HE IS KNOWN OR PROVEN TO THE SATISFACTION OF SUCH BOARD OF REGISTRATION, TO BE THEN OR THEREAFTER ENTITLED TO VOTE AT THE SCHOOL MEETING OR ELECTION FOR WHICH SUCH REGISTER IS PREPARED,

B. THAT THE REGISTER PREPARED PURSUANT TO SECTION TWO THOUSAND FOURTEEN OF THIS PART WILL BE FILED IN THE OFFICE OF THE CLERK OF THE DISTRICT; THAT SUCH REGISTER WILL BE OPEN FOR INSPECTION BY ANY QUALIFIED VOTER OF THE DISTRICT AND THE HOURS DURING WHICH SUCH REGISTER WILL BE OPEN FOR INSPECTION ON EACH OF THE FIVE DAYS PRIOR TO AND THE DAY SET FOR THE MEETING OR ELECTION, EXCEPT SUNDAYS.

6. IF THE DISTRICT HAS BEEN DIVIDED INTO ELECTION DISTRICTS PURSUANT TO SECTION TWO THOUSAND SEVENTEEN OF THIS PART, SUCH NOTICE SHALL ALSO STATE:

A. THE PLACE AND HOUR OR HOURS IN EACH ELECTION DISTRICT AT WHICH THE MEMBERS OF THE BOARD OF REGISTRATION SHALL MEET TO PREPARE THE REGISTER OF THE SCHOOL DISTRICT FOR EACH ELECTION DISTRICT AND ANY PERSON SHALL BE ENTITLED TO HAVE HIS NAME PLACED UPON SUCH REGISTER, PROVIDED THAT AT SUCH MEETING OF THE MEMBERS OF THE BOARD OF REGISTRATION HE IS KNOWN OR PROVEN TO THE SATISFACTION OF SUCH MEMBERS TO BE THEN OR THEREAFTER ENTITLED TO VOTE AT THE SCHOOL MEETING OR ELECTION FOR WHICH SUCH REGISTER IS PREPARED,

B. THE PLACE IN EACH ELECTION DISTRICT WHERE THE MEETING OR ELECTION SHALL BE HELD,

C. THAT THE REGISTER PREPARED PURSUANT TO SECTION TWO THOUSAND FOURTEEN OF THIS PART WILL BE FILED IN THE OFFICE OF THE CLERK OF THE DISTRICT; THAT SUCH REGISTER WILL BE OPEN FOR INSPECTION BY ANY QUALIFIED VOTER OF THE DISTRICT AND THE HOURS DURING WHICH SUCH REGISTER WILL BE OPEN FOR INSPECTION ON EACH OF THE FIVE DAYS PRIOR TO AND THE DAY SET FOR THE MEETING OR ELECTION, EXCEPT SUNDAYS,

D. IF THE DISTRICT IS DIVIDED INTO ELECTION DISTRICTS AND VOTING MACHINES ARE USED, THAT A STATEMENT OF ESTIMATED EXPENSES FOR THE ENSUING YEAR WILL BE COMPLETED AND COPIES MADE AVAILABLE AT EACH SCHOOLHOUSE IN THE DISTRICT IN WHICH SCHOOL IS MAINTAINED DURING CERTAIN DESIGNATED HOURS ON EACH DAY OTHER THAN A SATURDAY, SUNDAY OR HOLIDAY DURING THE

FOURTEEN DAYS IMMEDIATELY PRECEDING SUCH MEETING, TOGETHER WITH THE TEXT OF ANY RESOLUTION WHICH WILL BE PRESENTED TO THE VOTERS.

7. NOTICE SHALL ALSO STATE THAT APPLICATIONS FOR ABSENTEE BALLOTS FOR ELECTION OF BOARD MEMBERS MAY BE APPLIED FOR AT THE OFFICE OF THE CLERK OF THE DISTRICT. SUCH NOTICE, IN SUCH CASE, SHALL FURTHER STATE THAT A LIST OF ALL PERSONS TO WHOM ABSENTEE BALLOTS SHALL HAVE BEEN ISSUED, WILL BE AVAILABLE IN THE SAID OFFICE OF THE CLERK ON EACH OF THE FIVE DAYS PRIOR TO THE DAY OF THE ELECTION EXCEPT SUNDAYS, AND THAT SUCH LIST WILL ALSO BE POSTED AT THE POLLING PLACE OR PLACES AT THE ELECTION OF MEMBERS OF THE BOARD OF EDUCATION.

8. NOTICE AND ALL OTHER NOTICES AND REPORTS REQUIRED TO BE PUBLISHED IN NEWSPAPERS UNDER THE PROVISIONS OF THIS SECTION SHALL BE PRINTED AT THE RATES AND FOR THE FEES PRESCRIBED IN THE CIVIL PRACTICE LAW AND RULES. IN THE EVENT THAT THE PUBLISHERS OF ONE OR BOTH OF THE NEWSPAPERS HAVING GENERAL CIRCULATION IN SUCH DISTRICT SHALL REFUSE TO PRINT AND PUBLISH THE NOTICES OR REPORTS AT THE RATES AND FOR THE FEES SO PRESCRIBED, PUBLICATION IN SUCH NEWSPAPER OR NEWSPAPERS SO REFUSING MAY BE OMITTED, PROVIDED, HOWEVER, NOTICES OR REPORTS SHALL STILL BE POSTED AS REQUIRED BY THIS SECTION.

S 2. Section 2003 of the education law is REPEALED and a new section 2003 is added to read as follows:

S 2003. NOTICE OF ANNUAL MEETING IN COMMON SCHOOL DISTRICT. 1. THE DISTRICT CLERK OF EACH COMMON SCHOOL DISTRICT SHALL GIVE NOTICE OF THE AVAILABILITY OF THE STATEMENT OF EXPENDITURES PURSUANT TO THE PROVISIONS OF SECTION SIXTEEN HUNDRED EIGHT OF THIS TITLE. THE DISTRICT CLERK SHALL ALSO GIVE NOTICE OF THE TIME AND PLACE OF THE ANNUAL MEETING BY:

A. PUBLISHING A NOTICE FOUR TIMES WITHIN THE SEVEN WEEKS NEXT PRECEDING SUCH DISTRICT MEETING, THE FIRST PUBLICATION TO BE AT LEAST FORTY-FIVE DAYS BEFORE SAID MEETING;

B. NOTICE SHALL BE PROVIDED IN TWO NEWSPAPERS IF THERE SHALL BE TWO, OR IN ONE NEWSPAPER IF THERE SHALL BE BUT ONE PROVIDED, HAVING A GENERAL CIRCULATION WITHIN SUCH DISTRICT;

C. BUT IF NO NEWSPAPER HAS CIRCULATION IN SUCH DISTRICT NOTICE SHALL BE POSTED IN AT LEAST TWENTY OF THE MOST PUBLIC PLACES IN SAID DISTRICT, INCLUDING, BUT NOT LIMITED TO PUBLIC ROADWAYS, THE LOCAL UNITED STATES POST OFFICE AND LOCAL GROCERY FOOD STORES;

D. NOTICE POSTED IN PUBLIC PLACES SHALL BE POSTED FORTY-FIVE DAYS BEFORE THE TIME OF SUCH MEETING; AND

E. NOTICE SHALL NOT BE POSTED ON DISTRICT PROPERTY. A DISTRICT MAY NOT PROVIDE VOLUNTARY NOTICE.

2. SUCH NOTICE SHALL ALSO STATE THAT PETITIONS NOMINATING CANDIDATES FOR THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION MUST BE FILED IN THE OFFICE OF THE CLERK OF THE DISTRICT BETWEEN THE HOURS OF NINE A.M. AND FIVE P.M., NOT LATER THAN THE THIRTIETH DAY PRECEDING THE SCHOOL MEETING OR ELECTION AT WHICH THE CANDIDATES SO NOMINATED ARE TO BE ELECTED.

3. POSTING OF SUCH NOTICE SHALL BE MANDATORY AND SCHOOL DISTRICTS FAILING TO PROVIDE NOTICE SHALL BE FINED ONE THOUSAND DOLLARS FOR THE FIRST OFFENSE AND FIVE THOUSAND DOLLARS FOR EACH ADDITIONAL OFFENSE.

4. TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION THE BOARD OF EDUCATION SHALL APPOINT AN OFFICIAL IN EACH SCHOOL DISTRICT TO CONDUCT A UNIFORM INSPECTION OF THE BUDGET VOTE AND WITH ALL NOTICE POSTING AND REQUIREMENTS PURSUANT TO THIS CHAPTER AND ANY OTHER RULES AND REGULATIONS THAT THE BOARD MAY PROMULGATE.

5. SUCH NOTICE SHALL ALSO STATE THAT PETITIONS NOMINATING CANDIDATES FOR THE OFFICE OF MEMBER OF THE BOARD OF TRUSTEES MUST BE FILED WITH THE CLERK OF THE DISTRICT BETWEEN THE HOURS OF NINE A.M. AND FIVE P.M., NOT

LATER THAN THE THIRTIETH DAY PRECEDING THE SCHOOL MEETING OR ELECTION AT WHICH THE CANDIDATES SO NOMINATED ARE TO BE ELECTED.

6. SUCH NOTICE AND ALL OTHER NOTICES AND REPORTS REQUIRED TO BE PUBLISHED IN NEWSPAPERS UNDER THE PROVISIONS OF THIS CHAPTER SHALL BE PRINTED AT THE RATES AND FOR THE FEES PRESCRIBED IN THE CIVIL PRACTICE LAW AND RULES. IN THE EVENT THAT THE PUBLISHERS OF ONE OR BOTH OF THE NEWSPAPERS HAVING GENERAL CIRCULATION IN SUCH DISTRICT SHALL REFUSE TO PRINT AND PUBLISH THE NOTICES OR REPORTS AT THE RATES AND FOR THE FEES SO PRESCRIBED, PUBLICATION IN SUCH NEWSPAPER OR NEWSPAPERS SO REFUSING MAY BE OMITTED, IN WHICH CASE, NOTICES OR REPORTS SHALL BE POSTED AS REQUIRED BY THIS SECTION IN LIEU OF SUCH PUBLICATION.

S 3. This act shall take effect immediately provided, however, that the commissioner of education shall have the authority to promulgate any rules or regulations necessary for the implementation of this act before this act shall have become a law.