

STATE OF NEW YORK

881--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. GUNTHER -- 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 establishment of school election wards in union free school districts and central school districts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1702 of the education law is amended by adding a
2 new subdivision 4 to read as follows:

3 4. a. Notwithstanding any other provision of law to the contrary, a
4 board of education of a union free school district may, by resolution
5 and subject to a mandatory referendum, establish school election wards
6 for purposes of electing individual trustees. There shall be at least
7 three, but no more than nine, school election wards within a school
8 district. One trustee shall be chosen from each ward by the qualified
9 voters therein.

10 b. (i) Upon a resolution by the board of education, which shall be
11 passed no less than one hundred eighty days prior to a related referen-
12 dum being placed before the qualified voters of the school district
13 during the annual meeting and election, the board of education shall
14 conduct a public hearing.

15 (ii) Such public hearing shall be conducted not less than thirty nor
16 more than ninety days prior to a vote on the resolution by a majority of
17 the qualified voters of the district. The district clerk shall give
18 notice of the public hearing by publishing a notice five times within
19 fourteen days preceding the hearing, on the district's website and in
20 two newspapers if there shall be two, or in one newspaper if there shall
21 be but one, having general circulation within such district. But if no
22 newspaper shall then have general circulation therein, said notice shall

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

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1 be posted in at least twenty of the most public places in said district
2 fourteen days before the time of such hearing.

3 (iii) Following such public hearing, a proposition for approval of
4 such resolution by a majority of the qualified voters of such district
5 shall be submitted at the next succeeding annual meeting and election.
6 The district clerk shall give notice of such proposition by publishing
7 notice prior to the election, in the same manner and publication as the
8 public hearing, set forth in this section, specifying the time when and
9 place or places where such election will be held, the hours during which
10 the polls will remain open for the purpose of receiving ballots, and
11 setting forth in full the language of the proposition to be approved at
12 such election.

13 (iv) If such proposition is approved, within five months of such
14 approval, the board of education shall define and publish, by resolu-
15 tion, boundaries of each of the school election wards. Such wards shall
16 be contiguous and each ward shall contain as nearly as possible the same
17 number of inhabitants. A map of each ward and the boundaries thereof
18 shall be created with the original filed with the district clerk within
19 ten days of the resolution and copies thereof filed in the board of
20 elections of the county. The boundaries of the school election wards may
21 thereafter be redefined by the board of education by resolution, after a
22 public hearing thereon, upon each issuance of a federal decennial
23 census. Such resolution shall be established at least six months prior
24 to the next election of a school board trustee or trustees.

25 (v) After a school election ward system shall have been established,
26 the term of every existing trustee shall terminate on the thirtieth day
27 of June next succeeding the first annual meeting and election following
28 voter approval of the referendum and on the third Tuesday in May every
29 three years thereafter.

30 c. The term of office of each trustee from a school election ward
31 shall be three years. In each school election ward, the candidate
32 receiving a plurality of votes in each school election ward shall be
33 declared elected to that position.

34 d. Whenever a vacancy shall occur or exist in the office of a ward
35 trustee of a board of education, except by reason of expiration of term
36 or increase in the number of members of such board, such vacancy shall
37 be filled within ninety days either by (i) a majority vote of the
38 remaining trustees of the board of education or (ii) a special election
39 ordered by the commissioner. When a special election is ordered, the
40 vacancy shall not be filled otherwise. No person shall be appointed to
41 fill a vacancy of a ward trustee of a board of education unless he or
42 she fulfills all of the qualifications in section twenty-one hundred two
43 of this title to enable him or her to be a candidate for the office of a
44 trustee of the board of education from the ward involved. The person
45 appointed or elected to fill such vacancy shall take office immediately
46 upon filing of his or her official oath of office with the district
47 clerk and shall hold his or her office for the remainder of the unex-
48 pired term.

49 e. Except as provided herein, all provisions of this article, article
50 forty-one, and article forty-three of this chapter or of any other
51 general law relating to or affecting the election of trustees in a union
52 free school district shall apply to school election wards organized as
53 herein.

54 § 2. Section 1804 of the education law is amended by adding a new
55 subdivision 13 to read as follows:

1 13. a. Notwithstanding any other provision of law to the contrary, a
2 board of education of a central school district may, by resolution and
3 subject to a mandatory referendum, establish school election wards for
4 purposes of electing individual school board members. There shall be
5 five, seven or nine school election wards within a school district. One
6 member shall be chosen from each ward by the qualified voters therein.

7 b. (i) Upon a resolution by the board of education, which shall be
8 passed no less than one hundred eighty days prior to a related referen-
9 dum being placed before the qualified voters of the school district
10 during the annual meeting and election, the board of education shall
11 conduct a public hearing.

12 (ii) Such public hearing shall be conducted not less than thirty nor
13 more than ninety days prior to a vote on the resolution by a majority of
14 the qualified voters of the district. The district clerk shall give
15 notice of the public hearing by publishing a notice five times within
16 fourteen days preceding the hearing, on the district's website and in
17 two newspapers if there shall be two, or in one newspaper if there shall
18 be but one, having general circulation within such district. But if no
19 newspaper shall then have general circulation therein, said notice shall
20 be posted in at least twenty of the most public places in said district
21 fourteen days before the time of such hearing.

22 (iii) Following such public hearing, a proposition for approval of
23 such resolution by a majority of the qualified voters of such district
24 shall be submitted at the next succeeding annual meeting and election.
25 The district clerk shall give notice of such proposition by publishing
26 notice prior to the election, in the same manner and publication as the
27 public hearing, set forth in this section, specifying the time when and
28 place or places where such election will be held, the hours during which
29 the polls will remain open for the purpose of receiving ballots, and
30 setting forth in full the language of the proposition to be approved at
31 such election.

32 (iv) If such proposition is approved, within five months of such
33 approval, the board of education shall define and publish, by resolu-
34 tion, boundaries of each of the school election wards. Such wards shall
35 be contiguous and each ward shall contain as nearly as possible the same
36 number of inhabitants. A map of each ward and the boundaries thereof
37 shall be created with the original filed with the district clerk within
38 ten days of the resolution and copies thereof filed in the board of
39 elections of the county. The boundaries of the school election wards may
40 thereafter be redefined by the board of education by resolution, after a
41 public hearing thereon, upon each issuance of a federal decennial
42 census. Such resolution shall be established at least six months prior
43 to the next election of a school board member or members.

44 (v) After a school election ward system shall have been established,
45 the term of every existing member shall terminate on the thirtieth day
46 of June next succeeding the first annual meeting and election following
47 voter approval of the referendum and on the third Tuesday in May every
48 three years thereafter.

49 c. The term of office of each school board member from a school
50 election ward shall be three years. In each election ward, the candidate
51 receiving a plurality of votes in each election ward shall be declared
52 elected to that position.

53 d. Whenever a vacancy shall occur or exist in the office of a member
54 of a board of education, except by reason of expiration of term or
55 increase in the number of members of such board, such vacancy shall be
56 filled within ninety days by a majority vote of the remaining trustees

1 of the board of education. No person shall be appointed to fill a vacan-
2 cy of a member of a board of education unless he or she fulfills all of
3 the qualifications in section twenty-one hundred two of this title to
4 enable him or her to be a candidate for the office of a member of the
5 board of education from the ward involved. The person appointed or
6 elected to fill such vacancy shall take office immediately upon filing
7 of his or her official oath of office with the district clerk and shall
8 hold his or her office for the remainder of the unexpired term.

9 e. Except as provided herein, all provisions of this article, article
10 forty-one, and article forty-three of this chapter or of any other
11 general law relating to or affecting the election of school board
12 members in a central school district shall apply to school election
13 wards organized as herein.

14 § 3. This act shall take effect immediately.