

# STATE OF NEW YORK

S. 3930--A

A. 3926--A

2017-2018 Regular Sessions

## SENATE - ASSEMBLY

January 30, 2017

IN SENATE -- Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. FAHY, McDONALD -- 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 altering the date of the elections of Albany city school district board members

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

1 Section 1. Subdivision 2 of section 2502 of the education law, as  
2 amended by chapter 698 of the laws of 1989, is amended to read as  
3 follows:  
4 2. Each board of education shall consist of five, seven or nine  
5 members, to be known as members of the board of education. In the city  
6 of Albany, such board shall consist of seven members; and in the city of  
7 Rensselaer, such board shall consist of five members; subject, however,  
8 to any increase or decrease of the number of members of such board as  
9 provided pursuant to the provisions of paragraph a of subdivision four  
10 of this section. Members of such board shall be elected by the qualified  
11 voters at large of the school district at annual school elections, under  
12 the provisions of article fifty-three of this chapter [~~except in the~~  
13 ~~city school district of the city of Albany~~]; provided, however, each  
14 board of education may upon its own motion, and shall upon a written  
15 petition, subscribed by not less than five hundred qualified voters of  
16 the district, cause to be submitted at the annual school election a  
17 proposition to consider each vacancy upon the board of education a separate  
18 specific office requiring a separate petition to nominate a candi-

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

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1 date to each separate office in accordance with the provisions of arti-  
2 cle fifty-three of this chapter.

3 § 2. Paragraphs b, d, m, n, o and p of subdivision 9 of section 2502  
4 of the education law, as added by chapter 65 of the laws of 1972, are  
5 amended to read as follows:

6 b. The members of the board of education shall be elected at large  
7 throughout the city by the qualified voters at [~~a general election~~] an  
8 annual school election taking place at the time specified under the  
9 provisions of article fifty-three of this chapter.

10 d. No person shall be eligible for the office of member of such board  
11 of education who is not a qualified voter of such city school district  
12 and who has not been a resident of such district for a period of at  
13 least one year immediately preceding the date of his or her election;  
14 provided, however, that no person shall hold at the same time the office  
15 of member of the board of education and any other elective office nor  
16 shall he or she be a candidate for any other elective office at the same  
17 time he or she is a candidate for the office of member of such board of  
18 education.

19 m. If a candidate, after a petition in his or her behalf shall have  
20 been duly filed with the clerk of the board of elections, and prior to  
21 the date of the election, shall decline to accept the nomination, die,  
22 remove from the district, accept or be a candidate for another elective  
23 office, or become otherwise disqualified for such city school district  
24 office, a further petition may be filed with such clerk, nominating  
25 another candidate in his place and stead. Such further petition shall in  
26 all respects comply with the provisions of paragraphs [~~(e), (e) and (g)~~  
27 ~~of this section~~] c, e and g of this subdivision, except that it may be  
28 filed at any time up to and including the fifteenth day preceding the  
29 date of the [~~general~~] annual school election and the time within which  
30 to accept or object to such further petition shall be computed from the  
31 date of filing or said fifteenth day whichever is earlier.

32 n. The term of office of each member of such board shall be five  
33 years, commencing on the first day of [~~January~~] July following his or  
34 her election, provided, however, that the members first elected shall be  
35 elected: three members for three year terms; three members for four  
36 year terms; one member for a five year term. The candidates receiving a  
37 plurality of the votes cast respectively for the several offices shall  
38 be declared elected. Where more than one office is to be filled by such  
39 election and there is a variance in the length of the terms for which  
40 such offices are to be filled as authorized by this chapter, or where  
41 one or more persons are to be elected for a full term or terms and one  
42 or more persons are to be elected for the unexpired portion of a term or  
43 terms, or both, the candidate receiving the largest number of votes  
44 shall be entitled to the longest term and the candidates receiving the  
45 next highest number of votes shall be entitled, in decreasing order of  
46 the respective numbers of votes, to the several offices, in decreasing  
47 order of the length of such terms or unexpired portions of terms. When-  
48 ever a vacancy shall occur or exist in the office of a member of the  
49 board of education except by reason of expiration of term or increase in  
50 the number of members of such board, a majority of the remaining members  
51 of such board, shall elect a qualified person to fill the vacancy. The  
52 person so elected shall hold office up to [~~an~~] and including the [~~thir-~~  
53 ~~ty-first day of December~~] thirtieth day of June next succeeding the  
54 first [~~general election~~] annual school election at which the vacancy can  
55 be filled.

1 o. The members so elected to the board of education shall convene on  
2 the first business day in [~~January~~] July of each year at the time of the  
3 commencement of their term of office and select from their members a  
4 president who shall serve for a term of one year or such other term, not  
5 exceeding the term of his or her office, as may be fixed by the rules  
6 and regulations of the board.

7 p. The election of members of the board of education of the school  
8 district of the city of Albany shall take place at [~~general elections~~  
9 ~~held in such city~~] an annual school election held in such city at the  
10 time specified under the provisions of article fifty-three of this chap-  
11 ter. Such election shall be conducted by the board of elections of the  
12 county of Albany [~~in the same manner as other elections are conducted by~~  
13 ~~it~~] at the expense of such board of elections in the same manner as  
14 other elections are conducted by it. The results of such elections,  
15 after canvassing, shall be certified and reported by the board of  
16 elections to the board of education of such city. The clerk or other  
17 appropriate officer of the board of education shall within twenty-four  
18 hours after receipt of such certification by the board of elections  
19 serve a written notice either personally or by mail upon each person  
20 declared to be elected as a member of the board of education informing  
21 him of his election and the length of his term.

22 § 3. Subdivision 1 of section 2602 of the education law, as amended by  
23 chapter 171 of the laws of 1996, is amended to read as follows:

24 1. Except as otherwise provided in this chapter, including the  
25 provisions of this article, an annual school election shall be held on  
26 the same day as the annual budget vote pursuant to the provisions of  
27 article forty-one of this chapter in each city school district[~~, except~~  
28 ~~that the city school district of the city of Albany shall conduct its~~  
29 ~~annual election separately on the day specified in subdivision nine of~~  
30 ~~section twenty five hundred two of this chapter~~].

31 § 4. This act shall take effect immediately and shall apply to any  
32 vacancies on the Albany city school district board occurring after 2017.