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:

Section 1. 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 candi-

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

LBD07287-03-7

date to each separate office in accordance with the provisions of article fifty-three of this chapter.

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

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

d. No person shall be eligible for the office of member of such board of education who 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 one year immediately preceding the date of his or her election; provided, however, that no person shall hold at the same time the office of member of the board of education and any other elective office nor shall he or she be a candidate for any other elective office at the same time he or she is a candidate for the office of member of such board of education.

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

n. The term of office of each member of such board shall be five years, commencing on the first day of [~~January~~] July following his or her election, provided, however, that the members first elected shall be elected: three members for three year terms; three members for four year terms; one member for a five year term. The candidates receiving a plurality of the votes cast respectively for the several offices shall be declared elected. Where more than one office is to be filled by such election and there is a variance in the length of the terms for which such offices are to be filled as authorized by this chapter, or where one or more persons are to be elected for a full term or terms and one or more persons are to be elected for the unexpired portion of a term or terms, or both, the candidate receiving the largest number of votes shall be entitled to the longest term and the candidates receiving the next highest number of votes shall be entitled, in decreasing order of the respective numbers of votes, to the several offices, in decreasing order of the length of such terms or unexpired portions of terms. Whenever a vacancy shall occur or exist in the office of a member of the board of education except by reason of expiration of term or increase in the number of members of such board, a majority of the remaining members of such board, shall elect a qualified person to fill the vacancy. The person so elected shall hold office up to [~~an~~] and including the [~~thirty-first day of December~~] thirtieth day of June next succeeding the first [~~general election~~] annual school election at which the vacancy can be filled.

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

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

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

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

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