

STATE OF NEW YORK

S. 7432

A. 9040

SENATE - ASSEMBLY

January 18, 2018

IN SENATE -- Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

IN ASSEMBLY -- Introduced by M. of A. FAHY, McDONALD -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the elections of members to the board of education of the city school district of the city of Albany

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

Section 1. Paragraphs c, h, k, m, n, o and p of subdivision 9 of section 2502 of the education law, paragraphs c and h as added by chapter 65 of the laws of 1972, paragraph k as amended by chapter 221 of the laws of 1995, and paragraphs m, n, o and p as amended by chapter 84 of the laws of 2017, are amended to read as follows:

c. Such elections for such offices shall be governed by the provisions of ~~[the election law in the same manner as candidates for office generally to be elected by the voters of the city of Albany]~~ article fifty-three of this chapter, provided, however, that each such candidate shall be required to file a petition containing signatures of at least two hundred fifty registered voters of the city of Albany which petition shall not contain any political party or independent body, name or emblem. Each petition shall contain the name of only one candidate and such petitions shall be filed with the clerk of the board of ~~[elections]~~ education on or before the last day to file independent nominating petitions.

h. The clerk of the board of ~~[elections]~~ education shall refuse to accept such petitions signed by an insufficient number of qualified voters, or petitions which are not timely or petitions bearing a political party or independent body name or emblem.

k. The board of ~~[elections]~~ education shall cause to be printed official ballots containing the names of all candidates as above provided, except that the board may refuse to have the names of ineligible candidates placed on such ballots. The names of the candidates shall be

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

LBD14188-01-8

1 arranged in the order as determined by the drawing by lot by the clerk
2 of the board of [~~elections~~] education in the manner specified under the
3 provisions of paragraph b of subdivision two of section two thousand
4 thirty-two of this [~~chapter~~] title, and shall not bear the designation
5 of any political party or independent body name or emblem. Blank spaces
6 shall be provided so that voters may vote for candidates who have not
7 been nominated for the offices to be filled at such elections. The form
8 of such ballots shall conform substantially to the form of ballots used
9 at general elections as prescribed in the election law. Such ballots
10 shall be printed at the expense of the city school district of Albany.

11 m. If a candidate, after a petition in his or her behalf shall have
12 been duly filed with the clerk of the board of [~~elections~~] education,
13 and prior to the date of the election, shall decline to accept the nomi-
14 nation, die, remove from the district, accept or be a candidate for
15 another elective office, or become otherwise disqualified for such city
16 school district office, a further petition may be filed with such clerk,
17 nominating another candidate in his place and stead. Such further peti-
18 tion shall in all respects comply with the provisions of paragraphs c, e
19 and g of this subdivision, except that it may be filed at any time up to
20 and including the fifteenth day preceding the date of the annual school
21 election and the time within which to accept or object to such further
22 petition shall be computed from the date of filing or said fifteenth day
23 whichever is earlier.

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

47 o. The members so elected to the board of education shall convene [~~on~~
48 ~~the first business day in July of each year~~] for their annual meeting in
49 accordance with the provisions of section two thousand five hundred four
50 of this article, in July of each year at the time of the commencement of
51 their term of office and select from their members a president, and, if
52 they choose to do so, a vice president and secretary, who shall serve
53 for a term of one year or such other term, not exceeding the term of his
54 or her office, as may be fixed by the rules and regulations of the
55 board.

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

16 § 2. This act shall take effect immediately.