

STATE OF NEW YORK

6599

2017-2018 Regular Sessions

IN SENATE

June 6, 2017

Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

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

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

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

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

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

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

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

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

54 13. a. Notwithstanding any other provision of law to the contrary, a
55 board of education of a central school district may, by resolution and
56 subject to a mandatory referendum, establish school election wards for

1 purposes of electing individual school board members. There shall be
2 five, seven or nine school election wards within a school district. One
3 member shall be chosen from each ward by the qualified voters therein.

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

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

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

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

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

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

50 d. Whenever a vacancy shall occur or exist in the office of a member
51 of a board of education, except by reason of expiration of term or
52 increase in the number of members of such board, such vacancy shall be
53 filled within ninety days by a majority vote of the remaining trustees
54 of the board of education. No person shall be appointed to fill a vacan-
55 cy of a member of a board of education unless he or she fulfills all of
56 the qualifications in section twenty-one hundred two of this title to

1 enable him or her to be a candidate for the office of a member of the
2 board of education from the ward involved. The person appointed or
3 elected to fill such vacancy shall take office immediately upon filing
4 of his or her official oath of office with the district clerk and shall
5 hold his or her office for the remainder of the unexpired term.

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

11 § 3. This act shall take effect immediately.