STATE OF NEW YORK

3552

2019-2020 Regular Sessions

IN SENATE

February 8, 2019

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

AN ACT to amend the election law, in relation to the applicability of such chapter to boards of education elections; to amend the education law, in relation to school board elections; and in relation to library district elections

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

Section 1. Section 1-102 of the election law, as amended by chapter 727 of the laws of 1991, is amended to read as follows:

§ 1-102. Applicability of chapter. This chapter shall govern the conduct of all elections at which voters of the state of New York may cast a ballot for the purpose of electing an individual to any party position or nominating or electing an individual to any federal, state, county, city, town [~~or~~], village **or school board** office, or deciding any ballot question submitted to all the voters of the state or the voters of any county or city, or deciding any ballot question submitted to the voters of any town or village at the time of a general election. Where a specific provision of law exists in any other law which is inconsistent with the provisions of this chapter, such provision shall apply unless a provision of this chapter specifies that such provision of this chapter shall apply notwithstanding any other provision of law.

§ 2. Subdivision 35 of section 1-104 of the election law, as added by chapter 359 of the laws of 1989, is amended to read as follows:

35. The term "election" shall include a "general village election" or "special village election" except where a specific provision of this chapter may not be consistently applied to the village election procedure**; provided further that it shall include the election of school board members; provided, further, that it shall include library district elections**.

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

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§ 3. Section 3-102 of the election law is amended by adding a new subdivision 9-B to read as follows:

9-B. promulgate rules and regulations, in consultation with the commissioner of education, providing for the supervision by the boards of elections of the election of school board members;

§ 4. Subdivision 4 of section 1804 of the education law, as amended by section 1 of part M of chapter 57 of the laws of 2005, is amended to read as follows:

4. The annual meeting [~~and election~~] in each central school district shall be held on the third Tuesday of May provided, however that such annual meeting [~~and election~~] shall be held on the second Tuesday in May if the commissioner at the request of a local school board certifies no later than March first that such [~~election~~] **annual meeting** would conflict with religious observances, and any school budget revote shall be held on the date specified in subdivision three of section two thousand seven of this title**. The school board election shall be held on the Tuesday next succeeding the first Monday in November**. Such annual meeting and school budget revote shall be conducted and [~~the election of members of the board~~] shall be held in the same manner as in union free school districts organized and operating under the provisions of this chapter. The board of education of each central school district shall hold a budget hearing not less than seven nor more than fourteen days prior to the annual or special district meeting at which a school budget vote will occur, and shall prepare and present to the voters at such budget hearing a proposed school district budget for the ensuing school year. **The election of members of the board shall be governed by the provisions of the election law.**

§ 5. Subdivision 1 of section 2022 of the education law, as amended by section 7 of part A of chapter 97 of the laws of 2011, is amended to read as follows:

1. Notwithstanding any law, rule or regulation to the contrary, [~~the election of trustees or members of the board of education, and~~] the vote upon the appropriation of the necessary funds to meet the estimated expenditures, in any common school district, union free school district, central school district or central high school district shall be held at the annual meeting [~~and election~~] on the third Tuesday in May, provided, however, that such [~~election~~] **annual meeting** shall be held on the second Tuesday in May if the commissioner at the request of a local school board certifies no later than March first that such election would conflict with religious observances**. The school board election shall be held on the Tuesday next succeeding the first Monday in November**. The sole trustee, board of trustees or board of education of every common, union free, central or central high school district and every city school district to which this article applies shall hold a budget hearing not less than seven nor more than fourteen days prior to the annual meeting [~~and election~~] or special district meeting at which a school budget vote will occur, and shall prepare and present to the voters at such budget hearing a proposed school district budget for the ensuing school year.

§ 6. Subdivision 2 of section 2601-a of the education law, as amended by section 3 of chapter 236 of the laws of 2018, is amended to read as follows:

2. The board of education shall conduct all annual and special school district meetings for the purpose of adopting a school district budget in the same manner as a union free school district in accordance with the provisions of article forty-one of this title, except as otherwise

provided by this section. The annual meeting [~~and election~~] of each such city school district shall be held on the third Tuesday of May in each year, provided, however that such annual meeting [~~and election~~] shall be held on the second Tuesday in May if the commissioner at the request of a local school board certifies no later than March first that such election would conflict with religious observances, and any school budget revote shall be held on the date and in the same manner specified in subdivision three of section two thousand seven of this title. **The school board election shall be held on the Tuesday next succeeding the first Monday in November.** The provisions of this article, and where applicable subdivision nine-a of section twenty-five hundred two of this title, governing the qualification and registration of voters, and procedures for the nomination and election of members of the board of education shall continue to apply, and shall govern the qualification and registration of voters and voting procedures with respect to the adoption of a school district budget.

§ 7. Notwithstanding any inconsistent provision of this act or of any other general, special or local law, all library district elections shall be held on the Tuesday next succeeding the first Monday in November.

§ 8. This act shall take effect at the first general election next succeeding the date on which it shall have become a law; provided, however, that the amendments to subdivision 1 of section 2022 and subdivision 2 of section 2601-a of the education law made by sections five and six of this act, respectively shall not affect the expiration of such sections and shall be deemed to expire therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.