

STATE OF NEW YORK

155

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. D'URSO, THIELE, SANTABARBARA, ORTIZ, RAIA, RA,
LAWRENCE, BRABENEC -- read once and referred to the Committee on
Election Law

AN ACT to amend the election law, in relation to requests for cancella-
tion of the designation of a polling place

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

1 Section 1. Subdivision 3 of section 4-104 of the election law, as
2 amended by chapter 694 of the laws of 1989, is amended to read as
3 follows:

4 3. (a) A building exempt from taxation shall be used whenever possible
5 as a polling place if it is situated in the same or a contiguous
6 election district, and may contain as many distinctly separate polling
7 places as public convenience may require. The expense, if any, inci-
8 dental to its use, shall be paid like the expense of other places of
9 registration and voting. If a board or body empowered to designate poll-
10 ing places chooses a public school building for such purpose, the board
11 or agency which controls such building must make available a room or
12 rooms in such building which are suitable for registration and voting
13 and which are as close as possible to a convenient entrance to such
14 building and must make available any such room or rooms which the board
15 or body designating such building determines are accessible to phys-
16 ically disabled voters as provided in subdivision one-a of this section.
17 Not later than twenty days after a public school building receives
18 notice of its designation as a polling place, the board or agency
19 controlling such building may file a written request for a cancellation
20 of such designation, provided that such board or agency makes a showing
21 that such building does not possess the proper structure or procedures
22 to keep the public safe in the event of a security concern arising
23 during the use of such building as a polling site. The board or body

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

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1 empowered to so designate shall, within twenty days after such request
2 is filed, cancel the designation of such polling site.

3 (b) Notwithstanding the provisions of any general, special or local
4 law, if a board or body empowered to designate polling places chooses a
5 publicly owned or leased building, other than a public school building,
6 for such purposes the board or body which controls such building must
7 make available a room or rooms in such building which are suitable for
8 registration and voting and which are as close as possible to a conven-
9 ient entrance to such building, and must make available any such room or
10 rooms which the board or body designating such building determines are
11 accessible to physically disabled voters unless, not later than thirty
12 days after notice of its designation as a polling place, the board or
13 body controlling such building, files a written request for a cancella-
14 tion of such designation with the board or body empowered to designate
15 polling places on such form as shall be provided by the board or body
16 making such designation. The board or body empowered to so designate
17 shall, within twenty days after such request is filed, determine whether
18 the use of such building as a polling place would unreasonably interfere
19 with the usual activities conducted in such building and upon such
20 determination, may cancel such designation.

21 § 2. This act shall take effect on the sixtieth day after it shall
22 have become a law.