

STATE OF NEW YORK

5224

2019-2020 Regular Sessions

IN SENATE

April 17, 2019

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

AN ACT to amend the education law, in relation to providing for the election of members of the board of education of the Buffalo city school district in November

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

1 Section 1. Subparagraph 3 of paragraph d and paragraphs n, o and p of
2 subdivision 10 of section 2553 of the education law, subparagraph 3 of
3 paragraph d and paragraphs n and o as added by chapter 242 of the laws
4 of 1974 and paragraph p as amended by chapter 95 of the laws of 1979,
5 are amended to read as follows:

6 (3) For the election held in [~~May, nineteen hundred seventy-four~~]
7 November, two thousand twenty, such petition shall be deemed to be time-
8 ly filed for such election if filed with the clerk of the board of
9 elections of Erie county on or before [~~April ninth, nineteen hundred~~
10 ~~seventy-four~~] October second, two thousand twenty. A petition sent by
11 mail in an envelope postmarked prior to midnight on [~~April ninth, nine-~~
12 ~~teen hundred seventy-four~~] October second, two thousand nineteen, shall
13 be deemed to be timely filed when received. Written objection to such
14 petition shall be filed within [~~two~~] three days after the [~~date this act~~
15 ~~shall have become a law~~] last day to file the petition and specifica-
16 tions of the grounds of the objections shall be filed with the board
17 within [~~one day~~] six days after the filing of the objection and institu-
18 tion of court proceedings relating thereto shall be commenced not later
19 than [~~May second, nineteen hundred seventy-four~~] fourteen days after the
20 last day to file the petition or within three business days after the
21 board of elections makes a determination of invalidity with respect to
22 such petition, whichever is later.

23 n. [~~The~~] For members elected in November, two thousand twenty the term
24 of office for each member of such board from a city school subdistrict
25 shall be two years, and for each member elected at large shall be four
26 years and upon the expiration of such terms, the term of office of each
27 member of such board from a city school subdistrict shall be three

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

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1 years, and the term of office of each such member of the board elected
2 at large shall be for five years. Of the candidates to be elected for
3 membership on the board of education of the city school district of the
4 city of Buffalo by the voters at large the three candidates receiving
5 the largest number of votes cast in the city, shall be declared elected
6 as at-large members of such board of education. In each city school
7 subdistrict the candidates seeking the election as the member of such
8 board of education for such city school subdistrict receiving a plurali-
9 ty of votes in such city school subdistrict shall be declared elected to
10 that position.

11 Whenever a vacancy shall occur or exist in the office of member of the
12 board of education except by reason of expiration of term or increase in
13 the number of members of such board, such vacancy shall be filled by a
14 majority vote of the remaining members of the board of education within
15 thirty days of the date when such vacancy shall have occurred. If the
16 remaining members of the board of education shall fail to fill such
17 vacancy within such thirty day period, then the mayor of the city of
18 Buffalo shall within thirty days thereafter fill such vacancy subject to
19 the confirmation of such appointment by the common council of the city
20 of Buffalo. No one shall be appointed to fill a vacancy of a subdistrict
21 member of the board of education unless he fulfills all of the quali-
22 fications in this subdivision to enable him to be a candidate for the
23 office of a member of the board of education from the subdistrict
24 involved.

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

31 p. The election of members of the board of education of the school
32 district of the city of Buffalo shall take place on [~~May seventh, nine-~~
33 ~~teen hundred seventy-four~~] November fifth, two thousand twenty and on
34 the first Tuesday after the first Monday in [~~May~~] November thereafter in
35 each year in which an incumbent's term expires. Such election shall be
36 conducted by the board of elections of the county of Erie in the same
37 manner as other elections are conducted by it. Polls shall be open for
38 voting for the hours prescribed by section 8-100 of the election law for
39 primary elections. The results of such elections, after canvassing,
40 shall be certified and reported by the board of elections to the board
41 of education of such city. The clerk or other appropriate officer of
42 the board of education shall within twenty-four hours after receipt of
43 such certification by the board of elections serve a written notice
44 either personally or by mail upon each person declared to be elected as
45 a member of the board of education informing him of his election and the
46 length of his term.

47 § 2. Notwithstanding any inconsistent provision of law, the term of
48 every member of the board of education of the city school district of
49 Buffalo, which term is scheduled to expire on June 30, 2020, is hereby
50 extended from June thirtieth of the year in which it is scheduled to
51 expire to December thirty-first of such year. Terms of such members
52 elected after this act becomes law shall begin on the first day of Janu-
53 ary and end on the last day of December of the appropriate year.

54 § 3. This act shall take effect immediately.