

# STATE OF NEW YORK

5224--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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; and to repeal certain provisions of such law relating thereto

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

Section 1. Subparagraph 3 of paragraph d of subdivision 10 of section 2553 of the education law is REPEALED.

§ 2. Subparagraphs 1 and 2 of paragraph d and paragraphs g, j, m, n, o and p of subdivision 10 of section 2553 of the education law, as added by chapter 242 of the laws of 1974, paragraph g as amended by chapter 431 of the laws of 2012 and paragraph p as amended by chapter 95 of the laws of 1979, are amended to read as follows:

(1) Such election for such office 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 Buffalo [~~except, as the case may be, as to the date of the election, and, further provided, however, that~~]. Notwithstanding section 6-142 of the election law, each such candidate for election as a member of the board of education from a city school subdistrict shall be required to file a petition containing signatures of at least five hundred registered voters of such city school subdistrict in which he is a candidate and each candidate for election to the board of education by the voters at large shall be required to file a petition containing the signatures of at least one thousand registered voters of the city of Buffalo.

(2) No petition shall contain any political party or independent body name or label. Each petition shall contain the name of only one candi-

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

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1 date and such petition shall be filed with [~~the clerk of~~] the board of  
 2 elections of the county of Erie not earlier than [~~the fifth Tuesday~~]  
 3 twenty-four weeks before, and not later than [~~the fourth Tuesday~~] twen-  
 4 ty-three weeks preceding the date on which an election shall be held. A  
 5 certificate of acceptance or declination of any individual so nominated  
 6 shall be filed not later than the third day after the [~~fourth~~] twenty-  
 7 third Tuesday preceding the election.

8 g. Each sheet of such a petition shall be signed in ink and shall be  
 9 substantially in the following form:

10 I, the undersigned, do hereby state that I am a duly qualified voter  
 11 of the city of Buffalo, that my place of residence is truly stated oppo-  
 12 site my signature hereto, and I do hereby nominate the following named  
 13 person as a candidate for nomination (for the public office of member of  
 14 the board of education of the city of Buffalo at large.....day  
 15 of....., 20.....,) (for the city school subdis-  
 16 trict.....day of....., 20.....)

17 I do hereby appoint.....(here insert the names and  
 18 addresses of at least three persons, all of whom shall be registered  
 19 voters within the city of Buffalo), as a committee to fill vacancies in  
 20 accordance with the provisions of the election law.

21 In witness whereof, I have hereunto set my hand the day and year  
 22 placed opposite my signature.

23	Date	Name of Signer	Present Residence
24	.....	.....	.....
25	.....	.....	.....
26	.....	.....	.....

27 The petition shall be authenticated by witnesses. Such statement shall  
 28 be accepted for all purposes as the equivalent of an affidavit, and if  
 29 false shall subject the witness to the same penalties as if he or she  
 30 had been duly sworn. The form of such statement shall be substantially  
 31 as follows:

#### 32 STATEMENT OF WITNESS

33 I,....., (name of witness), state: I am a duly quali-  
 34 fied voter of the state of New York, and now reside in the city, town or  
 35 village of....., in such state, at  
 36 .....(fill in street and house number and post office)  
 37 therein. I know each of the voters whose names are subscribed to this  
 38 petition sheet containing (fill in number).....signatures and  
 39 each of them subscribed the same in my presence and upon so subscribing  
 40 declared to me that the foregoing statement, made and subscribed by him,  
 41 was true.

42 .....  
 43 Signature of witness  
 44 Date.....

45 j. Objections to petitions for the nomination of members of such board  
 46 of education, procedures and remedies applicable to such objections  
 47 shall be [~~the same as those applicable to independent nominating~~  
 48 ~~petitions under the election law, except as it may be modified by the~~

~~provisions of paragraph (d) and paragraph (n) of this subdivision]~~ made pursuant to section 6-154 of the election law.

m. If a candidate, after a petition in his behalf shall have been duly filed with ~~[the clerk of]~~ the board of elections, and prior to the date of the election, shall decline to accept the nomination, die, remove from the school district, accept ~~[or be a candidate for]~~ another ~~[elective]~~ office, or become otherwise disqualified for such city school district office, ~~[a further petition may be filed with such clerk, nominating another candidate in his place and stead. Such further petition shall in all respects comply with the provisions of paragraphs d, f and h of this subdivision, except that it may be filed at any time up to and including the fifteenth day preceding the date of the election pursuant to the provisions of this subdivision and the time within which to accept or object to such further petition shall be computed from the date of filing or said fifteenth day, whichever is earlier]~~ such vacancy shall be filled by the committee on vacancies pursuant to the election law.

n. ~~[The]~~ For members elected in November, two thousand twenty the term of office for each member of such board from a city school subdistrict shall be two years, and for each member elected at large shall be four years and upon the expiration of such terms, the term of office of each member of such board from a city school subdistrict shall be three years, and the term of office of each such member of the board elected at large shall be for five years. Of the candidates to be elected for membership on the board of education of the city school district of the city of Buffalo by the voters at large the three candidates receiving the largest number of votes cast in the city, shall be declared elected as at-large members of such board of education. In each city school subdistrict the candidates seeking the election as the member of such board of education for such city school subdistrict receiving a plurality of votes in such city school subdistrict shall be declared elected to that position.

Whenever a vacancy shall occur or exist in the office of member of the board of education except by reason of expiration of term or increase in the number of members of such board, such vacancy shall be filled by a majority vote of the remaining members of the board of education within thirty days of the date when such vacancy shall have occurred. If the remaining members of the board of education shall fail to fill such vacancy within such thirty day period, then the mayor of the city of Buffalo shall within thirty days thereafter fill such vacancy subject to the confirmation of such appointment by the common council of the city of Buffalo. No one shall be appointed to fill a vacancy of a subdistrict member of the board of education unless he fulfills all of the qualifications in this subdivision to enable him to be a candidate for the office of a member of the board of education from the subdistrict involved.

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

p. The election of members of the board of education of the school district of the city of Buffalo shall take place on ~~[May seventh, nineteen hundred seventy-four]~~ November third, two thousand twenty and on the first Tuesday after the first Monday in ~~[May]~~ November thereafter in

1 each year in which an incumbent's term expires. Such election shall be  
2 conducted by the board of elections of the county of Erie in the same  
3 manner as other elections are conducted by it. [~~Polls shall be open for~~  
4 ~~voting for the hours prescribed by section 8-100 of the election law for~~  
5 ~~primary elections.~~] The results of such elections, after canvassing,  
6 shall be certified and reported by the board of elections to the board  
7 of education of such city. The clerk or other appropriate officer of  
8 the board of education shall within twenty-four hours after receipt of  
9 such certification by the board of elections serve a written notice  
10 either personally or by mail upon each person declared to be elected as  
11 a member of the board of education informing him of his election and the  
12 length of his term.

13 § 3. Notwithstanding any inconsistent provision of law, the term of  
14 every member of the board of education of the city school district of  
15 Buffalo, which term is scheduled to expire on June 30, 2020, is hereby  
16 extended from June thirtieth of the year in which it is scheduled to  
17 expire to December thirty-first of such year. Terms of such members  
18 elected after this act becomes law shall begin on the first day of Janu-  
19 ary and end on the last day of December of the appropriate year.

20 § 4. This act shall take effect immediately.