

# STATE OF NEW YORK

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5287

2019-2020 Regular Sessions

## IN SENATE

April 23, 2019

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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 and the education law, in relation to providing public school districts the authority to decline or change a school building's designation as a polling location

The People of the State of New York, represented in Senate and Assembly, 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 building exempt from taxation shall be used whenever possible as  
5 a polling place if it is situated in the same or a contiguous election  
6 district, and may contain as many distinctly separate polling places as  
7 public convenience may require. The expense, if any, incidental to its  
8 use, shall be paid like the expense of other places of registration and  
9 voting. If a board or body empowered to designate polling places chooses  
10 a public school building for such purpose, the board or agency which  
11 controls such building must make available a room or rooms in such  
12 building which are suitable for registration and voting and which are as  
13 close as possible to a convenient entrance to such building and must  
14 make available any such room or rooms which the board or body designat-  
15 ing such building determines are accessible to physically disabled  
16 voters as provided in subdivision one-a of this section; provided,  
17 however, not later than thirty days after a public school building  
18 receives notice of its designation as a polling place, the board or  
19 agency controlling such building may file a written request for a  
20 cancellation of such designation. Upon receipt of such request, the  
21 board or body empowered to so designate shall cancel such designation.

22 Notwithstanding the provisions of any general, special or local law, if  
23 a board or body empowered to designate polling places chooses a publicly  
24 owned or leased building, other than a public school building, for such

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

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1 purposes the board or body which controls such building must make avail-  
2 able a room or rooms in such building which are suitable for registra-  
3 tion and voting and which are as close as possible to a convenient  
4 entrance to such building, and must make available any such room or  
5 rooms which the board or body designating such building determines are  
6 accessible to physically disabled voters unless, not later than thirty  
7 days after notice of its designation as a polling place, the board or  
8 body controlling such building, files a written request for a cancella-  
9 tion of such designation with the board or body empowered to designate  
10 polling places on such form as shall be provided by the board or body  
11 making such designation. The board or body empowered to so designate  
12 shall, within twenty days after such request is filed, determine whether  
13 the use of such building as a polling place would unreasonably interfere  
14 with the usual activities conducted in such building and upon such  
15 determination, may cancel such designation.

16 § 2. Subdivision 1 of section 2002 of the education law, as amended by  
17 section 5 of part C of chapter 58 of the laws of 1998, is amended to  
18 read as follows:

19 1. The annual meeting and election of each school district shall be  
20 held on the third Tuesday of May in each year, provided, however that  
21 such annual meeting and election shall be held on the second Tuesday in  
22 May if the commissioner at the request of a local school board certifies  
23 no later than March first that such election would conflict with reli-  
24 gious observances. Unless the hour and place thereof shall have been  
25 fixed by a vote of a previous district meeting, the same shall be held  
26 in the schoolhouse at seven-thirty o'clock in the evening in the case of  
27 a school district that is not divided into election districts and  
28 conducts its election or vote by recording the ayes or noes of the qual-  
29 ified voters attending, or, in the case of all other districts, during  
30 at least six consecutive hours after six a.m., two of which hours shall  
31 be after six p.m. as determined by resolution of the trustees or board  
32 of education, provided, however, that the trustees or board of education  
33 of any school district that conducted its annual meeting at seven-thirty  
34 p.m. in nineteen hundred ninety-seven may conduct its annual election  
35 and budget vote at such time in nineteen hundred ninety-eight. If a  
36 district possesses more than one schoolhouse, it shall be held in the  
37 one usually employed for that purpose, unless the trustees or board of  
38 education designate another, provided that if the school district is  
39 divided into election districts such annual meeting and election shall  
40 be held at such place in each election district as the board of educa-  
41 tion may designate. If by resolution of the trustees or board of educa-  
42 tion the district [~~possesses no schoolhouse, or if the schoolhouse shall~~  
43 ~~not be accessible or adequate, then the~~] elects to designate a publicly  
44 accessible location within district boundaries that is not a school  
45 building for purposes of conducting the annual meeting and election,  
46 such annual meeting and election shall be held at such place as the  
47 trustees or board of education, or the clerk, shall designate in the  
48 notice.

49 § 3. Section 2604 of the education law, as amended by chapter 741 of  
50 the laws of 1954, is amended to read as follows:

51 § 2604. Division of city school district into school election  
52 districts; elections held in schoolhouses. The board of education of  
53 each city school district shall adopt a resolution on or before the  
54 first day of April, preceding the first annual school election held  
55 hereunder, dividing the city school district into school election  
56 districts. The city school district shall be so divided that if circum-

stances will permit, school election districts will be coterminous with one or more general election districts, and that, if practicable, there shall be a schoolhouse in each election district. The election districts thus formed shall continue in existence until modified by resolution of the board of education. Such resolution shall accurately describe the boundaries of such election districts by streets, alleys and highways, when practicable. School elections shall be held in such school election districts so far as may be possible in the public schoolhouses therein[~~, If there is no public schoolhouse in a school election district,~~]; provided, however, the board of education [~~shall~~] may by resolution designate [~~the place~~] a publicly accessible alternative location where the election in such district shall be held. Notwithstanding the foregoing provisions of this section, the board of education of any city school district of a city of less than ten thousand inhabitants may, by resolution, designate the entire city school district as a single school district.

§ 4. This act shall take effect immediately.