STATE OF NEW YORK

4802

2021-2022 Regular Sessions

IN ASSEMBLY

February 8, 2021

Introduced by M. of A. SMITH -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to establishing no school shall serve as a polling place

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

Section 1. Subdivision 3 of section 4-104 of the election law, as amended by chapter 694 of the laws of 1989, is amended and a new subdivision 7-a is added to read as follows:

3. A building exempt from taxation shall be used whenever possible as a polling place if it is situated in the same or a contiguous election district, and may contain as many distinctly separate polling places as public convenience may require. The expense, if any, incidental to its use, shall be paid like the expense of other places of registration and voting. [~~If a board or body empowered to designate polling places chooses a public school building for such purpose, the board or agency which controls such building must make available a room or rooms in such building which are suitable for registration and voting and which are as close as possible to a convenient entrance to such building and must make available any such room or rooms which the board or body designating such building determines are accessible to physically disabled voters as provided in subdivision one-a.~~] Notwithstanding the provisions of any general, special or local law, if a board or body empowered to designate polling places chooses a publicly owned or leased building[~~, other than a public school building,~~] for such purposes the board or body which controls such building must make available a room or rooms in such building which are suitable for registration and voting and which are as close as possible to a convenient entrance to such building, and must make available any such room or rooms which the board or body designating such building determines are accessible to physically disabled voters unless, not later than thirty days after notice of its

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

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designation as a polling place, the board or body controlling such building, files a written request for a cancellation of such designation with the board or body empowered to designate polling places on such form as shall be provided by the board or body making such designation. The board or body empowered to so designate shall, within twenty days after such request is filed, determine whether the use of such building as a polling place would unreasonably interfere with the usual activities conducted in such building and upon such determination, may cancel such designation.

7-a. No polling place shall be located on the premises of any public or private elementary or secondary school or a school for preschool children, as that term is defined in paragraph i of subdivision one of section forty-four hundred ten of the education law.

§ 2. This act shall take effect immediately.