STATE OF NEW YORK

5456

2021-2022 Regular Sessions

IN ASSEMBLY

February 16, 2021

Introduced by M. of A. JEAN-PIERRE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to library and school district petitioning; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Subparagraph 1 of paragraph b of subdivision 1 of section 259 of the education law, as amended by chapter 184 of the laws of 2007, is amended to read as follows:

(1) Except as provided in subparagraph two of this paragraph, whenever qualified voters of a municipality, in a number equal to at least ten per centum of the total number of votes cast in such municipality for governor at the last gubernatorial election, shall so petition and the library board of trustees shall endorse, the question of establishing or increasing the amount of funding of the annual contribution for the operating budget of a registered public or free association library by such municipality to a sum specified in said petition, shall be voted on at the next general election of such municipality, provided that due public notice of the proposed action shall have been given. **Except that for the year two thousand twenty-one, the number of qualified voters of a municipality needed to petition for purposes of this subparagraph shall be at least twenty-five.** An increase in library funding provided pursuant to this paragraph shall not apply to a municipal budget adopted prior to the date of such election.

§ 2. Subdivision 8 of section 260 of the education law, as amended by chapter 717 of the laws of 1983, is amended to read as follows:

8. Candidates for the office of trustee of a public library established and supported by a school district shall be nominated by petition which shall meet the requirements of subdivision a of section two thousand eighteen of this chapter, except that such candidates shall be

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

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elected in the manner specified in subdivision b of such section except that the nominating petition filed pursuant to subdivision a or b of such section shall be signed by a least twenty-five qualified voters of the library district, or two percent of the voters who voted in the last previous annual election of members of the library board of trustees, whichever is greater. **Except that for the year two thousand twenty-one, nominating petitions filed by candidates for the office of trustee of a public library established and supported by a school district shall be signed by at least twenty-five qualified voters of the library district.** The provisions of this subdivision shall not apply to a charter granted prior to April thirtieth, nineteen hundred seventy-one that provides for a different procedure.

§ 3. Subdivisions a and c of section 2018 of the education law, subdivision a as amended by chapter 148 of the laws of 1980 and subdivision c as amended by section 22 of part A of chapter 436 of the laws of 1997, are amended to read as follows:

a. In all union free school districts candidates for the office of member of the board of education shall be nominated by petition. Each vacancy upon the board of education to be filled shall be considered a separate specific office. A separate petition shall be required to nominate a candidate to each separate office. Each petition shall be directed to the clerk of the school district, shall be signed by at least twenty-five qualified voters of the district, or two percent of the voters who voted in the [~~previous~~] **two thousand nineteen** annual election of the members of the board of education, whichever is greater, such number to be determined by the number of persons recorded on the poll list as having voted at such election shall state the residence of each signer, shall state the name and residence of the candidate and shall describe the specific vacancy on the board of education for which the candidate is nominated, which description shall include at least the length of the term of office and the name of the last incumbent, if any. In the event that any such nominee shall withdraw his candidacy prior to the election, such person shall not be considered a candidate unless a new petition nominating such person in the same manner and within the same time limitations applicable to other candidates is filed with the clerk of the district. Each petition shall be filed in the office of the clerk of the district between the hours of nine a.m. and five p.m., not later than the thirtieth day preceding the school meeting or election at which the candidates nominated are to be elected. No person shall be nominated by petition for more than one separate office.

c. In all common school districts, candidates for the office of member of the board of trustees shall be nominated by petition. Such petition shall not describe any specific vacancy on the board of trustees. Each petition shall be directed to the clerk of the school district and shall be signed by at least twenty-five qualified voters of the district or two percent of the voters who voted in the [~~previous~~] **two thousand nineteen** annual election of the members of the board of trustees, whichever is greater. Such a petition shall state the residence of each signer, and shall contain the name and residence of the candidate.

§ 4. Subdivision 1 of section 2608 of the education law, as amended by chapter 273 of the laws of 1987, is amended to read as follows:

1. Candidates for members of the board of education in a city school district shall be nominated by petition directed to the board of education and signed by at least [~~one hundred~~] **fifty** persons qualified to vote at school elections in such district. Such petition shall contain the names and residences of the candidates for the vacancies in the

board of education to be filled at the annual election. Where a proposition has been adopted by the voters of such district to require that each vacancy on the board of education to be filled shall be considered a separate specific office, a separate petition shall be required to nominate a candidate to each separate office and such petition shall describe the specific vacancy on the board of education for which the candidate is nominated, which description shall include at least the length of the term of office and the name of the last incumbent, if any. Such petitions shall be filed in the office of the clerk of the board of education between the hours of nine a.m. and five p.m., on or before the twentieth day preceding the day of the annual election. The clerk shall refuse to accept petitions signed by an insufficient number of qualified voters, or petitions which are not timely. If a candidate for whom a nominating petition for the office of member of a board of education has been duly filed withdraws such petition, dies or becomes otherwise ineligible to hold such office at a time which is later than fifteen days before the last day for the filing of nominating petitions as provided in this subdivision, the time for filing nominating petitions for such office shall be extended to five p.m. on the fifteenth day after the date on which the candidate withdrew, died or otherwise became ineligible to hold such office, provided that no such nominating petition may be filed after five p.m. on the seventh day preceding the election.

§ 5. Paragraph (c) of subdivision 9 and subparagraph 1 of paragraph d of subdivision 10 of section 2553 of the education law, paragraph (c) of subdivision 9 as amended by chapter 211 of the laws of 1980 and subparagraph 1 of paragraph d of subdivision 10 as amended by chapter 561 of the laws of 2019, are amended to read as follows:

(c) Such elections for such officers 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 Rochester; provided, however, that each such candidate shall be required to file petitions containing at least [~~one thousand~~] three hundred signatures.

(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. 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~~] three 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~~] three hundred registered voters of the city of Buffalo.

§ 6. This act shall take effect immediately and shall expire December 31, 2021, when upon such date the provisions of this act shall be deemed repealed.