

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:

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 and a new subdivi-
3 sion 7-a is added to read as 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 ~~as 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.] Notwithstanding the provisions~~

17 of any general, special or local law, if a board or body empowered to
18 designate polling places chooses a publicly owned or leased building[~~7~~
19 ~~other than a public school building,~~] for such purposes the board or
20 body which controls such building must make available a room or rooms in
21 such building which are suitable for registration and voting and which
22 are as close as possible to a convenient entrance to such building, and
23 must make available any such room or rooms which the board or body
24 designating such building determines are accessible to physically disa-
25 bled 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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1 designation as a polling place, the board or body controlling such
2 building, files a written request for a cancellation of such designation
3 with the board or body empowered to designate polling places on such
4 form as shall be provided by the board or body making such designation.
5 The board or body empowered to so designate shall, within twenty days
6 after such request is filed, determine whether the use of such building
7 as a polling place would unreasonably interfere with the usual activ-
8 ities conducted in such building and upon such determination, may cancel
9 such designation.

10 7-a. No polling place shall be located on the premises of any public
11 or private elementary or secondary school or a school for preschool
12 children, as that term is defined in paragraph i of subdivision one of
13 section forty-four hundred ten of the education law.

14 § 2. This act shall take effect immediately.