

# 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 Assem-  
bly, do enact as follows:

1 Section 1. Subparagraph 1 of paragraph b of subdivision 1 of section  
2 259 of the education law, as amended by chapter 184 of the laws of 2007,  
3 is amended to read as follows:

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

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

21 8. Candidates for the office of trustee of a public library estab-  
22 lished and supported by a school district shall be nominated by petition  
23 which shall meet the requirements of subdivision a of section two thou-  
24 sand 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.

LBD09470-02-1

1 elected in the manner specified in subdivision b of such section except  
2 that the nominating petition filed pursuant to subdivision a or b of  
3 such section shall be signed by a least twenty-five qualified voters of  
4 the library district, or two percent of the voters who voted in the last  
5 previous annual election of members of the library board of trustees,  
6 whichever is greater. Except that for the year two thousand twenty-one,  
7 nominating petitions filed by candidates for the office of trustee of a  
8 public library established and supported by a school district shall be  
9 signed by at least twenty-five qualified voters of the library district.

10 The provisions of this subdivision shall not apply to a charter granted  
11 prior to April thirtieth, nineteen hundred seventy-one that provides for  
12 a different procedure.

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

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

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

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

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

1 board of education to be filled at the annual election. Where a propo-  
2 sition has been adopted by the voters of such district to require that  
3 each vacancy on the board of education to be filled shall be considered  
4 a separate specific office, a separate petition shall be required to  
5 nominate a candidate to each separate office and such petition shall  
6 describe the specific vacancy on the board of education for which the  
7 candidate is nominated, which description shall include at least the  
8 length of the term of office and the name of the last incumbent, if any.  
9 Such petitions shall be filed in the office of the clerk of the board of  
10 education between the hours of nine a.m. and five p.m., on or before the  
11 twentieth day preceding the day of the annual election. The clerk shall  
12 refuse to accept petitions signed by an insufficient number of qualified  
13 voters, or petitions which are not timely. If a candidate for whom a  
14 nominating petition for the office of member of a board of education has  
15 been duly filed withdraws such petition, dies or becomes otherwise inel-  
16 ible to hold such office at a time which is later than fifteen days  
17 before the last day for the filing of nominating petitions as provided  
18 in this subdivision, the time for filing nominating petitions for such  
19 office shall be extended to five p.m. on the fifteenth day after the  
20 date on which the candidate withdrew, died or otherwise became ineligi-  
21 ble to hold such office, provided that no such nominating petition may  
22 be filed after five p.m. on the seventh day preceding the election.

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

28 (c) Such elections for such officers shall be governed by the  
29 provisions of the election law in the same manner as candidates for  
30 office generally to be elected by the voters of the city of Rochester;  
31 provided, however, that each such candidate shall be required to file  
32 petitions containing at least [~~one thousand~~] three hundred signatures.

33 (1) Such election for such office shall be governed by the provisions  
34 of the election law in the same manner as candidates for office general-  
35 ly to be elected by the voters of the city of Buffalo. Notwithstanding  
36 section 6-142 of the election law, each such candidate for election as a  
37 member of the board of education from a city school subdistrict shall be  
38 required to file a petition containing signatures of at least [~~five~~  
39 hundred] three hundred registered voters of such city school subdistrict  
40 in which he is a candidate and each candidate for election to the board  
41 of education by the voters at large shall be required to file a petition  
42 containing the signatures of at least [~~one thousand~~] three hundred  
43 registered voters of the city of Buffalo.

44 § 6. This act shall take effect immediately and shall expire December  
45 31, 2021, when upon such date the provisions of this act shall be deemed  
46 repealed.