STATE OF NEW YORK

4853

2021-2022 Regular Sessions

IN SENATE

February 16, 2021

Introduced by Sen. REICHLIN-MELNICK -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend 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:

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

1. The annual meeting and election of each school district shall be held on the third Tuesday of May in each year, provided, however that such annual meeting and election shall be held on the second Tuesday in May if the commissioner at the request of a local school board certifies no later than March first that such election would conflict with religious observances. Unless the hour and place thereof shall have been fixed by a vote of a previous district meeting, the same shall be held in the schoolhouse at seven-thirty o'clock in the evening in the case of a school district that is not divided into election districts and conducts its election or vote by recording the ayes or noes of the qualified voters attending, or, in the case of all other districts, during at least six consecutive hours after six a.m., two of which hours shall be after six p.m. as determined by resolution of the trustees or board of education, provided, however, that the trustees or board of education of any school district that conducted its annual meeting at seven-thirty p.m. in nineteen hundred ninety-seven may conduct its annual election and budget vote at such time in nineteen hundred ninety-eight. If a district possesses more than one schoolhouse, it shall be held in the one usually employed for that purpose, unless the trustees or board of education designate another, provided that if the school district is divided into election districts such annual meeting and election shall

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

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be held at such place in each election district as the board of education may designate. If by resolution of the trustees or board of education the district [~~possesses no schoolhouse, or if the schoolhouse shall not be accessible or adequate, then the~~] elects to designate a publicly accessible location within district boundaries that is not a school building for purposes of conducting the annual meeting and election, such annual meeting and election shall be held at such place as the trustees or board of education, or the clerk, shall designate in the notice.

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

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

§ 3. This act shall take effect immediately.