STATE OF NEW YORK

2338

2023-2024 Regular Sessions

IN ASSEMBLY

January 25, 2023

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

AN ACT to amend the election law, in relation to exempting certain public school buildings from being designated as early polling locations

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

Section 1. Subdivision 2 of section 8-600 of the election law is amended by adding a new paragraph (i) to read as follows:

(i) No public school building with instructional space shall be designated as an early polling location.

§ 2. Subdivision 3 of section 4-104 of the election law, as amended by chapter 694 of the laws of 1989, is amended 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 this subdivision, no board or body empowered to designate polling places shall designate a public school building with instructional space as an early polling location, and if such board or body designates a public school building that does not have instructional space as an early polling location, the superintendent of such school district may**

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

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decline such designation. 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 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.

§ 3. This act shall take effect immediately.