STATE OF NEW YORK

6828--B

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. McDONALD, GUNTHER -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to empowering the commissioner of education to declare a disaster has substantially impacted a school board or school budget election and to allow school boards to set an additional day for voting

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

Section 1. The education law is amended by adding a new section 2022-a to read as follows:

§ 2022-a. Disaster; additional day for voting. 1. Upon request of a school district, or upon the determination of the commissioner, the commissioner may provide for an additional day of voting for the annual meeting and election if they determine that less than eight percent of qualified voters voted as a direct consequence of a disaster. For the purposes of this section, "disaster" shall include events such as a fire, earthquake, tornado, explosion, power failure, act of sabotage, enemy attack or other event that results in substantial damage to property or the possible or actual loss of life. The procedures applicable to a school's annual meeting and election shall thereafter be followed as far as applicable and practicable.

2. Such additional day of voting shall be held between seven and fourteen days after the original annual meeting and election, provided that when the commissioner determines it would not be feasible to hold the additional day of voting within fourteen days, they may authorize the district to schedule such additional day of voting as soon as may be feasible; provided, further, that where a disaster occurs on the date of

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

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a school budget revote pursuant to either section two thousand twenty-three-a or two thousand seven of this part, the district shall hold an additional day of voting no sooner than five days after the school budget revote, but no later than the last day of the month of June. The board of education shall determine the hours during which the polls shall remain open on such additional day for voting; provided, however, that in any event the polls shall remain open for not less than eleven hours.

3. The commissioner shall notify the board of education and county board of elections of such date. The clerk of the school district shall publish notice of the date of the additional day of voting not less than twice in each week preceding the date for the additional day for voting, in two newspapers having general circulation within such district if there are two, or in one newspaper if there is only one and notify all qualified voters by mail. Such notice shall also direct attention to any change of polling places, the original notice of disaster determination from the commissioner, and contain such other and additional information as in the judgment of the board of education shall be necessary and proper. The notice of the date of the additional day of voting shall be made available on the school district's website, if one exists.

4. Official ballots shall be provided at public expense at each polling place for such additional day of voting. In any election district in which voting machines were used upon the original day of voting, they shall be used for the additional day for voting. The original seal on such machines shall not be removed nor shall the machines be unlocked until the opening of the polls on the additional day for voting and the board of elections shall provide an additional seal to be used as soon as the polls are closed on such day. County boards of elections which have provided voting machines to school districts for original days of voting shall continue to provide such voting machines until the additional day of voting is complete.

5. Only those persons qualified to vote upon the original date of the school district's annual meeting and election who did not vote on such date shall be entitled to vote on the additional day for voting. Voting on the additional day provided for in this section shall be accomplished solely by physically appearing at the polling place, and nothing contained in this section shall be construed to extend the time set by law for casting or canvassing an absentee, military, or special ballot; provided, however, that nothing contained herein shall be deemed to invalidate any absentee, military, or special ballot duly received on the original date of the annual meeting and election.

§ 2. This act shall take effect July 1, 2025.