STATE OF NEW YORK

6846

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing deadlines for finalizing and objecting to nominating petitions for small city school board elections

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

Section 1. Subdivisions 1 and 2 of section 2608 of the education law, subdivision 1 as amended by chapter 273 of the laws of 1987 and subdivision 2 as amended by chapter 502 of the laws of 1974, are amended to read as follows:

1. Candidates for members of the board of education in a city school district shall be nominated by petition directed to the board of education and signed by at least one hundred persons qualified to vote at school elections in such district. Such petition shall contain the names and residences of the candidates for the vacancies in the board of education to be filled at the annual election. Where a proposition has been adopted by the voters of such district to require that each vacancy on the board of education to be filled shall be considered a separate specific office, a separate petition shall be required to nominate a candidate to each separate office and such petition shall describe the specific vacancy on the board of education for which the candidate is nominated, which description shall include at least the length of the term of office and the name of the last incumbent, if any. Such petitions shall be filed in the office of the clerk of the board of education between the hours of nine a.m. and five p.m., on or before the [~~twentieth~~] **thirtieth** day preceding the day of the annual election. The clerk shall refuse to accept petitions signed by an insufficient number of qualified voters, or petitions which are not timely. **Beginning on the following day, and for a five-day period thereafter, qualified voters of the district may object to the placement of one or more names on the**

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

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ballot, on the following bases: insufficient number of signatures; signatories who are not qualified to vote in such election; insufficient candidate information; or failing to file before the deadline. The board shall then have five days to examine each objection and determine whether to remove the names of one or more candidates from the ballot. The clerk of the board of education shall finalize the ballot on the twentieth day preceding the day of the annual election, in accordance with subdivision two of this section, after the board has examined and decided on all objections. If a candidate for whom a nominating petition for the office of member of a board of education has been duly filed withdraws such petition, dies or becomes otherwise ineligible to hold such office at a time which is later than fifteen days before the last day for the filing of nominating petitions as provided in this subdivision, the time for filing nominating petitions for such office shall be extended to five p.m. on the fifteenth day after the date on which the candidate withdrew, died or otherwise became ineligible to hold such office, provided that no such nominating petition may be filed after five p.m. on the seventh day preceding the election.

2. The board of education shall cause to be printed official ballots containing the names of all candidates as above provided, except that the board may refuse to have the names of ineligible candidates placed on such ballots. The names of the candidates shall be [~~arranged~~] **listed** in the order as determined by the drawing by lot in accordance with the provisions of paragraph b of subdivision two of section two thousand thirty-two of this [~~law~~] **title**. **Such drawing shall be conducted by the clerk of the board of education and shall be held on the twentieth day preceding the day of the annual election.** Blank spaces shall be provided so that voters may vote for candidates who have not been nominated for the offices to be filled at such elections. The form of such ballots shall conform substantially to the form of ballots used at general elections as prescribed in the election law. Such ballots shall be printed at the expense of the city school district.

§ 2. Paragraph b of subdivision 2 of section 2032 of the education law, as amended by chapter 502 of the laws of 1974, is amended to read as follows:

b. The names of all candidates for each separate specific office shall be grouped together and at the top of each group shall be placed a description of the separate specific office for which such candidates are nominated, which description shall include at least the length of the term of office and the name of the last incumbent, if any, and in addition a direction that only one vote may be cast in each separate group. The names of the candidates for each separate specific office shall be listed in the order as determined by a drawing by lot. [~~Such~~] **Except for districts subject to the procedures in subdivision two of section two thousand six hundred eight of this title, such** drawing shall be conducted by the clerk of the board of education and shall be held the day after the last possible date for candidates to file a petition. In the event that any candidate is not present in person or by a person designated in a written proxy to accomplish the drawing, the district clerk shall be authorized to act as proxy. In any district where a proposition has been adopted pursuant to [~~paragraph~~] **subdivision** b of section two thousand eighteen **of this title**, the names of all candidates for vacancies upon the board of education shall be arranged according to lot as prescribed in this section, and a direction shall be made that as many candidates may be voted for as there are vacancies to be filled.

§ 3. This act shall take effect July 1, 2023.