

# 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:

1 Section 1. Subdivisions 1 and 2 of section 2608 of the education law,  
2 subdivision 1 as amended by chapter 273 of the laws of 1987 and subdivi-  
3 sion 2 as amended by chapter 502 of the laws of 1974, are amended to  
4 read as follows:  
5 1. Candidates for members of the board of education in a city school  
6 district shall be nominated by petition directed to the board of educa-  
7 tion and signed by at least one hundred persons qualified to vote at  
8 school elections in such district. Such petition shall contain the names  
9 and residences of the candidates for the vacancies in the board of  
10 education to be filled at the annual election. Where a proposition has  
11 been adopted by the voters of such district to require that each vacancy  
12 on the board of education to be filled shall be considered a separate  
13 specific office, a separate petition shall be required to nominate a  
14 candidate to each separate office and such petition shall describe the  
15 specific vacancy on the board of education for which the candidate is  
16 nominated, which description shall include at least the length of the  
17 term of office and the name of the last incumbent, if any. Such  
18 petitions shall be filed in the office of the clerk of the board of  
19 education between the hours of nine a.m. and five p.m., on or before the  
20 [~~twentieth~~] thirtieth day preceding the day of the annual election. The  
21 clerk shall refuse to accept petitions signed by an insufficient number  
22 of qualified voters, or petitions which are not timely. Beginning on the  
23 following day, and for a five-day period thereafter, qualified voters of  
24 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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1 ballot, on the following bases: insufficient number of signatures;  
2 signatories who are not qualified to vote in such election; insufficient  
3 candidate information; or failing to file before the deadline. The board  
4 shall then have five days to examine each objection and determine wheth-  
5 er to remove the names of one or more candidates from the ballot. The  
6 clerk of the board of education shall finalize the ballot on the twenti-  
7 eth day preceding the day of the annual election, in accordance with  
8 subdivision two of this section, after the board has examined and  
9 decided on all objections. If a candidate for whom a nominating petition  
10 for the office of member of a board of education has been duly filed  
11 withdraws such petition, dies or becomes otherwise ineligible to hold  
12 such office at a time which is later than fifteen days before the last  
13 day for the filing of nominating petitions as provided in this subdivi-  
14 sion, the time for filing nominating petitions for such office shall be  
15 extended to five p.m. on the fifteenth day after the date on which the  
16 candidate withdrew, died or otherwise became ineligible to hold such  
17 office, provided that no such nominating petition may be filed after  
18 five p.m. on the seventh day preceding the election.

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

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

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

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