STATE OF NEW YORK

4469

2023-2024 Regular Sessions

IN SENATE

February 9, 2023

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to the use of school buildings as polling sites

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

Section 1. 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 **and shall provide a space that is not easily accessible to areas of the building where instructional activities are taking place, if such a space cannot be provided that meets such criteria, the board or agency which controls such building shall cancel in-person instructional activities during the operating hours of such poll site**. 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

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

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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.

§ 2. This act shall take effect immediately.