STATE OF NEW YORK

2739

2023-2024 Regular Sessions

IN ASSEMBLY

January 27, 2023

Introduced by M. of A. PAULIN, BURDICK, SIMON -- read once and referred to the Committee on Education

AN ACT to amend the education law and the election law, in relation to extending the right to vote in school district elections to qualified persons who are sixteen years of age; and to repeal certain provisions of the election law in relation thereto

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

Section 1. Subdivision 2 and the closing paragraph of section 2012 of the education law, subdivision 2 as amended by chapter 115 of the laws of 1973, and the closing paragraph as amended by chapter 919 of the laws of 1974, are amended to read as follows:

2. [~~Eighteen~~] **Sixteen** years of age.

5. No person shall be deemed to be ineligible to vote at any such meeting or election, by reason of sex, who has the other qualifications required by this section; and notwithstanding the foregoing provisions of this section, no Indian [~~eighteen~~] **sixteen** years of age or over who, having been born in the United States to a member of an Indian tribe, or having been naturalized or otherwise acquired citizenship, shall have resided on an Indian reservation in the state for a period of thirty days next preceding the meeting or election at which he offers to vote or the spouse of such Indian shall be deemed ineligible to vote at any such meeting or election of the school district where the majority, as determined by the commissioner, of the Indian children of such reservation are being educated under a contract pursuant to subdivision two of section forty-one hundred one of this chapter, except that the parents or guardians of Indian children of such reservation who are being educated in the schools of a district other than the district which educates the majority of such children, shall be eligible to vote only in the district where their children are being so educated.

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

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§ 2. Subdivision 2 of section 2603 of the education law, as amended by chapter 115 of the laws of 1973, is amended to read as follows:

2. [~~Eighteen~~] **Sixteen** years of age.

§ 3. Paragraph b of subdivision 5 of section 2018-a of the education law, as amended by section 8 of part LL of section 56 of the laws of 2010, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I am a citizen of the United States, and will be at least [~~eighteen~~] **sixteen** years of age, on the date of the school district election; that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said election and duly registered in the school district and school election district, if any, shown on the reverse side of this envelope and that I am or on such date will be, a qualified voter of said school district; that I will be unable to appear personally on the day of said school district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this school district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this school district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....Signature of Voter .....

§ 4. Subparagraphs 1 and 2 of paragraph a of subdivision 2 of section 2018-b of the education law, as amended by chapter 60 of the laws of 2021, are amended to read as follows:

(1) [~~his~~] **the applicant's** name and residence address, including the street and number, if any, or town and rural delivery route, if any; (2) that [~~he~~] **the applicant** is or will be, on the day of the school district election, a qualified voter of the school district in which [~~he~~] **such applicant** resides in**,** that [~~he~~] **the applicant** is or will be, on such date, over [~~eighteen~~] **sixteen** years of age, a citizen of the United States and has or will have resided in the district for thirty days next preceding such date;

§ 5. Subparagraphs 1 and 2 of paragraph a of subdivision 2 of section 2018-b of the education law, as amended by chapter 46 of the laws of 1992, are amended to read as follows:

(1) [~~his~~] **the applicant's** name and residence address, including the street and number, if any, or town and rural delivery route, if any; (2) that [~~he~~] **the applicant** is or will be, on the day of the school district election, a qualified voter of the school district in which [~~he~~] **such applicant** resides in**,** that [~~he~~] **the applicant** is or will be, on such date, over [~~eighteen~~] **sixteen** years of age, a citizen of the United States and has or will have resided in the district for thirty days next preceding such date;

§ 6. Paragraph b of subdivision 6 of section 2018-b of the education law, as amended by section 9 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I am a citizen of the United States, and will be at least [~~eighteen~~] **sixteen** years of age on the date of the school district election; that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said election and that I am or on such date will be, a qualified voter of said school district; that I will be unable to appear personally on the day of said school district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this school district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this school district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or have received a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law removing my disability to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....Signature of Voter .....

§ 7. Subparagraph 2 of paragraph c of subdivision 2 of section 1951 of the education law, as amended by chapter 919 of the laws of 1974, is amended to read as follows:

(2) [~~Eighteen~~] **Sixteen** years of age.

§ 8. Paragraph s of subdivision 2 of section 1951 of the education law, as amended by chapter 60 of the laws of 2021, is amended to read as follows:

s. The board of cooperative educational services shall provide absentee ballots to qualified voters. The commissioner shall adopt regulations for the purposes of implementing the provisions of this paragraph which shall include, but not be limited to, creating the procedure for which such absentee ballots shall be submitted; providing that such absentee ballots shall be, as nearly as practicable, in the same form as those voted at the district election; requiring that any absentee ballot applicant is or will be, on the day of the vote, a qualified voter of the board of cooperative educational services and that he or she will be on such date over [~~eighteen~~] **sixteen** years of age, a citizen of the United States and has or will have resided in said district for thirty days next preceding such date; and providing instructions as to the proper marking thereof. For purposes of this paragraph, qualified voters of a board of cooperative educational services may request an absentee ballot subject to the conditions set forth in paragraph a of subdivision two of section two thousand eighteen-b of this title.

§ 9. Paragraph s of subdivision 2 of section 1951 of the education law, as amended by chapter 722 of the laws of 2005, is amended to read as follows:

s. The board of cooperative educational services shall provide absentee ballots to qualified voters. The commissioner shall adopt regulations for the purposes of implementing the provisions of this paragraph which shall include, but not be limited to, creating the procedure for which such absentee ballots shall be submitted; providing that such absentee ballots shall be, as nearly as practicable, in the same form as those voted at the district election; requiring that any absentee ballot applicant is or will be, on the day of the vote, a qualified voter of the board of cooperative educational services and that he or she will be on such date over [~~eighteen~~] **sixteen** years of age, a citizen of the United States and has or will have resided in said district for thirty days next preceding such date; and providing instructions as to the proper marking thereof.

§ 10. Subdivision 5 of section 2609 of the education law, as amended by chapter 919 of the laws of 1974, is amended to read as follows:

5. Any qualified voter of a city school district may challenge the right of a person to vote at the time when he requests a ballot. All persons named upon the applicable register as having been challenged prior to the day of the election shall also be challenged before they are given ballots to vote. The chairman of the board of inspectors shall administer to each person so challenged the following oath: "I do solemnly swear (or affirm) that I am a citizen of the United States; that I am of the age of [~~eighteen~~] **sixteen** years or more; that I have been an inhabitant of the State for the past year, a resident of the county for the past four months and for the thirty days past an actual resident of this city school district and am therefore qualified to vote at this election." If the person challenged so swears or affirms, he shall be permitted to vote at such election; but if he shall refuse to so swear or affirm, he shall not be given a ballot or be permitted to vote.

§ 11. Section 5-102 of the election law is amended by adding a new subdivision 3 to read as follows:

3. The provisions of subdivision one of this section with respect to the age requirement for purposes of qualifying to vote shall not apply

to any school district meeting or school district election, and nothing in this section or any other provision of this chapter shall be construed to prohibit a person sixteen years of age or older who is qualified to vote in a school district meeting or school district election.

§ 12. Paragraph (g) of subdivision 5 of section 5-210 of the election law is REPEALED and two new paragraphs (g) and (g-1) are added to read as follows:

(g) Notice that the applicant must be:

(i) A citizen of the United States;

(ii) At least sixteen years of age at the time the application is submitted or will be sixteen years of age no later than December thirty-first of the calendar year in which such application is submitted; and

(iii) A resident of the county or city to which such application is made.

(g-1) Notice that such application to register to vote will be effective:

(i) For school district elections occurring on or after the applicant turns sixteen years of age in the school district in which the applicant resides; and

(ii) For all other federal, state and local elections occurring on or after the applicant turns eighteen years of age in the applicable election district in which the applicant resides.

§ 13. Paragraph p of subdivision 4 of section 5-500 of the election law is REPEALED and a new paragraph p is added to read as follows:

p. A space for pre-registering applicants to respond to the following questions:

(i) "Are you at least 16 years of age or will you be sixteen years of age on or before December 31 of this year?"

(ii) "Do you understand that you must be 16 years of age on or before election day to vote in school district elections or meetings, and that you will be unable to cast a ballot in a school district election until you are 16 years of age or older at the time of such election, and that until you are 16 years of age, your application for registration will be marked "pending", and that after you turn 16 and until you are 18 years of age, your registration will entitle you to vote only in school district elections in the school district where you reside?"

(iii) "Do you understand that you must be 18 years of age on or before election day to vote in all other elections, including federal, state and local elections other than school district elections, and that you will be unable to cast a ballot in any such federal, state or local election until you are 18 years of age at the time of such election, your registration status will be marked "school district only?"

§ 14. This act shall take effect on the same date as a concurrent resolution amending the constitution, entitled "CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing amendments to section 1 of article 2 of the constitution, in relation to the voting age in school district elections"; provided, however, that:

(a) The amendments to paragraph a of subdivision 2 of section 2018-b of the education law made by section four of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 4 of chapter 60 of the laws of 2021, as amended, when upon such date the provisions of section five of this act shall take effect; and, provided further, that

(b) The amendments to paragraph s of subdivision 2 of section 1951 of the education law made by section eight of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 4 of chapter 60 of the laws of 2021, as amended, when upon such date the provisions of section nine of this act shall take effect.