STATE OF NEW YORK

5271

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

Introduced by M. of A. NORRIS -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to authorizing public school buildings to reject a designation as a polling place

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 **board or body empowered to designate polling places shall designate any public building as a polling place to the extent practicable. If additional polling places shall be needed, 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 **of this section; provided, however, not later than forty-five days after a public school building receives notice of its designation as a polling place, the board or agency which controls such building may file a certified resolution rejecting such designation, upon adoption of a resolution following a public hearing, with such board or body empowered to designate polling places. Notwithstanding the provisions of any general, special, or local law, a board or agency**

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

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which controls a public school building, upon adoption of a resolution following a public hearing, may notify a board or body empowered to designate polling places by an affirmative certified resolution that a certain public school building shall not be designated as a polling place. 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 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. Paragraph (a) of subdivision 2 of section 8-600 of the election law, as amended by chapter 781 of the laws of 2021, is amended to read as follows:

(a) The board of elections shall designate polling places for early voting, which may include the offices of the board of elections, for persons to vote early pursuant to this title. **Provided, however, should the board of elections designate a public school building as a polling place for early voting, the board or agency which controls such building may file a certified resolution rejecting such designation, upon adoption of a resolution following a public hearing, with the board of elections within forty-five days of receiving notice of its designation as an early voting polling place. Notwithstanding the provisions of any general, special, or local law, a board or agency which controls a public school building, upon adoption of a resolution following a public hearing, may notify a board or body empowered to designate early voting polling places by an affirmative certified resolution that a certain public school building shall not be designated as an early voting polling place.**

§ 3. This act shall take effect immediately.