

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:

1 Section 1. Subdivision 3 of section 4-104 of the election law, as
2 amended by chapter 694 of the laws of 1989, is amended to read as
3 follows:

4 3. A board or body empowered to designate polling places shall designate any public building as a polling place to the extent practicable.
5 If additional polling places shall be needed, a building exempt from
6 taxation shall be used whenever possible [~~as a polling place~~], if it is
7 situated in the same or a contiguous election district, and may contain
8 as many distinctly separate polling places as public convenience may
9 require. The expense, if any, incidental to its use, shall be paid like
10 the expense of other places of registration and voting. If a board or
11 body empowered to designate polling places chooses a public school
12 building for such purpose, the board or agency which controls such
13 building must make available a room or rooms in such building which are
14 suitable for registration and voting and which are as close as possible
15 to a convenient entrance to such building and must make available any
16 such room or rooms which the board or body designating such building
17 determines are accessible to physically disabled voters as provided in
18 subdivision one-a of this section; provided, however, not later than
19 forty-five days after a public school building receives notice of its
20 designation as a polling place, the board or agency which controls such
21 building may file a certified resolution rejecting such designation,
22 upon adoption of a resolution following a public hearing, with such
23 board or body empowered to designate polling places. Notwithstanding the
24 provisions of any general, special, or local law, a board or agency
25

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

LBD09518-03-3

1 which controls a public school building, upon adoption of a resolution
2 following a public hearing, may notify a board or body empowered to
3 designate polling places by an affirmative certified resolution that a
4 certain public school building shall not be designated as a polling
5 place. Notwithstanding the provisions of any general, special or local
6 law, if a board or body empowered to designate polling places chooses a
7 publicly owned or leased building, other than a public school building,
8 for such purposes the board or body which controls such building must
9 make available a room or rooms in such building which are suitable for
10 registration and voting and which are as close as possible to a conven-
11 ient entrance to such building, and must make available any such room or
12 rooms which the board or body designating such building determines are
13 accessible to physically disabled voters unless, not later than thirty
14 days after notice of its designation as a polling place, the board or
15 body controlling such building, files a written request for a cancella-
16 tion of such designation with the board or body empowered to designate
17 polling places on such form as shall be provided by the board or body
18 making such designation. The board or body empowered to so designate
19 shall, within twenty days after such request is filed, determine whether
20 the use of such building as a polling place would unreasonably interfere
21 with the usual activities conducted in such building and upon such
22 determination, may cancel such designation.

23 § 2. Paragraph (a) of subdivision 2 of section 8-600 of the election
24 law, as amended by chapter 781 of the laws of 2021, is amended to read
25 as follows:

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

41 § 3. This act shall take effect immediately.