STATE OF NEW YORK

6828--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. McDONALD, GUNTHER -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to empowering the commissioner of education to declare a disaster has substantially impacted a school board or school budget election and to allow school boards to set an additional day for voting

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

Section 1. The education law is amended by adding a new section 2022-a to read as follows:

§ 2022-a. Disaster; additional day for voting. 1. Upon request of a school district, or upon the determination of the commissioner, the commissioner may provide for an additional day of voting for any school board or school budget election if they determine that less than eight percent of registered voters cast ballots as a direct consequence of a disaster. For the purposes of this section, "disaster" shall include events such as a fire, earthquake, tornado, explosion, power failure, act of sabotage, enemy attack or other event that results in substantial damage to property or the possible or actual loss of life. The procedures applicable to a school election shall thereafter be followed as far as applicable and practicable.

2. Such additional day of voting shall be held between seven and fourteen days after the original election date, provided that when the commissioner determines it would not be feasible to hold the additional day of voting within fourteen days, they may authorize the district to schedule such additional day of voting as soon as may be feasible; provided, further, that where a disaster occurs on the date of a resubmission of the budget to voters pursuant to either section two thousand

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

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twenty-three-a or two thousand seven of this part, the district shall hold an additional day of voting no sooner than five days after the resubmission vote, but no later than the last day of the month of June. The commissioner shall notify the board of education and county board of elections of such date.

3. Official ballots shall be provided at public expense, pursuant to subdivision eighteen of section thirty-six hundred forty-one of this chapter, at each polling place for such additional day of voting. In any election district in which voting machines were used upon the original day of voting, they shall be used for the additional day for voting. The original seal on such machines shall not be removed nor shall the machines be unlocked until the opening of the polls on the additional day for voting and the board of elections shall provide an additional seal to be used as soon as the polls are closed on such day. County boards of elections which have provided voting machines to school districts for original days of voting shall continue to provide such voting machines until the additional day of voting is complete.

4. Only those persons qualified to vote upon the original date of the school district election who did not vote on such date shall be entitled to vote on the additional day for voting. Voting on the additional day provided for in this section shall be accomplished solely by physically appearing at the polling place, and nothing contained in this section shall be construed to extend the time set by law for casting or canvassing an absentee, military, or special ballot; provided, however, that nothing contained herein shall be deemed to invalidate any absentee, military, or special ballot duly received on the original date of the general election.

§ 2. Section 3641 of the education law is amended by adding a new subdivision 18 to read as follows:

18. School election disaster fund. a. For the purpose of this subdivision: (1) The term "eligible school district" shall mean a common, union free, central, central high school, or city school district that has conducted an additional day of voting following a disaster determination by the commissioner pursuant to section two thousand twenty-two-a of this chapter.

(2) The term "all actual costs associated with administering an additional day of elections" shall mean all costs borne by eligible districts directly associated with administering an additional day of voting, including: (i) wages for poll workers and other staff associated with the additional day of voting, (ii) postage, printing, and mailing costs to provide notice of the date of the additional election day to eligible voters, (iii) costs of publishing notice in one or more newspapers of the date of the additional election day, (iv) costs of transporting voters to polling locations on the additional day of voting, (v) costs associated with maintaining a polling place for the additional time, (vi) costs for addressing damage to polling locations caused by the disaster, (vii) rental and other costs due to the additional time of maintaining the voting machine, (viii) necessary purchase of voting machines due to damage done to other voting machines as a result of the disaster, (ix) printing and furnishing of ballots for the additional day of voting, (x) all other costs as the commissioner shall deem appropriate.

b. Within the amount appropriated for such purpose, subject to a request for funds developed by the commissioner and approved by the director of the budget, the commissioner shall disburse monies to eligible school districts from the school election disaster fund pursuant to

this subdivision, beginning in the two thousand twenty-four--two thousand twenty-five school year, to reimburse eligible school districts for all actual costs associated with administering an additional day of elections.

(1) For a three-month period following their day of additional voting, eligible school districts may submit an application to the commissioner, in a form and manner prescribed by the commissioner, to request funding pursuant to this subdivision. The commissioner may determine that, as the direct consequence of the disaster for which the commissioner issued a disaster determination pursuant to section two thousand twenty-two-a of this chapter, that an eligible school district's ability to make a filing with respect to this subdivision is substantially impaired. Upon making such a finding, the commissioner shall extend for a reasonable time the period for making such filing.

(2) The commissioner shall make available such application on or before May fifteenth of the preceding school year.

(3) Monies from the school election disaster fund shall be allocated upon approval of applications by the commissioner.

(4) Applications submitted by eligible school districts shall include information required by the commissioner, including a showing of all actual costs associated with administering an additional day of elections.

(5) Notwithstanding any other provision of law to the contrary, disbursements pursuant to this subdivision shall be in addition to, and in no way shall replace, reduce, or alter any other funds, aid, grants, or other monies received by eligible school districts from the state, including for the purposes of foundation aid.

§ 3. This act shall take effect immediately.