

STATE OF NEW YORK

6828--B

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 -- again reported from said committee with amendments, 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:

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

3 § 2022-a. Disaster; additional day for voting. 1. Upon request of a
4 school district, or upon the determination of the commissioner, the
5 commissioner may provide for an additional day of voting for the annual
6 meeting and election if they determine that less than eight percent of
7 qualified voters voted as a direct consequence of a disaster. For the
8 purposes of this section, "disaster" shall include events such as a
9 fire, earthquake, tornado, explosion, power failure, act of sabotage,
10 enemy attack or other event that results in substantial damage to prop-
11 erty or the possible or actual loss of life. The procedures applicable
12 to a school's annual meeting and election shall thereafter be followed
13 as far as applicable and practicable.

14 2. Such additional day of voting shall be held between seven and four-
15 teen days after the original annual meeting and election, provided that
16 when the commissioner determines it would not be feasible to hold the
17 additional day of voting within fourteen days, they may authorize the
18 district to schedule such additional day of voting as soon as may be
19 feasible; provided, further, that where a disaster occurs on the date of

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

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1 a school budget revote pursuant to either section two thousand twenty-
2 three-a or two thousand seven of this part, the district shall hold an
3 additional day of voting no sooner than five days after the school budg-
4 et revote, but no later than the last day of the month of June. The
5 board of education shall determine the hours during which the polls
6 shall remain open on such additional day for voting; provided, however,
7 that in any event the polls shall remain open for not less than eleven
8 hours.

9 3. The commissioner shall notify the board of education and county
10 board of elections of such date. The clerk of the school district shall
11 publish notice of the date of the additional day of voting not less than
12 twice in each week preceding the date for the additional day for voting,
13 in two newspapers having general circulation within such district if
14 there are two, or in one newspaper if there is only one and notify all
15 qualified voters by mail. Such notice shall also direct attention to any
16 change of polling places, the original notice of disaster determination
17 from the commissioner, and contain such other and additional information
18 as in the judgment of the board of education shall be necessary and
19 proper. The notice of the date of the additional day of voting shall be
20 made available on the school district's website, if one exists.

21 4. Official ballots shall be provided at public expense at each poll-
22 ing place for such additional day of voting. In any election district in
23 which voting machines were used upon the original day of voting, they
24 shall be used for the additional day for voting. The original seal on
25 such machines shall not be removed nor shall the machines be unlocked
26 until the opening of the polls on the additional day for voting and the
27 board of elections shall provide an additional seal to be used as soon
28 as the polls are closed on such day. County boards of elections which
29 have provided voting machines to school districts for original days of
30 voting shall continue to provide such voting machines until the addi-
31 tional day of voting is complete.

32 5. Only those persons qualified to vote upon the original date of the
33 school district's annual meeting and election who did not vote on such
34 date shall be entitled to vote on the additional day for voting. Voting
35 on the additional day provided for in this section shall be accomplished
36 solely by physically appearing at the polling place, and nothing
37 contained in this section shall be construed to extend the time set by
38 law for casting or canvassing an absentee, military, or special ballot;
39 provided, however, that nothing contained herein shall be deemed to
40 invalidate any absentee, military, or special ballot duly received on
41 the original date of the annual meeting and election.

42 § 2. This act shall take effect July 1, 2025.