

# STATE OF NEW YORK

4469

2023-2024 Regular Sessions

## IN SENATE

February 9, 2023

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to the use of school buildings as polling sites

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 building exempt from taxation shall be used whenever possible as  
5 a polling place if it is situated in the same or a contiguous election  
6 district, and may contain as many distinctly separate polling places as  
7 public convenience may require. The expense, if any, incidental to its  
8 use, shall be paid like the expense of other places of registration and  
9 voting. If a board or body empowered to designate polling places chooses  
10 a public school building for such purpose, the board or agency which  
11 controls such building must make available a room or rooms in such  
12 building which are suitable for registration and voting and which are as  
13 close as possible to a convenient entrance to such building and must  
14 make available any such room or rooms which the board or body designat-  
15 ing such building determines are accessible to physically disabled  
16 voters as provided in subdivision one-a and shall provide a space that  
17 is not easily accessible to areas of the building where instructional  
18 activities are taking place, if such a space cannot be provided that  
19 meets such criteria, the board or agency which controls such building  
20 shall cancel in-person instructional activities during the operating  
21 hours of such poll site. Notwithstanding the provisions of any general,  
22 special or local law, if a board or body empowered to designate polling  
23 places chooses a publicly owned or leased building, other than a public  
24 school building, for such purposes the board or body which controls such  
25 building must make available a room or rooms in such building which are

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

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1 suitable for registration and voting and which are as close as possible  
2 to a convenient entrance to such building, and must make available any  
3 such room or rooms which the board or body designating such building  
4 determines are accessible to physically disabled voters unless, not  
5 later than thirty days after notice of its designation as a polling  
6 place, the board or body controlling such building, files a written  
7 request for a cancellation of such designation with the board or body  
8 empowered to designate polling places on such form as shall be provided  
9 by the board or body making such designation. The board or body  
10 empowered to so designate shall, within twenty days after such request  
11 is filed, determine whether the use of such building as a polling place  
12 would unreasonably interfere with the usual activities conducted in such  
13 building and upon such determination, may cancel such designation.  
14 § 2. This act shall take effect immediately.