

# STATE OF NEW YORK

4604

2023-2024 Regular Sessions

## IN SENATE

February 13, 2023

Introduced by Sen. LANZA -- 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 exempting public school buildings from being designated as early polling locations

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

1 Section 1. Subdivision 2 of section 8-600 of the election law is  
2 amended by adding a new paragraph (i) to read as follows:

3 (i) No public school building shall be designated as an early polling  
4 location.

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

7 3. A building exempt from taxation shall be used whenever possible as  
8 a polling place if it is situated in the same or a contiguous election  
9 district, and may contain as many distinctly separate polling places as  
10 public convenience may require. The expense, if any, incidental to its  
11 use, shall be paid like the expense of other places of registration and  
12 voting. If a board or body empowered to designate polling places chooses  
13 a public school building for such purpose, the board or agency which  
14 controls such building must make available a room or rooms in such  
15 building which are suitable for registration and voting and which are as  
16 close as possible to a convenient entrance to such building and must  
17 make available any such room or rooms which the board or body designat-  
18 ing such building determines are accessible to physically disabled  
19 voters as provided in subdivision one-a of this section. Notwithstand-  
20 ing the provisions of this subdivision, no board or body empowered to  
21 designate polling places shall designate a public school building as an  
22 early polling location. Notwithstanding the provisions of any general,  
23 special or local law, if a board or body empowered to designate polling  
24 places chooses a publicly owned or leased building, other than a public  
25 school building, for such purposes the board or body which controls such

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

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

15 § 3. This act shall take effect immediately.