

STATE OF NEW YORK

5302

2025-2026 Regular Sessions

IN ASSEMBLY

February 12, 2025

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Education

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
20 a school budget revote pursuant to either section two thousand twenty-
21 three-a or two thousand seven of this part, the district shall hold an
22 additional day of voting no sooner than five days after the school budg-
23 et revote, but no later than the last day of the month of June. The

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

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1 board of education shall determine the hours during which the polls
2 shall remain open on such additional day for voting; provided, however,
3 that in any event the polls shall remain open for not less than eleven
4 hours.

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

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

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

40 § 2. This act shall take effect July 1, 2026.