STATE OF NEW YORK

3028

2025-2026 Regular Sessions

IN SENATE

January 23, 2025

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

AN ACT to amend the education law and the election law, in relation to extending the right to vote in school district elections to qualified persons who are sixteen years of age; and to repeal certain provisions of the election law in relation thereto

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

Section 1. Subdivision 2 and the closing paragraph of section 2012 of the education law, subdivision 2 as amended by chapter 115 of the laws of 1973, and the closing paragraph as amended by chapter 919 of the laws of 1974, are amended to read as follows:

2. [~~Eighteen~~] Sixteen years of age.

5. No person shall be deemed to be ineligible to vote at any such meeting or election, by reason of sex, who has the other qualifications required by this section; and notwithstanding the foregoing provisions of this section, no Indian [~~eighteen~~] sixteen years of age or over who, having been born in the United States to a member of an Indian tribe, or having been naturalized or otherwise acquired citizenship, shall have resided on an Indian reservation in the state for a period of thirty days next preceding the meeting or election at which [~~he~~] such person offers to vote or the spouse of such Indian shall be deemed ineligible to vote at any such meeting or election of the school district where the majority, as determined by the commissioner, of the Indian children of such reservation are being educated under a contract pursuant to subdivision two of section forty-one hundred one of this chapter, except that the parents or guardians of Indian children of such reservation who are being educated in the schools of a district other than the district which educates the majority of such children, shall be eligible to vote only in the district where their children are being so educated.

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

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§ 2. Subdivision 7 of section 2502 of the education law, as amended by chapter 476 of the laws of 2018, is amended to read as follows:

7. No person shall be eligible to the office of member of the board of education who is not a qualified voter of the city school district and who has not been a resident of such district for a period of at least one year immediately preceding the date of [~~his or her~~] **such person's** election; provided, however, that no person shall hold at the same time the office of member of the board of education and any city office other than as a police officer and firefighter; provided, further, that where territory is added to a city school district by order of the commissioner pursuant to article thirty-one of this chapter, residence in the territory so added to the city school district shall be and shall be deemed to be residence in the city school district for the purposes of this subdivision, and a person qualified to vote in school district elections by virtue of [~~his or her~~] **such person's** residence in the territory so added to the city school district immediately prior to the addition of such territory to the city school district shall be and shall be deemed to be a qualified voter of the city school district immediately upon the addition of such territory**; provided further, that no person less than eighteen years of age shall be deemed eligible**.

§ 3. Subdivision 1 of section 2553 of the education law, as separately amended by chapters 211 and 441 of the laws of 1980, is amended to read as follows:

1. No person shall be eligible to the office of member of a board of education who is not a citizen of the United States, who is not qualified to register for or vote at an election in accordance with the provisions of section 5-106 of the election law, and who, in the case of the city school district of the city of Yonkers, has not been a resident of the city school district for which [~~he~~] **such person** is chosen for a period of at least three years immediately preceding the date of [~~his~~] **such person's** election or appointment and who, in the case of the city school district of the city of Buffalo, in the case of a member to be elected at large is not a qualified voter of such city school district and who has not been a resident of such district for a period of at least three years immediately preceding the date of [~~his~~] **such person's** election and in the case of a member elected from a city school subdistrict is not a qualified voter of such city school subdistrict and has not been a resident of the city school district for three years and a resident of the city school subdistrict which [~~he~~] **such person** represents or seeks to represent for a period of one year immediately preceding the date of [~~his~~] **such person's** election, **provided that no person less than eighteen years of age shall be deemed eligible for election as an at large member or from a city school subdistrict,** and who, in the case of the city school district of the city of Rochester, is not a qualified voter under section 5-102 of the election law of such city school district; and who in the case of the city school district of the city of Syracuse has not been a qualified voter under section 5-102 of the election law of such city school district for at least ninety days immediately preceding the date of [~~his~~] **such person's** election or appointment.

§ 4. Section 2553 of the education law is amended by adding a new subdivision 12 to read as follows:

12. Notwithstanding any other law to the contrary, individuals aged sixteen and seventeen shall be deemed qualified voters for the purposes of this section, provided that such individuals are otherwise eligible under section 5-102 of the election law.

§ 5. Subdivision 2 of section 2603 of the education law, as amended by chapter 115 of the laws of 1973, is amended to read as follows:

2. [~~Eighteen~~] **Sixteen** years of age.

§ 6. Paragraph b of subdivision 5 of section 2018-a of the education law, as amended by section 8 of part LL of section 56 of the laws of 2010, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I am a citizen of the United States, and will be at least [~~eighteen~~] **sixteen** years of age, on the date of the school district election; that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said election and duly registered in the school district and school election district, if any, shown on the reverse side of this envelope and that I am or on such date will be, a qualified voter of said school district; that I will be unable to appear personally on the day of said school district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this school district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this school district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....Signature of Voter .....

§ 7. Subparagraphs 1 and 2 of paragraph a of subdivision 2 of section 2018-b of the education law, as amended by chapter 46 of the laws of 1992, are amended to read as follows:

(1) [~~his~~] **the applicant's** name and residence address, including the street and number, if any, or town and rural delivery route, if any; (2) that [~~he~~] **the applicant** is or will be, on the day of the school district election, a qualified voter of the school district in which [~~he~~] **such applicant** resides in**,** that [~~he~~] **the applicant** is or will be, on such date, over [~~eighteen~~] **sixteen** years of age, a citizen of the United States and has or will have resided in the district for thirty days next preceding such date;

§ 8. Paragraph b of subdivision 6 of section 2018-b of the education law, as amended by section 9 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I am a citizen of the United States, and will be at least [~~eighteen~~] **sixteen** years of age on the date of the school district election; that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said election and that I am or on such date will be, a qualified voter of said school district; that I will be unable to appear personally on the day of said school district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this school district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this school district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or have received a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law removing my disability to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....Signature of Voter .....

§ 9. Subparagraph 2 of paragraph c of subdivision 2 of section 1951 of the education law, as amended by chapter 919 of the laws of 1974, is amended to read as follows:

(2) [~~Eighteen~~] **Sixteen** years of age.

§ 10. Paragraph s of subdivision 2 of section 1951 of the education law, as added by chapter 722 of the laws of 2005, is amended to read as follows:

s. The board of cooperative educational services shall provide absentee ballots to qualified voters. The commissioner shall adopt regulations for the purposes of implementing the provisions of this paragraph which shall include, but not be limited to, creating the procedure for which such absentee ballots shall be submitted; providing that such absentee ballots shall be, as nearly as practicable, in the same form as those voted at the district election; requiring that any absentee ballot applicant is or will be, on the day of the vote, a qualified voter of the board of cooperative educational services and that [~~he or she~~] **such voter** will be on such date over [~~eighteen~~] **sixteen** years of age, a citizen of the United States and has or will have resided in said district

for thirty days next preceding such date; and providing instructions as to the proper marking thereof.

§ 11. Subdivision 5 of section 2609 of the education law, as amended by chapter 919 of the laws of 1974, is amended to read as follows:

5. Any qualified voter of a city school district may challenge the right of a person to vote at the time when [~~he~~] **such voter** requests a ballot. All persons named upon the applicable register as having been challenged prior to the day of the election shall also be challenged before they are given ballots to vote. The chairman of the board of inspectors shall administer to each person so challenged the following oath: "I do solemnly swear (or affirm) that I am a citizen of the United States; that I am of the age of [~~eighteen~~] **sixteen** years or more; that I have been an inhabitant of the State for the past year, a resident of the county for the past four months and for the thirty days past an actual resident of this city school district and am therefore qualified to vote at this election." If the person challenged so swears or affirms, [~~he~~] **such voter** shall be permitted to vote at such election; but if [~~he~~] **such voter** shall refuse to so swear or affirm, [~~he~~] **such voter** shall not be given a ballot or be permitted to vote.

§ 12. Paragraph (g) of subdivision 5 of section 5-210 of the election law is REPEALED and two new paragraphs (g) and (g-1) are added to read as follows:

(g) Notice that the applicant must be:

(i) A citizen of the United States;

(ii) At least sixteen years of age at the time the application is submitted or will be sixteen years of age no later than December thirty-first of the calendar year in which such application is submitted; and

(iii) A resident of the county or city to which such application is made.

(g-1) Notice that such application to register to vote will be effective:

(i) For school district elections occurring on or after the applicant turns sixteen years of age in the school district in which the applicant resides; and

(ii) For all other federal, state and local elections occurring on or after the applicant turns eighteen years of age in the applicable election district in which the applicant resides.

§ 13. Paragraph p of subdivision 4 of section 5-500 of the election law is REPEALED and a new paragraph p is added to read as follows:

p. A space for pre-registering applicants to respond to the following questions:

(i) "Are you at least 16 years of age or will you be 16 years of age on or before December 31 of this year?"

(ii) "Do you understand that you must be 16 years of age on or before election day to vote in school district elections or meetings, and that you will be unable to cast a ballot in a school district election until you are 16 years of age or older at the time of such election, and that until you are 16 years of age, your application for registration will be marked 'pending', and that after you turn 16 and until you are 18 years of age, your registration will entitle you to vote only in school district elections in the school district where you reside?"

(iii) "Do you understand that you must be 18 years of age on or before election day to vote in all other elections, including federal, state and local elections other than school district elections, and that you will be unable to cast a ballot in any such federal, state or local

election until you are 18 years of age at the time of such election, your registration status will be marked 'school district only?'"

§ 14. Subdivision 1 of section 5-507 of the election law, as added by chapter 2 of the laws of 2019, is amended to read as follows:

1. Pre-registration. A person who is at least sixteen years of age and who is otherwise qualified to register to vote may pre-register to vote, and shall be automatically registered upon reaching the age of eligibility as provided by this chapter, provided that such voter shall be considered registered for the purpose of school district elections, pursuant to sections two thousand twelve, two thousand five hundred fifty-three, and two thousand six hundred three of the education law.

§ 15. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.