§ 2553. Board of education; eligibility; how chosen; term of office; vacancies. 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 is chosen for a period of at least three years immediately preceding the date of his 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 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 represents or seeks to represent for a period of one year immediately preceding the date of his election, 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 election or appointment.

1-a. The provisions of subdivision one of this section shall not apply to ex officio board members, as described in subdivision eleven of this section.

2. In the city school districts of the cities of Rochester and Syracuse the members of such board of education shall be chosen by the voters at large at either a general or municipal election, or at both. In the city school district of the city of Buffalo the members of such board of education shall be chosen pursuant to the provisions of subdivision ten of this section.

2-a. Upon the certification of election results and the completion of

the voter history file after each election, each school district that holds school board elections pursuant to this article shall transmit copies of the records required to be transmitted pursuant to section 3-112 of the election law in a manner and time provided for in such section.

3. In the city school district of the city of Yonkers members of the board of education shall be appointed from the city at large by the mayor and shall be for terms of five years each, to begin on the first Tuesday in May.

4. In the city school districts of the following cities, the terms of such members shall be as follows:

a. Rochester: Four Years;

b. Syracuse: Four Years;

c. Yonkers: Five Years.

5. The terms of one-fifth of all the members of a board of education, or of a fraction as close to one-fifth thereof as possible, shall expire annually on the first Tuesday in May, except in the city school districts of the cities of Buffalo, Rochester and Syracuse.

6. If a vacancy occurs other than by expiration of term in the office of a member of a board of education in a district in which such members are elected at a general or municipal election, such vacancy shall be filled by appointment by the mayor until the next general or municipal election is held, and such vacancy shall then be filled at such election for the unexpired portion of such term, except that in the city school district of the city of Rochester any such vacancy shall be filled pursuant to the provisions of subdivision nine of this section and except further that any such vacancy on the board of education of the city school district of the city of Buffalo shall be filled pursuant to the provisions of subdivision ten of this section.

7. If such vacancy occurs in such office in a district in which the members of the board of education are appointed by the mayor, such vacancy shall be filled by appointment by the mayor of such city for the unexpired portion of such term, but in Buffalo such appointment shall be subject to confirmation by the council.

8. A member of a board of education who publicly declares that he will not accept or serve in the office of member of such board of education, or refuses or neglects to attend three successive meetings of such board, of which he is duly notified, without rendering a good and valid excuse therefor to the other members of such board of education, vacates his office by refusal to serve.

9. (a) The members of the board of education of the city school district of the city of Rochester shall be elected by the qualified voters of such city as provided herein.

(b) The members of the board of education shall be elected at large throughout the city by the qualified voters at a general election.

(c) Such elections for such officers shall be governed by the provisions of the election law in the same manner as candidates for office generally to be elected by the voters of the city of Rochester; provided, however, that each such candidate shall be required to file petitions containing at least one thousand signatures.

(d) No person shall be eligible for the office of members of such board of education who is not a qualified voter under section 5-102 of the election law of such city school district. No person shall hold at the same time the office of member of the board of education and any other elective office nor shall he be a candidate for any other elective office at the same time he is a candidate for the office of member of such board of education.

(e) The term of office of each member of such board shall be four years, commencing on the first day of January following his election. The candidates receiving a plurality of the votes cast respectively for the several offices shall be declared elected. Where more than one office is to be filled by such election and there is a variance in the length of the terms, the candidate receiving the largest number of votes shall be entitled to the longest term and the candidates receiving the

next highest number of votes shall be entitled, in decreasing order of the respective number of votes to the several offices, in decreasing order of the length of such terms or unexpired portions of terms. Whenever a vacancy shall occur or exist in the office of member of the board of education except by reason of expiration of term, such vacancy shall be filled by the president of the board of education by appointment of a nominee of the members of the board of education of the same political affiliation as the person who vacated the office and such nominee shall be elected by the majority vote of the board of education; if the board shall not have filled the vacancy within thirty days from the date the vacancy occurred, then the president of the board shall fill the vacancy from the same political party as that of the person who vacated the office. However, if the vacancy shall occur in the office of member of the board of education filled by an incumbent elected on a non-partisan or an independent basis, such vacancy shall be filled, after nomination by the president of the board of education, by majority vote of the remaining members of the board of education. A person appointed to fill a vacancy shall hold office to and including the thirty-first day of December next succeeding the first general election following such vacancy, at which a successor must be elected for the remainder of the unexpired term, if any.

(f) The members so elected to the board of education shall convene on the first business day in January of each year at the time of the commencement of their term of office and select from their members a president who shall serve for a term of one year or such other term, not exceeding the term of his office, as may be fixed by the rules and regulations of the board.

(g) The election of members of the board of education of the school district of Rochester shall take place at a general election to be held in such city when an incumbent's term expires, and the first election hereinunder shall take place in November of nineteen hundred eighty-one. Such election shall be conducted by the board of elections of the county of Monroe in the same manner as general elections are conducted by it. The results of such elections, after canvassing, shall be certified and reported by the board of elections to the board of education of such city. The clerk or other appropriate officer of the board of education shall within twenty-four hours after the receipt of such certification

by the board of elections serve a written notice either personally or by mail upon each person declared to be elected as a member of the board of education informing him of his election and the length of his term.

(h) Notwithstanding the provisions of any other law, the present members of said board of education shall serve the full terms for which they were elected. Vacancies which may occur in the board shall be filled as provided herein, except, that the vacancies created by the expansion of the board of education from five to seven members, as provided herein, shall be filled at the next general election.

10. a. The members of the board of education of the city school district of the city of Buffalo shall be elected by the qualified voters of such city as provided herein.

b. The common council of the city of Buffalo shall within three months of the operative date of this paragraph of this section of this act define and publish by local law boundaries of each of six city school subdistricts which said subdistricts shall be contiguous and each of which shall contain as nearly as possible the same number of inhabitants. The boundaries of the said city school subdistricts may thereafter be redefined by the board of education of the city school district of the city of Buffalo by resolution, after a public hearing thereon, at intervals of not less than five years and such resolution must be passed at least eight months prior to the next election for school board member or members.

c. The members of the board of education of the city school district of the city of Buffalo shall be elected as follows: one member from each of such six city school subdistricts within such city by the qualified voters therein and three members of such board of education shall be chosen by the qualified voters at large within such city.

d. (1) Such election for such office shall be governed by the provisions of the election law in the same manner as candidates for office generally to be elected by the voters of the city of Buffalo. Notwithstanding section 6-142 of the election law, each such candidate for election as a member of the board of education from a city school

subdistrict shall be required to file a petition containing signatures of at least two hundred registered voters of such city school subdistrict in which he is a candidate and each candidate for election to the board of education by the voters at large shall be required to file a petition containing the signatures of at least four hundred registered voters of the city of Buffalo.

(2) No petition shall contain any political party or independent body name or label. Each petition shall contain the name of only one candidate and such petition shall be filed with the board of elections of the county of Erie not earlier than twenty-four weeks before, and not later than twenty-three weeks preceding the date on which an election shall be held. A certificate of acceptance or declination of any individual so nominated shall be filed not later than the third day after the twenty-third Tuesday preceding the election.

e. No person shall hold at the same time the office of member of the board of education of the city of Buffalo and any other elective office nor shall he be a candidate for any other elective office at the same time he is a candidate for the office of member of such board of education.

f. Petitions for the nomination of members of such school board shall be on white paper containing the required signatures of qualified voters of the city of Buffalo. The sheets of such petition shall be numbered consecutively, beginning with number one, at the foot of each sheet. Such a petition must set forth in every instance the correct date of signing, the full name of the signer and his or her residence. A signer need only place his or her signature upon the petition, and need not himself or herself fill in the other required information.

g. Each sheet of such a petition shall be signed in ink and shall be substantially in the following form:

I, the undersigned, do hereby state that I am a duly qualified voter of the city of Buffalo, that my place of residence is truly stated opposite my signature hereto, and I do hereby nominate the following named person as a candidate for nomination (for the public office of

member of the board of education of the city of Buffalo at large.....day of....., 20.....,) (for the city school subdistrict.....day of....., 20.....)

I do hereby appoint.....(here insert the names and addresses of at least three persons, all of whom shall be registered voters within the city of Buffalo), as a committee to fill vacancies in accordance with the provisions of the election law.

In witness whereof, I have hereunto set my hand the day and year placed opposite my signature.

Date	Name of Signer	Present Residence
.....	.....	.....
.....	.....	.....
.....	.....	.....

The petition shall be authenticated by witnesses. Such statement shall be accepted for all purposes as the equivalent of an affidavit, and if false shall subject the witness to the same penalties as if he or she had been duly sworn. The form of such statement shall be substantially as follows:

STATEMENT OF WITNESS

I,....., (name of witness), state: I am a duly qualified voter of the state of New York, and now reside in the city, town or village of....., in such state, at .....(fill in street and house number and post office) therein. I know each of the voters whose names are subscribed to this petition sheet containing (fill in number).....signatures and each of them subscribed the same in my presence and upon so subscribing declared to me that the foregoing statement, made and subscribed by him, was true.

.....
Signature of witness

Date.....

h. The board of elections shall refuse to accept such petitions signed

by an insufficient number of qualified voters, or petitions which are not timely or petitions bearing a political party or independent body, name or emblem or which contain the name of more than one candidate.

i. Except as it may be modified by the provisions of paragraph (d) and paragraph (n) of this subdivision, the provisions of the election law with respect to acceptances by candidates nominated by independent nominating petitions shall apply to candidates nominated by petitions for members of such board of education.

j. Objections to petitions for the nomination of members of such board of education, procedures and remedies applicable to such objections shall be made pursuant to section 6-154 of the election law.

k. The board of elections shall cause to be printed official ballots containing the names of all candidates as above provided, except that the board may refuse to have the names of ineligible candidates placed on such ballots. The names of the candidates shall be arranged according to lot, and shall not bear the designation of any political party or independent body, name or emblem. Blank spaces shall be provided so that voters may vote for candidates who have not been nominated for the offices to be filled at such elections. The form of such ballots shall conform substantially to the form of ballots used at general elections as prescribed in the election law.

l. Voting for the election of members of such board of education shall be by voting machine and shall be governed by the applicable provisions of the election law with respect to voting machines.

m. If a candidate, after a petition in his behalf shall have been duly filed with the board of elections, and prior to the date of the election, shall decline to accept the nomination, die, remove from the school district, accept another office, or become otherwise disqualified for such city school district office, such vacancy shall be filled by the committee on vacancies pursuant to the election law.

n. The term of office of each member of such board from a city school

subdistrict shall be three years, and the term of office of each such member of the board elected at large shall be for five years. Of the candidates to be elected for membership on the board of education of the city school district of the city of Buffalo by the voters at large the three candidates receiving the largest number of votes cast in the city, shall be declared elected as at-large members of such board of education. In each city school subdistrict the candidates seeking the election as the member of such board of education for such city school subdistrict receiving a plurality of votes in such city school subdistrict shall be declared elected to that position.

Whenever a vacancy shall occur or exist in the office of member of the board of education except by reason of expiration of term or increase in the number of members of such board, such vacancy shall be filled by a majority vote of the remaining members of the board of education within thirty days of the date when such vacancy shall have occurred. If the remaining members of the board of education shall fail to fill such vacancy within such thirty day period, then the mayor of the city of Buffalo shall within thirty days thereafter fill such vacancy subject to the confirmation of such appointment by the common council of the city of Buffalo. No one shall be appointed to fill a vacancy of a subdistrict member of the board of education unless he fulfills all of the qualifications in this subdivision to enable him to be a candidate for the office of a member of the board of education from the subdistrict involved.

o. The members so elected to the board of education shall convene on the first business day in January of each year, at the time of the commencement of their term of office and select from their members a president who shall serve for a term of one year or such other term, not exceeding the term of his office, as may be fixed by the rules and regulations of the board.

p. The election of members of the board of education of the school district of the city of Buffalo shall take place on the first Tuesday after the first Monday in November in each year in which an incumbent's term expires. Such election shall be conducted by the board of elections

of the county of Erie in the same manner as other elections are conducted by it. The results of such elections, after canvassing, shall be certified and reported by the board of elections to the board of education of such city. The clerk or other appropriate officer of the board of education shall within twenty-four hours after receipt of such certification by the board of elections serve a written notice either personally or by mail upon each person declared to be elected as a member of the board of education informing him of his election and the length of his term.

11. Notwithstanding the provisions of any other law, each board of education shall establish a process for designating at least one student as an ex officio board member. Ex officio student members shall be entitled to sit with board members at all public meetings and hearings of the board and may participate in other board activities and responsibilities at the discretion of the board. Such ex officio student members shall not be allowed to vote, shall not be allowed to attend executive session or any other meetings or hearings not open to the public.