School Buildings as Polling Places

On January 24, 2019, Governor Cuomo signed a number of voting reforms into law. These new laws will make significant changes to the state’s election laws. Under these new laws, New York will now have early voting and the state will have a single merged state and federal primary days in June.

However, these new laws present a number of issues for school districts.

Under current law, if a local board of elections designates a school as a polling place, the district must make space available. Increasingly, school districts are concerned about the impact on school safety when they are required to suspend normal security procedures and allow members of the public sometimes unfettered access to school buildings and their students. Some districts choose to address this concern by closing on polling days.

The changes adopted earlier this year make the option of closing on voting days to keep students safe an even less reasonable option. School districts face increasing pressure when developing their school calendars and are penalized financially if they have fewer than 180 days of instruction between September 1 and Regents rating day in June. Many districts have great diversity in their school communities and need to close for an increasing number of religious holidays. Moreover, if special elections occur, they may be set after the school calendar is set for the year and cannot be planned for in the school calendar. Just closing for the previously existing voting days was becoming problematic. Early voting now expands the number of potential voting days to a universe that could be as high as 10-12 times per year.

In addition, the merging of the primary days to a single June primary day in 2019 places June’s voting day in the midst of Regents exam week. Districts do not have the authority to reschedule Regents exams. Districts do not have the authority to refuse the board of elections if they demand space to use as a polling place. Some districts have already received communications from their local boards of elections indicating they would be used as polling places in June.

NYSSBA believes that the conversation on election reform can not end here. To allow these reforms to be implemented in a safe way for students, further legislation must be enacted that would allow districts to move all voting, including votes on school board elections and budget votes out of school buildings, if that is what is necessary to keep our students safe.

For these reasons, NYSSBA urges additional election reform legislation that would provide school districts the right to decline to have their buildings used as polling places for all elections, including district elections. For additional information, please contact NYSSBA Governmental Relations at 518-783-0200.