



**Testimony of the New York State School Boards Association
Senate Standing Committee on Crime Victims, Crime and Correction
Senate Standing Committee on Elections
Submitted October 1, 2018**

Good afternoon. My name is Julie Marlette and I am the Director of Governmental Relations for the New York State School Boards Association. I want to start by thanking Senators Akshar and Gallivan for bringing us together today to discuss this topic.

We are here today to talk about two very important topics. One is voting. In the weeks leading up to November's election, I am sure that all of us are thinking about the importance of engaging an informed and enthusiastic electorate. The other is the critical issue of school safety.

In recent weeks, the questions of who may be allowed to enter schools on Election Day and how that affects safety have been topics of much debate. However, school board members around the state have focused on, discussed and worried about this very issue for many years now. The forced use of school buildings as polling places has continuously and increasingly raised concerns about the security of our schools and the safety of the students inside.

In recent years, many school districts have taken significant steps to increase security. They have hardened entrances, limited entryways in use and in some instances they require identification to enter the building. However, if a school building is designated as a polling place, the building can be forced to abandon some or all of those security measures.

Using school buildings as polling places has become a convenient solution for local boards of elections, and is a practice that extends far beyond general Election Day. Schools are often centrally located and handicap accessible, with ample parking. Our members acknowledge that in some parts of the state, finding such locations may be more challenging than others. However, there are many factors other than the convenience of the board of elections or even the voters that must be considered when determining where polling places should be held. Elections are not a one or even

two day occurrence in some years. New York has separate state and federal primary days. Special elections can be called at any time. In some parts of the state, the board of elections may oversee other special elections or election districts.

What this means is that there are many, sometimes unpredictable, times throughout the year when a school building can be designated as a polling place. On those days, the leadership of that building and the district can temporarily lose control over who is in the building and have no real recourse.

When a school building is selected by the board of elections as a polling place, the school district is required to comply. Other nonprofits selected for use are at least afforded the option to file a formal appeal. School districts are not even afforded that basic legal courtesy. They can engage in informal conversations, but those communications and requests need not be considered. More often than not, those requests are ignored.

Once a school building is designated, the district must make space available. This can allow for unfettered access to school buildings and their students. Not every building has the ability to cordon off space with a designated exit and entrance. In instances where that is not possible, school doors are thrown open and anyone and everyone has access to students and staff.

Legislation was recently introduced by Senator Phillips and Assemblyman D'Urso (S.9155/A.11356) that would provide school districts with the right to decline their designation as a polling location if there are safety concerns. NYSSBA has advocated for this type of legislation since 2014 when school board members from across the state voted to elevate this issue to become one of NYSSBA's formal positions. This legislation does not prohibit the use of school buildings as polling places, but rather allows district leaders to put the safety of students first, without compromising educational priorities to do so.

We support this legislation and believe its adoption is the best way to address the concerns raised here today.

Recent executive pardons have highlighted the safety issues raised here today, focusing attention on the access to school-based polling places that these pardons offered to certain convicted felons, including sex offenders. However, suggesting that the pardons themselves created a problem is a red herring. Forcing school districts to allow their buildings to be opened as polling places has always allowed this type of access to school buildings. And it has always been a potential problem.

Individuals whose parole just ended, and individuals who were never caught or arrested, have always had access to school-based polling places.

Some districts have chosen to close schools on known election days to avoid security issues. Currently that is their only option. Some believe this is the best way to address the issue of safety. However, on behalf of the nearly 700 districts I represent, I must respectfully disagree that this is the solution. This option is simply not feasible for all districts.

Increasing diversity in communities has resulted in the need to close for increased religious observances, and increases in extreme weather closures make it harder and harder for districts to hold the required number of instructional days during the school year. Moreover, not every election is scheduled in advance of the school year. If a special election is scheduled after the school calendar is set, it is not a simple matter to just close. Nor is it necessarily what is best for students, who should not be robbed of instructional time or put in harm's way so that school buildings can be used for functions that are not part of a district's primary mission.

We look forward to working with you and other decision makers to best navigate November's elections in the safest way possible and urge you to take swift action to enact S.9155 (A.11356) in January.

I thank you for the time you have granted me on behalf of the New York State School Boards Association and am happy to take any questions you may have.