

SCHOOL BOARD ELECTIONS

The elections of members of the Board of Education shall be held on the same day as the annual district meeting. The polls shall be open for those hours designated by the district. The following items shall be voted upon:

1. the annual budget,
2. any vacancies on the Board of Education, and
3. any special propositions that have been properly presented.

Voting: Voting machines shall be used for recording the votes on all elections, budget votes, and votes on special propositions. The only exception to the use of voting machines shall be an emergency situation whereby the machines are unavailable due to mechanical failure. If this should arise, paper ballots will be used.

Each voting machine shall have at least two election inspectors appointed by the Board in attendance during all voting hours. It shall be the duty of the District Clerk and assistant clerk or clerks to keep a poll list containing the name and legal residence of each person before such person is permitted to vote.

Election inspectors shall not advise or induce ~~such~~ any voter to vote on any proposition or candidate, and the election inspector shall never reveal the vote(s) recorded by the voter to any other person at any time.

Write-in ballot slots are required. Ballots containing the names of nominated candidates will be provided by the Board. There will be as many write-in slots as there are vacancies at the time of the election.

The writing in of a name in the blank space so provided, will sufficiently indicate a vote. The district cannot require a voter to place any other mark beside the name of a write-in candidate.

Eligibility to Vote: A person shall be entitled to vote in any school district election and in all matters placed upon the official ballot, if such person is:

1. a citizen of the United States;
2. at least eighteen years of age;
3. a resident within the school district for a period of thirty days immediately preceding the election at which such person offers to vote;
4. qualified to register or is registered to vote in accord with Section 5-106 of the Election Law which excludes:
 - a. those convicted felons who have not been pardoned or had their rights of citizenship restored, those whose maximum sentence of imprisonment has not expired; and/or those who have not been discharged from parole;
 - b. persons adjudged mentally incompetent by a court; and
5. listed upon current voter registration lists maintained by the local Board of Elections or properly registered to vote within the school district. The Board of Education shall

appoint a Board of Registration and shall designate the registration place and hours for district residents.

No person shall have the right to register for or vote at any school meeting or election who would not be qualified to register for or vote in an election in accordance with the provisions of the Election Law.

Challenges to voters believed unqualified to vote may be undertaken pursuant to Education Law provisions. Each annual or special election or meeting shall have a presiding chairman appointed by the Board. Such chairman shall have the responsibility of properly handling any challenges to the qualification of any voter.

Absentee Ballots

The Board provides for the use of absentee ballots for voting. Such ballots shall be available for the election of members of the Board of Education, the adoption of the school district budget, and on questions and propositions submitted to the voters of the district. The application must be received by the District Clerk at least seven days prior to the election, if the ballot is to be mailed to the voter; or the application must be received by the day before the election, if the ballot is to be personally delivered. The application must be completed and returned, and the individual must verify therein that he/she meets all voting requirements, and explain the reason for his/her inability to appear in person to vote.

In particular, the individual must explain that he/she will be unable to appear to vote in person on the day of the school district election because:

1. he/she will be a patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability;
2. his/her duties, occupation, business, or studies will require him/her to be outside of the county or city of his/her residence on such day;
3. he/she will be on vacation outside the county or city of his/her residence on such day; or
4. he/she will be detained in jail awaiting action by a grand jury; awaiting trial; or is confined in prison after conviction for an offense other than a felony.

The district shall request registration lists from the Board of Elections for those voters whose registration record has been marked “permanently disabled” and shall automatically mail absentee ballots to such voters in advance of each district vote or election.

Nominations: Candidates for the office of member of the Board of Education shall be nominated by petition. Such petition shall be directed to the Clerk of the District, shall contain the signatures and addresses of at least 25 qualified voters of the district or two (2) percent of the voters who voted in the previous election, whichever is greater, and shall state the name and residence of the candidate. Each petition shall be filed with the Clerk of the District not later than thirty (30) days preceding the annual meeting at which the candidates so nominated are to be elected.

The District Clerk will supervise the procedure used to establish the order of names on the ballot. The Board may reject nominations if the candidate is ineligible or has declared an

unwillingness to serve. Candidates for the Board are nominated to serve at large and do not run for a specific seat on the Board.

Reporting Expenditures: If a candidate's campaign expenditures exceed \$500, the candidate must file a sworn statement with both the district clerk and the commissioner of education itemizing their expenditures and contributions received. The statement must list the amounts of all money or other valuable things paid, given, expended or promised by the candidate, or incurred for or on the candidate's behalf with his or her approval.

A candidate who spends \$500 or less is only required to file a sworn statement with the district clerk indicated this to be the case. No other campaign expenditure statement is required.

An initial statement must be filed at least 30 days before the election, a second statement must be filed on or before the fifth (5th) day preceding the election and a final statement must be filed within 20 days after the election.

Electioneering: Electioneering during the hours of any vote is prohibited within the polling place or within 100 feet of any such polling place. Electioneering includes the display or distribution of any banner, poster, placard, button, or flyer, on behalf of or in opposition to any candidate or issue to be voted upon.

Entering or remaining in any designated restricted area during the entire day of any vote without permission from an election official is prohibited.

Cross-ref: 1050, Annual District Election and Budget Vote
6120, Budget Hearing

Ref: Education Law §2012; 2013; 2014; 2018; 2018-a; 2018-c; 2019; 2019-a; 2020; 2025; 2031; 2032 (2); 2035; 2037; 2603; 2607; 2610; 2613
Election Law §3-224; 5-106; 5-612; 5-400; 5-406
Matter of Rodriguez, 31 EDR 471 (1992)
Matter of Gresty, 31 EDR 90 (1991)
Matter of Ferro, 25 EDR 175 (1985)
Matter of Manno and Maloney, 23 EDR 172 (1983)
Matter of Yost, 21 EDR 140 (1981)
Matter of Alpert and Helmer, 20 EDR 281 (1980)
Matter of Reigler and Barton, 16 EDR 256 (1977)

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