

SCHOOL BOARD ELECTIONS

The elections of members of the Board of Education shall be held on the third Tuesday in May, unless this date conflicts with religious observances on that day, in which case it shall be held on the universal voting day established by the state of New York. 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 a mechanical failure or state or local law prohibiting their use. If this should arise, paper ballots will be used.

Each voting machine shall have at least one clerk appointed by the Board in attendance during all voting hours. It shall be the duty of each clerk to determine the eligibility of voters by verifying age and residency and to keep a poll list containing the names, signatures, and legal residence of each person participating in the vote.

Entering a voting machine with another person is prohibited, except upon request from a voter, in which case an election inspector shall be allowed to enter the voting machine with that voter for the sole purpose of assisting that person in the actual manipulation of the voting machine. The election inspector shall not advise or induce such 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 ballots are permissible when applicable by utilizing the write-in device provided with the voting machine.

Absentee Ballots: The Board makes provision for the use of absentee ballots. Such ballots, including "forms of application," will be sent by the district clerk to qualified voters wishing to vote by absentee ballot, upon request, via first class or certified mail. The application must be completed and returned with the ballot, 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. 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. Proxy votes are not allowed.

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 30 days next preceding 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; and
 - b) persons adjudged mentally incompetent by a court
5. and listed upon current voter registration lists maintained by the Board of Elections which, pursuant to New York Election Law, are delivered to the district by such Board of Elections.

As provided in section 2019 of the Education Law, 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.

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.

Electioneering: Electioneering during the hours of any vote is prohibited within the polling place or within one hundred (100) feet of any such polling place.

Displays or handout items of any political nature, except those provided by law, shall be prohibited by any individual, group or organization on any school property during any school referendum.

Cross-ref: 1050, Annual District Meeting and Election

Ref: Education Law §§2012; 2013; 2014; 2018; 2018-a; 2018-b; 2018-c; 2019;2019-a; 2020; 2025; 2031; 2032(2)(e); 2035; 2037

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 F.,DR 172 (1983)

Matter of Yost, 21 EDR 140 (1981)

Matter of Alpert and Helmer, 20 EDR 281 (1980)

Matter of Relgler and Barton, 16 EDR 256 (1977)

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