

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 second Tuesday in May. The polls shall be open for those hours designated by the district. The following items shall be voted upon:

1. to adopt the annual budget,
2. to fill any vacancies on the Board of Education, and
3. to vote on 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 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 names and legal residence of each person before such person is permitted to 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 slots are required. Ballots containing the names of nominated candidates will be provided by the Board. On a paper ballot, one blank space will be provided under the name of the last candidate for each office so that voters may vote for candidates who have not been nominated for the offices to be filled at the election. There will be as many write-in slots as there are vacancies at the time of election.

The writing in, with a black lead pencil, 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 30 days next 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; and
 - b) persons adjudged mentally incompetent by a court; and
5. 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. A failure to register does not mean that an individual is not a qualified voter, but rather that he/she is ineligible to vote at the particular district election. The Board shall appoint a Board of Registration and shall designate the registration place and hours for district residents.

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.

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 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 30 days preceding the annual district election 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.

Propositions

The Board, acting under section 2035 of the Education Law, declares that any qualified voter of the district (other than a member of the Board) who desires to submit any legally eligible proposition on which a vote is to be officially recorded at any annual or special school district election and/or meeting, shall file a written petition which sufficiently details the proposition and which is signed by a minimum of 5 percent of the number of voters who voted in the previous annual election. Such propositions must be filed not later than 30 calendar days before such meeting or election except that petitions for proposition which must be included in the notice of the annual election and budget vote must be filed 60 calendar days before the vote. The Board may reject any proposition if the purpose of such proposition is not within the power of the voters, or if the proposition requires expenditure of monies but fails to include the necessary specific appropriation.

The Board shall pass upon the validity of the petition at least 14 days prior to the annual district election. Any persons will be advised of the status of such petition upon request to the Superintendent or District Clerk any time during business hours after said decision date.

The valid petitions in the form to be submitted to the voters will be attached as a separate sheet to the final budget available for distribution 14 days before the annual district election, except for petitions submitted by the voters which must be included in the notice of the annual election and budget vote, in which the Board must review the validity of the petition no later than 45 days before the annual election and budget vote.

However, if a legally eligible proposition such as the Annual Budget is defeated at an Annual District Election and Budget Vote or Special Meeting, in accordance with the provisions of section 2008 of the Education Law, any qualified voter of the district, other than a member of the Board may petition the Board for a special meeting by presenting a petition which sufficiently details the reason(s) for calling the special meeting and which is signed by 25 qualified voters or 5 percent of the number of voters who voted in the previous annual election of members of the Board. Said number is to be determined by the number of persons recorded on the poll list. The Board shall give notice of special meetings within 20 days after receiving a proper petition, except if the Board determines that:

- a. the meeting petitioned is not within the power for the voters of the district;
- b. the purpose is illegal;
- c. a bond or note resolution has been adopted and such petition is not filed within 20 days after publication of notice of such resolution pursuant to section 81 of the Local Finance Law; or
- d. another valid reason exists for refusing to call such meeting which reason when appealed to the Commissioner of Education shall be deemed by him/her to be sufficient cause for such refusal.

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, which shall be indicated by conspicuously placed distance markers, by any individual, group or organization in any school building and surrounding areas on those days when polls are open for voting. Electioneering includes, but is not limited to, the posting or distribution of displays, coupons or handouts indicating political partisanship, except those provided by law, solicitations, campaigning, and any other act that may interfere with the voting process on any school district matter.

The Board of Education will ensure that District resources are not used, either indirectly or directly, in a partisan manner or to disseminate partisan information. In order to avoid any appearance of impropriety with respect to the District's efforts to secure resident participation in the vote, all District residents will be advised of school-related activities and functions, such as performance or displays that are scheduled to be held on election days.

Cross-ref: 1050, Annual District Election and Budget Vote and Public Hearing on the Budget

Ref: Education Law §§2008; 2012; 2013; 2014; 2018; 2018-a; 2018-b; 2018-c; 2019; 2019-a; 2020; 2025; 2031; 2031-a; 2032(2)(e); 2035; 2037
Local Finance Law §81.00
Election Law §§3-224; 5-106; 5-612; 5-400; 5-406
Appeal of Hiller, 47 EDR 304, Dec. No. 15,704 (2007)
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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