

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 second Tuesday in May. 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 keep a poll list containing the names, signatures, 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 anytime.

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.

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.

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 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.
 - 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 Elections Law, are delivered to the district by such Board of Elections, or is properly registered to vote with the school district’s board of registration. The Board shall appoint a Board of Registration and shall designate the registration place and hours for district residents.

Each annual or special election of 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. If a person appearing to vote at any district election shall be challenged as unqualified by any legal voter in the district, the chairman shall require the person to make the following declaration:

"I do declare and affirm that I am, and have been, for the past 30 days, an actual resident of the school district and that I am qualified to vote in this election."

Every person making such declaration shall be permitted to vote on all questions proposed at such election; but if any person refuses to make such declaration his/her vote shall be rejected. The penalties for false declaration or unauthorized vote shall be provided for in the Education Law.

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 percent (2%) of the voters who voted in the previous election, whichever is greater, and shall state the name and street address of the candidate. It shall also state whether such candidate is nominated for a full term or for the unexpired portion of such term. Each petition shall be filed with the clerk of the district not later than 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.

No later than the 45 days preceding the district election, the clerk of the district shall publish in local newspapers a notice stating that petitions nominating candidates for the office of member of the Board must be filed with the clerk no later than 30 days preceding the election.

Notice of the Annual District Election: The Board shall publish a notice of the annual district election in accordance with the requirements of the Education Law. This notice shall be published at least once each week within the four weeks next preceding such meeting. The first publication shall be at least 45 days before the day fixed in the notice for the election. Such notice shall be published in a newspaper or newspapers or posted in such public places as may be directed by the Board or required by law.

Notification to Elected Members: The clerk of the district shall immediately notify in writing each person elected. Such person shall be deemed to have accepted the office, unless within five days after the service of such notice he/she shall file a written refusal with the clerk of the district.

Term of Office: The term of office of each member of the Board shall be three years.

Electioneering: Electioneering during the hours of any vote is prohibited within the polling place or within 100 feet of the doors 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 in any school building on those days when the polls are open for voting on school district matters, including, but not limited to, the annual school budget, candidates for the Board of Education, special propositions, etc.

Cross-ref: 1050, Annual District Meeting
6120, Budget Hearing

Ref: Education Law §§2012; 2013; 2014; 2018; 2018-a; 2018-b; 2019; 2019-a; 2020; 2025; 2031; 2032(2)(e); 2035; 2037; 2603; 2607; 2610; 2613

Adoption date: April 14, 1997
Revised: July 9, 2007
Reviewed & Adopted as Regulation: August 2, 2016