

() Required
() Local
(X) Notice

VOTING PROCEDURES

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 18 years of age;
3. a resident within the school district for a period of 30 days next preceding the election at which such person desires 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

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 chairperson appointed by the Board. Such chairperson shall have the responsibility of properly handling any challenges to the qualification of any voter.

Registration

Citizens of the school district community who meet the necessary requirements are permitted to register on a continuous basis throughout the academic year. Such registration will be held at the District Clerk's Office in the Administrative Office located at Ocean Avenue, East Rockaway, New York between the hours of 9 a.m. and 4 p.m. daily,

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. If voting machines are used, they must be examined by election inspectors before each election to see that all the counters are set to zero, that the ballot labels are properly placed, and that each machine is in proper condition to 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.

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 ballot 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.

The Board of Education provides for the use of absentee ballots, early mail ballots and military ballots for voting for annual and special district elections.

Absentee Ballots

An absentee ballot 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 day before the election if the ballot is to be personally delivered to the voter. The absentee ballot 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. An absentee ballot application will not be accepted if received by the District Clerk earlier than the 30th day before the election. Absentee ballots must be received by the district no later than 5:00 p.m. on the day of the election for the vote to be canvassed.

Absentee ballot applications must be on a form prescribed by the New York State board of elections and submitted to the District Clerk in accordance with the Education Law. Copies of the form can be found on the State Education Department's Office of Counsel webpage: <https://www.counsel.nysed.gov/sites/counsel/files/absentee-ballot-application-and-instructions-english.pdf> and <https://www.counsel.nysed.gov/sites/counsel/files/absentee-ballot-application-and-instructions-spanish.pdf>.

Early Mail Ballots

An early mail ballot 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 day before the election if the ballot

is to be personally delivered to the voter. An early mail ballot application will not be accepted if received by the District Clerk earlier than the 30th day before the election. Early mail ballots must be received by the district no later than 5:00 p.m. on the day of the election for the vote to be canvassed.

Early mail ballot applications must be on a form prescribed by the New York State board of elections and submitted to the District Clerk in accordance with the Education Law. Copies of the form can be found on the State Education Department's Office of Counsel webpage: <https://www.counsel.nysed.gov/miscellaneous>

Military ballots

To be eligible for a military ballot, the applicant must be a qualified voter who will be absent from the district on the day of the election as a result of actual military service; a qualified voter who has been discharged from actual military service within 30 days of the election in which he or she seeks to vote; or the spouse, parent, child, or dependent of a military voter who is accompanying a military voter and who is qualified to vote in the district as the military voter.

A military voter who is a qualified voter of the district may designate a preference to receive a military voter registration application form, military ballot application or military ballot by mail, facsimile transmission, or electronic mail. Completed military ballot applications must be personally delivered or mailed to the District Clerk and received no later than the 30th day before the election.

Military ballots must be received by the district no later than 5:00 p.m. on the day of the election if signed and dated by the military voter and one witness thereto with a date which is not later than the day before the election, or not later than the close of the polls if showing a cancellation mark of the United States postal service or a foreign country's postal service, or showing a dated endorsement of receipt by another agency of the United States government.

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.

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