

SCHOOL BOARD ELECTIONS**District Elections**

The elections of members of the Board of Education and voting upon the appropriation of the necessary funds to meet the estimated expenditures, or on propositions involving the expenditure of money, or authorizing the levy of taxes, shall be held on the third Tuesday in May, unless due to a conflict with religious observance, the Board requests that the Commissioner approve changing the election date to the second Tuesday in May. The request is due to the Commissioner by March 1st. The voting polls will be open at 11:00 am and close at 9:00 pm of such Tuesday.

Electioneering during the hours of any vote is prohibited within the polling place or within 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 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.

Budget Vote

The annual budget vote shall be held in the District's five (5) elementary schools on the third Tuesday in May, between the hours of 11:00 am and 9:00 pm, and shall be conducted by voting machine.

Special propositions may be added to the budget presented to voters as prescribed by Education Law. Each such petition for a special proposition shall be presented to the Clerk of the Board at least thirty (30) days prior to the budget vote, and shall be signed by at least twenty-five (25) qualified voters of the district or two (2) percent of the number of voters in the previous election, whichever is greater.

The Board reserves its legal prerogative to make the final decision on whether the special propositions will be placed on the ballot. The School Board may refuse such a petition if its purpose is not within the power of voters or is illegal. The proposition must include specific appropriations for the items contained therein. Ambiguities in the proposition's language also may be grounds for the Board's refusal; however, the Board may alter the language of a proposition submitted by voters to remove any ambiguity. Where authorized by applicable law or regulation, the Board may decide whether the public referendum on the proposition will be advisory or binding.

Voting1. Eligibility

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:

- a. a citizen of the United States,
- b. eighteen (18) years of age on the date of the election, and
- c. a resident of the District for a period of thirty (30) days preceding the date of the election.

2. Procedures

Voting in any District election and on all matters shall be on voting machines. Paper ballots shall only be used if the machines are unavailable due to a mechanical failure or a state or local law prohibiting their use. The District Clerk shall request the Albany County Board of Elections to supply voting machines in any election and on all matters. These machines shall be prepared for voting at the direction of the District Clerk, including the order of names on the ballot and the number of machines in actual use at any one time, at a location determined by the Board. Before any machine is used at any such meeting or election, the Inspectors of Election shall examine such machines to ensure that all the counters are set at zero, and that the machine is in all respects in proper condition for use.

3. Absentee Ballots

Absentee ballots, including application forms, may be obtained from the District Clerk in person or by mail, upon the request of a qualified voter. The application request must be received at least seven (7) days prior to the election if the ballot is to be mailed to the voter, or one (1) day prior to the election if the ballot is to be delivered personally to the voter. An absentee ballot shall only be canvassed if it is received in the office of the District Clerk no later than 5:00 pm on the date of the election.

An application shall set forth:

- the applicant's name and address;
- that the applicant is, or will be on the date of the election, a qualified voter;

- whether the applicant is registered in the District; and
- the reason the applicant will be unable to vote on the day of the election.

The applicant must satisfy one of the following reasons in order to have his/her absentee ballot canvassed:

- the applicant will be a patient in a hospital or unable to appear personally at the polling place on such day because of illness or disability;
- the applicant's duties, occupations, business, or studies will require him/her to be outside of the county or city of his/her residence on such day;
- the applicant will be on vacation outside the county or city of his/her residence on such day; or
- the applicant 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.

4. Challenges

The Board shall appoint a presiding Chairperson for each election, who shall have the responsibility of handling challenges to the qualifications of any voter, pursuant to the Education Law and the Election Law of the State of New York.

5. Election Inspectors

Any District employee or registered voter who resides within the District may serve as an Election Inspector, unless they are a candidate for an office in the election or they are the spouse, parent, or child of any candidate for an office in the election. Election Inspectors will be required to participate in a training session scheduled by the Albany County Board of Elections prior to each District vote.

Cross-Reference: 1050, Annual District Election and Budget Vote
2210, Board Organizational Meeting
6120, Budget Hearing

Reference: Education Law §§ 1804, 2012, 2013, 2014, 2017(2), 2018, 2018-a, 2019-a, 2031, 2035, 2609
Election Law §§ 3-224, 2-203, 3-400, 5-106, 5-400, 5-406, 5-612

Revised: March 21, 2017; June 19, 2001