



Book Ogdensburg City School District

Section 2000

Title VOTING PROCEDURES

Code 2120.2

Status First Reading

Last Revised September 9, 2024

() Required

(X) Local

(X) Notice

NOTE: We have provided this policy to incorporate portions of prior policies 1220 (Board of Education Members: Nomination and Election), 1630 (Legal Qualifications of Voters at School District Meetings), and 1640 (Absentee Ballots). NYSSBA's approach is to offer one policy covering school district election voting procedures. We recommend a more generic approach to this policy than what is currently in policy 1220 since the use of voting machines is in transition. This policy is offered to replace portions of 1220, 1630 and 1640. We have included the bold language for the Board's consideration.

Eligibility to Vote

NOTE: The information found in items 1 through 4, follows directly from Education Law §§20112, 2603 and Election Law §5-106.

In districts that use personal registration, qualified voters also must either be registered with the school district's board of registration or be on a current voter list maintained by the local Board of Elections. If the district does not have a personal registration system, the Board has some leeway on what types of proof of residence must be shown in order 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 chairman appointed by the Board. Such chairman shall have the responsibility of properly handling any challenges to the qualification of any voter.

Voting

NOTE: The use of voting machines is optional. Previous versions of this policy included language that was appropriate for lever voting machines. Lever machines can be used until December 31, 2015, unless the Legislature changes the law to extend their use. Some districts have already transitioned to new machines. In

order to offer a policy that encompasses the range of possibilities, NYSSBA has updated this section by removing specific procedures. NYSSBA doesn't believe the policy needs to be more specific, but the Board is free to add more information about the voting procedure if it so chooses.

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 a situation where the machines are unavailable due to mechanical failure. 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 name and legal residence of each person before such person is permitted to vote.

Election inspectors shall not advise or induce such voter to vote on any proposition or candidate, and if the election inspector were to learn how the individual voted, the election inspector shall never reveal the vote(s) recorded 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. There will be as many write-in slots as there are vacancies at the time of election.

The writing in 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.

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.

Ref:

Education Law §§2012; 2014; 2018; 2018-a; 2018-b; 2018-c; 2019; 2019-a; 2020; 2025; 2032(2)(e); 2035; 2037; 2603; 2607; 2610; 2613
 Election Law §§3-224; 5-106; 5-612; 5-400
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)

Adoption date: