

VOTING PROCEDURES

Eligibility to Vote

A person shall be entitled to vote in any Bethlehem Central School District (the District) election and in all matters placed upon the official ballot, if such person is:

- A. a citizen of the United States;
- B. at least eighteen years of age;
- C. a resident within the District for a period of thirty days preceding the election at which such person desires to vote;
- D. qualified to register or is registered to vote in accord with section 5-106 of the Election Law, which excludes:
 1. 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;
 2. 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 of Education (the Board). Such chairman shall have the responsibility of properly handling any challenges to the qualification of any voter.

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 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. There will be as many write-in slots as there are vacancies at the time of election.

The writing in of a name legibly 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 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 District election because:

- A. 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;
- B. 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;
- C. he/she will be on vacation outside the county or city of his/her residence on such day; or
- D. 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 Albany County Board of Elections for those voters whose registration record notes that they shall automatically be mailed absentee ballots 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; 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)

Adoption date: June 19, 2002

Revised date: February 27, 2019

BETHLEHEM CENTRAL SCHOOL DISTRICT
EDUCATIONAL SERVICE CENTER
700 Delaware Avenue, Delmar, New York 12054

Application for Absentee Ballot
For School District Election to be Held _____

Application must be received by the District Clerk at least 7 days before the election if the ballot is to be mailed to the voter, or the day before the election, if the ballot is to be delivered personally to the voter.

State of New York
Town of
County of Albany

I, _____ being affirmed say:
(Print Name)

I reside at _____
Street number (if any) or town

_____ and rural delivery route (if any)

I am a qualified voter of the Bethlehem Central School District in that: I am or will be on such date, over 18 years of age, a citizen of the United States and have or will have resided in the district for thirty days next preceding such date.

I will be unable to appear to vote in person on the day of the School District election for which the absentee ballot is requested because I am or will be on such day:

(Complete **one** of the following subdivisions)

A.

A patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability.

B.

Because my duties, occupation, business or studies will require me to be outside of the county of my residence on such day.

1. Where such duties, occupation, business or studies are of such a nature as ordinarily to require such absence, a brief description of such duties, occupation, business or studies shall be set forth (description):

- 2. Where such duties, occupation, business or studies are not of such a nature as ordinarily to require such absence, a statement must be given for the special circumstances to account for such absence.

C.

I will be on vacation elsewhere on such day.
 I expect that such vacation will begin on _____(Date)
 and end on _____(Date)
 and will be at the following named place or places. _____

Name of Employer _____ Address _____

or self-employed as a _____ Located at _____

D.

I will be absent from my voting residence because
 I am detained in jail awaiting action by grand jury.
 I am awaiting trial.
 I am confined in a prison after conviction for an offense other than a felony.

E.

I am entitled to vote as an absentee voter in that I expect to be absent from the School District on the day of the School District election by reason of accompanying or being with the (check one) ___ spouse, ___ parent, ___ or child of, and reside in the same household with a person qualified to apply in that such a person (check one) ___ will be absent from the county of his residence due to his duties, occupation, business or studies and such absence is not caused by the fact that his regular daily place of business or studies is located outside such county, or ___ will be absent due to vacation, ___ a patient at a hospital, ___ detained in jail, ___ confined due to illness or physical disability.

The person through whom I claim to be so entitled (check one) ___ has ___ has not applied for an absentee ballot.

I HEREBY DECLARE THAT THE FOREGOING IS A TRUE STATEMENT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I UNDERSTAND THAT IF I MAKE ANY MATERIAL FALSE STATEMENTS IN THE FOREGOING STATEMENT OF APPLICATION FOR ABSENTEE BALLOTS, I SHALL BE GUILTY OF A MISDEMEANOR.

Date Signature of Voter