

SCHOOL BOARD ELECTIONS AND BUDGET VOTE

A. Date and Time

The district shall hold an Annual Meeting and Election at which the district's authorized voters will elect members to vacancies on the Board of Education and vote on the district Budget for the coming school year. The Annual District Meeting and Election will be held on the third Tuesday in May, unless this date conflicts with religious observances on that day, in which case the Annual Meeting and Election will be held on the second Tuesday in May. Voting shall take place between the hours of 6:00 AM and 9:00 PM at the following poll centers.

B. Locations

Election District No. 1: (Area of School District south of the tracks of the Montauk Branch of the Long Island Railroad and north of Montauk Highway.)

Polling and Registration Place:
Lindenhurst Middle School
350 South Wellwood Ave

Election District No. 2: (Area of School District south of the tracks of the Montauk Branch of the Long Island Railroad and south of Sunrise Highway and west of North Wellwood Avenue.)

Polling and Registration Place:
Albany Avenue Elementary School
180 Albany Avenue

Election District No. 3: (Area of School District north of Sunrise Highway.)

Polling and Registration Place:
Wm. Rall Elementary School
761 North Wellwood Avenue

Election District No. 4: (Area of the School District south of Montauk Highway.)

Polling and Registration Place:
E.W. Bower Elementary School
315 West Montauk Highway

Election District No. 5: (Area of the south of Sunrise Highway and east of North Wellwood Avenue.)

Polling and Registration Place:
Daniel Street Elementary School
289 Daniel Street

C. Annual Meeting and Election

1. The Board of Education is required to present a proposed budget at the Public Meeting, held 7 to 14 days prior to the date of the Annual Meeting and Election. The proposed shall include a detailed statement of the sums necessary or the various expenditures of the school district.
2. Unless otherwise provided by the Education Law, petitions for the submission of a proposition must contain a minimum 25 signatures of qualified voters of the district or 2 percent of the number of eligible voters who voted in the previous annual election, whichever is greater. This rule shall not apply to those propositions or questions that the Board has authority by law to present at any Annual or Special Meeting and Election of the district.
3. Petitions must be filed with the District Clerk at least 30 days prior to the annual meeting, except for petitions relating to a proposition which must be included in the notice of the annual meeting (e.g., changing the number of board members). Such petitions must be submitted 60 days in advance of the annual meeting to facilitate the preparation and printing of the ballots.
4. All petitions submitting questions or propositions will clearly and concisely state the proposition or question to be submitted to the meeting, but the form and language of such question or proposition will determined by the Board.
5. The Board will examine each petition filed with the District Clerk for the submission of questions and propositions and may reject said petition if its purpose is not within the power of the voters, or, where an expenditure of money is required by the petition.
6. A public hearing for the purpose of discussing the expenditure of funds and the budgeting thereof shall be held not less than seven (7) days and not more than fourteen (14) days prior to the date on which the Annual Meeting shall take place.
7. The District Clerk shall give notice of the time and place of holding the Annual Meeting and budget vote and special budget votes by publishing such notice four times within the seven weeks preceding said meeting in two newspapers, having general circulation within the district. The first publication must be at least 45 days prior to said meeting.
8. No proposition involving the budget may be submitted to the voters more than twice.

D. Qualifications of Board Members

To run for the office of member of the Board of Education, the candidate must be:

1. at least 18 years of age.
2. able to read and write English.
3. a citizen of the United States.
4. a qualified voter of the District.
5. a resident of the school district for a continuous and uninterrupted period of at least one year prior to election.
6. may not have been removed from any school district office within the preceding year.
7. may not reside with another member of the same school board as a member of the same family.
8. may not simultaneously hold another incompatible office.

No current employee of the school District may be a member of the Board.

E. Nominations and Election of Board Members

1. Each vacancy is considered a separate and specific office and a separate petition will be required to nominate a candidate to each specific office. Each candidate shall prepare a petition or may receive one from the District Clerk's office. The petition must contain the following information:
 - a. the specific vacancy for which the candidate is nominated.
 - b. the name and residence of the candidate.
 - c. the length of the term office for which the candidate is nominated, and name of the last incumbent.
2. Each petition must be signed by a minimum of 25 qualified voters of the district or 2% of the number of voters who voted in the previous Annual Election and shall state the residence of the person signing.
3. Each petition shall be filed in the office of the district clerk between the hours of 8:00 am and 5:00 pm not later than the 30th day (unless the 30th day falls on a Sunday it will be the 31st day) preceding the election at which the members will be voted upon.
4. The Board may reject nominations if the candidate is ineligible or has declared an unwillingness to serve.

5. The positions of each vacancy on the ballot and the positions of the candidates for each vacancy will be determined by lot. The district clerk will notify each candidates of the time and place of the drawing.
6. The candidates who receives a plurality of the votes cast for each office is to be declared elected.

Qualification and Registration of Voters

A. Qualification of Voters

A person shall be entitle to vote at Annual and Special District School Meetings for the election of school district officers and upon all other matters that may be brought before such meeting, who is:

1. A citizen of the United States.
2. At least 18 years of age.
3. A resident within the district for a period of 30 days next preceding the meeting at which such person offers to vote and who is registered in accordance with Section B below.
4. Qualified to register or is registered to vote in accord with Section 5-106 of the Election Law, which excludes:
 - a. most convicted felons;
 - b. persons adjusted to be mentally incompetent by a court.

B. Personal Registration of Voters

1. Continuous Registration
The residents of the Lindenhurst Union Free School District may register to vote in School District Elections at the office of the District Clerk between the hours of 8:00 o'clock A.M. and 4:00 o'clock P.M. on any day that the office is open, and also following the regularly scheduled Board of Education Business meetings during April and May. However such registration will not take place less than five days preceding any School District Election.
2. Move within the District.
Voters moving from one election district in the School District to another should see the District Clerk at the times prescribed in B above to re-register.

Only those voters who are registered will be eligible to vote. The registrar must include all persons registering personally for the meeting or election in question. The last day of registration will not be more than 14 days or less than five days prior to the election.

3. Eligibility

In addition, all persons will be eligible to vote who have:

- a. Previously registered for any annual or special meeting or election and who voted at any annual or special meeting or election held within four years prior to the preparation of the registrar; or
- b. Registered with the Suffolk County Board of Elections and have voted at a general election held within the past four years.

Conduct of District Elections and Reporting of Results

A. Electioneering

Electioneering during the hours of any vote is prohibited within the polling place or within 100 feet of such polling place.

B. Arrangement of Ballot

1. Budget Proposition
2. Any other propositions
3. Candidates for the Board of Education

C. Procedure for Voting

1. Voting will be conducted by voting machines at the five poll centers between the hours of 6:00 AM and 9:00 PM.
2. Inspectors of Election will examine each voting machine before it is used to see that all counters are set at zero, that all ballot labels are properly placed, and that the machine is in proper condition for use. Reporting results will be as specified in Section D.
3. In order to obtain an absentee ballot, the resident must obtain an application for an absentee ballot from the District Clerk (this may be done in person, via phone or written request to: District Clerk, Lindenhurst Union Free School District, 350 Daniel Street, Lindenhurst, New York 11757, telephone (631) 226-6150.

An application for an absentee ballot must be received by the District Clerk at least seven days before the election if the ballot is to be mailed to the voter, or one day before the election if the ballot is to be issued to the voter in person. Upon receipt of such application, the district clerk shall review the application to determine if the applicant is a qualified voter and is otherwise entitled to vote by absentee ballot. If the application is proper in all respects, the District Clerk shall mail or personally issue a ballot, as appropriate to the voter.

The District Clerk shall automatically mail an absentee ballot to each voter whose registration on file with the County Board of Elections is marked “permanently disabled.”

No absentee voter’s ballot shall be canvassed unless it has received in the Office of the District Clerk of the Lindenhurst Union Free School District not later than 5:00 pm, time then in effect, on the day of the election. A list of all persons to whom the absentee ballots have been issued will available for public inspection in said Office of the Clerk during regular business hours, until the day of the election.

D. Poll Watchers

1. Each candidate may have only one poll watcher at each polling place at any one time. A list of poll watchers must be submitted to the District Clerk not later than 5 days before the election.
2. All poll watchers will be supplied with an identification badge to be picked up at the District Clerk’s office.
3. The poll watcher can accompany the Clerk as he/she reads the machines at the start of the day.
4. While the polls are open, the poll watcher may check the public counter on the voting machines on an hourly basis so long as the poll watcher arranges to do so with the Chief Inspector and does so in a manner that does not interfere with the electoral process.
5. Poll watchers must maintain an appropriate decorum while in attendance at the polling place.
6. All poll watchers will be afforded the opportunity to review the vote totals on the back of the voting machines after the official count of the votes has been completed on a particular machine.

E. Closing of Poll Centers and Reporting Voting Results

1. After every voter, who is in the polling place at 9:00 pm, has had an opportunity to vote, the polls will close. At the time, using the forms provided by the District Clerk, the Inspectors shall record the voting as it appears on the voting machine, making certain that the results are read by more than one person.
2. These recorded results will be brought in person immediately to the District Clerk in the Administration Building. The District Clerk will summarize the results from individual districts and then make public the results of the election.

Special District Meeting

A. Special District Meeting

Special District Meetings may be called by the Board of Education to consider those items of business, which are listed in the legal notice posted for the purpose of advertising those meetings. The procedures for registration, notification of time and place of the vote, etc. will be the same as for the Annual School District Meeting.

B. Special District Meetings Requested by Person Other Than Board Members

According to New York State Education Law, a person other than a Board Member cannot “call” such a meeting. However, upon the filing of a petition with the Board of Education requesting such officers to call a Special District Meeting, which petition shall state the purpose thereof and shall be signed by 25 qualified voters or a number equal to five percent of the votes cast in the previous annual election of the district, whichever is greater, the Board shall proceed to call such a meeting by giving notice thereof within 20 days thereafter, unless it shall appear:

- a. that the purpose for which such meeting is sought to be called is not within the power of the voters of the district, or
- b. that such purpose is illegal, or
- c. that a bond or note resolution has been adopted and such petition is not filed within 20 days after publication or notice of such resolution pursuant to section 81 of the Local Finance Law, or
- d. that other valid reason exists for refusing to call such meeting, which reason, when appealed to the Commissioner of Education, shall be deemed by him to be sufficient cause for such refusal.

Board of Registration/Inspectors of Election

The Board of Education recognizes the legal requirements for the employment of members of the Board of Registration and/or Inspectors of Elections.

A. Appointment

A candidate for these positions must be a citizen of the United States, at least 18 years of age, and a resident of the school district for 30 days preceding the date of the election. The candidate must possess the ability to print clearly and distinctly. No individual employed in any capacity by the district may be appointed to the Board of Registration or as an Inspector of Election.

B. Duties

Under the supervision and direction of the school district clerk, members of the Board of Registration and/or Inspectors of Election shall serve in their appointed capacity as so instructed by the District Clerk.

The District Clerk will be responsible for recommending for appointment personnel and will be responsible for the assignment and appropriate instructions to those serving in such capacity.

The District Clerk will instruct inspectors that electioneering or rudeness is cause for dismissal.

Ref: Education Law §§416(3); 1608(2); 1716(2) 1804(4); 1906(1); 2002(1); 2003(1)(2); 2004(1)-(7); 2009; 2012, 2014, 2018, 2018-a, 2018-b, 2018-c, 2019, 2020, 2021; 2022(1), (4)-(5); 2025, 2032(2)(e), 2035(2); 2037, 2101; 2103; 2502(7), 2601-a(2), 2603; 2607; 2610; 2613
Election Law §§3-224; 5-106; 5-612; 5-400; 5-406
General Construction Law §60
Matter of Hebel, 34 EDR 319 (1994)
Matter of Martin, 32 EDR 567 (1993)
Matter of Rodriguez, 31 EDR 471 (1992)
Matter of Gresty, 31 EDR 90 (1991)
Matter of Como, 30 EDR 214 (1990)
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 Schoch, 21 EDR 300 (1981)
Rosentock v. Scaringe, 40 N.Y.2d 563 (1976)

Adoption date: February 4, 2009