

687

2009-2010 Regular Sessions

I N S E N A T E

January 12, 2009

Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to the establishment, consolidation, dissolution and change of the boundaries of library districts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general municipal law is amended by adding a new article 7-B to read as follows:

3 ARTICLE 7-B
4 LIBRARY DISTRICTS

5 SECTION 150. DEFINITIONS.
6 151. QUALIFICATION.
7 152. ESTABLISHMENT AND EXTENSION OF DISTRICTS.
8 153. PETITION AND HEARING.
9 154. CONSOLIDATION OF DISTRICTS.
10 155. ALTERATION OF BOUNDARIES OF DISTRICTS.
11 156. DIMINUTION OF DISTRICT BOUNDARIES.
12 157. FILING OF DETERMINATION.
13 158. BOARD MEMBERS.
14 159. ELECTION OF BOARD MEMBERS.
15 159-A. REGISTRATION FOR VOTERS.
16 159-B. ABSENTEE BALLOTS.
17 159-C. POWERS AND DUTIES OF BOARD.
18 159-D. ANNUAL STATEMENT OF EXPENDITURES AND LEVY OF TAXES.
19 159-E. DISSOLUTION OF DISTRICTS.

20 S 150. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

- 21 1. "BOARD" MEANS THE BOARD OF TRUSTEES OF A LIBRARY DISTRICT.
22 2. "DISTRICT" MEANS A LIBRARY DISTRICT.
23 3. "MUNICIPALITY" MEANS A CITY, TOWN, VILLAGE OR SCHOOL DISTRICT.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 S 151. QUALIFICATION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS
2 ARTICLE, THE PROVISIONS OF PART TWO OF ARTICLE FIVE OF THE EDUCATION LAW
3 SHALL CONTINUE TO APPLY TO DISTRICTS.

4 S 152. ESTABLISHMENT AND EXTENSION OF DISTRICTS. 1. THE GOVERNING BODY
5 OF ANY MUNICIPALITY OR, IF THE PROPOSED DISTRICT OR EXTENSION INCLUDES
6 TERRITORY IN MORE THAN ONE MUNICIPALITY THE GOVERNING BODIES OF EACH OF
7 THE MUNICIPALITIES IN WHICH SUCH PROPOSED DISTRICT OR EXTENSION IS SITU-
8 ATED, ACTING JOINTLY BY A MAJORITY VOTE OF THE MEMBERS OF EACH OF SUCH
9 GOVERNING BODIES, UPON A WRITTEN PETITION, MAY ESTABLISH OR EXTEND
10 DISTRICTS IN SUCH MUNICIPALITY OR MUNICIPALITIES.

11 2. UPON ITS OWN MOTION AND WITHOUT PETITION, THE GOVERNING BODY OF ANY
12 MUNICIPALITY OR, IF THE DISTRICT AS PROPOSED OR PROPOSED TO BE EXTENDED
13 INCLUDES TERRITORY IN MORE THAN ONE MUNICIPALITY, THE GOVERNING BODIES
14 OF EACH MUNICIPALITY ACTING JOINTLY BY A MAJORITY VOTE OF THE MEMBERS OF
15 EACH OF SUCH BODIES MAY ESTABLISH OR EXTEND DISTRICTS IN SUCH MUNICI-
16 PALITIES. THE NOTICE OF THE HEARING THEREON SHALL BE PUBLISHED AND POST-
17 ED AND SUCH HEARING SHALL BE HELD IN THE MANNER PROVIDED IN THIS ARTICLE
18 FOR A HEARING UPON THE ESTABLISHMENT OF A DISTRICT UPON PETITION. AFTER
19 SUCH HEARING AND UPON THE EVIDENCE GIVEN THEREAT, THE GOVERNING BODY OR
20 BODIES SHALL DETERMINE BY RESOLUTION WHETHER IT BE IN THE INTEREST OF
21 THE MUNICIPALITY TO ESTABLISH THE PROPOSED DISTRICT OR EXTEND AN EXIST-
22 ING DISTRICT, AS THE CASE MAY BE. IF IT BE DETERMINED THAT THE ESTAB-
23 LISHMENT OR EXTENSION OF SUCH DISTRICT BE IN THE PUBLIC INTEREST, THE
24 GOVERNING BODY OR BODIES SHALL DETERMINE WHETHER ALL THE RESIDENTS AND
25 INTERESTED PERSONS WITHIN THE PROPOSED DISTRICT ARE BENEFITED THEREBY
26 AND WHETHER ALL RESIDENTS BENEFITED ARE INCLUDED THEREIN AND SUCH
27 GOVERNING BODY OR BODIES SHALL SO ALTER THE BOUNDARIES OF THE PROPOSED
28 DISTRICT OR EXTENSION, SO THAT ALL RESIDENTS AND ONLY SUCH RESIDENTS AS
29 ARE BENEFITED SHALL BE INCLUDED WITHIN ITS LIMITS. IN THE EVENT, HOWEV-
30 ER, THAT IT IS FOUND THAT ANY RESIDENTS OR ANY INTERESTED PERSONS NOT
31 INCLUDED IN THE DISTRICT, AS ORIGINALLY PROPOSED, WILL BE BENEFITED
32 THEREBY, A FURTHER NOTICE SHALL BE POSTED AND PUBLISHED AND ANOTHER
33 HEARING SHALL BE HELD, UNLESS ALL ADDITIONAL RESIDENTS OR INTERESTED
34 PERSONS EXECUTE AND FILE WRITTEN CONSENTS TO BE INCLUDED IN SUCH
35 DISTRICT OR EXTENSION. WHEN THE BOUNDARIES OF SUCH DISTRICT OR EXTENSION
36 SHALL HAVE BEEN FINALLY DETERMINED, THE GOVERNING BODY OR BODIES SHALL
37 ADOPT A RESOLUTION ESTABLISHING OR EXTENDING THE DISTRICT AND SHALL
38 COMPLY WITH THE PROVISION OF THIS ARTICLE.

39 S 153. PETITION AND HEARING. 1. A PETITION FOR A MANDATORY REFERENDUM,
40 PURSUANT TO SECTION ONE HUNDRED FIFTY-TWO OF THIS ARTICLE, SHALL BE
41 SIGNED, AND ACKNOWLEDGED OR PROVED IN THE SAME MANNER AS A DEED TO BE
42 RECORDED, OR AUTHENTICATED IN THE MANNER PROVIDED BY THE ELECTION LAW
43 FOR THE AUTHENTICATION OF NOMINATING PETITIONS, BY RESIDENTS CONSTITUT-
44 ING TWENTY PERCENT OF THE RESIDENTS OF THE PROPOSED DISTRICT OR EXTEN-
45 SION THEREOF.

46 2. THE GOVERNING BODY OR BODIES SHALL HOLD A PUBLIC HEARING UPON SUCH
47 PETITION AND SHALL CAUSE NOTICE THEREOF TO BE PUBLISHED AT LEAST ONCE IN
48 A NEWSPAPER HAVING GENERAL CIRCULATION IN THE TERRITORY AFFECTED, THE
49 FIRST PUBLICATION THEREOF TO BE NOT LESS THAN TEN DAYS NOR MORE THAN
50 TWENTY DAYS BEFORE THE DAY DESIGNATED THEREIN FOR THE HEARING, AND THE
51 CLERK OF THE MUNICIPALITY OR CLERKS OF THE MUNICIPALITIES SHALL CAUSE
52 COPIES OF SUCH NOTICE TO BE POSTED ON THE SIGN-BOARD OF THE MUNICIPALITY
53 AND CONSPICUOUSLY IN SUCH OTHER PLACES WITHIN OR WITHOUT THE TERRITORY
54 AFFECTED AS THE GOVERNING BODY OR BODIES MAY DIRECT, NOT LESS THAN TEN
55 NOR MORE THAN TWENTY DAYS BEFORE THE DAY DESIGNATED FOR THE HEARING. IN
56 THE EVENT THAT THE MUNICIPALITY MAINTAINS A WEBSITE, SUCH INFORMATION

1 MAY ALSO BE PROVIDED ON SUCH WEBSITE. SUCH NOTICE SHALL CONTAIN A
2 DESCRIPTION OF THE PROPOSED DISTRICT OR EXTENSION, STATE THE ESTIMATED
3 RATE PER THOUSAND DOLLARS OF ASSESSED VALUATION, BASED ON THE AGGREGATE
4 ASSESSED VALUATION OF TAXABLE REAL PROPERTY OF THE PROPOSED DISTRICT OR
5 EXTENSION DISTRICT SHOWN IN THE LATEST COMPLETED FINAL ASSESSMENT ROLL,
6 PROJECTED TO BE ASSESSED, LEVIED AND COLLECTED FOR PURPOSES OF THE
7 PROPOSED DISTRICT OR EXTENDED DISTRICT FOR THE FISCAL YEAR OF ITS OPERA-
8 TION AND SPECIFY THE TIME WHEN AND THE PLACE WHERE THE GOVERNING BODY OR
9 BODIES WILL MEET TO CONSIDER SUCH PETITION AND TO HEAR ALL PERSONS
10 INTERESTED IN THE SUBJECT CONCERNING THE SAME. IF THE PETITION SHALL
11 PROVIDE FOR THE DISSOLUTION OF AN EXISTING DISTRICT UPON THE ESTABLISH-
12 MENT OF A NEW DISTRICT, THE NOTICE OF HEARING SHALL SO SPECIFY. PRIOR TO
13 THE PUBLICATION OF THE NOTICE, THE GOVERNING BODY OR BODIES SHALL CAUSE
14 TO BE PREPARED, AND FILE FOR PUBLIC INSPECTION WITH THE CLERK OF THE
15 MUNICIPALITY, A DETAILED EXPLANATION OF HOW THE ESTIMATED RATE OF
16 ASSESSMENT FOR THE PROPOSED DISTRICT OR EXTENDED DISTRICT WAS COMPUTED.

17 3. AFTER A HEARING HELD UPON NOTICE AND UPON THE EVIDENCE GIVEN THERE-
18 AT, THE GOVERNING BODY OR BODIES SHALL DETERMINE BY RESOLUTION:

19 A. WHETHER THE PETITION IS SIGNED, AND ACKNOWLEDGED OR PROVED, OR
20 AUTHENTICATED AS REQUIRED BY LAW AND IS OTHERWISE SUFFICIENT;

21 B. WHETHER ALL RESIDENTS WITHIN THE PROPOSED DISTRICT OR EXTENSION ARE
22 BENEFITED THEREBY;

23 C. WHETHER ALL RESIDENTS BENEFITED ARE INCLUDED WITHIN THE LIMITS OF
24 THE PROPOSED DISTRICT OR EXTENSION; AND

25 D. WHETHER IT IS IN THE PUBLIC INTEREST TO GRANT IN WHOLE OR IN PART
26 THE RELIEF SOUGHT.

27 IF THE GOVERNING BODY SHALL DETERMINE THAT THE PETITION IS NOT SIGNED,
28 AND ACKNOWLEDGED OR PROVED, OR AUTHENTICATED AS REQUIRED BY LAW OR THAT
29 IS OTHERWISE INSUFFICIENT, OR IF IT IS DETERMINED THAT IT BE NOT IN THE
30 PUBLIC INTEREST TO GRANT IN WHOLE OR IN PART THE RELIEF SOUGHT, THE
31 GOVERNING BODY SHALL DENY THE PETITION.

32 IF THE GOVERNING BODY OF A MUNICIPALITY SHALL DETERMINE THAT THE PETI-
33 TION IS SIGNED, AND ACKNOWLEDGED OR PROVED, OR AUTHENTICATED AS REQUIRED
34 BY LAW AND IS OTHERWISE SUFFICIENT AND THAT IT IS IN THE PUBLIC INTEREST
35 TO GRANT THE RELIEF SOUGHT, EITHER IN WHOLE OR IN PART, BUT SHALL FIND
36 THAT ANY PORTION OF THE RESIDENTS WITHIN THE PROPOSED DISTRICT OR EXTEN-
37 SION ARE NOT BENEFITED THEREBY OR THAT CERTAIN RESIDENTS BENEFITED
38 THEREBY HAVE NOT BEEN INCLUDED THEREIN, SUCH GOVERNING BODY SHALL SPECI-
39 FY THE NECESSARY CHANGES OF THE BOUNDARIES OF THE PROPOSED DISTRICT OR
40 EXTENSION TO BE MADE IN ORDER THAT ALL OF THE RESIDENTS AND ONLY SUCH
41 RESIDENTS AS ARE BENEFITED SHALL BE INCLUDED WITHIN SUCH PROPOSED
42 DISTRICT OR EXTENSION, AND THE GOVERNING BODY SHALL CALL A FURTHER HEAR-
43 ING AT A DEFINITE PLACE AND TIME NOT LESS THAN FIFTEEN NOR MORE THAN
44 TWENTY-FIVE DAYS AFTER SUCH DETERMINATION. NOTICE OF SUCH FURTHER HEAR-
45 ING SHALL BE POSTED, PUBLISHED AND MAILED IN THE MANNER PROVIDED IN THIS
46 SECTION EXCEPT THAT SUCH NOTICE SHALL ALSO SPECIFY THE MANNER IN WHICH
47 IT IS PROPOSED TO ALTER THE BOUNDARIES OF THE PROPOSED DISTRICT OR
48 EXTENSION. SUCH FURTHER HEARING SHALL BE CONDUCTED IN THE SAME MANNER AS
49 AN ORIGINAL HEARING UPON A PETITION. IF AND WHEN THE GOVERNING BODY
50 SHALL DETERMINE IN THE AFFIRMATIVE ALL OF THE QUESTIONS SET FORTH IN
51 THIS SUBDIVISION, THE BOARD MAY ADOPT A RESOLUTION APPROVING THE ESTAB-
52 LISHMENT OR EXTENSION OF THE DISTRICT AS THE BOUNDARIES SHALL BE FINALLY
53 DETERMINED, BUT NO SUCH RESOLUTION SO APPROVING SHALL BE ADOPTED UNLESS
54 THE PETITION SHALL COMPLY WITH THE REQUIREMENTS OF THIS SECTION AS TO
55 SUFFICIENCY OF SIGNERS AS THE BOUNDARIES OF THE PROPOSED DISTRICT OR
56 EXTENSION SHALL BE FINALLY DETERMINED.

1 S 154. CONSOLIDATION OF DISTRICTS. IRRESPECTIVE OF THE MANNER OF
2 THEIR ORIGINAL ESTABLISHMENT, WHENEVER TWO OR MORE DISTRICTS ADJOIN, THE
3 GOVERNING BODY OF THE MUNICIPALITY IN WHICH SUCH DISTRICTS ARE LOCATED
4 OR, IF SAID DISTRICTS BE SITUATE IN MORE THAN ONE MUNICIPALITY, THE
5 GOVERNING BODIES THEREOF ACTING JOINTLY BY A MAJORITY VOTE OF THE
6 MEMBERS OF EACH SUCH GOVERNING BODIES, UPON A WRITTEN PETITION OF TWENTY
7 PERCENT OF THE RESIDENTS OF SUCH MUNICIPALITY OR MUNICIPALITIES, OR UPON
8 THE WRITTEN PETITION OF A MAJORITY OF THE MEMBERS OF THE BOARD OF EACH
9 DISTRICT PROPOSED TO BE INCLUDED WITHIN THE CONSOLIDATED DISTRICT MAY
10 CONSOLIDATE SUCH DISTRICTS AND ESTABLISH THE SAME INTO ONE DISTRICT
11 AFTER A PUBLIC HEARING THEREON. SUCH PETITION OR PETITIONS SHALL BE
12 SIGNED, AND ACKNOWLEDGED OR PROVED IN THE SAME MANNER AS A DEED TO BE
13 RECORDED, OR AUTHENTICATED IN THE MANNER PROVIDED BY THE ELECTION LAW
14 FOR THE AUTHENTICATION OF NOMINATING PETITIONS. NOTICE OF SUCH HEARING
15 SHALL BE GIVEN AND SUCH HEARING HELD AND THE SUBJECT MATTERS THEREOF
16 DETERMINED IN THE MANNER PROVIDED FOR HEARINGS UPON THE ESTABLISHMENT OF
17 DISTRICTS, EXCEPT THAT THE NOTICE OF HEARING SHALL STATE IN GENERAL
18 TERMS THE PURPOSES OF THE HEARING AND SPECIFY EACH OF THE EXISTING
19 DISTRICTS PROPOSED TO BE INCLUDED WITHIN THE CONSOLIDATED DISTRICT.

20 IN THE EVENT THAT AT THE TIME OF CONSOLIDATION, ANY DISTRICT INCLUDED
21 WITHIN THE CONSOLIDATED DISTRICT SHALL HAVE ANY INDEBTEDNESS, EITHER
22 BONDED OR TEMPORARY, SUCH DISTRICT SHALL CONTINUE TO EXIST IN LAW FOR
23 THE PURPOSE OF PAYING SUCH INDEBTEDNESS, AND THERE SHALL BE ANNUALLY
24 ASSESSED AND LEVIED UPON AND COLLECTED FROM THE TAXABLE REAL PROPERTY
25 WITHIN SUCH ORIGINAL DISTRICT, IN THE SAME MANNER AND AT THE SAME TIME
26 AND BY THE SAME OFFICERS AS MUNICIPAL TAXES ARE ASSESSED, LEVIED AND
27 COLLECTED, A SUM SUFFICIENT TO PAY SUCH INDEBTEDNESS AND INTEREST THERE-
28 ON AS THE SAME SHALL BECOME DUE. ALL THE REAL PROPERTY WITHIN THE
29 CONSOLIDATED DISTRICT SHALL BE LIABLE FOR THE PAYMENT OF INDEBTEDNESS
30 INCURRED FOR THE PURPOSES OF THE DISTRICT AFTER SUCH CONSOLIDATION. FOR
31 THE PURPOSES HEREOF, SUCH CONSOLIDATION SHALL BE DEEMED EFFECTIVE UPON
32 THE ADOPTION BY THE GOVERNING BODY OR BODIES OF THE RESOLUTION PROVIDING
33 THEREFOR, UNLESS SUCH RESOLUTION SHALL SPECIFY SOME OTHER DATE FOR SUCH
34 PURPOSE, IN WHICH CASE SUCH CONSOLIDATION SHALL BECOME EFFECTIVE ON THE
35 DATE SO SPECIFIED.

36 S 155. ALTERATION OF BOUNDARIES OF DISTRICTS. 1. IRRESPECTIVE OF THE
37 MANNER OF THEIR ORIGINAL ESTABLISHMENT, WHENEVER TWO OR MORE DISTRICTS
38 ADJOIN AND THE BOARDS OF EACH DISTRICT AFFECTED HAVE AGREED BY A WRITTEN
39 MEMORANDUM OF PROPOSED CHANGE TO ALTER THE BOUNDARIES OF SUCH DISTRICTS,
40 BUT NOT IN SUCH A MANNER AS TO INCLUDE TERRITORY NOT PREVIOUSLY SITUATE
41 WITHIN SUCH DISTRICTS, NOR TO EXCLUDE TERRITORY PREVIOUSLY SITUATE THER-
42 EIN, AND AFTER A PUBLIC HEARING THEREON, HELD JOINTLY BY SUCH DISTRICTS,
43 THE BOUNDARIES OF SUCH DISTRICTS MAY BE ALTERED IN ACCORDANCE WITH SUCH
44 MEMORANDUM OF PROPOSED CHANGE, BUT NOT UNTIL SUCH PROPOSED CHANGE HAS
45 BEEN APPROVED BY THE GOVERNING BODY OF THE MUNICIPALITY IN WHICH SUCH
46 DISTRICTS ARE LOCATED, OR IF LOCATED IN TWO OR MORE MUNICIPALITIES, BY
47 THE GOVERNING BODIES OF SUCH MUNICIPALITIES.

48 2. SUCH MEMORANDUM OF PROPOSED CHANGE SHALL BE SIGNED BY A MAJORITY OF
49 THE MEMBERS OF THE BOARD OF EACH DISTRICT AND SHALL BE ACKNOWLEDGED OR
50 PROVED IN THE SAME MANNER AS A DEED TO BE RECORDED. THE MEMBERS OF THE
51 BOARD OF EACH DISTRICT AFFECTED SHALL JOINTLY HOLD A PUBLIC HEARING UPON
52 SUCH MEMORANDUM OF PROPOSED CHANGE AND SHALL CAUSE A NOTICE THEREOF TO
53 BE PUBLISHED AT LEAST ONCE IN A NEWSPAPER HAVING GENERAL CIRCULATION IN
54 THE TERRITORY AFFECTED, THE FIRST PUBLICATION THEREOF TO BE NOT LESS
55 THAN TEN DAYS NOR MORE THAN TWENTY DAYS BEFORE THE DAY DESIGNATED THERE-
56 IN FOR THE HEARING, AND THE SECRETARY OF THE DISTRICTS SHALL CAUSE

1 COPIES OF SUCH NOTICE TO BE POSTED CONSPICUOUSLY IN FIVE PUBLIC PLACES
2 IN THE DISTRICT AT LEAST TEN DAYS PRIOR TO THE DATE OF SUCH PUBLIC HEAR-
3 ING. IN THE EVENT THAT THE DISTRICT MAINTAINS A WEBSITE, ONE OF THE
4 POSTING REQUIREMENTS MAY BE FULFILLED BY POSTING SUCH INFORMATION ON THE
5 WEBSITE. SUCH NOTICE SHALL SPECIFY THE TIME WHEN AND THE PLACE WHERE THE
6 BOARDS OF THE DISTRICTS AFFECTED WILL MEET TO HEAR ALL PERSONS INTER-
7 ESTED IN THE SUBJECT CONCERNING THE SAME AND SHALL SPECIFY EACH DISTRICT
8 AFFECTED AND SHALL STATE IN GENERAL TERMS THE MANNER IN WHICH IT IS
9 PROPOSED TO ALTER THE BOUNDARIES THEREOF. COSTS OF PUBLICATION SHALL BE
10 BORNE EQUALLY BY EACH DISTRICT AFFECTED.

11 3. AFTER A HEARING HELD UPON NOTICE AND UPON THE EVIDENCE GIVEN THER-
12 EAT, THE BOARDS OF THE DISTRICTS AFFECTED SHALL DETERMINE BY JOINT
13 RESOLUTION:

14 (A) WHETHER ALL THE RESIDENTS WITHIN THE DISTRICTS ARE BENEFITED BY
15 SUCH CHANGE.

16 (B) WHETHER ALL THE RESIDENTS WITHIN THE AREA OF SUCH BOUNDARY CHANGE
17 ARE BENEFITED THEREBY.

18 (C) WHETHER IT IS IN THE PUBLIC INTEREST TO GRANT THE BOUNDARY LINE
19 CHANGES AS SET FORTH IN THE MEMORANDUM OF PROPOSED CHANGE.

20 IF AND WHEN THE BOARDS SHALL DETERMINE IN THE AFFIRMATIVE ALL OF THE
21 QUESTIONS SET FORTH IN THIS SUBDIVISION, THE BOARDS MAY ADOPT A RESOL-
22 UTION JOINTLY APPROVING THE BOUNDARY LINE CHANGES. SUCH JOINT RESOLUTION
23 AND MEMORANDUM OF PROPOSED CHANGE SHALL BE FILED WITH THE CLERK OF THE
24 MUNICIPALITY OR MUNICIPALITIES IN WHICH SUCH DISTRICTS ARE WHOLLY
25 LOCATED AND WITH THE ASSESSOR OF SUCH MUNICIPALITY OR MUNICIPALITIES.

26 4. THE PROPOSED CHANGE OF BOUNDARIES SHALL BE DEEMED TO HAVE BEEN
27 APPROVED PURSUANT TO THIS SECTION IN THE EVENT THAT NO ACTION IS TAKEN
28 BY THE GOVERNING BODY OR BODIES, EITHER APPROVING OR DISAPPROVING, WITH-
29 IN THIRTY DAYS OF RECEIPT OF THE MEMORANDUM OF PROPOSED CHANGE BY THE
30 CLERK OR CLERKS. IF THE GOVERNING BODY OR BODIES APPROVE SUCH PROPOSED
31 CHANGE, SUCH ALTERATION OF BOUNDARIES SHALL BE DEEMED EFFECTIVE UPON THE
32 DATE OF SUCH ADOPTION. IF THE GOVERNING BODY OF ANY ONE OF THE TWO OR
33 MORE MUNICIPALITIES IN WHICH THE DISTRICT IS LOCATED DISAPPROVE SUCH
34 PROPOSED CHANGE OF BOUNDARIES, THEN, WITHIN TEN DAYS AFTER THE ADOPTION
35 OF SUCH RESOLUTION DISAPPROVING SUCH CHANGE OF BOUNDARIES THE CLERK OF
36 THE MUNICIPALITY DISAPPROVING SUCH CHANGE SHALL NOTIFY THE DISTRICTS
37 INVOLVED. ANY DISTRICT BELIEVING ITSELF AGGRIEVED MAY WITHIN THIRTY DAYS
38 OF RECEIPT OF NOTIFICATION COMMENCE AN APPROPRIATE PROCEEDING IN THE
39 SUPREME COURT IN ACCORDANCE WITH ARTICLE SEVENTY-EIGHT OF THE CIVIL
40 PRACTICE LAW AND RULES, NAMING THE MUNICIPAL GOVERNING BODY OR BODIES AS
41 RESPONDENTS.

42 5. IN THE EVENT THAT THE BOUNDARIES OF A DISTRICT HAVING INDEBTEDNESS,
43 EITHER BONDED OR TEMPORARY, SHALL BE ALTERED, SUCH DISTRICT SHALL
44 CONTINUE IN LAW AS IT EXISTED IMMEDIATELY PRIOR TO SUCH CHANGE OF BOUND-
45 ARIES FOR THE PURPOSE OF PAYING SUCH INDEBTEDNESS, AND THERE SHALL BE
46 ANNUALLY ASSESSED AND LEVIED UPON AND COLLECTED FROM THE TAXABLE REAL
47 PROPERTY WITHIN SUCH DISTRICT AS IT EXISTED IMMEDIATELY PRIOR TO SUCH
48 ALTERATION OF BOUNDARIES, IN THE SAME MANNER AND AT THE SAME TIME AND BY
49 THE SAME OFFICERS AS MUNICIPAL TAXES ARE ASSESSED, LEVIED AND COLLECTED,
50 A SUM SUFFICIENT TO PAY SUCH INDEBTEDNESS AND INTEREST THEREON AS THE
51 SAME SHALL BECOME DUE. ALL AND ONLY THE REAL PROPERTY WITHIN THE BOUNDA-
52 RIES OF THE DISTRICT AS THEY EXIST AFTER THE ALTERATION THEREOF SHALL BE
53 LIABLE FOR THE PAYMENT OF INDEBTEDNESS INCURRED FOR THE PURPOSES OF SUCH
54 DISTRICT AFTER SUCH ALTERATION. SUCH ALTERATION OF BOUNDARIES SHALL BE
55 DEEMED EFFECTIVE UPON THE ADOPTION BY THE BOARDS OF THE AFFECTED
56 DISTRICTS OF THE RESOLUTION PROVIDING THEREFOR, UNLESS SUCH RESOLUTION

1 SHALL SPECIFY SOME OTHER DATE FOR SUCH PURPOSE, IN WHICH CASE SUCH
2 ALTERATION SHALL BE DEEMED EFFECTIVE UPON THE DATE SO SPECIFIED.

3 S 156. DIMINUTION OF DISTRICT BOUNDARIES. 1. IRRESPECTIVE OF THE
4 MANNER OF ITS ORIGINAL ESTABLISHMENT, WHENEVER A BOARD RESOLVES, BY A
5 TWO-THIRDS VOTE, TO DIMINISH THE BOUNDARIES OF A DISTRICT, SO AS TO
6 EXCLUDE TERRITORY PREVIOUSLY SITUATE WITHIN SUCH DISTRICT, AND AFTER A
7 PUBLIC HEARING THEREON, HELD JOINTLY BY THE DISTRICT AND THE MUNICI-
8 PALITY IN WHICH SUCH TERRITORY TO BE EXCLUDED IS SITUATE, THE BOUNDARIES
9 OF SUCH DISTRICT MAY BE ALTERED IN ACCORDANCE WITH SUCH RESOLUTION.

10 2. SUCH RESOLUTION OF PROPOSED DIMINUTION SHALL BE SIGNED BY
11 TWO-THIRDS OF THE MEMBERS OF THE BOARD AND SHALL BE ACKNOWLEDGED OR
12 APPROVED IN THE SAME MANNER AS A DEED TO BE RECORDED. THE MEMBERS OF THE
13 BOARD SHALL JOINTLY HOLD A PUBLIC HEARING WITH THE MEMBERS OF THE
14 GOVERNING BODY OF THE MUNICIPALITY IN WHICH SUCH TERRITORY IS LOCATED
15 AND SHALL CAUSE A NOTICE THEREOF TO BE PUBLISHED AT LEAST ONCE IN A
16 NEWSPAPER HAVING GENERAL CIRCULATION IN THE TERRITORY AFFECTED. THE
17 FIRST PUBLICATION THEREOF SHALL BE NOT LESS THAN TEN DAYS NOR MORE THAN
18 TWENTY DAYS BEFORE THE DAY DESIGNATED THEREIN FOR THE HEARING. SUCH
19 NOTICE SHALL SPECIFY THE TIME WHEN AND THE PLACE WHERE THE BOARD AND THE
20 GOVERNING BODY OF THE MUNICIPALITY WILL MEET TO HEAR ALL PERSONS INTER-
21 ESTED IN THE SUBJECT, AND SHALL SPECIFY THE TERRITORY AFFECTED. COST OF
22 PUBLICATION SHALL BE BORNE SOLELY BY THE DISTRICT.

23 3. AFTER A HEARING HELD UPON NOTICE AND UPON THE EVIDENCE GIVEN THER-
24 EAT, THE BOARD AND THE GOVERNING BODY OF THE MUNICIPALITY SHALL DETER-
25 MINE BY RESOLUTION:

26 (A) WHETHER ALL THE RESIDENTS WITHIN THE AREA PROPOSED TO BE EXCLUDED
27 FROM THE DISTRICT ARE BENEFITED THEREBY;

28 (B) WHETHER ALL THE RESIDENTS BENEFITED ARE INCLUDED WITHIN THE LIMITS
29 OF ANOTHER DISTRICT;

30 (C) WHETHER IT IS IN THE PUBLIC INTEREST TO GRANT IN WHOLE OR IN PART
31 THE DIMINUTION OF THE DISTRICT AND THE INCLUSION IN ANOTHER DISTRICT.

32 IF THE BOARD AND THE GOVERNING BODY OF THE MUNICIPALITY SHALL DETER-
33 MINE THAT IT IS IN THE PUBLIC INTEREST TO DIMINISH THE DISTRICT BUT
34 SHALL FIND THAT ANY PORTION OF THE RESIDENTS WITHIN THE PROPOSED AREA TO
35 BE EXCLUDED FROM THE DISTRICT ARE NOT BENEFITED THEREBY OR THAT CERTAIN
36 RESIDENTS BENEFITED THEREBY HAVE NOT BEEN INCLUDED IN ANOTHER DISTRICT,
37 THE BOARD AND THE GOVERNING BODY OF THE MUNICIPALITY SHALL SPECIFY THE
38 NECESSARY CHANGES OF THE BOUNDARIES OF THE AREA TO BE EXCLUDED FROM THE
39 DISTRICT AND THE BOUNDARIES OF THE OTHER DISTRICT IN ORDER THAT ONLY
40 SUCH RESIDENTS AS ARE BENEFITED, SHALL BE INCLUDED WITHIN SUCH PROPOSED
41 EXCLUDED AREA AND WITHIN THE OTHER DISTRICT, AND THE BOARD SHALL,
42 TOGETHER WITH THE GOVERNING BODY OF THE MUNICIPALITY, CALL A FURTHER
43 HEARING AT A DEFINITE PLACE AND TIME NOT LESS THAN FIFTEEN NOR MORE THAN
44 TWENTY-FIVE DAYS AFTER SUCH DETERMINATION. NOTICE OF SUCH FURTHER HEAR-
45 ING SHALL BE PUBLISHED IN THE MANNER PROVIDED IN THIS SECTION EXCEPT
46 THAT SUCH NOTICE SHALL ALSO SPECIFY THE MANNER IN WHICH IT IS PROPOSED
47 TO ALTER THE BOUNDARIES OF THE AREA TO BE EXCLUDED AND THE BOUNDARIES OF
48 THE OTHER DISTRICT. SUCH FURTHER HEARING SHALL BE CONDUCTED IN THE SAME
49 MANNER AS THE ORIGINAL HEARING. IF, AND WHEN, THE BOARD AND THE GOVERN-
50 ING BODY OF THE MUNICIPALITY SHALL DETERMINE IN THE AFFIRMATIVE ALL OF
51 THE QUESTIONS SET FORTH IN THIS SUBDIVISION, THE BOARD MAY ADOPT A
52 RESOLUTION APPROVING THE DIMINUTION OF THE DISTRICT AND THE GOVERNING
53 BODY OF THE MUNICIPALITY MAY ADOPT A RESOLUTION APPROVING THE INCLUSION
54 OF SUCH TERRITORY IN ANOTHER DISTRICT, ALL AS THE BOUNDARIES SHALL BE
55 FINALLY DETERMINED.

1 S 157. FILING OF DETERMINATION. 1. WHENEVER THE GOVERNING BODY OR
2 BODIES SHALL ADOPT A RESOLUTION ESTABLISHING OR EXTENDING A DISTRICT, OR
3 CONSOLIDATING TWO OR MORE ADJOINING DISTRICTS, OR ALTERING THE BOUNDARIES OF A DISTRICT, OR DISSOLVING A DISTRICT, THE MUNICIPAL CLERK OR
4 CLERKS SHALL CAUSE A CERTIFIED COPY OF SUCH RESOLUTION TO BE DULY
5 RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY OR COUNTIES IN WHICH
6 SUCH DISTRICT, OR CONSOLIDATED OR ALTERED DISTRICTS ARE LOCATED, AND
7 SHALL, WITHIN TEN DAYS CAUSE A CERTIFIED COPY OF SUCH RESOLUTION TO BE
8 FILED IN THE DEPARTMENT OF AUDIT AND CONTROL AT ALBANY. WHEN SO
9 RECORDED, SUCH RESOLUTION SHALL BE PRESUMPTIVE EVIDENCE OF THE REGULARITY OF THE ESTABLISHMENT, EXTENSION, CONSOLIDATION, DISSOLUTION OR ALTERATION OF SUCH DISTRICT OR DISTRICTS. THE EXPENSE OF SUCH RECORDING SHALL
10 BE A CHARGE AGAINST THE DISTRICT OR DISTRICTS. THE SAID DETERMINATION
11 SHALL BE FINAL AND CONCLUSIVE UNLESS A PROCEEDING HAS BEEN COMMENCED FOR
12 REVIEW IN THE MANNER PROVIDED BY ARTICLE SEVENTY-EIGHT OF THE CIVIL
13 PRACTICE LAW AND RULES WITHIN THIRTY DAYS FROM THE TIME OF RECORDING
14 THEREOF.

15
16
17
18 2. WHENEVER THE GOVERNING BODY OR BODIES SHALL ADOPT A RESOLUTION
19 ESTABLISHING OR EXTENDING A DISTRICT FOR WHICH IT IS PROPOSED THAT AN
20 EXPENDITURE IS TO BE FINANCED BY THE ISSUANCE OF BONDS, NOTES, CERTIFICATES OR OTHER EVIDENCES OF INDEBTEDNESS OF THE DISTRICT, SUCH RESOLUTION OR DETERMINATION SHALL BE SUBMITTED TO THE STATE COMPTROLLER FOR
21 APPROVAL IN THE FOLLOWING MANNER:

22
23 (A) WITHIN TEN DAYS AFTER THE ADOPTION OF A RESOLUTION BY A GOVERNING
24 BODY OF A MUNICIPALITY APPROVING THE ESTABLISHMENT OR EXTENSION OF SUCH
25 A DISTRICT, THE MUNICIPAL CLERK SHALL FILE A CERTIFIED COPY OF SUCH
26 RESOLUTION, IN DUPLICATE, IN THE OFFICE OF THE DEPARTMENT OF AUDIT AND
27 CONTROL AT ALBANY, TOGETHER WITH AN APPLICATION, IN DUPLICATE, FOR
28 PERMISSION TO CREATE OR EXTEND SUCH DISTRICT AS THE CASE MAY BE. SUCH
29 APPLICATION SHALL BE EXECUTED AND VERIFIED BY THE GOVERNING BODY OF THE
30 MUNICIPALITY, AND SHALL INCLUDE THE FOLLOWING:

31 (1) A CERTIFIED COPY OF THE PETITION, IF THERE IS ONE, OMITTING,
32 HOWEVER, THE SIGNATURES AND ACKNOWLEDGMENTS OR PROOFS, OR AUTHENTICATIONS.

33 (2) AN ITEMIZED STATEMENT OF THE EXISTING INDEBTEDNESS OF THE
34 DISTRICT, BOTH TEMPORARY AND BONDED.

35 (3) A STATEMENT OF THE AGGREGATE ASSESSED VALUATION OF THE TAXABLE
36 REAL PROPERTY SITUATED IN THE PROPOSED DISTRICT OR EXTENSION THEREOF,
37 AND, IF THERE IS A PETITION, OF THE PORTION THEREOF OWNED BY RESIDENT
38 OWNERS.

39 (B) WHENEVER SUCH AN APPLICATION SHALL BE FILED WITH THE DEPARTMENT OF
40 AUDIT AND CONTROL, THE STATE COMPTROLLER SHALL WITHIN FIVE DAYS THEREAFTER GIVE NOTICE THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH SUCH PROPOSED DISTRICT OR EXTENSION IS LOCATED BY FILING WITH THE
41 CLERK OF SUCH BOARD OF SUPERVISORS ONE COPY OF SUCH APPLICATION. AT ANY
42 TIME WITHIN FIFTEEN DAYS OF THE FILING OF THE APPLICATION, SAID BOARD OF
43 SUPERVISORS MAY FILE AN OBJECTION, IN WRITING, WITH THE DEPARTMENT OF
44 AUDIT AND CONTROL. IN ADDITION, THE STATE COMPTROLLER SHALL DETERMINE
45 WHETHER THE PUBLIC INTEREST WILL BE SERVED BY THE CREATION OR EXTENSION
46 OF THE DISTRICT AND ALSO WHETHER THE COST THEREOF WILL BE AN UNDUE
47 BURDEN UPON THE PROPERTY OF THE PROPOSED DISTRICT OR EXTENSION. THE
48 STATE COMPTROLLER MAY MAKE SUCH DETERMINATIONS UPON THE ORIGINAL OR ANY
49 AMENDED APPLICATION, OR IN HIS OR HER DISCRETION MAY REQUIRE THE
50 SUBMISSION OF ADDITIONAL INFORMATION OR DATA IN SUCH FORM AND DETAIL AS
51 HE OR SHE SHALL DEEM SUFFICIENT, OR MAY CAUSE AN INVESTIGATION TO BE
52 MADE, TO AID HIM OR HER IN MAKING THE DETERMINATIONS.

1 3. UPON THE EXPIRATION OF FIFTEEN DAYS FROM THE DATE OF THE FILING OF
2 SUCH APPLICATION WITH THE CLERK OF THE BOARD OF SUPERVISORS AND UPON
3 REACHING A DETERMINATION, THE COMPTROLLER SHALL MAKE AN ORDER, IN DUPLI-
4 CATE, GRANTING OR DENYING PERMISSION FOR THE CREATION OR EXTENSION OF
5 THE DISTRICT AND SHALL FILE ONE COPY OF SUCH ORDER WITH THE DEPARTMENT
6 OF AUDIT AND CONTROL AT ALBANY, AND THE OTHER IN THE OFFICE OF THE CLERK
7 OF THE MUNICIPALITY IN WHICH THE PROPOSED DISTRICT OR EXTENSION IS
8 LOCATED. THE CLERK SHALL PRESENT SUCH ORDER TO THE GOVERNING BODY OF THE
9 MUNICIPALITY AT THE NEXT MEETING THEREOF.

10 4. IF THE STATE COMPTROLLER SHALL DENY PERMISSION FOR THE CREATION OR
11 EXTENSION OF THE DISTRICT, THE GOVERNING BODY SHALL FORTHWITH ADOPT AN
12 ORDER DENYING THE PETITION. IF THE STATE COMPTROLLER SHALL GRANT PERMIS-
13 SION THEREFOR OR IF PERMISSION OF THE STATE COMPTROLLER IS NOT REQUIRED,
14 THE GOVERNING BODY MAY ADOPT AN ORDER ESTABLISHING THE DISTRICT OR
15 EXTENSION AS THE BOUNDARIES SHALL BE FINALLY DETERMINED. THE CLERK SHALL
16 CAUSE CERTIFIED COPIES OF ITS RESOLUTION AND SUCH ORDER TO BE DULY
17 RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY OR COUNTIES IN WHICH
18 SUCH DISTRICT IS LOCATED. WHEN SO RECORDED SUCH RESOLUTION AND ORDER
19 SHALL BE PRESUMPTIVE EVIDENCE OF THE REGULARITY OF THE ESTABLISHMENT OR
20 EXTENSION OF SUCH DISTRICT. THE EXPENSE OF SUCH RECORDING SHALL BE A
21 CHARGE AGAINST THE DISTRICT. THE SAID DETERMINATION SHALL BE FINAL AND
22 CONCLUSIVE UNLESS A PROCEEDING FOR REVIEW IN THE MANNER PROVIDED BY
23 ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES HAS BEEN
24 COMMENCED WITHIN THIRTY DAYS FROM THE TIME OF THE RECORDING THEREOF.
25 WITHIN TEN DAYS AFTER THE ADOPTION OF SUCH ORDER BY THE MUNICIPAL
26 GOVERNING BODY, ESTABLISHING THE DISTRICT OR EXTENSION, THE CLERK SHALL
27 CAUSE A CERTIFIED COPY OF SUCH ORDER TO BE FILED WITH THE DEPARTMENT OF
28 AUDIT AND CONTROL AT ALBANY.

29 S 158. BOARD MEMBERS. 1. (A) WHENEVER A DISTRICT SHALL BE ESTAB-
30 LISHED, WITHIN TEN DAYS THEREAFTER THE GOVERNING BODY OF THE MUNICI-
31 PALITY IN WHICH SUCH DISTRICT IS LOCATED OR, IN THE CASE OF A DISTRICT
32 INCLUDING TERRITORY IN TWO OR MORE MUNICIPALITIES, THE GOVERNING BODIES
33 OF SUCH MUNICIPALITIES ACTING JOINTLY BY A MAJORITY VOTE OF THE MEMBERS
34 OF EACH OF SUCH GOVERNING BODIES, SHALL APPOINT FIVE BOARD MEMBERS AND A
35 TREASURER FOR SUCH DISTRICT WHO SHALL HOLD THEIR RESPECTIVE OFFICES
36 UNTIL THE THIRTY-FIRST DAY OF DECEMBER NEXT SUCCEEDING; PROVIDED, HOWEV-
37 ER, THAT IF SUCH DISTRICT BE ESTABLISHED SUBSEQUENT TO THE FIRST DAY OF
38 OCTOBER IN ANY YEAR, THE OFFICERS SO APPOINTED BY THE GOVERNING BODY
39 SHALL HOLD OFFICE UNTIL THE THIRTY-FIRST DAY OF DECEMBER OF THE NEXT
40 SUCCEEDING CALENDAR YEAR. THE MUNICIPAL CLERK SHALL IMMEDIATELY NOTIFY
41 THE APPOINTEES OF THEIR APPOINTMENT AND OF THE TIME AND PLACE WHICH HE
42 OR SHE SHALL FIX FOR THE ORGANIZATION MEETING OF THE BOARD, WHICH MEET-
43 ING SHALL BE HELD NOT LATER THAN TEN DAYS AFTER THE APPOINTMENT OF SAID
44 OFFICERS. AT SUCH ORGANIZATION MEETING, THE TREASURER SHALL PRESIDE
45 UNTIL SUCH TIME AS A CHAIRMAN OF THE BOARD SHALL BE CHOSEN, BUT SUCH
46 TREASURER SHALL NOT BE ENTITLED TO A VOTE AT SUCH MEETING. THE BOARD
47 SHALL APPOINT A SECRETARY WHO SHALL HOLD OFFICE UNTIL THE THIRTY-FIRST
48 DAY OF DECEMBER FOLLOWING THE FIRST ELECTION OF BOARD MEMBERS.

49 (B) WHENEVER TWO OR MORE DISTRICTS SHALL HAVE BEEN CONSOLIDATED,
50 PURSUANT TO THIS ARTICLE, THE SEVERAL BOARD MEMBERS OF EACH OF SUCH
51 DISTRICTS SHALL CONSTITUTE THE BOARD THEREOF AND THE SEVERAL TREASURERS
52 OF SUCH DISTRICTS SHALL SERVE JOINTLY AS THE TREASURERS OF SUCH CONSOL-
53 IDATED DISTRICT, UNTIL THE THIRTY-FIRST DAY OF DECEMBER NEXT SUCCEEDING
54 THE FIRST ELECTION OF BOARD MEMBERS AND A TREASURER FOR SUCH CONSOL-
55 IDATED DISTRICT, HELD PURSUANT TO SUBDIVISION TWO OF THIS SECTION. THE
56 TERMS OF OFFICE OF SUCH BOARD MEMBERS OF THE SEVERAL DISTRICTS SO

1 CONSOLIDATED SHALL TERMINATE ON SAID THIRTY-FIRST DAY OF DECEMBER NEXT
2 SUCCEEDING SUCH ELECTION.

3 2. THE FIRST ELECTION OF BOARD MEMBERS SHALL BE HELD ON THE SECOND
4 TUESDAY IN DECEMBER NEXT SUCCEEDING THE ESTABLISHMENT OR CONSOLIDATION
5 OF SUCH DISTRICT; PROVIDED, HOWEVER, THAT IF SUCH DISTRICT BE ESTAB-
6 LISHED OR CONSOLIDATED AT A TIME SUBSEQUENT TO THE FIRST DAY OF OCTOBER
7 IN ANY YEAR, THE FIRST ELECTION OF BOARD MEMBERS SHALL BE HELD ON THE
8 SECOND TUESDAY IN THE MONTH OF DECEMBER OF THE NEXT SUCCEEDING CALENDAR
9 YEAR. AT THE FIRST ANNUAL ELECTION OF BOARD MEMBERS, FIVE BOARD MEMBERS
10 SHALL BE ELECTED AND A TREASURER. THE PERSON RECEIVING THE GREATEST
11 NUMBER OF VOTES FOR BOARD MEMBER SHALL BE ELECTED FOR A TERM OF FIVE
12 YEARS; THE PERSON RECEIVING THE SECOND HIGHEST NUMBER OF VOTES SHALL BE
13 ELECTED FOR A TERM OF FOUR YEARS; THE PERSON RECEIVING THE THIRD HIGHEST
14 NUMBER OF VOTES SHALL BE ELECTED FOR A TERM OF THREE YEARS; THE PERSON
15 RECEIVING THE FOURTH HIGHEST NUMBER OF VOTES SHALL BE ELECTED FOR A TERM
16 OF TWO YEARS AND THE PERSON RECEIVING THE FIFTH HIGHEST NUMBER OF VOTES
17 SHALL BE ELECTED FOR A TERM OF ONE YEAR. IN THE EVENT THAT TWO PERSONS
18 SHALL RECEIVE THE SAME NUMBER OF VOTES THE TERMS OF OFFICE SHALL BE
19 DECIDED BY LOT. AT EACH SUBSEQUENT ELECTION OF BOARD MEMBERS A MEMBER
20 SHALL BE ELECTED FOR THE FULL TERM OF FIVE YEARS. IN THE EVENT THAT TWO
21 OR MORE PERSONS RECEIVE THE SAME NUMBER OF VOTES THEREAT, A SPECIAL
22 ELECTION BETWEEN THE TYING PARTIES RECEIVING THE HIGHEST NUMBER OF VOTES
23 TO FILL THE VACANCY SHALL BE HELD WITHIN FORTY-FIVE DAYS AFTER SUCH
24 ELECTION. THE TREASURER SHALL BE ELECTED FOR A TERM OF THREE YEARS. THE
25 SECRETARY SHALL BE APPOINTED BY THE BOARD AND SHALL SERVE FOR A PERIOD
26 OF ONE YEAR. THE SECRETARY IN OFFICE AT THE TIME SUCH ELECTION IS HELD
27 SHALL IMMEDIATELY NOTIFY THE MEMBERS ELECTED OF THEIR ELECTION AND THAT
28 AN ORGANIZATION MEETING WILL BE HELD ON THE DAY SPECIFIED IN SAID
29 NOTICE, WHICH SHALL NOT BE LATER THAN THE FIFTEENTH DAY OF JANUARY NEXT
30 ENSUING. AT SUCH ORGANIZATION MEETING, THE TREASURER SHALL PRESIDE UNTIL
31 SUCH TIME AS A CHAIRMAN OF THE BOARD SHALL BE CHOSEN, BUT SUCH TREASURER
32 SHALL NOT BE ENTITLED TO A VOTE AT SUCH MEETING.

33 3. THE BOARD MEMBERS SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES.
34 THE SECRETARY SHALL RECEIVE SUCH COMPENSATION AS THE BOARD MAY DETER-
35 MINE. THE TREASURER SHALL RECEIVE SUCH COMPENSATION AS THE BOARD MAY
36 DETERMINE. EACH TREASURER AND EACH SECRETARY SHALL BEFORE ENTERING UPON
37 THE DUTIES OF HIS OR HER OFFICE TAKE THE CONSTITUTIONAL OATH OF OFFICE
38 AND FILE THE SAME WITH THE CLERK OF THE MUNICIPALITY OR ONE OF THE MUNI-
39 CIPALITIES IN WHICH SUCH DISTRICT IS LOCATED. THE TREASURER OF EACH
40 DISTRICT SHALL BEFORE ENTERING UPON THE DUTIES OF HIS OR HER OFFICE,
41 EXECUTE AND FILE WITH THE CLERK OF THE MUNICIPALITY OR ONE OF THE MUNI-
42 CIPALITIES IN WHICH SUCH DISTRICT IS LOCATED, AN OFFICIAL UNDERTAKING,
43 CONDITIONED FOR THE FAITHFUL PERFORMANCE OF HIS OR HER DUTIES AND THAT
44 HE OR SHE WILL AND TRULY KEEP, PAY OVER AND ACCOUNT FOR ALL MONEYS OF
45 THE DISTRICT COMING INTO HIS OR HER HANDS AS TREASURER OF THE DISTRICT.
46 THE UNDERTAKING SHALL BE IN SUCH FORM, IN SUCH SUM AND WITH SUCH SURE-
47 TIES AS THE BOARD SHALL DIRECT AND APPROVE AND SUCH APPROVAL SHALL BE
48 INDICATED UPON SUCH UNDERTAKING.

49 4. WHEN THE POSITION OF DISTRICT TREASURER OR DISTRICT SECRETARY IS
50 APPOINTIVE, AND IF NO QUALIFIED RESIDENT OF THE DISTRICT IS WILLING TO
51 PERFORM THE DUTIES OF DISTRICT TREASURER OR DISTRICT SECRETARY, A PERSON
52 WHO IS A NONRESIDENT OF SUCH DISTRICT MAY BE APPOINTED AS DISTRICT TREA-
53 SURER OR DISTRICT SECRETARY.

54 S 159. ELECTION OF BOARD MEMBERS. 1. AN ANNUAL ELECTION SHALL BE HELD
55 IN EACH DISTRICT ON THE SECOND TUESDAY IN DECEMBER. THE BOARD SHALL
56 GIVE NOTICE THEREOF BY THE PUBLICATION OF A NOTICE ONCE IN ONE OR MORE

1 NEWSPAPERS HAVING A GENERAL CIRCULATION IN THE DISTRICT. THE FIRST
2 PUBLICATION OF SUCH NOTICE SHALL BE NOT LESS THAN TWENTY-SEVEN DAYS AND
3 NOT MORE THAN THIRTY-FOUR DAYS PRIOR TO THE DATE OF SUCH ELECTION. SUCH
4 NOTICE SHALL SPECIFY THE TIME WHEN AND THE PLACE WHERE SUCH ELECTION
5 WILL BE HELD, THE OFFICERS TO BE ELECTED THEREAT AND THEIR TERMS OF
6 OFFICE, AND THE HOURS DURING WHICH THE POLLS WILL BE OPEN FOR THE
7 RECEIPT OF BALLOTS. THE SECRETARY OF SUCH DISTRICT SHALL PREPARE THE
8 BALLOTS FOR ALL ELECTIONS OF BOARD MEMBERS AND THE POLLS SHALL REMAIN
9 OPEN FOR THE RECEIPT THEREOF AT ALL ELECTIONS OF BOARD MEMBERS FROM
10 TWELVE O'CLOCK NOON UNTIL NINE O'CLOCK IN THE EVENING AND SUCH ADDI-
11 TIONAL CONSECUTIVE HOURS PRIOR THERETO AS THE BOARD OF SUCH DISTRICT MAY
12 HAVE DETERMINED AND SPECIFIED IN THE NOTICE THEREOF. THE BOARD SHALL
13 DESIGNATE A RESIDENT DISTRICT ELECTOR, WHO SHALL BE A REGISTERED VOTER
14 OF THE MUNICIPALITY, TO ACT AS CHAIRMAN OF ANY ELECTION OF SAID DISTRICT
15 AND SHALL DESIGNATE NOT LESS THAN TWO NOR MORE THAN FOUR RESIDENT
16 DISTRICT ELECTORS, WHO SHALL BE REGISTERED VOTERS OF THE MUNICIPALITY TO
17 ACT AS ELECTION INSPECTORS AND BALLOT CLERKS AT SUCH ELECTIONS. NO
18 MEMBER OF THE BOARD SHALL SERVE AS SUCH CHAIRMAN OR AS AN ELECTION
19 INSPECTOR OR BALLOT CLERK. THE BOARD MAY ADOPT A RESOLUTION PROVIDING
20 THAT SUCH CHAIRMAN, ELECTION INSPECTORS AND BALLOT CLERKS SHALL BE PAID
21 FOR THEIR RESPECTIVE SERVICES AT ANY SUCH ANNUAL ELECTION OR AT ANY
22 SPECIAL ELECTION OF THE DISTRICT. SUCH RESOLUTION, IF ADOPTED, SHALL FIX
23 THE AMOUNT OF SUCH COMPENSATION, AS FOLLOWS: IF THE HOURS DURING WHICH
24 THE POLLS WILL BE OPEN FOR THE RECEIPT OF BALLOTS ARE FROM TWELVE
25 O'CLOCK NOON UNTIL NINE O'CLOCK IN THE EVENING, A SUM NOT TO EXCEED
26 THIRTY-FIVE DOLLARS FOR EACH SUCH OFFICIAL; IF ADDITIONAL CONSECUTIVE
27 HOURS PRIOR TO TWELVE O'CLOCK NOON ARE DETERMINED AND SPECIFIED IN THE
28 NOTICE OF ELECTION, A SUM NOT TO EXCEED FIFTY DOLLARS FOR EACH SUCH
29 OFFICIAL.

30 2. EVERY ELECTOR OF THE MUNICIPALITY WHO SHALL BE A REGISTERED VOTER
31 AND WHO SHALL HAVE RESIDED IN THE DISTRICT FOR THE PERIOD OF THIRTY DAYS
32 NEXT PRECEDING ANY ELECTION OF BOARD MEMBERS SHALL BE QUALIFIED TO VOTE
33 FOR SUCH MEMBERS. EVERY ELECTOR OF THE MUNICIPALITY WHO SHALL BE A
34 REGISTERED VOTER AND WHO SHALL HAVE RESIDED IN THE DISTRICT FOR THE
35 PERIOD OF THIRTY DAYS NEXT PRECEDING ANY ELECTION AT WHICH A PROPOSITION
36 SHALL BE SUBMITTED, SHALL BE QUALIFIED TO VOTE UPON SUCH PROPOSITION.

37 3. EVERY BOARD MEMBER, TREASURER AND SECRETARY MUST AT THE TIME OF HIS
38 OR HER ELECTION OR APPOINTMENT AND THROUGHOUT HIS OR HER TERM OF OFFICE
39 BE A RESIDENT OF SUCH DISTRICT.

40 4. THERE SHALL BE CONSPICUOUSLY PLACED, BY THE RESIDENT ELECTOR,
41 DISTANCE MARKERS AT A DISTANCE OF ONE HUNDRED FEET FROM THE POLLING
42 PLACE. SUCH DISTANCE MARKERS SHALL BE SO PLACED AT LEAST ONE-HALF HOUR
43 BEFORE THE OPENING OF THE POLLS AND SHALL REMAIN UNTIL SUCH POLLS ARE
44 CLOSED. THE ONE HUNDRED FOOT DISTANCE SHALL BE DEEMED TO INCLUDE A ONE
45 HUNDRED FOOT RADIAL MEASURED FROM THE ENTRANCES, DESIGNATED BY THE RESI-
46 DENT ELECTOR, TO A BUILDING WHERE SUCH ELECTION IS BEING HELD. WHILE
47 THE POLLS ARE OPEN NO PERSON SHALL DO ANY ELECTIONEERING WITHIN THE
48 POLLING PLACE, OR IN ANY PUBLIC STREET WITHIN THE ONE HUNDRED FOOT RADI-
49 AL, OR WITHIN SUCH DISTANCE IN ANY PLACE IN A PUBLIC MANNER. NO ELECTIO-
50 NEERING BANNER, BUTTON, POSTER OR PLACARD ON BEHALF OF OR IN OPPOSITION
51 TO ANY CANDIDATE OR ISSUE TO BE VOTED UPON SHALL BE ALLOWED IN OR UPON
52 THE POLLING PLACE OR WITHIN SUCH ONE HUNDRED FEET THEREFROM DURING THE
53 ELECTION. ANY PERSON WHO WILLFULLY VIOLATES THE PROVISIONS OF THIS
54 SUBDIVISION SHALL BE GUILTY OF A MISDEMEANOR.

55 5. ALL OFFICIAL BALLOTS SHALL REMAIN IN THE CUSTODY OF ELECTION
56 INSPECTORS WITHIN THE POLLING PLACE FROM THE OPENING OF THE POLLS UNTIL

1 THE ANNOUNCEMENT OF THE RESULT OF THE CANVASS AND THE SIGNING OF THE
2 INSPECTORS' RETURNS THEREOF. AFTER THE POLLS SHALL HAVE BEEN CLOSED AT
3 ANY ELECTION HELD FOR THE ELECTION OF BOARD MEMBERS OR TO VOTE UPON A
4 PROPOSITION, THE ELECTION INSPECTORS AND BALLOT CLERKS SHALL IMMEDIATELY
5 CANVASS PUBLICLY THE BALLOTS CAST AND THE CHAIRMAN OF THE ELECTION SHALL
6 PUBLICLY ANNOUNCE THE RESULT. WITHIN SEVENTY-TWO HOURS THEREAFTER, THE
7 CHAIRMAN, ELECTION INSPECTORS AND BALLOT CLERKS SHALL EXECUTE AND FILE A
8 CERTIFICATE OF THE RESULT OF THE CANVASS WITH THE BOARD AND WITH THE
9 CLERK OF EACH MUNICIPALITY IN WHICH SAID DISTRICT OR ANY PART THEREOF
10 MAY BE LOCATED.

11 6. IF IN ANY DISTRICT THE NUMBER OF VOTERS IS SO GREAT AS TO RENDER IT
12 INEXPEDIENT OR IMPOSSIBLE TO CONDUCT THE ELECTION AT ONE POLLING PLACE,
13 THE BOARD MAY DIVIDE THE DISTRICT INTO ELECTION DISTRICTS AND PROVIDE A
14 POLLING PLACE FOR EACH SUCH ELECTION DISTRICT, PROVIDED, HOWEVER, THAT
15 THE NUMBER OF ELECTION DISTRICTS IN ANY DISTRICT SHALL NOT EXCEED ONE
16 FOR EACH SIX HUNDRED ELECTORS PLUS ONE FOR A REMAINING FRACTION OF SIX
17 HUNDRED. IN SUCH EVENT, THE NOTICE SPECIFIED IN SUBDIVISION ONE OF THIS
18 SECTION SHALL DESCRIBE THE ELECTION DISTRICTS AND STATE WHERE THE POLL-
19 ING PLACES WILL BE LOCATED, AND THE BOARD SHALL DESIGNATE NOT LESS THAN
20 TWO NOR MORE THAN FOUR RESIDENT DISTRICT ELECTORS, WHO SHALL BE REGIS-
21 TERED VOTERS OF THE MUNICIPALITY, TO ACT AS ELECTION INSPECTORS AND
22 BALLOT CLERKS AT EACH SUCH POLLING PLACE. THE BOARD MAY ADOPT A RESOL-
23 UTION PROVIDING THAT SUCH ELECTION INSPECTORS AND BALLOT CLERKS SHALL BE
24 PAID FOR THEIR RESPECTIVE SERVICES AT ANY SUCH ANNUAL ELECTION OR AT ANY
25 SPECIAL ELECTION OF THE DISTRICT. SUCH RESOLUTION, IF ADOPTED, SHALL FIX
26 THE AMOUNT OF SUCH COMPENSATION AS FOLLOWS: IF THE HOURS DURING WHICH
27 THE POLLS WILL BE OPEN FOR THE RECEIPT OF BALLOTS ARE FROM TWELVE
28 O'CLOCK NOON UNTIL NINE O'CLOCK IN THE EVENING, A SUM NOT TO EXCEED
29 THIRTY-FIVE DOLLARS FOR EACH SUCH OFFICIAL; IF ADDITIONAL CONSECUTIVE
30 HOURS PRIOR TO TWELVE O'CLOCK NOON ARE DETERMINED AND SPECIFIED IN THE
31 NOTICE OF ELECTION, A SUM NOT TO EXCEED FIFTY DOLLARS FOR EACH SUCH
32 OFFICIAL. NO ELECTIVE OFFICER OF THE DISTRICT SHALL SERVE AS AN ELECTION
33 INSPECTOR OR BALLOT CLERK.

34 S 159-A. REGISTRATION FOR VOTERS. 1. THE BOARD OF ANY DISTRICT MAY
35 PROVIDE BY RESOLUTION, THAT A PROPOSITION BE SUBMITTED AT ANY ANNUAL
36 DISTRICT ELECTION PROVIDING THAT ADDITIONAL PERSONAL REGISTRATION OF
37 VOTERS NOT REGISTERED WITH THE BOARD OF ELECTIONS SHALL BE PERMITTED FOR
38 ALL ELECTIONS IN SUCH DISTRICT. SUCH ADDITIONAL PERSONAL REGISTRATION
39 MAY BE TERMINATED BY A RESOLUTION OF THE BOARD AND THE PASSAGE OF A
40 PROPOSITION AT ANY ANNUAL DISTRICT ELECTION.

41 2. REGISTRATION FOR ALL DISTRICT ELECTIONS SHALL BE CONDUCTED AS
42 FOLLOWS:

43 (A) ONLY THOSE PERSONS REGISTERED WITH THE BOARD OF ELECTIONS ON OR
44 BEFORE THE TWENTY-THIRD DAY BEFORE SUCH ELECTION AND THOSE PERSONS WHOSE
45 NAMES ARE PLACED ON THE DISTRICT REGISTER PURSUANT TO THE PROVISIONS OF
46 THIS SECTION SHALL BE ENTITLED TO VOTE IN SUCH DISTRICT.

47 (B) IN DISTRICTS IN WHICH THERE IS ADDITIONAL PERSONAL REGISTRATION,
48 THE BOARD SHALL PUBLISH A RESOLUTION AT LEAST TWENTY-SEVEN DAYS PRIOR TO
49 ELECTION DAY, WHICH SHALL DESIGNATE THE DATES PRIOR TO REGISTRATION DAY
50 ON WHICH THE INSPECTORS OF ELECTION SHALL MEET TO COMMENCE THE PREPARA-
51 TION OF THE REGISTER; THE PLACE IN EACH DISTRICT WHERE SUCH MEETINGS,
52 REGISTRATION, IF ANY, AND ELECTION SHALL BE HELD; THE HOURS FOR SUCH
53 MEETINGS, REGISTRATION, IF ANY, AND ELECTION; BUT IN NO EVENT SHALL THE
54 HOURS FOR REGISTRATION BE LESS THAN THE HOURS FROM TWELVE O'CLOCK NOON
55 UNTIL NINE O'CLOCK IN THE EVENING. SUCH RESOLUTION SHALL BE ADOPTED AT
56 LEAST THIRTY DAYS PRIOR TO ELECTION DAY.

(C) IN A DISTRICT WHOSE ELECTORS HAVE APPROVED ADDITIONAL PERSONAL REGISTRATION, SUCH REGISTRATION SHALL BE HELD ON THE SEVENTEENTH DAY PRIOR TO THE ANNUAL DISTRICT ELECTION, EXCEPT IN THOSE DISTRICTS WHICH PROVIDE BY RESOLUTION ADOPTED AT LEAST THIRTY-SEVEN DAYS PRIOR TO THE DATE OF THE FIRST ELECTION FOR WHICH IT SHALL BE EFFECTIVE, FOR AN ADDITIONAL DAY OF REGISTRATION TO BE HELD ON THE NINETEENTH DAY PRIOR TO THE ANNUAL DISTRICT ELECTION. SUCH RESOLUTION SHALL REMAIN IN EFFECT FOR SUBSEQUENT ANNUAL ELECTIONS, UNLESS AMENDED, MODIFIED OR REPEALED.

3. THE REGISTER FOR THE ANNUAL DISTRICT ELECTION SHALL BE PREPARED IN EACH DISTRICT BY THE INSPECTORS OF ELECTION THEREOF ON THE DAYS PRIOR TO REGISTRATION DAY, IF ANY, DESIGNATED THEREFOR, ON THE REGISTRATION DAY, IF ANY, AT THE TIMES AND PLACES DESIGNATED BY THE RESOLUTION OF THE BOARD. IN PREPARING SUCH REGISTER, THE INSPECTORS OF ELECTION SHALL COMPLY WITH THE FOLLOWING PROCEDURE:

(A) THEY SHALL ADOPT, USE OR COPY FROM, THE REGISTRATION LIST CERTIFIED AND SUPPLIED BY THE COUNTY BOARD OF ELECTIONS THE NAMES APPEARING THEREON OF ALL PERSONS RESIDING IN THE DISTRICT AND QUALIFIED TO VOTE IN SUCH FORTHCOMING ANNUAL DISTRICT ELECTION AND IN THOSE INSTANCES IN WHICH ADDITIONAL PERSONS ARE ENTITLED TO REGISTER PURSUANT TO THIS SECTION, SUCH REGISTER SHALL BE COMPLETED BY ADDING THERETO THE NAMES OF THE PERSONS PERSONALLY APPEARING BEFORE THEM AND PROVIDING TO THEIR SATISFACTION TO THEN BE OR AT THE TIME OF ELECTION QUALIFIED TO VOTE.

(B) THE REGISTER FOR EACH DISTRICT SHALL INCLUDE AS A MINIMUM THE SPACE FOR THE NAME OF THE VOTER, HIS OR HER ADDRESS WITHIN THE DISTRICT AND A SPACE FOR HIS OR HER SIGNATURE TO BE SIGNED BY THE VOTER ON ELECTION DAY. SUCH REGISTER SHALL ALSO CONTAIN A SPACE FOR THE SIGNATURE OF THE VOTER TO BE SIGNED BY SUCH VOTER ON REGISTRATION DAY, IF ANY. IF THE REGISTER SHALL CONTAIN ONLY SPACE FOR THE NAME, ADDRESS AND SIGNATURE OF THE VOTER, THE DISTRICT SECRETARY SHALL FURNISH A PRINTED CERTIFICATE TO BE SIGNED BY THE VOTER WHO APPEARS PERSONALLY BEFORE THE INSPECTORS OF ELECTION ON REGISTRATION DAY IF HIS OR HER NAME DOES NOT ALREADY APPEAR ON THE REGISTER. SUCH CERTIFICATE SHALL CONTAIN A STATEMENT THAT THE PERSON POSSESSES ALL THE NECESSARY QUALIFICATIONS FOR VOTING IN DISTRICT ELECTIONS. SUCH CERTIFICATE SHALL BE ACCEPTED FOR ALL PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT, AND IF IT CONTAINS A MATERIAL FALSE STATEMENT, SHALL SUBJECT THE PERSON SIGNING IT TO THE SAME PENALTY AS IF HE OR SHE HAD BEEN DULY SWORN, AND SUCH PROVISION SHALL BE PRINTED IN BOLD TYPE DIRECTLY ABOVE THE SIGNATURE LINE OF THE CERTIFICATE.

4. THE DISTRICT SECRETARY SHALL FURNISH THE INSPECTORS OF ELECTION, AT DISTRICT EXPENSE, WITH ALL NECESSARY REGISTRATION BOOKS, PAPERS, EQUIPMENT AND SUPPLIES.

5. REGISTRATION FOR SPECIAL DISTRICT ELECTIONS SHALL BE HELD IN THE SAME MANNER AS IS PROVIDED IN THIS SECTION FOR ANNUAL DISTRICT ELECTIONS, AND REGISTRATION DAYS THEREFOR SHALL BE THE SAME AS IF SAID SPECIAL DISTRICT ELECTION WERE THE ANNUAL DISTRICT ELECTION.

6. IN LIEU OF THE PROVISIONS FOR DESIGNATING THE CHAIRMAN, ELECTION INSPECTORS AND BALLOT CLERKS, AS SET FORTH IN SUBDIVISION ONE OF SECTION ONE HUNDRED FIFTY-NINE OF THIS ARTICLE, THE BOARD SHALL, BY RESOLUTION ADOPTED AT LEAST FORTY DAYS PRIOR TO THE ANNUAL DISTRICT ELECTION, DESIGNATE A RESIDENT DISTRICT ELECTOR TO ACT AS CHAIRMAN OF ANY ELECTION OF SAID DISTRICT AND SHALL DESIGNATE NOT LESS THAN TWO NOR MORE THAN FOUR RESIDENT DISTRICT ELECTORS TO ACT AS ELECTION INSPECTORS AND BALLOT CLERKS IN SUCH ELECTION. SUCH RESOLUTION SHALL FIX THE COMPENSATION OF THE CHAIRMAN AND INSPECTORS AND, IN ADDITION, THE BOARD MAY PROVIDE FOR ALTERNATE INSPECTORS WHO SHALL ASSUME THE OFFICE OF INSPECTOR UPON THE

1 INABILITY OR REFUSAL OF AN INSPECTOR TO ASSUME OR PERFORM HIS OR HER
2 DUTIES AND FOR ANY CLERICAL HELP WHICH THEY MAY DEEM NECESSARY. SUCH
3 CLERICAL HELP SHALL PERFORM THEIR DUTIES UNDER THE DIRECTION AND CONTROL
4 OF THE CHAIRMAN AND INSPECTORS OF ELECTION.

5 S 159-B. ABSENTEE BALLOTS. 1. THE BOARD OF ANY DISTRICT IN WHICH
6 OFFICERS ARE ELECTED, MAY, BY RESOLUTION, PROVIDE FOR ABSENTEE BALLOTS
7 FOR DISTRICT ELECTIONS, IN ACCORDANCE WITH THE PROVISIONS OF THIS
8 SECTION. SUCH RESOLUTION SHALL TAKE EFFECT AT THE FIRST SUCH ELECTION
9 HELD MORE THAN SIXTY DAYS AFTER ITS ADOPTION AND SHALL CONTINUE IN
10 EFFECT FOR ALL SUCH ELECTIONS UNTIL A SUBSEQUENT RESOLUTION PROVIDING
11 OTHERWISE SHALL, IN LIKE MANNER, HAVE TAKEN EFFECT.

12 2. A. AN APPLICANT FOR SUCH AN ABSENTEE BALLOT SHALL SUBMIT AN APPLI-
13 CATION SETTING FORTH (1) HIS OR HER NAME AND RESIDENCE ADDRESS, INCLUD-
14 ING THE STREET AND NUMBER, IF ANY, OR CITY, TOWN OR VILLAGE AND RURAL
15 DELIVERY ROUTE, IF ANY; (2) THAT HE OR SHE IS OR WILL BE, ON THE DAY OF
16 THE ELECTION, A QUALIFIED VOTER OF THE DISTRICT IN WHICH HE OR SHE
17 RESIDES IN THAT HE OR SHE IS OR WILL BE, ON SUCH DATE, OVER EIGHTEEN
18 YEARS OF AGE, A CITIZEN OF THE UNITED STATES AND HAS OR WILL HAVE
19 RESIDED IN THE DISTRICT FOR THIRTY DAYS NEXT PRECEDING SUCH DATE; (3)
20 THAT HE OR SHE IS REGISTERED IN THE MUNICIPALITY; (4) THAT HE OR SHE
21 WILL BE UNABLE TO APPEAR TO VOTE IN PERSON ON THE DAY OF THE ELECTION
22 FOR WHICH THE ABSENTEE BALLOT IS REQUESTED BECAUSE HE OR SHE IS, OR WILL
23 BE ON SUCH DAY (A) A PATIENT IN A HOSPITAL, OR UNABLE TO APPEAR
24 PERSONALLY AT THE POLLING PLACE ON SUCH DAY BECAUSE OF ILLNESS OR PHYS-
25 ICAL DISABILITY OR (B) BECAUSE HIS OR HER DUTIES, OCCUPATION OR BUSINESS
26 WILL REQUIRE HIM OR HER TO BE OUTSIDE OF THE COUNTY OF HIS OR HER RESI-
27 DENCE ON SUCH DAY, (C) BECAUSE HE OR SHE WILL BE ON VACATION OUTSIDE THE
28 COUNTY OF HIS OR HER RESIDENCE ON SUCH DAY; OR, (D) ABSENT FROM HIS OR
29 HER VOTING RESIDENCE BECAUSE HE OR SHE IS DETAINED IN JAIL AWAITING
30 ACTION BY A GRAND JURY OR AWAITING TRIAL OR IS CONFINED IN PRISON AFTER
31 CONVICTION FOR AN OFFENSE OTHER THAN A FELONY. SUCH APPLICATION MUST BE
32 RECEIVED BY THE DISTRICT SECRETARY AT LEAST SEVEN DAYS BEFORE THE
33 ELECTION IF THE BALLOT IS TO BE MAILED TO THE VOTER, OR THE DAY BEFORE
34 THE ELECTION, IF THE BALLOT IS TO BE DELIVERED PERSONALLY TO THE VOTER
35 OR HIS OR HER AGENT.

36 B. (1) WHERE SUCH DUTIES, OCCUPATION OR BUSINESS ARE OF SUCH A
37 NATURE AS ORDINARILY TO REQUIRE SUCH ABSENCE, A BRIEF DESCRIPTION OF
38 SUCH DUTIES, OCCUPATION OR BUSINESS SHALL BE SET FORTH IN SUCH AFFIDA-
39 VIT. (2) WHERE SUCH DUTIES, OCCUPATION OR BUSINESS ARE NOT OF SUCH A
40 NATURE AS ORDINARILY TO REQUIRE SUCH ABSENCE, SUCH APPLICATION SHALL
41 CONTAIN A STATEMENT OF THE SPECIAL CIRCUMSTANCES ON ACCOUNT OF WHICH
42 SUCH ABSENCE IS REQUIRED.

43 C. WHERE THE APPLICANT EXPECTS IN GOOD FAITH TO BE ABSENT ON THE DAY
44 OF THE ELECTION BECAUSE HE OR SHE WILL BE ON VACATION ELSEWHERE ON SUCH
45 DAY, SUCH APPLICATION SHALL ALSO CONTAIN THE DATES UPON WHICH HE OR SHE
46 EXPECTS TO BEGIN AND END SUCH VACATION, THE PLACE OR PLACES WHERE HE OR
47 SHE EXPECTS TO BE ON SUCH VACATION, THE NAME AND ADDRESS OF HIS OR HER
48 EMPLOYER, IF ANY, AND IF SELF-EMPLOYED, A STATEMENT TO THAT EFFECT.

49 D. WHERE THE ABSENCE IS BECAUSE OF DETENTION OR CONFINEMENT TO JAIL,
50 SUCH AFFIDAVIT SHALL STATE WHETHER THE VOTER IS DETAINED AWAITING ACTION
51 OF THE GRAND JURY OR IS CONFINED AFTER CONVICTION FOR AN OFFENSE OTHER
52 THAN A FELONY.

53 E. WHERE A PERSON IS OR WOULD BE, IF HE OR SHE WERE A QUALIFIED
54 VOTER, ENTITLED TO APPLY FOR THE RIGHT TO VOTE BY ABSENTEE BALLOT UNDER
55 THE PROVISIONS OF THIS SECTION, HIS OR HER SPOUSE, PARENT OR CHILD, IF A
56 QUALIFIED VOTER AND A RESIDENT OF THE SAME DISTRICT, SHALL BE ENTITLED

1 TO VOTE AS AN ABSENTEE VOTER UPON PERSONALLY MAKING AND SIGNING AN
2 APPLICATION IN ACCORDANCE WITH THE PRECEDING PROVISIONS OF THIS SUBDIVI-
3 SION AND SHOWING THAT HE OR SHE EXPECTS TO BE ABSENT FROM THE DISTRICT
4 ON THE DAY OF THE DISTRICT ELECTION BY REASON OF ACCOMPANYING OR BEING
5 WITH THE SPOUSE, CHILD OR PARENT WHO IS OR WOULD BE, IF HE OR SHE WERE A
6 QUALIFIED VOTER, SO ENTITLED TO APPLY FOR THE RIGHT TO VOTE BY ABSENTEE
7 BALLOT, AND, IN THE EVENT NO APPLICATION IS MADE BY SUCH SPOUSE, CHILD
8 OR PARENT, SUCH FURTHER INFORMATION AS THE FIRE DISTRICT SHALL REQUIRE.

9 F. SUCH APPLICATION SHALL INCLUDE THE FOLLOWING STATEMENT TO BE
10 SIGNED BY THE VOTER.

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

15 DATE.....SIGNATURE OF VOTER.....

16 G. AN APPLICANT WHOSE ABILITY TO APPEAR PERSONALLY AT THE POLLING
17 PLACE OF THE DISTRICT OF WHICH HE OR SHE IS A QUALIFIED VOTER IS
18 SUBSTANTIALLY IMPAIRED BY REASON OF PERMANENT ILLNESS OR PHYSICAL DISA-
19 BILITY AND WHOSE REGISTRATION RECORD HAS BEEN MARKED "PERMANENTLY DISA-
20 BLED" BY THE BOARD OF ELECTIONS PURSUANT TO THE PROVISIONS OF THE
21 ELECTION LAW SHALL BE ENTITLED TO RECEIVE AN ABSENTEE BALLOT PURSUANT TO
22 THE PROVISIONS OF THIS SECTION WITHOUT MAKING SEPARATE APPLICATION FOR
23 SUCH ABSENTEE BALLOT, AND THE SECRETARY OF THE DISTRICT, UPON BEING
24 ADVISED BY THE BOARD OF ELECTIONS ON OR WITH THE LIST OF REGISTERED
25 VOTERS THAT THE REGISTRATION RECORD OF A VOTER IS MARKED "PERMANENTLY
26 DISABLED", SHALL SEND AN ABSENTEE BALLOT TO SUCH VOTER AT HIS OR HER
27 LAST KNOWN ADDRESS BY FIRST CLASS MAIL WITH A REQUEST TO THE POSTAL
28 AUTHORITIES NOT TO FORWARD SAME BUT TO RETURN SAME IN FIVE DAYS IN THE
29 EVENT THAT IT CANNOT BE DELIVERED TO THE ADDRESSEE. THE ELECTION
30 INSPECTORS OF THE DISTRICT SHALL MAKE AN APPROPRIATE ENTRY ON THE REGIS-
31 TRATION RECORD INDICATING THE FACT THAT AN ABSENTEE BALLOT HAS BEEN SENT
32 AND THE DATE OF MAILING.

33 3. IF, UPON EXAMINING THE APPLICATION REQUIRED UNDER THE PROVISIONS
34 OF SUBDIVISION TWO OF THIS SECTION, AND UPON SUCH INQUIRY AS IT DEEMS
35 PROPER, THE ELECTION INSPECTORS OF THE DISTRICT SHALL BE SATISFIED THAT
36 THE APPLICANT IS A QUALIFIED VOTER OF THE DISTRICT, AND ENTITLED TO VOTE
37 BY ABSENTEE BALLOT, SUCH ELECTION INSPECTORS SHALL PLACE HIS OR HER NAME
38 UPON A LIST, THEREUPON THE APPLICANT SHALL BE ISSUED OR MAILED AN ABSEN-
39 TEE VOTER'S BALLOT AND THE ELECTION INSPECTORS OF THE DISTRICT SHALL
40 MAKE AN APPROPRIATE ENTRY ON THE LIST INDICATING THAT AN ABSENTEE BALLOT
41 HAS BEEN APPLIED FOR BY, AND ISSUED TO, THE APPLICANT.

42 4. BALLOTS FOR ABSENTEE VOTERS SHALL BE, AS NEARLY AS PRACTICABLE, IN
43 THE SAME FORM AS THOSE TO BE VOTED AT THE DISTRICT ELECTION; IF THE VOTE
44 AT SUCH ELECTION SHALL BE BY BALLOT, THE ABSENTEE BALLOT SHALL CONFORM
45 TO THAT PART OF THE REGULAR BALLOT WHICH RELATES TO THE ELECTION OF
46 BOARD MEMBERS; IF THE VOTE OF SUCH ELECTION SHALL BE BY VOTING MACHINE,
47 THE ABSENTEE BALLOT SHALL CONFORM AS CLOSELY AS POSSIBLE TO THE MANNER
48 IN WHICH THE NAMES OF THE CANDIDATES APPEAR ON THE VOTING MACHINES,
49 EXCEPT THAT THE ABSENTEE BALLOT SHALL ALSO CONTAIN A SPACE FOR A WRITE-
50 IN OR WRITE-INS. ON THE BACK OF SUCH ABSENTEE BALLOTS SHALL BE PRINTED
51 THE WORDS "OFFICIAL BALLOT, ABSENTEE VOTER," FOLLOWED BY THE WORDS "FOR
52 MEMBERS OF BOARD OF TRUSTEES OF LIBRARY DISTRICT."

53 5. A. THE BOARD OF REGISTRATION SHALL ENCLOSE EACH ABSENTEE VOTER'S
54 BALLOT IN AN ENVELOPE WHICH SHALL BE LABELLED:

55 ELECTION MATERIAL

56 PLEASE EXPEDITE

ON ONE SIDE OF SUCH ENVELOPE SHALL BE PRINTED:
OFFICIAL BALLOT, ABSENTEE VOTER
AT
LIBRARY DISTRICT ELECTION

NAME OF VOTER.....
RESIDENCE (STREET AND NUMBER, IF ANY).....
CITY (OR TOWN) OF.....
COUNTY OF.....
LIBRARY DISTRICT.....

THE DATE OF THE ELECTION AND NAME OF THE DISTRICT SHALL BE PRINTED,
AND THE NAME OF THE VOTER, RESIDENCE AND DISTRICT SHALL BE WRITTEN IN BY
THE DISTRICT.

B. ON THE REVERSE SIDE OF SUCH ENVELOPE SHALL BE PRINTED THE FOLLOW-
ING STATEMENT:

STATEMENT OF ABSENTEE VOTER

I DO DECLARE THAT I WILL HAVE BEEN A CITIZEN OF THE UNITED STATES FOR
THIRTY DAYS, AND WILL BE AT LEAST EIGHTEEN YEARS OF AGE, ON THE DATE OF
THE DISTRICT ELECTION; THAT I WILL HAVE BEEN A RESIDENT OF THIS STATE
AND OF THE DISTRICT IF ANY, SHOWN ON THE REVERSE SIDE OF THIS ENVELOPE
FOR THIRTY DAYS NEXT PRECEDING THE SAID ELECTION AND THAT I AM OR ON
SUCH DATE WILL BE, A REGISTERED VOTER OF SAID DISTRICT; THAT I WILL BE
UNABLE TO APPEAR PERSONALLY ON THE DAY OF SAID DISTRICT ELECTION AT THE
POLLING PLACE OF THE SAID DISTRICT IN WHICH I AM OR WILL BE A QUALIFIED
VOTER BECAUSE OF THE REASON STATED ON MY APPLICATION HERETOFORE SUBMIT-
TED; THAT I HAVE NOT QUALIFIED, OR DO I INTEND TO VOTE, ELSEWHERE THAN
AS SET FORTH ON THE REVERSE SIDE OF THIS ENVELOPE; THAT I HAVE NOT
RECEIVED OR OFFERED, DO NOT EXPECT TO RECEIVE, HAVE NOT PAID, OFFERED OR
PROMISED TO PAY, CONTRIBUTED, OFFERED OR PROMISED TO CONTRIBUTE TO
ANOTHER TO BE PAID OR USED, ANY MONEY OR OTHER VALUABLE THING, AS A
COMPENSATION OR REWARD FOR THE GIVING OR WITHHOLDING OF A VOTE AT THIS
DISTRICT ELECTION, AND HAVE NOT MADE ANY PROMISE TO INFLUENCE THE GIVING
OR WITHHOLDING OF ANY SUCH VOTES; THAT I HAVE NOT MADE OR BECOME DIRECT-
LY OR INDIRECTLY INTERESTED IN ANY BET OR WAGER DEPENDING UPON THE
RESULT OF THIS DISTRICT ELECTION; AND THAT I HAVE NOT BEEN CONVICTED OF
BRIBERY OR ANY INFAMOUS CRIME, OR, IF SO CONVICTED, THAT I HAVE BEEN
PARDONED OR RESTORED TO ALL THE RIGHTS OF A CITIZEN, WITHOUT RESTRICTION
AS TO THE RIGHT OF SUFFRAGE, OR RECEIVED A CERTIFICATE OF GOOD CONDUCT
GRANTED BY THE BOARD OF PAROLE PURSUANT TO THE PROVISIONS OF THE EXECU-
TIVE LAW REMOVING MY DISABILITY TO REGISTER AND VOTE.

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 STATEMENT IN THE FOREGOING STATEMENT OF ABSENTEE VOTER, I SHALL BE
GUILTY OF A MISDEMEANOR.

DATE.....SIGNATURE OF VOTER.....

C. THE ENVELOPE SHALL BE GUMMED, READY FOR SEALING, AND SHALL HAVE
PRINTED THEREON, ON THE SIDE OPPOSITE THE STATEMENT, INSTRUCTIONS AS TO
THE DUTIES OF THE VOTER AFTER THE MARKING OF THE BALLOT, WHICH
INSTRUCTIONS SHALL INCLUDE A SPECIFIC DIRECTION STATING THAT THE ENVEL-
OPE MUST REACH THE OFFICE OF THE DISTRICT NOT LATER THAN FIVE P.M. ON
THE DAY OF THE ELECTION IN ORDER THAT HIS OR HER VOTE MAY BE CANVASSED.

D. A PERSON WHO SHALL MAKE ANY MATERIAL FALSE STATEMENT IN THE STATE-
MENT OF ABSENTEE VOTER APPEARING ON THE REVERSE SIDE OF THE ENVELOPE AS
PROVIDED IN THIS SUBDIVISION, SHALL BE GUILTY OF A MISDEMEANOR.

6. A. THE SECRETARY OF THE DISTRICT SHALL MAKE A LIST OF ALL PERSONS
TO WHOM ABSENTEE VOTER'S BALLOTS SHALL HAVE BEEN ISSUED AND KEEP SUCH
LIST ON FILE IN THE OFFICE WHERE IT SHALL BE AVAILABLE FOR PUBLIC

1 INSPECTION DURING REGULAR OFFICE HOURS UNTIL THE DAY OF THE ELECTION.
2 ANY QUALIFIED VOTER MAY, UPON EXAMINATION OF SUCH LIST, FILE A WRITTEN
3 CHALLENGE OF THE QUALIFICATIONS AS A VOTER OF ANY PERSON WHOSE NAME
4 APPEARS ON SUCH LIST, STATING THE REASONS FOR SUCH CHALLENGE. SUCH
5 WRITTEN CHALLENGE SHALL BE TRANSMITTED BY THE SECRETARY TO THE INSPEC-
6 TORS OF ELECTION ON ELECTION DAY.

7 B. SUCH LIST SHALL ALSO BE POSTED IN A CONSPICUOUS PLACE OR PLACES
8 DURING THE ELECTION, AND ANY QUALIFIED VOTER MAY CHALLENGE THE ACCEPT-
9 ANCE OF THE ABSENTEE VOTER'S BALLOT OF ANY PERSON ON SUCH LIST, BY
10 MAKING HIS OR HER CHALLENGE AND THE REASONS THEREFOR KNOWN TO THE
11 ELECTION INSPECTORS BEFORE THE CLOSE OF THE POLLS.

12 7. A. THE SECRETARY OF THE DISTRICT SHALL BE AUTHORIZED TO CALL UPON
13 THE CHIEF OF POLICE OR THE COUNTY SHERIFF AND THE OFFICERS AND MEMBERS
14 OF THE POLICE FORCE OR SHERIFF'S DEPARTMENT FOR SUCH ASSISTANCE IN THE
15 ENFORCEMENT OF THE PROVISIONS OF THIS SECTION AS SUCH BOARD SHALL
16 REQUIRE, AND SUCH CHIEF AND OFFICERS AND MEMBERS OF THE POLICE FORCE AND
17 SHERIFF'S DEPARTMENT SHALL BE AUTHORIZED TO RENDER SUCH ASSISTANCE.

18 B. THE ELECTION INSPECTORS OF THE DISTRICT MAY REQUIRE ANY PERSON TO
19 ATTEND BEFORE THEM AT THE OFFICE OF THE SECRETARY OF THE DISTRICT AND BE
20 EXAMINED AS TO ANY MATTER IN RELATION TO WHICH SUCH DISTRICT IS CHARGED
21 WITH A DUTY UNDER THIS SECTION, AND MAY ISSUE A SUBPOENA THEREFOR. EACH
22 MEMBER OF SUCH ELECTION INSPECTORS DISTRICT SHALL BE AUTHORIZED TO
23 ADMINISTER ANY OATH THAT MAY BE REQUIRED OR AUTHORIZED BY LAW IN THIS
24 CONNECTION.

25 8. NO ABSENTEE VOTER'S BALLOT SHALL BE CANVASSED, UNLESS IT SHALL
26 HAVE BEEN RECEIVED IN THE OFFICE OF THE SECRETARY OF THE DISTRICT NOT
27 LATER THAN FIVE P.M. ON THE DAY OF THE ELECTION.

28 9. THE SECRETARY OF THE DISTRICT SHALL, ON THE DAY OF THE ELECTION,
29 TRANSMIT ALL ABSENTEE VOTERS' ENVELOPES, RECEIVED BY HIM OR HER IN
30 ACCORDANCE WITH SUBDIVISION EIGHT OF THIS SECTION, TO THE ELECTION
31 INSPECTORS.

32 10. IF, AT THE DISTRICT ELECTION, ANY ABSENTEE VOTERS' ENVELOPES
33 SHALL HAVE BEEN RECEIVED AT THE POLLING PLACE, THE ELECTION INSPECTORS
34 IMMEDIATELY AFTER THE CLOSING OF THE POLLS SHALL EXAMINE THEM, AND SHALL
35 COMPARE THE SIGNATURE, IF ANY, ON EACH ENVELOPE WITH THE SIGNATURE, IF
36 ANY, ON THE REGISTER, OF THE PERSON OF THE SAME NAME WHO REGISTERED FROM
37 THE SAME ADDRESS. IF THE SIGNATURES ARE FOUND TO CORRESPOND, THE
38 ELECTION INSPECTORS SHALL CERTIFY THERETO BY SIGNING THEIR INITIALS
39 OPPOSITE THE NAME OF THE VOTER AT THE APPROPRIATE PLACE IN THE REGISTER.
40 IF A PERSON WHOSE NAME IS ON AN ENVELOPE AS A VOTER, SHALL HAVE ALREADY
41 VOTED IN PERSON AT SUCH DISTRICT ELECTION, OR IF HIS OR HER NAME, RESI-
42 DENCE AND SIGNATURE, AS STATED ON THE ENVELOPE, ARE NOT ON THE REGISTER,
43 OR IF THERE IS NO SIGNATURE ON THE ENVELOPE, THIS ENVELOPE SHALL BE LAID
44 ASIDE UNOPENED AND BE RETURNED UNOPENED TO THE SECRETARY OF THE
45 DISTRICT. IF SUCH PERSON IS FOUND TO BE REGISTERED AND HAS NOT SO VOTED
46 IN PERSON, AND IF NO OBJECTION IS MADE, OR IF AN OBJECTION MADE BE NOT
47 SUSTAINED, THE ENVELOPE SHALL BE OPENED AND THE BALLOT WITHDRAWN WITHOUT
48 UNFOLDING AND DEPOSITED IN THE PROPER BOX OR BOXES. AT THE TIME OF THE
49 DEPOSIT OF SUCH BALLOT, THE ELECTION INSPECTORS SHALL ENTER THE WORDS
50 "ABSENTEE VOTE" AT AN APPROPRIATE PLACE IN THE REGISTER.

51 11. DURING SUCH EXAMINATION ANY QUALIFIED VOTER PRESENT IN THE POLL-
52 ING PLACE MAY OBJECT TO THE VOTING OF THE BALLOT CONTAINED IN ANY ENVEL-
53 OPE UPON THE GROUND OR GROUNDS (A) THAT THE PERSON NAMED THEREON IS NOT
54 A QUALIFIED VOTER OF THE DISTRICT, OR (B) THAT HE OR SHE WAS WITHIN THE
55 COUNTY OR CITY WHILE THE POLLS OF THE ELECTION WERE OPEN, EXCEPT WHERE
56 THE APPLICANT IS A PATIENT IN A HOSPITAL LOCATED WITHIN THE COUNTY OR

1 CITY OR DETAINED OR CONFINED IN A JAIL LOCATED WITHIN THE COUNTY OR CITY
2 AND EXCEPT WHERE THE BALLOT WAS OBTAINED UPON THE GROUND OF INABILITY TO
3 APPEAR PERSONALLY AT THE POLLING PLACE ON THE DAY OF THE DISTRICT
4 ELECTION BECAUSE OF ILLNESS OR PHYSICAL DISABILITY, OR (C) THAT HE OR
5 SHE WAS ABLE TO APPEAR PERSONALLY WHILE THE POLLS WERE OPEN, IN CASES
6 WHERE THE BALLOT WAS OBTAINED UPON THE GROUND THAT THE VOTER WAS A
7 PATIENT IN A HOSPITAL LOCATED WITHIN THE COUNTY OR CITY OR DETAINED OR
8 CONFINED IN A JAIL LOCATED WITHIN THE COUNTY OR CITY OR UPON THE GROUND
9 OF INABILITY TO APPEAR PERSONALLY AT THE POLLING PLACE ON THE DAY OF THE
10 ELECTION BECAUSE OF ILLNESS OR PHYSICAL DISABILITY, OR (D) THAT HE OR
11 SHE WAS NOT ENTITLED TO CAST SUCH BALLOT. AN ELECTION INSPECTOR SHALL
12 MAKE SUCH AN OBJECTION IF HE OR SHE SHALL KNOW OR SUSPECT THAT THE
13 PERSON NAMED ON SUCH ENVELOPE IS NOT SUCH A QUALIFIED VOTER OR WAS SO
14 WITHIN THE DISTRICT OR WAS ABLE SO TO APPEAR PERSONALLY, OR WAS NOT
15 ENTITLED TO CAST SUCH BALLOT. THE ELECTION INSPECTORS SHALL FORTHWITH
16 PROCEED TO DETERMINE EACH OBJECTION INCLUDING ANY WRITTEN CHALLENGE
17 TRANSMITTED TO THEM BY THE DISTRICT SECRETARY AS PROVIDED IN SUBDIVISION
18 SIX OF THIS SECTION. UNLESS THE ELECTION INSPECTORS, BY MAJORITY VOTE,
19 SHALL SUSTAIN THE OBJECTION, THE CHAIRMAN, OR IF HE OR SHE REFUSES,
20 ANOTHER ELECTION INSPECTOR SHALL ENDORSE UPON THE ENVELOPE THE OBJECTION
21 AND THE WORDS "NOT SUSTAINED," SHALL SIGN SUCH ENDORSEMENT, AND SHALL
22 OPEN THE ENVELOPE AND DEPOSIT THE BALLOT AS PROVIDED IN THIS SECTION.
23 SHOULD THE ELECTION INSPECTORS, BY MAJORITY VOTE, SUSTAIN SUCH
24 OBJECTION, THE OBJECTION AND WORD "SUSTAINED" SHALL BE SIMILARLY
25 ENDORSED UPON THE ENVELOPE, THE ENVELOPE SHALL NOT BE OPENED NOR THE
26 BALLOTS THEREIN CANVASSED, AND SUCH ENVELOPE SHALL BE RETURNED UNOPENED
27 TO THE SECRETARY OF THE DISTRICT. IF THE ELECTION INSPECTORS SHALL HAVE
28 RECEIVED AN ENVELOPE ENDORSED WITH THE NAME OF A PERSON WHO TO THE KNOW-
29 LEDGE OF THE ELECTION INSPECTORS IS DECEASED ON THE DAY OF THE ELECTION,
30 THE ELECTION INSPECTORS SHALL RETURN SUCH ENVELOPE UNOPENED TO THE
31 SECRETARY OF THE DISTRICT WITH THE WORDS "DECEASED--OBJECTION SUSTAINED"
32 ENDORSED ON THE ENVELOPE.

33 12. IF THE ELECTION INSPECTORS SHALL HAVE RECEIVED AN ENVELOPE, AND
34 UPON OPENING THE SAME NO BALLOT SHALL BE FOUND THEREIN, THE ELECTION
35 INSPECTORS SHALL MAKE A MEMORANDUM SHOWING THAT THE BALLOT IS MISSING.
36 WHEN THE CASTING OF ABSENTEE VOTERS' BALLOTS SHALL HAVE BEEN COMPLETED,
37 THE ELECTION INSPECTORS SHALL ASCERTAIN THE NUMBER OF SUCH BALLOTS WHICH
38 HAVE BEEN DEPOSITED IN THE BALLOT BOX BY DEDUCTING FROM THE NUMBER OF
39 ENVELOPES OPENED THE NUMBER OF MISSING BALLOTS, AND SHALL MAKE A SEPA-
40 RATE RETURN THEREOF IN DUPLICATE. THE NUMBER OF ABSENTEE VOTERS' BALLOTS
41 DEPOSITED IN THE BALLOT BOX SHALL BE ADDED TO THE NUMBER OF OTHER
42 BALLOTS DEPOSITED IN THE BALLOT BOX IN ORDER TO DETERMINE THE NUMBER OF
43 ALL BALLOTS TO BE ACCOUNTED FOR IN THE BALLOT BOX. SUCH BALLOTS SHALL
44 THEN BE COUNTED OR CANVASSED BY THE ELECTION INSPECTORS ALONG WITH THE
45 OTHER BALLOTS CAST AT SUCH DISTRICT ELECTION, OR, WHERE VOTING MACHINES
46 ARE USED, SHALL BE ADDED TO THE VOTES RECORDED ON SUCH MACHINES.

47 13. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ABSENTEE BALLOTS AT
48 DISTRICT ELECTIONS, NOTWITHSTANDING ANY OTHER PROVISION OF LAW. THE
49 PROVISIONS OF ANY OTHER LAW AS THEY RELATE TO DISTRICT ELECTIONS NOT
50 INCONSISTENT HERewith SHALL APPLY TO THE CONDUCT OF SUCH ELECTIONS.

51 S 159-C. POWERS AND DUTIES OF BOARD. EACH BOARD OF A DISTRICT:

52 1. SHALL ELECT ONE OF THEIR MEMBERS A CHAIRMAN AT THE FIRST MEETING OF
53 THE BOARD AFTER SUCH DISTRICT SHALL HAVE BEEN ESTABLISHED OR CONSOL-
54 IDATED, AND ANNUALLY THEREAFTER AT THE FIRST MEETING THEREOF FOLLOWING
55 EACH ELECTION, OF THE MEMBERS OF THE BOARD. SUCH CHAIRMAN, WHEN PRESENT,
56 SHALL PRESIDE AT THE MEETINGS OF THE BOARD. IN THE ABSENCE OF THE CHAIR-

1 MAN, THE OTHER MEMBERS MAY DESIGNATE ONE SUCH MEMBER TO ACT AS TEMPORARY
2 CHAIRMAN.

3 2. SHALL APPOINT A DISTRICT SECRETARY.

4 3. WHENEVER A VACANCY SHALL OCCUR IN THE MEMBERSHIP OF THE BOARD THE
5 BOARD OR A MAJORITY OF THE MEMBERS THEREOF IN OFFICE MAY APPOINT A QUAL-
6 IFIED PERSON TO FILL THE VACANCY. THE PERSON SO APPOINTED SHALL HOLD
7 OFFICE UNTIL THE THIRTY-FIRST OF DECEMBER NEXT SUCCEEDING THE FIRST
8 ANNUAL DISTRICT ELECTION HELD THEREAFTER AND AT SUCH ELECTION A SUCCE-
9 SOR SHALL BE ELECTED FOR THE UNEXPIRED PORTION OF THE TERM BEGINNING ON
10 THE FIRST DAY OF JANUARY NEXT SUCCEEDING. IF A VACANCY SHALL OCCUR AFTER
11 THE FIRST DAY OF OCTOBER IN ANY YEAR, THE PERSON SO APPOINTED TO FILL
12 THE VACANCY SHALL HOLD OFFICE UNTIL THE THIRTY-FIRST DAY OF DECEMBER OF
13 THE FOLLOWING CALENDAR YEAR AND A SUCCESSOR SHALL BE ELECTED AT THE
14 ANNUAL DISTRICT ELECTION HELD IMMEDIATELY PRIOR THERETO TO SERVE FOR THE
15 UNEXPIRED PORTION OF THE TERM; PROVIDED, HOWEVER, THAT IF A VACANCY SO
16 OCCURS, THE TERM OF WHICH WOULD EXPIRE ON THE THIRTY-FIRST DAY OF DECEM-
17 BER NEXT SUCCEEDING, THE PERSON SO APPOINTED SHALL HOLD OFFICE ONLY
18 UNTIL SUCH THIRTY-FIRST DAY OF DECEMBER.

19 4. SHALL HAVE ALL POWERS AND DUTIES OF A LIBRARY BOARD OF TRUSTEES AS
20 PROVIDED IN TITLE TWO OF ARTICLE FIVE OF THE EDUCATION LAW.

21 S 159-D. ANNUAL STATEMENT OF EXPENDITURES AND LEVY OF TAXES. 1. THE
22 FISCAL YEAR OF EACH DISTRICT SHALL BEGIN ON THE FIRST DAY OF JANUARY AND
23 END ON THE THIRTY-FIRST DAY OF DECEMBER.

24 2. THE BOARD OF EACH DISTRICT SHALL ANNUALLY PREPARE AND FILE WITH THE
25 BUDGET OFFICER OF EACH MUNICIPALITY IN WHICH THE DISTRICT IS LOCATED,
26 DETAILED ESTIMATES IN WRITING OF THE AMOUNT OF REVENUES TO BE RECEIVED
27 AND EXPENDITURES TO BE MADE DURING THE NEXT FISCAL YEAR FOR THE PURPOSES
28 OF SUCH DISTRICT AND WITHIN THE LIMITATIONS SPECIFIED IN THIS ARTICLE.
29 IN ADDITION, THE BOARD SHALL PREPARE AND SUBMIT AN ESTIMATE OF THE FUND
30 BALANCE, TOGETHER WITH A BREAKDOWN OF SUCH FUND BALANCE ESTIMATED FOR
31 ENCUMBRANCES, AMOUNTS ESTIMATED TO BE EXPENDED FOR THE ENSUING FISCAL
32 YEAR, AMOUNTS RESERVED FOR STATED PURPOSES PURSUANT TO LAW AND THE
33 REMAINING UNAPPROPRIATED UNRESERVED FUND BALANCE, PROVIDED THAT THE
34 REMAINING ESTIMATED UNAPPROPRIATED UNRESERVED FUND BALANCE FOR EACH FUND
35 SHALL NOT EXCEED A REASONABLE AMOUNT, CONSISTENT WITH PRUDENT BUDGETING
36 PRACTICES, NECESSARY TO ENSURE THE ORDERLY OPERATION OF THE DISTRICT AND
37 THE CONTINUED PROVISION OF SERVICES, TAKING INTO ACCOUNT FACTORS INCLUD-
38 ING, BUT NOT LIMITED TO, THE SIZE OF THE FUND, CASH FLOWS, THE CERTAINTY
39 WITH WHICH THE AMOUNTS OF REVENUES AND EXPENDITURES CAN BE ESTIMATED,
40 AND THE DISTRICT'S EXPERIENCE IN PRIOR FISCAL YEARS. FOR THOSE DISTRICTS
41 WHICH EMPLOY THE CASH BASIS OF ACCOUNTING, FUND BALANCE MEANS THE CASH
42 SURPLUS ESTIMATED TO BE ON HAND AT THE CLOSE OF THE CURRENT FISCAL YEAR
43 LESS CLAIMS PAYABLE THEREFROM AND AMOUNTS RESERVED PURSUANT TO LAW FOR
44 STATED PURPOSES.

45 3. THE BOARD OF EACH DISTRICT SHALL HOLD A PUBLIC HEARING ON THE THIRD
46 TUESDAY IN OCTOBER.

47 4. THE GOVERNING BODY OF THE MUNICIPALITY SHALL MAKE NO CHANGE IN THE
48 ESTIMATE SUBMITTED BY THE BOARD OF ANY DISTRICT. AFTER THE ANNUAL BUDGET
49 HAS BEEN ADOPTED BY THE GOVERNING BODY OF THE MUNICIPALITY AND A CERTI-
50 FIED COPY PRESENTED TO THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH
51 THE MUNICIPALITY IS SITUATED, THE BOARD OF SUPERVISORS SHALL ASSESS AND
52 LEVY UPON THE TAXABLE REAL PROPERTY WITHIN THE SEVERAL DISTRICTS THE
53 AMOUNTS TO BE RAISED BY TAX FOR THE PURPOSES OF THE RESPECTIVE DISTRICTS
54 AS SPECIFIED IN SUCH ANNUAL BUDGET AND SHALL CAUSE THE AMOUNT SO
55 ASSESSED AND LEVIED TO BE COLLECTED, IN THE SAME MANNER AND AT THE SAME
56 TIME AND BY THE SAME OFFICERS AS MUNICIPAL TAXES ARE ASSESSED, LEVIED

1 AND COLLECTED. WHEN SUCH TAXES ARE COLLECTED, THE AMOUNT THEREOF SHALL
2 BE PAID TO THE MUNICIPALITY AND IMMEDIATELY PAID TO THE TREASURER OF THE
3 RESPECTIVE DISTRICTS. IF A DISTRICT INCLUDES TAXABLE PROPERTY LOCATED IN
4 MORE THAN ONE MUNICIPALITY, THE AMOUNT TO BE ASSESSED, LEVIED AND
5 COLLECTED UPON THE PROPERTY WITHIN EACH OF SUCH MUNICIPALITY SHALL BE
6 APPORTIONED IN ACCORDANCE WITH SECTION EIGHT HUNDRED SIX OF THE REAL
7 PROPERTY TAX LAW.

8 5. IN ANY CASE WHERE A PARCEL OF REAL PROPERTY SEPARATELY ASSESSED ON
9 THE MUNICIPAL ASSESSMENT ROLL SHALL BE DIVIDED BY THE LINE OF THE
10 DISTRICT, IT SHALL BE THE DUTY OF THE MUNICIPAL ASSESSORS, AFTER THE
11 VALUATION OF THE WHOLE OF SUCH PARCEL SHALL HAVE BEEN FIXED, TO DETER-
12 MINE WHAT PROPORTION OF SUCH VALUATION IS ON ACCOUNT OF THAT PART OF
13 SUCH PARCEL LYING WITHIN THE LIMITS OF THE DISTRICT, AND THE ASSESSORS
14 SHALL ENTER SUCH PROPORTION SEPARATELY ON THE ASSESSMENT ROLL. THE
15 VALUATION OF THE REAL PROPERTY LYING WITHIN SUCH DISTRICT, AS SO FIXED
16 AND DETERMINED, SHALL BE THE VALUATION SUBJECT TO TAXATION FOR THE
17 PURPOSES OF SUCH DISTRICT.

18 6. THE TREASURER OF EACH DISTRICT SHALL PREPARE AND FILE ANNUALLY IN
19 THE OFFICE OF THE CLERK OF EACH MUNICIPALITY IN WHICH ANY PART OF SUCH
20 DISTRICT SHALL BE LOCATED, AND IN THE OFFICE OF THE STATE COMPTROLLER, A
21 FINANCIAL STATEMENT SETTING FORTH IN DETAIL THE RECEIPTS AND EXPENDI-
22 TURES OF SUCH DISTRICT. SUCH STATEMENT SHALL BE FILED IN SUCH OFFICES
23 WITHIN SIXTY DAYS AFTER THE CLOSE OF THE FISCAL YEAR OF THE DISTRICT.

24 S 159-E. DISSOLUTION OF DISTRICTS. 1. UPON A PETITION, SIGNED, AND
25 ACKNOWLEDGED OR PROVED IN THE SAME MANNER AS A DEED TO BE RECORDED, OR
26 AUTHENTICATED IN THE MANNER PROVIDED BY THE ELECTION LAW FOR THE AUTHEN-
27 TICATION OF NOMINATING PETITIONS, BY TWENTY PERCENT OF THE RESIDENTS OF
28 THE MUNICIPALITY OR MUNICIPALITIES IN WHICH A DISTRICT IS LOCATED, THE
29 MUNICIPAL GOVERNING BODY OR BODIES THEREOF, AFTER A PUBLIC HEARING THER-
30 EON, MAY DISSOLVE AND DISCONTINUE SUCH DISTRICT. THE MUNICIPAL GOVERN-
31 ING BODY OR BODIES SHALL HOLD A PUBLIC HEARING UPON SUCH PETITION AND
32 SHALL CAUSE A NOTICE THEREOF TO BE PUBLISHED AND POSTED IN THE SAME
33 MANNER PROVIDED FOR HEARINGS. SUCH NOTICE SHALL CONTAIN A DESCRIPTION
34 OF THE DISTRICT AND SPECIFY THE TIME WHEN AND PLACE WHERE THE MUNICIPAL
35 GOVERNING BODY OR BODIES WILL MEET TO CONSIDER SUCH PETITION AND TO HEAR
36 ALL PERSONS INTERESTED IN THE SUBJECT CONCERNING THE SAME. AFTER THE
37 HEARING UPON NOTICE AS PROVIDED HEREINBEFORE AND UPON THE EVIDENCE GIVEN
38 THEREAT, THE MUNICIPAL GOVERNING BODY OR BODIES SHALL DETERMINE WHETHER
39 IT IS IN THE PUBLIC INTEREST TO DISSOLVE THE DISTRICT. ALL THE PROPERTY
40 OF SUCH DISTRICT SHALL BE SOLD AT PUBLIC SALE AND THE PROCEEDS OF SUCH
41 SALE SHALL BE PAID TO THE MUNICIPALITY AND THE AMOUNT SO PAID SHALL BE
42 APPLIED FIRST IN PAYMENT OF ANY BONDED OR OTHER INDEBTEDNESS OF SUCH
43 DISTRICT AND SECONDLY, THE REMAINDER THEREOF, AFTER ALL THE OUTSTANDING
44 BONDED AND OTHER INDEBTEDNESS OF THE DISTRICT SHALL HAVE BEEN PAID,
45 SHALL BE CREDITED TO THE TAXABLE REAL PROPERTY LOCATED IN SUCH DISTRICT
46 IN THE NEXT SUCCEEDING ASSESSMENT OF MUNICIPAL TAXES. IF THERE SHALL BE
47 OUTSTANDING AND UNPAID BONDS OR OTHER OBLIGATIONS NOT DUE AND PAYABLE, A
48 SUM SUFFICIENT TO MEET THE PRINCIPAL AND INTEREST THEREOF SHALL BE SET
49 APART AS A SINKING FUND FOR THE REDEMPTION OF SUCH OUTSTANDING OBLI-
50 GATIONS AT THEIR MATURITY AND THE PAYMENT OF THE INTEREST THEREON. IF
51 THE PROCEEDS OF SUCH SALE AND THE INCOME THEREFROM BE INSUFFICIENT TO
52 REDEEM SUCH BONDS OR OBLIGATIONS AT THEIR MATURITY AND TO PAY THE INTER-
53 EST THEREON, THEN THERE SHALL BE LEVIED AND COLLECTED IN ANNUAL INSTALL-
54 MENTS FROM THE DISTRICT CHARGED WITH THE PAYMENT OF SUCH BONDS OR OBLI-
55 GATIONS, SUCH A SUM AS WILL BE SUFFICIENT TO PAY THE INTEREST ON SUCH
56 BONDS OR OBLIGATIONS AND TO REDEEM THEM AT THEIR MATURITY. ANY SURPLUS

1 REMAINING AFTER ALL THE OBLIGATIONS AND INDEBTEDNESS OF THE DISTRICT
2 SHALL HAVE BEEN PAID, SHALL BE CREDITED TO THE TAXABLE REAL PROPERTY
3 LOCATED IN SUCH DISTRICT AT THE NEXT SUCCEEDING ASSESSMENT OF MUNICIPAL
4 TAXES.

5 2. UPON ITS OWN MOTION AND WITHOUT A PETITION, THE GOVERNING BODY OF
6 ANY MUNICIPALITY OR, IF THE DISTRICT PROPOSED TO BE DISSOLVED INCLUDES
7 TERRITORY IN MORE THAN ONE MUNICIPALITY, THE GOVERNING BODIES THEREOF,
8 MAY DISSOLVE AND DISCONTINUE SUCH DISTRICT, AFTER A PUBLIC HEARING THERE-
9 EON. ANY RESOLUTION DISSOLVING AND DISCONTINUING SUCH DISTRICT SHALL BE
10 SUBJECT TO A PERMISSIVE REFERENDUM. THE NOTICE OF SUCH HEARING SHALL BE
11 PUBLISHED AND POSTED. SUCH NOTICE SHALL CONTAIN A DESCRIPTION OF THE
12 DISTRICT AND SPECIFY THE TIME WHEN AND THE PLACE WHERE THE MUNICIPAL
13 GOVERNING BODY OR BODIES WILL MEET TO HEAR ALL PERSONS INTERESTED IN THE
14 SUBJECT CONCERNING THE SAME. AFTER THE HEARING UPON NOTICE AS PROVIDED
15 HEREINBEFORE AND UPON THE EVIDENCE GIVEN THEREAT, THE MUNICIPAL GOVERN-
16 ING BODY OR BODIES SHALL DETERMINE WHETHER IT IS IN THE PUBLIC INTEREST
17 TO DISSOLVE THE DISTRICT.

18 3. AT THE HEARING UPON THE PETITION OR MOTION FOR THE DISSOLUTION OF A
19 DISTRICT, THE MUNICIPAL GOVERNING BODY OR BODIES MAY DETERMINE TO
20 DISSOLVE AND DISCONTINUE SAID DISTRICT UPON THE TERMINATION OF ANY
21 CONTRACTS THEN IN FORCE AND EFFECT IN SUCH DISTRICT, OR THE MUNICIPAL
22 GOVERNING BODY OR BODIES MAY DETERMINE TO DISSOLVE AND DISCONTINUE SUCH
23 DISTRICT FORTHWITH. IF THE MUNICIPAL GOVERNING BODY OR BODIES SHALL
24 DETERMINE TO DISSOLVE AND DISCONTINUE SUCH DISTRICT FORTHWITH, ALL
25 CONTRACTS SHALL BE IMMEDIATELY TERMINATED UPON THE PAYMENT OF ANY
26 AMOUNTS BECOMING DUE PRIOR TO THE DATE OF THE ACTION OF THE MUNICIPAL
27 GOVERNING BODY OR BODIES IN DISSOLVING AND DISCONTINUING SAID DISTRICT.

28 4. IN THE CASE OF A DISTRICT LOCATED IN MORE THAN ONE MUNICIPALITY,
29 ANY ACTION PURSUANT TO THIS SECTION SHALL BE TAKEN BY THE MUNICIPAL
30 GOVERNING BODIES ACTING JOINTLY BY A MAJORITY VOTE OF THE MEMBERS OF
31 EACH MUNICIPAL GOVERNING BODY.

32 5. NOTHING IN THIS ARTICLE SHALL BE SO CONSTRUED AS TO PREVENT THE
33 MERGER OF A PROCEEDING TO DISSOLVE AN EXISTING DISTRICT AND A PROCEEDING
34 TO ESTABLISH A DISTRICT TO EMBRACE ALL OR ANY PORTION OF THE TERRITORY
35 CONTAINED WITHIN THE BOUNDARIES OF THE DISTRICT TO BE DISSOLVED.

36 S 2. This act shall take effect on the first of January next succeed-
37 ing the date on which it shall have become a law and shall apply to
38 library districts established, consolidated, dissolved or changed on or
39 after such effective date.