§ 2018-a. Absentee ballots for school district elections. 1. The board of education of any union free, central or central high school district which elects school board members by ballot and provides for personal registration of voters, shall provide for absentee ballots for the election of members of the board of education and school district public library trustees, the adoption of the annual budget and school district public library budget and referenda, in accordance with the provisions of this section.

1-a. In counties with a population of one million or more, the board of education of any union free, central or central high school district which elects school board members by ballot and provides for personal registration of voters shall provide for absentee ballots for the election of members of the board of education and school district public library trustees, the adoption of the annual budget and school district public library budget and referenda, in accordance with the provisions of this section.

2. a. A qualified voter may vote as an absentee voter under this section if on the occurrence of an election such voter expects to be:

(1) absent from their county of residence; or

(2) unable to appear personally at the polling place because of illness or physical disability, or duties related to the primary care of one or more individuals who are ill or physically disabled, or because such voter will be or is a patient in a hospital; or

(3) a resident or patient of a veteran's administration hospital; or

(4) absent from such voter's voting residence because such voter is detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than a felony, provided that such voter is qualified to vote in the election district of such voter's residence.

b. Each person entitled to vote as an absentee voter pursuant to this section and desirous of obtaining an absentee ballot shall make written application therefor to the district clerk. Application forms for use pursuant to this section shall be in a form prescribed by the state board of elections. The use of any application which is on a form

prescribed by the state board of elections shall be acceptable.

c. The application for an absentee ballot when filed must contain in each instance the following information:

(1) Applicant's full name, date of birth, and residence address, including the street and number, if any, rural delivery route, if any, mailing address if different from the residence address and an address to which the ballot shall be mailed.

(2) A statement that the applicant is a qualified and registered voter.

(3) A statement, as appropriate, that on the day of such election the applicant expects in good faith to be in one of the following categories:

(a) absent from their county of residence; provided, however, if the applicant expects to be absent from such county for a duration covering more than one election and seeks an absentee ballot for each election, such applicant shall state the dates when they expect to begin and end such absence; or

(b) unable to appear at a polling place because of illness or physical disability or duties related to the primary care of one or more individuals who are ill or physically disabled; or

(c) a resident or patient of a veteran's administration hospital; or

(d) detained in jail awaiting action by a grand jury or awaiting trial or confined in jail or prison after a conviction for an offense other than a felony and stating the place where such applicant is so detained or confined.

d. Such application shall include the following statement to be signed by the voter.

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 application for absentee ballots, I shall be guilty of a misdemeanor.

Date.....Signature of Voter .....

e. An applicant whose ability to appear personally at the polling

place of the school district of which he or she is a qualified voter is substantially impaired by reason of permanent illness or physical disability and whose registration record has been marked "permanently disabled" by the board of elections pursuant to the provisions of the election law shall be entitled to receive an absentee ballot pursuant to the provisions of this section without making separate application for such absentee ballot, and the board of registration upon being advised by the board of elections on or with the list of registered voters that the registration record of a voter is marked "permanently disabled" shall send an absentee ballot to such voter at his or her last known address with a request to the postal authorities not to forward same but to return same in five days in the event that it cannot be delivered to the addressee. The board of education shall determine whether such ballot shall be sent by first class or by certified mail. All such ballots shall be mailed in the same manner as determined by the board of education. The board of registration shall make an appropriate entry on the registration indicating the fact that an absentee ballot has been sent and the date of mailing.

f. An application must be received by the district clerk no earlier than the thirtieth day before the election for which an absentee ballot is sought. If the application requests that the absentee ballot be mailed, such application must be received not later than seven days before the election. If the applicant or his or her agent delivers the application to the district clerk in person, such application must be received not later than the day before the election. The district clerk shall examine each application and shall determine from the information contained therein whether the applicant is qualified under this section to receive an absentee ballot.

g. No later than six days before the election for which an application has been received and for which the district clerk has determined the applicant to be qualified to vote by absentee ballot the district clerk shall mail, by regular mail, an absentee ballot to each qualified applicant who has applied before such day and who has requested that such absentee ballot be mailed to him or her at the address set forth in his or her application. If the applicant or his or her agent delivers

the application to the district clerk in person after the seventh day before the election and not later than the day before the election, the district clerk shall forthwith deliver such absentee ballots for those applicants whom he or she determines are qualified to make such applications and to receive such ballots to such applicants or the agents named in the applications when such applicants or agents appear in the district clerk's office.

3. If, upon examining the application required under the provisions of subdivision two of this section, and upon such inquiry as it deems proper, the board of registration shall be satisfied that the applicant is a qualified voter of the district, and entitled to vote by absentee ballot, such board shall place his name upon the register, thereupon the applicant shall be issued or mailed an absentee voter's ballot and the board of registration shall make an appropriate entry on the register indicating that an absentee ballot has been applied for by, and issued to, the applicant.

4. Ballots for absentee voters shall be, as nearly as practicable, in the same form as those to be voted at the district election; if the vote at such election shall be by ballot, the absentee ballot shall conform to the regular ballot; if the vote of such election shall be by voting machine, the absentee ballot shall conform as closely as possible to the manner in which the names of the candidates, the questions and the propositions appear on the voting machines, except that the absentee ballot shall also contain a space for a write-in or write-ins. Such absentee ballots shall also contain instructions as to the proper marking thereof, in accordance with the provisions of sections two thousand thirty-two and two thousand thirty-four of this chapter. On the back of such absentee ballots shall be printed the words "Official Ballot, Absentee Voter."

5. a. The board of registration shall enclose each absentee voter's ballot in an envelope which shall be labelled:

ELECTION MATERIAL

PLEASE EXPEDITE

On one side of such envelope shall be printed:

OFFICIAL BALLOT, ABSENTEE VOTER

for

School District Election

Name of Voter .....

Residence (street and number, if any) .....

City (or Town) of .....

County of .....

School district .....

School Election District (if applicable) .....

The date of the election and name of the school district shall be printed, and the name of the voter, residence, school district and school election district (if applicable) shall be written in by the board of registration.

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I am a citizen of the United States, and will be at least eighteen years of age, on the date of the school district election; that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said election and duly registered in the school district and school election district, if any, shown on the reverse side of this envelope and that I am or on such date will be, a qualified voter of said school district; that I will be unable to appear personally on the day of said school 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 submitted; 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 school 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 directly or indirectly interested in any bet or wager depending upon the result of this school 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 relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction 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 envelope must reach the office of the clerk of the school district not later than five P.M. on the day of the election in order that his vote may be canvassed.

d. A person who shall make any material false statement in the statement of absentee voter appearing on the reverse side of the envelope as provided in this subdivision, shall be guilty of a misdemeanor.

6. The board of registration shall make a list of all persons to whom absentee voter's ballots shall have been issued and file such list in the office of the clerk where it shall be available for public inspection during regular office hours until the day of the election. Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reasons for such challenge. A

challenge to an absentee ballot may not be made on the basis that the voter should have applied for an early mail ballot. Such written challenge shall be transmitted by the clerk to the inspectors of election on election day.

7. a. The board of registration shall be authorized to call upon the commissioner of police and the officers and members of the police force for such assistance in the enforcement of the provisions of this section as such board shall require, and such commissioner and officers and members of the police force shall be authorized to render such assistance.

b. The board of registration may require any person to attend before it at the office of the clerk of the school district and be examined by the board as to any matter in relation to which such board is charged with a duty under this section, and may issue a subpoena therefor. Each member of such board shall be authorized to administer any oath that may be required or authorized by law in this connection.

8. No absentee voter's ballot shall be canvassed, unless it shall have been received in the office of the clerk of the school district not later than five P.M. on the day of the election.

9. The clerk of the district shall, on the day of the election, transmit all absentee voters' envelopes, received by him in accordance with subdivision eight of this section, to the inspectors of election.

10. If, at the school district election, any absentee voters' envelopes shall have been received at the polling place, the inspectors of election immediately after the closing of the polls shall examine them, and shall compare the signature, if any, on each envelope with the signature, if any, on the register, of the person of the same name who registered from the same address. If the signatures are found to correspond, the inspectors shall certify thereto by signing their initials opposite the name of the voter at the appropriate place in the register. If a person whose name is on an envelope as a voter, shall have already voted in person at such school district election, or if his

name, residence and signature, as stated on the envelope, are not on the register, or if there is no signature on the envelope, this envelope shall be laid aside unopened and be returned unopened to the clerk of the district. If such person is found to be registered and has not so voted in person, and if no objection is made, or if an objection made be not sustained, the envelope shall be opened and the ballot withdrawn without unfolding and deposited in the proper box or boxes. At the time of the deposit of such ballot, the inspectors shall enter the words "absentee vote" at an appropriate place in the register.

11. During such examination any qualified voter present in the polling place may object to the voting of the ballot contained in any envelope upon the ground or grounds (a) that the person named thereon is not a qualified voter of the school district, or school election district (where applicable), or (b) that he was within the county or city while the polls of the election were open, except where the applicant is a patient in a hospital located within the county or city or detained or confined in a jail located within the county or city and except where the ballot was obtained upon the ground of inability to appear personally at the polling place on the day of the school district election because of illness or physical disability, or (c) that he was able to appear personally while the polls were open, in cases where the ballot was obtained upon the ground that the voter was a patient in a hospital located within the county or city or detained or confined in a jail located within the county or city or upon the ground of inability to appear personally at the polling place on the day of the election because of illness or physical disability, or (d) that he was not entitled to cast such ballot. An inspector shall make such an objection if he shall know or suspect that the person named on such envelope is not such a qualified voter or was so within the school district or was able so to appear personally, or was not entitled to cast such ballot. The election inspectors shall forthwith proceed to determine each objection including any written challenge transmitted to them by the district clerk as provided in subdivision six of this section. Unless the inspectors, by majority vote, shall sustain the objection, the chairman, or if he refuses, another inspector shall endorse upon the envelope the objection and the words "not sustained," shall sign such

endorsement, and shall open the envelope and deposit the ballot as provided in this section. Should the inspectors, by majority vote, sustain such objection, the objection and word "sustained" shall be similarly endorsed upon the envelope, the envelope shall not be opened nor the ballots therein canvassed, and such envelope shall be returned unopened to the clerk of the district. If the inspectors of election shall have received an envelope endorsed with the name of a person who to the knowledge of the inspectors is deceased on the day of the election, the inspectors shall return such envelope unopened to the clerk of the district with the words "deceased--objection sustained" endorsed on the envelope.

12. If the inspectors of election shall have received an envelope, and upon opening the same no ballot shall be found therein, the inspectors shall make a memorandum showing that the ballot is missing. When the casting of absentee voters' ballots shall have been completed, the inspectors shall ascertain the number of such ballots which have been deposited in the ballot box by deducting from the number of envelopes opened the number of missing ballots, and shall make a separate return thereof in duplicate. The number of absentee voters' ballots deposited in the ballot box shall be added to the number of other ballots deposited in the ballot box in order to determine the number of all ballots to be accounted for in the ballot box. Such ballots shall then be counted or canvassed by the inspectors of election along with the other ballots cast at such school district election, or, where voting machines are used, shall be added to the votes recorded on such machines.

13. Where the district shall have been divided into school election districts pursuant to the provisions of this chapter, the provisions of this section shall be applicable, provided that any reference in this section to the term "board of registration" shall in such case refer to the board of registration appointed by the board of education for each school election district, except that paragraph b of subdivision seven of this section shall apply according to its terms.