§ 2018-b. Absentee ballots for school district elections by poll registration. 1. Notwithstanding the provisions of sections two thousand fourteen and two thousand eighteen-a of this article, the trustees or the board of education of any common, union free, central or central high school district which does not provide for the personal registration of voters for school district meetings and elections but which elects trustees or school board members by ballot, shall provide for absentee ballots for the election of the trustees or members of the board and school district public library trustees, the adoption of the annual budget and school district public library budget and referenda.

1-a. Notwithstanding the provisions of sections two thousand fourteen and two thousand eighteen-a of this article, in any county with a population of one million or more, the trustees or the board of education of any common, union free, central or central high school district which does not provide for the personal registration of voters for school district meetings and elections but which elects trustees or school board members by ballot shall provide for absentee ballots for the election of the trustees or members of the board and school district public library trustees, the adoption of the annual budget and school district public library budget and referenda.

2. a. An applicant for such an absentee ballot shall submit an application setting forth:

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

(2) that such applicant is or will be, on the day of the school district election, a qualified voter of the school district;

(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) a resident or patient in a hospital, including a veteran's administration hospital, or unable to appear personally at the polling place on such day 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

(b) absent from the county of such applicant's 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

(c) 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.

b. Such application must be received by the district clerk or designee of the trustees or school board at least seven days before the election if the ballot is to be mailed to the voter, or the day before the election, if the ballot is to be delivered personally to the voter.

c. 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 .....

d. The clerk of the school district or a designee of the trustees or school board shall request registration lists from the board of elections pursuant to subdivision three of section 5-612 of the election law for those voters whose registration record has been marked "permanently disabled". An applicant whose ability to appear personally at the polling place of the school district of which such applicant is a qualified voter is substantially impaired by reason of permanent illness or physical disability and whose registration record has been marked "permanently disabled" as determined by the board of elections pursuant to the provisions of this chapter and who has previously applied for an absentee ballot shall be entitled to receive subsequent absentee ballots pursuant to the provisions of this section without making separate

application for such absentee ballot, and the clerk of the school district or a designee of the trustees or school board shall send an absentee ballot to such voter at such voter's 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 clerk of the school district or a designee of the trustees or school board 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 trustees or the board of education.

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 clerk of the school district or designee of the trustees or school board shall be satisfied that the applicant is a qualified voter of the district, and entitled to vote by absentee ballot, such clerk of the school district or designee of the trustees or school board shall cause to be issued or mailed to the applicant an absentee voter's ballot and the clerk of the school district or designee of the trustees or school board shall make an appropriate entry on the poll list pursuant to section two thousand twenty-nine of this part.

4. The clerk of the school district or a designee of the trustees or school board shall also mail an absentee ballot to every qualified voter otherwise eligible for such ballot, who requests an absentee ballot from such clerk or trustees or school board designee in a letter which is signed by the voter and received by the clerk or trustees or school board designee not earlier than the thirtieth day nor later than the seventh day before the election for which the ballot is first requested and which states the address where the voter resides and to which the ballot is to be mailed. The clerk or designee of the trustees or school board shall enclose with such ballot a form of application for absentee ballot. The absentee ballot of a voter who requested such ballot by letter, rather than application, shall not be counted unless a valid application form, signed by such voter, is received by the clerk of the school district or designee of the trustees or school board with such ballot.

5. 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. On the back of such absentee ballots shall be printed words "Official Ballot, Absentee Voter."

6. a. The clerk of the school district or designee of the trustees or school board 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 included.

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 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 have 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 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 or

designee of the trustees or school board 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 the absentee voter appearing on the reverse side of the envelope as provided in this subdivision, shall be guilty of a misdemeanor.

7. The clerk of the school district or designee of the trustees or school board shall make a list of all persons to whom absentee voter's ballots shall have been issued and maintain such list 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 or the designee of the trustees or school board to the inspectors of election on election day.

8. a. The clerk of the school district or designee of the trustees or school board 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 trustees or board shall require, and such commissioner and officers and members of the police force shall be authorized to render such assistance.

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

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

10. The clerk of the district or designee of the trustees or school board 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.

11. 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 there is no signature on the envelope, this envelope shall be laid aside unopened and be returned unopened to the clerk of the district or designee of the trustees or school board. If such person 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.

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 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.