§ 2034. Canvass of votes; declaration of result. 1. Immediately upon the close of the polls the inspectors of election shall count the ballots found in the ballot box without unfolding them, except so far as is necessary to ascertain that each ballot is single. They shall compare the number of ballots found in the ballot box with the number of persons recorded on the poll list as having voted at the meeting or election. If the number of ballots found in the ballot box shall exceed the number of names on such poll list, such ballots shall be replaced without being unfolded in the box from which they were taken and shall be thoroughly mingled in such box and the chief inspector of election shall then publicly draw out as many ballots as shall be equal to the number of excess ballots. The ballots so drawn out shall be enclosed without unfolding in an envelope which shall be sealed and endorsed with a statement of the number of such excess ballots withdrawn from the box and shall be signed by the chief inspector. Such envelope with the excess ballots therein shall be placed in the ballot box as provided in subdivision six of this section.

2. The ballots shall be counted or canvassed by the inspectors of election and the votes cast for each candidate shall be tallied and counted by the inspectors of election.

3. The whole ballot is void if the voter

a. does any act extrinsic to the ballot such as enclosing any paper or other article in the folded ballot, or

b. defaces or tears the ballot, or

c. makes an erasure thereon, or

d. in a union free school district meeting or election, makes any mark thereon other than a single cross X mark in pen or pencil, or a single check * mark, in pen or pencil, in a voting square, or other than the writing in a name for the purpose of voting; provided, however, that an erasure or a mark other than a single cross X mark in pen or pencil, or a single check * mark, in pen or pencil, made in a voting square shall

not make the ballot void, but shall render it blank as to the office in connection with which it is made. No ballot shall be declared void or partially blank because a cross X mark or check * mark thereon is irregular in form.

* NB There should be a check mark in this space.

4. In a union free school district meeting or election, if the voter marks more than one name in a group for a separate specific office or if for any reason it is impossible to determine the voter's choice of candidate for an office his vote shall not be counted for such office but shall be returned as a blank vote thereon.

5. The inspectors of election shall announce to the chairman the results of the ballot. The ballots that were declared void or wholly blank shall be sealed in an envelope and so endorsed by the inspectors of election. Such envelope shall be placed in the ballot box as provided in subdivision six of this section.

6. After the ballots are counted and the statements have been made as required in this section, the ballots, together with the envelopes containing the defective or spoiled ballots, the excess ballots and the void or wholly blank ballots, shall be placed in the ballot box or boxes. Each box shall be securely locked and sealed by the inspectors of election and deposited by the chief inspector with the clerk of the district. The unused ballots shall be placed in a sealed package by the inspectors of election and returned to such clerk by the chief inspector at the same time that such ballot box, or boxes, are delivered to him. The ballot box, or boxes, and the package of unused ballots, after being sealed by the inspectors of election, shall not thereafter be opened, except:

a. upon the order of the commissioner of education in the manner specified in such order, or

b. when a period of six months from the date of the meeting or election has elapsed without any proceeding being commenced in regard to such meeting or election, the board of education may, notwithstanding

any provision of this chapter or of the public officers law to the contrary, by written resolution order the unsealing and opening of the ballot box, or boxes, and the destruction of all ballots contained therein, together with the unused ballots.

7. a. Except as provided in paragraph c of this subdivision, the chairman shall declare to the meeting or election the result of each ballot, as announced to him by the inspectors of election, and the persons having a plurality of the votes cast, respectively, for the several offices shall be elected except as provided in paragraphs b and d of this subdivision.

b. If the school district shall have been divided into election districts pursuant to section two thousand seventeen of this chapter the inspectors of election shall make a written report of the results of the ballot, signed by all such inspectors, to the chief inspector of election of each election district. The chief inspector of election of each election district shall within twenty-four hours file such written report with the clerk of the district. The board of education shall thereupon within twenty-four hours tabulate and declare the result of the ballot.

c. If the school district shall have adopted a proposition pursuant to paragraph b of section two thousand eighteen, the candidates receiving a plurality of the votes cast respectively for the several offices shall be declared elected. Where more than one office is to be filled by such election and there is a variance in the length of the terms for which such offices are to be filled as authorized by this chapter, or where one or more persons are to be elected for a full term or terms and one or more persons are to be elected for the unexpired portion of a term or terms, or both, the candidate receiving the largest number of votes shall be entitled to the longest term and the candidates receiving the next highest number of votes shall be entitled, in decreasing order of the respective numbers of votes, to the several offices, in decreasing order of the length of such terms or unexpired portions of terms.

8. The clerk of the meeting or election shall record the result of

each ballot as declared by the chairman.

9. The clerk of the district shall serve a written notice either personally or by mail upon each person declared elected as provided in subdivision five of section twenty-one hundred twenty-one of this chapter.

10. In the event that more eligible persons than the number remaining to be elected receive, for the same office or offices, an equal number of votes sufficient that fewer persons receiving such number of votes would be elected, the board of education shall call a special run-off election to be held within forty-five days following the general or special election at which such tie vote was cast to determine which of such candidates shall be elected to such office. The only persons who shall be deemed nominated for such run-off election shall be the candidates who have received such equal number of votes.