§ 175-b. Absentee ballots for fire district elections; special provisions. 1. The board of fire commissioners of any fire district in which officers are elected, may, by resolution, provide for absentee ballots for fire district elections, in accordance with the provisions of this section. Such resolution shall take effect at the first such election held more than sixty days after its adoption and shall continue in effect for all such elections until a subsequent resolution providing otherwise shall, in like manner, have taken effect.

2. a. An applicant for such an absentee ballot shall submit an application setting forth (1) his or her name and residence address, including the street and number, if any, or town and rural delivery route, if any; (2) that he or she is or will be, on the day of the election, a qualified voter of the district in which he or she resides in that he or she is or will be, on such date, over eighteen years of age, a citizen of the United States and has or will have resided in the district for thirty days next preceding such date; (3) that he or she is registered in the town; (4) that he or she will be unable to appear to vote in person on the day of the election for which the absentee ballot is requested because he or she is, or will be on such day (a) a patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability or (b) because his or her duties, occupation or business will require him or her to be outside of the county of his or her residence on such day, (c) because he or she will be on vacation outside the county of his or her residence on such day; or, (d) absent from his or her voting residence because he or she is detained in jail awaiting action by a grand jury or awaiting trial or is confined in prison after conviction for an offense other than a felony. Such application must be received by the district secretary 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 or his or her agent.

b. (1) Where such duties, occupation or business are of such a nature as ordinarily to require such absence, a brief description of such duties, occupation or business shall be set forth in such affidavit. (2) Where such duties, occupation or business are not of such a nature

as ordinarily to require such absence, such application shall contain a statement of the special circumstances on account of which such absence is required.

c. Where the applicant expects in good faith to be absent on the day of the election because he or she will be on vacation elsewhere on such day, such application shall also contain the dates upon which he or she expects to begin and end such vacation, the place or places where he or she expects to be on such vacation, the name and address of his or her employer, if any, and if self-employed, a statement to that effect.

d. Where the absence is because of detention or confinement to jail, such affidavit shall state whether the voter is detained awaiting action of the grand jury or is confined after conviction for an offense other than a felony.

e. Where a person is or would be, if he or she were a qualified voter, entitled to apply for the right to vote by absentee ballot under the provisions of this section, his or her spouse, parent or child, if a qualified voter and a resident of the same district, shall be entitled to vote as an absentee voter upon personally making and signing an application in accordance with the preceding provisions of this subdivision and showing that he or she expects to be absent from the district on the day of the district election by reason of accompanying or being with the spouse, child or parent who is or would be, if he or she were a qualified voter, so entitled to apply for the right to vote by absentee ballot, and, in the event no application is made by such spouse, child or parent, such further information as the fire district shall require.

f. 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.....

g. An applicant whose ability to appear personally at the polling place of the 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 secretary of the fire district, 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 by first class mail 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 election inspectors of the fire district shall make an appropriate entry on the registration record indicating the fact that an absentee ballot has been sent and the date of mailing.

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 election inspectors of the fire district shall be satisfied that the applicant is a qualified voter of the district, and entitled to vote by absentee ballot, such election inspectors shall place his or her name upon a list, thereupon the applicant shall be issued or mailed an absentee voter's ballot and the election inspectors of the fire district shall make an appropriate entry on the list 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 that part of the regular ballot which relates to the election of district members; if the vote of such election shall be by voting machine, the absentee ballot shall be, as nearly practicable, in the same form as those to be voted in the district on election day and shall

contain a space for a write-in or write-ins. On the back of such absentee ballots shall be printed the words "Official Ballot, Absentee Voter," followed by the words "For Officers of fire district."

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

at

Fire District Election

Name of Voter.....

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

City (or Town) of.....

County of.....

Fire 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 fire district.

b. On the reverse side of such envelope shall be printed the following 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 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 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 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 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 statement 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 fire 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 fire office 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. Such written challenge shall be transmitted by the secretary to the inspectors of election on election day.

b. Such list shall also be posted in a conspicuous place or places during the election, and any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on such list, by making his or her challenge and the reasons therefor known to the election inspectors before the close of the polls.

7. a. The secretary of the fire district shall be authorized to call upon the commissioner of police or the county sheriff and the officers and members of the police force or sheriff's department 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 and sheriff's department shall be authorized to render such assistance.

b. The election inspectors of the fire district may require any person to attend before them at the office of the secretary of the district and be examined as to any matter in relation to which such district is charged with a duty under this section, and may issue a subpoena therefor. Each member of such election inspectors district 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 secretary of the district not later than five P.M. on the day of the election.

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

inspectors.

10. If, at the district election, any absentee voters' envelopes shall have been received at the polling place, the election inspectors 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 election 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 district election, or if his or her 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 secretary 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 election 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 district, or (b) that he or she 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 fire district election because of illness or physical disability, or (c) that he or she 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 or she was not entitled to cast such ballot. An election inspector shall make such an objection if he or she shall know or suspect that the person named on such envelope is not such a qualified voter or was so within the 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 secretary as provided in subdivision six of this section. Unless the election inspectors, by majority vote, shall sustain the objection, the chairman, or if he or she refuses, another election 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 election 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 secretary of the district. If the election inspectors shall have received an envelope endorsed with the name of a person who to the knowledge of the election inspectors is deceased on the day of the election, the election inspectors shall return such envelope unopened to the secretary of the district with the words "deceased--objection sustained" endorsed on the envelope.

12. If the election inspectors shall have received an envelope, and upon opening the same no ballot shall be found therein, the election inspectors shall make a memorandum showing that the ballot is missing. When the casting of absentee voters' ballots shall have been completed, the election 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 election inspectors along with the other ballots cast at such district election, or, where

voting machines are used, shall be added to the votes recorded on such machines.

13. The provisions of this section shall apply to absentee ballots at fire district elections, notwithstanding any other provision of law. The provisions of any other law as they relate to fire district elections not inconsistent herewith shall apply to the conduct of such elections.