ENDWELL FIRE DISTRICT

ELECTION POLICY	
Number: 2024 - 20	**Adopted: January 10, 2024**

These rules apply to all Fire District Elections. The term "Fire District Election" shall be deemed to include the annual election held each December, any special elections held to vote on a proposition, and any election required to resolve a tie vote or required based upon court order.

The rules included herein, which pertain to maintaining proper decorum and order at the polling place, shall also be deemed to apply to any election held by the Fire Department and its constituent companies for the election of officers. Members of the Fire Department shall be held strictly accountable for failure to maintain order and observe these rules during Department and Fire District Elections. The Chief's Office shall hold the members strictly accountable and shall enforce these rules.

POLICY STATEMENT

The election of fire district officers, either at the annual election or at a special election or special election to vote on a proposition, is generally governed by various Town Law provisions. The Endwell Fire District desires to memorialize the requirements of the elections and set out a policy for the annual or special election of the Endwell Fire District.

Annual Election of Fire District Officers

The annual election of officers of the Endwell Fire District shall be held on the second Tuesday in December. All other Endwell Fire District special elections or votes to determine the passage of a proposition will be conducted on a Tuesday, the date to be selected by the Board of Fire Commissioners.

Special Election for Fire District

Any Fire District special election shall be held on a Tuesday (non-public holiday Tuesday).

Notice of Annual Election, Special Elections, and Voting on a Proposition

The board of fire commissioners shall give notice of the annual election, a special election, or a vote on a proposition by the publication of the notice of election once in one of the newspapers that were designated at the organizational meeting of the fire district held annually in January, which publication is in general circulation within the Endwell Fire District. The following is the newspaper designated at the organizational meeting of the Endwell Fire District Board of Fire Commissioners. *(Press & Sun-Bulletin.)*

Time of Publication of Notice

The notice of election must be published in the above newspaper no less than 27 days and not more than 34 days prior to the date of the annual election, special election, or the date for voting on a proposition.

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POSTING OF THE NOTICE OF ELECTION

Website and Signboard Posting

The Secretary of the Endwell Fire District shall post the notice of any upcoming annual, special election, or a vote for the proposition on the fire district website and on the fire district's maintained signboard for at least 15 days prior to, and no sooner than 20 days before, the date of the election.

Posting on the town or village website and the town clerk's signboard

The Fire District Secretary of the Endwell Fire District is also required to send the notice of election to the Town of Union Clerk for posting on the town and on the Town signboard maintained by the Town Clerk so that this posting may occur at least 15 days prior to, but no sooner than 20 days before, the election date. *(In certain situations where the fire district encompasses a village, additional postings may be done at the village's offices and with the village clerk).*

Contents of the Notice of Election

The notice of election shall contain the hours the polls will be open, the election's location, and the election's subject matter.

1. Poll Hours - The hours the polls will be open for the annual election, special election, or voting on a proposition unless extended by a subsequent resolution of the Board of Fire Commissioners the hours of the annual election, special election to vote on a proposition shall be between the hours of 6:00 P.M. and 9:00 P.M.

   (Extending the hours of an election - The board of fire commissioners may extend these hours to longer, but the minimum hours must be between 6:00 p.m. and 9:00 p.m., and the election hour may not exceed 9:00 p.m. Also, any extension of the hours must be consecutive hours prior to six o'clock in the evening.)

2. All elections will take place at the Endwell Fire Station, 3508 Country Club Road, Endwell, New York 13760.

3. In the case of an election for fire district officers, the names of the offices to be elected. In the case of a special election to vote on a proposition, the ballot shall recite the proposition to be voted upon.

CANDIDATES FOR DISTRICT OFFICE

1. Candidates for District office will be required to file their name for office with the Fire District Secretary in the form of a petition sworn to by at least 25 resident electors (voters) of the Fire District submitting his or her name for nomination for the office sought. At a minimum, the petition shall state at the top thereof the name and residence address of the candidate, the specific office sought, being specific as to the office and term of office, and shall provide for nominators to print their name, address, and sign their signature. Any petition submitted which does not list the candidate's full name and address or clearly indicate the office sought will be rejected and not placed on the ballot. Any petition which

does not contain the names and signatures of at least 25 registered voters of the Fire District will be rejected. The Board of Fire Commissioners and the Fire District cannot take responsibility for the time taken to accept, review, and reject a petition. Candidates are directed to carefully fill out their petition. It is also suggested that the petition contain extra names as a safety factor, since it is difficult for candidates to independently verify the voter registration of persons signing the petition. It is further suggested that petitions be submitted well before the deadline for filing. Remember that petitions must be filed with the Fire District Secretary during regular business hours of the Fire District office. Please check with the Fire District office/Fire District Secretary to confirm normal business hours. The Secretary shall prepare and make the form of petition available as an official form of the Fire District at least forty-five (45) days before the date of the annual election. Failure to use the official form may result in the rejection of the petition.

A registered voter may only sign one petition of a candidate for each office sought. If a registered voter signs the petition of more than one candidate for the same office on the same day, his or her signature will be ruled invalid as to each petition. If a registered voter signs the petition of more than one candidate for the same office on different days, only his or her signature on the petition signed first shall be valid, and it shall be invalid as to all other petitions for that same office. If a person signs as the witness for the petition of one candidate, he or she may not sign the petition of another candidate, and his or her signature as to that other candidate's petition shall be invalid (the petition he or she witnessed the signatures on shall be valid). In the event that a date does not appear alongside the registered voter's signature on a petition, for the purposes of these rules and regulations, his or her signature shall be considered to be given on the date of the petition. If no date appears on the petition, a signature of a registered voter shall be deemed to be the date that the petition is handed in to the Fire District Secretary.

A registered voter may not sign a petition earlier than forty-five (45) days before the date of the deadline for submitting candidate petitions in Fire District elections (twenty (20) days before the date of the election). Any signature given before that date, any page of signatures in a petition bearing any earlier date, and any petition bearing an earlier date or handed in to the Fire District Secretary before said date shall be ruled invalid.

Rules relative to petition signatures are based upon concepts discussed in Sections 6-134 and 15-108 of the Election Law. The Election Law, by its terms, does not apply to Fire District elections, but it provides a useful source of procedural suggestions since the Town Law does not provide the same level of detail for Fire District elections.

When multiple Fire District offices are listed on the ballot, a person may only submit a petition to be a candidate for one of the offices which are listed and have his or her name placed on the ballot for such office. If a candidate submits a petition for more than one office which appears on the ballot, his or her name shall be placed on the ballot for only one such office. If the Fire District Secretary determines that both petitions have the requisite number of valid voter signatures, the Fire District Secretary shall place the

candidate on the ballot for the office that corresponds with the first petition so filed and shall not place the candidate's name on the ballot for the second or additional office.

2. For the annual Fire District election, petitions must be filed with the Fire District Secretary at least 20 days before the date of the election. Any petition filed by a candidate in person may be withdrawn by that person by appearing in person before the Fire District Secretary prior to the expiration of the last day to file a petition and submitting a written request, signed by the candidate, requesting to withdraw their petition. No candidate will be permitted to withdraw a petition in any other manner or after such date unless he or she applies to a court of competent jurisdiction and obtains a court order permitting such removal before the election.

3. Thereafter, the Fire District Secretary shall prepare the ballot strip for the election machine and the printing of paper ballots. The order on the ballot strip for any election for a District office shall be as follows: the incumbent's name first, followed by the names of the challengers in the order that challengers have submitted petitions to the Fire District Secretary.

Ballot Preparation

The fire district secretary shall prepare the ballots for all elections of fire district officers, special elections, or elections to vote on a proposition. The secretary may seek the assistance of counsel in preparing the ballot. Ballots may be paper, or voting machines can be used. The ballots for the election of district officials must contain the names of the candidates, and, in addition, the ballots must provide proper blank spaces (write-in) for each office to be filled at such election. If the vote is for a proposition to be voted upon, the ballot must contain the proposition.

These rules do **not** provide for the use of absentee ballots. Absentee ballots will not be available for Fire District elections unless the Board adopts a policy permitting them, as permitted by statute.

In the event that the Board of Fire Commissioners shall determine to use paper ballots at the Annual Fire District Election or any special election of said District, or in the event that a paper ballot must be used because of a voting machine malfunction or challenge vote, the following procedure shall apply:

a. The Fire District Secretary shall prepare/approve the form of paper ballot to be used. His or her signature or the facsimile of the same shall be placed on the rear of each ballot to be used.

b. Only official ballots shall be used.

c. On receiving his ballot, the voter forthwith and without leaving the enclosed space shall retire alone, unless he is entitled to assistance in voting, to an unoccupied voting booth and mark his ballot using a pen having blue or black ink or a pencil having black lead. He shall not occupy a booth for more than five minutes if other voters are waiting to occupy it. If the voter wrongly marks, defaces, or tears a ballot or one of a set of ballots, he may successively obtain others, one set at a time, not exceeding three sets in all, upon returning

to the inspectors or clerks each set of ballots already received. The rule on the issuance of no more than three ballots shall also apply to ballots used with optical voting machines to preserve the supply of ballots for other voters.

d. When the voter shall have prepared his ballot or ballots, he shall leave the booth with each ballot folded so as to conceal the face thereof but to show the endorsement and facsimile of the official signature on the back and keeping the same so folded, shall proceed at once to the inspector in charge of the ballot box, and shall offer such ballot or ballots to such inspector. If the ballot or ballots are properly folded and have no mark or tear visible on the outside thereof, except the printed number on the stub and the printed endorsement on the back, and if such number is the same as that entered in the registration poll record, as the number on the stub or stubs of the official ballot or set of ballots last delivered to him, such inspector shall receive such ballot or ballots, and after removing the stub or stubs therefrom in plain view of the voter, and without removing any other part of the ballot, and without unfolding the ballot or in any way exposing any part of the face of the ballot below the stub, shall deposit each ballot in the proper ballot box for the reception of voted ballots of the kind so received, and the stubs in the box for detached stubs.

e. Upon voting, the voter forthwith shall pass outside the guardrail unless he is a person authorized to remain for purposes other than voting.

f. When a person shall have received a paper ballot from any clerk or inspector, as hereinbefore provided, he shall be deemed to have commenced the act of voting. If, after receiving such official ballot, he shall leave the space enclosed by the guard-rail before the deposit of his ballot in the ballot box, as hereinbefore provided, he shall not be entitled to pass again within the guard-rail for the purpose of voting or to receive any further ballots.

g. No ballot without the official endorsement shall be allowed to be deposited in the ballot box except for emergency ballots as provided for herein. No person to whom any paper ballot shall be delivered shall leave the space within the guard-rail until after he shall have delivered back all such ballots received by him either to the inspectors or to the clerks.

h. To the extent that the words “he” or “him” are used in this procedure, they shall refer to “he or she” and “him or her,” respectively.

i. This procedure has been developed based upon Section 8-312 of the Election Law.

Write-In Ballots

Ballots prepared for the election of fire district officers shall specify the names of the candidates properly filed with the fire district secretary. In addition, the ballot must provide blank spaces for each office to be filled at each election. Accordingly, there must be proper spaces for write-in candidates in each election. Write-in ballots are ballots to be used only to vote for any person whose name does not appear on the machine or on the paper ballot as a nominated or designated candidate for the fire district office.

Ballot Box

The ballot box or other secure storage container must be locked for the purposes of the election and shall not be opened until the close of the polls for the purpose of canvassing by election officials. Each inspector shall be personally responsible for the custody of each ballot box and any secure storage container and its contents from the time the election begins until the box or container is delivered, according to law, to the election officials, at which time it shall be opened and the votes canvassed.

FIRE DISTRICT BOARD OF ELECTIONS

Designation of the Fire District Board of Elections

At least 40 days before the election, the board of fire commissioners shall designate the fire district board of elections. The Board is to designate a resident fire district elector, who shall be a registered voter of the town of Union, to act as chairman of the election of said district. The board of fire commissioners shall also designate not less than two nor more than four resident fire district electors, who shall be registered voters of the town of Union, to act as election inspectors and ballot clerks at such elections. Elective officers of the fire district are not allowed to serve as the chairman or as an election inspector or ballot clerk.

All election personnel shall be required to read and sign a copy of this procedure to attest to their qualifications to serve and for the purpose of agreeing to conduct themselves in accordance with these procedures and to enforce them.

Payment to the Fire District Board of Elections

The board of fire commissioners will, upon the appointment of the Endwell Fire District Board of Elections, adopt a resolution providing that such chairman, election inspectors, and ballot clerks shall be paid for their respective services at the election. If the hours of the polls are open from six o'clock in the evening until nine o'clock in the evening, each member of the board of election shall be paid the sum of $70 per official. If additional consecutive hours prior to six o'clock in the evening are determined and specified in the notice of election, each member of the fire district board of elections shall be paid a sum not to exceed $100.

QUALIFICATION TO VOTE

Every elector of the town who is registered to vote and who has resided in the district for the period of thirty days next preceding any election of fire district officers, the date of the special election, any election at which a proposition shall be submitted shall be qualified to vote for such officers, vote in the special election or vote on the proposition.

A qualified voter for the purpose of voting in a fire district election must be:

- At least 18 years of on the fire district on Election Day;
- A citizen of the United States;
- A resident of the State of New York;

- A resident of the county and fire district for a minimum of 30 days before the fire district election; and
- Registered to vote with the Broome County Board of Elections; such registration must have taken place on or before the 23rd day before such fire district election.

A separate Challenge Voter Procedure shall apply whenever the right of a person to vote at the election is challenged by the election board, a candidate, or a candidate representative.

QUALIFICATION TO HOLD OFFICE

Residency Requirement

Every fire district commissioner, treasurer, deputy treasurer, and secretary must, at the time of his or her election or appointment and throughout his or her term of office, be a resident of the Endwell Fire District.

[The treasurer and secretary (who is not a commissioner) may be non-residents provided the board makes the appropriate determination as set forth in the Town law.]

Department Membership

A Fire District Commissioner, the treasurer, or the secretary may be members of the O.L. Davis Fire Company.

Arson Conviction

A conviction of arson in any degree disqualifies a fire district commissioner, treasurer, or secretary from holding office or from being a candidate for any fire district office. Any fire district commissioner, treasurer, or secretary who is convicted of arson in any degree during their term of office forfeits their office and shall be disqualified from completing the term of office.

Distance Markers

The board of electors of the fire district shall conspicuously place distance markers at a distance of one hundred feet from the polling place. The distance markers shall be placed at least one-half hour before the opening of the polls and shall remain in place until such polls are closed. The one-hundred-foot distance shall be deemed to include a one-hundred-foot radial measured from the entrances to the polling place, designated by the resident fire elector, to a building where the election is being held.

While the polls are open, no person shall do any electioneering within the polling place, in any public street within the one-hundred-foot radial, or within such distance in any place in a public manner. No electioneering banner, button, poster, or placard on behalf of or in opposition to any candidate or proposition to be voted upon shall be allowed in or upon the polling place or within such one hundred feet therefrom during the election.

While the polls are open, no person shall consume any alcoholic beverages within the polling place.

Closing the Polls

Voters entitled to vote, who are in line to vote or in the polling place at the time fixed by law for the closing of the polls, shall be allowed to vote.

Custody of the Ballots

The election officials shall retain custody and control of all official ballots within the polling place from the polls' opening until the close. Once the ballots have been counted and the results of the canvass are certified, the ballots will be handed over to the Fire District Secretary.

Public announcement of the results

After the polls have been closed for the election of fire district officers or to vote on a proposition, the election inspectors and ballot clerks shall immediately canvass the ballots cast. The Fire District Secretary shall publicly announce the result if there are no issues.

Filing the certificate of the results

Within 72 hours after the public announcement of the results of the voting, the chairman, election inspectors, and ballot clerks shall execute a certificate of the result of the canvass with the secretary of the board of fire commissioners of the Endwell Fire District. The secretary of the board of fire commissioners will file the certificate of the result of the canvass with the town clerk of the town of Union.

The American flag shall be kept displayed at each polling place throughout the election. A facsimile ballot, voter information posting, and distance markers shall not be taken down, torn, or defaced during the election.

If the Endwell Board of Fire Commissioners determines that the number of voters is so great as to render it inexpedient or impossible to conduct the election at one polling place, the Endwell Board of Fire Commissioners may divide the fire district into election districts and provide a polling place for each such election district, provided, however, that the number of election districts in any fire district shall not exceed one for each six hundred electors plus one for a remaining fraction of six hundred. Furthermore, the notice of election shall describe the election districts and state where the polling places will be located, and the board of fire commissioners shall designate additional election inspectors and ballot clerks at each such polling place and set the amount to be paid for the election inspectors and ballot clerks for their services.

This policy is adopted on January 10, 2024, and supersedes any previous version of this policy.

By order of the Board of Fire Commissioners, Endwell Fire District.

Reviewed and Adopted: January 10, 2024
Reviewed and Adopted: January 04, 2023
By order of the Board of Fire Commissioners, Endwell Fire District