

SCHOOL DISTRICT BUDGET VOTE AND BOARD ELECTION SEASON IS UPON US!

Hodgson Russ Education Alert
February 17, 2021

As it now stands, the annual budget vote and school board elections are scheduled for May 18, 2021. While no changes to the statutory processes have been announced at this time, we advise paying close attention to New York State guidance and Governor Cuomo's Executive Orders concerning potential changes in light of COVID-19. As experienced last year, deadlines may change last minute. However, school districts should prepare annual notices consistent with statutory requirements and deadlines unless directed otherwise.

Some important deadlines (subject to change) are as follows:

- **March 30-April 3:** School districts must publish the first of four (4) legal notices of the budget vote and board election at least 45 days before the annual meeting and election (This year, the 45th day before the election falls on Saturday, April 3. We recommend that schools districts publish the first notice on or before Friday, April 2, but not before Tuesday, March 30).
- **April 27-May 4:** School districts must complete their budget seven (7) days before the public hearing.
- **May 4-11:** School boards must hold a public hearing on the budget (7-14 days before the vote)
- **May 18:** Annual Budget Vote and School Board Election

School districts should take special care to ensure compliance with specific requirements regarding absentee and military ballots.

Generally, absentee ballots are available upon proper application to any qualified voter who will be unable to vote in person due to illness or physical disability, hospitalization, incarceration (unless incarcerated for conviction of a felony), travel outside the voter's county or city of residence for business reasons, studies, or vacation on the day of the election. This process may vary depending upon the school district's form of voter registration.

An absentee ballot application must be received by the District Clerk at least seven (7) days before the election if the ballot is to be mailed to the voter, or not later than the day before the election if it is delivered in person. An absentee voter's ballot will not be counted unless it is received in the office of the District Clerk by 5:00 pm on

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the day of the election.

Military ballots are available for voters who meet the qualifications of Education Law §2018-d and related regulations. This includes the provision of military ballots to a spouse, parent, child or dependent of a service member if they are qualified voters of the same district as the service member.

Some important deadlines for military ballots are as follows:

- Military voters must return their completed military ballot application to the office of the District Clerk or appropriate official designated by the school district public library as applicable no later than 5:00 pm on the day preceding the last day for transmission of military ballots. The specific dates will vary based upon the type of school district.
- Military ballots must be mailed to military voters who submit proper military ballot applications no later than 25 days before the election, except in city school districts with less than 125,000 inhabitants, where the military ballots must be mailed or otherwise distributed no later than 14 days before the election.
- Completed military ballots must be returned before the close of the polls on election day and showing a cancellation mark of the U.S. or a foreign country's postal service, or showing a dated endorsement of receipt by another agency of the U.S. government, or not later than 5:00 pm on election day and signed and dated by the military voter and one witness thereto, with a date which is ascertained to be not later than the day before the election.

We are available to review and revise current annual notices and related election materials, and will continue to keep you informed of any changes should they arise. We will also be hosting a webinar on Wednesday, February 24th from 12:00-1:00 pm, addressing notice requirements, military and absentee ballots, and personal/poll registration.

If you have any questions about the upcoming Budget Vote and School Board Election described in this alert please contact [Jeffrey Swiatek](mailto:Jeffrey.Swiatek@hodgsonruss.com) (716.848.1449), [Lindsay Menasco](mailto:Lindsay.Menasco@hodgsonruss.com) (716.848.1214), or [Andrew Drilling](mailto:Andrew.Drilling@hodgsonruss.com) (716.848.1412).

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