

Stillwater Fire District
Stillwater, New York

Fire District Policy and Procedure

Policy Number: 1 of 2010

Policy Name: Fire District Elections

Date Issued: March 8, 2010

Effective: March 8, 2010

Revised: January 2015

Review Date: January 2020

I. PURPOSE

A. The purpose.

Pursuant to the powers granted to the Board of Fire commissioners by New York State Law, and in the interest of fairness and orderly process, the following procedures are and shall remain in force and effect until amended by the Board of Fire Commissioners.

II. DEFINITIONS

A. *Ballot Clerks*, shall mean those individuals who from time to time may be designated by the Board of Fire Commissioners by resolution as a Ballot Clerk of any Fire District election as prescribed by Section 175(1) of the Town Law of the State of New York.

B. *Board of Elections*, shall mean those disinterested parties, named by resolution by the Board of Fire Commissioners to conduct elections for the Stillwater Fire District. Those parties named by the Board shall have no special interest in the persons or issues being voted upon by the fire district electors and shall be familiar with election law, rules and regulations as stated in Town Law. (1/2015)

C. *Board of Fire Commissioners*, shall mean the five elected members of the Board of Fire Commissioners of the Stillwater Fire District.

D. *Chairman*, shall mean the individual who from time to time may be named by resolution by the Board of Fire Commissioners as the Chairman of any Fire District election process as prescribed by Section 175(1) of the Town Law of the State of New York.

E. *District*, shall mean the Stillwater Fire District.

F. *Election* shall mean any election of the District, whether annual or special.

G. *Electioneering* shall mean any conduct by a candidate or any other person which is intended to or has the effect of calling attention to any particular candidate or issue that is on the ballot. This shall include the display of buttons, signs or banners; conversations of the type described above or even the presence of an individual candidate or their likeness.

H. *Election Inspectors*, shall mean those individuals who from time to time may be designated by resolution by the Board of Fire Commissioners as Election Inspectors of any Fire District election as prescribed by Section 175(1) of the Town Law of the State of New York.

I. *Petition*, shall mean a petition of nomination, pursuant to New York State Town Law Section 176(7) and a resolution of the Board the filing of which petition is required for a candidate for District office.

- J. *Petition Form* shall mean the official form of Petition to be used for any election. This form shall be prepared by the Board of Fire Commissioners and distributed by the District Secretary and requires 25 names of valid residents of the fire district.
- K. *Polling Hours* shall mean the hours during which the Fire District Election shall be conducted as designated by the Board.
- L. *Polling Place* - shall mean that place (or places) designated by the Board as the location(s) where a Fire District election is to be held and any area within 100 feet of such location as determined by the Chairman of the Election.
- M. *Poll Watchers* - shall mean individuals, other than a candidate, who have been designated by a candidate to observe the conduct of the Election for regularity. Poll Watchers, when permitted, shall sit in a place designated by the Chairman and not communicate in any way with persons casting or waiting to cast their ballots.
- N. *Registered Voter* - shall mean a resident Fire District elector who shall be registered to vote with the County Board of Elections no later than twenty-three (23) days prior to the date of the election, in accordance with New York State Town Law, Section 175-a(2)(a).

III. POLICY

- A. The Election Committee Chairman shall have overall charge and supervision of all District elections and will be assisted by the Ballot Clerks and Election Inspectors. Members of the Board shall have no interest in the conduct or supervision of the election committee chair in the conduct of their duties. (1/2015)
- B. A candidate who wishes to run for District office must procure an official Petition Form as well as a copy of these regulations from the District Secretary. Petition Forms shall be made available by the District Secretary commencing **forty-five (45)** days prior to the date of a board member Election.
- C. A valid Petition must be filed with the District Secretary **no later than twenty (20) days** prior to the date of a board member election. A valid Petition is one which is on the official Petition Form and contains the signatures, dates of signatures, printed names and addresses of at least twenty-five (25) Registered Voters from within the fire district. A Petition must be submitted as one, single document, regardless of the number of pages it may contain. Petitions may not be submitted in a “piecemeal” fashion.
- D. A Registered Voter may sign multiple Petitions for the same office.
- E. A Petition shall be deemed timely filed with the District Secretary provided that it is actually in the Secretary’s possession no later than the close of regular business (4:00 PM) on the date so designated. To this end, the Secretary must be available for receipt of same at a pre-announced location with scheduled and posted hours preceding and up until this time.
- F. The District Secretary shall, upon receipt of a Petition, examine same for completeness in accordance with law and these regulations. Any Petition that does not meet these requirements shall be rejected. The District Secretary shall cause a review to be made to confirm that each Petition contains at least twenty-five (25) valid signatures. This review shall consist of a comparison of the Petition to a list of Registered Voters as supplied by the Board of Elections and any further check with the Board of Elections as may be deemed appropriate by the District Secretary. Any non-valid signatures shall be voided and the Petition rejected if such voiding shall cause the number of valid signatures to drop below twenty-five (25).

- G. The Fire District Secretary shall prepare the ballot for the election. The Secretary shall place the names upon the ballot in order based upon a random selection process. A space must be reserved for potential write-in candidates.
- H. Upon the holding of an Election, the Board of Fire Commissioners appointed Fire District Elections Chairperson shall direct the Election Inspectors and Ballot Clerks in their duties. The Election Chairman shall also supervise the Polling Place and its environs to make sure that no Electioneering is conducted within the Polling Place or within one hundred (100') feet of same. The Election Chairman shall cause to be placed, at least one-half hour before the opening of the polls, distance markers, at a distance of one hundred feet from the polling place. Such distance markers shall be so placed and shall remain until such polls are closed. The one hundred foot distance shall be deemed to include a one hundred foot radial measured from the entrances, designated by the Election Chairman, to the building(s) where such election is being held. While the polls are open no person shall do any electioneering within the polling place or in any public street within the one hundred foot radial, or within such distance in any place in a public manner. Electioneering includes, but is not limited to, the display of a banner, button, poster or placard on behalf of or in opposition to any candidate or issue to be voted upon. The decision as to whether conduct constitutes Electioneering shall be solely that of the Election Chairman. Any activity which the Election Chairman shall deem improper shall be promptly stopped or the matter shall be immediately reported by the Election Chairman to the Police. Persons should be reminded that willful violation of these Electioneering rules constitutes a crime under New York State Law (Town Law §175(4). Telephone calls encouraging persons to vote for a particular candidate or ballot item shall **not** be made from within the polling place.
- I. Poll Watchers may be permitted to observe the election proceedings subject to the approval of the Election Chairman. Each candidate may select one individual to act as a Poll Watcher on his/her behalf. That person must sit where directed by the Election Chairman and not communicate with anyone in the vicinity other than the Election Chairman. In the event that a Poll Watcher shall act in a manner which is inappropriate in the opinion of the Election Chairman, then that Poll Watcher must leave the Polling Place and may not be replaced.
- J. At the close of Polling Hours at a District Election, the Election Chairman shall cause the Polling Place to be closed. Any Registered Voters then present shall be permitted to cast their ballots. After the last ballot is cast, the Election Chairman shall then reopen the Polling Place so that the ballots may be canvassed publicly. Thereafter, the Election Chairman shall publicly announce the results.
- K. Within seventy-two hours thereafter, the Election Chairman, Election Inspectors and Ballot Clerks shall execute and file a certificate of the result of the canvass with the Board of Fire Commissioners and with the Town Clerk of each town in which said District or any part thereof may be located

By Order of Board of Fire Commissioners – Stillwater Fire District

Chairman Board of Fire Commissioners