

KENDALL, WALTON & BURROWS
Interoffice Memorandum

TO: FILE/Town Board

FROM: KWB

DATE: February 23, 2024

RE: T/Lyme
FAQ Fact Sheet – Special Elections
(Excluding Elections Related to Improvement Districts)
45930.0005

(1) What does referendum mean?

- a. "Referendum" is just a fancy word for "vote".

(2) When does a resolution subject to permissive referendum become effective?

- a. A resolution subject to permissive referendum is ineffective until the thirty (30) day referendum period has passed without the submission of an authenticated petition.

(3) Is the resolution effective if a sufficient petition is filed with the Town Clerk within the thirty (30) day period?

- a. If within thirty (30) days after adopting the resolution, a petition which is acknowledged, proved, or authenticated by electors of the Town qualified to vote upon a proposition to raise and expend money is filed with the Town Clerk, no such resolution shall be effective until approved by the affirmative vote of a majority of the qualified electors of such Town or District affected.

(4) What happens if a petition is in all respects sufficient?

- a. Should it be determined that the aforementioned petition is in all respects sufficient, a special Town election shall be held not less than ninety (90) nor more than one hundred and five (105) days after the petition is filed with the

Town Clerk.

(5) How will I know where and when the special election will be held?

- a. The Town Board shall adopt a resolution at least twenty (20) days before every special town election designating the hours of opening and closing the polls, the place or places where the election will be held, and setting forth each matter to be voted upon. Further, the Town Clerk must provide notice of such special election through publication and posting.

(6) How long do the polls need to remain open?

- a. The polls must remain open for at least six (6) consecutive hours between eight o'clock in the morning and eight o'clock in the evening.

(7) How is the voting at the special election done?

- a. The voting must be done by ballot.

(8) Am I eligible to vote in the special election?

- a. In order to vote in the special election, an individual must be a citizen of the United States, be eighteen (18) years of age or older, be a resident of New York State, and be a resident of the subject municipality.
- b. Please note that for special elections of this kind, it is not necessary for an eligible voter to own property within the Town; it is merely necessary for the individual to be a Town resident.

(9) I will not be able to attend the special election in person. Is absentee voting available?

- a. No statute permits absentee voting at a special Town election where the subject Town has not adopted personal registration for special elections.

(10) What if I only live in the Town seasonally?

- a. There is no existing statutory authority which authorizes a town to issue absentee ballots to seasonal property owners for a special election.

(11) I am an unregistered voter, but I am otherwise qualified. Am I able to vote in

the special election?

- a. An unregistered voter, otherwise qualified, may vote on a proposition submitted at a special Town election.

(12) How will the Town know whether I am eligible to vote in this special election?

- a. Due to the fact that this special election is not "district specific", but is instead "Town-wide", in order to vote you must be a Town resident, though not a property owner. In some instances, the Town Clerk or other Town official may be familiar with you and may be able to acknowledge that you reside within the Town. When the Town Clerk or other Town official is unable to identify you, you may present alternative proof of residency. This may include your driver's license, a utility bill, a lease agreement, or other documentation which shows that you are a Town resident.

Disclaimer: This is a list of frequently asked questions and is in no way exhaustive. Further, issues of residency and domicile may need to be determined on an individual case-by-case basis and may not necessarily conform entirely to the general statements made within this document. It is important to recognize that not all special elections are the same and thus often have different rules pertaining to voters. This document is merely intended to broadly address complex issues which may require an in-depth analysis.