



The **NEW YORK STATE CONFERENCE OF MAYORS AND MUNICIPAL OFFICIALS (NYCOM)** is an association of, and for, cities and villages in New York. Since 1910, NYCOM has united local government officials in an active statewide network. By force of our membership of more than 584 municipalities, NYCOM is a powerful advocate for city and village interests in the state legislature and with state agencies. We are a readily accessible source of practical information touching upon every area of municipal activity. NYCOM is also a leader in the on-going training and education of local officials. From training programs to legislative advocacy to inquiry handling, NYCOM assists city and village officials in providing essential services in a cost effective manner.

Handbook for Village



Registration and Election Day



New York State
Conference of Mayors
and Municipal Officials

Handbook for Village Registration and Election Day

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by the Conference of Mayors and is available
to NYCOM members only.

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Foreword

The village election material included in this Handbook was compiled by the New York State Conference of Mayors and should serve as guidance in conducting village registration days and Election Day. The materials in this Handbook are based upon current statutory provisions. This Handbook is another example of the services provided by the Conference of Mayors to its members.

Peter A. Baynes
Executive Director

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APPOINTMENT AND QUALIFICATIONS OF ELECTION INSPECTORS

Forty days prior to Election Day, the village board of trustees must adopt a resolution that appoints either two or four election inspectors for each election district in the village. The resolution must also establish the inspectors' compensation and appoint one inspector as chairperson. The board of trustees may at this time also provide for alternate election inspectors who will assume the office of inspector upon the inability or refusal of an inspector to assume or perform their duties, or to take and file an oath of office. NYCOM strongly recommends that the board of trustees appoint alternate election inspectors. Election inspectors conduct both Election Day and registration day(s) if there are any.

Generally, election inspectors are chosen from among village residents and almost any registered voter is eligible for appointment. Inspectors must be able to speak, read and write English legibly.

Who Cannot be an Inspector?

The following people cannot be appointed as election inspectors:

- Any person who holds any elective public office, or is a candidate for public office or party position to be voted for by the voters of a district in which he or she is to serve;
- The spouse, parent or child of a candidate on the ballot; and
- Any person who does not speak, read or legibly write the English language.

Bipartisan Representation of Election Inspectors

If, at the previous general village election, the major parties both nominated a candidate or candidates for elective village office, the election inspectors must be comprised equally of members of both the major political parties. The major parties are those political parties that received the highest number of votes for governor at

the last general statewide election, i.e., the Democratic and Republican parties.

When neither political party nominates candidates for an election, any qualified person, regardless of political affiliation, may serve as an election inspector.

Village Election Inspectors in Nassau County

In Nassau County, election inspectors for village elections must be:

- Village residents;
- Drawn from the pool of county election inspectors appointed pursuant to Election Law § 3-420; and
- Equally divided among the major political parties, regardless of whether the major political parties nominated candidates at the previous village election.

If a sufficient number of willing village residents representing the major political parties cannot be selected from the pool of county election inspectors, additional inspectors must be appointed in the manner prescribed by Election Law § 3-420.

CONSTITUTIONAL OATH OF OFFICE

Because they are appointed public officers of the village in which they serve, election inspectors must take and prescribe the constitutional oath of office before performing their duties. As with all village officials, the oath of office must be filed with the village clerk. Failure to file this oath within 30 days of commencement of the term creates a vacancy in the office.

VOTER REGISTRATION FOR VILLAGE ELECTIONS

Abolishing Village Registration Day

Villages can abolish registration day(s). To do so the board of trustees must adopt a resolution, at least 60 days before the village

election, providing that there will be no village registration day. This resolution will be effective for all village elections until such time as the resolution is repealed. If village registration day is abolished, only those persons whose names are on the county registration list will be allowed to vote in the village election. Registration with the County Board of Elections must be done at least 10 days before the village election to ensure a voter's eligibility. Villages that continue to hold village registration should follow the procedure explained in the next section.

REGISTRATION OF VOTERS FOR VILLAGES WITH REGISTRATION DAY(S)

If a village has one registration day it is held on the 10th day before the village election. Additionally, the board of trustees may determine to have a second registration day that must be held on the 12th day before the election. The purpose of these village registration days is to allow individuals who are not otherwise registered with the County Board of Elections to register solely with the village. Anyone who registers with the village on village registration day should be advised that such registration does not constitute registration with the local County Board of Elections.

In preparing the registration list of voters for each general village election, the election inspectors must copy the names of all persons residing in the village and qualified to vote at the forthcoming election from the registration list certified and supplied to them by the County Board of Elections. This list should be delivered no later than seven days before the election. Village election inspectors are not authorized to remove names that appear on the registration list provided by the county. Any person suspected to be improperly on the county list and transferred to the village list may be challenged on Election Day.

Non-personal Registration

On registration day, in those villages where there is non-personal registration, the register is completed by adding the names of all persons known or proven to the election inspectors' satisfaction to be then, or at the time of such election, qualified to vote in the village election. It is not necessary that each individual show up in person to register. An individual could appear or call the inspectors and request that all members of his or her family who are eligible to vote be registered. If the election inspectors, acting as a group, are satisfied that the individual(s) are eligible to vote, they may add those names to the register.

Personal Registration

Villages that require personal registration follow the same procedures that are set forth previously regarding the registration list provided by the county board of elections. Then, only the names of persons who appear before the election inspectors on registration day with some evidence of their qualification to vote in the upcoming election will be added to the register. Registration with the village is not permanent, as it is with the county. Therefore, in a village that requires personal registration, a person who is not registered with the county would have to personally register with the village each year in order to be eligible to vote in each village election.

Absentee Ballots

The village clerk must furnish to the election inspectors a list of all persons who have applied for absentee ballots. The election inspectors should carefully review this list and compare it with the registration list received from the county. In a village where non-personal registration is followed, if a person has requested an absentee ballot and his or her name does not appear on the county register, a determination should be made whether the potential voter's name should be added to the village's registration list. A review at this point may prevent having the person disenfranchised on Election Day, should his or her ballot be thrown out for lack of proper registration.

Closing Registration

Registration must be closed 10 days before the village election. Following this day, no name may be added to the registration list by the election inspectors acting on their own. It must be remembered that only the election inspectors are entitled to add names to the registration list, no other village official has authority to add names to the list at any time. The register must be completed no later than four days before the election.

VOTER QUALIFICATION - REGISTRATION

When a person comes before the election inspectors for registration, it is important for them to determine whether the individual meets the statutory qualifications for registration and voting in village elections. The individual must be:

- A citizen of the United States;
- Eighteen years of age or older as of the date of the election; and
- A resident of the village for 30 days preceding the election.

RESIDENCY

In order to allow a person to register to vote, the election inspectors must be satisfied that the person is in fact a resident of the village. The term residency as used in the Election Law is synonymous with domicile and is the place of one's permanent abode.

Residency is primarily a matter of intent that is determined by a person's conduct and by all other surrounding circumstances. For this reason, the Election Law grants the village clerk the authority to call upon local law enforcement agencies to assist in the investigation of any registrant or applicant for an absentee ballot to determine his or her qualifications to be registered to vote. Thus, if the election inspectors feel that additional information is necessary,

the proper procedure would be to contact the village clerk, who would then ask available law enforcement services to make whatever inquiries are proper to determine whether an individual is in fact living where claimed. Among the factors that may be considered by election inspectors in determining whether a person is a resident of the village are:

- Financial independence of the applicant;
- Business pursuits;
- Income source;
- Residence for income tax purposes;
- Age;
- Marital status;
- Residence of parents, spouse and children;
- Leaseholds;
- Sites of personal and real property owned by the applicant;
- Motor vehicle and other personal property registration; and
- Whether the individual is presently registered in any other district in this state or another.

FORM OF REGISTRATION

The register for a village election must include, at a minimum, space for the name of the voter, address within the village, and a place for signature, where the voter must sign on Election Day.

If the village requires personal registration, the register must also contain a space where the voter must sign on registration day. If the register contains only the minimum space for name, address and signature of voter, the village clerk must also furnish a printed certificate to be signed by a voter who appears personally before the election inspectors on registration day and whose name does not already appear on the register. This certificate must contain a statement that the person possesses all the necessary qualifications for voting in village elections. This statement will be accepted for

all purposes as the equivalent of an affidavit and, if it contains a materially false statement, the person signing it will be subject to the same penalties as though the person had been duly sworn. This provision must be printed in bold type directly above the signature lines. An example of this certificate follows.

I _____do swear (or affirm) that I reside at _____ and am a qualified voter for the Village Election to be held on _____20 ____ in that I am or will be, on the day of such Village Election, at least eighteen years of age; that I am or will have been, on the day of such Village Election, a resident of this village for at least 30 days; that I am a citizen of the United States; and that I have in no way been disqualified by law from voting and thus no legal reason exists why I should not be duly registered and allowed to vote.

I understand that this statement shall be accepted for all purposes as the equivalent of an affidavit and shall subject me to the same penalties as if I had been duly sworn, if it contains a material false statement.

Date _____ Signature _____

FALSE REGISTRATION

Any individual who attempts false registration may be guilty of a felony. False registration includes an individual who:

- Registers, or attempts to register, as an elector in more than one election district, or more than once in the same district;
- Registers, or attempts to register, as an elector under any name but their own;
- Registers or attempts to register as an elector knowing that he or she will not be a qualified voter in the district at the election for which the registration is made;

- Knowingly gives a false residence within the election district when registering as an elector; or
- Knowingly permits, aids, assists, abets, procures, commands or advises another to commit any of these acts.

The registration list, as prepared by the election inspectors, is the sole province and responsibility of the election inspectors. If any person willfully loses, alters, destroys or mutilates the list of voters, the person may be guilty of a misdemeanor. This may occur when another local official attempts to add names to the registration list once the list has been prepared by the inspectors. If an individual who wishes to be registered knowingly takes a false oath before an inspector or makes a material false statement on a medical certificate, that person may also be guilty of a misdemeanor.

CHALLENGE OF REGISTRATION

Any person who applies for registration may be challenged by any qualified voter, watcher or election inspector, if such person has reason to suspect that the applicant is not qualified to register.

The person making the challenge must state the reason for the challenge and must complete the challenger's part of the challenge form. The election inspectors must then administer to each applicant the following oath:

"You do solemnly swear (or affirm) that you will give true answers to the question which may be put to you to establish your qualifications to register and vote."

One of the election inspectors will then read to each challenged person the questions printed on the form of the challenge affidavit that relate to the reasons given for the challenge, and any other questions on the form as in its discretion it deems appropriate, and enter in ink opposite each question the answer given by the applicant. After answering, the applicant must sign his or her name to the challenge affidavit. The inspector who writes the answers

shall enter on the challenge affidavit information identifying the person challenged and the name and address of the person challenging and must sign the certificate at the end thereof. The other inspectors present must also sign the certificate.

The applicant will then be registered if the election inspectors, by majority vote, are satisfied with the answers of the registrant. If they are not satisfied, they will notify him or her of the qualifications that they believe he or she lacks as a voter and will furnish them with a duplicate of the challenge affidavit as completed. They must also advise them of their right to apply to the County Board of Elections for registration.

The forms for these challenges are prescribed by the New York State Board of Elections. It is important to note that a person is presumed to be qualified to register to vote unless rejected by a vote of the election inspectors. The election inspectors must take definitive action to reject an applicant for registration. A split vote of the election inspectors results in an affirmation of the applicant's right to register.

REMOVAL OF NAMES FROM REGISTRATION LIST

No authority exists for the election inspectors to remove a name from a registration list provided by the County Board of Elections. The only procedure that exists for removal is the challenge procedure discussed previously. If a name is not on the county list, but is on the last preceding register for the village election, the election inspectors, in villages following non-personal registration, is not obligated to carry that name forward if they feel that the person is no longer qualified to vote and no request has been received from that person for inclusion. Village election inspectors, however, must remember that they do not have the authority to "purge" the list provided by the County Board of Elections.

PARTY ENROLLMENT

Village election inspectors have no function in the process of party enrollment. Enrollment is the manner in which a qualified voter joins the political party of his or her choice. If an individual wishes to enroll as a member of a political party, he or she must do so with the County Board of Elections. Thereafter, that person would be enrolled in that political party for all purposes, including village elections. Thus, if the village is one in which the political parties have decided to nominate candidates by primary, an enrolled individual would be permitted to participate in his or her party's primary or caucus and no additional enrollment with the village is required or authorized.

ELECTION DAY PROCEDURES

Opening the Polls

Polling places for village elections are to be established by resolution of the board of trustees along with the hours of voting that must be no less than between the hours of noon and 9:00 p.m.

The election inspectors must meet at the polling place at least one-half hour before the time set for the opening of the polls.

The election inspectors will:

- See that the American flag is displayed at the polling place throughout the election;
- Post the sample ballots conspicuously within the polling place;
- Place distance markers 100 feet from the polling place;
- Establish a guardrail and keep the voting machine, ballots and all equipment within such guardrail;
- Place the books, ballots and sample ballots, blanks, stationery and supplies so that they will be ready and convenient for use;
- Wear only the proper identification buttons, badges or emblems issued to them pursuant to the Election Law;

- Supply the voting booths with black lead pencils;
- Unlock the ballot boxes to see that they are empty, inspect along with the watchers present, and lock them again in full view of the watchers and the persons outside the guardrail;
- Inspect the voting machine to see that it is in good working order and has a curtain to preserve the secrecy of voting;
- Inspect the screen of the voting booth and the polling place to make certain that there is no way anyone can view any action of a voter inside the voting machine or booth;
- Affix a conspicuous notice in the voting machine instructing the voter that he or she must leave the voting levers in a down position when he or she operates the handle to open the curtain in order to have his or her vote counted; and
- Announce that the polls are open for voting, and the time when the polls will close.

No person other than the election inspectors may handle voting paperwork or equipment at any time during Election Day.

On Election Day as well as on day(s) of registration, no person may do any electioneering within the polling place, or in any public street within a 100 foot radial measured from the entrances designated by the inspectors of election, to the polling place or within that distance in any place in a public manner. No political banner, button, poster or placard will be allowed in or upon the polling place or within the 100 foot radial. While the polls are open, no person may consume any alcoholic beverages within the polling place.

Once the polls open, all official ballots and other election materials must be kept at least 6 feet inside the guardrail area and remain there until the election inspectors announce the canvass and sign the inspectors' return. No one can be admitted inside the guardrail area during this period except election officers, authorized poll

watchers, persons admitted by the inspectors to preserve order or enforce the law, and voters duly admitted for the purpose of voting or those assisting other voters. Candidates on the ballot may enter the guardrail area during the canvass.

After a ballot box is locked for the purposes of election, it will not be opened until the close of the polls for the purpose of canvass. Each election inspector is personally responsible for the custody of each ballot box and its contents from the time the election begins until the box is delivered to the person entitled to receive it.

People on line, or in the polling place at the time for closing the polls, must be allowed to vote.

CHECKLIST FOR INSPECTORS

The following procedure should be followed by inspectors for each voter entering the polling place:

- Greet the voter;
- Obtain and call out voter's name and address;
- Check challenge report to be certain voter's name does not appear on it;
- Locate voter's registration record;
- Cover the voter's previous signature (if any);
- Ask voter to sign the village register (Do not allow more than two persons to sign the register in advance);
- Write the voting equipment public counter number, the year, the month and the inspector's initials in the appropriate column (If a voter does not sign the register he or she cannot vote);
- If voter's name is missing from the register, the voter may not vote on the voting equipment without a court order;
- A voter is allowed a reasonable amount of time in the voting machine. If assistance is required inspectors may give instructions from outside the booth;

- A child under the age of 16 may accompany a parent or guardian in the voting booth; and
- Once the voter has left the voting equipment he or she may not re-enter.

WATCHERS

Watchers are individuals who are designated to be the “eyes and ears” of the candidates, or their political parties, at a village election. At any general or special village election any party committee or independent body whose candidates are on the ballot may have, for each election district, three watchers at any one time. However, no more than one of these watchers may be within the guardrail area at any given time. The watchers are to be appointed by the chairman of the party, the committee, the independent body, or by the candidate(s).

Watchers may be present at polling places 15 minutes before the unlocking and examination of any voting machine or ballot box, at the opening of the polls, until after the signing of the election inspector’s returns and proclamation of result.

The appointment of watchers for the election must be verified by certificate issued by the chairman or secretary of the political party, independent body or by the candidates. These certificates must be delivered to an election inspector at the election district.

To qualify as a watcher, one must be a qualified voter of the county in which he or she is serving, and may include the candidate or the spouse, child or parent of the candidate.

In addition, each political party or independent body, may by a writing signed by the duly authorized chairman or secretary of a village committee of such political party or independent body, and delivered to an inspector of election, appoint two watchers to attend any meeting of the election inspectors held for the registration of voters.

VOTER QUALIFICATION - ELECTION DAY

On Election Day, voters will present themselves to the election inspectors for the purpose of voting. If all goes well, all individuals who present themselves for voting will find their names included on the village registration list that was completed four days before the election. If however, a name does not appear on the list, the election inspectors may deal with the problem in a variety of ways. It must be remembered that under no circumstances can Election Day be considered a substitute for registration day.

What to Do if a Name Does Not Appear on the Registration List?

If an individual presents himself or herself to vote and claims that he or she has done all that was possible and required on his or her part to register, the election inspectors may permit him or her to vote under certain circumstances.

Those persons registered to vote with the County Board of Elections on the tenth day before Election Day, and those persons whose names are placed on the village register will be eligible to vote at the election. Thus, if the individual’s name cannot be found on the village register, but a call to the County Board of Elections or a review of the county list as furnished by the board of elections indicates that in fact the name does exist on that list and was placed on that list at least 10 days before the election, the person must be allowed to vote. If this happens, the election inspectors should make a notation on the village register that the individual was allowed to vote pursuant to a conversation with the County Board of Elections, indicating the name of the person to whom they spoke, or that the county list was referred to and the error noted. The person, however, must have in fact registered at least 10 days before the election.

If the county list is not available, or if the county cannot, or will not verify the voter as requested, the person may still have an opportunity to vote by presenting a court order to the election

inspectors stating that the person's name was omitted from the village list by error or omission. Obtaining this court order is the responsibility of the voter.

COURT ORDERS

Any person whose name is not on the village register and who feels that they should be eligible to vote may try to obtain a court order by personally appearing before a County or Supreme Court Judge. The court may grant an order to the voter which the voter must then present to the election inspectors in the election district where he or she is entitled to vote. Upon receiving the court order from the voter, the inspectors must allow the voter to vote. The court order must be returned to the village board of elections, in this case, the village clerk, with all other supplies. Inspectors must enter the names of those persons voting with a court order on the challenge report in the appropriate section.

AFFIDAVIT BALLOTS

Election officials who are faced with a missing registration are often asked whether the use of an affidavit ballot is permitted. An affidavit ballot is a system of voting by paper ballot whereby the person signs an affidavit stating that he or she possesses all of the qualifications of a voter and has in fact registered as required by law, but that through no error or fault of his or hers, such registration record was lost or misplaced.

The law for affidavit voting does not apply to Village Elections. Local village officials have no authority to use affidavit ballots in village elections conducted by the village clerk.

CHALLENGE ON ELECTION DAY

A voter may, before his or her vote is cast, be challenged as to his or her right to vote. Such challenge may be made by an inspector, the clerk, any duly appointed watcher, or by any registered voter properly in the polling place. An inspector should challenge each person offering to vote whom he or she knows or suspects is not entitled to vote in the district, and every person whose name appears on a list of persons to be challenged, if such list is furnished by the County Board of Elections.

PRELIMINARY OATH

When an applicant is challenged, an inspector must administer to the applicant the following oath:

"You do solemnly swear (or affirm) that you will make true answer to such questions as may be put to you concerning your qualifications as a voter."

If the applicant refuses to take such oath, the process is ended and the applicant is not entitled to vote. If, however, the applicant answers affirmatively, the inspector then proceeds to ask questions that pertain to the individual's right to vote. If the applicant refuses to answer fully such questions, the applicant will not be permitted to vote.

After receiving answers, the election inspectors will, if it believes the applicant to be qualified to vote, or if the challenge is withdrawn, permit the voter to vote. If the election inspectors are still not satisfied that the individual is qualified to vote, the inspectors must point out to him or her, the qualifications in which he or she appear deficient.

After such deficiencies have been indicated, if the applicant insists on voting, the inspector must administer the additional oath known as “The Qualification Oath”. This oath is as follows:

You do swear (or affirm) that you are eighteen years of age, that you are a citizen of the United States, and that you have been a resident of this state and of this village for 30 days next preceding this election; that you still reside at the same address from which you have been duly registered in this election district, that you have not voted at this election, and that you do not know of any reason why you are not qualified to vote at this election.

You do further declare that you are aware that it is a crime to make any false statement. That all statements you have made to the board have been true, and that you understand that a false statement is perjury and you will be guilty of a misdemeanor.”

ADDITIONAL OATHS

If the applicant happens to have been challenged for specific reasons, there exist three additional oaths which the applicant may be asked to take. These are the bribery oath, the conviction oath and the incompetency oath.

VOTING OF CHALLENGED VOTER

If the person has successfully completed all required oaths they must be allowed to vote. The inspectors must make a record of such challenge on the challenge report and enter the challenge information in the remarks column for the election opposite the name of the voter.

CHALLENGE REPORT

Section II – Challenged Voters

The second section of the challenge report is reserved to record the name, address, and registration serial number of each person who is challenged on Election Day and the nature of the challenge. If no voter is challenged during the election, the statement “No Challenges” must be written across the space reserved for the challenged names. Alternatively, the board of elections may provide a place next to the name of each voter on the computer generated registration list for the election inspectors to record the information to be entered in section two of the challenge report.

Section III – Voter’s Given Assistance

The third section of the challenge report is reserved to record the name, address, and registration serial number of each person who was given assistance and the reason the voter was allowed assistance. If someone, other than an election inspector, gives assistance to a voter, their name must also be recorded in section three. If no voter is given assistance during the election, the statement “No Challenges” must be written across the space reserved for the assisted names. Alternatively, the board of elections may provide a place next to the name of each voter on the computer generated registration list for the election inspectors to record the information to be entered in section three of the challenge report.

Section IV – Court Order Voters

The fourth section of the challenge report is reserved to record the name, address, and registration serial number of each person who was allowed to vote pursuant to a court order or allowed to vote on a paper ballot which was inserted in an affidavit envelope. If no voter was allowed to vote pursuant to a court order or allowed to vote on a paper ballot, then the word “None” must be written across the space provided for such names. Alternatively, the board of elections may provide a place next to the name of each voter on the computer generated registration list or a place at the end of the

registration list for the election inspectors to record the information to be entered in section four of the challenge report.

At the close of the polls, all inspectors must sign the certificate at the end of the report. The report is then secured in the chairperson's envelope and returned to the chief election officer of the village, that is, the village clerk.

EMERGENCY BALLOTS

Emergency ballots are used when the voting equipment breaks down and causes a delay in voting. When this occurs, inspectors should adhere to the following procedures:

Call the village clerk for authorization to use emergency ballots. Once authorization is received, have the voter sign the poll record as they would for regular equipment voting. Mark EMERGENCY BALLOT beside the signature on the poll record. Give the voter a ballot provided for such purpose. Have the voter vote in private and then seal the ballot in the envelope provided for that purpose. Retain the sealed emergency ballot envelopes until the close of the polls. At the close of the polls count the emergency ballots when counting the other votes. Enter emergency votes on your statement of canvass form in the place provided. Enter the TOTAL number of emergency ballots in the summary section of statement of canvass. Return all ballots in the appropriate large envelope. Be sure to seal the envelope before returning it to the village clerk.

The most important aspect of the use of emergency ballots is ballot accountability. The inspectors should record the number of ballots printed or used as emergency ballots, the number supplied to each election district, the number used, and the number remaining at the close of the polls.

ABSENTEE BALLOTS

Under the proper circumstances, qualified village voters may vote in village elections by means of absentee ballots. The village clerk determines whether a person is entitled to an absentee ballot when the application is received. However, the village clerk makes no determination as to whether the person is a qualified voter of the village. The clerk's only consideration is whether, from the facts set forth on the application, the individual is entitled to receive an absentee ballot.

These ballots must be received by the village clerk no later than the close of the polls on Election Day. After an absentee ballot is received by the village clerk, it is forwarded to the election inspectors on the day of the election for counting. The ballot is sealed in its envelope, with the voter's statement on the outside. The election inspector's chairman will then deposit the ballots in the box provided for receiving such ballots. After the polls are closed, the chairman will open the envelopes, and without unfolding or permitting the face to be exposed to the view of anyone, will deposit each ballot in the box specifically furnished for such purpose by the village clerk. After all the ballots have been deposited, the box will be opened and the ballots canvassed.

When the ballots are delivered to the election inspectors, it is the inspectors' duty to determine whether a person is a qualified voter. If they determine that the individual is not a registered voter, they may not cast and canvass that ballot. Similarly, they may not add to, or amend the registration list to include the voter's name at this time. The village clerk will, prior to registration day, furnish the election inspectors with a list of all people who have applied for absentee ballots.

In villages following non-personal registration, the election inspectors should have reviewed this list prior to the close of registration on registration day and determined by that time whether a person who applied for an absentee ballot should have

his or her name added to the registration list if they do not find it on the county list. If a positive decision is made at that time, it will avoid disenfranchising a voter on Election Day. In the case of personal registration, such applicant would be required to register personally if not on the county list, in order for his or her absentee ballot to be counted on Election Day.

CHALLENGE OF ABSENTEE BALLOTS

During the examination of the absentee ballots following the closing of the polls, an inspector must, and any watcher or registered voter properly in the polling place may, challenge the casting of any ballot on the grounds generally allowed for challenges, or on the ground that the voter was not entitled to cast an absentee ballot, that the signature on the ballot envelope does not correspond to the signature on the registration poll record, or that the voter died before the date of the election.

The election inspectors will determine each such challenge. Unless the inspectors, by majority vote, sustains the challenge, an inspector will endorse, upon the envelope, the nature of the challenge and the words “not sustained” and will sign the endorsement and cast the ballot. Should the inspectors, by majority vote, sustain the challenge, the reason and the word “sustained” will be endorsed upon the envelope and the inspector will sign such endorsement. The envelope will not be opened and such envelope will be returned, unopened, to the village clerk.

ABSENTEE VOTERS: PERMANENTLY DISABLED

Ordinarily, election inspectors are not involved in the determination of who is qualified to receive an absentee ballot. However, an exception to this exists with regard to permanently disabled voters. The law permits an individual who is permanently disabled to file a form with the village clerk stating that they are permanently

disabled. It is the duty of the election inspectors to investigate the facts stated within that application and, if they are satisfied that the person is in fact permanently disabled, cause the registration record of the voter to be marked “Permanently Disabled”. The inspectors will also cause to be marked “Permanently Disabled” the registration poll records of those voters who are indicated as permanently disabled on the list of registered voters received from the County Board of Elections. Thereafter, the village clerk must send an absentee ballot to these voters for each election in which absentee voting is required.

VOTER ASSISTANCE

In the electoral process, the privacy of the voting booth is one of the more zealously guarded rights. However, there are circumstances when individuals other than the voter may be allowed to enter the polling place for the purpose of assisting a voter. This procedure is known as voter assistance. It is important to note that a voter must request voter assistance.

The law states that any voter “who states under oath to the election inspectors that he or she requires assistance may be assisted in the manner and subject to the conditions and requirements provided for in this section.” This oath may be verbal, but should be accomplished with some degree of formality. The Inspector should, for instance, say to the voter:

“Do you solemnly swear that you are a qualified voter of the Village of _____ and that you formally request voter assistance and will allow yourself to be accompanied into the polling place with an Inspector (or specified person) for such assistance?”

Once the person has requested assistance, the voter is entitled to be assisted when voting by a person of their choice as long as that person is not an agent of their union or an employer. A voter entitled to assistance who does not select a particular person may be assisted by two election inspectors of different political faith.

The names of all persons who receive assistance and the name and addresses of the person giving assistance should be entered in Section V of the challenge report.

Any person other than an Inspector, who assists a voter in voting, must make an oath before entering the booth that they:

“Will not in any manner request, or seek to persuade or induce the voter to vote any particular ticket or for any particular candidate, and that they will not keep or make any memorandum or entry of anything occurring within the booth, and that they will not, directly or indirectly, reveal to any person the name of any candidate voted for by the voter, or which ticket he had voted, or anything occurring within the voting booth, except when required pursuant to law to give testimony as to such a matter in a judicial proceeding.”

The election inspectors may assist any voter that:

- Cannot read;
- Cannot, even with the aid of glasses, see the names printed on the official ballot;
- Is so physically handicapped that he or she cannot do what is necessary to operate the voting machine or mark a paper ballot; or
- Cannot enter the voting booth unless aided by another person.

WRITE-IN VOTES

Votes cast for any person whose name does not appear on the ballot as a nominated or designated candidate for public office are referred to as write-ins. No write-in ballot may be voted for any person for any office whose name appears on the ballot as a nominated or designated candidate for the office or position in question. Any write-in ballot so voted will not be counted.

A write-in vote must be cast in its appropriate place on the ballot or machine, or it will be void and not counted. A name stamp may be used to cast a write-in vote on a voting machine or paper,

or absentee ballot. However, pasters cannot be used to place a name on the ballot as a write-in. If the write-in ballot is properly submitted, the ballot should be counted so long as the intent of the voter is apparent.

CANVASSING OF ABSENTEE AND PAPER BALLOTS

The rules to be followed for the marking of absentee and paper ballots are the same. The ballot is to be marked with a pen having blue or black ink or a pencil having black lead.

The whole ballot is void if the voter:

- Does any act extrinsic to the ballot such as enclosing any paper or other article in the folded ballot;
- Defaces or tears the ballot;
- Makes any erasure thereon;
- Makes any mark thereon other than a cross mark or a check mark in a voting square; or
- Writes, other than in the space provided, a name for the purpose of voting.

An exception to this is that an erasure or a mark other than a cross mark or a check mark made in a voting square will not make the ballot void, but will render it blank as to the office, party position or ballot proposal in connection with which it is made. The term “voting square” includes the voting space provided for a voter to mark his vote for a candidate or ballot proposal.

A cross mark or a check mark, made by the voter, in a voting square at the left of a candidate’s name will be counted as a vote for that candidate. A vote will be counted for a person whose name is written in under the title of an office or party position only if the name is written by the voter upon the ballot in the proper space provided for and only if the name is not printed under the title of such office or position. A voting mark before or after a written in name will not invalidate the vote.

If, in the case of a candidate whose name appears on the ballot more than once for the same office, the voter makes a cross mark or a check mark in each of two or more voting squares before the candidate's name, only the first vote is counted for the a candidate. A cross mark or a check mark made by the voter, in a voting square following the word "Yes" or the word "No", before a ballot proposal, will be counted in the affirmative or negative, as so indicated.

If the voter marks more names than there are persons to be elected or nominated for an office, or elected to a party position, or makes a mark in a place or manner not herein provided for, or if for any reason it is impossible to determine the voter's choice of a candidate or candidates for an office or party position or his vote upon a ballot proposal, his or her vote will not be counted for such office or position or upon the ballot proposal, but will be returned as a blank vote thereon.

CLOSING THE POLLS AND CANVASS OF VOTES

A canvass is the counting of the votes cast and the preliminary declaration of a winner. The election inspectors, immediately upon the closing of the polls, will proceed to canvass the votes cast and complete the canvass without adjournment. They will, before 9:00 a.m. of the following day file with the village clerk their certificates setting forth:

- The holding of the election
- The total number of votes cast for each office;
- The number of votes cast for each person for each office;
- The total number of votes cast for each proposition voted upon; and
- The number cast for and against such proposition.

At the same time the inspectors will also deliver to the village clerk all ballot boxes, if there are any, all unused supplies and the American flag furnished for use in the polling place.

Villages with More the One District

If a village contains more than one election district, the board of trustees will meet at its usual meeting place no later than 8:00 p.m. of the day after the election. The village clerk will produce the returns of the election inspectors, at which time the board of trustees canvasses the returns and file in the office of the village clerk a certificate declaring the results.

At the close of the polls the election inspectors:

- Lock the machine against voting;
- Sign a certificate stating the number of voters as shown on the public counters, the number on the seal, the number registered on the protective counter, and that the voting machine is closed and locked;
- Account for paper ballots;
- Canvass the machine; and
- Cast and canvass all the ballots, and ascertain the total vote. The casting and canvassing of all ballots refers to the opening and depositing in the ballot box of any paper ballots which may have been voted during the village election.

How to Canvass a Voting Machine

The machine vote is canvassed by opening the counting compartments in the presence of the watchers and others lawfully within the polling place, giving full view of all the counter numbers. The chairperson of the election inspectors will then, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the designated number and letter on each counter, the result as shown by the counter number, and then will read the votes recorded for each office on the write-in ballots. The chairperson will also announce in the same manner the vote on each ballot proposal.

The vote as registered must then be entered on the returns of canvass in ink by an inspector other than the chairperson, after which the figures will be verified by being called off in the same

manner from the counters on the machine by an inspector of the opposite political faith of the chairperson.

The returns must be signed by each inspector and the counter compartment on the machine will remain open until the official return and all other reports have been completed and verified by the election inspectors. Upon the completion of the canvass and the returns of the canvass, the chairman makes a public, oral proclamation of the results.

During the canvass of the vote any candidate or duly accredited watcher who might desire to be present will be admitted to the polling place. Accredited representatives of the news media may also be present. Any person who causes any type of disturbance must leave the canvassing area.

The room in which the canvass is made must be clearly lighted and ingress and egress through the main entrance must be freely permitted. The canvass must be made in plain view of those entitled to be present. If requested by a person entitled to be present, the inspector will during the canvass of any ballots, exhibit to him or her the ballot then being canvassed fully opened and in such condition that he or she may read and examine it, but no inspector will allow any ballot to be taken from his or her hand or to be touched by any person but inspector.

FALSE CANVASS

An election inspector or clerk of an election who intentionally makes, or attempts to make, a false canvass of the ballots or any false statements as a result of the canvass though not signed by a majority of the inspectors, or any person who induces, or attempts to induce, such inspector or clerk to make such a false statement will be guilty of a felony.