

KENDALL, HARRIENGER & BURROWS
Interoffice Memorandum

TO: FILE

FROM: KHB

DATE: April 25, 2025

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 or mandatory 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. Alternatively, when a Town Board moves to submit a resolution to a mandatory referendum, the referendum must be held within forty (40) days of such motion and the resolution becomes effective following an affirmative vote at the Town election.
- b. Here, the Town Board submitted the subject resolution to a mandatory referendum on April 9, 2025, meaning the special election would need to take place prior to May 19, 2025. The Town Board has scheduled the special election for May 13, 2025. Thus, the special election is taking place within the legal timeframe.

(3) 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 one (1) publication and posting on the Town website and bulletin board.
- b. Here, the resolution stating such information was adopted by the Town Board on April

9, 2025. The Town Clerk posted the notice on the Town website and the Town bulletin board on April 15, 2025. The Town Clerk set publication of the notice to run in the Watertown Daily Times starting April 17, 2025 and ending on May 3, 2025. The Town Clerk also set publication of the Amended Bond Resolution to run in the Watertown Daily Times on April 18, 2025.

(4) 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.
- b. Here, the poll times have been extended in order to provide more opportunities for voters. The polls will be open from 12:00 PM until 8:00 PM.

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

- a. The voting must be done by ballot.
- b. Here, the voting will be done by ballot. The ballots will be counted by two (2) election inspectors registered with the Jefferson County Board of Elections.

(6) How is the "proposition" created?

- a. The proposition to be voted on is drafted by the Town Attorneys and then authorized by the Jefferson County Board of Elections.
- b. Here, the Jefferson County Board of Elections authorized the proposition via written email to the Town Attorneys on Tuesday, April 22, 2025.

(7) 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.
- c. Please also note that for special elections of this kind, an eligible voter need not be a registered voter in order to vote.

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

- a. No, absentee voting will NOT be available. No statute permits absentee voting at a special Town election.

(9) 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.
- b. The question of whether "seasonal" residents have the ability to vote is extremely fact driven.

(10) 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.

(11) 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 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.