

Board of Education Policy

CANDIDATES AND CAMPAIGNING

I. Nomination of Candidates

- A. Candidates for the office of Board member shall be nominated by petition. A petition must be directed to the District Clerk, shall contain the signatures and addresses of at least 25 qualified voters of the district (or two percent of the number of voters who voted in the previous election, whichever is greater), and shall state the name and residence of the candidate. Residents may sign petitions for more than one candidate.
- B. Each petition must be filed with the District Clerk between the hours of 9:00 a.m. and 5:00 p.m., not later than 30 days preceding the Annual Meeting and Election at which the candidates so nominated are to be elected.
- C. The Board may reject nominations if the candidate is ineligible or has declared an unwillingness to serve. In the event a nominee for election withdraws and then attempts to reenter, such person may not be considered a candidate unless a new nominating petition is filed.
- D. The order of the names of the candidates on the ballot is determined by lot and the District Clerk must conduct the drawing one day after the final date for filing. The Board may impose restrictions on political party endorsements; i.e., may prohibit the indication of any candidate's political party on the ballot.

II. Electioneering

- A. Electioneering during the hours of any vote is prohibited within the polling place or within 100 feet of the polling place. Electioneering includes, but is not limited to, soliciting votes, or distribution or display of any banner, poster or placard, button, flyer, refreshments displaying a candidate's name, or campaign material on behalf of or in opposition to any candidate or issue to be voted upon. Distance markers indicating the prohibition on electioneering must be placed by the inspectors of election at a distance of 100 feet from the polling place at least one-half hour before the opening of the polls and must remain until the polls are closed.

III. Campaign Expenditure Statements

- A. Any candidate for election to the Board of Education whose campaign expenditures exceed \$500, must file a sworn statement with the District Clerk and the Commissioner specifying all money or other valuable things paid, given, expended or promised by the candidate, or incurred for or on his or her behalf by someone else with the candidate's approval, to aid the candidate's nomination on election, or to aid or influence the nomination or defeat of another candidate. If the candidate's expenses were nothing or expenditures were for personal expenses which, when taken together with the total expenditures incurred by others on the candidate's behalf and with the candidate's approval did not exceed \$500, and if the aggregate amount of all contributions made to such candidate do not exceed \$500, the candidate shall not be required to file any statements with the Commissioner; however such candidate shall file with the District Clerk a sworn statement to that effect.

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- B. Personal expenses shall include only payments for traveling expenses and expenses incidental thereto, for writing, printing, and preparing for transmission any letter, circular or other publication not issued at regular intervals containing a statement of the position or views of the candidate or person upon public or other questions, for stationery and postage, and for telegraph, telephone, and any other public messenger service; but all such expenses shall be limited to those which are directly and personally incurred and paid by the candidate.
- C. In addition, no individual or group of individuals shall make expenditures on behalf of a candidate without the candidate's approval unless a sworn statement is filed, by the person making the expenditure, with the Clerk and the Commissioner stating that the candidate did not approve the expenditure. The maximum amount of such expenditure is \$25 and shall not be included in determining whether the expenditures exceed \$500, as described above.
- D. The statements are due by registered mail. A first statement must be filed on or before the thirtieth day preceding the election, a second statement must be filed on or before the fifth day preceding the election, and a third statement must be filed within twenty days following the election.
- E. Unless otherwise provided, each statement shall cover the period up to and including the day next preceding the day specified herein for the filing of the statements. In other words, the first statement must cover all expenditures and contributions up to and including the thirty-first day preceding the election. The second statement must cover all expenses and contributions up to the sixth day preceding the election, and the third statement must cover all expenses up to the nineteenth day following the election. Provided, however, that any contribution or loan in excess of one thousand dollars, if received after the close of the period to be covered in the last statement filed before the election but before such election, shall be reported, in the same manner as other contributions, within twenty-four hours after receipt. It shall not be necessary to itemize in any statement the data previously reported in any prior statement, but each statement shall include a summary of all expenditures and contributions and other particulars reported in any previous statements.
- F. Failure on the part of any candidate to file a statement, or to file one that does not conform to the requirements of the law, can result in a legal proceeding to compel filing. The law expressly authorizes the institution of such a proceeding before the Supreme Court or a justice thereof by any candidate or any five qualified voters.

Reference: Education Law §§ 1528-1530; 2018; 2031-a; 2032
Cullen v. Fliegner, 18 F.3d 96 (2d Cir. 1994)
Appeal of Moessinger, 33 Ed. Dep't Rep. 487, Dec. No. 13,123 (1994)
Renne v. Geary, 501 U.S. 312 (1991)
Matter of Walker and Wiercioch, 23 Ed. Dep't Rep. 280, Dec. No. 11,217 (1984)
Matter of D'Alessandro, 20 Ed. Dep't Rep. 123, Dec. No. 10,341 (1980)

Adopted: 12/14/1995

Reviewed: 11/09/2005 03/24/2010 1/29/2014 11/14/2018 12/13/2023

Revised: 04/28/2010 2/26/2014 12/12/2018 01/24/2024