

MANHASSET-LAKEVILLE WATER DISTRICT MATERIALS FOR ANNUAL ELECTIONS OF COMMISSIONERS

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MANHASSET-LAKEVILLE WATER DISTRICT
RULES AND REGULATIONS

governing the

CONDUCT OF ANNUAL ELECTIONS

for

COMMISSIONERS OF THE DISTRICT

(As amended through March 5, 2019)

Steven L. Flynn , Chairman
Mark S. Sauvigne, Treasurer
Brian J. Morris, Secretary

MANHASSET-LAKEVILLE WATER DISTRICT

Election Rules and Regulations

1.0 ELECTION OF COMMISSIONERS:

- 1.1 **Date of Election:** In accordance with the provisions of Town Law Section 211, an annual election for a Commissioner of the Manhasset-Lakeville Water District (“MLWD”) shall be held on the second Tuesday of December each year.
- 1.2 **Election Districts and Polling Places:** For the purpose of the annual election, the MLWD shall be divided into four election districts (Manhasset-Lakeville Election Districts), each with its own polling place, as set forth below:

Manhasset-Lakeville Election District A includes all of Nassau County Election Districts 58, 63, 64, 65, 66, 67, 68, 69, 70, 71, 104 and those portions of Nassau County Election Districts 17, 56, 57, 59, 60 and 99 which are within the Manhasset-Lakeville Water District. The polling place for District A is **Company No. 1 Firehouse, 35 Bayview Avenue, Manhasset, New York**

Manhasset-Lakeville Election District B includes all of Nassau County Election Districts 21, 106, those portions of Nassau County Election Districts 22 & 28 which are east of Middle Neck Road and that portion of Nassau County Election District 23 which is south of the Long Island Railroad Right-Of-Way. The polling place for District B is **Company No. 3 Firehouse, 25 Prospect Street, Thomaston, Great Neck, New York.**

Manhasset-Lakeville Election District C includes all of Nassau County Election Districts 24, 26, 27, 29, 30, 31, 32, 33 and those portions of Nassau County Election Districts 22 & 28 which are west of Middle Neck Road. The polling place for District C is **Company No. 4 Firehouse, 97 Jayson Avenue, Great Neck, New York.**

Manhasset-Lakeville Election District D includes those portions of Nassau County Election Districts 34, 72, 73, 74 and 77 which are within the Manhasset-Lakeville Water District. The polling place for District D is **Company No. 5 Firehouse, 21 78th Avenue, New Hyde Park, New York.**

All references herein to Nassau County Election Districts are to those within the 16th Assembly District.

- 1.3 **Hours of Election:** On Election Day, the polling places shall be open to receive votes from 12:00 noon to 9 p.m.
- 1.4 **Use of Machines:** Electronic ballot voting machines authorized for use by special districts under applicable New York State laws, rules and regulations shall be used to record the vote at the MLWD annual elections, to be supplemented or replaced entirely with paper ballots in the event, or to the extent, that such machines are unavailable, not functioning properly or not authorized for use under applicable laws, rules or regulations, or in the event of a situation described in Section 10.0, subdivision 2, of these Rules.
- 1.5 **No Absentee Ballots:** The Board of Commissioners of the MLWD (the “Board”) has not authorized the use of absentee ballots in the MLWD annual election.

2.0 NOTICE OF ANNUAL ELECTION:

- 2.1 Not later than the last Friday in the month of September next preceding the date of the MLWD annual election, the Secretary of the Board shall cause a notice of the election to be published in the Great Neck News, the Great Neck Record, the Manhasset Press and The Illustrated News.
- 2.2 The notice shall contain the following information:
 1. date, time and polling places where the election will be held;
 2. hours during which polling places will be open for the receipt of ballots;
 3. the office to be filled and the term thereof;
 4. statement that all candidates for the office(s) to be filled at the election shall file their names with the Secretary of the Board together with a written petition, identifying the candidate by name and address, the office sought and bearing the signatures and addresses of at least twenty-five (25) registered voters of the MLWD by not later than the last Monday in the month of October next preceding the date of the election;
 5. that only those residents of the MLWD who are duly registered with the Nassau County Board of Elections, at least twenty-three (23) days prior to the date of election, shall be entitled to vote in the election;
 6. in order to qualify to register with the Nassau County Board of Elections to vote in the MLWD election, a person must be at least eighteen (18) years of age by the date of the election, a citizen of the United States and a resident of the MLWD for a minimum of thirty (30) days next preceding the election.

- 2.3 Said notice shall be posted on the MLWD's website and on the website of the Town of North Hempstead on or about the day on which same is published.

3.0 PERSONS ENTITLED TO VOTE:

All persons who are United States citizens, 18 years of age or older, who have resided in the MLWD for a period of 30 days next preceding the election, and who are registered with the Nassau County Board of Elections at least 23 days prior to the date of election, shall be entitled to vote in the MLWD annual election.

4.0 REGISTER OF VOTERS:

The register of voters for the MLWD annual election shall be prepared by inspectors of election appointed by the Board. In preparing the register, the inspectors of election shall comply with the following procedure:

1. They shall obtain, from the registration list supplied by the Nassau County Board of Elections, the names appearing thereon of all persons residing in the MLWD and qualified to vote in the MLWD annual election.
2. The register for the MLWD annual election shall contain the name of the voter, the voter's address within the MLWD, and a space for the voter's signature on election day. There shall be no additional personal registration of voters for the MLWD annual election.

5.0 ELECTION INSPECTORS:

1. The Board shall appoint not less than two (2) nor more than four (4) resident taxpayers to act as election inspectors and ballot clerks for each polling place and shall compensate them in accordance with the provisions of the Town Law. The Board shall designate a chief inspector for each polling place.
2. The Board shall designate the date, time and place the inspectors shall meet prior to the election in order to commence preparation of the register.

6.0 NOMINATION OF CANDIDATES:

1. Candidates shall file their names and nominating petitions with the Secretary of the Board not later than the last Monday in the month of October next preceding the date of the election; provided, however, that in the event the Secretary is a candidate, then all such filings shall be made with the Treasurer of the Board.

2. Each position of Commissioner shall be considered a separate office. Each nominating petition filed shall identify the candidate by name and address, identify the specific office for which the candidate is nominated (i.e., by specifying the length of the term, or remaining unexpired portion of a term, as applicable, of the office to be filled – three years, two years, or one year) and shall bear the signatures and addresses of at least twenty-five (25) registered voters. Each such registered voter signing a nominating petition shall affix the date on which he or she signs such petition, and no such signature shall be effective and counted to satisfy the required minimum of 25 registered voters if affixed to such petition earlier than the first Monday in the month of October next preceding the date of the election.
3. No person shall be nominated for more than one (1) office.

7.0 ORDER OF CANDIDATE NAMES:

The names of the candidates for a given office shall be listed on the voting machines and ballots in the same order in which their petitions were filed, with the first to file being listed first, the second to file being listed second, and so forth.

8.0 CONDUCT OF THE ELECTION:

The MLWD annual election shall be conducted by the inspectors of election under the general supervision of the chief inspector, who shall:

1. prior to the opening of the polling place, insure that the voting machine or machines assigned to the polling place are properly set up and ready for use;
2. arrange for the printing of paper ballots for possible use;
3. open and close the polling place at the appointed times;
4. review all challenges to potential voters and other questions on procedure; and
5. supervise the canvass of the vote.

9.0 POLL WATCHERS:

1. Each candidate may appoint poll watchers to monitor the voting at each polling place. Each candidate must provide the names and addresses of each poll watcher appointed by such candidate to the chief inspector of the polling place before the polls open. No candidate may have more than one poll watcher at a polling place at the same time.
2. Poll Watchers shall not interfere with the orderly process of the election.

They may ascertain the name and address of any person who proposes to vote from an inspector of election and may challenge any person's right to vote. However, all inquiries and challenges shall be made to an inspector of election.

3. Each candidate may have one (1) poll watcher at any one polling place observe:
 - (a) the setting up of the voting machines before the poll is open, and
 - (b) the canvassing of the vote.

10.0 DURING THE ELECTION:

1. If a person offering to vote is not personally recognized by the election inspector, the inspector shall require proof of such person's identity. Photographic identification, such as a duly issued New York State Driver's License, shall be acceptable. In the absence of such photographic identification, the inspector shall require from such person an affidavit in the form of the Qualification Oath annexed as an Exhibit to these Rules, attesting to such person's identity. After such person's identity is established to the satisfaction of the inspector, the inspector shall check the name of the person offering to vote against the list of names of voters in the register and require that person to sign his/her name in the space provided therefor in the register.
2. After the person offering to vote has signed his/her name in the register, that person shall then be permitted to cast his/her vote.
3. During voting hours, there shall be no electioneering within a polling place or within one hundred (100) feet of the entrance to the polling place.
4. During voting hours, the inspector shall maintain, or have a ballot clerk maintain, a written list of all persons who have appeared at the polling place during the hours of polling offering to vote. Each such person's name and address shall be written down by the inspector, a ballot clerk, or the person offering to vote. Such running list shall be prepared in such a manner (including, without limitation, by use of carbon copies or photocopying) so that exact copies thereof, in number equal to the number of candidates on the ballot, shall be available from time to time to be given to any poll watcher lawfully allowed to be at such polling place. Each page of the written list shall contain an equal number of lines or boxes for the recording of names and addresses. Each such page shall be sequentially numbered, beginning with "1.". Poll watchers shall be allowed to receive copies of portions of the running list only with respect to pages as to which all lines or boxes designed to receive entries have been completed, so that, when copies are made, no partially completed pages shall be distributed to poll watchers requesting same.

5. Challenge Report:

a. Challenged Voters.

The Election Inspectors shall maintain a challenge report 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 Nassau County 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 the challenge report.

b. Voters Given Assistance.

The challenge report shall also contain a section 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. If no voter is given assistance during the election, the statement “No Voters Assisted” must be written across the space reserved for the assisted names. Alternatively, the Nassau County 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 the challenge report.

c. Court Order Voters.

The challenge report shall also contain a section 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. (For additional detail concerning the process for persons voting by court order, see below.) If no voter was allowed to vote pursuant to a court order or allowed to vote on a paper ballot inserted in an affidavit envelope, then the word “None” must be written across the space provided for such names. Alternatively, the Nassau County 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 this section of the challenge report.

At the close of the polls, all inspectors must sign the challenge report. The report is then secured in the envelope of the chief election inspector, and returned to the Board.

11.0 CANVASSING THE BALLOT:

1. After the polls are closed the election inspectors and ballot clerks at each polling place shall:
 - (a) secure the voting machines and ballot box, if there be one;
 - (b) canvass the vote;

- (c) publicly announce the result of the vote at the polling places;
 - (d) physically deliver documentation evidencing the result of the vote at that polling place to the District's offices at 170 East Shore Road, Great Neck, New York 11023.
2. After all polls are closed, and documentation evidencing the result of the vote at each polling place has been delivered to the District's offices at 170 East Shore Road, Great Neck, New York 11023, the Chief Inspector of the election shall publicly announce the result of the vote at each polling place, and the aggregate result for all polling places, collectively.
 3. The Chairman of the Board of Commissioners, election inspectors and ballot clerks, within twenty-four (24) hours after the closing of the polls, shall execute and file a certificate of the result of the canvass with the Board of Commissioners and with the Clerk of the Town of North Hempstead.

WATCHER'S CERTIFICATE

I, _____, as a candidate for Manhasset-Lakeville Water District Commissioner at the election to be held on the 13th day of December, 2022, hereby appoint as Poll Watchers the following named persons:

Company No. 1 Firehouse

Company No. 3 Firehouse

Company No. 4 Firehouse

Company No. 5 Firehouse

Being qualified electors of the County in which said Election is located, and qualified to vote in the election for Manhasset-Lakeville Water District Commissioner, as watchers to attend the polling places located in the Special District known as Manhasset-Lakeville Water District in the Town of North Hempstead, County of Nassau, State of New York.

(Signature)
Candidate – Water Commissioner

Note: A candidate may have no more than ONE (1) poll watcher at a polling place at any one time.

**PROCEDURE FOR VERIFYING WHETHER A PERSON IS REGISTERED TO
VOTE**

- A. Check for the voter’s name in the Manhasset-Lakeville Water District’s Register of Voters.

- B. If the voter’s name cannot be found in the Manhasset-Lakeville Water District’s Register of Voters (or on update sheets), a call should be made to the District Manager at the Manhasset-Lakeville Water District at 466-4423, who will then check with the Nassau County Board of Elections as to whether it has any record indicating the voter is registered to vote.

- C. If a representative of the Nassau County Board of Elections indicates the voter is, in fact, shown to be registered in the Board of Elections’ records, then
 - 1) the voter’s name and address shall be entered into the Manhasset-Lakeville Water District’s Register of Voters at the end of the listing of persons whose last names begin with the same letter which begins the voter’s last name. For example, if the voter’s last name begins with an “A”, then the name should be entered at the end of the listing of names beginning with “A” – on the left-hand side of the page.

 - 2) Next, the name of the Board of Elections representative who provided the District with the information shall be entered into the MLWD Register of Voters, and to the right of that, the voter shall sign his or her name.

- D. If the representative from the Board of Elections states the voter in question is not shown to be registered in the Board of Elections' records, then the voter shall not be entitled to vote without a court order and the inspector of election, on a separate form, shall set forth:
- 1) The name of the person in question
 - 2) The fact that the Board of Elections representative made the statement that the person is not registered with it, and
 - 3) The name of the Board of Elections representative who made such statement.
- E. If the voter wishes to seek a court order, the voter must directly petition any Justice of the New York Supreme Court in Nassau County - See "Procedure to obtain Court Order Entitling a Person to Vote."
- F. Any such voter who successfully obtains a Court Order and presents same timely at the polling place at which he claims to be registered to vote shall cast his or her vote on a paper ballot, which shall be deposited in a sealed envelope, the cover of which shall bear the following statement, signed by the election inspector: "The vote cast by paper ballot sealed herein is made pursuant to a Court Order obtained by the voter, a copy of which also is contained within this sealed envelope. Said paper ballot shall be set aside, to be canvassed only in the event that the results of the election cannot be determined unless such ballot is counted. In such case, this envelope and the court order enclosed herewith shall be retained as part of the records of this election."

PROCEDURE FOR CHALLENGE OF VOTER WHO IS REGISTERED

If a poll watcher or inspector of election or other person wishes to challenge a voter who is registered, on the grounds that the voter is not, in fact, a resident of the District or is not the person he or she claims to be, then

1. The challenger shall complete the “Challenge to Voter” form. The voter shall be notified of the challenge.
2. When an applicant is challenged, the Election 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 Election Inspector then shall 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 Inspector will, if he or she believes the applicant to be qualified to vote, or if the challenge is withdrawn, permit the voter to vote. If the Election Inspector still is not satisfied that the individual is qualified to vote, then he or she must state to the applicant the qualifications in which the applicant appears deficient.

After such deficiencies have been communicated, if the applicant insists on voting, the inspector shall require the applicant to complete the “The Qualification Oath,” in the form annexed to the MLWD Election Rules and Regulations.

If the applicant has successfully completed all required oaths, then he or she shall 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 TO VOTER

Date: _____

Name of Challenger: _____

Address: _____

Name of Person to Whom Challenge is Directed: _____

Reason for Challenge: _____

I certify that the above statements are true to the best of my knowledge.

Signature of Challenger: _____

Print Name of Challenger: _____

QUALIFICATION OATH

(for Registered Voter Only)

I do swear (or affirm) that I am 18 years of age; that I am a citizen of the United States; that I am a resident of the State of New York and the Manhasset-Lakeville Water District for a period of 30 days next preceding December 13, 2022, the date of this election, and that I reside at the same address from which I have been duly registered for this election; that I have not voted at this election and that I do not know of any reason why I can not qualify to vote at this election.

I do further declare that I am aware that it is a crime to make any false statement; that all statements I have made to the inspector of election have been true and that I understand that if I have made a false statement under oath, I am guilty of a misdemeanor.

Signature of Voter

**PROCEDURE TO OBTAIN COURT ORDER ENTITLING A PERSON TO
VOTE**

- A. If the name of voter claiming the right to vote is not found in:
1. The Manhasset-Lakeville Water District’s Register of Voters;
 2. The County Board of Elections’ registration list for the district in which the voter claims to live; or
 3. The records of the Board of Elections (confirmed by County Board of Elections representative by telephone), then the voter may not vote without obtaining an order authorizing him or her to do so from a Justice of the New York State Supreme Court.
- B. As an accommodation to such voter, forms of affidavits in support of such orders and proposed orders will be available at each polling place.
- C. The affidavit must be completed by the voter claiming the right to vote before a notary public and then the voter must sign his or her name on the top left of the proposed court order.

The person seeking the vote must pursue the requisite court order himself or herself.

Unless and until a court order signed by a New York State Supreme Court Justice authorizing such voter to vote is received by the inspector of election, the voter in question may not vote.

When and if the signed order is returned, the voter’s name and address shall be entered into the Manhasset-Lakeville Water District Register of Voters, followed by the words, completed with the name of the Justice and the date of the order, “by order of _____ dated _____”. The voter should then sign his or her name to the right of the note of the order and then be allowed to vote.

AFFIDAVIT FOR USE IN OBTAINING COURT ORDER

STATE OF NEW YORK)
COUNTY OF NASSAU) ss:

_____, being duly sworn,

deposes and says:

I reside at No. _____
(address – street & number when possible)

CITY/TOWN/VILLAGE of _____ Nassau County, New York.

I am a duly qualified voter of the Manhasset-Lakeville Water District (Water District) of the Town of North Hempstead, entitled to vote in the election for Water District Commissioner being held today. I have been a resident of the Water District for at least thirty consecutive days next preceding this Election Day.

Permanent Personal Registration is in effect in Nassau County and I am duly registered with the Board of Elections of the County of Nassau at the address set forth above.

Today, when I presented myself at the Polling Place for Election District No. _____ of the Water District for the purpose of casting my vote at the Water District Election for Commissioner, the Inspectors of Election for the Water District refused to permit me to vote, upon the grounds that neither the registration poll records for the Water District nor the registration records published by the Nassau County Board of Elections indicated that I was duly registered and qualified to vote in said Water District Election District.

I am in fact duly registered with the Nassau County Board of Elections at the address shown above for at least Twenty-three days last past and I am duly qualified to vote in said Water District Election District. I will be deprived of my vote at this election unless I present an Order of the Court directing the Respondents to permit me to cast my vote. No previous application for the relief herein sought has been made to this Court or to any Judge thereof.

WHEREFORE, I pray that an order be granted herein directing the Inspectors of Election in the aforementioned Election District of the Water District to permit me to vote in said District as a qualified voter therein, and for a further order directing the Inspectors of Election to make an appropriate notation on the Registration Poll Record for petitioner.

Signature of Voter-Petitioner

Sworn to before me this 13th day
of December, 2022.

Notary Public

Reg. Serial No.

SUPREME COURT: NASSAU COUNTY
_____X

In the Matter of the Application of

Petitioner

for an Order directing the Inspectors of Election of the
Manhasset-Lakeville Water District of the Town of North Hempstead

Water District Election District No. _____

Nassau County, New York, to permit the Petitioner to vote,

Respondents
_____X

Upon the annexed affidavit of _____
(Print Name)

sworn to on the 13th day of December, 2022, it is

ORDERED, that upon completion of this registration and the affixing of the voter’s
signature in the space provided, the Inspectors of Election of the Voter’s Election District forthwith
permit the above named person to vote today in said Election District during the hours established by
Law.

Justice of the Supreme Court

State of New York) ss:

I, _____, County Clerk of Nassau County, hereby certify that I have this day compared
the original order filed in my office with the copy annexed hereto and that the said copy is a true
transcript of the original and of the whole of said original.

County Clerk of Nassau County

Dated: Mineola, New York

By: _____
Special Deputy County Clerk

APPLICANT COMPLETE TOP SECTION

COURT ORDER APPLICANT INFORMATION

NO. _____

NAME: _____ BIRTHDATE _____

ADDRESS: _____

.....

OFFICE USE ONLY

SERIAL

#: _____ TN _____ AD _____ ED _____ SD _____ CD _____

CIRCLE ONE:

REGISTERED NOT REGISTERED CANCELLED

REMARKS:

