

KENDALL, WALTON & BURROWS
Interoffice Memorandum

TO: FILE

FROM: KJH

DATE: May 24, 2023

RE: Town of Lyme
Water District Special Election

1. Proposition

KWB	Board of Elections
Shall Water District No. 6 (Point Salubrious) be formed?	Agreed.

2. Date, Time, Place

KWB	Board of Elections
Date: June 21, 2023 Time: 12:00 pm – 8:00 pm Place: Town Offices 12175 NYS Route 12E Chaumont, NY 13622	Date: Agreed. Time: Agreed. Place: Agreed.

3. Who is able to vote

KWB – Opinion St Compt 92-39; 1958 NY Opinion Atty Gen May 14	Board of Elections
<ul style="list-style-type: none">• U.S. Citizens, at least 18 years of age.• Persons who do not own taxable real property located in a proposed water district are not entitled to a vote in a special election.• Partnerships and corporations owning taxable real property located in a proposed water district are only entitled to a single vote.• Any person or entity owning more than one (1) parcel within the proposed district is only	Agreed.

<p>entitled to a single vote.</p> <ul style="list-style-type: none"> • Each tenant by the entirety, tenant in common, and joint tenant owning taxable real property located in a proposed water district is entitled to a vote, meaning if a parcel is owned by more than one person (such as a married couple), each person would be entitled to their own vote. • Tenants are not entitled to a vote. 	
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4. How will we verify eligibility

KWB	Board of Elections
<ul style="list-style-type: none"> • We provide the Town Clerk and Deputy Clerk with a list of eligible voters, the Town Clerk and Deputy Clerk could check voters in throughout the day. • Proof of identity. 	<ul style="list-style-type: none"> • We will need two election inspectors, each from a different political party. • While the Board of Elections does not usually require ID, in this instance it seems necessary. <i>See</i>, Election Law § 8-302.

5. How will we provide notice of the special election

KWB – Town Law § 82	Board of Elections
<ul style="list-style-type: none"> • The town board shall adopt a resolution at least twenty days before every special town election designating the hours of opening and closing the polls and the place or places of holding the election, and setting forth in full all propositions to be voted upon. • The town clerk shall give notice of such special town election at the expense of the town by the publication of a notice in a newspaper published in said town specifying the time when and place or places where such election will be held, the hours during which the polls will remain open for the purpose of receiving ballots, and setting forth in full all propositions to be voted upon. • The publication of such notice shall be at least ten (10) days prior to the time of such special election. In addition, the town clerk shall post or cause to be posted a copy of such notice on the sign-board of the town at least ten (10) days prior to such election. 	<p>Agreed.</p>

6. How will the votes be counted thereafter

KWB – Town Law § 83	Board of Elections
<ul style="list-style-type: none">• Election inspectors and ballot clerks for biennial town elections shall be those appointed as provided by the election law, and both special town elections and biennial elections shall be conducted, the votes canvassed, and the results certified and returned so far as practicable in the manner prescribed by such law.• Upon the closing of the polls at any election at which a proposition or propositions shall be voted upon, the election inspectors shall proceed to canvass the votes thereat and shall complete such canvass without adjournment.• As soon as possible after completion the inspectors shall file with the town clerk a certificate setting forth the holding of the election, the total number of votes cast upon each proposition, and the number of votes cast for and against each proposition, together with the name and address of every person voting at such election upon such proposition or propositions.	Agreed.