QUALIFICATIONS OF MEMBERSHIP TO THE BOARD
EDUCATION LAW

ARTICLE 51 - CITY SCHOOL DISTRICT OF CITIES WITH LESS THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS.

2502 BOARD OF EDUCATION

No person shall be eligible to the office of member of the board of education who is not a qualified voter of the city school district and who has not been a resident of such district for a period of at least one year immediately preceding the date of this election provided, however, that no person shall hold at the same time the office of member of the board of education and any city office; provided, further, that where territory is added to a city school district by order of the commissioner of education pursuant to article thirty-one of this chapter, residence in the territory so added to the city school district shall be and shall be deemed to be residence in the city school district for the purposes of this subdivision, and a person qualified to vote in school district elections by virtue of this residence in the territory so added to the city school district shall be and shall be deemed to be qualified to vote in school district elections by virtue of his residence in the territory so added to the city school district shall be and shall be deemed to be a qualified voter of the city school district immediately upon the addition of such territory.

PETITIONS REQUIRE A MINIMUM OF ONE HUNDRED (100) LEGAL SIGNATURES OF QUALFIED VOTERS.

THEY MUST BE SIGNED AS SHOWN ON REGISTRATION LISTS, FOR EXAMPLE:

ENDRA R. JONES

OR

JOHN Q. PUBLIC

NOT

Mrs. J.W. Jones

J.Q. Public

AS SUCH SIGNATURES ARE NOT THE FULL NAME OF REGISTRANTS.

NOMINATING PETITIONS MUST BE FILED WITH THE CLERK OF THE BOARD OF EDUCATION ON OR BEFORE **APRIL 29, 2020, BY 5:00 P.M.**

NOMINATING PETITIONS FOR ELECTION TO
OLEAN BOARD OF EDUCATION

To The Board of Education
City School District
Olean, NY 14760

Ladies and Gentlemen:

The election of members of the Board of Education shall be held on May 19, 2020, to fill one (1) position on the Board. This position is to be for a five (5) year and 41 day term commencing on May 20, 2020, and terminating on June 30, 2025, due to the resignation of Michael Martello, 513 Second Avenue, Olean, NY.

We the undersigned, qualified voters of the school district, do hereby nominate:

NAME:_____ ADDRESS:_____
(First) (MI) (LAST)

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PRINT NAME AND STREET ADDRESS	SIGNATURE

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16. School District Voters

Voter Qualifications

16:1. Who is a qualified voter?

A *qualified voter* is a person who is a citizen of the United States, at least 18 years old, a resident of the school district for at least 30 days prior to the meeting at which he or she offers to vote, and who is not otherwise prohibited from voting under the provisions of section 5-106 of the Election Law (for example, a person who has been adjudged to be mentally incompetent). Only qualified voters of the school district may vote on a question brought before an annual meeting and election or special school district meeting (§§ 2012, 2603).

A person need not be a registered voter to satisfy the legal definition of a "qualified voter" (*Appeal of King & Moore*, 55 Ed Dept Rep, Dec. No. 16,865 (2016); *Appeal of Dreyer*, 18 Ed Dept Rep 235 (1978); see also *Appeal of Crowley*, 39 Ed Dept Rep 665 (2000); see **6:14**). Owning a home in a school district does not necessarily make the owner a district resident for purposes of being considered a qualified voter eligible to participate in a school district annual or special school district meeting or election. "A person may have only one legal residence or domicile, and that is the place where such person intends to have his or her permanent residence or home. The residency of dual home owners is dependent on the intent and conduct of the owner" (*Appeal of Taylor*, 39 Ed Dept Rep 712 (2000); see also *Appeal of Klein*, 47 Ed Dept Rep 409 (2008)). Dual homeownership by itself does not entitle the property owner to designate residency for purposes of participating in a district's elections (*Appeal of Ryan, Starbuck, and Toomey*, 50 Ed Dept Rep, Dec. No. 16,202 (2011)).

School districts may not require voters to pay taxes or have children attending the public schools to be eligible to vote (*Kramer v. Union Free Sch. Dist. No. 15*, 395 U.S. 621 (1969)). Military personnel residing on a military base may also be qualified voters in the school district where that base is located (*Appeal of Kuleszo*, 30 Ed Dept Rep 465 (1991)).