

GUILDERLAND CENTRAL SCHOOL DISTRICT  
P.O. Box 18, 8 School Rd.  
Guilderland Center, NY 12085

TO: CANDIDATES FOR MEMBERSHIP ON THE GUILDERLAND PUBLIC LIBRARY BOARD OF TRUSTEES

FROM: Linda Livingston, School District Clerk

DATE: February 1, 2021

RE: PETITIONS - CANDIDATE ACTIVITY

Enclosed are petitions for Nomination of a Candidate for a Member of the Guilderland Public Library Board of Trustees. You will note that your petition must bear the signature of not less than **25** qualified voters of the school district and must be filed with the Clerk of the School District on or before **Monday, April 19, 2021**.

This year there are four vacancies: two (2) five-year terms, one (1) four-year term and one (1) three year term.

If more than one candidate files a petition, it will be necessary to have a drawing to determine your placement on the ballot. The drawing will be held on April 20th, the day after the petitions are due, at 8:30 a.m. at the District Administration Office. Please let me know if you cannot attend this drawing.

Also, enclosed is information on **Chapter 359 of the Laws of 1978** and amendment **Chapter 151 of the Laws of 1981** regarding filing of campaign expenses by candidates.

An initial statement regarding campaign expenses must be filed with the Clerk of the School District at least thirty (30) days before the election (April 19), a second statement must be filed five (5) days preceding the election (May 13), and a final statement filed within twenty (20) days succeeding the election (June 7). **If expenditures exceed \$500, then a copy must also be filed with the Commissioner of Education.** (A sample letter is attached for your convenience in filing with the Clerk.)

**Chapter 170 of the 1979 Legislation** provides for the prohibition of electioneering within one hundred feet of the polling place. A copy of Chapter 170 is enclosed.

QUALIFICATIONS OF A VOTER:

1. 18 years of age or older.
2. A citizen of the United States
3. Resident of the District for at least 30 days.
4. Satisfy the provisions of Section 5-106 of the Election Law which excludes most convicted felons and those adjudged mentally incompetent by a court.
5. Be registered to vote in accordance with Section 2014 of the Education Law.

The election and budget vote will take place on **Tuesday, May 18, 2021** in each of the five elementary schools, from 7 a.m. until 9 p.m.

If you have any questions, please call me at 518-456-6200, extension 3125.

CHAPTER 359 - LAWS OF 1978  
AMENDMENT CHAPTER 151 - LAWS OF 1981

Chapter 359 of the Laws of 1978 required all candidates for election to a board of education to file sworn statements of campaign expenses. This law required candidates to file a statement with the Commissioner of Education and the Clerk of the School District. An Act (Chapter 151- Laws of 1981) amended the 1978 law to read as follows:

**Any candidate for election, if he expended nothing or his only expenditures were for personal expenses which when taken together with the total expenditures incurred by others on his behalf and with his approval do not exceed five hundred dollars, shall not be required to file any statements with the commissioner of education; however such candidate shall file with the clerk of the school district a sworn statement to the effect that his election expenditures did not exceed five hundred dollars.**

The following questions and answers are intended to be of assistance:

**Q: Is filing required of all candidates?**

A: Yes.

**Q: Must a candidate who is appointed to a vacant board seat file?**

A: No, filing is necessary only when an election is involved.

**Q: With whom must the candidate file?**

A: The clerk of the school district. If expenditures exceed \$500, then also with the Commissioner of Education.

**Q: Is there a specific format for filing?**

A: No, the format is left to the discretion of the candidate. However, it must indicate that election expenditures did not exceed \$500. A sample of a letter is included for the candidate's convenience.

**Q: What information must be included when expenses exceed \$500?**

A: The filing must set forth all moneys or other valuable things which the candidate has paid, given, expended or promised or which have been incurred for or on his/her behalf with his/her approval by any person, firm, association or corporation for the purpose of aiding in his/her nomination or election or to defeat any other candidate in the election.

**Q: Must a candidate file if the candidate incurs little or no personal expenditures and/or if expenditures incurred by others with the candidate's approval are minimal?**

A: Every candidate must file. An itemization is necessary if expenditures exceed \$500. When the candidate's only expenditures were for personal expenses which, when taken together with the total expenditures incurred by others on his behalf and with his approval are under \$500, a sworn statement must be filed with the clerk of the district only, indicating that the candidate's election expenditures did not exceed \$500.

**Q: What are personal expenses for the purpose of this law?**

A: Expenses directly and personally incurred and paid by the candidate including traveling expenses, and expenses incidental thereto, expenses for writing, printing and preparing for transmission letters, circulars, or other publications not issued at regular intervals, setting forth his/her position or views on public or other questions, and expenses for stationery, postage, telephone, telegraph and other public message services.

**Q: What filing is required if expenditures are made by a person or persons on behalf of a candidate without his approval?**

A: The person or persons making such expenditures without the candidate's approval must file a sworn statement with the clerk and commissioner stating that the candidate did not approve such expenditures. Such expenditures are limited to \$25 and shall not be included in determining the total expenditures of \$500 mentioned above.

**Q: When must statements be filed?**

A: A first statement must be filed on the 10th day (which may be a Saturday) preceding the election. A second statement must be filed within 20 days succeeding the election. A statement will be deemed properly filed when it is deposited in any established post office within the time indicated above, duly stamped, registered and directed to the clerk of the school district in which the filer is a candidate, and if necessary to the Commissioner of Education.

**Q: Where should statements be mailed in order to meet the requirement for filing with the Commissioner of Education?**

A: Commissioner of Education  
The New York State Education Department  
Albany, New York 12234

**Q: What action may be taken against a candidate who fails to file a statement or if a statement is incorrectly filed?**

A: The Supreme Court or a justice thereof, in a proceeding instituted by any candidate voted for at the election or by any five qualified voters, may compel a candidate by order to file a statement or to file a new or supplemental statement which was incorrectly filed originally.

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Date

Linda Livingston, District Clerk  
Guilderland Central School District  
P.O. Box 18  
8 School Rd.,  
Guilderland Center, NY 12085

Dear Mrs. Livingston:

In compliance with Chapter 359, Laws of 1978, expenses incurred by me or contributions received by me in running for a seat on the Guilderland Library Board of Trustees have not exceeded \$500.00.

Very Truly Yours,

STATE OF NEW YORK)

)ss:

COUNTY OF ALBANY)

Sworn to before me this \_\_\_\_\_ day of

\_\_\_\_\_, 2021

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Notary Public



\_\_\_\_\_  
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CHAPTER 170 - LAWS OF 1979

**AN ACT to amend the education law, in relation to the conduct of, and electioneering at, school district elections.**

- I. Section 2031-a Electioneering within one hundred feet of polling place prohibited; distance markers.
  1. At every election held for the office of trustee or member of a board of education and at every vote upon any proposition or issue in a school district where the election is held at a different time from and not during, the annual meeting of the district, there shall be conspicuously placed, by the inspectors of election, distance markers at a distance of one hundred feet from the polling place. Such distance markers shall indicate the prohibition contained herein and shall be so placed at least one-half hour before the opening of the polls and shall remain until the polls are closed.
  2. At such elections or voting held at a different time from, and not during, the annual meeting of the district, while the polls are open no person shall do any electioneering within the polling place, or within one hundred feet therefrom in any public street, or within such distance in any place in a public manner and no banner, poster or placard on behalf or in opposition to any candidate or issue to be voted upon shall be allowed in or upon the polling place or within one hundred feet therefrom during the election. For the purposes of this section, the one hundred foot distance shall be deemed to include a one hundred foot radial measured from the entrances, designated by the inspectors of the election, to a building where such election is being held. This section shall not be deemed to prohibit the board of trustees or board of education from displaying within any polling place a copy or copies of any budget or proposition to be voted upon.
  3. Any person who wilfully violates the provision of this sections shall be guilty of a misdemeanor.
- II. Section 2609 of such law is hereby amended by adding a new subdivision 4-1 to read as follows:
  - (a) At each such election there shall be conspicuously placed, by the inspectors of election, distance markers at a distance of one hundred feet from the polling place. Such distance markers shall indicate the prohibition contained in paragraph (b) of this subdivision and shall be so placed at least one-half hour before the opening of the polls and shall remain until the polls are closed.
  - (b) Where such markers are so placed and the polls are open, no person shall do any electioneering within the polling place, or within one hundred feet therefrom in any public street, or within such distance in any place in a public manner and no banner, poster or placard on behalf of or in opposition to any candidate or issue to be voted upon shall be allowed in or upon the polling place or within one hundred feet therefrom during the election. For the purposes of this subdivision, the one hundred foot distance shall be deemed to include a one hundred foot radial measured from the entrances, designated by the inspectors of election, to a building where such election is being held. This section shall not be deemed to prohibit the board of trustees or board of education from displaying within any polling place a copy or copies of any proposition to be voted upon.

PETITION FOR NOMINATION OF A CANDIDATE  
for  
MEMBER OF THE GUILDERLAND PUBLIC LIBRARY BOARD OF TRUSTEES  
*Each petition must bear the signature of not less than 25 qualified voters of the school district.*

To the Clerk of the Guilderland Central School District:

We, the undersigned, do hereby state that we are duly-qualified voters of Guilderland Central School District, and we hereby nominate the following-named person as a candidate to fill one of four vacancies as a member of the Board of Trustees of the Guilderland Public Library; two (2) five-year vacancies, one currently held by Jason D. Wright and one open seat, one (1) four-year term vacancy currently held by Herb Hennings, and one (1) three-year term vacancy currently held by Philip Metzger.

**Name of Candidate**

**Residence Address of Candidate**

	<b>Printed Name</b>	<b>Signature</b>	<b>Address</b>	<b>Date</b>
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