

## **Rome CSD Election 2020 Q&A**

### **1. Who may vote by absentee ballot at the 2020 annual meeting and general election?**

The Governor's Executive Order required the District to mail ballots to "qualified" (as opposed to "eligible" or "registered") voters. The Rome CSD is a small city school district that utilizes a system of personal registration for purposes of voting on school district matters. This means that voters must be (1) a United States Citizen; (2) over the age of 18 as of the date of the election; (3) a resident of the District for at least 30 days as of the date of the election; (4) not disqualified from voting; and (5) registered to vote with either the County Board of Elections or the School District. Only individuals who meet these five criteria are "qualified" to vote, and are entitled to vote by absentee ballot under the Governor's Executive Order. This is different than for school districts that use a system of poll registration, in which case, voters do not need to register in advance to be deemed qualified.

### **2. How is voter eligibility verified?**

The process for verifying voter eligibility is different depending on whether there is a traditional, in-person voting system, or the vote is cast by absentee ballot. This year, because all votes will be by absentee ballot, the verification process involves a cross-check between the list of individuals to whom absentee ballots were issued (called the "absentee voter list") and the absentee ballot envelopes received by the deadline. Election Inspectors must also decide any challenges received to voter qualifications before opening an absentee ballot envelope, and removing the ballot for counting. Once an absentee ballot envelope has been opened, there is no longer an ability to challenge a voter's qualifications. Challenges to voter qualifications may be submitted in writing in advance of June 16th to the District Clerk. The District also anticipates setting aside a period of time to address voter challenges after 5:00 p.m. on June 16th; information about this will be announced during the livestreaming of the vote counting process.

### **3. How many voters have been "turned away" this year and how many voters were turned away from the polls in prior years?**

The District caused ballots to be mailed to individuals on the list of registered voters. There is no in-person voting permitted this year, and therefore, no qualified voter will be "turned away" from the polls. The Education Law allows individuals who appear to vote, but whose name does not appear on the voter registration list, to request an affidavit ballot. The District does not turn voters whose names do not appear on the registration list away, but offers them the opportunity to vote by affidavit ballot.

#### **4. How are ballots being collected and stored?**

The District sought to ensure the security of the voter drop-off process by placing a locked, chained and secured ballot box outside the District Office building near the main entrance door. There is no legal requirement we are aware of to have the receptacle designated for depositing absentee ballots to be monitored by a person at all times.

For ballots received prior to June 16th: Ballots that were received in the ballot box were collected at different times of the day. These ballots were placed in a locked box separated by election district/voting ward. Ballots received by mail were treated the same way. These boxes are stored in a secure, locked location within the business office. The absentee ballot envelopes received will be delivered to the Board-appointed Election Inspectors to be counted on June 16, 2020. They will not be opened, and the ballots will not be removed, until after 5:00 p.m. on June 16.

#### **5. How many ballots were received by the end of the day on June 9, 2020?**

Preliminary counts are as follows: by the end of the day on June 9, 2020 the District received 3,994 ballots. On the 10th, we received a total of 576. We are currently processing the ballots received on June 11, 2020.

#### **6. How many ballots have been deemed invalid thus far and what were the reasons for such determinations?**

The process for determining which ballots may be counted does not begin until after 5:00 p.m. on June 16, 2020. Therefore, this information does not yet exist. Absentee ballots remain in the absentee ballot envelope returned by the voter until the ballots which may be counted are removed from the envelopes on June 16.

#### **7. Are ballots are still being handed out?**

Ballots are not still being handed out. The District is not issuing ballots after 5:00 p.m. on June 9, 2020, given the language in the Governor's Executive Order stating that the date of the annual meeting and general election remains June 9, 2020.

#### **8. How will the District be counting ballots?**

There is no specific process required for counting ballots. The District's plan is to have the Election Inspectors for each election district to count ballots for that election district. There is no requirement for a system of checks-and-balances during this process, but, the District will be asking that the Election Inspectors check and verify the accuracy of the counts made by other Inspectors. It is likely to be a single check system, in which one

Election Inspector counts a designated number of ballots, and a second Election Inspector recounts to ensure the same results are reached, before moving to the next set of ballots. If ballots allocated to Election Inspectors for a certain election district have been counted, but additional election districts have ballots remaining to be counted, Election Inspectors may help count ballots in another district. The standards for determining which ballots may be counted and which ballots cannot be counted will be as established by the Education Law. For example, if the oath on an absentee ballot envelope has not been signed, the Election Inspectors are not permitted to open the envelope and remove the ballot for counting. The law requires this envelope to be set aside, with the ballot never removed, and the vote never viewed or counted. Additionally, the Election Inspectors must count ballots that are marked in accordance with the instructions on the ballot. The instructions on the ballot are established by the Education Law.

### **9. What is the timeframe for counting ballots?**

The timeframe for counting ballots is unknown, and will be dependent upon the total number of ballots received. Counting will begin after 5:00 p.m. on June 16<sup>th</sup>. If counting has occurred for a number of hours, it becomes late into the evening, and it appears that the Election Inspectors are tired/hungry/need an extended break, the District may pause the counting process and resume it a to-be-announced time the next day. Should this occur, an announcement will be made to that effect, and livestreaming will continue when the count resumes the following morning. If the District makes the decision to do this, it will be with the goal of ensuring the accuracy of the vote count.

### **10. Where will the vote count take place?**

The count will be conducted at Rome City School District, 409 Bell Road, Rome, NY 13440 in the Pre-K Multi-purpose rooms. The process will be livestreamed. Information on how to access the livestream video will be made available by the District when it is known. Any interested person may access the livestream and watch the process.

### **11. How will the confidentiality of votes be maintained?**

The process for preserving the confidentiality of votes, and separating ballots from envelopes, is set forth in the Education Law. After Election Inspectors have determined that the ballot enclosed in an absentee ballot envelope may be counted, the envelope is opened and the folded ballot is removed. Folded ballots are separated from the absentee ballot envelopes; the ballots remain folded while the process of separating ballots from envelopes continues. Ballots are not unfolded until all envelopes have been opened, and all ballots have been separated from their envelopes. At that point, because ballots will have been separated from envelopes but remain folded, it will not be possible to determine which ballot came from which envelope, and/or how a specific individual voted. This is particularly true this year, given the large number of ballots expected to be received. Ballots will then be unfolded, and the counting process will begin.

**12. What is the process for a recount of the vote, or to challenge the results of the vote?**

There is no specific process for a “recount” set forth in the Education Law. The Education Law requires the Election Inspectors to lock and seal all ballots and some related documents in the ballot boxes after the vote count is completed. The District is not permitted to open the ballot box for a period of six months, unless the Commissioner of Education orders the District to do so earlier. The process for challenging the election results is by appeal to the Commissioner of Education.

**13. Can I be present to watch the vote-counting process on June 16?**

Given restrictions on public gatherings under the Governor’s Executive Orders, the District cannot permit anyone to be physically present unless that person is essential to performing the work. The District is deeming the District Clerk and Board-appointed Election Inspectors as essential for that purpose. Other individuals cannot be physically present, but are able to watch the entire process via livestream video.