

IN THE MATTER
Of
ESTABLISHING A SPECIAL ELECTION

RESOLUTION

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, and virtually on the platform commonly referred to as Zoom, the Town Facebook page and YouTube on the 23rd of August, 2023, at 6:30 p.m.

The meeting was called to order by John T. Deer, Supervisor, and the following were present, namely:

John T. Deer	Supervisor
Sara Bollinger	Councilor
Elaine Denton	Councilor
Alissa Italiano	Councilor
Katelyn M. Kriesel	Councilor
William Nicholson	Councilor
Heather Allison Waters	Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, on July 14, 2023, a petition (the “Petition”) was filed with Town Clerk of the Town of Manlius (the “Town Clerk”) to establish a ward system in the Town of Manlius (the “Town”);

WHEREAS, on August 4, 2023, the Town Clerk issued a letter stating that the Petition met the standards required under Election Law of nominating petitions and indicated to the Town Board that a special election shall be held within 60 to 75 days of the filing of the Petition;

WHEREAS, the 60 to 75 day period falls within September 12 – September 27, 2023;
and

WHEREAS, after discussing with the Onondaga County Board of Elections when the voting machines will be available, September 23, 2023 is the date that works the best for the availability of the machines; and

WHEREAS, the Town Board wishes to establish the date, time and location for a special election to consider the question of establishing a ward system in the Town on September 23, 2023 (the “Special Election”), and, to set forth the parameters of the Special Election.

NOW, THEREFORE BE IT RESOLVED, that:

1. The Special Election shall be held on September 23, 2023.
2. The Proposition before the voters, as set forth on the Petition, shall be:

“Shall a ward system be established in the Town of Manlius for the election of town councilors?”
3. The polling place for the Proposition shall be Manlius Town Hall, 301 Brooklea Drive, Fayetteville, New York 13066.
4. The time the polling place shall be open shall be from 9:00 am to 5:00 pm.
5. The Special Election shall be noticed in accordance with the provisions of New York Town Law Section 82 by the Town Clerk by causing to be published in a newspaper published in the Town a notice specifying the time when and place where the Special Election will be held, the hours during which the polls will remain open for the purpose of receiving ballots and setting forth in full the proposition to be voted on (the “Special Election Notice”). The Special Election Notice shall be published no later than September 13, 2023. In addition, the Town Clerk shall post or cause to be posted a copy of the Special Election Notice on the signboard of the Town at Town Hall no later than September 13, 2023.

6. The Town shall allocate the necessary funds to pay the cost of the Special Election and hereby designates the Onondaga County Board of Elections (the “Board of Elections”) to administer the Special Election in accordance with the relevant provisions of New York State law. Notwithstanding the foregoing, the Town Board shall appoint the election inspectors and ballot clerks for the Special Election based on the advice and counsel of the County Board of Elections and through the existing election inspectors and ballot clerk’s list it maintains.
7. The Town hereby establishes the Board of Registration (with two to four members to be appointed by the Town Board and based on the advice and counsel of the County Board of Elections and through the existing election inspectors and ballot clerk’s list maintained at the Board of Elections) (the “Board of Registration”). The members of the Board of Registration will be appointed at a special meeting to be held on September 6th, 2023 at 6:00 pm at Manlius Town Hall, 301 Brooklea Drive, Fayetteville, New York. The Board of Registration shall meet at Manlius Town Hall, 301 Brooklea Drive, Fayetteville, New York on September 8th, 2023 from 2:00 pm to 6:00 pm, September 9th, 2023 from 10:00 am to 2:00 pm, and September 11th, 2023 from 10:00 am to 2:00 pm (the “Board of Registration Dates”). The purpose of the Board of Registration and the Board of Registration Dates shall be to prepare a register of voters of the Town qualified to vote in the Special Election (the “Register”).
8. Prior to the first meeting of the Board of Registration, the Town Clerk shall (i) no later than August 30th, 2023 (a) cause to be published in a newspaper published in the Town a notice specifying the place and hours during which the Board of Registration shall meet for the purpose of preparing a register of qualified voters of the Town for the Special Election (the “Board of Registration Notice”), and (b) cause to be posted in five conspicuous places in the Town the Board of Registration Notice, and (ii) no later than August 31, 2023, obtain from the Board of Elections the list of names and addresses of all voters registered with the Board of Elections in the Town and shall turn the List over to the Board of Registration prior to their first meeting.
9. The Board of Registration shall compile the Register which shall consist of the following: (i) the names of all qualified voters and all other qualified voters who personally appear before the Board of Registration to register for the Special Election, (ii) those military voters; (iii) other voters who are absent by reason of confining illness or physical disability or whose duties, occupation or business required them to be outside of the State of New York, having the qualifications prescribed in this Paragraph and who have made application for absentee ballots as certified to them by the Town Clerk; and (iv) the names and addresses of all voters registered with the Board of Elections in the Town. The Register shall include, at a minimum, a space for the name of the voter and his or her address within the Town, a space for the voter’s signature to be signed on the day of the election and a space in which there shall be entered the qualifications for voters. All the provisions of Election Law in relation to the registration of voters shall, so far as applicable, apply to the registration

provided for by this Paragraph, except that no person shall be entitled to vote in the Special Election if their name does not appear in the Register.

10. The Register shall immediately upon its completion (and no more than eighteen hours thereafter) be filed in the Town Clerk's Office and shall be open, at all reasonable times, to inspection by any qualified voter of the Town on each day up to and including the day next preceding the day set forth for the Special Election. The Register shall be completed no later than September 13, 2023.
11. Absentee voting shall be allowed for the Special Election and shall be coordinated with the Board of Elections. The Town Clerk is hereby authorized and directed to work with the Board of Elections to prepare the necessary documents to issue absentee ballots and rely on its expertise in processing the absentee ballots and spend the necessary funds to coordinate this effort. Notwithstanding the foregoing, an application for an absentee ballot must be received by the Town Clerk (i) at least seven days before the election if the ballot is to be mailed to the voter, or (ii) at the day before the election if the ballot is to be personally delivered to the voter or his or her agent. For an absentee ballot to be eligible for the Special Election, all absentee ballots shall be received by the Town Clerk no later than 5:00 P.M. on September 23, 2023. The Town Clerk shall, on the day of the Special Election, transmit all absentee voters' envelopes, received by her, to the inspectors of election.
12. The Town Clerk shall make a list of all persons to whom absentee voter's ballots have been issued and keep such list on file in her office where it shall be available for public inspection during regular office hours until the day of the Special Election. Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reasons for such challenge. Such written challenge shall be transmitted by the Town Clerk to the election inspectors on September 23, 2023. Such list shall also be posted in a conspicuous place during the Special Election, and any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on such list, by making his or her challenge and the reasons therefor known to the election inspectors before the close of the polls. All other provisions of Town Law Section 84-a shall also apply to absentee ballots.
13. Upon the closing of the polls on September 23, 2023, 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 the proposition and the number of votes cast for and against the proposition, together with the name and address of every person voting at such election upon such proposition.

14. Aside from the notice requirements of Town Law (as set forth herein this Resolution), the Town Supervisor is hereby authorized to expend the necessary funds to undertake a community outreach effort to inform the Town electors about the Special Election.
15. The Town Supervisor is hereby authorized to take all steps necessary to ensure the Special Election shall take place pursuant to Town Law and Election Law and hereby has the authority to enter into an agreement with the Board of Elections to administer the Special Election pursuant to this Resolution.
16. The Town Board hereby further authorizes the Town Supervisor to work with the Board of Elections to make provision at the Special Election for affidavit ballots under the same terms, conditions and regulations allowed for under New York State Law.

I, ALLISON WEBER, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 23rd day of August 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 23rd day of August, 2023.

DATED: August 23, 2023
Fayetteville, New York



Allison Weber
Town Clerk of the Town of Manlius
Onondaga County, New York