

## Ballot for Proposed Amendments to the School Board Nominating Committee Resolution

Every year, the Joint Committee reviews the School Board Nominating Committee Resolution and, when deemed appropriate, recommends amendments, which then must be proposed to the public and approved by Scarsdale voters. The Committee proposed amendments to the public on **[publication date to be added]**. Following a 30-day public comment period, the Committee recommends the amendments described below. The entire text of the Resolution, marked to indicate the proposed amendments, is posted on line at <http://scarsdalesbnc.com/> and will also be available at the polling location.

Please vote 'Yes' or 'No' for each of the six proposed amendments below:

<b>Proposed Amendment No. 1</b>	Yes	No
<b>Add Certification to SBNC candidate petitions stating that neither the candidate nor anyone working on behalf of the candidate's campaign will engage in campaigning or election activities (other than voting) within 25 feet of the polling place. Add same prohibition in the section of the Resolution governing the conduct of the election for Nominating Committee members.</b>		

To help prevent campaigning directly at the polling place, and to allow voters to vote at the polling place without candidate interference, the Joint Committee recommends the following additions to the Resolution (additions underlined and deletions struck-through):

To Article II, Section C.3(b)(ii).

(ii) The petition shall contain a statement signed by the candidate stating that neither the candidate nor any person working on behalf of the candidate's campaign shall (A) complete or assist in the completion of a mail-in ballot to be submitted by any voter as permitted by Section 3(h) below ~~or~~, (B) handle any completed mail-in ballots, except that a candidate or any person working on behalf of a candidate's campaign may handle the completed mail-in ballot of such candidate or such person working on behalf of the candidate's campaign or (C) engage in any campaigning or election activities within 25 feet of the polling place at which a Nominating Committee election is being conducted, provided however, that such person shall be permitted to vote.

Inserting a new Article II, Section C.3(h)(iii) as below and advancing the subsection references [(iii) becomes (iv), etc.] for the balance of the section):

(iii) No candidate or person working on behalf of a candidate for election to the Nominating Committee shall be permitted to engage in any campaigning or election activities on behalf of a candidate within 25 feet of the location where a Nominating Committee election is being conducted, except that candidates and persons working on their behalf shall be permitted to vote.

<b>Proposed Amendment No. 2</b>	Yes	No
<b>Allow mail-in ballots to be received until 4 p.m. on the day of the election, rather than by 5 p.m. the day before.</b>		

To increase the number of mail-in ballots and improve voter turn-out, the Joint Committee recommends that mail-in ballots be accepted up until 4 pm (one hour prior to Post Office closing time) on the day of the election.

<b>Proposed Amendment No. 3</b>	Yes	No
<b>Revise locations where Administrative Committee records are kept and where proposed amendments to the Resolution are available for inspection.</b>		

Recognizing that many voters seek information via the internet, and that the internet is accessible to all voters at the Scarsdale Public Library, the Joint Committee recommends modifying Article II, Section 4 and Article IV, Section D.2.(b) such that the Administrative Committee (i) maintains the records available for reasonable inspection on its website and otherwise and (ii) makes proposed changes to the Resolution available for inspection at the Scarsdale Public Library and in Village Hall and electronically via the Committee website and other electronic distribution channels.

<b>Proposed Amendment No. 4</b>	Yes	No
<b>Clarify confidentiality obligations and permitted communications of Nominating Committee members when conducting due diligence investigations of candidates' backgrounds.</b>		

To clarify that Nominating Committee members necessarily disclose the identity of a candidate when conducting due diligence investigations of that candidate's background, the Joint Committee recommends modifying Article II, Section C.2., as shown below, to make clear both that such due diligence communications are permissible and that the results of such communications remain confidential:

The Nominating Committee shall interview all candidates. Candidates shall be questioned only on their experience and qualifications. Candidates shall be interviewed individually, shall respond to the same questions, and shall be afforded the same length of time to respond to such questions. However, if a candidate requests not to be interviewed, the Nominating Committee shall respect such request and shall nevertheless consider such candidate for nomination. Nominating Committee members shall keep in strict confidence all Nominating Committee deliberations concerning candidates for the Board of Education. ~~Confidentiality refers to any and all discussion by the Committee regarding candidates and not to the clarification of their biographies.~~ The requirement to maintain confidentiality does not extend to the conduct of due diligence investigations of candidates' backgrounds, in which event Nominating Committee members may indicate to third parties providing due diligence or background information that a person is a candidate for the Board of Education. The information obtained through such investigations, however, remains subject to the confidentiality requirement.

<b>Proposed Amendment No. 5</b>	Yes	No
<b>Clarify that a graduating member of the Nominating Committee may simultaneously serve on the Administrative Committee, as otherwise expressly contemplated by the Resolution.</b>		

Graduating members of the Nominating Committee technically remain members of the Nominating Committee until their replacements are elected in the next election. Thus, all such members serve on both the Nominating Committee and the Administrative Committee during such members' service on the Administrative Committee. There is currently an ambiguity in that Article II, Section A.1.(a) and (b) suggest that such persons cannot simultaneously serve on both Committees notwithstanding that the Resolution otherwise expressly contemplates such dual service. The Joint Committee recommends removing this ambiguity with the addition in those two subsections of the "Notwithstanding the foregoing" sentence, as shown below:

(b) Members of the Administrative Committee may not simultaneously serve on, and shall be ineligible for election to, either the Nominating Committee or ~~to the Citizens' the Citizens'~~ Nominating Committee for the nomination of Village officials (the "Citizens' Nominating Committee"). Notwithstanding the foregoing, a member of the Nominating Committee shall be permitted to serve simultaneously on the Administrative Committee and the Nominating Committee after the final meeting of the Nominating Committee in such member's final year of service on the Nominating Committee.

(c) The Chair of the Administrative Committee (the "Administrative Chair") and Vice Chair of the Administrative Committee (the "Administrative Vice Chair") may not simultaneously serve on the Nominating Committee, the Citizens' Nominating Committee, the ~~School~~ Board of Education or the Village Board. Notwithstanding the foregoing, a member of the Nominating Committee shall be permitted to serve simultaneously on the Administrative Committee (including as Administrative Chair or Administrative Vice Chair) and the Nominating Committee in such member's final year of service on the Nominating Committee.

<b>Proposed Amendment No. 6</b>	Yes	No
<b>Clarify, in a Section heading, that the Administrative Committee "recruits" candidates for the Nominating Committee and does not "select" them.</b>		

To make clear that the Administrative Committee does not "select" candidates, the Joint Committee recommends that the title of Article II, Section C.2. read "Recruit Nominees to the School Board Nominating Committee" rather than "Select Nominees to the School Board Nominating Committee."

<b>Proposed Amendment No. 7</b>	Yes	No
<b>Clarify provision that suggested that the entire Administrative Committee (rather than each member) must be a qualified voter.</b>		

The Joint Committee recommends a grammatical change to Article II, Section A.1.(a) as shown below:

(a) ~~The Each member of the~~ Administrative Committee ~~members~~ must be a "qualified voters of the School District" (as that term is defined in Article VI hereof).

<b>Proposed Amendment No. 8</b>	Yes	No
<b>Consistent Use of Defined Terms throughout Resolution.</b>		

To remove confusing and inconsistent terminology, and to improve the plain meaning of the Resolution, the Joint Committee recommends revisions throughout the Resolution to define the following terms and apply them consistently: “Nominating Committee”, “Administrative Committee”, “Citizens’ Nominating Committee”, “Administrative Chair”, “Administrative Vice Chair”, “Joint Chair”, “Joint Vice Chair”. In addition, the Joint Committee recommends using the full name “Joint Committee”, “Administrative Committee”, or “Nominating Committee”, where warranted, rather than simply “the Committee” to avoid ambiguity and confusion.

<b>Proposed Amendment No. 9</b>	Yes	No
<b>Consistent references to, and numbering of, sections of the Resolution</b>		

The Joint Committee recommends: (1) changing references of “a.” “b.” and “c.” to “(a)”, “(b)”, and “(c)”, as used elsewhere in the Resolution; (2) removing references to subsection “(a)” where there is no subsection “(b)”; and (3) consistently referring to other sections of the Resolution with the same format, namely as “Article X, Section Y” rather “Part X” or “Section Y of Article Z” or other inconsistent terminology.

<b>Proposed Amendment No. 10</b>	Yes	No
<b>Using active voice, rather than passive voice, to improve readability and comprehension of Resolution provisions</b>		

The Joint Committee recommends that the Resolution, in numerous instances, use the active voice (e.g., the “Joint Committee shall elect...”), rather than the passive voice (e.g., “... shall be elected by the Joint Committee”).