



MUNICIPAL BALLOT VOTES FOR LIBRARY FUNDING IN NEW YORK STATE

Inch by Inch, Row by Row: Using the Municipal Ballot
Option in Education Law 259 (1)(b) to Obtain Sustainable
Funding for Your Library [**Third Edition (2020)**]

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Acknowledgements

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This manual would not be nearly as valuable as it is without the hard work of **hundreds of library trustees, directors, and Friends of the Library groups** that have utilized this law over the past 25 years to give their neighbors the opportunity to stabilize, strengthen, and sustain their local libraries. What is not visible in this text are the hard-won lessons through the bravery, grit, and determination of those library advocates who have worked determinedly to ensure their institution can meet the needs of their community.

Third Edition Preface

Education Law 259, subdivision 1 as amended by chapter 414 of the laws of 1995, chapter 457 of the laws of 1996 and chapter 184 of the laws of 2007 in New York State allows libraries - in particular - municipal and association libraries the opportunity for a public vote on funding for the library.

History has shown that when citizens have the right to directly vote on how much to tax themselves for public library service, funding for public libraries stabilizes and becomes sustainable, allowing a library to more adequately respond to community needs. It doesn't get any simpler than that.

This publication is a general guide. I have noted where it will be important to speak with local and county officials, and sometimes legal counsel.

Before you begin to learn more about this process, I'd like to share this excerpt from the Preface in the First Edition by O'Connor and Linder:

Before getting into the mechanics of placing a proposal before the voters, it is important for the library board of trustees and key library staff to meet and discuss the ramifications of the process. A total commitment on the part of the board and key staff is important. The process will require an enormous amount of detailed work and planning; strategic and tactical decisions must be made very early in the process to assure the greatest chance of success.

The intent of this third edition is to serve as an enhanced road map, to build on the editions that came before, updating for changes in law and the hard-won experiences of the libraries that have used this process to make things smoother for the next generation of libraries looking to stabilize and grow their funding.

My hope is that this document will continue to serve as the road map for municipal ballot votes for library directors, trustees and Friends of the Library Groups. Libraries are beacons of hope throughout the great state of New York and deserve sustainable funding that results in programs, services and facilities that meet the needs of their communities and make a difference in citizens' lives.

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An Introduction to Municipal Ballot or “414” Votes

What is “Chapter 414”?

Chapter 414 refers to the chapter of the laws of 1995 in New York State in which Education Law 259 was amended to enable libraries of any type to enable the citizens of a municipality (village, town, city or county) served by the library to decide how much to tax themselves for library services. This vote must be held on the date of the general election in November and officially establishes the municipal budget appropriation for the library.

This type of vote is often referred to as a “414 vote,” a “municipal ballot vote,” or a “local vote.”

Why was Education Law amended to allow for 414 votes?

The intent of the amendment was to provide equality to those voters who did not have a direct voice to support improvements in the funding of their local library.

While special and school district public libraries inherently have public votes on the tax levies that support library operations, association and municipal public libraries had been left with no publicly directed funding mechanism defined by law. Citizens could establish an association or encourage their municipality to establish a public library but there was little leverage to compel a municipality to fund these types of libraries.

This inequality in access to public input on the level of funding for libraries of these types has caused a historic, and significant, under-funding of many public libraries and unequal access to library services for many citizens of New York State.

This law is permissive, not a mandate. A library board that has a good partnership with their municipality may choose to continue to rely on the good will of their municipal board for funding rather than take the issue to the voters.

Which types of libraries can use a 414 vote?

All types of libraries, that are registered (licensed) by the State Education Department, may use a 414 vote – association, municipal, school district public libraries and special district public libraries. However, given that school district public libraries and special district public libraries inherently have the right for a public vote on their funding this mechanism is used, almost exclusively, by association and municipal public libraries who do not inherently have the same right.

A school district public library or special district public library may opt to use a 414 vote to receive funding from an unserved municipality contiguous to their district. This approach would need to be investigated carefully with help from the public library system.

Exceptions: Excluded from the law are libraries in following counties: Bronx, Kings, New York, Queens, Richmond and Erie. Special district public libraries whose statutory authority contains language pre-empting any general laws may not use a 414 vote.

Library-like entities such as unincorporated and unregistered reading rooms or reading centers may not use a 414 vote. Such entities are not considered to be public or association libraries in New York State and therefore are not allowed under Education Law or Commissioner's Regulations to receive local or state public funding.

How does it work?

This process is grassroots democracy in action. It begins with a citizen-driven petition process. Signatures totaling, at least, 10% of the number of registered voters in the municipality that voted in the last gubernatorial election must sign a petition. This petition must be presented to the library board for approval. Once approved by the library board the petitions are moved on to the municipal clerk who ensures the accurate number of signatures are present. When confirmed the municipal clerk moves the petitions on to the county's board of elections for inclusion on the ballot for the general election in November.

A timeline for transmitting the petitions and publishing public notice of the vote is prescribed by New York State Election Law. This is discussed in detail in the “Timeline” chapter.

If the voters approve the ballot language at the general election the amount approved must be collected and provided to the library through the municipality. The amount approved by the voters remains unchanged until another petition process is enacted to request a new amount through the ballot at a general election.

Should an initial 414 vote fail the library board will need to continue to negotiate with the municipality for funding as it has done in the past. If an establishing 414 vote has been approved and a subsequent 414 vote fails, the library is held harmless and defaults back to the previously approved amount.

The municipality may not cut the funding to the library once a 414 vote has been established.

Timeline

At-a-Glance

1. April-May: Petition drive
2. June: Petitions considered by the library board
3. Early-to-mid July: Petitions are due to the municipal clerk*
4. Late July: Petitions are due to the Board of Elections*
5. November: General Election

*dates must be confirmed with the impacted officials (municipal clerk and county Board of Elections)

In Detail

Prerequisite: Strategic Plan developed with input from community members is in place.

Month	Action Items
January - February	<ul style="list-style-type: none"> • Reach out to your public library system for support. • Board agrees to pursue a 414 vote and decides on the amount to ask for via official vote. <ul style="list-style-type: none"> ○ It is recommended that the board pass a tax cap override resolution at this point <i>[see Sample Tax Cap Override Resolution language in the appendices]</i>. • Designated library spokesperson contacts the county Board of Elections to: <ul style="list-style-type: none"> ○ confirm petition format and submission deadline; ○ confirm the number of voters who voted in the municipality during the last gubernatorial election; and ○ request a list of registered voters for the municipality, preferably in MS Excel format.
March	<ul style="list-style-type: none"> • Case Statement and answer to “Frequently Asked Questions” developed. • Designated library spokesperson speaks with local officials, such as the town supervisor, and explains what you are doing and why.

	<ul style="list-style-type: none"> • Designated library spokesperson speaks with the municipal clerk to explain process, answer questions, confirm timeline and obtain any special instructions. • Develop your strategy for the petition drive including: <ul style="list-style-type: none"> ○ identification of petition drive volunteers who are registered to vote in the municipality; ○ events/locations where you can get many signatures at once; and ○ a script for staff and petitioners that includes answers to questions you are likely to receive.
April - May	<ul style="list-style-type: none"> • Provide training for petition volunteers. • Petition Drive <i>[see Petition Tips chapter]</i>
June	<ul style="list-style-type: none"> • Board votes on whether or not to accept the petitions. If vote passes, moves them on to the municipal clerk.
July	<ul style="list-style-type: none"> • Petitions and board resolution due to municipal clerk <ul style="list-style-type: none"> ○ confirm the due date in the first quarter of the year • Petitions due to county board of elections <ul style="list-style-type: none"> ○ confirm due date in the first quarter of the year ○ follow up to ensure municipal clerk has gotten them in on time
September	<ul style="list-style-type: none"> • Public education campaign launched <ul style="list-style-type: none"> ○ For resources visit the Vote Toolbox: http://vote.midhudson.org
October	<ul style="list-style-type: none"> • Monitor Board of Elections public notice process <ul style="list-style-type: none"> ○ Legal notices must be sent to two newspapers for each of the two weeks preceding the vote. According to New York State Election Law §4-120, the board of elections (BOE) is responsible for this but your board should ensure it happens or have a redundancy tactic planned. Nothing would prevent the library board from posting their own legal notices to ensure this component is completed. If you place your own public notice, request an affidavit of publication from the newspaper. Request a written confirmation of publication from the BOE and/or municipality if they handled the public notice.
November	<ul style="list-style-type: none"> • Public vote on the date of the general election

Petition Tips

- Contact the county board of elections in the first quarter of the year to:
 - confirm petition format and submission deadline;
 - confirm the number of voters who voted in the municipality during the last gubernatorial election; and
 - request a list of registered voters for the municipality which includes name, address, ward, party registration, and phone number for each voter, preferably in MS Excel. Create a list alphabetized by last name as the “walking list” to help petition volunteers check to ensure someone is registered to vote before signing.
- Have the wording of the petition reviewed by your public library system, county Board of Elections, and your municipality’s lawyer.
- A witness statement must be included on each signature page which includes their home address in the municipality.
- Space to notate the page number must be included on each signature page. This should be *left blank* until it is time to package all pages and submit them.
- Space to indicate the date must be provided next to each signature line. Include a sticky note on the petition with the correct date to reduce the changes of a voter using the wrong date.
- Volunteers who are carrying petitions must be registered voters in the municipality.
- Develop a script/answers to frequently asked questions for volunteers getting petitions signed. Provide volunteers with a sample completed petition sheet and instructions to avoid gathering signatures that may not be eligible.
- Look for local events where volunteers could get many signatures at once. Ask a local grocery store or other busy business if you may collect signatures outside

their store.

- When someone signs the petition, they must print their address but sign their name. Printed names are not acceptable.
- Prior to allowing someone to sign the petition, confirm the person is registered to vote in the municipality with the “walking list” described above.
- If a signer makes a mistake, they may cross out the information, and provide corrections but should initial each correction. If a date or signature is changed and the alterations are not initialed, the signature may be invalidated.
- It is not necessary for all of the signature lines be filled on each page.
- The volunteer witness carrying the petition must sign and date the witness statement.
- Before the witness submits their sheet(s) to the petition captain:
 - Dates next to all signatures?
 - Witness statement signed?
 - Number of signatures filled in?
 - Page numbers left blank?
- Obtain at least 20% more signatures than you need.

See Election Law §6215.1 for the “Rules for filing designating and nominating petitions.”
See Election Law §6215.2 for the rules related to “Cover Sheets”

Answers to Frequently Asked Questions

1. Does a successful 414 vote change the charter of the library?

No.

2. Do libraries have their own tax levy limit under the Property Tax Cap Law? If so, how is the limit overridden?

Answer provided by the Office of the State Comptroller in their publication, *“Real Property Tax Cap Information – Frequently Asked Questions”*¹:

“In accordance with guidance provided by the New York State Division of the Budget, a library (such as a special legislative district public library, school district public library, a municipal public library, or an association library) has its own tax levy limit if it (i) has a separate, independent elected or appointed governing board, and (ii) can require a municipality or school district to levy a tax on its behalf (which includes, where applicable, a tax levy approved by voters). To the extent the budget of a library is comprised of revenues generated by a tax levy of a municipality or school district that the municipality or school district is required to impose on behalf of the library, those tax revenues fall within the tax levy limit of the library. To the extent the budget of that library is comprised of revenues generated by the taxing authority of a municipality (such as a town or village), and that municipality is not required to impose that tax levy on behalf of the library, those tax revenues fall within the tax levy limit of the municipality. The library’s tax levy limit may be overridden by a resolution approved by a 60% vote of the total voting power of the library’s governing board. If the library governing board overrides the tax cap and the library budget or taxes to support the library is subject to voter approval, the proposition must be approved by only a simple majority of the voters (i.e. more

¹ <https://www.osc.state.ny.us/localgov/realprop/pdf/faqs.pdf>

than 50%), unless, in the case of a special act library district, it is otherwise provided in the special act creating the district.”

3. Is this “taxation without representation”?

No. The library board is not taxing citizens, they are simply authorizing a vote to be held for the citizens to vote on. Therefore, citizens are representing themselves in a directly democratic process.

4. Does the law require trustees of a library with a 414 vote to be publicly elected?

No. However, many association library boards have the option to hold a public election of library trustees at any time by amending their bylaws. It is important that the board first review the language of the library’s charter (incorporation) to be sure the charter allows for a bylaws amendment to hold a public election of library trustees. Trustees of municipal libraries are typically appointed by the municipality in accordance with the provisions of the library’s charter, so the library board will need to seek approval from the municipality in order to conduct a public election in lieu of appointment.

Association and municipal public library cannot compel a county Board of Elections to run the trustee election.

5. Is this a new tax?

No. The funds are still a municipal appropriation as they were before.

6. Will the amount approved for the library appear as a separate line item on the tax bill?

It can, however this is at the discretion of the municipality. It is recommended that the library board request this. The first time it appears separately it will show as a 100% increase, you will want to have an explanation ready when residents question this.

7. What is the difference between a 414 vote (a.k.a. municipal ballot vote) and a “259 vote” (a.k.a. school district ballot vote)?

New York State Education Law §259 allows for both the municipal ballot vote option, often referred to as a 414 vote for the reasons explained earlier in this publication, and a school district ballot vote option, often referred to as a “259 vote.” While there are many similarities between the two - board initiated ballot measure; public vote; if successful: dedicated, stabilized funding for a library - the difference lies in who is authorized to vote on the measure and who collects the taxes on behalf of the library should the vote be successful. In the case of a 414 vote, the citizens of the municipality have the right to vote on the levy for the library. If successful, the town acts as the taxing authority to collect the taxes and pass them on to the library. In the case of the 259 vote, the citizens who reside within the boundaries of the school district have the right to vote on the levy for the library. If successful, the school district acts as the taxing authority to collect the taxes and pass them on to the library.

8. Can a library hold both a 414 vote and a 259 vote?

Technically, yes. However, it is not advisable to create situations in which some taxpayers served by a library are taxed more than others or create situations in which households are taxed for multiple libraries. In New York a library serving an entire school district is either a school district public library or an association library. Most association libraries chartered to serve a school district take advantage of a 259 school district ballot vote. If the citizens of a school district or municipality are served by multiple libraries due to the chartered services areas of those libraries, it would be prudent to use one mechanism or the other (414 or 259) jointly to avoid unfair taxation situations. For more information on 259 votes please see *School District Ballot How-to Guide* from the New York State Library:

<http://www.nysl.nysed.gov/libdev/libs/pldtools/guide/1bltsd.htm>

9. Could a proposition be placed before the voters in one municipality for the support of two or more public libraries, which serve that municipality?

Yes. The proposition must stipulate how the money will be allocated to each of the libraries specified in the proposition. Consult an attorney on the wording of the petition and the proposition.

10. May a library hold 414 votes in multiple municipalities?

Yes. By using the same process in each municipality served, a library could be funded by two or more municipalities. Note that when a library is funded by two or more municipalities, a vote for a budget increase in one does not automatically drive an

increase in the other(s).

11. What is the total number of signatures that need to be collected?

Education Law calls for 10% of the number of voters who voted in the last gubernatorial election to sign the petition to authorize the proposition to be placed on ballot. Some libraries have reported that their municipal clerks advise them they will only need 5% because that is what they are familiar with for designating and independent nominating petitions under Election Law. However, in this case, Education Law is the standard and therefore you will need, at least, 10% of the voters to sign the petition.

12. Should more signatures than are required be collected?

Yes. It is recommended that the petition committee work to collect 20% or more additional signatures than are technically required to bridge any gaps caused by mistakes during signature collection.

13. Is there any special form for the petition? Is there a sample petition we can use?

Neither Education Law nor Election Law specifies any particular form. The safest thing to do is use a form similar to that used for nominating petitions. An example is available in the Appendices of this publication. It is advised that you review the petition with your public library system, county Board of Elections, and municipal attorney before collecting signatures.

14. How do we verify that a person who signed a petition is really registered to vote in the municipality?

The county Board of Elections can provide you with a list of the registered voters in the municipality. Signatures appearing on the petition may be verified against the list.

15. Where do we file the finalized petition with the required number of signatures?

Generally, the original petitions and the board's resolution authorizing the transmission of the petitions to the clerk will be filed with the municipality's clerk (i.e. town clerk). The clerk is then obligated to transmit a certified copy of the proposition to the county's Board of Elections. The Board of Elections is then obligated to place the proposition on the ballot and manage legal notices related to the proposition. It is recommended that the library scan the petitions electronically or make copies for their own reference before transmitting them to the clerk.

16. Does the municipal board (i.e. town board) need to vote to accept the petitions before the municipal clerk can transmit them to the county board of elections?

No. According to New York State Board of Elections the county Board of Elections does not require a municipal resolution, citing §4-108(2)(b) of New York State Election Law:

“..Whenever any proposal, proposition or referendum as provided by law is to be submitted to a vote of the people of a county, city, town, village or special district, at an election conducted by the board of elections, the clerk of such political subdivision, at least three months prior to

the general election at which such proposal, proposition or referendum is to be submitted, shall transmit to each board of elections a certified copy of the text of such proposal, proposition or referendum and a statement of the form in which it is to be submitted...”

17. When do petitions have to be filed?

You must confirm a due date with both the Board of Elections and the municipal clerk. New York State Election Law calls for a certified copy of the text of the propositions to be transmitted to the Board of Elections by the municipal clerk three months in advance of the Early Voting period (not Election Day) so a due date near the end of July is likely.

18. What is the role of the municipal clerk prior to the transmission of the petitions to the Board of Elections?

Upon receiving the petitions, the clerk will review the petitions to ensure an adequate number have been obtained to authorize them to move the proposition on to the Board of Elections. This will likely include checking the names to see if there were any alterations to entries and if the alterations were initialed by the signatory. The clerk may also note where someone has moved or passed away since signing the petition as well as check to see that signatures are dated and witness statements are completed.

19. What if the municipal clerk determines there are not enough signatures?

Should the clerk determine there are not enough signatures and the library board disagrees you may work with the clerk to prove your case, and should that negotiation fail, a judicial review of the determination in a court proceeding, known as an Article 78, can be pursued. Please note however, that in most cases, disagreements regarding the number of valid signatures can usually be resolved without going to court.

20. May the library use public funds to encourage voters to sign the petition to vote for the passage of the proposition?

No. You may not use public funds to encourage citizens to sign the petition or vote in favor of the proposal. You may, however, use public funds for educational purposes such as publicizing details of the library budget, how the increased funds would be used, what may happen should the funds not be secured, how to register to vote, how to vote by absentee ballot and the location of polling places. You should consult with your own attorney before spending public funds for these purposes to ensure that you do not cross the line between "educating" and "advocating."

Nonpublic funds, such as those raised by the "friends of the library," or a group organized specifically to promote the proposition, or from other private sources may be used to encourage people to sign the petition and to vote for the ballot proposal, provided that this does not conflict with a group's non-profit status. For more information about campaign finance please visit the New York State Board of Elections web site: <https://www.elections.ny.gov/CampaignFinance.html>

21. What is the difference between education and advocacy?

“Because libraries are prohibited from using public dollars to affect the outcome of an election, it is vital to understand the difference between education and advocacy and what libraries can do when publicizing an upcoming proposition vote.

Advocacy is the term applied to any effort that urges people to vote for or against a proposition or candidate. School districts, municipalities, public utilities and libraries may not use any public funds to support advocacy efforts. However, libraries may plan and execute an educational campaign that provides voters with the facts about the proposition. Trustees, a Friends group not directly funded by the library or others in the community may advocate in favor of the proposition by speaking out publicly, running ads, making telephone calls or sending out flyers, as long as they do not use public funds to support these efforts.

Here's an easy way to remember the difference between education and advocacy:

- Public libraries may urge people to vote on the referendum. Friends groups may urge people to vote yes!
- Public libraries may show a chart that compares its per capita spending with other local or similarly sized libraries. The Friends may directly ask voters to support a proposed tax increase that will increase per capita spending.
- Public libraries may say that the proposed budget increase will provide additional funding for needed services as identified in a community survey. The Friends can advocate for voters to approve the budget in order to improve library services or to add new services....”

Source: “*Education vs. Advocacy: A Primer,*” available on the New York State Library’s website: <http://www.nysl.nysed.gov/libdev/libs/pldtools/guide/h-edadv.htm>

22. Where can we find examples of other 414 libraries' education and campaign materials?

Visit the Mid-Hudson Library System's Public Library Vote Toolbox at <http://vote.midhudson.org>

23. What can we expect on election day?

It is recommended that you obtain a copy of the ballot prior to election day so you can educate voters as to what to expect to see when they go to vote. Propositions such as a 414 vote are often on the backside of a ballot so part of voter education will need to include a reminder to turnover the ballot so ensure voters do not miss the question.

As per New York State Election Law [ELN §8-104], electioneering within one hundred feet of a polling place is prohibited. Both library advocates and election workers need to respect this law. This means no signage, buttons or verbal attempts to influence voters are allowed.

24. What happens if the vote passes?

Should the vote pass the municipality will annually collect the amount specified by the voters and turn that over to the treasurer of the board upon written request. A sample request letter can be found in the appendix.

25. What happens if the vote fails?

Should the vote fail, the library defaults back to their previous financial condition:

- If no establishing 414 vote had occurred, the default position is to negotiate with the municipality for funding.
- If this was a 414 vote held after a previously successful 414 vote, the funding level would remain at the level formerly approved by the voters.

There is no contingency budget or re-vote option for libraries as there are for school districts as defined in Education Laws §2023 and §2007. The library board is encouraged to consult with the community, figure out what improvements are needed and then try again in the next year. A loss at the polls is not the end of the story, just a clear sign that more planning and community engagement is necessary.

Appendices

Appendix 1: Text of the Law

§ 259 of the New York State Education Law [subdivision 1 as amended by Chapter 414 of the laws of 1995, chapter 457 of the laws of 1996 and chapter 184 of the laws of 2007] <https://www.nysenate.gov/legislation/laws/EDN/259>

Appendix 2: Approval Memorandum No. 56 Chapter 414

MEMORANDUM filed with Senate Bill Number 3058-A, entitled:

"AN ACT to amend the education law, in relation to the funding of certain libraries"

APPROVED

Voters served by school district libraries and special tax district libraries are authorized to vote on library funding. Voters served by municipal libraries and free association libraries, however, are not authorized to vote on library funding. Funding of these libraries is determined by the governing bodies of the municipalities they are chartered to serve.

This bill will allow citizens served by municipal libraries and free association libraries located outside of New York City and Erie County to vote on whether the municipality they live in should increase its funding to a library that serves the municipality. To be on the ballot such a proposition would have to be supported by 10% of the voters of the municipality and be endorsed by the board of trustees of the subject library.

I believe that citizens should have a direct voice in their government. Direct participation by citizens in the governmental decision-making process results in policy decisions that are more reflective of the values and concerns of the citizenry. The bill before me today is similar to a bill I proposed which gives New Yorkers the constitutional right of citizen initiative and referendum.

In addition to allowing taxpayers, rather than tax spenders, decide how much of their tax dollars shall be spent in support of local libraries, this bill will help to evenly distribute the cost of financing public libraries. Under the existing library system structure, the residents of some municipalities that do not fund a library or that contribute very little to library funding are permitted to use the same facilities that the residents of municipalities that contribute much more are using. This inequity is not always caused by disparities in community wealth. Rather, in some library systems, certain municipalities are simply freeloading off other municipalities. Although this bill will not automatically eliminate this problem, it

allows voters of communities to decide to increase their library contribution if they feel they are not contributing their fair share.

This bill is good for many New Yorkers because it gives them a direct voice in an important governmental decision. It is good for libraries because it is likely to make them financially stronger. That, too, is good for New Yorkers.

The bill is approved.

Governor Pataki signed the above on August 2, 1995

(Signed) GEORGE E. PATAKI

Appendix 3: Sample Blank Petition

(IMPORTANT: Check with your local Board of Elections before using this form)

Petition to Vote to Fund the Clinton Community Library

I, the undersigned, do hereby state that I am a registered voter of the **Town of Clinton**, that my present place of residence is truly stated below my signature hereto, and that I do hereby petition **that the following question be placed upon the ballot and voted on at the next general election** of the **Town of Clinton**:

SHALL THE ANNUAL CONTRIBUTION OF THE TOWN OF CLINTON FOR THE OPERATING BUDGET OF THE CLINTON COMMUNITY LIBRARY BE AT ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000.00) ANNUALLY.

Date: _____ Signature: _____ Print: _____
Address: _____ Town: Clinton County: Dutchess

Date: _____ Signature: _____ Print: _____
Address: _____ Town: Clinton County: Dutchess

Date: _____ Signature: _____ Print: _____
Address: _____ Town: Clinton County: Dutchess

Date: _____ Signature: _____ Print: _____
Address: _____ Town: Clinton County: Dutchess

Date: _____ Signature: _____ Print: _____
Address: _____ Town: Clinton County: Dutchess

Date: _____ Signature: _____ Print: _____
Address: _____ Town: Clinton County: Dutchess

Date: _____ Signature: _____ Print: _____
Address: _____ Town: Clinton County: Dutchess

Date: _____ Signature: _____ Print: _____
Address: _____ Town: Clinton County: Dutchess

Date: _____ Signature: _____ Print: _____
Address: _____ Town: Clinton County: Dutchess

Date: _____ Signature: _____ Print: _____
Address: _____ Town: Clinton County: Dutchess

I, (Print Name) _____, state that I am a duly qualified voter of the State of New York. I now reside at (residence address) _____. Each of the persons that have signed this petition sheet containing _____ signatures have signed their names in my presence on the dates indicated above and identified themselves to be the same person who signed the sheet. I understand that this statement will be accepted for all purposes as the equivalent of an affidavit, and if it contains a materially false statement, shall subject me to the penalties of perjury.

Date: _____ Signature of Witness: _____ Page _____

Appendix 4: Sample Library Board Resolution – Petition Endorsement

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE WESTON TOWN LIBRARY

A meeting of the Board of Trustees of the WESTON TOWN LIBRARY was held at 4 p.m. on the 15th day of July 1995.

The following Trustees were present, constituting a quorum of the Board: Thomas Able, Kathleen Baker, Richard Carter, Eileen Dennis, Steven Edwards, Margaret Francis, Robert George, and Denise Harris.

The following motion was made, seconded and unanimously carried:

WHEREAS, there has been presented to the Board of Trustees of the Weston Town Library a petition signed by qualified voters of the Town of Weston in a number exceeding ten (10%) per centum of the total number of votes cast for Governor in the Town of Weston at the last gubernatorial election, asking that the following question be placed upon the ballot and voted on at the next general election of the Town of Weston:

SHALL THE ANNUAL CONTRIBUTION OF THE TOWN OF WESTON FOR THE OPERATING BUDGET OF THE WESTON TOWN LIBRARY BE INCREASED BY TWELVE THOUSAND (\$12,000.00) DOLLARS TO THE SUM OF TWO HUNDRED THOUSAND (\$200,000.00) DOLLARS ANNUALLY,

and

WHEREAS, the endorsement of this Board of Trustees of the Weston Town Library is required before such question may be placed upon the ballot

NOW, THEREFORE, BE IT RESOLVED, that this Board of Trustees hereby endorses the petition presented to it and directs that the following question be voted on at the next general election of the Town of Weston:

SHALL THE ANNUAL CONTRIBUTION OF THE TOWN OF WESTON FOR THE OPERATING BUDGET OF THE WESTON TOWN LIBRARY BE INCREASED BY TWELVE THOUSAND (\$12,000.00) DOLLARS TO THE SUM OF TWO HUNDRED THOUSAND (\$200,000.00) DOLLARS ANNUALLY,

Thereupon the resolution was passed by a vote of eight (8) in favor, none (0) opposed.

The undersigned, Secretary of the Board of Trustees of the Weston Town Library, hereby certifies that the above is a true copy of a resolution passed by the Board of Trustees of the Weston Town Library on the 15th day of July 1995.

Appendix 5: Sample Letter to Election Officials

(LETTERHEAD)

[DATE]

[NAME], [TITLE]
[MUNICIPALITY]
[ADDRESS]

Dear [NAME]:

Enclosed please find a certified copy of a resolution adopted by the Board of Trustees of the [LIBRARY NAME] together with an original petition consisting of [NUMBER] pages and containing [NUMBER] signatures asking that the following question be placed on the ballot and voted on at the next general of the [MUNICIPALITY]:

SHALL THE ANNUAL CONTRIBUTION OF THE [MUNICIPALITY] FOR THE OPERATING BUDGET OF THE [LIBRARY NAME] BE INCREASED BY [AMOUNT] DOLLARS TO THE SUM [AMOUNT] DOLLARS ANNUALLY.

Pursuant to NYS. Election §4-108, please transmit a certified copy of the text of this ballot proposal and a statement of the form in which it is to be submitted to each appropriate Board of Elections within the time limits set forth by law.

Please note that pursuant to NYS. Education Law §259(1), "due public notice" of this proposed action must be given prior to the election.

Thank you for your assistance. If we need to do anything further to place this question before the voters at the next general election, please advise.

Very truly yours,

[NAME], Board President

Appendix 6: Sample Public Notice

NOTICE OF SUBMISSION OF QUESTION
TO VOTERS OF THE [MUNICIPALITY]
AT NEXT GENERAL ELECTION

Notice is hereby given that, pursuant to NYS. Education Law §259(1)(b), and in accordance with the provisions of the N.Y.S. Election Law, the following question will be submitted to the qualified voters of the [MUNICIPALITY] at the General Election to be held on the [NUMBER] day of November, [YEAR]:

SHALL THE ANNUAL CONTRIBUTION OF THE [MUNICIPALITY] FOR THE OPERATING BUDGET OF THE [LIBRARY NAME] BE INCREASED BY [AMOUNT] DOLLARS TO THE SUM [AMOUNT] DOLLARS ANNUALLY.

Further notice is hereby given that said election shall be held at the [LOCATION/LOCATIONS] in the [MUNICIPALITY], on the [NUMBER] day of November [YEAR], and that the polls will be open on that day between the hours of [TIME SPAN].

[NAME]

[TITLE OF MUNICIPAL CLERK], [MUNICIPALITY]

Appendix 7: Sample Tax Cap Override Resolutions

Sample Tax Cap Override Resolutions, New York Library Association

https://www.nyla.org/images/nyla/files/Sample_Tax_Cap_Override_Resolution.pdf

Appendix 8: Information for Your Municipal Clerk

The library board is using a process defined in paragraph b of subdivision 1 of section 259 of NYS Education Law, often referred to as a “Chapter 414” vote to request annual funding for the library’s operating budget from the voters of the municipality.

The vote is conducted along municipal lines and held during the general election.

This is a line item in the municipal budget for the next fiscal year.

If successful the amount approved would be a municipal appropriation collected by the municipality and passed on to the library board.

The process involves:

- A petition to allow the measure to appear on the ballot
 - 10% of voters in the last gubernatorial election must sign the petition
- The petition will be presented to the municipal clerk in July
- Municipal clerk sends them on to the County Board of the Elections to be included on the ballot in November (a minimum of 3 months to Election Day)

This will not impact the town’s tax cap.

“In accordance with guidance provided by the New York State Division of the Budget, a library (such as a special legislative district public library, school district public library, a municipal public library, or an association library) has its own tax levy limit if it (i) has a separate, independent elected or appointed governing board, and (ii) can require a municipality or school district to levy a tax on its behalf (which includes, where applicable, a tax levy approved by voters). To the extent the budget of a library is comprised of revenues generated by a tax levy of a municipality or school district that the municipality or school district is required to impose on behalf of the library, those tax revenues fall within the tax levy limit of the library. To the extent the budget of that library is comprised of revenues generated by the taxing authority of a municipality (such as a town or village), and that municipality is not required to impose that tax levy on behalf of the library, those tax revenues fall within the tax levy limit of the municipality. The library’s tax levy limit may be overridden by a resolution approved by a 60% vote of the total voting power of the library’s governing board. If the library governing board overrides the tax cap and the library budget or taxes to support the library is subject to voter approval, the proposition must be approved by only a simple majority of the voters (i.e. more than 50%), unless, in the case of a special act library district, it is otherwise provided in the special act creating the district.” Source: “*Real Property Tax Cap Information – Frequently Asked Questions*” (page 2), Office of the State Comptroller [<https://www.osc.state.ny.us/localgov/realprop/pdf/faqs.pdf>]

Appendix 9: Sample Answers to *Frequently Asked Questions* for the Public



CLINTON COMMUNITY LIBRARY

November 2017 General Election

Library Proposition (414) Vote

UPDATED Frequently Asked Questions (FAQ)

as of September 23, 2017

1. What is a 414 vote?

It is a proposition on the election ballot in November that allows taxpayers to earmark a specific amount of their town tax dollars for the Library.

2. Why is our Clinton Community Library recommending that we take this action?

The current funding for the Library is derived from a patchwork quilt of sources. This structure is unreliable and puts the Library at risk. We are recommending this action so that the Library can consistently meet the needs of the community.

3. What is the relationship between the Town and the Library?

The Library currently asks the Town Board for funding each year. The Town Board then decides how much money to give to the Library. The Town also provides the Library with its physical space and utilities. Our current level of services and programs, reflecting the demands of the community, require more funding than the Town Board has provided. We are recommending that town voters earmark a specific amount of their tax dollars for the Library, so that the basic operating costs are covered and we can reliably maintain the current level of service to the community.

4. How is our Library currently funded?

Every year the Town Board decides how much money to give to the Library. Currently, the Town appropriates \$54,884 to the Library, which for taxpayers equates to about \$8.00 per \$100,000 of assessed property value per year of your taxes. For instance, if your property is assessed at \$250,000, you are currently supporting the Library with \$20.00 of your Town property taxes every year. The amount provided in the Town budget has been held flat over the last six years and covers only half of the Library's operating costs. Our Library Director and Trustees must scramble every year to find additional funding through grant applications, numerous fundraisers, and personal appeals for support.

5. How much money is the Library requesting?

The Clinton Community Library Board of Trustees is proposing an annual taxpayer contribution of \$115,000 to be funded from the Town property taxes. Based on our calculations, this would entail an annual household contribution of approximately \$16.00

for every \$100,000 assessed in property value. So, for example, if your assessment is \$250,000, approximately \$40.00 of the taxes you pay to the Town of Clinton will go directly to the Library.

6. Will this create a new tax district?

No. This will not create a new tax district. The Library will retain its legal status as an association library. This vote simply sets the amount of Town taxes coming to the Library.

7. Our taxes go up every year – will the library tax automatically go up every year too?

No. Any increase in funding must be approved by a majority vote in a Town-wide election

8. How will the money be spent?

Most of our budget goes towards basic operating costs: personnel costs to keep the library open 36 hours a week and other expenditures necessary to meet our patrons' growing demands for current circulation materials (such as new books and DVDs). A smaller portion will go towards other community services and outreach – regularly publishing a newsletter and hosting more programs and special events.

9. How do other towns fund their libraries?

The majority of community libraries in the Mid-Hudson Library System, including 16 of the 19 towns in Dutchess County, are supported by earmarked taxes approved by voters under Chapter 414 – exactly what we are proposing for the Town of Clinton. The Town of Clinton currently spends the least amount per capita on its library of all towns in Dutchess County!

10. What will happen if this 414 vote fails?

As in the past, the Library Board will return to the Town Board seeking operational funding. We will have to base the extent of our services on the Town's appropriation. The Library will work hard to meet the needs of the community, but we will have to make adjustments. The Library will be forced to reduce hours, programming and purchases, and could even close permanently. If the Library does close, your access to neighboring library services will be restricted unless the Town of Clinton agrees to contract for services with an out-of-Town library, which will cost more than the amount we are requesting.

11. When and where is the vote? Who can vote?

All residents of the Town of Clinton that are registered to vote in the Town of Clinton can cast their Ballot on Tuesday, November 7, 2017, General Election Day.

Vote at your regular voting location: the Clinton Town Hall, the East Clinton Fire House or the West Clinton Fire House. The polls will be open from 6:00am to 9:00pm

The Library propositions will be located on the back of the ballot, and will be a simple "Yes" or "No" question.

Appendix 10: Challenges to the Law & Outcomes

2004: George F. Johnson Memorial Library et al. v. Gail Springer, as Clerk of the Town of Union, et al.

Town of Union Town Clerk attempts to refuse to certify the ballot proposition for the George F. Johnson Memorial Library & Your Home Public Library using the argument that a library would first have to be funded by a municipality before using the 414 process to increase municipal funding to the library.

Outcome: Court rules in favor of the libraries, ballot is allowed.

2007: Julia L. Butterfield Memorial Library v. The Town of Philipstown, the Town Board of the Town of Philipstown, and William Mazzuca, Supervisor of the Town of Philipstown (part 1)

Town of Philipstown attempts to refute the outcome of a successful 414 ballot proposition based on an argument that proper due notice was not given.

Outcome: Court rules in favor of the libraries, orders town to fund the library at the level approved by the voters.

Julia L. Butterfield Memorial Library v. The Town of Philipstown, the Town Board of the Town of Philipstown, and William Mazzuca, Supervisor of the Town of Philipstown (part 2)

Town of Philipstown appeals the court's decision.

Outcome: Court upholds initial finding, ruling in favor of the library.

2008: George F. Johnson Memorial Library et al. v. Town Board of Union et al.

Town of Union proposed a competing proposition to the libraries 414 proposition to eliminate all Town funding for the libraries.

Outcome: Court rules in favor of the libraries, declares the town's proposition illegal. *

*The court notes in their decision the absence of a mechanism within the 414 law to lower municipal funding to a library. The New York Library Association may pursue a change to the law to mimic wording found in section 259 of NYS Education Law relating to school district ballots to allow for the decrease of funding through the library board.

Appendix 11: Sample Funding Transmission Request Letter

(Letterhead)

[HEAD OF MUNICIPALITY]

[ADDRESS]

[DATE]

Dear [NAME],

This letter serves as notice that the [LIBRARY NAME] Board of Trustees request the library funds, collected by the town on behalf of the library, be turned over to the [LIBRARY NAME] Treasurer at this time. This request is made in accordance with Section 259 of New York State Education Law which states,

“.... money received from taxes and other public sources for the support of a public library or a free association library or a cooperative library system shall be paid over to the treasurer of such library or cooperative library system upon the written demand of its trustees.”

Should you have any questions related to this matter please contact our attorney, [NAME and CONTACT INFO].

Sincerely,

[NAME], Board President

Appendix 12: First Edition Preface

First Edition Preface

The following document is briefer and less detailed than we had intended. We had planned a comprehensive set of questions and answers to address most of the concerns in public libraries of all types for the implementation of Chapter 414 of the laws of 1995 in New York state but New York's election law is, in places, about as vague, as precise, as complicated and as inscrutable as education law is for public libraries. To complicate matters further, the laws governing elections in cities, towns, villages and counties are not all the same.

Many of the answers, then, to the common questions include a suggestion that you consult with a local attorney and local municipal officials. The following is a first edition. We hope for comments from public libraries of all types from all parts of the state so that we may refine this document in succeeding editions.

The term "public library," in this document includes municipal, free association, school district and special tax district public libraries.

This publication is only a general guide: specific questions regarding the time limits, petition forms and expenses can only be answered by local election officials.

Before getting into the mechanics of placing a proposal before the voters, it is important for the library board of trustees and key library staff to meet and discuss the ramifications of the process. A total commitment on the part of the board and key staff is important. The process will require an enormous amount of detailed work and planning; strategic and tactical decisions must be made very early in the process to assure the greatest chance of success.

Timing: The 1995 general election in November is probably too soon upon us for use of the new law by most public libraries in the state. Placing a ballot proposal for an increase in public funds requires a very careful education campaign targeting voters who are likely to vote in favor of the proposition.

Public libraries in New York State affected by this law can thank Senator Hugh Farley and Assemblymen Martin Luster and Edward C. Sullivan who promoted the bill that finally became law. Governor George Pataki's strong endorsement of the bill is also greatly appreciated.

*Michael O'Connor, Director
Southern Adirondack Library System*

*Edward Lindner, Attorney at Law
Saratoga Springs, New York*