March 11, 2020

To: Village Clerks, Deputy Clerks and Attorneys  
Cc: Mayors, Managers and Administrators  

From: Peter A. Baynes, NYCOM Executive Director  

Re: Village Elections and COVID-19

As federal, state, and local governments continue to prepare for and respond to coronavirus (COVID-19) exposures, there are several steps that local governments may consider to ensure safe polling places for the upcoming village elections.

- **Prepare the polling place.** The Center for Disease Control and Prevention (CDC) reports that transmission of COVID-19 virus occurs through contact of respiratory droplets. While transmission of the disease through contact with contaminated surfaces is less common, the CDC recommends cleaning and disinfecting shared surfaces to prevent the spread of COVID-19 and other viral illnesses in election polling places. When available, provide hand sanitizer at the polling place for use by election inspectors and voters. Additionally, the CDC recommends routine cleaning and disinfection of frequently touched surfaces with products that have been approved to be effective against the virus that causes COVID-19. The full list of these products is available [here](https://www.cdc.gov). Additionally, the CDC recommends that election inspectors stay home if they are have a fever or are experiencing respiratory symptoms.

- **Plan for absent election inspectors.** In preparing for Election Day and to ensure there are a sufficient number of election inspectors to conduct the election, the village board of trustees may consider holding a special meeting to appoint “additional election inspectors.” See Election Law § 3-406. If an election inspector is absent the day of the election, the clerk may direct an “additional election inspector” to act in place of the absent election inspector. Note that the provisions of Election Law § 3-406 do not perfectly align with the structure of village conducted elections. Nonetheless, villages may rely on the authority of Section 3-406 to use “additional election inspectors.” Villages may wish to consider appointing village employees as “additional election inspectors.” Keep in mind that inspectors are public officers and must file an oath of office prior to executing their official duties.

- **Expect increased absentee ballot applications.** Given the myriad concerns surrounding the spread of COVID-19, many more residents may request the use of absentee ballots. In granting absentee ballot requests, village clerks are not determining whether the applicant is a qualified voter. Instead, the voter is qualified by the election inspectors on election night when the absentee ballots are qualified and canvassed. Village clerks must be consistent in providing absentee ballots to those who request them.

NYCOM will continue to work with our member villages to ensure safe and effective elections. For further assistance or questions, please visit [https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html](https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html) or contact NYCOM counsel, Rebecca Ruscito at 518-463-1185 or rebecca@nycom.org.