

Inch by Inch, Row by Row:

Implementing Chapter 414 of New York State's 1995 laws,
the "local votes law" for public libraries

Second Edition (2009)



This second edition was prepared by Josh Cohen & Rebekkah Smith Aldrich of the Mid-Hudson Library System in 2008, building on the work of Edward Michael O'Connor and Edward Lindner of the Southern Adirondack Library System.

Second Edition Preface

This second edition of *Inch by Inch, Row by Row* is an expansion of the document created by the Southern Adirondack Library System. A document that has served as the roadmap for dozens of libraries across New York State to achieve sustainable funding.

In the preface to the first edition of *Inch by Inch*, Michael O'Connor and Edward Lindner noted that it was briefer and less detailed than they had intended because of the vague nature of the New York's election law and the differences in laws governing elections in cities, towns, villages and counties around the state. While law and procedure environments for elections has not changed much in the decade since the first edition many libraries have soldiered through and learned lessons worthy of being shared, sometimes the hard way.

Chapter 414 of the laws of 1995 in New York State allows libraries – in particular - municipal and association libraries the opportunity to put their budget up for a public vote.

History has shown that when the public votes on how much to tax themselves for public library service, public libraries are funded better. *It doesn't get any simpler than that.*

Excerpt from the Preface in the First Edition (read the full first edition preface in the appendices):

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.

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The intent of this second edition is to serve as an enhanced roadmap, to build on the invaluable first edition and to include the experiences of the libraries that have used this process to make things smoother for the next generation of libraries looking to stabilize and increase their funding.

Our hope is that this document will continue to serve as the "414 Bible" for library directors, trustees and Friends.

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Mid-Hudson Library System
January 2009

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Appendices 3 through 7 were prepared by attorney Edward Lindner.

An introduction to Chapter 414

What is Chapter 414?

Chapter 414 of the laws of 1995 in New York state, hereafter referred to as “Chapter 414,” enables libraries of any type to put their budget up for a public vote, held on election day, to establish the municipal budget appropriation for the library.

Should the vote pass, the municipality will fund the library at the approved level.

Chapter 414 does not change the charter of the library. It only impacts the municipal appropriation for the library.

The amount approved will remain unchanged until another Chapter 414 vote is initiated by the library board. Should a subsequent 414 vote fail the amount approved through the previous successful vote remains in effect.

Should the initial vote fail the library will need to negotiate with the municipality for funding as it has done in the past. This means initial contact with a town supervisor and town board prior to a library’s first 414 vote should include a discussion about the realities of a failure and how the town would fund the library in that case.
[see the *Municipality Communications* section for more information]

Which libraries can use Chapter 414?

All types of libraries can use Chapter 414*. (**For the exceptions see FAQ #4*)

Of the four types of libraries in New York, association, municipal public libraries, school district public libraries and special district public libraries, two do not inherently have their budgets voted on annually – association and municipal public libraries. Chapter 414 is of particular interest to these two types of libraries as it serves as a mechanism to have municipal tax dollars appropriated for public library services at a level decided upon by a public vote.

A special or school district public library might opt to use the Chapter 414 process to receive funding from an area served by the library that is not included in their chartered service area. However, this is very rare. This approach would need to be investigated carefully to be sure it was applied fairly. It is suggested that you speak with your system before pursuing this course of action.

What is the process for implementing Chapter 414?

[Please note, an more in-depth process timeline tied to campaign strategy suggestions can be found in the next section of this document.]

- ❑ A library board determines the need to pursue this process by:
 - Investigating their community's needs
 - *Through: focus groups, community surveys, patron feedback, front-line staff reports, analysis of economic trends facing the community, speaking with community leaders*
 - Determining how much it will cost to meet those needs
 - Researching their funding options through discussions with their public library system

- ❑ A campaign committee meets to strategize the rollout of the Chapter 414 process.

- ❑ Designated library spokespeople approach the municipal official(s) (ex: town supervisor / town board) to explain the process (if it is the first vote) and ask for their support. [see the *Municipality Communications* section for more information]

- ❑ Designated library spokesperson contacts the municipal clerk and county Board of Elections to learn about any particular requirements for the submission of the petitions and appropriate public notice.
[see the *Municipality Communications* section for more information]

- ❑ A petition must be signed by ten percent of the total number of votes cast in the municipality for governor at the last gubernatorial election
[See *Petition Tips* section]

- ❑ The library board passes a resolution supporting the petition to put the budget proposition.

- ❑ The signed petitions and board resolution are submitted to the municipal clerk at the designated time. (During the aforementioned conversation with the municipal clerk and Board of Elections the file-by date should be confirmed. At a minimum, the local clerk must submit the certified copy of the proposition to the local Board of Elections at least 36 days prior to the election itself. Your petitions and resolution must be filed in sufficient time to allow the Clerk to fulfill this requirement.

- ❑ "Due public notice" is given. According to NYS Election Law §4-120 due notice would be: *"publish(ed) once in each of the two weeks preceding a general election...in two newspapers published within the county."* While the law states that the board of elections is supposed to do this, you will need to check with them and make sure it happens. [see the *Municipality Communications* section for more information; Sample public notice: Appendix 7]

Timeline

This timeline combines the steps in the process to get your vote on the ballot with suggested activities that need to take place to get your vote passed. The goal is to give a library an idea of the workload and number of volunteers needed to be a success.

Month	414 Process Action Item	Suggested Campaign Activities
January – March	<ul style="list-style-type: none"> Talk to your System and other libraries that have done successful 414 votes about the process. 	<ul style="list-style-type: none"> Assess community needs; what services do people want from the library? Think about who would oppose a vote on your budget. How can you target services and communication for this group? Gather statistics & resources to support your case Make your budget reports transparent and easy to understand Educate staff on the needs of the library
April	<ul style="list-style-type: none"> Board agrees to pursue a 414 vote and decides on the budget amount to ask for via official vote. Designated library spokesperson speaks with local officials and explains what you are doing and why. Petition <ul style="list-style-type: none"> Write draft petition Check with Board of Elections about wording Check with local municipal clerk for specifics 	<ul style="list-style-type: none"> Creation of an overall Public Relations effort. See the MHLS <i>Public Library Vote Toolbox</i> at http://midhudson.org/vote/ Identify roles and responsibilities within the campaign Use the MHLS <i>Magic Quadrant</i> to identify current supporters and groups to target for additional support. [http://midhudson.org/GTY/toolkit/magic-quadrant.htm] Begin creating a supporter database or spreadsheet that you can use to connect with “yes” voters throughout the campaign and for Get Out the Vote activities. Add names to this list throughout the campaign. Arrange for voter registration at the library.
May	<ul style="list-style-type: none"> Obtain a list of registered voters from the Board of Elections Develop strategy for petition drive including identifying volunteers who are registered to vote, events where you can get lots of signers at once and a script for staff and petitioners. 	<ul style="list-style-type: none"> Identify community groups that will support the library. Confirm at least two “champions” in the community that will endorse your campaign. Create a “Friends & Allies” Group or email list of 10-20 well-connected patrons who will support your cause. Begin a letter to the editor campaign. Issues non-vote related press releases about library services, return on investment, etc.
June-July-August	<ul style="list-style-type: none"> Get petitions signed. [See <i>Petition Tips</i> section] Identify dates of municipal meetings and target one for petition submission to help the Town Clerk meet the submission deadline to the Board of Elections (minimum 36 days prior to election day.) By August 31 petitions should be completed. 	<ul style="list-style-type: none"> Create messages that will form the basis for all marketing & PR activities within your vote campaign. Coach staff, trustees, Friends and “Friends & Allies” on messages to ensure consistent promotion of the vote. Develop Frequently Asked Questions (FAQ) guide that provides strong answer to questions about the vote. Determine registered vs. non-registered patrons eligible to vote. Develop campaign promotional materials Get FAQs on your web site and circ desk Begin targeting efforts (programs, mailings, presentations, etc.) Begin educating the media Identify tasks for fall portion of the campaign

<p>September</p>	<ul style="list-style-type: none"> • Prepare for public reaction to 414 announcement • Petitions must be submitted to town board. (minimum 36 days prior to election day). [see <i>Municipal Communications</i> section for more details and tips] • Assign someone to follow up and insure petitions are sent to Board of Elections by the municipality within the timeframe above. • Public announcement of 414 	<ul style="list-style-type: none"> • Continue media relations • Initiate direct contact through phone calls, mailings, programs etc. as deemed necessary • Send letter to regular users • Send direct mail piece/pieces to supporters
<p>October</p>	<ul style="list-style-type: none"> • Monitor Board of Election 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 NYS Election Law, the board of elections is supposed to do this, but you should check with them and make sure it happens. [Sample public notice: Appendix 7] 	<ul style="list-style-type: none"> • Door-to-door campaign activities (if deemed necessary) • Friend-to-friend campaign activities (if deemed necessary) • Create Band Wagon PR piece that shows breadth of community support • Letters to the editor; stress needs identified through community needs analysis process • Get Out the Vote strategy for the week and days prior to Election Day
<p>November</p>	<ul style="list-style-type: none"> • If you win: send thank you notes to all involved; communicate changes/improvements that will take place at the beginning of next year with the new funds • If you lose: figure out what went wrong; plan for next year 	<ul style="list-style-type: none"> • Mail Band Wagon piece • Create scripts and recruit volunteers for reminder phone calls the night before the vote • Initiate reminder phone calls to yes voters the night before (include friends and family eligible to vote "yes") • Arrange for poll watchers to increase yes voter turnout the day of the vote • Arrange rides to polls for yes voters who will need them the day of the vote

For more help visit the Mid-Hudson Library System's *Public Library Vote Toolbox: Know-how for your library's vote* at <http://midhudson.org/vote>



Questions & Answers

1. What was the rationale behind the law?

While special and school district public libraries have their budgets voted on through establishing legislation, association and municipal public libraries were left with no funding mechanism defined by law. Voters could establish a local association or municipal public library but had no way to ensure it was adequately funded.

The inequality in access to public input on library funding has caused gross under-funding of many public libraries and unequal access and services for a large part of New York State's population.

[See text of the law in bold font: Appendix 1]

2. What is the intent of the law?

The intent of the law is to provide equality to those voters who did not have a direct voice to support improvements in local public library funding and services at the local level.

The law is permissive; it is not a mandate. A library board happy with its funding from a local municipality may ignore the new law and continue the existing practices of requesting funds from the municipality.

3. Isn't this taxation without representation?

No. The library is not taxing, they are putting the budget up for a vote.

The public is voting on the amount to tax themselves, through the municipality, for library services thereby representing themselves in a directly democratic way.

A library board may choose to have trustees elected by the public at any time.

4. Which public libraries are affected by the law?

It applies to almost all public libraries in the state except for those in the counties of Bronx, Kings, New York, Queens, Richmond and Erie. The new law also excludes libraries not members of a cooperative or federated public library system. Also excluded are any special tax district public libraries where the statutory authority contains language pre-empting any general laws.

5. What is the difference between a 414 vote and becoming a special district?

Chapter 414 allows for a library to place a proposition on the ballot to let taxpayers have a say in how much a municipality will spend on library services.

Becoming a special district library involves having legislation written at the state level to re-charter your organization so that you become a separate taxing entity. Once you are a special district library your budget is voted on and your trustees are elected annually. Your library would then fall under civil service and be eligible for the NYS Retirement System. It is a complete change of the type of library you are.

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

Chapter 414 allows for a library to place a proposition on the ballot to let taxpayers have a say in how much a municipality will spend on library services. It will follow municipal lines, not school district lines as the 259 vote does.

New York State Education Law § 259 provides public libraries in New York State (including Association Libraries) with the ability to place a funding proposition on a school district ballot*. In New York it is unlikely that a library currently servicing an entire school district is not already a school district public library. Therefore, if you share a school district with other libraries it would be prudent to use this mechanism jointly to avoid unfair taxation.

*This process often requires that the library board simply pass a resolution notifying the school board that it wants to place a funding proposition on the ballot for the upcoming school district election. However, local school districts may require a formal petition process. That entails gathering 25 signatures in support of the proposition from eligible voters residing within the school district. For more information see the *Public Library Districts: An Introduction; Creating Public Library Districts in New York State: a “how-to” guide* [<http://www.nysl.nysed.gov/libdev/libs/pldtools/guide/1bltsd.htm>]

7. Does this mean our trustees will now have to be elected by the public?

The law does not require that trustees be elected in order to make use of Chapter 414.

However, it is an option. If pursued, the election could demonstrate a commitment to transparency in government that may win over those skeptical (about the nature of association libraries in particular.) Municipal libraries could do this if the town supervisor (or equivalent) agreed.

8. Is this a new tax?

No. The funds are still part of the municipality’s budget.

9. Will the library amount appear as a separate line on the tax bill?

This is at the discretion of the municipality. The library may request this.

10. Our library would like to place a budget resolution before the voters. How do we start?

The rules for placing propositions on the ballot are different for different kinds of municipalities. Before you do anything else, it is important to meet with your local Board of Elections and municipal Clerk to discuss local requirements. For counties, towns and cities, you should talk to the County Board of Elections and the County Clerk, City Clerk or Town Clerk as appropriate. In Villages, talk to the County Board of Elections and to the Village Clerk, who also acts as the Village Election Officer.

11. What precedes the petition process?

Although anyone might collect signatures under the law, the petition process and setting the amount of the requested increase in local funds will normally be done by the library’s board of trustees.

The board should appoint one person to be in overall charge and to form committees of individuals willing to work hard on assigned tasks. Such committees might be:

- a. Public education before, during and after the collection of signatures,
- b. Training volunteers to collect signatures of qualified voters residing in the municipalities
- c. Financing the public education campaign (usually done through a separately incorporated Friends Group or PAC – political action committee)
- d. Liaison with election officials, other municipal officials as appropriate and with key community leaders (the inclusion of key community leaders as proponents of the ballot proposal is important)
- e. Legal issues

12. How does the petition process work?

Generally, the law requires two things. First, a petition (see samples at Appendices 3 and 4) must be signed by registered voters in the municipality asking that the library budget proposition be placed on the ballot. *The person collecting signatures must be a registered voter in the municipality.* The number of signatures required is equal to ten percent of the total number of votes cast in the municipality for Governor in the last gubernatorial election. Second, the library board of trustees must pass a resolution (see sample at Appendix 5) endorsing the placement of the budget proposition on the ballot.

If the library board does not endorse it, the matter simply dies.

When the petitions and resolution are endorsed, the budget proposition is placed before the voters at the next general election, after "due public notice." For most municipalities, this means the November election. For most villages, this means March.

It is wise to collect more than the 10% to protect against challenges to signatures of people who may not be registered to vote in the municipality.

If possible, get the 10% number in writing from the appropriate municipal official. In towns and cities, this is the county board of elections; in villages, this is the village clerk.

13. How should the proposition be worded?

The proposition should be worded in the form of a question and state the full amount the library is asking for. The wording should be reviewed by the town attorney.

14. Where do we file the original petition?

Again, check with local authorities. Generally, the original petitions and an original resolution (see sample at Appendix 5) from the library board would be filed with the County, City, Town or Village Clerk, who then is obligated to transmit a certified copy of the proposition to the Board of Elections. The Board of Elections is then obligated to place the proposition on the ballot.

15. When do petitions have to be filed?

This is one of the most important things to verify with the local Clerk and Board of Elections. At a minimum, however, the local Clerk must transmit the certified copy of the proposition to the local Board of Elections at least 36 days prior to the election itself. Your petitions and resolution must be filed with the municipality in sufficient time to allow the Clerk to fulfill this requirement.

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

The County Board of Elections will give or sell you a list of the registered voters in the municipality. Signatures appearing on the petition may be verified against the list. Some counties have the ability to do special sorting of names.

17. Is there any special form for the petition?

Neither the Education Law section nor the Election Law specifies any particular form. The safest thing to do is use a form similar to that used for Nominating petitions. The samples at Appendices 3 and 4 may be shown to local Boards of Elections for comment before collecting signatures.

18. Does our library have to pay any of the costs of the election?

Because the law requires the library budget resolution to go to the voters at a regularly scheduled election, it is unlikely that there will be any additional expenses attributable to the library. In any event, according to the New York State Election Law, "all expenses related to any election... shall be a charge upon the town, city, village or other political subdivision or district involved." The expenses of an election for a library serving a municipality should, therefore, be paid by the municipality.

19. May the library use public funds to encourage people to sign the petition and to vote for passage of the proposition?

No. You cannot use public funds to encourage people 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 will be used 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 of "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.

20. What is the role of staff in getting petitions signed and getting out the vote?

See answer to #19.

21. May a ballot proposal be used to decrease a public library's budget?

No. The law allows only for a proposal to increase the library's budget.

22. May a municipality increase funding for a library without a public vote?

Yes, it may, whether the current municipal contribution is based on a public vote or not.

23. May our library, assuming we get the proper number of signatures, get a proposition placed on a county ballot?

Yes, but remember that you will have to acquire signatures equal to at least 10% of the number of votes cast for Governor in the last gubernatorial election throughout the entire county.

You will also need to negotiate with other libraries in the county. If all the libraries in a county did a joint vote, that would be the best scenario.

24. Should a legal notice be placed in the library's local newspaper?

The law requires "due public notice" but does not define the term. Check with the City or Town Clerk (or in the case of villages, with the Village Clerk) and the County Clerk for phrasing and when such a notice should be advertised. If there is no established practice for public notices of ballot proposals, *publishing a legal notice is still strongly advised*. The notice should be published in the official newspaper of record for the municipality where the vote will take place. Appendix 7 contains a sample legal notice.

To be safe you could follow NYS Election Law §4-120:

"publish once in each of the two weeks preceding a general election...in two newspapers published within the county."

25. How much money should we go for?

The amount of funding you ask for needs to be based on community needs and clearly justified through an easy to understand budget. What will people pay for? What is in it for them? The legwork done early on to investigate community needs through focus groups/surveys/patron and staff feedback become the basis for the increase. Another factor is what the community will bear, you will need to crunch the numbers and see what the cost per household will be. As residents of the community this figure will give you a good idea if your neighbors will go for it or not.

26. Many of our borrowers come from neighboring localities who pay nothing in local taxes for library service and who live in unchartered service areas. Assuming we can acquire the proper number of signatures in each of the localities, may we ask those local governments to place a proposition before their voters?

Legally you may. However, there needs to be recognition that an effort will need to be made well in advance of attempting a 414 vote to reach out to that area and demonstrate / communicate your services to them to build your case for support.

27. Many of our borrowers come from a neighboring locality where there is a chartered public library, albeit a grossly under-funded one. Assuming we get the proper number of signatures from that locality, may we ask the local government to place a proposition before its voters?

The law does not prohibit this but such an action, invading another library's turf, would probably create lasting enmity and bitterness with your neighbors. It would be far better to work with the neighboring library's board of trustees with the purpose of strengthening the finances of both libraries so that imbalances in borrowing can be minimized.

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

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. 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).

29. Assuming a positive vote, when does the increased funding level take effect?

According to the law, the increased funding level will not apply to any budget adopted prior to the date of the election. Since in most municipalities the budget is adopted after Election Day, the new funding level should appear in the next annual budget after the election.

If the budget were adopted prior to the election, then the increased budget would take effect in the year after next.

30. Will a successful vote change our charter?

No. Your charter remains the same. Only the municipal appropriation to your library is impacted.

31. Are there specific rules governing funds received by a library through a municipality?

Yes. All funds paid over to a public library from a municipality need to follow the guidelines defined in General Municipal Law (GML), section 10.

Under General Municipal Law and subsequent court rulings, all funds must be deposited/secured in the following limited number of financial vehicles:

- Time deposit accounts or certificates of deposit in commercial banks and trust companies located and authorized to do business in NYS;
- Obligations made by the United States of America or guaranteed by the United States of America, and obligations of the State of New York;
- Under very limited circumstances, obligations of municipalities and other municipal corporations.

[Excerpted from the Handbook for Library Trustees of New York State, 2005 edition]

32. If the proposition fails, what then?

If the amount of the library's budget was established by a previous public vote, the same amount must be paid to the library by the municipality in the succeeding year. This assumes that the previous proposition contained the word "annually," as in the samples at Appendices 3 and 4.

If the amount of the library's budget was never established by a public vote, the municipality may fund your library at whatever level it wishes, in the same way as before the new law was enacted.

Municipal Communications

Communicating with your municipality and the County Board of Elections are both crucial steps in the process.

The rules for placing propositions on the ballot are different for different kinds of municipalities. It is important to meet with your local Board of Elections and municipal Clerk to discuss local requirements early in your planning. For counties, towns and cities, you should talk to the County Board of Elections and the County Clerk, City Clerk or Town Clerk as appropriate. In Villages, talk to the County Board of Elections and to the Village Clerk, who also acts as the Village Election Officer.

Communicating with the County Board of Elections

Your communications with the County Board of Elections should accomplish the following:

- Learning their rules for placing propositions on the ballot
- Learning their definition of "due notice" (i.e. phrasing and when notice should be advertised)
- Getting your petition approved by them (samples at Appendices 3 and 4 may be shown to local Boards of Elections for comment before collecting signatures)
- Check for additional rules regarding page numbering and cover sheets for the petitions
- Obtaining a list of registered voters for your municipality
- Establishing a relationship with a contact person that you can check in with periodically once your petitions are submitted to make sure all is going well

Communicating with Municipal Leaders

So much depends on a local library's pre-existing relationship with municipal leaders. You will know who is best to approach first but be strategic. Ideally you will speak with a town supervisor, or the equivalent, to gauge their support for the vote. Explain the benefits to the municipality, like the fact that this enables taxpayers to decide how much to tax themselves and they take responsibility for increases. When approaching your municipal leaders to explain the process and the impact on the municipality a library should prepare in advance.

- Designate a library spokesperson to approach a town supervisor/village mayor, etc.
- Understand the process and what will be expected of the municipal clerk. For example:
 - A petition to allow the measure to appear on the ballot will be collected
 - 10% of voters in the last gubernatorial must sign the petition
 - The petition will be presented to the town clerk/town board in September
 - Town clerk sends them on to the County Board of the Elections to be included on the ballot in November
 - See also: appendix 8, "Information for your Municipal Clerk")
- Have your case prepared:
 - Why are you doing this?
 - For example: need a secure and stable income stream to plan for the future
 - What is the benefit to the community? *For example:*
 - Taxpayers decide how much to tax themselves for library services
 - Direct customer relationship between libraries and community means more accountability
 - Libraries can plan for the future when their funding is locked in
 - What is the benefit to the municipality? *For example:*
 - Taxpayers decide how much to tax themselves for library services
 - Taxpayers take responsibility for tax increases
 - Frees up current library allocations for other priorities
 - What is the tax impact? *For example:*
 - \$__ per household
 - or
 - \$__ per 100,000 assessed value of property
- Be prepared to negotiate with the official regarding what would happen to library funding should your vote fail. The ideal situation would have the municipality at least funding you at the current level in that case.

Petition Tips

- Have the wording of the petition reviewed by:
 - Your system
 - Board of Elections
 - Town lawyer
- Check with the County Board of Elections for petition rules.
- Obtain a list of registered voters from the Board of Elections so you can check that signers are registered.
- If possible, get the 10% number in writing from the appropriate municipal official. In towns and cities, this is the county board of elections; in villages, this is the village clerk.
- Volunteers who are getting petitions signed must be registered voters.
- Develop a script/answers to frequently asked questions for volunteers getting petitions signed. (see appendix 9, "Sample FAQ list for the public")
- Look for local events where you could get a bunch of signatures at once.
- Ask a local grocery store or other busy business if you may collect signatures outside the store.
- When someone signs they must print their address but sign their name. Printed names are not acceptable.
- Be sure those who sign are registered to vote.
- Obtain more signatures than you need.
- Be aware of the municipal board's meeting schedule as they have the right to formally vote to accept your petition to authorize the clerk to send them on to the board of elections. Another reason to talk to the clerk beforehand to learn the procedure they will be following.

Appendix 1: Laws of New York, 1995, Chapter 414**§ 259. Library taxes.**

1.
 - A. Taxes, in addition to those otherwise authorized, may be voted for library purposes by any authority named in section two hundred fifty-five of this part and shall, unless otherwise directed by such vote, be considered as annual appropriations therefore until changed by further vote and shall be levied and collected yearly, or as directed, as are other general taxes. In the case of a school district the appropriation for library purposes shall be submitted to the voters of the district as proposed by the library board of trustees in a separate resolution and shall not be submitted as a part of the appropriation of the necessary funds to meet the estimated expenditures of the school district. All moneys received from taxes or other public sources for library purposes shall be kept as a separate library fund by the treasurer of the municipality or district making the appropriation and shall be expended only under direction of the library trustees on properly authenticated vouchers, except that 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. All such moneys paid over to a public library treasurer shall be deposited and secured in the manner provided by section ten of the general municipal law and the library trustees or the library treasurer, if the trustees shall delegate such duty to him, may invest such moneys in the manner provided by section eleven of such law.
 - B. **(1) Except as provided in subparagraph two of this paragraph, whenever qualified voters of a municipality, in a number equal to at least ten per centum of the total number of votes cast in such municipality for governor at the last gubernatorial election, shall so petition and the library board of trustees shall endorse, the question of establishing or increasing the amount of funding of the annual contribution for the operating budget of a registered public or free association library by such municipality to a sum specified in said petition, shall be voted on at the next general election of such municipality, provided that due public notice of the proposed action shall have been given. An increase in library funding provided pursuant to this paragraph shall not apply to a municipal budget adopted prior to the date of such election. (2) Solely for the purposes of this paragraph, the term "municipality" shall: (i) not include a city with a population of one million or more, (ii) mean only a county when the public libraries located in such county are members of a federated public library system whose central library is located in a city of more than three hundred thousand inhabitants.**

[Accessed January 5, 2009 from <http://public.leginfo.state.ny.us>]

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 to 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!)

I the undersigned do hereby state that I am a registered voter of NAME OF MUNICIPALITY; that my present place of residence is truly stated opposite 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 NAME OF MUNICIPALITY:

SHALL THE ANNUAL CONTRIBUTION OF NAME OF MUNICIPALITY FOR THE OPERATING BUDGET OF NAME OF LIBRARY BE INCREASED BY DOLLAR AMOUNT (\$ XXX) TO THE SUM OF DOLLAR AMOUNT (\$ XXX) ANNUALLY

DATE, SIGNATURE, RESIDENCE ADDRESS , WARD (IF ANY) OR ELECTION/TOWN/ASSEMBLY DISTRICT (IN NASSAU AND SUFFOLK) DISTRICT CITY

Additional signature lines, etc.

(Print the following statement at the bottom of each Petition sheet.)

I, NAME OF WITNESS, state: I am a duly qualified voter of the State of New York and I am also duly qualified to sign the petition. I now reside at RESIDENCE ADDRESS AND POST OFFICE ADDRESS (if not identical) which is in the ELECTION DISTRICT (fill in district), of the WARD/ASSEMBLY DISTRICT (fill in Ward. if any. and/or Assembly District in Counties of Nassau and Suffolk in the NAME OF MUNICIPALITY in the County of NAME OF COUNTY.

Each of the individuals whose names are subscribed to this petition sheet containing FILL IN NUMBER signatures, subscribed the same in my presence on the dates indicated and identified himself or herself to be the individual who signed this sheet. I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date: _____

Signature of Witness

CHECK WITH YOUR LOCAL BOARD OF ELECTIONS FOR ADDITIONAL RULES REGARDING PAGE NUMBERING AND COVER SHEETS.

Appendix 4: Sample completed petition

Appendix 4
SAMPLE COMPLETED PETITION

I, the undersigned, do hereby state that I am a registered voter of TOWN OF WESTON, that my present place of residence is truly stated opposite 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 WESTON:

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

DATE	SIGNATURE	RESIDENCE ADDRESS	WARD (IF ANY) OR ASSEMBLY DISTRICT (IN MASSA AND SUFFOLK)	ELECTION DISTRICT	TOWN OR CITY
9/15/95	David O'Conn	RD 1			Weston N
9/15/95	Curtis Marks	Main St			Weston N
9/15/95	Colucci, Dawn	4210 Regency Park			Weston N
9/15/95	Bryan Pascazi	123 Ruggles Rd			Weston, NY
9/15/95	Catherine Lamb	129 Ruggles Rd			Weston N
9/15/95	Sara Mosier	22 Whitney Place			Weston N
9/15/95	Barbara Bernstein	46 Prospect St.			Weston N
9/15/95	Marjorie Mousu	21 Whitney Pl.			Weston N
9/15/95	Cynthia VanDorn	31 Whitney Pl.			Weston N
9/15/95	Stephanie H. Ryall	5 Hillside Dr			Weston, NY

I, Alfred Newman, state: I am a duly qualified voter of the State of New York and I am also duly qualified to sign the petition.

Appendix 5: Sample Library Board Resolution

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 (\$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.

Secretary

Appendix 6: Sample Letter to Election Officials

(LETTERHEAD)

August 1, 1995

Ms. Susan Adams
Town Clerk
Town of Weston
Town Hall
Weston, New York 11111

Dear Ms. Adams:

Enclosed please find a certified copy of a resolution adopted by the Board of Trustees of the Weston Town Library together with an original petition consisting of 49 pages and containing 473 signatures asking that the following question be placed on the ballot and voted on at the next general 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.

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,
Kathleen Baker

(NOTE: THIS SAMPLE LETTER IS FOR USE WHEN SUBMITTING A BUDGET VOTE TO THE VOTERS OF A TOWN. IN OTHER MUNICIPALITIES, THIS LETTER WOULD BE ADDRESSED TO THE APPROPRIATE MUNICIPAL OFFICIAL)

Appendix 7: Sample Public Notice

NOTICE OF SUBMISSION OF QUESTION
TO VOTERS OF THE TOWN OF WESTON
AT NEXT GENERAL ELECTION

Notice is hereby given that, pursuant to NYS. Education Law §259(1)(13), 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 Town of Weston at the General Election to be held on the 7th day of November, 1995:

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.

Further notice is hereby given that said election shall be held at the Town Hall in the Town of Weston, on the 7th day of November 1995, and that the polls will be open on that day between the hours of 8 a.m. and 8 p.m.

Susan Adams

Town Clerk, Town of Weston

Appendix 8: Information for your Municipal Clerk

The library is using a process defined in Section 1. Subdivision 1 of section 259 of NYS Education Law, often referred to as a "Chapter 414" vote to put their budget up for a public vote.

Chapter 414 is a 1995 NYS law that enables the library to have their budget voted on by the public. The vote is conducted along municipal lines and held during the general election.

This is a line item in the town 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 must sign the petition
- The petition will be presented to the municipal clerk / board in September
- Town clerk sends them on to the County Board of the Elections to be included on the ballot in November (a minimum of 36 prior to Election Day)

Appendix 9: Sample FAQ list for the public

Stanford Library's 414 Proposition
Frequently Asked Questions About the Library's Vote

Q 1 The library seems okay the way it is – why don't you continue as you have been?

- The library needs a stable funding stream in order to provide the level of service that our community requires. Presently, the library requests money from the town board each year and the amount received fluctuates. While we are grateful for what we do receive, it is not enough to meet current demands. As a result, we have had to curtail programs, put off improvements and adjust hours. Our 2005 local funding was only \$11.79 per capita, significantly below the \$26.25 average for Dutchess County. The reality is that our budget is very tight and we must locate a secure source of funds. Passage of this 414 proposition will address these issues.

[In addition, the need for more space has further necessitated the need for a secure source of funds, so we are able to plan adequately for an expansion.]

Q 2 How much will this cost?

- The total cost per homeowner will be about \$31 per \$100,000 of assessed value. (\$60 for a home with an assessed value of \$300,000.) The average homeowner now already pays \$11 toward the library, so the increase is about \$20, or the cost of 2 to 3 hardcover books.

Q 3 Will the library tax automatically increase every year?

- No. Any increase in funding must be approved by the voters of Stanford.

Q 4 Why doesn't the library seek more grant money and donations instead of raising my taxes?

- Grants and donations are not predictable revenues on which to base an operating budget. They are better forms of supplemental income. Grants in particular are given to meet a specific need and are not usually available for the unrestricted funding of library services.

Q 5 Why doesn't the library charge for its services to cover its costs?

- Free public libraries are a benefit to American democracy. A library does not charge directly, but relies on local taxes, contributions, and grants. The library's building, staff and resources all cost money, but library services are too important to restrict to just those that can afford them.

Q 6 I don't even use the library, why should I pay for it?

- Sorry to hear that. Come and visit the library anytime, we are always looking to serve more residents. We'd like everyone to take advantage of the library's services, because there is something for everyone! We are continually looking for ways to serve the needs of all community members and are always open to your input. If you are unable to visit the library in person, you can still use many resources from our web page. The library is an important community resource that adds to the desirability of living in this town and increases the property value of your home.

Please Vote

General Election Day – Tuesday, November 7, 2006
Stanford Town Hall, polls open from 8am to 9pm

continued on next page...

Q 7 How will the money be spent?

- The money will be used to operate the library and meet our community's growing demands for programming and a greater selection of current books, magazines, audiobooks and DVD's. In addition, there is a long-range plan for improving and possibly expanding the library.

Q 8 What will happen if this 414 vote fails?

- We will return to the town hall once again seeking a contract with the town for operational funding. If the town cannot sufficiently meet the library's needs, we will have to adjust service offerings, including the purchase of current materials and reducing programming, to match the level of funding provided by the Town.

Q 9 Why do you need more space?

- Our material holdings (books, audiobooks, DVDs, magazines, etc.) have continuously increased over the years and we are now seriously overcrowded. Our holdings are in the *upper* third of Mid-Hudson area libraries, but our usable space is in the *bottom* third. Our library is very active; the number of materials checked in and out of the library is also in the upper third among Mid-Hudson libraries. Increased computer use and expanded programming has also added space constraints. Further, current work and storage space is insufficient.

Q10 Why do you need more room for books - can't you get them from other libraries now?

- It is the obligation of each library to maintain an adequate collection. In order to borrow materials from neighboring libraries, the Stanford Library must contribute also. The expansion being considered would allow more space for children and adult books along with specialized collections such as audio books, DVDs, CDs. As interest in particular items grows we will make an effort to provide them.

Q11 You mentioned a possible expansion. What will the expansion be like and when would you begin?

- *Please Note:* The upcoming 414 vote involves a decision solely upon the library's operating budget.
- The expansion mentioned is something that is greatly needed, but will require a lot of planning over a period of time. We want to be sure that we get a "good fit" for our town's needs and resources. We are currently in the information gathering stage, having recognized the expansion as a genuine need for our community. Recently, we began visiting other libraries to see their design and what additional services they offer to their patrons. Once we have secured our financial base, we can begin looking at designs and considering how they suit our needs. Only after our operating finances are secure will we begin to look at beginning the expansion process.

Q12 When and where will the vote take place?

- The vote is scheduled for Tuesday, November 7, 2006. Voting will take place at the Stanford Town Hall. Polls will be open from 6:00 am to 9:00 pm.

Please Vote

General Election Day – Tuesday, November 7, 2006
Stanford Town Hall, polls open from 6am to 9pm

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 Phillipstown, the Town Board of the Town of Phillipstown, and William Mazzuca, Supervisor of the Town of Phillipstown (part 1)

Town of Phillipstown 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 Phillipstown, the Town Board of the Town of Phillipstown, and William Mazzuca, Supervisor of the Town of Phillipstown (part 2)

Town of Phillipstown appeals the courts 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: 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 (Appendix 2) of the bill is also greatly appreciated.

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

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