

4948

2011-2012 Regular Sessions

I N   S E N A T E

May 2, 2011

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Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, the county law, the town law, and the municipal home rule law, in relation to authorizing towns to delegate the conduct of special town elections to their respective county boards of elections and authorizing fire districts and improvement districts to delegate the conduct of their elections to their respective county boards of elections

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 1-104 of the election law is amended by adding  
2 three new subdivisions 38, 39 and 40 to read as follows:

3     38. THE TERM "SPECIAL DISTRICT" MEANS A FIRE DISTRICT OR AN IMPROVE-  
4 MENT DISTRICT CREATED PURSUANT TO THE TOWN LAW.

5     39. THE TERM "SPECIAL TOWN ELECTION" MEANS ANY ELECTION CONDUCTED IN A  
6 TOWN, OR PART OF A TOWN, AT A TIME OTHER THAN THE TIME OF THE GENERAL  
7 ELECTION, FOR ANY PURPOSE SPECIFIED IN THE TOWN LAW.

8     40. THE TERM "SPECIAL DISTRICT ELECTION" MEANS THE ANNUAL ELECTION FOR  
9 COMMISSIONERS OF A SPECIAL DISTRICT OR ANY OTHER ELECTION OF A SPECIAL  
10 DISTRICT FOR ANY OTHER PURPOSE SPECIFIED IN THE TOWN LAW, AND UNLESS THE  
11 CONTEXT OTHERWISE REQUIRES, SHALL INCLUDE "SPECIAL DISTRICT GENERAL  
12 ELECTION" AND "SPECIAL DISTRICT SPECIAL ELECTION".

13     S 2. Subdivision 35 of section 1-104 of the election law, as added by  
14 chapter 359 of the laws of 1989, is amended to read as follows:

15     35. The term "election" shall include:

16     A. a "general village election" or "special village election" except  
17 where a specific provision of this chapter may not be consistently  
18 applied to the village election procedure;

19     B. A "SPECIAL TOWN ELECTION" EXCEPT WHERE A SPECIFIC PROVISION OF THIS  
20 CHAPTER MAY NOT BE CONSISTENTLY APPLIED TO THE SPECIAL TOWN ELECTION  
21 PROCEDURE; AND

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 C. A "SPECIAL DISTRICT GENERAL ELECTION" OR "SPECIAL DISTRICT SPECIAL  
2 ELECTION" EXCEPT WHERE A SPECIFIC PROVISION OF THIS CHAPTER MAY NOT BE  
3 CONSISTENTLY APPLIED TO THE SPECIAL DISTRICT ELECTION PROCEDURE.

4 S 3. Subdivision 1 of section 3-404 of the election law, as amended by  
5 chapter 263 of the laws of 1991, is amended to read as follows:

6 1. The board of elections of each county shall on or before the  
7 fifteenth day of July of each year select and appoint election inspec-  
8 tors and poll clerks for each election district therein, and such number  
9 of election coordinators as it determines to be necessary, and may ther-  
10 eafter select and designate election inspectors, poll clerks and  
11 election coordinators to fill any vacancy for an unexpired term. The  
12 term of such designation shall be for a term ending on the fourteenth  
13 day of July of the following year. If the election districts for a  
14 general or special village election conducted by the board of elections,  
15 A SPECIAL TOWN ELECTION CONDUCTED BY THE BOARD OF ELECTIONS OR SPECIAL  
16 DISTRICT GENERAL OR SPECIAL ELECTION CONDUCTED BY THE BOARD OF ELECTIONS  
17 are coterminous with the election districts established for general  
18 elections, such election inspectors and poll clerks shall also serve at  
19 such village, TOWN OR SPECIAL DISTRICT elections. If the election  
20 districts for such a village, TOWN election OR SPECIAL DISTRICT ELECTION  
21 are not so coterminous, the board of elections shall select the inspec-  
22 tors and poll clerks to serve in each such village, TOWN OR SPECIAL  
23 DISTRICT election district from among the inspectors and poll clerks  
24 appointed, pursuant to the provisions of this section, for any election  
25 district wholly or partly in such village, TOWN OR SPECIAL DISTRICT.

26 S 4. Subdivision 1 of section 3-420 of the election law, as amended by  
27 chapter 180 of the laws of 2005, is amended to read as follows:

28 1. Election inspectors, poll clerks, election coordinators and quali-  
29 fied voters appointed to act in place of an absent inspector, clerk or  
30 coordinator shall be paid for their services on the days of registration  
31 and election, by the county containing the election district in which  
32 they serve, in an amount fixed by the county legislative body, subject  
33 to such limitations as shall be prescribed or authorized by statute,  
34 except that in the city of New York the amount of such compensation  
35 shall be payable by such city and shall be fixed by the mayor at a daily  
36 rate which, in the case of election inspectors shall not be less than  
37 one hundred thirty dollars and in the case of election coordinators not  
38 less than two hundred dollars. Such inspectors, poll clerks, election  
39 coordinators and qualified voters at a general or special village  
40 election conducted by the board of elections, A SPECIAL TOWN ELECTION  
41 CONDUCTED BY THE BOARD OF ELECTIONS OR SPECIAL DISTRICT GENERAL OR  
42 SPECIAL ELECTION CONDUCTED BY THE BOARD OF ELECTIONS shall be paid by  
43 such village, TOWN OR SPECIAL DISTRICT in an amount fixed by the village  
44 board of trustees, TOWN BOARD OR SPECIAL DISTRICT BOARD OF COMMISSIONERS  
45 subject to any such limitations.

46 S 5. Subdivision 1 of section 4-104 of the election law, as amended by  
47 chapter 180 of the laws of 2005, is amended to read as follows:

48 1. Every board of elections shall, in consultation with each city,  
49 town and village, designate the polling places in each election district  
50 in which the meetings for the registration of voters, and for any GENER-  
51 AL, SPECIAL OR PRIMARY election may be held. The board of trustees of  
52 each village in which general and special village elections ARE  
53 conducted by the board of elections [are held] at a time other than the  
54 time of a general election, THE TOWN BOARD OF A TOWN IN WHICH SPECIAL  
55 TOWN ELECTIONS ARE CONDUCTED BY THE BOARD OF ELECTIONS AT A TIME OTHER  
56 THAN THE TIME OF A GENERAL ELECTION AND THE BOARD OF COMMISSIONERS OF

1 EACH SPECIAL DISTRICT IN WHICH ELECTIONS ARE CONDUCTED BY THE BOARD OF  
2 ELECTIONS AT A TIME OTHER THAN THE TIME OF A GENERAL ELECTION shall  
3 submit such a list of polling places for such village elections, SPECIAL  
4 TOWN AND SPECIAL DISTRICT ELECTIONS to the board of elections. A polling  
5 place may be located in a building owned by a religious organization or  
6 used by it as a place of worship. If such a building is designated as a  
7 polling place, it shall not be required to be open for voter registra-  
8 tion on any Saturday if this is contrary to the religious beliefs of the  
9 religious organization. In such a situation, the board of elections  
10 shall designate an alternate location to be used for voter registration.  
11 Such polling places must be designated by May first, of each year, and  
12 shall be effective for one year thereafter. Such a list required to be  
13 submitted by a village board of trustees, TOWN BOARD OR SPECIAL DISTRICT  
14 BOARD OF COMMISSIONERS must be submitted at least four months before  
15 each general village election OR SPECIAL DISTRICT GENERAL ELECTION and  
16 shall be effective until four months before the subsequent general  
17 village election OR SPECIAL DISTRICT GENERAL ELECTION. A LIST OF THE  
18 POLLING PLACES FOR A SPECIAL TOWN ELECTION SHALL BE SUBMITTED BY THE  
19 TOWN BOARD AT LEAST TWENTY DAYS BEFORE SUCH SPECIAL TOWN ELECTION. No  
20 place in which a business licensed to sell alcoholic beverages for on  
21 premises consumption is conducted on any day of local registration or of  
22 voting shall be so designated. If, within the discretion of the board of  
23 elections a particular polling place so designated is subsequently found  
24 to be unsuitable or unsafe or should circumstances arise that make a  
25 designated polling place unsuitable or unsafe, then the board of  
26 elections is empowered to select an alternative meeting place. In the  
27 city of New York, the board of elections shall designate such polling  
28 places and alternate registration places if the polling place cannot be  
29 used for voter registration on Saturdays.

30 S 6. Subdivisions 2 and 4 of section 4-106 of the election law, subdi-  
31 vision 2 as amended by chapter 635 of the laws of 1990 and subdivision 4  
32 as amended by chapter 88 of the laws of 1995, are amended to read as  
33 follows:

34 2. Each county, city, village and town clerk AND EACH SECRETARY OF A  
35 BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT, at least eight months  
36 before each general election, shall make and transmit to the board of  
37 elections a certificate stating each county, city, village [or], town OR  
38 SPECIAL DISTRICT office, respectively to be voted for at each such  
39 election. Each village clerk, at least five months before each general  
40 village election conducted by the board of elections, shall make, and  
41 transmit to such board, a certificate stating each village office to be  
42 filled at such election. EACH SECRETARY OF A BOARD OF COMMISSIONERS OF A  
43 SPECIAL DISTRICT, AT LEAST FIVE MONTHS BEFORE EACH SPECIAL DISTRICT  
44 GENERAL OR SPECIAL ELECTION CONDUCTED BY THE BOARD OF ELECTIONS, SHALL  
45 MAKE, AND TRANSMIT TO SUCH BOARD, A CERTIFICATE STATING EACH SPECIAL  
46 DISTRICT OFFICE TO BE FILLED AT SUCH ELECTION.

47 4. Within three days after the occurrence of any vacancy in an office  
48 required to be filled at the next general election or a general or  
49 special village election or other special election conducted by the  
50 board of elections OR SPECIAL DISTRICT GENERAL OR SPECIAL ELECTION  
51 CONDUCTED BY THE BOARD OF ELECTIONS, the state board of elections or the  
52 county, city, town or village clerk OR SECRETARY OF THE BOARD OF COMMIS-  
53 SIONERS OF A SPECIAL DISTRICT as is appropriate, shall file with the  
54 county board of elections, a certificate indicating the occurrence of  
55 the vacancy and the position which is to be filled.

1 S 7. Section 4-120 of the election law, as amended by chapter 359 of  
2 the laws of 1989, is amended to read as follows:

3 S 4-120. Notices of general, village, SPECIAL TOWN, SPECIAL DISTRICT  
4 and special elections; publication of. 1. The board of elections shall  
5 publish once in each of the two weeks preceding a general election, or a  
6 special [or], village, SPECIAL TOWN OR SPECIAL DISTRICT election  
7 conducted by the board of elections, a notice specifying the day of the  
8 election, and the public officers to be voted for within such county, or  
9 any part thereof at such election. If constitutional amendments, or  
10 questions are to be submitted to the voters of the state, the notice  
11 shall state that fact and that a copy of each such amendment or question  
12 may be obtained at the board of elections, by any voter. Such publica-  
13 tion shall be in two newspapers published within the county. If the  
14 county contains a city or cities, at least one of such newspapers shall  
15 be published in the city, or the largest city, if there be more than  
16 one.

17 In the case of a village, SPECIAL TOWN OR SPECIAL DISTRICT election,  
18 such publication shall be made in a newspaper of general circulation in  
19 such village, TOWN OR SPECIAL DISTRICT and shall include an abstract of  
20 any proposition to be voted upon at such election.

21 2. The board or body authorized to designate places for voting in any  
22 town or in any city, except the city of New York, may publish on the  
23 publication day immediately preceding election day, in a newspaper or  
24 newspapers designated by such board or body, a notice of the election,  
25 and the village clerk shall publish at least ten days prior to any  
26 village election conducted by the board of elections, AND THE TOWN CLERK  
27 SHALL PUBLISH AT LEAST TEN DAYS PRIOR TO ANY SPECIAL TOWN ELECTION  
28 CONDUCTED BY THE BOARD OF ELECTIONS, AND THE SECRETARY OF THE BOARD OF  
29 COMMISSIONERS OF THE SPECIAL DISTRICT SHALL PUBLISH AT LEAST TEN DAYS  
30 PRIOR TO ANY SPECIAL DISTRICT ELECTION CONDUCTED BY THE BOARD OF  
31 ELECTIONS in a newspaper of general circulation in such village, TOWN OR  
32 SPECIAL DISTRICT a list of the polling places, the date and hours of  
33 election and, at the discretion of such board [or], clerk OR SECRETARY,  
34 a brief description of the boundaries of each election district. Such  
35 list shall identify those polling places which do not provide access to  
36 handicapped voters. The amount to be paid for any of such publications  
37 shall be at the rate prescribed by section seventy-a of the public offi-  
38 cers law. In no publication, however, shall any type smaller than agate  
39 be used. The amount to be paid for all such publications shall be a  
40 town, city [or], village OR SPECIAL DISTRICT charge.

41 3. The board of elections of the city of New York shall publish on the  
42 eighth day before and the day before each general election, in at least  
43 two newspapers in such city, a notice, at least one-half page in size,  
44 in English and such other languages as such board deems appropriate,  
45 which sets forth the dates and hours of the election and the phone  
46 number to call for information about the location of polling places,  
47 their accessibility to the handicapped, applications for absentee  
48 ballots and any other subjects which such board deems appropriate.

49 S 8. Subdivision 3 of section 4-122 of the election law, as amended by  
50 chapter 359 of the laws of 1989, is amended to read as follows:

51 3. The list described in subdivision one of this section shall be  
52 published at least once in not less than two nor more than four newspa-  
53 pers in the county. In a county containing a city, at least one such  
54 publication shall be in a daily newspaper published in a city therein,  
55 if there be such a newspaper. In the case of a village, SPECIAL TOWN OR  
56 SPECIAL DISTRICT election held at a time other than the time of a gener-

al election, such publication shall be in a newspaper having general circulation in such village, TOWN OR SPECIAL DISTRICT. So far as is consistent with this section, one such newspaper shall represent each of the major political parties. Should the board of elections find it impossible to make such publication six days before election it shall make it at the earliest possible day thereafter before the election.

S 9. Subdivisions 1, 5 and 6 of section 4-134 of the election law, subdivision 1 as amended by chapter 163 of the laws of 2010 and subdivisions 5 and 6 as amended by chapter 635 of the laws of 1990, are amended to read as follows:

1. The board of elections shall deliver, at its office, to the clerk of each town or city in the county, except the cities of New York, Buffalo and Rochester and to the clerk of each village in the county in which elections are conducted by the board of elections, AND TO THE SECRETARY OF THE BOARD OF COMMISSIONERS OF EACH SPECIAL DISTRICT IN THE COUNTY IN WHICH ELECTIONS ARE CONDUCTED BY THE BOARD OF ELECTIONS, by the Saturday before the primary, SPECIAL, general, village, SPECIAL TOWN, SPECIAL DISTRICT or other election for which they are required: the official and sample ballots; ledgers prepared for delivery in the manner provided in subdivision two of this section and containing the registration poll records of all persons entitled to vote at such election in such town, city [or], village, OR SPECIAL DISTRICT or computer generated registration lists containing the names of all persons entitled to vote at such election in such town, city [or], village OR SPECIAL DISTRICT; challenge reports prepared as directed by this chapter; sufficient applications for registration by mail; sufficient ledger seals and other supplies and equipment required by this article to be provided by the board of elections for each polling place in such town, city [or], village OR SPECIAL DISTRICT. The town, city or village clerk OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT shall call at the office of such board of elections at such time and receive such ballots, supplies and equipment. In the cities of New York, Buffalo and Rochester the board of elections shall cause such ballots, supplies and equipment to be delivered to the board of inspectors of each election district approximately one-half hour before the opening of the polls for voting, and shall take receipts therefor.

5. Each town, city and village clerk AND THE SECRETARY OF THE BOARD OF COMMISSIONERS OF EACH SPECIAL DISTRICT receiving such packages shall cause all such packages so received and marked for any election district to be delivered unopened and with the seals thereof unbroken to the inspectors of election of such election districts at least one-half hour before the opening of the polls of such election therein, and shall take a receipt therefor specifying the number and kind of packages delivered. At the same time each such clerk shall cause to be delivered to such inspectors the equipment described in subdivision two of this section and shall cause a receipt to be taken therefor.

6. Town, city and village clerks AND SECRETARIES OF BOARDS OF COMMISSIONERS OF SPECIAL DISTRICTS required to provide official and sample ballots, registration records, seals, supplies and equipment, as described in this section, for town, city [and], village AND SPECIAL DISTRICT elections not conducted by the board of elections, shall in like manner, deliver them to the inspectors or presiding officers of the election at each polling place at which such meetings and elections are held, respectively, in like sealed packages marked on the outside in like manner, and shall take receipts therefor in like manner.

1 S 10. Subdivision 2 of section 4-136 of the election law, as amended  
2 by chapter 180 of the laws of 2005, is amended to read as follows:

3 2. All expenses incurred under this chapter by the board of elections  
4 of a county outside of the city of New York shall be a charge against  
5 the county and in the city of New York the expenses of the board of  
6 elections shall be a charge against such city. The expenses incurred by  
7 the board of elections of a county outside the city of New York may,  
8 pursuant to section 3-226 of this chapter, be apportioned among the  
9 cities and towns therein, or in the case of a village OR SPECIAL  
10 DISTRICT election held other than at the time of the fall primary or  
11 general election, apportioned to such villages OR SPECIAL DISTRICTS  
12 therein.

13 S 11. Subdivision 1 of section 5-612 of the election law, as amended  
14 by chapter 200 of the laws of 1996, is amended to read as follows:

15 1. The board of elections [shall], not later than the twentieth day  
16 before a special town election NOT CONDUCTED BY THE BOARD OF ELECTIONS  
17 and not later than the seventh day before a village election NOT  
18 conducted by the [village clerk] BOARD OF ELECTIONS AND NOT LATER THAN  
19 THE NINETEENTH DAY BEFORE A SPECIAL DISTRICT ELECTION NOT CONDUCTED BY  
20 THE BOARD OF ELECTIONS, SHALL, provide a list of registered voters or  
21 shall place registration poll records in properly locked ledgers in the  
22 temporary custody of the town or village clerk OR SECRETARY OF THE BOARD  
23 OF COMMISSIONERS OF THE SPECIAL DISTRICT for the purpose of permitting  
24 him to copy such records or to deliver such records for TOWN, village OR  
25 SPECIAL DISTRICT election purposes to the board of inspectors of the  
26 several polling places in the election districts as provided by this  
27 chapter. The board of elections shall indicate on such list, or on a  
28 separate accompanying list, the names of those voters whose registration  
29 records have been marked "permanently disabled". The names of voters in  
30 inactive status shall appear on a separate accompanying list. Voters  
31 listed in inactive status who appear at the polls to vote shall be chal-  
32 lenged in the manner provided by section 8-504 of this chapter.

33 S 12. Section 6-144 of the election law, as amended by chapter 635 of  
34 the laws of 1990, the opening paragraph as amended by chapter 150 of the  
35 laws of 1996, is amended to read as follows:

36 S 6-144. Nominating and designating petitions and certificates; place  
37 for filing. Petitions, certificates and minutes specified in this arti-  
38 cle shall be filed in the office of the Board of Elections of the coun-  
39 ty, except as follows: for an office or position to be voted for wholly  
40 within the city of New York, in the office of the Board of Elections of  
41 that city; for an office or position to be voted for in a district  
42 greater than one county, or portions of two or more counties, in the  
43 office of the state board of elections; for a TOWN OR village office to  
44 be filled in a TOWN OR village election not conducted by the board of  
45 elections, in the office of the TOWN OR village clerk. All such  
46 petitions and certificates shall at the time of filing thereof be  
47 endorsed by such officer or board with the day, hour and minute of such  
48 filing. Such officer or board shall keep a book, which shall be open to  
49 public inspection in which shall be entered the times of filing all such  
50 petitions and certificates; the names and residences of all candidates  
51 named therein; the names and residences of all candidates certified to  
52 such officer or board; the title of the office or party position; the  
53 name of the party or independent body to which the petition or certif-  
54 icate relates and a memorandum of any objections to such petition or  
55 certificate. Forthwith upon the filing of a petition or certificate  
56 designating or nominating a person or persons for public office, such

officer or board shall mail notice thereof to each such person. Such notice shall also state the last day to decline such designation or nomination, and include a statement that the candidate's name shall appear on the ballot as it appears in such notice.

S 13. Sections 6-100 through 6-168 of article 6 of the election law are designated title 1 and a new title heading is added to read as follows:

GENERAL, SPECIAL AND PRIMARY ELECTIONS

S 14. Article 6 of the election law is amended by adding a new title 3 to read as follows:

TITLE III

SPECIAL DISTRICT ELECTIONS

SECTION 6-300. APPLICATION OF TITLE.

6-302. NOMINATING PETITIONS; NUMBER OF SIGNATURES.

6-304. PETITIONS AND CERTIFICATES; PLACE AND TIMES FOR FILING.

6-306. NOMINATIONS; OBJECTIONS.

S 6-300. APPLICATION OF TITLE. THIS TITLE APPLIES TO ALL SPECIAL DISTRICT ELECTIONS WHICH ARE CONDUCTED BY THE BOARD OF ELECTIONS.

S 6-302. NOMINATING PETITIONS; NUMBER OF SIGNATURES. A NOMINATING PETITION FOR A SPECIAL DISTRICT OFFICE FOR WHICH SUCH A PETITION IS REQUIRED, SHALL BE SIGNED BY AT LEAST TWENTY-FIVE QUALIFIED VOTERS OF THE DISTRICT.

S 6-304. PETITIONS AND CERTIFICATES; PLACE AND TIMES FOR FILING. 1. PETITIONS AND CERTIFICATES OF CANDIDACY SHALL BE FILED WITH THE BOARD OF ELECTIONS.

2. A NOMINATING PETITION OR A CERTIFICATE OF CANDIDACY FOR AN OFFICE TO BE FILLED AT A SPECIAL DISTRICT ELECTION, OTHER THAN A FIRE DISTRICT ELECTION, SHALL BE FILED NOT LATER THAN THIRTY DAYS PRECEDING THE ELECTION. SUCH A NOMINATING PETITION OR CERTIFICATE OF CANDIDACY FOR A SPECIAL DISTRICT ELECTION IN A FIRE DISTRICT SHALL BE FILED NOT LATER THAN TEN DAYS PRECEDING THE ELECTION.

S 6-306. NOMINATIONS; OBJECTIONS. WRITTEN OBJECTIONS TO A NOMINATING PETITION OR TO A CERTIFICATE OF NOMINATION, CERTIFICATE OF ACCEPTANCE, CERTIFICATE OF AUTHORIZATION, CERTIFICATE OF DECLINATION OR CERTIFICATE OF SUBSTITUTION WITH RESPECT TO AN OFFICE TO BE FILLED AT A SPECIAL DISTRICT ELECTION MAY BE FILED NOT LATER THAN THE DAY AFTER THE LAST DAY TO FILE SUCH PETITION OR CERTIFICATE, OR THE DAY AFTER SUCH PETITION OR CERTIFICATE IS RECEIVED BY THE BOARD OF ELECTIONS IF SUCH PETITION OR CERTIFICATE IS MAILED WITHIN THE TIME PERMITTED BY LAW, WHICHEVER IS LATER. WRITTEN SPECIFICATIONS OF THE GROUNDS FOR SUCH OBJECTIONS SHALL BE SO FILED WITHIN TWO DAYS THEREAFTER. A FAILURE TO FILE SUCH WRITTEN SPECIFICATIONS SHALL RENDER THE ORIGINAL OBJECTION NULL AND VOID. UPON RECEIPT OF WRITTEN SPECIFICATIONS, THE COUNTY BOARD OF ELECTIONS SHALL IMMEDIATELY NOTIFY EACH CANDIDATE NAMED IN SUCH PETITION OR CERTIFICATE AND TAKE ALL STEPS NECESSARY AND CONSISTENT WITH THIS CHAPTER TO RENDER A DETERMINATION ON THE QUESTIONS RAISED IN SUCH OBJECTIONS AND SPECIFICATIONS. WHEN A DETERMINATION HAS BEEN MADE BY THE COUNTY BOARD OF ELECTIONS THAT THE PETITION IS SUFFICIENT OR INSUFFICIENT, IT SHALL IMMEDIATELY NOTIFY EACH CANDIDATE NAMED IN THE PETITION OR CERTIFICATE, AND, IF SUCH DETERMINATION WAS MADE ON OBJECTION, THE OBJECTOR.

S 15. The opening paragraph of subdivision 1 of section 8-400 of the election law, as amended by chapter 63 of the laws of 2010, is amended to read as follows:

A qualified voter may vote as an absentee voter under this chapter if, on the occurrence of any village, SPECIAL TOWN OR SPECIAL DISTRICT, OTHER THAN FIRE DISTRICT, election conducted by the board of elections,

primary election, special election, general election or New York city community school board district or city of Buffalo school district election, he or she expects to be:

S 16. The opening paragraph of subdivision 1 of section 8-404 of the election law, as amended by chapter 359 of the laws of 1989, is amended to read as follows:

After entering upon the registration records, the application for registration of an inmate or patient of a veterans' administration hospital as to whom the medical superintendent or medical head of such hospital has attested that he expects that he will not be discharged prior to the day following the next general or special village ELECTION, SPECIAL TOWN OR SPECIAL DISTRICT, OTHER THAN A FIRE DISTRICT, ELECTION CONDUCTED BY THE BOARD OF ELECTIONS, primary, special, general or New York city community school board district or city of Buffalo school district election, and the application for registration by the spouse, parent or child of such inmate or patient, accompanying or being with him or her, if a qualified voter and a resident of the same election district, the board of elections, without further investigation and without further application by the applicant, shall send to him at such hospital an absentee ballot and shall record in the signature column on the back of his permanent personal registration poll record that such ballot has been sent.

S 17. Paragraphs (a), (b) and (c) of subdivision 3 of section 9-124 of the election law, as amended by chapter 91 of the laws of 1992, are amended to read as follows:

(a) In a city or town, except the city of New York and in a village OR SPECIAL DISTRICT in which elections are conducted by the board of elections, the registration poll records or computer generated registration lists, the returns with tally sheets annexed, the absentee and military, special federal, special presidential and emergency ballots, stubs and ballot envelopes, the challenge records and the package of protested, void and wholly blank ballots shall be filed with the board of elections, and the flag shall be returned to it.

(b) Records and supplies to be filed with a city, town or village clerk OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT shall be so filed or delivered immediately after the completion of the returns of the canvass, by an inspector designated by the board of inspectors. Returns, papers and registration poll records or computer generated registration lists to be filed with the board of elections shall be so filed by the chairman of the board of inspectors within twenty-four hours after the completion of such returns. The person receiving such returns in the board of elections shall give to the person delivering the returns a receipt stating therein the date and hour of delivery, the name of the person making the delivery, and to whom said returns were delivered and shall keep a duplicate of said receipt on file in the office of the board of elections.

(c) The county legislative body of any county in the state except the counties comprising the city of New York may, by a resolution, ordinance or act as required, provide that all returns, papers, registration poll records or computer generated registration lists, books, records, documents, and other election supplies and materials shall be filed by the chairman of the board of inspectors of elections in a city or town and in a village OR SPECIAL DISTRICT in which elections are conducted by the board of elections, with the city, town or village clerk OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT of such city, town [or], village OR SPECIAL DISTRICT in the county within eighteen hours



1 after the closing of the polls at any primary, general, special [or],  
2 village OR SPECIAL DISTRICT election and the city, town or village clerk  
3 OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT upon  
4 receiving such returns, papers, registers or lists, books, records,  
5 documents, and other election supplies and materials shall give to the  
6 person making the delivery, a receipt stating therein the date and hour  
7 of the delivery and the name of such person. Within twenty-four hours  
8 after the closing of the polls at any primary, general, special [or],  
9 village OR SPECIAL DISTRICT election, the city, town or village clerk OR  
10 SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT shall file  
11 all returns, papers, registration poll records or computer generated  
12 registration lists, books, records, documents and other election  
13 supplies and materials filed with him by the inspectors of the election  
14 districts of the city, town [or], village OR SPECIAL DISTRICT, with the  
15 board of elections of the county and the board of elections shall give  
16 to the city, town or village clerk OR SECRETARY OF THE BOARD OF COMMIS-  
17 SIONERS OF A SPECIAL DISTRICT a receipt therefor stating therein the  
18 date and hour of the delivery and the name of the person making the  
19 delivery and to whom it was made, and shall keep a duplicate of said  
20 receipt on file in the office of the board of elections.

21 S 18. Section 9-204 of the election law, as amended by chapter 359 of  
22 the laws of 1989, is amended to read as follows:

23 S 9-204. County boards of canvassers. The board of elections of each  
24 county or city shall be the county board of canvassers of such county,  
25 or each county within such city. Such board also shall be the city board  
26 of canvassers of any city or cities within the county for a city  
27 election. Such board shall also be the board of canvassers of the towns  
28 of the county. Such board shall also be the board of canvassers of  
29 villages in which village elections are conducted by the board of  
30 elections AND OF SPECIAL DISTRICTS IN WHICH SPECIAL DISTRICT ELECTIONS  
31 ARE CONDUCTED BY THE BOARD OF ELECTIONS. The secretary of the board of  
32 elections, or, if he is absent, or unable to act, a member or chief  
33 clerk designated by the board shall be the secretary of the canvassing  
34 board. Each canvassing board shall meet at the place where it usually  
35 meets in other capacities on the day following the election, but its  
36 duties may be performed in any or all of the offices of the board of  
37 elections.

38 S 19. Subdivision 1 of section 9-208 of the election law, as amended  
39 by chapter 163 of the laws of 2010, is amended to read as follows:

40 1. Within fifteen days after each general, special or primary  
41 election, and within seven days after every village, SPECIAL TOWN OR  
42 SPECIAL DISTRICT election conducted by the board of elections at which  
43 ballot scanners are used, the board of elections, or a bipartisan  
44 committee of or appointed by said board shall, in each county using  
45 ballot scanners, make a record of the serial number of each ballot scan-  
46 ner used in each election district in such general, special or primary  
47 election. No person who was a candidate at such election shall be  
48 appointed to membership on the committee. Such board of elections or  
49 bipartisan committee shall recanvass the tabulated result tape from each  
50 ballot scanner used in each election district by comparing such tape  
51 with the numbers as recorded on the return of canvass. The said board or  
52 committee shall also make a recanvass of any election day paper ballots  
53 that have not been scanned and were hand counted pursuant to subdivision  
54 two of section 9-110 of this article and compare the results with the  
55 number as recorded on the return of canvass. The board or committee  
56 shall then recanvass write-in votes, if any, on ballots which were

1 otherwise scanned and canvassed at polling places on election night. The  
2 board or committee shall validate and prove such sums. Before making  
3 such canvass the board of elections, with respect to each election  
4 district to be recanvassed, shall give notice in writing to the voting  
5 machine custodian thereof, to the state and county chair of each party  
6 or independent body which shall have nominated candidates for the said  
7 general or special election or nominated or elected candidates at the  
8 said primary election and to each individual candidate whose name  
9 appears on the office ballot, of the time and place where such canvass  
10 is to be made; and the state and county chair of each such party or  
11 independent body and each such individual candidate may send a represen-  
12 tative to be present at such recanvass. Each candidate whose name  
13 appears on the official ballot, or his or her representative, shall have  
14 the right personally to examine and make a record of the vote recorded  
15 on the tabulated result tape and any ballots which were hand counted.

16 S 20. Subdivision 1 of section 9-212 of the election law, as amended  
17 by chapter 635 of the laws of 1990, is amended to read as follows:

18 1. The canvassing board shall determine each person elected by the  
19 greatest number of votes to each county office, and each person elected  
20 by the greatest number of votes to each city, town or village OR SPECIAL  
21 DISTRICT office of a city, town or village OR SPECIAL DISTRICT of which  
22 it is the board of canvassers. The canvassing board shall also deter-  
23 mine whether any ballot proposal submitted only to the voters of the  
24 county, or only to the voters of a city, town or village of which it is  
25 the board of canvassers, as the case may be, has by the greater number  
26 of votes been adopted or rejected.

27 S 21. Paragraph (a) of subdivision 1 of section 10-108 of the election  
28 law, as amended by chapter 4 of the laws of 2011, is amended to read as  
29 follows:

30 (a) Ballots for military voters shall be mailed or otherwise distrib-  
31 uted by the board of elections, in accordance with the preferred method  
32 of transmission designated by the voter pursuant to section 10-107 of  
33 this article, as soon as practicable but in any event not later than  
34 thirty-two days before a primary or general election; twenty-five days  
35 before a New York city community school board district or city of  
36 Buffalo school district election; fourteen days before a village,  
37 SPECIAL TOWN OR SPECIAL DISTRICT, OTHER THAN FIRE DISTRICT, election  
38 conducted by the board of elections; and forty-five days before a  
39 special election. A voter who submits a military ballot application  
40 shall be entitled to a military ballot thereafter for each subsequent  
41 election through and including the next two regularly scheduled general  
42 elections held in even numbered years, including any run-offs which may  
43 occur; provided, however, such application shall not be valid for any  
44 election held within seven days after its receipt. Ballots shall also be  
45 mailed to any qualified military voter who is already registered and who  
46 requests such military ballot from such board of elections in a letter,  
47 which is signed by the voter and received by the board of elections not  
48 later than the seventh day before the election for which the ballot is  
49 requested and which states the address where the voter is registered and  
50 the address to which the ballot is to be mailed. The board of elections  
51 shall enclose with such ballot a form of application for military  
52 ballot. In the case of a primary election, the board shall deliver only  
53 the ballot of the party with which the military voter is enrolled  
54 according to the military voter's registration records. In the event a  
55 primary election is uncontested in the military voter's election  
56 district for all offices or positions except the party position of

1 member of the ward, town, city or county committee, no ballot shall be  
2 delivered to such military voter for such election; and the military  
3 voter shall be advised of the reason why he or she will not receive a  
4 ballot.

5 S 22. The article heading of article 15 of the election law is amended  
6 to read as follows:

7 VILLAGE, SPECIAL TOWN AND SPECIAL DISTRICT ELECTIONS

8 S 23. Sections 15-100 through 15-138 of article 15 of the election law  
9 are designated title 1 and a new title heading is added to read as  
10 follows:

11 VILLAGE ELECTIONS

12 S 24. Article 15 of the election law is amended by adding two new  
13 titles 2 and 3 to read as follows:

14 TITLE II

15 SPECIAL TOWN ELECTIONS

16 SECTION 15-200. APPLICATION OF TITLE.

17 15-202. DEFINITIONS.

18 15-204. SPECIAL TOWN ELECTIONS CONDUCTED BY THE BOARD OF  
19 ELECTIONS.

20 15-206. REGISTRATION OF VOTERS.

21 S 15-200. APPLICATION OF TITLE. THE PROVISIONS OF THIS TITLE SHALL  
22 APPLY TO ALL SPECIAL TOWN ELECTIONS CONDUCTED BY THE BOARD OF ELECTIONS  
23 PURSUANT TO A RESOLUTION ADOPTED PURSUANT TO THE TOWN LAW AND AS FURTHER  
24 DESCRIBED IN THIS TITLE. ALL THE PROVISIONS OF THIS CHAPTER NOT INCON-  
25 SISTENT WITH THE PROVISIONS OF THE TOWN LAW WITH RESPECT TO THE CONDUCT  
26 OF SUCH SPECIAL TOWN ELECTIONS, SHALL APPLY TO SUCH SPECIAL TOWN  
27 ELECTIONS.

28 S 15-202. DEFINITIONS. THE TERMS USED IN THIS TITLE SHALL HAVE THE  
29 MEANING HEREIN DEFINED UNLESS ANOTHER MEANING IS CLEARLY APPARENT IN  
30 LANGUAGE OR CONTEXT:

31 1. "SPECIAL TOWN ELECTION" MEANS ANY ELECTION HELD IN ANY TOWN OR PART  
32 THEREOF AT A TIME OTHER THAN THE TIME OF THE BIENNIAL TOWN ELECTION FOR  
33 ANY PURPOSE SPECIFIED IN THE TOWN LAW, THE PUBLIC OFFICERS LAW, THE  
34 LOCAL FINANCE LAW, THE MUNICIPAL HOME RULE LAW OR ANY OTHER LAW.

35 2. "PUBLISH" MEANS THAT ANY NOTICE OR RESOLUTION REQUIRED TO BE  
36 PUBLISHED BY A TOWN IN CONNECTION WITH A SPECIAL TOWN ELECTION SHALL BE  
37 SO PRINTED WITHIN THE TIME REQUIRED IN THE LAW REQUIRING PUBLICATION IN  
38 THE OFFICIAL NEWSPAPER OF THE TOWN, OR IF NONE, ONE OF GENERAL CIRCUL-  
39 LATION WITHIN THE TOWN.

40 S 15-204. SPECIAL TOWN ELECTIONS CONDUCTED BY THE BOARD OF ELECTIONS.  
41 THE TOWN BOARD OF ANY TOWN MAY ADOPT A RESOLUTION SUBJECT TO A PERMISSIVE  
42 REFERENDUM, AS PROVIDED IN THE TOWN LAW, PROVIDING THAT SPECIAL  
43 TOWN ELECTIONS SHALL BE CONDUCTED BY THE BOARD OF ELECTIONS. UPON  
44 APPROVAL OF SUCH A RESOLUTION BY THE TOWN BOARD AND BY A PERMISSIVE  
45 REFERENDUM, IF A VALID PETITION FOR SUCH A REFERENDUM IS TIMELY FILED,  
46 THE BOARD OF ELECTIONS SHALL CONDUCT ALL SPECIAL TOWN ELECTIONS IN SUCH  
47 TOWN OR ANY PART THEREOF. SUCH RESOLUTION SHALL TAKE EFFECT AT THE FIRST  
48 ELECTION HELD IN SUCH TOWN OR PART THEREOF MORE THAN SIXTY DAYS AFTER  
49 ITS ADOPTION AND SHALL CONTINUE IN EFFECT FOR ALL SUCH ELECTIONS UNTIL A  
50 SUBSEQUENT RESOLUTION PROVIDING OTHERWISE SHALL, IN A LIKE MANNER, HAVE  
51 TAKEN EFFECT.

52 S 15-206. REGISTRATION OF VOTERS. 1. IN A SPECIAL TOWN ELECTION  
53 CONDUCTED BY THE BOARD OF ELECTIONS PURSUANT TO A RESOLUTION ADOPTED  
54 PURSUANT TO THE PROVISIONS OF THE TOWN LAW, ONLY THOSE PERSONS REGIS-  
55 TERED TO VOTE WITH THE BOARD OF ELECTIONS ON THE TENTH DAY BEFORE SUCH  
56 ELECTION AND SUCH OTHER PERSONS OR ENTITIES ENTITLED TO VOTE IN SUCH

1 ELECTION WHOSE NAMES HAVE BEEN RECORDED IN THE RECORDS OF THE BOARD OF  
2 ELECTIONS PURSUANT TO THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION  
3 SHALL BE ELIGIBLE TO VOTE.

4 2. A PERSON WHO IS NOT AN ELECTOR OF THE TOWN OR PART OF THE TOWN FOR  
5 WHICH A SPECIAL TOWN ELECTION IS BEING HELD BUT WHO IS ELIGIBLE TO CAST  
6 A VOTE IN ANY SUCH ELECTION AND ANY OTHER ENTITY ENTITLED TO CAST A VOTE  
7 IN ANY SUCH ELECTION MUST NOTIFY THE BOARD OF ELECTIONS OF THEIR ELIGI-  
8 BILITY TO VOTE IN SUCH ELECTION AT LEAST TEN DAYS BEFORE THE DATE OF  
9 SUCH ELECTION. SUCH NOTICE MUST SET FORTH THE NAME AND ADDRESS OF SUCH  
10 PERSON OR ENTITY, THE BASIS OF ELIGIBILITY TO VOTE IN SUCH ELECTION AND,  
11 IF SUCH ENTITY IS NOT A NATURAL PERSON, THE NAME AND ADDRESS OF THE  
12 NATURAL PERSON DESIGNATED TO CAST SUCH VOTE, AND SUCH OTHER INFORMATION  
13 AS THE BOARD OF ELECTIONS SHALL REQUIRE.

14 3. THE TOWN CLERK SHALL SUPPLY TO THE BOARD OF ELECTIONS SUCH INFORMA-  
15 TION AS IT REQUESTS TO ASSIST THE BOARD IN DETERMINING THE ELIGIBILITY  
16 OF ANY PERSON OR ENTITY TO VOTE IN ANY SUCH ELECTION.

### 17 TITLE III

#### 18 SPECIAL DISTRICT ELECTIONS

19 SECTION 15-300. APPLICATION OF TITLE.

20 15-302. DEFINITIONS.

21 15-304. SPECIAL DISTRICT ELECTIONS CONDUCTED BY THE BOARD OF  
22 ELECTIONS.

23 15-306. REGISTRATION OF VOTERS.

24 S 15-300. APPLICATION OF TITLE. THE PROVISIONS OF THIS TITLE SHALL  
25 APPLY TO ALL SPECIAL DISTRICT GENERAL AND SPECIAL ELECTIONS CONDUCTED BY  
26 THE BOARD OF ELECTIONS PURSUANT TO A RESOLUTION ADOPTED PURSUANT TO THE  
27 TOWN LAW AND AS FURTHER DESCRIBED IN THIS TITLE. ALL THE PROVISIONS OF  
28 THIS CHAPTER NOT INCONSISTENT WITH THE PROVISIONS OF THE TOWN LAW WITH  
29 RESPECT TO THE CONDUCT OF SUCH SPECIAL DISTRICT ELECTIONS, SHALL APPLY  
30 TO SUCH SPECIAL DISTRICT GENERAL AND SPECIAL ELECTIONS.

31 S 15-302. DEFINITIONS. THE TERMS USED IN THIS TITLE SHALL HAVE THE  
32 MEANING HEREIN DEFINED UNLESS ANOTHER MEANING IS CLEARLY APPARENT IN  
33 LANGUAGE OR CONTEXT:

34 1. "SPECIAL DISTRICT ELECTION" MEANS THE ANNUAL ELECTION FOR SPECIAL  
35 DISTRICT COMMISSIONERS OF A SPECIAL DISTRICT OR ANY OTHER ELECTION OF A  
36 SPECIAL DISTRICT FOR ANY OTHER SPECIAL DISTRICT OFFICE OR PURPOSE SPECI-  
37 FIED IN THE TOWN LAW.

38 2. "PUBLISH" MEANS THAT ANY NOTICE OR RESOLUTION REQUIRED TO BE  
39 PUBLISHED BY A SPECIAL DISTRICT SHALL BE SO PRINTED WITHIN THE TIME  
40 REQUIRED IN THE LAW REQUIRING PUBLICATION IN THE OFFICIAL NEWSPAPER OF  
41 THE SPECIAL DISTRICT, OR IF NONE, ONE OF GENERAL CIRCULATION WITHIN THE  
42 SPECIAL DISTRICT.

43 S 15-304. SPECIAL DISTRICT ELECTIONS CONDUCTED BY THE BOARD OF  
44 ELECTIONS. THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT MAY ADOPT A  
45 RESOLUTION SUBJECT TO A PERMISSIVE REFERENDUM, AS PROVIDED IN THE TOWN  
46 LAW, PROVIDING THAT SPECIAL DISTRICT ELECTIONS SHALL BE CONDUCTED BY THE  
47 BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A RESOLUTION BY THE BOARD OF  
48 COMMISSIONERS AND BY A PERMISSIVE REFERENDUM, IF A VALID PETITION FOR  
49 SUCH A REFERENDUM IS TIMELY FILED, THE BOARD OF ELECTIONS SHALL CONDUCT  
50 ALL SPECIAL DISTRICT ELECTIONS IN SUCH SPECIAL DISTRICT. SUCH RESOLUTION  
51 SHALL TAKE EFFECT AT THE FIRST ELECTION HELD IN SUCH SPECIAL DISTRICT  
52 MORE THAN SIXTY DAYS AFTER ITS ADOPTION AND SHALL CONTINUE IN EFFECT FOR  
53 ALL SUCH ELECTIONS UNTIL A SUBSEQUENT RESOLUTION PROVIDING OTHERWISE  
54 SHALL, IN A LIKE MANNER, HAVE TAKEN EFFECT.

55 S 15-306. REGISTRATION OF VOTERS. IN A SPECIAL DISTRICT ELECTION  
56 CONDUCTED BY THE BOARD OF ELECTIONS PURSUANT TO A RESOLUTION ADOPTED

PURSUANT TO THE PROVISIONS OF THE TOWN LAW, ONLY THOSE PERSONS REGISTERED TO VOTE WITH THE BOARD OF ELECTIONS ON THE TENTH DAY BEFORE SUCH ELECTION SHALL BE ELIGIBLE TO VOTE.

S 25. Subdivision 2 of section 16-102 of the election law, as amended by chapter 79 of the laws of 1992, is amended to read as follows:

2. A proceeding with respect to a petition shall be instituted within fourteen days after the last day to file the petition, or within three business days after the officer or board with whom or which such petition was filed, makes a determination of invalidity with respect to such petition, whichever is later; except that a proceeding with respect to a petition for a village, SPECIAL TOWN OR SPECIAL DISTRICT election or an independent nomination for a special election shall be instituted within seven days after the last day to file the petition for such village, SPECIAL TOWN OR SPECIAL DISTRICT election or independent nomination or within three business days after the officer or board with whom or which such petition was filed, makes a determination of invalidity with respect to such petition, whichever is later. A proceeding with respect to a primary, convention, meeting of a party committee, or caucus shall be instituted within ten days after the holding of such primary or convention or the filing of the certificate of nominations made at such caucus or meeting of a party committee.

S 26. Subdivision 5 of section 16-106 of the election law, as amended by chapter 359 of the laws of 1989, is amended to read as follows:

5. A proceeding under subdivisions one and three of this section must be instituted within twenty days and under subdivision two OF THIS SECTION, within thirty days after the election or alleged erroneous statement or determination was made, or the time when the board shall have acted in the particulars as to which it is claimed to have failed to perform its duty, except that such a proceeding with respect to a village, SPECIAL TOWN OR SPECIAL DISTRICT election must be instituted within ten days after such election, statement, determination or action.

S 27. Section 361-a of the county law, as amended by chapter 359 of the laws of 1989, is amended to read as follows:

S 361-a. Expenses of boards of elections outside New York City; apportionment of. The board of elections in each county, outside of the city of New York, on or before the fifteenth day of December and not earlier than the first day of October, in each year, shall certify to the clerk of the legislative body of the county, the total amount of the expenses of such board of elections, including salaries for the preceding year, and, if the legislative body of any county shall so direct, shall certify to such clerk the portions of such expenses which under provisions of law are to be borne by any city or cities in said county and the portion thereof which is to be borne by the rest of such county and such clerk shall thereupon notify the proper local official or officials, who, in spreading upon the assessment-rolls the taxes to be levied upon the taxable property in the city or any such cities, and in the rest of the county, shall include in the amount so spread the amounts certified by the board of elections to be borne by such city or cities, respectively, and in the amount spread upon the assessment-rolls of the taxable property in the several towns or other political subdivisions of the rest of the county the amount so certified by said board of elections to be borne by such towns or political subdivisions respectively. Whenever any additional expenses either for salaries or supplies in addition to the regular county-wide primary and GENERAL election expenses are incurred by a board of elections incidental to any election in any city, town, SPECIAL DISTRICT or village, such board of elections shall certify to

1 the county legislative body a detailed statement of such expenses and  
2 said county legislative body may cause the amount thereof to be levied  
3 against such city, town, SPECIAL DISTRICT or village or may certify the  
4 amount thereof to such city, town, SPECIAL DISTRICT or village and such  
5 city, town, SPECIAL DISTRICT or village shall upon such certification,  
6 include the amount so certified in the next budget and tax levy and  
7 shall pay the same to the county.

8 S 28. Section 64 of the town law is amended by adding a new subdivi-  
9 sion 26 to read as follows:

10 26. RESOLUTIONS. MAY ADOPT A RESOLUTION, SUBJECT TO A PERMISSIVE  
11 REFERENDUM, PROVIDING THAT ALL SPECIAL ELECTIONS IN SUCH TOWN SHALL BE  
12 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A  
13 RESOLUTION BY THE TOWN BOARD AND BY THE VOTERS IN A PERMISSIVE REFEREN-  
14 DUM, IF A VALID PETITION FOR SUCH A REFERENDUM IS TIMELY FILED, THE  
15 COUNTY BOARD OF ELECTIONS SHALL CONDUCT ALL SPECIAL ELECTIONS REQUIRED  
16 TO BE HELD IN SUCH TOWN OR ANY PART THEREOF. SUCH RESOLUTION SHALL TAKE  
17 EFFECT FOR THE FIRST SUCH ELECTION HELD MORE THAN SIXTY DAYS AFTER ITS  
18 ADOPTION AND SHALL CONTINUE IN EFFECT FOR ALL SUCH ELECTIONS UNTIL A  
19 SUBSEQUENT RESOLUTION PROVIDING OTHERWISE SHALL, IN A LIKE MANNER, HAVE  
20 TAKEN EFFECT.

21 S 29. Subdivision 4 of section 81 of the town law, as amended by chap-  
22 ter 434 of the laws of 1984, is amended to read as follows:

23 4. Such petition shall be subscribed and authenticated, in the manner  
24 provided by the election law for the authentication of nominating  
25 petitions, by electors of the town qualified to vote upon a proposition  
26 to raise and expend money, in number equal to at least five per centum  
27 of the total votes cast for governor in said town at the last general  
28 election held for the election of state officers, but such number shall  
29 not be less than one hundred in a town of the first class nor less than  
30 twenty-five in a town of the second class. If such a petition be filed  
31 in the office of the town clerk not less than sixty days, nor more than  
32 seventy-five days, prior to a biennial town election, the proposition  
33 shall be submitted at such biennial election. If a petition be  
34 presented at any other time, a special election shall be called to be  
35 held not less than sixty days, nor more than seventy-five days after the  
36 filing of such petition EXCEPT THAT IF SUCH SPECIAL ELECTION WILL BE  
37 CONDUCTED BY THE BOARD OF ELECTIONS AND THE DATES PRESCRIBED BY THIS  
38 SUBDIVISION FOR CONDUCTING SUCH ELECTION ARE WITHIN THIRTY DAYS OF A  
39 GENERAL OR PRIMARY ELECTION CONDUCTED BY SUCH BOARD OF ELECTIONS, THEN  
40 SUCH SPECIAL ELECTION SHALL BE HELD NOT LESS THAN THIRTY NOR MORE THAN  
41 FORTY-FIVE DAYS AFTER SUCH GENERAL OR PRIMARY ELECTION.

42 S 30. Section 83 of the town law, as amended by chapter 134 of the  
43 laws of 1986, is amended to read as follows:

44 S 83. Conduct of town elections. The town board shall select from the  
45 list of election inspectors and ballot clerks previously designated for  
46 general election purposes, pursuant to the election law, persons to act  
47 as election inspectors and ballot clerks for each voting place at which  
48 a special town election NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS  
49 shall be held. Election inspectors and ballot clerks for biennial town  
50 elections shall be those appointed as provided by the election law, and  
51 both special town elections and biennial elections shall be conducted,  
52 the votes canvassed, and the results certified and returned so far as  
53 practicable in the manner prescribed by such law. Upon the closing of  
54 the polls at any election NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS  
55 at which a proposition or propositions shall be voted upon, the election  
56 inspectors shall proceed to canvass the votes thereat and shall complete

1 such canvass without adjournment. As soon as possible after completion  
2 OF THE CANVASS OF ANY ELECTION NOT CONDUCTED BY THE COUNTY BOARD OF  
3 ELECTIONS the inspectors shall file with the town clerk a certificate  
4 setting forth the holding of the election, the total number of votes  
5 cast upon each proposition, and the number of votes cast for and against  
6 each proposition, together with the name and address of every person  
7 voting at such election upon such proposition or propositions.

8 S 31. Subdivision 2 of section 84 of the town law, as amended by chap-  
9 ter 281 of the laws of 1998, is amended to read as follows:

10 2. The town board of a town may, by resolution adopted at a regular  
11 meeting, determine that thereafter personal registration of voters shall  
12 be required for special town elections NOT CONDUCTED BY THE COUNTY BOARD  
13 OF ELECTIONS. Such resolution and the notice hereinafter provided for  
14 shall specify the day or days, the place or places, and the hours during  
15 which a board or boards of registration shall meet for the purpose of  
16 preparing a register of voters of the town qualified to vote in such  
17 special elections, who shall present themselves personally for registra-  
18 tion for such special election. The town clerk shall give notice at the  
19 expense of the town, by the publication of a notice in a newspaper  
20 published in said town, if there be any, or, if there be none, in a  
21 newspaper published in the county having general circulation in the  
22 town, specifying the day or days, the place or places, and hours during  
23 which the board or boards of registration will meet for the purpose of  
24 preparing a register of qualified voters of the town as provided in this  
25 section. The first publication of such notice shall be at least ten days  
26 prior to the first day fixed by the town board on which boards of regis-  
27 tration shall meet. In addition, the town clerk shall post or cause to  
28 be posted in five conspicuous places in said town copies of such notice  
29 at least ten days prior to the first day fixed by the town board on  
30 which the boards of registration shall meet.

31 S 32. Subdivision 1 of section 84-a of the town law, as added by chap-  
32 ter 396 of the laws of 1988, is amended to read as follows:

33 1. Absentee ballots shall be provided PURSUANT TO THE PROVISIONS OF  
34 THIS SECTION for all special town elections NOT CONDUCTED BY THE COUNTY  
35 BOARD OF ELECTIONS for which personal registration is required.

36 S 33. Subdivisions 1 and 6 of section 175 of the town law, subdivision  
37 1 as amended by chapter 185 of the laws of 2010 and subdivision 6 as  
38 amended by chapter 586 of the laws of 2004, are amended to read as  
39 follows:

40 1. An annual election shall be held in each fire district on the  
41 second Tuesday in December, except that in the Ocean Bay Park fire  
42 district, the Lonelyville fire district, the Davis Park fire district,  
43 the Cherry Grove fire district and the Fire Island Pines fire district,  
44 Suffolk county, such annual election shall be held on the second Tuesday  
45 in July, except that in the town of Salisbury, Herkimer county, such  
46 annual election shall be held on the Tuesday next succeeding the first  
47 Monday in November from six o'clock in the morning until nine o'clock in  
48 the evening and except that in the Belfast fire district, Allegany coun-  
49 ty, such annual election shall be held on the first Tuesday in December.  
50 The board of fire commissioners shall give notice [thereof] OF SUCH AN  
51 ELECTION NOT CONDUCTED BY THE BOARD OF ELECTIONS by the publication of a  
52 notice once in one or more newspapers having a general circulation in  
53 the district. The first publication of such notice shall be not less  
54 than twenty-seven days and not more than thirty-four days prior to the  
55 date of such election. Such notice shall specify the time when and the  
56 place where such election will be held, the officers to be elected ther-

1 eat and their terms of office, and the hours during which the polls will  
2 be open for the receipt of ballots. The secretary of such fire district  
3 shall prepare the ballots for all elections of fire district officers  
4 NOT CONDUCTED BY THE BOARD OF ELECTIONS and the polls shall remain open  
5 for the receipt thereof at all elections of fire district officers from  
6 six o'clock in the evening until nine o'clock in the evening and such  
7 additional consecutive hours prior thereto as the board of fire commis-  
8 sioners of such district may have determined and specified in the notice  
9 thereof. The board of fire commissioners shall designate a resident fire  
10 district elector, who shall be a registered voter of the town, to act as  
11 chairman of any election of said district NOT CONDUCTED BY THE BOARD OF  
12 ELECTIONS and shall designate not less than two nor more than four resi-  
13 dent fire district electors, who shall be registered voters of the town  
14 to act as election inspectors and ballot clerks at ANY such elections.  
15 No elective officer of the fire district shall serve as such chairman or  
16 as an election inspector or ballot clerk. The board of fire commission-  
17 ers may adopt a resolution providing that such chairman, election  
18 inspectors and ballot clerks shall be paid for their respective services  
19 at any such annual election or at any special election of the fire  
20 district. Such resolution, if adopted, shall fix the amount of such  
21 compensation, as follows: if the hours during which the polls will be  
22 open for the receipt of ballots are from six o'clock in the evening  
23 until nine o'clock in the evening, a sum not to exceed thirty-five  
24 dollars for each such official; if additional consecutive hours prior to  
25 six o'clock in the evening are determined and specified in the notice of  
26 election, a sum not to exceed fifty dollars for each such official.

27 6. If in any fire district the number of voters is so great as to  
28 render it inexpedient or impossible to conduct the election at one poll-  
29 ing place, the board of fire commissioners may divide the fire district  
30 into election districts and provide a polling place for each such  
31 election district, provided, however, that the number of election  
32 districts in any fire district shall not exceed one for each six hundred  
33 electors plus one for a remaining fraction of six hundred. In such  
34 event, the notice specified in subdivision one of this section shall  
35 describe the election districts and state where the polling places will  
36 be located[, and the]. THE board of fire commissioners shall designate  
37 not less than two nor more than four resident fire district electors,  
38 who shall be registered voters of the town, to act as election inspec-  
39 tors and ballot clerks at each such polling place IN ANY ELECTION NOT  
40 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. The board of fire district  
41 commissioners may adopt a resolution providing that such election  
42 inspectors and ballot clerks shall be paid for their respective services  
43 at any such annual election or at any special election of the fire  
44 district. Such resolution, if adopted, shall fix the amount of such  
45 compensation as follows: if the hours during which the polls will be  
46 open for the receipt of ballots are from six o'clock in the evening  
47 until nine o'clock in the evening, a sum not to exceed thirty-five  
48 dollars for each such official; if additional consecutive hours prior to  
49 six o'clock in the evening are determined and specified in the notice of  
50 election, a sum not to exceed fifty dollars for each such official. No  
51 elective officer of the fire district shall serve as an election inspec-  
52 tor or ballot clerk.

53 S 34. Subdivision 1, the opening paragraph and paragraph (a) of subdi-  
54 vision 2, the opening paragraph of subdivision 3 and subdivisions 5 and  
55 6 of section 175-a of the town law, subdivision 1 as amended by chapter  
56 169 of the laws of 1997, the opening paragraph and paragraph (a) of



subdivision 2, the opening paragraph of subdivision 3 and subdivision 5 as added by chapter 202 of the laws of 1984 and subdivision 6 as amended by chapter 456 of the laws of 1986, are amended to read as follows:

1. The board of fire commissioners of any fire district may provide by resolution, that a proposition be submitted at any annual fire district election providing that additional personal registration of voters not registered with the board of elections shall be permitted for all elections in such fire district NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. Such additional personal registration may be terminated by a resolution of the board of fire commissioners and the passage of a proposition at any annual fire district election.

Registration for all fire district elections NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS shall be conducted as follows:

(a) Only those persons registered with the board of elections on or before the [twenty-third] TWENTY-FIRST day before such election and those persons whose names are placed on the fire district register pursuant to the provisions of this section shall be entitled to vote in such district.

The register for the annual fire district election FOR DISTRICT ELECTIONS NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS shall be prepared in each fire district by the inspectors of election thereof on the days prior to registration day, if any, designated therefor, on the registration day, if any, at the times and places designated by the resolution of the board of fire commissioners. In preparing such register, the inspectors of election shall comply with the following procedure:

5. Registration for special fire district elections FOR DISTRICT ELECTIONS NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS shall be held in the same manner as is provided herein for annual fire district elections, and registration days therefor shall be the same as if said special fire district election were the annual fire district election.

6. In lieu of the provisions for designating the chairman, election inspectors and ballot clerks, as set forth in subdivision one of section one hundred seventy-five of this [chapter] ARTICLE, the board of fire commissioners shall, by resolution adopted at least forty days prior to the annual fire district election FOR DISTRICT ELECTIONS NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS, designate a resident fire district elector to act as chairman of any election of said district and shall designate not less than two nor more than four resident fire district electors to act as election inspectors and ballot clerks in such election. Such resolution shall fix the compensation of the chairman and inspectors and, in addition, the board of fire commissioners may provide for alternate inspectors who shall assume the office of inspector upon the inability or refusal of an inspector to assume or perform his duties and for any clerical help which they may deem necessary. Such clerical help shall perform their duties under the direction and control of the chairman and inspectors of election.

S 35. Subdivisions 7, 8 and 29 of section 176 of the town law, subdivision 7 as amended by chapter 35 of the laws of 1996, subdivision 8 as amended by chapter 602 of the laws of 1947 and subdivision 29 as added by chapter 568 of the laws of 1949, are amended to read as follows:

7. Shall require that candidates for district offices file their names with the secretary of the fire district OR, IF THE ELECTION FOR DISTRICT OFFICES IS CONDUCTED BY THE COUNTY BOARD OF ELECTIONS, WITH SUCH COUNTY BOARD OF ELECTIONS, at least twenty days prior to the date of such fire district elections and in addition may provide by resolution that such

1 nominations be submitted in petition form subscribed by AT LEAST twen-  
2 ty-five qualified voters of the district. Thereafter the ballots  
3 prepared for the election of fire district officers shall specify the  
4 names of the candidates duly filed and in addition provide proper blank  
5 spaces for each office to be filled at such election. If any such resol-  
6 ution shall be adopted, the requirements thereof shall be specified in  
7 the notice of each fire district election held thereafter. The board of  
8 fire commissioners may rescind such resolution at any time and thereaft-  
9 er fire district officers shall be elected as otherwise provided herein.

10 8. Shall appoint officials for fire district elections NOT CONDUCTED  
11 BY THE COUNTY BOARD OF ELECTIONS as provided in section one hundred  
12 seventy-five of this chapter and may provide for their compensation  
13 pursuant to such section.

14 29. May authorize the use of voting machines at any annual or special  
15 election held within the fire district and such voting machine shall be  
16 used in accordance with the provisions contained in [article nine of]  
17 the election law.

18 S 36. Section 176 of the town law is amended by adding a new subdivi-  
19 sion 35 to read as follows:

20 35. MAY ADOPT A RESOLUTION, SUBJECT TO A PERMISSIVE REFERENDUM,  
21 PROVIDING THAT ALL ELECTIONS IN SUCH FIRE DISTRICT SHALL BE CONDUCTED BY  
22 THE COUNTY BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A RESOLUTION BY THE  
23 BOARD OF COMMISSIONERS AND BY THE VOTERS IN A PERMISSIVE REFERENDUM, IF  
24 A VALID PETITION FOR SUCH A REFERENDUM IS TIMELY FILED, THE COUNTY BOARD  
25 OF ELECTIONS SHALL CONDUCT ALL ELECTIONS REQUIRED TO BE HELD IN SUCH  
26 FIRE DISTRICT. SUCH RESOLUTION SHALL TAKE EFFECT FOR THE FIRST SUCH  
27 ELECTION HELD MORE THAN SIXTY DAYS AFTER ITS ADOPTION AND SHALL CONTINUE  
28 IN EFFECT FOR ALL SUCH ELECTIONS UNTIL A SUBSEQUENT RESOLUTION PROVIDING  
29 OTHERWISE SHALL, IN A LIKE MANNER, HAVE TAKEN EFFECT.

30 S 37. Section 212 of the town law, as amended by chapter 421 of the  
31 laws of 2008, is amended to read as follows:

32 S 212. Annual election and notice thereof. The district commissioners  
33 of such improvement district shall publish at the expense of the  
34 district the notice of each election of improvement district commission-  
35 ers held pursuant to this article WHICH IS NOT CONDUCTED BY THE COUNTY  
36 BOARD OF ELECTIONS. Such notice shall be published at least once in one  
37 or more newspapers having general circulation in the district and the  
38 first publication thereof shall be at least twenty days before the day  
39 of such election. The notice of annual election shall specify the time  
40 when and the place or places where such election shall be held and the  
41 hours during which the polls will be open for the receipt of ballots.  
42 Notice of such election shall also be posted on the websites of the  
43 district and the town in which the district is located, if such websites  
44 are maintained, on the signboard of the town, and conspicuously posted  
45 in three or more designated public locations within the district, on or  
46 about the day on which such notice is published. Such election shall be  
47 held at a suitable place or places within the district designated by the  
48 district commissioners and the polls shall remain open from six o'clock  
49 in the evening until nine o'clock in the evening and such additional  
50 consecutive hours prior thereto as the district commissioners may deter-  
51 mine and specify in the notice of such election. The board of commis-  
52 sioners of such district shall designate for each district election NOT  
53 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS not less than two nor more  
54 than four resident taxpayers to act as election inspectors and ballot  
55 clerks for each designated polling place. The board of commissioners  
56 shall fix the compensation of such election inspectors and ballot clerks

1 in an amount not to exceed ten dollars per hour each for every hour or  
2 part thereof of such service and such compensation shall be a charge  
3 against the district. The board of commissioners shall cause to be  
4 prepared the ballots for all elections NOT CONDUCTED BY THE COUNTY BOARD  
5 OF ELECTIONS, and may authorize the use of voting machines approved by  
6 the [secretary of] state BOARD OF ELECTIONS at any SUCH annual or  
7 special election of the district in accordance with [article nine of]  
8 the election law. After the polls shall have been closed at any  
9 election, the election inspectors and ballot clerks at each polling  
10 place shall immediately canvass the ballots cast and shall publicly  
11 announce the result of the vote at that polling place. Within twenty-  
12 four hours the chairman of the board of commissioners, election inspec-  
13 tors and ballot clerks shall execute and file a certificate of the  
14 result of the canvass with the board of commissioners of the improvement  
15 district and with the clerk of the town in which said district is  
16 located.

17 S 38. Subdivision 1, the opening paragraph and paragraph (a) of subdi-  
18 vision 2, the opening paragraph of subdivision 3 and subdivisions 4 and  
19 5 of section 213-a of the town law, subdivision 1 as amended by chapter  
20 530 of the laws of 1992, the opening paragraph and paragraph (a) of  
21 subdivision 2, the opening paragraph of subdivision 3 and subdivisions 4  
22 and 5 as added by chapter 400 of the laws of 1985, are amended to read  
23 as follows:

24 1. The board of commissioners of any improvement district in which  
25 commissioners are elected may provide by resolution that a proposition  
26 be submitted at any annual improvement district election providing that  
27 additional personal registration of voters not registered with the board  
28 of elections shall be permitted for all elections in such improvement  
29 district NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS.

30 Registration for all improvement district elections NOT CONDUCTED BY  
31 THE COUNTY BOARD OF ELECTIONS shall be conducted as follows:

32 (a) Only those persons registered with the board of elections on or  
33 before the [twenty-third] TWENTY-FIRST day before such election and  
34 those persons whose names are placed on the improvement district regis-  
35 ter pursuant to the provisions of this section shall be entitled to vote  
36 in such district.

37 The register for [the] ANY annual improvement district election NOT  
38 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS shall be prepared in each  
39 district by the inspectors of election thereof on the days prior to  
40 registration day, if any, designated therefor, AND on the registration  
41 day, if any, at the times and places designated by the resolution of the  
42 board of commissioners. In preparing such register, the inspectors of  
43 election shall comply with the following procedure:

44 4. The SECRETARY OF THE BOARD OF COMMISSIONERS OF THE improvement  
45 district [secretary] shall furnish the inspectors of election, at  
46 district expense, with all necessary registration books, papers, equip-  
47 ment and supplies.

48 5. In lieu of the provisions for designating the election inspectors  
49 and ballot clerks, as set forth in section two hundred twelve of this  
50 [chapter] ARTICLE, in improvement districts where additional personal  
51 registration is permitted FOR DISTRICT ELECTIONS NOT CONDUCTED BY THE  
52 COUNTY BOARD OF ELECTIONS, the board of commissioners shall, by resol-  
53 ution adopted at least forty days prior to the annual district election,  
54 designate a resident improvement district elector to act as chairman of  
55 any election of said district and shall designate not less than two nor  
56 more than four resident district electors to act as election inspectors

1 and ballot clerks in ANY such election. Such resolution shall fix the  
2 compensation of the chairman and inspectors and, in addition, the board  
3 of commissioners may provide for alternate inspectors who shall assume  
4 the office of inspector upon the inability or refusal of an inspector to  
5 assume or perform his duties and for any clerical help which they may  
6 deem necessary. Such clerical help shall perform their duties under the  
7 direction and control of the chairman and inspectors of election.

8 S 39. Subdivision 1 of section 213-b of the town law, as added by  
9 chapter 400 of the laws of 1985, is amended to read as follows:

10 1. The board of commissioners of any improvement district in which  
11 commissioners are elected, may, by resolution, provide for absentee  
12 ballots for the election of the commission[, in accordance with]. SUCH  
13 ABSENTEE BALLOTS FOR IMPROVEMENT DISTRICT ELECTIONS NOT CONDUCTED BY THE  
14 COUNTY BOARD OF ELECTIONS SHALL BE CAST PURSUANT TO the provisions of  
15 this section. SUCH ABSENTEE BALLOTS FOR IMPROVEMENT DISTRICT ELECTIONS  
16 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS SHALL BE CAST PURSUANT TO THE  
17 PROVISIONS OF THE ELECTION LAW. Such resolution shall take effect at the  
18 first such election held more than sixty days after its adoption and  
19 shall continue in effect for all such elections until a subsequent  
20 resolution providing otherwise shall, in like manner, have taken effect.

21 S 40. Subdivision 20 of section 215 of the town law, as amended by  
22 chapter 400 of the laws of 1985, is amended to read as follows:

23 20. [May] SHALL provide by resolution that candidates for district  
24 offices shall file their names with the secretary of the board of  
25 commissioners OR, IF THE ELECTION FOR DISTRICT OFFICES IS CONDUCTED BY  
26 THE COUNTY BOARD OF ELECTIONS, WITH SUCH COUNTY BOARD OF ELECTIONS, at  
27 least thirty days prior to the date of the district elections, and, in  
28 addition, require that such nominations FOR DISTRICT ELECTIONS NOT  
29 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS be submitted in petition form  
30 subscribed by twenty-five registered voters of the district. Thereaft-  
31 er, the ballots for the election of district officers shall specify the  
32 names of the candidates duly filed and, in addition, provide proper  
33 blank spaces for each office to be filled at such election. If any such  
34 resolution shall be adopted, the requirements thereof shall be specified  
35 in the notice of each district election NOT CONDUCTED BY THE COUNTY  
36 BOARD OF ELECTIONS held thereafter. The board of commissioners may  
37 rescind such resolution at any time and thereafter district officers  
38 shall be elected as otherwise provided herein.

39 S 41. Section 215 of the town law is amended by adding a new subdivi-  
40 sion 24 to read as follows:

41 24. MAY ADOPT A RESOLUTION, SUBJECT TO A PERMISSIVE REFERENDUM,  
42 PROVIDING THAT ALL ELECTIONS IN SUCH IMPROVEMENT DISTRICT SHALL BE  
43 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A  
44 RESOLUTION BY THE BOARD OF COMMISSIONERS AND BY THE VOTERS IN A PERMISSIVE  
45 REFERENDUM, IF A VALID PETITION FOR SUCH A REFERENDUM IS TIMELY  
46 FILED, THE COUNTY BOARD OF ELECTIONS SHALL CONDUCT ALL ELECTIONS  
47 REQUIRED TO BE HELD IN SUCH IMPROVEMENT DISTRICT. SUCH RESOLUTION SHALL  
48 TAKE EFFECT FOR THE FIRST SUCH ELECTION HELD MORE THAN SIXTY DAYS AFTER  
49 ITS ADOPTION AND SHALL CONTINUE IN EFFECT FOR ALL SUCH ELECTIONS UNTIL A  
50 SUBSEQUENT RESOLUTION PROVIDING OTHERWISE SHALL, IN A LIKE MANNER, HAVE  
51 TAKEN EFFECT.

52 S 42. Paragraph a of subdivision 1 of section 24 of the municipal home  
53 rule law, as amended by chapter 271 of the laws of 1986, is amended to  
54 read as follows:

55 a. A local law adopted by a county, city or town and subject to refer-  
56 endum on petition as provided in this section or in any other state

1 statute, if not also subject to mandatory referendum, shall not take  
2 effect until at least forty-five days after its adoption; nor until  
3 approved by the affirmative vote of a majority of the qualified electors  
4 of the local government voting on a proposition for its approval if  
5 within forty-five days after its adoption there be filed with the clerk  
6 a petition protesting against such local law, signed and authenticated  
7 as herein required by qualified electors of such local government,  
8 registered to vote therein at the last preceding general election, in  
9 number equal to at least ten per centum of the total number of votes  
10 cast for governor at the last gubernatorial election in such local  
11 government. If such petition be so filed, a proposition for the approval  
12 of such local law shall be submitted at the next general election of  
13 state or local government officers held in such local government not  
14 less than sixty days after the filing of such petition, unless the peti-  
15 tion request and the legislative body adopt a local law submitting such  
16 proposition at a special election held not less than sixty days after  
17 the adoption of the local law providing for such special election,  
18 EXCEPT THAT IF SUCH SPECIAL ELECTION WILL BE CONDUCTED BY THE BOARD OF  
19 ELECTIONS, THE DATE FIXED FOR SUCH SPECIAL ELECTION MAY NOT BE WITHIN  
20 THIRTY DAYS OF A GENERAL OR SPECIAL ELECTION CONDUCTED BY SUCH BOARD OF  
21 ELECTIONS. The petition may be made upon separate sheets, and the  
22 signatures to each sheet shall be signed and authenticated in the manner  
23 provided by the election law for the signing and authentication of nomi-  
24 nating petitions so far as applicable. The several sheets so signed and  
25 authenticated, when fastened together and offered for filing, shall be  
26 deemed to constitute one petition. The clerk shall examine each such  
27 petition so filed with him and not later than thirty days after the date  
28 of its filing, or forty-five days before the day of the election at  
29 which such referendum would appear on the ballot, whichever is earlier,  
30 shall transmit to the legislative body a certificate that he has exam-  
31 ined it and has found that it complies or does not comply, as the case  
32 may be, with all the requirements of law. If within five days after the  
33 last day to file such certificate a written objection to the determi-  
34 nation of the clerk be filed with the supreme court, or any justice  
35 thereof, of a judicial district in which such local government or any  
36 part thereof is located, such court or justice shall determine any ques-  
37 tion arising thereunder and make such order as justice may require.  
38 Such proceeding shall be heard and determined in the manner prescribed  
39 by section 16-116 of the election law.

40 S 43. This act shall take effect on the first of September next  
41 succeeding the date on which it shall have become a law.