

5411--A

Cal. No. 1075

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. GIPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the town law, in relation to elections of fire district officers in the Arlington fire district, Dutchess county

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

1 Section 1. Subdivision 1 of section 175 of the town law, as amended by
2 chapter 334 of the laws of 2011, is amended to read as follows:
3 1. An annual election shall be held in each fire district on the
4 second Tuesday in December, except that:
5 (A) in the Ocean Bay Park fire district, the Lonelyville fire
6 district, the Davis Park fire district, the Cherry Grove fire district,
7 the Fair Harbor fire district and the Fire Island Pines fire district,
8 Suffolk county, such annual election shall be held on the second Tuesday
9 in July[, except that];
10 (B) in the town of Salisbury, Herkimer county, AND IN THE ARLINGTON
11 FIRE DISTRICT, DUTCHESS COUNTY, such annual election shall be held on
12 the Tuesday next succeeding the first Monday in November from six
13 o'clock in the morning until nine o'clock in the evening [and except
14 that]; AND
15 (C) in the Belfast fire district, Allegany county, such annual
16 election shall be held on the first Tuesday in December.
17 The board of fire commissioners shall give notice thereof by the
18 publication of a notice once in one or more newspapers having a general
19 circulation in the district. The first publication of such notice shall
20 be not less than twenty-seven days and not more than thirty-four days
21 prior to the date of such election. Such notice shall specify the time
22 when and the place where such election will be held, the officers to be
23 elected thereat and their terms of office, and the hours during which
24 the polls will be open for the receipt of ballots. The secretary of such
25 fire district shall prepare the ballots for all elections of fire

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

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

24 S 2. Subdivision 6 of section 175 of the town law, as amended by chap-
25 ter 586 of the laws of 2004, is amended to read as follows:

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

54 S 3. This act shall take effect immediately and shall apply to the
55 election cycle of a fire district next succeeding such date.