S T A T E O F N E W Y O R K

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:

Section 1. Subdivision 1 of section 175 of the town law, as amended by chapter 334 of the laws of 2011, is amended to read as follows:

1. An annual election shall be held in each fire district on the second Tuesday in December, except that:

(A) in the Ocean Bay Park fire district, the Lonelyville fire district, the Davis Park fire district, the Cherry Grove fire district, the Fair Harbor fire district and the Fire Island Pines fire district, Suffolk county, such annual election shall be held on the second Tuesday in July[, except that];

(B) in the town of Salisbury, Herkimer county, AND IN THE ARLINGTON FIRE DISTRICT, DUTCHESS COUNTY, such annual election shall be held on the Tuesday next succeeding the first Monday in November from six o'clock in the morning until nine o'clock in the evening [and except that]; AND

(C) in the Belfast fire district, Allegany county, such annual election shall be held on the first Tuesday in December.

The board of fire commissioners shall give notice thereof by the publication of a notice once in one or more newspapers having a general circulation in the district. The first publication of such notice shall be not less than twenty-seven days and not more than thirty-four days prior to the date of such election. Such notice shall specify the time when and the place where such election will be held, the officers to be elected thereat and their terms of office, and the hours during which the polls will be open for the receipt of ballots. The secretary of such 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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district officers and the polls shall remain open for the receipt thereof at all elections of fire district officers from six o'clock in the evening until nine o'clock in the evening and such additional consecutive hours prior thereto as the board of fire commissioners of such district may have determined and specified in the notice thereof. The board of fire commissioners shall designate a resident fire district elector, who shall be a registered voter of the town, 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, who shall be registered voters of the town to act as election inspectors and ballot clerks at such elections. No elective officer of the fire district shall serve as such chairman or as an election inspector or ballot clerk. The board of fire commissioners may adopt a resolution providing that such chairman, election inspectors and ballot clerks shall be paid for their respective services at any such annual election or at any special election of the fire district. Such resolution, if adopted, shall fix the amount of such compensation, as follows: if the hours during which the polls will be open for the receipt of ballots are from six o'clock in the evening until nine o'clock in the evening, a sum not to exceed thirty-five dollars for each such official; if additional consecutive hours prior to six o'clock in the evening are determined and specified in the notice of election, a sum not to exceed fifty dollars for each such official.

S 2. Subdivision 6 of section 175 of the town law, as amended by chapter 586 of the laws of 2004, is amended to read as follows:

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

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