

7402

I N   S E N A T E

May 14, 2014

---

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

AN ACT to amend chapter 345 of the laws of 2013 relating to authorizing the Eastchester fire district, in the town of Eastchester, county of Westchester, to change the date of its annual election, in relation to following certain provisions of the election law for Eastchester fire district elections

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

1     Section 1. Section 1 of chapter 345 of the laws of 2013 relating to  
2     authorizing the Eastchester fire district, in the town of Eastchester,  
3     county of Westchester, to change the date of its annual election, is  
4     amended to read as follows:  
5     Section 1. [Notwithstanding the provision of subdivision one of  
6     section 175 of the town law generally requiring holding annual fire  
7     district elections on the second Tuesday in December, and notwithstand-  
8     ing the provision of subdivision 6 of section 175 of the town law  
9     related to the number of electors in each fire district election  
10    district: the Eastchester fire district, in the town of Eastchester,  
11    county of Westchester, whose boundaries only encompass the entire corpo-  
12    rate limits of the town of Eastchester and each village within such town  
13    and where the only eligible electors of such fire district are also  
14    eligible electors of such town and villages, shall hold its annual  
15    election on the Tuesday next succeeding the first Monday in November  
16    provided that (i) such fire district election is held at every polling  
17    site as may be established by the Westchester county board of elections;  
18    (ii) such fire district election districts are the same as the election  
19    districts as may be established by the Westchester county board of  
20    elections, such that an elector shall not be required to visit more than  
21    one polling site on such date; (iii) such fire district polls remain  
22    open for the same hours as the polls administered by the Westchester  
23    county board of elections; (iv) both of the Westchester county board of  
24    elections commissioners approve in writing of such fire district  
25    elections being held in the same locations as the elections held on the

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

LBD15144-01-4

1 Tuesday next succeeding the first Monday in November administered by  
2 such board of elections; and (v) the Eastchester fire district adheres  
3 to the provisions of section 175 of the town law that are not inconsis-  
4 tent with this act.] NOTWITHSTANDING THE PROVISIONS OF SECTIONS 175,  
5 175-A, 175-B, 175-C AND 176 OF THE TOWN LAW PERTAINING TO THE ANNUAL  
6 FIRE DISTRICT ELECTIONS, THE ELECTIONS OF THE EASTCHESTER FIRE DISTRICT,  
7 IN THE TOWN OF EASTCHESTER, COUNTY OF WESTCHESTER, WHOSE BOUNDARIES ONLY  
8 ENCOMPASS THE ENTIRE CORPORATE LIMITS OF THE TOWN OF EASTCHESTER AND  
9 EACH VILLAGE WITHIN SUCH TOWN AND WHERE THE ONLY ELIGIBLE ELECTORS OF  
10 SUCH FIRE DISTRICT ARE ALSO ELIGIBLE ELECTORS OF SUCH TOWN AND VILLAGES,  
11 SHALL BE GOVERNED BY THE RULES AND PROCEDURES OF ARTICLES 1, 3, 4, 5, 6,  
12 7, 8, 9 AND 10 OF THE ELECTION LAW.

13 S 2. Section 2 of chapter 345 of the laws of 2013 relating to author-  
14 izing the Eastchester fire district, in the town of Eastchester, county  
15 of Westchester, to change the date of its annual election, is amended to  
16 read as follows:

17 S 2. [Notwithstanding the provisions of section 179 of the town law  
18 authorizing fire districts to hold special elections to vote upon appro-  
19 priations, or any other law that would authorize the Eastchester fire  
20 district to hold a special election, all elections of the Eastchester  
21 fire district shall be held on the Tuesday next succeeding the first  
22 Monday in November in the manner provided for by this act.] NOTWITH-  
23 STANDING SUBDIVISION 2 OF SECTION 6-142 OF THE ELECTION LAW WITH RESPECT  
24 TO NOMINATING PETITIONS AND SIGNATURES, CANDIDATES FOR EASTCHESTER FIRE  
25 DISTRICT OFFICES SHALL FILE WITH THE WESTCHESTER COUNTY BOARD OF  
26 ELECTIONS A NOMINATING PETITION SUBSCRIBED BY 25 VOTERS OF THE EASTCHES-  
27 TER FIRE DISTRICT IN THE FORM SET FORTH BY SECTION 6-140 OF THE ELECTION  
28 LAW.

29 S 3. Section 3 of chapter 345 of the laws of 2013 relating to author-  
30 izing the Eastchester fire district, in the town of Eastchester, county  
31 of Westchester, to change the date of its annual election, is amended to  
32 read as follows:

33 S 3. [Nothing in this act shall be construed to require the Westches-  
34 ter county board of elections to authorize, administer, or otherwise  
35 oversee the Eastchester fire district elections, provided, however, that  
36 such county board of elections shall be authorized to provide technical  
37 assistance to such fire district.] EVERY EASTCHESTER FIRE DISTRICT  
38 COMMISSIONER, TREASURER AND SECRETARY MUST AT THE TIME OF HIS OR HER  
39 ELECTION OR APPOINTMENT AND THROUGHOUT HIS OR HER TERM OF OFFICE BE A  
40 RESIDENT OF SUCH FIRE DISTRICT. MEMBERSHIP IN A VOLUNTEER FIRE COMPANY  
41 SHALL NOT DISQUALIFY ANY SUCH FIRE DISTRICT OFFICER OR CANDIDATE FOR  
42 SUCH OFFICE. A PERSON WHO HAS BEEN CONVICTED OF ARSON IN ANY DEGREE  
43 SHALL NOT BE ELIGIBLE FOR ELECTION OR APPOINTMENT TO THE OFFICE OF FIRE  
44 DISTRICT COMMISSIONER, TREASURER OR SECRETARY.

45 S 4. This act shall take effect January 1, 2015.