

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. HOYT -- read once and referred to the Committee
on Election Law

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 respec-
tive county boards of elections

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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;

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

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

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

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

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

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

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

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

51 1. Every board of elections shall, in consultation with each city,
52 town and village, designate the polling places in each election district
53 in which the meetings for the registration of voters, and for any GENER-
54 AL, SPECIAL OR PRIMARY election may be held. The board of trustees of
55 each village in which general and special village elections ARE
56 conducted by the board of elections [are held] at a time other than the

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

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

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

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

1 county board of elections, a certificate indicating the occurrence of
2 the vacancy and the position which is to be filled.

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

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

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

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

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

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

53 3. The list described in subdivision one of this section shall be
54 published at least once in not less than two nor more than four newspa-
55 pers in the county. In a county containing a city, at least one such
56 publication shall be in a daily newspaper published in a city therein,

1 if there be such a newspaper. In the case of a village, SPECIAL TOWN OR
2 SPECIAL DISTRICT election held at a time other than the time of a gener-
3 al election, such publication shall be in a newspaper having general
4 circulation in such village, TOWN OR SPECIAL DISTRICT. So far as is
5 consistent with this section, one such newspaper shall represent each of
6 the major political parties. Should the board of elections find it
7 impossible to make such publication six days before election it shall
8 make it at the earliest possible day thereafter before the election.

9 S 9. Subdivisions 1, 5 and 6 of section 4-134 of the election law,
10 subdivision 1 as amended by chapter 91 of the laws of 1992 and subdivi-
11 sions 5 and 6 as amended by chapter 635 of the laws of 1990, are amended
12 to read as follows:

13 1. The board of elections shall deliver, at its office, to the clerk
14 of each town or city in the county, except the cities of New York,
15 Buffalo and Rochester, and to the clerk of each village in the county in
16 which elections are conducted by the board of elections, AND TO THE
17 SECRETARY OF THE BOARD OF COMMISSIONERS OF EACH SPECIAL DISTRICT IN THE
18 COUNTY IN WHICH ELECTIONS ARE CONDUCTED BY THE BOARD OF ELECTIONS, by
19 the Saturday before the primary, SPECIAL, general, village, SPECIAL
20 TOWN, SPECIAL DISTRICT or other election for which they are required:
21 the official and sample ballots; envelopes containing absentee voters'
22 ballots received not later than five o'clock in the afternoon of the
23 Friday before the day of an election; unless such board of elections has
24 determined by resolution adopted at least thirty days before election
25 day not to deliver such absentee ballots to the inspectors of election
26 at the polling place, ledgers prepared for delivery in the manner
27 provided in subdivision two of this section and containing the registra-
28 tion poll records of all persons entitled to vote at such election in
29 such town, city [or], village, OR SPECIAL DISTRICT or computer generated
30 registration lists containing the names of all persons entitled to vote
31 at such election in such town, city [or], village OR SPECIAL DISTRICT;
32 challenge reports prepared as directed by this chapter; sufficient
33 applications for registration by mail; sufficient ledger seals and other
34 supplies and equipment required by this article to be provided by the
35 board of elections for each polling place in such town, city [or],
36 village OR SPECIAL DISTRICT. The board of elections shall deliver at its
37 office to each town, city or village clerk OR SECRETARY OF THE BOARD OF
38 COMMISSIONERS OF A SPECIAL DISTRICT those ballots from military and
39 absentee voters received after five o'clock in the afternoon of the
40 Friday before and before twelve o'clock noon on the Monday before the
41 primary, general or other election for which they are required, unless
42 such board of elections has determined by resolution adopted at least
43 thirty days before election day not to deliver such ballots to the
44 inspectors of election at the polling place, and the town, city or
45 village clerk OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL
46 DISTRICT receiving such ballot envelope shall cause the same to be
47 delivered to the inspectors of election of the election district as
48 provided in this section. The town, city or village clerk OR SECRETARY
49 OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT shall call at the
50 office of such board of elections at such time and receive such ballots,
51 supplies and equipment. In the cities of New York, Buffalo and Rochester
52 the board of elections shall cause such ballots, supplies and equipment
53 to be delivered to the board of inspectors of each election district
54 approximately one-half hour before the opening of the polls for voting,
55 and shall take receipts therefor.

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

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

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

22 2. All expenses incurred under this chapter by the board of elections
23 of a county outside of the city of New York shall be a charge against
24 the county and in the city of New York the expenses of the board of
25 elections shall be a charge against such city. The expenses incurred by
26 the board of elections of a county outside the city of New York may,
27 pursuant to section 3-226 of this chapter, be apportioned among the
28 cities and towns therein, or in the case of a village OR SPECIAL
29 DISTRICT election held other than at the time of the fall primary or
30 general election, apportioned to such villages OR SPECIAL DISTRICTS
31 therein.

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

34 1. The board of elections [shall], not later than the twentieth day
35 before a special town election NOT CONDUCTED BY THE BOARD OF ELECTIONS
36 and not later than the seventh day before a village election NOT
37 conducted by the [village clerk] BOARD OF ELECTIONS AND NOT LATER THAN
38 THE NINETEENTH DAY BEFORE A SPECIAL DISTRICT ELECTION NOT CONDUCTED BY
39 THE BOARD OF ELECTIONS, SHALL, provide a list of registered voters or
40 shall place registration poll records in properly locked ledgers in the
41 temporary custody of the town or village clerk OR SECRETARY OF THE BOARD
42 OF COMMISSIONERS OF THE SPECIAL DISTRICT for the purpose of permitting
43 him to copy such records or to deliver such records for TOWN, village OR
44 SPECIAL DISTRICT election purposes to the board of inspectors of the
45 several polling places in the election districts as provided by this
46 chapter. The board of elections shall indicate on such list, or on a
47 separate accompanying list, the names of those voters whose registration
48 records have been marked "permanently disabled". The names of voters in
49 inactive status shall appear on a separate accompanying list. Voters
50 listed in inactive status who appear at the polls to vote shall be chal-
51 lenged in the manner provided by section 8-504 of this chapter.

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

55 S 6-144. Nominating and designating petitions and certificates; place
56 for filing. Petitions, certificates and minutes specified in this arti-

1 cle shall be filed in the office of the Board of Elections of the coun-
2 ty, except as follows: for an office or position to be voted for wholly
3 within the city of New York, in the office of the Board of Elections of
4 that city; for an office or position to be voted for in a district
5 greater than one county, or portions of two or more counties, in the
6 office of the state board of elections; for a TOWN OR village office to
7 be filled in a TOWN OR village election not conducted by the board of
8 elections, in the office of the TOWN OR village clerk. All such
9 petitions and certificates shall at the time of filing thereof be
10 endorsed by such officer or board with the day, hour and minute of such
11 filing. Such officer or board shall keep a book, which shall be open to
12 public inspection in which shall be entered the times of filing all such
13 petitions and certificates; the names and residences of all candidates
14 named therein; the names and residences of all candidates certified to
15 such officer or board; the title of the office or party position; the
16 name of the party or independent body to which the petition or certif-
17 icate relates and a memorandum of any objections to such petition or
18 certificate. Forthwith upon the filing of a petition or certificate
19 designating or nominating a person or persons for public office, such
20 officer or board shall mail notice thereof to each such person. Such
21 notice shall also state the last day to decline such designation or
22 nomination, and include a statement that the candidate's name shall
23 appear on the ballot as it appears in such notice.

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

27 GENERAL, SPECIAL AND PRIMARY ELECTIONS

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

30 TITLE III

31 SPECIAL DISTRICT ELECTIONS

32 SECTION 6-300. APPLICATION OF TITLE.

33 6-302. NOMINATING PETITIONS; NUMBER OF SIGNATURES.

34 6-304. PETITIONS AND CERTIFICATES; PLACE AND TIMES FOR FILING.

35 6-306. NOMINATIONS; OBJECTIONS.

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

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

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

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

51 S 6-306. NOMINATIONS; OBJECTIONS. WRITTEN OBJECTIONS TO A NOMINATING
52 PETITION OR TO A CERTIFICATE OF NOMINATION, CERTIFICATE OF ACCEPTANCE,
53 CERTIFICATE OF AUTHORIZATION, CERTIFICATE OF DECLINATION OR CERTIFICATE
54 OF SUBSTITUTION WITH RESPECT TO AN OFFICE TO BE FILLED AT A SPECIAL
55 DISTRICT ELECTION MAY BE FILED NOT LATER THAN THE DAY AFTER THE LAST DAY
56 TO FILE SUCH PETITION OR CERTIFICATE, OR THE DAY AFTER SUCH PETITION OR

1 CERTIFICATE IS RECEIVED BY THE BOARD OF ELECTIONS IF SUCH PETITION OR
2 CERTIFICATE IS MAILED WITHIN THE TIME PERMITTED BY LAW, WHICHEVER IS
3 LATER. WRITTEN SPECIFICATIONS OF THE GROUNDS FOR SUCH OBJECTIONS SHALL
4 BE SO FILED WITHIN TWO DAYS THEREAFTER. A FAILURE TO FILE SUCH WRITTEN
5 SPECIFICATIONS SHALL RENDER THE ORIGINAL OBJECTION NULL AND VOID. UPON
6 RECEIPT OF WRITTEN SPECIFICATIONS, THE COUNTY BOARD OF ELECTIONS SHALL
7 IMMEDIATELY NOTIFY EACH CANDIDATE NAMED IN SUCH PETITION OR CERTIFICATE
8 AND TAKE ALL STEPS NECESSARY AND CONSISTENT WITH THIS CHAPTER TO RENDER
9 A DETERMINATION ON THE QUESTIONS RAISED IN SUCH OBJECTIONS AND SPECIFI-
10 CATIONS. WHEN A DETERMINATION HAS BEEN MADE BY THE COUNTY BOARD OF
11 ELECTIONS THAT THE PETITION IS SUFFICIENT OR INSUFFICIENT, IT SHALL
12 IMMEDIATELY NOTIFY EACH CANDIDATE NAMED IN THE PETITION OR CERTIFICATE,
13 AND, IF SUCH DETERMINATION WAS MADE ON OBJECTION, THE OBJECTOR.

14 S 15. The opening paragraph of subdivision 1 of section 8-400 of the
15 election law, as amended by chapter 359 of the laws of 1989, is amended
16 to read as follows:

17 A qualified voter may vote as an absentee voter under this chapter if,
18 on the occurrence of any village, SPECIAL TOWN OR SPECIAL DISTRICT,
19 OTHER THAN FIRE DISTRICT, election conducted by the board of elections,
20 primary election, special election, general election or New York city
21 community school board district or city of Buffalo school district
22 election, he will be:

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

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

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

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

53 (b) Records and supplies to be filed with a city, town or village
54 clerk OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT
55 shall be so filed or delivered immediately after the completion of the
56 returns of the canvass, by an inspector designated by the board of

1 inspectors. Returns, papers and registration poll records or computer
2 generated registration lists to be filed with the board of elections
3 shall be so filed by the chairman of the board of inspectors within
4 twenty-four hours after the completion of such returns. The person
5 receiving such returns in the board of elections shall give to the
6 person delivering the returns a receipt stating therein the date and
7 hour of delivery, the name of the person making the delivery, and to
8 whom said returns were delivered and shall keep a duplicate of said
9 receipt on file in the office of the board of elections.

10 (c) The county legislative body of any county in the state except the
11 counties comprising the city of New York may, by a resolution, ordinance
12 or act as required, provide that all returns, papers, registration poll
13 records or computer generated registration lists, books, records, docu-
14 ments, and other election supplies and materials shall be filed by the
15 chairman of the board of inspectors of elections in a city or town and
16 in a village OR SPECIAL DISTRICT in which elections are conducted by the
17 board of elections, with the city, town or village clerk OR SECRETARY OF
18 THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT of such city, town
19 [or], village OR SPECIAL DISTRICT in the county within eighteen hours
20 after the closing of the polls at any primary, general, special [or],
21 village OR SPECIAL DISTRICT election and the city, town or village clerk
22 OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT upon
23 receiving such returns, papers, registers or lists, books, records,
24 documents, and other election supplies and materials shall give to the
25 person making the delivery, a receipt stating therein the date and hour
26 of the delivery and the name of such person. Within twenty-four hours
27 after the closing of the polls at any primary, general, special [or],
28 village OR SPECIAL DISTRICT election, the city, town or village clerk OR
29 SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT shall file
30 all returns, papers, registration poll records or computer generated
31 registration lists, books, records, documents and other election
32 supplies and materials filed with him by the inspectors of the election
33 districts of the city, town [or], village OR SPECIAL DISTRICT, with the
34 board of elections of the county and the board of elections shall give
35 to the city, town or village clerk OR SECRETARY OF THE BOARD OF COMMIS-
36 SIONERS OF A SPECIAL DISTRICT a receipt therefor stating therein the
37 date and hour of the delivery and the name of the person making the
38 delivery and to whom it was made, and shall keep a duplicate of said
39 receipt on file in the office of the board of elections.

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

42 S 9-204. County boards of canvassers. The board of elections of each
43 county or city shall be the county board of canvassers of such county,
44 or each county within such city. Such board also shall be the city board
45 of canvassers of any city or cities within the county for a city
46 election. Such board shall also be the board of canvassers of the towns
47 of the county. Such board shall also be the board of canvassers of
48 villages in which village elections are conducted by the board of
49 elections AND OF SPECIAL DISTRICTS IN WHICH SPECIAL DISTRICT ELECTIONS
50 ARE CONDUCTED BY THE BOARD OF ELECTIONS. The secretary of the board of
51 elections, or, if he is absent, or unable to act, a member or chief
52 clerk designated by the board shall be the secretary of the canvassing
53 board. Each canvassing board shall meet at the place where it usually
54 meets in other capacities on the day following the election, but its
55 duties may be performed in any or all of the offices of the board of
56 elections.

1 S 19. Subdivision 1 of section 9-208 of the election law, as amended
2 by chapter 359 of the laws of 1989, is amended to read as follows:

3 1. Within fifteen days after each general, special or primary
4 election, and within seven days after every village, SPECIAL TOWN OR
5 SPECIAL DISTRICT election conducted by the board of elections at which
6 voting machines are used, the board of elections, or a bipartisan
7 committee of or appointed by said board, shall in each county using
8 voting machines, make a record of the number on the seal and the number
9 on the protective counter, of each voting machine used in each election
10 district in such general, special or primary election, shall open the
11 counter compartment of each of such machine, and, without unlocking such
12 machine against voting, shall recanvass the vote cast thereon or, if the
13 machine is provided with a device for printing or photographing the
14 counters, such board or committee shall recanvass such printed or photo-
15 graphic record or, if the machine is provided with a removable electron-
16 ic or computerized device which records the vote cast on such machine
17 and from which a printed copy of such vote may be made mechanically or
18 electronically and also a device for printing or photographing such vote
19 directly from the voting machine, such board or committee shall recan-
20 vass the vote by comparing the vote on the printed copy of the canvass
21 made from such removable device with the printed or photographed copy of
22 the canvass made directly from the voting machine at the close of the
23 polls. No person who was a candidate at such election shall be appointed
24 to membership on the committee. The said board or committee shall
25 during such time, make a recanvass of any absentee and military, special
26 federal, special presidential, emergency and write-in ballots which were
27 canvassed at polling places on election night and delivered to the board
28 of elections by the person filing returns. Before making such canvass
29 the board of elections, with respect to each election district to be
30 recanvassed, shall give notice in writing to the voting machine custo-
31 dian thereof, to the state and county chairman of each party or inde-
32 pendent body which shall have nominated candidates for the said general
33 or special election or nominated or elected candidates at the said
34 primary election and to each individual candidate whose name appears on
35 said machine, of the time and place where such canvass is to be made;
36 and the state and county chairman of each such party or independent body
37 and each such individual candidate may send a representative to be pres-
38 ent at such recanvass. Each candidate whose name appears on said
39 machine, or his representative, shall have the right personally to exam-
40 ine and make a copy of the vote recorded on such machine and ballots.

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

43 1. The canvassing board shall determine each person elected by the
44 greatest number of votes to each county office, and each person elected
45 by the greatest number of votes to each city, town or village OR SPECIAL
46 DISTRICT office of a city, town or village OR SPECIAL DISTRICT of which
47 it is the board of canvassers. The canvassing board shall also deter-
48 mine whether any ballot proposal submitted only to the voters of the
49 county, or only to the voters of a city, town or village of which it is
50 the board of canvassers, as the case may be, has by the greater number
51 of votes been adopted or rejected.

52 S 21. Subdivision 1 of section 10-108 of the election law, as amended
53 by chapter 262 of the laws of 2003, is amended to read as follows:

54 1. Ballots for military voters shall be mailed or otherwise distrib-
55 uted by the board of elections thirty-two days before a primary or
56 general election; twenty-five days before a New York city community

1 school board district or city of Buffalo school district election; and
2 fourteen days before a village, SPECIAL TOWN OR SPECIAL DISTRICT, OTHER
3 THAN FIRE DISTRICT, election conducted by the board of elections and
4 twelve days before a special election. A voter who submits a military
5 ballot application shall be entitled to a military ballot thereafter for
6 each subsequent election through and including the next two regularly
7 scheduled general elections held in even numbered years, including any
8 run-offs which may occur; provided, however, such application shall not
9 be valid for any election held within seven days after its receipt.
10 Ballots shall also be mailed to any qualified military voter who is
11 already registered and who requests such military ballot from such board
12 of elections in a letter, which is signed by the voter and received by
13 the board of elections not later than the seventh day before the
14 election for which the ballot is requested and which states the address
15 where the voter is registered and the address to which the ballot is to
16 be mailed. The board of elections shall enclose with such ballot a form
17 of application for military ballot. In the case of a primary election,
18 the board shall deliver only the ballot of the party with which the
19 military voter is enrolled according to the military voter's registra-
20 tion records. In the event a primary election is uncontested in the
21 military voter's election district for all offices or positions except
22 the party position of member of the ward, town, city or county commit-
23 tee, no ballot shall be delivered to such military voter for such
24 election; and the military voter shall be advised of the reason why he
25 or she will not receive a ballot.

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

28 VILLAGE, SPECIAL TOWN AND SPECIAL DISTRICT ELECTIONS

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

32 VILLAGE ELECTIONS

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

35 TITLE II

36 SPECIAL TOWN ELECTIONS

37 SECTION 15-200. APPLICATION OF TITLE.

38 15-202. DEFINITIONS.

39 15-204. SPECIAL TOWN ELECTIONS CONDUCTED BY THE BOARD OF
40 ELECTIONS.

41 15-206. REGISTRATION OF VOTERS.

42 S 15-200. APPLICATION OF TITLE. THE PROVISIONS OF THIS TITLE SHALL
43 APPLY TO ALL SPECIAL TOWN ELECTIONS CONDUCTED BY THE BOARD OF ELECTIONS
44 PURSUANT TO A RESOLUTION ADOPTED PURSUANT TO THE TOWN LAW AND AS FURTHER
45 DESCRIBED IN THIS TITLE. ALL THE PROVISIONS OF THIS CHAPTER NOT INCON-
46 SISTENT WITH THE PROVISIONS OF THE TOWN LAW WITH RESPECT TO THE CONDUCT
47 OF SUCH SPECIAL TOWN ELECTIONS, SHALL APPLY TO SUCH SPECIAL TOWN
48 ELECTIONS.

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

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

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

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

S 15-206. REGISTRATION OF VOTERS. 1. IN A SPECIAL TOWN ELECTION 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 AND SUCH OTHER PERSONS OR ENTITIES ENTITLED TO VOTE IN SUCH ELECTION WHOSE NAMES HAVE BEEN RECORDED IN THE RECORDS OF THE BOARD OF ELECTIONS PURSUANT TO THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION SHALL BE ELIGIBLE TO VOTE.

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

3. THE TOWN CLERK SHALL SUPPLY TO THE BOARD OF ELECTIONS SUCH INFORMATION AS IT REQUESTS TO ASSIST THE BOARD IN DETERMINING THE ELIGIBILITY OF ANY PERSON OR ENTITY TO VOTE IN ANY SUCH ELECTION.

TITLE III

SPECIAL DISTRICT ELECTIONS

SECTION 15-300. APPLICATION OF TITLE.

15-302. DEFINITIONS.

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

15-306. REGISTRATION OF VOTERS.

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

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

1 1. "SPECIAL DISTRICT ELECTION" MEANS THE ANNUAL ELECTION FOR SPECIAL
2 DISTRICT COMMISSIONERS OF A SPECIAL DISTRICT OR ANY OTHER ELECTION OF A
3 SPECIAL DISTRICT FOR ANY OTHER SPECIAL DISTRICT OFFICE OR PURPOSE SPECI-
4 FIED IN THE TOWN LAW.

5 2. "PUBLISH" MEANS THAT ANY NOTICE OR RESOLUTION REQUIRED TO BE
6 PUBLISHED BY A SPECIAL DISTRICT SHALL BE SO PRINTED WITHIN THE TIME
7 REQUIRED IN THE LAW REQUIRING PUBLICATION IN THE OFFICIAL NEWSPAPER OF
8 THE SPECIAL DISTRICT, OR IF NONE, ONE OF GENERAL CIRCULATION WITHIN THE
9 SPECIAL DISTRICT.

10 S 15-304. SPECIAL DISTRICT ELECTIONS CONDUCTED BY THE BOARD OF
11 ELECTIONS. THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT MAY ADOPT A
12 RESOLUTION SUBJECT TO A PERMISSIVE REFERENDUM, AS PROVIDED IN THE TOWN
13 LAW, PROVIDING THAT SPECIAL DISTRICT ELECTIONS SHALL BE CONDUCTED BY THE
14 BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A RESOLUTION BY THE BOARD OF
15 COMMISSIONERS AND BY A PERMISSIVE REFERENDUM, IF A VALID PETITION FOR
16 SUCH A REFERENDUM IS TIMELY FILED, THE BOARD OF ELECTIONS SHALL CONDUCT
17 ALL SPECIAL DISTRICT ELECTIONS IN SUCH SPECIAL DISTRICT. SUCH RESOLUTION
18 SHALL TAKE EFFECT AT THE FIRST ELECTION HELD IN SUCH SPECIAL DISTRICT
19 MORE THAN SIXTY DAYS AFTER ITS ADOPTION AND SHALL CONTINUE IN EFFECT FOR
20 ALL SUCH ELECTIONS UNTIL A SUBSEQUENT RESOLUTION PROVIDING OTHERWISE
21 SHALL, IN A LIKE MANNER, HAVE TAKEN EFFECT.

22 S 15-306. REGISTRATION OF VOTERS. IN A SPECIAL DISTRICT ELECTION
23 CONDUCTED BY THE BOARD OF ELECTIONS PURSUANT TO A RESOLUTION ADOPTED
24 PURSUANT TO THE PROVISIONS OF THE TOWN LAW, ONLY THOSE PERSONS REGIS-
25 TERED TO VOTE WITH THE BOARD OF ELECTIONS ON THE TENTH DAY BEFORE SUCH
26 ELECTION SHALL BE ELIGIBLE TO VOTE.

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

29 2. A proceeding with respect to a petition shall be instituted within
30 fourteen days after the last day to file the petition, or within three
31 business days after the officer or board with whom or which such peti-
32 tion was filed, makes a determination of invalidity with respect to such
33 petition, whichever is later; except that a proceeding with respect to a
34 petition for a village, SPECIAL TOWN OR SPECIAL DISTRICT election or an
35 independent nomination for a special election shall be instituted within
36 seven days after the last day to file the petition for such village,
37 SPECIAL TOWN OR SPECIAL DISTRICT election or independent nomination or
38 within three business days after the officer or board with whom or which
39 such petition was filed, makes a determination of invalidity with
40 respect to such petition, whichever is later. A proceeding with respect
41 to a primary, convention, meeting of a party committee, or caucus shall
42 be instituted within ten days after the holding of such primary or
43 convention or the filing of the certificate of nominations made at such
44 caucus or meeting of a party committee.

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

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

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

1 S 361-a. Expenses of boards of elections outside New York City; appor-
2 tionment of. The board of elections in each county, outside of the city
3 of New York, on or before the fifteenth day of December and not earlier
4 than the first day of October, in each year, shall certify to the clerk
5 of the legislative body of the county, the total amount of the expenses
6 of such board of elections, including salaries for the preceding year,
7 and, if the legislative body of any county shall so direct, shall certi-
8 fy to such clerk the portions of such expenses which under provisions of
9 law are to be borne by any city or cities in said county and the portion
10 thereof which is to be borne by the rest of such county and such clerk
11 shall thereupon notify the proper local official or officials, who, in
12 spreading upon the assessment-rolls the taxes to be levied upon the
13 taxable property in the city or any such cities, and in the rest of the
14 county, shall include in the amount so spread the amounts certified by
15 the board of elections to be borne by such city or cities, respectively,
16 and in the amount spread upon the assessment-rolls of the taxable prop-
17 erty in the several towns or other political subdivisions of the rest of
18 the county the amount so certified by said board of elections to be
19 borne by such towns or political subdivisions respectively. Whenever any
20 additional expenses either for salaries or supplies in addition to the
21 regular county-wide primary and GENERAL election expenses are incurred
22 by a board of elections incidental to any election in any city, town,
23 SPECIAL DISTRICT or village, such board of elections shall certify to
24 the county legislative body a detailed statement of such expenses and
25 said county legislative body may cause the amount thereof to be levied
26 against such city, town, SPECIAL DISTRICT or village or may certify the
27 amount thereof to such city, town, SPECIAL DISTRICT or village and such
28 city, town, SPECIAL DISTRICT or village shall upon such certification,
29 include the amount so certified in the next budget and tax levy and
30 shall pay the same to the county.

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

33 26. RESOLUTIONS. MAY ADOPT A RESOLUTION, SUBJECT TO A PERMISSIVE
34 REFERENDUM, PROVIDING THAT ALL SPECIAL ELECTIONS IN SUCH TOWN SHALL BE
35 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A
36 RESOLUTION BY THE TOWN BOARD AND BY THE VOTERS IN A PERMISSIVE REFEREN-
37 DUM, IF A VALID PETITION FOR SUCH A REFERENDUM IS TIMELY FILED, THE
38 COUNTY BOARD OF ELECTIONS SHALL CONDUCT ALL SPECIAL ELECTIONS REQUIRED
39 TO BE HELD IN SUCH TOWN OR ANY PART THEREOF. SUCH RESOLUTION SHALL TAKE
40 EFFECT FOR THE FIRST SUCH ELECTION HELD MORE THAN SIXTY DAYS AFTER ITS
41 ADOPTION AND SHALL CONTINUE IN EFFECT FOR ALL SUCH ELECTIONS UNTIL A
42 SUBSEQUENT RESOLUTION PROVIDING OTHERWISE SHALL, IN A LIKE MANNER, HAVE
43 TAKEN EFFECT.

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

46 4. Such petition shall be subscribed and authenticated, in the manner
47 provided by the election law for the authentication of nominating
48 petitions, by electors of the town qualified to vote upon a proposition
49 to raise and expend money, in number equal to at least five per centum
50 of the total votes cast for governor in said town at the last general
51 election held for the election of state officers, but such number shall
52 not be less than one hundred in a town of the first class nor less than
53 twenty-five in a town of the second class. If such a petition be filed
54 in the office of the town clerk not less than sixty days, nor more than
55 seventy-five days, prior to a biennial town election, the proposition
56 shall be submitted at such biennial election. If a petition be

presented at any other time, a special election shall be called to be held not less than sixty days, nor more than seventy-five days after the filing of such petition EXCEPT THAT IF SUCH SPECIAL ELECTION WILL BE CONDUCTED BY THE BOARD OF ELECTIONS AND THE DATES PRESCRIBED BY THIS SUBDIVISION FOR CONDUCTING SUCH ELECTION ARE WITHIN THIRTY DAYS OF A GENERAL OR PRIMARY ELECTION CONDUCTED BY SUCH BOARD OF ELECTIONS, THEN SUCH SPECIAL ELECTION SHALL BE HELD NOT LESS THAN THIRTY NOR MORE THAN FORTY-FIVE DAYS AFTER SUCH GENERAL OR PRIMARY ELECTION.

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

S 83. Conduct of town elections. The town board shall select from the list of election inspectors and ballot clerks previously designated for general election purposes, pursuant to the election law, persons to act as election inspectors and ballot clerks for each voting place at which a special town election NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS shall be held. Election inspectors and ballot clerks for biennial town elections shall be those appointed as provided by the election law, and both special town elections and biennial elections shall be conducted, the votes canvassed, and the results certified and returned so far as practicable in the manner prescribed by such law. Upon the closing of the polls at any election NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS at which a proposition or propositions shall be voted upon, the election inspectors shall proceed to canvass the votes thereat and shall complete such canvass without adjournment. As soon as possible after completion OF THE CANVASS OF ANY ELECTION NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS the inspectors shall file with the town clerk a certificate setting forth the holding of the election, the total number of votes cast upon each proposition, and the number of votes cast for and against each proposition, together with the name and address of every person voting at such election upon such proposition or propositions.

S 31. Subdivision 2 of section 84 of the town law, as amended by chapter 281 of the laws of 1998, is amended to read as follows:

2. The town board of a town may, by resolution adopted at a regular meeting, determine that thereafter personal registration of voters shall be required for special town elections NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. Such resolution and the notice hereinafter provided for shall specify the day or days, the place or places, and the hours during which a board or boards of registration shall meet for the purpose of preparing a register of voters of the town qualified to vote in such special elections, who shall present themselves personally for registration for such special election. The town clerk shall give notice at the expense of the town, by the publication of a notice in a newspaper published in said town, if there be any, or, if there be none, in a newspaper published in the county having general circulation in the town, specifying the day or days, the place or places, and hours during which the board or boards of registration will meet for the purpose of preparing a register of qualified voters of the town as provided in this section. The first publication of such notice shall be at least ten days prior to the first day fixed by the town board on which boards of registration shall meet. In addition, the town clerk shall post or cause to be posted in five conspicuous places in said town copies of such notice at least ten days prior to the first day fixed by the town board on which the boards of registration shall meet.

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

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

4 S 33. Subdivisions 1 and 6 of section 175 of the town law, subdivision
5 1 as separately amended by chapters 63 and 108 of the laws of 1997 and
6 subdivision 6 as amended by chapter 586 of the laws of 2004, are amended
7 to read as follows:

8 1. An annual election shall be held in each fire district on the
9 second Tuesday in December, except that in the Ocean Bay Park fire
10 district, the Lonelyville fire district, the Davis Park fire district
11 and the Fire Island Pines fire district, Suffolk county, such annual
12 election shall be held on the second Tuesday in July, except that in the
13 town of Salisbury, Herkimer county, such annual election shall be held
14 on the Tuesday next succeeding the first Monday in November from six
15 o'clock in the morning until nine o'clock in the evening and except that
16 in the Belfast fire district, Allegany county, such annual election
17 shall be held on the first Tuesday in December. The board of fire
18 commissioners shall give notice [thereof] OF SUCH AN ELECTION NOT
19 CONDUCTED BY THE BOARD OF ELECTIONS by the publication of a notice once
20 in one or more newspapers having a general circulation in the district.
21 The first publication of such notice shall be not less than twenty-seven
22 days and not more than thirty-four days prior to the date of such
23 election. Such notice shall specify the time when and the place where
24 such election will be held, the officers to be elected thereat and their
25 terms of office, and the hours during which the polls will be open for
26 the receipt of ballots. The secretary of such fire district shall
27 prepare the ballots for all elections of fire district officers NOT
28 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS and the polls shall remain
29 open for the receipt thereof at all elections of fire district officers
30 from six o'clock in the evening until nine o'clock in the evening and
31 such additional consecutive hours prior thereto as the board of fire
32 commissioners of such district may have determined and specified in the
33 notice thereof. The board of fire commissioners shall designate a resi-
34 dent fire district elector, who shall be a registered voter of the town,
35 to act as chairman of any election of said district NOT CONDUCTED BY THE
36 COUNTY BOARD OF ELECTIONS and shall designate not less than two nor more
37 than four resident fire district electors, who shall be registered
38 voters of the town to act as election inspectors and ballot clerks at
39 ANY such elections. No elective officer of the fire district shall serve
40 as such chairman or as an election inspector or ballot clerk. The board
41 of fire commissioners may adopt a resolution providing that such chair-
42 man, election inspectors and ballot clerks shall be paid for their
43 respective services at any such annual election or at any special
44 election of the fire district. Such resolution, if adopted, shall fix
45 the amount of such compensation, as follows: if the hours during which
46 the polls will be open for the receipt of ballots are from six o'clock
47 in the evening until nine o'clock in the evening, a sum not to exceed
48 thirty-five dollars for each such official; if additional consecutive
49 hours prior to six o'clock in the evening are determined and specified
50 in the notice of election, a sum not to exceed fifty dollars for each
51 such official.

52 6. If in any fire district the number of voters is so great as to
53 render it inexpedient or impossible to conduct the election at one poll-
54 ing place, the board of fire commissioners may divide the fire district
55 into election districts and provide a polling place for each such
56 election district, provided, however, that the number of election

1 districts in any fire district shall not exceed one for each six hundred
2 electors plus one for a remaining fraction of six hundred. In such
3 event, the notice specified in subdivision one of this section shall
4 describe the election districts and state where the polling places will
5 be located[, and the]. THE board of fire commissioners shall designate
6 not less than two nor more than four resident fire district electors,
7 who shall be registered voters of the town, to act as election inspec-
8 tors and ballot clerks at each such polling place IN ANY ELECTION NOT
9 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. The board of fire district
10 commissioners may adopt a resolution providing that such election
11 inspectors and ballot clerks shall be paid for their respective services
12 at any such annual election or at any special election of the fire
13 district. Such resolution, if adopted, shall fix the amount of such
14 compensation as follows: if the hours during which the polls will be
15 open for the receipt of ballots are from six o'clock in the evening
16 until nine o'clock in the evening, a sum not to exceed thirty-five
17 dollars for each such official; if additional consecutive hours prior to
18 six o'clock in the evening are determined and specified in the notice of
19 election, a sum not to exceed fifty dollars for each such official. No
20 elective officer of the fire district shall serve as an election inspec-
21 tor or ballot clerk.

22 S 34. Subdivision 1, the opening paragraph and paragraph (a) of subdi-
23 vision 2, the opening paragraph of subdivision 3 and subdivisions 5 and
24 6 of section 175-a of the town law, subdivision 1 as amended by chapter
25 169 of the laws of 1997, the opening paragraph and paragraph (a) of
26 subdivision 2, the opening paragraph of subdivision 3 and subdivision 5
27 as added by chapter 202 of the laws of 1984 and subdivision 6 as amended
28 by chapter 456 of the laws of 1986, are amended to read as follows:

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

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

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

44 The register for the annual fire district election FOR DISTRICT
45 ELECTIONS NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS shall be
46 prepared in each fire district by the inspectors of election thereof on
47 the days prior to registration day, if any, designated therefor, on the
48 registration day, if any, at the times and places designated by the
49 resolution of the board of fire commissioners. In preparing such regis-
50 ter, the inspectors of election shall comply with the following proce-
51 dure:

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

1 6. In lieu of the provisions for designating the chairman, election
2 inspectors and ballot clerks, as set forth in subdivision one of section
3 one hundred seventy-five of this chapter, the board of fire commission-
4 ers shall, by resolution adopted at least forty days prior to the annual
5 fire district election FOR DISTRICT ELECTIONS NOT CONDUCTED BY THE COUN-
6 TY BOARD OF ELECTIONS, designate a resident fire district elector to act
7 as chairman of any election of said district and shall designate not
8 less than two nor more than four resident fire district electors to act
9 as election inspectors and ballot clerks in such election. Such resol-
10 ution shall fix the compensation of the chairman and inspectors and, in
11 addition, the board of fire commissioners may provide for alternate
12 inspectors who shall assume the office of inspector upon the inability
13 or refusal of an inspector to assume or perform his duties and for any
14 clerical help which they may deem necessary. Such clerical help shall
15 perform their duties under the direction and control of the chairman and
16 inspectors of election.

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

21 7. Shall require that candidates for district offices file their names
22 with the secretary of the fire district OR, IF THE ELECTION FOR DISTRICT
23 OFFICES IS CONDUCTED BY THE COUNTY BOARD OF ELECTIONS, WITH SUCH COUNTY
24 BOARD OF ELECTIONS, at least twenty days prior to the date of such fire
25 district elections and in addition may provide by resolution that such
26 nominations be submitted in petition form subscribed by AT LEAST twen-
27 ty-five qualified voters of the district. Thereafter the ballots
28 prepared for the election of fire district officers shall specify the
29 names of the candidates duly filed and in addition provide proper blank
30 spaces for each office to be filled at such election. If any such resol-
31 ution shall be adopted, the requirements thereof shall be specified in
32 the notice of each fire district election held thereafter. The board of
33 fire commissioners may rescind such resolution at any time and thereaft-
34 er fire district officers shall be elected as otherwise provided herein.

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

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

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

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

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

1 S 212. Annual election and notice thereof. The district commissioners
2 of such improvement district shall publish at the expense of the
3 district the notice of each election of improvement district commission-
4 ers held pursuant to this article WHICH IS NOT CONDUCTED BY THE COUNTY
5 BOARD OF ELECTIONS. Such notice shall be published at least once in one
6 or more newspapers having general circulation in the district and the
7 first publication thereof shall be at least twenty days before the day
8 of such election. The notice of annual election shall specify the time
9 when and the place or places where such election shall be held and the
10 hours during which the polls will be open for the receipt of ballots.
11 Notice of such election shall also be posted on the websites of the
12 district and the town in which the district is located, if such websites
13 are maintained, on the signboard of the town, and conspicuously posted
14 in three or more designated public locations within the district, on or
15 about the day on which such notice is published. Such election shall be
16 held at a suitable place or places within the district designated by the
17 district commissioners and the polls shall remain open from six o'clock
18 in the evening until nine o'clock in the evening and such additional
19 consecutive hours prior thereto as the district commissioners may deter-
20 mine and specify in the notice of such election. The board of commis-
21 sioners of such district shall designate for each district election NOT
22 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS not less than two nor more
23 than four resident taxpayers to act as election inspectors and ballot
24 clerks for each designated polling place. The board of commissioners
25 shall fix the compensation of such election inspectors and ballot clerks
26 in an amount not to exceed ten dollars per hour each for every hour or
27 part thereof of such service and such compensation shall be a charge
28 against the district. The board of commissioners shall cause to be
29 prepared the ballots for all elections NOT CONDUCTED BY THE COUNTY BOARD
30 OF ELECTIONS, and may authorize the use of voting machines approved by
31 the [secretary of] state BOARD OF ELECTIONS at any SUCH annual or
32 special election of the district in accordance with [article nine of]
33 the election law. After the polls shall have been closed at any
34 election, the election inspectors and ballot clerks at each polling
35 place shall immediately canvass the ballots cast and shall publicly
36 announce the result of the vote at that polling place. Within twenty-
37 four hours the chairman of the board of commissioners, election inspec-
38 tors and ballot clerks shall execute and file a certificate of the
39 result of the canvass with the board of commissioners of the improvement
40 district and with the clerk of the town in which said district is
41 located.

42 S 38. Subdivision 1, the opening paragraph and paragraph (a) of subdi-
43 vision 2, the opening paragraph of subdivision 3 and subdivisions 4 and
44 5 of section 213-a of the town law, subdivision 1 as amended by chapter
45 530 of the laws of 1992, the opening paragraph and paragraph (a) of
46 subdivision 2, the opening paragraph of subdivision 3 and subdivisions 4
47 and 5 as added by chapter 400 of the laws of 1985, are amended to read
48 as follows:

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

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

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

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

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

17 5. In lieu of the provisions for designating the election inspectors
18 and ballot clerks, as set forth in section two hundred twelve of this
19 chapter, in improvement districts where additional personal registration
20 is permitted FOR DISTRICT ELECTIONS NOT CONDUCTED BY THE COUNTY BOARD OF
21 ELECTIONS, the board of commissioners shall, by resolution adopted at
22 least forty days prior to the annual district election, designate a
23 resident improvement district elector to act as chairman of any election
24 of said district and shall designate not less than two nor more than
25 four resident district electors to act as election inspectors and ballot
26 clerks in ANY such election. Such resolution shall fix the compensation
27 of the chairman and inspectors and, in addition, the board of commis-
28 sioners may provide for alternate inspectors who shall assume the office
29 of inspector upon the inability or refusal of an inspector to assume or
30 perform his duties and for any clerical help which they may deem neces-
31 sary. Such clerical help shall perform their duties under the direction
32 and control of the chairman and inspectors of election.

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

35 1. The board of commissioners of any improvement district in which
36 commissioners are elected, may, by resolution, provide for absentee
37 ballots for the election of the commission[, in accordance with]. SUCH
38 ABSENTEE BALLOTS FOR IMPROVEMENT DISTRICT ELECTIONS NOT CONDUCTED BY THE
39 COUNTY BOARD OF ELECTIONS SHALL BE CAST PURSUANT TO the provisions of
40 this section. SUCH ABSENTEE BALLOTS FOR IMPROVEMENT DISTRICT ELECTIONS
41 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS SHALL BE CAST PURSUANT TO THE
42 PROVISIONS OF THE ELECTION LAW. Such resolution shall take effect at the
43 first such election held more than sixty days after its adoption and
44 shall continue in effect for all such elections until a subsequent
45 resolution providing otherwise shall, in like manner, have taken effect.

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

48 20. [May] SHALL provide by resolution that candidates for district
49 offices shall file their names with the secretary of the board of
50 commissioners OR, IF THE ELECTION FOR DISTRICT OFFICES IS CONDUCTED BY
51 THE COUNTY BOARD OF ELECTIONS, WITH SUCH COUNTY BOARD OF ELECTIONS, at
52 least thirty days prior to the date of the district elections, and, in
53 addition, require that such nominations FOR DISTRICT ELECTIONS NOT
54 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS be submitted in petition form
55 subscribed by twenty-five registered voters of the district. Thereaft-
56 er, the ballots for the election of district officers shall specify the

names of the candidates duly filed and, in addition, provide proper blank spaces for each office to be filled at such election. If any such resolution shall be adopted, the requirements thereof shall be specified in the notice of each district election NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS held thereafter. The board of commissioners may rescind such resolution at any time and thereafter district officers shall be elected as otherwise provided herein.

S 41. Section 215 of the town law is amended by adding a new subdivision 24 to read as follows:

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

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

a. A local law adopted by a county, city or town and subject to referendum on petition as provided in this section or in any other state statute, if not also subject to mandatory referendum, shall not take effect until at least forty-five days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of the local government voting on a proposition for its approval if within forty-five days after its adoption there be filed with the clerk a petition protesting against such local law, signed and authenticated as herein required by qualified electors of such local government, registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in such local government. If such petition be so filed, a proposition for the approval of such local law shall be submitted at the next general election of state or local government officers held in such local government not less than sixty days after the filing of such petition, unless the petition request and the legislative body adopt a local law submitting such proposition at a special election held not less than sixty days after the adoption of the local law providing for such special election, EXCEPT THAT IF SUCH SPECIAL ELECTION WILL BE CONDUCTED BY THE BOARD OF ELECTIONS, THE DATE FIXED FOR SUCH SPECIAL ELECTION MAY NOT BE WITHIN THIRTY DAYS OF A GENERAL OR SPECIAL ELECTION CONDUCTED BY SUCH BOARD OF ELECTIONS. The petition may be made upon separate sheets, and the signatures to each sheet shall be signed and authenticated in the manner provided by the election law for the signing and authentication of nominating petitions so far as applicable. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one petition. The clerk shall examine each such petition so filed with him and not later than thirty days after the date of its filing, or forty-five days before the day of the election at which such referendum would appear on the ballot, whichever is earlier, shall transmit to the legislative body a certificate that he has examined it and has found that it complies or does not comply, as the case

1 may be, with all the requirements of law. If within five days after the
2 last day to file such certificate a written objection to the determi-
3 nation of the clerk be filed with the supreme court, or any justice
4 thereof, of a judicial district in which such local government or any
5 part thereof is located, such court or justice shall determine any ques-
6 tion arising thereunder and make such order as justice may require.
7 Such proceeding shall be heard and determined in the manner prescribed
8 by section 16-116 of the election law.

9 S 43. This act shall take effect on the first of September next
10 succeeding the date on which it shall have become a law, provided that
11 section thirty-seven of this act shall take effect on the same date as
12 chapter 421 of the laws of 2008, takes effect.