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

2380

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 15, 2009

Introduced by M. of A. McENENY -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to a council district system for election of council members

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

Section 1. Paragraph (b) of subdivision 2 of section 81 of the town law, as amended by chapter 751 of the laws of 1933, is amended to read as follows:

(b) To establish or abolish the [ward] COUNCIL DISTRICT system for the election of councilmen in towns having four or six councilmen.

S 2. Section 85 of the town law is amended to read as follows:

S 85. [Ward] COUNCIL DISTRICT system for election of councilmen. 1. Whenever a proposition shall have been adopted in a town of the first class for the establishment of the [ward] COUNCIL DISTRICT system and the election thereafter of one councilman from each [ward] COUNCIL DISTRICT, the board of elections of the county in which such town is situate shall divide the town into four [wards] COUNCIL DISTRICTS and fix the boundaries thereof, unless a proposition shall have been adopted to increase the number of councilmen from four to six, in which instance, the board of elections shall divide the town into six [wards] COUNCIL DISTRICTS and fix the boundaries thereof. In so dividing the town into [wards] COUNCIL DISTRICTS, no town election district shall be divided and no election district thereafter created under the election law shall contain parts of two or more [wards] COUNCIL DISTRICTS. So far as possible the division shall be so made that the number of voters in each [ward] COUNCIL DISTRICT shall be approximately equal. When the board of elections shall have finally determined the boundaries of the [wards] COUNCIL DISTRICTS, they shall cause a map of the town to be prepared showing in detail the location of each [ward] COUNCIL DISTRICT and the boundaries thereof. The original map so made shall be filed in the office of the town clerk and copies thereof shall be filed in the offices of the county clerk and the board of elections of the county. The [ward] COUNCIL DISTRICT system shall be deemed established after

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

LBD00525-01-9

such filing is complete. After a [ward] COUNCIL DISTRICT system shall have been so established, the term of office of every town councilman shall terminate on the thirty-first day of December next succeeding the first biennial town election held not less than one hundred twenty days after the establishment of such [ward] COUNCIL DISTRICT system, and at such biennial town election, and every biennial town election thereafter, one resident elector of each [ward] COUNCIL DISTRICT shall be elected as councilman therefrom for a term of two years beginning on the first day of January next succeeding such election.

2. The [ward] COUNCIL DISTRICT system may be abolished upon the adoption of a proposition therefor at any special or biennial town election. At the first biennial town election held at least one hundred twenty days after the adoption of a proposition to abolish the [ward] COUNCIL DISTRICT system for election of councilmen, the electors of the town shall elect one-half of the total number of town councilmen for the term of two years each and one-half of the total number of town councilmen for the term of four years each. At each biennial town election held thereafter there shall be elected one-half of the total number of town councilmen for the term of four years each. The terms of all such councilmen shall begin on the first day of January next succeeding the date of their election.

S 3. Subdivisions 1 and 2 of section 87 of the town law, as amended by chapter 374 of the laws of 1940, are amended to read as follows:

1. Whenever a proposition shall have been adopted in a town of the first class which shall not have established the [ward] COUNCIL DISTRICT system, to increase the number of councilmen from four to six, party nominations for town councilmen may be made and designating petitions filed and four town councilmen shall be elected at the first biennial town election held at least one hundred fifty days thereafter, three for a term of four years each and one for a term of two years and thereafter at each biennial town election in such town there shall be elected three town councilmen for the term of four years each, in the same manner as other elective town officers in such town. The term of office of each such councilman shall begin on the first day of January next succeeding the election at which he was elected.

2. Whenever a proposition shall have been adopted in a town of the first class which shall not have established the [ward] COUNCIL DISTRICT system, to increase the number of councilmen from two to four, party nominations for town councilmen may be made and designating petitions filed and three town councilmen shall be elected at the first biennial town election held at least one hundred fifty days thereafter, two for terms of four years each and one for a term of two years, and thereafter at each biennial town election in such town, there shall be elected two town councilmen for terms of four years each, in the same manner as other elective town officers in such town. The term of office of each such town councilman shall begin on the first day of January next succeeding the election at which he was elected.

S 4. Subdivision 13 of section 341 of the town law, as added by chapter 751 of the laws of 1933, is amended to read as follows:

13. Not later than June fifteenth, nineteen hundred thirty-three, the town board of any town containing a population of ten thousand or more as shown by the latest federal census, excepting towns in Broome and Suffolk counties, and of any other town which shall determine by any of the methods prescribed by subdivision one of this section to be a town of the first class, may adopt a resolution to establish the [ward] COUNCIL DISTRICT system for the election of councilmen for such town, which

resolution shall be subjected to referendum as herein provided. Within four days after the adoption of such resolution, the town clerk shall cause copies thereof to be posted in ten public places in the town, with a statement of the date of its adoption. Within fourteen days after the adoption of such resolution, a petition may be filed requiring such resolution be submitted to the electors of the town, for their approval. The form of question to be submitted thereon shall be "Shall the resolution of the town board of the town of ..... , establishing the [ward] COUNCIL DISTRICT system for the election of town councilmen, be approved?" If no such resolution shall have been adopted within the time above provided, a petition may be filed not later than June twenty-ninth, nineteen hundred thirty-three, requiring the submission to such electors of the proposition "Shall the [ward] COUNCIL DISTRICT system be established for the election of town councilmen?" A petition for any of the above purposes shall be filed with the town clerk, and shall be signed and duly acknowledged by at least one hundred electors of the town. The question or proposition for which a petition shall have been filed shall be submitted by the town board at a special town meeting to be held at a time, not later than August first, nineteen hundred thirty-three, and at such place or places in the town as may be fixed by the town board. Notice of the election shall be given, such meeting held and the votes canvassed and result certified and returned in the manner provided by provisions of [the town law] THIS CHAPTER relating to special town meetings as in force immediately prior to the taking effect of this section. Every elector of the town shall be entitled to vote at such meeting. If the town board shall have adopted such a resolution and no petition shall have been filed, within the time above provided, for a referendum thereon, or if a majority of the votes cast on any proposition or question submitted as herein provided be in the affirmative, the board of elections of the county in which such town is situate shall forthwith divide the town into four [wards] COUNCIL DISTRICTS and fix the boundaries thereof. In so dividing the town into [wards] COUNCIL DISTRICTS, no town election district shall be divided and no election district shall contain parts of two or more [wards] COUNCIL DISTRICTS. So far as possible the division shall be so made that the number of votes in each [ward] COUNCIL DISTRICT shall be approximately equal. When the board of elections shall have finally determined the boundaries of the [wards] COUNCIL DISTRICTS, the board shall cause a map of the town to be prepared showing in detail the location of each [ward] COUNCIL DISTRICT and the boundaries thereof. The original map so made shall be filed in the office of the town clerk and copies thereof shall be filed in the offices of the county clerk and the board of elections of the county. The [ward] COUNCIL DISTRICT system shall be deemed established after such filing is complete. Party nominations shall be made, designating petitions filed and one resident elector of each [ward] COUNCIL DISTRICT shall be elected as councilman therefrom for a term of two years beginning on the first day of January next succeeding such election, at the biennial town meeting in the year nineteen hundred thirty-three, and biennially thereafter, in the same manner as other elective town officers in such town.

S 5. Nothing in this act shall affect the manner of election, appointment, tenure or term of office, removal or salary or compensation of any councilman elected prior to the effective date of this act under the ward system for election of councilmen as provided in sections 81, 85, 87 and 341 of the town law.

S 6. This act shall take effect immediately.