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

6392

2009-2010 Regular Sessions

I N A S S E M B L Y

March 3, 2009

Introduced by M. of A. LUPARDO, CAHILL, FIELDS, REILLY, CASTRO, CONTE -- Multi-Sponsored by -- M. of A. BRENNAN, MAGNARELLI, MAISEL -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to election by wards in suburban towns

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

Section 1. Article 3-A of the town law is amended by adding a new title 2-A to read as follows:

TITLE 2-A

ELECTION BY WARDS IN SUBURBAN TOWNS

SECTION 51-A. AT-LARGE ELECTIONS PROHIBITED.
51-B. ESTABLISHMENT OF WARD SYSTEMS.
51-C. TEMPORARY EXEMPTION.

S 51-A. AT-LARGE ELECTIONS PROHIBITED. NO MEMBER OF THE TOWN BOARD OF A SUBURBAN TOWN SHALL BE ELECTED BY THE ELECTORS OF SUCH TOWN AT-LARGE.

S 51-B. ESTABLISHMENT OF WARD SYSTEMS. 1. THE BOARD OF ELECTIONS OF THE COUNTY SHALL DIVIDE EACH SUBURBAN TOWN INTO SUCH NUMBER OF WARDS AS IS EQUAL TO THE NUMBER OF MEMBERS OF THE TOWN BOARD OF SUCH TOWN; AND SHALL FIX THE BOUNDARIES THEREOF. THE DIVISION THEREOF SHALL BE SO MADE THAT THE NUMBER OF ELIGIBLE VOTERS IN EACH WARD SHALL BE APPROXIMATELY EQUAL.

2. THE DEPARTMENT OF STATE AND THE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT SHALL PROVIDE TO BOARDS OF ELECTIONS ANY AND ALL ASSISTANCE AS MAY BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

3. EVERY WARD ESTABLISHED PURSUANT TO THIS SECTION SHALL BE REAPPORTIONED IN THE SAME YEAR AS CONGRESSIONAL, ASSEMBLY AND SENATE DISTRICTS ARE REAPPORTIONED PURSUANT TO SECTION FOUR OF ARTICLE THREE OF THE STATE CONSTITUTION.

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

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S 51-C. TEMPORARY EXEMPTION. 1. IN THE EVENT A SUBURBAN TOWN IS UNABLE TO COMPLY WITH THE PROVISIONS OF SECTIONS FIFTY-ONE-A AND FIFTY-ONE-B OF THIS TITLE FOR THE FIRST GENERAL ELECTION OCCURRING AFTER SEPTEMBER FIRST, TWO THOUSAND TWELVE, SUCH TOWN SHALL, NOT LESS THAN SIX MONTHS PRIOR TO SUCH ELECTION, SUBMIT AN APPLICATION TO THE DEPARTMENT OF STATE AND THE DEPARTMENT OF LAW FOR AN EXEMPTION FROM THE PROVISIONS OF SUCH SECTIONS WHICH SHALL APPLY ONLY TO SUCH FIRST ELECTION. NO SUCH EXEMPTION SHALL BE GRANTED UNLESS THE APPLICATION THEREFOR IS APPROVED JOINTLY BY THE SECRETARY OF STATE AND THE ATTORNEY GENERAL.

2. UPON THE JOINT APPROVAL OF ANY APPLICATION SUBMITTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE SECRETARY OF STATE AND THE ATTORNEY GENERAL SHALL PROVIDE THE TOWN AND THE APPROPRIATE BOARD OF ELECTIONS WITH A NOTICE OF SUCH EXEMPTION. SUCH NOTICE SHALL INCLUDE:

(A) THE SPECIFIC REASONS FOR THE GRANTING OF THE EXEMPTION;

(B) A TIMELINE OF ACTIONS THAT THE TOWN SHALL FULFILL ON OR BEFORE THE SUCCEEDING GENERAL ELECTION; AND

(C) A TIMELINE OF ACTIONS REQUIRED TO BE COMPLETED FOR THE ELECTION OF ALL MEMBERS OF THE TOWN BOARD OF SUCH TOWN DURING THE SUCCEEDING CALENDAR YEAR.

3. EVERY TOWN GRANTED AN EXEMPTION PURSUANT TO THIS SECTION SHALL COMPLY WITH ALL PROVISIONS OF SECTIONS FIFTY-ONE-A AND FIFTY-ONE-B OF THIS TITLE FOR EVERY ELECTION WHICH FOLLOWS SUCH FIRST ELECTION FOR WHICH AN EXEMPTION WAS GRANTED.

4. ON OR BEFORE THE FIRST OF JUNE IN TWO THOUSAND TWELVE, TWO THOUSAND THIRTEEN AND TWO THOUSAND FOURTEEN, THE ATTORNEY GENERAL SHALL SUBMIT REPORTS TO THE GOVERNOR AND THE LEGISLATURE ON THE TOWNS GRANTED EXEMPTIONS PURSUANT TO THIS SECTION. EACH SUCH REPORT SHALL INCLUDE THE NAME OF THE TOWN, A DESCRIPTION OF THE PROBLEM IN ESTABLISHING WARDS, THE POPULATION, THE ELECTED POSITIONS INVOLVED, AND THE OUTCOMES OF THE RELEVANT ELECTIONS.

S 2. This act shall take effect immediately and shall apply to general elections occurring after September 1, 2012.