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

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I N A S S E M B L Y

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Introduced by M. of A. GALEF, LATIMER, AUBRY, CLARK, HOYT, KOLB, ALFANO, SPANO, JAFFEE, BARRA, BALL -- Multi-Sponsored by -- M. of A. BARCLAY, PAULIN, THIELE -- read once and referred to the Committee on Local Governments

AN ACT to amend the county law, in relation to allowing official publications to be posted by electronic means

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

Section 1. Section 214 of the county law, as amended by chapter 685 of the laws of 1951 and subdivisions 1 and 2 as amended by chapter 967 of the laws of 1973, is amended to read as follows:

S 214. Designation of newspapers; official publications. 1. Concurrent resolutions, election notices and official canvass. The members of the county legislative body, whether such body be denominated board of supervisors, county legislature or otherwise, or, in the city of New York, of the council of such city representing respectively each of the two principal political parties into which the people of the state are divided, shall designate annually the newspaper published within the county to publish the concurrent resolutions of the legislature. Such designation shall be in writing and signed by a majority of the members representing each of said political parties. In making such designation, consideration shall be given to the NEWSPAPERS PUBLISHED BY ELECTRONIC MEANS AND TO newspapers advocating the principles of such political party, the support of its nominees and the extent of the circulation in the county. However the fact that a newspaper is an independent newspaper not advocating the principles of any political party shall not disqualify it from consideration. If there be but one newspaper published in the county, such newspaper shall be designated. The designation shall be filed with the clerk of the county legislative body or, in the city of New York, with the clerk of the council of such city, who shall not later than January tenth cause notice of the name and address

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

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of such newspaper or newspapers to be forwarded to the secretary of state. In like manner the members of the county legislative body or, in the city of New York, of the council of such city representing each of the two principal political parties into which the people of the state are divided, shall designate the newspaper OR ELECTRONICALLY TRANSMITTED NEWSPAPER published within the county to publish the election notices issued by the secretary of state and the newspaper OR ELECTRONICALLY TRANSMITTED NEWSPAPER to publish the official canvass. In the event of a failure so to designate in any year, or if either of such political parties has no representatives among the body or, in the city of New York, council membership, the last newspaper designated by the members of such party shall be deemed duly designated.

2. Local laws and notices. The board of supervisors shall annually designate at least two newspapers published within the county as official newspapers for the publication of all local laws, notices and other matters required by law to be published. In such designations consideration shall be given to those NEWSPAPERS PUBLISHED BY ELECTRONIC MEANS AND TO newspapers advocating the principles of the two major political parties into which the people of the state are divided and their general circulation throughout the county. However the fact that a newspaper is an independent newspaper and not advocating the principles of any political party shall not disqualify it from consideration. If there be but one newspaper having circulation in the county, that newspaper shall be designated. Except as otherwise provided by law, the clerk of the board shall cause a true copy of each local law to be published in such official newspapers at least once a week for two successive weeks, the first publication of which shall be had within ten days after such local law has become effective; provided, however, that any local law which is subject to a permissive referendum shall be published in such official newspapers at least once a week for two successive weeks, the first publication of which shall be had within ten days after such local law is adopted. Legalizing acts shall be published as provided in section two hundred twenty-seven OF THIS ARTICLE. Nothing herein shall be deemed to prevent the designation of additional newspapers, INCLUDING THE DESIGNATION OF AN ELECTRONICALLY TRANSMITTED NEWSPAPER, for any publication and such designation shall be deemed [an] THE official newspaper for the particular publication.

3. Erie county. The provisions herein requiring the designation of official newspapers for the publication of election notices and official canvass shall not apply to the county of Erie.

4. FOR THE PURPOSES OF THIS SECTION, THE TERM "ELECTRONIC MEANS" AND "ELECTRONICALLY TRANSMITTED" SHALL MEAN THE RECORDING, COPYING AND TRANSFER OF DATA BY MEANS OF A COMPUTER DIRECTLY OVER THE INTERNET.

S 2. This act shall take effect immediately.