

1427

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sens. DILAN, BRESLIN, DIAZ, HUNTLEY, KRUGER, MONTGOMERY, ONORATO, PERKINS, SAMPSON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, the town law and the general municipal law, in relation to prohibiting the at large election of members of the legislative or governing body of towns and villages, and providing for and requiring the election of such members by wards; to amend the general municipal law, in relation to directing the department of state and the legislative task force on demographic research and reapportionment to assist boards of election to establish wards, authorizing towns and villages to petition for a temporary exemption from such requirements, and directing the attorney-general to report on such exemptions; and to repeal certain provisions of the town law relating to authorizing certain towns to establish ward systems of election

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

- 1 Section 1. Section 15-130 of the election law is amended to read as
2 follows:
3 S 15-130. Election of trustees by wards. The board of trustees of
4 [any] EVERY village [may, by resolution, and subject to a mandatory
5 referendum,] SHALL provide for the election of trustees by wards, OR
6 alter [existing] ward boundaries [or abolish wards and the election of
7 trustees by wards]. [If a village elects trustees by wards separate]
8 SEPARATE ballot boxes or voting machines shall be provided for each
9 ward.
10 S 2. Paragraph (b) of subdivision 2 of section 81 of the town law is
11 REPEALED.
12 S 3. Section 85 of the town law is amended to read as follows:
13 S 85. Ward system for election of councilmen. [1. Whenever a proposi-
14 tion shall have been adopted in a town of the first class for the estab-
15 lishment of the ward system and the election thereafter of one council-

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

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1 man from each ward, the] THE board of elections of the county in which
2 [such] A town is situate shall divide the town into four wards and fix
3 the boundaries thereof, unless a proposition shall have been adopted to
4 increase the number of councilmen from four to six, in which instance,
5 the board of elections shall divide the town into six wards and fix the
6 boundaries thereof. In so dividing the town into wards, no town election
7 district shall be divided and no election district thereafter created
8 under the election law shall contain parts of two or more wards. So far
9 as possible the division shall be so made that the number of voters in
10 each ward shall be approximately equal. When the board of elections
11 shall have finally determined the boundaries of the wards, they shall
12 cause a map of the town to be prepared showing in detail the location of
13 each ward and the boundaries thereof. The original map so made shall be
14 filed in the office of the town clerk and copies thereof shall be filed
15 in the offices of the county clerk and the board of elections of the
16 county. The ward system shall be deemed established after such filing is
17 complete. After a ward system shall have been so established, the term
18 of office of every town councilman shall terminate on the thirty-first
19 day of December next succeeding the first biennial town election held
20 not less than one hundred twenty days after the establishment of such
21 ward system, and at such biennial town election, and every biennial town
22 election thereafter, one resident elector of each ward shall be elected
23 as councilman therefrom for a term of two years beginning on the first
24 day of January next succeeding such election.

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

36 S 4. Section 87 of the town law, as amended by chapter 374 of the laws
37 of 1940, is amended to read as follows:

38 S 87. Increase [or decrease] of number of councilmen. [1.] Whenever a
39 proposition shall have been adopted in a town [of the first class which
40 shall not have established the ward system,] to increase the number of
41 councilmen from four to six, party nominations for town councilmen may
42 be made and designating petitions filed and four town councilmen shall
43 be elected at the first biennial town election held at least one hundred
44 fifty days thereafter, three for a term of four years each and one for a
45 term of two years and thereafter at each biennial town election in such
46 town there shall be elected three town councilmen for the term of four
47 years each, in the same manner as other elective town officers in such
48 town. The term of office of each such councilman shall begin on the
49 first day of January next succeeding the election at which he was
50 elected.

51 [2. Whenever a proposition shall have been adopted in a town of the
52 first class which shall not have established the ward system, to
53 increase the number of councilmen from two to four, party nominations
54 for town councilmen may be made and designating petitions filed and
55 three town councilmen shall be elected at the first biennial town
56 election held at least one hundred fifty days thereafter, two for terms

1 of four years each and one for a term of two years, and thereafter at
2 each biennial town election in such town, there shall be elected two
3 town councilmen for terms of four years each, in the same manner as
4 other elective town officers in such town. The term of office of each
5 such town councilman shall begin on the first day of January next
6 succeeding the election at which he was elected.

7 3. Whenever a proposition shall have been adopted in a town of the
8 first class to reduce the number of councilmen from four to two, no town
9 councilmen shall be elected at the first biennial town election held at
10 least one hundred fifty days after the adoption of such proposition.
11 Party nominations for town councilmen may be made and designating
12 petitions filed and two town councilmen shall be elected at the biennial
13 town election next succeeding the biennial town election at which no
14 town councilmen are elected, one for a term of two years and one for a
15 term of four years and thereafter at each biennial town election in such
16 town there shall be elected one town councilman for a term of four
17 years, in the same manner as other elective town officers in such town.
18 The term of office of each such councilman shall begin on the first day
19 of January next succeeding the election at which he was elected.]

20 S 5. Subdivision 13 of section 341 of the town law is REPEALED.

21 S 6. The general municipal law is amended by adding a new article 7-B
22 to read as follows:

23 ARTICLE 7-B
24 ELECTION BY WARDS IN
25 TOWNS AND VILLAGES

26 SECTION 150. AT LARGE ELECTIONS PROHIBITED.

27 151. ESTABLISHMENT OF WARD SYSTEMS.

28 152. TEMPORARY EXEMPTION.

29 S 150. AT LARGE ELECTIONS PROHIBITED. NO MEMBER OF THE GOVERNING OR
30 LEGISLATIVE BODY OF A TOWN OR VILLAGE SHALL BE ELECTED BY THE ELECTORS
31 OF SUCH TOWN OR VILLAGE AT LARGE.

32 S 151. ESTABLISHMENT OF WARD SYSTEMS. 1. THE BOARD OF ELECTIONS OF THE
33 COUNTY SHALL DIVIDE EACH TOWN AND VILLAGE INTO SUCH NUMBER OF WARDS AS
34 IS EQUAL TO THE NUMBER OF MEMBERS OF THE GOVERNING OR LEGISLATIVE BODY
35 OF SUCH TOWN OR VILLAGE; AND SHALL FIX THE BOUNDARIES THEREOF. THE DIVI-
36 SION THEREOF SHALL BE SO MADE THAT THE NUMBER OF ELIGIBLE VOTERS IN EACH
37 WARD SHALL BE APPROXIMATELY EQUAL.

38 2. THE DEPARTMENT OF STATE AND THE LEGISLATIVE TASK FORCE ON DEMO-
39 GRAPHIC RESEARCH AND REAPPORTIONMENT SHALL PROVIDE TO BOARDS OF
40 ELECTIONS ANY AND ALL ASSISTANCE AS MAY BE NECESSARY TO IMPLEMENT THE
41 PROVISIONS OF THIS SECTION.

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

46 S 152. TEMPORARY EXEMPTION. 1. IN THE EVENT A VILLAGE OR TOWN IS
47 UNABLE TO COMPLY WITH THE PROVISIONS OF SECTIONS ONE HUNDRED FIFTY AND
48 ONE HUNDRED FIFTY-ONE OF THIS ARTICLE FOR THE FIRST GENERAL ELECTION OR
49 FIRST GENERAL VILLAGE ELECTION OCCURRING AFTER SEPTEMBER FIRST, TWO
50 THOUSAND ELEVEN, SUCH TOWN OR VILLAGE SHALL, NOT LESS THAN SIX MONTHS
51 PRIOR TO SUCH ELECTION, SUBMIT AN APPLICATION TO THE DEPARTMENT OF STATE
52 AND THE DEPARTMENT OF LAW FOR AN EXEMPTION FROM THE PROVISIONS OF SUCH
53 SECTIONS WHICH SHALL APPLY ONLY TO SUCH FIRST ELECTION. NO SUCH
54 EXEMPTION SHALL BE GRANTED UNLESS THE APPLICATION THEREFOR IS APPROVED
55 JOINTLY BY THE SECRETARY OF STATE AND THE ATTORNEY-GENERAL.

1 2. UPON THE JOINT APPROVAL OF ANY APPLICATION SUBMITTED PURSUANT TO
2 SUBDIVISION ONE OF THIS SECTION, THE SECRETARY OF STATE AND THE ATTOR-
3 NEY-GENERAL SHALL PROVIDE THE VILLAGE OR TOWN AND THE APPROPRIATE BOARD
4 OF ELECTIONS WITH A NOTICE OF SUCH EXEMPTION. SUCH NOTICE SHALL INCLUDE:
5 (A) THE SPECIFIC REASONS FOR THE GRANTING OF THE EXEMPTION;
6 (B) A TIMELINE OF ACTIONS THAT THE TOWN OR VILLAGE SHALL FULFILL ON OR
7 BEFORE THE SUCCEEDING GENERAL ELECTION OR GENERAL VILLAGE ELECTION; AND
8 (C) A TIMELINE OF ACTIONS REQUIRED TO BE COMPLETED FOR THE ELECTION OF
9 ALL MEMBERS OF THE GOVERNING OR LEGISLATIVE BODY OF SUCH TOWN OR VILLAGE
10 DURING THE SUCCEEDING CALENDAR YEAR.
11 3. EVERY TOWN AND VILLAGE, GRANTED AN EXEMPTION PURSUANT TO THIS
12 SECTION, SHALL COMPLY WITH ALL PROVISIONS OF SECTIONS ONE HUNDRED FIFTY
13 AND ONE HUNDRED FIFTY-ONE OF THIS ARTICLE FOR EVERY ELECTION WHICH
14 FOLLOWS SUCH FIRST ELECTION FOR WHICH AN EXEMPTION WAS GRANTED.
15 4. ON OR BEFORE THE FIRST OF JUNE IN TWO THOUSAND TWELVE, TWO THOUSAND
16 THIRTEEN AND TWO THOUSAND FOURTEEN, THE ATTORNEY-GENERAL SHALL SUBMIT
17 REPORTS TO THE GOVERNOR AND THE LEGISLATURE ON THE TOWNS AND VILLAGES
18 GRANTED EXEMPTIONS PURSUANT TO THIS SECTION. EACH SUCH REPORT SHALL
19 INCLUDE THE NAME OF THE TOWN OR VILLAGE, A DESCRIPTION OF THE PROBLEM IN
20 ESTABLISHING WARDS, THE POPULATION, THE ELECTED POSITIONS INVOLVED, AND
21 THE OUTCOMES OF THE RELEVANT ELECTIONS.
22 S 7. This act shall take effect immediately and shall apply to general
23 elections and general village elections occurring after September 1,
24 2010.