

4471

2009-2010 Regular Sessions

I N S E N A T E

April 23, 2009

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

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

3 TITLE 2-A

4 ELECTION BY WARDS IN SUBURBAN TOWNS

5 SECTION 51-A. AT-LARGE ELECTIONS PROHIBITED.

6 51-B. ESTABLISHMENT OF WARD SYSTEMS.

7 51-C. TEMPORARY EXEMPTION.

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

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

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

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

24 S 51-C. TEMPORARY EXEMPTION. 1. IN THE EVENT A SUBURBAN TOWN IS UNABLE
25 TO COMPLY WITH THE PROVISIONS OF SECTIONS FIFTY-ONE-A AND FIFTY-ONE-B OF

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

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1 THIS TITLE FOR THE FIRST GENERAL ELECTION OCCURRING AFTER SEPTEMBER
2 FIRST, TWO THOUSAND TWELVE, SUCH TOWN SHALL, NOT LESS THAN SIX MONTHS
3 PRIOR TO SUCH ELECTION, SUBMIT AN APPLICATION TO THE DEPARTMENT OF STATE
4 AND THE DEPARTMENT OF LAW FOR AN EXEMPTION FROM THE PROVISIONS OF SUCH
5 SECTIONS WHICH SHALL APPLY ONLY TO SUCH FIRST ELECTION. NO SUCH
6 EXEMPTION SHALL BE GRANTED UNLESS THE APPLICATION THEREFOR IS APPROVED
7 JOINTLY BY THE SECRETARY OF STATE AND THE ATTORNEY GENERAL.

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

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

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

15 (C) A TIMELINE OF ACTIONS REQUIRED TO BE COMPLETED FOR THE ELECTION OF
16 ALL MEMBERS OF THE TOWN BOARD OF SUCH TOWN DURING THE SUCCEEDING CALEN-
17 DAR YEAR.

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

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

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