

4815

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed,
and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, the county law, the town law, and the
municipal home rule law, in relation to authorizing towns to delegate
the conduct of special town elections to their respective county
boards of elections and authorizing fire districts and improvement
districts to delegate the conduct of their elections to their respec-
tive county boards of elections

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

1 Section 1. Section 1-104 of the election law is amended by adding
2 three new subdivisions 38, 39 and 40 to read as follows:
3 38. THE TERM "SPECIAL DISTRICT" MEANS A FIRE DISTRICT OR AN IMPROVE-
4 MENT DISTRICT CREATED PURSUANT TO THE TOWN LAW.
5 39. THE TERM "SPECIAL TOWN ELECTION" MEANS ANY ELECTION CONDUCTED IN A
6 TOWN, OR PART OF A TOWN, AT A TIME OTHER THAN THE TIME OF THE GENERAL
7 ELECTION, FOR ANY PURPOSE SPECIFIED IN THE TOWN LAW.
8 40. THE TERM "SPECIAL DISTRICT ELECTION" MEANS THE ANNUAL ELECTION FOR
9 COMMISSIONERS OF A SPECIAL DISTRICT OR ANY OTHER ELECTION OF A SPECIAL
10 DISTRICT FOR ANY OTHER PURPOSE SPECIFIED IN THE TOWN LAW, AND UNLESS THE
11 CONTEXT OTHERWISE REQUIRES, SHALL INCLUDE "SPECIAL DISTRICT GENERAL
12 ELECTION" AND "SPECIAL DISTRICT SPECIAL ELECTION".
13 S 2. Subdivision 35 of section 1-104 of the election law, as added by
14 chapter 359 of the laws of 1989, is amended to read as follows:
15 35. The term "election" shall include:
16 A. a "general village election" or "special village election" except
17 where a specific provision of this chapter may not be consistently
18 applied to the village election procedure;
19 B. A "SPECIAL TOWN ELECTION" EXCEPT WHERE A SPECIFIC PROVISION OF THIS
20 CHAPTER MAY NOT BE CONSISTENTLY APPLIED TO THE SPECIAL TOWN ELECTION
21 PROCEDURE; AND

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

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1 C. A "SPECIAL DISTRICT GENERAL ELECTION" OR "SPECIAL DISTRICT SPECIAL
2 ELECTION" EXCEPT WHERE A SPECIFIC PROVISION OF THIS CHAPTER MAY NOT BE
3 CONSISTENTLY APPLIED TO THE SPECIAL DISTRICT ELECTION PROCEDURE.

4 S 3. Subdivision 1 of section 3-404 of the election law, as amended by
5 chapter 263 of the laws of 1991, is amended to read as follows:

6 1. The board of elections of each county shall on or before the
7 fifteenth day of July of each year select and appoint election inspec-
8 tors and poll clerks for each election district therein, and such number
9 of election coordinators as it determines to be necessary, and may ther-
10 eafter select and designate election inspectors, poll clerks and
11 election coordinators to fill any vacancy for an unexpired term. The
12 term of such designation shall be for a term ending on the fourteenth
13 day of July of the following year. If the election districts for a
14 general or special village election conducted by the board of elections,
15 A SPECIAL TOWN ELECTION CONDUCTED BY THE BOARD OF ELECTIONS OR SPECIAL
16 DISTRICT GENERAL OR SPECIAL ELECTION CONDUCTED BY THE BOARD OF ELECTIONS
17 are coterminous with the election districts established for general
18 elections, such election inspectors and poll clerks shall also serve at
19 such village, TOWN OR SPECIAL DISTRICT elections. If the election
20 districts for such a village, TOWN election OR SPECIAL DISTRICT ELECTION
21 are not so coterminous, the board of elections shall select the inspec-
22 tors and poll clerks to serve in each such village, TOWN OR SPECIAL
23 DISTRICT election district from among the inspectors and poll clerks
24 appointed, pursuant to the provisions of this section, for any election
25 district wholly or partly in such village, TOWN OR SPECIAL DISTRICT.

26 S 4. Subdivision 1 of section 3-420 of the election law, as amended by
27 chapter 180 of the laws of 2005, is amended to read as follows:

28 1. Election inspectors, poll clerks, election coordinators and quali-
29 fied voters appointed to act in place of an absent inspector, clerk or
30 coordinator shall be paid for their services on the days of registration
31 and election, by the county containing the election district in which
32 they serve, in an amount fixed by the county legislative body, subject
33 to such limitations as shall be prescribed or authorized by statute,
34 except that in the city of New York the amount of such compensation
35 shall be payable by such city and shall be fixed by the mayor at a daily
36 rate which, in the case of election inspectors shall not be less than
37 one hundred thirty dollars and in the case of election coordinators not
38 less than two hundred dollars. Such inspectors, poll clerks, election
39 coordinators and qualified voters at a general or special village
40 election conducted by the board of elections, A SPECIAL TOWN ELECTION
41 CONDUCTED BY THE BOARD OF ELECTIONS OR SPECIAL DISTRICT GENERAL OR
42 SPECIAL ELECTION CONDUCTED BY THE BOARD OF ELECTIONS shall be paid by
43 such village, TOWN OR SPECIAL DISTRICT in an amount fixed by the village
44 board of trustees, TOWN BOARD OR SPECIAL DISTRICT BOARD OF COMMISSIONERS
45 subject to any such limitations.

46 S 5. Subdivision 1 of section 4-104 of the election law, as amended by
47 chapter 180 of the laws of 2005, is amended to read as follows:

48 1. Every board of elections shall, in consultation with each city,
49 town and village, designate the polling places in each election district
50 in which the meetings for the registration of voters, and for any GENER-
51 AL, SPECIAL OR PRIMARY election may be held. The board of trustees of
52 each village in which general and special village elections ARE
53 conducted by the board of elections [are held] at a time other than the
54 time of a general election, THE TOWN BOARD OF A TOWN IN WHICH SPECIAL
55 TOWN ELECTIONS ARE CONDUCTED BY THE BOARD OF ELECTIONS AT A TIME OTHER
56 THAN THE TIME OF A GENERAL ELECTION AND THE BOARD OF COMMISSIONERS OF

1 EACH SPECIAL DISTRICT IN WHICH ELECTIONS ARE CONDUCTED BY THE BOARD OF
2 ELECTIONS AT A TIME OTHER THAN THE TIME OF A GENERAL ELECTION shall
3 submit such a list of polling places for such village elections, SPECIAL
4 TOWN AND SPECIAL DISTRICT ELECTIONS to the board of elections. A polling
5 place may be located in a building owned by a religious organization or
6 used by it as a place of worship. If such a building is designated as a
7 polling place, it shall not be required to be open for voter registra-
8 tion on any Saturday if this is contrary to the religious beliefs of the
9 religious organization. In such a situation, the board of elections
10 shall designate an alternate location to be used for voter registration.
11 Such polling places must be designated by May first, of each year, and
12 shall be effective for one year thereafter. Such a list required to be
13 submitted by a village board of trustees, TOWN BOARD OR SPECIAL DISTRICT
14 BOARD OF COMMISSIONERS must be submitted at least four months before
15 each general village election OR SPECIAL DISTRICT GENERAL ELECTION and
16 shall be effective until four months before the subsequent general
17 village election OR SPECIAL DISTRICT GENERAL ELECTION. A LIST OF THE
18 POLLING PLACES FOR A SPECIAL TOWN ELECTION SHALL BE SUBMITTED BY THE
19 TOWN BOARD AT LEAST TWENTY DAYS BEFORE SUCH SPECIAL TOWN ELECTION. No
20 place in which a business licensed to sell alcoholic beverages for on
21 premises consumption is conducted on any day of local registration or of
22 voting shall be so designated. If, within the discretion of the board of
23 elections a particular polling place so designated is subsequently found
24 to be unsuitable or unsafe or should circumstances arise that make a
25 designated polling place unsuitable or unsafe, then the board of
26 elections is empowered to select an alternative meeting place. In the
27 city of New York, the board of elections shall designate such polling
28 places and alternate registration places if the polling place cannot be
29 used for voter registration on Saturdays.

30 S 6. Subdivisions 2 and 4 of section 4-106 of the election law, subdi-
31 vision 2 as amended by chapter 635 of the laws of 1990 and subdivision 4
32 as amended by chapter 88 of the laws of 1995, are amended to read as
33 follows:

34 2. Each county, city, village and town clerk AND EACH SECRETARY OF A
35 BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT, at least eight months
36 before each general election, shall make and transmit to the board of
37 elections a certificate stating each county, city, village [or], town OR
38 SPECIAL DISTRICT office, respectively to be voted for at each such
39 election. Each village clerk, at least five months before each general
40 village election conducted by the board of elections, shall make, and
41 transmit to such board, a certificate stating each village office to be
42 filled at such election. EACH SECRETARY OF A BOARD OF COMMISSIONERS OF A
43 SPECIAL DISTRICT, AT LEAST FIVE MONTHS BEFORE EACH SPECIAL DISTRICT
44 GENERAL OR SPECIAL ELECTION CONDUCTED BY THE BOARD OF ELECTIONS, SHALL
45 MAKE, AND TRANSMIT TO SUCH BOARD, A CERTIFICATE STATING EACH SPECIAL
46 DISTRICT OFFICE TO BE FILLED AT SUCH ELECTION.

47 4. Within three days after the occurrence of any vacancy in an office
48 required to be filled at the next general election or a general or
49 special village election or other special election conducted by the
50 board of elections OR SPECIAL DISTRICT GENERAL OR SPECIAL ELECTION
51 CONDUCTED BY THE BOARD OF ELECTIONS, the state board of elections or the
52 county, city, town or village clerk OR SECRETARY OF THE BOARD OF COMMIS-
53 SIONERS OF A SPECIAL DISTRICT as is appropriate, shall file with the
54 county board of elections, a certificate indicating the occurrence of
55 the vacancy and the position which is to be filled.

1 S 7. Section 4-120 of the election law, as amended by chapter 359 of
2 the laws of 1989, is amended to read as follows:

3 S 4-120. Notices of general, village, SPECIAL TOWN, SPECIAL DISTRICT
4 and special elections; publication of. 1. The board of elections shall
5 publish once in each of the two weeks preceding a general election, or a
6 special [or], village, SPECIAL TOWN OR SPECIAL DISTRICT election
7 conducted by the board of elections, a notice specifying the day of the
8 election, and the public officers to be voted for within such county, or
9 any part thereof at such election. If constitutional amendments, or
10 questions are to be submitted to the voters of the state, the notice
11 shall state that fact and that a copy of each such amendment or question
12 may be obtained at the board of elections, by any voter. Such publica-
13 tion shall be in two newspapers published within the county. If the
14 county contains a city or cities, at least one of such newspapers shall
15 be published in the city, or the largest city, if there be more than
16 one.

17 In the case of a village, SPECIAL TOWN OR SPECIAL DISTRICT election,
18 such publication shall be made in a newspaper of general circulation in
19 such village, TOWN OR SPECIAL DISTRICT and shall include an abstract of
20 any proposition to be voted upon at such election.

21 2. The board or body authorized to designate places for voting in any
22 town or in any city, except the city of New York, may publish on the
23 publication day immediately preceding election day, in a newspaper or
24 newspapers designated by such board or body, a notice of the election,
25 and the village clerk shall publish at least ten days prior to any
26 village election conducted by the board of elections, AND THE TOWN CLERK
27 SHALL PUBLISH AT LEAST TEN DAYS PRIOR TO ANY SPECIAL TOWN ELECTION
28 CONDUCTED BY THE BOARD OF ELECTIONS, AND THE SECRETARY OF THE BOARD OF
29 COMMISSIONERS OF THE SPECIAL DISTRICT SHALL PUBLISH AT LEAST TEN DAYS
30 PRIOR TO ANY SPECIAL DISTRICT ELECTION CONDUCTED BY THE BOARD OF
31 ELECTIONS in a newspaper of general circulation in such village, TOWN OR
32 SPECIAL DISTRICT a list of the polling places, the date and hours of
33 election and, at the discretion of such board [or], clerk OR SECRETARY,
34 a brief description of the boundaries of each election district. Such
35 list shall identify those polling places which do not provide access to
36 handicapped voters. The amount to be paid for any of such publications
37 shall be at the rate prescribed by section seventy-a of the public offi-
38 cers law. In no publication, however, shall any type smaller than agate
39 be used. The amount to be paid for all such publications shall be a
40 town, city [or], village OR SPECIAL DISTRICT charge.

41 3. The board of elections of the city of New York shall publish on the
42 eighth day before and the day before each general election, in at least
43 two newspapers in such city, a notice, at least one-half page in size,
44 in English and such other languages as such board deems appropriate,
45 which sets forth the dates and hours of the election and the phone
46 number to call for information about the location of polling places,
47 their accessibility to the handicapped, applications for absentee
48 ballots and any other subjects which such board deems appropriate.

49 S 8. Subdivision 3 of section 4-122 of the election law, as amended by
50 chapter 359 of the laws of 1989, is amended to read as follows:

51 3. The list described in subdivision one of this section shall be
52 published at least once in not less than two nor more than four newspa-
53 pers in the county. In a county containing a city, at least one such
54 publication shall be in a daily newspaper published in a city therein,
55 if there be such a newspaper. In the case of a village, SPECIAL TOWN OR
56 SPECIAL DISTRICT election held at a time other than the time of a gener-

al election, such publication shall be in a newspaper having general circulation in such village, TOWN OR SPECIAL DISTRICT. So far as is consistent with this section, one such newspaper shall represent each of the major political parties. Should the board of elections find it impossible to make such publication six days before election it shall make it at the earliest possible day thereafter before the election.

S 9. Subdivisions 1, 5 and 6 of section 4-134 of the election law, subdivision 1 as amended by chapter 91 of the laws of 1992 and subdivisions 5 and 6 as amended by chapter 635 of the laws of 1990, are amended to read as follows:

1. The board of elections shall deliver, at its office, to the clerk of each town or city in the county, except the cities of New York, Buffalo and Rochester, and to the clerk of each village in the county in which elections are conducted by the board of elections, AND TO THE SECRETARY OF THE BOARD OF COMMISSIONERS OF EACH SPECIAL DISTRICT IN THE COUNTY IN WHICH ELECTIONS ARE CONDUCTED BY THE BOARD OF ELECTIONS, by the Saturday before the primary, SPECIAL, general, village, SPECIAL TOWN, SPECIAL DISTRICT or other election for which they are required: the official and sample ballots; envelopes containing absentee voters' ballots received not later than five o'clock in the afternoon of the Friday before the day of an election; unless such board of elections has determined by resolution adopted at least thirty days before election day not to deliver such absentee ballots to the inspectors of election at the polling place, ledgers prepared for delivery in the manner provided in subdivision two of this section and containing the registration poll records of all persons entitled to vote at such election in such town, city [or], village, OR SPECIAL DISTRICT or computer generated registration lists containing the names of all persons entitled to vote at such election in such town, city [or], village OR SPECIAL DISTRICT; challenge reports prepared as directed by this chapter; sufficient applications for registration by mail; sufficient ledger seals and other supplies and equipment required by this article to be provided by the board of elections for each polling place in such town, city [or], village OR SPECIAL DISTRICT. The board of elections shall deliver at its office to each town, city or village clerk OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT those ballots from military and absentee voters received after five o'clock in the afternoon of the Friday before and before twelve o'clock noon on the Monday before the primary, general or other election for which they are required, unless such board of elections has determined by resolution adopted at least thirty days before election day not to deliver such ballots to the inspectors of election at the polling place, and the town, city or village clerk OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT receiving such ballot envelope shall cause the same to be delivered to the inspectors of election of the election district as provided in this section. The town, city or village clerk OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT shall call at the office of such board of elections at such time and receive such ballots, supplies and equipment. In the cities of New York, Buffalo and Rochester the board of elections shall cause such ballots, supplies and equipment to be delivered to the board of inspectors of each election district approximately one-half hour before the opening of the polls for voting, and shall take receipts therefor.

5. Each town, city and village clerk AND THE SECRETARY OF THE BOARD OF COMMISSIONERS OF EACH SPECIAL DISTRICT receiving such packages shall cause all such packages so received and marked for any election district

1 to be delivered unopened and with the seals thereof unbroken to the
2 inspectors of election of such election districts at least one-half hour
3 before the opening of the polls of such election therein, and shall take
4 a receipt therefor specifying the number and kind of packages delivered.
5 At the same time each such clerk shall cause to be delivered to such
6 inspectors the equipment described in subdivision two of this section
7 and shall cause a receipt to be taken therefor.

8 6. Town, city and village clerks AND SECRETARIES OF BOARDS OF COMMIS-
9 SIONERS OF SPECIAL DISTRICTS required to provide official and sample
10 ballots, registration records, seals, supplies and equipment, as
11 described in this section, for town, city [and], village AND SPECIAL
12 DISTRICT elections not conducted by the board of elections, shall in
13 like manner, deliver them to the inspectors or presiding officers of the
14 election at each polling place at which such meetings and elections are
15 held, respectively, in like sealed packages marked on the outside in
16 like manner, and shall take receipts therefor in like manner.

17 S 10. Subdivision 2 of section 4-136 of the election law, as amended
18 by chapter 180 of the laws of 2005, is amended to read as follows:

19 2. All expenses incurred under this chapter by the board of elections
20 of a county outside of the city of New York shall be a charge against
21 the county and in the city of New York the expenses of the board of
22 elections shall be a charge against such city. The expenses incurred by
23 the board of elections of a county outside the city of New York may,
24 pursuant to section 3-226 of this chapter, be apportioned among the
25 cities and towns therein, or in the case of a village OR SPECIAL
26 DISTRICT election held other than at the time of the fall primary or
27 general election, apportioned to such villages OR SPECIAL DISTRICTS
28 therein.

29 S 11. Subdivision 1 of section 5-612 of the election law, as amended
30 by chapter 200 of the laws of 1996, is amended to read as follows:

31 1. The board of elections [shall], not later than the twentieth day
32 before a special town election NOT CONDUCTED BY THE BOARD OF ELECTIONS
33 and not later than the seventh day before a village election NOT
34 conducted by the [village clerk] BOARD OF ELECTIONS AND NOT LATER THAN
35 THE NINETEENTH DAY BEFORE A SPECIAL DISTRICT ELECTION NOT CONDUCTED BY
36 THE BOARD OF ELECTIONS, SHALL, provide a list of registered voters or
37 shall place registration poll records in properly locked ledgers in the
38 temporary custody of the town or village clerk OR SECRETARY OF THE BOARD
39 OF COMMISSIONERS OF THE SPECIAL DISTRICT for the purpose of permitting
40 him to copy such records or to deliver such records for TOWN, village OR
41 SPECIAL DISTRICT election purposes to the board of inspectors of the
42 several polling places in the election districts as provided by this
43 chapter. The board of elections shall indicate on such list, or on a
44 separate accompanying list, the names of those voters whose registration
45 records have been marked "permanently disabled". The names of voters in
46 inactive status shall appear on a separate accompanying list. Voters
47 listed in inactive status who appear at the polls to vote shall be chal-
48 lenged in the manner provided by section 8-504 of this chapter.

49 S 12. Section 6-144 of the election law, as amended by chapter 635 of
50 the laws of 1990, the opening paragraph as amended by chapter 150 of the
51 laws of 1996, is amended to read as follows:

52 S 6-144. Nominating and designating petitions and certificates; place
53 for filing. Petitions, certificates and minutes specified in this arti-
54 cle shall be filed in the office of the Board of Elections of the coun-
55 ty, except as follows: for an office or position to be voted for wholly
56 within the city of New York, in the office of the Board of Elections of

1 that city; for an office or position to be voted for in a district
2 greater than one county, or portions of two or more counties, in the
3 office of the state board of elections; for a TOWN OR village office to
4 be filled in a TOWN OR village election not conducted by the board of
5 elections, in the office of the TOWN OR village clerk. All such
6 petitions and certificates shall at the time of filing thereof be
7 endorsed by such officer or board with the day, hour and minute of such
8 filing. Such officer or board shall keep a book, which shall be open to
9 public inspection in which shall be entered the times of filing all such
10 petitions and certificates; the names and residences of all candidates
11 named therein; the names and residences of all candidates certified to
12 such officer or board; the title of the office or party position; the
13 name of the party or independent body to which the petition or certif-
14 icate relates and a memorandum of any objections to such petition or
15 certificate. Forthwith upon the filing of a petition or certificate
16 designating or nominating a person or persons for public office, such
17 officer or board shall mail notice thereof to each such person. Such
18 notice shall also state the last day to decline such designation or
19 nomination, and include a statement that the candidate's name shall
20 appear on the ballot as it appears in such notice.

21 S 13. Sections 6-100 through 6-168 of article 6 of the election law
22 are designated title 1 and a new title heading is added to read as
23 follows:

24 GENERAL, SPECIAL AND PRIMARY ELECTIONS

25 S 14. Article 6 of the election law is amended by adding a new title 3
26 to read as follows:

27 TITLE III

28 SPECIAL DISTRICT ELECTIONS

29 SECTION 6-300. APPLICATION OF TITLE.

30 6-302. NOMINATING PETITIONS; NUMBER OF SIGNATURES.

31 6-304. PETITIONS AND CERTIFICATES; PLACE AND TIMES FOR FILING.

32 6-306. NOMINATIONS; OBJECTIONS.

33 S 6-300. APPLICATION OF TITLE. THIS TITLE APPLIES TO ALL SPECIAL
34 DISTRICT ELECTIONS WHICH ARE CONDUCTED BY THE BOARD OF ELECTIONS.

35 S 6-302. NOMINATING PETITIONS; NUMBER OF SIGNATURES. A NOMINATING
36 PETITION FOR A SPECIAL DISTRICT OFFICE FOR WHICH SUCH A PETITION IS
37 REQUIRED, SHALL BE SIGNED BY AT LEAST TWENTY-FIVE QUALIFIED VOTERS OF
38 THE DISTRICT.

39 S 6-304. PETITIONS AND CERTIFICATES; PLACE AND TIMES FOR FILING. 1.
40 PETITIONS AND CERTIFICATES OF CANDIDACY SHALL BE FILED WITH THE BOARD OF
41 ELECTIONS.

42 2. A NOMINATING PETITION OR A CERTIFICATE OF CANDIDACY FOR AN OFFICE
43 TO BE FILLED AT A SPECIAL DISTRICT ELECTION, OTHER THAN A FIRE DISTRICT
44 ELECTION, SHALL BE FILED NOT LATER THAN THIRTY DAYS PRECEDING THE
45 ELECTION. SUCH A NOMINATING PETITION OR CERTIFICATE OF CANDIDACY FOR A
46 SPECIAL DISTRICT ELECTION IN A FIRE DISTRICT SHALL BE FILED NOT LATER
47 THAN TEN DAYS PRECEDING THE ELECTION.

48 S 6-306. NOMINATIONS; OBJECTIONS. WRITTEN OBJECTIONS TO A NOMINATING
49 PETITION OR TO A CERTIFICATE OF NOMINATION, CERTIFICATE OF ACCEPTANCE,
50 CERTIFICATE OF AUTHORIZATION, CERTIFICATE OF DECLINATION OR CERTIFICATE
51 OF SUBSTITUTION WITH RESPECT TO AN OFFICE TO BE FILLED AT A SPECIAL
52 DISTRICT ELECTION MAY BE FILED NOT LATER THAN THE DAY AFTER THE LAST DAY
53 TO FILE SUCH PETITION OR CERTIFICATE, OR THE DAY AFTER SUCH PETITION OR
54 CERTIFICATE IS RECEIVED BY THE BOARD OF ELECTIONS IF SUCH PETITION OR
55 CERTIFICATE IS MAILED WITHIN THE TIME PERMITTED BY LAW, WHICHEVER IS
56 LATER. WRITTEN SPECIFICATIONS OF THE GROUNDS FOR SUCH OBJECTIONS SHALL

1 BE SO FILED WITHIN TWO DAYS THEREAFTER. A FAILURE TO FILE SUCH WRITTEN
2 SPECIFICATIONS SHALL RENDER THE ORIGINAL OBJECTION NULL AND VOID. UPON
3 RECEIPT OF WRITTEN SPECIFICATIONS, THE COUNTY BOARD OF ELECTIONS SHALL
4 IMMEDIATELY NOTIFY EACH CANDIDATE NAMED IN SUCH PETITION OR CERTIFICATE
5 AND TAKE ALL STEPS NECESSARY AND CONSISTENT WITH THIS CHAPTER TO RENDER
6 A DETERMINATION ON THE QUESTIONS RAISED IN SUCH OBJECTIONS AND SPECIFI-
7 CATIONS. WHEN A DETERMINATION HAS BEEN MADE BY THE COUNTY BOARD OF
8 ELECTIONS THAT THE PETITION IS SUFFICIENT OR INSUFFICIENT, IT SHALL
9 IMMEDIATELY NOTIFY EACH CANDIDATE NAMED IN THE PETITION OR CERTIFICATE,
10 AND, IF SUCH DETERMINATION WAS MADE ON OBJECTION, THE OBJECTOR.

11 S 15. The opening paragraph of subdivision 1 of section 8-400 of the
12 election law, as amended by chapter 359 of the laws of 1989, is amended
13 to read as follows:

14 A qualified voter may vote as an absentee voter under this chapter if,
15 on the occurrence of any village, SPECIAL TOWN OR SPECIAL DISTRICT,
16 OTHER THAN FIRE DISTRICT, election conducted by the board of elections,
17 primary election, special election, general election or New York city
18 community school board district or city of Buffalo school district
19 election, he will be:

20 S 16. The opening paragraph of subdivision 1 of section 8-404 of the
21 election law, as amended by chapter 359 of the laws of 1989, is amended
22 to read as follows:

23 After entering upon the registration records, the application for
24 registration of an inmate or patient of a veterans' administration
25 hospital as to whom the medical superintendent or medical head of such
26 hospital has attested that he expects that he will not be discharged
27 prior to the day following the next general or special village ELECTION,
28 SPECIAL TOWN OR SPECIAL DISTRICT, OTHER THAN A FIRE DISTRICT, ELECTION
29 CONDUCTED BY THE BOARD OF ELECTIONS, primary, special, general or New
30 York city community school board district or city of Buffalo school
31 district election, and the application for registration by the spouse,
32 parent or child of such inmate or patient, accompanying or being with
33 him or her, if a qualified voter and a resident of the same election
34 district, the board of elections, without further investigation and
35 without further application by the applicant, shall send to him at such
36 hospital an absentee ballot and shall record in the signature column on
37 the back of his permanent personal registration poll record that such
38 ballot has been sent.

39 S 17. Paragraphs (a), (b) and (c) of subdivision 3 of section 9-124 of
40 the election law, as amended by chapter 91 of the laws of 1992, are
41 amended to read as follows:

42 (a) In a city or town, except the city of New York and in a village OR
43 SPECIAL DISTRICT in which elections are conducted by the board of
44 elections, the registration poll records or computer generated registra-
45 tion lists, the returns with tally sheets annexed, the absentee and
46 military, special federal, special presidential and emergency ballots,
47 stubs and ballot envelopes, the challenge records and the package of
48 protested, void and wholly blank ballots shall be filed with the board
49 of elections, and the flag shall be returned to it.

50 (b) Records and supplies to be filed with a city, town or village
51 clerk OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT
52 shall be so filed or delivered immediately after the completion of the
53 returns of the canvass, by an inspector designated by the board of
54 inspectors. Returns, papers and registration poll records or computer
55 generated registration lists to be filed with the board of elections
56 shall be so filed by the chairman of the board of inspectors within

1 twenty-four hours after the completion of such returns. The person
2 receiving such returns in the board of elections shall give to the
3 person delivering the returns a receipt stating therein the date and
4 hour of delivery, the name of the person making the delivery, and to
5 whom said returns were delivered and shall keep a duplicate of said
6 receipt on file in the office of the board of elections.

7 (c) The county legislative body of any county in the state except the
8 counties comprising the city of New York may, by a resolution, ordinance
9 or act as required, provide that all returns, papers, registration poll
10 records or computer generated registration lists, books, records, docu-
11 ments, and other election supplies and materials shall be filed by the
12 chairman of the board of inspectors of elections in a city or town and
13 in a village OR SPECIAL DISTRICT in which elections are conducted by the
14 board of elections, with the city, town or village clerk OR SECRETARY OF
15 THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT of such city, town
16 [or], village OR SPECIAL DISTRICT in the county within eighteen hours
17 after the closing of the polls at any primary, general, special [or],
18 village OR SPECIAL DISTRICT election and the city, town or village clerk
19 OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT upon
20 receiving such returns, papers, registers or lists, books, records,
21 documents, and other election supplies and materials shall give to the
22 person making the delivery, a receipt stating therein the date and hour
23 of the delivery and the name of such person. Within twenty-four hours
24 after the closing of the polls at any primary, general, special [or],
25 village OR SPECIAL DISTRICT election, the city, town or village clerk OR
26 SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT shall file
27 all returns, papers, registration poll records or computer generated
28 registration lists, books, records, documents and other election
29 supplies and materials filed with him by the inspectors of the election
30 districts of the city, town [or], village OR SPECIAL DISTRICT, with the
31 board of elections of the county and the board of elections shall give
32 to the city, town or village clerk OR SECRETARY OF THE BOARD OF COMMIS-
33 SIONERS OF A SPECIAL DISTRICT a receipt therefor stating therein the
34 date and hour of the delivery and the name of the person making the
35 delivery and to whom it was made, and shall keep a duplicate of said
36 receipt on file in the office of the board of elections.

37 S 18. Section 9-204 of the election law, as amended by chapter 359 of
38 the laws of 1989, is amended to read as follows:

39 S 9-204. County boards of canvassers. The board of elections of each
40 county or city shall be the county board of canvassers of such county,
41 or each county within such city. Such board also shall be the city board
42 of canvassers of any city or cities within the county for a city
43 election. Such board shall also be the board of canvassers of the towns
44 of the county. Such board shall also be the board of canvassers of
45 villages in which village elections are conducted by the board of
46 elections AND OF SPECIAL DISTRICTS IN WHICH SPECIAL DISTRICT ELECTIONS
47 ARE CONDUCTED BY THE BOARD OF ELECTIONS. The secretary of the board of
48 elections, or, if he is absent, or unable to act, a member or chief
49 clerk designated by the board shall be the secretary of the canvassing
50 board. Each canvassing board shall meet at the place where it usually
51 meets in other capacities on the day following the election, but its
52 duties may be performed in any or all of the offices of the board of
53 elections.

54 S 19. Subdivision 1 of section 9-208 of the election law, as amended
55 by chapter 359 of the laws of 1989, is amended to read as follows:

1 1. Within fifteen days after each general, special or primary
2 election, and within seven days after every village, SPECIAL TOWN OR
3 SPECIAL DISTRICT election conducted by the board of elections at which
4 voting machines are used, the board of elections, or a bipartisan
5 committee of or appointed by said board, shall in each county using
6 voting machines, make a record of the number on the seal and the number
7 on the protective counter, of each voting machine used in each election
8 district in such general, special or primary election, shall open the
9 counter compartment of each of such machine, and, without unlocking such
10 machine against voting, shall recanvass the vote cast thereon or, if the
11 machine is provided with a device for printing or photographing the
12 counters, such board or committee shall recanvass such printed or photo-
13 graphic record or, if the machine is provided with a removable electron-
14 ic or computerized device which records the vote cast on such machine
15 and from which a printed copy of such vote may be made mechanically or
16 electronically and also a device for printing or photographing such vote
17 directly from the voting machine, such board or committee shall recan-
18 vass the vote by comparing the vote on the printed copy of the canvass
19 made from such removable device with the printed or photographed copy of
20 the canvass made directly from the voting machine at the close of the
21 polls. No person who was a candidate at such election shall be appointed
22 to membership on the committee. The said board or committee shall
23 during such time, make a recanvass of any absentee and military, special
24 federal, special presidential, emergency and write-in ballots which were
25 canvassed at polling places on election night and delivered to the board
26 of elections by the person filing returns. Before making such canvass
27 the board of elections, with respect to each election district to be
28 recanvassed, shall give notice in writing to the voting machine custo-
29 dian thereof, to the state and county chairman of each party or inde-
30 pendent body which shall have nominated candidates for the said general
31 or special election or nominated or elected candidates at the said
32 primary election and to each individual candidate whose name appears on
33 said machine, of the time and place where such canvass is to be made;
34 and the state and county chairman of each such party or independent body
35 and each such individual candidate may send a representative to be pres-
36 ent at such recanvass. Each candidate whose name appears on said
37 machine, or his representative, shall have the right personally to exam-
38 ine and make a copy of the vote recorded on such machine and ballots.

39 S 20. Subdivision 1 of section 9-212 of the election law, as amended
40 by chapter 635 of the laws of 1990, is amended to read as follows:

41 1. The canvassing board shall determine each person elected by the
42 greatest number of votes to each county office, and each person elected
43 by the greatest number of votes to each city, town or village OR SPECIAL
44 DISTRICT office of a city, town or village OR SPECIAL DISTRICT of which
45 it is the board of canvassers. The canvassing board shall also deter-
46 mine whether any ballot proposal submitted only to the voters of the
47 county, or only to the voters of a city, town or village of which it is
48 the board of canvassers, as the case may be, has by the greater number
49 of votes been adopted or rejected.

50 S 21. Subdivision 1 of section 10-108 of the election law, as amended
51 by chapter 262 of the laws of 2003, is amended to read as follows:

52 1. Ballots for military voters shall be mailed or otherwise distrib-
53 uted by the board of elections thirty-two days before a primary or
54 general election; twenty-five days before a New York city community
55 school board district or city of Buffalo school district election; and
56 fourteen days before a village, SPECIAL TOWN OR SPECIAL DISTRICT, OTHER

1 THAN FIRE DISTRICT, election conducted by the board of elections and
2 twelve days before a special election. A voter who submits a military
3 ballot application shall be entitled to a military ballot thereafter for
4 each subsequent election through and including the next two regularly
5 scheduled general elections held in even numbered years, including any
6 run-offs which may occur; provided, however, such application shall not
7 be valid for any election held within seven days after its receipt.
8 Ballots shall also be mailed to any qualified military voter who is
9 already registered and who requests such military ballot from such board
10 of elections in a letter, which is signed by the voter and received by
11 the board of elections not later than the seventh day before the
12 election for which the ballot is requested and which states the address
13 where the voter is registered and the address to which the ballot is to
14 be mailed. The board of elections shall enclose with such ballot a form
15 of application for military ballot. In the case of a primary election,
16 the board shall deliver only the ballot of the party with which the
17 military voter is enrolled according to the military voter's registra-
18 tion records. In the event a primary election is uncontested in the
19 military voter's election district for all offices or positions except
20 the party position of member of the ward, town, city or county commit-
21 tee, no ballot shall be delivered to such military voter for such
22 election; and the military voter shall be advised of the reason why he
23 or she will not receive a ballot.

24 S 22. The article heading of article 15 of the election law is amended
25 to read as follows:

26 VILLAGE, SPECIAL TOWN AND SPECIAL DISTRICT ELECTIONS

27 S 23. Sections 15-100 through 15-138 of article 15 of the election law
28 are designated title 1 and a new title heading is added to read as
29 follows:

30 VILLAGE ELECTIONS

31 S 24. Article 15 of the election law is amended by adding two new
32 titles 2 and 3 to read as follows:

33 TITLE II

34 SPECIAL TOWN ELECTIONS

35 SECTION 15-200. APPLICATION OF TITLE.

36 15-202. DEFINITIONS.

37 15-204. SPECIAL TOWN ELECTIONS CONDUCTED BY THE BOARD OF
38 ELECTIONS.

39 15-206. REGISTRATION OF VOTERS.

40 S 15-200. APPLICATION OF TITLE. THE PROVISIONS OF THIS TITLE SHALL
41 APPLY TO ALL SPECIAL TOWN ELECTIONS CONDUCTED BY THE BOARD OF ELECTIONS
42 PURSUANT TO A RESOLUTION ADOPTED PURSUANT TO THE TOWN LAW AND AS FURTHER
43 DESCRIBED IN THIS TITLE. ALL THE PROVISIONS OF THIS CHAPTER NOT INCON-
44 SISTENT WITH THE PROVISIONS OF THE TOWN LAW WITH RESPECT TO THE CONDUCT
45 OF SUCH SPECIAL TOWN ELECTIONS, SHALL APPLY TO SUCH SPECIAL TOWN
46 ELECTIONS.

47 S 15-202. DEFINITIONS. THE TERMS USED IN THIS TITLE SHALL HAVE THE
48 MEANING HEREIN DEFINED UNLESS ANOTHER MEANING IS CLEARLY APPARENT IN
49 LANGUAGE OR CONTEXT:

50 1. "SPECIAL TOWN ELECTION" MEANS ANY ELECTION HELD IN ANY TOWN OR PART
51 THEREOF AT A TIME OTHER THAN THE TIME OF THE BIENNIAL TOWN ELECTION FOR
52 ANY PURPOSE SPECIFIED IN THE TOWN LAW, THE PUBLIC OFFICERS LAW, THE
53 LOCAL FINANCE LAW, THE MUNICIPAL HOME RULE LAW OR ANY OTHER LAW.

54 2. "PUBLISH" MEANS THAT ANY NOTICE OR RESOLUTION REQUIRED TO BE
55 PUBLISHED BY A TOWN IN CONNECTION WITH A SPECIAL TOWN ELECTION SHALL BE
56 SO PRINTED WITHIN THE TIME REQUIRED IN THE LAW REQUIRING PUBLICATION IN

THE OFFICIAL NEWSPAPER OF THE TOWN, OR IF NONE, ONE OF GENERAL CIRCULATION WITHIN THE TOWN.

S 15-204. SPECIAL TOWN ELECTIONS CONDUCTED BY THE BOARD OF ELECTIONS. THE TOWN BOARD OF ANY TOWN MAY ADOPT A RESOLUTION SUBJECT TO A PERMISSIVE REFERENDUM, AS PROVIDED IN THE TOWN LAW, PROVIDING THAT SPECIAL TOWN ELECTIONS SHALL BE CONDUCTED BY THE BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A RESOLUTION BY THE TOWN BOARD AND BY A PERMISSIVE REFERENDUM, IF A VALID PETITION FOR SUCH A REFERENDUM IS TIMELY FILED, THE BOARD OF ELECTIONS SHALL CONDUCT ALL SPECIAL TOWN ELECTIONS IN SUCH TOWN OR ANY PART THEREOF. SUCH RESOLUTION SHALL TAKE EFFECT AT THE FIRST ELECTION HELD IN SUCH TOWN OR PART THEREOF MORE THAN SIXTY DAYS AFTER ITS ADOPTION AND SHALL CONTINUE IN EFFECT FOR ALL SUCH ELECTIONS UNTIL A SUBSEQUENT RESOLUTION PROVIDING OTHERWISE SHALL, IN A LIKE MANNER, HAVE TAKEN EFFECT.

S 15-206. REGISTRATION OF VOTERS. 1. IN A SPECIAL TOWN ELECTION CONDUCTED BY THE BOARD OF ELECTIONS PURSUANT TO A RESOLUTION ADOPTED PURSUANT TO THE PROVISIONS OF THE TOWN LAW, ONLY THOSE PERSONS REGISTERED TO VOTE WITH THE BOARD OF ELECTIONS ON THE TENTH DAY BEFORE SUCH ELECTION AND SUCH OTHER PERSONS OR ENTITIES ENTITLED TO VOTE IN SUCH ELECTION WHOSE NAMES HAVE BEEN RECORDED IN THE RECORDS OF THE BOARD OF ELECTIONS PURSUANT TO THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION SHALL BE ELIGIBLE TO VOTE.

2. A PERSON WHO IS NOT AN ELECTOR OF THE TOWN OR PART OF THE TOWN FOR WHICH A SPECIAL TOWN ELECTION IS BEING HELD BUT WHO IS ELIGIBLE TO CAST A VOTE IN ANY SUCH ELECTION AND ANY OTHER ENTITY ENTITLED TO CAST A VOTE IN ANY SUCH ELECTION MUST NOTIFY THE BOARD OF ELECTIONS OF THEIR ELIGIBILITY TO VOTE IN SUCH ELECTION AT LEAST TEN DAYS BEFORE THE DATE OF SUCH ELECTION. SUCH NOTICE MUST SET FORTH THE NAME AND ADDRESS OF SUCH PERSON OR ENTITY, THE BASIS OF ELIGIBILITY TO VOTE IN SUCH ELECTION AND, IF SUCH ENTITY IS NOT A NATURAL PERSON, THE NAME AND ADDRESS OF THE NATURAL PERSON DESIGNATED TO CAST SUCH VOTE, AND SUCH OTHER INFORMATION AS THE BOARD OF ELECTIONS SHALL REQUIRE.

3. THE TOWN CLERK SHALL SUPPLY TO THE BOARD OF ELECTIONS SUCH INFORMATION AS IT REQUESTS TO ASSIST THE BOARD IN DETERMINING THE ELIGIBILITY OF ANY PERSON OR ENTITY TO VOTE IN ANY SUCH ELECTION.

TITLE III

SPECIAL DISTRICT ELECTIONS

SECTION 15-300. APPLICATION OF TITLE.

15-302. DEFINITIONS.

15-304. SPECIAL DISTRICT ELECTIONS CONDUCTED BY THE BOARD OF ELECTIONS.

15-306. REGISTRATION OF VOTERS.

S 15-300. APPLICATION OF TITLE. THE PROVISIONS OF THIS TITLE SHALL APPLY TO ALL SPECIAL DISTRICT GENERAL AND SPECIAL ELECTIONS CONDUCTED BY THE BOARD OF ELECTIONS PURSUANT TO A RESOLUTION ADOPTED PURSUANT TO THE TOWN LAW AND AS FURTHER DESCRIBED IN THIS TITLE. ALL THE PROVISIONS OF THIS CHAPTER NOT INCONSISTENT WITH THE PROVISIONS OF THE TOWN LAW WITH RESPECT TO THE CONDUCT OF SUCH SPECIAL DISTRICT ELECTIONS, SHALL APPLY TO SUCH SPECIAL DISTRICT GENERAL AND SPECIAL ELECTIONS.

S 15-302. DEFINITIONS. THE TERMS USED IN THIS TITLE SHALL HAVE THE MEANING HEREIN DEFINED UNLESS ANOTHER MEANING IS CLEARLY APPARENT IN LANGUAGE OR CONTEXT:

1. "SPECIAL DISTRICT ELECTION" MEANS THE ANNUAL ELECTION FOR SPECIAL DISTRICT COMMISSIONERS OF A SPECIAL DISTRICT OR ANY OTHER ELECTION OF A SPECIAL DISTRICT FOR ANY OTHER SPECIAL DISTRICT OFFICE OR PURPOSE SPECIFIED IN THE TOWN LAW.

1 2. "PUBLISH" MEANS THAT ANY NOTICE OR RESOLUTION REQUIRED TO BE
2 PUBLISHED BY A SPECIAL DISTRICT SHALL BE SO PRINTED WITHIN THE TIME
3 REQUIRED IN THE LAW REQUIRING PUBLICATION IN THE OFFICIAL NEWSPAPER OF
4 THE SPECIAL DISTRICT, OR IF NONE, ONE OF GENERAL CIRCULATION WITHIN THE
5 SPECIAL DISTRICT.

6 S 15-304. SPECIAL DISTRICT ELECTIONS CONDUCTED BY THE BOARD OF
7 ELECTIONS. THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT MAY ADOPT A
8 RESOLUTION SUBJECT TO A PERMISSIVE REFERENDUM, AS PROVIDED IN THE TOWN
9 LAW, PROVIDING THAT SPECIAL DISTRICT ELECTIONS SHALL BE CONDUCTED BY THE
10 BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A RESOLUTION BY THE BOARD OF
11 COMMISSIONERS AND BY A PERMISSIVE REFERENDUM, IF A VALID PETITION FOR
12 SUCH A REFERENDUM IS TIMELY FILED, THE BOARD OF ELECTIONS SHALL CONDUCT
13 ALL SPECIAL DISTRICT ELECTIONS IN SUCH SPECIAL DISTRICT. SUCH RESOLUTION
14 SHALL TAKE EFFECT AT THE FIRST ELECTION HELD IN SUCH SPECIAL DISTRICT
15 MORE THAN SIXTY DAYS AFTER ITS ADOPTION AND SHALL CONTINUE IN EFFECT FOR
16 ALL SUCH ELECTIONS UNTIL A SUBSEQUENT RESOLUTION PROVIDING OTHERWISE
17 SHALL, IN A LIKE MANNER, HAVE TAKEN EFFECT.

18 S 15-306. REGISTRATION OF VOTERS. IN A SPECIAL DISTRICT ELECTION
19 CONDUCTED BY THE BOARD OF ELECTIONS PURSUANT TO A RESOLUTION ADOPTED
20 PURSUANT TO THE PROVISIONS OF THE TOWN LAW, ONLY THOSE PERSONS REGIS-
21 TERED TO VOTE WITH THE BOARD OF ELECTIONS ON THE TENTH DAY BEFORE SUCH
22 ELECTION SHALL BE ELIGIBLE TO VOTE.

23 S 25. Subdivision 2 of section 16-102 of the election law, as amended
24 by chapter 79 of the laws of 1992, is amended to read as follows:

25 2. A proceeding with respect to a petition shall be instituted within
26 fourteen days after the last day to file the petition, or within three
27 business days after the officer or board with whom or which such peti-
28 tion was filed, makes a determination of invalidity with respect to such
29 petition, whichever is later; except that a proceeding with respect to a
30 petition for a village, SPECIAL TOWN OR SPECIAL DISTRICT election or an
31 independent nomination for a special election shall be instituted within
32 seven days after the last day to file the petition for such village,
33 SPECIAL TOWN OR SPECIAL DISTRICT election or independent nomination or
34 within three business days after the officer or board with whom or which
35 such petition was filed, makes a determination of invalidity with
36 respect to such petition, whichever is later. A proceeding with respect
37 to a primary, convention, meeting of a party committee, or caucus shall
38 be instituted within ten days after the holding of such primary or
39 convention or the filing of the certificate of nominations made at such
40 caucus or meeting of a party committee.

41 S 26. Subdivision 5 of section 16-106 of the election law, as amended
42 by chapter 359 of the laws of 1989, is amended to read as follows:

43 5. A proceeding under subdivisions one and three of this section must
44 be instituted within twenty days and under subdivision two OF THIS
45 SECTION, within thirty days after the election or alleged erroneous
46 statement or determination was made, or the time when the board shall
47 have acted in the particulars as to which it is claimed to have failed
48 to perform its duty, except that such a proceeding with respect to a
49 village, SPECIAL TOWN OR SPECIAL DISTRICT election must be instituted
50 within ten days after such election, statement, determination or action.

51 S 27. Section 361-a of the county law, as amended by chapter 359 of
52 the laws of 1989, is amended to read as follows:

53 S 361-a. Expenses of boards of elections outside New York City; appor-
54 tionment of. The board of elections in each county, outside of the city
55 of New York, on or before the fifteenth day of December and not earlier
56 than the first day of October, in each year, shall certify to the clerk

1 of the legislative body of the county, the total amount of the expenses
2 of such board of elections, including salaries for the preceding year,
3 and, if the legislative body of any county shall so direct, shall certi-
4 fy to such clerk the portions of such expenses which under provisions of
5 law are to be borne by any city or cities in said county and the portion
6 thereof which is to be borne by the rest of such county and such clerk
7 shall thereupon notify the proper local official or officials, who, in
8 spreading upon the assessment-rolls the taxes to be levied upon the
9 taxable property in the city or any such cities, and in the rest of the
10 county, shall include in the amount so spread the amounts certified by
11 the board of elections to be borne by such city or cities, respectively,
12 and in the amount spread upon the assessment-rolls of the taxable prop-
13 erty in the several towns or other political subdivisions of the rest of
14 the county the amount so certified by said board of elections to be
15 borne by such towns or political subdivisions respectively. Whenever any
16 additional expenses either for salaries or supplies in addition to the
17 regular county-wide primary and GENERAL election expenses are incurred
18 by a board of elections incidental to any election in any city, town,
19 SPECIAL DISTRICT or village, such board of elections shall certify to
20 the county legislative body a detailed statement of such expenses and
21 said county legislative body may cause the amount thereof to be levied
22 against such city, town, SPECIAL DISTRICT or village or may certify the
23 amount thereof to such city, town, SPECIAL DISTRICT or village and such
24 city, town, SPECIAL DISTRICT or village shall upon such certification,
25 include the amount so certified in the next budget and tax levy and
26 shall pay the same to the county.

27 S 28. Section 64 of the town law is amended by adding a new subdivi-
28 sion 26 to read as follows:

29 26. RESOLUTIONS. MAY ADOPT A RESOLUTION, SUBJECT TO A PERMISSIVE
30 REFERENDUM, PROVIDING THAT ALL SPECIAL ELECTIONS IN SUCH TOWN SHALL BE
31 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A
32 RESOLUTION BY THE TOWN BOARD AND BY THE VOTERS IN A PERMISSIVE REFEREN-
33 DUM, IF A VALID PETITION FOR SUCH A REFERENDUM IS TIMELY FILED, THE
34 COUNTY BOARD OF ELECTIONS SHALL CONDUCT ALL SPECIAL ELECTIONS REQUIRED
35 TO BE HELD IN SUCH TOWN OR ANY PART THEREOF. SUCH RESOLUTION SHALL TAKE
36 EFFECT FOR THE FIRST SUCH ELECTION HELD MORE THAN SIXTY DAYS AFTER ITS
37 ADOPTION AND SHALL CONTINUE IN EFFECT FOR ALL SUCH ELECTIONS UNTIL A
38 SUBSEQUENT RESOLUTION PROVIDING OTHERWISE SHALL, IN A LIKE MANNER, HAVE
39 TAKEN EFFECT.

40 S 29. Subdivision 4 of section 81 of the town law, as amended by chap-
41 ter 434 of the laws of 1984, is amended to read as follows:

42 4. Such petition shall be subscribed and authenticated, in the manner
43 provided by the election law for the authentication of nominating
44 petitions, by electors of the town qualified to vote upon a proposition
45 to raise and expend money, in number equal to at least five per centum
46 of the total votes cast for governor in said town at the last general
47 election held for the election of state officers, but such number shall
48 not be less than one hundred in a town of the first class nor less than
49 twenty-five in a town of the second class. If such a petition be filed
50 in the office of the town clerk not less than sixty days, nor more than
51 seventy-five days, prior to a biennial town election, the proposition
52 shall be submitted at such biennial election. If a petition be
53 presented at any other time, a special election shall be called to be
54 held not less than sixty days, nor more than seventy-five days after the
55 filing of such petition EXCEPT THAT IF SUCH SPECIAL ELECTION WILL BE
56 CONDUCTED BY THE BOARD OF ELECTIONS AND THE DATES PRESCRIBED BY THIS

1 SUBDIVISION FOR CONDUCTING SUCH ELECTION ARE WITHIN THIRTY DAYS OF A
2 GENERAL OR PRIMARY ELECTION CONDUCTED BY SUCH BOARD OF ELECTIONS, THEN
3 SUCH SPECIAL ELECTION SHALL BE HELD NOT LESS THAN THIRTY NOR MORE THAN
4 FORTY-FIVE DAYS AFTER SUCH GENERAL OR PRIMARY ELECTION.

5 S 30. Section 83 of the town law, as amended by chapter 134 of the
6 laws of 1986, is amended to read as follows:

7 S 83. Conduct of town elections. The town board shall select from the
8 list of election inspectors and ballot clerks previously designated for
9 general election purposes, pursuant to the election law, persons to act
10 as election inspectors and ballot clerks for each voting place at which
11 a special town election NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS
12 shall be held. Election inspectors and ballot clerks for biennial town
13 elections shall be those appointed as provided by the election law, and
14 both special town elections and biennial elections shall be conducted,
15 the votes canvassed, and the results certified and returned so far as
16 practicable in the manner prescribed by such law. Upon the closing of
17 the polls at any election NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS
18 at which a proposition or propositions shall be voted upon, the election
19 inspectors shall proceed to canvass the votes thereat and shall complete
20 such canvass without adjournment. As soon as possible after completion
21 OF THE CANVASS OF ANY ELECTION NOT CONDUCTED BY THE COUNTY BOARD OF
22 ELECTIONS the inspectors shall file with the town clerk a certificate
23 setting forth the holding of the election, the total number of votes
24 cast upon each proposition, and the number of votes cast for and against
25 each proposition, together with the name and address of every person
26 voting at such election upon such proposition or propositions.

27 S 31. Subdivision 2 of section 84 of the town law, as amended by chap-
28 ter 281 of the laws of 1998, is amended to read as follows:

29 2. The town board of a town may, by resolution adopted at a regular
30 meeting, determine that thereafter personal registration of voters shall
31 be required for special town elections NOT CONDUCTED BY THE COUNTY BOARD
32 OF ELECTIONS. Such resolution and the notice hereinafter provided for
33 shall specify the day or days, the place or places, and the hours during
34 which a board or boards of registration shall meet for the purpose of
35 preparing a register of voters of the town qualified to vote in such
36 special elections, who shall present themselves personally for registra-
37 tion for such special election. The town clerk shall give notice at the
38 expense of the town, by the publication of a notice in a newspaper
39 published in said town, if there be any, or, if there be none, in a
40 newspaper published in the county having general circulation in the
41 town, specifying the day or days, the place or places, and hours during
42 which the board or boards of registration will meet for the purpose of
43 preparing a register of qualified voters of the town as provided in this
44 section. The first publication of such notice shall be at least ten days
45 prior to the first day fixed by the town board on which boards of regis-
46 tration shall meet. In addition, the town clerk shall post or cause to
47 be posted in five conspicuous places in said town copies of such notice
48 at least ten days prior to the first day fixed by the town board on
49 which the boards of registration shall meet.

50 S 32. Subdivision 1 of section 84-a of the town law, as added by chap-
51 ter 396 of the laws of 1988, is amended to read as follows:

52 1. Absentee ballots shall be provided PURSUANT TO THE PROVISIONS OF
53 THIS SECTION for all special town elections NOT CONDUCTED BY THE COUNTY
54 BOARD OF ELECTIONS for which personal registration is required.

55 S 33. Subdivisions 1 and 6 of section 175 of the town law, subdivision
56 1 as separately amended by chapters 63 and 108 of the laws of 1997 and

subdivision 6 as amended by chapter 586 of the laws of 2004, are amended to read as follows:

1. An annual election shall be held in each fire district on the second Tuesday in December, except that in the Ocean Bay Park fire district, the Lonelyville fire district, the Davis Park fire district and the Fire Island Pines fire district, Suffolk county, such annual election shall be held on the second Tuesday in July, except that in the town of Salisbury, Herkimer county, such annual election shall be held on the Tuesday next succeeding the first Monday in November from six o'clock in the morning until nine o'clock in the evening and except that in the Belfast fire district, Allegany county, such annual election shall be held on the first Tuesday in December. The board of fire commissioners shall give notice [thereof] OF SUCH AN ELECTION NOT CONDUCTED BY THE BOARD OF ELECTIONS by the publication of a notice once in one or more newspapers having a general circulation in the district. The first publication of such notice shall be not less than twenty-seven days and not more than thirty-four days prior to the date of such election. Such notice shall specify the time when and the place where such election will be held, the officers to be elected thereat and their terms of office, and the hours during which the polls will be open for the receipt of ballots. The secretary of such fire district shall prepare the ballots for all elections of fire district officers NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS and the polls shall remain open for the receipt thereof at all elections of fire district officers from six o'clock in the evening until nine o'clock in the evening and such additional consecutive hours prior thereto as the board of fire commissioners of such district may have determined and specified in the notice thereof. The board of fire commissioners shall designate a resident fire district elector, who shall be a registered voter of the town, to act as chairman of any election of said district NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS and shall designate not less than two nor more than four resident fire district electors, who shall be registered voters of the town to act as election inspectors and ballot clerks at ANY such elections. No elective officer of the fire district shall serve as such chairman or as an election inspector or ballot clerk. The board of fire commissioners may adopt a resolution providing that such chairman, election inspectors and ballot clerks shall be paid for their respective services at any such annual election or at any special election of the fire district. Such resolution, if adopted, shall fix the amount of such compensation, as follows: if the hours during which the polls will be open for the receipt of ballots are from six o'clock in the evening until nine o'clock in the evening, a sum not to exceed thirty-five dollars for each such official; if additional consecutive hours prior to six o'clock in the evening are determined and specified in the notice of election, a sum not to exceed fifty dollars for each such official.

6. If in any fire district the number of voters is so great as to render it inexpedient or impossible to conduct the election at one polling place, the board of fire commissioners may divide the fire district into election districts and provide a polling place for each such election district, provided, however, that the number of election districts in any fire district shall not exceed one for each six hundred electors plus one for a remaining fraction of six hundred. In such event, the notice specified in subdivision one of this section shall describe the election districts and state where the polling places will be located[, and the]. THE board of fire commissioners shall designate

1 not less than two nor more than four resident fire district electors,
2 who shall be registered voters of the town, to act as election inspec-
3 tors and ballot clerks at each such polling place IN ANY ELECTION NOT
4 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. The board of fire district
5 commissioners may adopt a resolution providing that such election
6 inspectors and ballot clerks shall be paid for their respective services
7 at any such annual election or at any special election of the fire
8 district. Such resolution, if adopted, shall fix the amount of such
9 compensation as follows: if the hours during which the polls will be
10 open for the receipt of ballots are from six o'clock in the evening
11 until nine o'clock in the evening, a sum not to exceed thirty-five
12 dollars for each such official; if additional consecutive hours prior to
13 six o'clock in the evening are determined and specified in the notice of
14 election, a sum not to exceed fifty dollars for each such official. No
15 elective officer of the fire district shall serve as an election inspec-
16 tor or ballot clerk.

17 S 34. Subdivision 1, the opening paragraph and paragraph (a) of subdi-
18 vision 2, the opening paragraph of subdivision 3 and subdivisions 5 and
19 6 of section 175-a of the town law, subdivision 1 as amended by chapter
20 169 of the laws of 1997, the opening paragraph and paragraph (a) of
21 subdivision 2, the opening paragraph of subdivision 3 and subdivision 5
22 as added by chapter 202 of the laws of 1984 and subdivision 6 as amended
23 by chapter 456 of the laws of 1986, are amended to read as follows:

24 1. The board of fire commissioners of any fire district may provide by
25 resolution, that a proposition be submitted at any annual fire district
26 election providing that additional personal registration of voters not
27 registered with the board of elections shall be permitted for all
28 elections in such fire district NOT CONDUCTED BY THE COUNTY BOARD OF
29 ELECTIONS. Such additional personal registration may be terminated by a
30 resolution of the board of fire commissioners and the passage of a
31 proposition at any annual fire district election.

32 Registration for all fire district elections NOT CONDUCTED BY THE
33 COUNTY BOARD OF ELECTIONS shall be conducted as follows:

34 (a) Only those persons registered with the board of elections on or
35 before the [twenty-third] TWENTY-FIRST day before such election and
36 those persons whose names are placed on the fire district register
37 pursuant to the provisions of this section shall be entitled to vote in
38 such district.

39 The register for the annual fire district election FOR DISTRICT
40 ELECTIONS NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS shall be
41 prepared in each fire district by the inspectors of election thereof on
42 the days prior to registration day, if any, designated therefor, on the
43 registration day, if any, at the times and places designated by the
44 resolution of the board of fire commissioners. In preparing such regis-
45 ter, the inspectors of election shall comply with the following proce-
46 dure:

47 5. Registration for special fire district elections FOR DISTRICT
48 ELECTIONS NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS shall be held
49 in the same manner as is provided herein for annual fire district
50 elections, and registration days therefor shall be the same as if said
51 special fire district election were the annual fire district election.

52 6. In lieu of the provisions for designating the chairman, election
53 inspectors and ballot clerks, as set forth in subdivision one of section
54 one hundred seventy-five of this chapter, the board of fire commission-
55 ers shall, by resolution adopted at least forty days prior to the annual
56 fire district election FOR DISTRICT ELECTIONS NOT CONDUCTED BY THE COUN-

1 TY BOARD OF ELECTIONS, designate a resident fire district elector to act
2 as chairman of any election of said district and shall designate not
3 less than two nor more than four resident fire district electors to act
4 as election inspectors and ballot clerks in such election. Such resol-
5 ution shall fix the compensation of the chairman and inspectors and, in
6 addition, the board of fire commissioners may provide for alternate
7 inspectors who shall assume the office of inspector upon the inability
8 or refusal of an inspector to assume or perform his duties and for any
9 clerical help which they may deem necessary. Such clerical help shall
10 perform their duties under the direction and control of the chairman and
11 inspectors of election.

12 S 35. Subdivisions 7, 8 and 29 of section 176 of the town law, subdi-
13 vision 7 as amended by chapter 35 of the laws of 1996, subdivision 8 as
14 amended by chapter 602 of the laws of 1947 and subdivision 29 as added
15 by chapter 568 of the laws of 1949, are amended to read as follows:

16 7. Shall require that candidates for district offices file their names
17 with the secretary of the fire district OR, IF THE ELECTION FOR DISTRICT
18 OFFICES IS CONDUCTED BY THE COUNTY BOARD OF ELECTIONS, WITH SUCH COUNTY
19 BOARD OF ELECTIONS, at least twenty days prior to the date of such fire
20 district elections and in addition may provide by resolution that such
21 nominations be submitted in petition form subscribed by AT LEAST twen-
22 ty-five qualified voters of the district. Thereafter the ballots
23 prepared for the election of fire district officers shall specify the
24 names of the candidates duly filed and in addition provide proper blank
25 spaces for each office to be filled at such election. If any such resol-
26 ution shall be adopted, the requirements thereof shall be specified in
27 the notice of each fire district election held thereafter. The board of
28 fire commissioners may rescind such resolution at any time and thereaft-
29 er fire district officers shall be elected as otherwise provided herein.

30 8. Shall appoint officials for fire district elections NOT CONDUCTED
31 BY THE COUNTY BOARD OF ELECTIONS as provided in section one hundred
32 seventy-five of this chapter and may provide for their compensation
33 pursuant to such section.

34 29. May authorize the use of voting machines at any annual or special
35 election held within the fire district and such voting machine shall be
36 used in accordance with the provisions contained in [article nine of]
37 the election law.

38 S 36. Section 176 of the town law is amended by adding a new subdivi-
39 sion 35 to read as follows:

40 35. MAY ADOPT A RESOLUTION, SUBJECT TO A PERMISSIVE REFERENDUM,
41 PROVIDING THAT ALL ELECTIONS IN SUCH FIRE DISTRICT SHALL BE CONDUCTED BY
42 THE COUNTY BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A RESOLUTION BY THE
43 BOARD OF COMMISSIONERS AND BY THE VOTERS IN A PERMISSIVE REFERENDUM, IF
44 A VALID PETITION FOR SUCH A REFERENDUM IS TIMELY FILED, THE COUNTY BOARD
45 OF ELECTIONS SHALL CONDUCT ALL ELECTIONS REQUIRED TO BE HELD IN SUCH
46 FIRE DISTRICT. SUCH RESOLUTION SHALL TAKE EFFECT FOR THE FIRST SUCH
47 ELECTION HELD MORE THAN SIXTY DAYS AFTER ITS ADOPTION AND SHALL CONTINUE
48 IN EFFECT FOR ALL SUCH ELECTIONS UNTIL A SUBSEQUENT RESOLUTION PROVIDING
49 OTHERWISE SHALL, IN A LIKE MANNER, HAVE TAKEN EFFECT.

50 S 37. Section 212 of the town law, as amended by chapter 421 of the
51 laws of 2008, is amended to read as follows:

52 S 212. Annual election and notice thereof. The district commissioners
53 of such improvement district shall publish at the expense of the
54 district the notice of each election of improvement district commission-
55 ers held pursuant to this article WHICH IS NOT CONDUCTED BY THE COUNTY
56 BOARD OF ELECTIONS. Such notice shall be published at least once in one

1 or more newspapers having general circulation in the district and the
2 first publication thereof shall be at least twenty days before the day
3 of such election. The notice of annual election shall specify the time
4 when and the place or places where such election shall be held and the
5 hours during which the polls will be open for the receipt of ballots.
6 Notice of such election shall also be posted on the websites of the
7 district and the town in which the district is located, if such websites
8 are maintained, on the signboard of the town, and conspicuously posted
9 in three or more designated public locations within the district, on or
10 about the day on which such notice is published. Such election shall be
11 held at a suitable place or places within the district designated by the
12 district commissioners and the polls shall remain open from six o'clock
13 in the evening until nine o'clock in the evening and such additional
14 consecutive hours prior thereto as the district commissioners may deter-
15 mine and specify in the notice of such election. The board of commis-
16 sioners of such district shall designate for each district election NOT
17 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS not less than two nor more
18 than four resident taxpayers to act as election inspectors and ballot
19 clerks for each designated polling place. The board of commissioners
20 shall fix the compensation of such election inspectors and ballot clerks
21 in an amount not to exceed ten dollars per hour each for every hour or
22 part thereof of such service and such compensation shall be a charge
23 against the district. The board of commissioners shall cause to be
24 prepared the ballots for all elections NOT CONDUCTED BY THE COUNTY BOARD
25 OF ELECTIONS, and may authorize the use of voting machines approved by
26 the [secretary of] state BOARD OF ELECTIONS at any SUCH annual or
27 special election of the district in accordance with [article nine of]
28 the election law. After the polls shall have been closed at any
29 election, the election inspectors and ballot clerks at each polling
30 place shall immediately canvass the ballots cast and shall publicly
31 announce the result of the vote at that polling place. Within twenty-
32 four hours the chairman of the board of commissioners, election inspec-
33 tors and ballot clerks shall execute and file a certificate of the
34 result of the canvass with the board of commissioners of the improvement
35 district and with the clerk of the town in which said district is
36 located.

37 S 38. Subdivision 1, the opening paragraph and paragraph (a) of subdi-
38 vision 2, the opening paragraph of subdivision 3 and subdivisions 4 and
39 5 of section 213-a of the town law, subdivision 1 as amended by chapter
40 530 of the laws of 1992, the opening paragraph and paragraph (a) of
41 subdivision 2, the opening paragraph of subdivision 3 and subdivisions 4
42 and 5 as added by chapter 400 of the laws of 1985, are amended to read
43 as follows:

44 1. The board of commissioners of any improvement district in which
45 commissioners are elected may provide by resolution that a proposition
46 be submitted at any annual improvement district election providing that
47 additional personal registration of voters not registered with the board
48 of elections shall be permitted for all elections in such improvement
49 district NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS.

50 Registration for all improvement district elections NOT CONDUCTED BY
51 THE COUNTY BOARD OF ELECTIONS shall be conducted as follows:

52 (a) Only those persons registered with the board of elections on or
53 before the [twenty-third] TWENTY-FIRST day before such election and
54 those persons whose names are placed on the improvement district regis-
55 ter pursuant to the provisions of this section shall be entitled to vote
56 in such district.

1 The register for [the] ANY annual improvement district election NOT
2 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS shall be prepared in each
3 district by the inspectors of election thereof on the days prior to
4 registration day, if any, designated therefor, AND on the registration
5 day, if any, at the times and places designated by the resolution of the
6 board of commissioners. In preparing such register, the inspectors of
7 election shall comply with the following procedure:

8 4. The SECRETARY OF THE BOARD OF COMMISSIONERS OF THE improvement
9 district [secretary] shall furnish the inspectors of election, at
10 district expense, with all necessary registration books, papers, equip-
11 ment and supplies.

12 5. In lieu of the provisions for designating the election inspectors
13 and ballot clerks, as set forth in section two hundred twelve of this
14 chapter, in improvement districts where additional personal registration
15 is permitted FOR DISTRICT ELECTIONS NOT CONDUCTED BY THE COUNTY BOARD OF
16 ELECTIONS, the board of commissioners shall, by resolution adopted at
17 least forty days prior to the annual district election, designate a
18 resident improvement district elector to act as chairman of any election
19 of said district and shall designate not less than two nor more than
20 four resident district electors to act as election inspectors and ballot
21 clerks in ANY such election. Such resolution shall fix the compensation
22 of the chairman and inspectors and, in addition, the board of commis-
23 sioners may provide for alternate inspectors who shall assume the office
24 of inspector upon the inability or refusal of an inspector to assume or
25 perform his duties and for any clerical help which they may deem neces-
26 sary. Such clerical help shall perform their duties under the direction
27 and control of the chairman and inspectors of election.

28 S 39. Subdivision 1 of section 213-b of the town law, as added by
29 chapter 400 of the laws of 1985, is amended to read as follows:

30 1. The board of commissioners of any improvement district in which
31 commissioners are elected, may, by resolution, provide for absentee
32 ballots for the election of the commission[, in accordance with]. SUCH
33 ABSENTEE BALLOTS FOR IMPROVEMENT DISTRICT ELECTIONS NOT CONDUCTED BY THE
34 COUNTY BOARD OF ELECTIONS SHALL BE CAST PURSUANT TO the provisions of
35 this section. SUCH ABSENTEE BALLOTS FOR IMPROVEMENT DISTRICT ELECTIONS
36 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS SHALL BE CAST PURSUANT TO THE
37 PROVISIONS OF THE ELECTION LAW. Such resolution shall take effect at the
38 first such election held more than sixty days after its adoption and
39 shall continue in effect for all such elections until a subsequent
40 resolution providing otherwise shall, in like manner, have taken effect.

41 S 40. Subdivision 20 of section 215 of the town law, as amended by
42 chapter 400 of the laws of 1985, is amended to read as follows:

43 20. [May] SHALL provide by resolution that candidates for district
44 offices shall file their names with the secretary of the board of
45 commissioners OR, IF THE ELECTION FOR DISTRICT OFFICES IS CONDUCTED BY
46 THE COUNTY BOARD OF ELECTIONS, WITH SUCH COUNTY BOARD OF ELECTIONS, at
47 least thirty days prior to the date of the district elections, and, in
48 addition, require that such nominations FOR DISTRICT ELECTIONS NOT
49 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS be submitted in petition form
50 subscribed by twenty-five registered voters of the district. Thereaft-
51 er, the ballots for the election of district officers shall specify the
52 names of the candidates duly filed and, in addition, provide proper
53 blank spaces for each office to be filled at such election. If any such
54 resolution shall be adopted, the requirements thereof shall be specified
55 in the notice of each district election NOT CONDUCTED BY THE COUNTY
56 BOARD OF ELECTIONS held thereafter. The board of commissioners may

1 rescind such resolution at any time and thereafter district officers
2 shall be elected as otherwise provided herein.

3 S 41. Section 215 of the town law is amended by adding a new subdivi-
4 sion 24 to read as follows:

5 24. MAY ADOPT A RESOLUTION, SUBJECT TO A PERMISSIVE REFERENDUM,
6 PROVIDING THAT ALL ELECTIONS IN SUCH IMPROVEMENT DISTRICT SHALL BE
7 CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A
8 RESOLUTION BY THE BOARD OF COMMISSIONERS AND BY THE VOTERS IN A PERMIS-
9 SIVE REFERENDUM, IF A VALID PETITION FOR SUCH A REFERENDUM IS TIMELY
10 FILED, THE COUNTY BOARD OF ELECTIONS SHALL CONDUCT ALL ELECTIONS
11 REQUIRED TO BE HELD IN SUCH IMPROVEMENT DISTRICT. SUCH RESOLUTION SHALL
12 TAKE EFFECT FOR THE FIRST SUCH ELECTION HELD MORE THAN SIXTY DAYS AFTER
13 ITS ADOPTION AND SHALL CONTINUE IN EFFECT FOR ALL SUCH ELECTIONS UNTIL A
14 SUBSEQUENT RESOLUTION PROVIDING OTHERWISE SHALL, IN A LIKE MANNER, HAVE
15 TAKEN EFFECT.

16 S 42. Paragraph a of subdivision 1 of section 24 of the municipal home
17 rule law, as amended by chapter 271 of the laws of 1986, is amended to
18 read as follows:

19 a. A local law adopted by a county, city or town and subject to refer-
20 endum on petition as provided in this section or in any other state
21 statute, if not also subject to mandatory referendum, shall not take
22 effect until at least forty-five days after its adoption; nor until
23 approved by the affirmative vote of a majority of the qualified electors
24 of the local government voting on a proposition for its approval if
25 within forty-five days after its adoption there be filed with the clerk
26 a petition protesting against such local law, signed and authenticated
27 as herein required by qualified electors of such local government,
28 registered to vote therein at the last preceding general election, in
29 number equal to at least ten per centum of the total number of votes
30 cast for governor at the last gubernatorial election in such local
31 government. If such petition be so filed, a proposition for the approval
32 of such local law shall be submitted at the next general election of
33 state or local government officers held in such local government not
34 less than sixty days after the filing of such petition, unless the peti-
35 tion request and the legislative body adopt a local law submitting such
36 proposition at a special election held not less than sixty days after
37 the adoption of the local law providing for such special election,
38 EXCEPT THAT IF SUCH SPECIAL ELECTION WILL BE CONDUCTED BY THE BOARD OF
39 ELECTIONS, THE DATE FIXED FOR SUCH SPECIAL ELECTION MAY NOT BE WITHIN
40 THIRTY DAYS OF A GENERAL OR SPECIAL ELECTION CONDUCTED BY SUCH BOARD OF
41 ELECTIONS. The petition may be made upon separate sheets, and the
42 signatures to each sheet shall be signed and authenticated in the manner
43 provided by the election law for the signing and authentication of nomi-
44 nating petitions so far as applicable. The several sheets so signed and
45 authenticated, when fastened together and offered for filing, shall be
46 deemed to constitute one petition. The clerk shall examine each such
47 petition so filed with him and not later than thirty days after the date
48 of its filing, or forty-five days before the day of the election at
49 which such referendum would appear on the ballot, whichever is earlier,
50 shall transmit to the legislative body a certificate that he has exam-
51 ined it and has found that it complies or does not comply, as the case
52 may be, with all the requirements of law. If within five days after the
53 last day to file such certificate a written objection to the determi-
54 nation of the clerk be filed with the supreme court, or any justice
55 thereof, of a judicial district in which such local government or any
56 part thereof is located, such court or justice shall determine any ques-

1 tion arising thereunder and make such order as justice may require.
2 Such proceeding shall be heard and determined in the manner prescribed
3 by section 16-116 of the election law.
4 S 43. This act shall take effect on the first of September next
5 succeeding the date on which it shall have become a law, provided that
6 section thirty-seven of this act shall take effect on the same date as
7 chapter 421 of the laws of 2008, takes effect.