

4423

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. P. RIVERA, KELLNER, BENEDETTO, KAVANAGH, MILLMAN, JAFFEE, J. RIVERA, COOK -- Multi-Sponsored by -- M. of A. ARROYO, AUBRY, BOYLAND, BRENNAN, CAHILL, CALHOUN, CAMARA, CLARK, CONTE, FARRELL, GANTT, HEASTIE, HOOPER, JEFFRIES, P. LOPEZ, V. LOPEZ, MAISEL, ORTIZ, PEOPLES-STOKES, PERRY, PRETLOW, RAMOS, REILLY, N. RIVERA, ROBINSON, TITUS, TOWNS, WRIGHT -- read once and referred to the Committee on Election Law

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11 REPEALED.

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

LBD00074-01-1

1 S 3. Section 85 of the town law is amended to read as follows:

2 S 85. Ward system for election of councilmen. [1. Whenever a proposi-
3 tion shall have been adopted in a town of the first class for the estab-
4 lishment of the ward system and the election thereafter of one council-
5 man from each ward, the] THE board of elections of the county in which
6 [such] A town is situate shall divide the town into four wards and fix
7 the boundaries thereof, unless a proposition shall have been adopted to
8 increase the number of councilmen from four to six, in which instance,
9 the board of elections shall divide the town into six wards and fix the
10 boundaries thereof. In so dividing the town into wards, no town election
11 district shall be divided and no election district thereafter created
12 under the election law shall contain parts of two or more wards. So far
13 as possible the division shall be so made that the number of voters in
14 each ward shall be approximately equal. When the board of elections
15 shall have finally determined the boundaries of the wards, they shall
16 cause a map of the town to be prepared showing in detail the location of
17 each ward and the boundaries thereof. The original map so made shall be
18 filed in the office of the town clerk and copies thereof shall be filed
19 in the offices of the county clerk and the board of elections of the
20 county. The ward system shall be deemed established after such filing is
21 complete. After a ward system shall have been so established, the term
22 of office of every town councilman shall terminate on the thirty-first
23 day of December next succeeding the first biennial town election held
24 not less than one hundred twenty days after the establishment of such
25 ward system, and at such biennial town election, and every biennial town
26 election thereafter, one resident elector of each ward shall be elected
27 as councilman therefrom for a term of two years beginning on the first
28 day of January next succeeding such election.

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

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

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

55 [2. Whenever a proposition shall have been adopted in a town of the
56 first class which shall not have established the ward system, to

1 increase the number of councilmen from two to four, party nominations
2 for town councilmen may be made and designating petitions filed and
3 three town councilmen shall be elected at the first biennial town
4 election held at least one hundred fifty days thereafter, two for terms
5 of four years each and one for a term of two years, and thereafter at
6 each biennial town election in such town, there shall be elected two
7 town councilmen for terms of four years each, in the same manner as
8 other elective town officers in such town. The term of office of each
9 such town councilman shall begin on the first day of January next
10 succeeding the election at which he was elected.

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

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

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

27 ARTICLE 7-B

28 ELECTION BY WARDS IN 29 TOWNS AND VILLAGES

30 SECTION 150. AT LARGE ELECTIONS PROHIBITED.

31 151. ESTABLISHMENT OF WARD SYSTEMS.

32 152. TEMPORARY EXEMPTION.

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

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

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

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

50 S 152. TEMPORARY EXEMPTION. 1. IN THE EVENT A VILLAGE OR TOWN IS
51 UNABLE TO COMPLY WITH THE PROVISIONS OF SECTIONS ONE HUNDRED FIFTY AND
52 ONE HUNDRED FIFTY-ONE OF THIS ARTICLE FOR THE FIRST GENERAL ELECTION OR
53 FIRST GENERAL VILLAGE ELECTION OCCURRING AFTER SEPTEMBER FIRST, TWO
54 THOUSAND THIRTEEN, SUCH TOWN OR VILLAGE SHALL, NOT LESS THAN SIX MONTHS
55 PRIOR TO SUCH ELECTION, SUBMIT AN APPLICATION TO THE DEPARTMENT OF STATE
56 AND THE DEPARTMENT OF LAW FOR AN EXEMPTION FROM THE PROVISIONS OF SUCH

1 SECTIONS WHICH SHALL APPLY ONLY TO SUCH FIRST ELECTION. NO SUCH
2 EXEMPTION SHALL BE GRANTED UNLESS THE APPLICATION THEREFOR IS APPROVED
3 JOINTLY BY THE SECRETARY OF STATE AND THE ATTORNEY GENERAL.

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

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

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

11 (C) A TIMELINE OF ACTIONS REQUIRED TO BE COMPLETED FOR THE ELECTION OF
12 ALL MEMBERS OF THE GOVERNING OR LEGISLATIVE BODY OF SUCH TOWN OR VILLAGE
13 DURING THE SUCCEEDING CALENDAR YEAR.

14 3. EVERY TOWN AND VILLAGE, GRANTED AN EXEMPTION PURSUANT TO THIS
15 SECTION, SHALL COMPLY WITH ALL PROVISIONS OF SECTIONS ONE HUNDRED FIFTY
16 AND ONE HUNDRED FIFTY-ONE OF THIS ARTICLE FOR EVERY ELECTION WHICH
17 FOLLOWS SUCH FIRST ELECTION FOR WHICH AN EXEMPTION WAS GRANTED.

18 4. ON OR BEFORE THE FIRST OF JUNE IN TWO THOUSAND FOURTEEN, TWO THOU-
19 SAND FIFTEEN AND TWO THOUSAND SIXTEEN, THE ATTORNEY GENERAL SHALL SUBMIT
20 REPORTS TO THE GOVERNOR AND THE LEGISLATURE ON THE TOWNS AND VILLAGES
21 GRANTED EXEMPTIONS PURSUANT TO THIS SECTION. EACH SUCH REPORT SHALL
22 INCLUDE THE NAME OF THE TOWN OR VILLAGE, A DESCRIPTION OF THE PROBLEM IN
23 ESTABLISHING WARDS, THE POPULATION, THE ELECTED POSITIONS INVOLVED, AND
24 THE OUTCOMES OF THE RELEVANT ELECTIONS.

25 S 7. This act shall take effect immediately and shall apply to general
26 elections and general village elections occurring after September 1,
27 2012.