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I N   S E N A T E

February 8, 2012

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Introduced by Sen. JOHNSON -- 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 elections in the Dunewood fire district in the county of Suffolk

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

- 1     Section 1. Subdivision 2 of section 175 of the town law, as amended by  
2 chapter 202 of the laws of 1984, is amended to read as follows:  
3     2. Every elector of the town who shall be a registered voter and who  
4 shall have resided in the district for the period of thirty days next  
5 preceding any election of fire district officers shall be qualified to  
6 vote for such officers. Every elector of the town who shall be a regis-  
7 tered voter and who shall have resided in the fire district for the  
8 period of thirty days next preceding any election at which a proposition  
9 shall be submitted, shall be qualified to vote upon such proposition.  
10 PROVIDED, FURTHER, THAT IN THE DUNEWOOD FIRE DISTRICT, EVERY PERSON WHO  
11 OWNS REAL PROPERTY WITHIN SUCH DISTRICT FOR THE PERIOD OF THIRTY DAYS  
12 NEXT PRECEDING ANY ELECTION OF FIRE DISTRICT OFFICERS OR AT WHICH A  
13 PROPOSITION SHALL BE SUBMITTED, REGARDLESS OF WHETHER SUCH PERSON  
14 RESIDES IN THE FIRE DISTRICT, SHALL BE QUALIFIED TO VOTE FOR SUCH OFFI-  
15 CERS AND UPON SUCH PROPOSITION.  
16     S 2. Section 175-a of the town law is amended by adding a new subdivi-  
17 sion 1-a to read as follows:  
18     1-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS  
19 SECTION, THE BOARD OF FIRE COMMISSIONERS OF THE DUNEWOOD FIRE DISTRICT  
20 SHALL, IN ADDITION TO VOTERS REGISTERED WITH THE BOARD OF ELECTIONS,  
21 PROVIDE FOR THE REGISTRATION, FOR ALL ELECTIONS IN SUCH FIRE DISTRICT,  
22 OF EVERY PERSON WHO OWNS REAL PROPERTY WITHIN SUCH DISTRICT FOR THE  
23 PERIOD OF THIRTY DAYS NEXT PRECEDING THE ELECTION, REGARDLESS OF WHETHER  
24 SUCH PERSON RESIDES IN THE FIRE DISTRICT.  
25     S 3. Section 175-b of the town law is amended by adding two new subdivi-  
26 sions 1-a and 11-a to read as follows:

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

LBD13738-02-2

1 1-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS  
2 SECTION, THE BOARD OF FIRE COMMISSIONERS OF THE DUNEWOOD FIRE DISTRICT  
3 SHALL PROVIDE FOR ABSENTEE BALLOTS OF FIRE DISTRICT ELECTIONS.

4 11-A. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN THE  
5 DUNEWOOD FIRE DISTRICT, ABSENTEE BALLOTS COMPLETED BY PERSONS WHO OWN  
6 REAL PROPERTY WITHIN SUCH DISTRICT FOR THE PERIOD OF THIRTY DAYS NEXT  
7 PRECEDING THE ELECTION, SHALL BE CERTIFIED AND THE BALLOTS SHALL BE  
8 DEPOSITED IN THE PROPER BOX OR BOXES. THE BOARD OF ELECTIONS OF THE  
9 COUNTY OF SUFFOLK SHALL NOT WITHHOLD ITS CERTIFICATION OF ANY DUNEWOOD  
10 FIRE DISTRICT ELECTION ON THE BASIS THAT ANY VOTER IS NOT A RESIDENT OF  
11 SUCH DISTRICT WHEN THE VOTER OWNS REAL PROPERTY WITHIN THE DISTRICT FOR  
12 THE PERIOD OF THIRTY DAYS NEXT PRECEDING THE ELECTION.

13 S 4. This act shall take effect immediately.