S T A T E O F N E W Y O R K

9707--A

I N A S S E M B L Y

March 27, 2012

Introduced by M. of A. J. MILLER -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the town law, in relation to holding the election of fire district commissioners on the same day as the general election

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

Section 1. Short title. This act shall be known and may be cited as the "fire district community participation act".

S 2. Subdivision 1 of section 175 of the town law, as amended by chapter 334 of the laws of 2011, is 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, the Cherry Grove fire district, the Fair Harbor 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] NEXT SUCCEEDING THE FIRST MONDAY IN NOVEMBER. SUCH ELECTION SHALL OCCUR AT THE SAME POLLING PLACE AS THE GENERAL ELECTION. The board of fire commissioners shall give notice thereof 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, SUBJECT TO THE APPROVAL OF THE BOARD OF ELECTIONS, prepare the ballots for all elections of fire district officers and the polls shall remain open for the receipt there-

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

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of at all elections of fire district officers from six o'clock in the [evening] MORNING 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 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 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]. THE METHOD AND MANNER OF SUBMISSION, PREPARATION AND PROVISION OF BALLOTS AND BALLOT LABELS, USE OF VOTING MACHINES, QUALIFICATIONS OF VOTERS, CORRECTING REGISTERS, AND CONDUCTING THE ELECTION, CANVASSING THE RESULT AND MAKING AND FILING THE RETURNS, AND ALL OTHER PROCEDURES WITH REFERENCE TO THE SUBMISSION OF ANY VOTE, SHALL BE IN THE SAME METHOD AND MANNER USED FOR VOTING IN THE GENERAL ELECTION, OR AS CLOSE AS IS PRACTICAL, AS DETERMINED BY THE COUNTY BOARD OF ELECTIONS PROVIDED, HOWEVER, THAT ALL COSTS ASSOCIATED WITH SUCH BALLOTS AND ANY ADDITIONAL POLL WORKERS NECESSARY FOR SUCH VOTE SHALL BE BORNE BY SUCH FIRE DISTRICT. THE LOCAL BOARD OF ELECTIONS SHALL APPOINT SUCH POLL WORKERS AS DEEMED NECESSARY BY SUCH BOARD AND SHALL PRESCRIBE THEIR DUTIES, TITLES, RANKS AND SALARY IN ACCORDANCE WITH THE PROVISION SET FORTH IN SECTION 3-300 OF THE ELECTION LAW.

S 3. This act shall take effect immediately.