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

6119

2013-2014 Regular Sessions

I N A S S E M B L Y

March 15, 2013

Introduced by M. of A. GALEF -- read once and referred to the Committee on Election Law

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 respective county boards of elections

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

Section 1. Section 1-104 of the election law is amended by adding three new subdivisions 38, 39 and 40 to read as follows:

38. THE TERM "SPECIAL DISTRICT" MEANS A FIRE DISTRICT OR AN IMPROVEMENT DISTRICT CREATED PURSUANT TO THE TOWN LAW.

39. THE TERM "SPECIAL TOWN ELECTION" MEANS ANY ELECTION CONDUCTED IN A TOWN, OR PART OF A TOWN, AT A TIME OTHER THAN THE TIME OF THE GENERAL ELECTION, FOR ANY PURPOSE SPECIFIED IN THE TOWN LAW.

40. THE TERM "SPECIAL DISTRICT ELECTION" MEANS THE ANNUAL ELECTION FOR COMMISSIONERS OF A SPECIAL DISTRICT OR ANY OTHER ELECTION OF A SPECIAL DISTRICT FOR ANY OTHER PURPOSE SPECIFIED IN THE TOWN LAW, AND UNLESS THE CONTEXT OTHERWISE REQUIRES, SHALL INCLUDE "SPECIAL DISTRICT GENERAL ELECTION" AND "SPECIAL DISTRICT SPECIAL ELECTION".

S 2. Subdivision 35 of section 1-104 of the election law, as added by chapter 359 of the laws of 1989, is amended to read as follows:

35. The term "election" shall include:

A. a "general village election" or "special village election" except where a specific provision of this chapter may not be consistently applied to the village election procedure;

B. A "SPECIAL TOWN ELECTION" EXCEPT WHERE A SPECIFIC PROVISION OF THIS CHAPTER MAY NOT BE CONSISTENTLY APPLIED TO THE SPECIAL TOWN ELECTION PROCEDURE; AND

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

LBD04883-02-3

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

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

1. The board of elections of each county shall on or before the fifteenth day of July of each year select and appoint election inspectors and poll clerks for each election district therein, and such number of election coordinators as it determines to be necessary, and may thereafter select and designate election inspectors, poll clerks and election coordinators to fill any vacancy for an unexpired term. The term of such designation shall be for a term ending on the fourteenth day of July of the following year. If the election districts for a general or special village election conducted by the board of elections, A SPECIAL TOWN ELECTION CONDUCTED BY THE BOARD OF ELECTIONS OR SPECIAL DISTRICT GENERAL OR SPECIAL ELECTION CONDUCTED BY THE BOARD OF ELECTIONS are coterminous with the election districts established for general elections, such election inspectors and poll clerks shall also serve at such village, TOWN OR SPECIAL DISTRICT elections. If the election districts for such a village, TOWN election OR SPECIAL DISTRICT ELECTION are not so coterminous, the board of elections shall select the inspectors and poll clerks to serve in each such village, TOWN OR SPECIAL DISTRICT election district from among the inspectors and poll clerks appointed, pursuant to the provisions of this section, for any election district wholly or partly in such village, TOWN OR SPECIAL DISTRICT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The list described in subdivision one of this section shall be published at least once in not less than two nor more than four newspapers in the county. In a county containing a city, at least one such publication shall be in a daily newspaper published in a city therein, if there be such a newspaper. In the case of a village, SPECIAL TOWN OR 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 163 of the laws of 2010 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; 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 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 to be delivered unopened and with the seals thereof unbroken to the inspectors of election of such election districts at least one-half hour before the opening of the polls of such election therein, and shall take a receipt therefor specifying the number and kind of packages delivered. At the same time each such clerk shall cause to be delivered to such inspectors the equipment described in subdivision two of this section and shall cause a receipt to be taken therefor.

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

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

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

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

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

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

S 6-144. Nominating and designating petitions and certificates; place for filing. Petitions, certificates and minutes specified in this article shall be filed in the office of the Board of Elections of the county, except as follows: for an office or position to be voted for wholly within the city of New York, in the office of the Board of Elections of that city; for an office or position to be voted for in a district greater than one county, or portions of two or more counties, in the office of the state board of elections; for a TOWN OR village office to be filled in a TOWN OR village election not conducted by the board of elections, in the office of the TOWN OR village clerk. All such petitions and certificates shall at the time of filing thereof be endorsed by such officer or board with the day, hour and minute of such filing. Such officer or board shall keep a book, which shall be open to public inspection in which shall be entered the times of filing all such petitions and certificates; the names and residences of all candidates named therein; the names and residences of all candidates certified to such officer or board; the title of the office or party position; the name of the party or independent body to which the petition or certificate relates and a memorandum of any objections to such petition or certificate. Forthwith upon the filing of a petition or certificate designating or nominating a person or persons for public office, such

officer or board shall mail notice thereof to each such person. Such notice shall also state the last day to decline such designation or nomination, and include a statement that the candidate's name shall appear on the ballot as it appears in such notice.

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

GENERAL, SPECIAL AND PRIMARY ELECTIONS

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

TITLE III

SPECIAL DISTRICT ELECTIONS

SECTION 6-300. APPLICATION OF TITLE.
6-302. NOMINATING PETITIONS; NUMBER OF SIGNATURES.
6-304. PETITIONS AND CERTIFICATES; PLACE AND TIMES FOR FILING.
6-306. NOMINATIONS; OBJECTIONS.

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

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

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

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

S 6-306. NOMINATIONS; OBJECTIONS. WRITTEN OBJECTIONS TO A NOMINATING PETITION OR TO A CERTIFICATE OF NOMINATION, CERTIFICATE OF ACCEPTANCE, CERTIFICATE OF AUTHORIZATION, CERTIFICATE OF DECLINATION OR CERTIFICATE OF SUBSTITUTION WITH RESPECT TO AN OFFICE TO BE FILLED AT A SPECIAL DISTRICT ELECTION MAY BE FILED NOT LATER THAN THE DAY AFTER THE LAST DAY TO FILE SUCH PETITION OR CERTIFICATE, OR THE DAY AFTER SUCH PETITION OR CERTIFICATE IS RECEIVED BY THE BOARD OF ELECTIONS IF SUCH PETITION OR CERTIFICATE IS MAILED WITHIN THE TIME PERMITTED BY LAW, WHICHEVER IS LATER. WRITTEN SPECIFICATIONS OF THE GROUNDS FOR SUCH OBJECTIONS SHALL BE SO FILED WITHIN TWO DAYS THEREAFTER. A FAILURE TO FILE SUCH WRITTEN SPECIFICATIONS SHALL RENDER THE ORIGINAL OBJECTION NULL AND VOID. UPON RECEIPT OF WRITTEN SPECIFICATIONS, THE COUNTY BOARD OF ELECTIONS SHALL IMMEDIATELY NOTIFY EACH CANDIDATE NAMED IN SUCH PETITION OR CERTIFICATE AND TAKE ALL STEPS NECESSARY AND CONSISTENT WITH THIS CHAPTER TO RENDER A DETERMINATION ON THE QUESTIONS RAISED IN SUCH OBJECTIONS AND SPECIFICATIONS. WHEN A DETERMINATION HAS BEEN MADE BY THE COUNTY BOARD OF ELECTIONS THAT THE PETITION IS SUFFICIENT OR INSUFFICIENT, IT SHALL IMMEDIATELY NOTIFY EACH CANDIDATE NAMED IN THE PETITION OR CERTIFICATE, AND, IF SUCH DETERMINATION WAS MADE ON OBJECTION, THE OBJECTOR.

S 15. The opening paragraph of subdivision 1 of section 8-400 of the election law, as amended by chapter 63 of the laws of 2010, is amended to read as follows:

A qualified voter may vote as an absentee voter under this chapter if, on the occurrence of any village, SPECIAL TOWN OR SPECIAL DISTRICT, OTHER THAN FIRE DISTRICT, election conducted by the board of elections,

primary election, special election, general election or New York city community school board district or city of Buffalo school district election, he or she expects to be:

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

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

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

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

(b) Records and supplies to be filed with a city, town or village clerk OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT shall be so filed or delivered immediately after the completion of the returns of the canvass, by an inspector designated by the board of inspectors. Returns, papers and registration poll records or computer generated registration lists to be filed with the board of elections shall be so filed by the chairman of the board of inspectors within twenty-four hours after the completion of such returns. The person receiving such returns in the board of elections shall give to the person delivering the returns a receipt stating therein the date and hour of delivery, the name of the person making the delivery, and to whom said returns were delivered and shall keep a duplicate of said receipt on file in the office of the board of elections.

(c) The county legislative body of any county in the state except the counties comprising the city of New York may, by a resolution, ordinance or act as required, provide that all returns, papers, registration poll records or computer generated registration lists, books, records, documents, and other election supplies and materials shall be filed by the chairman of the board of inspectors of elections in a city or town and in a village OR SPECIAL DISTRICT in which elections are conducted by the board of elections, with the city, town or village clerk OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT of such city, town [or], village OR SPECIAL DISTRICT in the county within eighteen hours

after the closing of the polls at any primary, general, special [or], village OR SPECIAL DISTRICT election and the city, town or village clerk OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT upon receiving such returns, papers, registers or lists, books, records, documents, and other election supplies and materials shall give to the person making the delivery, a receipt stating therein the date and hour of the delivery and the name of such person. Within twenty-four hours after the closing of the polls at any primary, general, special [or], village OR SPECIAL DISTRICT election, the city, town or village clerk OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT shall file all returns, papers, registration poll records or computer generated registration lists, books, records, documents and other election supplies and materials filed with him by the inspectors of the election districts of the city, town [or], village OR SPECIAL DISTRICT, with the board of elections of the county and the board of elections shall give to the city, town or village clerk OR SECRETARY OF THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT a receipt therefor stating therein the date and hour of the delivery and the name of the person making the delivery and to whom it was made, and shall keep a duplicate of said receipt on file in the office of the board of elections.

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

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

S 19. Subdivision 1 of section 9-208 of the election law, as amended by chapter 163 of the laws of 2010, is amended to read as follows:

1. Within fifteen days after each general, special or primary election, and within seven days after every village, SPECIAL TOWN OR SPECIAL DISTRICT election conducted by the board of elections at which ballot scanners are used, the board of elections, or a bipartisan committee of or appointed by said board shall, in each county using ballot scanners, make a record of the serial number of each ballot scanner used in each election district in such general, special or primary election. No person who was a candidate at such election shall be appointed to membership on the committee. Such board of elections or bipartisan committee shall recanvass the tabulated result tape from each ballot scanner used in each election district by comparing such tape with the numbers as recorded on the return of canvass. The said board or committee shall also make a recanvass of any election day paper ballots that have not been scanned and were hand counted pursuant to subdivision two of section 9-110 of this article and compare the results with the number as recorded on the return of canvass. The board or committee shall then recanvass write-in votes, if any, on ballots which were

otherwise scanned and canvassed at polling places on election night. The board or committee shall validate and prove such sums. Before making such canvass the board of elections, with respect to each election district to be recanvassed, shall give notice in writing to the voting machine custodian thereof, to the state and county chair of each party or independent body which shall have nominated candidates for the said general or special election or nominated or elected candidates at the said primary election and to each individual candidate whose name appears on the office ballot, of the time and place where such canvass is to be made; and the state and county chair of each such party or independent body and each such individual candidate may send a representative to be present at such recanvass. Each candidate whose name appears on the official ballot, or his or her representative, shall have the right personally to examine and make a record of the vote recorded on the tabulated result tape and any ballots which were hand counted.

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

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

S 21. Paragraph (a) of subdivision 1 of section 10-108 of the election law, as amended by chapter 4 of the laws of 2011, is amended to read as follows:

(a) Ballots for military voters shall be mailed or otherwise distributed by the board of elections, in accordance with the preferred method of transmission designated by the voter pursuant to section 10-107 of this article, as soon as practicable but in any event not later than thirty-two days before a primary or general election; twenty-five days before a New York city community school board district or city of Buffalo school district election; fourteen days before a village, SPECIAL TOWN OR SPECIAL DISTRICT, OTHER THAN FIRE DISTRICT, election conducted by the board of elections; and forty-five days before a special election. A voter who submits a military ballot application shall be entitled to a military ballot thereafter for each subsequent election through and including the next two regularly scheduled general elections held in even numbered years, including any run-offs which may occur; provided, however, such application shall not be valid for any election held within seven days after its receipt. Ballots shall also be mailed to any qualified military voter who is already registered and who requests such military ballot from such board of elections in a letter, which is signed by the voter and received by the board of elections not later than the seventh day before the election for which the ballot is requested and which states the address where the voter is registered and the address to which the ballot is to be mailed. The board of elections shall enclose with such ballot a form of application for military ballot. In the case of a primary election, the board shall deliver only the ballot of the party with which the military voter is enrolled according to the military voter's registration records. In the event a primary election is uncontested in the military voter's election district for all offices or positions except the party position of

member of the ward, town, city or county committee, no ballot shall be delivered to such military voter for such election; and the military voter shall be advised of the reason why he or she will not receive a ballot.

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

VILLAGE, SPECIAL TOWN AND SPECIAL DISTRICT ELECTIONS

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

VILLAGE ELECTIONS

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

TITLE II

SPECIAL TOWN ELECTIONS

SECTION 15-200. APPLICATION OF TITLE.
15-202. DEFINITIONS.
15-204. SPECIAL TOWN ELECTIONS CONDUCTED BY THE BOARD OF ELECTIONS.
15-206. REGISTRATION OF VOTERS.

S 15-200. APPLICATION OF TITLE. THE PROVISIONS OF THIS TITLE SHALL APPLY TO ALL SPECIAL TOWN 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 TOWN ELECTIONS, SHALL APPLY TO SUCH SPECIAL TOWN ELECTIONS.

S 15-202. 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 TOWN ELECTION" MEANS ANY ELECTION HELD IN ANY TOWN OR PART THEREOF AT A TIME OTHER THAN THE TIME OF THE BIENNIAL TOWN ELECTION FOR ANY PURPOSE SPECIFIED IN THE TOWN LAW, THE PUBLIC OFFICERS LAW, THE LOCAL FINANCE LAW, THE MUNICIPAL HOME RULE LAW OR ANY OTHER LAW.

2. "PUBLISH" MEANS THAT ANY NOTICE OR RESOLUTION REQUIRED TO BE PUBLISHED BY A TOWN IN CONNECTION WITH A SPECIAL TOWN ELECTION SHALL BE 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.

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

S 15-304. SPECIAL DISTRICT ELECTIONS CONDUCTED BY THE BOARD OF ELECTIONS. THE BOARD OF COMMISSIONERS OF A SPECIAL DISTRICT MAY ADOPT A RESOLUTION SUBJECT TO A PERMISSIVE REFERENDUM, AS PROVIDED IN THE TOWN LAW, PROVIDING THAT SPECIAL DISTRICT ELECTIONS SHALL BE CONDUCTED BY THE BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A RESOLUTION BY THE BOARD OF COMMISSIONERS AND BY A PERMISSIVE REFERENDUM, IF A VALID PETITION FOR SUCH A REFERENDUM IS TIMELY FILED, THE BOARD OF ELECTIONS SHALL CONDUCT ALL SPECIAL DISTRICT ELECTIONS IN SUCH SPECIAL DISTRICT. SUCH RESOLUTION SHALL TAKE EFFECT AT THE FIRST ELECTION HELD IN SUCH SPECIAL DISTRICT 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 15-306. REGISTRATION OF VOTERS. IN A SPECIAL DISTRICT 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 SHALL BE ELIGIBLE TO VOTE.

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

2. A proceeding with respect to a petition shall be instituted within fourteen days after the last day to file the petition, or within three business days after the officer or board with whom or which such petition was filed, makes a determination of invalidity with respect to such petition, whichever is later; except that a proceeding with respect to a petition for a village, SPECIAL TOWN OR SPECIAL DISTRICT election or an independent nomination for a special election shall be instituted within seven days after the last day to file the petition for such village, SPECIAL TOWN OR SPECIAL DISTRICT election or independent nomination or within three business days after the officer or board with whom or which such petition was filed, makes a determination of invalidity with respect to such petition, whichever is later. A proceeding with respect to a primary, convention, meeting of a party committee, or caucus shall be instituted within ten days after the holding of such primary or convention or the filing of the certificate of nominations made at such caucus or meeting of a party committee.

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

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

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

S 361-a. Expenses of boards of elections outside New York City; apportionment of. The board of elections in each county, outside of the city of New York, on or before the fifteenth day of December and not earlier than the first day of October, in each year, shall certify to the clerk of the legislative body of the county, the total amount of the expenses of such board of elections, including salaries for the preceding year, and, if the legislative body of any county shall so direct, shall certify to such clerk the portions of such expenses which under provisions of law are to be borne by any city or cities in said county and the portion thereof which is to be borne by the rest of such county and such clerk shall thereupon notify the proper local official or officials, who, in spreading upon the assessment-rolls the taxes to be levied upon the taxable property in the city or any such cities, and in the rest of the county, shall include in the amount so spread the amounts certified by the board of elections to be borne by such city or cities, respectively, and in the amount spread upon the assessment-rolls of the taxable property in the several towns or other political subdivisions of the rest of the county the amount so certified by said board of elections to be borne by such towns or political subdivisions respectively. Whenever any additional expenses either for salaries or supplies in addition to the regular county-wide primary and GENERAL election expenses are incurred by a board of elections incidental to any election in any city, town, SPECIAL DISTRICT or village, such board of elections shall certify to

the county legislative body a detailed statement of such expenses and said county legislative body may cause the amount thereof to be levied against such city, town, SPECIAL DISTRICT or village or may certify the amount thereof to such city, town, SPECIAL DISTRICT or village and such city, town, SPECIAL DISTRICT or village shall upon such certification, include the amount so certified in the next budget and tax levy and shall pay the same to the county.

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

26. RESOLUTIONS. MAY ADOPT A RESOLUTION, SUBJECT TO A PERMISSIVE REFERENDUM, PROVIDING THAT ALL SPECIAL ELECTIONS IN SUCH TOWN SHALL BE CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A RESOLUTION BY THE TOWN BOARD AND BY THE VOTERS IN A PERMISSIVE REFERENDUM, IF A VALID PETITION FOR SUCH A REFERENDUM IS TIMELY FILED, THE COUNTY BOARD OF ELECTIONS SHALL CONDUCT ALL SPECIAL ELECTIONS REQUIRED TO BE HELD IN SUCH TOWN OR ANY PART THEREOF. SUCH RESOLUTION SHALL TAKE EFFECT FOR THE FIRST SUCH ELECTION HELD 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 29. Subdivision 4 of section 81 of the town law, as amended by chapter 434 of the laws of 1984, is amended to read as follows:

4. Such petition shall be subscribed and authenticated, in the manner provided by the election law for the authentication of nominating petitions, by electors of the town qualified to vote upon a proposition to raise and expend money, in number equal to at least five per centum of the total votes cast for governor in said town at the last general election held for the election of state officers, but such number shall not be less than one hundred in a town of the first class nor less than twenty-five in a town of the second class. If such a petition be filed in the office of the town clerk not less than sixty days, nor more than seventy-five days, prior to a biennial town election, the proposition shall be submitted at such biennial election. If a petition be presented at any other time, a special election shall be called to be held not less than sixty days, nor more than seventy-five days after the filing of such petition EXCEPT THAT IF SUCH SPECIAL ELECTION WILL BE CONDUCTED BY THE BOARD OF ELECTIONS AND THE DATES PRESCRIBED BY THIS SUBDIVISION FOR CONDUCTING SUCH ELECTION ARE WITHIN THIRTY DAYS OF A GENERAL OR PRIMARY ELECTION CONDUCTED BY SUCH BOARD OF ELECTIONS, THEN SUCH SPECIAL ELECTION SHALL BE HELD NOT LESS THAN THIRTY NOR MORE THAN FORTY-FIVE DAYS AFTER SUCH GENERAL OR PRIMARY ELECTION.

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

S 83. Conduct of town elections. The town board shall select from the list of election inspectors and ballot clerks previously designated for general election purposes, pursuant to the election law, persons to act as election inspectors and ballot clerks for each voting place at which a special town election NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS shall be held. Election inspectors and ballot clerks for biennial town elections shall be those appointed as provided by the election law, and both special town elections and biennial elections shall be conducted, the votes canvassed, and the results certified and returned so far as practicable in the manner prescribed by such law. Upon the closing of the polls at any election NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS at which a proposition or propositions shall be voted upon, the election inspectors shall proceed to canvass the votes thereat and shall complete

such canvass without adjournment. As soon as possible after completion OF THE CANVASS OF ANY ELECTION NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS the inspectors shall file with the town clerk a certificate setting forth the holding of the election, the total number of votes cast upon each proposition, and the number of votes cast for and against each proposition, together with the name and address of every person voting at such election upon such proposition or propositions.

S 31. Subdivision 2 of section 84 of the town law, as amended by chapter 281 of the laws of 1998, is amended to read as follows:

2. The town board of a town may, by resolution adopted at a regular meeting, determine that thereafter personal registration of voters shall be required for special town elections NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. Such resolution and the notice hereinafter provided for shall specify the day or days, the place or places, and the hours during which a board or boards of registration shall meet for the purpose of preparing a register of voters of the town qualified to vote in such special elections, who shall present themselves personally for registration for such special election. The town clerk shall give notice at the expense of the town, by the publication of a notice in a newspaper published in said town, if there be any, or, if there be none, in a newspaper published in the county having general circulation in the town, specifying the day or days, the place or places, and hours during which the board or boards of registration will meet for the purpose of preparing a register of qualified voters of the town as provided in this section. The first publication of such notice shall be at least ten days prior to the first day fixed by the town board on which boards of registration shall meet. In addition, the town clerk shall post or cause to be posted in five conspicuous places in said town copies of such notice at least ten days prior to the first day fixed by the town board on which the boards of registration shall meet.

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

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

S 33. Subdivisions 1 and 6 of section 175 of the town law, subdivision 1 as amended by chapter 334 of the laws of 2011 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, 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. 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 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 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 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 each such polling place IN ANY ELECTION NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. The board of fire district commissioners may adopt a resolution providing that such 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. No elective officer of the fire district shall serve as an election inspector or ballot clerk.

S 34. Subdivision 1, the opening paragraph and paragraph (a) of subdivision 2, the opening paragraph of subdivision 3 and subdivisions 5 and 6 of section 175-a of the town law, subdivision 1 as amended by chapter

169 of the laws of 1997, the opening paragraph and paragraph (a) of subdivision 2, the opening paragraph of subdivision 3 and subdivision 5 as added by chapter 202 of the laws of 1984 and subdivision 6 as amended by chapter 456 of the laws of 1986, are amended to read as follows:

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

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

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

The register for the annual fire district election FOR DISTRICT ELECTIONS NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS shall be prepared in each fire district by the inspectors of election thereof on the days prior to registration day, if any, designated therefor, on the registration day, if any, at the times and places designated by the resolution of the board of fire commissioners. In preparing such register, the inspectors of election shall comply with the following procedure:

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

6. In lieu of the provisions for designating the chairman, election inspectors and ballot clerks, as set forth in subdivision one of section one hundred seventy-five of this [chapter] ARTICLE, the board of fire commissioners shall, by resolution adopted at least forty days prior to the annual fire district election FOR DISTRICT ELECTIONS NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS, designate a resident fire district elector 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 to act as election inspectors and ballot clerks in such election. Such resolution shall fix the compensation of the chairman and inspectors and, in addition, the board of fire commissioners may provide for alternate inspectors who shall assume the office of inspector upon the inability or refusal of an inspector to assume or perform his OR HER duties and for any clerical help which they may deem necessary. Such clerical help shall perform their duties under the direction and control of the chairman and inspectors of election.

S 35. Subdivisions 7, 8 and 29 of section 176 of the town law, subdivision 7 as amended by chapter 35 of the laws of 1996, subdivision 8 as amended by chapter 602 of the laws of 1947 and subdivision 29 as amended by chapter 170 of the laws of 2011, are amended to read as follows:

7. Shall require that candidates for district offices file their names with the secretary of the fire district OR, IF THE ELECTION FOR DISTRICT OFFICES IS CONDUCTED BY THE COUNTY BOARD OF ELECTIONS, WITH SUCH COUNTY BOARD OF ELECTIONS, at least twenty days prior to the date of such fire

district elections and in addition may provide by resolution that such nominations be submitted in petition form subscribed by AT LEAST twenty-five qualified voters of the district. Thereafter the ballots prepared for the election of fire district officers shall specify the names of the candidates duly filed and in addition provide proper blank spaces for each office to be filled at such election. If any such resolution shall be adopted, the requirements thereof shall be specified in the notice of each fire district election held thereafter. The board of fire commissioners may rescind such resolution at any time and thereafter fire district officers shall be elected as otherwise provided herein.

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

29. May authorize the use of voting machines, including lever voting machines, at any annual or special election held within the fire district. When using voting machines as described in article seven of the election law, such voting machines shall be used in accordance with the provisions contained in [article nine of] the election law. Provided, however, that nothing in this section shall be construed to require the board of elections to maintain the care, custody or control of lever voting machines.

S 35-a. Subdivision 29 of section 176 of the town law, as added by chapter 568 of the laws of 1949, is amended to read as follows:

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

S 36. Section 176 of the town law is amended by adding a new subdivision 35 to read as follows:

35. MAY ADOPT A RESOLUTION, SUBJECT TO A PERMISSIVE REFERENDUM, PROVIDING THAT ALL ELECTIONS IN SUCH FIRE DISTRICT SHALL BE CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A RESOLUTION BY THE BOARD OF COMMISSIONERS AND BY THE VOTERS IN A PERMISSIVE REFERENDUM, IF A VALID PETITION FOR SUCH A REFERENDUM IS TIMELY FILED, THE COUNTY BOARD OF ELECTIONS SHALL CONDUCT ALL ELECTIONS REQUIRED TO BE HELD IN SUCH FIRE DISTRICT. SUCH RESOLUTION SHALL TAKE EFFECT FOR THE FIRST SUCH ELECTION HELD 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 37. Section 212 of the town law, as amended by section 1 of chapter 170 of the laws of 2011, is amended to read as follows:

S 212. Annual election and notice thereof. The district commissioners of such improvement district shall publish at the expense of the district the notice of each election of improvement district commissioners held pursuant to this article WHICH IS NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. Such notice shall be published at least once in one or more newspapers having general circulation in the district and the first publication thereof shall be at least twenty days before the day of such election. The notice of annual election shall specify the time when and the place or places where such election shall be held and the hours during which the polls will be open for the receipt of ballots. Notice of such election shall also be posted on the websites of the district and the town in which the district is located, if such websites are maintained, on the signboard of the town, and conspicuously posted in three or more designated public locations within the district, on or

about the day on which such notice is published. Such election shall be held at a suitable place or places within the district designated by the district commissioners and the polls shall remain open from six o'clock in the evening until nine o'clock in the evening and such additional consecutive hours prior thereto as the district commissioners may determine and specify in the notice of such election. The board of commissioners of such district shall designate for each district election NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS not less than two nor more than four resident taxpayers to act as election inspectors and ballot clerks for each designated polling place. The board of commissioners shall fix the compensation of such election inspectors and ballot clerks in an amount not to exceed ten dollars per hour each for every hour or part thereof of such service and such compensation shall be a charge against the district. The board of commissioners shall cause to be prepared the ballots for all elections NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS, and may authorize the use of voting machines, including lever voting machines, at any annual or special election of the district. When using voting machines as described in article seven of the election law, such voting machines shall be used in accordance with the provisions contained in [article nine of] the election law. Provided, however, that nothing in this section shall be construed to require the board of elections to maintain the care, custody or control of lever voting machines. After the polls shall have been closed at any election, the election inspectors and ballot clerks at each polling place shall immediately canvass the ballots cast and shall publicly announce the result of the vote at that polling place. Within twenty-four hours the chairman of the board of commissioners, election inspectors and ballot clerks shall execute and file a certificate of the result of the canvass with the board of commissioners of the improvement district and with the clerk of the town in which said district is located.

S 37-a. Section 212 of the town law, as amended by section 3 of chapter 170 of the laws of 2011, is amended to read as follows:

S 212. Annual election and notice thereof. The district commissioners of such improvement district shall publish at the expense of the district the notice of each election of improvement district commissioners held pursuant to this article WHICH IS NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. Such notice shall be published at least once in one or more newspapers having general circulation in the district and the first publication thereof shall be at least twenty days before the day of such election. The notice of annual election shall specify the time when and the place or places where such election shall be held and the hours during which the polls will be open for the receipt of ballots. Notice of such election shall also be posted on the websites of the district and the town in which the district is located, if such websites are maintained, on the signboard of the town, and conspicuously posted in three or more designated public locations within the district, on or about the day on which such notice is published. Such election shall be held at a suitable place or places within the district designated by the district commissioners and the polls shall remain open from six o'clock in the evening until nine o'clock in the evening and such additional consecutive hours prior thereto as the district commissioners may determine and specify in the notice of such election. The board of commissioners of such district shall designate for each district election NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS not less than two nor more than four resident taxpayers to act as election inspectors and ballot

clerks for each designated polling place. The board of commissioners shall fix the compensation of such election inspectors and ballot clerks in an amount not to exceed ten dollars per hour each for every hour or part thereof of such service and such compensation shall be a charge against the district. The board of commissioners shall cause to be prepared the ballots for all elections NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS, and may authorize the use of voting machines at any annual or special election of the district in accordance with [article nine of] the election law. After the polls shall have been closed at any election, the election inspectors and ballot clerks at each polling place shall immediately canvass the ballots cast and shall publicly announce the result of the vote at that polling place. Within twenty-four hours the chairman of the board of commissioners, election inspectors and ballot clerks shall execute and file a certificate of the result of the canvass with the board of commissioners of the improvement district and with the clerk of the town in which said district is located.

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

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

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

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

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

4. The SECRETARY OF THE BOARD OF COMMISSIONERS OF THE improvement district [secretary] shall furnish the inspectors of election, at district expense, with all necessary registration books, papers, equipment and supplies.

5. In lieu of the provisions for designating the election inspectors and ballot clerks, as set forth in section two hundred twelve of this [chapter] ARTICLE, in improvement districts where additional personal registration is permitted FOR DISTRICT ELECTIONS NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS, the board of commissioners shall, by resolution adopted at least forty days prior to the annual district election, designate a resident improvement district elector to act as chairman of any election of said district and shall designate not less than two nor

more than four resident district electors to act as election inspectors and ballot clerks in ANY such election. Such resolution shall fix the compensation of the chairman and inspectors and, in addition, the board of commissioners may provide for alternate inspectors who shall assume the office of inspector upon the inability or refusal of an inspector to assume or perform his duties and for any clerical help which they may deem necessary. Such clerical help shall perform their duties under the direction and control of the chairman and inspectors of election.

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

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

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

20. [May] SHALL provide by resolution that candidates for district offices shall file their names with the secretary of the board of commissioners OR, IF THE ELECTION FOR DISTRICT OFFICES IS CONDUCTED BY THE COUNTY BOARD OF ELECTIONS, WITH SUCH COUNTY BOARD OF ELECTIONS, at least thirty days prior to the date of the district elections, and, in addition, require that such nominations FOR DISTRICT ELECTIONS NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS be submitted in petition form subscribed by twenty-five registered voters of the district. Thereafter, the ballots for the election of district officers shall specify the names of the candidates duly filed and, in addition, provide proper blank spaces for each office to be filled at such election. If any such resolution shall be adopted, the requirements thereof shall be specified in the notice of each district election NOT CONDUCTED BY THE COUNTY BOARD OF ELECTIONS held thereafter. The board of commissioners may rescind such resolution at any time and thereafter district officers shall be elected as otherwise provided herein.

S 41. Section 215 of the town law is amended by adding a new subdivision 24 to read as follows:

24. MAY ADOPT A RESOLUTION, SUBJECT TO A PERMISSIVE REFERENDUM, PROVIDING THAT ALL ELECTIONS IN SUCH IMPROVEMENT DISTRICT SHALL BE CONDUCTED BY THE COUNTY BOARD OF ELECTIONS. UPON APPROVAL OF SUCH A RESOLUTION BY THE BOARD OF COMMISSIONERS AND BY THE VOTERS IN A PERMISSIVE REFERENDUM, IF A VALID PETITION FOR SUCH A REFERENDUM IS TIMELY FILED, THE COUNTY BOARD OF ELECTIONS SHALL CONDUCT ALL ELECTIONS REQUIRED TO BE HELD IN SUCH IMPROVEMENT DISTRICT. SUCH RESOLUTION SHALL TAKE EFFECT FOR THE FIRST SUCH ELECTION HELD 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 42. Paragraph a of subdivision 1 of section 24 of the municipal home rule law, as amended by chapter 271 of the laws of 1986, is amended to read as follows:

a. A local law adopted by a county, city or town and subject to referendum on petition as provided in this section or in any other state statute, if not also subject to mandatory referendum, shall not take effect until at least forty-five days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of the local government voting on a proposition for its approval if within forty-five days after its adoption there be filed with the clerk a petition protesting against such local law, signed and authenticated as herein required by qualified electors of such local government, registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in such local government. If such petition be so filed, a proposition for the approval of such local law shall be submitted at the next general election of state or local government officers held in such local government not less than sixty days after the filing of such petition, unless the petition request and the legislative body adopt a local law submitting such proposition at a special election held not less than sixty days after the adoption of the local law providing for such special election, EXCEPT THAT IF SUCH SPECIAL ELECTION WILL BE CONDUCTED BY THE BOARD OF ELECTIONS, THE DATE FIXED FOR SUCH SPECIAL ELECTION MAY NOT BE WITHIN THIRTY DAYS OF A GENERAL OR SPECIAL ELECTION CONDUCTED BY SUCH BOARD OF ELECTIONS. The petition may be made upon separate sheets, and the signatures to each sheet shall be signed and authenticated in the manner provided by the election law for the signing and authentication of nominating petitions so far as applicable. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one petition. The clerk shall examine each such petition so filed with him and not later than thirty days after the date of its filing, or forty-five days before the day of the election at which such referendum would appear on the ballot, whichever is earlier, shall transmit to the legislative body a certificate that he has examined it and has found that it complies or does not comply, as the case may be, with all the requirements of law. If within five days after the last day to file such certificate a written objection to the determination of the clerk be filed with the supreme court, or any justice thereof, of a judicial district in which such local government or any part thereof is located, such court or justice shall determine any question arising thereunder and make such order as justice may require. Such proceeding shall be heard and determined in the manner prescribed by section 16-116 of the election law.

S 43. This act shall take effect on the first of September next succeeding the date on which it shall have become a law, provided that:

(a) the amendments to subdivision 29 of section 176 of the town law made by section thirty-five of this act shall be subject to the expiration and reversion of such subdivision pursuant to chapter 170 of the laws of 2011, as amended, when upon such date the provisions of section thirty-five-a of this act shall take effect; and

(b) the amendments to section 212 of the town law made by section thirty-seven of this act shall be subject to the expiration and reversion of such section pursuant to section 1 of chapter 170 of the laws of 2011, as amended, when upon such date the provisions of section thirty-seven-a of this act shall take effect.