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

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I N A S S E M B L Y

May 23, 2014

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Local Governments

AN ACT to amend chapter 345 of the laws of 2013 relating to authorizing the Eastchester fire district, in the town of Eastchester, county of Westchester, to change the date of its annual election, in relation to following certain provisions of the election law for Eastchester fire district elections

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

Section 1. Chapter 345 of the laws of 2013 relating to authorizing the Eastchester fire district, in the town of Eastchester, county of Westchester, to change the date of its annual election, is amended to read as follows:

Section 1. [Notwithstanding the provision of subdivision one of section 175 of the town law generally requiring holding annual fire district elections on the second Tuesday in December, and notwithstanding the provision of subdivision 6 of section 175 of the town law related to the number of electors in each fire district election district: the Eastchester fire district, in the town of Eastchester, county of Westchester, whose boundaries only encompass the entire corporate limits of the town of Eastchester and each village within such town and where the only eligible electors of such fire district are also eligible electors of such town and villages, shall hold its annual election on the Tuesday next succeeding the first Monday in November provided that (i) such fire district election is held at every polling site as may be established by the Westchester county board of elections; (ii) such fire district election districts are the same as the election districts as may be established by the Westchester county board of elections, such that an elector shall not be required to visit more than one polling site on such date; (iii) such fire district polls remain open for the same hours as the polls administered by the Westchester county board of elections; (iv) both of the Westchester county board of elections commissioners approve in writing of such fire district elections being held in the same locations as the elections held on the

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

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Tuesday next succeeding the first Monday in November administered by such board of elections; and (v) the Eastchester fire district adheres to the provisions of section 175 of the town law that are not inconsistent with this act.] NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS 1, 2, 4, 5 AND 6 OF SECTION 175, SECTIONS 175-A, 175-B, AND SUBDIVISIONS 3, 6, 7, 8 AND 29 OF SECTION 176 OF THE TOWN LAW PERTAINING TO THE ANNUAL FIRE DISTRICT ELECTIONS, THE ELECTIONS OF THE EASTCHESTER FIRE DISTRICT, IN THE TOWN OF EASTCHESTER, COUNTY OF WESTCHESTER, WHOSE BOUNDARIES ONLY ENCOMPASS THE ENTIRE CORPORATE LIMITS OF THE TOWN OF EASTCHESTER AND EACH VILLAGE WITHIN SUCH TOWN AND WHERE THE ONLY ELIGIBLE ELECTORS OF SUCH FIRE DISTRICT ARE ALSO ELIGIBLE ELECTORS OF SUCH TOWN AND VILLAGES, SHALL BE GOVERNED BY THE RULES AND PROCEDURES OF ARTICLES 1, 3, 4, 5, 6, 7, 8, 9 AND 10 OF THE ELECTION LAW AND SHALL TAKE PLACE ON THE TUESDAY NEXT SUCCEEDING THE FIRST MONDAY IN NOVEMBER.

S 2. Notwithstanding the provisions of section 179 of the town law authorizing fire districts to hold special elections to vote upon appropriations, or any other law that would authorize the Eastchester fire district to hold a special election, all elections of the Eastchester fire district shall be held on the Tuesday next succeeding the first Monday in November in the manner provided for by this act.

S 3. [Nothing in this act shall be construed to require the Westchester county board of elections to authorize, administer, or otherwise oversee the Eastchester fire district elections, provided, however, that such county board of elections shall be authorized to provide technical assistance to such fire district.] NOTWITHSTANDING SUBDIVISION 2 OF SECTION 6-142 OF THE ELECTION LAW WITH RESPECT TO NOMINATING PETITIONS AND SIGNATURES, CANDIDATES FOR EASTCHESTER FIRE DISTRICT OFFICES SHALL FILE WITH THE WESTCHESTER COUNTY BOARD OF ELECTIONS A NOMINATING PETITION SUBSCRIBED BY 25 VOTERS OF THE EASTCHESTER FIRE DISTRICT IN THE FORM SET FORTH BY SECTION 6-140 OF THE ELECTION LAW.

S 4. A. ANY VACANCY IN AN ELECTIVE OFFICE WHICH EXISTS ON OR BEFORE SEPTEMBER NINETEENTH SHALL BE FILLED AT THE NEXT NOVEMBER GENERAL ELECTION HELD THEREAFTER, FOR THE REMAINDER OF THE UNEXPIRED TERM AND SHALL TAKE OFFICE ON JANUARY FIRST OF THE FOLLOWING YEAR. THE BOARD OF FIRE COMMISSIONERS OF THE EASTCHESTER FIRE DISTRICT, OR A MAJORITY OF THE MEMBERS THEREOF IN OFFICE MAY APPOINT A QUALIFIED PERSON TO FILL A VACANCY UNTIL DECEMBER THIRTY-FIRST AFTER AN ELECTION HAS BEEN HELD TO FILL SAID VACANCY.

B. WHENEVER A VACANCY SHALL OCCUR IN AN APPOINTED FIRE DISTRICT OFFICE, THE EASTCHESTER BOARD OF FIRE COMMISSIONERS, OR A MAJORITY OF THE MEMBERS THEREOF IN OFFICE MAY APPOINT A QUALIFIED PERSON TO FILL THE VACANCY FOR THE REMAINDER OF THE UNEXPIRED TERM.

S 5. THE EASTCHESTER FIRE DISTRICT, AT LEAST EIGHT MONTHS BEFORE EACH GENERAL ELECTION, SHALL MAKE AND TRANSMIT TO THE BOARD OF ELECTIONS A CERTIFICATE STATING EACH EASTCHESTER FIRE DISTRICT OFFICE TO BE VOTED FOR AT EACH SUCH ELECTION. IF ANY SUCH OFFICE IS FOR AN UNEXPIRED TERM, THE CERTIFICATE SHALL SO STATE.

S 6. This act shall take effect immediately.

S 2. This act shall take effect January 1, 2015.