

7402--B

I N S E N A T E

May 14, 2014

Introduced by Sen. LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Chapter 345 of the laws of 2013 relating to authorizing the
2 Eastchester fire district, in the town of Eastchester, county of West-
3 chester, to change the date of its annual election, is amended to read
4 as follows:
5 Section 1. [Notwithstanding the provision of subdivision one of
6 section 175 of the town law generally requiring holding annual fire
7 district elections on the second Tuesday in December, and notwithstand-
8 ing the provision of subdivision 6 of section 175 of the town law
9 related to the number of electors in each fire district election
10 district: the Eastchester fire district, in the town of Eastchester,
11 county of Westchester, whose boundaries only encompass the entire corpo-
12 rate limits of the town of Eastchester and each village within such town
13 and where the only eligible electors of such fire district are also
14 eligible electors of such town and villages, shall hold its annual
15 election on the Tuesday next succeeding the first Monday in November
16 provided that (i) such fire district election is held at every polling
17 site as may be established by the Westchester county board of elections;
18 (ii) such fire district election districts are the same as the election
19 districts as may be established by the Westchester county board of
20 elections, such that an elector shall not be required to visit more than
21 one polling site on such date; (iii) such fire district polls remain
22 open for the same hours as the polls administered by the Westchester

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

LBD15144-07-4

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

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

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

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

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

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

51 S 6. This act shall take effect immediately.

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