

4200

2015-2016 Regular Sessions

I N A S S E M B L Y

January 29, 2015

Introduced by M. of A. ZEBROWSKI, BUCHWALD, GALEF, JAFFEE, ABINANTI --
read once and referred to the Committee on Election Law

AN ACT to amend the town law, in relation to town elections and permis-
sive referendums

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

1 Section 1. The opening paragraph and subdivision 4 of section 81 of
2 the town law, subdivision 4 as amended by chapter 434 of the laws of
3 1984, is amended to read as follows:
4 The town board may, upon its own motion, CAUSE TO BE SUBMITTED AT A
5 GENERAL ELECTION, OR A SPECIAL OR BIENNIAL TOWN ELECTION and shall upon
6 a petition, as hereinafter provided, cause to be submitted at [a special
7 or biennial town] THE NEXT GENERAL election, a proposition:
8 4. Such petition shall be subscribed and authenticated, in the manner
9 provided by the election law for the authentication of nominating
10 petitions, by electors of the town qualified to vote upon a proposition
11 to raise and expend money, in number equal to at least five per centum
12 of the total votes cast for governor in said town at the last general
13 election held for the election of state officers, but such number shall
14 not be less than one hundred in a town of the first class nor less than
15 twenty-five in a town of the second class. If such a petition be filed
16 in the office of the town clerk [not less than sixty days, nor] more
17 than seventy-five days, prior to [a biennial town] THE GENERAL election,
18 the proposition shall be submitted at such [biennial] GENERAL election.
19 If a petition [be presented at any other time, a special election shall
20 be called to be held not less than sixty days, nor more than seventy-
21 five days after the filing of such petition] IS FILED IN THE OFFICE OF
22 THE TOWN CLERK LESS THAN SEVENTY-FIVE DAYS PRIOR TO THE GENERAL ELECTION
23 THEN IT SHALL BE SUBMITTED AT THE GENERAL ELECTION IN THE FOLLOWING
24 YEAR.

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

LBD03432-01-5

1 S 2. Section 91 of the town law, as amended by chapter 37 of the laws
2 of 2000, is amended to read as follows:

3 S 91. Referendum on petition. Any such resolution or act of the town
4 board as set forth in the preceding section shall not take effect until
5 thirty days after its adoption; nor until approved by the affirmative
6 vote of a majority of the qualified electors of such town or district
7 affected, voting on such proposition, if within thirty days after its
8 adoption there be filed with the town clerk a petition signed, and
9 acknowledged or proved, or authenticated by electors of the town quali-
10 fied to vote upon a proposition to raise and expend money, in number
11 equal to at least five per centum of the total vote cast for governor in
12 said town at the last general election held for the election of state
13 officers, but which shall not be less than one hundred in a town of the
14 first class nor less than twenty-five in a town of the second class,
15 protesting against such act or resolution and requesting that it be
16 submitted to the qualified electors of the town or district affected,
17 for their approval or disapproval. If such petition be so filed [not]
18 more than seventy-five days [nor less than sixty days] prior to [a bien-
19 nial town] THE GENERAL election, a proposition for the approval of such
20 act or resolution shall be submitted at such [biennial town] GENERAL
21 election. If a petition be so filed [at any other time] LESS THAN SEVEN-
22 TY-FIVE DAYS PRIOR TO THE GENERAL ELECTION, a proposition for the
23 approval of such act or resolution shall be submitted at [a special town
24 election to be held not less than sixty nor more than seventy-five days
25 after the filing of such petition] THE GENERAL ELECTION IN THE FOLLOWING
26 YEAR. The petition may be made upon separate sheets and the signatures
27 to each sheet shall be authenticated in the manner provided by the
28 election law for the authentication of nominating petitions. The several
29 sheets so signed and authenticated when fastened together and offered
30 for filing shall be deemed to constitute one petition. If, within five
31 days after the filing of such petition, a written objection thereto be
32 filed with the town clerk, and a verified petition setting forth the
33 objections be presented by the person so filing such objections to the
34 supreme court or any justice thereof of the judicial district in which
35 such town is located, such court or justice within twenty days shall
36 determine any question arising thereunder and make such order as justice
37 may require. Such proceeding shall be heard and determined in the manner
38 prescribed by section 16-116 of the election law.

39 S 3. Subdivision 2 of section 85 of the town law is amended to read as
40 follows:

41 2. The ward system may be abolished upon the adoption of a proposition
42 therefor at [any special or biennial town] THE NEXT GENERAL election. At
43 the first biennial town election held at least one hundred twenty days
44 after the adoption of a proposition to abolish the ward system for
45 election of councilmen, the electors of the town shall elect one-half of
46 the total number of town councilmen for the term of two years each and
47 one-half of the total number of town councilmen for the term of four
48 years each. At each biennial town election held thereafter there shall
49 be elected one-half of the total number of town councilmen for the term
50 of four years each. The terms of all such councilmen shall begin on the
51 first day of January next succeeding the date of their election.

52 S 4. This act shall take effect immediately.