

4200--B

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 -- committee
discharged, bill amended, ordered reprinted as amended and recommitted
to said committee -- reported and referred to the Committee on Rules
-- Rules Committee discharged, bill amended, ordered reprinted as
amended and recommitted to the Committee on Rules

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, UNLESS SUCH PETITION STATES
8 THAT A SPECIAL ELECTION BE HELD a proposition:
9 4. Such petition shall be subscribed and authenticated, in the manner
10 provided by the election law for the authentication of nominating
11 petitions, by electors of the town qualified to vote upon a proposition
12 to raise and expend money, in number equal to at least five per centum
13 of the total votes cast for governor in said town at the last general
14 election held for the election of state officers, but such number shall
15 not be less than one hundred in a town of the first class nor less than
16 twenty-five in a town of the second class. If such a petition be filed
17 in the office of the town clerk [not less than sixty days, nor] more
18 than seventy-five days, prior to [a biennial town] THE GENERAL election,
19 the proposition shall be submitted at such [biennial] GENERAL election.
20 If a petition [be presented at any other time, a special election shall
21 be called to be held not less than sixty days, nor more than seventy-

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

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1 five days after the filing of such petition] IS FILED IN THE OFFICE OF
2 THE TOWN CLERK LESS THAN SEVENTY-FIVE DAYS PRIOR TO THE GENERAL ELECTION
3 THEN IT SHALL BE SUBMITTED AT THE GENERAL ELECTION IN THE FOLLOWING
4 YEAR. IF A PETITION STATES THAT A SPECIAL ELECTION BE HELD ON SUCH
5 PROPOSITION THEN IT SHALL BE SUBMITTED AT A SPECIAL ELECTION HELD NOT
6 LESS THAN SIXTY DAYS, NOR MORE THAN SEVENTY-FIVE DAYS AFTER THE FILING
7 OF SUCH PETITION.

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

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

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

52 2. The ward system may be abolished upon the adoption of a proposition
53 therefor at [any special or biennial town] THE NEXT GENERAL election. At
54 the first biennial town election held at least one hundred twenty days
55 after the adoption of a proposition to abolish the ward system for
56 election of councilmen, the electors of the town shall elect one-half of

1 the total number of town councilmen for the term of two years each and
2 one-half of the total number of town councilmen for the term of four
3 years each. At each biennial town election held thereafter there shall
4 be elected one-half of the total number of town councilmen for the term
5 of four years each. The terms of all such councilmen shall begin on the
6 first day of January next succeeding the date of their election.
7 S 4. This act shall take effect on the first day of January next
8 succeeding the date upon which it shall have become a law.