

3293--C

2015-2016 Regular Sessions

I N   S E N A T E

February 4, 2015

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- 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 -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the town law, in relation to town elections and permissive referendums

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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.

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

LBD03432-07-6

1 If a petition [be presented at any other time, a special election shall  
2 be called to be held not less than sixty days, nor more than seventy-  
3 five days after the filing of such petition] IS FILED IN THE OFFICE OF  
4 THE TOWN CLERK LESS THAN SEVENTY-FIVE DAYS PRIOR TO THE GENERAL ELECTION  
5 THEN IT SHALL BE SUBMITTED AT THE GENERAL ELECTION IN THE FOLLOWING  
6 YEAR. IF A PETITION STATES THAT A SPECIAL ELECTION BE HELD ON SUCH  
7 PROPOSITION THEN IT SHALL BE SUBMITTED AT A SPECIAL ELECTION HELD NOT  
8 LESS THAN SIXTY DAYS, NOR MORE THAN SEVENTY-FIVE DAYS AFTER THE FILING  
9 OF SUCH PETITION. THE BOARD OF ELECTIONS OF A COUNTY MAY APPORTION COSTS  
10 UNDER THIS SECTION, AS PROVIDED BY SUBDIVISION TWO OF SECTION 4-136 OF  
11 THE ELECTION LAW.

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

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

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

1     2. The ward system may be abolished upon the adoption of a proposition  
2     therefor at [any special or biennial town] THE NEXT GENERAL election. At  
3     the first biennial town election held at least one hundred twenty days  
4     after the adoption of a proposition to abolish the ward system for  
5     election of councilmen, the electors of the town shall elect one-half of  
6     the total number of town councilmen for the term of two years each and  
7     one-half of the total number of town councilmen for the term of four  
8     years each. At each biennial town election held thereafter there shall  
9     be elected one-half of the total number of town councilmen for the term  
10    of four years each. The terms of all such councilmen shall begin on the  
11    first day of January next succeeding the date of their election.  
12    S 4. This act shall take effect on the first of January next succeed-  
13    ing the date upon which it shall have become a law.