

3293--A

2015-2016 Regular Sessions

I N S E N A T E

February 4, 2015

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

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.
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-
22 five days after the filing of such petition] IS FILED IN THE OFFICE OF
23 THE TOWN CLERK LESS THAN SEVENTY-FIVE DAYS PRIOR TO THE GENERAL ELECTION

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

LBD03432-03-5

1 THEN IT SHALL BE SUBMITTED AT THE GENERAL ELECTION IN THE FOLLOWING
2 YEAR. IF A PETITION STATES THAT A SPECIAL ELECTION BE HELD ON SUCH
3 PROPOSITION THEN IT SHALL BE SUBMITTED AT A SPECIAL ELECTION HELD NOT
4 LESS THAN SIXTY DAYS, NOR MORE THAN SEVENTY-FIVE DAYS AFTER THE FILING
5 OF SUCH PETITION.

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

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

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

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

1 years each. At each biennial town election held thereafter there shall
2 be elected one-half of the total number of town councilmen for the term
3 of four years each. The terms of all such councilmen shall begin on the
4 first day of January next succeeding the date of their election.

5 S 4. This act shall take effect immediately.