STATE OF NEW YORK

1368

2017-2018 Regular Sessions

IN SENATE

January 9, 2017

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

Section 1. The opening paragraph and subdivision 4 of section 81 of the town law, subdivision 4 as amended by chapter 434 of the laws of 1984, is amended to read as follows:

The town board may**,** upon its own motion**, cause to be submitted at a general election, or a special or biennial town election** and shall upon a petition, as hereinafter provided, cause to be submitted at [~~a special or biennial town~~] **the next general** election, **unless such petition states that a special election be held** a proposition:

4. Such petition shall be subscribed and authenticated, in the manner provided by the election law for the authentication of nominating petitions, by electors of the town qualified to vote upon a proposition to raise and expend money, in number equal to at least five per centum of the total votes cast for governor in said town at the last general election held for the election of state officers, but such number shall not be less than one hundred in a town of the first class nor less than twenty-five in a town of the second class. If such a petition be filed in the office of the town clerk [~~not less than sixty days, nor~~] more than seventy-five days, prior to [~~a biennial town~~] **the general** election, the proposition shall be submitted at such [~~biennial~~] **general** election. If a petition [~~be presented at any other time, a special election shall be called to be held not less than sixty days, nor more than seventy-five days after the filing of such petition~~] **is filed in the office of the town clerk less than seventy-five days prior to the general election then it shall be submitted at the general election in the following year. If a petition states that a special election be held on such**

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

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proposition then it shall be submitted at a special election held not less than sixty days, nor more than seventy-five days after the filing of such petition. The board of elections of a county may apportion costs under this section, as provided by subdivision two of section 4-136 of the election law.

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

§ 91. Referendum on petition. Any such resolution or act of the town board as set forth in the preceding section shall not take effect until thirty days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of such town or district affected, voting on such proposition, if within thirty days after its adoption there be filed with the town clerk a petition signed, and acknowledged or proved, or authenticated by electors of the town qualified to vote upon a proposition to raise and expend money, in number equal to at least five per centum of the total vote cast for governor in said town at the last general election held for the election of state officers, but which shall not be less than one hundred in a town of the first class nor less than twenty-five in a town of the second class, protesting against such act or resolution and requesting that it be submitted to the qualified electors of the town or district affected, for their approval or disapproval. If such petition be so filed [~~not~~] more than seventy-five days [~~nor less than sixty days~~] prior to [~~a biennial town~~] the general election, a proposition for the approval of such act or resolution shall be submitted at such [~~biennial town~~] general election. If a petition be so filed [~~at any other time~~] less than seventy-five days prior to the general election, a proposition for the approval of such act or resolution shall be submitted at [~~a special town election to be held not less than sixty nor more than seventy-five days after the filing of such petition~~] the general election in the following year. If a petition states that a special election be held on such proposition then it shall be submitted at a special election held not less than sixty days, nor more than seventy-five days after the filing of such petition. The petition may be made upon separate sheets and the signatures to each sheet shall be authenticated in the manner provided by the election law for the authentication of nominating petitions. The several sheets so signed and authenticated when fastened together and offered for filing shall be deemed to constitute one petition. If, within five days after the filing of such petition, a written objection thereto be filed with the town clerk, and a verified petition setting forth the objections be presented by the person so filing such objections to the supreme court or any justice thereof of the judicial district in which such town is located, such court or justice within twenty days shall determine any question arising thereunder and make such order as justice may require. Such proceeding shall be heard and determined in the manner prescribed by section 16-116 of the election law.

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

2. The ward system may be abolished upon the adoption of a proposition therefor at [~~any special or biennial town~~] the next general election. At the first biennial town election held at least one hundred twenty days after the adoption of a proposition to abolish the ward system for election of councilmen, the electors of the town shall elect one-half of the total number of town councilmen for the term of two years each and one-half of the total number of town councilmen for the term of four

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

§ 4. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law.