

# STATE OF NEW YORK

8763--A

## IN SENATE

July 14, 2020

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged and said bill committed to the Committee on Local Government -- reported favorably from said committee and committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the town law, in relation to changing certain filing and submission date requirements for petitions brought before a town board

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 91 of the town law, as amended by chapter 37 of the  
2 laws of 2000, is amended to read as follows:  
3 § 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 more  
18 than [~~seventy-five~~] one hundred five days nor less than [~~sixty~~] ninety  
19 days prior to a biennial town election, a proposition for the approval  
20 of such act or resolution shall be submitted at such biennial town  
21 election. If a petition be so filed at any other time, a proposition for  
22 the approval of such act or resolution shall be submitted at a special  
23 town election to be held not less than [~~sixty~~] ninety nor more than  
24 [~~seventy-five~~] one hundred five days after the filing of such petition.

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

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1 The petition may be made upon separate sheets and the signatures to each  
2 sheet shall be authenticated in the manner provided by the election law  
3 for the authentication of nominating petitions. The several sheets so  
4 signed and authenticated when fastened together and offered for filing  
5 shall be deemed to constitute one petition. If, within five days after  
6 the filing of such petition, a written objection thereto be filed with  
7 the town clerk, and a verified petition setting forth the objections be  
8 presented by the person so filing such objections to the supreme court  
9 or any justice thereof of the judicial district in which such town is  
10 located, such court or justice within twenty days shall determine any  
11 question arising thereunder and make such order as justice may require.  
12 Such proceeding shall be heard and determined in the manner prescribed  
13 by section 16-116 of the election law.

14 § 2. This act shall take effect immediately; provided, however, for  
15 referenda required pursuant to article 12-A of the town law, this act  
16 shall apply beginning on the first of January next succeeding such  
17 effective date.