STATE OF NEW YORK

7901

2021-2022 Regular Sessions

IN ASSEMBLY

May 28, 2021

Introduced by M. of A. BURGOS -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, the town law and the general municipal law, in relation to prohibiting the at large election of members of the legislative or governing body of towns and villages, and providing for and requiring the election of such members by wards; to amend the general municipal law, in relation to directing the department of state and the legislative task force on demographic research and reapportionment to assist boards of election to establish wards, authorizing towns and villages to petition for a temporary exemption from such requirements, and directing the attorney-general to report on such exemptions; and to repeal certain provisions of the town law relating to authorizing certain towns to establish ward systems of election

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

Section 1. Section 15-130 of the election law is amended to read as follows:

§ 15-130. Election of trustees by wards. The board of trustees of [~~any~~] **every** village [~~may, by resolution, and subject to a mandatory referendum,~~] **shall** provide for the election of trustees by wards, **or** alter [~~existing~~] ward boundaries [~~or abolish wards and the election of trustees by wards~~]. [~~If a village elects trustees by wards separate~~] **Separate** ballot boxes or voting machines shall be provided for each ward.

§ 2. Paragraph (b) of subdivision 2 of section 81 of the town law is REPEALED.

§ 3. Section 85 of the town law is amended to read as follows:

§ 85. Ward system for election of councilmen. [~~1. Whenever a proposition shall have been adopted in a town of the first class for the establishment of the ward system and the election thereafter of one councilman from each ward, the~~] **The** board of elections of the county in which

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

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[~~such~~] a town is situate shall divide the town into four wards and fix the boundaries thereof, unless a proposition shall have been adopted to increase the number of councilmen from four to six, in which instance, the board of elections shall divide the town into six wards and fix the boundaries thereof. In so dividing the town into wards, no town election district shall be divided and no election district thereafter created under the election law shall contain parts of two or more wards. So far as possible the division shall be so made that the number of voters in each ward shall be approximately equal. When the board of elections shall have finally determined the boundaries of the wards, they shall cause a map of the town to be prepared showing in detail the location of each ward and the boundaries thereof. The original map so made shall be filed in the office of the town clerk and copies thereof shall be filed in the offices of the county clerk and the board of elections of the county. The ward system shall be deemed established after such filing is complete. After a ward system shall have been so established, the term of office of every town councilman shall terminate on the thirty-first day of December next succeeding the first biennial town election held not less than one hundred twenty days after the establishment of such ward system, and at such biennial town election, and every biennial town election thereafter, one resident elector of each ward shall be elected as councilman therefrom for a term of two years beginning on the first day of January next succeeding such election.

[~~2. The ward system may be abolished upon the adoption of a proposition therefor at any special or biennial town 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. Section 87 of the town law, as amended by chapter 374 of the laws of 1940, is amended to read as follows:

§ 87. Increase [~~or decrease~~] of number of councilmen. [~~1.~~] Whenever a proposition shall have been adopted in a town [~~of the first class which shall not have established the ward system,~~] to increase the number of councilmen from four to six, party nominations for town councilmen may be made and designating petitions filed and four town councilmen shall be elected at the first biennial town election held at least one hundred fifty days thereafter, three for a term of four years each and one for a term of two years and thereafter at each biennial town election in such town there shall be elected three town councilmen for the term of four years each, in the same manner as other elective town officers in such town. The term of office of each such councilman shall begin on the first day of January next succeeding the election at which he was elected.

[~~2. Whenever a proposition shall have been adopted in a town of the first class which shall not have established the ward system, to increase the number of councilmen from two to four, party nominations for town councilmen may be made and designating petitions filed and three town councilmen shall be elected at the first biennial town election held at least one hundred fifty days thereafter, two for terms of four years each and one for a term of two years, and thereafter at~~

~~each biennial town election in such town, there shall be elected two town councilmen for terms of four years each, in the same manner as other elective town officers in such town. The term of office of each such town councilman shall begin on the first day of January next succeeding the election at which he was elected.~~

~~3. Whenever a proposition shall have been adopted in a town of the first class to reduce the number of councilmen from four to two, no town councilmen shall be elected at the first biennial town election held at least one hundred fifty days after the adoption of such proposition. Party nominations for town councilmen may be made and designating petitions filed and two town councilmen shall be elected at the biennial town election next succeeding the biennial town election at which no town councilmen are elected, one for a term of two years and one for a term of four years and thereafter at each biennial town election in such town there shall be elected one town councilman for a term of four years, in the same manner as other elective town officers in such town. The term of office of each such councilman shall begin on the first day of January next succeeding the election at which he was elected.~~]

§ 5. Subdivision 13 of section 341 of the town law is REPEALED.

§ 6. The general municipal law is amended by adding a new article 7-B to read as follows:

ARTICLE 7-B
ELECTION BY WARDS IN
TOWNS AND VILLAGES

Section 150. At large elections prohibited.
151. Establishment of ward systems.
152. Temporary exemption.

§ 150. At large elections prohibited. No member of the governing or legislative body of a town or village shall be elected by the electors of such town or village at large.

§ 151. Establishment of ward systems. 1. The board of elections of the county shall divide each town and village into such number of wards as is equal to the number of members of the governing or legislative body of such town or village; and shall fix the boundaries thereof. The division thereof shall be so made that the number of eligible voters in each ward shall be approximately equal.

2. The department of state and the legislative task force on demographic research and reapportionment shall provide to boards of elections any and all assistance as may be necessary to implement the provisions of this section.

3. Every ward established pursuant to this section shall be reapportioned in the same year as congressional, assembly and senate districts are reapportioned pursuant to section four of article three of the state constitution.

§ 152. Temporary exemption. 1. In the event a village or town is unable to comply with the provisions of sections one hundred fifty and one hundred fifty-one of this article for the first general election or first general village election occurring after September first, two thousand twenty-two, such town or village shall, not less than six months prior to such election, submit an application to the department of state and the department of law for an exemption from the provisions of such sections which shall apply only to such first election. No such exemption shall be granted unless the application therefor is approved jointly by the secretary of state and the attorney-general.

2. Upon the joint approval of any application submitted pursuant to subdivision one of this section, the secretary of state and the attor-

ney-general shall provide the village or town and the appropriate board of elections with a notice of such exemption. Such notice shall include:

(a) the specific reasons for the granting of the exemption;

(b) a timeline of actions that the town or village shall fulfill on or before the succeeding general election or general village election; and

(c) a timeline of actions required to be completed for the election of all members of the governing or legislative body of such town or village during the succeeding calendar year.

3. Every town and village, granted an exemption pursuant to this section, shall comply with all provisions of sections one hundred fifty and one hundred fifty-one of this article for every election which follows such first election for which an exemption was granted.

4. On or before the first of April in two thousand twenty-four, two thousand twenty-five and two thousand twenty-six, the attorney-general shall submit reports to the governor and the legislature on the towns and villages granted exemptions pursuant to this section. Each such report shall include the name of the town or village, a description of the problem in establishing wards, the population, the elected positions involved, and the outcomes of the relevant elections.

§ 7. This act shall take effect immediately and shall apply to general elections and general village elections occurring after January 1, 2022.