

STATE OF NEW YORK

5975

2023-2024 Regular Sessions

IN ASSEMBLY

March 24, 2023

Introduced by M. of A. SHIMSKY -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to holding the election of fire district commissioners on the same day as the election of school board members

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

1 Section 1. Subdivision 1 of section 175 of the town law, as amended by
2 chapter 347 of the laws of 2021, is amended to read as follows:

3 1. An annual election shall be held in each fire district on the
4 [~~second Tuesday in December, except that in the Ocean Bay Park fire~~
5 ~~district, the Lonelyville fire district, the Davis Park fire district,~~
6 ~~the Cherry Grove fire district, the Fair Harbor fire district and the~~
7 ~~Fire Island Pines fire district, Suffolk county, such annual election~~
8 ~~shall be held on the second Tuesday in July, except that in the town of~~
9 ~~Salisbury, Herkimer county, such annual election shall be held on the~~
10 ~~Tuesday next succeeding the first Monday in November from six o'clock in~~
11 ~~the morning until nine o'clock in the evening and except that in the~~
12 ~~Belfast fire district, Allegany county, such annual election shall be~~
13 ~~held on the first Tuesday in December]~~

14 same date and at the same polling
15 place as the election of school board members for the school district of
16 the municipality. The board of fire commissioners shall give notice
17 thereof by the publication of a notice once in one or more newspapers
18 having a general circulation in the district. The first publication of
19 such notice shall be not less than twenty-seven days and not more than
20 thirty-four days prior to the date of such election. Such notice shall
21 specify the time when and the place where such election will be held,
22 the officers to be elected thereat and their terms of office, and the
23 hours during which the polls will be open for the receipt of ballots.
24 The secretary of such fire district shall, subject to the approval of
the board of elections, prepare the ballots for all elections of fire

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

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1 district officers and the polls shall remain open for the receipt there-
2 of at all elections of fire district officers from six o'clock in the
3 [~~evening~~ morning until nine o'clock in the evening [~~and such additional~~
4 ~~consecutive hours prior thereto as the board of fire commissioners of~~
5 ~~such district may have determined and specified in the notice thereof.~~
6 ~~The board of fire commissioners shall designate a resident fire district~~
7 ~~elector, who shall be a registered voter of the town, to act as chairman~~
8 ~~of any election of said district and shall designate not less than two~~
9 ~~nor more than four resident fire district electors, who shall be regis-~~
10 ~~tered voters of the town to act as election inspectors and ballot clerks~~
11 ~~at such elections. No elective officer of the fire district shall serve~~
12 ~~as such chairman or as an election inspector or ballot clerk. The board~~
13 ~~of fire commissioners may adopt a resolution providing that such chair-~~
14 ~~man, election inspectors and ballot clerks shall be paid for their~~
15 ~~respective services at any such annual election or at any special~~
16 ~~election of the fire district. Such resolution, if adopted, shall fix~~
17 ~~the amount of such compensation, as follows: if the hours during which~~
18 ~~the polls will be open for the receipt of ballots are from six o'clock~~
19 ~~in the evening until nine o'clock in the evening, a sum not to exceed~~
20 ~~seventy dollars for each such official; if additional consecutive hours~~
21 ~~prior to six o'clock in the evening are determined and specified in the~~
22 ~~notice of election, a sum not to exceed one hundred dollars for each~~
23 ~~such official].~~ The method and manner of submission, preparation and
24 provision of ballots and ballot labels, use of voting machines, quali-
25 fications of voters, correcting registers, and conducting the election,
26 canvassing the result and making and filing the returns, and all other
27 procedures with reference to the submission of any vote, shall be in the
28 same method and manner used for voting in the school board election, or
29 as close as is practical, as determined by the county board of elections
30 provided, however, that all costs associated with such ballots and any
31 additional poll workers necessary for such vote shall be borne by such
32 fire district. The local board of elections shall appoint such poll
33 workers as deemed necessary by such board and shall prescribe their
34 duties, titles, ranks and salary in accordance with the provision set
35 forth in section 3-300 of the election law.

36 § 2. This act shall take effect immediately.