

STATE OF NEW YORK

10118

IN ASSEMBLY

May 6, 2024

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

AN ACT to amend the town law, in relation to clarifying procedures for first elections of fire districts to allow for at-large voting

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

1 Section 1. Subdivision 2 of section 174 of the town law, as amended by
2 chapter 74 of the laws of 2009, is amended to read as follows:
3 2. The first election of fire district officers shall be held on the
4 second Tuesday in December next succeeding the establishment or consol-
5 idation of such fire district; provided, however, that if such district
6 be established at a time subsequent to the first day of October in any
7 year, the first election of fire district officers shall be held on the
8 second Tuesday in the month of December of the next succeeding calendar
9 year. At the first annual election of fire district officers, five
10 district commissioners shall be elected and a treasurer. Every regis-
11 tered fire district voter shall be entitled to cast one vote for each
12 vacant position on a board of fire commissioners to be filled in the
13 first annual election of fire district officers. The person receiving
14 the greatest number of votes for the office of fire commissioner shall
15 be elected for a term of five years; the person receiving the second
16 highest number of votes shall be elected for a term of four years; the
17 person receiving the third highest number of votes shall be elected for
18 a term of three years; the person receiving the fourth highest number of
19 votes shall be elected for a term of two years and the person receiving
20 the fifth highest number of votes shall be elected for a term of one
21 year. In the event that two persons shall receive the same number of
22 votes the terms of office shall be decided by lot. At each subsequent
23 election of fire district officers a commissioner shall be elected for
24 the full term of five years. In the event that two or more persons
25 receive the same number of votes thereat, a special election between the
26 tying parties receiving the highest number of votes to fill the vacancy
27 shall be held within forty-five days after such election. The fire
28 district treasurer shall be elected for a term of three years. The fire

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

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1 district secretary shall be appointed by the fire district commissioners
2 and shall serve for a period of one year. The fire district secretary in
3 office at the time such election is held shall immediately notify the
4 officers elected of their election and that an organization meeting will
5 be held on the day specified in said notice, which shall not be later
6 than the fifteenth day of January next ensuing. At such organization
7 meeting, the treasurer shall preside until such time as a [~~chairman~~
8 chairperson] of the board of fire commissioners shall be chosen, but such
9 treasurer shall not be entitled to a vote at such meeting.
10 § 2. This act shall take effect immediately.