STATE OF NEW YORK

10817

IN ASSEMBLY

April 1, 2026

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

AN ACT to amend the town law, in relation to requiring fire district elections occur on the same day as school board elections and requires such elections be run by the county board of elections; and to repeal certain provisions of such law relating thereto

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

Section 1. Subdivision 2 of section 174 of the town law, as amended by chapter 401 of the laws of 2024, is amended to read as follows:

2. The first election of fire district officers shall be held on the [~~second~~] third Tuesday in [~~December~~] May next succeeding the establishment or consolidation of such fire district; provided, however, that if such district be established at a time subsequent to the first day of October in any year, the first election of fire district officers shall be held on the [~~second~~] third Tuesday in the month of [~~December~~] May of the next succeeding calendar year. At the first annual election of fire district officers, five district commissioners shall be elected and a treasurer. Every registered fire district voter shall be entitled to cast one vote for each vacant position on a board of fire commissioners to be filled in the first annual election of fire district officers. The person receiving the greatest number of votes for the office of fire commissioner shall be elected for a term of five years; the person receiving the second highest number of votes shall be elected for a term of four years; the person receiving the third highest number of votes shall be elected for a term of three years; the person receiving the fourth highest number of votes shall be elected for a term of two years and the person receiving the fifth highest number of votes shall be elected for a term of one year. In the event that two persons shall receive the same number of votes the terms of office shall be decided by lot. At each subsequent election of fire district officers a commissioner shall be elected for the full term of five years. In the event that two or more persons receive the same number of votes thereat, a special election between the tying parties receiving the highest number of votes

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

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to fill the vacancy shall be held within forty-five days after such election. The fire district treasurer shall be elected for a term of three years. The fire district secretary shall be appointed by the fire district commissioners and shall serve for a period of one year. The fire district secretary in office at the time such election is held shall immediately notify the officers elected of their election and that an organization meeting will be held on the day specified in said notice, which shall not be later than the fifteenth day of January next ensuing. At such organization meeting, the treasurer shall preside until such time as a chairperson of the board of fire commissioners shall be chosen, but such treasurer shall not be entitled to a vote at such meeting. **Further, such election shall be handled by the county board of elections.**

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

1. An annual election shall be held in each fire district on the [~~second~~] **third** Tuesday in [~~December~~] **May**, except that in the Ocean Bay Park fire district, the Lonelyville fire district, the Davis Park fire district, the Cherry Grove fire district, the Fair Harbor fire district and the Fire Island Pines fire district, Suffolk county, such annual election shall be held on the second Tuesday in July, except that in the town of Salisbury, Herkimer county, such annual election shall be held on the Tuesday next succeeding the first Monday in November from six o'clock in the morning until nine o'clock in the evening and except that in the Belfast fire district, Allegany county, such annual election shall be held on the first Tuesday in December. The board of fire commissioners shall give notice thereof by the publication of a notice once in one or more newspapers having a general circulation in the district. The first publication of such notice shall be not less than twenty-seven days and not more than thirty-four days prior to the date of such election. Such notice shall specify the time when and the place where such election will be held, the officers to be elected thereat and their terms of office, and the hours during which the polls will be open for the receipt of ballots. The [~~secretary of such fire district~~] **county board of elections** shall**, establish where such election takes place;** prepare the ballots for all elections of fire district officers and the polls shall remain open for the receipt thereof at all elections of fire district officers from [~~six~~] **seven** o'clock in the [~~evening~~] **morning** until nine o'clock in the evening [~~and such additional consecutive hours prior thereto as the board of fire commissioners of such district may have determined and specified in the notice thereof. The board of fire commissioners shall designate a resident fire district elector, who shall be a registered voter of the town, to act as chairman of any election of said district and shall designate not less than two nor more than four resident fire district electors, who shall be registered voters of the town to act as election inspectors and ballot clerks at such elections. No elective officer of the fire district shall serve as such chairman or as an election inspector or ballot clerk. The board of fire commissioners may adopt a resolution providing that such chairman, election inspectors and ballot clerks shall be paid for their respective services at any such annual election or at any special election of the fire district. Such resolution, if adopted, shall fix the amount of such compensation, as follows: if the hours during which the polls will be open for the receipt of ballots are from six o'clock in the evening until nine o'clock in the evening, a sum not to exceed seventy dollars for each such official; if additional consecutive hours prior to six~~

~~o'clock in the evening are determined and specified in the notice of election, a sum not to exceed one hundred dollars for each such official.~~]; establish the method and manner of submission, preparation and provision of ballots and ballot labels, the use of voting machines, confirming the qualifications of voters, correcting registers, and conducting the election, canvassing the result and making and filing the returns, and all other procedures with reference to the submission of any vote, shall be in the same method and manner used as used in early voting pursuant to section 8-600 of the election law, or as close as practical, as determined by the county board of elections. The local board of elections shall appoint such poll workers as deemed necessary by such board and shall prescribe their duties, titles, ranks and salary in accordance with the provisions set forth in section 3-300 of the election law.

§ 3. Section 175-a of the town law is REPEALED and a new section 175-a is added to read as follows:

§ 175-a. Registration for voters. The registration of voters for any annual fire district election shall be consistent with article five of the election law.

§ 4. Section 175-b of the town law is REPEALED and a new section 175-b is added to read as follows:

§ 175-b. Absentee ballots for fire district elections; special provisions. The county board of elections in any fire district in which officers are elected, shall provide for absentee ballots for fire district elections, in accordance with the provisions of the election law.

§ 5. Subdivision 8 of section 176 of the town law is REPEALED.

§ 6. This act shall take effect immediately.