Government Services and Administration

RESOLUTION NO. 2016086

RE: REAPPOINTMENT OF MARCO CAVIGLIA AS COMMISSIONER OF ELECTIONS

Legislators STRAWINSKI, JETER-JACKSON, and REISER offer the following and move its adoption:

WHEREAS, the term of Marco Caviglia as Commissioner of Elections will expire on December 31, 2016, and

WHEREAS, pursuant to Section 3-204 of the Election Law, the County Committee of the Democratic Party has recommended that Marco Caviglia be reappointed as such Commissioner of Elections, now, therefore, be it

RESOLVED, that the Dutchess County Legislature does hereby reappoint Marco Caviglia to a two-year term as Commissioner of Elections for Dutchess County commencing on the first day of January 2017 and expiring on the 31st day of December 2018.

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of April 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of April 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

STATE OF NEW YORK
STATE BOARD OF ELECTIONS

ELECTION COMMISSIONER CERTIFICATION

To the Clerk of the County (Board of Supervisors or Legislature), County of Dutchess.

I *certify* that:

At a meeting of the Democratic County Committee of the County of Dutchess, held on the 5th day of March, 2016, at 8 Tymor Park Rd., Lagrangeville, New York, under the provisions of the Election Law and rules of the County Committee, a quorum being present,

Marco Caviglia (Name), residing at 356 Freedom Rd, Pleasant Valley (Address), New York, 12569 (Zip Code) was recommended by majority of said committee as a suitable and qualified person for appointment to the office of Commissioner of Elections,

- [x] for the term beginning January 1, 2017
- [ ] to fill an existing vacancy in said office for the remainder of the current term

and that said designee is a registered voter of the County of Dutchess and a duly enrolled member of the Democratic Party.

Dated at 488 Freedom Plains Rd Poughkeepsie, NY 12603, New York

3/10 (Date), 2016

Chris Summer
(Chair)

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(Sample prepared by the State Board of Elections)

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2. The local legislative body may, at any time, determine that the terms of office for commissioners shall be staggered and may make subsequent appointments so as to provide for staggered terms of office thereafter.

(L.1976, c. 233, § 1.)

§ 3-204. Election commissioners; appointment

1. At least thirty days before the first day of January of any year in which a commissioner of elections is to be appointed, the chairman or secretary of the appropriate party county committee shall file a certificate of party recommendation with the clerk of the appropriate local legislative body.

2. Party recommendations for election commissioner shall be made by the county committee or by such other committee as the rules of the party may provide, by a majority of the votes cast at a meeting of the members of such committee at which a quorum is present. If at any time a vacancy occurs in the office of any election commissioner other than by expiration of term of office, party recommendations to fill such vacancy shall be made by the county committee or by such other committee as the rules of the party may provide, by a majority of the votes cast at a meeting of the members of such committee at which a quorum is present.

3. The certificate filed shall be in such form and contain such information as shall be prescribed by the state board of elections.

4. Commissioners of election shall be appointed by the county legislative body, or in the city of New York, by the city council. Provided, however, that if a legislative body shall fail to appoint any person recommended by a party for appointment as a commissioner pursuant to this section, within thirty days after the filing of a certificate of recommendation with such legislative body, then the members of such legislative body who are members of the political party which filed such certificate may appoint such person. If none of the persons named in any of the certificates filed by a party are so appointed within sixty days after the filing of any such certificate, then such party may file another certificate within thirty days after the expiration of any such sixty day period recommending a

different person for such appointment. If a party fails to file a certificate within the time prescribed by this section, the members of the legislative body who are members of such party may appoint any eligible person to such office.

5. If at any time a vacancy occurs in the office of any election commissioner other than by expiration of term of office, such vacancy shall be filled as herein provided for the regular appointment of a commissioner except that a person who fills a vacancy shall hold such office during the remainder of the term of the commissioner in whose place he shall serve. Certificates of party recommendation to fill such vacancy shall be filed not later than forty-five days after the creation of the vacancy.

(L.1976, c. 233, § 1. Amended L.1976, c. 234, § 9; L.1984, c. 455, § 1; L.1997, c. 453, § 1, eff. Aug. 26, 1997.)

§ 3–208. Election commissioners; salaries

Each election commissioner in the same county shall receive an equal salary. The salary shall be an annual salary to be fixed by the county legislative body except that each commissioner of elections in the city of New York shall receive the sum of three hundred dollars for each day's attendance at meetings of the board or any of its committees, not to exceed thirty thousand dollars a year.

(L.1976, c. 233, § 1. Amended L.1980, c. 147, § 1; L.1984, c. 479 § 1; L.1985, c. 394, § 1; L.1993, c. 679, § 1; L.2007, c. 590, § 1, eff. Sept. 14, 2007.)

§ 3–210. Election commissioners; certificate of appointment, filing of

The certificate of appointment of an election commissioner shall be filed in the office of the clerk of the county where the commissioner resides and the clerk shall immediately notify the state board of elections of the appointment.

(L.1976, c. 233, § 1.)

§ 3–212. Boards of elections; organization, proceedings, reports and records

1. The election commissioners, at their first meeting after the first day of January of each year, shall organize as a board,

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Proposed Legislation

McKinney's Consolidated Laws of New York Annotated
Election Law (Refs & Annos)
Chapter Seventeen. Of the Consolidated Laws (Refs & Annos)
Article 3. Election Officials (Refs & Annos)
Title II. Board of Elections

McKinney's Election Law § 3-204

§ 3-204. Election commissioners; appointment

Effective: June 15, 2010
Currentness

1. At least thirty days before the first day of January of any year in which a commissioner of elections is to be appointed, the chairman or secretary of the appropriate party county committee shall file a certificate of party recommendation with the clerk of the appropriate local legislative body.

2. Party recommendations for election commissioner shall be made by the county committee or by such other committee as the rules of the party may provide, by a majority of the votes cast at a meeting of the members of such committee at which a quorum is present. If at any time a vacancy occurs in the office of any election commissioner other than by expiration of term of office, party recommendations to fill such vacancy shall be made by the county committee or by such other committee as the rules of the party may provide, by a majority of the votes cast at a meeting of the members of such committee at which a quorum is present.

3. The certificate filed shall be in such form and contain such information as shall be prescribed by the state board of elections.

4. Commissioners of election shall be appointed by the county legislative body, or in the city of New York, by the city council. Provided, however, that if a legislative body shall fail to appoint any person recommended by a party for appointment as a commissioner pursuant to this section, within thirty days after the filing of a certificate of recommendation with such legislative body, then the members of such legislative body who are members of the political party which filed such certificate may appoint such person. And further provided, if there are no members of the legislative body who are members of the political party which filed such certificate, the appointment shall take effect upon the expiration of thirty days from the date that the certificate was filed. If none of the persons named in any of the certificates filed by a party are so appointed within sixty days after the filing of any such certificate, then such party may file another certificate within thirty days after the expiration of any such sixty day period recommending a different person for such appointment. If a party fails to file a certificate within the time prescribed by this section, the members of the legislative body who are members of such party may appoint any eligible person to such office.

5. If at any time a vacancy occurs in the office of any election commissioner other than by expiration of term of office, such vacancy shall be filled as herein provided for the regular appointment of a commissioner except that a person who fills a vacancy shall hold such office during the remainder of the term of the commissioner in whose place he shall serve. Certificates of party recommendation to fill such vacancy shall be filed not later than forty-five days after the creation of the vacancy.