

RESOLUTION NO. 2016200

RE: HOME RULE REQUEST - EXTENDING POLLING HOURS FOR PRIMARY ELECTIONS

Legislators FORMAN, MICCIO, LANDISI, TRUITT, PULVER, AMPARO, STRAWINSKI, and JETER-JACKSON offer the following and move its adoption:

WHEREAS, New York State Election Law Section 8-100 (2) establishes polling hours for a primary election and the general election, and

WHEREAS, Election Law Section 8-100 (2) states that polls shall be open for voting during the primary election "from twelve o'clock noon until nine o'clock in the evening, except in the city of New York and the counties of Nassau, Suffolk, Westchester, Rockland, Orange, Putnam and Erie, and in such city or county from six o'clock in the morning until nine o'clock in the evening....", and

WHEREAS, it is the belief of the Dutchess County Legislature, that it is in the best interest of County residents to extend the hours for polling for primary elections consistent with other counties, served in particular by the Metro North commuter railroad, to give an opportunity to vote before commuting to work, and

WHEREAS, special home rule legislation would be required to amend the New York State Election Law to implement a change of hours for polling for primary elections in Dutchess County from twelve o'clock noon until nine o'clock in the evening to six o'clock in the morning until nine o'clock in the evening, now, therefore, be it

RESOLVED, that the Dutchess County Legislature does hereby request that the Legislature of the State of New York enact appropriate legislation amending Section 8-100 (2) of the New York State Election Law to provide for extending polling hours for primary elections consistent with the counties of Nassau, Suffolk, Westchester, Rockland, Orange, Putnam and Erie, and be it further

RESOLVED, that a copy of this resolutions shall be forwarded to State Senators Sue Serino and Terrence Murphy and Assemblypersons Frank Skartados, Kieran Michael Lalor, Kevin Cahill, and Didi Barrett so that those State Legislators can properly sponsor the appropriate legislation which will make the granting of this resolution herein possible.

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 8th day of August 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 8th day of August 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

WESTLAW

NOTES OF DECISIONS (9)

Validity
Time of closing
Special elections
Failure to hold election

McKinney's Consolidated Laws of New York Annotated
Election Law (Refs & Annos)

Chapter Seventeen. Of the Consolidated Laws (Refs & Annos)

§ 8-100. Elections; dates of and hours for voting (Refs & Annos)
McKinney's Consolidated Laws of New York Annotated Election Law Effective: July 1, 2015 (Approx. 2 pages)

Title I. Polling Places

Proposed Legislation

Effective: July 1, 2015

McKinney's Election Law § 8-100

§ 8-100. Elections; dates of and hours for voting

Currentness

1. (a) [Eff. until Dec. 31, 2016, pursuant to L.2015, c. 87, § 13. See, also, par. (a), below.] A primary election, to be known as the fall primary, shall be held on the first Tuesday after the second Monday in September before every general election unless otherwise changed by an act of the legislature. Members of state and county committees and assembly district leaders and associate assembly district leaders and all other party positions to be elected shall be elected at the fall primary and all nominations for state and local public office required to be made at a primary election in such year shall be made at the fall primary. In the year two thousand sixteen in which electors of president and vice president of the United States are to be elected, an additional primary election, to be known as the presidential primary, shall be held on April nineteenth, two thousand sixteen, unless otherwise changed by an act of the legislature, for the purpose of electing delegates and alternate delegates to the national convention.

1. (a) [Eff. Dec. 31, 2016, pursuant to L.2015, c. 87, § 13. See, also, par. (a), above.] A primary election, to be known as the fall primary, shall be held on the first Tuesday after the second Monday in September before every general election unless otherwise changed by an act of the legislature. In each year in which electors of president and vice president of the United States are to be elected an additional primary election, to be known as the spring primary, shall be held on the first Tuesday in February unless otherwise changed by an act of the legislature, for the purpose of electing delegates to the national convention, members of state and county committees and assembly district leaders and associate assembly district leaders.

(b) In the event a run-off primary election is required in the city of New York, it shall be held on the second Tuesday next succeeding the date on which the initial primary election was held.

(c) The general election shall be held annually on the Tuesday next succeeding the first Monday in November.

2. Polls shall be open for voting during the following hours: a primary election from twelve o'clock noon until nine o'clock in the evening, except in the city of New York and the counties of Nassau, Suffolk, Westchester, Rockland, Orange, Putnam and Erie, and in such city or county from six o'clock in the morning until nine o'clock in the evening; the general election from six o'clock in the morning until nine o'clock in the evening; a special election called by the governor pursuant to the public officers law, and, except as otherwise provided by law, every other election, from six o'clock in the morning until nine o'clock in the evening.

3. In any election district in which a primary of any party is uncontested, no primary of such party shall be held. In any election district in which the primaries of all parties are

uncontested on the day of any primary election, no primaries shall be held on such day and the polling place shall not be opened for voting.

4. No primary, special or general election for any state or local office or for the election of officers of any corporation which is funded in whole or in part by federal, state or municipal moneys shall be held on a Saturday or Sunday.

Credits

(L.1976, c. 233, § 1, Amended L.1977, c. 458, § 2; L.1978, c. 373, § 71; L.1981, c. 524, § 1; L.1981, c. 557, § 1; L.1981, c. 628, § 1; L.1982, c. 97, § 1; L.1983, c. 432, § 1; L.1994, c. 652, § 1; L.1997, c. 132, § 1, eff. July 25, 1997; L.2000, c. 335, § 1, eff. Jan. 1, 2001; L.2007, c. 17, § 1, eff. April 9, 2007; L.2007, c. 228, § 4, eff. July 3, 2007, deemed eff. July 1, 2007; L.2011, c. 147, § 1, eff. July 18, 2011, deemed eff. July 1, 2011; L.2013, c. 99, § 4, eff. July 8, 2013; L.2015, c. 87, § 1, eff. July 23, 2015, deemed eff. July 1, 2015.)

Notes of Decisions containing your search terms (0)

[View all 9](#)

McKinney's Election Law § 8-100, NY ELEC § 8-100
Current through L.2016, chapters 1 to 94.

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