

Rescinding Resolution No. 410 Of December 6, 2006 And Authorizing Ulster County To Pay For The Cost of Election Expenses Thereby Relieving The Various Municipalities Of Responsibility For Payment

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Donaldson, Fabiano, Loughran, Maio, Robert Parete and Ronk) and The Ways and Means Committee (Chairman Gerentine and Legislators Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez)

Legislator John Parete offers the following:

WHEREAS, Resolution No. 410 of December 6, 2006 authorized the County of Ulster to charge back the towns and the City of Kingston for the cost of elections; and

WHEREAS, the Help America Vote Act, or HAVA, mandates that all states and localities upgrade many of their election procedures, including their voting machines, registration processes and poll worker training; and

WHEREAS, the increased costs associated with elections have proven to be a substantial expense and burden on the local municipalities; and

WHEREAS, the financial burden is expected to escalate, as future costs associated with repair and/or replacement of the new electronic voting machines could be cumbersome; and

WHEREAS, pursuant to New York State Election Law, Article 4, Section 4-136, "...the expenses of providing polling places, voting booths, supplies thereof, ballot boxes and other furniture for the polling place for any election, including the storage, transportation and maintenance of voting machines, appliances and equipment or ballot counting devices, and the compensation of the election officers in each election district, shall be a charge upon the county in which such election district is situated..." and

WHEREAS, New York State Election Law, Article 3, Section 3-226 states that "All voting machines, and appliances and equipment relating to or used in the conduct of elections shall be in the care, custody and control of the board of elections," and therefore, not the responsibility of the local municipalities; now, therefore be it

RESOLVED, that Resolution No. 410 of December 6, 2006, which authorized the County of Ulster to charge back the towns and the City of Kingston for the cost of elections, is hereby rescinded; and, be it further

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RESOLVED, that commencing January 1, 2014, the cost of election expenses shall be borne by Ulster County and not billed to its municipalities; and, be it further

RESOLVED, that any outstanding charges yet to be paid to the County by any municipality for costs associated with prior elections shall continue to be due and owing, and shall be paid by the respective municipality; and, be it further

RESOLVED, that the Clerk of the Ulster County Legislature is hereby authorized and directed to send a certified copy of this resolution to each town clerk and to the mayor and clerk of the City of Kingston within ten days after the adoption of this resolution; and, be it further

RESOLVED, that the Commissioners of the Board of Elections and the Commissioner of Finance are hereby authorized to take any all steps necessary to implement this resolution,

and moves its adoption.

DEFEATED BY THE FOLLOWING VOTE:

AYES: 11 NOES: 11
(Ayes: Legislators Aiello, Bernardo, Briggs, Donaldson, Fabiano, Maloney, John Parete, Richard Parete, Robert Parete, Wawro and Wishnick)
(Absent: Legislator Gregorius)

Ways and Means took no action on April 9, 2013

Referred Back to Committee by Laws and Rules, Governmental Services on April 15, 2013

Defeated in Committee: Laws and Rules, Governmental Services on May 13, 2013

Defeated in Committee: Ways and Means on May 14, 2013

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FINANCIAL IMPACT:
TO BE DETERMINED ANNUALLY

0220.1

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster 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 14th Day of May, 2013, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 15th Day of May in the year Two Thousand and Thirteen.

/s/ Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature