



NEW YORK STATE SENATOR

John J. Flanagan

## Flanagan And Fitzpatrick Introduce Legislation To Allow Vecchio And Nowick To Serve Full Terms

JOHN J. FLANAGAN March 5, 2014

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**Senator John J. Flanagan (2<sup>nd</sup> Senate District) and Assemblyman Michael J. Fitzpatrick (8<sup>th</sup> Assembly District) have introduced legislation that would allow Smithtown Supervisor Patrick Vecchio and Councilwoman Lynne C. Nowick to serve out their full four-year terms. The legislation would uphold the results of the November 2013 election when the voters of the Town of Smithtown overwhelmingly elected Supervisor Vecchio and Councilwoman Nowick to four-year terms.**

The legislation became necessary when the Town Clerk of Smithtown recently informed Vecchio and Nowick they could not serve in their official capacities after missing a statutory deadline of January 31<sup>st</sup> for filing their oaths of office. While the two were officially sworn into office during a public ceremony on the front steps of Town Hall on January 1st, they inadvertently failed to file their oaths of office in the Town Clerk's Office within the thirty day time frame required by law.

In the absence of such filing, an opinion of the town attorney concluded that Supervisor Vecchio and Councilwoman Nowick could not legally hold the offices they had just been elected to by the voters.

On February 13th, the filing defect was temporarily fixed by a unanimous vote of the serving Town Board Members to appoint Vecchio and Nowick to the their elected positions until the end of this calendar year. Unfortunately, an unintended consequence of the filing error now requires Vecchio and Nowick to run again to serve the remaining balance of their four-year terms.

Beginning immediately after enactment, the legislation sponsored by Senator Flanagan and Assemblyman Fitzpatrick would merely provide Supervisor Vecchio and Councilwoman

Nowick with a new thirty-day window to legally take and file their oaths of office. Upon taking and filing the new oaths, Vecchio and Nowick will be granted the authority to serve in office through the end of 2017 without having to run again in the upcoming November elections.

“A clerical error should never invalidate or jeopardize the results of a fairly held election. The voters were clear in November by overwhelmingly electing Supervisor Vecchio and Councilwoman Nowick to four-year terms. I greatly appreciate the quick action taken by Smithtown Town Board Members to reinstate Supervisor Vecchio and Councilwoman Nowick to their deserved elected positions until the end of this year. This legislation is essential to preserving the integrity of the electoral process by allowing Supervisor Vecchio and Councilwoman Nowick to serve out the remaining balance of their four-year terms. It is my intention to advance this legislation once the Town of Smithtown approves and files the home rule request that will be necessary for passing the bill into law,” stated Senator Flanagan.