



NEW YORK STATE SENATOR

John J. Flanagan

Senator Flanagan's Bill Upholding Smithtown Terms of Office Passes Senate

JOHN J. FLANAGAN April 29, 2014

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Senator John J. Flanagan (2nd Senate District) announced that the New York State Senate has passed his legislation allowing Smithtown Supervisor Patrick Vecchio and Councilwoman Lynne C. Nowick to serve their full four-year terms. If enacted into law, the legislation would in effect uphold the results of the November 2013 local election when Smithtown voters overwhelmingly elected Vecchio and Nowick to serve in office.

The legislation is sponsored in the Assembly by Assemblyman Michael J. Fitzpatrick (8th Assembly District).

This legislation became necessary when Supervisor Vecchio and Councilwoman Nowick were informed they could not serve in their official capacity because of missing a statutory deadline of January 31st, 2014 for filing their oaths of office. While the two officials had been overwhelmingly elected to four-year terms the previous November, and were sworn into office during a public ceremony on the front steps of Town Hall on January 1st, their signed oaths of office were not filed with the Town Clerk in the thirty-day time frame required by law.

In the absence of such filing, the Town Attorney concluded that Supervisor Vecchio and Councilwoman Nowick could not legally hold the offices to which they had been elected to by Smithtown voters.

In February, the filing error was temporarily corrected through a special vote of the Smithtown Town Council to reappoint Vecchio and Nowick to their elected positions. However, existing state law only allows these appointments to remain in effect until December 31st, 2014. Consequently, Supervisor Vecchio and Councilwoman Nowick would need to run for office again in November to serve out the remaining three years of their

official terms.

The legislation sponsored by Senator Flanagan and Assemblyman Fitzpatrick would provide Supervisor Vecchio and Councilwoman Nowick with a new thirty-day window to legally take and file their oaths of office. Upon taking such action, they would be granted with the authority to serve in their official capacity through the end of 2017 without having to run again in the upcoming November elections.

“The results of the November 2013 Smithtown election were clear and a minor clerical error should not interfere with the voters' decision. This legislation will preserve the integrity of the electoral process by allowing Supervisor Vecchio and Councilwoman Nowick to serve their full four-year terms,” stated Senator Flanagan.