



NEW YORK STATE SENATOR

John J. Flanagan

Legislation Sponsored By Flanagan And Fitzpatrick To Uphold Smithtown Election Results Signed Into Law

JOHN J. FLANAGAN June 20, 2014

| ISSUE: **TOWNS OR COUNTIES**

Senator John J. Flanagan (2nd Senate District) and Assemblyman Michael J. Fitzpatrick (8th Assembly District) announced that legislation they jointly sponsored that would allow Smithtown Supervisor Patrick Vecchio and Councilwoman Lynne C. Nowick to serve their full four-year terms has been signed into law. The enacted 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.

This change in the law 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 have to run for office again in November to serve out the remaining three years of their official terms.

The new law sponsored by Senator Flanagan and Assemblyman Fitzpatrick provides 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.

“I’m just happy that we can put this unfortunate event, something that never should have happened, behind us,” said Assemblyman Fitzpatrick.

“Supervisor Vecchio and Councilwoman Nowick were overwhelmingly elected to serve full four-year terms by the voters of the Town of Smithtown. The new law helps to ensure the preservation of those terms without the need to holding another costly election. I thank Governor Cuomo for his support and for his quick action in approving this very important piece of legislation,” stated Senator Flanagan.