

STATE OF NEW YORK

6197--B

2021-2022 Regular Sessions

IN SENATE

April 14, 2021

Introduced by Sens. SKOUFIS, BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, the town law and the village law, in relation to moving certain elections to even-numbered years

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 6-202 of the election law, as
2 added by chapter 359 of the laws of 1989, is amended to read as follows:
3 1. Party nominations of candidates for village offices in any county
4 shall be made at a party caucus or at a primary election, as the rules
5 of the county committee, heretofore or hereafter adopted consistent with
6 the provisions of this chapter shall provide. If the rules of the county
7 committee of any political party provide that party nominations for
8 village offices of that party in any or all villages in the county shall
9 be made at a village primary election, such primary election shall be
10 held [~~forty-nine days prior to the date of the village election~~] the
11 first Tuesday after the second Monday in June before every general
12 election in an even-numbered year unless otherwise changed by an act of
13 the legislature. In the event a village elects its officers on a date
14 not in November, such primary election shall be held forty-nine days
15 prior to the date of the village election. In the event there is no
16 village committee with a chairman, the chairman of the county committee,
17 or such other person or body as the rules of such committee may provide,
18 shall designate an enrolled member of the party who is a qualified voter
19 of the village as the village election chairman. The chairman of the
20 county committee of each party in which nominations in any village are
21 made at a primary election shall file with the board of elections, at
22 least one week before the first day to file designating petitions for
23 such primary elections, a list of the name and address of the chairman

EXPLANATION--Matter in italics (underscoring) is new; matter in brackets [~~-~~] is old law to be omitted.

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1 of the village committee or the village election chairman in each such
2 village. Such village chairman shall have general party responsibility
3 for the conduct of the village caucus or primary election. Such nomi-
4 nations shall be made not more than fifty-six, nor less than forty-nine
5 days prior to the date of the village election.

6 § 2. Paragraphs a and b of subdivision 1 of section 15-104 of the
7 election law, paragraph a as amended by chapter 248 of the laws of 1983
8 and paragraph b as amended by chapter 565 of the laws of 1998, are
9 amended to read as follows:

10 a. The general village election shall be held on the [~~third Tuesday in~~
11 ~~March except in any village which presently elects, or hereafter adopts~~
12 ~~a proposition to elect, its officers on a date other than the third~~
13 ~~Tuesday in March]~~ Tuesday next succeeding the first Monday in November
14 in an even-numbered year except in any village which as of the effective
15 date of the chapter of the laws of two thousand twenty-two that amended
16 this paragraph elects its officers on a date not in November.

17 [~~b. In any village in which the general village election, or a special~~
18 ~~village election for officers pursuant to this chapter, is scheduled to~~
19 ~~be held on the third Tuesday of March, for any year in which the seven-~~
20 ~~teenth day of March shall fall on such Tuesday, the board of trustees of~~
21 ~~such village shall provide, by the resolution prescribed by paragraph b~~
22 ~~of subdivision three of this section, that such election shall be held~~
23 ~~on the eighteenth day of March. Any provision of a resolution adopted~~
24 ~~pursuant to this subdivision shall not otherwise alter the political~~
25 ~~calendar for any such election, which shall continue to be computed from~~
26 ~~the third Tuesday of March. Notwithstanding the provisions of subdivi-~~
27 ~~sion five of this section, any provision of a resolution adopted pursu-~~
28 ~~ant to this subdivision shall be effective only if such provision is~~
29 ~~specifically published as provided by this section.]~~

30 § 3. Subdivision 1 of section 6-200 of the election law, as added by
31 chapter 359 of the laws of 1989, is amended to read as follows:

32 1. This title applies to all general and special village elections for
33 officers which are conducted by the board of elections [~~on a date other~~
34 ~~than the date of the general election]~~ and all the provisions of this
35 chapter, not inconsistent with this title, shall apply.

36 § 4. Section 80 of the town law is amended to read as follows:

37 § 80. Biennial town elections. [~~Except as otherwise provided in this~~
38 ~~chapter, a]~~ A biennial town election for the election of town officers
39 and for the consideration of such questions as may be proposed by the
40 town board or the duly qualified electors, pursuant to the provisions of
41 this chapter, shall be held on the Tuesday next succeeding the first
42 Monday in November of every [~~odd-numbered~~] even-numbered year. All other
43 town elections are special elections. A town election or special town
44 election held pursuant to this chapter, shall be construed as a substi-
45 tute, for a town meeting or a special town meeting heretofore provided
46 to be held by law, and a reference in any law to a town meeting or
47 special town meeting shall be construed as referring to a town election
48 or special town election.

49 § 5. Subdivision 4 of section 17-1703-a of the village law, as added
50 by chapter 960 of the laws of 1977 and the opening paragraph as amended
51 by chapter 30 of the laws of 2013, is amended to read as follows:

52 4. In any case in which the proposition provided for in subdivision
53 one of this section shall have resulted in favor of the local government
54 operating principally as a town, then, at the regular village election
55 next ensuing, all offices to be filled thereat shall be filled for terms
56 to end at the conclusion of the then current calendar year. The term of

1 office of each other elected village office shall also end at the
2 conclusion of said then current calendar year, notwithstanding that any
3 such term of office originally extended beyond such date. The offices of
4 supervisor, four town councilmen and two town justices shall be filled
5 by election as hereinafter provided at the November general election
6 next following the effective date of the creation of such town or anne-
7 xation of such territory; all other town offices shall be appointive.
8 The election of the supervisor, councilmen and justices shall be for
9 terms of office as follows:

10 (a) If such election is held in [~~an odd-numbered~~] the same year as a
11 regular village election, then the term of office for supervisor shall
12 be the term regularly provided by law; the terms of office for two coun-
13 cilmen shall be the terms regularly provided by law and the terms for
14 the other two councilmen shall be two years each; the term for each
15 justice shall be the term regularly provided by law. Upon the expiration
16 of the two year term for councilmen as above provided, the terms for
17 such offices shall be as regularly provided by law.

18 (b) If such election is held in [~~an even-numbered~~] a year without a
19 regular village election, then the term of office for supervisor shall
20 be one year; the terms of office for councilmen shall be one year for
21 two councilmen and three years for the other two councilmen and the
22 terms of office for each justice shall be for the remainder of the then
23 unexpired terms. Thereafter, each office shall be filled for the term
24 regularly provided by law.

25 § 6. Notwithstanding any inconsistent provision of law or of any other
26 general, special or local law, all elections of any position of a county
27 elected official, town elected official, or village elected official,
28 except a village elected official who is elected on a date not in Novem-
29 ber, shall occur on the Tuesday next succeeding the first Monday in
30 November. All such elections shall occur in an even-numbered year.

31 § 7. Notwithstanding any inconsistent provision of law or of any other
32 general, special, or local law, a county elected official, town elected
33 official, or village elected official, with exception of a village
34 elected official who is elected on a date not in November, presently
35 elected and serving their term as of the enactment of this act shall
36 complete their full term as established in local law.

37 § 8. Any county, town, or village official that is elected in an
38 odd-numbered year after the effective date of this act, excluding a
39 village elected official who is elected on a date not in November, shall
40 have their term expire as if such official were elected at the previous
41 general election held in an even-numbered year; provided however in no
42 event shall such expiration occur later than December 31 of such follow-
43 ing year. Such term shall be applicable to any general, special, or
44 local law pertaining to term limits. Nothing in this section shall
45 prohibit a county, town, or village from enacting a local law to alter
46 or permit alteration of an official's term limit.

47 § 9. Severability. If any provision of this act is held invalid or
48 ineffective in whole or in part or inapplicable to any person or situ-
49 ation, such invalidity or holding shall not affect, impair or invalidate
50 other provisions or applications of this act that can be given effect
51 without the invalid provision or application, and all other provisions
52 thereof shall nevertheless be separately and fully effective, and to
53 this end the provisions of this act are declared to be severable.

54 § 10. This act shall take effect immediately.