

# STATE OF NEW YORK

4282

2023-2024 Regular Sessions

## IN ASSEMBLY

February 14, 2023

Introduced by M. of A. PAULIN, SILLITTI, BURDICK, WALKER, DARLING, DICK-  
ENS, RAMOS, BURGOS -- read once and referred to the Committee on  
Election Law

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

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

Section 1. Section 80 of the town law is amended to read as follows:

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

§ 2. Subdivision 4 of section 17-1703-a of the village law, as amended  
by chapter 513 of the laws of 2022, is amended to read as follows:

4. In any case in which the proposition provided for in subdivision  
one of this section shall have resulted in favor of the local government  
operating principally as a town, then, at the regular village election  
next ensuing, all offices to be filled thereat shall be filled for terms  
to end at the conclusion of the then current calendar year. The term of  
office of each other elected village office shall also end at the  
conclusion of said then current calendar year, notwithstanding that any  
such term of office originally extended beyond such date. The offices of

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

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1 supervisor, four town council members and two town justices shall be  
2 filled by election as hereinafter provided at the November general  
3 election next following the effective date of the creation of such town  
4 or annexation of such territory; all other town offices shall be appoin-  
5 tive. The election of the supervisor, council members and justices shall  
6 be for terms of office as follows:

7 (a) If such election is held in an [~~odd-numbered~~] even-numbered year,  
8 then the term of office for supervisor shall be the term regularly  
9 provided by law; the terms of office for two council members shall be  
10 the terms regularly provided by law and the terms for the other two  
11 council members shall be two years each; the term for each justice shall  
12 be the term regularly provided by law. Upon the expiration of the two  
13 year term for council members as above provided, the terms for such  
14 offices shall be as regularly provided by law.

15 (b) If such election is held in an [~~even-numbered~~] odd-numbered year,  
16 then the term of office for supervisor shall be one year; the terms of  
17 office for council members shall be one year for two council members and  
18 three years for the other two council members and the terms of office  
19 for each justice shall be for the remainder of the then unexpired terms.  
20 Thereafter, each office shall be filled for the term regularly provided  
21 by law.

22 § 3. Subdivision 11 of section 7-104 of the election law, as added by  
23 chapter 411 of the laws of 2019, is amended to read as follows:

24 11. [~~The offices appearing on all ballots shall be listed in the~~  
25 ~~customary order~~] (a) The offices appearing on all ballots shall be list-  
26 ed in the order of precedence, as applicable to the offices up for  
27 election in any given year, as follows: electors for president and vice-  
28 president of the United States, governor and lieutenant governor, New  
29 York state comptroller, New York state attorney general, United States  
30 senator, member of the house of representatives, New York state senator,  
31 member of the New York state assembly. Any office which is not listed in  
32 this paragraph shall not appear on the ballot in a position before or  
33 ahead of an office which is listed.

34 (b) Immediately following the offices in paragraph (a) of this subdivi-  
35 vision, all other offices shall be placed upon the ballot in the custom-  
36 ary order; provided, further, that partisan offices regardless of the  
37 size of the constituency shall be listed before or ahead of nonpartisan  
38 offices and all candidates for judicial offices shall follow all other  
39 partisan offices.

40 § 4. Section 400 of the county law is amended by adding a new subdivi-  
41 sion 8 to read as follows:

42 8. All elections for any position of a county elected official shall  
43 occur on the Tuesday next succeeding the first Monday in November and  
44 shall occur in an even-numbered year; provided however, this subdivision  
45 shall not apply to an election for the office of sheriff, county clerk,  
46 district attorney, family court judge, county court judge, surrogate  
47 court judge, town justice, or any offices with a three-year term as of  
48 the effective date of this subdivision.

49 § 5. Notwithstanding any inconsistent provision of law or of any other  
50 general, special, or local law, a county elected official, or town  
51 elected official elected and serving their term as of January 1, 2025  
52 shall complete their full term as established in local law. This  
53 section shall not apply to an election for the office of sheriff, county  
54 clerk, district attorney, family court judge, county court judge, surro-  
55 gate court judge, and town justice.

1     § 6. Any county or town official that is elected in an odd-numbered  
2 year after January 1, 2025, shall have their term expire as if such  
3 official were elected at the previous general election held in an even-  
4 numbered year; provided however in no event shall such expiration occur  
5 later than December 31 of such following year. Such term shall be appli-  
6 cable to any general, special, or local law pertaining to term limits.  
7 Nothing in this section shall prohibit a county or town from enacting a  
8 local law to alter or permit alteration of an official's term limit.  
9 This section shall not apply to an election for the office of sheriff,  
10 county clerk, district attorney, family court judge, county court judge,  
11 surrogate court judge, and town justice.

12     § 7. Severability. If any provision of this act is held invalid or  
13 ineffective in whole or in part or inapplicable to any person or situ-  
14 ation, such invalidity or holding shall not affect, impair or invalidate  
15 other provisions or applications of this act that can be given effect  
16 without the invalid provision or application, and all other provisions  
17 thereof shall nevertheless be separately and fully effective, and to  
18 this end the provisions of this act are declared to be severable.

19     § 8. This act shall take effect immediately; provided however that  
20 sections one, two, three and four of this act shall take effect January  
21 1, 2025.