STATE OF NEW YORK

8560--D

2021-2022 Regular Sessions

IN ASSEMBLY

December 13, 2021

Introduced by M. of A. PAULIN, SILLITTI, GRIFFIN, BURDICK, WALKER, DARLING, DICKENS, RAMOS, BURGOS -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 Assembly, 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 substitute, 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.

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

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§ 2. Subdivision 4 of section 17-1703-a of the village law, as added by chapter 960 of the laws of 1977 and the opening paragraph as amended by chapter 30 of the laws of 2013, 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 supervisor, four town councilmen and two town justices shall be filled by election as hereinafter provided at the November general election next following the effective date of the creation of such town or annexation of such territory; all other town offices shall be appointive. The election of the supervisor, councilmen and justices shall be for terms of office as follows:

(a) If such election is held in an [~~odd-numbered~~] **even-numbered** year, then the term of office for supervisor shall be the term regularly provided by law; the terms of office for two councilmen shall be the terms regularly provided by law and the terms for the other two councilmen shall be two years each; the term for each justice shall be the term regularly provided by law. Upon the expiration of the two year term for councilmen as above provided, the terms for such offices shall be as regularly provided by law.

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

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

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

(b) Immediately following the offices in paragraph (a) of this subdivision, all other offices shall be placed upon the ballot in the customary order; provided, further, that partisan offices regardless of the size of the constituency shall be listed before or ahead of nonpartisan offices and all candidates for judicial offices shall follow all other partisan offices.

§ 4. Section 400 of the county law is amended by adding a new subdivision 8 to read as follows:

8. All elections for any position of a county elected official shall occur on the Tuesday next succeeding the first Monday in November and shall occur in an even-numbered year; provided however, this subdivision shall not apply to an election for the office of sheriff, county clerk,

district attorney, family court judge, county court judge, surrogate court judge, town justice, or any offices with a three-year term as of the effective date of this subdivision.

§ 5. Notwithstanding any inconsistent provision of law or of any other general, special, or local law, a county elected official, or town elected official elected and serving their term as of January 1, 2024 shall complete their full term as established in local law. This section shall not apply to an election for the office of sheriff, county clerk, district attorney, family court judge, county court judge, surrogate court judge, and town justice.

§ 6. Any county or town official that is elected in an odd-numbered year after January 1, 2024, shall have their term expire as if such official were elected at the previous general election held in an even-numbered year; provided however in no event shall such expiration occur later than December 31 of such following year. Such term shall be applicable to any general, special, or local law pertaining to term limits. Nothing in this section shall prohibit a county or town from enacting a local law to alter or permit alteration of an official's term limit. This section shall not apply to an election for the office of sheriff, county clerk, district attorney, family court judge, county court judge, surrogate court judge, and town justice.

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

§ 8. This act shall take effect immediately; provided however that sections one, two, three and four of this act shall take effect January 1, 2024.