

STATE OF NEW YORK

8560--C

2021-2022 Regular Sessions

IN ASSEMBLY

December 13, 2021

Introduced by M. of A. PAULIN -- 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

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

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

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1 county committee of each party in which nominations in any village are
2 made at a primary election shall file with the board of elections, at
3 least one week before the first day to file designating petitions for
4 such primary elections, a list of the name and address of the chairman
5 of the village committee or the village election chairman in each such
6 village. Such village chairman shall have general party responsibility
7 for the conduct of the village caucus or primary election. Such nomi-
8 nations shall be made not more than fifty-six, nor less than forty-nine
9 days prior to the date of the village election.

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

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

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

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

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

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

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

53 § 5. Subdivision 4 of section 17-1703-a of the village law, as added
54 by chapter 960 of the laws of 1977 and the opening paragraph as amended
55 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]~~ the same year as a regular village election, 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]~~ a year without a regular village election, 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.

§ 6. 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.

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

§ 8. Notwithstanding any inconsistent provision of law or of any other general, special, or local law, a county elected official, town elected official, or village elected official, with exception of a village

1 elected official who is elected on a date not in November, presently
2 elected and serving their term as of the enactment of this act shall
3 complete their full term as established in local law.

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

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

21 § 11. This act shall take effect immediately.