

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:

1 Section 1. Section 80 of the town law is amended to read as follows:
2 § 80. Biennial town elections. [~~Except as otherwise provided in this~~
3 ~~chapter, --a~~] A biennial town election for the election of town officers
4 and for the consideration of such questions as may be proposed by the
5 town board or the duly qualified electors, pursuant to the provisions of
6 this chapter, shall be held on the Tuesday next succeeding the first
7 Monday in November of every [~~odd-numbered~~] even-numbered year. All other
8 town elections are special elections. A town election or special town
9 election held pursuant to this chapter, shall be construed as a substi-
10 tute, for a town meeting or a special town meeting heretofore provided
11 to be held by law, and a reference in any law to a town meeting or
12 special town meeting shall be construed as referring to a town election
13 or special town election.

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

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

4 4. In any case in which the proposition provided for in subdivision
5 one of this section shall have resulted in favor of the local government
6 operating principally as a town, then, at the regular village election
7 next ensuing, all offices to be filled thereat shall be filled for terms
8 to end at the conclusion of the then current calendar year. The term of
9 office of each other elected village office shall also end at the
10 conclusion of said then current calendar year, notwithstanding that any
11 such term of office originally extended beyond such date. The offices of
12 supervisor, four town councilmen and two town justices shall be filled
13 by election as hereinafter provided at the November general election
14 next following the effective date of the creation of such town or an-
15 nexation of such territory; all other town offices shall be appointive.
16 The election of the supervisor, councilmen and justices shall be for
17 terms of office as follows:

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

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

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

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

45 (b) Immediately following the offices in paragraph (a) of this subdi-
46 vision, all other offices shall be placed upon the ballot in the custom-
47 ary order; provided, further, that partisan offices regardless of the
48 size of the constituency shall be listed before or ahead of nonpartisan
49 offices and all candidates for judicial offices shall follow all other
50 partisan offices.

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

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

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

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

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

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

29 § 8. This act shall take effect immediately; provided however that
30 sections one, two, three and four of this act shall take effect January
31 1, 2024.