STATE OF NEW YORK

10506

IN ASSEMBLY

May 29, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Walker) -- read once and referred to the Committee on Election Law

AN ACT to amend the public officers law, the second class cities law, the alternative county government law and the county law, in relation to requiring certain elections of public officials occur on even-numbered years

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

Section 1. Subdivision 2 of section 4 of the public officers law, as amended by chapter 9 of the laws of 1978, is amended to read as follows:

2. All terms of city officers, including supervisors, elected in any city or part of a city, and of county officers in the city of New York, shall expire at the end of an [~~odd-numbered~~] **even-numbered** year. Such officers shall be elected, except to fill a vacancy, at the general election in [~~odd-numbered~~] **even-numbered** years. [~~This subdivision shall not apply to any judicial officer.~~]

§ 2. Section 14 of the second class cities law is amended to read as follows:

§ 14. Elections. All elections of city officers, including supervisors and judicial officers of a city court or inferior local court, shall be held on the Tuesday succeeding the first Monday in November, and, except to fill vacancies, in an [~~odd-numbered~~] **even-numbered** year. All such elections shall be held at the same time and places as the general election held in such year, and shall be conducted in all respects in the same manner as general elections in cities are required to be conducted, and all the provisions of law relative to such elections shall be applicable to the election for officers of the city. In case of the failure to elect an elective city officer, except as otherwise provided herein, the office shall be deemed to be vacant for the purpose of choosing a successor and the vacancy shall be filled in the manner provided herein for the filling of a vacancy in such office happening otherwise than by expiration of term.

§ 3. Subdivision 2 of section 300 of the alternative county government law is amended to read as follows:

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

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2. If the comptroller is elective, the first comptroller elected under the form adopted shall be elected at the first general election after its adoption, except that, if the county has an elective county auditor at the time of such adoption, the first comptroller shall be elected at the general election in the last year of the term of the last county auditor elected or, if the office of such auditor becomes vacant before the last year of [~~his~~] **such comptroller's** term, at the next general election thereafter at which the vacancy may be filled by the election of a comptroller. The second comptroller shall be elected at the general election in the [~~second odd-numbered~~] **first even-numbered** year after the year in which the first comptroller is elected, and subsequent comptrollers shall be elected at the general election in every fourth year thereafter. The term of office of the comptroller shall be four years from and including the first day of January next following [~~his~~] **such** election, except that the first comptroller elected shall serve for a term of three years if [~~he~~] **the comptroller** is elected in an [~~even-numbered~~] **odd-numbered** year. A vacancy in the office of an elective comptroller occurring otherwise than by expiration of term shall be filled by appointment by the board of supervisors and the person so appointed shall hold office until the commencement of the calendar year next succeeding the first general election at which the vacancy may be filled.

§ 4. Subdivision 1 of section 400 of the county law, as amended by chapter 658 of the laws of 1985, is amended to read as follows:

1. Elective. There shall be elected a sheriff, county clerk, district attorney and county treasurer. Except in the county of Lewis, coroners shall continue to be elected as now provided by law until the office is abolished or the number is increased or diminished pursuant to the provisions of this chapter. Unless otherwise provided in this chapter, the term of office of each such officer shall [~~continue to be three years, except that the terms of office of sheriff, county clerk, county treasurer and coroner shall~~] be four years from and including the first day of January next succeeding [~~his~~] **such officer's** election. There shall be elected a county judge, surrogate, and judge of the family court as now or hereafter provided by law. The term of office of each such judicial officer shall be ten years from and including the first day of January next succeeding [~~his~~] **such officer's** election. **The sheriff, county clerk, district attorney, county treasurer and coroner or medical examiner shall be elected at a general election in an even-numbered year.**

§ 5. Notwithstanding any provision of any general, special or local law, charter, code, ordinance, resolution, rule or regulation to the contrary, an elected official subject to the requirements of sections one, two, three, or four of this act, elected and serving their term as of the effective date of this act shall complete their full term as established by law. Provided, however, that if the completion of such full term results in the need for an election in an odd-numbered year after the effective date of this act, the official elected at such election shall have their term expire as if such official were elected at the previous general election held in the previous even-numbered year.

§ 6. This act shall take effect on the same date as a "CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing amendments to section 21 of article 6, article 13, and section 6 of article 4 of the constitution, in relation to requiring certain elections be held in even-numbered years at the general election", takes effect, in accordance with

section 1 of article 19 of the constitution. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.