

# 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-num-  
bered years

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

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

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

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

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

25 § 3. Subdivision 2 of section 300 of the alternative county government  
26 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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1 2. If the comptroller is elective, the first comptroller elected under  
2 the form adopted shall be elected at the first general election after  
3 its adoption, except that, if the county has an elective county auditor  
4 at the time of such adoption, the first comptroller shall be elected at  
5 the general election in the last year of the term of the last county  
6 auditor elected or, if the office of such auditor becomes vacant before  
7 the last year of [~~his~~] such comptroller's term, at the next general  
8 election thereafter at which the vacancy may be filled by the election  
9 of a comptroller. The second comptroller shall be elected at the general  
10 election in the [~~second odd-numbered~~] first even-numbered year after the  
11 year in which the first comptroller is elected, and subsequent comp-  
12 trollers shall be elected at the general election in every fourth year  
13 thereafter. The term of office of the comptroller shall be four years  
14 from and including the first day of January next following [~~his~~] such  
15 election, except that the first comptroller elected shall serve for a  
16 term of three years if [~~he~~] the comptroller is elected in an [~~even-num-~~  
17 ~~bered~~] odd-numbered year. A vacancy in the office of an elective comp-  
18 troller occurring otherwise than by expiration of term shall be filled  
19 by appointment by the board of supervisors and the person so appointed  
20 shall hold office until the commencement of the calendar year next  
21 succeeding the first general election at which the vacancy may be  
22 filled.

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

25 1. Elective. There shall be elected a sheriff, county clerk, district  
26 attorney and county treasurer. Except in the county of Lewis, coroners  
27 shall continue to be elected as now provided by law until the office is  
28 abolished or the number is increased or diminished pursuant to the  
29 provisions of this chapter. Unless otherwise provided in this chapter,  
30 the term of office of each such officer shall [~~continue to be three~~  
31 ~~years, except that the terms of office of sheriff, county clerk, county~~  
32 ~~treasurer and coroner shall~~] be four years from and including the first  
33 day of January next succeeding [~~his~~] such officer's election. There  
34 shall be elected a county judge, surrogate, and judge of the family  
35 court as now or hereafter provided by law. The term of office of each  
36 such judicial officer shall be ten years from and including the first  
37 day of January next succeeding [~~his~~] such officer's election. The sher-  
38 iff, county clerk, district attorney, county treasurer and coroner or  
39 medical examiner shall be elected at a general election in an even-num-  
40 bered year.

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

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

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