STATE OF NEW YORK

4282--B

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

Introduced by M. of A. PAULIN, SILLITTI, WALKER, DARLING, DICKENS, RAMOS, BURGOS -- read once and referred to the Committee on Election Law -- 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

AN ACT to amend the town law, the village law, the county law, and the municipal home rule 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~~] **Notwithstanding any provision of any general, special or local law, charter, code, ordinance, resolution, rule or regulation to the contrary, a** biennial town election for the election of town officers**, other than town justices or any town office with a three-year term prior to January first, two thousand twenty-five,** 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. **Any town completely coterminous with a village shall continue to elect its officers, including town justices, in odd-numbered years if both such village and town last held such elections in an odd-numbered year prior to January first, two thousand twenty-five.**

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 amended by chapter 513 of the laws of 2022, 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 council members 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, council members 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 council members shall be the terms regularly provided by law and the terms for the other two council members 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 council members 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 council members shall be one year for two council members and three years for the other two council members 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. Section 400 of the county law is amended by adding a new subdivision 8 to read as follows:

8. Notwithstanding any provision of any general, special or local law, charter, code, ordinance, resolution, rule or regulation to the contrary, 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, or any offices with a three-year term prior to January first, two thousand twenty-five.

§ 4. Paragraph g of subdivision 3 of section 34 of the municipal home rule law, as amended by chapter 24 of the laws of 1988, is amended and a new paragraph h is added to read as follows:

g. In this chapter or in the civil service law, eminent domain procedure law, environmental conservation law, election law, executive law, judiciary law, labor law, local finance law, multiple dwelling law, multiple residence law, public authorities law, public housing law, public service law, railroad law, retirement and social security law, state finance law, volunteer firefighters' benefit law, volunteer ambulance workers' benefit law, or workers' compensation law[~~.~~]; and

h. Insofar as it relates to requirements for counties, other than counties in the city of New York, to hold elections in even-numbered years for any position of a county elected official, other than the office of sheriff, county clerk, district attorney, family court judge,

county court judge, surrogate court judge, or any county offices with a three-year term prior to January first, two thousand twenty-five.

§ 5. Notwithstanding any provision of any general, special or local law, charter, code, ordinance, resolution, rule or regulation to the contrary, a county elected official, or town elected official, subject to the requirements of sections one, two, three, or four of this act, elected and serving their term as of January 1, 2025 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 January 1, 2025, the county or town official elected at such election shall have their term expire as if such official were elected at the previous general election held in an even-numbered year. Provided, further, that such term shall not be applicable to any general, special, or local law pertaining to term limits. Nothing in this act shall prohibit a county, town, or any village subject to article seventeen of the village law, from enacting a local law to alter or permit alteration of an official's term limit.

§ 6. 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.

§ 7. This act shall take effect immediately; provided however that sections one, two, three and four of this act shall take effect January 1, 2025.