

STATE OF NEW YORK

4282

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

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

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 Assem-
bly, 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.
14 § 2. Subdivision 4 of section 17-1703-a of the village law, as amended
15 by chapter 513 of the laws of 2022, is amended to read as follows:
16 4. In any case in which the proposition provided for in subdivision
17 one of this section shall have resulted in favor of the local government
18 operating principally as a town, then, at the regular village election
19 next ensuing, all offices to be filled thereat shall be filled for terms
20 to end at the conclusion of the then current calendar year. The term of
21 office of each other elected village office shall also end at the
22 conclusion of said then current calendar year, notwithstanding that any
23 such term of office originally extended beyond such date. The offices of

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

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1 supervisor, four town council members and two town justices shall be
2 filled by election as hereinafter provided at the November general
3 election next following the effective date of the creation of such town
4 or annexation of such territory; all other town offices shall be appoin-
5 tive. The election of the supervisor, council members and justices shall
6 be for terms of office as follows:

7 (a) If such election is held in an [~~odd-numbered~~] even-numbered year,
8 then the term of office for supervisor shall be the term regularly
9 provided by law; the terms of office for two council members shall be
10 the terms regularly provided by law and the terms for the other two
11 council members shall be two years each; the term for each justice shall
12 be the term regularly provided by law. Upon the expiration of the two
13 year term for council members as above provided, the terms for such
14 offices shall be as regularly provided by law.

15 (b) If such election is held in an [~~even-numbered~~] odd-numbered year,
16 then the term of office for supervisor shall be one year; the terms of
17 office for council members shall be one year for two council members and
18 three years for the other two council members and the terms of office
19 for each justice shall be for the remainder of the then unexpired terms.
20 Thereafter, each office shall be filled for the term regularly provided
21 by law.

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

24 11. [~~The offices appearing on all ballots shall be listed in the~~
25 ~~customary order~~] (a) The offices appearing on all ballots shall be list-
26 ed in the order of precedence, as applicable to the offices up for
27 election in any given year, as follows: electors for president and vice-
28 president of the United States, governor and lieutenant governor, New
29 York state comptroller, New York state attorney general, United States
30 senator, member of the house of representatives, New York state senator,
31 member of the New York state assembly. Any office which is not listed in
32 this paragraph shall not appear on the ballot in a position before or
33 ahead of an office which is listed.

34 (b) Immediately following the offices in paragraph (a) of this subdivi-
35 vision, all other offices shall be placed upon the ballot in the custom-
36 ary order; provided, further, that partisan offices regardless of the
37 size of the constituency shall be listed before or ahead of nonpartisan
38 offices and all candidates for judicial offices shall follow all other
39 partisan offices.

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

42 8. All elections for any position of a county elected official shall
43 occur on the Tuesday next succeeding the first Monday in November and
44 shall occur in an even-numbered year; provided however, this subdivision
45 shall not apply to an election for the office of sheriff, county clerk,
46 district attorney, family court judge, county court judge, surrogate
47 court judge, town justice, or any offices with a three-year term as of
48 the effective date of this subdivision.

49 § 5. Notwithstanding any inconsistent provision of law or of any other
50 general, special, or local law, a county elected official, or town
51 elected official elected and serving their term as of January 1, 2025
52 shall complete their full term as established in local law. This
53 section shall not apply to an election for the office of sheriff, county
54 clerk, district attorney, family court judge, county court judge, surro-
55 gate court judge, and town justice.

1 § 6. Any county or town official that is elected in an odd-numbered
2 year after January 1, 2025, shall have their term expire as if such
3 official were elected at the previous general election held in an even-
4 numbered year; provided however in no event shall such expiration occur
5 later than December 31 of such following year. Such term shall be appli-
6 cable to any general, special, or local law pertaining to term limits.
7 Nothing in this section shall prohibit a county or town from enacting a
8 local law to alter or permit alteration of an official's term limit.
9 This section shall not apply to an election for the office of sheriff,
10 county clerk, district attorney, family court judge, county court judge,
11 surrogate court judge, and town justice.

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

19 § 8. This act shall take effect immediately; provided however that
20 sections one, two, three and four of this act shall take effect January
21 1, 2025.