

# STATE OF NEW YORK

7873

## IN SENATE

January 3, 2024

Introduced by Sen. WALCZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the town law, the village law, and the municipal home rule law, in relation to moving certain elections to odd-numbered years; and to repeal certain provisions of the county law and chapter 741 of the laws of 2023 amending 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, in relation thereto

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, as amended by chapter 741 of  
2 the laws of 2023, is amended to read as follows:

3 § 80. Biennial town elections. [~~Notwithstanding any provision of any~~  
4 ~~general, special or local law, charter, code, ordinance, resolution,~~  
5 ~~rule or regulation to the contrary~~] Except as otherwise provided in this  
6 chapter, a biennial town election for the election of town officers[~~r~~  
7 ~~other than town justices or any town office with a three-year term prior~~  
8 ~~to January first, two thousand twenty-five,~~] and for the consideration  
9 of such questions as may be proposed by the town board or the duly qual-  
10 ified electors, pursuant to the provisions of this chapter, shall be  
11 held on the Tuesday next succeeding the first Monday in November of  
12 every [~~even-numbered~~] odd-numbered year. All other town elections are  
13 special elections. A town election or special town election held pursu-  
14 ant to this chapter, shall be construed as a substitute, for a town  
15 meeting or a special town meeting heretofore provided to be held by law,  
16 and a reference in any law to a town meeting or special town meeting  
17 shall be construed as referring to a town election or special town  
18 election. [~~Any town completely coterminous with a village shall contin-~~  
19 ~~ue to elect its officers, including town justices, in odd-numbered years~~  
20 ~~if both such village and town last held such elections in an odd num-~~  
21 ~~bered year prior to January first, two thousand twenty-five.]~~

22 § 2. Subdivision 4 of section 17-1703-a of the village law, as amended  
23 by chapter 741 of the laws of 2023, 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 4. In any case in which the proposition provided for in subdivision  
2 one of this section shall have resulted in favor of the local government  
3 operating principally as a town, then, at the regular village election  
4 next ensuing, all offices to be filled thereat shall be filled for terms  
5 to end at the conclusion of the then current calendar year. The term of  
6 office of each other elected village office shall also end at the  
7 conclusion of said then current calendar year, notwithstanding that any  
8 such term of office originally extended beyond such date. The offices of  
9 supervisor, four town council members and two town justices shall be  
10 filled by election as hereinafter provided at the November general  
11 election next following the effective date of the creation of such town  
12 or annexation of such territory; all other town offices shall be appoin-  
13 tive. The election of the supervisor, council members and justices shall  
14 be for terms of office as follows:

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

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

30 § 3. Paragraphs g and h of subdivision 3 of section 34 of the municip-  
31 al home rule law, paragraph g as amended and paragraph h as added by  
32 chapter 741 of the laws of 2023, are amended to read as follows:

33 g. In this chapter or in the civil service law, eminent domain proce-  
34 dure law, environmental conservation law, election law, executive law,  
35 judiciary law, labor law, local finance law, multiple dwelling law,  
36 multiple residence law, public authorities law, public housing law,  
37 public service law, railroad law, retirement and social security law,  
38 state finance law, volunteer firefighters' benefit law, volunteer ambu-  
39 lance workers' benefit law, or workers' compensation law[~~, and~~

40 ~~h. Insofar as it relates to requirements for counties, other than~~  
41 ~~counties in the city of New York, to hold elections in even-numbered~~  
42 ~~years for any position of a county elected official, other than the~~  
43 ~~office of sheriff, county clerk, district attorney, family court judge,~~  
44 ~~county court judge, surrogate court judge, or any county offices with a~~  
45 ~~three-year term prior to January first, two thousand twenty-five].~~

46 § 4. Subdivision 8 of section 400 of the county law is REPEALED.

47 § 5. Section 5 of chapter 741 of the laws of 2023 is REPEALED.

48 § 6. This act shall take effect on the same date and in the same  
49 manner as chapter 741 of the laws of 2023, takes effect.