

STATE OF NEW YORK

9127

IN SENATE

April 29, 2024

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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:

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.

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

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

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

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

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

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

54 § 6. This act shall take effect on the same date as a "CONCURRENT
55 RESOLUTION OF THE SENATE AND ASSEMBLY proposing amendments to section 21
56 of article 6, article 13, and section 6 of article 4 of the constitu-

1 tion, in relation to requiring certain elections be held in even-num-
2 bered years at the general election", takes effect, in accordance with
3 section 1 of article 19 of the constitution. Effective immediately, the
4 addition, amendment and/or repeal of any rule or regulation necessary
5 for the implementation of this act on its effective date are authorized
6 to be made and completed on or before such effective date.