STATE OF NEW YORK

9385

IN SENATE

May 14, 2024

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

AN ACT to amend the election law and the village law, in relation to requiring village elections on the same date as general elections take place on even numbered years

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

Section 1. Subdivision 1 of section 15-104 of the election law, as amended by chapter 248 of the laws of 1983, paragraph b as amended by chapter 565 of the laws of 1998, paragraph c as amended by chapter 359 of the laws of 1989, and paragraph d as amended by chapter 684 of the laws of 2006, is amended to read as follows:

1. a. The general village election shall be held on the third Tuesday in March except in any village which presently elects, or hereafter adopts a proposition to elect, its officers on a date other than the third Tuesday in March. **Villages that have elections on the day of the general election in November shall hold such elections on the day of the general election in even numbered years.**

b. In any village in which the general village election, or a special village election for officers pursuant to this chapter, is scheduled to be held on the third Tuesday of March, for any year in which the seventeenth day of March shall fall on such Tuesday, the board of trustees of such village shall provide, by the resolution prescribed by paragraph b of subdivision three of this section, that such election shall be held on the eighteenth day of March. Any provision of a resolution adopted pursuant to this subdivision shall not otherwise alter the political calendar for any such election, which shall continue to be computed from the third Tuesday of March. Notwithstanding the provisions of subdivision five of this section, any provision of a resolution adopted pursuant to this subdivision shall be effective only if such provision is specifically published as provided by this section.

c. The board of trustees of a village may adopt a resolution, subject to a permissive referendum as provided in article nine of the village law, providing that village elections shall be conducted by the board of

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

LBD13123-06-4

elections. The board of trustees of a village which has adopted such a resolution and which is wholly in one county may also adopt a resolution providing that village elections shall occur on the day of the general election **in even numbered years** provided that all the election districts contained within such village are wholly within such village. Upon approval of such a resolution by the board of trustees and, if requested by petition, approval by a vote of the qualified voters of the village, the county board of elections shall conduct all village elections including in those cases in which such village elections are held on the day of the general election, primary elections, if any. Such resolution shall be effective for all elections in such village held more than six months after such resolution is adopted, provided however, that a resolution providing that village elections shall occur on the day of the general election **in even numbered years**, shall be effective for such elections in such village for which the primary election is held more than six months after such resolution is adopted.

d. Except as otherwise provided by law, to be elected in a village election, a candidate must receive more votes than any other candidate for the office. In the event of a tie at a village election, a run-off election shall be conducted pursuant to the provisions of section 15-126 of this article; provided, however, that if all candidates receiving an equal number of votes agree to waive a run-off election, the election shall be determined according to the provisions of paragraph d of subdivision two of section 15-126 of this article.

§ 2. Paragraph a of subdivision 7 of section 3-302 of the village law is amended to read as follows:

a. The board of trustees of any village which has provided that the terms of office of all trustees, or the terms of office of mayor and all trustees shall be four years, may, subject to permissive referendum, adopt a separate resolution or local law providing that general village elections shall be held biennially in the odd numbered years or in the even numbered years, as they shall determine, or may include in any resolution or local law providing that the terms of office of all trustees, or the terms of office of mayor and all trustees shall be four years, a provision that general village elections shall be held biennially in the odd numbered years or in the even numbered years**; provided, however, that such general village elections held on the day of the general election shall be held on even numbered years**. No such resolution or local law, however, shall become effective within thirty days prior to a general village election.

§ 3. Subdivision 8 of section 9-910 of the village law is amended to read as follows:

8. No special election shall be held hereunder in the [~~month~~] **months** of March**, October, or November**.

§ 4. The third undesignated paragraph of section 16-1600 of the village law is amended to read as follows:

A proposition for the reincorporation of a village under this article shall not be submitted at a special election during the months of February [~~or~~]**,** March**, October, or November**.

§ 5. Notwithstanding any provision of any general, special or local law, charter, code, ordinance, resolution, rule or regulation to the contrary, a village elected official, subject to the requirements of sections one, two, three, or four of this act, elected and serving their term as of the first of January next succeeding the date on which it shall have become a law 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 the first of January next succeeding the date on which it shall have become a law, the village 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.

§ 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 on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.