

A4282-B Paulin Same as [S 3505-B](#) SKOUFIS

Town Law

TITLE....Provides that certain local elections held outside of New York City shall be in an even-numbered year

Currently on Assembly Committee Agenda

Codes (DINOWITZ)

OFF THE FLOOR, Thursday, June 8, 2023

02/14/23 referred to election law

06/05/23 amend (t) and recommit to election law

06/05/23 print number 4282a

06/05/23 amend (t) and recommit to election law

06/05/23 print number 4282b

06/07/23 reference changed to codes

PAULIN, SILLITTI, WALKER, DARLING, DICKENS, RAMOS, BURGOS

Amd §80, Town L; amd §17-1703-a, Vil L; amd §400, County L; amd §34, Munic Home R L

Provides that certain local elections outside of New York City shall be in an even-numbered year.

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:

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~~] Notwithstanding any provision of any general, special or
 4 local law, charter, code, ordinance, resolution, rule or regulation to
 5 the contrary, a biennial town election for the election of town
 6 officers, other than town justices or any town office with a three-year
 7 term prior to January first, two thousand twenty-five, and for the
 8 consideration of such questions as may be proposed by the town board or
 9 the duly qualified electors, pursuant to the provisions of this chapter,
 10 shall be held on the Tuesday next succeeding the first Monday in Novem-
 11 ber of every [~~odd-numbered~~] even-numbered year. All other town elections
 12 are special elections. A town election or special town election held
 13 pursuant to this chapter, shall be construed as a substitute, for a town
 14 meeting or a special town meeting heretofore provided to be held by law,
 15 and a reference in any law to a town meeting or special town meeting
 16 shall be construed as referring to a town election or special town
 17 election. Any town completely coterminous with a village shall continue
 18 to elect its officers, including town justices, in odd-numbered years if
 19 both such village and town last held such elections in an odd-numbered
 20 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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1 § 2. Subdivision 4 of section 17-1703-a of the village law, as amended
2 by chapter 513 of the laws of 2022, is amended to read as follows:

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

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

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

32 § 3. Section 400 of the county law is amended by adding a new subdivi-
33 sion 8 to read as follows:

34 8. Notwithstanding any provision of any general, special or local
35 law, charter, code, ordinance, resolution, rule or regulation to the
36 contrary, all elections for any position of a county elected official
37 shall occur on the Tuesday next succeeding the first Monday in November
38 and shall occur in an even-numbered year; provided however, this subdivi-
39 vision shall not apply to an election for the office of sheriff, county
40 clerk, district attorney, family court judge, county court judge, surro-
41 gate court judge, or any offices with a three-year term prior to January
42 first, two thousand twenty-five.

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

46 g. In this chapter or in the civil service law, eminent domain proce-
47 dure law, environmental conservation law, election law, executive law,
48 judiciary law, labor law, local finance law, multiple dwelling law,
49 multiple residence law, public authorities law, public housing law,
50 public service law, railroad law, retirement and social security law,
51 state finance law, volunteer firefighters' benefit law, volunteer ambu-
52 lance workers' benefit law, or workers' compensation law[~~;~~]; and

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

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

3 § 5. Notwithstanding any provision of any general, special or local
4 law, charter, code, ordinance, resolution, rule or regulation to the
5 contrary, a county elected official, or town elected official, subject
6 to the requirements of sections one, two, three, or four of this act,
7 elected and serving their term as of January 1, 2025 shall complete
8 their full term as established by law. Provided, however, that if the
9 completion of such full term results in the need for an election in an
10 odd-numbered year after January 1, 2025, the county or town official
11 elected at such election shall have their term expire as if such offi-
12 cial were elected at the previous general election held in an even-num-
13 bered year. Provided, further, that such term shall not be applicable to
14 any general, special, or local law pertaining to term limits. Nothing in
15 this act shall prohibit a county, town, or any village subject to arti-
16 cle seventeen of the village law, from enacting a local law to alter or
17 permit alteration of an official's term limit.

18 § 6. Severability. If any provision of this act is held invalid or
19 ineffective in whole or in part or inapplicable to any person or situ-
20 ation, such invalidity or holding shall not affect, impair or invalidate
21 other provisions or applications of this act that can be given effect
22 without the invalid provision or application, and all other provisions
23 thereof shall nevertheless be separately and fully effective, and to
24 this end the provisions of this act are declared to be severable.

25 § 7. This act shall take effect immediately; provided however that
26 sections one, two, three and four of this act shall take effect January
27 1, 2025.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A4282B

SPONSOR: Paulin

TITLE OF BILL:

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

PURPOSE:

Provides that certain local elections held outside of New York City shall be held on election day in November in even-numbered years.

SUMMARY OF PROVISIONS:

Section 1: Amends section 80 of the town law to provide that biennial town elections shall be held on the Tuesday next succeeding the first Monday in November in even-numbered years. 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.

Section 2: Amends subdivision 4 of section 17-1703a of the village law by amending out references to odd-numbered year elections and updating language to match new even-numbered year election, guidelines for local governments operating principally as a town.

Section 3: Amends section 400 of the county law to require that all elections of a county elected official shall occur on the Tuesday next succeeding the first Monday in November in even-numbered years. This section does not apply to 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.

Section 4: Amends section 34 of the municipal home rule law to provide that a county charter or charter law shall not supersede any general or special law enacted by the legislature 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.

Section 5: States that 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.

Section 7: States severability.

Section 8: Sets effective date.

JUSTIFICATION:

New York's current system of holding certain town and other local elections on election day, but in odd-numbered years leads to voter confusion and contributes to low voter turnout in local elections. Studies have consistently shown that voter turnout is the highest on the November election day in even-numbered years when elections for state and/or federal offices are held. Holding local elections at the same time will make the process less confusing for voters and will lead to greater citizen participation in local elections.

LEGISLATIVE HISTORY:

A.8560-D of 2021 and 2022, referred to Election Law; same as S.6197-D of 2021 and 2022, referred to Elections.

FISCAL IMPLICATIONS:

Anticipated savings to local governments from the consolidation of various elections at different times of the year on election day in even-numbered years.

EFFECTIVE DATE:

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