



Memorandum in Opposition

A.4282-B (Paulin) / S.3505-B (Skoufis)

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 New York State Association of Counties (NYSAC) has reviewed the above referenced legislation and opposes the enactment of this bill into law.

This legislation mandates that local elections held outside of New York City shall be held on even-numbered years. This requirement would apply to the elections of any county, or town official, with the exception of constitutionally elected officers like county clerks, district attorneys, and sheriffs.

The intent of this legislation is to increase voter turnout in local elections as, traditionally, in even number years have higher rates due to the interest in Federal and Statewide elections. However, by moving some and not all local elections, those that remain in odd number years (including but not limited to city, village, county constitutional officers, judges, and school board members) there will be less, not more, awareness of these elections that remain and therefore will result in less turnout.

Regardless of increased or decreased turnout, the legislation violates constitutionally protected home rule powers by pre-empting a county charter, local law and local referendum powers and forcing a change to the term of an elected official.

This legislation is also contrary to the spirit of home rule to allow the issue of whether county legislatures may adopt provisions relating, as these do, to their "affairs or government" to turn on the existence or nonexistence of county charters. Our statutes, as they have evolved, now allow counties considerable latitude to choose that structure of local government which is best tailored to serve particular community needs. An aspect of government organization as limited as the method of filling legislative vacancies can hardly have been intended to be excepted. To resort to implication to find that power non-existing unless it is included in a comprehensive county charter would not only confine the authority of local governing bodies far more closely than the import of any language in the home rule article suggests, but, by its over-restrictive nature, would tend to undermine initiative on the part of local government. It would also run counter to article IX's command that the rights and powers granted to local governments "shall be liberally construed" (NY Const, art IX, § 3, subd [c]).

Lastly, the narrow scope of this bill which only impacts county executives, county legislators, county board of supervisors, and town officials is nothing more than a veneer to usurp the home rule authority of local governments to establish a governance structure that is best suited for their community.

It is for the abovementioned reasons that NYSAC opposes the enactment of this legislation.

TO: Assembly Sponsor; Senate Sponsor; Assembly Election Law; Senate Elections

The New York State Association of Counties is a bipartisan municipal association serving all the counties of New York. Organized in 1925, NYSAC's mission is to represent, educate, advocate for and serve our member counties and the thousands of elected and appointed county officials who serve the public. For more information, visit www.nysac.org.