

Even-Year Election Litigation Update



On October 8, 2024, the Onondaga Supreme Court issued an order and decision stating that the “Even-Year Election Bill” adopted by New York State in 2023 violated Article IX of the New York State Constitution and could not be enforced. In short, the Even-Year Election Bill changed the election years for certain county and town officials from odd years to even years in order to coincide with state and federal elections. The state’s justification in adopting this law was that it would increase voter turnout in local elections and reduce confusion. Multiple counties and towns around the state commenced lawsuits challenging the law on the basis that it violated Article IX of the New York State Constitution, which essentially grants local governments authority over local matters (also known as and referred to as home rule authority). The various lawsuits were consolidated into one action, and all arguments on the matter were heard by Onondaga Supreme Court.

Much of the opinion addressed legalities specific to counties and the state’s ability to supersede county charter provisions; however, the parts of determination that the Even-Year Election Bill violated Article IX of the New York State Constitution equally applied to the town plaintiffs. Specifically, in order to adopt a special (as opposed to a general) law on a matter of local concern, the state must have a home rule message accompanying such law, or the matter must be on a substantial area of state interest. Here, the court stated that the timing of local elections was not a matter of state concern, and therefore, the state did not have the authority to adopt legislation changing it.

In reaching this conclusion, the court noted that New York City was not included in the even-year election bills, nor were all local government offices, thus undermining the state’s assertion that the law furthered a state interest. The court also supported its finding that the timing of local elections is a matter of local and not state concern by pointing out that the data regarding voter drop-off and ballot fatigue when local and state elections were combined showed there was no impact on state offices; however, there was a decidedly higher percentage of blank votes for local offices when they were on the ballot at the same time as state offices. The court succinctly summarized its findings by stating “[a]s we have seen with Article IX, the fact is it would take a constitutional amendment to change the elections for any local offices ... there is simply no state interest in the timing and changing of terms of local offices.”

The Association of Towns will continue to keep members updated on any developments regarding the Even-Year Election Bill. If you have questions regarding this bill, please email info@nytowns.org.