



Update: Court of Appeals Upholds the Even-Year Elections Law

In 2023, legislation, referred to as the Even Year Election Law, or EYEL, was adopted changing most town elections, excluding town justices, from odd-numbered years to even-numbered years beginning with the November 2025 election cycle. The stated goal is to increase voter participation by aligning local elections with higher-turnout state and federal races. This legislation was challenged in court, and a trial level court determined that the law was unconstitutional, among other things, which resulted in the legislation being stayed or paused. The state appealed to the Fourth Department, Appellate Division, one of the intermediate level appeals court in the state, which overturned the trial court's decision by finding that the even-year election law was constitutional and should be implemented for the 2025 election cycle. The case went before the Court of Appeals, and on October 16, 2025 the court issued a decision upholding the validity of EYEL. A summary of the decision can be found on NYAOT's Legislative Resource Hub on nytowns.org.

Frequently Asked Questions

I'm running for election in 2025, what does the Court of Appeals decision mean for me?

All town offices, except for town justices, on the ballot for November 2025 will have their term of office reduced by 1 year. In other words, if the position usually has a 2 year term of office it will be reduced to 1 year, and in 2026 the position will be on the ballot again for the standard 2 year term. If the position usually has a 4 year term of office it will be reduced to a 3 year term, and the position will be on the ballot again in 2028 and go back to the standard 4 year term.

What if I was elected to a 4 year position in 2023?

Those elected to a position with a 4 year term of office in 2023 will serve that full term. Once that position is on the ballot again in 2027, it will be for a 3 year term. Then, when the position is on the ballot again in 2030, it will return to a 4 year term of office.

What offices are impacted by this legislation?

In addition to elected town officials (excluding town justices), the legislation also shifts various county-level positions, such as county legislators, to even-year election cycles.

Does this law impact appointed town officials?

Town Law § 24 provides that the appointed offices of town clerk, superintendent of highways, receiver of taxes, town engineer, and town attorney hold their respective offices until the first

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day of January next succeeding the first *biennial town election held after the time of their appointment*. Pursuant to Town Law § 80, a biennial town election shall be held in November of every even-numbered year, and all other town elections are special elections. **Accordingly, the election that occurred on November 4, 2025, is a special town election and is not considered a biennial town election for purposes of calculating the term of an appointed officer that is tied to the biennial election.** Therefore, any appointed officer whose term is tied to the biennial town election and was appointed on January 1, 2024 will serve a term through December 31, 2026 (instead of 2025), due to the fact that the 2025 election was not a biennial election. Those appointed officers will be appointed to a two year term on January 1, 2027, effective until the next biennial election.

What if I'm running to fill a vacancy?

The law does not specifically address vacancies. It says “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.”

It seems like the language would apply as follows to the hypothetical situation of someone running in 2025 to complete the remainder of a term that was originally set to expire December 31, 2027.

The full term would have ended December 31, 2027, meaning the next election for that seat would normally happen in November 2027, an odd-numbered year after 2025. That triggers the law quoted above. So, according to the statute, the person elected in that 2025 election will have their term expire as if they were elected in the previous even-numbered year (2024). The individual elected in 2025 to fill the vacancy would take office January 1, 2026, just like normal. But, instead of serving until 12/31/2027, your term will end 12/31/2026 — because that's when the term would have ended if you had been elected in 2024 (the “previous general election held in an even-numbered year”). Therefore, the individual would need to run again in 2026 to stay in office.

Why aren't all local elections included?

Town justices and county judges are excluded due to constitutional provisions, which require a constitutional amendment to change their election years. City elections are excluded for the same reason. Village elections are not included because villages operate on separate statutory election cycles and conduct their own elections.

However, there is legislation, A7369/S5851, that calls for a constitutional amendment to change city elections, town justices, and the various county positions currently excluded to even-year elections. Because it calls for a constitutional amendment the legislation must pass the Legislature two consecutive years and then be placed on the ballot at a general election for residents in the state to vote on. If a majority votes in favor, then the change becomes part of the New York Constitution (see New York State Constitution Article XIX § 1).

Year Elected	Standard Term of Office	Term of office to implement EYEL	Next year office up for election
2023	4 years	N/A	2027
2023	2 years	N/A	2025
2025	4 years	3 years	2028
2025	2 years	1 year	2026
2026	2 years	N/A	2028
2027	4 years	3 years	2030
2028	4 years	N/A	2032
2028	2 years	N/A	2030