

To be Argued by:
ROBERT F. JULIAN
(Time Requested:
to be determined)

APL-2025-00088

Onondaga County Clerk's Index Nos. 003095/2024, 605931/2024,
EFCA2024-000920, EF2024-276591, 006686/2024, EF2024-00001746,
032196/2024, 004023/2024, and 2024-51659

Appellate Division—Fourth Department Docket No. CAE 25-00494

Court of Appeals

of the

State of New York

THE COUNTY OF ONONDAGA, THE ONONDAGA COUNTY
LEGISLATURE and J. RYAN MCMAHON, individually and as a voter
and in his capacity as Onondaga County Executive,

Plaintiffs-Appellants,

— against —

THE STATE OF NEW YORK, KATHLEEN HOCHUL, in her capacity as
Governor of the State of New York and DUSTIN M. CZARNY, in his capacity
as Commissioner of the Onondaga County Board of Elections,

Defendants-Respondents.

(For Continuation of Caption See Inside Cover)

REPLY BRIEF FOR PLAINTIFFS-APPELLANTS ONEIDA COUNTY, ET AL.

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Date Completed: July 23, 2025



COUNSEL PRESS

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– and –

KEVIN P. RYAN, in his capacity as Commissioner
of the Onondaga County Board of Elections,

Defendant-Appellant.

Action No. 1, Index No. 003095/2024

THE COUNTY OF NASSAU, THE NASSAU COUNTY LEGISLATURE,
and BRUCE A. BLAKEMAN, individually and as a voter and in his official
capacity as Nassau County Executive,

Plaintiffs-Appellants,

– against –

THE STATE OF NEW YORK and KATHY HOCHUL,
in her capacity as the Governor of the State of New York,

Defendants-Respondents.

Action No. 2, Index No. 605931/2024

THE COUNTY OF ONEIDA, THE ONEIDA COUNTY BOARD OF
LEGISLATORS, ANTHONY J. PICENTE, JR., individually as a voter and in
his capacity as Oneida County Executive and ENESSA CARBONE, individually
and as a voter and in her capacity as Oneida County Comptroller,

Plaintiffs-Appellants,

– against –

THE STATE OF NEW YORK and KATHLEEN HOCHUL,
in her capacity as Governor of the State of New York,

Defendants-Respondents.

Action No. 3, Index No. EFCA2024-000920

COUNTY OF RENSSELAER, STEVEN F. MCLAUGHLIN, individually
as a Voter, and in his capacity as Rensselaer County Executive
and the RENSSELAER COUNTY LEGISLATURE,

Plaintiffs-Appellants,

– against –

THE STATE OF NEW YORK and KATHLEEN HOCHUL,
in her capacity as Governor of the State of New York,

Defendants-Respondents.

Action No. 4, Index No. EF2024-276591
Onondaga County Index No. 006686/2024

JASON ASHLAW, JOANN MYERS, TANNER RICHARDS,
STEVEN GELLAR, EUGENE CELLA, ROBERT FISCHER, JAMES JOST,
KEVIN JUDGE, THE COUNTY OF SUFFOLK, THE TOWN OF
HEMPSTEAD, THE TOWN OF ISLIP, THE TOWN OF SMITHTOWN,
THE TOWN OF CHAMPION and THE TOWN OF NEWBURGH,

Plaintiffs-Appellants,

– and –

ROBERT MATARAZZO, THE TOWN OF BROOKHAVEN,
THE TOWN OF HUNTINGTON and THE TOWN OF NORTH HEMPSTEAD,

Plaintiffs,

– against –

THE STATE OF NEW YORK, KATHLEEN HOCHUL,
in her capacity as Governor of the State of New York, JOHN ALBERTS, in his
capacity as Commissioner of the Suffolk County Board of Elections, BETTY
MANZELLA, in her capacity as Commissioner of the Suffolk County Board of
Elections, THE SUFFOLK COUNTY BOARD OF ELECTIONS, JOSEPH
KEARNEY, in his capacity as Commissioner of the Nassau County Board of
Elections, JAMES SCHEUERMAN, in his capacity as Commissioner of the
Nassau County Board of Elections, THE NASSAU COUNTY BOARD OF
ELECTIONS, LOUISE VENDEMARK, in her capacity as Commissioner of the
Orange County Board of Elections, COURTNEY CANFIELD GREENE, in her
capacity as Commissioner of the Orange County Board of Elections and
THE ORANGE COUNTY BOARD OF ELECTIONS,

Defendants-Respondents.

– and –

MICHELLE LAFAVE, in her capacity as Commissioner of the Jefferson County
Board of Elections, JUDE SEYMOUR, in his capacity as Commissioner of
Jefferson County Board of Elections, MARGARET MEIER, in her capacity as
Commissioner of the Jefferson County Board of Elections, THE JEFFERSON
COUNTY BOARD OF ELECTIONS,

Defendants.

Action No. 5, Index No. EF2024-00001746

COUNTY OF ROCKLAND and EDWIN J. DAY, in his individual
and official capacity as Rockland County Executive,

Plaintiffs-Appellants,

– against –

THE STATE OF NEW YORK,

Defendant-Respondent.

Action No. 6, Index No. 032196/2024

STEVEN M. NEUHAUS, individually, and as a voter in his capacity as Orange County Executive, THE COUNTY OF ORANGE, THE ORANGE COUNTY LEGISLATURE, ORANGE COUNTY LEGISLATORS, KATHERINE E. BONNELLI, THOMAS J. FAGGIONE, JANET SUTHERLAND, PAUL RUSZKIEWICZ, PETER V. TUOHY, BARRY J. CHENEY, RONALD M. FELLER, GLANN R. EHLERS, KATHY STEGENGA, KEVIN W. HINES, JOSEPH J. MINUTA, LEIGH J. BENTON, ROBERT C. SASSI and JAMES D. O'DONNELL, individually and as voters,

Plaintiffs-Appellants,

– against –

KATHLEEN HOCHUL, in her capacity as Governor of the State of New York, THE STATE OF NEW YORK, ORANGE COUNTY REPUBLICAN COMMITTEE, ORANGE COUNTY DEMOCRATIC COMMITTEE, CONSERVATIVE PARTY OF NEW YORK STATE and NEW YORK WORKING PARTY,

Defendants-Respondents.

Action No. 7, Index No. 004023/2024

THE COUNTY OF DUTCHESS, THE DUTCHESS COUNTY LEGISLATURE and SUSAN J. SERINO, individually and as a voter in her capacity as Dutchess County Executive,

Plaintiffs-Appellants,

– against –

THE STATE OF NEW YORK, KATHLEEN HOCHUL, in her capacity as Governor of the State of New York,

Defendants-Respondents.

Action No. 8, Index No. 2024-51659

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REPLY PRELIMINARY STATEMENT

The State’s defense of the Even Year Election Law (“EYEL”) is riddled with contradictions. The State acknowledges that the Constitution establishes a bill of rights for local governments, but in the same sentence argues that one of those rights—of counties to adopt alternative forms of government—“is merely a direction to the Legislature” (State Br. at 2).¹ The State insists that counties may adopt alternative forms of government only as “provided by the Legislature” by general law, but ignores that the Constitution also empowers counties to adopt “alternative forms of their own” (*see* N.Y. Const. art. IX, § 1[h][1]). The State argues that the EYEL is “general” but concedes that it applies differently in at least eight counties (Putnam, Madison, Saratoga, Chenango, Columbia, Fulton, Warren, and Ontario) (*see* State Br. at 41–42). And the State argues that it has a substantial interest in changing the timing of elections, but glosses over that the EYEL does more—it truncates and changes the terms of the purely local county offices (such as county legislator) and exempts the traditional state offices (such as district attorney).

These contradictions do not demonstrate the State’s intent to “act[] within existing constitutional constraints” (State Br. at 41). Rather, they strain the Constitution to a breaking point, trading centuries of progress in securing counties

¹ The State of New York and Governor Kathy Hochul submitted a respondents’ brief in these appeals, which will be referred to as the “State Brief” or “State Br.” The County’s appellant’s brief will be referred to as “Oneida Brief” or “Oneida Br.”

Constitutional authority to restructure for political advantage. One must also ask if the concern is truly to expand voting participation, why has the Legislature not taken the parallel step to require New York City and other municipal elections to be even-year and to repeal the constitutional amendment requiring city elections to be in odd years? And isn't the interest of having local elections the focus of the voter, the motivation for Constitution article XIII(8), a local concern? The truth is if there were truly a State concern, all local and municipal governments would be included in a broad effort to expand voter rights rather than the present pointedly political effort (*see O'Brien v Boyle*, 219 NY 195, 199 [1916]). But the Constitution stands in the way. If Legislature wants to make such a profound trade, it should propose a Constitutional amendment and let the People weigh its advantages and disadvantages.

A. The State ignores that Section 1(h)(1) empowers Counties to adopt “alternative forms of their own,” and the EYEL erodes this right by truncating the terms of county offices and barring certain terms altogether.

The State contends that Section 1(h)(1) of the Bill of Rights for Local Governments “does not grant counties any freestanding rights at all” and that counties may only adopt such alternative forms of government as provided by the Legislature (State Br. at 25–26). But this is only half the story. Section (1)(h)(1) provides that “Counties . . . *shall* be empowered by general law, or by special law enacted upon county request . . . to adopt . . . alternative forms of county government

provided by the legislature or to prepare, adopt, amend or repeal *alternative forms of their own*” (N.Y. Const. art. IX, § 1[h][1] [emphasis added]). It is clear that Section 1(h)(1) is not “merely a direction to the Legislature” (State Br. at 2). It is an imperative and confers an affirmative right to counties that the Legislature is not free to disregard.

This amendment was centuries in the making (*see* Oneida Br. at 12–16). “The basic organization of the county was established in colonial times” (New York State Special Legislative Committee on Revision and Simplification of the Constitution, *Staff Report on County Government*, at 4 [1958]²). Historically, counties were considered “direct regional agents” of the State and their officers—the sheriffs, county court judges, district attorneys, *et cetera*—were effectively *State* officers (*Westchester County Civ. Serv. Empls. Asso. v Del Bello*, 70 AD2d 604, 606 [2d Dept 1979] [O’Connor, J. Dissenting], *rev’d on diss. op.* 47 NY2d 886 [1979]; *see also* Seabury Mastick, *New York’s Struggle for County Home Rule*, 26 Nat’l Mun. Rev. 572, 572–73 [1937]). By the twentieth century county governments were relics and lacked the executive-type offices needed to modernize and develop (*see Mastick, supra* at 572–73). After decades of failed starts,³ counties only secured true structural

² This report, which is 149 pages in length, was a basis for the subsequent constitutional amendments. Excerpts from it, and other hard-to-find sources, are provided in Oneida County’s compendium of authorities.

³ The 1915 Constitutional Convention, the 1935 Fearon Amendment, and the 1958 Amendment (*see* County Br. at 14–16).

autonomy with the adoption of Section 1(h)(1) in 1963. This amendment was ratified by the People (*see generally* N.Y. Const. art. XIX, § 1)

The State has no right to trade this amendment away. Nineteen of the 62 counties have restructured into alternative forms of government—and Columbia County is thinking of joining them.⁴ Oneida County was one of the first, and in 1961 adopted a charter establishing the elective offices of County Executive and County Comptroller with four-year terms, choosing to elect said officers and the County legislators at odd year elections (*see* SR-78, SR-82). It established the elective office of county legislator with a term of two years (SR-179). The People of the County ratified the charter and its offices have stood undisturbed for over 60 years⁵ (*see* R. 212, SR-72). Yet the EYEL truncates the terms of those offices by a year for the next election (*see* R. 1390). Moreover, it bars the County from ever again establishing an office with an odd term of years (because elections for any such office would take place in odd years, half the time). Thus, it violates two expressions of the popular will—the decision of the People of the State to ratify Section 1(h)(1) and the decision

⁴ *See* Roger Hannigan Gilson, *Partisan Divide Widens Over Proposed Columbia County Executive as Petition is Tossed*, Times Union [July 7, 2025], available at <https://www.timesunion.com/hudsonvalley/news/article/columbia-county-executive-signatures-ballot-prop-20421695.php> [last accessed July 22, 2025] ; *see also see* James Coon, *Adopting and Amending County Charters*—New York State Department of State Local Government Technical Series, available at <https://dos.ny.gov/adopting-and-amending-county-charters> [last accessed July 22, 2025].

⁵ With the caveat that the County did not switch its Legislature from a Board of Supervisors to a Board of County Legislators until 1967, which was 58 years ago (*see* SR-112).

of the People of Oneida County to ratify the Oneida County Charter. And, it bars any future expression of the popular will to establish terms of office of one year (or three, or five).

The People have also chosen to hold their local elections in odd-numbered years (*see* Oneida Br. at 8–9). For more than a century after the Founding, they fought to free New York City from domination by the State Legislature (*see* W. Bernard Richland, *Constitutional City Home Rule in New York*, 54 Colum. L. Rev. 311, 316 [1954]). They pressed the issue at the Constitutional Convention of 1894 and left with a single home rule victory: a constitutional amendment moving city elections to odd years (for all cities, not just New York City), ensuring that local issues are determined apart from state and national issues. The reasoning for the amendment was explained and constitutes a policy choice made by the People regarding odd year elections—to allow proper voter focus on local issues (*see O'Brien v Boyle*, 219 NY 195, 199 [1916]; F. T. Hamlin, *The New York Constitutional Convention*, 4 Yale L.J. 213, 217 [1895]). To this day, the Constitution requires that elections for all city offices, *including for city supervisors*, occur in odd years—consistent with the will of the People at the 1894 Convention (*see* N.Y. Const. art. XIII, § 8). And by similar enactment, the People of Oneida County in 1961 ratified that their new charter officers would be elected in odd-years (SR-79,

SR-82).⁶ This kept the charter officers on the same election cycle as the town supervisors of the County, who had been elected in odd years since 1901, and the city supervisors for whom the Constitution had prescribed odd year elections since 1894 (*see* Ch. 34, L. 1901).

It is here that the State meets an expression of the popular will that it cannot evade. The EYEL squarely requires that “all elections for any position of a county elected official shall occur . . . in an even-numbered year” (R. 1390). Yet the Constitution requires that city supervisors be elected in odd years (*see* N.Y. Const. art. XIII, § 8). City supervisors continue to serve on the county boards of supervisors for seven counties (Madison, Saratoga, Chenango, Columbia, Fulton, Warren, and Ontario). They serve alongside the town supervisors in those counties (*see* County Law § 150). Thus, the only way to square the EYEL with the Constitution would be to conclude that half of the members of these boards are city officers and the other half county officers, and to then stagger the elections so that the town supervisors are elected in even years (under the EYEL) and the city supervisors are elected in odd years (under the Constitution) (*cf. Baldwin v City of Buffalo*, 6 NY2d 168, 174

⁶ This was no simple feat. The County adopted its Charter in 1961, meaning it could be ratified by the People only in November that year. Consequently, the new charter offices—such as County Executive and County Comptroller—would be elected in 1962 (an even year). To ensure that these offices would be put on an odd-year election schedule, the Charter made the initial term of County Executive five years (standing for reelection in 1967) and the initial term of County Comptroller three years (standing for reelection in 1965)—with both offices to revert to four-year terms thereafter (*see* SR-79, SR-82).

[1959] [“It must be conceded that, for some purposes, a member of a County Board of Supervisors elected from a city is a city officer”]). If the Legislature truly possessed this dramatic power to upset local legislatures, unchecked by the Constitution, why has it manifested only now nearly a century after the first county home rule amendment (*see Story v Craig*, 231 NY 33, 40 [1921] [Cardozo, J.] [“We do not readily overturn the settled practice of the years”]; *Rathbone v. Wirth*, 150 NY 459, 515 [1896] [“[L]egislative policy which has prevailed for so long a period, sanctioned by numerous statutes, never questioned in the courts, and acquiesced in by all departments of the state and municipal governments, is a practical construction of the provision now in question; and this construction ought not now to be disturbed”])?

The State tries to sanitize the EYEL by arguing that it merely effects the timing of local elections (ignoring the policy basis for and existence of Article XIII(8) of the State Constitution), which the State controlled under nineteenth century amendments to the Constitution (*see Stat Br.* at 5–9). But this argument fails for three reasons. First, the State’s cited amendments date to the 1800s and therefore predate home rule in New York and the County home rule amendments of 1935, 1958, and 1963 (*see generally Bareham v City of Rochester*, 246 NY 140, 149 [1927] [in construing the city home rule amendment of 1923, saying “a municipality is empowered to modify an election law in so far as that law affects the property,

government, or affairs of the municipality; *i.e.*, in so far as it affects the election of the local officers”]; *see also* N.Y. Const. art. III, § 26 [2] [1935]; N.Y. Const. art. IX, § 2[b] [1959]; N.Y. Const. art. IX, § 1[h][1]). Second, the EYEL does more than dictate the times when elections may occur—it truncates the terms of existing county offices by a year and bars counties from adopting certain terms of office for their officers (one year, three years, five years) (*see* R. 1390). Third, it directly contradicts the policy expressed in the adoption of Article XIII(8) of the Constitution that holds that the paramount State and Local interest is odd year elections because they offer voters the opportunity to have a local focus.

What all this boils down to is that the People in adopting the County home rule amendments chose to “transfer . . . power to local governments . . . allowing them all the leeway necessary” to “create new conceptions of efficient governments responsive to the needs and desires of the electorate” (*see Westchester County Civ. Serv. Emp. Ass’n, Inc. v Del Bello*, 70 AD2d 604, 607 [2d Dept 1979] [O’Connor, J. dissenting], *rev’d on diss. op.* 47 NY2d 886 [1979]). This transfer is evident in the Constitution, which squarely “empower[s]” counties to choose new structures and directs that such “right . . . be liberally construed” (*see* N.Y. Const. art. IX, §§ 1[h][1] [“Counties . . . shall be empowered”], § 3[c] [“rights, powers, privileges and immunities granted to local governments by this article shall be liberally construed”])). And there can be no gainsaying it because the Legislature in 1963,

when implementing the Bill of Rights for Local Governments, squarely recognized the rights of charter counties to set the terms of their offices (*see* MHRL § 33[3][b] [“A County charter shall provide for . . . terms of office . . . of . . . officers”]; *see also Harkenrider v Hochul*, 38 NY3d 494, 554 n. 11 [2022] [explaining that a Constitutional reform’s implementing legislation is evidence of the intent underlying the Constitutional amendment itself]).

B. The Court should recognize a limit to the State concern doctrine of *Adler v. Deegan* and its progeny, and invalidate State laws invading County structural decisions.

The State does not address the County’s contention that the Court should recognize a limit to the State concern doctrine implied by *Adler v. Deegan* and its progeny (*see* County Br. at 11–12, 20–21). The Constitution provides that the Legislature “shall have the power to act in relation to the property, affairs, or government of any local government only by general law,”⁷ meaning a law “which in terms and effect applies alike to all counties” (N.Y. Const. art. IX, § 2[b][2]; N.Y. Const. art. IX, § 3[d][1]). *Adler* established that an issue is not an “affair of a locality” if it involves a matter of state concern—and therefore, the State may pass laws with clearly local effects (and specific to a single locality) by articulating a substantial state concern in the subject matter (*Adler v Deegan*, 251 NY 467, 487 [1929] [Cardozo, C.J., concurring]; *see also Uniformed Firefighters Ass’n v City of New*

⁷ Or by a special law upon the county’s request, which is not relevant to this case.

York, 50 NY2d 85, 90 [1980]). Thus, a state law regulating slums in New York City—and nowhere else—could be upheld notwithstanding the city home rule amendment of 1923.

Adler was wrongly decided (see Richland, *supra* at 331 [“If this is indeed the law, then there has never been even a modicum of home rule in New York”]; Carmen Putrino, *Home Rule: a Fresh Start*, 14 Buff L. Rev. 484, at 492 n. 47 [1965] [“The courts have confused the state’s responsibility for assuring that something is done with the duty to do it itself”]). The Court should have abandoned it after the adoption of the Bill of Rights for Local Governments in 1963 (see Richard Briffault, *Local Government and the New York State Constitution*, 1 Hofstra L. & Pol’y Symp. 79, 90 [1996]). But the Court has not done so (see J.D. Hyman, *Home Rule in New York 1941-1965—Retrospect and Prospect*, 15 Buff L. Rev. 335, 343 [1965] [“There has not been the slightest retreat by the Court from the heart of the holding in the *Adler* case”]).

But even adhering to *Adler*, the Court may draw a line and invalidate State laws which intrude upon the offices of a county and contradicts the intent of the State Constitution as expressed in Article XIII(8). The structure of a local government—its officers and departments—is perhaps the *most* local of concerns, as *Adler* itself recognized when sustaining the constitutionality of the Multiple Dwelling Law (see *Adler*, 251 NY at 487–88 [Cardozo, C.J., concurring] [opining that the law was

constitutional because “The act is (not) a change of municipal government. The same city officers who have been charged with the enforcement of the law regulating . . . tenements are charged with it to-day”]). That intimacy is reinforced as the counties, which enjoy a constitutional amendment empowering them to adopt forms of their own choosing—and 19 of which have adopted charters, ratified by the People, establishing new local officers (*see* N.Y. Const. art. IX, § 1[h][1]). Likewise, in adopting Article XIII(8) of the Constitution which requires off year elections for cities, the People embraced the paramount local concern which is that odd year elections allow the electorate to focus on local elections.

This line-drawing would be consistent with post-*Adler* cases (*see Westchester County*, 70 AD2d at 610 [“as the power of local government to regulate and construct its own structure under article IX is broad, specific restrictions must be sought before we deny Westchester County the right to abolish the office of Sheriff”]⁸; *see also Resnick v Ulster County*, 44 NY2d 279, 286 [1978] [“even in the era when a very narrow interpretation was given to the home rule provisions, municipalities were accorded great autonomy in experimenting with the manner in which their local officers, including legislative officers, were to be chosen”])).

⁸ This statement was in the dissent of Justice Frank O’Connor of the Appellate Division, and was affirmed on such dissenting opinion by this Court (47 NY2d 886 [1979]).

Applying the foregoing limitation, a law which reflects the Legislature’s exercise of the police power regarding an issue of substantial State concern would still survive constitutional challenge (the Multiple Dwelling Law), but one which invaded the structure of local governments would not (EYEL)—and would instead require a constitutional amendment. This would realize two principle aims of the home rule amendments, to free local governments from micromanagement by the State Legislature and to free counties to restructure into their own conceptions of efficient government (*see Westchester*, 70 AD2d at 607).

C. The EYEL is Not a General Law.

The State’s argument that the EYEL is a general law does not withstand close scrutiny (*see State Br.* at 36–43). The Constitution defines a general law as one “which in terms and effect applies alike to all counties” (N.Y. Const. art. IX, § 3[d][1] [emphasis added]). But the EYEL does not. It does not apply to counties with preexisting three-year terms of office (Putnam) (*see R. 1390*). It effects counties with charter officers (county executives, county comptrollers) differently than counties with only constitutional officers (sheriffs, district attorneys) (*see id.*). And as described more fully above, it forces those counties governed by boards of supervisors which also contain cities (Madison, Saratoga, Chenango, Columbia, Fulton, Warren, and Ontario) to stagger their elections—the city supervisors to be elected in odd years and the town supervisors in even years (*see N.Y. Const. art.*

XIII, § 8; *see generally Baldwin*, 6 NY2d at 174 [stating that city supervisors are city officers for some purposes, notwithstanding that they serve on the boards of county supervisors]).

The State’s reliance on *Uniformed Firefighters* is misplaced (*see* State Br. at 36). That case did not, as the State contends, “explain that a statute qualifies as a general law . . . ‘so long as any classification that the statute makes is defined by conditions common to the class and related to the subject of the statute’” (*see id.* [quoting *Uniformed Firefighters Ass’n v City of New York*, 50 NY2d 85, 90 [1980]]). Rather, it is more nuanced and says that for a “a statute dealing with matters of State concern What is required is that the classification be defined by conditions common to the class and related to the subject of the statute” (*Uniformed Firefighters*, 50 NY2d at 90). Thus, only where there is first a substantial State concern does the Court employ the doctrine of classification (*see id.*; *see also Farrington v. Pinckney*, 1 NY2d 74, 77 [1956] [upholding State law imposing differential uniform jury system]). As argued more fully above, this Court’s precedents allow an exception to State concern doctrine for State laws intruding on the local structural domain (*see* N.Y. Const. art. IX, § 1[h][1]).

It is this nuance that moved the Court to determine that an iteration of the Taylor Law (a collective bargaining law) was a special law (*cf.* State Br. at 50–51 [citing *Patrolmen’s Benevolent Ass’n of City of New York Inc. v City of New York*, 97

NY2d 378, 386 [2001]). In *Patrolmen's*, the Court determined that a law establishing a uniform dispute resolution procedure for collective bargaining throughout the State was a special law because it made an exception for counties already having their own dispute resolution procedure (in effect, New York City, Westchester, Suffolk, and Suffolk) (*see Patrolmen's*, 97 NY2d at 388). To be sure, the Court nonetheless sustained the law—but only because the State had a substantial concern in the orderly resolution of collective bargaining disputes (*see id.*).

Here, the EYEL is likewise a special law because it has differential effects on those counties which have three year terms of office (Putnam), or which have charter offices rather than relying solely on the constitutional offices (19 counties), or which are governed by boards of supervisors comprised of city supervisors (Madison, Saratoga, Chenango, Columbia, Fulton, Warren, and Ontario) (*see Patrolmen's*, 97 NY2d at 387). And unlike in *Patrolmen's*, the EYEL does not express a substantial state concern because it applies only to purely local offices (exempting those offices with a historic nexus to the State, such as the sheriff and district attorney), and therefore invades the local domain secured the Constitution (*see Bareham*, 246 N.Y. at 149 [“The municipality is empowered to modify an election law in so far as that law affects the property, government, or affairs of the municipality; *i.e.*, in so far as it affects the election of the local officers”])).

CONCLUSION

If home rule is to mean anything, “there must be an area in which the municipalities may fully and freely exercise the rights bestowed on them by the People of this State in the Constitution” (*Baldwin*, 6 NY2d at 173). For the foregoing reasons, and as set forth more fully in the County’s Appellant’s Brief, the County of Oneida respectfully asks this Court to reverse the Fourth Department’s Memorandum and Order and declare that the EYEL is unconstitutional.

Dated: July 23, 2025

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CERTIFICATE OF COMPLIANCE

I hereby certify pursuant to 22 NYCRR PART 500.1(j) that the foregoing brief was prepared on a computer using Microsoft Word.

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Robert F. Julian