

To be Argued by:
THOMAS E. HUMBACH
(Time Requested: 30 Minutes)

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
ROCKLAND COUNTY AND EDWIN J. DAY, IN HIS INDIVIDUAL AND
OFFICIAL CAPACITY AS ROCKLAND COUNTY EXECUTIVE**

COUNTY OF ROCKLAND
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Date Completed: July 23, 2025

– 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, 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, 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.

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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PRELIMINARY STATEMENT

Plaintiff-Appellant the County of Rockland respectfully submits this brief (i) in further support of their appeal of the Appellate Division Order entered on May 7, 2025 reversing the Supreme Court’s Order and declaring that the Even Year Election Law “does not violate the New York Constitution or the United States Constitution” and (ii) in reply to the Defendants-Respondents brief dated July 9, 2025.

Section 1 (h)(1) of Article IX of the New York State Constitution grants Plaintiff-Appellant Rockland County (the “County”) the right to set the terms of office of its local officials as part of its constitutionally conferred right to establish an alternative form of government. The Even Year Election Law violates the Constitution by impermissibly usurping the County of that right and forcing a change in those terms. Defendants-Respondents (“Defendants”) argue that § 1(h)(1) does not confer any “freestanding rights” to counties but is “merely a direction to the Legislature to enact laws providing for county government,” and suggest that charter counties must rely on § 2(c) of Article IX to adopt their form of government. Defendants’ interpretation would effectively strip § 1 (h)(1) from the Constitution and deprive it of any meaning. Such an interpretation is contrary not only to the plain language of

the Constitution but also the clear intent of the drafters and the expansion of home rule rights for counties in the early 1960s.

This Court should reverse the Memorandum and Order of the Appellate Division, Fourth Department and declare the Even Year Election Law unconstitutional.

ARGUMENT

POINT I

APPELLANT ADOPTS THE ARGUMENTS OF THE CO-APPELLANTS AS IF MORE FULLY SET FORTH HEREIN

Appellant County of Rockland adopts the facts and arguments set forth by its Co-Appellants as if more fully set forth herein.

POINT II

THE LEGISLATURE OF THE STATE OF NEW YORK HAS NOT DEMONSTRATED A STATEWIDE CONCERN TO JUSTIFY THE EVEN YEAR ELECTIONS LAW

New York State's Constitution bears an Article called "Local Governments", which contains a section named "Bill of rights for local governments".

This Bill of Rights extends to all municipalities certain powers, duties, privileges, and immunities, subject to override by a general law, or a special law concerning matters of state concern.

The matter of timing the terms of office is a matter of local concern even if the length of the terms of office is not. The County of Rockland is certainly in compliance with the state constitution and all state laws concerning the length of terms of office. We would differ on the issue of the timing of those terms, which is the factor at issue in this case.

In Rockland County we have an alternative form of government and our legislature has chosen to have elections in odd numbered years. While, as the Appellate Division states, the state is authorized to control the terms, the length of time an officer serves, in [Article IX § 2\(c\)\(1\)](#), the timing of those elections is not a factor listed in the subsection (c).

So, in this argument, we can agree with the appellate division on the issue of state authority over the length of “terms” without agreeing on state authority to set the timing, which we assert is a matter of local control. The timing is a matter of the affairs or government of the county, permitted by the state constitution to be set by a county charter and a matter of the affairs or government of the county.

The State legislature interestingly, did not adjust the “terms” per se by this legislation. The terms of county officers remain unchanged, explicitly in the case of three-year term officers, and impliedly for all others. Specifically,

Section 5 of Chapter 741 does not actually diminish the length of the term of elected officials. A four-year term remains a four-year term. However, if it starts after December 31, 2025 officials shall have their term expire as if such official were elected at the previous general election held in an even numbered year.

State acquiescence to this is found in the Public Officers law, which offers flexibility in determining when the terms of elective officers begin.¹

Chapter 741 is not a general law. It does not “appl[y] *alike* to all counties, all counties [...]” [NY Const Art IX, § 3\(d\)\(1\)](#). For example, Rockland County, having an alternative form of government with a County Executive and a County Legislature, is distinctively affected, as all its elected officers are elected in county-wide elections. To the contrary, no executive or legislative county officers are elected in counties that are governed by a board of supervisors. In fact, a board of supervisors county may have one or more members elected in odd years, even after application of Chapter 741, since the supervisors of cities, whose elections are not addressed by Chapter 741, are on those boards. *See* [N.Y. County Law § 150](#) (“The supervisors of

¹ See [Public Officers Law § 4](#), unamended by Chapter 741, which allows flexible commencement of terms of office for elected officers.

the several cities and towns in each county, when lawfully convened, shall constitute the board of supervisors of the county.”).

In this way the law cannot apply alike in every county because of the existence of alternative forms of government.

We propose that the state must, at the least pass a special law, by the means set forth in the state constitution, to effect the change demanded. The exception for matters of state concern do not apply.

Upon a review of relevant case law, what is a matter of “state concern” is not subject to any formula or objective standard but is a Stevens-ian, “I-know-it-when-I-see-it” gatekeeping by the courts.²

The closest the *Wambat* court comes to a definitive rule is that “state concern” exists where “the subject matter in need of legislative attention was of sufficient importance to the State, transcendent of local or parochial interests or concerns.” *Wambat*, *supra*, at 493.

² In a seminal and authoritative case in the matter *Wambat Realty Corp. v. State*, 41 N.Y.2d 490, 491 (1977) the court defines it by what it is, statutorily, not stating, “the first subsidiary issue is whether the subject matter relates to “other than the property, affairs or government of a local government” and is thus within the powers which the home rule article expressly reserves to the State.

In *Empire State Chapter of Associated Builders & Contractors, Inc. v. Smith*, 2013 NY Slip Op 4038 (2013) , the court relied on the state's long historical interest in competitive bidding as a ground for finding a state concern. However, that historical context does not exist in this case. For over a century, home rule in selecting election years has been the purview of the municipalities.³

There are, of course, restrictions on the scope of state legislation to invade the purview of local municipalities. The state has a burden of proof not met in this case. As this court found in *City of N.Y. v. Patrolmen's Benevolent Ass'n*, 89 N.Y.2d 380, 391 (1996),

the substantial State concern which will be permitted to trump constitutional home rule requirements regarding a particular enactment cannot be derived, . . . purely from speculative assertions on possible State-wide implications of the subject matter, having no support in the language, structure or legislative history of the statute. Again, it would be absolutely inconsistent with the sensitive balancing of State and local interests that has been our tradition in home rule litigation to allow the State to justify legislation inimical to the constitutional values of the home rule article based purely on considerations having no apparent role in its enactment, no matter how plausibly conceived as an afterthought.

³ New York City mayors, for example, have been elected solely in odd year general elections (absent mishap and special election) since 1897.

In this case, the sole justification for this law is that the people living in municipalities are too “confused” and suffering from “election exhaustion.” This is a bald unattributed statement. There are no studies or other proof submitted to establish this point in the record.

Moreover, and perhaps more importantly under *City of N.Y. v. Patrolmen's Benevolent Ass'n*, the rationale stated in the legislative history for the state law must bear some reasonable relationship to the legislative goals stated. *City of N.Y. v. Patrolmen's Benevolent Ass'n*, 89 N.Y.2d 380, 393 (1996).

The County of Rockland asserts that in this case the act does not and cannot accomplish the most clearly expressed legislative objective, of facilitating voter turnout. There is no evidence whatsoever that changing these local elections to even years is more than a speculative assertion. Absolutely nothing in the law makes it easier to vote in an even year than an odd one or implies that a person not interested in voting for the office of county legislator in an odd year, will suddenly, in an apparent epiphany, have any interest in voting for that office in an even year.

Moreover, absolutely nothing in the law cures the alleged voter exhaustion for all the races in the general election that will continue in both

odd and even years (e.g. city elections, judges, district attorneys, sheriffs, clerks, etc.).

This legislation, similar to the legislation in *City of N.Y. v. Patrolmen's Benevolent Ass'n*, 89 N.Y.2d 380 (1996). In that case the court found that singling out cities for different treatment is a significant indicator that this is not legislation of statewide interest. The court noted that the state legislature, “rather than creating an impasse arbitration procedure uniformly available to all police State-wide, chapter 13 singles out the New York City police for different treatment.” *City of N.Y. v. Patrolmen's Benevolent Ass'n*, at 89 N.Y.2d 393.

Similarly, this law, although purportedly to cure an issue with “local elections” singles out cities for special treatment. If the purpose is to cure this problem in all local elections, the state must take steps to cure it in New York City whose inhabitants constitute nearly 50% of the State population. It has not,⁴ as such the rationale here, like the rationale in *City of N.Y. v. Patrolmen's Benevolent Ass'n* is not persuasive.

⁴ There has been no bill adopted by the State to bring city elections in line with other elections in 2024 or 2025.

In fact, this legislation is intended to increase turnout in municipal elections. The issue found is that municipal elections are underattended. Cities are, of course, municipalities, but there has been no effort to cure this problem in cities.

It is indisputable that every person residing in the State of New York lives in a municipality, whether it is a county, city, or town. There is no unincorporated district of the State. So, it would stand to reason that Chapter 741, with the alleged, salutary purpose of increasing turnout in municipal elections would apply generally across the State and have equal effect on each person voting for the elective office in that person's municipality, but it does not.

As conceded by the State, this law does not apply to the elective offices in cities. Cities are merely municipalities like counties, towns and villages. The populations of cities constitute about 60% of the population of this State. Thus, the purpose of the law does not even apply to most of the voter population in any way.

This is not a matter of *State* concern, it is perhaps wider than a single place but is far narrower than general application. As such, it is an

infringement on the rights of the people outside of cities to retain their self-determination guaranteed by the State Constitution.

City of N.Y. v. Patrolmen's Benevolent Ass'n was clarified by subsequent case law with the court stating that “home rule was intended to prevent unjustifiable state interference in matters of purely local concern.” *Empire State Chapter of Associated Builders & Contractors, Inc. v. Smith*, 2013 NY Slip Op 4038, ¶ 6, 21 N.Y.3d 309, 319, 970 N.Y.S.2d 724, 730, 992 N.E.2d 1067, 1073. There is no concern more local than the timing of election terms of its elected officers. The timing of municipal elections is of concern solely to the residents of that municipality. The year of the election of the Mayor of the City of New York has no direct impact on the year of the election of the Rockland County Legislators. When the Town Supervisor of Coxsackie is elected has no bearing on the Town of Ramapo. There is no more tradition and core affair or government of a locality for the past hundred years than the timing terms of its officers.

Accordingly, the lack of uniformity, and the limitations of the effect of the law, work against any finding that this is a matter of state concern that the state has primacy over. The law is not a general law, nor is the timing of terms a matter of state concern.

Even assuming the State could claim *some* measure of interest in voter turnout and confusion for local elections generally, the interest implicated by the Even Year Election Law is not of “sufficient importance” to the State or a matter of state concern “in a substantial degree” to relieve the State from the procedural prerequisites of [Article IX § 2](#). Nor does “rational basis standard” apply in this context. Rather, a “more substantive nexus should be required if home rule is to remain a vital principle of fundamental law.” *City of New York v. Patrolmen’s Benevolent Ass’n of City of N.Y., Inc.*, 89 N.Y.2d 380, 389–90 (1996).

It should also be noted that the Even Year Election Law would exclude the vast majority of countywide offices from its requirements, including sheriff, county clerk, district attorney, family court judges, county court judges, surrogate court judges, and any offices with a preexisting three-year term. Elections for these offices would continue to occur in odd-numbered years, belying any suggestion that the Law will decrease voter confusion. The Law would also not apply to city offices or to New York City, the State’s largest city. Thus, the Law would not apply to many local elections and to a large portion of the State’s voting population, repudiating the State’s position that it

has a “substantial” interest in voter turnout and voter confusion as to the select elections the Law purports to impact.

For similar reasons, the Law does not bear a “reasonable relationship” to any State interest in voter turnout and confusion for local elections. *See Patrolmen’s Benevolent Ass’n.*, 89 N.Y.2d at 391 (noting that the statute in question must “serve a supervening State concern” to avoid “intrusion upon a concern or interest of the [local government] *without a compensating offset in the advancement of a concern or interest of the [S]tate*”). The Law plainly does not serve the claimed matters of state concern where numerous countywide elected offices and the State’s largest city are exempt from its requirements, and many elections will continue to occur in odd-numbered years.

The Law also does not bear a reasonable relationship to any claimed State interest in voter turnout and confusion for local elections given the significant changes the State has made to voting in the past few years, including no-excuse early mail ballots and early voting. These developments have drastically increased voter turnout in odd years, a fact Defendants concede.

Finally, it bears emphasizing that other local concerns implicated by the Law predominate over any negligible state concern. *Cf. Wambat Realty Corp. v. New York*, 41 N.Y.2d 490, 494 (1977) (noting that the subject matter of legislation must be “of *sufficient* importance to the State, *transcendent* of local or parochial interests or concerns,” to avoid the limitations of Article IX (emphasis added)). These local concerns include the right to decide when and how local officials are elected; ballot confusion; the diminishment of the importance of local issues and elections in a crowded political campaign season; and the increased expense of running local campaigns in the same year as presidential, gubernatorial, or other federal or statewide office elections. The crowded ballots and increased expenses associated with running for county offices in even-numbered years could deter qualified candidates from running for office in the first place. Keeping county elections in odd-numbered years allows these candidates to make themselves known to voters and prevents local issues from being eclipsed by national and statewide issues. Local governments, with the input of their constituents, have effectively managed these concerns for decades with no State involvement or interference.

Because Article IX has already demarcated counties’ right to prepare and adopt alternative forms of government, including the setting of the terms

of office and years in which elections are to be held, as a local rather than a state interest, there is no matter of state concern that supersedes the County's rights under Article IX and the Even Year Election Law is not a valid special law.

POINT III

SUBSTANTIVE DUE PROCESS VIOLATIONS

As argued below, the County and its officers have been deprived of substantive due process. Defendants have not shown that Chapter 741 was enacted in furtherance of a legitimate governmental purpose, and there is no reasonable relation between the end sought to be achieved by Chapter 741 and the means used to achieve that end.

The appellate division held that Chapter 741's "reasonable nondiscriminatory restrictions are justified by the State's important regulatory interest." citing *Burdick*, 504 US at 434; *see generally SAM Party of New York v Kosinski*, 987 F3d 267, 274 (2d Cir 2021); *Matter of Brown v Erie County Bd. of Elections*, 197 AD3d 1503, 1505 (4th Dept 2021).

The class of person being affected for this analysis are the elected officials of counties. These elected officials from some counties, those that are county supervisors (*see County Law § 150*) benefit by being allowed odd

year elections, while all others are burdened with the requirement of running in the polarizing floodlights of national elections, while others are not.

While the state claims it has an important regulatory interest, it is evident that, especially in light of the arguments in Point II concerning the lack of state concern, it does not have a regulatory interest. The regulatory interest in the timing of elections has for decades, if not a century, been delegated to the local governments.

In *Sam Party of N.Y. v. Kosinski*, 987 F.3d 267, 274 (2d Cir. 2021), the Second Circuit Court of Appeals held that the rule to be applied in election law cases is one of lesser scrutiny, not [a] "pure rational basis review." Rather, "the court must actually 'weigh' the burdens imposed on the plaintiff against 'the precise interests put forward by the State,' and the court must take 'into consideration the extent to which those interests make it necessary to burden the plaintiff's rights.'" Review under this balancing test is "quite deferential," and no "elaborate empirical verification" is required."

We do not rely on elaborate reasoning, but only broad facts and reliance on the state's own admissions.

If the interest is higher turnout in "local elections" as described in the "Justification" for Chapter 741, leaving out 60% of the population subject to

“local elections” is an unconstitutional burden on the 40% who are affected. Similarly, if this is to affect all counties alike, then it must apply to all members of the county boards, even those with city supervisors.

There are those who would submit that this law may have a political end. It does not apply in areas of the state that are urban, and reflect urban issues,⁵ and there has been no law adopted by the state to apply it to urban areas, and are expected to be focused on urban issues, to the detriment of suburban and rural residents of the state. This political divide, to be enhanced by this law, will be enhanced by New York’s electoral politics, heavily weighted toward satisfying city interests which will be highlighted in cities’ unimpeded access to the electorate in odd years, while suburban and rural interest will be swamped by federal state candidate’s state-wide campaigns that also cater to urban interests, since over 60% of New York’s voters are from urban areas.

⁵ As described in the Complaint by Rockland County, two thirds of the state legislators who voted in favor of Chapter 741 were based in urban districts.

POINT IV

EVEN IF THE COURT WERE TO UPHOLD THE CONSTITUTIONALITY OF THE EVEN YEAR ELECTION LAW, ANY OPPORTUNITY TO APPLY THE LAW TO THIS YEAR'S ELECTION CYCLE ALREADY PASSED.

The Law cannot impact the 2025 election cycle even if this Court were to rule it constitutional.

Specifically, the electoral process, including the carrying and signing of petitions, was well underway before Supreme Court's judgment was reversed and the Law went into effect in May 2025. The voters who signed petitions and the candidates running for office this year acted in reliance on the stated terms of office in the County's certificate and the expectation of standard-length terms of office.

It is well settled that the right to vote includes the right to participate in the nomination process. *See People ex rel. Hotchkiss v. Smith*, 206 N.Y. 231, 242 (1912); *Davis v. Board of Elections of City of New York*, 5 N.Y.2d 66, 69 (1958). Defendants acknowledge this precedent and offer no response other than to argue that it is administratively feasible to implement the Even Year Election Law and that voters will be on notice of the terms they are voting for before the general election. These arguments are not persuasive. Accordingly, even if this Court were to affirm the Appellate Division and

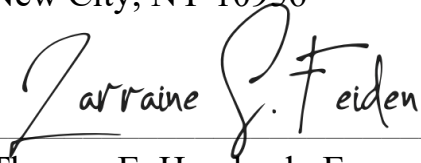
uphold the Even Year Election Law, it could not take effect during this election cycle.

CONCLUSION

Based upon the foregoing, the Rockland County Plaintiffs-Appellants respectfully request that this Court reverse the Memorandum and Order and of the Appellate Division, Fourth Department, dated May 7, 2025, which declared the Even Year Election Law constitutional, issue judgment in favor of Plaintiffs-Appellants, and (1) issue a declaratory judgment pursuant to CPLR 3001 declaring that the Even Year Election Law is void as violative of the New York State Constitution; (2) issue a declaratory judgment pursuant to CPLR 3001 declaring that Section C3.01 of the County's Charter and Rockland County Local Law Section 5-8 fall within the savings clause of Article IX to the New York State Constitution and remain valid notwithstanding the enactment of the Even Year Election Law; and (3) grant such other and further relief in favor of Plaintiffs-Appellants as the Court deems just and proper.

Dated: July 23, 2025
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**NEW YORK STATE COURT OF APPEALS
CERTIFICATE OF COMPLIANCE**

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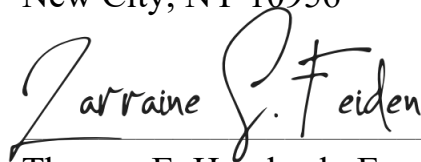
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Dated: July 23, 2025

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