

Warren County Board of Supervisors

RESOLUTION NO. 264 OF 2025

RESOLUTION INTRODUCED BY SUPERVISORS WILD, DRISCOLL, ETU, MADAY, BEAN, PATCHETT AND MERLINO

AUTHORIZING COUNTY ATTORNEY TO FILE AN *AMICUS CURIE* BRIEF CONCERNING THE SO-CALLED “EVEN YEAR ELECTION LAW” WITH THE NEW YORK STATE COURT OF APPEALS IN THE MATTER OF ONONDAGA COUNTY, ET. AL. V. THE STATE OF NEW YORK, ET. AL. TO SUPPORT SPECIFIC LEGAL CLAIMS PRESENTED BY ONONDAGA COUNTY AND OTHER COUNTY-PLAINTIFFS, IN OPPOSITION TO THE 2023 AMENDMENT OF COUNTY LAW §400

RESOLUTION AMENDED FROM THE FLOOR

WHEREAS, Plaintiff, Onondaga County, along with seven (7) other sister counties in New York State, commenced lawsuits against the State of New York, et. al., which will be decided before the New York State Court of Appeals, case no. APL-2025-00088, regarding the constitutionality of the “Even Year Election Law,” which altered County Law sec. 400 which governs when county governments must hold elections for some county offices (hereafter, “Lawsuits”), and

WHEREAS, the “Even Year Election Law,” if found to be constitutional, will require the Board of Supervisors to be elected in even-numbered years, creating a potential legal impossibility for City of Glens Falls supervisors serving on the Board which must be elected in odd-numbered years, pursuant to the New York State Constitution, and

WHEREAS, the “Even Year Election Law,” if found constitutional, would conflict with powers delegated to Warren County by New York State Constitution, Article IX, as codified by the Municipal Home Rule Statutes, and

WHEREAS, the County Attorney requested, and the Personnel, Administration & Higher Education Committee agreed, to authorize the County Attorney to file an *amicus curie* brief to the Court of Appeals to advise the court of specific legal claims of interest to the supervisors of the Warren County Board of Supervisors, in opposition to the 2023 amendment of County Law §400, which may not appear in the briefs and documents of the counties which filed the Lawsuits, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the County Attorney to file an *amicus curie* brief with the New York State Court of Appeal, case no. APL-2025-00088, to advise the court of specific legal claims of interest broadly identified in the preambles of this resolution.