

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

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

Plaintiff designates Dutchess
County as the place for trial.

Plaintiffs,

SUMMONS

V.

Index No. _____
Date Filed: _____

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

The basis of venue is Plaintiffs'
place of business.


Defendants.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiffs' attorneys within twenty (20) days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if the Summons was served on you by delivering it to an official of the state authorized to receive service on your behalf or if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: April 19, 2024
Poughkeepsie, NY

CAROLINE E. BLACKBURN,
County Attorney

By: 

Caroline E. Blackburn
County Attorney
Attorney for Plaintiffs
County Office Building
22 Market Street, 5th Floor
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Tel. No. (845) 486-2110

TO: State of New York
NYS State Capital Building
Albany, NY 12224

The Honorable Kathleen Hochul
Governor of New York State
NYS State Capital Building
Albany, NY 12224

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

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

VERIFIED COMPLAINT

Plaintiffs,

Index No. _____
Date Filed: _____

V.

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

Defendants.

Plaintiffs, THE COUNTY OF DUTCHESS, (“the County”), THE DUTCHESS
COUNTY LEGISLATURE, SUSAN J. SERINO, individually and as a voter and in her
capacity as Dutchess County Executive, and through their attorney, Caroline E. Blackburn,
Dutchess County Attorney, as and for their Complaint, upon information and belief, allege as
follows:

NATURE OF THE CASE

1. In this declaratory judgment action, Plaintiffs seek to declare unconstitutional
Chapter 741 of the Laws of 2023 of the State of New York, called “AN ACT to amend the town
law, the village law, the county law, and the municipal home rule law, in relation to moving
certain elections to even-numbered years” (the “Even Year Election Law”), which was enacted
by the New York State Legislature in June 2023 and thereafter signed into law by New York
State Governor Kathleen Hochul on December 22, 2023.

2. The Even Year Election Law violates Article IX of the New York State Constitution, which grants expansive home rule rights and powers to local governments, including the County.

3. Article IX §1 protects the right of local governments to have a legislative body elected by the people and provides that all officers of local government whose election or appointment is not provided for by the Constitution “shall be elected by the people of the local government, or of some division thereof, or appointed by such officers of the local government as may be provided by law.”

4. Article IX §1 also provides that counties shall be empowered to prepare, adopt, amend, or repeal alternative forms of government.

5. These rights necessarily include the right to determine when elections for local officials are held and to determine the terms of office of local officials.

6. The County exercises its home rule powers protected by Article IX, by adopting a county charter as its alternative form of government.

7. The County’s Charter expressly provides that elections for County Legislators shall be elected for a two-year term, and that the County Executive be elected for a four-year term. Pursuant to the Charter, the elections of the County Executive and County Legislators are held in odd-numbered years.

8. By changing the election schedule for certain county elected officials from odd-numbered to even-numbered years, the Even Year Election Law directly conflicts with the Dutchess County Charter’s provision prescribing the mode of selection, terms of office, and timing of elections of its County legislators and officials. It accomplishes this by changing the terms of office for the first county legislators to be elected following its enactment from two

years to one year and the term of office for the first county executive to be elected following its enactment from four years to three years.

9. The Court should declare the Even Year Election Law unconstitutional.

10. Plaintiffs seek a declaratory judgment that the Even Year Election Law is unconstitutional.

PARTIES

11. Plaintiff THE COUNTY OF DUTCHESS is a municipal corporation duly formed by the laws of the State of New York, with a principal office in Dutchess County, New York.

12. Plaintiff THE DUTCHESS COUNTY LEGISLATURE is the legislative body of the County of Dutchess.

13. Plaintiff SUSAN J. SERINO was and is the duly elected County Executive for the County of Dutchess at all relevant times.

14. Plaintiff SUSAN J. SERINO resides in Dutchess County and was and is an elector and taxpayer of Dutchess County in the State of New York.

15. Defendant THE STATE OF NEW YORK is the state government constituted by the New York State Constitution.

16. Defendant KATHLEEN HOCHUL is the Governor of the State of New York with her principal office located at the State Capital in Albany, New York. She is being sued in her official capacity.

JURISDICTION AND VENUE

17. The Court has jurisdiction over this matter because Plaintiffs challenge the constitutionality of a State legislative enactment under the New York State Constitution. See New York Constitution, Article VI, §7(a); CPLR 3001.

18. Venue is proper in Dutchess County pursuant to CPLR 503(a) because it is the County where Plaintiffs reside.

CAPACITY TO SUE AND STANDING

19. This action was duly authorized by a resolution of the Dutchess County Legislature, which was adopted on April 8, 2024 and approved by Dutchess County Executive Susan J. Serino on April 10, 2024.

20. Plaintiffs have standing in that they are challenging the constitutionality of a statute that impinges upon the County's "Home Rule" powers constitutionality guaranteed under Article IX of the New York State Constitution. *City of New York v. State of New York*, 86 N.Y.2d 286, 291-92 (1995); *Town of Black Brook v. State of New York*, 41 N.Y.2d 486, 488-89 (1977).

FACTS

I. The County's Charter

21. The Dutchess County Charter (the "Charter") was adopted by the County Board of Supervisors by Local Law No. 1 of 1967, on February 14, 1967, and approved by referendum on April 17, 1967. A true and correct copy of the 1967 Charter is attached as **Exhibit A**.

22. Article III of the Charter established the elected position of county executive to administer the executive branch of the County government.

23. Section 3.01 of the Charter provided that, “There shall be a County Executive, who shall be elected in an odd-numbered year from the County at large for a term of four years...”, and it is still in force today. **Exhibit A.**

24. A true and correct copy of the Charter currently in effect is attached as **Exhibit B** and is also available at: <https://ecode360.com/31906060>.

25. Prior to 1967, the legislative power of Dutchess County was vested in a Board of Supervisors established pursuant to the 1958 Amendment to Article IX of the New York State Constitution.

26. In 1967, the Dutchess County Board of Supervisors enacted the Dutchess County Charter (hereinafter the “Charter”). Pursuant to the Charter, elections of the County Executive, the legislative officers of the County, and other County and local officials, are held in odd-numbered years.

27. In 1967, the Charter vested legislative authority in a Board of Representatives. Section 2.01 of said Charter provided that “There shall be a county Board of Representatives composed of Representatives elected from the districts.... Each Representative shall be deemed a County officer and shall be elected at a general odd-numbered year election for a term of two years.” **Exhibit B.**

28. In 1975, the Charter was amended to vest legislative authority in the Dutchess County Legislature. Section 2.01 of the 1975 Charter stated, “Each Legislator shall be deemed a County Officer and shall be elected at a general odd-numbered year election for a term of two years” and this language is still in force today. A true and correct copy of the 1975 Charter is annexed hereto as **Exhibit C.**

29. The current provision of Charter Section 2.011 addressing the timing and term of office of the County Legislature was the result of amendments to the Charter. The operative provisions of the amendments, like the Charter itself, were adopted by a multi-step process involving authority from amendment of Article IX of the New York State Constitution, a local law enacted in furtherance thereof, and a public referendum.

30. The 1967 Charter further provided in Section 20.01 that “There shall be a Comptroller, who shall be elected from the County at large for a term of four years beginning with the first day of January next following his election....” and this language survives today.

Exhibit A, Exhibit B.

31. The Dutchess County Legislature consists of twenty-five (25) legislators, one elected from each county legislative district.

32. The term of County Executive expires December 31, 2027, and the Dutchess County Charter presently directs that the office of Dutchess County Executive be on the ballot at the November 2027 general election for a four-year term commencing January 1, 2028.

33. The terms of County Legislators expire December 31, 2025, and the Dutchess County Charter presently directs that the office Dutchess County Legislator be on the ballot at the November 2025 general election for a two-year term commencing January 1, 2026, pursuant to the Charter.

34. The term of Comptroller expires December 31, 2025, and the Dutchess County Charter directs that the office of Dutchess County Comptroller be on the ballot at the November 2024 and November 2025 general elections for a one-year term followed by a four-year term, respectively, with the four year term commencing January 1, 2026, pursuant to Section 20.01 and Section 32.02 the Charter, addressing midterm vacancies.

35. The Charter is to be “liberally construed to effect the objects and purpose hereof.” **Exhibit A** (Charter Section 34.04); **Exhibit B** (Charter Section 34.04).

36. Section 1.04 “Effect on State Law” states that “[a]ny state law which is inconsistent with this Charter shall be superseded by this Charter to the extent inconsistent and within the limits prescribed by law.” **Exhibit B**.

37. Section 34.01 “Application of Municipal Home Rule Law” states that the Municipal Home Rule Law “shall have general application within the County of Dutchess except where inconsistent with the provisions of this Charter.”

38. The purpose of the Charter upon adoption was, and remains, “securing the maximum county home rule, the separation of legislative and executive functions and the establishment of an efficient and responsible county government.” **Exhibit A** (Charter Section 1.02); **Exhibit B** (Charter Section 1.02).

II. Article IX of the New York State Constitution and County Law Article 6-A (1958)

39. The County’s Charter was adopted against the backdrop of a 1958 amendment to Article IX of the New York State Constitution – commonly referred to as the “Home Rule” article – and a new Article 6-A of the County Law passed by the New York State Legislature in 1959.

40. The object of home rule is to promote local autonomy in local matters, permit local self-government, and prevent state legislative interference in local government.

41. Article IX was amended in 1958 effective January 1, 1959 by following the multi-step process set forth in Article XIX of the Constitution required for amendments, which includes passage by the New York State Legislature and approval by the people at a general election.

42. Article IX was amended in relevant part to read: “The legislature shall provide by law alternative forms of government for counties outside the city of New York and for the submission of one or more such forms of government to the electors residing in such counties.” Article IX §2(a) (1959). A true and correct copy of the 1958 concurrent resolution amending Article IX is attached as **Exhibit D**. A true and correct copy of Article IX in effect in 1959 as excerpted from the Manual for the Use of the Legislature of the State of New York is attached as **Exhibit E**.

43. Article IX was also amended to require the New York State Legislature, on or before July 1, 1959, to “confer by general law upon all counties outside the city of New York power to prepare, adopt and amend alternative forms of county government.” Article IX §2(b) (1959).

44. Article IX as amended provided that no such alternative form of government would become operative until adopted by a majority of votes both (1) in the area of the county outside of cities and (2) in the area of the cities in the county when considered as one unit. Article IX §2(c) (1959).

45. Article IX provided that “[a]ny such [alternative] form of government shall set forth the structure of the county government and the manner in which it is to function” and “may provide for the appointment of any county officers or their selection by any method of nomination and election...” Article IX §2(d) (1959).

46. Pursuant to the constitutional mandate in Article IX §2(b), the New York State Legislature enacted County Law Article 6-A in 1959 to empower counties outside New York City to prepare, adopt and amend their own charters. A true and correct copy of the act enacting County Law Article 6-A is attached as **Exhibit F**.

47. County Law Article 6-A was the implementing legislation of amended Article IX.

48. County Law §323(1) provided that “the board of supervisors of a county shall have power to prepare, adopt, amend and repeal a charter law or laws providing a county charter for the county.” County Law §323(1) (1959).

49. Article 6-A provided that a county charter “shall set forth the structure of the county government and the manner in which it is to function” and that such a charter “shall provide for,” *inter alia*, the “agencies or officers responsible for the performance of the functions, powers and duties of the county and of any agencies or officers thereof and the manner of election or appointment, terms of office, if any, and removal of such officers.” County Law §323(2), (3)(b) (1959).

50. Article 6-A enumerated certain areas in which a county charter could not supersede any general or special law enacted by the New York State Legislature, including subjects such as taxation, educational systems and school districts, and public benefit corporations. See County Law §324(3) (1959).

51. Article 6-A expressly declared that it was “the intention of the legislature by this article to provide for carrying into effect the provisions of the constitution, article nine, section two, paragraph (b) and, pursuant to the direction contained therein, to empower counties to prepare, adopt and amend county charters by local legislative action, subject to the limitations imposed herein.” County Law §325(1) (1959).

52. Article 6-A was to be “construed liberally.” County Law §325(3) (1959).

III. 1963 Amendments to Article IX and the Municipal Home Rule Law

53. Article IX was amended again in 1963, effective January 1, 1964, to establish a bill of rights for local governments and set forth the powers and duties of the New York State Legislature.

54. As with the 1958 amendment, the 1963 amendment required passage by the New York State Legislature and approval by the people at a general election.

55. No substantive changes have been made to Article IX since the 1963 amendments. The current version of the New York State Constitution is available at: <https://dos.ny.gov/new-york-state-constitution-0>.

56. Article IX of the New York State Constitution secures to the County the right of local self-government.

57. Article IX as amended in 1963 provides, as part of the bill of rights for local governments, that “[e]very local government, except a county wholly included within a city, shall have a legislative body elective by the people thereof.” Article IX §1(a).

58. Article IX also provides: “Counties, other than those wholly included within a city, shall be empowered by general law, or by special law enacted upon county request pursuant to section two of this article, to adopt, amend or repeal alternative forms of county government provided by the legislature or to prepare, adopt, amend or repeal alternative forms of their own.” Article IX §1(h)(1).

59. To become effective, an alternative form of government must be “approved on referendum by a majority of the votes cast thereon in the area of the county outside of cities, and in the cities of the county, if any, considered as one unit.” Article IX §1(h)(1).

60. Article IX provides that the New York State Legislature “[s]hall have the power to act in relation to the property, affairs or government of any local government only by general law, or by special law only (a) on request of two-thirds of the total membership of its legislative body or on request of its chief executive officer concurred in by a majority of such membership, or except in the case of the city of New York, on certificate of necessity from the governor...with concurrence of two-thirds of the members elected to each house of the legislature.” Article IX §2(b)(2).

61. Article IX §2 further provides that “[i]n addition to powers granted in the statute of local governments or any other law, (i) every local government shall have power to adopt and amend local laws not inconsistent with the provisions of this constitution or any general law relating to its property, affairs or government and, (ii) every local government shall have power to adopt and amend local laws not inconsistent with the provisions of this constitution or any general law relating to the following subjects... (1) The ... mode of selection and removal, terms of office ... of its officers ...” Article IX §2(c)(i), (ii), (1).

62. Pursuant to Article IX §2(c)(ii), when a local government has adopted a local law relating to “(1) [t]he ... mode of selection and removal, terms of office ... of its officers ...” then the New York State Legislature may “restrict the adoption of such a local law relating to other than the property, affairs, or government of such local government.” Article IX §2(c)(ii), (1).

63. Section 3 of Article IX defines a general law as one “which in terms and in effect applies alike to all counties, all counties other than those wholly included within a city, all cities, all towns or all villages” and a special law as one “which in terms and in effect applies to one

or more, but not all, counties, counties other than those wholly included within a city, cities, towns or villages.” Article IX §3(d)(1), (4).

64. Article IX dictates that the “[r]ights, powers, privileges and immunities granted to local governments by this article shall be liberally construed.” Article IX § 3(c); see also Municipal Home Rule Law (“MHRL”) §35(3) (“This county charter law shall be construed liberally.”).

65. In or around April 1963, the Legislature passed the new Municipal Home Rule Law (“MHRL”), which would become effective only if the amendment creating a new Article IX was approved at the 1963 general election.

66. The new MHRL replaced the prior City Home Rule Law, Village Home Rule Law, Articles 6 and 6-A of the County Law, and certain sections of the Town Law.

67. Like former County Law Article 6-A, the MHRL is implementing legislation that gives effect to the constitutional provisions in Article IX regarding local governments’ power to adopt and amend local laws.

68. MHRL §33 gives counties the power to “prepare, adopt, amend or repeal a county charter.”

69. MHRL §33 provides that a county charter “shall set forth the structure of the county government and the manner in which it is to function” and requires a county charter to provide for, *inter alia*, the “agencies or officers responsible for the performance of the functions, powers and duties of the county...and the manner of election or appointment, terms of office, if any, and removal of such officers.” MHRL §33(2), (3)(b).

70. MHRL §34 contains certain limitations on the power of the counties to prepare, adopt and amend county charters and charter laws regarding areas of constitutional and state concern.

IV. The Even Year Election Law

71. In June 2023, the New York State Legislature passed a bill requiring that certain local elections held outside of New York City be held in an even-numbered year. N.Y. Senate Bill S3505B; N.Y. Assembly Bill A4282B. The text of Senate Bill S3505B is available at: <https://legislation.nysenate.gov/pdf/bills/2023/S3505B>.

72. Governor Hochul signed the bill into law on December 22, 2023.

73. The Even Year Election Law amended, in relevant part, Section 400 of the County Law and Section 34 of the MHRL.

74. With the enactment of the Even Year Election Law, County Law §400(8) provides:

Notwithstanding any provision of any general, special or local law, charter, code, ordinance, resolution, rule or regulation to the contrary, all elections for any position of a county elected official shall occur on the Tuesday next succeeding the first Monday in November and shall occur in an even-numbered year; provided however, this subdivision shall not apply to an election for the office of sheriff, county clerk, district attorney, family court judge, county court judge, surrogate court judge, or any offices with a three-year term prior to January first, two thousand twenty-five.

75. New subsection MHRL §34(3)(h) provides:

Except in accordance with the provisions of this chapter or with other laws enacted by the legislature, a county charter or charter law shall not supersede any general law or special law enacted by the legislature: (h) Insofar as it relates to requirements for counties, other than counties in the city of New York, to hold elections in even-numbered years for any position of a county elected official, other than the office of sheriff, county clerk, district attorney, family court judge, county court judge, surrogate court judge, or any county offices with a three-year term prior to January first, two thousand twenty-five.

76. The Even Year Election Law, in addition to usurping the County's home rule rights guaranteed under Article IX, implicates a number of significant matters of local concern, including but not limited to: voter turnout for local elections, the right of a local government to determine the mode of selection and terms of office of its local officers, the right to determine when and how local officials are elected, ballot confusion, diminishing the importance of local issues and elections in a crowded political campaign season, the increased expense of running local campaigns in the same year as presidential, gubernatorial, or other federal or statewide office elections, and attracting qualified candidates to run for local office.

AS AND FOR A FIRST CAUSE OF ACTION
(Violation of the New York State Constitution, Article IX, Section 1)

77. Plaintiffs repeat and reallege the previous paragraphs as if set forth fully herein.

78. Article IX of the New York State Constitution protects the right of local governments to have an elected legislative body. Implicit in this right is the right to determine the term of elected members and officials.

79. The County's right to set terms of office is confirmed by MHRL §33, which provides that a county charter "shall provide" for, *inter alia*, the "agencies or officers responsible for the performance of the functions, powers and duties of the county ... and the manner of election or appointment, *terms of office*, if any, and removal of such officers." MHRL §33(3)(b) (emphasis added).

80. Setting the term of office for an agency or officer necessarily requires setting the first and last day of a term and, consequently, when an election for that office is to be held.

81. The Even Year Election Law violates Article IX and the rights granted to the County therein because the law necessarily requires the County to alter the four- and two-year

terms of its county executive and county legislators, respectively, by shortening each term by one year.

82. This shortening of terms of office invalidly conflicts with the County's prerogative to determine its own form of government as enshrined in Article IX §1.

**AS AND FOR A SECOND CAUSE OF ACTION
(Violation of the New York State Constitution, Article IX, Section 2)**

83. Plaintiffs repeat and reallege the previous paragraphs as if set forth fully herein.

84. The Even Year Election Law violates Article IX because the New York State Legislature exceeded its authority to act in relation to the property, affairs, or government of the County in violation of Section 2 of Article IX.

85. The Even Year Election Law and specifically County Law §400(8), which requires elections for "any position of a county elected official" to occur in even-numbered years, is a law which acts in relation to the property, affairs, or government of the County because determining the terms of office and when elections for local offices are to be held is quintessentially a matter of the County's property, affairs, and government.

86. The County did not request a special law relating to even-year elections.

87. There has been no certificate of necessity from the Governor with the requisite concurrence of the New York State Legislature.

88. Therefore, pursuant to Article IX §2(b)(2), the New York State Legislature only has the authority to act with respect to elections for local officials by general law.

89. The New York State Legislature exceeded its authority under Article IX §2(b)(2) because it did not act by general law.

90. County Law §400(8) is not a general law because it does not, in terms or in effect, apply to all counties.

91. For example, County Law §400(8) only applies to counties that have an elective executive, rather than a non-elected executive, and it exempts certain countywide office and any offices with a three-year term of office.

92. Therefore, the New York State Legislature did not act either by general law or by special law in the circumstances allowed by Article IX, and the Even Year Election Law violates the Constitution.

93. The New York State Legislature’s authority to act in relation to the “property, affairs or government of any local government” is also “[s]ubject to the bill of rights of local governments and other applicable provisions of this constitution.” Article IX §2(b).

94. Because the bill of rights of local governments found in Article IX §1 protects the County’s right to set the terms of office and time of election for its officials, the New York State Legislature cannot rely on Section 2(b)(2) as its basis of authority to pass the legislation.

**AS AND FOR A THIRD CAUSE OF ACTION
(Violation of New York State Constitution Article IX § 2)**

95. Plaintiffs repeat and reallege the previous paragraphs as if set forth fully herein.

96. The Even Year Election Law violates Article IX because the New York State Legislature exceeded its authority to act in relation to the mode of selection and terms of office of officers of a local government in violation of Article IX §2(c), and in conformance with the bill of rights of local government pursuant to Article IX §1.

97. Article IX §2(c) states “[i]n addition to powers granted in the statute of local governments or any other law ... (ii) every local government shall have power to adopt and amend local laws not inconsistent with the provisions of this constitution or any general law relating to the following subjects ... (1) [t]he ... mode of selection and ... terms of office ... of its officers ...” Article IX §2(c)(ii)(1).

98. Pursuant to Article IX §2(c)(ii)(1), when a local government enacts a local law relating to the mode of selection and terms of office of its local officers, such local law need only be consistent with the New York State Constitution and the general laws of the State.

99. The Even Year Election Law and specifically County Law §400(8), which states that “all elections for any position of a county elected official” shall occur in even-numbered years, is a law which acts in relation to the mode of selection and terms of office of officers of a local government.

100. The New York State Legislature did not amend the New York State Constitution in enacting County Law §400(8).

101. County Law §400(8) is not a general law because it does not, in terms or in effect, apply to all counties.

102. For example, County Law §400(8) only applies to counties that have an elective executive, rather than a non-elective executive, and it exempts certain countywide offices and any offices with a three-year term.

103. Therefore, the New York State Legislature did not enact County Law §400(8) in the circumstances allowed by Article IX, and the Even Year Election Law violates the Constitution.

104. Further, when a local government validly acts to “adopt and amend local laws ... relating to ... (1) [t]he ... mode of selection and ... terms of office ... of its officers ...” in conformance with Article IX §2(c)(ii)(1), the extent of the Legislature’s authority is to “restrict the adoption of such a local law relating to other than the property, affairs or government of such local government.” Article IX §2(c)(ii).

105. The Even Year Election Law and specifically MHRL §34(3)(h), which restricts a county charter or charter law from superseding “any general or special law enacted by the legislature ...[i]nsofar as it relates to the requirements for counties ... to hold elections in even-numbered years for any position of a county elected official ...” is a law which acts in relation to, and restricts, mode of selection and terms of office of local government officers, but determining terms of office and when elections for local offices are to be held is quintessentially a matter of the County’s property, affairs, and government of local government.

106. Therefore, the New York State Legislature did not enact MHRL §34(3)(h) in the manner authorized by Article IX and thus the Even Year Election Law violates the Constitution. Article IX §2(c)(ii).

107. Further, the bill of rights for local governments directs that “[e]very local government...shall have a legislative body elective by the people thereof. Every local government shall have power to adopt local laws as provided by this article. (b) All officers of every local government whose election or appointment is not provided for by this constitution shall be elected by the people of the local government, or some division thereof....”. Article IX §1(a),(b).

108. The Even Year Election Law invalidly conflicts with the County’s prerogative to determine its own form of government as enshrined in Article IX §1.

109. Moreover, even if the Even Year Election Law were deemed to be a general law, the County’s Charter need not be consistent with general state laws and the Charter’s provisions regarding odd-year elections for county executive, county legislators, and other local elected officials are nonetheless valid.

WHEREFORE, Plaintiffs respectfully demand judgment as follows:

A. A declaratory judgment pursuant to CPLR 3001 declaring that the Even Year Election Law is void as violative of the New York State Constitution; and

B. A judgment awarding Plaintiffs such other and further relief as the Court deems just, proper, and equitable, including but not limited to reasonable attorney's fees and other relief pursuant to Article 86 of the CPLR, and costs, disbursements, and other allowances of this proceeding.

Dated: April 19, 2024
Poughkeepsie, NY

CAROLINE E. BLACKBURN,
County Attorney

By: 

Caroline E. Blackburn
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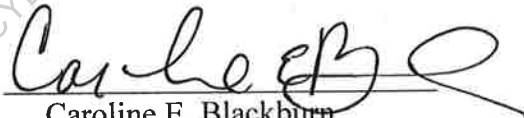
PART 130 CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF DUTCHESS)

I hereby certify that that, to the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, all of the papers that I have served, filed or submitted to the court in this action are legitimate and their allegations are correct and are not frivolous as defined in subsection (c) of Section 130-1.1 of the Rules of the Chief Administrator of the Courts.

Dated: Poughkeepsie, New York
April 19, 2024

CAROLINE E. BLACKBURN,
County Attorney

By: 
Caroline E. Blackburn
County Attorney
Attorney for Plaintiffs
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22 Market Street, 5th Floor
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WORD COUNT CERTIFICATION
PURSUANT TO SECTION 202.8-b OF THE UNIFORM
CIVIL RULES FOR THE SUPREME COURT AND COUNTY COURT

I, Caroline E. Blackburn, am an attorney duly admitted to practice law before the Courts of the State of New York and am the County Attorney for the County of Dutchess, attorneys for Plaintiff **COUNTY OF DUTCHESS**.

I hereby certify that the within Summons and Complaint is 5,371 words, exclusive of the parts exempted from Rule 202.8-b. The word count herein was prepared using a word-processing system. I hereby certify that the Summons and Complaint complies with the word count limit as set forth in Section 202.8-b of the Uniform Civil Rules for the Supreme Court and the County Court.

Dated: Poughkeepsie, New York
April 19, 2024


Caroline E. Blackburn

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