

1582

2009-2010 Regular Sessions

I N S E N A T E

February 3, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law and the legislative law, in relation to abstract and form of ballot proposals

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 4-108 of the election law, paragraph b of subdivi-
2 sion 1 as amended by chapter 117 of the laws of 1985, paragraph d of
3 subdivision 1 and subdivision 2 as amended by chapter 136 of the laws of
4 1978 and subdivision 3 as added by chapter 234 of the laws of 1976, is
5 amended to read as follows:
6 S 4-108. Certification of [proposed constitutional amendments and
7 questions] BALLOT PROPOSALS. 1. a. Whenever any [proposed amendment to
8 the constitution or other question] BALLOT PROPOSAL provided by law to
9 be submitted to a statewide vote shall be submitted to the people for
10 their approval, the state board of elections at least three months prior
11 to the general election at which such [amendment, proposition or ques-
12 tion] BALLOT PROPOSAL is to be submitted, shall transmit to each county
13 board of elections a certified copy of the text of each [amendment,
14 proposition or question and a statement of] BALLOT PROPOSAL TOGETHER
15 WITH THE ABSTRACT OF SUCH BALLOT PROPOSAL AND the form in which it is to
16 be submitted AS PROVIDED IN THE LAW OR CONCURRENT RESOLUTION SUBMITTING
17 SUCH BALLOT PROPOSAL, PURSUANT TO SECTION FIFTY-FOUR-B OF THE LEGISLA-
18 TIVE LAW. WHERE THE BALLOT PROPOSAL AUTHORIZES CREATION OF A STATE DEBT,
19 THE ABSTRACT SHALL CONTAIN AN ESTIMATE OF THE ANTICIPATED NUMBER OF
20 YEARS OVER WHICH SUCH DEBT SHALL BE AMORTIZED AND THE TOTAL EXPECTED
21 DEBT SERVICE PAYABLE ON THE PRINCIPAL AMOUNT OF SUCH BONDS UNTIL THEIR
22 RETIREMENT. SUCH INFORMATION SHALL BE PROVIDED TO THE STATE BOARD OF
23 ELECTIONS BY THE STATE COMPTROLLER NOT LATER THAN SEVEN DAYS AFTER THE
24 PASSAGE OF THE LAW AUTHORIZING SUCH BALLOT PROPOSAL. COPIES OF SUCH TEXT
25 AND ABSTRACT SHALL BE AVAILABLE FOR EXAMINATION BY VOTERS AT THE POLLING

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD07319-01-9

PLACE ON THE DAY OF SUCH ELECTION AND ON ANY REGISTRATION OR OTHER ELECTION DAY OCCURRING AFTER RECEIPT OF SUCH TRANSMISSION BY THE BOARD OF ELECTIONS AND BEFORE THE DAY OF SUCH ELECTION.

b. Whenever any [proposal, proposition or referendum] BALLOT PROPOSAL as provided by law is to be submitted to a vote of the people of a county, city, town, village or special district, at an election conducted by the board of elections, the clerk of such political subdivision, at least thirty-six days prior to the election at which such [proposal, proposition or referendum] BALLOT PROPOSAL is to be submitted, shall transmit to each board of elections a certified copy of the text of such [proposal, proposition or referendum and a statement of] BALLOT PROPOSAL TOGETHER WITH AN ABSTRACT OF SUCH BALLOT PROPOSAL AND the form in which it is to be submitted. THE FORM SHALL CONSIST ONLY OF A SHORT TITLE INDICATING GENERALLY AND BRIEFLY AND IN A CLEAR AND COHERENT MANNER USING WORDS WITH COMMON AND EVERYDAY MEANINGS, THE SUBJECT MATTER OF SUCH BALLOT PROPOSAL. THE ABSTRACT OF SUCH BALLOT PROPOSAL SHALL STATE CONCISELY THE PURPORT AND EFFECT THEREOF IN A CLEAR AND COHERENT MANNER USING WORDS OF COMMON AND EVERYDAY MEANING. WHERE THAT BALLOT PROPOSAL AUTHORIZES CREATION OF A STATE DEBT, THE ABSTRACT SHALL CONTAIN AN ESTIMATE OF THE ANTICIPATED NUMBER OF YEARS OVER WHICH SUCH DEBT SHALL BE AMORTIZED AND THE TOTAL EXPECTED DEBT SERVICE PAYABLE ON THE PRINCIPAL AMOUNT OF SUCH BONDS UNTIL THEIR RETIREMENT. SUCH FORM OF SUBMISSION AND ABSTRACT SHALL BE PREPARED BY THE ATTORNEY OF SUCH COUNTY, CITY, TOWN, VILLAGE OR SPECIAL DISTRICT FOR TRANSMITTAL TO THE APPROPRIATE BOARD OF ELECTIONS NOT LATER THAN THE THIRTY-SIXTH DAY BEFORE SUCH ELECTION. COPIES OF SUCH TEXT AND ABSTRACT SHALL BE AVAILABLE FOR EXAMINATION BY VOTERS AT THE POLLING PLACE ON THE DAY OF SUCH ELECTION. If a special election is to be held, such transmittal shall also give the date of such election.

c. Such certified copy OF THE TEXT shall set out all new matter in italics and enclose in brackets, [], all matter to be eliminated from existing law, and at the bottom of each page shall be appended the words:

Explanation: Matter in italics is new, to be added; matter in brackets [] is old law, to be omitted.

d. [In addition to the text, such transmittal shall contain an abstract of such proposed amendment, proposition or question, prepared by the state board of elections concisely stating the purpose and effect thereof in a clear and coherent manner using words with common and everyday meanings] THE EFFECT OF AN APPROVAL OF A BALLOT PROPOSAL BY VOTE OF THE PEOPLE SHALL BE DEEMED TO INCORPORATE THE COMPLETE WORDING CONTAINED IN THE TEXT OF SUCH BALLOT PROPOSAL, A CERTIFIED COPY OF WHICH WAS TRANSMITTED PURSUANT TO THIS SUBDIVISION.

2. [The form in which the proposed amendment, proposition or question is to be submitted shall consist of only an abbreviated title indicating generally and briefly, and in a clear and coherent manner using words with common and every-day meanings, the subject matter of the amendment, proposition or question.] If more than one such [amendment, proposition or question] BALLOT PROPOSAL is to be voted upon at such election, each such [amendment, proposition or question] BALLOT PROPOSAL respectively shall be separately and consecutively numbered.

3. The attorney general shall advise in the preparation of such abstract and such form of submission.

S 2. Subdivision 2 of section 4-116 of the election law, as amended by chapter 60 of the laws of 1993, is amended to read as follows:

1 2. The state board of elections shall publish once in the week
2 preceding any election at which [proposed constitutional amendments or
3 other propositions or questions] BALLOT PROPOSALS are to be submitted to
4 the voters of the state an abstract of such [amendment or question]
5 BALLOT PROPOSAL INCLUDING AN ESTIMATE OF THE AMORTIZATION PERIOD AND THE
6 TOTAL ANTICIPATED DEBT SERVICE WHERE THE BALLOT PROPOSAL AUTHORIZES
7 CREATION OF A STATE DEBT, a brief statement of the law or proceedings
8 authorizing such [submission] BALLOT PROPOSAL, a statement that such
9 [submission] BALLOT PROPOSAL will be made and the form in which it is to
10 be submitted.

11 S 3. The legislative law is amended by adding a new section 54-b to
12 read as follows:

13 S 54-B. FORM AND ABSTRACT OF STATEWIDE BALLOT PROPOSALS IN CONCURRENT
14 RESOLUTIONS OR LAWS. 1. A CONCURRENT RESOLUTION OR A LAW, WHICH INCLUDES
15 A BALLOT PROPOSAL FOR SUBMISSION TO A STATEWIDE VOTE, SHALL CONTAIN THE
16 COMPLETE TEXT OF THE AMENDMENT, PROPOSITION OR QUESTION.

17 2. A CONCURRENT RESOLUTION OR A LAW WHICH CONTAINS A BALLOT PROPOSAL
18 TO BE SUBMITTED TO A STATEWIDE VOTE ALSO SHALL CONTAIN AN ABSTRACT OF
19 SUCH BALLOT PROPOSAL CONCISELY STATING THE PURPORT AND EFFECT THEREOF IN
20 A CLEAR AND COHERENT MANNER USING WORDS OF COMMON AND EVERYDAY MEANING.

21 3. SUCH CONCURRENT RESOLUTION OR LAW ALSO SHALL CONTAIN THE FORM IN
22 WHICH SUCH BALLOT PROPOSAL IS TO BE SUBMITTED TO A STATEWIDE VOTE. SUCH
23 FORM SHALL CONSIST OF ONLY A SHORT TITLE INDICATING GENERALLY AND BRIEF-
24 LY, AND IN A CLEAR AND COHERENT MANNER USING WORDS WITH COMMON EVERYDAY
25 MEANINGS, THE SUBJECT MATTER OF SUCH BALLOT PROPOSAL.

26 S 4. This act shall take effect on the first of January next succeed-
27 ing the date on which it shall have become a law.