

STATE OF NEW YORK

5661--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 20, 2023

Introduced by M. of A. SIMONE, GLICK, DINOWITZ, COLTON, WEPRIN, CARROLL
-- Multi-Sponsored by -- M. of A. COOK -- read once and referred to
the Committee on Cities -- recommitted to the Committee on Cities in
accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill
amended, ordered reprinted as amended and recommitted to said commit-
tee

AN ACT to amend the municipal home rule law, in relation to the city
charter referendum process; and to repeal paragraphs (e), (f) and (g)
of subdivision 5 of section 36 of the municipal home rule law, relat-
ing to limitations on the submitting of a question to the qualified
electors of a city when there is a question submitted by a charter
commission

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Paragraphs (e), (f) and (g) of subdivision 5 of section 36
2 of the municipal home rule law are REPEALED.
3 § 2. Paragraphs (b) and (d) of subdivision 5 of section 36 of the
4 municipal home rule law, as amended by chapter 592 of the laws of 1964,
5 are amended and a new paragraph (e) is added to read as follows:
6 (b) Such new charter or amendments shall be completed and filed in the
7 office of the city clerk (i) no less than one hundred eighty days after
8 the charter commission was created and organized, and no less than thir-
9 ty days after a charter commission report has been made public pursuant
10 to paragraph (a) of this subdivision, and (ii) in time for submission to
11 the electors not later than the second general election after the char-
12 ter commission is created and organized. The local law or certificate
13 establishing the commission or, in the absence of such provision there-
14 in, the charter commission shall provide for such publication or other
15 publicity in respect to the provisions of the proposed charter or amend-
16 ments as it may deem proper, and for submission thereof to the electors
17 of the city at a general or special election held not earlier than sixty

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

LBD07932-02-4

1 days after the filing thereof in the office of the city clerk and not
2 later than the next general election which does not occur within the
3 said sixty days, provided, however, that if such general election occurs
4 within ninety days after the said filing, the proposed charter or amend-
5 ments shall be submitted at such general election. At such election, if
6 a proposed new charter is submitted as a single proposal, there shall be
7 submitted to the qualified electors of the city the question: "Shall the
8 new city charter proposed by the city charter commission be adopted ?"
9 The charter commission may, however, require that its proposed charter
10 be submitted in two or more parts so arranged that corresponding parts
11 of the existing charter shall remain in effect if one or more of such
12 parts are not adopted, or may in lieu of a new charter submit a revision
13 of the existing charter in one or more amendments and may also submit
14 alternative charters or amendments or alternative provisions to super-
15 sede designated portions of a proposed charter or amendment if adopted.
16 In such case the charter commission shall prescribe the form of the
17 questions to be submitted, which shall be such as clearly to indicate
18 the effect of their approval.

19 (d) If any question submitted by the charter commission receives the
20 affirmative vote of a majority of the qualified electors of the city
21 voting thereon, the proposal submitted thereby shall take effect as
22 specified therein and the new charter or the amendment or amendments to
23 the existing charter as so proposed shall become operative as prescribed
24 therein[; ~~except that if there be a conflict between the provisions of~~
25 ~~two or more proposals approved by the electors at the same election, the~~
26 ~~proposal receiving the largest number of affirmative votes shall prevail~~
27 ~~to the extent of such conflict~~].

28 (e) Notwithstanding paragraph (d) of this subdivision, if there is a
29 conflict between the provisions of two or more proposals approved by the
30 electors at the same election, the proposal receiving the largest number
31 of affirmative votes shall prevail to the extent of such conflict.

32 § 3. This act shall take effect immediately.

REPEAL NOTE.--Paragraphs (e), (f) and (g) of subdivision 5 of section
36 of the municipal home rule law proposed to be repealed by this act
provides limitations including prohibition on submission by local law,
ordinance, resolution or petition of a question to the qualified elec-
tors of a city when any question is submitted by a charter commission.