S T A T E O F N E W Y O R K

10282

I N A S S E M B L Y

March 16, 2010

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A. THIELE -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to requiring the voters to approve the repeal of any term limit

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

Section 1. The election law is amended by adding a new section 1-108 to read as follows:

S 1-108. REPEAL OF TERM LIMITS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN THOSE ELECTED OFFICES WHERE THE TERM OF OFFICE OF AN ELECTED OFFICIAL HAS BEEN LIMITED, ONLY AT LEAST ONE HUNDRED FIFTY DAYS PRIOR TO ANY ELECTION, THE LEGISLATIVE BODY THAT HAS CONTROL OVER THE TERM LIMITED ELECTED OFFICIAL MAY ADOPT A RESOLUTION TO PROVIDE THAT THE TERM OF OFFICE OF THE ELECTED OFFICIAL THEREAFTER SHALL NOT HAVE A TERM LIMIT, AND SUCH RESOLUTION SHALL BE SUBMITTED TO THE APPROPRIATE QUALIFIED ELECTORS FOR THEIR APPROVAL OR DISAPPROVAL AT THE NEXT ELECTION. NO SUCH RESOLUTION SHALL BECOME EFFECTIVE UNTIL APPROVED BY THE AFFIRMATIVE VOTE OF THE MAJORITY OF THE APPROPRIATE QUALIFIED ELECTORS VOTING ON SUCH PROPOSITION. THE VOTE ON SUCH PROPOSITION SHALL BE CONDUCTED PURSUANT TO THE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS. IF THE APPROPRIATE LEGISLATIVE BODY SHALL HAVE ADOPTED SUCH A RESOLUTION AND IF A MAJORITY OF THE VOTES CAST ON ANY SUCH PROPOSITION WHEN SUBMITTED AS HEREIN PROVIDED SHALL BE IN THE AFFIRMATIVE, THE TERMS OF OFFICE OF THOSE ELECTED OFFICERS INCLUDED IN SUCH PROPOSITION AND THEREAFTER ELECTED SHALL NOT HAVE A TERM LIMIT. THIS SECTION SHALL TAKE PRECEDENCE OVER ANY CITY CHARTER OR ANY OTHER POLITICAL SUBDIVISION'S LAW, RULE OR REGULATION TO THE CONTRARY. FOR THE PURPOSES OF THIS SECTION THE TERM "ELECTED OFFICIAL" SHALL MEAN AN ELECTED OFFICIAL OF A POLITICAL SUBDIVISION, EXCEPT JUDGES OR JUSTICES OF THE UNIFIED COURT SYSTEM.

S 2. This act shall take effect immediately.

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

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