

1536

2009-2010 Regular Sessions

I N   S E N A T E

February 2, 2009

---

Introduced by Sens. PARKER, HUNTLEY, KLEIN, ONORATO, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to requiring voter approval for the abolition or modification of term limits for certain elected offices

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

1     Section 1. The election law is amended by adding a new section 1-108  
2     to read as follows:  
3     S 1-108. VOTER APPROVAL FOR MODIFICATION OF TERM LIMITS. NOTWITHSTAND-  
4     ING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WHERE THE TERM OF OFFICE  
5     OF AN ELECTED OFFICIAL HAS BEEN LIMITED BY REFERENDUM OR PROPOSITION  
6     (HEREINAFTER, "REFERENDUM"), THE LEGISLATIVE BODY WHICH HAS CONTROL OVER  
7     THE TERM LIMITED ELECTED OFFICIAL MAY ADOPT A RESOLUTION TO ABOLISH OR  
8     MODIFY THE TERM LIMIT OF AN ELECTED OFFICE AND SUCH RESOLUTION SHALL BE  
9     SUBMITTED TO THE APPROPRIATE QUALIFIED ELECTORS FOR THEIR APPROVAL OR  
10    DISAPPROVAL AT A REGULAR OR SPECIAL ELECTION (HEREINAFTER, "SECOND  
11    REFERENDUM"). SUCH RESOLUTION SHALL BE ADOPTED BY THE APPROPRIATE  
12    LEGISLATIVE BODY AT LEAST NINETY DAYS PRIOR TO THE DATE THAT THE SECOND  
13    REFERENDUM IS CONDUCTED. NO SUCH RESOLUTION SHALL BECOME EFFECTIVE  
14    UNTIL APPROVED BY THE AFFIRMATIVE VOTE OF THE MAJORITY OF THE APPROPRI-  
15    ATE QUALIFIED ELECTORS VOTING ON SUCH SECOND REFERENDUM. A SECOND  
16    REFERENDUM SHALL ALSO BE REQUIRED WHERE, PRIOR TO THE EFFECTIVE DATE OF  
17    THIS SECTION, A TERM LIMITATION ON ELECTED OFFICE HAS BEEN ABOLISHED OR  
18    MODIFIED LEGISLATIVELY, PROVIDED THAT THE TERM OF OFFICE HAD BEEN  
19    ORIGINALLY LIMITED BY REFERENDUM. THE VOTE ON SUCH SECOND REFERENDUM  
20    SHALL BE CONDUCTED PURSUANT TO THE RULES AND REGULATIONS OF THE STATE  
21    BOARD OF ELECTIONS; PROVIDED THAT SUCH VOTE SHALL BE TAKEN NO LATER THAN  
22    THE FIRST TUESDAY IN MARCH IN THE SAME YEAR THAT A GENERAL ELECTION IS  
23    SCHEDULED TO BE HELD FOR THE OFFICE SUBJECT TO TERM LIMIT MODIFICATION.

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

LBD03701-01-9

1 IF THE APPROPRIATE LEGISLATIVE BODY SHALL HAVE ADOPTED SUCH A RESOLUTION  
2 AND IF A MAJORITY OF THE VOTES CAST ON ANY SUCH SECOND REFERENDUM WHEN  
3 SUBMITTED AS PROVIDED IN THIS SECTION SHALL BE IN THE AFFIRMATIVE, THE  
4 TERMS OF OFFICE OF THOSE ELECTED OFFICERS INCLUDED IN SUCH SECOND REFER-  
5 ENDUM AND THEREAFTER ELECTED SHALL BE AS PROVIDED IN SUCH SECOND REFER-  
6 ENDUM. THIS SECTION SHALL SUPERSEDE ANY OTHER STATE LAW OR REGULATION,  
7 CITY CHARTER OR POLITICAL SUBDIVISION LAW, RULE, REGULATION, CODE OR  
8 ORDINANCE TO THE CONTRARY. FOR THE PURPOSES OF THIS SECTION THE TERMS  
9 "ELECTED OFFICIAL" AND "ELECTED OFFICE" SHALL MEAN AN ELECTED OFFICIAL  
10 OR ELECTED OFFICE OF ANY COUNTY, CITY, MUNICIPALITY, TOWN, VILLAGE OR  
11 POLITICAL SUBDIVISION, EXCEPT JUDGES OR JUSTICES OF THE UNIFIED COURT  
12 SYSTEM.

13 S 2. This act shall take effect immediately and shall be deemed to  
14 have been in full force and effect on and after October 1, 2008.