

1224

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. JEFFRIES, COLTON, MOLINARO, JAFFEE, DIAZ, PEOPLES, KOLB, MILLMAN, BENJAMIN, KAVANAGH, PERRY, PERALTA, BOYLAND, LANCMAN, WEPRIN, WRIGHT, TOWNS, POWELL -- Multi-Sponsored by -- M. of A. CAMARA, CHRISTENSEN, GLICK, ROSENTHAL -- read once and referred to the Committee on Election Law

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

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

LBD03701-01-9

1 BOARD OF ELECTIONS; PROVIDED THAT SUCH VOTE SHALL BE TAKEN NO LATER THAN  
2 THE FIRST TUESDAY IN MARCH IN THE SAME YEAR THAT A GENERAL ELECTION IS  
3 SCHEDULED TO BE HELD FOR THE OFFICE SUBJECT TO TERM LIMIT MODIFICATION.  
4 IF THE APPROPRIATE LEGISLATIVE BODY SHALL HAVE ADOPTED SUCH A RESOLUTION  
5 AND IF A MAJORITY OF THE VOTES CAST ON ANY SUCH SECOND REFERENDUM WHEN  
6 SUBMITTED AS PROVIDED IN THIS SECTION SHALL BE IN THE AFFIRMATIVE, THE  
7 TERMS OF OFFICE OF THOSE ELECTED OFFICERS INCLUDED IN SUCH SECOND REFER-  
8 ENDUM AND THEREAFTER ELECTED SHALL BE AS PROVIDED IN SUCH SECOND REFER-  
9 ENDUM. THIS SECTION SHALL SUPERSEDE ANY OTHER STATE LAW OR REGULATION,  
10 CITY CHARTER OR POLITICAL SUBDIVISION LAW, RULE, REGULATION, CODE OR  
11 ORDINANCE TO THE CONTRARY. FOR THE PURPOSES OF THIS SECTION THE TERMS  
12 "ELECTED OFFICIAL" AND "ELECTED OFFICE" SHALL MEAN AN ELECTED OFFICIAL  
13 OR ELECTED OFFICE OF ANY COUNTY, CITY, MUNICIPALITY, TOWN, VILLAGE OR  
14 POLITICAL SUBDIVISION, EXCEPT JUDGES OR JUSTICES OF THE UNIFIED COURT  
15 SYSTEM.

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