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

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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, PEOPLES-STOKES, KOLB, MILLMAN, BENJAMIN, KAVANAGH, PERRY, PERALTA, BOYLAND, LANCMAN, WRIGHT, TOWNS, POWELL, ROBINSON, P. RIVERA, ESPAILLAT -- Multi-Sponsored by -- M. of A. BRENNAN, CAMARA, CHRISTENSEN, GLICK, ROSENTHAL -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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:

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

S 1-108. VOTER APPROVAL FOR MODIFICATION OF TERM LIMITS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WHERE THE TERM OF OFFICE OF AN ELECTED OFFICIAL HAS BEEN LIMITED BY REFERENDUM OR PROPOSITION (HEREINAFTER, "REFERENDUM"), A LEGISLATIVE BODY WITHIN THE GOVERNMENTAL OR POLITICAL SUBDIVISION IMPACTED BY THE TERM LIMITATION OR RESTRICTION IS PROHIBITED FROM MODIFYING OR ABOLISHING SUCH TERM LIMITATION OR RESTRICTION BY LEGISLATIVE ACTION. IN ORDER FOR A LEGISLATIVE BODY TO MODIFY OR ABOLISH A TERM LIMITATION OR RESTRICTION INITIALLY IMPOSED BY REFERENDUM, SUCH LEGISLATIVE BODY MUST SUBMIT A RESOLUTION TO THE APPROPRIATE QUALIFIED ELECTORS OR VOTERS (HEREINAFTER, "ELECTORS") FOR THEIR APPROVAL AT A REGULAR OR SPECIAL ELECTION (HEREINAFTER, "SECOND REFERENDUM"). SUCH RESOLUTION SHALL BE ADOPTED BY THE APPROPRIATE LEGISLATIVE

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

BODY AT LEAST NINETY DAYS PRIOR TO THE DATE THAT THE SECOND REFERENDUM IS CONDUCTED. NO SUCH RESOLUTION SHALL BECOME EFFECTIVE UNTIL APPROVED BY THE AFFIRMATIVE VOTE OF THE MAJORITY OF THE APPROPRIATE QUALIFIED ELECTORS VOTING ON SUCH SECOND REFERENDUM. THE VOTE ON SUCH SECOND REFERENDUM SHALL BE CONDUCTED PURSUANT TO THE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS; PROVIDED THAT SUCH VOTE SHALL BE TAKEN NO LATER THAN THE FIRST TUESDAY IN MARCH IN THE SAME YEAR THAT A GENERAL ELECTION IS SCHEDULED TO BE HELD FOR THE OFFICE OR OFFICES SUBJECT TO TERM LIMIT MODIFICATION OR ABOLISHMENT. IF THE APPROPRIATE LEGISLATIVE BODY PUTS FORTH SUCH A RESOLUTION AND IF A MAJORITY OF THE VOTES CAST ON ANY SUCH SECOND REFERENDUM WHEN SUBMITTED AS PROVIDED IN THIS SECTION SHALL BE IN THE AFFIRMATIVE, THE TERMS OF OFFICE OF THOSE ELECTED OFFICERS INCLUDED IN SUCH SECOND REFERENDUM AND THEREAFTER ELECTED SHALL BE AS PROVIDED IN SUCH SECOND REFERENDUM. THE REFERENDUM PROCESS REQUIRED BY THIS SECTION SHALL NOT PROHIBIT OR IN ANY WAY ALTER THE PROCESS BY WHICH A TERM LIMITATION CAN BE MODIFIED OR ABOLISHED BY A CITIZEN OR PUBLICLY INITIATED REFERENDUM OTHERWISE AUTHORIZED BY THE LAW OF THE RELEVANT JURISDICTION. THIS SECTION SHALL SUPERSEDE ANY OTHER STATE LAW OR REGULATION, CITY CHARTER OR POLITICAL SUBDIVISION LAW, RULE, REGULATION, CODE OR ORDINANCE TO THE CONTRARY. FOR THE PURPOSES OF THIS SECTION THE TERMS "ELECTED OFFICIAL" AND "ELECTED OFFICE" SHALL MEAN AN ELECTED OFFICIAL OR ELECTED OFFICE OF ANY COUNTY, CITY, MUNICIPALITY, TOWN, VILLAGE OR POLITICAL SUBDIVISION, EXCEPT JUDGES OR JUSTICES OF THE UNIFIED COURT SYSTEM.

S 2. This act shall take effect January 1, 2010.