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

200

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. JEFFRIES, TOWNS, WRIGHT, KAVANAGH, BENJAMIN, POWELL, WEPRIN, LANCMAN, PERRY, PERALTA, BOYLAND -- Multi-Sponsored by -- M. of A. CAMARA, DIAZ, 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:

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"), THE LEGISLATIVE BODY WHICH HAS CONTROL OVER THE TERM LIMITED ELECTED OFFICIAL MAY ADOPT A RESOLUTION TO ABOLISH OR MODIFY THE TERM LIMIT OF AN ELECTED OFFICE AND SUCH RESOLUTION SHALL BE SUBMITTED TO THE APPROPRIATE QUALIFIED ELECTORS FOR THEIR APPROVAL OR DISAPPROVAL AT A REGULAR OR SPECIAL ELECTION. SUCH RESOLUTION SHALL BE ADOPTED BY THE APPROPRIATE LEGISLATIVE BODY AT LEAST NINETY DAYS PRIOR TO THE DATE THAT THE 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 REFERENDUM. A REFERENDUM SHALL ALSO BE REQUIRED WHERE, PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, A TERM LIMITATION ON ELECTED OFFICE HAS BEEN ABOLISHED OR MODIFIED LEGISLATIVELY, PROVIDED THAT THE TERM OF OFFICE HAD BEEN ORIGINALLY LIMITED BY REFERENDUM. THE VOTE ON SUCH 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 SCHE-

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

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DULED TO BE HELD FOR THE OFFICE SUBJECT TO TERM LIMIT MODIFICATION. IF THE APPROPRIATE LEGISLATIVE BODY SHALL HAVE ADOPTED SUCH A RESOLUTION AND IF A MAJORITY OF THE VOTES CAST ON ANY SUCH REFERENDUM WHEN SUBMITTED AS PROVIDED IN THIS SECTION SHALL BE IN THE AFFIRMATIVE, THE TERMS OF OFFICE OF THOSE ELECTED OFFICERS INCLUDED IN SUCH REFERENDUM AND THEREAFTER ELECTED SHALL BE AS PROVIDED IN SUCH REFERENDUM. 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 immediately.