

1730

2011-2012 Regular Sessions

I N   S E N A T E

January 11, 2011

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Introduced by Sens. PARKER, HUNTLEY, KLEIN, 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"), A LEGISLATIVE BODY WITHIN THE GOVERNMENTAL  
7     OR POLITICAL SUBDIVISION IMPACTED BY THE TERM LIMITATION OR RESTRICTION  
8     IS PROHIBITED FROM MODIFYING OR ABOLISHING SUCH TERM LIMITATION OR  
9     RESTRICTION BY LEGISLATIVE ACTION. IN ORDER FOR A LEGISLATIVE BODY TO  
10    MODIFY OR ABOLISH A TERM LIMITATION OR RESTRICTION INITIALLY IMPOSED BY  
11    REFERENDUM, SUCH LEGISLATIVE BODY MUST SUBMIT A RESOLUTION TO THE APPRO-  
12    PRIATE QUALIFIED ELECTORS OR VOTERS (HEREINAFTER, "ELECTORS") FOR THEIR  
13    APPROVAL AT A REGULAR OR SPECIAL ELECTION (HEREINAFTER, "SECOND REFEREN-  
14    DUM"). SUCH RESOLUTION SHALL BE ADOPTED BY THE APPROPRIATE LEGISLATIVE  
15    BODY AT LEAST NINETY DAYS PRIOR TO THE DATE THAT THE SECOND REFERENDUM  
16    IS CONDUCTED. NO SUCH RESOLUTION SHALL BECOME EFFECTIVE UNTIL APPROVED  
17    BY THE AFFIRMATIVE VOTE OF THE MAJORITY OF THE APPROPRIATE QUALIFIED  
18    ELECTORS VOTING ON SUCH SECOND REFERENDUM. THE VOTE ON SUCH SECOND  
19    REFERENDUM SHALL BE CONDUCTED PURSUANT TO THE RULES AND REGULATIONS OF  
20    THE STATE BOARD OF ELECTIONS; PROVIDED THAT SUCH VOTE SHALL BE TAKEN NO  
21    LATER THAN THE FIRST TUESDAY IN MARCH IN THE SAME YEAR THAT A GENERAL  
22    ELECTION IS SCHEDULED TO BE HELD FOR THE OFFICE OR OFFICES SUBJECT TO  
23    TERM LIMIT MODIFICATION OR ABOLISHMENT. IF THE APPROPRIATE LEGISLATIVE

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

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1 BODY PUTS FORTH SUCH A RESOLUTION AND IF A MAJORITY OF THE VOTES CAST ON  
2 ANY SUCH SECOND REFERENDUM WHEN SUBMITTED AS PROVIDED IN THIS SECTION  
3 SHALL BE IN THE AFFIRMATIVE, THE TERMS OF OFFICE OF THOSE ELECTED OFFI-  
4 CERS INCLUDED IN SUCH SECOND REFERENDUM AND THEREAFTER ELECTED SHALL BE  
5 AS PROVIDED IN SUCH SECOND REFERENDUM. THE REFERENDUM PROCESS REQUIRED  
6 BY THIS SECTION SHALL NOT PROHIBIT OR IN ANY WAY ALTER THE PROCESS BY  
7 WHICH A TERM LIMITATION CAN BE MODIFIED OR ABOLISHED BY A CITIZEN OR  
8 PUBLICLY INITIATED REFERENDUM OTHERWISE AUTHORIZED BY THE LAW OF THE  
9 RELEVANT JURISDICTION. THIS SECTION SHALL SUPERSEDE ANY OTHER STATE LAW  
10 OR REGULATION, CITY CHARTER OR POLITICAL SUBDIVISION LAW, RULE, REGU-  
11 LATION, CODE OR ORDINANCE TO THE CONTRARY. FOR THE PURPOSES OF THIS  
12 SECTION THE TERMS "ELECTED OFFICIAL" AND "ELECTED OFFICE" SHALL MEAN AN  
13 ELECTED OFFICIAL OR ELECTED OFFICE OF ANY COUNTY, CITY, MUNICIPALITY,  
14 TOWN, VILLAGE OR POLITICAL SUBDIVISION, EXCEPT JUDGES OR JUSTICES OF THE  
15 UNIFIED COURT SYSTEM.

16 S 2. This act shall take effect July 1, 2011.