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

6066

2015-2016 Regular Sessions

I N  A S S E M B L Y

March 11, 2015

Introduced by M. of A. JAFFEE -- read once and referred to the Committee on Local Governments

AN ACT to amend the municipal home rule law, in relation to special elections for municipal referenda

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

Section 1. The municipal home rule law is amended by adding a new section 29 to read as follows:

S 29. MUNICIPAL REFERENDA; ELECTIONS. 1. ANY SPECIAL ELECTION FOR A MUNICIPAL REFERENDUM OR REFERENDA IN A MUNICIPALITY WITH A POPULATION AS RECORDED IN THE LAST DECENNIAL CENSUS OF TWENTY-FIVE THOUSAND OR MORE SHALL BE OPERATED BY THE COUNTY OR CITY BOARD OF ELECTIONS WITHIN WHICH THE MUNICIPALITY LIES. ALL RULES AND REGULATIONS AS PROVIDED IN THE ELECTION LAW AND RULES AND REGULATIONS OF THE NEW YORK STATE BOARD OF ELECTIONS FOR ELECTION TO PUBLIC OFFICE SHALL APPLY TO SUCH REFERENDUM OR REFERENDA. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, LAWS CONCERNING VOTER ELIGIBILITY AND VOTER REGISTRATION, ABSENTEE AND MILITARY BALLOTS, THE PLACE AND MANNER OF POLLING, THE COUNTING OF VOTES AND LITIGATION CONCERNING THE ELECTION.

2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, IN A SPECIAL ELECTION FOR A MUNICIPAL REFERENDUM OR REFERENDA NOT TO BE HELD ON A STATE PRIMARY DAY OR GENERAL ELECTION DAY, THE LAST DAY FOR VOTER REGISTRATION FORMS TO BE RECEIVED BY THE CITY OR COUNTY BOARD OF ELECTIONS SHALL BE FIFTEEN DAYS PRIOR TO THE DATE OF SUCH SPECIAL ELECTION. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, ONLY REGISTERED VOTERS AS DEFINED BY THE ELECTION LAW SHALL BE PERMITTED TO VOTE IN A MUNICIPAL REFERENDUM OR REFERENDA REGARDLESS OF THE SIZE OF THE POPULATION OF THE MUNICIPALITY.

3. NO MUNICIPALITY SUBJECT TO THIS SECTION MAY PASS ANY LOCAL LAW ALTERING OR SUPERSEDING THIS LAW.

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

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4. ANY PROVISION IN ANY OTHER LAW CONCERNING MUNICIPAL REFERENDA THAT CONFLICTS WITH THE PROVISIONS OF THIS LAW ARE HEREBY SUPERSEDED.

5. NOTHING IN THIS SECTION SHALL AFFECT OR ALTER REQUIREMENTS RELATING TO THE FILING OF A PETITION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.