STATE OF NEW YORK

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2325

2019-2020 Regular Sessions

IN SENATE

January 24, 2019
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Introduced by Sen. KAVANAGH -- 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 the text of proposed
    constitutional amendments and questions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1   Section 1. Section 4-108 of the election law, paragraph b of subdivi-
2 sion 1 as amended by chapter 117 of the laws of 1985, paragraph d of
3 subdivision 1 and subdivision 2 as amended by chapter 136 of the laws of
4 1978, and subdivision 3 as added by chapter 234 of the laws of 1976, is
5 amended to read as follows:
6   § 4-108. Certification of proposed constitutional amendments and ques-
7 tions.   1. a. Whenever any proposed amendment to the constitution or
8 other question provided by law to be submitted to a statewide vote shall
9 be submitted to the people for their approval, the state board of
10 elections at least three months prior to the general election at which
11 such amendment, proposition or question is to be submitted, shall **(i)**
12 transmit to each county board of elections a certified copy of the text
13 of each amendment, proposition or question and a statement of the form
14 in which it is to be submitted**; and (ii) publish a copy of the text of**
15 **each amendment, proposition or question and a statement of the form in**
16 **which it is to be submitted on the state board of elections website**
17 **until the day after the general election of that particular year**.
18   b. Whenever any proposal, proposition or referendum as provided by law
19 is to be submitted to a vote of the people of a county, city, town,
20 village or special district, at an election conducted by the board of
21 elections, the clerk of such political subdivision, at least thirty-six
22 days prior to the election at which such proposal, proposition or refer-
23 endum is to be submitted, shall transmit to each board of elections a
24 certified copy of the text of such proposal, proposition or referendum
25 and a statement of the form in which it is to be submitted. If a special

1 election is to be held, such transmittal shall also give the date of
2 such election.
3   c. Such certified copy shall set out all new matter in italics and
4 enclose in brackets, [——], all matter to be eliminated from existing
5 law, and at the bottom of each page shall be appended the words:
6   Explanation: Matter in italics is new, to be added; matter in brackets
7 [——] is old law, to be omitted.
8   d. In addition to the text**, as required under paragraph a of this**
9 **subdivision**, such transmittal shall contain an abstract of such proposed
10 amendment, proposition or question, [~~prepared by the state board of~~
11 ~~elections~~] concisely stating the purpose and effect thereof in a clear
12 and coherent manner using words with common and everyday meanings.
13   2. The form in which the proposed amendment, proposition or question
14 is to be submitted shall consist of only an abbreviated title indicating
15 generally and briefly, and in a clear**, unbiased** and coherent manner
16 using words with common and every-day meanings, the subject matter of
17 the amendment, proposition or question. If more than one such amendment,
18 proposition or question is to be voted upon at such election, each such
19 amendment, proposition or question respectively shall be separately and
20 consecutively numbered.
21   3. The attorney general shall [~~advise in the preparation of~~] **prepare**
22 **and deliver** such abstract and such form of submission**, as required under**
23 **paragraphs a and d of subdivision one of this section, to the state**
24 **board of elections at least four months prior to the general election at**
25 **which such amendment, proposition or question is to be submitted**.
26   § 2. This act shall take effect one year after it shall have become a
27 law.