

STATE OF NEW YORK

56

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. QUART, GALEF -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Election Law

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 5 of the laws of 2019, 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 three
22 months prior to the general election at which such proposal, proposition
23 or referendum is to be submitted, shall transmit to each board of
24 elections a certified copy of the text of such proposal, proposition or

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

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1 referendum and a statement of the form in which it is to be submitted.
2 If a special election is to be held, such transmittal shall also give
3 the date of such election.

4 c. Such certified copy shall set out all new matter in italics and
5 enclose in brackets, [—], all matter to be eliminated from existing
6 law, and at the bottom of each page shall be appended the words:

7 Explanation: Matter in italics is new, to be added; matter in brackets
8 [—] is old law, to be omitted.

9 d. In addition to the text, as required under paragraph a of this
10 subdivision, such transmittal shall contain an abstract of such proposed
11 amendment, proposition or question, [~~prepared by the state board of~~
12 ~~elections~~] concisely stating the purpose and effect thereof in a clear
13 and coherent manner using words with common and everyday meanings.

14 2. The form in which the proposed amendment, proposition or question
15 is to be submitted shall consist of only an abbreviated title indicating
16 generally and briefly, and in a clear, unbiased and coherent manner
17 using words with common and every-day meanings, the subject matter of
18 the amendment, proposition or question. If more than one such amendment,
19 proposition or question is to be voted upon at such election, each such
20 amendment, proposition or question respectively shall be separately and
21 consecutively numbered.

22 3. The attorney general shall [~~advise in the preparation of~~] prepare
23 and deliver such abstract and such form of submission, as required under
24 paragraphs a and d of subdivision one of this section, to the state
25 board of elections at least four months prior to the general election at
26 which such amendment, proposition or question is to be submitted.

27 § 2. This act shall take effect one year after it shall have become a
28 law.