STATE OF NEW YORK

5661--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 20, 2023

Introduced by M. of A. SIMONE, GLICK, DINOWITZ, COLTON, WEPRIN, CARROLL -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the municipal home rule law, in relation to the city charter referendum process; and to repeal paragraphs (e), (f) and (g) of subdivision 5 of section 36 of the municipal home rule law, relating to limitations on the submitting of a question to the qualified electors of a city when there is a question submitted by a charter commission

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

Section 1. Paragraphs (e), (f) and (g) of subdivision 5 of section 36 of the municipal home rule law are REPEALED.

§ 2. Paragraphs (b) and (d) of subdivision 5 of section 36 of the municipal home rule law, as amended by chapter 592 of the laws of 1964, are amended and a new paragraph (e) is added to read as follows:

(b) Such new charter or amendments shall be completed and filed in the office of the city clerk **(i) no less than one hundred eighty days after the charter commission was created and organized, and no less than thirty days after a charter commission report has been made public pursuant to paragraph (a) of this subdivision, and (ii)** in time for submission to the electors not later than the second general election after the charter commission is created and organized. The local law or certificate establishing the commission or, in the absence of such provision therein, the charter commission shall provide for such publication or other publicity in respect to the provisions of the proposed charter or amendments as it may deem proper, and for submission thereof to the electors of the city at a general or special election held not earlier than sixty

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

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days after the filing thereof in the office of the city clerk and not later than the next general election which does not occur within the said sixty days, provided, however, that if such general election occurs within ninety days after the said filing, the proposed charter or amendments shall be submitted at such general election. At such election, if a proposed new charter is submitted as a single proposal, there shall be submitted to the qualified electors of the city the question: "Shall the new city charter proposed by the city charter commission be adopted ?" The charter commission may, however, require that its proposed charter be submitted in two or more parts so arranged that corresponding parts of the existing charter shall remain in effect if one or more of such parts are not adopted, or may in lieu of a new charter submit a revision of the existing charter in one or more amendments and may also submit alternative charters or amendments or alternative provisions to supersede designated portions of a proposed charter or amendment if adopted. In such case the charter commission shall prescribe the form of the questions to be submitted, which shall be such as clearly to indicate the effect of their approval.

(d) If any question submitted by the charter commission receives the affirmative vote of a majority of the qualified electors of the city voting thereon, the proposal submitted thereby shall take effect as specified therein and the new charter or the amendment or amendments to the existing charter as so proposed shall become operative as prescribed therein[~~; except that if there be a conflict between the provisions of two or more proposals approved by the electors at the same election, the proposal receiving the largest number of affirmative votes shall prevail to the extent of such conflict~~].

(e) Notwithstanding paragraph (d) of this subdivision, if there is a conflict between the provisions of two or more proposals approved by the electors at the same election, the proposal receiving the largest number of affirmative votes shall prevail to the extent of such conflict.

§ 3. This act shall take effect immediately.

REPEAL NOTE.--Paragraphs (e), (f) and (g) of subdivision 5 of section 36 of the municipal home rule law proposed to be repealed by this act provides limitations including prohibition on submission by local law, ordinance, resolution or petition of a question to the qualified electors of a city when any question is submitted by a charter commission.