

STATE OF NEW YORK

9935

IN SENATE

October 18, 2024

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

1 Section 1. Paragraphs (e), (f) and (g) of subdivision 5 of section 36
2 of the municipal home rule law are REPEALED.
3 § 2. Paragraphs (b) and (d) of subdivision 5 of section 36 of the
4 municipal home rule law, as amended by chapter 592 of the laws of 1964,
5 are amended and a new paragraph (e) is added to read as follows:
6 (b) Such new charter or amendments shall be completed and filed in the
7 office of the city clerk (i) no less than one hundred eighty days after
8 the charter commission was created and organized, and no less than thir-
9 ty days after a charter commission report has been made public pursuant
10 to paragraph (a) of this subdivision, and (ii) in time for submission to
11 the electors not later than the second general election after the char-
12 ter commission is created and organized. The local law or certificate
13 establishing the commission or, in the absence of such provision there-
14 in, the charter commission shall provide for such publication or other
15 publicity in respect to the provisions of the proposed charter or amend-
16 ments as it may deem proper, and for submission thereof to the electors
17 of the city at a general or special election held not earlier than sixty
18 days after the filing thereof in the office of the city clerk and not
19 later than the next general election which does not occur within the
20 said sixty days, provided, however, that if such general election occurs
21 within ninety days after the said filing, the proposed charter or amend-
22 ments shall be submitted at such general election. At such election, if
23 a proposed new charter is submitted as a single proposal, there shall be
24 submitted to the qualified electors of the city the question: "Shall the

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

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1 new city charter proposed by the city charter commission be adopted ?"
2 The charter commission may, however, require that its proposed charter
3 be submitted in two or more parts so arranged that corresponding parts
4 of the existing charter shall remain in effect if one or more of such
5 parts are not adopted, or may in lieu of a new charter submit a revision
6 of the existing charter in one or more amendments and may also submit
7 alternative charters or amendments or alternative provisions to super-
8 sede designated portions of a proposed charter or amendment if adopted.
9 In such case the charter commission shall prescribe the form of the
10 questions to be submitted, which shall be such as clearly to indicate
11 the effect of their approval.

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

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

25 § 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 elec-
tors of a city when any question is submitted by a charter commission.