



**Board of
Elections**

Referendums and Ballot Propositions

State Board of Elections

September 19, 2017

State vs Local

State vs Local

- **State**
 - Constitutional
 - The 20 year Convention Question
 - Amendments
 - Bond Acts

State vs Local *(continued)*

➤ Local

➤ Mandatory –

- Must go the ballot

➤ Permissive –

- May go on ballot if desired

➤ Referendum Subject to Petition –

- Not on ballot unless petition filed

State vs Local *(continued)*

- **Common Elements**
 - Limited subjects
 - Not everything gets on the ballot
 - No Advisory referendum
 - Can't “take the temperature”

Examples of Mandatory under Municipal Home Rule Law

- Changes the membership or composition of the legislative body.
- Changes the veto power of the elective chief executive officer.
- Abolishes an elective office, or changes the term of an elective office, or reduces the salary of an elective officer during his term of office.
 - Exception for assessors.
- Creates a new elective office.

Examples of Permissive or Upon Petition under Town Law

- Erect a monument or monuments within the town in commemoration of any person or event.
- Establish and maintain public rest and comfort buildings or rooms.
- Purchase, lease, construct, alter or remodel a town hall, a town lockup or any other necessary building for town purposes.
- Establish airports, landing fields, public parking places, public parks or playgrounds.
- Proposition to create a new town out of one or more existing towns.
- Dredge, bulkhead, dock and otherwise improve any navigable, or other waterway, within the town.
- Provide for the collection and disposition of garbage, ashes, rubbish and other waste matter in the town.

Examples of Referendum Subject to Petition

- Changes a provision of law relating to assessments of real property or benefit assessments for local improvements.
- Changes a provision of law relating to public bidding, purchases or contracts
- In the case of a city, town or village increases the salary of an elective officer during his term of office or, in the case of a county, increases the salary of an elective officer or of an officer appointed for a fixed term, during his term of office, except where any such increase by a county is made in accordance with a schedule providing higher rates of compensation through additional increments of salary based on time service, which schedule or applicable amendment thereof was in existence prior to the commencement of such term of office.
- Is a local law relating to apportionment.

General Election vs Special Election

General Election vs Special Election

➤ General Election

- Run by Board
- Remember the 36 Day Rule

➤ Special Election

- Run by Locality

Which Election?

Mandatory

➤ General Election

- A local law subject to mandatory referendum shall be submitted for the approval of the electors at a general election of state or local government officers in such local government held not less than sixty days after the adoption thereof unless such local law provides for its submission for approval of the electors at a special election or unless, within thirty days after the adoption of such local law, a petition signed, authenticated and subject to certification by the clerk as provided for other petitions in section twenty-four of this chapter is filed with such clerk requesting its submission at a special election.

Mandatory

➤ Special Election

- If the local law so provides or if a valid petition is so filed requesting the submission of the local law at a special election, it shall be submitted at such a special election held in such local government not less than sixty days after the adoption of the local law, the date for which special election shall be fixed by the legislative body.

Permissive or Upon a Petition

➤ General Election

- If such a petition be filed in the office of the town clerk not less than sixty days, nor more than seventy-five days, prior to a biennial town election, the proposition shall be submitted at such biennial election.

➤ Special Election

- If a petition be presented at any other time, a special election shall be called to be held not less than 60 days nor more than seventy-five days after the filing of such petition.

Subject to Petition

➤ General Election

- If a petition is filed, a referendum on the local law shall be submitted at the next general election of at least 60 days after the filing of such petition.

➤ Special Election

- Unless the petition request and the legislative body submit the proposition at a special election held at least sixty days after the adoption of the local law providing for such special election.

Libraries and Other “Special” Districts

- Look to law that created it for what to do.

Which Proposal Goes First?

- State
- Then local

2017 Election

Constitutional Convention Question

- **Shall there be a convention to revise the Constitution and amend the same?**
 - Every 20 years.
 - If a majority voting on this Question votes NO, there will be no Constitutional Convention.
 - If a majority votes YES, three delegates from each state senatorial district will be elected in November 2018, along with 15 at-large delegates who will be elected statewide. The delegates will convene at the Capitol in April 2019. Amendments adopted by a majority of the delegates will be submitted to the voters for approval or rejection in a statewide referendum, at an election held at least six weeks after the Convention adjourns. Any amendments that the voters approve will go into effect on the January 1 following their approval.

Pension Forfeiture Question

- The proposed amendment to section 7 of Article 2 of the State Constitution would allow a court to reduce or revoke the public pension of a public officer who is convicted of a felony, committed on or after January 1, 2018, that has a direct and actual relationship to the performance of the public officer's duties. Shall the proposed amendment be approved?
 - Would define "public officer" to mean the following:
 - A person filling an elected office within New York;
 - A person holding an office that is filled by appointment by the New York Governor, whether or not that appointment has to be confirmed by the Senate;
 - A county, city, town, or village administrator, manager or equivalent position;
 - The head of any state or local government department, division, board, commission, bureau, public benefit corporation, or public authority in New York who is vested with authority, direction, and control over that entity;
 - The chief fiscal officer or treasurer of a municipal corporation or political subdivision in New York;
 - A judge or justice of the Unified Court System; and
 - A legislative, executive, or judicial employee of this state who directly assists in the formulation of legislation, rules, regulations, policy, or judicial decision-making and who is designated by law as a policy-maker.
 - If approved, the amendment will apply only to crimes committed on or after January 1, 2018.

Adirondack Land Swap

➤ TBD

Questions?

*Bearing in mind most of this is
not in the Election Law*