



MEMO OF SUPPORT

S590 (Krueger) / A3665 (Simone)

Ends dominance of mayoral charter commissions

April 3, 2025

TITLE OF BILL

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.

STATEMENT OF SUPPORT

Reinvent Albany strongly supports this bill because it will improve democracy.

Due to an anti-democratic state law, city mayors and councils can bump voter-led referendums off the ballot simply by forming a charter revision commission. A citizen of New York State can get tens of thousands of signatures for a referendum, but a vote on the referendum can be pushed back for up to a year simply by a mayor or council convening a commission.

Equally absurd is a provision making it so that charter revision commissions convened by a council can be pushed back *indefinitely* by a mayor. If a council wants to convene a commission in 2025, the mayor can supersede them by convening their own commission. If the council then moves to convene a commission in 2026, the mayor can supersede them yet again, and so on.

These laws were passed with the understandable intention of ensuring that there are not competing questions on the ballot. Unfortunately, they've been weaponized by those in power to thwart democracy. This bill removes the bumping provisions and adds a sensible solution, which is that when there are two competing proposals on the ballot, the one with more votes shall prevail.

We urge the Legislature to pass the bill, and the Governor to sign it.

SUMMARY OF PROVISIONS

Section 1 repeals paragraphs (e), (f), and (g) of Municipal Home Rule Law §36(5), which provide that:

- If a mayoral charter revision commission is appointed, no charter revision questions proposed by either the City Council or voters may appear on the ballot that year (e);
- Local legislative bodies may not submit charter questions to the voters when charter revision commissions are convened (f); and
- Voter-led ballot initiatives shall be pushed back one year to the following general elections when charter revision commission questions are set to appear on the ballot (g).

Section 2 amends Municipal Home Rule Law §36(5)(b) and (d) to provide that charter revision ballot questions shall be filed with the City Clerk no less than 180 days after the commission was created and organized, and no less than 30 days after the commission's report has been published. This section also creates a new paragraph (e) moving a provision stating that when there are two competing questions on the ballot, the one that receives the most votes shall be that which goes into effect.

Section 3 states that the bill takes effect immediately.