

# 2012 Ballot Draft

## Proposition

### CITY CHARTER

Shall the amendments to the Charter of the City of Saratoga Springs proposed by Local Law Number 1 of 2012, which amendments would replace the City's current Commissioner form of government with a Manager-Council form of government, be approved?

YES

NO

2006 Ballot

**Proposition**

**CITY CHARTER**

Shall the amendments to the Charter of the City of Saratoga Springs proposed by the City Charter Commission, which amendments would replace the City's current Commissioner form of government with a Mayor-Council form of government, be approved?

**YES**



**NO**



work during the period for which the waiver is effective to achieve compliance with the polling place accessibility requirements of this subdivision and that the specific substantial efforts to be undertaken to achieve compliance are listed in the petition or written determination. For purposes of this subdivision, the term "persons with disabilities" shall mean persons with disabilities who shall be entitled to vote in the election district for which a waiver is sought and service centers for independent living established pursuant to article twenty-three-A of the education law and other entities which represent the interests of persons with disabilities. A request for a waiver shall be filed at the same time that the list of polling places is submitted to or established by the board of elections. The board of elections shall forthwith prepare a list of all election districts for which a waiver is sought or a written determination filed. Such list together with all such petitions for waiver and written determinations shall be public records at the office of the board of elections. Not later than May seventh of each year, the board of elections shall mail a copy of said list by first class mail to

ten request for such list within the ten preceding calendar years. The board of elections shall either grant or deny the waiver no later than June first of the year in which the request is made. The state board of elections shall promulgate regulations necessary to ensure proper execution of the provisions of this subdivision."

Subd. 1-b. L.2010, c. 505, § 1, added subd. 1-b.

Subd. 1-c. L.2010, c. 505, § 1, added subd. 1-c.

L.2010, c. 432 legislation

Subd. 6-a. L.2010, c. 432, § 1, added subd. 6-a.

L.2010, c. 323 legislation

Subd. 3-a. L.2010, c. 323, § 1, in the first sentence, substituted "Any" for "In cities with populations of more than one hundred thousand, any", in the second sentence, following "to a building" deleted "in any such city", and in the last sentence, substituted "contain twenty-five dwelling units or less" for "less than twenty-five dwelling units".

Subd. 3-b. L.2010, c. 323, § 1, in the first sentence, following "entity in a building" deleted "in any such city".

#### Research References

##### Encyclopedias

NY Jur. 2d, Elections § 86, Generally; Number.

NY Jur. 2d, Elections § 408, Generally; Designation.

NY Jur. 2d, Elections § 409, Particular Locations.

NY Jur. 2d, Elections § 410, Particular Locations—In Contiguous or Combined Election District.

NY Jur. 2d, Elections § 411, Particular Locations—Prohibited Locations.

NY Jur. 2d, Elections § 412, Change of Location; Notice of Change.

NY Jur. 2d, Elections § 413, Equipment for Registration and Polling Places.

§ 4-106. Certification of offices to be filled at general or special elections; state board of elections, county, city, village and town clerks

#### Research References

##### ALR Library

62 ALR 6th 143, Construction and Application of Vacancies in House of Representatives Clause of United States Constitution, U.S. Const. Art. I, § 2, Cl. 4, and State Provisions Concerning Such Elections.

118

NY Jur. 2d, Elections § 422, Certification of Offices to be Filled at Election; by State Board of Elections.

NY Jur. 2d, Elections § 423, Certification of Offices to be Filled at Election; by State Board of Elections—By County, City, Village, and Town Clerks.

NY Jur. 2d, Elections § 424, Certification of Offices to be Filled at Election; by State Board of Elections—Occurrence of Vacancy.

Forms

McKinney's Forms, Local Gov't, County Law § 400 Form 2, Affirmation of Appointee in Support of Motion to Dismiss Action Seeking Judgment Declaring that Governor Lacked Power and Authority to Fill Vacancy in County Clerk's...

#### Notes of Decisions

Redistricting 6

6. Redistricting  
County law that implemented first of two processes of redistricting to take place over consecutive elections in 2011 and 2013 was invalid; single, three-step redistricting process, to take place over course of many months for implementation in 2013, was all that was mandated by plain meaning of county charter provisions, which required that any redistricting plan adopted pursuant to new census data should be in effect no later than third year after decennial census and provided process of describing new lines and ultimately adopting redistricting plan, and single redistricting process was consistent with legislative intent, history, and established past practice with regard to redistricting. *Yataro v. Mangano*, 2011, 927 N.Y.S.2d 868. Counties ⇨ 38

§ 4-108. Certification of proposed constitutional amendments and questions

#### Research References

##### Encyclopedias

NY Jur. 2d, Constitutional Law § 9, Submission of Amendments to Electorate.

NY Jur. 2d, Elections § 433, Generally; Certification of Proposed Constitutional Amendments or Questions.

#### Notes of Decisions

6. Misleading propositions 6  
an undrafted prospective proposition, is appropriately invalidated if it is misleading or it contains blatant ambiguities or illegal provisions. *Mavromatis v. Town of West Seneca* (4 Dept. 2008) 55 A.D.3d 1455, 869 N.Y.S.2d 709. Towns ⇨ 15

§ 4-110. Certification of primary election candidates; state board of elections

*Eff. until Dec. 31, 2012, pursuant to L.2011, c. 147, § 11.*  
*See, also, § 4-110, post.*

The state board of elections not later than thirty-six days before a primary election or fifty-four days before a presidential primary

119

**§ 4-108. Certification of proposed constitutional amendments and questions**

1. a. Whenever any proposed amendment to the constitution or other question provided by law to be submitted to a statewide vote shall be submitted to the people for their approval, the state board of elections at least three months prior to the general election at which such amendment, proposition or question is to be submitted, shall transmit to each county board of elections a certified copy of the text of each amendment, proposition or question and a statement of the form in which it is to be submitted.

b. Whenever any proposal, proposition or referendum as provided by law is to be submitted to a vote of the people of a county, city, town, village or special district, at an election conducted by the board of elections, the clerk of such political subdivision, at least thirty-six days prior to the election at which such proposal, proposition or referendum is to be submitted, shall transmit to each board of elections a certified copy of the text of such proposal, proposition or referendum and a statement of the form in which it is to be submitted. If a special election is to be held, such transmittal shall also give the date of such election.

c. Such certified copy shall set out all new matter in italics and enclose in brackets, [ ], all matter to be eliminated from existing law, and at the bottom of each page shall be appended the words: Explanation: Matter in italics is new, to be added; matter in brackets [ ] is old law, to be omitted.

d. In addition to the text, such transmittal shall contain an abstract of such proposed amendment, proposition or question, prepared by the state board of elections concisely stating the purpose and effect thereof in a clear and coherent manner using words with common and everyday meanings.

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

1. The attorney general shall advise in the preparation of such abstract and such form of submission.

L1976, c. 233, § 1; amended L.1976, c. 234, § 14; L.1978, c. 136, § 1; L.1979, c. 254, § 1; L.1985, c. 117, § 1.)

**Historical and Statutory Notes**

L.1985, c. 117 legislation  
Subd. 1, par. b. L.1985, c. 117, § 1,  
§ May 28, 1985, in sentence beginning  
"Whenever any proposal" substituted  
"thirty-six days" for "twenty-nine days".

Repealed  
Election Law of 1949, c. 100, [§ 68];  
amended L.1955, c. 788, § 1; L.1961, c.  
511, § 1.

**Cross References**

Submission of constitutional amendments, see McKinney's Const. Art. 19, § 1.

**Library References**

Constitutional Law §=557.  
Elections §=33.  
Westlaw Topic Nos. 92, 144.

**Research References**

Encyclopedias  
NY Jur. 2d, Constitutional Law § 9, Submission of Amendments to Electorate.  
NY Jur. 2d, Elections § 433, Generally; Certification of Proposed Constitutional Amendments or Questions.

**Notes of Decisions**

Abstracts 1  
Numbering 2  
Order on ballot 3  
Text of law to be repealed 4  
Time to transmit certified copy 5

632 N.Y.S.2d 226, appeal dismissed, leave to appeal denied 86 N.Y.2d 848, 634 N.Y.S.2d 439, 658 N.E.2d 217. Constitutional Law §= 563

Abstract and form of proposed amendments to State Constitution regarding, inter alia, State's ability to contract certain debt met drafting standards of election law abstract clearly and coherently conveyed purpose and effect of proposition, and abbreviated title clearly and coherently indicated subject matter of proposition. *Schulz v. New York State Bd. of Elections* (3 Dept. 1995) 214 A.D.2d 224, 315

the proposed improvement into effect, it is unnecessary that any mention should be made of the levy of a tax to pay for the cost of the improvement. *Mead v. Turner* (2 Dept. 1909) 134 A.D. 691, 119 N.Y.S. 526.

**2. Numbering**

Five proposed amendments to State Constitution regarding, inter alia, state's ability to contract certain debt could be presented as single proposition rather than five separate and consecutively numbered propositions; election law implicitly acknowledged that numerous proposed amendments could be presented as single "proposition" or "question," and proposed amendments were interrelated to such degree that they would stand or fall together. *Schultz v. New York State Bd. of Elections* (3 Dept. 1995) 214 A.D.2d 224, 632 N.Y.S.2d 226, appeal dismissed, leave to appeal denied 86 N.Y.2d 848, 634 N.Y.S.2d 439, 658 N.E.2d 217. Constitutional Law ⇨ 553

Where but one main proposition or question is to be voted on, it is unnecessary separately to set out and number the details of the plan adopted to carry the proposition into effect, the details being germane to the main question submitted. *Mead v. Turner* (2 Dept. 1909) 134 A.D. 691, 119 N.Y.S. 526.

Proposed constitutional amendments must be consecutively numbered by themselves and proposed propositions or other questions consecutively numbered

by themselves. 1933, *Op. Atty. Gen. 297*. See, also, 1909, *Op. Atty. Gen. 317*.

**3. Order on ballot**

It was discretionary with the Secretary of State whether the propositions or questions shall precede or follow the constitutional amendments upon the ballot. 1933, *Op. Atty. Gen. 297*. See, also, 1909, *Op. Atty. Gen. 317*.

**4. Text of law to be repealed**

This section does not require that the full text of a law sought to be repealed be set forth. *La Cagnina v. City of Schenectady* (3 Dept. 1979) 70 A.D.2d 761, 416 N.Y.S.2d 873. Municipal Corporations ⇨ 115

**5. Time to transmit certified copy**

Village clerk did not violate Election Law by failing to transmit to county elections board, within 36 days before the election, a certified copy of the text of a proposal to be submitted to a vote of the people of village where, at time deadline expired, it was not certain that such proposal would be placed on the ballot, at that time, village clerk was still in the process of reviewing the petition for the purpose of certification, and there was no showing that clerk delayed her review of the petition or engaged in inaction with respect thereto. *Broda v. Monahan* (2 Dept. 2003) 309 A.D.2d 959, 767 N.Y.S.2d 111. Municipal Corporation ⇨ 108.10

Historical and Statutory Notes

1984, c. 434 legislation  
L.1984, § 2, eff. Dec. 1, 1984, in sentence beginning "the state board" substituted "thirty-six days" for "twenty-five days".

Revision  
Election Law of 1949, c. 100, [§ 69]; amended L.1959, c. 684, § 3.

**Library References**

Elections ⇨ 156.  
Westlaw Topic No. 144.

**Research References**

Encyclopedias  
NY Jur. 2d, Elections § 425, Certification of Primary Election Candidates.

**§ 4-112. Certification of nominations; state board of elections**

1. The state board of elections not later than thirty-six days before a general election, or thirteen days before a special election, shall certify to each county board of elections the name and residence of each candidate nominated in any valid certificate filed with it or by returns canvassed by it, the title of the office for which nominated; the name of the party or body specified of which he is a candidate; the emblem chosen to distinguish the candidates of the party or body; and a notation as to whether or not any litigation is pending concerning the candidacy. Upon the completion of any such litigation, the state board of elections shall forthwith notify the appropriate county boards of elections of the results of such litigation.

2. The state board of elections, not later than seven days before a general election, shall certify to each county board of elections the name and residence of each write-in candidate for president and vice president of the United States who has filed a valid certificate of candidacy with it.

3. If a certificate of a nomination to fill a vacancy caused by death or disqualification is filed with the state board of elections, or a writ order shall change a nomination, after the state board has made its certifications to the county boards of elections, the state board shall transmit forthwith a statement of such nomination to the appropriate boards of elections.

(L.1976, c. 233, § 1; amended L.1976, c. 234, § 14-a; L.1984, c. 434, § 2.)

1976, c. 233, § 1; amended L.1978, c. 373, § 30; L.1982, c. 434, § 3; 1988, c. 175, § 1.)