

## Section 4

### Proposed Amendments to the City Charter

1. The matter that is both italicized and underlined contained in these proposed charter revisions shall be read as matter being added to the charter by amendment.
2. The bracketed matter contained in these proposed charter revisions shall be read as matter being deleted from the charter by amendment.
3. The matter which is neither enclosed in brackets nor italicized and underlined consists of existing provisions of the charter which are to continue unamended. They are included for purposes of information and completeness.

## Question 1

Section 1. Paragraph 6 of subdivision c of section 10 of the New York city charter is amended to read as follows:

6. Elections held pursuant to paragraph four or five of this subdivision shall be scheduled in the following manner: [a] A special election to fill the vacancy shall be held on the first Tuesday at least [sixty] eighty days after the occurrence of the vacancy, provided that the person acting as mayor, in the proclamation required by paragraph one of this subdivision, may schedule such election for another day not more than ten days after such Tuesday and not less than [forty] sixty days after such proclamation if the person acting as mayor determines that such rescheduling is necessary to facilitate maximum voter participation; except that

(a) if the vacancy occurs before [September twentieth] August seventeenth in any year and the first Tuesday at least [sixty] eighty days after the occurrence of the vacancy is less than ninety days before a regularly scheduled general election [or between a primary and a general election], the vacancy shall be filled at such general election; [and]

(b) if the vacancy occurs before [September twentieth] August seventeenth in any year and the first Tuesday at least [sixty] eighty days after the occurrence of the vacancy is after a regularly scheduled general election, the vacancy shall be filled at such general election; and

(c) if the vacancy occurs on or after [September twentieth] August seventeenth in any year and the first Tuesday at least [sixty] eighty days after the occurrence of the vacancy is after, but less than thirty days after, a regularly scheduled general election, the vacancy shall be filled at a special election to be held on the first Tuesday in December in such year.

§ 2. Paragraph 10 of subdivision c of section 10 of the New York city charter is amended to read as follows:

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.

10. If [at any] an election is held pursuant to this subdivision for which nominations were made by independent nominating petitions, and if such election has not utilized ranked choice voting as provided in section 1057-g, and if at such election, no candidate receives forty percent or more of the vote, the two candidates receiving the most votes shall advance to a runoff election which shall be held on the second Tuesday next succeeding the date on which such election was held.

§ 3. Paragraph 6 of subdivision c of section 24 of the New York city charter is amended to read as follows:

6. Elections held pursuant to paragraph four or five of this subdivision shall be scheduled in the following manner: A special election to fill the vacancy shall be held on the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy, provided that the mayor, in the proclamation required by paragraph one of this subdivision, may schedule such election for another day no more than ten days after such Tuesday and not less than [forty] seventy-five days after such proclamation if the mayor determines that such rescheduling is necessary to facilitate maximum voter participation; except that

(a) if the vacancy occurs before [September twentieth] August seventeenth in any year and the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy is less than ninety days before a regularly scheduled general election [or between a primary and a general election], the vacancy shall be filled at such general election;

(b) if the vacancy occurs before [September twentieth] August seventeenth in any year and the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy is after a regularly scheduled general election, the vacancy shall be filled at such general election; and

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(c) if the vacancy occurs on or after [September twentieth] August seventeenth in any year and the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy is after, but less than thirty days after, a regularly scheduled general election, the vacancy shall be filled at a special election to be held on the first Tuesday in December in such year.

§ 4. Paragraph 6 of subdivision b of section 25 of the New York city charter is amended to read as follows:

6. Elections held pursuant to paragraph four or five of this subdivision shall be scheduled in the following manner: A special election to fill the vacancy shall be held on the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy, provided that the mayor, in the proclamation required by paragraph one of this subdivision, may schedule such election for another day no more than ten days after such Tuesday and not less than [forty] seventy-five days after such proclamation if the mayor determines that such rescheduling is necessary to facilitate maximum voter participation; except that

(a) if the vacancy occurs before [September twentieth] August seventeenth in any year and the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy is less than ninety days before a regularly scheduled general election [or between a primary and a general election], the vacancy shall be filled at such general election;

(b) if the vacancy occurs before [September twentieth] August seventeenth in any year and the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy is after a regularly scheduled general election, the vacancy shall be filled at such general election; and

(c) if the vacancy occurs on or after [September twentieth] August seventeenth in any year and the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy is after,

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but less than thirty days after, a regularly scheduled general election, the vacancy shall be filled at a special election to be held on the first Tuesday in December in such year.

§ 5. Subdivision c of section 50 of the New York city charter, as amended by local law number 20 for the year 2003, is amended to read as follows:

c. Each council delegation authorized by subdivision a of this section to make appointments to the commission shall make such appointments no earlier than one year and [eight] ten months before, and no later than one year and [six] nine months before, the general election of the council to be held in the year nineteen hundred ninety-three, and every ten years thereafter. In any case in which the chairpersons of the county committees of a political party are authorized to submit nominations to the mayor, such nominations shall be submitted no earlier than one year and [eight] ten months before, and no later than one year and [six] nine months before, the general election of the council to be held in the year nineteen hundred ninety-three, and every ten years thereafter. The mayor shall make appointments to the commission after each council delegation authorized to make appointments has done so but not later than one year and [five] eight months before such a general election of the council. The commission's term shall end sixty days after the day of the first general election of the council following the commission's adoption of a districting plan, as set forth in section fifty-one.

§ 6. Subdivisions c, e and f of section 51 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

c. The commission shall submit its plan to the city council not less than one year and three months before the general election of the city council to be held in the year nineteen hundred ninety-three and every ten years thereafter.

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.

e. Upon the receipt of any such resolution and objections, the commission shall prepare a revised plan and shall, no later than [ten months] one year and one month before such general election of the city council, make such plan available to the council and the public for inspection and comment. The commission shall hold public hearings and seek public comment on such revised plan.

f. Following its consideration of the comments received pursuant to subdivision e of this section, the commission shall, no later than [eight] eleven months before such general election of the council, prepare and submit a final plan for the redistricting of the council.

§ 7. Paragraph 6 of subdivision e of section 81 of the New York city charter is amended to read as follows:

6. Elections held pursuant to paragraph four or five of this subdivision shall be scheduled in the following manner: A special election to fill the vacancy shall be held on the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy, provided that the mayor, in the proclamation required by paragraph one of this subdivision, may schedule such election for another day no more than ten days after such Tuesday and not less than [forty] seventy-five days after such proclamation if the mayor determines that such rescheduling is necessary to facilitate maximum voter participation; except that

(a) if the vacancy occurs before [September twentieth] August seventeenth in any year and the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy is less than ninety days before a regularly scheduled general election [or between a primary and a general election], the vacancy shall be filled at such general election; [and]

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.

(b) if the vacancy occurs before [September twentieth] August seventeenth in any year and the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy is after a regularly scheduled general election, the vacancy shall be filled at such general election; and

(c) if the vacancy occurs on or after [September twentieth] August seventeenth in any year and the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy is after, but less than thirty days after, a regularly scheduled general election, the vacancy shall be filled at a special election to be held on the first Tuesday in December in such year.

§ 8. Paragraph 6 of subdivision c of section 94 of the New York city charter is amended to read as follows:

6. Elections held pursuant to paragraph four or five of this subdivision shall be scheduled in the following manner: [a] A special election to fill the vacancy shall be held on the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy, provided that the mayor, in the proclamation required by paragraph one of this subdivision, may schedule such election for another day no more than ten days after such Tuesday and not less than [forty] seventy-five days after such proclamation if the mayor determines that such rescheduling is necessary to facilitate maximum voter participation; except that

(a) if the vacancy occurs before [September twentieth] August seventeenth in any year and the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy is less than ninety days before a regularly scheduled general election [or between a primary and a general election], the vacancy shall be filled at such general election; [and]

(b) if the vacancy occurs before [September twentieth] August seventeenth in any year and the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy is after a regularly scheduled general election, the vacancy shall be filled at such general election; and

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.



(c) if the vacancy occurs on or after [September twentieth] August seventeenth in any year and the first Tuesday at least [forty-five] eighty days after the occurrence of the vacancy is after, but less than thirty days after, a regularly scheduled general election, the vacancy shall be filled at a special election to be held on the first Tuesday in December in such year.

§ 9. Chapter 46 of the New York city charter is amended by adding a new section 1057-g to read as follows:

§ 1057-g. Ranked choice voting for certain primary elections and elections for which nominations were made by independent nominating petitions.

a. For the purposes of this section, the following terms have the following meanings:

Batch elimination. The term “batch elimination” means the simultaneous elimination of multiple candidates whose election is mathematically impossible.

Continuing ballot. The term “continuing ballot” means a ballot that is not an exhausted ballot.

Continuing candidate. The term “continuing candidate” means any candidate who has not been eliminated.

Election is mathematically impossible. The term “election is mathematically impossible” applies to a candidate who cannot be elected because such candidate’s vote total in a round, plus all votes that could possibly be transferred to such candidate in future rounds from candidates who received a fewer or an equal number of votes, would not be enough to surpass that of the candidate with the next highest vote total in such round.

Exhausted ballot. The term “exhausted ballot” means a ballot in which all ranked candidates have been eliminated, or a ballot that assigns equal rank to two or more candidates

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and all candidates with higher ranks than the rank assigned to two or more candidates are eliminated.

Highest rank. The term “highest rank” refers to the highest rank whether that be rank number 1, rank number 2, rank number 3, rank number 4, or rank number 5.

Last place candidate. The term “last place candidate” means a continuing candidate with the fewest votes in a round.

Rank. The term “rank” means the number assigned on a ballot by a voter to a candidate to express the voter’s preference for that candidate. Rank number 1 is the highest ranking, rank number 2 is the next highest ranking, and so on.

Ranked choice election. The term “ranked choice election” means any primary election for a ranked choice office, and any election for a ranked choice office in which all candidates are nominated by independent nominating petition.

Ranked choice office. The term “ranked choice office” means the offices of mayor, public advocate, comptroller, borough president, and council member.

Ranked choice voting. The term “ranked choice voting” means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in rounds in which last place candidates are eliminated, and the candidate with the most votes in the final round is elected.

b. The provisions of this section shall apply to ranked choice elections. No run-off election shall be held for any ranked choice office.

c. Ranked choice elections shall be governed by applicable provisions of the election law, except that the following provisions of the election law, as amended from time to time, and any successor provisions, shall apply as modified herein. References to the sections modified herein

shall be deemed to refer to such sections as they are so modified when and to the extent that they apply to ranked choice elections. References to provisions of the election law in this section shall be deemed to refer to any successor provisions. Provisions of the election law not specified in this subdivision here shall apply to ranked choice elections, provided however that such provisions shall not be construed to prevent or impede the application of this section.

1. Sections 6-150 and 6-152 shall apply to ranked choice elections, except that where such sections refer to a candidate's receipt of a plurality of votes cast, such sections shall be deemed to refer instead to a candidate's election, or nomination, respectively, pursuant to this section.

2. Section 6-162 shall not apply to ranked choice elections.

3. Either subparagraph (a) or (b) shall apply depending on the conditions described in each such subparagraph.

(a) In the event that A. 2682-A / S. 2300-A from the 2019-2020 New York state legislative session that would enact the voter friendly ballot act does not become law, paragraph (c) of subdivision 3 of section 7-104; subdivisions 5 and 8 of section 7-106; paragraph (c) of subdivision 2 of section 7-114; and paragraph (d) of subdivision 1, and paragraph (c) of subdivision 2 of section 7-122 are superseded with respect to ranked choice elections, and ballots to which these provisions would otherwise apply shall be designed pursuant to subdivision d of this section.

(b) In the event A. 2682-A / S. 2300-A from the 2019-2020 New York state legislative session that would enact the voter friendly ballot act becomes law, thus amending the election law, paragraph (d) of subdivision 3, and subdivisions 13, 17 and 20 of section 7-104; and paragraph (b) of subdivision 1 of section 7-122 are superseded with respect to ranked choice elections, and ballots to which these provisions would otherwise apply shall be designed pursuant to subdivision d of this section.

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.

4. Paragraph b of subdivision 1 of section 8-100 shall not apply to ranked choice elections.

5. Section 9-100 shall apply to ranked choice elections, except that the requirement that canvass be completed shall be deemed to be a canvass completed under Article 9 of the Election Law as modified by this section.

6. Section 9-102 shall apply to ranked choice elections, except that the requirement that ballots be hand counted pursuant to subdivisions 1 or 1-a, as applicable, 2, and 3 of such section is superseded to the extent that it is not required pursuant to the rules promulgated by the board of elections in the city of New York pursuant to subdivision g of this section of the charter; and except that with respect to reading, announcing, or making a proclamation of results, and with respect to the hand tallying of votes, such requirements shall be deemed to mean reading, announcing, or proclaiming the results of the tally of the number of ballots that marked each candidate as rank number 1 for that ranked choice office; and except that reference to “total of the votes cast” on portable memory devices shall mean the record of how each ballot ranked each candidate for a ranked choice office in a ranked choice election.

7. Subdivision 2 of section 9-110 is superseded with respect to ranked choice elections, and ballots to which it would otherwise apply shall be hand counted in accordance with the rules promulgated by the board of elections in the city of New York pursuant to subdivision g of this section of the charter.

8. Section 9-112 shall apply to ranked choice elections, except that references to votes for candidates or other persons shall be deemed to be references to a vote, or the counting of a vote, in a round of tabulation pursuant to this section of the charter if the applicable election is a ranked choice election; and except that subdivisions 4 and 6 of section 9-112 are superseded to the extent that voters are permitted to rank multiple candidates as provided by this section of the charter.

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9. Section 9-114 shall apply to ranked choice elections, except that, to the extent a ballot subject to an objection has been counted under such section, the memorandum of the ruling shall indicate “Counted for (naming the candidate who is ranked as the highest rank on such ballot).”

10. Section 9-116 shall apply to ranked choice elections, except that, with respect to tallying and the total number of votes for a ranked choice office, the requirements of section 9-116 shall be deemed to refer to the number of ballots that marked each candidate as rank number 1 for that ranked choice office.

11. Section 9-120 shall apply to ranked choice elections, except that references to the number of votes for candidates shall be deemed in ranked choice elections to be references to the total number of ballots that marked a candidate in such an election as rank number 1 for that ranked choice office.

12. Section 9-122 shall apply to ranked choice elections, except that references to the number of votes or party votes for candidates shall be deemed in ranked choice elections to be references to the total number of ballots that marked each such candidate as rank number 1 for that ranked choice office.

13. Section 9-126 shall apply to ranked choice elections, except that the reference in paragraph (a) of subdivision 2 to the number of votes received by each person voted for shall be deemed in ranked choice elections to be a reference to the total number of ballots that marked each such person as rank number 1 for that ranked choice office; and except that, for ranked choice elections, the tabulation of results as they are received pursuant to paragraph (b) of subdivision 2 shall be deemed to refer to either, as determined by the board of elections of the city of New York pursuant to paragraph 1 of subdivision f of this section of the charter, (i) a tabulation of the number of ballots assigning rank number 1 for each candidate for each ranked choice office,

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or (ii) the number of votes cast for each such candidate for that ranked choice office for each round of tabulation, as tabulated pursuant to subdivision e of this section of the charter.

14. Section 9-200 shall apply to ranked choice elections, except that the tabulated statements referred to in subdivision 1 of section 9-200 shall be deemed to mean, for ranked choice elections, the number of votes cast for all candidates for a ranked choice office as tabulated pursuant to this section of the charter, and the results for each round of such tabulation for such office; and except that the nominee of his or her party for a ranked choice office shall be determined in accordance with this section of the charter.

15. Section 9-202 shall apply to ranked choice elections, except that the tabulated statements referred to in section 9-202 shall be deemed to mean, for ranked choice offices, the number of votes cast for all candidates for a ranked choice office as tabulated pursuant to this section of the charter, the number of votes cast for each such candidate for that ranked choice office for each round of tabulation, as tabulated pursuant to subdivision e of this section of the charter; and except that the nominee of his or her party for a ranked choice office shall be determined in accordance with this section of the charter.

16. Section 9-206 shall apply to ranked choice elections, except that votes cast for all candidates for a ranked choice office shall be tabulated pursuant to this section of the charter.

17. Subdivision 3 of section 9-208 shall apply to ranked choice elections, except that the reference to the “number of votes recorded on the tabulated results tape” shall, with respect to ranked choice offices, be deemed to be a reference to the total number of ballots recorded on the tabulated results tape.

18. Section 9-209 shall apply to ranked choice elections, except that subparagraph (ii) of paragraph (c) of subdivision 2 of section 9-209 shall be deemed to refer to manual counting subject

to this section of the charter, and the provisions of the election law as superseded or modified herein where not inconsistent with the provisions of this section of the charter; and except that, for ranked choice elections, the requirement in subdivision (e) that ballots be tallied, and that such tally be added to a previous tally, and that the result be announced, are superseded and inapplicable, but that such ballots in ranked choice elections be included in the tabulation undertaken pursuant to sections 9-200, 9-210 and 9-212 as applicable, as superseded or modified herein.

19. Section 9-210 shall apply to ranked choice elections, except that for ranked choice elections the requirement that a statement set forth the number of votes cast for each candidate shall be deemed to require that the statement set forth the number of votes cast for each candidate for that ranked choice office for each round of tabulation, as tabulated pursuant to subdivision e of this section of the charter; and except that for ranked choice elections an electronic record of how each ballot ranked each candidate for a ranked choice office from which such statements were made, including, to the extent practicable, such information broken down by election district, instead of any tabulation sheets showing the vote by election districts, shall be filed in the office of the board of elections in the city of New York.

20. Section 9-212 shall apply to ranked choice elections, except that each person elected to a ranked choice office in a ranked choice election shall be determined in accordance with this section of the charter.

d. The board of elections in the city of New York shall determine the design of the ballot and content of ballot instructions for ranked choice elections, subject to the requirements of this subdivision and any election law requirements not superseded under this section, in furtherance

of the purposes of this section. For all ranked choice elections, the following requirements for all ballots, including ballots for absentee voters and ballots for military voters, shall apply:

1. All candidates in a ranked choice election shall be listed on the ballot. The ballot shall permit a voter to rank five candidates, inclusive of any write-in candidate permitted by law, in order of preference for a ranked choice office, unless there are fewer than five candidates on the ballot for such office, in which case the ballot shall permit a voter to rank the total number of such candidates for such office inclusive of any write-in candidate permitted by law.

2. The sections of the ballot containing ranked choice elections shall be organized in the form of a grid, with dimensions and spacing sufficient to facilitate a ranked choice election pursuant to the requirements set forth in this subdivision. The title of the office shall be arranged horizontally in a row at the top of such grid, with columns underneath. The leftmost column shall contain the names of the candidates for such office and the slot or device for write-in candidates for such office, arranged vertically. For any election for a ranked choice office in which all candidates are nominated by independent nominating petition, the names selected for the independent bodies making the nomination of the candidates shall be included on the ballot in accordance with the election law. The subsequent columns shall contain ovals or squares, with one oval or square per each column and row. Each column containing ovals or squares shall be labeled consecutively with the rankings, starting from “1st choice” and going up to a maximum of “5th choice.”

3. The ballot shall, in plain language, set forth instructions that indicate how to mark a ballot so as to be read by the voting equipment used to tabulate results or manually, as applicable, and how to rank candidates in order of the voter’s preference, and any other information deemed necessary by the board of elections in the city of New York. Such instructions and ballot heading

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information shall be presented above or next to the first election of each type. At a minimum, the text for ballot instructions shall be substantially as follows so that it accurately reflects the ballot layout:

### INSTRUCTIONS

Rank candidates in the order of your choice. Mark the (insert “oval” or “square”) in the “1st choice” column for your first-choice candidate. Mark the (insert “oval” or “square”) in the “2nd choice” column for your second-choice candidate, and so on. (Provide illustration of correctly marked voting positions here.) To rank a candidate whose name is not printed on the ballot, mark (insert “an oval” or “a square”) next to the box labeled “write-in” and print the name clearly, staying within the box. You may mark as many or as few candidates as the numbered columns allow, but do not mark more than one (insert “oval” or “square”) per candidate. Ranking a second-choice candidate, third-choice candidate, and so on will not hurt your first-choice candidate. Do not mark more than one (insert “oval” or “square”) in any column. If you do, your vote may not count. Any mark or writing outside the spaces provided for voting may void the entire ballot. You have a right to a replacement ballot. If you make a mistake, or want to change your vote, (insert “ask a poll worker for a new ballot” or, for absentee ballots, “call the board of elections at (insert phone number here) for instructions on how to obtain a new ballot”).

The board shall also provide line drawing illustrations to supplement these instructions. At a minimum, an illustration of the correct way to mark the ballot shall be provided, but nothing in this section shall be construed to limit the board in providing additional illustrations.

4. To the greatest extent practicable, the ballot design shall allow for electronic tabulation of all rankings and electronic detection of ballot marking in order to allow a voter to correct a ballot that assigns equal rank to two or more candidates.

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5. If a ranked choice election is on the ballot with one or more elections using other methods of voting, to the extent practicable, the ranked choice elections shall be grouped together and presented either on a separate ballot page from the non-ranked choice elections, or on one side of a combined ranked choice and non-ranked choice ballot page.

6. The final ballot design shall be based on the space and design limitations of the ballot design software, while following the best practices for ballot design to the greatest extent possible.

e. For all ranked choice elections, the following tabulation procedures apply:

1. If a candidate receives a majority of highest rank votes, that candidate shall be declared the nominee of his or her party for a primary election, or declared the elected winner for an election for which nominations were made by independent nominating petitions.

2. If no candidate receives a majority of highest rank votes, tabulation shall proceed in rounds. In each round, the number of votes for each continuing candidate shall be counted; each continuing ballot shall count as one vote for its highest ranked continuing candidate for that round; and exhausted ballots shall not be counted for any continuing candidate.

A round ends with one of the following outcomes:

(a) If there are two continuing candidates, the candidate with the most votes shall be declared the nominee of his or her party for a primary election, or elected winner for an election for which nominations were made by independent nominating petitions.

(b) If there are more than two continuing candidates, the last place candidate shall be eliminated and a new round shall begin; provided, however, that batch elimination shall occur at the same time as such elimination of the last place candidate, unless such batch elimination would result in only one continuing candidate, in which case no such batch elimination shall occur.

3. A tie between two or more candidates shall be resolved in accordance with the election law.

f. 1. When making public the results of a ranked choice election pursuant to section 9-126 of the election law, the board of elections in the city of New York shall release as the unofficial tally either, as determined by the board, (i) the total number of ballots that marked a candidate in such an election as rank number 1 that ranked choice office, or (ii) the number of votes cast for each candidate for that ranked choice office for each round of tabulation, as tabulated pursuant to subdivision e of this section of the charter.

2. When making the statement of results of a ranked choice election pursuant to section 9-210 of the election law, such statement shall set forth the number of votes cast for each candidate for that ranked choice office for each round of tabulation, as tabulated pursuant to subdivision e of this section of the charter, in addition to any other requirements provided by section 9-210 of the election law.

g. The board of elections in the city of New York shall promulgate rules for the hand counting of any ballot in a ranked choice election that is required to be hand counted pursuant to article 9 of the election law, as superseded by this section. Such rules shall ensure that all ranks on a hand counted ballot for candidates in a ranked choice election are tabulated with all machine-counted ballots in a ranked choice election pursuant to the tabulation procedure established in subdivision e of this section.

h. The campaign finance board shall conduct a voter education campaign to familiarize voters with ranked choice voting.

i. The board of elections in the city of New York shall take all necessary steps to ensure timely implementation of ranked choice voting pursuant to this section. No later than June 1, 2020,

such board shall submit to the mayor and speaker of the council a report containing a plan for achieving timely implementation of ranked choice voting for applicable elections held on or after January 1, 2021. Failure by such board to submit such a report within 30 days of June 1, 2020 shall create a rebuttable presumption that such board is declining to implement ranked choice voting as required by this section.

j. This section applies to elections held on or after January 1, 2021, if the applicable election is a ranked choice election.

k. 1. Any person who knowingly and willfully violates any provision of this section of the charter which violation is not specifically covered by section 17-168 or any other provision of article seventeen of the election law is guilty of a misdemeanor.

2. Any person convicted of a misdemeanor under this subdivision shall be punished by imprisonment for not more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars or by both such fine and imprisonment.

§ 10. Section 1152 of the New York city charter is amended by adding a new subdivision m, paragraph (1) to read as follows:

m. (1) The amendments to the charter amending paragraphs 6 and 10 of subdivision c of section 10, paragraph 6 of subdivision c of section 24, paragraph 6 of subdivision b of section 25, subdivision c of section 50, subdivisions c, e and f of section 51, paragraph 6 of subdivision e of section 81, and paragraph 6 of subdivision c of section 94, and adding a new section 1057-g, approved by the electors on November 5, 2019, shall take effect immediately upon certification that the electors have approved such amendments to the charter, and thereafter such amendments shall control as provided with respect to all the powers, functions and duties of officers, agencies and employees, except as further specifically provided in other sections of this charter.

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.

## Question 2

Section 1. Paragraphs 1, 3, and 4 of subdivision (b) of section 440 of the New York city charter, as added by local law number 1 for the year 1993, are amended to read as follows:

1. The civilian complaint review board shall consist of [thirteen] 15 members of the public, [appointed by the mayor, who] Members shall be residents of the city of New York and shall reflect the diversity of the city's population. The members of the board shall be appointed as follows: (i) five members, one from each of the five boroughs, shall be [designated] appointed by the city council; (ii) one member shall be appointed by the public advocate; (iii) three members with experience as law enforcement professionals shall be designated by the police commissioner and appointed by the mayor; [and (iii) the remaining] (iv) five members shall be [selected] appointed by the mayor; and (v) one member shall be appointed jointly by the mayor and the speaker of the council to serve as chair of the board. [The mayor shall select one of the members to be chair.]

3. The members shall be appointed for terms of three years[, except that of the members first appointed, four shall be appointed for terms of one year, of whom one shall have been designated by the council and two shall have been designated by the police commissioner, four shall be appointed for terms of two years, of whom two shall have been designated by the council, and five shall be appointed for terms of three years, of whom two shall have been designated by the council and one shall have been designated by the police commissioner]. The public advocate shall make the public advocate's first appointment to the board on or before May 6, 2020. The board member so appointed shall assume office on July 6, 2020. The mayor and the speaker of the council shall make their initial joint appointment to the board on or before May 6, 2020. The member so appointed shall serve as the board's chair and shall assume office on July 6, 2020.

4. Members of the board shall serve until their successors have been appointed and qualified. In the event of a vacancy on the board during the term of office of a member by reason

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of removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment within 60 days from the date such vacancy occurred. A member appointed to fill a vacancy shall serve for the balance of the unexpired term. During any period in which the office of the chair is vacant, the mayor shall select a member of the board to serve as interim chair until such vacancy has been filled.

§ 2. Paragraphs 1, 2, 3, and 5 of subdivision (c) of section 440 of the New York city charter, as added by local law number 1 for the year 1993, are amended to read as follows:

1. The board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The board shall also have the power to investigate, hear, make findings and recommend action regarding the truthfulness of any material official statement made by a member of the police department who is the subject of a complaint received by the board, if such statement was made during the course of and in relation to the board's resolution of such complaint. The findings and recommendations of the board, and the basis therefor, shall be submitted to the police commissioner. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such finding or recommendation.

2. The board shall promulgate rules of procedure in accordance with the city administrative procedure act, including rules that prescribe the manner in which investigations are to be conducted and recommendations made and the manner by which a member of the public is to be informed of the status of his or her complaint. Such rules may provide for the establishment of panels, which

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.

shall consist of not less than three members of the board, which shall be empowered to supervise the investigation of [complaints] matters within the board's jurisdiction pursuant to this section, and to hear, make findings and recommend action on such [complaints] matters. No such panel shall consist exclusively of members [designated] appointed by the council, or designated by the police commissioner, or [selected] appointed by the mayor.

3. The board, by majority vote of its members, may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of [complaints submitted] matters within its jurisdiction pursuant to this section. The board may request the corporation counsel to institute proceedings in a court of appropriate jurisdiction to enforce the subpoena power exercised pursuant to this section, and the board itself may, subject to chapter 17 of the charter, institute such proceedings. The board may, subject to any conditions it deems appropriate, delegate to and revoke from its executive director such subpoena authority and authority to institute proceedings.

5. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers and fulfill its duties. The board shall employ civilian investigators to investigate all [complaints] matters within its jurisdiction.

§ 3. Paragraphs 1 and 2 of subdivision (d) of section 440 of the New York city charter, as added by local law number 1 for the year 1993, are amended to read as follows:

1. It shall be the duty of the police department to provide such assistance as the board may reasonably request, to cooperate fully with investigations by the board, and to provide to the board upon request records and other materials which are necessary for [the investigation of complaints submitted] investigations undertaken pursuant to this section, except such records or materials that cannot be disclosed by law.

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.



2. The police commissioner shall ensure that officers and employees of the police department appear before and respond to inquiries of the board and its civilian investigators in connection with [the investigation of complaints submitted] investigations undertaken pursuant to this section, provided that such inquiries are conducted in accordance with department procedures for interrogation of members.

§ 4. Paragraph 3 of subdivision (d) of section 440 of the New York city charter, as added by local law number 1 for the year 1993, is amended to read as follows:

3. The police commissioner shall report to the board in writing on any action taken, including the level of discipline and any penalty imposed, in all cases in which the board submitted a finding or recommendation to the police commissioner with respect to a [complaint] matter within its jurisdiction pursuant to this section. In any case substantiated by the board in which the police commissioner intends to impose or has imposed a different penalty or level of discipline than that recommended by the board or by the deputy commissioner responsible for making disciplinary recommendations, the police commissioner shall provide such written report, with notice to the subject officer, no later than 45 days after the imposition of such discipline or in such shorter time frame as may be required pursuant to an agreement between the police commissioner and the board. Such report shall include a detailed explanation of the reasons for deviating from the board's recommendation or the recommendation of the deputy commissioner responsible for making disciplinary recommendations and, in cases in which the police commissioner intends to impose or has imposed a penalty or level of discipline that is lower than that recommended by the board or such deputy commissioner, shall also include an explanation of how the final disciplinary outcome was determined, including each factor the police commissioner considered in making his or her decision.

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.

§ 5. Section 440 of the New York city charter is amended by adding a new subdivision (g) to read as follows:

(g) 1. Beginning in fiscal year 2021 and for each fiscal year thereafter, the appropriations available to pay for the personal services expenses of the civilian complaint review board during each fiscal year shall not be less than an amount sufficient to fund personal services costs for the number of full-time personnel plus part-time personnel, calculated based on full-time equivalency rates, equal to 0.65 percent of the number of uniform budgeted headcount of the police department for that fiscal year, as determined consistent with published budgeted headcount documents of the office of management and budget. The calculation to determine the minimum appropriations for the personal services expenses of the civilian complaint review board pursuant to this paragraph shall be set forth in the preliminary expense budget, the executive expense budget, and the adopted budget.

2. Notwithstanding paragraph 1 and in addition to any action that may be undertaken pursuant to section 106, the appropriations available to pay for the personal services expenses of the civilian complaint review board may be less than the minimum appropriations required by paragraph 1 provided that, prior to adoption of the budget pursuant to section 254 or prior to the adoption of a budget modification pursuant to section 107, the mayor determines that such reduction is fiscally necessary and that such reduction is part of a plan to decrease overall appropriations or is due to unforeseen financial circumstances, and the mayor sets forth the basis for such determinations in writing to the council and the civilian complaint review board at the time of submission or adoption, as applicable, of any budget or budget modification containing such reduction.

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.

§ 6. Section 1152 of the New York city charter is amended by adding a new subdivision m, paragraph (2) to read as follows:

m. (2) (a) The amendments to the charter amending paragraphs 1, 3, and 4 of subdivision (b), paragraphs 1, 2, 3, and 5 of subdivision (c), and paragraphs 1 and 2 of subdivision (d), of section 440, approved by the electors on November 5, 2019, shall take effect on March 31, 2020. Officers and employees of the city shall take any actions as are necessary and appropriate to prepare for the implementation of such amendments prior to such date, and the civilian complaint review board shall promulgate any rules necessary for the timely implementation of such amendments prior to such date.

(b) The amendments to the charter amending paragraph 3 of subdivision (d) and adding a new subdivision (g) of section 440, approved by the electors on November 5, 2019, shall take effect immediately upon certification that the electors have approved such amendments to the charter.

(c) Upon the effective dates included in this paragraphs, the amendments described therein shall control as provided with respect to all the powers, functions and duties of officers, agencies and employees, except as further specifically provided in other sections of this charter.

### Question 3

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-h to read as follows:

§ 20-h. Office of minority and women-owned business enterprises. a. Definitions. As used in this section, the following terms have the following meanings:

Agency M/WBE officer. The term “agency M/WBE officer” means a deputy commissioner or other executive officer designated pursuant to subdivision f of section 6-129 of the administrative code.

Director. The term “director” means the holder of the position defined under paragraph (14) of subdivision c of section 6-129 of the administrative code.

M/WBE. The term “M/WBE” means a minority or women-owned business enterprise certified in accordance with section 1304.

Office. The term “office” means the office of minority and women-owned business enterprises.

b. Notwithstanding any provision to the contrary contained in section 6-129 of the administrative code, the director shall report directly to the mayor.

c. The mayor shall establish an office of minority and women-owned business enterprises within any office of the mayor. The head of such office shall be either the director or an individual who shall report directly to the director.

d. The office shall perform the following duties:

1. Monitor agencies’ compliance with section 1304 of the charter and section 6-129 of the administrative code, and assist the director in carrying out the director’s duties under section 6-129 of the administrative code;

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.

2. Work with agency staff, including agency M/WBE officers, to facilitate M/WBE participation in city procurement opportunities;

3. Facilitate communication between M/WBEs, other members of the public and agencies to address M/WBE-related concerns;

4. Assist in the development of policies, maintain oversight and help expand agency programming relating to M/WBEs across all city agencies;

5. Carry out outreach and education efforts regarding programs and opportunities for M/WBEs to engage in city procurement, including efforts to encourage eligible firms to certify as M/WBEs with the city;

6. Establish and maintain relationships with the public to promote government procurement opportunities for M/WBEs; and

7. Other duties as the mayor may assign.

e. The head of each agency shall cooperate with and furnish to the office such information and assistance as may be required in order for the office to perform its duties.

§ 2. Section 31 of the New York city charter, as amended by local law number 96 for the year 2016, is amended to read as follows:

§ 31. Power of advice and consent. Appointment by the mayor of the commissioner of investigation and the corporation counsel, and of the members of the art commission, board of health (other than the chair), board of standards and appeals, city planning commission (other than the chair), civil service commission, landmarks preservation commission, tax commission, taxi and limousine commission and the public members of the environmental control board shall be made with the advice and consent of the council after a public hearing. Within 30 days after the first stated meeting of the council after receipt of a nomination, the council shall hold a hearing

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.

and act upon such nomination and in the event it does not act within such period, the nomination shall be deemed to be confirmed.

§ 3. Section 391 of the New York city charter is amended to read as follows:

§ 391. Department; corporation counsel; vacancy. a. There shall be a law department the head of which shall be the corporation counsel.

b. Within 60 days following the occurrence of a vacancy in the office of the corporation counsel, the mayor shall submit to the council the name of the mayor's nominee for corporation counsel. If the council disapproves a nomination while the office of the corporation counsel is vacant, the mayor shall submit a new nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 4. Subdivision b of section 392 of the New York city charter is amended to read as follows:

b. The first assistant corporation counsel shall, during the absence or disability of the corporation counsel, possess all the powers and perform all the duties of the corporation counsel and in case of the death of the corporation counsel or of a vacancy in that office shall act as corporation counsel until the appointment and qualification of a corporation counsel in accordance with law.

§ 5. Section 2602 of the New York city charter, as added by a vote of the electors on November 8, 1988, subdivisions a and c as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

§ 2602. Conflicts of interest board. a. There shall be a conflicts of interest board consisting of five members[.]. Three members shall be appointed by the mayor, one member shall be appointed by the public advocate, and one member shall be appointed by the comptroller. All members shall be appointed with the advice and consent of the council. The mayor shall designate a chair.

b. Members shall be chosen for their independence, integrity, civic commitment and high ethical standards. No person while a member shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, hold any political party office, be a lobbyist as that term is defined in section 3-211 of the administrative code or [appear as a lobbyist before the city] participate in any capacity in a campaign by a candidate for nomination for election, or election, to the office of mayor, public advocate, comptroller, borough president or member of the city council. The restrictions on contributions by natural persons who have business dealings with the city set forth in subdivision 1-a of section 3-703 of the administrative code, or a successor law, shall apply to contributions by members. Each member shall agree not to make contributions in excess of such restrictions.

c. Each member shall serve for a term of six years[;]. [provided] Provided, however, that [of the three members first appointed,] one member appointed by the mayor shall be appointed for a term to expire on March [thirty-first, nineteen hundred ninety] 31, 2020[:], one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-two, and one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-four, and of the remaining members, one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-two and one] two members appointed by the mayor shall be appointed for [a term] terms to expire on March [thirty-first, nineteen hundred ninety-four. If the mayor] 31, 2024; and the



members first appointed by the public advocate and comptroller shall be appointed for terms to expire on March 31, 2028, replacing two mayoral appointees whose terms expire on March 31, 2022. For all members, if the appointing authority has not submitted to the council a nomination for appointment of a successor at least [sixty] 60 days prior to the expiration of the term of the member whose term is expiring, the term of the member in office shall be extended for an additional year and the term of the successor to such member shall be shortened by an equal amount of time. If the council fails to act within [forty-five] 45 days of receipt of such nomination from the [mayor] appointing authority, the nomination shall be deemed to be confirmed. No member shall serve for more than two consecutive six-year terms. [The three initial nominations by the mayor shall be made by the first day of February, nineteen hundred eighty-nine, and both later nominations by the mayor shall be made by the first day of March, nineteen hundred ninety.]

d. Members shall receive a per diem compensation, no less than the highest amount paid to an official appointed to a board or commission with the advice and consent of the council and compensated on a per diem basis, for each calendar day when performing the work of the board.

e. Members of the board shall serve until their successors have been confirmed. Any vacancy occurring other than by expiration of a term shall be filled by nomination by the [mayor] appropriate appointing authority made to the council within [sixty] 60 days of the creation of the vacancy, for the unexpired portion of the term of the member succeeded. If the council fails to act within [forty-five] 45 days of receipt of such nomination from the [mayor] appointing authority, the nomination shall be deemed to be confirmed.

f. Members may be removed by [the mayor] their respective appointing authority for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this section, after written notice and opportunity for a reply.

g. The board shall appoint a counsel to serve at its pleasure and shall employ or retain such other officers, employees and consultants as are necessary to exercise its powers and fulfill its obligations. The authority of the counsel shall be defined in writing, provided that neither the counsel, nor any other officer, employee or consultant of the board shall be authorized to issue advisory opinions, promulgate rules, issue subpoenas, issue final determinations of violations of this chapter, or make final recommendations of or impose penalties. The board may delegate its authority to issue advisory opinions to the chair.

h. The board shall meet at least once a month and at such other times as the chair may deem necessary. [Two] Three members of the board shall constitute a quorum and all acts of the board shall be by the affirmative vote of at least [two] three members of the board.

§ 6. Paragraphs 1 through 3 of subdivision d of section 2604 of the New York city charter, as added by a vote of the electors on November 8, 1988, paragraph 3 of such subdivision as amended by local law number 59 for the year 1996, are amended to read as follows:

1. No public servant shall solicit, negotiate for or accept any position;

[(i)] (a) from which, after leaving city service, the public servant would be disqualified under this subdivision [,] ; or

[(ii)] (b) with any person or firm who or which is involved in a particular matter with the city, while such public servant is actively considering, or is directly concerned or personally participating in such particular matter on behalf of the city.

2. (a) No former public servant, other than those public servants listed in subparagraphs (b) and (c) of this paragraph, shall, within a period of one year after termination of such person's service with the city, appear before the city agency served by such public servant [; provided, however, that nothing contained herein shall be deemed to prohibit a former public servant from

making communications with the agency served by the public servant which are incidental to an otherwise permitted appearance in an adjudicative proceeding before another agency or body, or a court, unless the proceeding was pending in the agency served during the period of the public servant's service with that agency. For the purposes of this paragraph, the agency served by a public servant designated by a member of the board of estimate to act in the place of such member as a member of the board of estimate, shall include the board of estimate.

3. No elected official, nor the holder of the position of deputy mayor, director of the office of management and budget, commissioner of citywide administrative services, corporation counsel, commissioner of finance, commissioner of investigation or chair of the city planning commission shall, within a period of one year after termination of such person's employment with the city, appear before any agency in the branch of city government served by such person].

(b) The following former public servants shall not, within a period of two years after termination of their service with the city, appear before the city agency they served:

(1) any head of an agency that is not a board or commission, other than the agency heads listed in subparagraph (c) of this paragraph;

(2) the executive director or the highest ranking public servant employed by a board or commission; and

(3) any paid member of a board or commission.

(c) The following former public servants shall not, within a period of two years after termination of their service with the city, appear before any agency in the branch of city government they served:

(1) any elected official; and

(2) the holder of the position of deputy mayor, director of the office of management and budget, commissioner of citywide administrative services, corporation counsel, commissioner of finance, commissioner of investigation and chair of the city planning commission.

For the purposes of this [paragraph] subparagraph (c), the legislative branch of the city consists of the council and the offices of the council, and the executive branch of the city consists of all other agencies of the city, including the office of the public advocate.

3. The prohibitions set forth in subparagraphs (a), (b) and (c) of paragraph 2 of this subdivision shall not be deemed to prohibit a former public servant from making communications with the agency served by the public servant, or with any agency in the branch of city government served by the public servant, as applicable, which are incidental to an otherwise permitted appearance in an adjudicative proceeding before another agency or body, or a court, unless the proceeding was pending in the agency served during the period of the public servant's service with such agency or in any agency in the branch of city government served during the period of the public servant's service, as applicable.

§ 7. Section 1152 of the New York city charter is amended by adding a new subdivision m, paragraph (3) to read as follows:

m. (3) (a) The amendments to the charter adding a new section 20-h, approved by the electors on November 5, 2019, shall take effect on March 31, 2020.

(b) The amendments to the charter amending sections 31 and 391 and subdivision b of section 392, approved by the electors on November 5, 2019, shall take effect immediately upon certification that the electors have approved such amendments to the charter; provided, however, that if the office of the corporation counsel is vacant on such effective date, such vacancy will be deemed to have occurred on such effective date.

(c) The amendments to the charter amending section 2602, approved by the electors on November 5, 2019, shall take effect immediately upon certification that the electors have approved such amendments to the charter. Provided, however, that:

(i) The two offices of the conflicts of interest board for which terms expire on March 31, 2022 shall continue until successors have been appointed by the public advocate and comptroller, pursuant to section 2602, for the ensuing terms. The mayor shall not make nominations for successors to such offices unless such offices become vacant prior to March 31, 2022, in which case the mayor shall make nominations for successors to serve for the unexpired portion of the terms. The public advocate and comptroller shall make their initial nominations to the conflicts of interest board by January 30, 2022. If either fails to do so by such date, the term of the member in office shall be extended for an additional year, and the term of the successor to such member shall be shortened by an equal amount of time, pursuant to subdivision c of section 2602.

(ii) The amendments to the charter amending subdivision b of section 2602 shall only apply to members serving on the conflicts of interest board whose terms begin after the effective date of such amendments, except that such amendments shall apply to any member whose term is extended pursuant to subdivision c of section 2602 after the effective date of such amendments.

(d) The amendments to the charter amending paragraphs 1 through 3 of subdivision d of section 2604, approved by the electors on November 5, 2019, shall take effect on January 1, 2022 and shall only apply to public servants, as that terms is defined in section 2601, who leave service with the city after such date.

(e) Upon the effective dates included in this paragraph, the amendments described therein shall control as provided with respect to all the powers, functions and duties of officers, agencies and employees, except as specified by the terms of this paragraph or as specifically provided in

other sections of this charter. Officers and employees of the city shall take any actions as are necessary and appropriate to prepare for the implementation of such amendments prior to such effective dates.

## Question 4

Section 1. Section 24 of the New York city charter is amended by adding a new subdivision o to read as follows:

*o. 1. For fiscal year 2021 and each fiscal year thereafter, the appropriations available to pay for the expenses of the public advocate shall be not less than a sum equal to the minimum appropriation for the public advocate for the prior fiscal year modified by the percentage change, if any, in the total city-funded appropriations contained in the expense budget, excluding debt service, pension contributions and fringe benefits, from the prior fiscal year to the city-funded total appropriations contained in the expense budget, excluding debt service, pension contributions, and fringe benefits, for the current fiscal year; provided, however, that (i) such minimum appropriation shall not increase in any year by a percentage greater than the increase in the consumer price index for all urban consumers in the New York-Newark-Jersey City area, as published by the bureau of labor statistics of the United States department of labor, or a successor index, for the calendar year prior to that in which the budget is adopted and (ii) for the purposes of making the calculations required by this paragraph, the minimum appropriation for fiscal year 2020 shall be deemed to be \$4,529,267. Any proposed budget shall ensure compliance with the minimum appropriation required by this subdivision for the upcoming fiscal year. The calculation to determine the minimum appropriations for the public advocate pursuant to this paragraph shall be set forth in the preliminary expense budget, the executive expense budget, and the adopted budget.*

*2. Notwithstanding paragraph 1, and in addition to any action that may be taken pursuant to section one hundred six, the appropriations available to pay for the expenses of the public advocate may be less than the minimum appropriations required by paragraph 1, provided that, prior to adoption of the budget pursuant to section two hundred fifty-four or prior to the adoption*

Explanation: Matter in italics is new, to be added; matter in brackets [ ] is old law, to be omitted.



of a budget modification pursuant to section one hundred seven, the mayor determines that such reduction is fiscally necessary and that such reduction is part of a plan to decrease overall appropriations or is due to unforeseen financial circumstances, and the mayor sets forth the basis for such determinations in writing to the council and the public advocate at the time of submission or adoption, as applicable, of any budget or budget modification containing such reduction.

§ 2. Section 82 of the New York city charter is amended by adding a new subdivision 18 to read as follows:

18. a. For fiscal year 2021 and each fiscal year thereafter, the appropriations available to pay for the expenses of each borough president shall be not less than a sum equal to the minimum appropriation for that borough president for the prior fiscal year modified by the percentage change, if any, in the total city-funded appropriations contained in the expense budget, excluding debt service, pension contributions and fringe benefits, from the prior fiscal year to the city-funded total appropriations contained in the expense budget, excluding debt service, pension contributions, and fringe benefits, for the current fiscal year; provided, however, that (i) such minimum appropriation shall not increase in any year by a percentage greater than the increase in the consumer price index for all urban consumers in the New York-Newark-Jersey City area, as published by the bureau of labor statistics of the United States department of labor, or a successor index, for the calendar year prior to that in which the budget is adopted and (ii) for the purposes of making the calculations required by this paragraph, the minimum appropriation for fiscal year 2020 shall be deemed to be \$6,282,711 for the president of the borough of the Bronx, \$7,240,311 for the president of the borough of Brooklyn, \$5,284,978 for the president of the borough of Manhattan, \$5,821,751 for the president of the borough of Queens and \$4,757,434 for the president of the borough of Staten Island. Any proposed budget shall ensure compliance with the

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.

minimum appropriation required by this subdivision for the upcoming fiscal year. The calculation to determine the minimum appropriations for each borough president pursuant to this paragraph shall be set forth in the preliminary expense budget, the executive expense budget, and the adopted budget.

b. Notwithstanding paragraph a, and in addition to any action that may be taken pursuant to section one hundred six, the appropriations available to pay for the expenses of each borough president may be less than the minimum appropriations required by paragraph a, provided that, prior to adoption of the budget pursuant to section two hundred fifty-four or prior to the adoption of a budget modification pursuant to section one hundred seven, the mayor determines that such reduction is fiscally necessary and that such reduction is part of a plan to decrease overall appropriations or is due to unforeseen financial circumstances, and the mayor sets forth the basis for such determinations in writing to the council and the applicable borough president at the time of submission or adoption, as applicable, of any budget or budget modification containing such reduction.

§ 3. Subdivisions 5 through 16 of section 250 of the New York city charter, as amended by a vote of the electors on November 8, 2005, are renumbered as subdivisions 6 through 17 respectively, and such section is amended by adding a new subdivision 5 to read as follows:

5. An estimate of the probable amount of (1) receipts into the city treasury during the ensuing fiscal year from all the sources of revenue of the general fund and (2) all receipts other than those of the general fund and taxes on real property.

§ 4. Subdivision a and paragraph 1 of subdivision b of section 258 of the New York city charter, as added by a vote of the electors on November 8, 2005, are amended to read as follows:

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.

a. The operations of the city shall be such that, at the end of the fiscal year, the results thereof shall not show a deficit when reported in accordance with generally accepted accounting principles unless such deficit is offset by funds withdrawn for such purpose from the revenue stabilization fund established pursuant to section one thousand five hundred twenty-eight. The mayor shall take all actions necessary in accordance with the provisions of the charter, including but not limited to section one hundred six, or other applicable law to ensure that the city is in compliance with this subdivision.

b. (1) For each fiscal year, the city's budget covering all expenditures other than capital items shall be prepared and balanced so that the results thereof would not show a deficit when reported in accordance with generally accepted accounting principles, unless such deficit is offset by funds withdrawn for such purpose from the revenue stabilization fund established pursuant to section one thousand five hundred twenty-eight, and would permit comparison of the budget with the report of actual financial results prepared in accordance with generally accepted accounting principles.

§ 5. Subdivisions e and f of section 258 of the New York city charter are relettered subdivisions f and g, respectively, and such section is amended by adding a new subdivision e to read as follows:

e. When the mayor issues modifications to the financial plan pursuant to subdivision c of this section, and such modifications would require the mayor to make a notification or submission to the council pursuant to subdivision b or e of section 107, the mayor shall make such notification or submission within 30 days of issuance of such modifications to the financial plan.

§ 6. Section 1515 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.

§ 1515. Statement and estimate by the mayor. a. The mayor shall prepare and submit to the council, immediately upon the adoption of a single budget pursuant to section two hundred fifty-four, a statement setting forth the amount of the budget as approved by the council for the ensuing year [and the mayor shall prepare and submit to the council not later than the fifth day of June an estimate of the probable amount of (1) receipts into the city treasury during the ensuing fiscal year from all the sources of revenue of the general fund and (2) all receipts other than those of the general fund and taxes on real property]. The mayor may include in the statement of the amount of the budget as approved by the council a confirmation of such amount, and thereby waive mayoral veto power pursuant to section two hundred fifty-five.

b. If, as a result of the exercise of the mayor's veto pursuant to section two hundred fifty-five, the amount of the budget for the ensuing fiscal year differs from the amount of the budget approved by the council pursuant to section two hundred fifty-four, not later than two days after the budget is finally adopted the mayor shall prepare and submit to the council a statement setting forth the amount of the budget for the ensuing year, and the council shall, if necessary, fix new annual tax rates pursuant to subdivision c of section one thousand five hundred sixteen.

*c. The mayor shall prepare and submit an estimate of the probable amount of (1) receipts into the city treasury during the ensuing fiscal year from all the sources of revenue of the general fund and (2) all receipts other than those of the general fund and taxes on real property in the budget message submitted to the council pursuant to section two hundred forty-nine. After submission of the budget message to the council pursuant to section two hundred forty-nine but not later than the twenty-fifth day of May, the mayor may prepare and submit to the council an updated estimate of the probable amount of (1) receipts into the city treasury during the ensuing fiscal year from all the sources of revenue of the general fund and (2) all receipts other than those*

Explanation: Matter in italics and underlined is new, to be added; matter in brackets [ ] is old law, to be omitted.

*of the general fund and taxes on real property. After the twenty-fifth day of May and until adoption of the budget pursuant to section two hundred fifty-four, the mayor may prepare and submit to the council an update of such estimate, provided that the mayor makes a determination that it is fiscally necessary to do so due to changed circumstances, and submits such determination in writing to the council setting forth the basis of that determination and the changed circumstances between the previous estimate and such update that warrant such modification.*

[c.] d. The mayor, prior to [establishing the final] *issuing any* estimate of revenues for the ensuing fiscal year as required by this section *where such estimate is issued on or after the first of May*, shall consider any alternative estimate of revenues which [is] *has been timely* submitted pursuant to subdivision [d] e of this section *at least two weeks before the issuance of the mayor's estimate* and which is accompanied by a statement of the methodologies and assumptions upon which such estimate is based in such detail as is necessary to facilitate official and public understanding of such estimates.

[d.] e. Any person or organization may, prior to the fifteenth day of May, submit to the mayor an official alternative estimate of revenues for consideration by the mayor in accordance with subdivision [c] d. Such estimate shall be in a form prescribed by the mayor.

§ 7. Subdivision a of section 1516 of the New York city charter is amended to read as follows:

a. The council shall fix the annual tax rates immediately upon the approval of the budget pursuant to section two hundred fifty-four. The council shall deduct the total amount of receipts [as estimated] *contained in the most recent estimate submitted* by the mayor *pursuant to section two hundred fifty or section one thousand five hundred fifteen* from the amount of the budget, for the ensuing fiscal year, and shall cause to be raised by tax on real property such sum as shall be as

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nearly as possible but not less than, the balance so arrived at, by fixing tax rates in cents and thousandths of a cent upon each dollar of assessed valuation. The tax rates shall be such to produce a balanced budget within generally accepted accounting principles for municipalities.

§ 8. Chapter 58 of the New York city charter is amended by adding a new section 1528 to read as follows:

§ 1528. Revenue stabilization fund. The city may maintain a revenue stabilization fund to serve as a year-to-year reserve account, subject to the New York state financial emergency act for the city of New York as amended from time to time or any successor statute. Such fund shall be created and operated in accordance with any applicable state law.

§ 9. Section 1152 of the New York city charter is amended by adding a new subdivision m, paragraph (4) to read as follows:

m. (4) (a) The following amendments to the charter, approved by the electors on November 5, 2019, shall take effect immediately upon certification that the electors have approved such amendments:

(1) The amendments to the charter adding a new subdivision o to section 24 and adding a new subdivision 18 to section 82;

(2) The amendments to the charter renumbering subdivisions 5 through 16 of section 250 to subdivisions 6 through 17, respectively, adding a new subdivision 5 to section 250 and amending section 1515 and subdivision a of section 1516; and

(3) The amendments to the charter amending subdivision a and paragraph 1 of subdivision b of section 258 and adding a new section 1528.

(b) The amendments to the charter relettering subdivisions e and f of section 258 to be subdivisions f and g, respectively, and adding a new subdivision e to section 258, approved by the

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*electors on November 5, 2019, shall take effect on July 1, 2020. Officers and employees of the city shall take any actions as are necessary and appropriate to prepare for the implementation of these amendments prior to such date.*

*(c) Upon the effective dates included in this paragraph, the amendments described therein shall control as provided with respect to all the powers, functions and duties of officers, agencies and employees, except as further specifically provided in other sections of this charter.*

## Question 5



Section 1. Subdivision c of section 197-c of the New York city charter, as amended by a vote of the electors at a general election held on November 7, 1989, is amended to read as follows:

c. The department of city planning shall be responsible for certifying that applications pursuant to subdivision a of this section are complete and ready to proceed through the uniform land use review procedure provided for in this section. The department shall not certify an application unless (1) each affected borough board, borough president and community board has received from the department, at least thirty days before certification, a pre-certification notice containing information specified by the city planning commission, which shall include the project location, the purpose of the proposed actions, and a description of the proposed actions, sufficient to put such borough board, borough president and community board on notice of the substance of the application, and (2) the application is substantially consistent with such notice. The department shall publish such notice on the department's website within five days of the transmission of such notice to the affected borough board, borough president and community board. Upon certification of an application, the department shall give notice of such certification to the council. If an application under this section has not been certified within six months after filing, both the applicant and, if the land use proposed in an application is consistent with the land use policy or strategic policy statement of the affected borough president, the affected borough president shall have the right at any time thereafter to appeal to the city planning commission for certification. The commission shall promptly, but in any event within sixty days of the filing of such an appeal, either certify the application or state in writing what further information is necessary to complete the application. If such an appeal is brought by an affected borough president, the affirmative vote of five members of the commission shall be sufficient to certify the application.

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§ 2. Subdivision e of section 197-c of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

e. [Each] (1) Except as otherwise provided in paragraph two of this subdivision each affected community board shall, not later than sixty days after receipt of an application that has been certified pursuant to subdivision c of this section,

[ (1) ] (a) notify the public of the application in a manner specified by the city planning commission pursuant to subdivision i of this section, and

[ (2) ] (b) either [ (a) ] (i) conduct a public hearing thereon and prepare and submit a written recommendation directly to the city planning commission and to the affected borough president or [ (b) ] (ii) where authorized by this charter, submit a written waiver of the right to conduct a public hearing and to submit such written recommendations to the commission and the affected borough president.

(2) Where an application has been certified during the month of June, the affected community board shall provide notification pursuant to subparagraph (a) of paragraph 1 of this subdivision and conduct a hearing or, where authorized, submit a waiver of the right to conduct a public hearing pursuant to subparagraph (b) of paragraph 1 of this subdivision not later than ninety days after receipt of such application or, where such application is certified during the period of time from and including July 1 to and including July 15, not later than seventy-five days after receipt of such application.

§ 3. Section 1152 of the New York city charter is amended by adding a new subdivision m, paragraph (5) to read as follows:

m. (5) (a) The amendments to the charter amending subdivision c of section 197-c, approved by the electors on November 5, 2019, shall take effect on August 31, 2020. Officers and

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employees of the city shall take any actions as are necessary and appropriate to prepare for the implementation of such amendments prior to the such date, and, no later than such date, the city planning commission shall establish rules providing minimum standards for the content and form of pre-certification notices to be submitted to community boards, borough boards and borough presidents.

(b) The amendments to the charter amending subdivision e of section 197-c, approved by the electors on November 5, 2019, shall take effect immediately upon certification that the electors have approved such amendments to the charter.

(c) Upon the effective dates included in this paragraph, the amendments described therein shall control as provided with respect to all the powers, functions and duties of officers, agencies and employees, except as further specifically provided in other sections of this charter.

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