

Petition to Amend NYC Charter, under § 37 of the Municipal Home Rule Law, to Include the Right of Initiative

To: Héctor Díaz, City Clerk, City of New York

1. We the undersigned, duly qualified electors of the City of New York, present this petition to the City Clerk and respectfully request that the following proposed charter amendment of the City of New York be submitted to a vote of the people of this great city at a general election. The proposed changes to the charter's text read as follows, with new text to be added in italics, text to be removed (except part two of section forty on amending the charter, which this amendment would supersede) with lines through it, and any other text included here for context or alluded to with ellipsis left intact:

§ 21. The Council. ...the council shall be vested with the legislative power of the city, *which it shall share with the people, who reserve to themselves the right to propose local laws, and to enact or reject the same at the polls, independent of the council in accordance with section 63.*

§ 24. o. *The public advocate shall be responsible for discharging all duties related to ballot proposals assigned to the office elsewhere in this charter.*

§ 38. Local laws; referendum. A local law shall be submitted for the approval of the electors at the next general election held not less than sixty days after the council's adoption thereof, and shall become operative as prescribed therein only when approved at such election by the affirmative vote of a majority of the qualified electors of the city voting upon the proposition, if it:

... 19. *Curtails the people's right of initiative.*

§ 63. Initiative. a. *Any local law proposed by a resident registered to vote in the city shall be placed on the ballot, for adoption or rejection by a majority of the electors voting on such proposal at the next general election no less than 60 days hence, if either:*

1. *A petition, conforming as much as applicable to the rules for designating petitions, is submitted to the city clerk, setting forth the proposed local law in full. Such petition must, if not requiring amendment of this charter, contain no fewer than twice the number of valid signatures required for a nominating petition for citywide office, or, if requiring amendment of this charter, contain no fewer than forty-five thousand such signatures. The clerk shall determine its sufficiency within 10 days. Regardless of his findings the clerk shall promptly transmit them, along with full and detailed explanations for every finding, to both the person who submitted the petition and the council, and make said findings, along with the petitions and his relevant notations, available to the public in the clerk's office. Any such finding can be contested within 6 days of receipt of the clerk's finding in supreme court, and shall be heard and determined in the manner prescribed by the election law in relation to judicial proceedings thereunder. The proposed law shall be placed on the ballot if the petition is determined to be valid and 45 days before the election the council has not enacted it without amendment.*

2. *Or it qualifies in any other manner provided in this charter or other applicable law. If such other manner does not specify the number of valid signatures required, the number specified in part one of this section shall apply.*

b. *For each initiative proposal to appear on the ballot, the independent budget office shall prepare and, no later than 36 days before the election, provide to the campaign finance board, a fiscal impact statement, as described in section thirty-three part (b), for inclusion in the voter guide.*

c. *In the event that more than twelve initiatives qualify in a single year, at least 42 days before the general election the city clerk shall determine those twelve with the highest number of valid signatures dated no earlier than one year and no later than 60 days before the election, which shall appear on the ballot. Any measure receiving the affirmative vote of a majority of the qualified electors of the city voting upon the proposition shall be enacted at such time as the approved law itself specifies or 45 days after the election, except where such enactment is governed for budgetary planning purposes by existing applicable law, in which case the approved law shall be enacted at the beginning of the first fiscal year for which a city budget is prepared and adopted after the election. In case of conflict between provisions of two or more local laws adopted at the same election, the local law receiving the largest number of affirmative votes shall prevail to the extent of such conflict.*

§ 260. Powers and duties (of the independent budget office).

... f. *The director shall, for each qualifying initiative, prepare a fiscal impact statement pursuant to part (b) of section fifty-three.*

§ 1062. Campaign finance board. a.

... 15. *For the purposes of this section, "candidate" or "candidates" shall include any campaign or political committee advocating for the passage or rejection of any proposals or referenda at any city election, and to the full extent permissible by law, the board's mandate shall include such proponents and opponents of proposed ballot measures.*

14. *Unless they are met by normal budgetary procedures, costs associated with the inclusion of ballot proposals in the board's mandate shall only be incurred and paid for to the extent a fund, which the board shall establish and which shall consist entirely of voluntary contributions and any interest earned, contains the necessary funds.*

§ 1063. Voters guide. Each voters guide published by the board shall contain:

... ~~and~~ (e) *where there is a ballot proposal or referendum, concise statements explaining such proposal or referendum and an abstract of each such proposal or referendum, and (f) in case of ballot proposals placed on the ballot in accordance with section fifty-three of this charter: a summary of the fiscal impact statement therein required; summaries of all arguments for and against the proposal submitted to the board no later than 36 days before the election by the public advocate, who shall include a full representation of the arguments for and against the proposal; and the web address of a web page, either moderated by the board or certified by the board to represent an accurate resource, which shall include the proposed law's full text, an updated listing of all organizations and elected officials there endorsing or opposing the measure, and access to all public information about all related campaign contributions.*

2. Each of the undersigned states: I have not signed any other petition sheet for the same measure; I am a registered voter in the City of New York; and my place of residence, including street and number, if such exist, is correctly written after my name. In witness of all of the preceding I have hereunto set my hand, the day and year set opposite my signature.

Date	Name of signer (signature required) (printed name may be added)	Residence	County
1. / / Printed Name →			
2. / / Printed Name →			
3. / / Printed Name →			
4. / / Printed Name →			
5. / / Printed Name →			
6. / / Printed Name →			
7. / / Printed Name →			
8. / / Printed Name →			
9. / / Printed Name →			
10. / / Printed Name →			

Statement of Witness

I, (name of witness) _____ state: I am a duly qualified voter of the City of New York. I now reside at (residence address) _____

Each of the individuals whose names are subscribed to this petition sheet containing (fill in number) _____ signatures, subscribed the same in my presence and identified themselves to be the individual who signed this sheet. I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date, 2008 _____

Signature of Witness _____

County of Residence _____