



**STATE OF NEW YORK  
STATE BOARD OF ELECTIONS**

Albany, New York

August 2, 2017

**CERTIFICATION**

**To the Boards of Elections of the State of New York:**

Notice is hereby given, that at the General Election to be held in this State on Tuesday, November 7, 2017, the following proposals will be submitted to the people for approval:

## TEXT OF PROPOSAL NUMBER ONE, A QUESTION

### THE CONSTITUTION OF THE STATE OF NEW YORK, ARTICLE XIX, SECTION 2

§2. At the general election to be held in the year nineteen hundred fifty-seven, and every twentieth year thereafter, and also at such times as the legislature may by law provide, the question "Shall there be a convention to revise the constitution and amend the same?" shall be submitted to and decided by the electors of the state; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every senate district of the state, as then organized, shall elect three delegates at the next ensuing general election, and the electors of the state voting at the same election shall elect fifteen delegates-at-large. The delegates so elected shall convene at the capitol on the first Tuesday of April next ensuing after their election, and shall continue their session until the business of such convention shall have been completed. Every delegate shall receive for his or her services the same compensation as shall then be annually payable to the members of the assembly and be reimbursed for actual traveling expenses, while the convention is in session, to the extent that a member of the assembly would then be entitled thereto in the case of a session of the legislature. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to the constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the delegates elected to the convention, the ayes and noes being entered on the journal to be kept. The convention shall have the power to appoint such officers, employees and assistants as it may deem necessary, and fix their compensation and to provide for the printing of its documents, journal, proceedings and other expenses of said convention. The convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns and qualifications of its members. In case of a vacancy, by death, resignation or other cause, of any district delegate elected to the convention, such vacancy shall be filled by a vote of the remaining delegates representing the district in which such vacancy occurs. If such vacancy occurs in the office of a delegate-at-large, such vacancy shall be filled by a vote of the remaining delegates-at-large. Any proposed constitution or constitutional amendment which shall have been adopted by such convention, shall be submitted to a vote of the electors of the state at the time and in the manner provided by such convention, at an election which shall be held not less than six weeks after the adjournment of such convention. Upon the approval of such constitution or constitutional amendments, in the manner provided in the last preceding section, such constitution or constitutional amendment, shall go into effect on the first day of January next after such approval.

### ABSTRACT OF PROPOSAL NUMBER ONE, A QUESTION

The New York State Constitution requires that every 20 years the people decide if a Constitutional Convention should be held to consider amendments to the State Constitution.

The purpose of this Ballot Question is to allow the voters of New York State to determine whether a Constitutional Convention will be held in 2019.

If a majority voting on this Question votes NO, there will be no Constitutional Convention.

If a majority votes YES, three delegates from each state senatorial district and 15 at-large statewide delegates will be elected in November 2018. The delegates will convene at the Capitol in April 2019. Amendments adopted by a majority of the delegates will be submitted to the voters for approval or rejection in a statewide referendum to be held at least six weeks after the Convention adjourns. The delegates will determine whether to submit proposed amendments as separate questions. Any amendments that the voters approve will go into effect on the January 1 following their approval.

If a majority votes in favor of a Constitutional Convention, then the delegates will receive for their services the same compensation as that payable to Members of the Assembly. The delegates also will be reimbursed for actual traveling expenses while the Convention is in session, to the extent that Members of the Assembly would be entitled reimbursement during a session of the Legislature.

The delegates will have the power to appoint the officers, employees, and assistants that they deem necessary and to fix the compensation of those officers, employees, and assistants. The delegates also will have the power to provide for the expenses of the Convention, including the printing of its documents, journal, and proceedings. The delegates will determine the rules of their proceedings, choose their officers, and be the judge of the election, returns, and qualifications of their members. A vacancy in an office of district delegate will be filled by a vote of the remaining delegates representing the district in which the vacancy occurs; a vacancy in the office of a delegate-at-large will be filled by a vote of the remaining delegates-at-large.

#### **FORM OF SUBMISSION OF PROPOSAL NUMBER ONE, A QUESTION**

#### **CONSTITUTIONAL CONVENTION**

Shall there be a convention to revise the Constitution and amend the same?

**TEXT OF PROPOSAL NUMBER TWO, AN AMENDMENT**

**CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**

proposing an amendment to section 7 of article 5 of the constitution, in relation to the public pension of a public officer

Section 1. Resolved (if the Senate concur), That section 7 of article 5 of the constitution be amended to read as follows:

§ 7. (a) After July first, nineteen hundred forty, membership in any pension or retirement system of the state or of a civil division thereof shall be a contractual relationship, the benefits of which shall not be diminished or impaired.

(b) Notwithstanding subdivision (a) of this section, the public pension of a public officer, as defined in paragraph (c) of this section, who stands convicted of a felony for which such felony has a direct and actual relationship to the performance of the public officer's existing duties, may be reduced or revoked, following notice and a hearing by an appropriate court, as provided by law. The court determination whether to reduce or revoke such pension shall be based on the consideration of factors including the severity of the crime and the proportionality of a reduction or revocation of such pension to such crime. When a court issues an order to reduce or revoke such pension, the court shall consider and determine specific findings as to the amount of such forfeiture, if any, and whether forfeiture, in whole or in part, would result in undue hardship or other inequity upon any dependent children, spouse or other dependents; and other factors as provided by law. The legislature shall enact legislation to implement this amendment taking into account interests of justice.

(c) For the purposes of paragraph (b) of this section, the term "public officer" shall mean: (i) an official filling an elected office within the state; (ii) a holder of office filled by direct appointment by the governor of this state, either upon or without senate confirmation; (iii) a county, city, town or village administrator, manager or equivalent position; (iv) the head or heads of any state or local government department, division, board, commission, bureau, public benefit corporation, or public authority of this state who are vested with authority, direction and control over such department, division, board, commission, bureau, public benefit corporation or public authority; (v) the chief fiscal officer or treasurer of any municipal corporation or political subdivision of the state; (vi) a judge or justice of the unified court system; and (vii) a legislative, executive, or judicial employee of this state who directly assists in the formulation of legislation, rules, regulations, policy, or judicial decision-making and who is designated as a policymaker as set forth in statute.

(d) Paragraph (b) of this section shall only apply to crimes committed on or after the first of January next succeeding the date upon which the people shall approve and ratify the amendment to the constitution that added this paragraph.

§2. Resolved (if the Senate concur), That the foregoing amendment be submitted to the people for approval at the general election to be held in the year 2017 in accordance with the provisions of the election law.

#### **ABSTRACT OF PROPOSAL NUMBER TWO, AN AMENDMENT**

New York's Constitution now provides that the benefits of a public pension or retirement system cannot be reduced or impaired. The purpose of the proposed amendment is to allow a court to reduce or revoke the public pension of a public officer who is convicted of a felony that has a direct and actual relationship to the performance of the public officer's existing duties.

A court could determine, after notice to the public officer and a hearing, if a public officer convicted of such a felony would lose part or all of the pension. In reaching this determination, the court must consider factors including the seriousness of the public officer's crime, the proportionality of a reduction or revocation to the crime, whether forfeiture would result in undue hardship or other inequity to dependent children, spouse, or other dependents, and any other factors provided by the Legislature. The Legislature must enact law that puts this proposal into effect, taking into account principles of fairness.

The proposed amendment would define "public officer" to mean the following:

- An official filling an elected office within New York;
- A person holding an office that is filled by appointment by the New York Governor, whether or not that appointment has to be confirmed by the Senate;
- A county, city, town, or village administrator, manager or equivalent position;
- The head of any state or local government department, division, board, commission, bureau, public benefit corporation, or public authority in New York who is vested with authority, direction, and control over that entity;
- The chief fiscal officer or treasurer of a municipal corporation or political subdivision in New York;
- A judge or justice of the Unified Court System; and
- A legislative, executive, or judicial employee who directly assists in the formulation of legislation, rules, regulations, policy, or judicial decision-making and who is designated by law as a policy-maker.

If approved, the amendment will apply only to crimes committed on or after January 1, 2018.

**FORM OF SUBMISSION OF PROPOSAL NUMBER TWO, AN AMENDMENT**

Allowing the complete or partial forfeiture of a public officer's pension  
if he or she is convicted of a certain type of felony

The proposed amendment to section 7 of Article 2 of the State Constitution would allow a court to reduce or revoke the public pension of a public officer who is convicted of a felony that has a direct and actual relationship to the performance of the public officer's existing duties. Shall the proposed amendment be approved?

**TEXT OF PROPOSAL NUMBER THREE, AN AMENDMENT**

**CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**

proposing an amendment to article 14 of the constitution, in relation to allowing public utility lines and bicycle paths on certain state lands in the forest preserve and establishing a forest preserve health and safety land account

Section 1. Resolved (if the Assembly concur), That section 1 of article 14 of the constitution be amended by adding a new undesignated paragraph to read as follows:

Notwithstanding the foregoing provisions and subject to legislative approval prior to actual transfer of title, a total of no more than two hundred fifty acres of forest preserve land shall be used for the establishment of a health and safety land account. Where no viable alternative exists and other criteria developed by the legislature are satisfied, a town, village or county may apply, pursuant to a process determined by the legislature, to the health and safety land account for projects limited to: address bridge hazards or safety on county highways, and town highways listed on the local highway inventory maintained by the department of transportation, dedicated, and in existence on January first, two thousand fifteen, and annually plowed and regularly maintained; elimination of the hazards of dangerous curves and grades on county highways, and town highways listed on the local highway inventory maintained by the department of transportation, dedicated, and in existence on January first, two thousand fifteen, and annually plowed and regularly maintained; relocation and reconstruction and maintenance of county highways, and town highways listed on the local highway inventory maintained by the department of transportation, dedicated, and in existence on January first, two thousand fifteen and annually plowed and regularly maintained, provided further that no single relocated portion of any such highway shall exceed one mile in length; and water wells and necessary appurtenances when such wells are necessary to meet drinking water quality standards and are located within five hundred thirty feet of state highways, county highways, and town highways listed on the local highway inventory maintained by the department of transportation, dedicated, and in existence on January first, two thousand fifteen, and annually plowed and regularly maintained. As a condition of the creation of such health and safety land account the state shall acquire two hundred fifty acres of land for incorporation into the forest preserve, on condition that the legislature shall approve such lands to be added to the forest preserve.

§ 2. Resolved (if the Assembly concur), That article 14 of the constitution be amended by adding a new section 6 to read as follows:

§ 6. Where state, county, or town highways listed on the local highway inventory maintained by the department of transportation, dedicated and in existence on January first, two thousand fifteen, and annually plowed and regularly maintained, traverse forest preserve land, public utility lines, limited to electric, telephone, broadband, water or sewer lines as defined in law,

may, consistent with standards and requirements set forth in law, and following receipt of all permits or authorizations required by law, be buried or co-located within the widths of such highways as defined in law, and bicycle paths may, consistent with standards and requirements set forth in law, and following receipt of all permits or authorizations required by law, be constructed and maintained within the widths of such highways, as defined in law; provided, however, when no viable alternative exists and when necessary to ensure public health and safety, a stabilization device for an existing utility pole may be located in proximity to the width of the road, as defined in law; provided further, that any co-location, burial, maintenance or construction shall minimize the removal of trees or vegetation and shall not include the construction of any new intrastate natural gas or oil pipelines that have not received all necessary state and local permits and authorizations as of June first, two thousand sixteen.

§ 3. Resolved (if the Assembly concur), That the foregoing amendment be submitted to the people for approval at the general election to be held in the year 2017 in accordance with the provisions of the election law.

### **ABSTRACT OF PROPOSAL NUMBER THREE, AN AMENDMENT**

New York State's Constitution protects the State's forest preserve as wild forest land and generally prohibits the lease, sale, exchange, or taking of any forest preserve land. The proposed amendment will create two new exceptions to this broad protection of the forest preserve to make it easier for municipalities to undertake certain health and safety projects.

First, the proposed amendment will create a land account of up to 250 acres of forest preserve land. A town, village, or county can apply to the land account if it has no viable alternative to using forest preserve land for specified health and safety purposes. These purposes are (1) to address bridge hazards or safety on specified highways; (2) to eliminate the hazards of dangerous curves and grades on specified highways; (3) to relocate, reconstruct, and maintain highways; and (4) for water wells and necessary related accessories located within 530 feet of a specified highway, where needed to meet drinking water quality standards. The State will acquire 250 acres to add to the forest preserve to replace the land placed in the health and safety land account, subject to approval by the Legislature,

Second, the proposed amendment will allow bicycle paths and types of public utility lines to be located within the widths of specified highways that cross forest preserve land. The work on the bicycle paths and utility lines must minimize the removal of trees and vegetation. The proposed amendment will allow a stabilization device (such as a guy wire) for an existing utility pole to be located near the width of a highway when necessary to ensure public health and safety and when no other viable option exists. The proposed amendment prohibits the construction of a new intrastate gas or oil pipeline that did not receive necessary state and local permits and approvals by June 1, 2016.



**FORM OF SUBMISSION OF PROPOSAL NUMBER THREE, AN AMENDMENT**

**Authorizing the Use of Forest Preserve Land for Specified Purposes**

The proposed amendment will create a land account with up to 250 acres of forest preserve land eligible for use by towns, villages, and counties that have no viable alternative to using forest preserve land to address specific public health and safety concerns; as a substitute for the land removed from the forest preserve, another 250 acres of land, will be added to the forest preserve, subject to legislative approval. The proposed amendment also will allow bicycle trails and certain public utility lines to be located within the width of specified highways that cross the forest preserve while minimizing removal of trees and vegetation. Shall the proposed amendment be approved?

We hereby certify that the foregoing text of Ballot Proposal One, a Question; Ballot Proposal Two, an Amendment and Ballot Proposal Three, an Amendment Number are correct copies of the originals as certified to be on file in the Department of State.

GIVEN under our hands and seal of the office  
of the State Board of Elections, at the  
City of Albany, this 2<sup>th</sup> day of  
August, in the year 2017.

Handwritten signatures of Douglas A. Kellner and Peter S. Kosinski. The signature of Douglas A. Kellner is on the left, and the signature of Peter S. Kosinski is on the right. Both signatures are written in black ink and are positioned above horizontal lines that serve as baselines for the text below.

Douglas A. Kellner  
Co-Chair

Peter S. Kosinski  
Co-Chair