



**Q&A Regarding
Charter Revision Commissions Appointed by Prior Mayors
("Lame Duck" Charter Commissions)**

February 24, 2026

Our organizations are providing this Q&A to answer questions being asked by stakeholders and the media regarding the [Charter Revision Commission established by former Mayor Adams on December 31, 2025](#). Please also see [analysis by legal expert Stephen Louis](#) of New York Law School's Center for New York City and State Law.

1. Can the State Legislature and Governor pass a law to disband a currently appointed city charter commission or prevent it from submitting questions to the ballot?

YES. The creation and operations of city charter revision commissions are governed by state law. Section 36 of the New York Municipal Home Rule (MHR) Law provides mayors, city councils, or voters the power to establish a charter commission, and sets how they place questions on the ballot – the New York City Charter is silent on all these issues. In addition, the state has broad powers that allow for preemption of local law ([DJL Rest. Corp. v. City of New York, 96 N.Y.2d 91, 95 \(2001\)](#)).

Last year, the State Legislature passed a bill that would have changed how charter commissions send questions to the ballot. The legislation, ([S590A \(Krueger\)/A3665A \(Simone\)](#)), proposed eliminating the ability of mayors to block (or "bump") ballot proposals by creating a charter commission. It was passed in June 2025 under the assumption that, if signed into law, it would impact the existing charter commissions operating in New York City at that time. While the bill was vetoed by Governor Hochul, her rationale focused on the balance of powers between municipal branches, not legal concerns.

Therefore, we believe that the Legislature and Governor can amend the Municipal Home Rule (MHR) Law to address "lame duck" mayoral-appointed commissions, including commissions currently in existence. We are aware of at least two that are in operation or appointed now: in [New York City](#) and [Buffalo](#).

For instance, a narrowly-tailored amendment to Municipal Home Rule Law could require a charter revision commission that is appointed by a mayor in the last six months of their term to be approved by the incoming mayor within 90 days from taking office, or it will be dissolved. (The deadline to file questions to the ballot every year is the first week of August, and best

practice is for a charter revision commission to be established months in advance of that deadline to conduct a substantive, thoughtful, and open process).

Lawmakers have already proposed [similar legislation](#) to establish that the continued existence of a mayoral charter commission created in the final months of an administration and appointments to the commission would need to be affirmed by the mayor who takes office on the first day of January of the following year.

2. Can a *current* mayor remove charter revision commission members appointed by a *previous* mayor?

POTENTIALLY IN SOME CASES, BUT IT WOULD BE INADVISABLE and would likely be decided by the courts if going beyond the standard of removal for cause. State law and the New York City Charter do not explicitly address whether or how to remove members of charter revision commissions, but the New York City Charter gives mayors the power to remove “any public officer holding office by appointment from a mayor” unless it says otherwise in law. We oppose attempting to remove charter commissioners who were appointed by a previous mayor without cause because that would open the door to routine political purges of members of charter revision commissions, which have historically operated somewhat or actually independently.

Another consideration regarding the ability to remove charter commissioners depends on whether they serve fixed terms. The New York State Constitution says officers serve at the pleasure of their appointing authority unless the law defines their term in office. (Article XIII Section 2 (public officers): “When the duration of any office is not provided by this constitution it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment.”)

Section 36 of the Municipal Home Rule Law, which authorizes charter commissions, does not explicitly say that commissioners are appointed for a defined term of office, but it does state when their terms “expire” – without explicitly noting they are protected from removal before then. The use of “term” in this context, however, could be interpreted as requiring action within a defined time period. Under Section 36(6)(e) of MHR:

(e) The terms of office of the members of the commission shall expire on the day of the election at which the proposed new charter or charter amendments prepared by the commission are submitted to the qualified electors of the city, or on the day of the second general election following the organization of the commission if no such questions have been submitted by that time.

With no clear guidance about removal in state law, the New York City Charter could be instructive in this case. Under Charter Chapter 1, Section 6(b), “The mayor, whenever in his judgment the public interest shall so require, may remove from office any public officer holding office by appointment from a mayor of the city, except officers for whose removal other provision

is made by law. No public officer shall hold his office for any specific term, except as otherwise provided by law." This removal authority given to a mayor applies to public officers appointed by a former mayor.

Taken together, these state law and city charter provisions could support the argument that a mayor has the power to remove charter commission members, including those appointed by a former mayor, especially if they are removed for cause – like a neglect of their duty in the form of a failure to act or meet, in the case of an inactive lame-duck charter commission. But such an effort would likely be accompanied by a lengthy legal fight.

Regardless of whether it is legal for the mayor to remove charter commission members, it would set a precedent for removal of members of commissions that have in the past operated with independence, and is inadvisable.

3. Can a *current* mayor fill vacancies on the 15-member charter revision commission appointed by a *previous* mayor?

YES. State law clearly says “any vacancy in the membership of such a [charter] commission or of its officers shall be filled by the mayor” (MHRL Sec 36(4)). In addition, mayors are able to fill vacancies on mayorally-appointed bodies – even if they were first established by a former mayor. Therefore, if a member of the charter revision commission that was appointed by the previous mayor resigns or leaves office in any other way, the current mayor could fill that vacancy.

4. Does the existence of a mayoral charter revision commission prevent the new mayor from appointing their own parallel charter commission, which would propose separate ballot questions?

LIKELY NO. Unlike the State MHR’s provision that “bumps” council charter commission or voter-initiated proposals (albeit only for one year in the case of voter-initiated proposals) when a mayoral commission submits proposals, there is no “bumping” provision for dueling mayoral commissions. Therefore, it is reasonable to assume a second mayoral commission could be formed by the current mayor to submit proposals for consideration to the voters on the same election as the charter commission established by the former mayor. However, this is untested as to our knowledge there have never been two mayoral charter revision commissions in operation at the same time in New York City.

5. Is the current mayor required to support or fund a charter commission that’s established by a previous mayor?

NO. The law allows a mayor to “starve” a mayoral charter commission of government resources, including funding, access to space, legal advice, materials, and data. State law only says the mayor “may direct” city employees to assist the commission, and that the mayor “shall have the

power” to appropriate sums for the commission, but there is nothing in the law that mandates the mayor to do so ((MHRL § 36 (6)(b) &(c)).

The law was originally written to ensure the mayor has the ability to bypass the City Council (or the Board of Estimate) if it refuses to fund the mayor’s charter commission, and it did not contemplate a scenario where a charter commission is established by one mayor against the will of the next mayor.

Charter commissions typically rely on counsel from the Law Department and administrative support from city agencies, like email accounts, webcasting meetings, and access to facilities.

6. How are charter revision commissions formally created, and how can they be dissolved/terminated?

Under Section 36(4) of MHR, certificates of appointment must be filed to create the commission:

“Original appointments to such a commission shall be made by the mayor by a certificate of appointment which shall specify the number of, and names of, the members to constitute the commission, which certificate shall be filed forthwith with the city clerk. The chairman, vice-chairman and secretary shall be appointed by the mayor from among the members of the commission. Any vacancy in the membership of such a commission or of its officers shall be filled by the mayor.”

A charter commission could theoretically vote to cease its operations and forgo the opportunity to submit questions to the ballot (see more in the next section). As noted above, the Legislature could also pass a law dissolving a charter commission. Absent these actions, it appears that the charter revision commission would continue to be legally established until its term expires – on election day when its proposals are voted on, or on the second general election after its establishment.

7. Are charter commissions obligated to propose a ballot question or questions?

NO. While charter revision commissions have the authority to propose charter changes, they do not have to. Under Section 36 (5)(a) of MHR, the Commission may explain why it chose not to change part of the charter:

“If the commission shall decide to leave a part of the existing charter unchanged, it may propose in one or more amendments a revision of the remaining parts. In such case it shall make a report to the public, accompanying its proposals, in which it shall refer specifically to such unchanged part and explain its decision to leave such part unchanged.”

And as seen under prior commissions, the charge set out at the formation of the commission by the mayor does not obligate the commission to propose questions in response to that charge.

For example, in 2002 Mayor Bloomberg appointed a charter commission to examine nonpartisan elections and change the line of succession. However, given public outcry about the commission's process – it was a one-month commission held in August – [commissioners decided](#) not to place these questions on the ballot. Instead, they deferred the issue of nonpartisan elections to another commission and only proposed a simple change to mayoral succession that shortened the timeline of a special election. (It should be noted that this also works in the reverse – commissions can look at any item in the Charter, whether or not the Mayor established them for a limited purpose.)

In Yonkers, a [charter revision commission was formed in 2022](#), but neglected to propose any ballot items. Its creation continued for three years into 2025, where it continued to exist without proposing any items.

8. Does it even matter if a charter revision commission exists without performing any work? Does it still have an impact?

YES. The mere existence of a mayoral charter revision commission introduces the threat that it could block ballot questions submitted by the City Council, a Council-created charter commission, or a voter initiative, making such efforts pointless or more cumbersome (voter initiatives can only be blocked once, but City Council proposals can be bumped indefinitely). Charter commissions are not required to operate for any minimum length of time before submitting ballot questions — their only obligation is to “conduct public hearings.” In theory, they could begin work and submit proposed ballot questions within just a few days. A charter commission could also wait to see what proposals are submitted to the November 2026 ballot, and only then begin its work, proposing conflicting questions to the November 2027 ballot.

9. How may charter revision commissions be funded? Can they accept private contributions to fund operations?

State law requires charter revision commissions to incur specific financial obligations regarding staffing. Municipal Home Rule Law Section 36(6) says that:

- Members of a commission “shall be reimbursed” for the expenses incurred by their participation.
- A commission “shall appoint employees and consultants and as it shall require and fix their compensation.”

Regardless of whether the mayor or the City Council provide the commission appropriations and support, state law says the commission “*may accept any services, facilities or funds and use or expend the same for its purposes.*” (Municipal Home Rule Law Section 36 (6)(b))

It is unclear how this section applies in the context of private contributions. City agencies have long used non-profits as vehicles to accept private contributions for their programs and activities, like the [Mayor's Fund to Advance New York City](#) or the [New York City Police](#)

[Foundation](#). These bodies are subject to disclosure requirements and report to the [Conflicts of Interest Board](#) (COIB).

Additionally, City agencies may accept direct donations, which are [reported annually to the COIB](#) regarding individuals and firms that donate \$5,000 or more to city agencies – including through in-kind contributions – per §1-14 of the COIB’s rules for Official Fundraising. Donations may not be solicited from individuals with matters before the public servant making the request.

However, regarding direct donations, the Office of Management and Budget has discretion over the bank accounts of city agencies, and it is possible that there would be no vehicle for a charter revision commission to accept a direct donation.

The acceptance of direct donations to mayoral charter revision commissions, or the creation of affiliated non-profits for charter revision commissions could be prohibited via an Executive Order.