



September 4, 2026

Via Email

Hon. Cassandra M. Bagramian, Election Commissioner

Hon. Joseph J. Suhrada, Election Commissioner

Saratoga County Board of Elections

50 West High Street

Ballston Spa, New York 12020

Re: Proposed Saratoga Springs Charter Amendments — Ballot Question Transmitted August 28, 2026; Request That the Board Decline Certification

Dear Commissioners Bagramian and Suhrada:

I write on behalf of the Saratoga Springs Democratic Committee concerning the proposed amendments to the Saratoga Springs City Charter and accompanying ballot question transmitted to the Board on August 28, 2026 by the Saratoga Springs City Clerk at the request of the Charter Review Commission. For the reasons set forth below, the Committee respectfully requests that the Board decline to certify the proposed question for placement on the November 3, 2026, general election ballot.

The transmittal is untimely on its face. Election Law § 4-108 requires that a question or proposition to be voted upon at a general election be transmitted to the Board of Elections at least three months prior to that election — here, no later than August 3, 2026. The Board's own date stamp confirms receipt on August 28, 2026, at 11:51 a.m., twenty-five days after the statutory deadline. The fact of untimeliness is not in dispute: the letter of Assistant City Attorney Anthony J. Izzo accompanying the filing expressly acknowledges that the August 3 deadline is “a date already past.” Only the legal consequence of that missed deadline is contested, and on that question the City's position finds no support in any reported decision of a New York court.

Mr. Izzo's letter argues that Municipal Home Rule Law § 36 supersedes the Election Law deadline. The Committee has located no decision of any New York court adopting that theory, and the Board should decline the invitation to become the first tribunal in the State to do so. Election Law § 1-102 displaces the Election Law only where another statute is truly inconsistent with it, and these two statutes are not: Municipal Home Rule Law § 36(5)(b) identifies the election at which a duly filed charter proposal is to be submitted to the electors, while Election Law § 4-108

governs when and how a question must be transmitted to the board of elections that will conduct that vote. The provisions operate in harmony. A commission that files in time to satisfy both — as this Commission could have done by filing on or before August 3 — secures precisely the outcome sought here: a place on this year's general election ballot. Section 36 does not purport to relieve any officer of the Election Law's transmission requirements, and a statute that is silent on a subject is not “inconsistent” with the statute that expressly governs it. Absent a court order directing otherwise, the Board should apply the plain text of the statute it administers. If the City believes its late transmittal is excused, its remedy is to seek relief from a court — not to ask this Board to adopt a novel and untested legal position on its behalf.

The transmitted question is also independently deficient. Election Law § 4-108(2) requires that a ballot question indicate the subject matter of the proposal in a clear and coherent manner, and the Appellate Division has affirmed the removal of a charter proposition from the ballot where the question failed to do so. *See Matter of Association for a Better Long Island v. County of Suffolk*, 243 A.D.2d 560 (2d Dep't 1997); *see also Matter of Lenihan v. Blackwell*, 209 A.D.2d 1048 (4th Dep't 1994) (abstract and proposition must state the purpose and effect of a proposed amendment concisely and clearly). The question transmitted here — “Shall the Saratoga Springs City Charter be amended as proposed by the Charter Review Commission?” — conveys nothing of the proposal's subject matter. It does not inform the voter that the amendments would restructure the City's Human Resources, Information Technology, and Risk and Safety functions, remove the elected Commissioner of Accounts from the role of City Assessor, or overhaul the City's budget process, among other changes. Nor does the accompanying abstract cure the defect: read together, the question and abstract fail to state the purpose and effect of the amendments concisely and clearly, as the statute and *Lenihan* require. A voter reading this question learns only that a commission has proposed something.

The Board's authority in these circumstances is well settled. The Board must affirmatively determine what questions appear on the ballot, Election Law § 4-114, and Board action requires a majority vote of the Commissioners, Election Law § 3-212(2). In *Matter of Lenihan v. Blackwell*, the Appellate Division sustained a single commissioner's rejection of a proposition that failed to satisfy the formal requirements of Election Law § 4-108, holding that the rejection was a ministerial act within his authority and that a lower-court order compelling the board to print the proposition after the commissioners' split vote improperly interfered with that authority. 209 A.D.2d at 1049. Untimeliness is precisely such a formal defect: it appears on the face of the Board's own date stamp and requires no investigation, no weighing of evidence, and no resolution of disputed facts. The Third Department, whose decisions govern this Board, has likewise not hesitated to keep a charter commission's question off a general election ballot where the governing statutes were not followed. *See Matter of Tutunjian v. Conroy*, 55 A.D.3d 1128 (3d Dep't 2008) (enjoining the Rensselaer County Board of Elections, one week before the election, from placing a charter commission's proposed amendment on the general election ballot). A Commissioner who declines to certify a facially untimely question acts squarely within settled authority.

Practical considerations point the same way. Certification, ballot layout, printing, and proofing must all be completed in time for the transmission of military and overseas ballots by September 18, 2026. Accepting a question that arrived twenty-five days late and that is likely to draw a judicial challenge places those obligations — and the voters who depend on them — at unnecessary risk. The Committee further notes that the Commission's Report to the Public presents a financial analysis of \$0 for amendments that would restructure entire City departments and overhaul the City's budget process. Voters asked to approve a measure of this consequence are entitled to more, and the deficiency underscores the purpose of the statutory timeline: to ensure that what reaches the ballot has been transmitted, reviewed, and presented with the care the electorate deserves.

The Saratoga Springs Democratic Committee therefore respectfully requests that the Board decline to certify the proposed charter question for the November 3, 2026 ballot, and that the Board advise the undersigned in writing of its determination.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ronald J. Kim".

Ronald J. Kim, Esq.
Chairman

Saratoga Springs Democratic City Committee

cc: Anthony J. Izzo, Esq., Assistant City Attorney, City of Saratoga Springs
Members of the City Council
Members of the Saratoga Springs Democratic Committee
Martha Devaney, Chair of the Saratoga County Democratic Committee