

4379

2011-2012 Regular Sessions

I N   S E N A T E

April 1, 2011

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Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law and the public officers law, in relation to providing for the submission to the people of a proposition or question to convene a constitutional convention

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "People's Convention to Reform New York Act".  
3     S 2. Legislative findings and declaration. The legislature hereby  
4     finds that New York state has held nine constitutional conventions in  
5     its history; the most recent of which was held in 1967, more than forty  
6     years ago. The revised constitution proposed by that convention was  
7     overwhelmingly defeated at the polls. The next most recent constitu-  
8     tional convention was held in 1938 and the constitutional amendments  
9     proposed by that convention were largely supported by the electorate.  
10    Between the 1938 and 1967 conventions, the legislature amended the  
11    constitution some 93 times. While amendments proposed by the legislature  
12    must be ratified by the electorate, it is only at constitutional  
13    conventions that ordinary citizens have the opportunity to reconsider  
14    the fundamental structure of state government and to assess its effec-  
15    tiveness in light of the current social, economic and political condi-  
16    tions of the day. In providing for periodic constitutional conventions,  
17    the framers of our current document acknowledged the need to have a  
18    dynamic, living and breathing statement of how government should operate  
19    and what limits or controls it should have on our individual pursuit of  
20    life, liberty and happiness.  
21    Much has changed in our state, our nation and the world in the forty  
22    years since our last constitutional convention. The information age has  
23    transformed the way the world communicates and does business and how  
24    governments interact with their citizens. The world has effectively

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 grown much smaller, our populations are more mobile and we are truly  
2 part of a global economy. To make our state and its communities attrac-  
3 tive places to live, work and raise families, they must be able to  
4 compete in this new environment. To ensure the long term fiscal stabili-  
5 ty of our state and local governments and the affordability of such  
6 governments for its citizens, provisions for constitutional caps on  
7 state spending and local real property taxes must be addressed, the  
8 requirement of a two-thirds vote for tax increase legislation and  
9 restrictions on the state's ability to impose unfunded mandates on local  
10 governments must be imposed, real debt reform and an absolute ban on  
11 back door borrowing must become a reality. The convention must also  
12 address the proper role of public authorities, particularly those that  
13 operate public transit systems, to ensure that they are accountable to  
14 the other branches of government and to the people they serve.

15 The constitutional provisions that have governed the workings of the  
16 legislature and the succession to the governorship do not adequately  
17 protect the interests of the people and our government institutions. The  
18 ambiguity of those constitutional provisions and uncertainty over their  
19 consistency with other law has contributed to a leadership crisis, poli-  
20 tical turmoil, litigation and, most important, an inability to address  
21 issues and processes that fundamentally impact our state's ability to  
22 meet the needs of its citizens. The constitution needs to be clear and  
23 unambiguous on these matters. Mechanisms need to be put in place so that  
24 tie votes on leadership issues in the legislature do not paralyze state  
25 government. Clear procedures on succession to the governorship are  
26 necessary to ensure the orderly transition of power in times of crisis.  
27 The voters of the state should have a role in the filling of a vacancy  
28 in the offices of attorney general, comptroller or United States  
29 senator. To ensure a truly dynamic legislature that is more likely to  
30 change with our ever more rapidly changing economic, social and poli-  
31 tical environment, we should limit the terms of our legislative leaders  
32 and to ensure that the voices of the citizens of the state are not  
33 drowned out by those of special interests, meaningful campaign finance  
34 reform is necessary. Despite statutory changes, our budget process still  
35 lacks meaningful participation by rank and file legislators and the  
36 public. The members of a constitutional convention should make a clear  
37 statement as to whether members of the legislature must actually live in  
38 the districts from which they are elected. We must afford the public an  
39 opportunity to decide whether processes available to citizens of other  
40 states - recall and initiative and referendum are desirable in New York.  
41 To ensure competitive elections and truly representative government,  
42 non-partisan redistricting of legislative districts must be required.

43 Fundamental reform of governmental institutions and processes is now  
44 required. The last two constitutional conventions were dominated by the  
45 politically connected (two-thirds of the delegates to the 1938 conven-  
46 tion and about 83% of the 1967 delegates were present or former elected  
47 or party officials). To ensure the success of this constitutional  
48 convention and future conventions, we must limit the participation of  
49 elected and party officials so that the conventions can be "People's  
50 Conventions" and so the voices of all New Yorkers, not just those of  
51 special interests, can be heard.

52 The legislature further finds and declares, in furtherance of estab-  
53 lishing a meaningful convention process, that:

54 (a) delegates to the convention should be involved and concerned citi-  
55 zens and not elected officials, lobbyists, or party chairmen;

(b) prior to the convening of the convention, and solely as an aid to delegates, there should be appointed a preparatory commission with adequate time to study the issues, establish a proposed initial agenda and procedures, and prepare position papers, with ongoing information to and participation of the public;

(c) insofar as possible, procedures should be established in both the selection of delegates and in the running of the convention that will reduce partisanship; and

(d) reasonable time limits should be placed on the length of the convention and its costs, so as to assure that the operations of the convention are not a burden on taxpayers, and that the convention may enjoy maximum citizen participation.

Calling a constitutional convention subject to section 2 of article XIX of the New York state constitution for the consideration of the issues outlined above and all other issues that the delegates may deem appropriate and in need of address to achieve the enumerated structural and procedural reforms of government and its institutions is required.

To that end, and consistent with the statutory reforms of the delegate selection process now being considered, we hereby find and declare that the creation of a state government able to effectively exercise the power and responsibilities given to it by a sovereign and free people should be convened by a vote by that same people.

S 3. Pursuant to the provisions of section 2 of article XIX of the New York state constitution, the question "Shall there be a convention to revise the constitution and amend the same?" shall be submitted to and decided by the people of the state at the general election to be held in the next succeeding November after the effective date of this act.

S 4. If the question stated in section three of this act is answered in the affirmative by a majority of all votes cast for and against it, deciding in favor of a convention for such purpose, the procedures and provisions of section 2 of article XIX of the New York state constitution shall apply and be implemented.

S 5. Section 1-104 of the election law is amended by adding a new subdivision 38 to read as follows:

38. THE TERM "NONPARTISAN ELECTION" MEANS A PRIMARY, GENERAL OR SPECIAL ELECTION IN WHICH CANDIDATES SHALL RUN WITHOUT PARTY LABEL, AND POLITICAL PARTIES ARE PROHIBITED FROM DESIGNATING OR NOMINATING CANDIDATES.

S 6. The election law is amended by adding a new section 2-128 to read as follows:

S 2-128. ELECTION OF PARTY COMMITTEE OFFICERS AS DELEGATES TO STATE CONSTITUTIONAL CONVENTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE EVENT THAT A PERSON SERVING AS CHAIRMAN, SECRETARY, OR TREASURER OF A STATE OR COUNTY COMMITTEE OF A POLITICAL PARTY IS ELECTED TO AND SWORN AS A DELEGATE TO A STATE CONSTITUTIONAL CONVENTION, SUCH PERSON SHALL BE DEEMED TO HAVE RESIGNED FROM HIS OR HER POLITICAL PARTY POSITION AND THE PROVISIONS OF THIS ARTICLE FOR THE FILLING OF VACANCIES IN SUCH POSITION SHALL APPLY.

S 7. The election law is amended by adding a new section 6-125 to read as follows:

S 6-125. NONPARTISAN ELECTIONS OF DELEGATES TO A CONSTITUTIONAL CONVENTION. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PRIMARY ELECTIONS AND GENERAL ELECTIONS FOR DELEGATES TO A CONSTITUTIONAL CONVENTION PURSUANT TO ARTICLE XIX OF THE NEW YORK STATE CONSTITUTION SHALL BE CONDUCTED AS NONPARTISAN ELECTIONS.

1 2. DESIGNATIONS FOR NOMINATION AT A NONPARTISAN PRIMARY FOR DELEGATES  
2 TO A CONSTITUTIONAL CONVENTION SHALL BE MADE IN THE SAME MANNER AS  
3 CURRENTLY PROVIDED FOR INDEPENDENT DESIGNATING PETITIONS. ALL ENROLLED  
4 VOTERS SHALL BE QUALIFIED TO SIGN NONPARTISAN DESIGNATING PETITIONS.

5 3. NOTWITHSTANDING THE PROVISIONS OF SECTION 6-136 OF THIS ARTICLE OR  
6 ANY OTHER PROVISION OF LAW, ALL PETITIONS FOR THE DESIGNATION FOR NOMI-  
7 NATION OF A CONSTITUTIONAL CONVENTION DELEGATE FROM A SENATE DISTRICT  
8 MUST BE SIGNED BY NOT LESS THAN ONE THOUSAND ENROLLED VOTERS OF SUCH  
9 SENATE DISTRICT AND ALL PETITIONS FOR THE DESIGNATION FOR NOMINATION OF  
10 A STATEWIDE, AT-LARGE CONSTITUTIONAL CONVENTION DELEGATE MUST BE SIGNED  
11 BY NOT LESS THAN TEN THOUSAND ENROLLED VOTERS OF THE STATE, OF WHOM NOT  
12 LESS THAN ONE HUNDRED MUST RESIDE IN EACH OF TEN OF THE CONGRESSIONAL  
13 DISTRICTS OF THE STATE.

14 4. THE FORM OF THE DESIGNATING PETITION USED TO MAKE A DESIGNATION IN  
15 A NONPARTISAN PRIMARY SHALL BE SUBSTANTIALLY IN THE FORM PRESCRIBED IN  
16 SECTION 6-132 OF THIS ARTICLE, EXCEPT THAT NO REFERENCE SHALL BE MADE TO  
17 ANY POLITICAL PARTY THEREIN.

18 5. UNLESS OTHERWISE PROVIDED IN THIS SECTION, THE SECTIONS OF LAW  
19 APPLICABLE TO DESIGNATING PETITIONS FOR NONPARTISAN PRIMARY ELECTIONS  
20 SHALL BE THOSE PRESCRIBED BY THIS ARTICLE.

21 6. ALL REGISTERED VOTERS, REGARDLESS OF PARTY AFFILIATION OR LACK  
22 THEREOF, SHALL BE PERMITTED TO VOTE IN THE NONPARTISAN PRIMARY ELECTION  
23 FOR THE NOMINATION OF CANDIDATES FOR THE OFFICE OF DELEGATE TO THE  
24 CONSTITUTIONAL CONVENTION. SUITABLE PROVISIONS MUST BE MADE SO THAT EACH  
25 ELECTOR MAY VOTE FOR UP TO THREE OF ANY SENATE DISTRICT CONSTITUTIONAL  
26 CONVENTION DELEGATE CANDIDATES AND UP TO FIFTEEN OF ANY STATEWIDE,  
27 AT-LARGE CONSTITUTIONAL CONVENTION DELEGATE CANDIDATES.

28 7. UPON THE CANVASS OF VOTES IN A NONPARTISAN PRIMARY THE NINE CONSTI-  
29 TUTIONAL CONVENTION DELEGATE CANDIDATES RECEIVING THE HIGHEST NUMBER OF  
30 VOTES IN EACH SENATE DISTRICT AND THE THIRTY CANDIDATES RECEIVING THE  
31 HIGHEST NUMBER OF VOTES AS STATEWIDE, AT-LARGE CONSTITUTIONAL CONVENTION  
32 DELEGATES SHALL BE CERTIFIED AS NOMINATED AND SHALL RUN IN THE GENERAL  
33 ELECTION HELD SUBSEQUENT TO THE PRIMARY WITHOUT PARTY IDENTIFICATION.

34 8. NO CANDIDATE FOR DELEGATE TO A CONSTITUTIONAL CONVENTION SHALL IN  
35 ANY WAY USE OR ALLOW HIMSELF OR HERSELF TO BE ASSOCIATED WITH A PARTY  
36 LABEL IN EITHER THE PRIMARY OR GENERAL ELECTION.

37 9. ONCE A PERSON ANNOUNCES HIS OR HER INTENTION TO BE A CANDIDATE FOR  
38 ELECTION TO THE POSITION OF DELEGATE TO THE CONSTITUTIONAL CONVENTION  
39 AND UNTIL SUCH TIME AS THAT PERSON IS NO LONGER A CANDIDATE OR UNTIL HIS  
40 OR HER SERVICE AS A DELEGATE ENDS, WHICHEVER OCCURS LATER, SUCH CANDI-  
41 DATE FOR DELEGATE TO A CONSTITUTIONAL CONVENTION SHALL NOT (A) PARTIC-  
42 IPATE IN ANY PARTISAN POLITICAL PARTY ACTIVITIES, EXCEPT THAT SUCH  
43 CANDIDATE MAY REGISTER TO VOTE AS A MEMBER OF ANY POLITICAL PARTY AND  
44 MAY VOTE IN ANY PARTY PRIMARY FOR CANDIDATES FOR NOMINATION OF THE PARTY  
45 IN WHICH HE OR SHE IS REGISTERED TO VOTE; (B) CAMPAIGN OR PUBLICLY  
46 REPRESENT OR ADVERTISE HIMSELF OR HERSELF AS A MEMBER OF ANY POLITICAL  
47 PARTY; (C) ENDORSE ANY CANDIDATE OR POLITICAL PARTY; (D) ACCEPT THE  
48 ENDORSEMENT OF ANY POLITICAL PARTY; OR (E) SOLICIT OR ACCEPT CONTRIB-  
49 UTIONS FROM ANY POLITICAL PARTY COMMITTEE, POLITICAL ACTION COMMITTEE OR  
50 POLITICAL COMMITTEE PURSUANT TO SUBDIVISION ELEVEN OF SECTION 14-114 OF  
51 THIS CHAPTER.

52 10. WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS  
53 SECTION, THE STATE BOARD OF ELECTIONS SHALL PROMULGATE RULES AND REGU-  
54 LATIONS CONSISTENT WITH THIS SECTION TO EFFECTUATE THE PURPOSES AND  
55 POLICIES HEREOF.

1 S 8. Section 14-100 of the election law is amended by adding a new  
2 subdivision 12 to read as follows:

3 12. "POLITICAL ACTION COMMITTEE" MEANS ANY COMMITTEE ESTABLISHED,  
4 FINANCED, MAINTAINED OR CONTROLLED BY ANY PERSON, GROUP OR ENTITY FOR  
5 THE PURPOSE OF SUPPORTING CANDIDATES FOR ELECTED POLITICAL OFFICE AND/OR  
6 OTHER POLITICAL PARTY OR POLITICAL COMMITTEES BY MAKING CONTRIBUTIONS TO  
7 SUCH CANDIDATES AND/OR THEIR POLITICAL CAMPAIGN COMMITTEES OR BY MAKING  
8 CONTRIBUTIONS TO OTHER POLITICAL PARTY OR OTHER POLITICAL COMMITTEES,  
9 AND DOES NOT MAKE DIRECT EXPENDITURES ON BEHALF OF CANDIDATES.

10 S 9. Section 14-114 of the election law is amended by adding a new  
11 subdivision 11 to read as follows:

12 11. NO POLITICAL PARTY COMMITTEE, POLITICAL ACTION COMMITTEE OR POLI-  
13 TICAL COMMITTEE SHALL CONTRIBUTE TO ANY CANDIDATE FOR DELEGATE TO A  
14 CONSTITUTIONAL CONVENTION FOR EITHER THE PRIMARY OR GENERAL ELECTION.  
15 NOR SHALL ANY CANDIDATE FOR DELEGATE TO A CONSTITUTIONAL CONVENTION  
16 SOLICIT OR ACCEPT CONTRIBUTIONS FROM ANY POLITICAL PARTY COMMITTEE,  
17 POLITICAL ACTION COMMITTEE OR POLITICAL COMMITTEE FOR EITHER THE PRIMARY  
18 OR GENERAL ELECTION.

19 S 10. The election law is amended by adding a new article 18 to read  
20 as follows:

21 ARTICLE 18

22 REGISTRATION AND REPORTS BY CERTAIN PERSONS PROMOTING  
23 OR OPPOSING THE ADOPTION OF PROPOSED CONSTITUTIONAL  
24 AMENDMENTS BY A CONSTITUTIONAL  
25 CONVENTION

26 SECTION 18-100. REGISTRATION AND REPORTS BY CERTAIN PERSONS PROMOTING  
27 OR OPPOSING THE ADOPTION OF PROPOSED CONSTITUTIONAL AMENDMENTS BY A  
28 CONSTITUTIONAL CONVENTION.

29 S 18-100. REGISTRATION AND REPORTS BY CERTAIN PERSONS PROMOTING OR  
30 OPPOSING THE ADOPTION OF PROPOSED CONSTITUTIONAL AMENDMENTS BY A CONSTI-  
31 TUTIONAL CONVENTION. 1. EVERY PERSON RETAINED OR EMPLOYED FOR COMPEN-  
32 SATION BY ANY PERSON, FIRM, CORPORATION OR ASSOCIATION WHO, ON BEHALF OF  
33 SUCH PRINCIPAL OR EMPLOYER, PROMOTES OR OPPOSES DIRECTLY OR INDIRECTLY  
34 THE ADOPTION OF A PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS BY A  
35 CONSTITUTIONAL CONVENTION, WHETHER OR NOT HE OR SHE HAS A PERSONAL  
36 INTEREST THEREIN, SHALL, BEFORE ANY SERVICE IS ENTERED UPON IN PROMOTING  
37 OR OPPOSING SUCH PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS, FILE  
38 IN THE OFFICE OF THE SECRETARY OF STATE A WRITING SUBSCRIBED BY SUCH  
39 PERSON STATING THE NAME OR NAMES OF THE PERSON OR PERSONS, FIRM OR  
40 FIRMS, CORPORATION OR CORPORATIONS, ASSOCIATION OR ASSOCIATIONS, BY WHOM  
41 OR ON WHOSE BEHALF HE OR SHE IS RETAINED OR EMPLOYED, TOGETHER WITH A  
42 BRIEF DESCRIPTION OF THE PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS  
43 IN REFERENCE TO WHICH SUCH SERVICE IS TO BE RENDERED.

44 2. IT SHALL BE THE DUTY OF THE SECRETARY OF STATE TO PROVIDE A DOCKET  
45 TO BE KNOWN AS THE DOCKET OF CONSTITUTIONAL CONVENTION APPEARANCES, WITH  
46 APPROPRIATE BLANKS AND INDICES, AND TO FORTHWITH ENTER THEREIN THE NAMES  
47 OF THE PERSONS SO RETAINED OR EMPLOYED AND OF THE PERSONS, FIRMS, CORPO-  
48 RATIONS OR ASSOCIATIONS RETAINING OR EMPLOYING THEM, TOGETHER WITH A  
49 BRIEF DESCRIPTION OF THE PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS  
50 IN REFERENCE TO WHICH THE SERVICE IS TO BE RENDERED, WHICH DOCKET SHALL  
51 BE OPEN TO PUBLIC INSPECTION.

52 3. UPON THE TERMINATION OF SUCH RETAINER OR EMPLOYMENT THE FACT OF  
53 SUCH TERMINATION, WITH THE DATE THEREOF, SHALL BE ENTERED IN THE DOCKET  
54 BY THE SECRETARY OF STATE UPON RECEIVING WRITTEN NOTICE TO THAT EFFECT  
55 FROM SUCH PERSON OR FROM THE PERSON, FIRM, CORPORATION OR ASSOCIATION IN  
56 WHOSE BEHALF SUCH SERVICE HAS BEEN RENDERED.

1 4. NO PERSON RETAINED OR EMPLOYED TO PROMOTE OR OPPOSE, DIRECTLY OR  
2 INDIRECTLY, THE ADOPTION OF A PROPOSED CONSTITUTIONAL AMENDMENT OR  
3 AMENDMENTS BY A CONSTITUTIONAL CONVENTION SHALL BE ELIGIBLE TO SERVE AS  
4 A DELEGATE TO SUCH CONSTITUTIONAL CONVENTION.

5 5. NO PERSON, FIRM, CORPORATION OR ASSOCIATION SHALL RETAIN OR EMPLOY  
6 ANY PERSON TO PROMOTE OR OPPOSE ANY PROPOSED CONSTITUTIONAL AMENDMENT OR  
7 AMENDMENTS FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART UPON THE  
8 ADOPTION OR DEFEAT OF ANY SUCH AMENDMENT OR AMENDMENTS BY THE CONSTITU-  
9 TIONAL CONVENTION, AND NO PERSON SHALL ACCEPT ANY SUCH EMPLOYMENT OR  
10 RENDER ANY SUCH SERVICE FOR COMPENSATION CONTINGENT UPON SUCH ADOPTION  
11 OR DEFEAT.

12 6. NO PERSON SHALL FOR COMPENSATION ENGAGE IN PROMOTING OR OPPOSING  
13 ANY PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS BY SUCH CONSTITU-  
14 TIONAL CONVENTION EXCEPT UPON APPEARANCE ENTERED IN ACCORDANCE WITH THE  
15 FOREGOING PROVISIONS OF THIS SECTION.

16 7. IT SHALL BE THE DUTY OF EVERY PERSON, FIRM, CORPORATION, PUBLIC OR  
17 PRIVATE, OR ASSOCIATION, (WHETHER OR NOT REQUIRED TO FILE PURSUANT TO  
18 THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION), NOT LATER THAN APRIL  
19 FIFTEENTH, IN ANY YEAR IN WHICH A CONSTITUTIONAL CONVENTION IS CONVENED  
20 AND IN WHICH A PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS BY A  
21 CONSTITUTIONAL CONVENTION IS PUT TO THE VOTERS, TO FILE IN THE OFFICE OF  
22 THE SECRETARY OF STATE AN ITEMIZED STATEMENT VERIFIED BY THE OATH OF  
23 SUCH PERSON, OR IN CASE OF A FIRM BY THE OATH OF A MEMBER THEREOF, OR IN  
24 CASE OF A DOMESTIC CORPORATION OR ASSOCIATION BY THE OATH OF AN OFFICER  
25 THEREOF, OR IN CASE OF A FOREIGN CORPORATION OR ASSOCIATION BY THE OATH  
26 OF AN OFFICER OR AGENT THEREOF, SHOWING IN DETAIL ALL EXPENSES PAID,  
27 INCURRED OR PROMISED DIRECTLY OR INDIRECTLY IN EACH YEAR THROUGH THE  
28 CONCLUSION OF THE YEAR IN WHICH ANY PROPOSED CONSTITUTIONAL AMENDMENT OR  
29 AMENDMENTS BY A CONSTITUTIONAL CONVENTION HAVE BEEN PUT TO THE VOTERS,  
30 IN CONNECTION WITH PROMOTING OR OPPOSING ANY CONSTITUTIONAL AMENDMENT OR  
31 AMENDMENTS WHICH MAY BE PROPOSED AT SUCH CONSTITUTIONAL CONVENTION, WITH  
32 THE NAMES OF THE PAYEES AND THE AMOUNT PAID TO EACH, INCLUDING ALL  
33 DISBURSEMENTS PAID, INCURRED OR PROMISED TO PERSONS EMPLOYED OR  
34 RETAINED, AND ALSO SPECIFYING THE NATURE OF SUCH CONSTITUTIONAL AMEND-  
35 MENT OR AMENDMENTS, AND THE INTEREST THEREIN OF SUCH PERSON, FIRM,  
36 CORPORATION OR ASSOCIATION; PROVIDED, HOWEVER, NO SUCH ITEMIZED STATE-  
37 MENT NEED BE FILED IF THE TOTAL OF SUCH ITEMIZED EXPENSES IS LESS THAN  
38 TWO HUNDRED FIFTY DOLLARS.

39 8. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE STATE NOR  
40 SHALL SUBDIVISIONS ONE, FIVE AND NINE OF THIS SECTION APPLY TO A COUNTY,  
41 CITY, TOWN, VILLAGE, PUBLIC BOARD OR INSTITUTION, OR THEIR AGENTS OR  
42 EMPLOYEES; NOR SHALL THE PROVISIONS OF THIS SECTION BE CONSTRUED AS  
43 AFFECTING PROFESSIONAL SERVICES IN DRAFTING A PROPOSED CONSTITUTIONAL  
44 AMENDMENT OR AMENDMENTS OR IN ADVISING CLIENTS OR IN RENDERING OPINIONS  
45 AS TO THE CONSTRUCTION AND EFFECT OF ANY CONSTITUTIONAL AMENDMENT OR  
46 AMENDMENTS WHICH MAY BE PROPOSED AT SUCH CONVENTION WHERE SUCH PROFES-  
47 SIONAL SERVICE IS NOT OTHERWISE CONNECTED WITH CONSTITUTIONAL CONVENTION  
48 ACTION.

49 9. ON OR BEFORE APRIL TWENTY-FOURTH IN ANY YEAR IN WHICH A CONSTITU-  
50 TIONAL CONVENTION IS CONVENED, THE SECRETARY OF STATE SHALL FURNISH TO  
51 EACH DELEGATE TO SUCH CONVENTION A SUMMARY OF THE INFORMATION CONTAINED  
52 IN THE DOCKET OF CONSTITUTIONAL CONVENTION APPEARANCES, AND ON OR BEFORE  
53 SUCH DATE SHALL ALSO TRANSMIT TO THE PRESIDENT OF SUCH CONSTITUTIONAL  
54 CONVENTION A COPY OF EVERY STATEMENT FILED IN HIS OR HER OFFICE UP TO  
55 AND INCLUDING SUCH DATE PURSUANT TO SUBDIVISION SIX OF THIS SECTION.

1 10. EVERY PERSON, EVERY MEMBER OF ANY FIRM, AND EVERY ASSOCIATION OR  
2 CORPORATION VIOLATING ANY PROVISION OF THIS SECTION AND EVERY PERSON  
3 CAUSING OR PARTICIPATING IN A VIOLATION THEREOF SHALL BE GUILTY OF A  
4 MISDEMEANOR AND, IN CASE OF AN INDIVIDUAL, SHALL BE PUNISHABLE BY IMPRI-  
5 SONMENT IN A PENITENTIARY OR COUNTY JAIL FOR NOT MORE THAN ONE YEAR OR  
6 BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS OR BY BOTH, AND, IN CASE  
7 OF AN ASSOCIATION OR CORPORATION, BY A FINE OF NOT MORE THAN ONE THOU-  
8 SAND DOLLARS. IN ADDITION TO THE PENALTIES HEREINBEFORE IMPOSED ANY  
9 CORPORATION OR ASSOCIATION FAILING TO FILE THE STATEMENT OF EXPENSES  
10 PRESCRIBED BY THIS SECTION SHALL FORFEIT TO THE PEOPLE OF THE STATE OF  
11 NEW YORK THE SUM OF ONE HUNDRED DOLLARS PER DAY FOR EACH DAY FOLLOWING  
12 THE EXPIRATION OF THIRTY DAYS AFTER THE TIME FIXED BY SUBDIVISION SIX OF  
13 THIS SECTION FOR FILING SUCH STATEMENT, TO BE RECOVERED IN AN ACTION TO  
14 BE BROUGHT BY THE ATTORNEY GENERAL.

15 S 11. Section 30 of the public officers law is amended by adding a new  
16 subdivision 1-a to read as follows:

17 1-A. WHENEVER ANY STATE OR LOCAL OFFICER, AS THOSE TERMS ARE DEFINED  
18 IN SECTION TWO OF THIS CHAPTER, IS ELECTED AND SWORN AS A DELEGATE TO A  
19 STATE CONSTITUTIONAL CONVENTION, SUCH OFFICIAL WILL BE DEEMED TO HAVE  
20 VACATED HIS OR HER STATE OR LOCAL OFFICE AND THE SAID OFFICE WILL BE  
21 DEEMED VACANT FOR PURPOSES OF THE NOMINATION AND APPOINTMENT OF A  
22 SUCCESSOR.

23 S 12. No later than 180 days prior to the convening of the constitu-  
24 tional convention, and solely as an aid to delegates, there shall be  
25 appointed a constitutional convention preparatory commission whose  
26 purpose shall be to study the issues, establish a proposed initial agen-  
27 da and procedures, and prepare position papers, with ongoing information  
28 to and participation of the public. Members of the commission shall be  
29 appointed as follows: two each by the governor, the majority leader of  
30 the senate and the speaker of the assembly, and one each by the minority  
31 leader of the senate and the minority leader of the assembly. The  
32 members shall elect a chair.

33 S 13. Severability. If any provision of this act, or the application  
34 thereof to any person or circumstance, shall be adjudged by any court of  
35 competent jurisdiction to be invalid or unconstitutional, such judgment  
36 shall not affect, impair or invalidate the remainder thereof, but shall  
37 be confined in its operation to the provision of this act, or in its  
38 application to the person or circumstance, directly involved in the  
39 controversy in which such judgment shall have been rendered.

40 S 14. This act shall take effect immediately; provided that the  
41 provisions of section four of this act shall not take effect unless and  
42 until the question proposed in section three of this act shall have been  
43 submitted to the people at the general election to be held in the next  
44 succeeding November after the effective date of this act, and shall have  
45 received a majority of all votes cast for and against it at such  
46 election. Upon approval by the people, section four of this act shall  
47 take effect immediately. The ballots to be furnished for the use of the  
48 voters upon the submission of section three of this act shall be in the  
49 form prescribed by the election law, and the proposition or question to  
50 be submitted shall be printed in the following form: "Shall there be a  
51 convention to revise the constitution and amend the same?"