

STATE OF NEW YORK

7118

2021-2022 Regular Sessions

IN ASSEMBLY

April 22, 2021

Introduced by M. of A. TAGUE -- read once and referred to the Committee on Election Law

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing the addition of a new article 20 to the constitution, in relation to providing for recall of a statewide elective officer

1 Section 1. Resolved (if the Senate concur), That article 20 of the
2 constitution be renumbered article 21 and a new article 20 be added to
3 read as follows:

4 ARTICLE XX
5 RECALL

6 Section 1. Recall is the power of citizens to remove a statewide elec-
7 tive officer. These include the offices of governor, lieutenant gover-
8 nor, comptroller, and attorney general.

9 § 2. (a) Recall of a statewide officer is initiated by a registered
10 voter filing an affidavit with the state board of elections of his or
11 her intent to initiate a recall of a statewide officer. Intent to initi-
12 ate a recall shall include a reason for recall. Sufficiency of reason is
13 not reviewable. Proponents have one hundred twenty days from the filing
14 of the affidavit of intent to file sufficient petitions. The affidavit
15 may be filed no sooner than six months after the beginning of the term
16 of office.

17 (b) A petition to recall a statewide officer shall be sufficient when
18 signed by registered voters equal in number to at least twelve percent
19 of the total vote for the office in the previous election, with at least
20 two thousand signatures from each of the state's congressional
21 districts. Sufficient petitions shall be certified by the state board
22 of elections.

23 (c) The state board of elections shall maintain a continuous count of
24 the signatures certified to that office.

25 § 3. (a) An election to determine whether to recall a statewide offi-
26 cer and, if necessary, to elect a successor shall be called by the

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

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1 governor and held not less than seventy days nor more than eighty days
2 from the date of certification of sufficient signatures.

3 (b) Notwithstanding subdivision (a) of this section, a recall election
4 may be conducted within one hundred eighty days from the date of certifi-
5 cation of sufficient signatures in order that the election may be
6 consolidated with the next general election.

7 (c) If the majority of voters vote in favor of recall, the statewide
8 officer is removed, and, if there is a candidate, the candidate who
9 receives a plurality is the successor. The statewide officer being
10 recalled may not be a candidate.

11 § 4. If recall of the governor is initiated, the recall duties of that
12 office shall be performed by the lieutenant governor.

13 § 5. The legislature shall provide for circulation, filing, and
14 certification of petitions, nomination of candidates, and the recall
15 election.

16 § 6. A statewide officer who is not recalled shall not be reimbursed
17 by the state for the officer's recall election expenses legally and
18 personally incurred. Another recall may not be initiated against the
19 statewide officer until six months after the recall.

20 § 7. Costs incurred by county boards of elections for operating the
21 recall election shall be reimbursed through the general fund of New York
22 state.

23 § 2. Resolved (if the Senate concur), That the foregoing amendment be
24 referred to the first regular legislative session convening after the
25 next succeeding general election of members of the assembly, and, in
26 conformity with section 1 of article 19 of the constitution, be
27 published for 3 months previous to the time of such election.