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I N A S S E M B L Y

April 23, 2010

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A.
BACALLES, KOLB, THIELE -- read once and referred to the Committee on
Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 19 of the constitution, in relation to
a constitutional convention

1 Section 1. Resolved (if the Senate concur), That section 2 of article
2 19 of the constitution be amended to read as follows:
3 S 2. At the general election to be held in the year nineteen hundred
4 fifty-seven, and every twentieth year thereafter, and also at such times
5 as the legislature may by law provide, the question "Shall there be a
6 convention to revise the constitution and amend the same?" shall be
7 submitted to and decided by the electors of the state; and in case a
8 majority of the electors voting thereon shall decide in favor of a
9 convention for such purpose, the electors of every senate district of
10 the state, as then organized, shall elect three delegates at the next
11 ensuing general election, and the electors of the state voting at the
12 same election shall elect fifteen delegates-at-large. HOWEVER, NO DELE-
13 GATE MAY CONCURRENTLY SERVE AS GOVERNOR, LIEUTENANT GOVERNOR, COMP-
14 TROLLER, AS A MEMBER OF THE LEGISLATURE, AS A MEMBER OF CONGRESS, OR AS
15 A JUDGE IN ANY COURT WITHIN THE STATE. The delegates so elected shall
16 convene at the capitol on the first Tuesday of April next ensuing after
17 their election, and shall continue their session until the business of
18 such convention shall have been completed. Every delegate shall receive
19 for his or her services the same compensation as shall then be annually
20 payable to the members of the assembly and be reimbursed for actual
21 traveling expenses, while the convention is in session, to the extent
22 that a member of the assembly would then be entitled thereto in the case
23 of a session of the legislature. A majority of the convention shall
24 constitute a quorum for the transaction of business, and no amendment to
25 the constitution shall be submitted for approval to the electors as
26 hereinafter provided, unless by the assent of a majority of all the
27 delegates elected to the convention, the ayes and noes being entered on
28 the journal to be kept. The convention shall have the power to appoint
29 such officers, employees and assistants as it may deem necessary, and

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

1 fix their compensation and to provide for the printing of its documents,
2 journal, proceedings and other expenses of said convention. The conven-
3 tion shall determine the rules of its own proceedings, choose its own
4 officers, and be the judge of the election, returns and qualifications
5 of its members. In case of a vacancy, by death, resignation or other
6 cause, of any district delegate elected to the convention, such vacancy
7 shall be filled by a vote of the remaining delegates representing the
8 district in which such vacancy occurs. If such vacancy occurs in the
9 office of a delegate-at-large, such vacancy shall be filled by a vote of
10 the remaining delegates-at-large. Any proposed constitution or consti-
11 tutional amendment which shall have been adopted by such convention,
12 shall be submitted to a vote of the electors of the state at the time
13 and in the manner provided by such convention, at an election which
14 shall be held not less than six weeks after the adjournment of such
15 convention. Upon the approval of such constitution or constitutional
16 amendments, in the manner provided in the last preceding section, such
17 constitution or constitutional amendment, shall go into effect on the
18 first day of January next after such approval.

19 S 2. Resolved (if the Senate concur), That article 19 of the constitu-
20 tion be amended by adding a new section 4 to read as follows:

21 S 4. AT SUCH TIMES AS THE LEGISLATURE MAY PROVIDE BY LAW, THE QUESTION
22 "SHALL THERE BE A CONVENTION TO REVISE ARTICLE III, CONCERNING THE
23 LEGISLATURE, ARTICLE IV, CONCERNING THE EXECUTIVE, AND ARTICLE VII,
24 CONCERNING STATE FINANCES, OF THE CONSTITUTION AND AMEND THE SAME?"; AND
25 IN CASE A MAJORITY OF ELECTORS VOTING THEREON SHALL DECIDE IN FAVOR OF A
26 CONVENTION FOR THAT PURPOSE, A CONVENTION SHALL BE HELD WHICH SHALL
27 OPERATE IN THE MANNER SET FORTH IN SECTION 2 OF THIS ARTICLE, EXCEPT
28 THAT SUCH COMMISSION COULD CONSIDER AND SUBMIT AMENDMENTS TO ARTICLE
29 III, CONCERNING THE LEGISLATURE, ARTICLE IV, CONCERNING THE EXECUTIVE,
30 AND ARTICLE VII, CONCERNING STATE FINANCES, OF THE CONSTITUTION.

31 S 3. Resolved (if the Senate concur), That the foregoing amendment be
32 referred to the first regular legislative session convening after the
33 next succeeding general election of members of the assembly, and, in
34 conformity with section 1 of article 19 of the constitution, be
35 published for 3 months previous to the time of such election.