S T A T E O F N E W Y O R K

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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

Section 1. Resolved (if the Senate concur), That section 2 of article 19 of the constitution be amended to read as follows:

S 2. At the general election to be held in the year nineteen hundred fifty-seven, and every twentieth year thereafter, and also at such times as the legislature may by law provide, the question "Shall there be a convention to revise the constitution and amend the same?" shall be submitted to and decided by the electors of the state; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every senate district of the state, as then organized, shall elect three delegates at the next ensuing general election, and the electors of the state voting at the same election shall elect fifteen delegates-at-large. HOWEVER, NO DELEGATE MAY CONCURRENTLY SERVE AS GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, AS A MEMBER OF THE LEGISLATURE, AS A MEMBER OF CONGRESS, OR AS A JUDGE IN ANY COURT WITHIN THE STATE. The delegates so elected shall convene at the capitol on the first Tuesday of April next ensuing after their election, and shall continue their session until the business of such convention shall have been completed. Every delegate shall receive for his or her services the same compensation as shall then be annually payable to the members of the assembly and be reimbursed for actual traveling expenses, while the convention is in session, to the extent that a member of the assembly would then be entitled thereto in the case of a session of the legislature. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to the constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the delegates elected to the convention, the ayes and noes being entered on the journal to be kept. The convention shall have the power to appoint 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.

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

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

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

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