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

1959

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

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

AN ACT to amend the election law and the public officers law, in relation to the selection and service of delegates to a constitutional convention

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

Section 1. Legislative findings and declarations. The legislature hereby finds and declares that in order for a constitutional convention to produce meaningful and desired reform, the convention process, including the selection of delegates, must itself be reformed. Delegates to the convention should be involved, concerned citizens and not legislators or other elected officials. Those who are not already a part of state or local government can better provide an objective evaluation of issues and problems which need to be addressed. The legislature therefore finds that in order for a constitutional convention to accomplish the much needed reforms to the state constitution and to ensure a better, efficient, and responsive government, those in governmental policy-making positions should not be considered to serve as delegates to the convention.

S 2. Subdivision 7 of section 14-100 of the election law, as amended by chapter 480 of the laws of 1987, is amended to read as follows:

7. "candidate" means an individual who seeks nomination for election, or election, to any public office or party position to be voted for at a primary, general or special or New York city community school district election or election for trustee of the Long Island Power Authority OR AS A DELEGATE TO A CONSTITUTIONAL CONVENTION, whether or not the public office or party position has been specifically identified at such time and whether or not such individual is nominated or elected, and, for purposes of this subdivision, an individual shall be deemed to seek nomination for election, or election, to an office or position, if he OR

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

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SHE has (1) taken the action necessary to qualify himself OR HERSELF for nomination for election, or election, or (2) received contributions or made expenditures, given his OR HER consent for any other person to receive contributions or make expenditures, with a view to bringing about his OR HER nomination for election, or election, to any office or position at any time whether in the year in which such contributions or expenditures are made or at any other time; and

S 3. The election law is amended by adding a new section 14-117 to read as follows:

S 14-117. CONTRIBUTION LIMITATIONS; CONSTITUTIONAL CONVENTION DELEGATES. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO PERSON, FIRM, PARTNERSHIP, CORPORATION, ORGANIZATION, COMMITTEE, OR ANY OTHER ENTITY SHALL MAKE A CONTRIBUTION TO ANY CANDIDATE FOR ELECTION AS DELEGATE TO A CONSTITUTIONAL CONVENTION, AND NO CANDIDATE OR POLITICAL COMMITTEE MAY ACCEPT ANY CONTRIBUTION ON BEHALF OF SUCH CANDIDATE FROM A CONTRIBUTOR, WHICH IS IN THE AGGREGATE AMOUNT GREATER THAN ONE HUNDRED DOLLARS IN ANY CALENDAR YEAR.

S 4. The public officers law is amended by adding a new section 73-c to read as follows:

S 73-C. RESTRICTIONS ON SERVICE AS A DELEGATE TO A CONSTITUTIONAL CONVENTION. NO STATEWIDE ELECTED OFFICIAL, MEMBER OF THE LEGISLATURE, PERSON REGISTERED AS A LOBBYIST, OR POLITICAL PARTY CHAIRPERSON, OR STATE, LOCAL, OR LEGISLATIVE OFFICIAL OR EMPLOYEE WHO IS IN A POLICY-MAKING POSITION SHALL BE ELIGIBLE TO RUN FOR OR TO BE ELECTED AS A DELEGATE TO A CONSTITUTIONAL CONVENTION. THE TERMS "STATEWIDE ELECTED OFFICIAL" AND "POLITICAL PARTY CHAIRMAN" SHALL HAVE THE SAME MEANINGS AS SET FORTH IN SECTION SEVENTY-THREE-A OF THIS ARTICLE.

S 5. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part of this act or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 6. This act shall take effect immediately and shall apply to any constitutional convention approved by the people by a vote in the next general election.