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

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I N S E N A T E

(PREFILED)

January 6, 2010

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

AN ACT to provide 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:

Section 1. We hereby find and declare that the constitutional provision that has governed and made the state's annual budget for seventy years is no longer adequate to protect the interests of the people and government institutions. Undue delay, secrecy and inaccessibility of both process and constituent documents; ambiguity and uncertainty and a failure to address core social, economic and financial issues have been the hallmark of the state's budget process for over twenty years. Fundamental reform of governmental institutions and processes is now required. In reform, the primacy of the executive branch to construct, propose and to execute provisions of a budget must be maintained. Similarly, the power of the legislature to meet its fundamental and historic obligations to set forth policies and purposes governing for which a budget is constructed must be maintained. The power of the governor to veto individual lines of expenditure must be maintained. The ability of the legislature to override these and other vetoes must be maintained. The right of the people to a clear, speedy and effective budget-making process must be enhanced.

Furthermore, institutional reform of the executive and legislative branches with respect to government integrity, swift and effective legislative action, redistricting, ballot access, campaign finance reform, the end of abuses by the authority system, and a mechanism for the people to exercise their right of petition and response must also be realized. Calling a constitutional convention subject to section 2 of article XIX of the constitution for the sole and limited purpose of achieving these and other structural reforms of government institutions is required.

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

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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 2. 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 3. If the question stated in section two 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 constitution shall apply and be implemented.

S 4. This act shall take effect immediately; provided that the provisions of section three of this act shall not take effect unless and until the question proposed in section two of this act shall have been submitted to the people at the general election to be held in the next succeeding November after the effective date of this act, and shall have received a majority of all votes cast for and against it at such election. Upon approval by the people, section three of this act shall take effect immediately. The ballots to be furnished for the use of the voters upon the submission of section two of this act shall be in the form prescribed by the election law, and the proposition or question to be submitted shall be printed in the following form: "Shall there be a convention to revise the constitution and amend the same?"