

8342

I N   S E N A T E

June 24, 2010

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Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to provide for the submission to the people of a proposition or question to convene a constitutional convention; and to amend the public officers law, in relation to requirements for delegates to a constitutional convention

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

1     Section 1. Pursuant to the provisions of section 2 of article XIX of  
2     the New York state constitution, the question "Shall there be a conven-  
3     tion to revise the constitution and amend the same for the sole and  
4     limited purposes of providing for reform of the state budget process,  
5     creating a real property tax cap, providing state mandate and regulatory  
6     relief, limiting state debt and expenditures, authorizing statewide  
7     initiative and referendum, and establishing term limits, recall, and  
8     rules of succession for all state elected officers?" shall be submitted  
9     to and decided by the people of the state at the general election to be  
10    held in the next succeeding November after the effective date of this  
11    act.

12    S   2. If the question stated in section one of this act is answered in  
13    the affirmative by a majority of all votes cast for and against it,  
14    decided in favor of a convention for such sole and limited purposes, the  
15    procedures and provisions of section 2 of article XIX of the New York  
16    state constitution shall apply and be implemented, except that such  
17    convention shall only consider and submit amendments to the constitution  
18    for the sole and limited purposes of providing for reform of the state  
19    budget process, creating a real property tax cap, providing state  
20    mandate and regulatory relief, limiting state debt and expenditures,  
21    authorizing statewide initiative and referendum, and establishing term  
22    limits, recall, and rules of succession for all state elected officers.

23    S   3. The public officers law is amended by adding a new section 73-c  
24    to read as follows:

25    S 73-C. DELEGATES TO STATE CONSTITUTIONAL CONVENTION. ALL PERSONS  
26    SEEKING ELECTION AS A DELEGATE TO A STATE CONSTITUTIONAL CONVENTION,

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

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1 PURSUANT TO SECTION TWO OF ARTICLE NINETEEN OF THE NEW YORK STATE  
2 CONSTITUTION SHALL, UPON THE FILING OF THEIR PETITIONS SEEKING SUCH  
3 OFFICE, FILE THE SAME FINANCIAL DISCLOSURE FORM AS REQUIRED BY A MEMBER  
4 OF THE LEGISLATURE. ANY PERSON SEEKING ELECTION AS A DELEGATE TO A STATE  
5 CONSTITUTIONAL CONVENTION SHALL HAVE BEEN A RESIDENT OF THE STATE FOR  
6 NOT LESS THAN FIVE CONSECUTIVE YEARS, AND A RESIDENT OF THE SENATE  
7 DISTRICT FOR NOT LESS THAN ONE YEAR. ALL PERSONS ELECTED TO THE OFFICE  
8 OF DELEGATE TO A STATE CONSTITUTIONAL CONVENTION, SHALL, WITHIN THIRTY  
9 DAYS OF THEIR ELECTION, FILE WITH THE SECRETARY OF STATE, AN OATH OF  
10 OFFICE, IN A FORM PRESCRIBED BY THE SECRETARY OF STATE, WHICH SWEARS  
11 THAT SUCH DELEGATE WILL IMPARTIALLY SERVE THE PEOPLE OF THE STATE OF NEW  
12 YORK, IN THE DISCHARGE OF THE DUTIES OF THEIR OFFICE, WITHOUT CONFLICT  
13 OR UNDUE INFLUENCE. NO PERSON SHALL BE ELIGIBLE TO FILE SUCH OATH OF  
14 OFFICE AS A DELEGATE TO A STATE CONSTITUTIONAL CONVENTION, WHO, WITHIN  
15 FIVE YEARS OF THE TIME OF THEIR SERVICE AS DELEGATE, HAS HELD ANY  
16 ELECTED PUBLIC OFFICE, OR HAS BEEN EMPLOYED AS A LOBBYIST, AS DEFINED BY  
17 SECTION ONE-C OF THE LEGISLATIVE LAW, OR HAS BEEN EMPLOYED AS AN OFFICER  
18 OR EXECUTIVE DIRECTOR OF A LABOR UNION, EMPLOYEE ASSOCIATION, OR  
19 NOT-FOR-PROFIT CORPORATION.

20 S 4. This act shall take effect immediately; provided that the  
21 provisions of section two of this act shall not take effect unless and  
22 until the question proposed in section one of this act shall have been  
23 submitted to the people at the general election to be held in the next  
24 succeeding November after the effective date of this act, and shall have  
25 received a majority of all votes cast for and against it at such  
26 election. Upon approval by the people, section two of this act shall  
27 take effect immediately. The ballots to be furnished for the use of the  
28 voters upon the submission of section one of this act shall be in the  
29 form prescribed by the election law, and the proposition or question to  
30 be submitted shall be printed in the following form: "Shall there be a  
31 convention to revise the constitution and amend the same for the sole  
32 and limited purposes of providing for reform of the state budget proc-  
33 ess, creating a real property tax cap, providing state mandate and regu-  
34 latory relief, limiting state debt and expenditures, authorizing state-  
35 wide initiative and referendum, and establishing term limits, recall,  
36 and rules of succession for all state elected officers?".