

3458

2011-2012 Regular Sessions

I N S E N A T E

February 23, 2011

Introduced by Sens. GRIFFO, GRISANTI, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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.

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

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

3 S 73-C. DELEGATES TO STATE CONSTITUTIONAL CONVENTION. ALL PERSONS
4 SEEKING ELECTION AS A DELEGATE TO A STATE CONSTITUTIONAL CONVENTION,
5 PURSUANT TO SECTION TWO OF ARTICLE NINETEEN OF THE NEW YORK STATE
6 CONSTITUTION SHALL, UPON THE FILING OF THEIR PETITIONS SEEKING SUCH
7 OFFICE, FILE THE SAME FINANCIAL DISCLOSURE FORM AS REQUIRED BY A MEMBER
8 OF THE LEGISLATURE. ANY PERSON SEEKING ELECTION AS A DELEGATE TO A STATE
9 CONSTITUTIONAL CONVENTION SHALL HAVE BEEN A RESIDENT OF THE STATE FOR
10 NOT LESS THAN FIVE CONSECUTIVE YEARS, AND A RESIDENT OF THE SENATE
11 DISTRICT FOR NOT LESS THAN ONE YEAR. ALL PERSONS ELECTED TO THE OFFICE
12 OF DELEGATE TO A STATE CONSTITUTIONAL CONVENTION, SHALL, WITHIN THIRTY
13 DAYS OF THEIR ELECTION, FILE WITH THE SECRETARY OF STATE, AN OATH OF
14 OFFICE, IN A FORM PRESCRIBED BY THE SECRETARY OF STATE, WHICH SWEARS
15 THAT SUCH DELEGATE WILL IMPARTIALLY SERVE THE PEOPLE OF THE STATE OF NEW
16 YORK, IN THE DISCHARGE OF THE DUTIES OF THEIR OFFICE, WITHOUT CONFLICT
17 OR UNDUE INFLUENCE. NO PERSON SHALL BE ELIGIBLE TO FILE SUCH OATH OF
18 OFFICE AS A DELEGATE TO A STATE CONSTITUTIONAL CONVENTION, WHO, WITHIN
19 FIVE YEARS OF THE TIME OF THEIR SERVICE AS DELEGATE, HAS HELD ANY
20 ELECTED PUBLIC OFFICE, OR HAS BEEN EMPLOYED AS A LOBBYIST, AS DEFINED BY
21 SECTION ONE-C OF THE LEGISLATIVE LAW, OR HAS BEEN EMPLOYED AS AN OFFICER
22 OR EXECUTIVE DIRECTOR OF A LABOR UNION, EMPLOYEE ASSOCIATION, OR
23 NOT-FOR-PROFIT CORPORATION.

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