6161--A

2013-2014 Regular Sessions

IN ASSEMBLY

March 15, 2013

Introduced by M. of A. TEDISCO, PALMESANO, BORELLI, CORWIN, TENNEY, MALLIOTAKIS, LALOR -- Multi-Sponsored by -- M. of A. McLAUGHLIN, STEC -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing the addition of a new article 20 to the constitution, in relation to providing for recall of an elective officer

1 Section 1. Resolved (if the Senate concur), That article 20 of the 2 constitution be renumbered article 21 and a new article 20 be added to 3 read as follows:

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ARTICLE XX

RECALL

6 SECTION 1. RECALL IS THE POWER OF CITIZENS TO REMOVE AN ELECTIVE 7 OFFICER.

8 S 2. A. RECALL OF A STATE OFFICER IS INITIATED BY A REGISTERED VOTER REGISTERING HIS OR HER INTENT TO INITIATE A RECALL OF A STATE 9 OFFICIAL 10 STATE BOARD OF ELECTIONS. INTENT TO INITIATE A RECALL SHALL WITH THEINCLUDE A REASON FOR RECALL. SUFFICIENCY OF REASON 11 IS NOT REVIEWABLE. 12 PROPONENTS HAVE NINETY DAYS FROM THE REGISTERING OF INTENT TO FILE SUFFICIENT PETITIONS. 13

B. A PETITION TO RECALL A STATEWIDE OFFICER SHALL BE SUFFICIENT 14 WHEN 15 SIGNED BY REGISTERED VOTERS EQUAL IN NUMBER TO AT LEAST TWENTY PERCENT OF THE TOTAL NUMBER OF VOTERS TO VOTE IN THE PREVIOUS ELECTION FOR THE 16 17 OFFICE, WITH SIGNATURES FROM EACH OF THE COUNTIES WITHIN THE STATE EQUAL NUMBER TO AT LEAST ONE PERCENT OF THE TOTAL NUMBER OF VOTERS TO VOTE 18 ININ THE PREVIOUS ELECTION FOR THE OFFICE IN THE COUNTY. 19 A PETITION TO SENATORS AND MEMBERS OF THE ASSEMBLY SHALL BE SUFFICIENT WHEN 20 RECALL 21 SIGNED BY REGISTERED VOTERS EQUAL IN NUMBER TO AT LEAST TWENTY PERCENT 22 OF THE TOTAL NUMBER OF VOTERS TO VOTE IN THE PREVIOUS ELECTION FOR THE 23 OFFICE IN THE SENATE OR ASSEMBLY DISTRICT. THERE SHALL BE NO ABILITY ΤO

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

LBD89069-02-3

1 RECALL OFFICERS SERVING IN THE OFFICE OF JUDGE. SUFFICIENT PETITIONS 2 SHALL BE CERTIFIED BY THE STATE BOARD OF ELECTIONS.

3 C. THE STATE BOARD OF ELECTIONS SHALL MAINTAIN A CONTINUOUS COUNT OF 4 THE SIGNATURES CERTIFIED TO THAT OFFICE.

5 S 3. A. AN ELECTION TO DETERMINE WHETHER TO RECALL AN OFFICER SHALL BE 6 HELD NO LESS THAN SEVENTY DAYS NOR MORE THAN NINETY DAYS FROM THE DATE 7 OF CERTIFICATION OF SUFFICIENT SIGNATURES.

8 B. IF THE MAJORITY OF VOTERS VOTE IN FAVOR OF RECALL, THE OFFICER IS 9 REMOVED. IN THE FOLLOWING SPECIAL ELECTION TO FILL THE VACANCY OF THE 10 RECALLED OFFICIAL, THE RECALLED OFFICER MAY NOT BE A CANDIDATE, NOR 11 SHALL THERE BY ANY CANDIDACY FOR AN OFFICE FILLED PURSUANT TO SECTION 12 TWO OF ARTICLE SIX.

13 C. UPON THE RECALL OF A STATE OFFICIAL IN THE OFFICE OF STATE SENATE 14 OR STATE ASSEMBLY, A SPECIAL ELECTION SHALL BE CALLED BY THE GOVERNOR TO 15 FILL THE VACANCY OF A STATE SENATE OR STATE ASSEMBLY DISTRICT.

16 S 4. IF RECALL OF THE GOVERNOR IS ENACTED, THE DUTIES OF THE OFFICE 17 SHALL BE PERFORMED BY THE LIEUTENANT GOVERNOR. IF RECALL OF THE LIEUTEN-18 ANT GOVERNOR IS ENACTED, THE DUTIES OF THE LIEUTENANT GOVERNOR SHALL BE 19 PERFORMED BY THE TEMPORARY PRESIDENT OF THE SENATE. IF RECALL OF THE 20 ATTORNEY GENERAL OR COMPTROLLER IS ENACTED, THE OFFICE OF ATTORNEY 21 GENERAL OR COMPTROLLER SHALL BE FILLED PURSUANT TO SECTION FORTY-ONE OF 22 ARTICLE THREE OF THE PUBLIC OFFICERS LAW.

23 S 5. A STATE OFFICER WHO IS NOT RECALLED SHALL NOT BE REIMBURSED BY 24 THE STATE FOR THE OFFICER'S RECALL ELECTION EXPENSES LEGALLY AND 25 PERSONALLY INCURRED. ANOTHER RECALL MAY NOT BE INITIATED AGAINST THE 26 OFFICER UNTIL SIX MONTHS AFTER THE RECALL.

S 6. COSTS INCURRED BY THE COUNTY BOARD OF ELECTIONS FOR OPERATING THE RECALL AND THE SPECIAL ELECTION SHALL BE REIMBURSED THROUGH THE GENERAL FUND OF NEW YORK STATE.

30 S 2. Resolved (if the Senate concur), That the foregoing amendment be 31 referred to the first regular legislative session convening after the 32 next succeeding general election of members of the assembly, and, in 33 conformity with section 1 of article 19 of the constitution, be 34 published for 3 months previous to the time of such election.