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

9322

I N A S S E M B L Y

April 9, 2014

Introduced by M. of A. JOHNS -- read once and referred to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing the addition of a new article 20 to the constitution, in relation to providing for initiative

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

ARTICLE XX

INITIATIVE

SECTION 1. 1. THE INITIATIVE IS THE POWER OF THE ELECTORS TO PROPOSE STATUTES AND AMENDMENTS TO THE CONSTITUTION AND TO ADOPT OR REJECT THEM.

2. AN INITIATIVE MEASURE MAY BE PROPOSED BY PRESENTING TO THE SECRETARY OF STATE A PETITION THAT SETS FORTH THE TEXT OF THE PROPOSED STATUTE OR AMENDMENT TO THE CONSTITUTION HAVING STATEWIDE SIGNIFICANCE AND IS CERTIFIED TO HAVE BEEN SIGNED BY FIFTY THOUSAND ELECTORS.

3. THE PROPOSED STATUTE OR AMENDMENT TO THE CONSTITUTION SHALL HAVE BEEN PREVIOUSLY INTRODUCED DURING A LEGISLATIVE SESSION OF THE STATE.

4. THE SECRETARY OF STATE SHALL THEN SUBMIT THE MEASURE AT THE NEXT GENERAL ELECTION HELD AT LEAST ONE HUNDRED THIRTY-ONE DAYS AFTER IT QUALIFIES OR AT ANY SPECIAL STATEWIDE ELECTION HELD PRIOR TO THAT GENERAL ELECTION. THE GOVERNOR MAY CALL A SPECIAL STATEWIDE ELECTION FOR THE MEASURE.

5. AN INITIATIVE MEASURE EMBRACING MORE THAN ONE SUBJECT MAY NOT BE SUBMITTED TO THE ELECTORS OR HAVE ANY EFFECT.

6. AN INITIATIVE MEASURE SHALL NOT INCLUDE OR EXCLUDE ANY POLITICAL SUBDIVISION OF THE STATE FROM THE APPLICATION OR EFFECT OF ITS PROVISIONS BASED UPON APPROVAL OR DISAPPROVAL OF THE INITIATIVE MEASURE, OR BASED UPON THE CASTING OF A SPECIFIED PERCENTAGE OF VOTES IN FAVOR OF THE MEASURE, BY THE ELECTORS OF THAT POLITICAL SUBDIVISION.

7. AN INITIATIVE MEASURE SHALL NOT CONTAIN ALTERNATIVE OR CUMULATIVE PROVISIONS WHEREIN ONE OR MORE OF THOSE PROVISIONS WOULD BECOME LAW DEPENDING UPON THE CASTING OF A SPECIFIED PERCENTAGE OF VOTES FOR OR AGAINST THE MEASURE.

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

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S 2. 1. AN INITIATIVE STATUTE APPROVED BY A MAJORITY OF VOTES THEREON TAKES EFFECT THE DAY AFTER THE ELECTION UNLESS THE MEASURE PROVIDES OTHERWISE.

2. IF PROVISIONS OF TWO OR MORE MEASURES APPROVED AT THE SAME ELECTION CONFLICT, THOSE OF THE MEASURE RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

3. THE LEGISLATURE MAY AMEND OR REPEAL AN INITIATIVE STATUTE BY ANOTHER STATUTE THAT BECOMES EFFECTIVE ONLY WHEN APPROVED BY THE ELECTORS UNLESS THE INITIATIVE STATUTE PERMITS AMENDMENT OR REPEAL WITHOUT THEIR APPROVAL.

4. PRIOR TO CIRCULATION OF AN INITIATIVE PETITION FOR SIGNATURES, A COPY SHALL BE SUBMITTED TO THE ATTORNEY GENERAL WHO SHALL PREPARE A LEGISLATIVE BILL DRAFT OF THE MEASURE.

5. THE LEGISLATURE SHALL PROVIDE THE MANNER IN WHICH PETITIONS SHALL BE CIRCULATED, PRESENTED, AND CERTIFIED, AND MEASURES SUBMITTED TO THE ELECTORS.

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