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
correction be renumbered article 21 and a new article 20 be added to
read as follows:

ARTICLE XX

RECALL

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

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 OFFICIAL
WITH THE STATE BOARD OF ELECTIONS. INTENT TO INITIATE A RECALL SHALL
INCLUDE A REASON FOR RECALL. SUFFICIENCY OF REASON IS NOT REVIEWABLE.
PROONENTS HAVE NINETY DAYS FROM THE REGISTERING OF INTENT TO FILE
SUFFICIENT PETITIONS.

B. A PETITION TO RECALL A STATEWIDE OFFICER SHALL BE SUFFICIENT WHEN
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
OFFICE, WITH SIGNATURES FROM EACH OF THE COUNTIES WITHIN THE STATE EQUAL
IN NUMBER TO AT LEAST ONE PERCENT OF THE TOTAL NUMBER OF VOTERS TO VOTE
IN THE PREVIOUS ELECTION FOR THE OFFICE IN THE COUNTY. A PETITION TO
RECALL SENATORS AND MEMBERS OF THE ASSEMBLY SHALL BE SUFFICIENT WHEN
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
OFFICE IN THE SENATE OR ASSEMBLY DISTRICT. THERE SHALL BE NO ABILITY TO
RECALL OFFICERS SERVING IN THE OFFICE OF JUDGE. SUFFICIENT PETITIONS
SHALL BE CERTIFIED BY THE STATE BOARD OF ELECTIONS.

EXPLANATION—Matter in ITALICS (underscored) is new; matter in brackets
[ ] is old law to be omitted.
C. THE STATE BOARD OF ELECTIONS SHALL MAINTAIN A CONTINUOUS COUNT OF THE SIGNATURES CERTIFIED TO THAT OFFICE.

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

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

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


S 5. A STATE OFFICER WHO IS NOT RECALLED SHALL NOT BE REIMBURSED BY THE STATE FOR THE OFFICER'S RECALL ELECTION EXPENSES LEGALLY AND PERSONALLY INCURRED. ANOTHER RECALL MAY NOT BE INITIATED AGAINST THE 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.

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.