

# STATE OF NEW YORK

5663

2017-2018 Regular Sessions

## IN ASSEMBLY

February 14, 2017

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

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 2 of article 19 of the constitution, in relation to the election of delegates

1 Section 1. Resolved (if the Senate concur), That section 2 of article  
2 19 of the constitution be amended to read as follows:

3 § 2. At the general election to be held in the year nineteen hundred  
4 fifty-seven, and every twentieth year thereafter, and also at such times  
5 as the legislature may by law provide, the question "Shall there be a  
6 convention to revise the constitution and amend the same?" shall be  
7 submitted to and decided by the electors of the state; and in case a  
8 majority of the electors voting thereon shall decide in favor of a  
9 convention for such purpose, the electors of every senate district of  
10 the state, as then organized, shall elect three delegates at the next  
11 ensuing general election, and the electors of the state voting at the  
12 same election shall elect fifteen delegates-at-large. No person acting  
13 as a political party chairperson, an elected public officer, a person  
14 appointed by the governor, an individual who is subject to the lobbying  
15 rules established by the commission on public integrity, any person who  
16 is required to file an annual statement of financial disclosure with the  
17 legislative ethics commission or any other person who is an officer of  
18 an organization, association or corporation, other than an entity desig-  
19 nated as tax exempt under section 501(c)(3) of the United States inter-  
20 nal revenue code, that receives public funding shall be elected as a  
21 delegate. None of the aforementioned exclusions apply to individuals  
22 based on their employment at a higher education institution or the mili-  
23 tary. The delegates so elected shall convene at the capitol on the first  
24 Tuesday of April next ensuing after their election, and shall continue  
25 their session until the business of such convention shall have been  
26 completed. Every delegate shall receive for his or her services the same  
27 compensation as shall then be annually payable to the members of the

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

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1 assembly and be reimbursed for actual traveling expenses, while the  
2 convention is in session, to the extent that a member of the assembly  
3 would then be entitled thereto in the case of a session of the legisla-  
4 ture. A majority of the convention shall constitute a quorum for the  
5 transaction of business, and no amendment to the constitution shall be  
6 submitted for approval to the electors as hereinafter provided, unless  
7 by the assent of a majority of all the delegates elected to the conven-  
8 tion, the ayes and noes being entered on the journal to be kept. The  
9 convention shall have the power to appoint such officers, employees and  
10 assistants as it may deem necessary, and fix their compensation and to  
11 provide for the printing of its documents, journal, proceedings and  
12 other expenses of said convention. The convention shall determine the  
13 rules of its own proceedings, choose its own officers, and be the judge  
14 of the election, returns and qualifications of its members. In case of a  
15 vacancy, by death, resignation or other cause, of any district delegate  
16 elected to the convention, such vacancy shall be filled by a vote of the  
17 remaining delegates representing the district in which such vacancy  
18 occurs. If such vacancy occurs in the office of a delegate-at-large,  
19 such vacancy shall be filled by a vote of the remaining delegates-at-  
20 large. Any proposed constitution or constitutional amendment which shall  
21 have been adopted by such convention, shall be submitted to a vote of  
22 the electors of the state at the time and in the manner provided by such  
23 convention, at an election which shall be held not less than six weeks  
24 after the adjournment of such convention. Upon the approval of such  
25 constitution or constitutional amendments, in the manner provided in the  
26 last preceding section, such constitution or constitutional amendment,  
27 shall go into effect on the first day of January next after such  
28 approval.

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