

STATE OF NEW YORK

1459

2017-2018 Regular Sessions

IN SENATE

January 9, 2017

Introduced by Sens. AVELLA, PERALTA -- read twice and ordered printed,
and when printed to be committed 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 recall

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

ARTICLE XX

5 Section 1. Recall is the power of the electors to remove an elective
6 officer.

7 § 2. 1. Recall of a state officer or of citywide official in a first
8 class city is initiated by delivering to the secretary of state a peti-
9 tion alleging reason for recall. Sufficiency of reason is not review-
10 able. Proponents have one hundred sixty days to file signed petitions.

11 2. A petition to recall a statewide officer must be signed by electors
12 equal in number to twelve percent of the last vote for the office, with
13 signatures from each of five counties equal in number to one percent of
14 the last vote for the office in the county. Signatures to recall
15 senators, members of the assembly, and judges of supreme courts and
16 trial courts must equal in number twenty percent of the last vote for
17 the office.

18 3. A petition to recall a citywide official in a first class city must
19 be signed by electors equal in number to twenty percent of the last vote
20 for the office.

21 4. The secretary of state shall maintain a continuous count of the
22 signatures certified to that office.

23 § 3. 1. An election to determine whether to recall an officer and, if
24 appropriate, to elect a successor shall be called by the governor and
25 held not less than sixty days nor more than eighty days from the date of
26 certification of sufficient signatures.

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

LBD89014-01-7

1 2. A recall election may be conducted within one hundred eighty days
2 from the date of certification of sufficient signatures in order that
3 the election may be consolidated with the next regularly scheduled
4 election occurring wholly or partially within the same jurisdiction in
5 which the recall election is held, if the number of voters eligible to
6 vote at that next regularly scheduled election equal at least fifty
7 percent of all the voters eligible to vote at the recall election.

8 3. If the majority vote on the question is to recall, the officer is
9 removed and, if there is a candidate, the candidate who receives a
10 plurality is the successor. The officer may not be a candidate, nor
11 shall there be any candidacy for an office filed pursuant to section two
12 of article six.

13 § 4. The legislature shall provide for circulation, filing, and
14 certification of petitions, nomination of candidates, and the recall
15 election.

16 § 5. If recall of the governor or secretary of state is initiated, the
17 recall duties of that office shall be performed by the lieutenant gover-
18 nor or comptroller, respectively.

19 § 6. A state officer or citywide official in a first class city who is
20 not recalled shall be reimbursed by the state or respective city for the
21 officer's recall election expenses legally and personally incurred.
22 Another recall may not be initiated against the officer until six months
23 after the election.

24 § 7. The legislature shall provide for recall of local officers. This
25 section does not affect counties and cities whose charters provide for
26 recall.

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