

# STATE OF NEW YORK

5938

2019-2020 Regular Sessions

## IN ASSEMBLY

February 20, 2019

Introduced by M. of A. JOHNS, LAWRENCE, RAIA, DiPIETRO, FINCH, BLANKEN-  
BUSH, CROUCH, LALOR, FRIEND, MONTESANO, GIGLIO, MORINELLO, GOODELL,  
WALSH, BRABENEC, B. MILLER, PALUMBO, McDONOUGH, FITZPATRICK, STEC,  
KOLB, BYRNE, PALMESANO, M. L. MILLER, RA -- Multi-Sponsored by -- M.  
of A. HAWLEY, THIELE -- 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

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:

#### ARTICLE XX

#### INITIATIVE

6 Section 1. 1. The initiative is the power of the electors to propose  
7 statutes and amendments to the constitution and to adopt or reject them.

8 2. An initiative measure may be proposed by presenting to the secre-  
9 tary of state a petition that sets forth the text of the proposed stat-  
10 ute or amendment to the constitution having statewide significance and  
11 is certified to have been signed by fifty thousand electors, twenty-five  
12 thousand of which shall be from electors residing outside of a city with  
13 a population of one million or more. Such signatures shall be collected  
14 in the first two months after the last day of session. In the event that  
15 there are more than three proposed initiatives, only the three initi-  
16 atives which are supported by the largest amounts of signatures shall be  
17 submitted to the electors.

18 3. The proposed statute or amendment to the constitution shall have  
19 been previously introduced during a legislative session of the state.

20 4. The secretary of state shall then submit the measure at the next  
21 general election held at least one hundred thirty-one days after it  
22 qualifies or at any special statewide election held prior to that gener-

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

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1 al election. The governor may call a special statewide election for the  
2 measure.

3 5. An initiative measure embracing more than one subject may not be  
4 submitted to the electors or have any effect.

5 6. An initiative measure shall not include or exclude any political  
6 subdivision of the state from the application or effect of its  
7 provisions based upon approval or disapproval of the initiative measure,  
8 or based upon the casting of a specified percentage of votes in favor of  
9 the measure, by the electors of that political subdivision.

10 7. An initiative measure shall not contain alternative or cumulative  
11 provisions wherein one or more of those provisions would become law  
12 depending upon the casting of a specified percentage of votes for or  
13 against the measure.

14 § 2. 1. An initiative statute approved by a majority of votes thereon  
15 takes effect the day after the election unless the measure provides  
16 otherwise.

17 2. If provisions of two or more measures approved at the same election  
18 conflict, those of the measure receiving the highest affirmative vote  
19 shall prevail.

20 3. The legislature may amend or repeal an initiative statute by another  
21 statute that becomes effective only when approved by the electors  
22 unless the initiative statute permits amendment or repeal without their  
23 approval.

24 4. Prior to circulation of an initiative petition for signatures, a  
25 copy shall be submitted to the attorney general who shall prepare a  
26 legislative bill draft of the measure.

27 5. The legislature shall provide the manner in which petitions shall  
28 be circulated, presented, and certified, and measures submitted to the  
29 electors.

30 § 3. At the end of each legislative session, any legislative bills  
31 from either the senate or the assembly that have not been passed in  
32 either house shall be eligible for referendum consideration.

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