

STATE OF NEW YORK

6469

2021-2022 Regular Sessions

IN ASSEMBLY

March 17, 2021

Introduced by M. of A. SMULLEN, TAGUE -- 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 recall

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

RECALL

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

8 § 2. 1. Recall of a state officer is initiated by delivering to the
9 secretary of state a petition alleging reason for recall. Sufficiency of
10 reason is not reviewable. Proponents have one hundred sixty days to file
11 signed petitions.

12 2. A petition to recall a statewide officer must be signed by electors
13 equal in number to twelve percent of the last vote for the office, with
14 signatures from each of five counties equal in number to one percent of
15 the last vote for the office in the county.

16 3. The secretary of state shall maintain a continuous count of the
17 signatures certified to that office.

18 § 3. 1. An election to determine whether to recall an officer and, if
19 appropriate, to elect a successor shall be called by the governor and
20 held not less than sixty days nor more than eighty days from the date of
21 certification of sufficient signatures.

22 2. A recall election may be conducted within one hundred eighty days
23 from the date of certification of sufficient signatures in order that
24 the election may be consolidated with the next regularly scheduled
25 election occurring wholly or partially within the same jurisdiction in
26 which the recall election is held, if the number of voters eligible to

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

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1 vote at that next regularly scheduled election equal at least fifty
2 percent of all the voters eligible to vote at the recall election.

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

8 § 4. The legislature shall provide for circulation, filing, and
9 certification of petitions, nomination of candidates, and the recall
10 election.

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

14 § 6. A state officer who is not recalled shall be reimbursed by the
15 state for the officer's recall election expenses legally and personally
16 incurred. Another recall may not be initiated against the officer until
17 six months after the election.

18 § 7. The legislature shall provide for recall of local officers. This
19 section does not affect counties and cities whose charters provide for
20 recall.

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