STATE OF NEW YORK

7118

2021-2022 Regular Sessions

IN ASSEMBLY

April 22, 2021

Introduced by M. of A. TAGUE -- read once and referred to the Committee on Election Law

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 a statewide elective officer

Section 1. Resolved (if the Senate concur), That article 20 of the constitution 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 a statewide elective officer. These include the offices of governor, lieutenant governor, comptroller, and attorney general.

§ 2. (a) Recall of a statewide officer is initiated by a registered voter filing an affidavit with the state board of elections of his or her intent to initiate a recall of a statewide officer. Intent to initiate a recall shall include a reason for recall. Sufficiency of reason is not reviewable. Proponents have one hundred twenty days from the filing of the affidavit of intent to file sufficient petitions. The affidavit may be filed no sooner than six months after the beginning of the term of office.

(b) A petition to recall a statewide officer shall be sufficient when signed by registered voters equal in number to at least twelve percent of the total vote for the office in the previous election, with at least two thousand signatures from each of the state's congressional districts. Sufficient petitions shall be certified by the state board of elections.

(c) The state board of elections shall maintain a continuous count of the signatures certified to that office.

§ 3. (a) An election to determine whether to recall a statewide officer and, if necessary, to elect a successor shall be called by the

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

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governor and held not less than seventy days nor more than eighty days from the date of certification of sufficient signatures.

(b) Notwithstanding subdivision (a) of this section, a recall election may be conducted within one hundred eighty days from the date of certification of sufficient signatures in order that the election may be consolidated with the next general election.

(c) If the majority of voters vote in favor of recall, the statewide officer is removed, and, if there is a candidate, the candidate who receives a plurality is the successor. The statewide officer being recalled may not be a candidate.

§ 4. If recall of the governor is initiated, the recall duties of that office shall be performed by the lieutenant governor.

§ 5. The legislature shall provide for circulation, filing, and certification of petitions, nomination of candidates, and the recall election.

§ 6. A statewide 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 statewide officer until six months after the recall.

§ 7. Costs incurred by county boards of elections for operating the recall election shall be reimbursed through the general fund of New York state.

§ 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.