STATE OF NEW YORK

1309

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

Introduced by Sen. ORTT -- 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 the recall of a district attorney

Section 1. Resolved (if the Assembly 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 of a District Attorney

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

§ 2. 1. Recall of a district attorney is initiated by delivering to the state board of elections a petition alleging reason for recall. Sufficiency of reason is not reviewable. Proponents have one hundred sixty days to file signed petitions.

2. A petition to recall a district attorney must be signed by electors within the county the district attorney shall have been elected or appointed equal in number to twenty percent of the last vote for the office.

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

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

2. 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 regularly scheduled election occurring wholly or partially within the same jurisdiction in 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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vote at that next regularly scheduled election equal at least fifty percent of all the voters eligible to vote at the recall election.

3. If the majority vote on the question is to recall, the district attorney is removed and, if there is a candidate, the candidate who receives a plurality is the successor. The district attorney may not be a candidate.

§ 4. A district attorney who is not recalled shall be reimbursed by the state for the district attorney's recall election expenses legally and personally incurred. Another recall may not be initiated against the district attorney until six months after the election.

§ 2. Resolved (if the Assembly 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.