

STATE OF NEW YORK

4239

2025-2026 Regular Sessions

IN ASSEMBLY

January 31, 2025

Introduced by M. of A. JENSEN -- read once and referred to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to the constitution, in relation to providing the electors with the power of initiative and referendum

Section 1. Resolved (if the Senate concur), That section 13 of article 3 of the constitution be amended to read as follows:

§ 13. The enacting clause of all bills shall be "The People of the State of New York, represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill; except as otherwise provided in article twenty of this constitution.

§ 2. Resolved (if the Senate concur), That the opening paragraph of section 14 of article 3 of the constitution be amended to read as follows:

a. No bill shall be passed or become a law unless it shall have been printed and upon the desks of the members, in its final form, at least three calendar legislative days prior to its final passage, unless the governor, or the acting governor, shall have certified, under ~~his or her~~ their hand and the seal of the state, the facts which in ~~his or her~~ their opinion ~~necessitate~~ necessitates an immediate vote thereon, in which case it must nevertheless be upon the desks of the members in final form, not necessarily printed, before its final passage; nor shall any bill be passed or become a law, except by the assent of a majority of the members elected to each branch of the legislature; and upon the last reading of a bill, no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the ayes and nays entered on the journal.

b. This section shall not apply to any initiative or referendum that is subject to the provisions of article twenty of this constitution.

§ 3. Resolved (if the Senate concur), That section 1 of article 19 of the constitution be amended to read as follows:

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

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1 Section 1. a. Any amendment or amendments to this constitution may be
2 proposed in the senate and assembly whereupon such amendment or amend-
3 ments shall be referred to the attorney-general whose duty it shall be
4 within twenty days thereafter to render an opinion in writing to the
5 senate and assembly as to the effect of such amendment or amendments
6 upon other provisions of the constitution. Upon receiving such opinion,
7 if the amendment or amendments as proposed or as amended shall be agreed
8 to by a majority of the members elected to each of the two houses, such
9 proposed amendment or amendments shall be entered on their journals, and
10 the ayes and noes taken thereon, and referred to the next regular legis-
11 lative session convening after the succeeding general election of
12 members of the assembly, and shall be published for three months previ-
13 ous to the time of making such choice; and if in such legislative
14 session, such proposed amendment or amendments shall be agreed to by a
15 majority of all the members elected to each house, then it shall be the
16 duty of the legislature to submit each proposed amendment or amendments
17 to the people for approval in such manner and at such times as the
18 legislature shall prescribe; and if the people shall approve and ratify
19 such amendment or amendments by a majority of the electors voting there-
20 on, such amendment or amendments shall become a part of the constitution
21 on the first day of January next after such approval. Neither the fail-
22 ure of the attorney-general to render an opinion concerning such a
23 proposed amendment nor ~~[his or her]~~ their failure to do so timely shall
24 affect ~~[th]~~ the validity of such proposed amendment or legislative
25 action thereon.

26 b. This section shall not apply to an amendment by initiative subject
27 to the provisions of article twenty of this constitution.

28 § 4. Resolved (if the Senate concur), That section 16 of article 3 of
29 the constitution be amended to read as follows:

30 § 16. a. No act shall be passed which shall provide that any existing
31 law, or any part thereof, shall be made or deemed a part of said act, or
32 which shall enact that any existing law, or part thereof, shall be
33 applicable, except by inserting it in such act.

34 b. This section shall not apply to any initiative or referendum
35 subject to the provisions of article twenty of this constitution.

36 § 5. Resolved (if the Senate concur), That section 7 of article 4 of
37 the constitution be amended to read as follows:

38 § 7. a. Every bill which shall have passed the senate and assembly
39 shall, before it becomes a law, be presented to the governor; if the
40 governor approve, ~~[he or she]~~ they shall sign it; but if not, ~~[he or~~
41 ~~she]~~ they shall return it with ~~[his or her]~~ their objections to the
42 house in which it shall have originated, which shall enter the
43 objections at large on the journal, and proceed to reconsider it. If
44 after such reconsideration, two-thirds of the members elected to that
45 house shall agree to pass the bill, it shall be sent together with the
46 objections, to the other house, by which it shall likewise be reconsid-
47 ered; and if approved by two-thirds of the members elected to that
48 house, it shall become a law notwithstanding the objections of the
49 governor. In all such cases the votes in both houses shall be determined
50 by yeas and nays, and the names of the members voting shall be entered
51 on the journal of each house respectively. If any bill shall not be
52 returned by the governor within ten days (Sundays excepted) after it
53 shall have been presented to ~~[him or her]~~ them, the same shall be a law
54 in like manner as if ~~[he or she]~~ they had signed it, unless the legisla-
55 ture shall, by their adjournment, prevent its return, in which case it
56 shall not become a law without the approval of the governor. No bill

1 shall become a law after the final adjournment of the legislature,
2 unless approved by the governor within thirty days after such adjourn-
3 ment. If any bill presented to the governor contain several items of
4 appropriation of money, the governor may object to one or more of such
5 items while approving of the other portion of the bill. In such case the
6 governor shall append to the bill, at the time of signing it, a state-
7 ment of the items to which ~~[he or she objects]~~ they object; and the
8 appropriation so objected to shall not take effect. If the legislature
9 be in session, ~~[he or she]~~ they shall transmit to the house in which the
10 bill originated a copy of such statement, and the items objected to
11 shall be separately reconsidered. If on reconsideration one or more of
12 such items be approved by two-thirds of the members elected to each
13 house, the same shall be part of the law, notwithstanding the objections
14 of the governor. All the provisions of this section, in relation to
15 bills not approved by the governor, shall apply in cases in which ~~[he or~~
16 ~~she]~~ they shall withhold approval from any item or items contained in a
17 bill appropriating money.

18 b. This section shall not apply to any initiative or referendum that
19 is subject to the provisions of article twenty of this constitution.

20 § 6. Resolved (if the Senate concur), That article 20 of the constitu-
21 tion be renumbered article 21 and a new article 20 be added to read as
22 follows:

23 ARTICLE XX
24 Initiative and Referendum

25 Section 1. Notwithstanding any other provision of this constitution,
26 the People reserve to themselves the power to propose laws and to
27 propose amendments to the constitution, and to adopt or reject the same,
28 at the polls, independent of the legislature, and also reserve the
29 power, at their own option, to so adopt or reject any act, or section or
30 part of any act, passed by the legislature.

31 § 2. As used in this article: a. Initiative is the power of the elec-
32 tors to propose amendments to the constitution and to propose statutes;
33 and

34 b. Referendum is the power of the electors to approve or reject stat-
35 utes or parts of statutes.

36 § 3. Initiative may be used for any measure embracing a single object
37 or purpose, except the following: calling elections; appropriating
38 funds, except for an initiative proposing an appropriation for a single
39 object or purpose; naming any individuals to hold any office; or naming
40 or identifying any private corporation or other private entity to
41 perform any function or to have any power or duty. Such measures may not
42 be submitted to the electors and shall not have the force and effect of
43 law.

44 § 4. An initiative or referendum measure may be proposed by presenting
45 to the state board of elections a petition that sets forth the text of
46 the proposed statute, constitutional amendment or referendum and that
47 has been signed by electors equal in number to at least five percent of
48 the votes cast for all candidates for governor at the last gubernatorial
49 election. Such signatures must include at least five thousand signatures
50 from each of at least three-fifths of the congressional districts of the
51 state.

52 § 5. a. Petitions for an initiative or referendum measure shall be in
53 substantially the same form as prescribed by the election law for inde-
54 pendent nominating petitions, and shall be circulated and presented in
55 the manner prescribed by such law, except that the petition shall state

1 that the registered voter desires to have the specific initiative or
2 referendum question noted on the petition placed on the ballot instead
3 of a candidate.

4 b. Petitions shall be submitted to the state board of elections. A
5 signature made earlier than one year prior to the next general election
6 shall not be counted. Challenges to such petitions shall be resolved by
7 the state board of elections, subject to judicial review as provided for
8 by law. No challenge to an initiative or referendum may be filed more
9 than ten days after submission of petitions to the state board of
10 elections, and any such challenge shall be finally resolved by the state
11 board of elections within ten days of its filing.

12 c. Measures proposing or rejecting statutes shall be placed on the
13 ballot by the state board of elections at the next general election held
14 at least ninety days after such measure is submitted. Measures propos-
15 ing amendments to the constitution shall be placed on the ballot by the
16 state board of elections at the next general election in which there are
17 candidates for the office of member of the senate or assembly held at
18 least ninety days after the measure is submitted to the state board of
19 elections and at the next such general election.

20 § 6. a. Prior to the circulation of an initiative or referendum peti-
21 tion for signatures, a copy shall be submitted to the attorney general
22 of the state of New York who shall prepare a title and summary, not to
23 exceed one hundred words, which shall appear on the petition and on the
24 ballot for each initiative or referendum and which shall give no indi-
25 cation of support or opposition to such measure, within twenty days
26 after such measure is submitted to them.

27 b. A copy of such initiative or referendum petition shall also be
28 submitted to the New York state legislative bill drafting commission or
29 its successor prior to circulation for signatures. Such commission shall
30 render technical comments on the form of the proposed measure, with no
31 indication of support or opposition, to the proponents of such measure
32 within twenty days of submission.

33 c. No action or inaction by the attorney general or the failure of the
34 legislative bill drafting commission or its successor to provide
35 comments with respect to an initiative or referendum petition, or to
36 timely do so, shall affect the validity of such initiative or referendum
37 petition or the action of the electors thereon.

38 d. Any action or proceeding in which any question arises as to the
39 validity of an initiative or referendum measure, whether an initiative
40 or referendum measure should appear on the ballot or which challenges
41 the title and summary of such measure prepared by the attorney general
42 as failing to accurately describe such measure, shall be heard in the
43 supreme court of the state and preferred over all other civil causes in
44 all courts of the state and shall be heard and determined in preference
45 to all other civil business pending therein. No action or proceeding
46 challenging whether an initiative or referendum measure may appear on
47 the ballot or which challenges any action or inaction by the attorney
48 general respecting the title or summary of such measure may be brought
49 more than fourteen days after action by the attorney general pursuant to
50 subdivision a of this section or, if the attorney general fails to act,
51 then no later than fourteen days after the deadline for such action
52 pursuant to such subdivision a.

53 § 7. Except to the extent required by section eight of this article, a
54 maximum of four discrete initiative measures, or four discrete referen-
55 dum measures, or any combination of discrete initiative measures or
56 referendum measures not to exceed a total of four may be submitted to

1 the electors at any one general election. If more than four measures
2 qualify, those initiative measures and referenda measures submitted to
3 the state board of elections earliest in time shall be placed on the
4 ballot.

5 § 8. Any initiative or referendum not placed on a ballot because of
6 the provisions of section seven of this article shall automatically be
7 placed on the ballot for the next general election, notwithstanding the
8 provisions of section seven of this article.

9 § 9. a. To be enacted, an initiative or referendum measure proposing
10 or rejecting a statute must be approved by a majority of the electors of
11 the state voting on the measure state-wide. An initiative or referendum
12 measure that has been approved shall take effect on the first day of
13 January of the year next succeeding its passage unless the measure
14 expressly provides otherwise. If a referendum petition is approved
15 repealing a part of a statute, the remainder of the statute shall not be
16 delayed from going into effect.

17 b. A measure amending the constitution must be approved by a majority
18 of the electors of the state voting on the measure in two successive
19 elections in which there are candidates for state senate or state assem-
20 bly on the ballot. Such measure shall take effect on the first day of
21 January of the year next succeeding its second approval unless the meas-
22 ure expressly provides otherwise.

23 c. If provisions of two or more measures approved at the same election
24 conflict, those of the measure receiving the highest number of affirma-
25 tive votes shall prevail.

26 d. A referendum measure rejecting all or part of a statute cannot be
27 repealed, amended or otherwise reconsidered by the legislature for a
28 period of two years. A measure adopted through initiative cannot be
29 repealed, amended or otherwise reconsidered by the legislature for a
30 period of two years. After two years no law to amend, repeal or other-
31 wise reconsider a measure adopted by initiative or referendum shall take
32 effect until it shall, at a general election, have been submitted to the
33 people, and have received a majority of all the votes cast for and
34 against it at such election, nor shall it be so submitted to the people
35 within three months after its passage.

36 e. Any referendum or initiative adopted by the voters may be repealed,
37 amended, or otherwise reconsidered by the people at any time through the
38 process established by this article for initiative or referendum meas-
39 ures.

40 § 10. Initiative and referendum in cities, towns, villages and coun-
41 ties. a. Initiative and referendum powers are reserved for every city,
42 town, village and county in the state as to all local matters that such
43 municipality is or shall be empowered to act pursuant to article nine of
44 this constitution.

45 b. Initiative and referendum in cities, towns, villages and counties
46 shall be conducted in accordance with the provisions of this article;
47 provided, however, that:

48 (i) signatures of registered electors of such municipality equal in
49 number to at least thirty thousand or five percent of the votes cast in
50 such city, town, village or county for all candidates for governor at
51 the last gubernatorial election, whichever is less, shall be required to
52 propose any measure by initiative and referendum;

53 (ii) the affirmative vote of the majority of electors of the munic-
54 ipality voting on the measure shall be required to enact such measure;

1 (iii) petitions shall be submitted to the county board of elections
2 which shall have the powers conferred and the duties imposed on the
3 state board of elections by this article; and

4 (iv) the provisions of subdivision b of section six of this article
5 shall not be applicable.

6 § 11. This article of the constitution shall be in all respects self-
7 executing, except that the manner and method of exercising the power of
8 initiative and referendum may be prescribed pursuant to law, consistent
9 with and limited by the provisions of this article.

10 § 7. Resolved (if the Senate concur), That the foregoing amendments be
11 referred to the first regular legislative session convening after the
12 next succeeding general election of members of the assembly, and, in
13 conformity with section 1 of article 19 of the constitution, be
14 published for 3 months previous to the time of such election.