

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS HARDWICK, MILLS, WALTER, RATH, DIXON and FUDOLI**

**Re: Calling upon New York State to approve A. 1262 and S. 4379, the "People's Convention to Reform New York Act"**

WHEREAS, our New York State Constitution was originally meant to be a vibrant, living and breathing document, reflective of the times in which we live that holds up to the political dynamic of the day; and

WHEREAS, our current state Constitution was adopted 115 years ago in 1894 and modified at a constitutional convention in 1938 and at various other times by legislative action; and

WHEREAS, our state, our nation and the world have changed dramatically in the past seventy-three years as the information age has transformed communications, business and government in ways that could not even have been imagined when our state constitution was adopted; and

WHEREAS, recent events in state government involving gubernatorial succession, legislative stalemates and appointments to statewide elected offices have exposed flaws and weaknesses in our current constitution on these issues; and

WHEREAS, families and businesses have been forced to cut back, while New York State government continues to spend beyond its means and force unfunded mandates on already overburdened local governments and taxpayers; and

WHEREAS, in the face of the most challenging economic environment since the Great Depression, many people have little confidence that the state government, as currently structured, is responsive to their wants, needs, or principal concerns; and

WHEREAS, many people in New York have expressed their desire to hold a "People's Convention" to reform State government, as evidenced by recent Quinnipiac University and Siena College Research polls, showing more than 60 percent of voters supporting a People's Convention to Reform New York; and

WHEREAS, the people must act now to thwart the dysfunction in Albany, and convene a People's Convention to take New York State government back; and

WHEREAS, members of the state Legislature have introduced A. 1262 and S. 4379, "The People's Convention to Reform New York Act," which grants the people the opportunity to hold a constitutional convention, establishes a procedure for the non-partisan election of delegates, restricts political parties, campaign committees and special interests' influence over delegates, and requires state or local elected officials or officers or party officials to vacate their post upon being elected as a delegate; and

WHEREAS, while the Constitution empowers the elected delegates to set the convention agenda for “The People’s Convention to Reform New York”, we ask that the delegates consider government reforms such as a state spending cap and property tax cap, restrictions on unfunded mandates, debt reform, an absolute ban on backdoor borrowing, public authorities reform, a clear line of succession to the governorship and lieutenant governorship, recall of elected officials and elections to fill elected state office vacancies.

NOW, THEREFORE, BE IT

RESOLVED, that this Legislative Body pause in its deliberations to acknowledge the need for true state government reform and urge the immediate passage and chaptering of the “People’s Convention to Reform New York Act”, which will allow for the creation of a more accountable and responsive state government by the people to serve the people; and be it further

RESOLVED, that a copy of this Resolution be sent to the Governor of the State of New York, the Temporary President and Majority Leader of the New York State Senate, the Speaker of the New York State Assembly, the Minority Leaders of the Assembly and Senate and to the local delegation of the New York State Legislature.

FISCAL IMPACT: None.

## STATE OF NEW YORK

1262

2011-2012 Regular Sessions

IN ASSEMBLY

(PREFILED)

January 5, 2011

Introduced by M. of A. KOLB, FINCH, SCHROEDER, TOBACCO, J. MILLER, CONTE, AMEDORE, CORWIN, REILICH, BURLING, OAKS, SAYWARD, GIGLIO, MOLINARO, DUPREY, P. LOPEZ, CALHOUN, HAWLEY, RAIA, CASTELLI, MURRAY -- Multi-Sponsored by -- M. of A. BARCLAY, BOYLE, BUTLER, CROUCH, JORDAN, TEDISCO -- read once and referred to the Committee on Judiciary

AN ACT to amend the election law and the public officers law, in relation to providing for the submission to the people of a proposition or question to convene a constitutional convention

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "People's Convention to Reform New York Act".  
3 S 2. Legislative findings and declaration. The legislature hereby  
4 finds that New York state has held nine constitutional conventions in  
5 its history; the most recent of which was held in 1967, more than forty  
6 years ago. The revised constitution proposed by that convention was  
7 overwhelmingly defeated at the polls. The next most recent constitu-  
8 tional convention was held in 1938 and the constitutional amendments  
9 proposed by that convention were largely supported by the electorate.  
10 Between the 1938 and 1967 conventions, the legislature amended the  
11 constitution some 93 times. While amendments proposed by the legislature  
12 must be ratified by the electorate, it is only at constitutional  
13 conventions that ordinary citizens have the opportunity to reconsider  
14 the fundamental structure of state government and to assess its effec-  
15 tiveness in light of the current social, economic and political condi-  
16 tions of the day. In providing for periodic constitutional conventions,  
17 the framers of our current document acknowledged the need to have a  
18 dynamic, living and breathing statement of how government should operate  
19 and what limits or controls it should have on our individual pursuit of  
20 life, liberty and happiness.

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

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1 Much has changed in our state, our nation and the world in the forty  
2 years since our last constitutional convention. The information age has  
3 transformed the way the world communicates and does business and how  
4 governments interact with their citizens. The world has effectively  
5 grown much smaller, our populations are more mobile and we are truly  
6 part of a global economy. To make our state and its communities attrac-  
7 tive places to live, work and raise families, they must be able to

8 compete in this new environment. To ensure the long term fiscal stability  
 9 ty of our state and local governments and the affordability of such  
 10 governments for its citizens, provisions for constitutional caps on  
 11 state spending and local real property taxes must be addressed, the  
 12 requirement of a two-thirds vote for tax increase legislation and  
 13 restrictions on the state's ability to impose unfunded mandates on local  
 14 governments must be imposed, real debt reform and an absolute ban on  
 15 back door borrowing must become a reality. The convention must also  
 16 address the proper role of public authorities, particularly those that  
 17 operate public transit systems, to ensure that they are accountable to  
 18 the other branches of government and to the people they serve.

19 The constitutional provisions that have governed the workings of the  
 20 legislature and the succession to the governorship do not adequately  
 21 protect the interests of the people and our government institutions. The  
 22 ambiguity of those constitutional provisions and uncertainty over their  
 23 consistency with other law has contributed to a leadership crisis, political  
 24 turmoil, litigation and, most important, an inability to address  
 25 issues and processes that fundamentally impact our state's ability to  
 26 meet the needs of its citizens. The constitution needs to be clear and  
 27 unambiguous on these matters. Mechanisms need to be put in place so that  
 28 tie votes on leadership issues in the legislature do not paralyze state  
 29 government. Clear procedures on succession to the governorship are  
 30 necessary to ensure the orderly transition of power in times of crisis.  
 31 The voters of the state should have a role in the filling of a vacancy  
 32 in the offices of attorney general, comptroller or United States  
 33 senator. To ensure a truly dynamic legislature that is more likely to  
 34 change with our ever more rapidly changing economic, social and political  
 35 environment, we should limit the terms of our legislative leaders  
 36 and to ensure that the voices of the citizens of the state are not  
 37 drowned out by those of special interests, meaningful campaign finance  
 38 reform is necessary. Despite statutory changes, our budget process still  
 39 lacks meaningful participation by rank and file legislators and the  
 40 public. The members of a constitutional convention should make a clear  
 41 statement as to whether members of the legislature must actually live in  
 42 the districts from which they are elected. We must afford the public an  
 43 opportunity to decide whether processes available to citizens of other  
 44 states - recall and initiative and referendum are desirable in New York.  
 45 To ensure competitive elections and truly representative government,  
 46 non-partisan redistricting of legislative districts must be required.

47 Fundamental reform of governmental institutions and processes is now  
 48 required. The last two constitutional conventions were dominated by the  
 49 politically connected (two-thirds of the delegates to the 1938 convention  
 50 and about 83% of the 1967 delegates were present or former elected  
 51 or party officials). To ensure the success of this constitutional  
 52 convention and future conventions, we must limit the participation of  
 53 elected and party officials so that the conventions can be "People's  
 54 Conventions" and so the voices of all New Yorkers, not just those of  
 55 special interests, can be heard.

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1 The legislature further finds and declares, in furtherance of estab-  
 2 lishing a meaningful convention process, that:

3 (a) delegates to the convention should be involved and concerned citi-  
 4 zens and not elected officials, lobbyists, or party chairmen;

5 (b) prior to the convening of the convention, and solely as an aid to  
 6 delegates, there should be appointed a preparatory commission with  
 7 adequate time to study the issues, establish a proposed initial agenda  
 8 and procedures, and prepare position papers, with ongoing information to  
 9 and participation of the public;

10 (c) insofar as possible, procedures should be established in both the

11 selection of delegates and in the running of the convention that will  
12 reduce partisanship; and

13 (d) reasonable time limits should be placed on the length of the  
14 convention and its costs, so as to assure that the operations of the  
15 convention are not a burden on taxpayers, and that the convention may  
16 enjoy maximum citizen participation.

17 Calling a constitutional convention subject to section 2 of article  
18 XIX of the New York state constitution for the consideration of the  
19 issues outlined above and all other issues that the delegates may deem  
20 appropriate and in need of address to achieve the enumerated structural  
21 and procedural reforms of government and its institutions is required.

22 To that end, and consistent with the statutory reforms of the delegate  
23 selection process now being considered, we hereby find and declare that  
24 the creation of a state government able to effectively exercise the  
25 power and responsibilities given to it by a sovereign and free people  
26 should be convened by a vote by that same people.

27 S 3. Pursuant to the provisions of section 2 of article XIX of the New  
28 York state constitution, the question "Shall there be a convention to  
29 revise the constitution and amend the same?" shall be submitted to and  
30 decided by the people of the state at the general election to be held in  
31 the next succeeding November after the effective date of this act.

32 S 4. If the question stated in section three of this act is answered  
33 in the affirmative by a majority of all votes cast for and against it,  
34 deciding in favor of a convention for such purpose, the procedures and  
35 provisions of section 2 of article XIX of the New York state constitu-  
36 tion shall apply and be implemented.

37 S 5. Section 1-104 of the election law is amended by adding a new  
38 subdivision 38 to read as follows:

39 38. THE TERM "NONPARTISAN ELECTION" MEANS A PRIMARY, GENERAL OR  
40 SPECIAL ELECTION IN WHICH CANDIDATES SHALL RUN WITHOUT PARTY LABEL, AND  
41 POLITICAL PARTIES ARE PROHIBITED FROM DESIGNATING OR NOMINATING CANDI-  
42 DATES.

43 S 6. The election law is amended by adding a new section 2-128 to read  
44 as follows:

45 S 2-128. ELECTION OF PARTY COMMITTEE OFFICERS AS DELEGATES TO STATE  
46 CONSTITUTIONAL CONVENTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
47 IN THE EVENT THAT A PERSON SERVING AS CHAIRMAN, SECRETARY, OR TREASURER  
48 OF A STATE OR COUNTY COMMITTEE OF A POLITICAL PARTY IS ELECTED TO AND  
49 SWORN AS A DELEGATE TO A STATE CONSTITUTIONAL CONVENTION, SUCH PERSON  
50 SHALL BE DEEMED TO HAVE RESIGNED FROM HIS OR HER POLITICAL PARTY POSI-  
51 TION AND THE PROVISIONS OF THIS ARTICLE FOR THE FILLING OF VACANCIES IN  
52 SUCH POSITION SHALL APPLY.

53 S 7. The election law is amended by adding a new section 6-125 to read  
54 as follows:

55 S 6-125. NONPARTISAN ELECTIONS OF DELEGATES TO A CONSTITUTIONAL  
56 CONVENTION. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PRIMARY  
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1 ELECTIONS AND GENERAL ELECTIONS FOR DELEGATES TO A CONSTITUTIONAL  
2 CONVENTION PURSUANT TO ARTICLE XIX OF THE NEW YORK STATE CONSTITUTION  
3 SHALL BE CONDUCTED AS NONPARTISAN ELECTIONS.

4 2. DESIGNATIONS FOR NOMINATION AT A NONPARTISAN PRIMARY FOR DELEGATES  
5 TO A CONSTITUTIONAL CONVENTION SHALL BE MADE IN THE SAME MANNER AS  
6 CURRENTLY PROVIDED FOR INDEPENDENT DESIGNATING PETITIONS. ALL ENROLLED  
7 VOTERS SHALL BE QUALIFIED TO SIGN NONPARTISAN DESIGNATING PETITIONS.

8 3. NOTWITHSTANDING THE PROVISIONS OF SECTION 6-136 OF THIS ARTICLE OR  
9 ANY OTHER PROVISION OF LAW, ALL PETITIONS FOR THE DESIGNATION FOR NOMI-  
10 NATION OF A CONSTITUTIONAL CONVENTION DELEGATE FROM A SENATE DISTRICT  
11 MUST BE SIGNED BY NOT LESS THAN ONE THOUSAND ENROLLED VOTERS OF SUCH  
12 SENATE DISTRICT AND ALL PETITIONS FOR THE DESIGNATION FOR NOMINATION OF

13 A STATEWIDE, AT-LARGE CONSTITUTIONAL CONVENTION DELEGATE MUST BE SIGNED  
 14 BY NOT LESS THAN TEN THOUSAND ENROLLED VOTERS OF THE STATE, OF WHOM NOT  
 15 LESS THAN ONE HUNDRED MUST RESIDE IN EACH OF TEN OF THE CONGRESSIONAL  
 16 DISTRICTS OF THE STATE.

17 4. THE FORM OF THE DESIGNATING PETITION USED TO MAKE A DESIGNATION IN  
 18 A NONPARTISAN PRIMARY SHALL BE SUBSTANTIALLY IN THE FORM PRESCRIBED IN  
 19 SECTION 6-132 OF THIS ARTICLE, EXCEPT THAT NO REFERENCE SHALL BE MADE TO  
 20 ANY POLITICAL PARTY THEREIN.

21 5. UNLESS OTHERWISE PROVIDED IN THIS SECTION, THE SECTIONS OF LAW  
 22 APPLICABLE TO DESIGNATING PETITIONS FOR NONPARTISAN PRIMARY ELECTIONS  
 23 SHALL BE THOSE PRESCRIBED BY THIS ARTICLE.

24 6. ALL REGISTERED VOTERS, REGARDLESS OF PARTY AFFILIATION OR LACK  
 25 THEREOF, SHALL BE PERMITTED TO VOTE IN THE NONPARTISAN PRIMARY ELECTION  
 26 FOR THE NOMINATION OF CANDIDATES FOR THE OFFICE OF DELEGATE TO THE  
 27 CONSTITUTIONAL CONVENTION. SUITABLE PROVISIONS MUST BE MADE SO THAT EACH  
 28 ELECTOR MAY VOTE FOR UP TO THREE OF ANY SENATE DISTRICT CONSTITUTIONAL  
 29 CONVENTION DELEGATE CANDIDATES AND UP TO FIFTEEN OF ANY STATEWIDE,  
 30 AT-LARGE CONSTITUTIONAL CONVENTION DELEGATE CANDIDATES.

31 7. UPON THE CANVASS OF VOTES IN A NONPARTISAN PRIMARY THE NINE CONSTI-  
 32 TUTIONAL CONVENTION DELEGATE CANDIDATES RECEIVING THE HIGHEST NUMBER OF  
 33 VOTES IN EACH SENATE DISTRICT AND THE THIRTY CANDIDATES RECEIVING THE  
 34 HIGHEST NUMBER OF VOTES AS STATEWIDE, AT-LARGE CONSTITUTIONAL CONVENTION  
 35 DELEGATES SHALL BE CERTIFIED AS NOMINATED AND SHALL RUN IN THE GENERAL  
 36 ELECTION HELD SUBSEQUENT TO THE PRIMARY WITHOUT PARTY IDENTIFICATION.

37 8. NO CANDIDATE FOR DELEGATE TO A CONSTITUTIONAL CONVENTION SHALL IN  
 38 ANY WAY USE OR ALLOW HIMSELF OR HERSELF TO BE ASSOCIATED WITH A PARTY  
 39 LABEL IN EITHER THE PRIMARY OR GENERAL ELECTION.

40 9. ONCE A PERSON ANNOUNCES HIS OR HER INTENTION TO BE A CANDIDATE FOR  
 41 ELECTION TO THE POSITION OF DELEGATE TO THE CONSTITUTIONAL CONVENTION  
 42 AND UNTIL SUCH TIME AS THAT PERSON IS NO LONGER A CANDIDATE OR UNTIL HIS  
 43 OR HER SERVICE AS A DELEGATE ENDS, WHICHEVER OCCURS LATER, SUCH CANDI-  
 44 DATE FOR DELEGATE TO A CONSTITUTIONAL CONVENTION SHALL NOT (A) PARTIC-  
 45 IPATE IN ANY PARTISAN POLITICAL PARTY ACTIVITIES, EXCEPT THAT SUCH  
 46 CANDIDATE MAY REGISTER TO VOTE AS A MEMBER OF ANY POLITICAL PARTY AND  
 47 MAY VOTE IN ANY PARTY PRIMARY FOR CANDIDATES FOR NOMINATION OF THE PARTY  
 48 IN WHICH HE OR SHE IS REGISTERED TO VOTE; (B) CAMPAIGN OR PUBLICLY  
 49 REPRESENT OR ADVERTISE HIMSELF OR HERSELF AS A MEMBER OF ANY POLITICAL  
 50 PARTY; (C) ENDORSE ANY CANDIDATE OR POLITICAL PARTY; (D) ACCEPT THE  
 51 ENDORSEMENT OF ANY POLITICAL PARTY; OR (E) SOLICIT OR ACCEPT CONTRIB-  
 52 UTIONS FROM ANY POLITICAL PARTY COMMITTEE, POLITICAL ACTION COMMITTEE OR  
 53 POLITICAL COMMITTEE PURSUANT TO SUBDIVISION ELEVEN OF SECTION 14-114 OF  
 54 THIS CHAPTER.

55 10. WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS  
 56 SECTION, THE STATE BOARD OF ELECTIONS SHALL PROMULGATE RULES AND REGU-  
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1 LATIONS CONSISTENT WITH THIS SECTION TO EFFECTUATE THE PURPOSES AND  
 2 POLICIES HEREOF.

3 S 8. Section 14-100 of the election law is amended by adding a new  
 4 subdivision 12 to read as follows:

5 12. "POLITICAL ACTION COMMITTEE" MEANS ANY COMMITTEE ESTABLISHED,  
 6 FINANCED, MAINTAINED OR CONTROLLED BY ANY PERSON, GROUP OR ENTITY FOR  
 7 THE PURPOSE OF SUPPORTING CANDIDATES FOR ELECTED POLITICAL OFFICE AND/OR  
 8 OTHER POLITICAL PARTY OR POLITICAL COMMITTEES BY MAKING CONTRIBUTIONS TO  
 9 SUCH CANDIDATES AND/OR THEIR POLITICAL CAMPAIGN COMMITTEES OR BY MAKING  
 10 CONTRIBUTIONS TO OTHER POLITICAL PARTY OR OTHER POLITICAL COMMITTEES,  
 11 AND DOES NOT MAKE DIRECT EXPENDITURES ON BEHALF OF CANDIDATES.

12 S 9. Section 14-114 of the election law is amended by adding a new  
 13 subdivision 11 to read as follows:

14 11. NO POLITICAL PARTY COMMITTEE, POLITICAL ACTION COMMITTEE OR POLI-

15 TICAL COMMITTEE SHALL CONTRIBUTE TO ANY CANDIDATE FOR DELEGATE TO A  
 16 CONSTITUTIONAL CONVENTION FOR EITHER THE PRIMARY OR GENERAL ELECTION.  
 17 NOR SHALL ANY CANDIDATE FOR DELEGATE TO A CONSTITUTIONAL CONVENTION  
 18 SOLICIT OR ACCEPT CONTRIBUTIONS FROM ANY POLITICAL PARTY COMMITTEE,  
 19 POLITICAL ACTION COMMITTEE OR POLITICAL COMMITTEE FOR EITHER THE PRIMARY  
 20 OR GENERAL ELECTION.

21 S 10. The election law is amended by adding a new article 18 to read  
 22 as follows:

23 ARTICLE 18

24 REGISTRATION AND REPORTS BY CERTAIN PERSONS PROMOTING  
 25 OR OPPOSING THE ADOPTION OF PROPOSED CONSTITUTIONAL  
 26 AMENDMENTS BY A CONSTITUTIONAL  
 27 CONVENTION

28 SECTION 18-100. REGISTRATION AND REPORTS BY CERTAIN PERSONS PROMOTING  
 29 OR OPPOSING THE ADOPTION OF PROPOSED CONSTITUTIONAL AMENDMENTS BY A  
 30 CONSTITUTIONAL CONVENTION.

31 S 18-100. REGISTRATION AND REPORTS BY CERTAIN PERSONS PROMOTING OR  
 32 OPPOSING THE ADOPTION OF PROPOSED CONSTITUTIONAL AMENDMENTS BY A CONSTI-  
 33 TUTIONAL CONVENTION. 1. EVERY PERSON RETAINED OR EMPLOYED FOR COMPEN-  
 34 SATION BY ANY PERSON, FIRM, CORPORATION OR ASSOCIATION WHO, ON BEHALF OF  
 35 SUCH PRINCIPAL OR EMPLOYER, PROMOTES OR OPPOSES DIRECTLY OR INDIRECTLY  
 36 THE ADOPTION OF A PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS BY A  
 37 CONSTITUTIONAL CONVENTION, WHETHER OR NOT HE OR SHE HAS A PERSONAL  
 38 INTEREST THEREIN, SHALL, BEFORE ANY SERVICE IS ENTERED UPON IN PROMOTING  
 39 OR OPPOSING SUCH PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS, FILE  
 40 IN THE OFFICE OF THE SECRETARY OF STATE A WRITING SUBSCRIBED BY SUCH  
 41 PERSON STATING THE NAME OR NAMES OF THE PERSON OR PERSONS, FIRM OR  
 42 FIRMS, CORPORATION OR CORPORATIONS, ASSOCIATION OR ASSOCIATIONS, BY WHOM  
 43 OR ON WHOSE BEHALF HE OR SHE IS RETAINED OR EMPLOYED, TOGETHER WITH A  
 44 BRIEF DESCRIPTION OF THE PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS  
 45 IN REFERENCE TO WHICH SUCH SERVICE IS TO BE RENDERED.

46 2. IT SHALL BE THE DUTY OF THE SECRETARY OF STATE TO PROVIDE A DOCKET  
 47 TO BE KNOWN AS THE DOCKET OF CONSTITUTIONAL CONVENTION APPEARANCES, WITH  
 48 APPROPRIATE BLANKS AND INDICES, AND TO FORTHWITH ENTER THEREIN THE NAMES  
 49 OF THE PERSONS SO RETAINED OR EMPLOYED AND OF THE PERSONS, FIRMS, CORPO-  
 50 RATIONS OR ASSOCIATIONS RETAINING OR EMPLOYING THEM, TOGETHER WITH A  
 51 BRIEF DESCRIPTION OF THE PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS  
 52 IN REFERENCE TO WHICH THE SERVICE IS TO BE RENDERED, WHICH DOCKET SHALL  
 53 BE OPEN TO PUBLIC INSPECTION.

54 3. UPON THE TERMINATION OF SUCH RETAINER OR EMPLOYMENT THE FACT OF  
 55 SUCH TERMINATION, WITH THE DATE THEREOF, SHALL BE ENTERED IN THE DOCKET  
 56 BY THE SECRETARY OF STATE UPON RECEIVING WRITTEN NOTICE TO THAT EFFECT  
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1 FROM SUCH PERSON OR FROM THE PERSON, FIRM, CORPORATION OR ASSOCIATION IN  
 2 WHOSE BEHALF SUCH SERVICE HAS BEEN RENDERED.

3 4. NO PERSON RETAINED OR EMPLOYED TO PROMOTE OR OPPOSE, DIRECTLY OR  
 4 INDIRECTLY, THE ADOPTION OF A PROPOSED CONSTITUTIONAL AMENDMENT OR  
 5 AMENDMENTS BY A CONSTITUTIONAL CONVENTION SHALL BE ELIGIBLE TO SERVE AS  
 6 A DELEGATE TO SUCH CONSTITUTIONAL CONVENTION.

7 5. NO PERSON, FIRM, CORPORATION OR ASSOCIATION SHALL RETAIN OR EMPLOY  
 8 ANY PERSON TO PROMOTE OR OPPOSE ANY PROPOSED CONSTITUTIONAL AMENDMENT OR  
 9 AMENDMENTS FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART UPON THE  
 10 ADOPTION OR DEFEAT OF ANY SUCH AMENDMENT OR AMENDMENTS BY THE CONSTITU-  
 11 TIONAL CONVENTION, AND NO PERSON SHALL ACCEPT ANY SUCH EMPLOYMENT OR  
 12 RENDER ANY SUCH SERVICE FOR COMPENSATION CONTINGENT UPON SUCH ADOPTION  
 13 OR DEFEAT.

14 6. NO PERSON SHALL FOR COMPENSATION ENGAGE IN PROMOTING OR OPPOSING  
 15 ANY PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS BY SUCH CONSTITU-  
 16 TIONAL CONVENTION EXCEPT UPON APPEARANCE ENTERED IN ACCORDANCE WITH THE

17 FOREGOING PROVISIONS OF THIS SECTION.

18 7. IT SHALL BE THE DUTY OF EVERY PERSON, FIRM, CORPORATION, PUBLIC OR  
 19 PRIVATE, OR ASSOCIATION, (WHETHER OR NOT REQUIRED TO FILE PURSUANT TO  
 20 THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION), NOT LATER THAN APRIL  
 21 FIFTEENTH, IN ANY YEAR IN WHICH A CONSTITUTIONAL CONVENTION IS CONVENED  
 22 AND IN WHICH A PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS BY A  
 23 CONSTITUTIONAL CONVENTION IS PUT TO THE VOTERS, TO FILE IN THE OFFICE OF  
 24 THE SECRETARY OF STATE AN ITEMIZED STATEMENT VERIFIED BY THE OATH OF  
 25 SUCH PERSON, OR IN CASE OF A FIRM BY THE OATH OF A MEMBER THEREOF, OR IN  
 26 CASE OF A DOMESTIC CORPORATION OR ASSOCIATION BY THE OATH OF AN OFFICER  
 27 THEREOF, OR IN CASE OF A FOREIGN CORPORATION OR ASSOCIATION BY THE OATH  
 28 OF AN OFFICER OR AGENT THEREOF, SHOWING IN DETAIL ALL EXPENSES PAID,  
 29 INCURRED OR PROMISED DIRECTLY OR INDIRECTLY IN EACH YEAR THROUGH THE  
 30 CONCLUSION OF THE YEAR IN WHICH ANY PROPOSED CONSTITUTIONAL AMENDMENT OR  
 31 AMENDMENTS BY A CONSTITUTIONAL CONVENTION HAVE BEEN PUT TO THE VOTERS,  
 32 IN CONNECTION WITH PROMOTING OR OPPOSING ANY CONSTITUTIONAL AMENDMENT OR  
 33 AMENDMENTS WHICH MAY BE PROPOSED AT SUCH CONSTITUTIONAL CONVENTION, WITH  
 34 THE NAMES OF THE PAYEES AND THE AMOUNT PAID TO EACH, INCLUDING ALL  
 35 DISBURSEMENTS PAID, INCURRED OR PROMISED TO PERSONS EMPLOYED OR  
 36 RETAINED, AND ALSO SPECIFYING THE NATURE OF SUCH CONSTITUTIONAL AMEND-  
 37 MENT OR AMENDMENTS, AND THE INTEREST THEREIN OF SUCH PERSON, FIRM,  
 38 CORPORATION OR ASSOCIATION; PROVIDED, HOWEVER, NO SUCH ITEMIZED STATE-  
 39 MENT NEED BE FILED IF THE TOTAL OF SUCH ITEMIZED EXPENSES IS LESS THAN  
 40 TWO HUNDRED FIFTY DOLLARS.

41 8. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE STATE NOR  
 42 SHALL SUBDIVISIONS ONE, FIVE AND NINE OF THIS SECTION APPLY TO A COUNTY,  
 43 CITY, TOWN, VILLAGE, PUBLIC BOARD OR INSTITUTION, OR THEIR AGENTS OR  
 44 EMPLOYEES; NOR SHALL THE PROVISIONS OF THIS SECTION BE CONSTRUED AS  
 45 AFFECTING PROFESSIONAL SERVICES IN DRAFTING A PROPOSED CONSTITUTIONAL  
 46 AMENDMENT OR AMENDMENTS OR IN ADVISING CLIENTS OR IN RENDERING OPINIONS  
 47 AS TO THE CONSTRUCTION AND EFFECT OF ANY CONSTITUTIONAL AMENDMENT OR  
 48 AMENDMENTS WHICH MAY BE PROPOSED AT SUCH CONVENTION WHERE SUCH PROFES-  
 49 SIONAL SERVICE IS NOT OTHERWISE CONNECTED WITH CONSTITUTIONAL CONVENTION  
 50 ACTION.

51 9. ON OR BEFORE APRIL TWENTY-FOURTH IN ANY YEAR IN WHICH A CONSTITU-  
 52 TIONAL CONVENTION IS CONVENED, THE SECRETARY OF STATE SHALL FURNISH TO  
 53 EACH DELEGATE TO SUCH CONVENTION A SUMMARY OF THE INFORMATION CONTAINED  
 54 IN THE DOCKET OF CONSTITUTIONAL CONVENTION APPEARANCES, AND ON OR BEFORE  
 55 SUCH DATE SHALL ALSO TRANSMIT TO THE PRESIDENT OF SUCH CONSTITUTIONAL  
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1 CONVENTION A COPY OF EVERY STATEMENT FILED IN HIS OR HER OFFICE UP TO  
 2 AND INCLUDING SUCH DATE PURSUANT TO SUBDIVISION SIX OF THIS SECTION.

3 10. EVERY PERSON, EVERY MEMBER OF ANY FIRM, AND EVERY ASSOCIATION OR  
 4 CORPORATION VIOLATING ANY PROVISION OF THIS SECTION AND EVERY PERSON  
 5 CAUSING OR PARTICIPATING IN A VIOLATION THEREOF SHALL BE GUILTY OF A  
 6 MISDEMEANOR AND, IN CASE OF AN INDIVIDUAL, SHALL BE PUNISHABLE BY IMPRI-  
 7 SONMENT IN A PENITENTIARY OR COUNTY JAIL FOR NOT MORE THAN ONE YEAR OR  
 8 BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS OR BY BOTH, AND, IN CASE  
 9 OF AN ASSOCIATION OR CORPORATION, BY A FINE OF NOT MORE THAN ONE THOU-  
 10 SAND DOLLARS. IN ADDITION TO THE PENALTIES HEREINBEFORE IMPOSED ANY  
 11 CORPORATION OR ASSOCIATION FAILING TO FILE THE STATEMENT OF EXPENSES  
 12 PRESCRIBED BY THIS SECTION SHALL FORFEIT TO THE PEOPLE OF THE STATE OF  
 13 NEW YORK THE SUM OF ONE HUNDRED DOLLARS PER DAY FOR EACH DAY FOLLOWING  
 14 THE EXPIRATION OF THIRTY DAYS AFTER THE TIME FIXED BY SUBDIVISION SIX OF  
 15 THIS SECTION FOR FILING SUCH STATEMENT, TO BE RECOVERED IN AN ACTION TO  
 16 BE BROUGHT BY THE ATTORNEY GENERAL.

17 S 11. Section 30 of the public officers law is amended by adding a new  
 18 subdivision 1-a to read as follows:

19 1-A. WHENEVER ANY STATE OR LOCAL OFFICER, AS THOSE TERMS ARE DEFINED

20 IN SECTION TWO OF THIS CHAPTER, IS ELECTED AND SWORN AS A DELEGATE TO A  
21 STATE CONSTITUTIONAL CONVENTION, SUCH OFFICIAL WILL BE DEEMED TO HAVE  
22 VACATED HIS OR HER STATE OR LOCAL OFFICE AND THE SAID OFFICE WILL BE  
23 DEEMED VACANT FOR PURPOSES OF THE NOMINATION AND APPOINTMENT OF A  
24 SUCCESSOR.

25 S 12. No later than 180 days prior to the convening of the constitu-  
26 tional convention, and solely as an aid to delegates, there shall be  
27 appointed a constitutional convention preparatory commission whose  
28 purpose shall be to study the issues, establish a proposed initial agen-  
29 da and procedures, and prepare position papers, with ongoing information  
30 to and participation of the public. Members of the commission shall be  
31 appointed as follows: two each by the governor, the majority leader of  
32 the senate and the speaker of the assembly, and one each by the minority  
33 leader of the senate and the minority leader of the assembly. The  
34 members shall elect a chair.

35 S 13. Severability. If any provision of this act, or the application  
36 thereof to any person or circumstance, shall be adjudged by any court of  
37 competent jurisdiction to be invalid or unconstitutional, such judgment  
38 shall not affect, impair or invalidate the remainder thereof, but shall  
39 be confined in its operation to the provision of this act, or in its  
40 application to the person or circumstance, directly involved in the  
41 controversy in which such judgment shall have been rendered.

42 S 14. This act shall take effect immediately; provided that the  
43 provisions of section four of this act shall not take effect unless and  
44 until the question proposed in section three of this act shall have been  
45 submitted to the people at the general election to be held in the next  
46 succeeding November after the effective date of this act, and shall have  
47 received a majority of all votes cast for and against it at such  
48 election. Upon approval by the people, section four of this act shall  
49 take effect immediately. The ballots to be furnished for the use of the  
50 voters upon the submission of section three of this act shall be in the  
51 form prescribed by the election law, and the proposition or question to  
52 be submitted shall be printed in the following form: "Shall there be a  
53 convention to revise the constitution and amend the same?"

STATE OF NEW YORK

4379

2011-2012 Regular Sessions

IN SENATE

April 1, 2011

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law and the public officers law, in relation to providing for the submission to the people of a proposition or question to convene a constitutional convention

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as  
 2 the "People's Convention to Reform New York Act".  
 3 S 2. Legislative findings and declaration. The legislature hereby  
 4 finds that New York state has held nine constitutional conventions in  
 5 its history; the most recent of which was held in 1967, more than forty  
 6 years ago. The revised constitution proposed by that convention was  
 7 overwhelmingly defeated at the polls. The next most recent constitu-  
 8 tional convention was held in 1938 and the constitutional amendments  
 9 proposed by that convention were largely supported by the electorate.  
 10 Between the 1938 and 1967 conventions, the legislature amended the  
 11 constitution some 93 times. While amendments proposed by the legislature  
 12 must be ratified by the electorate, it is only at constitutional  
 13 conventions that ordinary citizens have the opportunity to reconsider  
 14 the fundamental structure of state government and to assess its effec-  
 15 tiveness in light of the current social, economic and political condi-  
 16 tions of the day. In providing for periodic constitutional conventions,  
 17 the framers of our current document acknowledged the need to have a  
 18 dynamic, living and breathing statement of how government should operate  
 19 and what limits or controls it should have on our individual pursuit of  
 20 life, liberty and happiness.  
 21 Much has changed in our state, our nation and the world in the forty  
 22 years since our last constitutional convention. The information age has  
 23 transformed the way the world communicates and does business and how  
 24 governments interact with their citizens. The world has effectively

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

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1 grown much smaller, our populations are more mobile and we are truly  
 2 part of a global economy. To make our state and its communities attrac-  
 3 tive places to live, work and raise families, they must be able to  
 4 compete in this new environment. To ensure the long term fiscal stabili-  
 5 ty of our state and local governments and the affordability of such  
 6 governments for its citizens, provisions for constitutional caps on  
 7 state spending and local real property taxes must be addressed, the  
 8 requirement of a two-thirds vote for tax increase legislation and

9 restrictions on the state's ability to impose unfunded mandates on local  
 10 governments must be imposed, real debt reform and an absolute ban on  
 11 back door borrowing must become a reality. The convention must also  
 12 address the proper role of public authorities, particularly those that  
 13 operate public transit systems, to ensure that they are accountable to  
 14 the other branches of government and to the people they serve.

15 The constitutional provisions that have governed the workings of the  
 16 legislature and the succession to the governorship do not adequately  
 17 protect the interests of the people and our government institutions. The  
 18 ambiguity of those constitutional provisions and uncertainty over their  
 19 consistency with other law has contributed to a leadership crisis, poli-  
 20 tical turmoil, litigation and, most important, an inability to address  
 21 issues and processes that fundamentally impact our state's ability to  
 22 meet the needs of its citizens. The constitution needs to be clear and  
 23 unambiguous on these matters. Mechanisms need to be put in place so that  
 24 tie votes on leadership issues in the legislature do not paralyze state  
 25 government. Clear procedures on succession to the governorship are  
 26 necessary to ensure the orderly transition of power in times of crisis.  
 27 The voters of the state should have a role in the filling of a vacancy  
 28 in the offices of attorney general, comptroller or United States  
 29 senator. To ensure a truly dynamic legislature that is more likely to  
 30 change with our ever more rapidly changing economic, social and poli-  
 31 tical environment, we should limit the terms of our legislative leaders  
 32 and to ensure that the voices of the citizens of the state are not  
 33 drowned out by those of special interests, meaningful campaign finance  
 34 reform is necessary. Despite statutory changes, our budget process still  
 35 lacks meaningful participation by rank and file legislators and the  
 36 public. The members of a constitutional convention should make a clear  
 37 statement as to whether members of the legislature must actually live in  
 38 the districts from which they are elected. We must afford the public an  
 39 opportunity to decide whether processes available to citizens of other  
 40 states - recall and initiative and referendum are desirable in New York.  
 41 To ensure competitive elections and truly representative government,  
 42 non-partisan redistricting of legislative districts must be required.

43 Fundamental reform of governmental institutions and processes is now  
 44 required. The last two constitutional conventions were dominated by the  
 45 politically connected (two-thirds of the delegates to the 1938 conven-  
 46 tion and about 83% of the 1967 delegates were present or former elected  
 47 or party officials). To ensure the success of this constitutional  
 48 convention and future conventions, we must limit the participation of  
 49 elected and party officials so that the conventions can be "People's  
 50 Conventions" and so the voices of all New Yorkers, not just those of  
 51 special interests, can be heard.

52 The legislature further finds and declares, in furtherance of estab-  
 53 lishing a meaningful convention process, that:

54 (a) delegates to the convention should be involved and concerned citi-  
 55 zens and not elected officials, lobbyists, or party chairmen;

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1 (b) prior to the convening of the convention, and solely as an aid to  
 2 delegates, there should be appointed a preparatory commission with  
 3 adequate time to study the issues, establish a proposed initial agenda  
 4 and procedures, and prepare position papers, with ongoing information to  
 5 and participation of the public;

6 (c) insofar as possible, procedures should be established in both the  
 7 selection of delegates and in the running of the convention that will  
 8 reduce partisanship; and

9 (d) reasonable time limits should be placed on the length of the  
 10 convention and its costs, so as to assure that the operations of the  
 11 convention are not a burden on taxpayers, and that the convention may

12 enjoy maximum citizen participation.

13 Calling a constitutional convention subject to section 2 of article  
14 XIX of the New York state constitution for the consideration of the  
15 issues outlined above and all other issues that the delegates may deem  
16 appropriate and in need of address to achieve the enumerated structural  
17 and procedural reforms of government and its institutions is required.

18 To that end, and consistent with the statutory reforms of the delegate  
19 selection process now being considered, we hereby find and declare that  
20 the creation of a state government able to effectively exercise the  
21 power and responsibilities given to it by a sovereign and free people  
22 should be convened by a vote by that same people.

23 S 3. Pursuant to the provisions of section 2 of article XIX of the New  
24 York state constitution, the question "Shall there be a convention to  
25 revise the constitution and amend the same?" shall be submitted to and  
26 decided by the people of the state at the general election to be held in  
27 the next succeeding November after the effective date of this act.

28 S 4. If the question stated in section three of this act is answered  
29 in the affirmative by a majority of all votes cast for and against it,  
30 deciding in favor of a convention for such purpose, the procedures and  
31 provisions of section 2 of article XIX of the New York state constitu-  
32 tion shall apply and be implemented.

33 S 5. Section 1-104 of the election law is amended by adding a new  
34 subdivision 38 to read as follows:

35 38. THE TERM "NONPARTISAN ELECTION" MEANS A PRIMARY, GENERAL OR  
36 SPECIAL ELECTION IN WHICH CANDIDATES SHALL RUN WITHOUT PARTY LABEL, AND  
37 POLITICAL PARTIES ARE PROHIBITED FROM DESIGNATING OR NOMINATING CANDI-  
38 DATES.

39 S 6. The election law is amended by adding a new section 2-128 to read  
40 as follows:

41 S 2-128. ELECTION OF PARTY COMMITTEE OFFICERS AS DELEGATES TO STATE  
42 CONSTITUTIONAL CONVENTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
43 IN THE EVENT THAT A PERSON SERVING AS CHAIRMAN, SECRETARY, OR TREASURER  
44 OF A STATE OR COUNTY COMMITTEE OF A POLITICAL PARTY IS ELECTED TO AND  
45 SWORN AS A DELEGATE TO A STATE CONSTITUTIONAL CONVENTION, SUCH PERSON  
46 SHALL BE DEEMED TO HAVE RESIGNED FROM HIS OR HER POLITICAL PARTY POSI-  
47 TION AND THE PROVISIONS OF THIS ARTICLE FOR THE FILLING OF VACANCIES IN  
48 SUCH POSITION SHALL APPLY.

49 S 7. The election law is amended by adding a new section 6-125 to read  
50 as follows:

51 S 6-125. NONPARTISAN ELECTIONS OF DELEGATES TO A CONSTITUTIONAL  
52 CONVENTION. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PRIMARY  
53 ELECTIONS AND GENERAL ELECTIONS FOR DELEGATES TO A CONSTITUTIONAL  
54 CONVENTION PURSUANT TO ARTICLE XIX OF THE NEW YORK STATE CONSTITUTION  
55 SHALL BE CONDUCTED AS NONPARTISAN ELECTIONS.

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1 2. DESIGNATIONS FOR NOMINATION AT A NONPARTISAN PRIMARY FOR DELEGATES  
2 TO A CONSTITUTIONAL CONVENTION SHALL BE MADE IN THE SAME MANNER AS  
3 CURRENTLY PROVIDED FOR INDEPENDENT DESIGNATING PETITIONS. ALL ENROLLED  
4 VOTERS SHALL BE QUALIFIED TO SIGN NONPARTISAN DESIGNATING PETITIONS.

5 3. NOTWITHSTANDING THE PROVISIONS OF SECTION 6-136 OF THIS ARTICLE OR  
6 ANY OTHER PROVISION OF LAW, ALL PETITIONS FOR THE DESIGNATION FOR NOMI-  
7 NATION OF A CONSTITUTIONAL CONVENTION DELEGATE FROM A SENATE DISTRICT  
8 MUST BE SIGNED BY NOT LESS THAN ONE THOUSAND ENROLLED VOTERS OF SUCH  
9 SENATE DISTRICT AND ALL PETITIONS FOR THE DESIGNATION FOR NOMINATION OF  
10 A STATEWIDE, AT-LARGE CONSTITUTIONAL CONVENTION DELEGATE MUST BE SIGNED  
11 BY NOT LESS THAN TEN THOUSAND ENROLLED VOTERS OF THE STATE, OF WHOM NOT  
12 LESS THAN ONE HUNDRED MUST RESIDE IN EACH OF TEN OF THE CONGRESSIONAL  
13 DISTRICTS OF THE STATE.

14 4. THE FORM OF THE DESIGNATING PETITION USED TO MAKE A DESIGNATION IN

15 A NONPARTISAN PRIMARY SHALL BE SUBSTANTIALLY IN THE FORM PRESCRIBED IN  
 16 SECTION 6-132 OF THIS ARTICLE, EXCEPT THAT NO REFERENCE SHALL BE MADE TO  
 17 ANY POLITICAL PARTY THEREIN.

18 5. UNLESS OTHERWISE PROVIDED IN THIS SECTION, THE SECTIONS OF LAW  
 19 APPLICABLE TO DESIGNATING PETITIONS FOR NONPARTISAN PRIMARY ELECTIONS  
 20 SHALL BE THOSE PRESCRIBED BY THIS ARTICLE.

21 6. ALL REGISTERED VOTERS, REGARDLESS OF PARTY AFFILIATION OR LACK  
 22 THEREOF, SHALL BE PERMITTED TO VOTE IN THE NONPARTISAN PRIMARY ELECTION  
 23 FOR THE NOMINATION OF CANDIDATES FOR THE OFFICE OF DELEGATE TO THE  
 24 CONSTITUTIONAL CONVENTION. SUITABLE PROVISIONS MUST BE MADE SO THAT EACH  
 25 ELECTOR MAY VOTE FOR UP TO THREE OF ANY SENATE DISTRICT CONSTITUTIONAL  
 26 CONVENTION DELEGATE CANDIDATES AND UP TO FIFTEEN OF ANY STATEWIDE,  
 27 AT-LARGE CONSTITUTIONAL CONVENTION DELEGATE CANDIDATES.

28 7. UPON THE CANVASS OF VOTES IN A NONPARTISAN PRIMARY THE NINE CONSTI-  
 29 TUTIONAL CONVENTION DELEGATE CANDIDATES RECEIVING THE HIGHEST NUMBER OF  
 30 VOTES IN EACH SENATE DISTRICT AND THE THIRTY CANDIDATES RECEIVING THE  
 31 HIGHEST NUMBER OF VOTES AS STATEWIDE, AT-LARGE CONSTITUTIONAL CONVENTION  
 32 DELEGATES SHALL BE CERTIFIED AS NOMINATED AND SHALL RUN IN THE GENERAL  
 33 ELECTION HELD SUBSEQUENT TO THE PRIMARY WITHOUT PARTY IDENTIFICATION.

34 8. NO CANDIDATE FOR DELEGATE TO A CONSTITUTIONAL CONVENTION SHALL IN  
 35 ANY WAY USE OR ALLOW HIMSELF OR HERSELF TO BE ASSOCIATED WITH A PARTY  
 36 LABEL IN EITHER THE PRIMARY OR GENERAL ELECTION.

37 9. ONCE A PERSON ANNOUNCES HIS OR HER INTENTION TO BE A CANDIDATE FOR  
 38 ELECTION TO THE POSITION OF DELEGATE TO THE CONSTITUTIONAL CONVENTION  
 39 AND UNTIL SUCH TIME AS THAT PERSON IS NO LONGER A CANDIDATE OR UNTIL HIS  
 40 OR HER SERVICE AS A DELEGATE ENDS, WHICHEVER OCCURS LATER, SUCH CANDI-  
 41 DATE FOR DELEGATE TO A CONSTITUTIONAL CONVENTION SHALL NOT (A) PARTIC-  
 42 IPATE IN ANY PARTISAN POLITICAL PARTY ACTIVITIES, EXCEPT THAT SUCH  
 43 CANDIDATE MAY REGISTER TO VOTE AS A MEMBER OF ANY POLITICAL PARTY AND  
 44 MAY VOTE IN ANY PARTY PRIMARY FOR CANDIDATES FOR NOMINATION OF THE PARTY  
 45 IN WHICH HE OR SHE IS REGISTERED TO VOTE; (B) CAMPAIGN OR PUBLICLY  
 46 REPRESENT OR ADVERTISE HIMSELF OR HERSELF AS A MEMBER OF ANY POLITICAL  
 47 PARTY; (C) ENDORSE ANY CANDIDATE OR POLITICAL PARTY; (D) ACCEPT THE  
 48 ENDORSEMENT OF ANY POLITICAL PARTY; OR (E) SOLICIT OR ACCEPT CONTRIB-  
 49 UTIONS FROM ANY POLITICAL PARTY COMMITTEE, POLITICAL ACTION COMMITTEE OR  
 50 POLITICAL COMMITTEE PURSUANT TO SUBDIVISION ELEVEN OF SECTION 14-114 OF  
 51 THIS CHAPTER.

52 10. WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS  
 53 SECTION, THE STATE BOARD OF ELECTIONS SHALL PROMULGATE RULES AND REGU-  
 54 LATIONS CONSISTENT WITH THIS SECTION TO EFFECTUATE THE PURPOSES AND  
 55 POLICIES HEREOF.

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1 S 8. Section 14-100 of the election law is amended by adding a new  
 2 subdivision 12 to read as follows:

3 12. "POLITICAL ACTION COMMITTEE" MEANS ANY COMMITTEE ESTABLISHED,  
 4 FINANCED, MAINTAINED OR CONTROLLED BY ANY PERSON, GROUP OR ENTITY FOR  
 5 THE PURPOSE OF SUPPORTING CANDIDATES FOR ELECTED POLITICAL OFFICE AND/OR  
 6 OTHER POLITICAL PARTY OR POLITICAL COMMITTEES BY MAKING CONTRIBUTIONS TO  
 7 SUCH CANDIDATES AND/OR THEIR POLITICAL CAMPAIGN COMMITTEES OR BY MAKING  
 8 CONTRIBUTIONS TO OTHER POLITICAL PARTY OR OTHER POLITICAL COMMITTEES,  
 9 AND DOES NOT MAKE DIRECT EXPENDITURES ON BEHALF OF CANDIDATES.

10 S 9. Section 14-114 of the election law is amended by adding a new  
 11 subdivision 11 to read as follows:

12 11. NO POLITICAL PARTY COMMITTEE, POLITICAL ACTION COMMITTEE OR POLI-  
 13 TICAL COMMITTEE SHALL CONTRIBUTE TO ANY CANDIDATE FOR DELEGATE TO A  
 14 CONSTITUTIONAL CONVENTION FOR EITHER THE PRIMARY OR GENERAL ELECTION.  
 15 NOR SHALL ANY CANDIDATE FOR DELEGATE TO A CONSTITUTIONAL CONVENTION  
 16 SOLICIT OR ACCEPT CONTRIBUTIONS FROM ANY POLITICAL PARTY COMMITTEE,  
 17 POLITICAL ACTION COMMITTEE OR POLITICAL COMMITTEE FOR EITHER THE PRIMARY

18 OR GENERAL ELECTION.

19 S 10. The election law is amended by adding a new article 18 to read  
20 as follows:

21 ARTICLE 18

22 REGISTRATION AND REPORTS BY CERTAIN PERSONS PROMOTING  
23 OR OPPOSING THE ADOPTION OF PROPOSED CONSTITUTIONAL  
24 AMENDMENTS BY A CONSTITUTIONAL  
25 CONVENTION

26 SECTION 18-100. REGISTRATION AND REPORTS BY CERTAIN PERSONS PROMOTING  
27 OR OPPOSING THE ADOPTION OF PROPOSED CONSTITUTIONAL AMENDMENTS BY A  
28 CONSTITUTIONAL CONVENTION.

29 S 18-100. REGISTRATION AND REPORTS BY CERTAIN PERSONS PROMOTING OR  
30 OPPOSING THE ADOPTION OF PROPOSED CONSTITUTIONAL AMENDMENTS BY A CONSTI-  
31 TUTIONAL CONVENTION. 1. EVERY PERSON RETAINED OR EMPLOYED FOR COMPEN-  
32 SATION BY ANY PERSON, FIRM, CORPORATION OR ASSOCIATION WHO, ON BEHALF OF  
33 SUCH PRINCIPAL OR EMPLOYER, PROMOTES OR OPPOSES DIRECTLY OR INDIRECTLY  
34 THE ADOPTION OF A PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS BY A  
35 CONSTITUTIONAL CONVENTION, WHETHER OR NOT HE OR SHE HAS A PERSONAL  
36 INTEREST THEREIN, SHALL, BEFORE ANY SERVICE IS ENTERED UPON IN PROMOTING  
37 OR OPPOSING SUCH PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS, FILE  
38 IN THE OFFICE OF THE SECRETARY OF STATE A WRITING SUBSCRIBED BY SUCH  
39 PERSON STATING THE NAME OR NAMES OF THE PERSON OR PERSONS, FIRM OR  
40 FIRMS, CORPORATION OR CORPORATIONS, ASSOCIATION OR ASSOCIATIONS, BY WHOM  
41 OR ON WHOSE BEHALF HE OR SHE IS RETAINED OR EMPLOYED, TOGETHER WITH A  
42 BRIEF DESCRIPTION OF THE PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS  
43 IN REFERENCE TO WHICH SUCH SERVICE IS TO BE RENDERED.

44 2. IT SHALL BE THE DUTY OF THE SECRETARY OF STATE TO PROVIDE A DOCKET  
45 TO BE KNOWN AS THE DOCKET OF CONSTITUTIONAL CONVENTION APPEARANCES, WITH  
46 APPROPRIATE BLANKS AND INDICES, AND TO FORTHWITH ENTER THEREIN THE NAMES  
47 OF THE PERSONS SO RETAINED OR EMPLOYED AND OF THE PERSONS, FIRMS, CORPO-  
48 RATIONS OR ASSOCIATIONS RETAINING OR EMPLOYING THEM, TOGETHER WITH A  
49 BRIEF DESCRIPTION OF THE PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS  
50 IN REFERENCE TO WHICH THE SERVICE IS TO BE RENDERED, WHICH DOCKET SHALL  
51 BE OPEN TO PUBLIC INSPECTION.

52 3. UPON THE TERMINATION OF SUCH RETAINER OR EMPLOYMENT THE FACT OF  
53 SUCH TERMINATION, WITH THE DATE THEREOF, SHALL BE ENTERED IN THE DOCKET  
54 BY THE SECRETARY OF STATE UPON RECEIVING WRITTEN NOTICE TO THAT EFFECT  
55 FROM SUCH PERSON OR FROM THE PERSON, FIRM, CORPORATION OR ASSOCIATION IN  
56 WHOSE BEHALF SUCH SERVICE HAS BEEN RENDERED.

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1 4. NO PERSON RETAINED OR EMPLOYED TO PROMOTE OR OPPOSE, DIRECTLY OR  
2 INDIRECTLY, THE ADOPTION OF A PROPOSED CONSTITUTIONAL AMENDMENT OR  
3 AMENDMENTS BY A CONSTITUTIONAL CONVENTION SHALL BE ELIGIBLE TO SERVE AS  
4 A DELEGATE TO SUCH CONSTITUTIONAL CONVENTION.

5 5. NO PERSON, FIRM, CORPORATION OR ASSOCIATION SHALL RETAIN OR EMPLOY  
6 ANY PERSON TO PROMOTE OR OPPOSE ANY PROPOSED CONSTITUTIONAL AMENDMENT OR  
7 AMENDMENTS FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART UPON THE  
8 ADOPTION OR DEFEAT OF ANY SUCH AMENDMENT OR AMENDMENTS BY THE CONSTITU-  
9 TIONAL CONVENTION, AND NO PERSON SHALL ACCEPT ANY SUCH EMPLOYMENT OR  
10 RENDER ANY SUCH SERVICE FOR COMPENSATION CONTINGENT UPON SUCH ADOPTION  
11 OR DEFEAT.

12 6. NO PERSON SHALL FOR COMPENSATION ENGAGE IN PROMOTING OR OPPOSING  
13 ANY PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS BY SUCH CONSTITU-  
14 TIONAL CONVENTION EXCEPT UPON APPEARANCE ENTERED IN ACCORDANCE WITH THE  
15 FOREGOING PROVISIONS OF THIS SECTION.

16 7. IT SHALL BE THE DUTY OF EVERY PERSON, FIRM, CORPORATION, PUBLIC OR  
17 PRIVATE, OR ASSOCIATION, (WHETHER OR NOT REQUIRED TO FILE PURSUANT TO  
18 THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION), NOT LATER THAN APRIL  
19 FIFTEENTH, IN ANY YEAR IN WHICH A CONSTITUTIONAL CONVENTION IS CONVENED

20 AND IN WHICH A PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS BY A  
 21 CONSTITUTIONAL CONVENTION IS PUT TO THE VOTERS, TO FILE IN THE OFFICE OF  
 22 THE SECRETARY OF STATE AN ITEMIZED STATEMENT VERIFIED BY THE OATH OF  
 23 SUCH PERSON, OR IN CASE OF A FIRM BY THE OATH OF A MEMBER THEREOF, OR IN  
 24 CASE OF A DOMESTIC CORPORATION OR ASSOCIATION BY THE OATH OF AN OFFICER  
 25 THEREOF, OR IN CASE OF A FOREIGN CORPORATION OR ASSOCIATION BY THE OATH  
 26 OF AN OFFICER OR AGENT THEREOF, SHOWING IN DETAIL ALL EXPENSES PAID,  
 27 INCURRED OR PROMISED DIRECTLY OR INDIRECTLY IN EACH YEAR THROUGH THE  
 28 CONCLUSION OF THE YEAR IN WHICH ANY PROPOSED CONSTITUTIONAL AMENDMENT OR  
 29 AMENDMENTS BY A CONSTITUTIONAL CONVENTION HAVE BEEN PUT TO THE VOTERS,  
 30 IN CONNECTION WITH PROMOTING OR OPPOSING ANY CONSTITUTIONAL AMENDMENT OR  
 31 AMENDMENTS WHICH MAY BE PROPOSED AT SUCH CONSTITUTIONAL CONVENTION, WITH  
 32 THE NAMES OF THE PAYEES AND THE AMOUNT PAID TO EACH, INCLUDING ALL  
 33 DISBURSEMENTS PAID, INCURRED OR PROMISED TO PERSONS EMPLOYED OR  
 34 RETAINED, AND ALSO SPECIFYING THE NATURE OF SUCH CONSTITUTIONAL AMEND-  
 35 MENT OR AMENDMENTS, AND THE INTEREST THEREIN OF SUCH PERSON, FIRM,  
 36 CORPORATION OR ASSOCIATION; PROVIDED, HOWEVER, NO SUCH ITEMIZED STATE-  
 37 MENT NEED BE FILED IF THE TOTAL OF SUCH ITEMIZED EXPENSES IS LESS THAN  
 38 TWO HUNDRED FIFTY DOLLARS.

39 8. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE STATE NOR  
 40 SHALL SUBDIVISIONS ONE, FIVE AND NINE OF THIS SECTION APPLY TO A COUNTY,  
 41 CITY, TOWN, VILLAGE, PUBLIC BOARD OR INSTITUTION, OR THEIR AGENTS OR  
 42 EMPLOYEES; NOR SHALL THE PROVISIONS OF THIS SECTION BE CONSTRUED AS  
 43 AFFECTING PROFESSIONAL SERVICES IN DRAFTING A PROPOSED CONSTITUTIONAL  
 44 AMENDMENT OR AMENDMENTS OR IN ADVISING CLIENTS OR IN RENDERING OPINIONS  
 45 AS TO THE CONSTRUCTION AND EFFECT OF ANY CONSTITUTIONAL AMENDMENT OR  
 46 AMENDMENTS WHICH MAY BE PROPOSED AT SUCH CONVENTION WHERE SUCH PROFES-  
 47 SIONAL SERVICE IS NOT OTHERWISE CONNECTED WITH CONSTITUTIONAL CONVENTION  
 48 ACTION.

49 9. ON OR BEFORE APRIL TWENTY-FOURTH IN ANY YEAR IN WHICH A CONSTITU-  
 50 TIONAL CONVENTION IS CONVENED, THE SECRETARY OF STATE SHALL FURNISH TO  
 51 EACH DELEGATE TO SUCH CONVENTION A SUMMARY OF THE INFORMATION CONTAINED  
 52 IN THE DOCKET OF CONSTITUTIONAL CONVENTION APPEARANCES, AND ON OR BEFORE  
 53 SUCH DATE SHALL ALSO TRANSMIT TO THE PRESIDENT OF SUCH CONSTITUTIONAL  
 54 CONVENTION A COPY OF EVERY STATEMENT FILED IN HIS OR HER OFFICE UP TO  
 55 AND INCLUDING SUCH DATE PURSUANT TO SUBDIVISION SIX OF THIS SECTION.

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1 10. EVERY PERSON, EVERY MEMBER OF ANY FIRM, AND EVERY ASSOCIATION OR  
 2 CORPORATION VIOLATING ANY PROVISION OF THIS SECTION AND EVERY PERSON  
 3 CAUSING OR PARTICIPATING IN A VIOLATION THEREOF SHALL BE GUILTY OF A  
 4 MISDEMEANOR AND, IN CASE OF AN INDIVIDUAL, SHALL BE PUNISHABLE BY IMPRI-  
 5 SONMENT IN A PENITENTIARY OR COUNTY JAIL FOR NOT MORE THAN ONE YEAR OR  
 6 BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS OR BY BOTH, AND, IN CASE  
 7 OF AN ASSOCIATION OR CORPORATION, BY A FINE OF NOT MORE THAN ONE THOU-  
 8 SAND DOLLARS. IN ADDITION TO THE PENALTIES HEREINBEFORE IMPOSED ANY  
 9 CORPORATION OR ASSOCIATION FAILING TO FILE THE STATEMENT OF EXPENSES  
 10 PRESCRIBED BY THIS SECTION SHALL FORFEIT TO THE PEOPLE OF THE STATE OF  
 11 NEW YORK THE SUM OF ONE HUNDRED DOLLARS PER DAY FOR EACH DAY FOLLOWING  
 12 THE EXPIRATION OF THIRTY DAYS AFTER THE TIME FIXED BY SUBDIVISION SIX OF  
 13 THIS SECTION FOR FILING SUCH STATEMENT, TO BE RECOVERED IN AN ACTION TO  
 14 BE BROUGHT BY THE ATTORNEY GENERAL.

15 S 11. Section 30 of the public officers law is amended by adding a new  
 16 subdivision 1-a to read as follows:

17 1-A. WHENEVER ANY STATE OR LOCAL OFFICER, AS THOSE TERMS ARE DEFINED  
 18 IN SECTION TWO OF THIS CHAPTER, IS ELECTED AND SWORN AS A DELEGATE TO A  
 19 STATE CONSTITUTIONAL CONVENTION, SUCH OFFICIAL WILL BE DEEMED TO HAVE  
 20 VACATED HIS OR HER STATE OR LOCAL OFFICE AND THE SAID OFFICE WILL BE  
 21 DEEMED VACANT FOR PURPOSES OF THE NOMINATION AND APPOINTMENT OF A  
 22 SUCCESSOR.

23 S 12. No later than 180 days prior to the convening of the constitu-  
24 tional convention, and solely as an aid to delegates, there shall be  
25 appointed a constitutional convention preparatory commission whose  
26 purpose shall be to study the issues, establish a proposed initial agen-  
27 da and procedures, and prepare position papers, with ongoing information  
28 to and participation of the public. Members of the commission shall be  
29 appointed as follows: two each by the governor, the majority leader of  
30 the senate and the speaker of the assembly, and one each by the minority  
31 leader of the senate and the minority leader of the assembly. The  
32 members shall elect a chair.

33 S 13. Severability. If any provision of this act, or the application  
34 thereof to any person or circumstance, shall be adjudged by any court of  
35 competent jurisdiction to be invalid or unconstitutional, such judgment  
36 shall not affect, impair or invalidate the remainder thereof, but shall  
37 be confined in its operation to the provision of this act, or in its  
38 application to the person or circumstance, directly involved in the  
39 controversy in which such judgment shall have been rendered.

40 S 14. This act shall take effect immediately; provided that the  
41 provisions of section four of this act shall not take effect unless and  
42 until the question proposed in section three of this act shall have been  
43 submitted to the people at the general election to be held in the next  
44 succeeding November after the effective date of this act, and shall have  
45 received a majority of all votes cast for and against it at such  
46 election. Upon approval by the people, section four of this act shall  
47 take effect immediately. The ballots to be furnished for the use of the  
48 voters upon the submission of section three of this act shall be in the  
49 form prescribed by the election law, and the proposition or question to  
50 be submitted shall be printed in the following form: "Shall there be a  
51 convention to revise the constitution and amend the same?"