

Memorandum

To: James Tucciarelli, Stuart Leibowitz
From: Mary J. O'Connell *MJO*
Date: December 30, 2010
Re: Constitutional Convention Question

You have asked this office to outline the process(es) by which a constitutional convention may be called in the State of New York.

Every 20 years, the question "shall there be a Convention to revise the Constitution and amend the same?" is put before the voters of New York State. The Legislature may also submit this question to the electorate at any other time it deems necessary. (See Article XIX, Section 3 of the New York State Constitution.)

Constitutional Conventions have been called in New York in 1777, 1801, 1821, 1846, 1867, 1894, 1915, 1938 and 1967. The question was last placed before the voters - and defeated - in 1997. The question is not scheduled to be put before the electorate - absent other legislative action - until 2017.

In the 2009-2010 legislative session, a bill was submitted to put the question as to whether there should be a constitutional convention to a vote by the electorate. It appears that this Assembly bill was held in the judiciary committee as of April of 2010. I attach a copy of the bill and memo in support.

c: Wanda Williams
Lawrence Kenchen

A09157 Summary:

BILL NO AC9157

SAME AS Same as S 6156

SPONSOR Kolb (MS)

COSPNSR Finch, Schroeder, Tobacco, Scozzafava, Quinn, Miller J,
Corte,
Amedore, Corwin, O'Mara, Reilich, Burling, Oaks, Sayward,
Errigo,
Giglio, Molinaro, Duprey, Bail, Lopez P, Calhoun, Hawley,
Raia,
Castelli, Murray

MLTSPNSR Bacalles, Barclay, Boyle, Butler, Crouch, Jordan, Tedisco,
Townsend

And SS1-104, 14-100 & 14-114, add SS2-128 & 3-125 & Art 18 S13-100, E1
L; and
S30, Pub Off L

Provides for the submission to the people of a proposition or question
to
convene a constitutional convention.

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A09157 Actions:

BILL NO A09157

09/22/2009 referred to judiciary

01/06/2010 referred to judiciary

04/13/2010 held for consideration in judiciary

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A09157 Votes:

There are no votes for this bill in the current legislative session.

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A09157 Memo:

BILL NUMBER: A9157

TITLE OF BILL: 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

PURPOSE: This bill would place on the ballot of the next general election the question, "Shall there be a convention to revise the constitution and amend the same?"; amend the election law to provide for nonpartisan elections of delegates to constitutional conventions; restrict contributions to campaigns of constitutional delegates and require registration and reporting of those promoting or opposing the adoption of proposed constitutional amendments; amend the public officers law to provide that state and local officers sworn as constitutional delegates shall vacate their public office; and to provide for a constitutional convention preparatory commission.

SUMMARY OF PROVISIONS: Section 1: recites the short title of this act, "The People's Convention to Reform New York Act".

S2. Sets forth the legislative findings and declarations.

S3. Requires that the question, "Shall there be a convention to revise the constitution and amend the same" be placed on the next general election ballot as allowed under Article XIX, section 2 of the State Constitution.

S4: Provides that procedures and provisions of Article XIX, section 2 of the state Constitution shall apply.

S5: Defines the term "nonpartisan election".

S6: Adds a new section 2-128 to Article 2 of the election law to provide that certain state and county political party officers shall vacate their party office if elected and sworn as a delegate to the constitutional convention.

S7: Adds a new section 6-125 to Article 6 of the election law to provide the process and procedures for conducting nonpartisan elections of delegates to the state constitutional convention.

S8: Adds a new subdivision 1 to section 14-100 of the election law defining the term "political action committee".

S9: Adds a new subdivision to section 14-114 to the election law prohibiting campaign contributions or transfers from political party committees, political committees or political action committees to candidates for delegate to the state constitutional convention or any such candidates' campaign committees.

S9: Adds a new article 13 to the election law to require registration and reporting by persons promoting or opposing the adoption of proposed constitutional amendments by a constitutional convention.

S10: Adds a new subdivision 1-a to Section 30 of the Public Officers

Law

to provide that any state or local officer elected and sworn as a delegate to a state constitutional convention shall be deemed to have vacated his or her state or local office.

S11: Establishes a constitutional convention preparatory commission to prepare for a proposed agenda, position papers and other information in advance of the constitutional convention.

S12: Severability clause.

S13: Provides that the act shall take effect immediately, except that section 4 shall not take effect unless the question proposed in section 3 shall have been submitted to the voters at a general election and shall have received a majority of the votes cast.

JUSTIFICATION: New York's Constitution is a fundamental document that performs three vital roles. It organizes the government, establishes fundamental rights and liberties of the people and articulates the basic values and principal concerns of the people that they wish their government to address. Our state Constitution recognizes that periodic review is necessary to keep the document current as law and society change. Such reviews correct deficiencies and strengthen the governing process. The most recent crises in state government underscore this point. Some claim the current Constitution does not adequately address the issue of gubernatorial succession, especially in the instance where there is a vacancy in the office of Lieutenant Governor. This apparent lack of clarity has led to litigation and has caused a distraction that has contributed to the failure to address critical issues facing our state. Similarly, the recent Senate deadlock paralyzed that body for more than a month as there was no mechanism in place to break tie votes.

Whether as a result of the most recent crises in state government or as a result of a more institutionalized problem, our state government has failed to adequately address a number of issues that the people of this state would like to see addressed: a constitutional state spending cap, local government real property tax caps, state debt reform, public authority reform and accountability, reform of the state budget process, nonpartisan redistricting of legislative districts, campaign finance reform, recall of elected officials, and an initiative and referendum process.

These principal concerns of the people of the state are best addressed by those people at a "People's Convention" where they can evaluate the current constitution and reform or revise it, as necessary, to meet the needs of the current generation of New Yorkers. To ensure that the convention addresses the views of all New Yorkers, we need to insure participation of as broad a spectrum of the state's citizens as possible. Such a process will result in a fair, efficient and modern representative document. The constitutional conventions of 1938 and 1967 were criticized as being dominated by elected and political party officials.

In crafting our state's core legal document, delegates should put aside partisan political views. In order to focus the election of delegates on their positions on the critical issues of the day, rather than their political party affiliation, and in order to give all New Yorkers, not just the politically connected, a real chance to voice their views as delegates, we must have nonpartisan elections for constitutional convention delegates.

Also, in recognition of the need to insulate delegate candidates from the appearance of conflict or impropriety, contributions from political, political party, and political actions committees is prohibited.

In order to provide a mechanism to narrow the field of candidates appearing on the general election ballot, the nonpartisan primary elections are structured to work as a run-off elections. The nine candidates receiving the highest number of votes in each Senate district shall advance to the general election. At the general election the three candidates receiving the greatest number of votes in each senate district shall be elected delegates to the convention. For statewide, at-large delegates, the 30 candidates receiving the greatest number of votes in the nonpartisan primary election shall advance to the general election. The fifteen candidates receiving the greatest number of votes in the general election shall be elected statewide, at-large delegates to the convention.

By law, elected political party officials occupy quasi-public positions.

Those officials have a duty to serve their party organizations to the best of their abilities and to advance their individual party's beliefs, principles, and platform - perhaps, at the risk of removal for disloyalty for failing to do so. Recognizing the likely potential for conflict between the position of elected political party officer and state constitutional convention delegate, but not wanting to exclude any interested citizen from serving as a delegate, this bill permits the individual to seek election as a delegate, refraining from partisan political activity only during such election and term and constructively vacating his or her elected political party position only when such conflict becomes readily apparent, upon election as a delegate.

Similarly, this bill permits state and local officers to seek election as delegates. In recognition of the potential for conflict between the state or local officer's position and that of delegate and, in further recognition that of the time commitment necessary to serve as a delegate and the public compensation provided therefore, this bill provides that the state or local officer elected as a delegate to the convention would vacate his state or local office upon being sworn to the public office of delegate to the constitutional convention. The bill requires that

persons interested in lobbying the convention register and report their activities and that such persons would then, as a result of their obvious conflict, be disqualified from serving as convention delegates.

The bill further provides for a constitutional convention preparatory commission. The work of the delegates will be great and the time to consider the many complex issues facing the state, relatively short.

In order to permit the delegates to make the best use of their time, a preparatory commission can do advance research and writing on the issues the convention will likely address.

Nine conventions have taken place over the course of the State's history. Out of those conventions have come profound and expanded rights for all New Yorkers. The first convention convened in White Plains in 1777. At this convention the first State Constitution was drafted. Other conventions have produced significant expansion of rights and reformation of governments. For example, the Bill of Rights and the Governor's veto power were added to the Constitution at the convention of 1821. The convention of 1846, the extension of the franchise and the transfer of many appointive offices to elective ones was added to the Constitution. At the convention of 1894, a provision that required legislation to 'age for at least three days prior to being put to a vote was ratified and the Blaine amendment (prohibiting State funding to parochial schools) was approved. The last convention was held in 1967 and the proposed new Constitution was subsequently defeated. In 1997 the voters decided not to hold a convention. As we have witnessed, much in our state, our nation and the world has changed since then.

LEGISLATIVE HISTORY: None, new bill.

FISCAL IMPLICATIONS: It is estimated that the election of delegates and the holding of the convention could cost the state approximately \$12 to \$15 million.

EFFECTIVE DATE: This act shall take effect immediately; provided that the provisions of section four of this act shall not take effect unless and until the question proposed in section three of this act shall have been submitted to the people at the general election to be held in the next succeeding November after the effective date of this act, and shall

have received a majority of all votes cast for and against it at such election. Upon approval by the people section four of this act shall take effect immediately. The ballots to be furnished for the use of the voters upon the submission of section one of this act shall be in the form prescribed by the election law, and the proposition or question to be submitted shall be printed in the following form:

"Shall there be a convention to revise the constitution and amend the same?"

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STATE OF NEW YORK

9157

2009-2010 Regular Sessions

IN ASSEMBLY

September 22, 2009

Introduced by M. of A. KOLB, FINCH, SCHROEDER, McDONOUGH,
TOBACCO, SCOZ-
ZAFAVA, QUINN, MILLER, CONTE, AMEDORE, CORWIN, C'MARA,
REILICH,
BURLING, OAKS, SAYWARD, ALFANO, ERRIGO, GIGLIO, MOLINARO,
DUPREY,
BALL, P. LOPEZ, MCKEVITT, WALKER, CALHOUN, HAWLEY -- Multi-
Sponsored
by -- M. of A. BACALIES, BARCLAY, BOYLE, BUTLER, CROUCH,
JORDAN,
RABBITT, SALADINO, IEDISCO, TOWNSEND -- 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
proposi-
tion or question to convene a constitutional convention

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND
ASSEM-
BLY, 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

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets

[] is old law to be omitted.

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1 and what limits or controls it should have on our individual pursuit of

2 life, liberty and happiness.

3 Much has changed in our state, our nation and the world in the forty

4 years since our last constitutional convention. The information age has

5 transformed the way the world communicates and does business and how

6 governments interact with their citizens. The world has effectively

7 grown much smaller, our populations are more mobile and we are truly

8 part of a global economy. To make our state and its communities attrac-

9 tive places to live, work and raise families, they must be able to

10 compete in this new environment. To ensure the long term fiscal stabili-

11 ty of our state and local governments and the affordability of such

12 governments for its citizens, provisions for constitutional caps on

13 state spending and local real property taxes must be addressed, the

14 requirement of a two-thirds vote for tax increase legislation and

15 restrictions on the state's ability to impose unfunded mandates
on local
16 governments must be imposed, real debt reform and an absolute
ban on
17 back door borrowing must become a reality. The convention
must also
18 address the proper role of public authorities, particularly
those that
19 operate public transit systems, to ensure that they are
accountable to
20 the other branches of government and to the people they serve.
21 The constitutional provisions that have governed the workings
of the
22 legislature and the succession to the governorship do not
adequately
23 protect the interests of the people and our government
institutions. The
24 ambiguity of those constitutional provisions and uncertainty
over their
25 consistency with other law has contributed to a leadership
crisis, poli-
26 tical turmoil, litigation and, most important, an inability to
address
27 issues and processes that fundamentally impact our state's
ability to
28 meet the needs of its citizens. The constitution needs to be
clear and
29 unambiguous on these matters. Mechanisms need to be put in place
so that
30 tie votes on leadership issues in the legislature do not
paralyze state
31 government. Clear procedures on succession to the
governorship are
32 necessary to ensure the orderly transition of power in times of
crisis.
33 The voters of the state should have a role in the filling of a
vacancy
34 in the offices of attorney general, comptroller or United
States
35 senator. To ensure a truly dynamic legislature that is more
likely to
36 change with our ever more rapidly changing economic, social
and poli-
37 tical environment, we should limit the terms of our legislative
leaders
38 and to ensure that the voices of the citizens of the state
are not
39 drowned out by those of special interests, meaningful campaign
finance
40 reform is necessary. Despite statutory changes, our budget
process still
41 lacks meaningful participation by rank and file legislators
and the
42 public. The members of a constitutional convention should make
a clear
43 statement as to whether members of the legislature must actually

live in

44 the districts from which they are elected. We must afford the public an

45 opportunity to decide whether processes available to citizens of other

46 states - recall and initiative and referendum are desirable in New York.

47 To ensure competitive elections and truly representative government,

48 non-partisan redistricting of legislative districts must be required.

49 Fundamental reform of governmental institutions and processes is now

50 required. The last two constitutional conventions were dominated by the

51 politically connected (two-thirds of the delegates to the 1938 conven-

52 tion and about 83% of the 1967 delegates were present or former elected

53 or party officials). To ensure the success of this constitutional

54 convention and future conventions, we must limit the participation of

55 elected and party officials so that the conventions can be "People's

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1 Conventions" and so the voices of all New Yorkers, not just those of

2 special interests, can be heard.

3 The legislature further finds and declares, in furtherance of estab-

4 lishing a meaningful convention process, that:

5 (a) delegates to the convention should be involved and concerned citi-

6 zens and not elected officials, lobbyists, or party chairmen;

7 (b) prior to the convening of the convention, and solely as an aid to

8 delegates, there should be appointed a preparatory commission with

9 adequate time to study the issues, establish a proposed initial agenda

10 and procedures, and prepare position papers, with ongoing information to

11 and participation of the public;

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

13 selection of delegates and in the running of the convention that will

14 reduce partisanship; and

15 (d) reasonable time limits should be placed on the length of the

16 convention and its costs, so as to assure that the operations of the

17 convention are not a burden on taxpayers, and that the convention may

18 enjoy maximum citizen participation.

19 Calling a constitutional convention subject to section 2 of article

20 XIX of the New York state constitution for the consideration of the

21 issues outlined above and all other issues that the delegates may deem

22 appropriate and in need of address to achieve the enumerated structural

23 and procedural reforms of government and its institutions is required.

24 To that end, and consistent with the statutory reforms of the delegate

25 selection process now being considered, we hereby find and declare that

26 the creation of a state government able to effectively exercise the

27 power and responsibilities given to it by a sovereign and free people

28 should be convened by a vote by that same people.

29 S 3. Pursuant to the provisions of section 2 of article XIX of the New

30 York state constitution, the question "Shall there be a convention to

31 revise the constitution and amend the same?" shall be submitted to and

32 decided by the people of the state at the general election to be held in

33 the next succeeding November after the effective date of this act.

34 S 4. If the question stated in section three of this act is answered

35 in the affirmative by a majority of all votes cast for and against it,

36 deciding in favor of a convention for such purpose, the procedures and

37 provisions of section 2 of article XIX of the New York state constitution shall apply and be implemented.

38 tion shall apply and be implemented.

39 S 5. Section 1-104 of the election law is amended by adding a new

40 subdivision 38 to read as follows:

41 38. THE TERM "NONPARTISAN ELECTION" MEANS A PRIMARY, GENERAL OR

42 SPECIAL ELECTION IN WHICH CANDIDATES SHALL RUN WITHOUT PARTY LABEL, AND

43 POLITICAL PARTIES ARE PROHIBITED FROM DESIGNATING OR NOMINATING CANDI-

44 DATES.

45 S 6. The election law is amended by adding a new section 2-128 to read

46 as follows:

47 S 2-128. ELECTION OF PARTY COMMITTEE OFFICERS AS DELEGATES TO STATE

48 CONSTITUTIONAL CONVENTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,

49 IN THE EVENT THAT A PERSON SERVING AS CHAIRMAN, SECRETARY, OR
TREASURER

50 OF A STATE OR COUNTY COMMITTEE OF A POLITICAL PARTY IS ELECTED
TO AND

51 SWORN AS A DELEGATE TO A STATE CONSTITUTIONAL CONVENTION,
SUCH PERSON

52 SHALL BE DEEMED TO HAVE RESIGNED FROM HIS OR HER POLITICAL
PARTY POSI-

53 TION AND THE PROVISIONS OF THIS ARTICLE FOR THE FILLING OF
VACANCIES IN

54 SUCH POSITION SHALL APPLY.

55 S 7. The election law is amended by adding a new section 6-125
to read

56 as follows:

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1 S 6-125. NONPARTISAN ELECTIONS OF DELEGATES TO A
CONSTITUTIONAL

2 CONVENTION. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL
PRIMARY

3 ELECTIONS AND GENERAL ELECTIONS FOR DELEGATES TO A
CONSTITUTIONAL

4 CONVENTION PURSUANT TO ARTICLE XIX OF THE NEW YORK STATE
CONSTITUTION

5 SHALL BE CONDUCTED AS NONPARTISAN ELECTIONS.

6 2. DESIGNATIONS FOR NOMINATION AT A NONPARTISAN PRIMARY FOR
DELEGATES

7 TO A CONSTITUTIONAL CONVENTION SHALL BE MADE IN THE SAME
MANNER AS

8 CURRENTLY PROVIDED FOR INDEPENDENT DESIGNATING PETITIONS. ALL
ENROLLED

9 VOTERS SHALL BE QUALIFIED TO SIGN NONPARTISAN DESIGNATING
PETITIONS.

10 3. NOTWITHSTANDING THE PROVISIONS OF SECTION 6-136 OF THIS
ARTICLE OR

11 ANY OTHER PROVISION OF LAW, ALL PETITIONS FOR THE DESIGNATION
FOR NOMI-

12 NATION OF A CONSTITUTIONAL CONVENTION DELEGATE FROM A SENATE
DISTRICT

13 MUST BE SIGNED BY NOT LESS THAN ONE THOUSAND ENROLLED VOTERS
OF SUCH

14 SENATE DISTRICT AND ALL PETITIONS FOR THE DESIGNATION FOR
NOMINATION OF

15 A STATEWIDE, AT-LARGE CONSTITUTIONAL CONVENTION DELEGATE MUST
BE SIGNED

16 BY NOT LESS THAN TEN THOUSAND ENROLLED VOTERS OF THE STATE, OF
WHOM NOT

17 LESS THAN ONE HUNDRED MUST RESIDE IN EACH OF TEN OF THE
CONGRESSIONAL

18 DISTRICTS OF THE STATE.

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

20 A NONPARTISAN PRIMARY SHALL BE SUBSTANTIALLY IN THE FORM
PRESCRIBED IN

21 SECTION 6-132 OF THIS ARTICLE, EXCEPT THAT NO REFERENCE SHALL BE
MADE TO

22 ANY POLITICAL PARTY THEREIN.
23 5. UNLESS OTHERWISE PROVIDED IN THIS SECTION, THE SECTIONS
OF LAW
24 APPLICABLE TO DESIGNATING PETITIONS FOR NONPARTISAN PRIMARY
ELECTIONS
25 SHALL BE THOSE PRESCRIBED BY THIS ARTICLE.
26 6. ALL REGISTERED VOTERS, REGARDLESS OF PARTY AFFILIATION
OR LACK
27 THEREOF, SHALL BE PERMITTED TO VOTE IN THE NONPARTISAN PRIMARY
ELECTION
28 FOR THE NOMINATION OF CANDIDATES FOR THE OFFICE OF DELEGATE
TO THE
29 CONSTITUTIONAL CONVENTION. SUITABLE PROVISIONS MUST BE MADE SO
THAT EACH
30 ELECTOR MAY VOTE FOR UP TO THREE OF ANY SENATE DISTRICT
CONSTITUTIONAL
31 CONVENTION DELEGATE CANDIDATES AND UP TO FIFTEEN OF ANY
STATEWIDE,
32 AT-LARGE CONSTITUTIONAL CONVENTION DELEGATE CANDIDATES.
33 7. UPON THE CANVASS OF VOTES IN A NONPARTISAN PRIMARY THE NINE
CONSTITI-
34 TUTIONAL CONVENTION DELEGATE CANDIDATES RECEIVING THE HIGHEST
NUMBER OF
35 VOTES IN EACH SENATE DISTRICT AND THE THIRTY CANDIDATES
RECEIVING THE
36 HIGHEST NUMBER OF VOTES AS STATEWIDE, AT-LARGE CONSTITUTIONAL
CONVENTION
37 DELEGATES SHALL BE CERTIFIED AS NOMINATED AND SHALL RUN IN THE
GENERAL
38 ELECTION HELD SUBSEQUENT TO THE PRIMARY WITHOUT PARTY
IDENTIFICATION.
39 8. NO CANDIDATE FOR DELEGATE TO A CONSTITUTIONAL CONVENTION
SHALL IN
40 ANY WAY USE OR ALLOW HIMSELF OR HERSELF TO BE ASSOCIATED WITH
A PARTY
41 LABEL IN EITHER THE PRIMARY OR GENERAL ELECTION.
42 9. ONCE A PERSON ANNOUNCES HIS OR HER INTENTION TO BE A
CANDIDATE FOR
43 ELECTION TO THE POSITION OF DELEGATE TO THE CONSTITUTIONAL
CONVENTION
44 AND UNTIL SUCH TIME AS THAT PERSON IS NO LONGER A CANDIDATE OR
UNTIL HIS
45 OR HER SERVICE AS A DELEGATE ENDS, WHICHEVER OCCURS LATER, SUCH
CANDI-
46 DATE FOR DELEGATE TO A CONSTITUTIONAL CONVENTION SHALL NOT (A)
PARTIC-
47 IPATE IN ANY PARTISAN POLITICAL PARTY ACTIVITIES, EXCEPT
THAT SUCH
48 CANDIDATE MAY REGISTER TO VOTE AS A MEMBER OF ANY POLITICAL
PARTY AND
49 MAY VOTE IN ANY PARTY PRIMARY FOR CANDIDATES FOR NOMINATION OF
THE PARTY
50 IN WHICH HE OR SHE IS REGISTERED TO VOTE; (B) CAMPAIGN OR
PUBLICLY
51 REPRESENT OR ADVERTISE HIMSELF OR HERSELF AS A MEMBER OF ANY
POLITICAL

52 PARTY; (C) ENDORSE ANY CANDIDATE OR POLITICAL PARTY; (D)
ACCEPT THE
53 ENDORSEMENT OF ANY POLITICAL PARTY; OR (E) SOLICIT OR ACCEPT
CONTRIB-
54 UTIONS FROM ANY POLITICAL PARTY COMMITTEE, POLITICAL ACTION
COMMITTEE OR
55 POLITICAL COMMITTEE PURSUANT TO SUBDIVISION ELEVEN OF SECTION
14-114 OF
56 THIS CHAPTER.
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1 10. WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE
OF THIS

2 SECTION, THE STATE BOARD OF ELECTIONS SHALL PROMULGATE RULES
AND REGU-

3 LATIONS CONSISTENT WITH THIS SECTION TO EFFECTUATE THE
PURPOSES AND

4 POLICIES HEREOF.

5 S 8. Section 14-100 of the election law is amended by
adding a new

6 subdivision 12 to read as follows:

7 12. "POLITICAL ACTION COMMITTEE" MEANS ANY COMMITTEE
ESTABLISHED,

8 FINANCED, MAINTAINED OR CONTROLLED BY ANY PERSON, GROUP OR
ENTITY FOR

9 THE PURPOSE OF SUPPORTING CANDIDATES FOR ELECTED POLITICAL
OFFICE AND/OR

10 OTHER POLITICAL PARTY OR POLITICAL COMMITTEES BY MAKING
CONTRIBUTIONS TO

11 SUCH CANDIDATES AND/OR THEIR POLITICAL CAMPAIGN COMMITTEES OR BY
MAKING

12 CONTRIBUTIONS TO OTHER POLITICAL PARTY OR OTHER POLITICAL
COMMITTEES,

13 AND DOES NOT MAKE DIRECT EXPENDITURES ON BEHALF OF CANDIDATES.

14 S 9. Section 14-114 of the election law is amended by adding
a new

15 subdivision 11 to read as follows:

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

17 TICAL COMMITTEE SHALL CONTRIBUTE TO ANY CANDIDATE FOR
DELEGATE TO A

18 CONSTITUTIONAL CONVENTION FOR EITHER THE PRIMARY OR GENERAL
ELECTION.

19 NOR SHALL ANY CANDIDATE FOR DELEGATE TO A CONSTITUTIONAL
CONVENTION

20 SOLICIT OR ACCEPT CONTRIBUTIONS FROM ANY POLITICAL PARTY
COMMITTEE,

21 POLITICAL ACTION COMMITTEE OR POLITICAL COMMITTEE FOR EITHER THE
PRIMARY

22 OR GENERAL ELECTION.

23 S 10. The election law is amended by adding a new article 18
to read

24 as follows:

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ARTICLE 18

REGISTRATION AND REPORTS BY CERTAIN PERSONS PROMOTING
OR OPPOSING THE ADOPTION OF PROPOSED CONSTITUTIONAL

28

AMENDMENTS BY A CONSTITUTIONAL

29

CONVENTION

30 SECTION 18-100. REGISTRATION AND REPORTS BY CERTAIN PERSONS
PROMOTING

31 OR OPPOSING THE ADOPTION OF PROPOSED CONSTITUTIONAL
AMENDMENTS BY A

32 CONSTITUTIONAL CONVENTION.

33 S 18-100. REGISTRATION AND REPORTS BY CERTAIN PERSONS
PROMOTING OR

34 OPPOSING THE ADOPTION OF PROPOSED CONSTITUTIONAL AMENDMENTS BY A
CONSTITUTIONAL

35 CONVENTION. 1. EVERY PERSON RETAINED OR EMPLOYED FOR
COMPEN-

36 SATION BY ANY PERSON, FIRM, CORPORATION OR ASSOCIATION WHO, ON
BEHALF OF

37 SUCH PRINCIPAL OR EMPLOYER, PROMOTES OR OPPOSES DIRECTLY OR
INDIRECTLY

38 THE ADOPTION OF A PROPOSED CONSTITUTIONAL AMENDMENT OR
AMENDMENTS BY A

39 CONSTITUTIONAL CONVENTION, WHETHER OR NOT HE OR SHE HAS A
PERSONAL

40 INTEREST THEREIN, SHALL, BEFORE ANY SERVICE IS ENTERED UPON IN
PROMOTING

41 OR OPPOSING SUCH PROPOSED CONSTITUTIONAL AMENDMENT OR
AMENDMENTS, FILE

42 IN THE OFFICE OF THE SECRETARY OF STATE A WRITING SUBSCRIBED
BY SUCH

43 PERSON STATING THE NAME OR NAMES OF THE PERSON OR PERSONS,
FIRM OR

44 FIRMS, CORPORATION OR CORPORATIONS, ASSOCIATION OR ASSOCIATIONS,
BY WHOM

45 OR ON WHOSE BEHALF HE OR SHE IS RETAINED OR EMPLOYED, TOGETHER
WITH A

46 BRIEF DESCRIPTION OF THE PROPOSED CONSTITUTIONAL AMENDMENT OR
AMENDMENTS

47 IN REFERENCE TO WHICH SUCH SERVICE IS TO BE RENDERED.

48 2. IT SHALL BE THE DUTY OF THE SECRETARY OF STATE TO PROVIDE
A DOCKET

49 TO BE KNOWN AS THE DOCKET OF CONSTITUTIONAL CONVENTION
APPEARANCES, WITH

50 APPROPRIATE BLANKS AND INDICES, AND TO FORTHWITH ENTER THEREIN
THE NAMES

51 OF THE PERSONS SO RETAINED OR EMPLOYED AND OF THE PERSONS,
FIRMS, CORPO-

52 RATIONS OR ASSOCIATIONS RETAINING OR EMPLOYING THEM, TOGETHER
WITH A

53 BRIEF DESCRIPTION OF THE PROPOSED CONSTITUTIONAL AMENDMENT OR
AMENDMENTS

54 IN REFERENCE TO WHICH THE SERVICE IS TO BE RENDERED, WHICH
DOCKET SHALL

55 BE OPEN TO PUBLIC INSPECTION.

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1 3. UPON THE TERMINATION OF SUCH RETAINER OR EMPLOYMENT THE
FACT OF

2 SUCH TERMINATION, WITH THE DATE THEREOF, SHALL BE ENTERED IN

THE DOCKET

3 BY THE SECRETARY OF STATE UPON RECEIVING WRITTEN NOTICE TO THAT EFFECT

4 FROM SUCH PERSON OR FROM THE PERSON, FIRM, CORPORATION OR ASSOCIATION IN

5 WHOSE BEHALF SUCH SERVICE HAS BEEN RENDERED.

6 4. NO PERSON RETAINED OR EMPLOYED TO PROMOTE OR OPPOSE, DIRECTLY OR

7 INDIRECTLY, THE ADOPTION OF A PROPOSED CONSTITUTIONAL AMENDMENT OR

8 AMENDMENTS BY A CONSTITUTIONAL CONVENTION SHALL BE ELIGIBLE TO SERVE AS

9 A DELEGATE TO SUCH CONSTITUTIONAL CONVENTION.

10 5. NO PERSON, FIRM, CORPORATION OR ASSOCIATION SHALL RETAIN OR EMPLOY

11 ANY PERSON TO PROMOTE OR OPPOSE ANY PROPOSED CONSTITUTIONAL AMENDMENT OR

12 AMENDMENTS FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART UPON THE

13 ADOPTION OR DEFEAT OF ANY SUCH AMENDMENT OR AMENDMENTS BY THE CONSTITU-

14 TIONAL CONVENTION, AND NO PERSON SHALL ACCEPT ANY SUCH EMPLOYMENT OR

15 RENDER ANY SUCH SERVICE FOR COMPENSATION CONTINGENT UPON SUCH ADOPTION

16 OR DEFEAT.

17 6. NO PERSON SHALL FOR COMPENSATION ENGAGE IN PROMOTING OR OPPOSING

18 ANY PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS BY SUCH CONSTITU-

19 TIONAL CONVENTION EXCEPT UPON APPEARANCE ENTERED IN ACCORDANCE WITH THE

20 FOREGOING PROVISIONS OF THIS SECTION.

21 7. IT SHALL BE THE DUTY OF EVERY PERSON, FIRM, CORPORATION, PUBLIC OR

22 PRIVATE, OR ASSOCIATION, (WHETHER OR NOT REQUIRED TO FILE PURSUANT TO

23 THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION), NOT LATER THAN APRIL

24 FIFTEENTH, IN ANY YEAR IN WHICH A CONSTITUTIONAL CONVENTION IS CONVENED

25 AND IN WHICH A PROPOSED CONSTITUTIONAL AMENDMENT OR AMENDMENTS BY A

26 CONSTITUTIONAL CONVENTION IS PUT TO THE VOTERS, TO FILE IN THE OFFICE OF

27 THE SECRETARY OF STATE AN ITEMIZED STATEMENT VERIFIED BY THE OATH OF

28 SUCH PERSON, OR IN CASE OF A FIRM BY THE OATH OF A MEMBER THEREOF, OR IN

29 CASE OF A DOMESTIC CORPORATION OR ASSOCIATION BY THE OATH OF AN OFFICER

30 THEREOF, OR IN CASE OF A FOREIGN CORPORATION OR ASSOCIATION BY THE OATH

31 OF AN OFFICER OR AGENT THEREOF, SHOWING IN DETAIL ALL EXPENSES PAID,

32 INCURRED OR PROMISED DIRECTLY OR INDIRECTLY IN EACH YEAR

THROUGH THE

33 CONCLUSION OF THE YEAR IN WHICH ANY PROPOSED CONSTITUTIONAL AMENDMENT OR

34 AMENDMENTS BY A CONSTITUTIONAL CONVENTION HAVE BEEN PUT TO THE VOTERS,

35 IN CONNECTION WITH PROMOTING OR OPPOSING ANY CONSTITUTIONAL AMENDMENT OR

36 AMENDMENTS WHICH MAY BE PROPOSED AT SUCH CONSTITUTIONAL CONVENTION, WITH

37 THE NAMES OF THE PAYEES AND THE AMOUNT PAID TO EACH, INCLUDING ALL

38 DISBURSEMENTS PAID, INCURRED OR PROMISED TO PERSONS EMPLOYED OR

39 RETAINED, AND ALSO SPECIFYING THE NATURE OF SUCH CONSTITUTIONAL AMEND-

40 MENT OR AMENDMENTS, AND THE INTEREST THEREIN OF SUCH PERSON, FIRM,

41 CORPORATION OR ASSOCIATION; PROVIDED, HOWEVER, NO SUCH ITEMIZED STATE-

42 MENT NEED BE FILED IF THE TOTAL OF SUCH ITEMIZED EXPENSES IS LESS THAN

43 TWO HUNDRED FIFTY DOLLARS.

44 8. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE STATE NOR

45 SHALL SUBDIVISIONS ONE, FIVE AND NINE OF THIS SECTION APPLY TO A COUNTY,

46 CITY, TOWN, VILLAGE, PUBLIC BOARD OR INSTITUTION, OR THEIR AGENTS OR

47 EMPLOYEES; NOR SHALL THE PROVISIONS OF THIS SECTION BE CONSTRUED AS

48 AFFECTING PROFESSIONAL SERVICES IN DRAFTING A PROPOSED CONSTITUTIONAL

49 AMENDMENT OR AMENDMENTS OR IN ADVISING CLIENTS OR IN RENDERING OPINIONS

50 AS TO THE CONSTRUCTION AND EFFECT OF ANY CONSTITUTIONAL AMENDMENT OR

51 AMENDMENTS WHICH MAY BE PROPOSED AT SUCH CONVENTION WHERE SUCH PROFES-

52 SIONAL SERVICE IS NOT OTHERWISE CONNECTED WITH CONSTITUTIONAL CONVENTION

53 ACTION.

54 9. ON OR BEFORE APRIL TWENTY-FOURTH IN ANY YEAR IN WHICH A CONSTITU-

55 TIONAL CONVENTION IS CONVENED, THE SECRETARY OF STATE SHALL FURNISH TO

56 EACH DELEGATE TO SUCH CONVENTION A SUMMARY OF THE INFORMATION CONTAINED

A. 9157

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1 IN THE DOCKET OF CONSTITUTIONAL CONVENTION APPEARANCES, AND ON OR BEFORE

2 SUCH DATE SHALL ALSO TRANSMIT TO THE PRESIDENT OF SUCH CONSTITUTIONAL

3 CONVENTION A COPY OF EVERY STATEMENT FILED IN HIS OR HER OFFICE UP TO

4 AND INCLUDING SUCH DATE PURSUANT TO SUBDIVISION SIX OF THIS

SECTION.

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

19 S 11. Section 30 of the public officers law is amended by
adding a new
20 subdivision 1-a to read as follows:
21 1-A. WHENEVER ANY STATE OR LOCAL OFFICER, AS THOSE TERMS ARE
DEFINED
22 IN SECTION TWO OF THIS CHAPTER, IS ELECTED AND SWORN AS A
DELEGATE TO A
23 STATE CONSTITUTIONAL CONVENTION, SUCH OFFICIAL WILL BE DEEMED
TO HAVE
24 VACATED HIS OR HER STATE OR LOCAL OFFICE AND THE SAID OFFICE
WILL BE
25 DEEMED VACANT FOR PURPOSES OF THE NOMINATION AND
APPOINTMENT OF A
26 SUCCESSOR.

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

34 the senate and the speaker of the assembly, and one each by the minority

35 leader of the senate and the minority leader of the assembly. The

36 members shall elect a chair.

37 S 13. Severability. If any provision of this act, or the application

38 thereof to any person or circumstance, shall be adjudged by any court of

39 competent jurisdiction to be invalid or unconstitutional, such judgment

40 shall not affect, impair or invalidate the remainder thereof, but shall

41 be confined in its operation to the provision of this act, or in its

42 application to the person or circumstance, directly involved in the

43 controversy in which such judgment shall have been rendered.

44 S 14. This act shall take effect immediately; provided that the

45 provisions of section four of this act shall not take effect unless and

46 until the question proposed in section three of this act shall have been

47 submitted to the people at the general election to be held in the next

48 succeeding November after the effective date of this act, and shall have

49 received a majority of all votes cast for and against it at such

50 election. Upon approval by the people, section four of this act shall

51 take effect immediately. The ballots to be furnished for the use of the

52 voters upon the submission of section three of this act shall be in the

53 form prescribed by the election law, and the proposition or question to

54 be submitted shall be printed in the following form: "Shall there be a

55 convention to revise the constitution and amend the same?"

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