



**STATE OF NEW YORK  
STATE BOARD OF ELECTIONS**

Albany, New York  
July 15, 2009

**CERTIFICATION**

**To the Boards of Elections of the State of New York**

Notice is hereby given, that at the General Election to be held in this State on Tuesday, November 3, 2009, the following proposal will be submitted to the people for approval: Proposal Number Two , an Amendment.

**TEXT OF PROPOSAL NUMBER TWO, AN AMENDMENT**

**CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**

proposing an amendment to article 3 of the constitution, in relation to allowing that the legislature may allow prisoners to voluntarily perform work for nonprofit organizations

Section 1. Resolved (if the Senate concur), That section 24 of article 3 of the constitution be amended to read as follows:

§ 24. The legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several state prisons, penitentiaries, jails and reformatories in the state; and no person in any such prison, penitentiary, jail or reformatory, shall be required or allowed to work, while under sentence thereto, at any trade, industry or occupation, wherein or whereby his or her work, or the product or profit of his or her work, shall be farmed out, contracted, given or sold to any person, firm, association or corporation, provided that the legislature may provide by law that such prisoners may voluntarily perform work for nonprofit organizations. As used in this section, the term "nonprofit organization" means an organization operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual. This section shall not be construed to prevent the legislature from providing that convicts may work for, and that the products of their labor may be disposed of to, the state or any political division thereof, or for or to any public institution owned or managed and controlled by the state, or any political division thereof.

§ 2. Resolved (if the Senate concur), That the foregoing amendment be submitted to the people for approval at the general election to be held in the year 2009 in accordance with the provisions of the election law.

#### **ABSTRACT OF PROPOSAL NUMBER TWO, AN AMENDMENT**

The purpose of this amendment is to authorize the Legislature to allow inmates in state and local correctional facilities to voluntarily perform work for nonprofit organizations.

Section 24 of article 3 of the State Constitution currently prohibits the farming out, contracting, giving away or selling of convict labor to any person, firm, association, or corporation. Inmates may, however, perform work for the State and its political divisions and their public institutions.

The proposed amendment would authorize the Legislature to pass legislation allowing inmates to perform work for nonprofit organizations. A "nonprofit organization" is defined to mean an organization operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which benefits any private shareholder or individual.

#### **FORM OF SUBMISSION OF PROPOSAL NUMBER TWO, AN AMENDMENT**

Amendment to article 3 of the Constitution, in relation to authorizing the Legislature to allow prisoners to voluntarily perform work for nonprofit organizations.

The proposed amendment would authorize the Legislature to pass legislation to permit inmates in state and local correctional facilities to perform work for nonprofit organizations. Shall the proposed amendment be approved?

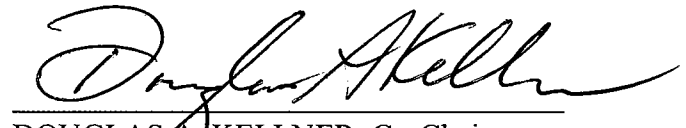
The foregoing text of Ballot Proposal Two, An Amendment, is a correct copy of the original as certified to be on file in the Department of State.

NEW YORK STATE BOARD OF ELECTIONS  
July 15, 2009

GIVEN under our hands and seal of the office  
of the State Board of Elections, at the  
City of Albany, this 15<sup>th</sup> day of  
July, in the year 2009.



JAMES A. WALSH, Co-Chair  
New York State Board of Elections



DOUGLAS A. KELLNER, Co-Chair  
New York State Board of Elections