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Assembly GOP exploring possibility of recall: A measure allowing the removal of a sitting governor would likely require a change in the constitution

By Rick Karlin, Capitol bureau

ALBANY — In what may be the Republicans' most aggressive action so far in their increasingly bitter struggle with Democratic Gov. Eliot Spitzer, lawyers for Assembly Republican Minority Leader James Tedisco are researching a proposal to create a way of allowing voters to unseat a sitting governor.

Such a recall mechanism would probably have to come through a constitutional amendment, which would entail approval by two consecutive legislatures and by voters.

And while it's highly unlikely the Democratic-dominated Assembly would pass the plan, the fact that Republicans are looking at it underscores how hard they are going after Spitzer.

"We're researching the possibility of a recall, similar to what California has," said Bill Sherman, Tedisco's chief of staff.

His remarks came a day after Tedisco tore into the governor during one of several press conferences during the past few weeks to decry the governor's policy that would allow illegal aliens to obtain driver's licenses.

That plan comes with what the administration has said is tighter scrutiny of license applicants, but it has nonetheless drawn heavy protest from mostly Republican county clerks as well as Republicans in the Legislature.

"This is not only about illegal aliens, we think it's about illegal Eliot," said Tedisco, who contends the change should have been debated in the Legislature rather than imposed by executive order.

Spitzer's office had not seen the Republican plan and had no comment.

A prominent Democratic senator, Eric Schneiderman of Manhattan, dubbed the recall idea "absurd."

New Yorkers have voted on some 75 constitutional amendments over the last 40 years with about two-thirds passing, said Robert Ward, deputy director of the SUNY Rockefeller Institute of Government.

The vast majority of those amendments, though, concerned relatively minor or narrow issues, such as helping rebuild municipal water systems.

The last major constitutional change, Ward said, was in 1977 when voters eliminated elections for Court of Appeals judges, giving the governor appointment power.

Even though it's a long shot in New York, talk of a recall is at least likely to get the attention of the Spitzer camp when one considers what happened in California in 2003 — when Democratic Gov. Gray Davis was recalled following a number of controversial moves including his plan to grant driver's licenses to illegal immigrants.

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