

STATE OF NEW YORK

9266

IN ASSEMBLY

February 9, 2022

Introduced by M. of A. BURGOS -- read once and referred to the Committee on Governmental Operations

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to sections 1 and 4 of article 5 and section 5 of article 4, in relation to the election and duties of the secretary of state

1 Section 1. Resolved (if the Senate concur), That section 1 of article
2 5 of the constitution be amended to read as follows:
3 Section 1. The comptroller, secretary of state and attorney-general
4 shall be chosen at the same general election as the governor and hold
5 office for the same term, and shall possess the qualifications provided
6 in section 2 of article IV. The legislature shall provide for filling
7 vacancies in the office of comptroller and of attorney-general. No
8 election of a comptroller, secretary of state or an attorney-general
9 shall be had except at the time of electing a governor. The comptroller
10 shall be required: (1) to audit all vouchers before payment and all
11 official accounts; (2) to audit the accrual and collection of all revenues and receipts; and (3) to prescribe such methods of accounting as are
12 necessary for the performance of the foregoing duties. The payment of
13 any money of the state, or of any money under its control, or the refund
14 of any money paid to the state, except upon audit by the comptroller,
15 shall be void, and may be restrained upon the suit of any taxpayer with
16 the consent of the supreme court in appellate division on notice to the
17 attorney-general. In such respect the legislature shall define the
18 powers and duties and may also assign to him or her: (1) supervision of
19 the accounts of any political subdivision of the state; and (2) powers
20 and duties pertaining to or connected with the assessment and taxation
21 of real estate, including determination of ratios which the assessed
22 valuation of taxable real property bears to the full valuation thereof,
23 but not including any of those powers and duties reserved to officers of
24 a county, city, town or village by virtue of sections seven and eight of
25 article nine of this constitution. The legislature shall assign to him
26 or her no administrative duties, excepting such as may be incidental to
27 the performance of these functions, any other provision of this constitution to the contrary notwithstanding.

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

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1 § 2. Resolved (if the Senate concur), That section 4 of article 5 of
2 the constitution be amended and a new section 5 be added to read as
3 follows:

4 § 4. The head of the department of audit and control shall be the
5 comptroller and of the department of law, the attorney-general, and the
6 chief elections officer of the state shall be the secretary of state.

7 The head of the department of education shall be The Regents of the
8 University of the State of New York, who shall appoint and at pleasure
9 remove a commissioner of education to be the chief administrative offi-
10 cer of the department. The head of the department of agriculture and
11 markets shall be appointed in a manner to be prescribed by law. Except
12 as otherwise provided in this constitution, the heads of all other
13 departments and the members of all boards and commissions, excepting
14 temporary commissions for special purposes, shall be appointed by the
15 governor by and with the advice and consent of the senate and may be
16 removed by the governor, in a manner to be prescribed by law.

17 § 5. The secretary of state shall administer elections in New York
18 state and provide oversight of county clerks offices in each county
19 within the state.

20 § 3. Resolved (if the Senate concur), That section 5 of article 4 of
21 the constitution be amended by adding two undesignated paragraphs to
22 read as follows:

23 If, when the duty of acting as governor devolves upon the speaker of
24 the assembly, there be a vacancy in such office or the speaker of the
25 assembly shall be absent from the state or otherwise unable to discharge
26 the duties of governor, the comptroller shall act as governor during
27 such vacancy or inability.

28 If, when the duty of acting as governor devolves upon the comptroller,
29 there be a vacancy in such office or the comptroller shall be absent
30 from the state or otherwise unable to discharge the duties of governor,
31 the secretary of state shall act as governor during such vacancy or
32 inability.

33 § 4. Resolved (if the Senate concur), That the foregoing be referred
34 to the first regular legislative session convening after the next
35 succeeding general election of members of the assembly, and, in conform-
36 ity with section 1 of article 19 of the constitution, be published for 3
37 months previous to the time of such election.