

# STATE OF NEW YORK

6323

2019-2020 Regular Sessions

## IN ASSEMBLY

March 5, 2019

Introduced by M. of A. BRABENEC -- read once and referred to the Committee on Election Law

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 4 and article 5 of the constitution, in relation to establishing an electoral college system for electing the governor, lieutenant-governor, comptroller and attorney general

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

4 Section 1. (a) The executive power shall be vested in the governor,  
5 who shall hold office for four years; the lieutenant-governor shall be  
6 chosen at the same time, and for the same term. The governor and lieu-  
7 tenant-governor shall be chosen at the general election held in the year  
8 nineteen hundred thirty-eight, and each fourth year thereafter. They  
9 shall be chosen jointly, by the casting by each voter of a single vote  
10 applicable to both offices, and the legislature by law shall provide for  
11 making such choice in such manner. The respective persons having the  
12 [~~highest-number~~] majority of electoral votes cast jointly for them for  
13 governor and lieutenant-governor respectively shall be elected.

14 (b) In the event a majority of electoral votes are not for a single  
15 person for the governor or lieutenant-governor, another election shall  
16 be held until a person receives a majority of electoral votes or ten  
17 elections have occurred, whichever comes first. If no one has achieved  
18 a majority of electoral votes after ten elections, the respective person  
19 having the highest number of votes cast jointly for them for governor or  
20 lieutenant-governor respectively shall be elected.

21 § 1-a. (a) Electoral votes for the governor and lieutenant-governor  
22 shall be distributed as follows:

23 (i) Each county within the state shall be assigned one electoral vote;  
24 and

25 (ii) Each county shall be assigned one additional electoral vote for  
26 each fifty thousand legal residents of the county.

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

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1 (b) Electoral votes shall be cast for the governor and lieutenant-gov-  
2 ernor on the first Friday in December in Albany by representatives from  
3 each county based on the respective persons having the largest number of  
4 votes cast jointly for them for governor and lieutenant-governor respec-  
5 tively from such county.

6 § 2. Resolved (if the Senate concur), That article 5 of the constitu-  
7 tion be amended by adding a new section 1-a to read as follows:

8 § 1-a. (a) The comptroller and attorney general shall be chosen by the  
9 casting by each voter of a vote for each office. The respective persons  
10 having the majority of electoral votes cast for them for comptroller and  
11 attorney general respectively shall be elected.

12 (b) Electoral votes for the comptroller and attorney general shall be  
13 distributed as follows:

14 (i) Each county within the state shall be assigned one electoral vote;  
15 and

16 (iii) Each county shall be assigned one additional electoral vote for  
17 each fifty thousand legal residents of the county.

18 (c) Electoral votes shall be cast for the comptroller and attorney  
19 general on the first Friday in December in Albany by representatives  
20 from each county based on the respective persons having the largest  
21 number of votes cast for them for comptroller and attorney general  
22 respectively from such county.

23 (d) In the event a majority of electoral votes are not for a single  
24 person for the comptroller or attorney general, another election shall  
25 be held until a person receives a majority of electoral votes or ten  
26 elections have occurred, whichever comes first. If no one has achieved  
27 a majority of electoral votes after ten elections, the respective person  
28 having the highest number of votes cast for them for comptroller or  
29 attorney general respectively shall be elected.

30 § 3. Resolved (if Senate the concur), That the foregoing amendment be  
31 referred to the first regular legislative session convening after the  
32 next succeeding general election of members of the assembly, and, in  
33 conformity with section 1 of article 19 of the constitution, be  
34 published for 3 months previous to the time of such election.