

# STATE OF NEW YORK

3782

2021-2022 Regular Sessions

## IN SENATE

January 30, 2021

Introduced by Sens. GRIFFO, GALLIVAN, JORDAN, ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 1 of article 4 of the constitution, in relation to term limits for the office of governor; proposing an amendment to section 1 of article 5 of the constitution, in relation to term limits for the offices of comptroller and attorney-general; and proposing an amendment to section 2 of article 3 of the constitution, in relation to limiting the terms of office as a member of the legislature any person may serve

1 Section 1. Resolved (if the Assembly concur), That section 1 of article 4 of the constitution be amended to read as follows:

2  
3 Section 1. The executive power shall be vested in the governor, who  
4 shall hold office for four years; the lieutenant-governor shall be  
5 chosen at the same time, and for the same term. The governor and lieutenant-governor shall be chosen at the general election held in the year  
6  
7 nineteen hundred thirty-eight, and each fourth year thereafter. They  
8 shall be chosen jointly, by the casting by each voter of a single vote  
9 applicable to both offices, and the legislature by law shall provide for  
10 making such choice in such manner. The respective persons having the  
11 highest number of votes cast jointly for them for governor and lieutenant-governor respectively shall be elected. No person shall be elected  
12 to the office of the governor more than two times, and no person who has  
13 held the office of governor or acted as governor for more than two years  
14 of a term to which another person was elected governor shall be elected  
15 to more than one additional term. The limitation on the terms of office  
16 that any person can be elected to the office of governor shall not apply  
17 to any person holding the office of governor on the effective date of  
18 this provision. Provided, further, that a person who has been elected  
19 two times to the office of governor and who is in the line of succession  
20 to such office, pursuant to section six of this article, shall be passed  
21

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

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1 over in the line of succession and the next person in the line of  
2 succession shall act as governor.

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

5 Section 1. The comptroller and attorney-general shall be chosen at the  
6 same general election as the governor and hold office for the same term,  
7 and shall possess the qualifications provided in section 2 of article  
8 IV. The legislature shall provide for filling vacancies in the office of  
9 comptroller and of attorney-general. No election of a comptroller or an  
10 attorney-general shall be had except at the time of electing a governor.

11 No person shall be elected to the office of comptroller or attorney-gen-  
12 eral more than two times, and no person who has held the office of comp-  
13 troller or attorney-general, or acted as comptroller or attorney-general  
14 for more than two years of a term to which another person was elected  
15 comptroller or attorney-general shall be elected to more than one addi-  
16 tional term. The limitation on the terms of office that any person can  
17 be elected to the office of comptroller or attorney-general shall not  
18 apply to any person holding the office of comptroller or attorney-gener-  
19 al on the effective date of this provision. The comptroller shall be

20 required: (1) to audit all vouchers before payment and all official  
21 accounts; (2) to audit the accrual and collection of all revenues and  
22 receipts; and (3) to prescribe such methods of accounting as are neces-  
23 sary for the performance of the foregoing duties. The payment of any  
24 money of the state, or of any money under its control, or the refund of  
25 any money paid to the state, except upon audit by the comptroller, shall  
26 be void, and may be restrained upon the suit of any taxpayer with the  
27 consent of the supreme court in appellate division on notice to the  
28 attorney-general. In such respect the legislature shall define the  
29 powers and duties and may also assign to him or her: (1) supervision of  
30 the accounts of any political subdivision of the state; and (2) powers  
31 and duties pertaining to or connected with the assessment and taxation  
32 of real estate, including determination of ratios which the assessed  
33 valuation of taxable real property bears to the full valuation thereof,  
34 but not including any of those powers and duties reserved to officers of  
35 a county, city, town or village by virtue of [~~sections seven and eight~~]  
36 section one of article nine and section thirteen of article thirteen of  
37 this constitution. The legislature shall assign to him or her no admin-  
38 istrative duties, excepting such as may be incidental to the performance  
39 of these functions, any other provision of this constitution to the  
40 contrary notwithstanding.

41 § 3. Resolved (if the Assembly concur), That section 2 of article 3 of  
42 the constitution be amended to read as follows:

43 § 2. The senate shall consist of [~~fifty~~] sixty-three members, except  
44 as hereinafter provided. The senators [~~elected in the year one thousand~~  
45 ~~eight hundred and ninety five shall hold their offices for three years,~~  
46 ~~and their successors shall be chosen~~] shall be elected for two years  
47 until the year two thousand twenty-five; senators elected in the year  
48 two thousand twenty-five and in all subsequent years shall be elected  
49 for four years. The assembly shall consist of one hundred and fifty  
50 members. The assembly members [~~elected in the year one thousand nine~~  
51 ~~hundred and thirty eight, and their successors, shall be chosen~~] shall  
52 be elected for two years until the year two thousand twenty-five; assem-  
53 bly members elected in the year two thousand twenty-five and in all  
54 subsequent years shall be elected for four years.

55 No person elected as a member of the senate or as a member of the  
56 assembly in the year two thousand twenty-five and in all subsequent

1 years shall serve as a member of the legislature for more than three  
2 four year terms, whether such service is as a senator, as an assembly  
3 member, or terms as a senator and an assembly member combined; provided  
4 that any partial term of office held as a member of the legislature  
5 prior to the election to a four year term shall not be used to calculate  
6 any term limitation imposed pursuant to this paragraph.

7 § 4. Resolved (if the Assembly concur), That the foregoing be referred  
8 to the first regular legislative session convening after the next  
9 succeeding general election of members of the assembly, and, in conform-  
10 ity with section 1 of article 19 of the constitution, be published for 3  
11 months previous to the time of such election.