

STATE OF NEW YORK

5603

2021-2022 Regular Sessions

IN ASSEMBLY

February 22, 2021

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 the Senate 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.