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

Section 1. Resolved (if the Senate concur), That section 1 of article 5 of the constitution be amended to read as follows:

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

§ 4. The head of the department of audit and control shall be the comptroller and of the department of law, the attorney-general**, and the chief elections officer of the state shall be the secretary of state**. The head of the department of education shall be The Regents of the University of the State of New York, who shall appoint and at pleasure remove a commissioner of education to be the chief administrative officer of the department. The head of the department of agriculture and markets shall be appointed in a manner to be prescribed by law. Except as otherwise provided in this constitution, the heads of all other departments and the members of all boards and commissions, excepting temporary commissions for special purposes, shall be appointed by the governor by and with the advice and consent of the senate and may be removed by the governor, in a manner to be prescribed by law.

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

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

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

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

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