

STATE OF NEW YORK

4063

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

Introduced by M. of A. DINOWITZ, RIVERA, TAPIA, SEAWRIGHT, DeSTEFANO,
MORINELLO, AUBRY -- read once and referred to the Committee on Govern-
mental Operations

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 7 of article 3 of the constitution, in
relation to resignation of members of the legislature who move out of
their district during their term

1 Section 1. Resolved (if the Senate concur), That section 7 of article
2 3 of the constitution be amended to read as follows:
3 § 7. No person shall serve as a member of the legislature unless he or
4 she is a citizen of the United States and has been a resident of the
5 state of New York for five years, and, except as hereinafter otherwise
6 prescribed, of the assembly or senate district for the twelve months
7 immediately preceding his or her election; if elected a senator or
8 member of assembly at the first election next ensuing after a readjust-
9 ment or alteration of the senate or assembly districts becomes effec-
10 tive, a person, to be eligible to serve as such, must have been a resi-
11 dent of the county in which the senate or assembly district is contained
12 for the twelve months immediately preceding his or her election. No
13 member of the legislature shall, during the time for which he or she was
14 elected, receive any civil appointment from the governor, the governor
15 and the senate, the legislature or from any city government, to an
16 office which shall have been created, or the emoluments whereof shall
17 have been increased during such time. If a member of the legislature be
18 elected to congress, or appointed to any office, civil or military,
19 under the government of the United States, the state of New York, or
20 under any city government except as a member of the national guard or
21 naval militia of the state, or of the reserve forces of the United
22 States, his or her acceptance thereof shall vacate his or her seat in
23 the legislature, providing, however, that a member of the legislature
24 may be appointed commissioner of deeds or to any office in which he or
25 she shall receive no compensation. If a member of the legislature shall

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

LBD89042-01-3

1 move their residence out of the senate or assembly district they were
2 elected to serve during the time for which he or she was elected he or
3 she shall immediately vacate his or her seat in the legislature.

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