

# STATE OF NEW YORK

9095

## IN ASSEMBLY

February 7, 2024

Introduced by M. of A. WALLACE -- read once and referred to the Committee on Governmental Operations

### 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 and lieutenant-governor; and 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

1 Section 1. Resolved (if the Senate concur), That section 1 of article  
2 4 of the constitution be amended to read as follows:

3 Section 1. (a) The executive power shall be vested in the governor,  
4 who 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 lieu-  
6 tenant-governor shall be chosen at the general election held in the year  
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 lieuten-  
12 ant-governor respectively shall be elected.

13 (b) No person shall be elected to the office of the governor more than  
14 three times. Provided, however, any term already served by a sitting  
15 governor prior to the amendments to this section being approved and  
16 ratified by the people and coming into effect shall be excluded from the  
17 limits on service set forth by this section. Provided, further, that a  
18 person who has been thrice elected to the office of governor and who is  
19 in the line of succession to such office, pursuant to section six of  
20 this article, shall be passed over in the line of succession and the  
21 next person in the line of succession shall act as governor.

22 (c) No person shall be elected to the office of the lieutenant-gover-  
23 nor more than three times. Provided, however, any term already served by  
24 a sitting lieutenant-governor prior to the amendments to this section  
25 being approved and ratified by the people and coming into effect shall  
26 be excluded from the limits on service set forth by this section.  
27 Provided, further, that a person who has been thrice elected to the

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

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1 office of lieutenant-governor and who is in the line of succession to  
2 such office, pursuant to section six of this article, shall be passed  
3 over in the line of succession and the next person in the line of  
4 succession shall act as lieutenant-governor.

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

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

13 No person shall be elected to the office of comptroller or attorney-gen-  
14 eral who has previously been elected to such office more than three  
15 times, provided, however, any term already served by a sitting comp-  
16 troller or attorney-general prior to the amendments to this section  
17 being approved and ratified by the people and coming into effect shall  
18 be excluded from the limits on service set forth by this section.

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

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