

# STATE OF NEW YORK

2597

2023-2024 Regular Sessions

## IN ASSEMBLY

January 26, 2023

Introduced by M. of A. WOERNER, J. M. GIGLIO, SMULLEN, WALSH, MILLER,  
BUTTENSCHON -- read once and referred 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

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

Section 1. The executive power shall be vested in the governor, who shall hold office for four years; the lieutenant-governor shall be 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 nineteen hundred thirty-eight, and each fourth year thereafter. They shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices, and the legislature by law shall provide for making such choice in such manner. The respective persons having the highest number of votes cast jointly for them for governor and lieutenant-governor respectively shall be elected. No person shall be elected to the office of the governor more than twice, and no person who has held the office of governor or acted as governor for more than two years of a term to which another person was elected governor shall be elected more than once. The limitation on the terms of office that any person can be elected to the office of governor shall not apply to any person holding the office of governor on the effective date of this sentence. Provided, further, that a person who has been twice elected to the office of governor and who is in the line of succession to such office, pursuant to section six of this article, shall be passed over in the

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

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

3 § 2. Resolved (if the Senate 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 who has previously been elected to such office more than once. The  
13 limitation on the terms of office that any person can be elected to the  
14 office of comptroller or attorney-general shall not apply to any person  
15 holding the office of comptroller or attorney-general on the effective  
16 date of this sentence. The comptroller shall be required: (1) to audit

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

37 § 3. Resolved (if the Senate concur), That section 2 of article 3 of  
38 the constitution be amended to read as follows:

39 § 2. The senate shall consist of fifty members, except as hereinafter  
40 provided. The senators elected in the year one thousand eight hundred  
41 and ninety-five shall hold their offices for three years, and their  
42 successors shall be chosen for two years. The assembly shall consist of  
43 one hundred and fifty members. The assembly members elected in the year  
44 one thousand nine hundred and thirty-eight, and their successors, shall  
45 be chosen for two years.

46 No person shall serve as a member of the legislature for more than six  
47 two-year terms, whether such service is as a senator, assembly member,  
48 or terms as a senator and an assembly member; provided that any partial  
49 term of office held as a member of the legislature prior to the election  
50 to a two-year term shall not be used to calculate any term limitation  
51 imposed pursuant to this paragraph.

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