STATE OF NEW YORK

5579

2023-2024 Regular Sessions

IN ASSEMBLY

March 16, 2023

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

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

Section 1. **(a)** 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~~] **majority** of **electoral** votes cast jointly for them for governor and lieutenant-governor respectively shall be elected.

(b) In the event a majority of electoral votes are not for a single person for the governor or lieutenant-governor, another election shall be held until a person receives a majority of electoral votes or ten elections have occurred, whichever comes first. If no one has achieved a majority of electoral votes after ten elections, the respective person having the highest number of votes cast jointly for them for governor or lieutenant-governor respectively shall be elected.

§ 1-a. (a) Electoral votes for the governor and lieutenant-governor shall be distributed as follows:

(i) Each county within the state shall be assigned one electoral vote; and

(ii) Each county shall be assigned one additional electoral vote for 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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(b) Electoral votes shall be cast for the governor and lieutenant-governor on the first Friday in December in Albany by representatives from each county based on the respective persons having the largest number of votes cast jointly for them for governor and lieutenant-governor respectively from such county.

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

§ 1-a. (a) The comptroller and attorney general shall be chosen by the casting by each voter of a vote for each office. The respective persons having the majority of electoral votes cast for them for comptroller and attorney general respectively shall be elected.

(b) Electoral votes for the comptroller and attorney general shall be distributed as follows:

(i) Each county within the state shall be assigned one electoral vote; and

(ii) Each county shall be assigned one additional electoral vote for each fifty thousand legal residents of the county.

(c) Electoral votes shall be cast for the comptroller and attorney general on the first Friday in December in Albany by representatives from each county based on the respective persons having the largest number of votes cast for them for comptroller and attorney general respectively from such county.

(d) In the event a majority of electoral votes are not for a single person for the comptroller or attorney general, another election shall be held until a person receives a majority of electoral votes or ten elections have occurred, whichever comes first. If no one has achieved a majority of electoral votes after ten elections, the respective person having the highest number of votes cast for them for comptroller or attorney general respectively shall be elected.

§ 3. Resolved (if the Senate concur), That the foregoing amendment 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.