

# STATE OF NEW YORK

5036--C

2025-2026 Regular Sessions

## IN ASSEMBLY

February 11, 2025

Introduced by M. of A. JACOBSON -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to section 21 of article 6, article 13, and section 6 of article 4 of the constitution, in relation to requiring certain elections be held in even-numbered years at the general election

1 Section 1. Resolved (if the Senate concur), That section 21 of article  
2 6 of the constitution be amended to read as follows:  
3 § 21. a. When a vacancy shall occur in the city of New York, otherwise  
4 than by expiration of term, in the office of justice of the supreme  
5 court, [~~of judge of the county court,~~] or of judge of the surrogate's  
6 court [~~or judge of the family court outside the city of New York~~], it  
7 shall be filled for a full term at the next general election held not  
8 less than three months after such vacancy occurs [~~and, until~~]. When a  
9 vacancy shall occur outside the city of New York, otherwise than by  
10 expiration of term in an even-numbered year, in the office of justice of  
11 the supreme court, of judge of the county court, of judge of the surro-  
12 gate's court or judge of the family court outside of the city of New  
13 York, it shall be filled for a full term at the next general election  
14 occurring in an even-numbered year held not less than three months after  
15 such vacancy occurs. Until the vacancy shall be so filled, the governor  
16 by and with the advice and consent of the senate, if the senate shall be  
17 in session, or, if the senate not be in session, the governor may fill  
18 such vacancy by an appointment which shall continue until and including  
19 the last day of December next after the election at which the vacancy  
20 shall be filled.

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

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1 b. When a vacancy shall occur, otherwise than by expiration of term,  
2 in the office of judge of the court of claims, it shall be filled for  
3 the unexpired term in the same manner as an original appointment.

4 c. When a vacancy shall occur, otherwise than by expiration of term,  
5 in the office of judge elected to the city-wide court of civil jurisdic-  
6 tion of the city of New York, it shall be filled for a full term at the  
7 next general election held not less than three months after such vacancy  
8 occurs and, until the vacancy shall be so filled, the mayor of the city  
9 of New York may fill such vacancy by an appointment which shall continue  
10 until and including the last day of December next after the election at  
11 which the vacancy shall be filled. When a vacancy shall occur, otherwise  
12 than by expiration of term on the last day of December of any year, in  
13 the office of judge appointed to the family court within the city of New  
14 York or the city-wide court of criminal jurisdiction of the city of New  
15 York, the mayor of the city of New York shall fill such vacancy by an  
16 appointment for the unexpired term.

17 d. When a vacancy shall occur, otherwise than by expiration of term in  
18 an even-numbered year, in the office of judge of the district court, it  
19 shall be filled for a full term at the next general election occurring  
20 in an even-numbered year held not less than three months after such  
21 vacancy occurs and, until the vacancy shall be so filled, the board of  
22 supervisors or the supervisor or supervisors of the affected district if  
23 such district consists of a portion of a county or, in counties with an  
24 elected county executive officer, such county executive officer may,  
25 subject to confirmation by the board of supervisors or the supervisor or  
26 supervisors of such district, fill such vacancy by an appointment which  
27 shall continue until and including the last day of December next after  
28 the election at which the vacancy shall be filled.

29 § 2. Resolved (if the Senate concur), That article 13 of the constitu-  
30 tion be amended by adding two new sections 9 and 10 to read as follows:

31 § 9. All elections of judicial officers outside the city of New York,  
32 other than village judicial officers, shall occur at the election held  
33 on the Tuesday succeeding the first Monday in November in an even-num-  
34 bered year, and the term of every such officer shall expire at the end  
35 of an even-numbered year. If the term of any such elected judicial  
36 officer serving their term as of the effective date of this amendment  
37 expires in an odd-numbered year, such judicial office shall be deemed  
38 vacant upon the expiration of such term.

39 § 10. Notwithstanding any other provision of this constitution, the  
40 legislature may provide that any election held after the effective date  
41 of this section and not later than the general election in two thousand  
42 thirty-four to fill an elective office of the state or any political  
43 subdivision thereof, other than an elective office of the city of New  
44 York, of any county wholly included in such city, or of a village, for a  
45 full term or unexpired term that would otherwise expire at the end of an  
46 odd-numbered year shall be for a full term or unexpired term expiring at  
47 the end of an even-numbered year. This section shall not apply to any  
48 election held before such effective date or to any term resulting there-  
49 from, nor to any judicial office subject to section twenty-one of arti-  
50 cle six of this constitution.

51 § 3. Resolved (if the Senate concur), That section 8 of article 13 of  
52 the constitution be amended to read as follows:

53 § 8. All elections of city officers, including supervisors, elected  
54 only in [~~any city or part of a city~~] the city of New York, and of county  
55 officers elected in any county wholly included in [~~a~~] such city, except  
56 to fill vacancies, shall be held on the Tuesday succeeding the first

1 Monday in November in an odd-numbered year, and the term of every such  
2 official or officer shall expire at the end of an odd-numbered year.  
3 Aside from the city of New York, all elections of city officers, includ-  
4 ing supervisors, elected in any city or part of a city, except to fill  
5 vacancies, shall be held on the Tuesday succeeding the first Monday in  
6 November in an even-numbered year, and the term of every such official  
7 or officer shall expire at the end of an even-numbered year. This  
8 section shall not apply to elections of any judicial officer.

9 § 4. Resolved (if the Senate concur), That section 3 of article 13 of  
10 the constitution be amended to read as follows:

11 § 3. The legislature shall provide for filling vacancies in office,  
12 and in case of elective officers, no person appointed to fill a vacancy  
13 shall hold [~~his or her~~] such office by virtue of such appointment longer  
14 than the commencement of the political year next succeeding the first  
15 annual election, or, in the case of an elective office outside the city  
16 of New York, the first annual election held in an even-numbered year,  
17 after the happening of the vacancy; provided, however, that nothing  
18 contained in this article shall prohibit the filling of vacancies on  
19 boards of education, including boards of education of community  
20 districts in the city school district of the city of New York, by  
21 appointment until the next regular school district election, whether or  
22 not such appointment shall extend beyond the thirty-first day of Decem-  
23 ber in any year.

24 § 5. Resolved (if the Senate concur), That section 6 of article 4 of  
25 the constitution be amended to read as follows:

26 § 6. The lieutenant-governor shall possess the same qualifications of  
27 eligibility for office as the governor. The lieutenant-governor shall be  
28 the president of the senate but shall have only a casting vote therein.  
29 The lieutenant-governor shall receive for [~~his or her~~] such lieutenant-  
30 governor services an annual salary to be fixed by joint resolution of  
31 the senate and assembly.

32 In case of vacancy in the offices of both governor and lieutenant-gov-  
33 ernor, a governor and lieutenant-governor shall be elected for the  
34 remainder of the term [~~at the next general election~~] on the Tuesday  
35 succeeding the first Monday in November happening not less than three  
36 months after both offices shall have become vacant. No election of a  
37 lieutenant-governor shall be had in any event except at the time of  
38 electing a governor.

39 In case of vacancy in the offices of both governor and lieutenant-gov-  
40 ernor or if both of them shall be impeached, absent from the state or  
41 otherwise unable to discharge the powers and duties of the office of  
42 governor, the temporary president of the senate shall act as governor  
43 until the inability shall cease or until a governor shall be elected.

44 In case of vacancy in the office of lieutenant-governor alone, or if  
45 the lieutenant-governor shall be impeached, absent from the state or  
46 otherwise unable to discharge the duties of office, the temporary presi-  
47 dent of the senate shall perform all the duties of lieutenant-governor  
48 during such vacancy or inability.

49 If, when the duty of acting as governor devolves upon the temporary  
50 president of the senate, there be a vacancy in such office or the tempo-  
51 rary president of the senate shall be absent from the state or otherwise  
52 unable to discharge the duties of governor, the speaker of the assembly  
53 shall act as governor during such vacancy or inability.

54 The legislature may provide for the devolution of the duty of acting  
55 as governor in any case not provided for in this article.

1 § 6. Resolved (if the Senate concur), That subdivision (a) of section  
2 13 of article 13 of the constitution be amended to read as follows:

3 (a) Except in counties in the city of New York and except as author-  
4 ized in section one of article nine of this constitution, registers in  
5 counties having registers shall be chosen by the electors of the respec-  
6 tive counties once in every [~~three~~] four years in an even-numbered year  
7 and whenever the occurring of vacancies shall require; the sheriff and  
8 the clerk of each county outside the city of New York shall be chosen by  
9 the electors once in every [~~three-or~~] four years in an even-numbered  
10 year as the legislature shall direct. Sheriffs shall hold no other  
11 office. They may be required by law to renew their security, from time  
12 to time; and in default of giving such new security, their offices shall  
13 be deemed vacant. The governor may remove any elective sheriff, county  
14 clerk, district attorney or register within the term for which [~~he-or~~  
15 ~~she~~] such elective sheriff, county clerk, district attorney or register  
16 shall have been elected; but before so doing the governor shall give to  
17 such officer a copy of the charges against [~~him-or-her~~] such elective  
18 sheriff, county clerk, district attorney or register and an opportunity  
19 of being heard in [~~his-or-her~~] such elective sheriff, county clerk,  
20 district attorney or register's defense. In each county in the city of  
21 New York a district attorney shall be chosen by the electors once in  
22 every three or four years as the legislature shall direct, and in each  
23 county outside the city of New York a district attorney shall be chosen  
24 by the electors once in every four years in an even-numbered year as the  
25 legislature shall direct. The clerk of each county in the city of New  
26 York shall be appointed, and be subject to removal, by the appellate  
27 division of the supreme court in the judicial department in which the  
28 county is located. In addition to [~~his-or-her~~] the powers and duties as  
29 clerk of the supreme court, [~~he-or-she~~] such clerk of the supreme court  
30 shall have power to select, draw, summon and empanel grand and petit  
31 jurors in the manner and under the conditions now or hereafter  
32 prescribed by law, and shall have such other powers and duties as shall  
33 be prescribed by the city from time to time by local law.

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