

STATE OF NEW YORK

5711--C

2025-2026 Regular Sessions

IN SENATE

February 28, 2025

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, 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 Assembly concur), That section 21 of article 6 of the constitution be amended to read as follows:

2
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.

LBD89039-12-6

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 Assembly concur), That article 13 of the consti-
30 tution be amended by adding two new sections 9 and 10 to read as
31 follows:

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

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

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

54 § 8. All elections of city officers, including supervisors, elected
55 only in [~~any city or part of a city~~] the city of New York, and of county
56 officers elected in any county wholly included in [~~a~~] such city, except

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

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

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

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

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

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

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

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

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

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

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

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

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