STATE OF NEW YORK

3788

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. DINOWITZ, RIVERA, TAPIA, SEAWRIGHT, DeSTEFANO, MORINELLO -- read once and referred to the Committee on Governmental Operations

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 7 of article 3 of the constitution, in relation to resignation of members of the legislature who move out of their district during their term

Section 1. Resolved (if the Senate concur), That section 7 of article 3 of the constitution be amended to read as follows:

§ 7. No person shall serve as a member of the legislature unless [~~he or she~~] **such person** is a citizen of the United States and has been a resident of the state of New York for five years, and, except as hereinafter otherwise prescribed, of the assembly or senate district for the twelve months immediately preceding [~~his or her~~] **their** election; if elected a senator or member of assembly at the first election next ensuing after a readjustment or alteration of the senate or assembly districts becomes effective, a person, to be eligible to serve as such, must have been a resident of the county in which the senate or assembly district is contained for the twelve months immediately preceding [~~his or her~~] **their** election. No member of the legislature shall, during the time for which [~~he or she~~] **such member** was elected, receive any civil appointment from the governor, the governor and the senate, the legislature or from any city government, to an office which shall have been created, or the emoluments whereof shall have been increased during such time. If a member of the legislature be elected to congress, or appointed to any office, civil or military, under the government of the United States, the state of New York, or under any city government except as a member of the national guard or naval militia of the state, or of the reserve forces of the United States, [~~his or her~~] **their** acceptance thereof shall vacate [~~his or her~~] **their** seat in the legislature, providing, however, that a member of the legislature may be appointed commissioner of deeds or to any office in which [~~he or she~~]

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

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such member shall receive no compensation. **If a member of the legislature shall move their residence out of the senate or assembly district they were elected to serve during the time for which such member was elected they shall immediately vacate their seat in the legislature.**

§ 2. Resolved (if the Senate concur), That the foregoing amendments 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.