

# 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

1 Section 1. Resolved (if the Senate concur), That section 7 of article  
2 3 of the constitution be amended to read as follows:  
3 § 7. No person shall serve as a member of the legislature unless [~~he~~  
4 ~~or she~~] such person is a citizen of the United States and has been a  
5 resident of the state of New York for five years, and, except as herein-  
6 after otherwise prescribed, of the assembly or senate district for the  
7 twelve months immediately preceding [~~his or her~~] their election; if  
8 elected a senator or member of assembly at the first election next ensu-  
9 ing after a readjustment or alteration of the senate or assembly  
10 districts becomes effective, a person, to be eligible to serve as such,  
11 must have been a resident of the county in which the senate or assembly  
12 district is contained for the twelve months immediately preceding [~~his~~  
13 ~~or her~~] their election. No member of the legislature shall, during the  
14 time for which [~~he or she~~] such member was elected, receive any civil  
15 appointment from the governor, the governor and the senate, the legisla-  
16 ture or from any city government, to an office which shall have been  
17 created, or the emoluments whereof shall have been increased during such  
18 time. If a member of the legislature be elected to congress, or  
19 appointed to any office, civil or military, under the government of the  
20 United States, the state of New York, or under any city government  
21 except as a member of the national guard or naval militia of the state,  
22 or of the reserve forces of the United States, [~~his or her~~] their  
23 acceptance thereof shall vacate [~~his or her~~] their seat in the legisla-  
24 ture, providing, however, that a member of the legislature may be  
25 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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1 such member shall receive no compensation. If a member of the legisla-  
2 ture shall move their residence out of the senate or assembly district  
3 they were elected to serve during the time for which such member was  
4 elected they shall immediately vacate their seat in the legislature.

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