



WELCOME TO NEW YORK

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# YOUR GUIDE TO THE EMPIRE STATE GOVERNMENT



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## NYS Executive Branch

The Executive branch is composed of the Governor, Lieutenant Governor, state departments, and many state agencies. The Governor is the heart of the Executive branch; they are the state's chief executive and commander in chief, in charge of submitting a yearly state budget to the Legislature and signing or vetoing bills. The Lieutenant Governor, whose main duty lies in presiding over the Senate, will serve as Governor if the current Governor resigns, dies, or falls unable to do the job. The Governor appoints, with the consent of the Senate, the heads of all 20 state departments except the Department of Audit and Control (see Comptroller), the Department of Law (see Attorney General), and the Commissioner of the Department of Education. The 20 state departments and 96 agencies are created by the Executive branch to enforce the laws that are passed.

The Governor is elected by the voters every four years in November to a term of 4 years with no term limits. The Lieutenant Governor is elected separately in the primary to run on a specific party line, but following the primary, the Governor and Lieutenant Governor are combined on one ticket for each party in the general election.

## NYS Legislature

The Assembly and the Senate together create the bicameral (two houses) Legislative branch of New York State. Their main power lies in making law. Members of both the Assembly and Senate are elected in November of even-numbered years; all members serve two-year terms with no term limits. Both the Senate and the Assembly begin their yearly session the first Wednesday after the first Monday of the new year and typically adjourn during mid June. A special session can be called by the Governor after the session adjourns.



**Senate:** The Senate is the upper chamber of the Legislative branch. It currently has 63 members. The Senate creates and adopts legislation for new laws and/or changes to existing laws. The Senate alone has the ability to confirm or deny the Governor's appointment of non-elected positions e.g., judges and commissioners.

The Lieutenant Governor presides over the Senate. The Senate Majority Leader is elected by the members of the majority party within the Senate; they serve as President Pro Tempore presiding over a session in the absence of the Lieutenant Governor. The Majority Leader has the power to create committees, appoint committee chairs, and select legislators to serve on those committees. The Senate Minority leader is elected by the members of the minority party, and they serve as the spokesperson for that party.

**Assembly:** The Assembly is the lower chamber of the Legislative branch. It currently has 150 members. Each member must serve on three to five committees. The Speaker of the Assembly presides over the Assembly and serves a two-year term following an election by the majority party. The Majority Leader is appointed by, and serves, the Speaker. Both the Speaker and the Majority Leader create committees, appoint committee chairs, and select legislators to serve on those committees. The Minority Leader is elected by the minority party and is responsible for developing the minority position.

## Judiciary of New York (officially the NYS Unified Court System)

The Judicial branch of government acts to ensure that any laws passed are applied appropriately and within the context of the New York State Constitution. The state courts rule on the meaning of laws and the Constitution but are dependent on the Executive branch to enforce any court decisions.

There are three levels of the state court system: trial-level courts, intermediate appellate courts, and the highest court for final appeal.



**Trial Courts:** Trial courts exist in each of New York's 62 counties. In New York City, all felony cases are heard by the Supreme Court but the County Court hears felony cases elsewhere. In areas outside New York City, many civil cases, depending on the amount of money involved, and all matrimonial actions are heard by the Supreme Court.

New York State has eleven different trial courts:

- the Supreme Court, with justices sitting in each county;
- the Court of Claims, which sits statewide;
- Surrogate's Courts in each county;
- County Courts in each county outside New York City;
- Family Courts in New York City and in the 57 counties outside New York City;
- a New York City Civil Court;
- a New York City Criminal Court;
- a separate City Court for each of the cities outside New York City;
- District Courts for parts of Long Island; and
- Town and Village Justice Courts in most towns and villages.

(Cite: <https://moderncourts.org/programs-advocacy/judicial-article-of-nys-constitution/structure-of-the-courts/>)

Justices of the NY Supreme Court serve 14-year terms and are elected by the voters within each district. NY County Court judges are elected in the same manner but serve 10-year terms. Neither justices run in primaries but are nominated in judicial conventions and can be cross-endorsed between parties. Voters may see the same candidate on the line for multiple parties in the general election.

**Appellate Division of the Supreme Court:** There are four Judicial Divisions within the Appellate Division of the Supreme Court. Cases heard by these courts are on appeal from the superior courts in civil cases, the Supreme Court in criminal cases, and felony cases from the County Court in the 3rd or 4th Divisions.

In each of the First and Second Divisions, there are 7 justices. In each of the Third and Fourth Divisions, there are 5 justices. These justices are sitting Supreme Court judges who are then appointed by the Governor; they serve for five years or until the end of their Supreme Court term, whichever is shorter.

**NYS Court of Appeals:** The state's highest court is the New York State Court of Appeals. Cases heard on appeal by this court are civil cases from the Appellate Divisions or criminal cases from the County Court or the Appellate Division.

Merit selection is the method for appointing these seven justices. A bipartisan Commission on Judicial Nomination reviews candidates and forwards a maximum of seven names of "well-qualified candidates" to the Governor. The Governor selects from this list and the nominee must be confirmed by the NYS Senate.

## NYS Attorney General

The New York State Attorney General is the state's chief legal counsel; they defend proceedings on behalf of NYS and advise the executive branch on legal issues. The Attorney General protects the rights of all New Yorkers on all matters and is elected by voters during the midterm elections, serving four-year terms with no term limits. They are the head of the Department of Law.

## NYS Comptroller

The New York State Comptroller is the state's chief fiscal advisor. The Comptroller reviews state contracts and payments and manages the state payroll and pension system. They are elected by voters during the midterm elections and serve four-year terms with no term limits. They head the Department of Audit and Control.

## Checks and Balances



The New York State government is divided into three branches intentionally to create a system of checks and balances.

- The Legislative branch makes laws, but the Executive branch can check them by the ability to veto, and the Judicial branch can check them by declaring those laws unconstitutional to the state constitution.
- The Executive branch is the head of the state, but the Legislature can override a veto of a bill and the Legislature can impeach the Governor. The Judicial branch can declare the actions of the Executive branch unconstitutional.
- The Judicial branch is in charge of establishing precedent and keeping just action of the law, but the Legislative branch can impeach judges and the Executive branch nominates the judges to the court.





# HOW A BILL BECOMES A LAW

**START** →

Bills are drafted by the **BILL DRAFTING COMMISSION**. Any legislator, state agency, or advocate may also draft or propose a bill.



Bills are introduced by **LEGISLATORS** or a **STANDING COMMITTEE**, given a number, and forwarded to the appropriate committee. All bills must have a legislator who serves as its sponsor. Multiple sponsors are permitted.



Bills then go to the most relevant committee, where they can be **AMENDED**. Committees may hold hearings on specific bills allowing for public input and discussion among legislators of that committee. Once a bill is approved by committee members, it is put on a calendar so it can be **VOTED ON BY THE ASSEMBLY OR THE SENATE**. Bills with fiscal impact must also pass the Assembly Ways and Means Committee or the Senate Finance Committee before moving to the full Chamber.



**A BILL CAN DIE DURING ANY STAGE IN THE PROCESS.**

The final version of a bill must **"SIT" FOR AT LEAST THREE DAYS** before Legislature can vote on it. The Governor can declare a "Message of Necessity" to bypass this, allowing the bill to be voted on immediately.



**A VETO** can be overridden by  $\frac{2}{3}$  vote in each house of the Legislature and become law.



If the Legislature is in session, the **GOVERNOR HAS 10 WORKING DAYS** to act on a bill after it is forwarded to them, otherwise the bill is considered "pocket-approved" and becomes law. If the Legislature is not in session the Governor has 30 working days after it is forwarded to them, otherwise the bill is considered "pocket-vetoed" and does not become law.



Once the bill is passed by both houses of the Legislature, the bill is **FORWARDED TO THE GOVERNOR** who can veto or sign the bill into law. Bills that are signed by the Governor become law; bills that are vetoed by the Governor do not.



**IF THE BILL PASSES** one house, it is sent to the other house, where it goes through a similar process.



The bill is subject to **DEBATE AND A FINAL VOTE** in each Chamber. A bill usually needs at least half the members to vote "yes" for it to pass.

## JOIN THE LEAGUE OF WOMEN VOTERS OF NEW YORK STATE



The League of Women Voters of New York State (LWVNYS) is a unique, multi-issue, nonpartisan, political organization. It encourages informed and active participation in government and influences public policy through advocacy and education.

Membership in the League of Women Voters is open to all persons 16 years and older. There are 43 local Leagues across New York State. Joining at any level automatically confers membership at every level: local, state, and national and Membership provides the opportunity to be actively involved in local, state, and national issues.

### WHY BECOME A MEMBER?

Because you want to make a difference. You know the future depends on people like you — people learning about the issues, speaking out and seeking positive solutions to the problems confronting our communities and our country. When you join the League of Women Voters, you're doing something good for democracy — and good for you.

As a member of the League, you will:

- Stay Informed About Issues and Government
- Make Your Voice Heard
- Sharpen Your Advocacy Skills

**Visit [www.lwvny.org](http://www.lwvny.org) to join today!**