

1058

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law and the election law, in relation to residency requirement for local government elected officials

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 3 of the public officers law, as  
2     amended by chapter 44 of the laws of 1982, is amended to read as  
3     follows:  
4     1. No person shall be capable of holding a civil office who shall not,  
5     at the time he OR SHE shall be chosen thereto, have attained the age of  
6     eighteen years, except that in the case of youth boards, youth commis-  
7     sions or recreation commissions only, members of such boards or commis-  
8     sions may be under the age of eighteen years, but must have attained the  
9     age of sixteen years on or before appointment to such youth board, youth  
10    commission or recreation commission, be a citizen of the United States,  
11    a resident of the state, and if it be a local office, BE a resident of  
12    the political subdivision or municipal corporation of the state for  
13    which he OR SHE shall be chosen, or within which the electors electing  
14    him OR HER reside, or within which his OR HER official functions are  
15    required to be exercised AT THE TIME HE OR SHE SHALL BE OFFICIALLY  
16    DESIGNATED OR NOMINATED, or who shall have been or shall be convicted of  
17    a violation of the selective draft act of the United States, enacted May  
18    eighteenth, nineteen hundred seventeen, or the acts amendatory or  
19    supplemental thereto, or of the federal selective training and service  
20    act of nineteen hundred forty or the acts amendatory thereof or supple-  
21    mental thereto.  
22    S 2. The election law is amended by adding a new section 6-170 to read  
23    as follows:

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

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1 S 6-170. DESIGNATING OR NOMINATING PETITION; RESIDENCE. A DESIGNATING  
2 OR NOMINATING PETITION, OR CERTIFICATE OF DESIGNATION, AS PROVIDED IN  
3 SECTIONS 6-132 AND 6-140 OF THIS TITLE, NAMING A PERSON AS CANDIDATE FOR  
4 A LOCAL OFFICE WHICH REQUIRES THE OFFICE HOLDER TO BE A RESIDENT OF THE  
5 SUBDIVISION, AND WHICH CONTAINS THEREIN A RESIDENCE ADDRESS FOR THE  
6 CANDIDATE THAT IS NOT WITHIN THE SUBDIVISION IN WHICH THE CANDIDATE  
7 SEEKS NOMINATION OR ELECTION, SHALL BE INVALID UNLESS SUCH CANDIDATE  
8 SHALL FILE, AT THE SAME TIME AS THE FILING OF THE PETITION OR CERTIF-  
9 ICATE OF NOMINATION OR DESIGNATION, A CERTIFICATE DULY ACKNOWLEDGED BY  
10 THE CANDIDATE WHICH SETS FORTH A RESIDENCE WITHIN THE SUBDIVISION WHERE  
11 THE CANDIDATE RESIDES AS OF THE DATE OF SUCH FILINGS.

12 S 3. The election law is amended by adding a new section 6-214 to read  
13 as follows:

14 S 6-214. DESIGNATING OR NOMINATING PETITION; RESIDENCE. A DESIGNATING  
15 OR NOMINATING PETITION, OR CERTIFICATE OF DESIGNATION, AS PROVIDED IN  
16 SECTIONS 6-204 AND 6-206 OF THIS TITLE, NAMING A PERSON AS CANDIDATE FOR  
17 A VILLAGE OFFICE WHICH REQUIRES THE OFFICE HOLDER TO BE A RESIDENT OF  
18 THE VILLAGE, AND WHICH CONTAINS THEREIN A RESIDENCE ADDRESS FOR THE  
19 CANDIDATE THAT IS NOT WITHIN THE VILLAGE IN WHICH THE CANDIDATE SEEKS  
20 NOMINATION OR ELECTION, SHALL BE INVALID UNLESS SUCH CANDIDATE SHALL  
21 FILE, AT THE SAME TIME AS THE FILING OF THE PETITION OR CERTIFICATE OF  
22 NOMINATION OR DESIGNATION, A CERTIFICATE DULY ACKNOWLEDGED BY THE CANDI-  
23 DATE WHICH SETS FORTH A RESIDENCE WITHIN THE VILLAGE WHERE THE CANDIDATE  
24 RESIDES AS OF THE DATE OF SUCH FILINGS.

25 S 4. This act shall take effect on the first of January next succeed-  
26 ing the date on which it shall have become a law.