S T A T E O F N E W Y O R K

11143

I N A S S E M B L Y

May 19, 2010

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

AN ACT to amend the public officers law, in relation to vacancies occurring in the office of United States senator; and to repeal subdivision 4-a of section 42 of such law relating thereto

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

Section 1. Subdivision 4-a of section 42 of the public officers law is REPEALED.

S 2. Subdivision 4 of section 42 of the public officers law, as amended by chapter 317 of the laws of 1954, is amended to read as follows:

4. A special election shall not be held to fill a vacancy in the office of a representative in congress OR UNITED STATES SENATOR FROM THIS STATE unless such vacancy occurs on or before the first day of July of the last year of the term of office, or unless it occurs thereafter and a special session of congress is called to meet before the next general election, or be called after September nineteenth of such year; nor to fill a vacancy in the office of state senator or in the office of member of assembly, unless the vacancy occurs before the first day of April of the last year of the term of office, or unless the vacancy occurs in either such office of senator or member of assembly after such first day of April and a special session of the legislature be called to meet between such first day of April and the next general election or be called after September nineteenth in such year. If a special election to fill an office shall not be held as required by law, the office shall be filled at the next general election.

S 3. This act shall take effect immediately.

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

LBD17431-01-0