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

2001

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 14, 2009

Introduced by M. of A. LANCMAN -- 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 filling vacancies in the office of United States senator

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, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

4-a. (A) If a vacancy occurs in the office of United States senator from this state [in any even numbered calendar year on or after the fifty-ninth day prior to the annual primary election, or thereafter during said even numbered year], the governor shall make a temporary appointment to fill such vacancy until the [third day of January in the year following the next even numbered calendar year] SPECIAL ELECTION HELD TO FILL SUCH VACANCY IN ACCORDANCE WITH THE PROCEDURES PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION IS CERTIFIED BY THE STATE BOARD OF ELECTIONS. [If such vacancy occurs in any even numbered calendar year on or before the sixtieth day prior to an annual primary election, the governor shall make a temporary appointment to fill such vacancy until the third day of January in the next calendar year. If a vacancy occurs in the office of United States senator from this state in any odd numbered calendar year, the governor shall make a temporary appointment to fill such vacancy until the third day of January in the next odd numbered calendar year. Such an appointment shall be evidenced by a certificate of the governor which shall be filed in the office of the state board of elections. At the time for filing such certificate, the governor shall issue and file in the office of the state board of elections a writ of election directing the election of a United States senator to fill such vacancy for the unexpired term at the general

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

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election next preceding the expiration for the term of such appointment.]

(B) WITHIN THREE DAYS OF THE VACANCY THE GOVERNOR SHALL ISSUE AND FILE IN THE OFFICE OF THE STATE BOARD OF ELECTIONS A WRIT OF ELECTION DIRECTING THE ELECTION OF A UNITED STATES SENATOR TO FILL SUCH VACANCY FOR THE UNEXPIRED TERM AT A SPECIAL ELECTION HELD ON A TUESDAY NOT LESS THAN NINETY DAYS NOR MORE THAN ONE HUNDRED TWENTY DAYS AFTER THE FILING OF SUCH WRIT WITH THE STATE BOARD OF ELECTIONS, WITH PARTY NOMINATIONS FOR SUCH ELECTION TO BE DETERMINED BY A SPECIAL PRIMARY ELECTION IN ACCORDANCE WITH SECTION 6-115 OF THE ELECTION LAW.

S 2. The election law is amended by adding a new section 6-115 to read as follows:

S 6-115. PARTY NOMINATIONS; UNITED STATES SENATOR; SPECIAL ELECTION. NOTWITHSTANDING THE PROVISIONS OF SECTION 6-114 OF THIS ARTICLE, PARTY NOMINATIONS FOR THE OFFICE OF UNITED STATES SENATOR SHALL BE BY DESIGNATION AND NOMINATION BY PETITION AND A SPECIAL PRIMARY ELECTION HELD ON A TUESDAY DESIGNATED BY THE STATE BOARD OF ELECTIONS NOT LESS THAN FORTY-FIVE DAYS NOR MORE THAN SIXTY DAYS AFTER THE GOVERNOR FILES A WRIT OF ELECTION WITH THE STATE BOARD OF ELECTIONS TO FILL SUCH VACANCY IN THE OFFICE OF UNITED STATES SENATOR. SUCH DESIGNATIONS, NOMINATIONS AND SPECIAL PRIMARY ELECTIONS SHALL BE CONDUCTED PURSUANT TO RULES PROMULGATED BY THE STATE BOARD OF ELECTIONS, WHICH TO THE EXTENT APPLICABLE BE CONSISTENT WITH THE OTHER PROVISIONS OF THIS ARTICLE.

S 3. Subdivision 14 of section 6-158 of the election law is amended to read as follows:

14. A vacancy occurring before September twentieth of any year in any office authorized to be filled at a general election, except in the offices of governor[,] OR lieutenant-governor[, or United States senator] shall be filled at the general election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election.

S 4. This act shall take effect immediately.