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

4222

2009-2010 Regular Sessions

I N A S S E M B L Y

February 2, 2009

Introduced by M. of A. CROUCH, SAYWARD -- Multi-Sponsored by -- M. of A. GIGLIO, TOWNSEND -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the election law, in relation to establishing the superintendent of insurance as a statewide elected office

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

Section 1. Section 201 of the insurance law is amended to read as follows:

S 201. Insurance department; superintendent. (A) The insurance department of the state of New York shall be continued, and shall possess all powers, functions, and duties which it possessed immediately preceding the effective date of this chapter. The head of the department shall be the superintendent of insurance, who shall be [appointed by the governor, by and with the advice and consent of the senate, and who shall hold office until the end of the term of the governor by whom he was appointed and until his successor is appointed and qualified] ELECTED BY THE PEOPLE OF THE STATE OF NEW YORK AS PROVIDED IN SUBSECTION (B) OF THIS SECTION. PROVIDED, HOWEVER, THAT UNTIL THE SUPERINTENDENT ELECTED PURSUANT TO SUBSECTION (B) OF THIS SECTION COMMENCES HIS OR HER TERM OF OFFICE, THE GOVERNOR SHALL CONTINUE TO APPOINT THE SUPERINTENDENT, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE. The superintendent shall possess the rights, powers, and duties, in connection with the business of insurance in this state, expressed or reasonably implied by this chapter or any other applicable law of this state.

(B) THE SUPERINTENDENT SHALL BE CHOSEN AT THE SAME GENERAL ELECTION AS THE GOVERNOR, BEGINNING WITH THE GENERAL ELECTION SCHEDULED ON NOVEMBER SECOND, TWO THOUSAND TWELVE, AND HOLD OFFICE FOR THE SAME TERM, AND SHALL POSSESS THE QUALIFICATIONS PROVIDED IN SECTION TWO OF ARTICLE FOUR OF THE STATE CONSTITUTION. THE LEGISLATURE SHALL PROVIDE FOR FILLING

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

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VACANCIES IN THE OFFICE OF SUPERINTENDENT. NO ELECTION OF A SUPERINTENDENT SHALL BE HAD EXCEPT AT THE TIME OF ELECTING A GOVERNOR.

S 2. Section 9-206 of the election law, as amended by chapter 13 of the laws of 1988, is amended to read as follows:

S 9-206. Canvass of election district returns of general and special elections. The canvassing board shall canvass the votes cast within the county for state, county, city and town offices; also the vote cast on any ballot proposal. The canvass by the county board of canvassers relating to the offices of president and vice president of the United States, governor, lieutenant-governor, state comptroller, attorney-general, SUPERINTENDENT OF INSURANCE, United States senator, member of the house of representatives, member of the state senate, member of the assembly and any ballot proposal shall show in each election district the total number of persons voting at such election, the number of votes cast for each candidate, the number of unrecorded or blank votes for each of the above-mentioned offices and each ballot proposal. Write-in votes cast for president or vice president for persons who were not certified by the state board of elections as write-in candidates for such offices shall not be canvassed for such candidates but such votes shall be canvassed as void votes. If, during the canvass, there shall clearly appear to be any omission or clerical mistake in the return for any district filed with the board of elections, the canvassing board may summon the election officers before the board, and such officers shall meet forthwith and make any necessary correction, in order that their canvass may be correctly stated, but they shall not alter any decision theretofore made by them.

S 3. Section 14-110 of the election law, as amended by chapter 46 of the laws of 1984, is amended to read as follows:

S 14-110. Place for filing statements. The places for filing the statements required by this article shall be determined by rule or regulation of the state board of elections; provided, however, that the statements of a candidate for election to the office of governor, lieutenant governor, attorney general, comptroller, SUPERINTENDENT OF INSURANCE, member of the legislature, delegate to a constitutional convention, justice of the supreme court or for nomination for any such office at a primary election and of any committee aiding or taking part in the designation, nomination, election or defeat of candidates for one or more of such offices or promoting the success or defeat of a question to be voted on by the voters of the entire state shall be filed with the state board of elections and in such other places as the state board of elections may, by rule or regulation provide.

S 4. Subdivision 1 of section 17-154 of the election law is amended to read as follows:

1. Intimidate, threaten or coerce, or to attempt to intimidate, threaten or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or for the purpose of causing such other person to vote for, or not to vote for, any candidate for the office of governor, lieutenant-governor, attorney-general, comptroller, SUPERINTENDENT OF INSURANCE, judge of any court, member of the senate, or member of the assembly at any election held solely or in part for the purpose of selecting a governor, lieutenant-governor, attorney-general, comptroller, SUPERINTENDENT OF INSURANCE, any judge or any member of the senate or any member of the assembly; or,

S 5. This act shall take effect immediately.