

1801

2009-2010 Regular Sessions

I N S E N A T E

February 6, 2009

Introduced by Sens. GOLDEN, DeFRANCISCO, FUSCHILLO, LANZA, LARKIN, MAZIARZ, MCDONALD, MORAHAN, SEWARD, SKELOS, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to vacancies occurring in the offices of United States senator, comptroller or attorney general and to repeal subdivision 4-a of section 42 of the public officers law relating thereto

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

1 Section 1. Subdivision 4-a of section 42 of the public officers law is
2 REPEALED and a new subdivision 4-a is added to read as follows:
3 4-A. IF A VACANCY OCCURS IN THE OFFICE OF UNITED STATES SENATOR FROM
4 THIS STATE, THE GOVERNOR SHALL ORDER A SPECIAL ELECTION TO FILL THE
5 VACANCY FOR THE UNEXPIRED TERM. WITHIN TEN DAYS AFTER THE OCCURRENCE OF
6 SUCH VACANCY, THE GOVERNOR SHALL ISSUE A WRIT OF ELECTION FIXING A DATE
7 FOR THE SPECIAL ELECTION NOT MORE THAN FORTY-FIVE DAYS AFTER SUCH OCCUR-
8 RENCE. IF THE VACANCY OCCURS LESS THAN ONE HUNDRED DAYS BEFORE EITHER
9 THE ANNUAL PRIMARY ELECTION DATE OR THE ANNUAL GENERAL ELECTION DATE
10 THEN THE SPECIAL ELECTION TO FILL SUCH VACANCY SHALL BE HELD IN CONCERT
11 WITH THE PRIMARY OR GENERAL ELECTION FOR THAT YEAR.
12 S 2. Section 41 of the public officers law, as amended by chapter 91
13 of the laws of 1928, is amended to read as follows:
14 S 41. Vacancies filled by legislature. When a vacancy occurs or
15 exists[, other than by removal,] in the office of comptroller or attor-
16 ney-general, or a resignation of either such officer to take effect at
17 any future day shall have been made [while the legislature is in
18 session, the two houses thereof, by joint ballot, shall appoint a person
19 to fill such actual or prospective vacancy] THE GOVERNOR SHALL ORDER A
20 SPECIAL ELECTION TO FILL THE VACANCY FOR THE UNEXPIRED TERM. WITHIN TEN
21 DAYS AFTER THE OCCURRENCE OF SUCH VACANCY, THE GOVERNOR SHALL ISSUE A

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

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1 WRIT OF ELECTION FIXING A DATE FOR THE SPECIAL ELECTION NOT MORE THAN
2 FORTY-FIVE DAYS AFTER SUCH OCCURRENCE. IF THE VACANCY OCCURS LESS THAN
3 ONE HUNDRED DAYS BEFORE EITHER THE ANNUAL PRIMARY ELECTION DATE OR THE
4 ANNUAL GENERAL ELECTION DATE THEN THE SPECIAL ELECTION TO FILL SUCH
5 VACANCY SHALL BE HELD IN CONCERT WITH THE PRIMARY OR GENERAL ELECTION
6 FOR THAT YEAR.

7 S 3. This act shall take effect immediately.