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

1058

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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:

Section 1. Subdivision 1 of section 3 of the public officers law, as amended by chapter 44 of the laws of 1982, is amended to read as follows:

1. No person shall be capable of holding a civil office who shall not, at the time he OR SHE shall be chosen thereto, have attained the age of eighteen years, except that in the case of youth boards, youth commissions or recreation commissions only, members of such boards or commissions may be under the age of eighteen years, but must have attained the age of sixteen years on or before appointment to such youth board, youth commission or recreation commission, be a citizen of the United States, a resident of the state, and if it be a local office, BE a resident of the political subdivision or municipal corporation of the state for which he OR SHE shall be chosen, or within which the electors electing him OR HER reside, or within which his OR HER official functions are required to be exercised AT THE TIME HE OR SHE SHALL BE OFFICIALLY DESIGNATED OR NOMINATED, or who shall have been or shall be convicted of a violation of the selective draft act of the United States, enacted May eighteenth, nineteen hundred seventeen, or the acts amendatory or supplemental thereto, or of the federal selective training and service act of nineteen hundred forty or the acts amendatory thereof or supplemental thereto.

S 2. The election law is amended by adding a new section 6-170 to read as follows:

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

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

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

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

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.