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

11456

I N A S S E M B L Y

June 15, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Benjamin) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to filling vacancies for unexpired terms; and to repeal certain provisions 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 Subdivision 4 of section 42 of the public officers law is REPEALED and a new subdivision 4 is added to read as follows:

4. A. A SPECIAL ELECTION SHALL NOT BE HELD TO FILL A VACANCY IN THE OFFICE OF A REPRESENTATIVE IN CONGRESS UNLESS SUCH VACANCY OCCURS ON OR AFTER THE FIRST DAY OF APRIL BUT BEFORE THE FIFTEENTH DAY OF AUGUST.

B. A SPECIAL ELECTION SHALL NOT BE HELD 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.

C. 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.

D. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, INCLUDING SUBDIVISION THREE OF THIS SECTION, THE GOVERNOR SHALL NOT ORDER A SPECIAL ELECTION TO FILL A VACANCY IN THE OFFICE OF A REPRESENTATIVE IN CONGRESS FOR AN UNEXPIRED TERM IN CONCERT WITH A GENERAL ELECTION.

S 2. This act shall take effect immediately.

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

LBD17466-01-0