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

2949

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. O'DONNELL, KAVANAGH, BENEDETTO, BENJAMIN, FIELDS -- Multi-Sponsored by -- M. of A. GREENE, JAFFEE, McDONOUGH, McKEVITT, MOLINARO, PAULIN, PERRY, WALKER -- 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 requirements of certain elective officers

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 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, a resident of the political subdivision or municipal corporation of the state for which he shall be chosen, or within which the electors electing him reside, or within which his official functions are required to be exercised, 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. IN THE CASE OF AN ELECTIVE OFFICER, ON THE DAY IN WHICH HE OR SHE IS ELECTED, HE OR SHE MUST RESIDE IN THE DISTRICT WITHIN WHICH THE ELECTORS ELECTING HIM OR HER RESIDE; PROVIDED, HOWEVER, THAT FOR MEMBERS OF THE STATE LEGISLATURE AT THE FIRST ELECTION NEXT SUCCEEDING THE DATE ON WHICH A READJUSTMENT

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

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OR ALTERATION OF THE SENATE OR ASSEMBLY DISTRICTS BECOMES EFFECTIVE, THE PROVISIONS OF SECTION SEVEN OF ARTICLE THREE OF THE STATE CONSTITUTION SHALL APPLY.

S 2. Section 6-122 of the election law, as amended by chapter 511 of the laws of 1993, is amended to read as follows:

S 6-122. Designation or nomination; eligibility, restrictions. A person shall not be designated or nominated for a public office or party position who (1) is not a citizen of the state of New York; (2) is ineligible to be elected to such office or position; or (3) who, if elected will not at the time of commencement of the term of such office or position, meet the constitutional or statutory qualifications thereof or, with respect to judicial office, who will not meet such qualifications within thirty days of the commencement of the term of such office. NOTWITHSTANDING THE REQUIREMENTS OF THIS SECTION, A PERSON MUST MEET ANY APPLICABLE RESIDENCY REQUIREMENTS ON THE DATE PROVIDED IN SECTION THREE OF THE PUBLIC OFFICERS LAW.

S 3. This act shall take effect immediately and shall apply to every election cycle commencing on and after such date.