

695

2009-2010 Regular Sessions

I N   S E N A T E

January 13, 2009

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Introduced by Sen. GRIFFO -- 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 in the office of United States senator

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,  
2     as amended by chapter 373 of the laws of 1978, is amended to read as  
3     follows:  
4     4-a. If a vacancy occurs in the office of United States senator from  
5     this state [in any even numbered calendar year on or after the fifty-  
6     ninth day prior to the annual primary election, or thereafter during  
7     said even numbered year, the governor shall make a temporary appointment  
8     to fill such vacancy until the third day of January in the year follow-  
9     ing the next even numbered calendar year. If such vacancy occurs in any  
10    even numbered calendar year on or before the sixtieth day prior to an  
11    annual primary election, the governor shall make a temporary appointment  
12    to fill such vacancy until the third day of January in the next calendar  
13    year. If a vacancy occurs in the office of United States senator from  
14    this state in any odd numbered calendar year, the governor shall make a  
15    temporary appointment to fill such vacancy until the third day of Janu-  
16    ary in the next odd numbered calendar year. Such an appointment shall  
17    be evidenced by a certificate of the governor which shall be filed in  
18    the office of the state board of elections. At the time for filing such  
19    certificate], the GOVERNOR MAY IN HIS OR HER DISCRETION, MAKE PROCLAMA-  
20    TION OF A SPECIAL ELECTION TO FILL SUCH OFFICE, SPECIFYING THE DATE OF  
21    SUCH ELECTION, WHICH SHALL NOT BE LESS THAN FORTY-FIVE NOR MORE THAN  
22    SIXTY DAYS FROM THE DATE OF SUCH PROCLAMATION. THE governor shall issue  
23    and file in the office of the state board of elections a writ of  
24    election directing the election of a United States senator to fill such  
25    vacancy for the unexpired term at the general election next preceding  
26    the expiration for the term of such [appointment] SPECIAL ELECTION.  
27    S 2. This act shall take effect immediately.

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

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