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

4804

2011-2012 Regular Sessions

I N S E N A T E

April 25, 2011

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the public officers law, in relation to the filling of vacancies in elective offices

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

Section 1. Subdivision 3 of section 42 of the public officers law, as amended by chapter 4 of the laws of 2011, is amended to read as follows:

3. Upon the failure to elect to any office, except that of governor or lieutenant-governor, at a general or special election, at which such office is authorized to be filled, or upon the death or disqualification of a person elected to office before the commencement of his or her official term, or upon the occurrence of a vacancy in any elective office which cannot be filled by appointment for a period extending to or beyond the next general election at which a person may be elected thereto, the governor [may in his or her discretion] *SHALL WITHIN TEN DAYS AFTER THE CERTIFICATION OF THE VACANCY* make proclamation of a special election to fill such office, specifying the district or county in which the election is to be held, and the day thereof, which shall be not less than seventy nor more than eighty days from the date of the proclamation. *HOWEVER, THE GOVERNOR SHALL NOT ISSUE A SPECIAL ELECTION PROCLAMATION IF SUCH SPECIAL ELECTION WILL OCCUR LESS THAN THIRTY DAYS BEFORE 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.

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