

6395

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 16, 2011

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Introduced by M. of A. KAVANAGH, P. RIVERA, STEVENSON -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to eligibility restrictions for designation or nomination

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

1     Section 1. Section 6-122 of the election law, as amended by chapter  
2     511 of the laws of 1993, is amended to read as follows:  
3     S 6-122. Designation or nomination; eligibility, restrictions. 1. A  
4     person shall not be designated or nominated for a public office or party  
5     position who (1) is not a citizen of the state of New York; (2) is inel-  
6     igible to be elected to such office or position; or (3) who, if elected  
7     will not at the time of commencement of the term of such office or posi-  
8     tion, meet the constitutional or statutory qualifications thereof or,  
9     with respect to judicial office, who will not meet such qualifications  
10    within thirty days of the commencement of the term of such office.  
11    2. FOR THE PURPOSES OF THIS SECTION, THE RESIDENCE ADDRESS OF A  
12    PERSON, AT THE TIME OF FILING OF A DESIGNATING OR NOMINATING PETITION OR  
13    A CERTIFICATE OF DESIGNATION, NOMINATION OR SUBSTITUTION AND NAMED AS A  
14    CANDIDATE FOR PUBLIC OFFICE OR PARTY POSITION IN SUCH PETITION OR  
15    CERTIFICATE, SHALL BE PRESUMED TO BE THE RESIDENCE ADDRESS OF SUCH  
16    PERSON AT THE TIME OF COMMENCEMENT OF THE TERM OF SUCH OFFICE OR POSI-  
17    TION.  
18    3. FOR THE PURPOSES OF THIS SECTION, IN THE EVENT A PERSON, WHO WAS  
19    QUALIFIED PURSUANT TO SUBDIVISIONS ONE AND TWO OF THIS SECTION, CHANGES  
20    HIS OR HER RESIDENCE SUBSEQUENT TO THE FILING OF A PETITION OR CERTIF-  
21    ICATE, AS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION, THE NEW RESI-  
22    DENCE ADDRESS SHALL THEN BE PRESUMED TO BE THE RESIDENCE ADDRESS OF SUCH  
23    PERSON AT THE TIME OF COMMENCEMENT OF THE TERM OF PUBLIC OFFICE OR PARTY  
24    POSITION.  
25    S 2. This act shall take effect on the first of December next succeed-  
26    ing the date on which it shall have become a law.

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

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