

1368

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

---

Introduced by M. of A. CAHILL, BENEDETTO, BRENNAN, CUSICK, GALEF, GOTTFRIED, GUNTHER, JAFFEE, LUPARDO, MAGEE, MAISEL, ORTIZ, PEOPLES-STOKES, GABRYSZAK, KAVANAGH, CAMARA, THIELE, PAULIN, CROUCH, CORWIN -- Multi-Sponsored by -- M. of A. COLTON, DUPREY, LAVINE, P. LOPEZ, MILLMAN, RAI, ROSENTHAL, SCHIMEL, SWEENEY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to vacancies in the office of comptroller or attorney-general

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

1     Section 1. Section 41 of the public officers law, as amended by chap-  
2     ter 91 of the laws of 1928, is amended to read as follows:  
3     S 41. Vacancies [filled by legislature] IN THE OFFICE OF COMPTROLLER  
4     OR ATTORNEY-GENERAL. When a vacancy occurs or exists[, other than by  
5     removal,] in the office of comptroller or attorney-general, [or a resig-  
6     nation of either such officer to take effect at any future day shall  
7     have been made while the legislature is in session, the two houses ther-  
8     eof, by joint ballot, shall appoint a person to fill such actual or  
9     prospective vacancy] THE GOVERNOR MAY IN HIS OR HER DISCRETION MAKE  
10    PROCLAMATION OF A SPECIAL ELECTION TO FILL SUCH OFFICE, SPECIFYING THE  
11    DATE OF SUCH ELECTION, WHICH SHALL BE NOT LESS THAN FORTY-FIVE NOR MORE  
12    THAN SIXTY DAYS FROM THE DATE OF THE PROCLAMATION.  
13    S 2. Subdivision 4-a of section 42 of the public officers law, as  
14    amended by chapter 373 of the laws of 1978, is amended to read as  
15    follows:  
16    4-a. If a vacancy occurs in the office of United States senator from  
17    this state [in any even numbered calendar year on or after the fifty-  
18    ninth day prior to the annual primary election, or thereafter during  
19    said even numbered year, the governor shall make a temporary appointment  
20    to fill such vacancy until the third day of January in the year follow-

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

LBD03781-01-3

1 ing the next even numbered calendar year. If such vacancy occurs in any  
2 even numbered calendar year on or before the sixtieth day prior to an  
3 annual primary election, the governor shall make a temporary appointment  
4 to fill such vacancy until the third day of January in the next calendar  
5 year. If a vacancy occurs in the office of United States senator from  
6 this state in any odd numbered calendar year, the governor shall make a  
7 temporary appointment to fill such vacancy until the third day of Janu-  
8 ary in the next odd numbered calendar year. Such an appointment shall  
9 be evidenced by a certificate of the governor which shall be filed in  
10 the office of the state board of elections. At the time for filing such  
11 certificate], the GOVERNOR MAY IN HIS OR HER DISCRETION, MAKE PROCLAMA-  
12 TION OF A SPECIAL ELECTION TO FILL SUCH OFFICE, SPECIFYING THE DATE OF  
13 SUCH ELECTION, WHICH SHALL NOT BE LESS THAN FORTY-FIVE NOR MORE THAN  
14 SIXTY DAYS FROM THE DATE OF SUCH PROCLAMATION. THE governor shall issue  
15 and file in the office of the state board of elections a writ of  
16 election directing the election of a United States senator to fill such  
17 vacancy for the unexpired term at the general election next preceding  
18 the expiration for the term of such [appointment] SPECIAL ELECTION.

19 S 3. This act shall take effect on the same date as a concurrent  
20 resolution entitled "CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY  
21 proposing an amendment to section 1 of article 5 of the constitution, in  
22 relation to providing for special elections to fill the offices of comp-  
23 troller and attorney-general", takes effect.