

STATE OF NEW YORK

10847

IN ASSEMBLY

May 23, 2018

Introduced by M. of A. MALLIOTAKIS -- 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 § 41. Vacancies [~~filled by legislature~~] in the office of comptroller
4 or attorney-general. 1. 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 shall, within sixty days of such
10 vacancy occurring, set the date for a special election to fill such
11 office. The date set for the special election shall be no sooner than
12 forty-five days or later than sixty days from the proclamation of the
13 governor establishing the election to fill the vacancy in the office of
14 the comptroller or attorney-general. Provided, however, that if a vacan-
15 cy in the office of comptroller or attorney-general occurs in the same
16 calendar year as the next regularly scheduled general election at which
17 the comptroller and attorney-general are to be chosen, no special
18 election shall be called.

19 2. a. In the event a vacancy occurs in the office of the comptroller,
20 the first deputy comptroller shall exercise the powers and duties of the
21 office of the comptroller until such time as a special election is held
22 to elect a new comptroller. In the event a vacancy occurs in the office
23 of the comptroller in the same calendar year as the next regularly sche-
24 duled general election at which such office is up for election, the
25 powers and duties of the office of the comptroller shall be exercised by
26 the first deputy comptroller for the remaining unexpired term of office.

27 b. In the event a vacancy occurs in the office of the attorney-gener-
28 al, the solicitor general shall exercise the powers and duties of the

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

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1 office of the attorney-general until such time as a special election is
2 held to elect a new attorney-general. In the event a vacancy occurs in
3 the office of the attorney-general in the same calendar year as the next
4 regularly scheduled general election at which such office is up for
5 election, the powers and duties of the office of the attorney-general
6 shall be exercised by the solicitor general for the remaining unexpired
7 term of office.

8 § 2. This act shall take effect on the same date as a "CONCURRENT
9 RESOLUTION OF THE SENATE AND ASSEMBLY proposing an amendment to section
10 1 of article 5 of the constitution, in relation to filling vacancies in
11 the office of comptroller or attorney-general" takes effect.