

# STATE OF NEW YORK

927

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

Introduced by M. of A. CAHILL -- Multi-Sponsored by -- M. of A. BENEDETTO, COLTON, CROUCH, CUSICK, GALEF, GOTTFRIED, GUNTHER, JAFFEE, KAVANAGH, LOPEZ, LUPARDO, MAGEE, ORTIZ, PAULIN, PEOPLES-STOKES, RAIA, ROSENTHAL, THIELE -- 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 chapter 91 of the laws of 1928, is amended to read as follows:

2 § 41. Vacancies [~~filled by legislature~~] in the office of comptroller  
3 or attorney-general. When a vacancy occurs or exists[, ~~other than by~~  
4 ~~removal,~~] in the office of comptroller or attorney-general, [~~or a resignation of either such officer to take effect at any future day shall~~  
5 ~~have been made while the legislature is in session, the two houses thereof, by joint ballot, shall appoint a person to fill such actual or~~  
6 ~~prospective vacancy~~] the governor may in his or her discretion make  
7 proclamation of a special election to fill such office, specifying the  
8 date of such election, which shall be not less than forty-five nor more  
9 than sixty days from the date of the proclamation.

10 § 2. Subdivision 4-a of section 42 of the public officers law, as  
11 amended by chapter 373 of the laws of 1978, is amended to read as  
12 follows:

13 4-a. If a vacancy occurs in the office of United States senator from  
14 this state [~~in any even numbered calendar year on or after the fifty-~~  
15 ~~ninth day prior to the annual primary election, or thereafter during~~  
16 ~~said even numbered year, the governor shall make a temporary appointment~~  
17 ~~to fill such vacancy until the third day of January in the year follow-~~  
18 ~~ing the next even numbered calendar year. If such vacancy occurs in any~~  
19 ~~even numbered calendar year on or before the sixtieth day prior to an~~

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

LBD01489-01-7

~~annual primary election, the governor shall make a temporary appointment to fill such vacancy until the third day of January in the next calendar year. If a vacancy occurs in the office of United States senator from this state in any odd numbered calendar year, the governor shall make a temporary appointment to fill such vacancy until the third day of January in the next odd numbered calendar year. Such an appointment shall be evidenced by a certificate of the governor which shall be filed in the office of the state board of elections. At the time for filing such certificate]~~, the governor may in his or her discretion, make proclamation of a special election to fill such office, specifying the date of such election, which shall not be less than forty-five nor more than sixty days from the date of such proclamation. The governor shall issue and file in the office of the state board of elections a writ of election directing the election of a United States senator to fill such vacancy for the unexpired term at the general election next preceding the expiration for the term of such [~~appointment~~] special election.

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