

# STATE OF NEW YORK

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4180

2017-2018 Regular Sessions

## IN SENATE

February 6, 2017

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Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law and the election law, in relation to residency requirement for local government elected officials

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 3 of the public officers law, as  
2 amended by chapter 251 of the laws of 2014, is amended to read as  
3 follows:

4 1. No person shall be capable of holding a civil office who shall not,  
5 at the time he or she shall be chosen thereto, have attained the age of  
6 eighteen years, except that in the case of youth boards, youth commis-  
7 sions, recreation commissions, or community boards in the city of New  
8 York only, members of such boards or commissions may be under the age of  
9 eighteen years, but must have attained the age of sixteen years on or  
10 before appointment to such youth board, youth commission, recreation  
11 commission, or community board in the city of New York, be a citizen of  
12 the United States, a resident of the state, and if it be a local office,  
13 be a resident of the political subdivision or municipal corporation of  
14 the state for which he or she shall be chosen, or within which the elec-  
15 tors electing him or her reside, or within which his or her official  
16 functions are required to be exercised at the time he or she shall be  
17 officially designated or nominated, or who shall have been or shall be  
18 convicted of a violation of the selective draft act of the United  
19 States, enacted May eighteenth, nineteen hundred seventeen, or the acts  
20 amendatory or supplemental thereto, or of the federal selective training  
21 and service act of nineteen hundred forty or the acts amendatory thereof  
22 or supplemental thereto.

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

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1     § 2. The election law is amended by adding a new section 6-170 to read  
2 as follows:

3     § 6-170. Designating or nominating petition; residence. A designating  
4 or nominating petition, or certificate of designation, as provided in  
5 sections 6-132 and 6-140 of this title, naming a person as candidate for  
6 a local office which requires the office holder to be a resident of the  
7 subdivision, and which contains therein a residence address for the  
8 candidate that is not within the subdivision in which the candidate  
9 seeks nomination or election, shall be invalid unless such candidate  
10 shall file, at the same time as the filing of the petition or certif-  
11 icate of nomination or designation, a certificate duly acknowledged by  
12 the candidate which sets forth a residence within the subdivision where  
13 the candidate resides as of the date of such filings.

14     § 3. The election law is amended by adding a new section 6-214 to read  
15 as follows:

16     § 6-214. Designating or nominating petition; residence. A designating  
17 or nominating petition, or certificate of designation, as provided in  
18 sections 6-204 and 6-206 of this title, naming a person as candidate for  
19 a village office which requires the office holder to be a resident of  
20 the village, and which contains therein a residence address for the  
21 candidate that is not within the village in which the candidate seeks  
22 nomination or election, shall be invalid unless such candidate shall  
23 file, at the same time as the filing of the petition or certificate of  
24 nomination or designation, a certificate duly acknowledged by the candi-  
25 date which sets forth a residence within the village where the candidate  
26 resides as of the date of such filings.

27     § 4. This act shall take effect on the first of January next succeed-  
28 ing the date on which it shall have become a law.