

STATE OF NEW YORK

5913

2019-2020 Regular Sessions

IN ASSEMBLY

February 20, 2019

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 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. 1. 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 shall, within sixty days of such
7 vacancy occurring, set the date for a special election to fill such
8 office. The date set for the special election shall be no sooner than
9 forty-five days or later than sixty days from the proclamation of the
10 governor establishing the election to fill the vacancy in the office of
11 the comptroller or attorney-general. Provided, however, that if a vacancy
12 in the office of comptroller or attorney-general occurs in the same
13 calendar year as the next regularly scheduled general election at which
14 the comptroller and attorney-general are to be chosen, no special
15 election shall be called.

16 2. a. In the event a vacancy occurs in the office of the comptroller,
17 the first deputy comptroller shall exercise the powers and duties of the
18 office of the comptroller until such time as a special election is held
19 to elect a new comptroller. In the event a vacancy occurs in the office
20 of the comptroller in the same calendar year as the next regularly scheduled
21 general election at which such office is up for election, the
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 powers and duties of the office of the comptroller shall be exercised by
2 the first deputy comptroller for the remaining unexpired term of office.

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

12 § 2. This act shall take effect on the same date as a "CONCURRENT
13 RESOLUTION OF THE SENATE AND ASSEMBLY proposing an amendment to section
14 1 of article 5 of the constitution, in relation to filling vacancies in
15 the office of comptroller or attorney-general" takes effect.