

STATE OF NEW YORK

538

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. CAHILL -- Multi-Sponsored by -- M. of A. BENEDETTO, COLTON, CROUCH, CUSICK, GALEF, GOTTFRIED, GUNTHER, JAFFEE, LUPARDO, ORTIZ, PAULIN, PEOPLES-STOKES, RAIA, L. 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 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. 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 § 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-~~
21 ~~ing the next even numbered calendar year. If such vacancy occurs in any~~
22 ~~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.

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1 ~~annual primary election, the governor shall make a temporary appointment~~
2 ~~to fill such vacancy until the third day of January in the next calendar~~
3 ~~year. If a vacancy occurs in the office of United States senator from~~
4 ~~this state in any odd numbered calendar year, the governor shall make a~~
5 ~~temporary appointment to fill such vacancy until the third day of Janu-~~
6 ~~ary in the next odd numbered calendar year. Such an appointment shall~~
7 ~~be evidenced by a certificate of the governor which shall be filed in~~
8 ~~the office of the state board of elections. At the time for filing such~~
9 ~~certificate], the governor may in his or her discretion, make proclama-~~
10 ~~tion of a special election to fill such office, specifying the date of~~
11 ~~such election, which shall not be less than forty-five nor more than~~
12 ~~sixty days from the date of such proclamation. The governor shall issue~~
13 and file in the office of the state board of elections a writ of
14 election directing the election of a United States senator to fill such
15 vacancy for the unexpired term at the general election next preceding
16 the expiration for the term of such [~~appointment~~ special election].
17 § 3. This act shall take effect on the same date as a concurrent
18 resolution entitled "CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY
19 proposing an amendment to section 1 of article 5 of the constitution, in
20 relation to providing for special elections to fill the offices of comp-
21 troller and attorney-general", takes effect.