

STATE OF NEW YORK

4800

2025-2026 Regular Sessions

IN SENATE

February 13, 2025

Introduced by Sens. TEDISCO, STEC, BORRELLO, HELMING, MURRAY, ORTT, RHOADS, WALCZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 3 of article 13 of the constitution, in relation to special elections of federal officers

Section 1. Resolved (if the Assembly concur), That section 3 of article 13 of the constitution be amended to read as follows:

§ 3. (a) The legislature shall provide for filling vacancies in office, and in case of elective officers, no person appointed to fill a vacancy shall hold his or her office by virtue of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy; provided, however, that nothing contained in this article shall prohibit the filling of vacancies on boards of education, including boards of education of community districts in the city school district of the city of New York, by appointment until the next regular school district election, whether or not such appointment shall extend beyond the thirty-first day of December in any year.

(b) In the case of a special election to fill a vacancy of a federal officer:

(i) a vacancy occurring three months before the general election in any year in any office authorized to be filled at a general election, shall be filled at the general election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election.

(ii) A vacancy occurring by the expiration of term at the end of an even numbered year in an office which may not under the provisions of the constitution be filled for a full term at the general election held prior to the expiration of such term, shall be filled at said general election for a term ending with the commencement of the political year

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

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1 next succeeding the first general election at which said office can be
2 filled by election for a full term.

3 (iii) Upon the failure to elect to any office, at a general or special
4 election, at which such office is authorized to be filled, or upon the
5 death or disqualification of a person elected to office before the
6 commencement of their official term, or upon the occurrence of a vacancy
7 in any elective office which cannot be filled by appointment for a peri-
8 od extending to or beyond the next general election at which a person
9 may be elected thereto, the governor shall make proclamation of a
10 special election to fill such office within ten days of the occurrence
11 of a vacancy, specifying the district or county in which the election is
12 to be held, and the day thereof, which shall be not less than seventy
13 nor more than eighty days from the date of the proclamation to fill a
14 vacancy in the office of a representative in congress.

15 (iv) A special election shall not be held to fill a vacancy in the
16 office of a representative in congress unless such vacancy occurs on or
17 before the first day of July of the last year of the term of office, or
18 unless it occurs thereafter and a special session of congress is called
19 to meet before the next general election, or be called after three
20 months before the general election in such year.

21 (v) If a special election to fill an office shall not be held as
22 required by law, the office shall be filled at the next general
23 election.

24 (vi) If a vacancy occurs in the office of United States senator from
25 this state in any even numbered calendar year on or after the fifty-
26 ninth day prior to the annual primary election, or thereafter during
27 said even numbered year, the governor shall make a temporary appointment
28 to fill such vacancy until the third day of January in the year follow-
29 ing the next even numbered calendar year. If such vacancy occurs in any
30 even numbered calendar year on or before the sixtieth day prior to an
31 annual primary election, the governor shall make a temporary appointment
32 to fill such vacancy until the third day of January in the next calendar
33 year. If a vacancy occurs in the office of United States senator from
34 this state in any odd numbered calendar year, the governor shall make a
35 temporary appointment to fill such vacancy until the third day of Janu-
36 ary in the next odd numbered calendar year. Such an appointment shall be
37 evidenced by a certificate of the governor which shall be filed in the
38 office of the state board of elections. At the time for filing such
39 certificate, the governor shall issue and file in the office of the
40 state board of elections a writ of election directing the election of a
41 United States senator to fill such vacancy for the unexpired term at the
42 general election next preceding the expiration for the term of such
43 appointment.

44 § 2. Resolved (if the Assembly concur), That the foregoing amendment
45 be referred to the first regular legislative session convening after the
46 next succeeding general election of members of the assembly, and, in
47 conformity with section 1 of article 19 of the constitution, be
48 published for 3 months previous to the time of such election.