

May 16th, 1962

Hon. Paxton Blair  
Solicitor General  
State of New York  
Albany, New York

Hon. Dear Sir:

We would appreciate receiving from you a written opinion as to the following questions:

1. On November 3rd, 1959 an Assessor in the Town of Carmel was elected for a four-year term, which would have expired on December 31st, 1963. During the year 1961 this Assessor resigned and in the General Election, held in November of 1961, an Assessor was elected. The ballot had incrimed on the face of it "Assessor Unexpired Term". At the same general election another Assessor in the same town ran for a designated two-year term. Because of the possible error on the ballot, we are now not sure of the expiration date of the term of office of the man elected under the designated unexpired term. His term would have been one of the four-year terms under the normal designation. We are enclosing a copy of a sample ballot, used in last Fall's election, for your perusal, and would appreciate your advice, as aforesaid, regarding the term of office of the person in question.
2. A similar question has arisen with reference to the election of a Coroner. During the year 1961 an incumbent Coroner, whose term of office would have ended December 31, 1962, died. At the General Election last November a new Coroner was elected, and we would appreciate your opinion as to

Hon. Paxton Blair - (Continued)

whether or not he was elected for a full three-year term, or only for the balance of the un-expired term of his predecessor.

In this instance, the enclosed sample ballot, under line #7, indicates the vote should be for "Coroner" and makes no mention of the words "Unexpired Term", as appears under line #14, which was the line used for the Assessor, which is more particularly described in paragraph 1 of this letter.

In view of the fact that Party Designations must be filed by the Board of Elections by May 29th, 1962, in accordance with the Election Law, the undersigned would appreciate it if you will be kind enough to give this matter your prompt attention, as time is of the essence.

Very truly yours,

BOARD OF ELECTIONS

Commissioners of Election  
Irwin M. Katz, President  
Frank C. Bowers, Jr., Secretary

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Enclosure



FILED  
BOARD OF ELECTIONS OFFICE  
PUTNAM COUNTY

1962 JUN -4 AM 10:47

STATE OF NEW YORK  
DEPARTMENT OF LAW

LOUIS J. LEFKOWITZ  
ATTORNEY GENERAL

ALBANY 1, N. Y.

May 25, 1962

Commissioners of Election  
Irwin M. Katz, President  
Frank C. Bowers, Jr., Secretary  
Board of Elections  
County of Putnam  
Carmel, New York

Dear Sirs:

This is in reply to your letter of May 16, 1962. You state that three assessors were elected at the general election held November 7, 1961. On the ballot above the names of the candidates, the following was printed:

12	13	14
Assessor	Assessor	Assessor
(4 years)	(2 years)	Unexpired Term

You ask whether the designation "Unexpired Term" is effective so that the elected assessor's term is for the unexpired term of his predecessor, which term would have expired on December 31, 1963, or whether his term is for four years.

Section 105 of the Election Law provides in part that "if two or more candidates are nominated for the same office for different terms, the term for which each is nominated shall be printed as a part of the title of the office." Thus it appears that the designation of the term of office is an essential part of the title of the office.

In the present situation the term of office was printed on the ballot as a part of the title of the office. As a result, it is my opinion that the person

Irwin M. Katz, President  
Frank C. Bowers, Jr., Secretary -#2

elected to the office designated on the ballot as "Assessor - Unexpired Term" was elected for the unexpired term of his predecessor, which term expires on December 31, 1963.

In regard to your second question concerning the election of a person to fill a vacancy in the office of coroner, I am enclosing a copy of an opinion of this Department (1942 Atty. Gen. 360), which ruled that a person so elected holds office for a full three-year term.

The Attorney General is authorized to render official opinions only to agencies of the State government. The foregoing, therefore, is furnished informally and unofficially, and I trust that it will be of some service in respect to your inquiry.

Very truly yours,

LOUIS J. LEFKOWITZ  
Attorney General

By:

*Herbert H. Smith*  
HERBERT H. SMITH  
Assistant Attorney General

enc.

COUNTY LAW, § 180.

*Now \$400*

Person elected to fill vacancy in office of coroner is elected for full three year term.

I am in receipt of your letter of July 7 advising that Horace G. Baldwin, a coroner for the county of Greene, whose terms of office would have expired December 31, 1944, died on or about June 9, 1942 and that an appointment has been made by the Governor to fill the vacancy until December 31, 1942. You request advice as to whether the coroner to be elected at the coming general election will

... term from January 1, 1943 to December 31, 1945.  
... of the County Law, Governor, in the ... appoint-  
ment ... office of coroner. ... provides  
the election of coroners "who shall ... hold the office  
for three years from and including the first day of January succeed-  
ing their election."

It has been held in several opinions of the Attorney-General that a person elected to fill a vacancy in the office of coroner has the right to hold such office for a full term. See Opinions A. G. 1911, 578; 1909, 587; 1903, 376; 1902, 268; 1893, 345.

It is my opinion that the coroner to be elected in your county at the general election will be elected for a full three-year term from January 1, 1943.

Dated: July 15, 1942.

BOARD OF ELECTIONS, Catskill.

FILED

BOARD OF ELECTIONS OFFICE  
PUTNAM COUNTY

July 9, 1962

Hon. Frank R. Barbarita  
Democratic County Chairman  
Carmel, New York.

Dear Mr. Barbarita:

In an opinion given by the Attorney General to this office, only one Coroner is to be elected in the forthcoming General Election. When a Coroner is elected to fill a vacancy he is elected for a full three year term.

Very truly yours,

Commissioners of Elections

