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Section 31

Resignations

Public Officers (PBO)

SHARE



1. Public officers may resign their offices as follows:

- a. The governor, lieutenant-governor, comptroller and attorney-general, to the legislature;
- b. All officers appointed by the governor alone, or by him with the consent of the senate, to the governor;
- c. Senators and members of assembly, to the presiding officers of their respective houses;
- d. Judges and justices of the unified court system, to the chief administrator of the courts;
- e. Sheriffs, county clerks, district attorneys and registers of counties, to the governor;
- f. Every other county officer, to the county clerk;
- g. Every town officer, to the town clerk;

h. The officer of any other municipal corporation, to the clerk of the corporation;

i. United States senators, to the secretary of state.

j. Representatives in the House of Representatives of the Congress of the United States, to the secretary of state.

k. Every other appointive officer, where not otherwise provided by law, to the body, board or officer that appointed him, and every other elective officer, where not otherwise provided by law, to the secretary of state.

2. Every resignation shall be in writing addressed to the officer or body to whom it is made. If no effective date is specified in such resignation, it shall take effect upon delivery to or filing with the proper officer or body. If an effective date is specified in such resignation, it shall take effect upon the date specified, provided however, that in no event shall the effective date of such resignation be more than thirty days subsequent to the date of its delivery or filing; except that the effective date of the resignation of a judge or justice of the unified court system may be up to ninety days subsequent to the date on which such resignation is delivered or filed. If a resignation specifies an effective date that is more than thirty days subsequent to the date of its delivery or filing, or more than ninety days subsequent thereto where such resignation is that of a judge or justice, such resignation shall take effect upon the expiration of thirty days from the date of its delivery or filing, or upon the expiration of ninety days therefrom, as appropriate.

3. A resignation addressed to an officer shall be delivered to him at his place of business or filed in his office.

A resignation addressed to the legislature or to the presiding officer of either house thereof, shall be delivered to and filed with the secretary of state, and he shall forthwith communicate the fact of such resignation to

the legislature or to such house, if in session, or if not, at its first meeting thereafter.

A resignation addressed to any other body shall be delivered to the presiding officer or clerk of such body, if there be one, and if not, to any member thereof, and shall be filed with the clerk, or if there be no clerk, with the other records of such body. A delivery at the office or place of residence or business of the person to whom any such resignation may be delivered shall be a sufficient delivery thereof.

4. A resignation delivered or filed pursuant to this section, whether effective immediately or at a specified future date, may not be withdrawn, cancelled, or amended except by consent of the officer to whom it is delivered or body with which it is filed.

5. If a resignation from an elective office is received pursuant to the provisions of this section, the official who receives such resignation shall immediately notify the state board of elections of the fact of such resignation and the effective date, if any, set forth in such resignation.

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