



**STATE OF NEW YORK  
STATE BOARD OF ELECTIONS**

Albany, New York  
August 4, 2008

**CERTIFICATION**

**To the Boards of Elections of the State of New York**

Notice is hereby given, that at the General Election to be held in this State on Tuesday, November 4, 2008, the following proposal will be submitted to the people for approval: Proposal Number One, an Amendment.

**TEXT OF PROPOSAL NUMBER ONE, AN AMENDMENT**

**CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**

proposing an amendment to section 6 of article 5 of the constitution, in relation to additional civil service credit for members of the armed forces of the United States

Section 1. RESOLVED (if the Assembly concur), That section 6 of article 5 of the constitution be amended to read as follows:

§ 6. Appointments and promotions in the civil service of the state and all of the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination which, as far as practicable, shall be competitive; provided, however, that any member of the armed forces of the United States who served therein in time of war, and who, at the time of such member's appointment or promotion, is a citizen or an alien lawfully admitted for permanent residence in the United States and a resident of this state and is honorably discharged or released under honorable circumstances from such service, shall be entitled to receive five points additional credit in a competitive examination for original appointment and two and one-half points additional credit in an examination for promotion or, if such member was disabled in the actual performance of duty in any war[, is receiving disability payments there-for from the United States veterans administration,] and his or her disability is certified by [such administration] the United States

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

department of veterans affairs to be in existence at the time of application for appointment or promotion, he or she shall be entitled to receive ten points additional credit in a competitive examination for original appointment and five points additional credit in an examination for promotion. Such additional credit shall be added to the final earned rating of such member after he or she has qualified in an examination and shall be granted only at the time of establishment of an eligible list. No such member shall receive the additional credit granted by this section after he or she has received one appointment, either original entrance or promotion, from an eligible list on which he or she was allowed the additional credit granted by this section.

§ 2. RESOLVED (if the Assembly concur), That the foregoing amendment be submitted to the people for approval at the general election to be held in the year 2008 in accordance with the provisions of the election law.

### **ABSTRACT OF PROPOSAL NUMBER ONE, AN AMENDMENT**

The purpose of the proposal is to eliminate the requirement that disabled veterans be receiving disability payments in order to qualify for additional credit on civil service examinations.

The State Constitution currently requires that, in order to qualify for additional points on a civil service examination for appointment or promotion, a veteran who was disabled in the actual performance of duty in any war must be receiving disability payments from the United States Veterans Administration, and the United States Veterans Administration must certify that the veteran's disability exists at the time that the veteran applies for appointment or promotion.

The proposed amendment would change the reference to the "United States Veterans Administration" currently in this section to the "United States Department of Veterans Affairs" to reflect the Veterans Administration's redesignation as the Department of Veterans Affairs under federal law.

The proposed amendment would also eliminate the requirement that a veteran who was disabled in the actual performance of duty in any war be receiving disability payments from the federal veterans department in order to qualify for additional points on a civil service examination. Instead, the proposed amendment would only require that the United States Department of Veterans Affairs certify that the veteran's disability exists at the time that the veteran applies for appointment or promotion.

**FORM OF SUBMISSION OF PROPOSAL NUMBER ONE, AN AMENDMENT**


Amendment to Article 5, section 6 of the Constitution, in relation to additional civil service credit for members of the armed forces of the United States


The proposed amendment would eliminate the requirement that veterans who were disabled in the actual performance of duty in any war be receiving disability payments from the United States Veterans Administration in order to qualify for additional points on a civil service examination for appointment or promotion. Under the proposed amendment, the disability must only be certified to exist by the United States Department of Veterans Affairs. The proposed amendment would also update the reference to the "United States Veterans Administration" to instead refer to the "United States Department of Veterans Affairs" to reflect current federal government structure. Shall the proposed amendment be approved?

The foregoing text of Ballot Proposal One, An Amendment, is a correct copy of the original as certified to be on file in the Department of State.

NEW YORK STATE BOARD OF ELECTIONS  
August 4, 2008

GIVEN under our hands and seal of the office  
of the State Board of Elections, at the  
City of Albany, this 4<sup>th</sup> day of August,  
in the year 2008.

  
\_\_\_\_\_  
JAMES A. WALSH, Co-Chair  
New York State Board of Elections

  
\_\_\_\_\_  
DOUGLAS A. KELLNER, Co-Chair  
New York State Board of Elections