

STATE OF NEW YORK

5358--B

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

Introduced by M. of A. SILLITTI, EPSTEIN, KELLES, DeSTEFANO, RAGA, SIMONE, SIMON, NOVAKHOV -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to requiring certain candidates to file a statement attesting to the veracity of statements regarding the candidate's educational history, and service, employment and residency record

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The election law is amended by adding a new section 6-170 to read as follows:

§ 6-170. Veracity of statements of candidates. 1. Fifteen days after the filing of a certificate of acceptance, certificate to fill a vacancy, a petition for an opportunity to ballot by a candidate pursuant to section 6-158 of this article, the filing of a designating petition pursuant to section 6-132 of this article, or the filing of an independent nominating petition pursuant to section 6-140 of this article, each candidate shall submit a sworn statement including the following information:

(a) military service record, if any, including dates of enlistment and discharge and appointments;

(b) employment history, if any, for the previous five years;

(c) current residential address;

(d) an attestation by the candidate that the candidate meets the residency requirements of the office that they seek; and

(e) educational history, including high schools, colleges or universities attended, dates of attendance and degrees received if any, or employment history not otherwise disclosed pursuant to paragraph (b) of this subdivision that the candidate voluntarily represents on their

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

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1 website, in their campaign literature or verbally during the course of
2 their campaign.

3 In the event that the fifteenth day after the filing of a certificate
4 of acceptance, certificate to fill a vacancy, a petition for an opportu-
5 nity to ballot by a candidate pursuant to section 6-158 of this article,
6 the filing of a designating petition pursuant to section 6-132 of this
7 article, or the filing of an independent nominating petition pursuant to
8 section 6-140 of this article occurs on a weekend or state or federal
9 holiday, the filing shall be due on the next succeeding business day.
10 Such statement shall be attested to by the candidate under penalty of
11 perjury, notarized and filed with the board of elections where the
12 certificate of acceptance, certificate to fill a vacancy, petition for
13 an opportunity to ballot, designating petition filed pursuant to section
14 6-132 of this article, or independent nominating petition filed pursuant
15 to section 6-140 of this article was filed. Such statement shall be
16 amended, as needed, upon the making of additional representations by the
17 candidate during the course of the campaign. Such amendments shall be
18 filed with the applicable board of elections that the candidate filed
19 their original statement with on the date that the next statement of
20 campaign receipt and expenditure is filed pursuant to the schedule
21 promulgated by the state board of elections. Such amended statement
22 shall be attested to by the candidate under penalty of perjury and nota-
23 rized in the same manner as the original statement. Failure to file an
24 amended statement shall constitute a further attestation by the candi-
25 date that the original statement remains true, complete and correct.

26 2. Within five business days of the filing of any statement or amended
27 statement by a candidate pursuant to this section, the applicable board
28 of elections which has received the statement or amended statement,
29 shall post the statements required by this section on its website. If
30 the candidate statement required by this section has not been received,
31 the applicable board of elections shall notify the candidates who have
32 failed to provide the required statement that they are required to
33 comply with the requirements of this section and shall individually
34 identify each candidate for whom a certificate of acceptance, certifi-
35 cate to fill a vacancy, petition for an opportunity to ballot, design-
36 ating petition or independent nominating petition has been received,
37 but who has failed to provide the statement required by this section on
38 the applicable board of elections website along with the completed
39 statements that it has received from other candidates.

40 3. Failure to file the statement, or an amended statement, required by
41 this section within five business days of the applicable filing period
42 deadline of any designating petition carries an initial civil penalty
43 not to exceed one thousand dollars, with additional penalties accruing
44 at twenty-five dollars for each day the statement is more than ten busi-
45 ness days overdue, up to a maximum additional penalty of one thousand
46 dollars. Penalties imposed by the board of elections for violations of
47 the reporting requirement set forth in this section shall be paid by the
48 candidate failing to file the required disclosure. Such penalty levied
49 by the board of elections shall not be paid from contributions or funds
50 available in a campaign account.

51 § 2. This act shall take effect on the ninetieth day after it shall
52 have become a law. Effective immediately, the addition, amendment and/or
53 repeal of any rule or regulation necessary for the implementation of
54 this act on its effective date are authorized to be made and completed
55 on or before such effective date.