

442--A

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GALEF, CASTRO -- Multi-Sponsored by -- M. of A. BURLING, REILLY -- read once and referred to the Committee on Local Governments -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to establishing a petition process to change the elective office of assessors

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general municipal law is amended by adding a new article 17-B to read as follows:

3 ARTICLE 17-B

4 PETITION TO CHANGE THE ELECTIVE OFFICE OF ASSESSORS

5 SECTION 797-A. DEFINITIONS.

6 797-B. PETITION TO START THE PROCESS TO CHANGE THE ELECTIVE
7 OFFICE OF ASSESSORS.

8 797-C. PROCESS TO CHANGE THE ELECTIVE OFFICE OF ASSESSORS UPON
9 PETITION.

10 S 797-A. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

11 1. THE TERM "QUALIFIED ELECTOR" SHALL MEAN A PERSON WHO IS REGISTERED
12 TO VOTE IN THE PARTICIPATING MUNICIPALITY IN ACCORDANCE WITH THE
13 PROVISIONS OF THE ELECTION LAW.

14 2. THE TERM "PARTICIPATING MUNICIPALITY" SHALL MEAN A TOWN OR VILLAGE
15 THAT HAS STARTED THE PROCESS TO CHANGE THE ELECTIVE OFFICE OF ASSESSORS
16 PURSUANT TO SECTION SEVEN HUNDRED NINETY-SEVEN-C OF THIS ARTICLE.

17 S 797-B. PETITION TO START THE PROCESS TO CHANGE THE ELECTIVE OFFICE
18 OF ASSESSORS. 1. ELIGIBLE SIGNATURES. TO START THE PROCESS TO CHANGE
19 THE ELECTIVE OFFICE OF ASSESSORS, A PETITION MUST HAVE SIGNATURES FROM
20 QUALIFIED VOTERS OF THE PARTICIPATING MUNICIPALITY, EQUAL TO AT LEAST

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

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TEN PERCENT OF THE ELECTORS QUALIFIED TO VOTE IN THE LAST GENERAL ELECTION. THOSE SIGNING THE PETITION MUST BE QUALIFIED TO VOTE IN THE PARTICIPATING MUNICIPALITY AT THE TIME OF THE FILING OF THE PETITION WITH THE MUNICIPAL CLERK.

2. TIME LIMIT. A SIGNATURE SHALL BE INVALID IF IT IS SIGNED UPON THE PETITION MORE THAN ONE HUNDRED EIGHTY DAYS BEFORE THE PETITION IS FILED WITH THE MUNICIPAL CLERK, UNLESS THE GOVERNING BOARD PASSES A RESOLUTION TO GIVE ADDITIONAL TIME TO COLLECT SIGNATURES.

3. FORM. THE PETITION SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

PETITION

WE, THE UNDERSIGNED, ELECTORS OF THE (INSERT TYPE OF MUNICIPALITY - TOWN OR VILLAGE) OF (INSERT NAME OF MUNICIPALITY), NEW YORK, QUALIFIED TO VOTE AT THE NEXT GENERAL OR SPECIAL ELECTION, DO HEREBY PETITION THAT THERE BE SUBMITTED TO THE VOTERS OF (INSERT NAME OF MUNICIPALITY), PURSUANT TO LAW, A PROPOSITION AS FOLLOWS: (INSERT PROPOSITION SOUGHT TO BE SUBMITTED) THE UNDERSIGNED QUALIFIED ELECTORS HEREBY REQUEST THAT A REFERENDUM VOTE UPON THE ABOVE PROPOSITION BE TAKEN AS PROVIDED BY LAW. IN WITNESS WHEREOF, WE HAVE SIGNED OUR NAMES ON THE DATES INDICATED NEXT TO OUR SIGNATURES.

DATE NAME - PRINT NAME UNDER SIGNATURE HOME ADDRESS

1. _____
2. _____
3. _____

(ON THE BOTTOM OF EACH PAGE, AFTER ALL THE NUMBERED SIGNATURES, INSERT A WITNESS STATEMENT OR A STATEMENT BY A NOTARY PUBLIC OR COMMISSIONER OF DEEDS, IN SUBSTANTIALLY THE FOLLOWING FORM:)

I, (NAME OF WITNESS), STATE THAT I AM A REGISTERED VOTER OF THE STATE OF NEW YORK. I AM A RESIDENT OF THE (TOWN OR VILLAGE) OF (NAME OF TOWN OR VILLAGE). THE PERSONS THAT HAVE SIGNED THIS PETITION SHEET CONTAINING (FILL IN NUMBER) SIGNATURES, HAVE SIGNED THEIR NAMES IN MY PRESENCE ON THE DATES INDICATED ABOVE AND IDENTIFIED THEMSELVES TO BE THE SAME PERSONS WHO SIGNED THE SHEET. I UNDERSTAND THAT THIS STATEMENT WILL BE ACCEPTED FOR ALL PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT, AND IF IT CONTAINS A MATERIALLY FALSE STATEMENT, SHALL SUBJECT ME TO THE PENALTIES OF PERJURY.

DATE SIGNATURE OF WITNESS

(IN LIEU OF THE SIGNED STATEMENT OF A WITNESS WHO IS A DULY QUALIFIED VOTER OF THE STATE, QUALIFIED TO SIGN THE PETITION AS A RESIDENT OF THE TOWN OR VILLAGE, THE FOLLOWING STATEMENT SIGNED BY A NOTARY PUBLIC OR A COMMISSIONER OF DEEDS SHALL BE ACCEPTED.) ON THE DATE ABOVE INDICATED BEFORE ME PERSONALLY CAME EACH OF THE VOTERS WHOSE SIGNATURES APPEAR ON THIS PETITION SHEET CONTAINING (FILL IN NUMBER) SIGNATURES, WHO SIGNED SAME IN MY PRESENCE AND WHO, BEING BY ME DULY SWORN, EACH FOR HIMSELF OR HERSELF, SAID THAT THE FOREGOING STATEMENT MADE AND SUBSCRIBED BY HIM OR HER, WAS TRUE.

DATE NOTARY PUBLIC OR COMMISSIONER OF DEEDS

4. LIBERAL CONSTRUCTION. IN MATTERS OF FORM, THIS SECTION SHALL BE GIVEN A LIBERAL CONSTRUCTION, AND PRECISE COMPLIANCE IS NOT REQUIRED.

S 797-C. PROCESS TO CHANGE THE ELECTIVE OFFICE OF ASSESSORS UPON PETITION. 1. THE PROCESS TO CHANGE THE ELECTIVE OFFICE OF ASSESSORS SHALL START IN A PARTICIPATING MUNICIPALITY ONCE A PETITION FROM THE QUALIFIED ELECTORS IS FILED WITH THE MUNICIPAL CLERK AND CERTIFIED BY SUCH CLERK AS MEETING THE REQUIREMENTS OF THIS ARTICLE.

1 2. UPON RECEIVING A PETITION FROM THE QUALIFIED ELECTORS, AS CERTIFIED
2 BY THE MUNICIPAL CLERK, THE PARTICIPATING MUNICIPALITY SHALL CONDUCT A
3 REFERENDUM ON THE QUESTION TO CHANGE THE OFFICE OF THE ASSESSORS.

4 3. A CERTIFICATE OF THE ELECTION SHALL BE FILED WITH THE SECRETARY OF
5 STATE, WITH THE CLERK OF THE PARTICIPATING MUNICIPALITY, AND WITH THE
6 CLERK OF EACH COUNTY IN WHICH ANY PART OF THE PARTICIPATING MUNICIPALITY
7 IS LOCATED.

8 4. IF THE MAJORITY OF VOTES CAST ON THE REFERENDUM IN THE PARTICIPAT-
9 ING MUNICIPALITY ARE IN THE AFFIRMATIVE, THE MUNICIPALITY SHALL, WITHIN
10 THIRTY DAYS AFTER THE DATE OF THE REFERENDUM, ADOPT A RESOLUTION AND
11 NOTIFY SUCH ASSESSORS THAT HE OR SHE SHALL SERVE OUT HIS OR HER REMAIN-
12 ING TERM WHEN UPON SUCH TIME THE OFFICE OF THE ASSESSOR SHALL BE
13 APPOINTED BY THE GOVERNING BODY OF THE PARTICIPATING MUNICIPALITY.

14 5. IF THE MAJORITY OF VOTES CAST ON THE REFERENDUM IN EACH PARTICIPAT-
15 ING MUNICIPALITY ARE IN THE NEGATIVE, THE REFERENDUM SHALL FAIL AND THE
16 PETITION PROCESS MAY NOT BE INITIATED WITHIN TWO YEARS OF THE DATE OF
17 SUCH REFERENDUM.

18 S 2. This act shall take effect immediately.