

8076

2011-2012 Regular Sessions

I N A S S E M B L Y

May 31, 2011

Introduced by M. of A. GALEF -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law and the town law, in relation to establishing a petition process to change the elective office of superintendent of highways to appointive

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 PROCESS TO CERTAIN
5 POSITIONS

6 SECTION 799-A. DEFINITIONS.

7 799-B. PROCESS UPON PETITION OR RESOLUTION.

8 799-C. PETITION TO START THE PROCESS TO CHANGE THE ELECTIVE
9 OFFICE OF SUPERINTENDENT OF HIGHWAYS TO APPOINTIVE.

10 S 799-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 ACCORDANCE WITH THE PROVISIONS OF THE ELECTION LAW.

13 2. THE TERM "PARTICIPATING MUNICIPALITY" SHALL MEAN A TOWN OR VILLAGE
14 THAT HAS STARTED THE PETITION PROCESS PURSUANT TO SECTION SEVEN HUNDRED
15 NINETY-NINE-B OF THIS ARTICLE.

16 S 799-B. PROCESS UPON PETITION OR RESOLUTION. 1. THE PROCESS SHALL
17 START IN A MUNICIPALITY ONCE A PETITION FROM THE RESIDENTS IS FILED WITH
18 THE MUNICIPAL CLERK.

19 2. UPON RECEIVING A PETITION FROM THE RESIDENTS, THE PARTICIPATING
20 MUNICIPALITY SHALL SUBMIT THE QUESTION OF THE CHANGE OF OFFICE OF THE
21 SUPERINTENDENT OF HIGHWAYS.

22 3. A CERTIFICATE OF THE ELECTION SHALL BE FILED WITH THE SECRETARY OF
23 STATE, WITH THE CLERKS OF EACH PARTICIPATING MUNICIPALITY, AND WITH THE

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

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1 CLERKS OF EACH COUNTY IN WHICH ANY PART OF THE PARTICIPATING MUNICI-
2 PALITY IS LOCATED.

3 4. IF THE MAJORITY OF VOTES CAST ON THE REFERENDUM IN EACH PARTICIPAT-
4 ING MUNICIPALITY, ARE IN THE AFFIRMATIVE, THE MUNICIPALITY WITHIN THIRTY
5 DAYS OF THE DATE OF THE REFERENDUM SHALL NOTIFY SUCH SUPERINTENDENT OF
6 HIGHWAYS THAT HE OR SHE SHALL SERVE OUT THEIR REMAINING TERM.

7 5. IF THE MAJORITY OF VOTES CAST ON THE REFERENDUM IN EACH PARTICIPAT-
8 ING MUNICIPALITY ARE IN THE NEGATIVE, THE REFERENDUM SHALL FAIL AND THE
9 PETITION PROCESS MAY NOT BE INITIATED FOR THE SAME PURPOSE WITHIN TWO
10 YEARS OF THE DATE OF SUCH REFERENDUM.

11 S 799-C. PETITION TO START THE PROCESS TO CHANGE THE ELECTIVE OFFICE
12 OF SUPERINTENDENT OF HIGHWAYS TO APPOINTIVE. 1. ELIGIBLE SIGNATURES. TO
13 START THE PETITION PROCESS, A PETITION MUST HAVE SIGNATURES FROM RESI-
14 DENTS OF THE JURISDICTION, EQUAL TO AT LEAST TEN PERCENT OF THE RESIDENT
15 ELECTORS QUALIFIED TO VOTE IN THE LAST GENERAL ELECTION. THOSE SIGNING
16 THE PETITION MUST BE QUALIFIED TO VOTE AT THE TIME OF THE FILING OF THE
17 PETITION WITH THE MUNICIPAL CLERK.

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

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

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

33 DATE NAME - PRINT NAME UNDER SIGNATURE HOME ADDRESS
34 1. _____
35 2. _____
36 3. _____

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

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

49 _____
50 DATE SIGNATURE OF WITNESS

51 (IN LIEU OF THE SIGNED STATEMENT OF A WITNESS WHO IS A DULY QUALIFIED
52 VOTER OF THE STATE, QUALIFIED TO SIGN THE PETITION AS A RESIDENT OF THE
53 TOWN OR VILLAGE, THE FOLLOWING STATEMENT SIGNED BY A NOTARY PUBLIC OR A
54 COMMISSIONER OF DEEDS SHALL BE ACCEPTED.) ON THE DATE ABOVE INDICATED
55 BEFORE ME PERSONALLY CAME EACH OF THE VOTERS WHOSE SIGNATURES APPEAR ON
56 THIS PETITION SHEET CONTAINING (FILL IN NUMBER) SIGNATURES, WHO SIGNED

