

S T A T E O F N E W Y O R K

3634--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 26, 2011

Introduced by M. of A. GALEF, CROUCH -- Multi-Sponsored by -- M. of A. SAYWARD -- 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 receiver of taxes

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:

ARTICLE 17-B

PETITION TO CHANGE THE ELECTIVE OFFICE OF
RECEIVER OF TAXES

SECTION 799-A. DEFINITIONS.

799-B. PETITION TO CHANGE THE ELECTIVE OFFICE OF RECEIVER OF TAXES.

799-C. PROCESS TO CHANGE THE ELECTIVE OFFICE OF RECEIVER OF TAXES UPON PETITION.

S 799-A. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

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

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

S 799-B. PETITION TO CHANGE THE ELECTIVE OFFICE OF RECEIVER OF TAXES.

1. ELIGIBLE SIGNATURES. TO START THE PROCESS TO CHANGE THE ELECTIVE OFFICE OF RECEIVER OF TAXES, A PETITION MUST HAVE SIGNATURES FROM QUALI-

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

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1 FIED VOTERS OF THE PARTICIPATING MUNICIPALITY, EQUAL TO AT LEAST TEN
 2 PERCENT OF THE ELECTORS QUALIFIED TO VOTE IN THE LAST GENERAL ELECTION.
 3 THOSE SIGNING THE PETITION MUST BE QUALIFIED TO VOTE IN THE PARTICIPAT-
 4 ING MUNICIPALITY AT THE TIME OF THE FILING OF THE PETITION WITH THE
 5 MUNICIPAL CLERK.

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

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

11 PETITION

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

21 DATE NAME - PRINT NAME UNDER SIGNATURE HOME ADDRESS

22 1. _____
 23 2. _____
 24 3. _____

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

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

37 _____
 38 DATE SIGNATURE OF WITNESS

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

48 _____
 49 DATE NOTARY PUBLIC OR COMMISSIONER OF DEEDS

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

52 S 799-C. PROCESS TO CHANGE THE ELECTIVE OFFICE OF RECEIVER OF TAXES
 53 UPON PETITION. 1. THE PROCESS TO CHANGE THE ELECTIVE OFFICE OF RECEIVER
 54 OF TAXES SHALL START IN A PARTICIPATING MUNICIPALITY ONCE A PETITION
 55 FROM QUALIFIED ELECTORS IS FILED WITH THE MUNICIPAL CLERK AND CERTIFIED
 56 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 RECEIVER OF TAXES.

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 RECEIVER OF TAXES THAT HE OR SHE SHALL SERVE OUT HIS OR HER
12 REMAINING TERM WHEN UPON SUCH TIME THE OFFICE OF RECEIVER OF TAXES SHALL
13 BE 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.