

6460

2013-2014 Regular Sessions

I N A S S E M B L Y

April 1, 2013

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

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

3 ARTICLE 17-B

4 PETITION TO CHANGE THE ELECTIVE OFFICE OF
5 RECEIVER OF TAXES

6 SECTION 799-A. DEFINITIONS.

7 799-B. PETITION TO CHANGE THE ELECTIVE OFFICE OF RECEIVER OF
8 TAXES.

9 799-C. PROCESS TO CHANGE THE ELECTIVE OFFICE OF RECEIVER OF
10 TAXES UPON PETITION.

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

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

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

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

20 1. ELIGIBLE SIGNATURES. TO START THE PROCESS TO CHANGE THE ELECTIVE
21 OFFICE OF RECEIVER OF TAXES, A PETITION MUST HAVE SIGNATURES FROM QUALI-
22 FIED VOTERS OF THE PARTICIPATING MUNICIPALITY, EQUAL TO AT LEAST TEN
23 PERCENT OF THE ELECTORS QUALIFIED TO VOTE IN THE LAST GENERAL ELECTION.
24 THOSE SIGNING THE PETITION MUST BE QUALIFIED TO VOTE IN THE PARTICIPAT-

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

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1 ING MUNICIPALITY AT THE TIME OF THE FILING OF THE PETITION WITH THE
2 MUNICIPAL CLERK.

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

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

8 PETITION

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

18 DATE NAME - PRINT NAME UNDER SIGNATURE HOME ADDRESS

- 19 1. _____
- 20 2. _____
- 21 3. _____

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

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

34 _____
35 DATE SIGNATURE OF WITNESS

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

45 _____
46 DATE NOTARY PUBLIC OR COMMISSIONER OF DEEDS

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

49 S 799-C. PROCESS TO CHANGE THE ELECTIVE OFFICE OF RECEIVER OF TAXES
50 UPON PETITION. 1. THE PROCESS TO CHANGE THE ELECTIVE OFFICE OF RECEIVER
51 OF TAXES SHALL START IN A PARTICIPATING MUNICIPALITY ONCE A PETITION
52 FROM QUALIFIED ELECTORS IS FILED WITH THE MUNICIPAL CLERK AND CERTIFIED
53 BY SUCH CLERK AS MEETING THE REQUIREMENTS OF THIS ARTICLE.

54 2. UPON RECEIVING A PETITION FROM THE QUALIFIED ELECTORS AS CERTIFIED
55 BY THE MUNICIPAL CLERK, THE PARTICIPATING MUNICIPALITY SHALL CONDUCT A
56 REFERENDUM ON THE QUESTION TO CHANGE THE OFFICE OF RECEIVER OF TAXES.

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

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

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

15 S 2. This act shall take effect immediately.