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

5500

2015-2016 Regular Sessions

I N  A S S E M B L Y

February 24, 2015

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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 QUALIFIED VOTERS OF THE PARTICIPATING MUNICIPALITY, EQUAL TO AT LEAST TEN PERCENT OF THE ELECTORS QUALIFIED TO VOTE IN THE LAST GENERAL ELECTION. 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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ING 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 799-C. PROCESS TO CHANGE THE ELECTIVE OFFICE OF RECEIVER OF TAXES UPON PETITION. 1. THE PROCESS TO CHANGE THE ELECTIVE OFFICE OF RECEIVER OF TAXES SHALL START IN A PARTICIPATING MUNICIPALITY ONCE A PETITION FROM QUALIFIED ELECTORS IS FILED WITH THE MUNICIPAL CLERK AND CERTIFIED BY SUCH CLERK AS MEETING THE REQUIREMENTS OF THIS ARTICLE.

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

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

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

5. IF THE MAJORITY OF VOTES CAST ON THE REFERENDUM IN EACH PARTICIPATING MUNICIPALITY ARE IN THE NEGATIVE, THE REFERENDUM SHALL FAIL AND THE PETITION PROCESS MAY NOT BE INITIATED WITHIN TWO YEARS OF THE DATE OF SUCH REFERENDUM.

S 2. This act shall take effect immediately.