

STATE OF NEW YORK

5884--C

2023-2024 Regular Sessions

IN SENATE

March 21, 2023

Introduced by Sens. LIU, BAILEY, COMRIE, SKOUFIS, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to requiring certain candidates to file a statement attesting to the veracity of statements regarding the candidate's educational history, and service, employment and residency record

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The election law is amended by adding a new section 6-170
2 to read as follows:

3 § 6-170. Veracity of statements of candidates. 1. Fifteen days after
4 the filing of a certificate of acceptance, certificate to fill a vacan-
5 cy, a petition for an opportunity to ballot by a candidate pursuant to
6 section 6-158 of this article, the filing of a designating petition
7 pursuant to section 6-132 of this article, or the filing of an independ-
8 ent nominating petition pursuant to section 6-140 of this article, each
9 candidate shall submit a sworn statement including the following infor-
10 mation:

11 (a) military service record, if any, including dates of enlistment and
12 discharge and appointments;

13 (b) employment history, if any, for the previous five years;

14 (c) current residential address;

15 (d) an attestation by the candidate that the candidate meets the resi-
16 gency requirements of the office that they seek; and

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

LBD09321-11-4

1 (e) educational history, including high schools, colleges or universi-
2 ties attended, dates of attendance and year of graduation and degrees
3 received if any, or employment history not otherwise disclosed pursuant
4 to paragraph (b) of this subdivision, that the candidate voluntarily
5 represents on their website, in their campaign literature or verbally
6 during the course of their campaign.

7 In the event that the fifteenth day after the filing of a certificate
8 of acceptance, certificate to fill a vacancy, a petition for an opportu-
9 nity to ballot by a candidate pursuant to section 6-158 of this article,
10 the filing of a designating petition pursuant to section 6-132 of this
11 article, or the filing of an independent nominating petition pursuant to
12 section 6-140 of this article occurs on a weekend or state or federal
13 holiday, the filing shall be due on the next succeeding business day.
14 Such statement shall be attested to by the candidate under penalty of
15 perjury, notarized and filed with the board of elections where the
16 certificate of acceptance, certificate to fill a vacancy, petition for
17 an opportunity to ballot, designating petition filed pursuant to section
18 6-132 of this article, or independent nominating petition filed pursuant
19 to section 6-140 of this article was filed. Such statement shall be
20 amended, as needed, upon the making of additional representations by the
21 candidate during the course of the campaign. Such amendments shall be
22 filed with the applicable board of elections that the candidate filed
23 their original statement with on the date that the next statement of
24 campaign receipt and expenditure is filed pursuant to the schedule
25 promulgated by the state board of elections. Such amended statement
26 shall be attested to by the candidate under penalty of perjury and nota-
27 rized in the same manner as the original statement. Failure to file an
28 amended statement shall constitute a further attestation by the candi-
29 date that the original statement remains true, complete and correct.

30 2. Within five business days of the filing of any statement or amended
31 statement by a candidate pursuant to this section, the applicable board
32 of elections which has received the statement or amended statement,
33 shall post the statements required by this section on its website. If
34 the candidate statement required by this section has not been received,
35 the applicable board of elections shall notify the candidates who have
36 failed to provide the required statement that they are required to
37 comply with the requirements of this section and shall individually
38 identify each candidate for whom a certificate of acceptance, certif-
39 icate to fill a vacancy, petition for an opportunity to ballot, desig-
40 nating petition or independent nominating petition has been received,
41 but who has failed to provide the statement required by this section on
42 the applicable board of elections website along with the completed
43 statements that it has received from other candidates.

44 3. Failure to file the statement, or an amended statement, required by
45 this section within five business days of the applicable filing period
46 deadline of any designating petition carries an initial civil penalty
47 not to exceed one thousand dollars, with additional penalties accruing
48 at twenty-five dollars for each day the statement is more than ten busi-
49 ness days overdue, up to a maximum additional penalty of one thousand
50 dollars. Penalties imposed by the board of elections for violations of
51 the reporting requirement set forth in this section shall be paid by the
52 candidate failing to file the required disclosure. Such penalty levied
53 by the board of elections shall not be paid from contributions or funds
54 available in a campaign account.

55 4. For purposes of this section, the following terms shall have the
56 following meanings:

1 a. "military service record" means military service of the state or
2 military service of the United States, as defined in section one of the
3 military law, service as a member of military reserves, and military
4 service for any other country or territory or subdivision thereof, the
5 number of years served by the candidate, the year the candidate finished
6 their military service and the rank with which the candidate left mili-
7 tary service with;

8 b. "employment history" means information including whether the candi-
9 date was an employee or subcontractor, the name of the employer, the
10 title of the position held, and dates of employment.

11 § 2. This act shall take effect on the ninetieth day after it shall
12 have become a law. Effective immediately, the addition, amendment and/or
13 repeal of any rule or regulation necessary for the implementation of
14 this act on its effective date are authorized to be made and completed
15 on or before such effective date.