STATE OF NEW YORK

5358--C

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

Introduced by M. of A. SILLITTI, SHIMSKY, EPSTEIN, DeSTEFANO, KELLES, RAGA, SIMONE, NOVAKHOV, SIMON, LUNSFORD, ARDILA, GLICK, McDONALD, BICHOTTE HERMELYN, SEAWRIGHT, DINOWITZ, WALLACE, L. ROSENTHAL, CRUZ -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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:

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

§ 6-170. Veracity of statements of candidates. 1. Fifteen days after the filing of a certificate of acceptance, certificate to fill a vacancy, a petition for an opportunity to ballot by a candidate pursuant to section 6-158 of this article, the filing of a designating petition pursuant to section 6-132 of this article, or the filing of an independent nominating petition pursuant to section 6-140 of this article, each candidate shall submit a sworn statement including the following information:

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

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

(c) current residential address;

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

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(d) an attestation by the candidate that the candidate meets the residency requirements of the office that they seek; and

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

In the event that the fifteenth day after the filing of a certificate of acceptance, certificate to fill a vacancy, a petition for an opportunity to ballot by a candidate pursuant to section 6-158 of this article, the filing of a designating petition pursuant to section 6-132 of this article, or the filing of an independent nominating petition pursuant to section 6-140 of this article occurs on a weekend or state or federal holiday, the filing shall be due on the next succeeding business day. Such statement shall be attested to by the candidate under penalty of perjury, notarized and filed with the board of elections where the certificate of acceptance, certificate to fill a vacancy, petition for an opportunity to ballot, designating petition filed pursuant to section 6-132 of this article, or independent nominating petition filed pursuant to section 6-140 of this article was filed. Such statement shall be amended, as needed, upon the making of additional representations by the candidate during the course of the campaign. Such amendments shall be filed with the applicable board of elections that the candidate filed their original statement with on the date that the next statement of campaign receipt and expenditure is filed pursuant to the schedule promulgated by the state board of elections. Such amended statement shall be attested to by the candidate under penalty of perjury and notarized in the same manner as the original statement. Failure to file an amended statement shall constitute a further attestation by the candidate that the original statement remains true, complete and correct.

2. Within five business days of the filing of any statement or amended statement by a candidate pursuant to this section, the applicable board of elections which has received the statement or amended statement, shall post the statements required by this section on its website. If the candidate statement required by this section has not been received, the applicable board of elections shall notify the candidates who have failed to provide the required statement that they are required to comply with the requirements of this section and shall individually identify each candidate for whom a certificate of acceptance, certificate to fill a vacancy, petition for an opportunity to ballot, designating petition or independent nominating petition has been received, but who has failed to provide the statement required by this section on the applicable board of elections website along with the completed statements that it has received from other candidates.

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

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

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

b. "employment history" means information including whether the candidate was an employee or subcontractor, the name of the employer, the title of the position held, and dates of employment.

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