

4420

2015-2016 Regular Sessions

I N   S E N A T E

March 19, 2015

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Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to requirements of witnesses to a designating petition or independent nominating petition

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivisions 2 and 3 of section 6-132 of the election law,  
2     as amended by chapter 447 of the laws of 2006, are amended to read as  
3     follows:

4     2. There shall be appended at the bottom of each sheet a signed state-  
5     ment of a witness who is a duly qualified voter of the state and an  
6     enrolled voter of the same political party as the voters qualified to  
7     sign the petition[, and who is also a resident of the political subdivi-  
8     sion in which the office or position is to be voted for. However, in the  
9     case of a petition for election to the party position of member of the  
10    county committee, residence in the same county shall be sufficient].  
11    Such a statement shall be accepted for all purposes as the equivalent of  
12    an affidavit, and if it contains a material false statement, shall  
13    subject the person signing it to the same penalties as if he or she had  
14    been duly sworn. The form of such statement shall be substantially as  
15    follows:

16                                   STATEMENT OF WITNESS

17     I,..... (name of witness) state: I am a duly qualified  
18    voter of the State of New York and am an enrolled voter of  
19    the..... party. I now reside at.....  
20    (residence address).

21    Each of the individuals whose names are subscribed to this petition  
22    sheet containing..... (fill in number) signatures,  
23    subscribed the same in my presence on the dates above indicated and  
24    identified himself or herself to be the individual who signed this  
25    sheet.

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

LBD03405-03-5

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date:.....

.....  
Signature of Witness

Witness identification information: The following information must be completed prior to filing with the board of elections in order for this petition sheet to be valid.

Town or City

County

.....

.....

3. In lieu of the signed statement of a witness who is a duly qualified voter of the state [qualified to sign the petition], the following statement signed by a notary public or commissioner of deeds shall be accepted:

On the dates 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:.....

.....  
(Signature and official title  
of officer administering oath)

S 2. Subdivision 2 of section 6-140 of the election law, as amended by chapter 447 of the laws of 2006, is amended to read as follows:

2. In lieu of the signed statement of a witness who is a duly qualified voter of the state [qualified to sign the petition], the following statement signed by a notary public or commissioner of deeds shall be accepted:

On the dates 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: .....

.....  
(Signature and official title  
of officer administering oath)

S 3. Subdivision 1 of section 6-204 of the election law, as amended by chapter 447 of the laws of 2006, is amended to read as follows:

1. Party designations for elective village offices shall be made on a designating petition containing the signatures in ink of residents of the village who are registered to vote with the appropriate county board of elections at the time of signing and who are enrolled in such political party. The sheets of such a petition shall be numbered. A signer need not himself or herself fill in the date or residence. Each sheet of such petition must be in substantially the following form and shall contain all the information required therein:

PARTY DESIGNATING PETITION

1 I, the undersigned do hereby state that I am a registered voter of the  
 2 Village of ..... and a duly enrolled voter of the .....  
 3 party and entitled to vote at the next primary election of such party,  
 4 that my place of residence is truly stated opposite my signature hereto,  
 5 and I hereby designate the following named person (or persons) as a  
 6 candidate or (candidates) for nomination of such party for the public  
 7 office or (public offices) to be voted for at the primary election to be  
 8 held on the ..... day of ..... 20.... as hereinafter specified.

	Name of Candidate	Public Office	Term	Residence
10	.....	.....	.....	.....
11	.....	.....	.....	.....

12 I do hereby appoint (insert names and addresses of at least three  
 13 persons, all of whom shall be enrolled voters of said party) as a  
 14 committee to fill vacancies in accordance with the provisions of the  
 15 election law.

16 In witness whereof, I have hereunto set my hand, the day and year  
 17 placed opposite my signature.

	Date	Name	Residence
19	.....	.....	.....
20	.....	.....	.....

#### 21 STATEMENT OF WITNESS

22 I ..... (name of witness) state: I am a duly qualified voter  
 23 of the State of New York; and an enrolled voter of the ..... party  
 24 [and now reside in the Village of ..... County of ..... State  
 25 of New York at ..... (residence address) therein]. I NOW RESIDE  
 26 AT ..... (RESIDENCE ADDRESS). Each of the persons whose names are  
 27 subscribed to this petition sheet containing ..... signatures,  
 28 subscribed his or her name in my presence.

29 I understand that this statement will be accepted for all purposes as  
 30 the equivalent of an affidavit and, if it contains a material false  
 31 statement, shall subject me to the same penalties as if I had been duly  
 32 sworn.

33	.....	.....
34	Date:	Signature of witness

35 In lieu of the signed statement of a witness who is a duly qualified  
 36 voter of the state qualified to sign the petition, the following state-  
 37 ment signed by a notary public shall be accepted:

38 On the dates above indicated before me personally came each of the  
 39 voters whose signatures appear on this petition sheet containing  
 40 ..... (fill in number) signatures, who signed same in my pres-  
 41 ence and who, being by me duly sworn, each for himself or herself, said  
 42 that the foregoing statement made and subscribed by him or her, was  
 43 true.

44 Date.....

.....  
 (Signature and official title  
 of officer administering oath)

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S 4. Subdivision 1 of section 6-206 of the election law, as amended by chapter 447 of the laws of 2006, is amended to read as follows:

1. Independent nominations for elective village offices shall be made by a petition containing the signatures in ink of residents of the village who are registered with the appropriate county board of elections at the time of signing. The sheets of such a petition shall be numbered. A signer need not himself or herself fill in the date or residence. Each sheet of such petition must be in substantially the following form and shall contain all the information required therein:

#### VILLAGE INDEPENDENT NOMINATING PETITION

I, the undersigned, do hereby state that I am a registered voter of the Village of....., that my present place of residence is truly stated opposite my signature, and I do hereby nominate the following named person (or persons) as a candidate (or as candidates) for election to public office (or public offices) to be voted for at the election to be held on the.....day of....., 20....., and that I select the name..... (fill in name) as the name of the independent body making the nomination (or nominations) and.....(fill in emblem) as the emblem of such body.

Name of

Candidate

Public Office

Term

Residence

.....

.....

....

.....

.....

.....

....

.....

I do hereby appoint (insert names and addresses of at least three persons, all of whom shall be registered voters within such village) as a committee to fill vacancies in accordance with the provisions of the election law.

In witness whereof, I have signed this petition on the day and year stated before my signature.

Date

Signature

Residence

.....

.....

.....

.....

.....

.....

#### STATEMENT OF WITNESS

I, ..... state that I am a duly qualified voter [and now reside at ..... (residence address) in the Village of ..... in the State of New York in the County of .....]; AND AM AN ENROLLED VOTER OF THE ..... PARTY. I NOW RESIDE AT ..... (RESIDENCE ADDRESS). Each of the voters whose names are subscribed to this petition sheet containing ..... (fill in number) signatures, subscribed his or her name in my presence.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

1 .....  
 2 Date Signature of witness

3 S 5. Paragraph a of subdivision 3 of section 15-108 of the election  
 4 law, as amended by chapter 447 of the laws of 2006, is amended to read  
 5 as follows:

6 a. Party designations for elective village offices shall be made on a  
 7 designating petition containing the signatures in ink of residents of  
 8 the village who are registered to vote with the appropriate county board  
 9 of elections at the time of signing and who are enrolled in such poli-  
 10 tical party. The sheets of such a petition shall be numbered. Such peti-  
 11 tion must set forth in each instance the correct date of signing, the  
 12 name of the signer, and his or her present address, and may set forth a  
 13 committee to fill vacancies consisting of at least three qualified  
 14 voters of the village enrolled in such party and their residence within  
 15 the village. A signer need not himself or herself fill in the date or  
 16 residence. Each sheet of such petition must be in substantially the  
 17 following form and shall contain all the information required therein:

#### 18 PARTY DESIGNATING PETITION

19 I, the undersigned do hereby state that I am a registered voter of the  
 20 Village of ..... and a duly enrolled voter of the ..... party and  
 21 entitled to vote at the next primary election of such party, that my  
 22 place of residence is truly stated opposite my signature hereto, and I  
 23 hereby designate the following named person (or persons) as a candidate  
 24 (or candidates) for nomination of such party for the public office (or  
 25 public offices) to be voted for at the primary election to be held on  
 26 the ..... day of ..... 20.... as hereinafter specified.

27	Name of Candidate	Public Office	Term	Residence
28	.....	.....	.....	.....
29	.....	.....	.....	.....

30 I do hereby appoint (insert names and addresses of at least three  
 31 persons, all of whom shall be enrolled voters of said party) as a  
 32 committee to fill vacancies in accordance with the provisions of the  
 33 election law.

34 IN WITNESS WHEREOF, I have hereunto set my hand, the day and year  
 35 placed opposite my signature.

36	Date	Name	Residence
37	.....	.....	.....
38	.....	.....	.....

#### 39 STATEMENT OF WITNESS

40 I ..... (name of witness) state: I am a duly qualified voter  
 41 of the State of New York; and an enrolled voter of the ..... party  
 42 [and now reside in the Village of ..... County of ..... State of  
 43 New York at ..... (residence address) therein]. I NOW RESIDE  
 44 AT .....(RESIDENCE ADDRESS). Each of the persons whose names  
 45 are subscribed to this petition sheet containing ..... signatures,  
 46 subscribed his or her name in my presence.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

S 6. Subdivision 4 of section 15-108 of the election law, as amended by chapter 447 of the laws of 2006, is amended to read as follows:

4. Independent nominations for elective village offices shall be made by a petition containing the signatures in ink of residents of the village who are registered with the appropriate county board of elections at the time of signing or who are residents of the village who were on the list of registered voters for the last village election in such village. The sheets of such a petition shall be numbered. Such petition must set forth in each instance the correct date of signing, the name of the signer and his or her present address, and may set forth a committee to fill vacancies consisting of at least three persons qualified to vote in the village election and their residence within the village. A signer need not himself or herself fill in the date or residence. Each sheet of such petition must be in substantially the following form and shall contain all the information required therein except as may otherwise be permitted by law.

#### VILLAGE INDEPENDENT NOMINATING PETITION

I, the undersigned, do hereby state that I am a registered voter of the Village of ....., that my present place of residence is truly stated opposite my signature, and I do hereby nominate the following named person (or persons) as a candidate (or as candidates) for election to public office (or public offices) to be voted for at the election to be held on the ..... day of ....., 20....., and that I select the name ..... (fill in name) as the name of the independent body making the nomination (or nominations) and ..... (fill in emblem) as the emblem of such body.

Name of Candidate	Public Office	Term	Residence
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.....	.....	.....	.....
.....	.....	.....	.....

I do hereby appoint \_ \_ \_ \_

Name	Residence
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.....	.....
.....	.....

as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF, I have signed this petition on the day and year stated before my signature.

Date	Signature	Residence
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.....	.....	.....
.....	.....	.....

#### STATEMENT OF WITNESS

I, ..... state that I am a duly qualified voter [and now reside at ..... (residence address) in the Village of ..... in] OF the State of New York [in the County

1 of ..... ]; AND AM AN ENROLLED VOTER OF THE ..... PARTY. I NOW  
2 RESIDE AT ..... (RESIDENCE ADDRESS). Each of the voters whose names  
3 are subscribed to this petition sheet, containing ..... (fill in  
4 number) signatures, subscribed his or her name in my presence.

5 I understand that this statement will be accepted for all purposes as  
6 the equivalent of an affidavit and, if it contains a material false  
7 statement, shall subject me to the same penalties as if I had been duly  
8 sworn.

9 Date .....  
10 .....  
Signature of Witness

11 S 7. This act shall take effect on the one hundred twentieth day after  
12 it shall have become a law. Effective immediately, the addition, amend-  
13 ment and/or repeal of any rules or regulations necessary for the imple-  
14 mentation of this act on its effective date are authorized to be made on  
15 or before such date.