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Cal. No. 726

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16 17 2015-2016 Regular Sessions

IN SENATE

March 19, 2015

Introduced by Sens. MARCHIONE, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

- Section 1. Subdivisions 2 and 3 of section 6-132 of the election law, as amended by chapter 447 of the laws of 2006, are amended to read as follows:
- 2. There shall be appended at the bottom of each sheet a signed statement of a witness who is a duly qualified voter of the state [and], WHO IS an enrolled voter of the same political party as the voters qualified to sign the petition[, and who is also a resident of the political subdivision in which the office or position is to be voted for. However, in the case of a petition for election to the party position of member of the county committee, residence in the same county shall be sufficient] AND WHO HAS NOT PREVIOUSLY SIGNED A PETITION FOR ANOTHER CANDIDATE FOR THE SAME OFFICE. Such a statement shall be accepted for all purposes as the equivalent of an affidavit, and if it contains a material false statement, shall subject the person signing it to the same penalties as if he or she had been duly sworn. The form of such statement shall be substantially as follows:

STATEMENT OF WITNESS

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

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

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:....

11 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

27 Date:.....

(Signature and official title of officer administering oath)

31 S 2. Paragraph b of subdivision 1 and subdivision 2 of section 6-140 32 of the election law, paragraph b of subdivision 1 as amended by chapter 33 246 of the laws of 2009 and subdivision 2 as amended by chapter 447 of 34 the laws of 2006, is amended to read as follows:

b. There shall be appended at the bottom of each sheet a signed statement of a witness who is a duly qualified voter of the state AND WHO HAS NOT PREVIOUSLY SIGNED A PETITION FOR ANOTHER CANDIDATE FOR THE SAME OFFICE. Such a statement shall be accepted for all purposes as the equivalent of an affidavit, and if it contains a material false statement, shall subject the person signing it to the same penalties as if he or she had been duly sworn. The form of such statement shall be substantially as follows:

43 STATEMENT OF WITNESS

47 Each of the individuals whose names are subscribed to this petition 48 sheet containing (fill in number) signatures, subscribed the 49 same in my presence on the dates above indicated and identified himself 50 or herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false

1 2 3	statement, shall subject me to the same penalties as if I had been duly sworn. Date:
4	Signature of Witness
5 6 7 8	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
9 10 11 12 13	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:
14 15 16 17 18	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:
20 21 22 23 24 25 26 27 28 29 30 31 32	(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:
33	PARTY DESIGNATING PETITION
34 35 36 37 38 39 40 41	I, the undersigned do hereby state that I am a registered voter of the Village of
42	Name of Candidate Public Office Term Residence
43 44	
45 46 47 48	I do hereby appoint (insert names and addresses of at least three persons, all of whom shall be enrolled voters of said party) as a committee to fill vacancies in accordance with the provisions of the election law.

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

1	Date	Name	Residence	
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4		STATE	MENT OF WITNESS	
5 6 7 8 9 10 11 12 13 14 15	of the State of [and now reside of New York at AT (RESIDE subscribed to subscribed his of I understand to the equivalent	New York; and in the Village (r NCE ADDRESS). this petition r her name in mat this statem of an affida	sheet containing signatures	cy ce ce ce s,
16 17	Date:		Signature of witness	
18 19 20 21 22 23 24 25 26 27	voter of the sta ment signed by a On the dates voters whose s (f ence and who, be	te qualified to notary public above indica ignatures appeill in number ing by me duly oing statement	ement of a witness who is a duly qualified sign the petition, the following state shall be accepted: atted before me personally came each of the ear on this petition sheet containing signatures, who signed same in my preserved sworn, each for himself or herself, sate made and subscribed by him or her, was	ne ng s-
28 29 30		(Signature	and official title administering oath)	
31	Page No			
32 33 34 35 36 37 38 39 40	chapter 447 of the last of the	he laws of 2006 nominations for containing the registered time of signinger need not himet of such peti	6-206 of the election law, as amended by is amended to read as follows: or elective village offices shall be made signatures in ink of residents of the with the appropriate county board or g. The sheets of such a petition shall be self or herself fill in the date or resistion must be in substantially the follow the information required therein:	de ne of oe

VILLAGE INDEPENDENT NOMINATING PETITION

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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

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1 2 3 4 5 6 7 8	held on theday 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
9 10 11 12 13 14 15 16	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
18 19 20 21 22 23 24 25 26 27 28 29	I,
30 31	Date Signature of witness
32 33 34 35 36 37 38 39	S 5. Paragraph a of subdivision 3 of section 15-108 of the election law, as amended by chapter 447 of the laws of 2006, is amended to read as follows: a. 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. Such petition must set forth in each instance the correct date of signing, the

47 PARTY DESIGNATING PETITION

I, the undersigned do hereby state that I am a registered voter of the Village of and a duly enrolled voter of the party and entitled to vote at the next primary election of such party, that my

name of the signer, and his or her present address, and may set forth a

committee to fill vacancies consisting of at least three qualified

voters of the village enrolled in such party 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:

1 place of residence is truly stated opposite my signature hereto, and I 2 hereby designate the following named person (or persons) as a candidate 3 (or candidates) for nomination of such party for the public office (or 4 public offices) to be voted for at the primary election to be held on 5 the day of 20.... as hereinafter specified.

6	Name of Candidate	Public Office	Term	Residence
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9 I do hereby appoint (insert names and addresses of at least three 10 persons, all of whom shall be enrolled voters of said party) as a 11 committee to fill vacancies in accordance with the provisions of the 12 election law.

13 IN WITNESS WHEREOF, I have hereunto set my hand, the day and year 14 placed opposite my signature.

15	Date	Name	Residence
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17	• • • • • • • • • • • • •	• • • • • • • • • • • •	• • • • • • • • • • • • • • • • • • • •

STATEMENT OF WITNESS

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.

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or before such date.

1 2 3 4 5 6 7 8 9	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
11 12	
13 14	I do hereby appoint Residence
15 16 17 18 19 20	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.
21 22 23	Date Signature Residence
24	STATEMENT OF WITNESS
25 26 27 28 29 30 31	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 of]. 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.
32 33 34 35	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.
36 37	Date
38 39 40 41	S 7. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of this act on its effective date are authorized to be made on