

# STATE OF NEW YORK

218

2017-2018 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2017

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~~], who  
6 is an enrolled voter of the same political party as the voters qualified  
7 to sign the petition[~~, and who is also a resident of the political~~  
8 ~~subdivision in which the office or position is to be voted for. However,~~  
9 ~~in the case of a petition for election to the party position of member~~  
10 ~~of the county committee, residence in the same county shall be suffi-~~  
11 ~~cient]~~ and who has not previously signed a petition for another candi-  
12 date for the same office. Such a statement shall be accepted for all  
13 purposes as the equivalent of an affidavit, and if it contains a materi-  
14 al false statement, shall subject the person signing it to the same  
15 penalties as if he or she had been duly sworn. The form of such state-  
16 ment shall be substantially as follows:

### 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

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

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1 identified himself or herself to be the individual who signed this  
2 sheet.

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

7 Date:.....

.....  
Signature of Witness

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

12 Town or City County

13 .....  
.....

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

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

24 Date:.....

25 .....  
26 (Signature and official title  
27 of officer administering oath)

28 § 2. Paragraph b of subdivision 1 and subdivision 2 of section 6-140  
29 of the election law, paragraph b of subdivision 1 as amended by chapter  
30 246 of the laws of 2009 and subdivision 2 as amended by chapter 447 of  
31 the laws of 2006, is amended to read as follows:

32 b. There shall be appended at the bottom of each sheet a signed state-  
33 ment of a witness who is a duly qualified voter of the state and who has  
34 not previously signed a petition for another candidate for the same  
35 office. Such a statement shall be accepted for all purposes as the  
36 equivalent of an affidavit, and if it contains a material false state-  
37 ment, shall subject the person signing it to the same penalties as if he  
38 or she had been duly sworn. The form of such statement shall be substan-  
39 tially as follows:

#### 40 STATEMENT OF WITNESS

41 I, ..... (name of witness) state: I am a duly quali-  
42 fied voter of the State of New York and now reside at  
43 ..... (residence address).

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

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

52 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

.....

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)

§ 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

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

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 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.

Date	Name	Residence
------	------	-----------

1 .....  
 2 .....

3 STATEMENT OF WITNESS

4 I ..... (name of witness) state: I am a duly qualified voter  
 5 of the State of New York; and an enrolled voter of the ..... party  
 6 [~~and now reside in the Village of ..... County of ..... State~~  
 7 ~~of New York at ..... (residence address) therein~~]. I now reside  
 8 at ..... (residence address). Each of the persons whose names are  
 9 subscribed to this petition sheet containing ..... signatures,  
 10 subscribed his or her name in my presence.

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

15 .....  
 16 Date: Signature of witness

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

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

26 Date.....

27 .....  
 28 (Signature and official title  
 29 of officer administering oath)

30 Page No.....

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

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

40 VILLAGE INDEPENDENT NOMINATING PETITION

41 I, the undersigned, do hereby state that I am a registered voter of  
 42 the Village of....., that my present place of residence is truly stat-  
 43 ed opposite my signature, and I do hereby nominate the following named  
 44 person (or persons) as a candidate (or as candidates) for election to  
 45 public office (or public offices) to be voted for at the election to be  
 46 held on the.....day of....., 20....., and that I select the  
 47 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 .....~~] of the State of New York. 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.

.....	.....
Date	Signature of witness

§ 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 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:

#### 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 place of residence is truly stated opposite my signature hereto, and I hereby designate the following named person (or persons) as a candidate

1 (or candidates) for nomination of such party for the public office (or  
 2 public offices) to be voted for at the primary election to be held on  
 3 the ..... day of ..... 20.... as hereinafter specified.

4	Name of Candidate	Public Office	Term	Residence
5	.....	.....	.....	.....
6	.....	.....	.....	.....

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

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

13	Date	Name	Residence
14	.....	.....	.....
15	.....	.....	.....

#### 16 STATEMENT OF WITNESS

17 I ..... (name of witness) state: I am a duly qualified voter  
 18 of the State of New York; and an enrolled voter of the ..... party  
 19 ~~[and now reside in the Village of ..... County of ..... State of~~  
 20 ~~New York at ..... (residence address) therein].~~ I now reside  
 21 at .....(residence address). Each of the persons whose names  
 22 are subscribed to this petition sheet containing ..... signatures,  
 23 subscribed his or her name in my presence.

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

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

30 4. Independent nominations for elective village offices shall be made  
 31 by a petition containing the signatures in ink of residents of the  
 32 village who are registered with the appropriate county board of  
 33 elections at the time of signing or who are residents of the village who  
 34 were on the list of registered voters for the last village election in  
 35 such village. The sheets of such a petition shall be numbered. Such  
 36 petition must set forth in each instance the correct date of signing,  
 37 the name of the signer and his or her present address, and may set forth  
 38 a committee to fill vacancies consisting of at least three persons qual-  
 39 ified to vote in the village election and their residence within the  
 40 village. A signer need not himself or herself fill in the date or resi-  
 41 dence. Each sheet of such petition must be in substantially the follow-  
 42 ing form and shall contain all the information required therein except  
 43 as may otherwise be permitted by law.

#### 44 VILLAGE INDEPENDENT NOMINATING PETITION

45 I, the undersigned, do hereby state that I am a registered voter of  
 46 the Village of ....., that my present place of residence is truly  
 47 stated opposite my signature, and I do hereby nominate the following

1 named person (or persons) as a candidate (or as candidates) for election  
 2 to public office (or public offices) to be voted for at the election to  
 3 be held on the ..... day of ....., 20....., and that I select the  
 4 name ..... (fill in name) as the name of the independent body  
 5 making the nomination (or nominations) and ..... (fill in emblem) as the  
 6 emblem of such body.

7        Name of Candidate                      Public Office                      Term                      Residence

8        .....                      .....                      .....                      .....

9        .....                      .....                      .....                      .....

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

11        Name

Residence

12        .....                      .....

13        .....                      .....

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

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

18        Date                      Signature                      Residence

19        .....                      .....                      .....

20        .....                      .....                      .....

#### 21                      STATEMENT OF WITNESS

22 I, ..... state that I am a duly qualified voter [~~and now~~  
 23 ~~reside at ..... (residence address) in the Village~~  
 24 ~~of ..... in~~ of the State of New York [~~in the County~~  
 25 ~~of .....~~]. I now reside at ..... (residence address). Each of  
 26 the voters whose names are subscribed to this petition sheet,  
 27 containing ..... (fill in number) signatures, subscribed his or her  
 28 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        Date .....                      .....

34                      Signature of Witness

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