

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. ABINANTI, PAULIN, BRAUNSTEIN, WEPRIN, JAFFEE, HOOPER, BUCHWALD -- Multi-Sponsored by -- M. of A. GUNTHER, WALKER -- read once and referred to the Committee on Election Law -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- advanced to a third reading, amended and ordered reprinted, retaining its place on 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:

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:

17 STATEMENT OF WITNESS

18 I,..... (name of witness) state: I am a duly qualified
19 voter of the State of New York and am an enrolled voter of

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

1 the..... party. I now reside at.....
2 (residence address).

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

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

12 Date:.....

13 Signature of Witness

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

17 Town or City County
18

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

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

29 Date:.....

30
31 (Signature and official title
32 of officer administering oath)

33 S 2. Paragraph b of subdivision 1 and subdivision 2 of section 6-140
34 of the election law, paragraph b of subdivision 1 as amended by chapter
35 246 of the laws of 2009 and subdivision 2 as amended by chapter 447 of
36 the laws of 2006, is amended to read as follows:

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

45 STATEMENT OF WITNESS

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

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

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

5 Date:
6
6 Signature of Witness

7 Witness identification information:

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

10 Town or City County
11
11

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

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

21 Date:
22
23 (Signature and official title
24 of officer administering oath)

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

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

35 PARTY DESIGNATING PETITION

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

44	Name of Candidate	Public Office	Term	Residence
45
46

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

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

3	Date	Name	Residence
4	.....	.....	.....
5	.....	.....	.....

6 STATEMENT OF WITNESS

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

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

18	.....	.....
19	Date:	Signature of witness

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

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

30	.....
31	(Signature and official title
32	of officer administering oath)

33 Page No.....

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

36 1. Independent nominations for elective village offices shall be made
37 by a petition containing the signatures in ink of residents of the
38 village who are registered with the appropriate county board of
39 elections at the time of signing. The sheets of such a petition shall be
40 numbered. 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:

43 VILLAGE INDEPENDENT NOMINATING PETITION

44 I, the undersigned, do hereby state that I am a registered voter of
45 the Village of....., that my present place of residence is truly stat-

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

8	Name of			
9	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 registered voters within such village) as
14 a committee to fill vacancies in accordance with the provisions of the
15 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
23 now reside at (residence address) in the Village
24 of in the State of New York in the County of
25] OF THE STATE OF NEW YORK. I NOW RESIDE
26 AT (RESIDENCE ADDRESS). Each of the voters whose names
27 are subscribed to this petition sheet containing (fill
28 in number) signatures, 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 S 5. Paragraph a of subdivision 3 of section 15-108 of the election
36 law, as amended by chapter 447 of the laws of 2006, is amended to read
37 as follows:

38 a. Party designations for elective village offices shall be made on a
39 designating petition containing the signatures in ink of residents of
40 the village who are registered to vote with the appropriate county board
41 of elections at the time of signing and who are enrolled in such poli-
42 tical party. The sheets of such a petition shall be numbered. Such peti-
43 tion must set forth in each instance the correct date of signing, the
44 name of the signer, and his or her present address, and may set forth a
45 committee to fill vacancies consisting of at least three qualified
46 voters of the village enrolled in such party and their residence within
47 the village. A signer need not himself or herself fill in the date or
48 residence. Each sheet of such petition must be in substantially the
49 following form and shall contain all the information required therein:

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

9	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.

18	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 of
 25 New York at (residence address) therein]. I NOW RESIDE
 26 AT(RESIDENCE ADDRESS). Each of the persons whose names
 27 are 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 S 6. Subdivision 4 of section 15-108 of the election law, as amended
 34 by chapter 447 of the laws of 2006, is amended to read as follows:

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

1 VILLAGE INDEPENDENT NOMINATING PETITION

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

11 Name of Candidate Public Office Term Residence
12
13

14 I do hereby appoint _ _ _ _

15 Name Residence

16
17

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

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

22 Date Signature Residence

23
24

25 STATEMENT OF WITNESS

26 I, state that I am a duly qualified voter [and now
27 reside at (residence address) in the Village
28 of in] OF the State of New York [in the County
29 of]. I NOW RESIDE AT (RESIDENCE ADDRESS). Each of
30 the voters whose names are subscribed to this petition sheet,
31 containing (fill in number) signatures, subscribed his or her
32 name in my presence.

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

37 Date

38 Signature of Witness

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