4420

2015-2016 Regular Sessions

IN SENATE

March 19, 2015

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:

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:

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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 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]. 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

- 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.

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

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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 3 sworn. 5 Date:.... 6 Signature of Witness 7 Witness identification information: The following information must be 8 completed prior to filing with the board of elections in order for this 9 petition sheet to be valid. 10 Town or City County 11 3. In lieu of the signed statement of a witness who is a duly quali-12 fied voter of the state [qualified to sign the petition], the following 13 statement signed by a notary public or commissioner of deeds shall be 14 15 accepted: On the dates above indicated before me personally came each of the 16 17 voters whose signatures appear on this petition sheet containing (fill in number) signatures, who signed same in my pres-18 19 ence 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 20 21 22 Date:..... 23 24 (Signature and official title 25 of officer administering oath) S 2. Subdivision 2 of section 6-140 of the election law, as amended by 26 chapter 447 of the laws of 2006, is amended to read as follows: 27 2. In lieu of the signed statement of a witness who is a duly quali-28 fied voter of the state [qualified to sign the petition], the following statement signed by a notary public or commissioner of deeds shall be 29 30 31 accepted: 32 On the dates above indicated before me personally came each of the voters whose signatures appear on this petition sheet containing 33 (fill in number) signatures, who signed same in my presence 34 and who, being by me duly sworn, each for himself or herself, said that 35 the foregoing statement made and subscribed by him or her, was true. 36 37 Date: 38 39 (Signature and official title 40 of officer administering oath) 41 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: 42 43 1. Party designations for elective village offices shall be made on a designating petition containing the signatures in ink of residents of 44 45 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 poli-46 tical 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 47 48 such petition must be in substantially the following form and shall 49

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contain all the information required therein:

1 2 3 4 5 6 7 8	I, the undersigned do hereby state that I am a registered voter of the Village of
9	Name of Candidate Public Office Term Residence
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12 13 14 15 16 17	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.
18	Date Name Residence
19 20	
21	STATEMENT OF WITNESS
22 23 24 25 26 27 28 29 30 31 32	I
33 34	Date: Signature of witness
35 36 37 38 39 40 41 42 43 44	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 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

1 2 3	(Signature and official title of officer administering oath)
4	Page No
5 6 7 8 9 10 11 12	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:
14	VILLAGE INDEPENDENT NOMINATING PETITION
15 16 17 18 19 20 21 22 23 24	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 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
25	Candidate Public Office Term Residence
26 27	
28 29 30 31 32 33 34 35 36	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
37	STATEMENT OF WITNESS
38 39 40 41 42 43 44 45	I,

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. 4420		5	
1 2	Date		Signature of	 witness
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	law, as amended by a as follows: a. Party designated designating petition the village who are of elections at the tical party. The she tion must set forth name of the signer committee to fill valveters of the village. A signer	chapter 447 of tions for elect containing the registered to the time of signets of such a in each instar, and his or he acancies consider need not him the tet of such	the laws of 2006, live village office he signatures in in vote with the appraing and who are en petition shall be how the correct dat er present address, isting of at lea h such party and th heself or herself fi petition must be	s shall be made on a k of residents of opriate county board rolled in such polinumbered. Such petie of signing, the and may set forth a st three qualified eir residence within ll in the date or in substantially the
18		PARTY DESIG	GNATING PETITION	
19 20 21 22 23 24 25 26	Village of are entitled to vote place of residence thereby designate the correction of the corre	nd a duly enrolat the next point is truly stated ne following nation of the between the control of the control	lled voter of the primary election of dopposite my signa amed person (or per such party for the cat the primary el	such party, that my ture hereto, and I sons) as a candidate public office (or ection to be held on
27	Name of Candidat	te Public (Office Term	Residence
28 29				
30 31 32 33 34 35	persons, all of vaccommittee to fill vaccelection law.	whom shall be acancies in acc EOF, I have	e enrolled voters cordance with the	of at least three of said party) as a provisions of the nd, the day and year
36	Date	Name	Residence	
37 38				
39		STATEMEN	NT OF WITNESS	
40 41 42 43 44	of the State of New [and now reside in	York; and an e the Village of (reside	enrolled voter of County oence address) the	duly qualified voter the party f State of rein]. I NOW RESIDE ersons whose names

44 AT(RESIDENCE ADDRESS). Each of the persons whose names are subscribed to this petition sheet containing signatures, subscribed his or her name in my presence.

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43 44 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:
- 7 4. Independent nominations for elective village offices shall be made 8 by a petition containing the signatures in ink of residents of the village who are registered with the appropriate county board of 9 10 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 11 such village. The sheets of such a petition shall be numbered. Such petition must set forth in each instance the correct date of signing, 12 13 14 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 qual-16 ified to vote in the village election and their residence within the village. A signer need not himself or herself fill in the date or resi-17 dence. Each sheet of such petition must be in substantially the follow-18 19 ing form and shall contain all the information required therein except as may otherwise be permitted by law. 20

21 VILLAGE INDEPENDENT NOMINATING PETITION

22 23 24 25 26 27	the Village stated opposite named person (to public off be held on the	ofe my signat or persons) ice (or pub day	, that my p cure, and I do as a candida plic offices) of,	resent place hereby nom te (or as can to be voted f 20, and	registered voter of residence is trinate the follow didates) for elector at the electior that I select	ruly ving tion to the
28 29					the independent kill in emblem) as	_
30	emblem of such			and (1	III III eliibielii) as	CITE
31	Name of Car	-	Public Offic	e Term	Residence	
32 33						
34	I do hereby app	ooint				
35	Name			Residence		
36 37						
38 39	as a committee the election 1	to fill va			the provisions	of
40 41			_	this petitio	n on the day and y	/ear
42	Date	Sign	nature	Residence		

45 STATEMENT OF WITNESS

I, state that I am a duly qualified voter [and now 47 reside at (residence address) in the Village 48 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.