4420--A

Cal. No. 726

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:

1 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 2 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 IS an enrolled voter of the same political party as the voters qualified 6 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, in the case of a petition for election to the party position of member 9 of the county committee, residence in the same county shall be suffi-10 AND WHO HAS NOT PREVIOUSLY SIGNED A PETITION FOR ANOTHER CANDI-11 cient] 12 DATE FOR THE SAME OFFICE. Such a statement shall be accepted for all purposes as the equivalent of an affidavit, and if it contains a materi-13 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 statement shall be substantially as follows: 16 17 STATEMENT OF WITNESS 18 I,.... I am a duly qualified 19 voter of the State of New York and am an enrolled voter of 20 the..... party. I now reside at..... (residence address). 21 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 1 2 containing..... (fill in sheet number) signatures. 3 subscribed the same in my presence on the dates above indicated and identified himself or herself to be the individual who signed this 4 5 sheet. 6 I understand that this statement will be accepted for all purposes as 7 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 8 9 sworn. 10 Date:.... 11 Signature of Witness Witness identification information: The following information must be 12 completed prior to filing with the board of elections in order for this 13 14 petition sheet to be valid. 15 Town or City County 16 . 3. In lieu of the signed statement of a witness who is a duly quali-17 fied voter of the state [qualified to sign the petition], the following 18 19 statement signed by a notary public or commissioner of deeds shall be 20 accepted: 21 On the dates above indicated before me personally came each of the 22 voters whose signatures appear on this petition sheet containing (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 25 that the foregoing statement made and subscribed by him or her, was 26 true. Date:.... 27 28 29 (Signature and official title 30 of officer administering oath) 31 S 2. Paragraph b of subdivision 1 and subdivision 2 of section 6-140 of the election law, paragraph b of subdivision 1 as amended by chapter 32 246 of the laws of 2009 and subdivision 2 as amended by chapter 447 of 33 the laws of 2006, is amended to read as follows: 34 35 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 36 NOT PREVIOUSLY SIGNED A PETITION FOR ANOTHER CANDIDATE FOR THE SAME 37 38 OFFICE. Such a statement shall be accepted for all purposes as the 39 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 40 or she had been duly sworn. The form of such statement shall be substan-41 tially as follows: 42 43 STATEMENT OF WITNESS 44 I, (name of witness) state: I am a duly qualiand now reside at fied voter of the State of New York and now (residence address). 45 46

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.

51 I understand that this statement will be accepted for all purposes as 52 the equivalent of an affidavit and, if it contains a material false

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1 2	statement, shall subject me to the same penalties as if I had been duly sworn.
3 4	Date:Signature of Witness
5	Witness identification information:
6 7 8	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 14 15 16 17 18 19	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.
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 poli- 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 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 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.
42	Name of Candidate Public Office Term Residence
43 44	····· · · · · · · · · · · · · · · · ·
45 46 47 48 49	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
50	placed opposite my signature.

Date

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4 Residence

Name

2 3 . 4 STATEMENT OF WITNESS 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 б 7 [and now reside in the Village of County of State of New York at (residence address) therein]. I NOW RESIDE 8 AT (RESIDENCE ADDRESS). Each of the persons whose names are subscribed to this petition sheet containing signatures, 9 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 statement, shall subject me to the same penalties as if I had been duly 13 14 15 sworn. 16 17 Signature of witness Date: 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 20 ment signed by a notary public shall be accepted: 21 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 pres-22 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 26 true. 27 Date..... 28 (Signature and official title 29 30 of officer administering oath) 31 Page No.... 32 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: 33 1. Independent nominations for elective village offices shall be made 34

35 by a petition containing the signatures in ink of residents of the 36 village who are registered with the appropriate county board of 37 elections at the time of signing. The sheets of such a petition shall be 38 numbered. A signer need not himself or herself fill in the date or resi-39 dence. Each sheet of such petition must be in substantially the follow-40 ing form and shall contain all the information required therein:

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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 1 2 making the nomination (or nominations) and.....(fill in emblem) as the 3 4 emblem of such body. 5 Name of Public Office 6 Candidate Term Residence 7 . 8 . 9 I do hereby appoint (insert names and addresses of at least three persons, all of whom shall be registered voters within such village) as 10 a committee to fill vacancies in accordance with the provisions of the 11 12 election law. 13 In witness whereof, I have signed this petition on the day and year 14 stated before my signature. 15 Signature Date Residence 16 17 18 STATEMENT OF WITNESS I, state that I am a duly qualified voter [and 19 20 now reside at (residence address) in the Village of in the State of New York in the County of 21 22] OF THE STATE OF NEW YORK. Ι NOW RESIDE AT (RESIDENCE ADDRESS). Each of the voters whose names 23 are subscribed to this petition sheet containing (fill 24 in number) signatures, subscribed his or her name in my presence. 25 I understand that this statement will be accepted for all purposes as 26 27 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 28 29 sworn. 30 31 Date Signature of witness 32 S 5. Paragraph a of subdivision 3 of section 15-108 of the election 33 law, as amended by chapter 447 of the laws of 2006, is amended to read 34 as follows: 35 a. Party designations for elective village offices shall be made on a designating petition containing the signatures in ink of residents of 36 the village who are registered to vote with the appropriate county board 37 of elections at the time of signing and who are enrolled in such poli-38 39 tical party. The sheets of such a petition shall be numbered. Such peti-40 tion must set forth in each instance the correct date of signing, the 41 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 42 43 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 44 residence. Each sheet of such petition must be in substantially the 45 following form and shall contain all the information required therein: 46

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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

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place of residence is truly stated opposite my signature hereto, and I 1 hereby designate the following named person (or persons) as a candidate 2 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. Name of Candidate Public Office б Term Residence 7 8 . 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 9 10 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 Residence Name 16 17 . 18 STATEMENT OF WITNESS 19 I (name of witness) state: I am a duly qualified voter of the State of New York; and an enrolled voter of the party 20 [and now reside in the Village of County of State of 21 22 New York at (residence address) therein]. I NOW RESIDE AT (RESIDENCE ADDRESS). Each of the persons whose names 23 are subscribed to this petition sheet containing signatures, 24 25 subscribed his or her name in my presence. 26 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 27 28 29 sworn. 30 S 6. Subdivision 4 of section 15-108 of the election law, as amended 31 by chapter 447 of the laws of 2006, is amended to read as follows: 4. Independent nominations for elective village offices shall be made 32 33 by a petition containing the signatures in ink of residents of the village who are registered with the appropriate county board of 34 elections at the time of signing or who are residents of the village who 35 36 were on the list of registered voters for the last village election in 37 such village. The sheets of such a petition shall be numbered. Such petition must set forth in each instance the correct date of signing, 38 the name of the signer and his or her present address, and may set forth 39 a committee to fill vacancies consisting of at least three persons qual-40 41 ified to vote in the village election and their residence within the 42 village. A signer need not himself or herself fill in the date or residence. Each sheet of such petition must be in substantially the follow-43 44 ing form and shall contain all the information required therein except 45 as may otherwise be permitted by law.

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VILLAGE INDEPENDENT NOMINATING PETITION

I, the undersigned, do hereby state that I am a registered voter of 1 the Village of, that my present place of residence is truly 2 stated opposite my signature, and I do hereby nominate the following 3 4 named person (or persons) as a candidate (or as candidates) for election 5 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 6 name (fill in name) as the name of the independent body 7 8 making the nomination (or nominations) and (fill in emblem) as the 9 emblem of such body. 10 Name of Candidate Public Office Residence Term 11 . 12 . I do hereby appoint _ _ _ _ 13 14 Residence Name 15 16 as a committee to fill vacancies in accordance with the provisions of 17 18 the election law. IN WITNESS WHEREOF, I have signed this petition on the day and year 19 20 stated before my signature. 21 Residence Date Signature 22 23 . 24 STATEMENT OF WITNESS I, state that I am a duly qualified voter [and now 25 26 reside at (residence address) in the Village of in] OF the State of New York [in 27 the County of]. I NOW RESIDE AT (RESIDENCE ADDRESS). Each of the voters whose names are subscribed to this petition sheet, 28 29 30 containing (fill in number) signatures, subscribed his or her 31 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 32 33 34 statement, shall subject me to the same penalties as if I had been duly 35 sworn. 36 Date 37 Signature of Witness

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

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