302--B

Cal. No. 25

2015-2016 Regular Sessions

IN ASSEMBLY

(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:

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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18 19 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

I,...... (name of witness) state: I am a duly qualified 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.

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1 2 3	the party. I now reside at
4 5 6	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
7 8 9	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
10 11 12	statement, shall subject me to the same penalties as if I had been duly sworn.  Date:
13 14 15 16	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
18 19 20 21 22	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:
23 24 25 26 27 28	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.
29 30	Date:
31 32 33 34 35	(Signature and official title of officer administering oath) 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 246 of the laws of 2009 and subdivision 2 as amended by chapter 447 of the laws of 2006, is amended to read as follows:
37 38 39 40 41 42 43	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:
45	STATEMENT OF WITNESS
46 47 48 49 50 51	I,

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1 2 3 4 5	the equivalent of an affidavit and, if it contains a material statement, shall subject me to the same penalties as if I had been sworn.	false
6	Signature of Witness	
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	The following information must be completed prior to filing will be board of elections in order for this petition sheet to be valid.  Town or City  County	ith the
	2. In lieu of the signed statement of a witness who is a duly fied voter of the state [qualified to sign the petition], the following statement signed by a notary public or commissioner of deeds sha	lĪowing
	On the dates above indicated before me personally came each voters whose signatures appear on this petition sheet contained (fill in number) signatures, who signed same in my part and who, being by me duly sworn, each for himself or herself, said the foregoing statement made and subscribed by him or her, was true	taining resence d that
22 23 24 25 26 27 28 29 30 31 32 33 34	(Signature and official title of officer administering oath S 3. Subdivision 1 of section 6-204 of the election law, as amen chapter 447 of the laws of 2006, is amended to read as follows:  1. Party designations for elective village offices shall be made designating petition containing the signatures in ink of resider the village who are registered to vote with the appropriate county of elections at the time of signing and who are enrolled in such tical party. The sheets of such a petition shall be numbered. A need not himself or herself fill in the date or residence. Each shall petition must be in substantially the following form and	nded by de on a nts of y board n poli- signer neet of
35	PARTY DESIGNATING PETITION	
36 37 38 39 40 41 42 43	Village of and a duly enrolled voter of the  party and entitled to vote at the next primary election of such that my place of residence is truly stated opposite my signature be and I hereby designate the following named person (or persons) candidate or (candidates) for nomination of such party for the office or (public offices) to be voted for at the primary election	party, nereto, as a public to be
44	Name of Candidate Public Office Term Reside	ence
45 46		
47 48 49	1 11 ·	y) as a

47 48 49 50 committee to election law.

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1 2	In witness whereof, I have hereunto set $my$ hand, the day and year placed opposite $my$ signature.		
3	Date Name Residence		
4 5			
6	STATEMENT OF WITNESS		
7 8 9 10 11 12 13 14 15 16 17	of the State of New York; and an enrolled voter of the party [and now reside in the Village of County of State of New York at (residence address) therein]. I NOW RESIDE 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.  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		
18 19	Date: Signature of witness		
20 21 22 23 24 25 26 27 28 29	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		
30 31 32	(Signature and official title of officer administering oath)		
33	Page No		
34 35 36 37 38 39 40 41 42	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 follow-		

43 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 stat-

1 2 3 4 5 6 7 8 9	ed 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 Candidate Public Office Term Residence
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12 13 14 15	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.
16	In witness whereof, I have signed this petition on the day and year
17	stated before my signature.
18	Date Signature Residence
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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
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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 37 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 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:

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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.

9	Name of Candidate	Public Office	Term	Residence
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TT				

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

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.

## 1 VILLAGE INDEPENDENT NOMINATING PETITION 2 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 5 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 name ..... (fill in name) as the name of the independent body 8 making the nomination (or nominations) and .... (fill in emblem) as the 9 10 emblem of such body. Name of Candidate Public Office Term Residence 11 12 ..... 13 . . . . . . . . I do hereby appoint \_ \_ \_ \_ 14 15 Residence Name 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 Signature Residence Date 23 . . . . . . . . . . . . . 24 25 STATEMENT OF WITNESS 26 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 27 28 of ...... ]. I NOW RESIDE AT ..... (RESIDENCE ADDRESS). Each of 29 the voters whose names are subscribed to this petition sheet, 30 containing ..... (fill in number) signatures, subscribed his or her 31 32 name in my presence. 33 I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false 34 statement, shall subject me to the same penalties as if I had been duly 35 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.