

4420--A

Cal. No. 726

2015-2016 Regular Sessions

I N S E N A T E

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,
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
20 the..... party. I now reside at.....
21 (residence address).

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

1 Each of the individuals whose names are subscribed to this petition
2 sheet containing..... (fill in number) signatures,
3 subscribed the same in my presence on the dates above indicated and
4 identified himself or herself to be the individual who signed this
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
8 statement, shall subject me to the same penalties as if I had been duly
9 sworn.

10 Date:.....

11 Signature of Witness

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

15 Town or City County

16

17 3. In lieu of the signed statement of a witness who is a duly quali-
18 fied voter of the state [qualified to sign the petition], the following
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
23 (fill in number) signatures, who signed same in my pres-
24 ence and who, being by me duly sworn, each for himself or herself, said
25 that the foregoing statement made and subscribed by him or her, was
26 true.

27 Date:.....

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
32 of the election law, paragraph b of subdivision 1 as amended by chapter
33 246 of the laws of 2009 and subdivision 2 as amended by chapter 447 of
34 the laws of 2006, is amended to read as follows:

35 b. There shall be appended at the bottom of each sheet a signed state-
36 ment of a witness who is a duly qualified voter of the state AND WHO HAS
37 NOT PREVIOUSLY SIGNED A PETITION FOR ANOTHER CANDIDATE FOR THE SAME
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 state-
40 ment, shall subject the person signing it to the same penalties as if he
41 or she had been duly sworn. The form of such statement shall be substan-
42 tially as follows:

43 STATEMENT OF WITNESS

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

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

1 statement, shall subject me to the same penalties as if I had been duly
2 sworn.

3 Date:
4
5 Signature of Witness

6 Witness identification information:

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

9 Town or City County
.....

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

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

19 Date:
20
21 (Signature and official title
22 of officer administering oath)

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

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

33 PARTY DESIGNATING PETITION

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

42	Name of Candidate	Public Office	Term	Residence
43
44

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

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

1	Date	Name	Residence
2
3

STATEMENT OF WITNESS

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

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

16	.....	.....
17	Date:	Signature of witness

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

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

27 Date.....

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

31 Page No.....

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

34 1. Independent nominations for elective village offices shall be made
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:

VILLAGE INDEPENDENT NOMINATING PETITION

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

1 held on the.....day of....., 20....., and that I select the
2 name..... (fill in name) as the name of the independent body
3 making the nomination (or nominations) and.....(fill in emblem) as the
4 emblem of such body.

5	Name of			
6	Candidate	Public Office	Term	Residence
7	.....	.....	....	.....
8	.....	.....	....	.....

9 I do hereby appoint (insert names and addresses of at least three
10 persons, all of whom shall be registered voters within such village) as
11 a committee to fill vacancies in accordance with the provisions of the
12 election law.

13 In witness whereof, I have signed this petition on the day and year
14 stated before my signature.

15	Date	Signature	Residence
16	.....	.....	.....
17	.....	.....	.....

18 STATEMENT OF WITNESS

19 I, state that I am a duly qualified voter [and
20 now reside at (residence address) in the Village
21 of in the State of New York in the County of
22] OF THE STATE OF NEW YORK. I NOW RESIDE
23 AT (RESIDENCE ADDRESS). Each of the voters whose names
24 are subscribed to this petition sheet containing (fill
25 in number) signatures, subscribed his or her name in my presence.

26 I understand that this statement will be accepted for all purposes as
27 the equivalent of an affidavit and, if it contains a material false
28 statement, shall subject me to the same penalties as if I had been duly
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
36 designating petition containing the signatures in ink of residents of
37 the village who are registered to vote with the appropriate county board
38 of elections at the time of signing and who are enrolled in such poli-
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
42 committee to fill vacancies consisting of at least three qualified
43 voters of the village enrolled in such party and their residence within
44 the village. A signer need not himself or herself fill in the date or
45 residence. Each sheet of such petition must be in substantially the
46 following form and shall contain all the information required therein:

47 PARTY DESIGNATING PETITION

48 I, the undersigned do hereby state that I am a registered voter of the
49 Village of and a duly enrolled voter of the party and
50 entitled to vote at the next primary election of such party, that my

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

6	Name of Candidate	Public Office	Term	Residence
7
8

9 I do hereby appoint (insert names and addresses of at least three
10 persons, all of whom shall be enrolled voters of said party) as a
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	Name	Residence
16
17

18 STATEMENT OF WITNESS

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

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

32 4. Independent nominations for elective village offices shall be made
33 by a petition containing the signatures in ink of residents of the
34 village who are registered with the appropriate county board of
35 elections at the time of signing or who are residents of the village who
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
38 petition must set forth in each instance the correct date of signing,
39 the name of the signer and his or her present address, and may set forth
40 a committee to fill vacancies consisting of at least three persons qual-
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 resi-
43 dence. Each sheet of such petition must be in substantially the follow-
44 ing form and shall contain all the information required therein except
45 as may otherwise be permitted by law.

1 I, the undersigned, do hereby state that I am a registered voter of
 2 the Village of, that my present place of residence is truly
 3 stated opposite my signature, and I do hereby nominate the following
 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
 6 be held on the day of, 20....., and that I select the
 7 name (fill in name) as the name of the independent body
 8 making the nomination (or nominations) and (fill in emblem) as the
 9 emblem of such body.

10	Name of Candidate	Public Office	Term	Residence
11
12

13 I do hereby appoint _ _ _ _
 14 Name Residence

15
 16
 17 as a committee to fill vacancies in accordance with the provisions of
 18 the election law.

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

21	Date	Signature	Residence
22
23

24 STATEMENT OF WITNESS

25 I, state that I am a duly qualified voter [and now
 26 reside at (residence address) in the Village
 27 of in] OF the State of New York [in the County
 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 name in my presence.

32 I understand that this statement will be accepted for all purposes as
 33 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 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.