

STATE OF NEW YORK

567

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

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

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:

STATEMENT OF WITNESS

17 I,..... (name of witness) state: I am a duly qualified 18 voter of the State of New York and am an enrolled voter of 19 the..... party. I now reside at..... 20 (residence address). 21

22 Each of the individuals whose names are subscribed to this petition 23 sheet containing..... (fill in number) signatures, 24 subscribed the same in my presence on the dates above indicated and

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

1 identified himself or herself to be the individual who signed this  
2 sheet.

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

7 Date:.....

.....  
Signature of Witness

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

12 Town or City County  
13 .....

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

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

24 Date:.....

25 .....  
26 (Signature and official title  
27 of officer administering oath)

28 § 2. Paragraph b of subdivision 1 and subdivision 2 of section 6-140  
29 of the election law, paragraph b of subdivision 1 as amended by chapter  
30 246 of the laws of 2009 and subdivision 2 as amended by chapter 447 of  
31 the laws of 2006, is amended to read as follows:

32 b. There shall be appended at the bottom of each sheet a signed state-  
33 ment of a witness who is a duly qualified voter of the state and who has  
34 not previously signed a petition for another candidate for the same  
35 office. Such a statement shall be accepted for all purposes as the  
36 equivalent of an affidavit, and if it contains a material false state-  
37 ment, shall subject the person signing it to the same penalties as if he  
38 or she had been duly sworn. The form of such statement shall be substan-  
39 tially as follows:

40 STATEMENT OF WITNESS

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

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

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

52 Date: .....

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

.....

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.

Date: .....

.....  
(Signature and official title  
of officer administering oath)

§ 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 political 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:

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 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.

Name of Candidate	Public Office	Term	Residence
.....	.....	.....	.....
.....	.....	.....	.....

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.

Date Name Residence

1 .....  
2 .....

3 STATEMENT OF WITNESS

4 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  
6 [~~and now reside in the Village of ..... County of ..... State~~  
7 ~~of New York at ..... (residence address) therein~~]. I now reside  
8 at ..... (residence address). Each of the persons whose names are  
9 subscribed to this petition sheet containing ..... signatures,  
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  
13 statement, shall subject me to the same penalties as if I had been duly  
14 sworn.

15 .....  
16 Date: Signature of witness

17 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 ment signed by a notary public shall be accepted:

20 On the dates above indicated before me personally came each of the  
21 voters whose signatures appear on this petition sheet containing  
22 ..... (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 that the foregoing statement made and subscribed by him or her, was  
25 true.

26 Date.....

27 .....  
28 (Signature and official title  
29 of officer administering oath)

30 Page No.....

31 § 4. Subdivision 1 of section 6-206 of the election law, as amended by  
32 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 by a petition containing the signatures in ink of residents of the  
35 village who are registered with the appropriate county board of  
36 elections at the time of signing. The sheets of such a petition shall be  
37 numbered. A signer need not himself or herself fill in the date or resi-  
38 dence. Each sheet of such petition must be in substantially the follow-  
39 ing form and shall contain all the information required therein:

40 VILLAGE INDEPENDENT NOMINATING PETITION

41 I, the undersigned, do hereby state that I am a registered voter of  
42 the Village of....., that my present place of residence is truly stat-  
43 ed opposite my signature, and I do hereby nominate the following named  
44 person (or persons) as a candidate (or as candidates) for election to  
45 public office (or public offices) to be voted for at the election to be  
46 held on the.....day of....., 20....., and that I select the  
47 name..... (fill in name) as the name of the independent body

1 making the nomination (or nominations) and.....(fill in emblem) as the  
2 emblem of such body.

3	Name of			
4	Candidate	Public Office	Term	Residence
5	.....	.....	....	.....
6	.....	.....	....	.....

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

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

13	Date	Signature	Residence
14	.....	.....	.....
15	.....	.....	.....

16 STATEMENT OF WITNESS

17 I, ..... state that I am a duly qualified voter [~~and~~  
18 ~~now reside at ..... (residence address) in the Village~~  
19 ~~of ..... in the State of New York in the County of~~  
20 ~~.....~~] of the State of New York. I now reside  
21 at ..... (residence address). Each of the voters whose names  
22 are subscribed to this petition sheet containing ..... (fill  
23 in number) signatures, subscribed his or her name in my presence.

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

28	.....	.....
29	Date	Signature of witness

30 § 5. Paragraph a of subdivision 3 of section 15-108 of the election  
31 law, as amended by chapter 447 of the laws of 2006, is amended to read  
32 as follows:

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

45 PARTY DESIGNATING PETITION

46 I, the undersigned do hereby state that I am a registered voter of the  
47 Village of ..... and a duly enrolled voter of the ..... party and  
48 entitled to vote at the next primary election of such party, that my  
49 place of residence is truly stated opposite my signature hereto, and I  
50 hereby designate the following named person (or persons) as a candidate

1 (or candidates) for nomination of such party for the public office (or  
2 public offices) to be voted for at the primary election to be held on  
3 the ..... day of ..... 20.... as hereinafter specified.

4	Name of Candidate	Public Office	Term	Residence
5	.....	.....	.....	.....
6	.....	.....	.....	.....

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

11 IN WITNESS WHEREOF, I have hereunto set my hand, the day and year  
12 placed opposite my signature.

13	Date	Name	Residence
14	.....	.....	.....
15	.....	.....	.....

16 STATEMENT OF WITNESS

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

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

28 § 6. Subdivision 4 of section 15-108 of the election law, as amended  
29 by chapter 447 of the laws of 2006, is amended to read as follows:

30 4. Independent nominations for elective village offices shall be made  
31 by a petition containing the signatures in ink of residents of the  
32 village who are registered with the appropriate county board of  
33 elections at the time of signing or who are residents of the village who  
34 were on the list of registered voters for the last village election in  
35 such village. The sheets of such a petition shall be numbered. Such  
36 petition must set forth in each instance the correct date of signing,  
37 the name of the signer and his or her present address, and may set forth  
38 a committee to fill vacancies consisting of at least three persons qual-  
39 ified to vote in the village election and their residence within the  
40 village. 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 except  
43 as may otherwise be permitted by law.

44 VILLAGE INDEPENDENT NOMINATING PETITION

45 I, the undersigned, do hereby state that I am a registered voter of  
46 the Village of ....., that my present place of residence is truly  
47 stated opposite my signature, and I do hereby nominate the following

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

7	Name of Candidate	Public Office	Term	Residence
8	.....	.....	.....	.....
9	.....	.....	.....	.....

10 I do hereby appoint \_ \_ \_ \_  
11 Name

Residence

12 .....  
13 .....

14 as a committee to fill vacancies in accordance with the provisions of  
15 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
19	.....	.....	.....
20	.....	.....	.....

21 STATEMENT OF WITNESS

22 I, ..... state that I am a duly qualified voter [~~and now~~  
23 ~~reside at ..... (residence address) in the Village~~  
24 ~~of ..... in~~] of the State of New York [~~in the County~~  
25 ~~of .....~~]. I now reside at ..... (residence address). Each of  
26 the voters whose names are subscribed to this petition sheet,  
27 containing ..... (fill in number) signatures, subscribed his or her  
28 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 Date .....  
34 Signature of Witness

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