

9661

I N A S S E M B L Y

March 24, 2016

Introduced by M. of A. THIELE -- read once and referred to the Committee  
on Election Law

AN ACT to amend the election law, in relation to permitting persons  
registered to vote but not enrolled in a party to vote in the presi-  
dential primary

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 1-104 of the election law is amended by adding a  
2 new subdivision 38 to read as follows:  
3 38. THE TERM "UNDECLARED VOTER" MEANS A PERSON REGISTERED TO VOTE AND  
4 WHO IS NOT ENROLLED IN A PARTY PURSUANT TO ARTICLE FIVE OF THIS CHAPTER.  
5 S 2. The election law is amended by adding a new section 2-123 to read  
6 as follows:  
7 S 2-123. OPEN PRESIDENTIAL PRIMARIES. NOTWITHSTANDING ANY PROVISION OF  
8 LAW TO THE CONTRARY, AFTER THE EFFECTIVE DATE OF THIS SECTION, AN UNDE-  
9 CLARED VOTER SHALL BE PERMITTED TO VOTE IN THE PRESIDENTIAL PRIMARY OF  
10 ANY PARTY. SUCH UNDECLARED VOTER MAY ONLY VOTE IN THE PRESIDENTIAL  
11 PRIMARY OF ONE PARTY. SUCH UNDECLARED VOTER SHALL SELECT THE PARTY IN  
12 WHICH THE VOTER WISHES TO CAST SUCH A BALLOT ON THE DAY OF THE PRESIDEN-  
13 TIAL PRIMARY AT THE POLLING PLACE OF THE UNDECLARED VOTER AT THE TIME  
14 SUCH VOTER SEEKS TO CAST A BALLOT.  
15 S 3. This act shall take effect immediately.

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

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