

STATE OF NEW YORK

11650

IN ASSEMBLY

July 29, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Berger) --
read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to allowing voters not
enrolled in a political party to designate and vote in the primary
election of a political party

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Subdivision 1 of section 5-308 of the election law, as
2 amended by chapter 37 of the laws of 2021, is amended to read as
3 follows:

4 1. The board of elections shall, promptly and not later than twenty-
5 one days after receipt of a voter registration or pre-registration
6 application submitted pursuant to title nine of this article by a voter
7 registering or pre-registering for the first time, send any such voter
8 who did not enroll in a party a notice and a form to indicate party
9 enrollment. Such notice shall offer the voter the opportunity to enroll
10 with a party or to decline to enroll with a party [~~and contain the~~
11 ~~following statement in prominent type "ONLY ENROLLED MEMBERS OF A POLI-~~
12 ~~TICAL PARTY MAY VOTE IN THAT PARTY'S PRIMARIES."~~]. Such form shall
13 provide a clear alternative for the applicant to decline to affiliate
14 with any party.

15 § 2. Section 8-302 of the election law is amended by adding a new
16 subdivision 4-a to read as follows:

17 4-a. Notwithstanding the provisions of subdivision four of this
18 section, at a primary election, a voter who is not enrolled in a poli-
19 tical party may designate the ballot of one political party qualified to
20 participate in such election and shall be provided with and permitted to
21 vote only in the primary election of the political party so designated,
22 provided, however, that the provisions of this subdivision shall not
23 apply to a presidential primary election.

24 § 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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