S T A T E O F N E W Y O R K

8985

I N A S S E M B L Y

March 6, 2014

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

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 2 of the constitution, in relation to the establishment of an open primary system for all state and congressional elections

Section 1. Resolved (if the Senate concur), That article 2 of the constitution be amended by adding a new section 10 to read as follows:

S 10. (A) A VOTER-NOMINATION PRIMARY ELECTION SHALL BE CONDUCTED TO SELECT THE CANDIDATES FOR CONGRESSIONAL AND STATE ELECTIVE OFFICES. ALL VOTERS MAY VOTE AT A VOTER-NOMINATED PRIMARY ELECTION FOR ANY CANDIDATE FOR CONGRESSIONAL AND STATE ELECTIVE OFFICE WITHOUT REGARD TO THE POLITICAL PARTY PREFERENCE DISCLOSED BY THE CANDIDATE OR THE VOTER, PROVIDED THAT THE VOTER IS OTHERWISE QUALIFIED TO VOTE FOR CANDIDATES FOR THE OFFICE IN QUESTION. THE CANDIDATES WHO ARE THE TOP TWO VOTE-GETTERS AT A VOTER-NOMINATED PRIMARY ELECTION FOR A CONGRESSIONAL OR STATE ELECTIVE OFFICE SHALL, REGARDLESS OF PARTY PREFERENCE, COMPETE IN THE ENSUING GENERAL ELECTION.

(B) THE LEGISLATURE SHALL PROVIDE THAT CANDIDATES FOR SUCH CONGRESSIONAL AND STATE OFFICES SHALL BE PLACED ON THE BALLOT FOR VOTER-NOMINATED PRIMARY ELECTION BY PETITION IN THE MANNER PROVIDED BY STATUTE. A CANDIDATE FOR A CONGRESSIONAL OR STATE ELECTIVE OFFICE MAY HAVE HIS OR HER POLITICAL PARTY PREFERENCE, OR LACK OF POLITICAL PARTY PREFERENCE, INDICATED UPON THE BALLOT FOR THE OFFICE IN THE MANNER PROVIDED BY STATUTE. A POLITICAL PARTY OR PARTY COMMITTEE SHALL NOT NOMINATE A CANDIDATE FOR ANY CONGRESSIONAL OR STATE ELECTIVE OFFICE AT THE VOTER-NOMINATED PRIMARY. THIS SUBDIVISION SHALL NOT BE INTERPRETED TO PROHIBIT A POLITICAL PARTY OF PARTY COMMITTEE FROM ENDORSING, SUPPORTING, OR OPPOSING ANY CANDIDATE FOR A CONGRESSIONAL OR STATE ELECTIVE OFFICE. A POLITICAL PARTY OR PARTY COMMITTEE SHALL NOT HAVE THE RIGHT TO HAVE ITS PREFERRED CANDIDATE PARTICIPATE IN THE GENERAL ELECTION FOR A VOTER-NOMINATED OFFICE OTHER THAN A CANDIDATE WHO IS ONE OF THE TWO HIGHEST VOTE-GETTERS AT THE PRIMARY ELECTION, AS PROVIDED IN SUBDIVISION (A).

(C) THE LEGISLATURE SHALL PROVIDE FOR PARTISAN ELECTIONS FOR PRESIDENTIAL CANDIDATES, AND POLITICAL PARTY AND PARTY COMMITTEES, INCLUDING AN

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

LBD89141-01-4

OPEN PRESIDENTIAL PRIMARY WHEREBY THE CANDIDATES FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES, ARE PLACED ON THE BALLOT BY PETITION. ALL VOTERS MAY VOTE AT THE PRIMARY ELECTION FOR ANY PRESIDENTIAL CANDIDATE WITHOUT REGARD TO THE POLITICAL PARTY PREFERENCE DISCLOSED BY THE VOTER, PROVIDED THAT THE VOTER IS OTHERWISE QUALIFIED TO VOTE FOR THE OFFICE OF PRESIDENT.

S 2. Resolved (if the Senate concur), That the foregoing amendments be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.