

# STATE OF NEW YORK

7309

2017-2018 Regular Sessions

## IN ASSEMBLY

April 21, 2017

Introduced by M. of A. THIELE, KEARNS -- 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

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

3 § 10. (a) A voter-nomination primary election shall be conducted to  
4 select the candidates for congressional and state elective offices. All  
5 voters may vote at a voter-nominated primary election for any candidate  
6 for congressional and state elective office without regard to the poli-  
7 tical party preference disclosed by the candidate or the voter, provided  
8 that the voter is otherwise qualified to vote for candidates for the  
9 office in question. The candidates who are the top two vote-getters at a  
10 voter-nominated primary election for a congressional or state elective  
11 office shall, regardless of party preference, compete in the ensuing  
12 general election.

13 (b) The Legislature shall provide that candidates for such congressional  
14 and state offices shall be placed on the ballot for voter-nominated  
15 primary election by petition in the manner provided by statute. A  
16 candidate for a congressional or state elective office may have his or  
17 her political party preference, or lack of political party preference,  
18 indicated upon the ballot for the office in the manner provided by statute.  
19 A political party or party committee shall not nominate a candidate  
20 for any congressional or state elective office at the voter-nominated  
21 primary. This subdivision shall not be interpreted to prohibit a political  
22 party or party committee from endorsing, supporting, or opposing  
23 any candidate for a congressional or state elective office. A political  
24 party or party committee shall not have the right to have its preferred  
25 candidate participate in the general election for a voter-nominated

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

LBD89108-01-7

1 office other than a candidate who is one of the two highest vote-getters  
2 at the primary election, as provided in subdivision (a).

3 (c) The Legislature shall provide for partisan elections for presiden-  
4 tial candidates, and political party and party committees, including an  
5 open presidential primary whereby the candidates for the office of Pres-  
6 ident of the United States, are placed on the ballot by petition. All  
7 voters may vote at the primary election for any Presidential candidate  
8 without regard to the political party preference disclosed by the voter,  
9 provided that the voter is otherwise qualified to vote for the office of  
10 President.

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