MODEL TOP TWO PRIMARY ACT

OPEN PRIMARY ELECTIONS

Purpose:
The legitimacy of any government rests on the consent of the governed. In the United States of America and the State of _____, the people are sovereign. For this to be the case, “the people” must include all people. Our State’s political system falls short of this ideal. _____ system of voter segregation by party, known as “party primaries”, has failed the citizens of the state. Our State’s ______ non-aligned voters, those who have chosen not to join a party, are barred from the State funded and administered primary elections whose outcome most often determines who will be elected to public office. Those registered into a party are forced to only vote for candidates of that party in the primary election, preventing them from having a voice in many races. This amendment to our constitution seeks to remedy this lack of democracy by replacing the current system of partisan primaries with an open primary system as set forth herein.

ARTICLE ___: SUFFRAGE AND ELECTIONS

Rights of Voters

All qualified voters shall be guaranteed the right to vote for the qualified candidate of their choice in all elections. No voter shall be denied the right to vote for the qualified candidate of his or her choice in a primary or general election because of his or her party affiliation or lack thereof.

Primary, general, and special elections

(a) This subsection shall apply to the election of candidates for all federal, state, county and local elective offices except (1) those in which no party affiliation, registration, or preference may appear on the election ballot and (2) the system for selection of President and Vice President of the United States.

(b) At a date set by law, but no later than ___ days prior to the date for the general election set forth, an open primary election shall be conducted to select the candidates for election to the offices covered in Section (a) above.

1) In such a primary all candidates for an office shall be listed on a single primary ballot and all voters may vote for any candidate. The two candidates receiving the greatest numbers of votes cast shall advance to a general election. No candidate who did not appear on the primary ballot may appear on the general election ballot.
2) If more than one candidate is to be elected to an office, the number of candidates advancing to the general election shall be twice the number elected.

3) A candidate for the ____ Legislature, Governor, Lieutenant Governor, Cabinet, United States Senate and United States Representative may have their political party preference, or lack of political party preference, indicated upon the ballot for the office in the manner provided by law. Selection of a party preference by a candidate shall not constitute or imply endorsement of the candidate by the party designated. No candidate for that office shall be deemed the official candidate of any party by virtue of their selection in the open primary.

4) A political party or party central committee shall not have the right to have its preferred candidate participate in the general election other than as chosen in the open primary.

5) Nothing in this section shall be interpreted to prohibit a political party or party central committee from endorsing, supporting, or opposing any candidate, including those for ____ Legislature, Governor, Lieutenant Governor, Cabinet, United States Senate or United States Representative.

6) No state funds shall be used to pay for the administration of an election unless all voters are allowed to vote for any candidate who appears on the ballot regardless of party preference or affiliation.