

This measure amends a section of the California Constitution and adds to, deletes and amends sections of the Elections Code. Existing provisions proposed to be deleted are printed in ~~strikeout~~ type and new provisions proposed to be added are printed in ***bold underlined italic*** type to indicate they are new.

PROPOSED LAW

VOTER CHOICE OPEN PRIMARY ACT

SECTION 1. Title.

This measure shall be known and may be cited as the “Voter Choice Open Primary Act.”

SECTION 2. Findings and Declarations.

The people of the State of California hereby find and declare all of the following:

(a) The current system of primaries in California limits voters’ choices, and has resulted in a steady decline in voter participation in this state.

(b) The “Voter Choice Open Primary Act” will establish an election system in California that will allow all voters to vote for state elected offices and federal elected offices on a primary election ballot regardless of the party registration of the candidates or the voters.

(c) A voter choice open primary will ensure California voters more choice, greater participation, increased privacy, and a sense of fairness without burdening political parties’ constitutional rights. Encouraging California citizens to vote is a legitimate and essential objective of this State, and will preserve constitutional order by ensuring a strong, participatory democratic process.

(d) A voter choice open primary will permit California voters to select the candidate they most prefer, regardless of the candidate’s party registration. This type of primary will result in more competitive election contests in which candidates will be able to take positions on a wide range of issues.

(e) A voter choice open primary will give California voters a real choice. They will be able to vote for any candidate for any voter-nominated office in the primary election, and will not be limited to voting only for those candidates of the party, if any, with which the candidates are registered.

(f) A voter choice open primary will guarantee competition in the general election. California voters will be given two competitive choices in the general election, involving greater voter participation than in the primary election. This will replace the current system in which the political parties protect incumbents through reapportionment plans, making over 90% of all State legislative and Congressional seats safe for incumbents or candidates of one or the other of the major parties.

(g) A voter choice open primary will result in greater voter participation. By allowing voters complete freedom of choice among many candidates for office, regardless of the candidates’ party registration, a voter choice open primary will encourage increased voter participation. In addition, some two million voters who have chosen not to register with a party,

comprising some 15 percent of all California voters, will have a chance to participate fully in the voter choice open primary.

(h) A voter choice open primary will result in a greater number of candidates running for state elected offices and federal elected offices. Candidates who are not registered with a political party will now be able to compete in primary elections.

(i) A voter choice open primary will preserve the right of California's political parties to endorse candidates for voter-nominated offices by any method selected by the parties.

(j) A voter choice open primary will not infringe on the constitutional rights of political parties. California political parties will continue to decide whether non-party members: (i) may participate in the selection of delegates to a national political party convention at which a nominee for President is chosen; or (ii) may participate in the selection of members of political party county central committees; or both.

(k) A voter choice open primary will not affect the power of the legislature to alter existing law governing the means by which political parties select delegates to national political party conventions at which a party nominee for President is chosen or elect or select members of political party state and county central committees, or both.

(l) A political party will have the right to determine whether or not the voter registration status of candidates registered as voters with that particular political party will be included on the ballot, sample ballot, voter pamphlet, and other related election materials intended for distribution to the voters.

SECTION 3. Purpose and Intent.

The people of the State of California hereby declare their purpose and intent in enacting the "Voter Choice Open Primary Act" to be as follows:

(a) To amend the current primary election system in California, which limits voters' choices and has resulted in a steady decline in voter participation in this state.

(b) To establish an election system that allows all California voters to vote for candidates for state elected offices and federal elected offices on a primary election ballot, regardless of the party registration, if any, of the candidates or the voters.

(c) To ensure California voters more choice, greater participation, increased privacy, and a sense of fairness, without burdening political parties' constitutional rights.

(d) To increase voter participation by allowing California voters complete freedom of choice to select their most preferred candidate, regardless of his or her party registration.

(e) To give California voters a real choice by allowing them to vote for any candidate for any voter-nominated office in the primary election.

(f) To increase competition in the general election by giving California voters two competitive choices in the general election where some two to four million additional voters vote than in the primary election.

(g) To allow some two million California voters who have chosen not to register with a political party the chance to participate fully in a voter choice open primary.

(h) To encourage a greater number of candidates to run for voter-nominated offices.

(i) To preserve the right of California's political parties to endorse candidates for voter-nominated offices and to decide whether non-party members may participate in the selection of a party's Presidential delegates or party county central committee members, or both.

- (j) To protect the constitutional rights of political parties.
- (k) To retain existing law and the power of the Legislature to alter existing law governing the means by which political parties select delegates to national political party conventions or elect or select members of political party state and county central committees, or both.
- (l) To give each qualified political party the right to determine whether the voter registration status of candidates registered with the party will be included on the ballot and other related election materials intended for distribution to the voters.

SECTION 4. Article II, Section 5 of the California Constitution is hereby amended to read:

(a) The State of California shall hold a voter choice open primary election for the offices specified in subsections (e) and (f).

(b) A voter choice open primary is a direct or special primary election in which each voter, whether registered or not registered with a political party, may vote for any qualified candidate, including qualified write-in candidates, for each office for which the voter is eligible to vote in the voter's respective political subdivision.

(c) All candidates shall be listed on a single voter choice open primary ballot. The candidates, regardless of party registration, including candidates registered with no party, who are the top two vote getters for each office, shall be listed on the general election ballot.

(d) In special elections, all candidates shall be listed on a single special voter choice open primary ballot. If one candidate receives a majority of the votes on the special voter choice open primary ballot, that candidate shall be declared elected. If no candidate receives a majority of the votes on the special voter choice open primary ballot, the candidates, regardless of party registration, including candidates registered with no party, who are the top two vote getters for each office shall be listed on the special general election ballot.

(e) The state elected offices in a voter choice open primary election shall include the offices of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Member of the State Legislature, and Member of the Board of Equalization.

(f) The federal elected offices in a voter choice open primary election shall include the offices of Member of the United States House of Representatives and Member of the United States Senate.

(g) The Legislature shall provide for primary elections on a ballot separate from the voter choice open primary ballot for partisan offices delegates to a national political party convention at which a nominee for President is chosen, including an open presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit of noncandidacy.

(h) Nothing in this section shall be construed to alter the law governing recall elections.