



973422

CRC ACTION

Commissioner .  
Comm: FAV .  
01/26/2018 .  
. .  
. .  
. .

---

The Committee on Ethics and Elections (Schifino) recommended the following:

**CRC Amendment (with title amendment)**

Delete everything after the proposing clause  
and insert:

Section 5 of Article VI of the State Constitution is  
amended to read:

SECTION 5. Primary, general, and special elections.-

(a) A general election shall be held in each county on the  
first Tuesday after the first Monday in November of each even-  
numbered year to choose a successor to each elective state and



973422

11 county officer whose term will expire before the next general  
12 election and, except as provided herein, to fill each vacancy in  
13 elective office for the unexpired portion of the term. A general  
14 election may be suspended or delayed due to a state of emergency  
15 or impending emergency pursuant to general law. Special  
16 elections and referenda shall be held as provided by law.

17 ~~(b) If all candidates for an office have the same party~~  
18 ~~affiliation and the winner will have no opposition in the~~  
19 ~~general election, all qualified electors, regardless of party~~  
20 ~~affiliation, may vote in the primary elections for that office.~~

21 (b) This section (b) shall govern all primary elections for  
22 all federal, state, county and local elective office except (i)  
23 those in which no party affiliation, registration or preference  
24 appears on the ballot as provided by law; and (ii) the system  
25 for selection of President and Vice President of the United  
26 States.

27 (1) All electors qualified to vote for the office being  
28 filled shall be allowed to vote in the primary election  
29 regardless of the voter's affiliation or lack of affiliation  
30 with a political party and regardless of the candidate's  
31 nomination by or affiliation with a political party.

32 (2) All candidates for an office shall be listed on a  
33 single primary ballot regardless of their nomination by or  
34 affiliation with a political party. Only the two candidates  
35 receiving the greatest numbers of votes cast in the primary  
36 shall advance to the general election and appear on that ballot;  
37 no other candidate shall appear on the general election ballot.

38 (3) If more than one candidate is to be elected to an  
39 office, the number of candidates advancing to the general



973422

40 election shall be twice the number to be elected, with said  
41 candidates receiving the greatest number of votes.

42 (4) Should only two candidates qualify for the same office,  
43 no primary election will be held and the winner will be  
44 determined in the general election.

45 (5) Candidates nominated, endorsed or otherwise selected by  
46 a political party to run in the primary election may have such  
47 nomination, endorsement or selection indicated on the ballot in  
48 a manner provided by law.

49 (6) A candidate that is not nominated, endorsed or  
50 otherwise selected by a political party to run in the primary  
51 election may have their political party preference, or lack of  
52 political party preference, indicated upon the ballot in a  
53 manner provided by law. Designation of a party preference by a  
54 candidate under this subsection (b) (6) shall not constitute or  
55 imply the nomination, endorsement or selection of the candidate  
56 by the party designated.

57 (7) Nothing in this section (b) shall be interpreted to  
58 prohibit a political party or party central committee from  
59 nominating, endorsing, supporting, or opposing any candidate.

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

64 (9) This subsection is effective upon adoption by the  
65 voters and is self-executing.

66

67

68 ===== T I T L E A M E N D M E N T =====



973422

69 And the title is amended as follows:

70 Delete everything before the enacting clause

71 and insert:

72 A proposal to amend

73 Section 5 of Article VI of the State Constitution to  
74 authorize a qualified elector who is registered with  
75 no party affiliation to vote a primary election ballot  
76 of a political party and proscribe the method of  
77 election for local, state, and federal offices.