

115TH CONGRESS
1ST SESSION

H. R. 2981

To require all candidates for election for the office of Senator or Member of the House of Representatives to run in an open primary regardless of political party preference or lack thereof, to limit the ensuing general election for such office to the two candidates receiving the greatest number of votes in such open primary, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2017

Mr. DELANEY (for himself, Mr. YARMUTH, Mr. KILMER, and Mr. POLIS) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require all candidates for election for the office of Senator or Member of the House of Representatives to run in an open primary regardless of political party preference or lack thereof, to limit the ensuing general election for such office to the two candidates receiving the greatest number of votes in such open primary, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Open Our Democracy
3 Act of 2017”.

4 **SEC. 2. ELECTION OF MEMBERS OF CONGRESS THROUGH**
5 **OPEN PRIMARIES.**

6 (a) RULES FOR ELECTION OF MEMBERS.—A can-
7 didate for election for the office of Senator or Member
8 of the House of Representatives shall be elected to such
9 office pursuant to the following elections held by the State
10 in which the candidate seeks election:

11 (1) An open primary election for such office
12 held in accordance with subsection (b).

13 (2) A general election for such office held in ac-
14 cordance with subsection (c).

15 (b) OPEN PRIMARIES.—Each State shall hold an
16 open primary election for each office of Senator or Mem-
17 ber of the House of Representatives in the State under
18 which—

19 (1) each candidate for such office, regardless of
20 the candidate’s political party preference or lack
21 thereof, shall appear on a single ballot; and

22 (2) each voter in the State who is eligible to
23 vote in elections for Federal office in the State (in
24 the case of an election for the office of Senator) or
25 in the congressional district involved (in the case of
26 an election for the office of Member of the House of

1 Representatives) may cast a ballot in the election,
2 regardless of the voter's political party preference or
3 lack thereof.

4 (c) GENERAL ELECTION.—Each State shall hold a
5 general election for each office of Senator or Member of
6 the House of Representatives in the State under which
7 the 2 candidates receiving the greatest number of votes
8 in the open primary election for such office (as described
9 in subsection (b)), without regard to the political party
10 preference or lack thereof of such candidates, shall be the
11 only candidates appearing on the ballot.

12 **SEC. 3. ABILITY OF CANDIDATES TO DISCLOSE POLITICAL**
13 **PARTY PREFERENCES.**

14 (a) OPTION OF CANDIDATES TO DECLARE POLIT-
15 ICAL PARTY PREFERENCE.—At the time a candidate for
16 the office of Senator or Member of the House of Rep-
17 resentatives files to run for such office, the candidate shall
18 have the option of declaring a political party preference,
19 and the preference chosen (if any) shall accompany the
20 candidate's name on the ballot for the election for such
21 office.

22 (b) DESIGNATION FOR CANDIDATES NOT DECLAR-
23 ING PREFERENCE.—If a candidate does not declare a po-
24 litical party preference under subsection (a), the designa-

tion “No Party Preference” shall accompany the candidate’s name on the ballot for the election for such office.

(c) NO PARTY ENDORSEMENT IMPLIED.—The selection of a party preference by a candidate under subsection (a) shall not constitute or imply endorsement of the candidate by the party designated, and no candidate in a general election shall be deemed the official candidate of any party by virtue of his or her selection in the primary.

SEC. 4. PROTECTION OF RIGHTS OF POLITICAL PARTIES.

Nothing in this Act shall restrict the right of individuals to join or organize into political parties or in any way restrict the right of private association of political parties. Nothing in this Act shall restrict a party’s right to contribute to, endorse, or otherwise support a candidate for the office of Senator or Member of the House of Representatives. Nothing in this Act may be construed to prevent a political party from establishing such procedures as it sees fit to endorse or support candidates or otherwise participate in all elections, or from informally designating candidates for election to such an office at a party convention or by whatever lawful mechanism the party may choose, other than pursuant to a primary election held by a State. Nothing in this Act may be construed to prevent a political party from adopting such rules as it sees fit for the selection of party officials (including central com-

1 mittee members, presidential electors, and party officers),
2 including rules restricting participation in elections for
3 party officials to those who disclose a preference for that
4 party at the time of registering to vote.

5 **SEC. 5. TREATMENT OF ELECTION DAY IN SAME MANNER**
6 **AS LEGAL PUBLIC HOLIDAY FOR PURPOSES**
7 **OF FEDERAL EMPLOYMENT.**

8 (a) IN GENERAL.—For purposes of any law relating
9 to Federal employment, the Tuesday next after the first
10 Monday in November in 2018 and each even-numbered
11 year thereafter shall be treated in the same manner as
12 a legal public holiday described in section 6103 of title
13 5, United States Code.

14 (b) SENSE OF CONGRESS REGARDING TREATMENT
15 OF DAY BY PRIVATE EMPLOYERS.—It is the sense of Con-
16 gress that private employers in the United States should
17 give their employees a day off on the Tuesday next after
18 the first Monday in November in 2018 and each even-
19 numbered year thereafter to enable the employees to cast
20 votes in the elections held on that day.

21 (c) NO EFFECT ON EARLY OR ABSENTEE VOTING.—
22 Nothing in this section shall be construed to affect the
23 authority of States to permit individuals to cast ballots
24 in elections for Federal office prior to the date of the elec-

1 tion (including the casting of ballots by mail) or to cast
2 absentee ballots in the election.

3 **SEC. 6. REQUIRING CONGRESSIONAL REDISTRICTING TO**
4 **BE CONDUCTED THROUGH PLAN OF INDE-**
5 **PENDENT STATE COMMISSION.**

6 (a) USE OF PLAN REQUIRED.—Notwithstanding any
7 other provision of law, any congressional redistricting con-
8 ducted by a State shall be conducted in accordance with
9 the redistricting plan developed and enacted into law by
10 an independent redistricting commission established in the
11 State in accordance with State law.

12 (b) REQUIREMENTS FOR INDEPENDENT REDIS-
13 TRICTING COMMISSION.—The independent redistricting
14 commission established in a State pursuant to subsection
15 (a) shall have such members, who shall be appointed under
16 such requirements, as the State may establish, so long
17 as—

18 (1) the commission is prohibited from using
19 partisan or political considerations in developing the
20 State’s redistricting plan; and

21 (2) no political party in the State has control
22 over the commission.

23 (c) CONFORMING AMENDMENT.—Section 22(c) of the
24 Act entitled “An Act to provide for the fifteenth and sub-
25 sequent decennial censuses and to provide for an appor-

tionment of Representatives in Congress”, approved June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking “in the manner provided by the law thereof” and inserting: “in the manner provided by the Open Our Democracy Act of 2017”.

(d) EFFECTIVE DATE.—This section and the amendment made by this section shall apply with respect to congressional redistricting carried out pursuant to the decennial census conducted during 2020 or any succeeding decennial census.

SEC. 7. MEMBER OF THE HOUSE DEFINED.

In this Act, the term “Member of the House of Representatives” includes a Delegate or Resident Commissioner to the Congress.

SEC. 8. EFFECTIVE DATE.

Except as provided in sections 5(a) and 6, this Act shall apply with respect to elections occurring during 2018 or any succeeding year.

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