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HOUSE JOINT RESOLUTION NO. 541

Offered January 11, 2017

Prefiled September 15, 2016

Proposing an amendment to the Constitution of Virginia by adding in Article II a section numbered 10, relating to top two open primary.

Patron—Rasoul

Committee Referral Pending

RESOLVED by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend the Constitution of Virginia by adding in Article II a section numbered 10 as follows:

ARTICLE II

Section 10. Top two open primary election.

There shall be a top two open primary election conducted to select the candidates for the offices of the Governor, Lieutenant Governor, or Attorney General, of the House of Delegates or the Senate of Virginia, and of the United States House of Representatives or Senate. All candidates for the particular office, regardless of the candidate's political party affiliation, shall appear on a single ballot, and the two candidates receiving the highest and next highest number of votes for that office shall, regardless of their political party affiliation, be the candidates at the ensuing general election for that office. Every qualified voter may vote for any candidate for an office at a top two open primary election, regardless of the political party affiliation of the candidate or the voter.

The General Assembly shall provide by law for the method by which a candidate for an office at a top two open primary election may have his political party affiliation, or his lack of political party affiliation, indicated on the ballot. A political party shall have the right to endorse, support, or oppose any candidate at a top two open primary election or the ensuing general election, regardless of the political party affiliation of the candidate.

A political party shall not have the right to nominate a candidate for an office at the top two open primary election. A political party shall not have the right to have its preferred candidate participate in the general election if such candidate did not receive the highest or next highest number of votes at the top two open primary election for that office.

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