

114TH CONGRESS
1ST SESSION

H. R. 2655

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 4, 2015

Mr. DELANEY (for himself, Mr. POLIS, and Mr. PETERS) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, the Judiciary, and Rules, 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 2015”.

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-

1 tion “No Party Preference” shall accompany the can-
2 didate’s name on the ballot for the election for such office.

3 (c) NO PARTY ENDORSEMENT IMPLIED.—The selec-
4 tion of a party preference by a candidate under subsection
5 (a) shall not constitute or imply endorsement of the can-
6 didate by the party designated, and no candidate in a gen-
7 eral election shall be deemed the official candidate of any
8 party by virtue of his or her selection in the primary.

9 **SEC. 4. PROTECTION OF RIGHTS OF POLITICAL PARTIES.**

10 Nothing in this Act shall restrict the right of individ-
11 uals to join or organize into political parties or in any way
12 restrict the right of private association of political parties.
13 Nothing in this Act shall restrict a party’s right to con-
14 tribute to, endorse, or otherwise support a candidate for
15 the office of Senator or Member of the House of Rep-
16 resentatives. Nothing in this Act may be construed to pre-
17 vent a political party from establishing such procedures
18 as it sees fit to endorse or support candidates or otherwise
19 participate in all elections, or from informally designating
20 candidates for election to such an office at a party conven-
21 tion or by whatever lawful mechanism the party may
22 choose, other than pursuant to a primary election held by
23 a State. Nothing in this Act may be construed to prevent
24 a political party from adopting such rules as it sees fit
25 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 2016 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 2016 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. STUDY OF STATE CONGRESSIONAL REDISTRICTING**
4 **PROCESSES; RECOMMENDATIONS FOR ES-**
5 **TABLISHMENT OF INDEPENDENT REDIS-**
6 **TRICTING COMMISSIONS BY STATES.**

7 (a) STUDY.—The Comptroller General shall conduct
8 a study of the procedures used by States to conduct Con-
9 gressional redistricting, and shall include in the study the
10 following:

11 (1) An analysis of the impact that different
12 procedures for redistricting have had on the ability
13 of minority voters to participate in the political proc-
14 ess and to elect representatives of their choice.

15 (2) An analysis of the impact that different
16 procedures for redistricting have had on the ability
17 of local communities, represented within the political
18 boundaries of counties, cities, towns, and wards, to
19 participate in the political process and to elect rep-
20 resentatives of their choice.

21 (3) An analysis of the benefits of requiring each
22 State to conduct Congressional redistricting through
23 the use of an independent redistricting commission
24 and the best practices for the administration of inde-
25 pendent redistricting commissions.

1 (b) REPORT TO CONGRESS.—

2 (1) REPORT.—Not later than 1 year after the
3 date of the enactment of this Act, the Comptroller
4 General shall submit a report to Congress on the
5 study conducted under subsection (a), and shall in-
6 clude in the report recommendations for proposed
7 legislation or other measures to require States to
8 conduct Congressional redistricting through inde-
9 pendent commissions, on the basis of national stand-
10 ards enacted by Congress.

11 (2) LEGISLATION TO CARRY OUT RECOMMENDA-
12 TIONS.—For recommendations for proposed legisla-
13 tion in the report submitted under paragraph (1),
14 the Comptroller General shall include the text of
15 such proposed legislation in the report.

16 (c) CONGRESSIONAL CONSIDERATION OF LEGISLA-
17 TION INCLUDED IN REPORT.—

18 (1) LEGISLATION DESCRIBED.—A bill described
19 in this paragraph is a bill meeting the following re-
20 quirements:

21 (A) The bill is introduced not later than 90
22 days after the date on which the Comptroller
23 General submits the report to Congress under
24 subsection (b).

1 (B) The text of the bill consists of the text
2 of the proposed legislation included in the re-
3 port submitted by the Comptroller General
4 under subsection (b).

5 (C) The title of the bill is as follows: “A
6 bill to implement the recommendations of the
7 Comptroller General to require States to con-
8 duct Congressional redistricting through inde-
9 pendent commissions, as submitted to Congress
10 under section 6(b) of the Open Our Democracy
11 Act of 2015.”.

12 (2) REFERRAL.—A bill described in paragraph
13 (1) that is introduced in the House of Representa-
14 tives shall be referred to the Committee on the Judi-
15 ciary of the House of Representatives. A bill de-
16 scribed in paragraph (1) introduced in the Senate
17 shall be referred to the Committee on the Judiciary
18 of the Senate.

19 (3) DISCHARGE.—If the committee to which a
20 bill described in paragraph (1) is referred has not
21 reported such bill (or an identical bill) by the end of
22 the 60-day period beginning on the date on which
23 the bill is introduced, such committee shall be, at the
24 end of such period, discharged from further consid-

1 eration of such bill, and such bill shall be placed on
2 the appropriate calendar of the House involved.

3 (4) CONSIDERATION.—(A) On or after the third
4 day after the date on which the committee to which
5 such a bill is referred has reported or has been dis-
6 charged (under paragraph (3)) from further consid-
7 eration of such a bill, it is in order (even though a
8 previous motion to the same effect has been dis-
9 agreed to) for any Member of the respective House
10 to move to proceed to the consideration of the bill.
11 A Member may make the motion only on the day
12 after the calendar day on which the Member an-
13 nounces to the House concerned the Member's inten-
14 tion to make the motion, except that, in the case of
15 the House of Representatives, the motion may be
16 made without such prior announcement if the mo-
17 tion is made by direction of the committee to which
18 the bill was referred. All points of order against the
19 bill (and against consideration of the bill) are
20 waived. The motion is highly privileged in the House
21 of Representatives and is privileged in the Senate
22 and is not debatable. The motion is not subject to
23 amendment, or to a motion to postpone, or to a mo-
24 tion to proceed to the consideration of other busi-
25 ness. A motion to reconsider the vote by which the

1 motion is agreed to or disagreed to shall not be in
2 order. If a motion to proceed to the consideration of
3 the bill is agreed to, the respective House shall im-
4 mediately proceed to consideration of the joint bill
5 without intervening motion, order, or other business,
6 and the bill shall remain the unfinished business of
7 the respective House until disposed of.

8 (B) Debate on the bill, and on all debatable mo-
9 tions and appeals in connection therewith, shall be
10 limited to not more than 10 hours, which shall be
11 divided equally between those favoring and those op-
12 posing the bill. An amendment to the bill is not in
13 order, except that a single amendment which is en-
14 tirely clerical in nature may be offered by a Member
15 favoring the bill. A motion further to limit debate is
16 in order and not debatable. A motion to postpone,
17 or a motion to proceed to the consideration of other
18 business, or a motion to recommit the bill is not in
19 order. A motion to reconsider the vote by which the
20 bill is agreed to or disagreed to is not in order.

21 (C) Immediately following the conclusion of the
22 debate on a bill described in paragraph (1) and a
23 single quorum call at the conclusion of the debate if
24 requested in accordance with the rules of the appro-

1 appropriate House, the vote on final passage of the bill
2 shall occur.

3 (D) Appeals from the decisions of the Chair re-
4 lating to the application of the rules of the Senate
5 or the House of Representatives, as the case may be,
6 to the procedure relating to a bill described in para-
7 graph (1) shall be decided without debate.

8 (5) CONSIDERATION BY OTHER HOUSE.—(A) If,
9 before the passage by one House of a bill of that
10 House described in paragraph (1), that House re-
11 ceives from the other House a bill described in para-
12 graph (1), then the following procedures shall apply:

13 (i) The bill of the other House shall not be
14 referred to a committee and may not be consid-
15 ered in the House receiving it except in the case
16 of final passage as provided in clause (ii)(II).

17 (ii) With respect to a bill described in
18 paragraph (1) of the House receiving the bill—

19 (I) the procedure in that House shall
20 be the same as if no bill had been received
21 from the other House; but

22 (II) the vote on final passage shall be
23 on the bill of the other House.

24 (B) Upon disposition of the bill received from
25 the other House, it shall no longer be in order to

1 consider the bill that originated in the receiving
2 House.

3 (6) EXERCISE OF RULEMAKING AUTHORITY.—

4 This subsection is enacted by Congress—

5 (A) as an exercise of the rulemaking power
6 of the Senate and House of Representatives, re-
7 spectively, and as such it is deemed a part of
8 the rules of each House, respectively, but appli-
9 cable only with respect to the procedure to be
10 followed in that House in the case of a bill de-
11 scribed in paragraph (1), and it supersedes
12 other rules only to the extent that it is incon-
13 sistent with such rules; and

14 (B) with full recognition of the constitu-
15 tional right of either House to change the rules
16 (so far as relating to the procedure of that
17 House) at any time, in the same manner, and
18 to the same extent as in the case of any other
19 rule of that House.

20 **SEC. 7. MEMBER OF THE HOUSE DEFINED.**

21 In this Act, the term “Member of the House of Rep-
22 resentatives” included a Delegate or Resident Commis-
23 sioner to the Congress.

1 **SEC. 8. EFFECTIVE DATE.**

2 Except as provided in sections 5(a) and 6, this Act
3 shall apply with respect to elections occurring during 2016
4 or any succeeding year.

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