

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

JOINT RESOLUTION

CREATING A SPECIAL LEGISLATIVE COMMISSION TO EVALUATE AND PROVIDE
RECOMMENDATIONS ON THE MERITS OF ESTABLISHING A "TOP TWO OPEN
PRIMARY" IN THE STATE OF RHODE ISLAND

Introduced By: Senator James C. Sheehan

Date Introduced: February 27, 2020

Referred To: Senate Judiciary

1 WHEREAS, A "Top Two Open Primary," also known as a "Voter-Nominated Primary,"
2 is a type of primary election in which all candidates are listed on the same primary ballot. The top
3 two vote-getters, regardless of their partisan affiliations, advance to the general election; and

4 WHEREAS, Resultantly, it is possible for two candidates belonging to the same political
5 party to win in a top two primary and face off in the general election; and

6 WHEREAS, The states of Washington, California, and Nebraska have all adopted a top-
7 two primary system for state legislative elections; and

8 WHEREAS, The proclaimed merits of the Top Two Open Primary:

- 9 1. Encourages increased participation in elections;
- 10 2. Gives voters increased options in the primary by allowing voters to choose any
11 candidate regardless of political party;
- 12 3. Engenders more competition in General Election races when one political party
13 dominates;
- 14 4. Incentivizes candidates to appeal to a broader base of constituencies; and
- 15 5. Would ensure that a candidate wins with a majority vote as opposed to a
16 plurality; and

17 WHEREAS, Currently, eleven states have introduced legislation to adopt this election
18 system; now, therefore be it

19 RESOLVED, That a special legislative commission be and the same is hereby created

1 consisting of eleven (11) members: three (3) of whom shall be members of the Senate, not more
2 than two (2) from the same political party, to be appointed by the President of the Senate; three
3 (3) of whom shall be members of the House of Representatives, not more than two (2) from the
4 same political party, to be appointed by the Speaker of the House; one of whom shall be the
5 Rhode Island Secretary of State, or designee; one of whom shall be the President of Common
6 Cause RI, or designee; one of whom shall be the Chair of the Rhode Island Board of Elections, or
7 designee; one of whom shall be the President of the League of Women Voters® of Rhode Island,
8 or designee; and one of whom shall be the Director of the ACLU of Rhode Island, or designee.

9 In lieu of any appointment of a member of the legislature to a permanent advisory
10 commission, a legislative study commission, or any commission created by a General Assembly
11 resolution, the appointing authority may appoint a member of the general public to serve in lieu
12 of a legislator, provided that the majority leader or the minority leader of the political party which
13 is entitled to the appointment consents to the appointment of the member of the general public.

14 The purpose of said Commission shall be to make a comprehensive study to evaluate and
15 provide recommendations on the merits of establishing a "top two open primary" in the State of
16 Rhode Island, including evaluating the success or failure of this system in states where it has been
17 established, and consider the bill language and studies from states with pending legislation.

18 Forthwith upon passage of this resolution, the members of the commission shall meet at
19 the call of the President of the Senate and the Speaker of the House and organize and shall select,
20 from among the legislators, co-chairpersons.

21 Vacancies in said Commission shall be filled in like manner as the original appointment.

22 The membership of said Commission shall receive no compensation for their services.

23 All departments and agencies of the state shall furnish such advice and information,
24 documentary and otherwise, to said Commission and its agents as is deemed necessary or
25 desirable by the commission to facilitate the purposes of this resolution.

26 The Joint Committee on Legislative Services is hereby authorized and directed to provide
27 suitable quarters in the State House for said Commission; and be it further

28 RESOLVED, That the commission shall report its findings and recommendations to the
29 General Assembly no later than February 9, 2021, and said commission shall expire on April 9,
30 2021.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

J O I N T R E S O L U T I O N

CREATING A SPECIAL LEGISLATIVE COMMISSION TO EVALUATE AND PROVIDE
RECOMMENDATIONS ON THE MERITS OF ESTABLISHING A "TOP TWO OPEN
PRIMARY" IN THE STATE OF RHODE ISLAND

1 This resolution would create an eleven (11) member special legislative commission to
2 make a comprehensive study to evaluate and provide recommendations on the merits of
3 establishing a "top two open primary" in the State of Rhode Island and who would report back to
4 the General Assembly on or before February 9, 2021, and said commission would expire on April
5 9, 2021.

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