

## APPENDIX A

### DRAFT CONSTITUTIONAL AMENDMENT FOR THE VOTER'S COMPLETE CHOICE

**TITLE: *The Voter's Complete Choice Amendment:*** An effort to encourage an improved quality of candidates offered to the electorate by providing voters an opportunity to disapprove of all candidates for an office and by requiring that all votes cast shall be counted in determining the outcome of an election to fill public office.

**AMENDMENT TO THE (State) CONSTITUTION, ARTICLE (number), SECTION (number), CONCERNING SUFFRAGE AND ELECTIONS.**

Be it enacted by the People of the State of (state):

**Sec. 1** (State) Constitution, Article (number), shall be deleted, and in its stead the people enact the following sections of this Constitutional Amendment.

**Sec. 2** *Election by majority required; election officials required to count all ballots cast for office in determining majority.*

The following rules shall be utilized to establish an effective mode of registering and implementing the voter's complete choice in all (state) elections:

(A) Every qualified elector-resident in his precinct and registered as required by law, may, but need not, cast one vote under the title for each office.

(B) In all general elections for public office authorized by this Constitution and held within this state, each title shall contain the following lines: (1) one line for each registered, listed candidate, (2) one line for unlisted, unregistered, or "write-in" candidates for each position to be filled, (3) one line bearing the legend "I vote to abolish this office," to be referred to as the "abolition line," and (4) one line bearing the legend "None of the above is acceptable," to be referred to as the "protest line."

(C) In all primary elections, each contest for public office shall contain all of the lines designated in Section 2(B) except the abolition line.

(D) In all elections for public office authorized by this Constitution, the election official in charge of counting, tabulating, and posting election results shall cause all ballots for each office to be counted, tabulated, and posted, including all ballots indicating a preference

for a listed candidate, all ballots indicating a preference for an unlisted candidate, all ballots voting to abolish the office, and all ballots casting a protest vote.

(E) No person shall be declared elected to any public office authorized by this Constitution unless that person shall receive a majority of all votes cast, counted, and tabulated under Section 2(D). The term "majority" as used in this Constitutional Amendment shall mean more than one-half of the total of all ballots marked for listed and unlisted candidates, for abolition of the office, and in protest, but not including ballots which do not mark one of the lines indicated.

(F) In the event that more than one person shall be offered to the electorate in multiple-candidate political districts, the majority shall be determined by division of the number of candidate positions to be filled into the total ballots cast, with weight given to the abolition line and the protest line by multiplying those votes by the number of candidate positions.

(G) If an eligible candidate shall receive a majority of the votes cast for a public office, he shall be declared the officeholder for the specified term of office.

**Sec. 3** *Abolition of office on majority vote.*

In the event that the majority of ballots marked and cast for a particular position shall vote for abolition of that office, such abolition shall take place immediately, and the office shall remain abolished until a majority of voters vote to reestablish it at a general election at least two years subsequent to abolition.

**Sec. 4** *Election void where no candidate receives majority.*

The following rules shall govern the status of elective offices where no listed or unlisted candidate receives a majority of the votes cast: (A) in the event that a majority of the qualified electors shall cast protest votes, or in the event that no listed or unlisted candidate shall receive a majority of the votes cast and tabulated, the election shall be declared void and of no effect, and the vacancy thus created shall be brought to the attention of the convention described in Section 4(B).

(B) In the event that an election be declared void as described in Section 4(A), the Chief Executive Officer of the state shall convene a convention comprised of all duly elected precinct committeemen

and precinct committeewomen of the governmental unit in which the voters for the vacant office reside, said convention being limited to two votes per precinct per qualified political party. The convention shall be convened no later than the second Monday following the declaration that the election is void. The convention shall elect a temporary chairman, a recording secretary, and a tally clerk, and shall conduct its business (which shall be limited to the appointment of an officer or officers as prescribed in this provision in accordance with the Constitution) pursuant to accepted parliamentary rules. It shall disband immediately upon completion of such business and acceptance of the appointment or appointments by the appointees.

(C) In the event that the election declared void occurs during a primary election contest, the convention shall be comprised solely of precinct committeemen and precinct committeewomen elected by the political party in which the void takes place.

(D) If an election be deemed void and a convention called as provided by this provision, the convention shall act in the following manner concerning the unfilled office:

(1) the next ranking subordinate official, if any, may be appointed to discharge the duties of the office in an acting capacity, at no increase from his former remuneration, until the next general election only;

(2) the candidate receiving a plurality of the vote for the office may be appointed to serve until the next general election only, but no other candidate for that office shall be chosen;

(3) any competent, qualified person may be appointed to serve until the next general election only.

(E) Where an appointment is made pursuant to this section, the appointee shall not become a candidate to succeed himself in that office in any subsequent election for a period of four years, and shall receive no increase in remuneration or powers during his appointed term of office.

(F) The provisions of this Constitutional Amendment repeal and override any law, statute, or custom that an officeholder shall hold office until his successor is elected and duly qualified.