III. Proposed Amendment Language

Section 1. Short title

This Amendment is known as and should be cited as the "Top Four Open Primaries and Majority Winner Amendment."

Section 2. Definitions

(A) (1) "Covered office" means an elective office for federal congressional office, each member of the General Assembly, and the Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands.

(2) "Covered office" does not mean the office of the President of the United States.

(B) "Qualified elector" means a person who meets the qualifications of an elector under Arkansas Constitution, article 3, § 1, and who is registered pursuant to Arkansas Constitution, Amendment 51.

Section 3: Top Four Open Primary Elections

(A) The primary election for a covered office shall be a top four open primary election.

(B) In a top four open primary election,

(1) All candidates for a covered office must appear on the same ballot regardless of political-party affiliation.

(2) The ballot must include space for a write-in candidate for a covered office.

(3) A qualified elector must be permitted to cast a vote for any candidate for a covered office for whom that elector can vote, regardless of the political-party affiliation (or lack thereof) of the qualified elector or of the candidate for whom the elector cast a vote.

(4) Candidates for a covered office may have their political-party affiliation indicated on the ballot.

(a) The candidate's designation of such an affiliation will not constitute or imply the nomination, endorsement, or selection of the candidate by the political party designated.

(5) Political parties may choose to have their preferences for candidates for a covered office indicated on the ballot.

(a) Nothing herein limits the right of political parties to endorse, support, or oppose any candidate.

(6) Each qualified elector may vote for one candidate for a covered office. The four candidates for each covered office receiving the most votes in the top four open primary must advance to the general election for that covered office.

(a) No other candidates for a covered office may appear on the general-election ballot.

Section 4. Majority Winner through Instant Runoff at General Election

(A) The general election for a covered office shall be an instant runoff general election to ensure a majority winner.

(B) In an instant runoff general election,

(1) Candidates may have their political-party affiliation indicated on the ballot.

(a) The candidate's designation of such an affiliation will not constitute or imply the nomination, endorsement, or selection of the candidate by the political party designated.

(2) Political parties may choose to have their candidate preferences indicated on the ballot.

(a) Nothing herein limits the right of political parties to endorse, support, or oppose any candidate.

(3) A qualified elector may cast a vote for a covered office by ranking one or more candidates for that office. No elector is required to rank more than one candidate.

(4) To determine the winner of an election for a covered office, votes must first be counted based on first choice rankings. If any candidate has a majority of such votes, that candidate must be declared the winner.

(5) If, after counting votes according to first-choice rankings, no candidate has a majority of such votes, then the following process begins:

(a) The candidate with the fewest votes is eliminated.

(b) The vote of each qualified elector whose first choice was the eliminated candidate described in section 4(B)(5)(a) is then counted for that elector's next-choice candidate instead, should a next choice be marked.

(c) If a candidate then has a majority of all remaining votes, that candidate must be declared the winner.

(6) If no candidate has a majority of the remaining votes after the instant-runoff process described in subsection (B)(5) of this section, then the instant-runoff process continues:

(a) The candidate with the fewest votes is eliminated.

(b) The vote of each qualified elector whose vote was counted for the eliminated candidate described in section 4(B)(6)(a) is then counted for that elector's next-choice candidate instead, should a next choice be marked.

(c) A candidate will then have a majority of all remaining votes, and that candidate must be declared the winner.

Section 5. General Assembly
The General Assembly is required to enact legislation to provide for a revised election process in accordance with and in furtherance of this Amendment.

Section 6. Inconsistent provisions
All provisions of the Constitution, statutes, and common law of this State to the extent inconsistent or in conflict with any provision of this Amendment are expressly declared null and void as to, and do not apply to, any activities provided for under this Amendment.

Section 7. Severability
If any provision or section of this Amendment or the application thereof to any person or circumstance is held invalid, such invalidity will not affect any other provision or application of the Amendment that can be given effect without the invalid provisions or applications, and to this end the provisions of this Amendment are declared to be severable.

Section 8. Effective date.
This Amendment becomes effective on January 1, 2021.