

**AMENDMENT TO H.R. 1**  
**OFFERED BY MR. FITZPATRICK OF**  
**PENNSYLVANIA**

Page 617, before line 8, insert the following:

1 **SEC. 5208. REQUIRING OPEN PRIMARIES.**

2 (a) IN GENERAL.—

3 (1) ELECTIONS FOR FEDERAL OFFICE.—Each  
4 State shall hold open primaries for elections for Fed-  
5 eral office held in each such State.

6 (2) ELECTIONS FOR STATE AND LOCAL OF-  
7 FICE.—Notwithstanding any other provision of law,  
8 a State may not use any funds provided by the Fed-  
9 eral Government directly for election administration  
10 purposes unless such State certifies to the Election  
11 Assistance Commission that the State holds open  
12 primaries for elections for State and local office.

13 (b) OPEN PRIMARIES DESCRIBED.—For purposes of  
14 this section, a State holds open primaries for an election  
15 for an office if any individual who is registered to vote  
16 in a general election for such office in the State may cast  
17 a ballot in any primary election (including a primary elec-  
18 tion held for the selection of delegates to a national nomi-  
19 nating convention of a political party and a primary elec-

1 tion held for the expression of a preference for the nomina-  
2 tion of individuals for election to the office of President)  
3 held by any political party to nominate candidates for elec-  
4 tion for such office, including a convention or caucus of  
5 a political party which has authority to nominate a can-  
6 didate.

7 (c) STATE DEFINED.—In this section, the term  
8 “State” has the meaning given the term in section 901  
9 of the Help America Vote Act of 2002 (52 U.S.C. 21141).

10 (d) RULE OF APPLICABILITY.—Subsection (a) shall  
11 apply with respect to elections held after the date of the  
12 enactment of this Act.

