

Figure 3-1

1. Top Two Candidates Open Primary - How It Works

California voters approved Proposition 14, which created a “top two” open primary election system.

The **TOP TWO PRIMARY** applies to most of the offices that were previously known as “partisan” and are now known as “voter-nominated” offices. In California these offices include the following state constitutional offices, legislature, and federal Congressman and Senators:

1. United States Senators
2. Congressional Representatives
3. State Senators
4. Assembly members
5. Governor
6. Lt. Governor
7. State Treasurer
8. Secretary of State
9. State Attorney General

Under that system, all candidates running for one of the statewide and congressional offices are listed on one ballot, regardless of their party preference, and all voters will see the same list of candidates, regardless their own party registration.

In a Top Two Primary, the purpose is simply to reduce the number of all candidates down to two, not to select each party’s nominee. The party preference information on the ballot for each candidate is for informational purposes only. It is possible that two candidates from the same party will go to the general election, if they are the top two vote getters.

The top two vote-getters for each office will advance to the general election, regardless their party preference. It doesn’t matter if one candidate receives a majority of the votes cast: the top two vote getters always advance to the general election.

Write-in candidates for “voter-nominated” offices can still run in the primary election. However, a write-in candidate can only advance to the general election if the candidate is one of the top two vote-getters in the primary.

The Top Two Primary does NOT apply to elections for: President and Vice President, or Political Party County Central Committees or County Councils. These offices are called “party nominated” offices. Therefore, only candidates running for State Superintendent of Public Instruction or candidates for voter nominated offices in special elections can win outright by getting a majority of the vote in the primary election.





2. Presidential Primary - How It Works

If you are registered to vote with a political party, you will be given a ballot for that party in a Presidential primary election.

If you are unaffiliated with any party (sometimes called “no party preference” or “decline to state”), you will be given a nonpartisan ballot, containing only the names of all candidates for nonpartisan offices and any ballot measures to be voted upon at the primary election.

But if you did not select a qualified political party when you registered to vote, only the Democratic and American Independent parties will allow you to request their party’s ballot. You may not request more than one party’s ballot, however. If you do not request a ballot of one of the above parties, you will be given a ballot that does not contain the contest for U.S. President.

3. Nonpartisan Primary (Election at Primaries)

What is a nonpartisan office?

It is an office for which candidates’ names appear on the ballot without party designation. No party may nominate a candidate for nonpartisan office.

Which offices are nonpartisan?

Local offices such as most city council members, county supervisors, all school boards, all judgeships, including the statewide office or a member of the California Supreme Court. The statewide offices of Superintendent of Public Instruction and Insurance Commissioner are nonpartisan.

Are there nonpartisan primaries?

Yes. Some local nonpartisan primaries, such as those for judges, are usually held at the same time as the statewide regular primary. A candidate for a nonpartisan office who is on the primary ballot is selected if he or she wins more than 50% of the vote. If not, there is a runoff election in November between the top two candidates.

Do all nonpartisan offices use primaries?

No, some nonpartisan offices, such as most city councils and school boards, do not use primaries. Candidates run as independents and the person with the most votes wins even if it is not a majority.

Nonpartisan primary information source: League of Women Voters of California®