



League of Women Voters of California®

EDUCATION FUND

Top Two Primary FAQ's The Rules Have Changed

What has changed about California's primary system?

In June 2010, voters approved the Top Two Primary system for what were formerly called "partisan" statewide offices. With the Top Two Primary, all candidates running for one of these 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. The top two vote-getters for each office will go on to the general election, regardless their party preference.

How are winners in the Top Two Primary chosen for the general election?

The two candidates who receive the most votes qualify for the general election, hence the name "Top Two."

What if one candidate receives a majority of the votes cast, can a winner of the election be declared in June?

It does not matter if one candidate receives a majority of the votes cast: the top two vote getters always advance to the general election. 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.

Will the two candidates that advance to the general election be from two different parties?

Not necessarily. The candidates are not appearing on the ballot representing a party; they are only representing themselves. 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.

If only one or two candidates are running for a Top Two office, will there still be a primary election for that office?

Yes, in June there is still a primary even if only one or two file for candidacy. The top two vote-getters move on to the general election regardless of candidate pool size, party preference, or whether one candidate receives the majority of all votes cast in the primary election.

What offices are affected?

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:

- United States Senators
- Congressional Representatives
- State Senators
- Assembly members

- Governor
- Lt. Governor
- State Treasurer
- Secretary of State
- State Attorney General.

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.

How are presidential elections conducted in California?

Qualified political parties in California may hold presidential primaries in one of two ways:

- Closed presidential primary – only voters indicating a preference for a party may vote for that party’s presidential nominee.
- Modified-closed presidential primary – the party may also allow voters who did not state a party preference when they registered, to vote for that party’s presidential nominee.

For the June 5, 2012 Presidential Primary the Democratic and American Independent parties notified the Secretary of State that they will allow no party preference voters (formerly called declined-to-state voters) to vote for their party’s nominees.

Which candidates can run for Top Two (“voter-nominated”) offices in the general election?

Candidates running for a voter-nominated office cannot run in the general election unless they are one of the top two vote getters in the June primary election.

Can write-in candidates run for office in the Top Two primary?

Yes, 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.

Can write-in candidates for voter-nominated offices run in the general election?

No, because a write-in candidate on the November ballot would not have been one of the top-two voter getters in the primary.

What ballot will I receive in June if I registered with a political party?

If you registered to vote with one of these qualified political parties: American Independent, Democratic, Green, Libertarian, Peace and Freedom, or Republican, you will receive a ballot for that party with any candidates running for that party’s nomination for President and any candidates running for the local central committee.

Election law does not allow a voter registered with a political party to vote a different party’s ballot for President or Central Committee.

What ballot will I receive in June if I did not select a party when I registered to vote?

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.