

## REGISTRAR OF VOTERS

**IRA J. ROSENTHAL**  
Registrar of Voters



**LINDSEY McWILLIAMS**  
Assistant Registrar of Voters

# TOP TWO CANDIDATES OPEN PRIMARY ACT GUIDELINES TO VOTING

On June 8, 2010, California voters approved Proposition 14, which created the “Top-Two Open Primary Act”.

Prior to the “Top-Two Open Primary Act”, candidates running for partisan office appeared only on their own party ballot. The top vote-getter from each qualified political party and any candidates who qualified using the independent nomination process would then move on to the General Election.

Now, under the “Top-Two Open Primary Act”, all candidates running, regardless of their party preference, will appear on a single combined ballot, and voters can vote for any candidate from any political party. The “Top-Two Open Primary Act” would not affect the election of President (except parties that allow cross-over voters) and County Central Committees, which are still party specific contests.

The “Top-Two Open Primary Act” requires that only the two candidates for voter-nominated offices who receive the highest and second-highest number of votes cast at the primary shall appear on the ballot as candidates at the ensuing General Election. (EC8141.5)

The “Top-Two Primary Act” changes the way elections are conducted for all statewide offices including:

Governor	Controller	State Senator
Lt. Governor	Insurance Commissioner	State Assembly
United State Senator	Board of Equalization	State Treasurer
Secretary of State	U.S. Representatives	Attorney General

The “Top-Two Primary Act” would not affect the election of President (except parties that allow cross-over voters) and Central Committees, which are party-nominated. Non-partisan offices such as Judges, schools, special districts, municipalities and the Superintendent of Public Instruction would remain open to all eligible voters.

### **Quick facts about the “Top-Two Primary Act”**

What does this mean for the Voter?

*It changes the way candidates are elected in a primary election.*

**There are 3 types of candidate contests**

#### **1) Party-Nominated (Formerly known as Partisan)**

Party-Nominated offices are contests in which the nominee is selected by the political party. Only registered voters in that political party can vote for that party’s candidate on the ballot.

Who can vote: *Only voters registered with the same party preference as the candidate.* (Except parties who allow non-partisans to cross-over and join their primary).

Offices of: *U.S. President and County Central Committees.*

Who advances to the general: *Presidential contest only, the top vote-getters in each party.*

## **2) Voter-Nominated**

Voter-Nominated offices are contests in which the nominee is selected by the voter. In voter-nominated contests, any voter can vote for any candidate, regardless of party. It also allows candidates to choose whether they want to disclose their party preference on the ballot.

Who can vote: *All voters, regardless of party preference can vote for any candidate. This replaces party ballots in primary elections with a single combined ballot listing all candidates. The candidate may also choose to have their party preference or lack of party preference printed on the ballot.*

Offices of: *Governor, Lt. Governor, Secretary of State, State Treasurer, State Controller, State Insurance Commissioner, State Board of Equalization, Attorney General, State Senator, State Assembly, US Senator, and US Representative.*

Who advances to the general election: *The top-two vote-getters, regardless of party preference.*

## **3) Non-Partisan**

A Non-Partisan office is an office in which no political party nominates a candidate. Judicial, school, county and municipal offices are examples of non-partisan offices.

Who can vote: *All voters, regardless of party preference*

\*Offices of: *Superintendent of Public Instruction, Superior Court Judges, County Offices, Municipal Offices, Schools and Special Districts*

Who advances to the general: *In majority vote contests, candidates that receive a majority of the votes win outright in the Primary. If no candidate receives a majority of the vote, then the top-two vote-getters move on to the general election.*

### **How does this affect write-in candidates?**

- You may write in a qualified write-in candidate's name on the ballot in a Primary Election contest.
- In the General Election, you may only write-in a qualified candidates name in a Party-Nominated contest. Write-in votes are not allowed in a voter-nominated general election.

**NOTE: THE LEGISLATURE IS CONSIDERING AMENDMENTS TO THE LAW SO THEREFORE CHANGES MAY OCCUR IN THE FUTURE. THE REGISTRAR OF VOTERS WILL UPDATE ANY REVISIONS THAT MAY OCCUR.**