



February 24, 2019

Nonpartisan - Top Two

Four states have a different and innovative system called Nonpartisan or Top Two Primaries. In these primaries any qualified candidate can run, regardless of party affiliation. Any voter can vote for any candidate, regardless of party affiliation. The two candidates receiving the highest number of votes advance to the general election, regardless of party affiliation.

States with Nonpartisan or Top Two Primaries include:

California Washington Louisiana Nebraska (State offices only)

The system is also used in other states for special elections. For example, it was used in the recent Senate election in Mississippi to replace Thad Corcoran.

The systems employed in these four states are not uniform. California and Washington have true Top Two Primaries. (Because the Nonpartisan primaries do not apply to Presidential elections, the ballot system is slightly different during Presidential election years.) Louisiana conducts its primary on election day and its final election three weeks later. Nebraska utilizes a single, nonpartisan primary only for its state legislators. The top two candidates, regardless of party, advance to the general election. The primary ballot lists all candidates without party affiliation.

Advantages of the Non-Partisan Top Two Primary System

The Top Two system opens the political process to independent candidates who are not reliant on one party or the other. Anyone who meets the election qualifications can run in the primary. Candidates are incentivized to earn the greatest number of votes from across the political spectrum, not just the most committed partisans of one party. As a result, this system reduces partisanship and favors the ability to appeal to a broad coalition.

Nonpartisan primaries give Independents, the largest voting group, a full voice in their government. The candidates are not determined by the bosses of each party, but rather by those citizens who want to run. This year three Green Party and two non-party candidates made the Top Two in California's Congressional Primaries. While they did not win the final election, they had a real opportunity to present their cases to the voters. In addition, in California, five Congressional incumbents were defeated for re-election, higher than the national average.

In three cases, candidates from the same party ran against each other in the final election. Historically, when this has occurred, the winning candidate has been the one that could reach out to the broadest coalition of voters. In addition, because they were elected by a broad coalition

rather than by the base of their parties, these officials tend to be more willing to work in a bipartisan manner.

In many states, with Gerrymandering, self-selection, and the power of the dominant party, both primaries and general elections are generally uncompetitive. One party is usually in control and the nominee of that party usually wins. In states with nonpartisan primaries, elections are usually far more competitive. In primaries, there are normally many candidates, and all citizens can vote. In general elections, there will usually be two candidates that represent the views of their constituents, even if both are members of the same party. If, for example, two Democrats reach the final, Republicans and Independents will want to participate so that the winner best represents their views. This creates much more competition.

Because there is more competition, Nonpartisan primaries typically have a very large voter turnout. In the primaries in 2018, the turnout in Washington State and California was 40.8% and 37.2%, respectively. For the country as a whole, including Washington and California, the average turnout was 18.7%. California and Washington have among the most competitive elections in the country, because there are almost no districts with token opposition.

Nonpartisan primaries lead to strong approvals for state government. Five years after adopting top-two, nonpartisan open primaries, California has seen its legislature transformed from a state of dysfunction into a successful model for reform. The Public Policy Institute of California (PPIC) found that most voters in California are satisfied with the state's nonpartisan open primary system, with 60% of likely voters in California saying it has "been mostly a good thing." Voter approval for the state of government has increased 300%.

Nonpartisan primaries lead to increased bipartisanship and cooperation in governing. In Nebraska, for example, legislative officers and committee chairs are elected by members using a secret ballot rather than being appointed by a partisan leader. Minority party members are regularly appointed to committee leadership positions. Even though Nebraska is solidly Republican, more committees are chaired by Democrats. Legislators do not need approval from party leaders to introduce legislation. As a result, in a 2015 Gallup Poll, Nebraska ranked #3 in voter satisfaction with state government.

Louisiana appears to be a deep red state. But with nonpartisan primaries, two of the past three governors and two of the past five senators have been Democrats. It is not that Louisiana is more liberal than the neighboring states, it is that nonpartisan primaries offer more choices.

Weaknesses of the Nonpartisan Top Two Primary System

The major weakness of this system is that with many candidates, votes can be split among them so that two members of the less popular party can make it to the final election, as can a very extreme candidate, who can appeal to a strongly committed base.

1. In 2016, there were 5 candidates for Treasurer of Washington, 2 Republicans and 3 Democrats. Although the three Democrats received 51.6% of the vote, the Republicans finished first and second and made it to the general election.

2. In California during the 2018 election, several districts had 16 or more candidates. The leading party was worried that a plethora of candidates would split the vote and lead to two members of the other party getting to the final election. Fortunately, this did not occur. Nonetheless, there is definitely a learning curve with nonpartisan primaries.
3. In 1991, there were 11 candidates in the Louisiana Governor's primary race. Edwin Edwards, the Democrat received 33.8%. Buddy Roemer, the incumbent, who had been a Democrat, but switched parties and became a Republican, received 31.7%. David Duke, the Grand Wizard of the Ku Klux Klan, received 31.7% of the vote. Although the Republicans won 63.8% of the vote in the primary, Edwards won the general election with 61.2% of the vote.

Not surprisingly, many political leaders do not like the Nonpartisan Top Two Primaries because it takes away the power of the party to select the candidates that best appeal to their bases and because in normally safe districts, it increases the power of moderates in each party as well as independents and members of the other party.

Speaker of the House, Nancy Pelosi, stated that the Top Two primary system is “*terrible*,” while Minority Leader Kevin McCarthy stated, “*I hate the Top Two*,”

On the other side, Charles Schumer wrote in 2014, “*We need a national movement to adopt the ‘top-two’ primary in which all voters, regardless of party registration, can vote and the top two vote-getters, regardless of party, then enter a runoff. While there are no guarantees, it seems likely that a top-two primary system would encourage more participation in primaries and undo tendencies toward default extremism.*”

Conclusion

We believe the Nonpartisan Top Two Primary is an excellent system that increases turnout, enfranchises independents, creates bipartisanship, and leads to the election of more moderate candidates.

There is a variation of this system called Top 4-RCV. It consists of four candidates making it through the nonpartisan primary and having the final election determined by Ranked Choice Voting. This system is addressed in another white paper.