



Nonpartisan-Top Two Primaries- A Good Step Forward

To minimize partisanship and the duopoly of the two parties, four states have a different 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.
- The candidates in the final election can be one member of each of the major parties, two members of the same party, a member of a major party and a third party or no party candidate, or even two independent candidates.
 - In elections for the Nebraska State Senate in 2018, 9 of the 24 seats had two candidates --neither of whom ran under the ticket of a major party.

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, like the recent Senate election in Mississippi. A constitutional amendment to adopt Nonpartisan Top Two Primaries is likely to be on the November ballot in Florida.

Advantages of the Non-Partisan Top Two Primary System

Nonpartisan Primaries have a number of key advantages.

- **Independents are enfranchised.**
 - In a nonpartisan primary an independent has as much of a say as a member of a party.
 - In 2018, third-party or independent candidates placed in the top two in five of California's Congressional districts. While these candidates did not win, they had a chance to place their positions in front of the voters.
- **Elections are more competitive- fewer landslides.**
 - Most Congressional and Legislative districts have one dominant party. This means the final election is often a landslide. With nonpartisan primaries, there are fewer landslides because the final election often has two members of the same party. In the 2018 Congressional elections,
 - The winners of 37% of the districts in N.Y. received 85% or more of the vote.
 - In California, with nonpartisan primaries, this only occurred in 11% of the districts.
- **Primary turnout is substantially higher.**
 - Because independents can vote and multiple candidates can run, turnout is usually far higher than in traditional primary states.

| <u>State</u> | <u>Percentage Turnout of Eligible Voters</u> |
|--------------|--|
| California | 26.1% |
| Washington | 32.1% |
| New York | 2.8% |
| New Jersey | 11.1% |

- California and Washington have among the most competitive elections in the country, because there are almost no districts with token opposition.
- **Candidates have to appeal to a broad coalition of voters, which often leads to more moderate winners.**
 - Because everyone votes in the same election, the more moderate candidate often attracts enough votes to succeed in the primary and win the general election.
 - In 2016, Republican Congressman Dana Rohrabacher received 58.5% of the vote in California's 48th district. In 2018, the Democrats endorsed Hans Keirstead. Harley Rouda, who had registered as an independent, entered the primary as a Democrat. In the primary, Rohrabacher received 30.3%, Rouda received 17.3%, and Keirstead received 17.2%. In the final election, Rouda attracted independent and Republican votes to defeat Rohrabacher 53.6% to 46.4%.
- **When both final candidates are from the same party, the moderate usually wins.**
 - In some elections, two candidates from the same party can emerge in the final election. In these instances, the more moderate candidate, who can attract independents and members of the other party, usually wins.
 - In 2016, 34 listed candidates ran for Senate in California. 6 of the top 10 were Republicans and one was a Libertarian, but two Democratic women of color, Kamala Harris and Loretta Sanchez, finished first and second. Harris, considered the more moderate of the two, attracted votes from Democrats, Independents and Republicans, and won the general election.
 - This nonpartisan primary presented several benefits to California. Instead of a landslide victory for the Democratic candidate, there was a competitive election. Further, Harris won by appealing to people across the political spectrum. This meant that she was not indebted just to her base.
 - When Harris ran for President, she shifted to the left, because she knew that Democratic primary voters tended to veer in that direction. One of the reasons for her failure was that she was actually more of a moderate.
- **With a large number of candidates and nonpartisan primaries, it is more difficult for the two parties and dark pools of money to influence the election.**
 - With 34 candidates running for Senate in 2016, it was difficult for either party or dark pools of money to influence the election at the primary level.
- **Nonpartisan primaries lead to strong approvals for state government.**
 - Five years after adopting top-two, nonpartisan open primaries, California has seen voter approval for its state legislature increase 300%,
 - Nonpartisan primaries lead to increased bipartisanship and cooperation in governing. In Nebraska, a solidly Republican state, more legislative committees are chaired by

Democrats. In a 2015 Gallup Poll, Nebraska ranked #3 in voter satisfaction with state government.

- Louisiana appears to be a deep red state, with nonpartisan primaries,
 - Two of the past three governors have been Democrats
 - Two of the past five senators have been Democrats.
 - A Republican was elected in a “majority minority district, apparently the only time this has occurred anywhere in the U.S. in this century.

Weaknesses of the Nonpartisan Top Two Primary System

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

- In 2016, there were five candidates for Treasurer in Washington. Three Democrats received 51.6% of the vote, but two Republicans finished #1 and #2 and made it to the general election.
- In 2018, several California Congressional districts had at least 16 candidates. There was serious concern that like candidates would cancel each other out. Fortunately, this did not occur, but the risk remains.
- In 1991, David Duke, the Grand Master of the Ku Klux Klan, finished second in the primary and made it to the final election for Governor of Louisiana, because Buddy Roemer, the incumbent Democratic governor, enraged many on both sides when he switched parties shortly before the primary. Fortunately, Duke did not win the final election.

Presidential Primaries

Another weakness is that nonpartisan primaries do not apply to Presidential primaries. To vote in these primaries, voters must select a political party.

- In California, the Republicans have barred independents from participating in their Presidential primary. Independents in California can vote in other parts of the election or can vote in the Democratic or Libertarian primaries.

Most Politicians and Political Parties Do Not Like Nonpartisan Primaries

Because it threatens their base, minimizes their control, and creates opportunities for independents, most political leaders do not like the Nonpartisan Top Two Primaries. This may be the only subject on which Speaker Nancy Pelosi and Minority Leader Kevin McCarthy agree.

- Pelosi, stated that the Top Two primary system is “*terrible,*”
- McCarthy stated, “*I hate the Top Two,*”

Intriguingly, 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.”*

Top 4 or Top 5 Nonpartisan Primaries with Ranked Choice Voting Final Election

There is a related alternative that is gaining increasing notice among political experts. It is a nonpartisan primary with 5 candidates moving to a final election that would be decided by Ranked Choice Voting. This alternative is covered in a separate white paper.

- The state of Alaska has an initiative on the 2020 ballot for a Nonpartisan primary with the top 4 moving to the final election, which will be decided by Ranked Choice Voting.

For a description of this process, see our White Paper on Nonpartisan Primary-Top 4 or 5 Ranked Choice Voting Final.

Conclusion

Reform Elections Now believes 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.

*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.

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