



# TOP TWO PRIMARY ACT

## Primary Elections in California

The Top Two Candidates Open Primary Act requires that all candidates for a voter-nominated office be listed on the same ballot. Previously known as partisan offices, voter-nominated offices are state legislative offices, U.S. congressional offices, and state constitutional offices.

In this new open primary system, this means you can vote for any candidate, regardless of what party preference you indicated on your voter registration form. Only the two candidates receiving the most votes—regardless of party preference—move on to the general election regardless of vote totals. If a candidate receives a majority of the vote (50 percent +1), a general election still must be held. Even if there are only two candidates in the open primary, a general election is still required.

Write-in candidates for voter-nominated offices can still run in the primary election. However, a write-in candidate can only move on to the general election if the candidate is one of the top two vote-getters in the primary election. Additionally, there is no independent nomination process for a general election.

**California's new open primary system does not apply to candidates running for U.S. President, county central committee, or local offices.**

California law requires that the following information be printed in this notice.

## Party-Nominated/Partisan Offices

Political parties may formally nominate candidates for party-nominated/partisan offices at the primary election. A nominated candidate will represent that party as its official candidate for the specific office at the general election and the ballot will reflect an official designation. The top vote-getter for each party at the primary election moves on to the general election. Parties also elect officers of county central committees at the primary election.

A voter can only vote in the primary election of the political party he or she has disclosed a preference for upon registering to vote. However, a political party may allow a person who has declined to disclose a party preference to vote in that party's primary election.

## Voter-Nominated Offices

Political parties are not entitled to formally nominate candidates for voter-nominated offices at the primary election. A candidate nominated for a voter-nominated office at the primary election is the nominee of the people and not the official nominee of any party at the general election. A candidate for nomination to a voter-nominated office shall have his or her party preference, or lack of party preference, stated on the ballot, but the party preference designation is selected solely by the candidate and is shown for the information of the voters only. It does not mean the candidate is nominated or endorsed by the party designated, or that there is an affiliation between the party and candidate, and no candidate nominated by the voters shall be deemed to be the officially nominated candidate of any political party. In the county sample ballot booklet, parties may list the candidates for voter-nominated offices who have received the party's official endorsement.

Any voter may vote for any candidate for a voter-nominated office, if they meet the other qualifications required to vote for that office. The top two vote-getters at the primary election move on to the general election for the voter-nominated office even if both candidates have specified the same party preference designation. No party is entitled to have a candidate with its party preference designation move on to the general election, unless the candidate is one of the two highest vote-getters at the primary election.

## Nonpartisan Offices

Political parties are not entitled to nominate candidates for nonpartisan offices at the primary election, and a candidate at the primary election is not the official nominee of any party for the specific office at the general election. A candidate for nomination to a nonpartisan office may NOT designate his or her party preference, or lack of party preference, on the ballot. The top two vote-getters at the primary election move on to the general election for the nonpartisan office.

# 2012 Presidential Primary Ballots

In this Presidential Primary Election, voters will receive one of two types of **Official Ballots; a Party Ballot OR a Nonpartisan Ballot.**

## Party Ballot

Voters that **have** disclosed a preference for a qualified political party at the time of registration will receive a **Party Ballot**. It will include:

- o Party-Nominated Presidential Office contests;
- o Voter-Nominated Office contests;
- o Party County Central Committee contests, if applicable;
- o Nonpartisan Office contests; and
- o Ballot Measures.

## Nonpartisan Ballot

Voters that **have not** disclosed a preference for a qualified political party at the time of registration will receive a **Nonpartisan Ballot\***. It **will not** include a presidential contest. A Nonpartisan Ballot will only include candidates for:

- o Voter-Nominated Office contests;
- o Nonpartisan Office contests; and
- o Ballot Measures.

*\*The American Independent Party and the Democratic Party have chosen to allow voters who have not disclosed a preference for a qualified political party the option, upon request, to vote a ballot that includes their party's presidential contest.*

PARTY-NOMINATED OFFICES	VOTER-NOMINATED OFFICES	NONPARTISAN OFFICES																																																						
<p><b>What ballots have party-nominated offices on them?</b> All party ballots. Nonpartisan ballots DO NOT contain party-nominated offices.</p> <p><b>Who can vote for party-nominated offices?</b> Only voters who have chosen a political party preference may vote for their party's candidates*</p> <p><b>Party Preference:</b> Candidates' party preference is not listed below the name, however it is identified at the top of the ballot.</p> <p><b>Ballot Designation:</b> Candidates <u>do not</u> have a ballot designation.</p> <p><b>Who wins a party-nominated office race?</b> The top vote-getter from each party will represent their party on the General Election ballot.</p>	<p><b>What ballots have voter-nominated offices on them?</b> All party ballots AND nonpartisan ballots.</p> <p><b>Who can vote for voter-nominated offices?</b> All voters can vote for any candidate on the ballot.</p> <p><b>Party Preference:</b> All candidates appear on the ballot and their party preference <u>is</u> identified.</p> <p><b>Ballot Designation:</b> Candidates <u>do</u> have a ballot designation.</p> <p><b>Who wins a voter-nominated office race?</b> The top two vote-getters, regardless of party preference, will appear on the General Election ballot.</p>	<p><b>What ballots have nonpartisan offices on them?</b> All party ballots AND nonpartisan ballots.</p> <p><b>Who can vote for nonpartisan offices?</b> All voters can vote for any candidate on the ballot.</p> <p><b>Party Preference:</b> All candidates appear on the ballot and their party preference <u>is not</u> identified.</p> <p><b>Ballot Designation:</b> Candidates <u>do</u> have a ballot designation.</p> <p><b>Who wins a nonpartisan race?</b> The top two vote-getters will appear on the General Election ballot. If a candidate receives more than 50% of the vote, they are elected to office.</p>																																																						
<p><b>List of Party-Nominated Offices</b></p> <ul style="list-style-type: none"> <li>o President of the United States</li> <li>o Party Central Committees</li> </ul> <p style="text-align: right;"><b>Vote for ONE</b></p>	<p><b>List of Voter-Nominated Offices</b></p> <ul style="list-style-type: none"> <li>o United States Senator</li> <li>o United States Representative</li> <li>o State Senator</li> <li>o State Assembly</li> </ul> <p style="text-align: right;"><b>Vote for ONE</b></p>	<p><b>List of Nonpartisan Offices</b></p> <ul style="list-style-type: none"> <li>o County Offices</li> </ul> <p style="text-align: right;"><b>Vote for ONE</b></p>																																																						
<p><b>Example: United States President</b></p>	<p><b>Example: U.S. Senator</b></p>	<p><b>Example: County Supervisor District 1</b></p>																																																						
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<p><i>*The Democratic and the American Independent Parties allow nonpartisan voters to vote in their presidential races.</i></p>																																																								