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Top Two Candidates Open Primary Act and Voter-Nominated Offices

On June 8, 2010, California voters approved Proposition 14, which created a “top two” or “open primary” election system.

Except for the office of U.S. President and county central committee offices, offices that used to be known as “partisan offices” (e.g., state constitutional offices, U.S. Congress, and state legislative offices) are now known as “voter-nominated” offices.

Prior to the Top Two Candidates Open Primary Act, all candidates running in a special election, regardless of their party registration, appeared on a single Special Primary Election ballot and voters could vote for any candidate. Unless one candidate received a majority of the votes cast, the top vote-getter from each qualified party and any candidates who qualified using the independent nomination process would move on to the Special General Election.

Now, under the Top Two Candidates Open Primary Act, all candidates running in a special election, regardless of their party preference, will still appear on a single Special Primary Election ballot and voters can vote for any candidate. However, unless one candidate receives a majority of the votes cast, the top two overall vote-getters – not the top vote-getter from each qualified party and anyone using the independent nomination process – will move on to the Special General Election.

Prior to the Top Two Candidates Open Primary Act, a candidate for a partisan office would have the political party they were registered with listed next to or below their name on the Special Primary and Special General Election ballots. A candidate who won a Special Primary Election was then considered to be the official nominee of their political party.

Now, under the Top Two Candidates Open Primary Act, candidates for voter-nominated office can choose whether to list their party preference on the Special Primary and Special General Election ballots. Political parties can no longer formally nominate candidates for voter-nominated offices, so a candidate who finishes in the top two at the Special Primary Election and advances to the Special General Election is not the official nominee of any party for the office.