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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. What used to be known as a “political party affiliation” is now known as a “political party preference.”

Prior to the Top Two Candidates Open Primary Act, all candidates running in a primary election, with the same political party affiliation, were placed on a partisan ballot to be voted on by voters of the same political party. The top vote-getter from each qualified political party would move on to the general election. At the general election, candidates could gain access to the ballot using the independent nomination process and other could run as write-in candidates.

Under the Top Two Candidates Open Primary Act, all candidates running in a primary election, regardless of their party preference, will appear on a single primary election ballot and voters can vote for any candidate. The top two overall vote-getters – not the top vote-getter from each qualified political party – will move on to the general election. Additionally, candidates are no longer allowed to run as “independents” or “write-ins” at the 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 primary and general election ballots. A candidate who won at the 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 must indicate their party preference or lack of party preference on the primary and 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 primary election and advances to the general election is not the official nominee of any party for the office.