

A VOTER GUIDE TO

CALIFORNIA'S OPEN PRIMARY PROCESS

AND THE JUNE 5, 2012 PRIMARY ELECTION

NEW!

PROVIDED BY THE INDEPENDENT VOTER PROJECT

- Easier to run for office
- No restrictions on primary voting
- Top two vote getters face off in November

Empowering 3.8 Million
voters to have a Choice

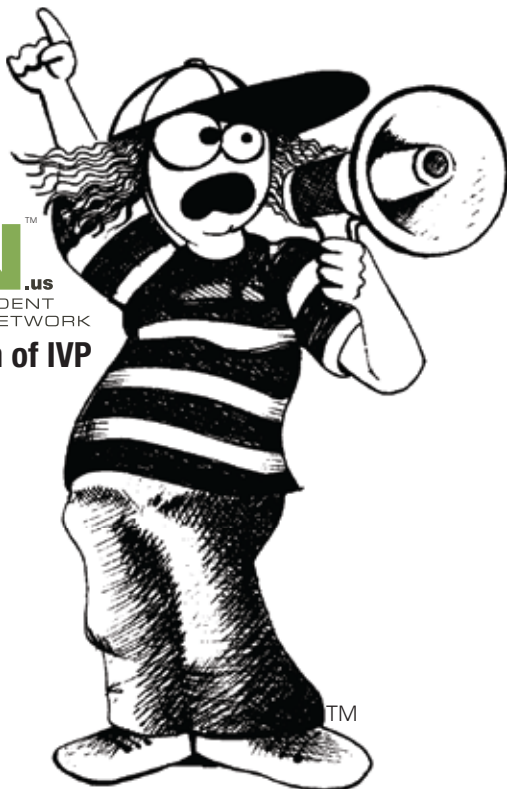
New rules and new opportunities

for California's independent

voters and candidates

Vote for any candidate
or become one
yourself!!!

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“Authors of California's Open Primary”



WHAT IS THE TOP TWO CANDIDATES OPEN PRIMARY ACT? WHY IS IT IMPORTANT?

In the June 2010 Primary Election, voters approved the “Top Two Candidates Open Primary Act” (the Open Primary Act) to protect and preserve the right of every Californian to vote for the candidate of his or her choice.

The Open Primary Act changes the way individuals can become qualified candidates and how voters can vote for candidates in both the primary and general elections. The new rules were designed to empower California's 3.8 million independent voters to participate fully in the primary process for the first time.

This guide has been created by the Independent Voter Project, the authors of California's Open Primary Act, to provide elected officials, potential candidates, the media, and the general public with information about the important changes to California election law that will be implemented in the June 2012 Primary Election as a result of the Open Primary Act.

New Rules and Terminology

Unrestricted right to vote. All registered voters otherwise qualified to vote are guaranteed the unrestricted right to vote for the candidate of their choice in all state and congressional elections.

Top two advance to general election. The top two candidates, as determined by the voters in an open primary, advance to a general election in which the winner will be the candidate receiving the greatest number of votes cast.

Offices Affected by the Open Primary Act

Statewide Officials

- Governor
- Lieutenant Governor
- Secretary of State
- Treasurer
- Controller
- Insurance Commissioner
- Attorney General
- Other State Officials
- State Senators*
- State Assembly Members*
- State Board of Equalization Members

Congressional Officials

- United States Senators*
- Members of the U.S. House of Representatives*

*Offices to appear on the June 5, 2012, primary ballot

The open primary changes do not affect partisan primary elections for presidential candidates and political party offices (including party central committees, party officials, and presidential delegates).

“Partisan offices” now “voter-nominated.” Offices that used to be known as “partisan offices” (state constitutional offices, U.S. Congress, and state legislative offices) are now known as “voter-nominated” offices.

The rules are now equal for partisan and independent candidates.

Candidates on a single ballot. All candidates for a given state or congressional office are listed on a single primary ballot.

Registered party now a “preference.” Existing voter registrations, which previously specified a political party affiliation, are now considered a disclosure of that voter’s political party preference, unless a new affidavit of registration is filed.

“No party preference” means you are an independent voter or candidate.

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

Local elections are unaffected. The new law does not affect local elections, although it is very similar to California’s current nonpartisan system for local elections. The most significant difference is that in most local elections, if a candidate receives a majority of votes in a primary (50% + 1), he or she wins the election outright. Under the Top Two Open Primary, the two candidates with the highest and second highest vote totals move on to the general election regardless of what percentage of the vote they receive. This ensures that the winning candidate is selected in the November general election when the highest number of people vote.

***LEGAL NOTE:** *The change from “affiliation” to “preference” is important. Under the previous system these “affiliated” voters selected a party’s nominee to advance to the general election. Under the new open primary system, voters only indicate a “preference” for a party or “no preference.” The primary election selects the two individuals who receive the most votes. They advance to the general election, representing themselves, and are not considered a party nominee, even if they have indicated a party preference.*



NEW OPEN PRIMARY RULES FOR VOTERS

State and federal offices that are now “open.” Voters can choose any candidate in the primary election for state constitutional offices, state legislative offices, and the U.S. Congress (Senate and House). The presidential race will remain partisan. In 2012, the offices that will be “open” are the U.S. Senate, U.S. House of Representatives, California Senate and California Assembly.

Party preference not a limiting factor. Voters can now choose to vote for any candidate with any party preference or those with no party preference.

Independent voters can vote for anyone. Voters who previously did not have a party affiliation can now vote for any candidate in the primary. In the past, they could only choose to vote on one party’s ballot – if the party allowed that. Often voters without a party affiliation were unable to vote on a partisan ballot or to vote for any of those partisan races that will now be “open.”

Voter registration process changes. Voters register to vote in the usual manner, however, the Open Primary Act does make a significant legal distinction by changing political party “affiliation” to political party “preference.” At the time of registration, all voters choose whether or not to disclose their “party preference.”

The Top Two Candidates Open Primary Act was adopted by the People of California to protect and preserve the right of every Californian to vote for the candidate of his or her choice.

Example of How Ballots Will Change Because of the Open Primary Act

Party – Based Ballot

Democratic Party

- John Smith
- Maria Garcia

Republican Party

- Mark Martinez
- Karen Johnson

Green Party

- Robert Taylor

Old “Closed” Primary

General Election Ballot*

- John Smith Democratic Party
- Karen Johnson Republican Party
- Robert Taylor Green Party
- Michael Williams Independent

Election Winner

*Top vote getters from each party move to the general election ballot and are joined by any independent candidates. Independents needed 173,041 signatures to appear on the general election ballot for statewide office.

Candidate – Based Ballot

- John Smith** Party Preference: Democratic
- Robert Taylor** Party Preference: Green
- Maria Garcia** Party Preference: Democratic
- David Brown** Party Preference: Libertarian
- Susan Harris** Party preference: None
- Mark Martinez** Party Preference: Republican
- Karen Johnson** Party Preference: Republican

New and Improved “Open” Primary

General Election Ballot**

- David Brown** Party Preference: Libertarian
- Susan Harris** Party Preference: None

Election Winner

**Top two vote getters from all candidates in the primary move to the general election ballot. Independent candidates compete in the primary but not in the general election unless they are one of the top two vote getters in the primary.

The Barriers to Independent Voters that Precipitated the Open Primary Act

The Open Primary Act was precipitated by the growth of registration in decline-to-state (independent) voters and institutional barriers in the California Elections Code that denied ballot access to independent candidates. These laws also disenfranchised independent voters and major party voters who lived in districts that were “safe” for the other major party.

These barriers also deprived independent voters of the option to vote for candidates in primary elections, and they limited electoral choice for all voters. The following describes some of the barriers imposed by California’s ballot access laws that were addressed by the Open Primary Act.

Growth in Independent Voter Registration

Minority voters and younger voters, in particular, are responsible for the growth in independent voters, for example:

- Between 1978 and 2009, Latino independent voters increased from 5% to 21% of all independent registration.
- Asian or “other” voters increased from 5% to 16%.
- Approximately 25% of all registered independent voters fall in the 18 to 29 age group and 60% of all independent voters are under age 50.
- In a number of districts, independent voter registration exceeded that of a major party.

Despite all of the above, independent voters did not have equal access as candidates or voters.

Number of Nominating Signatures Required

Previously there was a strong disparity between the number of signatures that partisan candidates and independent candidates were required to collect.

For example, statewide offices required independent candidates to obtain 173,041 signatures in 60 days, an average of 2,884 per day. Partisan candidates only needed between 65 and 100 signatures and had 25 days to collect them, an average of between 2.6 and 4 per day.

Even independent candidates for the Assembly had to collect between 3,184 and 9,240 signatures in 60 days, an average of between 53 and 154 per day. The net affect of the number of signatures required for independent candidates put them at a disadvantage.

Period and Cost to Collect Signatures

The period when signatures could be collected and the opportunities to collect them also created inequities between partisan candidates and independent candidates. Independent candidates had 60 days to collect signatures, but couldn’t begin until one day before the primary. Partisan candidates only had 25 days, but their collection period began in early February, giving partisan candidates a lead of many months to campaign. The independent candidate had to wait until long after the primary to begin campaigning. In addition, the cost of collecting signatures created an initial financial barrier for independent candidates.

Access to Voters and Voter Lists

Unlike partisan candidates, independent candidates did not have access to lists of registered voters, caucuses or state conventions, and had to identify voters on their own. A voter could only sign one nominating petition per election per office, creating an ever-shrinking pool of potential signatories for the independent candidate who had to collect thousands of signatures. Only California residents were allowed to gather signatures, and the independent candidate was restricted from having an affiliation with a political party during the thirteen month period prior to the general election. The partisan candidate also had an affiliation restriction, although slightly shorter at 12 months, he or she only needed between 65 and 100 signatures, so none of the signature collection burdens of the independent candidate applied to them.

Summary

California voters passed Proposition 14 in June 2010 to correct these and other barriers and inequities.



ABOUT THE INDEPENDENT VOTER PROJECT

The California Independent Voter Project (IVP) is a non-profit, non-partisan, 501(c)4 organization dedicated to better informing voters on important public policy issues and encouraging non-partisan voters to participate in the electoral process.

IVP was founded as the California Independent Voter Project in 2006 in response to the increased polarization of public policy debate and decisions. The organization’s founders imagined a process by which those voters and citizens who had become increasingly disenfranchised and disillusioned by the public decision-making process could again become active participants. Evidence of this trend can be found in the decreasing percentage of voters registered with traditional political parties, and the rapidly increasing number who register as independents, otherwise known as decline-to-state voters or non-partisan voters. The result was the Independent Voter Project.

By educating voters about the steps needed to participate in primary elections, IVP has successfully increased independent voter turnout in California’s elections. IVP conducted extensive research and experimental voter education programs targeted at independent voters in 2006, 2008, and 2010. From the 2006 to 2010 midterm elections, IVP increased independent voter turnout by 419,917 voters.

IVP authored Proposition 14, which was approved by the voters in June 2010. This Top Two Candidates Open Primary Act gave 3.8 million independent voters the right to vote for the candidate of their choice, regardless of the party affiliation of the voter or the candidate.

IVP has a four-pronged approach to ensure independent voters are empowered now and in the future.

- Development of the Independent Voter Network (IVN), a news platform for communication between independent-minded voters, public officials, civic leaders, and journalists (www.IVN.us).
- Defending the open primary through voter and candidate education like this voter guide and other means.
- Researching and promoting additional election reforms.
- Expanding the reach of election reform to other states.

For more information about the new open primary and links to various election-related agencies, go to IVP’s Open Primary page hosted on www.IVN.us. For more information about the Independent Voter Project, go to www.IVN.us and click on “Independent Voter Project.”

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