

New Top Two Candidate Open Primary Act Requirements

3 Types of Offices

- Partisan: President/Vice President/Central Committees (Elec. Code § 337)
- Voter-Nominated: Congressional/State Legislature/Constitutional (Elec. Code § 359.5)
- Nonpartisan: Judges/Superintendent of Public Instruction (Elec. Code § 334)

New Language in the Ballot (Elec. Code § 13206)

The following language is to be printed on the partisan ballot used in a direct primary election immediately below the instructions to voters:

PARTY-NOMINATED OFFICES [24-point boldface gothic capital]

Only voters who disclosed a preference upon registering to vote for the same party as the candidate seeking the nomination of any party for the Presidency or election to a party committee may vote for that candidate at the primary election, unless the party has adopted a rule to permit non-party voters to vote in its primary elections. [8-point boldface gothic type]

The following language is to be printed on the nonpartisan part of the ballot:

VOTER-NOMINATED AND NONPARTISAN OFFICES [24-point boldface gothic capital]

All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office.

Voter-Nominated Offices. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only.

It does not constitute or imply an endorsement of the candidate by the party indicated, and no candidate nominated by the qualified voters for any voter-nominated office shall be deemed to be the officially nominated candidate of any political party.

Nonpartisan Offices. A candidate for a nonpartisan office may not designate a party preference on the ballot. [8-point boldface gothic type]

New Requirement for Listing Political Party Preferences of Candidates (Elec. Code § 13105)

Next to candidate's name:

- “My party preference is the [insert party] Party.”
- “No Party Preference.”
- “My party preference is the _____ Party.”

Recommended order: Candidate Name, Party Preference Statement, Ballot Designation

New Information to be printed in the Sample Ballot (Elec. Code § 13302)

Political parties endorsement of candidates – lists from party chairs are due by E-83.

Notice in the State Voter Information Guide (Elec. Code § 9083.5)

PARTY-NOMINATED/PARTISAN OFFICES

Under the California Constitution, political parties may formally nominate candidates for party-nominated/partisan offices at the primary election. A candidate so nominated will then represent that party as its official candidate for the office in question at the ensuing general election and the ballot will reflect an official designation to that effect. The top vote-getter for each party at the primary election is entitled to participate in the general election. Parties also elect officers of official party committees at a partisan primary.

No voter may vote the ballot of any political party at any primary election unless he or she has disclosed a preference for that party upon registering to vote or unless he or she has declined to disclose a party preference and the political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to disclose a party preference to vote the ballot of that political party.

VOTER-NOMINATED OFFICES

Under the California Constitution, political parties are not entitled to formally nominate candidates for voter-nominated offices at the primary election, and a candidate nominated for a voter-nominated office at the primary election is not the official nominee of any party for the office in question at the ensuing general election. A candidate for nomination or election to a voter-nominated office may, however, designate his or her party preference, or lack of party preference, and have that designation reflected on the primary and general election ballot, but the party designation so indicated is selected solely by the candidate and is shown for the information of the voters only. It does not constitute or imply an endorsement of the candidate by the party designated, and no candidate nominated by the qualified voters for any voter-nominated office shall be deemed to be the officially nominated candidate of any political party. The parties may have a list of candidates for voter-nominated offices, who have received the official endorsement of the party, printed in the sample ballot.

All voters, regardless of the party for which they have expressed a preference upon registering, or of their refusal to disclose a party preference, may vote for any candidate for a voter-nominated office, provided they meet the other qualifications required to vote for that office. The top two vote-getters at the primary election advance to the general election for the voter-nominated office, and both candidates may have specified the same party preference designation. No party is entitled to have a candidate with its party preference designation participate in the general election unless such candidate is one of the two highest vote-getters at the primary election.

NONPARTISAN OFFICES

Under the California Constitution, political parties are not entitled to nominate candidates for nonpartisan offices at the primary election, and a candidate nominated for a nonpartisan office at the primary election is not the official nominee of any party for the office in question at the ensuing general election. A candidate for nomination or election to a nonpartisan office may NOT designate his or her party preference, or lack of party preference, on the primary and general election ballot. The top two vote-getters at the primary election advance to the general election for the nonpartisan office.