

HISTORY BEHIND CALIFORNIA'S PRIMARY ELECTION SYSTEM

Closed Primary System

A "closed primary system" governed California's primary elections until 1996. In a closed primary, only voters registered members of a political party may vote the ballot of that political party.

Open Primary System

The provisions of the "closed" primary system were amended by the adoption of Proposition 198, an initiative statute approved by the voters at the March 26, 1996 primary election. Proposition 198 changed the closed primary system to what is known as a "blanket" or "open" primary, in which all registered voters may vote for any candidate, regardless of political affiliation and without a declaration of political faith or allegiance.

On June 26, 2000, the United States Supreme Court issued a decision in *California Democratic Part, et. al, v. Jones*, stating that California's "open" primary system, established by Proposition 198, was unconstitutional because it violated a political party's First Amendment right of associate. Therefore, the Supreme Court overturned Proposition 198.

Modified Closed Primary System

Senate Bill 28 (Ch. 898, Stats. 2000) relating to primary elections took effect January 1, 2001. SB 28 implemented a "modified" closed primary system that permitted voters not affiliated with a political party ("decline to state" or "non-partisan") to participate in a primary election if authorized by the political party's rules and duly noticed by the Secretary of State.

Non-partisan voters would receive a non-partisan ballot unless they requested the ballot of a party participating in the modified closed primary. Non-partisan ballots contained only the names of candidates for non-partisan offices and state and local measures to be voted upon at the primary election.

Top-Two Open Primary System (Effective June 2012 Presidential Primary Election)

On June 8, 2010 voters approved Proposition 14 replacing the modified closed primary with the top-two open primary system. The top-two system applies to congressional offices, statewide offices, and state legislative offices, now termed "voter-nominated offices." Only the top two candidates in the primary (receiving the highest and second highest votes) for each voter-nominated office will appear on the general election ballot, regardless of political party affiliation.

The top-two system does not affect offices for President or Central Committees, known as "party-nominated offices."