# Pro/Con report on Top 2 ('Open Primaries') Amended July 2012

(Prepared by LWVAZ members, Barbara Klein and Robyn Prud'homme-Bauer)

**Note:** None of the points of this initiative(pro or con) discussed in this report relate to the US presidential election.

The Open Primary or Top 2 system will mandate open voting in a first-round primary in which voters can vote for any candidate, regardless of party, and will advance only the top two candidates to the final round November ballot, regardless of party affiliation.

From the 'open government initiative literature' <u>[Both sides of this paper generally agree, to one extent or another, with this overall observation of AZ voters.]</u>

#### ARIZONANS ARE CLAMORING FOR CHANGE

In an election process that seems to yield little these days beyond partisan sniping and gridlock. Voters believe our elected officials are beholden not to them, but to the political party bosses and lobbyists. Increasingly, we see major issues go unaddressed. Real challenges are not met. More and more voters are turned off by our government institutions and those elected to lead them. Sadly, more and more highly qualified individuals who would serve us well in elected office choose not to run.

Most voters who feel our election system is broken believe so because it is closed to THEM. It isn't about the people, but about power. It's the partisan political bosses who set the agenda, and even handpick candidates to run. More and more voters believe our elections are closed affairs offering little choice—and few results.

<u>In summary</u>, it appears that the key thing reformers want is a "sensible center." They think current rules lead to "extremists" dominating primaries in safe seats, and then freeing them to operate as they wish in the legislature. This concern is long-standing, not just after 2010. Supporters believe this system will help elect more moderates, and state this as the goal. They see this initiative as the answer to a 'sensible center.'

<u>PRO Material</u>: Information on this initiative in AZ can be found at <a href="http://azopengov.org/">http://azopengov.org/</a>. The initiative was started by a bipartisan group of respected Arizona leaders which stepped forward with a remedy for what members describe as the lack of moderation in **Arizona** politics.

Official Supporters: Thousands of voters in all of the states where the Top 2 initiative has passed. No these are not organizations or political parties just voters fed up with current election systems. As stated by Allan Hoffenblum, co-author of The Target Book, a nonpartisan analysis of state legislative and congressional races in California. "It means legislators, everybody will have to run in November and reach out and cross party lines," Hoffenblum said. "We're bringing competition back into the process. I call it the voters' choice initiative."

<u>CON Material</u>: A website opposing -Top 2 (out of Calif.) called Protect Voter Choice was not included in report given earlier in the LWV season. That site is <u>www.stoptoptwo.org</u> (from Free & Equal Elections Foundation).

Official Opponents (as per website) include, but not limited to: Free & Equal Elections Foundation, Californians for Electoral Reform (Cfer), National organization for Women (NOW), FairVote (Center for Voting a& Democracy), NAACP (California), Unitarian Universalist (Ministry of CA), CA League of Conservation Voters, ACLU (Southern CA and Northern CA), Southern California Tax Revolt Coalition, California Young Democrats, Voters for Peace, California Labor Federation, California Teachers Association, Green Change, Libertarian Party of US (and California and Ohio), Green Party of CA, Peace and Freedom Party of CA, Republican Party of CA, Democratic party of CA, Marin Peace & Justice Coalition, Santa Clara CC, Progressive Party of Oregon. List continues to grow. Website also lists many media sources. [LWV of Washington not on list, but on record.] The list of individuals, some well-known national figures, but mostly Californians is way too large to list, but is available on website, including members from major & minor parties, scholars, politicians, judges, and many others. The Democratic party of Washington State has currently filed a lawsuit against the system.

## Adapted from an LWV CA chart – summary of primary systems for clarification

## **ELECTION PRIMARIES -** Initiative Constitutional Amendment and Statute

Closed	Limited Open (or Semi-closed)	Open Primary  A) Blanket (open primary) B) Open primary (in current use)	Modified Blanket – or Hybrid (aka: Top 2, semi-open, 'Jungle primary' or Top-2-vote-getter primary.		
Description					
Voters only receive their party's ballot <sup>a</sup> Each party's top votegetter advances to the general election.	Voters choose which party's ballot to receive. Like the closed primary, a voter can only vote for candidates from a single party. Each party's top votegetter advances to the general election.  [This is the current system in Arizona as well, except for the Libertarian party, which conducts a closed primary.]	Blanket type Open Primary. All voters receive the same ballot. A voter can choose candidates from different parties for different offices. Each party's top vote-getter advances to the general election.  Note: In 2000, the US Supreme Court struck down the use of this system stating that it was a violation of the 1 <sup>st</sup> Amendment, specifically the freedom of association provision, which states it is the right of an organization (party) to exclude nonmembers from participating in a process that chooses its candidates or nominees. (CA Democratic Party V. Jones, 530US 567)  Open Primary (currently used in many states).  Voters do not register AS a party member. Candidates DO run on own ballot. Voters request whatever ballot they want on day of primary. Candidates do blanket mailings. Each party's top vote-getter advances to general election.	Primaries are not party-based. A voters receive the same ballot. Like the blanket primary, voters can choose candidates from different parties for different offices. However, unlike the blanket primary, only the top two vote-getters advance to the general electionregardless of party affiliation. b  Top 2 is not technically and topen primary' but instead a modified or hybrid blanket primary.		

<sup>&</sup>lt;sup>a</sup> In California, parties may allow voters with no party affiliation to receive their party's ballot, as AZ does for Democratic, Republican or, when qualifying for inclusion, Green party ballots.

In Arizona, it is unclear how Top 2 would affect the Libertarian party, which has won the right to hold a closed primary, not allowing Independent voters to choose their ballot.

<sup>&</sup>lt;sup>c</sup> While perhaps preferred by most Independents and 'nonparty people' this system has been ruled by US Supreme Court unallowable as a infringement of the 1<sup>st</sup> amendments right of party affiliation. (US Supreme Court 2000)

**Pro statement** - opinion statement from Robyn Prud'homme Bauer.

The PRO comments in BLUE below attempt to look at our current election system, specifically in the way many districts in Arizona are now. No competition in the primary elections leads to a non race in the general election. We know that in other states – League has opposed these initiatives – **but Arizona may be different!** Consider the possibility of Supporting Top 2!

## **Con statement** - opinion statement from Barbara Klein

Top 2 is a system that will reduce the voice of voters in the general election, when most people are involved in voting. In highly partisan districts we may find only one party on the general election ballot. That is less choice. Those races include ones with large racial minority populations, in which a candidate who is LESS representative of the minority population (but well-funded) may have a better chance to win under the proposed AZ Top 2 rules than current system (see citations 3,4,5 for documentation of this). The initiative proponents state electing more moderate people as one of their goals. 'Moderation' may be in the eye of the beholder. However, whether we find the idea of 'moderation' a worthy goal in and of itself (or not), currently the Top-2 system has little in the way of a proven track record regarding what it promises. Better answers are available which increase the choices and voices of voters, rather than limit them, as would happen in a general election with only one party on the ballot. Aside from the best of solutions, there are even better Top 2 systems than the one being offered in Arizona – ones that give voters more general election choice and do more to uphold freedom of association. Even if you consider lack of 'moderation 'in Arizona the correct problem, this initiative is the wrong solution.

## **Pro and Con Points**

- **OPPOSE -1**. System can reduce voter choice in a general election. The CA League suggests it could 'suppress voter turnout by limiting general election ballot choices, thereby making legislators less accountable.' LWV/WA calls this 'single-party elections' which they oppose. LWV/WA writes "it does not 'restore the kind of choice' voters [have had and] reduces everybody's choice in the general election. "
  - **SUPPORT**: In Arizona it may allow better choice in the primary election and give choices from more than one party in general election.
- **OPPOSE-2**. Restricts voters to only two choices in the general election *possibly even two candidates from the same party*. This is most possible in areas where redistricting has produced a significantly non-competitive district.
  - **SUPPORT**: In many non-competitive districts there are not even candidates from the other parties on the ballot for either the primary or general election. The only way to make highly partisan single-member districts competitive in November is to have two candidates from the same party on the ballot.
- **OPPOSE-3**. Forces smaller parties (and independents) off the general election ballot and reduces opportunities for political minorities to voice platform issues during the 'general election time' when more of the 'regular' population is paying attention to elections. In California, the media is beginning to restrict Independent and 3<sup>rd</sup> parties from taking part even in PRIMARY debates (stating they are' not viable candidates' even though they may represent the views of many voters). So not only would 'smaller' voices not be heard in the general election, they may not be heard at all.

**SUPPORT**: Often times the 'regular' population pays more attention to the primary election than the general election because of lack of competition in the general election.

- OPPOSE-4. According to LWV/CA, this 'mirrors Louisiana's system which has not resulted in the election of more moderate candidates or increased voter turnout.' The AZ proposal is closer to the Washington state system, but comment is true for that area also. See article from Ballot Access News entitled Political Science Evidence Overwhelmingly Says Top-Two Systems do not Elect More Centrists (May 12th, 2012)
   SUPPORT. No system can guarantee greater voter turnout or moderate candidates, nor can it guaranteed to elect more moderates, or have them maintain a moderate stance in governing. Top 2 may give districts that don't have any competition today a more competitive general election.
- **OPPOSE-5**. Both of the options of putting party labels after candidate names, or not, has a problem in this system. As in California, the labels (self-chosen) are being manipulated and not as transparent as they should/could be. As an example, in California (2012 spring/summer) one woman on the ballot for a Legislative seat lists herself as 'small business woman.' She does not indicate that she happens to be the incumbent, in an area which while safety RED, seems keen to 'get rid of' the incumbents; this is just one example (Beth Gaines, for State Assembly CA's 6<sup>th</sup> district). Further, allowing registration by any name of 20 characters to describe your affiliation could lead to an administrative nightmare, and does not respect the spirit of constitutional law protecting party affiliation. However, not including labels may be an infringement on the rights of party organizations. Additionally, some may say that in this situation it is the unsophisticated voter, or one unable to devote lots of time in life to politics, that loses her voice, as those more involved in the political world always KNOW the party affiliation of every candidate. It is similar to a nonpartisan city election where you, as a knowledgeable League member, are aware of the philosophies of certain candidates (as you have 'seen them around') but your neighbor has no clue. They may call you for your advice, but often they are swayed by language of spin that turns out to be that of the ultimately-elected official who shares none of their views in reality. When the major decisions are made in the primary, only voters 'in the know' will have the most influence.

**SUPPORT**. Voters are tired of partisan labels. The AZ Top 2 proposal may not lead to truly nonpartisan elections, but it does make labels less important. Additionally, candidates often present themselves as other than they are; it is always up to the voter to do their homework on the candidate. Those in the know may have an easier time of knowing who they support, but it is a fair system open to all. And no matter what system is used, it is always to the advantage of the voter to educate themselves – which is probably better than just 'voting a label.'

- OPPOSE-6. From LWV/WA: 'Insulating the top two political parties from competition is a bad idea.'
   SUPPORT. Often times there is no competition anyhow because of the make-up of the districts.
- **OPPOSE-7**: The Top 2 initiative will not improve Arizona government. It does not improve the quality of elected officials nor does it typically elect less partisan representatives than under current rules. Additionally, it seems to be fairly protective of incumbents in the areas that it is in place. It does not seem to change behavior of state legislators. Political Science Professor Todd Donovan published an article in the California Journal of Politics & Policy this year, called "The Top Two Primary: What Can California Learn from Washington?" Donovan was the only Expert Witness <u>in favor</u> of the top-two idea, when that system was challenged in Court. Now, he states in his synopsis and article (respectively) these final two thoughts: "The partisan structure of Washington's legislature appears unaltered by the new primary system" and

"The aggregate of all this did not add up to a legislature that looked different or functioned differently from the legislature elected under a partisan primary."

**SUPPORT:** We have no idea if the system will work the same in Arizona until we have it in place and can evaluate it. As each state seems to have a different 'flavor' of voter and issues, and AZ can be quite its own stage, it is difficult to foresee or predict our results based on those of the other states.

• **OPPOSE-8**: The LWVAZ supports more equity for Independent voters and believes some of those unfair statues should be changed, such as the number of signatures an Independent voter may need. The SOS office states that this is because Independents are not just getting signatures to be on a primary ballot, but on the general, and do not need to stand for primary election. LWVAZ feels that without party help, the Independent candidate already has a financial disadvantage and should not have additional signatures to gather, but perhaps closer to the number of other third parties. The point has been used by the supporters that this system change will level the playing field for independents. However, it is unlikely (just as with the other minor parties) that independent candidates will ever make it to the general ballot.

**SUPPORT**: The Top-2 initiative would make all candidates equal in one important way – signature gathering. In the 2010 Governor race, Republicans needed 5609 signatures, Democrats needed 5125, Green party 1231 (calculated as a new party, as they will be once again this year along with the American Elect party). The Libertarian party needed only 124 (a party of 'continued participation), but independents needed 28,187. Even if this made it harder for third parties, we would not have to worry about the Independent candidates (the largest growing group) being overly burdened with unfair signatures collection; all candidates would have to collect the same number of signatures. Independents may not make it to the general election, but they may have more clout to swing an election in the general.

• Oppose-9: Despite the goal to elect more moderate candidates, actually it is very possible to elect extreme candidates with Top 2. A small percentage of votes won in a primary field with a large number of candidates can forward TWO extreme candidates (even form the same party) to the general ballot. A clear example of this happened in Louisiana when David Duke, a former Ku Klux Klan leader came in second in the 1991 primary for Governor. He did not win. It is speculated that his primary victory was due to strategic (or tactical) voting – supporters of another candidate feeling he would be the easiest for their candidate to beat so encouraged a vote for Duke. When LWVAZ studied election reform this was one thing that the League counted as a bad aspect of an election system (strategic voting versus 'sincere' voting). Other systems that have a far greater chance at reaching the goals of this initiative do not encourage (or benefit from) strategic voting.

**SUPPORT**: We elect very extreme candidates now. It is hard to say whether this practice would be seen as any more prevalent in a Top-2 system. Simply talking more about extremist and their behavior will be a plus to solving the problem. If moderation became more of a 'selling point', centrist candidates would have a better chance at winning, and hopefully then governing from the center.

• **OPPOSE-10**. There ARE other solutions to give voters more choice, at every step, and produce more legislators favored by more voters (such as ranked choice voting]. Just using a ranked system to put forth 3 candidates (Top 3) would be somewhat better. Even within Top 2 as proposed in AZ, ranked choice voting in the first round would greatly improve the system ensuring the two candidates advancing to the November ballot are at least more representative of the district by avoiding "vote-splitting"

**SUPPORT**. Ranked choice voting is a better solution, but maybe this is a step towards that direction.

fairer ways to implement a Top 2 system than is being put forth in AZ - fairer to all voters as well as Independents and minor parties. A somewhat common and more ideal Top 2 system basically uses a majority result, moving the first round of Top-2 to November, with a continent runoff in December IF NO MAJORITY WINNER is reached. This is a classic runoff system used in other countries (such as France). The system often referred to as *Majority Runoff* allows third parties and Independents to have a voice during the November general election time but they cannot split the final round vote. [As mentioned above, an even better idea of advancing *at least three* to the runoff and using RCV in the runoff helps all the more, as that makes it more likely the runoff will have more candidates representing different views – such as Independents or non-major party candidates.] But even with the Majority Runoff system, the majority standard is a big improvement over the AZ Top-2 as a general matter. The Majority runoff system is only bad if the elimination of independents and third parties is so early that they never face a high turnout electorate and thus never truly have their platforms and philosophies heard. This is neither hair-splitting nor pie-in-the-sky, it is showing that AZ top-2 is not fair.

**SUPPORT**. The status quo is pretty awful for 3<sup>rd</sup> parties now because of the spoiler dynamic. At least under Top-2 they would not be accused of being spoilers because the system would disallow it.

- **OPPOSE-12**: What are the Better Solutions? Six times two. Richard Winger, a political activist, analyst, publisher and editor of <u>Ballot Access News</u>, sitting on the editorial board of the <u>Election Law Journal</u> and accepted as an expert on election law in federal courts in nine states, supports any number of solutions over Top 2. "There are six different primary systems used in the United States, and the Top 2 idea is the **only one that reduces voter choice in the general election**." Additionally, according to Winger, there are 6 different ideas that would help meet the goals stated by the initiative supporters in Arizona:
  - 1. Easing independent candidate ballot access in Arizona, and repealing the' sore loser' law.
  - 2. Instant Runoff Voting 'IRV' (for single seat elections –optionally, it can eliminate a 'primary')
  - 3. American style Proportional Representation (for mufti seat elections optionally, it <u>can eliminate</u> a 'primary', or can be used in partisan primaries, as can IRV.)
  - 4. Cross-filing, also known as fusion. (When California had it 1913-1959 the legislature was very congenial.)
  - 5. A true open primary. [A blanket open primary may not currently be an option due to court rulings, but would be preferred by those who want utter equality for all voters. However a regular open primary is used in many states and would still allow the advancement of more than two candidates to the general election. Top 2 is not an open primary, but a hybrid or modified open primary.]
  - 6. If a top-two primary was insisted upon, the Louisiana version would be an improvement. There is no primary. All candidates run in November. [If a runoff is necessary as no candidate has received 50%, the runoff is held in December. This happens in about 1/7th of the races.]

SUPPORT:	Conceding that all this	may be true,	it is THIS	Top-2 initiative	e which is or	n the ballot	. At least
we could a	ccomplish something.						

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<u>Opposition Opinion</u>: I believe that we have sympathy and some shared goals with the originators of this initiative. Additionally, in Arizona the supporters may be people the League has worked with on the same side for other election reforms. We also may support more choice during primaries. However, the League also believes in representative government, voter power and in the protection of voter choice. And yet, the League respects the power of party affiliations, no matter what party and thus encourages and recognizes the right of its members to join and be active in such. Additionally, in Arizona the League has positions that represent better solutions to the problems put forth by the initiative organizers. It may take COURAGE on our part to oppose this initiative. While I do not hold to acting in ways that allow the 'perfect being the enemy of the good', this initiative would not even be a small step in the right direction due to the side-effects it would bring – namely <u>unfair elections</u>.

<u>Supporting Opinion</u>: Yes we do share goals with the originators of this initiative. This initiative will most likely give more choice to voters in the primaries and voters will have a choice in the general election which often times does not happen in currently non-competitive districts.

LWVUS representative government position states support for "— an open government that is representative, accountable and responsive." Our position does not directly speak to the power of party affiliations. LWVUS Citizen's right to vote position states: protect the rights of all citizens to vote; encourage all citizens to vote. A case could be made that having a primary election where everyone can vote for all candidates meets the intent of the League position on right to vote especially encouraging all citizens to vote and that it could lead to a <u>more</u> responsive and open government.

## **LWV Arizona options**

**Neutral.** - We always have the option to remain neutral on an issue.

<u>Support</u>. A case could be made that the LWVAZ Election Systems Reform position could be used to support this position. It supports giving Arizona voters the option of more choice among elections systems. With primaries that allow all voters to vote across parties during the primary and then have the Top 2 voter-getters on the ballot in the general election we might have more choice. It would give those districts that see the primary election as the only real election — a real choice in the general election as well.

<u>Oppose</u>. We can oppose Top-2 based on the belief that it is the wrong solution to a possible reasonable (or real) problem. There are better ways to accomplish the same goals without the downsides and with more advantages, SEVERAL better ways, which our positions support. Additionally, if we support more competitive elections, how do we support a system that could generate general elections with only 1 Party on the ballot? The following two positions support opposition.

### ELECTION SYSTEMS REFORM Consensus 2005; Amended 2008, 2011

The League of Women Voters of Arizona believes in the election system principle of greater voter representation. The LWVAZ maintains that election system reform that provides a stronger voice for the greatest number of voters should have a positive effect on voter participation. Therefore, the LWVAZ:

- Supports changing the present election systems so that they more accurately represent
  the wishes of voters: Adopting the Instant Runoff Voting (IRV) system for single seat races;
  Adopting proportional representation for multi-seat races, specifically Ranked Choice
  Voting.
- Believes that education of the voting public is important to election systems. [cross out as this point not relevant to this issue.]
- Supports giving Arizona voters the option of more choice among election systems.

#### **LEGISLATIVE AND CONGRESSIONAL REDISTRICTING** (underline emphasis added)

Legislative districts that provide <u>more equitable representation</u>, more accountability and responsibility, more competitive elections, and closer contact with constituents.

## Other Source material for supporting Top 2 (sampling only)

- 1. In Our View: Stupendous Stubbornness, The Colombian, Clark County, WA 4/22/12, Democratic, Libertarian party leaders continue to protest top two primary
- 2. Washington's top-two primary gets voters the best choice. The Seattle Times editorial board, August 19, 2010.
- 3. Like it or not, the 'top-two' primary is working as intended. Peter Callahan, The News Tribune. July 20, 2010.
- 4. Nonpartisan DC primary would give winners more legitimacy, by <u>Topher Mathews</u>, Greater Washington, April 19, 2012.
- 5. Allan Hoffenblum, co-author of The California Target Book.

## Other source material for opposing Top 2 (sampling only)

- 1. The Center for Governmental Studies' report by Molly Milligan entitled *Open Primaries and Top Two Elections: Proposition 14 on California's June 2010 Ballot;*
- 2. The final report of New York City's charter commission, which discusses the potential impact of Proposition 14-type proposal on racial minorities, echoing concerns of other groups as well.
- 3. The public testimony opposed to such nonpartisan elections at the June 2, 2010 forum reflected concerns that nonpartisan elections would favor incumbents and candidates with the most campaign funding. The Commission also heard subsequent testimony from elected officials, members of the public and other good government groups opposing "Top Two" elections, and by John Mollenkopf of the City University of New York, who testified that the system would have an adverse effect on minority voters. The NAACP Legal Defense and Educational Fund also submitted a letter opposing nonpartisan elections and raising concerns about minority voting rights.
- 4. The Department of Justice's denial in 2009 of preclearance for Kinston, North Carolina to change from partisan to nonpartisan elections, providing insight into the potential racial impact of Proposition 14.
- 5. FairVote's analysis *California's Proposition 14: Weaknesses and Remedies*, http://www.fairvote.org/assets/Uploads/OpenPrimariesAnalysisAugust2010.pdf and their September 29, 2010 letter to the Chief, Voting Section, Civil Rights Division. Room 7254 NWB of the DOJ (Re: Section 5 submission #2010-3433.

## Top 2

A Start to Having Candidates We Want!

OR

Wrong Solution to the Right Problem?

## Three (3) Addendums

## Addendum - 1

#### Arizona opinions

The links below lead you to the complete list of proponent donors and people or organizations who submitted arguments in favor and against the Top 2 initiative in AZ to the Secretary of State for the Voters pamphlet.

Proponent Submissions and Donors List: <a href="https://www.onlinefilefolder.com/3seQKcrGtaMVXe">https://www.onlinefilefolder.com/3seQKcrGtaMVXe</a>
Opposition Submissions List: <a href="https://www.onlinefilefolder.com/3sGd8RRHagINME">https://www.onlinefilefolder.com/3sGd8RRHagINME</a>

#### Addendum - 2

#### **Spoiler effect**

It was suggested in this report that the spoiler effect would not be seen in Top 2 as only two people would be on the ballot; unfortunately we ignored the spoiler effect possible in the primary.

This problem was seen repeatedly in the June 2012 California (first) Top 2 primary. However, one district shows a perfect example of this problem. Congressional district 31 is one of the largest in the state (and country). It is entirely based within the city of Los Angeles and is heavily weighed democratic. It is a MAJORITY Hispanic/Latino. It is only 29.7% white. Not only is it a strong Democratic district which elected Barack Obama in 2008, but it did so by more than 4 points over his national winning average. During the 2012 Top 2 primary 4 Democrats ran in the congressional race and 2 Republicans. But the general election contest will be between two white Republicans: incumbent Gary Miller, who won 26.8%, and Republican Bob Dutton, who won 25%. The next candidate, Latino Democrat Pete Aguilar, finished with 22.6%, but since only two can advance the spoiler effect was engaged knocking ALL Democrats off the General election ballot in this clearly Democratic district. The opposite outcome was seen in other areas. [It is possible that as many as 40 of 63 California races that had 4 or more candidates may have had similar outcomes do to split votes spoiling the intentions of the greatest number of voters.]

#### Addendum - 3

Qualifying for the ballot - collecting signatures (and fewer choices)

In Arizona a voter is allowed to sign ONLY ONE 'qualifying petition' for any ONE seat open. In other words, if your city runs an election for mayor you are allowed one time to sign a "qualifying petition'. If someone gathering signatures yells out to you 'Hey, are you are registered voter – this is just to get 'such-and- such' on the ballot,' you may sign the petition BUT ONLY if you have not signed another mayoral candidate petition. Some voters are unaware of this rule, but it is the rule.

In a Top 2 primary when the potential candidate is collecting signatures to GET ON THE BALLOT all voters (including Independents) may sign one petition. Based on the results from other recent state top 2 elections this will mean one of two things. The Parties will start exerting their power to keep potential candidates from even running – and not ever collecting signatures (due to spoiler effect explained above). OR parties will start throwing lots of money into primary elections BEFORE people are ever collecting signatures in an attempt to

<u>keep voters from signing any petitions but those that they approve of.</u> More money, more control, less choice for voters.

In California (during June primary), the media was not allowing some 3<sup>rd</sup> party candidates to even participate in the PRIMARY forums. Their reason was that they were not 'viable candidates.'

A recent study says that the Top 2 primary leads to 'fewer candidates.' As an aside, this points to the value of at least using RCV in the first round of such elections as one possible improvement, although of course ideally it would be used as the first round in November (or even as the one and only round in November to save cost and achieve the 'overall' favorite winner).

http://theolympiareport.com/study-says-top-two-primary-leads-to-fewer-candidates/