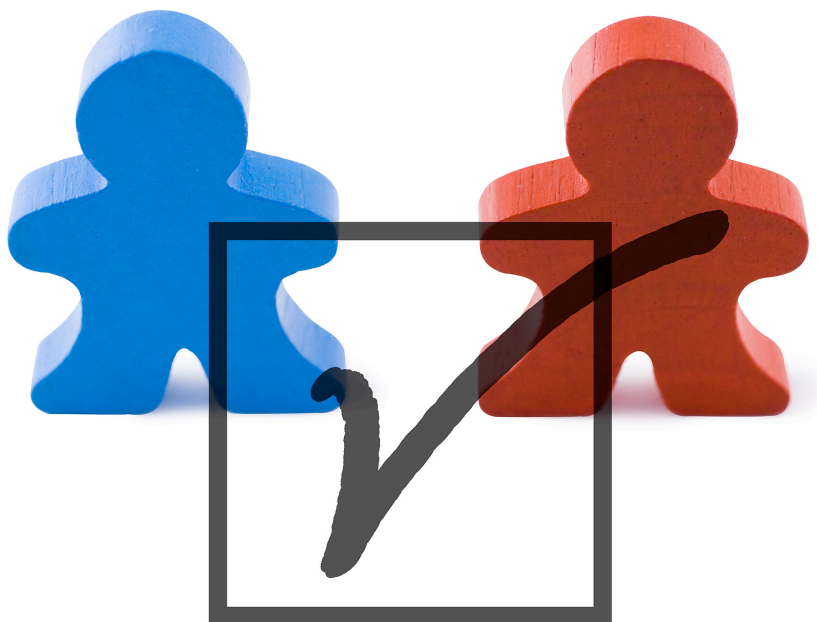


**ASU** Morrison Institute  
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# Top-Two Proposition: What Nonpartisan Elections Could Mean for Arizona



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**A**rizona may soon be electing all of its local, statewide and federal officeholders in a nonpartisan manner, with a proposal for open primaries expected to be decided in the fall.

A group headed by former Phoenix Mayor Paul Johnson has been gathering signatures in an effort to put a proposition known as the “Open Elections/Open Government Act” on the November ballot. This would amend the state constitution to give Arizona a top-two primary system patterned after those in Washington and California, and similar in some respects to those in Louisiana and Nebraska. (*See appendix*)

The Open Government Committee has until July 5 to gather 259,213 valid signatures. The group is aiming for 300,000 signatures to ensure it meets the legal requirement for ballot status, as determined by the Arizona Secretary of State’s Office.

This briefing examines:

- 1) the essential features of the proposed primary plan, and
- 2) how it is likely to impact the type of candidate elected, the choices presented to voters, and the effect on political parties and voter turnout.

### **The Arizona Plan**

Arizona presently has an election system of primary and general elections. Primaries operate virtually exclusively within individual political parties, with Democrats holding a Democratic primary closed to all other parties and Republicans doing the same. Independents, however, can choose to vote in either primary, but not both. Political party winners advance to the general election, which is open to all registered voters regardless of political party affiliation.

Party primaries traditionally have been low-turnout affairs and the relatively few who do show up tend to be from the opposite ends of the ideological scale – far to the right in Republican primaries and far to the left in Democratic primaries. (*Note 1*) Because of this, nominees tend to be more ideological than those who generally identify with either of the major parties or voters in the general electorate.

The Johnson proposal backers argue the election system should be reshaped to encourage a level of greater moderation. Otherwise, they say, the current system’s end result – as far as the state Legislature is concerned – encourages gridlock and extremism, contributing to the failure of lawmakers to produce policies conforming to views of a majority of Arizonans.

Under the top-two proposal, voters would be given the opportunity in the primary to choose from all candidates for a particular office, regardless of the voter’s party affiliation or the political affiliation of the candidates. Candidates, however, may designate a party preference on the ballot if they wish. (*Note 2*)

The top-two vote getters in the primary – again, regardless of party – would face each other in the general election an office. In the case of the state House of Representatives, where two

members are elected from each of the 30 districts, the top four candidates to emerge in a primary would go on to the general election.

It should be noted that Arizona has long used non-partisan elections for municipal, school board and other local elections. Local nonpartisan elections, however, differ from the top-two proposal in that they do not allow party designation on the ballot even if a candidate wants such identification. They also differ in that candidates who receive more than 50 percent of the vote in the primary are considered elected; there is no need for a runoff. *(Note 3)*

The top-two plan would end taxpayer-funded partisan primaries and replace them, in effect, with a candidate-winnowing system. With the exception of the presidential elections, it would affect all local, state and federal primary elections in Arizona where partisan labels are now used. *(Note 3)*

Backers say the proposal also aims to level the playing field by requiring all candidates for office to gather the same number of signatures (the precise number will be decided by law at a later date).

Under current law, independent candidates must gather far more signatures than candidates representing the two major political parties. Democrat and Republican candidates for governor needed 5,000 signatures for the 2010 race. A third party, the Green Party, needed only 1,231 signatures because the number required is based on the size of their relatively small memberships. But for independents, the total required signatures for a candidate to run for governor in 2010 were 28,187.

### **More Moderate Candidates?**

The stated central objective of the top-two primary plan is to elect more moderate candidates. What is considered a “moderate candidate,” however, is likely to vary from state to state. It’s certainly one thing in Louisiana (which has never been noted for its moderate politics) and quite another in Washington or California.

### **Ballot choices by the numbers**

Arizona has 30 legislative districts. Two members are elected to the House of Representatives and one member to the Senate. Here is how the general and primary election shaped up in 2010:

- 23 legislative seats were uncontested in the general election
- 12 House seats were uncontested
- 11 Senate seats were uncontested
- 36 of 60 House primaries did not feature more than two party candidates for their party's two nominations
- 7 primary races for the House had no candidates seeking their party's respective two nominations
- 46 of 60 primaries for Senate were uncontested
- 11 primary races for Senate had no candidate seeking their party's nomination

*Note: Excludes votes for write-in and third-party candidates*

*Sources: Political 2011 Almanac, Arizona Capitol Times, Arizona Capitol Reports 2011*

Proponents assert that top-two primary is not designed to encourage the selection of a generic “moderate.” Rather it is to influence the selection of less-extreme candidates in both the primary and general election because it encourages candidates to appeal to a broad constituency, not simply to the extreme members of their own party who are most likely to vote.

Theoretically the plan works especially well in promoting moderation in districts dominated by one political party. In these situations, the top-two vote getters in the primary are likely to be members of the same political party. If the gap in support between these two is relatively narrow, those who identify with other political parties or no party at all will have an opportunity to cast the decisive votes in the general election.

These votes, it is assumed, would likely go to the more moderate of the two candidates. If two Democrats were nominated, Republicans and independents would be expected to tilt the election in favor of the less liberal of the two, and if two Republicans were nominated, Democrats and independents would be expected to tilt the election in favor of the less conservative of the two.

Solid evidence on whether the top-two system has actually produced moderate candidates is difficult to come by. The practice is relatively new and largely unstudied, having gone through only two election cycles in Washington state. *(Note 4)* We have to look at what actually has happened in terms of winners and losers and in terms of turning candidates toward the middle.

While the evidence on results is soft, there is some reason to believe on the basis of reports from informed observers that runoffs among the top two people who belong to the same party tends to benefit the more moderate of the two candidates. This, for example, appeared to be the case in Washington in 2008 in regard to the eight contests where party members faced off against each other and again in at least of couple of cases in 2010 in that state. *(Note 5)*

The 2010 results from Washington also showed some moderating influences were at work in diminishing the percentage of the primary vote going to the Tea Party Republican candidate for U.S. Senate. A more moderate Republican candidate instead advanced to the general election. *(Note 6)*

Although in many respects the November 2011 recall election of state Senate President Russell Pearce in Arizona was unique, it may also be viewed as an indicator of how the top-two system might work – both as to encouraging candidates to move more toward the middle and in producing a victory for a more moderate candidate.

Pearce, a conservative Republican from Mesa, was a Tea Party favorite who gained prominence primarily as the leader of SB 1070, the controversial anti-illegal-immigration bill that he ushered into law. Pearce won close to 70 percent of the vote in the 2008 Republican primary (the last time he faced a Republican). In the 2011 recall election, however, he faced an electorate much like what would be found in a top-two system – one comprised of Democrats, independents and third-party members, as well as Republicans of moderate and conservative philosophies. His opponent, Jerry Lewis, shared the same party affiliation and many of the same conservative values – except for Pearce’s hard-line position on illegal immigration laws.

The closely watched campaign became a two-person contest when another candidate, recruited by Pearce's supporters in what appeared to be an effort to divert votes from his opponent, withdrew from the race just before the election (although her name remained on the ballot). During the campaign Pearce moved a bit more toward the middle than he had in his previous campaigns in an attempt to extend his appeal beyond the hard-core base of his party (although he frequently argued Lewis was not conservative enough – an attack that would have been more effective had this simply been a Republican primary battle).

This time around, Pearce received 45 percent of the vote. In the end, the more-moderate candidate won with strong support from Democrats and independents. Such outcomes, however, may not be common in a more normal election-year scenario when a large number of seats are up for grabs and the attention of the parties, news media and those who contribute campaign funds is more widely dispersed.

Also, while one can find “moderate” success stories, this does not necessarily mean that the most extreme candidates are destined to lose in the primary. This depends in large part on the number of candidates who enter the primary and their ideological dispositions. For example, in a crowded primary where the vote is distributed among a number of similarly positioned “moderates, it certainly is possible for a very conservative candidate with a narrow but efficacious constituency to gather enough votes to advance to the general election.

In the general election, however, the most extreme candidate may have difficulty garnering enough “extreme” votes to secure election. A classic case in point was the ability of David Duke, a former Ku Klux Klan leader, to place second in the 1991 primary for governor of Louisiana, advancing to the general election. In this contest, the primary vote was scattered among 12 candidates, elevating the chances for Duke, who ran as a Republican without the party's consent. In the general election, the incumbent governor, Democrat Edwin Edwards, defeated Duke 61 percent to 39 percent. (*Note 7*)

### **How Much Change?**

One indication of the extent to which the top-two system is likely to encourage more moderate candidates is given by estimating the number of general election contests between two members of the same party. In Washington, having two candidates from the same party in the general election has been relatively rare. In 2008, for example, dueling parties occurred in 67 of the 124 primary contests for state legislative seats. Meanwhile, having two candidates from the same party in the general election has been relatively rare. In 2008, this happened only in 8 out of 124 state legislative contests, or around 6 percent of the cases. In 2010, only 10 of 147, or about 7 percent, of the Washington races (including 123 legislative contests) pitted two members of the same party against each other.

In both years, contests pitting two members of the same party against each other occurred in legislative districts dominated by that particular political party, either Republican or Democratic. In several cases, the districts were so favorable to one majority party that no one representing a minority party even bothered to enter the primary.

Overall, the effect of top-two system in Washington thus far appears to have been modest. While one can find some indicators of moderation, there have been only a relatively few contests between people from the same party. Early research indicates that top-two had done little, if anything, in the aggregate to alter the political landscape in Washington in terms of reducing partisan conflict in the legislature. Still, the system has been in operation for only a short period. *(Note 8)*

Observers see the prospect of more dramatic change in California, where an abrupt departure is being made from a semi-closed system comparable to what is currently being used in Arizona. Thus far, the top-two system has been used for only a few special elections in California. These have resulted in contests between Democrats and Republicans. Research by the nonprofit Center for Governmental Studies suggests that based on past voting trends as voters become more adjusted to the changed system more than a third of all state legislative and congressional general election races could be between two people from the same political party. Also, in many of these contests, voters from other parties or independents could sway the output toward the more moderate candidate. *(Note 9)*

Arizona might be a state where a top-two system has a moderating influence because a large number of legislative districts are dominated by one of the two major parties. Only a handful of the 30 districts can be said to be competitive. This seems to have been only marginally affected by the work to date of the redistricting commission. The commission could only go so far in creating more competitive districts because of legal considerations and, most fundamentally, the way the voting population is distributed.

### **How Much Choice?**

With the top-two system, primaries are likely to become more competitive but general elections are likely to be less competitive because of the limitation on the number of candidates – though the Arizona plan provides a small safety valve of sorts by allowing write-in candidates in the general. The plan also increases the chance that voters will have at least some real choice of candidates in the general election. This will always be the case if there were at least two candidates in the primary or three candidates in primary races for the state House.

Still, while it may reduce the number of uncontested elections, it will not eliminate them. In Washington in 2008, for example, there was only one candidate in 24 of the 124 primary contests for the state legislature. In fact, voters in 24 districts had no choice at all. *(Note 10)*

In Arizona, as elsewhere, the prospects of victory may seem so slim that only members of the dominant party will run and the number of candidates from that party may be limited to the number of seats being contested. Here, as in the past, incumbents may be able to ward off challenges from people in both their own as well as the opposition party.

Party leaders also may be expected to encourage limiting the number of candidates so as to minimize the danger of party members splitting their vote and, thus, giving an advantage to the opposition. *(Note 11)* Whether or not there is an incumbent seeking re-election, the availability of campaign funding, the partisan composition of the district and a variety of factors other than the primary system itself will continue to influence decisions to enter a race.

Voters who belong to a political party that is hopelessly outnumbered in a district probably have the most to gain in terms of choice and increasing the value of their vote. This may mean voting for and possibly advancing a candidate in the dominant party who they see as “the lesser of two evils.”

### **What Role for Political Parties?**

The top-two system may turn out to be far more partisan than it first might appear. Most candidates are inclined to let their party affiliation be known, thus providing a cue that many voters will find useful, if not decisive. Party organizations undoubtedly will influence the system and will be active in recruiting, financing and perhaps making pre-primary endorsements of candidates.

The proposed plan in Arizona arguably could have been more nonpartisan if those who drafted it had followed the Nebraska example and not allowed party designations on the ballot. Without a party label on the ballot, voters might be more inclined to evaluate candidates on an individual basis. However, injecting this prohibition for party names into the system certainly would not take partisanship out of the picture. Political parties continue to be actively involved in Nebraska legislative campaigns. Also, officially “nonpartisan” elections on the municipal level in Arizona and elsewhere have nonetheless frequently been characterized by pitted battles between Democrats and Republicans.

While passage of the plan may prompt Republican and Democratic parties to a greater role in primary campaigns, for third parties it is a far different picture. In fact, they may have a much more difficult time adjusting to this proposed system. Third parties have not thrived in Arizona under the existing system, but the top-two proposition appears to make it even more difficult.

Presently, third parties have little difficulty putting their candidates on the general election ballot. While winning is unlikely, they at least have an opportunity to make their case to the public. But with the new system, they will likely have to gather a far greater number of signatures simply to field primary candidates. And even if that obstacle is hurdled, their candidates are likely to have only a slim chance of making it to the general election ballot since they probably won't be a top-two vote getter.

In Washington, for example, third-party candidates made the general election ballot in only two of the 123 legislative races in 2010 – including those who got there via a free pass in primaries because there were only two candidates on the ballot for a single seat. In both cases the third-party candidates were trounced in the general election, receiving 11 percent and 17 percent of the vote.

Theoretically, the top-two plan could encourage the emergence of more independents by making it easier for them to gather signatures or, at least, placing them on the same playing field when it comes to gathering signatures. Independents, unless usually well-known and financed, are as unlikely as minor party candidates to survive the primary and advance to the general election ballot.

## **Voter Turnout and Support**

Scattered evidence suggests that one should not expect that changing the primary system will have a major effect, if any, on major party dominance or competition between Republicans and Democrats, or on the general level of voter turnout. Both these are influenced by a wide variety of factors in addition to, or other than, the structure of the primary system. *(Note 12)*

In regard to voting, though, there is some reason to believe that this top-two proposal would prompt greater primary turnout by independents, who frequently don't vote in primaries, oftentimes due to confusion. Under existing law, independents can participate in either the Republican or Democratic primary but many mistakenly believe they cannot.

Under the top-two system the situation will be quite different and simple: It will not be a matter of independents participating in the primary of some political party with which they are not affiliated, but in a single primary open to all candidates and one where they are likely to have a far greater choice. Adoption of the top-two system too, could re-energize and encourage voters who belong to the minority party in various districts by giving them a greater opportunity to affect the outcome of races.

However, the system could work against increased turnout because, as some have argued, it makes the election seem less partisan (if not completely nonpartisan) and thus may diminish the incentive many partisan voters have to go to the polls. Even with the top-two system, 2010 turnout in the Washington primary was 41 percent – a modern record for a primary held in an even-numbered, nonpresidential election year. *(Note 13)* Some election observers speculate that by increasing competition among conservatives in some districts and among liberals in others, the system actually contributed to the high level of voter turnout. *(Note 14)*

Proponents also maintain that the top-two plan, while generally restricting competition in the general election, can be argued to promote the goal of majority rule. The reasoning is that by limiting the general election choice to two persons it minimizes the potential “damage” that can be done by spoiler candidates who intentionally or unintentionally divert votes and cause the election of the least preferred of two candidates who is not supported by a majority of the voters.

Whatever else can be said for or against the top-two idea, it does appear to have considerable public support where it has been adopted. The Nebraska plan has enjoyed widespread support over the years, hovering around 80 percent approval number from both the public and those who have served in its unicameral legislature. There has been little desire to go back to a system of partisan primaries. *(Note 15)*

Thus far, the top-two primary has also been very well received in Washington. A poll conducted shortly after the 2008 primary showed 76 percent of those surveyed approved of the new system. Sixty-seven percent said they would not like to return to the more conventional “pick-a-party” system it had replaced. *(Note 16)*

Arizona voters soon could be deciding if they also prefer nonpartisan primaries and elections.



## Notes

### Note 1

Turnout of registered voters in Arizona primary elections has averaged around 24 percent in recent years. Though several hotly contested key races increased this to 31 percent in 2010, the overall trend has been downward. In the 1990 primary turnout was over 41 percent and before that it was often 50 percent or 60 percent. One reason for this has been the growth in the number of voters who do not identify with a political party. Though primaries are open to independents, relatively few have taken advantage of the opportunity. Voting turnout has been two to three times higher in general elections. However, compared to other states, Arizonans' voting efficacy has been below average when it comes to voting in general elections.

### Note 2

The Arizona plan allows candidates to declare their party preference as stated on the voter registration form on petitions and ballots. They can use up to 20 characters describing their affiliation. Candidates may refer to themselves as a "GOP independent" or a "Blue Dog Democrat" or any other label they choose. In Washington, candidates have frequently taken advantage of the opportunity to designate their party preferences. Republicans in some (Democratic) districts have felt it to their advantage to identify themselves as members of the "GOP" or "Grand Old Party" rather than the Republican Party. In January 2012, the Ninth U.S. Circuit Court of Appeals upheld a decision by a U.S. District Court judge that there was no evidence that such practices lead to voter confusion. The court also noted that party rights had not been violated by the system.

### Note 3

Tucson is the only municipality that employs partisan elections. However, under a recent Arizona Supreme Court ruling, other charter (home rule) communities also may do so, if they choose.

### Note 4

Scholarly studies comparing various primary systems or examining the significance of changing from one primary system to another (a more open one) have differed as what to expect when it comes to moderation. Some have found a slight moderation effect; some have found none at all. See review and studies cited there in by Eric McGhee with contributions from Daniel Krimm, *Open Primaries* (San Francisco, CA.: Public Policy Institute of California, February 2010). Also, see sources cited in Note 3 and "Washington's top-two primary gets voters the better choice," *The Seattle Times*, August 19, 2010.

### Note 5

This was the view of communications consultant Michael Grossman of the firm Fifty Plus One, as expressed in an article by reporter Jeremy Duda, "'Top-two' proposal may favor centrist candidates, but critics fear unintended consequences," *Arizona Capitol Times*, July 5, 2011.

### Note 6

The Duke case also illustrates two possible difficulties with this proposed primary system. One is the danger of candidates hiding their identities or misleading the voters by the party label they choose to use. Another is the possibility of "tactical voting" – voting for a primary candidate simply to make it easier for another candidate to win the general election. A few observers of this Louisiana election speculated that some voters who really favored Edmunds voted for Duke in the primary as a way of nominating the candidate Edmunds could most easily defeat in the runoff election. Tactical voting, however, is not confined to this proposed system. Under more conventional systems, tactical voting can take place as members of one party decide to vote in the primary of the other – something that is easier in an open-primary system, but can also be done simply by re-registering in a primary system closed to party members.

### Note 7

Analysis of voting in Washington is based on official returns from the Washington Secretary of State, Elections Division, 2008 and 2010. See also: Torey Van Oot, "Election 2010 – Top two' primary – how

big a change? *Sacramento Bee* (June 1, 2010); Kari Chisholm, "Top-two primary: So much for THAT argument," *Blue Oregon.com* 2008; and Steven Hill, New America Foundation, "Pros and Cons of a Top-Two Primary," *Los Angeles Times*, February 20, 2009.

**Note 8**

Todd Donovan, "The Top Two Primary: What Can California Learn from Washington?" *California Journal of Politics & Policy* (February, 2012).

**Note 9**

Molly Milligan, *Open Primaries and Top Two Elections: Proposition 14 on California's June 2010 Ballot* (Los Angeles, CA: Center for Governmental Studies). The report also noted that campaigns are likely to become more expensive because candidates must reach out to a broader audience.

**Note 10**

Kari Chisholm, "Top-Two primary: So much for THAT argument," *Blueoregon.com* 2008).

**Note 11**

From the point of view of party leaders, there is a danger in a top-two system that several members of their party will compete for the same office and so evenly divide the vote the nomination goes to the opposition party candidate. Democratic Party leaders, for example, may fear that the emergence of several candidates from their party in a normally Democratic district would so divide the vote among them that the only Republican in the primary could be one of the top-two nominees. Parties have a strong incentive to do what they can to keep the number of candidates to a minimum (preferably down to the number of seats being contested) to avoid this result. In Washington, party leaders – particularly on the Democrat side – appear to have had considerable success doing this.

**Note 12**

On Louisiana see Thomas A. Kazee, "The Impact of Electoral Reform: 'Open Elections' and the Louisiana Party System," *Publius* (Winter 1983): 131-139.

**Note 13**

Brian Zylstra, "From our Corner: Primary Turnout Breaks Modern Record," August 24, 2010, Washington Secretary of State, web site.

**Note 14**

Editorial, "Voter unrest, top-two primary drive turnout," *Walla Walla Union-Bulletin* (WA), Monday, August 30, 2010.

**Note 15**

Charlyne Berens, *One House, The Unicameral's Progressive Vision for Nebraska* (Lincoln, Nebraska: University of Nebraska Press, 2005.)

**Note 16**

This was a statewide poll conducted by independent Washington pollster Stuart Elway as reported in "Poll says voters like 'Top 2' primary," *Statesman-Examiner* (Colville, WA) – Wednesday, September 17, 2008.

## Appendix

### Primary Plans in the States

State governments have a wide variety of primary systems through which candidates are chosen for the general. Eleven have what is known as a closed primary; 11 more have an open primary; and nearly half the states (24 to be exact) have a hybrid system somewhere between open and closed. The remaining four states (California, Louisiana, Nebraska, and Washington) have a “top-two” primary – sometimes referred to as a “top-two-vote-getter primary,” a “nonpartisan blanket primary” or a “jungle primary” (“State Primary Election Types,” National Conference of State Legislatures, September 28, 2011).

The closed primary system limits participation to members of a particular political party, e.g. only registered Democrats can participate in Democrat primaries and only registered Republicans can participate in Republican primaries. In a closed primary, those not affiliated with a political party cannot participate. Open primaries, on the other hand, permit any registered voter to participate in whatever party primary he or she chooses. In between the two extremes are a variety of combinations, sometimes classified as semi-closed or semi-open.

Arizonans commonly refer to their system as an open primary. Indeed, that is how it was labeled when the voters adopted it in 1998. However, it is considered under the definitions now in vogue to be a semi-closed system. Under it, party members are still restricted to voting in their own primary but those who registered without indicating a party affiliation are allowed to vote in the party primary of their choice with the exception of the Libertarian Party’s primary and presidential primaries.

Courts have differed over the constitutionality of open primary systems – over whether states can require political parties to allow members of another party to help nominate their candidates. In Idaho, in March 2011 a federal judge said no and invalidated the state’s open primary system. The state followed by adopting a closed primary. A South Carolina federal court, however, has dismissed a challenge to that state’s open primary system.

States no longer may use the traditional “blanket primary system” under which voters received a single ballot listing all the candidates and could chose a candidate for each office regardless of party. For example, vote for a Republican candidate for governor and a Democrat candidate for senator and the candidate with the highest number of votes by party for each office would go on to the general election as that party’s candidate. In 2000, the U.S. Supreme Court struck down the use of such a system in California as a violation of the First Amendment’s freedom of association provision – the right of an organization to exclude nonmembers from participating in the choice of its nominees. Under it, political parties were forced to endorse candidates they did not prefer. (*California Democratic Party v. Jones*, 530 U.S. 567) The plan also was later invalidated in Washington, where it had been used since 1935, and Alaska.

The court action eventually led voters in both Washington and California to adopt a “top-two system” under which registered voters have the opportunity to choose from all candidates for a

particular office, regardless of the voter's party affiliation or the political affiliation of the candidates. Candidates may, if they wish, designate a party preference on the ballot but the system, in effect, replaces the partisan primary.

The plans now in effect in Washington and California (and proposed for Arizona) address the problem raised by the Supreme Court in 2000 by requiring disclaimers on the ballot that although a candidate may declare that he or she prefers a particular party, this does not mean that person has been nominated or endorsed by the party so designated or that the party approves of or has chosen to associate with that candidate. The U.S Supreme Court gave its approval to the Washington plan in 2008 (*Washington State Grange v. Washington State Republican Party*).

Sixty percent of those voting in Washington in 2004 approved the initiative creating the top-two system in place of the traditional pick-a-party system that was being used. The Washington plan applies to congressional, state and local elections. A proposition calling for the top-two primary in California received nearly 54 percent of the vote in June 2010. It covers statewide and congressional candidates and is scheduled to go into general use for the first time in 2012.

Top-two systems are also used in Nebraska and Louisiana. The Nebraska plan, which dates back to the 1930s, applies to the state's 49-member non-partisan legislature and a few statewide offices. It is more nonpartisan than versions in Washington and California and the proposed Arizona system in that candidates do not have the opportunity to designate party preferences on the ballot (though both major parties do endorse candidates).

The top-two plan employed in Louisiana since 1975 differs from the others by stipulating that if a candidate receives a majority of the vote in the primary, he or she is automatically elected to office – there is no need for a runoff or general election. If no candidate attracts more than half of the votes, a runoff election is held between the top-two vote getters. The system applies to the election of state officials and congressional races.

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