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Top Two Elections and their Effects on the Smaller Parties

A joint statement from the Green Party, Libertarian Party and Peace and Freedom Party
May 23, 2013

- **Top Two makes it much harder and more expensive for candidates of small parties to qualify for the primary election ballot, thereby reducing their number to a record low.**

In 2012, the number candidates from the smaller parties running for Congress declined 68% from 2008 (the last presidential year before Top Two) and for state legislature the number declined 72%, resulting in the fewest number of candidates on the primary election ballot from any alternative party since 1966, when only the established Democratic and Republican parties were on the ballot.

Why? Under Top Two, the number of signatures in lieu of filing fees for candidates of the smaller alternative parties have increased drastically (for statewide office, from 150 to 10,000.) Smaller parties do not have the infrastructure to gather large numbers of signatures or pay the filing fees for multiple offices. As a result, the candidates either have to pay expensive filing fees or not run at all, where previously they could gather enough signatures to avoid paying any filing fee. Under Top Two, running for office itself becomes more expensive, because now everyone has to reach the entire electorate in the primary. As a result, the proportionate increase in cost and difficulty is several times greater for candidates of the smaller parties, and the need for such funding and organization comes much earlier -- all of this making it extremely difficult for these candidates to run. There is also a major disincentive to go through such effort (or pay such fees), when the result is that candidates are only on the ballot for less than three months.

- **The Top Two makes it almost impossible for candidates of smaller parties to appear on the general election ballot.**

Experiences in California in 2012 and from Top Two experiments in Louisiana and Washington show that if the larger more established parties also run candidates in the primary the candidates of the smaller alternative parties never appear on the general election ballot. Without being on the ballot of the much larger, much more significant general election, a party becomes mostly invisible at a time when voters are becoming interested in the election campaigns, making it extremely hard to attract attention for its issues and platform, to raise funds, and to attract and retain members. Having only two candidates in the general election also creates false majorities that further serve to institutionalize the exclusion of the smaller parties from the state's political debate. Before Proposition 14, candidates from the smaller parties generally received 5% to 20% collectively of the general election vote. In 2012, no Green Party, Libertarian Party or American Independent Party candidate qualified for the November ballot.

- **The Top Two makes it much harder for the smaller parties to remain on the ballot.**

One of the only two ways a party can retain ballot status is to receive 2% of the vote in the general election for a statewide office. But the Top Two has de facto taken that possibly away from California's smaller parties. Historically, each of the current ballot qualified parties in California (with two exceptions) have consistently received over the 2% vote requirement necessary to maintain their ballot status, getting from 150,000 to over a half million votes in statewide elections every four years.

The other way to stay on the ballot is the 1% voter registration test per California Election Code section 5100 (b). Previously, even with the benefit of general election ballot access, only the American Independent Party and the Green Party have consistently had registrations above that 1%.

After 2014, the number of registered voters required for a party to maintain its ballot status is likely to rise with statewide population increases. At the same time the lack of visibility for the smaller parties under the Top Two will make it more difficult for them to retain and attract members. As a result, the Greens, Libertarians and Peace & Freedom are in danger of falling off the ballot by 2015.