

Top 2 Primary: FAQs for Candidates

What is a Top 2 Primary?

The Washington Top 2 Primary allows voters to choose among all candidates running for each office. Voters do not have to declare a party affiliation to vote in the primary.

Candidates for partisan office may state a preference for a political party, which is listed on the ballot. The two candidates who receive the most votes in the Primary Election qualify for the General Election. Candidates must also receive at least 1% of the votes cast in that race to advance to the General Election.

What does the candidate's "party preference" mean in a Top 2 Primary?

Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate.

How did the Top 2 Primary become law?

The Top 2 Primary was passed by the people in 2004 as an initiative. I-872 passed by almost 60%. This system was upheld by the U.S. Supreme Court in March 2008 and used for the first time in the 2008 primary. It has been in effect for all partisan elections since 2008.

Could a race in the General Election include two candidates who prefer the same party?

Yes. The candidates in each race who advance to the General Election will be the two who receive the most votes in the Primary. It is possible that both candidates who advance to the General Election prefer the same party.

Can a voter still write in a candidate?

Yes. Each race on the ballot will still have a write in line for a voter to write in the name of a candidate.

What offices are affected?

The Top 2 Primary applies to elections for partisan office. This includes the U.S. Senate and House of Representatives, the State Legislature, partisan statewide offices such as Governor, and partisan county offices such as County Commissioner or County Treasurer.

The Top 2 Primary does not apply to elections for:

- President and Vice President;
- Nonpartisan offices, such as judicial office, municipal office, or a district such as fire district or school board. Nonpartisan offices have a similar primary system that winnows the number of candidates to two. Those candidates advance to the general election.
- Precinct Committee Officers (PCOs);

Can the political parties prevent a candidate from expressing a preference for their party?

No. Candidates are permitted to express a preference for any political party. The candidate is only representing himself or herself, not a political party, when he or she appears on the ballot.

Can political parties still nominate candidates?

Yes. State law no longer dictates how political parties conduct their nominations. Now, the state and local parties decide how to conduct their nominations. The rules for party-run nominations vary party to party, and even between the state and local parties. Political parties can nominate multiple candidates for the same race. The Supreme Court stated:

"Whether parties nominate their own candidates outside the state-run primary is simply irrelevant. In fact, parties may now nominate candidates by whatever mechanism they choose because I-872 repealed Washington's prior regulations governing party nominations."

Can the political parties demand that their nominees be distinguished on the ballot?

No. The law does not allow nominations or endorsements by interest groups, political action committees, political parties, labor unions, editorial boards, or other private organizations to be printed on the ballot.

The Supreme Court ruled the political parties do not have a constitutional right to have their nominees distinguished on the ballot.<

Candidates can promote themselves in voters' pamphlets, advertisements, and other forums as the nominees of a political party.

Once candidate filing week is over, can a major party fill vacancies on the major party ticket?

No. This process was specifically repealed in I-872 because there is no major party ticket in a Top 2 Primary. All candidates are treated the same.

A race will only be reopened for a special filing period if there is a void in candidacy meaning no candidate filed during the regular filing period.

In races where only one or two candidates filed, will that race skip the Primary and only appear on the General Election ballot?

No. Even in races where only one or two candidates filed for a partisan office, that race will still appear in the Primary Election.

If a candidate for partisan office who was one of the top two vote-getters in the Primary dies or is disqualified before the General Election, will the party be allowed to name a replacement?

No. In a Top 2 Primary, a candidate's party preference is purely for informational purposes and does not play any role in the administration of the election. Because the candidates are not representatives or nominees of a political party, a party is not allowed to name a replacement candidate. The laws that previously allowed the political parties to replace deceased or disqualified candidates was repealed in I-872.

How do candidates place information in the State Voters' Pamphlet?

Candidates for the following offices may place biographical information, a campaign statement, and a photograph in the State Voters' Pamphlet.

- President
- U.S. Senator
- U.S. Representative
- Governor
- Lt. Governor
- Secretary of State
- State Treasurer
- State Auditor
- Attorney General
- Commissioner of Public Lands
- Superintendent of Public Instruction
- Insurance Commissioner
- State Supreme Court Justice
- Court of Appeals Judge
- Superior Court Judge
- State Senator
- State Representatives

Candidates must submit their material by May 25, 2012. All statements and photographs submitted will be reviewed by the Elections Division of the Office of the Secretary of State to ensure that the information meets Voters' Pamphlet requirements.

How do county candidates get information into local Voters' Pamphlets?

Contact your local [County Elections Office \(http://www.sos.wa.gov/elections/auditors.aspx\)](http://www.sos.wa.gov/elections/auditors.aspx) to inquire about getting your information into a local online or printed Voters' Pamphlet.

Where can I find more information about the Top 2 Primary?

The Secretary of State's Office posts information about Initiative 872, the administrative rules to implement Initiative 872, and the court documents in the legal challenge on its website at: <http://www.sos.wa.gov/elections/toptwo.aspx> (<http://www.sos.wa.gov/elections/toptwo.aspx>).