

CALIFORNIA'S TOP-TWO PRIMARY

The Effects on Electoral Politics and Governance

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EXECUTIVE SUMMARY

In this report, we conduct an in-depth analysis of California's top-two nonpartisan primary election system to better understand if and how eliminating partisan primaries reshapes politics and governance.

We evaluate the effects of the top-two system in California based on the criteria established by supporters and opponents of such primary reforms, as well as by political scientists. Specifically, we assess the impact of Top Two on polarization, turnout and meaningful electoral participation, election competitiveness, Californians' assessment of state governance, and party strength. We exhaustively review existing peer-reviewed research and conduct original analysis to understand whether the claims and hopes of reform advocates came true.

Now that California has just finished its sixth full election cycle using the top-two model, it is a good time to take stock of whether and how California politics has changed over the last decade since reform was implemented.

We find that top-two nonpartisan primary reform in California has:

Encouraged more bipartisan and moderate legislative behavior:

- California is one of only five states in the nation that has depolarized since 2013;
- California stopped polarizing while other western states — Utah, Colorado, Oregon, Arizona, and Texas — have polarized more than those in any other region of the country;
- Newly elected members of Congress from states with nonpartisan primaries — California, Washington, and Louisiana — are up to 18 percentage points less extreme than new members from states with partisan primaries.¹

Led to higher overall turnout in primaries, positioning the state as a national leader in primary election turnout:

- The most thorough report on Top Two's impact on turnout finds the system is responsible for between a 1.5-6.0 percentage point increase in primary turnout, controlling for other factors;²
- In 2020, California had the third highest primary turnout in the nation at 33.3%, and Washington State had the highest primary turnout at 42.8%.

Increased the share of residents who cast a meaningful vote in an election of consequence:

- Under Top Two, residents are twice as likely to vote in an election of consequence compared to a traditional system with partisan primaries;
- 23% of the voting eligible population in California, 30% in Washington, and 25% in Louisiana, vote in the most consequential elections, compared to a mere 13% in all states with partisan primaries;
- Voters struggle to identify the ideological differences between candidates in a same party general election, which raises concerns about electoral accountability, but other evidence suggests voters can and do rely on other heuristics to make meaningful decisions.

Made elections more competitive in part by dramatically intensifying competition in the primaries;

Contributed to an increase in the share of residents who believe that the state is moving in the right direction from about 30% to 50%.

In short, we find that California's top-two system delivered on most of what advocates promised. Over the last 12 years, while electoral competition declined and polarization intensified throughout the nation, California trended in the opposite direction: more meaningful participation, increased electoral competition, and decreased polarization. There is compelling evidence that reformers should keep experimenting with similar alternative electoral systems, such as Top Two and Top Four nonpartisan primaries, instant runoff voting, and the Louisiana system. Indeed, these are politically feasible reforms that may be necessary to salvage the larger experiment of American democracy.

TOP-TWO NONPARTISAN PRIMARY

A primary in which all candidates, regardless of political affiliation, compete in the same primary election open to all voters. The two candidates with the most votes advance to the general election. *Throughout this paper this system is sometimes just referred to as “Top Two.”*

TOP-FOUR NONPARTISAN PRIMARY

A primary in which all candidates, regardless of political affiliation, compete in the same primary election open to all voters. The four candidates with the most votes advance to the general election.

THE LOUISIANA SYSTEM

An election system in which all candidates, regardless of political affiliation, compete against each other in a general election. If one candidate earns 50%+1 of the vote they win; if no candidate earns a majority, a runoff is held between the top two vote getters.

INSTANT RUNOFF VOTING

An election system in which voters can rank candidates in order of preference. If one candidate earns 50% +1 of the vote, they win. If no candidate earns a majority, candidates are eliminated one at a time until one has majority support.

PARTISAN PRIMARY

A primary in which only candidates from the same party compete, and the one candidate with the most votes advances to the general election. The rules determining who can vote in the primary vary by state, but often only voters registered with the party can participate.

ELECTION OF CONSEQUENCE

In a given election cycle, the election that most determines who the representative will be from a jurisdiction. When general elections are competitive (decided by a 10% margin of victory), they are the election of consequence; when they are not, primary elections are the election of consequence.

MEANINGFUL VOTE

A vote cast in an election of consequence—that is, an election in which candidates cannot rely on their partisanship to win, and thus campaigns, candidates, and policy positions matter.

Introduction

The vast majority of federal and state legislative districts in the United States are safe seats for one of the two major parties. In these districts, the winner of the dominant party's primary is all but guaranteed elected office. Americans who participate in partisan primaries are a very small and unrepresentative subset of the district at large. In 2020, 83% of congressional districts were safe seats, and the voters who participated in the consequential primary election (the only consequential election in those districts) collectively constituted a mere 10% of the American electorate.³ In 2022, the problem was worse, and just 8% of Americans effectively elected 83% of Congress. The voters who participate in low-turnout, low-salience partisan primary elections are whiter, wealthier, more educated, and older than the general electorate, and recent research suggests they are more ideologically extreme.⁴

Moreover, recent evidence suggests that through low-turnout partisan primaries, this small and unrepresentative subset of Americans is the “tail wagging the dog” of American politics. In recent years, ideological activists are surging in partisan primaries,⁵ and this insurgence incentivizes incumbents to be less bipartisan and more ideologically “pure.”⁶

In response, more and more jurisdictions are eliminating partisan primaries entirely: Alaska, California, Louisiana, Nebraska, and Washington State now use an election system in which all candidates (regardless of political affiliation) compete directly in the primary, and the top two (or four, in the case of Alaska) advance to the general election.ⁱ These “nonpartisan” primaries are open to all voters; a specific party registration is not required to participate. The hope is that by dramatically increasing the share of the electorate who participates in consequential elections, and thereby altering the incentives for candidates and elected officials, these alternative election systems will incentivize collaborative policy

making and good governance, increase representation and participation, and restore voter faith in the political process and government.

In 2010, a bipartisan coalition of reformers — including then Governor Arnold Schwarzenegger, and moderate business and labor groups — championed Proposition 14, a California ballot initiative to adopt the top-two model under use in Washington State. Proposition 14 passed with 54% support from voters and was implemented in 2012.

In this report, we conduct an in-depth analysis of California's top-two election system to better understand if and how eliminating partisan primaries reshapes politics and governance. We focus on California for a number of reasons. First, what happens in California is hugely important in its own right. If California were a country, it would be the fifth largest national economy in the world, greater than India and the United Kingdom, and just smaller than Germany.⁷ Second, the effects of eliminating partisan primaries in California is the best indicator of how similar reforms would play out in other deeply polarized legislatures. The problems in California closely reflect those plaguing Congress. In 2010, California broke the record for most consecutive days without a budget, marking the 16th year in two decades in which the state legislature failed to pass a timely budget.⁸ Moreover, according to the most widely used and respected political science measure of state legislative polarization, California was the most polarized state in the entire nation at the time it adopted Top Two (and not by a narrow margin, either).⁹ In fact, the gap between California and Colorado (the second-most polarized state at the time) was larger than the gap between any other two states.¹⁰

For those interested in how election reform can change the politics of the U.S. Congress, California is in many ways a “most similar case,”¹¹ and for

ⁱ Nebraska has utilized a top-two system for their nonpartisan, unicameral state legislature since 1936. In 2022, Nevada voters passed an initiative to adopt Top Five nonpartisan primaries as a constitutional amendment, which must pass at the ballot again in 2024.

those interested in how reform can affect politics in other states, California is a “most difficult case:” if primary reform works in the nation’s most polarized state, it can presumably work anywhere.¹²

We evaluate the effects of Top Two in California based on the criteria established by supporters and opponents of reforms to partisan primaries, as well as by political scientists. Specifically, we assess the impact of Top Two on polarization, turnout and meaningful electoral participation, election competitiveness, and Californians’ assessment of state governance. Reform advocates and their opponents generally agree on these democratic values but disagree on whether Top Two has and will improve outcomes on these dimensions. We also evaluate the effects of Top Two on political parties. Interestingly, reform supporters and opponents agreed that the system would weaken California parties, but they

disagreed on the implications of this for democracy.

Now that California has just finished its sixth full election cycle using the top-two model, it is a good time to take stock of whether and how California politics has changed over the last decade since Top Two was implemented.

We find that, in California, Top Two has delivered on most of what advocates promised. During a period in which electoral competition has declined and polarization has intensified through most of the nation, the top-two system appears to have mitigated polarization and intensified electoral competition. Top Two also radically increased the share of Californians who have the opportunity to cast meaningful votes in elections of consequence. And under the new system, Californians’ attitudes towards their state government improved dramatically.

TABLE 1

SUMMARY OF PREMISES AND FINDINGS ON THE EFFECTS OF TOP TWO IN CALIFORNIA

Category	Premise	Conclusion	Confidence	Effect Size
Polarization	Top Two results in more bipartisan and moderate legislative behavior	YES	MODERATE	MODERATE
Electoral competition	Top Two increases the competitiveness of elections	YES	HIGH	LARGE
Turnout	Top Two results in more Californians casting votes	YES	HIGH	MODERATE
Meaningful participation	Top Two results in more Californians casting votes in an election of consequence	YES	HIGH	LARGE
Public attitudes towards government	Top Two resulted in more positive citizens’ attitudes toward the state government	YES	LOW	LARGE
Party organization	Top Two weakened the ability of parties to influence candidate nomination	NO	LOW	N/A
Third parties	Top Two weakened third party candidates	YES	HIGH	SMALL

In this report, we exhaustively survey existing peer-reviewed research and conduct original analysis to understand whether the claims and hopes of reform advocates came true. While the analysis leans heavily on the California experience, Washington and Nebraska are mentioned throughout — as the only other two states to use top-two nonpartisan primaries. Table 1 above summarizes each premise and the findings evaluated in this report. Next to each hypothesis is a summary of the main finding: “yes”, the evidence supports the hypothesis, or “no” it does not. The next two columns indicate the “effect size”

(or magnitude of impact) and “confidence” (i.e., how strong the evidence is).ⁱ

In the subsequent report, each category corresponds with a premise shared by advocates of the system, available evidence (with both summaries of existing research and original analysis), and outstanding questions or opportunities for future research. Finally, given the generally positive findings of this report, we conclude by arguing that other states and localities should continue to experiment with alternatives to partisan primary elections, such as the top-two election system.

ⁱ For example, on polarization, an assessment of the best and most recent evidence suggests that 1) Top Two narrows the ideological distance between Republicans and Democrats, that 2) the size of this narrowing is small to moderate, and that 3) we are moderately confident (or certain) that Top Two is responsible for this effect.

Polarization and Substantive Representation

PREMISE	Top Two results in more bipartisan and representative legislative behavior.	OUR CONCLUSION	YES
FINDING	The reform took a few years to have this effect, but recent analysis based on the best available data suggests that California’s legislature and congressional delegation has depolarized since the Top Two’s implementation. However, we only have low to moderate confidence that Top Two is responsible.	OUR CONFIDENCE	MODERATE
		EFFECT SIZE	MODERATE

Why might California’s top-two election system mitigate polarization? The inclusion of independent voters in the primary is one potential mechanism through which Top Two could dampen polarization, since independent voters are less partisan and more ideologically moderate.¹³ However, the openness of a partisan primary is only weakly associated with lower levels of polarization.¹⁴ This is, perhaps, unsurprising given that most independents routinely vote for the same party (political scientists refer to them as “leaners”), and true independents are, on average, the least politically engaged.¹⁵ Nevertheless, while many independent voters are really partisans in disguise, true swing voters do exist and, in fact, represent a sizable share of the electorate.¹⁶ Moreover, these voters are more pivotal when they represent a solid voting bloc in a single primary contest—in contrast to open partisan primaries, which bifurcate independent voters into a Republican primary and a Democratic primary.

Top Two, arguably, empowers true independents and moderates — including moderate partisans, who constitute a much larger share of party affiliates than is often presumed¹⁷ — to function as a large and decisive force within California’s single nonpartisan primary election. This may create an incentive for legislators and candidates to take more representative (and generally more moderate) positions and increase the likelihood that moderate primary candidates advance to the general election.

Beyond enfranchising and empowering independent

voters in the first-round primary election, Top Two might alter political incentives by empowering voters who affiliate with the weaker party in a given district. A unique feature of the top-two system in California and Washington (as well as the Louisiana system) is the potential for general election matchups that pit two candidates from that same party against each other — generally the two candidates from the district’s dominant party. Counterintuitively, same-party general elections may improve representation for partisan voters of the weaker party, by leaving these voters with no option but to choose the candidate from the other side of the aisle who represents them best. For example, a Democratic candidate in a heavily Democratic district, will recognize that their general election opponent may be another Democrat, and thus electoral success may in fact hinge on their ability to persuade not just independent but Republican voters. Such a mechanism incentivizes candidates to appeal to all voters in their district and encourages elected officials to represent all their constituents, not just partisan primary voters.

Some public opinion research provides reason to doubt the effectiveness of this moderating mechanism, since individual voters struggle to correctly distinguish the relative ideology of candidates from the same party.¹⁸ In theory, however, same-party general elections (or even the potential for a same-party general) might nonetheless promote and reward more moderate candidates, if donors and interest groups from outparty throw their support behind the “lesser of two evils.”

Below, we evaluate these theoretical expectations based on the best available evidence.

Top Two and Polarization in the State Legislature and Congress

The best available evidence suggests that top-two primaries are mitigating polarization among state and federal lawmakers in California.

First, we use Boris Shor and Nolan McCarty's widely respected measures of state polarization to examine the effects of Top Two on lawmaking in California.¹⁹ Following a standard approach in political science, we use the ideological distance between the median Democrat and the median Republican to represent the level of polarization in a chamber. We use the average ideological distance in the lower (i.e., state assembly) and upper (i.e., state senate) chamber to construct an overall polarization score.

By this measure of the average ideological gap in both chambers, California was the most polarized state in the entire nation at the time it adopted Top Two. In fact, throughout the entire period of Shor and McCarty's dataset (that is, since 1992) up until the implementation of Top Two in 2012, California was the most polarized state in the nation by a huge margin: in almost every year from 1992 to 2012, the gap between California and the second most polarized state was typically much larger than the gap between all other consecutive states in rank order.

While California remains a deeply polarized state, the state's trajectory changed markedly after the enactment of Top Two (Figure 1). Between 2013 and 2018 (the most recent year for which data are publicly available), California's state legislature was one of only five in the country that became less polarized. In fact, since California implemented its top-two nonpartisan primary, only Kansas and West Virginia depolarized more. Meanwhile, polarization increased in the vast

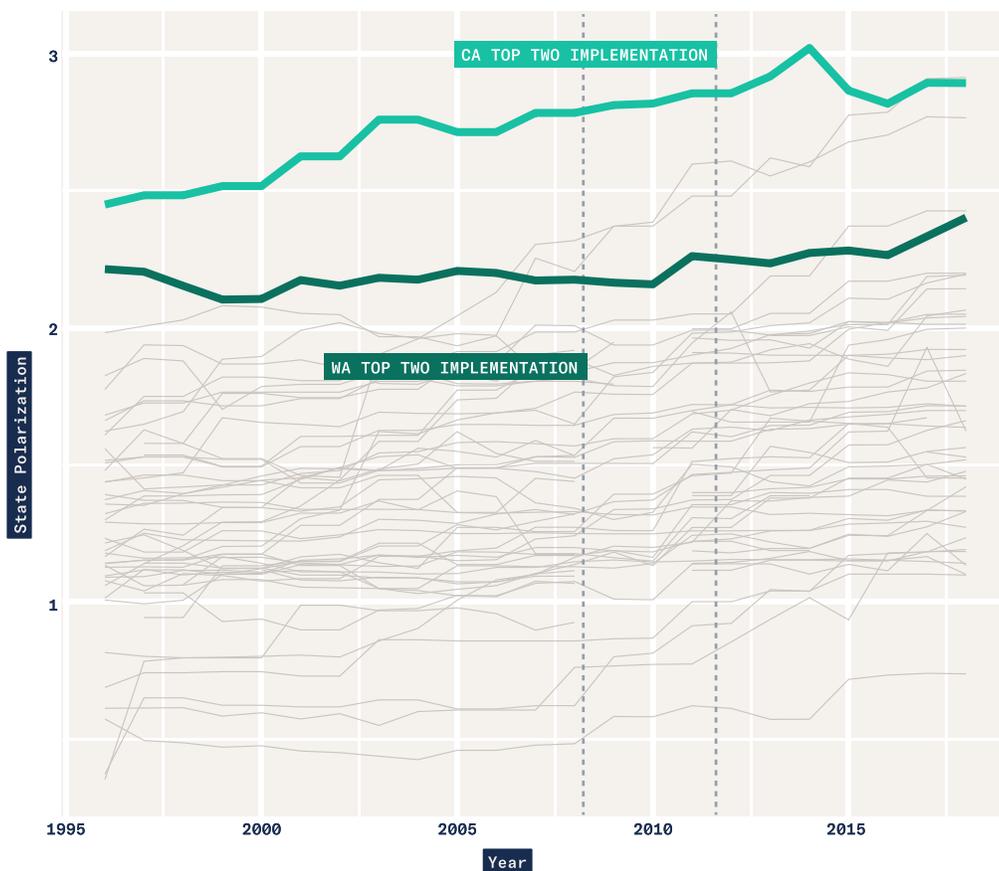


FIGURE 1

STATE POLARIZATION SCORES

- CALIFORNIA
- WASHINGTON
- OTHER STATES

California slightly moderated since implementing Top Two, while Washington slightly polarized. Meanwhile, most other states polarized at a much faster rate during this period.

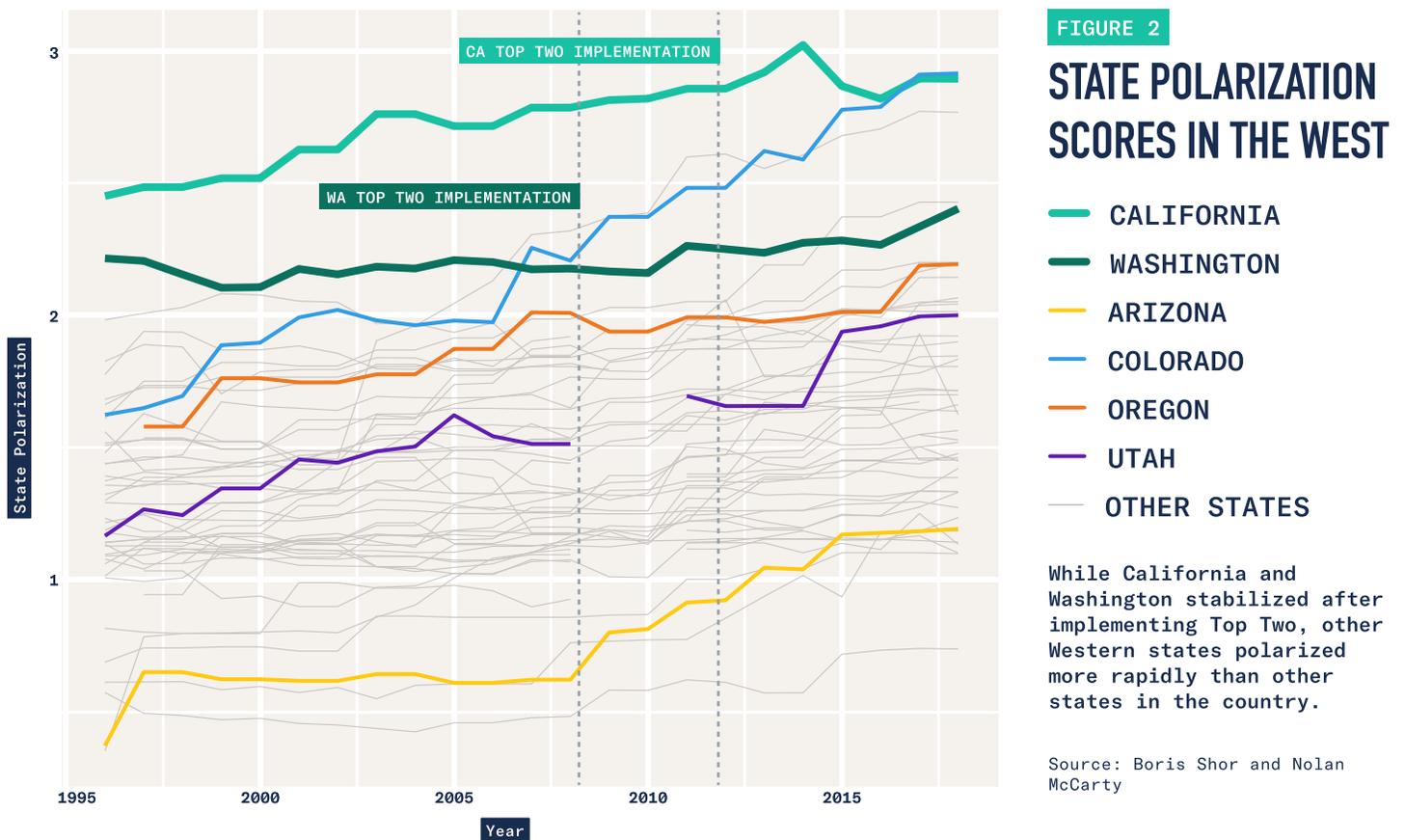
Source: Boris Shor and Nolan McCarty

majority of states (38 out of 50) during this period.ⁱ

California's performance under Top Two is even more impressive when judged against other states in the West, which have polarized more than any other region in the country in recent years (Figure 2). From 2013 to 2018, four of the top five states in which polarization increased the most were: Utah, Colorado, Oregon, and Arizona.ⁱⁱ

Since the implementation of Top Two coincided with the state's first independent redistricting commission (IRC), it is difficult to isolate the effects of each

institutional reform. Fortunately, we can leverage variation among western states to disentangle the effects. Four western states (California, Washington, Arizona, and Idaho) used a commission to draw the state legislative districts that existed from 2012 to 2018. The two states that used an IRC and an alternative to partisan primaries (California and Washington) were the least polarizing western states during this period, while the western states that used commissions and partisan primaries were among the most polarizing states in the nation during this period.ⁱⁱⁱ



i Some reform skeptics acknowledge these empirical findings, but dismisses their significance, asserting “None of this is surprising. *Legislatures tend to generate stable coalitions.*” That is, stability in the level of polarization reflects the norm of stability amongst a political coalition and is therefore expected and not attributable to electoral reform. But even if we accept the premise, given that Shor-McCarty scores are a function of coalition stability, this argument is internally inconsistent given the data. Indeed, stability in the level of legislative polarization was decidedly *not* the norm in California prior to the adoption of primary reform. It has not been the norm in the nation as a whole over the last decade since top-two was implemented in California, and it especially has not been the norm among western states.

ii The effects of Top Two on (mitigating) polarization are statistically significant according to a regression model with state and time fixed effects.

iii In December 2022, soon before the release of this report, Shor and McCarty published an article in the *Journal of Political Institutions and Political Economy* with updated state polarization scores. These new data (which now include legislative sessions in 2019-20) show that both California and Washington State became more polarized from 2018 to 2020, and on net, both states have become slightly *more* polarized since implementing Top Two. Unfortunately, Shor and McCarty have not yet released these new data, so we were unable to include them in our analysis here in this report. Based on a cursory look it is very difficult to decipher if Top Two would still be a statistically significant predictor of lower Shor-McCarty scores using these new data. While Washington and California's scores modestly increase (by 0.3 and 0.2 respectively), the level of polarization in the majority of states increased by more than that since the Obama Era — especially in the West. That said, it is fair to say that the new Shor-McCarty scores give us reason to temper our assessment of the positive effects of Top Two on polarization in this report.

If top-two nonpartisan primaries are moderating the California state legislature, is the same true of U.S. Representatives elected from the state under the same rules?

The best analysis, using the most recent data, reveals that Top Two is also mitigating polarizing behavior among federal officeholders from California, Louisiana, and Washington. Christian Grose finds that — controlling for presidential vote share and constituent ideology by congressional district — Top Two predicts a significant moderation in legislative behavior. Grose finds that among newly elected members of Congress, those from states with top-two nonpartisan primaries are 18 percentage points less extreme than members originally elected in a partisan primary. To some extent, this moderating effect is the result of veteran legislators who changed their behavior (by acting more bipartisan and moderate) in response to Top Two. But to a greater extent, lawmakers who were newly elected under Top Two are driving the moderating effect.²⁰

Using the most updated data on congressional and state roll call voting, we replicated Grose’s regression analysis on the effects of nonpartisan primaries on polarization in Congress, and we used a similar model on state legislatures using Shor-McCarty scores. Consistent with Grose’s earlier findings, and consistent with our expectations given the analysis on state legislative polarization above, we find the nonpartisan primaries have a statistically significant moderating effect on polarization. We explain these regression models and present our findings in the appendix.

The Effects of Same-Party General Elections

Other research finds that the moderating effects are especially prominent in same-party general elections — which cannot occur under the traditional partisan primary system. In most states, it is impossible for two Democrats or two Republicans to compete against each other in November. However, under top-two systems, if two candidates from the same party receive the most votes in the primary, they compete against each other in the general election.

Jesse Crosson analyzes candidates from California and

Washington State from 2008 to 2014. He finds that candidates who win office in a same-party general election are significantly more moderate than those who defeat a competitor from the other party.²¹ These findings suggest that voters of the district’s weaker party are better represented when two candidates from the other party compete in the general election, because their votes are needed to win.

This may seem counterintuitive, but this finding makes sense upon further reflection. Consider how a same-party general election would change representation in a safe Democratic district. If that district had a typical (Democrat v. Republican) general election, Republican voters would largely cast their votes for the Republican candidate, who would lose, while the Democratic candidate, knowing she does not need their votes to win, would make no attempt to win over Republicans or conservative independents. In a same-party general election between two Democrats, Republicans and conservative independents have the capacity to tip the outcome in the favor of the more moderate candidate from the other party, and consequently a hypothetical Democratic candidate has a strong incentive to appeal to them.

Other recent research indicates that candidates are responding to the new incentives of the top-two election system. Steven Sparks analyzes the websites of nearly 300 state legislative candidates from California and Washington State during the 2016 election cycle. He finds that candidates — including winners and losers — in a same-party general election use rhetoric that is significantly less ideological and more bipartisan.²²

In a series published by the USC Schwarzenegger Institute, Charles Munger Jr. demonstrates that same-party general elections are common and highly competitive in California since the implementation of Top Two. From 2012 to 2016, 80 state legislative general elections featured two candidates from the same party. In 20 out of those 80 (25%), the second-place candidate in the top-two primary won in the general election. In most of these cases, independents and “out-party” voters tilted the outcome towards the more moderate candidate.²³

ADDRESSING EARLIER RESEARCH ON THE EFFECTS OF TOP TWO ON POLARIZATION

The recent research summarized above stands in some contrast to early work, which found that the effects of primary reform on polarization in California was mixed, modest, or nonexistent. Importantly, much of this research was based on data from 2012 and 2014, just a few years after the California system had been implemented. Any election reform — especially one of this magnitude — takes time to make an impact as political actors become familiar with it and adjust behavior accordingly.

The most prominent early study on the effects of top-two on polarization found mixed results. Eric McGhee and Boris Shor (2017) find that California Democrats moderated after the enactment of Top Two. If one simply compares the ideological position of Democrats before and after the implementation of Top Two, the effect seems modest. However, as McGhee and Shor note — and demonstrate through more sophisticated statistical models — the causal effect of Top Two on California Democrats actually appears quite large in comparison to other states during this period.²⁴ As the authors state, “In short, while Democrats in California have grown slightly more conservative, Democrats in other states have grown even more liberal in this time period. This relative effect makes the Democratic moderation in California more notable.”²⁵

This finding corroborates McGhee’s analysis in another article. McGhee (2015) finds that Democrats took more moderate positions on business regulations under more open primary rules (both the open “blanket” primary compared to the closed partisan primary, and the top-two system compared to the

blanket primary).ⁱ

Taken together, the results from McGhee and Shor (2017) and McGhee (2015) suggest that, after the enactment of Top Two, California Democrats became less beholden to labor and liberal activists who preferred more business regulation, and thereby became more ideologically representative of the state electorate.

However, Shor and McGhee find no discernible effect of Top Two on the vote behavior of California Republicans or either party in Washington state.ⁱⁱ Similarly, Kousser, Phillips and Shor (2016) find that California legislative candidates did not move closer towards median voters in their district from 2010 to 2012.²⁶ Hill (2020) finds that Top Two reform increased aggregate campaign contributions and receipts, and that marginal boost to political spending is not simply a product of greater competition.²⁷ Hill interprets this as evidence that—while Top Two results in a more inclusive electorate—polarizing political elites maintain their influence through donations and thereby “circumvent” institutional reforms.ⁱⁱⁱ

Collectively, these early studies on the effects of Top Two on polarization — McGhee and Shor (2017); McGhee (2015); Kousser, Phillips and Shor (2016); and Hill (2020) — provided reason for skepticism towards the effectiveness of top-two at mitigating polarization. Indeed, these results seemingly corroborate other research that found that early attempts to democratize the nomination process had minimal effects.²⁸

i McGhee argues that it is unclear if this is attributable to primary institutions or divided v. unified government. See: McGhee, Eric. “California’s Top Two Primary and the Business Agenda.” *California Journal of Politics and Policy* 7.1 (2015).

ii Nonetheless, it is worth noting that since the enactment of Top Two, Democrats have maintained at least 65% of the seats in each California legislative chamber, so to say that Democrats moderated under Top Two is to say that the party comprising the vast majority of California legislators moderated.

iii While Hill’s empirical findings are interesting and seemingly valid, his interpretation rests on a set of dubious assumptions. Hill assumes that the marginal increase in campaign contributions is driven by the same donors giving more. But Hill’s data does not actually enable us to analyze if these are the same donors giving more. And an at least equally—if not more—compelling explanation is that donors who were ideologically distant from the dominant party did not bother to give in uncompetitive districts have entered the fray. We would expect these donors to have a moderating impact. This alternative explanation seems entirely consistent with the finding that California Democrats became more business friendly after the enactment of Top Two (McGhee 2015).

However, while each of these studies employ sophisticated analyses, they are constrained by their data, which stops at 2012 or 2014. This is a major limitation for a few reasons.

First, each of these studies analyses just one or two legislative sessions and electoral cycles worth of behavior under Top Two. That is, in technical terms, these studies have limited variation on the main independent variable.

Second, by assessing changes in representation in the legislative sessions immediately preceding and succeeding reform, the researchers do not provide time for political learning to occur among political actors who need time to understand the changed incentives and potentials of a new institutional environment. Moreover, in 2012, California legislators were not just learning how to behave in a new electoral system — they were also learning how to behave in a newly drawn district. Even if Top Two does create new incentives to shift towards the median voters, and legislators recognize this, in the years immediately following redistricting, politicians were still figuring out where the median voter of these newly drawn districts were located on the ideological spectrum.

Indeed, in their analysis of California's Top Two, Sinclair et al. (2018) outline the logic of political learning and find that same-party general elections generate the conditions for coalitional change that takes time to develop.²⁹

Finally, research with a longer time horizon is

important because the central mechanism for change comes from newly elected policymakers — not behavior change among incumbents. Ideologically extreme incumbents first elected in a partisan primary will only moderate so much. Thus, what scholars refer to as “replacement,” is the dominant mechanism through which Top Two moderates legislative behavior, as more moderate newcomers elected in the new system replace ideologues elected in partisan primaries.³⁰

For example, Grose (2020) replicates McGhee and Shor's earlier analysis, by using identical models on data from 2003 to 2018 — that is, four years and two legislative sessions beyond McGhee and Shor's analysis. As detailed above, when Grose replicates McGhee and Shor's study with more recent data, he finds that lawmakers elected under Top Two are substantially more moderate than their peers.

In sum, while early evidence on Top Two was mixed, more recent research suggests that Top Two is moderating candidate and legislative behavior in California. The more recent research surveyed is neither analytically inferior or superior, but it examines more data on elections and legislative sessions under Top Two and allows for political actors to learn and adjust to the incentives of the new election system. In short, while California is still polarized, the best evidence, based on the most and most current data, suggests that the top-two nonpartisan primary significantly mitigates polarization.

Electoral Competition

PREMISE

Top Two increases competitiveness of elections.

FINDING

Yes. Top Two significantly increased the competitiveness of primary elections, and may have modestly increased the competitiveness of general elections as well.

OUR CONCLUSION

YES

OUR CONFIDENCE

HIGH

EFFECT SIZE

LARGE

While early studies on the impact of Top Two indicated limited impact on polarization, more recent studies and new analysis shows positive impact. At the state level, research suggests California has moderated over the last decade while peer state legislatures have become more ideologically extreme. At the congressional level, newly elected members of Congress are substantially more oriented towards bipartisan cooperation than their peers from states with partisan primaries.

Why? First, under top-two systems, legislators are less likely to fear being primaried by ideologically extreme opponents. Second, under Top Two Systems, candidates are incentivized to reach all voters in their district, not just partisan primary voters. Third, the threat or reality of a same-party general matchup encourages elected officials to represent all of their constituents, moderating their governance behavior.

Top-two systems increase competition both between and within political parties. Primary and general elections become more competitive when incumbents can no longer survive politically simply by staying in lockstep with partisan primary voters.

The top-two system directly intensifies competition in primary elections by pitting all candidates (regardless of party affiliation) against each other in the first round. By contrast, in the traditional system of partisan primaries, winning candidates often run uncontested in the first round.

In theory, Top Two also has the capacity to indirectly increase competition in the general election as well. If, as the evidence suggests, 1) more ideologically

moderate candidates advance to the general election under top-two³¹ and 2) moderate candidates outperform in the general election,³² then we might expect more competition as more representative candidates compete in the general election.

California's top-two system has significantly increased overall electoral competition, specifically by putting all parties on one ballot in the primary, or what we call the "first-round."

As Alvarez and Sinclair (2015, chapter 4) demonstrate, primary election competitiveness increased dramatically after the implementation of top-two nonpartisan primaries in California. In 2010, the majority of incumbents were simply renominated by their party without opposition. In 2012, this flipped: uncontested races were rare, and most candidates (including most incumbents) moved to the general election with less than 50% of the vote.³³

Figure 3 below demonstrates that this effect of Top Two on primary competition has persisted to the present. The y-axis shows the percentages of uncontested primaries in an election cycle. In 2008 and 2010, prior to the implementation of top-two, well over 80% of primary elections were uncontested races featuring a single candidate. In every election cycle under top-two, fewer than 20% of primaries are uncontested.

Because districts had just been changed at the end of the decade, redistricting explains some, but not most, of this dramatic change. For example, in 2014 (a non-redistricting cycle), only nine candidates (three Republicans and six Democrats) ran unopposed in the

nonpartisan top-two primary, out of 80 state assembly districts.

General elections have also become more competitive. From 2004 to 2010, the general election vote share of winning candidates in the General Assembly ranged from 66.5% to 68.5%. In 2012, it dropped to 63%.³⁴

For an updated analysis of competition in federal elections, we used data provided by the MIT Election Lab to calculate the average margin between the first and second place finishers in general election contests for the U.S. Congress.ⁱ

As Figure 4 reveals, the average congressional vote margin in California narrowed considerably after the implementation of Top Two in 2012. Vote margins

are a good approximation for how competitive an election is, because they indicate how close electoral losers were to winning. From 2000 to 2010, the average vote margin between the first and second place finishers in California congressional elections was 40.1%. In the decade after introducing Top Two, the average vote margin was 30.6%. Top Two did not make all California federal elections competitive, but the reform contributed to a 25% improvement in electoral competitiveness in just a decade. The substantial decrease in general election margins in California far outstrips the modest decrease of three percentage points seen nationally. However, since implementing Top Two in 2008, the average vote margin in Washington state declined by roughly two percentage points — a modest increase in competitiveness that is actually smaller than the national trend towards narrower margins.ⁱⁱ



FIGURE 3

UNCONTESTED STATE LEGISLATIVE PRIMARIES BEFORE AND AFTER TOP TWO

— CALIFORNIA

Before the implementation of Top Two, the vast majority of partisan primaries in the California State Senate and Assembly were uncontested elections in which one candidate ran unopposed. Under Top Two, most (nonpartisan) primaries are competitive elections featuring at least two candidates.

Source: Ballotpedia

i “MIT Election Data Science Lab.” For each congressional election cycle from 2000 to 2020, we took the average margin for all general elections in California. In 2000, California had 52 congressional districts, and 53 districts in every election from 2002 to 2020. We repeated this process for Washington state. For comparison, we also pooled together the margin of every other congressional district outside of California and Washington.

ii The Washington state data points here should be taken with a grain of salt, given the small sample size (9 or 10 races) in each election cycle. Washington state was apportioned 9 congressional districts from 2000-2010, and 10 from 2012-2020.

The change in general election competitiveness is modest compared to the intensification in primary, and the extent to which Top Two is responsible for increased general election competitiveness is unclear.³⁵ California’s independent redistricting commission, which was also implemented in 2012, likely explains some of the increased competitiveness of general elections, too.ⁱ

Nevertheless, other research suggests that one feature of the top-two system is, in fact, greater general election competitiveness. By allowing for same-party general elections in districts dominated by one party, top-two creates opportunities for meaningful and competitive general elections that would otherwise not occur. Under the traditional partisan primary system, the country is divided into “safe red” and “safe blue” seats, where the general election winner is all but pre-determined in the primary: in these cases, there is no general election competition. However, a feature

of the top-two system is that two Democrats can face each other in “safe blue” general elections and two Republicans can face each other in “safe red” general elections, making general elections competitive and giving voters choice. The research finds that incumbents are more likely to face a quality challenger in a same-party general election,³⁶ and campaign expenditures for these same-party challengers translate into votes at twice the rate of challengers in two-party races.³⁷

In addition to the vote share of top candidates, another indicator of overall election competition is the success rate of incumbents. More specifically, incumbents win at a lower rate in more competitive election systems. Top Two appears to have intensified competition in California according to this alternative metric.

In fact, from 2002-2010 (the years immediately preceding top-two, including the redistricting year of

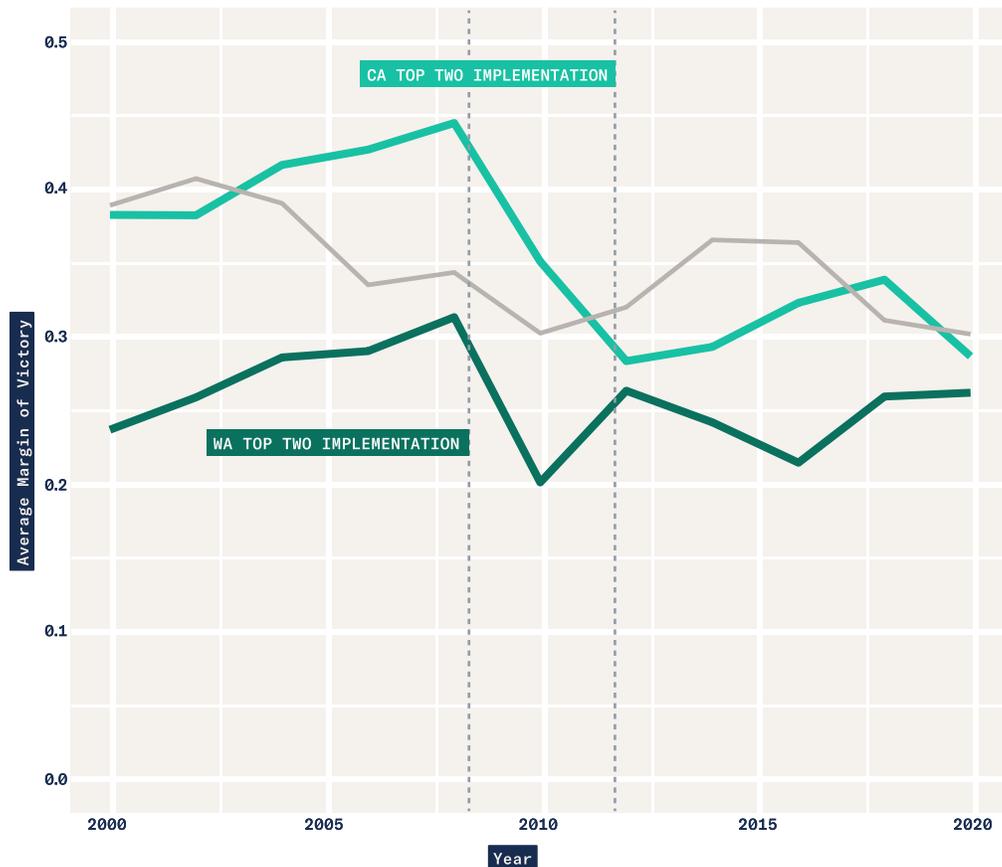


FIGURE 4

COMPETITIVENESS OF FEDERAL ELECTIONS

- CALIFORNIA
- WASHINGTON
- OTHER STATES

A decline in the average margin of victory indicates an increase in competitiveness. In the cycles after California implemented Top Two, general elections for Congress became much more competitive. In Washington State, elections became slightly more competitive under Top Two.

Source: MIT Election Lab

i De Vault, James. “Independent Redistricting Commissions and Electoral Competition in the US House of Representatives,” *Open Journal of Political Science* 9 (2019): 1-16. Like Top Two, independent redistricting aims to increase competition in elections. Unlike Top Two, independent redistricting reforms are partially focused on ensuring there is competition between parties.

2002), zero California state legislators lost reelection. In 2012 alone (the first election cycle in which top-two was used) ten state legislative incumbents lost reelection.³⁸ Overall, the average incumbent loss rate increased from zero per cycle to 5.16 per cycle following the implementation of Top Two (from 2012 to 2022).

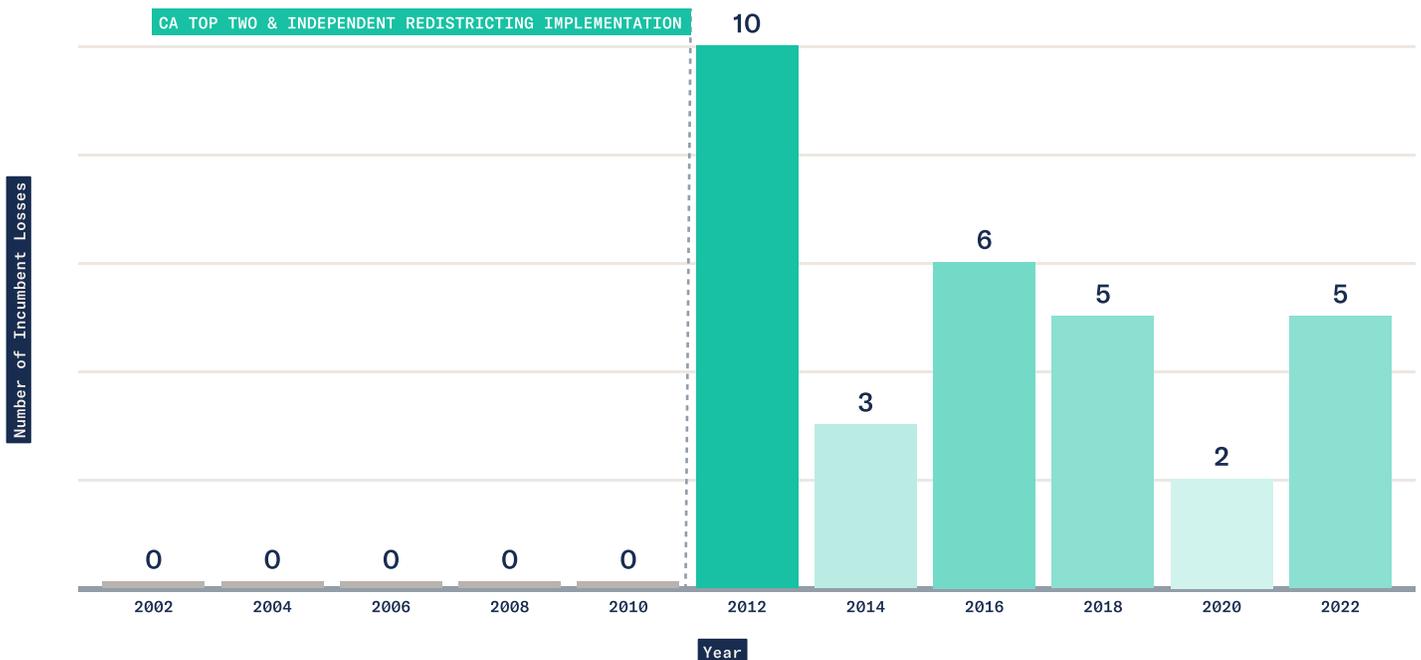
We and other scholars find that the top-two primary

in California increased competition, across three dimensions. First, there are fewer uncontested primary elections — giving voters more *choice* with than one option to vote for. Second, win margins are narrower and general elections are closer — giving voters more *viable* choices. Third, incumbents are more likely to lose under the top-two systems — giving voters an *accountability* mechanism when they are unsatisfied with their representation.

FIGURE 5

CALIFORNIA GENERAL ASSEMBLY INCUMBENT REELECTION LOSSES

Zero California General Assembly incumbents lost reelection in the five cycles prior to the implementation of Top Two. Since implementation, electoral competition increased, and an average of 5.2 incumbents have lost per cycle.



Source: Ballotpedia; Olson and Ali 2015.

Voter Turnout

PREMISE

Top Two increases turnout in elections.

FINDING

Yes. Top Two significantly increased turnout in primary elections, while having an overall neutral effect on turnout in general elections.

OUR CONCLUSION

YES

OUR CONFIDENCE

HIGH

EFFECT SIZE

MODERATE

Why would Top Two increase voter turnout in California? The reform importantly did not change *who* could participate in primaries. Rather, the reform changed the structure and nature of the primary, creating more electoral competition and more opportunities for meaningful participation — potentially making it more likely that voters *wanted* to vote.

Top Two in California was not going to increase turnout by expanding the franchise, because all eligible voters in California could already participate in the primary election of their choice. Before the implementation of Top Two, California held open partisan primary elections in which any voter, regardless of their political affiliation, could participate in either the Republican or Democratic primary — separate contests that nominated one candidate to the general election.ⁱ Since the top-two election system did not notably expand the franchise in changing who could vote we might not expect Top Two to increase primary election turnout. Moreover, in theory, Top Two might actually reduce general election turnout, if partisan voters decide to sit out when two candidates from the other party advance to the general election.

However, there are also several reasons to expect increased turnout under Top Two. First, the increased competitiveness of primary and general elections might mobilize voters who tend to abstain from races with a predictable outcome. Second, while primaries under Top Two were not necessarily more

inclusive than the prior system, under Top Two independents receive the universal primary ballot just like other voters, and this new default might boost participation.³⁹ In other words, we might expect voter participation to increase as elections under Top Two if elections became more consequential.

Overall, California's top-two system increased turnout in the primary election⁴⁰ without decreasing turnout in the November general election.⁴¹ Using federal election data from 1992 to 2014, thus including two election cycles under the reform, Hill (2020) finds that — controlling for other effects — the implementation of the top-two system in California increased primary election turnout by at least 1.5 and up to 6 percentage points.⁴²

These early positive results have continued. According to a recent report on primary turnout by the Bipartisan Policy Center, in the 2022 election cycle turnout was a staggering ten percentage points higher in top-two states, and twenty percentage points higher under Alaska's top-four system.⁴³ As the figure below reveals, the impressive turnout rates under Top Two and Top Four follow a broader pattern in which states with more open primary systems have greater participation in the primary.

Early evidence suggests that Top Two has minimal net effect on general election turnout. The effects are net neutral, rather than null, because research finds that Top Two actually depresses turnout in some general

ⁱ California also used a “blanket primary” in the 1990s, before the courts struck it down. Under that blanket primary system, California voters could vote for Republicans and Democrats on the same ballot for different offices (e.g., a voter could vote for a Democrat for U.S. Senate in the Democratic primary and a Republican for U.S. House in a Republican primary). This contrasts with typical “open primaries” that allow voters to participate in the party primary of their choice, but constraint them to voting in just one partisan primary per cycle. The blanket primary (like open primaries) was different from Top Two, in that candidates from different parties still ran in distinct primary elections.

election races while it increases turnout in others.

Bonneau and Zaleski (2019) find that turnout among voters who affiliate with the district’s weaker party are more likely to abstain when the general election features two candidates from the district’s dominant party.⁴⁴ Relatedly, Fisk (2020) finds that voters are more likely to turnout in a general election featuring a Democrat and Republican.⁴⁵

Seth Masket corroborates these findings. Masket analyzes California turnout in state legislative and U.S. House races. He finds that voter “roll-off”—when voters who fill out a ballot to vote for higher office abstain from a race for lower office—is over three times higher in same party general elections (9.7%) than in traditional general elections (2.8%) featuring a Democrat and Republican candidate.⁴⁶

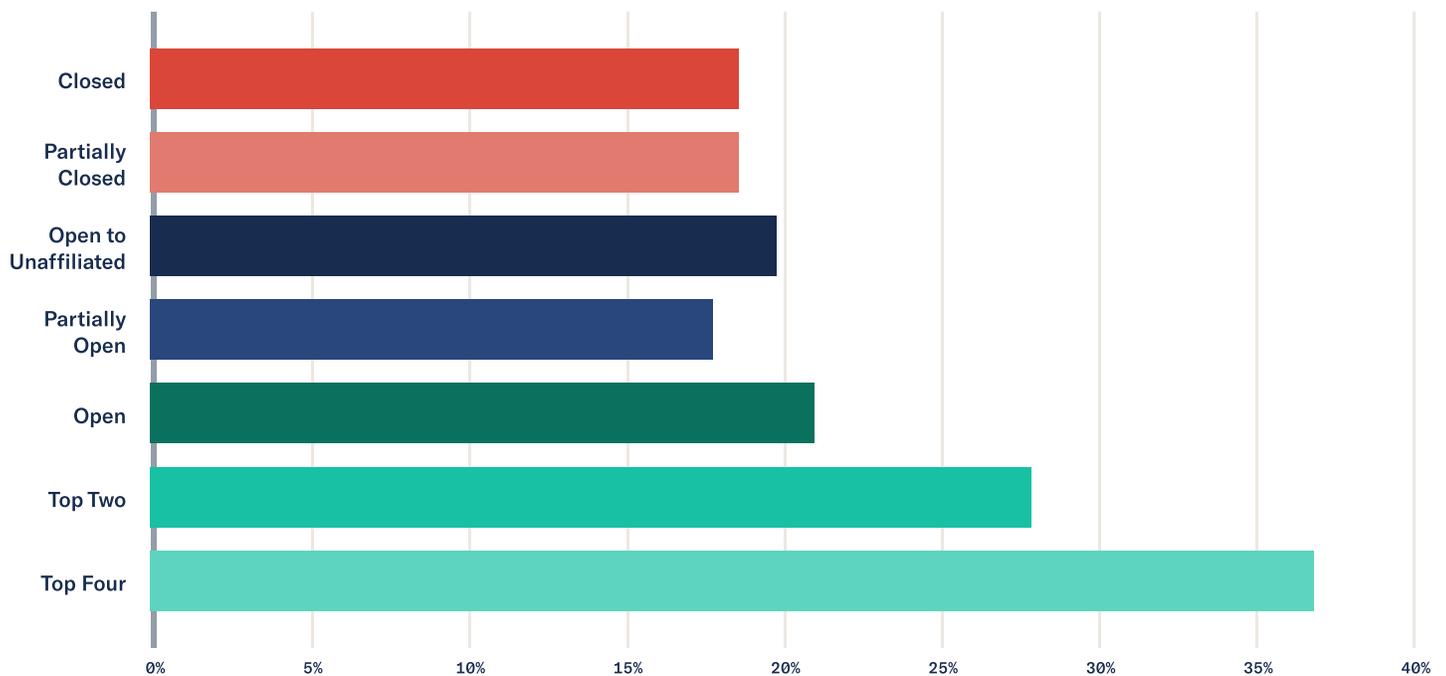
This, however, may not be as alarming as it appears on the surface. Voters abstaining or “rolling-off” may be doing so because they do not like either of the candidate choices. Under the old system, they may have had a more preferred candidate on the ballot, but that candidate may not have been competitive. And those who chose to vote in the primary likely had more influence on the actual outcome of the election than if they had voted under California’s previous system.

Nevertheless, overall general election turnout in California remained relatively constant before and after Top Two.⁴⁷ This is because elections in California experienced more interparty as well as intraparty competition.ⁱ While turnout may decrease when there is only intraparty competition in general elections, turnout tends to increase as interparty competition intensifies.⁴⁸ While the top-two system does create

FIGURE 6

MIDTERM PRIMARY TURNOUT BY ELECTION TYPE

2022 primaries showed that states with open primaries have higher turnout than those that do not.



Source: Bipartisan Policy Center analysis of state election data.

i Interparty competition refers to elections between a Republican and a Democrat. Intraparty competition refers to elections featuring multiple candidates from the same party.

same-party general elections that reduce turnout, on net this is balanced out by more competitive general elections that boost turnout.

For example, let's say two Democrats are on the ballot in a heavily Democratic district. On average, 7% of (mostly Republican) voters will turn down an opportunity to cast a vote in what is likely a competitive election. In a heavily Democratic district in which, say, 30% of voters are Republican, that

means Republicans will only make up 23% of voters, but each will cast a meaningful vote in what is likely a competitive race. These voters, even only amounting to 23% of all potential voters, represent an incentive for the candidates to moderate.

Moreover, the election between two Democrats would occur in November, not in the primary. General election turnout is nearly triple primary turnout in

California, as it is across the country. So, while some

voters may skip the race on the ballot, because of the top-two system, significantly more voters are actually voting in the election that matters most in determining who represents them.

Now, consider voting in this same (hypothetical) heavily Democratic district under a traditional partisan primary. Republican primary voters could have nominated a candidate that more closely reflected their ideology and values. And that candidate would have predictably lost in a landslide in the general election. How many Republican voters would have cast an influential general election vote? Aside from any Republicans who actually preferred the Democrats (which is to say, about none), then zero.

Is voter participation full under Top Two? No. Is voter turnout higher than the traditional partisan primary system? Yes. Do votes cast under top-two systems matter more than those cast in the traditional system? Absolutely.

Meaningful Participation

PREMISE	Top Two increased participation in elections of consequence.	OUR CONCLUSION	YES
FINDING	Yes. Far more voters have a say in consequential elections in California, especially compared to western states.	OUR CONFIDENCE	HIGH
		EFFECT SIZE	LARGE

Increased or decreased voter turnout is not the only way of measuring whether or not any election reform or voting modernization impacts meaningful participation in our political system. A new way of thinking is emerging — with a focus on whether or not votes cast make a meaningful difference in who is elected. We find in California and other states with nonpartisan primaries that more voters are participating in consequential elections, increasing the share of meaningful votes being cast.

The election of consequence (EOC) is the most meaningful election in a campaign cycle for a particular seat — which is either the primary election or the general election. The most meaningful election is the one that most shapes the field of candidates, the campaign strategy of the entire field, and the legislative behavior of the incumbent legislator. To win such an election the candidates must, above all else, compete to earn these votes — rather than rely on entrenched partisanship. In meaningful elections, the candidates, campaigns, and policy positions matter.

Under what conditions do candidates, campaigns, and policy not matter? When the favored candidate can rely on the entrenched partisanship of voters—rather than these other factors—to achieve a sufficient vote share and be elected. The bonds of representation are weakest in general elections in uncompetitive districts, since the favored candidate can confidently rely on voters of her or his party to earn an election victory, regardless of her or his personal characteristics, campaign outreach, or policy positions.

Unfortunately, this characterizes the vast majority of congressional districts today — a trend that has gotten

worse in the last three decades, as gerrymandering and geographic self-sorting have increased the number of districts that are “safe” for one party or the other.⁴⁹ In 2020 and 2022, 83% of congressional seats were rated “safe” by the Cook Political Report on Election Dayⁱ — effectively making primaries the election of consequence for a super-majority of districts. Yet, in both cycles, 10 percent or fewer Americans nationwide determined outcomes in these districts when they cast ballots in the dominant party’s primary. Under the status quo of partisan primaries, a sliver of the American electorate is effectively electing a supermajority of Congress.

Elections of Consequence are those in which entrenched partisanship does not drive election outcomes — that is, competitive general elections or in primary elections. In a competitive general election, candidates, campaigns, and policy positions can be decisive. Even if the majority (or even vast majority) of swing district voters are reliable partisans, successful general election candidates in a competitive district must appeal to persuadable, moderate, and independent voters, and these appeals determine the outcome of the race.

Similarly, races in which candidates face competition from within their own party are also elections of consequence, since, by definition, party affiliation alone cannot determine vote choice if more than one candidate from a voter’s party is on the ballot.

This is the case in primary elections in which at least one candidate is eliminated from the general election. It is also the case for California general elections that feature candidates from the same party. In these races,

ⁱ Louisiana’s six congressional districts are excluded from this calculation, as are any districts with same-party general election matchups.

candidates cannot simply rely on their party affiliation; rather the candidates themselves, the quality of their campaigns, and their policy platform determine the outcome. In these elections, voters meaningfully participate.ⁱ

Based on this logic, we coded the general election as the election of consequence if 1) the race was

determined by a ten-percent margin or less, or 2) the race features candidates from the same party. If the general election does not meet one of these conditions, then the primary is the EOC.ⁱⁱ We then identified voter participation (i.e., turnout) in each EOC.

To calculate the share of eligible voters who voted in the election of consequence (EOC), we apply the formula above to data on 2020 state legislative races (lower chambers) in all 50 states. For this analysis, we

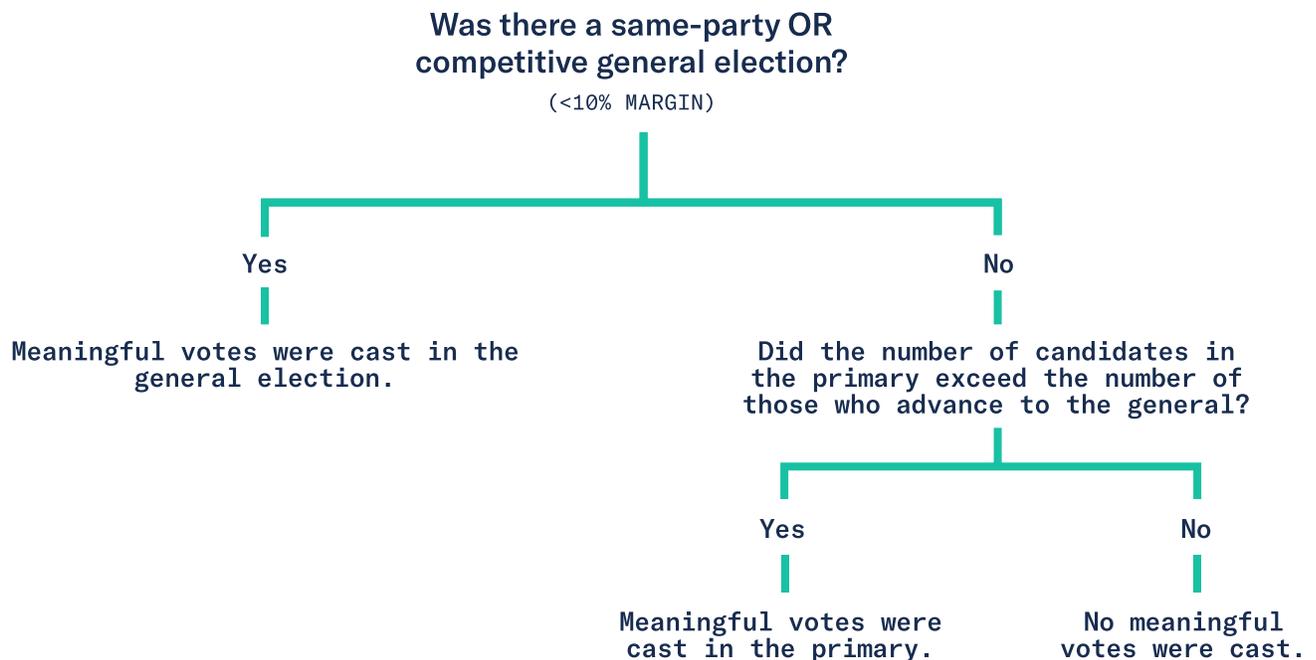
used data from Ballotpedia, which compiles returns from primary and general elections in every state. For states that did not hold state assembly elections in 2020, we use results from the nearest cycle — for example, we used Louisiana’s 2019 results.

Table 2 (featured on page 24) shows the five states in which the highest share of eligible voters participated in an EOC. We also report primary and general election turnout — as a share of the voting eligible population.

The four states with the nonpartisan primaries for state legislative offices had the most voter participation in elections of consequence. In 2020, over 23% of eligible voters in California voted in the EOC, 30% of Washingtonians voted in the EOC, 25% of Louisianians participated in the EOC, and a majority (52.1%) of Nebraskans participated in an EOC; all

FIGURE 7

WHAT DETERMINES MEANINGFUL VOTES CAST IN CALIFORNIA’S TOP-TWO ELECTIONS?



i While competitive primaries are better than uncompetitive primaries, what is most preferable is that the general election — with a larger and more diverse electorate — is the election of consequence.

ii For states with multi-member assembly districts, we use the margin between the average of the top two Democrats and top two Republicans to determine if the general election is the EOC. If the margin between the top two Democrats and Republicans is greater than 10%, then we consider the dominant party primary to be the EOC if the number of candidates exceeds the number of seats for which the candidates are competing.

compared to less than 15% nationally. Overall, in states with a traditional partisan primary only 13% of eligible voters cast a vote in an election in which candidates, policy positions and campaigns — as opposed to just partisanship — mattered. In nonpartisan primary states — California, Washington, Louisiana, and Nebraska — 26% of residents voted in an election of consequence. **That is, residents in Top Two states were twice as likely to participate in a meaningful election compared to a traditional system with partisan primaries.**

While measuring *how many* votes are cast in American elections is critical, so too is measuring whether

those votes *matter*. Voters in states with nonpartisan primaries are more likely to participate in elections of consequence. First, because nonpartisan primaries can push competition from low-turnout primaries to higher turnout general elections. Second, because nonpartisan primaries lead to more competitive elections — making it more likely voters will want to participate. Third, because candidates are forced to campaign on issues not mere partisanship when they face a challenger from their own party. As a result of these factors, voters in states with nonpartisan primaries are more likely to see their vote translate into better representation.

TABLE 2

STATE-LEVEL TURNOUT BY ELECTION TYPE (2020)

State	EOC Turnout	Primary Turnout	General Turnout
Nebraska	52.1%	26.0%	52.1%
Washington	30.4%	42.8%	69.3%
Louisiana ⁱ	25.2%	23.9%	10.3%
California	23.2%	33.2%	62.0%
New Hampshire	23.1%	23.9%	70.4%
Nationally	15.2%	18.7%	59.7%

ⁱ For legislative races, Louisiana holds a first round election in October, which features all candidates regardless of party. Since these are first round elections, and they are held before November, we code them as primary elections for our analysis, even though they are considered general elections. About 24% of eligible Louisianans participated in these elections in 2019. A second-round election is held if and only if the leading candidate receives less than a majority of the vote in the first round. Given this conditionality, these second-round elections are called a general election runoff. Nevertheless, for our analysis we code these as general elections.

Californians' Attitude Toward State Government

PREMISE | Top Two resulted in a government that residents have more positive views towards.

FINDING | Yes. While it is difficult to pin down causality, after the implementation of Top Two, Californians have expressed uniquely positive assessments of their state.

OUR CONCLUSION YES

OUR CONFIDENCE LOW

EFFECT SIZE LARGE

Perhaps the most important question about electoral institutions is about the extent to which they improve the quality of governance and, ultimately, the lives of the citizens. Of course, measuring good governance is difficult and inevitably contestable, and identifying the causal effects of election rules on societal outcomes is no less challenging. Rather than attempting to directly measure the quality of governance, in this section we use residents' attitudes about the direction of the state as a loose proxy for good governance.

To the extent the Top Two improves the tone of political campaigning and quality of governance, or improves representation and the lives of residents, it should also improve Californians' attitudes towards their state government.

To evaluate public opinion towards state governance before and after the implementation of Top Two, we use survey data from the Public Policy Institute of California (PPIC). PPIC regularly (every few months) asks a large random sample of Californians about their

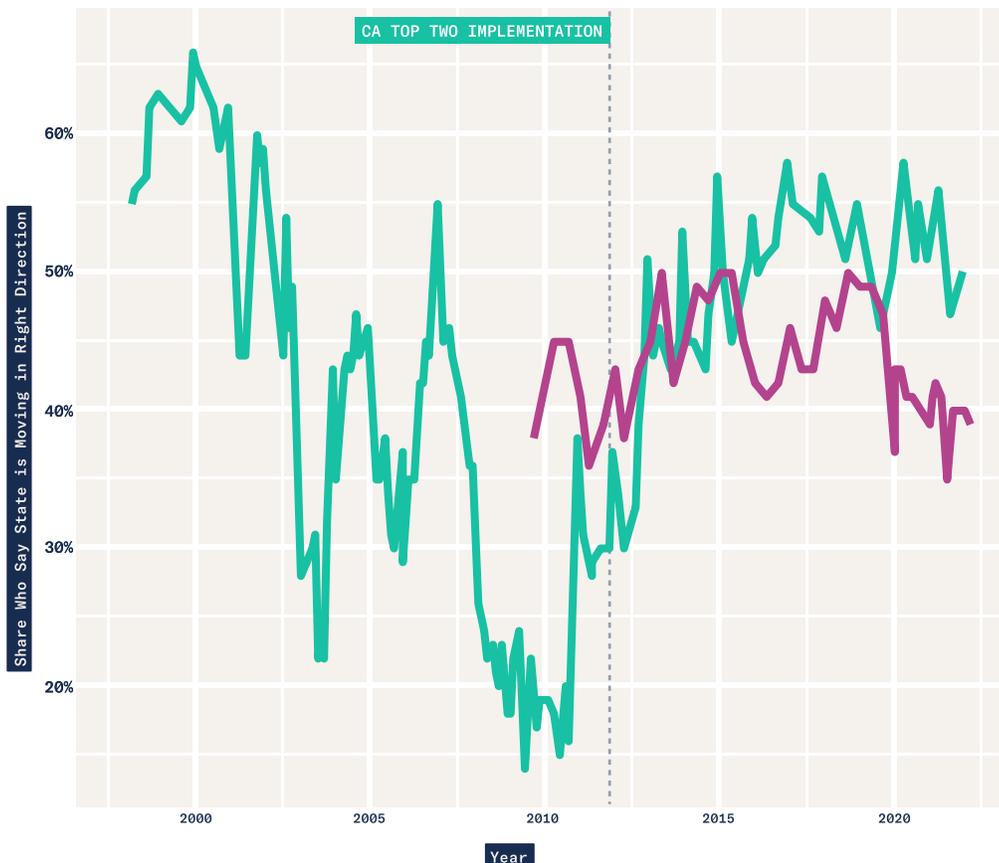


FIGURE 8
CALIFORNIANS' & TEXANS' OPINION OF STATE GOVERNMENT

— CALIFORNIA
— TEXAS

Californians' opinion of the direction of the state has dramatically improved under Top Two. Improved economic conditions (after the Great Recession) only partially explain this increase.

Source: Public Policy Institute of California; The Texas Politics Project

feelings and attitudes on public affairs. For over two decades, PPIC has asked respondents if they think the State of California is headed in the “right direction” or the “wrong direction.” Figure 8 below shows how the share of respondents who approve of the state’s direction changes over time.

The share of Californians who thought the state was moving in the “right direction” steadily declined during the early 2000s, then substantially rebounded during the first term of Governor Schwarzenegger, and then plummeted during the Great Recession of 2008-2010.ⁱ Attitudes about the direction of the state improved as the economy slowly recovered — and the economic recovery was likely a crucial causal factor of these warmer feelings. However, over the last decade, a plurality (and often a majority) of Californians have consistently expressed favorable feelings about the state’s direction: this trend transcends economic indicators and is likely the result of other factors.

The introduction of the top-two system, and the less polarizing politics that resulted, is one potential explanation. In 2011 and 2012, prior to the implementation of Top Two, the share of Californians who thought their state was headed in the “right direction” hovered around 30%. **Over the last decade since Top Two was implemented, over half of residents (on average) say that the state is moving in the right direction.**

If higher assessments of one’s state were a reflexive response to improvements in one’s lived experience or noticed improvements in national economic indicators, we would expect 1) residents in other states (that experience similar economic trends) to similarly speak favorably about their direction of their own state, and 2) we would expect Californians (and residents of other states) to express praise towards all levels of government equally as conditions improved.



FIGURE 9

CALIFORNIANS' & TEXANS' OPINION OF U.S. CONGRESS

— CALIFORNIA
— TEXAS

Both Californians and Texans expressed more negative views of Congress during the Great Recession. In contrast to Californians’ attitudes toward their state, both maintained negative views of Congress even as the economy recovered.

Source: American National Election Survey

ⁱ The housing crisis hit California especially hard. See: Matthews, Steve. “[Four States Hit Hardest By Housing Now Lead U.S. Jobs Recovery](#),” *Bloomberg* (March 2012). Also see: Little, Lyneka. “[The Five States Hit Hardest by Foreclosures](#),” *TheStreet* (May 2008).

For points of comparison, we evaluate Californians' and Texans' assessment of their own state (Figure 8), as well as both Californians' and Texans' assessment of the U.S. Congress (Figure 9). In addition to size and influence, we use Texas for comparison because, since 2009, researchers at the University of Texas have regularly surveyed a large random sample of Texans on whether they thought Texas is moving the "right direction."⁵⁰

Californians' attitudes towards their state government improved more significantly during this period than residents of other states. By comparison, from 2009 to 2012, residents in Texas were considerably more likely to say that their state was moving in the "right direction," compared to California (on average, roughly 40% in Texas compared to 30% in California during that period). Over the last decade since California implemented Top Two, residents are consistently more likely to report that their state is moving in the right direction. At least compared to the only other state in which researchers regularly survey residents on their feelings about leadership in the state, the consistent favorable attitudes about one's state, since 2013, appears unique to California.

We use data from the American National Election Survey (ANES) to compare these results to attitudes

towards the federal government. Every presidential election cycle, the ANES asks a random sample of a few thousand Americans if they approve or disapprove of the U.S. Congress. Fortunately, in each cycle, a few hundred respondents sampled are from California, and another few hundred are from Texas.

Figure 9 displays the results. Similarly, to Californians' evaluation of their state, Californians and Texans expressed much more negative views about Congress during the Great Recession. However, in contrast to Californians' attitudes toward their state, residents from both states maintained their negative view of the federal government even as the American economy gradually recovered.

Is this positive trend in attitudes towards state government really attributable to the top-two election system? Of course, it is incredibly difficult to say. However, it is notable that the significant gains made during the first years of Top Two have persisted for a decade, largely independent of economic conditions and the COVID-19 pandemic. And it is notable that, since Top Two's implementation, Californians consistently expressed warmer feelings about their state than about the national government, and warmer feelings than Texans expressed about their state.ⁱ

i Early research on the top-two provides further corroboration that the election system improved attitudes about their government. See: Olson, Jason D. and Omar H. Ali. "A Quiet Revolution: The Early Successes of California's Top Two Nonpartisan Primary," *Open Primaries* (August 2015).

Political Parties and California’s Top Two System

PREMISE	Top Two weakens political parties’ strength and influence.	OUR CONCLUSION	YES
FINDING	No, not really. And that is a good thing for democracy.	OUR CONFIDENCE	MODERATE
		EFFECT SIZE	N/A

Many advocates framed the top-two system as a means to undermine political parties.ⁱ Frustrated by the two-party system, many voters and reformers seek reforms that dilute the influence of the two major parties. At the same time, many political scientists warn that weakening political parties — key institutions for organizing in American politics — will only lead to worse outcomes.

An organizationally strong political party is — among other characteristics — one in which party leaders can control the nomination process. By eliminating partisan primaries, Top Two may make it more difficult for party leaders to influence which candidate (if any) represents the party in a given general election contest.

As discussed above, intraparty competition certainly intensified since Top Two was implemented in 2012. This suggests that parties have less control over the nomination process, which many consider an indicator of party weakness. Moreover, the reelection rate of incumbent legislators also declined.⁵¹ Since parties typically want incumbents in their caucus to win reelection, this is also a potential indicator of weaker political parties in California.

However, a great deal of evidence suggests that parties have adapted to Top Two, just as they have adapted to earlier primary reforms. Crosson (2020) shows that incumbents — and perhaps party leaders — are often

able to prevent the nomination of two candidates from the same party in a top-two primary.⁵² Similarly, Hill (2020) argues that party leaders and the extended party network find alternative mechanisms through which to maintain control — namely through targeted campaign donations — in the face of democratizing primary reforms.⁵³

Parties in California still endorse candidates for the general election, even if the general election includes two candidates from the party. In such cases, the party’s endorsed candidate wins about 70% of the time.⁵⁴ This is very similar to the success rate of party-endorsed candidates in open seat partisan primaries for Congress.⁵⁵ This data point suggests that parties under top-two are no weaker — that is, no less capable of advancing their preferred candidate in an intra-party contest — than party organizations in states with a traditional partisan primary.ⁱⁱ

These results are entirely consistent with theories that highlight the influence of “informal party organizations”,⁵⁶ “extended party networks,” and coalitions of “intense policy demanders” that operate the “invisible primary”.⁵⁷ In the American system, elected officials and party leaders are especially resourceful at innovating new mechanisms (i.e. patronage, local ward leaders, donor networks) through which to organize political parties, despite an unfavorable institutional environment (i.e. separation of powers, federalism, primaries).

i For example, Governor Schwarzenegger asserted that, “The Republican Party and Democratic Party despise [top 2]...What the parties like is to control their politicians. They like to tell them what to do and how they have to vote up here at the Capitol and that’s why we don’t get things done.” See: Small, Julie. “California’s new primary system expected to change political landscape.” *KPCC* (June 2010).

ii Another indicator of weaker parties is less reliable support among party affiliated voters in the electorate. However, partisan voters **do not** seem to abandon their preferred party in the primary election to strategically vote for a moderate from the other party. See: Alvarez, R. Michael and Sinclair, J. Andrew. “Nonpartisan Primary Election Reform: Mitigating Mischief,” *Cambridge University Press* (2015): Chapter 7.

While these findings may disappoint many advocates of Top Two, many political scientists would argue that these are in fact positive signs for democracy. While election reformers and much of the general public dislike and distrust political parties, strong parties — those that can field candidates with broad appeal and instill party discipline in government — are crucial for a vibrant democracy.⁵⁸

American government and politics involve a seemingly countless number of campaigns and elections, and complex policy debates. It is unreasonable to expect citizens — with their families, careers, and hobbies — to make sense of this mess of individuals, ideas and institutions without some heuristic. Parties provide such a heuristic — by understanding the general ideology and interest group coalition at the center of each party, voters can form meaningful positions on otherwise obscure candidates and policy issues. But (and this is crucial) for parties to be a “meaningful” heuristic, policymakers must be reliably (although not necessarily inflexibly) committed to their parties’ ideological vision. This is why political scientists generally prefer strong parties: by controlling who represents the party in an election, and by using sticks and carrots to instill party discipline in government, strong parties ensure that individual policymakers are committed to the party’s vision, which in turn means that voters can make meaningful and reliable choices between the parties.

Reformers’ goals for an improved American democracy will not be served by weaker political

parties. The contemporary Democratic and Republican parties increasingly prioritize ideologically extreme policies that are largely out of step with the American electorate. The contemporary policymakers increasingly prioritize such policies even though they hurt their party’s chances of winning or maintaining control of government.⁵⁹ Why? Because the parties are increasingly composed of ideological purists, or incumbents who are afraid of losing to an ideological purist. In other words, the contemporary American parties are increasingly incapable of championing the policies that would optimize the party’s success in the general election. That is what a weak party looks like, and the existing partisan primary process is exacerbating it.

Election reformers should redirect their attack away from political parties in general, and instead towards the institutions that enable parties to become captured by ideological “purists”⁶⁰ and autocrats. **Instead of weakening parties, the findings in this report suggest that Top Two encourages party organizations to compete for power (notably, in a more competitive electoral environment) by appealing to more centrist voters, organizations and donors who are more representative of the general electorate.**

Election reforms like Top Two that eliminate partisan primaries are not inherently incompatible with strong political parties — indeed, throughout American history party leaders have often strategically championed a more democratic nomination process.⁶¹

Top Two and Third-Party Candidate Performance

PREMISE	Top Two weakens the performance of third party candidates.	OUR CONCLUSION	YES
FINDING	Yes, but not by very much. Third party candidates performed poorly before Top Two, and they performed a bit worse under Top Two.	OUR CONFIDENCE	HIGH
		EFFECT SIZE	SMALL

Critics of Top Two also argue that the reform hurts third parties and their candidates.⁶² The logic behind this is pretty straightforward: in the old electoral system, third party candidates, who petition a sufficient number of signatures, can represent their party in the general election. By contrast, under Top Two, these candidates must come in first or second place, against mainstream party candidates, to advance to the general election. Given that third party candidates are unlikely to finish in the top two against Democrats and Republicans, they are largely boxed out of general elections entirely. Consequently, third parties and their candidates lose the opportunity to run general election campaigns, and the exposure that such campaigns draw.

Third parties themselves subscribe to the argument that Top Two disadvantages them. For example, both the Green Party and Libertarian Party of California have vehemently opposed the Top Two election system and continue to call for its repeal.⁶³

To evaluate the effects of Top Two on third party candidates, we used congressional election returns data from the MIT Election Lab to calculate the vote share of third-party candidates before and after the implementation of Top Two. Using general election House returns from 2000 to 2018, we took the average vote share received by all third-party candidates in California and Washington state in the periods before and after Top Two. In California, the introduction of Top Two corresponded to a 0.2 percentage point decrease in third party performance, and in Washington it corresponded to a 0.5 percentage point decrease.

On the one hand, relative to the performance of third-party candidates prior to the implementation of Top Two, these are notable decreases. On the other hand, in absolute terms, the extent to which Top Two depressed the vote share of third-party candidates is quite modest. That is, third party performance in these states was quite weak before the introduction of Top Two and is a bit weaker under Top Two.

TABLE 3

THIRD PARTY PERFORMANCE BEFORE AND UNDER TOP TWO

	California	Washington
Before Top Two	1.2% (2000-2010)	1.0% (2000-2006)
Under Top Two	1.0% (2012-2018)	0.5% (2008-2018)

Future Research

While this paper has exhaustively reviewed the existing literature on California’s use of top-two nonpartisan primaries, much more research is needed to confirm existing understandings, resolve differences in findings, and address questions that have been insufficiently investigated. This section addresses just some of the key areas of further research that is needed to evaluate the impact of Top Two.

Classic political science research finds that low-information voters can use heuristics — other than just party affiliation, such as endorsements from their preferred opinion leaders and institutions — to arrive at some positions they would have if they had been more informed.⁶⁴ Are voters using heuristics that encourage them to support more moderate candidates? Are more moderate candidates raising more money under top-two, or receiving more robust interest group support, which translates into electoral success?

Future research should also examine the effects of Top Two on descriptive representation. At the present, there is an extreme dearth of research exploring this topic. We know that younger voters and lower income voters, Latinos, and less participatory voters have more favorable attitudes towards Top Two.⁶⁵ Does California’s top-two system and similar electoral reforms that eliminate partisan primaries increase or decrease the representation of traditionally underserved and marginalized racial, ethnic, gender and religious groups? Do these reforms enhance or dampen the political efficacy of such groups in the electorate? These are critical issues for an equitable democracy, and these questions demand more attention.ⁱ

We also need to know more about the relationship between Top Two, similar primary reforms, and populism. Voters with low political efficacy are both more likely to support populist candidates and election

reforms like Top Two, especially low-efficacy voters on the left. These findings highlight a tension: while many supporters of primary reform seek to moderate politics by bringing representatives closer to the median voter, many supporters of these reforms oppose the elite establishment associated with the political center.⁶⁶ One reading of this is that the voters most likely to support Top Two also support the same populist ideologies that most elite primary reformers hope will be disadvantages under top-top. How do we make sense of this paradox?

More research is needed on how voters make decisions under Top Two. Voters struggle to correctly locate the relative ideological position of two candidates in a same-party general election.⁶⁷ Nevertheless, the evidence presented in the section on polarization suggests that Top Two benefits more moderate candidates. Why are moderate candidates more successful under Top Two if voters are unable to identify the more moderate candidate?

Finally, we need more research on the unforeseen and/or unintended consequences of the reform. Top Two has reshaped the party system in ways that advocates did not deeply consider. Most notably, third parties are typically shut out of the November general election under Top Two. In this sense, while Top Two has moderated the two major parties, it may have also inadvertently further entrenched the Republicans and Democrats duopoly, free from competition from more parties. For those who believe that a healthy political system requires more than two parties, Top Two may actually be worsening American democracy.⁶⁸ Is intensified competition within two big tent parties (under top-two) sufficient for a vibrant electoral democracy?⁶⁹ If not, how can the top-two model be improved to promote, rather than undermine, the formation of more political parties?

i Some research has been done on this topic. Alvarez and Sinclair (2015, chapter 9) find that each time CA made primaries more open, descriptive diversity modestly increased. And Centeno, Grose, Hernandez, and Wolf (2021) find that Top-2 increases voter turnout among voters of color in California. The reasoning here is straightforward. Asian and Latinx voters are disproportionately likely to register as independents, so by denying independent voters access, closed primaries have a demobilizing effect on these peoples of color. But much more needs to be done on this topic in particular. See: Centeno, Raquel, Christian R. Grose, Nancy Hernandez, and Kayla Wolf. [“The Demobilizing Effect of Primary Electoral Institutions on Voters of Color,”](#) (2021).

Fortunately, scholars have new opportunities to answer these questions as states enact other alternatives to partisan primaries. For example, Alaska recently enacted a top-four nonpartisan primary with instant runoff voting in the general election. Many believe that Alaska’s Top Four is more conducive to multiparty election competition, which could benefit our deeply dysfunctional, party duopoly.⁷⁰ Since

the top *four* candidates—as opposed to the top two candidates in California and Washington—in the fully open, nonpartisan primary advance to the general. Future research should empirically investigate if these alternative systems do, in fact, benefit third parties, and if they are as effective as Top Two at moderating the two mainstream parties.

Conclusion

While several prominent political scientists, many pundits, and party officials are highly critical of the new system, the bulk of published political science research on Top Two reveals promising results. Moreover, more recent research — that benefits from a larger sample size and more time for political learning to have occurred — finds that Top Two has especially positive results, especially when compared against troubling regional and national political trends.

Reform advocates should accept that strong parties are crucial for a vibrant democracy, in which policymakers champion policies that reflect the diffuse interests of the general public, rather than the narrow preferences of their partisan base. And political scientists who conducted and consumed the early research against Top Two should take a closer look at more recent evidence and recognize that democratizing reforms to the nomination process (such as Top Two) are

more compatible with the “responsible” parties they envision than partisan primaries.

More research needs to be done to track the development of Top Two over time on each of the dimensions covered in the report. However, the existing evidence on California and Washington, as well as evidence from the only state (i.e., Louisiana) in which partisan primaries were eliminated several decades ago,⁷¹ strongly suggests that such electoral reforms positively affect the political ecosystem, and bolster democracy, over time.

There is compelling evidence that reformers should keep experimenting with similar alternative election systems, such as Top Two, Top Four, instant runoffs, and the Louisiana system. Indeed, these are politically feasible reforms that may be necessary to salvage the larger experiment of American democracy.

Appendix: Evaluating the Effects of Polarization

To evaluate the effects of top-two nonpartisan primaries on polarization, we replicated the state-level analysis in McGhee and Shor (2017), and the congressional analysis in McGhee et al. (2014) and Grose (2020), using the most recent publicly available data.

More specifically, while McGhee and Shor (2017) only incorporate Shor-McCarty state-level polarization scores up to the legislative session following the 2014 election cycle, our analysisⁱ includes Shor-McCarty scores up to legislative session following the 2018 election cycle. That is, the analysis presented below is based on two more legislative sessions worth of roll call voting (for each state) than McGhee and Shor’s earlier work, which found no strong effect of Top Two on polarization.

Similarly, while Grose (2020) included Nokken-Poole Nominate scores based on congressional roll call voting from 2003 to 2018, our analysis incorporates Nokken-Poole scores up to 2022. Also, included below is a model on congressional voting that starts in 2003, as Grose (2020) does, and another model that includes scores from every congressional session in American history. The results are very similar.

Following all the earlier research mentioned above, we constructed two-way fixed effects models. That is, we used state and time fixed effects. In short, two-way fixed effects help control for any unique state or temporal factors that might correlate with polarization and our main independent variable, top-two primaries. For this type of analysis, two-way fixed effects are widely considered the most rigorous test.

In the congressional-level analysis, we also control for the district vote margin in the most recent congressional general election.ⁱⁱ The purpose of this measure is to control for district competitiveness

between the parties. Larger district vote margins are an indication that the district is a safe “red” or “blue” seat, which we expect to predict more ideologically extreme voting behavior (that is, higher Nokken-Poole DW-Nominate scores). We did not include a measure of inter-party competitiveness at the state level, on the presumption that state-fixed effects already account for state-level competitiveness.

The results are displayed in the table below. Models 1 and 2 test the effects of top-two primaries on the lower and upper state legislative chambers, respectively. Models 3 and 4 both test the effects of Top Two on Congress, with Model 3 beginning in the 21st century, as Grose (2020) does, and Model 4 dating back to 1976 (the earliest year for which we have the district-level election returns we used to create the vote share variable).

Across each of the models, Top Two has a statistically significant moderating effect on ideological polarization. For state legislatures, the effect of Top Two is larger in state senates as opposed to state assemblies. For state senates, the use of Top Two corresponds to about a 0.14 decline in polarization (distance between the median Democrat and median Republican). For context, that decrease is roughly the same size as the difference in average state senate polarization in the Trump era compared to the Obama era, and slightly smaller than the difference between the average in the Obama era compared to the George W. Bush era.

For Congress, Top Two predicts a 0.6 decline in extremism using data in just the 21st century, and it predicts a .11 decline using data beginning in 1976. That is equivalent to one-third and two-thirds of a standard deviation in Nokken-Poole extremism scores, respectively. For context, the average Nokken-Poole extremism score in 2020 was .45, from 1996 to

i Grose uses Nokken-Poole DW-Nominate instead of the standard DW-Nominate because the latter are “linear-trend estimates,” meaning that any ideological change that occurs over the course of an individual legislator’s career occurs at a consistent rate and in the same direction (i.e., a straight line over time). For this reason, scholars use Nokken-Poole, which allows legislators’ ideal points to freely fluctuate over time, to analyze the effects of exogenous changes such as electoral reforms.

ii This is also consistent with the work cited above.

2004 it was about .40 and in 1990 it was .34. These results suggest that if every state adopted Top Two, ideological extremism would decline back to the level

displayed in the late Clinton and early G.W. Bush years (according to Model 3), or even to the George H. W. Bush era (according to model 4).

	Model 1	Model 2	Model 3	Model 4
	Shor-McCarty, Lower (90s-2018)	Shor-McCarty, Upper (90s-2018)	Nokken-Poole (2000-2022)	Nokken-Poole (1976-2022)
Top Two	-.068* (.039)	-.136** (.051)	-.058*** (.012)	-.110*** (.012)
District Vote Margin			.24*** (.019)	.162*** (.012)
State FE	Y	Y	Y	Y
Year FE	Y	Y	Y	Y
N	1,128	1,140	4,896	10,182

* $p < .1$ ** $p < .05$ *** $p < .01$

ABOUT

The Unite America Institute is a nonpartisan, nonprofit organization that conducts research and provides analysis on the root causes, effects, and potential solutions to political polarization and partisanship.

The Institute is particularly focused on exploring how nonpartisan election reforms — including nonpartisan primaries, vote at home, independent redistricting commissions, and ranked choice voting — increase participation, competition, representation, and accountability in the political system.

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