



# Florida Top 2 Open Primary Part 1

August 20, 2013  
10:00 AM & 7:00 PM

Florida Independent Voting [fivorg.com](http://fivorg.com)

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*We are at the **right place** at the **right time** for the **right reason***



# Washington's Warning

- President Washington warned in his farewell address in 1796:
  - " Political parties may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to **subvert the power of the people and to usurp for themselves the reins of government**, destroying afterwards the very engines which have lifted them to unjust dominion."
  - "They [*political parties*] serve to organize faction, to give it an artificial and extraordinary force; to put, in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community; . . . "



# Overview

- Session #1 (Aug 20)
  - Background
    - Top 2 In Detail
    - Voter Facts
  - Why Change to Top 2 Open Primary?
  - Questions & Suggested Answers
  - Getting Top 2 constitutional amendment on the ballot
- Session #2 (Aug 27)
  - What the opposition thinks – Rebuttal?
  - Questions & Suggested Answers
  - Getting Top 2 constitutional amendment on the ballot
  - Thoughts on strategies for petition collecting
  - Top 2 Take Aways



# Background

## Top 2 Open Primary Features

- All voters participate, not just party registered voters
- All candidates on a single ballot
  - May state a party preference or No Party Affiliation (NPA)
    - Stating party preference does not mean a party nominated candidate
    - Parties free to hold nominating meetings, caucuses, conventions, etc.
- All races included except Presidential Preference Primary
- Top 2 Vote getters (any party/NPA) go to general election
- California and Washington State only Top 2 Primary states
- Louisiana has a modified Top 2 primary



# Background

## Top 2 Open Primary Details

- All candidates must run on one primary ballot
  - No free pass to general election
  - Write in candidates allowed in primary - - if one of Top 2 vote getters they become a named candidate in general election
- Each candidate can indicate a party preference on the ballot
  - Candidates may not indicate they are endorsed by a party
  - Candidates with no party affiliation will be listed as NPA
- Political parties may establish processes as they see fit to elect party officers, endorse or support candidates
  - No political party process will be paid for or subsidized by Florida taxpayers
  - A party is not allowed to name a replacement candidate should the original candidate (they support) be disqualified or die before the election
- Qualifying to be on the ballot by petition or payment of fees does not change due to Top 2 - - all candidates are treated as equals



# Background

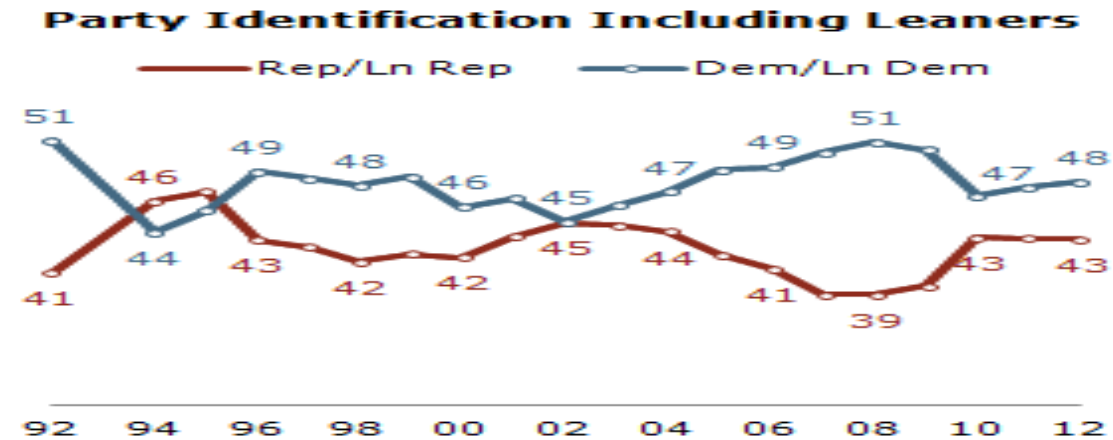
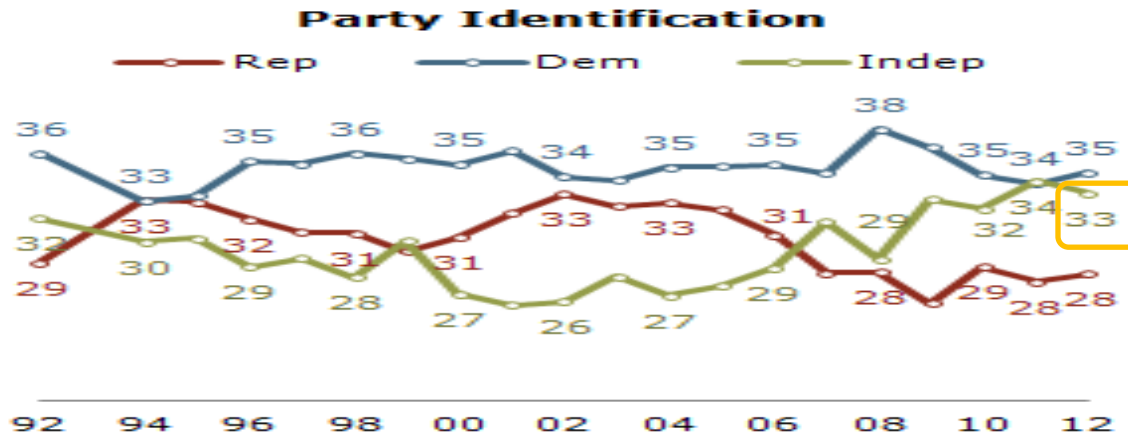
## Are Top 2 Primaries Constitutional?

- **1935 – 2003** – Washington's "blanket primary" system is established
- **June 2000** - U.S. Supreme Court rules California's blanket primary unconstitutional - - violates political parties' freedom of association
- **September 2003** - Ninth Circuit Court of Appeals rules Washington's blanket primary system unconstitutional - - same rationale
- **January 2004** – Initiative 872 Top 2 Open Primary proposed
- **March 2008** - The U.S. Supreme Court overturns Ninth Circuit Court of Appeals decision, and upholds constitutionality of Initiative 872
  - The Court rules that, on its face, I-872 does not impose a severe burden on the political parties' associational rights and
  - that the parties' arguments that voters will be confused can only be evaluated once the primary is implemented
- **August 2008** – First Top 2 Open Primary election held in Washington
- **June 2012** – First Top 2 Open primary held in California

# Background

## 2012 Pew Research Study of Changing Voter Demographics

**Trend in Party Identification: 1992-2012**



PEW RESEARCH CENTER. Based on registered voters. Figures add to less than 100% because some do not identify as Republican, Democrat or independent or do not lean to either party. Figures for 2012 are based on polls conducted January through July with 13,429 registered voters. Figures for other years are based on all polls conducted in that year.





# Background

## Independent Voter Characteristics – PEW Research Center May 2011

### Independents in the Typology - A Study in Contrasts

	Post-Moderns	Disaffecteds	Libertarians
<i>Ideology</i>	%	%	%
Conservative	19	42	53
Moderate	56	38	37
Liberal	21	12	7
<i>Political attitudes</i>			
Prefer bigger gov't, more services	35	42	10
Government should do more to help needy	27	61	10
Homosexuality should be accepted by society	91	48	71
Business corporations make too much profit	52	73	13
The country should do whatever it takes to protect environment	91	69	29
I often don't have enough money to make ends meet	12	83	26

- Independents - highly volatile in voting preferences from election to election
- Libertarians & Post Moderns are largely white, well-educated and affluent share a relatively secular outlook on some social issues
- Republican-oriented Libertarians are far more critical of government, less supportive of environmental regulations, and more supportive of business
- Post-Moderns, lean Democratic
- Disaffecteds financially stressed and cynical about politics. Lean Republican, but differ from the core Republican groups in their support for increased government aid to the poor.
- Significant differences between independent voters
  - Size of Government
  - Business
  - Environment
  - Taking care of others

# Background

## Independent Voter Characteristics – PEW Research Center May 2011

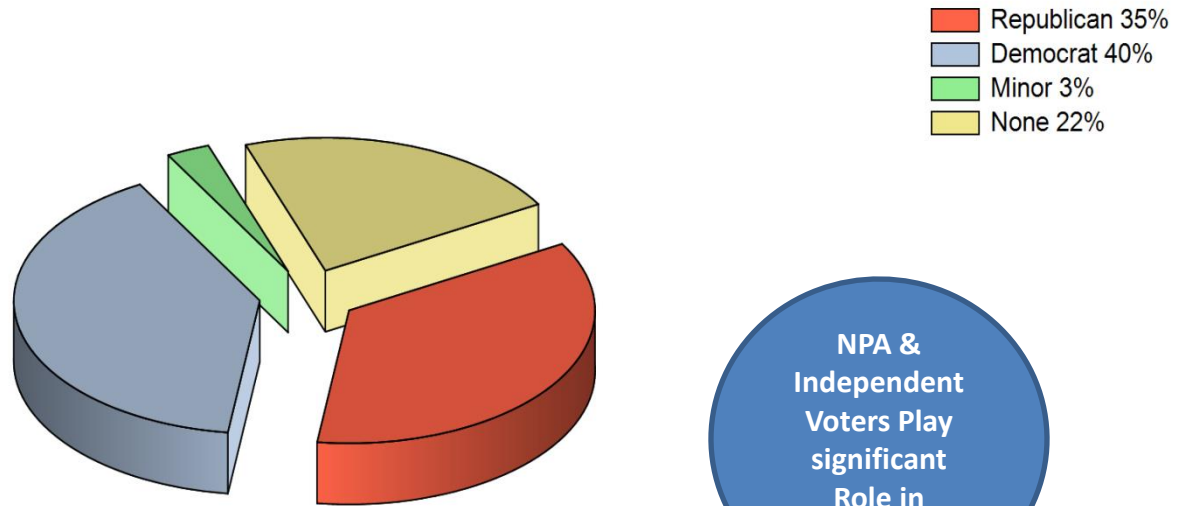
### Profiles of the Typology Groups: Gender, Age, Race, Ethnicity & Education

	Total	Solid Liberals	Hard-Pressed Dems	New Coalition Dems	Post-Moderns	Disaffecteds	Liber-tarians	Main Street Reps	Staunch Cons	By-standers
	%	%	%	%	%	%	%	%	%	%
Men	49	43	39	44	53	46	<b>67</b>	50	<b>56</b>	49
Women	<u>51</u>	<b>57</b>	<b>61</b>	<u>56</u>	<u>47</u>	<u>54</u>	<u>33</u>	<u>50</u>	<u>44</u>	<u>51</u>
	100	100	100	100	100	100	100	100	100	100
18-29	22	22	12	21	<b>32</b>	16	19	15	8	<b>51</b>
30-49	35	35	35	37	35	34	34	40	31	29
50-64	26	26	<b>33</b>	23	22	<b>34</b>	27	24	<b>33</b>	14
65+	16	16	19	17	11	15	19	19	<b>28</b>	5
White	68	72	53	34	70	<b>77</b>	<b>85</b>	<b>88</b>	<b>92</b>	44
Black	12	9	<b>35</b>	<b>30</b>	6	8	1	2	*	9
Hispanic	13	11	6	<b>26</b>	14	9	7	4	3	<b>38</b>
Post graduate	12	<b>27</b>	7	11	<b>19</b>	3	15	10	12	3
College grad	16	<b>23</b>	7	17	22	7	22	18	22	6
Some college	25	27	19	18	30	23	<b>33</b>	26	28	17
HS or less	47	23	<b>68</b>	<b>55</b>	29	<b>66</b>	29	45	37	<b>72</b>

PEW RESEARCH CENTER 2011 Political Typology. Don't know/refused not shown; Other/mixed race not shown. Whites and blacks include only those who are not Hispanic; Hispanics are of any race.

# Background

## Florida Registered Voters



Area	Republican	Democrat	Minor	None (NPA)	Total
Florida	4,194,220	4,717,750	336,699	2,597,184	11,845,853
	35.4%	39.8%	2.8%	21.9%	



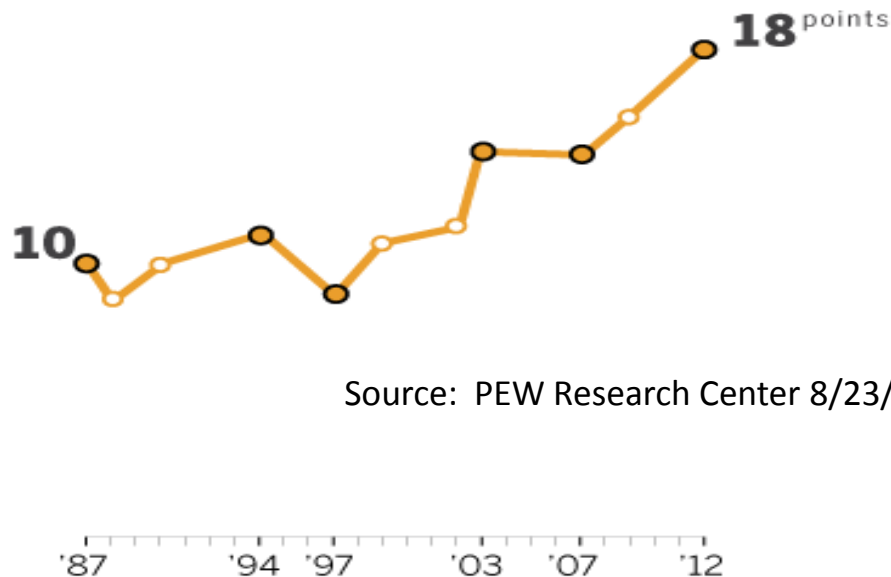
# Why Change to Top 2 Primary System?

- Over 2.9 Million voters will have a voice in open system
- Demographics show NPA & Independents matter
- All voters have a stake in General Election choices
- Encourages candidates that don't embrace all party positions to run
- Parties retain right to nominate a candidate via meeting

# Why Change to Top 2 Primary System (cont)?

## Gridlock in Washington DC!!

Republicans and Democrats are now divided by an average of 18 percentage points across 48 values questions, measuring attitudes about government, business, the environment and social issues.



Source: PEW Research Center 8/23/2012

- Candidates must listen to & appeal to a broader group
- Helps promote collaborative behavior in Congress
- Independent and NPA Voters Offer Voice of Change

# Why Change to Top 2 Primary System (cont)?

- Reduces likelihood of extreme right or left candidates
- Negates “Primary Out” strategy if candidates don’t sign the no tax pledge or follow party positions
- Reduces attempts to “game” the election results
- Shift taxpayer funded party primary costs to parties



It's early in the life of Top 2 Open Primaries  
We have to change the political culture in our country



# Questions & Suggested Answers

- FIV strives to provide a consistent non-partisan, fact based image to the public without political spin and issue bias
- The following Q&A material is meant to serve as a “guide” to help you answer questions from the media and individuals
- Please, please push back if you think the answers are not something you are comfortable with
- *Q1: What is Independent Voting.Org*
  - A national strategy, organizing and communications center working to connect and empower the 40% of Americans who identify as independents.
- *Q2: What is FIV’s position on abortion, immigration, etc.?*
  - We do not take positions on issues. We are process oriented with the sole purpose of getting Top 2 on the ballot and passed



# Questions & Suggested Answers

- *Q3: Does FIV endorse specific candidates for office?*
  - No, We are non-partisan and do not take sides in elections.
  - As individuals we are free to run for office, support, and campaign for candidates
- *Q4: Why not have a Top 3 or 4 primary to give minor parties a better chance to be included in the general election?*
  - California & Washington State Top 2 have been declared constitutional - - changing a major feature may invite lawsuit challenges
  - Minor parties (~2.8% of registered voters) better served in primary to establish coalitions of voters to be competitive
- *Q5: Why not use instant runoff (IRV) along with Top 2?*
  - Same as above. We are trying to stay within Supreme Court decision
  - An analysis of 3 primary elections (2008-2010-2012 ) in Washington State show that, on average, < 7% of elections may have benefited from IRV





# Questions & Suggested Answers

- *Q6 What is a Blanket Primary and why was it ruled unconstitutional.?*
  - *Blanket Primary Approach*
    - All the candidates for all the parties are on one ballot
    - Voters pick one candidate for each office without regard to party
    - Candidates with the highest votes **by party** for each office advance to the general election, as the respective party's nominee
  - 9<sup>th</sup> Circuit Court rationale for ruling
    - Parties' First Amendment right of freedom of association is violated
    - Parties have a right to limit voting to self-identified members, and not to the general electorate
- *Q7: Does Top 2 allow write-in candidates?*
  - Yes, in the primary. A candidate cannot be on the general election ballot unless they place in the Top 2 in the primary race.



# What Has To Happen?

- Requirement for getting on the 2014 primary ballot
  - Eight percent of votes cast in the last presidential election (683,149)
    - Must collect 8% of votes cast in at least 50% of Congressional Districts
    - Must collect 68,314 signatures in at least 7 Congressional Districts
  - Deadline for certification of signatures for 2014 ballot: Feb 1, 2014
  - If we don't meet Feb 1, 2014 certification date signatures collected can be used in 2014-2015, to qualify for the 2016 primary ballot provided - -
    - Signatures are valid for 2 years from date of individual's petition signature
- Petitions require original signature on official petition form
  - Download from FIV website
  - Petition signer must be a registered voter
  - Information must be legible
  - Signature must bear resemblance to signature on voter registration card
  - Either birth date **OR** voter registration number must be entered



## Florida Top 2 Open Primary Part 2

August 27, 2013  
10:00 AM & 7:00 PM

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# Overview

## ✓ Session #1

- Background
  - Top 2 In Detail
  - Independent Voter Demographics
- Why Change to Top 2 Open Primary?
- Questions & Suggested Answers
- Getting Top 2 constitutional amendment on the ballot

## • Session #2

- What the opposition thinks – Rebuttal?
- Questions & Suggested Answers
- Getting Top 2 constitutional amendment on the ballot
- Thoughts on strategies for petition collecting
- Top 2 Take Aways



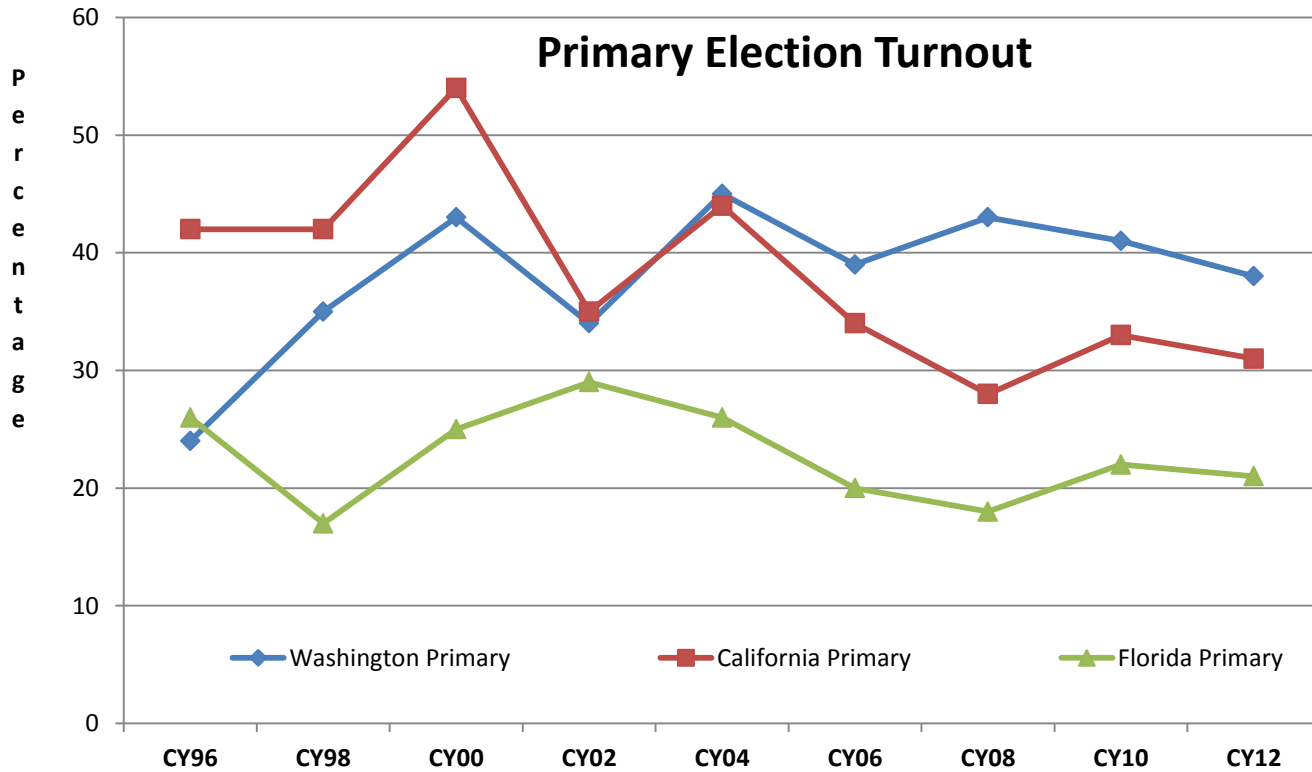
# Why Retain Closed Primary

## Arizona Prop 121 CON Arguments Don't Make Sense

- Top 2 Primary doesn't increase voter turnout
  - Purpose is to increase competition and voter choice
  - Voter apathy remains a problem independent of Top 2
- With 2 candidates in general election voters have fewer choices
  - **All** candidates compete in Primary for slot in General Election
  - Gives **more** voters chance to vote for **larger** candidate pool
- Top 2 Primary will produce more extreme candidates
  - Candidates can shed party ideology given the broad base of voters
  - History has shown that party primaries result in more extreme candidates to satisfy base

Blue text is what opponents use as talking points to convince voters to vote NO on Top 2

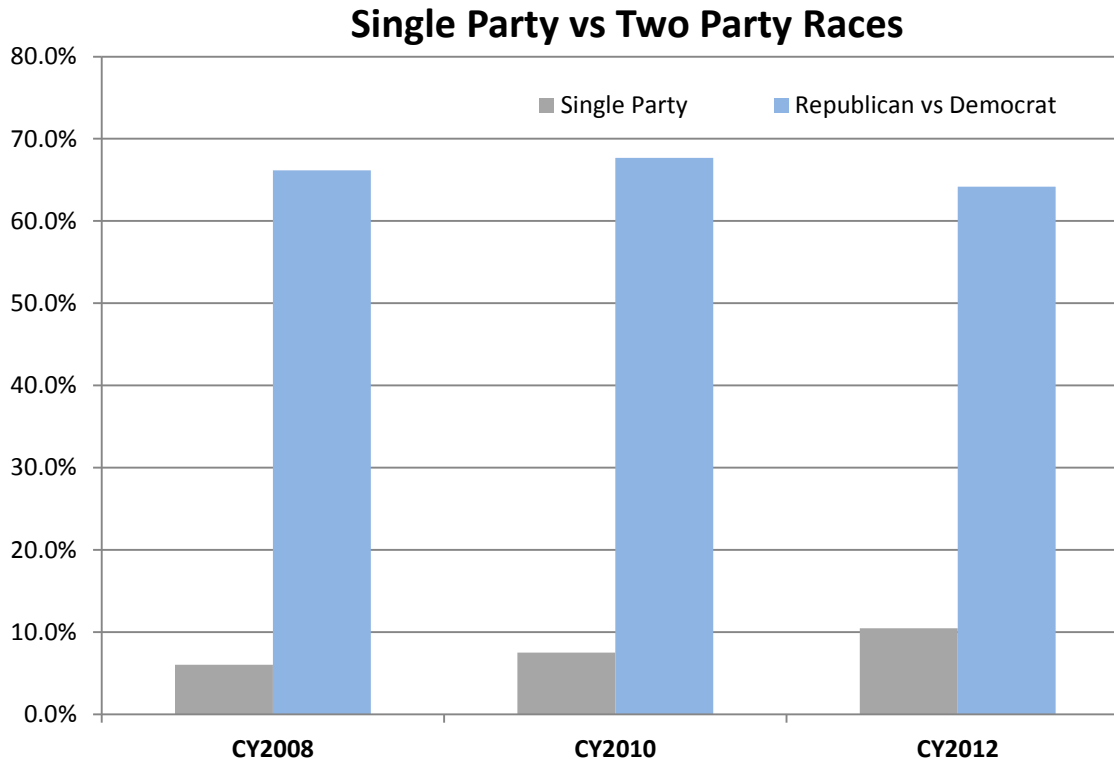
# Voter Apathy Requires Innovative Actions



# Why Retain Closed Primary (cont)?

## Arizona Prop 121 CON Arguments Don't Make Sense

- Top 2 will result in single party General Election contests
  - In four heavily California Republican Assembly districts, more moderate Republicans beat conservative Republicans who had led in the primary
  - Washington State data indicates <10% of races are single party contests





# Why Retain Closed Primary (cont)?

## Arizona Prop 121 CON Arguments Don't Make Sense

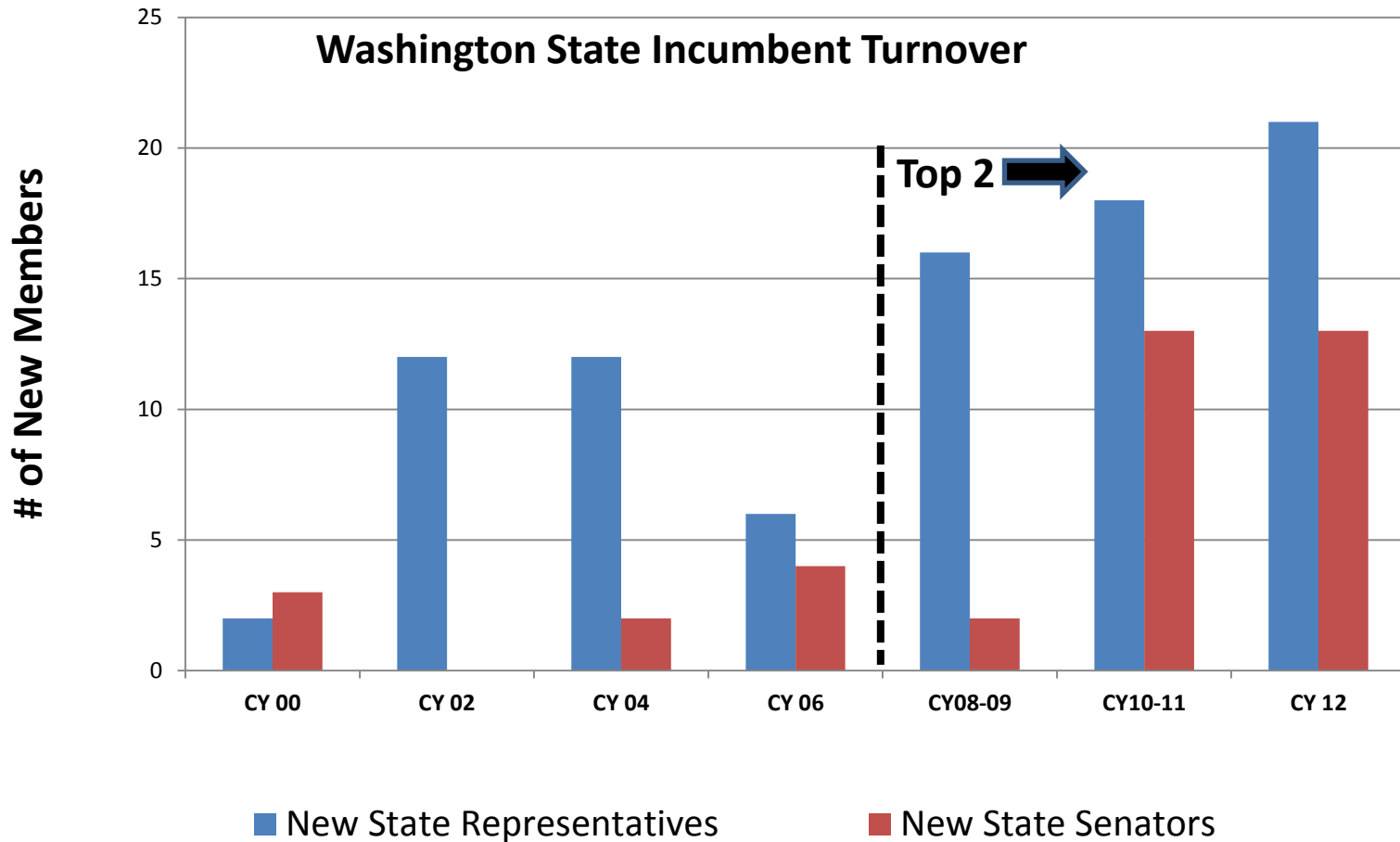
- Top 2 Primary invites special interests to back “stalking horse” candidates to split votes of opponents
  - Grover Norquist’s Americans for Tax Reform “Primaried” incumbents - - won the battle and lost the war
- Top 2 Primary won't level playing field for non-incumbents
  - Non-incumbent candidates will have chance to be known to all voters, especially independents and minor party candidates
  - 14 of 53 California Congressional seats went to new candidates
  - 7 California incumbents [4 Democrats & 3 Republicans] lost seats
  - Washington State shows significant incumbent turnover since 2008





# Why Retain Closed Primary (cont)?

## Arizona Prop 121 CON Arguments Don't Make Sense





# Why Retain Closed Primary (cont)?

## Arizona Prop 121 CON Arguments Don't Make Sense

- Top 2 Primary won't produce more civil campaigns
  - Negative campaigning will occur in any system until voters stop electing candidates that engage in negativity
  - Civil candidates that offer ideas & solutions offer clear choice
- Top 2 Primary will draw more special interest \$\$ to fund candidates not well known to voters outside their area of influence
  - Already a problem – American Anti-corruption Act being pursued
  - In 2012, \$1.07B spent by 629 outside groups achieved a 32% success rate

# Questions & Suggested Answers

- *Q8: Why do minor parties object to Top 2?*
  - They want to be guaranteed a spot in general elections
  - Some say having to spend money in both a primary and a general election is beyond the means of a minor party
- *Q9: Is it realistic to believe that minor parties can form coalitions with other groups to compete in a Top 2 Primary?*
  - Time will tell. Top 2 affords minor parties the opportunity to compete in the general election in a head-to-head contest rather than having to compete with both major parties and other minor parties
  - Minor parties currently attract less than 5% of voters. The only way they can make a difference is to attract more voters to their cause
    - Voters vote for candidates, not parties - -
    - Opportunity to field independent candidates
    - Opportunity to support candidates that aren't major party endorsed

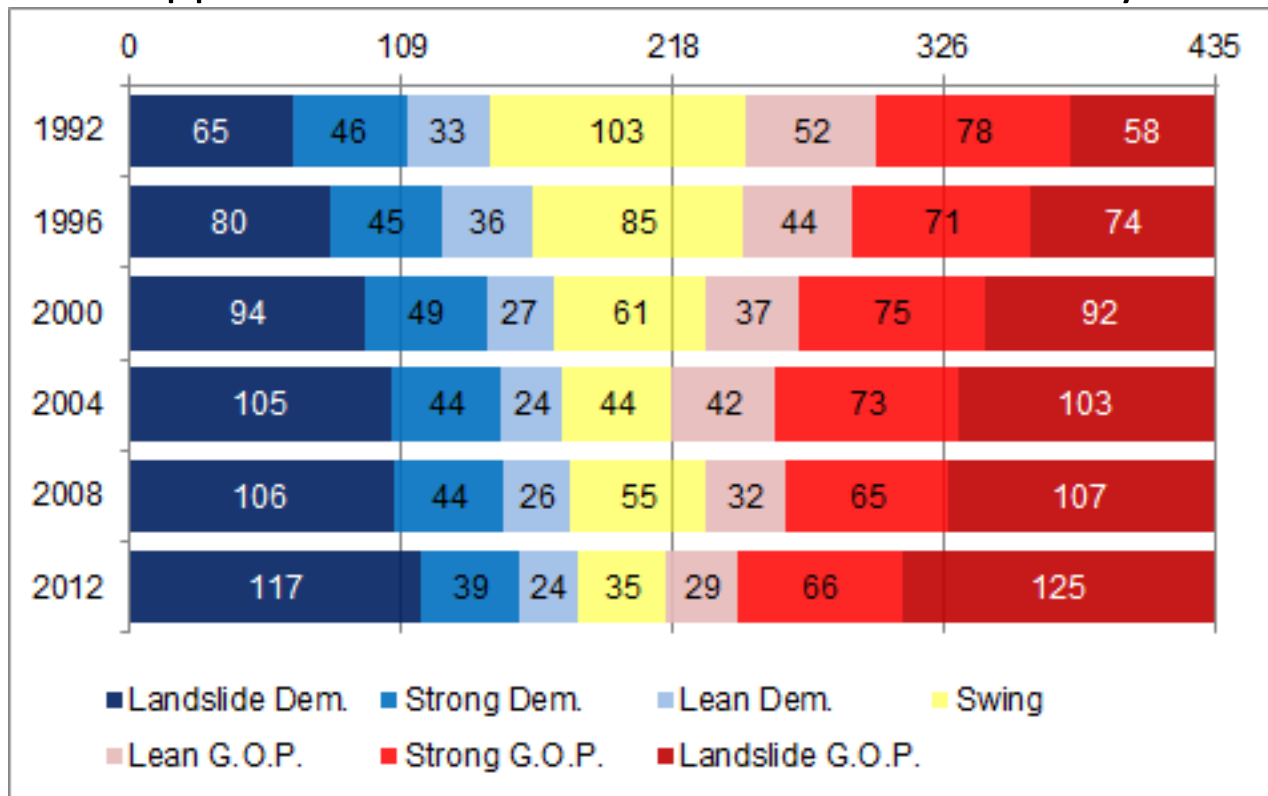


# Questions & Suggested Answers

- *Q10: Doesn't Top 2 prevent major parties from fielding a candidate of their choice.?*
  - NO! Parties are free to hold caucuses, meetings, etc. at their own expense. The only restriction is that the candidate may not indicate that they are the choice of their party on the ballot
- *Q11: Why do major parties oppose Top 2?*
  - Fear of loss of control of election results and not being able to control candidates that indicate party preference but do not support the party platform in all areas
- *Q12: Does low voter turnout in a primary election mean that the top two candidates will go forward with small vote totals?*
  - Not necessarily!- - The Washington State SOE's office confirmed that Top 2 isn't the cause of low turnout
  - The current closed primary system ensures low numbers for candidates since only the major party registered voters can vote

# Questions and Suggested Answers

- *Q13: Will Top 2 reduce/eliminate gerrymandering?*
  - Simple answer is NO
  - Adding independent and NPA voters to the primary election opens the door for support of non-incumbent candidates BUT only time will tell





# What Has To Happen?

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# What Has To Happen?

## On-Line Resources

- Florida Independent Voting.Org [website](http://www.fivorg.com) [www.fivorg.com ]
  - Official petition for downloading
  - Frequently Asked Questions
  - Contact info
  - Twitter and Facebook links
- Independent Voting Network [BLOG](http://ivn.us) [ivn.us ]
  - Source of wide array of independent BLOG columns including our own
  - Encourage others to write BLOGs on Top 2 and comment on BLOGs
- Independent Voting.Org [website](http://independentvoting.org) [independentvoting.org ]
  - National website (New York city based) for all state actions
  - Contact info for IV.org staff and other states
- Support the Voter (Presidential Commission on Election Administration) [website](http://www.supportthevoter.gov) [www.supportthevoter.gov ]
- Florida Supervisor of Elections [website](http://election.dos.state.fl.us) http://election.dos.state.fl.us ]



# Thoughts On Strategies For Petition Collecting

- Florida Independent Voting needs your help
  - Sign the petition for a constitutional amendment
  - Reach out to your personal e-mail list, neighbors
  - Call NPA Voters in your county/district
  - Educate the public via organizational luncheons, meetings, etc
    - LWV, Churches, Rotary, Kiwanis, NAACP, Awake The State,
  - Educate the media (Radio Talk Shows, Public TV, Local TV)
  - Build a coalition with like minded organizations
  - Write Letters to Newspaper Editors
  - Write Op-Ed articles for Newspapers
  - Schedule public Town Hall meetings
  - Reach out to state representatives/senators
  - Build support across Florida

Hang In! This is a long-term challenge





# Top 2 Take Aways

- All voters deserve a voice in primary elections
- Informed electoral essential regardless of primary type
- Candidates face entire electorate not just their base
- Political Parties don't choose candidates - - voters do
- Top 2 is a building block for better government

Florida Independent Voting Asks You to Sign Our Petition & Spread The Word