

# The Top Two System in Action

## Washington State, 2008-2012

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Since 2008, Washington State has used the “Top Two” system for its congressional, state executive, and state legislative elections. This report analyzes the election results of the three cycles conducted under Top Two, finding that Top Two generally limits voter choice with little corollary benefit, including limiting nearly every general election to one member each of the major parties who easily advanced from the preliminary. The system also suffers from vulnerability to split vote or “spoiler” outcomes, as well as variable turnout issues common in systems based on multiple rounds of elections. Fortunately, these issues can be easily resolved while retaining Top Two’s essential characteristic (every voter being able to vote for every candidate in every election) by simply advancing *four* candidates to the general election instead of two and then conducting the general election by ranked choice voting.

## **Summary of Facts and Findings**

The Top Two system of elections has drawn increasing attention as a means of addressing issues in the American political system by electoral reform. Rather than have parties nominate candidates in primaries and have each nominee compete in a general election, it establishes two rounds of voting: the first round is a “preliminary” in which every candidate participates and every voter has one vote. The second is a final runoff between the top two finishers from the preliminary. Candidates generally pick their own party label, and that label has no impact on which candidates advance.

Louisiana for years was the only state using a form of the system for state and federal elections. California started using it in special elections in 2011 and used it for one election cycle in 2012. Washington State started using the system in 2008 for congressional, state and county elections.

This report looks at the impact of the Top Two system in Washington State’s congressional and state elections in the three election cycles in which it has been used, including an analysis of trends involving turnout, competition and representation. Some key facts include:

- The Top Two system still maintains the Democrat versus Republican norm: all four U.S. Senate and all 16 partisan state executive races had one Democrat and one Republican in the general election. All but one of the 28 congressional race over three cycles were Democrat versus Republican, and the one exception had a dominant frontrunner who won with over 80% of the vote.
- Top Two discourages broad fields of candidates in the preliminary: 90% of state legislative races eliminated one or zero candidates in the preliminary, and the number of candidates participating is decreasing.
- Few participate in the preliminary election: about twice as many voters participate in the general election as the preliminary election, and this does not seem to be changing. By increasing the importance of the first election, Top Two allows a smaller and less representative group to decide many outcomes.
- Top Four is a viable solution: by simply increasing the number of advanced candidates to four and conducting the general election by ranked choice voting, intraparty competition and interparty competition can exist in nearly every race, and independent and third party candidates can compete in a much fairer way.

### **Voter Choice is Limited in Both Preliminary and General State Legislative**

**Rounds:** The majority of preliminaries lack any real competition, and they overwhelmingly result in a general election between a Republican and Democrat, thereby altering very little from the traditional partisan primary election method other than the removal of alternative party and independent candidates.

In state legislative races over three election cycles, more than 70% of state legislative races had two or fewer candidates, and only one in ten preliminaries eliminated more than one candidate. Only major party candidates advanced to the top two in 94% of these races. The great majority (87%) of general elections involved a Republican facing

off against a Democrat or one of the major parties running unopposed.

In Congressional elections, more candidates ran in the preliminary elections, but the great majority of races had two apparently predetermined frontrunners who easily advanced from the preliminary election. Only three races out of 28 both lacked a majority winner in the preliminary round and had real competition among more than two candidates in the preliminary.

Contrary to any expectation that voters and candidates might adapt to the new system and create more choices, the opposite so far as been the case. For example, the average number of candidates per state legislative race was 2.29 in 2008, but by 2012 had declined to only 2.21. Incumbents have also adapted well to Top Two. In 2012, for example, 93 out of 95 incumbents (including all state legislative, state executive, and congressional races) were re-elected despite it being a post-redistricting year.

**Split Votes and Spoilers Are a Concern:** Wherever competitive preliminaries do exist, there is a serious risk of vote splitting and “spoiler” candidacies, allowing unrepresentative candidates to advance instead of more popular candidates. More than half of the 37 state legislative races that involved more than three candidates in the preliminary had potentially problematic vote splitting issues.

**Voter Turnout Rises Sharply Between Preliminary and General Elections:** Turnout differences are large between rounds of election, particularly in presidential years. In 2012, for example, only 38.48% percent of Washington’s registered voters cast a ballot in the preliminary elections that winnowed the field in all congressional and state races to two. In the general election, turnout rose to 81.25% of registered voters.

As a result, the Top Two preliminary round operates very similarly to traditional partisan primaries, with more partisan voters continuing to have a particularly strong role in winnowing the field to the two candidates who reach the general election ballot, and general election outcomes reflecting the first round outcomes. Further, contrary to hopes that voters might adapt to the new system, over the state’s three election cycles there has been no trend toward higher turnout in the preliminary round, suggesting that it will continue to narrow the field to just two candidates per office in electorates with relatively few voters who are relatively more partisan and less diverse than general election electorates.

Evidence of consistency included 180 of the 182 state legislative candidates who won an absolute majority of more than 50% of votes in a preliminary going on to win in the general election. Finally, crossover voting (that is, voters leaning toward one party deciding to vote for someone of a different party) only seems to occur in districts so skewed toward one party that the minority party’s nominee has no chance to win, though turnout tends to increase slightly more for Democratic-leaning voters than Republican-leaning voters between rounds.

**Modeling a Top Four System with Ranked Choice Voting:** Nearly every identified defect with the current Top Two system can be rectified with a very simple solution:

advance four candidates to the general election instead of two, and then conduct the general election by ranked choice voting. Simulations of Washington State outcomes under Top Four demonstrate that such a change would result in a greater diversity of choices in the general election, more intraparty competition in the general election, and more opportunities to vote for candidates outside the two major parties entirely.

## **Introduction**

Washington State voters changed the state's method of electing state and federal lawmakers in 2004. In the wake of the Supreme Court throwing out its former "blanket primary" system, backers of the blanket primary put an initiative on the ballot to adopt a system that replaced parties nominating candidates in primaries with two rounds of voting: the first a "preliminary" to reduce the field to two candidates and the second a final runoff between the top two finishers. Candidates could pick their own party label, and that label had no impact on which candidates advanced.

After years of litigation, including a lower court ruling that prevented this new "Top Two" system from being used in elections before 2008, the U.S. Supreme Court upheld the new law. As a result, Washington used the Top Two system in 2008, 2010 and 2012. While the system is still relatively new, we have enough evidence to address some of the claims and counter-claims made about Top Two.

Proponents of Top Two generally suggest that the system should reduce partisanship and polarization and encourage the election of moderates. They note that candidates running in partisan primaries must appeal to their parties' bases, resulting in the most partisan candidates receiving the nomination. By eliminating partisan primaries, they hope that candidates who appeal to a broader base will be more likely to advance to the general election. In especially partisan districts, they hope that an intraparty (Republican versus Republican or Democrat versus Democrat) race will occur and result in the election of the candidate from that party who appeals to most voters overall, rather than merely most voters within their party.

Opponents of Top Two note that narrowing the field to only two candidates in the general election limits the choices for voters, effectively silencing minority viewpoints and potentially having serious ramifications for third party ballot access. They also worry that vote-splitting in the preliminary election may result in voters having to choose between two unpopular candidates in the general election.

This report on the Top Two system in three election cycles in Washington State takes a "just the facts" approach to questions including how much competition exists in the preliminary election, which candidates tend to advance to the general election, the impact of vote-splitting, the role of variable turnout between rounds and what potential reforms could change Top Two for the better.

Accompanying this report are two spreadsheets containing all the raw data used to generate the analysis: one for [state legislative](#) races and [one for state executive and](#)

[federal congressional races](#). In addition to containing all vote totals and bolding the advancing and winning candidates for every election since 2008, they include supplemental graphs, comments, and a tally system for quickly examining different sorts of candidate fields and election results.

## **I. The Preliminary: Competition in the First-Round Primary**

In general, the preliminary election involves little, if any, competition. By far the most common preliminary election in Washington state legislative races has involved no “race” at all, as one or two candidates automatically advanced in what amounted to uncontested primaries. Nearly three-quarters of the preliminary elections in August for state legislative races in Washington had two or fewer candidates on the ballot. Another 62 races included exactly three candidates. Over the three election cycles, only 38 state legislative races (10.3%) involved a broader field of candidates. In both 2008 and 2012, these races amounted to less than 10% of the total elections. Altogether, the 369 races featured 847 candidates for an average of 2.3 candidates per race.

Federal congressional races and most state executive races superficially seem more competitive, as more candidates have run. However, more than three in four races did not have two *competitive* candidates. In 2008, for example, eight out of nine congressional races had a majority winner in the preliminary round who won an easy general election victory; in 2010 that number was six out of nine, and in 2012 it was eight out of 10. Half of those remaining six congressional races without a clear majority winner advanced two candidates who both received more votes than all other candidates combined. That means that only three of 28 races were won with even a semblance of competition in the preliminary round.

For illustration of the trend, consider the 2012 race for governor that was an open seat. The top two candidates received 47.13% and 42.9% of the vote respectively while the other seven candidates in that race split the remaining 9.95%, with no other candidate receiving more than 3.27%. It appears that these higher profile races attract a larger number of frivolous candidates but do not generally result in more competitive elections. This suggests that major political parties and associated interest groups are determining in advance which candidates should advance, flatly contradicting the goal of Top Two to take partisan interests out of elections as much as possible. There is no apparent change in this trend after three election cycles, suggesting that the major party organizations and associated groups are adapting to the system more effectively than less partisan voters and new political organizations.

## **II. The General Election: Which Candidates Make the Final Round**

In state legislative races, the most common general election scenario (248 or 66.67% of races) involved a race between one Democrat and one Republican. Those cases included 169 uncontested preliminary races (45.8%) in which only a single Democrat

and a single Republican ran in the preliminary and 52 races (14.09%) in which three candidates narrowed to a Democrat and Republican in the preliminary, leaving 27 races (7.32%) in which a broader field of candidates was reduced to a Democrat and Republican.

Every congressional race since 2008 has resulted in a general election between a Republican and a Democrat, except one: the 2010 Congressional District 7 election, in which no Republican ran and Democrat Jim McDermott advanced with 79.85% of the vote along with Independent Bob Jeffers-Schroder, who placed second with 6.38%; McDermott ultimately won the general election with 83%. Every partisan state executive race resulted in a general election between a Republican and a Democrat.

Only 23 of all state legislative general elections (6.23%) included an alternative party candidate (that is, any candidate not identifying as either a Democrat or Republican/GOP). In only two such races did an alternative party candidate advance while a major party candidate did not. Every other race in which an alternative party candidate advanced involved either an uncontested preliminary between a single major party candidate and the alternative party candidate, often with the non-major party candidate as a write-in, or a three-way race between a major party candidate and two alternative party candidates. Notably, every time a candidate outside the two major parties has advanced, the major party opponent received a majority in the preliminary round.

Intraparty general elections – that is, a November election in which two candidates of the same party advanced – have occurred a total of 29 (7.86%) times in state legislative races. Of those 29 races, 17 also only had the same two candidates in the preliminary. Another five intraparty races had only one of the two major parties represented in the preliminary. This leaves only seven races (1.9%) in three election cycles in which a preliminary involving both major parties was reduced to an intraparty race – the hallmark scenario touted by supporters of the Top Two system. Furthermore, as discussed more fully below, every one of those races involved potential split vote or “spoiler” issues, such as the 2010 District 31 State Senator race, in which the two Democrats collectively received 36.3% of the vote (enough to guarantee advancing to the next round if gained by only one candidate) but split it nearly evenly between them, allowing two Republicans to advance.

None of the 29 congressional elections or two U.S. Senate races resulted in an intraparty race, even though many Washington districts are heavily skewed in favor of one party. This appears to be because nearly every race has featured one frontrunner Democrat and one frontrunner Republican, apparently chosen in advance of the election. The pro-competition goals of Top Two appear to have never been accomplished in Washington congressional elections.

Finally, incumbents continue to dominate elections under Top Two. The incumbent was re-elected in every single congressional race in which one ran all three election cycles. For state legislative races, in 2012 incumbents ran in 83 races and were re-elected in 81. In 2010, incumbents ran in 99 races and were re-elected in 88, the majority of which were Democratic incumbents losing their seats in a strong Republican year. In 2008 –

the first year Top Two was used – incumbents ran in 102 races and was re-elected in all 102 of them. Top Two does not seem to upset the trend of incumbents routinely being re-elected.

Incumbents certainly handle the preliminary well. In state legislative races, the incumbent has only failed to advance to the general election once, in the 2010 district 38 state senate race, in which union-backed groups managed to outfox Democratic incumbent Jean Berkey by supporting both a more liberal Democratic challenger and the more conservative Rod Rieger, a former Republican running under the “Conservative” party label. District 38 was about 60% Democratic, so without an intraparty race, whichever Democrat advanced was likely to win in the general election. By siphoning conservative voters’ support for Berkey toward Rieger through an expenditure campaign that boosted Rieger in the preliminary, the interest groups were able to keep the moderate Berkey out of the general election, ensuring that the decisive race would be between a liberal Democrat and a conservative candidate in a district with a strong Democratic lean. That race led to campaign finance violation investigations and calls for a new election. The district 38 state senate race does not promote the notion that Top Two promotes upsets; rather, it demonstrates how Top Two can be manipulated to actually prevent the election of moderate candidates.

### **III. Split Votes and “Spoilers”**

This analysis defines a potential split vote or “spoiler” race as one in which (1) at least four candidates ran in the preliminary, and (2) the total votes of all candidates placing fourth or later exceeded the margin between the second and third place candidates. These criteria identify races where candidates placing third and lower may have split the vote and thus pushed a less preferred candidate into second place.

Unlike California’s 2012 elections, in which vote-splitting among wide fields of candidates in the preliminary was nearly ubiquitous, Washington had relatively few split-vote elections, for the reasons identified above. In state legislative races, very few contests included four or more candidates, and in congressional elections, very few contests included more than two competitive candidates. Unlike California, Washington appears to have traded vote-splitting for uncompetitive elections and a lack of voter choice.

Nonetheless, some races did demonstrate split-vote outcomes. Of the 37 state legislative races involving more than three candidates in the preliminary, 19 (51.35%) had potentially problematic vote splitting issues. In 2008 and 2010, about 46% of competitive races involved potential split votes, while in 2012 that figure jumped to about 64%.

Washington’s congressional races, with their seemingly preselected frontrunner candidates, rarely have vote-splitting issues, but they have occurred. Three races out of the 28 held since 2008 had potential vote-splitting. For example, in 2012 congressional

district 1, five Democrats split about 55% of the two-party vote such that the Democrat who advanced had less than half of the Democratic vote.

The problems were more than theoretical. For example, in 2012 District 11 position 2 state legislative race, Democrats collectively received almost 75% of the vote. However, because the race involved four Democrats running against a single Republican, the Democrats split the vote, resulting in a Democrat and a Republican advancing. As this District appears to be heavily Democratic, that preliminary election outcome led to a general election utterly devoid of competition, in which the Democratic candidate won by a margin greater than 40 points. It also undermines the goal of electing more moderate candidates, as the Democratic candidate did not have to appeal to Republican or moderate voters in order to win.

The fact that more than half of such state legislative races had split vote issues highlights the fact that this can be a serious problem for the Top Two system. The more candidates running in a winner-take-all race, the more likely votes are to split among candidates. Top Two does eliminate vote splitting in the *general* election: a race between exactly two candidates avoids the problem entirely (assuming no write-in candidate receives a substantial number of votes). However, by having all candidates run against each other in the preliminary, Top Two nearly guarantees that competitive races will have to contend with this problem in the first round. As a result, Top Two creates incentives for parties to try to limit candidate participation to the extent that they can, which may provide some insight into the general lack of really competitive fields.

As described earlier, the District 38 State Senates race in 2010 showed how the fact that interest groups can run one strategy in the preliminary and a very different strategy in the general creates room for manipulation. The union-backed groups that backed conservative Rod Rieger in the preliminary of course abandoned him in November, instead helping the far more liberal Democrat to win.

#### **IV. The Role of Turnout and Partisanship Outcomes**

The median total number of votes in the state legislative preliminary election was down in 2012, from about 25,700 in 2008 and about 26,000 in 2010 to only about 24,600 in 2012, demonstrating that voters are apparently not responding to the increased importance of the preliminary election under Top Two. The median increase in turnout from the preliminary to the general election was significantly higher in 2008 and 2012 than 2010, suggesting that more voters participate in the general election in presidential election years. In 2012, about twice as many voters participated in the general election as participated in the preliminary.

In the 237 state legislative races (84 in 2008, 79 in 2010 and 74 in 2012) where the general election involved a Democrat and a Republican (and neither was a write-in in the preliminary), the partisan swing between the preliminary and general election can be determined by taking the percent of the vote gained by all Republicans collectively and



all Democrats collectively (ignoring Independents) and comparing those numbers to the percent of votes gained by the Democrat and Republican in the general election.

The median change in all three years was about one point in favor of Democrats, suggesting that Democrats generally turn out less in the preliminary election than Republicans. This seems to be a less extreme swing than occurred in California in 2012, where the median change was about five points in favor of Democrats (with a corresponding 10% effect on margins).

These numbers suggest that in many elections in Washington, the Top Two system is working in practice just like a partisan primary. It appears that in these races, rather than voters collectively choosing the two most popular candidates to advance to the general election, voters who will go on to vote Democratic are voting for Democrats in the preliminary and voters who will go on to vote Republican are voting for Republicans in the preliminary.

Although this is not surprising in retrospect, these patterns undermine the idea that Top Two is succeeding as a moderating influence on elections. Rather, in most elections Democrats in relatively low turnout preliminary elections are selecting the favorite among Democrats, Republicans in these low turnout elections are selecting the favorite among Republicans, and generally they choose frontrunners that received the backing of the party and associated interest groups. Then those two candidates are facing each other in the general election, just as they would under a traditional primary system.

The consistency between elections is further bolstered by looking at races where a candidate garners a majority in the preliminary round and intraparty races. In both cases, the leading candidate in the preliminary almost invariably wins in the general election. In state legislative races, about 99% – 180 out of 182 – candidates winning a majority in the preliminary also won a majority in the general election. Every congressional candidate winning a majority in the preliminary election – which occurred in almost every congressional election – went on to win in the general election.

In some ways, a close look at the outlier elections reinforces this interpretation of the data. Although some swings apparently occur for reasons not apparent from the data itself – such as District 17 position 1, where in 2010 the single Republican led the single Democrat 53-47% in the preliminary and then lost 47-53% in the general election – one consistent pattern of heavier partisan swings does occur: in heavily partisan districts, the preliminary votes tend to be skewed in favor of one party; this results in a heavy swing toward the other party in the general election.

For example, in the 2008 District 20 State Senate race, three Republicans faced one Democrat in the preliminary round. After the Democrat and one of the Republicans advanced, the Democrat had a swing of 9.5 points in his favor. Apparently some voters who would vote Republican in a broader field chose to vote Democrat in that race, suggesting that the narrowing of the Republican field may have failed to advance the most inclusive Republican in the race. In 2008 this pattern of voters from a split field backing a candidate from the other major party in the general election was repeated in

the District 14 position 1 state house race and the District 8 position 1 race. In 2010 it occurred in District 3 position 1, District 6 position 2, District 18 position 1, District 22 position 1, District 30 position 2, District 44 position 1, and District 47 position 1.

At the same time, none of these shifts changed the outcome. The largest partisan swing recorded was the District 14 position 1 race, in which a field of six Republicans and one Democrat narrowed to a Republican versus Democrat race in which the Democrat enjoyed a nearly 17 point swing compared to the preliminary, suggesting a lot of crossover voting in her favor; nonetheless, she still lost her general election race in the heavily Republican district.

Such outcomes underscore how partisanship continues to play a major role under Top Two. Another way to measure this is the fact that the state's 10 U.S. House districts all are represented by candidates of the majority party in that district as measured by the partisan voting index based on the 2012 presidential election. None of the districts are likely to change in 2014; indeed FairVote's cautious methodology of projections confirms that nine of ten districts will stay with the same party absent a major national shift or, potentially, with incumbent retirements, and that the final district leans strongly toward the incumbent party as well.

## **VI. Reforming Top Two: Top Four and Ranked Choice Voting**

Top Two does not appear to have a significant effect on the ordinary character of elections in Washington. To the extent that it does, there is no clear evidence that it is achieving its stated goals of encouraging the election of moderates, except perhaps in the few races where only one party's candidates participate in the preliminary round. Intraparty races resulting from competitive fields appear to occur principally in races with problematic vote splitting, an issue as endemic to Top Two as it is to partisan primaries. Meanwhile, Top Two limits choices in the general election, cutting out Independent candidates and potentially hedging out moderates who might benefit from larger, less partisan electorates in the general election.

Further, it should be noted that these trends do not appear to change from one cycle to the next. Although 2010 appears to stand out in some regards, the numbers between 2008 and 2012 are strikingly similar. More data is needed to reach any definite conclusions, but it appears that either 2010 was an outlier or that presidential election years render a different character in the races. Regardless, most of the issues identified in this report do not appear to be temporary or evolving as voters adapt to the new system – they seem to be inherent in the structure of Top Two itself, at least within the current stark national division between the major parties..

Jurisdictions considering Top Two should look to a straightforward solution: having the top *four* candidates to advance, rather than merely two, and then for the general elections to be conducted by ranked choice voting in order to avoid split votes. This reform would typically avoid split vote situations in the preliminary election, as a potential winner would almost certainly finish in the top four in the preliminary round. It

would also add more choices for voters in the general election while still narrowing the field enough to give voters a chance to examine the field closely. The first round would give voters a chance to know which candidates had the best chance to win, and voters would only need to rank three candidates in the general election to fully accomplish the goals of ranked choice voting in accommodating choice and upholding majority rule.

We can approximate what election results might look like under a “Top Four” system by using the election results in Washington under Top Two. When we do so, we see that a shift from Top Two to Top Four would vastly improve voter choice and competition, both retaining and improving on the legitimate goals of Top Two while simultaneously curing its most serious defects.

Here are simulations of how Top Four would perform under Washington’s congressional elections, using the results from 2012, 2010 and 2008.

2012 Congressional Elections	Top Two (10 districts)		Top Four (10 districts)	
Both major parties in general election	10	100%	10	100%
Intraparty race in general election	0	0%	9*	90%
Alternative party candidates in general election	0	0%	3	30%

\* The only time there would not be an intraparty race in the general election is if only one candidate from each major party participated in the election at all.

2010 Congressional Elections	Top Two (9 districts)		Top Four (9 districts)	
Both major parties in general election	8*	88.9%	8*	88.9%
Intraparty race in general election	0	0%	9	100%
Alternative party candidates in general election	1	11.1%	4	44.4%

\* In district 7, no Republicans participated in the election.

2008 Congressional Elections	Top Two (9 districts)		Top Four (9 districts)	
Both major parties in general election	9	100%	9	100%
Intraparty race in general election	0	0%	7*	77.8%
Alternative party candidates in general election	0	0%	3	33.3%

\* In districts 1 and 9 only two candidates participated in the preliminary election: one Democrat and one Republican.

As the table demonstrates, simply changing the number of advancing candidates from two to four allows the election to have the benefits of an intraparty race in every election where more than one candidate from either major party participates while *simultaneously* allowing both Republicans and Democrats to participate *and* allowing alternative party and no party preference candidates to participate at a significantly higher rate than they can under Top Two.

The only races in which Top Four does not change the character of Top Two are those in which few candidates participated in the election at all. If only two candidates run, any reasonable electoral system will render similar results; however, Top Four may encourage more viable candidates to participate, as it expands opportunities to participate in the general election.

Top Four would likely accomplish the goal of Top Two of expanding competition through the use of intraparty races without needing to exclude members of the non-dominant party from the general election. For example, in 2008 district 7, in which Democratic incumbent Jim McDermott beat his Republican rival by a margin of over 67 points, voters would instead have been able to choose among McDermott, the Republican rival, a rival Democrat, and an Independent candidate. The voters would then be able to rank those candidates in order of preference, rendering a much more interesting election.

Similar simulations can be made for Washington's state legislative elections:

2012 State Legislative Elections	Top Two (124 races)		Top Four (124 races)	
Both major parties in general election	76	61.3%	79*	63.7%
Intraparty race in general election	14	11.3%	36*	29%
Alternative party candidates in general election	10	8.1%	13*	10.5%

\* If both major parties ran in the preliminary, they were both always represented in the general election, and if at least one major party ran more than one candidate, then at least two candidates from the same party advanced to the general election every time. In 113 of 124 state legislative races, fewer than four candidates ran in the preliminary.

2010 State Legislative Elections	Top Two (123 races)		Top Four (123 races)	
Both major parties in general election	80	65%	83*	67.5%
Intraparty race in general election	10	8.1%	38*	30.9%
Alternative party candidates in general election	8	6.5%	19*	15.4%

\* If both major parties ran in the preliminary, they were both always represented in the general election, and if at least one major party ran more than one candidate, then at least two candidates from the same party advanced to the general election every time. In 108 of 124 state legislative races, fewer than four candidates ran in the preliminary.

2008 State Legislative Elections	Top Two (122 races)		Top Four (122 races)	
Both major parties in general election	87	71.3%	90*	73.8%
Intraparty race in general election	8	6.6%	28*	23%
Alternative party candidates in general election	5	4.1%	12*	9.8%

\* If both major parties ran in the preliminary, they were both always represented in the general election, and if at least one major party ran more than one candidate, then at least two candidates from the same party advanced to the general election every time. In 111 of 122 state legislative races, fewer than four candidates ran in the preliminary.

Note that the dramatic benefits Top Four would bring to Top Two elections are not as readily apparent from these simulations, due to the small number of candidates that ran in the lower profile state legislative races. Fewer than four candidates participated at all in between 87% and 92% of races, making a simulation of a system advancing four

candidates more difficult. Potentially a Top Four system would encourage more candidates to run, as they would have easier access to the general election.

Nonetheless, even using this limited data, Top Four still shows tremendous improvements on Top Two. In every case, more races give voters the opportunity to express a preference for either a Republican or a Democrat, as well as to choose between two candidates from the dominant political party. And in every election cycle, voters would have more candidates outside of the two major political parties to choose from.

Notably, the 2010 district 38 state senate race, in which liberal interest groups squeezed out the centrist incumbent by supporting both a liberal Democrat and a conservative candidate in the preliminary, would have turned out very different under a Top Four system. All three candidates would have advanced to the general election, where voters would have been able to rank them in order of preference. The sort of manipulation that happened in that race would be completely infeasible under Top Four.

## **VII. Conclusion**

The promoters of Top Two correctly identified electoral processes as the root cause of much of today's political dysfunction. However, the mechanism they identified – allowing all candidates to compete against one another in a preliminary round and advancing only two candidates to the general election – does not adequately correct those systemic issues, but creates new problems.

We would recommend additional changes to Top Two. For example, political parties should be able to identify those whom they endorse to prevent their names from being misused by candidates they oppose, and the preliminary election ideally would be closer to the general election, as could be done by giving overseas voters the chance to cast a ranked choice ballot in the first election.

Our most significant reform to Top Two would be simple to explain: advancing four candidates instead of two. Ranked choice voting elections with four candidates are straightforward for voters. Those changes alone would allow Washington to enjoy the benefits it sought through Top Two, while at the same time avoiding its drawbacks.

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