

HB 436: Top Two Primary in Certain Elections
House State Administration, RM 455
February 19, 2013 @ 8:00 a.m.
Secretary of State Linda McCulloch's Testimony

- Good morning Madam Chair, members of the Committee. For the record, I am Linda McCulloch, Montana Secretary of State.
- I strongly oppose this bill, as it would deliver a tremendous blow to the value of fair and accessible elections for all candidates and all parties.
- The purpose of a Primary Election is for voters who identify with a particular party to choose from a field of candidates their representation on the General Election ballot.
- In a top-two Primary, voters who identify with a party may not have a chance to advance their candidate to the General Election if their party has considerably more candidates on the ballot than the opposing parties.
 - For example: Say there are 6 candidates who identify with the Republican Party running against 2 Democrats, 2 Minor Party candidates and 1 Independent.
 - Voters who identify with the Republican Party will have their votes split among 6 candidates, while Democrats will only be split between 2. There is a high chance that those 2 Democrats will advance on to the General Election, because their vote count will be higher than that of a Republican candidate who had 5 others competing for votes.
 - Similarly, this same example demonstrates how Minor Party and Independent candidates could effectively be removed from the General Election ballot – which poses yet another significant risk to ensuring the integrity and fairness of elections.
- Voter turnout is lower in Primary Elections at 37% than in General Elections where the turnout is 72% (2012 Elections). Supporters of the top-two Primary generally tout increased voter turnout as a favorable outcome of the system.
- However, California's top-two Primary (which was held in June 2012) failed on this promise.
- Not only did 2 candidates from a less favored party in a Congressional District advance to the General Election (proving the reality of the example I just shared),

but voter turnout was only 30% - the lowest in California's history for a presidential Primary.

- This means that many voters who don't participate in Primary elections may never have a chance to choose a candidate who they identify with, and also that the candidate who advances to the General Election may not reflect the true will of the people.

I have some administrative concerns with the bill as well. Rather than go through those technical concerns, I will pass out a list of them for your review.

- This bill leaves too many administrative questions unanswered – yet that is really only the tip of the iceberg compared to the negative implications it will have on fair and honest elections in Montana.
- A top-two Primary will flaw our elections process, and I urge you to vote “no”. Thank you for your time.