

In November, Montanans will have the opportunity to vote for two constitutional initiatives that would change the state's election system:

- The first, CI-126, would change Montana's partisan primary elections to an open top-four **primary election open to all voters and all candidates**. All candidates would appear on the same ballot, regardless of their party, and voters would pick their favorite. The top four vote-getters would then advance to the general election.
- The second, CI-127, would ensure the winning candidate for elected office won **with a majority of the vote** rather than just a plurality. (A plurality is the largest share of votes cast, even if it is still just a minority of actual votes.)

This combination of elections method reforms, implemented and tested elsewhere, have been shown to offer more choices for voters, ensure winners earned support from a majority of voters, and offer voters the option to support their choice of candidates without concern for spoilers.

*Below are answers to frequently asked questions on the two initiatives.*

### 1. How would a top-four open primary work in Montana?

Currently, primary election voters in Montana receive partisan ballots – Democratic, Republican, Libertarian, Green Party ballots – and must choose which partisan primary to vote in by filling out the corresponding ballot. Each candidate must be affiliated with one of the parties if they want to run in a primary.

But in a top-four open primary election, all candidates for an elected office appear on a single ballot, and **every voter, regardless of political registration, receives the same ballot**, which lists every candidate in every race. Voters then get to choose the candidate who best represents them from a list of all qualified candidates, regardless of party affiliation. In this style of primary, voters can support a mix of Republicans, Democrats, independents, and third-party candidates across positions up for election, or they can vote along party lines. The four candidates who receive the most votes in the June primary election advance to the November general election.

### 2. What does a majority-winner election mean?

Currently in Montana, a candidate must earn a plurality of the vote to win, meaning the largest number of votes, rather than a majority. That means in a three-person race, a candidate could get as little as 34 percent of the vote and win (!) if the other two candidates split the remaining 66 percent. In contrast, a majority-winner election means a candidate must earn support from a majority of Montana voters—i.e., more than 50 percent.

### 3. Which races would use open primaries and majority-winner elections?

The initiatives would apply to elections for all offices in Montana that currently use partisan primary elections: governor, secretary of state, auditor, attorney general, superintendent of public instruction, public service commission, state legislative seats, and US representative and senator. The initiatives would not apply to judicial elections or local nonpartisan offices like mayor, school board, or conservation district supervisor.

#### **4. Which party benefits more from open primaries and majority-winner elections?**

Evidence from other places that use these kinds of elections shows that neither major party benefits more from them. The changes proposed in the initiatives would treat all voters, all candidates, and all political parties the same, instead of dividing them into different partisan camps.

#### **5. What would open primaries change for voters?**

All voters would receive one common primary ballot listing all candidates in all races rather than different ballots that depend on their party registration. Voters could then vote for candidates across different parties for different offices (like they currently do in the general election), depending on who they like best and regardless of party.

#### **6. What would these initiatives change for candidates?**

In an open primary system, all candidates would appear on the same primary ballot regardless of party affiliation. They would not have to be nominated by a political party to qualify for the ballot and would also have the choice of whether to list their political party preference. Third-party candidates would no longer have to be affiliated with a political party and follow different, more burdensome rules to qualify for the ballot, as they do in Montana presently.

In a majority-winner election, candidates would be incentivized to reach out to voters beyond their base while campaigning, as they would need as much support as possible to cross the 50 percent mark in a close race.

#### **7. Which other states and localities use open primaries?**

Most elections in America occur at the local level, and most local races are nonpartisan, meaning all candidates and voters participate in the same primary. States that use open, all-party primaries for state and federal offices include Alaska, California, and Washington. Louisiana uses a similar election method: it has no primaries at all but instead has open general elections where all candidates compete.

#### **8. What will the next steps look like if these initiatives pass?**

If Montana voters approve these initiatives in November, the legislature would use the 2025 legislative session to determine how to implement them. For example, the legislature would need to decide whether to implement instant or delayed runoff elections to move from the top four vote-getters in the primary to one majority winner in the general election. Both methods are time-tested and used widely in the United States.

#### **9. Are these initiatives constitutional?**

Yes. The Montana Supreme Court has determined that these two initiatives are constitutional.

#### **10. If Montana voters approve these initiatives, will the Montana legislature have the power to repeal them?**

No. The Montana legislature will not be able to overturn the will of the voters if these initiatives pass. The legislature might submit further constitutional amendment proposals to the ballot, but any such measures would have to be approved by voters directly.