

## **PRIMARY ELECTIONS SYSTEMS: A NATIONAL PERSPECTIVE**

-- Interim Report of the LWVO Primary Election Systems Study Committee

### **ABSTRACT:**

This series of interviews with several academic researchers and voting advocates across the U. S. weighs the merits of Ohio's current primary election system in non-presidential primaries. It reflects the conflict between those who regard primaries as an internal nomination process by the several political parties and those who regard them as vehicles whereby all voters reduce their candidate choices to the most viable, competitive few.

Ohio's semi-open partisan primary system met with admiration from many respondents who compared it to the alternatives. Only a few recommended that Ohio consider a top-two system or another alternative which would do away with primaries altogether. Interviewees unanimously cautioned would-be reformers, also, against the likelihood of unspecified, unintended consequences which could accompany any change.

Several secondary changes might also improve Ohio's primary election system, according to most. Mandatory Board of Election distribution of an inclusive Voter Guide and turning Election Day into a holiday were most frequently mentioned. Many other useful suggestions emerged, including even several not on the questionnaire. Some even argued for expanded, constructive involvement of political parties.

Leagues of Women Voters in ten or twelve states are studying or already involved in advocacy for primary election reforms. This report documents responses from several state Leagues, although several of the most involved state Leagues did not respond to the survey. In general, Leagues tended to take a realistic rather than an abstract academic view of reforms, especially those that were still studying the issue.

Study committee contributors hope that this overview of primary election systems provides much of the background needed for an informed discussion by League members of the complex questions surrounding primary election systems in Ohio.

### **PURPOSE:**

In order to understand better the various studies and movements around the U. S. to improve the primary election process, the study committee decided to interview political science experts and advocates, who have done research and/or pushed for various reforms, as well as state Leagues of Women Voters, who have studied and/or worked within various approaches to reforming their systems. It was expected that these interviewees would have examined and could share with us some data and conclusions they may have reached, both within their states or across the country. We wanted to see if some of the things they had learned in the course of their studies and

experiences might be applicable to the primary election system that Ohio either currently employs or might aspire to employ in the future.

#### METHOD:

The study committee first composed a list of philosophical, factual and aspirational questions which would furnish some structure to the above mentioned interviews. These questions stuck closely to the questions we expect will closely resemble the ones presented to local Ohio Leagues in an upcoming consensus process. (See Appendix 1 for the questionnaire.) We then compiled, from previous research and reading of over 30 academic resource articles, a list of about 20 experts and advocates, 13 of whom responded to the questionnaire in writing and/or in telephone interviews. Likewise, we targeted about 11 states where we learned there was either an alternative primary system in place or an active movement afoot to accomplish one. Because state Leagues of Women Voters are certain to be aware of their states' election processes or issues, we sent them questionnaires and accomplished seven interviews. (See Sources for an accurate list.) Additionally, several other state Leagues or academics provided their opinions without completing our entire questionnaire. All 12 members of the study committee participated in conducting some of the interviews summarized here.

#### DEFINITIONS:

**Approval Voting:** A general election in which all candidates for each office are listed together on the same ballot available to all voters. A voter then checks as many candidates as he/she finds acceptable, and a winner in each race is that candidate whom the most voters approve. In such a system there would be no need for a primary election.

**Closed, Partisan Primary Election:** A primary in which ONLY pre-registered members of a specific political party may vote for that party's nominees for public office. Voters in such states must declare their affiliation at registration and, if they want to switch parties, they must change their registration before the upcoming primary election.

**Crossover Voter:** Any voter who is affiliated with one or no party but who votes in a primary election for candidates of a party in which he/she is NOT affiliated. The term, as we use it here, refers also to the Independent Voter who chooses to vote in a partisan primary.

**Independent Voter:** a voter who is officially unaffiliated with a political party. That person may vote nonpartisan or issues-only ballots, or he/she might abstain from primary voting entirely. If such a voter asks for a party's primary ballot, the very act of doing so in Ohio means that voter is no longer "independent."

**Instant Runoff (IRV) Election -- See Ranked Choice (RCV) Election**

**Nonpartisan, Top-Two or “Jungle” Primary Election:** A primary in which all candidates for each office are listed together on the same ballot available to all voters. There are several variations, but they all produce two preliminary winners who then compete against each other in the general election. Some municipal nonpartisan elections dispense with the primary entirely, with varying ways of determining a winner if no candidate receives 50+1% of the vote.

**Open or Semi-Open Partisan Primary Election:** A primary in which Independents or voters affiliated with one political party may vote the ballot of a political party to which they do not belong. There are several versions of open partisan primaries, but in all of them, voters are confined to the choices offered by the party whose ballot they choose. (A “blanket” partisan primary would permit a voter to switch back and forth between parties, from race to race, and has been ruled unconstitutional.)

**Ranked Choice (RCV) Election:** A general election in which all candidates for each office are listed together on the same ballot available to all voters. Voters designate their first and second (third, fourth?) choice for each office, and a multi-stage, weighted vote-counting process produces one winner who has received the most first-place votes. (If one’s first choice does not win, one’s second choice moves up to first, and the ballots are counted again.) This election system does away with the need for primaries entirely.

## RESULTS:

Thirteen participants participated in the questionnaire/interview for experts and advocates -- six political science professors who published articles on the subject, four advocates for primary reforms, two representatives of Ohio’s main political parties, and one leader of a good government group. Seven state Leagues of Women Voters also participated, including spokespersons from Vermont, Washington, Florida, Arizona, Oregon, Maine and Kentucky. State Leagues of Connecticut and New York had already studied their primary election systems and shared their final reports with us. (See Sources for names and institutions.)

### **Purpose of Primary Elections.**

All respondents agreed that the purpose of primary elections is twofold: for political parties to choose their nominees AND for voters to narrow down a possibly crowded field of candidates. None ranked one purpose higher than the other. Some experts reminded us that direct primaries were originally a Progressive reform instituted to make political parties more accountable to voters.

When asked whether primaries might better be eliminated in favor of some other general election strategy, several of the 20 mentioned ranked choice voting, top-two elections with runoffs, party caucuses/conventions or approval voting. Each of these would eliminate the need for primaries. Many warned, however, that any type of election system comes with trade-offs. Several argued that parties should have a strong role in choosing and funding of candidates --

that to minimize their role is likely to empower outside interest groups who are not nearly as accountable. One advocate even felt that primaries should be private party processes, not paid for by taxpayer dollars at all.

### **Effects of a Good Primary Election System:**

From a long list of possible beneficial effects of a primary election system, respondents indicated those they felt were desirable or possible. The items which they thought not important or unrealistic they either left blank or stated their disagreement with or without reasons. In general, the experts and advocates were much more sanguine about most of these goals than were the less theoretical and more practical state League leaders.

1. Increase voter participation: Almost all agreed on this goal. One League expressed the caveat that a controversial issue on a ballot would likely effect primary turnout much more than would the particular primary system used. Two experts also qualified their response by wishing that the primary electorate would be more representative of the voting population.
2. Enfranchise independent or minor-party voters: Eleven of the respondents agreed, with varying caveats. One League indicated that a primary should allow independents to request a party ballot of their choosing. Some experts felt that, while these voters should be allowed to participate, primaries should not be designed for the express purpose of empowering them. Another pointed out that Ohio already does enfranchise such voters, if they opt to take a party's ballot.
3. Ensure winners have a majority, not just a plurality: Only seven agreed that this should be an important goal of a primary system. One state League spokesperson felt it to be important to lessen the risk of electing fringe candidates, but another pointed out that run-off elections attract a big drop-off in voter participation. Most experts did not believe this goal to be important.
4. Reflect community opinion fairly and accurately: Most experts think a primary election should indeed reflect community opinion, but only two Leagues agreed. Two respondents said that primaries' main purpose should be to reflect the opinion of political party opinion, and that the general, rather than the primary election should reflect majority community opinion.
5. Give voice to diverse political views: Very few Leagues but almost all experts felt this was important, although one League pointed out that individual political parties usually demonstrate somewhat consistent views over time. One expert argued that this purpose is more appropriate to general elections.
6. Preserve strong political parties: State Leagues are much less sanguine about this than are a large majority of the academics and activists. One League said this is not the business of those who design election systems -- that election machinery needs to be much more focused on

preserving the rights of voters than those of political parties. And yet, eight of the theorists feel that strong parties need to be maintained.

7. Encourage “sincere” as opposed to “strategic” voting: Both groups split down the middle on this goal. One League spokesperson felt that this is more of an issue in general elections.

8. Decrease the power of incumbency: Most in both groups felt that this was not important. Most stressed that incumbents could continue to win indefinitely, if the voters prefer them, but that they should be in competitive races. The desire for competitive elections overshadows the wish for a decrease in incumbent advantage.

9. Simplify election administration: Most experts and half of the Leagues thought this was a desirable goal. However, one League stated that any changes in election structure should be for the benefit of voters, not administrators.

10. Decrease the importance of money in politics: A minority of both groups believed that this goal is not realistic or related to the type of primary system employed, although all acknowledge that this is a huge problem for elections as a whole.

11. Lessen partisan polarization: Thirteen of our interviewees believe this to be important, although some contrasting opinions must be noted. One noted that party primaries are partisan by definition, so this should not be a goal. Another said that primary systems have little or no effect on partisan polarization, so they cannot be designed for what they cannot do. He said that studies show open primaries to be more polarizing than closed primaries.

12. Promote accountability of elected officials: Almost all experts and no state League spokespersons felt this could be a desirable effect of a good primary system. Five of the League generally felt that this is unrelated to primary election methods.

13. Reduce the cost of elections: There was minimal interest in this goal. In fact one felt that cost cutting could even be a detriment, and another felt that the parties themselves should pay to administer their primary elections, rather than the taxpayers, most of whom either don't or can't vote in them. Other discussions on this subject suggest that appealing to all voters in a nonpartisan field or promoting a competitive general election would actually increase rather than reduce the costs of administration and campaigning.

14. Discourage negative campaigning: Only six of the twenty respondents felt this was a realistic goal for a primary election system.

15. Encourage issue-focused campaigns: About half of all respondents were positive on this goal, although one League leader wondered how this would be measurable or enforceable.

16. Other desirable effects: Several of the ideas mentioned at the end of this question were interesting. One goal most frequently urged was that competitiveness in the general election should be the end result of a good primary system. One respondent felt that any goal should be verifiable and both technically and fiscally feasible. One wanted dates of primary elections to be consistent, and another thought a system should contain a requirement for better media coverage. Finally, one League respondent thought that there are so many good ideas but that changing the primary election system will not accomplish many of them.

### **Opinions on Ohio's Current Primary Election System:**

Only a few of the experts and none of the state Leagues thought they could improve upon Ohio's primary election system, which was understood by them to be a semi-open, partisan one. An Ohio voter of any or no affiliation may request a party ballot, at present without risk of inviting a challenge or having to sign an oath of switched allegiance, but upon doing so, he or she is still limited to choices of only that party's candidates alone. (See Definitions, above, to understand the following alternatives.)

1. Open, partisan primary: Only five of the twenty thought more openness would be preferable than Ohio law currently permits, while one other felt that even this level of openness would likely undermine political parties. In general, most respondents did not favor this type of primary.

2. Open, nonpartisan primary ("jungle" or top-two): Five experts thought Ohio's primary system could be improved by a move to nonpartisan elections, but most state Leagues did not. Two of those Leagues reported that they are still studying the issue and have taken no position yet. One expert thought that nonpartisan primaries would work better at the local level, rather than for statewide or legislative offices.

3. Nonpartisan general election only, with run-off election if needed: Five Leagues and most experts disapproved of this option, which was undergoing study by two of the state Leagues. No comments were offered. Some consequences identified in the research indicate this type of primary could result in a wider field of voters and lower administrative costs, but it could also result in weakened political parties. We know that some local Ohio municipalities choose this method.

4. Ranked-choice general election only, w/ Instant Run-off built in: One state League supports this option, as did three of the experts. Of those who opposed RCV/IRV, the most frequently heard negative was that it would be too complicated and confusing to voters. Another thought it would discriminate against low socio-economic voters because the ranking of candidate choices would increase the informational costs of voting. That same individual worried that RCV could result in winners with less than a majority of votes.

5. Approval Voting general election only: One expert was an advocate for this voting system, and two state Leagues were still studying it, but all of the rest indicated disapproval or no interest. No known governmental units currently employ approval elections, but we were told that Cincinnati once experimented with it.

6. General comments, and other: The Washington State League spokesperson stated she thinks that Ohio's system is better than the top-two system they use in Washington for their legislative primaries. One expert liked the fact that Ohio's system is already "very open," while one political science professor strongly favored a closed primary system. Finally, one expert stated that reforms in general have not been shown to increase turnout or to reduce the numbers or influence of extreme candidates.

7. Alternative of Party Nominating Caucuses. Although we did not ask this question in our interviews, it appears that this alternative to primary elections may exist at the presidential level only, which we do not deal with in this study. We did not encounter any states which use it to nominate candidates for statewide, downballot office, but there may be a few. None of our Leagues or experts commented on it. (check Carrie's attachment before signing off on this.)

### **Other Possible Improvements to a Primary Election System:**

From a list of suggested reforms other than the structural alternatives noted above, state League spokespersons, academics and advocates responded as follows:

1. Make Election Day a holiday: Almost all in both groups favored this, although one League cited research that such a change would not make a difference in turnout. We did not ask the related question as to whether elections should be held instead on Sundays.

2. Hold all state primaries on the same day: Most experts agreed but most Leagues did not.

3. Eliminate primaries entirely (see above): Two respondents in each group favored eliminating primaries.

4. Reduce gerrymandering: Most favored this, but one mentioned it is very difficult to stamp out, and another said it may not be related to primary election systems.

5. Change to all mail-in ballots: Most Leagues did not choose to respond, but Washington has used this system since 2008, reporting that it neither increases participation nor accommodates those voters uncomfortable with it or needing assistance casting their vote. Arizona worried additionally that without controls to prevent fraud it is not desirable. Half of the experts consider this an improvement.

6. Encourage parties to provide more education and publicity: Most Leagues and half of the experts agreed, but skeptics thought this would do little to solve underlying issues and would likely result merely in increased partisan propaganda.
7. Inform voters better about the functions and rules in primaries: Most Leagues and half of the experts agreed.
8. Require Boards of Elections to mail Voter Guides to all registered voters: Leagues favored this, although two worried about the expense. Almost all experts agreed, although one worried that, depending on what information was included, it could make things worse.
9. Require the media to provide a certain amount of free public-service election information: Half of each group favored this approach but offered no additional comments.
10. Reduce the length of time between primaries and general elections: Half of each group thought a shorter time between primary and general elections would be beneficial. However, the Washington League has found that it did not leave enough time for campaigning.
11. Restrict the amount of money spent by or on behalf of candidates for office: Only two Leagues and two experts favored this but offered no additional comments.
12. Other: Several experts stressed the need for competitiveness. Others mentioned easing hurdles to ballot-access by minor parties, or an expanded role for party leaders through endorsements and transparent campaign funding via political parties. The Vermont League suggested mandatory voting with fines for non-voting. The Washington League favored automatic voter registration with all voters receiving mail-in ballots at their home addresses. They also recommend expanding early voting, which Ohio has already done. Finally, one skeptic thought some of these recommendations are either hopeless, such as reducing gerrymandering or campaign finance abuse, or harmful, such as making the process too complicated.

### **Possible Unanticipated Consequences of Reform:**

Five Leagues and all thirteen of the academics and advocates foresaw likely unanticipated consequences of tinkering with the primary elections systems.

### **Opinion as to whether Ohio's System may not need Reform:**

Most state Leagues were noncommittal, but one felt that Ohio's system is already best. Although eight of the experts believed Ohio's system should be improved, the rest commented that Ohio's system is not producing bad nominees, there's not a strong case for reform, and "There's not another model that I think is better."



## **Current Controversies in the United States regarding primary election reform:**

This question was asked only of the academics and advocates. Issues mentioned were efforts to increase turnout and reduce polarization, to increase candidate responsiveness to independent voters and across party lines, to counteract the parties' inclination to defeat reforms, to reduce major party influence, or to protect access by minor parties. Various interviewees listed public discussion of alternatives such as those listed here. They express special concern about gerrymandering, huge expenses of money and time, voter confusion, mudslinging and the lack of reliable voter information. One scholar put it this way: the nub of the problem is "the struggle between those promoting the inclusion of independent voters as opposed to those promoting strong political parties." Two others pointed out that research on the subject is inconsistent because electoral institutions are very hard to study, definitions of the alternatives can vary, and it can take several election cycles to see the effects of reforms.

## **Movements for Change in other States:**

This question was asked only of the various state Leagues of Women Voters that had been identified as undergoing changes or having proposed changes in their states regarding their primary election systems. It must be remembered here that this study did not concern itself with the crazy-quilt of presidential primaries on display this season, but only with each state's current way of nominating its candidates for downballot congressional, legislative and statewide races. One state, Vermont, has open primaries, Washington has a top-two system and Oregon has a semi-closed system where independents may choose a partisan ballot but members of political parties cannot cross over. Maine, Kentucky, and Florida have closed primaries. Oregon did not answer this question.

Vermont will consider a proposal to synchronize its presidential primary date with New Hampshire's date. Washington noted a push to eliminate postage on their mail-in ballots, which otherwise discourage voting by lower income people. Florida has an initiative underway to put a "Top Two Open Primary" issue on the 2016 ballot, but the Leagues there have not yet completed their study and are not associated with the effort. A similar effort to institute a top two primary is underway in Arizona, where the legislature recently made it more difficult for minor party candidates to gain ballot access. The Republican Party is organizing opposition. Oregon reports an unsuccessful, contentious ballot measure in 2014 to adopt a top-two primary, and the League is currently undertaking a study of election method. There was also a recent change to the state's motor-voter registration process, and there has been discussion of removing the election of party administrators at precincts so that taxpayers would not shoulder the cost of electing party officials. The Oregon League has not developed positions on these issues. The Maine League recently took no position for or against recent legislation proposing an open primary system and voting by the unaffiliated. Neither piece of legislation has been enacted. And the Kentucky League stated that there is no movement afoot, but that most of its Board members would like to see the state change to an "open" system, which they did not define.

### **Results of other state League studies:**

Three Leagues interviewed said they have no positions, but Oregon and Florida are currently conducting studies. Vermont and Arizona both have positions in favor of a version of Ranked Choice or Instant Runoff Voting -- Arizona's position also supports multi-seat districts with proportional representation. We have also read copies of previous studies by the LWV of Connecticut and New York, both of which support some secondary improvements to their current systems of closed, partisan primary elections. The state League dealing with nationally reported top-two primary reforms as well as an independent Redistricting Commission, California, did not respond to repeated requests to be interviewed by this study committee.

### **Miscellaneous Ideas of Interest:**

One advocate stated that Ohio's system that allows voters to move easily from one ballot to another is a strength. Another faulted our survey because it seems to assume that polarized politics is somehow at odds with what voters want. He said there is no evidence for that assumption. And finally, another ventured to guess that the effects of primary structure are probably more than cautious academics are willing to state.

### CONCLUSIONS:

The academics, advocates and state League of Women Voters leaders with whom we held lengthy, structured interviews did not prioritize one over another underlying purpose for holding primary elections. A vehicle for political party adherents to nominate their party's general election candidates? A process by which all voters, regardless of party affiliation, narrow down a possibly crowded field of candidates? Respondents did not decide. A few of them did show some interest in eliminating primaries entirely, although this minority opinion did not coalesce around any one of the alternative general election mechanisms which would accomplish that. Some pointed out that political parties should not be weakened, and that direct primaries by voters were actually instituted about a hundred years ago as a reform of the former practice of behind-the-scenes nominations by party leaders.

The most desirable and practical goals of a primary election system, according to most respondents, should be to increase voter participation, to enfranchise those who do not affiliate with a political party, to simplify election administration where possible, and to lessen partisan polarization somewhat. The "experts" and the more realistic or skeptical League respondents differed broadly on several other goals, with the "experts" more likely to view the following favorably: that primaries ought also to reflect community opinion, give voice to diverse political views, preserve strong political parties and promote accountability of elected officials. A number of experts also stressed that primaries should result in competitive general election races, not in uncontested or weakly contested ones. All agreed that lessening gerrymandering and campaign finance abuse are important, but not likely connected to primary election structure. Support for other effects was weak or negative: avoiding plurality winners, discouraging "strategic" voting,

decreasing the power of incumbency, reducing the cost of elections, discouraging negative campaigning and encouraging issue-focused campaigns. One respondent concluded that there are many good ideas, but that tinkering with election systems will not accomplish many of them.

Ohio's primary election system -- a semi-open partisan one where anyone may request a partisan ballot (challenge rules notwithstanding) -- was viewed positively by all state Leagues and most of the experts as well, a finding also confirmed on a later question on the survey. The same majority likewise did not think Ohio should switch to an open, nonpartisan or top-two primary, although one noted that such a system might be appropriate at the local level. Of the several general election alternatives which would allow dispensing with primaries entirely, none attracted general support. We did not ask about a possible return to party caucuses to accomplish party nominations, but it may be applicable only to the presidential nominating process, not a focus of this study. One expert said that none have yet demonstrated improved turnout or less polarization as a result of primary election restructuring. Two state Leagues have not yet completed their studies.

A cautionary note was expressed by all respondents, albeit without specifics. Unanticipated consequences would likely accompany many if not all of the structural reform options here discussed.... which is not to discourage the conversation but only to encourage deeper digging.

Short of major structural reform of primary elections, there are some secondary changes which might improve them around the edges. The only suggestions with widespread agreement were to require boards of elections to provide all registered voters with Voter Guides and to make Election Day a holiday (Sunday voting was not on the questionnaire, but might have met with the same overall approval.) A majority also would like to see parties do more education and publicity, administrators to inform voters better about primary procedures, and the media to provide free public-service election information. Half thought that the time between primary and general election should be reduced and that states should switch to all mail-in balloting. Several ideas were not listed but elicited interest anyway -- improved ballot-access for minor party candidates, mandatory voting, automatic voter registration, and whatever it takes to increase competitiveness. One defender of the political parties said that it would help if all campaign funding were transparent and funneled through parties.

Academics and advocates acknowledged that electoral reform is very difficult to study, especially because the results of structural changes are so difficult to isolate and measure. Most efforts in the U. S. so far are too recent to determine whether they are achieving their desired aims. The goals of most efforts are to increase turnout and reduce polarization, or conversely, to reduce the influence and resistance to change of the political parties. But, interestingly, many feel that political parties actually do and do more to help than to hinder voting in our several states. There is widespread dissatisfaction with obstacles to fair and informed voting, but much concern that changing structure may not make a difference. There is a clear difference of opinion between those who want to empower independent voters and those who believe in strong political parties -- a divide reflected in the very first question of this survey.

A number of state Leagues across the U.S. are approaching these issues with practical experience and knowledge, which in some instances contrasts with the more theoretical approaches of the academics. We interviewed only those willing to cooperate, in states where alternative systems are in place or being tried or under contemplation. It appears that the most interest in change comes from states with closed primaries, where efforts are variously underway to switch to a nonpartisan top-two system. Most Leagues with no position or with a study currently underway were unwilling to be official spokespersons for their membership. A very few have taken bold steps so far, although preferences vary from state to state. Many academics also were reluctant to take a position on the state of knowledge to date. This study reveals no national consensus among either academics or League members interviewed.

APPENDICES: Questionnaires for League and Experts

SOURCES: Annotated Bibliography