



Opening the Primary Election Process

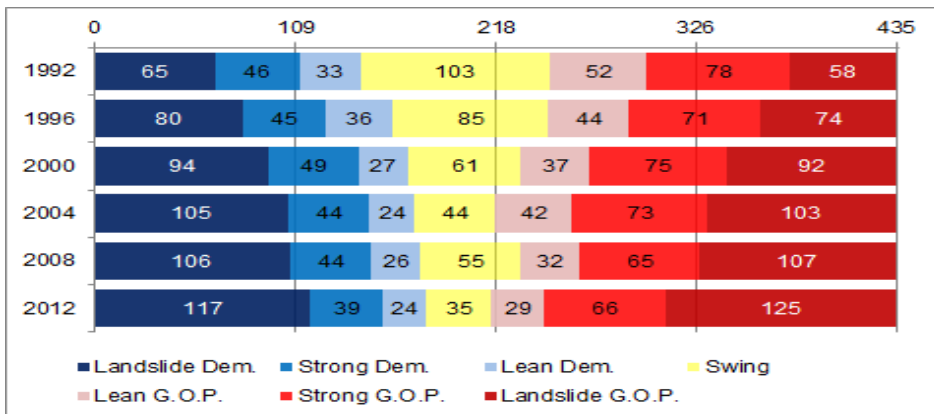
Primary elections are one of the biggest causes of polarization in U.S. politics.

- Most elections are decided in the primary.
 - There are few competitive districts.
- Parties control the primaries. They often find ways of blocking independents, often the largest voting group, from participating.
- Parties nominate candidates that are most attractive to their bases.
- Moderate and bipartisan candidates are often primaried into retirement.
- While some forms primaries are more open than others, control by the two parties serves as a deterrent to moderates from participating.

Polarization and the Increasing Importance of Primaries

Because of gerrymandering, population concentration, and voting restrictions; most elections are decided in the primaries, where one party dominates.

- Independents, the largest voting group, are often disenfranchised.
- With few moderates, parties normally nominate candidates that appeal to their bases.
- Parties control the rules of the game, because they control the primaries.
- Primaries often decide the ultimate winners, because so few districts are now competitive.
 - In the past 24 years, the number of swing districts in Congress has dropped from 103 to 35. The number of competitive districts has dropped from 188 to 68.
 - In the 2018 Congressional elections, 57 of the winners received 80% or more of the vote. 250 of the 435 winners received 60% or more of the vote.



Because of this polarization, moderates in government have virtually disappeared.

- In 1951, 60% of the House of Representatives and 64% of the Senate were moderates. Now those percentages are 1% and 3%, respectively.

Primaries Often Disenfranchise Independents

According to the Gallup Poll of March 1, 2019, 26% of all voters in the U.S. were Republicans, 30% were Democrats, and 40% were independents. Utilizing registration numbers, “Sabato’s Crystal Ball” at the UVA Center for Politics, estimates that 40% of all registered voters are Democrats, 29% are Republicans, 28% are independents, and 2% are registered with minor parties. Whichever numbers are used, independents represent a major portion of U.S. voters.

State	Total RVs	D	R	I	Others	Party RV lead	D%	R%	I%	Oth%
AK	541,821	74,865	139,615	299,365	27,976	64,750 I(r)	14%	26%	55%	5%
AZ	3,610,377	1,090,310	1,258,994	1,223,219	37,854	168,684 R	30%	35%	34%	1%
AR	1,751,466	81,791	89,479	1,579,785	411	7,688 I(r)	5%	5%	90%	0%
CA	19,023,417	8,438,268	4,769,299	4,852,817	963,033	3,668,969 D	44%	25%	26%	5%
CO	3,308,060	1,023,516	1,004,578	1,220,868	59,098	18,938 I(d)	31%	30%	37%	2%
CT	2,116,471	771,412	453,625	861,766	29,668	317,787 I(d)	36%	21%	41%	1%
DE	692,381	326,875	192,914	159,790	12,802	133,961 D	47%	28%	23%	2%
FL	12,875,998	4,776,092	4,547,635	3,472,684	79,587	228,457 D	37%	35%	27%	1%
ID	815,487	93,710	420,456	291,677	9,644	326,746 R	11%	52%	36%	1%
IA	1,969,732	618,388	642,827	694,745	13,772	24,439 I(r)	31%	33%	35%	1%
KS	1,817,927	450,265	807,912	544,194	15,556	357,647 R	25%	44%	30%	1%
KY	3,372,372	1,683,898	1,398,953	278,450	11,071	284,945 D	50%	41%	8%	0%
LA	2,957,075	1,286,357	896,319	774,399	NA	390,038 D	44%	30%	26%	NA
ME	1,030,189	328,393	276,162	376,422	49,212	52,231 I(d)	32%	27%	37%	5%
MD	3,931,730	2,149,873	1,009,765	709,411	62,681	1,140,108 D	55%	26%	18%	2%
MA	4,486,849	1,526,870	479,237	2,424,979	55,763	1,047,633 I(d)	34%	11%	54%	1%
NE	1,199,474	355,691	577,390	252,898	13,495	221,699 R	30%	48%	21%	1%
NV	1,461,833	562,166	496,472	309,710	93,485	65,694 D	38%	34%	21%	6%
NH	960,935	267,241	294,240	399,245	209	26,999 I(r)	28%	31%	42%	0%
NJ	5,835,139	2,179,007	1,267,777	2,348,109	40,246	911,230 I(d)	37%	22%	40%	1%
NM	1,239,252	568,512	378,117	270,677	21,946	190,395 D	46%	31%	22%	2%
NY	11,303,448	5,621,811	2,632,341	2,387,443	661,853	2,989,470 D	50%	23%	21%	6%
NC	6,959,080	2,659,485	2,085,832	2,177,724	36,039	573,653 D	38%	30%	31%	1%
OK	2,016,157	769,772	942,621	298,867	4,897	172,849 R	38%	47%	15%	0%
OR	2,681,654	956,149	700,110	841,801	183,594	256,039 D	36%	26%	31%	7%
PA	8,460,068	4,042,928	3,227,611	1,133,582	55,947	815,317 D	48%	38%	13%	1%
RI	700,071	286,698	84,025	326,982	2,366	202,673 I(d)	41%	12%	47%	0%
SD	532,618	156,316	251,468	121,844	2,990	95,152 R	29%	47%	23%	1%
UT	1,316,158	159,884	644,056	469,351	42,867	484,172 R	12%	49%	36%	3%
WV	1,231,798	523,734	395,093	270,226	42,745	128,641 D	43%	32%	22%	3%
WY	263,337	46,979	176,307	36,688	3,363	129,328 R	18%	67%	14%	1%
DC	481,043	365,719	29,587	79,310	6,427	336,132 D	76%	6%	16%	1%
Total	110,943,417	44,242,975	32,570,817	31,489,028	2,640,597	11,672,158 D	40%	29%	28%	2%

In some states, like Arkansas, Arizona, Colorado, Connecticut, Iowa, Massachusetts, New Hampshire, New Jersey, and Rhode Island, independents are the largest voting group.

The problem faced by independents is that primary elections are controlled by the two parties that often block them from voting. Yet because Primaries are paid for by taxpayers, Independents have taxation without representation.

The disenfranchisement of independents leads to more extreme candidates and less bipartisanship.

Without the participation of independents, parties tend to nominate candidates that appeal more strongly to their bases. Candidates that are moderate or bipartisan are often “primaried” into retirement.

- In 2018, two Republican Senators, Jeff Flake and Bob Corker, both declined to run for reelection because they recognized that they could not defeat more extreme candidates in the primaries.

Some Forms of Primaries are More Restrictive Than Others

There are six different forms of primaries currently in use. These are:

1. Closed Primaries

Primaries are only open to members of their own party. Independents cannot vote. States with closed primaries include:

Delaware	Florida	Kentucky
Maryland	Nevada	New Mexico
New York	Oregon	Pennsylvania

2. Partially Closed Primaries

Parties can choose in each election cycle whether to allow independents or members of other parties to vote in the primaries. Because their decisions are often not widely publicized, independents often do not know if they can vote. States with partially closed primaries include:

Alaska	Connecticut	Idaho
North Carolina	Oklahoma	South Dakota
Utah		

3. Partially Open Primaries

All voters may choose in which primary to vote. However, they must do so publicly, and their decision is a form of registration with that party. States with partially Open Primaries include:

Illinois	Indiana	Iowa
Ohio	Tennessee	Wyoming

4. Primaries Open to Unaffiliated Voters

Unaffiliated voters may choose the party primary in which they want to vote, but voters affiliated with one party cannot cross party lines. States with primaries open to unaffiliated voters include:

Arizona	Maine (now RCV)	New Jersey
Colorado	Massachusetts	Rhode Island
Kansas	New Hampshire	West Virginia

5. Fully Open Primaries

Primaries are open to all voters. No party registration is required. States with fully open primaries include:

Alabama	Arkansas	Georgia
Hawaii	Michigan	Minnesota
Mississippi	Missouri	Montana
North Dakota	South Carolina	Texas
Vermont	Virginia	Wisconsin

6. Nonpartisan Top Two Primaries

Primaries are nonpartisan. Any candidate, regardless of party affiliation, can run. Any voter can vote. The top two vote getters advance to the general election. States with Nonpartisan or Top Two Primaries include:

California Washington Louisiana
 Nebraska (State offices only)

Primary Turnout

Below are the turnout numbers in the past midterm election for each type of primary. The base numbers reflect the actual turnout. The adjusted numbers remove certain states that for various reasons have artificially low numbers. *As can be seen, nonpartisan primaries have significantly higher turnout. Fully open primaries come in second. Primaries open to unaffiliated votes have the third highest participation. Interestingly, partially closed primaries have the lowest turnout, reflecting the ways that the parties in these states try to discourage independents from participating.

	<u>Base Numbers</u>	<u>Adjusted Numbers</u>
Closed Primaries	19.2%	21.3%
Partially Closed Primaries	18.5%	18.5%
Partially Open Primaries	21.6%	21.6%
Primaries Open to Unaffiliated Votes	21.5%	22.8%
Fully Open Primaries	21.7%	23.4%
Nonpartisan Primaries	26.4%	29.1%

Here are some of the issues with each of the types of primaries.

Closed Primaries

- Closed primaries are by far the most restrictive, as they do not allow any independents, who pay their share of election costs, to vote.
 - Since most districts in most states are controlled by one of the two parties, the primary is often the final election.
 - In Closed Primary states, 10,763,305 independent voters cannot participate
 - Independents pay their share of taxes, but they are barred from voting in the primaries.

Taxation without representation.
- **Polarized nominations:** with only party members allowed to vote, most parties tend to nominate candidates on the extremes.
 - In the 2018 Florida Gubernatorial primary, Democrats nominated their most left-wing candidate, over three moderates, who received almost twice as many votes. Republicans also nominated their most extreme candidate. If independents, who account for 27% of the electorate, had been allowed to vote, the results could have been different. In the final election, voters were given a choice between two candidates representing the wings of their parties.
- **Low Voter Turnout:** With one party rule in most districts, voters tend to ignore primaries.
 - In New York State the turnout in the 2018 primary was 3%.
 - Alexandra Ocasio-Cortez defeated the incumbent Joseph Crowley. Yet in a district of 710,000 residents, Ocasio-Cortez received only 15,897 votes, 3.9% of all citizens. In the final election, independents and Republicans had no say because the district is

overwhelmingly Democratic. The results could have been different if independents had been allowed to vote.

Closed Primaries are the worst of the alternatives. Interestingly, all of the states with Closed Primaries have more registered Democrats than Republicans, and many are considered to be progressive states.

Partially Closed Primaries

In partially closed primaries, parties can choose in each election cycle whether to allow independents or members of other parties to vote in the primaries.

- Partially closed primaries sound better than fully closed primaries, but the reality is not much different.
 - Each election season, each party looks at the competitiveness of elections. If there are some competitive elections, the party will usually protect its base and bar independents. If there are few competitive races, the parties may throw a sop and allow independents to vote.
 - Since information relative to the opening of the primaries is barely disseminated, turnout in partially open states is extremely low.

Why should the parties have the choice whether to allow independents to participate in the electoral process on a case-by-case basis? Shouldn't the decisions be made by the voters instead of by the party leaders?

Partially Open Primaries

In a partially open primary, all voters may choose in which primary to vote. However, they must do so publicly, and their decision is a form of registration with that party.

- A partially open primary sounds like a fair compromise, but it is worth asking why voters must change their registration in order to vote. Perhaps the unwillingness to select a party for the privilege of voting is one of the reasons that partially open primaries also have low turnouts.
- A potentially negative issue occurs when only one party has a primary, as in 2020 when only Democrats had a meaningful Presidential primary. People from one party could enroll in the other party in the hopes of helping to nominate its weakest candidate. These primaries could be open to mischief.

Primaries Open to Unaffiliated Voters

In these primaries, unaffiliated voters may choose the party primary in which they want to vote. However, voters affiliated with one party cannot cross party lines.

- This is a fair system. Independents are allowed to vote, but members of each party are not allowed to cross lines in order to try to elect a weak candidate in order to subvert the general election.

Fully Open Primaries

In fully open primaries, voters may choose privately which primary to vote. Their choice does not register with the party.

- By and large, these states have higher than average voter participation, a net positive.

- However, as with partially open primaries, fully open primaries do encounter the risk of mischief, where voters from one party cross the lines to help elect the weakest candidate from the other party. Nonetheless, as with partially open primaries, we can find relatively few examples of where members from one party successfully gamed the system by crossing over to nominate the weakest candidate from the other party.

Nonpartisan Top Two

Four states have a system called Nonpartisan or Top Two Primaries.

- In these primaries anyone can run, regardless of party affiliation.
- Any voter can vote for any candidate.
- The two candidates receiving the most number votes advance to the general election, regardless of party affiliation.
- Election turnout for these primaries is much higher than for other forms.
- These primaries tend to elect candidates who are less tied to the bases of their parties.

The Top Two system opens the political process to independent candidates who are not reliant on the party. Candidates are incentivized to earn the greatest number of votes from across the political spectrum, not just the most committed partisans of one party. As a result, this system reduces partisanship and favors the ability to appeal to a broad coalition. The advantages and disadvantages of this system are covered in a separate white paper.

Conclusion

Control of the primary process by the two parties leads to low voter turnout, the disenfranchisement of independents, the election of polarizing candidates who cater to their bases, the disappearance of moderates, and the increasing polarization of government at both the Federal and the State level.

- Closed primaries disenfranchise independents, who should have the right to vote.
- Partially closed and partially open primaries often discourage independents from voting.
- Open primaries could offer the opportunity for members of one party to game the system.
- Accordingly, the fairest of the other systems is *Primaries Open to Independent Voters*, which allows independent voters to select the primary in which they wish to vote.
- The Nonpartisan-Top Two system practiced in California and other states appears to work well. However, the two parties are not going to easily give up control of the primary process.

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*The following states have been removed from the adjusted calculations.

- Virginia and New Jersey have State elections and Congressional elections in different years, resulting in lower turnout for both.
- New York has traditionally had state and Congressional elections on different dates, resulting in lower turnout for both. This policy has now been changed,
- Nebraska has partisan primaries for Congressional elections and nonpartisan elections for State elections.
- Louisiana holds its nonpartisan primary on election day and a runoff one month late