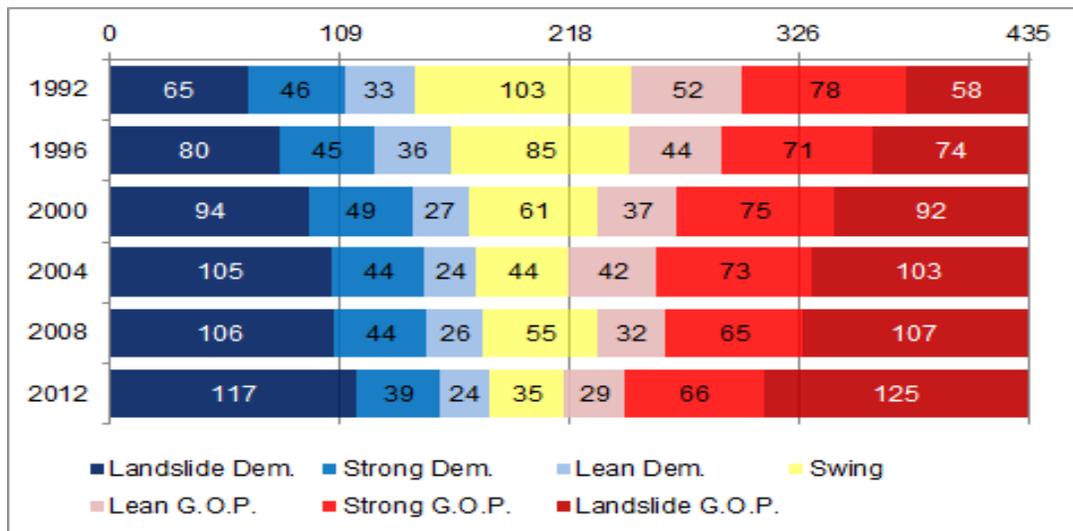


OPENING THE PRIMARY PROCESS

According to the Gallup Poll of March 1, 2019, 26% of all voters in the U.S. were Republicans, 30% were Democrats, and the largest percentage (40%) were independents. However, because most primaries are controlled by the political parties, which determine who runs and often who can vote; and because of gerrymandering and other voting restrictions; most elections are decided in the primaries, and in many of these primaries, independents, the largest voting group, are disenfranchised.

There are 435 seats in Congress, but the number of swing districts has dropped from 103 to 35 in the past 24 years. The number of competitive districts has dropped from 188 to 68 during the same period. In 2016, only 17 districts were decided by 5% or less.

Congressional Districts by Level of Competition



The situation at local levels is even worse. In 2016, elections in 9.7% of all counties were decided by single digit margins, compared to 35.2% in 1992, meaning that few counties were comparatively balanced in politics.

This demonstrates that both the government and the people have become increasingly polarized, and moderates 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. This means

Representatives and Senators have strong polarizing opinions and little room from compromise. As a result, less and less gets done.”

With few swing districts, most elections are determined in the restricted primaries, where one party dominates. With few moderates, in most instances, parties nominate candidates that appeal to their rigid bases, instead of to the majority of voters. The political parties control the rules of the game, because they control the primaries. As a result, in the years from 2013-2018, Congress had an average approval rating of 16.2% (Gallup Poll), yet in the three election cycles during this period, 94% of all incumbents were reelected.

One of the major problems is that independents, the largest voting group, are often excluded from participating in primaries. Although, as taxpayers, they pay their share for elections to be held, they are essentially disenfranchised, because in many cases they cannot participate in party primaries.

If we are to limit polarization, elect more moderates, who will work across party lines, and get government to work, restrictive voting rules must be changed.

The following are the systems in place in various states and the pros-and-cons of each system.

Closed Primaries

To participate, voters must be registered in the party that is holding the primary. States with closed primaries include:

Delaware	Florida	Kentucky
Maryland	Nevada	New Mexico
New York	Oregon	Pennsylvania

In these states, independents, who pay their share of the costs of elections, are restricted from voting.

There are three major issues here:

1. Taxation Without Representation

Since most districts in most states are controlled by one of the two parties, the primary is essentially the final election. By barring moderates, this essentially results in taxation without representation for all independents.

2. Polarized Nominations

With only party members allowed to vote, most parties tend to nominate candidates on the extremes. In Florida in 2018, the most left-wing Democratic candidate, Andrew Gillam, defeated three more moderate candidates, who received almost twice as many votes as Gillam. The Republicans also nominated their most extreme candidate, Ron DeSantis. If the independents, who account for almost 30% of the electorate, had been allowed to vote, the results would likely have been different. As a result, in the final election, voters were given a choice between two candidates representing the extreme wings of their parties.

3. Low Voter Turnout

With one party rule in most districts, voters tend to ignore primaries altogether. In New York State the turnout in the 2018 primary was 3%. Alexandra Ocasio-Cortez has become one of the highest profile new Congresspersons, by defeating the incumbent Joseph Crowley. The press called it a revolutionary win. Yet Ocasio-Cortez received only 15,897 votes to Crowley's 11,761, in a district with 710,000 residents. In other words, only 3.9% of all citizens in this district voted, and this political revolution was created by a majority of one half of one percent of all citizens!

In the final election, independents and Republicans had no say because the district is overwhelmingly Democratic. Would the results have been different if independents had been allowed to vote?

In closed primaries, independents have to pay for elections in which they cannot participate. The parties tend to nominate candidates that appeal to their bases, and turnout is usually extremely low. It is a disgrace that seemingly progressive states continue to allow this restriction to exist.

Partially Closed Primaries

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

States with partially closed primaries include:

Alaska	Connecticut	Idaho	North Carolina
Oklahoma	South Dakota	Utah	

Partially closed primaries sound better than fully closed primaries, but the reality is not much different. As each party enters the election season, it looks at whether there may be competitive elections. If there are a number of competitive elections, the party will usually decide to protect its base candidates and bar independents. If there are few competitive elections, the parties may throw a sop and allow independents to vote. Nonetheless, since the information relative to the opening of the primaries is barely disseminated, the results remain essentially the same as in the closed primaries.

It is not surprising that even in competitive states, like North Carolina, turnout is among the lowest in the country.

Why should the parties have the choice whether to allow independents, who pay taxes, 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 may be regarded as a form of registration with that party.

States with partially Open Primaries include:

Illinois	Indiana	Iowa
Ohio	Tennessee	Wyoming

A partially open primary sounds like a fair compromise that allows all people to vote. In many ways, it is a good system. But it is worth asking why voters must change their registration in order to cast a vote. Perhaps the unwillingness to select a party for the privilege of voting is one of the reasons that partially open primaries have even lower turnouts than closed primaries.

There is, however, one potentially negative issue. These primaries could be open to mischief. If one party has a strong candidate or a candidate with no competition, members of that party could switch to the other party in order to nominate a candidate who could be more easily defeated in the general election.

In 2012, the Democrats created a campaign called “Open Hillarity” in which they crossed the lines and voted for Rick Santorum. In 2008, many Republican voters crossed the lines and voted for Hillary Clinton, because they believed she could be an easier candidate for John McCain. Interestingly, neither of these attempts was successful. There are always ways to game the system, but there is little real evidence that they have been effective on a large scale.

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.

States with primaries open to unaffiliated voters include:

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

In many ways, 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 who will lose the general election.

Fully Open Primaries

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

States with fully open primaries include:

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

By and large, with the exception of Virginia, these states have higher than average voter participation, which is 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 different and highly innovative system called Nonpartisan or Top Two Primaries. In these primaries anyone can run, regardless of party affiliation. Any voter can vote for any candidate, regardless of party affiliation. The two candidates receiving the highest number of votes advance to the general election, regardless of party affiliation.

States with Nonpartisan or Top Two Primaries include:

California Washington Louisiana Nebraska (State offices only)

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 moderate lawmakers, and the increasing polarization of government at both the Federal and the State level.

We like the Nonpartisan-Top Two system practiced in California and other states. However, we recognize that the two parties are not going to easily give up control of the primary process. We believe independents should have the right to vote and that closed primaries disenfranchise these voters. We advocate the elimination of Closed Party Primaries.

We also recognize that some of the current systems do leave open the opportunity for voters in one party to game the system by crossing over to the other party to nominate a weaker candidate. Accordingly, we believe 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.