



LEAGUE OF WOMEN VOTERS OF MAINE

PO Box 863
Augusta, ME 04332-0863

(207) 622-0256
lwvme@gwi.net

TO: The Honorable Senator Garrett P. Mason
The Honorable Representative Louis J. Luchini, Co-chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: April 3, 2017

RE: LD 1086 An Act To Amend the Laws on the Conduct of Elections and To Establish a Nonpartisan Primary Election System for State and Federal Candidates

Good morning Senator Mason, Representative Luchini, and members of the Joint Standing Committee on Veterans and Legal Affairs. My name is Polly Ward. I am a resident of Freeport. I am here today as a volunteer member of the League of Women Voter's Advocacy Committee to testify *Neither-for-nor-Against* LD 1086 An Act To Amend the Laws on the Conduct of Elections and To Establish a Nonpartisan Primary Election System for State and Federal Candidates.

As you may remember, you heard a bill earlier this session, LD 78, that would permit unenrolled voters to participate in primary elections without having to enroll in a political party. This system is referred to as a semi-open primary.

The bill before you today establishes a full open primary. Any registered voter would be permitted to participate in any primary. Under this bill, Republicans could vote in Democratic primaries, Democrats could vote in Republican primaries and unenrolled voters could vote in the primary of their choosing. The bill also specifies that caucuses and presidential primaries are not open.

Proponents suggest that open primaries may increase voter participation in the critical first round of elections. Nationwide, voter turnout in 2014 primary elections was at a record low of 14.8%,¹ with Maine also reporting low voter turnout, between 12 and 24 percent in recent primary elections.²

However, the assertion that open primaries increase voter participation in the primaries is open to debate. We heartily endorse this aspiration, but the evidence to support the hope that open primaries will increase voter participation is not conclusive.

¹ USA Today citing the Center for Study of American Electorate, July 21, 2014, <http://onpolitics.usatoday.com/2014/07/21/voter-turnout-primaries-2014-elections/>, accessed March 26, 2015.

² Based on our own calculation of participation in the 2010 and 2014 primaries as a percent of voting-eligible population.

Michael McDonald, a University of Florida political science professor who runs the United States Election Project, avers that turnout in states with open primaries is 9% higher than in states with closed primaries. He pointed to an increase in the number of voters registering to vote with no party enrollment in the past several decades as one potential factor driving that nearly 9-point discrepancy.³

Meanwhile, researchers in California have stated that:

Our analysis suggests that open primaries have not been associated with higher turnout in the states that have used them over the past 30 years, at least in the cases where “open” meant any system that allowed independents to participate in some way in the election.⁴

Proponents also hope that open primaries will elect more moderate candidates. Under this view, closed primaries exacerbate radicalization as candidates cater to a party's more extreme base rather than to the political center. Voters who participate in closed primaries are often dedicated party regulars to whom candidates must appeal to win the primary.

However, political science research is mixed on this outcome, as well. Some early studies seemed to indicate a moderating effect.^{5,6} But recent studies suggest that open primaries do little to elect more moderate candidates. There is even some evidence to the contrary: that closed primaries elect more moderate nominees.⁷

Opponents argue that closed elections preserve a political party's freedom of association as well as preventing members of the other parties from “crossing over” to influence the nomination of an opposing party's candidate. In some cases, they fear, one party's voters may try to coordinate to vote for a less-electable candidate in the opposing party's primary. If successful, such “party crashing” voters could improve their own party's chances by selecting a weaker opponent for the general election. Despite this possibility, there is little evidence that this actually happens.⁸

³ Michael McDonald, US. Elections Project, https://comm.ncsl.org/productfiles/83453552/McDonald_NCSL_2016.pdf

⁴ Eric McKee, “Voter Turnout in Primary Elections,” Public Policy Institute of California, p. 9, http://www.ppic.org/content/pubs/report/R_514EMR.pdf, accessed March 29, 2015.

⁵ Elizabeth Gerber and Rebecca Morton, “Primary Election Systems and Representation,” *Journal of Law, Economics, and Organization*, Volume 14, No. 2 Fall 1998, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=125708, accessed March 29, 2015.

⁶ Karen Kaufmann, James Gimpel, and Adam Hoffman, “A Promise Fulfilled: Open Primaries and Representation,” *The Journal of Politics*, Volume 65, No. 2, May 2003, <http://onlinelibrary.wiley.com/doi/10.1111/1468-2508.t01-2-00009/abstract>, accessed March 29, 2015.

⁷ “Five New Papers Issued on Relationship between Primary Systems and Polarization,” *Ballot Access News*, <http://ballot-access.org/2013/09/30/september-2013-ballot-access-news-print-edition/>, accessed March 29, 2015.

⁸ “Primary Elections Unscrambled,” Jordan Vesey, August 12, 2013 www.pbs.org/newshour/rundown/primary-elections-unscrambled/, accessed March 26, 2015.

LWVME to Veterans and Legal Affairs Committee
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Absent compelling and consistent evidence that open primaries increase voter participation in elections, the League is testifying *Neither for nor Against* LD 1086. We are strongly committed to increasing voter participation in elections and continue to seek reliable evidence on reforms to achieve this goal. We hope this information is useful to the committee in considering LD 1086. Thank you for the opportunity to comment.