



LEAGUE OF WOMEN VOTERS OF MAINE

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TO: The Honorable Senator Garrett P. Mason
The Honorable Representative Louis J. Luchini, Co-chairs^[1]
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: February 7, 2017

RE: LD 78 An Act To Permit Unenrolled Voters To Cast Ballots in Primary
Elections

Good afternoon 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 78, An Act To Permit Unenrolled Voters to Cast Ballots in Primary Elections.

LD 78 allows unenrolled voters to vote in primary elections without having to enroll in a political party. Unenrolled voters represent 37% of Maine's registered voters.¹

This election system, also known as a semi-open or an open primary, is used in many states and allows non-aligned voters to choose any party's ballot.

Under current law, Maine voters must be enrolled in a party to vote in that party's primary election or caucus. Voters may register and enroll on Election Day. Voters who have already registered but have not enrolled in a party may enroll in a party at the polls on Election Day. Any voter already enrolled in a party who wishes to change party enrollment must do so at least 15 days before the vote. A voter may change party enrollment at any time after 3 months from the date on which the voter last enrolled.

In other words, the barriers to primary participation for unenrolled voters in Maine are already quite low.

Proponents suggest that an open primary system is better for independent voters since it allows them to participate in the decisive primary election regardless of their political affiliation.

It is also suggested that open primaries may increase voter participation in the critical first round of elections. Nationwide, voter turnout in 2014 primary election was at a

¹ Portland Press Herald, February 6, 2017,
http://www.pressherald.com/interactive/maine_registered_voters_democrat_republican_independent_green/.

record low of 14.8%,² with Maine also reporting low voter turnout, between 12 and 24 percent in recent primary elections.³

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.

The estimable 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.⁴

However, voting by independents in states such as Arizona that allow unrolled voters to vote in primaries is only about 10%.⁵ 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.⁶

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.^{7,8} 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.⁹

² 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.

³ Based on our own calculation of participation in the 2010 and 2014 primaries as a percent of voting-eligible population.

⁴ Michael McDonald, US. Elections Project, https://comm.ncsl.org/productfiles/83453552/McDonald_NCSL_2016.pdf

⁵ Mary Jo Pitzzi, Arizona Republic, March 24, 2014, <http://www.azcentral.com/story/news/politics/2014/03/17/arizona-voter-registration-independents/6526385/>, accessed March 26, 2015.

⁶ 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.

⁷ 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.

⁸ 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.

⁹ “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.

The downside of allowing unenrolled voters to vote in primary elections is that it means that a party nominee may not be the party favorite, and it may weaken party affiliation and control.

It also may create incentives against registering with a political party. The closed primary system hopes to create incentives for people to join one of the major parties and become more involved in the electoral process. With the open primary, some argue, more voters become independent and are less likely to participate in the nominating or election processes.

We hope this information is useful to the committee in considering LD 78. Thank you for the opportunity to comment.