



**League of Women Voters[®]
of Maine Education Fund**

League of Women Voters Maine

Primary Elections Study Guide

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Contents

I.	Introduction: Origin, Purpose and Goals of the Study.....	3
II.	Study Methods	5
III.	Glossary	7
IV.	History of Candidate Selection Systems.....	12
V.	Election System Evaluation Principles.....	15
VI.	Caucus vs Primary Systems for Presidential Elections	17
VII.	Evaluating Degrees of Openness for Maine Primaries.....	23
	GENERAL ISSUE 1: Should Unenrolled voters be able to participate in candidate selection processes?	23
	GENERAL ISSUE 2: Should voters registered in a party with no candidates be able to vote in a primary of their choice without having to change parties or affiliation status?.....	28
	GENERAL ISSUE 3: Should all registered voters be able to vote in the primary of their choice regardless of party affiliation?	30
VIII.	Introducing Nonpartisan Primaries.....	34
	Annotated Bibliography.....	40

I. Introduction: Origin, Purpose and Goals of the Study

The purpose of this Study Guide, an effort of the Primary Study Committee of the League of Women Voters of Maine (LWVME) State Board, is to guide the creation of a policy position on how Maine selects candidates for general elections. This policy position, ultimately written by the Board, will reflect the collated and analyzed views of at-large members and local unit study groups and will guide future League advocacy on any proposed changes to Maine’s candidate selection systems. A Consensus Study process is a unique and defining feature of the League of Women Voters, requiring openness, curiosity, and patience to study an issue and then work as a group to find agreement when responding to the consensus questions.

A primary election or a presidential caucus narrows down the candidate selection for the general election. Because the U.S. Constitution states that all functions not expressly given to the federal government remain under the control of state governments, the 50 states are responsible for most election laws; this has resulted in a wide variety of candidate selection systems.¹ Some key differentiating characteristics include who gets to cast a vote, whether voting takes place in informal party-managed caucuses or more formal government-managed primary elections, the timing of the caucuses/primaries, and the rules for getting on primary ballots.

Maine holds two different types of candidate selection processes: one for state and congressional offices and another for the U.S. president. Since 1912, Maine has relied on a system of partisan, closed primaries whereby members of each party cast their votes to select their preferred candidates for state and congressional offices from a party-specific ballot. The State sets and enforces broad rules on what a candidate needs to do to get on the primary ballot and manages the voting and record-keeping on Election Day; but the parties have decision-making power over who can vote in their primary. In most cases, voting is restricted to party members. In all but two years since becoming a State, Maine has used party caucuses to identify their party’s preferred candidate for the presidency. In the exceptional years—1996 and 2000—the State conducted primaries similar to those already employed for state and congressional seats, but in 2003 the political parties requested a return to presidential caucuses. The Legislature repealed the presidential primary legislation allowing the parties to select their presidential candidates via caucuses from 2004 through 2016.

In Maine, as elsewhere, primaries in some districts are often more important than voters think because they can actually determine the general election outcome, particularly in “safe constituencies, where the advantaged party’s candidate can usually win the general election – even if the candidate is ‘low quality’.”² This is a common situation, as one party tends to dominate nearly 60% of congressional districts. In such cases, the principal means of holding incumbents responsible for their performance is via the primary elections. Relatively low voter turnout for primaries suggests that voters may not be fully aware of how important primaries are, but turnout is also a function of rules about who can/cannot participate.

¹ See Glossary for definitions of the principal types of primaries and caucuses.

² See [Hirano and Snyder 2014](#), pg. 1 for quote and other relevant information.

Growing dissatisfaction with government and low voter participation in caucuses and primaries has led some to call for reforms in the way voters select candidates to appear on the general election ballot.¹ The people who serve our country through elected public office are enormously important. Reformers mobilize efforts to regulate campaign financing, change methods of voting and/or figure out the best way to select candidates who will, when elected, act in ways that reflect not only the best interests of those who vote for them but of all those they represent and beyond.

This study explores options for reforming candidate selection. A timeline of efforts by states to reform their primaries and caucuses reveals an ever-present tension. On the one hand, there is legislation meant to expand voter participation in primaries, and on the other hand, court decisions that restrict the expansion to protect the associative rights of parties.² This raises a number of questions that keep popping up throughout the Study Guide. For the parties to remain strong, do primaries and caucuses need to be closed to non-party members? If the purpose of the primary or caucus process is to select a quality candidate who will perhaps win a general election and help govern for the common good, does a more open system best accomplish that?

Maine is not immune to recent calls for electoral changes. One example is the passage of a citizen initiative to put ranked choice voting (RCV) in place, thereby guaranteeing that the winner of an election has majority rather than simple plurality support.³ LD1673 proposing a return to the presidential primaries previously used in 1996 and 2000 is another call for change. The State Legislature passed the bill in April 2016, one month after Maine's chaotic 2016 Presidential caucuses.⁴ The *Bangor Daily News* (BDN) and the *Portland Press Herald* (PPH) have run a number of articles on the issue of caucuses vs. primaries⁵ and on current rules about who can vote in primaries.⁶ Advocates of open primaries conducted a survey in Maine with results suggesting that 80% of voters would like to broaden the franchise for participation in primaries.⁷ Given the League of Women Voters of Maine's ongoing concern about voter rights and election integrity, it is not surprising that the LWVME felt handicapped during discussions of LD1673 because neither the League of Women Voters of the United States (LWVUS) nor LWVME has a position statement that permitted advocacy either for or against the bill.

At the May 2017, statewide convention, LWVME membership approved a Board proposal to conduct a Concurrence Study on primary election systems, based on the studies done by the League of Women Voters of Ohio (LWVOH), the League of Women Voters of Florida (LWVFL), and possibly other state Leagues.⁸ A Concurrence Study asks members to agree to adopt the policy developed by another state League. This differs from a Consensus Study in which a study committee starts from scratch to formulate new policy. In both types of study, after the state study committee finishes its Study Guide, League members read the recommended study material, discuss and debate. In a Concurrence Study Guide, the ultimate issue is if members agree or disagree that another state's policy should be Maine's

¹ See, for example, the following websites: [OpenPrimaries](#), [FairVote](#). Also relevant are [LWVOH](#) and [LWVFL](#) primary study reports and this interactive NYT website created by [Parlapiano and Pearce](#) illustrating how few citizens participate in primaries; could be used to launch discussions in local units.

² See, [Openprimaries](#) to view the timeline of legislation and court cases.

³ See [LWVME](#) for current information on ranked choice voting in Maine.

⁴ See [Thistle](#) 3/7/17 in the BDN re caucus chaos.

⁵ See [Thistle](#) 3/28/17 and [Berardelli](#) 4/3/16, both in BDN and [Miller](#) 3/26/16 in PPH on primary vs. caucus.

⁶ See [Moretto](#) 4/1/15 in BDN and [Mistler](#) 4/2/15 in PPH on allowing Unenrolled to vote in primaries.

⁷ See [Openprimaries](#). The sample included 771 Mainers, selected both randomly and proportionally in terms of party affiliation.

⁸ [LWVME Convention 2017 book](#), published for the Convention held May 19-29, 2017, p.9.

policy. In a Consensus Study, members of local study groups around the state respond to a series of questions that help develop a policy specifically for Maine. Group members come to a consensus based on the “overall sense of the group and a judgement about whether member understanding and agreement have been achieved.”¹ The LWVME Study Committee and the LWVME Board review responses and use them to develop a new policy position. The new position should reflect the views of as broad a portion of the membership as possible.

LWVME leadership and members believed that a statewide committee could do a speedy Concurrence Study and lead a process to adopt the policy of the Leagues of Florida and/or Ohio. In the fall of 2017, the Maine Primary Elections Study Committee began work. This committee read, studied, wrote, discussed, created lists, and conducted interviews. By January 2018, however, no member of the committee thought that any policy from another state fit the bill for Maine. The LWVME Board approved a change of course, recognizing the need for the Study Committee to do its own small-scale Consensus Study so that LWVME members had more flexibility in considering the design of a new position on candidate selection systems than would have been permitted with a Concurrence Study.

The Study Committee has focused on (1) describing the evolution of Maine’s current systems for candidate selection, and (2) collecting information on the strengths and weaknesses of candidate selection systems used in Maine and elsewhere. This Study Guide summarizes the salient findings from the study, provides references for additional reading, and asks local units and members-at-large to respond to a set of Consensus Questions (CQ) about Maine’s current caucus/primary system and alternative systems for selecting candidates. Most of the findings and reference materials are integrated into the discussions for each CQ. Before turning to the CQs, the Study Guide describes the methods used by the Study Committee to research the topic, a glossary of the often-confusing terminology concerning caucuses and primaries, and a review of the history of candidate selection systems in the U.S. in general and Maine in particular.

II. Study Methods

In this guide the Study Committee uses Maine’s voter registration terminology for the mandatory declaration of “Party Affiliation.” On the Maine Voter Registration Application Card, future voters select from the following choices: Democratic, Green Independent, Libertarian, Republican, Unenrolled (no party affiliation).² Each state decides if a declaration of party preference is required. If required, as in Maine, the state determines the label for voters who decide not to affiliate with a recognized party. Since Maine uses “Unenrolled” as the term for unaffiliated (or independent) voters, the Study Guide does as well and uses an uppercase letter to give equal status to all Maine registered voters.

Over the course of its work, the Study Committee has researched this topic from a variety of sources and activities. The committee has...

- Researched the history of primaries and caucuses in Maine and other states and included a synthesis in this Study Guide.

¹ Ibid., p.24

² See a [copy](#) of Maine’s registration application.

- Analyzed Maine data on voter registration and turnout, reporting results throughout the Guide.
- Drawn on some of the ideas and election system information compiled by other Leagues (primarily Florida, Ohio, and Oregon) during their study of primaries and election systems.
- Established principles to use in evaluating primary systems by drawing on committee discussion and selected principles from other leagues (primarily FL, OH, and OR).
- Sought input from representatives of all Maine parties, to understand their views on Maine's current candidate selection systems and proposed changes.
- Conducted phone interviews with League members from Massachusetts, West Virginia, Wisconsin, and Minnesota about the primary systems used in those states.
- Read widely on different approaches to candidate selection used in the U.S., as demonstrated by the annotated bibliography at the end of this Study Guide and the footnotes documenting sources and suggesting additional reading.

Most of the Consensus Questions (CQ) that follow ask members to consider how they feel about Maine's current systems compared to different options available for opening caucuses and primaries to more registered voters or changing caucus/primary rules to encourage increased voter participation. The strengths and weaknesses of options listed in the discussion materials tend to focus on specific attributes of different systems, but do not address the underlying philosophical debates about election systems. To ensure that the study groups have a good understanding of the philosophical debates underpinning the topic, the Study Committee strongly recommends the following recent papers that come at the issue from different perspectives. Both are available on-line at the hyperlinks below.

[Jonathan Rauch and Benjamin Wittes](#) Brookings Institute paper, *More professionalism, less populism* argues that restoring and strengthening political institutions and intermediation belong at the center of a modern political-reform agenda.

[Katherine M. Gehl and Michael E. Porter](#) Harvard Business School paper, *Why Competition in the Politics Industry Is Failing America* argues that our political system has become the major barrier to solving nearly every important challenge our nation needs to address.

Also of interest is the classic study by [Campbell et al.](#), *The American Voter*, on the influence of political parties and the origins of partisanship in American society. The link here goes to a Wikipedia summary of the study and includes references to opposing views.

III. Glossary

Absentee Voter: Maine registered voters may complete an absentee ballot at home and mail it to their city or town clerk or complete an absentee ballot in person at their town or city office. Absentee ballots may be requested beginning 3 months before Election Day, and until the Thursday prior to the election, unless special circumstances exist. To be counted, voted absentee ballots must be received by the municipal clerk by 8:00 p.m. on Election Day. ([Making Your Vote Count](#), LWVME and [Secretary of State](#))

Approval Voting: A single-winner electoral system where each voter may select ("approve") any number of candidates. The winner is the most-approved candidate. ([LWVFL](#))

Auditable Election System: A system that provides for a physical (paper) audit of voter ballots versus a machine recorded result and maintains the security of ballots so as to prevent fraud, malicious mischief, and other forms of misconduct. ([LWVFL](#) and [Center for American Progress](#))

Automatic Voter Registration (AVR): Under an automatic voter registration system, eligible voters are automatically registered to vote whenever they interact with government agencies (e.g., Department of Motor Vehicles). Eligible voters are registered by default, although they may request not to be registered. Maine does not have automatic voter registration.

Bipartisan: of, relating to, or involving members of two parties; *specifically*: marked by or involving cooperation, agreement, and compromise between two major political parties ([Merriam Webster Dictionary](#))

Blanket Primary: Under a blanket primary, state and congressional candidates, regardless of party affiliation, run on the same primary ballot. The one candidate from each party with the most votes wins the primary and becomes that party's nominee in the general election. In 2000, the Supreme Court ruled against California's blanket primary system, saying that states cannot require political parties to participate in a blanket primary since it essentially forces a political party to endorse a candidate that it may not prefer. ([FairVote](#))

Caucus: Political party meetings, paid for by the political party holding them. Maine's election laws require that political parties wanting to have their candidates placed on primary ballots conduct general party business at municipal caucuses every two years (Title A-21, § 301). These caucuses precede the primaries used to select candidates for state and local positions. The most well-known Maine caucuses, however, are those held every four years to nominate presidential candidates. Participants openly debate and then select delegates who will back specific presidential candidates at state and/or national conventions. In Maine, these meetings are for party members only. In some states a political party may choose to hold a presidential caucus open to any registered voter, e.g., Idaho's Democratic Party. ([FairVote](#))

Citizens' Initiative or Referendum: The practice or principle of submitting to popular vote a measure passed on or proposed by a legislative body or by popular initiative. Typically, this is a yes or no vote.

Closed Primary or Closed Partisan Primary: a type of primary election in which a voter must formally enroll with a political party in advance of the election in order to participate in that party's primary.

([Ballotpedia](#))

Competitive Elections: Ballotpedia's annual State Legislative Competitiveness Index, uses three factors: Is the incumbent running for re-election in a district? If so, does he or she draw a primary challenge? Are two major party candidates in the general election? ([Ballotpedia](#))

Concurrence Study: A term used by the League of Women Voters to describe one of two ways to conduct a study of an issue. A Concurrence Study asks members to agree to adopt the policy developed by another state League.

Consensus Study: A term used by the League of Women Voters to describe one of two ways to conduct a study of an issue. In a Consensus Study, a study committee starts from scratch to formulate new policy.

Crossover Voting: Occurs when a voter participates in a primary election for a political party with which he or she does not generally affiliate. Crossover voting can occur in states with open or nonpartisan primaries, which do not require one to be a member of a party to participate in a party's primary. In these states, a voter may choose to vote in the partisan primary of his or her choice. Crossover voting can also occur when a voter participates in one party's primary and then participates in a different party's primary runoff. ([Ballotpedia](#))

Delegate: A person chosen by caucus or indirect primary and designated to act for or represent a candidate ([Dictionary.com](#)). Delegates select a party's nominees at state and/or national conventions prior to a general election.

Election Systems: Election systems are a set of rules organized by governments that determines how elections and referenda are conducted and how their results are determined. There are four basic types:

- Plurality election systems – any voting system that could theoretically result in a general election winner with less than 50% of the vote. Maine has a plurality general election system for most state offices.
- Majority electoral system - candidate must receive more than half the votes to win; ranked choice voting accomplishes this. Otherwise, if no candidate has 50+% following the election, a runoff election is held.
- Proportional representation - winners are allocated in proportion to the votes they receive. In Maine and Nebraska, some presidential electoral votes are allocated proportionally.
- Preferential (ranked choice) voting system - voters can rank-order candidates on the ballot in order of their choice.

Hybrid Primary: A term used to indicate that a primary is a mix of closed and open primary features. The National Conference of State Legislatures (NCSL) eliminated this term and replaced it with the following definitions: partially closed; partially open; and open with unaffiliated voters. ([LWVFL](#) and [NCSL](#))

Independent Voter: While Maine officially does not use this term for a voter who is not a member of a political party, it is still commonly used in Maine as it is in the U.S. Maine's term for a registered voter with no stated party preference is "Unenrolled," meaning not enrolled in a party. The term "unaffiliated" is also used to describe an "independent" voter.

Jungle primary – another term for top-two primary.

Nonpartisan Primary Election: A primary system in which all candidates appear on the same primary ballot, but only the top-two (or four) vote-getters, regardless of party affiliation, advance to the general election. ([LWVOH](#)) Some states hold nonpartisan primaries for nonpartisan elective offices (e.g., judges, school boards) alongside partisan primaries for other offices.

Open Partisan Primary: A primary system in which any registered voter may choose to vote any party's ballot without having to be a member of that particular party. In such a system, the voter's registration status is not queried when they request a party ballot, and there is no challenge to crossover voting. ([LWVOH](#))

Open to Unaffiliated Voters: Only unaffiliated voters can participate in any party primary they choose. Voters who are registered with one party are not allowed to vote in another party's primary. This system differs from a true open primary because a Democrat cannot cross over and vote in a Republican party primary, or vice versa. ([NCSL](#))

Partially Closed Primary: In this system, state law permits political parties to choose whether to allow unaffiliated voters or voters not registered with the party to participate in their nominating contests before each election cycle. This system gives the parties more flexibility from year-to-year about which voters to include. At the same time, it can create uncertainty about whether or not certain voters can participate in party primaries in a given year ([NCSL](#)). Strictly speaking, Maine has a partially closed primary, but this document refers to it as "closed" because the option of the party allowing nonmembers to vote is rarely used.

Partially Open Primary: This system permits voters to cross party lines, but they must either publicly declare their ballot choice or their ballot selection may be regarded as a form of registration with the corresponding party. Some state parties keep track of who votes in their primaries as a means to identify their backers. ([NCSL](#))

Political Party: A political party is a group of like-minded people who share beliefs about how government should function (e.g., Democratic, Green Independent, Libertarian, and Republican in Maine). ([Making Your Vote Count](#))

Primary Election: An election paid for by the state (and often municipalities) and used either to narrow the field of candidates for a given elective office or to determine the nominees for political parties in advance of a general election. Primaries can be either partisan or nonpartisan. The terms of participation in primary elections (e.g., whether only registered party members can vote in a party's primary) can vary by jurisdiction, political party, and the office or offices up for election. Methods used to determine the outcome of the primary (e.g., plurality systems, majority systems, top-two systems, etc.) can also vary by jurisdiction.

Ranked Choice Voting: Ranked Choice Voting (RCV) is a system of voting in which voters rank candidates in the order of their preference. The candidate who receives a majority of the votes (50%+1) is declared the winner. If no candidate receives a majority, the candidate with the lowest first round votes is eliminated, and voters who selected that person have their second-choice votes transferred to remaining candidates. This process continues until one candidate receives a majority vote. ([LWVME](#))

Referendum: see Citizens' Initiative.

Same Day Registration: Same day registration permits voters to both register to vote and cast a ballot on Election Day. Same day registration also permits voters to change their address and allows Unenrolled voters to enroll in a party on any Election Day.

Strategic Voting: Although sometimes equated with "tactical voting," this report considers strategic voting to be an approach to voting in which one votes, not for one's preferred candidate, but rather for another candidate, for the purpose of influencing the primary choice of the opposition. This is sometimes correctly or incorrectly referred to as "sabotage" and tends to be limited to election systems that permit crossover voting. ([LWVOH](#))

Tactical Voting. Tactical voting is when a voter casts her vote for one candidate even though she more strongly supports another candidate. For instance, in a plurality system with more than two candidates, voters sometimes choose the "lesser of two evils" rather than vote for their honest favorite. This tactic seems inherently undesirable, but simultaneously strategically wise. ([LWVCO](#))

Top-Four Primary: Top-four primary is a type of nonpartisan primary election in which all candidates are listed on the same primary ballot. The top-four vote-getters advance to the general election with the parties playing no role in candidate selection. ([Ballotpedia](#)). No state primaries are currently held using a top-four system. Those advocating for this innovation usually include using ranked choice voting in the general election. ([FairVote](#))

Top-Two Primary: The top-two format uses a common ballot, listing all candidates on the same ballot. In California each candidate lists his or her party affiliation, whereas in Washington, each candidate is authorized to list a party "preference." The top-two vote getters in each race, regardless of party, advance to the general election. It is possible for two candidates belonging to the same political party to win a top- two election. ([NCSL](#)) In 2008, the Supreme Court ruled that unlike a blanket primary, Washington's top-two primary does not choose a party's nominee since the top-two candidates proceed to the general election without regard to party preference. ([Supreme Court Syllabus](#))

Unenrolled Voter: An Unenrolled voter is a registered voter who has declined to declare a political party preference. In Maine, Unenrolled voters have the option of registering with a political party on Election Day to vote in that political party's primary or caucus.

Verifiable: A voting system with equipment that is regularly tested to find errors in hardware or software, well maintained, and updated as needed. ([LWVFL](#) and [Verified Voting](#))

Voter Enfranchisement: The legal granting of the right to vote; the removal of legal barriers to voting for eligible citizens.

Voter Registration: The requirement that a person otherwise eligible to vote must register before they are permitted to vote. Registration may be automatic or may require application. In Maine potential voters must be citizens whose 18th birthday falls on or before that year's November Election Day. They complete an application card and submit it to their municipal elections clerk. First time voters need proof of identity and residence. Mainers may register to vote on the day of an election.

Voter Turnout Definitions: Voter turnout may be expressed in terms of which population is used as the denominator to calculate the result. Voter Registered Population (VRP) includes all registered voters; Voter Eligible Population (VEP) subtracts noncitizens and others not eligible to vote; Voting-Age Population (VAP) consists of everyone age 18 and older residing in the United States, including persons ineligible to vote -- mainly non-citizens and ineligible felons -- and excludes overseas eligible voters.

[\(LWVFL\)](#)

IV. History of Candidate Selection Systems

Types of Systems. Since the early 1900s, two systems for selecting candidates for the general election ballot have dominated the U.S. political landscape: caucuses and primaries.¹

Caucuses are political meetings generally, but not always, open only to party members. Participants openly debate and then select delegates who will back specific candidates for a public office at state and/or national conventions. Initially caucuses were the dominant system for all types of candidate selection. Over time, the public began to view caucuses as a source of excessive influence by political machines operating in closed-door meetings, outside of the purview of the voting public.

Primaries are elections used either to narrow the field of candidates for a given elective office or to determine the nominees for political parties in advance of a general election. The Progressive Movement introduced primaries for state and congressional elections in the early 1900s to reduce corruption in government and make candidate selection more democratic and transparent.² State and congressional primaries are “direct” primaries as participating voters “directly” select the candidate they want to represent the party on the general election ballot. As early as 1912, some states also used primaries in lieu of caucuses for presidential candidates. These “presidential primaries” are “indirect” because the process selects delegates authorized to vote for a designated candidate at party conventions.

Local, State and Congressional Direct Primaries. Use of primaries for state and congressional seats grew rapidly nationwide. By 1912, 43 of the 48 states had authorized them; by 1972 all 50 states were onboard and continue to this day.³ In the earliest years, primaries worked as anticipated, even in areas of one-party dominance, because primaries tested public officials as they ran for election. However, the potential for unanticipated consequences became apparent as party leaders observed that national convention delegates who were obliged to vote according to primary outcomes reduced flexibility at the convention and the leadership’s ability to support their preferred candidates and negotiate for their preferred platforms.⁴ Political opposition to primaries emerged in the 1920’s, but repeal efforts were unsuccessful. The 1920’s inclusion of women into the electorate stymied repeal attempts, as women saw such a move as reinforcing a political style of male-dominated, “smoke-filled rooms.” During the 1930s, numerous efforts to revise and reform (rather than repeal) the initial primary legislation emerged.⁵

By the end of World War II, the effectiveness of the primary diminished. Reduction in the influence of political parties and partisan loyalties increased the power of incumbency, which weakened competition in primaries and general elections. Since the 1960’s, changes in campaign technology (e.g., television,

¹ This history is a modified version of the [LWVOH’s](#) primary study history section, which covered state and congressional primaries only. The Study Committee added information about presidential primaries/caucuses and specific information about Maine’s caucus/primary history.

² Robert LaFollette, the progressive Republican governor of Wisconsin, gets credit for the first law establishing statewide direct primaries in 1903 (from [LWVOH](#) history section).

³ Numbers from [TheGreenPapers.Org](#). See [Bui in NYT 5/6/16](#) for an article praising TheGreenPapers election data.

⁴ See B.W. [Patch](#), 1932. Decline of the presidential primary. For access to full article, see notes in bibliography.

⁵ [“The future of the direct primary”](#), published in 1926, offers a description of early opposition to primaries; see bibliography for details on accessing the full report.

computerized opinion polls), have made elections more candidate-centered, further diminishing the influence of parties as political intermediaries. Social media and the 24-hour news cycle on cable TV have exacerbated the problem. Campaign finance reforms such as McCain-Feingold (2002) and SCOTUS decisions such as Citizen’s United (2010) are also considered factors that have weakened the parties by making it more difficult for them to fundraise and easier for outside interest groups and “dark money” to do so. Evidence on campaign finance reform impacts from empirical analyses is mixed as are the opinions about what to do in the future.¹

Several groups have emerged advocating for primary reform.² Some prefer ranked choice voting (RCV) to “plurality” elections, and others advocate for “open” and “nonpartisan” primaries.³ Some voices for reform seek to better enfranchise voters who do not identify with either major party, and some aim to reduce the hyper-partisanship characteristic of the current political atmosphere. If elections are indeed more candidate-driven than party-driven, these groups want to find ways to make this new reality work most democratically.

Alternatively, party members and some political scientists are concerned that reforms that weaken political parties may have the unintended consequences of increasing the influence of special interests or highly polarizing outside groups, thus perpetuating candidate-centered rather than party-centered political campaigns.⁴

Since 1912 Maine has used a primary system that is closed and partisan for state and congressional elections. The Maine legislature sent a bill introducing direct primaries for state and congressional offices to referendum in 1911; a large majority approved it. In 1927, there was a failed effort to repeal the legislation.⁵ Primary reform bills were discussed in 2017 during the 128th Legislative session to allow Unenrolled voters to cast primary ballots (LD 78) and to create a nonpartisan primary process for local, state, and congressional elections (LD 1086); neither passed.⁶ Maine is scheduled to use ranked choice voting state wide for the first time in the 2018 primaries; while not a reform specific to primaries it will change the rules on who advances to the general election ballot.⁷

Presidential Caucuses and Primaries. The presidential primary received its first major test in the 1912 election pitting incumbent President William Howard Taft against challengers Theodore Roosevelt and Robert La Follette. Fifteen states had authorized primary use by 1912, but only 12 states used them in that year. Use reached a peak of 42 states in 2000 and then declined as some states moved back to caucuses.⁸

Maine is a state that has experimented with different presidential candidate selection systems, as illustrated in the timeline below.

¹ See [Zocalo Public Square](#) in Time Magazine for a variety of opinions on the effects of campaign finance laws.

² See, for example, the websites for [FairVote](#) and [Openprimaries](#).

³ See [LWVME](#) on ranked choice vs plurality voting; CQ 6 on open and CQ 7 on nonpartisan primaries.

⁴ See [Rauch and Wittes 2017](#), for example.

⁵ From [Maine State Legislature](#) website on citizen initiatives. Currently, 21-A MRSA, paragraph 331 covers direct primaries. The 1909 passage of legislation on citizens’ initiatives made passage of S.D. 75 possible.

⁶ The LWVME offered testimony on both [LD 78](#) and [LD 1086](#), but could not take a position for or against because the League has no position on primary elections. Other testimony offered is available for [LD 1086](#) and [LD 78](#)

⁷ See [LWVME](#) for more info on RCV and [LD 518](#).

⁸ [TheGreenPapers](#) website shows 40 states holding presidential primaries in 2008.

Timeline of Noteworthy Changes in Maine’s Presidential Candidate Selection System	
Date	Type of system or change
Pre-1995	Party caucuses. ¹
1995	Presidential primary law passed.
1996	Presidential primary held.
2000	Presidential primary held.
2003	Primary law repealed, “largely at behest of the parties, which view caucuses as valuable organizational and voter engagement events.” ²
2004 – 12 2016	Presidential caucuses conducted; some problems for Republicans reported in 2012. ³ Democratic and Republican parties have major capacity problems due to high turnout. LD 1673 passed (An Act to Establish a Presidential Primary System in Maine) by the 127th Legislature. Secretary of State (SoS) directed to examine implementation issues and submit a report by end of 2017. ⁴
2017	SoS report on LD 1673 submitted to legislature with recommendations for implementing 2020 primary elections.
2018	Legislature needs to act on SoS report before December 1, 2018, or LD 1673 is automatically repealed and Maine continues with caucuses.

Groups calling for reform of direct primaries used in state and congressional elections are also advocating for reform of the presidential primary system, with many of the same adjustments being proposed; but also a great deal of attention is being given to establishing a more equitable scheduling of state level caucuses and primaries.⁵

¹ A 1987 law authorized each of the qualified political parties to hold a presidential primary; the law included a formula for selection of delegates to the national convention that was not acceptable to the parties so this option was never used (from [Maine Secretary of State](#), 12/1/17, page 5).

² Citing [Miller](#) in PPH. No one testified against the bill. An additional incentive for the Legislature agreeing was likely that the parties pay for caucuses and the state pays for primaries.

³ See [Mistler](#) in PPH and [Wikipedia](#) on 2012 problems with Republican presidential caucuses in Maine.

⁴ See [LD1673](#) testimony and [Maine Secretary of State](#), 12/1/17 for discussion of dates and fiscal issues.

⁵ [Wikipedia](#) has an overview of primary calendar reform proposals; more detail in [Smith & Springer](#), 2009.

V. Election System Evaluation Principles

General Issue for CQ1: Review of principles relevant to evaluating the merits of different candidate selection systems.

Discussion: The League of Women Voters of Florida, in their comprehensive study and analyses of alternative election systems, discusses *The Impossibility Theorem* by Dr. Kenneth Arrow, which states “no single election system meets all criteria....”¹ This is an important premise to keep in mind when comparing Maine’s current caucus and primary systems to alternative systems. It underscores the need to establish a list of guiding principles and weigh their importance when making decisions.

In CQ1, local units and members-at-large are asked to review the evaluation principles identified by the Study Committee and select those that they consider the most important. Subsequent CQs will ask the group to refer back to all of these principles when comparing Maine’s current system with possible alternatives. Reviewing all the principles now and coming to a study group consensus on the most important ones should help with this evaluation process.

Please note that this Study Committee is making a distinction between voter enfranchisement (having the legal right to vote) and voter participation or turnout (showing up to vote when eligible).

Consensus Question #1: What are the most important principles for a good primary system to encourage?

Check the boxes for what you consider the 3-4 most important principles in the list below.

Simple and easy to understand: Voters need a system that is easy to comprehend and execute, saving time at the polls and encouraging the voters’ future participation. Basic language, reading levels, and accommodations for visual and other needs should be part of the process of system development. Where feasible, system components should be consistent among local, state, and federal offices; and any changes must include training for election officials, voters, and candidates.

Verifiable and Auditable: Voters must place their trust in elections. This requires implementation of the voting process by well-trained and ethical state and municipal officials, transparency and oversight of security procedures.² To be verifiable, all voting equipment must be tested regularly to find errors in hardware or software, be well-maintained and updated as needed. Auditable voting systems must provide for a physical (paper) audit of voter ballots versus only machine recorded result.

Technically and fiscally feasible: This principle refers to the affordability of candidate selection systems and the technology necessary to implement legal, fair, and trusted elections. It includes the need for budgetary support for (1) municipal and state governments that run elections; (2) the purchase, inspection, and replacement as needed of election equipment; and (3) technical support, training, and public education related to changing or updating systems.³

¹ LWVFL Open Primary Study Kit, March 4, 2017, p.19.

² See DeGregario and Ambrogi, 2016. For a discussion of “The 5 Principles of Integrity in Elections”.

³ See [Maine Secretary of State](#), 12/1/17 on fiscal feasibility of a return to presidential primaries in Maine.

- **Allows more voters a choice in candidate selection:** This principle speaks to the enfranchisement of more voters during the candidate selection process. Partisan systems allow members of political parties to select and unite behind one candidate for the general election based upon the party’s platform. However, voters who belong to a minor party running no candidate or those who choose for whatever reason to be Unenrolled are not permitted to vote in closed candidate selection systems.
- **Encourages voter turnout and engagement:** Unlike the previous principle, this one deals with voter turnout, not the “permission” to allow more citizens a say in candidate selection. Caucuses and primary elections typically have a far lower turnout than general elections. Voter turnout and engagement with issues are influenced by many factors, requiring a multi-pronged approach. Are the options explored in the subsequent CQs ways to improve voter turnout and engagement?
- **Balances interests of major parties with those of minor parties and independent candidates.** Historically, the two-party system has been the dominant force in the American political system with considerable obstacles in place for minor or third-party candidates wanting to get on general election ballots. Reformers are looking for a “better way” to balance the rights of major party voters and candidates with those of the growing numbers of Unenrolled and minor party voters. Options include fully open or nonpartisan primaries, or proportional voting systems. The extent to which such systems might increase the power of minor parties while decreasing the influence of the two major parties is not well understood—often based on hypotheses rather than empirical findings.
- **Allows parties to perform their traditional functions of educating and organizing voters, developing party platforms, vetting the candidates, and getting out the vote in an effective manner.** There is a major school of thought suggesting that the stronger the political parties are, the better our democracy works. Parties have been the traditional sources for voter education and turnout, building policy platforms, fundraising, moderating candidate selection, and organizing support.

Comments/Clarifications:

VI. Caucus vs Primary Systems for Presidential Elections

Discussion: The key characteristics of caucuses and primaries used for selecting presidential candidates throughout the U.S. are summarized below.

Characteristics	Presidential Caucuses	Presidential Primaries
Purpose	A local (municipal, county, or district) meeting of registered party members to conduct party business and choose local delegates to the party's State Convention, which determines the candidate the state will support for nomination at the national convention. ¹	A state-run election to determine who the party's delegates will vote for at the state and national conventions. Uses separate ballots for each party; voters vote one ballot; party rules determine delegate selection. ²
Who sets rules?	Party is fully in charge.	State government authorizes primaries and, in consultation with party leaders, sets rules about when, where, who gets on ballots, vote counting, etc.
Who votes? ³	Registered party members.	Depends on the degree of "openness" of the state's primary legislation and party decisions; ranges from party members only to all registered voters.
Who funds?	Party supports all costs.	State and local governments.
Setting Dates?	State parties pick caucus dates.	State with party influence; but national party can "take away" delegates if state date does not respect national party calendar.
Locations?	Variable and determined by each party—usually require more travel for participants than primaries do.	The same established polling places used in general elections, although can be a subset in larger cities.
How is turnout monitored?	Parties do this, with no requirement to report results to the state or the public.	The State reports numbers of voters casting a primary ballot for each party and candidate. Results are publicly available. Parties report delegate selection.
Who counts votes?	Parties do this, with no requirement to report results to the state or the public.	The State tallies votes and makes them public using resources available for general elections.

In its review of the literature, the Study Committee found that much of the debate about caucuses versus primaries is motivated by different beliefs about the role of political parties in our democracy. Those favoring caucuses tend to favor the two-party system and believe that strong political parties are

¹ Keep in mind that parties continue to hold caucuses for other party business (e.g., platforms, leadership elections) when candidate selection is accomplished through primaries; party representatives argue, however, that caucus attendance falls off if candidate selection is not part of the package.

² A few states have nonpartisan ballots for other primaries, but not for presidential primaries.

³ In Maine, Unenrolled voters may register in a party the day of the caucus or primary; those wanting to change party enrollment must do so at least 15 days before the caucus/primary to participate and remain so for 3 months.

essential for maintaining a healthy democracy. Those favoring primaries believe that direct voter participation and transparent decision-making processes are the building blocks of a strong democracy.

At the extremes of those who favor strong parties, there is a fear of runaway populism, especially if primaries become more open, and a belief that strong parties can protect against this. At the extremes of those who favor primaries, there is a fear of too much control in the hands of party leaders and backroom deals taking place during caucus and convention, with more power in the hands of individual voters offering a remedy.

The Study Committee did not find any formal position statements made by Maine’s political party leaders either for or against a switch from presidential caucuses to primaries. However, Barbara Campbell Harvey, Secretary of the Maine Republican Party, noted that caucuses provide training opportunities for younger, newer candidates to learn how to hone their public speaking skills and develop coherent policy positions that are consistent with party platforms. Her concern is that moving presidential candidate selection from the caucuses to primaries might contribute to reduced attendance at party caucuses, making it more difficult for the party to provide this type of mentoring.¹

One analyst who believes that strong party institutions make a major contribution to our democracy views recent experience with direct primaries as weakening rather than strengthening parties.

Candidate selection through direct primaries has turned out to advantage parochial, narrow, and extreme interests and politicians, at the expense of relatively centrist or compromise-minded candidates and citizens. Frequently, the parties are bit players in their own choice of nominees.²

On the other side of the debate are those who call for more direct voter participation to reign in the dominance of the two major parties. This viewpoint sees parties as contributing to extremism and polarization in today’s politics (interestingly, the same concern expressed by “the other side” in the previous quote). Recommendations on this go beyond a simple move from caucus to primary and include promotion of nonpartisan primaries and expanding citizen initiatives.³

Since the mid-1970s, the majority of states have switched from presidential caucuses to primaries; however, Maine is one of 13 states still caucusing.⁴ Following chaotic 2016 caucuses (see insert on next page), LD 1673—a law that would switch Maine back to presidential primaries in 2020—was passed unanimously.⁵ However, implementation issues such as financing and setting dates acceptable to all parties remain, and LD 1673 contains a clause that will force Maine to continue with presidential caucuses if the implementation issues are not resolved by December 1, 2018.

¹ Harvey/Kelly discussion, March 27, 2018.

² [Rauch & Wittes](#), 2017, page 4. See also [Burke 1998](#) for a discussion of “Party Decline”.

³ See [Gehl and Porter](#) 2017 for an appeal to give voters a more direct role in decision making.

⁴ See [Openprimaries.org](#), for state by state list of type of primary/caucus and costs covered by taxpayers.

⁵ See [Thistle](#) in Bangor Daily News, March 7, 2016 and [LD1673 for details of the legislation](#).

Problems Reported for Maine’s 2016 Presidential Caucuses

In many locations, unusually high turnout was beyond the capacity of the parties, by their own admission, to accommodate everyone and conduct an orderly voting process.¹ Many Democrats tried to participate in Portland and other urban areas but were deterred by the long waits or could not register because the deadline passed while they were in line. This led to feelings of disenfranchisement as people wanting to vote could not. Voters in remote parts of the state had to travel long distances and complained of hardship in getting to their caucus site. Others did not understand that it was not simply vote and leave like a normal election and were unprepared to wait through speeches and party business. Understandably, some voters were confused about the process since the Democrats and the Republicans have different rules and voting protocols. In addition, many Democrats were unhappy with the impact of super delegates;² and the newer political parties in Maine found organizing local caucuses challenging given their relatively small membership. Maine’s Green Independent Party Co-Chair Jon Olsen explains, “We would like to not do caucuses, since we have to beat the bushes to get people to come out to caucuses. We have to have a minimum number of caucuses, and it’s difficult to get people to come into caucuses. It shouldn’t be a legal requirement to have a certain number of caucuses.”³

Important criteria for evaluating candidate selection systems include voter turnout and cost. The next table presents this information for Maine presidential caucuses and primaries from 1996 to 2004 and for 2016.⁴ Voter turnout varies between the two systems. While the large 2016 turnout caused problems, the total for both parties combined (roughly 67,000 voters) was much less than the total primary turnout in 1996 and in 2000. Projections for the costs of 2020 primaries include both State and municipal costs, which the Secretary of State (SoS) expects to reach a combined total of \$980,000.⁵

Costs in the table below are actual costs, but only for the State component. Allowing for inflation, the \$50,667 primary costs for 2000 would be roughly \$249,000 in today’s dollars, although the SoS is estimating state costs of roughly \$122,000 and municipal costs of \$857,000.⁶ Moreover, even though taxpayer dollars will pay for these elections, only party-affiliated registered voters will be permitted to vote if the primaries remain closed.

¹ Over 19,000 Republicans and over 48,000 Democrats participated in Maine’s 2016 caucuses.

² See [Graham, Miller](#), or [Thistle](#) for detail.

³ Phone interview with Jon Olsen, March 2018.

⁴ Gaps for Republicans in 2004, and for both parties in 2008 and 2012 due to lack of public information.

⁵ [Maine Secretary of State](#), 12/1/17. See also [Thistle](#) (3/28/16) and [Berardelli](#) (4/3/16) on primary cost issues.

⁶ Inflation estimated using an [inflation calculator](#) showing a cumulative inflation of 45% between 2000 and 2018.

Characteristics of Maine Presidential Candidate Selection Processes: 1996 to 2016								
Presidential Election Year	Selection System	Party ¹	No. of Presidential Candidates	Votes Cast	Enrolled Voters	Turnout*	Date Held	Cost to state
1996 ²	Primary	D	2	27,027	298,295	9%	1 st Tue in March	\$42,000
1996	Primary	R	8	67,280	271,644	25%		
2000	Primary	D	4	62,279	281,009	23%		
2000	Primary	R	5	96,624	256,178	38%		
2004 ³	Caucus	D	8	18,760	294,644	6%	2/8/04	Party paid
2004	Caucus ⁴	R	Not found	Not found	262,206	Not found	1/2/04	Party paid
2016 ⁵	Caucus	D	2	48,000+	320,000	15%	3/6/16	Party paid
2016	Caucus	R	10	19,000+	271,429	7%	3/5/16	Party paid

*Percent of enrolled voters.

Testimony during discussions of LD 1673⁶ also noted the challenges of selecting dates for the primaries that meet restrictions set by national parties. The Maine SoS's report to the legislature on the implementation of LD 1673 raised other date issues, including the extra costs of weekend primaries and the desirability of legislating a "date certain" rather than allowing flexibility.⁷ The national primary season opens in January/February in IA and NH and ends in June when CA and other large states hold their primaries, often too late to matter. States vie for early dates and risk losing delegates if they do not follow national party rules.⁸ This long, staggered candidate selection process has triggered innovative proposals from reform groups for a shorter and more equitable national primary calendar.⁹ Although revising the national primary calendar is beyond the scope of this study, it is a topic the LWVUS might decide to study in the future.

Arguments for and against caucuses and primaries in the next table are not specific to Maine and many have no empirical basis; but they are arguments heard since the early days of primaries. *The Future of the Direct Primary*,¹⁰ describes dissatisfaction with primaries in 1926 that mirrors many current concerns. As early as the 1920s there were objections to calendars for presidential primaries and taxpayer funding¹¹—two issues that are front and center in discussions of LD 1673.

¹ The Green Independent Party has had candidates on the general election ballot for president since 1996, but we have been unable to confirm that they conducted presidential caucuses or primaries in Maine.

² Data for 1996 and 2000 primaries from [Maine Secretary of State 12/1/17](#).

³ [Wikipedia](#) for number of candidates and votes cast; *Voter Demographic File* for number of registered Democrats.

⁴ Maine is one of several states for which [Wikipedia](#) has no 2004 Republican caucus/primary results.

⁵ 2016 numbers from [Cousins and Shepherd](#) in BDN, their percentages are based on SoS Sept 2015 enrollment.

⁶ See, for example, [Democrat's testimony](#) on LD1673 dealing with establishing dates that work for both parties.

⁷ [Maine Secretary of State, 12/1/17](#).

⁸ [Wikipedia's](#) introduction to "United States Presidential Primaries" article

⁹ [Wikipedia](#) has an overview of primary calendar reform proposals; more detail in [Smith & Springer](#), 2009.

¹⁰ The [Future of Direct Primaries](#). 1926. See notes in bibliography for access to the full report.

¹¹ See, for example, [Patch](#), 1932. For access to full report, see notes in bibliography.

Please read and discuss the different opinions in the next table before answering CQ2 a-d.

Presidential Caucuses		Presidential Primaries¹	
Arguments for	Arguments against	Arguments for	Arguments against
<ol style="list-style-type: none"> Helps build and preserve political parties as grassroots institutions that inform and organize voters. Keeps decisions with party activists, retaining power for those who care most. Weakens influence of special interests from outside the party. Encourages voter discussion and engagement; provides opportunity for questions; participants must listen to counter arguments. When last-place candidate is eliminated, supporters can choose another candidate. Dates/locations determined by individual parties—no need to coordinate at the state level. Avoids public expenditures for primaries, saving taxpayers money and not forcing Unrolled to pay for activities of parties they do not wish to support.² 	<ol style="list-style-type: none"> Lower voter turnout than primaries so may not be a true image of public opinion. Favors candidates who are popular with activists, therefore less likely to get a centrist candidate. People like the elderly, disabled, military and others serving abroad, or working, may not be able to give up 2 or more hours to attend a caucus and vote. Secret ballot is removed in Democratic caucuses (generally still used in Republican ones). No public records of turnout, votes taken, and allocation of delegates to State Convention. Not everyone – even registered party members – understands the process. 	<ol style="list-style-type: none"> Turnout is higher than for caucuses.³ More likely than caucuses to allow participation by non-party members.⁴ Held in regular polling places known by voters and easy to access. Process familiar and easy to understand since it is consistent with other elections. Encourage state visits from federal candidates, improving voter knowledge of candidates. Records maintained by government agencies and available to the public. Professional election staff using accepted procedures conduct the elections producing auditable results. 	<ol style="list-style-type: none"> Provides major parties with a list of voters’ party preferences at taxpayer expense. Lengthens the campaign season and gives unequal attention to primaries in different states.⁵ Primaries pre-determine the main outcomes of party national conventions—selection of candidates—yet much taxpayer money goes to national conventions.⁶ A simple vote requiring no voter engagement or discussion about who would be the best candidate. Undermines the grassroots caucus system, which allows all members to participate in the formation of the platform. Weakens party leaders and party discipline.⁷ Reduces party influence over choice of candidates party will support.

¹ See [LWVWA Education Fund](#) 2000, pages 39 and 40 for a discussion of presidential primary attributes.

² [Berardelli](#) in BDN, April 3, 2016 addresses some of the cost issues as well as [Thistle](#), March 28, 2016 in BDN.

³ [Cousins and Shepherd](#) in BDN March 7, 2016 present some caucus vs. primary turnout information.

⁴ See [Ballotpedia](#), open primary page, stating that in 2016, 23 states utilized open primaries and/or caucuses as part of the presidential nominating process.

⁵ See [Smith & Springer](#), 2009, for description of alternative proposals: A rotating Regional Primary, the “Delaware Plan”, and a National Primary.

⁶ See [LWVWA Education Fund](#), 2000, reporting that taxpayers paid approximately \$13.5 million in 2000 for federal support for national conventions.

⁷ See [Burke](#) 1998 on party decline: “...the very reforms that progressives designed—to clean up politics, empower ordinary people, and buffer the excesses of a market economy—have weakened parties...”

Consensus Question 2a: Does Maine’s current presidential caucus system adequately address the principles identified as most important in CQ1?

- Yes No Uncertain

Comments/Clarifications:

Consensus Question 2b: Would Presidential Primaries better address the most important principles identified in CQ1 for candidate selection than Presidential Caucuses?

- Yes No Uncertain

Comments/Clarifications:

Consensus Question 2c: What option below best describes the group’s attitude toward government financing of primaries?

Recall that the Maine Secretary of State has estimated that a switch from presidential caucuses to presidential primaries could cost as much as \$980,000 for the 2020 presidential primary (\$122,000 for the State and \$857,000 for municipalities).

- The public benefits enough from presidential primaries to justify taxpayer financing.
- The benefits of primaries over caucuses are not substantial enough to justify taxpayer financing.
- The public should not pay for primaries unless all voters can participate.

Comments/Clarifications:

Consensus Question 2d: Rank the following factors relevant to setting Maine’s presidential primary dates in order of importance (1= most important)

- The date should be set (e.g., first or second Tuesday in March) rather than variable (e.g., held on a Tuesday in March) as currently stated in pending legislation.
- The date selected should not increase costs.
- The date selected should not cause a party to lose delegates at their national convention due to clashes with national calendars.
- The Maine League should encourage the LWVUS to study proposed plans and come up with a League policy.

Comments/Clarifications:

VII. Evaluating Degrees of Openness for Maine Primaries

GENERAL ISSUE 1: Should Unenrolled voters be able to participate in candidate selection processes? Includes CQ 3a and 3b.

Discussion: States with “closed” primaries require voters to be members of an officially recognized political party to vote in a primary election; this disenfranchises Unenrolled voters and may also disenfranchise members of minor parties. Maine, as one of the states with a “partially closed” system allows parties to decide if they will hold a closed or open-to-Unenrolled primary. Only the Green Independent Party has chosen to open its primary to Unenrolled voters.

In Maine, as in only a few other states, all Unenrolled voters do have the option to change their registration on the same day as a primary election. Essentially, this still only allows registered party members to vote and burdens those who are Unenrolled with an extra step prior to making their voice heard. So, it is useful to review the pros and cons of this election system. Proponents of closed primaries argue that they have a number of advantages such as

- Contributing to building strong party institutions.
- Maintaining freedom of association (a party’s right to determine its own platform and select its own candidates).
- Encouraging engagement of party members.
- Reducing the likelihood of strategic voting prior to the general election.

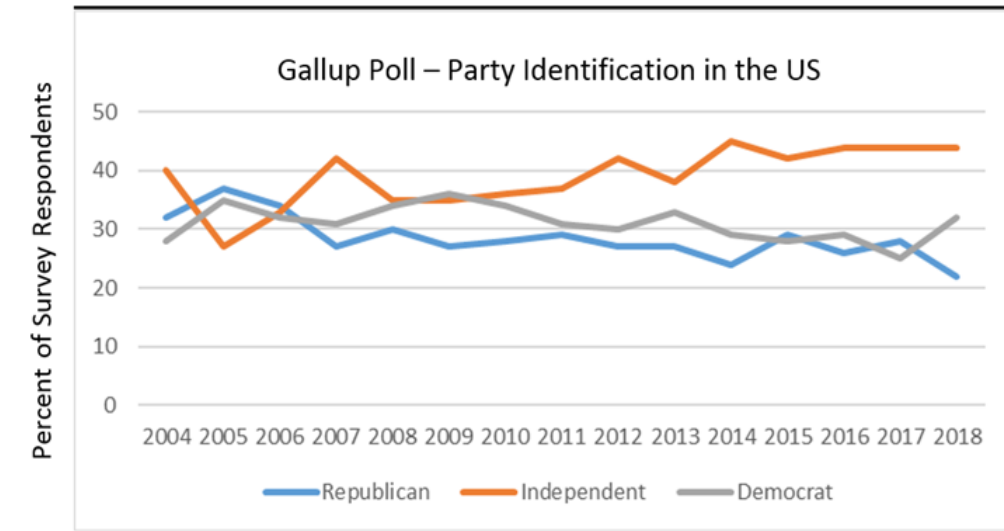
While not denying the ability of closed primaries to contribute to these party-building goals, many are raising their voices in favor of more open primary systems because they believe that closed primaries:

- Discourage Unenrolled voters and members of third parties from voting, at least in the primaries.
- May contribute to low voter turnout in general elections, as voters in districts with dominant parties see the primary as the actual election.
- May lead to extremism if the views of party activists are the most likely to prevail.
- Tend to support two-party systems and discourage minority party and independent candidates.

According to national surveys, voters are increasingly identifying as *Unrolled* (Maine) or *no party affiliation* – or what some people call *independents*.¹ Since 2004, Gallup has asked a different group of randomly selected voters throughout the U.S. the following question at least once a month: “*In politics, as of today, do you consider yourself a Republican, a Democrat, or an independent?*” Notice the wording of the poll. It does not ask how they are registered but what they consider themselves to be. The graph below shows the trends in responses to this question, confirming the increasing share of independents (top line on graph). In early January 2018, 44% of U.S. voters surveyed identified themselves as independent, while 32% identified as Democrats (middle line on graph) and 22% as Republicans (bottom

¹ Maine has no official “Independent” status and uses the term Unenrolled for unaffiliated registered voters.

line on graph).¹ Twenty-one states do not require a voter to select a party preference or an “unaffiliated” option.²



States with “closed” primaries do not allow independent or Unrolled voters to participate in primaries. In 15 states, at least one political party conducts closed primaries for congressional and state-level offices. In 11 of these states, all political parties conduct closed primaries. In the 2016 presidential election cycle, political parties in 27 states utilized closed primaries and/or caucuses as part of the presidential nominating process. Laws in other states range from offering limited access for Unrolled voters to being fully open to Unrolled voters and members of other parties. Rules are frequently different for presidential and congressional primaries.³

With so many Unenrolled voters both nationally and in Maine, why are so many primaries still “closed?” When asked about allowing Unenrolled voters to participate in the primaries or caucuses, Jason Savage, Executive Director of the Maine Republican Party, explained and then shared an interesting suggestion:

Primaries are the nominating process used by political parties – and we have a right to change them to choose our nominees as we see fit.... It could well be an overreach for lawmakers to impose this type of change on the political parties. Perhaps a better question would be to ask why lawmakers do not consider implementing a “primary for Unrolled candidates. After all, they do not face the same challenges seeking a competitive nomination as party candidates and enter the general election without having to spend significant dollars to compete to be on the general election ballot.”⁴

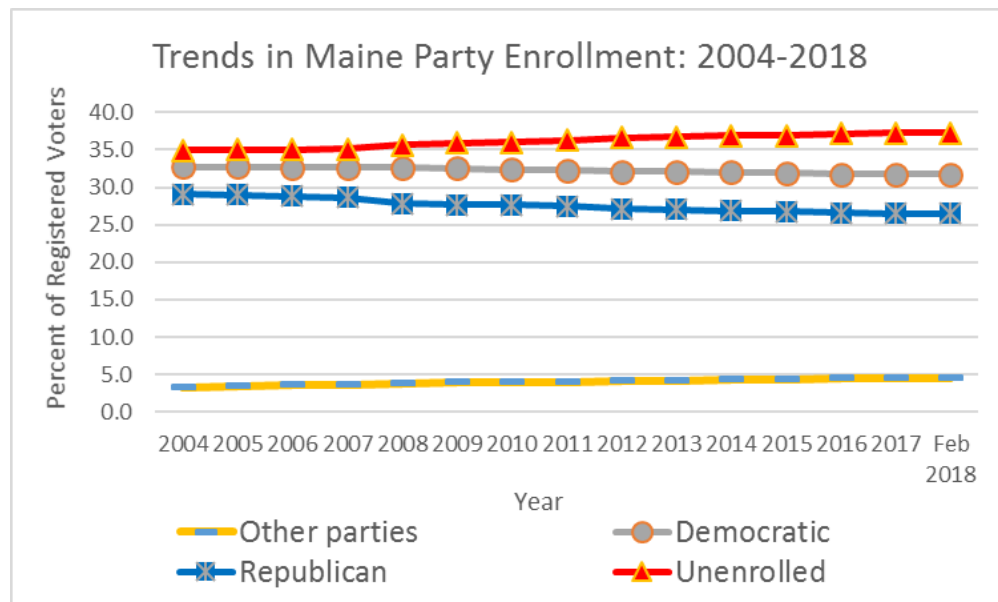
¹ Data for the Gallup graph and discussion come from [Gallup News](#).

² Data from [McDonald](#), 2010, a Huffington post blog.

³ Data on states with closed primaries varies from year to year and by definitions of how “closed” a primary is. Numbers shown here are from [Ballotpedia](#); other sources include [National Conference of State Legislatures \(NCSL\)](#) and [Openprimaries.org](#), which maps U.S. states by degree of openness of their primaries.

⁴ Email exchange with Jason Savage, Executive Director of Maine Republican Party, 4/11/2018.

Data for enrollment status of Maine’s registered voters provided by the Secretary of State¹ shows less volatile inter-annual changes since 2004 than the national Gallup poll results. Nevertheless, from 35% to 38% of Maine voters have been registered as Unenrolled in any given year since 2004 (top line in graph); the trend is toward slow but steady increases.² Of the five categories of enrollment possible—Democratic, Republican, Green Independent, Libertarian, and Unenrolled—Unenrolled voters have consistently represented the largest single category of Maine’s registered voters since 2004. Although the four official political parties are permitted by law (§340 of Title 21-A) to open their primaries to voters of any affiliation, only the Green Independent Party has permitted Unenrolled voters to participate in their primaries. The result is that nearly 40% of registered Maine voters cannot participate in a primary election.

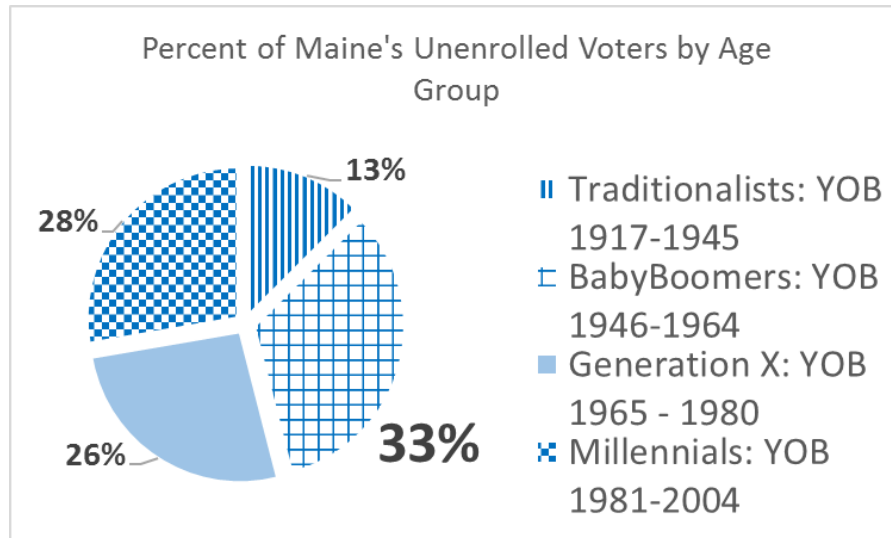


In Maine, age is not a particularly important factor differentiating Unenrolled voters from others, but there are some differences.³ The dominant age group for the Unenrolled is the baby boomer generation (33%), however, younger voters born since 1965 (Generation X and Millennials combined) are the majority of the Unenrolled (54%), as shown in the pie chart. This suggests that current laws excluding Unenrolled voters from primary elections may have a somewhat greater impact on younger voters.

¹ The enrollment graph and discussion of enrollment status of Maine voters is based on LWVME analysis of data in the *Voter Demographics File* provided by the Secretary of State’s Office, February 2018; all registered voters born from 1917 through 2000 are included.

² See [Moretto](#), April 1, 2015, for an excellent and short intro to the topic of Unenrolled voters. This Bangor Daily News article has references to previous experiences in the U.S. and discusses the relevance of the issue to Maine.

³ The Age Group graph and related discussion draws on LWVME analysis of data for all registered voters in the *Voter Demographics File* listed as having voted at least once since 2006.



The consensus questions on this topic ask members to first apply the evaluation principles to the issue of allowing Unrolled voters to participate in the party primary of their choice and then moves to the specific question of whether the study group thinks this is a good idea.

Consensus Question 3a: What would be the anticipated effect on the principles of allowing Unenrolled voters to participate in candidate selection for the party of their choice?

Please discuss and circle the group's consensus opinions on anticipated effects below

Principles	Anticipated Effect		
	Positive	Negative	Uncertain
1. Simple and easy to understand			
2. Verifiable and auditable			
3. Technically and fiscally feasible			
4. Allows more voters a voice in candidate selection			
5. Encourages voter turnout and engagement			
6. Balances interests of major parties with those of minor parties and independent candidates.			
7. Allows parties to perform their traditional functions in an effective manner			

Comments/Clarifications:

Before answering CQ3b on page 28, please review the table on the next page and discuss the arguments for and against allowing Unenrolled voters to participate in party primaries.

Arguments in favor	Arguments against
<ol style="list-style-type: none"> 1. This would mean that 95% of Maine’s registered voters (5% are minor party members) could participate in a primary rather than the 58% that is now currently eligible¹ 2. A survey of Maine voters conducted by Public Policy Polling for openprimaries.org found that 80% favored allowing Unrolled voters to participate in primary elections. The survey covered 771 Maine voters chosen randomly from the voter file and proportioned to reflect the voter registration statistics by party in the state.² 3. Allowing more Unenrolled voters to vote in primaries <u>could</u> increase voter turnout, although there is no clear support for or against this statement from empirical studies³ 4. Allowing Unenrolled voters to participate in primaries of their choice <u>could</u> result in more moderate candidates that have broader appeal to the general public, although there is no clear support for or against this statement from empirical studies.⁴ 5. Presently, Unenrolled voters must change affiliation and join a party in order to vote in a primary. They must then change back to Unrolled if they do not want to remain in that party. 6. Taxpayers and the state pay for primary elections, so they should be open to more voters. 	<ol style="list-style-type: none"> 1. Non-party members would have a voice in selecting a party’s candidate for office, and this could result in a candidate that did not reflect the party’s values.⁵ 2. Changing from a closed primary system to a more open one could weaken the organizing ability of the political parties.⁶ 3. Voters could find changes in who can vote in what primaries confusing.⁷ 4. Unenrolled voters already have the option to join a party up to and including on primary Election Day. They can change back to Unrolled after 90 days if they choose.⁸ 5. Prohibiting political parties from conducting closed primaries infringes upon the associational rights of the parties.⁹

¹ Numbers estimated by LWVME from *Voter Demographics File* for Maine.

² Full survey details available [here](#).

³ See [McGhee](#), May 2014 and [Kamarck](#), July 2014 for evidence on weak link between turnout and primary type. See also [LWVFL](#), 2017, pages 10-19 for factors driving low voter turnout in primary elections.

⁴ See [McGhee, et al.](#), April 2014, which argues that the openness of a primary has nothing to do with the extremism of elected candidates and [Gripp](#), May 23, 2016, which argues that allowing independents to vote in primaries leads to more extreme rather than more moderate candidates.

⁵ See [Rauch & Wittes](#), May 2017, pages 3 and 12. Authors argue that political parties have an important role to play and are being weakened by recent changes in election systems.

⁶ See [Rauch & Wittes](#) May 2017, pages 3 and 12.

⁷ See [Pew Charitable Trust](#), 2008, (pages 19-20) for examples of “confusion” during the 2008 primaries--but more so in states with closed than with open primaries.

⁸ See [Maine Election Laws](#) Title 21-A, §144. Change of Enrollment.

⁹ See [Gripp](#), May 4, 2016, on how open primaries represent an infringement upon the associational rights of the parties; the author argues that there are better ways for independents to make their voices heard. See also this NYT article by [Greenhouse](#) 2000 about a SCOTUS decision declaring California’s blanket primary unconstitutional because it infringed on 1st amendment rights of association.

Consensus Question 3b: Given the group’s review of the principles chart in 3a and the arguments for and against allowing Unenrolled voters to participate in primaries, does the study group think that Unenrolled voters should have an opportunity to participate in the primary and caucus for the party of their choice without having to enroll in that party?

 Yes

 No

 Uncertain

Comments/Clarifications:

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GENERAL ISSUE 2: Should voters registered in a party with no candidates be able to vote in a primary of their choice without having to change parties or affiliation status? Includes CQ 4a and 4b.

Discussion: Maine law permits voters registered in one of Maine’s four political parties to vote only in their own party’s primary elections, unless a party itself decides to open its primary to nonmembers—something that only the Green Independent Party has ever done. If a party is not holding a primary because they have no candidate, their members are generally unable to participate in the primary election at all unless they change parties.

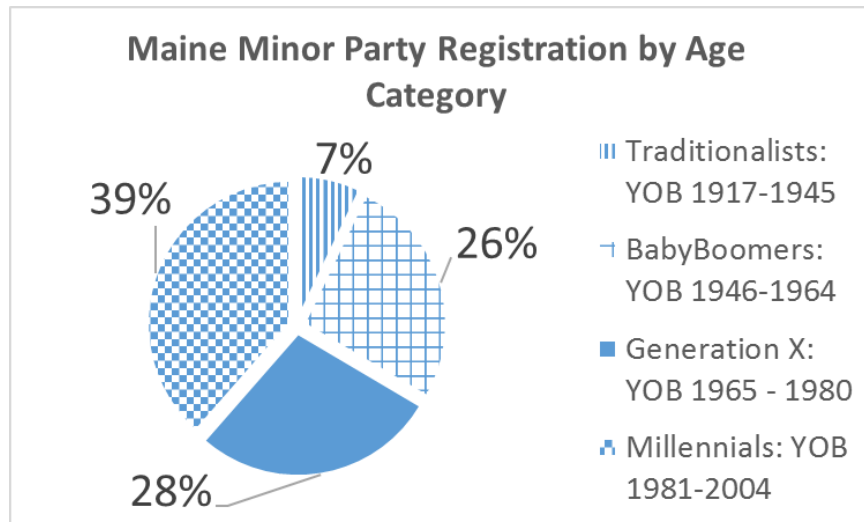
Maine’s four officially recognized parties are: Democratic, Green Independent, Libertarian, and Republican. The two major parties have the largest membership of the four (26% and 32% of Maine’s registered voters in 2018), and it is unlikely that they would not have a candidate for president, governor, or other major office. Only 5% percent of Maine voters are now registered in the Libertarian and Green Independent parties combined, but membership in minor parties has grown more rapidly since 2004 than membership in the Democratic and Republican parties.¹ These minor parties are much smaller than the major parties, and their nationwide network is less active or nonexistent, making it difficult for them to propose candidates for all elections.

As it stands, if one of these four political parties has no candidate in a primary, voters registered with that party could not vote unless they change parties at least 15 days before the election. Even if a party decides to open its primary to Unrolled voters, no one enrolled in a different party can vote in that particular primary without changing party enrollment 15 days in advance.

This disproportionately affects younger Maine voters because they are the largest group registered in the minor parties – the parties most unlikely to have a candidate in a primary.

¹ Estimated by LWVME from Voter Demographics File provided by the Maine Secretary of State.

As shown in the graph below, registered voters born before 1945 make up only 7% of minor party voters, while 39% are Millennials and 28% Generation X.¹ Should these age-based trends influence decisions about the types of primary system reforms considered in Maine?



The table below summarizes some of the most popular arguments for and against allowing crossover voting for minor party members without a candidate representing their party on their ballot.

Please review and discuss these hypothetical arguments before moving to the CQ 4a & 4b.

Arguments in favor of expanding primary franchise for minor party voters without a candidate	Arguments against expanding primary franchise for minor party voters without a candidate
<ol style="list-style-type: none"> 1. Would increase the number of registered voters able to participate in candidate selection. 2. Would allow the nearly 40% of minor party voters who are Millennials to participate in a primary when their party has no candidate. 3. Might encourage political parties to reach across party lines to appeal to a broader range of voters – potentially attracting new members. 4. Might encourage political parties to select moderate candidates that appeal to both party faithful and members of minor parties. 	<ol style="list-style-type: none"> 1. Could result in a candidate choice that does not match values and goals of party accepting the minor party voter. 2. Permits strategic or crossover voting designed to weaken opposing parties. 3. Could encourage minor party members to join a larger party permanently, thus limiting the growth of minor parties. 4. Might reduce the incentives for minor parties to place candidates on the ballot and slow party growth. 5. Could require complex rules about when a minor party voter can ask for another party’s ballot. 6. This change is only a “partial” improvement. If a minor party has just one candidate on the ballot, members will have to vote in their party’s primary and not be able to vote in other contested races for which their party does not have a candidate.

¹ Estimated by LWVME from Voter Demographics File.

Consensus Question 4a: What would be the anticipated effect on the principles of allowing minor party voters to participate in another party’s caucus/primary if the minor party was not running a candidate?

Please discuss and circle the group’s consensus opinions on anticipated effects below.

Principles	Anticipated Effect		
1. Simple and easy to understand	Positive	Negative	Uncertain
2. Verifiable and auditable	Positive	Negative	Uncertain
3. Technically and fiscally feasible	Positive	Negative	Uncertain
4. Compatible with other League positions	Positive	Negative	Uncertain
5. Allows all voters a voice in candidate selection	Positive	Negative	Uncertain
6. Encourages voter turnout and engagement	Positive	Negative	Uncertain
7. Balances interests of major parties with those of minor parties and independent candidates.	Positive	Negative	Uncertain
8. Allows parties to perform their traditional functions in an effective manner	Positive	Negative	Uncertain
Comments/Clarifications:			

Consensus Question 4b: Given the analysis of principles for CQ4a, should minor party voters have an opportunity to participate in another party’s caucus/primary if their party does not have a candidate?

Yes No Uncertain

Comments/Clarifications:

GENERAL ISSUE 3: Should all registered voters be able to vote in the primary of their choice regardless of party affiliation? Includes CQ 5a and 5b.

Discussion: In many states all voters, regardless of their party affiliation, can select any party’s primary ballot without having to enroll with that political party. Called an “open primary,” in 2016 all political parties in 20 states conducted state/congressional primaries in this way. During the same year, all parties in 19 states conducted open presidential primaries/caucuses.¹ Currently, Maine has closed primaries where only voters enrolled in a party can vote in that primary. The exception is the Green Independent Party because they choose to open their primaries to Unenrolled voters (registered voters unaffiliated with a party).

¹ Ballotpedia, open primary

Since open primaries allow registered voters to choose any one party's ballot, potentially Democrats, for example, could vote in a Republican or Libertarian primary. This raises concerns about voters strategically casting ballots for a party with which they are not traditionally affiliated. These "crossover" voters might undermine an opposing party to swing the vote toward a weak candidate who would be easier to defeat in the general election or to undermine a potentially popular candidate.¹

An example of attempted "party crashing" occurred in the 2008 presidential primary when talk show host Rush Limbaugh launched "Operation Chaos," encouraging voters to vote for Hillary Clinton in states that held open primaries. He perceived Clinton as the weaker candidate in the election and wanted to "bloody up Obama politically" and prolong the Democratic fight. There are mixed views about whether the attempt to sabotage the vote was successful as illustrated by the Indiana case, where Democrats believe it gave Clinton the advantage but a political scientist at Indiana University, Edward Carmines, believes that it was not a "major factor".² In sum, it remains unclear whether crossover voting has affected past primary outcomes or could affect them in the future.

Surveys show that most primary voters are partisan voters whose views lean toward the party in which they vote in the primary. This appears to be true when comparing the different types of primaries, including closed, open, or semi-open. When California had a system that allowed open primaries in the 1990s,

multiple studies ... found that crossover voting was not widespread and thus failed to influence election outcomes. When voters do cross over, studies have found that most do so to cast their vote in a competitive contest or to vote for a familiar candidate, such as an incumbent or a particularly charismatic newcomer. Studies found no evidence of systemic abuse of the open primary system for the purpose of sabotaging the opposing party.³

Party officials worry that crossover voting could affect the outcome of local elections in open primaries since sometimes just a few votes determine the results. Critics of fully open primaries also argue that they dilute a party's ability to nominate a candidate who reflects the members' core values. Mark Siegel, former Executive Director of the Democratic National Committee and an advocate of partially open primaries allowing Unenrolled voters to participate, recalls why Democrats reverted to closed primaries in the past:

We changed our rules in 1972 to prevent more incidents like that year's Michigan Democratic primary, at which Republicans voted in large numbers for Alabama Gov. George Wallace. Our intent was strategic and honorable: Why should Republicans be allowed to vote to nominate a racist, unelectable Democrat?⁴

Political parties feel that rank-and-file members should have the right to decide who their nominee will be and defend the closed party system by saying that it takes party members to win critical seats. Party

¹ See [Fairvote](#), for a discuss of crossover and strategic voting in open primaries.

² See [MacGillis and Slevin](#) for discussion on Rush Limbaugh's encouragement of crossover voting.

³ [FiscalNote](#), 2014 reviews crossover voting claims, concluding that evidence of affecting primary outcomes is weak.

⁴ [Mark Siegel](#), *Washington Post*, 2011, claims that crossover voting returned Democrats to closed primaries in the 1970s.

leaders appreciate that closed primaries reward loyal party members while providing a motivation for non-party members to enroll in a party.¹

Jon Olson, Co-Chair of the Green Independent Party in Maine said that his party already allows Unenrolled voters to vote in the party's primary without registering as a party member. By inviting them to vote in their primary, the hope is that the Unenrolled voters will decide to join the Green Independent Party.²

"When primaries first started, it was to give the rank and file a say," explains Richard Berg-Andersson, who tracks presidential primaries at the Green Papers. "Loyal party members can resent the idea of someone with no allegiance to the party selecting its most important nominee," he is quoted as saying in an article by VOX News. "The attitude is: We're the ones working hard, licking the envelopes, handing out the brochures."³

But, supporters of open primaries believe that an open system helps form innovative coalitions and keeps debate issues focused on the merits of a candidate and not partisan preferences. "As long as our system of elections incentivizes politicians to play to their partisan base, Washington won't change. It will continue to get worse." said John Opdycke, President of Open Primaries.⁴

Please review and discuss the chart of hypothetical arguments before moving to the CQ 5a & 5b.

Arguments in favor of Open Primaries	Arguments against open primaries
<ol style="list-style-type: none"> 1. Open primaries may attract new people to register as party members 2. Open primaries may help counter partisan gridlock because candidates would have to appeal to a larger portion of the voting public. 3. Open primaries may counter negative campaigns because candidates would have to reach out to people of all parties. 4. Although cases of crossover voting have been documented, studies show that most voters will vote in the primary of the candidate that most closely aligns with their views. 	<ol style="list-style-type: none"> 1. Open primaries may impact a party's ability to nominate a candidate closely aligned with party philosophy 2. Open primaries may discourage loyal party members from taking part in the nominating process 3. While studies do not support crossover voting as a determining factor in big or national primary races, it could affect smaller primaries where outcomes are decided by just a few votes.

¹ See Vox News article by [Jeff Stein](#).

² Study Committee conversation with Jon Olson, Co-Chair of the Maine Green Independent Party, March 2018.

³ See Vox News article by [Jeff Stein](#).

⁴ See opinion piece by [John Opdycke](#), president of Open Primaries.

Consensus Question 5a: What would be the anticipated effect on our principles of allowing all voters to participate in the party primary/caucus of their choice?

Please discuss and circle the group's consensus opinions on anticipated effects below

Principles	Anticipated Effect		
1. Simple and easy to understand	Positive	Negative	Uncertain
2. Verifiable and auditable	Positive	Negative	Uncertain
3. Technically and fiscally feasible	Positive	Negative	Uncertain
4. Allows more voters a voice in candidate selection	Positive	Negative	Uncertain
5. Encourages voter turnout and engagement	Positive	Negative	Uncertain
6. Balances interests of major parties with those of minor parties and independent candidates.	Positive	Negative	Uncertain
7. Allows parties to perform their traditional functions in an effective manner	Positive	Negative	Uncertain

Comments/Clarifications:

Consensus Question 5b: Given your results in the table above, do you agree that any registered voter should have an opportunity to participate in the party primary/caucus of their choice?

- Yes
 No
 Uncertain

Comments/Clarifications:

VIII. Introducing Nonpartisan Primaries

Discussion: A nonpartisan primary creates a system where all candidates appear on the same primary ballot, but only the top vote-getters, regardless of party affiliation, advance to the general election, regardless of their party affiliation. While some states hold nonpartisan primaries for nonpartisan elective offices (e.g., judges, mayors, school board) alongside partisan primaries for other offices, some states have instituted top-two primaries for all non-presidential elective offices.

There are three types of nonpartisan primaries: blanket primaries, top-two and top-four. The blanket primary, formerly used in CA, was challenged by the major political parties and declared unconstitutional in 2000.¹ Top-two primaries are currently used in WA and CA as an alternative to earlier blanket primaries, with modified versions of top-two used in Louisiana and Nebraska.² Top-four primaries have not been tried but are proposed as improvements over two-two primaries.

A top-two primary format uses a common ballot, listing all candidates on the same ballot. In CA each candidate lists his or her party affiliation, whereas in WA, each candidate is authorized to list a party "preference." The top-two vote getters in each race, regardless of party, advance to the general election. It is possible for two candidates belonging to the same political party to win a top- two election. In 2008, the Supreme Court ruled that unlike a blanket primary, Washington's top-two primary does not choose a party's nominees since the top two candidates proceed to the general election without regard to party preference.³

Proponents of nonpartisan top-two primaries believe that they encourage candidates to appeal to a broader range of voters and reduce the likelihood of candidates at either extreme of the political spectrum advancing to the general election. Proponents also think top-two primaries allow for greater involvement of smaller parties on the primary ballot and allow voters to vote for whomever they feel best represents them, without regard to partisan affiliation. If an area is dominated by one party and two candidates of the same party appear on the general election ballot, this system allows supporters of some other party to at least vote for the candidate of the dominant party who represents them best.⁴ Anecdotal evidence in the CA top-two system suggests greater competitiveness in races, fewer incumbents elected, and more bipartisan voting at the state level.⁵ Ballotpedia's study of 2012 State Legislative Electoral Competitiveness found that CA had the most competitive races and Massachusetts, Georgia and South Carolina among the least competitive.⁶

¹ See [Greenhouse 2000](#) for a discussion of the SCOTUS decision declaring blanket primaries unconstitutional because they represent a "stark repudiation of freedom of political association".

² In [Nebraska](#), a top-two primary system is utilized for state legislative elections. Because Nebraska's state legislature is nonpartisan, partisan affiliation labels are not listed alongside the names of state legislative candidates. Although [Louisiana's electoral system](#) is sometimes classified as a top-two primary system, this is not accurate. Louisiana does not conduct true primary elections. Instead, all candidates, regardless of partisan affiliation, run in the general election. If a candidate receives a majority of the votes cast for an office in the general election, he or she wins outright. If, however, no candidate reaches that threshold, a runoff election is held between the top-two vote-getters. Any registered voter can participate in both general and run-off elections.

³ See [Supreme Court Syllabus](#).

⁴ See [Bonnette 2013](#) for more discussion of views by proponents and opponents of top-two primaries.

⁵ See [IVN](#) republication of Open Primaries blog by Stephanie Geier.

⁶ [PR Newswire](#) article about 2012 Ballotpedia's Competitiveness Index.

Despite this optimism about top-two, the limited experience to date suggests that it is very difficult for minor-party candidates to make it to the general election ballot. Opponents to top-two feel that these voices need to be heard in November to be “part of the debate” even if they do not have a chance of winning.¹ There is also a danger that when a large number of candidates from the dominant party compete in the primary, the dominant party could be defeated by vote splitting, so that only representatives of the less preferred party appear on the general election ballot. This means that the majority of voters have no one to vote for who represents their values.² Others suggest that top-two primaries create too many opportunities for nasty, negative campaigns during the general election.³

Other critiques of nonpartisan primaries are that they weaken the organizational and vote getting capacity of political parties, particularly in the general election. Major political parties also do not like nonpartisan top-two primaries because they see same-party contests in the general election as a drain on party resources.

Empirical evidence on the effects of nonpartisan primaries is limited and often contradictory so it is difficult to substantiate or to refute the claims of proponents and opponents. One reason for this is that there have not been many top-two election cycles to study. Another reason is that indicators of primary performance (e.g., turnout, polarization, and participation by independents and minor parties) are subject to influence by other events, so it is often difficult to determine if changes are related to the implementation of top-two or not.⁴

Despite the difficulties of measuring impacts, there is evidence that California’s 2012 non-presidential primaries were the most competitive in the U.S. (Ballotpedia competitiveness index of 57.27 compared to the average index of 36.9).⁵ Maine ranked 9th in 2012, up from 14th in 2010.th⁶ In terms of turnout, California’s first experience with the top-two election system in 2012 surprised many because turnout was the second lowest on record (31% in the graph below⁷), probably because the presidential primaries were not in doubt.⁸ Although turnout has since increased, it has not topped most of the years for which data are shown in the graph below. Although an increase in overall turnout is not confirmed by available analyses, there is evidence that more independent voters have participated since top-two was introduced.⁹ Younger (18- to 24-year-old) voters and Latinos also participated in the 2016 primaries at a higher rate than they had previously.¹⁰

¹ See [Bonnette 2013](#) above

² See [LWVME 2015](#) testimony about top-two and also [Meyers](#) in the LATimes, March 19, 2018.

³ See, for example, [Walters](#), 12/28/14 in the Sacramento Bee.

⁴ See [McGhee, et al.](#) April 2014 for a discussion of the difficulty of evaluating impacts of changes in primary types.

⁵ See [Ballotpedia 2012](#) for results and a description of factors taken into account in calculating the index.

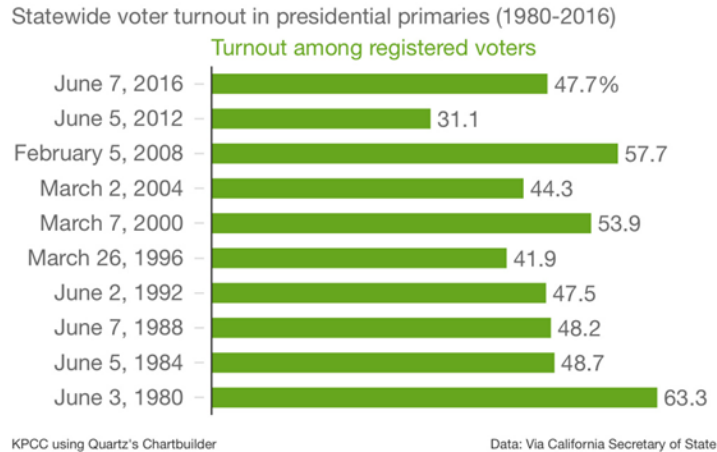
⁶ See [Ballotpedia 2012](#) for competitiveness results for Maine in 2010 and 2012.

⁷ Graph from [Plummer](#) 2017 using California Secretary of State data.

⁸ See [McGhee, et al.](#)

⁹ [McGhee](#), May 2014.

¹⁰ See [Mitchell](#) in Capitol Weekly, stating that Latinos represented 20% of the 2016 primary electorate and 58% of 18-24 year olds participated, up from 54% in 2012 and from 8% in the 2014 gubernatorial race.



In response to dissatisfaction with the experience of top-two primaries, the nonpartisan top-four has been proposed¹ but not tested. In this scenario, the top-four vote getters, whatever their party, go on to the general election from a single, nonpartisan primary. The top-four primary—like the top-two—allows more than one candidate from a single party to appear on the general election ballot. Supporters believe that top-four primaries will increase the chances for candidates from smaller parties to advance to the general election and reduce the possibility of there being multiple candidates from a single party. The hypothesis is that it will give voters in the general election more choice, but the premise remains untested.

One issue with the top-four is that having four candidates on the general election ballot could contribute to more cases of “plurality” winners rather than “majority” winners. For this reason, supporters of top-four often call for it in combination with ranked choice voting (RCV), which ensures a “majority” winner.² In a 2014 Conference on Electoral System Reform in the United States organized by The Center on Democracy, Development and the Rule of Law at Stanford University, the combination of top-four and RCV was one of many proposals for improvements suggested by conference participants.³

¹ See, for example, [Gehl & Porter 2017](#).

² See [Richie 2015](#) and the glossary for an explanation of RCV. The process works similarly for most primary elections, but not top-two or top-four primaries.

³ See [Kuo 2014](#) for the conference report which describes how the American electoral process differs from those in other democracies (e.g., no central administration, gerrymandering, Electoral College) and suggests a number of possible reforms to improve the American electoral system.

Consensus Question 6a: What would be the anticipated effect on our principles of introducing nonpartisan primaries that are open to all voters?

Principles	Anticipated Effect		
1. Simple and easy to understand	Positive	Negative	Uncertain
2. Verifiable and auditable	Positive	Negative	Uncertain
3. Technically and fiscally feasible	Positive	Negative	Uncertain
4. Allows more voters a voice in candidate selection	Positive	Negative	Uncertain
5. Encourages voter turnout and engagement	Positive	Negative	Uncertain
6. Balances interests of major parties with those of minor parties and independent candidates.	Positive	Negative	Uncertain
7. Allows parties to perform their traditional functions in an effective manner	Positive	Negative	Uncertain

Comments/Clarifications:

CQ 6b-d on following pages

Consensus Question 6b: Given responses to 6a, would nonpartisan primaries represent a net improvement over the continuation of any type of partisan primary?

Please review and discuss the table below listing the perceived advantages and disadvantages of top-two and top-four primaries before responding.

- Yes No Uncertain

Comments/Clarifications:

	Perceived advantages	Perceived Disadvantages
Top-two Primary	<ol style="list-style-type: none"> 1. Voters can vote for whom they want. 2. Encourages candidates to appeal to a more general electorate. 3. Gives voice and limited leverage to third parties in the initial vote because candidates must appeal to a broad spectrum of voters. 4. Increases competition by diminishing the advantage incumbents have. 5. Opens the doors for coalitions among voters from different groups. 6. May diminish partisanship in lawmaking. 	<ol style="list-style-type: none"> 1. Allows for the possibility of both candidates' being from a single party. 2. Independent or write-in candidates cannot be added to the general election ballot.¹ 3. May encourage strategic voting.² 4. Narrows the range of candidate voices in the general election. 5. May contribute to negative campaigning in the general election if the two candidates do not have significant policy differences. 6. May encourage the parties to "pre-select" their primary candidates to avoid vote-splitting.
Top-four Primary	<ol style="list-style-type: none"> 1. Same perceived advantages as Top-two. 2. Four candidates advance to the general election, providing more choices to voters. 3. Chances for candidates from smaller parties to move to the general election better than for top-two. 4. Provides greater electorate representation. 5. May improve competition in elections compared to top-two. 	<ol style="list-style-type: none"> 1. This format is untested. 2. Could require changes in voting/counting equipment. 3. Could lead to a plurality winner if there were no provision for a runoff election or ranked choice voting.

¹ See McGhee, May 2014 for a discussion of this situation in California. He feels that *given the partisan and demographic biases of the primary electorate and the aggressive way in which the top-two primary winnows the field, it would seem prudent to have some option for a candidacy that could serve as a safety valve in the case of strange or unexpected outcomes in the primary* (e.g. independent or write-in candidates).

² See [LWVWA Education Fund](#), pages 33-34 for a discussion of sincere vs. strategic voting and [Cherry and Kroll, 2003](#) for a simulation study of strategic voting impacts.

Consensus Statement 6c: If your group agreed in 6b that a nonpartisan primary would be an improvement over any type of partisan primary, which of the following nonpartisan primary methods does your group think would be best for Maine?

Please review and discuss the table above of perceived advantages and disadvantages of the different primaries before responding.

- Top-two (WA and CA for congressional & state primaries)
- Top-four (Not currently used anywhere)

Comments/Clarifications:

Consensus Statement 6d: If your group disagreed in 6b that a nonpartisan primary would be an improvement over all types of partisan primaries, which of the following partisan primary methods does your group think would be best for Maine?

Please review the perceived advantages and disadvantages covered in Section VII on “Evaluating Degrees of Openness for Maine Primaries” if necessary before responding.

- current system of partisan (party) primaries where each party selects its own candidates with limited opportunity for non-party members to participate
- semi-open partisan primaries where Unrolled voters can participate in the party primary of their choice
- fully open partisan primaries where every registered voter can vote in the party primary of their choice

Comments/Clarifications:

Annotated Bibliography

- Ballotpedia.com. "Blanket Primary." No Date. https://ballotpedia.org/Blanket_primary website accessed 3/21/18.
- Ballotpedia.com. "Closed Primary." No Date. https://ballotpedia.org/Closed_primary#cite_ref-quotedisclaimer_13-0 Accessed 3/18/18. This site has generally good information on the extent of closed primaries (e.g., listing of states and summary of current legislation), opinions (not study results) about pros and cons of closed primaries, and a list by state of pending legislation to change primary laws.
- Ballotpedia.com. "Competitiveness in Maine State Legislative Elections." https://ballotpedia.org/2012_competitiveness_in_Maine_state_legislative_elections . Accessed 4/4/18.
- Ballotpedia.com. "Open Primaries." No Date. https://ballotpedia.org/Open_primary. Accessed 3/27/18.
- Ballotpedia.com, "Primary Elections in Louisiana." No Date. https://ballotpedia.org/Electoral_systems_in_Louisiana Accessed 3/29/18.
- Ballotpedia.com. "Primary Elections in Nebraska." No Date. https://ballotpedia.org/Primary_elections_in_Nebraska Accessed 3/29/18.
- Ballotpedia.com. "Top-two Primary." No Date. https://ballotpedia.org/Top-two_primary .Accessed 3/29/18.
- Berardelli, Vic. "How Maine can have a fair presidential primary that's not too expensive." *Bangor Daily News*, April 3, 2016. <http://bangordailynews.com/2016/04/03/the-point/how-maine-can-have-a-fair-presidential-primary-thats-not-too-expensive/> . Accessed 3/27/18. Offers ideas on how to keep the cost of primaries down if Maine switches from presidential caucuses to primaries.
- Boatright, Robert G., ed. *Routledge Handbook of Primary Elections* (chapter six). Routledge Handbooks, 2018. https://books.google.com/books?id=vT1MDwAAQBAJ&pg=PT285&lpg=PT285&dq=crossover+voting+does+it+occur?&source=bl&ots=takw9qgW4L&sig=gDOcLZ_gyS9xgq55YIYDH5gruGg&hl=en&sa=X&ved=0ahUKEwjK2qmfHZA hUE4VMKHVL3AN44HhDoAQgoMAA#v=onepage&q=crossover%20voting%20does%20it%20occur%3F&f=false . Accessed 03/21/18.
- Bonnette, Edward. "Nonpartisan Primaries vs. Open Primaries: Fundamentally Different. IVN.com, December 13, 2013. <https://ivn.us/2013/12/13/independent-voter-network-ivn/> . Accessed 3/29/18.
- Bui, Quoc Trung. The Green Papers: The Secret Duo Guiding the Delegate Count. *New York Times*. May 6, 2016. <https://www.nytimes.com/2016/05/07/upshot/the-secretive-duo-guiding-the-delegate-count.html> . Accessed 4/14/18.
- Burke, Amy. "Party Decline." *The American Prospect*. 1998. <http://prospect.org/article/party-decline> . Accessed 4/14/18. Discusses decline of political parties in 1998 with focus on what was happening to primarily to liberal party structures.
- Cherry, Todd L. and Stephan Kroll. "Crashing the Party: An Experimental Investigation of Strategic Voting in Primary Elections." *Public Choice*, Volume 114, Issue 3–4, pp 387–420, March 2003. <https://link.springer.com/article/10.1023%2FA%3A1022637002301> . Accessed 3/20/18. Interesting experimental study (i.e., not based on empirical election data) on potential impacts of strategic voting.
- Cousins, Christopher and Michael Shepherd. "What the caucuses reveal about Maine Politics in 2016." *Bangor Daily News*, March 7, 2016. <https://bangordailynews.com/2016/03/07/the-point/what-the-caucuses-reveal-about-maine-politics-in-2016/> . Accessed 3/27/18. Has 2016 turnout data and analysis of caucus results for each party.
- DeGregario, Paul and Adam Ambrogio. "The 5 Principles of Integrity in Elections." *Governing.com*, February 29, 2016. www.governing.com/gov-institute/voices/col-5-principles-integrity-election-administration.html . Accessed 3/29/18. Authors note that well prepared standards, guidelines, and policies are of limited value in comparison to the personal ethics of election administrators and the culture of their administrations. Election officials play an important role in communicating with voters and stakeholders to avoid misperceptions of bias. A majority of election officials are appointed on a partisan basis.
- Fahey, Mark. "Why Trump wins: Open primaries, maybe?" *CNBC*, March 16, 2016. <https://www.cbc.com/2016/03/16/why-trump-wins-open-primaries-maybe.html> . Accessed 3/21/18.

- FairVote.org. "Primaries." No Date. http://www.fairvote.org/primaries#open_and_closed_primaries . Accessed 03/21/18.
- FiscalNote.com. "Why Democrats can vote in Republican primaries...sometimes." July 7, 2014. <https://fiscalnote.com/2014/07/07/why-democrats-can-vote-in-republican-primaries-sometimes/> Accessed 03/21/18.
- Gallup News. Party Affiliation. <http://news.gallup.com/poll/15370/party-affiliation.aspx> . Accessed 3/30/18. Survey by survey listing of Gallup poll data on party affiliation surveys since 2004.
- Gehl, Katherine M. and Michael E. Porter. "Why Competition in the Politics Industry is Failing America." Harvard Business School, 2017. <https://www.hbs.edu/competitiveness/Documents/why-competition-in-the-politics-industry-is-failing-america.pdf> . Accessed 3/21/18. Equates our current political system to a duopoly where all the power is held by the two major parties and they collaborate to keep it that way. Covers many topics, but most relevant to primaries is the call for a top-four nonpartisan primary.
- Geier, Stephanie. "5 Early Successes of California's Nonpartisan Open Primary" published by Independent Voter Network on 10/26/17 <https://ivn.us/2017/10/26/5-early-successes-californias-nonpartisan-open-primary/> but originally appeared as an Open Primaries blog. Accessed 4/18/18.
- Graham, Gillian. "Portland Democratic Leaders Criticized for Caucus Debacle". 3/7/16. *Portland Press Herald*. <https://www.pressherald.com/2016/03/07/portland-democratic-leaders-criticized-for-caucus-debacle/> Accessed 3/30/18.
- Greenhouse, Linda. "The Supreme Court: Freedom of Association; Court Strikes Down California Primary Placing All Parties on a Single Ballot." *The New York Times*, June 27, 2000. <http://www.nytimes.com/2000/06/27/us/supreme-court-freedom-association-court-strikes-down-california-primary-placing.html> . Accessed 3/20/18. This 7-to-2 decision based on "freedom of association rights" declared California's "blanket" primary unconstitutional and cast serious doubt on the more common open primary, in use in more than half the states, in which any registered voter can request a particular party's primary ballot.
- Gripp, Andrew. "An Independent's Case against Open Primaries." Independent Voter Network (IVN.com). May 4, 2016. <https://ivn.us/2016/05/04/independents-case-open-primaries/> . Accessed 3/20/18. Argues that citizens (e.g., independents) should not impose on parties their supposed right to help determine the parties' nominees because it both violates these private groups' freedom of association and because it will cause voters (and "outsider" candidates) to be drawn in and co-opted by the very entities they have chosen not to join in the first place.
- Gripp, Andrew. "2016 Primary Results Indicate Many Independents Are Not Moderates." May 23, 2016 (blog). <https://andrewgripp.wordpress.com/2016/05/23/2016-primary-results-indicate-many-independents-are-not-moderates/> . Accessed 3/20/18. Cites studies showing that allowing independents to vote in primaries leads to more extreme rather than more moderate candidates.
- Harvey, Barbara Campbell. Notes from Harvey discussion with V. Kelly, March 27, 2018.
- Hirano, Shigeo and James M. Snyder Jr. "Primary Elections and the Quality of Elected Officials." *Quarterly Journal of Political Science* 9(4) · December 2014. Prepublication copy available at: https://scholar.harvard.edu/files/jsnyder/files/primaries_quality_postwar_gjps2.pdf . Accessed 3/29/18. Hirano and Snyder argue that the value of primaries is underestimated in the literature because of the focus on overall average effects. They present evidence that primary elections are especially competitive for the advantaged party where one party has the clear advantage. Since so many districts nationally are dominated by one party, they argue the impact may be on producing higher quality candidates.
- Hirano, Shigeo and James M. Snyder Jr. "The Direct Primary and Candidate-Centered Voting in the U.S.". May 2012. Draft paper in process. http://www.columbia.edu/~sh145/papers/primaries_personal_vote.pdf . Accessed 4/12/18. The authors document a strong correlation between the use of primaries and the transition from "party-based" voting to "candidate-oriented" voting in U.S. statewide elections, noting that the transition began shortly after the introduction of direct primaries but grew in the 1960s. Direct primaries are also associated with increases in split ticket voting, considered an indication of "candidate-centered" rather than "party-centered" elections.
- Kamarck, Elaine C. "Increasing Turnout in Congressional Primaries." Brookings Institute. July 2014. <https://www.brookings.edu/research/increasing-turnout-in-congressional-primaries/> . Accessed 3/20/18. Argues

that type of primary (open/closed) does not increase turnout. Proposes a national primary day to increase interest and turnout so that primaries approximate general election turnout and thus prevent ideologues and extremists from taking over the congressional nominating processes.

- Kuo, Didi. "Electoral System Reform in the United States." Center on Democracy, Development, and the Rule of Law, June, 3, 2014. http://cddrl.fsi.stanford.edu/sites/default/files/electoral_system_report.pdf . Accessed 03/21/18.
- League of Women Voters Boulder County, CO. LWVBC Voting Methods Report: Voting Methods in Colorado and Beyond. Fourth Edition, April 2017. <https://docs.google.com/viewer?a=v&pid=sites&srcid=bGVhZ3Vlb2Z3b21lbnZvdGVycy5vcmd8Y2xlyXJpbmdob3VzZXxneDoyYjNkOGZhNDFIMTlzZGMx> . Accessed 3/30/18.
- League of Women Voters of Florida (LWVFL). "Florida League of Women Voters Open Primary Study Report." February 2017. https://www.lwvfl.org/wp-content/uploads/2017/07/2017-02-10_Master-Study-Report-FINAL-100pages.pdf . Accessed 3/20/18. Contains good discussion of factors causing low turnout in primaries (pg. 10-19), ways to address them, and "impossibility" of measuring turnout impact of election system changes. Relevant to the Maine Study Committee's selected evaluation criteria and all consensus questions.
- League of Women Voters of Florida (LWVFL). "Florida League of Women Voters Open Primary Study Kit." March 4, 2017. https://www.lwvfl.org/wp-content/uploads/2017/07/StudyKit-2017-03-04_Update-FINAL.pdf . Accessed 3/20/18.
- League of Women Voters of Maine (LWVME). Convention program for May 19-29, 2017.
- League of Women Voters of Maine (LWVME). "Testimony delivered by Ann Luther before the Joint Standing Committee on Veteran's and Legal Affairs on LD 720: An Act to Establish an Open Primary System in the State." April 1, 2015. http://www.lwvme.org/files/LD_720_Top_Two.pdf . Accessed 4/18/18. Testimony is neither for nor against but compares potential impacts of open/top-two primaries to the introduction of ranked choice voting.
- League of Women Voters of Maine (LWVME). "Testimony delivered by Polly Ward before the Joint Standing Committee on Veteran's and Legal Affairs on LD 78 An Act to Permit Unenrolled Voters to Cast Ballots in Primary Elections," February 7, 2017. http://www.lwvme.org/files/LD_78_Open_Primarys_2017-02-07.pdf . Accessed 03/21/18.
- League of Women Voters of Ohio (LWVOH). "Primary Election Systems Study, 2015-1017: Study Guide". No Date. <https://drive.google.com/file/d/1RQOC41y1UftF6uVgzzWBUa1tSiGoNqxF/view> . Accessed 4/18/18.
- League of Women Voters of Oregon (LWVOR). "Election Methods Study Update: 2016". <http://lwvor.org/study-archives/election-methods-study-update-2016/> . Accessed 4/18/18.
- League of Women Voters of Pennsylvania (LWVPA). "Election Law Review and Update." Adopted by LWVPA State Convention, June 7, 2015. <http://www.palwv.org/wp-content/uploads/2016/08/Election-Law-Review-and-Update-Study-Guide.pdf> . Accessed 3/29/18.
- League of Women Voters of Washington (LWVWA). "An Evaluation of Major Election Methods and Selected State Election Laws," Fall 2000. <https://leagueofwomensvotersofwashington.wildapricot.org/resources/Pictures/emstudy.pdf> . Accessed 3/23/18. Good background information on full range of election issues throughout the U.S., with a focus on what has happened in WA. Two page discussion of presidential primaries on pages 39-40.
- MacGillis, Alec and Peter Slevin. "Did Rush Limbaugh Tilt the Result in Indiana?" *The Washington Post*, May 8, 2008. <http://www.washingtonpost.com/wp-dyn/content/article/2008/05/07/AR2008050703932.html> . Accessed 3/27/18.
- Maine Secretary of State. "Report Regarding the Establishment of a Presidential Primary System in Maine." Report to the 128th Legislature. 12/1/17. <https://www.maine.gov/sos/cec/elec/reports/documents/presprimaryreport17.pdf> . Accessed 4/14/18. Detailed discussion of LD 1673 implementation issues, with focus on setting dates and fiscal issues.
- Maine Secretary of State. "Voter Demographics Data." no date. Available as electronic data on disc from the Secretary of State's office upon request. <https://www.maine.gov/sos/cec/elec/cvrdatarequest.doc>

- Maine Secretary of State. “State of Maine Voter Guide.” <http://www.maine.gov/sos/cec/elec/voter-info/voterguide.html> . Accessed 4/14/18. Provides a sample [copy](#) of Maine’s voter registration card and [instructions](#) for registering.
- Maine State Legislature. “Citizen Initiated Legislation, 1911-Present.” <http://legislature.maine.gov/lib/ldl/citizeninitiated/index.html> . Describes 1911 legislation to introduce direct primaries in Maine (S.D. 75—An Act to Provide for Nomination of Candidates of Political Parties by Primary Elections) and an unsuccessful 1927 effort to repeal it.
- McGhee, Eric. “Voter Turnout in Primary Elections.” Public Policy Institute of California. May 2014. http://www.ppic.org/content/pubs/report/R_514EMR.pdf . Accessed 3/20/18. Discusses difficulty of showing a link between turnout and type of primary and reports on research in California after top-two introduced. Notes that primary turnout is driven far more by the dynamics of individual candidate races and the presence or absence of initiatives on the ballot than turnout in general elections.
- McGhee, Eric, et al. “A Primary Cause of Partisanship? Nomination Systems and Legislator Ideology.” *American Journal of Political Science*, Volume 58, Issue 2, pages 337-351, April 2014. <https://bshor.files.wordpress.com/2008/09/mcghee-masket-shor-rogers-mccarty-2013-a-primary-cause-of-partisanship.pdf> . Accessed 3/20/18. Finds that (1) the *openness of a primary election has little, if any, effect on the extremism of the politicians it produces* and (2) *when parties are strong, they’ll continue to rule regardless of how open the primary system is*. Does not address the issue of smaller parties, such as the Green Independent Party in Maine, which apparently considers allowing Unenrolled voters to participate a “strengthening” factor.
- Miller, Kevin. “Caucuses vs Primaries – Maine Lawmakers to Debate a Change this Week, Portland Press Herald, 3/28/16. <https://www.pressherald.com/2016/03/28/caucuses-vs-primaries-maine-lawmakers-to-debate-a-change-this-week/> . Accessed 4/18/18.
- Miller, Kevin. “Maine Party Leaders Call for Presidential Primaries”. 3/7/16. *Portland Press Herald*. <https://www.pressherald.com/2016/03/07/maine-party-leaders-call-for-presidential-primaries/> Accessed 3/30/18.
- Mistler, Steve. “Maine Lawmakers Consider Two Bills to Bring Independents Into Primaries” In *Portland Press Herald* 4/2/15. <https://www.pressherald.com/2015/04/01/maine-lawmakers-consider-2-bills-to-bring-independents-into-primaries/> . Accessed 4/18/18.
- Mistler, Steve. “Ron Paul in Maine: Delegates in hand, but trouble afoot?” *Portland Press Herald*, May 6, 2012. <https://www.pressherald.com/2012/05/06/delegate-fight-snowe-lepage-today-at-convention/>. Accessed 4/18/18.
- Mitchell, Paul. “The lowdown on California’s election.” *Capitol Weekly*, February 20, 2017. <http://capitolweekly.net/ca120-lowdown-california-election/> . Accessed 3/21/18.
- Moretto, Mario. “Should Maine’s roughly 368,000 independents be allowed to vote in primaries?” *Bangor Daily News*, April 1, 2015. <https://bangordailynews.com/2015/04/01/the-point/should-maines-roughly-368000-independents-be-allowed-to-vote-in-primaries/> . Accessed 3/20/18. Excellent and short intro to the topic of Unenrolled voters. Has references to past experience in U.S. and discusses relevance of the issue to Maine.
- Myers, John. “California’s free-for-all primary election rules could surprise everyone in 2018 ... again.” *Los Angeles Times*, March 19, 2018. <http://www.latimes.com/politics/la-pol-ca-top-two-primary-changes-analysis-20180319-story.html> . Accessed 4/18/18. Describes a variety of problems confronting CA’s top-two primary system in 2018, suggesting that top-two cannot work as anticipated in a two-party system.
- National Conference of State Legislatures. “State Primary Election Systems,” 2017. http://www.ncsl.org/documents/Elections/Primary_Types_Table_2017.pdf . Accessed 3/21/18.
- National Conference of State Legislatures. “State Primary Election Types.” July 21, 2016. <http://www.ncsl.org/research/elections-and-campaigns/primary-types.aspx> . Accessed 3/20/18. Website offers definitions of different terms related to conducting primaries and classifications of states by their primary type.
- Olson, Jon. Personal communications between Olson, Co-Chair of the Green Independent Party of Maine, and the Study Committee. March 2018.

- Opdycke, John. "Want to fix American politics? Open up the primaries." *The Hill*, June 27, 2017. <http://thehill.com/blogs/pundits-blog/civil-rights/339704-want-to-fix-american-politics-open-up-the-primaries> Accessed 3/27/18.
- Openprimaries.org. "Open Primaries and Mainers for Open Elections Poll Results." March 2017. https://www.openprimaries.org/maine_poll Accessed online 3/20/18. Results of a poll conducted in Maine on attitudes about the conduct of primaries; supports allowing Unenrolled to vote in primaries.
- Openprimaries.org. "State by State." No Date. https://www.openprimaries.org/primaries_by_state . Accessed 3/20/18. Website has maps showing openness of primaries by state for both presidential and other primaries. Also includes information on recent/pending legislation.
- Openprimaries.org. "The History of the Open Primaries Movement." No Date. <https://www.openprimaries.org/history> Accessed 03/21/18. A timeline from early 1900s to 2015 of attempts to change primary systems across the US, with a summary description of changes attempted at state and federal level and court cases.
- Parlapiano, Alicia and Adam Pearce. "Only 9% of America Chose Trump and Clinton as the Nominees." *The New York Times*, August 1, 2016. <https://www.nytimes.com/interactive/2016/08/01/us/elections/nine-percent-of-america-selected-trump-and-clinton.html> . Accessed 03/21/18. An interactive NYT website with a good illustration of how few citizens participate in primaries. Could be used to launch discussions in local units.
- Patch, B. W. "Decline of the presidential primary." *Editorial research reports* 1932 (Vol. I). Washington, DC: CQ Press. Retrieved from <http://library.cqpress.com/cqresearcher/cqresrr1932030300> . Accessed 4/4/18. Note: This link goes to the intro section of the report. For a full copy, try a Google search on the title of the report and select one of the links offered by Google. Detailed description of growing opposition to presidential primaries in the 1920s and early 1930s and reasons for states repealing the legislation.
- PEW Charitable Trust. "2008 Primary in Review." July 2008. <http://www.pewtrusts.org/en/research-and-analysis/reports/2008/07/24/2008-primary-in-review> . Accessed 3/20/18. Page 19-20 discusses open vs closed primaries from perspective of issues encountered in 2008 election. Includes problems of voter confusion, but contradicts that point, reporting that closed primaries caused greater confusion.
- Plummer, Mary. "Five Weeks Later California's Primary Results Officially Official." 7/18/16. <https://www.scp.org/news/2016/07/18/62624/five-weeks-later-california-s-primary-results-offi/> . Accessed 4/4/18.
- PR Newswire.com. "California Leads Nation with Most Competitive Elections." <https://www.prnewswire.com/news-releases/california-leads-nation-with-most-competitive-elections-massachusetts-finishes-last-169163516.html> . Accessed 4/18/18. Brief description of Ballotpedia's 3rd annual State Legislative competitiveness study.
- Rauch, Jonathan and Benjamin Wittes. "More professionalism, less populism." Center for Effective Public Management, Brookings Institute. May 2017. <https://www.brookings.edu/wp-content/uploads/2017/05/more-professionalism-less-populism.pdf>. Accessed 3/20/18. Reports information relevant to understanding role of political parties and impacts of election reforms on them, "... successive waves of political reforms have increased the role of popular participation...; [but] the political parties' establishments went into a long, continuing decline."
- Richie, Rob. "Top-four Primary Ranked Choice Voting for U.S. House Elections." National Democracy Slam, 4/22/15. https://d3n8a8pro7vhmx.cloudfront.net/fairvote/pages/3063/attachments/original/1449959778/1_Rob_Richie_Top_Four_Primary_Ranked_Choice_Voting_for_US_House_Reform.pdf?1449959778 . Accessed 3/29/18.
- Root, Danielle, Liz Kennedy, Michael Sozan, and Jerry Parshall. "Election Security in all 50 States." Center for American Progress report. Posted on February 12, 2018. <https://www.americanprogress.org/issues/democracy/reports/2018/02/12/446336/election-security-50-states/> . Accessed on 4/6/2018. Presents an update on election security following allegations of hacking during the 2016 elections.
- Savage, Jason. Primary Study Committee email exchange with Jason Savage, Executive Director of Maine Republican Party, 4/11/2018.
- Siegel, Mark. "How Closed Primaries Further Polarize Our Politics." Washington Post. 9/2/2011. <https://www.washingtonpost.com/opinions/how-closed-primaries-further-polarize-our->

- [politics/2011/09/02/gIQARBPb2J_story.html?utm_term=.fd795c387856](#) . Accessed 4/5/2016. Views of former Executive Director of the Democratic National Committee on challenges of open vs closed primaries.
- Smith, Steven S. and Melanie J. Springer. "Choosing Presidential Candidates." *Reforming the Presidential Nominating Process*, Brookings Institute, 2009. https://www.brookings.edu/wp-content/uploads/2016/07/reformingthepresidentialnominationprocess_chapter.pdf . Accessed 3/23/18. Provides a general history of presidential nominating process in U.S. and focuses on proposals for improving the process by changing the timing of the various caucuses and primaries.
- State of Maine. "Maine Revised Statutes, Title 21-A: ELECTIONS." No Date. <http://legislature.maine.gov/statutes/21-A/title21-A.pdf> . Accessed 3/20/18. This is the full text of Maine's election laws.
- Stein, Jeff. "Bernie Sanders says Democrats should get rid of closed primaries. Is he right?" Vox News, April 28, 2016. <https://www.vox.com/2016/4/28/11469468/open-primarys-closed-primarys-sanders> . Accessed 3/27/18.
- Supreme Court of the United States (SCOTUS). Syllabus: Washington State Grange V. Washington State Republican Party et al. Certiorari to the United States Court Of Appeals For The Ninth Circuit, No. 06–713. Argued October 1, 2007—Decided March 18, 2008. <http://www.scotusblog.com/wp/wp-content/uploads/2008/03/06-713.pdf> . Summary and text of a SCOTUS decision that found in favor of the top-two primary used in WA as a replacement for WA's prior blanket primary.
- "The future of the direct primary". Editorial research reports, 1926 (Vol. III). Washington, DC: CQ Press. Retrieved from <http://library.cqpress.com/cqresearcher/document.php?id=cqresrre1926091100> Note: this link requires a subscription to access the full article BUT if you google the title, *The Future of the Direct Primary*, you may be able to get the full article without subscription access. The article reviews the pros/cons of primaries from a 1926 perspective, which is surprisingly similar to pros/cons discussed today.
- TheGreenPapers. "Use of the DIRECT PRIMARY in the several States of the Union since 1912". No date. <https://www.thegreenpapers.com/Hx/UseOfTheDirectPrimary.phtml> . Accessed 3/30/18.
- Thistle, Scott. "Caucus lines renew interest in restoring Maine primary." *Bangor Daily News*, March 7, 2016. <http://bangordailynews.com/2016/03/07/politics/caucus-lines-renew-interest-in-restoring-maine-primary/> . Accessed 3/28/18. Explains how movement back to primaries came after confusion over 2016 caucuses.
- Thistle, Scott. "Change to close primary could cost Maine taxpayers more than \$1M." *Bangor Daily News*, March 28, 2016. <https://bangordailynews.com/2016/03/28/news/change-to-closed-primary-could-cost-maine-taxpayers-more-than-1-million/> . Accessed 3/27/18. Discusses need to pay for primaries from public funds and the budget implications.
- Verified Voting Foundation, Inc, "How Will My Vote Be Counted", 2017. <https://www.verifiedvoting.org/> . Accessed 4/4/2018. Verified Voting provides resources that allow you to find what voting equipment is used in each State, how the equipment works and laws and regulations in place across the country to promote transparent and verifiable elections.
- Walters, Dan. "Opinion: California's 'top-two' primary has major impact." 12/28/14 in *Sacramento Bee*. <http://www.sacbee.com/news/politics-government/politics-columns-blogs/dan-walters/article5094444.html> Accessed 4/18/18. A blog reviewing opinions on impact of top-two primaries in California.
- Wikipedia.org. "Crossover Voting." Last edited August 14, 2017. https://en.wikipedia.org/wiki/Crossover_voting. Accessed 3/21/18.
- Wikipedia.org. "United States presidential election in Maine, 2012, Part 3. Republican Caucuses." https://en.wikipedia.org/wiki/United_States_presidential_election_in_Maine,_2012#Republican_caucuses Accessed 3/30/18.
- Zang, Chenwei. "Towards a More Perfect Election: Improving the Top-Two Primary for Congressional and State Races." *Ohio State Law Journal*. Vol 73:3. 2012. 615-649. <http://moritzlaw.osu.edu/students/groups/oslj/files/2012/05/73.3.Zhang.pdf> . Accessed 4/18/18.
- Zócalo Public Square. "Do We Really Need Campaign Finance Reform?" *Time Magazine*. January 19, 2016. <http://time.com/4182502/campaign-finance-reform/> . Accessed 4/18/18. A collection of different people's views on what is needed with respect to campaign finance legislation.