

LEAGUE OF WOMEN VOTERS OF OHIO
PRIMARY ELECTION SYSTEMS STUDY, 2015-2017

STUDY GUIDE

Study Committee:

Co-Chairs: Dianne Hermann and Lynda Mayer

Members:

Maryann Barnes
Nancy and Robert Brown
Dot Christenson
Ann Henkener
Ellsworth Holden
Lee McLaird
Audrey Morris
Becky Thomas
Mary Warren

(Local Leagues: Athens, Bowling Green, Cincinnati Area, Greater Cleveland,
Metropolitan Columbus, and Greater Dayton Area)

STUDY GUIDE: LWV OHIO STUDY OF PRIMARY ELECTION SYSTEMS

A BRIEF HISTORY OF PRIMARY ELECTIONS IN THE U. S.

The direct primary as we know it today was a reform instituted by the Progressive Movement in the early 20th Century, whose main objective was eliminating corruption in government. Until the establishment of the direct primary, political party candidates were chosen by political machines in closed-door meetings and at political conventions, outside of the purview of the voting public. To overcome the monopoly of party bosses, Progressives aimed to introduce competition and popular choice into the selection of party nominees.

In 1903, Robert LaFollette, the progressive Republican governor of Wisconsin, is credited with passing the first law that established statewide direct primaries. The Reverend Herbert Bigelow of Cincinnati was instrumental in gaining passage of the direct primary in Ohio, which became law in 1906. This law required a primary election for candidates running for congressional, state, county, and local office. By the end of the Progressive Era at the entry of the United States into World War I in 1917, 32 of the then 48 states had implemented direct primaries for party nominees for state offices. By the 1960's, all states had started to use the direct primary.

Early on, however, it became apparent that the direct primary might have negative consequences as well, as it began to reduce the influence of political parties in American politics. Opposition of politicians to this reform emerged in the 1920's, but efforts to repeal or restrict the direct primary were largely unsuccessful. Interestingly, it was the inclusion of women into the electorate in the 1920's that stymied attempts at repeal, because women voters saw such a move as reinforcing a political style of male-dominated, "smoke-filled rooms."

In its earliest years, the reform worked for the most part as anticipated, even in areas of one-party dominance, because primaries tested public officials as they ran for election. But, by the end of World War II, the effectiveness of the primary to increase competition in elections had been greatly reduced. By reducing the influence of political parties and partisan loyalties, the power of incumbency grew, which eventually weakened competition in both the primary and general election. By the 1960's, with changes in campaign technology such as television and computer analyzed opinion polls, elections became more candidate-centered, and the influence of parties as political intermediaries was further diminished. This trend has increased even more with social media and the 24-hour news cycle on cable TV.

New forms of state primaries even less conducive to party control have been introduced. In the 1970's, Louisiana introduced a single "primary," in which all candidates of all parties are listed. We have put "primary" in quotes because this can be considered as a more elaborate general election system rather than a primary in the strict sense of the term. If no candidate secures 50 percent of the total vote, there is a runoff election between the two leading candidates, who might even be candidates from the same party. Washington and Alaska experimented with the "blanket primary," a single ballot with candidates from all parties. Voters could vote for only one

party's candidates in a race for any single office, but could choose to vote in a different party's primary contest for another office. The top vote receiver from each party became that party's nominee for that race in the general election. In 2000, the U. S. Supreme Court ruled this to be unconstitutional, because it violated a political party's right to freedom of association. Washington subsequently reformed its system with a "top-two primary" (similar to Louisiana's), in which the top two vote getters in the primary election face a run off in the general election, even if they are of the same party. California soon followed and established a "top-two primary" in 2010. Attempts to institute this are also being undertaken currently in Maine, Florida, and Arizona. U. S. Representative John Delaney (D-Md.) has introduced his Open Our Democracy Act, which would establish the top-two primary for all congressional and senatorial elections nationwide. These and other terms for alternative systems are defined below and discussed later in this study guide.

Several groups, such as Fair Vote, have emerged advocating for primary reform. These groups are critical of the "plurality system" of voting, and they generally advocate for "open" nonpartisan primary systems. They seek to better enfranchise the increasing number of voters who do not identify with either major party, and they also appear to be reacting to the increasing hyper-partisanship of the current political atmosphere. Alternatively, many experts, including 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 facilitating the trend toward candidate-centered political campaigns.

GLOSSARY OF TERMS

There is a lack of uniformity in the use of many of these terms from one information source to another. This study will use all of these terms consistently as follows:

Approval voting: a nonpartisan general election system in which each voter may vote for (or "approve") as many of the candidates as the voter deems acceptable, and in which the winner is the candidate receiving the most votes.

"Blanket primary": a primary system in which the ballot contained all offices and all candidates with party labels. For each race all voters could choose one candidate regardless of partisan identity. Both major parties brought suit arguing that it violated their right of association and it was ruled unconstitutional in 2000.

Closed: a general term describing any partisan primary election system where only those registered members of a political party are permitted to vote in that party's primary election.

Closed partisan primary election: a primary system in which only registered members of the party conducting the primary are permitted to vote, with no independent or crossover voting permitted.

Challenge: the act, by an election official at a polling place, of confronting a primary voter who has requested the partisan ballot of a party of which he or she is not a member. The voter may have to sign a statement of loyalty to the new party. There may be a penalty for falsification.

Charter municipality or county: a village, city, or county that has, by voter referendum, adopted a home rule charter, granting it limited powers of self-government. Such political subdivisions may, to a large extent, shape their own election systems.

Crossover voter: a member of one political party who requests the primary ballot of another political party. This study guide uses the same term to refer to an unaffiliated primary voter who requests the ballot of a political party.

Independent voter: (See “Unaffiliated voter.”) “A voter who identifies himself or herself as independent” is not an official term in Ohio but is often used to describe voters with little or no party loyalty. In Ohio, approximately one-third of voters are self-described “Independents,” but in 2015, over 70 percent were unaffiliated.

Instant runoff voting (IRV): (See “Ranked choice voting.”)

“Jungle primary”: another name for an open nonpartisan primary. Not used in this study guide.

Municipal corporation: a term that refers to all cities and villages in Ohio.

Nonpartisan primary election: a primary system in which all candidates appear on the same primary ballot, but only the top two vote-getters, regardless of party affiliation, advance to the general election.

Ohio Revised Code (ORC): the codified body of general law, or statutes, of the State of Ohio.

Open: a general term describing any primary system, partisan or nonpartisan, in which all registered voters are permitted to vote, regardless of party affiliation.

Open partisan primary election: 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, there would be no loyalty requirements or challenges to crossover voting.

Plurality: the number of votes cast for a candidate who receives more than any other but does not receive an absolute majority.

“Plurality system”: any voting system that could theoretically result in a general election winner with less than 50 percent of the vote. The term is not used in this study guide.

Ranked choice voting (RCV): a nonpartisan general election system in which each voter, regardless of party affiliation, ranks those candidates he or she likes in order of preference.

Returns are computed and recalculated until a winner emerges with the most first-choice votes. In this way, a run-off is avoided.

Runoff election: a special election, held soon after a general election in the event of a tie or to avoid the possibility of a winner without a majority of the vote.

Semi-closed partisan primary election: a primary system in which the voter may request any party ballot at the time of the election, and the voter may be challenged if he or she changes party affiliation. Crossover voters thereby become members of their “new” party and may vote in its primary.

Statutory: a general term that, when used to describe an Ohio township, village, city or county, indicates it is governed by Ohio general law (the ORC), rather than by a citizen-adopted charter. Such a local or county government must employ Ohio’s default primary election system.

Strategic voting: 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.”

“Top-two” primary election: a nonpartisan primary system in which the top two vote-getters in a field of three or more candidates advance to compete against each other in the general election, even if they may be of the same political party.

Unaffiliated voter: a registered voter who either chooses “issues only” ballots in primary elections or who does not vote in primaries at all. This official designation does not apply to those who self-identify as “independent” but are nevertheless listed as party members for the purpose of primary voting.

Unincorporated political subdivision: a term that refers to townships in Ohio.

“Winner-take-all system”: any voting system that results in single rather than proportional winners, regardless of the margin of victory. This could result in a unitary block of convention delegates, a unitary block of presidential electors, a single-district legislator, or a single office-holder. Its opposite would be a proportional system that allocates winners proportionally to their margin of victory. This study does not deal with proportional representation.

CONSENSUS QUESTIONS:

With BACKGROUND MATERIAL and PRO/CON ARGUMENTS:

Question #1: What do you believe is the MORE important purpose of primary elections? (Choose one.)

- _____ a. A way for political party members alone to choose their nominees (partisan)
- _____ b. A way for all voters, regardless of political party membership, to narrow the field of candidates (nonpartisan)

Would your answer to the above vary, depending on the level of government for which the election is being held? Yes _____ No _____

Study Guide:

Primary election systems in the United States come in two overarching varieties -- *closed* and *open*. In *closed* primaries the only voters permitted to vote in one party's primary are registered members of that political party. In *open* primaries, on the other hand, all voters, affiliated or not, are permitted to participate in candidate selection.

All closed primaries are partisan, while there are different types of open nominating systems -- mainly the "open partisan primary" and the open "nonpartisan primary," often called "top-two." They are both described above in the glossary and will be treated in depth later in this study guide.

In addition to these two general types of open nominating systems, several more open options considered here would do away with primaries entirely. A nonpartisan general election can be held where the top vote getter wins, with or without a run-off election if no one receives a majority. Or, a "ranked choice voting" system (sometimes called "instant runoff voting") could be employed, in which voters rank candidates in order of preference. A third, little used possibility is called "approval voting," also defined above and addressed in the study guide materials aligned with consensus question #4.

Ohio has technically a closed primary system, because *only* members of a political party may vote in that party's primary. However, an unaffiliated voter may select a partisan ballot, although by doing so he or she automatically becomes a member of that party -- likewise for a "crossover" voter who switches parties. Therefore, this study guide will refer to Ohio's default partisan primary system as "semi-closed." Local elections in Ohio, on the other hand, sometimes employ a nonpartisan primary system, and in some instances a municipality may not conduct primaries at all. This subject is specifically addressed in the study guide materials aligned with consensus question #2.

Judicial elections in Ohio, by statute, require partisan primaries and nonpartisan general elections. The LWV of Ohio has a position supporting merit selection of judges. But, if judges are to be elected, League supports nonpartisan judicial elections in both primary and general elections. Because LWV of Ohio already has positions in this area, this study does not include judicial elections.

This study also does not address presidential primaries or elections of nonpartisan boards of education. The partisan presidential primaries select convention delegates only, and the nominating conventions are governed by party rules, not by laws or charters. School boards (including the Ohio Board of Education) have no primary elections, only nonpartisan general elections. None of these falls within the scope of this state study as adopted in June 2015.

Question #1 asks you to consider first the philosophical purpose of primary elections. Partisan systems, whether closed or open, reflect one purpose, while nonpartisan systems of whatever type reflect another purpose entirely. This question is intentionally general, and more specifics will follow in Consensus Questions #2 to #4.

Question #1a. A way for political parties to choose their nominees (partisan)

PROS OF PARTISAN PRIMARIES

- They enable political parties to choose their nominees.
- Political parties should have a strong role in determining which candidates speak for them.
- Parties are large, grassroots, quasi-public organizations focused pragmatically on winning electoral majorities. They tend to resist extremes.
- Appealing to one party's voters is less costly than appealing to the whole electorate.
- Partisan & ideological approaches to legislation often differ; so party identity constitutes important voter information about candidates.
- Voters belonging to a major political party will almost always have a candidate of their party running in the general election.

CONS OF PARTISAN PRIMARIES

- Voters who are not members of a party have no voice.
- In highly partisan districts the general election is effectively decided in the primary – and only members of one party have a meaningful vote.
- In highly partisan districts, the general elections are often uncontested.
- Many feel that political parties are too powerful and polarizing.
- Turnout in primary elections is generally low, and turnout might improve if unaffiliated voters were permitted to vote. However there is no research supporting this.

Question #1b. A way for all voters, regardless of affiliation, to narrow the field of candidates (nonpartisan)

PROS OF NONPARTISAN PRIMARIES

- All voters, including independent and minor party voters, can participate.
- They may weaken political parties, which some people would welcome.
- Opening the primaries to all voters might result in higher rates of participation.
- In a heavily Democratic or Republican district, unaffiliated voters or members of other parties may be able to influence the selection. This might result in more moderate candidates.

- Top-two nonpartisan primaries, by definition, result in contested general elections, which might result in more voter turnout.
- Primary candidates would have to appeal to a much broader cross-section of Ohio voters and may therefore be more responsive to them when finally in office.
- Although most elected officials are themselves party members, they ultimately represent constituents of differing allegiances, so it is only right that they also be nominated by a diverse electorate.

CONS OF NONPARTISAN PRIMARIES

- They could weaken parties by undermining their ability to select their own candidates.
- They could cause independent, outside funders and movements to gain influence.
- Some nonpartisan alternative election systems can be complex (such as ranked choice voting, which omits primaries entirely) and might confuse voters or discourage participation
- Appealing to the entire electorate in the primary and then waging a contested general election campaign might increase the cost of running for office.
- There is no compelling data that supports conclusions regarding changes in voter turnout or in the selection of more moderate candidates.

Note: The lack of compelling evidence for increased turnout in states which have moved to nonpartisan primaries is perhaps due to the fact that they have done so fairly recently and it is too early to ascertain trends. Although many local elections are nonpartisan using a variety of systems, research shows that few primary elections of any type draw large numbers of voters. Exceptions do occur, however, where there is a compelling local issue or a hotly contested election, such as can happen in a presidential primary season.

Question #2: If you answered yes in the second part of #1, indicate your preference before each of the following levels of government, by placing P (partisan) or NP (nonpartisan) in the space provided.

- a. U.S. House and Senate races
- b. Statewide office races (e.g. Governor, Auditor, Treasurer, etc.)
- c. OH House and Senate races
- d. Countywide office races (Commissioner, Recorder, Prosecutor, etc.)
- e. City, Village or Township races

Study Guide:

You have now registered your philosophical preference for either a generally closed, partisan approach (P for short) or a generally open, nonpartisan approach (NP for short) to primary elections in Ohio. After completing all four questions, revisit Questions #1 and #2 to see if your initial opinion is affirmed or changed. For now, we will use these “P” or “NP” abbreviations

without considering secondary variations or degrees of closed- or openness. If you think one P or NP size might not necessarily fit all, Question #2 explores the levels of government separately.

As explained above, Ohio's current default primary election system is a semi-closed, partisan system, as stipulated in the Ohio Revised Code (ORC). Almost all primary elections for U. S House and Senate seats, statewide offices, OH House and Senate seats, county offices and city/village/township offices conform to that primary system. But there are exceptions. One is the nonpartisan system prescribed for unincorporated townships and small villages with fewer than 2000 inhabitants. Others pertain to municipal corporations with charter governments, which are explained in #2e and #2f below.

Question #2a. U.S. House and Senate races (P or NP)

In addition to the pro and con arguments already presented for questions #1a and #1b, here are further considerations for partisan versus nonpartisan primaries:

FOR PARTISAN PRIMARIES for U.S. Senate/House offices:

- Partisan & ideological approaches to national legislation often differ; so party identity constitutes important voter information about candidates.
- Voters favoring the minority party in a congressional district dominated by the other party often have a candidate they can support in a general election, whereas in a top-two, nonpartisan primary, they may be forced to choose between two candidates from the dominant party in the general election.

FOR NONPARTISAN PRIMARIES for U.S. Senate/House offices:

- Primary candidates would have to appeal to a much broader cross-section of Ohio voters and may therefore be more responsive to them when finally in office.
- Because of gerrymandered or lopsided congressional districts, there is rarely a viable general election challenge to the majority party's primary winner. Nonpartisan, top two primaries would at least result in general election competition, whether from the same or another political party.

Question #2b. Ohio statewide races (P or NP)

Along with the pro and con arguments suggested in the study guide for Questions #1a, #1b and #2a above, here are some additional considerations for the statewide races such as governor, auditor, treasurer, or attorney general.

FOR PARTISAN PRIMARIES for statewide offices:

- These statewide offices are traditional stepping-stones to higher office, in Ohio or nationally. They help political parties fill their pipelines with future leadership talent.

FOR NONPARTISAN PRIMARIES for statewide offices:

- These statewide offices, except for governor, are primarily administrative rather than policy-making. Administrative talent is not limited to candidates of one party or another, and should emerge from a nonpartisan field narrowed down by voters of all stripes.

Question #2c. Ohio Senate and House races (P or NP)

Here are further pro and con arguments for Ohio statehouse races.

FOR PARTISAN PRIMARIES for OH Senate/House offices:

-- State senators and representatives, like their Washington counterparts, should be nominated predominantly by their fellow party members, as they are often called upon to help carry out their party's duties or agenda.

FOR NONPARTISAN PRIMARIES for OH Senate/House offices:

-- Although most state senators and representatives, like their Washington counterparts, are themselves party members, they must ultimately represent many constituents of differing allegiances, so it is only right that they also be nominated by a diverse electorate.

Question #2d. County Government races: (P or NP)

Only two of Ohio's 88 counties have county executives and county councils. Both of these, plus all other counties, have one, several, or all of the countywide elective offices still mandated in the ORC for counties -- Prosecutor, Sheriff, Treasurer, Coroner, Auditor, Recorder, Engineer, Clerk of Courts, and of course County Commissioner. Only counties with charters have the option of changing their primary election systems, and so far neither of Ohio's charter counties has done so. However, some may in the future want to consider drafting or amending a county charter, so the option may some day be open. Consider the previous arguments for partisan or nonpartisan primary elections, plus these additional arguments that pertain especially to counties:

FOR PARTISAN PRIMARIES for county offices:

-- County party committees are major organizational links in the two-party system and play a major role in nurturing leadership, furnishing ballot information, and rallying turnout for county elections. They play an important electoral role, and this function should not be weakened.

FOR NONPARTISAN PRIMARIES for county offices:

-- Counties are concerned mostly with infrastructure maintenance, health and human services administration, tax assessment and collection, and the administration of justice. Partisan differences should take a back seat to more important competence and management issues.

Question #2e. City, Village & Township races: (P or NP)

This area requires more explanation, because many political subdivisions in Ohio use one primary system or another. All statutory (i.e. non-charter) municipal corporations and townships employ the primary system specified by the ORC, as explained above. It is true that many small rural subdivisions do not even hold primaries, because candidates do not often compete for nominations. Statutory townships and small villages have nonpartisan local elections.

All villages and cities have the option, via voter referendum, to adopt “home rule” charters, spelling out the governmental and electoral structures their citizens prefer. Over 100 of Ohio’s 256 charter municipalities have changed their primary election process to a nonpartisan one, although there are several variations on that theme. In fact, some cities have even eliminated local primary elections entirely. Several municipalities we observed have general elections for at-large council seats, with all candidates running on the same nonpartisan ballot. The top vote getters simply fill the available vacant seats on those city or village councils. Others hold partisan primaries for one office and nonpartisan primaries for others. Some do and some don’t require run-off elections in order to avoid plurality winners. But we also discovered that about half of the 14 charter municipalities we surveyed have simply stuck with Ohio’s default partisan system for primary elections. In most but not all nonpartisan scenarios, the top two primary winners face off in the general election.

Local Leagues may one day want to consider charter provisions or amendments concerning local primaries for mayor, council or other charter offices, so this question should consider pro/con arguments from questions #1a and #1b as well as these which apply to purely local elections:

FOR PARTISAN PRIMARIES for local offices:

- Citizen-politicians of different parties may approach local issues differently.
- Local parties provide important voter information and turnout efforts, and they nurture future political leaders. This role could shrink if primaries were no longer partisan.
- Local candidates in partisan races do not have to spend as much money when they appeal to a narrower primary electorate. Nonpartisan primaries with top two general elections could increase the cost of campaigning.

FOR NONPARTISAN PRIMARIES for local offices:

- Local issues (e.g. “fixing potholes”) rarely reflect partisan or ideological differences.
- Local voters are likely to know personally and want to vote for or against candidates in more than one political party, especially in elections closer to home.
- Local candidates for office should have to appeal to all voters, not just to those in their own political parties, which would lead to better representation in the public interest.

Question #3. What principles should a good primary election system encourage? (Check as many as you believe important and/or achievable)

- a. Increase voter participation**
- b. Enfranchise independent or third party voters who otherwise have no voice**
- c. Preserve strong political parties**
- d. Strengthen the viability of third parties**
- e. Simplify administration of elections**
- f. Lessen partisan polarization**
- g. Reduce costs of elections**

_____ **h. Result in more competitive general elections.**

_____ **i. Other:** _____

Study Guide:

In the study committee's work, we hypothesized many possible principles that primary election reforms could possibly encourage or even accomplish. We submitted the list to many academic experts, reform advocates, and League of Women Voters leaders from other states with special knowledge of the issue. We discarded at least half of those ideas because a majority of respondents felt those concepts were unrelated to primary election mechanics. This question looks at eight principles which most agreed were relevant. Below are arguments why (pro) or why not (con) each principle may be important. Check the ones that you believe should drive League thinking when evaluating primary election systems.

Question #3a. Increase voter participation

PRO:

- Voter participation is key for a healthy democracy. If citizens don't vote, their government cannot reflect what citizens want.
- It is an important goal and central to the mission of the League of Women Voters.

CON:

- Not every potential voter wants to keep informed and make decisions on every race in every primary election. Citizens also have the right not to vote.
- There is no compelling evidence that different primary election systems increase voter participation. More important for turnout is a high profile race or issue. Other factors could include easier registration, online voting, or better information about the available choices.

Question #3b. Enfranchise independent or third party voters who otherwise have no voice

PRO:

- Voters with no party affiliation comprise a significant percentage of the electorate. In some areas, self identified independents amount to 40 percent of all voters. Minor parties also claim affiliates.
- This goal is achievable. Primaries can be structured in a number of ways so that independent or third party voters can participate. (Particular strategies are the focus of Question #4.)

CON:

- Only those persons who are members of a political party should be allowed to vote in the primary to select that party's nominees. Allowing voters who are not members could result in nomination of a weaker candidate or one who does not reflect the party's program and policies.
- Opening primaries to unaffiliated voters could undermine the integrity of the political party system. This could further open the door to outside special interests, or decrease the participation

of voters who do not have the time or resources to evaluate multiple candidates absent the party label.

Question #3c. Preserve strong political parties

PRO:

- Political parties promote political stability, recruit and support candidates for office, and provide important political cues for voters. They tend to be motivated by pragmatic thinking, such as the need to appeal to enough voters to be able to win elections.
- Political parties have a right to the freedom of association, recognized by the Supreme Court. Therefore the Court struck down primary systems that allow a single voter to vote on candidates for more than one political party in the same primary election (see “blanket primary” in the glossary).
- Systems that permit only political party members to vote in their primary would strengthen the parties.

CON:

- Strong political parties can stifle independent candidates as well as limit the field of primary candidates to those they endorse and support.
- Strong political parties may be at the root of hyper-partisanship, gridlock and much of the dysfunction we see in government today.

Question #3d. Strengthen the viability of third parties

Keep in mind that this study is not discussing U.S. presidential primaries but rather those that nominate down-ballot candidates for offices such as U.S. senator, Ohio governor, county prosecutor or city mayor.

PRO:

- Viable third parties could increase options for Ohio voters, who are currently limited to selecting only Democratic or Republican primary ballots.
- Third parties are often the incubators of new ideas and strategies, so it is important that they be heard.
- Improved primary access can correct unfair obstacles to general election ballot access such as high threshold requirements for signatures.

CON:

- Most likely this goal is not achievable through primary election structure. For third parties to be strengthened, there must be a path for them to win in a general election. The traditional strength of the two-party system and the “winner-take-all” slant of elections preclude such a path.
- Third parties are already allowed fairly easy access to a general election ballot in Ohio.
- With minor party candidates in the mix, a general election candidate is less likely to win majority support.

Question #3e. Simplify administration of elections

PRO:

- When voters understand how elections are conducted, they are more likely to see the system as fair. Simplicity of election administration also makes the job of conducting elections easier for election officials.
- Streamlining the election system is achievable in a number of ways, such as uniform dates and tabulation systems.

CON:

- Simplicity of election administration is not necessarily the same thing as fairness.
- Making life easier for election officials should not be a goal of election systems.
- Some methods to simplify might actually compromise the fairness and/or accuracy of the election process.

Question #3f. Lessen partisan polarization

PRO:

- More of the work of government would be accomplished if officeholders were less polarized and both sides could compromise.
- Closed primary systems may encourage candidates to take extreme positions in order to attract votes from their political party's base. Open or nonpartisan systems might encourage candidates to take more moderate positions in order to appeal to a broader spectrum of voters.

CON:

- Because Ohio, like the United States, has only two major parties, one will almost always have a majority of voter support. That party can, and should be able to, drive government decision-making.
- There is no compelling evidence that a change in primary systems would result in more moderate elected officials. The current political polarization may be a true reflection of the polarized political views of the electorate.

Question #3g. Reduce costs of elections

PRO:

- Elections can be a considerable expense for local governments and boards of elections, which is one of the incentives cited by localities that have chosen to eliminate primaries entirely (See several strategies in Question #4). Costly new technologies, early voting on weekends, additional polling locations and postage all run up costs.
- The costs to candidates of running for office can also be formidable. In general, those costs go up as competitiveness increases. The least costly campaigns are those by incumbent officeholders with no opposition. High expenses can deter would-be challengers.

CON:

- Other goals should take priority over costs when a change in election systems is considered.
- Several systems designed to reduce election costs may actually result in higher costs in other ways, such as more cumbersome ways to tally results or expensive hard- or software.

-- Some strategies to economize might actually compromise the fairness and/or accuracy of the election process.

Question #3h. Result in more competitive general elections

PRO:

--In non-competitive districts, the dominant party's primary winner typically wins the general election easily. That ultimate winner has therefore been elected by a small number of primary voters of one political party. This distorts elected officials' ability to represent all of their constituents fairly.

--This goal is achievable. Several alternative election systems are designed to produce more general elections that are contested. (These are discussed in the Question #4 study guide section to follow.)

CON:

-- An easier and more achievable way to attack this problem would be through redistricting reform.

-- Reforms that seek to increase competitiveness in elections may have the unintended consequences of weakening political parties. That could lead to increased activity by outside interests and funders.

--Reforms could increase difficulty or informational demands on voters. (See Question #4.)

Question #4: Ohio's current system for local, county and statewide offices is a semi-closed, partisan primary election, in which the voter may request any party ballot at the time of the election, and the voter may be challenged if he/she changed party affiliation.

Do you want to keep Ohio's current system?

Yes **No** **COMMENT** _____

In some states or local jurisdictions, major systemic reforms have been introduced or recommended, which are listed below. If you answered NO above, then which of the following would you prefer? (You may choose more than one.)

- a. A closed, partisan primary election, in which only registered members of the political party conducting the primary are permitted to vote, with no independent or crossover voting permitted.**
- b. An open, partisan primary election, in which any registered voter may choose to vote any party's ballot without having to be a member of that particular party.**

- _____ c. **An open, nonpartisan, “top-two” primary, in which ALL candidates appear on the same primary ballot but only the top two vote-getters, regardless of party affiliation, advance to the general election**
- _____ d. **No primary - a nonpartisan general election is held, and possibly a runoff election if no candidate achieves a majority of the votes. (A voter chooses one candidate)**
- _____ e. **No primary - “ranked choice voting” or “instant runoff voting” in the general election, a voting system in which the voter ranks candidates in order of preference.**
- _____ f. **No primary - “approval voting,” a voting system in which each voter may vote for (or “approve” of) as many of the candidates as the voter deems acceptable, and in which the winner is the candidate receiving the most votes.**

Study Guide:

Ohio’s current primary election system is a semi-closed, partisan primary, in which only party members may vote to nominate the candidates of their own party. However, any voter may affiliate with any party at the time of voting, simply by requesting that party’s ballot. For that reason, some refer to Ohio’s system as “semi-open” or “hybrid,” which is technically incorrect because of the challenge provisions in the Ohio Revised Code.

ORC Sec. §3513 (a) instructs election officials to *challenge* a voter if the official believes that “the person is not affiliated with or is not a member of the political party whose ballot the person desires to vote.” When confronted with such a challenge, “...membership in or political affiliation with a political party shall be determined by the person's statement, made under penalty of election falsification, that the person desires to be affiliated with and supports the principles of the political party whose primary ballot the person desires to vote.”

Notwithstanding this statutory framework, challenges are generally not made, and in recent years the current Secretary of State has discouraged them.

Question #4 first asks us whether we prefer, on balance, to retain Ohio’s present semi-closed, partisan primary election system in its present form. (Your exceptions, as recorded in Question #2, are already noted.) The COMMENT space could be reserved for additional caveats you might favor, such as uniform primary date, shorter lapse time between primary and general elections, etc.

Initial Question #4. Do you want to keep Ohio’s current semi-closed, partisan primary system?

PRO semi-closed, partisan primary:

- Ohio’s system, for the most part, allows party members to choose their own candidates.
- It discourages but does not prevent sabotage via crossover voting in the other party's primary.
- It permits thoughtful voters to reaffirm or rethink their partisan identities each year.
- Strong parties play an important and active role in voter information and turnout efforts.

-- Printing and mailing costs are less, because candidates need appeal only to their own party's voters.

CON semi-closed, partisan primary:

-- Ohio's self-identified independents are excluded during the primary and often even in the general election, in those races that were contested only in the primary.

-- It may depress turnout by all but the most engaged party faithful. This may result in the nomination of more extreme candidates and exacerbate polarization.

-- This system often seems to produce uncompetitive general elections, where all meaningful voting takes place during the dominant party's primary election.

Question #4a. A closed, partisan primary election

In a fully closed partisan primary such as New York's, voters typically affiliate with their preferred party at the time of registration and can not change parties except through a prescribed update process well before an election. There is little or no crossover or independent voting in such a state.

PRO closed, partisan primary:

-- Party members alone choose their own candidate.

-- This system keeps people who do not choose a party out of the process.

-- Avoids strategic voting or sabotage by making crossover voting difficult or impossible.

-- Political parties should play a strong role in all aspects of the election process.

CON closed, partisan primary:

-- In uncompetitive districts, primary races are likely to be decided by a small minority of the electorate.

-- Independents cannot vote for primary candidates without affiliating with a party in advance.

-- Changing affiliation must be planned well ahead of time.

-- Candidates sometimes become more extreme in their views and ideologies in order to cater to the party's base.

Question #4b. An open, partisan primary election

Such a system might look like Ohio's system minus the challenge rules and party loyalty statements. Voters, whether or not listed as party members, could vote in whichever partisan primary they chose, without interference. However, parties would still exist, recruit slates, identify and endorse candidates, and circulate nominating petitions among party members. Voters must choose one ballot or the other; no voter could vote for a Democrat in one race and a Republican in another.

PRO open, partisan primary:

-- Everyone would be able to vote in primary elections, although only for the candidates of their selected party.

-- More moderate candidates might run and appeal to independent voters.

-- This system constitutes the best of Ohio's current system while eliminating the questionable practice of challenges and loyalty statements.

CON open, partisan primary:

- Open primaries make strategic crossover voting or sabotage more likely.
- They make party identity and differences less relevant and could weaken parties and party discipline.
- Only party members should be selecting their party's nominees.

Question #4c. An open, nonpartisan, "top-two" primary

In recent years a few states, Louisiana, Nebraska, Washington, and California, have switched to nonpartisan, top-two primary elections. Sometimes the term "jungle" primary is used to describe this type of primary. All of the political scientists we read and interviewed are watching California primaries closely, but most elections experts are unwilling yet to reach conclusions as to whether higher turnout and reduced polarization are demonstrated. About half of Ohio's 256 charter municipalities have also opted for some version of nonpartisan primaries or nonpartisan general elections (See #4d below). Our municipal survey did not reveal an uptick in local voter participation either, although advocates do tout other advantages.

PRO open, nonpartisan top-two primary:

- Parties cease to matter as much because consensus building must reach across the entire electorate.
- All registered voters may participate; therefore, candidates must appeal to more voters in the electorate.
- Strategic voting or sabotage would be difficult to execute.
- The person ultimately elected achieves a majority, rather than a plurality, of voter support
- In theory, these primaries might produce more moderate candidates.
- A contested general election is much more likely.

CON open, nonpartisan top-two primary:

- It could increase campaign spending because candidates must reach the entire electorate.
- Independent or write-in general election candidates, if permitted, could add additional names to the top-two ballot, possibly necessitating a runoff to avoid a plurality winner.
- Political parties would be weakened.
- It would have a negative impact on minor party candidates, who can currently make it to the general election. Top two could eliminate them in the primary.
- The top two may be of the same political party, which silences the voice of the minority party's voters.

Question #4d. No primary - a nonpartisan general election with possible runoff

A number of Ohio charter cities we surveyed were very satisfied with the system they have adopted whereby all of their local candidates run on the same nonpartisan fall ballot to fill a certain number of at-large city council seats, or for the office of mayor. For a city council with four at-large seats to be filled, the top four vote-getting candidates would fill the four council seats. In the case of mayor, some cities require a runoff, if no one candidate gets a majority. As far as we could learn, there are no states that use this system statewide.

PRO nonpartisan general election with no primary

- Doing away with the primary saves considerable administrative and campaigning expense.
- Candidates must appeal to a large spectrum of voters,
- Candidates who belong to a minority party or no party may have a better chance of success.
- Cooperation among elected officials of various party affiliations may be more likely.
- The politics and ideology associated with political parties are not important to the simple process of providing essential local governmental services

CON nonpartisan general election with no primary

- If a party affiliation cue is not available, voters may turn to irrelevant candidate attributes to make their choice.
- Partisanship may be a healthy thing. At its best it is about choices, values and issues.
- This system may not work at the statewide level of government if plurality winners or run-off elections are to be avoided.
- Such elections run the risk of plurality winners, unless they require runoffs.
- Runoffs increase costs, tend to draw low turnout, and shorten by a month the transition period needed for the newly elected to take office in early January.

Question #4e. No primary - “ranked choice voting” / “instant runoff voting” in general election

Ranked choice voting (RCV) is also known as “instant runoff voting” (IRV). RCV requires a voter, regardless of party affiliation, to rank three or possibly more candidates for a single office, listed on the same general election ballot available to all. A multi-stage, weighted vote-counting process produces one winner who has received the most first-place votes. If one’s first choice does not win, one’s second choice moves up to first and the ballots are counted again. This system at the municipal level eliminates both the primary and runoff elections. We surveyed six cities that use RCV and two that have tried but discontinued it. No states at this writing use the system statewide, but there are ballot initiatives in several states this November. Advocates at the 2016 LWVUS convention reported that the software required for electronic vote tallying is now available.

PRO ranked-choice or instant-runoff voting in general election:

- Majority winners are produced without the need for either primary or run-off elections.
- Voters can express more nuanced preferences among the candidates. Their second or third choice may well win even if their first choice does not.
- It might increase voter participation.
- It might reduce negative campaigning, if a candidate still has to appeal to voters for whom he or she might not be the first choice.
- It eliminates strategic voting or sabotage through crossover voting.

CON ranked-choice or instant-runoff voting in general election:

- To count votes, ranked-choice voting requires complex software that many current voting machine installations cannot handle.
- Ranking candidates is more difficult for voters than choosing only one, thus increasing the informational demands associated with voting.
- In practice, this system has proved confusing and difficult to explain to voters.
- Currently there is no evidence that this would increase voter participation or decrease polarization.

Question #4f. No primary - approval voting in general election

In stead of ranking candidates as described above, the voter, regardless of party affiliation, indicates however many candidates in a nonpartisan field he or she “approves of.” The candidate with the most approvals wins. A number of private organizations and corporations use this election system, but this study found no states, counties, or municipalities that do so. Such an election system, like RCV, would also do away with the need for primary elections.

PRO approval voting in general election:

- The ballot is simple, in that voters just check off those candidates they deem acceptable.
- Calculation is simple, in that tallying up requires only simple addition in one step.
- It might increase voter participation or reduce negative campaigning.

CON approval voting in general election:

- Voters cannot indicate a “strong” approval for one candidate or a “weak” approval for another.
- There are no precedents for how this would work in public elections.
- In a large field, the winning candidate might not have the support of a majority of the voters.

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Bokman, Lloyd - Advocate for Independent Voters in Ohio
Grose, Christian - University of Southern California
Hamlin, Aaron - Executive Director, Center for Election Science
Kramer, Eugene - Cleveland attorney and municipal law specialist
Kogan, Vladimir - Ohio State University
Masket, Seth - University of Denver
McCarthy, Nolan - Princeton University
McGhee, Eric - Public Policy Institute of California
Pepper, David - Chair of Ohio Democratic Party
Salit, Jackie - President of Independent Voting
Sinclair, John Andrew - New York University
Turcer, Catherine - Policy Analyst for Common Cause Ohio

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LWV Florida: Ray Hudkins
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LWV Oregon: Rebecca Gladstone
LWV Vermont: Catherine Rader
LWV Washington: Kathy Sakahara and Julie Anne Kempf

Municipalities with Ranked Choice Voting:

Takoma Park, Maryland: Marilyn Abbott, Board of Trustees

Cary, North Carolina: Gary Sims, Wake County Director Board of Elections

Telluride, Colorado: Amy Levek, former Mayor and member of the Telluride Town Council

Berkeley, California: Mark Numaninville, City Clerk

St Paul, Minnesota: Nancy Homans, Executive Assistant to the Mayor

San Leandro, California: Tamika Greenwood, City Clerk

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Ohio's County Boards of Elections officials who were interviewed about local primary elections: Butler County, Director and Deputy Director; Cuyahoga County, Executive Assistant to the Director; Delaware County, Deputy Director; Franklin County, Information Officer; Geauga County, Director; Green County, Director; Hamilton County, Deputy Director; Lake County, Director; Lorain County, Director; Lucas County, Director and Deputy Director; Montgomery County, staff members; Ottawa County, Director; Summit County, Deputy Director; Warren County, Deputy Director and Board Member; and Wood County, Director.

Ohio City, Village or Township officers or staff Members who were interviewed about local primary elections: Akron, Deputy Clerk of Council; Avon Lake, City Mayor; Burton, Village Mayor; Dayton, City Mayor; Forest Park, Clerk of Courts; Huntsburg Township, Trustee; Lakewood, Clerk of Council; Maple Heights, City Council President; Mentor, Clerk of Council and City Manager; Miamisburg, City Mayor; Middlefield, Village Mayor; Norwood, City Mayor; Parma, former City Council President; Shaker Heights, Law Director; South Russell, Council Member and Village Mayoral Candidate; Twinsburg, Clerk of Council; Willoughby, Assistant to the City Mayor; and Xenia, City Mayor