

Primary Election Systems 101 (Fact Sheet #1)

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Our new LWVO Study Committee for Primary Election Systems has been off and running since mid-Summer. Our study does not address presidential primaries, but focuses only on state, local and Congressional primaries. So far, we have tracked down and digested over 40 sources, read relevant Ohio statutes, and interviewed experts at the Secretary of State's office plus top people at over 10 county Boards of Elections and 20 city halls. Here's some of what we've learned so far:

History of Primaries in the U.S. -- Before the Progressive Era in the very early 1900's, candidates were chosen at party conventions and caucuses, controlled by small numbers of party leaders and interest groups. Starting with Wisconsin in 1904, individual states began to democratize the process, with 44 states enacting laws by 1910 to turn nominations over to voters in primary elections. The direct primary was considered a major reform, introducing competitiveness and opening up the political process to rank-and-file party members.

Types of Primaries Nationwide. -- State primary election systems in the United States come in two main varieties -- *Closed* and *Open*. By *Closed*, we mean that the only voters permitted to vote in one party's primary are registered members of that political party. The National Conference of State Legislators lists only 11 states with closed primaries. *Open* primaries, on the other hand, come in several varieties, from open partisan primaries where voters can easily cross-over (11 states), to "*Top-Two*" *nonpartisan* primaries (4 states), to *hybrid* systems (24 states). Details and even terminology vary. All *open* primaries permit unaffiliated voters to participate.

Ohio's Statewide & Congressional Primaries. -- The Ohio Constitution (§5.07) says that "all nominations for elective state, district, county and municipal offices shall be made at direct primary elections...." No jurisdictions of less than 2000 population have primaries unless their electors petition for that right. The Ohio Revised Code contains many statutes (§3513), beginning with this key one: "Primary elections shall be held for the purpose of nominating persons as candidates *of political parties*." An official at the Secretary of State's office explained that Ohio has essentially a *closed* primary system, because *only* members of a party may vote in that party's primary. An unaffiliated voter may select a partisan ballot, but by doing so automatically becomes a member of that party. State Law spells out a process whereby election officials may challenge a voter affiliated with one party who requests the ballot of another. Surprisingly, the challenge law is enforced in some counties but not in others. Nevertheless, the law exists, and therefore Ohio's statewide system must be said to be virtually *closed*. Municipal and other primaries, however, will be addressed in our next article.

Our committee of eight has much more work to do, including interviewing county and local officials, academic experts and persons in other cities and states which have primary systems different from Ohio's. We could use more help, so please let the state League know if you would like to join the Study Committee. And stay tuned for the next Ohio Voter.