

Florida Open Primary Study Talking Paper

Study Timeline:

January 25	Study Kit Release
February 3 - March 7	Consensus Meetings
March 13	Consensus Reports to Open Primary Study Committee
March 17 - 31	State Board Review
March 31	Consensus Report & position statements to local leagues

General Information: The focus of study is voter turnout; open primary is just ONE of many potential solutions. An Open Primary Study Report provides the detailed results of our 22-month study effort. The Study Kit and Study Report are available on the LWVF website. Our 2017 consensus can be used to influence Constitutional Revision Commission

1. Consensus statement: The current primary system in Florida hinders voter turnout.

- Florida averaged less than 23% turnout in primary elections from 2000 to 2016
- Open style primaries averaged over 37% in 2016 primaries
- In 2016 over 76% of open primary states had higher voter turnout than Florida
- Political parties see a change as a loss of control and weakening of their structure
- In a 2012 Democracy Project report the Bipartisan Policy Center said, “. . . *the inescapable conclusion to be drawn from the preponderance of the data is that open and modified open primaries have modestly higher turnout than closed primaries*”

2. Consensus Statement: NPAs (No Party Affiliation) and minor party voters should have an opportunity to vote in all primary elections.

- NPA registered voters have increased over 1.2 million from 2004 to 2016 (64%)
- There are 3.4 million NPA and minor party voters that can't vote in major party primaries unless they register with the party holding the primary
- According to Florida Division of Elections data including NPAs in the process would increase race/ethnicity by 21% White; 14% Black; 33% Hispanic, and 41% Other
- Political parties see a change as a loss of control and weakening of their structure

3. Consensus Statement: The primary system that would best serve the voters of Florida is Closed/ Open to Unaffiliated/ Open/ Top Two/Instant Runoff Voting (IRV) (Rank your top three (one 1 being your first choice))

NOTE: Rank ordering is a means for each League to arrive at consensus not each individual member. See the National Conference of State Legislatures <http://www.ncsl.org>

- There is no perfect election system - - all have flaws; Consensus will determine which flaws may be acceptable
- All open type election systems require voters to vote a party ballot
- Top Two and Instant Runoff Voting feature a common ballot with all candidates, regardless of party affiliation on the ballot
- IRV is currently a League position (2015 – 2017 Study and Action Election Law)

Closed Primary: ((9 states feature closed primaries))

- Excludes 3.1 million NPA voters unless they register with a party holding a primary

- Political party nominee guaranteed a place on the general election ballot
- 71% of 2012 open primary states had higher turnout than Florida
- According to Florida Division of Elections data less than 7 percent of elections are competitive minimizing competition for incumbent seats

Open to Unaffiliated Voters Primary: (9 states feature this primary type)

- Excludes members of other parties (345,000 registered voters)
- Includes 3.1 million NPA voters
- Does not allow cross over voting by contest

Open Primary: (15 states feature this primary type)

- Voters are not required to declare a party affiliation
- Includes all voters regardless of party affiliation
- Provides opportunity for all demographic groups to vote in primary
- Over 70% of Millennials favor an open primary that allows voters to select candidates regardless of party affiliation

Top Two: (4 states feature this primary type)

- All candidates in each contest appear on one ballot. Voters may select candidates regardless of party affiliation of both the candidate and the voter. The top two vote getters advance to the general election regardless of party.
- Allows cross over voting contest by contest
- California has completed 3 Top Two elections Washington State has completed 5
- Over 22% of California 2016 down ballot races were same party contests
- According to Eric McGhee, research fellow at Public Policy Institute of California, same party competition between moderate and liberal/conservative candidates is increasing
- Top Two results in a majority winner in the General election
- Cross party competitive races decreased from 18% in 2012; 15% in 2014; 11% in 2016.

Instant Runoff Voting (IRV) (11 cities and no states feature IRV elections)

- Eliminates need for a primary election
- Has same features as Top Two except candidates are rank ordered, with lowest vote total candidates eliminated until one candidate receives a 50% + 1 vote majority
- Gives voters a way to express strong support of candidates via rank ordering
- Will require extensive initial and follow-up education to understand IRV process
- Eliminates spoiler effect and write-in candidate loophole
- Round 1 third place candidate can beat Round 1 first place candidate in final vote count
- Vendor Dominion Systems, says IRV will require equipment upgrades or replacement

4. Consensus Statement: The best election system for the Presidential Preference Primary would be which one of the following: Closed/Open/Open to Unaffiliated

- According to the NCSL 36 states hold PPP and state level primaries using the same election type. Twelve of the 36 states hold open to all voters' primaries

- Top Two doesn't down select to one candidate; therefore is not a viable option.
- IRV would be confusing given the change in focus from all candidates vying for state level office regardless of party to candidates vying for presidential nomination within a party
- If we had the same types of primaries for both State and Presidential primaries, voters would be less confused and it would be easier for our SOE's to administer.

5. Consensus statement: Threshold criteria should be established for write-in candidates that more closely mirror current requirements for announced candidates.

- In the 2016 Primary, write-in candidates blocked full voter participation in six Senate and 14 House districts, disenfranchising 1.6 million voters.
- Because of the lack of criteria for write-in candidates, their validity is in question
- According to the Florida Constitution, any person who is seeking election as a write-in candidate shall not be required to pay a filing fee, election fee or party fee
- SOEs surveyed believe the "write-in" loophole should be closed

6. Consensus statements: Alone or in combination there are other factors that may improve voter turnout in primaries--These are:

A. Automatic registration of eligible voters at age 18 by an appropriate government agency

- California (2015) and Oregon (2016) are the first states to implement automatic voter registration at age 18
- States that have modernized registration have saved money
- Electronic transmission of Voter Registrations Increases Registration Rates
- Electronic registration reduces errors by eliminating paper registration forms

B. Exclusive Vote By Mail

- California & Colorado were in the top 10 turnout states (2014) that featured exclusive vote by mail; Washington finished #18
- Boosts registered voter turnout
- Eliminates voting lines
- Gives voters time to cast a more informed, complete ballot
- The most likely avenue for voter fraud is absentee balloting

C. Make election voting portable within the county similar to early voting centers

- Eleven states now either permit jurisdictions to replace precincts with vote centers, or have authorized vote center pilot projects in selected jurisdictions
- Eliminates the problem of finding the right precinct to cast a ballot
- Reduces the need for some provisional ballots.
- Allows a voter to change addresses on Election Day and still vote a regular ballot.
- Will ultimately save counties money

D. Statewide Election Day (same day) Registration (EDR)

- Election Day Registration exists in 13 states and the District of Columbia
- Seven of the top 10 turnout states featured EDR in 2014 primaries
- Experts and advocates interviewed for this study agree that EDR can improve turnout
- The Millennial survey yielded a 70% approval for EDR vote
- SOEs do not favor EDR due to current difficulty of checking voter eligibility