5

Primary Elections

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This chapter considers options for reforming primary elections. We have taken the existence of primaries as a given and assumed that political parties will continue to play some role in determining how primaries are conducted in most states. We do not mean to suggest that discussion of more radical restructurings of American elections, such as creating nonpartisan primaries or abolishing primaries altogether, should be considered out of bounds. However, each of us has some interest or expertise in the development of primary elections over the past century, and we have therefore sought to explore what improvements are possible within the framework of the contemporary system.

A defining feature of the early years of the American direct primary (the era between roughly 1900 and 1920) is the primary's overwhelming popularity. Once primaries were introduced, it became very hard for states to do away with them. There is some debate about when the first primaries were used; several states or local jurisdictions experimented with them during the late nineteenth century.[1] Statewide mandatory primaries were first adopted in Minnesota and Wisconsin during the first decade of the twentieth century, and by 1917 they were used in all but three states. They spread so rapidly in part because proponents argued they were more democratic and less corrupt than other means of choosing nominees.[2] They also spread because, even though they appeared to

Sunshine Hillygus, Ray La Raja, Seth Masket, Hans Noel, and Caroline Tolbert contributed substantially to this chapter. Research assistance was provided by Nathan Micatka and Sarah Kersting-Mumm.

be a major step toward democracy and away from the rule of party bosses, primaries were not in practice a substantial threat to political parties, which quickly learned to use primary rules to their advantage.[3] Every time a state moved to abandon the primary, it was quickly reinstated, either by a party or through an initiative or referendum process.[4] Today, every state uses some sort of primary.

This poses a dilemma. We agree that there are pathologies to the contemporary direct primary (used to choose nominees directly, as opposed to the delegate-selection primaries used to pick presidents). As early as the first decade of the 1900s, political scientists such as Henry Jones Ford warned that primaries would weaken parties, reward demagoguery, produce extreme or unrepresentative nominees, and ultimately reduce citizens' involvement in democratic politics.[5] These things have all come to pass: the power of party elites is weaker than at any point in the past century, parties are more polarized than at any point since the advent of the direct primary, and many of the most prominent members of Congress are known less for their legislative accomplishments than for their ability to stoke outrage. We would not necessarily argue that primaries are the principal cause of these problems, but they certainly bear some of the blame.

However, it has taken over a century for Ford's predictions to come true, and primary elections have become an entrenched part of the American political system. Given the popularity of the concept of primaries and the widespread public perception that they are the most democratic way to winnow the field of candidates prior to the general election, we believe our greatest contribution can be to focus on what is politically feasible in the short run. Accordingly, in this chapter we limit ourselves to considering how changes to the primary, short of abolition, might mitigate some of the ills about which Ford was so concerned.

Goals and Definitions

Before presenting our findings, it is important to clarify our goals. We would argue that there are four goals at stake in any proposed reform to the direct primary.

1. *Electing competent leaders who are representative of the general public:* The reader will note that there are in fact two considerations here: candidate quality should matter, but candidates should also reflect

the issue preferences, ideological positions, and perhaps other descriptive characteristics of the electorate.

2. *Reducing ideological extremity:* We acknowledge that there will be variations in voter preferences across states or districts, so the extremity of candidates chosen in primaries will likely be relative to the extremity of their districts. Such variation, if it is a problem, might be addressed through changes to legislative apportionment and redistricting, through the establishment of multimember districts, or even through resizing of the House or Senate, but such considerations fall outside our mandate. Nevertheless, certain reforms of direct primaries—such as the introduction of ranked-choice voting (RCV), open primaries, or nonpartisan primaries—may reduce the ideological extremity of candidates. (See Chapter 2 on ballot structures for further discussion of this point.)

3. *Increasing voter turnout in primaries:* Although primary turnout will often vary depending on the level of competition or the particular offices up for election in a given year, we generally believe that increasing voter turnout will improve the representativeness of candidates and increase public support for the political process.

4. *Giving voters (including independents) more choice in the selection of nominees:* While we support giving parties some role in the primary process, we believe that increasing voter choice in primaries will also increase public support for parties and the political system.

These goals are all related. We presume, for instance, that an increase in voter turnout will, beyond a certain point, lead to more representative nominees, and we presume that, for the most part, more representative nominees will be less ideologically extreme. There are mathematical questions about whether this is necessarily so, but we contend that there is ample evidence to support these assumptions.

It is also important to be clear about how we define extremism. As Table 5.1 (adapted from Cynthia Miller-Idriss's work) notes, there are three commonly used definitions of political extremism and three types of responses to it.[6] Extremism can be defined as a matter of ideology, which is to some extent a relative matter and will always be present within an electorate or an elected body; it can be seen as a matter of antidemocratic or antisystem ideas; and it can be seen as a matter of uncivil or excessively confrontational behavior, rhetoric, and actions.

Most of the research on primaries since the early 2000s has considered the relationship between primary elections and political polarization; that is, it has considered extremism only in the ideological sense.

Table 5.1 Types of and Responses to Extremism

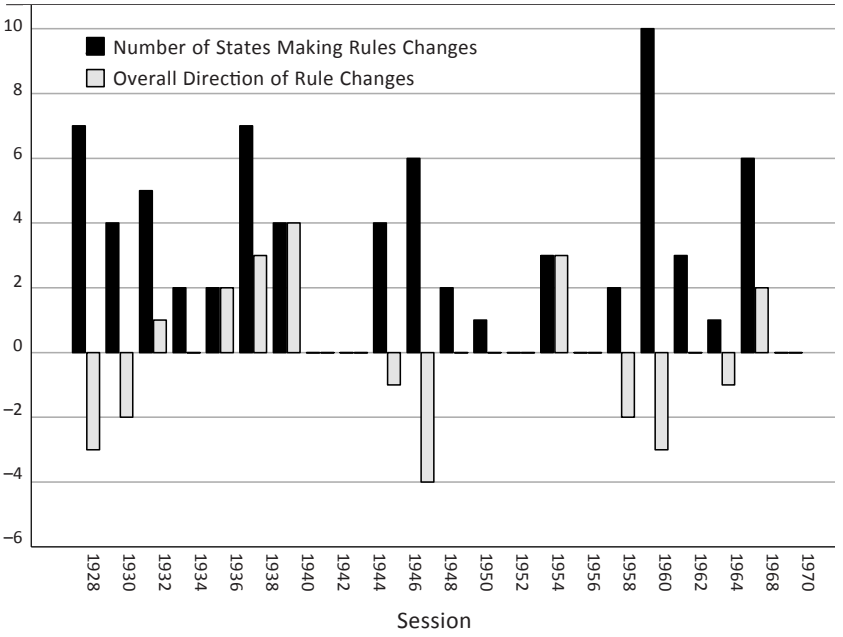
Types of Extremism		
1	Empirical	Defined relative to the status quo; no normative assessment of context. Some amount of extremism will likely always exist.
2	Normative	Defined based on content; includes antidemocratic attitudes or hostile or violent attitudes toward others.
3	Behavioral	Defined based on mode of presentation; includes uncivil and confrontational behavior, rhetoric, and actions; normative assessment of tactics but not necessarily of ideas expressed.
Responses to Extremism		
A	Environmental	Prevent or minimize factors that cause extremism
B	Therapeutic	Treat symptoms of extremism
C	Platform based	Prevent the spread of extremist ideas

Historically, however, primary elections, particularly in the segregation-era South, have been associated with a sort of demagoguery and extremism that has little to do with ideology. We see it as part of our task to move the discussion away from a narrow focus on ideology and toward a broader discussion of whether electoral reforms can mitigate antisystem rhetoric or behavioral extremism.

The Standard Tools Don't Matter

We have reached a consensus about what doesn't work. The history of primary reform is a history of futility. The past century is replete with efforts to make primaries more or less open, earlier or later, or easier or harder to participate in. Figure 5.1 (adapted from Rob Boatright's work) shows that during the four decades after the establishment of direct primaries, an average of three to four states enacted changes to their primaries each legislative cycle. Black bars in this figure represent the number of states making rule changes per year; gray bars represent the average direction of reform—whether it was an "open" reform (coded as positive) that expanded citizen participation or a "closed" one that restricted citizen participation (coded as negative). Most of the narrower reform ideas under discussion today have been attempted in the past, with no obvious pattern or clear results. The main conclusion one might

Figure 5.1 Primary Law Changes, 1928–1970



draw from these reforms is that politicians and political parties have a history of manipulating primary rules for short-term advantage, using specious normative claims.

This history suggests we should be cautious about proposing reforms that have been tried in the past.[7] Too often, these reforms have been implemented by politicians seeking short-term gain, and they have had minimal consequences. In addition, we have reached the following conclusions about how reforms adopted in the past might relate to contemporary political problems.

Most Primary Reforms Adopted in the Past Would Not Have Major Effects on Polarization

Many claims have been made in the media or by reform advocates about the effects of party primaries over the past twenty years. Most of these claims have been about congressional primaries, and most have had to do with how primaries are said to exacerbate polarization in Congress. The evidence for these claims is mixed. For instance:

• It has been argued that primary electorates are ideologically extreme, composed of strong liberals and strong conservatives. Survey evidence on primary electorates has been elusive, however. Some studies of Democratic and Republican primary voters have found little ideological difference between them and Democratic and Republican voters in general elections, while others have found evidence that primary voters are more extreme than the full electorate (including nonvoters). There is little consensus in this literature about what a substantial difference would be or what the relevant comparison group is. We do know that primary voters are different from general election voters in other ways (such as age, income, race, political knowledge, and so forth), and we have evidence that many candidates *believe* the primary electorate to be more extreme than it is in fact.[8] Some recent studies have focused on subtler differences, such as voters' preference for candidates who will seek compromise.[9]

• It has been argued for decades that open primaries (in which any registered voter can cast a ballot for a candidate of either party) produce less ideologically extreme or more representative nominees than closed primaries (where participation is limited to registered party members and voters can only choose among the candidates of their party). There is again little evidence to support this claim, and some have argued that the relationship is in fact the reverse.[10] To be clear, open primaries, which choose a party's nominee, are different from nonpartisan primaries that advance candidates to a general election regardless of party affiliation. Therefore, the evidence that open primaries do not effectively reduce extremism has no bearing on the potential of nonpartisan primaries, such as Alaska's "top-four" system, to do the same.

• People have also argued for over a century about when primaries should be held. Some contend that staging them closer to the general election will produce higher turnout (and hence a more representative electorate) while others argue the reverse. There is no strong evidence that it matters either way; contemporary scholarship suggests that primary timing has a minimal effect if other things are held constant.[11]

• Several studies have also addressed the perception that incumbent moderates have increasingly been challenged in primaries. Boatright argued in 2013 that there was little evidence to support this claim at that time, although his more recent work has found that moderate Republicans are indeed increasingly challenged in primaries.[12] In *Rejecting Compromise: Legislators' Fear of Primary Voters*, Sarah Anderson, Daniel Butler, and Laurel Harbridge-Yong have persuasively argued that what matters is perception: incumbents preemptively change their positions

because they perceive they will be challenged.[13] Donald Trump has made effective use of this type of threat, boasting about eliminating through primary challenges Republican incumbents he believes to be insufficiently committed to his "MAGA" movement. Consequently, the fear of drawing a primary challenge from a Trump-endorsed opponent has been offered as an explanation for why so many Republican incumbents have embraced Trump's claims that the 2020 presidential election was stolen even though they did not believe those claims themselves.

There is more work to be done on these issues, but the conclusion we draw is that more modest primary reforms don't really make a difference. If there is a problem, it is with the primary itself, and that is harder to fix short of abolition.

Changing Primary Laws May Not Address Problems Manifested in Primaries

Some of us are skeptical that primary elections are the major driver of polarization or the rise of political extremism. Some problems are manifested differently in primary elections than they are in general elections. For instance, changes in campaign finance laws and practices have affected primaries differently than they have general elections. In an era of high political polarization where voters see partisanship as a social identity, voters will respond to party cues in general elections. But such cues are absent in partisan primaries, and voters may therefore be susceptible to appeals based on ideology or candidate traits. Knowing this, interest groups and factional movements (including the MAGA movement loosely connected to Trump) may adopt different strategies in primary elections than in general elections.[14] If one is concerned about such activities, changing campaign finance law may be one appropriate response.

Similar arguments may be made about other activities that take place in primaries. Elections are integrated systems, where redistricting laws, voter-access laws, election administration, campaign finance, and other laws interact with primary election laws. Changing primary election laws while leaving all of these other things constant may therefore not have an impact on polarization or extremism.

National-Level Primary Reform May Be Difficult to Achieve

The federal government has historically shown limited interest in changing primary election laws. Although Congress and the national

parties have the power to formally or informally influence how state primaries are conducted, the most likely venue for reform is at the state level and, in some cases, within state political parties. As noted above (and shown in Figure 5.1), states have changed primary laws repeatedly, sometimes for idiosyncratic reasons, sometimes out of broader normative concerns—for instance, to increase participation or make nominees more representative. These changes have not always had lasting results.

Efforts to influence primaries often interact with aspects of state political culture. Some reforms may have a short-term effect on candidate emergence or voting behavior, but these effects may dissipate over time. This does not mean that reforms are not worthwhile, but we are wary of the consequences of mobilizing the public around reforms that will not bear fruit or of the possibility that (as was arguably the case with the introduction of primaries in the first place) reforms that have negative consequences may prove "sticky" and be difficult to repeal.[15]

Despite these qualifications, we note that analyses of polarization and extremism frequently discuss primaries, and many extant reform proposals are framed with reference to polarization or extremism.[16] This means two things. First, reforms will happen regardless of whether there is any national consensus or movement in favor of them. We should therefore endeavor to prevent such reforms from making matters worse and ensure that we know how to measure their results as effectively as possible. And second, the problems of polarization and extremism are substantial enough that we should be open to changes even without complete certainty about whether primaries are the cause of these phenomena. We should also be open to the possibility that short-term changes may be valuable even if in the long run the political system adapts and the effects of reforms decay.[17]

What Might Work

There are three principal ways in which primaries *might* produce unrepresentative or extreme nominees; we offer our reform proposals with reference to the subject areas around them.

1. *Barriers to voting:* If voter turnout is low or unrepresentative of the state or district electorate, the nominee might therefore not be representative of the voting population in terms of ideology or other relevant characteristics. This may be a particular concern in areas dominated by one party.

2. *The selection mechanism:* Primaries may produce candidates who win multicandidate races with a plurality but not a majority of the vote. Such candidates may again not be representative of the electorate, and they might have lost to one or more of the other candidates in a head-to-head matchup.

3. *The role of parties:* It has been shown that parties can winnow the field so that the two problems outlined above are less consequential; they can do so by reducing the number of viable candidates or by making their own preferences clear.[18] This power can be abused, but when parties use it judiciously, they can reduce extremism. Parties vary across states in their ability to do this, and some scholars have argued that parties have generally grown less able to shape the candidate pool. However, partisan primaries may still produce ideologically unrepresentative nominees even when parties are functioning well. Polarized parties may produce nominees who do not reflect the median voter of the full electorate, and if parties lack the ability or the desire to limit who can enter primaries, candidates (particularly incumbents) may adopt ideologically extreme positions to ward off primary challenges.

There are many arguments both for and against reforms within each of these areas, and their normative implications are not necessarily limited to addressing extremism. In the discussion below, we address possible reforms in each of these domains, by discussing what political scientists know about them, what we still need to find out, and what changes would address problems. We propose that reforms in each area map onto the goals outlined above in the manner illustrated in Table 5.2.

Turnout and Representation

What we know. Turnout in state-level primaries has increased since 2016, but it is still extremely low. According to an estimate by the

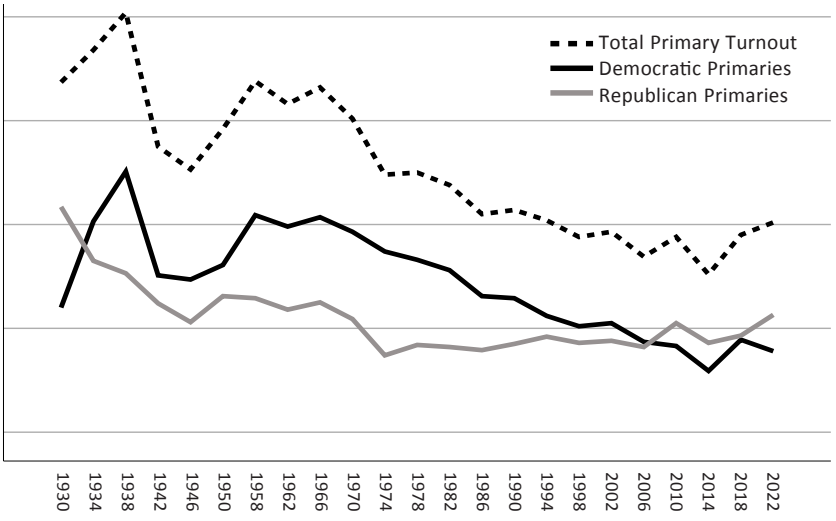
Table 5.2 Effects of Different Types of Primary Election Reforms

	Elect Competent Leaders	Reduce Ideological Extremity	Increase Turnout	Increase Voter Choice
Reduce barriers to voting		+	+	
Change selection mechanism		+	+/–	+
Change (increase) role of parties	+	+	+/–	–

Bipartisan Policy Center, 21.3 percent of eligible voters participated in the 2022 midterm primaries.[19] Figure 5.2 shows turnout in congressional primaries in nonpresidential years since 1930, drawn from reports from the Center for the Study of the American Electorate (1930–2012) and the Bipartisan Policy Center (2014–2022).[20] Primary turnout fluctuates wildly across jurisdictions, such that candidates winning House primaries often do so with the support of less than 10 percent of the electorate. Primary turnout in the House also tends to be driven by the elections at the top of the ticket: by concurrent presidential primaries, ballot initiatives, or other competitive statewide primaries.[21] Fluctuations resulting from these factors tend to swamp any swings that might result from primary type or timing, although it is hard to separate these factors from other characteristics of state party culture.

As discussed above, we also know that the voters who participate in partisan primaries are not representative of the overall electorate. Some studies show that the primary electorate is older, whiter, wealthier, and more conservative than the population as a whole, but other studies conclude that the ideological views of primary voters differ little from those of voters who support their party's nominee in the general election.[22] We know that the composition of the primary electorate varies from

Figure 5.2 Congressional Primary Turnout in Midterm Election Years, 1930–2022



year to year and from state to state, depending on the nature of the races on the ballot.

There have been major advances in studying primary voters in recent years. While we once knew next to nothing about the national primary electorate, we now have the ability to make precise claims about who votes based on the full voter file as opposed to survey samples (thanks to the Cooperative Election Study [CES] and Catalist data made available for academic use). As part of this book project, we have begun our own research on primary voters. Table 5.3 shows our estimates of some important characteristics of the congressional primary electorate over the past three midterm elections (characteristics are harder to estimate for presidential election years) using a Catalist national voter file built from the fifty state voter files and augmented with commercial and campaign data. This table shows that conservative voters are more likely to take part in primaries, a finding that has no consistent correlate in general elections. If conservatives are more likely to vote in primaries, there is a risk that this will skew Republican primaries to the right. But the extent of this skew depends on how fractured the Republican field is and whether this rise in conservative turnout is a national phenomenon or confined to particular areas of the country. Liberal voters are also more likely to vote in Democratic primaries than are more moderate Democrats, but this tendency was less pronounced in 2014 and 2018. The primary electorate also tends to be older, whiter, and wealthier than the general electorate—in line with the studies we mentioned above. As turnout increased between 2014 and 2022, these gaps narrowed slightly among primary voters.

Four states currently hold nonpartisan primaries, and two employ a variant of ranked-choice voting. In most cases, these systems are new enough or the states idiosyncratic enough that it is hard to draw firm conclusions or generalize from their election results, especially regarding voter turnout. Research on California's nonpartisan primary has been mixed but tends to show it encourages more moderate candidates. Studies of the nonpartisan primary in Washington have tended to minimize its impact. And the few studies of Louisiana's much older nonpartisan primary system have concluded that the system encourages moderation.[23]

Alaska's system, which includes both a nonpartisan primary and a ranked-choice general election that can feature multiple candidates of the same party, is the subject of several recent research projects. Some of these projects have touted ways that the system can advantage more broadly popular and less ideologically extreme candidates.[24]

Alaska saw heightened voter turnout in its 2022 primary, but this shift could have stemmed from the novelty of the system or the fact that a special election for the House took place the same day. Although many candidates were eliminated in the House and Senate primaries, very few candidates were eliminated in the state's legislative primaries. Some analyses of the 2022 election have drawn on the state legislative results to argue that nonpartisan "top-four" primaries will (by design) serve a very different function than primaries that result in candidate nominations.

Finally, even though Table 5.3 shows that the primary electorate became slightly more representative as turnout increased, we should be cautious about always assuming that any increase in voter turnout is beneficial for representation. We know that increased primary turnout is associated with the nomination of more moderate legislators among Democrats, but there is no similar relationship among Republicans.[25] Studies of very low-turnout races at the municipal level show that when turnout is below 10 or 15 percent, for instance, small increases can make the representation problem worse. This is not the case when the starting point is 40 percent or higher,[26] which indicates that turnout is much more strongly affected by preference intensity in low-turnout races. Merely relying on candidate- or party-driven efforts to increase turnout will not necessarily increase representation.

What we need to know. Given the overrepresentation of ideologically extreme voters in the primary electorate, increasing primary turnout could be one way to combat extremism. But if we are seeking to increase primary turnout, we need to know what the advantage of doing so would be beyond merely involving more people in the political process. This means we need to be able to say more about the primary electorate, beyond ideology or demographics. We support efforts to survey primary voters on topics that go beyond demographics, ideology, or partisanship.[27] More research in this area will help us know what to expect if turnout increases and to identify any potential trade-offs associated with such a shift.

National data on the characteristics of primary voters can be misleading, because primary elections do not take place at the national level but rather feature fifty different state electorates. Thus, it is also important to understand the effect that political competition and individual candidates have on primary voter turnout. Consider Table 5.4 on midterm election year primaries in Ohio since 2014, which shows that the electorate varies substantially from one primary to the next.

Table 5.3 Percentage of Voters by Demographic Groups in the 2014, 2018, and 2022 Congressional Primaries

	Voted 2014 (%)	Voted 2018 (%)	Voted 2022 (%)
Age			
Below 25	5.03	6.37	8.17
25–39	5.71	8.65	10.20
40–54	12.33	14.44	16.24
55–73	25.16	26.04	28.71
73+	12.59	23.23	24.38
White (non-Hispanic)	15.58	19.74	22.76
Black	9.39	13.03	12.55
Latino	8.30	9.30	9.35
Asian	10.67	11.34	13.03
Male	13.43	17.16	19.06
Female	13.83	17.59	19.44
College degree	18.65	22.35	25.96
No college degree	12.03	15.97	17.49
Conservative ideology	28.68	29.35	26.11
Moderate ideology	7.68	6.44	7.20
Liberal ideology	24.76	24.64	33.92
Republican	23.52	28.62	34.84
Democrat	18.64	23.08	23.57
Married	21.55	21.77	24.67
Not married	8.61	12.73	13.79
Income			
Less than $20,000	10.35	6.24	5.04
$20,000–$29,999[a]	13.11	9.67	9.21
$30,000–$49.999[a]	9.60	13.9	15.13
$50,000–$74,999[a]	16.51	19.86	22.36
$75,000–$99,999[a]	17.58	24.3	27.81
$100,000–$149,999[a]	18.03	27.28	31.46
$150,000 and above[a]	19.82	31.91	35.60

Notes: Percentages shown are the "yes" responses for each category; they should not sum to 100 across category types (e.g., we are showing that 26.11 percent of conservatives voted in the 2022 primary, not that 26.11 percent of 2022 primary voters were conservative). Data drawn from 2015, 2020, and 2023 1 percent Catalist file, national voter file, administrative data.

a. For 2014, income categories are: under $20,000; $20,000–$39,999; $40,000–$59,999; $60,000–$79,999; $80,000–$99,999; $100,000–$119,999; and $120,000+.

Although Ohio leans slightly Republican, Republicans are substantially more likely to vote in primaries than are Democrats—a tendency that contributes to making the primary electorate whiter and more conservative than the state as a whole. This imbalance, however, appears to be largely a product of heightened competition in Republican primaries:

Table 5.4 Percentage of Voters by Demographic Groups in the 2014, 2018, and 2022 State Primaries in Ohio

	Voted 2014 (%)	Voted 2018 (%)	Voted 2022 (%)
Age:			
Below 25	3.18	5.17	6.87
25–39	3.53	6.03	8.07
40–54	9.42	11.74	14.29
55–73	20.83	24.56	29.00
73+	12.45	23.13	23.75
White (non–Hispanic)	11.94	16.94	20.11
Black	6.59	8.93	8.80
Latino	3.40	3.89	5.36
Asian	4.30	3.22	4.69
Male	10.95	15.88	18.86
Female	10.85	15.59	17.77
College degree	15.67	20.31	24.29
No college degree	9.75	14.66	16.92
Republican	23.16	28.40	39.06
Democrat	15.35	20.54	19.69
Conservative ideology	26.07	28.73	30.80
Moderate ideology	4.80	1.77	2.89
Liberal ideology	25.61	25.05	27.43
Married	18.00	20.78	24.76
Not married	6.03	10.04	11.06
Income:			
Less than $20,000	6.50	3.37	2.99
$20,000–$29,999[a]	10.53	7.00	7.24
$30,000–$49,999[a]	8.68	11.92	13.01
$50,000–$74,999[a]	14.17	19.66	22.50
$75,000–$99,999[a]	15.69	23.82	28.81
$100,000–$149,999[a]	15.17	25.68	31.27
$150,000 and above[a]	15.33	28.46	33.26
All	11.30	16.00	18.10

Notes: Percentages shown are the "yes" responses for each category; they should not sum to 100 across category types (e.g., we are showing that 26.07 percent of conservatives voted in the 2014 primary, not that 26.07 percent of 2022 primary voters were conservative). Data drawn from the 2015, 2020, and 2023 1 percent Catalist file, national voter file, administrative data.

a. For 2014, income categories are: under $20,000; $20,000–$39,999; $40,000–$59,999; $60,000–$79,999; $80,000–$99,999; $100,000–$119,999; $120,000+.

there was little competition in Democratic primaries for governor or senator in any of these years, while Republicans had a competitive gubernatorial primary in 2018 and a very competitive senate primary in 2022. Republicans, in other words, simply had more reason to vote than did Democrats.

Individual candidates may also have played a role in stimulating turnout in these elections. Such disparities spread across multiple states can influence what the primary electorate looks like at the national level in a given year, and they can ultimately lead to the nomination of candidates who are unrepresentative of their party. It seems problematic to us, however, to argue that there is a core primary electorate in either party, let alone to blame this phenomenon on characteristics of primary voters. According to our analysis of Catalist data, only 56.01 percent of 2022 primary voters voted in the 2018 primaries, and only 55.89 percent of 2018 primary voters voted in the 2014 primaries.[28] This is a substantial degree of churn from one election year to the next, and it cannot be explained solely by changes in competitiveness. It suggests that within states the characteristics of primary voters can change dramatically over time. It is therefore hard to make the case that any particular voting reform will change competition or outcomes in partisan primaries.

One conclusion we can draw, however, is that to make primary voters more representative of the general public, it would be necessary to attract voters who have little interest in the primaries themselves. Many citizens vote in general elections out of habit, out of commitment to the democratic process, or because they see differences between the parties but know little about the candidates. It is possible that such voters could improve the quality of primary campaigns or pull primary candidates away from the political extremes, but we are far from knowing how this might work.

Reforms that would increase turnout and representation. Below, we list some reforms that we believe are worth considering to increase turnout and representation:

1. *Encouraging states to cluster primaries:* There are many ways in which the number of different primary dates could be reduced. One way would be to hold more state primaries on the same day as presidential primaries. These concurrent primaries would increase turnout, but the turnout increase would depend on the competitiveness of the presidential primaries. Concurrent primaries could also potentially increase turnout in idiosyncratic ways—for instance, by drawing more voters who strongly support one of the presidential candidates but have little interest in down-ballot races. This arrangement would not necessarily have as great an impact on turnout in midterm election years as it would in presidential years, but it would still ultimately result in fewer primary election dates and thus might be an improvement on the status quo.

2. *Establishing a national congressional primary day:* If states were induced to hold primaries on a particular day, these elections would attract more media attention and therefore stand a better chance of turning out less attentive voters, even if their own primaries were not particularly competitive. We expect that this reform would increase turnout while at the same time making the primary electorate more representative. A same-day national primary would limit the ability of interest groups or other nonparty organizations to selectively target individual early primaries in order to shape the national narrative about a given year's elections, and thus there might be some support for this idea among incumbent legislators.[29] Such a system might resemble that of France, which holds primaries for all legislative seats simultaneously. The establishment of a national primary day would not necessarily influence the presidential primary calendar.

3. *Instituting compulsory voting:* Some democratic nations have compulsory voting, generally with the option of submitting a blank ballot. Such a policy would increase the size of the electorate, although it would be odd to push for compulsory voting in primaries before making the case for it in general elections. Any effort to establish compulsory voting would require that primaries first be made open or nonpartisan.[30]

4. *Holding nonpartisan primaries:* Because so few states have adopted nonpartisan primaries, we do not yet have definitive evidence that they would have a major impact on extremism. However, we have seen no empirical or theoretical evidence that nonpartisan primaries would increase extremism. We believe more state-level experimentation with nonpartisan primaries, such as those held in Alaska, would increase our understanding of their effects and help us determine whether and how they should be more broadly adopted. We note that some members of our task force feel strongly that this chapter should have made a stronger case for nonpartisan primaries. We explain our reluctance to do so in Appendix A.

5. *Encouraging use of RCV systems for primaries:* While we are unconvinced that ranked-choice voting will fundamentally change primaries, we are open to the possibility that it could. In theory, RCV might give candidates greater incentive to appeal to voters who are unlikely to rank them first on the ballot, thus reducing the possibility that candidates will only mobilize strong supporters. And using RCV in primaries would not require states to use it in the general election. In many states, parties could adopt RCV on an ad hoc basis, as was the case in the Virginia Republican gubernatorial primary in 2021.

6. *Making primaries optional:* Many studies of voter turnout contend that Americans are called upon to vote far more often than citizens of other democracies and that the frequency of elections reduces turnout. Allowing states or parties to cancel primaries if certain conditions are not met would enable voters to be called upon only when the stakes are higher—potentially increasing turnout and producing a less ideologically extreme electorate. Currently, some states hold primaries even when an office is uncontested; other states hold them for low-profile offices when races closer to the top of the ballot are uncontested or not seriously contested. Allowing for party conventions rather than primaries in such instances might improve the quality of nominees and save the activity of voting for more important moments.

7. *Deeming primary election wins valid only if a turnout threshold is met:* It is common in some elective bodies to consider a result binding only if, for instance, half of all eligible voters have cast ballots. We have not considered the details of how this might work—if a separate election would be required or if an alternate selection mechanism should be used when the threshold is not met.

These reforms have varying degrees of public support, both in terms of their overall popularity and their popularity within partisan groups. (We consider public opinion about primary reforms in more detail later in this chapter.) These reforms also vary in their current political feasibility, and in terms of whether responsibility for their implementation would reside with state governments, the federal government, or political parties.

The Selection Mechanism

What we know. It has long been established that multicandidate, plurality-winner elections lead to the selection of candidates who do not represent the median voter. In addition, the more ideologically distinct partisan electorates become, the less likely they are to choose nominees who represent the full electorate's median voter.[31] This is by no means a novel claim, but there are disputes about whether political parties have the ability to informally solve this problem or whether voters in fact vote strategically or mitigate the problem by voting on the basis of candidate traits other than ideology.[32] However, most recent studies of candidate selection indicate that party nominees have become less representative of their districts over the past two or three decades.[33]

We know as well that congressional elections featuring plurality winners are not uncommon. Over the past fifty years, an average of 11 percent of challenger primaries and 36 percent of open-seat primaries have been won with a plurality of the vote. Plurality primary winners performed slightly worse in general elections than nominees who received a majority of the primary vote. In other words, parties pay a penalty in the general election for selecting plurality winners in competitive districts. But the data suggest three reasons that extremism might still proliferate in uncompetitive districts. First, extreme candidates of the dominant party are at less of a disadvantage in the general election in these districts. Second, the fact that these districts are uncompetitive to begin with means that their degree of extremity relative to the statewide or nationwide electorate is already higher. And third, the value of the nomination in these districts is presumably greater because it is more likely to lead to a general election victory, so absent party intervention, more candidates will emerge in open-seat races in these districts. Formal or informal efforts to resolve multicandidate competition thus will lead to candidates with greater general election support, who will presumably be more representative of their districts.

What we need to know. Other than the evidence offered above, there is little data on what becomes of plurality primary winners.[34] Anecdotal stories abound of politicians who won their initial races for Congress with less than 50, 40, or even 30 percent of the vote. According to the nonpartisan electoral reform lobby group FairVote, six of the eight Republican House members who supported the motion to vacate against Speaker Kevin McCarthy in October 2023 initially won their primaries with less than a majority of the vote.[35] Then again, many long-serving members of Congress, including former Speaker Tip O'Neill, initially won their seats with a plurality of the vote. We do not know whether plurality winners perform worse over time. It is entirely possible that they become more representative or conventional or that they struggle to win future elections and ultimately lose their seats. It could also be that the incentive system in Congress used to pull ideologically extreme plurality winners toward the center but no longer does so. We also do not know whether plurality winners are more common in some places than others or whether they share any other features. Nonetheless, it is well established that divisive primaries can be problematic for political parties.[36] It is also easy to draw on anecdotal evidence to make the case that plurality winners can cause broader problems in terms of extremism or unrepresentativeness.

Reforms that would change the selection mechanism. Many of the proposals that would change the primary selection mechanism overlap with other categories of reform in that they would influence voter participation, change the role of parties in primaries, or offer parties more discretion in how to conduct primaries. We recognize that these reforms are part of a much larger debate about the appropriate role of parties in contemporary American politics and that the success of any of these reforms may depend in part on the health of the two major parties.

1. Requiring or allowing the use of RCV in primaries: As noted above, parties could be encouraged or required to use ranked-choice voting in primaries or otherwise allowed greater discretion in establishing primary rules.

2. Encouraging parties to hold preprimary conventions: These could be used to limit ballot access, endorse candidates before the primary, or engage in other winnowing procedures. Many states use such procedures today, and some case studies have shown that they can produce more moderate nominees.[37] However, party organizations can antagonize internal factions by playing a role in selecting candidates, and parties may therefore have good reason not to want this responsibility.

3. Expanding the use of runoff elections: Runoffs, currently used in ten states (all in the South), would solve the problem of plurality winners. But some studies have noted that runoffs can be expensive for jurisdictions and candidates and that voter turnout often declines between the initial primary and the runoff, thus introducing representation problems.[38]

4. Allowing or encouraging fusion balloting: Fusion balloting, currently used in New York, allows multiple nominations for the same candidate. That means a minor party can nominate the same candidate as the Democratic or Republican parties. Advocates of fusion balloting argue that it can enhance voter choice, improve voter knowledge about candidates on the ballot, and increase the power of minor parties while reducing the likelihood of their acting as "spoilers." However, in the 1997 case *Timmons v. Twin Cities Area New Party*, the Supreme Court permitted states to outlaw this practice.[39]

5. Eliminating sore loser laws: Sore loser laws, which prohibit defeated primary candidates from running as independent or third-party candidates in subsequent general elections, are currently used in forty-seven states.[40] Eliminating such laws can offer a path for defeated primary candidates to make their case to a broader electorate. For instance,

if a moderate candidate is defeated in a party primary but has substantial support among independent or opposite-party voters or among voters who did not participate in the primary, he or she would have an alternate path to victory.

6. Requiring nonpartisan primaries: This is the lone selection-mechanism change that would explicitly limit party discretion. However, nonpartisan primaries can and have allowed parties to play a role in endorsing candidates, holding preprimary conventions, and developing criteria for how party labels will be used on the ballot.

As with the reforms aimed at improving turnout and representation discussed above, we offer these possible electoral changes not because all of us fully endorse them but because we see them as plausible responses to the problem of extremism. We also offer them without regard to their political feasibility or their popularity among voters or politicians.

Giving Parties More Power

What we know. Many histories of primary elections have argued that the leaders of national or state political party organizations have intervened, both formally and informally, in their party's primaries to increase the likelihood that party nominees will be strong general election candidates.[41] According to this argument, the problem of extreme candidates being nominated is a consequence not necessarily of primary election rules but of the declining ability of parties to influence primary results. One avenue for addressing extremism, then, would be to strengthen political parties.

For decades, political scientists have studied variations in levels of party organization across US states. Measures of party organization and party culture created in the 1980s or earlier by David Mayhew and Daniel Elazar still have some predictive value.[42] More recently, Hans Hassell has documented the ways in which party leaders coalesce around their chosen candidates before primaries begin.[43] Various studies of party-allied super political action committees (PACs) have also documented their role in shaping primary competition.[44] Today, some of the states that were initially the most skeptical of direct primaries are occasionally able to make primaries optional or to determine whether to open or close them. We know as well that in countries such as Mexico, where primaries are optional, parties use primaries selectively, holding them when it benefits them to do so.[45]

What we need to know. Although it is possible to document the methods by which parties have converged around moderate nominees, we lack the ability to determine whether, when, and how parties that have the capacity to block extremists actually do so. We can observe instances when party organizations or party-allied groups seek to offer an advantage to candidates they deem more electable, but electability is not necessarily the same thing as moderation. In 2022, for instance, multiple House and Senate candidates endorsed by Donald Trump won nominations despite concerns among other Republican leaders about their moderation or electability—only to lose to Democrats in competitive states and districts. At the same time, party leaders in other states (notably New York) were able to coalesce around moderate candidates who ultimately won both the nomination and the general election.

States with partisan primaries also vary in the latitude they give political parties in structuring the nomination process. Although most of this information is publicly accessible, we lack a comprehensive state-by-state accounting of the legal constraints on party control of primaries. Some states have statutory requirements, while others are bound by constitutional restrictions, either dating back to the adoption of their constitutions or enacted later through ballot initiatives. (Appendix B lists state constitutional provisions relating to primary elections.) Before undertaking any effort to give parties more leeway in primaries, however, we would need to know more about what is possible and what such reforms would entail.

There are also concerns about what parties would do with this responsibility. It is possible to find anecdotal evidence of parties using this responsibility sensibly, as when Virginia Republicans used a ranked-choice vote to block the least palatable candidate in the 2021 governor's race.[46] But there are also numerous examples of state parties that have been radicalized and might well choose more extreme nominees than would rank-and-file voters. To our knowledge, there exists no good analysis of the degree of practicality or extremism among state parties and state party leaders, although several recent works explore characteristics of local parties.[47] There are, moreover, questions we should be asking about the difference between the short-term and long-term effects of any change in party power: Will granting more decisionmaking power over nominees to ideologically extreme state party organizations ultimately prompt those organizations to become more practical? And are the short-run costs of any such changes worth the long-term benefits?

Reforms that would change the role of parties in primaries. Many of the same reform proposals noted above are relevant here. These include:

1. *Allowing RCV in primaries, encouraging parties to hold preprimary conventions, and/or expanding the use of instant-runoff elections:* All of these reforms were listed above as options to change the selection mechanism. Here, we would emphasize the possibility of giving parties greater discretion to use such methods rather than requiring them.

2. *Clarifying the role state parties might play following the adoption of a nonpartisan primary system:* In the previous section, we noted ways in which parties might still play a role in nonpartisan primaries by offering endorsements, holding preprimary conventions, or making other official statements about their preferences before the primary is held.

3. *Other efforts to invigorate state or local political parties:* These could include changing campaign finance laws to incentivize contributions to and from the parties or changing rules governing party coordination with candidates.

As the next section indicates, however, the public is skeptical of election reforms that grant parties greater power. And as noted above, we explore some alternative arguments about the role of parties in primaries in our discussion of nonpartisan primaries in Appendix A.

Public Support for Primary Election Reform

To measure public sentiment on the reform ideas discussed in this chapter, our task force commissioned a YouGov survey. The survey, fielded in March 2023, had 3,000 respondents and included fifteen questions on frequently discussed reform proposals.

The responses indicate strong public support for many different types of reforms. However, a substantial number of respondents—roughly one-fourth to one-third per question—had no opinion on these reforms, and many questions showed a gap in support between Democrats and Republicans. Overall, respondents were most favorable toward reforms that could be framed as more democratic or "open" and were least favorable toward reforms that would enhance the power of political party organizations. This is a finding of other surveys on political reform, and it corresponds with early public attitudes about primaries as well.[48]

Table 5.5 shows the percentage of respondents in favor of each proposed reform, excluding respondents who had no opinion. Two of the questions here ("national primary" and "rotate primary") pertained to presidential primaries and were included for validation purposes; the responses to these questions track closely with the responses in a 2020

Table 5.5 Support for Congressional Primary Reform Among Those Expressing an Opinion, by Party Identification, 2023

Electoral Reform	Full Sample (%)	Democrats (%)	Independents (%)	Republicans (%)
None (supports status quo)	61.31	59.82	53.86	72.60
Open primaries	80.95	83.56	83.98	73.00
Optional primaries	75.45	75.88	75.90	74.29
Runoff elections	74.54	79.21	72.42	71.02
National congressional primary day	74.07	77.08	72.01	72.60
15 percent candidate threshold	64.04	65.92	60.82	65.43
Nonpartisan primary	59.50	66.87	60.69	48.26
Ranked-choice voting (RCV)	57.78	68.15	58.59	42.35
Sore loser laws	57.72	67.53	48.37	56.45
Party endorsements	54.46	62.49	42.94	58.02
Voter threshold	51.20	54.94	51.62	45.78
State party conventions	36.73	36.78	35.29	38.51
Comparison to presidential primary reforms				
National primary	80.78	83.71	78.60	79.57
Rotate primary	72.81	77.66	72.18	66.65
Approximate percentage of sample	100.00	36.63	37.43	25.93

Note: Numbers are calculated using survey weights.

CES survey that focused on presidential primary reform.[49] And one question ("sore loser") was phrased such that a favorable answer indicated that the respondent was in favor of sore loser laws—that is, in favor of the status quo.

Table 5.5 shows the partisan and ideological differences among respondents. It is evident here that ranked-choice voting has taken on a partisan aspect: Democrats support it while Republicans oppose it. A majority of Republicans support maintaining the status quo while a majority of Democrats oppose doing so. Most of the other questions show a partisan split, but few show Democrats and Republicans on opposing sides. And partisans are more likely to support reforms that enhance party power than are independents. The lone reform that shows substantial and relatively consistent support among Democrats,

Republicans, and independents is a national congressional primary day. It is also noteworthy that very few differences in responses can be attributed to race and that younger respondents are more supportive than older respondents of most reforms.

In future research sponsored by our task force, we will offer a more detailed interpretation of these results. We offer them here, however, to show that there is public appetite for reform, although the reforms the public favors are not necessarily the same ones we favor. Party-enhancing reforms will not garner public support, and it should worry advocates of ranked-choice voting that there is such a partisan split on that question. It is encouraging that there is strong and bipartisan support for establishing a same-day national congressional primary.

Future Research

To summarize, there were several issues raised in the course of writing this chapter that the task force was able to address and others that we are not actively studying but which we hope other political scientists can address. The former category includes:

• *Public attitudes toward primaries and primary reform:* We have offered some data from our YouGov survey on voter attitudes toward reform and on the determinants of these attitudes, and we have recently concluded a more complete study of the survey results. In this chapter, we raised concerns about the politicization of many reform ideas. More research should be done to determine political obstacles to primary reform proposals and propose ways to frame some of these ideas to generate bipartisan support.[50]

• *Characteristics of primary voters:* As noted above, one challenge in studying primary voters is that the primary electorate varies from one cycle to the next, depending on the competitiveness of state-level or presidential primaries on the same ballot. Another project supported by the task force is our study of Catalist data on primary voters in different years and different states. We anticipate completing a more detailed study of this subject in the coming months as well.

The latter category of issues includes:

• *The characteristics of state parties:* It is not evident what state party leaders might do were they given more control over primaries. We

would benefit, however, from a study of state parties that pays particular attention to primaries and from an effort to measure state party strength, pragmatism, professionalism, or propensity to be captured by ideological factions. In short, we need to know which state parties would be able to improve primaries if given the tools to do so and which would not.[51]

• *Laws governing state adoption of primary election law changes:* We need a better state-by-state analysis of the constraints on modifying primaries. This information is all readily available from individual states, but to our knowledge there is no compendium of it.[52]

• *Political ambition:* Studies such as those by Anderson, Butler, and Harbridge-Yong, as well as forthcoming work by Danielle Thomsen, emphasize the importance of candidate perceptions about primaries.[53] This scholarship is somewhat related to much earlier work on political ambition.[54] While much of the research discussed elsewhere in this chapter addresses the effects of legal changes on primary election results, studies of political ambition emphasize that perceptions about what will happen in primaries can determine who runs for office (and can thereby shape election outcomes) irrespective of primary laws or other facts surrounding primaries.

• *State legislative primaries:* Almost all the findings we have presented are about primaries for federal office—for House and Senate seats—and, in a few instances, for governorships. Although there is some scholarship on state legislative primaries and on polarization within state legislatures, more research is needed on how primary elections relate to political extremism at this level and on how our recommendations might apply.[55]

Recommendations

The aforementioned reforms are all means of pursuing the goals of reducing or discouraging political extremism. They all involve tradeoffs, which we have noted, and they vary substantially in the magnitude of change they would entail and the amount of public support they enjoy. In many instances, they are not reforms we enthusiastically support; rather, they are reforms we are open to and encourage states or state parties to consider. By way of summary, however, we offer a short list of the reforms we believe are most promising. All of these reforms received strong support from our task force subcommittee members.

1. *Establish a national primary day.* We believe that having a single date for all state primaries (excluding presidential primaries) would offer a number of benefits. It would increase voter turnout by focusing citizens' attention on the primary election regardless of the competitiveness of their particular state. It would direct media attention more broadly across all primaries, rather than toward just a handful of idiosyncratic races from which the public might draw erroneous lessons. It would prevent super PACs and other groups from using the sequential nature of primaries to shape the national narrative. And it would potentially alter the relationship between state and national party organizations. We are uncertain about how advocacy for such a primary day might work. States could be offered incentives from Congress or the national parties to converge on a particular day, or perhaps legislation could be enacted establishing rules for primaries. We note that Congress has the constitutional authority under Article I, Section 4 to mandate a nationally uniform primary date for congressional elections. We are agnostic about when such a day might fall, although the standard reform recommendation for decades has been to hold primaries in the early autumn.[56] We recognize the political challenges that any effort to establish a national primary day would face. In our judgment, advocacy for the idea would have two major benefits even if it is unsuccessful: it would help focus attention on the problem of low primary turnout, and it might encourage states to consider clustering their primaries, which would still be beneficial.

2. *Encourage continued experimentation with alternative primary models.* We do not yet know whether ranked-choice voting or nonpartisan primaries would reduce political extremism, but new research is promising and shows they can lead to candidate moderation and reduce polarization. Until the recent Maine and Alaska reforms, RCV had not been tested at the state or federal level in the United States, and variants adopted at the municipal level have not always succeeded.[57] However, we are optimistic that the "top-four" or "top-five" models discussed in Chapter 2 might be able to avoid some of the problems that plagued mid-twentieth-century experiments with RCV and the single transferable vote. We see no reason why any of these reforms would be worse than the status quo, and as parties and voters adapt to them across different state political cultures, we are interested in whether the systems become more popular with the public. There will be work to do to convince Republicans and conservatives that they, too, can benefit from RCV, "top-two" primaries, or other such reforms.[58]

3. *Take steps to strengthen political parties.* These would include measures to give parties greater flexibility to use alternate types of pri-

maries. We would support providing state parties with the ability to alter primary laws to fit their unique circumstances. For instance, we believe RCV would be appropriate in primaries in heavily partisan districts, and we see little reason for states to prohibit parties from adopting open primaries or optional primaries if they choose to do so. We also think parties can have a potentially salutary impact on the nomination process if they strengthen their gatekeeping functions to deter unfit and politically extreme candidates. We would encourage parties to hold preprimary conventions to limit ballot access, endorse candidates before the primary, or engage in other winnowing procedures that give voters a choice among candidates who would be effective representatives of the party and its adherents. Notwithstanding a populist culture that strongly embraces candidate nominations by voters, many partisans appear to acknowledge that parties have an important role to play in shaping the nomination. Indeed, the vast majority do not believe that voters should have exclusive influence.[59] Parties can also be strengthened by granting them a greater role in financing their candidates (see the recommendations in Chapter 7). Studies indicate that parties tend to support more moderate candidates than do other kinds of donors and that these candidates tend to do better in general elections.[60]

4. *Eliminate sore loser laws.* Although many of the reforms we support would enhance the power of party leaders, we were divided on this one. However, some of us felt that if the goal of increasing party flexibility is to encourage parties to nominate electable candidates, then these candidates should be able to win in general elections regardless of their opponents. Moreover, sore loser laws have historically been used to block candidates who have substantial support among independents or voters of the opposing party. We note that our survey results show that the public does not support abolishing sore loser laws, but there may be ways to frame the issue that would change public attitudes. We further note that eliminating sore loser laws might effectively be coupled with adopting RCV or an instant-runoff system if there is concern about a defeated primary candidate running as a "spoiler" in the general election.

Conclusions

In closing, we wish to comment on four topics that have come up during our discussions. First, we want to reiterate that many of the problems associated with primaries are the result of other changes in our politics. It is important to be clear about the causes of polarization and extremism.

Often, things that play a role in primaries—such as super PACs, lopsidedly partisan districts, or social media—cause problems. But the issue is not necessarily the primary itself or its rules. Primaries have existed for over a century, while many of the problems associated with them are more recent. We should not assume that primary election reforms will solve these problems. Nor should we lose sight of the benefits primaries of all types offer some voters in terms of candidate choice and political engagement—or of the Progressive-era goal of reducing the potential for corrupt bargaining within parties over nominations.

Second, the reforms we have presented here follow two paths. One is rooted in Progressive Era ideas about the role of the public in democratic politics. If we are serious about allowing voters to play a role in primaries, it is important that we extend this opportunity to all voters. Hence our interest in making it easier to vote and in encouraging habitual voting. The second path is distinctly pro-party. We take seriously concerns that party organizations have been weakened to the point that they can no longer serve their traditional function of aggregating interests and that some party organizations have been so radicalized that they will use any additional powers they receive to steer their nominees further away from the electorate's preferences—or even from democratic norms. History (as well as many theoretical models) suggests that parties are punished by voters when they do this. If such retribution is no longer possible—if party organizations are irrevocably broken, in other words—then more radical changes may be necessary. But we have framed this chapter as a survey of options that would retain a role for parties.

Third, it is important to think about the time frame for reform. Those who think extremism is an immediate threat to the political system may well conclude that changes that yield a short-term benefit are worth pursuing even if the benefit dissipates as the system adapts, eventually rendering the changes meaningless. For instance, one could argue that the adoption of "top-four" ranked-choice voting in Alaska prevented a particular candidate with antisystem views (Sarah Palin) from winning a House seat and that this single election may have had further implications for the activities of the 118th Congress. Perhaps a few changes like that matter even if in the long run RCV does not have any strong effects. We do not have a good theory about how to balance short-term and long-term interests in election reform.

Fourth and finally, we have offered a relatively conservative slate of reforms. We have concentrated on changes we think are achievable

in the somewhat near future, and we have done so for two reasons. First, one lesson we have taken from the history of primaries is that they are hard to get rid of and that the public will generally support things that sound democratic, even if in fact they are not. Second, as Bruce Cain and others have argued, mobilizing the public around any sort of process reform risks exhausting people, and a reform that shows no consequences three or four elections out can lead to disillusionment and to reform "cycles" that become increasingly more radical and futile.[61] This suggests we should be cautious about what is achievable and recognize that citizens have myriad political interests; distracting them with false hopes can have serious repercussions for assembling political movements in pursuit of other types of policy changes that might be more effective in solving the very real problems our nation faces.

Some readers may find our suggestions too cautious. We emphasize that this is not an argument against more ambitious plans for rethinking American elections. But citizens, political parties, and state governments have a range of tools at their disposal to tame political extremism and reduce polarization, and reforming primaries is just one of them. We believe that primary elections can be improved without abandoning an institution that has proved malleable enough to meet the needs of different state governments and, on balance, been an asset to American democracy for much of the past century.

Appendix A: Nonpartisan Top-Two, Top-Four, or Top-Five Primaries—Why Not Give Parties Less Power?

Some members of our task force have argued strongly for recommending the adoption of nonpartisan primaries. As we have noted, the nonpartisan primary has been implemented in four states: California, Washington, Louisiana, and Alaska. California and Washington use nonpartisan primaries to winnow the field to two candidates for their general elections. Louisiana holds a jungle primary on the day of the general election and a runoff in December. In 2022 Alaska implemented a nonpartisan primary, from which the top four candidates proceed to an RCV general election. Nevada voters approved a "top-five" nonpartisan primary and RCV general election in 2022 and voted on it a second time in 2024.[62]

In theory, nonpartisan elections should encourage moderation. They allow candidates to appeal to voters of both parties, and they can lead to the election of candidates who might otherwise have failed to receive a majority or plurality of votes in a party primary. Political parties can still play a role in nonpartisan primaries, moreover. They can hold conventions beforehand to endorse candidates. Party labels can be used on the primary ballot to inform voters, and the ballot can note which candidates have received a party endorsement. The ballot can also indicate which candidate is the incumbent. In their capacity as private associations, parties and organizations allied with parties (such as interest groups and super PACs) can still communicate with voters or engage in other campaign activities, as can private individuals with ties to parties.

Our lack of a strong endorsement for nonpartisan primaries is based on both empirical observations and normative concerns. First, let us consider the empirical evidence. All the states that use nonpartisan primaries have idiosyncratic politics. California has a history of particularly weak political parties; for much of the twentieth century, it allowed for cross-filing: candidates could simultaneously run for the Democratic and Republican nomination. California used a blanket primary, which is in practice nearly identical to a nonpartisan "top-two" primary, for two election cycles in 1996 and 1998. Evidence of its effectiveness was mixed, but some argued that the system didn't have time to mature before being struck down by the Supreme Court in *California Democratic Party v. Jones* in 2000.[63] The state's "top-two" primary was established by referendum in 2010. That same year, California enacted (again by referendum) a nonpartisan redistricting commission. It has trended strongly Democratic over the past two decades. Early studies of the "top-two" primary contended that it had little effect, although they acknowledged it was difficult to separate the effects of the primary from those of the state's redistricting efforts.[64] Arguments for the effectiveness of the "top-two" primary rest largely on one study, which considered the behavior of the state's members of Congress from 2003 to 2018.[65] It would be consistent with the results of this study to argue that it took nearly a decade for adaptations of candidates, voters, and parties to the "top-two" primary to become evident.

Washington adopted its "top-two" primary by voter initiative in 2004. The state had used a blanket primary from 1935 to 2000 and an open primary during the brief period after the Supreme Court's *California Democratic Party v. Jones* decision but before its adoption of the

"top-two" primary. Todd Donovan argues that the "top-two" system has had few noticeable effects, in part because it was not a radical break from the systems that preceded it.[66]

Louisiana also has a history of weak political parties, although conventional measurements place it in a different category than Alaska, California, or Washington. Louisiana adopted a nonpartisan jungle primary in 1975. This primary was enacted legislatively, at the behest of recently elected governor Edwin Edwards, reportedly out of frustration that he had been forced to run in a primary as well as a runoff prior to the general election while his Republican opponent had not. Unlike other nonpartisan-primary states, Louisiana separates state and federal elections. State elections, held in odd-numbered years, feature a primary in October and a runoff in November. Federal primaries are held on the same date as the general election, with a runoff in December if necessary. Current US senator John N. Kennedy won his seat in 2016 after receiving less than 25 percent of the primary vote, and turnout for the subsequent runoff was more than 50 percent lower than for the primary. Some recent studies have argued that the state's legislature has been less polarized and more effective than those of other southern states.[67] And in recent years, Louisiana has had more two-party competition at the state level than its immediate neighbors, but its congressional delegation is not noticeably less extreme than those of other southern states. Speaker of the House Mike Johnson, the ultimate choice of those who unseated Kevin McCarthy, first won his Louisiana seat after receiving 25 percent of the vote in the 2016 primary.

Alaska, which adopted its "top-four" ranked-choice voting system in 2022, has a long history of nonpartisan electoral politics. It used a blanket primary from 1967 to 1992 and again from 1996 to 2000.[68] Alaska also has a long history of Republican Party factionalism, and it has politics that revolve around resource extraction (unlike other extractive states, however, it also has a very large percentage of union members). Both chambers of the legislature have a history of establishing bipartisan coalitions; currently, the state senate governing coalition includes 85 percent of the chamber. Arrangements such as these substantially reduce the need for political parties to play a role in elections at all. As we have noted above, early evidence from Alaska does suggest that the "top-four" system provided advantages to more moderate candidates in the 2022 US House and Senate elections and in at least two state legislative races.[69]

All these states have a history of weak political parties, according to standard political science metrics, and all but Louisiana enacted

nonpartisan primaries by referendum.[70] Not all states have direct democracy provisions, and the historical weakness of parties in slating candidates or otherwise organizing politics in California, Washington, Louisiana, and Alaska may be one reason why nonpartisan primaries passed there in the first place. These states' experiences therefore offer little guidance on how nonpartisan primaries would function in states with stronger parties. If we uncritically accept all the claims made about these states, we have four different trajectories: it took nearly a decade for the effects of California's primary law change to become evident and perhaps longer for the effects of Louisiana's reform to become noticeable; little changed in Washington; and there were immediate changes in Alaska, but these changes might well fail to persist if the state's Republican Party effectively adapts to them.

One simple way to measure how state legislative election systems can adapt to changes such as the nonpartisan primary is to consider how states using this system fit into Boris Shor and Nolan McCarty's measurements of state legislative polarization.[71] Shor and McCarty compare average levels of polarization in each state from 1996 to 2020. They provide no evidence that the introduction of the "top-two" primary led to less polarization. Some proponents of these systems argued that California and Washington polarized at a slower pace than other states following the introduction of the "top-two" primary, but Shor and McCarty's data do not show this to be the case.[72] This does not mean that a small number of extreme candidates were not defeated; nor does it suggest that the change had no effect on other types of extremism as defined earlier in this chapter. And none of these states had a long enough experience with the "top-four" ranked-choice voting system for us to make claims about its effect on polarization. We concede that the "top-four" RCV system differs in important ways from the "top-two" primary, and we look forward to seeing what results it might have in Alaska or other states.

Critics might also respond that all states are idiosyncratic in their own ways. We agree with this. Our point, however, is that the states that have used nonpartisan primaries are, with the exception of Louisiana, all idiosyncratic in the same way: they are weak-party states with direct-democracy provisions. Their atypicality may well be the reason they introduced nonpartisan primaries. We encourage state experimentation and would be willing to reconsider our views in the event that more nonpartisan primaries, RCV systems, or other untested reforms were implemented.

There is, however, also a compelling normative case against the nonpartisan primary. Political parties play a vital role in organizing legislative politics. If candidates do not have to seek the support of their party's leaders and voters, they have little reason to play a constructive role in putting forward their party's policies in government. This, in turn, deprives voters of their most effective tool for holding politicians accountable. As noted above, political parties can still play a role in nonpartisan primaries by endorsing candidates, taking other steps to communicate their preferences to voters, or boosting their preferred candidates. These signals, however, are most likely to be understood by politically engaged and knowledgeable voters, and in some instances, they can read as the same sort of corrupt "behind-the-scenes" politics that progressives objected to at the time the direct primary was created. Less informed voters—who often tend to be poorer or less ideologically extreme—are less likely to perceive these signals. In this sense, elections without partisan cues or with partisan cues only some people can read can actually be less democratic. This is one reason, scholars argue, why nonpartisan elections tend to have very low turnout.[73]

The practical case against the nonpartisan primary lies in its limited effectiveness and in the trade-offs that advocacy for it would entail. In theory, it makes sense that nonpartisan primaries could encourage bipartisanship and discourage extremism. But if the changes they spur are subtle and take a decade or more to materialize, they may not be powerful enough to effectively combat contemporary extremism. The logic behind the nonpartisan primary is based on a unidimensional model of political ideology that captures neither the characteristics of "moderate" voters nor the characteristics of political extremism that we described at the beginning of this chapter. As we have documented above, moreover, political parties have historically used a range of tools to discipline or remove extremists: party leaders can sanction individual officeholders for egregious behavior, parties can hold preprimary conventions to winnow the field, and party-allied donors can coalesce around their preferred candidates. If parties are too weak to do these things today, our preferred approach is to incentivize parties to behave more responsibly rather than to limit their ability to influence elections. If parties are too broken to be repaired—a possibility we think is worth continuing to discuss—then antiparty reforms may be more appropriate. But in that case, we would argue that a range of other reforms (including many discussed in other chapters of this book) have more promising track records than do nonpartisan primaries.

Appendix B: State Constitutional Provisions Regarding Primaries

State	Citation	Year of Adoption	Content
Alabama	§182	1901	Disqualifies people who make or offer "to make a false return in any election by the people or in any primary election to procure the nomination or election of any person to any office" from registering to vote or from voting.
Alabama	§183	1901	"No person shall be qualified to vote, or participate in any primary election, party convention, mass meeting, or other method of party action of any political party or faction, who shall not possess the qualifications prescribed in this article for an elector, or who shall be disqualified from voting under the provisions of this article."
Alabama	§190	1901	"The legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."
Alaska	Article XV, §6	1956	Requires governor to take necessary measures to hold primary and general elections.
Alaska	Article XV, §7	1956	"The primary election shall take place not less than forty nor more than ninety days after the proclamation by the governor of the Territory. The general election shall take place not less than ninety days after the primary election. The elections shall be governed by this constitution and by applicable territorial laws."
Arizona	Article VII, §17	1962	Requires primary when there is a vacancy in congress.
Arizona	Article VII, §10	Amended 1998	"The legislature shall enact a direct primary election law, which shall provide for the nomination of candidates for all elective state, county, and city offices, including candidates for United States Senator and for Representative in Congress. Any person who is registered as no party preference

State	Citation	Year of Adoption	Content
			or independent as the party preference or who is registered with a political party that is not qualified for representation on the ballot may vote in the primary election of any one of the political parties that is qualified for the ballot."
Arkansas	Article III, §13	Undetermined	Procedures for elections with only one candidate apply to primary elections.
Arkansas	Amendment 29, §5	Undetermined	"Only the names of candidates for office nominated by an organized political party at a convention of delegates, or by a majority of all the votes cast for candidates for the office in a primary election, or by petition of electors as provided by law, shall be placed on the ballots in any election."
Arkansas	Amendment 39, §1	Undetermined	"The General Assembly shall have power to enact laws providing for a registration of voters prior to any general, special, or primary election, and to require that the right to vote at any such election shall depend upon such previous registration."
Arkansas	Amendment 51, §§1–2, 10	Undetermined	Asserts that all rules related to voter registration in general elections also apply to primary elections.
Arkansas	Amendment 76, §1	Undetermined	Sets forth rules for general congressional elections that also apply to primary elections.
California	Article II, §5	Amended 2010	Defines rules for primary elections.
Colorado	Article XXVIII, §§2–3, 5–6	Undetermined	Defines campaign finance laws for general and primary elections.
Connecticut	Article XXXI	2008	Allows electors who will be eighteen years old by the general election to vote in primary elections.
Florida	Article IV, §5(a)	Undetermined	Allows candidates for governor and lieutenant governor to run without a running mate in primary elections but requires them to have a running mate for the general election.
Florida	Article VI, §5(b)	Undetermined	"If all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office."
Hawaii	Article II, §4	Amended 1978	"Secrecy of voting shall be preserved; provided that no person shall be required to declare a party preference or nonpartisanship as a

State	Citation	Year of Adoption	Content
			condition of voting in any primary or special primary election."
Hawaii	Article II, §8	Amended 1978	Allows primary elections to be held so long as they are more than forty-five days before the general election.
Hawaii	Article III, §4	Amended 1988	Asserts that a candidate elected by a primary election unopposed in the general election is considered elected by the primary election.
Kentucky	§151	1891	Prohibits people guilty of fraud, intimidation, bribery, or corrupt practice from being nominated or elected to office.
Maine	Article IV §4	Undetermined	"No person may be a candidate for election as a member of the House of Representatives unless, at the time of the nomination for placement on a primary, general or special election ballot, that person is a resident in the district which the candidate seeks to represent."
Michigan	Article II, §4(2)	Amended 2018	"No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames."
Minnesota	Article VII, §9	1980	"The amount that may be spent by candidates for constitutional and legislative offices to campaign for nomination or election shall be limited by law. The legislature shall provide by law for disclosure of contributions and expenditures made to support or oppose candidates for state elective offices."
Mississippi	Article XII, §247	Undetermined	"The legislature shall enact laws to secure fairness in party primary elections, conventions, or other methods of naming party candidates."
Nevada	Article II, §10(2)	1996	Limits campaign spending in primary and general elections.
New Hampshire	Part 1, Article XI	1956	Allows for absentee voting in primary elections.
New Mexico	Article VII, §5	Undetermined	Does not allow runoff elections for primaries.
New York	Article I, §1	Amended 2001	Allows citizens to be disenfranchised from voting in primary elections in certain circumstances.
North Dakota	Article II, §1	Undetermined	Assures secrecy in voting for all elections, including primaries.

State	Citation	Year of Adoption	Content
North Dakota	Article II, §3	Undetermined	Allows only qualified electors to participate in all elections, including primaries.
Ohio	Article V, §7	Amended 1976	Requires primary elections for all elective state, district, county, and municipal offices except for municipal elections that are in towns of a certain size.
Oklahoma	Article III, §3	1976	Gives the legislature the ability to create a mandatory primary system.
Rhode Island	Article IV, §9	Undetermined	"The general assembly shall require each candidate for general office in any primary, general or special election to report to the secretary of state all contributions and expenditures made by any person to or on behalf of such candidate, provided however, that the general assembly may limit such disclosure to contributions or expenditures in excess of such an amount as the general assembly shall specify."
Rhode Island	Article IV, §10	Undetermined	"The general assembly shall adopt limitations on all contributions to candidates for election to state and local office in any primary, general or special election and shall provide for the adoption of a plan of voluntary public financing and limitations on total campaign expenditures of campaigns for governor and such other general officers as the general assembly shall specify."
South Carolina	Article II, §10	Amended 1971	Requires the general assembly, to among other things, "provide for the nomination of candidates."
South Dakota	Article VII, §3	Undetermined	Requires the general assembly, to among other things, provide for the nomination of candidates.
Vermont	Chapter II, §4	Undetermined	Entitles everyone qualified to vote to vote in primaries.
Virginia	Article II, §3	Amended 1995	Ensures that there can be write-in candidates, but does not make the guarantee for primaries.
Virginia	Article II, §1	Undetermined	Entitles everyone qualified to vote to vote in primaries.
Virginia	Article II, §4	Undetermined	"The General Assembly shall provide for the nomination of candidates, shall regulate the time, place, manner, conduct, and administration of primary, general, and special elections, and shall have power to make any other law regulating elections not inconsistent with this Constitution."

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