

OF PRIMARY IMPORTANCE:
AMERICAN PRIMARY ELECTIONS 1945–2012

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Abstract

American non-presidential primary elections remain an understudied, but very important, part of our political process. In this study, I examine the state of the political science literature and provide two main contributions. First, I describe in detail all of the primary election laws used across the United States from 1945 to 2012 and analyze the consequences of using one kind of law over another. I find that, contrary to expectations, closed primary rules may result in more competitive primary elections than open primaries; furthermore, states with closed primary rules appear to get more moderate representation on average in the U.S. Senate. Due to changing legal standards, more states may be more likely to adopt in the future a “top-two” primary system which California used for the first time in 2012. I also analyze the first implementation of the “top-two.” Proponents of the new law suggested that it would help elect more pragmatic legislators. I find, though a unique survey of California voters, that they sometimes achieved their goal.

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“#PrimaryGraham”

INTRODUCTION

Just a few weeks ago, Republican Senator Rand Paul of Kentucky rose on the floor of the United States Senate and did not sit down again until nearly thirteen hours passed; his talking filibuster delayed the nomination of a new CIA director and drew a great deal of attention to his concerns over the use of unmanned drone strikes against American citizens. As Senator Paul continued his filibuster in the evening, other Republicans, including the Senate minority leader, expressed their support for his effort attacking the administration's policies. Meanwhile, Republican Senator Lindsey Graham of South Carolina and Republican Senator John McCain of Arizona had dinner with McCain's 2008 Democratic opponent and current occupant of the White House, President Barack Obama. The following day, Senators McCain and Graham criticized Senator Paul for his “ridiculous” filibuster. Senator Graham's comments irked partisan Republicans.

In these days of instant politics, of course politicians and engaged citizens took to Twitter. Most tweets applauded Senator Paul, marked with the hashtag “#StandWithRand.” *Politico* reported another trend, though: “laced throughout the thousands of tweets cheering on the filibustering Kentucky Republican was a vicious, visceral anger aimed squarely at the South Carolinian up for reelection next year. The rallying cry hashtag: #PrimaryGraham.”¹ Within twenty-four hours, based on a single dispute with a fellow Republican, engaged partisans mobilized to threaten Senator Graham. Their tool? The primary election. While Graham will likely survive the

¹ For this story, see: Friess, Steve. 2013. “Lindsey Graham's very bad day on Twitter.” *Politico*. March 7. Available online at: <http://www.politico.com/story/2013/03/lindsey-grahams-very-bad-day-on-twitter-88602.html#ixzz2NfnfZFmR> (last accessed 04/06/13).

controversy, with the aid of a six million dollar war chest and the absence of a credible opponent, not all politicians are so lucky.

Most American states use a two-stage election process. A primary election selects the nominees of each party and a general election pits those nominees against each other. Other democracies do not necessarily use the same system; in Britain, parties wholly control who stands for parliament; the British government does not run a state-expense primary round. Americans have not always used this system either; the Constitution does not mandate primary elections. Primaries grew endogenously in the American political process. The modern era of primaries—in which just about all states use them to select U.S. Senatorial candidates and state governors—did not really become established until even after the Second World War.

Since the Constitution and Congress allows each state considerable freedom to set its own election laws, every state conducts primary elections slightly differently. Many little laws grouped together make a “primary election law”; primaries usually draw on several subsections of each state’s election code. The state code must describe who may run for office, how candidates get on the ballot, how their names appear, in what order their names appear, if they must be certified or endorsed by a political party and what they must do if they are not; the laws have to describe who may vote, for which candidates they may vote, how voters’ ballots look, what kind of machines voters may use, how voters identify themselves as partisans if they do so at all, how long before an election partisans must change their registration to participate if that is even required, how soon voters may change their registration after a primary... it is a long list. States appear to have come up with near infinite variations, deciding on such important matters

as whether or not the sale of alcohol should be allowed on primary election day if it is prohibited on general election day (here's looking at you, Delaware).

In my view, nomination procedures divide into four basic types: open primaries, closed primaries, nonpartisan primaries, and conventions. In an open or closed primary, the candidates of each party compete against each other; the winner of each party primary advances to the general election. In an open primary, voters can choose on election day whether they want the Democratic, Republican, or other party ballot. For a closed primary, voters register with parties ahead of time and are only allowed their own party's ballot. Nonpartisan primaries let everyone vote for all candidates; typically the two candidates with the most votes advance (like in California, Washington, and Louisiana). Conventions bypass the primary process altogether. Each of these types can be modified by other rules: do voters make their party choices privately? What are nonpartisans allowed to do? Do parties get much control over the process? Are there multiple rounds of the party primary?

I set out to investigate how all these different laws affect political outcomes. As the case of Senator Graham illustrates, the threat of a primary election challenge can loom over sitting legislators and enforce party discipline. If a party's current standard public ideology fits poorly with the general electorate, primaries may damage the party's ability to run to the middle. After Republican Ohio Senator Bob Portman signaled his shift to support gay marriage, one article noted that most Republican political consultants breathed a sigh of relief, instead of objecting: "Strap a Washington-based Republican political consultant into a polygraph, and overwhelmingly you'll find someone who favors comprehensive immigration reform, would likely accept some modest changes to

current gun laws and thinks that right-wing primary candidates are among the biggest tactical problems facing the GOP.”² The primary system may help ideological purists. After Republicans had a particularly unsuccessful 2012 election season, the possible role of primaries in the contest between ideological purity and electoral success represents one of the central political questions of today.

The notion that primaries drive extremism paints primaries in a negative light; alternative more positive views also exist. Primaries may also be viewed as an anti-elite democratizing weapon against political corruption. If the hallowed “smoke-filled-back-room” is the alternative, primaries at least bring politics more into the light of day. Primaries give voters a way to combat their own party leadership as well as the other party. It expands their choices from just changing teams to either changing teams or changing their own team’s quarterback. For the Republicans angry at Senator Graham, he would still likely remain the lesser of two evils when compared to a Democrat; primaries give these citizens an opportunity to at some point in the electoral process support a candidate that holds their own views.

The first chapter of this dissertation reviews what political scientists have written about primaries. The field remains large and the contributions, while valuable, are few. Researchers in this area have yet to settle on a standard set of definitions to map the infinite possible primary variations into a few broad categories. The small formal theory literature has approached the questions about primaries from very different angles; researchers have yet to form a consensus on a theoretical framework either. The

² Burns, Alexander. 2013. “GOP elite embraces Portman gay marriage switch.” Politico. March 15. Available online at: http://www.politico.com/story/2013/03/gop-elite-embraces-portmans-gay-marriage-switch-88936_Page2.html (last accessed 03/15/13).

empirical results, hampered by costly data acquisition, are all over the map. Furthermore, the times are indeed changing; as the legal framework in which primaries take place evolves, so do the important questions. In 1998 political scientists might have thought the “blanket” primary would be the wave of the future; by 2002 Cain and Gerber would edit a volume that would serve as a post-mortem for a law declared unconstitutional by the U.S. Supreme Court.

Difficulties with data constrain research into primary elections. Finding out what law a particular state used in any given year proved to be much more difficult than I ever imagined, and perhaps explained why most studies in the literature confined themselves to a short time horizon. The second chapter describes what I have discovered about how states operated elections for U.S. Senate and governor from 1945 (so, in time for the 1946 elections) up to 2012. I also categorize these laws in a database using different categorization schemes than some of the previous literature, attempting to learn from the experience of previous researchers.

As others in this field have said, I will repeat: in putting together a database like this, it will likely contain some errors. To some extent, finding changes in old laws is like hunting for a needle in a haystack, where the needle may not exist. States do not publish news books of laws in every year; even the extensive Los Angeles Law Library did not always have the legal resources on hand to precisely pinpoint a law in a year. Furthermore, two other difficulties arose. States frequently may not have implemented their election laws quite as written and some laws gave parties choices—choices not recorded in the books of laws. Methodologically, I found every available resource and then looked for changes. This remains the standard technique among most studies,

although I believe I used more resources to gain a more detailed picture. I supplemented law searches with political science literature and historical newspaper accounts. While there remains room for improvement in the database, it represents the most comprehensive database of its kind available in the current literature.

In the third chapter, I put this database to work on two of the important questions. First: do different types of primaries produce more competitive general elections? I look over 1968 to 2012 and examine the effects of primary type on general election competitiveness. If some types of nomination procedures tend to produce more viable candidates than others, they should produce closer general election outcomes. Second: do different types of primaries produce more extreme or moderate candidates? I pair my database of state laws with data drawn from the DW-NOMINATE scores to analyze representation in the U.S. Senate from 1946 to 2012. The results are surprising: generally, closed primary rules produce more competitive general election outcomes and more centrist ideological representation in Congress than open primaries.

The data analyzed in the second and third chapter includes several primary types rendered unavailable now by the U.S. Supreme Court. Over the last half-century, the court has continued to refine the understanding of the relative rights of states, parties, and voters. For better or worse, the great state of California has been center-stage for many of the recent controversies: the fall of the blanket primary in 2000 and the rise of the top-two nonpartisan primary. California, one the largest and most populous states, sends 12 percent of the Representatives to the U.S. House; it is commonplace to hear the *state* mentioned as one of the world's largest economies. What happens in California affects

the rest of the country. In 2012, California used a top-two nonpartisan primary for the first time.

California turned to the top-two primary in part because the courts ruled other laws unconstitutional. While states could have adopted many different primary variations in 1946, fewer choices are available today. For proponents of primary election reform interested in reducing partisanship, the top-two remains one of the few likely choices. If California retains the law, already in use in Washington starting in 2008 and used in Louisiana since the 1970s, other states may adopt the same rule. The study of the top-two primary in California is also a look into one possible future of primary elections nationwide.

The fourth chapter describes in detail a survey I conducted with Dr. R. Michael Alvarez. This survey focuses voter behavior in five California State Assembly primaries. I selected these five districts not because they are representative of all California districts, but because they highlight the potential for success and some of the limits of the new primary law. This chapter describes in detail the implementation of this survey, as well as providing some supporting analysis. While the earlier chapters take a more zoomed-out perspective on primaries, this chapter zooms back in and emphasizes the details of local politics. Since the state of Washington just recently adopted the top-two, and no reasonable person thinks of Louisiana politics as anything other than unique, it is difficult to predict from the historical record what effects the top-two in California might have. The survey takes a first pass at uncovering those effects.

The fifth chapter continues the investigation into the top-two primary; in particular, it addresses how voters made up their minds to support candidates. The main

emphasis in this chapter is on “crossover voting,” partisans of one party voting for candidates of another. One of the ways proponents of the top-two could realize their objective (more moderate candidates winning elections) would be for partisans of a weak party to abandon their preferred candidates and vote for electable moderates of the other party. The data tells a slightly more complicated story: crossover voting does happen but not quite like that. Most crossover voters indicate that they are voting for the ideologically closest candidate that they perceive. Nevertheless, there is an aspect of pragmatism to their sincerity—since these apparently sincere crossover votes tend to occur when tactical defections would make sense.

The top-two did have some successes. Still, because coordination among crossover voters proved difficult, those successes tended to occur because of divided or nonexistent serious candidacies from the weak party not because of crossover voting. The limits of voter strategic participation limit the success of the top-two primary in nominating moderates (if, indeed, that is a desirable goal as the proponents suggest). The observation that the law did not solve *all* problems should not minimize the impact it had on solving *some*; the results in this chapter help explain what Californians can expect out of future contests with the top-two.

The last two chapters balance out the multi-state analysis. Overall, the results from the multi-state results provide a cautionary tale about expectations from primary reform. Some laws may have unintended consequences, or at least surprising consequences. That open primaries would produce less competitive elections and more extreme representation than closed primaries certainly surprised me and runs counter to many of the hypotheses in the literature (although not always the results). The top-two

seems to have, so far, at least worked as intended. Still, it is too early to write the final story for the top-two; now that they are *elected*, these candidates voters viewed as more pragmatic or moderate have to interact with an institution that has its own set of incentives and rules.

Even so, the results suggest that the top-two may provide “benefits” beyond what any system in our past fifty years of electoral history provided. The nonpartisan primary format really does “change the game.” Of course, I put “benefits” in quotation marks because these are hypothesized benefits, subjective to normative judgments and further empirical review (is it actually a good thing to elect more moderate candidates?). This work is just one small, if significant, step towards the important first stage: in response to the question “how will this law affect outcomes,” I can now provide a better answer than political science could before.

“Party primaries were invaded and controlled by men of a different or of no political persuasion, and from other districts of the city. Sometimes this was done peaceably and with a show of decency and order; or again it was accompanied by violence and disorder of the most outrageous character. Both sneaks and sluggers were employed as the occasion dictated.”³

CHAPTER 1: PRIMARIES IN POLITICAL SCIENCE

In their 1928 study of the origins and then-current application of primary election laws, Merriam and Overacker reviewed the turbulent history of nominating procedures in the United States. They noted that “in the early days of the Republic the nominating system, as now known, did not exist” (Merriam and Overacker 1928, pp. 1). It grew through fisticuffs (as noted in the epigraph) and other misadventures from a private party-controlled system to one run by state government and regulated by law. Indeed, even as they wrote in 1928, the practice of nomination by direct primary remained in its infancy—although contemporary authors could hardly be expected to see it that way.⁴ Since then, American nominating procedures have matured legally, clarifying the relative rights of what Persily called the “three actors... in every party regulation case: a party organization, a voter, and the state” (2002, pp. 304). Political parties have also perceived their interests differently; candidates and party officials have continued to adjust their strategic visions.⁵

Primary election laws have changed as their legal environment shifted and political actors developed new strategies. Nor is this the study of a completed process;

³ Merriam and Overacker (1928), pp. 5.

⁴ The origin of the term “primary” is even a bit obscure; Ware points out that before about 1900 a primary was called a “Crawford County System” after a Pennsylvania county that was an early adopter (in 1842) of what we now think of as primary elections. See Ware (2002, pp. 58 and pp. 97).

⁵ For an example from presidential nominating politics: the Democratic Party’s decision to start up the McGovern-Fraser Commission in response to the 1968 Democratic Convention disaster (as discussed later in this chapter).

the framework in which states set the laws (as legal entities, and as the enforcement power of the will of whichever parties control them) continues to evolve. Several of the important court cases did not take place until the 2000s, and important issues remain unresolved. Highly motivated consultants, party activists, and candidates—as well as some outside reformers—continue to try to find ways to exploit the rules and push the envelope to gain advantages for implementing preferred policy outcomes. California’s switch to the top-two primary will not be the last major change in state primary laws in the coming years. While Merriam and Overacker could well write that the nominating system they had in 1928 did not exist at the founding of the Republic, it can also be said that the systems we have now did not exist in 1928. These ongoing changes drive the need for new research.

Nevertheless, primaries remain understudied. In the preface to the 1928 volume, Charles Merriam wrote “for a number of years I have urged that a comprehensive survey of the nominating system be undertaken... it has never been possible, however, to obtain the funds necessary for this important piece of research, and there seems to be no immediate prospect that such a thoroughgoing investigation will be made” (1928, pp. vii-viii).⁶ Little did he know. In 2002 Alan Ware noted “it might be imagined, given the significance of the direct primary, that much original research, on its adoption by the states, would have been undertaken. In fact, it is a subject that attracts virtually no attention. Not since 1928, when the last edition of Charles Merriam’s *Primary Elections* was published... has a major study appeared” (2002, pp. 2). Since the 1970s, political

⁶ Charles Merriam wrote the preface, although both Merriam and Overacker are credited with the work.

scientists have studied aspects of primary elections but the subject deserves, as Ware noted, more attention than scholars have so far granted it.

The theoretical argument – “why primaries matter” – is pretty simple. The only qualifications to run for United States Representative for any particular state, as set out in Article 1 Section 2 of the United States Constitution, are that the individual be at least twenty-five years old, a citizen for seven years, and a resident of that state. The formal qualifications for most public offices in the United States are similarly few. A great number of Americans are eligible to run, yet few appear on the general election ballot. While not everyone desires to obtain public office, presumably many more are willing and are capable than ever appear on the ballot.⁷ The nominating procedures – in most cases, a primary election – represent the barrier between ‘the many’ who would have the interest and the ability and ‘the few’ among whom voters may select in November. To the extent that some candidates are better qualified, or more capable, or more representative of the electorate than others, and to the extent that the primary laws influence which candidates do enter and win the primary, then the primary laws directly affect the quality and character of our representative government. This chapter provides a review of what we know about how primary election laws influence political outcomes.

How We Came to Have Primaries in the First Place

Although I do not concern myself a great deal with what happened before 1945 in this study, the literature on the origin of primaries has an inescapable influence. Primaries did not appear, like Athena, fully formed; they were not exogenously imposed on states. Understanding how they came about matters for the quantitative analysis I

⁷ For example, if offered, the author of this study would happily accept a position in the United States Senate, although he remains doubtful of his prospects of winning a primary election.

perform in Chapters 2 and 3; in particular, it would be problematic if states systematically selected primary types based on the criteria I want to test (generating “selection bias”). Fortunately (for my research; for the citizens, a more nuanced judgment may be required), this does not appear to have been the case; while the main accounts of “why we have primaries” may differ in some of the particulars, they certainly agree in presenting a complicated and varied process by which states adopted different rules.

Merriam and Overacker (1928) argue that the direct primary came about, in part, as an innovation to solve the problems associated with the stress population growth put on the system of American government. As they note in their opening chapter, individuals became candidates through a variety of means before the advent of the direct primary; when parties involved themselves in this process, they did so as private organizations. Private organizations had less recourse under the law to control behavior; they noted that in the early days of party efforts to organize nominations “bribery of voters in an election, although subject to severe penalties under the law, did not constitute an offense in a primary or caucus and was not punishable. Voters might be bought and sold with no pretense of concealment, for there was no remedy or penalty at law” (1928, pp. 6). This problem sounds somewhat similar to the problem faced by drug dealers today: since their product is illegal, and therefore the government cannot enforce property rights, they have to enforce “property rights” via their own violence. Merriam and Overacker noted that the early party-organized primary election, “having become one of the most important steps in the process of government, was open to every abuse that unscrupulous men, dazzled by prospects of almost incredible wealth and dictatorial power, could devise and execute” (1928, pp. 7).

One solution: a party could voluntarily ask a government entity to regulate a primary. California passed the first of these laws, enabling a party to appeal to state power—“An Act to Protect the Elections of Voluntary Associations and to Punish Frauds Therein”—in 1866 (Merriam and Overacker 1928, pp. 8). Other states would follow, although Merriam and Overacker do not argue that these voluntary laws were particularly effective. At some point in the 1870s “the Union League Club of Philadelphia offered a prize for the best essay on the subject of party nomination”; Merriam and Overacker describe the winning idea: “The successful competitor offered a plan by which all candidates should be chosen by direct, plurality vote of the political party, and all such nominations should be made on a fixed day, by all parties, and should be conducted under the same rules and regulations as control of the regular election” (1928, pp. 11). This solution – a near perfect description of a traditional “closed” primary election law – would eventually be implemented in most states. The process of creating a mandatory direct primary in most states, though, would not begin in earnest until around 1900. Some states today that have “challenge primaries” (like Connecticut) only barely meet those qualifications; states like California and Washington that have gone to a nonpartisan top-two primary actually have evolved *beyond* that description.

In his investigation of direct primaries (in the non-South, a region which Merriam and Overacker also noted experienced a different process), Ware cautioned against adopting the whole of Merriam and Overacker’s description of the next step: the implementation of mandatory primary laws. He wrote “one of the weaknesses of much that has been written about direct primaries since [1928] is that political scientists have relied too heavily on Merriam’s account of what happened, or on the rather different

version of that account produced by his most outstanding graduate student, V. O. Key” (Ware 2002, pp. 2).⁸ Ware tells a slightly different story than the traditional ‘party v. reformer’ tale. He argued “parties do not institutionalize just because, in some sense, it is necessary for the political system to work efficiently, or even to work at all. They institutionalize because a sufficient number of politicians within those parties come to understand that their own interests are affected by present arrangements” (2002, pp. 22).

He contends:

The direct primary, then, was not an isolated reform that happened to be enacted when parties were sufficiently weak that their opponents could overcome them (‘heroically’). It was a reform that had its origins in changes in American society that, by the 1880s, were starting to pose severe problems for party politicians. The efforts by those politicians to devise procedures and regulations for dealing with them culminated in a reform that, much later, many politicians wished had not been enacted and which they tried to repeal. The direct primary was to have many consequences for the conduct of party politics – its most important long-term consequence being to reduce the role of party in American politics. Yet is wholly misleading to deduce from those adverse consequences, and from the opposition of politicians in the 1920s to the direct primary, that its introduction must have been imposed on the parties, and have been opposed by them. As will be seen, the truth was less dramatic, in that the direct primary’s introduction did not usually involve a pitched battle between antiparty reformers and party leaders, but much more complex assessments of where personal and party interests might lie (2002, pp. 22).

While Ware does give a role to political culture and to anti-party reformers, he rightly points out the obvious: if all-powerful party machines opposed imposing direct primaries, and direct primaries are imposed, then either they must not be all-powerful or they must not have opposed them.

⁸ Ware went on to say: “Key’s work was flawed because it is clear that, except for the South, he had not actually examined the process by which primary elections were introduced” (pp. 2). Ware thinks Merriam (and, later, Merriam and Overacker) overstated the importance of Wisconsin’s 1903 primary law, neglecting developments in Minnesota (1899) and elsewhere that came first. This makes La Follette of Wisconsin “pivotal” in the development of direct primaries, overstating his importance in Ware’s opinion (see Ware 2002, pp. 114).

Ware also observed that instituting a direct primary and establishing legal control over party activities are not the same.⁹ “Between the early 1880s and late 1890s,” he wrote, “party nominations shifted from being a matter that was run largely on an informal basis to one that operated, in most states, within a system of party rules and, more especially, state law” (Ware 2002, pp. 93). To get to the state mandated semi-closed primary (a typical type of primary law in use in 2012) both events had to occur. Parties could have had some sort of legal control without resorting to direct primaries. Resort to direct primaries they did, though; Ware breaks this process (in the North) down to two phases: something more like an experimental phase from 1900 to 1906 and then a more rapid expansion between 1907 and 1915. By 1915, “only three states – Connecticut, Rhode Island, and New Mexico (a territory until 1912) – had not adopted the direct primary in some form” (Ware 2002, pp. 117). Ware contends that the direct primary seemed like a reasonable solution to the difficulties of using any other kind of nomination system (the main alternative: caucuses) to select candidates in the era, so politicians were willing to implement it.

To develop his argument that the ‘reformers vs. urban machines’ story is inaccurate, Ware specifically outlines how direct primaries came to be implemented in the five states with the largest cities in 1900: Massachusetts, Pennsylvania, Missouri, Illinois, and New York (see Ware 2002, starting pp. 131). About one of these examples, Pennsylvania, Ware writes that “the Republican dominated legislature needed to pass legislation to restore public confidence in the party. Party nominations were an area in which there was public disquiet, and some form of public control of elections would have

⁹ See his Chapter 3 and Chapter 4.

to be enacted. However, they were not under pressure to concede vital party interests in doing so, and had direct nominations been seen as contrary to the interests of the party it is inconceivable that they would have been traded away” (Ware 2002, pp. 144). The Pennsylvania example is particularly salient because it arises also in Ware’s chapter on party competition as a stimulus for primary reform; some, like V.O. Key (Ware is referencing Key’s 1958 *Politics, Parties, and Pressure Groups*; for a discussion of their differences, see Ware 2002, pp. 195) argued that primaries arose in the *absence* of competition. Ware makes the reverse argument; in some places (although not all), competition between parties made parties more open to considering reform efforts.

After 1915, the “establishment” tide flowed out again on direct primaries; Ware noted that opponents of the direct primary launched repeal efforts in nineteen states in 1925 (Ware 2002, pp. 227). The opponents suggested primaries “could not provide for balanced tickets (and, thereby, the demands for representation by particular localities and ethnic groups), could greatly increase the cost of nomination for some offices, and could lead to the selection of unqualified, unsuitable, or unelectable candidates” (Ware 2002, pp. 230). Ware lists several reasons that the primary persisted: (1) once it became the status quo, it was more difficult to dislodge; (2) it remained popular;¹⁰ (3) women preferred primaries and by the 1920s had the vote.¹¹ If parties did not like the direct primary by the 1920s, though, Ware argues that they would like it less and less as time went by; “the main impact of the direct primary was not experienced until the 1960s...

¹⁰ His evidence: referendums to get rid of direct primaries tended to fail (Ware 2002, pp. 229).

¹¹ Ware (2002, pp. 229) cites Merriam, Charles E. 1923. “Nominating Systems.” *Annals of the Academy of Political and Social Science*, 106. Ware wrote “women formed only about 5 or 10 percent of delegates to conventions but constituted 40 percent of primary voters.”

[when] changes in campaign technology fundamentally shifted the balance between candidates and parties” (2002, pp. 244).

Merriam and Overacker (1928) and Ware (2002) and other authors note that the history of primaries in the American South (generally, the eleven states of the Confederacy) worked slightly differently. Many southern states developed a different institution: the “southern runoff primary.” This type of primary election requires a second round (the “runoff”) *within each party* if no candidate of that party gets at least some threshold of the vote. Voters, then, potentially go through three elections: the original primary, a runoff, and then the general election. Bullock and Johnson (1992) point to the theoretical advantage of this type of system: no candidate can be elected to office without obtaining some minimal threshold of support (normally 50%). While they admit that this does not overcome all theoretical potential downsides, it may help mitigate some.¹²

The southern runoff is the subject of some academic debate, mainly over the intentions of its supporters and its effects. Bullock and Johnson (1992) list four common “myths” (hypotheses?) about the runoff primary: “the *leader-loses myth*, the *incumbent-loses myth*, the *female-loses myth*, and the *minority-loses myth*” (pp. 27). They identified the “historical intent of the runoff as a means to ensure majority support in the Democratic Party” and noted “many southern states adopted the majority-vote requirement during the first part of the century—after both Republicans and Populists had ceased to be a serious threat in statewide contests” (pp. 159). That is, the Southern runoff

¹² They direct the reader’s attention to the discussion of the “Condorcet Paradox” in Riker, William H. 1982. *Liberalism against Populism*. San Francisco: Freeman. pp. 74-77 as well as Black, Duncan. 1958. *The Theory of Committees and Elections*. London: Cambridge University Press. See Bullock and Johnson (1992) pp. xiv.

came about for the reasons Key (1949, 1958) suggested and that Ware (2002) identified as limited to the south.

Not all political scientists agree. Kousser posed the question: “Was the adoption of the run-off primary part of a general ‘progressive’ move to democratize elections, or was it an episode in a reactionary crusade to eliminate any chance of black influence in politics by perpetuating one-party rule?” (1984, pp. 23). He meant the question rhetorically; later in the article, he commented “the most obvious answer is that very little in the South since 1619 has been devoid of racial motives” (pp. 24). Kousser cited the biographer of South Carolina's Ben Tillman, who apparently indicated that he selected the direct primary in 1896 “as the most satisfactory means of allaying discontent within the Democratic ranks and of reducing the danger of political appeal to the Negro” (Kousser 1984, pp. 24). While Kousser notes that direct evidence of intent is difficult to come by – the policies were often adopted in closed-door meetings of which there are apparently no records – the “the indirect evidence from the pattern of adoptions of the run-offs suggests that racial motives for choosing the device were hardly absent” (see Kousser 1984, pp. 26).

While Bullock and Johnson (1992) give an example of how detractors of the runoff primary could conclude the rule harms the interests of black candidates. In a 1982 Democratic congressional primary in South Carolina, “black state legislator Mickey Michaux polled 44 percent of the vote... in the runoff Michaux’s vote total rose by 2,800 but he still lost to [the other candidate] by a 54 to 46 percent margin” (Bullock and Johnson 1992, pp. 102). The inference is that all the white voters coalesced around the white candidate, making it all but impossible for a black candidate to win unless the

primary electorate contained a majority of blacks. Bullock and Johnson find little support for this hypothesis generally; at least, they certainly do not find overwhelming support in favor of the notion that minorities always lose. Nevertheless, the weak evidence for the *effect* does not change the original *intent*, as argued in Kousser (1984).

The motives of the political actors who imposed direct primaries – in the South or otherwise – are not just matters of history. They also explain the present. It is not the case that politics worked one way and then, from the 1950s onwards (the period on which I focus) politics worked completely differently. Interested political actors faced the same problem in 1899 (the mandatory direct primary in Minneapolis) and 1950 (the first year of my own dataset) and 2009 (when California’s legislature agreed to put the top-two primary on the ballot). The arguments presented in Merriam and Overacker (1928), further developed in Ware (2002), and extended to the South in Bullock and Johnson (1992) and Kousser (1984) do have one theme in common – disagreements amongst themselves notwithstanding. Primary election laws came about in many places for specific political purposes. Explanations range from implementing good government, to reforming political machines, to gaining an advantage in competitive elections, to solving party organization problems, to advancing the cause of one particular faction or race, and on to others. In the history of primary election laws, assuredly all of these motives affected some of the actors at some time.

We should not, then, expect primary election laws to remain set in stone from this time forward. If the early history of primary elections is to serve as a guide, we should instead expect more changes. While Ware (2002) noted the role of technology in making modern campaigns more candidate-centric, allowing primaries to play an even larger role

in diminishing the power of parties, we may experience further changes in technology, demographics, or law that will alter this balance. One of the challenges in understanding the literature about the effects of different types of primary laws, reviewed below, is that these effects *are* very temporal. One study conducted on a type of law in the 1970s may have produced a different outcome if conducted in the 2000s; if candidates had the capacity to more easily speak directly to voters in 1970 than they did in 1870, how much easier is that in the era of Facebook and Twitter? Going forward, will parties find a way to use the new “Super-PACS” to regain more control over nominations, regardless of primary type?¹³ And so on. Nevertheless, since political actors continue to make decisions about changing primary election laws, political science should at least be able to provide a preliminary answer about the consequences of choosing one type of electoral institution over another.

For the analysis presented in Chapters 2 and 3, the history provides some comfort. Most states adopted primaries generally between 1900 and 1945. While states after 1945 continue to change their primary laws, many states with open or (broadly speaking) closed primary types had the basics of those laws in place by then. Many of these laws came about because of specific political contexts which would have changed a great deal by the time of my study. The pressing political concerns of Alabama and Wisconsin in 1904 were both likely quite different from each other – and quite different from the political issues of 1946 and 2012. Both states adopted an open primary format.

¹³ The result of the decision in *Citizens United v. Federal Elections Commission*, 558 U.S. 310 (2010). This allowed unlimited spending by “independent expenditure” groups as long as they were not coordinated with a particular campaign.

The rest of this chapter focuses on the political science literature about primary elections. The main questions are all derivatives of: now that we have primaries, what are the effects? I have grouped the literature around some of the central questions: do competitive primaries hurt their party? How do different primary laws affect turnout? What is the relationship of primary laws and voter registration? Do some laws produce more moderate candidates than others? What is the role of crossover voting? Since presidential primaries have a very different purpose and structure than other primary elections, I also spend some time discussing the differences between presidential nominating procedures and the non-presidential nominations that are the focus on this work. As mentioned in the introduction, the main political question of today seems to be whether the Republican Party will be able to nominate more competitive candidates in the next primary seasons, so I intend to focus this research on the notions of competitiveness and moderation.

Consequences of Primary Competitiveness

One of the more obvious potential downsides to a competitive primary election, from a party perspective, is that your own candidates spend time slinging mud at each other. In the primaries leading up to the 2012 presidential election, Republicans Newt Gingrich and Mitt Romney (as well as Rick Santorum) battled fiercely. One report in *The Hill* summarized the situation before Florida's presidential primary as: "Newt Gingrich and Mitt Romney may be on a path toward mutually assured destruction, and both are refusing to unilaterally disarm... the candidates socked each other over whose finances were more unscrupulous, whose ads more repulsive, whose position more anti-

immigrant.”¹⁴ The mudslinging, in any case, did not lead Mitt Romney to the White House; examples like this help frame the hypothesis that the personal attacks damage candidates in primaries.

There are more potential problems beyond just incidental campaign damage. There’s a “spatial modeling” problem too, also illustrated by the 2012 primary season. Mitt Romney had to fend off attacks in Republican primaries from the right; at one point, he remarked that he was “severely conservative” in an effort to appeal to Republican primary voters. When he got to the general election, President Obama had not forgotten the remark. As the *Politico* reported, “‘He’s trying to go through an extreme makeover,’ Obama said. ‘After running for a year in which he called himself ‘severely conservative,’ Mitt Romney’s trying to convince you that he was severely kidding.’”¹⁵ In the sense of the median voter theorem (see Hotelling 1929 and Black 1948) and spatial modeling (see Downs 1957), one can imagine a competitive primary forcing a candidate to locate too far off the median to be able to recover for the general election. Owen and Grofman (2006) developed a recent model of this process for primaries that even allowed primary voters to care not just about policy but also about victory; unsurprisingly, they still find that they “almost always get nonconvergence – with the most likely result, the location of the winning candidates of each party near their own party medians” (pp. 560).¹⁶

¹⁴ See Lederman, Josh. 2012. “As Florida primary fight turns personal, Republican insiders fear for party unity.” *The Hill*. Published online January 29. Available online at: <http://thehill.com/blogs/ballot-box/gop-presidential-primary/207221-as-florida-race-turns-personal-gop-insiders-fear-for-party-unity> (last accessed 02/13/2013).

¹⁵ See Epstein, Reid J. 2012. “Obama says Romney was ‘severely kidding.’” *Politico*. Published online October 11. Available online at: <http://www.politico.com/politico44/2012/10/obama-says-romney-was-severely-kidding-138178.html> (last accessed 02/13/2013).

¹⁶ They make a good point in their article as well: “Moreover, by allowing primary voters to care *both* about what policies candidates espouse and the likelihood that a candidate will win the general election, we have avoided the peculiar dichotomy of the standard Downsian approach wherein voters are posited to care only about their policy proximity to the candidates at the same time that candidates are posited to care only

While I focus on non-presidential primaries in the analysis in later chapters, the unsuccessful candidacies of Newt Gingrich, Rick Santorum, and Mitt Romney highlight the same challenges that candidates in non-presidential primaries face. Atkeson (1998) addressed the specific hypothesis that competitive primaries damaged the eventual nominee and finds little support for this hypothesis. In the context of modern presidential politics, this makes sense: in 2008, for example, the country seemed riveted by the contest between then-Senators Obama and Clinton; Republican candidate Senator John McCain seemed unable to get a word into the conversation for months and eventually lost the general election. President Obama was able to overcome apparent errors – such as his remarks that small town Pennsylvanians “get bitter” and “cling to guns or religion” – without too much difficulty.¹⁷

It is possible that presidential politics and state politics work differently; Bernstein (1977) found evidence that divisive primaries hurt the party’s nominees in Senate elections from 1956–1972. Born (1981) and Atkeson (1998) rightly criticize studies like Bernstein’s (and others of its type) for treating “divisive” as a binary variable with an arbitrary cutoff (see Born 1981, pp. 642).¹⁸ Born found “some support” for “the conventional belief that divisive primary battles harm a party’s general election chances”; in particular, divisive primaries hurt incumbents in the House races he studied from 1962 to 1976 (see pp. 659–660). The divisiveness, though, “leads only to minor electoral

about winning” (pp. 560). Disappointingly, as I hope I will successfully argue here, their model does not sufficiently take into account *different types of primaries* – a common problem.

¹⁷ See Smith, Ben. 2008. “Obama on small-town Pa.: Clinging to religion, guns, xenophobia.” *Politico*. Posted April 11. Available online at: http://www.politico.com/blogs/bensmith/0408/Obama_on_smalltown_PA_Clinging_religion_guns_xenophobia.html (last accessed 02/13/2013).

¹⁸ Born raises another important technical issue as well: “But, a party’s November showing, in fact, might exert a reciprocal influence on the intensity of competition within the primaries themselves. Potential contenders for a nomination may well have reasonably accurate expectations about the fall election outcome and weigh these expectations heavily in determining whether or not to run” (Born 1981, pp. 643).

damage” (pp. 660). I think for practical purposes, this is an area in which the theoretical consequences apply both the presidential and non-presidential elections: what candidates have to do to win their primary should have *some* effect on their general election chances, although *what* effect will be highly variable based on the details of that specific primary.

Adams and Merrill (2008) present a theoretical argument about why competitive primary elections may actually help parties. If competition takes place over two dimensions – policy space and “valence” qualities (roughly, competence or charisma) – and the candidate quality is unknown, “relative to a procedure where party elites handpick a nominee – even one located at the median of the general electorate – holding a primary may increase a party’s chance of winning the general election. This is because in many plausible scenarios the strategic advantage arising from the primary electorate’s ability to select a high-quality nominee... outweighs the strategic disadvantage that the primary pulls the party’s nominee away from the center of the general electorate” (pp. 345). The explanation for 2008 and 2012, then, would be that in 2008 the competitive Democratic primary season helped secure a high quality candidate (President Obama) without forcing him into too many trade-offs; on the other hand, perhaps the 2012 campaign on the Republican side involved more spatial trade-offs and acquired a candidate who, while better qualified than his opponents, still had to face the high-valence President Obama.

The theoretical expectations framed in Owen and Grofman (2006) – that competitive primaries constrain candidates away from the median voter – are empirically tested in Hirano et al. (2010). They ask “do members of congress take more extreme policy positions after the introduction of mandatory direct primary laws in their state?”

(pp. 170). They find that “primary elections do not have a large impact of [Members of Congress]’s roll call voting positions, even when the ideological composition of the primary electorate appears to be relatively extreme or when the threat of primary competition appears to be particularly strong” (pp. 172). Note that they are not referring to the differences between types but to the imposition of laws *at all*.

The first step in Hirano et al. examines the imposition of primary laws and polarization. They use seven states that introduced direct primary laws for congressional elections somewhat late: “Connecticut (1956), Delaware (1970), Indiana (1976), New Mexico (1940), New York (1968), Rhode Island (1948) and Utah (1938)”¹⁹; for Indiana and New York they note that those states used primaries for House (not Senate) elections earlier and so they drop them from the House analysis (pp. 174).¹⁹ What they find is that “if anything, the estimates... suggest that [Members of Congress] in these states took more moderate positions after primaries were introduced in their states. Thus, mandatory primaries do not appear to have had any more of a polarizing effect on roll call voting behavior compared to the previous nominating procedures used in these states” (pp. 174). Moreover, they also found “the evidence that low turnout is related to senators with more extreme roll call voting positions is weak at best” and that the ideological positions of the general electorate had more to do with polarization than the ideological positions of the primary electorate (pp. 179–180). Further, they found “little evidence that the competitiveness of primaries when senators are first elected is related to their

¹⁹ As I will describe elsewhere, but is worth briefly noting here, this is a very unrepresentative sample selection of states. Connecticut, New York, and Utah are all prominent examples of “Challenge Primary” or strong “pre-primary endorsement” states --- see McNitt (1980) --- in which a primary only occurs if the delegates to the party conventions are insufficiently agreed upon a candidate. New York also sports other unusual rules like cross-filing. Furthermore, the late adoption of the primaries in all of these states (relative to the states adopting primaries in earlier years) would also suggest that there may be something different about their politics that is unmeasured here.

contribution to polarization during their first elected term in office” (pp. 183). They do find one “positive finding”: their “research underscores a central conjecture of political science, namely, general election competition creates pressure for ideological convergence and moderation” (pp. 189). They do not find, though, much evidence that imposing primary election laws increases polarization.

Something left unexplored empirically in Born (1981), Atkeson (1998) and Hirano et al. (2010) and theoretically in Adams and Merrill (2008) and other similar works: type of primary law. This is not necessarily something “missing” in a pejorative sense; the papers make fine academic contributions. The field of study is just large enough to make some aspects of it beyond the scope of any particular study. The types of primaries can make a difference, though, particularly at the margin. As Adams and Merrill describe a trade-off between getting high-quality candidates and forcing them to commit to more extreme policy positions through primaries, it would seem reasonable that some *types* of primaries may make this trade-off more extreme. In the context of the 2012 presidential cycle, this question would be rephrased as: would Mitt Romney not have had to move as far rightward if all the Republican primaries had been more “open” rather than more “closed” primaries?²⁰ Hirano et al. choose to focus in detail on two other aspects: the underlying polarization of the electorate and “the degree to which [Members of Congress] face electoral threats from primary challengers” rather than to investigate differences in primary type (2010, pp. 1717). Before dismissing the effect of competitive primaries on polarization, though, two further advances are required: first to

²⁰ It should also be noted here that works like Owen and Grofman (2006) and Adams and Merrill (2008) clearly contemplate *partisan* primaries; the argument would be much more complicated in a nonpartisan runoff like the laws now in place in Washington State and California (and that have been used periodically in Louisiana).

not treat pre-primary nominating systems as equivalent²¹ and, second, to control for primary type. One possibility to explain the null results in Hirano et al. (2010) is simply that the types of primaries included had opposite effects and, when treated as equivalent, effectively canceled each other in their empirical investigation.²²

McNitt (1980) examined the levels of competition for different types of nomination procedures: conventions, endorsing (pre-primary) conventions, and direct primaries. He pointed out that a careful study of nomination procedures requires not just separating out the formal primary rules (as he does) but also considering the whole institutional context. He analyzed gubernatorial and senatorial nominations from 1954 to 1974, an era of considerable institutional diversity. He found, as expected, that primaries generated more competition than conventions (pp. 260–261). He also found that open primaries “do not fit the logical expectations of greater competition” (pp. 261). Overall, he observed that most nominations were not very competitive and that the effects of conventions could be overstated: “endorsing conventions are more likely to block minor candidates than to force major competitors out of the contest” (pp. 262). Still, for pre-primary endorsement conventions, “the convention choice usually wins the primary”; so if the measure of interest is not ‘competitiveness’ but ‘victory,’ then it is important to consider whether or not a state has those kinds of institutions (pp. 266).

McNitt’s work best aligns with what I find in the subsequent chapters. While he focused on competition for nominations and I focus on the effects those nominations

²¹ An observation which should follow from reading Merriam and Overacker (1928) or Ware (2002).

²² The methodological observation: compare $b(x_1+x_2)$ to $b_1x_1 + b_2x_2$. If $b_1 = -1$ and $b_2 = +1$, and they treat $b = b_1 + b_2$, they will find $b = 0$ and arrive at a null effect when the truth is quite different. It’s certainly ex-ante possible that more closed primaries could increase polarization when compared to previous nominating systems but that more open primaries could decrease it through crossover voting or appeals to independents.

have on general election competitiveness, these two notions are linked. Taking the Adams and Merrill (2008) point, if competitive primaries may provide higher quality candidates (at the cost of an ideological trade-off) the low competition McNitt found in open primaries may relate to the lower levels of general election competitiveness I find for states with open primary rules. In any event, McNitt also provided a great service by categorizing primary laws by type for one of the periods of my database; I made considerable use of his research to supplement other sources in defining which type of primary each state used when.

Primary Laws and Turnout

Another major open question about primary law type is whether one kind of law stimulates more mass participation than another. Jewell (1977) set out to investigate if the variables that affect turnout in primaries were at all different than those for general elections. Jewell observed that measuring turnout in primaries can be difficult; because of differences across institutions, some primaries have a smaller potential pool of voters than others (for example, a strictly closed system versus an open system). Unopposed candidacies also cause a problem. Jewell calculated the turnout as a percent of voting age population and as a percent of two-party general election vote (see pp. 242). He considered these primary election systems: closed, closed with at least a six month pre-election partisan registration freeze, open, open with the voter declaring partisanship at the polls, and “open-blanket” meaning that the “voter may vote in both primaries” (pp. 242; see Jewell’s Table 1). He found that “there are not dramatic differences between states with open and closed primaries, but closed primaries with long waiting periods for shifting registration (some of which have now been abolished) have had low turnout

rates; open primaries with no required party identification have high turnout; and Washington and Alaska – states with a blanket primary – have particularly high turnout” (pp. 243).²³ Like McNitt (1980), Jewell (1977) provided an invaluable resource for descriptions of primary laws from post-war through the 1970s.

Rothenberg and Brody addressed turnout in presidential primaries. They concluded “closeness does count in primaries” (1988, pp. 267). That is, despite our theoretical view that voters must only participate out of a sense of duty (Riker and Ordeshook 1968) – since the probability of casting the pivotal vote even in a close primary is very near zero – voters seem to participate more in what appear to be close contests. Furthermore, in the view of Rothenberg and Brody, the institutional “context” of primaries stimulated turnout; for example, increasing (by 1988) numbers of delegates to presidential conventions had to vote for the winner of the primary. That increased the perception of the importance of presidential primaries; if the delegates could freely ignore the primary result, voters would be less inclined to participate.

Primary Laws and Voter Registration

Voter registration requirements and primary election laws are closely linked areas of research. In particular, to conduct a closed or semi-closed primary election, states must register voters by party. The easy availability of party registration lists (frequently then also considered public records – so this constitutes a public affirmation of partisanship) may make campaigning different in important ways in states with such lists. That is, the tool necessary to facilitate running a closed primary may also facilitate

²³ Jewell also noted the impact of pre-primary endorsements: “some of the states where organizations make endorsements in primaries have lower turnout, as well as less frequent contests, but there are some exceptions: Utah, North Dakota, and California have high turnout despite the use of endorsements” (1977, pp. 244). For a more extensive argument about pre-primary nominations or endorsements, see McNitt (1980).

turnout or microtargeting (for a discussion of the effects of registering with a party in California, see Sinclair 2013). Burden and Greene (2000) argue that the act of registering also increases a sense of partisanship. In some states – like in Connecticut, as discussed in the next chapter – policymakers may have thought that voting in a party primary would also increase a sense of partisanship; getting voters in the door at the primary (higher turnout, trying to create more open primaries) might help a party win in the general election.

Primary Type and Candidate Moderation

In my view, the main question to answer about different types of primaries is if a rule produces more moderate or more extreme candidates. This will be a focus throughout the later chapters—both through the multi-state perspective and in examining California’s top-two primary. The answer matters not just for the competitiveness of general elections—under the theory that more moderate candidates are more likely to win—but for the larger point about what policies ultimately the government adopts. In the larger view, Americans should care about their elections not just because of the name of the winning team—but because the winners actually get to impose policies that affect the lives of everyday citizens. Investigating how primary laws affect the ideological and partisan characteristics of candidates addresses a very important question.

As a general rule, political science tends to think about elections in a one-dimensional spatial model, even though formal models have been extended into multiple dimensions. Even in just a single dimension, the models require some relatively strong

assumptions.²⁴ Practically speaking, it makes sense to think of the single dimension only when considering something like strength of partisanship or ideology; even something as simple as contemplating specifically both the amount spent on a policy and the way to pay for it requires two dimensions (see Davis, Hinich, and Ordeshook 1970, pp. 428, for that example). Davis, Hinich, and Ordeshook observe that “dominant positions, in general, do not exist for a multi-dimensional world” (1970, pp. 428). Informally, this translates to ‘bad things happen in multiple dimensions.’ This is not to say that this sort of research is unproductive or unlikely to obtain useful results; Calvert summarized the literature and observed “the multidimensional voting model is substantially robust against important changes in its key assumptions” (1985, pp. 70). Nevertheless, it is sufficiently complicated to make formal predictions of the outcomes in an n-dimensional policy space for a variety of types of primary election laws very difficult.²⁵

In practice, political science has tended to address the problem of defining “more moderate candidates” in the context of primaries more like the way Justice Potter Stewart dealt with defining pornography: “I know it when I see it.”²⁶ There’s less of an agreed-upon definition as a general notion of what constitutes moderation. Most papers do not attempt to pair empirical analysis with a multi-dimensional notion of candidate placement

²⁴ For the median voter theorem to work, you have to assume voters have “single peaked preferences.” That is, there exists an ideal point for each voter from which each point farther away is increasingly less preferred. It also assumes only two candidates. Cox (1987) showed that “multicandidate equilibria under plurality rule must be noncentrist” (pp. 82). Cooper and Munger (2000) demonstrate with simulations that if many candidates enter closed primaries the winners can be very ideologically extreme in a 1-dimensional ideological space.

²⁵ One of the real modeling challenges with any of these sorts of models is to figure out how to deal with candidate entry in a way that captures the important dynamics of the process. After all, one of the questions about different primary types is whether they encourage or discourage candidate entry at certain points in the issue-space. Palfrey (1984) devised a model in which two parties would not position their candidates at the median in order to prevent entry of a third party. For another criticism of the standard electoral models, see Wittman (1983); he allows candidates to care about both implementing specific policies and about winning.

²⁶ See Justice Potter Stewart’s concurrence in *Jacobellis v. Ohio*, 378 U.S. 184 (1964).

in an issue space; instead, practical shortcuts are employed. Gerber and Morton (1998) used a very practical approach to empirically investigate the effects of different types of primary laws on the ideological location of candidates. U.S. congressional elections from 1982 to 1990 provided the data for Gerber and Morton's analysis. To measure the ideology of the winning candidates, they used ADA scores (ideological measures developed by a political group, Americans for Democratic Action). To get a measure of district ideology, they used the "average of the percent in the district voting for Mondale in 1984 and for Dukakis in 1988" (pp. 314). While not a measure of n-dimensional preferences, this is a very good solution. It allows them to use a lot of data for which other measures of preferences are not readily available and almost assuredly correlates with a reasonable notion of ideological preferences.

Gerber and Morton employ a relatively simple classification scheme. For their purposes, "a primary is considered open if participants either do not need to declare party affiliation as a prerequisite to participating in a primary election or may do so on election day" (pp. 306). In this category, they include blanket primaries, nonpartisan primaries, and more traditional open primaries. They defined a primary "as closed if participation is limited to voters who declare their affiliation to the party a specified period prior to the election" (pp. 306). They define a primary "as semi-closed if new registrants are allowed to both register and choose their party on the day of the primary or if independents are allowed to participate" (pp. 306). They do though, later in their analysis, include variables to separate out the southern runoff primaries, the nonpartisan blanket primaries, and some geographic controls that may pick up some regional variance in types of rules as well.

Gerber and Morton emphasized the role of crossover voting (partisans voting in the other party primary) as a potential causal mechanism for why different primary laws would produce different outcomes. They wrote that “primary system rules affect the identity of the median voter in the parties’ primaries by affecting the cost to voters of engaging in particular forms of strategic behavior” (pp. 310). Like other research in this area (see the more extensive section below on crossover voting) they acknowledge the existence both of “sincere” crossover votes and “strategic” votes and the participation of nonpartisans as potential sources for moderation.²⁷

They expected closed primary systems to “produce more extreme general election winners relative to their constituencies’ general election median voter, then more open primary systems” (pp. 312). They also expected open primaries to produce more moderate general election winners than closed primaries. That is in line with the conventional wisdom on the subject. The innovative part of their argument is the expectation that semi-closed primaries will produce the most moderate winners. Their idea is that “sincere crossover voting [will] dominate in semi-closed primaries” but that there is more of a risk of raiding and other strategic behavior that will harm the interests of moderate candidates in open primaries relative to semi-closed primaries. The results work out more or less in line with their original hypotheses; especially in the fullest specification they offer (see pp. 319). Semi-closed primaries produce the most moderate candidates while closed primaries produce the most extreme candidates.

²⁷ Gerber and Morton do use the terms differently than some other researchers, though. They think of a “sincere” vote as one *intended to help that candidate* and a “strategic” vote as one *intended to help another candidate* in the next stage. This is actually a really conceptually meaningful way to think about types of votes (it corresponds with our normative understanding that it is better to have elections in which votes indicate support). Unfortunately, what they mean by “strategic” voting is what most other papers call “raiding.” Most other papers use a more restricted definition of a “sincere” vote as well, leaving the remainder to be “strategic” but “non-raiding” votes.

Gerber and Morton (1998) found not only important differences between broad types of primary laws—“open,” “closed,” and “semi-closed”—but also effects for the subcategories of “blanket” and “runoff” as well. They noted “our research illustrates that the important feature of a system is not just whether it is nominally open or closed; rather, the specific institutional details of the system may be critically important” (pp. 322). Furthermore, they also argued “our results also have implications for subsequent theoretical analysis of multistage electoral processes. They underscore the importance of modeling the institutional details of election systems and the effects those institutions have on voter and candidate incentives in both the registration and voting stages” (pp. 322).

The Gerber and Morton paper represents an important advance in our understanding of the effects of primary election laws. They emphasized, correctly in my view, the importance of the specific details of a state’s primary election laws. Their main result—that closed primaries produce more extreme candidates than the alternatives—generally fits with theoretical expectations. Even if we do not expect in every election to precisely get the results of the median voter theorem, it seems reasonable to expect the desire to win an election to assert a centralizing tendency within the eligible electorate. If the electorate is restricted to less moderate voters, they candidates that emerge should be less moderate. Nevertheless, their article still leaves room for further research in four important areas: (1) they used data only from 1982 to 1990, placing their results in a particular political and institutional context; (2) their measure of moderation in candidates and districts could be improved; (3) their point that “details matter” could be carried further to capture even more of the available institutional details; (4) in the time

frame considered by Gerber and Morton, very little change in primary rules occurred *within* states—not true at time periods before and after.²⁸

One of the advantages of the Gerber and Morton (1998) approach, though, is that they do use a *general election outcome*—the ADA score of the winner—to measure the effects of the primary election law. Grau (1981) made an effort to observe how often primaries were even competitive; frequently, candidates run unopposed. The nominating system has effects not just *within* a competitive election but also for whether or not a competitive election occurs at all. So when measuring the ideological position of candidates in primaries, it is important to keep in mind that candidate entry is an equilibrium result.

A closely related problem to the moderation of the candidates is the representativeness of the primary electorate. Obviously, these two questions—if we are to believe that basic spatial modeling applies—should be related. The more the primary electorate looks like the general election population, the more towards the middle the median voter of the primary electorate should be. The more extreme the electorate, the more extreme the winner should be. Norrander (1989) did not find much difference between presidential primary voters and general election voters, but did not control for primary type. Geer (1988) noted that presidential primary voters were not importantly different than the party supporters, if the party supporters are defined as potential voters in the general election. Ranney (1968) came to a similar conclusion studying an open 1966 gubernatorial contest in Wisconsin, although he reversed course in a later study. He later wrote “it is clear that presidential primary electorates, like those in primaries for

²⁸ It seems that Gerber and Morton (1998) coded all states with the same laws from 1982–1990; Table 1 in their paper (pp. 307) displays the laws as of 1990.

lesser offices, are demographically quite *unrepresentative* of their nonvoting fellow partisans”; this also extended to issue preferences as well (Ranney 1972, pp. 36). Kaufman et al. (2003) found “open primaries can result in a more ideologically moderate, and a more ideologically convergent, electorate. Through the adoption of open primaries, Republicans’ primary electorates often wind up less conservative than their party following and Democratic primaries less liberal than theirs” (pp. 471–72). They arrived at this conclusion using exit polling data from 1988–2000 in presidential election years (where available, which was somewhat limited²⁹), and having defined three types of primary institutions: closed, open (including closed, with same-day registration), and ‘modified-open’ – a catch-all category for the semi-closed and similar rules.

Recently, scholars have returned to analyzing Gerber and Morton’s (1998) hypotheses with new data and methods. Kanthak and Morton (2001) modified the Gerber and Morton (1998) analysis and found that “semiclosed and semiopen primaries lead to more moderate candidates than do closed primaries in general, while pure-open primaries actually lead to more extreme candidates than do closed primaries” (pp. 129). They also found that “nonpartisan elections and blanket primaries also lead to more moderate candidates” (pp. 129). While the results are slightly different, they still have the main sense of those in Gerber and Morton: the ‘middle ground’ rules produce the most moderate outcomes. Alvarez and Sinclair (2012) used network analysis to look at the behavior of legislators elected under California’s blanket primary. They found that legislators elected under the blanket primary were more likely to compromise with other legislators, one measure of moderation. They wrote “freshmen elected under the blanket

²⁹ They have a total of 113 primaries; see Kaufman et al. 2003 (pp. 458) for a description of their data.

primary system are simply more likely to agree with other legislators” (pp. 553). This conclusion generally supports the hypotheses advanced in Gerber and Morton; support for those hypotheses is far from universal, though.

McGhee et al. (2012), using a different measurement strategy, found “little, if any,” effect of election type on political moderation (over 1992–2008). They observe that for all the different institutional variants that they are very few theoretical expectations generated in the literature and that this literature has not grown in a systematic way: some papers consider some aspects, other papers different types of considerations, but none address all of the important distinctions (pp. 7). For their purposes, McGhee et al. used estimates of ideal points for state legislators, put into a common space (for details, see 2012, pp. 9). To measure district preferences, they used presidential vote share. They divided the types of primaries into five categories: pure-closed, semi-closed, semi-open, pure open, and nonpartisan.³⁰ They computed their main result – mostly a null finding – with an OLS model and state and year fixed effects (as well as alternative models for robustness checks, including using their presidential vote data and a time-trend interacting with primary type). They also use the *California Democratic Party v. Jones* decision to test for potential problems with endogeneity: California, Alaska, and Washington all adopted various systems in response to the Supreme Court ‘shock.’ Lastly, they also tried pooling some of their primary types together. Overall, their results “suggest that these systems have little consistent effect on

³⁰ They define a “semi-open” primary as an open primary with public choice rather than private party choice (see pp. 7). They also seem to mix the blanket and the top-two under the “nonpartisan” label. They are following up on Kanthak and Morton (2001).

legislator ideology” (pp. 9).³¹ They concluded: “it is difficult to say precisely why the effect of open primaries is so weak. The logical basis for a moderating effect is simple and plausible... and there is little evidence to support it” (pp. 10).

These studies highlight the need for more research in this area. The Gerber and Morton (1998) research and the Kanthak and Morton study cover 1982–1990. The McGhee et al. (2012) study covers 1992 to 2008. Commonly, these studies draw on very limited data resources for describing primary laws (like Bott 1990, for Gerber and Morton 1998 and Kanthak and Morton 2001). McGhee et al. (2012) seem to have supplemented their database with telephone calls to state elected officials and some additional information. Nevertheless, possible explanations about the diversity in the findings quickly spring to mind: these studies do not cover the same periods of time, do not use the same (or particularly sophisticated) state categorization schemes, and use different measurements of ideology. These are important studies that advance the field; the deficiencies in the literature merely point to the need for ongoing research. While this study does not resolve all of these difficulties either, I do provide some additional advantages: a longer time horizon and a more detailed database of state laws. In the analysis in Chapter 3, in particular, I have also made trade-offs that these authors have not: in particular, by using state-level “top of the ticket” offices instead of multi-districted legislative offices, I lose observations per state per election year. Furthermore, I am using again a different measure of ideology not directly comparable to these studies. In the study of primary elections, it remains early days; this work helps to solve some problems but others remain.

³¹ Note that in this version of their working paper, they have a problem with page numbers: this is the 2nd page 9.

Crossover Voting, “Raiding,” and Strategic Behavior

Research using state or district-level data uses the aggregated outcomes of many small decisions made by each individual voter. Indeed, many of the hypotheses for the election-level (rather than individual-level) analyses are drawn from beliefs about how voters will respond to different electoral incentives. The use of individual-level data, typically drawn from surveys, can help validate those approaches. It is always possible that one type of primary system or another has an unintended effect because some other variable intervenes between the voter and the measured aggregate outcome. In particular, researchers need to engage with the study of crossover voting at the voter-level to try to make sense out of the results about open primaries.

One of the obvious ways that open primaries could produce more moderate successful candidates is through “crossover voting.” Roughly speaking, a “crossover vote” is one cast for candidates of one party by voters of another. Wekkin (1988) observed that some confusion existed over the term: do independents or nonpartisans count as crossover voters? Wekkin (1988, pp. 112) suggests following in the line of research (culminating in Keith et al. 1992, “Myth of the Independent Voter”) that treats independent leaners as partisans. In studies that use partisan registration as the key definition rather than partisan identification, no such differentiation is possible without the application of additional data. In any event, the study of crossover voting is made more difficult by the many institutional contexts in which this poorly defined behavior takes place. Nevertheless, most of the literature in this area addresses two concerns: first, how much crossover voting takes place? And, second, what amount of crossover voting is “raiding,” or crossover votes intended to harm the party receiving them?

Alvarez and Nagler (1997) make one of the more extensive analyses of crossover voting in the United States. Using both individual-level data (surveys and exit polls) as well as aggregate election totals, they found that crossover voting did not occur frequently, primary type did not dramatically influence the quantity of crossover voting, and that very few voters engaged in strategic behavior. Alvarez and Nagler made an important argument, comparing the legal and practical definitions of crossover votes; they wrote, “crossover voting in a closed primary may sound like a logical inconsistency: but many voters in closed Democratic primaries will profess to identify with the Republican party when asked, and will vote for the Republican presidential candidate in the general election. The same is true for many voters in closed Republican primaries” (pp. 6). They are exploiting the difference between *registration*, frequently the formal requirement for voting in a party primary, and *party identification*, which has no enforceable legal significance.³² Alvarez and Nagler also articulated three separable reasons for casting a crossover vote, connecting this type of voting with the strategic voting literature: “sincere voting” or voting for a most preferred candidate who happens to be of the other party, “second-best vote” or abandoning weak candidates of your own party for a chance to pick a reasonable alternative in the other party, and “raiding” or voting for a weak opponent to advantage your own party (pp. 6). That is, not all strategic behavior in primaries must include crossover voting and not all crossover voting must include strategic behavior. They also commented that voters would need a good deal of information to reasonably engage in strategic behavior (rather than just voting for their

³² This is not to say that no primary rules *attempt* to use measures of identification: i.e., something like voters having to attest to their intention to support a party’s candidates. Such rules are of exceptionally dubious legal standing.

most preferred candidate) and, for that reason, would not expect much strategic behavior in primaries.

Alvarez and Nagler (1997) fall into the relatively large set of studies regarding crossover voting in presidential primaries instead of in the state primary. They focus on the 1980, 1984, 1988, and 1992 presidential primaries. Interestingly, they face two major hurdles to advancing their own argument, both related to the available data. First, many of the surveys on which they could draw ignore “leaning” independents, which Keith et al. (1992) identified as “hidden partisans.” If self-identified leaning independents registered with a party (this is certainly possible; see, for a California example, Alvarez and Sinclair 2013, Sinclair 2013) and counted as partisans (per Keith et al.) and should it be the case that they were more likely to cross over in an open rather than closed primary – then perhaps Alvarez and Nagler would arrive at different conclusions. That is, it is the party registrants with the weakest ties to the party that we should, *ex ante*, suspect of crossing over to vote and who would seem most likely to be affected by differences in the rules. Second, the focus on presidential primaries puts the emphasis on relatively high information elections. They point out the difficulty, in 1992, of gauging Clinton’s probability of winning – an important piece of information for a strategic voter (pp. 7). If that is to be a difficult choice, what about a local legislative race that features none of the national polling or media attention? It may be the case that in lower information settings the rules make more of a difference. Nevertheless, with the survey data available to them, they conclude that “open primaries do not lead to a substantively large increase in crossover voting over closed primaries” (pp. 27).

Alvarez and Nagler attempt to rectify the emphasis on presidential elections in their analysis of surveys by also looking at ecological evidence³³ in Washington (State) and Ohio. The advent of the blanket primary (in use 1998–2000) motivated their research; Washington already used such a system in 1997 and Alvarez and Nagler looked to their experience to form expectations for the new California law. Using 1992, 1994, and 1996 county-level vote totals in Ohio and Washington, Alvarez and Nagler showed “that there was not a great deal of crossover voting in the aggregated data” (pp. 33). They also find that the blanket primary – a peculiar kind of primary law – did not produce vastly different results, consistent with their overall finding that state primary laws did not generate very different results.

Alvarez and Nagler followed in a long tradition of analyzing crossover votes in a presidential primary. Hedlund (1977) addressed the usual questions – who were the crossover voters, and to what extent were they raiding? – with regard to Wisconsin’s open 1976 presidential primary. He found very few partisan crossovers, although he did find that independents participated, “probably [diluting] the desires of party identifiers” (pp. 513). Presaging *Myth of the Independent Voter* (1992), he also found that the independents had similar characteristics to the partisans in whose primary they participated. Additionally, consistent with the other literature (for example, Ranney 1972, pp. 36), Hedlund found “no evidence... to document the contention that there was a widespread mischief vote” (pp. 513).

³³ Using election totals aggregated by county rather than individual survey data. Methodologically, they look to King (1997) --- that is, they were both well aware of the difficulties of using aggregate data to make individual-level inferences and used the best technology available at the time.

Kaufman (2003), as part of their analysis into the composition of the electorate under different primary rules (discussed above), investigated crossover voting in the 2000 presidential primaries. They found that “far more crossover voters are present in open primary states than in closed primary states, but the effects are vastly different for the two parties” (pp. 469). They identified two other important trends as well. First, what they called “modified-open” --- the general term in use would be “semi-closed” --- primaries “proved to be an important stimulus to crossover voting” (pp. 469); this at least matches the theoretical predictions and results in Gerber and Morton (1998). Second, Kaufman et al. also found that “early and competitive primaries see far more crossover action than later, less competitive ones” (2003, pp. 469). This would suggest that the crossover voting is not *entirely* insensitive to strategic considerations.

Theoretical predictions for crossover voting remain elusive. In a model limited to a single ideological dimension, two parties, and fixed candidate positions, Chen and Yang (2002) found that:

...in an open primary, the strategic behavior of voters can substantially affect the outcome of the primary. This, however, does not mean that it is harmful. When nonparty members participate to manipulate the result of the primary, and when the party members do not react to it, the strategic voting behavior will indeed harm the party in the sense that the more extreme candidate might thereby win the primary. But if the party members also vote strategically, it can actually coordinate their votes and increases the winning chance (relative to when all voters vote sincerely) of the party. The total effect on the outcome, however, depends on the relative size and positions of the parties, as well as the turnout rates of different types of voters, and is hard to predict. Our results also imply that smaller parties, parties whose candidates are more extreme, or parties whose members are less active, are more vulnerable to strategic voting in an open primary (pp. 22).

The Chen and Yang model, by assuming fixed candidate positions, avoids the problems of multi-candidate strategic location. The assumption of fixed candidate positions – i.e.,

the reverse of the Downs (1957) model that had strategic candidates but not voters – is very strong. Even with it, the outcome “is hard to predict.”

Oak (2006), with the aid of formal models, found that semi-closed primary systems helped moderates but that fully open systems might actually produce more extreme outcomes than a closed system; Oak argued “for instance, the let moderates may believe that an extremist candidate is going to win their party’s primary. In order to minimize the ‘damage,’ they may crossover and vote for the moderate rightist. But such behavior will cause a drop in the number of the left moderates participating in the left party’s primary and thus contribute towards the victory of the left extremist” (pp. 171). In Oak’s view, this “reconciles a paradox found in the empirical literature,” comparing the Gerber and Morton (1998) paper with other work that finds crossover voters select moderate candidates (pp. 171). Oak, too, relies on a single-dimensional policy space, two parties – and simplifies voters into five categories (reminiscent of *The American Voter*, 1960). Still, Oak predicted “in the presence of tension between extremists and moderate factions..., either there is no crossover voting or the crossover is moderating in nature” (pp. 186).

The general sense of the literature is that “raiding” remains quite rare. Wekkin (1991) found that crossover voters were unlikely to be “mischievous voters.” Nevertheless, it is also important to separate mischievous *intentions* from mischievous *results*. To the extent that crossover voters have differing policy preferences from the party they invade – whether to vote for a first-choice candidate (“sincere crossover”), or to voter strategically for an acceptable and electable alternative, or to vote for a weak general election opponent for their own party (“raiding”) – they do shift the median voter

of that primary. Furthermore, depending on the institutional context, the effects can vary. For example, a crossover voter in an open primary or semi-closed primary who crossed over specifically to vote sincerely for, say, a moderate senatorial candidate is then stuck voting in all the other races of that party – *including those with no candidates they support*. On the other hand, voters in either a blanket or nonpartisan top-two primary can switch back and forth between parties (see Sides et al. 2002, Alvarez and Nagler 2002).

While the general consensus is that little raiding (and even not very much crossover voting in general) takes place, further research should continue to build on the existing foundation. First, more states (like California and Washington) have adopted nonpartisan top-two primaries which remove all barriers from effective crossover voting; as these types of rules become more common, parties and candidates will continue to innovate new and better ways to encourage it. In combination with the advent of better microtargeting techniques (see Issenberg 2012), the importance of crossover voting may increase. Second, as with all measurements of rare behaviors, more data will produce better estimates. Third, most of the studies of crossover voting take place within a span of approximately thirty years, a particular political and institutional context. We should not expect that rates of crossover voting will remain constant but instead should vary with the political and institutional incentives offered.

Presidential Nominations

After Carl Albert adjourned the 1968 Democratic National Convention *sine die*, a good many Democrats and Democrat-watchers left Chicago's tear-gassed streets and stink-bombed hotels convinced that something was terribly wrong with the traditional way the party had gone about choosing its presidential nominee. The Democrats' subsequent loss of the election gave them about the only benefit the losing party ever gets: a chance to make major changes in its structure and procedures without having to

clear them with an incumbent President. Surprisingly, the party did not let the chance slip away.³⁴

Presidential nominations take place using the primary in a way entirely different from most state-run primaries for other offices. Technically, presidential candidates are still selected at party conventions, comprised of individual delegates given voting rights according to party rules. Some of those party rules commit delegates based on the results of the primary but these rules vary by party and by election year. The presidential nominating season is further complicated by the sequential nature of events; states jockey for position on the nominating calendar and candidates pay varying amounts of attention to each contest, depending on their overall strategy to secure the required number of convention delegates. While the direct primary really became ascendant by the 1920s (see Ware 2002) in most states for *state* offices, the modern presidential nominating process did not really take root until after the 1968 Democratic National Convention (per the epigraph, from Ranney 1972).

The early nominating contests – the Iowa Caucuses and New Hampshire Primary – have earned some attention in the presidential nomination literature. Adkins and Dowdle (2001) suggest that this emphasis may be overblown; in an effort to predict the ultimate nominee, the results of the Iowa caucus do little to better the prediction when combined with other reasonable variables (see pp. 438). The results of the New Hampshire primary are a bit more meaningful, although “the reality is that momentum generated by these contests only seems to assist also-ran candidates in displacing other also-ran candidates” (pp. 442). Political scientists have studied momentum (see Aldrich 1980, Bartels 1987) in the sequential Presidential contests; however, there is no

³⁴ Ranney (1972), pp. 21.

equivalent concept for non-Presidential primaries. New Hampshire generates interest not just because it is an early primary but also because it is often referred to as an “open” primary – although it actually would be more correctly identified as a “semi-closed” primary. Fowler et al. found “despite conventional wisdom that undeclared voters make primaries more volatile, we find few differences in the way the two groups of voters responded to campaign stimuli” (2003, pp. 159). More specifically, they find that “there do not appear to be systematic differences between partisan registrants and undeclared registrants in terms of their probability of voting in a party primary or of voting for a particular candidate” in the 2000 primary (pp. 160).

Cooper (2001) investigated the effects of having staggered presidential primaries. She used a simulation approach, with three alternatives: sequential primaries, a national primary, and a national primary with a runoff (really, a Southern-Runoff style election). She found “sequential primaries estimate voters’ preferences more efficiently than either of the other two alternatives. On average, sequential primaries select nominees closer *both* to the position of the median party voter and to the position of the median voter in the general electorate” (pp. 775).

Meinke et al. (2006) tried to explain why some states would pick caucuses rather than primaries for their presidential nominating procedures. They made the very true observation that “delegate selection rules are endogenous to the politics that they govern” – and that party leaders faced a fundamental trade-off between “long-term electoral goals” and their own selection power (pp. 191). Norrander (1993) also found that “more ideologically extreme candidates did better in caucuses than in primaries” (pp. 361). While these papers are not specifically about nomination procedures for state offices, the

same observation applies to the selection of primary election law type. If more open procedures (semi-closed, open, blanket, or nonpartisan) primaries produce a more moderate electorate (Kaufman et al. 2003, Gerber and Morton 1998) and party leadership values both winning and the ideological position of the winner, the same kind of tension can arise with state primary selection as well. It may be the case that party leadership faces a trade-off between electoral success and ideological purity.

Conclusion

When considered, different types of primary rules do produce different outcomes. McNitt (1980) demonstrated that the whole institutional context matter; there are differences in competitiveness not just for open or closed primaries but for states that have pre-primary nominations and those that do not. Jewell (1977) presented evidence that some types of primaries have higher turnout than others. Southwell (1988) found that primary rules only had an effect when one party had an uncontested primary (letting loose the crossover voters). Gerber and Morton (1998) and Kanthak and Morton (2001) argued that different types of primary laws can produce more or less moderate candidates, although McGhee et al. (2012) disagreed. Kaufman et al. (2003) generally supported the findings in Gerber and Morton and helped provide evidence for a causal mechanism: they argued that different primary types produced different electorates.

One problem in the study of primaries is the absence of a good theoretical model to consider the complexities of the institutional rules, the variability of voters, the motivations and strategic alternatives for candidates, and the pre-primary entry procedure – all at once. The entry procedure is particularly important. Candidates do not appear in

primaries randomly. Nate Silver summarized what already began to take place in 2013 for the U.S. presidential contest in 2016:

But long before Republican voters in Iowa and New Hampshire cast their ballots, the potential nominees will be competing against one another in the so-called ‘invisible primary.’ In this stage, which is already under way, they hope to persuade party insiders that they represent the best path forward for Republicans in 2016. The more successful they are at doing so, the more they will be rewarded with money, endorsements and the talent to run their campaigns, giving them a huge advantage once voting actually does begin three years from now.³⁵

A model that satisfactorily addresses the effects of different types of primary laws on the pre-primary jockeying between potential candidates does not exist. Nevertheless, the literature demonstrates clearly the need to at least conceptually attempt to address this issue – or qualify results in the absence of a solution. For example, Cooper and Munger (2000) allow twenty candidates (ten in each closed primary) into their simulation-based demonstration that primaries can produce outcomes very far away from the median. It is the exceptionally rare primary season and office with twenty entrants. On the other hand, candidates rarely position themselves so neatly (as in the spirit of Palfrey 1984) for two candidates to completely prevent entry of a third in all races. Further still, Grau (1981) observed that many candidates ran unopposed. In some cases one candidate manages to deter entry entirely, in other cases a few viable candidates will enter, and in a very few cases many candidates will enter and chaos will ensue.

Challenges like including entry, and insufficient institutional detail, do not just apply to formal theory work; these issues also plague the empirical research. The study of primary elections is not easy; to make some aspects of the problems tractable

³⁵ See Silver, Nate. 2013. “Marco Rubio: The Electable Conservative?” *The New York Times*, Feb. 19. Available online at: <http://fivethirtyeight.blogs.nytimes.com/2013/02/19/marco-rubio-the-electable-conservative/?hp> (last accessed 02/19/13). Silver refers to Cohen, Marty, David Karol, Hans Noel, and John Zaller. 2008. *The Party Decides*. University of Chicago Press.

researchers have limited themselves to smaller periods of time, a subset of states, only certain offices, or only part of the process. Researchers also are attempting to hit a moving target: what a primary election *is* continues to change. In 1946, politicians in California would hardly recognize the nonpartisan top-two of 2012 as a primary election at all, since primaries originally served the main purpose of selecting *party* candidates.

The next chapter represents an effort to improve our existing understanding of primary elections by overcoming one of the main challenges: the lack of institutional detail over a long period. Political scientists disagree over the main argument, whether one type of primary produces more moderate outcomes than other. Gerber and Morton (1998) and Kanthak and Morton (2001) represent one side, which finds important effects for primary law types even if those effects are not arranged in the linear fashion that the nomenclature (closed, semi-closed, semi-open, open) would suggest. On the other side, other scholars (see McGhee et al. 2012) have found no effect for primary type. The following chapters make a contribution to this literature first by addressing one potential reason for the unexpected results in the existing literature: perhaps the categorization scheme misses important details about the implementation of state primary laws. Second, the later chapters (4 and 5) take a detailed look at the new “top-two” primary in California, better placing this new law in the broader context of the literature. This is not – to borrow from Churchill – the beginning of the end of research into primary elections; I merely hope to contribute to the end of the beginning.

“A.R.S. § 16-806 (2011). Proscription of Communist Party of United States, its successors, and subsidiary organizations

The Communist Party of the United States, or any successors of such party regardless of the assumed name, the object of which is to overthrow by force or violence the government of the United States, or the government of the state of Arizona, or its political subdivisions shall not be entitled to be recognized or certified as a political party under the laws of the state of Arizona and shall not be entitled to any of the privileges, rights or immunities attendant upon legal political bodies recognized under the laws of the state of Arizona, or any political subdivision thereof; whatever rights, privileges or immunities shall have heretofore been granted to said Communist Party of the United States as defined in this section, or to any of its subsidiary organizations, by reason of the laws of the state of Arizona, or of any political subdivision thereof, are hereby terminated and shall be void.”

CHAPTER 2: STATE LAWS, 1945–2012

While compiling a database of state primary election laws, I had to make trade-offs between attention to detail and the usefulness of the database. Every state conducts elections slightly differently; the goal of this database was to group laws that were “similar enough” together to make statistical analysis possible while still capturing what I believed to be the important differences between the types of laws. For example (above), Arizona formally prohibits the participation of the Communist Party in its state politics – a prohibition with likely little bearing (or possibly constitutional footing) today; I have not included information on the formal status of the Communist Party. Other scholars (like Gerber and Morton 1998) have attempted similar categorization exercises, although typically for much shorter periods of time or at a much lower level of specificity. In particular, with this dataset I attempt to break through the tradition of treating primary laws as if they were on a single-dimensional scale from “most open” to “most closed.”

As Kanthak and Morton (2001) and Gerber and Morton (1998) both noted, the tendency to array primary laws along that dimension can create false expectations about

monotonicity. Gerber and Morton (1998) inquired: If a semi-closed primary produces less extreme candidates than a closed primary, does an open primary produce less extreme candidates still? They thought not. To avoid this, I have created a variable that takes into account the basic base type of primary, following three key derivative types: partisan, nonpartisan, and convention. A convention obviously is not a primary at all. A nonpartisan primary is just a very different institution than an a party primary; since it can pit candidates of the same party against each other in the general election, the nonpartisan primary could potentially generate factions within parties.

Partisan primaries come in several types: open, blanket (a type of open primary), semi-closed, and closed. The only difference between an open primary and a blanket primary is the duration with which a voter must identify with a party: for an open primary, that affiliation must last through the whole ballot while in a blanket primary the affiliation can switch between contests. A semi-closed primary is just a closed primary that allows unaffiliated voters. In recent years after some court decisions, some states have gone to a “party choice” system that allows each party to choose whether or not to use a closed or semi-closed primary. With party choice, it is necessary to establish what the party decided, another feature recorded in the database. These different types *within* partisan primaries capture varying degrees of openness.

There are other dimensions to consider. First, in several types of primaries, voters may be able to keep their partisan preferences to themselves: the question is to what extent the primary is “private choice.” A nonpartisan primary is private choice by default, as is an open blanket primary. Some open systems can be private choice as well. Second, some states require large pre-primary hurdles for candidates to make it onto the

primary ballot. These impediments can vary in size and typically involve passing through a party convention. This has little to do with what rule voters use; this has entirely to do with how easy it is for candidates to even get that far. For example, for a long time both Connecticut and Utah had high barriers to candidate ballot access but Connecticut used a closed primary and Utah used an open primary. Third, some states use a “runoff” rule that forces party candidates to get above some fraction of the vote to win their party’s primary (this is an extra – second – *primary* election, not to be confused with a nonpartisan two-round election). Some states have runoff primaries under both open and closed rules. Fourth, in rare cases parties allowed candidates to “cross-file” and potentially win both party primaries; this type of rule is compatible with many different types of voting schemes.³⁶ What follows is my effort to describe the primary laws from the 1946 primaries through the 2012 primaries in each of these dimensions: basic primary type, openness and closed-ness, the extent of private choice, degree of pre-primary requirements, runoff rules, and cross-filing.

Alabama

Alabama proves to be one of the easier states to code: the state used a traditional “southern runoff” primary over this entire period. I have coded it as an “open” party primary with a runoff from 1946–2012. The Secretary of State’s website confirms that this system is still in use, in much the same way as it has been for about a century. Since this process does require asking for the party ballot, Alabama’s open system is not “private choice.” There are only two complications: parties formally can choose if the

³⁶ I do not end up making much use of this cross-filing variable; in a model with state fixed effects --- it is just too uncommon.

second round of their primary is ‘open or closed’ and the state does not actually mandate the use of the direct primary.

Technically, as mentioned in Bott (1990), parties have a choice between the runoff primary and a convention. McNitt (1980) observed that the Republican Party used the convention option through 1968. I have not coded this differently in the database, though; instead, I have treated the Republican Party in Alabama from 1946–1968 as I treat other minor parties throughout the database: I ignore the separate rules that apply to them. In many states, minor parties have different ballot access requirements. Since, though, *any* ballot access requirements that applied to the Republicans in the segregationist South would have yielded the same lopsided general election results, I do not think this causes too much of a problem. Once the Republicans started to even contemplate competitiveness, they adopted the direct primary.

At the moment, the two major parties differ on who they allow to vote in the 2nd round. If a runoff occurs, Democrats prohibit anyone who voted for the Republicans in the first round from participating. The Republicans do not.³⁷ This split tradition goes back at least as far as 2004.³⁸ It appears very difficult to actually enforce these rules without registration by party; this is likely more of a social norm than an actively enforced rule. In the data set, I do not account for whether or not the second round is open or closed by party.

The runoff primary in Alabama generates controversy through the state’s troubled history of racial inclusion. In the 1960s and 1970s, black voters and politicians re-

³⁷ The Alabama 2012 Voter’s Guide, published by the Secretary of State, has this information: <http://www.sos.state.al.us/downloads/election/2012/2012VoterGuide.pdf> (last accessed 03/13/13).

³⁸ The Alabama 2004 Voter’s Guide, published by the Secretary of State, can be found here: <http://www.sos.state.al.us/downloads/dl3.aspx?trgturl=election/2004/vg2004v2.pdf&trgtfile=vg2004.pdf> (last accessed 03/13/13).

entered the political sphere after the passage of the Voting Rights Act. One news article described the first round of the 1966 primary as a disappointment for black Alabamans:

Negroes sought nomination to their first legislative seats since reconstruction today in the Alabama Democratic primary runoff.

Bloc voting was urged by both white segregationists and Negro leaders.

...

Victories by Mrs. Lurleen Wallace, wife of Gov. George Wallace, in the race for governor and Sen. John Sparkman D-Ala., in the first primary took much of the interest out of the runoff. Mrs. Wallace, seeking to succeed her husband, defeated nine men in her landslide majority.

...

The primary taught Negroes a lesson in practical politics, [Dr. John] Nixon [of the NAACP] said. 'We don't have the vote in large enough number to elect (statewide) but we surely do have the power to deny.'

The Justice Department retained its interest in Alabama's primary elections. Atty. Gen. Nicholas Katzenbach Monday ordered federal voting observers into the counties of Greene, Sumter, Marengo, Perry and Hale, where the observers were sent for the first primary.³⁹

If true at all, the "power to deny" would be relatively limited, as segregationists continued to fare well in Alabama politics.

Black voters in Alabama did not have the power to deny in 1970. They thought they might. One Democratic candidate for Governor, Albert Brewer, challenged famed segregationist George C. Wallace in the 1970 primary and had the support of black voters. In May, around the time of the first of two rounds of the primary, one newspaper article reported:

³⁹ UPI. 1966. "Alabama election under federal eye." The Press-Courier. May 31. Page 2. Available online at: <http://news.google.com/newspapers?id=YQtSAAAIBAJ&sjid=AzUNAAAAIBAJ&pg=5315,5460564&q=alabama+primary+election+runoff&hl=en> (last accessed 03/12/13).

Black leaders claim that Negro voters, whose numbers have increased by 61 percent in Alabama since the federal voting rights act was enacted in 1966, will make the difference.

The predominantly Negro Democratic Conference gave its support to one of the candidates—reportedly Brewer—last weekend but made no public announcement of his name, choosing instead to pass the word along during the week at a series of local meetings.

Joe Reed, the conference chairman and one of 14 Negroes running for seats in the all-white state legislature, said only that “the black voters will decide who will be the next governor of Alabama.”⁴⁰

Wallace came in second in the first round of the primary, with 42 percent to Brewer’s 43 percent. However, Brewer only managed to increase his share to 48 percent in the runoff; Wallace would win with 52 percent of the vote.⁴¹

Southern runoff primaries periodically produce salient examples of how institutional rules matter. At least in 1970, the rules enabled a reversal of fortune. Under a traditional one-round open primary, Wallace might have lost – although that is far from assured. Since the 15 percent of Alabama voters who selected Charles Woods (the third candidate) likely knew Woods was unlikely to win, and they seem to have broken for Wallace in the second round, it is possible that these voters would have voted tactically for Wallace in the first round if the rules were not the same. In any case, though, Brewer came in first place in the first round and second place in the second round; this runoff rule seems sufficiently important to consider to merit a variable in the dataset.

Alaska

⁴⁰ Associated Press. 1970. “Wallace’s Political Reputation At Stake in Alabama Primary.” Daytona Beach Morning Journal. Monday, May 4. Page 8. Available online at <http://news.google.com/newspapers?id=6IkeAAAAIBAJ&sjid=o8sEAAAAIBAJ&pg=889,1060045&dq=alabama+primary+election+runoff&hl=en> (last accessed 03/12/13).

⁴¹ Alabama primary elections, 1970. (2003). *CQ voting and elections collection (Web site)*. Washington, DC: CQ Press. Retrieved from <http://library.cqpress.com/elections/avp1970-AL1>

Alaska entered the Union as the 49th state in 1960, along with Hawaii. Although the state apparently used a “blanket” primary in territorial elections before statehood, in 1960 Alaska started out using a traditional open primary with private choice. The official Alaskan primary election history produced by the state (the only state to produce something like this) mentions that “voters marked a box indicating they were voting Democrat or Republican. If they voted for candidates from more than one party, their ballots were invalidated.”⁴²

In 1967, Alaska reverted to the blanket primary. Alaska used the blanket primary until the early 1990s. The Republican Party objected to the blanket system and the state negotiated to use a variant of the ‘party choice’ primary. Unlike in many states, though, the Republicans allowed nonpartisans to vote on their ballot while Democrats allowed nonpartisans, other partisans, and Republicans to vote on their ballot. The coding scheme I devised does not well separate this type of party choice primary from others that are more restrictive. The “party choice” variables for each party should be interpreted as “at least allowed nonpartisans,” although the Democratic ballot in Alaska would prove to be even more open than that. Notably, Republicans held the governorship (Wally Hinkel) in the early 1990s, so the respective decisions of the parties mirrors the trend evident in some other states: strong parties tend to prefer closed primaries to gain ideological purity while weaker parties tend to prefer more open primaries to try to gain competitiveness.

In 1996 Alaska’s Supreme Court upheld the blanket primary, a short-lived in victory. Due to the *California Democratic Party v. Jones* case in 2000, Alaska had to revert back to the rules used in 1992 and 1994 for the 2000 primary season. Ironically,

⁴² <http://www.elections.alaska.gov/doc/forms/H42.pdf>, last accessed 03/14/13.

because of the timing differences between California and Alaska, California still used the blanket primary in 2000; the court issued its decision in June. The Alaska system allowed unaffiliated voters still to choose which ballot to select on election day but they now had to vote only on candidates of a single party. The system also allowed each party to choose on a year-by-year basis who could vote on their ballot (which they did, incidentally, by allowing other parties to add their candidates' names to the ballot).

The party choices vary quite a bit each year. In 1992 and 1994, Democrats allowed Republican participation but Republicans did not allow Democratic participation. In 2002 the state ran a traditional semi-closed primary with same-day unaffiliated choice. In 2004 and 2006 Republicans only allowed nonpartisans and independents access to their ballot; the Democrats allowed everybody except Republicans (there are several minor Alaskan parties). In 2008, 2010, and 2012 though, Democrats allowed Republicans to vote for their candidates. The Alaskan system also could be considered a system of partitioned cross-filing; I have not coded it as a cross-filing system because most years Democratic candidates cannot appear on Republican ballots (unlike how California's era of cross-filing worked).⁴³

Alaska's peculiarities have flummoxed political scientists for some time. For example, McNitt (1980) has the state listed (correctly) as "open" before 1967 and as a "blanket" system afterwards. Jewell (1977) has Alaska listed as "open/blanket" for 1950-1976. An article in the *Congressional Quarterly* incorrectly lists Alaska as "open" for 1968.⁴⁴ McGee et al. (2012; see their notes on their Table A8) treated Alaska after the

⁴³ Gaines and Cho (2002), in their essay on cross-filing in California, note the similarity of California's practice to that in New York but do not mention cross-filing in Alaska.

⁴⁴ Nominating procedures, 1965-1968 overview. (1969). *Congress and the nation, 1965-1968* (Vol. 2). Washington, DC: CQ Press. Retrieved from <http://library.cqpress.com/elections/catn65-0000762881>

Jones decision as “semi-open” seemingly (this is not completely clear from their paper) treating both parties equally. This helps further the contrast with California, which McGhee et al. classify as “semi-closed” (as do I) over the same period. McGhee et al. also make the excellent point that the *Jones* decision created an exogenous reason to change primary laws in Washington and Alaska (how exogenous this is in California, since the parties sued, is less obvious). So, while Alaska poses a lot of classification difficulty, the state may also offer some important variation to determine the effects of adopting different primary laws.

Arizona

Arizona holds closed primaries. NicNitt (1980) lists Arizona’s laws as “closed” from 1954 to 1974; Jewell (1977) lists the state as “closed” for 1950–1976. Bott (1990) also identifies the state as using a “closed” rule, with a 50-day requirement to declare or change affiliation before the primary (pp. 22). Bott (1990) further notes that there are no pre-primary party hurdles for candidates to pass in Arizona; the sum total of these rules builds to the most standard type of closed primary. Kanthak and Morton (2001, pp. 119) also classify Arizona as fully closed.

Kanthak and Morton (2001) did not mention that Arizona had just changed its primary election law to be semi-closed via ballot measure.⁴⁵ Starting in 1999, Arizona began to use a semi-closed system for non-presidential nominating primary elections; the state passed this law in 1998 with little enough fanfare that confusion continued to exist

⁴⁵ Proposition 103, 1998. The text of the proposition and the ballot statements are available at: <http://www.azsos.gov/election/1998/info/pubpamphlet/Prop103.html> (last accessed 03/15/13). It passed (results available at: <http://www.azsos.gov/election/1998/General/Canvass1998GE.pdf>, last accessed 03/15/13). Notably both Republicans and Democrats supported it; the Libertarian party opposed it. Also note that the text of the proposition violates the spirit of *Tashjian* and, if challenged under the same reasoning in *California Democratic Party v. Jones* would likely be overturned: the law *requires* that the primaries be semi-closed rather than closed (the objection of the Libertarians).

at least through the 2008 presidential primaries.⁴⁶ This system does not have private choice; voters pick up a separate ballot.⁴⁷

Apparently Republicans considered closing their half of the primary in 2010. That year John McCain faced a Tea-Party backed candidate, J.D. Hayworth, in the Republican Primary. As in other states, the debates about the rules indicate a belief among the party elite that some rules favor some candidates. In this case, it appears that some in the party elite wanted to close the primary to give the challenger against McCain a better shot; they presumed McCain would do better among the unaffiliated voters who selected the Republican primary. One report summarized the situation as:

Hayworth and McCain, who is seeking a fifth term, will gnaw on each other until the August primary, the rules of which are still unclear... Republican primaries have been open to unaffiliated voters, but in January, when Hayworth's candidacy was still embryonic, the state party opted for a closed primary, on the sound principle that party members — there are 1.12 million registered — should pick those who represent the party. The U.S. Supreme Court has held that the First Amendment guarantee of freedom of association, which "plainly presupposes a freedom not to associate," broadly protects parties' rights to define their identities by controlling their nominating processes.

McCain understandably wants the primary open to non-Republicans: A closed primary would favor Hayworth, many of whose supporters are the sort of high-octane conservatives who will vote in an Arizona August...⁴⁸

Somehow, McCain's camp won.⁴⁹ Unaffiliated voters could choose either party primary on election day.⁵⁰

⁴⁶ See Ryman, Anne. 2007. "Independents can't vote in Feb. 5 primary election: Growing Ariz. Political force shut out of presidential primary." *The Arizona Republic*. December 26. Online at: <http://www.azcentral.com/news/articles/1226independents1226.html> (last accessed 3/15/13).

⁴⁷ See A.R.S. (2011) SS 16-467; Section A specifies the separate ballots; Section B specifies the semi-closed rule; Section C rules out cross-filing.

⁴⁸ Will, George. 2010. "McCain in fight." *The Topeka Capital-Journal*. April 3. Available online at: http://cjonline.com/opinion/2010-04-03/column_mccain_in_fight#.TwJur_KjdH0 (last accessed 03/15/13).

If the Republican Party (or Democratic Party) wanted to close their primary, they would likely have a strong court case. Between *Tashjian* (ability to move to an semi-closed system from a closed system) and *Jones* (blanket primary violates party's association rights), it seems that both fully closed and semi-closed systems, when mandated by state law, are vulnerable to "party-choice" challenges. It seems likely that the Arizona law exists as it does today because there is insufficient will in either party to mount and sustain a challenge in court.

For Arizona, I coded the primary through 1998 as "closed," and then as "semi-closed" afterwards. Those types of systems do not operate with the same kind of private choice as some open primary states, so I have given the state a score of "0" for private choice. I have also given it a score of "0" for a pre-primary nominating procedure; it has nothing like Colorado (mild) or Connecticut (severe). Arizona also does not have runoffs. Since Republicans did not close their primary in 2010, and the state technically mandates a semi-closed rule, I have not scored the 'party choice' variables --- although, in the analysis, I will attempt to capture the sense that these legally vulnerable rules exist with the acquiescence of both parties. Voters also enshrined a preference for the status quo by defeating at the polls Proposition 121 (in 2012) that would have given Arizona a top-two primary system like California.⁵¹

⁴⁹ Despite some reporting to the contrary, a lawsuit challenging Arizona's semi-closed primary law may never have been launched at all. See Bodfield, Rhonda. 2010. "State GOP looking to close primary to independents." *Arizona Daily Star*. February 19. Available online at: (last accessed 03/15/13). http://azstarnet.com/news/local/govt-and-politics/elections/state-gop-looking-to-close-its-primary-to-independents/article_dd8d890f-d762-5591-bba8-1495bbc75cd8.html

⁵⁰ Medrano, Lourdes. 2010. "Arizona primary: Why McCain is set to beat the anti-incumbent backlash." *The Christian Science Monitor*. August 24. Available online at: <http://www.csmonitor.com/USA/Elections/Senate/2010/0824/Arizona-primary-Why-McCain-is-set-to-beat-the-anti-incumbent-backlash> (last accessed 03/13/15).

⁵¹ Dungan, Ron, Mary Jo Pitzl, Yvonne Wingett Sanchez and Mary K. Reinhart. 2012. "Arizona voters defeat five ballot measures." *The Republic*. November 7. Available online at:

Arkansas

Like many other southern states, Arkansas employs a runoff. The only question with Arkansas is how to treat its affiliation rules: while the primary is technically “closed,” voters can change their affiliation on election day (see Lubecky 1987). I intend to treat this, as Kanthak and Morton (2001) do; they call it a “semi-open” primary. In my database, this is equivalent to calling an “open primary” without “private choice.” Bott (1990) treats the primary as open, but Bott does not distinguish between “private choice” and “public choice” open primaries. McNitt (1980) just groups all kinds of runoff primaries together; in a sense, I do much the same by treating Alabama and Arkansas as functionally equivalent (coding them the same). While it seems that parties no longer have the choice to use a convention (like in Alabama, formally), as in Alabama, the Republican party may have been a late adopter of the primary; nevertheless, by 1968 the Republicans also used the primary rather than a convention.⁵² Arkansas, overall, presents a fairly straightforward case.

California

California has experimented with several different types of primary systems. From 1914 to 1958, California ran “closed” primaries – but allowed “cross-filing,” a practice by which candidates could file to be the winner of both the Democratic and Republican primary (see Gaines and Cho, 2002). Gaines and Cho mention that California Democrats in the legislature voted to remove cross-filing as soon as they had enough votes in the legislature, believing the system benefited Republicans; this is yet

<http://www.azcentral.com/news/politics/free/20121102arizona-propositions-showing-mixed-results.html> (last accessed 03/15/13).

⁵² See: Nominating procedures, 1965-1968 overview. (1969). *Congress and the nation, 1965-1968* (Vol. 2). Washington, DC: CQ Press. Retrieved from <http://library.cqpress.com/elections/catn65-0000762881>

another example of a party attempting to manipulate the rules to gain a (perceived) electoral advantage (2002, pp. 17). This would not be the last time a party or faction tried this in California.

California used a traditional closed primary from 1960 to 1992 without incident; the closed primary would last through the 1996 election. In 1992, however, moderate Republican Tom Campbell lost a narrow contest to the more conservative Bruce Herschensohn; Herschensohn would go on to lose the election to Senator Barbara Boxer (who holds this seat today). The *Los Angeles Times* pointed out the obvious difficulty in unifying the party after a tough primary:

Campbell, on leave as a Stanford Law School economics professor, greeted Herschensohn, a 56,000-vote winner-out of 2.3 million cast-warmly and declared: “Bruce, I’m proud to be your friend and supporter. Call on me for anything I can do.”

As recently as the weekend, Campbell was telling virtually every California family via television ads: “Bruce Herschensohn is lying.”⁵³

Herschensohn’s bigger problem, though, may have been that he was ideologically too far to the right to win. After the 1992 riots in Los Angeles, which occurred two months before the primary, Herschensohn explained the riot by blaming human nature and the “rottenness” of the rioters; as a solution to the problem he proposed removing California’s waiting period to buy weapons.⁵⁴ The election appears to be a classic case

⁵³ Stall, Bill, Douglas P. Shuit. 1992. “Herschensohn Win Sets Stage for 2 Bruising Senate Battles Campaign: Contrast between the conservative ex-commentator and the liberal Boxer is one of the sharpest in years. In the other race, Seymour says he will be aggressive against Feinstein.” *Los Angeles Times*. June 4. Part A; Metro Desk. Available online via: <http://search.proquest.com.ezproxy.pasadenapubliclibrary.net/docview/281711261?accountid=31296> (last accessed 03/15/2013).

⁵⁴ Stall, Bill. 1992. “RIOT AFTERMATH Herschensohn Says Rioters, Killers Are Beyond Help Politics: Senate candidate says underlying cause of violence is that ‘some people are rotten.’ He calls for repeal of the state’s 15-day waiting period to buy guns.” *Los Angeles Times*. May 6, Part A, Metro Desk. Available online at: <http://search.proquest.com.ezproxy.pasadenapubliclibrary.net/docview/281555084?accountid=31296>

displaying the theoretical problem with closed primaries: an unelectable and more extreme candidate won in the primary, losing the party the seat in November and possibly allowing a more extreme candidate from the other party to win the seat and hold it for two decades.

A frustrated Campbell backed proposition 198 in 1996 to introduce to California a “blanket” primary system like that used by Alaska and Washington. Voters passed Proposition 198 and California used the blanket in 1998 and in 2000 despite an attempt by the legislature to weaken it with another ballot measure in 1998 (for more details, see Gaines and Cho 2002).⁵⁵ The courts did what the people would not; in *California Democratic Party v. Jones* the United States Supreme Court found the blanket primary unconstitutional. California would revert to a “party-choice” system, which functioned practically as a semi-closed primary.

Ironically, Campbell would run for Senate again in 2010 and, once again, lose in the primary to a Republican (Carly Fiorina) whom Boxer would again defeat; in that same election, California’s passed Proposition 14 to institute a top-two primary starting in 2012. Campbell missed both opportunities to take advantage of more open systems that he supported. The top-two ended up on the ballot as part of a deal to pass the 2009 state budget. Democrats did not quite have enough votes, so then Republican State Senator Abel Maldonado insisted on including the top-two as part of an agreement to pass the budget. Maldonado championed the top-two in part because he had first been elected to the legislature under the blanket primary rules and thought it would produce

(last accessed 03/15/13).

⁵⁵ The blanket primary used in 2000 differed slightly from that in 1998 in California, on account of the Presidential primary.

better governance if the candidates had an incentive to talk to all of the voters instead of just their own partisans.⁵⁶ California did implement the top-two in 2012. Furthering the irony of the ill-fortune of Republican moderates, Maldonado would lose himself in a 2012 bid for Congress – although at the general election stage rather than during the primary. For more detail on the top-two primary, see Chapter 4.

I have coded California as a “closed” primary system through 1996. Up to 1958, I have also coded as having “cross-filing.” In 1998 and 2000, I have coded California as having a blanket primary which is, by nature, a ‘private choice’ kind of affair. The party-choice primary of 2002–2010, though, included a public choice. I have not coded 2012 as having a ‘runoff;’ I have coded it as a nonpartisan primary. The ‘runoff’ variable requires the potential for a third stage; I mean that variable to capture the southern runoff primaries. I have coded the top-two as ‘private choice,’ although in some sense voters did have to request a partisan ballot. The top-two does not apply to presidential elections; since 2012 was a presidential primary year, voters still had to select party ballot. The Republican and Democrat ballots (aside from Party Central Committee and U.S. President) were identical; a voter who felt pressured to pick one or the other could then defect on all the down-ballot races if he or she so decided without anyone ever knowing.

Colorado

Colorado’s primary rules are fairly typical of a closed and then semi-closed state. Kanthak and Morton (2001, pp. 121) observed that Colorado switched from “pure-closed” and “semi-closed” in time for the 1992 elections. As a consequence, Bott (1990) lists Colorado as closed. Covering the earlier period, Jewell (1977) has the state listed as

⁵⁶ Conversation with the author, March 12, 2013.

“closed” as far back as 1950. The rules for the semi-closed primary are “same-day nonpartisan affiliation”; the 2008 voter guide described the rules as “If you are participating in the Primary Election, you are required to be affiliated with a political party. If you are unaffiliated, you can declare a political party at the polls.”⁵⁷ This type of semi-closed primary is certainly not “private choice.”

Colorado has implemented one more recent change not reflected in my database. Starting in 2009, Colorado allowed individual counties to decide to conduct all-mail primary elections. Not all counties did so immediately; for example, El Paso County did not implement this scheme until 2012.⁵⁸ In 2010, 46 of 64 counties used vote-by-mail.⁵⁹ This vote-by-mail system actually works like a combination of limited early-in-person voting (there are still a few physical locations available for the week before the election) and mail voting. Oregon conducts all of its elections by mail, as do some parts of California (Alpine and Sierra Counties). I have not included in the database a variable for voting type but I mention this change for the sake of completeness.

Colorado differs from other states because of the “precinct caucus.”⁶⁰ While the primary rules are fairly straightforward, the precinct caucus appears to be a Colorado-only invention. It is a mild form of pre-primary party control over ballot access; it is less restrictive than the challenge primary but possibly still meaningfully restrictive relative to having nothing at all. In a precinct caucus, party members get together and select

⁵⁷ Colorado’s 2008 voter guide can be found here:

http://www.sos.state.co.us/pubs/elections/ElectionArchives/2008/vote_guide_updated_6-4-08.pdf

⁵⁸ Kelley, Debbie. 2011. “A first: 2012 primary election will feature mail-only ballot.” *The Gazette* (Colorado Springs). August 18. Available online at: <http://www.gazette.com/articles/election-123485-feature-first.html> (last accessed 03/16/13).

⁵⁹ Fender, Jessica. “Mail primary ballots start arriving today.” *The Denver Post*, July 20. Section: Denver & The West; Pg. B-03.

⁶⁰ The Secretary of State produced a brief explanation of how a precinct caucus worked in 2010: <http://www.sos.state.co.us/pubs/elections/vote/PoliticalPartyCaucusInfo.pdf> (last accessed 03/16/13).

delegates to the county or district convention. Candidates make it on the primary ballot *either* by going through this convention process *or* by acquiring enough signatures on a petition (Bott 1990, pp. 116). The “winner” of the caucus system wins the first spot on the ballot; those who get access to the ballot by petition have to be placed lower.⁶¹

Colorado’s pre-primary precinct-caucus system does not present alternative candidates with a high barrier to entry. Like some other states, Colorado separates parties into both “major” and “minor” parties; major parties have to participate in primaries while minor parties do not. There are some other technical differences, including funding limits on minor parties, lower signature requirements to make it on the ballot, and so on. A candidate can easily make an “end-run” around their own party by forming an alternative minor party or running as an independent. This happened in 2010 in the race between Democrat John Hickenlooper, Republican Dan Maes, and former Republican Tom Tancredo. Maes, with Tea Party support, defeated establishment favorite Republican Scott McInnis in the primary; McInnis’ campaign “disintegrated” over a plagiarism issue.⁶² Dan Maes proved to be something less than a strong candidate: “Political newcomer Dan Maes won the GOP primary election, but he has since made a series of gaffes, including calling a public bicycle program in Denver part of a U.N. conspiracy.”⁶³ As a consequence, Tancredo entered as a candidate of the American Constitution Party, effectively putting two Republicans on the general election ballot to

⁶¹ See Sondermann, Eric. 1998. “Last Gasp for Caucuses? Old-style forum has lost its luster.” *The Denver Post*. Sept. 6. Section: Perspective; Pg I-01. This was also true at least as far back as the 1960s: Nominating procedures, 1965-1968 overview. (1969). *Congress and the nation, 1965-1968* (Vol. 2). Washington, DC: CQ Press. Retrieved from <http://library.cqpress.com/elections/catn65-0000762881>. Also see McNitt (1980) which lists this pre-primary endorsement procedure as extending as far back as 1954.

⁶² Brady, Jeff. 2010. “In Colo., Democrat Gains from GOP Infighting.” *NPR*, October 19. Available online at: <http://www.npr.org/templates/story/story.php?storyId=130658748> (last accessed 03/16/13).

⁶³ Also from the Brady (2010) report.

face one Democrat – with predictable results. Maes did so poorly that he almost lost the Republican Party in Colorado “major-party” status. While the pre-primary endorsement may help coordinate partisans on a particular candidate, it does not appear to block much access to the ballot.

While this chapter has little to do with presidential primaries, there is one historical note worth mentioning in that context in Colorado. Colorado no longer holds presidential primaries; the state reverted to caucuses. For a brief period, though, Colorado conducted a presidential primary – starting in 1992. This is one of the few known cases of politicians paying attention to political scientists. State Senator Mike Bird happened to co-teach a class at Colorado College with Professor Robert Loevy, who had recently written that Colorado missed out on influencing national politics by holding a caucus rather than a primary. So Senator Bird asked Loevy to produce the bill and they passed it.⁶⁴ The primary would last through the 1992, 1996, and 2000 presidential cycles; due to low participation, the state canceled the primary before the 2004 election.

In the database, I have listed Colorado as a “closed” primary state with a weak pre-primary coordinating mechanism from 1946–1990. From 1992 to 2012, I have listed Colorado as semi-closed with a weak pre-primary mechanism. While Colorado could be considered “party choice” in the aftermath of *Tashjian* and *Jones*, the formal rules do not reflect this. The current system seems to remain the preference of both parties; in a sense, it is “party-choice, semi-closed.” With the database, though, I can easily recode all

⁶⁴ Story in: Loevy, Robert D. 1993. “Colorado’s First Ever Presidential Primary.” Presented at the Annual Meeting of the Western Political Science Association, March 20. Professor Loevy forwarded to me a copy of his paper.

“closed” and “semi-closed” elections to “party choice” for the analysis to reflect court decisions or to include dummy variables for court decisions.

Connecticut

For a small state, Connecticut has had a large impact on the conduct of primary elections in the United States. Connecticut adopted the mandatory direct primary much later than did other states and, even then, only barely adopted the primary at all. Connecticut voted in 1955 to adopt a “challenge primary.” Primaries only occur *after* the party conventions and *if* the party fails to coordinate on a single candidate. If one candidate has a sufficient amount of support in the convention, no primary occurs at all for that office for that party. Even at the time, some viewed the challenge primary with suspicion:

Title: “Ribicoff Sees Skulduggery, Blackmail in Primary Bill”

The House in Hartford yesterday passed and sent to the Senate a bill providing for primary elections.

Only three Democrats, including State Rep. Marguerite L. Quimby of this city, voted for it.

The action followed a press conference statement yesterday by Gov. Abraham A. Ribicoff that he had never seen a measure “so designed to promote political skulduggery and political blackmail.”

...

Speculation on Capitol Hill was rife as to how the bill will fare in the Senate, which Democrats control 20-16.

...

However, a high Democratic source predicted the bill would emerge from the Senate drastically amended.

The source said the amendments would delete provisions for a post-convention primary for state and national offices and instead provide for

mandatory primaries on the local level to name delegates to the state, congressional district and senatorial district conventions.

...

The passage in the House yesterday was after a three-hour debate during which each side charged the other with actually being opposed to primaries.

Both parties supported a direct primary system in their election platforms.

But Ribicoff said the whole thing made “no sense to me at all.”⁶⁵

The supposition that someone who supported a challenge primary was doing the best he (or she) could do to oppose primaries is not completely off-base.

In any case, the challenge primary passed and the state ran closed primaries, whenever primaries did occur, through the 1980s. In the early 1980s, then Senator Lowell P. Weicker and his friend Thomas J. D’Amore (the Republican state chairman at the time) thought the Republicans would benefit from opening up their primary to allow nonpartisans to participate. Weicker, a moderate Republican, explained that he took this position to help the Republican Party compete with Democrats, under the theory that independents who voted with the Republicans in the primary would be likely to vote with the Republicans again in the general election.⁶⁶ Connecticut’s primary law, though, stipulated fully closed primaries. To generate a challenge, Weicker and his allies then passed a Republican Party rule allowing the unaffiliated to vote in their primary; this generated the necessary harm (by the state) to sue. This culminated in the *Tashjian v. Republican Party of Connecticut* case (1986).

⁶⁵ Unattributed Author, 1955. “Ribicoff Sees Skulduggery, Blackmail in Primary Bill.” *The Day*. June 2nd, Page 22. Available online at: http://news.google.com/newspapers?id=uJArAAAAIBAJ&sjid=_nIFAAAAIBAJ&pg=6204,400227&dq=primary&hl=en (last accessed 03/16/13). Note that the author spelled “Skullduggery” with only one “L.”

⁶⁶ Conversation with the author, June 22, 2012.

While it would be easy to see Weicker's push to open Connecticut's primary as party infighting – with Weicker leading a moderate faction – that does not seem to be the case. This project started around 1983 or 1984; Weicker pointed out that he was the highest ranking member of his party at that point and, clearly, he had enough power to get the party to change its rules. Instead, the pattern in Connecticut fits more with one party trying to gain an electoral advantage against another, although without much discussion about moderates or extremists (like in California Tom Campbell's experience). The *New York Times* covered the story:

As the Republicans savored their victory, Governor O'Neill asked state Democratic leaders to make a survey of party members to see if they wanted to open their primaries to unaffiliated voters.

In addition, Mr. O'Neill said he would submit legislation to the General Assembly, which convenes Jan. 7, that would open primaries for all elective offices to unaffiliated voters, if the parties chose to do so.

Mr. O'Neill indicated, however, that he was still opposed to allowing unaffiliated voters to take part in primary elections. He said it would reduce the incentive for a voter to enroll in a party.

"If you are going to open up the primaries at one level, they must be open at all levels, and that includes Federal, state and local offices," Mr. O'Neill said.

The Republican plan would allow unaffiliated voters to participate in primaries for Federal and statewide offices, but not for municipal offices or the state legislature.

...

At present, a candidate must get 20 percent of the vote at a party convention to qualify for a primary.

As of October, Connecticut had 555,798 unaffiliated voters, 670,468 Democrats and 445,748 Republicans.

Mr. Weicker and Mr. D'Amore had wanted to bring in independent voters to stimulate voter interest in Republican candidates and to reverse a recent pattern of statewide election losses to the Democrats.

In hailing the Court's 5-to-4 decision, Mr. Weicker said, "It probably is the most significant piece of political news, not just to the Republican Party, but to the State of Connecticut, we've had as long as I've been in the business of government and politics."

He said it would reverse what he called "the abysmally low" voter turnout in recent elections.

"You're going to have the independent voters across the country, not just in Connecticut, having a voice in who the candidates will be," Mr. Weicker said. "Hopefully, it follows that if they have a voice in who the candidates will be, they will participate in the elections themselves."

Mr. O'Neill and the Democrats had contended that state law and not the parties should govern the nominating procedures.

The Republicans filed suit in Federal court after the 1984 legislature, which was controlled by the Democrats, refused to change the law to allow the Republicans to admit independent voters to their primaries for Federal and statewide office.⁶⁷

Ironically, though 2012, I have found no evidence that the Republican Party ever opened its primary to unaffiliated voters. The party rules remain closed.⁶⁸ As the 1980s progressed, the Republican Party drifted away from Weicker ideologically, a disillusionment further deepened by some personal animosity. Weicker faced Joe Lieberman in the 1988 Senatorial election. As Weicker explained it, he had campaigned against James Buckley in 1980; noted conservative William Buckley did not appreciate the lack of support for his brother and turned on Weicker in '88 (Weicker 1995, pp. 179). Nor would William Buckley be the only conservative to attack Weicker when he was up

⁶⁷ Madden, Richard L. 1986. "Parties Study Primary Ruling." *The New York Times*. December 14. Section 11CN; Page 8; Column 5.

⁶⁸ See Article V, page 27 of the Republican Party rules:
<http://www.sots.ct.gov/sots/LIB/sots/ElectionServices/tcrules/RSCC.pdf>

for election that year; in essence, Joe Lieberman outflanked Weicker *on the right*. The AFL-CIO endorsed Weicker, a Republican, over Lieberman, a Democrat (Weicker 1995, pp. 178). In essence, the conservatives wanted to send a message about ideological purity and they were willing to do it, not at the primary election, but with the general election.

Weicker concludes his telling of the story of the 1988 election with two anecdotes. In his 1995 book, he wrote:

I lost to Lieberman by ten thousand votes, 50 to 49 percent. The toughest part was being with my children as the results came in. They were broken up and teary-eyed. It was much worse for them than for me; I wasn't happy but at least I could find a little humor in the situation, as when Claudia and I finally were alone for the first time that night, around three AM. I put my arm around her and said, 'Well, Claudia, this never happened with my first two wives.'

After the election, control of the state Republican party reverted to the conservatives. They eliminated the inclusion of independents as voters in party primaries. Republican primaries in Connecticut once again are limited to party members.

Right-wingers got their wish by ousting me, but almost immediately, the law of unintended consequences came to play. In Washington, President Bush nominated John Tower as secretary of defense. As far as I am concerned, Tower was a person who always played by the same rules I did. Our views were different, but he would have had my vote. And with it, he would have been confirmed (pp. 180).

It seems that for just one cycle – 1988 – the Republicans opened their primary to unaffiliated voters. It does not appear the Democrats ever did.⁶⁹

The issue about opening or closing the Republican Party primaries disappeared from the public debate, likely in part because Weicker ran for Governor in 1990 on a

⁶⁹ This sort of information is much harder to find than one might expect; part of the problem is that party organizations have very little institutional memory. I contacted Jonathan Harris of the Connecticut Democratic Party organization (June 12, 13th of 2012) who did not know off the top of his head if his party had ever opened their primaries after 1986.

third-party platform. Like in Colorado in 2010, the party control over pre-primary nominating procedures can be outflanked by a strong independent candidacy. Weicker was a relatively popular figure in Connecticut. The *New York Times* explained that the party split into factions for the 1990 Gubernatorial election:

Battered by defections and internal bickering, Connecticut's Republican Party, which four months ago seemed confident in its ability to win its first gubernatorial election in 20 years, now appears on the brink of breaking apart.

The main fissure has come from the independent candidacy of former Senator Lowell P. Weicker Jr., a liberal Republican who has attracted the support of several Republican leaders and this week selected a Republican, Eunice S. Groark, the Corporation Counsel of Hartford, to run for lieutenant governor on his Connecticut Party ticket.

...

"Remember the old expression, 'I'm not a member of any organized party, I'm a Republican?' " asked State Senator George L. (Doc) Gunther, a Republican from Stratford. "That's true now more than ever."

...

In the last two weeks, several Republicans have endorsed the Weicker campaign, which has maintained a wide lead in all polls over Mr. Rowland and the front-running Democratic candidate, Bruce A. Morrison of Hamden.

...

"I don't know if I've defected, or if the party has defected from me," Mr. Benvenuto said. "I know there are many Republicans that don't like what's going on at the state level, and we see Weicker as the best candidate."

The flurry of endorsements, along with the selection of Ms. Groark, is thought by some Republicans to be an attempt to shore up support in the party. In some private polls, Mr. Weicker's candidacy is attracting 40 percent of the Democratic vote but only 20 percent of the Republican vote.

...

The defections are also rooted in the long-running feud between the party's liberal and conservatives wings. Mr. Rowland is considered a Reagan conservative, and Reagan conservatives are currently ascending in the state party. Mr. Weicker's Republican support comes from liberals and moderates, who until recently had reigned over the party for decades.

"There has been a schism in the Connecticut Republican Party as far back as the Taft-Dewey days in the 1940's," said Morton J. Tenzer, a professor of political science at the University of Connecticut at Storrs.

The Republican Party's turmoil, however, has less to do with political philosophy or issues and more to do with Mr. Foley's personality and complaints about the gubernatorial nominating process.

'Walter Mondale in Drag'

Several Republicans, including Mr. Rowland, have reproached Mr. Foley for bullying party members backing or considering backing Mr. Weicker. Some have also criticized him as flippant. Last week, in a widely publicized remark, he called a Democratic congressional candidate, Rosa DeLauro of New Haven, "Walter Mondale in drag."

...

Is a Primary Needed? "The process is closed, and the party leaders have tried very hard to close the process," Mr. Cotter said.

Mr. Foley has denied taking sides with any candidate but frequently emphasizes that most Republican town committee members do not want an expensive and potentially divisive gubernatorial primary this fall. He noted that the Stamford delegate-challenge primary last month involved many allegations of voter fraud and political dirty tricks.

But Mr. Cotter disagreed. He said the party's gubernatorial candidate will need the exposure of a primary to combat Mr. Weicker's high name recognition. "We honestly do not believe Rowland can win in November," he said.

He said [Alternative Republican Candidate] Mr. Schiavone has 167 delegates for the party's convention in Hartford next month. He needs 184 delegates to force a primary against Mr. Rowland, a 33-year-old conservative who has the support of more than 70 percent of the state's 914 delegates.

His hopes were bolstered by a decision this week by the 29-member Republican town committee in Suffield to rescind its endorsement of Mr.

Rowland and send an uncommitted delegation to the convention. The decision came after a personal appeal by Mr. Schiavone to the town committee.

"I don't think the Republican Party is in great shape," said Mr. Weicker's campaign co-chairman, Thomas J. D'Amore Jr., who served as the party's state chairman from 1983 to 1987. "It's one of the reasons we are where we are today."

Unlike in Colorado in 2010, Weicker's outside bid in 1990 succeeded. As a reward for his triumph, he would be burned in effigy on the capitol grounds in 1991 after passing the state's first income tax.⁷⁰

The extended discussion here about the adventures of Lowell Weicker illustrates both a technical problem with coding the database and a larger problem with the theory. It is not clear that party leaders after the early 1990s even *knew* about the *Tashjian* case, although it is now enshrined in Connecticut law (Conn. Gen. Stat. § 9-431, 2013).⁷¹ Since "party choice" is explicitly laid out in the law, I have coded Connecticut as "party choice" starting in 1988, although I coded the Republicans in '88 as semi-closed rather than closed.⁷² Kanthak and Morton (2001, pp. 121), on the contrary, identify Connecticut as "fully closed" without noting the legal change. Up until 1955, I have coded Connecticut as a 'convention' state, although the procedure may have involved more mass participation than the 'smoke-filled back rooms' of fame and legend would suggest. I have coded Connecticut as having the strongest pre-primary party control over the

⁷⁰ See Weicker 1995, pp. 13-18.

⁷¹ The section says: "No person shall be permitted to vote at a primary of a party unless (1) he is on the last-completed enrollment list of such party in the municipality or voting district, as the case may be, or (2) if authorized by the state rules of such party filed pursuant to section 9-374, he is an unaffiliated elector in the municipality or voting district, as the case may be, provided if two or more such parties are holding primaries on the same day in such municipality or voting district, whether for the same offices or different offices, such unaffiliated elector may vote in the primary of only one such party. Such state party rules may authorize unaffiliated electors to vote for some or all offices to be contested at its primaries."

⁷² *Tashjian* came out in December --- too late for the '86 primaries. Bryan Cafferelli of the Connecticut Republican party, in an email exchange with the author (March 21, 2013), wrote that the Republican Party repealed their semi-closed rule in 1989.

entire time period up to 2003, including the convention era, because the modern convention is just a weakened version of the earlier procedure.

The story of Lowell Weicker illustrates a larger challenge to the hypothesis that primary rules matter. The story lays itself out for a different ending, an alternative history: challenged by conservatives in the 1988 primary, Weicker defeats them using his newfangled semi-closed primary and then wins the general election from the center. Instead, Republicans did not even bother to challenge him in the '88 convention; he did not fight a primary at all.⁷³ The Democrats, without changing the electoral institution, put forward a “moderate” – in their sense – candidate with Joseph Lieberman that Republicans were willing to accept over their own moderate candidate. The Democrats found a way to respond to the situation without needing to change their institution. Similarly, Weicker – the most ‘moderate’ candidate in 1990 – by passed the primary and convention system to run as a third-party candidate. Further, Lieberman himself would later run for Senate as an Independent. All of these “moderate” campaigns took place *without using the primary reform Weicker pioneered at all.*

The state would ultimately adopt a less restrictive version of the “challenge primary,” allowing candidates to gain access to the ballot by petition. Current law (Conn. Gen. Stat. § 9-400) holds:

A candidacy for nomination by a political party to a state office may be filed by or on behalf of any person whose name appears upon the last-completed enrollment list of such party in any municipality within the state and who has either (1) received at least fifteen per cent of the votes of the convention delegates present and voting on any roll-call vote taken on the endorsement or proposed endorsement of a candidate for such state office, whether or not the party-endorsed candidate for such office

⁷³ Apparently, he nearly faced a primary challenge on the right in 1982 from Prescott Bush; Bush got enough votes in the convention to force a primary but then dropped out (Weicker 1995, pp. 172).

received a unanimous vote on the last ballot, or (2) circulated a petition and obtained the signatures of at least two per cent of the enrolled members of such party in the state, in accordance with the provisions of sections 9-404a to 9-404c, inclusive.

The state changed this law (P.A. 03-241, July 2003) from the previous challenge primary in time to take effect January 1, 2004. I have decided to code the new law – on a pre-primary endorsement scale of 0, 1, or 2 – as a “1.” I have ranked it as more severe than informal endorsements, like Colorado’s pre-primary caucus, as less severe than its previous challenge primary. The existence of an alternative path – nomination by petition instead of by convention – distinguishes a “level 1” pre-primary hurdle from a “level 2.”

Delaware

Typically, Delaware elections go on in obscurity. Bott (1990) calls the elections closed and does not mention any kind of pre-primary hurdle for major parties; major party candidates go directly into the primary after filing to run (pp. 117). Kanthak and Morton (2001) also list Delaware as “pure-closed.” The strict closed primary rules persisted through 2012; Delaware held very late (September) closed primaries with a March deadline to change party affiliation.⁷⁴ Candidates get on the ballot *either* by filing or by party nomination; filing is not difficult, however; candidates just have to fill out a form and pay a small fee.⁷⁵

While Delaware adopted the direct primary relatively early, the current closed system did not go into effect until 1980 for Governor and U.S. Senate. Up to 1970 statewide offices were all nominated by convention (see Jewell 1977, McNitt 1980)

⁷⁴ See <http://electionsncc.delaware.gov/primary.shtml#when> (last accessed 03/16/13).

⁷⁵ See http://electionsncc.delaware.gov/candidates/cand_info.shtml#maj (last accessed 03/16/13) for the form and http://electionsncc.delaware.gov/candidates/2012/2012_file_fees.shtml (last accessed 03/16/13) for the fees; the fee to run for the House seat was \$872.

although primaries took place for lower offices. From 1972 to 1978 Delaware used a “challenge primary” like Connecticut’s, which it dropped for the 1980 election in favor of the closed primary.⁷⁶ Parties still seem to do some kind of very weak pre-primary endorsement in Delaware but this does not seem to restrict candidate access to the ballot in a meaningful way; the most expensive fee for office is just a few thousand dollars, a trivial expense for a serious candidate.

I have coded Delaware as a ‘convention’ state through 1970, since I intend to use this database to study gubernatorial and senatorial elections. Other researchers focused on state legislative races, for example, will need to recode Delaware appropriately. From 1972 to 1978 I have scored Delaware identically to Connecticut from 1955 to 1986: as a fully closed, challenge-primary state. It does not appear that Delaware ever formally adopted “party choice,” so I have coded the state the same from 1980 through 2012. Delaware provides an excellent example about decisions researchers must make when categorizing state laws: even if the basics are the same, one set of state laws never wholly matches another. For example, I have completely ignored this aspect of Delaware’s primary history: the state had a specific provision allowing the sale of alcohol on primary election day (which it at last repealed in 2008, allowing the sale of alcohol on general election day as well; see 15 Del. C. § 3112 and 76 Del. Laws 237). ‘Drunken voting,’ though, may enter as an alternative explanation to ‘primary structure’ to help explain what happened in 2010.

Delaware’s 2010 Senatorial contest (to fill Joe Biden’s seat) is a textbook example of what can go wrong with fully closed primaries. In 2010, Republican Mike

⁷⁶ See: <http://www.thegreenpapers.com/Hx/DirectPrimaryElectionYears.phtml> (last accessed 03/16/13).

Castle – twice Governor, Republican Congressman, with \$2.6 million dollars on hand, and a 60 percent approval rating – lost in the primary to fellow Republican Christine O'Donnell, who had the support of the growing Tea Party movement. *Time* reported:

In Delaware, for example, both campaigns expect only about 40,000 voters in the Republican primary, a number that would nonetheless far exceed the norm in a state with little history of contested GOP races. That means O'Donnell could win by luring just 2% of the state's population, or about 1 in 9 of the state's registered Republicans, to the polls. The small turnout, says O'Donnell, "definitely works in our favor."⁷⁷

O'Donnell proved to be a disaster.

Among other bizarre features of the 2010 election, one moment stood out the most clearly: she ran an advertisement which began with her looking into the camera and announcing “I am not a witch.” This advertisement responded to the emergence of a previous quotation from a 1999 television show (which never aired):

“I dabbled into witchcraft -- I never joined a coven. But I did, I did. ... I dabbled into witchcraft. I hung around people who were doing these things. I'm not making this stuff up. I know what they told me they do...,” she said. “One of my first dates with a witch was on a Satanic altar, and I didn't know it. I mean, there's little blood there and stuff like that. ... We went to a movie and then had a midnight picnic on a Satanic altar.”⁷⁸

She failed to observe Professor J.J. Pitney's basic rule of politics: “Never repeat the allegation.”⁷⁹ Comments about witchcraft, though, merely reflected the larger problem reported in the *Christian Science Monitor*: “Mike Castle, the guy O'Donnell sent packing in the primary, appears to be the person the Delaware electorate as a whole actually

⁷⁷ Scherer, Michael. 2010. “Can the Tea Party Cross the Delaware?” *Time*. Sept. 9. Posted online at: <http://www.time.com/time/magazine/article/0,9171,2017212,00.html> (last accessed 03/16/13).

⁷⁸ Farber, Dan. 2010. “Christine O'Donnell TV Ad: ‘I’m Not a Witch... I’m You.’” *CBS News*. October 4. Available online at: http://www.cbsnews.com/8301-503544_162-20018526-503544.html (last accessed 03/16/13).

⁷⁹ Pitney, J.J. 2006. Remark made during a course at Claremont McKenna College.

wants. He's 15 points ahead of Coons in the Fox poll, at 48 percent to 33 percent."⁸⁰ Someone with a large lead in the polls who represented the majority view in the state might well have been able to survive some weird comments; someone representing a small minority of the state's voters would have to run a flawless campaign to win. In the 2010 primary, the closed format likely contributed to O'Donnell's primary victory and Coon's November win.

Florida

Florida used the runoff primary for most of this period but combined it with a closed primary rule. The state dropped the runoff in 2001⁸¹ but kept the pure-closed rule: "in a primary election a qualified elector is entitled to vote the official primary election ballot of the political party designated in the elector's registration, and no other" (Fla. Stat. § 101.021, 2011). McNitt (1980) just listed Florida as a "runoff primary" for 1954–1974, without separating the closed Florida rule from the open Alabama one. Kanthak and Morton (2001) identify the rule as "pure closed"; Bott (1990) identifies the state rule as "closed." Partisan registration certainly reached as far back as 1950 and very likely farther.⁸² I have coded Florida as a closed rule state from 1946 to 2012. I have assigned it a runoff from 1946 to 2000. The rules in the state seem relatively straightforward for state elections.

Georgia

⁸⁰ Grier, Peter. 2010. "Witchcraft? Rent money? Christine O'Donnell's big problem: she's behind." Sept. 21. Available online at: <http://www.csmonitor.com/USA/Politics/The-Vote/2010/0921/Witchcraft-Rent-money-Christine-O-Donnell-s-big-problem-she-s-behind> (last accessed 03/16/13).

⁸¹ The historical significance of southern primaries. (2005). *Guide to U.S. elections* (5th ed., Vol. I). Washington, DC: CQ Press. Retrieved from <http://library.cqpress.com/elections/gus5e1-769-40250-1938177>.

⁸² Freedman, Morty. 1950. "County Voters now number more than 50,000, Democrats 38,000." *St. Petersburg Times*, March 16. Page 15. Available online at: <http://news.google.com/newspapers?id=t1pIAAAIIBAJ&sjid=UE4DAAAIBAJ&pg=4030,5085290&dq=florida+register+voters+party&hl=en> (last accessed 03/16/13).

Georgia uses a typical southern runoff system: an open primary combined with a runoff election. See Bullock and Johnson (1985) for details of Georgia elections from 1965 to 1982. Kanthak and Morton (2001) listed Georgia as “semi-open,” reflecting the lack of private choice. I have treated Georgia as “open” but without “private choice” and with “runoffs” from 1946 to 2012. The interesting changes in Georgia primary history occurred outside the consideration of the variables I have included in the database. Georgia, through the early 1960s, used a mal-apportioned primary system called the “county unit system.”

The “county unit system” worked like the Electoral College but for Georgia counties in the primary. The winner of each county got all the “unit” votes, apportioned to give rural Georgia a greater weight in state politics. In gubernatorial elections, the winner failed to get a majority of the popular vote three times (1915, 1946 and 1948); in 1946 the winner, Eugene Talmadge, gathered fewer votes than his main opponent. In 1963, the ‘one-person, one-vote’ standard imposed by the Supreme Court (in Georgia, this happened with *Gray v. Sanders*) forced Georgia to abandon this system.⁸³ I did not code this as a ‘party control’ system (like some kind of pre-primary endorsement mechanism) because it pits different factions of the same party – urban and rural – against each other.

Hawaii

Hawaii used an open primary system from statehood in 1960 to 1968. From 1970 to 1978 Hawaii in effect used a closed primary; voters had to vote in the primary of the party in which they last voted in a primary unless they registered another preference.

⁸³ County unit system: Georgia. (2010). *Guide to U.S. elections* (6th ed., Vol. 1). Washington, DC: CQ Press. Retrieved from <http://library.cqpress.com/elections/gus6e1-1163-54372-2198785>

1978; in Hawaii's second constitution, the state shifted to an open "private choice" system from 1980 to 2012. Jewell (1977) claims Hawaii shifted from open to closed primaries before 1976 but McNitt (1980) lists Hawaii as having had closed primaries through the entire period. Kanthak and Morton (2001) list Hawaii as pure-open (meaning "private choice") and Bott (1990) lists Hawaii as 'open.' Since the open primary came about as part of the constitutional convention, it seems likely that the first primaries in Hawaii were closed, Jewell's comment notwithstanding (Jewell does not mention *when* Hawaii was supposed to have changed). I have coded Hawaii as closed from 1960 to 1978 and open with private choice afterwards.

The interesting maneuvering in Hawaii took place recently. Hawaii Democrats made an effort, starting in 2006, to sue (under the reasoning in *Tashjian* and *Jones*) that they should be able to close their primary; in 2008 the Senator Daniel Inouye (who had been a Senator since 1960) stamped out the movement.⁸⁴ In 2009, Hawaii Republicans considered doing the same thing.⁸⁵ While Hawaii's system remains unchanged today, it seems likely that the system is vulnerable to a challenge along these lines if a party gathered itself to carry the process through. Voters who want something like an open primary that rests on firmer legal grounds need to look to California's top-two primary.

Idaho

Idaho adopted the direct primary in 1909 (Galderisi and Ezra 2001) and, at the start of the period in this study, used an open and private choice primary (both Jewell

⁸⁴ DePledge, Derrick. 2008. "Hawaii Democrats vote to keep open primary." *Honolulu Advertiser*. January 17. Available online at: <http://the.honoluluadvertiser.com/article/2008/Jan/17/In/hawaii801170342.html> (last accessed 03/16/13).

⁸⁵ Walden, Andrew. 2009. "Hawaii Republicans challenge state's open primary system." *Hawaii Free Press*, March 22. Available online at: <http://www.hawaiifreepress.com/main/ArticlesMain/tabid/56/articleType/ArticleView/articleId/551/Hawaii-Republicans-challenge-states-open-primary-system.aspx> (last accessed 03/16/13).

1977 and McNitt 1980 agree on this). McNitt adds an important qualification: from 1964 to 1971 Idaho had a weak pre-primary nominating procedure (not as strict as Connecticut). Bott (1990) lists Idaho as “open.” Lubecky (1987) and Kanthak and Morton (2001) indicate that Idaho had both the “open” and “private choice” characteristics through the rest of the period of this study. Through 2010, Idaho fits neatly into the coding scheme used in the database. I have defined Idaho’s system as “open,” “private choice,” and from 1964–1970 (I do not include odd years) I have listed it as having a moderate pre-primary party control (on a 0, 1, or 2 scale, this = 1).

Primary election law in Idaho gets interesting in 2011. The Republican Party sued to close Idaho’s primaries after adopting a closed rule in 2007 for its own party rules (establishing harm, in the same way Connecticut’s Republican Party formally adopted a semi-closed rule before *Tashjian*).⁸⁶ In 2011, the local District Court resolved the case *Idaho Republican Party v. Ysursa* in favor of the Republicans, forcing Idaho to allow the Republicans to close their primary in 2012. The state, following the ruling, implemented a closed primary with a party choice option for a semi-closed primary --- in line with both *Idaho Rep. Party* and *Tashjian*. Furthermore, since the state had never required registration by party before, the 2012 primary would allow registration at the polls.⁸⁷ So, in a sense, the 2012 primary remained “open” but lost its “private choice” characteristics. Starting in 2014, elections will be “party choice” as either closed or semi-closed. In the semi-closed primary, “private choice” is lost for even the unaffiliated; furthermore, once

⁸⁶ The facts are laid out in the memorandum decision and order in *Idaho Republican Party v. Ysursa* (2011), available online here: <http://www.sos.idaho.gov/ELECT/ClosedPrimaryOrder.pdf> (last accessed 03/16/13).

⁸⁷ As reported by the Secretary of State: http://www.sos.idaho.gov/elect/primary_election.htm (last accessed 03/16/13).

the unaffiliated voted in a party primary, they would remain affiliated with that party unless they changed their registration.⁸⁸

Why did the Republican Party want to force a change in Idaho's longstanding open primary? The implied assertion in *Idaho Rep. Party v. Ysursa* is the party wanted to elect more ideologically pure candidates. Republicans certainly did not need to worry about electing a candidate acceptable to the few Democrats. In 2010 Republican Mike Crapo won the U.S. Senate contest against Democrat Tom Sullivan 71 percent to 25 percent; in US Representative District 1 the Republican won by 10 percentage points and in District 2 by 44 points; and in the Governor's race the Republican won by 27 points.⁸⁹ Republicans could afford to trade off a few points on their margin of victory for more ideological purity. This is why it is not terribly surprising that Hawaii's Democrats contemplated launching a similar action to close their primary; Democrats dominate Hawaii. Minority parties (like Democrats in Idaho and Republicans in Hawaii) may also feel, if they are a weak enough minority, that voter registration by party would give them useful procedural capabilities (help locating their few supporters) even if it costs them the ability to run candidate with crossover appeal. A party might reason that, at some point, it was hopeless that the party's candidates would never reach a level at which crossover appeal would matter.

Idaho presents two key lessons. First: generally, it seems parties try to close their primary (*Idaho Rep. Party v. Ysursa*) when they can trade off electoral strength for party purity and try to open it (*Tashjian*) when they want to be more competitive. Who

⁸⁸ The text of the bill can be found here: <http://www.legislature.idaho.gov/legislation/2011/H0351.pdf> (last accessed 03/16/13).

⁸⁹ Election results here: http://www.sos.idaho.gov/elect/RESULTS/2010/General/tot_stwd.htm (last accessed 3/17/13).

precisely “the party” is matters as well: in California, moderate or “center-right”⁹⁰ Republicans were willing to trade ideological purity for electoral success by supporting the blanket and top-two primaries --- the more conservative wing of the party might not be so willing. Nevertheless, the general idea is that rare is the day when a majority party will favor opening up its primary. Second: due to court action, the two most common types of primaries in the 1950s are both on extremely unstable legal ground. With *Idaho Rep. Party* the open primary looks vulnerable. With *Tashjian* the closed primary states exist only with the agreement of both parties. It would seem that in 2012 the choice really is between a “party choice” closed or semi-closed primary and a top-two type.

Illinois

Illinois got off to a rocky start with direct primary laws. The state, like others, began with a series of optional primary laws enacted in 1885, 1889, 1898, 1899, and 1901. Starting in 1905, the legislature attempted to make a mandatory primary law; in 1905, 1906, and 1908 these attempts were all frustrated by the state courts which declared each successive law unconstitutional. Apparently sometime between 1908 and 1910 the governor, in frustration, wrote to the chief justice of the state court demanding to know what kind of law they *would* find constitutional – a question the judge declined to answer. The courts would also invalidate three more primary laws, in 1910, 1919, and 1927. The 1927 law, though, would only be invalidated *in part*, and forms the basis of Illinois election law today.⁹¹ It is little wonder, then, that the state’s primary laws are confusing.

Kanthak and Morton (2001) list Illinois as “semi-open” and Bott (1990) calls it “open.” Sorting through all the other sources, including available Illinois state laws, this

⁹⁰ Some of them prefer the term “center-right” or “pragmatic” rather than “moderate.”

⁹¹ This story comes from the first volume of the 1991 Smith-Hurd Illinois Annotated Statutes, pp. 311.

seems to capture the general sense of how the laws work. Voters just request one party ballot or the other and this choice is not private. Commentators within Illinois would be quite surprised to find that political scientists define the Illinois primary as “open,” since many commentators have written editorials decrying the Illinois “closed” primary for years. Two points in the original 1945 law help underscore this difference of opinion.

The legislators crafted the Illinois primary law, it seems, to make crossover voting difficult. To vote in the primary, a voter must declare his or her party (1945 Ill. Rev. Stat. § 47-7-43). After the voter gives her name and her party affiliation, the poll worker must “announce the same in a distinct tone of voice, sufficiently loud to be heard by all persons in the polling place” (1945 Ill. Rev. Stat. § 47-7-45). Poll watchers can challenge your qualifications; one of which is not having voted in the primary of another party within 23 months. The law about poll watchers is particularly interesting (1945 Ill. Rev. Stat. §46-7-34):

The candidate or candidates of each party may appoint, in writing over his or their signature, two party agents or representatives who shall act as challengers of watchers for such respective candidate or candidates in each precinct. Such challengers or watchers shall be protected in this discharge of their duties by the primary judges and peace officers and shall be permitted to remain within the polling place in such position as will enable them to see each person as he offers his vote, and said challengers or watchers may remain within the polling place throughout the canvass of the vote in such position as will enable them to see the said canvass and until the returns are signed. All challengers or watchers shall be qualified primary electors residing within their respective precincts or wards and shall have the same powers as challengers at general elections.

While technically an open primary, agents from the candidates can challenge your qualifications to vote if you have voted in another party primary within two years. If those agents are sufficiently active, this would in many places make the primary equivalent to a closed primary. These laws all remained in place at least through the

1991 Smith Hurd Ill. Ann. Stat., and seem to be in use today, with the exception of the 23-month requirement (which remains on the books but is not enforced).

In 1971 Harriet G. Pontikes, a resident of Chicago, voted in the Republican primaries. She wanted to vote in the Democratic primaries in 1972. The 23 month requirement effectively barred her from doing so; she sued and, in *Kusper et al. v. Pontikes* (414 U.S. 51) the Supreme Court agreed. Absent from *Kusper v. Pontikes*, unfortunately, is any kind of enumeration of how frequently party-switchers were found out and prohibited from participating. The party control system was sufficiently serious, though, for McNitt (1980) to identify Illinois as a closed primary state (in his period of study: 1954-1974). An editorial writer eloquently expressed the sense that the public declaration of partisanship acted as a real control, even after *Kusper v. Pontikes*, with a sarcastic remark in a 2010 editorial: “Voters not enjoying party leaders checking their voting status? That’s quite a revelation.”⁹²

McNitt (1980) also added that Illinois had informal pre-primary endorsements. Notes of these endorsement procedures are absent in both Galderisi and Ezra (2001) and Bott (1990). There’s not much easily documentable evidence about Illinois informal procedures. Nor did they, in some sense, work very well if they still existed in the 1980s, when followers of Lyndon LaRouche invaded Democratic Party primaries as candidates:

When Gov. James R. Thompson, a Republican, went to cast his ballot Tuesday in the Illinois primary election, precinct workers in this heavily Democratic city could not immediately find a G.O.P. primary ballot for him.

⁹² Authorship Unattributed. 2010. “Illinois needs open primary system.” *State Journal-Register*. Sept. 8. Available online at: <http://www.sj-r.com/opinions/x128165333/Our-Opinion-Illinois-needs-open-primary-system> (last accessed 03/17/13).

"Only in Chicago," said the Governor. Within hours, politicians beyond this Midwestern state were saying, "Only in Illinois."

Mark J. Fairchild and Janice Hart, followers of the ultraconservative Lyndon H. LaRouche Jr., had captured the Democratic Party nominations for lieutenant governor and secretary of state. They defeated the Democratic candidates picked by the party's gubernatorial nominee, Adlai E. Stevenson 3d, a former Senator.

The upsets, widely considered the result of regular party overconfidence and voter ignorance, threw Mr. Stevenson's campaign into confusion. There may, indeed, be no Democratic campaign for governor if Mr. Stevenson stands by his vow never to run with LaRouche candidates, whose platform is usually articulated from street-corner card tables. Planks include mandatory testing of all Americans for the disease AIDS, a larger nuclear weapons stockpile and "Nuremberg-style" trials for drug traffickers.

Mr. Stevenson will try first to oust the LaRouche candidates through legal maneuvers. The last option, he said, is to launch a third-party bid, a very cumbersome procedure under Illinois law and one that aroused no enthusiasm among such other Democrats as Mayor Harold Washington of Chicago and Senator Alan J. Dixon.⁹³

Stevenson would honor his pledge not to run with LaRouche candidates; he temporarily left the Democratic Party and ran on a third-party platform. He lost to the Republican. Since McNitt (1980) did not include Illinois with the strongest pre-primary categories, I have scored it as a "0" in that regard over the whole time frame. Unlike in states like Colorado (that I coded as "1" for pre-primary coordination) whatever took place in Illinois did not restrict ballot access.

The 23-month party changing requirement before 1972 poses the largest coding challenge for Illinois. I have decided to code the state as "closed" through 1972, following the reasoning of the court in *Kuspar v. Pontikes*: that if party switching requires skipping an election, it is more than just a public affiliation requirement aimed at

⁹³ Malcolm, Andrew H. 1986. "Illinois Politics Produces Some Strange Results." *The New York Times*, March 23. Section 4, Page 5.

reducing raiding. Starting with 1972 (the Supreme Court in 1973 in the Pontikes case upheld a lower court order) I have treated Illinois as an open primary with public choice. The editorial writers' complaints that the state still had a "closed system" after 1972 highlight the importance of differentiating between public and private choice systems --- but do not reflect the true legal status of the 'open' primary.

Indiana

While Indiana adopted the direct primary for some offices earlier, it actually used a convention to nominate candidates for governor and U.S. Senate through 1975.⁹⁴ Jewell (1977) and McNitt (1980) have the state listed as having a convention in the time periods they study. Afterwards, the state implemented what would technically be a closed primary. Nevertheless, the legislature wrote unverifiable requirements for participation, effectively making the law an open primary law with public choice.

The current Indiana law includes a very weak participation requirements. In §3-10-1-6, these are the rules:

A voter may vote at a primary election:

- (1) If the voter, at the last general election, voted for a majority of the regular nominees of the political party holding the primary election; or
- (2) If the voter did not vote at the last general election, but intends to vote at the next general election for a majority of the regular nominees of the political party holding the primary election; as long as the voter was registered as a voter at the last general election or has registered since then.

Due to the nature of secret ballots, all a potential crossover voter must do is swear to have voted for the majority of the nominees in the last election. Scholars (Lubecky 1987, Bott 1990) tend to treat this as an open rule; Kanthak and Morton (2001) add the important

⁹⁴ See: Myers, Hortense. 1975. "Assembly OK's Direct Primary Bill; Bowen Signature Certain." *Times-Union*. March 11. Available online at: <http://news.google.com/newspapers?id=bLdGAAAAIBAJ&sjid=EHwMAAAAIBAJ&pg=3681,1416666&dq=indiana+primary+governor+bowen&hl=en> (last accessed 03/17/13).

“semi-open” qualification to signal the absence of private choice. I have coded Indiana as ‘convention’ through 1974 and as ‘open’ with ‘public choice’ afterwards.

Iowa

Iowa’s famous presidential caucus renders research into Iowa’s state-level primary elections nearly impossible. The situation is further complicated by Iowa’s insistence on calling what is in effect an open primary a “closed primary.” Bott (1990) called it open; Kanthak and Morton called it “semi-open,” and Lubecky (1987) explains why: while theoretically closed, voters affiliated with a party on election day. The Secretary of State’s office confirmed this procedure for 2012.⁹⁵ McNitt (1980) and Galderisi and Ezra (2001, pp. 19) also note that Iowa has a final post-primary convention option in the rare case in which no candidate receives 35 percent of the primary vote.

The post-primary convention is an interesting institution. While periodically mentioned in news reports as a possibility, I have not located a prominent example of one such post-primary convention for a high-level office. In 2010 in Iowa’s 3rd Congressional District, Republican Brad Zaun earned 42 percent of the vote in the primary – coming close to triggering a convention choice.⁹⁶ If the state had a higher threshold, this rule would work much more like a runoff primary and would serve the same theoretical purpose as a runoff primary: to make sure that the victorious candidate represented a broad enough constituency in the district. One of the concerns with California’s new top-two nonpartisan primary is that many candidates from many parties

⁹⁵ “The primary is a closed primary, so voters must declare a party affiliation to vote. Voters can declare or change their party affiliation at the polls on election.” Email conversation with Marisa Roseberry; Iowa Secretary of State’s Office (January 3, 2012).

⁹⁶ For some reason, the link for the 2010 official Iowa election results does not function on the Iowa state website. The New York Times, though, listed the result here: <http://elections.nytimes.com/2010/results/primaries/iowa> (last accessed 03/17/13).

could split the vote in so many ways as to send forward two candidates with narrow constituencies. For example, in California's Congressional District 8, the two Republicans who advanced each got no more than 16 percent of the vote in the primary, in a field of 13 candidates.⁹⁷

I have coded Iowa as an open primary state with public affiliation for 1946 to 2012. I have not included a variable to take into account Iowa's post-primary convention option, nor have I included this along with Connecticut's challenge primary or Colorado's pre-primary caucus system. The system does have more in common with the runoff rules; however, since the threshold is so low – and I can find no examples of Senators or Governor's winning by virtue of a convention – it seems inappropriate to include it with the runoffs that occur more frequently, at a higher threshold, and as votes rather than conventions. I have left this part of the rules out of the database entirely. As with all states, as specificity with the rules increases at some point any analysis is, in practice, running year-state fixed effects.

Kansas

Kansas uses a variant of the closed primary that allows unaffiliated voters to choose on election day – once. This type of law is closer to a semi-open primary than other closed primaries with durational requirements; and, indeed, voters *could* use it more like a semi-closed primary by filing the paperwork to return to unaffiliated status after the election. Nevertheless, voters under stricter closed primary systems could also file paperwork to change parties after an election. In my view, the status of the voter as she walks out of the polling place represents the key distinction between the “closed” and

⁹⁷ For the results, see: <http://www.aroundthecapitol.com/districts/CD08/> (last accessed 03/17/13).

“semi-closed” systems; if the voter comes in as unaffiliated and leaves as unaffiliated, it is “semi-closed.” If the voter comes in as “unaffiliated” and leaves as “Republican,” then it is “closed.” Note that this does allow a state some ‘wobble-room’ to define selecting a party ballot as an act of affiliation (in an effort to establish the legal right of the voter to participate in the party primary, perhaps) and to provide the voter with a way to unaffiliated within the polling place. It does not appear that Kansas law operates in the way; the voters leave affiliated with a party, so I define the system as closed (see K.S.A. § 25-3301, 2011):

(a) Each registered voter of this state who has declared a party affiliation as provided in this section or in K.S.A. 25-3304, and amendments thereto, shall be entitled to vote at every partisan primary election.

(b) The county election officer shall prepare for each voting place at each partisan primary election a party affiliation list, duly certified by such officer, which clearly indicates the party affiliation of each registered voter in the voting area who has declared a party affiliation. The registration book prepared for a voting place pursuant to K.S.A. 25-2318, and amendments thereto, may be used as such list, but no registration book prepared for use at a voting place in an election other than a partisan primary election or an election held at the same time as a partisan primary election shall indicate in any manner the party affiliation of any voter. Such list shall be delivered by the supervising judge to the voting place before the opening of the polls.

(c) The party affiliation list provided for by subsection (b) shall be used to determine the party affiliation of a voter offering to vote at a partisan primary election and of a voter applying for an advance voting ballot pursuant to K.S.A. 25-1122, and amendments thereto. If a voter's party affiliation is not indicated on the party affiliation list, such voter shall state the voter's party affiliation in writing on a form prescribed by the secretary of state. A judge at the precinct polling place, or the county election officer or such officer's designee, shall give such voter a primary ballot of the voter's party affiliation, and such person thereupon shall be entitled to vote. Such a statement of party affiliation shall constitute a declaration of party affiliation, and all such signed statements shall be returned to the county election officer, who shall cause them to be recorded on the party affiliation list.

(d) No voter shall be allowed to receive the ballot of any political party except that with which such voter is affiliated.

(e) Party affiliation statements shall be preserved for five years. The county election officer may dispose of the statements in the manner approved for destruction of ballots as provided in K.S.A. 25-2708, and amendments thereto.

(f) The county election officer shall update party affiliation lists as provided by rules and regulations of the secretary of state.

The last provision is the key: the affiliation remains.

As with other closed primary states, the evolving legal environment challenged existing law. In 2004 the Kansas Secretary of State, Ron Thornburgh, concluded that the closed primary law violated a party's right to choose if the primary would be closed or semi-closed. He "asked the state GOP and Democratic chairmen to give him directions. Both parties decided to open their primaries to unaffiliated voters."⁹⁸ Some Republicans did not like the decision; the chairwoman of the Republican 4th Congressional District sued, arguing that the party chairman did not have the authority to unilaterally decide to open the primary. The Kansas Republican Party's congressional delegation supported keeping the primaries closed as well.⁹⁹ Ultimately, the court agreed that the Chairman of the Republican Party, Jones, did not have the right to open the primary and the Republicans conducted the usual closed primary while the Democrats conducted a semi-closed primary.

As with other controversies about primary rules, the dispute within the Republican Party had to do with conflict between moderates and conservatives. Chairman Jones came from the more liberal side of the party. One newspaper report summarized the conservative view:

⁹⁸ Associated Press, authorship unattributed. 2004. "Judge blocks unaffiliated voters from GOP primary." *USA Today*, June 16. Available online at: http://usatoday30.usatoday.com/news/nation/states/kansas/2004-06-16-block-voters_x.htm (last accessed 03/18/13).

⁹⁹ Moon, Chris. 2004. "State GOP opens its primary; Independents can vote Aug. 3; Dems to decide soon." *The Topeka Capital-Journal*, June 5. Available online: http://cjonline.com/stories/060504/kan_primary.shtml (last accessed 03/18/13).

“I think an opening of the primary is a deliberate attempt by non-Republicans to open it up to other non-Republicans... we already have a situation where liberals are controlling the party.”¹⁰⁰ Through 2012 a group of moderate Republicans worked together with Democrats in the Kansas State Senate. In the 2012 primaries, a few of the more moderate Republicans would be defeated by more conservative Republicans; one party activist, upon hearing the news that his conservative candidate won, told an NPR reporter: “Oh, what a relief, because the other guy's a Democrat.”¹⁰¹ To the extent that primary rules do matter, keeping Kansas primaries closed may have helped the state's conservatives.

Democrats have made the same trade-offs and calculations; just recently, Kansas Democrats voted to close their primary for 2014.¹⁰² For the Democrats, too, preferences for issue positions may play a role in the decision to close the primary; one editorial remarked: “Some speculation is that closing the primary was initiated by pro-gay rights interests and opponents of the socially conservative State Rep. Jan Pauls, a Democrat from Hutchinson. Prohibiting participation from unaffiliated moderate voters could leave her more vulnerable to primary election opposition.”¹⁰³ This may help explain why the *Tashjian* case seemed to have so little immediate effect: for a party to challenge a state's closed law, it has to adopt at least a semi-closed rule for its own party. That means “the

¹⁰⁰ Jones, Elvyn J. 2004. “Slates filled but primary process still unclear.” *DeSoto Explorer*, June 17, Page 6A. Available online at: http://news.google.com/newspapers?id=yc0_AAAAIBAJ&sjid=U-gFAAAIBAJ&pg=5421,4856448&dq=kansas+republican+closed+primary&hl=en (last accessed 03/18/13).

¹⁰¹ Morris, Frank. 2012. “Conservatives Win in Kansas GOP Senate Primary.” August 8. Transcript available online at: <http://www.npr.org/2012/08/08/158405545/conservatives-oust-moderates-in-kansas-gop-senate-primary> (last accessed 03/18/13).

¹⁰² Wistrom, Brent D. 2013. “Kansas Democrats vote to close primary.” *The Kansas City Star*, February 24. Available online at: <http://www.kansascity.com/2013/02/24/4084128/kansas-democrats-vote-to-close.html> (last accessed 03/18/13).

¹⁰³ Montgomery, John. D. 2013. “Closed elections: Unfortunate for independent voters that Dems join GOP to close primary.” *Hutchinson News*, March 1. Available online at: <http://www.hutchnews.com/Editorialblogs/edit-democrats-closed-primary> (last accessed 03/18/13).

state party” – a collection of political elite-level participants – has to want to win more than they want to stay ideologically distinct *and* believe that a semi-closed primary will provide them with winning candidates. Party extremists are more likely to want to close the primary and party extremists are more likely to hold power in parties, it would appear. The Democratic Party semi-closed primary from 2004–2012 is a rare case of a party choosing openness; now, they have joined the Republicans in choosing ideological purity.

I have coded Kansas as a closed primary state through 2002. I do not consider a state “party choice” if state law does not reflect it and neither party has yet to issue some kind of challenge to the law or engage in actively “choosing.” Starting in 2004, parties must be very clear on their ability to “choose.” So from 2004–2012 I counted Kansas as a “party choice” state with the Republicans coded as “closed” and the Democrats as “not closed.”

Kentucky

All of the main references I have used agreed that Kentucky had a closed primary over this period (Jewell 1977; McNitt 1980; Lubecky 1987; Bott 1990; Kanthak and Morton 2001). With Kentucky the only uncertainty stems from the runoff rule the state used from 1992 to 2008. Unlike a traditional southern runoff, the Kentucky version applied only to governors and included only a 40 percent threshold. No election from 1992 to 2008 triggered a runoff, although the state decided to eliminate the runoff after Governor Steve Beshear only got 41 percent of the vote in 2007.¹⁰⁴ I have not counted this as a ‘runoff’ in the database for two reasons: I intend the database as best as possible

¹⁰⁴ The press release from the Secretary of State’s office:
<http://migration.kentucky.gov/Newsroom/sos/article162.htm> (last accessed 03/18/13).

to apply to U.S. Senators as well and, with the low threshold, this is really quite a distinct institution from the 50 percent threshold. If the database frames an argument about governors, Kentucky should be coded as a runoff from 1992 to 2008. South Dakota has a similar requirement (with a 35 percent threshold) but this applies to both governors and U.S. Senators.

Louisiana

Louisiana used a southern-style runoff through 1972 for all elections and through 1976 for Congressional Elections. In time for the 1975 gubernatorial election and 1978 Congressional elections, the state adopted a nonpartisan runoff. This system was quite similar to that employed by California, except that the second round did not always occur; if one candidate got more than 50 percent of the vote, the election ended with the primary. The Supreme Court found in *Foster v. Love* (522 U.S. 67, 1997) that this violated the Federal Government's authority to set the date of Federal elections; Louisiana adjusted by setting the runoffs to occur later in the year. In 2008 and 2010 Louisiana used a closed primary system with runoffs for US Senate, reverting back to a nonpartisan primary for 2012.

A unique individual pushed forward this unique institution: Edwin Edwards. Governor Edwards certainly has lived up to Louisiana's reputation for producing colorful political figures (he just recently was released from prison). As best as I have been able to determine, he single-handedly engineered the development of the nonpartisan primary for the sole purpose of furthering his own political career. As described in *Time*:

Who would devise such a system? Edwin Edwards, the four-time governor of the state and a close second to Long in political charm who's also currently in federal prison on corruption charges. Edwards devised the open primary to help himself. When he won his first term in 1972,

Edwards slogged through a bruising Democratic primary and a tough runoff. By the time he got to the general election, he was beat up, while his Republican opponent, David Treen, faced no serious primary opposition (all the Republicans in Louisiana in 1972 could have fit on one Mardi Gras float). Once in office, Edwards instituted the open primary system under the assumption no Republican could survive the first round. Sure enough, Edwards got 62% of the vote in the 1975 primary and avoided a runoff entirely.¹⁰⁵

Notably, Edwards (supposed, although likely) motives differed considerably from the reformers in California. Edwards came from the majority party and did not worry that the Republicans would use the rule to mount more competitive candidates. Edwards designed the rule to squash competition, rather than produce it.

Louisiana's version of the top-two primary did result in one spectacular electoral failure in 1991. Governor Buddy Roemer switched from the Democratic Party to Republican Party before the primary, leaving himself open to attacks from the left from former (corrupt) governor Edwin Edwards and attacks from the right by former Ku Klux Klan wizard David Duke. The two more extreme candidates squeezed Roemer out; Edwards got 34 percent to Duke's 32 to Roemer's 27. Edwards would defeat Duke ("who many think is still a racist anti-Semite") in the general election; President Bush's Chief of Staff, John Sununu, aptly summarized the situation: "I think you will see, unfortunately, a race in Louisiana that probably could be best served if they added a third line to the ballot, that line saying 'no.'"¹⁰⁶ Notably, though, this very well could have happened under a more typical closed primary election rule. A top-two nonpartisan system with one strong candidate of one party (Edwards) and two candidates of the other (Roemer and Duke), with a reasonable degree of sincere voting in line with the spatial

¹⁰⁵ Frank, Mitch. 2003. "The Most Interesting Political Race This Year." *Time*. Sept. 26. Available online at: <http://www.time.com/time/nation/article/0,8599,490407,00.html> (last accessed 03/20/13).

¹⁰⁶ Senator John Sununu is the son of this John Sununu. For the quotation, see: Nichols, Bill. 1991. "No middle ground in Louisiana; Edwards, Duke on gov runoff." *USA Today*. October 21, Page 3A.

model, should produce outcomes very similar to a closed primary. The single candidate from one party should likely make it into the top-two spots (as long as that party is sufficiently strong), leaving the two candidates of the same party to split their vote; a weak centrist candidate (Roemer, formerly of the other party) can easily lose to a more extreme candidate (Duke, of the KKK).

The rules for Congressional elections changed for 2008 and 2010. The state implemented a 'party-choice' version of the partisan southern runoff primary. The Louisiana Senate website summarized the bill that accomplished the change, SB 18 (Act 560), as:

Eliminates the state's open primary election system for Congressional elections which has been in place for some 30 years and creates a closed "party" system for congressional seats. Republican and Democratic primaries will occur in September with any needed run-off occurring in October. The general election will occur in November as in other states. Independent voters will chose which party primary to vote in, if the party decides to allow independent voting. Effective Jan. 1, 2007, if the new primary process is approved by the U.S. Justice Department.¹⁰⁷

Note that this did not affect state elections. Louisiana returned to its nonpartisan primary for 2012 for Congress.

The exact details of the passage of the 2012 law seem a bit obscure, since this passed through the Louisiana legislature over the supposed opposition of both parties in 2010. The argument advanced by the supporters appears to have been cost saving by reducing Congressional elections to two stages (primary and general runoff) rather than three (primary, primary runoff, general election between parties):

¹⁰⁷ The Louisiana State Senate website:
<http://senate.legis.state.la.us/sessioninfo/2006/rs/highlights/LinkShell.asp?s=IssuebyIssue> (last accessed 03/19/13).

For elections except Congress, Louisiana uses a two-stage open primary system in which all candidates for a race compete in a single election and, unless a winner emerges with more than half the vote, the top two competitors go to a runoff.

The closed system, used in Louisiana only for U.S. House and Senate races since 2008, is a three-stage process that includes up to two party primaries and a general election.

Greene's bill would save the state about \$6.6 million in election costs every two years.

The state Democratic party invites unaffiliated voters along with its own members to participate in its primaries for Congress. The state GOP, which allows only Republicans to vote in its primaries, prefers the current system.¹⁰⁸

The different election systems would have caused confusion in my database (intended for use with statewide offices), if it were not for the timing of the rules: current governor Bobby Jindal won his first term in 2007 and his second in 2011. In 2008 and 2010, Louisiana elected Senators. Similarly, in 1976 when the state had a split system, Louisiana did not have a U.S. Senate election.

I have coded Louisiana like a typical southern runoff through 1974. From 1975 to 2007, I have coded the state as a nonpartisan runoff. Without the ensured second round, the Louisiana rule does differ from the one in California and Washington. That difference might be important; in the first use of the top-two in California several candidates experienced a reversal of fortune. Nevertheless, these systems have to be coded to some degree by similarity; I judge the two systems as 'close enough.' Since I want to measure 'top of the ticket' rules, I switch the database for 2008–2010 to 'party choice' and 'runoff,' with the Republicans as 'closed' and the Democrats as 'open.' I

¹⁰⁸ Scott, Robert Travis. 2010. "Open primary system gets boost from legislature, nod from Jindal." *The Times-Picayune*. April 28. Available online at: http://www.nola.com/politics/index.ssf/2010/04/open_primary_system_gets_boost.html (last accessed 03/20/13).

have coded the state in 2012 as ‘nonpartisan.’ Note that nonpartisan primaries come with an assumption of ‘private choice.’ To use this database with other electoral data, it will be necessary to adjust the coding.

Maine

Maine operates closed primaries. Bott (1990) calls them closed, as does McNitt (1980) for 1954–1974. For 1950–1976 Jewell (1977) also calls them closed, noting the long time required to change party registration (Bott 1990 does as well). Lubecky (1987) and Kanthak and Morton (2001) both mention that unaffiliated voters could affiliate on election day, but it seems that they remained affiliated afterwards. For those reasons, I have just classified Maine as “closed” for the whole period; since neither party has yet to attempt to exercise “party choice,” I have not coded it as such; all “closed” primaries after *Tashjian* are vulnerable to party choice claims; analysis with this dataset should consider the effects (if any) of *Tashjian*.

Maryland

Maryland generally operates closed primaries, although the current law has “party choice” language built into it. By § 8-202c (2012) parties can request unaffiliated voter participation if they do so within six months of the election. Senate Bill 313 in 2002, effective 2003, added this provision; the ‘purpose’ listed in the act makes clear that the state wanted to make sure it had a process to handle party demands for opening and closing the primary.¹⁰⁹ I have found no evidence that either party ever

¹⁰⁹ It reads: “FOR the purpose of requiring a political party that chooses to permit voters not affiliated with the party to vote in the party's primary election to provide certain notice to the State Board of Elections.” 2003 Md. Chap. 22; 2003 Md. SB 313.

opened their primary, so I have coded Maryland as “closed” through 2002 and as “party choice” with both parties closed after 2003.

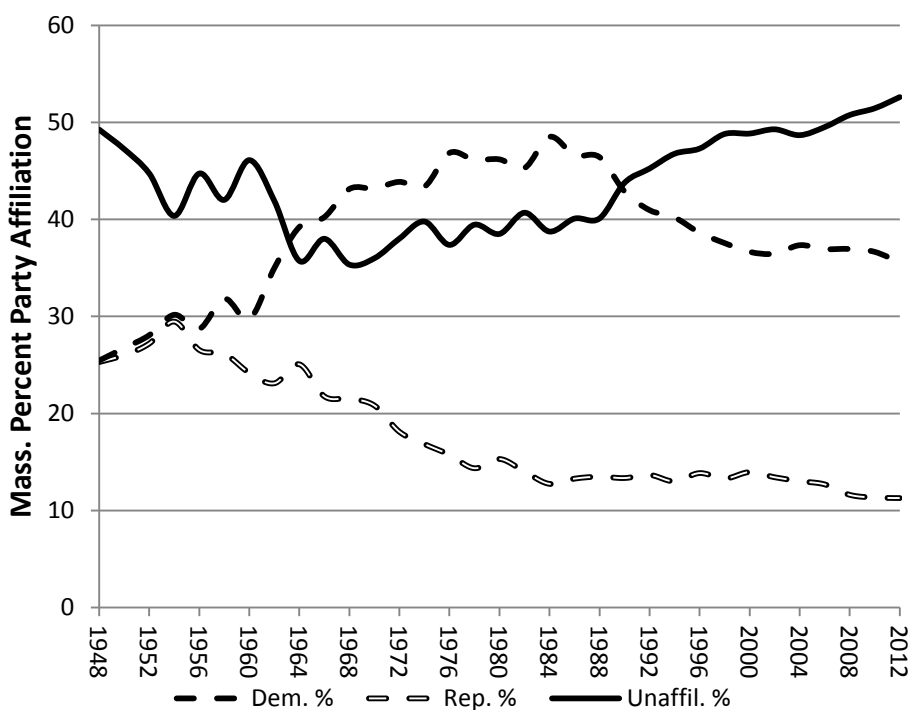
A mildly humorous incident occurred recently, illustrative of the challenges in meshing the legal requirements and terms (which vary quite a bit by state) with the knowledge of law held by regular citizens. In 2010, *The Hill* produced a rather alarming sounding article titled: “Maryland invalidates independent voters.” In this article, the author described how Maryland dispatched a letter to all of its registered voters mentioning that the “‘independent’ party is no longer recognized under Maryland’s state laws.” Voters either had to pick a party or “automatically be reverted to ‘unaffiliated’ on their voter registration records.”¹¹⁰ The confusion stems from most Americans’ use of the word “independent” to mean “unaffiliated.” Voters often unwittingly register with a political party which happens to call itself the “Independent Party” when they mean to register with no party at all. California has a similar problem. In 2012, between two and three percent of Californians registered with the “American Independent Party”; many of these voters may have not realized that instead of signaling their absence of committed partisanship that they instead signed up for a very right-wing political party. In Maryland, whoever had previously filed the paperwork to keep the Independent Party viable failed to do so – revealing the difference between the Independent Party and “unaffiliated.”

Massachusetts

¹¹⁰ Rushing, J. Taylor. 2010. “Maryland invalidates independent voters.” *The Hill*. July 18. Available online at: <http://thehill.com/blogs/ballot-box/other-races/109439-maryland-invalidates-indepdent-voters> (last accessed 03/21/13).

Massachusetts runs a semi-closed primary. The language currently on the Secretary of the Commonwealth of Massachusetts states “When you register to vote, you may choose to enroll in a political party or political designation or may choose to remain ‘unenrolled,’ which is commonly referred to as independent. If you do not enroll in a party, you may still vote in state and presidential primaries by choosing a party ballot and will remain unenrolled.”¹¹¹ In part because of the longstanding use of a semi-closed primary law, relatively few voters affiliate (“enroll” in Massachusetts-speak) in a political party; in 1958, about 49 percent of voters did not enroll with a party and about 53 percent did not enroll in 2012 (Figure 2-1, below).¹¹²

Figure 2-1: Massachusetts Party Enrollment



¹¹¹ Located here: <http://www.sec.state.ma.us/ele/elepar/paridx.htm> (last accessed 03/21/13).

¹¹² Massachusetts statistics available here: <http://www.sec.state.ma.us/ele/eleenr/enridx.htm> (last accessed 03/21/13). I used, when available, the “August” totals.

If California retains a nonpartisan primary, the unaffiliated voters in California may grow in numbers and the state's registration statistics might look more like those in Massachusetts. Closed primaries seem to promote party affiliation, at least in the minds of many political elites. One article discussing the Massachusetts unenrolled voters reported "Party leaders note that it's easy for voters to stay unaligned in this state, which still allows them to vote in primary elections. But they acknowledge some voters today also seem to feel less bound by party loyalty."¹¹³ The parties in Massachusetts could, if they wanted to, challenge the semi-closed law using earlier cases as precedent, especially after *California Democratic Party v. Jones* (2000) or *Idaho Republican Party v. Ysursa* (2011). Since it does not appear that they have done so, I have coded Massachusetts as semi-closed. Note that Bott (1990) calls Massachusetts "closed" while Kanthak and Morton (2001) identify it, as I do, as semi-closed.

McNitt (1980) lists Massachusetts as having a "pre-primary endorsing convention" for 1948-1973. McNitt suggests that the Massachusetts conventions are "fairly representative," meaning the endorsed candidate should represent the will of the party (1980, pp. 266). However, one news article from 1966 described the ineffectiveness of the Massachusetts routine for controlling nominations: "Massachusetts primary contests traditionally offer bitter, close races between party-endorsed and unendorsed candidates that often end in upsets. This year's primary this Tuesday is no exception... although [former Governor] Peabody is the convention-endorsed candidate, [Boston Mayor] Collins, a party maverick, had a slight lead in an Aug. 28 Boston Globe

¹¹³ Riley, David. 2011. "More Massachusetts voters enroll as Independents." *GateHouse News Service*. May 11. Available online at: <http://www.patriotledger.com/topstories/x767223046/More-Massachusetts-voters-enroll-as-Independent#ixzz1iiMzCKoK> (last accessed 03/21/13).

sampling of voters.”¹¹⁴ This type of article seems fairly typical of the era. These types of nominating procedures that do not do much to limit candidate’s access to the ballot are a much lower barrier to entry than the institutions in place currently in Connecticut and Colorado. I have decided to score Massachusetts as a “0,” for pre-primary party control.

Michigan

Michigan conducts open primaries. Bott (1990) classified the state as “open” while Kanthak and Morton (2001) identified it as “pure-open,” indicating ‘private choice.’ McNitt (1980) and Jewell (1977) both also call Michigan ‘open’ for the earlier period. An unnamed author in the *Hyde Park Herald* lamented the difference between Michigan’s private choice open primary and the public choice open Illinois primary in 1972; the author described Michigan’s process: “And in Michigan you do not declare your party. You simply pull a lever inside the voting booth, and this lever shuts off from you the party in whose primary you do not wish to vote.”¹¹⁵ I have coded Michigan as open with private choice over the whole time period.

At some point, Michigan changed its voting technology. In 2002, the Secretary of State’s office lamented the number of spoiled ballots: “Statewide, more than 1.8 million people voted in Tuesday’s primary election, a record turnout representing 27 percent of Michigan’s 6.8 million registered voters. However, more than 224,000 ballots were invalidated primarily due to crossover voting.”¹¹⁶ It appears that by 2002 voters no longer pulled a lever to access only one side of the ballot and actually could, if they

¹¹⁴ Byline ‘Congressional Quarterly.’ 1966. “Uncertain Massachusetts Primary.” *St. Petersburg Times*, Sept. 10. Available online at: <http://news.google.com/newspapers?id=EfZRAAAIBAJ&sjid=CXQDAAAIBAJ&pg=1930,5314710&dq=massachusetts+endorsed+candidate+primary&hl=en> (last accessed 03/22/13).

¹¹⁵ Unattributed. 1972. “For Open Primaries.” *The Hyde Park Herald*, Vol. 90, January 19. Page 4.

¹¹⁶ August 8, 2002. Press release from the Secretary of State, found here: http://www.michigan.gov/sos/0,1607,7-127-1640_9150-46909--,00.html (last accessed 03/22/13).

misunderstood the directions, mark candidates from both parties. With a considerable absence of creativity, and an ignorance of recent Supreme Court decisions, the Secretary of State Candice Miller, called for enacting a blanket primary (two years after *California Democratic Party v. Jones*). It seems perhaps better voting technology or ballot design would have solved the problem instead.

Michigan's 2010 gubernatorial race may help explain why some research has found little effect of primary rules on election outcomes. In 2010 several Republicans fought to get the nomination for governor; one candidate, Rick Snyder, made an effort to run to the middle. *Politico* reported: "[Editor of News-source] Ballenger said Snyder's attempt to attract Democrats and independents 'may backfire because it's going to certify for Republican primary voters — most of whom are conservative — what many of them have suspected all along: that he's a RINO, a Republican in name only.'"¹¹⁷ Reaching across the aisle to court voters of the other party could potentially be punished within one's own party. In 2010, Snyder managed to pull it off; he not only won the primary but also won the general election. Still, Snyder may have been the exception rather than the rule.

Minnesota

Minnesota also conducts open primaries with private choice. On this, Jewell (1977), McNitt (1980), Hedlund (1977), Lubecky (1987), Bott (1990), and Kanthak and Morton (2001) agree. Minnesota also makes an explicit attempt to prevent voter confusion about the open primary (in the way the Michigan Secretary of State described in 2002, above): "If there are only two major political parties to be listed on the ballot,

¹¹⁷ Alberta, Tim. 2010. "Heat's on in Michigan GOP primary." *Politico*. July 28. Available online: <http://www.politico.com/news/stories/0710/40309.html> (last accessed 03/22/13).

one party must occupy the left-hand column, the other party must occupy the right-hand column, and the center column must contain the following statement: ‘Do not vote for candidates of more than one party’” (Minn. Stat. § 204D.08, 2013). Minnesota’s laws actually describe the primary ballots in great detail. In any event, I have coded Minnesota as open primary, private choice for all years; the only caveat here is that as with all open primary states, it is certainly vulnerable to challenge after *Idaho Rep. Party* (2011).

Mississippi

Mississippi, like other southern states, uses an open runoff primary. The only caveat here is that theoretically “a voter who votes in the primary of one party may not ‘crossover’ to vote in the run-off of another party.”¹¹⁸ I still count it as an “open” primary, though, since at least the first round is open. I also count these elections as “private choice,” agreeing with the designation of “pure open” in Kanthak and Morton (2001).

Missouri

Academic sources disagree slightly on how to treat Missouri’s primary law. McNitt (1980) called the state “closed” for 1954 to 1974. Covering the same period, 1950 to 1976, Jewell (1977) called it “open,” but noted that the voter had to declare a party on election day. Lubecky (1987) observed that the primary was theoretically closed but voters could change parties on election day – a slight difference in emphasis from Jewell. Bott (1990) just calls this open. Kanthak and Morton (2001) strike the best

¹¹⁸ Mississippi Secretary of State’s Office; information available here: <http://www.sos.state.ms.us/elections/voterinfo guide.asp> (last accessed 03/22/13).

categorization balance by calling this system “semi-open,” meaning an open primary without private choice.

The current version of the law has been in place since 1978. The election code makes the “semi-open” primary very clear:

Voter may receive only one party ballot--voters not wishing a party ballot may vote for independents and on all propositions and questions. In each primary election, each voter shall be entitled to receive the ballot of one and only one political party, designated by the voter before receiving his ballot. Each voter who participates in a party primary shall be entitled to vote on all questions and for any nonpartisan candidates submitted by political subdivisions and special districts at the primary election. Each voter who does not wish to participate in a party primary may vote on all questions and for any nonpartisan candidates submitted by a political subdivision or special district at the primary election (§ 115.397 R.S.Mo., 2013).

This change (House Bill 101, 1977) appears to have been a modest alteration to the existing laws and seems to have generate almost no comment whatsoever in the media. I have coded Missouri as “open, public choice.”

Montana

Montana operates a system much like Hawaii’s: a classic open primary with private choice. The FAQ on the Montana Secretary of State’s website is one of the few that describes this process well:

***Q.** Which parties are qualified for primary access in Montana? Is there party registration in Montana? Can people in a primary election vote for more than one party's candidates?*

A. The list of Montana's qualified parties is available on our website at: <http://sos.mt.gov/Elections/Parties>.

There is no party registration in Montana. Individuals who vote in a primary election are given all the parties' ballots, and can choose in private which party ballot they wish to vote. They return the voted ballots to an election judge in one sleeve, and the unvoted party ballots in a separate

sleeve. Voters in a primary election cannot vote more than one party's ballots.¹¹⁹

Merriam and Overacker (1928, pp. 69–70) wrote about this rule for Montana, so this is a longstanding state tradition (without dispute in all the other usual sources). I have coded Montana as an open primary, private choice state for all years.

Nebraska

Due to its unique structure of government, Nebraska functionally uses two different primary election systems. Nebraska only has a single house of its state legislature, which is officially nonpartisan; elections for that office take place under a top-two system. Nebraska as a semi-closed state for congressional elections; it conducts semi-closed party primaries for U.S. House and U.S. Senate.¹²⁰ Notably, though, it also still uses *closed* primary elections for Governor. The explanation lies with an unintended consequence of *Tashjian*. Before *Tashjian* (i.e., up to 1986) these elections both used closed primaries.


The *New York Times* reported that the legal counsel for the Nebraska Legislature's "governing committee," Cynthia Johnson, spotted a problem caused by the *Tashjian* decision. The Supreme Court applied the "qualifications clause" of the 17th amendment to primary elections, meaning that "members of Congress will be chosen by state voters holding 'the qualifications requisite for electors of the most numerous branch of the State Legislature.'" Since Nebraska had a nonpartisan primary, those unaffiliated voters had to be able to participate in choosing members of Congress. The State Attorney

¹¹⁹ Available online here: <http://sos.mt.gov/Elections/FAQ/index.asp> (last accessed 03/22/13).

¹²⁰ Conversation with the Secretary of State's office, 2012. Confirmed here: http://www.sos.ne.gov/elec/voter_info.html (last accessed 03/22/13).

General agreed with this argument in 1987.¹²¹ Since this only applied to members of Congress, the gubernatorial elections could remain closed.

Figure 2-2: Nebraska Nonpartisan Sample Ballot, 2010.

NONPARTISAN-PARTY SAMPLE BALLOT 2010 PRIMARY		
Douglas County, Nebraska	Primary Election	May 11, 2010
<p>INSTRUCTIONS TO VOTER</p> <p>Making Selections</p>  <p>Fill in the oval to the left of the name of your choice. You must blacken the oval completely. Do not make any marks outside of the oval.</p> <p>!</p> <p>Do not cross out or erase, or your vote may not count. If you make a mistake or a stray mark, write VOID across the face of the ballot, and ask for a new ballot from a poll worker.</p> <p>Optional Write-in</p>	<p>NONPARTISAN REPUBLICAN PARTY</p> <p>For U.S. House Of Representatives District Two</p> <p>Vote For ONE</p> <p><input type="radio"/> Lee Terry</p> <p><input type="radio"/> Matt Sakalosky</p> <p><input type="radio"/> _____</p> <p>NONPARTISAN DEMOCRATIC PARTY</p> <p>For U.S. House Of Representatives District Two</p> <p>Vote For ONE</p> <p><input type="radio"/> Tom White</p> <p><input type="radio"/> _____</p>	

Note that the reasoning from *Tashjian*, *Jones*, and *Idaho Rep. Party* do not apply here: a party *cannot* close its election to nonpartisans since it cannot exclude voters eligible to vote for the nonpartisan legislature. As indicated by Figure 2-2, nonpartisans who request a partisan ballot are allowed to vote in one of the House races in 2010 (which one depends on which ballot). On the same ballot, of course, only Republicans could vote for Republican gubernatorial candidates. This does pose quite the coding conundrum. I have coded Nebraska as semi-closed starting in 1988, since the *New York Times* article indicated that the Atty. Gen. expected his decision to affect the race in that year. Note that this differs from the treatment given in Kanthak and Morton (2001); they identified the change to semi-closed congressional elections as occurring in 1996 instead

¹²¹ Byline unattributed. 1987. "Nebraska Independents to Vote in Primaries." *The New York Times*, May 13. Section A, pg. 18, Col 1.

of in 1988 as the Attorney General recommended (the whole recommendation is in Appendix 1 of this chapter). To analyze the gubernatorial data, it is necessary to recode the election from semi-closed to closed. Furthermore, any indicator variables representing the ‘party choice’ aspects of Tashjian cannot apply to Nebraska in the same way that such a variable would in other states. Lastly, if there is a reliable way to compare ideological locations of Senators and Governors, what occurred in Nebraska (split methods for statewide elections) could serve as a very unusual natural experiment.

Nevada

Nevada uses a closed primary election system; McNitt (1980), Jewell (1977), Lubecky (1987), Bott (1990), Kanthak and Morton (2001), and the Secretary of State all agree.¹²² Primary administration in Nevada can apparently still excite; in 1996 the state had to try three times to run a simple closed primary for Nevada’s State Assembly. The *New York Times* reported that in Clark County (which contains Las Vegas), the Registrar of Voters discovered that eight Democrats and Independents voted in the Republicans closed primary, and five voters cast ballots in the wrong precinct, in the first election.¹²³ Since the winner only won by six votes, the loser could demand another election. The second election saw a reversal of fortune, with the loser of the first round winning by a single vote. Despite this, election officials had allowed one voter who did not live in the district to cast a ballot. So the election officials had to hold a third round. In the third round, the original victor, Jeff Knight, won, although his triumph appears to have been

¹²² See an explanation of the rules from Washoe County for 2012: <http://www.washoecounty.us/voters/voterregfaq.htm> (last accessed 03/22/13).

¹²³ This story comes from: Holmes, Steven A. 1996. “Politics: Political Briefings; The States and the Issues.” *The New York Times*, October 3. Section A, pg. 20, Col. 5.

short-lived; it seems he lost the general election to Democrat Tom Collins.¹²⁴ It is certainly the case that nonpartisan primaries do not suffer from the crossover vote errors.

New Hampshire

New Hampshire has a famous “open primary” – except that it does not have an open primary at all. McNitt (1980) and Jewell (1977) both described the process as “closed.” Lubecky (1987) also wrote that New Hampshire had a closed primary, with a very short (10 day) period before the election to change party registration; Bott (1990) reported much the same. Kanthak and Morton (2001) list New Hampshire as fully closed through 1990 and as ‘semi-closed’ starting in 1992. I agree with Kanthak and Morton’s analysis; the rules for 2012 were such that: “The law allows an undeclared voter to declare a party at the polls, vote the ballot of that party, and then change their party affiliation back to undeclared simply by completing the form available from the Supervisors of the Checklist at the polling place.”¹²⁵ Even though there is an act of affiliation, I define it as a semi-closed primary because a nonpartisan voter can arrive unaffiliated and ultimately leave unaffiliated. I have coded the state as “closed” to 1990 and as “semi-closed” without private choice starting in 1992.

New Jersey

New Jersey conducts closed primary elections. The only exception are new voters or unaffiliated voters who had not voted in a primary before; the state law reads: “No voter, except a newly registered voter at the first primary at which he is eligible to

¹²⁴ McCall, Ken. 1996. “Third time is a charm for Knight.” *Las Vegas Sun*. Oct. 9. Available online at: <http://138.210.151.139/news/1996/oct/09/third-time-is-a-charm-for-knight/> (last accessed 03/22/13).

¹²⁵ This text came from the old Secretary of State’s website, which is no longer operable. It used to be found at: <http://www.sos.nh.gov/HOW%20TO%20REGISTER%20TO%20VOTE2012.pdf>. The new website says largely the same thing, available here: <http://sos.nh.gov/VotePartyPrimFAQ.aspx> (last accessed 03/22/13).

vote, or a voter who has not previously voted in a primary election, may vote in a primary election of a political party unless he was deemed to be a member of that party on the 55th day next preceding such primary election” (N.J. Stat. § 19:23–45, 2013). Kanthak and Morton (2001) call this semi-closed; I am inclined to call it a closed primary. In my view, a true semi-closed primary allows unaffiliated voters to vote and walk out unaffiliated; here, only new (at least to the primary) voters can choose and they only have this privilege once. The other standard sources (Bott 1990, McNitt 1980, Jewell 1977) all call the elections closed.

New Mexico

All of the usual sources (Jewell 1977, McNitt 1980, Lubecky 1987, Bott 1990, Kanthak and Morton 2001) agree that New Mexico conducted a closed primary when a primary occurred. There are two areas of concern with coding New Mexico. First, the sources disagree about when New Mexico implemented a primary law. The version of Michie's Annotated Statutes of New Mexico available through LexisNexis appears to date the primary from 1953; Galderisi and Ezra (2001) dated the direct primary to 1953 as well. McNitt included information about New Mexico primaries for 1949, though; news records exist for primaries for New Mexico from that time.¹²⁶ It appears that New

¹²⁶ See: Associated Press. 1948. “Democrats Hint at Compromise.” *The Day*, June 5. Page 10, Col. 8. “In New Mexico, former Secretary of Agriculture Clinton P. Anderson grabbed a commanding lead in his primary election bid for a senate seat. Running with the president’s blessing, Anderson was well out in front over former Gov. John J. Dempsey.” Available online: <http://news.google.com/newspapers?id=fR8iAAAIAIAJ&sjid=tnEFAAAAIAIAJ&pg=950,6279990&dq=democratic+primary+new+mexico+senate&hl=en> (last accessed 03/23/13). Or see the AP Story from March: “The secretary plans to enter the New Mexico Democratic primary in June.” AP. 1948. “South Chiefs Promise Truman Fight: Anderson to Run for Senate, Quitting Cabinet.” *Spartanburg Herald-Journal*, March 14. Page 1, Col. 4. Available online: <http://news.google.com/newspapers?id=MVcsAAAIAIAJ&sjid=HssEAAAIAIAJ&pg=6500,1493953&q=democratic+primary+new+mexico+senate&hl=en> (last accessed 03/23/13).

Mexico implemented a closed (via McNitt) primary in 1940.¹²⁷ So I have coded New Mexico as a closed primary state from 1940 to 2012.

McNitt (1980) provided a great deal of useful information about New Mexico, although not always in as much detail as I would like. From McNitt comes the second puzzle: how to classify New Mexico's pre-primary procedures. The current procedures are simple enough; each party holds a nominating convention with only a single vote. All candidates must file to make themselves available for this vote; any candidate with more than 20 percent of the convention vote automatically makes the ballot. Candidates that do not reach that threshold may gain access to the primary ballot by petition; the New Mexico convention is more like the current Connecticut procedure than the old Connecticut challenge primary (see: N.M. Stat. Ann. § 1-8-21 and 1-8-21.1, 2012). Without a great deal of explanation, McNitt listed this institution as coming and going with some frequency in the 1950s, 1960s, and 1970s.

McNitt did not differentiate between an old Connecticut-style challenge primary (which I code as a "2" for pre-primary severity) and an endorsing procedure with a petition workaround (which I code as a "1" for pre-primary severity). He listed them in the same category. For New Mexico, he coded a closed primary through 1949, an endorsing procedure from 1949 to 1954, a closed primary from 1955 to 1962, and endorsing procedure from 1963 to 1967, a closed primary from 1968 to 1972, nothing from 1974 to 1976, and then as having an endorsement procedure in 1978. Most of McNitt's database only runs through 1974; I assume he intended the note about New

¹²⁷ Derived from this source: <http://www.thegreenpapers.com/Hx/DirectPrimaryDates.phtml>. While not a peer reviewed academic source, to the extent that I have been able to verify --- all of the information listed on this website is correct (last accessed 03/23/13).

Mexico's laws in 1978 to signal that the laws had changed back. I have accepted McNitt's date ranges for the pre-primary procedure, with the exception that I include 1974 and 1976 with the closed primary years; it seems that at least the most recent version of the nomination procedure dates largely from 1978.

That leaves only the nature of the pre-primary procedure as not yet determined. Fortunately, an article in the *Western Political Quarterly* from 1954 described it: "The New Mexico laws provide for a pre-primary nominating convention followed by a closed primary which technically and theoretically is open not only to the candidates endorsed by the convention but to others who may file for the primary by petition."¹²⁸ The author, Howard McMurray, went on to note that "since the number of signatures required is so large, and the time allotted for obtaining them is so short, it is doubtful that this provision has any practical meaning whatsoever." With that, I disagree; in the event that a candidate had widespread popular support but strong opposition with the party elite such a provision could very well matter very much. In any event, this article mentions that the original pre-primary nomination procedure resembled the current one; this suggests that I should code the state as a "1" rather than a "2" on the pre-primary scale.

The article about the 1954 New Mexico election included one further detail about the nominating conventions. McMurray wrote: "The platform conventions met soon after the primary, and both Democrats and Republicans adopted beautiful statements as innocuous as glittering generalities could make them. Both parties were for God, Mother and the Flag, and for more water in New Mexico (who isn't?), and more industry. Both opposed sin and communism. Neither spelled out its hopes or hates in great detail" (pp.

¹²⁸ McMurray, Howard J. 1954. "The 1954 Election in New Mexico." *The Western Political Quarterly*, 7(4): 616-620. The quotations referenced in this chapter are all from pp. 616-617.

617). While this remark describes a great deal of what political parties seem to do, it is worth noting the absence of major issue differences that could serve as tests for acceptability of particular candidates. For example, Lowell Weicker in Connecticut took very different issue positions than his party; that he would choose to run as an independent rather than to risk a party primary makes some sense. The absence of major policy disagreements in New Mexico may have reduced the likelihood of significant splits within a party that might cause a viable candidate to get less than twenty percent at the convention.

New York

Like New Mexico and current Connecticut law, New York now uses a weakened challenge primary system matched with a closed primary (Bott 1990, Kanthak and Morton 2001, among others). Candidates get on the ballot either by passing a certain threshold at a nominating convention or putting together an outside run via petition. Like several other states as well, New York adopted primaries in phases, with lower-level offices typically using the primary first. For Senate and Governor, New York used just a convention through 1967 (McNitt, 1980). The state appears to have adopted the current procedure, more or less, in 1968.¹²⁹

New York's petition requirements are more burdensome than those in New Mexico or Connecticut in part because New York has a much larger population. New York instituted large (described below) petition requirements; apparently in some years in which the parties desired competition they arranged to get all the candidates on the ballot with their convention. In other years, the parties tried to avoid competition. Since

¹²⁹ Nominating procedures, 1965-1968 overview. (1969). *Congress and the nation, 1965-1968* (Vol. 2). Washington, DC: CQ Press. Retrieved from <http://library.cqpress.com/elections/catn65-0000762881>

the signature requirement is steep enough, it may serve to make New York much closer to an old-style Connecticut challenge primary:

Candidates get on the party primary ballot by winning 25 percent of the convention delegates' votes. That balloting is scheduled to take place at Wednesday's session in suburban Rye Brook. In the past, thoughtful party leaders have held several ballots with different candidates on each in order to let more contestants into the primary. They should do that again this year.

If candidates are not given a line on the ballot through the party, they must collect signatures from Democratic voters around the state -- a process that is costly and time-consuming and a way of excluding candidates who can't afford \$200,000 or more in staff work and legal fees.¹³⁰

For an uncertain prospect, \$200,000 is a lot of money, even in 2010 in New York. Furthermore, the parties seemed to have developed a habit of challenging the signatures on petitions; one article noted "court challenges to petition signatures are a way of political life."¹³¹ Nevertheless, because a workaround exists, I have still coded New York from 1968 to the present as a "1" for pre-primary hurdles.

New York's election system has another peculiarity as well: cross-filing. Like in California until the 1960s, candidates in New York can attempt to win the nomination of multiple parties. Gaines and Cho (2002, pp. 33) mention that Charles Rangel, a Democrat from Harlem, was the last house candidate to win both the nomination of the Republican and Democratic parties. Typically, candidates file to win the nomination of important minor parties, like the Conservative Party. I have coded New York for cross-filing over this entire period, including the time of the convention; in theory, little prevented someone from winning by convention the nomination of two parties as well.

¹³⁰ Unattributed Editorial. 2010. "Competitive Primaries." *New York Times*. May 24. Section A, pg. 24, Col. 0.

¹³¹ Unattributed Editorial. 2006. "Missing the Primary Points." *The New York Times*. June 3. Section A, pg. 12, Col. 1.

North Carolina

North Carolina explicitly allows “party choice,” one of the few states to implement laws to provide an orderly process of implementing the *Tashjian* decision. State law provides a procedure for a party to both extend and withdraw permission for unaffiliated voters to participate (N.C. Gen. Stat. § 163-119, 2013). North Carolina passed this law in 1987; the Republicans opened their primary to the unaffiliated in 1988.¹³² Democrats followed in 1995.¹³³ The newspaper accounts appear to contradict the report in Kanthak and Morton (2001) that the state was “pure-closed” through 1994. Bott (1990) does not distinguish between semi-closed and closed for most states (with only a very brief discussion of *Tashjian*), so Bott calls the law closed.

North Carolina also uses a runoff rule. This causes some confusion with classification; for example, McNitt (1980) put North Carolina under “runoff” rather than “closed” when, in fact, it should have been “both.” North Carolina also uses a slightly lower threshold for victory; 40 percent (N.C. Gen. Stat. § 163-111, 2013). I will not attempt to distinguish between North Carolina’s 40 percent rule and Alabama’s 50 percent rule; in the types of races (Governor, U.S. Senate) I will use in the database there will not be enough information to meaningfully assess the differences.

North Dakota

¹³² Associated Press. 1988. “Unaffiliated voters may vote during presidential primaries.” *The Robesonian*. March 3. Page A5, Col. 1. Available online: <http://news.google.com/newspapers?id=gixVAAAAIBAJ&sjid=kz0NAAAAIBAJ&pg=3477,716143&dq=north+carolina+republican+primary+unaffiliated&hl=en> (last accessed 03/23/13). The story indicates that the Republican Party decided to open its primary in November (of 1987).

¹³³ Stevenson, Alabama. 1995. “Across the USA: News from Every State.” *USA Today*. Sept. 18, pg. 11A. See also: Unattributed Staff/Wire Reports, 1995. “Democrats may open up primaries to unaffiliated.” *Wilmington Morning Star*. Sept. 15, pg. 3B, Col. 1. Available online at: <http://news.google.com/newspapers?id=IbEsAAAAIBAJ&sjid=FxUEAAAAIBAJ&pg=6557,6002253&dq=republicans+open+primary+north+carolina+unaffiliated&hl=en> (last accessed 03/23/13).

North Dakota has an open primary; the state does not even have voter registration, a prerequisite for a closed or semi-closed system. McNitt (1980) observed that the state had an open primary with informal pre-primary endorsements up to 1967; after that point, Democrats and Republicans had a formal pre-primary convention nominating process. As in some other states with pre-primary conventions, candidates can also get on the primary ballot by petition. Unlike in other states (such as New York) with very high petition requirements, North Dakota's requirement is relatively small; Bott reported that a candidate only needed three percent of the party's vote in the last election *or* 300 signatures, whichever is less (1990, pp. 131).

North Dakota Candidates can circumvent the convention procedure. In 2012, one Republican candidate, Kevin Cramer, decided to forgo participation in the convention entirely. From an AP report:

Republican U.S. House hopeful Kevin Cramer said Thursday he would skip the North Dakota GOP convention's traditional candidate selection process and run instead in the June primary, an unorthodox decision that immediately drew criticism from rivals.

One opponent, Brian Kalk, who serves with Cramer on the state Public Service Commission, suggested the move was prompted by Cramer's belief that he would be beaten in a GOP state convention fight.

"Our opponent did the math, and realized that he simply could not win the endorsement," Kalk said in a statement posted on his campaign website. "Now he has made the decision to bypass the convention, marginalizing the very people who have built the North Dakota Republican Party."

Cramer denied that, and said he believed a primary campaign would be the best way to draw attention to Republican candidates.

“I’m doing this to bring a lot more people into the party, and my main rationale for this is to open up the party process and invite all Republicans from around the state into this decision,” Cramer said.¹³⁴

I have scored this pre-primary process starting in 1968 as a “1,” because candidates do get automatic ballot access from a convention victory. I do not count informal endorsements as a serious enough hurdle, so before 1968 I have coded ND as a “0” in the pre-primary category. It is debatable, though, whether the 300 signature requirement after 1968 counts enough to deserve equality with what in New York may be a \$200,000 signature gathering effort.

Ohio

Ohio has an open primary with public choice. The Ohio rules have caused some confusion; McNitt (1980) called the rule closed while Jewell (1977), for the same time period, called it open. Voters have to declare a party affiliation at the polls. The rule seems to have always been some variant of what stands now. A poll worker can challenge the right of a voter to participate in a party primary on the grounds that the voter is not a partisan of the appropriate type. The voter’s previous affiliation decisions can serve as evidence that the voter is indeed from the right party. Nevertheless, even without that, a voter may obtain access to the ballot by declaration. The modern law reads:

Membership in or political affiliation with a political party shall be determined by the person’s statement, made under penalty of election falsification, that the person desires to be affiliated with and supports the principles of the political party whose primary ballot the person desires to vote (ORC Ann. § 3513.19, 2011).

¹³⁴ Wetzel, Dale. 2012. “Cramer to Bypass ND Republican Endorsement.” Published online January 19, reported by WDAZ 8, a television station based in Grand Forks, ND. Available online: <http://www.wdaz.com/event/article/id/11927/> (last accessed 03/23/13).

That is, a determined voter will always manage to cast a ballot in whichever primary she prefers. Kanthak and Morton appropriately classified Ohio as “semi-open,” in their context translating to “open, public choice.” Bott (1990) also held the view that the affiliation requirements were not very restrictive; Bott called Ohio open.

Oklahoma

Oklahoma primaries can be pretty exciting. In 1978, one news report commented, in what one can only presume to be an increasing order of alarm: “Oklahoma voters finish picking Democratic nominees for Senate and governor Tuesday in a bizarre campaign that has been punctuated by gunfire, denials of homosexuality and charges of party disloyalty.” To the apparent great relief of Oklahoma voters, one of the Senatorial candidates, then-Governor David Boren, opened his campaign for the second stage of the runoff with a statement: “I David Boren, being of lawful age and upon my oath do swear and state that I know what homosexuals and bisexuals are. I further swear that I have never been a homosexual or bisexual.” His opponent, Representative Ed Edmondson, did not directly pick up the charge – but referred to him as a “closet Republican.”¹³⁵ With a runoff primary, candidates get plenty of opportunities for mudslinging.

While the primaries may be fairly exciting, the rules are hardly easily discoverable in the political science literature. Jewell (1977) does not include Oklahoma (or any southern states); McNitt (1980) of course categorizes the state as having a runoff primary without disclosing if access to that primary was open or closed. The 1978

¹³⁵ This story (and the quotations) come from an unattributed UPI author, 1978. “Bizarre Primary Over.” *Reading Eagle*. Sept. 17, pg. 31, col. 1. Available online at: <http://news.google.com/newspapers?id=ppFVAAAIBAJ&sjid=8z8NAAAIBAJ&pg=6303,3409542&dq=oklahoma+primary+republicans+closed&hl=en> (last accessed 03/23/13).

primary, described above, did use a closed primary system.¹³⁶ Current state law requires political parties to let the State Election Board know if they would like to use a closed or semi-closed primary for the next two years in every odd-numbered year (26 Okl. St. § 1-104, 2012). The Election Board's website indicated that the primaries were closed from 2008 to 2013.¹³⁷ Kanthak and Morton (2001), citing Bott (1990), indicate that independents could participate. Bott cites 26 Okl. St. § 1-104 --- which only *allows* a semi-closed primary but does not *mandate* it.

The Libertarian Party challenged the restriction in 26 Okl. St. §1-104 to a semi-closed (rather than open) primary. In *Clingman v. Beaver* (544 U.S. 581, 2005), the U.S. Supreme Court upheld the restrict to a semi-closed primary, limiting the effect of *Tashjian* and *Jones*. In this case, the court suggested the situation was not quite the same as in *Tashjian*:

Nevertheless, *Tashjian* is distinguishable. Oklahoma's semiclosed primary imposes an even less substantial burden than did the Connecticut closed primary at issue in *Tashjian*. In *Tashjian*, this Court identified two ways in which Connecticut's closed primary limited citizens' freedom of political association. The first and most important was that it required Independent voters to affiliate publicly with a party to vote in its primary... That is not true in this case. At issue here are voters who have already affiliated publicly with one of Oklahoma's political parties... These voters need not register as Libertarians to vote in the LPO's primary; they need only declare themselves Independents, which would leave them free to participate in any party primary that is open to registered Independents. See Okla. Stat. Ann., Tit. 26, § 1-104(B)(1) (West 1997).

¹³⁶ Unattributed UPI report. 1978. "Record Vote Expected." *Frederick Daily Leader*. Aug. 20, pg. 15, col. 1. Available online at:

<http://news.google.com/newspapers?id=oU5DAAAIBAJ&sjid=ga0MAAAAIBAJ&pg=2833,1879276&q=oklahoma+primary+republicans+closed&hl=en> (last accessed 03/23/13).

¹³⁷ The State Election Board: <http://www.ok.gov/elections/faqs.html#c99> (last accessed 03/23/13).

Annoyingly, the website now reports only the current choices. As of 01/20/12 the website still showed the 2008 election as closed.

There is an important distinction for my purposes (since I am not terribly concerned with minor parties in my coding) not made explicit here. The key in *Clingman* is that the Libertarians *could* have a semi-closed primary *if they wanted it*, not that other parties actually did conduct semi-closed primaries.

Oklahoma adopted the ‘party choice’ rule in time for the 1974 elections. This information proved very difficult to find from a standard LexisNexis search; fortunately, the State Election Board provided a response:

...in Oklahoma, the political parties are required to notify the State Election Board whether or not they will permit registered Independents to vote in their primaries and runoff primaries. 26 O.S. § 1-104 also provides that if a political party does not notify the State Election Board of its choice, registered Independents will be prohibited from voting in that party’s primaries and runoff primaries. In Oklahoma, voters who are not affiliated with a political party are designated as Independents. 26 O.S. § 1-104 has been in effect since 1974. Since that time, our records do not show that the Democratic or Republican Parties have ever filed notices with the State Election Board under this section of law, thus prohibiting Independents from voting in their primaries and runoff primaries. From time to time, other political parties have gained recognition in Oklahoma under the provisions of 26 O.S. § 1-108. In some cases, those parties have notified the State Election Board that they would permit Independents to vote in their primaries and runoff primaries as provided in paragraph 4 of 26 O.S. § 1-104.¹³⁸

I have coded Oklahoma as “party choice” since 1974, with neither party ever opting for “open.”

Oregon

Oregon ran a closed primary through the 1980s (Jewell 1977, McNitt 1980, Lubecky 1987). After *Tashjian*, the state implemented a procedure for a party to choose (see ORS § 254.365, 2011; from the documentation in LexisNexis, it appears this

¹³⁸ Email exchange with Fran Roach, Assistant Secretary, Oklahoma State Election Board. March 25, 2012.

occurred in 1987). In 1990 the Republican Party opened their primary to unaffiliated voters; this lasted only through the 1992 election. The Republicans only attracted 11 percent of nonpartisans in 1990 and 9 percent in 1992, so “faced with scant interest... the Republicans realized that a larger voter base in the primary would increase the cost of complaining. They also feared that independents might push the party leftward. For all those reasons, the Republicans dropped the experiment and retreated to a closed primary system.”¹³⁹ In 1998, the Oregon Democrats decided to give opening their primary a try; this lasted only through the 2000 election.¹⁴⁰ Both party primaries remain closed. Notably, since Oregon conducts elections entirely by mail, voters have to be much more proactive about making a party choice in a semi-closed Oregon primary; this task with mail balloting is somewhat more technically difficult. In any event, I have coded Oregon as closed through 1986. I have coded it as party choice starting in 1988, with the correct choices filled in for the two periods in which each party experimented with a semi-closed primary.

Pennsylvania

Pennsylvania conducts now, and conducted historically, closed primary elections. Jewell (1977), McNitt (1980), Lubecky (1987), Bott (1990), and Kanthak and Morton (2001) all list the state as closed, as does the official state source: “Pennsylvania holds closed Primary Elections, meaning you must be a member of the party to vote for that

¹³⁹ Unattributed. 1999. “Closed primary is best: Oregon Democrats reviewing the idea.” *Eugene Register-Guard*. October 9, pg. 14A, Col. 1. Available online at: <http://news.google.com/newspapers?nid=1310&dat=19991009&id=i1VWAAAIAIAJ&sjid=wOsDAAAAIAIAJ&pg=3223,2573378> (last accessed 03/24/13).

¹⁴⁰ The participation rates on nonpartisans in the 2000 Oregon Democratic primary can be found here: <http://oregonvotes.org/doc/history/may162000/votpar.pdf> (last accessed 03/24/13). Apparently Democrats considered closing their primary in 1999 for the 2000 season, gave it one more shot, and then called it quits.

party's candidate (for example, you could not vote in the Republican primary unless you are a registered member of the Republican Party). The candidates that receive the highest number of votes in the Primary Election will be the nominee representing their party on the General Election ballot.”¹⁴¹ I have coded Pennsylvania as closed over the whole period in the database; neither party seems to exercise a ‘private choice’ option.

Rhode Island

Like Connecticut, Rhode Island adopted the direct primary relatively late: 1947 (Galderisi and Ezra, 2001). It still maintains the tradition of an endorsing convention that provides an advantage by being listed first on the ballot (Galderisi and Ezra 2001, R.I. Gen. Laws §17-15-8, 2012), although R.I. Gen. Laws §17-14-7 (2012) and Bott (1990) appear to contradict Galderisi and Ezra's contention that a party endorsement led to automatic ballot placement. The disagreement is trivial, though, since R.I. Gen. Laws §17-14-7 (2012) – last altered in 1988 – includes very low signature requirements; to run for U.S. Senate, a candidate only has to acquire one thousand signatures. As far as I can tell, Rhode Island has used something close to this pre-primary nominating convention since 1948; McNitt (1980) includes it in that category for 1954-1974, the whole span of his study. The relevant provisions of state law all date to 1947.

In Rhode Island, voting in a party primary counts as an act of affiliation (R.I. Gen. Laws § 17-9.1-23, 2012; last modified 1994). Voters on their way out of a polling place after a primary can change their designation for the next election (back to unaffiliated, for example); voters have until 90 days before the next primary to change their affiliation (§

¹⁴¹ From “PA Votes,” a website operated by the Pennsylvania Secretary of State. Available online: <http://www.votespa.com/portal/server.pt?open=514&objID=1173919&parentname=ObjMgr&parentid=1&mode=2> (last accessed 03/24/13).

17-9.1-24; first modified in 1994 as well). Members of another party (either by registration or by voting in a primary) who have not changed their party status are barred from participating in another party's primary; everyone else is eligible (§17-15-24; a provision that dates to 1978). Rhode Island used to have a much stronger (26 month) affiliation requirement; in *Yale v. Curvin* (345 F. Supp. 447, 1972) the local district court found that requirement too extreme. Citing the contemporary Illinois case *Pontikes v. Kusper* (414 U.S. 51), the court noted that Rhode Island's law forced voters who wanted to switch parties to skip an election. Rhode Island had to adjust its law. Bott (1990) listed Rhode Island as one of the states in which the unaffiliated can participate in a closed primary and noted the election day affiliation. Lubecky (1987) indicated that the current rules were largely in place by 1986.

I have coded Rhode Island as a convention state for 1946. Starting in 1948, I have coded it as a closed primary with a pre-primary endorsement of level "1" (not "2," like Connecticut's challenge primary). After *Yale v. Curvin*, starting in 1974, I have coded the state as "semi-closed." I judge, by analogy, that the state is somewhat like Massachusetts with its affiliation requirements; Kanthak and Morton (2001) also coded Rhode Island as semi-closed.

South Carolina

South Carolina operates a traditional open southern runoff primary and has used this system over the entire period in question. South Carolina is one of three states (Alabama and Virginia are the other two) that allow parties to choose between using a primary and a convention to nominate candidates (Bott 1990). The Republican Party did

not opt-in to the primary until at least 1970.¹⁴² Nevertheless, I concern myself here only with major-party primary rules – and the Republican Party hardly meets the definition of a major party in South Carolina in the 1960s. I have coded the state as an open runoff primary over the whole period. The first Republican to win statewide office did so in 1974 because a court declared his Democratic opponent for Governor ineligible; Democrat Charles Ravenel failed to meet the state’s residency requirement and his defeated primary opponent took his place at the last minute.¹⁴³ The first Republican to defeat a Democrat for statewide office, Carroll Campbell, did so in 1986 --- but faced no opposition that year, so no primary occurred.¹⁴⁴ Campbell won even though the Democrats did not have to go through a runoff on their side; the second place finisher voluntarily gave up, sparing the frontrunner an expensive second round.

The 1986 election provides a lesson in differentiating formal rules from common practice. Although by 1986 the Republican Party held primaries, only one candidate ran for Governor – and Campbell would likely have been nominated by a convention anyway. Furthermore, even though the Democrats formally had a runoff procedure, and the candidates met the conditions for a runoff, they coordinated to prevent it (the second place candidate indicated that he had run out of money and knew that he would lose). For researchers looking for reasons why primary rules might not matter very much in

¹⁴² Nominating procedures, 1965-1968 overview. (1969). *Congress and the nation, 1965-1968* (Vol. 2). Washington, DC: CQ Press. Retrieved from <http://library.cqpress.com/elections/catn65-0000762881>

¹⁴³ Unattributed Editorial. 1974. “The Bubble Finally Bursts.” *The Sumter Daily Item*. Oct. 21, pg. 6A, Col. 1. Available online at: <http://news.google.com/newspapers?id=a38iAAAAIABAJ&sjid=BKoFAAAAIBAJ&pg=2941,2811046&dq=charles+ravenel+disqualified&hl=en> (last accessed 3/24/13).

¹⁴⁴ Wright Jr., Ed. 1986. “GOP’s Campbell could make political history in S. Carolina.” *Christian Science Monitor*. Sept. 19, Section: “National,” pg. 7.

every election, the 1986 election serves as a case in which the voters would likely have reached the same final result under a variety of institutions.

South Dakota

South Dakota used a closed primary until recently. Jewell (1977) identifies this as a closed primary in the early period (1950–1976); this lasted through 2008. In 2008, national politics intervened:

Meanwhile, in South Dakota, where there are 23 delegates, the Clinton camp is complaining about the fact that Obama's henchmen are trying to change it from a closed primary -- one for registered Democrats only -- to an open primary, where independents could have a say. According to the Rapid City Journal, 47% of South Dakota's registered voters are Republicans, 37% Democrats and 15% independents. Obama does better than Clinton among independent voters.¹⁴⁵

The Democrats ultimately did not open their primary in 2008; nevertheless, someone in the party thought it was a good idea, so they voted to do so in 2009 for the 2010 elections. Echoing comments made by Lowell Weicker about why he wanted independents to participate in Republican primaries in Connecticut, the director of the McGovern Center said: “I’ve seen studies showing that if you vote for somebody in a primary, you’re more likely to vote for them in the general election... I don’t know of any studies just on independents voting in primaries, but there’s a definite correlation there.”¹⁴⁶ The Democratic primaries remained semi-closed for 2012 while the

¹⁴⁵ McTague, Jim. 2008. “Democratic Backroom Brawl.” *D.C. Current*. March 17. Available online at: <http://online.barrons.com/article/SB120553496180237977.html> (last accessed 03/24/13).

¹⁴⁶ Associated Press. 2009. “S.D. Democrats to open primary to independents.” *Sioux City Journal*. October 14. Available online at: http://siouxcityjournal.com/news/state-and-regional/south-dakota/article_53a3efe6-b8f3-11de-8194-001cc4c03286.html (last accessed 03/24/13).

Republicans remained fully closed.¹⁴⁷ The party-choice component (S.D. Codified Laws § 12-6-26, 2013) appears to have been in place since at least 1996.

South Dakota also has a runoff option for extraordinary elections. McNitt (1980) adds that the state did have some kind of “final convention option” in the early years. Now, for Governor and U.S. Senate, if no candidate gets 35 percent of the vote a runoff of the top-two candidates occurs (S.D. Codified Laws § 12-6-51.1, 2013).¹⁴⁸ South Dakota opted to change the final convention option to a runoff in 1985; it appears no runoff has ever actually taken place.¹⁴⁹ Much like Kentucky, it is debatable if a low-threshold runoff serves at all the same purpose as a majority vote requirement. The 50 percent threshold seems to have a different philosophical view – that no candidate should be elected without the vote of a majority. The low-threshold runoff does not oppose plurality rule; it just prevents extreme cases of electoral fragmentation.

I have coded South Dakota as a standard closed primary through 1985. Starting in 1986 I have included the runoff option. In 1996, I have switched the state to “party choice.” The parties have chosen “closed” through 2008. For 2010 and 2012, I have the Democrats as “semi-closed” and the Republicans as “closed.” To use this database for state legislative offices, the runoff option should be recoded back since that only applies to selected offices.

Tennessee

¹⁴⁷ South Dakota Secretary of State’s website: <http://sdsos.gov/content/viewcontent.aspx?cat=elections&pg=/elections/registrationvoting.shtm> (last accessed 03/24/13).

¹⁴⁸ See also the National Council of State Legislators: <http://www.ncsl.org/legislatures-elections/elections/primary-runoffs.aspx> (last accessed 03/24/13).

¹⁴⁹ For more information, see: <http://politicalsmokeout.tumblr.com/post/41700881205/sd-considers-abolishing-runoffs-but-delays-them-instead> (last accessed 03/24/13).

Tennessee used previously, and still uses, an open primary. McNitt (1980) classified Tennessee as a closed primary but Lubecky (1987), Bott (1990), and Kanthak and Morton (2001) all treat it as open. This does not reflect a change in law but instead reflects classification choices; Lubecky explains that the state technically conducted closed primaries but that voters could affiliate on election day. I have followed the majority view and classified Tennessee as an “open” primary state with public affiliation. It also is one of the few states of the Confederacy not to use a runoff system.

Anecdotal evidence suggests that voters in Tennessee routinely cast crossover ballots. One recent report from 2010 described an election in Knox County:

Let’s say you’re at a polling place this Thursday. Up drives a young woman in an old blue Volvo sedan, with bumper stickers on the back that say “Health care for all” and “Homophobia is not a moral value.” When she gets out of the car and starts walking toward the voting location, you see she has a pierced lip and an Obama T-shirt. But then, when she approaches the check-in table and is asked in which primary she plans to vote, she nonchalantly says, “Republican.”

That scenario, or some less cartoonish version of it, has no doubt played itself out many times already over the past three weeks. By the end of early voting last Saturday, of 36,339 early and mail-in ballots cast in Knox County, 33,382 were in the Republican primary. It’s no secret that the county leans Republican, but it doesn’t lean 92 percent Republican. (It went 61–38 for John McCain over Barack Obama in 2008.) What’s going on is, of course, a familiar feature of the primary election landscape in Tennessee: crossover voting.¹⁵⁰

Only very rarely do election workers challenge voters that they are not members of their selected party. In 2010, one avowed Democrat had her desire to cast a Republican ballot challenged, which caused a considerable media controversy; ultimately, she was allowed

¹⁵⁰ Mayshark, Jesse Fox. 2010. “The Complications of Tennessee’s Voting System.” *Metro Pulse*. August 4. Available online: <http://www.metropulse.com/news/2010/aug/04/complications-tennessees-primary-voting-system/> (last accessed 03/24/13).

to vote.¹⁵¹ In news reports, voters frequently call Tennessee's law "open," suggesting that the law has become by custom if not by rule more or less indistinguishable from a true open primary.

Texas

Like many of the other southern states, Texas has long had an open runoff primary. The usual sources (McNitt 1980, Bott 1990, Kanthak and Morton 2001, Galderisi and Ezra 2001) document the Texas law. The Republican Party, like in Alabama and South Carolina, did not immediately switch to primaries from conventions; the Texas Republicans converted before 1968.¹⁵² As in the other states, I have ignored this in the coding as there were so few Republicans in Texas to much distinguish between a convention and a primary before 1968.

Utah

Utah is the last state to use only a challenge primary, without a petition workaround.¹⁵³ Utah had a more traditional primary from 1937 to 1946. Starting in 1947, to trigger a primary, a candidate had to get 30 percent at the party convention. In 1996 the Democrats changed the threshold to 40 percent; Republicans adopted the 40 percent threshold in 1999. This system gives the party elite at the convention a great deal of power. In 2004, Utah Republicans did not even allow incumbent Governor Olene

¹⁵¹ Mickey Eldridge of Crossville. See: <http://www.wbir.com/news/local/story.aspx?storyid=127674> (last accessed 03/24/13).

¹⁵² Nominating procedures, 1965-1968 overview. (1969). *Congress and the nation, 1965-1968* (Vol. 2). Washington, DC: CQ Press. Retrieved from <http://library.cqpress.com/elections/catn65-0000762881>

¹⁵³ See Cotti, Morgan Lyon, Natalie Torosyan, and Stephen Hershey Kroes. 2011. "Nominating Candidates: The Politics and Process of Utah's Unique Convention and Primary System." *Utah Foundation*, Research Report Numb. 704.

Walker the opportunity to *run* in the primary.¹⁵⁴ In 2010, Utah Republicans knocked a three-times-elected incumbent U.S. Senator, Bob Bennett, out of the primary at the convention.¹⁵⁵ So, from 1948 to the present, I have coded Utah as the 2nd level of pre-primary control, like Connecticut's challenge primary.

Surprisingly, Utah also conducts open primaries with, as categorized by Kanthak and Morton (2001), private choice. Jewell (1977), Lubecky (1987), and Bott (1990) all agree that Utah used open primaries spanning this entire period of time. So while Connecticut operated the restrictive nomination procedure with a closed primary, Utah used a similarly restrictive pre-primary control with an open primary. Coding separate categories for primary type and for pre-primary hurdles allows me to use the observations from McNitt (1980) – that this is a restrictive system – and then also include the open rule noted by the other authors.

Vermont

Voters in Vermont participate in private choice open primaries for Governor and U.S. Senate. The instructions are very specific: “The names of all candidates of a party shall be printed upon one ballot. Each section shall bear in print larger than any other print on the ballot the words VOTE IN ONE PARTY ONLY OR YOUR BALLOT WILL BE VOID in a prominent place on the ballot. The voter shall vote for the candidates of one party only. A person voting at the primary shall not be required to

¹⁵⁴ She had been, however, only appointed to fill the position in November. AP. 2004. “Utah GOP takes incumbent out of running.” *USA Today*. May 8. Available online at: http://usatoday30.usatoday.com/news/politicselections/state/utah/2004-05-08-utah-governor_x.htm (last accessed 03/24/13).

¹⁵⁵ Johnson, Kirk. 2010. “Utah Delegates Oust Three-Term G.O.P. Senator From Fall Race.” *The New York Times*. May 9, pg. 23, Sec. A, Col. 0.

indicate his party choice to any election official” (17 V.S.A. §2363, 2012). I have coded Vermont as “open” and “private choice” for the entire time-span of my database.

This “private choice” scheme does not extend to presidential primaries, as of 1995. Voters participate under a “public choice” scheme for those elections: “A person voting at the primary shall be required to ask for the ballot of the party in which the voter wishes to vote and an election official shall record the voter's choice of ballot by marking the entrance checklist with a letter code, as designated by the secretary of state, to indicate the voter's party choice. The names of all candidates on the ballot shall be listed in alphabetical order. Each voter may vote for one candidate for the presidential nomination of one party, either by placing a mark opposite the printed name of a candidate as in other primaries, or by writing in the name of the candidate of the voter's choice” (17 V.S.A. § 2704, 2012). An election official reported to me that the national parties had asked Vermont to track this information.¹⁵⁶ Vermont is one of many states that conducts presidential primaries on a different date from state primaries, so one law does not conflict with the other (Galderisi and Ezra 2001, pp. 22).

Virginia

Bott (1990) cites Virginia as one of three states that theoretically allows parties to choose between a convention and the primary. As in other states of the old Confederacy, the Republican Party opted for the convention for quite some time – likely due to lack of Republicans.¹⁵⁷ Unlike some of the other southern states, Virginia did not use a runoff

¹⁵⁶ Email exchange with William Senning, Elections Administrator, Vermont Office of the Secretary of State, January 24, 2012.

¹⁵⁷ Nominating procedures, 1965-1968 overview. (1969). *Congress and the nation, 1965-1968* (Vol. 2). Washington, DC: CQ Press. Retrieved from <http://library.cqpress.com/elections/catn65-0000762881>

primary except from 1969 to 1971.¹⁵⁸ Otherwise, Virginia uses a public choice open primary (Kanthak and Morton 2001, Bott 1990); the state still uses that system: “Virginia is an open primary state which means that any qualified voter can vote in either party’s primary election. Virginia does not have party registration in its voter registration process.”¹⁵⁹ I have coded Virginia as an open primary state with public choice and a runoff in 1970. For use with gubernatorial data, a runoff must be added for 1969 as well.

The 1969 runoff primary for governor did feature a runoff. William Battle defeated Henry Howell in a very close second round (within 25,000 votes of 430,000); the Republican in the race, Linwood Holton, seemed to be an afterthought to the process.¹⁶⁰ Holton would not prove to be an afterthought at all; instead, he proved to be the first Republican governor in a century.¹⁶¹ In 1970 two liberal Democrats, George Rawlings Jr. and Clive DuVal, should have advanced out of the Democratic primary to have a runoff; one article reported “a runoff election is possible but DuVal aides said he was not likely to seek one.”¹⁶² DuVal may have declined to seek the runoff because winning the Democratic primary mattered somewhat less than usual in 1970; Senator Harry Byrd had left the party to run as an independent. In a three-way race, Byrd won

¹⁵⁸ The historical significance of southern primaries. (2005). *Guide to U.S. elections* (5th ed., Vol. I). Washington, DC: CQ Press. Retrieved from <http://library.cqpress.com/elections/gus5e1-769-40250-1938177>

¹⁵⁹ Virginia State Board of Elections:

http://www.sbe.virginia.gov/cms/Misc/Frequently_Asked_Questions.html (last accessed 03/24/13).

¹⁶⁰ AP. 1969. “Battle Wins 1st Virginia Vote Runoff.” *The Press-Courier*, Aug. 20, pg. 16, col. 3.

Available online:

<http://news.google.com/newspapers?id=jARSAAAIBAJ&sjid=wjQNAAAIBAJ&pg=5822,4013290&dq=virginia+runoff+primary&hl=en> (last accessed 03/24/13).

¹⁶¹ AP. 1970. “Republican Takes Oath as Virginia’s New Governor.” *The Robersonian*, Jan. 18, pg. 3B.

Available online:

http://news.google.com/newspapers?id=SqA_AAAAIBAJ&sjid=QFYMAAAAIBAJ&pg=3077,1198341&dq=virginia+holton&hl=en (last accessed 03/24/13).

¹⁶² AP. 1970. “Liberal Wins Demo Primary in Virginia.” *Observer-Reporter*, July 15, pg. 1, col. 3.

Available online:

<http://news.google.com/newspapers?id=cHNeAAAIBAJ&sjid=02ENAAAIBAJ&pg=3927,1636890&dq=virginia+runoff+primary&hl=en> (last accessed 03/24/13).

relatively easily. Given the consecutive disasters, it should be no surprise that the runoff disappeared in 1971.

Washington

Washington's blanket primary turned out to be a casualty of California politics. When California's parties sued in *Jones*, they undermined Washington's blanket primary as well. Washington managed to hold on through 2002 but had to resort to an open primary with private choice for 2004. While voters in Washington did pass a "top-two" primary in 2004, further court action delayed its implementation past the 2006 primary – which also used the open primary with private choice. In 2008, the Supreme Court gave Washington the go-ahead on the top-two. Washington has used the top-two now in three elections: 2008, 2010, and 2012.¹⁶³ As McGhee et al. (2012) noted, Washington's forced conversion provides an opportunity to study an exogenously imposed change of primary system.

West Virginia

West Virginia's primaries remain technically closed (W. Va. Code §3-1-35, 2012). Nevertheless, the Democratic and Republican parties both allow the unaffiliated to participate, making the state a de facto "party choice" primary state.¹⁶⁴ The Republicans decided to open their primary in 1992 (Kanthak and Morton, 2001). The Democrats did not follow the Republicans until 2008.¹⁶⁵ When the Democrats opened up

¹⁶³ From Washington's Secretary of State; available online: <http://wei.secstate.wa.gov/osos/en/Pages/Top2PrimaryFAQ.aspx> (last accessed 2012).

¹⁶⁴ See the Secretary of State's website: http://www.sos.wv.gov/elections/voterinformation/Pages/Political_Parties_FAQ.aspx (last accessed 03/25/13).

¹⁶⁵ King, Joselyn. 2008. "Independents Can Vote in W.Va. Primary." *The Intelligencer Wheeling News-Register*. April 13. Available online at: <http://www.news-register.net/page/content.detail/id/508252.html?nav=515> (last accessed 03/25/13).

their primary, they did it in some style: “The party has begun sending out full-color invitations — in red, white and blue, naturally — to thousands of households where unaffiliated voters live, urging them to participate for the first time in a West Virginia Democratic primary. About 100,000 invitations will be in the mail before the May 13 primary, according to Tom Vogel, executive director of the state Democratic Party.”¹⁶⁶ I have coded West Virginia as closed until 1990. Since the Republicans successfully opened their primary in 1992, I have coded the state as “party choice” from 1992 to the present. I have coded the Republicans as having opened up their primary in 1992 and the Democrats as 2008.

Wisconsin

Wisconsin has famous open and private choice primaries – and has for more than a century. The extent that La Follette of Wisconsin deserves credit for the broad spread of primaries may be debatable (a debate pitting Ware 2002, pp. 114, against Merriam and Overacker 1928); nevertheless, his institution remains alive and well today. All of the usual sources classify Wisconsin as having open primaries (Jewell 1977, McNitt 1980, Bott 1990, Kanthak and Morton 2001). Wisconsin’s tradition of open primaries, as well as its recall provisions, generated perhaps an unexpected outcome in 2011. Democrats attempted to recall several state senators as part of a political dispute over union rights; only Democrats had to hold primaries to select alternative candidates. As a consequence, several Republicans entered the primary as “Democrats.” One nearly won with the support of crossover voters; the Democrat only carried the Democratic primary with 54

¹⁶⁶ Breen, Tom. 2008. “Parties eye May 13 primary.” *WV Times*. April 19. Available online at: <http://timeswv.com/westvirginia/x681671395/Parties-eye-May-13-primary> (last accessed 03/25/13).

percent of the vote.¹⁶⁷ These were very unusual circumstances. In any event, I have categorized Wisconsin as open and private choice over the entire time period in question.

Wyoming

Wyoming is in effect an open primary state. Lubecky (1987), Bott (1990) and Kanthak and Morton (2001) all caught on to the effect of the same-day affiliation rule. Jewell (1977) and McNitt (1980) both call Wyoming “closed”; they seem to have focused on the technical party affiliation requirement rather than the timing of that affiliation. Wyoming has allowed same-day affiliation since 1951.¹⁶⁸ I have coded Wyoming as closed through 1950 and then as open with public choice afterwards.

Conclusion

States have used a variety of different rules; political scientists have used a variety of schemes to categorize them. The main difference between the scheme I propose here and the ones used in, say, Kanthak and Morton, is that I have created “base categories,” with modifiers. Instead of distinguishing between “pure open” and “semiopen” primaries, I code them all as open primaries and then create a separate variable for “private choice.” This allows the measurement of the effects of the “openness” part of the rule in traditional open primaries, open primaries with private choice, and southern runoff primaries (using another indicator variable to set off the partisan runoff). The earlier schemes used terminology originally designed to array the laws on a linear scale of closedness to openness --- with the belief that this would also correspond with an array from most extreme candidates to most moderate. By Gerber and Morton (1998) political

¹⁶⁷ AP. 2011. “Fake Democrats lose in Wisconsin primary.” *USA Today*. July 12. Available online at: http://www.usatoday.com/news/nation/2011-07-12-wisconsin-recalls-fake-democrats_n.htm (last accessed 03/25/13).

¹⁶⁸ Email exchange with Lori Klassen, Election Specialist, Wyoming Secretary of State’s Office, March 25, 2013.

scientists had abandoned (to some extent) those expectations – but not the terminology. Getting away from the spectrum of open, semi-open, semi-closed, and closed also helps to fit in the ‘oddballs:’ blanket primaries, top-two primaries, southern runoff primaries, challenge primaries, and so on. The next chapter makes use of this categorization scheme.

Appendix for Chapter 2

Appendix 2-1

Nebraska’s response to *Tashjian*:

Nebraska, AGO Opinion 07070¹⁶⁹

May 12, 1987
Opinion 87070

SUBJECT:

The Legality of Closed Primary Elections in Light of Recent Decisions by the United States Supreme Court

REQUESTED BY:

Senator Lee Rupp
Nebraska State Legislature

WRITTEN BY:

Robert M. Spire, Attorney General

SUMMARY OF OPINION

Must independent voters in Nebraska, who are qualified and allowed to vote in our nonpartisan legislative primaries, also be allowed to vote in our partisan congressional and senatorial primaries? Yes. Qualified independent voters in Nebraska must be allowed to vote in partisan congressional primary elections. This conclusion is based primarily upon the 1986 United States Supreme Court *Tashjian v. Republican Party of Connecticut* decision, which holds:

(a) The United States Constitution Qualifications Clause requires that all of those allowed to vote for the more numerous branch of the state

¹⁶⁹ Available online: http://www.ago.ne.gov/ag_opinion_view?oid=3131 (last accessed 03/22/13).

legislature (in Nebraska, our unique nonpartisan unicameral) must also be allowed to vote in congressional elections.

(b) This requirement applies to primary as well as general elections. Therefore, it requires that qualified independent voters who vote in the Nebraska primary nonpartisan unicameral elections must also be allowed to vote in the Nebraska primary partisan congressional elections.

DETAILED OPINION

You have asked whether a recent United States Supreme Court decision *Tashjian v. Republican Party of Connecticut*, 93 L.Ed.2d 514, 107 S.Ct. 544 (1986)] requires that independent voters in Nebraska, who are qualified and permitted to vote in our nonpartisan legislative primaries, must be allowed to vote in our partisan congressional and senatorial primaries.

We have reviewed the *Tashjian* decision together with other applicable law, and have concluded that the answer to your question must be yes. *Tashjian* does require that independent voters allowed to cast ballots in our nonpartisan legislative primaries also must be allowed to vote in our partisan congressional primaries.

I. Our legal reasoning.

(I) The *Tashjian* case involved a Connecticut statute which allowed only party members to vote in a primary election for a nomination to public office by a major political party. Contrary to that statute, the state's Republican Party adopted a rule which attempted to permit independent voters to vote in the party's primaries for federal and statewide public offices but which remained silent as to the party's primaries for nominations for the state legislature.

(a) The Republican Party then challenged the state statute in federal district court, and the district court granted summary judgment in favor of the Party.

(b) On appeal, the United States Supreme Court affirmed the judgment of the district court which struck down the state statute.

(c) Among other things, the Supreme Court held that the Qualifications Clause contained in Article I, § 2 and the Seventeenth Amendment of the United States Constitution are applicable to primary elections in precisely the same fashion that they apply to general congressional elections.

(d) The court also held that those constitutional provisions require that all those qualified to participate in the selection of members of the more numerous branch of the state Legislature must also be qualified to participate in the election of Senators and Members of the House of Representatives.

(2) Under our unique nonpartisan, unicameral legislative system, our state statutes provide that independent voters may participate in primaries for the selection of state senators. However, those same statutes do not allow independent voters to cast ballots in the partisan primary elections for the Senate and for the House of Representatives. Therefore, our current primary system conflicts with the holding of the Tashjian case.

Numerous branch of the state legislature are also:

(3) In Tashjian, the Supreme Court began its analysis of the qualifications issue by discussing the purpose in enacting the first Qualifications Clause. The court determined that the purpose of the Qualifications Clause was actually increased federal suffrage, and the Court stated, "Far from being a device to limit the federal suffrage, the Qualifications Clause was intended by the Framers to prevent the mischief which would arise if state voters found themselves disqualified from participation in federal elections." 93 L.Ed.2d at 532. The Court went on to state,

The fundamental purpose of the Qualifications Clauses contained in Article I, 2, and the Seventeenth Amendment is satisfied if all those qualified to participate in the selection of members of the more qualified to participate in the election of Senators and Members of the House of Representatives.

Our conclusion that these provisions do not require a perfect symmetry of voter qualifications in state and federal legislative elections takes additional support from the fact that we have not previously required such absolute symmetry when the federal franchise has been expanded.

We hold that the implementation of the Party rule does not violate the Qualifications Clause or the Seventeenth Amendment because it does not disenfranchise any voter in a federal election who is qualified to vote in a primary or general election for the more numerous house of the state legislature.

93 L.Ed.2d at 532, 533 (Emphasis added).

(4) It therefore appears clear that the Qualification Clause and the

Seventeenth Amendment of the United States Constitution do not require that voter qualifications for the state Legislature and for the United States Congress be identical if voter qualifications for the congressional elections are expanded. However, it appears clear that a statute which would reduce the persons qualified to vote in the congressional elections in comparison to those qualified to vote in the elections for the state Legislature would be questionable under the Tashjian analysis. The latter situation is exactly that which we face under our current Nebraska statutes. Independent voters in Nebraska can participate in the primary elections for our state Legislature. They cannot, however, participate in the partisan primaries for selection of candidates for the House of Representatives and for the United States Senate.

(5) Our research has disclosed very little additional law about this issue. Our own Nebraska Supreme Court has not dealt with this specific question, although it has indicated that in the exercise of the right of suffrage, statutes are to be construed liberally in favor of the voter. *Shaw v. Stewart*, 115 Neb. 315, 212 N.W. 760 (1927). This holding would support the notion that statutes which unduly restrict those who shall be allowed to vote are suspect.

(6) In addition, there are a number of cases which deal with the legitimacy of state regulation of the voting process. For example, in *Rosario v. Rockefeller*, 410 U.S. 752 (1973), the United States Supreme Court upheld primary election registration requirements designed to prevent party fragmentation and interparty raiding. In these various cases, it is clear that the right of suffrage is a fundamental right, and that the state must demonstrate a compelling interest which is addressed by the regulatory statute in question in order for that statute to have legitimacy. *Libertarian Party of Nebraska v. Beermann*, 598 F.Supp. 57 (D.Neb. 1984).

(7) In any event, the real question in the present instance is not whether the state has unduly burdened the primary election process in Nebraska, but rather whether our statutory framework complies with the Qualifications Clauses of the United States Constitution as they are explained in the Tashjian decision. As the Supreme Court has said on at least one earlier occasion,

The States in prescribing the qualifications of voters for the most numerous branch of their own Legislatures, do not do this with reference to the election for members of Congress. . . They define who are to vote for the popular branch of their own Legislature, and the Constitution of the United States says the same persons shall vote for members of Congress in that State. It adopts the qualification thus furnished as the qualification of its own electors for members of Congress.

In the matter of Jasper Yarbrough, I U.S. 651, 663 (Emphasis added).

(8) On the basis of the Tashjian decision and on the general law supporting expanded suffrage, it is therefore our view that our current statutory framework which does not allow independent voters to vote in the partisan primary elections for Congress conflicts with the Qualifications Clauses of the United States Constitution. It is further our view that those portions of the federal Constitution require that independent voters who vote in the nonpartisan primary for the Legislature should be

given whichever partisan ballot they desire for the partisan congressional elections.

Where does this leave us?

You have asked whether or not current Nebraska election laws conflict with the recent United States Supreme Court Tashjian ruling. We have answered you by stating and explaining our conclusion that our laws do conflict with this ruling. Perhaps we should stop there. However, because of the significance and urgency of this issue, it may be helpful if we comment upon related legal concerns and share with you our thoughts about precisely what legal options the Legislature, political parties and people of Nebraska have as a result of this significant United States Supreme Court decision:

(i) Humility and experience both teach us that our legal opinion here may be wrong. Others may reach different conclusions. However, we do not consider this a close case. In our judgment the Tashjian Case is clear in what it says and thus it is clear how it affects our unique Nebraska situation.

(2) Tashjian was a 5-4 Supreme Court decision. And so it is always possible that a future Court (with different members) might rule otherwise. But, irrespective of this possibility, we must respect and adhere to the law as it now is, not as it might be at some future undefined time. To proceed in any other fashion would result in legal anarchy.

(3) Timing is important here. We have primary elections next year and so compliance in some form with the requirements of this decision should be addressed promptly. A failure to comply could cast some legal shadows on the 1988 Nebraska primary congressional elections.

(4) What are the actual legal options for the Legislature, the political parties and the people of Nebraska?

(a) The Legislature could amend our state election laws so as to allow independents to vote in partisan congressional primaries. Legislation which merely gives the parties the option to let independents so vote would not meet the Tashjian case requirements. The case requires that the independents must be allowed to so vote. It is important to remember that the Tashjian Case relates to federal congressional elections only. It does not affect the partisan elections of state officeholders, such as the Governor and Secretary of State.

(b) Nebraska could change to a partisan legislature. Doing this would require a state constitutional amendment.

(c) Nebraska could do away with direct partisan primary Congressional elections. The parties themselves, through procedures they would establish, would then designate nominees for the general election. This would replace the present direct vote of the people nomination system. Doing this would require statutory changes.

III. Concluding thoughts.

(I) This Tashjian Case decision raises truly significant public policy and political science issues. For example, its effect upon an established and effective two-party governmental system is of concern to many. It also raises questions about nonpartisanship in the legislature, the policies and procedures of the major political parties, and other related concerns. On all of these questions we quite properly express no opinion. Our task here has been to interpret the meaning and effects of the law and nothing else. How to react to the requirements of the law is the province of the people and their elected representatives.

(2) Special recognition should be given to Ms. Cynthia Johnson, Legal Counsel for the Legislature's Government, Military and Veterans Affairs Committee. Ms. Johnson, a wise and constructive attorney, studied, analyzed and effectively brought this important issue to the attention of all of us.

(3) As a personal matter, I particularly appreciate the substantial assistance on this issue provided by Dale A. Comer, Assistant Attorney General and Chief of our Department of Justice General Legal Services Section, and Chief Deputy Attorney General A. Eugene Crump.

Perhaps because of the difficult policy decisions the law confronts us with here, we find ourselves a fronte praecipitium a tere lupi (literally "a precipice in front, wolves behind; i.e. between a rock and a hard place).

Sincerely,

ROBERT M. SPIRE
Attorney General

Appendix 2-2

Variable coding:

Variable Name: *btype*

“Basic Type”

Open, Partisan = 1

Open, Blanket = 2

Semi-Closed (Mandated) = 3

Closed (Mandated) = 4

Party Choice = 5

Nonpartisan = 6

Convention = 7

Variable Name: *privatechoice*

“Private Choice”

Party Selection Made Privately = 1

Otherwise = 0

Variable Name: *preprimary*

“Party Pre-Primary Control”

None = 0

Weak Coordinating Mechanisms = 1

Challenge Primary = 2

Variable Name: *runoff*

“Southern-Style Runoff Primary” [i.e., partisan runoff]

No = 0

Southern Runoff Primary = 1

Variable Name: *rpartychoice*

“Republican Party Primary Choice” [if applicable]

Open/Semi-closed = 1

Otherwise = 0 [assumed unless found evidence otherwise]

Not an option = -99 [must be ‘party choice’ primary type]

Variable Name: *dpartychoice*

“Democratic Party Primary Choice” [if applicable]
 Open/semi-closed = 1
 Otherwise = 0 [assumed unless found evidence otherwise]
 Not an option = -99 [must be ‘party choice’ primary type]

Variable Name: *xfile*
 “Crossfiling”
 No = 0
 Yes = 1

A few notes about the coding:

- “Open:” Open primaries are partisan primaries with easy affiliation requirements. This includes the public choice partisan open primary, the private choice partisan open primary, and the blanket partisan primary – as well as *most* but not *all* Southern runoff primaries.
- “Closed:” Closed primaries have hard affiliation requirements that block opposite partisans from participating. These must have a durational registration requirement for partisans. If anyone can re-register on election day, that would be an open primary with public choice *even if it is called a ‘closed primary.’* In effect, it is not. However, broadly speaking, semi-closed primaries fall under this category, as do ‘party choice’ primaries after Tashjian.
- “Nonpartisan:” Republicans and Democrats run against each other in the first stage.
- “Convention:” I coded states as having conventions if and only if there was no direct primary at all. So, while primaries were very rare under Connecticut’s early challenge primary system, I have coded that as a closed primary with strong pre-primary hurdles rather than as a convention because a primary could occur.

- Pre-primary hurdle coding: 0 = otherwise; 1 = there is an endorsement procedure or convention that puts candidates on the ballot automatically, but some other procedure by which they can reach the ballot (like a petition); 2 = the only way to the ballot is through a party operated procedure like a convention or a very severe requirement.
- Separating “closed” from “semi-closed:” To be semi-closed, a voter must be able to go in and come out unaffiliated. This differs from the way Gerber and Morton (1998) thought about semi-closed primaries; they included as semi-closed states in which new voters could affiliate at the polls *but would leave affiliated*. I use a much narrower definition of a semi-closed primary.

CHAPTER 3: LAWS, COMPETITIVENESS, AND REPRESENTATION

While later chapters deal with a close up look at primary reform in one state, California, this chapter leverages a long time frame and the diversity of laws across states to examine how different primary laws affect political outcomes. This chapter builds on the database of laws described in the previous chapter. In particular, I focus on two main outcomes. First, do different primary laws produce more competitive elections? Second, do different primary laws produce more moderate candidates than others?

Data

I have supplemented the database of primary election laws with three kinds of data: demographic and economic information, the outcomes of primary and general election campaigns, and estimates of the ideal points of United States Senators. Pulled together, with some data-processing, I can then merge those data-sources with my database of laws. Each “observation” in my laws database reflects a state-even-year, e.g. “Alabama 1968.” To the fullest extent reasonable, I have adjusted the other data to fit that format.

For non-political information about each state, I relied on the United State Decennial Census of 1940, 1950, 1960, 1970, 1980, 1990, 2000, and 2010. The database includes: state population, per capita income, percent of the population above age 65, percent of the population that graduated from high school, percent of the population with four years of college, percent of the population that is black, percent of the population identified as white, and the percent of the state that qualifies as urban. These variables seemed to have relatively stable definitions over time. Some of the other categories that might be nice to include, like percent Latino, have emerged comparatively recently as

official census categories. To fill in the intervening years, I just used a linear interpolation by state: Alabama's 1984 percent white in the database reflects two fifths of the difference between its 1980 and 1990 census reports. A linear interpolation seems fairly safe here; these variables do not change dramatically year-by-year. For 2012, I just projected based on the data from 2000 and 2010.

Election data came from *Congressional Quarterly's* "Voting and Elections Collection." This database includes the number of votes and vote share of each candidate in U.S. Senate and gubernatorial elections back to 1968. The *CQ* also identified candidates as incumbents. I have collected the data for both general and primary elections. Not every state-election-year included an election for Senate or governor; those entries are listed as "missing." I did interpolate U.S. Presidential election vote totals for non-presidential years as a measure of state partisanship – but I intend to use that as an independent variable in the analysis. Some states elect governors in odd-numbered years; to keep the structure of the data consistent I assigned odd-numbered year gubernatorial elections to the year before them and then included an indicator variable for odd-numbered year elections to remove them later if this seemed like a problem.

For a measure of each state's representation, I made use of the DW-Nominate scores.¹⁷⁰ For each Congress, I computed a distance (using both dimensions) from each Senator to the point that represented that Congress' mean (in both dimensions). Then I averaged across all Senators in each state-Congress to get a measure of the extremity of that state's representation relative to the current Congress. The DW-Nominate database

¹⁷⁰ I downloaded the DW-Nominate scores here: <http://voteview.com/dwnominate.asp> (last accessed 03/30/13).

organizes data by Senator-State-Congress; by this transformation, I have a variable that is just by State-Congress, which I can then easily map to election years. Even in years in which Senators are not up for election, they should contemplate the election laws of their state – in case those laws remain in place for the future. Conceivably, a law enacted after a Senator faced an election and repealed before the Senator faced reelection could still impact the Senator's choices during their time in office. For example, if a state used a nonpartisan primary for a year, a Senator might consider positioning herself to appeal to a broader segment of the electorate.

Competitiveness

The type of primary election law a state uses may affect how competitive elections are in that state. Most states tend to lean towards one party or another. If we assume that elections tend to have a centralizing spatial effect, even without making very specific claims about achieving precisely the median voter, it is not a large intellectual leap to assume that a state with a closed primary rule and a dominant party should have large margins of victory. If the weaker party picks someone close to their median registered voter, and the dominant party picks someone close to their median registered voter, the candidate of the dominant party will end up much closer to the general election median voter.

Of course, if the two parties are evenly balanced and they each pick an extremist, measuring general election competitiveness does not measure proximity to the median at all. Two extremists might very well split the vote evenly between them, as most voters try to pick the lesser of two evils. Even so, competitiveness can be a desirable outcome: it may engage citizens in the democratic process, compel politicians to take clearer issue

positions, encourage scrutiny of public officials for corruption, and so on. While political scientists can argue about the precise goods delivered by competitive elections, it at least stands to reason that the nomination process has failed to produce viable candidates for at least one party if general election margins of victory are large.

As a general rule, with many primary reform attempts, “moderate” and “viable” are synonymous. Typically, parties attempt to open their primary process to produce more moderate (and therefore viable) candidates. Arguably this is what happened in Connecticut in the 1980s; at least there the Republicans considered a desire to win more elections.¹⁷¹ Moderate California Republicans also pushed for the blanket and top-two primaries in that state. There’s a back-of-the-envelope application of the median voter theorem that underlies all of this: letting unaffiliated moderate voters into the minority party primary “should” allow more moderate candidates to win the primary and then run more competitively in the general election.

The problem with all back-of-the-envelope political theory rears its ugly head in this case: the formal predictions are nowhere unambiguous and depend to a great deal on the assumptions of the strategic choices of both candidates and voters. As noted in the chapter reviewing the literature, several political scientists have commented that moderation may not vary along a linear “openness” dimension. Gerber and Morton (1998) specifically suggested that semi-closed primaries might produce the most moderate candidates because they would prevent partisan “raiding” while allowing unaffiliated moderate participation. Gerber and Morton hypothesized, and found, that semi-closed primaries produced more moderate candidates than open primaries.

¹⁷¹ Although, as mentioned in the previous chapter, Lowell Weicker emphasized the habitual voting aspect over the spatial modeling notions in Connecticut; nevertheless: *‘so he said.’*

Overall, elections for “top of the ticket” statewide offices tend not to be very competitive in any case. Figure 3-1, below, plots the mean and median difference between the first and second place candidates for U.S. Senate – or, if a Senate election did not occur, state governor – by election year across all the states. Notably, both the means and the medians increase over time; on average, elections for U.S. Senate and governor become less competitive. In 2012, both the mean and the median differences were more than fifteen percentage points. Most Senators and governors win big; one interpretation overall is that the nomination process fails to provide the winners with credible competition more often than not.

Figure 3-1: Margin of Victory (Percent Difference Between 1st & 2nd Place); Means and Medians for “top of the ticket” U.S. Elections, 1968–2012.

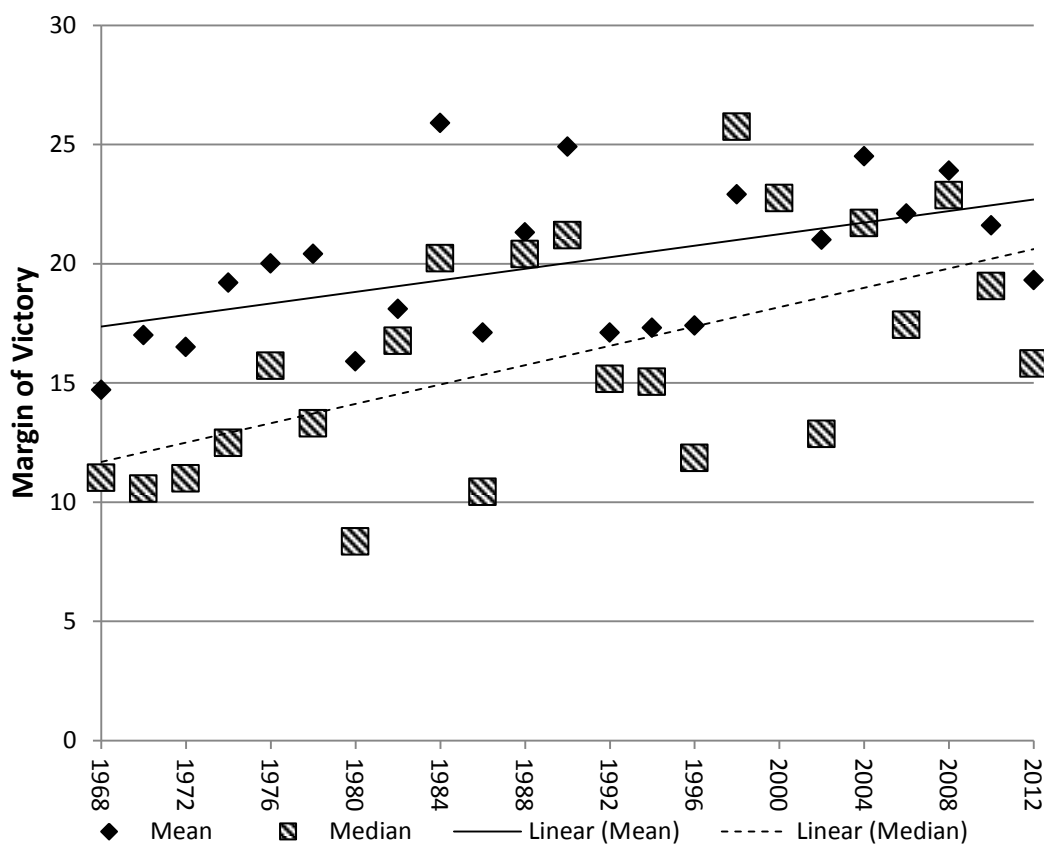
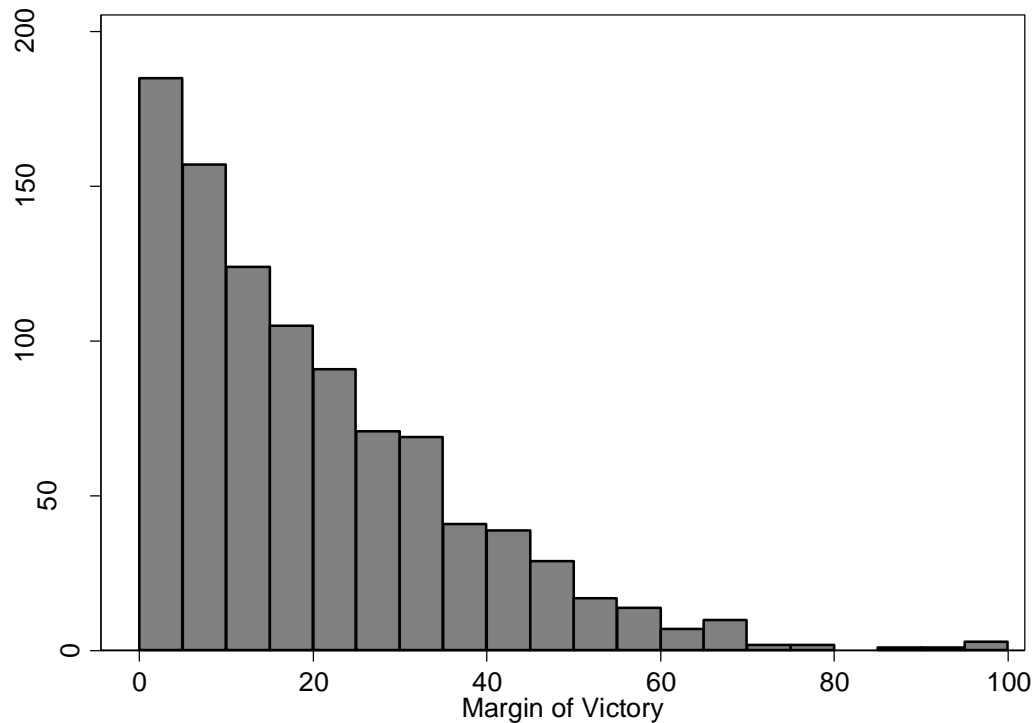


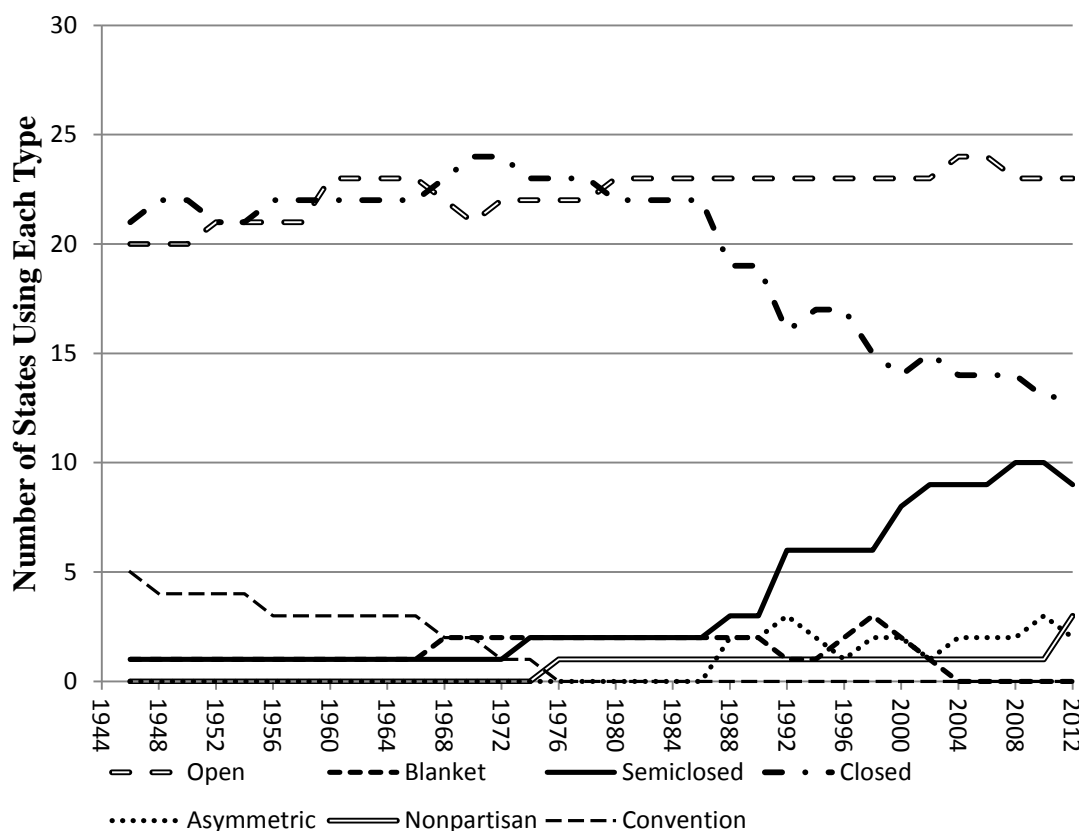
Figure 3-2: Percent Margin of Victory, “Top of Ticket” Elections, 1968–2012 (N=968)



Of the 968 elections included in this study, the victor won by less than five percent in less than 200 of them. Figure 3-2 provides additional context for Figure 3-1; while the high means are driven in part by a few very high outliers (uncontested elections), most of the explanation lies with a broader lack of competition affecting most elections. There are two ways to contemplate “competitiveness.” As discussed in Born (1981) and Atkeson (1998) in the context of primary competitiveness, early studies in that area tended to come up with an arbitrary cutoff of what constituted “competitive.” Using the whole continuous variable does have some advantages; the continuous version of the difference does capture much more information about the election. On the other hand, the authors of the older studies also had a point: when one or both sides stop trying, the margin of victory may not measure much about that election at all. It is a bit like

yards generated at the end of a lopsided football game; they are not very predictive of future values because the backups are in the game. I created a variable which indicates if the winner triumphed by less than ten percentage points (342 elections, or 35 percent of the elections in the study); I will use both measures in the analysis. These cutoffs are arbitrary; to capture the sense of the competitive election I had hoped to use the five percent cutoff but needed to adopt the ten percent to ensure that all states had at least one “competitive” election.

Figure 3-3: Types of Primary Laws Used 1946–2012



Some policymakers may view the lack of competition as a problem to solve; this section addresses whether or not different primary laws might help solve it. Figure 3-3 shows the number of each type of election law used in each year from 1968 through

2012. Over this period of time, the number of true closed primaries diminishes and states (and parties) use more semi-closed primaries. The *Tashjian* case accelerated this trend as parties periodically opted for semi-closed rules. Figure 3-3 shows the results of what parties decided; in some cases, both major parties made different rules (the “asymmetric” category). Most states over this period used either an open, closed, or semi-closed primary. Typically states that used an open primary stuck with it, although there are periodic changes. I have included the open runoff primaries in with the other open primaries in Figure 3-3 as well. States rarely used the alternative nomination procedure types: conventions, blanket primaries, nonpartisan primaries.

I have tried conducting the analysis in several different ways, including combining some of these primary categories. Open primaries, broadly defined, could include the (now unconstitutional) blanket primary. Especially since I have drawn competitiveness data from the top of the statewide ticket, the multiple crossover effect in the blanket primary is a lot more likely to take place farther down the ballot. For example, if a Republican voter wants to vote for a Democratic U.S. Senate primary candidate, that voter is likely to vote in the Democratic race in both the open and the blanket primary. If a voter wants to vote in their own Senate primary, the desire to vote in the other party’s primary for other races – lower house of the state legislature, perhaps – seems unlikely to draw the voter to cross over. I suspect that the blanket primary would have a larger effect against an open primary farther down the ballot; both because a voter drawn across for the top of the ticket might change back and because a voter might jump across the aisle farther down the ticket. This is a hypothesis rather than a fact, of course; nevertheless, it is sufficiently credible to deserve testing in the models. In the broad-open

category I have excluded challenge primaries (like Utah); instead, I have grouped the “challenge primary” states with the conventions for these broader and simplified categories.

I have also generated a category for closed primaries, broadly defined. The semi-closed primary has much more in common with the closed primary than with the open primary. For most of the electorate (in most cases, anyway) semi-closed primaries and closed primaries operate identically; registered partisans cannot cast crossover ballots without changing their registration status. In most semi-closed primaries, commentators across many states lamented low participation levels by unaffiliated or independent voters. Campaigns may not have had the microtargeting infrastructure (at least, until very recently) to figure out which unaffiliated voters to try to mobilize. In this category I have excluded challenge primary states (like Connecticut, until recently) since they may be more properly grouped with the conventions.

I have grouped the challenge primaries and the conventions together under the heading of “party control.” As with the broadly defined open and closed categories, I will use this as a variable for alternative specifications to my original classification scheme. I have not included here the states with weak pre-primary institutions (like Colorado); I have only included the challenge primaries that have no petition “work-around” for alternative candidates to use to get on the ballot. Starting in 1968, there are very few elections that use conventions in the database – only six. The “party control” category has 43 observations over that span (from Connecticut, Delaware, Indiana, Utah). Since meaningful primaries rarely occurred with challenge primaries, considering these together also makes sense.

In some of the regressions, I have also grouped together the “nonpartisan” and “blanket” primaries under an “anti-party” heading. In Washington, California, and Alaska one can make plausible inferences about the intentions of the authors of the laws: to prevent strong party control over the nomination process. Louisiana seems to have acquired the nonpartisan primary for other reasons (to cut out the Republicans entirely; see previous chapter). Nevertheless, these types of laws have constituted popular reforms. It may make sense to consider them together. It is, though, not possible to use both the “anti-party” grouping and the “broad open” heading simultaneously as blanket primaries appear in both.

In the analysis of these laws, the party-choice laws could be coded two different ways. I have tested both. The first alternative, leaving them all coded as “party choice,” reflects the notion that *whatever* choice the parties make is an equilibrium outcome in a strategic contest; that type of coding tests whether letting the parties *choose* increases or reduces competition. The second alternative, coding their choice, sets up a test on the more specific rule. A “party” is not a rational actor; it is instead made up of many individuals with their own agendas. Parties may not always make sensible choices (or their leadership may consider different dimensions of the problem). Periodically parties do not make symmetric choices. There are 21 cases in which an election occurred for one of these top offices with asymmetric rule choices. Those are interesting opportunities for analysis that would be missed by just coding each primary as “party choice.”

Do primary laws seem to correlate with margins of victory? Table 3-1, below, displays the mean and median margin of victory for the “top of the ticket” race by primary type for 1968 to 2012. Some of these categories obviously have more entries

than others; there are just 15 nonpartisan elections that meet the requirements while there are 439 open primaries. The figures in Table 3-1 should be surprising; contrary to expectations, closed primaries (either broadly or narrowly defined) have smaller margins of victory than the alternatives. The six general elections generated by conventions had the smallest margins of all (about three times smaller), although with only six observations that should be taken with a grain of salt.

Table 3-1: Margin of Victory, Primary Type

Category	Type	Mean	Median	N
Broad	Broad Open	21.3	16.6	450
	Nonpartisan	23.2	21.7	15
	Broad Closed	18.4	14.3	460
	Party Control	21.2	16.9	43
Narrow	Open	21.6	16.9	439
	Blanket	22.7	13.7	30
	Semi-Closed (Choice)	20.6	14.6	97
	Closed (Choice)	17.5	14.1	360
	Asymmetric (Choice)	23.4	23.0	21
	Nonpartisan	23.2	21.7	15
	Convention	7.0	3.9	6

Of course, many considerations besides primary type determine general election margin of victory. This section presents several approaches to estimating the effect of primary type on general election victory margins. Closed primaries do seem to produce closer elections than some of the other alternatives, even when controlling for other possible sources of variation. The different models vary by how primary types are categorized or what types of elections are included. The main result remains robust to all of the different models presented below.

In Table 3-2, I display the results for two models using narrowly defined primary election type categories. Both of these linear models include time series and cross-

section (state) fixed effects.¹⁷² The only difference between them is that the left model codes states by their laws and the right model codes states by their laws and, if allowed, the choices of the parties. Both models have the same number of observations (968), cross sections (50), and observations per cross section (ranging from 14 to 23). Both models use the winning percentage of the ‘top of the ticket’ candidate – either a Senator or, lacking a Senator, a governor. A positive coefficient implies an *increase* in the winning percentage, a less competitive election. In each model, I have specified all the types of primaries but one; the coefficients on the other primaries should be interpreted relative to the variable I excluded.

Open primaries produce much less competitive elections than closed primaries. In the “laws” model reported in Table 3-2, both open and blanket primaries had notably larger margins of victory, statistically significant at the .05 level. The semi-closed and nonpartisan primaries had positive coefficients that did not reach the .05 level. The “party choice” and convention nomination procedures had negative and insignificant coefficients. Many parties decided to continue with the closed primary and there are very few convention observations, making neither of those results wholly unsurprising. In the version of the model that replaces the “party choice” variable with the actual choice made (now excluding both primaries closed by law and closed by both parties by choice), the general results are the same. Both open and blanket primaries produced greater margins of victory than closed primaries; the model estimated not only significant coefficients but also large ones. Once again semi-closed primaries are not significantly different than

¹⁷² Estimated using STATA’s *xtset* and *xtreg* commands.

closed primaries and the results for nonpartisan primaries and conventions are much the same. Interestingly, the “asymmetric” primaries do not produce different margins of

Table 3-2: “Top of Ticket” Margin of Victory, Narrow Categories; TSCS Fixed Effects

Variable	Model: Laws		Model: Laws & Choice	
	Coef.	T-Stat.	Coef.	T-Stat.
Open	13.08*	2.35	13.54*	2.44
Blanket	15.63*	2.77	17.15*	3.04
Semi-Closed (Law)	3.76	1.04		
Semi-Closed (Law & Choice)			1.82	0.60
Party Choice	-0.58	-0.20		
Asymmetric Choice			-0.16	-0.04
Nonpartisan	6.10	0.81	7.05	0.93
Convention	-0.55	-0.05	-0.32	-0.03
Incumbent in Race	7.90*	6.88	7.88*	6.85
Pre-Primary Hurdle	-1.04	-0.28	-0.96	-0.26
Runoff	-8.26	-1.65	-8.41	-1.70
Presidential MofV	0.03	0.41	0.02	0.27
Population (100,000)	-0.09	-1.90	-0.10*	-2.05
Per Capita Income (1000s)	0.53*	2.56	0.55*	2.71
Percent Over Age 65	-0.81	-1.34	-0.84	-1.39
Percent High School Grad	-0.06	-0.55	-0.06	-0.58
Percent Black	-0.39	-0.55	-0.37	-0.51
Percent Urban	-0.04	-0.18	-0.06	-0.30
Gubernatorial Odd Year Elections	0.42	0.05	0.40	0.05
Presidential Election Year	-0.26	-0.25	-0.24	-0.24
Constant	26.31	1.50	28.29	1.63
Excluded Variable	Closed (Law)		Closed (Law & Choice)	
Overall R-Sq.	0.0392		0.0387	
N			968	
Groups			50	
Obs. Min			14	
Obs. Max			23	

victory than closed primaries either; in those elections, one party used a closed primary while the other party allowed some participation from outsiders.

Of the three variables included in both of these models intended to capture other aspects of the primary process, only one matters – but it matters a lot. I find no effect for having pre-primary hurdles or for using a partisan runoff. On the other hand, incumbents generate larger margins of victory. This should come hardly as a surprise, although the relative magnitude of the effect for incumbents and for open primaries might. In both of these models, a race would likely have a larger margin of victory due to a switch from a closed to an open rule rather than from a switch from an open seat to including an incumbent.

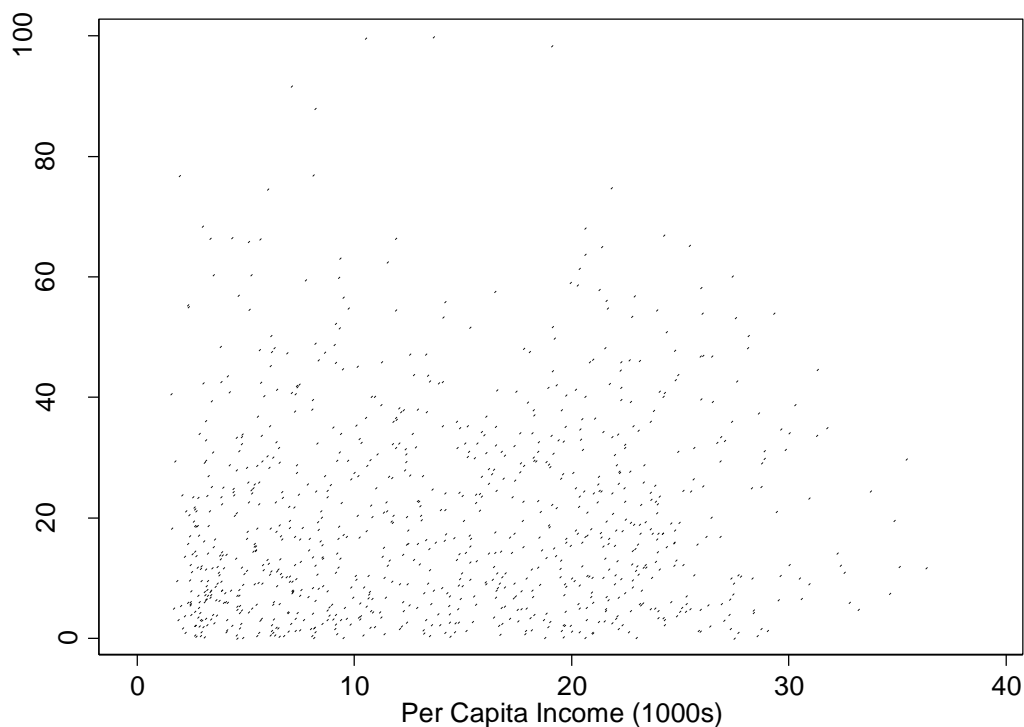
With regard to the other variables in the model, most are not significant. The state fixed effects pick up some of the information these variables attempt to capture.¹⁷³ A larger state population may generate slightly closer elections, possibly just because the “bench” of each party might be a bit larger in bigger states. Wealthier states seem to produce slightly larger margins of victory; this may be capturing some artifacts of American geography, as in recent years some of the states with the largest per capita income have featured particularly lopsided elections (California and New York come to mind). I have plotted the weak relationship between these variables in Figure 4, below.

Table 3-3 repeats the analysis of Table 3-2 using slightly different primary type categories. Table 3-3 uses the two different “broad” categorizations; in the end, the difference is moving around which category into which “blanket” primaries fall. The

¹⁷³ Without the time series cross section fixed effects, the coefficients for population and per capita income are much larger and statistically significant; the presidential margin of victory also becomes large and significant (model not shown).

model presented on the left side of Table 3-3 combines the blanket primary with the nonpartisan primary to create an “anti-party” category. The right-most model combines the blanket primary with the open primary. These two models make clear that the blanket primary drives the “anti-party” result. There’s little evidence to distinguish nonpartisan primaries from closed primaries from both models presented in Table 3-3 as well as the two models presented in Table 3-2. The other results in Table 3-3 are consistent with those in Table 3-2. Open primaries have larger margins of victory than closed primaries.

Figure 3-4: Top of the Ticket Margin of Victory and Per Capita Income



The decision to supplement the Senate races with gubernatorial elections may bias the results. The two offices are, after all, quite different; one has a legislative function while another has an executive function. One has to participate in national politics while the other participates in state politics. I have therefore reproduced one of the regressions from Table 3-2 with just U.S. Senate elections. The results, in Table 3-4, are very much

Table 3-3: “Top of the Ticket” Margin of Victory, Broad Categories; TSCS Fixed Effects

Variable	Model: “Anti-Party”		Model: “Broad Open”	
	Coef.	T-Stat	Coef.	T-Stat.
Open	13.48*	2.58		
Broad Open			14.64*	3.58
Anti-Party	13.38*	2.68		
Nonpartisan			5.91	0.82
Party Control	-4.07	-0.38	-3.76	-0.35
Incumbent in Race	7.81*	6.83	7.84*	6.86
Pre-Primary Hurdle	0.83	0.15	0.90	0.16
Runoff	-7.12	-1.48	-8.61	-1.76
Presidential MofV	0.01	0.15	0.01	0.17
Population (100,000)	-0.09	-1.95	-0.09	-1.95
Per Capita Income (1000s)	0.54*	2.70	0.56*	2.82
Percent Over Age 65	-0.88	-1.46	-0.90	-1.50
Percent High School Grad	-0.05	-0.45	-0.06	-0.54
Percent Black	-0.36	-0.51	-0.41	-0.59
Percent Urban	-0.07	-0.34	-0.06	-0.27
Gubernatorial Odd Year Elections	-0.94	-0.11	0.79	0.10
Presidential Election Year	-0.23	-0.23	-0.23	-0.23
Constant	28.28	1.63	28.29	1.64
Excluded Variable	Broad Closed		Broad Closed	
Overall R-Sq	0.0408		0.0321	
N =			968	
Groups			50	
Obs. Min			14	
Obs. Max			23	

Table 3-4: U.S. Senate Only, Margin of Victory; TSCS, Fixed Effects

Variable	Coef.	T-Stat.
Open	14.18*	2.28
Blanket	17.96*	2.83
Semi-closed (Law & Choice)	0.12	0.03
Asymmetric	-0.30	-0.06
Nonpartisan	7.30	0.86
Convention	-2.38	-0.19
Incumbent in Race	7.79*	5.46
Pre-Primary Hurdle	-1.23	-0.30
Runoff	-8.44	-1.51
Presidential MofV	0.05	0.79
Population (100,000)	-0.07	-1.35
Per Capita Income (1000s)	0.49*	2.09
Percent Over Age 65	-0.51	-0.72
Percent High School Grad	-0.08	-0.62
Percent Black	-0.32	-0.40
Percent Urban	-0.02	-0.10
Gubernatorial Odd Year Elections	0.19	0.02
Presidential Election Year	-1.68	-1.45
Constant	23.05	1.15
Excluded	Closed	
Variable	(Law & Choice)	
Overall R-Sq	0.0493	
N =	755	
Groups	50	
Obs. Min	11	
Obs. Max	16	

the same: open and blanket primaries are associated with larger margins of victory than do closed primaries. The magnitudes of the effects remain large.

How credible are these results? At first glance, they seem to be surprisingly large and, generally, in the opposite direction of what I expected. As a further robustness check, I dropped all the elections that included an incumbent. It could be the case that primaries had different effects in contests for open seats. Since open-seat elections comprised only about a quarter of the data, running the full time-series cross-section models proved difficult; some states had only a single open-seat election. Table 3-5 displays a very simple model, including only presidential margin of victory, state population, state per capita income, the existence of a presidential election in the same year, and a linear variable for time as controls. As the treatments I specified just the closed (by law or by choice) and semi-closed (by law or by choice) types of primaries; these are then compared against all the other types (dominated mostly by open primaries). Closed and semi-closed primaries once again have significantly smaller margins of victory.

As another robustness check, I also used a binary definition of a “close” election. Table 3-6 presents the results of a time-series cross-section fixed effects logit model; the dependent variable equals 1 if the winning candidate had less than a 10 percent margin of victory. The broadly defined open primary did reduce the probability of getting within that margin relative to a broadly defined closed primary (closed and semi-closed combined). From this I conclude that the effects found in the earlier models did not rely entirely on a few spectacular blowout elections. Nevertheless, these results do not carry over into all possible specifications of the logit model.

Table 3-5: “Top of the Ticket,” Open Seats Only¹⁷⁴

Variable	Coef.	T-Stat.
Closed (Law & Choice)	-4.46*	-2.22
Semi-Closed (Law & Choice)	-8.25*	-2.43
Presidential MofV	-0.04	-0.43
Population (100,000)	-0.05*	-2.31
Per Capita Income (1000s)	0.16	0.38
Presidential Election Year	-2.14	-1.15
Year (1968–2012)	0.00	0.01
Constant	16.09	0.03

N = 259

F(7, 251) = 2.57

Prob. > F = 0.01

R-Sq. = 0.0669

¹⁷⁴ Note: I made Table 5 without fixed effects by state or time, since some states had as few as 2 observations and none had more than 9; the states averaged 5.2 open seats from 1968 to 2012 at the “top of the ticket” races. The same regression with fixed effects by year and state wipes out all of these results in Table 5. I specified this regression with as few variables as possible to see if the unexpected result for closed primaries appeared to hold even for open seats.

Table 3-6: “Top of the Ticket” Margin of Victory; TSCS Logit for Under 10%

Variable	Coef.	T-Stat.
Broad Open	-1.27*	-2.08
Nonpartisan	-0.39	-0.40
Party Control	2.29	1.21
Incumbent in Race	-0.83*	-5.22
Pre-Primary Hurdle	-0.75	-0.85
Runoff	0.56	0.81
Presidential MofV	0.01	0.99
Population (100,000)	0.00	-0.72
Per Capita Income	-0.01	-0.38
Percent Over Age 65	0.06	0.71
Percent High School Grad	-0.02	-1.04
Percent Black	-0.13	-1.15
Percent Urban	0.02	0.52
Gubernatorial Odd Year Elections	0.71	0.56
Presidential Election Year	0.00	0.03
N =	968	
Groups	50	
Obs. Min	14	
Obs. Max	23	

The simple ‘back-of-the-envelope theory’ would not likely produce these results: closed primaries are associated with more competitive elections. There are two possible explanations. First, of course, states did not adopt primary rules randomly. Selection bias could explain the counter-intuitive results; it may be the case that states which adopted open primaries are systematically more likely to produce larger margins of victory and could even be the case that the open primaries reduced that effect. Nevertheless, this seems an unlikely explanation for all of this effect. This dataset measures competitiveness starting in 1968; many of these states adopted open primary rules over a half-century earlier in very different political contexts. Furthermore, rule changes to increase competitiveness were rare: Connecticut in the 1980s, California’s experiments with the blanket and the nonpartisan primary, the Democratic Party opening up their primary in Kansas. Even in those cases, “victory” motivated reformers more often than an abstract notion of “competitiveness”; competitiveness just happened to be a by-product of aiming for victory as a losing party. Louisiana adopted the nonpartisan primary for precisely the opposite reason: Edwin Edwards wanted to *avoid* competitive general elections.

The second possible explanation: the behavior of elites in the “invisible primary” might differ between the types of primaries. It *may* be the case that elites exercise more control in a closed primary setting. For example, minor party elites could do a better job in closed primaries of signaling to their supporters who should run and win; they could strategically select competitive candidates. The alternative story works as well: majority party elites are more likely to do a worse job of picking a competitive candidate in a closed primary. A spatial model explanation for the observed outcome is: in closed

primaries either the weaker party picks more centrist candidates or the stronger party picks more extreme candidates. To investigate that angle, I have to resort to a different dependent variable and examine primary type and ideology.

Ideology

The unexpected results for open primaries hold not just for competitiveness but also for ideology. I use the DW-NOMINATE scores back to 1946 (they are available back to the first Congress) and capture a great number of state-year pairs. As mentioned above, I have averaged the ideological distances of each state's U.S. Senators from each Congress's mean in both dimensions to capture that state's representation in congress for that year. Figure 3-5, below, plots those results over time (with the y-axis as arbitrary DW-NOMINATE units of distance); slowly, Congress becomes more polarized. Due to the evident time trend (which does, in fact, correspond with decreasing numbers of closed primaries), I will include a variable to account for time in the regressions.

The main result holds in the simplest model, defining primary types broadly. Open primaries produce more extreme representation than closed primaries (Table 3-7). While the nonpartisan primaries do not produce a significant effect, the "party control" systems (conventions, challenge primaries) also produce more extreme representation. While the coefficients may seem small, the large number of observations provides the computational power to capture a relatively small effect. A movement of size .036, the effect of the "broad open" category, is enough to move half of the distance from the median to the 1st or 3rd quarter of the data. The median is .43, with the boundary between the first and second quantiles at .35 and the boundary of the third and fourth quantile at .50. Some of the other variables also produce significant effects in the model: income

Figure 3-5: Average Ideological Distances of State U.S. Senators, 1946–2012

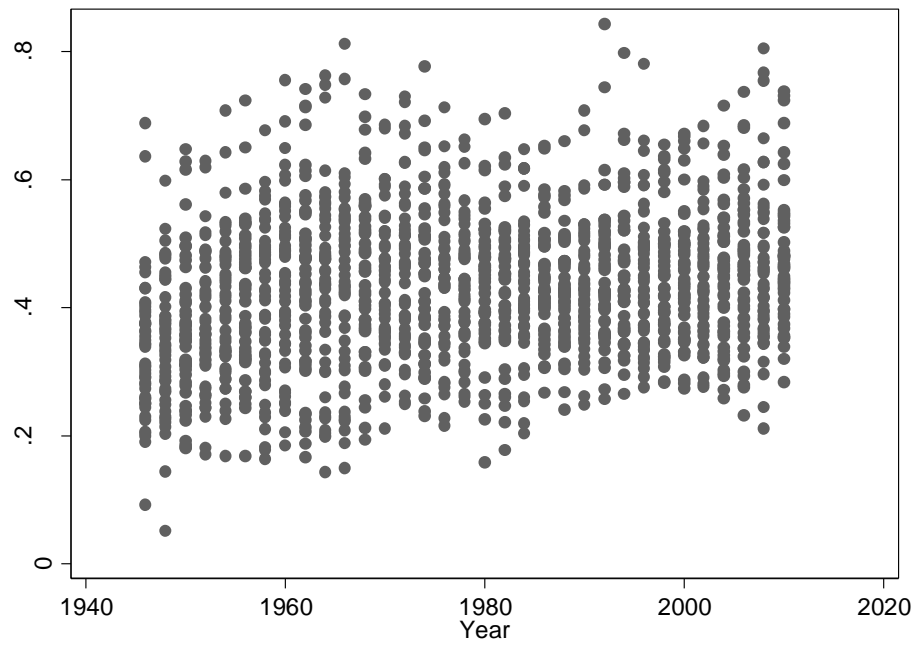
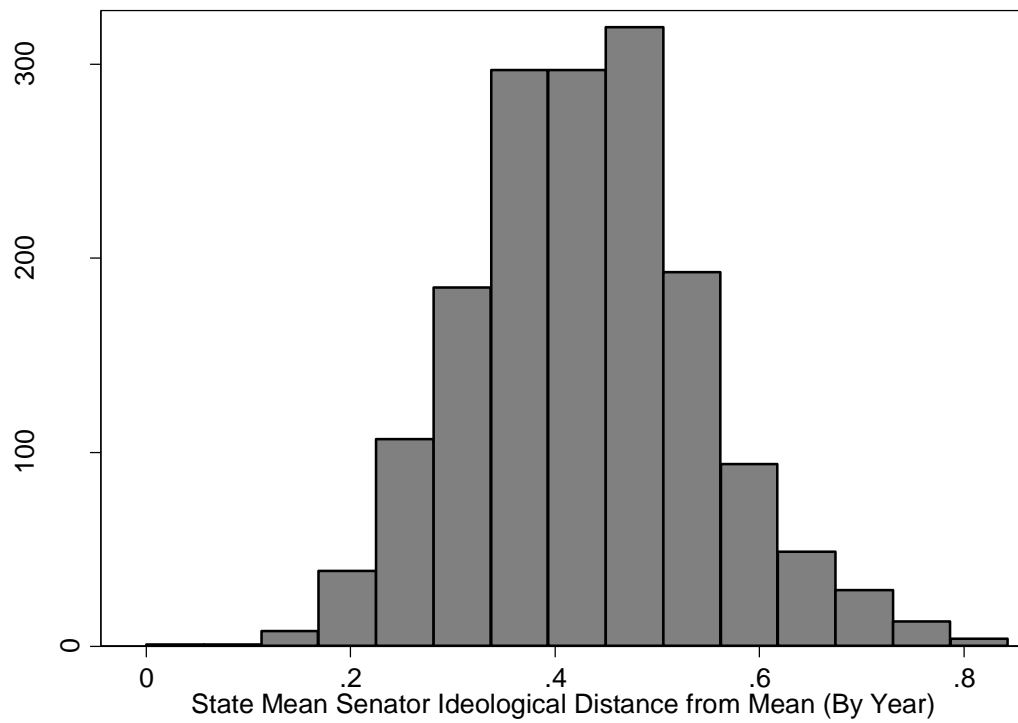


Figure 3-6: Distribution of State Mean Ideological Distances (by State & Congress)



has a very small negative effect and high school education and age have very small positive effects.

The T-statistic for the broad open primary category in Table 3-7 is close enough to 1.96 to make further robustness checks worthwhile. Table 3-8, below, presents the alternative “broad” categorization; in this version, blanket primaries and nonpartisan primaries group together to form an “anti-party” category. In this scheme, open primaries are defined much more narrowly. From the results, it would appear that the blanket primaries tamped down the overall effect of the open primary; the coefficient is larger and still significant in the model presented in Table 3-8.

Since the DW-NOMINATE database extends back all the way to 1946, in contrast with my competitiveness data which only extends to 1968, it makes more sense to also look at the narrowly defined primary categories. There are more conventions and more blanket primary observations. Once again, the open primaries are significantly associated with more ideologically extreme representation than closed primaries (Table 3-9). Asymmetric primary rules – one party has a closed primary and the other has an open primary – are also associated with more extreme representation, as are conventions. There is no observable effect for blanket primaries, nonpartisan primaries, or semi-closed primaries.

At least with this measurement strategy, closed primaries appear to produce less extreme candidates than the alternatives. These results differ from what Gerber and Morton (1998) found; I did not find a significant difference between semi-closed and closed primaries (in the model in Table 3-9). Contrary to the expectations framed by Kaufman et al. (2003) and their moderate open primary electorate, open primaries appear

Table 3-7: TSCS Model on Avg. Ideological Distance by State & Year, “Broad Open” Category

Variable	Coef.	T-Stat.
Broad Open	0.036*	1.98
Nonpartisan	0.034	0.82
Party Control	0.095*	2.52
Pre-Primary Hurdle	0.010	0.49
Runoff	0.028	1.09
Presidential MofV	0.000	0.78
Population (100,000)	0.000	0.03
Per Capita Income	-0.003*	-3.64
Percent Over Age 65	0.007*	2.94
Percent High School Grad	0.001*	2.93
Percent Black	0.001	0.80
Percent Urban	0.002*	3.95
Presidential Election Year	0.003	0.61
Constant	0.128*	2.86
Excluded Variable	Broad Closed	
Overall R-Sq	0.0363	
N =	1636	
Groups	50	
Obs. Min	26	
Obs. Max	33	

Table 3-8: TSCS Model on Avg. Ideological Distance by State & Year, “Anti-Party” Category

Variable	Coef.	T-Stat.
Open	0.051	2.69
Anti-Party	-0.012	-0.43
Party Control	0.095	2.54
Pre-Primary Hurdle	0.011	0.57
Runoff	0.005	0.22
Presidential MofV	0.000	0.74
Population (100,000)	0.000	-0.03
Per Capita Income	-0.003	-3.78
Percent Over Age 65	0.007	2.80
Percent High School Grad	0.001	3.16
Percent Black	0.001	0.73
Percent Urban	0.002	4.00
Presidential Election Year	0.003	0.59
Constant	0.127	2.86
Excluded Variable	Broad Closed	
Overall R-Sq	0.0295	
N =	1636	
Groups	50	
Obs. Min	26	
Obs. Max	33	

Table 3-9: TSCS Model on Avg. Ideological Distance by State & Year, Narrow Categories

Variable	Coef.	T-Stat.
Open	0.068	3.50
Blanket	-0.020	-0.65
Semi-closed	0.019	1.30
Asymmetric	0.057	2.58
Nonpartisan	0.046	1.13
Convention	0.126	4.69
Pre-Primary Hurdle	0.011	0.75
Runoff	0.018	0.68
Presidential MofV	0.000	0.88
Population (100,000)	0.000	0.25
Per Capita Income	-0.003	-4.68
Percent Over Age 65	0.007	2.85
Percent High School Grad	0.001	3.78
Percent Black	0.002	1.43
Percent Urban	0.002	3.84
Presidential Election Year	0.003	0.59
Constant	0.109	2.47
Excluded Variable	Closed	
Overall R-Sq	0.066	
N =	1636	
Groups	50	
Obs. Min	26	
Obs. Max	33	

associated with more extreme representation. Unlike in McGhee et al. (2012), I do find significant results for representation – although notably using both a different time frame (back to 1946) and a different dependent variable.

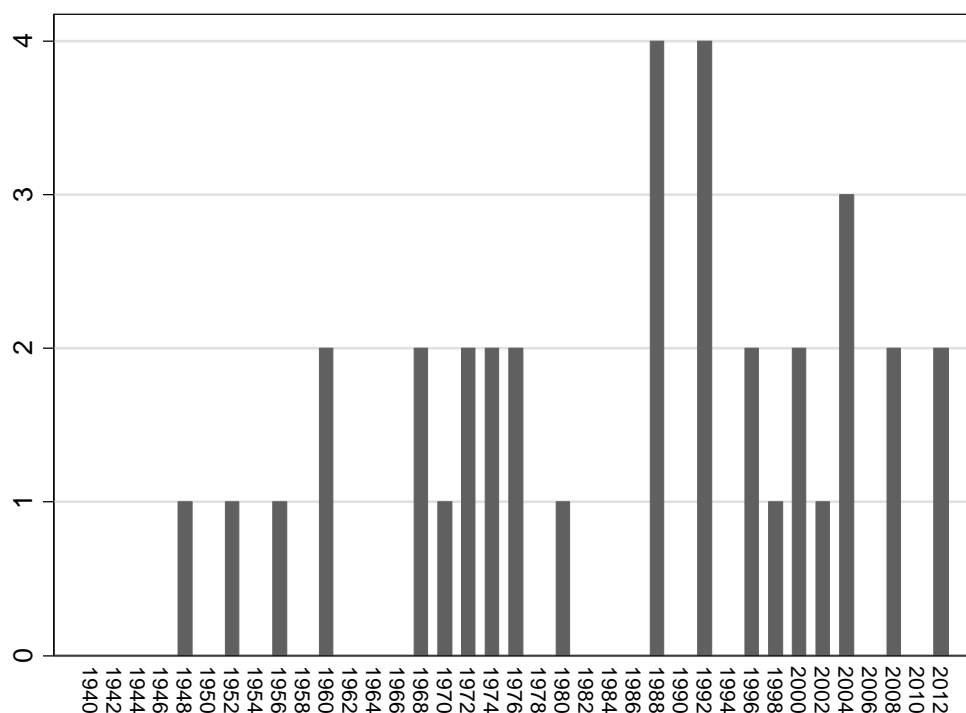
Conclusion

Combining these two pieces of analysis produces a very unexpected conclusion: closed primaries are associated with more competitive elections and more moderate representation than open primaries. How strong is a causal claim? There are plausible stories to tell for both. Primary type connects more directly to general election competitiveness than to Senatorial representation; many more variables intervene between the primary and the decisions of Senators. Additionally, my ideology variable underwent a number of transformations, including averaging across two (or more) Senators for each Congress. Elections do not select averages, they pick individuals. Furthermore, since most incumbents win their primaries, it may be the case that sitting Senators more or less stop worrying about the upcoming primaries. I do not happen to think so; still, some caution with these results would be appropriate given the diversity of answers in the literature to the same question.

Appendix for Chapter 3

This appendix addresses how frequently state laws change, an important consideration in understanding the value of the statistical models presented in this chapter. The answer: in nineteen of the thirty-three election years, at least one state law changes in its basic type (open, open (blanket), semi-closed (mandated), closed (mandated), party choice, nonpartisan, convention). In no year did more than four states change their basic type, with most of the major changes occurring around the time of *Tashjian* (for the 1988 and 1992 elections). Figure A3-1, below, plots the number of states that changed their basic type of primary law in each election year.

Table A3-1: Number of States with a New Election Law in Each Year



States also make changes to the other parts of their laws without changing the basic type (such as allowing private choice or lowering pre-primary hurdles). Those changes are not reflected in Figure A3-1. Nevertheless, they do not change the overall

picture: some change occurs frequently, although not a great deal of change occurs at any one time. Although I have a data set over many years, much larger than any used in the existing literature, the decisions to focus at the state level (U.S. Senate), to use state fixed effects, and to use detailed primary law descriptions make it surprising that I find any statistically significant effects at all. Further research will include more emphasis on congressional elections and state elections, increasing the number of observations in each state-year.

“Politics is a team sport... If you work well with others, you can be successful. If you can't, you won't.” – Betsy Butler, Candidate, AD50¹⁷⁵

“Democratic Party leaders are warning their members that if the measure passes, they might have to choose between two Republicans; GOP leaders are offering similar warnings about the peril of having to pick between two Democrats. What they leave out is that under the top two primary, candidates would have to appeal from the beginning to a broad swath of the electorate instead of just their parties' hardliners. It's a route to more pragmatic officeholders and elections controlled more by voters than by political parties — which is why the Democratic and Republican parties both oppose it so adamantly, and why it would be a positive move for California.”—The Los Angeles Times, 8 June 2010.¹⁷⁶

CHAPTER 4: A PEEK INTO THE FUTURE: 2012 CALIFORNIA SURVEY

When fifty-four percent of the few Californians who voted in the June 2010 primary election passed Proposition 14, they upended the state's election system.¹⁷⁷ From the demise of the “blanket primary” at the hands of the Supreme Court after the 2000 primary (in *California Democratic Party v. Jones*, 530 U.S. 567) through the 2010 primary election, California used a “semi-closed” party primary, as described in Chapter 2. Proponents of the California law pushed it forward with a specific purpose in mind. While the *Times* defined the objective as “pragmatic” officeholders, a Public Policy Institute of California study more transparently identified the goal: elect “moderate” legislators (McGhee 2010, pp. 5).¹⁷⁸ Before June 2012, though, political scientists could do little more than conjecture about the law's potential effects; as detailed in Chapter 1, there is little consensus in the field about the effects of even more commonly used

¹⁷⁵ McDonald, Patrick Range. 2012. “Democratic War for LA's Richest.” *LA Weekly*. May 24. Available online at: <http://www.laweekly.com/2012-05-24/news/Betsy-Butler-Torie-Osborn-wealthy-Assembly-District-50/2> (last accessed 04/04/13).

¹⁷⁶ Editorial, *Los Angeles Times*. Available online: <http://articles.latimes.com/2010/jun/08/opinion/la-ed-endorse-20100608-16> (last accessed 04/02/13).

¹⁷⁷ Official California election returns: <http://www.sos.ca.gov/elections/sov/2010-primary/pdf/125-props.pdf> (last accessed 04/02/13).

¹⁷⁸ The PPIC made this report freely available online, here: http://www.ppic.org/content/pubs/atissue/AI_210EMAI.pdf (last accessed 04/02/13).

primary types. Californians ventured into nearly uncharted electoral waters with the top-two.

The top-two came about largely through the efforts of then State Senator Abel Maldonado, a “center-right” Republican.¹⁷⁹ In 2009, as part of negotiations over the passage of the state budget, he insisted that the Democratic Party leadership (who then – as now – held the majority) pass the top-two through the legislature and place it on the 2010 ballot. The *Los Angeles Times* described what happened:

In exchange for his reluctant yes to the state's controversial new budget, the 41-year-old Santa Maria grower demanded a ballot measure allowing open primaries, in which people can vote for candidates regardless of party affiliation. He also was able to fend off a 12-cent-a-gallon tax increase and keep legislators from getting pay raises until they balance the state's budget.¹⁸⁰

Indeed, the pivotal voter in the legislature can demand quite a bit! To view his vote on the budget as an explicit *quid pro quo* might be a bit simplistic; he explained that California had to be “governable,” which required having *a* budget, even if it was not the budget he wanted.¹⁸¹

Maldonado made the effort to pass the top-two in part because of his own electoral experience. He first won office under a previous electoral reform, the “blanket” primary, in 1998. Furthermore, Maldonado got his start in politics with city government, which in California operates under a similar system to the top-two.¹⁸² Both systems give candidates a reason to try to attract votes from the whole spectrum of Californians. With

¹⁷⁹ He prefers the description “center-right” to “moderate.” Interview with the author, 13 March 2013.

¹⁸⁰ Chawkins, Steve and Patrick McGreevy. 2009. “Sen. Abel Maldonado has made a name for himself.” *Los Angeles Times*, Feb. 22 2009. Available online at: <http://articles.latimes.com/2009/feb/22/local/me-maldonado22> (last accessed 04/02/13).

¹⁸¹ Conversation with the author.

¹⁸² In offices covered by the “top-two,” the second round of the primary *always* occurs. In the nonpartisan city offices, a second round only occurs if one candidate does not get 50 percent of the vote in the first round.

the blanket primary declared unconstitutional, he wanted to push for a top-two system. He framed his argument for the top-two similarly to the *Times* endorsement: overall, it would be a good thing for Californians if politicians felt every voter important.¹⁸³ The leadership of neither party wanted the law; opposing the blanket primary represented one of the few things the California Republican and Democratic Parties had agreed on in recent memory. Nevertheless, the intransigence of both Republicans and Democrats on the 2009 state budget suddenly endowed the more flexible Senator Maldonado with the political capital to spend on his reform project – so over the objections of both parties he got the top-two on the ballot. State voters in the June 2010 primary passed Proposition 14.¹⁸⁴

The Survey

Survey data provides key insights into voter attitudes and behavior in the June 2012 California “top-two” primary. This chapter provides many of the details about the original survey I conducted in five California State Assembly Districts in the two weeks prior to the first “top-two” election in the state’s history. Each of these five districts has its own political character. A look “in depth” into the particulars of the survey instrument and the data helps provide clarity for the main results, adding nuance to the interpretation of the major findings.

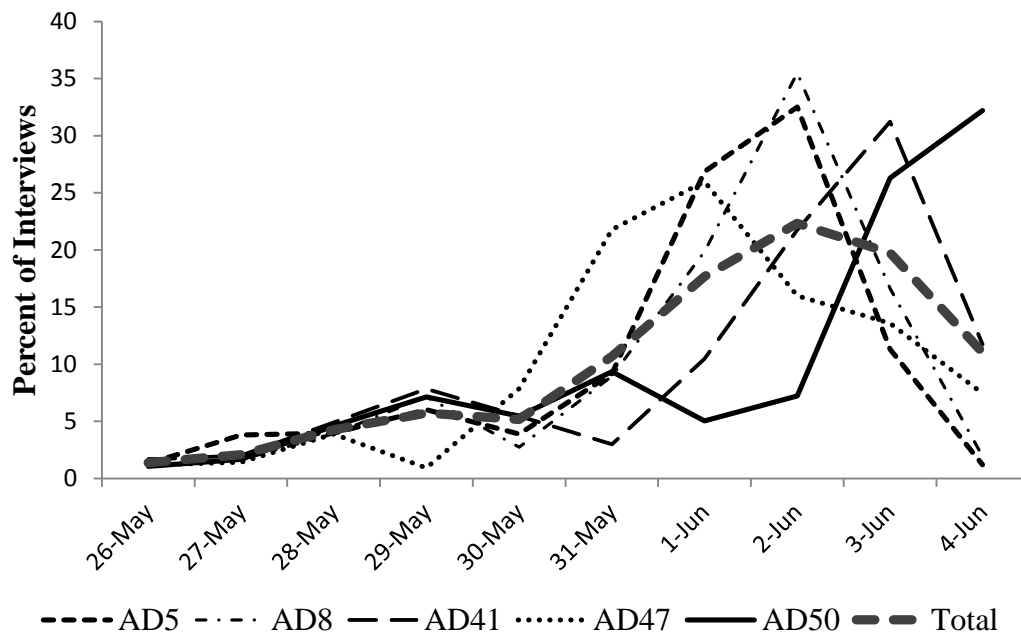
The James Irvine Foundation and California Forward provided the funding for this project through a grant to the California Institute of Technology. YouGov (formerly “Polimetrix”) earned the contract to oversee the telephone survey; Sam Luks served as

¹⁸³ Conversation with the author.

¹⁸⁴ Note: a slightly longer version of this subsection appeared in my 2013 paper “Welcome to the Jungle: Voter Behavior in California’s First Top-Two Primary,” presented at the conference of the Midwestern Political Science Association, 13 April 2013.

the project manager. The survey was in the field from May 24 to June 4; the primary took place June 5. The bulk of the successfully completed interviews occurred over the weekend before the election, starting Thursday May 31 and continuing through Sunday June 3 (see Figure 4-1). The survey house had to shift resources to continue calling in Assembly District 50 for the last day, June 4, to make the target per-district quotas.¹⁸⁵

Figure 4-1: Percent of Interviews Conducted by Date



This survey includes over a thousand respondents from each of the five Assembly districts for a total of 5615 registered voters. Since YouGov conducted interviews using both landline and cellular phones, Table 4-1 (below) reports the percentage of each district reached by cell phone and the number of respondents in each district. As there is always some concern that there is some sampling bias, YouGov provided a set of survey

¹⁸⁵ On June 2nd, Samantha Luks wrote: “The most challenging AD to reach has been AD50. Isn’t that the wealthy white district in LA? They really don’t like to answer their phones.” Generally response rates were relatively low (using the AAPOR definitions). Response Rate 1 (most pessimistic): AD5, 0.069; AD8, 0.052; AD41, 0.046; AD50, 0.034. Response Rate 4 (most optimistic): AD5, 0.131; AD8, 0.108; AD41, 0.088; AD47, 0.095; AD50, 0.091. The response rates are so low in part because of a strategic decision made by the survey house to ensure a larger number of completed interviews. By reducing the number of attempted calls per selected individual, the number of responses increased at the expense of the response rate.

weights for the data as well. Using known characteristics of the population (as reported by a political consulting firm, Political Data Inc., and listed in the *California Target Book*) the weights allow for better district-level estimates by ‘weighting up’ individuals who are more rare in the sample than they are in the population. Table 4-1 reports the weighted percent of each district that took the survey by cellular phone; the cell proportion increases across all the districts because the voters underrepresented in the survey as a whole were better represented in the cell phone component.¹⁸⁶ As an additional note, voters in AD47 (a majority Latino district) could also take the survey in Spanish; 24% chose to do so. Respondents in other districts did not have this alternative.

Table 4-1: Number of Total Respondents, Percent Reached by Cellphone

	Total N	% Cell Phone	
		Without Weights	Using Weights
AD5	1080	15	19
AD8	1094	15	22
AD41	1099	15	20
AD47	1208	15	21
AD50	1134	14	22
Total	5615	15	21

The core of the survey instrument uses just five questions about the June Primary in the local Assembly race. First, respondents reported if they had already voted (i.e., by mail) or intended to vote; those voters in Table 4-2 are listed as likely voters. Second, the voters answered a question about which candidate they preferred. Then the voters scored on a 0-10 scale the candidates on approval ('10' indicated high approval), a Liberal-to-Conservative scale ('10' meant most Conservative), and an electoral chances ('10' represented a likely election winner). Table 4-2, below, lists the percent of the

¹⁸⁶ For example, only 11% of the un-weighted survey respondents were under the age of 35 while 24% (across the five districts) in the weighted sample meet that age requirement. The younger voters were much more likely to answer the survey on their cell phone than were voters over the age of 65.

respondents from each district who met the minimal qualifications for answering those three rating questions: rating at least one of the candidates. For the 'Ideological Distance' score, the respondent must have also placed themselves on the same ideology scale (nearly all voters did).

Table 4-2: Data Quality for Core Survey Questions

District	Likely Voter	Has Assembly Candidate Preference	Listed At Least One Candidate		
			Approval Rating	Ideological Distance	Electoral Chances
AD5	96	69	86	75	81
AD8	94	68	80	68	74
AD41	93	62	76	66	71
AD47	89	68	82	78	81
AD50	90	64	73	62	67
Total	93	66	80	70	75

As is relatively commonplace with surveys, most of the respondents said that they had either voted or planned to vote. Overall, 93% of the 5615 registered voters qualified as "likely voters." Generally speaking, approximately two-thirds of the respondents across all districts intended to vote for a specific Assembly candidate. There is much more variation across districts with the three main measures of the voters' opinion of the candidates. Generally, respondents could give an approval rating for at least one of the candidates in their district; overall, 80% could do so. AD5 and AD47 have the lowest rates of non-response, with 86% and 82% able to give a rating for at least one candidate. There are fewer responses available to use to construct measures of ideological distance. Notably, this is constrained by design to be no greater than the approval ratings; if a voter replied that they had never heard of a candidate on the approval ratings, that candidate was excluded from later questions. Overall, only 70% of the respondents gave enough information to construct an ideological distance measure to at least one candidate. This ranged from a high of 78% in AD47 to a low of 62% in AD50. More voters, 75%, were

able to assess the electoral chances of at least one candidate. Once again, AD50 lags behind the others.

These core questions require some nuance to analyze. Nevertheless, the simple combination of the three core questions with voting preferences gives an important sense of the data. Table 4-3, below, shows those results. Voting for a 'highest score' candidate in the approval rating column means that the respondent intends to vote for a candidate which they gave at least weakly the highest rating of all candidates. For example, if a voter gave candidates A, B, and C scores of 9, 9, and 5 then that would be listed in Table 4-3 as voting for a 'highest score' candidate. A 'closest distance' candidate choice means that the voter picks a candidate that they have placed on the ideological scale as close or closer than any other candidate to the voter's own self-placement. A 'highest score' vote choice in the electoral chance column implies the voter intends to vote for a candidate to whom they gave the best likelihood of winning the election. The notable conclusion from Table 4-3 is, among respondents who intend to vote and have a candidate preference, most voters will vote for a candidate of whom they approve, who they list as ideologically closest to them, and who they give the best chance to win the election.

Table 4-3: Core Questions and Voting Preferences

Voting Preferences	Approval Rating	Ideological Distance	Electoral Chance
Not Voting/No Preference	34	34	34
Highest Score/Closest Distance	54	40	47
2nd Highest Score/Distance	4	10	7
Other Score/Distance	5	7	6
Candidate Preference but No Ratings	4	8	6

In Table 4-3, the 2nd place row shows the percent of each column which intended to vote for a candidate that the respondent explicitly listed as in 2nd place for that

measure.¹⁸⁷ For example, with the ideological distance variable, this means ten percent of the respondents intended to vote for a candidate listed as farther away from the voter than another candidate. While 1-to-4 actually seems like a high ratio for second-to-first place voting, further analysis will temper this effect somewhat. The 'other score/distance' row picks up behavior that could be strategic or could reflect a lack of information. This row includes voters who select explicit third or later choices as well as voters who intend to vote for a candidate who they left unranked (while ranking some other candidates). The last row includes all the voters who did not rate in that column but who yet still had a candidate preference. If all of the non-closest ideological voters are counted as 'strategic,' this sets a ceiling of strategic behavior at 25% of the respondents.

Much of the work with these core questions will refine the notions of strategic behavior and more precisely identify which voters do it and why they do it. The voters who have not ranked their preferred candidate may be engaged in strategic behavior—but they also could just be uninformed, disinclined to answer the questions, selecting a candidate based on other characteristics, or they could be confused. Despite the interpretive challenges for some of the respondents, regardless of the interpretation there are more voters are picking the candidate they most approve of or the candidate ideologically closest to them than there are voters doing anything else.

Aside from the core voter behavior questions, the survey also contained another series of questions about what voters thought of the top-two primary. These statements are designed to find out specifically what voters expected on some of the key arguments used both for and against Proposition 14. The survey contained four positively framed

¹⁸⁷ Table 4-3 displays data that has not been weighted. The weighted data is very similar, with the exception that about 2% fewer voters select the top-choice category and about 2% more voters do not have a preference. The proportions of voters picking other choices stays just about the same.

statements and four negatively framed statements; respondents could disagree, agree, or say they were not sure. Table 4-4, below, shows the responses to these questions, displayed as percentages along each row of the table. While more detailed analysis of these statements is to follow later, I want to mention the general trends across all five districts now. First, respondents had a great degree of uncertainty *ex ante* about how the top-two would work. On each question, the percent of respondents who were not sure ranged between 25% and 46%. In addition, between 11% and 21% of the respondents gave no response at all to each of these questions. Only 43% of respondents, for example, gave a firm statement (agree or disagree) about whether or not they thought the ballots would be too confusing.

Table 4-4: Opinions on the Top-Two Primary (Percentages Sum to 100% Across Rows)

	Disagree	Not Sure	Agree	Missing
Will provide better choices on the November ballot.	15	32	28	14
Will help candidates I support.	21	25	33	21
Will help more moderate candidates win.	18	31	32	19
Will help fix problems in California.	19	44	22	16
Will prevent my party from controlling its nomination process.	18	31	33	19
Will put third parties at an unfair disadvantage.	14	36	34	16
Ballot is too confusing.	12	46	31	11
Might not leave me with anyone to vote for in November.	12	40	36	12

The rest of this chapter will focus on a district-by-district look at the rest of the survey questions, providing context for the more sophisticated analysis that follows. The responses reported in Table 4-4 show that the respondents generally are participating in a grand political experiment with, from their perspective, very uncertain outcomes. This

may change as time goes by; after more rounds of the top-two primary, voters (and political scientists) may have a much better idea of what to expect from the process. Nevertheless, elite-level strategic actors will respond in the next round to what happened in 2012. Capturing a snapshot of the top-two in its first year in California preserves our understanding of the initial conditions of a long game and allows us to contemplate what will happen in the future.

Demographic and Economic Characteristics

I selected the five districts in this study because they displayed a range of the strategic possibilities open with the top-two primary. The California State Assembly is an eighty-member body and the lower house of the California legislature, with two year terms. The districts are roughly half the size of a Congressional District, providing a lot of variation at the local level in terms of district characteristics and the key political variables of 2012. AD5 is a very Republican district in mid-to-northern California, near Yosemite National Park. AD8 looked to be a one of the few districts in which both Republicans and Democrats would be competitive; the district is out to the east of Sacramento. AD5 and AD8 both had candidates run who did not use a Republican or Democratic label and had many candidates, which made them politically interesting as well. AD41 runs along the foothills outside of Los Angeles, including cities like Pasadena. AD47 is also outside of Los Angeles but farther out into what is known as the "Inland Empire." AD50 is a coastal district on the Westside of Los Angeles, including Santa Monica, Malibu, and then reaching inland to West Hollywood.

Each of the districts included in this study has very distinctive characteristics. This section explores the demographic and economic variables included in the study that

describe the population of registered voters. The data presented here is weighted (per the earlier discussion on weights) to present as accurate of a picture of the registered voters in the district as possible. Note that the population generally and the population of registered voters may differ on some of these characteristics; in particular, this data has little to say about what eligible but unregistered voters may look like. Nevertheless, the focus of this study on how campaigns and voters interacted makes registered voters the key population of interest.

Table 4-5: Basic Demographic Information for Registered Voters (Weighted, Col. %)

		AD5	AD8	AD41	AD47	AD50	Total
Age	Under 35	17	22	23	33	23	24
	Ages 35-64	53	55	55	53	55	54
	Above 65	31	24	22	14	21	22
Race	White	80	76	63	31	76	64
	Black	1	4	6	11	4	5
	Latino	9	5	15	48	5	17
	Other Answer	10	15	16	10	15	13
Nativity	Otherwise	5	9	13	23	14	13
	Born in U.S.	95	91	87	77	86	87
Gender	Male	48	46	46	45	49	47
	Female	52	54	54	55	51	53

The districts vary by much more than political characteristics. Table 4-5, above, shows the percentage of each district that falls under certain basic demographic categories: age, race, nativity, and gender. AD5, a Republican stronghold, is older, is generally whiter, and has fewer naturalized citizens than all the other districts. While only 17 percent of registered voters in AD5 are under the age of 35, AD47 has more than 30 percent of voters in this younger category. AD8, AD41, and AD50 have very similar distributions with 22 or 23 percent under age 35. The general population in AD50 likely has a lot of unregistered younger voters, or younger voters that still have yet to move their official residence to the district.

With respect to race and ethnicity, AD47 stands out. In AD47, 48 percent of the district identifies as Hispanic or Latino. Whites make up only 31 percent of the respondents; AD47 truly is a majority-minority district. Four candidates, two Republicans and two Democrats, ran for this seat; among the Democrats, voters could choose between a Latino endorsed by the Democratic Party and an African-American woman with strong ties to the party as well. This district is well-suited as a laboratory to study race and politics in California. To the extent that this survey is missing a component of California politics, none of these districts are majority Asian (included with “other answer” in Table 4-5).¹⁸⁸ The most racially diverse district is actually AD41; only 63% white, the district also includes politically relevant African-American, Latino, and Asian populations. AD41 would ultimately elect an African-American Democrat, demonstrating that African-American candidates do not need to come only from majority-minority districts.

Beyond the basic demographics, this survey asked a variety of other questions about personal characteristics that tend to relate to politics. The results presented in Table 4-6, below, spotlight the religious differences. One question asked voters about their religious affiliation. Another asked about the frequency of church (or religious service) attendance; for that question, Table 4-6 reports only the top-frequency categories and then sums them into one measure of what percent of each district regularly goes to church. The “other response” category for the religious affiliation question is quite large; 34% of all survey respondents gave another answer. Those respondents then had a free

¹⁸⁸ There is a technical reason for this: in a district with a large minority population where some of that population would be more comfortable answering questions in a language other than English, a good survey would have to be translated and provided in the appropriate languages. While it is not prohibitively expensive to conduct a survey in Spanish (as this study did in AD47), finding a survey company to conduct a survey in Vietnamese on this scale and time schedule was not possible.

response question to use to identify themselves; a great number are from various Protestant subdivisions (who did not, apparently, consider themselves generically protestants) or generally thought of themselves as “Christians.”

Table 4-6: Religious Affiliation and Church Attendance (Weighted Col. %)

		AD5	AD8	AD41	AD47	AD50	Total
Religious Affiliation	Protestant	28	26	24	15	12	21
	Catholic	20	21	26	42	15	25
	Atheist or Agnostic	13	13	18	5	22	14
	Jewish	1	2	2	0	27	6
	Other Response	39	37	31	38	24	34
Church Attendance	More than Once/Week	8	9	9	15	6	9
	Once Per Week	22	22	26	27	9	21
	Once or Twice /Month	9	9	10	17	10	11
	Sum: At Least Once a Month	40	40	45	58	25	42

The questions on religion highlight two key points to understand the survey results. First, these results show one of the fundamental tensions of partisan politics today: while Republicans tend to favor more socially conservative policies, they have generally failed to reach the very religious Latino population. AD47, the heavily Latino district, is 42 percent Catholic and has the highest regular church attendance at an astonishingly high 58 percent. Only 40 percent of the voters in AD5, a Republican district, attend church at least once a month. Despite this, AD47 remains a very Democratic district and, in fact, featured a same-party runoff between two Democratic candidates in November.

The second point is that AD50 is a religious outlier. While the age and race basic demographic information (in Table 4-5) would not suggest that this is a heavily Democratic district, the religious data helps to explain why. More than a quarter of the respondents are Jewish. One candidate from AD50 told me that going from temple to temple on a Saturday and talking to Rabbis was a much better use of campaigning time

than walking precincts. Furthermore, only a quarter of the respondents regularly attend church or temple services. In AD50, 22 percent of the respondents identify either as Atheists or Agnostics. There are just very few Protestants here, of whom a subset would be the evangelical Christians most likely to support Republicans.

Voters' economic perspective also likely influences their local politics. These five districts capture a variety of education and economic backgrounds. It is somewhat difficult to believe, for example, that AD5 and AD50 come from the same state; the details are presented in Table 4-7, below. In AD5, the Republican district, 25 percent of the population has at best a high school diploma; unemployment in the district, though, is fairly low at 6 percent among registered voters and 80 percent of the survey respondents lived in their own home. In AD50, a very Democratic district, only 7 percent of the registered voters had no better than a high school diploma while 33 percent held some kind of postgraduate degree. In contrast with AD5, only 53 percent of the respondents in AD50 lived in their own home. Furthermore, reported incomes in AD50 tend to be quite high; 45 percent of the registered voters reported making above \$80,000 a year.

AD47 has the worst economic situation. The workforce in AD47 has the lowest levels of education of the five districts included in the study: 36 percent of the registered voters have at most a high school education and only 31 percent have either a four-year college (21%) or postgraduate degree (10%). Ten percent of the registered voters in the district were unemployed and looking for work at the time of the survey; true unemployment levels (taking into account people in the district who had not registered to vote) were likely worse. Respondents from AD47 had the lower incomes that would correspond with relatively high unemployment and worse educational attainment relative

to the other districts: 39 percent made under \$40,000 while only 21% made over \$80,000. To compare more directly with AD50 (not reported in Table 4-7): 15.5 percent of the respondents in AD50 reported making more than \$200,000 while only 1.6 percent of the respondents in AD47 made that much. At the low end, 16.6 percent of the voters in AD47 made under \$20,000 while only 8.2% of the voters in AD50 made under that amount. Nevertheless, both AD47 and AD50 are safe Democratic districts; they just draw that support from different parts of the Democratic Party coalition.

Table 4-7: Economic and Education Information (Weighted Col. %)

		AD5	AD8	AD41	AD47	AD50	Total
Education	High School	25	16	12	36	7	19
	Some College	38	35	27	33	18	30
	College	23	30	33	21	42	30
	Postgraduate	14	18	28	10	33	21
Income	Under \$40,000	25	27	20	39	17	26
	\$40-80,000	33	28	24	28	22	27
	Above \$80,000	27	31	39	21	45	32
	Not Stated	15	14	17	12	17	15
Employment	Seeking Work	6	9	7	10	7	8
Residence	Own	80	73	68	63	53	67
	Rent	15	20	25	29	44	27
	Other	5	7	7	8	4	6

AD8, the district most competitive between the parties, reports mixed economic and education results. On one hand, only 16 percent of the respondents had no better than a high school diploma, 73 percent lived in a home they owned, and 31 percent reported incomes over \$80,000. On the other hand, 27 percent reported incomes under \$40,000 (12% under \$20,000) and nine percent of the respondents were unemployed and seeking work. With work like Fiorina's (1981) on retrospective economic voting, the high unemployment would appear to give Republicans a good chance since Democrats held both the state government and the White House.

While each of these districts is unique, each of these communities represents a distinct brand of California politics. AD5 has the dynamics of the Republican eastern fringes of the state: a rural district with a white, older, Christian, economically stable, but not terribly well educated electorate. AD50, in contrast, represents the stereotype of the urban California liberal district: wealthy, well educated, and religiously diverse if not particularly religiously inclined. AD47 picks up another angle on the Democratic base; a majority-minority district that is young, generally poorly educated, and economically suffering in a bad economy. AD41 is suburban California, with a population diverse racially, religiously, and economically. AD8 draws together aspects of all of these traditions in the competitive interior of the state.

Partisan Politics

The survey contains two measures of partisanship. First, since voters were sampled from the pool of registered voters, the data contains each voter's partisan registration status. Not all states keep voter registration by party but California, along with about half of the other states, does; furthermore, in California, a voter's status is generally public information. Second, voters responded to questions on the survey about their partisan affiliation. Most of the respondents to the survey were Republicans, Democrats, or in some sense unaffiliated with a political party (Table 4-8). The survey did not interview enough Green or Libertarian Party voters to say very much about opinion on the top-two in any detail within those parties.

In California, researchers face a dilemma about the "American Independent Party." Many of the Independent registered voters likely believed that they were registering as a nonpartisan, rather than with a real political party. The American

Independent Party in California is, though, a real political party: it has a website (<http://www.aipca.org/>), a headquarters (currently in Vacaville, located between San Francisco and Sacramento), a regular central and executive committee, and even a preferred candidate for President (Thomas Hoefling). The party's platform focuses on opposing gay marriage, opposing abortion, and favoring limited government. Nevertheless, the distribution of self-professed party identification (on the 7-point American National Election Studies type scale) for the voters registered with the Independent Party looks very much like that of those who successfully selected unaffiliated (nonpartisan, or "Decline to State" – DTS). This includes individuals who self-identify as strong Democrats – who would likely be quite surprised to learn that they are registered with a party that has a very conservative party platform.

Table 4-8: Total Party Registration in Sample

	Number	Percent
Democratic Party	2,667	47.5
Green Party	30	0.5
American Independent Party	111	2.0
Libertarian Party	24	0.4
Other Party	41	0.7
Republican Party	1,938	34.5
Unaffiliated (DTS)	804	14.3
Total	5,615	100%

Generally in this study the voters registered as "American Independent" will be treated as if they registered as unaffiliated. Both registration choices have many of the same practical implications: under the old semi-closed primary system, neither would have automatically received a Republican or Democratic ballot. Nevertheless, those registered with the "American Independent Party" would technically have been unable to request to vote on a party primary ballot of the Republican Party or Democratic Party. The voters successfully registered as unaffiliated would have been able to do so, although

not all unaffiliated voters who even bothered to vote in the primary under the semi-closed primary system did. Under the ‘top-two,’ though, the main point remains that these voters are now automatically able to vote on Republican and Democratic candidates and that they may be more central in determining who advances to the general election.

Given the demographic and economic profiles, and what we generally know about how those correlate with partisanship, the party registration figures by district contain few surprises. Table 4-9, below, shows the weighted percentage of each party registration group in each district, combining the unaffiliated (DTS) and Independent voters into a single category. (The unweighted numbers are actually not very different.) The overall story here is that Republicans have a clear edge in AD5. AD8 is competitive in part because Republican and Democratic registration percentages are very close. Democrats could certainly feel confident in AD41. In AD47 and AD50, Democrats had almost a two to one edge on the Republicans.

Table 4-9: Registration by Party by District (Weighted Col. %)

	AD5	AD8	AD41	AD47	AD50	Total
Democratic	35	42	46	54	58	47
DTS/Ind.	15	14	14	15	17	15
Republican	47	41	36	29	21	35
Third Party	4	3	3	2	4	3

In terms of explaining the district dynamics, perhaps self-reported party identification is of greater importance. The branching party ID questions are based on the Campbell et al. (1960) American Voter type party ID questions, still used by the American National Election Studies (ANES). Voters are first sorted into Republicans, Democrats, and Independents. Depending on how the respondent answers the first question, the respondent then answers a second more detailed question. Democrats and Republicans are asked if they are a “strong” or “not strong” member of their party.

Independents and other voters are asked if they are closer to one party or another (called “leaners”) or not (“true Independents”). The results for these questions are displayed in Table 4-10.

Table 4-10: Party Identification (Weighted Col. %, Don’t Know / No Response Dropped)

	AD5	AD8	AD41	AD47	AD50	Total
Strong Dem.	14	21	24	23	36	24
Weak Dem.	12	14	18	22	18	17
Lean Dem.	13	12	13	17	17	14
True Ind.	6	6	7	7	6	6
Lean Rep.	16	17	11	12	7	13
Weak Rep.	15	14	10	7	7	11
Strong Rep.	24	17	17	11	9	16
Total N=	1053	1070	1068	1169	1100	5459

The middle of these scales is poorly populated in all of the districts. In AD5, 24 percent identify as strong Republicans and 14 percent identify as strong Democrats while only six percent are true Independents. Even in very liberal districts, strong Republicans outnumber not strong (“weak”) Republicans. Across all the districts, the trend towards the poles is evident: in the whole sample, 24 percent identify as strong Democrats and 16 percent as strong Republicans. Only six percent identify as true Independents.

Party registration and party identification do not always match up very well. There are a number of possible reasons for this. A voter may have changed their party preference over time but not bothered to register again with their new party. A voter may have incorrectly registered originally. The voter's registration may have been incorrectly recorded by election officials. The voter may have deliberately registered with the other party to vote for that party's candidates under the old primary or because registering with the other party was more socially acceptable (since it is public information). There may be other reasons. The key point here is that under a semi-closed primary format,

registered Republicans could not vote for Democratic candidates and registered Democrats could not vote for Republican candidates.

Table 4-11: Party Registration and Party Identification (Weighted Numbers)

		Party Registration				Total
		Dem. Party	DTS/Ind.	Rep. Party	Third Party.	
Party Identification	Strong Dem.	1202	43	33	12	1289
	Weak Dem.	732	100	70	16	918
	Lean Dem.	349	283	94	58	784
	True Ind.	112	110	107	23	352
	Lean Rep.	124	188	329	50	691
	Weak Rep.	35	44	491	7	576
	Strong Rep.	36	33	773	6	849
Total		2590	801	1897	171	5459

Table 4-11, above, shows how many voters in the entire sample have registered with each party with each of the seven party identification categories. Most registered Democrats identify as some kind of Democrat—strong, weak, or leaning. Nevertheless, 71 registered Democrats of 2590 explicitly identify as either weak or strong Republicans (2.7%). Of the 1897 registered Republicans, 103 identify as either weak or strong Democrats (5.4%). While these percentages are small, they are politically relevant. Under the old semi-closed primary system, these voters had to vote for candidates of a party with which they did not identify—in effect, crossing over to potentially “raid” the other party. So when contemplating “crossover” voting, it is important to keep in mind that under the old rules 2.7% of “Democrats” were pre-crossed-over Republicans and 5.4% of “Republicans” were truly pre-crossed-over Democrats.

Issues and Policy Preferences

The survey also contains four questions about voters' policy preferences. These issues—How should California deal with a budget shortfall? Do you approve of gay marriage? Should abortions be easier or more difficult to obtain? What should our

immigration policy priority be?—represent major policy issues not just in California but in the United States. These questions measure attitudes on both economic and social policy, describing generally how people think in each of the five districts in this study.

Table 4-12: Policy Preferences by District (Weighted Col. %)

		AD5	AD8	AD41	AD47	AD50	Total
State Budget Solution	Don't Know/No Response	6	4	5	9	3	5
	Cut Spending Only	45	35	33	35	24	34
	Increase Taxes Only	7	10	13	13	18	12
	Mix of Cuts and Taxes	42	51	49	44	55	48
Gay Marriage	Don't Know/No Response	10	9	9	10	6	9
	Approve	43	54	61	46	78	56
	Disapprove	47	37	30	44	16	35
Abortions Should Be...	Don't Know/No Response	6	5	6	6	5	6
	More Difficult to Obtain	28	21	18	29	7	21
	Easier to Obtain	22	22	29	16	45	27
	No Change	44	52	47	49	44	47
Immigration Priority	Don't Know/No Response	4	4	4	3	3	4
	Enforce Current Laws	36	30	23	21	19	26
	Path to Citizenship	22	24	32	37	37	31
	Both	39	42	40	39	41	40

The question about the state budget asks the voters to choose between cutting spending and taxing. Not surprisingly, many voters prefer a mixture of tax increases and spending cuts; 48 percent across all five districts, ranging from a low of 42 percent in AD5 to a high of 55 percent in AD50 (see Table 4-12, above). Solving the state budget shortfall by only increasing taxes remains an unpopular choice; even in AD50, only 18 percent of voters supported only increasing taxes. IN AD5 and AD8 only 7 and 10 percent of voters wanted to just increase taxes. Solving the problem with only spending cuts remained a relatively popular option even in AD47, a district most likely to benefit from government spending and with few voters in the highest tax brackets. Overall,

voters generally had an answer for this question: only five percent of voters in all the districts did not give one of those three answers.

The gay marriage question did not give voters an option to hedge their bets. Gay marriage had been an ongoing political issue in California; in 2008 voters passed Proposition 8, a constitutional amendment to the state constitution banning gay marriage. More voters approved of gay marriage than disapproved of it in this 2012 survey in all but one of the districts: AD5, the Republican district. Even in AD5, the margin is small, only 4 percent. Notably, voters in AD47 only weakly favor gay marriage, with 46 percent approving and 44 percent disapproving. In contrast, AD50—a district containing West Hollywood, an area known for welcoming and celebrating homosexuality—had 78 percent of the respondents approving gay of gay marriage (which is, actually, surprisingly low). Additionally, many voters in AD41 support gay marriage (61%), even though it is not the most solidly Democratic district of the five.

The question about abortion also had some surprising results. As it was somewhat surprising that only 78 percent of the respondents in AD50 approved of gay marriage, it is also surprising that only 28 percent of the respondents in AD5 thought abortions should be more difficult to obtain. Even though AD5 is a solidly Republican district, the most popular response to the abortion question remained “no change.” The missed opportunities with Republicans and socially conservative Latinos are also evident in the responses in AD47: 29 percent, a higher proportion than even in the AD5 Republican district, think abortions should be more difficult to obtain. Combined with the responses to the gay marriage question and the relatively tepid support for “increasing taxes only,” AD47 would look like a promising district for Republicans.

Immigration Priorities help explain that Republican failure. Here AD47 looks very much like AD50; slightly less than twice as many prefer a path to citizenship as a priority over enforcing existing laws. In AD5 and AD8, enforcement has a higher share. In all districts, though, hedging and selecting “both” is the most popular choice. As with many of the other questions, when given an alternative, voters would like to have their cake and eat it too.

These survey questions do a fairly good job of measuring a person's political orientation. As a test of how well these four issue questions cover the whole issue space, I have used them to predict respondents' party identification. To do so, I dropped the few true Independents—only about six to seven percent of the sample—and then used a binary probit model to analyze who identified as a Republican and who identified as a Democrat. Note that this is a relatively weak classification system; I am adopting the most extreme interpretation of Keith et al.'s *Myth of the Independent Voter* (1992) and made no effort to distinguish between partisan leaners and partisans in my dependent variable. Then I ran the model three times: first using just the responses to the four issue questions, second adding in race, and third using a ‘kitchen sink’ approach. The results are presented in Table 4-13, below.

The binary probit framework makes assessing the predictive success of these variables easy. The first specification—using only the issue questions—correctly classified 78.5 percent of the 5101 Republican and Democratic identifiers. Since only 57.9 percent of the two-party (unweighted) sample identified as Democrats, this is a considerable improvement over the naive guess (“all Californians are Democrats”). Using a likelihood ratio test it is possible to demonstrate that the fuller models do

Table 4-13: Simple Probit for Republican or Democratic Party ID (True Independents Dropped).¹⁸⁹

	Coef.	T-Stat.	Coef.	T-Stat.	Coef.	T-Stat.
Budget: Cut Only	1.36	16.90	1.37	16.77	1.34	15.97
Budget: Mix Tax/Cut	0.46	5.95	0.47	5.90	0.42	5.17
Budget: Missing/Other	0.42	3.71	0.52	4.47	0.55	4.62
Gay Marriage: Disapprove	0.80	15.99	0.91	17.39	0.90	16.26
Gay Marriage: Missing/Other	0.50	6.55	0.58	7.32	0.55	6.82
Abortion: More Difficult	0.59	8.48	0.76	10.31	0.73	9.58
Abortion: No Change	0.31	5.66	0.38	6.75	0.32	5.61
Abortion: Missing/Other	0.47	4.60	0.54	5.12	0.54	5.02
Immigration: Enforcement	0.95	16.14	0.78	12.55	0.77	12.07
Imm.: Pathway & Enforce	0.52	9.91	0.43	7.93	0.42	7.57
Immigration: Missing/Other	0.40	3.23	0.27	2.07	0.26	1.98
Race/Ethnicity: Latino			-0.85	-13.76	-0.79	-11.01
Race/Ethnicity: Black			-1.57	-12.02	-1.64	-12.43
Race/Ethnicity: Missing/Other			-0.35	-4.91	-0.38	-5.24
Religion: Catholic					-0.24	-3.68
Religion: Atheist or Agnostic					-0.51	-6.05
Religion: Jewish					-0.65	-6.20
Religion: Missing/Other					-0.14	-2.34
Age: 35 to 64					-0.23	-3.12
Age: 65 and Older					-0.29	-3.71
Female					-0.16	-3.54
Education: HS Only					-0.17	-2.58
Education: Some College					0.03	0.43
Education: Postgraduate					-0.10	-1.46
Education: Missing/Other					-0.31	-1.44
Income: \$40-\$80,000					0.04	0.61
Income: Above \$80,000					0.34	5.25
Income: Missing/Other					0.26	3.48
Percent (Both Parties) Correctly Predicted	78.53		81.93		82.18	
True % Democratic:	57.89		57.89		57.89	
N=5101						

¹⁸⁹ This binary variable = 1 if Republican and 0 if Democrat; positive coefficient means more likely to be Republican and negative coefficient means more likely to be Democrat.

statistically significantly improve the fit; relatedly, the percent correctly predicted also increases to 81.9 percent with race added and 82.2 percent with many more variables added. While statistically significant, the added information is hardly politically significant. Adding race, religion, age, gender, education, and income to the model only buys a little more than three and a half percentage points of better predictive value.

These four issue questions then do explain quite a bit about the political orientation of the voters in these five Assembly districts. Computing first differences for the more “Republican” answers to the four questions – cutting spending only, opposing gay marriage, believing abortion should be more difficult, and preferring to focus on enforcing existing immigration laws – also provides an insight into which of these variables has a larger effect. Setting all the indicator variables in the third and fullest model to their median value (0 in every case except for “female,” which is 1) and using *Clarify* in STATA produces estimates of the effect of changing the response to each question. Changing the budget question response to “cut spending only” produces the largest effect, a 35 percentage point increase in the probability of identifying as a Republican. Disapproving of gay marriage increased the probability of identifying as a Republican by 19 percentage points; favoring making abortions more difficult only increased that probability by 14 percentage points. Preferring prioritizing enforcing current immigration laws had a positive 15.5 percentage point effect.

This section is not an argument about which is the correct causal model for determining partisanship (and, indeed, it is always possible that partisanship causes responses to issue questions rather than the other way around). The evidence presented here merely demonstrates that these issue questions are measuring important attitudes

about politics fairly efficiently. Without even including questions about foreign policy, health care, the federal government deficit, the national debt, and so on, these four issue questions can predict the party of four out of five partisans.

Comparing Ideology, Partisanship, and Positions on Issues

How effectively the top-two primary promotes the candidacies of “pragmatic” or “moderate” candidates depends, to an extent, on whether the California “moderate voters” are mythical creatures or real human beings. That is: does California have a ‘missing middle?’ The answer changes somewhat with the specific question; Figures 2-4 (below) help to illustrate the measurement quandary. Generally, voters like to say that they are strong partisans but also like to report that they occupy the middle of the ideological space.

The party ID scale in Figure 4-2 is just a graphical representation of what has already been presented in Table 4-10. While there are more Democrats than Republicans in the sample, both tend towards identifying as “strong” partisans. There are very few “true Independents.” The ideological self-placement scale appears to suggest an opposite conclusion; as shown in Figure 4-3, more than 30 percent of the respondents located themselves at “5” – explicitly given in the question as “middle of the road.” Locations 1, 4, 6, and 9 are not particularly popular. There is a small uptick at the ends of the spectrum, particularly on the conservative side; it seems some conservatives prefer to think of themselves as “very conservative” – or “severely conservative,” as Governor Mitt Romney put it during his 2012 Presidential campaign.¹⁹⁰ Nevertheless, the apparent

¹⁹⁰ See: Memoli, Michael A. 2012. “CPAC: Mitt Romney tells conservatives he is one of them.” *Los Angeles Times*, 10 February. Available online: <http://articles.latimes.com/2012/feb/10/news/la-pn-mitt-romney-cpac-20120210> (last accessed 12/12/12).

Figure 4-2: 7-Point Party Identification Scale (Weighted, All Districts)

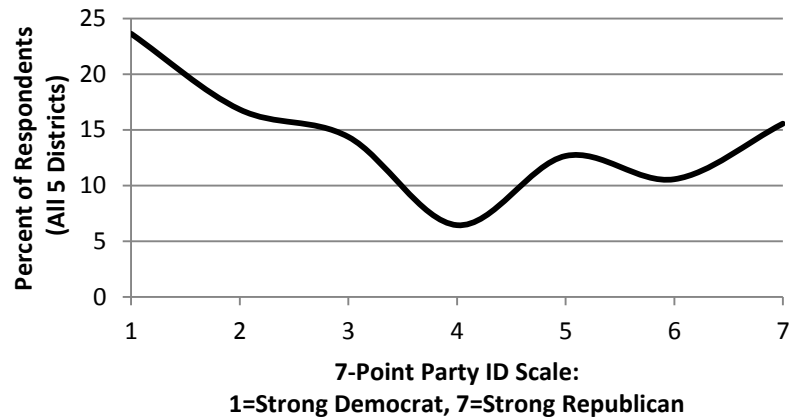


Figure 4-3: 10-Point Self-Placement Ideological Scale (Weighted, All Districts)

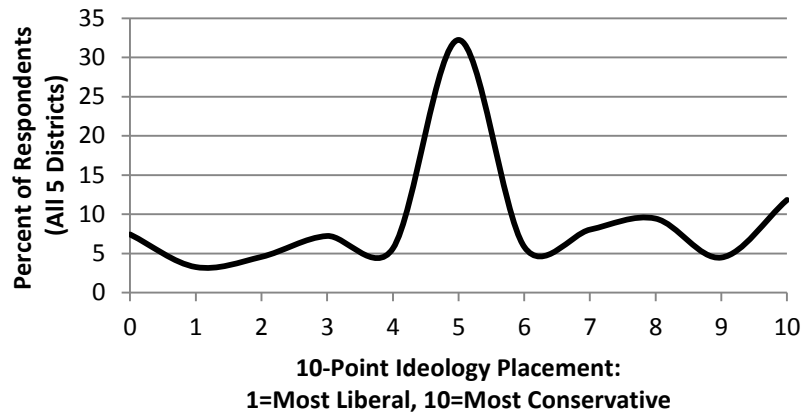
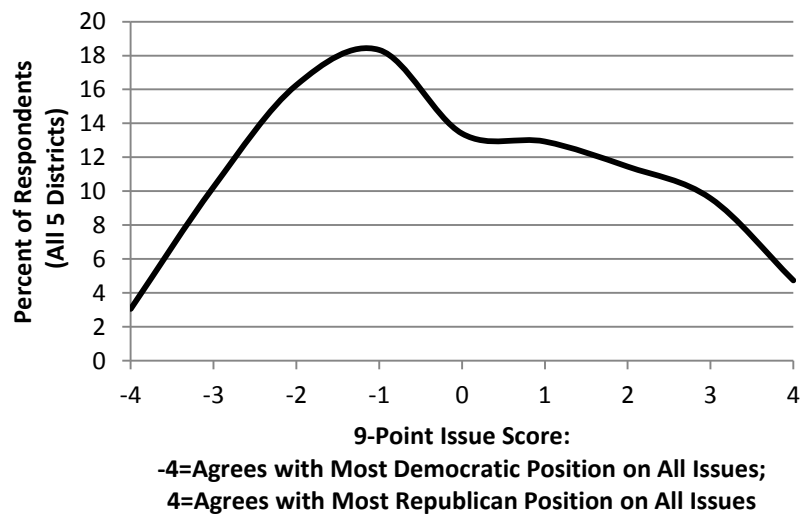


Figure 4-4: "Issue Scale" (Weighted, All Districts)



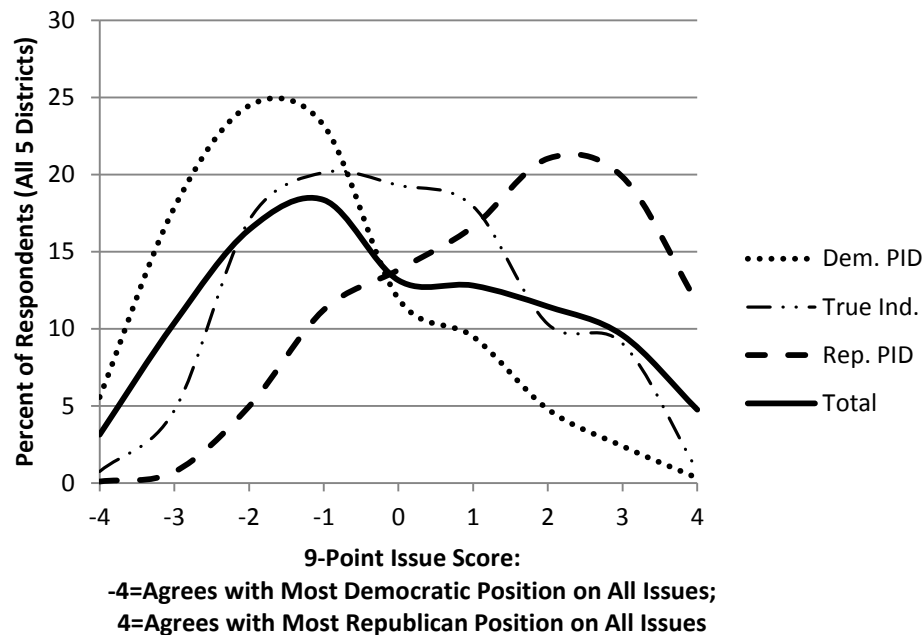
conclusion from the party identification figure is that there are few moderates; the conclusion from the ideological figure is that there may be many.

Figures 2 and 3 do not necessarily conflict as much as it may initially appear. A voter could, for example, consider themselves very committed to the cause of their party but also prefer moderate policies or hope for compromise. The opposite interpretation is also possible, that voters think of themselves as committed to their party but that they view their party's positions as centrist and reasonable. Figure 4-4 helps to shed additional light on this problem by using the issue questions to create another alternative scale.

The four issue questions together make up the "issue score" in Figure 4-4. Each of those questions has a clear "more Republican" and "more Democratic" response (as is apparent from the results presented in Table 4-13, using these answers to predict party ID). The "more Republican" response for each question got a score of "1," while the "more Democratic" response got a score of "-1." If respondents either did not give an answer for that specific question or selected one of the hedging alternatives (like preferring a mixture of tax increases and spending cuts) they were assigned a "0" for that question. The issue score then sums the individual question scores so that a total of "4" means the respondent adopted the "most Republican" answer to all four questions --- spending cuts only, opposing gay marriage, preferring abortions to be more difficult to obtain, and prioritizing enforcement in immigration law. A total of "-4" means precisely the opposite; the respondent adopted the "most Democratic" answer to all four questions. Note that there are several ways to reach all the interior scores; to get a zero, for example, a respondent could either agree with two Republican and two Democratic positions or

have taken no positions at all (or have scores of 1, -1, 0, and 0). The issue scale actually produces what looks to be the most well-behaved distribution, centered slightly to the left of zero but with very few voters in either extreme. While not a complete measure of the entire issue space – it is missing questions about foreign policy, for example – the four questions used to construct it do a good job of predicting partisanship. It also removes the normative implications imposed on the other two questions – where it is possible to imagine being a ‘strong partisan’ (that is, a good team member) but ‘middle of the road’ (that is, a reasonable person) could be seen as desirable.

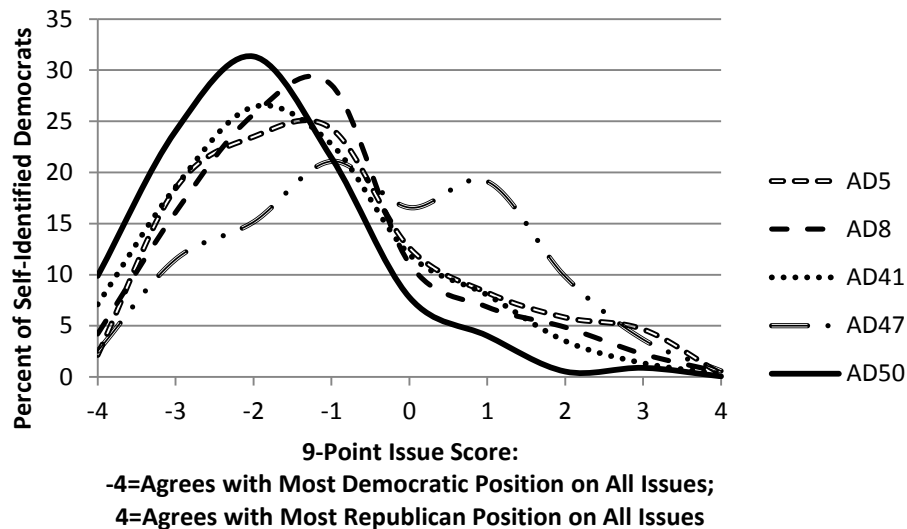
Figure 4-5: The Issue Scale By Party ID (Weighted, All Districts; not missing PID)



The issue scale is also very well behaved by party ID. Figure 4-5, above, shows the distributions (while assigning the leaners to their respective parties). The Democrats peak around -2, the Republicans around 2 or 3. The true Independents tend to be around the middle between -2 and 2. There are still outliers in the parties, though, who disagree with their own party on many issues. There are self-identified Democrats who have

scores of 2 or more and self-identified Republicans with scores under -1. These individuals must be identifying with their political party for reasons other than the four issues listed here—not entirely surprising that there would be some who would do so.

Figure 4-6: The Issue Scale for Self-Identifying Democratic or “Leans Democratic” (Weighted)



Partisanship does not always mean the same thing in all places. Figure 4-6, above, shows the same issue scale as in Figures 2 to 5 but with only Democrats and broken down by district. The mean in AD50 is both shifted left and the distribution shrunk when compared to the other districts; Democrats in AD50 hold more consistently solid Democratic positions on issues when compared to Democrats elsewhere. The distribution in AD47 looks very different and, in fact, resembles more closely that of the true Independents (shown in Figure 4-5 for all districts). From Figure 4-6, it is reasonable to conclude that there is more going on between districts than just moving the median voter by changing the proportion of Democrats and Republicans in each district. A Democrat from one area is not the same as a Democrat from another; the issue preferences of the median Democrat move around by district as well.

Resolving this broader issue – is there a ‘missing middle’ or not? – is the subject of later chapters, particularly in the context of comparing voter and candidate placement. The basic data presented here merely sets up this problem. While relatively few voters select the more moderate or nonpartisan categories on the party identification scale, there is some evidence to suggest that the “missing middle” problem may not be as bad as that data would imply. Not only do many voters think of themselves as “middle of the road” but there is some evidence based on their responses to the issue questions to back up this claim, although the “middle of the road” responses to the ideological questions are still likely exaggerated.

Outlook on California, Political Parties, and Government

California voters were not happy with the situation in the state in June of 2012. The survey includes a couple of measures of voter attitudes towards politics, political parties, the future, and the government. Taken together these questions help form an assessment of the voter's view of the world. Overall, voters seem bearish on the state, distrustful of government, and willing to consider alternatives (support candidates of the other party, contemplate a third party).

Two fifths of the voters in the survey report not tending to vote for candidates of one party or another. Some of this may be wishful thinking and cannot actually be verified; voters may think it socially desirable to appear open-minded. However, even if just half of these voters actually ever consider candidates of the other party (so, 20 percent), this could lead to very high levels of crossover voting in the top-two primary. While previously partisan voters would have been limited to voting for candidates of the other party in the general election, now they can influence the outcome at a much earlier

Table 4-14: Outlook and Opinions (Weighted Col. %)

	AD5	AD8	AD41	AD47	AD50	Total
Voting Habits						
Always Vote for Democrats	22	28	37	37	51	35
Always Vote for Republicans	31	24	22	15	12	20
Always Vote for Third Party Candidates	2	2	2	2	2	2
Not Tend to Vote for One Party or Another	44	46	37	41	34	40
Do Not Know/No Response	1	1	2	5	2	2
Political Parties in California do an...						
Adequate Job	13	14	15	22	17	16
Poor Job But No Third Party Needed	53	52	51	46	49	50
Poor Job And Third Party Needed	29	28	27	24	26	27
Do Not Know/No Response	4	6	7	9	7	7
Percent Who Selected Statements about the Future Outlook						
California Headed in Wrong Direction	78	74	74	71	60	71
CA Economy Worse in Next 12 Months	52	42	39	38	31	40
Personal Finances Worse in Next 12 Months	38	32	31	34	29	33
Percent Who Agree with Statements about Trust and Government						
Government Is Too Complicated	72	67	56	57	53	61
Officials Don't Care What People Think	76	69	63	71	56	67
People Are Better Off Avoiding the Gov't	27	22	20	26	17	22
People Can't Affect What Gov't Does	62	58	49	51	50	54
Gov't Controlled by Special Interests	84	80	76	71	75	77

stage. In my view, this constitutes evidence that a large section of the electorate remains, at least in theory, open-minded.

Californians do not believe that the two major political parties do an adequate job of representing Californians. Only 16 percent of the voters across all five districts held that point of view. Surprisingly, respondents in AD47 had the most positive view of political parties, with 22 percent responding that parties did an adequate job. While the majority in all districts believed that the Republicans and Democrats did a poor job, they did split about the appropriate response. Of those who thought parties did a poor job, about one third (27 percent of all respondents) thought that California needed an effective third party. The remainder, generally about 50 percent, did not think a third party would help.

Despite the interest in a viable third party, the disparity between those who think a third party is needed and those who always support one is very large. No more than two percent of the respondents always vote for third-party candidates. One reasonable interpretation is that the quarter of respondents who think a third party is needed are at least expressing serious dissatisfaction with the state of affairs in California and skepticism of the current political process.

The respondents also got three questions directly about their outlook for the future in California. Table 4-14, above, just displays the negative responses to each of those three questions. Across the five districts, 71 percent think California is headed in the wrong direction. Further, 40 percent expected the economy to get worse over the next twelve months; after four years of slow economic growth and high unemployment, an expectation for worse economic outcomes is truly frightening. Nevertheless, a third of

the survey respondents expected their own personal economic situation to get worse as well. AD5 had the most pessimistic outlook; 78 percent thought the state was headed in the wrong direction, 52 percent predicted the state economy would get worse, and 38 percent expected their own financial situation to get worse. The optimists lived in AD50—but, even then, a majority thought the state was headed in the wrong direction (60 percent).

Table 4-15: Probit for if the CA Economy Will Get Worse in the Next 12 Months

	Coef.	T-Stat.	First Diff.
Strong Rep.	1.15	19.56	0.43
Weak Rep.	0.66	9.98	0.24
Lean Rep.	0.83	13.44	0.31
True Ind.	0.58	7.52	0.21
Lean Dem.	0.12	1.96	0.04
Weak Dem.	0.14	2.38	0.05
AD5	0.28	4.75	0.09
AD8	0.11	1.90	--
AD41	0.01	0.18	--
AD47	0.11	2.01	0.04
N=5383			

First Diff. Computed Relative to:
Stg. Dem. from AD50.

There is some sense in which the outlook on the state's future depends on the individual's politics. Table 4-15, above, shows the results of a simple probit that includes both subjective partisanship (the ANES 7 point PID Scale) and district indicator variables. Every party category was statistically significantly more likely to think that the California economy would get worse when compared to Strong Democrats. The first differences, here computed relative to a Strong Democrat from AD50, give a measure of the relative strength of these effects. The first difference suggests that a Strong Republican is 43 percentage points more likely to find that the state's economy would get worse (with all other variables set to their medians, which is zero in every case). In

contrast, changing districts to AD5 produces only a 9 percentage point effect. So some of the negative effects in Table 4-14 are likely just partisan interpretations of the current situation (which favors Democrats). Nevertheless, it is difficult to achieve such levels of dissatisfaction on the backs of Republicans alone. Many Democrats are also unhappy.

The last set of statements included in Table 4-14 measure trust in government and also paint an unpleasant picture. Across all the districts, 61 percent of the respondents thought that the government was too complicated. While once again AD5 led the way with 72 percent agreeing, in no district did this dip under 50 percent. Respondents also did not believe public officials cared about what people think (67%). A surprisingly large number of respondents thought that people were better off avoiding contact with the government—22 percent overall, with highs of 26 percent in AD47 and 27 percent in AD5. More generally, voters thought that ordinary people could not affect what the government does (overall, 54 percent). Lastly, voters broadly agreed that the infamous special interests controlled the government; agreement rates ranged from 71 percent in AD47 to 84 percent in AD5. Californians are very skeptical of their government.

Information and Participation

While the top-two primary does give voters the opportunity to use a wider variety of voting strategies than the old semi-closed primary, these strategies require some amount of political information. The survey contains two different measures of political information. First, respondents had what amounted to a direct test: the interviewers asked them to identify the office currently held by four political figures. Second, respondents answered a question about ways that they participated in politics beyond voting; as a general theory, respondents who participate should possess more information

not just about national but also about local politics. This could be, for example, because they learn about politics through the network of people they meet through participating.

The four questions about politicians covered a range of difficulty. Identifying Joe Biden as the Vice President, for example, is a fair test about whether or not someone has any political knowledge at all of national affairs. Barbara Boxer, the longtime U.S. Senator from California, should not have been too difficult. Antonin Scalia, as a Supreme Court Justice, does not have to run for office and was intended to be a more difficult question. Unlike Joe Biden (Democrat) and Barbara Boxer (also a Democrat), Scalia is generally considered more conservative—balancing the group ideologically somewhat. The question about Ellen Corbett, the current California State Senate Majority Leader, was intended to find respondents with more political information than the authors of the survey (as at least one of them had no idea who she was).

Table 4-16: Identifying Politicians (Weighted Percents)

	AD5	AD8	AD41	AD47	AD50	Total
Joe Biden, Vice President of the United States	75	77	80	47	87	73
Barbara Boxer, United States Senator	75	72	77	52	81	71
Antonin Scalia, U.S. Supreme Court Justice	43	44	48	20	64	43
Ellen Corbett, CA State Senate Majority Leader	2	2	2	2	3	2
# Correct: 0	13	13	11	37	6	16
# Correct: 1 or less	32	30	26	60	19	34
# Correct: 2 or less	62	62	57	83	43	62
# Correct: 3 or less	99	99	99	100	97	99
# Correct: 4 or less	100	100	100	100	100	100

Joe Biden and Barbara Boxer fared well. Of all the survey respondents, 73 percent could identify Biden as the Vice President and 71 percent replied that Boxer was a Senator. Scalia did fairly well too; for a person never on the California ballot, 43 percent of the respondents could say he was a Supreme Court Justice. Ellen Corbett was virtually unknown, with only 2 percent able to identify her as a State Senator, Senator, or

Majority Leader; some of these may have been lucky guesses as well. Curiously, Boxer actually did better than Biden in AD47 (by five percentage points). Otherwise in all the districts the politicians were ordered as expected.

The districts appear to have very different levels of knowledge about politicians, though. AD50 ranked as the most knowledgeable; only six percent could not correctly identify any and only 43 percent could identify two or less. Voters in AD41 had the next most correct answers, followed by AD5 and AD8. AD47 performed the worst; 37 percent could not correctly identify any and 83 percent identified two or less.

Table 4-17: AD47, Correct Politician IDs, and Survey Language (Weighted Col. %)

	English	Spanish	Total
# Correct: 0	30.5	63.8	36.9
# Correct: 1	23.2	24.2	23.4
# Correct: 2	26.0	10.0	22.9
# Correct: 3	20.2	2.0	16.7
# Correct: 4	0.2	0.0	0.2
N=	975	233	1208

Language differences likely play a role in the different levels of political information between AD47 and the other ADs. Table 4-17 shows the percent of respondents in AD47 who correctly identified different numbers of politicians, sorted by survey language. While 30.5 percent of the respondents taking the survey in English could not identify any of the politicians, 63.8 percent of the respondents taking the survey in Spanish failed to identify any. The identification levels among the English-language respondents are still low relative to, say, AD50. Nevertheless, the Spanish survey-takers performed markedly worse.

While the questions about politicians can roughly measure general political knowledge, the important information may be much more district specific. Voters may gather the relevant political information to make the important choices in their own

district through their engagement in politics. Table 4-18, below, shows the results of a battery of questions on different political activities. The bottom half of Table 4-18 then shows what percent of the individuals in each district engaged in at least some number of these seven activities. The activities in the top half of Table 4-18 are listed in descending order of popularity across all five districts.

Table 4-18: Participation Beyond Voting (Weighted %)

Activity	AD5	AD8	AD41	AD47	AD50	Total
Discussed Politics Online	35	37	39	23	45	36
Bought or Boycotted Goods for Political Reason	35	33	38	19	45	34
Attended a Political Meeting	37	27	36	20	39	32
Contacted a Public Official	38	26	35	17	36	30
Donated Money	29	27	30	15	41	28
Distributed or Displayed Campaign Materials	20	14	20	11	17	16
Attended a March, Rally, or Protest	9	10	13	10	14	11
% Engaged in # of Activities	AD5	AD8	AD41	AD47	AD50	Total
0 Activities	30	33	28	52	22	33
1 or Less	48	54	43	70	38	51
2 or Less	63	70	60	81	55	66
3 or Less	77	83	76	89	70	79
4 or Less	87	91	87	95	86	89
5 or Less	94	96	95	98	93	95
6 or Less	98	100	98	100	98	99
7 or Less	100	100	100	100	100	100

As anyone with a Facebook or Twitter account knows well, many voters discussed politics online during the 2012 election cycle. One in three voters in this sample reported having done so. (A number more impressive because this is a telephone rather than an internet survey.) AD50 sported the most active online participants, with 45 percent of the respondents reporting discussing politics online. AD41 was only six percentage points behind at 39 percent. AD5 and AD8 reported 35 and 37 percent. AD47 had the lowest percentage, 23 percent. This is particularly important in AD47 because it is less well covered by major newspapers. AD41 has the *Pasadena Star News*,

a relatively large local paper. AD50 was covered in the *Los Angeles Times*, the *LA Weekly*, and other local papers like the *Santa Monica Mirror*. So in AD47 voters had the greatest need for online political engagement—and the least of it.

A surprisingly large number of voters reported buying or boycotting goods for political reasons. This is a relatively easy form of participation, in the sense that buying special organic fair-trade coffee would be sufficient. Across the board, 34 percent of the respondents replied that they considered politics in their purchasing decisions. These rates mirrored very closely the percent who discussed politics online. Once again, rates were highest in AD50 and lowest in AD47.

Many voters, 32 percent, also reported attending a meeting where politics was discussed. Interestingly, in AD5 attending a meeting proved to be a more popular choice than discussing politics online (very slightly). Once again, AD47 lags behind the rest of the districts by quite a bit. AD8 also had relatively lower rates than AD5, AD41, and AD50 on this question as well.

About one in three (30 percent) of the respondents also said they had contacted a public official. This proved to be the most popular choice in AD5, with 38 percent of the respondents reporting this behavior. In AD50, only 36 percent reported contacting a public official, so the online discussions about politics did not always end up with an email or letter going to a politician. Notably, AD47 had once again the lowest rates at 17 percent. One of the curious ironies of this survey is that the respondents in AD5 were the most likely to report that people were better off avoiding contact with the government (Table 4-14)—but also the most likely to have contacted public officials.

Donating money also proved a popular choice. Across all the districts, 28 percent reported donating money (in any amount). AD50, a district referred to in the LA Weekly as "Barack Obama's ATM", 41 percent of the respondents reported donating money to a campaign. Only 15 percent of the respondents in AD47 did so, perhaps reflecting strategic choices by national campaigns: there is much more money to raise in AD50. AD41 showed itself to be fairly politically active as well, with 30 percent donating money.

Surprisingly few respondents distributed campaign materials. Overall, only 16 percent did so. This kind of "boots on the ground" participation proved to be much less popular than online participation. While 45 percent of the respondents in AD50 discussed politics online, only 17 percent distributed campaign materials. In AD47, only 11 percent did. AD5 and AD41 reported the highest levels, 20 percent each.

Less surprisingly, participating in marches, rallies, and protests was not particularly popular. Overall 11 percent of the respondents engaged in this type of behavior, with a low of 9 percent in AD5 and a high of 14 percent in AD50. This was the one category in which AD47 did not come in last; 10 percent of the respondents from AD47 participated in this fashion. This type of activities takes up much more time than making remarks on Facebook, buying fair-trade coffee, or even clicking a link to donate five dollars to a cause. This is probably the most 'expensive' of the activities in general and the least chosen.

Summing up the activities provides an overview of participation rates. More than half of the respondents from AD47 did not engage in any of these activities while only 22 percent of the respondents in AD50 were totally disengaged. Looking at the percentages

who did no more than three of the seven captures both of the important dynamics here fairly well. First, overall participation rates among the survey respondents were quite high: 79 percent did three or less, meaning 21 percent did at least four. Second, the rates do vary quite a bit by district: 89 percent of the respondents in AD47 did no more than three of the activities while 70 percent of the respondents in AD50 had done no more than three. Despite the wide participation gap, though, those two districts were the strongest Democratic districts in the survey.

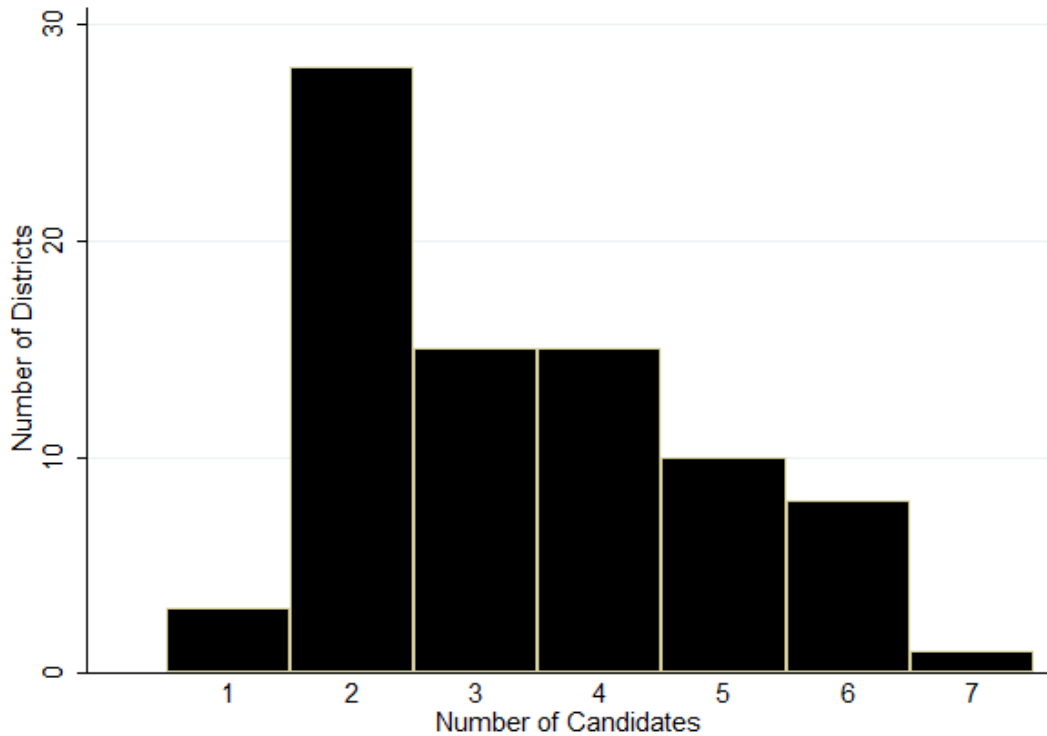
Selecting Districts

All of this background information supports a discussion of the candidates in each of these Assembly races. These districts do capture not just the important demographic and political diversity of the state but also the critical election-specific diversity required to analyze voter behavior in the top-two primary. In particular, these districts all met an important criteria: each included at least three Assembly candidates who, *ex ante*, seemed “credible.” That is, while those candidates may not have had much of a chance to win the election, a credible candidate seemed to have a reasonable *ex ante* chance of influencing in an important way which two candidates made the November ballot. It turns out, each of the districts included in the survey had at least four candidates.

The survey data about behavior – crossover voting, for example – is then not an estimate of the amount of this behavior in the entire state at this election level. These elections are unusual; a great number of districts had three or less candidates (Figure 4-7, below). Frequently, one of the candidates even in the districts with three would prove to be utterly hopeless – and predictably so. Instead, the survey results show what is *possible* in the interesting districts. It is not just academics who scan the results looking for signs

that some strategies are viable; the potential election year 2014 candidates are also weighing their chances. Further, the notion that a reform may have only had an effect in some districts does not disprove the effect, it merely lessens the overall impact.

Figure 4-7: The number of districts with differing numbers of candidates, CA Assembly.



In all five of these districts, voters faced choices about whether or not to use the new rules to their full effect. I selected AD5 because it appeared possible to get a same-party runoff on the Republican side if the Democrats failed to coordinate on one of their alternatives. I selected AD8 for two reasons. First, AD8 represented one of the few competitive districts in the state; while the one Democrat on the ballot seemed likely to advance, the relative political strength of the Republican candidate would matter a great deal for the final outcome. Second, AD8 included a large number of Republican candidates and a Libertarian candidate; it seemed possible that the Republicans could split the vote so finely between themselves that the Libertarian would advance. While

AD41 only had Republican and Democratic candidates, one of the Democrats clearly tried to “run to the middle,” the sort of behavior the supporters of Proposition 14 hoped to encourage. In AD47, the drama centered on whether both Democratic candidates would advance or if a Republican would get on the ballot. AD50 sported a similar story, but with three plausible Democrats, including an incumbent, and a Republican making a “run to the middle” to compete. Voters in all of these districts faced a complex set of strategic choices, if they were inclined to view the election in that fashion.

AD5: A Republican Runoff

Six candidates ran in AD5. Three Republicans – Frank Bigelow, Rico Oller, and Kevin Lancaster – ran for the seat in this Republican stronghold. Oller, a former Assemblyman, and Bigelow, a local county supervisor, had experience as elected officials; Lancaster was a taxi driver (see *California Target Book*). Mark Belden ran as a “No Party Preference” candidate. Two Democrats, Marc Boyd and Tim Fitzgerald, also entered the race; Boyd got the endorsement of the California Democratic Party while Fitzgerald had come over from the Green Party (see *California Target Book*). This presented voters of all types with some interesting conundrums. If a voter supported a Republican candidate, was it better to get a weak Democratic opponent? That would encourage “raiding,” defecting from a strong Republican candidate to vote for a weak Democrat to help win the next stage. Likewise, if a Democratic supporter believed that they could select the weakest of the three Republicans, would it be possible to defy the odds and get a Democratic winner in November by selecting a weak or extreme Republican candidate? Should a Democratic voter cross over and vote sincerely for a

Republican who is perhaps closest ideologically to them – even if that person is from the other party? Should moderate voters support the “No Party Preference” candidate?

Bigelow and Oller, both Republicans, led the way in AD5. Table 4-19, below, shows the percent of all respondents in AD5 supporting each candidate or not supporting any (for reasons including: not voting at all, not voting in this race, not sure). Bigelow and Oller each had about twenty percent, with the closest alternative as Boyd (with 10 percent). Note that if the Democrats could somehow get behind one candidate or another that the Democratic candidates have in total 19 percent—just one percent behind Bigelow. Belden, despite the NPP label (or, perhaps, because of it), only gets four percent. Still, many voters are not sure or not voting; 20 percent of the respondents said that they did not know, 4 percent did not plan to vote in that race, 4 percent did not plan to vote at all, 3 percent refused to answer the question, and around 1 percent intended to vote for another candidate (meaning either that they intended to write in a candidate or that they were confused). Taken together, all of those types of voters form the 33 percent who do not have a specific candidate preference.

Table 4-19: Preferences in AD5

Candidate	All Respondents Survey %	Respondents with Preferences %	Election Result %
Bigelow (R.)	20	30	29
Oller (R.)	21	31	34
Lancaster (R.)	3	5	2
Boyd (D.)	10	15	13
Fitzgerald (D.)	9	13	18
Belden (NPP.)	4	5	4
No Pref.	33	N.A.	N.A.
Total N=	1080	747	

The second column of Table 4-19 merely recalculates the percent of the voters supporting each candidate, dropping the voters with no firm candidate preference. For

many of the types of analysis performed in later chapters, a candidate preference is required. For example, to determine if a voter intends to cross over to vote for a candidate of the other party, it is necessary to know which candidate the voter prefers (given the questions available on the survey). For that type of analysis, then, the effective N for this district is 747. These percentages are also more comparable to the actual election results, shown in the third column of Table 4-19. The survey had 30 percent for Bigelow, who actually got 29 percent of the vote. Oller got 31 percent in the survey but 34 percent on election night. Lancaster did worse in the election than in the survey, having 5 percent of the survey vote but only 2 percent of the true vote. Boyd got 15 percent in the survey but only 13 percent in the election, reversing places with Fitzgerald (13 percent in the survey, 18 percent in the election) as the most popular Democrat. Belden got 5 percent of the survey and 4 percent of the election night vote. The survey did fairly well at predicting the election night result, especially given the large number of undecided voters in the survey.

In the general election, Bigelow (and his trademark cowboy hat; see Figure 4-8) went on to defeat Oller 52-48. Both had endorsements from known figures in the Republican Party; for example, Oller had Representative Tom McClintock and Bigelow had former California Secretary of State Bill Jones – both figures with statewide name recognition in Republican circles. As reported in the *California Target Book*, one of the main political differences between the two candidates is that Oller had signed a “no-tax”

pledge while Bigelow had not. In an article about the “no-tax pledge” in California, the *Sacramento Bee* reported:¹⁹¹

In Sacramento, Democrats hardly bother negotiating with Republicans over the budget – the most important legislation each year – because Pledge Zombies cannot talk about taxes.

As always in politics, there's a money angle. Lobbyists are frustrated by the blank stares they get when the topic turns to budgets and taxation, and interest groups are using their checkbooks to make their views known.

The California Dental Association lobbies heavily for state funding for dental services. Worried that the state will cut spending deeper, the dentists led a \$227,000 primary campaign to boost Republican Assembly candidate Frank Bigelow, a cowboy-hat-wearing Madera County supervisor who rejected the pledge.

Bigelow faces a November showdown for the Mother Lode seat against Rico Oller, a former legislator who embraces the pledge and holds “red meat rallies” at which he barbecues chunks of cattle for his supporters.

Aside from the obvious cultural differences with districts like AD50, the idea that a “no-tax pledge” signer would be defeated by another fellow Republican who had not signed the pledge makes further study of this district interesting.

The responses to the core survey questions shed additional light on the campaign dynamics. Table 4-20, below, shows some of the basic statistics about the core survey questions with regard to this specific race. The first column of Table 4-20 displays the number of respondents who gave approval ratings for each specific candidate in AD5. The next column contains the average approval rating. The remaining columns have the numbers who gave an ideological placement, those average ideological placements, the

¹⁹¹ Morain, Dan. 2012. "Dan Morain: No-tax pledge losing its grip?" The Sacramento Bee, September 23. Available online at: <http://www.sacbee.com/2012/09/23/4843883/no-tax-pledge-losing-its-grip.html#storylink=cpy> (last accessed 12/16/12).

Figure 4-8: Frank Bigelow (Left) and Rico Oller (Right)¹⁹²

Table 4-20: Rankings and Ratings in AD5

	Gave Approval Rating	Avg. Approval Rating	Gave Ideological Placement	Avg. Ideological Placement	Gave Electoral Strength	Avg. Electoral Strength
Bigelow	722	5.51	587	6.19	654	5.93
Oller	718	5.35	597	6.66	669	6.06
Lancaster	359	4.94	236	5.18	301	4.47
Boyd	402	5.34	278	4.54	337	4.6
Fitzgerald	429	5.13	298	4.61	378	4.65
Belden	361	4.86	230	4.6	309	4.18

¹⁹² Ellis, John. 2012. "Bigelow, Oller bank on experience in 5th Assembly District race." The Fresno Bee. Posted Online April 25. Available online: <http://www.fresnobee.com/2012/04/25/2814257/bigelow-oller-bank-on-experience.html> (last accessed 12/16/12).

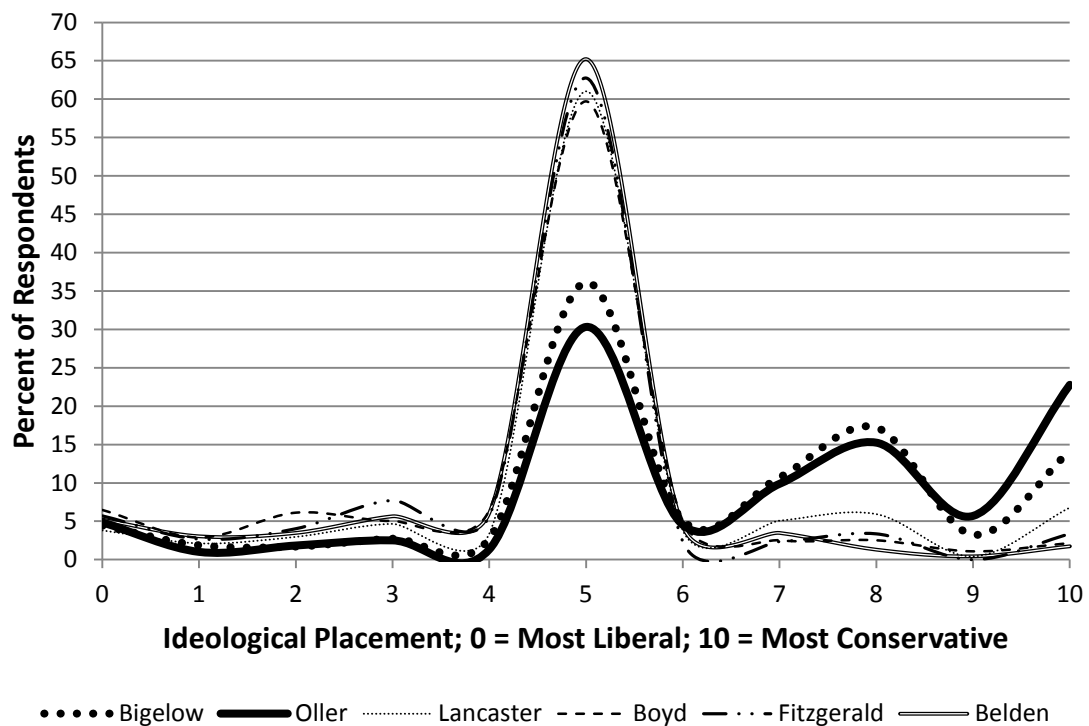
number who gave an estimate of electoral strength, and lastly that average strength estimate. Bigelow and Oller are the best known candidates: 722 and 718 respondents gave an approval rating for those candidates while the best known Democrat, Fitzgerald, got only 429 approval rankings. Fewer respondents gave estimates of electoral strength (probability of winning on a 0-10 scale, where 5 represented a 50-50 chance), although the pattern remained largely the same. Even fewer voters gave ideological placements, with Oller leading the way with just under 600.

Interestingly, the average ideological placement for Bigelow is more to the left (towards 0) than Oller's placement. Since Bigelow did not sign the tax pledge and—in a head to head matchup in November, including the Democratic vote—Bigelow defeated Oller, there's some reason to believe that the primary worked as intended. Oller did get a higher vote share in the primary but was defeated by a—by some standards, more moderate—fellow Republican in November. This data does require a more detailed examination, though. There is obviously a great deal of non-response, which is not likely missing at random. The data is also very noisy. Figure 4-9 plots the percent of the respondents who gave placements for each candidate at each point. Not only is there a large spike at five but some candidates are placed in very illogical positions. For example, some respondents placed Republicans Bigelow and Oller at zero, or most liberal.

Figure 4-9 helps make the case that more sophisticated methodology is required to analyze the data. There is certainly more information contained in Figure 4-9 than it may at first appear. Take, for example, respondent the respondent with case ID 100160. This voter intends to vote for Oller and lists herself as very conservative on the ideological

scale—a score of 10. She has placed Oller at 10 as well but placed Bigelow at 9. She did not place any of the other candidates. Nevertheless, this is sufficient really to be very suggestive about her behavior: she knew about the two most viable Republicans and could identify which was more conservative than the other. Given her own evident preferences, she seems to be supporting the correct candidate (if all she considers is ideology). The respondent with case ID 100336 also plans to vote for Oller. He too ranked himself as very conservative, with a placement of 10. He placed Bigelow at 5 and Oller at 8 and did not place the remaining candidates. Of course, none of the remaining candidates were likely to be closer to his ideological preferences; and, having given his own preference, put his vote choice and the main alternative in places on the ideological scale that make sense. The methods used in later chapters will help extract as much information from this data as possible.

Figure 4-9: Distribution of Ideological Placements in AD5



AD8: A Competitive District

Voters in AD8 had opportunities to make use of the new primary election rules. One Democratic Candidate, Ken Cooley, faced four Republicans and a Libertarian. The two main Republican candidates were Peter Tateishi and Barbara Ortega. Tateishi had served as the Chief of Staff for well-known Republican Congressman Dan Lungren; he could be considered the ‘insider’ candidate. Ortega, on the other hand, spent nearly \$100,000 of her own money (as Reported in the *California Target Book*).

The other candidates were less viable contenders. John Thomas Flynn did not mount a serious challenge, despite trying to place himself towards the ideological middle (“I am a hawk on fiscal issues but a moderate on social ones,” he wrote on his website¹⁹³). Phillip Tufi ran targeting the local Russian community; his campaign website was available in both English and Russian version.¹⁹⁴ The *Target Book* described the Libertarian candidate, Janice Bonser, as a “perennial” candidate for office who was the “owner of a garden business.” Nevertheless, all of these candidates could have played an important role under the right circumstances. If the vote split evenly among the Republicans, even Bonser may have had a chance to advance to the top-two – especially if some Democratic voters “raided” the Republican side and tried to pick a weak challenger.

Cooley, the Democrat, had little to fear in the primary from any of the other candidates. In the survey, 33 percent of all the respondents in AD8 intended to vote for him; this translates into 49 percent of the 748 respondents that had a preference. He did slightly worse in the actual primary election, getting 43 percent of the vote. Flynn, Tufi,

¹⁹³ See his campaign website: <http://www.flynnassembly2012.com/issues.html> (still available 12/16/12).

¹⁹⁴ As of 12/16/12, still available here: <http://www.tufi4assembly.com/russian/>

and Bonser together had a very small fraction of the vote. Tateishi and Ortega ran very close, though. As a percent of survey respondents with a preference, Tateishi had 21 percent to Ortega's 17. On election day, Tateishi hauled in 23 percent to Ortega's 20. Notably, this three to four percentage point gap is smaller than the total vote for Flynn, Tufi, and Bonser. To the extent that those candidates took votes potentially away from Ortega, they may have played a role in swinging the primary to Tateishi.

Table 4-21: Preferences in AD8

Candidate	All Respondents Survey %	Respondents with Preferences %	Election Result %
Cooley (D.)	33	49	43
Flynn (R.)	5	7	6
Tateishi (R.)	14	21	23
Ortega (R.)	12	17	20
Tufi (R.)	1	2	3
Bonser (Lib.)	3	5	4
No Pref.	32	N.A.	N.A.
Total N=	1,094	748	

In the general election, Cooley beat Tateishi. The race was reasonably competitive but not, in the end, very close; Cooley won 53-47. The open question here is to what extent Ortega would have done better (if she would have done better at all). Further analysis is required to determine how the primary affected the outcome. The data in Table 4-22 is suggestive, though. Ortega did have ideological placements on average farther to the left than did Tateishi (6.31 for Tateishi, 5.64 for Ortega). In that sense, Tateishi may have been an easier opponent to defeat than Ortega. On the other hand, the negative attacks orchestrated by Tateishi's campaign may have had an effect as well, since he had higher approval ratings than she did (although she was better known).

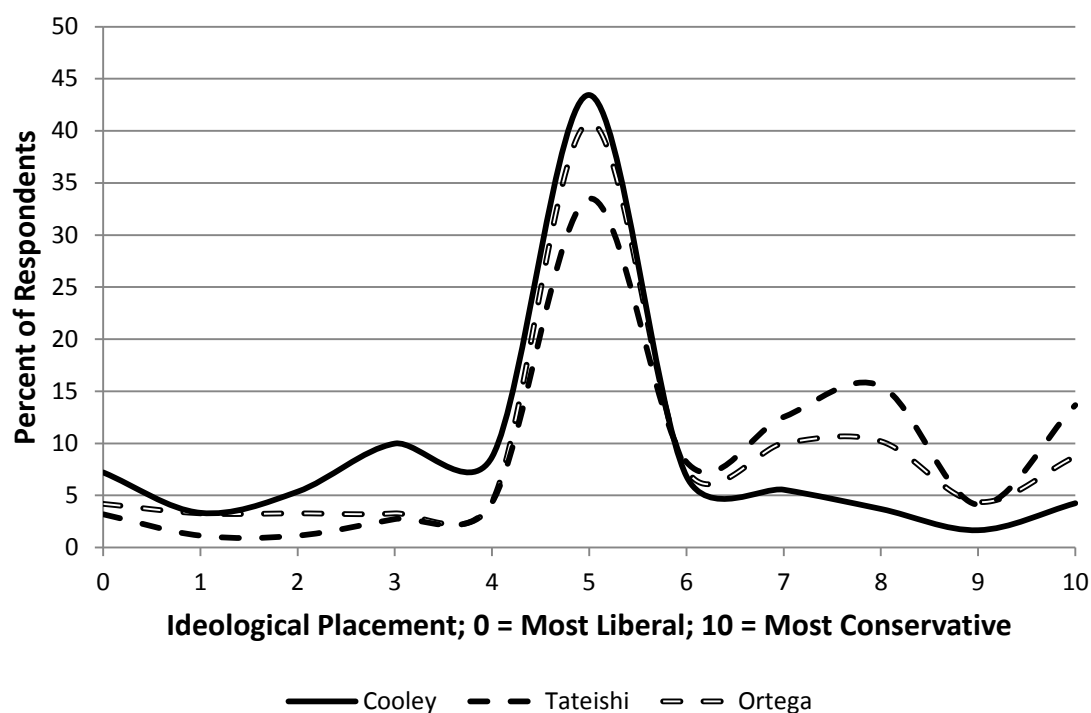
As in AD5, the ideological placements in AD8 are widely scattered. Figure 4-10, below, shows the placements for just Cooley, Tateishi, and Ortega. Cooley has a small

bump around 3. Ortega and Tateishi have a bump around 8, but Tateishi got a higher percentage of his placements to the right of five than Ortega while Ortega had a higher percentage to the left of and at five. This explains why Ortega's score is farther to the left (towards zero) than Tateishi's—but some of this may just be driven by uncertainty about her true positions.

Table 4-22: Rankings and Ratings in AD8

	Gave Approval Rating	Avg. Approval Rating	Gave Ideological Placement	Avg. Ideological Placement	Gave Electoral Strength	Avg. Electoral Strength
Cooley	686	5.84	541	4.63	626	5.60
Flynn	357	4.87	242	5.14	306	4.14
Tateishi	571	5.61	439	6.31	509	5.48
Ortega	700	5.17	549	5.64	639	5.26
Tufi	340	4.71	228	4.95	293	3.97
Bonser	341	4.66	220	4.57	290	3.55

Figure 4-10: Distribution of (Select Candidates) Ideological Placements in AD8



AD41: A Democrat Makes a Run to the Middle

Assembly District 41 provides a different kind of primary dynamic. AD41, as seen earlier, is a district that tends Democratic but with enough Republicans and nonpartisans that they provide opportunities for nontraditional candidates. Certainly AD41 attracted one of those: Democrat Victoria Rusnak. On the Democratic side, she faced Chris Holden and Michael Cacciotti. Both were strong and credible candidates. Chris Holden, the son of Los Angeles City Councilman Nate Holden, had served on the Pasadena City Council for twenty years. He got the endorsement of the California Democratic Party before the primary election. Michael Cacciotti served on the South Pasadena City Council. Rusnak had little political background at all; her political assets included lots of her own money and a large amount of name recognition, since her family ran several large luxury car dealerships in the district. The *Target Book* reported that she spent nearly \$300,000 of her own money and almost \$500,000 overall during the primary. Furthermore, unlike most first time politicians, her name already adorned a great number of the bumpers in AD41 before she had even spent one of those dollars.

The two Republicans on the ballot were also both interesting candidates. Ed Colton was a businessperson on the board of a local Catholic high school (Cathedral High School). AD41 and the area around it has a great number of private schools, so access to the private school social network is a strong political asset. Donna Lowe helped found the Claremont Conservatives Tea Party and had the endorsement of the California Republican Party.

Rusnak appeared to make an effort to ‘run to the middle.’ For example, she sent mail to Republican households that detailed her interest in education but did not mention

her own party affiliation. Holden appeared to run a more traditional Democratic campaign while Lowe committed to her Tea Party base. In the last few days before the election, Rusnak got hit with a series of negative advertisements from the independent expenditure group “Alliance for California's Tomorrow,” believed to be done on Holden's behalf.¹⁹⁵ A photograph of one page of one of these ads is in Figure 4-11. The front page of this advertisement showed someone at a car dealership (identified as a “used car center”) with the text “take a closer look before you buy.”

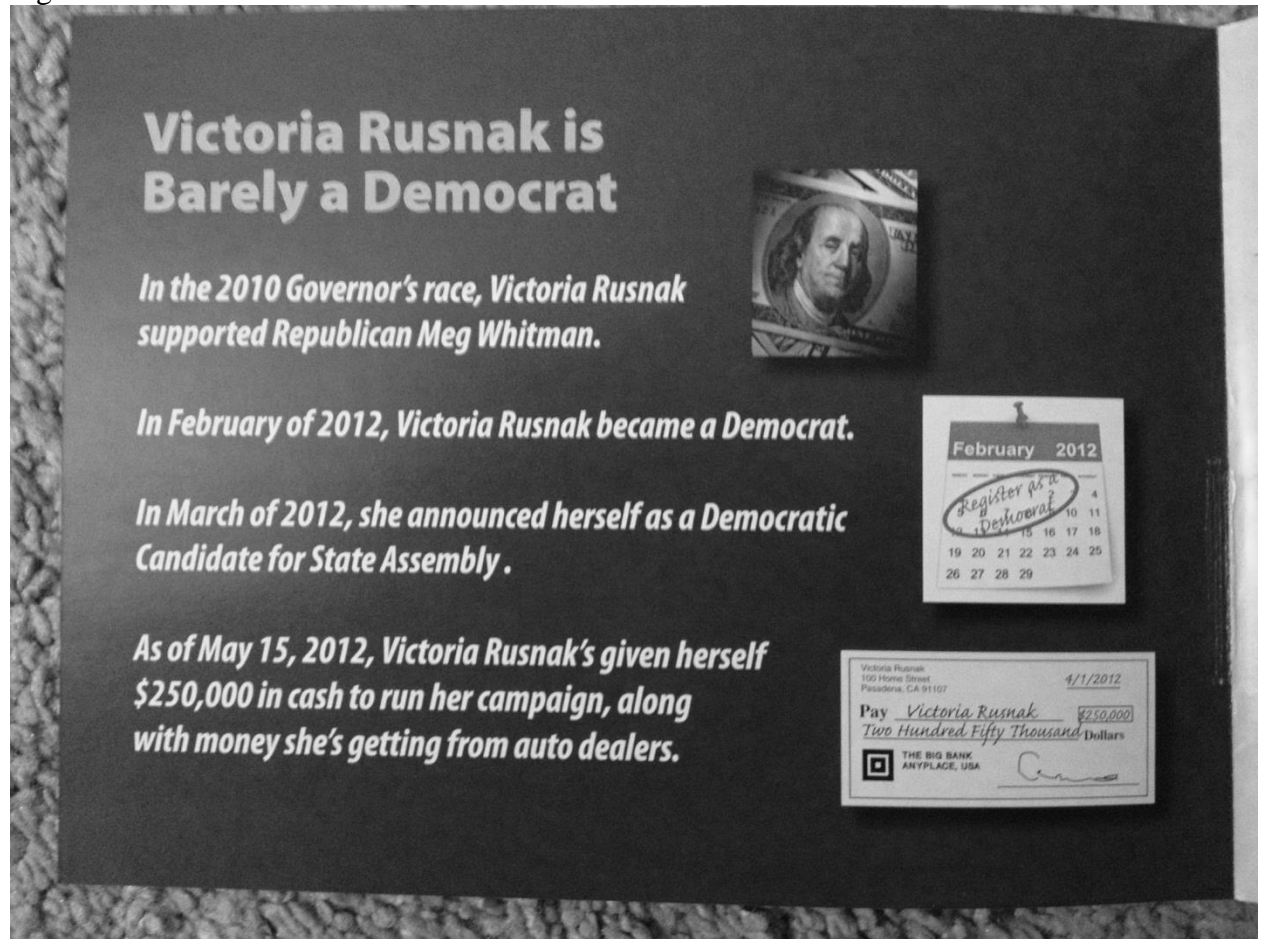
Table 4-23: Preferences in AD41

	All Respondents Survey %	Respondents with Preferences %	Election Result %
Holden (D.)	18	31	29
Cacciotti (D.)	8	14	15
Rusnak (D.)	12	21	14
Lowe (R.)	11	18	24
Colton (R.)	10	16	18
No Pref.	41	N.A.	N.A.
Total N=	1099	686	

Whether on their own, or because they were encouraged to do so, voters certainly did take a skeptical look at Rusnak. Rusnak appeared to be in second place among the survey respondents. Looking at Table 4-23, Rusnak had support of 21 percent of the respondents who had a preference, second only to Holden (with 31 percent). A lot of respondents had not yet made up their mind, though. Rusnak's second place survey finish translated to only 12 percent of the total survey respondents from the district. Many of the respondents did not have an explicit preference; 41 percent either did not know, did not plan to vote at all or in that race, or did not want to say who they favored. The

¹⁹⁵ For example, see the reference to the negative mailer here: Wilson, Larry. 2012. “Larry Wilson: Wine-bar election pundits testify.” *Pasadena Star News*. Posted June 5th, available online at: http://www.pasadenastarnews.com/ci_20791049/larry-wilson-wine-bar-election-pundits-testify (last accessed 12/16/12).

Figure 4-11: Anti-Rusnak Ad



undecided voters really broke for anybody but Rusnak. As expected, Holden got the most votes; Lowe came in second, six points ahead of her closest rival Ed Colton. Table 4-24, below, shows the fraction of the vote each candidate received in each day of polling in AD41. There's not a clear trend day-to-day; nevertheless, the negative advertising may have had a bigger effect on the undecided or poorly informed voters.

Rusnak and Holden are clearly the best known of the five candidates. Of the 1099 respondents from AD41, 669 gave an approval rating for Holden and 663 gave a rating for Rusnak (see Table 4-24, below). For the other candidates, 487 rated Cacciotti, 457 rated Lowe, and 474 rated Colton. For all her name recognition, though, Rusnak did lag in approval ratings; she was the only candidate with an average below 5. Interestingly,

she does place in the center ideologically of the five candidates. Furthermore, the voters who ranked Lowe and Colton did acknowledge their electoral weaknesses; they had the lowest average electoral strength.

Table 4-24: Vote Percentages by Day in AD41 (Unweighted Row %)

	Holden %	Cacciotti %	Rusnak %	Lowe %	Colton %	N=
5/26/2012	18	18	18	18	27	11
5/27/2012	43	14	7	7	29	14
5/28/2012	43	27	17	7	7	30
5/29/2012	22	12	27	24	15	59
5/30/2012	26	3	23	29	20	35
5/31/2012	15	10	10	40	25	20
6/1/2012	29	23	13	17	18	77
6/2/2012	35	11	24	21	9	149
6/3/2012	33	15	19	17	16	213
6/4/2012	32	17	14	22	15	78
Total	31	15	19	20	15	686

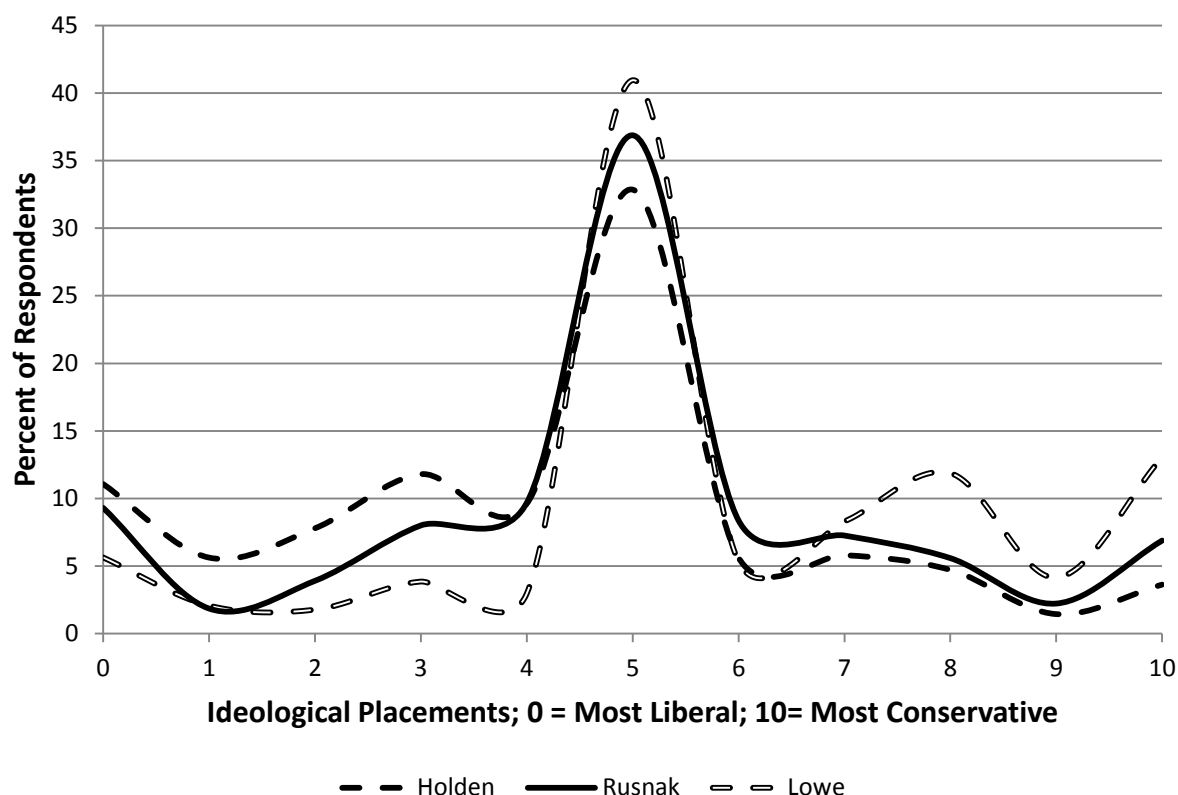
Table 4-25: Rankings and Ratings in AD41

	Gave Approval Rating	Avg. Approval Rating	Gave Ideological Placement	Avg. Ideological Placement	Gave Electoral Strength	Avg. Electoral Strength
Holden	669	5.71	551	4.21	616	6.00
Cacciotti	487	5.49	366	4.61	441	5.02
Rusnak	663	4.80	537	4.92	603	5.09
Lowe	457	5.25	337	5.87	414	4.78
Colton	474	5.05	340	5.62	420	4.62

Figure 4-12, below, shows the ideological placements for Rusnak, Lowe, and Holden. The distributions are noisy, as were those for the other candidates in other districts, but still intelligible. Lowe has a “conservative” bump and Holden has a “liberal” bump – but Rusnak has neither. If this data is at all meaningful, then it makes some sense out of the tactical spending by independent expenditure groups. Why should they target Rusnak? If she is more centrally located than Lowe, then she was likely a

bigger threat to Holden than Lowe proved to be. Holden easily defeated Lowe in November.

Figure 4-12: Distribution of (Select Candidates) Ideological Placements in AD41



AD47: Majority-Minority District and Weak Republican Candidates

In November, Democrat Cheryl Brown defeated fellow Democrat Joe Baca, Jr. 56% to 44% in the race for California's 47th Assembly District seat. This contest illustrates some of the important changes in California electoral politics with the advent of the top-two. In particular, because the district is a majority-minority district with both Latino and African-American populations, the 47th serves as a laboratory to study the way a diverse population approaches the new top-two primary. Baca, a Latino candidate, had the highest vote share of the four candidates in the primary and he won the

endorsement of the California Democratic Party. Brown, an African-American candidate, managed to overcome those obstacles to win the November election.

AD47 started as an open seat, represented by the termed-out Wilmer Carter (also an African-American woman). Four candidates entered the primary: Democrats Baca and Brown as well as Republicans Jeane Ensley and Thelma Beach. Jeane Ensley was the most serious Republican contender, as an active member of the Inland Empire Tea Party (*Target Book*, 2012). Beach did not mount a serious campaign; in her mid-90s, she would likely have been the oldest California legislator and local news reports indicated her “platform centers on helping out fellow senior citizens.”¹⁹⁶ If one of the Republicans had managed to make the “top-two” candidates for the November election, the Democrat on the ballot would have easily won election. Nevertheless, they did not; the results of the June Primary gave Baca 42%, Brown 29%, Ensley 22%, and Beach 6.5%. This meant Baca and Brown would have to compete in the general election.

Baca and Brown represented different factions of the local Democratic Party. Cheryl Brown worked for the termed-out Assemblywoman Wilmer Carter and for State Senator Gloria Negrete McLeod (Senate District 32). State Senator McLeod defeated Joe Baca Jr. in 2006 for the Senate seat and also ran in 2012 against Joe Baca (Sr.) for U.S. House of Representatives (CA 35th Congressional District). The California Democratic Party endorsed both Baca candidates.¹⁹⁷ The electorate would be less kind; Joe Baca (Sr.) lost on election day as well in another Democrat-on-Democrat race (ironically, also

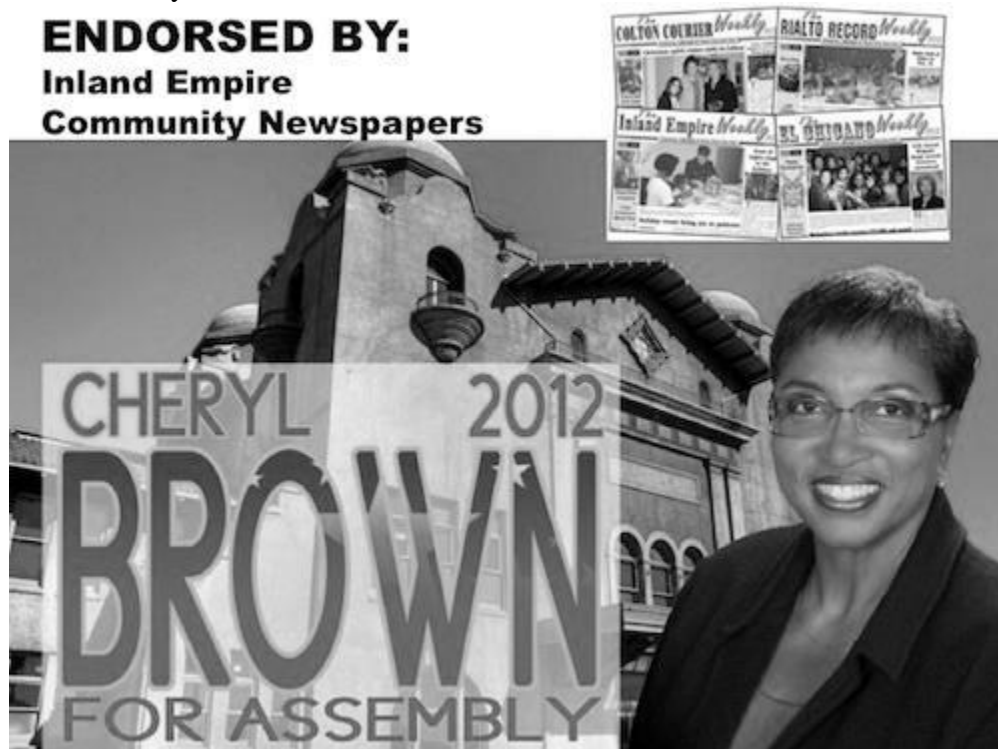
¹⁹⁶ Nisperos, Neil and Benjamin Demers. 2012. “Familiar names lead Assembly District 47.” *Inland Valley Daily Bulletin*. May 19th, online at: http://www.dailybulletin.com/ci_20662247/familiar-names-lead-assembly-district-47 (last accessed 11/17/12).

¹⁹⁷ (see: <http://www.cadem.org/vote?id=0006>, last accessed 11/17/12).

Figure 4-13: Joe Baca, Jr.¹⁹⁸



Figure 4-14: Cheryl Brown¹⁹⁹



¹⁹⁸ Image taken from the front page of his website: (<http://joebacajrforassembly2012.com/index.html>), last accessed 11/17/2012.

¹⁹⁹ Image taken from the front page of her website: (<http://www.brownforassembly2012.com/>), last accessed 11/17/2012.

Figure 4-15: Jeane Ensley²⁰⁰Figure 4-16: Thelma Beach²⁰¹

56-44%). For AD47, this meant both Democratic candidates had the background in politics and the connections in the Democratic Party to be realistic and serious contenders for office.

The *Politico* listed Congressman Baca's defeat as one of the "5 Biggest House Race Surprises."²⁰² The *Politico* report noted that Michael Bloomberg (the mayor of New York) spent "an astonishing \$2.5 million" to buy television advertisement on behalf of Negrete McLeod and against Joe Baca (Sr.) before the fall election. (After the election, he reportedly said: "I didn't lose to Negrete-McLeod, I lost to Michael Bloomberg."²⁰³) While the content of the advertisements related to gun control, the

²⁰⁰ Image taken from her website: (<http://www.electjeane.com/>), accessed 11/17/2012.

²⁰¹ No candidate website available; image taken from: *San Bernardino County Sentinel*: "Winkler-Beach Making a Stand as Dean of Candidates." Posted May 26, 2012. Available online at: <http://sbsentinel.com/2012/05/page/2/>, last accessed 04/07/13).

²⁰² Isenstadt, Alex. 2012. "The 5 biggest House race surprises." *Politico*, Nov. 7. Online at: <http://www.politico.com/news/stories/1112/83536.html> (last accessed 11/25/12).

²⁰³ Weeks, John. 2012. "John Weeks: The prediction here: Baca will be back." *The Sun: San Bernardino and the Inland Empire*. November 13, online at: http://www.sbsun.com/ci_21990177/john-weeks-prediction-here-baca-will-be-back (last accessed 11/25/2012).

motivation may not have. Joe Baca Sr. was also the subject of an unflattering article in the *New York Times* in September which described a very close relationship between his charitable foundation and his political campaign.²⁰⁴

The spending in the Joe Baca Sr.'s race may have also hurt his son, as CD35 overlaps parts of AD47 in Fontana and Bloomington and the two men share the same name. Nevertheless, Joe Baca Jr. was likely to defeat either Republican candidate in AD47, no matter what happened during the general election campaign. While the race in AD47 also sported its own independent expenditures during the general election cycle on behalf of both Joe Baca Jr. and Cheryl Brown, Brown had to reach the general election stage first.

Table 4-26: Preferences in AD47

	All Respondents Survey %	Respondents with Preferences %	Election Result %
Baca (D.)	38	58	42
Brown (D.)	15	23	29
Ensley (R.)	7	11	22
Beach (R.)	5	7	7
No Pref.	35	N.A.	N.A.
Total	1208	819	

The survey results in AD47 looked pretty good for Joe Baca, Jr. He polled 38 percent of the total respondents in the district and 58 percent of the respondents who had a firm vote preference. Brown, on the other hand, only got 15 percent of the total respondents and 23 percent of those with a candidate preference. Ensley and Beach appeared to be roughly equally hopeless, with Ensley holding a slight edge (Table 4-26). While the survey greatly overestimated Baca's support (58 percent of those with a

²⁰⁴ Lipton, Eric. 2012. "Congressional Charities Pulling in Corporate Cash." *The New York Times*, Sept. 5. Online at: <http://www.nytimes.com/2010/09/06/us/politics/06charity.html?pagewanted=all> (last accessed 11/25/2012).

preference in the survey, 42 percent on election day), Brown still only beat expectations by six percentage points to get 29 percent on election day. Her reversal of fortune remains miraculous.

Part of the explanation of that miracle likely lies in the lower levels of political information and engagement in politics in AD47. While none of the districts have particularly neat answers to the core survey questions, the responses in AD47 do seem quite different from those in other districts (see Table 4-27, below). Many respondents rank Baca (975 of 1208) and Brown (653 of 1208) while less rank Ensley and Beach (454, 445). Baca had the highest average approval rating. Many voters also gave ideological placements but the average placements do not make much sense. The average placement for Ensley, a Tea Party Republican, is to the left of the average placement for Democrats Baca and Brown. The electoral strength scores look more reasonable; given the way the candidates finished in the primary election, it seems understandable that Baca would have the highest average score and Beach the lowest. Still, it is somewhat surprising that Beach did not have a score closer to zero.

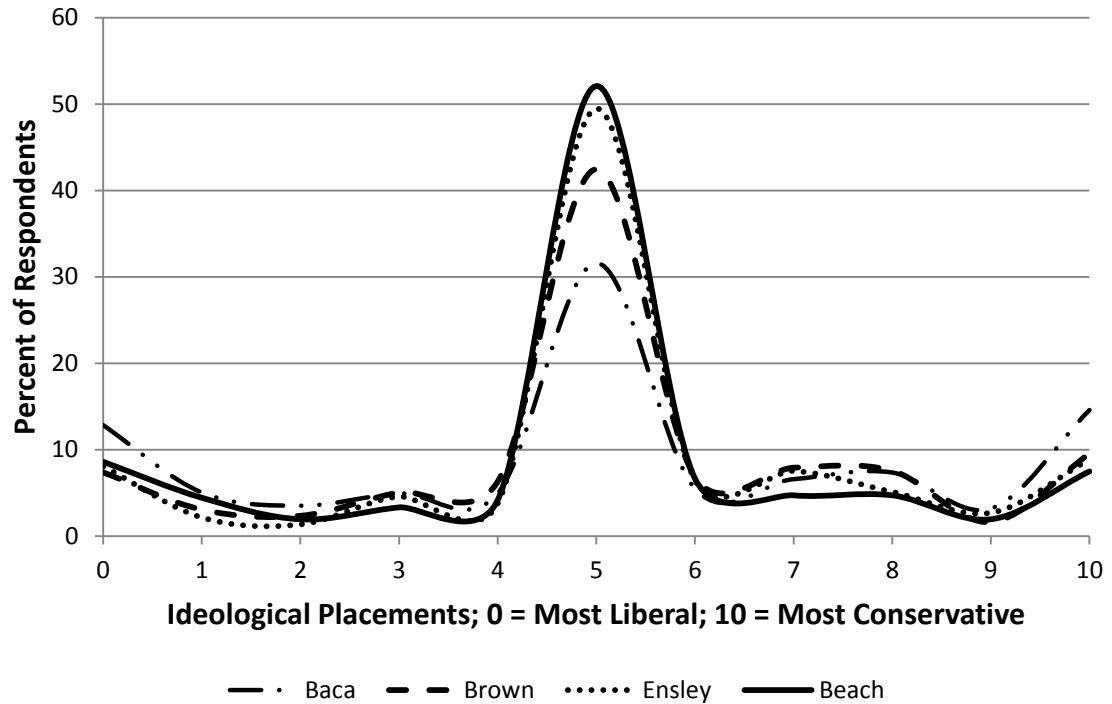
Table 4-27: Rankings and Ratings in AD47

	Gave Approval Rating	Avg. Approval Rating	Gave Ideological Placement	Avg. Ideological Placement	Gave Electoral Strength	Avg. Electoral Strength
Baca	975	5.88	912	5.17	960	6.63
Brown	653	5.62	556	5.27	632	5.44
Ensley	454	4.92	372	5.26	426	4.52
Beach	445	5.00	361	4.98	416	4.33

Figure 4-17 starts to explain the nonsensical means for AD47 on the ideological placements. Quite simply: the means are based on very little information, since most respondents who placed each of the candidates placed them at "5." It is likely some respondents also reversed the scale, intending to say "very liberal" when they instead said

"very conservative." The picture in Figure 4-17 is just not terribly informative without resorting to more sophisticated methodology (as will be done in the next chapter).

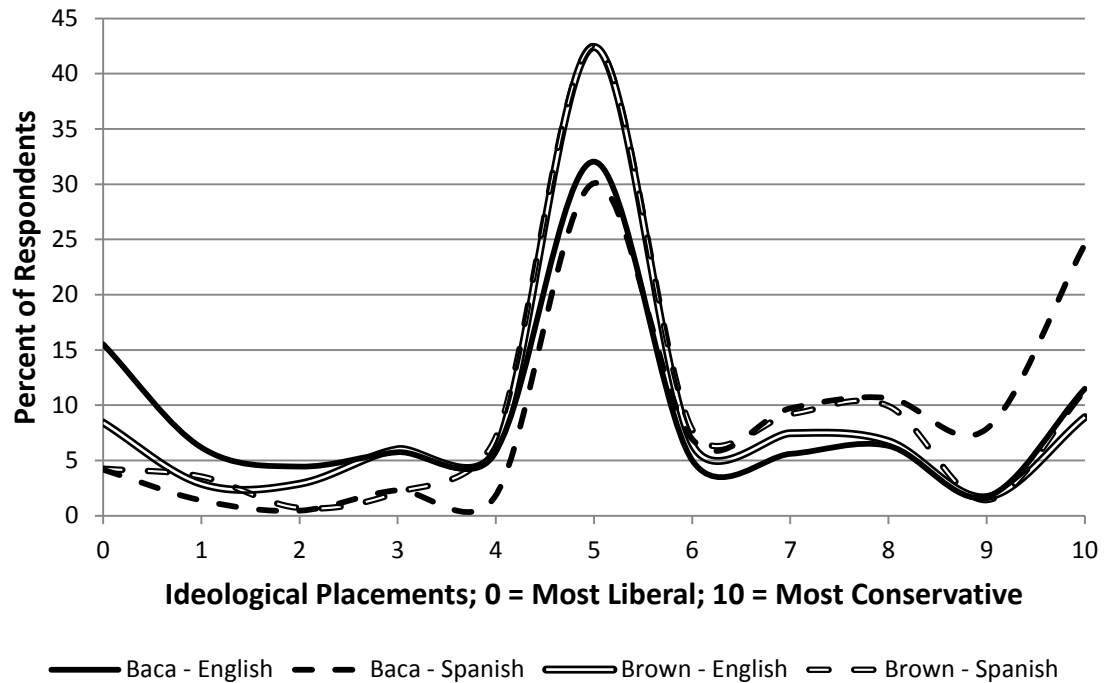
Figure 4-17: Ideological Placements in AD47



Since AD47 did include surveys in both English and Spanish, there is always a concern that the translation may have been less than clear. Figure 4-18, below, shows the distributions for the two Democratic candidates by the language of the survey. This does seem to make something of a difference: note that the percent of the survey respondents placing both Baca and Brown at appropriate scores (between 0 and 4) is higher for English-language than Spanish-language respondents. Conversely, the percent of respondents placing Baca and Brown at likely inappropriate scores (between 6 and 10) is higher for Spanish than English language respondents. Over twenty percent of the Spanish-language survey respondents who placed Baca placed him at 10, or very

conservative. Only just above 10 percent of the English language respondents who placed him located him at 10.

Figure 4-18: Ideological Placements by Survey Language for Baca and Brown in AD47

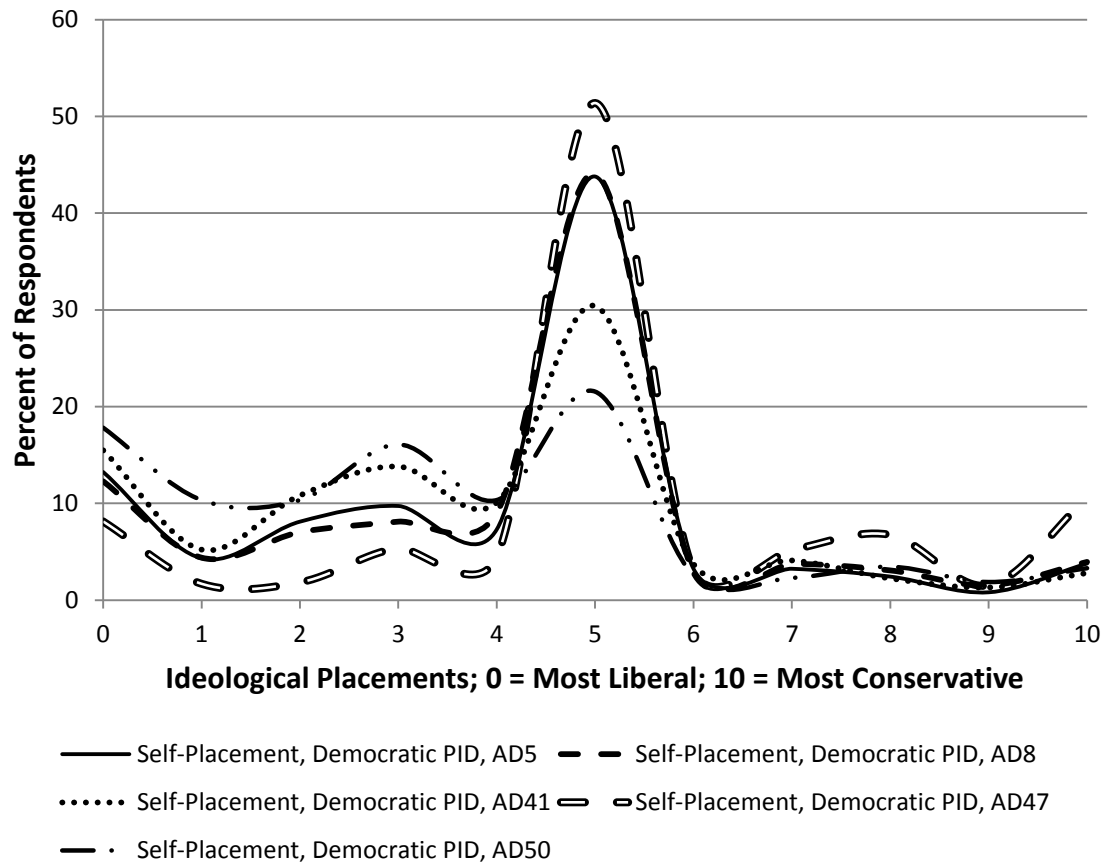


As a general rule, “Democrats” should be more likely to place themselves on the left side of the ideological scale (less than 5). That observation makes possible an analysis of AD47 relative to the other districts, to assess really if voters just did not understand this question very well in that district (without the confounding effect of observing the “true” ideological placement of candidates). The responses in AD47 are quite different from the responses in the other districts (see Figure 4-19, below).

A higher proportion of self-identified Democrats in AD47 locate themselves at 5 on the ideological scale than in any of the other districts. Furthermore, a higher proportion of the Democratic respondents in all the other districts placed themselves between 0 and 4. A higher proportion of the Democratic respondents in AD47 placed

themselves between 7 and 10 as did in the other districts. While it is possible that Democrats in AD47 think of themselves as much more conservative—as, indeed, their responses on the issue questions would suggest—it still seems that the respondents from that district answered the ideological placement questions in a less coherent way.

Figure 4-19: Democratic Self-Placements in All Five Districts



AD47 appears to be a district with a less informed and engaged electorate in comparison with the other districts, with correspondingly less well formed preferences between Assembly candidates. It makes sense, then, that the campaign between the primary and the general election would have an effect, with Brown overcoming Baca. She made up a lot of ground; Baca only needed to expand his primary election vote share by nine percentage points to win the general election. Regardless of how Brown

managed to pull it off, though, she had the opportunity to do so because of the top-two primary. At the primary stage, Baca would have won easily among the two Democrats and faced (and assuredly defeated) Ensley in the general election. So this is yet another case where the top-two likely changed who ultimately won and where the endorsed candidate of the Democratic Party lost to another Democrat.

AD50: The Four-Way Split

In AD50, the endorsed Democratic candidate also lost to a fellow Democrat in the general election, although such a statement hardly does the story justice. Four candidates decided to enter the race in AD50: Betsy Butler, a sitting Assemblywoman and the endorsed candidate of the California Democratic Party, Torie Osborn, a local stalwart of the activist community, Richard Bloom, the mayor of Santa Monica, and Brad Torgan, a Republican and President of the Los Angeles Log Cabin Republicans. In a contentious and expensive primary, Torie Osborn and Betsy Butler vied for the endorsement of the Democratic Party; Butler had moved to the district to run after the redistricting plans were announced. No one quit. At the end of the primary, less than a thousand votes separated first from fourth place. Butler barely came in first and Bloom snuck into second. In the general election, Bloom defeated Butler by slightly more than a thousand votes, although the election totals would not be finalized for almost an entire month (at one point, it looked like Bloom led by less than 100 votes). Any of the three Democrats had a reasonable shot at winning the district and the Republican, Torgan, put up a very credible effort as well.

The data from AD50 is relatively well-behaved. Butler did better in the survey than she did in the primary; the survey had her much more clearly in first place. With 40

percent of the respondents unsure, though, it seems that those voters broke against Butler in the primary (see Table 4-28). Osborn and Torgan actually did slightly better in the election than the survey would have predicted. Overall, though, the survey still correctly ordered the candidates and did predict a close election.

Table 4-28: Preferences in AD50

	All Respondents Survey %	Respondents with Preferences %	Election Result %
Butler (D.)	18	30	25*
Bloom (D.)	15	25	25*
Osborn (D.)	14	23	25
Torgan (R.)	14	23	25
No Pref.	40	N.A.	N.A.
Total N=	1134	730	*=winner

Butler and Bloom had the best name recognition, with more of the 1134 respondents in the district giving approval ratings, placing them ideologically, and listing their electoral strength (see Table 4-29, below). Osborn was not far behind, though; she also had the highest mean approval rating of the four candidates. Brad Torgan, the Republican, lagged far behind the Democratic candidates in terms of name recognition. Osborn was placed farthest left, with Butler and the Bloom. Torgan was placed as the right-most candidate. Bloom's victory did come as a bit of a surprise; Butler and Osborn were actually given the highest average electoral strength.

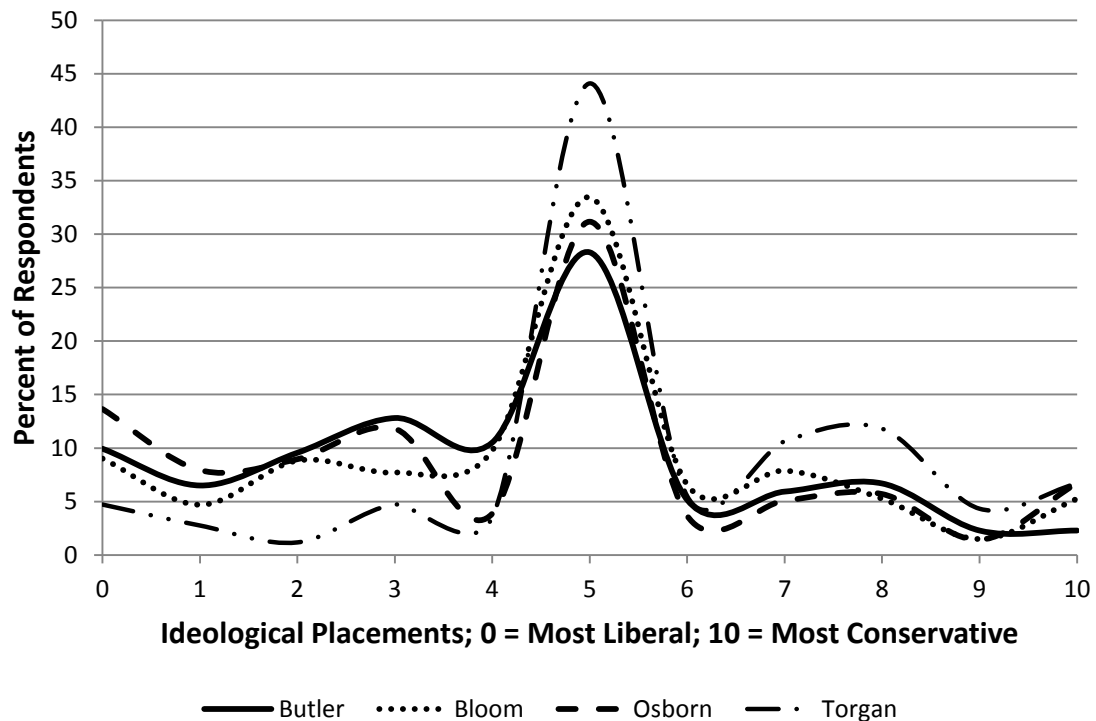
Table 4-29: Rankings and Ratings in AD50

	Gave Approval Rating	Avg. Approval Rating	Gave Ideological Placement	Avg. Ideological Placement	Gave Electoral Strength	Avg. Electoral Strength
Butler	647	5.90	523	4.17	579	6.23
Bloom	667	5.67	532	4.54	592	5.87
Osborn	621	5.93	491	4.16	551	6.04
Torgan	386	5.08	254	5.62	317	4.13

Figure 4-20, below, plots the ideological placements for each of the candidates in AD50. The data is, as in the other districts, noisy. Generally speaking, though, the three

Democrats did get higher rankings on the more sensible left side of the scale and Torgan got higher ratings on the right side. Torgan's higher proportion on 5 could reflect both his positions—Republicans in favor of gay marriage can rightly be considered moderates—and uncertainty about his ideological placement. On the whole, this figure is much more readily interpretable than the similar figure for AD47.

Figure 4-20: Ideological Placements in AD50



Further Investigation

The five districts included in this study effectively demonstrate the potential and the limitations of the new top-two primary. In AD5, a solidly Republican district, elected a Republican candidate for office who refused to sign the no-tax pledge over an alternative Republican candidate who did. In AD47, a Democratic candidate managed to turn a second place finish in June into a victory in November, pulling away votes from the endorsed candidate of the California Democratic Party. In AD50, a local Democratic

politician managed to fend off a better funded and veteran Democrat endorsed by the California Democratic Party as well. For reformers who aimed to elect more “pragmatic” candidates, these races look to be promising success stories. In AD8, though, the “establishment” Republican candidate held on in the primary, although he lost in the general election. AD41 proved to show the greatest limitation: the two most extreme candidates won the primary producing an uncompetitive general election. So the top-two had its apparent failures as well.

Nevertheless, these are just first impressions. The dataset contains variables that are both noisy and complicated. Furthermore, it contains a great deal of data, as is evident from this section. The tables and figures displayed in this chapter are some of the most simplified ways of presenting the information. The relationships between all of these variables can explain a great deal more about the dynamics of the top-two, analyzing why it seemed to succeed in its aims in some places and fail in others. In particular, there is much more information contained in the individual self-placements and candidate placements than is evident from aggregate statistics. Since each individual interprets and answers the question in their own fashion, more sophisticated analysis is required to extract more information about what the voter actually means to say. The remaining chapters making use of this survey data will use a variety of methods to analyze what happened and why.

“The best-laid schemes o' mice an' men / Often go awry.” —Robert Burns²⁰⁵

CHAPTER 5: VOTER BEHAVIOR IN CALIFORNIA'S 2012 TOP-TWO PRIMARY

This chapter puts the 2012 survey to use, analyzing how voters behaved in the top-two primary. The way voters make up their minds affects how well representative government aggregates citizens' true preferences, a fundamental question of democracy. At issue in particular is the extent to which voters make strategic calculations. Are voters game theorists or mere truthful reporters? Early spatial models (like Downs, 1957) assumed that voters selected the candidate ideologically closest to them and that candidates behaved strategically, choosing a location in the issue space. In recent years, particularly following on Cain's (1978) research on tactical voting in British elections, a small but steady stream of papers addressed strategic behavior by voters. This chapter's emphasis on what voters do under a particular set of election rules places it at the heart of central debates in both the study of institutions and political behavior.

The study of primary elections provides a particularly appropriate context in which to contemplate these important questions. To some extent, proponents of the top-two staked their hopes on a particular answer, the answer that voters would make well-meaning strategic decisions to support electable moderate candidates. The top-two can achieve some success without this strategic behavior, depending on how candidates decided to enter the process; with it, though, the top-two would likely produce the result its proponents desired. Opponents to the top-two naturally emphasized a different view: voters could also engage in “raiding” (see the introduction to Cain and Gerber 2002), voting for candidates in the primary that they thought would lose to a preferred candidate

²⁰⁵ Burns, Robert. 1785. “To A Mouse, On Turning Her Up in Her Nest With the Plough.” Available online: http://www.bbc.co.uk/arts/robertburns/works/to_a_mouse/ (last accessed 03/04/13). The line in Scots-English is: “Gang aft agley” instead of “Often go Awry,” but that is the translation often used.

in the next round or otherwise embarrass the party. Nor is California the only state in which debate over the adjustment of state primary law hinges on the assumptions about voter behavior in different institutional environments.

In this chapter, I focus on two related, but distinct, types of behavior: crossover voting and tactical voting. Imagine a Venn diagram: one can cast a crossover vote without casting a tactical vote, a tactical vote without casting a crossover vote, do neither, or do both at the same time. In the most general sense, political scientists define crossover voting as a partisan of one party voting for a candidate of another party. A voter casts a tactical vote (or “sophisticated” or “strategic” vote) by voting for a “second-choice” candidate. A voter may cast a crossover vote but not a tactical vote or cast a tactical vote without crossing over. In this chapter I investigate both crossover voting and tactical voting in California’s first use of the “top-two” primary.

The new law explicitly removed barriers to crossover voting and makes an emphasis on crossover voting appropriate for this study. Political scientists have not yet settled on a single and precise definition of the term “crossover voting” beyond a general sense that it implies candidates getting votes from outside their own party. Researchers face an important choice: what constitutes a partisan? In states without partisan registration that conduct open primaries (like Wisconsin, in which many of these early studies took place), researchers defined partisans by their subjective personal party identification. As Wekkin (1988) pointed out, political scientists did this inconsistently: some included “independents” as crossover voters while others did not. In states with partisan registration, like California (and approximately half of the other states), researchers can choose between subjective party identification and voter registration. In

their study of California’s “blanket primary,” Sides et al. decided to use party identification because it “allows for a deeper analysis of... underlying psychology” (2002 pp. 78). In this chapter, I use a different approach and focus on party registration. While the underlying psychology remains interesting, the formal legal change removes barriers to participation across registration types. In this context, a voter “crosses over” if a voter registered with one party casts a ballot for a candidate identified with the other party.

Voters could engage in tactical voting under the old primary system; the new primary system merely provided more opportunities and lowered the costs. The definition of tactical voting does not limit it to primaries or even to American elections. A large literature follows the study of tactical voting in British elections; Alvarez and Nagler (2000) summarized that literature and noted that estimates of tactical voting ranged from five to seventeen percent across British elections from 1980 to 1987 (pp. 74). British elections are considerably simpler than American primaries because each party advances only one candidate and researchers tend to assume that voters prefer the candidate of their own party. In American primaries, voters are selecting among possibly many candidates of their own party; it is possible, then, to cast a within-party tactical vote.

Table 5-1: Intersection of Tactical and Crossover Voting

Objective for Candidate	Candidate Type	Own Party Vote	Crossover Vote
Victory	First-choice Candidate	Sincere	Sincere
Victory	Other Choice Candidate	Tactical Settling	Tactical Settling
Defeat	Other Choice Candidate	Hedging? (Top-Two Only)	Tactical Raiding? Crossover Hedging?

The study of tactical voting relates to the study of crossover voting in the context of American primaries. Researchers debate what crossover voters intend their ballots to do. Table 5-1 lays out the relationship between tactical voting and crossover voting.

Voters may cross over without casting a tactical vote: if a candidate of the opposing party is a first-choice (by some metric) candidate, and a voter crosses over to select that candidate, this is still a sincere vote. Voters may also cast a tactical vote without crossing over: a voter may settle for an electable alternative within their own party rather than vote for their most preferred, but unelectable, candidate. There are also two kinds of tactical voting that involve crossing over: settling and raiding.

The voter's intentions separate the two kinds of tactical crossover voting. Voters who "settle" want that candidate to win, even if they preferred another candidate more. The likely explanation for this behavior is that their most preferred candidate appears hopeless, so they are trying to select an acceptable alternative. Scholars tend to treat this behavior as harmless; Gerber and Morton (1998) even included this with sincere behavior. On the other hand, researchers and policymakers tend to express more concern about "raiding." A "raiding" voter specifically aims to nominate a weak candidate of the opposing party; a weak candidate in a (one-dimensional) spatial modeling context is far away from the median voter.

In the "primary" stage of the top-two, voters have more strategies available to them than they do under any other system in current use. Since the general election can feature two candidates of the same party, voters can attempt to engineer outcomes impossible with a party primary conducted even under the "blanket primary" rules. For example, a voter could desire a same-party runoff (general election) because this ensures a victory of their party in the general; this could be called "hedging." This would be a strategy to reduce the risk to the party in case the selected candidate did something that would produce an unexpected negative shock before the general election. As *The*

Atlantic noted, “Edwin Edwards -- bon vivant, convicted felon, three-time husband, and four-time Louisiana governor -- once cracked that he could only lose an election if he was ‘caught in bed with either a dead girl or a live boy.’”²⁰⁶ In politics, stranger things have happened.²⁰⁷ A voter might like to make sure that someone from their party wins, just in case Governor Edwards’s worst case electoral scenario occurred (although some in Louisiana might have viewed Edwards *as* the worst case scenario; see Chapter 2). This could, though, have a similar negative effect as “raiding” – voters could end up propelling the candidacy of a politician they do not even like.

In American primary elections, the evidence for tactical behavior tends to be weaker than the evidence for tactical behavior in British elections. In part, though, this is because researchers investigating American elections tend to look for raiding crossover voters – only one subset of tactical behavior. In examinations of crossover voting in California’s blanket primary (in use from 1998 to 2000), Sides *et al* (2002) and Alvarez and Nagler (2002) found little evidence for raiding or settling; most crossover voters were apparently sincere. Those findings reflect the general sense of the earlier literature as well. Abramson *et al.* (1992) found that tactical voting did take place in the 1988 presidential primaries; while they too found that most voters did not cast tactical votes, they also found that some voters took into account the viability of candidates.

²⁰⁶ Graham, David A. 2013. “How Much Trouble is Senator Bob Menendez In?” *The Atlantic*. February 1. Posted online at: <http://www.theatlantic.com/politics/archive/2013/02/how-much-trouble-is-senator-bob-menendez-in/272736/> (last accessed 3/1/13). The quotation attributed to Edwin Edwards may be apocryphal.

²⁰⁷ For a recent example of a politician doing or saying something incredibly stupid, recall Todd Akin’s remarks: “If it’s a legitimate rape, the female body has ways to try to shut the whole thing down.” This is widely believed to have cost him a likely electoral victory in his Senatorial campaign. See Morre, Lori. 2012. “Rep. Todd Akin: The Statement and the Reaction.” *New York Times*, August 30. Available online at: http://www.nytimes.com/2012/08/21/us/politics/rep-todd-akin-legitimate-rape-statement-and-reaction.html?_r=0 (last accessed 3/1/13).

This chapter examines both crossover voting and tactical voting in the top-two primary. The first part focuses on crossover voting, emphasizing one of the literal changes in law. The old law prohibited crossover voting and the new law allows it: how much crossover voting took place and why did voters do it? The first part of this chapter pools together all the respondents to analyze their choices in their electoral environment. The second part emphasizes the recipient of the vote rather than the type of vote cast; this focuses on a district-by-district approach for the five Assembly races studied in the survey.

Crossover Voting: How much, of what type?

This section begins with a discussion about interpreting the survey responses. The data from the survey, described in the previous chapter, contains a puzzle: crossover voting takes place, it takes place apparently sincerely, but it takes place when tactical crossover voting would be expected. Table 5-2, below, details the problem. Using the questions about the ideology (on a liberal to conservative 11 point scale) of the candidates and the voter, I can determine which voters intend to vote for an (ideologically) first-choice candidate or for some other candidate. Since the survey instrument contains both the party registration of the voter and the party of the candidate, I can determine if a voter intends to cross over. I expected to find more tactical voting and then to have the empirical exercise be to determine to what extent those tactical crossover voters were “settling” or “raiding.”

Each column in Table 5-2 displays the percent of the voters of each registration type and the type of candidate they intend to select. So, taking the first column in the first section (Assembly District 5), 23.3 percent of registered Democrats in AD5 intend to

Table 5-2: Vote by Ideological Proximity, Party of Candidate, and Party Reg. of Voter²⁰⁸

	Type and Party of the Voter's Choice	Dem. Reg. Voters	DTS/Ind Reg. Voters	Rep. Reg. Voters	Third P. Reg. Voters	All Reg. Voters
AD5	First Choice (Rep)	23.3	42.8	77.3	60.6	56.3
	First Choice (Dem)	45.3	14.8	2.8	6.7	17.2
	First Choice (Third)	3.3	5.6	0.8	0.0	2.1
	Other Choice (Rep)	3.2	21.4	15.5	0.0	11.9
	Other Choice (Dem)	23.1	11.2	1.7	21.7	10.0
	Other Choice (Third)	2.0	4.2	1.9	11.1	2.5
N=		200	76	359	25	660
%		100	100	100	100	100
AD8	First Choice (Rep)	10.7	29.6	64.6	0.0	33.5
	First Choice (Dem)	54.4	22.4	6.9	27.5	32.0
	First Choice (Third)	1.0	3.7	1.2	10.4	1.6
	Other Choice (Rep)	9.9	22.6	21.0	6.3	15.5
	Other Choice (Dem)	23.6	20.5	2.5	22.4	15.0
	Other Choice (Third)	0.4	1.2	3.9	33.3	2.6
N=		304	63	246	14	627
%		100	100	100	100	100
AD41	First Choice (Rep)	3.7	22.6	52.4	25.5	23.1
	First Choice (Dem)	65.3	38.6	19.0	34.9	45.6
	Other Choice (Rep)	4.3	9.9	18.4	14.9	10.1
	Other Choice (Dem)	26.8	28.9	10.2	24.7	21.3
N=		308	68	203	18	598
%		100	100	100	100	100
AD47	First Choice (Rep)	2.0	12.5	26.3	0.0	9.7
	First Choice (Dem)	67.9	58.7	38.7	100.0	59.6
	Other Choice (Rep)	2.6	4.2	21.1	0.0	7.7
	Other Choice (Dem)	27.5	24.6	13.9	0.0	23.0
N=		459	94	204	14	771
%		100	100	100	0	100
AD50	First Choice (Rep)	1.7	15.2	35.8	0.0	10.8
	First Choice (Dem)	67.6	54.0	31.9	56.4	57.7
	Other Choice (Rep)	1.8	6.2	25.9	0.0	7.5
	Other Choice (Dem)	28.9	24.7	6.4	43.6	24.0
N=		368	81	129	21	598
%		100	100	100	100	100

²⁰⁸ Note that this table excludes individuals who did have a candidate preference but did not provide sufficient information to create an ideological distance for *any* of the candidates in that district, including their choice. Nevertheless, this does include respondents who ranked at least on candidate but did not rank the candidate of their preference. This is included as an “other” choice. A “first” choice in this table is a vote for a candidate with no closer alternatives.

vote for a “first-choice” candidate who happens to be a Republican. In AD5, 45.3 percent of registered Democrats intend to vote for a “first-choice” candidate who happens to be a Democrat. On the other hand, only 3.2 percent of registered Democrats intend to vote for a non-first-choice (“other choice”) Republican candidate, while 23.1 percent intend to vote for a non-first-choice Democrat. Very few intend to support the third-party candidate (either as a first or other choice).

I defined the candidate ideologically closest (so, minimum distance on the 11 point scale) to the voter as a “first-choice” candidate. Voters need not have ranked all candidates to appear in Table 5-2; in Table 5-2 I merely excluded voters who either had no candidate preference or who ranked no candidates at all. An “other” choice in Table 5-2 can mean anything from a second-closest ideological candidate to an unranked candidate (when some other candidate was ranked). This simple categorization scheme should be sufficient to judge the relative amount of crossover “settling” and “raiding.” To get a sense of the quantity of crossover voting, one needs just to look down that party’s registration in each district to observe how many voted for *a* candidate of the other party (although, in races with multiple candidates of each party, these votes may split across several candidates). In AD5, 26.5 percent of registered Democrats crossed over to vote for a Republican – 23.3 percent for a first-choice and 3.2 percent for some other choice. For Republicans in AD5, 4.5 percent crossed over – 2.8 percent for a first-choice Democratic candidate and 1.7 percent for some other Democrat. In AD5, a much higher percentage of Democrats crossed over than did Republicans, even if almost all the crossover vote went to a first-choice candidate.

Table 5-2 presents quite a puzzle. While many more Democrats crossed over for a first-choice candidate in AD5 than did Republicans, crossover rates are much more similar between the parties in AD8. In AD41, AD47 and AD50, the trend reverses. While only 2.8 percent of registered Republicans voted for a first-choice Democratic candidate in AD5, in AD8 38.7 percent of Republicans voted for a first-choice Democratic candidate. The district-by-district disparity in “sincere” crossover voters seems too large to explain entirely by the positioning of candidates or by district variation in the character of partisans. The trend with sincere crossover voting looks like what one would expect, theoretically, to find with settling and raiding crossover voting: the quantity of sincere crossover voting appears to vary by strategic context.

Table 5-3: Crossover Voting by Situation: All Five Districts

	Strong Party	Majority Party	Minority Party
Voted Party	90.9%	94.3%	65.3%
Crossed Over	9.2%	5.8%	34.7%
Total	100%	100%	100%
Includes:	AD5 (Rep) AD41 (Dem) AD47 (Dem) AD50 (Dem) AD8 (Rep) AD8 (Dem)	AD5 (Rep) AD41 (Dem) AD47 (Dem) AD50 (Dem)	AD5(Dem) AD41(Rep) AD47 (Rep) AD50 (Rep)

Table 5-3 makes the observation from Table 5-2 more explicit: members of the weaker party are much more likely to cross over --- and most of this behavior is reported as sincere in Table 5-2. If truly sincere crossover voting were to vary by district at all, I would ex ante have expected it to vary in the opposite way: I expected candidates from the weak parties to try to locate near the ideological middle, as they would eventually need votes from the other party to win the election. Instead, the “sincere” crossover voters appear to abandon their own, weaker party. This is, to say the least, suspect, and

raises two questions. First, is this apparent trend just a consequence of the way I have used the variables? Second, are the crossover voters plausibly telling the truth?

Note in Table 5-2 that the unexpected results are not confined to the district variation in rates of crossover voting; surprisingly many voters also appeared to vote for an “other choice” candidate within their own party as well. For example, in AD5 23.1 percent of Democrats voted for an “other choice” candidate instead of for a first-choice candidate. Without any strong *ex ante* reason to believe that either of the Democrats, Boyd and Fitzgerald, was an obviously stronger or more conservative candidate (see Tables 4-19 and 4-20 in the previous chapter) there seems little reason for within-party tactical voting. Similarly, in AD50, 25.9 percent of Republican voters report voting for an “other choice” Republican --- and, yet, there was only one Republican alternative.

The way I handled missing data provides part of the answer to this puzzle. Respondents had an opportunity to place themselves and the candidates on an ideological scale; while nearly all respondents placed themselves and most placed at least one candidate, very few placed all of the candidates. This makes sense: few political scientists would be surprised that voters do not know a lot about all the candidates in the local legislative races. To determine if the voter had selected a “first-choice” candidate, I computed the ideological distance between the voter and each candidate; if the voter selected the candidate he placed closest to his own position, I called this a ‘first-choice’ candidate. When comparing distances, I included unranked candidates in the “other choice” category – which had the effect of assigning unranked candidates to an infinitely far away distance.

Imagine how this would apply to a Democrat in AD5. Table 5-4 shows the actual data from eight Democratic voters in AD5. My coding scheme would show the first voter, ID 100001, as a sincere crossover voter, with Oller as the voter's first-choice. Voter 100001 did not give rankings for most of the candidates but this result still appears sensible as at least the self-placement and candidate placement are the same and the voter knows something about the selected candidate. Voter 100002 gave the ideal (from the perspective of a researcher) responses: every candidate got a unique placement. These are also very reasonable placements; Fitzgerald, a former member of the Green Party, is assigned a more liberal value than Boyd, the endorsed candidate of the Democratic Party. Voter 100002 voted for a first-choice Democratic candidate, Fitzgerald. Voter 100003 did not give a response for Boyd but the coding scheme still produces a reasonable result: a sincere own-party vote for Fitzgerald.

Table 5-4: Ideological Placements, Selected Registered Democratic Voters from AD5²⁰⁹

ID	Bigelow	Oller	Lancaster	Boyd	Fitzgerald	Self	Vote
100001	m	5	m	m	m	5	Oller
100002	7	9	8	4	2	1	Fitzgerald
100003	6	8	5	m	5	5	Fitzgerald
100004	0	m	m	m	m	10	Fitzgerald
100005	5	5	5	5	5	5	Boyd
100006	7	m	m	5	m	5	Bigelow
100007	5	m	m	5	4	5	Fitzgerald
100008	8	10	m	m	m	6	Oller

Not all voters gave such easily interpretable responses; some responses either contain apparent errors or very little information. Voter 100004 appears to have reversed the scale (giving Bigelow a most liberal rating and giving a self-placement of most

²⁰⁹ “m” = missing; the ID numbers are the individual ID number in the survey results as provided by YouGov/Polimetrix. I did not include placements for the third-party candidate Belden in this table. A placement of “0” is “most liberal” and “10” is “most conservative.”

conservative, while voting for the former Green Party candidate). My coding scheme would have Bigelow listed as the first-choice since Bigelow is the only candidate rated; so this voter selected an “other choice.” Voter 100005, on the other hand, shows a different problem: this voter just gave the same answer to all the questions. My scheme would have Boyd as a first-choice candidate, but this is almost entirely uninformative.

The last three voters in Table 5-4 pose a different kind of problem. These voters may be tactical voters or nonsensical voters. Voter 100006 appears to cast a tactical vote for Bigelow; nevertheless, without rankings for Oller or Lancaster, it is difficult to judge if this is a settling vote or a raiding vote. Voter 100007's vote for Fitzgerald makes little ideological sense at all: Boyd and Bigelow are at the voter's ideal point while Fitzgerald is not. Since Bigelow had a better chance to win, a voter for Bigelow might have made more ideological and tactical sense. Voter 100008 appears to cast a raiding crossover vote for Oller, since Bigelow is ideologically closer. Nevertheless, conclusions about voter 100008 would be easier to draw if the voter also ranked the Democrats.

Respondents did not miss giving ideological placements randomly. Table 5-5 presents the data on missing candidate placements, separated by district and by the party of the candidate. Each column in Table 5-5 splits those results by the voter's party registration type, showing the percent that missed each number of candidates. For example, in AD5, 17 percent of registered Democrats missed no Republican candidates while 19 percent of registered Republicans missed no Republican candidates. In general, voters did better placing candidates of their own party than candidates of the other party. However, voters also appear to have done better placing candidates in areas of their own party's strength.

In AD5, the *Target Book* framed the primary as a contest to see if a Democrat could make the November ballot at all. In that district, 59 percent of registered Republicans missed one or less ideological placements for Republican candidates; 40 percent missed one and 19 percent missed zero. In contrast, 63 percent of registered Democrats missed one or less placements, with 36 percent missing one and 27 percent missing zero. While that may appear to show Democrats as better informed, the implication would be misleading: Republicans had three candidates and Democrats only two. One of the Republican candidates was clearly hopeless; the better comparison is between the 10 percent of Republicans who could not rank any candidates of their own party and the 37 percent of Democrats who could not rank any candidates of their party. The “first-choice” versus “other choice” coding scheme used in Table 5-2, for example, is the most problematic when voters do not rank any candidates of their own party

AD47 and AD50, the safest Democratic seats, show the trend from the other perspective. In AD47, both Republican candidates were beyond hopeless: 47 percent of Republicans could rank neither. Both Democratic candidates, though, had a reasonable shot at winning the election and the ideological rankings reflected this; only 5 percent of Democrats did not rank both of the Democratic candidates. In AD50, more than half (54 percent) of registered Republicans could not rank their only candidate, Brad Torgan. In fact, 43 percent of Republicans in AD50 ranked either all or all but one of the Democratic candidates while only 46 percent ranked Torgan. On the Democratic side, only 14 percent of Democrats ranked none of their own party candidates.

Separating voters based on the information they provided about their selected candidate clarifies the picture. Table 5-6 shows some of the detail missing from the

Table 5-5: Missing Candidate Ideological Positions by Party and by Voter Registration

Dist.	Type	#	Dem	DTS	Rep	3rd	Total	
AD5	Missing Republican Candidates	0	17	30	19	37	20	
		1	26	27	40	30	33	
		2	32	30	31	32	31	
		3	25	13	10	0	15	
	Missing Democratic Candidates	0	27	34	19	30	23	
		1	36	17	17	30	24	
		2	37	49	64	39	53	
		N =	240	85	398	25	747	
	AD8	Missing Republican Candidates	0	13	22	19	34	17
			1	9	9	16	4	11
2			18	25	25	3	21	
3			23	19	30	21	25	
4			37	25	11	38	26	
Missing Democratic Candidates		0	71	56	58	54	64	
		1	29	44	42	46	36	
		N =	370	77	278	22	748	
		AD41	Missing Republican Candidates	0	27	36	27	51
1				19	28	35	8	25
2	54			36	37	41	46	
Missing Democratic Candidates	0		40	37	26	15	34	
	1		26	24	20	25	24	
	2		21	23	27	22	23	
	3		12	15	28	37	19	
N =	342		76	245	23	686		
AD47	Missing Republican Candidates		0	32	32	30	0	31
			1	13	11	23	23	16
		2	55	56	47	77	54	
	Missing Democratic Candidates	0	58	52	51	23	55	
		1	38	38	40	77	39	
		2	5	10	9	0	6	
		N =	480	104	221	14	819	
	AD50	Missing Republican Candidates	0	23	29	46	36	30
1			77	71	54	64	70	
Missing Democratic Candidates		0	41	28	31	58	37	
		1	24	28	12	25	22	
		2	21	20	21	5	20	
		3	14	23	36	12	21	
		N =	424	103	180	23	730	

overview table, Table 5-2, for Republican and Democratic registrants and candidates. This table also includes the respondents who gave no rankings at all but specified a vote choice. In addition, I divided “first-choice” selections into those who made a comparison with at least one candidate from the other party and those who did not. These categories help separate out who casts a “first-choice” – or apparently sincere – crossover vote while knowing something about their own party’s candidates and who casts a “first-choice” crossover vote while unable to place their own party’s candidates. A voter has a much stronger case for consideration as a sincere crossover voter if the crossover first-choice vote comes with an own-party ranking. Similarly, the data as formulated in Table 5-6 better distinguishes between clear second-choice candidates and candidates who are “other choices” by default, as voters select an unranked candidate. This helps separate more likely tactical behavior from blind party-line voting.

In AD5, seven percent of the registered Democrats intended to vote for a third-party candidate; I did not analyze in this table the details of third-party choice. Seven percent of Democratic voters crossed over to vote for a “first-choice” Republican candidate, *having ranked a Democratic candidate*; 13 percent crossed over to vote for a Republican candidate without ranking a Democrat. In the other direction, 29 percent of Democrats voted for a Democrat while ranking a Republican while 9 percent voted for a Democrat without ranking any Republicans. Eight percent of Democrats are actually selecting a Democratic candidate as a second-choice (having ranked their choice and ranked some other candidate closer), and two percent are voting for a third or later (4th, 5th, or 6th) place *Democratic* candidate – having placed either the nonpartisan candidate or one of the Republican candidates closer to their own position. Among registered

Democrats, 10 percent intended to vote for a Democratic candidate that they did not rank (while ranking some other candidates) and 12 percent intended to vote for a Democratic candidate (without ranking any candidates).

Table 5-6: More Detail: Choice Type by Registration and District, Col. %.²¹⁰

Choice Type (Party)	AD5 Reg.		AD8 Reg.		AD41 Reg.		AD47 Reg.		AD50 Reg.	
	D.	R.	D.	R.	D.	R.	D.	R.	D.	R.
3 rd Party Candidate	7	3	1	5	0	0	0	0	0	0
First-choice (Rep); Rank (D)	7	23	7	32	2	34	2	24	1	26
First-choice (Dem); Rank (R)	29	2	27	5	25	5	22	11	12	9
First-choice (Rep); NR (D)	13	47	2	26	1	9	0	0	0	0
First-choice (Dem); NR (R)	9	0	19	1	34	11	43	25	46	14
Second Choice (Rep)	3	12	5	11	2	7	0	8	0	7
Second Choice (Dem)	8	0	9	1	15	6	18	9	18	2
Third/Later Choice (Rep)	0	1	2	4	1	2	1	0	0	2
Third/Later Choice (Dem)	2	0	4	1	6	1	4	2	4	2
Unranked (Rep); Ranks	0	1	1	4	1	7	1	11	1	10
Unranked (Dem); Ranks	10	1	7	0	3	1	4	2	3	1
Unranked (Rep); No Ranks	2	8	2	9	0	15	0	6	1	24
Unranked (Dem); No Ranks	12	0	14	0	10	3	4	1	13	5
Total %	100	100	100	100	100	100	100	100	100	100
Total N =	240	398	370	278	342	245	480	221	424	180

Note that we cannot conclude that all “first-choice” crossover votes without own-party rankings are truly tactical crossover votes. That is one possible interpretation, which likely applies to *some* of these votes. The alternative explanation is that voters remain rationally uninformed about candidates they have no intention of selecting: if I know I prefer Republican candidates, and I intend to vote sincerely, why should I investigate the ideological placement of Democrats? For the registered Democratic

²¹⁰ “3rd Party Candidate:” Voting for an any-place 3rd party or nonpartisan candidate; “First Choice:” Closest ideological candidate; Rank (D) means at least one Democrat ranked; Rank (R) means at least one Republican ranked; NR (D) means no Democratic candidates ranked while NR (R) means no Republican candidates ranked; “Second Choice:” Second closest ideological candidate; “Third/Later Choice:” Third, fourth, fifth, or sixth ideologically closest candidate; “Unranked:” Ranked other candidates, voting for an unranked candidate; “Ranks” means some other candidates of any party were ranked and “No Ranks” means no other candidates were ranked.

“first-choice” voters for Democratic candidates in AD5, 29 percent ranked a Republican and 9 percent did not rank a Republican candidate. For the registered Democratic “first-choice” crossover voters for Republican candidates in AD5, 7 percent ranked a Democrat and 13 percent did not rank a Democratic candidate. The ratios are different, which is suggestive, but we would not interpret all Democratic first-choice Democratic votes without Republican rankings as ‘truly’ second place Democratic votes, so it does not make sense to interpret *all* Democratic first-choice Republican votes without Democratic rankings as ‘truly’ second place Republican votes either.

Some fraction of the apparent first-choice crossover votes probably does not really represent first-choice preferences. If the voters know that their own party is hopeless, they may not bother to find out much about their own candidates *even though they would prefer it if one of those candidates won*; in that sense, there may be hidden tactical voters in that category. Note, though, that the context-dependent quantity of first-choice crossover voting remains evident in Table 5-6, even if it is restricted to those who ranked a candidate of their own party. In AD5, 7 percent of Democrats crossed over for a first-choice Republican while still ranking a Democrat; only 2 percent of Republicans similarly crossed over. In AD41, 5 percent of Republicans crossed over to select a first-choice Democrat even after ranking Republicans; only 2 percent of Democrats crossed over after ranking Democratic candidates. In AD47, 11 percent of Republicans selected a ‘first-choice’ Democrat after ranking a Republican; only 2 percent of Democrats crossed over after ranking a Democrat. In AD50, 9 percent of Republicans crossed over in this category while only 1 percent of Democrats did. The trend is not wholly measurement error due to the way I handled missing, then. And, if even *half* of the apparently sincere

crossover voters who did not rank members of their own party actually represent sincere crossover votes, this trend would remain in place and be electorally significant --- at least in AD50, a race decided by less than 1000 votes.

Some of the observed fact – sincere crossover vote rates vary *prima facie* by electoral context – could also be the result of deliberate or unknowing falsification of underlying preferences by the voter. Voters did answer the question about their vote intention first and about ideological placement second; it is possible that a voter felt pressure from the interviewer to have the ideological placements match their stated voting preferences. Since several other questions intervened and the interviewer never explicitly tied the question to a spatial model interpretation, the risk of intentional lying is about as small as it could be with a self-reporting system. It is more likely that a voter, through a psychological process, could perceive the candidate they intend to vote for as closer to them; that is, choice could precede *and cause* perception rather than perception preceding and causing choice.

Regardless, the curious fact remains: very little crossover voting is overtly “tactical,” yet most crossover voting takes place in a pattern consistent with voters making tactical calculations. While some of this may be the result of the way I handled missing data, certainly not all of it is. Nevertheless, the ‘curious fact’ produces a set of easily testable hypotheses, using this intuition: on one hand, to the extent that tactical considerations drive the crossover voting, crossover voting should be a function of the election’s strategic environment from the voter’s perspective. On the other hand, to the extent that crossover voting is sincere as reported, crossover voting should be a function of plausible characteristics involved in finding a candidate of another party attractive.

The next section of this chapter aims to establish the extent the apparently sincere crossover voting is credibly sincere.

Crossover Voting: Pragmatic Sincerity (One Approach)

What motivates crossover voters? This section focuses on the 3163 (weighted) respondents who satisfy three conditions necessary for crossover analysis: they are registered partisans, likely voters, and have preferences among candidates. In this population *in total*, across both parties and all five districts, a little more than 16 percent (513 of 3163) of the voters crossed over. As mentioned earlier, though, these crossover voters are concentrated by party and by district. The main model in this section uses a simple binary probit to study a simple choice: does the voter cross over and vote for a candidate of the other party or ‘stay home’ and vote within their own party? To analyze why voters might make this choice, I included in the model five different types of variables representing five broad hypotheses.

I first hypothesize that demographic information should not help explain crossover voting. I include three different demographic categories, as shown in Table 5-7. These categories cover age, gender, and race. While there are plausible stories to tell about how each of these could affect the decision to cross over, I do not have strong expectations for any of them. The first line of Table 5-7 shows that 16 percent of all voters crossed over. Of those voters over age 65, 15 percent crossed over. For women, 16 percent crossed over. For whites, 15 percent crossed over. These variables remain in the model for two reasons: first, the absence of a race result, in particular, informs concerns about voting rights; second, since some readers may have expectations over these variables, including them builds confidence in the overall result.

Table 5-7: Bivariate Statistics for Partisans (Weighted Row Percent); Used for Main Binary Probit

Variable	Own Party Vote	Crossover Vote
Baseline	84	16
Over 65	85	15
Female	84	16
White	85	15
College or Graduate Degree	85	15
# Correct Politician IDs (Range: 0-4): Identified 1	83	17
# Correct Politician IDs (Range: 0-4): Identified 3	87	13
# Political Activities (Range: 0-7): Did 1	82	18
# Political Activities (Range: 0-7): Did 6	89	11
Agreement with Party on Issues (Range: -4, 4): score -3	50	50
Agreement with Party on Issues (Range: -4, 4): score 0	78	22
Agreement with Party on Issues (Range: -4, 4): score 3	94	6
Self-Reported Party ID Does not Match Registration	33	67
Minority Party, Close Alternative, Weak Candidate	49	51
Minority Party, No Close Alternative, Weak Candidate	73	27
Minority Party, Close Alternative, Strong Candidate	58	42
Minority Party, No Close Alternative, Strong Candidate	98	2
Strong Party, Close Alternative, Weak Candidate	35	65
Strong Party, No Close Alternative, Weak Candidate	75	25
Strong Party, Close Alternative, Strong Candidate	87	13
AD5	84	16
AD8	83	17
AD41	84	16
AD47	81	19

Second, I hypothesize that political knowledge and engagement should predict crossover voting. These variables are not contest-specific. The contest-specific information appears in the ratings of candidates' ideology and electability. Instead, with these variables, I attempt to measure political knowledge more broadly. I expect that greater political knowledge should increase the desire and capability to engage in strategic political behavior. As a base measure of potential political knowledge, I include a binary variable to indicate if the respondent has a four-year college or graduate school degree. I also include the number of political figures correctly identified and the number of political activities (discussed in the previous chapter). Table 5-7 shows that there are at least differences in information and activities in crossover voting; the multivariate analysis will help determine if this is a distinct effect from the contest-specific information.

Both the first and second set of variables cover general characteristics of the voter; the third hypothesis gets right to the heart of the crossover debate. I hypothesize that crossover voters should display some evidence of sincerity, since most crossover voters (as described in the previous section) appear to vote for a "first-choice" ideological candidate. I use two measures: first, I use the issue scale (discussed in the previous chapter) built on four questions, questions about the budget, immigration preferences, gay marriage, and abortion. I have multiplied the issue scale by negative one for Democrats, to make it into a party-neutral scale in which a score of "4" indicates full agreement with the voter's party on all four issues and "-4" indicates complete agreement with the other party on all four issues. A neutral position on all four issues would produce a score of "0," as does a balance of agreement and disagreement. Second, the survey asked voters

about their subjective party identification and acquired their party registration from the voting list; I include a dummy variable for if the subjective party ID does not match the voter registration. That would give the respondent a very credible claim to a sincere crossover vote; if they now identify with the party receiving their vote, it is a crossover vote only in the legal sense (and not in the way Sides et al. 2002 defined crossover voting). These variables, listed in Table 5-7, do appear likely to significantly affect crossover voting; 67 percent of those without a registration-PID match crossed over and 50 percent of voters with major disagreements with their own party crossed over.²¹¹ In the multivariate results, these variables account for an independent effect of strength of partisanship, distinct from their judgment about candidates (which can also include components of partisanship). That is, this is the effect of partisanship outside the spatial modeling context.

Fourth, I hypothesize that the voter's specific circumstances drive crossover voting. These variables capture the spatial modeling concepts and the notion that voters should rationally abandon hopeless causes. This model combines three aspects of each voter's situation into a single situational variable. The variables included in the model are listed in Table 5-7 and the details of each are listed in Table 5-8, below, including the category excluded category. Since the trend, on its face, was for members of the weaker of the Republican and Democratic parties (the "minority party," in contrast to the party holding the majority in the district) to cross over more frequently, one component of

²¹¹ 50 percent might seem small for that level of disagreement – but the issue scale treats all four issues equally and therefore does not account for salience. Nor is this an exhaustive list of issue areas. Imagine a Republican who favors strong forward national defense (not asked) and wants large spending cuts for small tax increases – but who is otherwise socially liberal (abortion, gay marriage) and wants a solution to the immigration problem beyond enforcement. There are not many people who fall in this category – but, of those that do, it is plausible that some would stay within the Republican Party.

these variables is an indicator of whether the voter belongs to the minority party. I identified the minority party as the Republicans in AD41, 47, and 50 and the Democrats in AD5; in AD8, since both parties were within a point of each other in registration, I counted both parties as “strong parties.” The other two variables capture the voter’s perspective: does the voter perceive an ideologically close alternative in the other party and does the voter perceive their own candidate to be weak?

Table 5-8: Situational Crossover Voting

Type of Voter (By Their Perceived Situation)	Percent of Voters	Percent of Type that Crosses Over	Percent of X-Over Voters of Each Type
Minority Party, Close Alternative, Strong Candidate	15	42	38
Strong Party, Close Alternative, Strong Candidate	22	13	18
Minority Party, Close Alternative, Weak Candidate	5	51	16
Strong Party, Close Alternative, Weak Candidate	3	65	13
Strong Party, No Close Alternative, Strong Candidate	46	3	8
Minority Party, No Close Alternative, Weak Candidate	3	27	5
Strong Party, No Close Alternative, Weak Candidate	1	25	2
Minority Party, No Close Alternative, Strong Candidate	5	2	1
Total	100	16	100

While the minority party component of these variables has no missing data at all, the other two variables roll in the missing data problems for both the questions about candidate ideology and candidate strength. The “close alternative” variable has very permissive rules about missing data. To count as having a “close alternative” from the other party, the voter (1) did not rank any candidates at all (2) ranked candidates of the other party but not of their own or (3) ranked a candidate of the other party as close or closer than a candidate of their own. This is similar to the way I coded “first-choice” candidates, with the exception that it also allows an unranked candidate from a

completely unranked field to be ideologically close.²¹² With the probability of winning question (candidate strength), the voter must have *explicitly ranked a candidate of their own party below a candidate of the other party*. If the voter does not give a strength score, I did not count this as identifying their own candidate as weak, nor did it count if the voter only gave scores to the other party (although this is likely a reasonable inference).²¹³ Overall, a voter who provided no rankings of either kind would be considered to have acceptable alternatives but a strong candidate of their own party.

I combined these three variables – member of the minority party, having an ideologically close alternative, and having a weak candidate – into eight dummy variables. The excluded category in the probit analysis is the category with the strategic situation which provides the weakest incentives for crossover voting intended to aid the candidate receiving the vote: strong party, no close alternative, and a strong candidate. The group with the greatest incentive to cross over, excluding raiding or hedging, would be voters from the minority party with a close alternative and a weak candidate.

No significant effect for these situational variables, in combination with an effect for the other measures of partisanship, would suggest that voters ignore strategic

²¹² Voter ID#4483, a Republican in AD50 did not rank any of the candidates ideologically and ranked himself as an 8; since the voter does not perceive anything about ideological distances, these are treated all the same and the Democrats are considered acceptable alternatives. Voter ID#4633, another Republican from AD50, carries this logic to its most extreme conclusion: the voter ranked all three Democrats as 0, or very liberal, and himself as 10, very conservative. However, because this voter did not rank Brad Torgan, the one Republican, the three Democratic candidates all perceived as acceptable alternatives. Republican voter ID# 4607 illustrates the reverse of this principle: she did not rank any of the three Democratic candidates but did rank Brad Torgan, the Republican; the Democrats are not considered acceptable alternatives.

²¹³ To make a concrete example, consider the case of ID#5587, a registered Republican in AD50. This voter gave one of the three Democratic candidates a candidate strength score of "5" and did not give a response for the other candidates. This voter did not explicitly say that the Republican (Brad Torgan) was a weaker candidate than any of the three Democrats, so I did not score this as a perception of a weak candidate. In contrast, consider the Republican with ID#5613. This voter gave all three Democrats in AD50 a score of 6 and the one Republican candidate a score of 4; in this case, I take it as a clear signal that the voter believes the Republican candidate is weaker and I treat it as such.

considerations and just cast votes based on their own strength of partisanship. A significant effect for the strategic variables and no effect for the partisanship variables would suggest that voters respond to their strategic situation without an *independent* effect of partisanship. That is, ideological distance might play a role in the strategic calculus but, controlling for ideological distance and other factors, partisanship has no effect.

The fifth set of variables includes district controls, comparing each district to AD50. A50 turned out to be the closest race – the race in which crossover voters had the highest chance of casting the deciding vote. I do expect AD8 to have a slightly higher rate of crossover voting than the other districts because I did not code either party as the minority party in AD8. Otherwise, I do not expect there to be large differences by district; if there were, it would indicate that I had failed to capture an important characteristic. This is especially important as these districts do represent quite different populations.

The results support the hypotheses that partisanship and strategic situations both play a role in crossover voting; there is little evidence of demographic, information, or district effects. Table 5-9 contains the results of the main model, including reported first differences for changes to the otherwise median individual. None of the demographic variables are statistically significant, nor are the information variables; the absence of a result for the information variables does not mean that informational characteristics are meaningless, just that any differences in information are better captured by other variables. As expected, there is a small result for AD8 – but no consequence for any of the other district controls.

Table 5-9: Binary Probit: Did partisan voters cast crossover votes?

Variable	Coef.	T-Stat.	First Diff.
Over 65	-0.06	-0.79	
Female	-0.08	-1.13	
White	0.01	0.17	
College or Graduate Degree	0.07	0.89	
# Correct Politician IDs (0-4)	0.00	0.06	
# Political Activities (0-7)	0.02	1.08	
Agreement with Party on Issues (-4, 4)	-0.16	-7.87	0.02 [†]
Self-Reported Party ID Does not Match Registration	1.55	16.11	0.18
Minority Party, Close Alternative, Weak Candidate	1.87	13.11	0.28
Minority Party, No Close Alternative, Weak Candidate	1.29	7.22	0.12
Minority Party, Close Alternative, Strong Candidate	1.70	15.91	0.22
Minority Party, No Close Alternative, Strong Candidate	0.18	0.74	
Strong Party, Close Alternative, Weak Candidate	1.95	10.63	0.31
Strong Party, No Close Alternative, Weak Candidate	1.09	4.01	0.09
Strong Party, Close Alternative, Strong Candidate	0.63	5.97	0.03
AD5	0.22	1.77	
AD8	0.49	3.69	0.02
AD41	0.14	1.14	
AD47	0.18	1.37	

[†]This reflects a change from “2” to “-2”; that is, from moderate agreement to moderate disagreement.

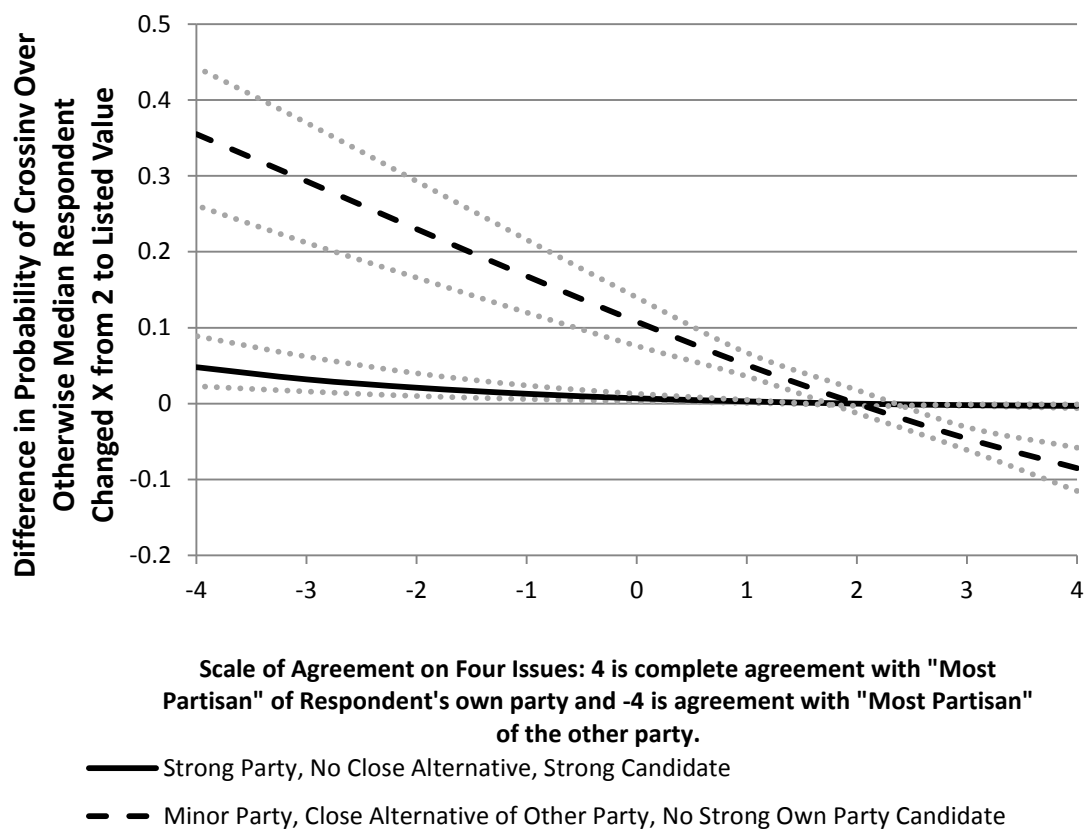
N= 3163. First differences computed using *Clarify* by setting other x values to their median and altering that variable from “0” to “1.” Median values: A white woman under the age of 65, with less than a college degree, two correct politician IDs, performing 2 different political activities, scoring a +1 on the partisan issue scale, and facing a situation of: majority party, no credible alternative candidate, and a strong own-party candidate.

The strategic situation variables have a large effect. A voter from the minority party, with a close or at least equal ideological alternative in a strong party, and known weak candidate, is 28 percentage points more likely to cross over than an otherwise median individual from a strong party, with no close alternative, and a strong (or strong by default) candidate. A voter from a strong party but who otherwise perceives their situation similarly (close alternative, weak candidate) is 31 percentage points more likely to cross over. That is, the voters with the best incentives to either vote sincerely or settle for a candidate of the other party – do. The other minority party categories also have significant effects, except for those who do not perceive a close alternative but do not acknowledge weaknesses in their own party candidates; those voters are no more likely to cross over than voters from a strong party with the same characteristics.

Note the order of the magnitude of the effects for the four minority party types. The largest effect, 28 percentage points, is for the group with both a close alternative and a specifically noted weak candidate. The next largest effect, 22 percentage points, is for those with a close alternative but a ‘strong’ candidate; recall, though, that the permissive coding of this variable would designate a voter’s party as having a strong candidate if the voter merely failed to rank all candidates of their own party (a very, very weak standard). The third largest effect, 12 percentage points, is for a voter with no close alternative and a weak candidate: that is, despite the recognition the voter is in the frying pan, the voter has no desire to jump into the fire. A minority voter with no close alternative but a strong candidate had no effect at all; this voter has no desire to jump into the fire and is not even sure that she is in the frying pan. Voters seem to pragmatically respond to their situations by crossing over when it is sensible to do so.

Despite the evidence for some kind of pragmatic behavior, there seems to be an independent effect of partisanship that demonstrates some aspect of sincerity as well. Voters who are registered with the party they no longer prefer are unsurprisingly likely to cross over; the 18 percentage point first difference is for an otherwise median individual. Note that this is independent of their perception; these voters are more likely to “go home” to the party they prefer than other voters who perceive the strategic situation identically. The party issue scale variable also has a significant effect; individuals who agree less with their party are more likely to cross over to vote.

Figure 5-1: Interpreting the Issue Scale Results



The first difference for the issue scale may be misleading. It shows the percent difference in crossover probability for an individual with the baseline characteristics to

cross over if that voter goes from a score of “2” to “-2.” The baseline individual, though, has the excluded strategic characteristics: strong party, no close alternative, and a strong candidate. That is, for a person otherwise unlikely to cross over, differences in issue preferences have a very modest effect. Figure 1 shows that the size of this effect is much more meaningful for voters who are already likely to cross over. The lighter dotted lines in Figure 5-1 represent the 95 percent confidence intervals --- these two lines are really quite different. For those likely to cross over, issue divergence has a bigger effect.

Given the evidence both for an independent issue or partisanship effect and an independent strategic situation effect, I conclude by observing that crossover voters exhibit “pragmatic sincerity.” There are just aspects of both notions present in the results. Furthermore, both major findings – for individual partisanship and voter situation – help make this model a reasonably good predictor of voter behavior. Likelihood ratio tests on more restricted models (dropping off either the strategic situation variables or the partisanship and issue variables) indicate that the full model fits significantly better than either of the restricted models (at $p=.001$). Additionally, the model correctly predicts the outcome for 90% of the respondents; it falsely predicts less than 3% of the time that voters who stayed with their party would cross over and correctly identifies about half of the less numerous crossover voters.²¹⁴

The potential power of crossover voters is greatly limited by the diffusion of their efforts, though. The variables used for the calculations presented in Table 5-9 use two key measures from the perspective of the voter: the viability of the candidates and the ideological proximity of the candidates to the voter. While those results are very strong, the voters all have different perspectives. Table 5-10 shows the percent of each

²¹⁴ Estimated using STATA’s “estat classification” post-estimation procedure.

Table 5-10: Crossover Voting, Candidates, and Election Results

		Survey Results					Election Results
District	Candidate Name	Row % of Vote: Other	Row % of Vote: Partisan X-Over	Number X-Over	Number Voters	Col. % of Vote	Col. % of Vote
AD5	Bigelow (R.)	84.9	15.1	34	225	30.1	28.9
	Oller (R.)	91.6	8.5	30	233	31.2	33.4
	Lancaster (R.)	89.5	10.5	4	36	4.8	2.1
	Boyd (D.)	95.0	5.0	6	114	15.3	13.5
	Fitzgerald (D.)	88.9	11.1	11	97	13.0	18.0
	Belden (NPP.)	29.6	70.4	29	41	5.5	4.1
Total		86.2	13.8	103	747	100	100
AD8	Cooley (D.)	93.5	6.5	23	363	48.5	42.7
	Flynn (R.)	79.5	20.5	11	52	6.9	6.4
	Tateishi (R.)	86.9	13.1	20	156	20.8	22.9
	Ortega (R.)	70.8	29.2	38	129	17.2	20.6
	Tufi (R.)	86.4	13.6	2	11	1.5	3.1
	Bonser (Lib.)	48.7	51.3	19	37	5.0	4.4
Total		84.9	15.1	113	748	100	100
AD41	Holden (D.)	89.7	10.3	22	211	30.8	29.1
	Cacciotti (D.)	83.0	17.0	16	97	14.1	15.5
	Rusnak (D.)	79.9	20.1	28	142	20.7	13.8
	Lowe (R.)	92.5	7.5	9	126	18.3	23.7
	Colton (R.)	86.1	13.9	15	111	16.1	18
Total		86.7	13.3	91	686	100	100
AD47	Baca (D.)	83.9	16.1	76	474	57.9	42.2
	Brown (D.)	82.3	17.7	34	191	23.4	28.9
	Ensley (R.)	88.0	12.0	11	93	11.4	22.4
	Beach (R.)	80.3	19.7	12	60	7.3	6.5
Total		83.8	16.2	133	819	100	100
AD50	Butler (D.)	94.5	5.5	12	216	29.6	25.9
	Bloom (D.)	84.2	15.8	29	181	24.9	25.6
	Osborn (D.)	90.1	9.9	17	168	23.0	24.2
	Torgan (R.)	90.1	9.9	16	165	22.6	24.3
Total		89.9	10.1	74	730	100	100

candidate's vote share made up of partisan crossover voters, the distribution of crossover voters across candidates, and the election results (both as measured in this survey and the final actual election results). The crossover voters in all of these elections failed to coordinate (within each party) on a single candidate when a party had multiple alternatives. While in some close races even a slight preference by crossover voters for one candidate would be enough to change the outcome, the difficulty of coordinating does temper the effect of crossover voting somewhat – especially in races with large numbers of candidates.

AD8 provides an example of a case where Democratic crossover voters failed to coordinate to change the outcome. Registered Republicans had a clear candidate preference: Peter Tateishi, the former Chief of Staff to longtime Republican politician Dan Lungren. Amongst registered Republicans (of whom 66.1% expressed a candidate preference), 29.2% preferred Tateishi while only 17.6% preferred his closest Republican rival, Barbara Ortega.²¹⁵ In the survey results, Tateishi bested Ortega for the second spot in the top-two by only 3.6%; in the actual election, the results were even closer: only a 2.3% gap separated Tateishi from Ortega. If the crossover voters had managed to coordinate on Ortega, they might have switched the outcome. Of the 113 crossover voters in this study in AD8, 71 were Democrats who voted for one of the four Republican candidates. While Ortega got the largest share of these, 38 or 53%, a large fraction spread out across the remaining Republicans, including 20 to Tateishi. If Ortega could have secured all the crossover votes, she would have won. Nevertheless, she did not and the two candidates who reached the top-two represent the candidate preferred by the

²¹⁵ For a full table of candidate preferences by party registration, see Appendix 1.

majority of Democrats (Cooley) and the candidate preferred by the majority of Republicans (Tateishi).

The race in which crossover voting made the largest difference, somewhat ironically, also had the least crossover voting: the very close contest in AD50. Registered Democrats in the survey had a clear preference for Butler with Osborn second and Bloom in a close third.²¹⁶ Since the district is heavily Democratic, in a more traditional semi-closed primary, Butler would likely have easily won the Democratic primary and then easily go on to win the general election. In this case, though, Bloom secured half of the crossover Republican votes (29 of 58). While almost 16% of Bloom's vote came from crossover votes, his rivals for 2nd place – the Democrat Torie Osborn only had 10% of her vote come from Republican crossovers and the Republican Brad Torgan only had 10% of his vote come from Democratic crossovers. While this difference is small, the separation between second and fourth place in the survey results is only 2.3%. The true election results are even closer: Bloom came in second with 25.6% of the vote and Osborn came in fourth with 24.2%, a difference of only 1.4 percent. Crossover votes almost certainly helped put Bloom into the top-two; he narrowly defeated Butler in November when both of the other candidates would likely not have overcome her considerable strength.

Richard Bloom possibly benefited from the 'pragmatic sincerity' of crossover voters. In the future, as more candidates learn the lessons of 2012, more candidates may be able to win with the help of these voters. The results from this section provide some advice for an aspiring centrist candidate: it is important not just to appear moderate but also to appear credible; a 'pragmatically sincere' voter will consider both aspects.

²¹⁶ See the previous chapter for a primer on each race, including the preference distribution by party registration.

Furthermore, candidates should not rely on widespread raiding to advance their cause; the evidence in this section supports the assertion that most crossover voting was sincere, or at least intended to help the selected candidate.

Crossover Voting: Other Model Specifications

I have also used alternative specifications for the main crossover probit model. In Table 5-9, the model treats the possible combinations of minority party, close alternative, and weak candidate as separate and unrelated categories. The model does not include a main effect for registration with the smaller of the two parties, for example. The two models presented in this section build the effects through interactions, starting from the main effect building blocks. Table 5-11, below, contains two different models. The first includes just the main effects and no interactions; for that model, I calculated the usual first differences. The second model includes the interaction effects; to help interpret those results, I display predicted probabilities for different combinations in Table 5-12.

The more limited model in Table 5-11 only includes the main effects: minority party, close alternative, and weak candidate. The results of that model are pretty much as expected and nothing radically changes from the model presented in Table 5-9. None of the first differences on the three variables of interest is particularly large (for an otherwise median individual, including having the other of those three categories set to zero) but they are all about the same size as moving on the issue scale from “-3” to “3” (the first difference of agreement with party on issues shown here).

The results from the interactive model are also mostly as expected, with one exception. First differences do not have quite the same interpretation in the interaction model presented in the right columns of Table 5-11. For the conditions to be met for the

Table 5-11: Alternative Crossover Probit Specifications

Variable	Coef.	T-Stat.	FD	Coef.	T-Stat.
Over 65	-0.07	-0.99		-0.06	-0.79
Female	-0.07	-0.96		-0.08	-1.13
White	0.03	0.37		0.01	0.17
College or Graduate Degree	0.07	0.95		0.07	0.89
# Correct Politician IDs (0-4)	0.00	0.08		0.00	0.06
# Political Activities (0-7)	0.02	0.80		0.02	1.08
Agreement with Party on Issues (-4, 4)	-0.16	-8.10	-0.03	-0.16	-7.87
Self-Reported Party ID Does not Match Registration	1.55	16.32	0.17	1.55	16.11
Minority Party	0.76	8.48	0.04	0.18	0.74
Close Alternative (Or Equal Judgments)	0.83	10.48	0.05	0.63	5.97
Explicitly Identified Weak Candidate	0.67	7.45	0.03	1.09	4.01
Minority x Close Alternative				0.90	3.49
Minority x Weak Candidate				0.02	0.05
Close Alternative x Weak Candidate				0.23	0.71
Minority x Close Alternative x Weak Candidate				-1.18	-2.66
AD5	0.19	1.59		0.22	1.77
AD8	0.52	3.98	0.02	0.49	3.69
AD41	0.11	0.91		0.14	1.14
AD47	0.16	1.22		0.18	1.37
				-2.26	-13.54
N =	3163			3163	
% Correctly Predicted	89.19			89.63	

interaction of all three variables to equal one, all the others have to equal one; it is important to change the ‘otherwise median’ individual to make the display meaningful. Table 5-12, below, displays the predicted probabilities of crossing over for each combination of variables at two different levels of party agreement. The surprising effect is that the probability of crossing over is actually slightly less with all three variables equal to one (Minority Party X ideological close alternative X no strong candidate) than it is for one of the combinations of two --- the majority party, with an ideologically close alternative and no strong candidate. With mild issue agreement (=1), the strong party, ideologically close alternative, and no strong candidate category has a crossover probability of about 32 percent. If all three categories are set to yes, the probability is about 29 percent. Nevertheless, it is a very rare member of a strong party who explicitly identifies a candidate from the other party as strictly more likely to win than any candidate of their own party. Generally speaking, someone with all three characteristics and mild party agreement has about a 29 percent chance of crossing over and a person who has none of the characteristics has less than a 1 percent chance of crossing over.

Table 5-12: Predicted Prob., Interaction Model; Differing Levels of Issue Agreement

Single Characteristics				
Minority Party	NO	YES	NO	NO
Ideological Close Alternative	NO	NO	YES	NO
No Strong Candidate	NO	NO	NO	YES
Probability (Issue Agreement = 1)	0.008	0.015	0.037	0.102
Probability (Issue Agreement = -2)	0.026	0.043	0.095	0.203
Combinations of Characteristics				
Minority Party	YES	YES	NO	YES
Ideological Close Alternative	YES	NO	YES	YES
No Strong Candidate	NO	YES	YES	YES
Probability (Issue Agreement = 1)	0.234	0.132	0.316	0.287
Probability (Issue Agreement = -2)	0.403	0.261	0.498	0.466

Specifying the models in this way nests the limited model inside the more expansive interactive model. This allows me to conduct a likelihood ratio test to see if the complicated interactions improve the fit of the model. The results indicate that they do, although the added complications do not add much. The percent correctly predicted improves only very slightly in the second model (one might almost say “imperceptibly”). The limited model works just about as well as the more complicated model with the interactions. That suggests it is appropriate to just talk about the main effects independently: registering with the minority party increases the likelihood of crossing over and identifying your own candidates as weak increases the likelihood of crossing over. Neither of those considerations has anything to do with ideological distance --- those are purely tactical considerations. When combined with incentives from the spatial model (ideological proximity of acceptable alternative) those variables are more powerful; still, taken individually, they provide evidence that some tactical consideration takes place.

District-Level Analysis: Data and Procedure

In this part of the chapter, I examine voter behavior in five Assembly districts in California’s top-two primary at the district level. The earlier analysis in this chapter pooled respondents together – a strategy that comes with certain advantages: the ability to examine differences based on district context, a large sample size to examine rare behaviors, and binary dependent variables (did you cross over or not?) that are well-suited to models that do not ask too much from noisy data. That type of analysis, while possessing great advantages, also comes at a high cost: it only makes sense with that approach to examine *types of behavior* rather than *specific candidate preference*. This

section looks at preferences for specific candidates, reversing the relative advantages and disadvantages of the previous section.

The obvious approach to study within-district voting behavior involves using a statistical model with vote choice as a dependent variable and voter characteristics as independent variables. Since all of the interesting Assembly races under the top-two had at least three candidates, and of the five races in this study all had at least four candidates, I need to use some kind of multinomial model. Alvarez and Nagler (1995, 2000) argued for multinomial probit instead of multinomial logit or ordered logit as the econometrically correct approach in these situations; in their case, they studied vote choice between Bush, Clinton, and Perot in the 1992 presidential election (1995) and in British elections (2000). They noted that scholars should use multinomial probit when the dependent variable does not satisfy the “independence of irrelevant alternatives” (IIA) property: that the relative odds of choosing one alternative over another remained unaffected by the presence or absence of a third alternative. In elections with multiple candidates, and particularly in the top-two primary setting, the failure to satisfy IIA is precisely the point: tactical voting, especially ‘settling,’ should occur because one candidate is a better substitute than another for a third, unelectable, alternative.

While multinomial probit (MNP) does not assume IIA, unlike the alternative multinomial logit (MNL) model, the relaxed assumptions ask more of the data. To estimate how well one alternative substitutes for another, multinomial probit models estimate more parameters than a multinomial logit would. MNP models in this setting need an “alternative specific” variable to help identify the model; these variables (one or many) must vary by the alternatives that form the dependent variable. In the

documentation for the particular statistical software I use to implement MNP in this chapter, Imai and van Dyk (2005) give an example of choice between detergent brands with price as the alternative specific variable. Every brand of detergent has its own price, but the ‘price’ dimension can help the algorithm figure out which kinds of detergent are closer substitutes. Alvarez and Nagler (1995) used ideological distance from the voter to the candidate on a single-dimension ideological scale, which rather obviously inspires the analysis in this chapter.

Not all data well suits a MNP model. Due to the larger number of parameters (coefficients for the alternative specific variables and estimating parameters for the covariances), MNP models are more difficult to estimate than MNL models. Alvarez and Nagler (2002) – presumably aware of Alvarez and Nagler (1995, 2000) – used a multinomial logit model to analyze exit poll data from a California Assembly district (in a study on the blanket primary). They only had about 600 voters per Assembly district; in the survey sample from 2012, I generally have about 700 voters with distinct preferences per district. As I will show below, the MNP models do not necessarily work very well with that few voters in districts with many candidates or candidates that seem similar.

Before I attempted to implement MNP models for the five districts in the 2012 survey, I had to deal with a different problem: the missing responses to candidate placements. As I noted earlier in the chapter, most respondents ideologically placed at least one candidate but few placed all of them. Only using the sample of respondents who placed all the candidates reduces the sample size for each district dramatically. Coding unplaced candidates as “far away” does not solve the problem either; many voters

selected a candidate they did not rate, seemingly using party cues rather than specific ideological knowledge. Furthermore, the strategy I used earlier of creating binary variables ('first-choice or not?') would theoretically work to generate an alternative specific variable but it loses most of the spatial modeling value of the 0-10 ideological placement scale. Such an alternative specific variable would not provide much information.

To solve this problem, I imputed the missing candidate ideological placements. I used STATA's "multivariate normal regression" imputation alternative with four pieces of additional data: the respondent's placement on the left-to-right issue scale, dummy variables for Republican or Democratic registration, and the respondent's self-placement on the 0-10 ideological scale. While examining the raw data, much of the missing data appeared to be reasonably missing – that is, it seemed many voters tended to be unable to place candidates for one of two understandable reasons: (1) the voter intended to vote party line for some candidate of her party that she had previously heard of or (2) the voter intended to cross over because he knew his own party to be so hopeless as to not merit investigation. Information about the voter's own party and ideological positions would help produce meaningful guesses in both of those cases, although there remain other reasons for the respondent to fail to answer the question.

The imputed data sets are not restricted to a 0-10 range, nor are they necessarily ordinal. Figures 5-2 through 5-5 show the distributions of the final imputed data and the original unaltered data for two candidates from AD50. The "bins" for the imputed data are set to $[x-.5, x+.5]$ for each x on the 0 to 10 scale to make the displays as comparable as possible; the data itself will have a large mass directly at each integer and then many

Figure 5-2: Imputed Betsy Butler Placements

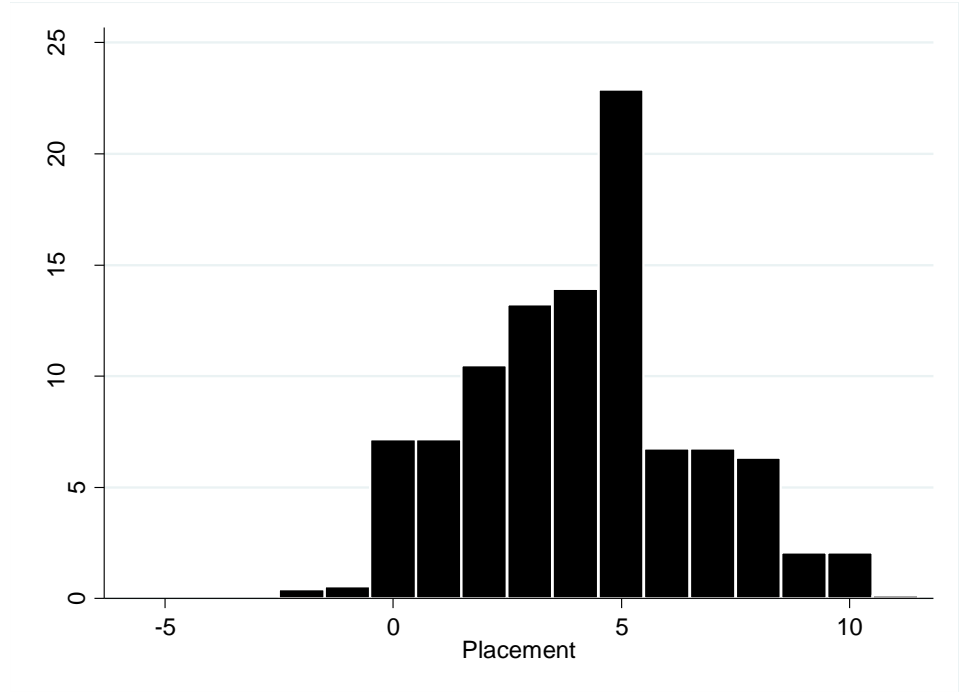


Figure 5-3: Unmodified Betsy Butler Placements

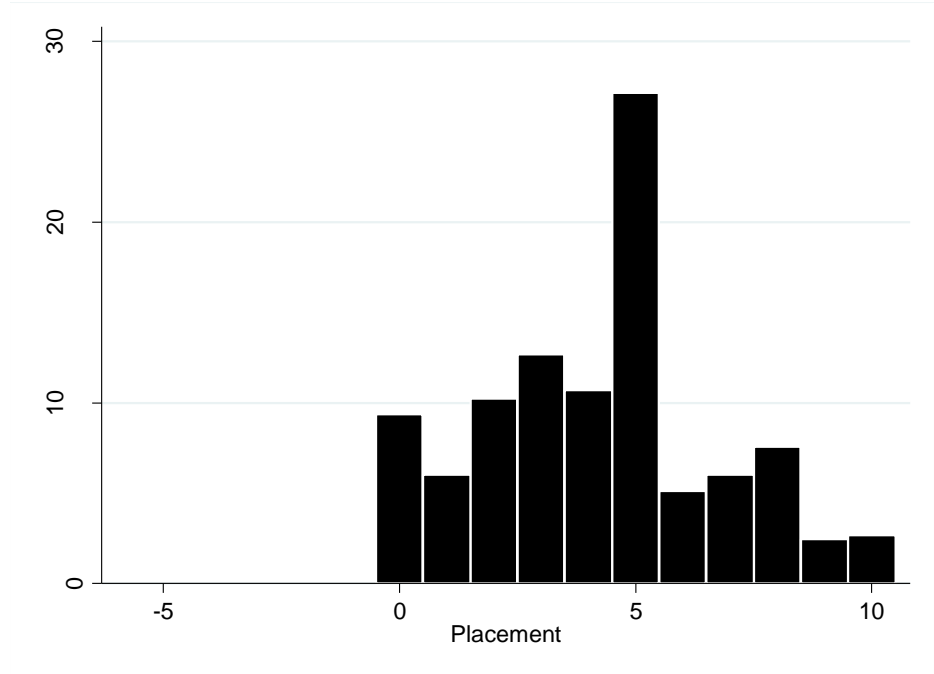


Figure 5-4: Imputed Torgan Placements

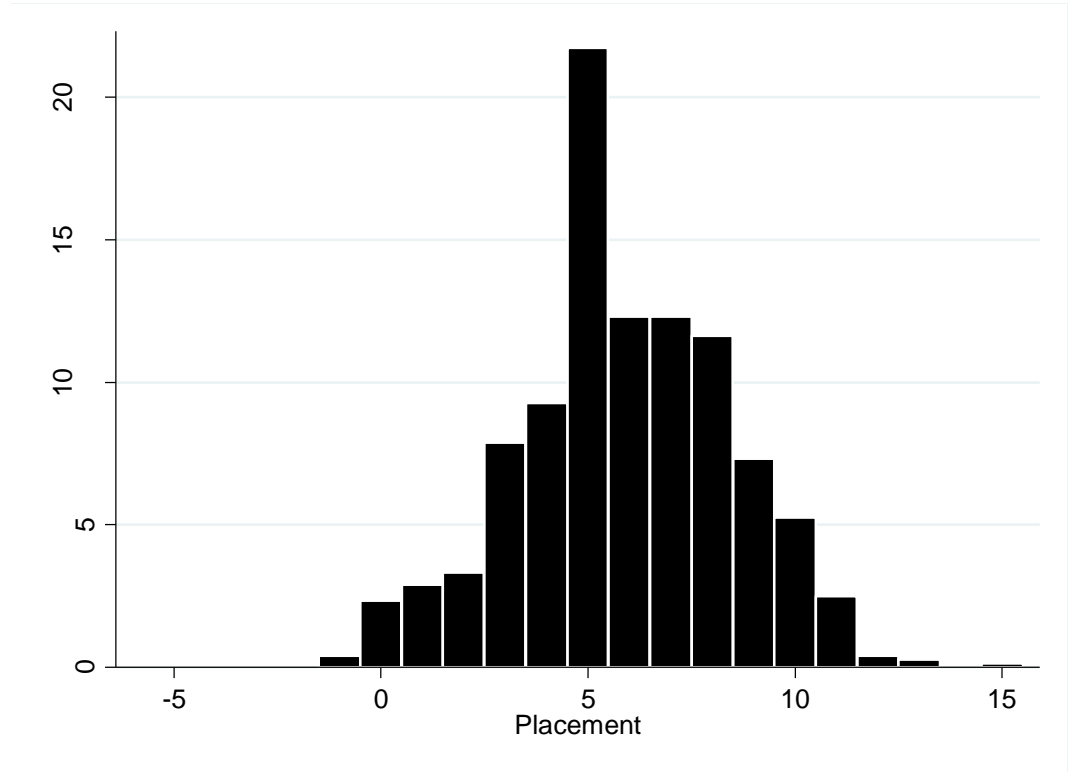
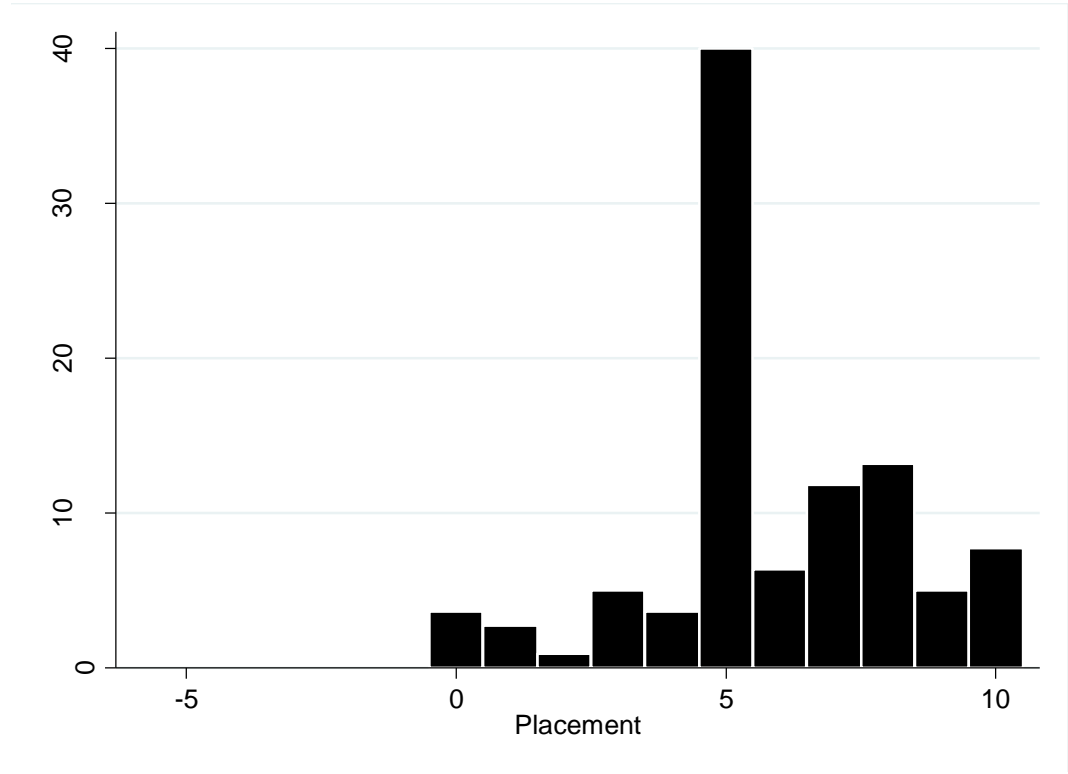


Figure 5-5: Unmodified Torgan Placements



single estimates between integers. Since the ideological placements will be used to estimate distance, leaving an imputed response as 5.432 preserves more information about the respondent than rounding that response to 5. For that reason, I did not alter the imputed placements before moving on to the next step of the analysis. The imputations look relatively reasonable; the imputed scores for Betsy Butler tended to be more on the left than on the right (the Democratic Party endorsed her) and the scores for Brad Torgan tended to be more on the right than on the left (he identifies as a Republican). The imputed scores also retain the relatively centrist tendency (high concentration near “5”) and wide dispersion (including responses that appear “flipped” in the wrong direction) evident in the raw data.

Respondents may have answered the ideological distance questions in their own unique way; while those individual responses may be of interest, so too is the ‘wisdom of the crowds.’ I next ran the imputed candidate placements and self-placements on the 0-10 ideological scale through the R package “basicspace” (see Poole et al., 2012). This package implements a rescaling technique pioneered by Aldrich and McKelvey (1977); the Aldrich-McKelvey method “assumes that candidates occupy fixed positions in an issue space and that the individual perceptual data arises from this via a two-step process, the first step consisting of ‘true’ error in perception, and the second step consisting of distortion introduced in the actual survey situation” (pp. 112). They observed that respondents could “anchor” their survey responses differently; a “10” to one person could be equivalent to a “5” for another. Some voters might also have answered the scale backwards (which, from the raw data, some voters in this sample very obviously did); the procedure assigns them a “negative weight” to re-orient them in the same direction as the

other respondents. The “basicspace” package implements this rescaling technique to place all the individuals and candidates into a common ideological space appropriate for applying the spatial model.

To implement the MNP models, I used the common-space estimates produced through the imputation and Aldrich-McKelvey steps to generate the ideological distance “alternative specific” variable. For every individual in each district, I computed the distance between their scaled self-placement (varied by individual) and the estimated “true” candidate position (does not vary by individual). This does remove variation in perception, which could be considered something like private information about candidates or different notions of ideology (“while other people might think this candidate is moderate, I know she is a true conservative because of x .”). Nevertheless, in a setting in which so many of the ideological placements are imputed anyway, and therefore not reflecting private knowledge, using a single point estimate for candidate location gains a great deal in interpretability with little lost meaningful information.

After building the measure of ideological distance, in each district I analyze candidate choice with multinomial probit. Using the Bayesian “MNP” package in R (see Imai and van Dyk, 2005), I tested a very simple model. I used just two individual specific variables: Republican Registration and Other Non-Democratic Registration. The “alternative specific” – read “candidate specific” – variables were the measure of distance between self-placement and candidate ideological placement I created using “basicspace” and an indicator for whether or not the candidates had been given a favorability score. I interpret these two measures as “ideological distance” and “have you heard of this candidate before?” The inclusion of the binary alternative specific variable helps to

recover what the imputation procedure lost: in these relatively low information settings, voters may not know about ideologically close candidates.

This procedure uses the data in a very different way than the pooled-across-districts approaches in the first part of this chapter. The multinomial probit models, as specified here, theoretically provide an opportunity to test more specific notions about crossover voting. Distinguishing between the tactical crossover behaviors – “settling” and “raiding” – remains difficult; nevertheless, the models do provide a cleaner test for whether tactical crossover voting of any type had a noticeable effect on the election. If only the alternative-specific variables of ideological placement and specific knowledge of candidates (that is, the spatial model with sincere voting between known candidates) explain candidate choice, then tactical voting from one party to another (if present at all) did not tend to go more towards one candidate or another. If, on the other hand, the party registration variables exercise a significant independent effect for voting for one candidate of another party, this would strengthen the case for ‘pragmatic’ tactical behavior possibly changing the outcome. That is, controlling for ideological distance and candidate knowledge, are Republicans in AD50 more likely to vote for Richard Bloom than Torie Osborn or Betsy Butler? Asked more directly: how plausible is it that Richard Bloom, Democrat and liberal mayor of Santa Monica, owed his election to the State Assembly to Republicans?

The Aldrich-McKelvey Results

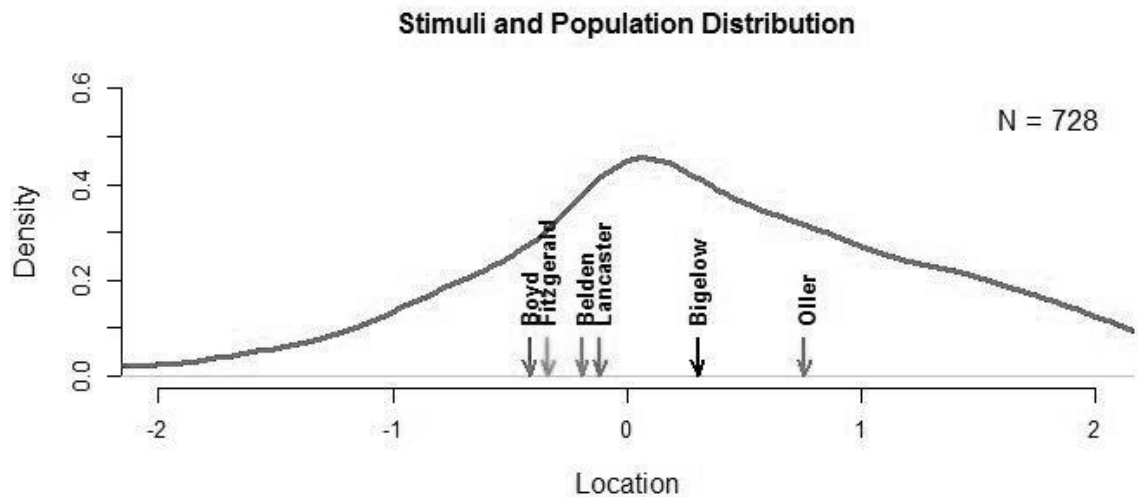
The procedure outlined above provided some additional analytical benefits. The Aldrich-McKelvey rescaling results by themselves explain a great deal about what happened both in June and in November. The figures in this section plot the distribution

of common-space ideological self-placements and the point estimates of the true candidate locations. Note that the “0” in each of these figures represents the mean *candidate position* in the district, not the mean or median voter; in almost all cases, the distribution of voters skews away from the “0.” Also, since no candidates are placed across districts in a common space, the “0” of each figure represents a different theoretical point: the mean candidate position in AD5 should be farther to the right than the mean candidate position in AD50.

In AD5, it should be little surprise that Bigelow defeated Oller in the runoff: voters perceived Bigelow as much closer to the center of the distribution of voters. Figure 5-6 plots the location of all six candidates in this safe Republican district. The surprise, from a typical spatial modeling perspective, is that Bigelow made the top-two at all: with perfect information and sincere spatial voting, Boyd and Oller should have advanced. This suggests a role for information and uncertainty over candidate placement, as well as some tactical voting. Belden, a nonpartisan candidate, and Lancaster, a taxi driver, had lower visibility or credibility as serious candidates; furthermore, Boyd and Fitzgerald are placed very close together on this plot. If I reimagine Figure 5-6 with Boyd and Fitzgerald placed ideologically in the same location, and without Belden and Lancaster included at all, then the actual election results become quite easy to imagine with a spatial modeling approach: Fitzgerald and Boyd together split 31 percent of the vote, Bigelow got 29 percent of the vote, and Oller earned 34 percent. To get exactly those totals Bigelow would have to draw some tactical (“settling”) within-party Republican votes or some crossover tactical Democratic votes --- but the election results at least still make sense. Furthermore, from the perspective of reformers who favor

moderate victors, Bigelow meets the minimum qualifications: he is viewed as more centrist and (as discussed in the chapter describing the survey) he also took more moderate positions during the campaign on a key issue, taxes.

Figure 5-6: Candidate Placement in AD5



In contrast with AD5, the result in AD8 looks more like what the spatial model with perfect information and sincere voting would predict: the two extreme candidates won. Figure 5-7 plots the candidate placements in AD8. Bonser, Flynn, and Tufi were not very serious candidates. That still leaves three: Democrat Cooley and Republicans Ortega and Tateishi. Cooley and Tateishi squeezed the more moderate Ortega and then Cooley went on to defeat Tateishi. This is the clear theoretical problem with the top-two: with enough information, enough candidates, and strong enough extreme candidates, the extreme candidates actually possess a spatial advantage. In AD8, the new primary failed to produce a different result than likely would have occurred under the old semi-closed partisan primary.

AD41 produced a ‘squeeze’ on the main moderate alternative similar to what occurred in AD8. Figure 5-8 plots the locations of the five candidates from AD41;

Figure 5-7: Candidate Placement in AD8

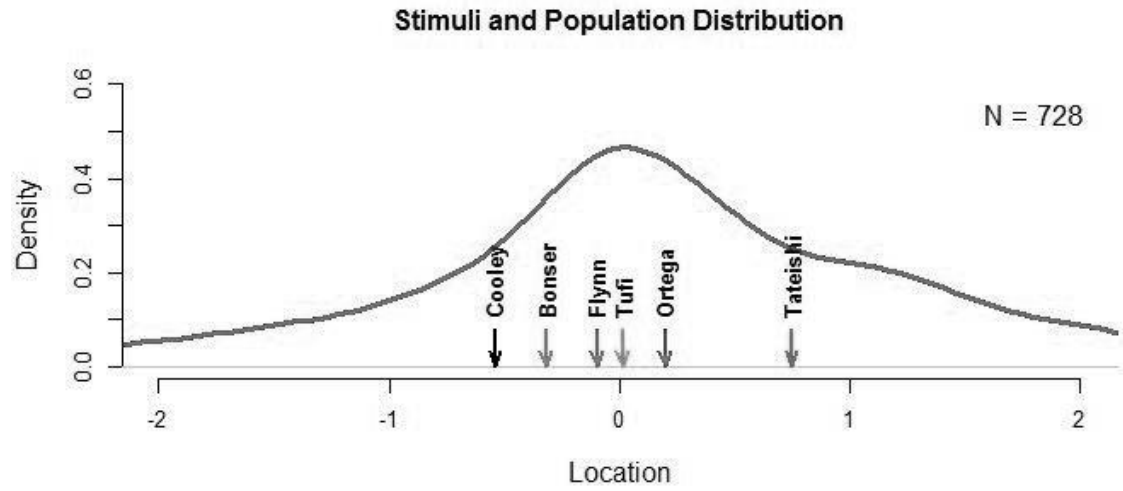
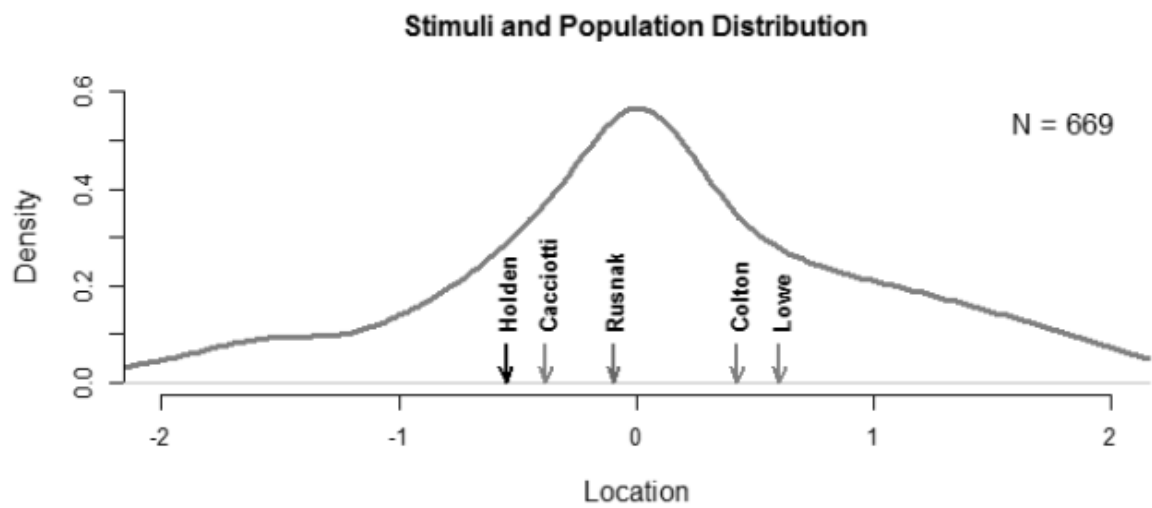


Figure 5-8: Candidate Placement in AD41

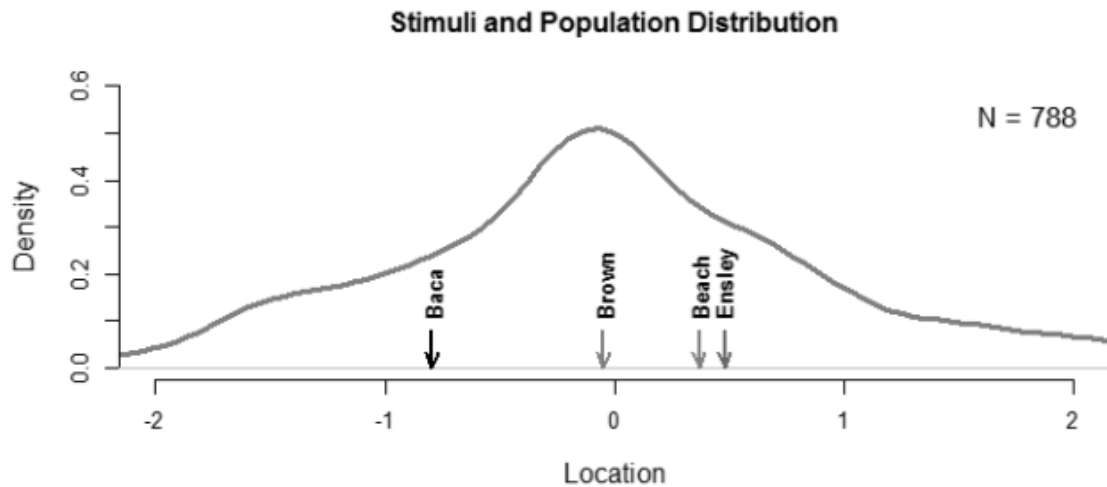


Holden and Lowe won the primary and Holden bested Lowe easily in the general election. In this case, Rusnak did even worse than Ortega from AD8; Rusnak, a Democrat making an effort to run to the middle, actually placed last in the primary. Cacciotti and Colton both picked up votes from constituencies that knew them. Holden's camp also hit Rusnak with a series of negative ads right before the election (as described in the last chapter), demonstrating that they likely understood that Rusnak might have posed a real threat in the general. Of all the candidates Holden would have preferred to face, Lowe certainly headed the list. Again, the evidence for overall sincere voting is just reflected in the outcomes and the predictions from the basic spatial model: given these locations, sincere voting should produce the actual election result. Notably, both Holden and Lowe would also likely have won under the old system. So, while the top-two failed to elect Rusnak, it did not produce a noticeably worse outcome either.

Assembly District 47 more resembles AD5, in that the top-two produced a same-party runoff that benefited the more centrist candidate. Baca did better than Brown in the primary, as Figure 5-9 suggests should have happened. Both Beach (a candidate in her 90s, and certainly not a serious contender) and Ensley (a Tea Party Republican totally unsuited for the district) had low enough name recognition and a small enough constituency to allow Brown through – although it was a close run thing. Despite the utter hopelessness of the Beach and Ensley causes, together they had 29 percent of the vote, the same percent Brown got in the primary. If only one hopeless Republican ran, instead of two, AD47 might well have looked much more like AD8 or AD41 – with a credible centrist alternative coming up short. Once Brown got through the primary,

though, she easily defeated Baca 56 percent to 44 percent, as the Figure 8 would also suggest.

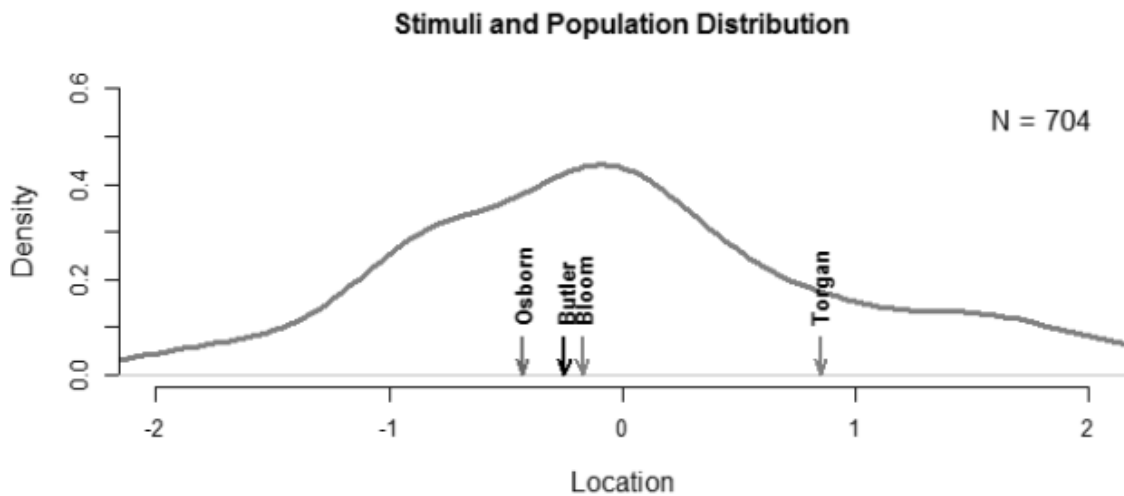
Figure 5-9: Candidate Placement in AD47



On the surface, reformers achieved their aim in AD50 as well: the most centrist candidate won. Voters placed the ultimate winner, Richard Bloom, as the right-most of the three Democrats in Figure 5-10. The results from AD50 challenge the applicability of the ‘full information, sincere voting’ version of spatial model; the basic spatial model would predict that Torie Osborn and Brad Torgan would advance to the second round. Instead, Richard Bloom and Betsy Butler advanced to the runoff. Referring back to the previous chapter: in a district with over 1000 survey respondents, 523 placed Butler, 532 placed Bloom, 491 placed Osborn, and 254 placed Torgan on the ideological scale. More voters gave candidate approval ratings: 647 ranked Butler, 667 ranked Bloom, 621 ranked Osborn, and 386 ranked Torgan. Still, in the ‘best case’ scenario of the approval rankings, only about one-third of the voters had heard of Torgan. So, while it would seem that Osborn should capture most of the more extreme leftward votes, for voters who

had not heard of her, those votes might go to Butler instead even if all voters who had heard of the candidates placed them at these point estimates. Not all voters agree, though, about the ordering of these candidates. The ideological placements and approval ratings for the three Democrats were all over the map. It makes sense here to think about the three Democrats, as it did with Boyd and Fitzgerald in AD5, as located in roughly the same place. Then the final results do make sense: the primary split almost perfectly evenly four ways.

Figure 5-10: Candidate Placements in AD50



The spatial modeling conundrum from AD50 helps to explain the methodological choices I made in specifying the multinomial probit model. There are two explanations for the failure of the basic spatial model in AD50 that do not resort at all to tactical voting arguments. First: from an individual perspective, the ideological ordering of Democratic candidates might well be different from the aggregate point estimates of their true location. Second: voters missing knowledge about candidates might be making spatial-modeling type decisions over a space that includes fewer than four candidates, passing over ideologically closer but unknown to them candidates. By using distance as an alternative specific variable, I minimize the order effects for similarly placed candidates.

If one candidate is distance x away and another candidate is distance $x + z$ away from the voter, for very small “ z ” which candidate is assigned x and which is assigned $x + z$ will little impact the estimation. The ideological distance variable will not add much to explain who votes for Osborn, Butler, or Bloom. On the other hand, it will do much more to control for the large gap between the three Democrats and the Republican Torgan. Other variables will have to separate the choice between Democrats, like the dummy for having ranked the candidate on the approval scale – the other alternative specific variable. Having included both of those controls, then, it is still interesting to look at the independent effects of registration type; a positive and meaningful coefficient on Republican registration in voting for Richard Bloom would suggest that he benefited from some kind of tactical crossover.

The figures created by the Aldrich-McKelvey common space technique as provide a warning against over-enthusiasm for the new primary. These figures demonstrate some successes for reformers who preferred more moderate candidates – but also some failures. The “successes” came in AD5, AD47, and AD50. By generating a same party runoff, the more moderate candidate won. AD8 and AD41 show the difficulties in getting to the same party runoff, though; in both cases a relatively credible moderates (Ortega in AD8 and really all three candidates shut out of the AD41 runoff) failed to get through the primary. Flynn in AD8 and Rusnak in AD41 made explicit centrist efforts, neither which amounted to much of anything at all.

These five elections also suggest – although, with the usual caveat of ‘small sample’ – that certain conditions help propel moderates forward. In AD5 and AD47, similarly located candidates from the minority party split the minority party vote. In

AD5, Boyd and Fitzgerald split the Democratic vote; if unified, the Democrats would likely have had enough votes to keep Bigelow off the top-two. In AD47, Beach and Ensley were not viewed as ideologically distinct *enough* for Ensley to get all of Beach's votes. In both of these districts, lack of information also aided the moderate: Ensley and Beach were just unknown; only about a quarter of the respondents ideologically placed both Republicans and many of those placements had to be guesses based on very little information. Beach did not even have a campaign website and, to the best of my ability, I was able to only find a single photograph of her anywhere on the internet with extensive Google searches (the one referenced in the last chapter). A single slightly stronger Republican candidate could very well have kept Brown out of the top-two in AD47. In AD5, Bigelow benefited from the obscurity of Lancaster and Belden as well; furthermore, Boyd and Fitzgerald were not well known either.

In AD8 and in AD41 distinct, well known, and ideologically extreme candidates overwhelmed the moderates. With those three conditions met, and without extensive tactical "settling" crossover voting from the minority party targeted at an agreed-upon moderate alternative, the top-two primary system is unlikely to help moderates at all. The exception would be if relatively few candidates entered in the middle and the extreme candidates took *very* extreme positions; however, with more than three candidates and the extremist candidates just adopting the pure 'party line' stance of their own party, the top-two's rules do not advance the cause of a centrist candidate.

AD50 may count as a success for the reformers but it should also count towards a more cautionary tale, tempering expectations. Torie Osborn, Brad Torgan, and Brian Ross Adams (a campaign consultant for Richard Bloom) all examined Figure 5-10 and

said that it captured their beliefs about the locations of the candidates. While the point estimate for Richard Bloom placed him as more moderate than Betsy Butler or Torie Osborn, he still sat as the mayor of Santa Monica, a very liberal politician, and not all that different than Butler or Osborn. The amount of difference Bloom will provide in the legislature will depend to what extent the party leadership can co-opt him; how quickly both sides can put aside lingering suspicion based on a hard election fight and how much the institutional rules in the legislature provide incentives to operate as if Bloom had been the preferred candidate both will affect the level of independence and ‘pragmatism’ he displays in office.

Unless candidates are committed through their campaign promises to a program radically at odds with their party leadership, the election of more moderate candidates may not be enough to generate more moderate votes in the legislature. Legislative institutions may mute the effects of the top-two. The figures in this section give legislators and future candidates a good reason to get along with their party, as well; a candidate faces a hard road to win an election as a centrist and the formal party apparatus can provide access to many resources to help with name recognition and get-out-the-vote efforts. Until California has used the top-two for more years, researchers will have to advance only very tentatively assertions that former House Speaker Sam Rayburn’s comment no longer applies: “To get along, go along.”²¹⁷

The Multinomial Probit Results

²¹⁷ This comment is widely attributed to Rayburn. The quotation is currently included in the description of an exhibit about him at the Capitol Visitor Center: <http://www.visitthecapitol.gov/exhibitions/online/1913-to-1945/house-1913-1945/additional-information-house-1913-1945/sam-rayburn.html> (last accessed 03/10/13).

I estimated a simple multinomial probit model in each of the five districts. I used the Bayesian “MNP” package in R (Imai and van Dyk, 2005), a package that includes procedures both to estimate the models and then to test if the models converged on a stable solution. The individual characteristics included in the model are just two binary indicators for party registration: Republican and “Other”; most of the “Other” registrants are “Decline to State” (nonpartisan). Just like with any other model in which categorical variables are included, these included categories compare to the excluded category of Democratic registration. The coefficients reported in the table of results for AD41 and AD50 (Table 5-13) are for each included candidate against an excluded candidate. In AD41 I left out Chris Holden and in AD50 I left out Betsy Butler, both representing the endorsed Democrats in the district. The alternative specific variables theoretically apply the same to all alternatives, so there are not separate coefficients by candidate for the ideological distance and rated variables. Since the MNP package employs a Bayesian framework, Table 5-13 reports 95 percent credible intervals rather than point estimates.

Table 5-13 presents four key results. First, the 95 percent credible intervals for the “alternative specific” distance variables in both models lie entirely off zero; I conclude that voters made up their minds at least in part based on ideological distance in the manner of the traditional spatial model. Second, the dummy “rated” variable, indicating if the voter gave a favorability rating to the candidate, has a 95 percent credible interval entirely above zero. Voters tended to select candidates about whom they could say something. Both of those findings validate the extended discussion of those concepts in the previous section. Third, in AD41 Republican registration exercised an independent

Table 5-13: Multinomial Probit Regression Results for AD41 and AD50

AD41			AD50		
	CI			CI	
Characteristic: Candidate	2.50%	97.50%	Characteristic: Candidate	2.50%	97.50%
(Intercept):Cacciotti	-0.22	0.08	(Intercept):Bloom	-0.50	-0.09
(Intercept):Rusnak	-0.62	-0.20	(Intercept):Osborn	-0.33	0.02
(Intercept):Lowe	-1.58	-0.61	(Intercept):Torgan	-2.08	-0.91
(Intercept):Colton	-1.49	-0.65			
Rep. Registration:Cacciotti	0.00	0.66	Rep. Registration:Bloom	-0.42	0.60
Rep. Registration:Rusnak	0.14	0.88	Rep. Registration:Osborn	-0.71	0.40
Rep. Registration:Lowe	1.43	2.49	Rep. Registration:Torgan	2.20	3.48
Rep. Registration:Colton	1.23	2.16			
DTS/3rd Party Reg.:Cacciotti	-0.13	0.43	DTS/3rd Party Reg.:Bloom	-0.10	0.49
DTS/3rd Party Reg.:Rusnak	0.00	0.65	DTS/3rd Party Reg.:Osborn	-0.37	0.24
DTS/3rd Party Reg.:Lowe	0.64	1.61	DTS/3rd Party Reg.:Torgan	0.74	1.80
DTS/3rd Party Reg.:Colton	0.18	1.16			
Alternative Specific Variables			Alternative Specific Variables		
Distance	-0.43	-0.14	Distance	-0.68	-0.28
Rated	0.96	1.39	Rated	0.91	1.49
Covariances			Covariances		
Cacciotti:Rusnak	0.17	0.63	Bloom:Osborn	-0.19	0.42
Cacciotti:Lowe	0.14	0.67	Bloom:Torgan	-0.76	0.48
Cacciotti:Colton	0.37	0.96	Osborn:Osborn	0.29	1.02
Rusnak:Rusnak	0.51	1.23	Osborn:Torgan	-0.97	0.32
Rusnak:Lowe	0.17	0.83	Torgan:Torgan	1.13	2.34
Rusnak:Colton	0.17	1.01			
Lowe:Lowe	0.62	1.57			
Lowe:Colton	0.14	1.18			
Colton:Colton	1.14	2.22			
N = 668			N = 700		

effect from distance or ‘knowledge’ (via the “rated” variable) in a decision to support Rusnak over Holden. While there are other meaningful coefficients in the model, this is an important measure of crossover voting; it provides evidence that some tactical voting took place to Rusnak’s benefit (although clearly not *enough* for her to win). Fourth, there is no comparable result in AD50 for Richard Bloom. This does not mean that Bloom received no benefit from crossover voting; this result merely implies that there is no evidence outside of his better name recognition (my interpretation of the “rated” variable) and ideological distance to explain his superior performance in Republican crossover votes.

A table of predicted probabilities of candidate support can help clarify these results. Table 5-14, below, displays the probabilities that an otherwise median individual selects each of the candidates in each districts – for differing types of partisan registration. Note that this means that all three of these hypothetical individuals hold the ideological location of the median voter. In AD41, the median voter is ideologically close to Rusnak, generating relatively high probabilities of support for Rusnak and low probabilities of support for Cacciotti and Colton in particular. In AD50, the ideologically median placement steered even Republican voters away from Torgan. Nevertheless, the probabilities in Table 5-14 still illustrate the main differences between Rusnak’s fortunes and Bloom’s. The Democratic and otherwise median voter had a 38 percent chance of selecting Butler and a 27 percent chance of selecting Bloom --- as is evident in just the descriptive statistics, Bloom comes in third among Democrats. For the same individual with the party registration switched to Republican, Bloom comes in five points ahead; for any other registration category, Bloom came in 3 points ahead of Butler. In AD41,

Holden comes out ahead of Rusnak by thirty points *even though this hypothetical voter is much closer to Rusnak*. Rusnak does only marginally better than Holden if the individual is now considered a Republican and does worse than Holden with a “other registration” otherwise median individual. If the candidate closest to the middle of the distribution doesn’t have similar support probabilities compared to the more extreme establishment candidate for voters located close to them, how can they possibly win an election? In Rusnak’s case, she also suffers from the relatively powerful effects of ideological distance; while the median voter is very unlikely to support Cacciotti, someone closer to Cacciotti than to Rusnak is likely to do so.

Table 5-14: Probability of Candidate Support for Otherwise Median Individual

	AD41					AD50			
	Holden	Cacciotti	Rusnak	Lowe	Colton	Butler	Bloom	Osborn	Torgan
Dem. Reg.	0.64	0.00	0.34	0.00	0.02	0.38	0.27	0.34	0.01
Rep. Reg.	0.31	0.00	0.38	0.16	0.15	0.18	0.23	0.20	0.38
Oth. Reg.	0.47	0.00	0.44	0.05	0.04	0.31	0.34	0.28	0.08

The models for AD41 and AD50 present a bare-bones view of the election. Nevertheless, Table 5-13 displays estimates for 16 different parameters (with 700 observations that had enough data to be included) for AD50 and 23 parameters (with 668 observations) in AD41. The estimation procedure, because of the model complexity, demands a lot out of any data set; in this case, there are many parameters for relatively small amounts of data. The models will not necessarily produce reliable results; the estimation procedure relies on a numerical optimization routine (Markov chain Monte Carlo) that may not always converge. The MNP package in R provides a routine to check for convergence. I ran each model three times with different starting values for 50,000 draws. Then I compute the Gelman-Rubin diagnostic statistic as described in Imai and van Dyk (2005). With the MNP package, I could combine the results of all

three sets of estimates and check to make sure that all of the parameters reached under the desired 1.1 (or less) level in the Gelman-Rubin test. In AD41 and AD50, only the Lowe intercept in AD41 came in above the acceptable 1.1 level (and then only slightly); the results of the Gelman-Rubin test are displayed below in Table 5-15.

At this point, a reasonable reader may wonder: what about AD5, AD8, and AD47? In AD5 and AD8, because each election had six candidates, the model had to estimate 31 parameters. In AD5, AD8, and AD41 both the “distance” and “rated” alternative specific variables had the same kinds of results generally as in the models in AD41 and AD50. However, in all three cases, the models failed to converge. In AD5 and AD8 this likely had to do both with the number of parameters to estimate and the relative weakness of the imputed and rescaled ideological distance as an alternative specific variable as a tool to sort through relatively closely-placed candidates. Both AD5 and AD8 have many candidates in the center of the distribution for which there were relatively few actual placements: in AD5, for example, very few voters placed Belden or Lancaster. Belden and Lancaster is also placed close to the center of the distribution of voters and candidates once the imputation and Aldrich-McKelvey scaling procedures are complete. Despite this, nobody is voting for them. In AD47 I suspect it is a similar problem; Ensley and Beach are just too weak of candidates for the spatial model component (the alternative specific variable) to really distinguish between the alternatives. The presence of very weak candidates in these districts also complicates estimation: with very few respondents selecting some of the alternatives, there just is not enough data to reliably estimate their behavior.

Table 5-15: Did the models converge? Is the Point Estimate under 1.1?

AD41	Point Est.	Upper CI	AD50	Point Est.	Upper CI
Characteristic: Candidate			Characteristic: Candidate		
(Intercept):Cacciotti	1.00	1.01	(Intercept):Bloom	1.00	1.00
(Intercept):Rusnak	1.00	1.01	(Intercept):Osborn	1.01	1.02
(Intercept):Lowe	1.14	1.30	(Intercept):Torgan	1.01	1.03
(Intercept):Colton	1.00	1.01			
Rep. Registration:Cacciotti	1.00	1.01	Rep. Registration:Bloom	1.00	1.00
Rep. Registration:Rusnak	1.00	1.01	Rep. Registration:Osborn	1.01	1.03
Rep. Registration:Lowe	1.03	1.08	Rep. Registration:Torgan	1.00	1.01
Rep. Registration:Colton	1.03	1.05			
DTS/3rd Party Reg.:Cacciotti	1.00	1.00	DTS/3rd Party Reg.:Bloom	1.00	1.00
DTS/3rd Party Reg.:Rusnak	1.00	1.00	DTS/3rd Party Reg.:Osborn	1.00	1.00
DTS/3rd Party Reg.:Lowe	1.02	1.06	DTS/3rd Party Reg.:Torgan	1.00	1.01
DTS/3rd Party Reg.:Colton	1.00	1.01			
Distance	1.00	1.00	Distance	1.00	1.00
Rated	1.02	1.02	Rated	1.01	1.02
Cacciotti:Rusnak	1.00	1.01	Bloom:Osborn	1.01	1.02
Cacciotti:Lowe	1.01	1.03	Bloom:Torgan	1.01	1.02
Cacciotti:Colton	1.01	1.03	Osborn:Osborn	1.00	1.01
Rusnak:Rusnak	1.02	1.03	Osborn:Torgan	1.01	1.05
Rusnak:Lowe	1.00	1.01	Torgan:Torgan	1.00	1.01
Rusnak:Colton	1.01	1.02			
Lowe:Lowe	1.02	1.06			
Lowe:Colton	1.10	1.22			
Colton:Colton	1.01	1.04			

The multinomial probit modeling approach had advantages and limitations – and these results demonstrated both. The specifications that included all the candidates and used ideological distance as the alternative specific variable, in the manner of Alvarez and Nagler (1995), did not always converge. As is evident throughout these chapters on the 2012 survey, the data is very noisy – reflecting the divergent views and low levels of information in these contests. This approach pairs difficult data with models that place high demands on that data; that the results are mixed should be unsurprising. On the other hand, these models did provide at least two pieces of information that help substantively advance the argument about the top-two in these districts. Finding that Rusnak did derive support from Republicans over and above the spatial model suggests that the proportion of tactical voters of the overall total was too small to overcome Rusnak’s deficiencies with her own party. Also, finding no similar evidence in AD50 suggests that Bloom owed his election less to tactical Republican crossover voting and more to his slightly more centrist position and his higher name recognition.

Conclusion

The top-two primary seems to be a moderate success for its proponents – so far. The evidence reviewed in this chapter does not indicate widespread, or even really ‘detectable,’ mischief-making or “raiding.” In the five districts included in this study, no *more* extreme candidates won than would likely have won under the old system; the top-two seems to not have made things worse. In a few districts the new primary seems to have enabled the victory of a more moderate candidate who would not likely have won otherwise. To some extent this occurred just because of the structure of the primary, although some kind of pragmatic voter behavior may have made small contributions.

“Our results, then, suggest that it is problematic to lump together various primary election systems when studying their effects on candidate choices. Indeed, subtle differences in the rules surrounding primaries can create large differences on candidate policy choices.”

– Kanthak and Morton²¹⁸

“As these questions are attacked it is not improbable that other and better types of nomination may emerge and take their place in the political world, competing with the older for survival under new conditions.”

- Merriam and Overacker²¹⁹

CONCLUDING REMARKS

I wholeheartedly agree with Kanthak and Morton’s contention that the details matter. The challenge is, of course, deciding when to stop and how to set up the analysis. Using my own best judgment, I developed a slightly different scheme than other authors used, captured a longer period of time, and deployed a different ideological measure. Like Gerber and Morton (1998), Kanthak and Morton (2001), and McGhee et al. (2012), I at least come away with a similar conclusion in one respect: the original notion that open primaries would produce more moderate candidates than closed primaries seems off the mark. While those three papers arrive at a diverse set of specific conclusions, and my results differ from all three, I think it is safe at this point to express a healthy skepticism that switching from a partisan closed primary to a partisan open primary will make such of a difference. In my results, I find the opposite: open primaries produce more extreme representation.

In my view, political scientists should not consider the question closed. There’s not clearly a consensus – either in the empirical literature or in the theoretical literature – about how to categorize primaries. Nor have political scientists adopted a uniform measure of candidate ideology, or come to an agreement about when to measure it (as

²¹⁸ Kanthak and Morton (2001, pp. 129).

²¹⁹ Merriam and Overacker (1928, pp. 358).

scored during a campaign by an outside interest group? By actions while in a legislature? Over the course of a whole career?). McGhee et al. took advantage of a new database of state legislators; as database like that expand to cover more years (and as more time passes) the field will be able to get more precise estimates.

The data I collected on election competitiveness helps to put the debate about ideological location in some perspective. The truth is that no system does a particularly good job at producing reliably competitive elections for the U.S. Senate; anecdotally, I imagine the same holds true (or worse) for other elective offices. It may be the case that other considerations intervene to prevent parties from well-responding to their electoral environments and putting forth competitive candidates. That closed primaries should produce more competitive candidates on average than open primaries, as described in Chapter 3, piles on to the disappointing performance of open primaries.

Reflecting on the data I collected – the anecdotes about how state primaries worked in practice and why rules changed and the empirical multi-state results – brought to mind the quotation from Merriam and Overacker (1928) included in the epigraph of this chapter. It may be the case that open and closed primaries do not produce results that are all that different. Taking in my own results, and the others in this field, with larger view, it may be the case that “early experiments” with different primary elections did not produce large politically significant results --- and that “early experiments” may include all the primaries used from 1945 to 2010.

The results in the five Assembly districts studied in detail in Chapters 4 and 5 stand in stark contrast to the more negative results about non-closed primaries in Chapter 3. It seems, on the face of things, like in three of five districts that a more moderate

candidate won an election who would not have won under a closed or semi-closed primary. While certainly these were unusual districts, they are not so different from other seriously contested districts. Given the success of some of the challenges, more candidates may consider an outside challenge in 2014.

The top-two primary is a radical break with the past. In some sense, the 2012 results in California (and what has happened in Washington since 2008) are not quite the “full effect” of implementing a top-two. The political structures of the *Ancien Régime* still existed in California in 2012; the strongest players in state politics all rose through a party-primary system. It is difficult to predict what will happen in the future but it certainly seems possible that the specter of repeated same-party runoffs will split dominant parties into factions, or at least generate distinguishable within-party brands.

The development of within-party brands to support centrist candidates – if such a thing did occur – might help make crossover voting a bigger deal. Most of the “benefits” – again, only “benefits” if one believes that electing centrists is a benefit – accrued from divided opposition rather than from tactical crossover voting for moderate candidates. Little formal structure existed to help candidates coordinate their likely supporters. Given the amount of weak party crossover voting described in Chapters 4 and 5, those crossover voters only *may* have been pivotal in one of those races. With more time to coordinate and plan, perhaps the top-two will have an even larger effect.

The conclusion of Merriam and Overacker’s book, in the epigraph for this chapter, phrases competition between primary types almost as if it is evolutionary competition between species. Here, though, primary laws may not be selected for whether or not they are “better” than previous laws. There is a key question to ask with

politics: “better for whom?” Those who would lose out under a new primary law can be expected to oppose it, even if such a law would produce net benefits for the whole society. Additionally, there may be divine intervention from the Supreme Court to rescue an endangered type of primary from an apparently strong competitor. So far the top-two has survived the courts --- but the more ideological wings of both California major parties may do their best to replace the top-two with an alternative initiative more to their liking.

The usual call for “further research” is particularly important in this case. The database of state laws and the multi-state analysis in Chapters 2 and 3 adds to the existing literature, particularly by using a much longer time period. The analysis of the top-two in Chapter 4 and 5 also uses a unique dataset to advance our understanding of how this new institution works. Nevertheless, the story is nowhere near finished. While there is much more to learn about what has already happened, the future will undoubtedly provide unexpected twists and turns; in the ongoing struggle between rival interests, politics will produce new strategic innovations. What makes the future somewhat unpredictable is what also makes this research timely: as voters and policymakers must make decisions in the present, they must do so with a ‘best guess’ about the effects of different institutions. So far, this work represents mine.

REFERENCES

- Abramson, Paul R., John H. Aldrich, Phil Paolino and David Rohde. 1992. "Sophisticated Voting in the 1988 Presidential Primaries." *American Political Science Review*, 86:55–69.
- Adams, James and Samuel Merrill. 2008. "Candidate and Party Strategies in Two–Stage Elections Beginning with a Primary." *American Journal of Political Science*, 52(2):3244–359.
- Adkins, Randall E. and Andrew J. Dowdle. 2001. "How Important Are Iowa and New Hampshire to Winning Post–Reform Presidential Nominations?" *Political Research Quarterly*. 54(2): 431–444.
- Aldrich, John H. 1980. *Before the Convention*. Chicago: University of Chicago Press.
- Alvarez, R. Michael and Jonathan Nagler. 1995. "Issues and the Perot Candidacy: Voter Choice in the 1992 Presidential Election." *American Journal of Political Science*, 39(3): 714–744.
- Alvarez, R. Michael and Jonathan Nagler. 1997. "Analysis of Crossover and Strategic Voting." California Institute of Technology, Social Science Working Paper 1019. September.
- Alvarez, R. Michael and Jonathan Nagler. 2000. "A New Approach for Modelling Strategic Voting in Multiparty Elections." *British Journal of Political Science* 30(1): 57–75.
- Alvarez, R. Michael and Jonathan Nagler. 2002. "Should I Stay or Should I go? Sincere and Strategic Crossover Voting in California Assembly Races." In Cain, Bruce

- and Elisabeth Gerber, *Voting at the Political Fault Line: California's Experiment with the Blanket Primary*. University of California Press. pp. 77–106.
- Alvarez, R. Michael and D. Roderick Kiewiet. 2009. "Rationality and Rationalistic Choice in the California Recall." *British Journal of Political Science*, 39(2): 267–290.
- Alvarez, R. Michael and Betsy Sinclair. 2012. "Electoral Institutions and Legislative Behavior: The Effects of Primary Processes" *Political Research Quarterly* 65(3): 544–557
- Alvarez, R. Michael and J. Andrew Sinclair. 2013. "Who Are California's 'Decline to State' Voters?" *California Journal of Politics and Policy*. 5(1): 47–66.
- Atkeson, Lonna Rae. 1998. "Divisive Primaries and General Election Outcomes: Another Look at Presidential Campaigns." *American Journal of Political Science*, 42(1): 256–271.
- Bartels, Larry M. 1987. "Candidate Choice and the Dynamics of the Presidential Nominating Process." *American Journal of Political Science*, 31(1): 1–30.
- Bernstein, Robert A. 1977. "Divisive Primaries Do Hurt: U.S. Senate Races, 1956–1972." *The American Political Science Review*, 71(2): 540–545.
- Black, Duncan. 1948. "On the Rationale of Group Decision-making", *Journal of Political Economy*, 56,1, 23–34.
- Born, Richard. 1981. "The Influence of House Primary Election Divisiveness on General Election Margins, 1962–1976." *The Journal of Politics*, 43(3): 640–661.
- Bullock III, Charles S. and Loch K. Johnson. 1992. *Runoff Elections in the United States*. UNC Press.

- Burden, Barry C. and Steven Greene. 2000. "Party Attachments and State Election Laws." *Political Research Quarterly*, 53(1): 63–76.
- Cain, Bruce E. 1978. "Strategic Voting in Britain." *American Journal of Political Science*, 22:639–55.
- Cain, Bruce E. and Elisabeth R Gerber. 2002. *Voting at the Political Fault Line: California's Experiment with the Blanket Primary*. University of California Press.
- Callander, Steven. 2005. "Duverger's Hypothesis, the Run-Off Rule, and Electoral Competition." *Political Analysis*, 13:209–232.
- Calvert, Randall L. 1985. "Robustness of the Multidimensional Voting Model: Candidate Motivations, Uncertainty, and Convergence." *American Journal of Political Science*, 29(1): 69–95.
- Campbell, Angus, Philip E. Converse, Warren E. Miller, and Donald E. Stokes. 1960. *The American Voter*. Chicago: The University of Chicago Press.
- Chen, Kong-Pin & Sheng-Zhang Yang. 2002. "Strategic voting in open primaries." *Public Choice*. 112(1/2): 1–30.
- Cooper, Alexandra L. 2001. "Nominating Presidential Candidates: The Primary Season Compared to Two Alternatives." *Political Research Quarterly*, 54(4): 771–793.
- Cooper, Alexandra and Michael C. Munger. "The (un)predictability of primaries with many candidates: Simulation evidence." *Public Choice*, 103(3/4): 337–355.
- Cox, Gary W. 1987. "Electoral Equilibrium under Alternative Voting Institutions." 31(1): 82–108.
- Cox, Gary. 1997. *Making Votes Count*. Cambridge University Press.

- Davis, Otto A., Melvin J. Hinich and Peter C. Ordeshook. 1970. "An Expository Development of a Mathematical Model of the Electoral Process." *The American Political Science Review*, 64(2): 426–448.
- Downs, Anthony. 1957. *An Economic Theory of Democracy*: Addison–Wesley, Boston, MA.
- Fowler, Linda L., Constantine J. Spiliotes, Lynn Vavreck. 2003. "Sheep in Wolves' Clothing: Undeclared Voters in New Hampshire's Open Primary." *PS: Political Science and Politics*, 36(2): 159–163.
- Gaines, Brian J. and Wendy K Tam Cho. 2002. "Crossover Voting Before the Blanket." *Voting at the Political Fault Line: California's Experiment with the Blanket Primary*. Edited Bruce E. Cain and Elisabeth R. Gerber. University of California Press
- Geer, John G. 1988. "Assessing the Representativeness of Electorates in Presidential Primaries." *American Journal of Political Science*, 32(4): 929–945.
- Gerber, Elisabeth R. and Rebecca B. Morton. 1998. "Primary Election Systems and Representation," *Journal of Law, Economics, & Organization*. 14(2): 304–324.
- Grau, Craig H. 1981. "Competition in State Legislative Primaries." *Legislative Studies Quarterly*, 6(1): 35–54.
- Hedlund, Ronald D. 1977. "Cross–Over Voting in a 1976 Open Presidential Primary." *The Public Opinion Quarterly*, 41(4): 498–513.
- Hirano, Shigeo, James M Snyder Jr., Stephen Ansolabehere, and John Mark Hansen. 2010. "Primary Elections and Partisan Polarization in the U.S. Congress." *Quarterly Journal of Political Science*, 5(2): 169–191.

- Hotelling, Harold. 1929. "Stability in Competition", *The Economic Journal*, 39, 153, March 1929, 41–57.
- Imai, Kosuke and David A. van Dyk. 2005. "MNP: R Package for Fitting the Multinomial Probit Model." *Journal of Statistical Software*, 14(3): 1–32.
- Issenberg, Sasha. 2012. *The Victory Lab: The Secret Science of Winning Campaigns*. Crown (Random House, NY).
- Jewell, Malcolm. 1977. "Voting Turnout in State Gubernatorial Primaries." *The Western Political Quarterly*. 30(2): 236–254.
- Kanthak, Kristin and Rebecca Morton. 2001. "The Effects of Electoral Rules on Congressional Primaries." In Galderisi Peter F, Marni Ezra, and Michael Lyons, ed. *Congressional Primaries and the Politics of Representation*. Rowman and Littlefield, Lanham, MD. pp. 116–131.
- Kaufmann, Karen M., James G. Gimpel, Adam H. Hoffman. 2003. "A Promise Fulfilled?" Open Primaries and Representation." *The Journal of Politics*. 65(2): 457–476.
- Keith, Bruce E., David B. Magleby, Candice J. Nelson, Elizabeth Orr, Mark C. Westlye, and Raymond E. Wolfinger. 1992. *The Myth of the Independent Voter*. Berkeley: The University of California Press.
- Key, V.O. 1949. *Southern Politics in State and Nation*. Knoxville, TN: University of Tennessee Press, reprinted 1984.
- Key Jr., V.O. 1958. *Politics, Parties, and Pressure Groups*, Fourth Ed., New York, Thomas Y. Crowell.

- King, Gary. 1997. *A Solution to the Ecological Inference Problem*. Princeton: Princeton University Press.
- Kousser, Morgan. 1984. "Origins of the Run-Off Primary." *The Black Scholar*, 15:23–26.
- Lubecky, David. 1987. "Comment: Setting Voter Qualifications for State Primary Elections: Reassertion of the Right of State Political Parties to Self-Determination." *University of Cincinnati Law Review*. 55 U. Cin. L. Rev. 799.
- McGhee, Eric. 2010. "At Issue: Open Primaries." *Public Policy Institute of California*. Published February 2010, available online at:
http://www.ppic.org/content/pubs/atissue/AI_210EMAI.pdf (accessed 07/17/2012).
- McGhee, Eric, Seth Masket, Boris Shor, Steven Rogers, Nolan McCarty. 2012. "A Primary Cause of Partisanship? Nomination Systems and Legislator Ideology." Working Paper. (October 9). Available at SSRN:
<http://ssrn.com/abstract=1674091> or <http://dx.doi.org/10.2139/ssrn.1674091>.
- McNitt, Andrew D. 1980. "The Effect of Preprimary Endorsement on Competition for Nominations: An Examination of Different Nominating Systems." *The Journal of Politics*, 42(1): 257–266.
- Meinke, Scott R., Jeffery K. Staton, Steven T. Wuhs. 2006. "State Delegate Selection Rules for Presidential Nominations, 1972–2000." *The Journal of Politics*, 68(1), 180–193.
- Merriam, Charles Edward and Louise Overacker. 1928. *Primary Elections*. University of Chicago Press, Chicago IL.

- Norrande, Barbara. 1989. "Ideological Representativeness of Presidential Primary Voters." *American Journal of Political Science*, 33(3): 570–587.
- Norrande, Barbara. 1993. "Nomination Choices: Caucus and Primary Outcomes, 1976–88." *American Journal of Political Science*, 37(2): 343–364.
- Oak, Mandar P. 2006. "On the Role of the Primary System in Candidate Selection." *Economics & Politics*, 18(2): 169–190.
- Owen, Guillermo, and Bernard Grofman. 2006. "Two–Stage Electoral Competition in Two–Party Contests: Persistent Divergence of Party Positions." *Social Choice and Welfare* 26(3): 547–69.
- Palfrey, Thomas R. 1984. "Spatial Equilibrium with Entry." *The Review of Economic Studies*. 51(1): 139–156.
- Persily, Nathaniel. 2002. "The Blanket Primary in the Courts: The Precedent and Implications of California Democratic Party v. Jones." *Voting at the Political Fault Line: California's Experiment with the Blanket Primary*. Edited Bruce E. Cain and Elisabeth R. Gerber. University of California Press.
- Poole, Keith, Jeffrey Lewis, Howard Rosenthal, James Lo, and Royce Carroll. 2012. "Recovering a Basic Space from Issue Scales in R." Accessed online: <http://voteview.com/basicspace.pdf>, 11/14/2012.
- Ranney, Austin. 1968. "The Representativeness of Primary Electorates." *Midwest Journal of Political Science*. 12(2): 224–238.
- Ranney, Austin. 1972. "Turnout and Representation in Presidential Primary Elections." *The American Political Science Review*. 66(1): 21–37.

- Riker, William H., and Peter C. Ordeshook. 1968. "A Theory of the Calculus of Voting." *The American Political Science Review*. 62(1):25–42.
- Rothenberg, Lawrence S. and Richard A Brody. 1988. "Participation in Presidential Primaries." *The Western Political Quarterly*. 41(2): 253–271.
- Sides, John, Jonathan Cohen, and Jack Citrin. 2002. "The Causes and Consequences of Crossover Voting in the 1998 California Elections." In Cain, Bruce and Elisabeth Gerber, *Voting at the Political Fault Line: California's Experiment with the Blanket Primary*. University of California Press. pp. 77–106.
- Sinclair, J. Andrew. 2013. "The Loosening Grip: The Effects of Declining Partisan Registration." Working Paper, 1 February.
- Southwell, Priscilla L. 1988. "Open Versus Closed Primaries and Candidate Fortunes, 1972–1984." *American Politics Research*: 16(3): 280–295.
- Ware, Alan. 2002. *The American Direct Primary: Party Institutionalization and Transformation in the North*. University Press, Cambridge. (Reprinted 2009).
- Wekkin, Gary D. 1988. "The Conceptualization and Measurement of Crossover Voting." *The Western Political Quarterly*, 41(1):105–114.
- Wekkin, Gary D. 1991. "Why Crossover Voters Are Not 'Mischievous Voters': The Segmented Partisanship Hypothesis." *American Politics Research*. 19(2): 229–247.
- Wittman, Donald. 1983. "Candidate Motivation: A Synthesis of Alternative Theories." *The American Political Science Review*, 77(1): 142–157.