

## Increasing Turnout in Congressional Primaries

Elaine C. Kamarck

### INTRODUCTION



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**W**ith the coming to power of the Tea Party in the 2010 Republican primaries, the resulting change in the factional configuration of the Republican Party in Congress greatly increased partisan polarization – to the point where Congress began to engage in risky brinksmanship; from the debt-ceiling crisis to the government shutdown. Public approval ratings of Congress sank to new lows and more and more people wondered if polarization and the governmental dysfunction it created would have negative long-term effects on the country.<sup>1</sup>

Since then, many have asked whether anything can be done about the highly polarized state of American politics today. This paper reviews the structural changes that are often suggested as a way to reduce polarization and concludes that the change most likely to decrease polarization is the one most likely to increase voter turnout in congressional primaries – the establishment of a national primary day.

### OPEN PRIMARIES UP TO MORE VOTERS

Scholars and practitioners of politics have long argued that primary elections are a major contributing factor to polarization. The argument goes as follows: because primary elections are (mostly) restricted to voters from one party and (usually) garner low turnout, ideologues in both parties can easily dominate those elections. Thus candidates, incumbents and non-incumbents alike, move away from the center and are driven to support more extreme policy and political positions.<sup>2</sup>

1 Public approval of Congress, never very high, hit an all-time low of 9 percent in November, 2013 just after Congress had shut down the government. Approval has not rebounded. See: <http://www.gallup.com/poll/1600/congress-public.aspx>

2 For instance, David Brady, Hahrie Han and J.C. Pope looked at congressional primaries from 1956 to 1998 and concluded that "...candidates who do not appeal to an ideological base of organized voters are more likely to lose in the primaries." See Brady, Han and Pope, "Primary Elections and Candidate

In fact, the logic of this argument has been so powerful that over the years the connection between polarization and primaries has led to reforms that attempt to dilute the votes of party identifiers by opening up participation in primaries to independents and to voters from other parties. These days, old-fashioned “closed” primaries, where participation is limited to only those who have registered to vote in a political party, can be found in only eleven states.<sup>3</sup> In reality, there are a wide variety of primary types. Some states have fully open primaries where anyone can vote in the primary of their choice regardless of political party. Many other states have hybrid systems where a voter can “request” the ballot for a particular political party’s primary on primary day. In some instances, that request is noted and the person becomes a member of that political party, in others, it is not. And then there are blanket primaries in which the top two candidates, regardless of party, advance to the general election and the voter does not even have to request the ballot of a political party.

As part of the never-ending efforts to open the primary process to more voters, in June, 2010, California voters passed Proposition 14, creating a new “top-two” primary election system and becoming the biggest state ever to use a blanket primary. Prior to Prop. 14, California had a classic “closed” primary where voting was restricted to registered voters of one political party only. In the new system voters can vote for any candidate from any party, and the two candidates who receive the most votes, regardless of party affiliation, compete against each other in the general election. The new system has been used only twice. In 2012, turnout in California was the second lowest on record.<sup>4</sup> For one thing, 2012 was a presidential election year and the contest in both parties was over before the California primary day, likely decreasing interest and enthusiasm for voting. However, turnout for the 2014 primary fell even more and was the lowest for a statewide election in California’s history.<sup>5</sup>

Thus even before enactment of California’s new primary law, the majority of voters in the United States could participate in a primary, regardless of their political party. Not that many of them did. In the recent Senate run-off in Mississippi, incumbent Republican Senator Thad Cochran, facing a tough challenge from Tea Party activist Chris McDaniel, mobilized enough Democratic, African American voters to beat McDaniel. Cochran, while still very conservative, was a more moderate, more mainstream choice than McDaniel. Cochran’s campaign accomplished something that is often very difficult to do – he increased the electorate in the

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Ideology: Out of Step with the Primary Electorate?” *Legislative Studies Quarterly*, Vol. 32, Issue 1, February 2007. Gary Jacobson argues that primary electorates are “...much more partisan and prone to ideological extremity and the need to please them is one force behind party polarization in Congress.” See Jacobson, *The politics of Congressional Elections*, 8th ed. (New York: Pearson, 2012), chapter 2.

3 These are: Delaware, Florida, Kansas, Kentucky, Maine, Nevada, New Jersey, New Mexico, New York, Pennsylvania and Wyoming. For a full list of the variety in types of primaries see the National Council of State Legislatures at: <http://www.ncsl.org/research/elections-and-campaigns/primary-types.aspx>

4 Eric McGhee, “Voter Turnout in Primary Elections,” Public Policy Institute of California, May 2014. ([http://www.ppic.org/content/pubs/report/R\\_514EMR.pdf](http://www.ppic.org/content/pubs/report/R_514EMR.pdf))

5 See Statement of Vote for Statewide Direct Primary Election, California Secretary of State, June 3, 2014. (<http://www.sos.ca.gov/elections/sov/2014-primary/>)

runoff by about 17 percent.<sup>6</sup> McDaniel immediately cried foul, arguing that it was unfair that a bunch of “liberal Democrats” got to decide a Republican primary.

The amount of attention and the level of surprise surrounding the Cochran-McDaniel runoff indicates that, in spite of the fact that most primaries are, for all practical purposes, “open” – low levels of participation and the general obscurity in which they exist mean that they may as well be closed. Strategic moves like Senator Cochran’s are almost non-existent in the recent history of congressional primaries. No wonder that political scientists have found that different primary systems have “...little consistent effect on legislator ideology.”<sup>7</sup>

In theory then, opening up a party’s primary to voters who are not “members” of that political party should help ameliorate polarization. Senator Cochran’s victory may be a harbinger of things to come or a one-off. It’s hard to tell. Recently Senator Chuck Schumer (D-NY) wrote and op-ed in the New York Times calling for wider use of the blanket primary now in use in California. His analysis of the problem is consistent with most of the political science and practitioner experience. “... Primaries poison the health of that system and warp its natural balance, because the vast majority of Americans don’t typically vote in primaries. Instead, it is the “third of the third” most to the right or most to the left who come out to vote – the 10 percent at each of the two extremes of the political spectrum.”<sup>8</sup> Nonetheless, as we have seen, opening up primaries to all voters probably won’t increase polarization, but it’s not likely to be the magic bullet that solves it either.

## **INCREASE COMPETITION IN THE GENERAL ELECTION**

The second structural cure for polarization is to create more competitive congressional districts. Here the argument goes as follows: if primary voters had to worry about their candidate losing in a general election they would choose more moderate standard bearers in order to increase their chances of winning the general election. Thus the cure for polarization is to draw more competitive congressional districts. As it is, these days less than 30 percent of the entire Congress runs in competitive districts and the trend towards non-competitive congressional districts seems to be getting worse, not better.<sup>9</sup> Using a slightly different

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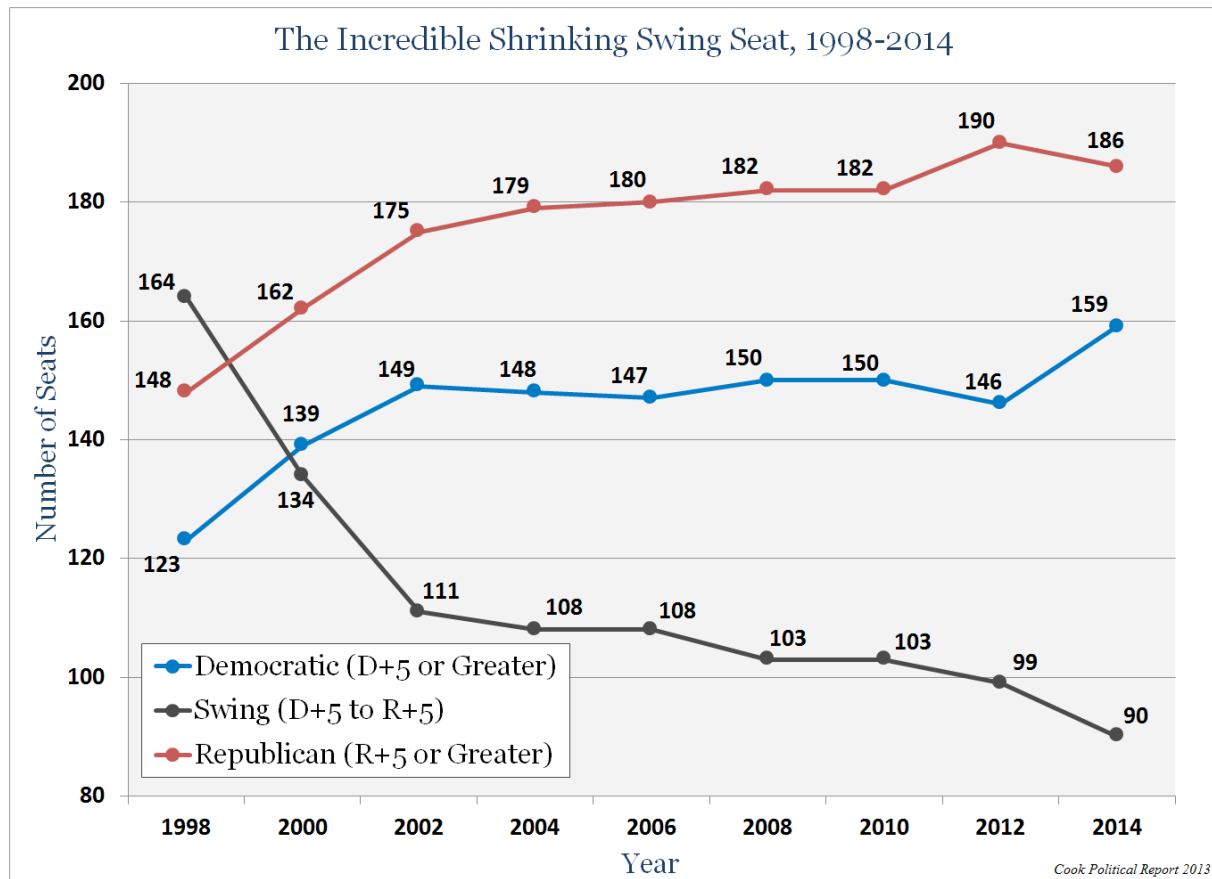
6 Harry Enten, “It Looks Like African-Americans really did help Thad Cochran Win,” *Five Thirty Eight*, June 25, 2014. (<http://fivethirtyeight.com/datalab/it-looks-like-african-americans-really-did-help-thad-cochran-win/>)

7 Eric McGhee, Seth Masket, Boris Shor, Steven Rogers and Nolan McCarty, “A Primary Cause of Partisanship? Nomination Systems and Legislator Ideology,” *American Journal of Political Science*, Vol. 58 , Issue 2, 2013: page 11.

8 Charles E. Schumer, “End Partisan Primaries, Save America,” *The New York Times*, July 21, 2014 ([http://www.nytimes.com/2014/07/22/opinion/charles-schumer-adopt-the-open-primary.html?emc=edit\\_th\\_20140722&nl=todays-headlines&nlid=62917000](http://www.nytimes.com/2014/07/22/opinion/charles-schumer-adopt-the-open-primary.html?emc=edit_th_20140722&nl=todays-headlines&nlid=62917000))

9 Tables, taken from Brookings’ *Vital Statistics on Congress*, show how many members of the House and the Senate have been elected with 60 percent of the major party vote or more. Compared to the House, the Senate has been historically, and remains, a much more competitive place than the House. Starting in the late 1960s the House became a place where a large majority of incumbents in any given year were in safe districts. To put it another way – in the highly contentious year of the Tea Party – 2010 – only 30 percent of House members had to worry about their general election. Moreover, the trend towards non-competitive congressional elections seems to be getting worse, not better. In the 1960s 47 percent of House incumbents were winning with at least 60 percent of the two

definition of competitive districts, the following chart from the Cook Political Report shows the same trend – in recent years the decrease in number of competitive seats has continued.



Contrasting the dynamics of House primaries with presidential election primaries provides some evidence for the argument that competition matters. We know that primary voters in presidential primaries are more ideological than the general public – Democrats are farther to the left and Republicans farther to the right.<sup>10</sup> And yet presidential candidates are cognizant of the need to moderate what they say during primaries in order to remain competitive in the general election. Ironically, the same concern is present in the minds of presidential primary

party vote. By the first decade of the 21st century that number had jumped to 62 percent. See Tables 2-12 and 2-13: <http://www.brookings.edu/research/reports/2013/07/vital-statistics-congress-mann-ornstein>

<sup>10</sup> See for instance a recent addition to the long line of work on ideology in presidential primary electorates. Juliette Miller says: “Through analysis of the exit poll data, it is clear that there are moderate to substantial demographic and ideological differences between primary and general election voting populations. For the most part, when compared to the primary, the general election populations are younger, more female, more moderate, less educated, and lower income. Ideology is consistently the variable that exhibits the largest differences between the two electorates.” See Miller, “Demographics of Primary, Caucus and General Election Voters,” Boston University, July 11, 2012. ([http://open.bu.edu/bitstream/handle/2144/3887/Juliette percent20Miller percent20Thesis.pdf?sequence=1](http://open.bu.edu/bitstream/handle/2144/3887/Juliette%20Miller%20Thesis.pdf?sequence=1)). In addition see: Barbara Norrander, “Ideological Representativeness of Primary Voters,” *American Journal of Political Science*, Vol. 33, No. 3, August, 1989.

voters – they take the general election into consideration (along with ideology) when they vote.

In recent years, and in both parties, primary voters have failed to nominate the most purely ideological candidate in favor of candidates who are more competitive in the general election. Had they done so Rick Santorum may have been the Republican nominee in 2012 and Dennis Kucinich may have been the Democratic nominee in 2004. Polling in presidential primaries frequently asks questions about who the voters think is most likely to defeat the nominee of the other party. For instance, at a point in the Republican primaries in 2012 when Romney was fighting to prove he was a true conservative, he was simultaneously benefitting from the perception that he could beat Obama by nearly two to one among likely primary voters. In a Rasmussen poll from March, 2012, voters were asked who they thought would be most likely to defeat President Obama. Forty eight percent said Mitt Romney, 22 percent said Rick Santorum and 17 percent said Newt Gingrich.<sup>11</sup>

How could we increase competition in Congressional primaries? One frequently mentioned reform is to take redistricting out of the hands of state legislatures and put it in the hands of non-partisan commissions in the expectation that they would draw district lines that resulted in more competitive districts. Like opening up primaries to more voters, this idea has also been around for some time but here progress has been slower. According to the National Conference of State Legislatures, 13 states have taken redistricting authority away from the state legislature and given it over to a board or a commission.<sup>12</sup> And there are several other states that use advisory commissions in the redistricting process. While there is some intriguing data from California, which has experimented with both methods of redistricting in drawing its state legislative boundaries, there is not much data on congressional elections.<sup>13</sup>

It could be argued, however, that it takes time for the effects of non-partisan line drawing to result in competitive districts. In that regard, the following chart is suggestive – although bear in mind that the number is quite small. The following six states are arrayed by those that adopted some form of non-partisan redistricting commissions in the 1980s (Hawaii, Iowa, Montana and Washington State) and 1990s (Arizona and New Jersey). If non-partisan redistricting made any difference we should expect to see more competitive seats in these

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11 Rasmussen Report, "Election 2012: Republican Presidential Primary," March 16, 2012. ([http://www.rasmussenreports.com/public\\_content/politics/elections/election\\_2012/election\\_2012\\_presidential\\_election/election\\_2012\\_republican\\_presidential\\_primary](http://www.rasmussenreports.com/public_content/politics/elections/election_2012/election_2012_presidential_election/election_2012_republican_presidential_primary))

12 See National Council of State Legislatures at: <http://www.ncsl.org/research/redistricting/2009-redistricting-commissions-table.aspx>

13 Douglas Johnson, Elise Lampe, Justin Levitt and Andrew Lee counted competitive legislative districts under different modes of drawing district lines and found substantial evidence from the 1970s, 1980s, and 1990s that non-partisan commissions of retired judges did in fact increase the number of competitive districts in the California legislature. See Johnson et al., "Restoring the Competitive Edge: California's Need for Redistricting Reform and the Likely Impact of Proposition 77," The Rose Institute of State and Local Government, Claremont- McKenna College, September 26, 2005, p. 10. (<http://ccdlib.libraries.claremont.edu/cdm/ref/collection/ric/id/2814>)

states. Looking at the 2010 elections, there were 31 incumbents running in these states, of which 18 (or 58 percent) won with over 60 percent of the vote and 13 (42 percent) won with less than 60 percent of the vote. In 2010 the national average for incumbents winning with over 60 percent of the vote was 70.8 percent.<sup>14</sup> Of course many other factors besides district lines contribute to the competitiveness of districts, but if more states adopt non-partisan processes it is possible that there could be a small increase in the number of competitive districts.

**INCUMBENT MEMBERS OF CONGRESS WINNING WITH OVER 60% OF THE VOTE IN THE 2010 ELECTIONS IN STATES WITH NON-PARTISAN REDISTRICTING SYSTEMS**

<b>STATE</b>	<b>Incumbents winning with over 60% of the vote</b>	<b>Incumbents winning with less than 60% of the vote</b>
Hawaii	1	
Iowa	1	3
Montana	1	
Washington State	4	4
New Jersey	9	3
Arizona	2	3
Average for non-partisan redistricting states	58%	42%
National Average in 2010	70.80%	29.20%

The bigger problem with relying on gerrymandering reform to increase competition is that in recent years Americans seem to have “sorted themselves” into like-minded communities. As Bill Bishop and Robert Cushing illustrate in *The Big Sort*, Americans’ predilection for living near people who share their overall beliefs and life styles means that there are probably limits to the extent to which even thoroughly non-partisan line drawing could result in more competitive

<sup>14</sup> See *Vital Statistics on Congress*, Table 2-12 at: <http://www.brookings.edu/research/reports/2013/07/vital-statistics-congress-mann-ornstein>

districts.<sup>15</sup> In recent years, red states have gotten redder, blue states bluer and the same holds for counties. Thus even in the unlikely event of across the board redistricting reform, the increase in competitive congressional districts may not be very big.

## INCREASE TURNOUT IN CONGRESSIONAL PRIMARIES

The nomination system of each party is *the easiest and most accessible* part of the political system – it is the place where polarization shows up and where its impact is magnified throughout the political system. If, in a given year or a given set of years, there are no deep intra-party divisions, the primary system will not serve up ideologically motivated general election candidates, which is why large empirical studies that seek to show a connection between the advent of primaries and polarization come up with no relationship.<sup>16</sup> But, in years where there are deep unresolved ideological fissures within a party, activists seeking to change the direction of the overall party can make their moves in the nominating system, often with few resources. This is playing out in the 2014 primary season. While the Republican Party is engaged in a long series of primary battles between mainstream Republicans and Tea Party candidates; the Democratic primaries have been a sleepy affair, prompting one columnist to ask if the Democrats were on Xanax.<sup>17</sup>

In placing so much blame for polarization on primaries, scholars often forget that party conventions can be taken over by ideological activists as well. In the 2010 season, veteran Senator Bob Bennett (R - Utah) lost his party's nomination in a state convention that had been taken over by the Tea Party. And perhaps the most famous story of a political party being radicalized through its nomination system is Barry Goldwater's takeover of the Republican Party's convention/caucus apparatus in 1964. While other, more mainstream Republicans like Nelson Rockefeller were winning presidential primaries, Goldwater secured the Republican nomination via a grass roots takeover of the convention/caucus system in many states.<sup>18</sup>

Thus to understand the powerful link between primaries and polarization the important thing to remember is that, unlike in other democracies around the world, the American nomination system is extraordinarily porous. In most other democracies, the "party list" is compiled centrally and is the only way to access the ballot. In the American system a potential congresswoman need not have any prior experience or relationship with the party. She or he can simply contest the nomination and win. The very porousness of the system contributes to polarization.

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<sup>15</sup> Bill Bishop and Robert Cushing, *The Big Sort* (New York: Mariner Books, 2009).

<sup>16</sup> See, for instance, Hirano, Shiegeo, Snyder, James M. Jr., Ansolabehere, Stephen and Hansen, John Mark, "Primary Elections and Polarization in the U.S. Congress," *Quarterly Journal of Political Science*, Vol. 5, Issue 2, 2010, p. 5.

<sup>17</sup> Walter Shapiro, "The Primaries Project: Are the Democrats on Xanax?" Brookings, June 13, 2014. (<http://www.brookings.edu/blogs/fixgov/posts/2014/06/13-primaries-project-are-the-democrats-on-xanax-shapiro>)

<sup>18</sup> Elaine C. Kamarck, *Primary Politics: How Presidential Candidates Have Shaped the Modern Nominating System*, (Washington: Brookings Press, 2009), chapter 1.



While the entire American nomination system is vulnerable to capture by factions within a political party, congressional primaries, especially for the House of Representatives, are particularly vulnerable, inexpensive, targets of opportunity for national ideological groups because they operate, in most years, in near total obscurity. With the exception of elections for local school boards, congressional primaries are among the most low turnout elections in the United States. They, therefore, provide the perfect setting for interest groups within a political party to gain and exercise influence out of proportion to their size.

To understand just how low turnout in congressional primaries is, consider the following pyramid of election turnout.<sup>19</sup> Not surprisingly, the highest turnout occurs in presidential elections. Since 1930 over fifty percent of Americans of voting age have voted in presidential elections. In presidential election years there is often a drop off in voting between the presidential race and the congressional races; for instance, in 2012 three percent of voters voted for President but did not vote for Congress.

The next most popular elections are midterm elections. However, in midterm elections voting drops precipitously. This drop-off in voting has been a standard feature of election studies for many years. For instance, in between the presidential election of 2008 and the midterm election of 2010 fully 21 percent of the electorate disappeared.<sup>20</sup> This fall off in voting has been the subject of political science for decades, ever since Angus Campbell published his famous study, “Surge and Decline: A Study of Electoral Change” in 1960.<sup>21</sup>

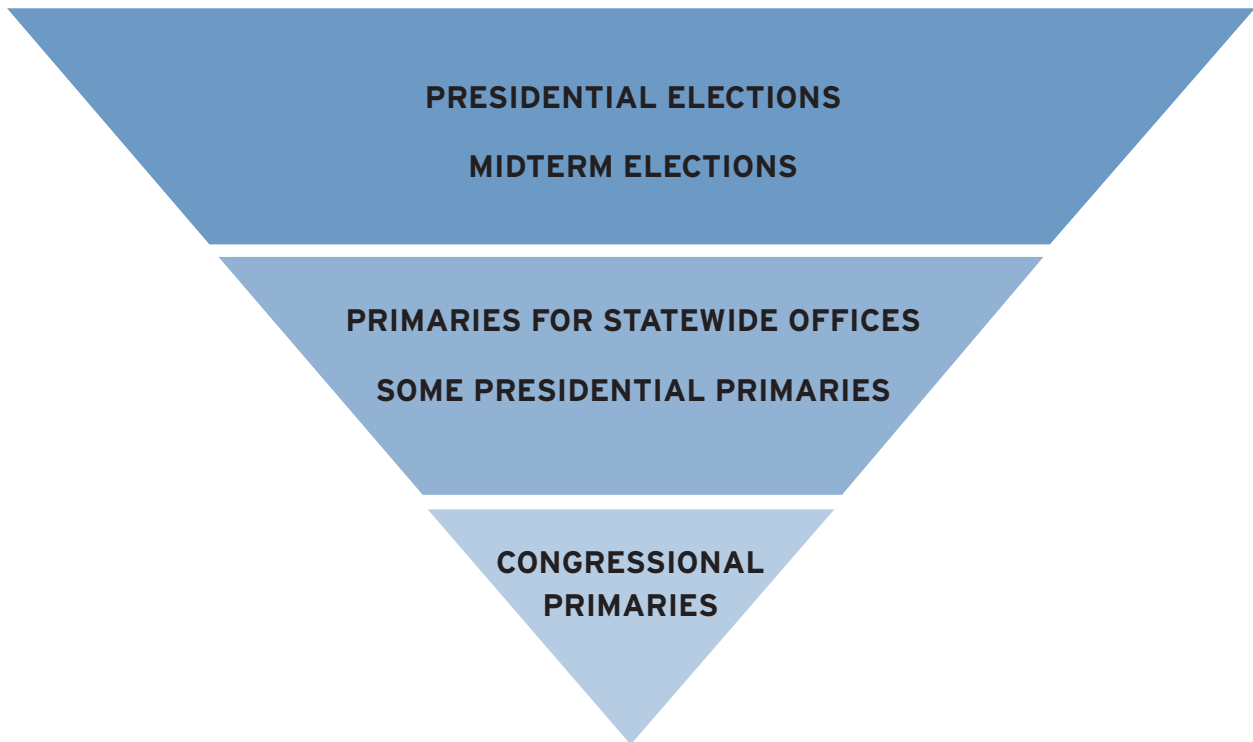
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<sup>19</sup> Note that there are two ways of measuring voter turnout; one compares it to the voting age population; the other to eligible voters. The former measure depresses turnout somewhat. The trends tend to be the same with turnout rates slightly higher in all elections when it is possible to base the calculation on eligible voters.

<sup>20</sup> *Vital Statistics*, Opcit, Table 2-1.

<sup>21</sup> *Public Opinion Quarterly*, Vol. 24, No. 3, Autumn 1960.





As the pyramid illustrates, the first big drop in voter participation happens between presidential elections and midterm elections. The second big drop happens between general elections and primaries. Data from the Center for the Study of the American Electorate shows turnout in statewide presidential primaries from 1958 to 2010.<sup>22</sup> In 2010, statewide primary turnout was a dismal 18.7 percent of the voting age population. To put this in perspective, turnout in the 2010 primaries, which were notable for the emergence of the Tea Party and for many hotly contested races, was less than half the turnout in the 2010 general election. This might not be surprising if all primaries were closed to members of the opposite party. But, as indicated earlier, the vast majority of voters in 2010 could vote in a primary of the opposite party without much trouble.

Voter turnout in presidential primaries is also very low. However, the averages distort what is going on in the presidential primary system. Early contests, especially the all-important New Hampshire Primary tend to have high-turnout levels. But in years where there is no contest for an incumbent president, turnout can be very low. For instance, the Republican primary in New Hampshire in 2012 attracted 248,485 voters or 24 percent percent of the voting age population; whereas the largely uncontested Democratic primary attracted just over 59,000 voters for a paltry 6 percent of the voting age population. In a presidential election year where the race stays competitive into the spring, average turnout in the presidential primaries can go as high as 30.2 percent – which it did in 2008 when Barack Obama and Hillary Clinton fought

<sup>22</sup> See: “Final Report - 2010 Primaries Voter Turnout,” Center for the Study of the American Electorate, American University, October 14, 2010. ([http://www.american.edu/media/upload/2010\\_PrimaryTurnoutData\\_webversion\\_.pdf](http://www.american.edu/media/upload/2010_PrimaryTurnoutData_webversion_.pdf))

for the nomination throughout the primary season – giving voters in late states a chance to vote in a primary that meant something.<sup>23</sup> According to Curtis Gans of American University’s Center for the Study of the American Electorate, “In states that held nominating primaries for both parties, 23 of 34 states recorded records, but the overall turnout of 30.2 percent of the eligible electorate [in 2008] fell short of the record 30.9 percent who voted in 1972.”<sup>24</sup>

Finally, turnout as a percentage of the voting age population in a congressional district is even smaller than turnout as a percentage of the voting age population in a statewide primary where a more visible primary for Governor or Senator can boost turnout. The political scientists David W. Brady, Harie C. Han and Jeremy C. Pope studied congressional primary elections and general elections between 1956 and 1998 and found that these large differences between congressional primary turnout and general election turnout held up in presidential election years *and* in midterm elections, “suggesting that primary elections draw a more stable base of voters.”<sup>25</sup>

Counting only contested primaries, William A. Galston and I calculated (with assistance from Professor Hahrie Han) that turnout in 2002 contested primaries averaged 5.4 percent of the voting age population, in 2006 it averaged 4.6 percent and in the highly contested primaries of 2010 it averaged only 7.5 percent.<sup>26</sup> These exceedingly low numbers reflect the fact that in many congressional primary races the challenger is unknown and underfunded. The poor quality of congressional challengers and the obscurity of most congressional primaries mean that congressional primaries are extraordinarily low turnout events – that is, when they are contested at all. Even in highly polarized election cycles, the vast majority of incumbents have either no challengers or insignificant challengers. Hence, we have a classic vicious circle: low turnout equals low-media interest and low-media interest reinforces low turnout. No wonder that the Republican establishment was so surprised in 2010 when the Tea Party defeated some of its candidates.

Data from an important new book, *Getting Primaried: The Changing Politics of Congressional Primary Challenges*, by Robert G. Boatright, sheds more light on primaries and polarization.<sup>27</sup> Boatright investigates several claims about congressional primaries. First, although polarization has brought new attention to the risk of “getting primaried,” Boatright shows that

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23 Curtis Gans, “2008 Primary Turnout Falls Just Short of Record Nationally, Breaks Records in Most States,” American University Center for the Study of the American Electorate, May 19, 2008. (<http://www.american.edu/spa/cdem/upload/csae080519.pdf>)

24 Ibid.

25 Brady, Han and Pope, “Primary Elections and Candidate Ideology: Out of Step with the Primary Electorate?” *Legislative Studies Quarterly*, Vol. 32, Issue 1, February 2007.

26 “The Still-Vital Center: Moderates, Democrats and the Renewal of American Politics,” *Third Way*, February 2011. (<http://www.thirdway.org/publications/372>)

27 Robert G. Boatright, *Getting Primaried: The Changing Politics of Congressional Primary Challenges*, (Ann Arbor: University of Michigan Press, 2013).

there is no consistent pattern since the 1970s in terms of the number of primary challenges to incumbents. Primary challenges seemed popular in the 1970s, decreased in the 1980s, then went up again and peaked in the 1992 election where a combination of the House Banking Scandal and redistricting accounted for the high number of primaries in that year. The 2010 midterm elections saw an increase in the number of primaries and not surprisingly 2010 was the year that began the intense period of polarization we see today. Nonetheless, the number of primary challenges was still very small and the number of incumbents who lost was also very small.

So the sheer number of primaries does not appear to be increasing, but what *do* seem to be changing are the reasons incumbents get challenged in primaries. For much of the 1970s and 1980s, the most frequent reason for a primary challenge to an incumbent had something to do with scandal or competence – usually advanced age. Recently, however, there is a change in the reasons for primary challenges. Boatright categorizes elections from 1970 to 2010 and concludes:

“If one is concerned primarily with the past decade or so, the predominance of ideological challenges is unmistakable. There are not a large number of ideological challenges, but they are the plurality winner among my categories. More than half of current House incumbents have been in office for ten years or less, and their tenure has been marked by a steady increase in the number of ideological challenges, so perhaps it is more natural for them to worry more about being primaried than it would be for longer-serving representatives.”<sup>28</sup>

Why the sudden increase in ideological challenges? Here too Boatright’s research confirms the experience of the practitioner class. Boatright shows that in recent years “ideological primary challengers have done far better than other types of challengers at raising money.”<sup>29</sup> Of more importance, however, is the fact that ideologically driven interest groups discovered that primaries were a good way to advance their cause. “Precisely because congressional primaries are often low-visibility, low-spending affairs, the activities of one group can make far more of a difference than is the case in a general election,”<sup>30</sup> he writes.

Here Boatright echoes what the most experienced practitioners know: ideological interest groups, unlike established political parties, play in primaries because it is cheap. Due to their low visibility and low turnout, primaries offer real bang for the buck. Boatright attributes this phenomenon to the dynamics of internet fundraising (and the need for groups like Moveon.org on the left and The Club for Growth on the right) to show national impact.

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28 Ibid., p. 86

29 Ibid., p. 103

30 Ibid., p. 55

But even before the existence of the internet, fundraising primaries were attractive places for national interest groups to exert influence. A case in point on the left is the American labor movement. In 1997, President Bill Clinton and House Speaker Newt Gingrich found themselves defeated in their bi-partisan attempt to pass fast-track trade authority. Having lost control of the House of Representatives in 1994, Democrats elected in 1996 found themselves far more beholden to Labor Union money than they had been in 1992 – a major reason why Clinton could not muster enough Democratic votes (outside of the stalwarts who were still mad about NAFTA) to pass Fast Track in a bi-partisan coalition.<sup>31</sup> In 2013, labor union membership in the United States sank to a new low of 11.3 percent according to the Bureau of Labor Statistics, marking a long term decline in union membership.<sup>32</sup> And yet, to this day, labor unions play a major role in Democratic Party politics and the preferences of labor unions loom large in the minds of Democrats in Congress. The ability and willingness of organized labor to mobilize in a Democratic primary means that Democrats still pay a great deal of attention to labor in spite of labor's greatly reduced power in the electorate.

In 1998, Republicans who wavered in supporting an impeachment vote against President Clinton were threatened with a primary challenge from the right. Most of them moved into line.<sup>33</sup> And the Tea Party Caucus in the House of Representatives never managed to count more than about 66 members and has recently disbanded. And yet it has managed to control the 233 members of the House Republican caucus from its grave!<sup>34</sup>

The low turnout and obscurity in which most congressional primaries take place makes them an easy, inexpensive place for factions within a political party to exercise influence and increase partisan polarization. This doesn't mean that this happens all the time. But given the large number of extremely safe congressional districts and the ease with which factions of national parties can establish national campaigns in the Internet age, the opportunity for repeated "capture" of one or both political parties by ideological voters who move Members of Congress further from a functional middle is a real threat to the smooth functioning of the American democracy.

Going backwards in time to an era when party organizations controlled nominations is one solution but not a very likely one. The loss of party control over nominations had begun to erode somewhat in the 20th century, but the death knell was passage of the Democratic

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31 Herbert B. Asher, *American Labor Unions in the Electoral Arena* (Lanham, MD: Rowman and Littlefield, 2001), p. 79.

32 Bureau of Labor Statistics Economic News Release, January 24, 2014 (<http://www.bls.gov/news.release/union2.toc.htm>)

33 See for instance: Marc Fisher and William Claiborne, "GOP Moderates Face Consequences of Impeachment Votes," *Washington Post*, December 21, 1998. (<http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/decided122198.htm>)

34 David Weigel, "The Tea Party Caucus is Dead and that's Okay," *Slate*, March 15, 2013. ([http://www.slate.com/blogs/weigel/2013/03/20/the\\_tea\\_party\\_caucus\\_is\\_dead\\_and\\_that\\_s\\_okay.html](http://www.slate.com/blogs/weigel/2013/03/20/the_tea_party_caucus_is_dead_and_that_s_okay.html))

Party's McGovern-Fraser reforms of the 1970s. These reforms resulted in a dramatic increase in the number of presidential primaries and a requirement that primary outcomes dictate the preferences of convention delegates.<sup>35</sup> The resulting increase in presidential primaries was exponential and today the notion that voters would not play the key role in the nomination process is widely viewed as illegitimate. One example brings home how much this has changed.

In the spring of 2008, as Hillary Clinton and Barack Obama battled it out for the Democratic nomination, the issue of superdelegates emerged, prompted by Obama supporters' fears that Hillary would take the nomination away using the votes of superdelegates. (Superdelegates are elected officials such as Governors and members of Congress, and Party officials such as Party Chairs who have automatic voting rights at the convention.) The resulting public furor at the notion that anyone *not* elected by voters could have a say in the nomination showed how firmly entrenched the idea that primaries were the only legitimate method of nomination was. (Audiences were continually surprised to find out that Presidents from Roosevelt to Kennedy had been nominated by conventions composed *solely* of superdelegates.) Thus attempting to return to a purely party-controlled nomination system at the congressional level would, most likely, face a storm of protest – (ironically) by voters who never bothered to actually vote in a congressional primary.

If abandoning primaries is not a particularly plausible option, a second approach would be to look for ways to increase turnout in congressional primaries so they reflect a broader pool of voters and so that they are not as vulnerable to capture by factions of political parties. But increasing voter turnout is not, as many reformers have learned, very easy either.

First, American elections are notorious among the democracies of the world for having very low voter turnout. Over the years, scholars and activists concerned about low turnout have put forth many explanations and many suggestions. First and foremost has been attention to the legal impediments to voting in the United States such as the need to register to vote well before Election Day. This led to the movement for same-day registration and so far 10 states and the District of Columbia allow voters to register to vote on Election Day – with California soon to come.<sup>36</sup> In addition to Election Day-registration, states have experimented with a wide array of other innovations designed to ease voting such as early voting.

But in some states the trend is going in the other direction. Instead of making it easier to vote, several Republican-controlled states have passed laws requiring that voters present identification at the polls, laws that shorten the number of early voting days and laws that limit

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35 See Elaine C. Kamarck, *Primary Politics: How Presidential Candidates have Shaped the Modern Nominating System*, (Washington, D.C., Brookings Press, 2009).

36 See National Council of State Legislatures list at: <http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>

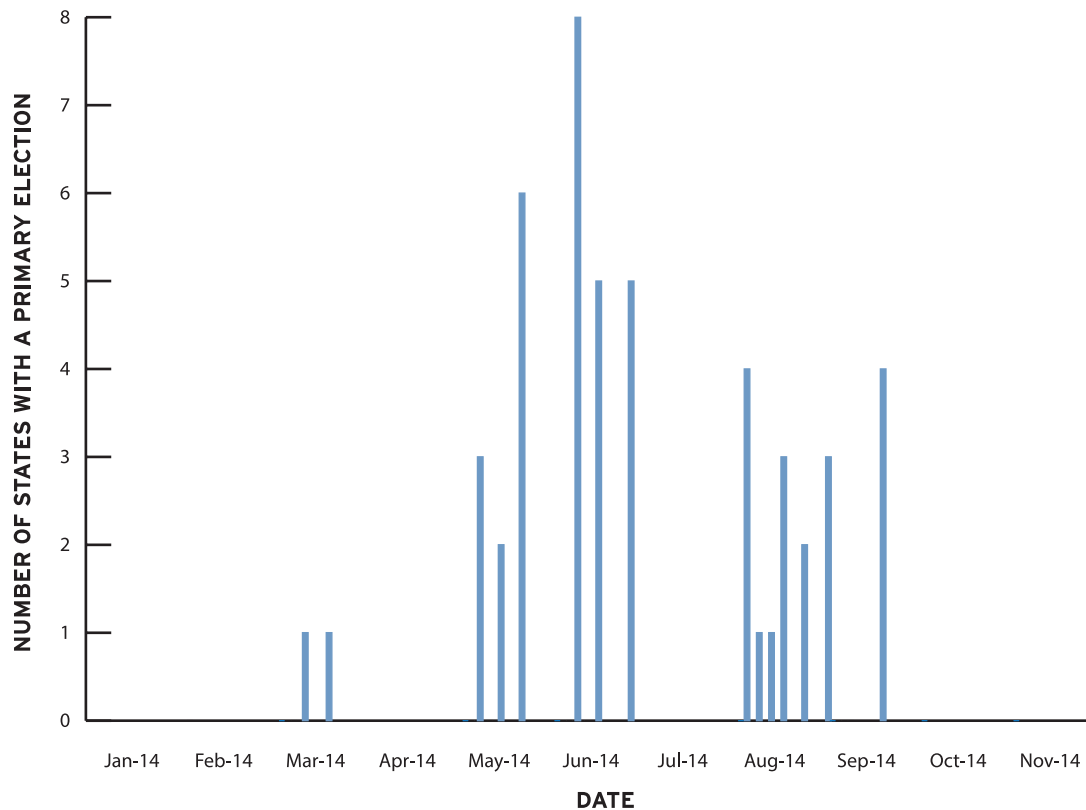
the hours polls are open. For instance, in the aftermath of the Supreme Court decision that struck down an important provision of the 1965 Voting Rights Act, North Carolina passed the nation's most restrictive laws on voting.

While removing administrative and legal restrictions on voting might increase turnout overall, it is not likely to reduce the large difference in turnout between primaries and general elections. Yet doing so would reduce the degree to which unrepresentative factions of a party gain influence.

So what can be done? When looking at the big differences between primary and general election turnouts, it is important to consider two simple structural facts: general elections for federal offices take place on one day, whereas primaries take place on many days. The importance of those two facts cannot be underestimated. Because every state has a different primary day, it is difficult to turn primaries into a national news story. An average citizen has to work hard to miss the fact that a presidential election is about to take place. In a country where local press is disappearing and where national media outlets proliferate, the existence of elections that are spread out over months means that these particular elections are very likely to be missed by even those citizens who consider themselves conscientious and dedicated voters.

Have a look at the primary calendar for 2014. The primaries for the 50 states begin in March and end in September. They are spread out across 15 days and seven months. Many of those primaries take place in the dog days of summer. To a certain extent this calendar is a creation of incumbents who, confident in their small core of primary voters, liked the fact that very few people would vote. But the same system that protects incumbents most of the time makes them vulnerable to factions within their party that hope to influence policy – if not wrest control from the establishment.

## 2014 CONGRESSIONAL PRIMARY CALENDAR



\*Note: In Louisiana, a Congressional primary election is not held. The election for candidates seeking Federal office is the General Election scheduled for 11/04/14. Source: FEC, "2014 Congressional Primary Dates and Candidate Filing Deadlines for Ballot Access," data as of 4/15/2014. (<http://www.fec.gov/pubrec/fe2014/2014pdates.pdf>)

That leaves one, simple and very obvious reform – encourage the two major political parties to hold primaries on the same day in every state. If there were one or two national primary days, the national press would be able to cover it as a major story. A national primary day would engender discussions about the future of both political parties – their internal divisions and ideological factions. It would grab the attention of the press, the parties, the interest groups and *most importantly* the voters! Good government groups could, more easily, encourage people to vote in the primaries if they were a national event.

Recently, the Bipartisan Policy Center issued a wide-ranging paper on improving our democracy. Among their recommendations was creation of a national primary day in June. “As the process works now,” they argue, “many casual voters are unaware of the timing of primary elections and thus do not participate. A common or national primary day (applicable



to non-presidential elections) will increase media attention and awareness potentially leading to more participation.”<sup>37</sup>

## HOW COULD THIS HAPPEN?

Like redistricting, most primary dates are set by state law and by state legislatures. Changing primaries to one day would run up against a host of local political calculations but it would also offer political parties the chance to build out their core voter bases. By getting the make up of the primary electorate closer, if not identical to, the make-up of the general election electorate, parties could avoid the situation Republicans have faced in recent years. By nominating weak, extremist candidates for Senate in 2010 (think Christine O’Donnell in Delaware and Sharon Angle in Nevada) and again in 2012 (think Richard Murdoch in Indiana and Todd Akin in Missouri) the Republicans effectively gave up the possibility of controlling the Senate. The fact that the Republican establishment has entered the Republican primaries of 2014 with so many resources is testament to the fact that they don’t want that to happen again.

There are two roads to a national primary day (or days). One is congressional – via the establishment of a law that would mandate congressional primaries on one day. This is not likely to happen. Congress has been loath to interfere in the primary process. Numerous bills to create a same day presidential primary have failed to gain any traction in Congress. In addition there are potential constitutional issues. Except when they interfere with civil rights, the Supreme Court has given wide leverage to political parties; allowing them to set their own rules for nominating their own candidates.<sup>38</sup>

The second option is for the two national political parties to encourage a same-day congressional primary. This is not as far-fetched as one might assume. For a decade now, the two major national political parties, responsible for nominating the presidential candidates, have actually been in conversations over the timing of the presidential nominating process. You heard that right. In this extremely polarized era, the two national parties have worked to coordinate the presidential primary system. The reasons have to do with the fact that the primaries were moving earlier and earlier into January. At one point, there was a real danger that politics would intrude upon the Christmas holidays and that was something guaranteed to lower-voter turnout and anger many would-be voters. Given that political parties are in the business of winning elections they are also in the business of not making voters mad at them.

There are substantial upsides for each party in a national primary day (or one day for Republicans and one day for Democrats.) Political parties have used presidential primary elections to expand their base of supporters and to build for the fall elections. It is no accident

37 “Governing in a Polarized America: A Bipartisan Blueprint to Strengthen our Democracy,” Bipartisan Policy Center, June 24, 2014. ([http://bipartisanpolicy.org/sites/default/files/files/BPC\\_percent20CPR\\_percent20Governing\\_percent20in\\_percent20a\\_percent20Polarized\\_percent20America.pdf](http://bipartisanpolicy.org/sites/default/files/files/BPC_percent20CPR_percent20Governing_percent20in_percent20a_percent20Polarized_percent20America.pdf))

38 See: *Cousins v. Wigoda*, 419, U.S. 477 (1975).

that the two first presidential primary states – Iowa and New Hampshire – are distinctly purple (i.e. not solely Republican or Democratic) in their electoral competition. The intensity of presidential primaries has allowed each of them to each build strong parties over the years. A single primary day would allow for a national conversation about each political party every two years. The only other time in the political cycle that Americans get information about the two parties is every four years when they conduct the nominating convention.

## **CONCLUSION**

The relationship between primaries and polarization is, at bottom, about the large differences between voters in primary elections and voters in general elections. While we don't know very much about voters in congressional primaries because they have never been exit polled, the extremely low turnout in these elections indicates an electorate that is, most likely, not a mirror of the broader electorate. In order to create real choice in the electoral system, it is important that primary electorates mirror general election electorates more closely than they do now – this means increasing turnout.

In the face of decreasing barriers to participation in primaries, the single factor that differentiates primary elections from the general election is the fact that they occur on many different days, which dramatically decreases the awareness of voters and the interest of media. Moving to create a national primary day would not be easy. But it is the one reform that could close the enormous gap in voter turnout and reduce the chances that one or both political parties are captured by factions that increase polarization and impede functioning governance.

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