

OPEN PRIMARIES

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My name is John Opdycke and I am the President of Open Primaries. [Open Primaries](#) is a national non-profit organization dedicated to more open and inclusive election systems.

I want to thank Rep. Quinn and the members of the Committee for the opportunity to submit testimony on HB 1369 - a bill to open primary elections in the state of Pennsylvania to registered unaffiliated voters.

As all of you know, there are 1.3 million registered voters in the state of Pennsylvania who are independents. They don't want to affiliate with either the Democratic or Republican Parties. And they are currently barred from participating in the state's closed primary elections by virtue of their registration status.

I offer two main reasons why HB 1369 would be good policy for Pennsylvania.

First, independent voters are the fastest growing group of voters in Pennsylvania. Their numbers have doubled in the last decade. Denying the fastest growing group of voters in the Commonwealth the franchise is unsustainable for the long haul. Closed primaries drive lower participation, not just in the primaries, but in the general election. A new report out of USC shows definitively how closed primary systems depress turnout in both the primaries and the general election - and how that decrease is most pronounced among Latino and Asian voters, who register as independents at higher rates than other groups.¹

Independent voters are not going away. Their numbers are rising in PA and nationally in response to many factors, including but not limited to the increasingly hostile warfare between the Democrats and Republicans.² Independents come from all backgrounds and have beliefs that span the ideological spectrum. Growing numbers are young and from communities of color. 50% of millennials, 37% of Latinos, and 35% of African-Americans between the ages of 18 - 34 identify as independent.³ 49% of Iraq and Afghanistan veterans are independent voters.⁴ This last statistic is very significant. Our military's bible is the constitution. There is an almost fanatical dedication to remaining above the partisan fray, towards serving the country, not any party. Many veterans in Pennsylvania register as independents because of this culture of service to the country not to a party, and in doing so find themselves as second class citizens, unable to vote in important elections. You have an opportunity to change that.

The second reason that HB 1369 would be good policy is because an increasing percentage of races are decided in the primary. In 2020, 74 races for Pennsylvania assembly and senate featured only one candidate on the November ballot. That represents 34% of all legislative contests. In addition, another 27% of legislative races were so lopsided as to be virtually

¹ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3831739

² <https://openprimarieseducationfund.org/independents-report/>

³ Pew Research <http://www.pewsocialtrends.org/2014/03/07/millennials-in-adulthood/>

⁴ IAVA Annual Member Survey 2014

uncompetitive. Almost 60% of Pennsylvania residents live in legislative districts where the outcome is decided in the primary, not in the general election. If you are an independent voter living in one of these legislative districts, that means you have no say in who represents you in Harrisburg. Opening the primaries is not simply a question of fairness for independents. It's a question of being able to cast a meaningful ballot given that the primary is the only election in so many parts of Pennsylvania.

This is not a radical or untested policy. Pennsylvania is one of only 12 states that completely bar independents from casting ballots. 38 states have some form of open primary. The forms of open primaries vary slightly by state but there are two general models. HB 1369 encapsulates the most common form of open primary by far, where independent voters are allowed to choose the ballot of either the Democrat or Republican Party in the primary, and registered members of the parties can only vote in their party primary. By contrast, three states-California, Washington and Nebraska have adopted a nonpartisan or "top two" primary where all candidates are on a single ballot, all voters vote, and the top two vote getters advance to the general election. Alaska has adopted a "top four" nonpartisan primary, where all candidates appear on a single ballot and the top four advance to the general election.

Some have raised the question of whether open primaries can be subject to strategic voting. This is a red herring. The research is both extensive and definitive. Strategic voting does not happen in any meaningful way in the United States; whether in open primary elections OR in closed primary elections-the form that Pennsylvania already conducts.⁵ The vast majority of states in the U.S. today conduct open primaries-red states, blue states and purple states-without incident.

Some have also raised the question of why independent voters should be afforded the right to vote in private party elections. It's akin to having a member of the Rotary vote in Kiwanis Club elections, they argue. But primary elections are anything but private. These are public elections, and oftentimes as I have mentioned, they are the only election. Primaries in Pennsylvania cost taxpayers \$20 million dollars every election year. They are held in government buildings, run by government employees and administered by the Secretary of the Commonwealth, yet they remain closed to many of the taxpaying citizens that fund them.

Finally, this is a popular policy. According to an AP-NORC poll, 69% of Americans, including supermajorities of Democrats and Republicans, prefer open primaries over closed primaries.⁶ Only 29% of Americans favor a closed system. And that's why HB 1369 is such an important bill. Everyone benefits from a healthier, more inclusive political system that encourages competition and boosts participation. Instead of lagging behind the rest of the nation, Pennsylvania has the opportunity to lead. HB 1369 would let all voters vote, and give Pennsylvanians more inclusive and democratic elections. Thank you again and I'm happy to answer any questions the Committee may have.

⁵ R. Michael Alvarez and Jonathan Nagler, Analysis of Crossover and Strategic Voting, Social Science Working Paper, California Institute of Technology.

⁶ <https://apnews.com/article/f5821f2774c14c39ad00c1777f9ec6ea>