



Empowering Voters. Defending Democracy

Testimony regarding opening Pennsylvania primaries
before the House State Government Committee
Thursday, June 22, 2023

Representing the League of Women Voters of Pennsylvania: Diana G. Dakey

Chairman Conklin, Republican Chair Roae, and members of the House State Government Committee:

My name is Diana Dakey, a 10-plus-year member of the League of Women Voters. I reside in Lackawanna County, but have lived in Wayne, Dauphin, and Lancaster Counties.

The League of Women Voters of Pennsylvania, as our slogan says, works for empowering voters and defending democracy. The League of Women Voters of Pennsylvania is a statewide, nonpartisan, grassroots organization. Our members work to provide voter information, increase understanding of major public policy issues, and influence public policy through education and advocacy. We do not support or oppose any political party or candidate. However, we do take stands on issues after rigorous study and member consensus.

Thank you for holding this hearing on legislative proposals to open Pennsylvania primaries to unenrolled electors. I will be using the term "unenrolled elector" to be consistent with the definition in HB 976 and HB 979, referring to a registered voter who is not enrolled with a political party, although the bills differ in specific wording. Other terms you may be familiar with are unaffiliated voter or independent voter.

As a nonpartisan organization committed to ensuring that the voting process works for all Pennsylvanians, the League of Women Voters of Pennsylvania supports abandoning our closed primary system in favor of either a semi-open or open primary.

Pennsylvania is one of only nine states with fully closed primaries, wherein only registered Democrats and registered Republicans may vote for their party's candidate. The states are, west to east, OR, NV, NM, KY, FL, DC, PA, DE, NY.

Why are our closed primaries a problem?

- Here in Pennsylvania, if you are not included – by way of having registered with a party – you are excluded. We estimate that around 1.1 million registered voters (or, one in seven) are excluded from participation in primaries. (1)
- Overall, 10.8% of registered voters indicated "none" or "no affiliation." In some regions of the state (for example: Pike, Lehigh, Monroe counties), these registrations are around 15%. (1)
- Given the importance of primaries in our elections – in many contests the election is effectively decided in the primary – we truly need more voter input at the time of the primary. Voter turnout in primaries can be low. In the recent municipal primary it was estimated at 27.5%. (2)
- Low turnout presents a concern that, should a ballot question be run in a primary, few voters will be making fundamental changes to the state constitution or deciding important local issues.

- Turnout in primaries is often half of the turnout in the election. (3) The current arrangement means that many voters are presented with choices on the election ballot that they had no say in putting there. (Note: I am using the term “election” to refer to the November election, consistent with our Election Code.)
- The state-imposed limit on primary participation feeds into low election turnout. A 2020 report by the Knight Foundation, profiling the nonvoter, is telling: The main reason for not voting was dislike of the candidates. (4) We must do better as a Commonwealth to ensure that candidates that advance to the election do so with a mandate from the electorate.
- Unenrolled electors are a growing segment of the electorate, especially among young people. An estimated half of veterans are unenrolled. (Source: BallotPA.org)
- Proposals to open primaries to independent voters are popular across the spectrum of political viewpoints. (5)
- Unenrolled electors pay taxes, just like registered Republicans and Democrats, so why are they barred from participating in determining the candidates to stand for the election?

How will Pennsylvania benefit from opening our primaries?

- Democracy needs and thrives on participation. We anticipate that there will be greater voter turnout, once unenrolled electors are made aware of the change. Elected politicians will engage and be accountable to a wider electorate than just the party base.
- Candidates, incumbents or otherwise, will benefit by commencing outreach to unenrolled electors in the primary, rather than waiting until the election. Earlier engagement by candidates can elicit conversations on issues and solutions that matter to more voters.
- Voters will be happy to see candidates on the November ballot that they had a say in putting there.
- Municipal elections will particularly benefit. Who needs to be Republican or Democrat to decide how to fix roads?

A semi-open primary as proposed in House Bills 976 and 979 is the logical move for Pennsylvania. This is an easy improvement to our 1937 election code, as you can see from the simplicity of the proposed bills. Specifically, the proposed change will allow unenrolled electors the right to ask to cast their vote on either the Republican or Democratic ballot. Voters who are registered with the Republican or Democratic parties will continue to vote on their respective ballots.

Since I have been engaged with this issue, I have seen bills introduced in the past five legislative sessions. There has always been bipartisan support. As you are aware, the Senate passed SB 300 in 2019 with overwhelming bipartisan vote.

What is standing in the way of legislative action? There should be no obstacles to equal rights for voters. But, having had many conversations, let me diffuse a few unfound reasons for legislator hesitancy to open primaries to unenrolled electors.

- Why don't unenrolled electors just register with a party?
 - Yes, unenrolled electors can take that step and some might do so. But let's look at the facts – the sheer number of unenrolled electors – around one in seven. These voters have not registered with a party. Their reasons for not affiliating are not what is being deliberated here. We need to accept the fact that they have not affiliated and give them equal voting rights.
- Fear of “crossover” voting, i.e., fear that unenrolled electors will meddle in the other party's primary.
 - Under the present election code, crossover voting could happen now: Republicans or Democrats could change registration to the other party prior to a primary. But this scenario does not apply to unenrolled electors when you realize that, because they have not affiliated with a party, they are not about to be organized by a party to vote in a certain way.

- It will need too many ballot versions in the primaries wherein party officers are elected.
 - The bills being proposed will appropriately not allow unenrolled electors to participate in party office elections, such as for local or state committee. So, yes, distinct ballots would be needed for registered Republicans or Democrats during those elections. With input from County Election boards, ballot versions can be planned for. After all, presently, when a ballot question is presented to voters in a primary, a separate ballot is needed for unenrolled electors. As a judge of elections, myself, in Glenburn Township, I do not see a problem with my poll worker team handling this.

There are additional self-interested concerns we have heard from incumbent legislators, related to how to campaign differently or how election outcomes may be influenced. The League will not discuss these concerns, as our focus is on empowering voters. But I will say this: I urge individual members of this committee to look at this reform from beyond the microcosms of your districts. And, please, look at the positives for your constituents, broadly considered.

In conclusion, the only excuses standing in the way of moving ahead with semi-open primaries, as proposed, are unfounded fears in defense of the status quo.

This is an important voting rights issue. We don't have a reason to continue the status quo, as one of only nine states that completely excludes unenrolled electors from voting in primaries. Now is the time for Pennsylvania to finally modernize our primaries with this small step. Let's get with the present, instead of sticking with a process defined in 1937.

The League of Women Voters of Pennsylvania promotes voter engagement and I urge our legislators to do the same and finally open our primaries to those over one million excluded voters.

Today you are considering two bills introduced in the House. There is also a Senate bill. The League of Women Voters has not taken a position to back one bill preferentially over another. Our position is that we must stop the unequal treatment of voters and allow unenrolled electors to vote in primaries. We assume that the House State Government committee can work out differences among bills. Please feel free to reach out to the League of Women Voters for further input.

Again, thank you for consideration of these comments.

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1. Calculations based on Pennsylvania Department of State voter registration statistics. The figure of 1.1 million represents the None/No affiliation voters plus a presumption of 200,000 voters grouped in DOS data to Other, who cannot be explained by counts of other parties/bodies.
<https://www.dos.pa.gov/VotingElections/OtherServicesEvents/VotingElectionStatistics/Pages/VotingElectionStatistics.aspx>
 2. <https://www.politicspa.com/2023-primary-voter-turnout/121549/>
 3. https://statesuniteddemocracy.org/wp-content/uploads/2022/07/historic_turnout.html
 (updated July 2022)
 4. Knightfoundation.org. *The 100 million project—The untold story of American nonvoters*
knightfoundation.org/wp-content/uploads/2020/02/The-100-Million-Project_KF_Report_2020.pdf
 5. <https://www.politicspa.com/poll-results-nearly-3-in-4-favor-move-to-open-primaries/119937/>
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