



LEAGUE OF WOMEN VOTERS®
O F F L O R I D A

**Florida League of Women Voters Open Primary Study Kit
March 4, 2017**

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Participating Leagues:

Alachua County

Bay County

Broward County

Charlotte County

Citrus County

Collier County

Hillsborough County

Jacksonville First Coast

Leon County

Lower Keys

Lee County

Manatee County

Martin County

North Pinellas

Orange County

Pensacola Bay Area

Polk County

Sanibel

Sarasota County

Seminole County

Space Coast

St. Lucie County

St. Petersburg

The Villages Tri County

Upper Keys

Update: Added Lee, Leon, and Martin counties to participating leagues. Updated consensus statement #4 to include Instant Runoff Voting as a choice.

Executive Summary

The 2016 Election challenged many of the assumptions about what voters want and how elections work. This comprehensive study on primaries and improving voter turnout is an opportunity to evaluate and reinvent the current process.

Do you think that we should have elections in which only 17% of voters determine a candidate for public office? Do you think our current primary system works well for Florida voters? Do you believe that everyone who wants to should be able to participate to their fullest?

If you answered yes to any of these questions, then maybe we need to make changes to the way we select candidates. This study will look at alternatives to our current system with the goal of increasing voter participation. This Executive Summary contains the following:

- (1) Five Key Findings;
- (2) Factors Influencing Voter Turnout;
- (3) Potential Solutions to Low Voter Turnout;
- (4) Major Findings from Interviews with Supervisors of Elections (SOEs), and from Leaders of Political Parties;
- (5) Election Input from Other State Leagues with Different or Same Election Systems;
- (6) Election Input from the Twin Cities —Minneapolis/St. Paul, Minnesota and from Pierce County Washington (Tacoma area).

Two other factors provide a sense of urgency to this study:

(1) More than a million new voters have registered as non-party affiliated (NPAs) between 2004-2016. This 64% increase in non-party affiliated registered voters is unprecedented, to the best of our knowledge, and

(2) Forty percent (40%) of this increase in NPAs are millennials, ages 18-34 years. Therefore, our study committee felt the need to address the issue of millennials and what, if anything, should be done to increase their participation in the election process. Florida is a closed primary election system state. This means that NPAs are excluded from voting in candidate primary elections unless they register with a recognized political party within the timeframe allowed by law. The results from the survey of millennials are also included in the study.

The analytical support for the components of the Executive Summary is provided in the actual detailed study report itself. For example, this study, as a result of the participation of many statewide League members in data gathering, data analysis and evaluation, and technical support, includes the following key information:

- Analysis of Five Election Systems with Facts and Expert Opinions
- Evaluation of the Five Election Systems versus Evaluation Criteria
- Description of Presidential Preference Primaries (PPP); State Caucuses
- State Division of Elections Procedures and League Positions
- Bibliography
- Glossary
- Conclusion

Here are the key components of the Executive Summary:

Five Key Findings:

- The voter turnout in Florida’s closed primary election system is significantly lower when compared with voter turnout data from open election systems. Seventy six (76%) percent of all open primary states have a higher turnout than Florida. Also, there are a few states with closed primary election systems with higher voter turnout than Florida’s.
- Voter turnout in Florida’s primary election system is influenced by a complex set of factors. No single solution may succeed in improving turnout in primary elections. Isolating the root cause of other states’ success with higher voter turnout was unachievable within our time frame.
- There are more than 3.4 million NPAs and minor party registered voters who are not allowed to vote in candidate primary elections unless they meet the terms described above. More than 1.2 million new voters registered as non-party affiliated (NPAs) between 2004-2016. This represents a 64% increase in non-party affiliated registered voters, and 40% of this increase in NPAs are millennials, ages 18-34 years.
- Administrative and legislative actions are not sufficient, in and of themselves, to address many of the reasons for low voter turnout, such as candidate quality or voter apathy.
- Replacement of the closed primary election system in Florida will require changes to Florida Statutes and/or Florida’s Constitution. The costs associated with a replacement have not been ascertained and are not included in this study.

Factors Influencing Voter Turnout

The factors influencing voter turnout have been organized into categories to facilitate understanding:

Awareness / Publicity / Education

- Less publicity for primaries than for general elections
- Lack of civic education
- Parents setting an example for their children by voting.

Voters’ Feelings / Positions / Expressions

- “My vote doesn't count”
- “What difference will my vote make?” (voter apathy)
- “I don’t trust government”
- “I don’t want to join a party” (Millennials tend not to affiliate with party beliefs)

Political Issues / Candidates

- Gerrymandering of districts
- Non-responsiveness of elected officials
- Polarization of voters
- Candidates on the ballot
- Issues on the ballot

Impact of Presidential Preference Primaries (PPP)
Higher turnout in PPP
Lower turnout in mid-term (off-year) elections
Closed PPP excludes NPAs and minor party voters

Socioeconomic Indicators
Poverty

Potential Solutions to Low Voter Turnout

Potential solutions to low voter turnout have been organized into categories to make them easier to understand. Solutions with “Florida” in parentheses indicate that Florida has already implemented the change. Solutions in bold text are the subject of consensus statements designed to ascertain the opinions of LWVF leagues.

Administrative

Continue sending election reminders to voters by SOEs (Florida)
Continue voter registration at Department of Motor Vehicles (DMV) (Florida)
Implement automatic voter registration at age 18
Continue pre-voter registration at age 16 (Florida)
Implement Election Day voter registration (EDR)
Implement same day change of party affiliation (Same day as election day)
Implement vote-by-mail exclusively
Shorten registration close-out-date to less than 29 days
Open vote centers
Implement on-line voting
Implement on-line voter registration (Florida)
Continue Early Voting in Florida (Florida)
Make Election Day a holiday

Political

Change to open primary election system from closed primary election system
Establish threshold criteria for write-in candidates to qualify
Require universal voting where all registered voters are required to vote (compulsory voting)
Implement and hold a national primary day
Participate in Get Out the Vote activities
Monitor Voter ID or other potential voter suppression influences
Fund elections publicly - eliminate corrupting influence of money in politics
Schedule ballot initiatives during primary (not general elections)
Create Independent Redistricting Commission

Educational

Implement and continue voter election education
Implement voter civics education (Florida)
Implement Bi-partisan Policy Center ideas

Major Findings from Interviews with Supervisors of Elections and from Leaders of Political Parties

The input from Supervisors of Elections was critical to the study and is included below:
They opposed Election Day Registration. (EDR)

They highlighted vote-by-mail and early voting as contributors to higher turnout.

They supported implementing vote centers (Election Day portability like early voting).

They saw the top three (3) contributors to low voter turnout:

 lack of competitive races;

 ballot issues;

 voter apathy.

They believe that the “write-in candidate” loophole should be closed, possibly by the 2017-2018 Constitutional Revision Commission.

They supported Election Day portability of voting at any location within the county as done in early voting.

The input from leaders of both political parties is included below:

Leaders from the parties split 50/50 in support of or opposition to open primaries.

Those in opposition cited risk of political manipulation and a loss of party control. Those favoring open primaries also cited political manipulation as a risk. Also, seven (7) of 15 political party leaders interviewed opposed write-in candidates. Six (6) leaders favored write-in candidates. Two (2) leaders were neutral.

Election Input from Other State Leagues with Different or Same Elections Systems

The study committee selected six (6) other state leagues to help obtain a representative sample of different election types. The League of Women Voters of Arizona (LWVAZ) supports Instant Runoff Voting (IRV). The LWV of California (LWVCA) supports election types that achieve a majority winner and cites IRV as the example of an election system they support. The State of Michigan holds open primaries. The State of New York holds closed primaries and the League there has tried unsuccessfully to change to an open primary election system. Primary Election System Study Reports from Oregon and Ohio leagues are forthcoming.

Election Input from the Twin Cities (Minneapolis / St. Paul, Minnesota) and from Pierce County Washington (Tacoma area)

Minneapolis and St. Paul conduct IRV elections. Pierce County Washington tried IRV once and rejected it due to dissatisfaction with the results.

Survey of Millennials

Two surveys of millennials were conducted. The first was a self-select type survey in which individuals, 18-34 years of age, were provided with an e-mail link to the survey on Survey Monkey. The second survey featured randomly selected telephone interviews sponsored by the Haas Center, a research and consulting center of the University of West

Florida. The Haas Center used the same Survey Monkey questions. Initial results from the survey reveal that, generally speaking, millennials do not want to register with a political party. Moreover, they want real candidate choice in elections. They also favor open primaries and same day Election Day registration and Election Day change of party affiliation. Additional findings will be added when the survey is completed by the end of January 2017.

Brief Preview of Study Elements

Seven election systems were analyzed and evaluated to differentiate fact from opinion and to compare each system with the seven pre-established evaluation criteria. Two of the seven election systems were eliminated early. The Partially Closed Primary is used in only seven states, including two caucus states. Only two of the partially closed primaries had slightly higher turnout than Florida. This primary type is rarely used by a political party. In effect, this election type is really a closed primary. The Partially Open Primary is used in only six states, including two caucus states. While three states had higher turnout than Florida, 11 of 13 Open Primary (to all voters) states provided significantly greater turnout. Five election systems were evaluated in detail:

- (1) Closed;
- (2) Open to Unaffiliated Voters;
- (3) Open;
- (4) Top Two; and
- (5) Instant Runoff Voting (IRV). NOTE: In 2007 after a study completed by the St Petersburg League, the Florida League “recommended Instant Runoff Voting as an alternative to Florida’s present system of plurality voting”.

The seven pre-established evaluation criteria are:

- (1) Simple and Easy to Understand;
- (2) Verifiable and Auditable;
- (3) Fosters Competition;
- (4) Minimizes Political Manipulation;
- (5) Represents Demographics;
- (6) Technically and Fiscally Feasible;
- (7) Winner Achieves Majority Vote.

Not one of the systems met all evaluation criteria. Additional analysis and evaluation of Closed, Open, Open to Unaffiliated Voters, as well as Top Two and IRV are contained within the Study Kit and the body of the comprehensive study. Similarly, the charts with accompanying explanations provide clarifications and the effect on voter turnout by Presidential Preference Primaries and state caucuses. Lastly, each claim made is supported by hard data, or the source is cited.

You are now aware of the contents of the Executive Summary and the Open Primary Study. As a caveat, it is important for you to know what this study does not contain. To the best of our ability we determined to be cognizant of any unintended bias in our study and to eliminate it if and when it ever appeared.

We further determined to update our study with relevant information from the primary election systems studies currently being conducted by Oregon and Ohio leagues. The

anticipated date of completion for their studies is second quarter, 2017. Completeness is a study aim and while this study represents the most comprehensive and exhaustive effort during a 21-month period by the study participants, the study committee members realize this is not the last or final word regarding this important matter. Therefore, we agreed to be open to additional relevant information as it becomes available. The League of Women Voters “encourages informed and active participation in government...” This study furthers that aspect of its mission.

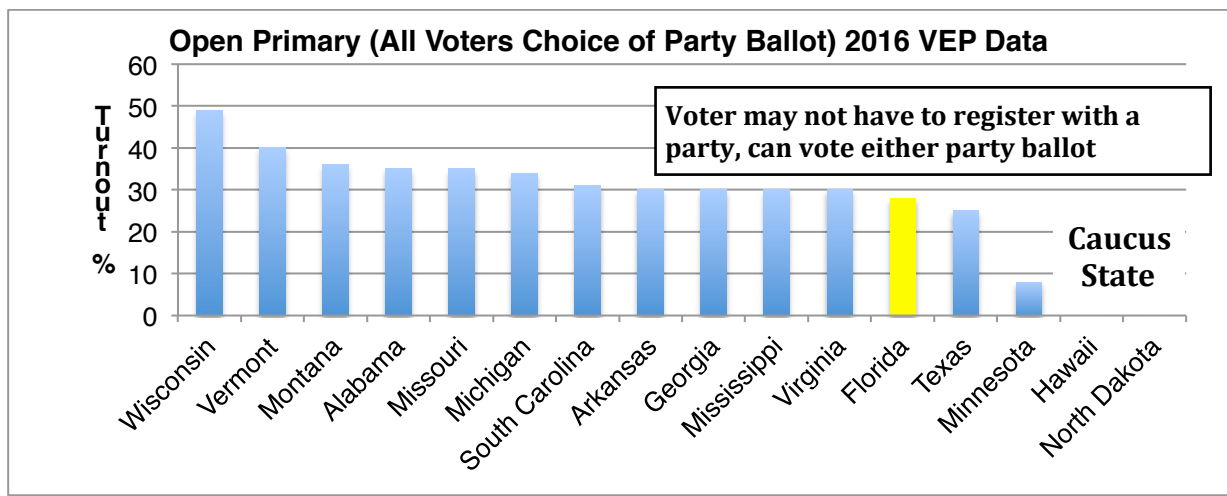
Consensus Statements

The Open Primary Study Kit includes two types of consensus statements: (1) Potential changes to our primary election system and (2) Potential solutions that can be implemented without changing election systems.

1. Consensus statement: The current primary system in Florida hinders voter turnout.

Discussion:

According to Florida statute 101.021, “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. It is unlawful for any elector to vote in a primary for any candidate running for nomination from a party other than that in which such elector is registered” Minor Party and No Party Affiliate voters are excluded from these primaries unless they change party registration. Candidates may qualify to run in a general election by paying fees (Florida Statute 99.061) or by obtaining petition signatures of 1 percent of the registered voters in the preceding general election (Florida Statute 99.095). The chart below compare voter turnouts of National Conference of State Legislatures Open Primary versus Florida’s closed primary. Turnout data is from Dr. Michael McDonald’s U.S. Elections Project).



Discussion (continued): Nationwide 76% of all open primary states beat Florida’s turnout. Compared to other closed primaries Florida is bested by 45% of those states. Every state addresses turnout in a variety of ways demonstrating that primary type is just one of the factors in increasing turnout. Comparing only open-to-all voters primaries Florida is bested by 85% of those states. The combination of significant turnout differences and Florida’s

restriction on NPA and minor party voters clearly indicate that closed primaries contribute to low voter turnout. In a 2012 Democracy Project report the Bipartisan Policy Center said, “. . . *the inescapable conclusion to be drawn from the preponderance of the data is that open and modified open primaries have modestly higher turnout than closed primaries*”

PRO

- Nationwide 76% of all open primary states beat Florida turnout
- A closed primary excludes 3.4 million (27%) NPA and minor party voters in primary elections unless they change party affiliation
- NPAs and minor party voters want a voice in all elections
- An open primary may increase voter turnout

CON

- Political parties see change as a loss of control and weakening of their structure
- Only party members should have a voice in selecting their candidate for office
- Changing primary election types may confuse voters

Consensus statement: The current primary system in Florida hinders voter turnout.

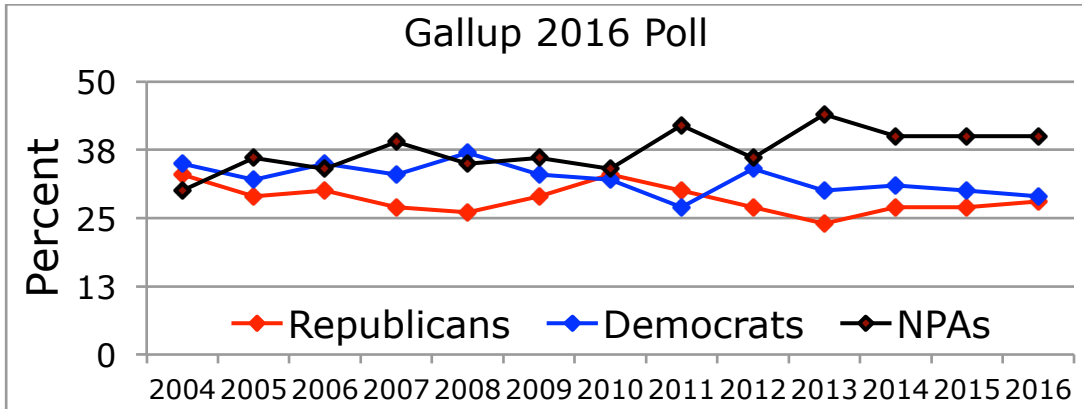
- Agree
- Disagree
- No Opinion

Comments:

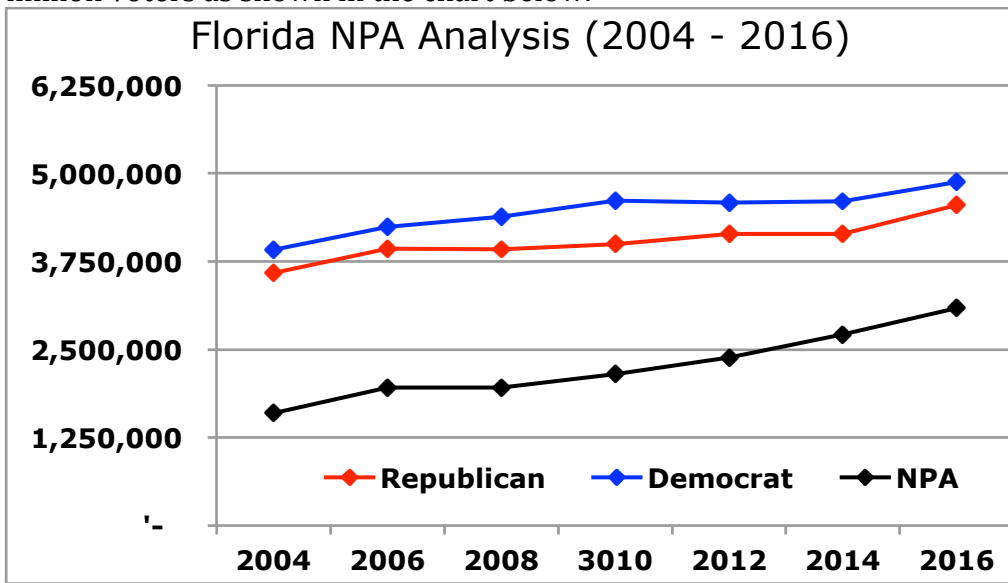
2. Consensus Statement: NPAs (No Party Affiliation) and minor party voters should have an opportunity to vote in all primary elections.

Discussion: Voters are increasingly registering as No Party Affiliation (NPA) nation-wide and in Florida because they are turned off by the dysfunction of the national and state governments and political parties. The chart below shows the national trend based on a 2016 Gallup Poll with the following question: *“In politics, as of today, do you consider yourself a Republican, a Democrat, or an independent?”* Notice the wording of the poll. It does not ask how they are registered but what they consider themselves to be.

<http://www.gallup.com/poll/15370/party-affiliation.aspx>



The trend is similar in Florida. From 2004 through 2016 Florida NPAs have grown over 1.2 million voters as shown in the chart below.



PRO

- Changing Florida’s closed primary to an open primary would allow 3.1 million NPA voters to take part in the political process.
- NPA voters are growing in numbers. From 2004 to 2016 NPAs grew over 1.2 million.
- The Millennial survey indicates that young voters want candidate choice without having to pick a party.
- Including NPAs in the political process would add the following demographics according to Florida Division of Elections data

	White	Black	Hispanic	Other
NPA's	1,733,595	239,855	643,521	324,575
All Voters	8,071,134	1,662,889	1,926,749	782,950
NPA %	21%	14%	33%	41%

CON

- Political parties see a change as a loss of control and weakening of their structure
- Only party members should have a voice in selecting their candidate for office
- Changing primary election types may confuse voters

Consensus Statement: NPAs (No Party Affiliation) and minor party voters should have an opportunity to vote in all primary elections.

- Agree
- Disagree
- No Opinion

Comments:

3. Consensus Statement: The primary system that would best serve the voters of Florida is Closed/ Open to Unaffiliated/ Open/ Top Two/Instant Runoff Voting (Rank your top three (one being your first choice))

Discussion: The study committee evaluated seven different election types as potential replacements for the current closed primary. Two of the seven were eliminated early in the analysis.

The Partially Closed Primary is used in only seven states, including two caucus states. None of the primary states offered any real improvement over Florida’s closed system. Only two of the partially closed primaries had slightly higher turnout than Florida. This primary type is rarely used by a political party. In effect this election type is a closed primary.

The Partially Open Primary is used in only six states, including two caucus states. While three states had higher turnout than Florida, 11 of 13 Open Primary (to all voters) states had significantly greater turnout.

The Study Evaluation Criteria Matrix below highlights assessment of the five election type versus study committee selected evaluation criteria. The following definitions are provided for reference. For detailed definition of election systems and additional detailed fact and expert opinion analyses see the Appendix to this Study Kit.

Closed Primary allows only voters registered with a party to participate in that party's primary. (9 states including Florida)

Open to Unaffiliated Voters primary allows only unaffiliated voters to participate in any party primary they choose, but does not allow voters who are registered with one party to vote in another party's primary. (9 states)

Open primary states, in general, but not always, do not ask voters to choose parties on the voter registration form. All voters may choose which party's ballot to vote, but this decision is private and does not register the voter with that party. (15 states)

Top Two primaries use a common ballot, listing all candidates on the same ballot. The top two vote getters in each race, regardless of party, advance to the general election. (4 states)

Instant Runoff Voting ((IRV) primary elections are not defined by NCSL. Ballotpedia provides the following definition. IRV is an electoral system where voters rank candidates in order of preference. In the event that one candidate fails to achieve a majority vote, the candidate with the fewest number of first-preference rankings is eliminated and these votes are redistributed to the remaining candidates. The process is repeated until one candidate achieves the required majority. (11 cities/counties: Maine approved IRV in the 2016 election.)

Universal Primaries is a primary election in which all the candidates have the same party affiliation, but will not have any opposition in the general election. During a Universal Primary, all qualified voters may vote regardless of their party affiliation. However, there is one exception: if a write in candidate is on the ballot, the primary election will be closed and only voters who are registered with the party affiliation of the candidate listed on the ballot, will be eligible to vote.

Criteria	Closed	Open Unaffiliated	Open	Top Two	IRV*
Simple & Easy to Understand	YES	YES	YES	YES	NO
Verifiable & Auditable	YES	YES	YES	YES	YES
Fosters competition	NO	NO	NO	NO	YES
Minimizes political manipulation	NO	NO	NO	YES	YES
Represents demographics	NO	NO	YES	YES	YES
Technically & fiscally feasible	YES	YES	YES	YES	YES/??
Winner achieves majority vote	NO	NO	NO	YES	YES

*In 2007 the League added an Election Law position that reads as follows: "Recommended instant runoff voting as an alternative to Florida's present system of plurality voting".

The IRV fiscally feasible assessment of ?? indicates that cost is involved but was not part of this study.

Consensus Statement: The primary system that would best serve the voters of Florida is Closed/ Open to Unaffiliated/ Open/ Top Two/Instant Voter Runoff (Rank your top three (one 1 being your first choice)

NOTE: The rank ordering is a means for each league to arrive at consensus not each individual member of the league. This consensus statement does not require pros and cons as we have a matrix to explain which ones are the best in terms of our criteria.

Comments:

4. Consensus statement: Which of the following would be the best election system for the Presidential Preference Primary? Closed/Open/Open to Unaffiliated/Instant Runoff Voting

Discussion: Florida currently holds closed primary elections for both Presidential Preference Primary (PPP) and state level elections. According to the NCSL 36 states hold PPP and state level primaries using the same election type. Twelve of the 36 states hold open-to-all voters' primaries. California holds Top Two primaries for state level elections and holds closed or partially closed PPPs based on a party decision and notification to the Secretary of State.

Consensus topic #3 (Election System Type) above examines a choice of five election types. For a PPP the Top Two election system doesn't "down select" to one candidate; therefore is not a viable option. An IRV election type typically eliminates the primary and a winner is determined via rank ordering of all candidates regardless of party affiliation. IRV might be confusing, but given the outcome of the last Presidential Primary in Florida, where there were 16 candidates in the Republican Primary, IRV might be a way to give people a more moderate choice and be sure that one candidate receives a majority vote For this consensus topic the remaining choices are closed; Open to Unaffiliated Voters; Open (to all voters) and IRV. See the definitions of primary types in Consensus Statement #3 above and the appendix to this study for detailed election systems definitions.

Closed Primaries would continue the election system we have now but it would exclude 3.4 million voters without party affiliation or registered with minor parties. If we had Open Primaries, all voters would have an opportunity to vote in the primary of their choice. If we had the same types of Primaries for both State and Presidential primaries, voters would be less confused. and it would be easier for our Supervisors of Elections.

Consensus statement: Which of the following would be the best election system for the Presidential Preference Primary? Closed/Open/Open to Unaffiliated/Instant Runoff Voting

- Closed**
- Open**
- Open to Unaffiliated**
- Instant Runoff Voting**

5. Consensus statement: Threshold criteria should be established for write-in candidates that more closely mirror current requirements for announced candidates.

Discussion: According to the Florida Constitution (Article VI, Section V), when all candidates in a race are of the same party affiliation, all registered voters are eligible to vote in that primary. This is known in Florida as a Universal Primary. Florida Statutes state, “(4)(a) Each person seeking to qualify for election to office as a write-in candidate shall file his or her qualification papers with the respective qualifying officer at any time after noon of the 1st day for qualifying, but not later than noon of the last day of the qualifying period for the office sought.

(b) Any person who is seeking election as a write-in candidate shall not be required to pay a filing fee, election assessment, or party assessment. A write-in candidate is not entitled to have his or her name printed on any ballot; however, space for the write-in candidate’s name to be written in must be provided on the general election ballot. A person may not qualify as a write-in candidate if the person has also otherwise qualified for nomination or election to such office.”

If a write-in candidate qualifies to be on the ballot, the “same party affiliation” Universal Primary becomes a Closed Primary. Only registered party members for that party may vote. The write-in candidate line does not appear on the primary ballot and is not voted on until the general election. Write-in candidates are not required to specify a party affiliation (or pay a party assessment), nor do they have to pay a filing fee or pay an election assessment. Write-in candidates are not required to file petitions signed by voters. SOE’s surveyed stated that write-in candidates often drop out the day after the primary election, but the line for voters to write-in their name remains on the general election ballot. Some party leaders surveyed openly indicated that they had used write-in candidates to close primaries and allow only their party members to vote in the primary election. For example, in Palm Beach County, a candidate running for commissioner recruited her mother to run as a write-in candidate, thereby closing the primary.

Party candidates whose names appear on the ballot must pay fees or collect hundreds of signatures. Write-ins are required only to fill out some paperwork. They face few penalties for ignoring campaign finance laws because fines are based on a percentage of money raised. One of LWF’s Legislative Priorities for 2017 is to close the “write-in loophole” thereby eliminating “ghost candidates”.

In the 2016 Florida Primary election, write-in candidates blocked full voter participation in six Senate districts and 14 House districts on the Aug. 30 primary ballot, disenfranchising 1.6 million voters. Shrinking the voter pool allows candidates to tailor messages to the extremes: the most conservative or most liberal voters in their party. The result could mean more lawmakers at the far ends of the political spectrum.

PRO

- Because of the lack of criteria for write-in candidates, their validity is in question.
- It is easy for write-in candidates with few requirements placed on them to withdraw from the race after the primary. Their candidacy then served to limit who is eligible to vote in a particular race.

- Establishing write-in candidate criteria or guidelines could help minimize political manipulation by deterring phantom" candidates from running
- There are currently no requirements in Florida to become a write-in candidate (no fees, no signatures collected, no list of qualifications, no campaigning, no specifying of party affiliation, and no penalty for dropping out at the last moment).
- SOE's because of election law time frames are not able to take write-in candidates who drop out of the race off of the general election ballot.
- Would decrease voter disenfranchisement and increase voter participation, giving all voters a chance to influence race outcomes
- Would enhance voter confidence and trust in the voting process

CON

- Party leaders use the existing write-in system in selecting and promoting their candidates in the primary.
- Imposing threshold criteria could inhibit candidates from applying and running for office that may limit voter choice

Consensus statement: Threshold criteria should be established for write-in candidates that more closely mirror current requirements for announced candidates

- Agree
- Disagree
- No Opinion

Comments:

6. Alone or in combination, there are other factors that may improve voter turnout in primaries. These are:

6A. Consensus statement: Automatic registration of eligible voters at age 18 by an appropriate government agency Discussion:

The Brennan Center for Justice has advocated for automatic, permanent voter registration at age 18 when an individual interacts with a government agency. According to Pew Research 25% of eligible voters are not in the system. Prior to March 2015 no state had implemented automatic voter registration. As of July 2016 five states feature automatic registration. The Brennan Center outlines four steps to implement this method.

- *First, it requires states to adopt electronic systems and take responsibility for registering citizens so they are automatically added to the voter rolls when they interact with government agencies.*
- *Second, it makes sure that once citizens are signed up, they remain registered when they move within their states.*
- *Third, it allows citizens to register to vote online.*

- *Finally, it gives people the opportunity to register or update their information at the polls.*

Nation-wide nearly every state and the District of Columbia have pending legislation to implement automatic, permanent voter registration. As part of voter registration modernization, Florida has implemented electronic registration at Department of Motor Vehicles (DMV) and portability of registration. In 2017 online voter registration will be added. Getting people registered to vote is one step in the right direction. It must be coupled with other methods to actually achieve increased turnout due to the myriad reasons for low turnout. Visit the link below for a BPC summary of results of automatic voter registration.

<http://www.brennancenter.org/analysis/voter-registration-modernization-states>

PRO

- States that have modernized registration have saved money
- Electronic transmission of voter registrations increases registration rates
- Electronic registration reduces errors by eliminating paper registration forms
- Florida already provides registration at DMV locations
- Automatic Voter Registration is one more step to modernize elections in Florida

CON

- Doesn't necessarily mean election turnout will increase
- Electronic registration may be vulnerable to fraud
- Electronic registration may be vulnerable to hacking

Consensus statement: Automatic registration of eligible voters at age 18 by an appropriate government agency

- Agree
- Disagree
- No Opinion

Comments:

6B. Consensus Statement: Exclusive Vote By Mail

Discussion: Exclusive vote by mail (EVBM) exists in three states: Oregon, Washington, and Colorado. Colorado and Oregon were among the top 10 turnout states in the 2014 election. Washington State was #18 in turnout. A 2007 study by Washington State showed that turnout increased by 5 percent. There are 19 other states that have vote by mail but it is not the only way to vote. Non-Profit Vote.org provided the PRO arguments shown below. The American Enterprise Institute provided the CON arguments shown below. AEI is not

suggesting that fraud and coercion are major problems, just stating that the opportunity exists. The Florida Association of Supervisors of Elections favors Colorado's process, which gives voters the option to mail in your ballot, drop it off at the SOE, or actually put it through a voting machine at SOE.

PRO

- Boosts Registered Voter turnout
- Renders moot the debate about photo IDs
- Eliminates voting lines
- Gives voters time to cast a more informed, complete ballot
- Saves \$2-\$5 per registered voter in election costs
- Oregon's exclusive vote by mail system has built in features to mitigate potential fraud and coercion (Study committee input)

CON –

- The most likely avenue for voter fraud is absentee balloting, which offers more opportunities for fraud than the traditional polling place
- Absentee ballots leave open the possibility of voter coercion
- Voters may miss out on important pre-election news if they vote early
- May disenfranchise voters who prefer early voting and don't trust vote-by-mail

Consensus Statement: Exclusive Vote By Mail

- Agree
- Disagree
- No Opinion

Comments:

6C. Consensus Statement: Make election voting portable within the county - similar to early voting centers.

Discussion: Vote Centers would allow voters to go to any center to vote. The centers would be placed in high traffic areas near homes, schools, workplaces as is currently done with early voting in Florida. Voters would no longer have to remember where their polling precinct was located. With Internet connectivity and portable "electronic poll books" election workers can verify voter registration, print the correct ballot, and confirm that a voter had not voted elsewhere. The National Conference of State Legislatures (NCSL) lists three advantages: convenience, cost reduction, and increased voter turnout. The NCSL also highlights four potential issues: loss of tradition, voter education, equipment, and technology. None of the issues appear to be insurmountable. However, each state would have to assess the cost to

implement vote centers. Since 2003 11 states have implemented vote centers. Bill Cowles, SOE for Orange County stated that the Association of Supervisors of Elections came out in favor of Vote Centers on Election Day. They also were in favor of increasing the numbers of voting centers.

PRO

- Eliminates the problem of finding the right precinct to cast a ballot
- Reduces the need for some provisional ballots.
- Allows voters to change addresses on election day and still vote a regular ballot.
- Will ultimately save counties money
- May improve voter turnout due to convenience of locations vs where people live

CON

- Precinct voting works
- May not improve voter turnout

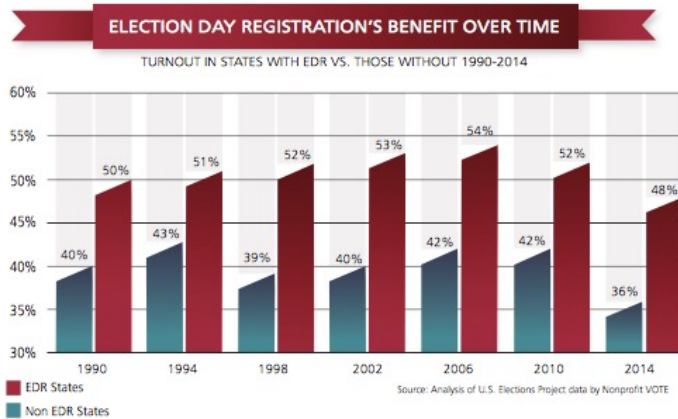
Consensus Statement: Make election voting portable within the county similar to early voting centers.

- Agree
- Disagree
- No Opinion

Comments:

6D. Consensus statement: Statewide Election Day (same day) Registration

Discussion: Election Day Registration (EDR) exists in 13 states and the District of Columbia according to the National Conference of State Legislatures (NCSL). Four additional states will be added in 2017-2018. Florida election registration books close 29 days prior to an election. The current Study and Action 2015-2017 position is "Register voters as close to Election Day as administratively feasible." The 2017 League legislative priorities states "Support legislation to reduce from 29 days to 19 days the time voter registration books must be closed before each election." According to Non Profit Vote in the 2014 election 7 of the 10 highest turnout states featured EDR. Florida was ranked #16 in 2014 turnout without EDR. Experts and advocates favor EDR as an action with potential to increase voter turnout.



PRO

- Experts and advocates interviewed for this study agree that EDR can improve turnout
- The Millennial survey yielded a 70% approval for EDR
- Reduces need for provisional ballots
- Helps correct errors in registration that would preclude voting
- Removes the 29 days prior to Election Day registration deadline
- Helps mobile, lower income, young, and voters of color

CON

- Supervisors of Elections see issues with implementing EDR due to the administrative burden of maintaining voter rolls that adhere to Florida’s election law. There is also the potential for long lines on Election Day.
- Opponents say that there is no way to confirm on Election Day whether a person voted in another state
- Opponents say there is no way on Election Day to check felon eligibility to vote
- Expanding early voting might have the same effect as EDR
- Online registration begins in Florida in 2017

Consensus statement: Statewide Election Day (same day) Registration

- Agree
- Disagree
- No Opinion

Comments:

APPENDIX

Alternative Election Systems Analyses

This section documents a detailed analysis of selected election types to determine if voter turnout can be improved by replacing the current closed primary with another type. Multiple state leagues have analyzed primary election types from a PRO/CON perspective. This analysis examines primary elections from a FACT versus Expert OPINION basis. The Voter Turnout Analysis section of this report investigated reasons for low voter turnout and possible solutions to improve turnout. Changing the election system is one of the potential solutions to improving turnout.

Election System Evaluation Criteria

At the beginning of the study, other state league studies were reviewed to assist in establishing evaluation criteria to apply to each primary type. In addition, we considered the *Impossibility Theorem* by Dr. Kenneth Arrow. He is renowned for the development of the theorem within the area of voting theory. In 1972, his theorem made him the youngest person ever to be awarded the Nobel Prize in economics. His theorem postulates that no single election system meets all criteria. There are tradeoffs and consequences. There are choices to be made: What is most important? What is less important? The state study committee chose the following criteria.

- **Majority rule** –Does the system achieve election results determined by a large percentage of votes cast? In closed primaries you are significantly reducing the number of votes cast. Top Two and IRV by design lead to an eventual head-to-head competition to choose a majority winner. Top Two realizes a majority winner in the general election. IRV achieves a majority winner by counting only votes cast in a round where a candidate achieves 50% + 1 votes
- **Competitive Elections** –Does the system encourage non biased, competitive elections in which fewer candidates run unopposed? Fair and competitive elections are critical to addressing and meeting the needs of Floridians. A competitive election per experts is defined as a margin of 10% or less between the winner and losers.
- **Representation that reflects community demographics** – Does the system work to ensure that Florida’s diverse population (Latinos make up 14.9% of the state’s 12 million active registered voters and African Americans represent 13.3% of registered voters) is represented? Any barriers to prevent certain segments of the population from voting needs to be removed.
- **Be verifiable and auditable** –Does the process provide a mechanism for election results to be verifiable auditable? For voters to trust the elections process, ballots must be recorded and retrievable for a hand recounts in close races.
- **Be simple and easy for voters to understand** – Is the process simple and easy for voters to understand? A closed primary is the least complex to understand and is most familiar to Florida voters. Other election systems may require education to help voters understand the effects of their candidate choices
- **Minimize political manipulation** – Does the system minimize political manipulation? With over 12 million registered voters in Florida, the voting process should be simple

and straight forward. Selected election types may eliminate manipulation. Universal Primaries are currently vulnerable to the write-in loophole. See Florida Constitution Article VI Section 5 (b).

- **Be technically and fiscally feasible to implement** –Is the system technically and fiscally feasible to implement? All of the election systems being analyzed have been in use in the United States. Depending on the equipment in use and the election system being implemented there can be equipment, software, education and maintenance costs

Analysis of Specific Primary Election Systems

The following paragraphs examine each election system based on an assessment of statements as fact or expert opinion. To qualify as a fact, a qualified source must confirm the assessment. University studies, non-profit non-partisan institutional research, articles and books written by acknowledged experts, and interviews of experts are examples of qualified sources. After facts and expert opinions were established each election type was compared to the study evaluation criteria.

<p>Closed Primary In general, a voter seeking to vote in a closed primary must first be a registered party member. Typically, the voter affiliates with a party on his or her voter registration application. This system deters “cross-over” voting by members of other parties. Independent or unaffiliated voters, by definition, are excluded from participating in the party nomination contests.</p>		
Delaware	Nevada	Pennsylvania
Florida	New Mexico	
Kentucky	New York	
Maryland	Oregon*	
Facts		
<p>According to the NCSL and Florida Division of Elections political parties choose their nominee to compete in general election. Voters must be registered members of the party holding the primary.</p>		
<p>*Oregon considers itself a partially closed primary where the party can choose to open their primary to unaffiliated voters. Oregon statute Chapter 254 section 254.365 requires a major party to declare their primary open 90 days prior to election day</p>		
<p>Political party nominee guaranteed a place on the general election ballot</p>		
<p>Over 3.4 Million NPA and minor party voters cannot vote in a partisan primary</p>		
<p>Taxpayers pay for private party primaries they can’t participate in unless registering in a</p>		

party
According to NCSL closed primaries generally contribute to a strong party organization.
Florida Division of Elections data shows average turnout from 2000 – 2016 = <23%
NPA voters and Minor parties can participate in General Election
71% of 2012 open primary states had higher turnout than Florida (US Elections Project)
76% of 2016 open primary states had higher turnout than Florida (US Elections Project)
Expert Opinions
According to Florida Division of Elections data less than 7 percent of elections are competitive minimizing competition for incumbent seats
Continues spoiler effect in general election Write-in candidate loophole; (2014 Election Scott versus Crist versus Adrian Wyllie)

<p>Open to Unaffiliated Voters Primary A number of states allow only unaffiliated voters to participate in any party primary they choose, but do not allow voters who are registered with one party to vote in another party’s primary. This system differs from a true open primary because a Democrat cannot cross over and vote in a Republican party primary, or vice versa. Some of these states, such as Colorado and New Hampshire, require that unaffiliated voters declare affiliation with a party at the polls in order to vote in that party’s primary. (NCSL)</p>												
<table> <tr> <td>Arizona</td> <td>Massachusetts</td> <td>West Virginia</td> </tr> <tr> <td>Colorado</td> <td>New Hampshire</td> <td></td> </tr> <tr> <td>Kansas</td> <td>New Jersey</td> <td></td> </tr> <tr> <td>Maine</td> <td>Rhode Island</td> <td></td> </tr> </table>	Arizona	Massachusetts	West Virginia	Colorado	New Hampshire		Kansas	New Jersey		Maine	Rhode Island	
Arizona	Massachusetts	West Virginia										
Colorado	New Hampshire											
Kansas	New Jersey											
Maine	Rhode Island											
Facts												
9 states feature this primary type												
Requires a voter to select a party ballot												
Excludes members of other parties (345,000 registered voters)												
Includes 3.1 million NPA voters												
Does not allow cross over voting by contest												

Over 70% of Millennials favor an open primary that allows voters to select candidates regardless of party affiliation

Expert Opinions

The Center for Election Science states that partially open primaries don't get at the issue, which is voters don't have real choices in the general election, and they don't have an effective means of voting because we use plurality voting.

34% of Millennials that responded to why they selected NPA said they didn't want to join a party. 54% said they wanted to choose any candidate

Open Primary In general, but not always, states that do not ask voters to choose parties on the voter registration form are "open primary" states. In an open primary, voters may choose privately in which primary to vote. In other words, voters may choose which party's ballot to vote, but this decision is private and does not register the voter with that party. This permits a voter to cast a vote across party lines for the primary election.

Alabama	Michigan	Montana	Vermont
Arkansas	Minnesota	North Dakota	Virginia
Georgia	Mississippi	South Carolina	Wisconsin
Hawaii	Missouri	Texas	

Facts

15 states feature open primaries

Requires selection of a party ballot

According to NCSL voters may choose which primary to vote in privately. The ballot choice does not register the voter with the party.

Does not allow cross over voting by contest

Over 70% of Millennials favor an open primary that allows voters to select candidates regardless of party affiliation

Based on the NCSL definition of an Open Primary this election type supports use in a presidential primary given that all voters may participate.

Expert Opinions

Center for Election Science states that open primaries don't get at the issue, which is voters don't have real choices in the general election, and they don't have an effective means of voting because we use plurality voting

Critics argue that the open primary dilutes the parties' ability to nominate.

Supporters say this system gives voters maximal flexibility—allowing them to cross party lines—and maintains their privacy

Top Two Open Primary The “top two” format uses a common ballot, listing all candidates on the same ballot. In California and Louisiana, each candidate lists his or her party affiliation, whereas in Washington, each candidate is authorized to list a party “preference.” The top two vote getters in each race, regardless of party, advance to the general election. Advocates of the “top-two” format argue that it increases the likelihood of moderate candidates advancing to the general election ballot. Opponents maintain that it reduces voter choice by making it possible for two candidates of the same party to face off in the general election. They also contend that it is tilted against minor parties who will face slim odds of earning one of only two spots on the general election ballot.

California Nebraska (for nonpartisan legislative races only)
Louisiana Washington State

Facts

All candidates in each contest appear on one ballot. Voters may select candidates regardless of party affiliation of both the candidate and the voter. The top two vote getters advance to the general election regardless of party.

Allows cross over voting contest by contest

Typically, races for Governor, cabinet officers, state legislative offices, and U.S. congressional offices are included in Top Two

In Washington State a candidate must receive 1% of primary votes cast to advance to the general election

California has completed 3 Top Two elections (2012, 2014, 2016) Washington State has completed 5 Top Two elections starting in 2008

Top Two is not suitable for Presidential Primaries because there is no down select to one candidate provision to advance to the General Election.

Expert Opinions

The November 2016 election marked the third outing for California's "top two" primary system. The two candidates who advance to the fall election can be—and often are—from the same party. In California the most visible example this year was the US Senate race between Democrats Kamala Harris and Loretta Sanchez. It was the first statewide same-party race, and many did not know what to expect. There were also 27 down-ballot same-party races in this cycle, in line with 25 in 2014 and 28 in 2012. These races continue to be a lot closer than cross-party contests: this year, an average of 32 points separated the candidates in cross-party races, compared to 25 points for candidates of the same party. About a quarter of this year's same-party races were decided by less than 10 points, also similar to previous years. (Public Policy Institute of California (PPIC) Eric McGhee)

The 2016 California primary offered signs of improvement for California's low voter turnout. Recent elections have seen some of the worst turnout in the state's history. The 2014 election cycle was particularly dismal, but 2012 also set a new low for a presidential primary election. Moreover, California has been lagging behind other states in both registration and turnout. However, there has been a large surge in new registrants over the last few months prior to the June primary, and the California Secretary of State currently estimates that almost 9 million Californians participated in the 2016 presidential primary election, compared to only 4.5 million in 2014 and 5.3 million in 2012. (PPIC Eric McGhee)

A growing share of California voters who participate in presidential elections do not vote in the gubernatorial election two years later. The last two election cycles—which have seen exceptionally high presidential turnout and exceptionally low midterm turnout—have not departed from this pattern but exemplified it. This indicates there may be other reasons for increased or decreased voter turnout than the "top two" primary. (PPIC Eric McGhee)

According to Eric McGhee (PPIC) California Top Two same-party races were in part expected to promote competition between moderate and liberal/conservative candidates. There is some evidence that this dynamic on the Democratic side is beginning to emerge; none on the Republican side.

Instant Runoff Voting General Election (No Primary) This election type is not defined by NCSL. Ballotpedia and the Oxford Dictionary define IRV. In an IRV system, voters rank candidates in order of preference. If no candidate receives an overall majority of first preferences, the candidates with the fewest votes are eliminated one by one and their votes are transferred according to their second and third preferences (and so on) and then all votes are retallied, until one candidate achieves a majority (No states)

Berkeley CA 2010	Oakland CA 2010	San Francisco CA 2004
San Leandro CA 2010	Telluride CO 2011	Portland ME 2011
Takoma Park MD 2007	Minneapolis MN 2009	St Paul MN 2011
Santa Fe NM 2016	Henderson NC 2008	
Facts		
3.4 Million NPA and Minor Party voters can vote		
IRV eliminates the primary election		
Allows cross over voting contest by contest		
Gives voters a way to express strong support of candidates via rank ordering		
Will require detailed voter education		
Can't guarantee majority vote due to ballot exhaustion		
Will require enacting legislation as a minimum		
Eliminates "spoiler" effect and strategic voting & minority winners		
Eliminates Universal Primary write in candidate effect		
Eliminates need for actual runoff elections		
Round 1 third place candidate can beat Round 1 first place candidate in final vote count		
Arkansas, Alabama, Louisiana and South Carolina use instant runoffs for military and overseas voters, who send in their instant runoff ballot with their primary ballot		
Maine passed IRV in 2016 election		
IRV (Ranked Choice) has been used in Australia since 1914		
Lowers costs of elections due to elimination of primaries and runoff elections (Excluding initial cost of equipment/ software and initial voter education)		
Expert Opinions		
Turnout is complex and requires multiple changes to increase turnout - - changing to any primary election system alone won't do it		
According to Florida voting machine vendor Dominion Systems, IRV will require machine upgrades or replacement		
May increase voter turnout numbers		
May lower overall candidate campaign costs		

Marginally Improves minor party candidate chances of election but may pave way to use proportional representation
Can suppress turnout because of not doing the homework to rank multiple candidates
Can elect extremist candidate
Increasing number of ranked choices can reduce ballot exhaustion
Study shows that IRV versus Plurality voting decreases negative campaigning
Process too complicated and may confuse voters
Electing candidates with the broadest acceptance

Study Evaluation Criteria Analysis

Criteria	Closed	Open Unaffiliated	Open	Top Two	IRV*
Simple & Easy to Understand	YES	YES	YES	YES	NO
Verifiable & Auditable	YES	YES	YES	YES	YES
Fosters competition	NO	NO	NO	NO	YES
Minimizes political manipulation	NO	NO	NO	YES	YES
Represents demographics	NO	NO	YES	YES	YES
Technically & fiscally feasible	YES	YES	YES	YES	YES/??
Winner achieves majority vote	NO	NO	NO	YES	YES

*In 2007 the League added an Election Law position that reads as follows: “Recommended instant runoff voting as an alternative to Florida’s present system of plurality voting”.

The IRV fiscally feasible assessment of ?? indicates that cost is involved but was not part of this study.

Simple and Easy to Understand: Open Unaffiliated Primaries only allow NPAs to participate. In some states they may have to declare a party affiliation. Open primaries don’t require voters to declare a party affiliation.

Top Two doesn’t require a party change to vote nor have to choose a ballot.

The Minneapolis LWV found that “educating voters about a fundamental change (IRV) in voting method appeared difficult but not impossible according to almost all of the election officials and administrators interviewed.” Other authors disagree and find that educating voters is very difficult and requires frequent refresher educating

Verifiable & Auditable: According to the Florida Division of Elections Testing and Certification group all election systems are verifiable and auditable
<http://dos.myflorida.com/media/693718/dsde101.pdf><http://dos.myflorida.com/media/693718/dsde101.pdf>

Fosters Competition: All open primaries require voters to choose one party's ballot. They can only vote for candidates of the party they choose.

Top Two and IRV feature one ballot with all candidates competing regardless of political affiliation.

The Top Two primary system provides the opportunity for competition but actual voting may or may not result in competitive races. According to Eric McGhee In the 2016 California Top Two primary, "About a quarter of this years same party races were decided by less than 10 points also similar to previous years." He commented further that in cross party races the narrow margin winners (<10 points) have decreased from 18% in 2012; to 15% in 2014; and to 11% in 2016.

The Stanford Social Intervention Review studied four IRV cases (Oakland 10 candidates) (San Francisco (16 candidates) (San Leandro 5 candidates) (Pierce County WA was the fourth but dropped IRV after one year)

Minimizes political manipulation: All open primaries are vulnerable to the write-in loophole. Florida Constitution Article VI Section 5 (b) A write-in candidate for the General Election closes the primary and only party registered voters may participate in the primary. Adopting stringent write-in standards would close the loophole.

<http://www.orlandosentinel.com/news/politics/os-write-in-candidate-lawsuit-20160805-story.html>

Based on Washington State and California Top Two law, write-in candidates cannot skip the primary to advance to the general election. There is no primary in IRV.

According to James Langan of the William & Mary Law Review "perhaps the clearest justification for adopting an instant runoff voting system is its ability to eliminate what many view as the spoiler problem".

Represents Demographics: Having to choose a party ballot means that an open unaffiliated primary does not reach all voters. Minor party voters are excluded in this case. Florida's closed primary turnout averages <23% meaning that 77% of registered voters aren't counted. Additionally, only party members can vote. In an open (to all voters) NPA and minor party voters have to pick a party ballot in open primaries but those 3.4 million registered voters have a choice.

Top Two and IRV provide one ballot for all voters to choose any candidate.

Technically and Fiscally Feasible: Open primary elections have existed for decades; equipment in place today can work with all open primaries

Top Two exists in four states and requires no equipment or software change.

IRV exists in 11 cities and was approved by Maine voters in the 2016 election. According to Dominion Systems (Florida voting machine vendor), IRV will require equipment and software investment to machine score ballots. The YES/?? Assessment of IRV indicates technical feasibility but unknown fiscal feasibility.

Winner Achieves Majority Vote: In open primaries voters must choose a party ballot. Whenever you exclude people from voting, individuals with no party affiliation or are members of a minor party a candidate cannot achieve a majority of voters. Top Two and IRV by design lead to an eventual head-to-head competition to choose a majority winner. A Top Two primary realizes a majority winner in the general election. IRV achieves a majority winner by considering only votes cast in a round where one candidate receives a majority vote