

Jan. 12, 2024

## Partisan Primaries a Move Backward

*Potential changes could boost party leaders with little benefit to the public*

Louisiana's first legislative session of the new administration and new term will include proposals to change the state's primary election system from an open primary to a closed one, an issue never highlighted by candidates in the 2023 elections.

The unnecessary switch could cost more, confuse voters and disenfranchise those that don't belong to either the Republican or Democratic party. The public receives no benefit from such a move, and even the potential partisan gain is speculative.

Gov. Jeff Landry has so far not explained why he's proposing such a large election change in the agenda for a short special session that was originally expected to deal largely with court-ordered redrawing of Louisiana's congressional districts.

Louisiana's open primary system, often called a "jungle" primary, dates to the early 1970s. The system allows all candidates, regardless of party affiliation, to compete in a single primary election. If no candidate receives more than 50% of the vote, the top two candidates advance to the general election runoff, where the winner is selected.

Unlike other states with open primaries, a candidate can win outright in Louisiana's primary. That differentiates Louisiana from other states with similar systems.

The jungle primary was first used for state and local elections in 1975 and later expanded to federal elections (not including presidential elections) in 1978. Former Gov. Edwin Edwards was the architect of Louisiana's system because he did not want to face a Republican candidate after having to surmount Democratic opponents, especially since the race was essentially over at that point in a state that, at the time, overwhelmingly elected Democrats.

### *Types of Primary Systems*

Broadly speaking, primary systems range from closed, which only allows party members to vote on candidates of the same party, to systems like Louisiana's that allow people to vote for any candidate regardless of party. Many variations exist in between across states.

The National Conference of State Legislatures categorizes primary systems into several different [types](#). Notable types include the open primary (where voters can choose to vote in any party's primary) and the partially closed primary (where the party organizations decide who can vote in their primaries).

Primary Types	Description	# of States
<b>Closed</b>	<b>Voters must be registered members of the party holding the primary.</b>	<b>9</b>
<b>Partially Closed</b>	<b>Voters must be registered members of the party holding the primary. However, parties may choose whether to allow unaffiliated voters to participate.</b>	<b>6</b>
<b>Partially Open</b>	<b>Voters may choose in which primary to vote but must either do so publicly or their vote may be regarded as a form of registration with that party.</b>	<b>6</b>
<b>Open to Unaffiliated Voters</b>	<b>Unaffiliated voters may choose in which party primary they want to vote, but voters affiliated with other parties may not cross over.</b>	<b>9</b>
<b>Open</b>	<b>Voters may choose privately in which primary to vote. The choice does not register the voter with the party.</b>	<b>15</b>
<b>Top Two/Four</b>	<b>The top two/four vote-getters advance to the general election regardless of party. This includes Louisiana.</b>	<b>5</b>

Source: National Conference of State Legislatures, 2021

### *Voter Confusion*

A federal court ruling spurred Louisiana to temporarily enact a form of closed primary for the 2008 and 2010 U.S. House and Senate elections. The court declared the state’s previous election method invalid because it sometimes elected candidates to Congress in October, earlier than the federal election date.

In response, Louisiana initially kept its jungle primary, changed its election calendar and pushed congressional runoff elections, if they were required, to December. This occasionally resulted in Louisiana candidates elected to federal office being seated slightly later than other candidates elected in the same year and led to Louisiana’s delegation being disadvantaged in committee assignments and seniority-related decisions. The move to closed primaries attempted to remedy that problem.

However, cost concerns and voter confusion prompted lawmakers in the 2010 regular legislative session to return to open, nonpartisan primaries. Lawmakers overwhelmingly backed the reversion to open primaries, with a unanimous Senate vote and a 76-16 House vote.

*Research provided by the Public Affairs Research Council of Louisiana. For more information, please call 225-926-8414 or visit [www.parlouisiana.org](http://www.parlouisiana.org).*

The decision again moved runoff elections back to December, resuming the complaints about seniority in Congress.

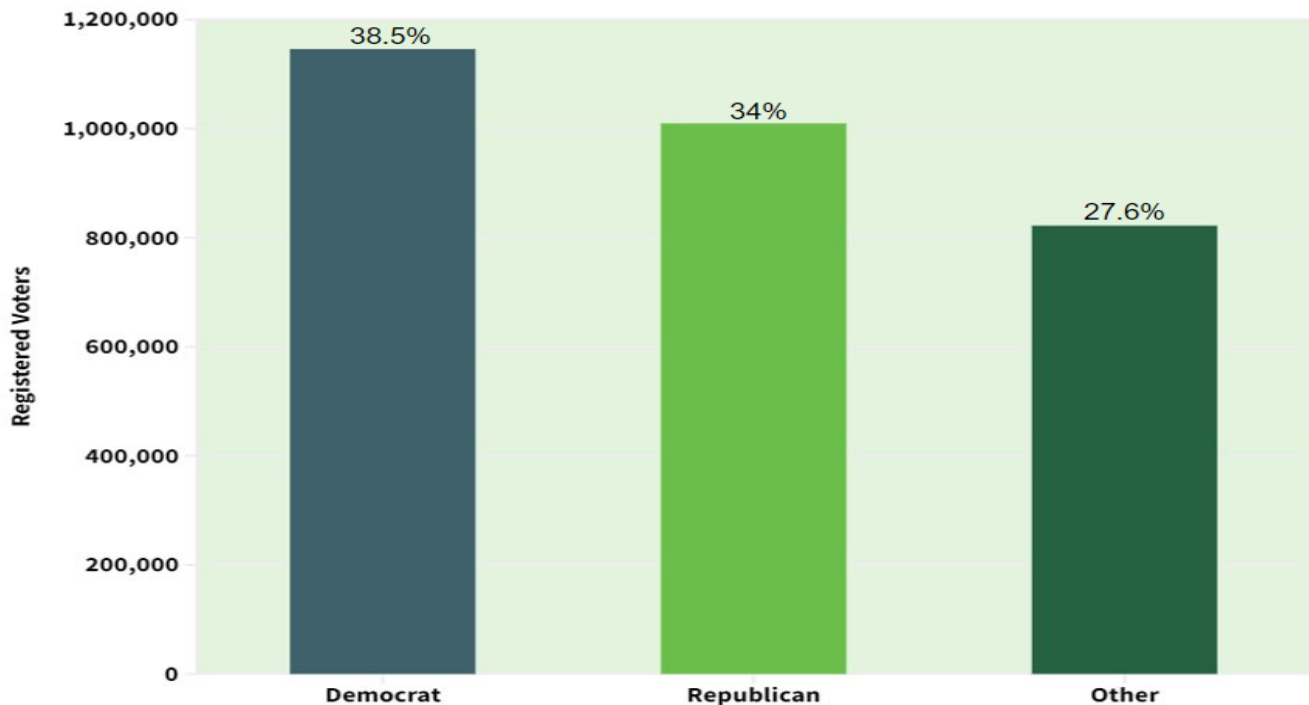
Despite extending some congressional elections into December, Louisiana's citizens don't appear eager to move away from the current primary system. A [recent survey by pollster John Couvillon](#) showed 56% of respondents opposed moving away from the open primary system, while only 26% favored a change. (The poll had a margin of error of plus or minus 3.8 percentage points.)

While public opinion should not necessarily drive policy change, legislators should be prepared to make a strong case to their constituents on why this shift is in the public interest since voters seem to overwhelmingly favor the current primary system in place.

### *Voter Disenfranchisement*

Beyond confusing voters, transitioning to a closed primary system may disenfranchise no-party and third-party voters.

In closed primaries, only registered party members can participate, excluding a significant portion of the electorate. This approach may limit voices within the electoral process, potentially stifling representation for non-major party voters. At worst, these voters might be excluded from any significant votes until after the primary election. At best, it could subject them to the whims of non-elected party officials.



Source: Louisiana Secretary of State's Office

Research provided by the Public Affairs Research Council of Louisiana. For more information, please call 225-926-8414 or visit [www.parlouisiana.org](http://www.parlouisiana.org).

This is no small matter, as voters unaffiliated with neither major party make up a sizable portion of the electorate. Nearly 28% of voters may be unable to vote for a candidate of their choice in the primary.

Even in some lenient systems that allow these unaffiliated voters to choose to participate in the Republican or Democratic primary, they may be locked in for all their votes. That is, an unaffiliated citizen currently could vote for a Democrat for mayor, a candidate with no party affiliation for state Senate and a Republican for governor. This would be unlikely in any form of a closed primary, forcing a voter to choose only from all Republicans or all Democrats in the primary.

### *Cost Concerns*

The cost of switching to a closed primary is hard to determine until Landry and legislative leaders release the specifics of the new system they'd like to enact. However, prior proposals provide relevant estimates.

When lawmakers recently debated a closed primary bill that didn't pass, the Legislative Fiscal Office put the price tag at about \$5.5 million for each election cycle since the change added more elections to the calendar. A broader law to include state and possibly even local elections could conceivably carry a much higher cost, adding millions of dollars in charges to the state treasury each election cycle.

To add unnecessary expenses to Louisiana's budget with no seeming need for the change seems wasteful, even reckless, in a state facing a fiscal cliff this term when a temporary state sales tax is expiring and inflation is increasing costs across state government.

### *What's the Point?*

Given the potential cost and voter backlash, one would expect supporters to at least reap a significant partisan advantage. There is little evidence of that, however.

It is hard to imagine a closed primary election would have changed any of the outcomes in the past several elections for governor.

In 2015, Democratic candidate John Bel Edwards defeated Republican David Vitter in a runoff after Vitter overcame two other Republicans in the primary. While some chalk up the result to animosity between the other Republicans and Vitter, any rivalry would only be sharpened in a closed Republican primary.

Similarly, Landry won his governor's race outright in this fall's primary election against a field of Democratic, Republican and independent candidates. A closed primary would have given Landry no advantage and would only have caused an unnecessary runoff.



# COMMENTARY

---

Some partisans argue the jungle primary system promotes moderate candidates and, therefore, moving to a closed primary would help purge the party of “RINOs” (Republicans in name only). Again, the evidence here is, at best, mixed. Few would think of former Gov. Bobby Jindal and current Gov. Jeff Landry as moderates. Yet, they succeeded in a large field of diverse candidates.

Theoretically, a Republican-only primary could produce more conservative nominees. However, it's just as reasonable to believe some of those more conservative Republican nominees would lose in the general election. Democrats and unaffiliated voters who might otherwise support a moderate Republican could reject a Republican they see as too extreme in the general election.

Of Louisiana's 39 state Senate districts, registered Republicans outnumber Democrats in 25 of them, giving the GOP a clear advantage. Still, registered Republicans top 50% of the electorate in only two districts because of the number of no-party voters in addition to Democrats. Most state senators are not in districts they can win if they rely solely on Republicans. Closing primaries for purity's sake could leave candidates out of step with a majority of the voters in their districts.

For example, in one Senate district based in Jefferson Parish, Republicans comprise 38% of registered voters, outnumbering either Democrats or unaffiliated voters, who each only have 31%. A Republican candidate must get support from some of the 62% of non-Republican voters to win. This could be more difficult in a primary system that encourages party purity over electability.

Put another way, Republicans control both legislative chambers with a two-thirds majority and the governorship. Is it likely they have much more to gain, and is it worth the risk?

Regardless, the best political strategy should be to recruit quality candidates with a strong message and track record of improving Louisiana. Any effect of primary system change would be dwarfed by these and other factors.

The move to a closed primary system could cost more and reduce voter choice. Any benefits are purely partisan in nature, and even these seem to be speculative. Given this, it's hard to understand why legislators would want to support moving away from the system that got them elected.

Explaining to voters why this issue came before so many other pressing problems, such as crime, insurance rates, illiteracy and workforce needs will be difficult. Solving those critical concerns likely would have more impact on any future election than changes to Louisiana's primary system.