



LEAGUE OF WOMEN VOTERS OF MAINE

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TO: The Honorable Senator Scott Cyrway
The Honorable Representative Louis Luchini, Co-chairs
The Joint Standing Committee on Veterans and Legal Affairs

DATE: May 4, 2015

RE: LD 1189: An Act To Make Certain Local Primaries Nonpartisan

Senator Cyrway, Representative Luchini and members of the Joint Standing Committee on Veterans and Legal Affairs. My name is Helen Hanlon. I am a member of the Board of Directors of the League of Women Voters of Maine. I am here today as a volunteer member of the League's Advocacy Committee to testify *Neither for nor Against* LD 1189 – An Act to Make Certain Local Primaries Nonpartisan.

This bill would establish blanket primaries for the positions of Registrar of Probate, District Attorney, and Sheriff resulting in a "Top Two" system of election for these positions. All candidates would run in open, blanket primaries in order to have the opportunity to appear on the ballot in the general election. For clarity's sake, let's say that an open primary is one in which all voters participate regardless of enrolment status; and let's say that a blanket primary is one in which all the candidates run against all the other candidates without segregation by party ballot. Candidates for election to these positions would access the primary ballot by gaining sufficient signatures from voters in their district without reference to the party affiliation of the voter. Voters would participate in an open, blanket primary featuring all candidates for office regardless of their party enrolment status. This bill would eliminate all party primary nominating elections for the affected offices and change the way in which unenrolled candidates qualify for the general election ballot. The bill does not specify whether the party enrollment of the candidates will appear on the primary ballot.

LD 1189 provides that the names of the two candidates who receive the most votes in the open, blanket primary election for these offices will appear on the ballot for the general election. Under this bill, the general election ballot for the affected offices would always be limited to exactly two candidates. Because the first and second place primary finishers appear on the general election ballot irrespective of political party, occasionally both candidates on the general election ballot may belong to the same political party. This bill does not specify that the general election will be nonpartisan and in section 2, sub-chapter 1-A, §346 (3) states that "Candidates nominated to appear on the general election ballot for covered offices may be enrolled in the same political party." The bill does not specify whether the party enrollment of the candidates will appear on the general election ballot.

The League has no position on whether these offices -- register of probate, district attorney, and sheriff -- are appropriately partisan offices or not. We note that the open seat contest this year for

District V district attorney was very competitive in both the primary and general elections, with a good deal of partisan interest on both sides. The same may not be true of races for register of probate. The question of whether partisan affiliation is appropriate in these races is one question that deserves consideration.

The other question is whether to adopt a blanket/open primary. We have testified previously that turnout rates are lower when the general election features candidates of the same political party. While it seems unlikely that turnout will be much affected if these down-ticket races are not competitive, the result may be more under-voting in the general election.

The Top Two blanket primary election eliminates all but two candidates from the general election. Depending on how many candidates of the various parties participated, this may result in viable candidates preferred by a majority of voters not proceeding to the general election. As we have testified before, if one party has many candidates competing in the primary, while the other party has only one or two, even a majority coalition could be so split that their candidate does not advance to the general election. These concerns may be lessened if the offices are truly nonpartisan, with no party affiliation appearing on the ballots for either the primary or general election.

However, with a measure for ranked choice voting advancing to the ballot in 2016, we would like to take this opportunity to advocate for Ranked Choice Voting to apply to these races, as well. The League of Women Voters of Maine supports Ranked Choice Voting for the following reasons:

- It minimizes “strategic” voting
- It allows voters to express their sincere preferences among candidates
- RCV eliminates problems of spoiler candidates knocking off major candidates
- RCV does not require separate run-off elections
- It promotes civility in campaigns
- RCV is most likely to elect a candidate with broad appeal
- It may improve voter participation

Compared to Ranked Choice Voting, the top-two primary system would result in a majority winner, and it would be less costly to implement, but it would not eliminate strategic voting in competitive races with many candidates, it would not increase voter participation, and it has been shown in states that have adopted it not to promote civility in campaigns. In summary, the League of Women Voters of Maine prefers Ranked Choice Voting to the Top Two primary system proposed by this bill.

Thank you.