

# BALLOTWATCH

## Important Facts

- Blanket primaries: California and Washington
- Electoral college: Colorado

## FOCUS ON ELECTION REFORM

Election reform is a perennially popular topic for ballot propositions. The first statewide initiative, in Oregon in 1904, was used to bring about a direct primary system for U.S. senate elections. This year four statewide measures are before the voters. Each has far-reaching implications for the nature of elections and parties in the states.



### PRIMARY ELECTIONS

**California** voters face two competing measures concerning primary elections. California currently has a modified “closed” primary system. Under this system registered voters receive only the ballot of their registered party. Unaffiliated voters may choose the ballot of any party that allows it (most do). Voters may not vote in both Democratic and Republic primaries.

**Prop. 62** would replace the existing system with a modified “blanket” primary system—essentially a runoff system—that allows voters to select candidates from any party with the top two vote getters for any office advancing to the general election (regardless of party affiliation). So it would be possible to have two Democrats or two Republicans running against each other in the general election.

One goal of the measure is to allow more “centrist” candidates to reach the general election. Scholarly research is

mixed about whether it will have that effect. Prop. 62’s proponents also argue that the measure will help encourage voter participation.

Key backers include business groups and independents and moderates from both parties, including a group associated with the moderate Republican Senator John McCain. While Gov. Arnold Schwarzenegger (R) has not formally endorsed the proposition he has made positive remarks about it in interviews.

Opponents, which include California’s two major political parties as well as Common Cause and the ACLU, counter that the system proposed by Prop. 62 will actually boost extremist candidates and eliminate minor parties. They emphasize that only one other state, Louisiana, employs such a system.

A competing measure, **Prop. 60**, was placed on the ballot by the Legislature. It amends the state Constitution

so that the top vote-getting candidate of each party advances to the general election. Prop. 60 in effect would preserve the status quo.

If both Props. 60 and 62 pass, only the provisions of the measure with the higher number of yes votes will take effect.

**Washington** voters also have the option to adopt a modified blanket primary. Initiative 872 essentially mirrors California’s Prop. 62.

The legislature approved a bill containing the key provisions of I-872 last winter, but Gov. Gary Locke (D) vetoed it. The Washington State Grange, a farmers’ organization, then sponsored the initiative.

I-872 would take effect only if a court decision invalidating the “blanket” primary system becomes final.

Supporters stress that the measure would help elect moderate candidates and increase representation of minor parties. The Republican

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## ELECTION REFORM (CONTINUED)

and Democratic parties charge that I-872 would allow people who are not members to pick a party's ticket. This happened in 1980, when Republican voters crossed over to defeat incumbent governor Dixie Lee Ray in the Democratic primary. In the general election, Republican nominee John Spellman trounced the extremely liberal Democratic nominee, Jim McDermott.

Experts believe that I-872 may have a better chance of passing than California's Prop. 62 because Washington has traditionally had an open primary system. The measure enjoys overwhelming support in recent polls.

California and Washington's electoral reform propositions are the result of recent **court rulings** that invalidated their existing "blanket" primary systems. In March 1996, California voters passed Prop. 198, which replaced the state's longstanding closed primary with a "blanket" primary system. The blanket primary allows all voters to participate in the primary election of any party. In June 2000, the U.S. Supreme Court declared the blanket primary unconstitutional in *California Democratic Party v. Jones*. The court held that it violated the First Amendment rights of political parties to associate and choose their own nominees. Following this argument, Washington's 70-year-old blanket primary system was struck down by the Ninth Circuit Court of Appeals.

*"Amendment 36 could tip the outcome of the presidential election."*

### ELECTORAL COLLEGE

**Colorado's Amendment 36** could have a very big effect on the 2004 presidential election. The amendment eliminates the current system in which all of the state's electoral votes go to the presidential candidate receiving the most votes. Instead the state's electoral votes would be allocated in proportion to the votes received by each candidate.

Critically, the amendment makes the changes retroactive to the November 2004 presidential election. If current polling trends continue, the measure would probably end up give John Kerry four votes in Colorado that would otherwise have gone to George W. Bush. This could tip the electoral college and change the outcome of the presidential election.

Nebraska and Maine are currently the only two states that do not have winner-take-all systems.

The argument for Amendment 36 is that it allows the minority group (in Republican-leaning Colorado, typically Democrats) to have an influence in the presidential election. It is also claimed that proportional allocation would give Democratic candidates a reason to campaign in Colo-

rado. The contrary argument is that the state will dilute its influence by splitting its electoral votes, and this would make candidates less likely to visit the state while campaigning. Of course, purely partisan motivations could affect voting decisions even more than these abstract considerations.

Supporters include the League of Women Voters and many Democrats. Amendment 36 has been denounced by Gov. Bill Owens (R) and the Republican Party, and many Democrats have yet to speak out aggressively for it. Some controversy surrounds the fact that the measure is primarily financed by a wealthy California resident.

Polls to date show large majorities in favor of Amendment 36.

Because of its importance to the national campaign, constitutional challenges are almost a certainty if the measure passes. The courts could be dragged into the presidential election again. Constitutional challenges would likely center on two issues. Article II of the U.S. Constitution grants "the legislature" of each state the power to choose the manner of elections. Federal law also prohibits changes to electoral rules after the fact.

