

# Unified Primary Initiative

## Frequently Asked Questions (FAQ)

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The following questions have come up frequently during discussion of the initiative on various online forums as well as during circulation of the sponsorship petitions. The Chief Petitioner's responses follow each question.

**Q: Wait a second, isn't this whole "vote for all the candidates you like" thing too complicated?**

A:No. It's actually less complicated than the system we use now. When voters can only make one choice, they must consider the candidate's perceived electability as well as favorability. This makes the voting decision less honest and more strategic. This also makes picking more than one choice spoil the ballot. By shifting the referendum from office to candidate, the voting process becomes much simpler, and the ballot much harder to spoil.

**Q: But won't this just mean that two candidates from the same party will end up on the General Election ballot?**

A:This outcome will likely happen only in jurisdictions where one major party has a dominant registration advantage. In those districts today, the election is basically over in the primary, before a significant number of voters have even had a say. In many districts, our current election system effectively shuts out an actual majority of voters. This shutout allows special interests to force extreme agendas through threats of primary election challenges in party strongholds.

In a Unified Primary, all voters have an equal voice over both which candidates advance and in the choice between the top two. This makes the system more democratic and much more resistant to extremist gaming.

**Q: Well, won't this just mean that the two big money corporate-funded blanditates will always advance?**

A:Unlikely. Money creates name recognition, which is particularly important if voters can only show support for a single candidate: such voters are strongly incentivized to support only a front runner/well-funded/well-recognized candidate. Because the Unified Primary allows voters to show support for all favored candidates, this name recognition/electability factor becomes a less dominant consideration. Consequently, voters can be more honest about their preferences, and underdog candidates have a better chance to advance.

**Q:Has this system ever been used before?**

A: Each key aspect of this system has been used and analyzed in other areas. Oregon was the first state to use Approval Voting on a statewide ballot for a 1990 referendum on five different options for school funding. Approval Voting is also used to select the Secretary General of the United Nations and by the Mathematical Association of America (MAA), the American Mathematical Society (AMS) and the American Statistical Association (ASA). The Top Two portion of the Unified Primary is used currently in California, Washington and Louisiana, where it has been credited with reducing partisanship in elected bodies.

The use of the two systems in combination will be an Oregon first.

**Q:Well, why don't you try it at the local level first, before making it the law statewide?**

A: Since the main advantages of this reform are to reduce partisanship and enfranchise the 30% voters not affiliated with one of the two major parties, it isn't a reform that really makes sense at the local level. Those races are nonpartisan and include those disenfranchised at the state level. Additionally, the use of Approval Voting for some offices and Plurality Voting for others will confuse voters and likely result in a significant number of spoiled ballots.

**Q:If you want to vote in the primary, why don't you just join one of the major political parties?**

A: We don't believe the state should compel membership in one of two private political organizations in order to enjoy the full benefit of the taxpayer-funded voting franchise. That requirement is arguably a violation of the federal equal protection clause as well as an obvious violation of Article 2 Section 1 of Oregon's Constitution: "Elections free. All elections shall be free and equal."Separate is inherently unequal.

The Unified Primary isn't just about the disenfranchised third of the electorate. It's about giving all voters an equal voice and more choice, regardless of political party affiliation or lack of affiliation, and giving all candidates the freedom to advance without having to pass a partisan filter first.

**Q:Well, doesn't this violate the associate rights of political parties to choose candidates to represent them in the general election?**

A: No. This measure merely shifts the election function of political parties from one of nomination to one of endorsement. In the Unified Primary, parties still enjoy the unique "fusion voting" privilege of candidate endorsement on the ballot. Parties may set up their own processes and elections to select their endorsees.

**Q:But wait, doesn't the "vote for all the candidates you like" thing violate the principle of one person, one vote?**

A: No. The term “one person one vote” refers to the weight of votes, not to how votes are expressed.

The U.S. Supreme Court made the “one person one vote” rule explicit in *Reynolds v. Sims* (377 U.S. 533). The rule stated that no vote should count more than any other so that it has unequal weight. This unequal weight would violate the Equal Protection Clause of the Constitution. And it was *Baker v. Carr* (369 U.S. 186) that extended the Equal Protection Clause to districting issues. In *Reynolds*, the state of Alabama set up its districts so that they varied wildly in population. The districting was so bad that it gave some voters’ ballots as much as 41 times more weight than others. Because the weights of the ballots were different between districts, that violated the “one person one vote” rule.

A common misconception is that Approval Voting gives more weight to voters who vote for more candidates. To see why this isn’t the case, imagine a tied election between a liberal and two conservatives. Bob casts a vote for the liberal, while Alice casts an opposing vote for the two conservatives. After Bob and Alice have voted, the election is still tied. Bob and Alice have an opposite but equal effect on the election.

Article 2 Section 16 Oregon's constitution specifically allows for voting systems that include the ability for voters to support multiple candidates.

The use of plurality voting, in which electors cast a vote for a single candidate per office when more than two candidates are standing for that office, is arguably itself a violation of “one person one vote.” Here’s why: if voters are allowed to make only one selection, the strength of the voter's vote is inversely proportional to the number of candidates that voter supports, because similarly positioned candidates will split votes. This property of plurality voting is commonly known as the “Spoiler Effect.” Thus the weight of a voter’s plurality vote in any race with more than two candidates is dependent on the proportion of similarly positioned candidates in the race, and not equal as required by “one person one vote.”

**Q: Why do only two candidates advance to the General Election?**

A: Because voters can always vote honestly with a single choice only if there are two candidates in the race: otherwise the more similar candidates split votes, leading to the spoiler effect and minority rule. Since voters are aware of this, today's current elections are effectively a top two already - one candidate each from the major parties. Although minor party and independent candidates can compete in today's General Election directly, they are unable to compete effectively in no small part because of the spoiler effect and the “don't waste your vote” phenomenon.

From the candidate’s perspective, this is also a benefit. Each candidate has one clear opponent for the General Election against whom to compete and differentiate, versus an uncertain field of disproportionately aligned opponents.

**Q: But it'll make it harder for minor parties to maintain their minor party status, won't it?**

A: No. Minor party status can be maintained by voter support - in the Unified Primary - of candidates registered with a minor party. Because this voting system more accurately reflects the electorate's true support of minor party viewpoints, this will very likely make it easier for minor parties to maintain official minor party status.

**Q: Won't people just "game the system?" Like, what if voters vote for a weak opponent candidate in order to squeeze out a stronger opponent?**

A: This strategy is effective in some primary systems (traditional Open Primary, Blanket Primary), but not in the Unified Primary. In fact, in the Unified Primary, this type of strategic voting is very risky. Voting for a weak opponent does not change the vote calculus between the voter's favorite and most feared opponent, but does increase the likelihood of squeezing out the voter's own favorite candidate.

**Q: Hi, I'm from Texas. Doesn't the Primary Election have way lower turnout than the General Election? Won't this system eliminate choices before most voters have had a say?**

A: What most folks from out of state don't know is that Oregon is one of three states in the country to use vote-by-mail for all voters. Consequently, Oregon ranks near the top for primary election voter turnout nationally.

**Q: Hi, I'm from Oregon. Doesn't the Primary Election still have lower turnout than the General Election? Won't this system eliminate choices before most voters have had a say?**

A: Oregon's current partisan primary election system excludes more than 30% of the electorate right out the gate, and gives minimal choice to the rest of voters: major party voters are only able to select candidates in their own parties. As a result, the primary election is appealing only to a subset of voters; the rest are turned away and turned off to the system as a whole. By offering maximum choice to all voters in the Unified Primary, we expect significantly more participation in the whole political process.

**Q: Is this the same system they use in California? I've heard that system is great.**

A: If you like California's Top Two system, you'll love the Unified Primary. Like the California system, all voters may participate regardless of party affiliation, and all candidates are on the same ballot, regardless of party affiliation. Like the California system, the top two candidates advance from the primary, regardless of party affiliation.

The significant difference between the two is that voters in the Unified Primary can select all favored candidates versus having to select one from a field of many. This is much

more fair: otherwise similar candidates split votes and voters are strategically incentivized to support only perceived frontrunners versus candidates they may perceive as having a long shot at winning.

**Q: I heard the California system is bad for minor parties, and that it can be gamed when there are a different numbers of candidates espousing particular viewpoints. What do you have to say about that?**

A: This system bears surface similarity to the Open Primary/Top Two Primary adopted in California and Washington. Like those systems, all voters may participate in the Unified Primary, all candidates appear on the same ballot regardless of party, and the top two candidates advance. Of significant difference is that voters in the Unified Primary are allowed to express support for all favored candidates.

All of the legitimate criticisms of so-called “Top Two” systems are attributable to the restriction of support for a single candidate in a field of many: similar candidates split votes, so if there are an unequal number of candidates representing various viewpoints, the results can be skewed by simple candidate participation. Because all candidates for office appear on a single ballot, the spoiler effect is magnified, which enhances the shut out of minor party and independent candidates. Name recognition becomes even more important, so candidates need to raise more money to compete.

By allowing voters to express support for all favored candidates, the Unified Primary solves the weaknesses inherent in current top two systems.

**Q: Yeah, well, you know, that's just, like, your opinion, man. Since this is a new system, do you have any science to back it up?**

A: Yes. This simple two-stage election process has been researched through election method simulation of various voting systems. Approval voting in the first stage and a vote between the top two approved in the second stage is the highest-performing simple, unranked voting system. It also has a high propensity to elect the candidate that could beat all others one-on-one when such a candidate exists (the so-called Condorcet winner). In an analysis of 51 different voting methods, including Range, Approval, Bucklin, IRV, Top 2 Plurality and many more, Approval with a Top Two outperformed all but two (Range and Range with a Top Two), and far outperformed the system we use today. It is by far the best system that uses a simple two-stage balloting system like the one we use today.

**Q: This sounds like a complex area of law. Wouldn't it be better for the Legislature to refer the Unified Primary to the ballot instead of by citizen petition?**

A: Yes. Although the measure was drafted in part by the state's own Legislative Counsel, shortcuts were necessarily taken for reasons of space. The Legislative Assembly is the only body that can refer a complete and fully coherent set of amendments of the state code for voter consideration.

That said, we also recognize the political difficulty in effecting a referral in this manner, as it is a heavy ask that legislators reconsider the mechanisms by which they attain and retain their offices. We very much appreciate the Legislature's willingness to consider the matter.

**Q: Isn't this whole thing just an expression of the your bitterness over your father's loss in an election 23 years ago?**

A: No. During formative years I did endure an election that was deliberately spoiled by a special interest group attempting to shift Oregon's political dynamic. Having lived through that election from the point of view of the candidate I came to view multi-candidate plurality voting as obviously and inherently unfair to candidates and to voters. It was only after witnessing multiple spoiled elections on the state and national level and the emergence of primary'ing as a verb that I became a passionate advocate of election process reform.

Our election system is bad - not just because it shuts out 30% of the electorate from having a meaningful voice in the selection of candidates, not just because it forces all the other voters and any viable candidates into polar camps, not just because it fails basic mathematical analysis, but at the end of the day because it produces bad governance outcomes that are obvious and well established.

Don't hate the playa, hate the game.

**Q: Wow, this sounds pretty cool! How can I pitch in?**

A: Thanks! Check out the web site at <http://www.unifiedprimary.org>, where you can sign up for updates or to volunteer for or contribute to the campaign.