

## HB 200 Top Two Primary Opposing Documents

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Dear Representative LeDoux

I just heard your support of the bill you submitted about having open primaries. **If** so many are saying they want this, they must be Democrats. I can't imagine why any Republican would want anyone – Democrats, Independents or Undeclared - to pick who will run as Republican candidates. This is a crazy idea. It very much NEEDS to remain separate so that Democrats select who they want to run for them and the Republicans should pick who will run to represent them. This just can't be left up to any voted to make these selection. This was changed years ago and needs to stay the way it is now.

Lois Conway

Palmer

On Mar 31, 2017, at 4:45 PM, Robert Timmins <[highflytim@gmail.com](mailto:highflytim@gmail.com)> wrote:

This effort is UN Alaskan and UN American! Stop this nonsense already!

### **HB 175 — KILLING THE ELECTORAL COLLEGE — PASSES WITH DEMS IN CHARGE**

HB 200 goes hand in hand with another piece of liberal legislation, HB 175, which would [eliminate the Electoral College](#) process in Alaska and award all three Electoral College votes to the candidate who won the most votes in the United States as a whole.

That bill is sponsored by Democrats Rep. Zach Fansler, Les Gara, Justin Parish, Harriet Drummond, Scott Kawasaki, and Geran Tarr. It creates an interstate compact and if enough states joined the compact, the presidential election would essentially become a popular vote.

In the most recent presidential election, all three of Alaska's Electoral College votes would have been awarded to Hillary Clinton.

As HB 175 was voted on in the House State Affairs committee this week, Rep. LeDoux took a pass, and wouldn't vote the bill up or down. It passed with the majority Democrats voting for it and only Republicans DeLena Johnson, Gary Knopp and Chris Birch voting no. Democrat Adam Wool also took a pass.

Between HB 175 and HB 200, House Democrats (and the "Republicans" who joined them) are attempting to make over the election process in Alaska — a process that is not broken.

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March 31, 2017  
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Hon. Gabrielle Ledoux  
State Capitol, rm. 216  
Juneau, AK 99801

Dear Representative Ledoux,

Re: your HB 200

I have been working for ballot access reform since I was in college in U.C. Berkeley in the mid-1960's. Whereas Canada has equal and easy ballot access for all candidates for Canada's national legislative body (100 signatures and a \$1,000 filing fee), many states in the U.S. have ballot access laws that keep minor party and independent candidates off the ballot. Georgia is so bad, no minor party or independent candidate for U.S. House **has** ever complied with the 5% petition (of the number of registered voters) that **has** been in effect since 1943.

I favor proportional representation, and I note that whenever one sees a list of the 10 best countries in the world, based on some objective statistical criteria, invariably at least 9 of them are countries that use proportional representation.

The top-two system that exists now in California and Washington **has** many bad consequences, but the worst one, for me, is that it keeps minor party candidates from being allowed to run in the general election season. There **has** never been a top-two election for federal or state office in which any minor party was able to qualify for the general election ballot, except instances when only one major party candidate filed for that office. That was true during the years Louisiana **had** a top-two system as well. After Louisiana lost in the U.S. Supreme Court in 1997 in *Foster v Love*, Louisiana changed its system so that now there are no primaries, just general elections in November (for Congress) and a run-off in December if no one gets 50% in November. That way, no one is kept from campaigning in the general election, so I don't object to Louisiana's system.

I hope that you revise your HB 200 so that it does not implement the California-Washington system. Political science research generally agrees that the system used in California and Washington does not decrease polarization, does not elect more moderate office-holders, and depresses turnout.

California turnout declined more than any other state's, comparing November 2010 with November 2014. In November 2010 California voters **had** six parties on the ballot for all statewide offices, but in November 2014 there was only one Democrat and Republican

for each office, with no write-in space allowed. California is the only state in which the 2014 turnout rate was less than 70% of what it had been in 2010.

In November 2016, the top-two system in California meant that only two Democrats were on the November ballot for U.S. Senate. Among Californians who cast a ballot, 16% left U.S. Senate blank. This was the worst fall-off for a California U.S. Senate election in 75 years. According to political scientist Boris Shor, who studies polarization, California still has the nation's most polarized legislature. Washington state has the fifth-most polarized legislature, according to data released a few months ago.

I would love to document any of these matters, but I didn't want to stuff this envelope with too much paper. Let me know if I should send documentation.

Sincerely yours,

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March 31, 2017

Rep. Gabrielle LeDoux  
State Capitol, Room 216  
Juneau AK 99801

Dear Representative LeDoux,

Thank you for the opportunity to talk to you this afternoon about HB 200. I have enclosed various articles about the jungle primary.

The top-two system that exists now in California and Washington has many bad consequences, but the worst one is that it keeps minor party candidates from being allowed to run in the general election. There has never been a top-two election for federal or state office in which any minor party was able to qualify for the general election ballot, except instances when only one major party candidate filed for that office. That was true during the years Louisiana had a top-two system as well. After Louisiana lost in the U.S. Supreme Court in 1997 in *Foster v Love*, Louisiana changed its system so that now there are no primaries, just general elections in November (for Congress) and a run-off in December if no one gets 50% in November. That way, no one is kept from campaigning in the general election..

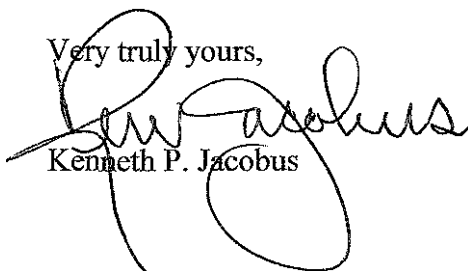
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In November 2016, the top-two system in California meant that only two Democrats were on the November ballot for U.S. Senate. Among Californians who cast a ballot, 16% left U.S. Senate blank. This was the worst fall-off for a California U.S. Senate election in 75 years. According to political scientist Boris Shor, who studies polarization, California still has the nation's most polarized legislature. Washington state has the fifth-most polarized legislature, according to data released a few months ago.

On June 21, 2014, the Los Angeles Times published an Op-Ed that favored scrapping the California jungle primary. This is one of the items that I have enclosed.

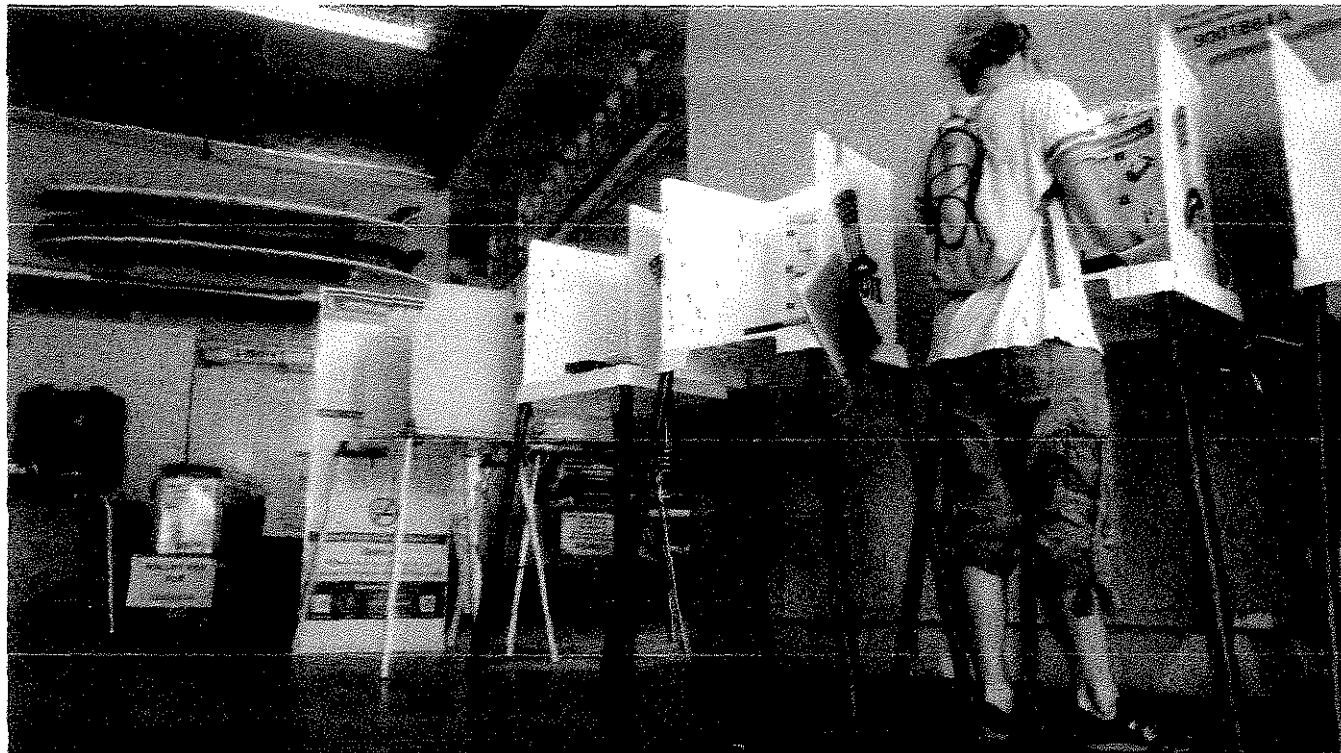
Please let me know if you have any questions.

Very truly yours,



Kenneth P. Jacobus

# Op-Ed California's jungle primary: Tried it. Dump it.



A voter is seen on June 3 filling out her ballot for the California primary election. (Los Angeles Times)

By Harold Meyerson

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So, California, how's that new primary system working out for you?

JUNE 21, 2014. 5:00 AM

**T**hough county registrars are still tallying the votes in several close contests, the memory of California's June primary has already begun to fade from the state's collective consciousness - assuming, that is, that it ever made an imprint there at all. Before it vanishes altogether, though, Californians should take away one lesson from June's balloting: The state's new method for conducting primary elections is an asinine idea that can lead to perverse and anti-majoritarian consequences.

Under the so-called jungle primary system, which came into being through a 2010 ballot measure that voters narrowly ratified, primary voters can cast their ballot for any candidate in the June election, and the top two finishers, regardless of party, advance to the November runoff. Both the 2012 and the 2014 primaries were conducted under these rules, so we can now look at the effects this new process has had on California politics.

The first and most obvious effect the jungle system has had is to convey a clear advantage to the party that runs fewer candidates for an office. In 2012, four Democrats and two Republicans ran in the June primary to represent the newly redrawn 31st District in Congress. Situated in the western part of the Inland Empire, the district had a clear plurality of Democrats - but because the Republican candidates divided their votes two ways while the Democrats split their votes among four candidates, the two candidates who made it into November's general election were the Republicans.

The eventual victor, Gary Miller, chose not to seek reelection this year, in part because his politics were so out of sync with the sentiments of district voters.

This month, the California primary contest for a statewide office almost ended equally bizarrely. Three Democrats and two Republicans ran for the office of state controller, and when the election-night vote counting was done, the Republicans finished one-two in the count. Subsequent counting of absentee and provisional ballots has elevated two of the three Democrats above the second Republican; the vote totals for second place remain very close and still aren't resolved.

!

## **The most obvious effect the jungle system has had is to convey a clear advantage to the party that runs fewer candidates for an omce.**

But if a few thousand votes had shifted, voters in one of the country's most liberal states could have faced a runoff this November between two Republicans, even though the three Democrats on the primary ballot amassed more votes than the two GOP contestants, and even though just 28% of California voters are Republicans while 43% are Democrats.

Precisely because California is so heavily Democratic, it's often the case that more Democrats than Republicans will run for open seats. For that very reason, though, the process tends to give the advantage to Republicans, though the party's relentlessly falling registration figures make clear that most Californians wish to steer clear of the party and its standard-bearers.



v\Then the jungle primary was placed before state voters in 2010, its advocates argued that it would increase voter participation by opening up previously closed primary elections to nonpartisan voters. Though volumes of election statistics show that nonpartisan voters tend to be less engaged in politics than party members, the jungle system's champions insisted that given the chance to vote in primary elections, the nonpartisans would flock to the polls and overall participation would rise.

It hasn't worked out that way. When the vote count in this June's primary is completed, turnout will probably be about 25%, which would make it the lowest ever. A multitude of factors have contributed to the ongoing decline in voter participation, but it's clear that the jungle primary has done nothing substantial, if, indeed, anything at all, to arrest it.

The jungle system was also supposed to reduce political polarization, according to the business interests and others who championed it. The idea was to diminish the influence of tea party Republicans within the GOP and of pro-labor liberals in Democratic ranks.

To date, few if any tea party Republicans have been dislodged. A number of self-professed moderate Democrats do hold seats in the Legislature, but that's been the case since roughly 2002, when the state's leading energy and banking interests realized the days of Republican rule were over and began to back candidates in Democratic primaries. Recently, some of these moderates abstained on a bill that would raise the state's minimum wage – a dubious achievement for legislators who disproportionately represent the state's poorest districts.

That's the book on the jungle primary. It's time for state voters to scrap it.

*Harold Meyerson is editor at large of the American Prospect and an op-ed columnist for the Washington Post.*

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This article is related to: Politics and Government, Elections, Republican Party, Laws and Legislation, Tea Party Movement, U.S. Congress

SFGATE

<http://www.sfgate.com/politics/article/How-top-two-primary-system-has-changed-California-5455227.php>

## How top-two primary system has changed California politics

Carla Marinucci Updated 8:14 am, Tuesday, May 6, 2014

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IMAGE 1 OF 4

Conservative icon Rep. Tom McClintock confronts a strong challenge from fellow Republican Art Moore, a West Point graduate who spent more than a decade in the military.

California's political campaigns are already combative and expensive, but the top-two primary system, in effect this year for the first time in statewide races, has upped the ante by forcing new strategies in fundraising, polling and even the timing of attack ads.

And it may be the political consultants, not the voters, who benefit most, some experts say.

The new system, in which the top two finishers in the June 3 primary races advance to the November general election regardless of party, "is exponentially more complicated than a traditional primary system," said Democratic pollster Ben Tulchin.

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Tulchin, whose clients have included the state Democratic Party and Lt. Gov. Gavin Newsom, said the system has created a host of complications, and a lot of business, for consultants advising once-safe candidates who now have to contend with expensive primary challenges from candidates on all sides of the spectrum.

Many candidates must calculate how to run back-to-back elections against the same challenger - weighing the merits of expending effort and money before the June primary versus keeping the powder dry for November.

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## It's all different

"Everything is so much more expensive," said Ruben Barrales, president and CEO of Grow Elect, which works to elect Republican Latinos. "We're doing polling earlier than ever, and every race is different (than it used to be) - even in the same district."

When top-two primaries were first put into effect in congressional races in 2012, there were several instances in which a Democrat wound up being pitted against a Democrat in the general election, with no Republican on the ballot, and vice versa. In one heavily Democratic district in Southern California, a host of Democratic candidates split their party's vote in the primary, leaving two GOP candidates to face each other in the runoff.

This is the first year in which top two is in play in races for state constitutional offices, including governor.

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Julie Griffiths, a Republican strategist, said the new system is "causing business interests to weigh in more often and more generously" on behalf of Democrats who are "business friendly" in races where Republicans are unlikely to make a credible challenge.

Under top two, she said, "the money movement has changed - and it has increased dramatically."

Hair pulling aside, the new system has at least partly fulfilled advocates' hopes by creating more competitive primaries, said Steve Spinner, a Democratic fundraiser.

## 'Poster child' race

Spinner is campaign chairman for Ro Khanna, a Democrat who is mounting a strong challenge in the South Bay to seven-term Rep. Mike Honda, D-San Jose. He calls the race a "poster child" for why the new system works.

Under the old system in the heavily Democratic district, a second-place finish in the primary for Khanna would have been the end of the line. Under top two, however, Khanna can finish second and live to fight in November, competing with Honda for Republicans' votes.

"Every time someone retires or an incumbent is perceived as having a weak record, you'll see more pragmatic and visionary candidates enter, and less pandering to the far left and far right," Spinner said. "Now we can have races in our own backyards, in California, that are run like battleground states in a presidential election - with voters fully engaged in the process, supporters canvassing and candidates debating on the issues."

Voters put the top-two system in place when they approved Proposition 13 in 2010. Its author, former state Sen. and Lt. Gov. Abel Maldonado, argued that the old primary system produced candidates acceptable mainly to party activists who demanded ideological purity.

But experts who convened recently for a symposium on the new system at the UC Berkeley Institute of Governmental Studies were mixed on its effects.

Douglas Ahler, a scholar at the institute, said his studies show "little evidence that the top-two format benefits moderate candidates." Partisan voters, he said, are still most likely to vote in primaries.

## Left, right still dominate

Tulchin agreed that even under the new system, California's 2014 primary "still favors the more progressive candidates on the Democratic side, and the more conservative candidates on the Republican side."

Polls in the gubernatorial campaign seem to bear that out: Gov. Jerry Brown is well out in front, and the No. 2 candidate is Assemblyman Tim Dornan (R-Santa Clara County) - a Tea Party favorite who is trouncing a more moderate Republican, Neel Kashkari.

But Democratic strategist Katie Merrill said the new system has reshaped some races, including the hotly contested Southern California contest to replace retiring Rep. Henry Waxman, D-Los Angeles.

Democrats in the 21-candidate field, rather than simply worrying about one another, now have to contend with a high-profile independent: author and New Age spiritual guru Marianne Williamson, whose name recognition and loyal following in a district that includes Malibu and Beverly Hills could catapult her into the general election.

## Unique political landscape

David Brady, a political science professor and deputy director of the Hoover Institution at Stanford University, said the full effects of California's new system aren't yet fully felt in what is already a unique national political landscape.

"The United States is the only country that has democracy within the parties - before you can run against the other party," Brady said. "That is unique, but it has consequences. It weakens parties."

Which is why party loyalists who fought the top-two system from the start, and third-party candidates - who are more likely to be shut out of the general election entirely under the system - are still railing against it.

"Can you imagine a Kentucky Derby with two horses?" asked Bob Mulholland, a Democratic Party campaign adviser. "This is the way the communists run it."

## Shifts in campaign strategy

Three California races where the top-two primary system is making a difference:

### Silicon Valley

Rep. Mike Honda, D-San Jose, a favorite of labor, is battling Democratic challenger Ro Khanna, a former Obama administration trade representative - with the backing of many tech-industry executives. Also vying for a top-two slot are two Republicans: Silicon Valley executive recruiter Joel Vanlandingham and Stanford physician Vanita Singh.

Bottom line: The 17th Congressional District, where Democrats outnumber Republicans 2 to 1, is also home to the largest bloc of "no party preference" voters in California: nearly 32 percent. That makes Honda's re-election, almost a given under the old primary system, a far greater challenge if he ends up in the November runoff with Khanna.

### Sierra foothills

Conservative icon Rep. Tom McClintock confronts a strong challenge from fellow Republican Art Moore, a West Point graduate who spent more than a decade in the military.

Bottom line: McClintock, who would have been invincible under the old primary system in the overwhelmingly Republican Fourth Congressional District, could have problems in a November runoff with Democrats and independents able to challenge him and Moore.

### Southern California

The retirement of Democratic Rep. Henry Waxman in the wealthy region that includes Beverly Hills and Malibu prompted 21 candidates to run to replace him - 11 Democrats, four Republicans, one Green Party member, one Libertarian and four "no party preference" candidates.

Carla Marinucci is senior political writer for The San Francisco Chronicle. E-mail: [cmarinucci@sfchronicle.com](mailto:cmarinucci@sfchronicle.com) Twitter: [@cmarinucci](https://twitter.com/cmarinucci)

<http://www.sfgate.com/politics/article/How-top-two-primary-system-has-changed-Califor...> 3/31/2017

# 'Jungle primary' pits GOP lawmakers against each other

Deborah Barfield Berry, USA TODAY 5:58-p.m. CT Oct 7, 2016



(Photo: Deborah Barfield Berry, USA TODAY)

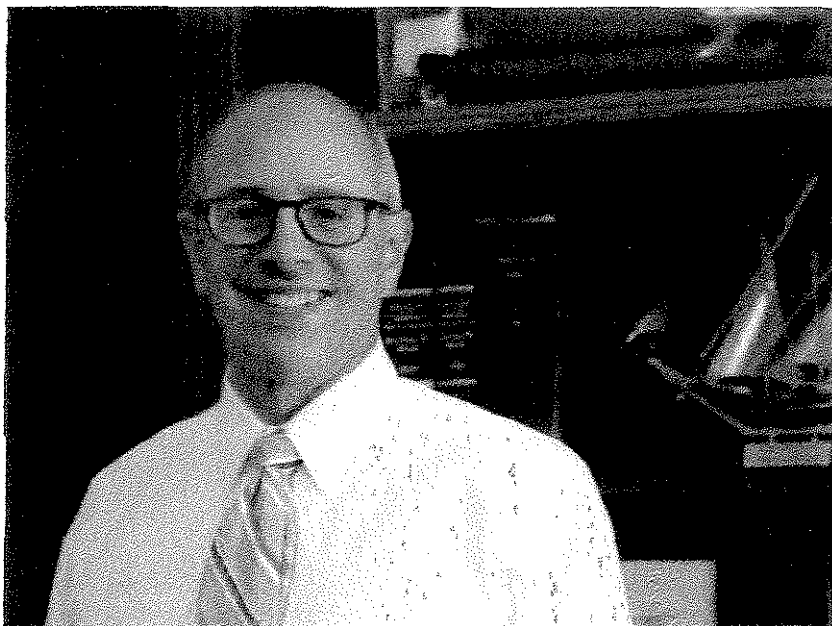
WASHINGTON — An unusual drama is playing out in Louisiana this election year, as two Republican House members jockey for the state's open Senate seat.

Reps. Charles Boustany and John Fleming are running for the seat held by Republican Sen. David Vitter, who decided not to run for re-election after losing his bid for governor last year to Democrat John Bel Edwards.

"You see it occasionally, but not that often," said Jeffrey Sadow, a political scientist at Louisiana State University at Shreveport. "Certainly, you're probably a little more likely to see it here because of our blanket-primary system than in a closed- or open-primary system."

Louisiana's "jungle primary" throws all candidates, regardless of party, into the Nov. 8 election. If no candidate wins more than 50 percent, the top two vote-getters face off in a December runoff.

That invites a scenario like the one unfolding this year with Boustany and Fleming, "by changing the calculation of who can get elected," said Pearson Cross, a political scientist at the University of Louisiana at Lafayette.



Republican Rep. Charles Boustany (Photo: Deborah Barfield Berry, USA TODAY)

Louisiana rarely hosts open-seat elections, which may explain why this one has attracted 24 candidates, including several other high-profile Republicans.

When an open seat does become available, "you have to be able to move on it, regardless of who else is in there," Sadow said. "It's your chance, so I think that probably encourages them a little bit more."

In 2004, Vitter, then a Republican House member, and Democratic Rep. Chris John ran for the seat held by Democratic Sen. John Breaux, who was retiring. Vitter won the jungle primary with 51 percent of the vote, avoiding a runoff.

Congressional redistricting is more typically a reason House members from the same party find themselves competing for the same seat. That's happened in 2012, when Boustany defeated then-Republican Rep. Jeff Landry in the redrawn 3rd District.

Louisiana's unusual primary system can also lead to more acrimony among candidates, "because there's not this winnowing out process," Sadow said.

Sabato's Crystal Ball, an election forecasting site run by Larry Sabato, a political scientist at the University of Virginia Center for Politics, rates the seat "likely Republican."

[Poll: Republicans Kennedy, Boustany lead US Senate pack](#)



(<http://www.shreveporttimes.com/story/news/2016/07/21/poll-republicans-kennedy-boustany-lead-us-senate-pack/90778058/>)

La. Senate hopefuls networked at GOP convention

(<http://www.theadvertiser.com/story/news/2016/07/22/la-senate-hopefuls-networked-gop-convention/87456208D>)

Kyle Kondk, managing editor of Sabato's Crystal Ball election forecasting site, said Boustany and Fleming are counting on at least finishing second on Nov. 8.

"The potential chaos of getting a Senate seat sort of outweighs the risk of giving up your own House seat to run," he said.

Their rivalry on the campaign trail hasn't stopped Boustany and Fleming from working together on issues that are key to their districts and the state as a whole. The two teamed with the rest of the Louisiana delegation, for example, in lobbying Congress to include flood aid in a recent spending bill.

But they also differ on some issues, said Matt Beynon, communications director for the Fleming campaign.

Fleming, who opposes the Trans-Pacific Partnership trade deal, recently slammed Boustany for initially supporting the deal, which would open Pacific Rim markets. Boustany, who was co-chairman of the Friends of the Trans-Pacific Partnership Caucus, told *The Advocate* he had issues with President Obama's final version of the trade pact.

"This is an issues-based campaign, this is not a personal based campaign," Beynon said. "Good people can disagree on issues. That keeps you from having hard feelings once the campaign is over."

States with closed primaries, in which Democrats and Republicans hold separate nomination contests, sometimes see House members from the same party competing. That's what happened in Georgia in 2014, when GOP Reps. Jack Kingston, Paul Broun and Phil Gingrey ran for the Senate seat being vacated by Republican Saxby Chambliss. David Perdue, another Republican, eventually won the seat.

Race for Vitter's seat will be fiercely competitive

(<http://www.theadvertiser.com/story/news/2015/11/26/race-vitters-seat-fiercly-competitive/76374512/>)

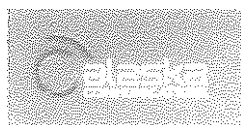
In this year's Democratic primary in Maryland, Rep. Chris Van Holford defeated Rep. Donna Edwards.

Sadow said states that hold separate Democratic and Republican primaries, losing primary candidates usually rally around the winner.

There's usually a consensus that forms around one particular candidate," he said. "You don't have that dynamic working here. Since there's no party primary, it's a free-for-all."

Contact Deborah Barfield Berry at [dberry@qannett.com](mailto:dberry@qannett.com) or [mailto:dberry@qannett.com](mailto:mailto:dberry@qannett.com). Twitter: @dberrygannett

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October 17, 2016

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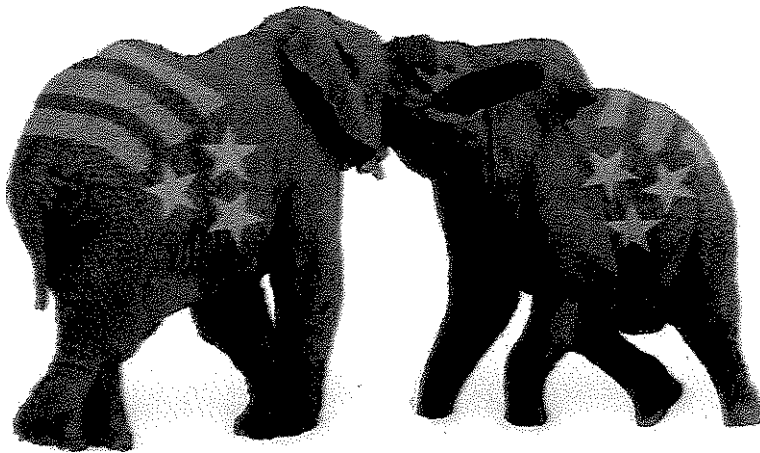
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## Law of the jungle: Louisiana prepares for a "jungle primary"

The U.S. Senate race draws a record crowd of 24 candidates. Anything can happen in the Nov. 8 primary

By Jeremy Afford @LaPoliticsNow and Clancy DuBos @dancygambit

[click to enlarge](#)



The election to succeed U.S. Sen. David Vitter, R-Metairie, has attracted a record-setting 24 candidates for the Nov. 8 primary- nine Republicans, seven Democrats, six no-party or Independent candidates and two Libertarians. The five or six best-financed candidates are bunched together atop the latest independent polls and have garnered the lion's share of voters' attention.

The exceptionally large field has forced major candidates to focus on shoring up their geopolitical bases rather than chasing crossover votes. It also has fostered intraparty attacks – particularly among the Republicans -as candidates fight for votes among the same segments of Louisiana's conservative electorate.

The leading GOP candidates include U.S. Rep. Charles Boustany of Lafayette. U.S. Rep. John Fleming of Minden, state Treasurer John Kennedy and retired Air Force Col. Rob Maness, both of Madisonville. Also garnering lots of national attention- but not nearly as much local support -is former Ku Klux Klan leader and neo-Nazi David Duke.

Two Democrats lead their party's field – Public Service Commissioner Foster Campbell of Bossier City and attorney Caroline Fayard of New Orleans.

Also trying to make his presence felt as an independent is former state Sen. Troy Hebert of Jeanerette. He has filed two lawsuits so far over how his candidacy has been treated. One was filed -and later withdrawn -against a pollster who

Please include the following in the public testimony, online.

Dear Rep. LeDoux,

I oppose HB 200. You have introduced this bill because you don't want to be "primaried". You decided to join with the democrats and vote like one, and therefore the Republican party decided to oppose you at the next election. This is a BAD bill because you have introduced it and you don't want to be primaried. You have shown your true colors and we the people have seen, as has the Republican Party. Vote NO! Thank you!

William Deaton

From: ljbonner@acsalaska.net [mailto:ljbonner@acsalaska.net]

Sent: Friday, April 14, 2017 2:16 PM

To: LIO Anchorage <Lio.Anchorage@akleg.gov>; Rep. Matt Claman <Rep.Matt.Claman@akleg.gov>

Cc: Laura Bonner <ljbonner@acsalaska.net>

Subject: Oppose HB 200 Written testimony

House Judiciary Committee

I oppose HB 200 because it calls for the two candidates who receive the highest number and the second highest number of votes in the Primary Election to be the only candidates for that particular office to run in the General Election. That could limit the voter's choice to candidates with the same ideology in the General Election. I dislike making a choice of which ballot I want at the Primary Election because I may want to vote for a candidate from one party for one office and a candidate from the opposing party for different office. However, this bill would be worse than the present Primary process. Partisanship in the candidates would be less transparent than it is today.

Please oppose HB 200.

Respectfully,  
Laura Bonner  
Anchorage, AK

From: Grant W Hunter <hunterpp@gci.net>

Date: April 24, 2017 at 22:00:32 AKDT

To: <Representative.Gabrielle.LeDoux@akleg.gov>

Subject: HB 200

Oppose Alaska HB 200 for a Jungle Primary

Respectfully request that you oppose the plan for a jungle primary set out by Representative Ledoux in Alaska HB 200.

Turnout in primary elections tends to be smaller than in general elections; moreover, depending on the demographics of given electoral area, one party may have more voters and fewer candidates in the primary. Consequently, the voters would have only one school of public policy from which to choose in the general election.

Grant W. Hunter JD MLS MBA

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