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— EDUCATION FUND —

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Defending Open Primaries: 2023 After-Action Report

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THE TENNESSEAN

Why Tennessee should not
require
registrat

The Keene Sentinel

Bid to alter NH's open primary
system fails in committee

THE TEXAN*

Texas GOP Rebukes Legislature, Opens
Pathway to Closed Primary

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Arkansas Democrat Gazette

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Should Ohio have closed primaries? Some key
Republicans are pushing for that change

Arkansas State Republicans
Decline to Consider Shift
to Closed Primaries

Introduction

Between December 2022 and June 2023, there were efforts in ten states to enact legislation for partisan voter registration and closed partisan primaries.

Open Primaries and our local allies defeated all ten bills and protected the rights of 22 million voters. In the process, we engaged with a wide variety of political actors and forces and expanded the primary reform conversation in meaningful ways.

10 bills
defeated

22 million voters
protected

Background

There has been a growing effort over the last seven years by Republican factions in some legislatures-primarily though not exclusively in the South- to move legislation aimed at closing their state’s primaries.

Almost every one of these states utilize nonpartisan voter registration in concert with semi-open primaries. This system allows all voters-not just independents-to choose a party ballot. It is particularly vulnerable, therefore, to false partisan claims of “cross over” voting that offer cover for the real goal, which is conserving power. Their math is simple: closed primaries give these extremists in the legislature-not more traditional Republicans, and certainly not the voters- more control over the election process.

Since 2015, Open Primaries has been the only organization in the country organizing, supporting and leading state-based campaigns to defeat this legislation. To date, no bill to close the primaries has been successfully passed on our watch.

During the 2022 legislative calendar alone, there were “close the primaries” legislative efforts in Utah, Missouri, Virginia, New Hampshire, West Virginia, and Louisiana. There was also significant



internal party discussions and debate in South Carolina, Tennessee, Montana, Georgia, Wyoming and Arkansas. We were able to ensure none proceeded to fruition. However, it became clear that efforts to close the primaries were accelerating as “close the primary” campaigns increasingly found themselves at the heart of a proxy battle between traditional Republicans and MAGA Republicans for the control of state parties. Republican state parties in Alabama, Missouri, Tennessee, and Texas adopted rules supporting closing their state’s primaries.

▶ **READ:**

The Threat to Democracy That No One’s Talking About

Open Primaries scaled our defense campaign for 2023 in response, hiring a dedicated organizer-Doug Balder-to lead the campaign, allocating significant staff time and resources, and launching outreach efforts in target states well in advance of the start of legislative sessions. Nationally, we began raising awareness of the likelihood of multiple states advancing legislation to close the primaries. See, for example: [The Threat to Democracy That No One’s Talking About](#).

Campaign Overview

Our campaign began in the Fall of 2022, with a concerted effort to monitor states for activity and legislation related to closing the primaries and begin to connect with state-based organizations that we could ally ourselves with.

The beginning of the 2023 legislative session saw ten states launch significant efforts to close their primary elections. Each one was successfully defeated. That required two separate tracks of outreach and organizing.

- 1) We joined and/or built left/right coalitions of voters and organizations in each state and supported their direct engagement. These efforts stood for the simple principle that our democracy only works when every vote is counted equally.
- 2) We worked behind the scenes with Republican party leaders in many states to support their internal efforts in opposition.

We reached out to dozens of political, business, civic, civil rights, academic and journalistic organizations/leaders within our target states. Most of them had never engaged on the question of the rules of primary elections.

Some required education and outreach over time to support, let alone prioritize this work. We conducted over a dozen educational forums within our target states, as well as regional forums like the Southeast Regional Council of the League of Women Voters.

Our local coalitional partners in each state were the public face of our efforts. We organized and helped draft local testimony for every bill hearing. We supported them with messaging, educational background and tactical assistance. We also made their efforts as public as possible through media exposure and digital forums/organizing.

We identified and contacted local legislative leaders in several states and worked directly with them on an inside game; using private conversations with fellow members and control over the legislative process to help delay and stop legislation. We supported them directly with background sources and talking points.

Why Open Primaries Defense Work is Critical

Protecting the rights of millions of voters to vote in the first round of elections is critical. That's particularly so, because many of our targeted states have been heavily gerrymandered and are essentially one-party states.

Half of general election races regularly see candidates running unopposed, with less than ten percent of races deemed competitive. Primary elections in these states are often the only meaningful elections voters will have an opportunity to participate in and choose their elected representatives.

But that's only part of why these campaigns are so important. Four related goals for building the primary reform movement are advanced by our defense campaigns:

- 1) The scale of the movement to close the primaries-if not forcefully rebutted-could very well overshadow efforts to build the reform movement, seize the national narrative on primary reform, and challenge the ability to pass new reform as a result. Our credibility as reformers demands a response.
- 2) The organizing opportunities to develop messaging and identify/build support for primary reform within the Republican Party in particular-with members and leadership alike- through collaborative work on defense are critical for movement growth. These leaders need more support. Traditional Republican leadership in multiple states that we worked in were strong supporters on the inside of the debate. However, they uniformly asked not to be publicly named or involved in any way in fear of the political consequences. Our campaigns gave them cover to operate, but their strategic positions are extremely vulnerable.
- 3) The opportunity to continue work with traditional civil rights organizations-from the ACLU and the NAACP to the Southern Poverty Law Center-in a region so closely associated with the historic fight for voting rights in America, allow us to build connections between primary reform and the larger world of voting rights that are critical for movement growth as well. Many voting rights groups in the South are flat out exhausted from fighting an uphill battle and grateful for support.

Our work with the LWV in multiple states, for example, forced uncomfortable and growthful conversations with the national office, which has not taken a position on open primaries. We hope to continue to use this work to put pressure on the national offices of similar groups.

Defense:

- **Builds trust and credibility.**
- **Creates organizing opportunities, especially among Republicans.**
- **Develops connections with the larger world of voting rights.**
- **Forms the foundation for future state campaigns.**

4) The relationships-individual and organizational- developed during our defense campaign can be repurposed from defense to offense and form the foundation of state and regional campaigns to expand the use of nonpartisan primaries. Defense is how we build understanding and support for future reform across a region comprising almost a third of the country.

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State by State Highlights



In the summer of 2022, the Alabama Republican Party [passed a resolution to close the primaries](#). We monitored legislation while publicly organizing against closed primaries across the state with partners such as the League of Women Voters, the Southern Poverty Law Center and the ACLU. We ran educational forums in concert with these partners. We also worked closely with legislative leaders to begin a dialogue on keeping primaries open. (Legislation that had been drafted to close the primaries was reconsidered and never filed.)



▶ READ:

Alabama Republican Party passes resolution in favor of closed primaries



An early victory by our partners at [Common Ground AR](#), who [successfully defeated](#) an attempt by the Arkansas Republican Party to adopt rules to close the primaries in December 2022 helped launch our campaign with strong momentum. We also worked closely with legislative leaders to begin a dialogue on keeping primaries open. That effort stalled any chances for legislation that had been introduced to progress and it died in committee.



Some Republican [activists began a call](#) for closing Georgia's primaries after the 2022 primary election season, complaining-erroneously- that Democrats had crossed over to vote in the GOP primary against candidates endorsed by former President Trump. Working with the NAACP, the LWV and state Republican and Democratic party leaders, our coalition stopped the debate from continuing and prevented a resolution to close the primaries from proceeding in the state party convention.



[▶ READ:](#)

Some in Ga. GOP want closed primaries after Trump picks lose



Working with local activists, we stopped [a debate that had begun](#) to close the primaries in 2022 and ensured legislation that had been introduced did not progress out of committee.



[▶ READ:](#)

Mississippi's 'open' primary statute debated once again



In 2018, the Missouri Republican Party adopted closing the primaries as a priority for its state platform and began introducing multiple bills to such effect each legislative session. Missouri has been ground zero for our efforts to ensure that every voter who has the right to vote in the primaries-keeps it. This year, we expanded our efforts and joined the [Missouri Voter Protection Coalition](#), a group of over 60 non-partisan organizations that collaborate to advance free, fair, and accessible elections in Missouri and build a pro-democracy movement rooted in civil rights movement building.

We worked with the MVPC to engage the legislature at every level to defeat four separate bills to close the primaries. That hard work paid off. The bills were stopped dead in their tracks. Even a last-minute attempt at the end of the session to attach closed primaries to a bill to end the presidential caucus and move to a preferential primary failed.



After already defeating [efforts to close the primaries in Montana](#), legislative leaders tried to pull a fast one. A bill that had been introduced for top two open primaries was amended to apply to only a single race—the upcoming election for Senator John Tester’s seat—[in a naked ploy to try and unseat him](#). It was then fast-tracked through the Senate. Some might expect us to be supportive of a bill that is proposing an open primary. But we believe it is a prerequisite of reform that the people themselves both want it and have a hand in creating it. It is the only way of ensuring that reform isn’t cynically manipulated. That’s why we worked to organize opposition to the bill, [including supporters](#) of genuine reform such as former Republican Governor Marc Racicot. OP Senior VP Jeremy Gruber [testified before the Montana House](#) in opposition to the bill:

“**The problem with SB566 is not that it proposes bad policy. The problem is that by applying it to a single race and outside of an open conversation with citizens, it weaponizes good policy to serve narrow partisan interests. And that is bad for the citizens of Montana, poisons genuine debate about reform, and contributes to voter cynicism about our greatest inheritance, our democratic republic.”**

This legislation could have ended any serious debate about primary reform in Montana for years, but we helped stop the bill dead in its tracks and [spark discussions](#) about legitimate future reform.



Our first official victory in 2023 was in New Hampshire, where [HB 101](#), legislation to close New Hampshire’s open primary was defeated in committee! ([News coverage here](#)) Our partners at NH Independent Voters led the charge and organized a broad array of individuals and organizations from across the political spectrum to speak out in opposition to this bill. We’re proud to support their critical work.



🔗 **READ:**

Bid to alter NH’s open primary system fails in committee



In Ohio, there have been [renewed calls from Republican leaders](#) to close the primaries and we organized and worked with Common Cause, the LWV and the ACLU to oppose their efforts. [A bill](#) to close the primaries was introduced late in the session, but our ad hoc coalition has been successful in keeping the bill stuck in committee and do not expect it to proceed (Ohio has a year long legislative session). We're monitoring the situation.



Our [biggest fight this year was in Tennessee](#). Expecting such, we [started a public debate](#) in the Fall of 2022. We ran several public education forums across the state prior to and at the beginning of the session. Then, with the help of The League of Women Voters Tennessee, Civic Tennessee, Stand Up Nashville, We Decide TN, Sierra Club, NAACP, The Forward Party Tennessee and local activists and supporters we were able to shut down multiple bills to close Tennessee's primaries, working to organize testimony at six separate hearings and raise awareness in the media.

At the same time, we were having back channel conversations- with both elected GOP leaders and GOP lobbyists-to stall and rebuff efforts to move this legislation forward.



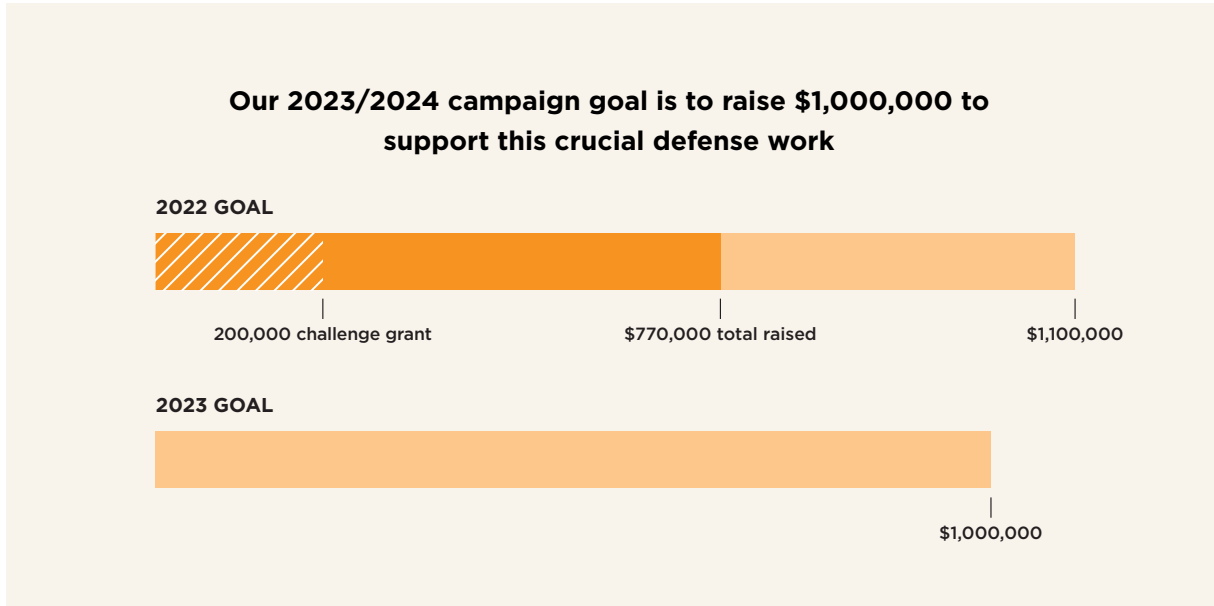
[▶ READ:](#)

Tennessee has open primaries, but Republicans are trying to close them



Efforts at [closed primary legislation](#) began even before the start of the 2023 session, as the Republican Party established new internal rules. Once the session began, it saw a flurry of anti-voting bills move through the legislature. We joined the Texas Election Reform coalition-a organization of over a dozen nonprofit advocacy groups including Common Cause, the Texas Civil Rights Project and the NAACP- to raise awareness and push back. We were able to stall legislation in committee.

Financial Overview



We set a campaign stretch goal of \$1,100,000 and succeeded at raising \$770,000, anchored by a \$200,000 challenge grant from a south Florida business leader.

Our 2023/2024 campaign goal is to raise \$1,000,000 to support this crucial defense work. The additional funds are needed to expand media and promotional work connected to these efforts. Contributions to the Open Primaries Education Fund are tax deductible.

Key Media Coverage

- » [Alabama Republican Party passes resolution in favor of closed primaries.](#)
- » [Arkansas State Republicans Decline to Consider Shift to Closed Primaries.](#)
- » [Mississippi's Open Primary Statute Debated Once Again.](#)
- » [Some in Ga. GOP Want Closed Primaries.](#)
- » [We Still Think Electoral Reform Would Benefit Montana Politics, but SB 566 Ain't It.](#)
- » [Facing Tough Senate Race, Montana G.O.P. Looks to Change the Rules.](#)
- » [Closed Primaries Could be Coming to Missouri a Lot Quicker Than You Think.](#)
- » [Bid to alter NH's open primary system fails in committee.](#)
- » [Should Ohio have closed primaries? Some key Republicans are pushing for that change.](#)
- » [Tennessee has open primaries, but Republicans are trying to close them.](#)
- » [Why Tennessee should not require partisan voter registration.](#)
- » [Texas GOP Rebukes Legislature, Opens Pathway to Closed Primary.](#)

Conclusion

In 2023, we defeated ten closed primary bills and protected the voting rights of twenty-two million voters.

We built lasting relationships with individuals, organizations, and political leaders in each of our target states that will allow us to grow this work at a high level in future years and expanded our media footprint. Opponents continue to grow more forceful, while our allies-particularly traditional Republican legislative leaders-continue to see their power diminish. Significant additional resources and partnerships will be required to maintain this momentum moving forward.

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