

OHIO'S MARCH 15, 2016 DOWN-BALLOT PRIMARY ELECTION CONTESTS

-- Interim report of the LWVO Primary Election Systems Study Committee

ABSTRACT:

In order to better understand the way Ohio's current primary election system works in a high-visibility presidential year, this League of Women Voters of Ohio study targeted and observed a balanced, spot sample of down-ballot races from U.S. Senate to county clerk of courts. By design, it omitted the presidential nominating process as well as the judicial primary process, which are outside of the scope of this study. It also does not contrast outcomes with those of other states which conduct their primary elections differently. The March 15 date reflects the state legislature's desire to increase voter interest and influence over the presidential nominating process rather than any official dissatisfaction with the otherwise official first Tuesday in May following the first Monday. All down-ballot primary contests are likewise front-loaded to the March date, almost eight months before the General Election. It must also be remembered that, in Ohio's semi-open primary elections, a voter's "registered" party affiliation can theoretically be changed from one year to the next, according to which party's ballot he or she requests in the primary.

Results from this survey demonstrate that well over 70 percent of Ohio's registered voters, at the start of early voting in February, had not voted in a primary in recent years. Democrats and Republicans account for less than 30 percent of the state's electorate. However, the over 42 percent turnout on March 15 will change that percentage significantly, showing that this year's presidential race attracted more primary voters than usual, and that cross-over and unaffiliated voting in Ohio is neither rare nor difficult. The survey does not explain the reason why approximately 58 percent of Ohio's voters still sat out the primary election, however. Although the survey compared turnout rates across a number of demographic and other variables, it could not in itself single out structural features which, if changed, might improve turnout rates. Finally, the survey indicated that Ohio's primary election system, for whatever reason, unfortunately prepares the way for mostly predictable outcomes in the coming November General Elections.

PURPOSE OF THE SURVEY:

As the final piece of our Primary Election Systems study, members of the study committee agreed to train a critical eye on a cross-section of down-ballot primary contests. We chose to "watch" both the Democratic and the Republican ballots for 12 races: one for U.S. Senate, two for Ohio Congressional districts (#8 and #9), two for state Senate districts (#8 and #32), three for state House districts (#1, #25 and #76), two for county commissioner seats (Lorain and Washington), and two for county "row offices" (Cuyahoga's prosecuting attorney and Summit's clerk of courts). See Appendix for the survey and the tabulation of results.

We examined registration and turnout figures, and gathered information to see whether any of several variables might influence voter participation, 2) whether Ohio voters actually take advantage of their ability under Ohio law to vote the ballot of a political party in which they are

not currently registered, and 3) whether the primaries prepared the ground for meaningful general elections in the fall. We wanted to understand better the reasons for low participation in primary elections, given the well-known fact that these preliminaries more often than not pre-determine November winners.

We watched neither the presidential races, as they have complex delegate rules determined largely by the political parties themselves, nor the judicial races, as the League of Women Voters of Ohio already has relevant positions. (See Appendix)

METHODOLOGY:

Each of the twelve members of the study committee “adopted” one of the above mentioned down-ballot primary races to follow. We noted numbers of registered voters, numbers of unaffiliated voters, numbers of votes cast for our chosen down-ballot contest, and numbers of ballots cast for U.S. President. We tracked candidates, noted issues, speculated on reasons, and predicted victors. We also profiled our chosen jurisdictions demographically and checked them for competitiveness, party endorsements, incumbency, and campaign visibility. Finally, we ventured to predict November outcomes.

VALUE AND SHORTCOMINGS OF THIS STUDY:

This spot survey helps us to understand better the way that Ohio’s primary election system works, aside from the municipal primaries which we surveyed previously. We are able to compute and thereby generalize roughly about turnout percentages up and down the ballot, contrasting those percentages according to a number of possibly significant variables. We can also suggest some factors which may discourage participation as well as others which may improve it in future primaries and general elections.

The drawbacks of the survey are several. The sample, although geographically and demographically cross-sectional, is small. Also, such an approach does not allow for comparisons with primary election systems in other states or between different models. We see only what happens in races conducted under current Ohio law. The uneven reporting of the pertinent statistics from county to county as well as by the fact that not even the Secretary of State keeps records of crossover voting were also handicaps.

Nevertheless, our observations have revealed several interesting facts and may help define some problems as well as to suggest a few remedies.

VOTER PARTICIPATION IN OHIO’S PRIMARIES:

Non-voting: Perhaps the most dismaying finding is the extent to which Ohio’s registered voters do not participate in primary elections. Before early voting began on February 16, 2016, an average of 78.5 percent of registered voters in our sample were listed as unaffiliated – ranging from 70.4 percent to 84.6 percent. This indicates the proportion of registered voters who did not take a partisan primary ballot in at least the last four years, but probably longer. This does not mean that all unaffiliated voters do not consider themselves to be Democrats or Republicans

philosophically. It simply shows that they did not bother to vote in recent primaries. Reasons for this certainly vary, ranging from inconvenience to apathy to a belief that their vote doesn't matter. This problem is not peculiar to Ohio.

Presidential voting: Judging from the above number, one would expect the number of voters casting March 15 primary ballot for U. S. President to average almost 25 percent of those registered. However, this survey showed that the percentage of registered voters who cast a ballot for President was actually 42.3 percent -- considerably higher than those who were "registered" partisans before this primary election. The range was from 40.4 percent to almost 50 percent.

Down-ballot voting: However, the down-ballot races studied reflect much less voter interest. The high point was the contested race in both major parties for U.S. Senate, despite Strickland's and Portman's decisive victories. The unofficial turnout in this race was almost 43 percent, roughly the same as the turnout for the presidential race (keeping in mind that this was not a scientific study and that we looked at a small sample of races). Our two U.S. Congressional races brought out 34.9 percent and 31.2 percent, after which the lower-profile district and county races averaged only 24.8 percent. Two outliers were the 30.8 percent who voted for Washington County Commissioner and the 18.3 percent who voted for Cuyahoga County Prosecutor, a race where Republicans had no candidate at all.

"Crossover" voting. To simplify, we use this term to refer not only to voters switching parties but also to "independents" choosing partisan ballots. While it is impossible to guess the amount of crossover voting by Democrats, Republicans and minor-party members, the observed difference between 78.4 percent unaffiliated voters before March 15 and 57.7 percent unaffiliated voters after March 15 most likely results from independents having chosen partisan ballots. A comparison of pre-election percentages of unaffiliated voters with percentages of non-voters on March 15 suggests the same explanation. Darrel Rowland and Alan Johnson, reporters for the Columbus Dispatch, reported on March 17 that exit polls showed approximately one in 11 voters crossed over to vote for Ohio Governor John Kasich in this presidential primary (See Appendix). We can only guess at this because statistics on crossover voting are not collected and because our sample is small, but it seems fair to venture that Ohio's voters did, in significant numbers, avail themselves of the opportunity under Ohio law to cross over in a partisan primary. This refutes the occasional complaint that participation in Ohio's partisan primaries is essentially limited to registered party members. County boards of elections are currently instructed by the Secretary of State not to interfere with a voter's decision to request whichever party's primary ballot he or she chooses.

DEMOGRAPHIC VARIABLES:

The voting districts and counties surveyed differed widely along a continuum of lower to higher income, rural to urban density, diverse to homogeneous racial composition and Democratic to Republican preponderance. We identified only one Congressional district that was clearly influenced by gerrymandering. Two of the countywide races surveyed threw off the turnout calculations a bit, because only one political party fielded candidates, thereby reducing the turnout percentage drastically. Comparative results for these variables and turnout percentages

were, for the most part, disappointing. What is more disturbing, however, is the uniformly low turnout percentage overall. In the races we chose to watch we observed the following:

- 1) Lower or higher income? Lower income districts or counties averaged 26.2 percent, while their more affluent neighbors averaged 25 percent.
- 2) Urban or rural density? Rural districts or counties (26.5 percent) out-voted their suburban (24.6 percent) and urban (25 percent) counterparts.
- 3) Diverse or homogeneous citizenry? Predominantly white districts or counties may have outvoted their mixed or more diverse counterparts by a more significant margin, 29 percent to 24.9 percent to 18.9 percent respectively. However, the total lack of a Republican contestant in that lowest-scoring race resulted in a Republican turnout of zero. That likely invalidates any conclusions one might draw.
- 4) Democratic or Republican majority? Finally, in this small sample, five heavily Republican districts or counties slightly outvoted five Democratic counterparts, 29.1 percent to 24.8 percent, perhaps a local reflection of trends reported elsewhere in this particular series of presidential primaries countrywide.

It must be remembered that these figures represent the turnout for down-ballot contests only. Turnout percentages of presidential votes cast would have likely hovered just above the 40 percent mark.

OTHER FACTORS:

The committee also wondered whether other factors might make a difference in voter turnout for our selected down-ballot races. In general, it was difficult or impossible to isolate the factors, to determine which one (to the exclusion of others) influenced the turnout most.

- 1) Contested or Uncontested? These results are actually counter-intuitive. In none of the observed races were both Democratic and Republican races contested. Where only one party's race was contested, 24.6 percent of registered voters voted, but where neither party's race was contested, 31.5 percent voted. Clearly, as that is illogical, there must have been other factors present. And in two races, one party fielded no candidate at all for its voters to check off.
- 2) Party endorsements? In most races, the political parties endorsed their favored or unopposed candidates. Those races showed an average turnout percentage of 27.6 percent. In the only two races where the parties withheld endorsements, the percentage was much lower. However, this data was incomplete and thus unreliable.
- 3) Incumbency? Races featuring incumbents seem to have attracted slightly more voters (26.7 percent) than did those featuring political newcomers to their districts or counties (24.2 percent).
- 4) Publicity? The campaigns of most of these down-ballot candidates got little or no publicity, although the numbers do not indicate it made a difference. The race with the most publicity, that

for Cuyahoga County prosecuting attorney, attracted only 18.9 percent of voters, but that is also explained by the fact that Republicans in the county had no candidate for whom to vote. Had a Republican filed, that percentage might have been much higher. Therefore, the close results are essentially meaningless.

5) Predictability? The results of this comparison were likewise disappointing. Eight of our reporters judged the general election outcomes for their races to be highly predictable. Turnout for those predictable races averaged 26.1 percent, while turnout for the remaining unpredictable races was 24.6 percent and therefore does not suggest an impact. -

Obviously, we cannot venture many accurate guesses based upon comparing these variables.

REASONS WHY THE WINNERS WON:

Committee members ventured informed opinions as to why one candidate in each party's primary election happened to win the day. The most frequent answer was lack of opposition, followed closely by the fact that the winner was either a popular incumbent or had name recognition. Only one race had significant, competing issues that probably affected the outcome. The incumbent prosecuting attorney in Cuyahoga County was defeated because of his unpopular role in a highly visible police shooting of an innocent minor. Judging solely by intuition, one could further assume, without concrete evidence here, that contested elections featuring strong party participation, good publicity, and unpredictability would attract more voter interest and thereby more turnout.

CONCLUSIONS:

This survey was conducted in the hope that it might shed light upon how Ohio's current statewide system of semi-open, partisan Primary Elections works in an even-numbered presidential year. (By contrast, we previously scrutinized the workings of varied kinds of primary elections in odd-numbered years for township, village and city offices.)

Voter participation? Turnout in this highly visible primary election remained below or well below 50 percent of registered voters in all jurisdictions surveyed. In most cases that was also reflected in the numbers of ballots cast in the major party presidential races. The same numbers voted in the race for a U.S. Senate seat, while 10 percent fewer voted in their local congressional contest. From there on down the ballot, the turnout dwindled into the low or middle twenties. We did not even measure the turnout for judicial offices. The lesson drawn here is that the more high profile and major-media the contest, the more people vote; and the more local or low-profile the office, the more they stay home or leave the space blank. (In odd-numbered years, the municipal primary turnout we measured averaged only 15.6 percent.)

Non-voting by unaffiliated voters? As of the close of voter registration on February 16, before Ohio's March 15, 2016 Presidential Primary, the percentage of unaffiliated voters in our sample was an astonishing average of 78.7 percent. It is unlikely that such a number indicates truly committed "independent" voters, and much more likely that it indicated those who, as of that date, had not voted a partisan primary ballot in recent years.

Crossover voting? A considerable number of so-called “independents” do indeed vote in primaries when sufficiently aroused. Because boards of elections are directed not to train poll workers to challenge crossover voters (cite it in Appendix), there are no statistics to document how many switch party ballots -- an act in Ohio which automatically changes party registration. However, this sample reveals that an average 42.3 percent of registered voters took partisan ballots on March 15. That means that about 58 percent would now be listed as unaffiliated – significant evidence to show that voting rights for the affiliated and unaffiliated alike are not abridged by Ohio’s semi-open, partisan primary election system.

Demographic factors? The percentages gathered by this small survey suggest that turnout may be slightly better in less diverse and more solidly Republican-leaning jurisdictions, but even there, the turnout on these down-ballot races was well under 30 percent. And those figures may simply reflect the political peculiarities of the 2016 primary election season. It was not possible to isolate other demographic variables such as income levels or rural/urban densities.

Other factors? Of the 5 remaining factors looked at here -- competing candidates, endorsements, incumbency, publicity and predictability -- none produced turnout averages higher than 28 percent or lower than 24 percent (except for the prosecutor race), and none varied widely enough to suggest a correlation above that of mere coincidence. It is likely that, had we been able to isolate these factors and look at them singly, we might have found that competition, endorsement and publicity might have raised participation somewhat.

The Untested Variable -- Unfortunately, limited resources dictated that we confine this survey to Ohio’s status quo alone. So, while we gained a deeper understanding of how Ohio elections work, we are unable to demonstrate or prove that this system works better or worse than those systems used by other states. Unofficial comparisons with the April closed primary election in New York, however, do reveal that their turnout (with no early voting and no crossover voting allowed) was substantially lower than Ohio’s.

Meaningful General Elections in November? Most chilling were the responses to the survey’s final question -- Can you venture to predict the outcome of this down-ballot race in November? Ten of twelve said yes, and then explained why. All responses essentially reported “no contest,” either because of no opposition or a heavy partisan imbalance in the jurisdiction. A previous exercise by the League of Women Voters of Ohio showed that almost all legislative races in the state can be predicted for the same reasons. It is clear that, for down-ballot races, the primary election system in Ohio only rarely leads to meaningful, competitive General Elections where voters actually get to choose those who will represent them.

APPENDICES:

DOWN-BALLOT PRIMARY CONTEST SURVEY:

BEFORE MARCH 15:

1. Brief description of the target county or district assigned:
2. As of 2/16/2016, what is the total # of registered voters in the target county/district? _____.
[Breakdown: total Democrats? ___; Republicans? ___; nonpartisans? ___; minor parties? ___]
3. Name the candidates for each party's nomination: (D? R? Any minor party?)
4. Did any candidates get their party's endorsement?
5. In contested races, what seem to be the key issues or differences?
6. Comment as to whether the campaign is at all visible or publicized? How?

AFTER MARCH 15:

7. Who won, in each party?
8. If possible, venture a reason why you think each of these candidates won:
9. Total # of ballots cast for ALL candidates for THIS target county/district?
[Breakdown: total # of Democratic ballots? _____; total # of Republican ballots? _____]
10. Total # of ballots cast for U.S. PRESIDENT in this target county/district?
[Breakdown: total # of Democratic ballots? _____; total # of Republican ballots? _____]
11. How many Independents & Minor Party voters took a partisan ballot? *(no records available.)*
How many voted an "issues-only" ballot?
12. How many D's & R's (combined) crossed over to vote in the OTHER party? *(no records available.)*
13. Is the November outcome of this primary contest between D and R victors predictable or not?
Are any Independent, Minor Party or Write-In entries expected?
Please venture to predict the November outcome if you can. Explain why.

CONTESTS, LOCATIONS AND NOMINEES OF JURISDICTIONS SURVEYED:

U. S. Senate: statewide jurisdiction, Strickland (D) vs. Portman (R)
U. S. House Dist. #9: parts of Lucas, Erie, Ottawa, Lorain and Cuyahoga Cos.; Kaptur (D) vs. Larson (R)
U. S. House Dist. #10: Montgomery & Green Cos., part of Fayette Co.; Klepinger (D) vs. Turner (R)
OH Senate Dist. #8: part of Hamilton Co.; Lierman (D) vs. Terhar (R)
OH Senate Dist. #32: Ashtabula & Trumbull Cos., part of Geauga Co.; O'Brien (D) vs. Allen (R)
OH House Dist. #1: Wayne Co.; no Democrat vs. Wiggams (R)
OH House Dist. #25: part of Franklin Co.; Kent (D) vs. Golding (R)
OH House Dist. #76: Geauga Co., part of Portage Co.; McIntee (D) vs. LaTourette (R)
Lorain Co. Commissioner: Kokoski (D) vs. Carr (R)

Washington Co. Commissioner: Kerr (D) vs. White (R)
Cuyahoga Co. Prosecutor: O'Malley vs. no Republican
Summit Co. Clerk of Courts: Kurt (D) vs. O'Brien (R)

COLUMBUS DISPATCH, March 17, 2016

Mixed Message in Numbers Behind Kasich's Ohio Win -- by Darrel Rowland & Alan Johnson

.... One of the promising findings from the exit polls for Kasich: He appeals to more than just hard-core Republicans. About 1 in 11 of the ballots cast in the GOP primary came from a self-identified Democrat, and Kasich won 56 percent of those who crossed over, according to the Tuesday survey of 2,363 Ohio primary voters....

CLEVELAND PLAIN DEALER, May 19, 2016

Five Percent Switched Parties for Primary -- by J. Borchardt

About 5 percent of voters who cast ballots in Ohio's Democratic and Republican primaries were previously affiliated with the other party, according to data released Wednesday from the Ohio secretary of state.

Of the nearly 1.2 million voters who cast ballots in March's Democratic primary, 34,867 were previously affiliated with the Republican Party. Of the more than 1.9 million voters who cast ballots for Republicans, 115,762 were previously affiliated with the Democratic Party. That's more than double the number who switched parties in the 2012 primary election. Figures for 2008 were not available.

The Ohio Republican Party sees it as a sign that enthusiasm is on the GOP's side going into the fall, calling the additions to its rolls "a political windfall." "We have a million new Republicans to do our data work on and figure out who would and wouldn't have been in our get-out-the-vote universe," Chairman Matt Borges said in a statement.

Democratic Party Chairman David Pepper said the surge in turnout shows how much Ohioans don't want Trump to be their next president. "People were so passionate to stop Trump they changed parties," Pepper said, noting that Gov. John Kasich's presidential campaign encouraged Democrats to vote against Trump. "The same people who voted in that primary will probably vote against him in November."

Pre-election reports of large numbers of Mahoning County Democrats defecting to vote for or against Republican Donald Trump appear to have played out — nearly 27 percent of Republican ballots cast there were from previously affiliated Democrats, compared with 1 percent of Republican ballots cast by former Democrats.

In addition to the Trump effect, it's possible many of those crossover voters had changed parties in a prior primary election, making it difficult to say definitively how many "true" Republicans or Democrats voted in another party's primary this year.

Confused? Primary elections are how Ohioans "register" — or affiliate — with a political party. Whatever party ballot you choose on Election Day is the party you are then affiliated with from that point on. The only way to change your party affiliation is to vote in another primary election and choose a different party's ballot. Or choose an issues-only ballot to be considered unaffiliated.

All in all, 1.8 million Ohioans decided to join or switch parties. Secretary of State Jon Husted said that shows the "intensity" of Ohioans' engagement with this election season. "Voter turnout is driven by the enthusiasm and interest that groups and candidates can generate for their cause," Husted said in a statement.

Nearly half of those voting in the state's GOP primary said they would consider choosing a third-party candidate if it's a race between Trump and Clinton in November, according to exit polls of Ohio voters conducted for the Associated Press and television networks by Edison Research. Three in 10 said they wouldn't vote for Trump if he's the nominee.

THREE TABLES -- See following pages 10, 11, and 12.

SOURCES:

Board of Election websites on registration figures and primary election results: Counties of Ashtabula, Cuyahoga, Erie, Fayette, Franklin, Geauga, Green, Hamilton, Lorain, Lucas, Montgomery, Ottawa, Portage, Summit, Trumbull, Washington and Wayne.

Ohio Secretary of State website for statewide registration figures and election results.

MARCH 15, 2016 DOWN-BALLOT PRIMARY CONTEST STATISTICS:

(NA = dependent upon data no longer posted, if searched after 3/15/16)

Target Contest	Total # of regis. voters, Feb. 2016	Unaffiliated	Total # of ballots cast	Ballots cast for president	Comment
U.S. Senate	7,563,184	NA	3,248,327 = 42.9%	3,154,752 = 41.7%	
U.S. House, OH District 9	388,683	NA	121,268 = 31.2%	146,434 = 37.7%	Four counties
U.S. House, OH District 10	458,790	322,848 = 79.1%	160,097 = 38.9%	203,935 = 49.0%	
OH Senate District 8	232,393	NA	59,048 = 31.2%	103,213 = 44.4%	
OH Senate District 32 *	195,886	One county = 77.9%	49,498 = 25.3%	87,005 = 34.4%	Two counties
OH House District 1	73,075	NA	17,252 = 23.6%	27,120 = 37.1%	One county, No Dem. race
OH House District 25 *	799,673	628,056 = 78.5%	19,158 district only	322,276 = 40.3%	Whole county
OH House District 76 *	62,904	NA	15,7077 = 25.0%	30,961 = 49.2%	One county
Lorain County Commissioner	198,184	167,728 = 84.6%	50,603 = 25.5%	82,063 = 41.4%	
Washington County Commissioner	40,870	34,135 = 83.5%	12,578 = 30.8%	18,154 = 44.4%	
Cuyahoga County Prosecutor	849,206	596,883 = 70.3%	155,671 = 18.3%	339,778 = 40.0%	No Reps.
Summit County Clerk of Courts	344,662	291,725 = 84.6%	81,741 = 23.7%	147,083 = 42.7%	

* In districts that overlap county borders or consist of only partial counties, exact registration numbers cannot be precisely computed. Percentages for such districts are derived from whole-county Boards of Elections records only, except where decipherable from precinct canvas reports. The percentages thus derived are approximate rather than precise.

DEMOGRAPHIC AND POLITICAL FEATURES:

CONTEST	Income	Density	Diversity	Dominant Party
U.S. Senate	--	--	--	--
U.S. House, OH District 9	Lower	Urban	Low	Democrat
U.S. House, OH District 10	Mixed	Mixed	Low	Republican
OH Senate, District 8	Mixed	Suburban	Mixed	Republican
OH Senate, District 32	Lower	Mixed	Low	Democrat
OH House, District 1	Mixed	Rural	Low	Republican
OH House, District 25	Lower	Urban	High	Democrat
OH House, District 76	Higher	Rural	Low	Republican
Lorain County Commissioner	Lower	Urban	Mixed	Democrat
Washington County Commissioner	Lower	Rural	Low	Republican
Cuyahoga County Prosecutor	Lower	Urban	High	Democrat
Summit County Clerk of Courts	Mixed	Suburban	Mixed	Democrat

THE CAMPAIGNS AND THEIR LIKELY OUTCOMES:

(D = Democrat; R = Republican; G = Green; I - Independent)

CONTEST	Contested?	Endorsements?	Incumbents?	Publicity?	Predictable Nov. outcome?
U.S. Senate	3-D, 2-R, 1-G, 2-I	D-yes, R-yes	R-yes	Much	No
U.S. House, OH District 9	1-D, 3-R	D-yes, R-no	D-yes	Some	Yes
U.S. House, OH District 10	1-D, 1-R	D-yes, R-yes	R-yes	Little	Yes
OH Senate, District 8	1-D, 1-R	D-yes, R-yes	None	Little	Yes
OH Senate, District 32	2-D, 1-R	D-yes, R-yes	None	Information not found	Yes
OH House, District 1	0-D, 2-R	D-0, R-yes	None	Little	No contest
OH House, District 25	4-D, 1-R, 1-G	D-no, R-no	None	Name recognition	Yes
OH House, District 76	1-D, 1-R	D-yes, R-yes	R-yes	Little	Yes
Lorain County Commissioner	1-D, 1-R	Information not found	D-yes	Some	No
Washington County Commissioner	1-D, 1-R	Information not found	R-yes	Information not found	Yes
Cuyahoga County Prosecutor	2-D, 0-R	D-no, R-0	D-yes	Much	No contest
Summit County Clerk of Courts	1-D, 1-R	D-yes, R-yes	None	None	No