

SENATE STATE ADMINISTRATION COMMITTEE February 25, 2023
HEARING ON SB484 Manzella
TESTIMONY OF MARK MACKIN Amended - OPPONENT

Montana Voters Want Open Primary Elections

In 1912, along with several other anti-corruption measures, Montana voters established open primary elections. The Montana supreme court decided that an open primary was constitutional and voters have been able to choose the primary ballot of any political party at primary elections ever since.

Montana voters chose that flexibility over fixed party lines in order to keep party organizations responsive to the voters. Otherwise party organizations can be captured by special interests or factions. It also works to reduce rigid partisan identifications and polarization.

Elections should serve the electorate and the public interest, not the interests of the few. That includes primary elections paid for by the public. And, it is always a questionable move for a party to segregate itself from the majority of voters.

The caucus nominating system is an alternative. The Republican party used the caucus system to select presidential candidate delegates in the 2008 election. The actual primary election became non-binding. Democrats used it once in 1984.

The party organization can enforce its own admission rules. The Republican majority could change the law to allow any party the option of using a caucus system for nomination of candidates for state elections instead of using the primary.

The caucus has been proven to work. It is less complicated than this bill. If a party wants to purge doubtful participants, the caucus system is more effective, and does not require criminal penalties for violators. SB 484 deserves a Do Not Pass.

(over)

Footnote:

In 2014, several Republican individuals and entities filed a federal case (Case 6:14-cv-00058-BMM) challenging the open primary as a violation of their associational rights. “Plaintiffs assert that Montana’s Open Primary keeps them from identifying their members, affecting election outcomes, and changing campaign messaging by candidates.” Doc. 114, page 3. The case, based on allegations of crossover voting by Democrats or others fizzled out. The plaintiffs did not prove that any organized crossover voting had occurred in Montana.

The plaintiffs failed to mention the famous election of 1964, where Republicans organized a successful crossover vote onto the Democratic ballot.

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BILLINGS GAZETTE

Guest opinion: Montana Republicans cross over to be Democratic candidates

21 HOURS AGO • BY JIM ELLIOTT

In an affirmation of ideological purity the Ravalli County Republican Central Committee, is suing the county election administrator and the Montana secretary of state to block anyone but Republicans from voting in a Republican primary election. Their concern is that in some Republican primaries Democrats have allegedly crossed over to vote for the more moderate of the Republican candidates, and in doing that have wielded an unwanted influence in the outcome. Their case in point is the defeat of state Sen. Scott Boulanger by Rep. Pat Connell by a slim 39-vote margin.

Boulanger claims that he was defeated because Democrats voted for Connell. He makes this claim in the absence of any concrete evidence because, in Montana, we do not register to vote by party affiliation. Ravalli County Republicans want to change that by closing their primary. It is also a plank in the Montana Republican Party Platform.

Ravalli County Republicans are being represented by Matthew Monforton, a Los Angeles lawyer who has returned to his native Montana and is running for a Gallatin County seat in the Montana House. Monforton is also pretty exercised about this alleged Democratic crossover and has made several statements to that effect.

Taxpayer-funded primaries

Two main issues are ignored in their argument. The first is that party primaries are conducted and paid for by state and local governments — not the political parties themselves. Because of that, they are paid for by the taxpayer, regardless of the political party — if any — to which that taxpayer belongs. If the parties were paying for the election the argument for allowing only party members to vote makes sense. But since they are neither run by nor paid for by the political parties why should the taxpayer have to pay for the primaries of all parties but be restricted in the choice of primaries to vote in?

We do not register by party affiliation in Montana, and I haven't heard many people grumble about that. This action, if successful, would force people, including independents, who want to vote in a Republican primary to state their exclusive affiliation with that party, which is public information in some states with closed primaries.

That said, I am perfectly happy to having Republicans allow only Republicans to vote in a Republican primary as long as Republicans are footing the bill for running it.

The second point is that their quest for ideological purity is as two-faced as it gets. While they wish to keep Democrats from voting for Republicans, they have absolutely no problem with Republicans running as legislative candidates in Democratic primaries, and no problem with Republicans running for officers in the County Democratic parties.

Sanders county crossover

In the Ravalli County 2012 primary election, three Republicans ran for and won positions in the Ravalli County Democratic Central Committee, which is an elected position and is on the ballot. In the Gallatin County 2014 primary election, Republicans ran as Democratic candidates in at least four legislative districts. In Sanders County, two Republicans ran as Democrats for two House seats as well as seats on the Democratic Central Committee. One of them is the former Vice-chairman of the Sanders County Republican Party. They both won seats on the Democratic Central Committee, and one of them actually won the Democratic primary for House District 14.

A response that says they can't control party members who want to run in Democratic elections could make sense if these were isolated occurrences, but the fact is that Republicans ran as Democrats in at least eight Democratic legislative primaries, which indicates at least some kind of ad hoc coordinated effort.

The fact that the right wing Republicans want to have a purer ideological election doesn't worry me too much, but their hypocrisy about suing to prevent for themselves the very things that they are currently doing to Democrats does, and should concern voters, also.