



SUCCESS STORY:

What it Took to Bring Open Primaries to Maine

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Open Primaries

OPEN PRIMARIES

Open Primaries and Open Primaries Maine launched an effort in 2017 to enact semi-open primaries legislation. It passed after a multi-year campaign in June 2021. This report will shed light on this multi-year process and offer political reform advocates ideas and practical lessons learned that can be useful in other venues¹.

TOP LINE TAKEAWAYS



Campaign Messaging: The campaign messaging was completely about fairness and inclusion, not electing “moderates,” punishing either political party, or achieving a specific outcome. *32% of Mainers are barred from voting in primaries because they are independents. These are our neighbors and friends and include sizable numbers of veterans and young people. Maine has a long tradition of civic participation, and the time has come to allow all Maine voters to participate in every taxpayer-funded election.* This messaging was crucial and allowed us to build a diverse coalition of Democrats, Republicans, and independents who believed in baseline fairness for all Maine voters.



Coalition Building: Although the Democratic Party enjoys wide majorities in both houses of the Maine legislature, and the Governor is a Democrat, the campaign was committed to building broad bi-partisan support, as well as amplifying the voices of independent voters. The 2021 bill sponsor Senator Chloe Maxmin (D) worked with her colleagues on both sides of the aisle to gather input that she then used to amend the original bill. The bill that passed was the product of a multi-year conversation between Democratic and Republican lawmakers, good government groups, veterans’ groups, and independent voter groups. We did not run a campaign to simply win a majority of votes in the legislature. We ran a campaign to receive a broad base of support and win with wide margins. The campaign team recognized that the funding, implementation, and long-term survival of the reform was more likely to be successful if we pursued a broad strategy.



Reform Environment: Maine was the first state in the nation to pass public financing of state elections in 1996. And then, Mainers passed Ranked Choice Voting in 2016 and defended it in 2018. Both efforts were high profile and involved significant mobilizations of citizens and advocacy groups. Prior to this restructuring, bills to change the primary system were not taken seriously. In the wake of the RCV victory, legislators began to be more responsive to arguments that the primary system was unfair and exclusionary. Reform opens the doors for more reform.

¹The bill passed the Maine Senate and House in 2021. Because the implementation date is 2024, the Appropriations and Financial Affairs Committee will fund the bill in the 2022 legislative session, at which point it will go to the Governor for signature.

KEY LESSONS LEARNED

1 Trust: Open Primaries staff spent several years on the ground in the state, building a presence and developing relationships. Similarly, Open Primaries Maine was constructed exclusively with local leaders who had deep roots in Maine and were known to/had relations with the legislature and political class.

2 Bill Sponsors: Initial bill lead sponsor and supporters were recruited from Maine's unusual class of independent legislators. It was insufficient. A new lead sponsor, Chloe Maxmin, emerged from within the majority Democratic Party. She joined with a co-sponsor with similar standing in the minority Republican caucus. That bipartisan formula was critical, as it provided a bulwark against the claim the bill was being used to advantage one party over the other. The youth of both lead sponsors was also a key asset as both were seen as emerging leaders in their respective parties that needed their respective caucuses' support. It also meant they were able to offer a significant amount of energy, connectivity and willingness to prioritize and work their caucuses for support.

3 Relation to other reforms: Reform was not new to Maine. Maine has recently adopted several new election reforms, from ranked choice voting to automatic voter registration. These reforms, which were developed by local campaigns, have helped create a legitimacy and receptiveness to new reform conversations both within and outside the legislature.

4 Collaboration inside the legislature: The development of open primaries legislation was not restricted to the lead sponsor and leadership of her caucus. It was developed with input from members of both the Republican and Democratic Party caucuses through a deliberative process that included multiple amendments. That process, which took opponent's objections seriously, created a broad class of stakeholders and helped convert numerous opponents into supporters.

5 Collaboration outside the legislature:

The Open Primaries and Maine Open Primaries teams were very complimentary—the national team brought a high level of understanding of the issues and experience of building coalitions/campaigns and stakeholders on it and the local team brought an understanding of the state's legislative/political climate as well as extensive local relationships. The key to success, however, was not staying in our lanes. Both teams interacted on a regular basis to question each other and develop a grounded strategic plan.



What made the bill work so well and receive such broad support was that we did solicit and



welcome feedback from so many folks. And the original bill looked very different from what we have now. It was input from community members who were a little bit on the fence and from folks at the party level who were concerned about how this would impact party infrastructure. And we took all those concerns, drafted amendments, made sure everyone was okay with it, integrated it into the bill, and communicated with folks that these important entities were okay with the bill. One of the biggest lessons that I've learned this session is that no one wants to hop onto something that they've had no input on or don't feel a part of. That's kind of organizing 101. And I think that it was just a really beautiful inclusive process from day one."

—Senator Chloe Maxmin



The landscape is changing. With Chloe and Matt as the senators and as organizers and with Open Primaries help nationally, we were able to really capture what's changing. The idea that you have to ask someone in Maine to join a party to be part of a primary... people were saying, 'No', that they're not doing that. I think the Democratic and the Republican parties are seeing some of their base fall away. 49% of veterans are independents. And for the Democratic Party especially, 55% of youth are registering in record numbers, which is awesome. They're totally engaged and want to be part of this, but they don't want to be part of a party and they don't want to be shut out of those primaries. This is going to be a benefit to the parties if they decide to organize around it and that finally starts to click. Instead of seeing it as a threat, all of a sudden they said, 'oh, well, this might be an opportunity to invite people in.' That was a huge change. I also think it can't be understated how important it was to have Senator Maxmin and Senator Pouillot and Representative Bailey and others who are very involved in their parties and are advocating and supportive of this change."

—Betsy Sweet, *Open Primaries Maine*

Additionally, the leadership of the Democratic Party was engaged from the beginning of the campaign and experts were brought in to address their concerns. That process was critical to tempering their opposition.

6 Framing: From the beginning, this campaign was framed as a voting rights, pro democracy campaign. We did not use language such as fighting hyper-partisanship or anti-party. The campaign was framed as one of fundamental fairness-giving Maine's sizable population of independent voters the right to vote.

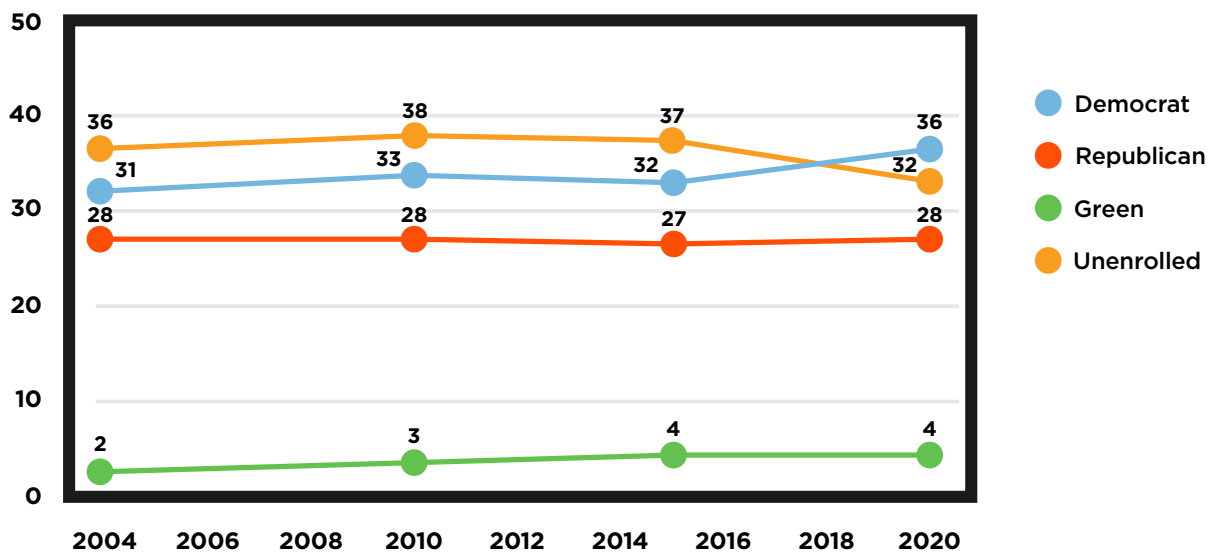
7 Local validators: Every supporter of the bill, from within the legislature and from the public at large, was put to work. Every member of the legislature was asked to write an op-ed or letter in support and to recruit other members of their caucus. Every member of the public was asked to write articles and letters, join organized public forums to discuss the bill and post on social media. Much of that outreach was organized in a targeted way by the campaign-i.e. letters from the public to papers in districts where supporting

members needed to be recruited, outreach to relevant committee chairs by members etc.

Supporting organizations weren't just recruited; the campaign worked to develop their organizational positions on the issue and their prioritization of the issues. Prime example is the ongoing development of the LWV from a position of "neither for nor against" open primaries to one of support, and then further to making open primaries their lead priority and committing substantial resources to it.

8 Long game: The successful campaign to enact open primaries in Maine took several years to complete. That was anticipated. We had to build a fertile climate within and outside the legislature to allow a bill for open primaries to succeed. Accepting the timeline required for enacting lasting reform allowed us to engage in a series of activities that gave Mainers ownership of the reform in a way that will guard against future attempts to alter or repeal it.

Maine Voters by Party Registration (2004-2020)
Maine SOS



HISTORY

Maine has been at the forefront of political innovation and voter empowerment for decades. From its innovative ballot design enacted in the 1930s, to its model clean elections funds program, to passing ranked choice voting in 2016 (and defending it from legislators 2018), Mainers have always insisted their system serve the voters.

Maine has also had a historically high rate of independent voters that have fluctuated between 32% and 40%

of overall state voter registration. That has placed independent voters as either the largest or second largest group of voters in the state for almost two decades.

In 2013, Bangor residents Bob Croce and Joe Pickering founded Mainers for Open Elections and for the next several years began advocating for primary reform. Early discussions in the state legislature and among newspaper editorial boards also began to circulate.



There is the normalizing and mainstreaming of electoral reforms generally in the state of Maine and the role that rank choice voting played in helping to change the conversation. Over the last five years, we've dramatically changed the landscape and the context for this debate in Maine. And I really credit that in large part to the multi-year campaign, that many, but not all of us who were advocates for on the campaigns to win, protect, and expand rank choice voting in our state. That helped to change the attitude towards election reform and allowed these other reforms to look achievable. So be smart, play the long game!"

—Representative Kyle Bailey



EARLY LEGISLATIVE EFFORTS

In 2017, Ranked Choice Voting advocate and future State Representative Kyle Bailey founded Maine Independents, the sponsoring organization of Open Primaries Maine. Open Primaries met with Pickering/Croce and Bailey and collaborated on a series of grassroots organizing and public education events in the state, as well as supporting a ramp up of media debate and discussion of primary reform with a series of op-eds, letters to the editor and social media placements.

Open Primaries also sponsored a [key poll](#)¹ on behalf of Mainers for Open Elections that took a broad look at support within the state for open primaries and found 80% support. That poll and its findings were a key tool used throughout the campaign and subsequently through passage into 2021.

In 2017, Rep. Kent Ackley (I-Monmouth) announced an interest in new legislation to open the primaries to independent voters and Open Primaries began working with him and his cosponsor, Rep. Owen Casas (I-Rockport). We consulted on the bill's language and helped promote it. We also worked with Open Primaries Maine to organize 20 bill supporters to testify in support at a VLA Committee hearing including a bipartisan group of Senators and Representatives.

4 members of the committee endorsed the bill (a minimum of 7 are required for an “ought to pass” vote). Open Primaries Maine continued to pressure the legislature for passage. The bill received 42 House votes, slightly more than half the requirement for passage and did not receive a Senate vote.

The next year, Open Primaries worked closely with Mainers for Open Elections to persuade the League of Women Voters of Maine, a very influential presence in the state, to endorse primary reform. They had held the position of “neither for nor against” open primaries. In December

2018, the League of Women Voters of Maine announced its support for open primaries.

In 2019, Open Primaries secured funding from Arnold Ventures to support an enhanced legislative campaign. We continued our work with Rep. Ackley and helped develop bipartisan support for LD 211 to enact semi-open primaries. That work included deeper outreach to the leaders of both the state Democratic Party, including bringing in the Democratic Party Chair of Nebraska, Jane KleeB, to help organize the Democratic Party in particular to understand how delegate selection would not be impacted by open primaries.

The campaign spent considerable time organizing members and building grassroots support for the issue. Most major papers endorsed the legislation. The campaign organized 30 voters to speak at the VLA Committee hearing in support of the bill. The bill received only 2 votes of the 7 required for an “ought to pass” recommendation. In the House, LD 211 received 45 votes of support, including from the Speaker Sarah Gideon. 89 Representatives voted in opposition. The bill saw significantly more support in the Senate, and fell just two votes short of passage in that chamber. This was the first semi-open primaries bill to receive a floor vote in the Maine Senate and it received bipartisan support, with 4 Republicans and 12 Democrats voting in support, including Senate President Troy Jackson.

Open Primaries and Open Primaries Maine conducted an analysis of the campaign subsequently and determined it failed for three key reasons:

1. The bill did not have a champion from within the majority (Democratic Party) caucus. LD 211 was introduced by Rep. Kent Ackley (I-Monmouth), sponsored by every member of the House Independent Caucus, and it was the independent legislators who championed its passage.

2. The bill was opposed by House Democratic leadership. While Speaker Sara Gideon (D-Freeport) ultimately voted in support of the bill because of its wide public support and her bid for the US Senate, House Majority Leader Matt Moonen (D-Portland), and Assistant Majority Leader Ryan Fecteau (D-Saco) all opposed.
3. The bill was undermined by the state Democratic Party. The MDP communicated anxieties to legislative leadership about LD 211, in particular how open primaries would affect national delegate selection.

BUILDING A WINNING CAMPAIGN

In 2020, Open Primaries and Open Primaries Maine began to develop a new strategic plan for passing open primaries in Maine, using the lessons learned in the 2019 legislative session as a guide. We benefited from having a base of support cultivated in 2019, and from a younger class of freshman representatives who were generally more supportive of letting independents vote in primaries and provided an opportunity for new outreach.

Two key areas were addressed. With Kyle Bailey now an elected member of the Maine House, we had to rebuild the Open Primaries Maine team. The promotion of Deputy Director Kaitlin LaCasse and the addition of seasoned lobbyist Betsy Sweet were important campaign leadership changes that brought new energy, new culture, and sophisticated political judgement.

In 2021, three legislators expressed interest in championing primary reform legislation: Senator Joseph Baldacci, Senator Chloe Maxmin, and Representative Grayson Lookner. We decided to focus our efforts on the Maxmin bill. Chloe was an incoming freshman Senator who had previously served in the House and won her seat in a historically Republican district by appealing to independents and Republicans. As a result, she had significant standing in her caucus. Republican Senator Matthew Pouliot, assistant minority leader and a rising star in the Maine GOP, became a co-sponsor of the legislation early on.

Open Primaries secured additional financial support from Arnold Ventures in early 2021. At the beginning of the 2021 session, Senators Maxmin and Pouliot introduced LD 231, a bill to enact semi-open primaries in Maine. From the beginning of that session, the Open Primaries/Open Primaries Maine team went to ground in the legislature developing support from members in both the House and Senate. Support was defined not just as agreeing to vote for the bill but advocating and recruiting for it and new legislative supporters were actively treated as members of the team.



What really made a big difference between 2019 and this time was having such an active lead sponsor.



We were also very deliberate in having Democratic and Republican legislators submit op-eds to papers around the state. And we were very careful to not use language such as fighting hyper-partisanship or anti-party. This is a pro-democracy reform, not an anti-party reform.”

—Kaitlin LaCasse, Open Primaries Maine



To the extent that there is better communication among legislators, I think over time, we'll start to see some of these things more nationally. You have to build trust. I just feel folks who are very passionate about an issue feel like they have to get a hundred percent of something or else they don't want it at all. And I think it's important to recognize that even if you get 30% of what you want, now that's a long way and just keep chipping away at it. I think it is a good approach to take, as opposed to saying, well, we want completely open primaries or nothing."

—Senator Matthew Pouliot



All of the sponsors – including the aforementioned Senators – were key emissaries who worked the bill in both chambers over the course of the session and worked closely with key stakeholders to amend the legislation to address concerns and develop buy-in. Particular attention early on was placed on recruiting supporters in the VLA Committee to vote for the bill, organize support in the committee and champion the bill during the hearing and subsequent committee work sessions prior to a vote.

Maxmin, LaCasse, and Sweet conducted high level leadership meetings with the Maine Democratic Party, with Open Primaries providing significant legal and policy support. This resulted in securing a public memo from the MDP that indicated they would not be opposing the legislation. Substantial ongoing outreach to the SOS and Governor was conducted as well, with Open Primaries providing the SOS with connections to SOS in open primary states (Colorado, New Hampshire) that could offer her the background she needed to be supportive.

Open Primaries Maine continued to build robust grassroots support, holding virtual town halls across the state, working with the League of Women Voters of Maine to prioritize the bill (for the first time the organization

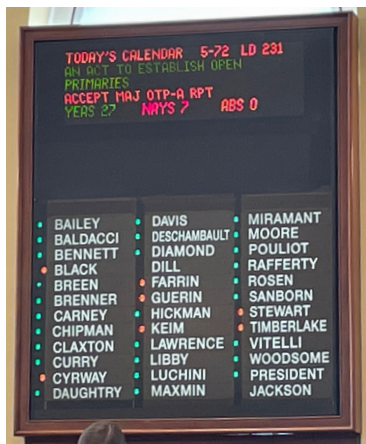
committed significant manpower to its passage) and producing strategic social media and email outreach. Open Primaries helped develop fresh new messaging targeting millennials and veterans and brought in Veterans for Political Innovation to help organize the state's sizable veteran population to support the bill. Ultimately Congressman Jared Golden, also a veteran, became a vocal supporter. The network of support from millennials to veterans proved a compelling messaging development.

Maine had recently adopted automatic voter registration as well, and the Open Primaries team did considerable work to show how AVR would accelerate the growth of independent voters in the state by bringing in data from early AVR adopted states like Oregon. This became a particularly persuasive argument for Democratic legislators and party leadership.

Throughout the campaign there was a robust media strategy, with every new legislative supporter being encouraged to draft an op-ed and with a robust letter writing component that targeted papers large and small in key members' districts. By the end of the campaign, every paper of significance endorsed LD 231, including the Bangor Daily News which rarely endorses and had never supported the reform prior.

THE TURNING POINT: VLA COMMITTEE HEARING

On April 12, 2021, the Veterans and Legal Affairs Committee held a joint public hearing for LD 231. Open Primaries Maine organized 40 people to submit testimony in support of the legislation, and 2 organizations testified “neither for nor against,” the Secretary of State’s office and the Maine City and Town Clerks Association. It is important to note that the Clerks Association, for the first time ever, made it clear that there were significant benefits to semi-open primaries, most importantly (for them) easing the workload of those who work the elections. The Secretary of State thanked the bill sponsor for working with her office to develop an amendment that would push the implementation date to 2024, which would save work and money as the SOS is updating the voter database.



Several co-sponsors and other legislators submitted testimony in support as well. Of those who submitted testimony, the campaign strategically chose a few to present their testimony via zoom at the hearing, including a Navy veteran, a young voter, Executive Director of the League of Women Voters of Maine, and several others.

Two work sessions followed with members of the Open Primaries Maine team and supporters in the Committee working together to answer questions and organize the debate. LD 231 received a majority (8 votes) “ought to pass as amended” recommendation out of committee, which was a huge step towards passing the bill. Significant deference is given by both chambers to the recommendations of committees. Many, including the committee chairs who were last minute votes of support, commented that they felt there was momentum behind

the bill. Subsequent conversations with the Governor’s office secured confirmation that she would not obstruct the bill if passed.

The sense of momentum expressed at the VLA Committee hearing began to snowball. A significant breakthrough came when ongoing outreach to former

US Senator Olympia Snowe paid off in a rare public endorsement of the bill that signaled to members on both sides of the aisle that passage was likely and they should get aboard.

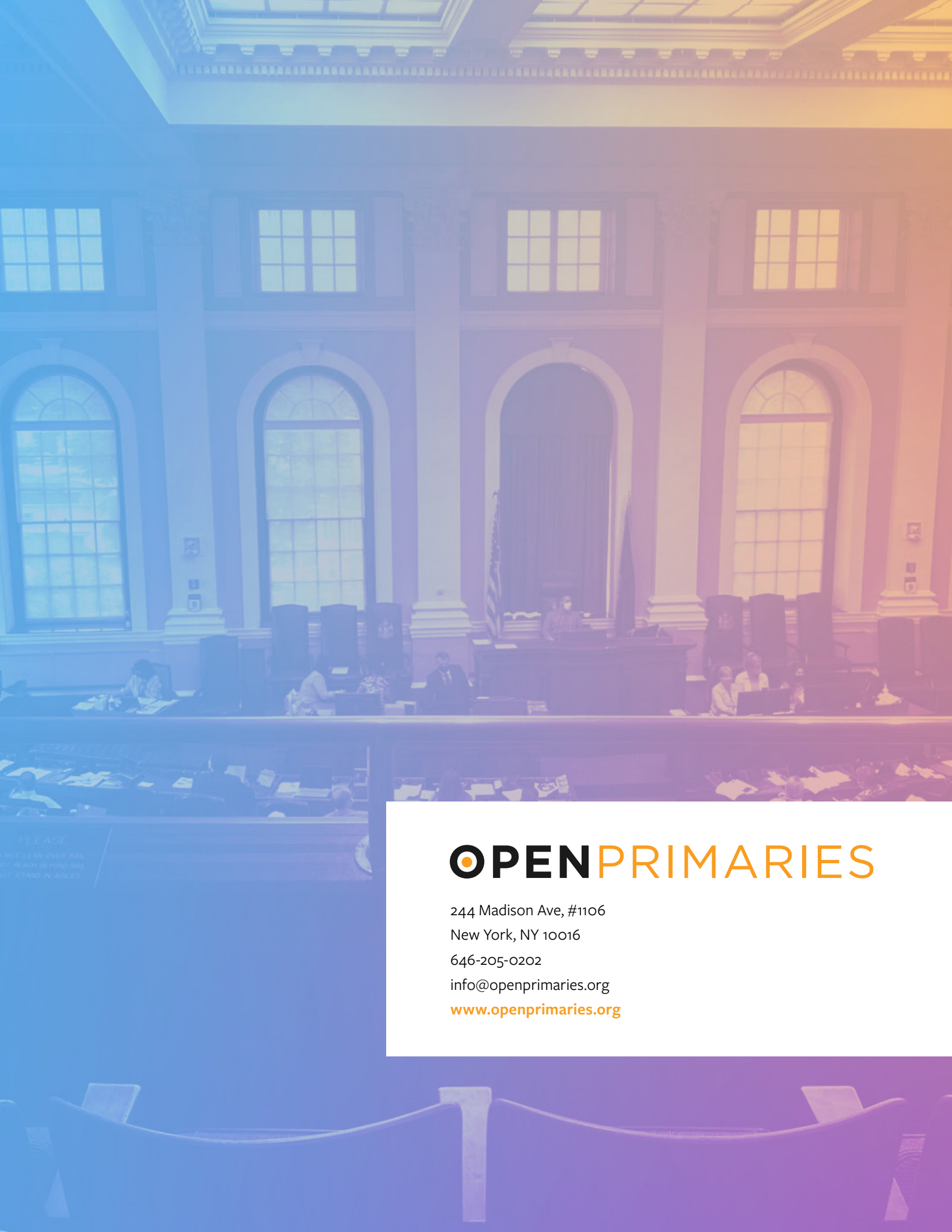
From the moment of the positive committee vote, the campaign team lined up floor speeches in both the Houses, confirmed support from legislators, and lined up additional endorsers. With a strong desire to reach a bipartisan vote, Open Primaries provided

additional financial support to hire a Republican lobbying firm to assist Senator Pouliot’s outreach to the Republican caucus in the week prior to the vote. Prior to the vote in each chamber, which happened in succession, the team had reasonable security that the necessary votes in the Senate, including the President Troy Jackson, had been secured. Outcome in the House was much less certain.

In a historic bipartisan vote, the Maine legislature passed a semi-open primary bill, allowing independent voters-32% of all Maine voters-the right to pick a party ballot and vote in primary elections for the first time. Sizable numbers of Republicans joined with a majority of Democrats to pass the bill 27-7 in the Senate, with passionate floor speeches in support from members of both parties. That momentum washed over the House and directly led to a 92-52 vote in that chamber.

If you want to dig deeper, watch OP President John Opdycke interview key players in the Maine victory.





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