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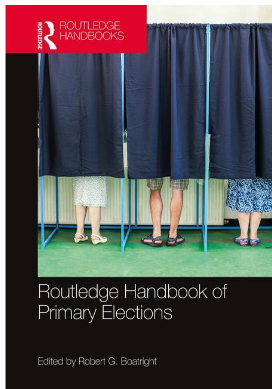

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What Is, and What Is Not, a Primary Election?

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WHAT IS, AND WHAT IS NOT, A PRIMARY ELECTION?

Alan Ware

Like many political concepts, the idea of a "primary election" has changed over time. As with both "liberal" and "conservative," for instance, the transformation has been so great that a time traveler from the nineteenth century might struggle to comprehend its usage in some contexts today. Equally important, it has now become more open-ended in its application than in the earlier period, when its meaning was quite specific. The aim of this chapter is to explain how and why different meanings of the term "primary" or "primary election" developed over time, both within the United States and, much later, in other democracies. Unlike some American inventions, such as basketball, the original American model was subject to further modification once it was "imported" by other countries. However, and arguably more important, many changes had occurred within the United States itself before the use of primaries elsewhere. For that reason, the initial discussion here is exclusively about the U.S.

In the contemporary United States to speak of a primary election could be to refer to one of three rather different institutional arrangements:

1. For the historian of nineteenth-century America, it could be the first stage in a multi-stage process for selecting candidates in one of the two major parties. The term "primary election" was not used universally during that century, however, and in some regions of the U.S. primary elections were called either primaries (in the Mid-West and most of the West) or caucuses (in New England and a few western states). Yet they were "primary elections" in Pennsylvania and the South, as well as in the statute books of most states except those in New England (Dallinger 1897, n53). This concept of a primary is discussed in the first section of the chapter, along with the pressures that led to a radically different system of nominating candidates emerging form the subject of the first two sections.
2. From the early twentieth century onwards this meaning was largely abandoned, and primaries were now any formal election in the process of candidate selection by a party. Usually, speaking of a primary was to refer to a direct primary – that is, one in which the winner of the primary automatically became the party's candidate. This was because direct primaries had become by far the most common method for nominating candidates. However, in some states, and especially for presidential nominations, a "primary" retained its original meaning of being the first stage in a nomination process. These and related matters form the subject of the third, fourth, and fifth sections.

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3 From the second decade of the last century yet another meaning came into use when political parties in several states, mainly in the West, were barred from nominating candidates for some public offices. In the absence of direct party nominations to the ballot, a "primary" came now to refer to no more than the first election in a double-ballot electoral system. The primary is the election preceding a run-off election between the two candidates receiving the most votes in that initial election. This is discussed in the penultimate section of the chapter.

Until the last decades of the twentieth century primary elections were understood as an essentially American phenomenon. When, from that period onwards, parties in various other countries started to introduce what they sometimes called primary elections the term was reserved exclusively for direct primaries – that is, procedures for nominating candidates involving an election, the result of which determined who would be party's nominee for some office. When confronted by it, which is rarely, Europeans and others usually find the third meaning of "primary election" (above) incomprehensible since there are other ways of describing the procedures identified. As for the original American meaning (1), non-Americans would normally find this usage confusing too. However, exporting the idea of a primary election overseas has also been accompanied by some extension beyond the core American notion that the purpose of such elections was to produce nominees for a general election. It is now starting to be applied to the selection of individuals to positions of leadership in a political party, a role that is both broader and more significant than their being candidates for public offices. These issues are examined in the final section.

Primaries in the Nineteenth Century

A simplified account of the emergence of primary elections would be that they developed from three sources during the 1830s. First, there was the much older New England tradition of direct democracy involving men taking decisions for their communities in town meetings. Second, during the 1820s there was a major decline of long-established social deference in much of America, deference that had survived the Revolution but which would persist only in a few places later, including Rhode Island (Silbey 1991). Finally, there was the impact of the Jacksonians whose conception of democracy was that its practice was made possible by people engaging with the activities of political parties. The parties became rejuvenated between the mid-1820s and the late 1830s with a large mass base of participation. In this regime, nominating candidates was a process that began, and in the case of local offices ended, in the lowest level of governmental structures. Anyone eligible to participate in a party nomination, with eligibility usually being defined broadly for white adult males but with others usually excluded, was encouraged to do so at the first stage of candidate selection. (To use the term increasingly popularized by political scientists today, the parties' "selectorates" were large.[1]) For higher-level offices, participation would entail them being involved in electing delegates to subsequent stages in the nomination process.

As noted earlier, there were regional differences in what that first stage was called, but functionally they were identical. Although caucuses in New England had originally lived up to their name, and involved prior discussion and not mere voting for candidates, this had to be abandoned later. In the decades after the Civil War debating the merits of possible candidates necessarily fell into disuse in most places. The reason for this was quite simple: attendances at caucuses grew so much especially in urban areas, because of massive increases in population, as to render the processes more complex and often chaotic. Streamlining them entailed a reduction

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in function, so that the caucus had to become merely the location where votes were cast in the first stage of candidate selection.[2] By the later nineteenth century caucuses, primaries, and primary elections were merely different names for the same activity.

That the term was first applied to political parties, and to America's highly decentralized parties, shaped how the concept of primary election could evolve. Yet, in assessing the analysis presented here subsequently, it is important to recognize that a primary election is a procedure that could be deployed in other organizations where the views of participants at lower levels are considered relevant in making a final decision. However, it is only relevant when the organization seeks to provide for representation of views, rather than for direct participation by all in decision making. Presbyterian churches are one arena where a primary election structure is appropriate. As one Arizona Presbyterian church notes:

> There are various types of church government, such as "hierarchical" – the Roman Catholic, Episcopal and Methodist churches; "congregational" – Baptist and Congregational churches; and "representative" – Presbyterian Churches. The Presbyterian Church is a representative form of church government in which the congregation elects church officers to lead the congregation. The Presbyterian Church is representative at every level – Congregations elect elders to on the Session, Sessions elect commissioners to go to Presbytery meetings, and Presbyteries elect commissioners to go to Synod and General Assembly meetings.[3]

The Code of the Presbyterian Church of Ireland outlines the Presbyterian principle of representation by identifying two permissible methods through which new Elders of the Church may be selected. The first method is that:

> Members of the congregation put forward names by means of a vote. The Kirk Session form a list of those who received the most votes up to the number of new elders being sought. Each person on the list must have received a minimum of a third of the votes cast. The Kirk Session must approve each person on the list (and therefore can choose not to approve a person on the list).[4]

The initial stage of the process described here is akin to a primary election (as that was understood in the nineteenth century), even though members of the Church might well not use that term in describing it.

First introduced by the Democrats, the multi-stage model of selection would spread not just to other parties (first the Whigs and then, in the 1850s, to the newly founded Republican Party), but would also become the standard model throughout the country. Thanks to canals, and then from the 1830s railways, internal communication within the U.S. had greatly improved since the Republic's early years, facilitating the rapid dispersal of political ideas as well as goods. Migrants from the East took with them to the new territories in the West well-established notions of the purpose of politics and of how to organize for it. The caucus, or primary election, became central to the predominant belief that political parties were the key instrument of "democracy," and that involvement by the many in the activities of parties entailed some form of participation at the most local of levels.

Yet uniformity of practice in candidate selection was never complete. As early as the mid-1840s the Democrats of Crawford County, Pennsylvania began using a procedure that, in later decades of the nineteenth century, would become known as the Crawford County System, and which from the early twentieth century would be called the direct primary. Pennsylvania was

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unusual in that different models of candidate selection came to be deployed in several counties, though only Crawford County's would subsequently gain widespread favorable attention and publicity. Nevertheless, generally, experimentation in methods of candidate selection remained limited, and until the late 1890s use of the Crawford County System was mostly confined to counties in the vicinity of western Pennsylvania. Yet by that time there was a widespread perception within America of serious weaknesses in the nominating procedures of major parties. That concern led to a national conference on the subject in early 1898.[5] Although the problems were not confined to the procedures' initial stage – the primary – it was most evident there. The problem can be summarized quite simply – as chaos.

Chaos is not endemic to multi-stage selection procedures, and with full justification members of Presbyterian Churches, for example, would probably protest that they do not experience it. However, several important aspects of the context in which primary elections were used by American parties meant that for them, unlike the churches, nominations constituted the proverbial "accident waiting to happen."

The first has already been mentioned: population expansion. The New England party caucuses had drawn on the experience of those communities that had held town meetings in which all – at least all men – could participate. In this face-to-face world in which the lives of most usually depended on various forms of co-operation with others, coming together for discussion and decision making provided a means of restricting and reducing conflict. Not only did the increased size of communities preclude widespread discussion in meetings, it also meant that those who could vote might not even know each other, and hence appreciate why others understood their own interests in the way they did.

Second, for too many people, electoral defeat for their party had adverse consequences. They had a material stake not just in their party winning, but often in the candidates they had backed initially becoming their party's nominees. While parties needed enthusiastic supporters, too many of them committed to particular candidates could pose a threat to the orderliness of party procedures. The spoils system had helped bind a party together but was also the source of internal disruption, because the scope of an older American tradition, "to the victor the spoils," had been greatly extended throughout the country after Andrew Jackson's victory in 1828. The country's original party system had already sustained the principle that the victorious party in an election could choose whom to appoint to public offices, something which, in its masterful circumnavigation of that point, the U.S. Supreme Court had helped to legitimate in *Marbury v. Madison*. However, from the 1830s, and at all levels of government, winning parties also started awarding contracts to key supporters on a large scale. (Although patronage is popularly associated with the distribution of jobs it was contracts, and the money they generated for a party, that were the real engine of that party system.) While this intensified competition between the major parties it was equally present within them because there were too few rewards to satisfy every supporter of a victorious party. Being the backers of your party's nominees from the beginning often mattered more than merely being a known supporter of the winning party.

Third, the Jacksonians expanded the range of governmental offices filled through election rather than appointment, and especially at the local level. Through their family connections and friends many Americans were drawn into the fight for a party's nominations for these offices, with the result that those seeking to vote in a primary could be large in relation to the resources available for imposing order. Not only were rival groups seeking to obtain nominations, usually they were in competition with each other to control proceedings at meetings in which either nominations were made or delegates were selected to a higher-level meeting. That the Jacksonians also favored short terms of office – not for them the six years the Founding Fathers had provided for in the case of U.S. Senators, but more often one or sometimes

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two years – primaries were an annual intra-party battleground. Indeed, given that the territorial boundaries of some offices might not coincide with others, there could well be several rounds of caucuses and conventions each year when the politically active were in conflict with their fellow party supporters.

Fourth, in America's decentralized parties order could not be imposed effectively from above. Even parties at the state level lacked both the resources and the perceived legitimacy to intervene in providing discipline. At best, in cases where rival delegations were contesting the right to be represented at the State Convention, all a state party could do was decide between their respective claims – and that too was often based on political considerations rather than the merit of a claim. Typically, you backed those on whose support you could rely at the Convention. Those holding party offices could sometimes do little other than deploy physical force to overcome others determined to use whatever means were necessary to ensure the nomination of their preferred candidates. By the end of the 1880s this problem of chaos was becoming widely acknowledged, though it would be another decade before information and ideas as to how to resolve it resulted in the convening of the National Conference on Practical Reform of Primary Elections.

In part, impetus for that initiative was created by the seeming success of reform in a related area of electoral politics – balloting. Until the later 1880s balloting in all states involved parties supplying their supporters with voting papers, stating for whom they were voting in the various elections, and with each supporter then taking their ballot paper to the polling station. A public voting system was open to both abuse and some fraud, and the subsequent introduction of a secret ballot, administered by government agencies and known widely in America as the Australian Ballot, had eliminated most of these problems. Thereby between 1888 and 1891 the situation was transformed in nearly every state. Not only did ballot reform provide a stimulus for tackling the equally chaotic situation in the primaries, but it also raised an important question: if the ballot was administered by a public agency, what should be the criteria for qualifying to be a candidate on the ballot? Under the earlier procedures, someone who had failed to secure the "official" party nomination for a particular office could simply paste his name over that of the "official" candidate, and then have the amended ballot paper taken by a supporter to the polls as their vote. These so-called "pasters" had been a major element in elections, especially for the lowest level of public office, but under the new arrangements there would have to be rules governing how someone got onto the ballot.[6] Changing how primaries worked thus became a still more pressing problem from the early 1890s onwards.

All of these factors helped pushed America down a radically different path from other countries. Its major parties' internal procedures and their conduct of their own nominations would, in part, become directly subject to law. Unable to control effectively their constituent parties at lower levels, state parties would voluntarily – because the relevant laws were enacted by party politicians – subject those procedures to control by government. The idea that parties were merely some, possibly peculiar, form of private association would be abandoned. However, for our purposes an equally important change was that in just a few years it would lead to a transformation in the meaning of "primary" within the concept of a "primary election."

Legal Control of Party Nominations

In virtually all democracies parties are subject to some forms of legal control, as indeed are most organizations in any society. The range of their procedures embraced by law has led some political scientists to argue that America's parties have a peculiar status in its political system compared with those elsewhere, and that it is a response to especially strong anti-party sentiments

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within American society. However, no one has ever produced any evidence that hostility to, or ambivalence about, political parties has been more widespread in the U.S. It is mere assertion, and a superficial comparison of opposition to parties among the longer established democracies indicates that the assertion is probably not true (Ware 2002, ch. 1).

A separate, though often linked, claim, that from the end of the nineteenth century American parties became more akin to public agencies, a point first made by Austin Ranney (1975, 79), has more substance. The range of a party's *internal activities* that are subject to state regulation, or are carried out by the state on its behalf, is much greater in America than elsewhere. There were two reasons why there was more acceptance in America of a need for the major parties' organizational forms to be enshrined in public law. The first could conceivably be interpreted as an attempt to ensure they conform with the public interest. As noted already, from Jackson's presidency until the twentieth century, parties were widely understood as the key instrument of democracy; they were the means by which people could exercise control over their governments. While they remained private associations, they were unlike other kinds of associations because they were especially crucial for the survival of popular government – or so it was widely believed. Their role in maintaining access by the people to their governments was sufficiently important that eventually, in the 1890s, changes in the legal environment in which they operated became subject to debate. The second reason has been mentioned briefly already. The parties' decentralized structures would always preclude effective policing of party activities at lower levels, which regarded themselves as self-governing and not subordinate to other party bodies within their state. While some anti-party reformers undoubtedly were making more complaints about parties during that decade, the real driving force for legal regulation of party nomination procedures was the party politicians themselves. They were the ones for whom the adverse effects of chaos were most persistent and pressing. Moreover, they were in a position to initiate change, since, whether Democrat or Republican, they controlled the state legislatures in which relevant legislation would be initiated and passed.

By the early 1890s it was the party organizations at the county level that were directly faced with the problem primary elections were posing. Having been slowly adopted by some other county parties, the Crawford County System was then introduced for the first time in a major urban area, by the Republican Party in Cleveland, Ohio, which ran the selection process itself. The results were deemed a complete failure, not least by one of the main reform organizations in the city (the Cleveland Municipal Association) and the reform was abandoned. Any prediction then, that twenty years later and throughout America, the Crawford County System would be the most widely used method for nominating candidates would have been dismissed as improbable. However, as a reform it had one major advantage. It dealt with the problem of primary elections by the simple expedient of just abolishing them. Furthermore, in their place were substituted a procedure that government agencies could organize fairly easily and inexpensively, and at various governmental levels, and without much of the disruption evident in primaries and some party conventions. By about 1910 the institution that in the nineteenth century had been known as a caucus, primary, or primary election had largely disappeared. Their replacement, now widely called the direct primary, was an election to nominate a party's candidate. For elected county officials, these were elections held throughout their county with the winners being the party's nominees; similarly, for the state legislature and for Congress there was just one process – involving self-identified party supporters voting in each electoral district. Statewide gubernatorial candidates and those for other state offices were also nominated without the multi-stage complexities of caucuses and conventions. The primary election was largely exterminated, yet its name lingered on despite the fact that logically only in a multi-stage nomination procedure could there be a *primary* election (or a secondary one for that matter.)

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From our own era, it appears as if it would have been more appropriate for it to have been called the Candidate Nomination Election, or the Direct Nominating Election or something similar, given that retaining the earlier "Crawford County System" name was too parochial for general application. Why then was it called the "direct primary" instead?

The context of the reform's introduction is important in understanding this. Only in a few states, including Wisconsin and others mainly in the western half of America, were all the older nominating procedures abolished at the same time. Often there were piecemeal reforms so that the new arrangements, eliminating the multi-level process for some public offices, were operating alongside multi-level nominations for others. Those turning up to vote could be voting directly to nominate some candidates and also voting for delegates to attend the next stage of the process. They were attending primaries operating under various nominating structures. This conjunction facilitated the temporary survival of the older notion of a "primary." However, it also made it possible to think of the Crawford County System as a kind of primary, despite the direct primary not being, in the original sense of the term, a primary at all. Equally important though was an ambiguity in the meaning of "primary" in the electoral process that the transformation of how voting in candidate selections was organized helped to propagate. The switch from selections being the responsibility of private organizations (the parties) to governmental administration meant that direct primaries could be understood as the first of two public elections leading to the filling of public offices. Once it became a public election the Crawford County System could therefore be comprehended as "primary" in a wholly different way from the system it was replacing. It preceded a different second stage, the general election, whereas originally primaries preceded other levels of a nomination process within a party. This linguistic shift had much wider significance than as a mere detail for etymologists. In the future in America there could, and would, be primaries where those contesting the resulting general election were not the nominees of an organization, a major political party. This development is discussed further in the next-to-last section of the chapter.

What Precisely Is a Direct Primary?

Austin Ranney, who wrote authoritatively about the circumstances that led to the reform of the presidential nominating system in the 1970s was one political scientist who made the mistake of assuming that the direct primary was uniquely American, and that key characteristic of its primaries would have to be present in arrangements elsewhere for them to really count as primaries. In 1975 he claimed that:

> The direct primary remains almost exclusively an American institution. Occasionally some parties in other Western nations decide on their own to choose parliamentary candidates by secret votes of the local party members, but no law forces them to do so.
>
> *Ranney 1975, 123*

Unfortunately, he confused at least three separate issues: what is a direct primary election, what are the contexts in which a party is likely to introduce it, and what are the consequences of that context for the form that the primary takes? The American model was shaped by three unusual factors already identified: (a) the widespread acceptance of the Jacksonian principle that mass participation in parties was the cornerstone of democracy; (b) the extreme decentralization of party structures, so that both reforming and, subsequently, the policing of party activities would always be difficult for the parties themselves; and (c) the massive number of elective public offices. Between them, they ensured that abolishing chaos in candidate selection, through the

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adoption of the direct primary, went hand in glove with making these elections subject to state law and administration.

Consequently, when asking the question "what precisely is a direct primary?" it is important not to try to answer it by discussing instead the characteristics of direct primaries in America. Indeed, as will become apparent, a wide range of nomination procedures can properly be described as being direct primaries, especially now since it has been imported by parties in other countries. However, it is possible to identify three main conditions that must be met for a procedure to count as a direct primary.

1. A direct primary leads directly to the nomination of the victor(s) in that election. There is no further stage at which the result could be reversed or modified by anyone in the party, leaving aside cases where fraud or corruption on the part of the victor can be proved. A direct primary is neither advisory nor merely the construction of a short-list from which party officials (or anyone else) must select the eventual nominee.
2. The result must be determined by the casting and counting of votes. Yet these votes do not necessarily have to be cast secretly. In Crawford County the direct nomination of candidates by parties was conducted for more than three decades before the introduction of the Australian Ballot (the secret ballot) for general elections. Providing those eligible to vote are sufficiently few, a direct primary could be held by a show of hands or by using ballot papers that were open for inspection when the votes were being cast. Obviously, this limiting case is not to be found in contemporary democracies. To prevent fraud an open ballot is hardly ever used now, as a constraint on bribery and corruption. Similarly, the scale of modern democracies will normally prevent voting in any form other than by balloting – whether with paper ballots, on voting machines or electronically.
3. It must be possible for someone to choose to join the list of eligible voters, rather than having to be selected as voters by those currently eligible to vote. In other words, a party organized on the lines of the original European parties – what Duverger perhaps confusingly in this context had labeled "caucus parties" – in which the participants in the party were self-selected could not hold a direct primary.[7] Even if its membership is formally balloted, when choosing candidates for public office, such a small cabal is not conducting a direct primary. For it to have been one it must be the case that at some specified time before the nomination process begins someone can apply to join the list of selectors, and not be subject to rejection on ad hominem grounds.

Although this method of nominating party candidates would spread throughout the United States, replacing other methods, there was one public office for which it did not and could not be used – the Presidency.

Presidential Primaries

In the selection of presidential candidates by the two major parties the original notion that a "primary" was the first stage in a nominating procedure would survive, though not in name. While the solution to chaos introduced for most other public offices in America might conceivably have been used for nominating presidential candidates, its introduction would have depended on circumstances that, both then and now, have been politically impossible to create. A direct nomination would require a national primary with all states binding themselves to hold balloting on the same date. Before the 1970s the obvious objection to such a reform would have been that it would reduce a state's influence in any negotiations over the nominee that

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could, and frequently did, occur at National Conventions. While the subsequent downgrading of the two Conventions to mere spectacles removed this potential problem, states with small populations will continue to object that the potential candidates would never choose to visit them in the pursuit of votes nationally. Having their own primaries means that at least some lip service, and perhaps more, must be paid to them in the run-up to their selecting Convention delegates. In addition, it brings in some income to, and publicity for, the state with the presence of national media employees and others. While a tiny political lever for small states today, it matters nonetheless.

The history of presidential primaries can be stated briefly. Beginning in 1912 several states began introducing primary elections to select National Convention delegates, thereby abolishing the use of caucuses and various levels of prior conventions within the state. The number of state parties using such primaries increased up to 1920, and then declined again. Between then and 1968 typically only about 12 or 13 states used a presidential primary, with the remainder continuing to use their version of a caucus-convention system. First in 1972 with the Democrats, and then from 1976 in both parties the number of presidential primaries increased dramatically, as did the proportion of delegates selected in primaries. By comparison with the earlier period, and, with the arguable exception of the Democratic nomination in 2008, the identity of the nominee became certain well in advance of the last primaries. The National Convention was thereby transformed from a decision-making arena into a ritual or spectacle. States that retained caucuses as the first stage in nominating their delegates were, of course, persisting with the model of party nominations used throughout the country from the Jacksonian era onwards. However, as noted earlier, the term "caucus" had been used only in some states, with others calling them the "primary" or the "primary election"; with the advent of the direct primary they were all called caucuses. So, in a sense the nineteenth-century notion of a primary survived the subsequent century, but from about 1912 onwards a "presidential primary" nearly always meant an election involving the direct selection of a state party's National Convention delegates. But the linguistic switch is merely a minor curiosity compared with another development that occurred during the years between 1920 and the 1970s. To understand this, it is necessary to discuss the dynamics of presidential candidate selection in that period.

With presidential primaries generating only a minority of Convention delegates in total, securing selection depended far more on winning over support from party elites in the states, and especially a state's governor. Many were able to control their delegations and thus exercise considerable bargaining power when there was no clear frontrunner before the Convention. For a would-be candidate entering, and winning, primaries could demonstrate popularity among some of the party's core voters, but by no means did a clear demonstration guarantee being nominated. In 1952 Estes Kefauver swept the board in the Democratic primaries, but the party still nominated Adlai Stevenson. Candidates chose which primaries to enter and which to avoid because they were unlikely to do well there. Sometimes, as with the Catholic John Kennedy, in predominantly protestant West Virginia in 1960, winning a particular primary would show party elites elsewhere that this was a candidate who could have wide electoral appeal. (In fact, it is now widely accepted that it was his father's money that, in effect, bought the primary victory for Kennedy.) Consequently, having delegates selected in a primary had relatively few advantages for a state, given that it gave little bargaining power to the state party leadership.

Because of that there developed a type of primary that was just a "beauty contest," the term by which they became called popularly known, in which delegate selection was separated from the primary, the latter being little more than a state-run mass opinion poll of the self-identified supporters of a particular party. Despite usually being called presidential primary elections, nobody is selected to be or do anything. In 2016 the Democratic Party in Washington held such a primary,

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won by Hillary Clinton, although the earlier allocation of the state's Convention delegates had favored her rival Bernie Sanders. From the 1970s such contests have become anachronistic, something noted in Washington, where there had been a move to cancel the 2016 contest on grounds of expense, as there was no prospect of converting the primary into one in which delegates were selected. Earlier their main purpose had been to draw candidates into a state to campaign publicly, when they might otherwise have confined their pursuit of that state's voters to direct contact with the party's political elite there.

Preserving or Reducing the Role of Parties in Direct Primary Elections

Although those who wanted to change, restrict or even minimize the role of political parties in American politics were a minority force during the era when the direct primary was widely adopted, their influence on nomination reform varied greatly between states. One of the main respects in which their views conflicted with those of most party regulars was on how a direct primary should be structured. There were two main components of a primary where that conflict was most obvious. The first, and more widely known subsequently, was whether the vote in a party's primary should be restricted to those who identified with or supported that party or whether anyone who wanted to should be allowed to vote in it. In practice, however, the effects of which of the two arrangements a state opted for had rather limited effects on the ability of party elites and organizations to control nominations in their party. There were several reasons for this. The traditional openness of American parties, dating from the 1830s, meant that any attempt to unduly restrict the primary electorate would be confronted by a consensus against it. In the absence of fee-paying membership-based participation, parties could not try to exclude from primaries those whom they thought might not be loyal to the eventual nominee. The most they could do was require party supporters to register in advance as primary voters, at the same time as they were registering to vote in the next general election; this required stating that they had either supported the party previously or intended to vote for it at the forthcoming one. Since the Australian Ballot was a secret ballot there was no possibility of ever enforcing such requirements effectively. All that could be achieved with a closed primary, by comparison with an open one, was a reduction in the likelihood of the result being affected by defectors from the other party, who were trying to secure the selection of weak candidates by the party they opposed.

Voter raiding of this kind would occur, but was relatively uncommon, and open primaries only occasionally produced perverse results for a party. Nevertheless, at the beginning of the direct primary era most parties had opted for closed primaries, with only nine percent of states opting for open primaries. (By the beginning of this century its usage had risen to over 50 percent of states.) Raiding was more likely, however, when voters were permitted to vote in the primary of one party for some elective offices but in the other party's primary for different offices. The arrangement was permissible until 2002, though until the end of the twentieth century it had been used only in Washington. When California adopted this so-called blanket primary by initiative referendum in 1998 the U.S. Supreme Court rejected it (*California Democratic Party v. Jones*, 2002), the grounds being that it violated the First Amendment's guarantee of a right to freedom of association.

The second way of affecting the role party elites and organizations can play relates to how easy it is for any would-be candidate to get onto the primary ballot. Obviously, those seeking to weaken elite influence wanted to set the barrier very low, and this could be achieved by requiring that a potential nominee obtain only a small number of signatures from eligible voters in support of the candidacy. One response to this from parties was to make that threshold higher,

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but even when they do not, ballot access can still be denied because of technical mistakes made in the gathering of signatures. In 1985, for example, 16 out of 143 candidates in the Democratic primaries for various offices in New York were disqualified (Schuelke 1989). Usually in the past, party organizations had greater resources than individual candidates to challenge their access to the ballot on technical grounds, and, especially, in New York in the early twentieth century judges were partisan appointees who tended to side with the organizations. However, in many states where party organizations still remained relatively strong, judges could not necessarily be relied on to always act in an overtly partisan manner. A supplementary, and less controversial method, of limiting who could get onto a primary ballot was to deploy what was initially called the Hughes Plan.

Originating as an idea first in New York, but subsequently adopted in a handful of other states including Colorado, it preserved party influence over nominations by having caucuses and conventions *precede* the direct primary. Thus, as with the presidential primaries, it inverted the nineteenth-century arrangement (in which the party caucus or primary was the first stage in the nomination process) with the ultimate stage in a multi-stage process now being a direct primary. The real significance of the Hughes Plan is not this linguistic point, but that it provided an alternative to the original Crawford County model which was a single-stage system of nominating. A direct primary could be multi-stage, therefore, providing there was an election at the ultimate stage from which the winner automatically became the party's candidate.

Adopted in a handful of states, the Hughes Plan, or as it came to be known in some states, the Pre-Primary System (PPS), was a flexible tool in relation to the power it actually gave party elites. Rules could be constructed to make it more (or, alternatively, less) difficult for outsiders in a party to secure nomination. In Colorado candidates were placed on the primary ballot by a convention only if they had received 15 percent of the vote at the convention. Typically, only two, or at most three, candidates were thus eligible to enter the primary ballot by this means. Moreover, the order of names on the ballot paper was determined by the number of votes received at the convention; ballot position mattered because it was presumed, correctly in fact, that some voters typically voted for the candidate at the head of a ballot no matter what.[8] Yet, at the same time, Colorado also weakened party control over the nomination process through an alternative route onto the ballot paper: a candidate could submit a specified number of signatures on an official petition to the state Elections Board.

With the Pre-Primary System the primary is always the secondary stage in the nomination process, and with some offices, including the state governorship, it could even be the tertiary stage. (This is something that might have confused older Colorado voters in the inter-war years who had spent their youth in those states where a caucus was known as a primary or a primary election!) Functionally, however, the primary election under PPS plays exactly the same role as does a party primary in states where the direct primary is the only stage in choosing a party's candidate. The winner automatically becomes the party's candidate at the general election and is unquestionably *the party*'s candidate.

This first point is also true of a very different method for influencing party control while the second is true only on one interpretation, although arguably the most important one, of what is meant by "a party's candidate." This is the now abandoned cross-filing primary.

Cross-filing, permitted in California from 1913 to 1959, allowed a candidate to contest the primary of both major political parties and, if they were won, then become the candidate of both. In the absence of independent candidates or candidates there would be no need for a general election. The main effect of any cross-filing system is to strengthen the position of some candidates, especially incumbents, who can use the publicity their office gives them to weaken opposition to themselves – both from within their own party and the other. Since,

absent independent candidates, there will be no general election, an incumbent who cross-files and wins both primaries will have reduced the level of financial and other costs. However, the incentive to cross-file is present only when a candidate's personal popularity gives him or her a realistic chance of winning. Thus, there is an advantage to popular incumbents that tends to increase over time, and extend political careers. In California the main effect on the parties was to strengthen further the position of public office holders from the then majority party, the Republicans. Only the Democrats had any incentive to abolish cross-filing, which they duly did in 1959, following the nationwide electoral landslide they enjoyed in the midterm elections the previous year.

While cross-filing is a mechanism tending to weaken partisan politics, this primary system is still a party primary even though each of the major parties has nominated the same candidate. That an incumbent who in previous elections ran only in the Republican primary is not really a Democrat is irrelevant; that party's primary is still a Democratic primary, and that is an important respect in which cross-filing differs from so-called nonpartisan primaries, which are discussed in the penultimate section of the chapter.

Run-Off Primaries in the South

The "directness" of a direct primary relates to the result automatically leading to the winner becoming the party's candidate, and not to there being merely a single procedure in the process of conducting it that leads automatically to the nomination. Just as a direct primary can follow from a pre-primary convention, the process can involve a run-off between the two leading candidates in the first round, or indeed there could be a more complex multi-round of elections; the latter arrangement would still be a direct primary. Again, a direct primary can be structured in various ways, either to retain party power or alternatively to weaken parties, so the form a primary election itself takes can result from trying to promote other objectives. This was the case in the South from the 1890s where a Double Ballot was used on its introduction. After the first round there would be a subsequent round in which only the two leading candidates from the former were on the ballot. (If the leading candidate had received more than a majority of the votes, a second round was not required.) In the run-off round the winner would necessarily receive more than 50 percent of the vote. However, use of a Double Ballot system was not just confined to primaries; nine southern states, and Oklahoma, mandated its use in both primaries and other elections.[9] The origins of this lie in the distinct electoral history of the South following the Civil War (Kousser 1984).

In that region two factors prompted the deployment of run-off elections. Requiring that a majority of those voting must have voted for the winner (whether of a primary or a general election) reduced the likelihood that the minority black population could play a major role in determining the winner. A majority white population could unite against them. Together with other, more obvious, means – disenfranchisement, intimidation, and so on – it reduced the possibility of black influence in the South in all kinds of electoral processes. However, a run-off could also serve another purpose. With the complete collapse of the Republican Party in the 1890s in all but a few areas of the southern Appalachians, nearly all general elections in the region were reduced to a mere formality. The only arena of real competition was during nominations for the Democratic Party. The primary election – whether with a run-off requirement or not – became the functional equivalent of a general election throughout most of the South. Especially in states where the party was not organized into well-defined factions, it was entirely possible that, in a multi-candidate field, the leading candidate in the Democratic primary might receive less than a quarter of the total vote in that election. (Florida was perhaps the most

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extreme example of the atomization of the vote.[10]) Under such conditions the notion that that candidate could in any sense be described as the "popular choice," even of an exclusively white electorate, was absent. The obvious solution for this was the Double Ballot election in the primary, which thereby increased the incentive for all – whether independents or the small number who might otherwise be attracted to the Republican Party – to enter the Democratic primary.

Thus, one result of the run-off was to virtually eliminate any possibility that minority factions within a southern state might develop and organize outside the Democratic Party (or more accurately the Democratic Party label), rather than inside it, so that new major parties never formed. For more than 60 years, until the early 1950s, the Republican Party provided no serious alternative to the Democrats, with the Double Ballot system helping to solidify the monopoly role enjoyed by the label "Democratic Party," which was scarcely a party at all organizationally.[11] Not until economic development in the 1950s, followed by African-American re-enfranchisement in the 1960s, was party competition resumed. Nevertheless, despite its effects in undermining party politics in the earlier period, the Double Ballot primary was nonetheless, like the cross-filing primary, still a procedure for determining the nominees of a *political party*. In this respect it remained fundamentally different from two other procedures that would be described from the outset as primaries, but which lacked the fundamental feature of being a *nomination procedure for an office*, as opposed to one element of an electoral process for an office.

Primaries as Double Ballot Election Systems

As an electoral system, and certainly in Europe, the Double Ballot (Run-Off Ballot) system pre-dated the advent of the direct primary in America – for example, it was used in the French Third Republic (1871–1914), a regime in which political parties were both weak and highly decentralized.[12] In Europe this kind of electoral system, reintroduced and still used in the Fifth Republic, is never referred to as a kind of primary. However, it has precisely the same structure as so-called Nonpartisan Primaries in the United States. The latter were introduced in many western states during the Progressive era in attempts to eliminate the role of political parties in elections for many local public offices. A Nonpartisan Primary is no more and no less than the first round of a Double Ballot electoral system, with the subsequent election being the second round. (Given its origins, it might seem a curiosity of linguistic usage that the term "primary" should ever have been appropriated for a reform that eliminated parties from the electoral process, as run-off elections had been used in America for two decades before the movement for nonpartisanship developed.) Except for Nebraska and Minnesota (1913–1974), which provided for nonpartisan elections for their state legislatures, the move to exclude parties from electoral politics was confined to county level government and below. In particular, support for nonpartisanship was especially strong in relation to local school board elections.

Nonpartisan requirements typically prohibit political parties from formally endorsing candidates and from using resources in support of their campaigns. The candidates do not identify themselves as being a Republican or Democrat, nor, of course, do the names of a party appear on ballot papers. Nevertheless, typically party activists and public officials elected in partisan elections are involved in support of particular candidacies in nonpartisan elections, though not in a partisan capacity. Paradoxically, therefore, nonpartisan contests can be more partisan in substance than were Double Ballot primaries in the South, with its formally partisan primaries, but which of course were functioning in an era when party organization had largely collapsed. The relevant point here is that with nonpartisan elections there is a significant, and alternative, meaning of "primary" in the United States. It no longer refers to the process of *nominating* candidates (by a party) but to the first stage of a two-stage electoral system in which there are no parties.

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A second procedure in which nominating through a party election has been abolished is the nonpartisan blanket primary. First introduced in Louisiana for congressional elections in 1978, candidates can, and do, identify themselves as Democrats or Republicans when campaigning and on the ballot paper itself. Consequently, partisanship is not formally abolished in the electoral process, but the "primary" is not a party primary because the two candidates who end up contesting the run-off election could both be Democrats (or both Republicans). In the former case, therefore, no Republican candidate has been selected for the second ballot. Like a nonpartisan primary, this sort of primary is not an element in a nomination process, but, the first part of a two-stage election system. Like the Progressives' invention of the nonpartisan primary, nomination for election is merely self-nomination by a candidate, involving the acquisition of the required number of signatures of eligible voters to enter the primary ballot. Consequently, the French presidential election of May 1995 can be considered a good example of what in America would be called a nonpartisan blanket primary, although the French would undoubtedly regard that description of it as puzzling. In the first round there were nine candidates, including two who were members of the Gaullist Party – Jacques Chirac and Edouard Balladur – both having served as prime minister during the previous ten years. Three months before, the election opinion polls indicated that the run-off election would be between the two of them, though eventually the Socialist Party's Lionel Jospin finished second to Chirac in the first round. The mechanics of this election were the same as the Louisiana primary, in that there was nothing in the electoral rules themselves to prevent more than one candidate from a single political party contesting the first-round election, and nothing to prevent those two contesting the run-off, were they to win most votes initially.

"Exporting" Primary Elections Outside the United States

Like the United States, many countries have long regulated the activities of their political parties, and in many respects more extensively than America has, especially with respect to the funding of electoral activities. Generally, though, state regulation of the nomination of their own candidates has been absent. There are exceptions. Since 1997 Uruguay has required all its parties to nominate their candidates in a primary election.[13] This might be a precursor for further changes in presidential systems, especially in Latin America which has always looked more closely to the U.S. for its political models, but it is an unlikely development in parliamentary regimes.

Uruguay apart, the "exporting" of primaries abroad so far has taken place without any element of the state regulation that accompanied the switch to direct primaries in early twentieth-century America. Nevertheless, from the end of the last century, and continuing in the present one, parties in various types of democratic systems have started to use primary elections when selecting not just candidates for election, but also party leaders. Several different kinds of procedures have been introduced, but they share two features which distinguish them from some of the extended range of procedures to which the word "primary" has become attached in the United States.

First the primary is used only to select someone who will become a party's nominee. In other words, as noted previously, the third of the three American notions of primary, that nonpartisan primaries can be considered a type of primary, has been absent in European and other democracies. Second, the result of the primary determines directly who will be that candidate. Thus, the original American notion, that a primary election was the first stage in what could be a multi-stage process of selection is absent as well. For non-Americans, it is some form of the direct primary that is their model. However, were they to look at primaries outside the U.S., many Americans would probably regard them as rather primitive or unformed versions of the American model of a direct primary. And they would have good reasons for thinking this.

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Explaining this requires understanding both the legal and the cultural contexts in which the American direct primary developed. This is best done by examining three respects in which the operation of primaries elsewhere usually differs from the American original.

- (i) Incumbents in America can always be challenged in a primary, providing a challenger meets certain pre-set requirements when doing so, whereas this kind of compulsory reselection is rare elsewhere.
- (ii) With the exception of "white-only" primaries in the South before the 1960s, the right to vote in American primaries has been broadly defined, whereas in other countries there are widespread variations in this right.
- (iii) In the U.S. the function of a primary is just to nominate a candidate for a public office, but in some other democracies they are used to select party leaders whose candidacies for a public office are only one component of their role.

With all three of these differences it is important to understand why the American model took the form it did, as well as why the context there may be irrelevant for some other democracies' deployment of primaries.

Compulsory Reselection

Typically, primaries are used in other countries only when there is a vacancy to be filled as a party's candidate. They are used far less commonly in reselecting incumbent public officials, and only infrequently are there requirements for incumbents to face reselection automatically. In the U.S., the incumbent might not face a primary opponent in advance of any particular general election, but the possibility that an opponent could emerge and has a right to face that incumbent on the primary ballot is always present. While most American incumbents do enjoy longevity in office, frequently many face primary challengers from time to time. They cannot avoid compulsory reselection, therefore, when someone wants to challenge them in a primary. This difference between America and other countries is linked to the context in which the direct primary emerged in the former.

For three reasons, there was never any possibility of American incumbents being given a free-ride in remaining a party's candidate. First, by abolishing pasters, the Australian Ballot removed an important route for party outsiders to challenge party elites – in a political system that highly valued parties as central to democracy. Within such a polity the idea that incumbents should be afforded any special protection had always been alien. In part, this was because, even among a party's elites, holding any particular elective public offices was not seen as a career. Many offices, especially in state legislatures and Congress, were occupied for much of the nineteenth century by lawyers who, far from seeking a long career in them, were using them to establish useful contacts to advance their legal practices. They left office after only one or two terms, although most would remain active in their party.

Second, in locating the administration of direct primaries in government, any reformed system required there had to be some means for those responsible to determine when a primary ballot had to be held. With the abandonment of parties' distributing their own ballot papers and of pasters, procedures were needed for those officials to determine who was entitled to be on the ballot paper in a general election under the banner of the Democratic Party or the Republican Party. While it might have been possible to find some compromise in the case of Office Block types of ballot, it was with the more commonly used Party Column type where there *could* be only one candidate designated to use the party's name on the ballot paper.[14] Logically one solution was that, in the case of incumbents, the parties themselves could inform the relevant officials that a

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primary would be unnecessary. Where there was only one office to be contested, this might be relatively straightforward, though still create complications should an incumbent decide late not to run again. Moreover, it increased opportunities for manipulation and corruption. Yet the main problem was the vast number of offices that had to be filled at each election, in marked contrast with most other democracies then or later. Administratively, the easiest solution was to provide for primary elections for every office, although obviously there would never be a contest when only one candidate had submitted a valid nomination form.

Third, under the changed conditions of the early twentieth century incumbents themselves had relatively little interest in being protected from intra-party challengers. From the 1880s onwards there had emerged in America a new kind of political actor – the hustling candidate (Reynolds 2006). Being elected to a public office was less likely to be a short interlude early in a career, and more likely to be the first stage of a longer-term career. Indeed, one important explanation for the demise of a convention-based system of party nominations, and the rise of the direct primary, is that the "hustling candidate" was a key factor in facilitating the transformation. These candidates were operating in a wholly different context than would their counterparts in other countries, because the number of rungs on the career ladder was greater in the former. Careers were built not by being elected to one office – such as a legislature – and remaining there, but using that as a launch pad to a higher level of elective office. Abolishing the convention system weakened the role of others in the party who, previously, could frustrate their ambitions, while the new availability of primaries opened opportunities for hustling candidates to further their careers. Although the possibility of having to face compulsory reselection to maintain their own offices could pose problems for them, as incumbents they often had access to greater campaigning resources than any opponents. The emergence of the hustling candidate into an institutional structure, composed of the many layers of elective offices that the Jacksonians had created in the 1830s, generated a very different set of incentives than those that would become evident elsewhere later. Moreover, at the heart of this growth in political careerism were state legislators, who not only had an incentive to create nomination arrangements that facilitated career progression, but who constituted the membership of the institutions responsible for legislating their introduction.

Of course, a successful primary challenger could put an end to an incumbent's political career; that was the price of having a career ladder where it was possible to progress upwards with a combination of party support and one's own resources and political skills. In the long run – between three and five decades – the direct primary would be a major contributory factor in the weakening of traditional party organizations, and especially in their relationships with their own candidates. Those kinds of relationships were very different in most other democracies. Too many challenges from within a party to its incumbents was potentially destabilizing for the party and unwanted by most incumbents themselves. In general, only "out" groups in a party become advocates of compulsory reselection and, in the rare circumstances when they take over from the "ins," they too may then want to benefit from being exempt from compulsory reselection in the future. Moreover, the extended political career ladder that developed in the U.S. is less evident in other democracies because there are fewer sequential levels of office there. In the absence of such a ladder in a federal system, career progression from state to federal offices can be unusual. In contrast with the U.S., this is the case in Canada; members of Canadian provincial parliaments rarely regarded running for a seat in the federal parliament as career progression.

Wide Variations in Eligibility to Vote in Primary Elections

When the direct primary was established in early twentieth-century America, registering to vote in it was usually done a mere few months before the election itself, and was undertaken at the same

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time as the annual registration of voters for the general election. There are variations in this between states, but these are not as great as in the countries that have "imported" the direct primary.

Open primaries of the American kind, or even quasi-open primaries, were slow to develop. As late as 1996 in her study of German and British parties Susan Scarrow was analyzing countries in which there were still no open primaries, but she argued that this was a reform that might readily be enacted outside America: "Instituting either open primaries, or closed primaries where the barriers to entry are very low, would be a radical response, but it is a change which could be implemented in many countries" (Scarrow 1996, 209). Nevertheless, even in those countries where all parties restrict voting in primaries to party members, the variations in how long a person must be a member before qualifying to vote in a primary are massive. One comparative study of Belgian and Israeli parties revealed that all the parties using primaries confine voting to party members, but the qualifying period for a primary vote varies from a few weeks to over a year (Wauters, Rahat, and Kenig 2016, 90). The American tradition of having an agency of government responsible for registering eligibility to participate in an intra-party election has had no direct counterpart elsewhere. American parties are structured differently and, consequently, have had a different culture about rights to participate in a party's activities; this is a major factor in explaining one aspect of American political exceptionalism. Yet how parties have been structured in other countries has also varied – both by country and by type of party – so that there are major differences between them as well as between those parties and the major American parties.

Some parties, primarily social democratic parties in northern Europe, formally enrolled individual members who acquired various rights in relation to decision making within the party. With membership came responsibilities, and a failure to observe them could, *in extremis*, lead to expulsion. Not all social democratic parties followed the model of individual membership pioneered by the German SPD in the late nineteenth century. Other left-of-center parties were allied to social organizations – such as trade unions – whose members too could be deemed to be party members, even though the party usually prioritizes recruiting individual dues-paying members. The British Labour Party was an example of this. Still others had a much-diluted notion of a "member" involving relatively few enforceable rights with respect to control over the party and its activities, but also not open to all in quite the way that American parties have been. The British Conservative Party has members of that kind. A still looser notion of party membership became more attractive to party elites later in the twentieth century when some parties had experienced intra-party conflicts over party goals and policies. Thus, when Silvio Berlusconi founded Forza Italia in 1993 he sought to recruit members who would have the same kind of relationship to their party as football supporters did to their team. While wanted for their support, they obtained no control over the organization recruiting them.

Across the wide spectrum of organizational structures there have been parties adopting direct primary elections in recent decades; some use them to select party candidates as in the United States, but others also to select party leaders, a development to be discussed shortly. At one extreme, there is the example of Canada, where formerly the Liberal Party had a structure that scarcely operated at all between election campaigns but now has formal enrolment of members. They have relatively few formal powers over party elites, but primaries are used at both the local level and in selecting its leader. At the other extreme, in countries such as Belgium and Israel, where there was always a much stronger notion of formal membership entailing some rights and responsibilities, primaries have now been used by some, though not all, parties. The constraints imposed by their specific histories and present circumstances affect how willing they are to extend the right to vote in a primary. Yet, overall, the present century has been an age of experimentation in candidate selection in many parties, experiments that can be quickly discontinued

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because of their uncertain consequences. In 2009 the British Conservative Party encouraged its local party organization in Totnes to select its parliamentary candidate for the next general election in a primary in which any eligible voter could vote. The winner was a local doctor who had scarcely been involved in the Conservative Party previously but who defeated other candidates who had; this experiment has not been widely repeated by the party since then, partly because it might produce candidates who would prove less open to party control later. However, the most interesting aspect of the experiment is that it had happened at all in a party which for much of the last century was dominated by its elite.

The primary has become attractive outside the U.S. in an era when voter loyalty to parties has been eroding, and where primaries are perceived as having two advantages in countering the effects of this. One is that the impression of a candidate or party leader being selected through more open processes, and by larger sets of selectors, could link a party more directly to the idea of democracy itself, and hence increase the perceived legitimacy of those selected. Then there is the greater publicity that a primary might generate for a party compared with other methods of selection. Of course, this was one of the reasons that between 1968 and 1976 state Republican parties had followed their Democratic counterparts in moving to using presidential primaries; persisting with the original caucus-convention system would have given an advantage to the Democrats, because television coverage would focus mainly on the more telegenic method of primary selection.

For those parties whose members had traditionally possessed formal rights over the party's public policy objectives greater flexibility in modifying them to broaden their electoral appeal was needed. As their loyal electorates were shrinking, new objectives had to be pursued to attract other voters. Reducing control by the members over policies, thereby strengthening the ability of party elites to modify them, was required. However, current activists could be pacified, and new members attracted, only if there were some compensating new roles for them. Primaries could provide a suitable forum for that – by opening up candidate selection. Yet there is an obvious tension here. If activists are to be recruited to perform some tasks in the party, and be "rewarded" by being able to choose candidates or the party's leadership, then they (and not non-members) must have the privilege of doing so. When primaries are closed in this way, their role in increasing the legitimacy or popularity of those selected will be limited by comparison with a more open primary. This tension is part of the explanation for there being no pronounced movement towards, nor away from, open primaries outside the U.S.

Of course, even in this new, heterogeneous universe of primaries opposition to proposals for including more people in the selection of candidates for public office and public leaders is difficult to mount. A primary system can always be promoted as being *more* participatory than what has preceded it; this is its great selling point. It becomes therefore a *relative* concept; a primary may still involve only a minority entitled to participate, but, so long as there is a wider potential selectorate than previously, a reform can be presented as, and described publicly as, a primary. Of course, some non-American primaries have been as open as American primaries, with virtually anyone who wants to participating in them. But part of the appeal of primaries for some party reformers is that they do not have to be.

Thus, the American conjunction of a formal election process in nominating candidates and open access to participate in the process is far from universal. Thus, the idea of a primary becomes arguably more elusive even than in America. This open-ended quality of the concept of a primary means that all kinds of selection procedures can be publicized as being primaries, arrangements that bear little resemblance to how the American direct primary itself operates. If, as a minimum, all that it takes for a procedure to be a primary is for a candidate to be selected by means of an election, as opposed, say, to consensus in a small group, then old-style meetings

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of membership parties to choose a candidate could constitute a primary, just as much as a primary election open to all. There is no identifiable cut-off point or boundary, in relation to eligibility to vote, between a primary and some other form of selection. That is why "primary election" can be understood as a relative concept. In the current era, where widening eligibility has become attractive to politicians, the concept of a primary election has been embraced and understood outside the United States in ways that many Americans would regard as odd: "You might think of that as a primary, but I wouldn't call it one."

Primaries and Leadership Selections

One significant respect in which the domain of the direct primary has expanded on its exportation abroad is its use in the selection of party leaders. Nevertheless, the adoption of more inclusive procedures of selection does not necessarily mean that the parties themselves, the mass media, or communicants on social media will use the word "primary" regularly when referring to them. Both the Canadian Liberal Party in 2013 and the British Labour Party in 2015 used leadership selection procedures that have features necessary to qualify as primaries, but in both cases "leadership contest" remains how they are still typically described. Indeed, it is political scientists and analysts who are often the main promoters now of the term "primary," rather than its usage following from what politicians say. (For example, three political scientists used the term "semi open primary," to describe the leadership contest in 2016 between British Labour leader Jeremy Corbyn and his challenger Owen Smith, even though it had not been described as such in the mass media.[15]) Arguably one reason for this is the slow, long-term, transformation in how leaders have been selected, rather than there being a sudden, and massive, shift towards expanding the selectorate that might prompt the use of new political language. The British Labour Party provides a good illustration of this point. For decades the choice lay entirely in the hands of the party's MPs. By the last decades of the twentieth century this method was replaced by an electoral college, comprising MPs, trade unions and individual members. After the 2010 contest, when there was some concern that the unions' vote had been pivotal in the selection of Ed Miliband, a commission was established to propose how future leaders should be selected. The electoral college was abolished subsequently, with members of trade unions joining individual members in the selectorate. Clearly, the process had now become a primary election but, with the emphasis on evolution rather than a sharp break with the past, there was no advantage, and possibly some disadvantages to, publicizing it as a primary.[16]

In an obvious sense the U.S. president and state governors are also the leaders of their parties. Yet, not only are they selected specifically to contest an election for a public office, how much power they can exercise over their parties has varied greatly. Both the president and some state governors have always had limited power over other actors in their party. In the president's case, federalism and the separation of powers restrict the scope of their power. With state governorships, separation of powers has limited it in all cases, but in some states other factors, including constitutional limits on how many terms a governor could serve, and specific powers assigned to other elected public officials, have reduced their intra-party influence further. This dispersal of power is generally less evident even in presidential systems elsewhere – in France and Latin America, for example – where the party's presidential candidate (and the president) typically are not merely head of the party ticket, but able to exercise control throughout the party. The result is that there is a broader notion than in the U.S. that candidacy and leadership of the party are equal roles that a nominee combines.

In parliamentary regimes the situation is more complicated still. Although the purpose of selecting a leader via a primary election is to recruit someone who will be competing to become

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prime minister at an election, the role of party leader is not confined to this. In contemporary parliamentary systems the party leader performs at least three roles: fronting the party's campaign in advance of a general election, leading the party in the parliament, and keeping extra-parliamentary factions and groups within the party united. Performance in the last two roles can affect how the party will be perceived by potential voters during the next election campaign. Consequently, how the leader is selected can influence the likelihood that all these roles can be performed competently. Failure in doing so can result in attempts to remove the leader from office in advance of the general election itself; in Britain an attempt to dislodge the Conservative leader Iain Duncan Smith in 2003 was successful, but it failed against Labour's Jeremy Corbyn in 2016. On the other hand, defeat in a general election does not directly result in the demise of the erstwhile party leader, as it does for a defeated presidential candidate in America, although increasingly such failure is followed by the leader's resignation.[17]

These additional roles of parliamentary leaders affect how primary selection procedures are constructed, and then often reconstructed. In presidential systems a broad selectorate, consisting of likely party voters, is feasible since the main objective is to choose a candidate whose electoral appeal is likely to be greatest. For parliamentary leadership contests the risk in enfranchising a broad selectorate is that, while the voters may be able to exercise judgement on the possible electoral appeal of a potential leader, they may have limited knowledge on two other crucial matters: how he or she could perform as a parliamentarian, and in minimizing factional intra-party conflict. This is why in parliamentary regimes there has been considerable variation in the introduction of primaries for party leaderships, and also changes in the rules as to how precisely the primary is to operate. There have been some spectacular miscalculations in this regard. Jeremy Corbyn, selected in 2015 with a view to contesting the 2020 general election, was faced a year later with three-quarters of the party's MPs declaring publicly that they had no confidence in him. Despite this Corbyn did not resign, won reselection again, with much the same selectorate that had chosen him in the first place.

This experience helps to explain why there is some ambiguity about whether elections of parliamentary leaders should be regarded as party primaries or not. What the original nineteenth-century notion of a primary (in America) and the American direct primary had in common was that their purpose was to select a candidate to contest an election for an office. While these procedures might be similar to those of Presbyterian churches, mentioned earlier, the latter were not selecting anyone to contest an election. That is one obvious reason why the churches' procedures are rarely referred to as primaries. Parliamentary leadership contests lie midway between the two cases. It is expected that the leader will be spearheading an election for control of government, but that is not a leader's only function. To call these leadership elections "primaries" is to stretch the notion of a primary still further, although arguably not without good reason.

Conclusions

When discussing primary elections in America years ago, political scientists typically stated that there were different types of primary election which could be identified. It is perhaps more accurate to say that the term "primary election" has several rather different meanings. Moreover, the concept is a rather elastic one because there are so few conditions that must be met for a selection process to be considered a primary, even when discussion is confined to direct primaries. Of course, a direct primary must lead directly to the nomination of a candidate who has won a formal election to be the nominee of a single party, or an alliance of several parties, or some organized group. But that election process might:

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(a) be mandated by law, or alternatively have been voluntarily adopted by the party;
(b) be organized and conducted by state institutions or entirely by parties themselves;
(c) have been preceded by earlier processes in which the candidates permitted to contest the primary were selected, or require merely that would-be nominees secure the signatures of a specified number of eligible voters;
(d) allow virtually anyone to vote in the primary, or alternatively restrict the vote to those meeting certain conditions – such as being a party member for a specified period;
(e) be confined solely to the purpose of selecting candidates to contest a specified public office at a general election, or be used as well to select party officials or leaders.

Consequently, many ways of nominating candidates could count as primaries. In addition, the concept has also been hijacked to describe the first round of certain kinds of double-ballot election systems, and has been further deployed to describe selection procedures that are more inclusive than their predecessors, but which still restrict access to the selection process. If asked to answer the question "Is this particular selection procedure a primary election or not?" it is perhaps safest to invoke the spirit of Professor C.E.M Joad, a philosopher who appeared each week on a popular, but educational, BBC radio program in the 1940s. In answer to nearly every question under discussion in the program Joad began with the words "It all depends what you mean by . . .".[18] It does indeed "all depend."

Notes

1 One of the first studies to popularize the term "selectorate" was Norris and Lovenduski 1995.
2 One alternative solution, discussed in 1875 but not implemented, was to make electoral districts smaller; see Ware 2002, 69.
3 http://www.scfaith.org/history/.
4 "Electing Ruling Elders: A Resource for Kirk Sessions," Committee for Training and Resources and Board of Christian Training of the Presbyterian Church in Ireland. Online, https://www.presbytriareland.org/getmedia/a65746fd-d759-44bb-935f-56d7878b0f78/CT-Electing-Ruling-Elders.pdf.aspx?ext=.pdf (page 5).
5 Its proceedings were published and provide a crucial insight into widespread concerns about the problems of nominating candidates; National Conference on the Practical Reform of Primary Elections 1898.
6 The prevalence of pasting was one reason why ticket splitting was so high in the 1880s despite the strength of political parties at the local level; see Reynolds and McCormick 1986.
7 For Duverger (1954, 18), "a caucus consists of a small number of members and seeks no expansion . . . membership is achieved only by a kind of tacit co-option or by formal nomination." It was one of four types of basic unit from which a party could be composed. Definitionally, therefore, it is a different notion of a "caucus" than was commonplace in American political life.
8 That ballot position matters has been reaffirmed several times by political scientists; see for example, Koppell and Steen 2004.
9 See McDonald 1985. The one southern state that did not use run-offs was Virginia, which of all the states in the region had the most highly structured factions within the Democratic Party.
10 On varieties of party factionalism in the South, the best source remains Key 1949.
11 One of the few exceptions to this generalization was Republican success in winning a few southern states in the 1928 presidential election, after the Democrats had nominated a Catholic, Al Smith.
12 A separate run-off election is not the only version of this type of voting system, another being the Alternative Vote (sometimes known as Instant Run-off Voting). Under this arrangement a voter's second preference is expressed on the ballot paper at the same time as the first preference, thus obviating the need for an entirely separate second election.
13 On Uruguay see Buquet 2011. On the issue of why parties in Latin America hold presidential primaries see Kemahlioglu, Weitz-Shapiro, and Hirano 2009.

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14 The designs of the two types of ballot differ significantly. The Office Block lists each office in order, with all candidates for any given office being identified under that heading. Should there be a dispute as to who was entitled to be a party's candidate for any office, the overall appearance of the ballot would not be disturbed by including the names of all disputants on it; voters could then be allowed to vote for whichever of a party's putative candidates they wished to. By contrast the Party List type is a kind of grid, with the horizontal axis consisting of the names of each party, and with the vertical axis listing each office being contested. Were an attempt made to include all disputants on the ballot, its appearance would be odd and could cause additional voter confusion. Moreover, in states that were already using voting machines it would have been impossible to print Party Column ballots that could be used on the late 19th and early 20th-century machines.

15 See https://constitution-unit.com/2016/09/06/the-2016-labour-leadership-election-in-comparative-perspective/.

16 The structure of the system used in 2015 resembled a Preprimary Convention because access to the ballot was possible only with support of a stated number of the party's MP's; collectively the MPs were the functional equivalent of a Convention. However, when Jeremy Corbyn's leadership was challenged in 2016, with a new ballot held, he was permitted under the rules to be on the ballot even though he was unable to gain the required support from MPs that his opponents had to obtain.

17 The last leader of one of the two major parties in Britain to hold onto the leadership after an electoral defeat was Neil Kinnock in 1987.

18 The weekly program, *The Brains Trust*, began in 1941 and featured a panel of three experts – always the same three – who tried to answer questions submitted by listeners. Joad was one of the original experts with his catchphrase becoming well known nationally.

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