

Introduction. The courts have ruled that Washington must adopt a new primary election system by the end of this month. The Legislature is now considering two proposals. One of these would adopt the system used in only one other state in the nation: Louisiana’s jungle or “Cajun” primary. In this Policy Note, Research Fellow Richard Derham explores the impact the Cajun Primary system would have on Washington elections.

The “Cajun” Primary: Unintended Consequences in Political Reform

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The law of unintended consequences reminds us that well-intended reforms frequently have results opposite of what the proponents sought. Nowhere has that been truer than in political reforms. Simply speaking, creative people adapt.

Proponents of adopting a “Louisiana style” or “Cajun” primary in Washington contend that it will preserve the essential features of the now-unconstitutional Blanket Primary by providing that the top two candidates, regardless of party, advance to the general election. Any candidate achieving 50% in the primary (60% in some legislative proposals) would be unopposed in the general election.

(Note: For an analysis of the history of Washington’s blanket primary and the court decisions invalidating it, see “Beyond the Blanket Primary: Washington’s Parties Nominate Their Candidates,” by Richard Derham, Dec. 2000, at www.wips.org/studies/pbblanketprimary.htm.)

In most cases, the final election result would be the same under a Cajun Primary as under the partisan primary established by the current court order governing Washington’s primaries. But recent election results would have been significantly different:

- John Spellman would not have been elected Governor in 1980 because, while he finished first in a three-way Republican Primary, he trailed the two Democratic candidates.
- Slade Gorton would have been reelected U.S. Senator in 2000 because the Libertarian Party candidate would not have divided conservative votes in the general election.
- Republicans would control the State House of Representatives because Phil Fortunato, though defeated in November, received a majority of the votes in the primary.

This Policy Note will catalogue some of the “unintended consequences” that may result from adopting a Cajun Primary in Washington.

1. Political Discourse Will Narrow Through the Elimination of Third Parties.

Washington has a vibrant third party tradition. In 2000, hundreds of thousands of Washington voters cast their ballots for candidates from one of three minor parties that bring a distinctive voice to our elections -- the Libertarian, Reform and Green parties. The Libertarian Party was so successful that it advanced to major party status in 2000. Rarely, if ever, can any of these parties expect to survive to November under a Cajun Primary. The consequence will be to diminish the range of ideas being debated in Washington’s elections.

2. Major Parties Will Nominate Their Candidates By Conventions. Neither the Republican nor Democratic parties can afford to see themselves eliminated from the November ballot, as John Spellman would have been, as a result of a multi-candidate primary dividing the vote of their party. Both parties can be expected to exercise their constitutional prerogatives of nominating a single candidate by convention, instead of using the primary method. While other candidates may appear on the Cajun Primary ballot as independents, the institutional and financial support of the organized parties will give their nominees a substantial advantage. The consequence of the Cajun Primary, therefore, will be to strengthen political parties and to narrow voters’ choices.

3. “Safe Seats” Will Become Contested. Many legislative districts, and some Congressional districts, are dominated by adherents of one or the other party. The 36th Legislative District, for example usually votes 75% Democrat, while the 9th Legislative District may vote 70% Republican. As a result, the primary nomination is tantamount to election. But under a Cajun Primary, if parties don’t nominate a single candidate, “safe” incumbents may find themselves facing a November challenge by another candidate from their own party. In this case, the consequence will be to broaden voter choice.

4. The Election Cycle Will Advance to September. Washington’s September primary typically has a much lower voter turnout than the general election. Yet under the Cajun Primary, most elections would be resolved in September. In 2000, one candidate received a majority in 88 of the 98 House races and in 23 of 24 Senate races in the September primary. Moreover, the elections for both Governor and Attorney General would have been resolved in September. Since political candidates will adapt quickly, campaign work and advertising, now dominating October, will advance to August and early September. Whether voter turnout increases as a result, or whether elections will be decided by a smaller electorate, is uncertain.

5. Constitutional Challenges Abound. Proponents, misinterpreting a statement by Justice Scalia, conclude that the Cajun Primary, which has not been challenged in Louisiana, is immune to constitutional defect. Justice Scalia seems to acknowledged that a “qualifying primary” conducted between the nominees of several parties is a constitutional way to limit the final election to two candidates. What should be clear from his decision is that Justice Scalia, and the majority of the Court, also acknowledge the absolute right of political parties to select a single nominee instead of holding a primary. While the

constitutional defect of Cajun Primary proposals would be remedied by recognition of a party's right to designate its own nominee, current proposals have failed to do so. Therefore, the proposed solution may simply be invalidated by the courts.

The Louisiana Primary was well adapted to accomplish its principal purpose in the old one-party South: eliminating the influence of Republican and Black voters from the general election. Its consequences in Washington State will be different. Proponents and opponents of the Cajun Primary should look beyond the immediate provisions of the bill to the ultimate consequences as they consider their position.

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