Assessing Voting Rules and Competition in Missouri's Elections

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This report provides a review of the current voting rules for Missouri statewide and legislative elections. The use of plurality voting rules and primary elections tend to limit the choices offered to voters. Evidence in recent Missouri reveals low levels of contestation, competition and voter turnout. The report considers some primary election reforms. While some reforms (like open primaries and the top-two) have yielded little change in candidate and voter behavior, a final four system (recently adopted in Alaska) is worth considering. A final four system may provide voters with more meaningful choices, and it may reduce incumbent incentives to resist legislative compromise and appeal to the party base.

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I. Introduction

Elections are crucial in giving voters the opportunity to (1) influence the direction of public policy and (2) hold government officials accountable for their performance. Elections provide legitimacy to a government chosen by the people. Thus, the rules governing elections are very important in determining how well elections serve these functions in a democracy. Voting rules are not neutral, as there are several different election systems to choose from. At a basic level, election rules govern how voter preferences are aggregated to determine winners and losers. Election rules also influence how many potential candidates and political parties decide to run for office, and how those candidates and parties appeal to voters. Election rules can also influence voting behavior, including the decision to cast a vote in the first place.

The United States has a federal form of democracy, which gives the states considerable leeway in crafting their own laws. This is especially true for election rules. The Constitution allows states to determine the "times, places, and manner of holding elections" and, with a few important exceptions, Congress has not passed laws to supersede state election laws. American federalism allows states to experiment with different election rules, and recently several states have made or considered changes to longstanding voting rules.

For many decades Missouri has used the same rules to elect state officials. These include partisan primary elections to determine party nominees and a subsequent general election where party nominees face off to determine the winner. In addition, primary and general elections in Missouri use plurality rules – each voter selects one candidate, and the candidate receiving the most votes wins the election, even if that candidate receives less than a majority of votes.

Missouri is due for an assessment of its voting rules. This report summarizes research on voting rules and evidence from elections to Missouri state offices (the General Assembly plus the six elected statewide positions) from 2000 to 2020. Prior research and evidence from recent Missouri elections shows that the current system of partisan primaries and plurality rules limit the ability of voters to make meaningful electoral choices. There are low levels of contestation and competition, and thus low rates of voter turnout, in recent Missouri elections, particularly in primary elections. Open primary rules, which are already used in Missouri, and the top-two model of primary elections, can slightly improve voter turnout in primary elections. The final four system (recently adopted in Alaska) remains untested in the United States. However, the final four system has the potential to attract more candidates, offer voters more meaningful choices, and allow voters to express a fuller range of candidate preferences.

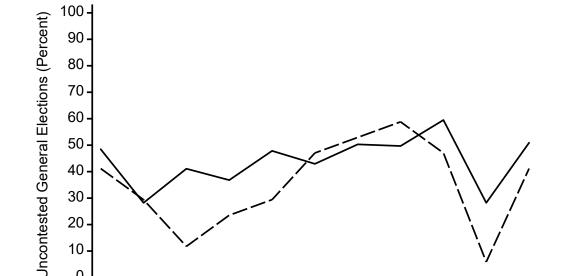
II. Contestation in Missouri Elections

In order for elections to best serve the functions described above, they need to offer voters the ability to choose between candidates running for the same office. One consequence of plurality voting rules and partisan primary elections in Missouri is that smaller, minor political parties rarely contest for or win any elected offices. Under plurality rules, voters can only express a preference for one candidate, and that vote is not transferable to other candidates if a voter's preferred choice loses. Thus, a voter may prefer a third party or independent candidate, but if he or she chooses this candidate the voter has essentially "wasted" a vote on a lost cause. Furthermore, a third-party voter may see her least preferred candidate win the election. In other words, third party candidates are often perceived to be spoiler candidates rather than viable choices for voters. As a result, supporters of minority parties or independent candidates usually wind up casting their votes for the least offensive major party candidate. Similarly, in the American plurality system ambitious politicians are advised to run as a Democrat or as a Republican, in order to have a viable chance of winning an election. This may not be an attractive solution for potential candidates whose policy preferences or political interests do not fit neatly with either major party. Thus, plurality voting rules, along with partisan primary elections, tend to produce a system of political competition with two major political parties, limiting the number of choices for voters (Duverger 1954; Taylor et al. 2014).

When examining recent elections, we see that Missouri is functionally a two-party state. See Tables A-1 and A-2 in the appendix for the year-by-year numbers on levels of contestation in Missouri state general elections. In each election cycle there are 163 state house seats and 17 state senate seats up for contestation. In midterm years there is one statewide office (Auditor) up for election, while in presidential years there are five statewide offices (Governor, Lieutenant Governor, Secretary of State, Treasurer, and Attorney General) up for election. During the past 20 years no third-party or independent candidate has won election to a state office in Missouri. In fact, no third-party or independent candidate has received more than 22% of the vote in any Missouri state election during that period. For practical purposes, this means that the contestation to expect in Missouri general elections occurs when both major parties field a candidate for office. Indeed, the two major parties routinely contest for statewide offices. In the past 20 years there is just one instance of a major party failing to put forward a candidate for statewide office (in 2014 there was no Democratic candidate for Auditor). However, as Figure 1 shows, it is fairly common for one of the major parties to fail to contest for seats in the General Assembly. During the past 20 years, one of the major parties did not field a candidate for 44% of state house seats and 35% of state senate seats. These levels of contestation are evident in each election cycle, with just two exceptions. In 2004 the Democratic Party contested every state senate seat, and in 2018 the Democratic Party made a push to contest as many state house and state senate seats as possible. The Democrats did not gain an appreciable number of seats in either of those election cycles, so I don't expect levels of contestation to increase under the current election rules. Levels of contestation are similar for both major parties, with slightly more races lacking a

¹ Missouri election data are from the results reported by the Missouri Secretary of State (https://www.sos.mo.gov/elections/s_default). I do not count write-in candidates in the analyses for this report.

Democratic candidate than a Republican candidate. Finally, Missouri has a higher rate of uncontested legislative seats than most states (Ballotpedia 2020).



2008

House

0

2000

2004

Figure 1. General Elections Uncontested by a Major Party in Missouri, 2000 – 2020

Another way to examine the data is to count the number of elections featuring three or more candidates. Typically, these are contests featuring candidates from both major parties plus at least one independent or third-party candidate, thus providing voters with a decent number of candidate choices. Statewide contests in Missouri have largely met this standard, as 33 of the past 35 statewide races featured three or more candidates. However, as Figure 2 shows, general election contests for the General Assembly rarely offer voters more than two candidates to choose from. Over the past 20 years, just 8% of state house contests and 12% of state senate races feature at least three candidates in the general election. Thus, it is more common for a major party candidate to be missing than to see three or more candidates in Missouri general elections for seats in the General Assembly.

2020

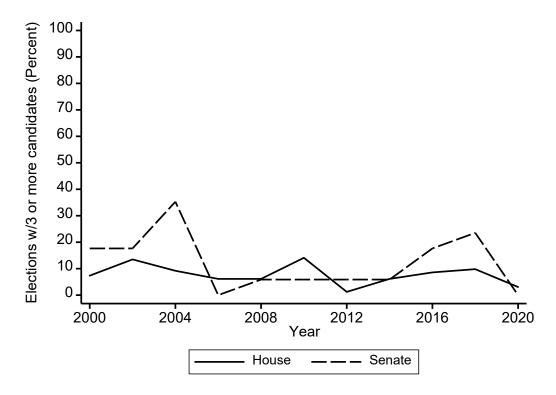
2016

2012

Senate

Year





While there are many uncontested general elections in Missouri, how about primary elections? With relatively low levels of contestation in general elections for the Missouri General Assembly, the primary election assumes greater importance by effectively determining who will represent the district in most cases. In theory, partisan primaries allow different factions within each political party to compete for the party's nomination to a political office. In practice, networks of party leaders and allied interest groups coordinate to direct resources and endorsements to nominate their preferred candidates (Masket 2009). Party networks even work to discourage other candidates from running (Hassell 2017). Furthermore, incumbent politicians fear a primary challenge from a more ideologically extreme candidate in their own party. In order to avoid a primary challenge, many legislators adopt a confrontational partisan posture and cultivate relationships with the party base and allied interest groups (Wallner and Kamarck 2018). Legislators also fear retribution from primary voters if they compromise with the opposite party or support bipartisan legislation. Most state legislators avoid compromise to help ward off potential primary challengers (Anderson et al. 2020). The result is that primary elections are not as hotly contested as one might expect.

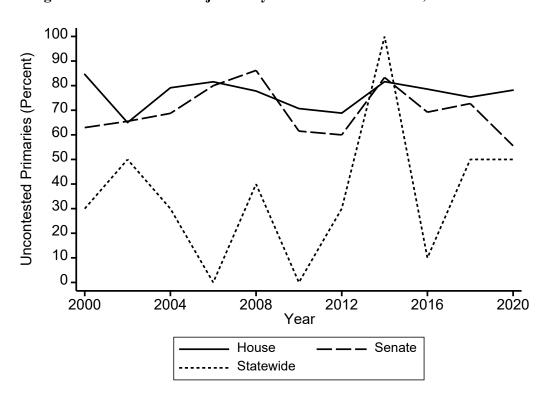


Figure 3. Uncontested Major Party Primaries in Missouri, 2000 – 2020

See Tables A-3 to A-5 in the appendix for the year-by-year numbers on levels of contestation in Missouri state primary elections. Figure 3 provides a summary of the data, reporting the percentage of uncontested major-party primary elections. It is important to note that I exclude some cases from Figure 3. Since over 90% of third-party primary elections in Missouri are uncontested, I exclude those primaries from Figure 3. In addition. Figure 3 does not include cases where a major party primary did not occur because no candidates from the party filed to run for the seat. On average, in each cycle 6 of the 17 state senate districts (35%) and 71 of the 163 state house districts (44%) lack a primary election for one of the major political parties. Even excluding those extreme cases of no contestation, Figure 3 shows that the vast majority of Democratic and Republican primary elections in Missouri are uncontested, featuring just one candidate. This is particularly the case in state legislative elections, where the lack of contestation is even more pronounced in primary elections than in general elections. As the appendix shows, there are similarly low rates of contestation for Democratic primaries and Republican primaries, although we see a somewhat higher level of contested primaries for Republicans, the majority party in Missouri. Levels of contestation also tend to increase as the size of the constituency increases. Overall, 76% of major party state house primaries are uncontested, 70% of state senate primaries are uncontested, and 31% of statewide major party primaries are uncontested.

I also examine the number of primary elections in Missouri featuring three or more candidates. These are elections where we expect that voters can make meaningful choices among candidates. However, as Figure 4 shows, Missouri primary voters rarely have opportunities to choose among three or more candidates. Over the last 20 years, three or more candidates are featured in just 7% of state house primaries, 11% of state senate primaries, and 25% of statewide primaries in Missouri. Uncontested primary elections are the norm in Missouri, and are much more common than primary elections featuring multiple candidates.

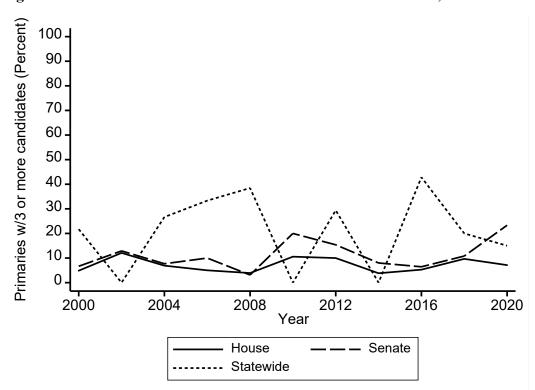


Figure 4. Primaries in Missouri with Three or More Candidates, 2000 – 2020

III. Competition in Missouri Elections

A related measure of democratic legitimacy in elections is competition. In addition to offering voters a choice, competitive elections provide voters a meaningful choice among candidates who are roughly evenly matched in terms of campaign resources and appeal. For example, competitive elections generate more campaign activity than noncompetitive elections, which increases voter knowledge and participation (Lipsitz 2011). Missouri elections, particularly state legislative elections, do not provide much competition.

I define a competitive election as one where the winner's margin of victory is 10 percentage points or less. This is a fairly broad definition of competition. Figure 5 reports the percentage of general elections featuring at least two candidates that meet this definition of competition. I

exclude the uncontested races described in the previous section, since competition is not possible when there is only one candidate running for an office. As Figure 5 shows, competitive general elections are rather rare in Missouri. Again, we see evidence of relatively more competition in larger constituencies, particularly in statewide contests. During the past 20 years, roughly half of statewide general elections have been decided by a margin of ten points or less. However, as GOP electoral power has grown competition in statewide contests has declined in the most recent decade. Just two statewide elections since 2012 have been decided by ten points or less (the 2016 gubernatorial election and the 2018 auditor election). Furthermore, competitive general elections are unusual in races for the General Assembly. Over the past 20 years, just 16% of state house contests featuring multiple candidates and 25% of state senate races were competitive. If we include the uncontested races, then the lack of competition in Missouri elections is even more severe. The vast majority of general elections for Missouri state offices are decided by blowout margins (20 percentage points or more).

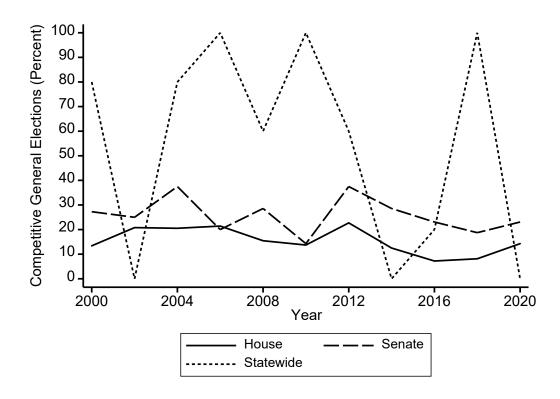


Figure 5. General Elections in Missouri Decided by Ten Points or Less, 2000 – 2020

Since primary elections tend to be the contests that effectively decide who will hold a seat, we might expect more competition in primary elections. When we examine primary elections in Missouri we see slightly higher levels of competition than in general elections (see Figure 6). As above, a competitive primary is defined as one where the winner's margin of victory is ten percentage points or less, and I compute rates of competition as a percentage of primary contests

that featured at least two candidates.² Over the past 20 years, just 24% of state house primaries, 40% of state senate primaries, and 29% of statewide primaries were competitive. There are occasional exceptions, but in a typical cycle less than half of contested primary elections are competitive. In summarizing the results of the first two sections, very few Missouri primary or general elections offer voters meaningful choices.

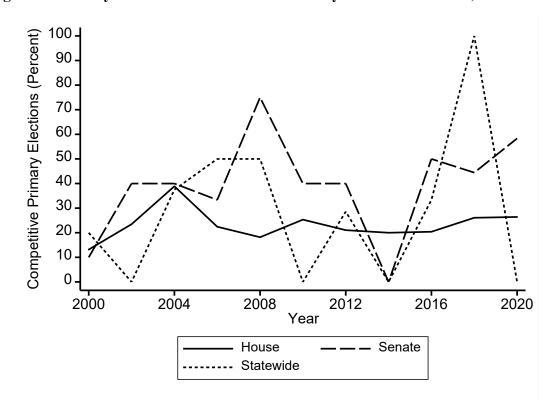


Figure 6. Primary Elections in Missouri Decided by Ten Points or Less, 2000 – 2020

IV. Non-Majority Winners in Missouri Elections

Under the plurality voting rules used in Missouri primary and general elections, the candidate receiving the most votes (even if less than a majority) wins the election. In an election featuring three or more candidates the winner may receive less than a majority of votes. In other words, the winning candidate may be someone not preferred by a majority of voters. In some cases, a controversial or ideologically extreme candidate may win an election with far short of a majority of votes (Drutman 2020, 251). This would seem to undermine the democratic principle of majority rule. This is also a paradox of plurality voting rules – more candidates mean more meaningful choices to voters, but more candidates increase the chances of a non-majority winner.

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² There were no contested statewide primaries in 2014.

How often do candidates win with less than a majority of the vote in Missouri elections? Figures 2 and 4 show that elections featuring three or more candidates are rare in Missouri, so the opportunities for non-majority winners are relatively low. The answer also depends on the type of election being examined. Most general elections in Missouri, even at the state level, are not very competitive. Rural sections of the state are dominated by the Republican Party, while the largest cities and inner-ring suburbs tend to be dominated by the Democratic Party. Republicans now hold a clear electoral majority at the state level too. Even in multi-candidate general elections in many parts of the state, the winning candidate from the dominant party still receives well over a majority of votes.

Thus, non-majority winners are rare in Missouri general elections, but they are somewhat more common in larger constituencies than small constituencies. Over the past 20 years, out of 139 state house general elections featuring three or more candidates, only 5 (4%) produced a non-majority winner. Out of 23 state senate general elections featuring three or more candidates during the past 20 years, only 2 (9%) produced a non-majority winner. Finally, out of 33 statewide general elections with multiple candidates, just 5 (15%) had a non-majority winner.

The results are different when we examine primary elections in Missouri, where non-majority winners are much more common. Over the past 20 years, out of 218 state house primary elections featuring three or more candidates, 128 (59%) produced a non-majority winner. Out of 38 state senate primary elections featuring three or more candidates during the past 20 years, 27 (71%) produced a non-majority winner. Finally, out of 30 statewide primary elections with multiple candidates, 14 (47%) yielded a non-majority winner. The high rates of non-majority winners in legislative primaries are jarring. Turnout in primary elections tends to be low. Thus, a candidate can win a multi-candidate primary election with just a few thousand votes, putting one on a glide path to a seat in the General Assembly.

Furthermore, there are some memorable cases of candidates winning primary elections with less than a majority of the votes in Missouri. For example, in 2018 Saundra McDowell campaigned for the Republican nomination for Auditor as a Tea Party candidate, and she won the primary with 32.5% in a four-candidate race. After winning the nomination, McDowell faced questions about unpaid taxes, lawsuits for unpaid bills, and whether she was a legal resident of Missouri. McDowell lost the general election to Democrat Nicole Galloway, 50.4% to 44.6%. In that same general election Josh Hawley beat Democratic incumbent Claire McCaskill in the U.S. Senate race by 6 percentage points. It is possible that a Republican nominee with less political baggage would have won the general election for Auditor in 2018. In 2016, Eric Greitens won the GOP nomination for Governor with 34.6% in a four-candidate race. Greitens won the general election, but within two years he resigned amid state and local investigations of alleged sexual assault and campaign finance violations. Some controversial members of the General Assembly also won their primary elections with less than a majority of the vote. The relative frequency of non-majority winners is likely an underappreciated feature of Missouri elections.

V. <u>Turnout in Missouri Primary Elections</u>

When there are few meaningful choices on the ballot, people tend to respond by not voting in those elections. Having more candidates, and more competitive contests, tends to generate more mobilization efforts, yielding higher levels of voter turnout. Numerous studies find that increased electoral competition is associated with higher voter turnout (Caldeira et al. 1985; Geys 2006; Huckfeldt et al. 2007; Lipsitz 2011). Since contestation and competition tend to be rare in primary elections, voter turnout tends to be especially low in primary elections (Galston and Kamarck 2011), particularly when there is no presidential primary on the ballot to attract voters (Boatright et al. 2020).

This is the case in Missouri primary elections as well. Even in presidential election years, the presidential primary is held in the spring, well before the August primary election for Missouri statewide and legislative offices. I measured voter turnout in Missouri primary elections as the number of total votes cast in a particular contest as a percentage of the voting age population (VAP) in Missouri that year. The chart below (Figure 7) reports voter turnout in the top statewide primary contest and in the state house primaries.

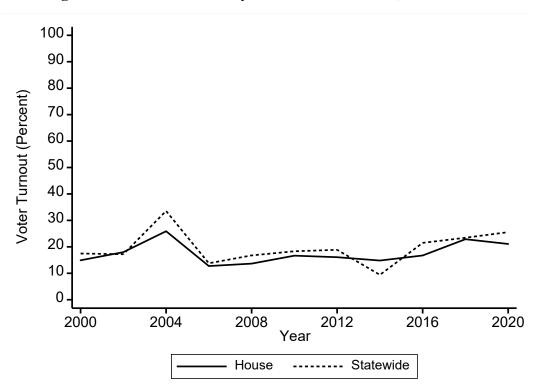


Figure 7. Turnout in Primary Elections in Missouri, 2000 – 2020

As Figure 7 shows, the voter turnout is low in Missouri primary elections. On average, just under 20 percent of the voting age population casts a ballot in Missouri primary elections. These figures place Missouri near, or slightly below, the average primary election turnout in American states (Boatright et al. 2020; McGhee 2014). Typically, turnout is a bit lower in state house primaries than in statewide primaries because of lower levels of contestation and competition in

state house primary contests. The one exception is in 2014, when no Democratic candidate filed for Auditor. As a result, voters who selected a Democratic primary ballot in 2014 were unable to make a choice for Auditor. The other party primaries for Auditor in 2014 only featured one candidate. Figure 7 also shows that turnout in state house primary elections peaked in 2004 and 2018. As noted above on page 3, 2004 and 2018 were the two cycles when the Democratic Party made a concerted effort to field candidates for more legislative seats than usual. Those two cases of increased contestation and competition yielded somewhat higher turnout than normal.

Low turnout elections are problematic for two main reasons. First, when turnout is low, the electorate tends to be less representative of the adult population. Voters in low turnout elections, like primaries, tend to be older, more educated, wealthier, and whiter than general election voters and the broader population (Sides et al. 2020; Kogan et al. 2018). However, primary voters may not be much more ideologically extreme than general election voters (Sides et al. 2020). Second, low turnout makes it easier for interest groups or more extreme elements in a party to influence the outcome of the election (Anzia 2014). Thus, low turnout primary elections may produce outcomes that are not preferred by the broader electorate.

VI. <u>Potential Reforms</u>

There are several possible primary election reforms that some states have considered recently to address these issues. Over the past few decades several states have shifted from closed to open primary elections. Some details vary by state, but in closed primaries, only voters who are registered with a political party may vote in that party's primary elections. Open primaries allow voters to choose which party primary they want to participate in, regardless of their party affiliation. Like Missouri, most states no longer have closed primaries. When compared to closed primaries, open primaries only increase voter turnout by a few percentage points (Hill 2020; Geras and Crespin 2018), and there is little evidence that open primaries increase competition or reduce partisan polarization (Sides et al. 2020).

One alternative to open or closed primaries is the nonpartisan top-two primary. The top-two operates as a two-round system, in which all candidates compete in a single primary and the top two finishers advance to the general election, regardless of their party. A version of the top-two system is used California, Louisiana, and Washington. The top-two was intended to encourage competition within parties and help more moderate candidates reach and win the general election. In practice, the top-two primary increases turnout by roughly 6 percentage points (Hill 2020). However, neither open primaries nor the top-two system attracts more moderate candidates or produces more moderate winners (Drutman 2021). Thus, open primaries and the top-two do not reduce polarization associated with congressional elections.

A newer alternative is the final four model recently adopted in Alaska. In the final four system, all candidates compete in a single primary and the top four finishers advance to the general election. Furthermore, the general election uses ranked choice voting, in which voters rank the candidates in order of preference. If a candidate earns a majority of first choice votes, then that person wins the election. If not, then the last place candidate is eliminated, and those votes are

transferred to the second choice selections. This iterative process continues until a candidate receives a majority of votes and wins. By allowing second and third choices, ranked choice voting offers voters the opportunity to record a wider range of candidate preferences than plurality voting

Alaska recently adopted the final four system and will first implement it in the 2022 election cycle. Thus, we don't have evidence of the final four system's performance. However, we can make some educated guesses about the final four system based on existing research. First, since the final four guarantees four people will make it to the general election, it may encourage more candidates to run for office. In Missouri, as the analysis above shows, it is extremely rare to have primary or general elections with three or more candidates. By encouraging more candidates, the final four system would likely provide voters more meaningful choices than currently exists. The use of ranked choice voting in the general election means that first-choice supporters of losing candidates may provide some of the votes needed for the winning candidate. These features may modestly increase voter interest and turnout in Missouri elections. By reducing the importance of the primary election, the final four system may encourage more candidates outside the mold of the two major parties to run for office, again providing more choices to voters. Similarly, by reducing the importance of the primary election the final four system may reduce incentives for incumbents to resist compromise and continuously appeal to their party's base. Thus, the final four system may provide a bit of a check on extremism. However, this expectation should be tempered by the fact that open and top-two primaries have largely failed to produce more moderate candidates or general election winners.

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Appendix

Table A-1. Contestation State Senate General Elections in Missouri

	Uncontested by a Major	No	No	Three or More
Year	Party	Democrat	Republican	Candidates
2000	7	3	4	3
2002	5	2	3	3
2004	2	0	2	6
2006	4	2	2	0
2008	5	1	4	1
2010	8	5	3	1
2012	9	5	4	1
2014	10	9	1	1
2016	8	4	4	3
2018	1	0	4	4
2020	7	4	3	0
Total	66 (35%)	35	31	23 (12%)

Note: Each year there are 17 state senate seats up for election.

Table A-2. Contestation in State House General Elections in Missouri

	Uncontested	No	No	Three or More
Year	by a Major Party	Democrat	Republican	Candidates
2000	79	32	47	12
2002	46	16	30	22
2004	67	37	30	15
2006	60	19	41	10
2008	78	27	51	10
2010	70	42	28	23
2012	82	53	29	2
2014	81	56	25	10
2016	97	66	31	14
2018	46	18	28	16
2020	83	53	30	5
Total	789 (44%)	419	370	139 (8%)

Note: Each year there are 163 state house seats up for election.

Table A-3. Uncontested State Senate Primaries in Missouri

Year	No Major Party Primary	Total Dem. Contests	Uncontested Dem. Contests	Total GOP Contests	Uncontested GOP Contests	Total Other Party Contests	Uncontested Other Party Contests
2000	7	14	9 (64%)	13	8 (62%)	3	3
2002	5	15	11 (73%)	14	8 (57%)	2	2
2004	2	17	10 (59%)	15	12 (80%)	7	7
2006	4	15	12 (80%)	15	12 (80%)	0	0
2008	5	16	14 (88%)	13	11 (85%)	3	3
2010	8	12	8 (67%)	14	8 (57%)	4	4
2012	9	12	8 (67%)	13	7 (54%)	1	1
2014	10	8	7 (88%)	16	13 (81%)	1	1
2016	8	13	9 (69%)	13	9 (69%)	5	5
2018	1	17	13 (76%)	16	11 (69%)	4	4
2020	7	13	9 (69%)	14	6 (43%)	3	3
Tot.	66 (35%)	152	110 (72%)	156	105 (67%)	33	33 (100%)

Table A-4. Uncontested State House Primaries in Missouri

	No Major	Total	Uncontested	Total	Uncontested	Other	Uncontested
	Party	Dem.	Dem.	GOP	GOP	Party	Other Party
Year	Primary	Contests	Contests	Contests	Contests	Contests	Contests
2000	79	131	102 (78%)	116	107 (92%)	20	20
2002	46	147	102 (69%)	133	80 (60%)	26	26
2004	67	126	94 (75%)	133	111 (83%)	16	16
2006	60	144	113 (78%)	122	104 (85%)	13	13
2008	78	136	103 (76%)	112	90 (80%)	8	8
2010	70	121	96 (79%)	135	85 (63%)	28	28
2012	82	110	76 (69%)	134	92 (69%)	6	6
2014	81	107	92 (86%)	138	108 (78%)	16	16
2016	97	97	77 (79%)	132	103 (78%)	17	17
2018	46	145	120 (83%)	135	91 (67%)	20	20
2020	83	110	91 (83%)	133	99 (74%)	9	9
Tot.	789(44%)	1374	1066 (78%)	1423	1070 (75%)	179	179 (100%)

Table A-5. Uncontested Statewide Primaries in Missouri

	Total	Uncontested	Total	Uncontested	Total	Uncontested
Year	Dem. Primaries	Dem. Primaries	GOP Primaries	GOP Primaries	Other Primaries	Other Primaries
2000	5	2 (40%)	5	1 (20%)	13	10
2002	1	1 (100%)	1	0 (0%)	1	1
2004	5	2 (40%)	5	1 (20%)	5	4
2006	1	0 (0%)	1	0 (0%)	1	1
2008	5	1 (20%)	5	3 (60%)	3	3
2010	1	0 (0%)	1	0 (0%)	1	1
2012	5	2 (40%)	5	1 (20%)	7	7
2014	0	0	1	1 (100%)	2	2
2016	5	0 (0%)	5	1 (20%)	4	4
2018	1	1 (100%)	1	0 (0%)	3	3
2020	5	2 (40%)	5	3 (60%)	10	10
Total	34	11 (32%)	35	11 (31%)	50	46 (92%)