

News From The States

EVENING WRAP

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By [Kate Queram](#)

We are just days away from the Iowa caucus, the [unofficial kickoff](#) of presidential election season. If that doesn't sound exciting, well, I understand. Until summer, the main event is the nominating process, which seems all but destined to result in a rematch between Donald Trump and Joe Biden. And it's hard to get jazzed about a contest when the outcome feels inevitable, particularly when that outcome portends a repeat of the [election equivalent](#) of a dumpster fire. Add in the [legal fights](#) and the [eligibility questions](#) and the [general Trump chaos](#) of it all, and the malaise is understandable.

For *you*, anyway. *I'm* still heavily invested, because I have some sort of sickness that inures me to political idiocy. And lo, political idiocy abounds.



The Big Takeaway

Consider the drama around the nominating process in Nevada, where Republicans are refusing to comply with a state law mandating a presidential primary contest, rather than a caucus, for major political parties with more than one candidate, [the Nevada Current reported](#). The policy was proposed by Democrats after [last-minute changes](#) hampered vote tabulation [during the 2020 caucuses](#), but it passed the legislature with [a bipartisan majority](#).



*"In one contest or another."
(Photo by Montinique Monroe/Getty Images)*

As laws go, this one is fairly lax. It doesn't require the state's political parties to ditch their caucuses; it just directs the state to hold a primary contest when more than one candidate from either major party files to run for president. But the Nevada GOP still [sued to overturn it](#), saying the change was an attempt by Democrats to "force" Republicans to "change the way we choose our presidential nominee," infringing on "self-governed" party's "right" to "organize" their own nominating contest without "state interference." The party dropped the suit after [a judge disagreed](#) and scheduled a caucus for Feb. 8, two days after the sanctioned primary contest.

Under [rules](#) adopted by the GOP in September, candidates who file for the primary are barred from participating in the caucus, and only candidates who participate in the caucus are eligible to win delegates. The move was unpopular even among Republicans, including Gov. Joe Lombardo, [who said](#) it reflected poorly on the party and was "unacceptable for the voters."

The change renders the primary essentially meaningless, forcing Republican candidates to choose between a mostly symbolic (but sanctioned!) contest or a (kind of catty?) caucus, where Trump's broad network of vocal backers will likely

propel him to an easy win. Ultimately, the GOP hopefuls broke along predictable lines, with the Trumpiest candidates (Florida Gov. Ron DeSantis, tech bro Vivek Ramaswamy, Actual Trump) opting for the caucus and the relative normals (former U.N. ambassador Nikki Haley, along with former candidates U.S. Sen. Tim Scott and former VP Mike Pence) choosing the primary.



Remember when Mike Pence was running for president? Yeah, me neither.

(Photo by Chip Somodevilla/Getty Images)

Choices have consequences, so candidates who chose to participate in the caucus, including Trump, will not appear on the primary ballot. Which is, again, *their* decision, and *not* the decision of state or local election officials — a distinction that state and local election officials would really like to highlight, albeit without using any names.

“The only candidates on Nevada’s (presidential preference primary) ballot are those who filed with the Nevada’s Secretary of State’s office to run for president in this election,” Clark County said in a Tuesday press release. “If a candidate did not file with the Nevada SOS’s office to run in this election, then that candidate’s name cannot appear on the ballot.”

Who knows whether voters understand that, or how many of them are even

aware that both a primary and a caucus will take place during a three-day stretch next month. The whole thing seems rife for confusion and new conspiracy theories, but election officials can't do much about that beyond basic outreach — and what they're required to do by law.

“Our charge is to run the presidential preference primary and do what we do in every election,” said Bethany Drysdale, a spokesperson for Washoe County.



*Louisiana Gov. Jeff Landry would like to see your party affiliation, please.
(Photo by Matthew Hinton/AP Photo, Pool)*

Election shake-ups are also top of mind in Louisiana, where Gov. Jeff Landry is plotting a push to close the state's primaries to anyone who is not a registered Democrat or Republican. His office declined to provide details of his plan, but that's OK because everyone already hates it. Louisianans, it turns out, [really hate](#) partisan primaries, [per the Louisiana Illuminator](#).

“It's kind of a crazy policy to bring up,” said U.S. Sen. Bill Cassidy (R-La.) “I'm thinking you have to be kidding me with this.”

Since the 1970s, Louisiana has employed a “jungle primary” system, where every candidate runs against each other regardless of party affiliation. If no one receives a majority of the votes, the top two candidates advance to a runoff in

the general election. Landry's preferred method would upend that process by handing control of the primaries to the state political parties, which usually results in two separate contests, with the winners advancing to face off in the general election. Participation in those elections can be restricted only to voters who are registered with each party, which would exclude the roughly 822,000 Louisianans — more than a quarter of the electorate — who do not identify as Republicans or Democrats.

“It would be the largest act of voter disenfranchisement in the state in perhaps a century,” said Jeremy Gruber, vice president of [Open Primaries](#), a national group that advocates for nonpartisan primary elections.



*But maybe there will be balloons! (There will not be balloons.)
(Photo by Hill Street Studios via Getty Images)*

The proposal seems unlikely to succeed, at least not soon. It's one of several items on the agenda for an eight-day special session that begins next week, during which lawmakers will already be busy drawing new congressional districts, amending campaign finance laws and proposing adjustments to election policies in the state constitution. Lawmakers are also generally hesitant to enact major election changes without thoroughly vetting them first, which they haven't been able to do in this case because Landry didn't inform most of them

of the proposal.

“We have a long way to go on that subject matter and a very short period of time,” said Senate President Cameron Henry, a Republican. “The people who are really pushing it have a lot of work to do.”

A closed primary would at least still be a primary, which is more than some Michigan Republicans would prefer to really deal with. To that end, the state GOP will decide Saturday whether to ditch primary contests altogether in favor of allowing precinct delegates — not voters — to choose the party’s candidates for most local, state and federal races, [per the Michigan Advance](#).

To be clear: They can’t really do this. Any changes in the nominating process must be reflected in state election laws, which would require legislative action — a nonstarter in Michigan, where Democrats control both chambers of the legislature. The current law requires a primary election, so the state will continue to hold primary elections, according to a spokesperson for the Michigan secretary of state.



WE ARE REQUIRED BY LAW TO HOLD THIS ELECTION

The GOP could proceed anyway, but they'd be relegated to minor party status, [according to Steve Liedel](#), an attorney who served as counsel for former Gov. Jennifer Granholm, a Democrat. Alternatively, proponents of the change could form their own party, then nominate their own candidates using party procedures under state law. Theoretically, that would allow candidates to bypass the traditional petition process, which felled five Republican gubernatorial hopefuls who [submitted fraudulent signature sheets](#) in 2022.

Honestly, the party may not even get it together to vote on the plan. The motion is up for consideration on Saturday at a meeting that was scheduled by Kristina Karamo prior to her removal as party chair. Malinda Pego, the party's co-chair, is serving as acting chair, according to Pego herself but *not* to Karamo, who said she's still in charge and will preside over Saturday's meeting. Pego disagreed, saying she has the power to cancel the meeting altogether. And to me, this doesn't seem like a cohesive group that has its act together and stands poised to consider substantive procedural changes in an orderly fashion with no controversy and little threat of actual fisticuffs, you know?

Oh, and as to why they'd like to change things in the first place? Because the current system *shows disunity*, and that is definitely not how the Michigan GOP (and/or its warring leadership) wants to be portrayed.

"We have this war in the spring and summer and all of a sudden we're supposed to unite in August," said Deputy Chief of Staff Joel Studebaker. "Meanwhile the Democrats unite. They already agree on their candidate long before, and the primary is a formality."

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Caught Our Eye

Ohio Republicans were expected to override Gov. Mike DeWine's veto of a gender-affirming care ban on Wednesday, barring a blizzard or an unexpected flash of empathy. If enacted, the bill would ban puberty blockers and hormone therapy for transgender kids, along with barring trans athletes from participating in women's sports, [per the Ohio Capital Journal](#).

"As long as we don't have a snowstorm, we'll be voting," Ohio House Speaker Jason Stephens told reporters Tuesday. "It's ready to be in the law as far as our members are concerned."



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One Last Thing

Margot Robbie and Emily Blunt were “twinning” in similar dresses at the Governors Awards on Tuesday, [according to E! News](#), except they were actually wearing entirely different dresses? I feel like I need to say something else about this, but yeah, no, that’s really it.

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