



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

State Primary Election Systems

	<u>Closed</u>	<u>Partially Closed</u>	<u>Open</u>	<u>Partially Open</u>	<u>Alternative Systems</u>
	<i>Voters must be registered members of the party holding the primary.</i>	<i>Voters must be registered members of the party holding the primary; however, parties may choose each election whether to allow unaffiliated voters to participate.</i>	<i>Voters may choose which primary to vote in privately. The choice does not register the voter with the party.</i>	<i>Voters may choose which primary to vote in, but must either do so publicly or their vote may be regarded as a form of registration with that party.</i>	
Alabama			X		
Alaska		X ¹			
Arizona		X ²			
Arkansas			X		
California					Top-Two
Colorado		X ³			
Connecticut		X ⁴			
Delaware	X				
Florida	X				
Georgia			X		
Hawaii			X ⁵		
Idaho		X ⁶			
Illinois				X ⁷	
Indiana				X ⁷	
Iowa				X ⁸	
Kansas	X				
Kentucky	X				
Louisiana					Top-Two
Maine	X ⁹				
Maryland		X			
Massachusetts		X ¹⁰			
Michigan			X		
Minnesota			X		
Mississippi				X ⁷	
Missouri			X		
Montana			X		
Nebraska					Top-Two ¹¹
Nevada	X				

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New Hampshire		X			
New Jersey	X ¹²				
New Mexico	X ⁹				
New York	X				
North Carolina		X			
North Dakota			X ¹³		
Ohio				X ¹⁴	
Oklahoma		X ¹⁵			
Oregon		X			
Pennsylvania	X				
Rhode Island		X ¹⁶			
South Carolina				X ¹⁷	
South Dakota		X			
Tennessee				X ⁷	
Texas				X ¹⁸	
Utah		X ¹⁹			
Vermont			X		
Virginia				X ¹⁷	
Washington					Top-Two
West Virginia		X			
Wisconsin			X ¹⁷		
Wyoming	X ²⁰				

Pros and Cons

Closed: In general, a voter seeking to vote in a closed primary must first be a registered party member. Typically, the voter affiliates with a party on his or her voter registration application. This system deters “cross-over” voting by members of other parties. Independent or unaffiliated voters, by definition, are excluded from participating in the party nomination contests. This system generally contributes to a strong party organization.

Partially Closed: Political parties use this system to allow independent or unaffiliated voters to participate in their nominating contests. In this type, parties let in independents, while still excluding members of opposing parties. This variation can increase turnout at the primary and can increase party membership because voters are sometimes required to affiliate with the party for a period of time in order to receive a ballot, as is the case in Rhode Island.

Open: In general, but not always, states that do not ask voters to choose parties on the voter registration form are “open primary” states. In the pure open primary, voters may choose privately in which primary to vote. In other words, voters may choose which party’s ballot to vote, but this decision is private and does not register the voter with that party. The completely open primary permits a voter to switch parties for the primary election and cast a so-called crossover vote. This vote can affect an open primary’s outcome because there is no public repercussion—i.e., no change in registration—to switching party allegiance. Consequently, critics argue that the open primary dilutes the parties’ ability to nominate. This system gives voters maximal flexibility—allowing them to cross party lines—and maintains their privacy, but tends to dilute the parties’ ability to nominate representative standard bearers.

Partially Open: Some state parties keep track of who votes in their primaries as a means to identify their backers. This system permits voters to cross party lines, but they must either publicly declare their ballot choice or their ballot selection may be regarded as a form of registration with the corresponding party. Illinois and Ohio have this system. Iowa is an exception; it asks voters to choose a party on the state voter registration form, yet it allows a primary voter to publicly change party affiliation for purposes of voting on Primary Election Day.

Top Two: California, Louisiana, Nebraska (for state elections) and Washington currently use a “top two” format. The “top two” uses a common ballot, listing all candidates. In Louisiana, each candidate lists his or her party affiliation, whereas in Washington, each candidate is authorized to list a party “preference.” The top two vote getters in each race, regardless of party, advance to the general election. On June 8, 2010, California voters approved Proposition 14, which moves the state to a top two system similar to Washington, effective Jan. 1, 2011. Advocates of the top-two argue that it increases the likelihood of moderate candidates advancing to the general election ballot. Opponents maintain that it reduces voter choice by making it possible that two candidates of the same party face off in the general election. They also contend that it is tilted against minor parties who will face slim odds of earning one of only two spots on the general election ballot.

¹ In 2001 following the United States Supreme Court ruling against blanket primaries Alaska switched to a system which allows each party to determine which type of primary it will hold. In 2008 and 2010, the Democratic Party allowed any registered voter to participate in its “open” primary. The Republican primary was open to registered Republicans, Nonpartisan or Undeclared voters.

² Arizona primaries have traditionally been partially open for unaffiliated voters. They may choose which primary to participate in, but must publicly declare their choice at the polls. Note, however, the 2007 U.S. District Court opinion in [Arizona Libertarian Party v Brewer](#), 02-144-TUC, which ruled that the Arizona Libertarian Party is free to exclude unaffiliateds, independents and members of non-recognized parties.

³ Colorado holds a closed caucus at which candidates who receive more than 30% of the vote proceed to the primary election. Candidates may also petition onto the primary ballot. Primaries are partially open for unaffiliated voters. They may choose which primary to participate in, but their choice registers them with that party.

⁴ Candidates who lose the primary in Connecticut may then register as Independents, allowing them a position on the general election ballot.

⁵ There are three ballots to choose from in Hawaii primary elections; a nonpartisan ballot allows voters who choose to vote that ballot to decide which third party candidates advance to the general election.

⁶ In April, 2011, Idaho enacted legislation to change from an open primary system without any party registration to a partially closed system. In 2012, voters can elect which party’s ballot to vote, and their choice will constitute registration. After 2012, parties can decide prior to each election whether to permit unaffiliated voters or members of other parties to vote in their primaries.

⁷ Must publicly declare ballot choice. Miss. Code. Ann. § 23-15-575: “No person shall be eligible to participate in any primary election unless he intends to support the nominations made in the primary in which he participates.”

⁸ Ballot choice registers you with that party.

⁹ Closed Caucus.

¹⁰ Must publicly declare ballot choice. Although the "unenrolled" voters must declare, they are not thereby "enrolled" with the chosen party.

¹¹ Nebraska uses a non-partisan top-two system for its unicameral legislature (senate) races and some state offices. In federal elections, unaffiliated voters may request a separate partisan ballot to vote in the partially closed primary.

¹² Newly registered voters participating in their first New Jersey primary may choose and register with the party of their choice at the polls.

¹³ There is no state voter registration in North Dakota.

¹⁴ Voters in Ohio may choose to change their party affiliation the day of the primary by signing a statement registering them with the party they choose.

¹⁵ In November of odd-numbered years, each state party chair may submit a declaration to the State Board of Elections permitting independents to vote in the state primary held the following year.

¹⁶ Rhode Island voters must be affiliated with the party they choose to vote in the primary, but may register with that party on Election Day.

¹⁷ Voters do not register by party.

¹⁸ Voters must sign a pledge on the ballot stating their political affiliation.

¹⁹ Parties hold closed caucuses—if more than 60 percent of the vote goes to one candidate, the party bypasses the primary. If no candidate receives more than 60 percent of the vote, the party determines which type of primary it will hold.

²⁰ Wyoming voters may change their party affiliation (on file with the Secretary of State) the day of the election.