

## State Primary Election Types

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The laws governing state primaries are complex and nuanced to say the least, and state primary laws have been a cause of confusion among voters and election administrators alike. The manner in which party primary elections are conducted varies widely from state to state. Primaries can be categorized as either [closed](#), [partially closed](#), [partially open](#), [open to unaffiliated voters](#), [open](#) or [top-two](#).

For more information see NCSL's [State Primary Types Table](#) or NCSL's report, [Primaries: More than One Way to Find a Party Nominee](#).

### Closed Primaries

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.

Closed Primary States		
Delaware	Maryland	New York
Florida	Nevada	Oregon
Kentucky	New Mexico	Pennsylvania

### Partially Closed

In this system, state law permits political parties to choose whether to allow unaffiliated voters or voters not registered with the party to participate in their nominating contests before each election cycle. In this type of system, parties may let in unaffiliated voters, while still excluding members of opposing parties. This system gives the parties more flexibility from year-to-year about which voters to include. At the same time, it can create uncertainty about whether or not certain voters can participate in party primaries in a given year.

Partially Closed Primary States		
Oklahoma	Idaho	South Dakota
Connecticut	North Carolina	Utah

### Partially Open

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. Iowa 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. Some state parties keep track of who votes in their primaries as a means to identify their backers.

Partially Open Primary States		
Ohio	Tennessee	Wyoming

### Open to Unaffiliated Voters

A number of states allow only unaffiliated voters to participate in any party primary they choose, but do not allow voters who are registered with one party to vote in another party’s primary. This system differs from a true open primary because a Democrat cannot cross over and vote in a Republican party primary, or vice versa. New Hampshire requires that unaffiliated voters declare affiliation with a party at the polls in order to vote in that party’s primary. In Colorado, unaffiliated voters must return just one party’s mail ballot, or state which party ballot they want at the polls. The choice is public information, although it does not change the voter's unaffiliated status.

Open to Unaffiliated Voters Primary States		
Arizona	Maine	New Jersey
Colorado	Massachusetts	Rhode Island
Kansas	New Hampshire	West Virginia

### Open Primaries

In general, but not always, states that do not ask voters to choose parties on the voter registration form are “open primary” states. In an 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. This permits a voter to cast a vote across party lines for the primary election. Critics argue that the open primary dilutes the parties’ ability to nominate. Supporters say this system gives voters maximal flexibility—allowing them to cross party lines—and maintains their privacy.

Open Primary States			
Alabama	Michigan	Montana	Vermont
Arkansas	Minnesota	North Dakota	Virginia
Georgia	Mississippi	South Carolina	Wisconsin
Hawaii	Missouri	Texas	

### Top-Two Primaries

California and Washington use a “top two” primary format. The “top-two” format uses a common ballot, listing all candidates on the same ballot. In California, 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. Advocates of the "top-two" format 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.

### Other Primary Processes

State and federal elections in Louisiana, and legislative elections in Nebraska, share some common traits with top-two primaries, but are distinct.

In Louisiana, on the general election date, all candidates run on the same ticket. If no candidate receives over 50% of the vote, then the top two vote-getters face a runoff six weeks later. One way to look at this is to say there is no primary election--just a general election for all candidates, with a runoff when needed.

In Nebraska, legislators are elected on a nonpartisan basis. This means they run without a party designation, and all candidates are on the same nonpartisan primary ballot. (This system is common for local nonpartisan offices throughout the nation).

Alaska has a unique top-four open primary system for state and congressional offices.

### **Presidential Primary Rules**

States may have radically different systems for how they conduct their state and presidential primaries: Some states hold their state and presidential primaries on the same day, some hold them weeks or even months apart, and some hold the two primaries on the same day but have different rules for each primary. See NCSL's [State Primary Types Table](#) for which state primary rules also apply to presidential elections.