



## State Primary Election Systems

*\*Note this chart only pertains to state, local and congressional elections.*

	<b><u>Closed</u></b> <i>Voters must be registered members of the party holding the primary.</i>	<b><u>Partially Closed</u></b> <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>	<b><u>Partially Open</u></b> <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>	<b><u>Open to Unaffiliated Voters</u></b> <i>Unaffiliated voters may choose which party primary they want to vote in, but voters affiliated with other parties may not cross over.</i>	<b><u>Open</u></b> <i>Voters may choose which primary to vote in privately. The choice does not register the voter with the party.</i>	<b><u>Top-Two</u></b> <i>The top two vote-getters advance to the general election regardless of party.</i>	<b><u>Top-Four</u></b> <i>The top four vote-getters advance to the general election regardless of party.</i>	<b><u>Applies to Presidential</u></b>
Alabama <sup>1</sup>					X			YES
Alaska <sup>2</sup>							X	NO
Arizona <sup>3</sup>				X				NO
Arkansas <sup>4</sup>					X			YES
California <sup>5</sup>						X		NO
Colorado <sup>6</sup>				X				YES
Connecticut <sup>7</sup>		X						NO
Delaware <sup>8</sup>	X							YES
Florida <sup>9</sup>	X							YES
Georgia <sup>10</sup>					X			YES
Hawaii <sup>11</sup>					X			NO
Idaho <sup>12</sup>		X						YES
Illinois <sup>13</sup>			X					YES
Indiana <sup>14</sup>			X					YES
Iowa <sup>15</sup>			X					YES
Kansas <sup>16</sup>		X						NO
Kentucky <sup>17</sup>	X							YES
Louisiana <sup>18</sup>						X		NO
Maine <sup>19</sup>				X				NO
Maryland <sup>20</sup>		X						YES
Massachusetts <sup>21</sup>				X				YES
Michigan <sup>22</sup>					X			NO
Minnesota <sup>23</sup>					X			YES
Mississippi <sup>24</sup>					X			YES

	<b><u>Closed</u></b>	<b><u>Partially Closed</u></b>	<b><u>Partially Open</u></b>	<b><u>Open to Unaffiliated Voters</u></b>	<b><u>Open</u></b>	<b><u>Top-Two</u></b>	<b><u>Top-Four</u></b>	<b><u>Applies to Presidential</u></b>
	<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, but must either do so publicly or their vote may be regarded as a form of registration with that party.</i>	<i>Unaffiliated voters may choose which party primary they want to vote in, but voters affiliated with other parties may not cross over.</i>	<i>Voters may choose which primary to vote in privately. The choice does not register the voter with the party.</i>	<i>The top two vote-getters advance to the general election regardless of party.</i>	<i>The top four vote-getters advance to the general election regardless of party.</i>	
Missouri <sup>25</sup>					X			YES
Montana <sup>26</sup>					X			YES
Nebraska <sup>27</sup>						X		NO
Nevada <sup>28</sup>	X							YES
New Hampshire <sup>29</sup>				X				YES
New Jersey <sup>30</sup>			X					NO
New Mexico <sup>31</sup>	X							YES
New York <sup>32</sup>	X							YES
North Carolina <sup>33</sup>				X				YES
North Dakota <sup>34</sup>					X			NO
Ohio <sup>35</sup>			X					YES
Oklahoma <sup>36</sup>		X						YES
Oregon <sup>37</sup>		X						YES
Pennsylvania <sup>38</sup>	X							YES
Rhode Island <sup>39</sup>				X				YES
South Carolina <sup>40</sup>					X			YES
South Dakota <sup>41</sup>		X						YES
Tennessee <sup>42</sup>					X			YES
Texas <sup>43</sup>					X			YES
Utah <sup>44</sup>		X						YES
Vermont <sup>45</sup>					X			YES
Virginia <sup>46</sup>					X			YES
Washington <sup>47</sup>						X		NO
West Virginia <sup>48</sup>		X						YES
Wisconsin <sup>49</sup>					X			YES
Wyoming <sup>50</sup>	X							YES

Source: National Conference of State Legislatures  
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For more information, contact the elections team at elections-info@ncsl.org.

## Primary Types

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

**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 unaffiliated voters participate, while still excluding members of opposing parties. This system gives the parties more flexibility about which voters to include. At the same time, it can create uncertainty about whether certain voters can participate in party primaries each year.

**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. Illinois and Ohio have this system. 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 to identify their supporters.

**Open to Unaffiliated Voters:** Several 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:** Generally, states that do not ask voters to choose parties on the voter registration form are “open primary” states. 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.

**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 their 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.

**Source:** National Conference of State Legislatures  
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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 which works like a top-two primary, but with the top four vote-getters moving on to the general election.

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<sup>1</sup> Alabama: <https://www.alabamavotes.gov/FAQ.aspx?m=Voters#11>. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_alabama](http://www.openprimaries.org/states_alabama).

<sup>2</sup> Alaska: Alaska Stat. § 15.25.010. In 2020, Alaska voters approved Ballot Measure 2, which established open, top-four primaries for state and congressional offices. Presidential primaries will continue to be held separately by parties, though the general election will use ranked choice voting.

<sup>3</sup> Arizona: Arizona has a closed primary system, but independents can vote in any party's primary. A.R.S. § 16-467. The Democratic and Republican presidential primaries in Arizona are both closed. [http://www.openprimaries.org/states\\_arizona](http://www.openprimaries.org/states_arizona).

<sup>4</sup> Arkansas: Parties may establish qualifications to vote in their primaries A.C.A. § 7-7-307. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_arkansas](http://www.openprimaries.org/states_arkansas).

<sup>5</sup> California: <http://www.sos.ca.gov/elections/primary-elections-california/>. CA ELEC § 2151. California holds a partially closed primary for presidential elections. <http://www.sos.ca.gov/elections/primary-elections-california/>.

<sup>6</sup> Colorado: Following the passage of Propositions 107 & 108 in 2016, unaffiliated voters will receive a combined primary ballot and then may only vote in one party's primary contest for each office. CO ST § 1-7-201. To qualify for the ballot Colorado holds closed party caucuses at which candidates who receive more than 30% of the vote proceed to the primary election. Candidates may also petition to get onto the primary ballot. For presidential elections, Colorado holds a primary with similar rules to statewide primaries, after previously holding closed party caucuses.

<sup>7</sup> Connecticut: Connecticut has closed presidential primaries, while all other primaries are semi-closed. C.G.S.A. § 9-431.

<sup>8</sup> Delaware: Electors must be registered to the party in which they cast a ballot for in the primary 15 Del. C. § 3110. The presidential primary is a closed primary. [http://www.openprimaries.org/states\\_delaware](http://www.openprimaries.org/states_delaware).

<sup>9</sup> Florida: Electors must be registered to the party in which they cast a ballot for in the primary F.S.A. § 101.021. The presidential primary is a closed primary. [http://www.openprimaries.org/states\\_florida](http://www.openprimaries.org/states_florida).

<sup>10</sup> Georgia: Registered voters may vote in the primary of their choice Ga. Code Ann., § 21-2-224. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_georgia](http://www.openprimaries.org/states_georgia).

<sup>11</sup> Hawaii: Registered voters may vote in the primary of their choice. HRS § 12-31. The Democratic presidential primary is open and the Republican presidential primary is closed. [http://www.openprimaries.org/states\\_hawaii](http://www.openprimaries.org/states_hawaii).

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<sup>12</sup> Idaho: A party may choose to open its primary to unaffiliated voters and voters affiliated with other parties by notifying the Secretary of State's office by the last Tuesday before the election I.C. § 34-904A. Parties can decide prior to each election whether to permit unaffiliated voters or members of other parties to vote in their primaries. The presidential primary is also a partially closed primary. I.C. § 34-904A.

<sup>13</sup> Illinois: Voters must declare which ballot they will be casting but can choose the party. The ballot can be used as a declaration of party affiliation IL ST CH 10 § 5/7-43, IL ST CH 10 § 5/7-44. The presidential primary is partially open primary as the voter's ballot selection is public. [https://www.openprimaries.org/states\\_illinois/](https://www.openprimaries.org/states_illinois/)

<sup>14</sup> Indiana: Voters may choose which ballot, but the ballot selection is public IC 3-10-1-6. The presidential primary is a partially open primary as the voter's ballot selection is public. [https://www.openprimaries.org/states\\_indiana/](https://www.openprimaries.org/states_indiana/)

<sup>15</sup> Iowa: A voter can request any party's ballot after changing party affiliation at the polls I.C.A. § 43.42. The presidential caucuses are partially open as voters have the option to register with a party on caucus day in order to participate in a party caucus. <https://sos.iowa.gov/elections/voterinformation/regfaq.html#9>.

<sup>16</sup> Kansas: A voter that is affiliated to a party must vote in that party's primary. An unaffiliated voter can register for a party on primary day and vote in that primary K.S.A. 25-3301. Presidential primaries are open. [https://www.openprimaries.org/states\\_kansas/](https://www.openprimaries.org/states_kansas/).

<sup>17</sup> Kentucky: To vote in a party primary the voter must either be a new registrant or registered with that party since December 31st of the year before the election. KRS § 116.055. The presidential primaries are closed. [http://www.openprimaries.org/states\\_kentucky](http://www.openprimaries.org/states_kentucky).

<sup>18</sup> Louisiana: Unlike in other top-two systems, a candidate who receives a majority of the vote in the primary is automatically elected, in which case the race does not proceed to a general election LA R.S. 18:401.

<http://www.sos.la.gov/ElectionsAndVoting/GetElectionInformation/ReviewTypesOfElections/Pages/default.aspx>. The presidential primaries are closed. [http://www.openprimaries.org/states\\_louisiana](http://www.openprimaries.org/states_louisiana).

<sup>19</sup> Maine: A party may allow voters affiliated with other parties to vote in the party primary by providing notice to the Secretary of State's office by February 1st of the election year. If no notice is received, it remains a closed primary ME ST T. 21-A § 340.

. However, traditionally unaffiliated voters have been allowed to participate in primaries through same-day voter registration. Maine formerly had a presidential caucus but switched to a presidential primary in 2020. The presidential primaries are closed. [http://www.openprimaries.org/states\\_maine](http://www.openprimaries.org/states_maine).

<sup>20</sup> Maryland: A party can permit unaffiliated voters to participate in its primary if the chairman of the party's State Central Committee notifies the State Board of Elections at least 6 months prior to the date of the primary election. MD Code, Election Law, § 8-202(c). However, historically the state and presidential primaries have always been closed. [http://www.openprimaries.org/states\\_maryland](http://www.openprimaries.org/states_maryland).

<sup>21</sup> Massachusetts: A voter can only vote in the primary for the party in which that voter is affiliated; however, the voter can change affiliation at any time from 20 days until the election through Election Day MA ST 53 § 38. Although the "unenrolled" voters must declare, they are not "enrolled" with the chosen party MA ST 53 § 37. The presidential primary is open to unaffiliated voters. [https://www.openprimaries.org/states\\_massachusetts/](https://www.openprimaries.org/states_massachusetts/)

<sup>22</sup> Michigan: The nomination of candidates in a primary election shall be made by a vote from qualified electors and registered electors in each political party MI ST 168.531. The presidential primary is open. [https://www.openprimaries.org/states\\_michigan/](https://www.openprimaries.org/states_michigan/)

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<sup>23</sup> Minnesota: Voters must choose to vote down one column on the ballot. Each column is separated by party M.S.A. § 204D.08. Minnesota formerly used caucuses but switch to a presidential primary for 2020. For presidential primaries, voters must request their ballot of choice. <https://www.sos.state.mn.us/elections-voting/how-elections-work/presidential-primary/>.

<sup>24</sup> Mississippi: No person shall attempt to vote in more than one party primary MS ST § 23-15-575. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_mississippi](http://www.openprimaries.org/states_mississippi).

<sup>25</sup> Missouri: Voters must designate one party ballot that they would like to receive MO ST 115.397. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_missouri](http://www.openprimaries.org/states_missouri).

<sup>26</sup> Montana: Voters may select one party ballot to vote in the primary MT ST 13-10-301. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_montana](http://www.openprimaries.org/states_montana).

<sup>27</sup> Nebraska: Nebraska uses a non-partisan top-two system for its unicameral legislature (senate) races and some state offices. Unaffiliated voters may vote in any party primary for U.S. House of Representatives and U.S. Senate. For other state offices Nebraska has closed party primaries unless a party notifies the Secretary of State's Office that they will be having an open primary by 60 days prior to the primary election. Neb. Rev. St. § 32-912. The presidential primary is a partially open primary. [http://www.openprimaries.org/states\\_nebraska](http://www.openprimaries.org/states_nebraska).

<sup>28</sup> Nevada: Electors must be registered to the party in which they cast a ballot for in the primary N.R.S. 293.287 The presidential caucuses are closed. [http://www.openprimaries.org/states\\_nevada](http://www.openprimaries.org/states_nevada).

<sup>29</sup> New Hampshire: Unaffiliated voters may choose which ballot to cast. Voters registered with a party must vote on that party's ballot NH ST § 659:14. The presidential primary is also open to unaffiliated voters. [http://www.openprimaries.org/states\\_new\\_hampshire](http://www.openprimaries.org/states_new_hampshire).

<sup>30</sup> New Jersey: In order to vote in a party primary, the voter must have been a member of that party for 55 days prior to the primary, unless that voter is a new voter or has not voted in a primary before. First time primary voters can declare their affiliation at the polls N.J.S.A. 19:23-45. The presidential primary is closed. [http://www.openprimaries.org/states\\_new\\_jersey](http://www.openprimaries.org/states_new_jersey).

<sup>31</sup> New Mexico: Electors must have declared party affiliation upon registering to vote to vote in any primary NM ST § 1-12-7. The presidential primaries are closed. [http://www.openprimaries.org/states\\_new\\_mexico](http://www.openprimaries.org/states_new_mexico).

<sup>32</sup> New York: Electors must be registered to the party in which they cast a ballot for in the primary NY ELEC § 8-302. The presidential primaries are closed. [http://www.openprimaries.org/states\\_new\\_york](http://www.openprimaries.org/states_new_york).

<sup>33</sup> North Carolina: Voters cannot cross over and vote in another party's primary, but unaffiliated voters can vote in party primaries if the party opens their primary to unaffiliated voters. N.C.G.S.A. § 163-59. If a party chooses to allow unaffiliated voters to vote in the primary, they must notify the State Board of Elections by December 1st of the year before the election. N.C.G.S.A. § 163-119. The presidential primaries are also partially closed. [http://www.openprimaries.org/states\\_north\\_carolina](http://www.openprimaries.org/states_north_carolina).

<sup>34</sup> North Dakota: Voters must vote in one party's section on the ballot ND ST 16.1-11-22. North Dakota is also the only state that does not have voter registration. <https://vip.sos.nd.gov/pdfs/Portals/votereg.pdf>. Democrats have an open presidential primary, and Republicans nominate delegates to the convention and do not hold a primary or caucus. [https://www.openprimaries.org/states\\_north\\_dakota/](https://www.openprimaries.org/states_north_dakota/)

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- <sup>35</sup> Ohio: Voters in Ohio do not declare a party affiliation when they register to vote, but are considered to be affiliated with a party when requesting that party's primary ballot. <https://www.sos.state.oh.us/elections/voters/register/> A poll worker may challenge a voter's party affiliation R.C. § 3513.19. The presidential primary is also partially open. [http://www.openprimaries.org/states\\_ohio](http://www.openprimaries.org/states_ohio).
- <sup>36</sup> Oklahoma: Oklahoma has closed party primaries, but the party may allow independents to vote by notifying the State Election Board between November 1st and 30th of the year before the election 26 Okl.St. Ann. § 1-104. The presidential primary is also partially closed. <https://oklahoma.gov/elections/voter-registration/political-party-info.html>.
- <sup>37</sup> Oregon: The parties have the option of choosing between a closed primary and an open primary. OR ST § 254.365. Traditionally the parties have had closed primaries for the state and presidential elections. [http://www.openprimaries.org/states\\_oregon](http://www.openprimaries.org/states_oregon).
- <sup>38</sup> Pennsylvania: Electors must be registered to the party in which they cast a ballot for in the primary 25 P.S. § 299. The presidential primaries are closed. [http://www.openprimaries.org/states\\_pennsylvania](http://www.openprimaries.org/states_pennsylvania).
- <sup>39</sup> Rhode Island: Rhode Island voters must be affiliated with a party in order to vote in that party's primary, but a voter may register with that party on Election Day. Unaffiliated voters can vote in any primary, but once they do so they are considered a member of that party unless they disaffiliate RI ST § 17-15-24. <https://elections.ri.gov/faq/>. The presidential primary is open. [http://www.openprimaries.org/states\\_rhode\\_island](http://www.openprimaries.org/states_rhode_island).
- <sup>40</sup> South Carolina: Parties may change their rules for membership. SC ST § 7-9-20. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_south\\_carolina](http://www.openprimaries.org/states_south_carolina).
- <sup>41</sup> South Dakota: No voter can vote in a party primary without being affiliated with that party, but any party may allow unaffiliated voters to vote in their party primary through their constitution or bylaws SDCL § 12-6-26. The presidential primary is also a partially closed primary. [http://www.openprimaries.org/states\\_south\\_dakota](http://www.openprimaries.org/states_south_dakota).
- <sup>42</sup> Tennessee: Although voter registration is non-partisan, a voter declares allegiance to a party when selecting that party's ballot T.C.A. § 2-7-115(b)(2). The presidential primary is an open primary. [http://www.openprimaries.org/states\\_tennessee](http://www.openprimaries.org/states_tennessee).
- <sup>43</sup> Texas: Texas has an open primary system, but voters are bound to that party for a runoff election T X ELECTION § 162.00. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_texas](http://www.openprimaries.org/states_texas).
- <sup>44</sup> Utah: Parties that have primaries must file a statement with the Lieutenant Governor specifying whether unaffiliated voters or members of other parties may vote in their primary. UT ST § 20A-9-403(2)(a). Voters must declare or change party affiliation before March 31<sup>st</sup> in general election years UT ST § 20A-2-107. Parties can also 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. The presidential primaries are partially closed. The Democratic Party lets independents vote in the primary. [http://www.openprimaries.org/states\\_utah](http://www.openprimaries.org/states_utah).
- <sup>45</sup> Vermont: Registered electors may vote in the primary of their choice 17 V.S.A. § 2363. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_vermont](http://www.openprimaries.org/states_vermont).
- <sup>46</sup> Virginia: Registered electors may vote in one primary of their choice VA ST § 24.2-530

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In *Parson v. Alcorn* the United States District Court for the Eastern District of Virginia held that the Republican Party may choose to include a loyalty pledge on the ballot. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_virginia](http://www.openprimaries.org/states_virginia).

<sup>47</sup> Washington: Washington uses a top-two primary format where the top two vote getters move on to the general election WA ST 29A.52.112 <https://www.sos.wa.gov/elections/faqcandidates.aspx>. The presidential primary is partially closed. [http://www.openprimaries.org/states\\_washington](http://www.openprimaries.org/states_washington).

<sup>48</sup> West Virginia: Unaffiliated voters can request a ballot for any party WV ST § 3-2-5. The presidential primary is also open to unaffiliated voters. [http://www.openprimaries.org/states\\_west\\_virginia](http://www.openprimaries.org/states_west_virginia).

<sup>49</sup> Wisconsin: Voters must choose to vote down one column on the ballot. Each column is separated by party. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_wisconsin](http://www.openprimaries.org/states_wisconsin).

<sup>50</sup> Wyoming: Requesting a partisan primary ballot requires a declaration of affiliation with that party. An elector must declare party affiliation by application signed before a notary 97 days before the primary W.S.1977 § 22-5-214, W.S.1977 § 22-5-212, W.S.1977 § 22-5-209.