



NATIONAL CONFERENCE of STATE LEGISLATURES

*The Forum for America's Ideas*

**State Primary Election Systems**

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

|                             | <b>Closed</b><br><br><i>Voters must be registered members of the party holding the primary.</i> | <b>Partially Closed</b><br><br><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>Partially Open</b><br><br><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>Open to Unaffiliated Voters</b><br><br><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>Open</b><br><br><i>Voters may choose which primary to vote in privately. The choice does not register the voter with the party.</i> | <b>Top-Two</b><br><br><i>The top two vote-getters advance to the general election regardless of party.</i> | <b>Applies to Presidential</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  |  |  | NO                             |
| 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                            |

|                              | <b>Closed</b><br><i>Voters must be registered members of the party holding the primary.</i> | <b>Partially Closed</b><br><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>Partially Open</b><br><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>Open to Unaffiliated Voters</b><br><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>Open</b><br><i>Voters may choose which primary to vote in privately. The choice does not register the voter with the party.</i> | <b>Top-Two</b><br><i>The top two vote-getters advance to the general election regardless of party.</i> | <b>Applies to Presidential</b> |
|------------------------------|---|--|---|--|--|--|--------------------------------|
| Michigan <sup>22</sup>       |   |  |   |  | X  |  | NO                             |
| Minnesota <sup>23</sup>      |   |  |   |  | X  |  | YES                            |
| Mississippi <sup>24</sup>    |   |  |   |  | X  |  | YES                            |
| 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                             |

**Source:** National Conference of State Legislatures  
June 2016

For more information, contact the elections team at 303-364-7700.

|                             | <b>Closed</b>  | <b>Partially Closed</b>   | <b>Partially Open</b>  | <b>Open to Unaffiliated Voters</b>   | <b>Open</b>   | <b>Top-Two</b>   | <b>Applies to Presidential</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> |                                |
| West Virginia <sup>48</sup> |  |   |  | X  |   |  | YES                            |
| Wisconsin <sup>49</sup>     |  |   |  |  | X   |  | YES                            |
| Wyoming <sup>50</sup>       |  |   | X  |  |   |  | YES                            |

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## Primary Types

**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:** 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 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 as a means to identify their backers.

**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. Some of these states, such as Colorado and New Hampshire, require that unaffiliated voters declare affiliation with a party at the polls in order to vote in that party’s primary.

**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 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.

**Top-Two:** California, Louisiana, Nebraska (for state elections) and Washington currently use a “top two” primary format. The “top two” format uses a common ballot, listing all candidates on the same ballot. In California and 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. 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

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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.

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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: The parties must submit notice clarifying whether or not their primaries will be open by September 1st of the year before the election. AS § 15.25.014. The Democrats currently have an open primary and the Republican primary is open to Republicans and unaffiliated voters. [https://www.elections.alaska.gov/ei\\_primary.php](https://www.elections.alaska.gov/ei_primary.php). 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. Currently the Democratic presidential primary is open and the Republican presidential primary is closed. [http://www.openprimaries.org/states\\_alaska](http://www.openprimaries.org/states_alaska).

<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: 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/>. California holds a partially closed primary for presidential elections. <http://www.sos.ca.gov/elections/primary-elections-california/>.

<sup>6</sup> Colorado: Unaffiliated voters can vote in party primaries but they have to declare affiliation with that party, which they can do on Election Day. C.R.S.A. § 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 closed caucuses. <http://www.sos.state.co.us/pubs/elections/Candidates/FAQs/caucuses.html>.

<sup>7</sup> Connecticut: Connecticut has closed primaries but the individual parties may allow unaffiliated voters to vote. C.G.S.A. § 9-431. Unaffiliated voters can register to vote with the party up until the day before the primary election. <http://www.ctpost.com/local/article/Unaffiliated-voters-could-be-X-factor-in-Conn-7223090.php>. Candidates who lose the primary in Connecticut may then register as Independents, allowing them a position on the general election ballot. The presidential primary is closed. <http://www.courant.com/politics/elections/hc-what-you-need-to-know-ahead-of-connecticut-s-april-26th-primary-20160419-story.html>.

<sup>8</sup> Delaware: 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: West’s 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: <http://www.southernpoliticalreport.com/2016/04/29/up-next-georgias-may-24-primary-election/>. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_georgia](http://www.openprimaries.org/states_georgia).

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<sup>11</sup> Hawaii: Voters are entitled to select any party ballot they want. 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).

<sup>12</sup> Idaho: A party may elect 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. 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 could elect which party's ballot to vote, and their choice will constitute registration. After 2012, parties could 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: 10 ILCS 5/7-43. The presidential primary is also a partially open primary because the voter's ballot selection is public. <http://www.galesburg.com/article/20160313/NEWS/160319905>.

<sup>14</sup> Indiana: IC 3-10-1-6. The presidential primary is also a partially open primary because the voter's ballot selection is public. <http://www.lwvindy.org/VoterFAQ.html>.

<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 also partially open because 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: [http://www.openprimaries.org/states\\_kansas](http://www.openprimaries.org/states_kansas). A voter's right to vote in a primary can be challenged if that voter is not a member of the party. K.S.A. 25-216. Both major parties had closed caucuses in 2016, but Democrats allowed voters to register as Democrats on caucus day. <http://www.kansascity.com/news/politics-government/article63197947.html>.

<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: In 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. <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 then it remains a closed primary. However, traditionally unaffiliated voters have been allowed to participate in primaries through same-day voter registration 21-AM.R.S.A. § 340. Maine formerly had a presidential caucus but will switch to a presidential primary for 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).

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- <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. M.G.L.A. 53 § 38. Although the "unenrolled" voters must declare, they are not thereby "enrolled" with the chosen party. The presidential primary is also open to unaffiliated voters. [http://www.masslive.com/politics/index.ssf/2016/02/rules\\_for\\_the\\_2016\\_massachuset.html](http://www.masslive.com/politics/index.ssf/2016/02/rules_for_the_2016_massachuset.html).
- <sup>22</sup> Michigan: Michigan has nonpartisan voter registration. State primaries are open, but for the presidential primaries voters must choose a party ballot and that ballot selection is public. [http://www.michigan.gov/documents/sos/2016\\_Questions\\_and\\_Answers\\_for\\_Michigan\\_Presidential\\_Primary\\_510281\\_7.pdf](http://www.michigan.gov/documents/sos/2016_Questions_and_Answers_for_Michigan_Presidential_Primary_510281_7.pdf).
- <sup>23</sup> Minnesota: The ballot has a party for each column and voters may only vote for candidates in one party column. M.S.A. § 204D.08. Minnesota formerly used caucuses but switch to a presidential primary for 2020. The presidential primary is a partially open primary in that voters do not have to affiliate with a party beforehand, but ballot choices will be public record. [http://www.openprimaries.org/states\\_minnesota](http://www.openprimaries.org/states_minnesota).
- <sup>24</sup> Mississippi: A poll worker can challenge a voter's vote if the poll worker knows that the voter is crossing over and voting in the opposite party's primary. <http://www.jacksonfreepress.com/news/2014/aug/20/mississippi-primaries-open-or-not/>. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_mississippi](http://www.openprimaries.org/states_mississippi).
- <sup>25</sup> Missouri: V.A.M.S. 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: Registration is nonpartisan, and voters may select one party ballot from any party. <http://sos.mt.gov/ELECTIONS/FAQ/index.asp>. 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). At the Democratic caucuses voters can register as a Democrat on caucus day. [http://www.omaha.com/news/politics/q-a-the-nebraska-democratic-caucuses-are-today-here-s/article\\_2d0833e8-e244-11e5-a719-f3ecc0e0cdd2.html](http://www.omaha.com/news/politics/q-a-the-nebraska-democratic-caucuses-are-today-here-s/article_2d0833e8-e244-11e5-a719-f3ecc0e0cdd2.html).
- <sup>28</sup> Nevada: <http://www.clarkcountynv.gov/election/Pages/PartyAff.aspx>. The presidential caucuses are closed. [http://www.openprimaries.org/states\\_nevada](http://www.openprimaries.org/states_nevada).
- <sup>29</sup> New Hampshire: Title LXIII 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: [http://www.openprimaries.org/states\\_new\\_jersey](http://www.openprimaries.org/states_new_jersey). In order to vote in a party primary the voter must have been a member of that party since 55 days prior to the primary, unless that voter is a new voter or has not voted in a primary before. N.J.S.A. 19:23-45. First time primary voters can declare their affiliation at the polls. <http://www.state.nj.us/state/elections/voting-information-voting-faq.html>. The presidential primary is closed. [http://www.openprimaries.org/states\\_new\\_jersey](http://www.openprimaries.org/states_new_jersey).

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- <sup>31</sup> New Mexico: <http://www.theatlantic.com/politics/archive/2014/06/why-one-in-five-registered-voters-in-new-mexico-couldnt-vote-tuesday/458328/>. The presidential primaries are closed. [http://www.openprimaries.org/states\\_new\\_mexico](http://www.openprimaries.org/states_new_mexico).
- <sup>32</sup> New York: McKinney's Election Law § 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 may select one party ballot. <https://vip.sos.nd.gov/PortalListDetails.aspx?ptlhPKID=55&ptlPKID=7>. 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 caucuses. <http://www.cbsnews.com/news/how-does-the-north-dakota-republican-convention-work/>.
- <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. <http://www.sos.state.oh.us/sos/elections/Voters/FAQ/genFAQs.aspx#declare>. A poll worker may challenge a voter's party affiliation. R.C. § 3513.19. According to the Ohio Secretary of State's Office, a voter can only be challenged for crossing over to vote in another party's primary if the poll worker has actual first-hand knowledge that the voter is affiliated with a different party. In that case, the voter must sign a document declaring affiliation with the new party. <http://www.dispatch.com/content/stories/public/2016/What-you-need-to-know-about-voting-in-the-Ohio-primary.html>. 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://www.ok.gov/elections/faqs.html>.
- <sup>37</sup> Oregon: The parties have the option of choosing between a closed primary and an open primary. <http://sos.oregon.gov/voting/Pages/voteinor.aspx>. 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: 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. <http://www.elections.state.ri.us/faq/#typeprim>. The presidential primary is also open to unaffiliated voters. [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. Title 7 § 7-9-20. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_south\\_carolina](http://www.openprimaries.org/states_south_carolina).



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- <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 be a member of the party they choose for a full year. V.T.C.A., Election Code § 162.004. 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. U.C.A. 1953 § 20A-9-403(2)(a). 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. [http://www.openprimaries.org/states\\_utah](http://www.openprimaries.org/states_utah).
- <sup>45</sup> Vermont: VT Const. CH II, § 42. The presidential primary is an open primary. [http://www.openprimaries.org/states\\_vermont](http://www.openprimaries.org/states_vermont).
- <sup>46</sup> Virginia: Virginia's open primary law was found to be unconstitutional on the grounds that it violates a party's freedom of association when people not affiliated with the party are selecting that party's nominee. *Miller v. Brown*, 503 F.3d 360 (4th Cir. 2007). 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: <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: Independents can request a ballot for any party. [http://www.sos.wv.gov/elections/current/Pages/VoterFAQs.aspx#anchor\\_1404242592222](http://www.sos.wv.gov/elections/current/Pages/VoterFAQs.aspx#anchor_1404242592222). 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 don't register with a party. Instead, they get a ballot with a column for each party and they are only allowed to fill out one column. <http://www.gab.wi.gov/node/3909>. 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. W.S. 1977 § 22-5-212. The presidential primary is also partially open. [http://www.openprimaries.org/states\\_wyoming](http://www.openprimaries.org/states_wyoming).