

# Mississippi's Party Primary System

Study Group to Review Mississippi Election Law  
Office of the Mississippi Secretary of State  
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# What is Mississippi's Party Primary System?

Has been described as “open”, “semi-closed”, and  
“facially closed.”



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# No Party Registration

Mississippi voters do not register by party affiliation and do not declare a party affiliation at the time of registration.



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# § 23-15-575: Eligibility to Participate in Primary Elections

“No person shall be eligible to participate in any primary election unless he/she intends to support the nominations made in the primary in which he/she participates. “

However, federal court has stated “there is no practical way to enforce § 23-15-575.” *Mississippi State Democratic Party v. Barbour*, 491 F.Supp. 2d 641, 660 (N.D. Miss. 2007), rev’d on other grounds, 529 F.3d 538 (5th Cir. 2008).



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# § 97-13-35. Illegal Voting Behavior

Any person who shall vote at any election, . . . , or who shall vote or attempt to vote in the primary election of one party when he shall have voted on the same date in the primary election of another party, shall be guilty of a misdemeanor, and, on conviction, shall be fined not exceeding two hundred dollars, or be imprisoned in the county jail not more than six months, or both.



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# Extension of § 97-13-35 to “Crossover Voting”

- Several Attorney General opinions and Mississippi case law have defined the first and second (runoff) primary as one election process, with the second (runoff) election described as a continuation of the first primary
- Therefore by opinion(s) of the Attorney General, crossover voting (defined as a voter’s participation in the first primary of one political party and then participation in the second (runoff) primary of another political party) is prohibited under 97-13-35.



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