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Congressional and Presidential Primaries: Open, Closed, Semi-Closed, and "Top Two"

Last updated February, 2012.

Overview:

This page details information about the main categories of congressional primaries in the United State (open, closed, .

semi-closed, and "top two") and puts each state into one of these categories. We also include information regarding the type of presidential primary or caucus held in each state.

This information is as up-to-date as possible as of May 2012. However, states and parties regularly make changes to their primary or caucus rules. If any of the information below has changed, please email us at info [at] fairvote.org and we will review our information and update it, if warranted.

Open primary:

In an open primary, voters of any affiliation may vote in the primaries of any party they choose. They cannot vote in more than one party's primary, although that prohibition can be difficult to enforce in the event a party has a runoff election. In many open primary states voters do not indicate partisan affiliation when they register to vote.

One area of contention in open primaries is "crossover" voting, which may change who wins a party nomination. It most often involves voters registered with Party B (either in an area dominated by Party A or in a year when Party B's nominee is a foregone conclusion) voting in the primary for the Party A candidate whose views are closer their own. Occasionally, there also are concerns about sabotage, or "party crashing," which involves partisans strategically voting for a weaker candidate in another party's primary in the hope that the opposition party will nominate a candidate who is easier to defeat in the general election.

Closed primary:

In a closed primary, only voters registered with a given party can vote in that party's primary. Parties may have the option to invite unaffiliated voters to participate, but such independent voters usually are left out of the primary unless they decide to give up their independent status.

Closed primaries preserve a party's freedom of association, but critics claim that closed primaries can exacerbate the radicalization that often occurs at the primary stage, when candidates must cater to their party's "base" rather than the political center.

In a few states, independent voters may register with a party on Election Day. However, they must remain registered with that party until they change their affiliation again. A handful of states even allow voters registered with one party to switch their registration at the polls to vote in another party's primary. In these rare instances, a closed primary can more closely resemble open or semi-closed primaries than the closed primaries of other states.

Semi-closed primary:

In a semi-closed primary, unaffiliated voters may choose which party primary to vote in, while voters registered with a party may only vote in that party's primary. Representing a middle ground between the exclusion of independent voters in a closed primary and the free-for-all of open primaries, the semi-closed, primary eliminates concerns about voters registered in other parties from "raiding" another party's nominating contest.

People who align with a given party may theoretically still vote in another party's primary if they are registered as independent. The potential for such tactical party registration is also present in the strictest of closed primaries.

Top two primary:

The top two primary system puts all candidates, regardless of party affiliation, on the same ballot. The top two vote-getters then face off in the general election. The top two system is used in California and Washington, as well as in Nebraska for its nonpartisan elections to the state's legislature. Louisiana uses a variation of top two in which a second-round runoff only takes place if a candidate fails to win more than 50% of the vote in the first round.

"Top two" primaries are sometimes referred to as "open primaries," but that term refers to party primaries in which all voters may choose to participate in a given party's primary. By contrast, the top two system eliminates party primaries altogether, with the field winnowed regardless of candidates' party affiliation.

Following is a running list of states by types of party primary, updated February 2012:

State	Closed	Open	Semi-Closed	Source	Remarks	Presidential Primary or Caucus
Alabama		x		Ala. Code § 17-13- 7	No party affiliation required at registration.	Open

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Alaska	R	D		Alaska Stat. §§ 15.25.014, 15.25.060	Parties select who may vote in their primaries. To vote in the GOP primary, a voter must be registered as a Republican 30 days before Election Day.	Open	Carroll Avenue, Suite 610, Takoma Park, Maryland 20912
Arizona			x	Ariz. Att'y Gen. Op. No. I99-025 (R99-049)	Arizona uses a "Presidential Preference" system instead of a traditional primary system. Voters must be registered for a party in order to receive a ballot.	Closed	© 2000 – 2014 FairVote. All Rights Reserved.
Arkansas			x	Ark. Code Ann. §§ 7-7-306-308	No party affiliation required at registration.	Open	
California	N/A	N/A	N/A	Proposition 14; CA S.B. 28	California uses the "Top Two" Plan. On June 8, 2010 voters passed Prop. 14 to create a nonpartisan blanket primary system in which all candidates are listed on the same primary ballot and the top two vote recipients face off in the general election.	R: Closed; D: Semi-Closed	
Colorado			x	Colo. Rev. Stat. § 1-7-201	Only voters affiliated with a particular party may vote in its primary.	Closed	
Connecticut			x	Conn. Gen. Stat. §§ 9-431, 9-59	Parties may choose to allow for semi-closed elections if they make a change to their party rules; however, as of now, the primaries remain closed.	Closed	
District of Columbia			x	D.C. Code Ann. § 1-1001.09(g)(1); 1-1001.05(b)(1)	Closed primary for D.C. elected officials such as Delegate, Mayor, Chairman, members of Council, and Board of Education.	Closed	
Delaware			x	Del. Code Ann. § 3110	Only voters affiliated with a particular party may vote in its primary.	Closed	
Florida			x	Fla. Stat. Ann. § 101.021	Only voters affiliated with a particular party may vote in its primary.	Closed	
Georgia			x		No party affiliation required at registration. However, on Election Day, voters must declare an oath of intent to affiliate with the particular party for whom they are voting on Election Day.	Open	
Hawaii			x	Haw. Rev. Stat § 12-31	No party affiliation required at registration. In the presidential caucuses, any person may vote in the Republican caucus as long as he or she fills out a Republican Party card on that	R: Open; D: Closed	

day; only registered Democrats may participate in the Democratic caucus.

Idaho	R	D	Idaho Code Ann. § 34-904A	Until 2011, all Idaho primaries were open. After the GOP obtained a declaratory judgment that mandating open primaries violated freedom of association and was thus unconstitutional in <i>Idaho Republican Party v. Ysura</i> , the legislature passed a bill allowing parties to choose which type of primary they use. Democrats have chosen a semi-closed primary; unaffiliated voters may register a party at the polls on election day, but they are bound to that party affiliation at the next election.	R: Closed; D: Semi-Closed
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Illinois		x	10 Ill. Comp. Stat. 5/7-43-45	No party affiliation required at registration. Voters declare their party affiliation at the polling place to a judge who must then announce it "in a distinct tone of voice, sufficiently loud to be heard by all persons in the polling place." If there is no "challenge," the voter is given the primary ballot for his or her declared party.	Semi-Closed
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Indiana		x	Ind. Code §§ 3-10-1-6, 1-9	No party affiliation required at registration. Classified as a "modified open" primary." A voter must have voted in the last general election for a majority of the nominees of the party holding the primary, or if that voter did not vote in the last general election, that voter must vote for a majority of the nominees of that party who is holding the primary. However, there is really no way to enforce this, and cross-over occurs often. The same modified open primary is used for the presidential primary.	Open
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Iowa	x			Voters may change party on the day of the primary election.	Closed
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Kansas	R	D	Kan. Stat. Ann. §§ 25-3301	Federal courts declared KS law unconstitutional and now the parties decide who will vote in their primaries. In 2012, Republicans will hold closed primaries; however, they will allow unaffiliated voters to	Closed
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				register Republican on election day. Democrats will allow both affiliated and unaffiliated voters to vote.	
Kentucky	x		Ky. Rev. Stat. Ann. § 116.055	Only voters affiliated with a particular party may vote in its primary.	Closed
Louisiana		x	Act 570	Voters do not have to register by party affiliation. The congressional primaries changed from a closed system to an open system with the passage of Act 570, effective January 1, 2011	Closed
Maine	x		Me. Rev. Stat. Ann. tit. 21, §§ 111, 340	Only voters affiliated with a particular party may vote in its primary.	Closed
Maryland	x		Md. Code Ann., Elec. Law §§ 3-303, 8-202	Parties may choose to hold open primaries, but must notify the State Board of Elections 6 months prior.	Closed
Massachusetts		x	Mass. Gen. Laws ch.53 §37	Affiliated voters must vote in the primary of their party; however, unaffiliated voters may vote in either primary.	Semi-Closed
Michigan		x	Mich. Comp. Laws § 168.575; Public Act 163	Voters do not have to declare a political party to vote; but must vote for all one party once they enter the voting booth.	Open
Minnesota		x	Minn. Stat. § 204D.08	Only voters affiliated with a particular party may vote in its primary.	Open
Mississippi		x	Miss. Code Ann. § 23-15-575	No registration by party affiliation. However, in order to participate in the primary, a voter must support the nominations made in that primary.	Open
Missouri		x	Mo. Rev. Stat. § 115.397	No party affiliation required at registration.	Open
Montana		x	Mont. Code Ann. § 13-10-301	No party affiliation required at registration. Each voter has the choice which ballot to use on Election Day.	Open
Nebraska		x	Neb. Rev. Stat. § 32-912	<u>For federal elections, affiliated voters must vote in the primary of their party; however, unaffiliated voters may vote in either primary. For partisan state-level elections, unaffiliated voters may vote in the Democratic primary but</u>	Semi-Closed

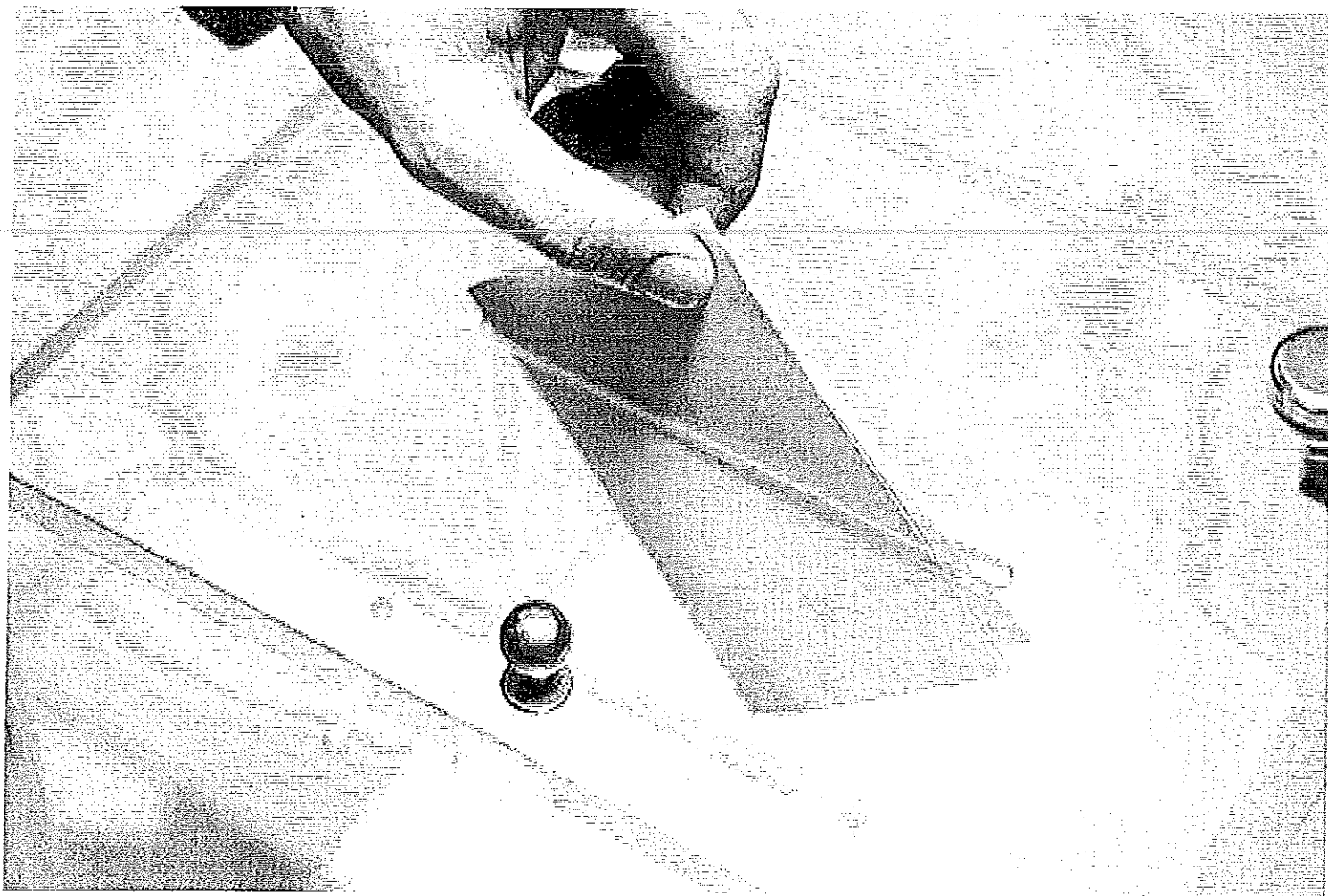
State	Primary Type	Statute	Description	Notes
Nevada	x	Nev. Rev. Stat. §§ 293.287, 293.518	Only voters affiliated with a particular party may vote in its primary.	Closed
New Hampshire	x	N.H. Rev. Stat. Ann § 659:14	Closed primaries in effect; but the statute allows for semi-closed primary if that party's rules allow for it.	Semi-Closed
New Jersey	x	N.J. Stat. Ann. § 19:31-13.2	Only voters affiliated with a particular party may vote in its primary.	Closed
New Mexico	x	N.M. Stat. §1-12-7.2	Parties may choose to allow for semi-closed elections if they make a change to their party rules; however, as of now, the primaries remain closed.	Closed
New York	x	N.Y. Elec. Law § 5-304	Only voters affiliated with a particular party may vote in its primary.	Closed
North Carolina	x	N.C. Gen. Stat. §§ 163-59, -119	State law provides for closed primaries, but both parties have opened them up to unaffiliated voters, who may choose on Election Day.	Semi-Closed
North Dakota	x	N.D. Cent. Code, § 40-21-06	The only state without voter registration. To vote in the Republican caucus you must have affiliated with the Republican Party in the last general election or intend to do so in the next election.	R: Closed; D: Open
Ohio	x	Ohio Rev. Code Ann. § 3513.19	Voters' right to vote in the primary may be challenged on the basis that they are not affiliated with the party for whom they are voting in the primary.	Open
Oklahoma	x	Okla. Stat. §26-1-104	Only voters affiliated with a particular party may vote in its primary.	Closed
Oregon	x	Or. Rev. Stat. §§ 247.203, 254.365	As of February 2012, the Oregon Republican Party voted to partially open the Republican primary. The primary remains closed for the presidential and legislative elections; however, unaffiliated voters may vote in the Republican primary for the offices of secretary of state, attorney general, and treasurer.	Closed

Pennsylvania	x			25 Pa. Stat. Ann. § 2812	Only voters affiliated with a particular party may vote in its primary.	Closed
Rhode Island		x		R.I. Gen. Laws §§ 17-9.1-23	An unaffiliated voter for the past 90 days may designate his or her party affiliation on election day by voting for that party in the primary.	Semi-Closed
South Carolina		x		S.C.Code Ann. §§ 7-11-10	No party affiliation required at registration.	Open
South Dakota	R		D	S.D. Codified Laws § 12-6-26	Parties may choose to allow for semi-closed elections. Democrats have opened up their primaries to allow unaffiliated voters to vote.	R: Closed; D: Open
Tennessee		x		Tenn. Code Ann. § 2-2-102	No party affiliation required at registration.	Open
Texas		x		Tex Elec. Code Ann. § 172.086	No registration by party; voters are not held to affiliation of past election. Each year, voters have a clean slate and must choose on primary day whether to vote by a party affiliation or as unaffiliated; voters are held to that affiliation in the runoff. For the presidential primary, it is the same system as of December 19, 2011.	Open
Utah	R		D	Utah Code Ann. §§ 20A-2-107.5	Parties may choose to open up the primary. Currently, Republicans have a closed primary while Democrats have opened up the primary.	R: Closed; D: Open
Vermont		x		Vt. Stat. Ann. tit. 17, § 2363	No registration by party. For presidential primary, voters must declare which ballots they want.	Open
Virginia		x		Va. Code Ann. § 24.2-530	No party affiliation required at registration.	Open
Washington	N/A	N/A	N/A	Wash. Rev. Code § 29A.52.112, 29A.36.171	Similar to California's Top Two system.	R: Closed; D: Semi-Closed
West Virginia			x	W. Va. Code § 3-5-4	Technically a closed system, but all parties allow any voter who is not registered with an official party to request their ballot for the Primary Election.	Semi-Closed
Wisconsin		x		Wis. Stat. § 6.80	No party affiliation required at registration.	Open
Wyoming		x		Wyo. Stat. Ann. § 22-5-212	A voter can change his or her party affiliation on election day.	Closed



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What Are the Different Types of Primary Elections?



Jan 16, 2014

By Debbie Sharnak



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**The right to vote is
fundamental.**

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Primaries first began in the early twentieth century as a response to increasingly strong party control over elections. At the time, voters wanted a larger say in who would be chosen as their candidate, instead of the long-standing tradition of party bosses choosing who would run for office. Progressive reformers viewed direct primaries as a way for constituencies to increase transparency and allow for citizens to participate in the electoral process. As primaries became a feature of local, state, and eventually national elections, each municipality had the ability to shape their own process.

[Read How Primary Elections Work](#)

Today, most systems fall under two broad categories: Partisan and Nonpartisan primaries, with variations falling under each. This article will provide a comprehensive examination of this pivotal first step in the election process.


Partisan Elections

Partisan primary elections are, by their very nature, elections which select a candidate based on their party affiliation. Most states have utilized a partisan primary for much of the nation's history.

When primary elections became popular, what developed was a process in which each major political party held "mini-elections" prior to the general election to see who would represent their party. What differed in these mini-elections was generally who could participate — a standard that was set by each state. These processes include: closed, open (partisan), semi-closed, and partisan instant runoff voting (IRV).


Closed Partisan Primary

Closed primary systems are only open to those that are registered with a major political party. Therefore, a Democrat may vote in the democratic primary, Republicans may vote in the republican primary, but unaffiliated, "decline-to-state," and minor party voters are denied participation. While some groups have challenged closed primaries over the right to "not affiliate with any party," courts have held that closed primaries are constitutional.

 "Partisan primary elections are elections which select a candidate based on their party affiliation."

— @dsharnak

States that have a closed primary include Delaware, Maine, Wyoming, New Jersey, New York, New Mexico, and Kentucky.

New York has one of the strictest closed primaries in the country  wherein voters must claim association almost a year before the actual vote. The affiliation requirement stems from one of the main difficulties of closed primaries: a fear that primaries could be "raided" by outsiders who might seek to influence the primary election so a weaker candidate ends up running against their preferred choice in the general election.

Closed primaries, however, vary in other states. In New Jersey, for example, voters can declare the day of an election. However, both systems of a closed primary have been challenged in the court. Plaintiffs claimed that

the right to vote under the Fourteenth Amendment should not be predicated on the voter giving up their right not to affiliate with a political party. The Supreme Court though has upheld the constitutionality of a closed primary to date.

Semi-Closed Partisan Primary

The main difference between semi-closed and closed primaries is that semi-closed primaries allow a party to choose whether or not to allow non-members to vote. However, this system still requires voters not registered with one of the major parties to change party affiliation to participate in primary elections. Voters are often given an extended amount of time to change registration — some states up to election day.

While some states require that all political parties have the same method, other states like Utah allow the party to pick their primary election process. Therefore, Republicans have a closed primary and Democrats open theirs up to non-Democrat voters. In Idaho, parties can select to open or close their primary, but voters are required to vote in the next election with that party affiliation.

Semi-closed primaries are lauded by some for "allowing" unaffiliated and minor party voters full participation in the political process. Some opponents, however, argue that allowing these constituencies to vote will dilute the preference of party members. Advocates of nonpartisan reform argue that requiring independent or third party voters to change their affiliation to participate violates their First Amendment right of non-association because their ability to participate is conditioned on the parties' 'permission'.

Open Partisan Primary

Open partisan primary elections allow voters to vote in the partisan ballot of their choice. 🐦 This means that political parties cannot prevent non-members from voting in their party elections and in many of these states, like Hawaii and Texas, voters do not have to declare their affiliation when they register to vote. Voters may select from the Republican or Democratic ballot and their choices are limited to that ballot.

Recently, the Democratic Party of Hawaii (DHP) challenged the open primary system in Hawaii, arguing that open primaries place a severe burden on its First Amendment right of association and the ability to "limit its association to people who share its views."

A federal district court ruled against the plaintiffs and upheld the state's primary system. While the DHP believes that crossover voting can spoil the candidate selection process of a private organization, the court said they filed a lawsuit only on the assumption that this could happen instead of presenting evidence that it was happening. The court could not make a ruling based on an assumption.

Instant Runoff Voting

Instant Runoff Voting (IRV) is aimed at encouraging candidates to reach out to a broader constituency and can work in both partisan and nonpartisan elections. In this voting system, voters are allowed to rank candidates in order of preference. They are not required to rank all the candidates and their rankings will not harm their most preferred candidate at any stage. A series of automatic runoffs occur using voter preference.

Here is how IRV works:

if a majority is achieved on the first count, the election is over and the majority candidate wins outright. However, if that is not the case, the candidate who receives the fewest first choice rankings is eliminated. Then, all ballots are re-tabulated, with each ballot counting for one vote for the highest-ranked candidate who has not been eliminated. Therefore, voters who had the last place candidate now have their votes count toward their second choice. The weakest candidates are eliminated successively, with each new tabulation including their next choice that is listed. Once the field is reduced to two, the candidate with the majority will win the election.

<http://www.fairvote.org/assets/flow.pdf>

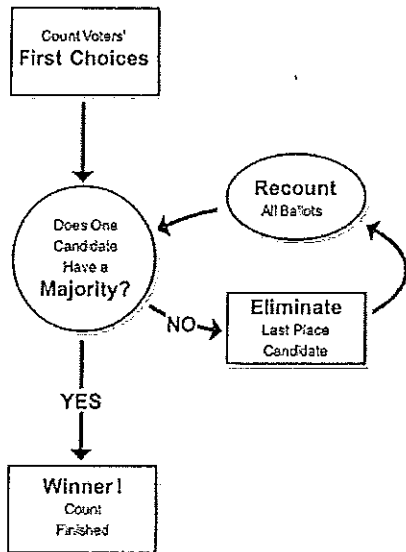
Proponents of this system argue that it allows for better voter choice and wider participation by allowing multiple candidates in a race. However, some opponents argue that it doesn't allow for voters to fully weigh their choices — arguing that a straight-up runoff in an election might allow less popular candidates an opportunity for greater exposure among the electorate and it would take time for the voters to make their decision.

A form of IRV was first used in 1912 in Florida, Indiana, Maryland, Wisconsin, and Minnesota. The appeal of this system increased in the past two decades. Since 2000 alone, over 20 state legislatures considered bills that would implement IRV, including Maine, Alaska, Massachusetts, Illinois, New Jersey, Virginia, and Louisiana. Even the U.S. Congress introduced a bill to study this process in early 2003. Some cities, such as Minneapolis, Oakland, and San Francisco, allow instant runoff voting.

The process was most recently promoted in New York City after a separate runoff election in the Democratic primary for public advocate cost the city \$13 million. After the election, which was both costly and had an extremely low voter turnout, legislation was introduced in the state legislature to implement IRV.

Instant Runoff Voting

Ballot Count Flow Chart



In each round, your ballot counts for your favorite candidate who is still in the race.

Nonpartisan Elections

Nonpartisan primaries operate as one election, where all voters and candidates participate on a single ballot. California, Washington state, and Louisiana are currently the only states to adopt some form of top-two system, but there are other types of nonpartisan reform that differ in the amount of candidates that move on to the second state of the election or add different voting systems — like approval voting.

Top-Two Primary

A top-two nonpartisan primary system, like the system in California and Washington state, is a two stage system where all candidates, regardless of party

affiliation, appear on the same ballot. Parties do not hold their own primaries and if they do, it is done outside the public election system. The top two vote getters move on to the general election. Louisiana has a similar system, but if a candidate gets over 50 percent of the vote in the first stage, he or she wins the election outright.

Supporters of top-two primaries argue that not only does the system give equal access to the ballot for voters and candidates, it results in more robust competition, especially in districts that are purely dominated by one party.

Steve Peace, a former Democratic state legislator in California, authored the state's top-two initiative (Proposition 14) which was approved by voters in 2010. Peace believes this system helps politicians act in the state's best interest because candidates must appeal to a broader base of the electorate instead of a small, partisan base.

However, critics of the system in California lambasted top-two, claiming that the increased threshold to get on the ballot in the first place ensured that minor party and independent candidates had less of a chance to appear on the general election ballot.

Top-Four Primary

A top-four primary is another option for nonpartisan primaries, but it differs from top-two by increasing the amount of candidates that move on to the general election. During the first round of voting, the electorate votes for their first choice. The general election then has the names of the top four vote getters.

"Nonpartisan primaries operate as one election, where all voters and candidates participate on a single ballot."

— Debbie Sharnak

If IRV is added in the general election, voters are allowed to place a first, second, and third choice. Each ballot then will count for the candidate marked for their first choice, but the candidate with the fewest first-choice preferences is eliminated. The ballots with those candidates are then placed into the pool for their second choice. The process is repeated again until there is a way to identify the top two choices. The candidate with the majority in that round is elected.

While nonpartisan primaries are increasingly being considered around the U.S., proposals are generally limited to the top-two process. Colorado, however, is proposing a more radical system that includes a variation of the top-four system.

The proposal would allow the top four candidates to advance, as well as anyone with 3 percent of the vote in the first round. Ryan Ross, who is the main force behind this new proposal, believes that this system would allow for multiple Democrats, multiple Republicans, and maybe some independents and third party candidates to advance to the general election.

The Unified Primary

A unified primary is a new system being proposed in Oregon to combine the top-two primary system with approval voting, which allows voters to select one or more candidates on the ballot, but does not use a ranking system. While only the top two vote getters will advance to the general election, approval voting ensures that the widest consensus of the population will support the candidates who advance to the final stage of the election.

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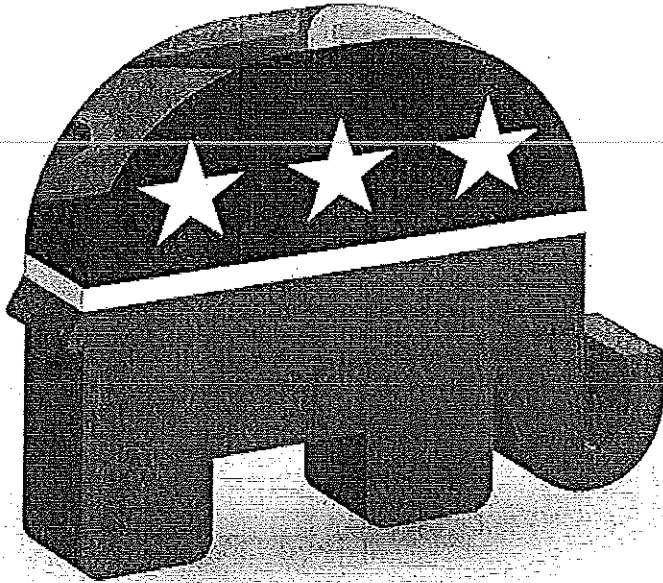
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Idaho Primary: Why The GOP Closed Its Ballot

By [SAMANTHA WRIGHT \(PEOPLE/SAMANTHA-WRIGHT\)](#)

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When you [vote \(http://www.idahovotes.gov/\)](http://www.idahovotes.gov/) in the primary next Tuesday, you must, for the first time, register for a political party. That's after the [Idaho Republican Party \(http://idgop.org/\)](#) sued the state for the right to close its primary. The GOP argued party faithful, not crossover Democrats, should pick Republican candidates.

You have to go back five years ago, to June of 2007 to understand how it all began. That's when the Idaho Republican Party State Central Committee decided to close its primary to only registered Republicans. Jonathan Parker is the Executive Director of the state's Republican Party. "We do believe that it is our right to essentially let

Republicans chose Republican candidates, Democrats choose Democrat candidates, as these are the candidates who will be our standard bearers, carrying the torch for the Republican Party in November.”

But Idaho code said state primaries should be open. So the party sued the state to close its primary. Ben Yursa is a Republican, and also [Idaho's Secretary of State \(http://www.sos.idaho.gov/elect/eleindex.htm\)](http://www.sos.idaho.gov/elect/eleindex.htm). That put him on the other end of the GOP lawsuit. “There was a conflict between party rule, and state law. And that’s what lead to the lawsuit.”

The Republican Party won the lawsuit last year. Now the state law says all primaries are closed, unless a party chooses otherwise. According to the website [Fair Vote \(http://www.fairvote.org/congressional-and-presidential-primaries-open-closed-semi-closed-and-top-two#.T6FYvJJC98E\)](http://www.fairvote.org/congressional-and-presidential-primaries-open-closed-semi-closed-and-top-two#.T6FYvJJC98E) which tracks the primary system nationwide, 18 states have what are considered open Congressional Primaries. The rest, including most of the West and now Idaho, have closed or “semi-closed” primaries.

Parker says the GOP closed its primary because it believed there was evidence of crossover voting. “Our members believe that Democrats were openly crossing over, voting in the Republican Party, picking our candidates, and essentially just tampering with the process.”

“It was really a ridiculous notion,” says [Idaho Democratic Party \(http://idahodems.org/\)](http://idahodems.org/) chairman Larry Grant. “They tried to tell everybody the reason they wanted to do that was because Democrats were crossing over and being spoilers in the Republican Primary.”

Grant says there was never a Democratic mandate to cross over and vote for someone in the GOP primary. But he does say, in local races, a tiny fraction of Democrats have done this. “And in many areas those races are decided in the Republican Primary. So there are folks, I’m sure there are folks now, folks that are good Democrats that have registered as Republicans so they can vote in those local races.”

Grant says this isn’t really about crossover voting, it’s about in-fighting in the Republican Party. “This is more evidence of the continuing effort of the conservatives in the Republican party to purge their party of moderates.”

That’s how Boise State Political Science Professor Gary Moncrief sees it. He says on a national scale this isn’t unusual - for a faction of either political party to push for a closed primary. “The party that leads that charge is often, in fact almost always, the majority party in the state,” says Moncrief. “In some states it’s the Democratic Party and the faction within the party that tends to lead that charge tends to be the more liberal faction. And in the Republican Party, if they’re the ones leading the charge, it tends to be the more conservative faction.”

GOP head Jonathan Parker says closing the primary was contentious within his party. But he thinks the change is for the best. “We do believe that it will make the system a little more pure, the process a little more honest and at the end of the day, we think it will be best for all political parties involved.”

Democratic Party Chairman Larry Grant doesn’t agree with that. “We’ve chosen to keep our primary open, so if you’re a disgruntled Republican or Independent you’re certainly welcome to come vote in our primaries.”

Secretary of State Ben Yursa says now that the fighting over a closed primary is over, his worry is getting voters to understand the changes and to get them to vote, regardless of political party.

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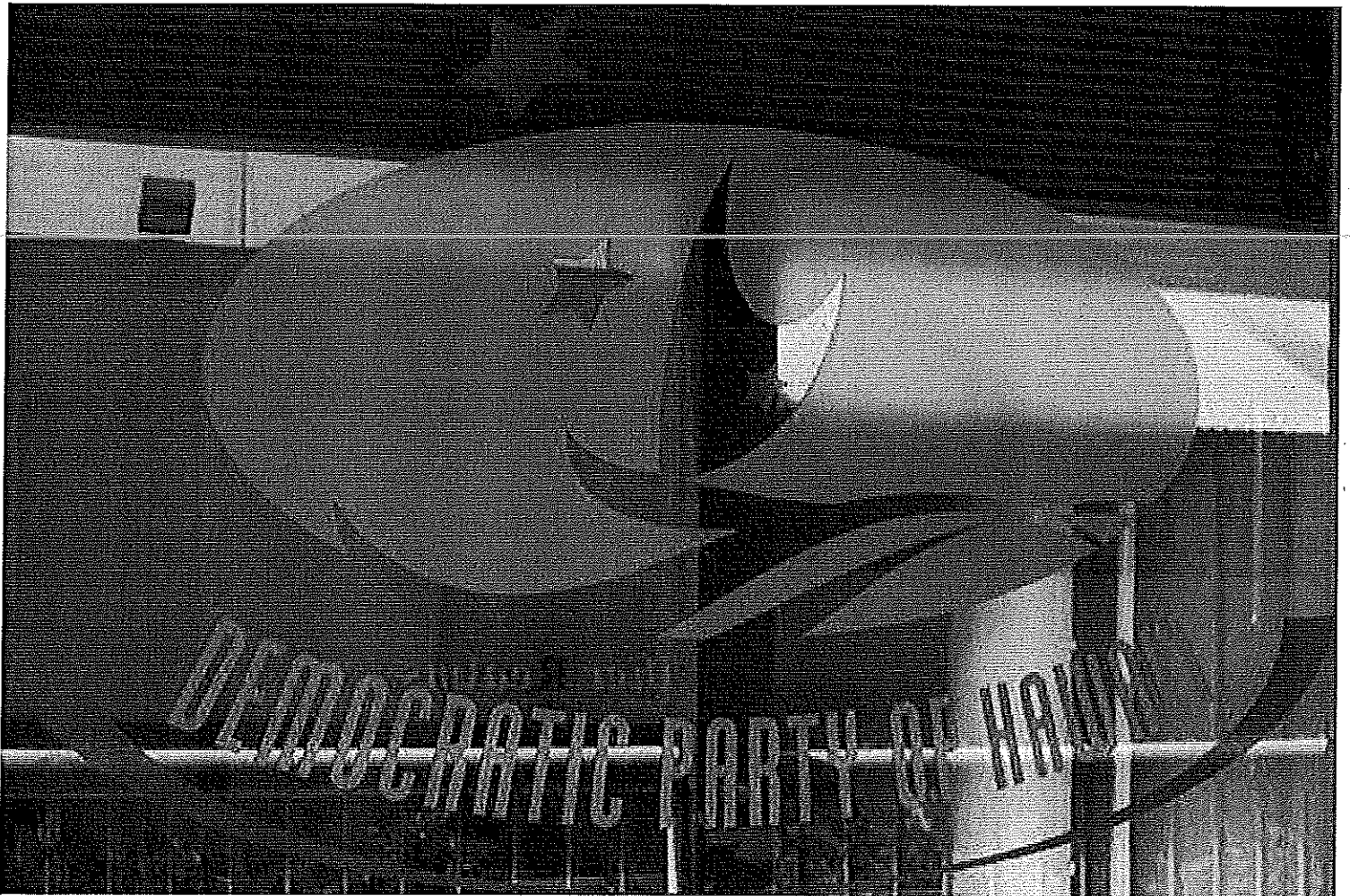
The biggest threat to a moderate political process in Idaho, or nation for that matter, are the far right kooks. This is evidenced by all the moderate, more clear thinking, republicans leaving office because they can't stand to deal with these people anymore. That is why I will crossover, and declare republican for the primary, so that I can vote for the more moderate republican candidates.

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Hawaii Democratic Party Fails to Prove Open Primaries are Unconstitutional



Nov 15, 2013

By Shawn M. Griffiths



On Thursday, a federal district court in Hawaii upheld the state's open primary system, ruling that the plaintiff in the case, the Democratic Party of Hawaii (DPH), failed to provide sufficient evidence that Hawaii's open primary system violated the First Amendment.

The DPH argued that the open primary system infringed on its First Amendment right of association because such a right includes the ability to "limit its association to people who share its views."

Because voters do not have to state party affiliation — or lack thereof — when they register to vote and can freely choose between the Republican or Democratic ticket during primary elections, the DPH insisted that its constitutional right was severely burdened if it has no way of knowing whom it is associating with.

Open Primary vs. Closed Primary

The fundamental argument of the party is that its right to restrict persons from participation in its primaries trumps the constitutional right all voters have to be able to cast a meaningful vote. While partisan primaries pick the party's candidate, they also decide the limited selection of candidates all voters will have to choose from in the general election — not to mention they are paid for with public funds.

From Judge Michael Seabright:

"The DPH would likely not be 'severely' burdened by not being able to reject persons who fully embrace its values. The possibility of crossover voters might make no difference.

While crossover voting is a common argument made by parties nationwide either to keep a closed primary system or reform current election laws to close party primaries, the DPH filed a lawsuit on the assumption that it could happen instead of presenting evidence that it was happening.

The court ruled that while anonymity creates some burden, it cannot assume the DPH is severely burdened by it.

Furthermore, citing *Washington State Grange v. Washington State Republican Party*, the court found that the plaintiff's argument also rested on the assumption of voter confusion which also failed court scrutiny because of the same absence of evidence.

Read the full ruling:

[Hawaii Open Primary Ruling](#)