

Mississippi Secretary of State's Office

# Primary Election Systems Overview

September 10, 2014



DELBERT HOSEMANN  
*Secretary of State*

# Primary Election System

- Other than the independent candidate qualification process, a primary election determines which candidates proceed to the general election.
- Typically, the state legislature or Constitution determines the qualifications it requires of a candidate to have a place on the primary ballot.
- Governmental entities typically pay for the primary election.



DELBERT HOSEMANN  
*Secretary of State*

# Major Primary Systems

1. Closed Primary
2. Semi-closed Primary
3. Open Primary
4. Top-two Primary



DELBERT HOSEMANN  
*Secretary of State*

# Partisan v. Nonpartisan Primaries

## 1. Partisan Primary Elections

- Elections which select a candidate based on party affiliation
  - Closed
  - Semi-closed
  - Open

## 2. Nonpartisan Primary Elections

- Operate as one election where all voters and candidates participate on a single ballot
  - Top-two Primary



DELBERT HOSEMANN  
*Secretary of State*

# Closed Primaries

- Only voters registered with a particular party may vote in that party's primary election.
  - i.e. Democrats vote in the Democratic primary election; Republicans vote in the Republican primary election; Independents do not participate in closed primary elections.
- Proponents believe closed primaries promote party unity and prevent non-members from “raiding” a party's election.
- Closed primaries have been challenged over the right to “not affiliate with any party,” but courts have held closed primaries to be constitutional.



DELBERT HOSEMANN  
*Secretary of State*

# States with State Mandated Closed Primary Elections

- Colorado
- Connecticut
- District of Columbia
- Delaware
- Florida
- Iowa
- Illinois
- Kentucky
- Nevada
- New Hampshire
- New Jersey
- New Mexico
- New York
- Oklahoma
- Oregon
- Pennsylvania
- Wyoming



DELBERT HOSEMANN  
*Secretary of State*

# States with Party Elected Closed Primary Elections

- Alaska (R)
- Idaho (R)
- Kansas (R)
- Maine
- Maryland
- North Dakota (R)
- South Dakota (R)
- Utah (R)




DELBERT HOSEMANN  
*Secretary of State*

# Alaska Republican Ballot

## SAMPLE BALLOT FRONT

**INSTRUCTIONS TO VOTER:** To vote for the issue/candidate of your choice, fill in the oval next to the issue/candidate you want to vote for. Place your ballot inside the secrecy sleeve and then take your ballot to the ballot box.

If you make a mistake while voting, return the ballot to the election official for a new one.  
A vote which has been erased or changed will not be counted.

	State of Alaska Official Ballot Primary Election, August 19, 2014	HD 1
Alaska Republican Party		
<b>Instructions:</b> To vote, completely fill in the oval next to your choice, like this: <input type="radio"/>		
<b>United States Senator</b> (vote for one)		
<input type="radio"/> Jaramillo, John M.	Republican	
<input type="radio"/> Miller, Joe	Republican	
<input type="radio"/> Sullivan, Dan	Republican	
<input type="radio"/> Treadwell, Mead	Republican	
<b>United States Representative</b> (vote for one)		
<input type="radio"/> Cox, John R.	Republican	
<input type="radio"/> Dohner, David F. "Dave"	Republican	
<input type="radio"/> Seaward, David	Republican	
<input type="radio"/> Young, Don	Republican	
<b>Governor</b> (vote for one)		
<input type="radio"/> Heikes, Gerald L. "Top"	Republican	
<input type="radio"/> Millette, Russ	Republican	
<input type="radio"/> Parnell, Sean R.	Republican	
<input type="radio"/> Snowden, Brad	Republican	
<b>Lieutenant Governor</b> (vote for one)		
<input type="radio"/> Sullivan, Dan	Republican	
<input type="radio"/> Wolf, Kelly J.	Republican	
<b>State Senator</b> District A (vote for one)		
<input type="radio"/> Kelly, Pete	Republican	
<b>State Representative</b> District 1 (vote for one)		
<input type="radio"/> Stewart, Jomo L.	Republican	
<input type="radio"/> Bringhurst, Gregory Don	Republican	



# Closed Primaries (cont.)

- Some parties require registration a year in advance of the election while other parties may allow registration on the day of the election.
- Some parties allow voters registered with one party to switch their registration/association at the polls to vote in another party's primary.



DELBERT HOSEMANN  
*Secretary of State*

# Semi-closed Primary Elections

- Unaffiliated voters may choose in which party primary to vote, while voters registered with a party may only vote in that party's primary.
- Semi-closed primary systems allow a party to choose whether to allow non-members to vote.
- May require voters not registered with one of the major parties to change party affiliation to participate in primary elections.
- Voters who align with a particular party may still vote in another party's primary if they are registered as Independent.



DELBERT HOSEMANN  
*Secretary of State*

# States with State Mandated Semi-closed Primary Elections

- Arizona
- Massachusetts
- Nebraska
- Rhode Island
- West Virginia



DELBERT HOSEMANN  
*Secretary of State*

# States with Party Elected Semi-closed Primary Elections

- North Carolina
- South Dakota



DELBERT HOSEMANN  
*Secretary of State*

# Open Primary Elections

- Open primary elections allow voters of any affiliation to vote in the primaries of any party they choose.
- Voters cannot vote in more than one party's primary.
- Voters typically do not have to declare their affiliation when they register to vote.
- Voters select the ballot, whether it be the Republican, Democratic, or any other ballot, and their choices are limited to that ballot.



DELBERT HOSEMANN  
*Secretary of State*

# Open Primary

- Some consider open primaries to be more conducive to voter participation by more openly welcoming voters who are independent or not decidedly partisan.
- Others consider open primaries to encourage political raiding or “crossover voting” whereby voters associated with one party vote in the party primary of another.



DELBERT HOSEMANN  
*Secretary of State*

# Open Primary Challenge

- The Democratic Party of Hawaii (DPH) challenged the open primary system by arguing open primaries place a severe burden on its First Amendment right to 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 open primary system.
- The DPH believed crossover voting would spoil the candidate selection process of private organizations, but the court said the lawsuit was filed only on the assumption that this could happen instead of presenting evidence that it was happening. The court could not make a rule based on an assumption.



DELBERT HOSEMANN  
*Secretary of State*

# States with State Mandated Open Primaries

- Arkansas
- Georgia
- Hawaii
- Indiana
- Michigan
- Minnesota
- Missouri
- Montana
- Ohio
- South Carolina
- Tennessee
- Texas
- Vermont
- Virginia
- Wisconsin



DELBERT HOSEMANN  
*Secretary of State*



# States with Party Elected Open Primaries

- Alabama
- Alaska (D)
- Idaho (D)
- North Dakota (D)
- Utah (D)



DELBERT HOSEMANN  
*Secretary of State*

# Tennessee Primary Ballot

OFFICIAL BALLOT  
STATE OF TENNESSEE

RUTHERFORD COUNTY  
AUGUST 7, 2014

REPUBLICAN PRIMARY

UNITED STATES SENATE

Vote For One (1)  
0 selected, incomplete

CHRISTIAN AGNEW

LAMAR ALEXANDER

JOE CARR

GEORGE SHEA FLINN

JOHN D. KING

BRENDA S. LENARD

ERIN KENT MAGEE

WRITE-IN

GOVERNOR  
Vote For One (1)  
0 selected, incomplete

MARK COONRIPPY  
BROWN

BILL  
HASLAM

BASIL  
MARCEAUX, SR.

DONALD RAY  
McFOLIN

WRITE-IN

# Top-two Primary

- A top-two primary system 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, regardless of political party, move on to the general election.
- The purpose is not to choose the nominee for a political party, but to narrow the list of candidates for the general election.
- They do not require voters to commit to one party's entire ballot.
- Voters are free to participate in any party primary on an office-by-office basis and may switch "party affiliation" within the ballot.



DELBERT HOSEMANN  
*Secretary of State*

# Top-two Primary (cont.)

- A top-two primary is different from the “blanket” primary as primary election voters are not choosing a party’s nominee.
- A blanket primary groups all political parties on one ballot and the top vote getter of each party moves to the general election.
- The Supreme Court ruled blanket primaries as unconstitutional because they severely burdened the parties’ freedom of association by allowing nonmembers to select their nominees. *California Democratic Party v. Jones*, 530 U.S. 567 (2000).



DELBERT HOSEMANN  
*Secretary of State*

# Top-two Primary (cont.)

- Top-two Primary supporters 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.
- Critics claim the increased threshold to get on the ballot in the first place ensures that minor party and independent candidates have less of a chance to appear on the general election ballot.



DELBERT HOSEMANN  
*Secretary of State*

# States with Top-two Primary Elections

- California
- Washington
- Louisiana (If a candidate gets more than 50% of the vote in the first primary, he or she wins the election outright.)



DELBERT HOSEMANN  
*Secretary of State*

# Louisiana Sample Ballot

**ABSENTEE BALLOT**

November 04, 2014

Acadia Parish  
**SAMPLE**

01-016A  
Ballot Page 1 of 3

Official Ballot  
Prepared and Certified by  
*Tom Schedler*  
Tom Schedler  
Secretary of State  
STATE OF LOUISIANA

**INSTRUCTIONS TO VOTER**  
Read the following before marking your ballot:

- Use ONLY a pencil containing black lead to mark your ballot.
- Completely fill in oval to the right of each of your selections. Any other type of marking may void your ballot.
- DO NOT vote for more than the number to be elected for each office.
- If you incorrectly mark this ballot, erase the incorrect mark completely and make a new mark.

**CORRECTLY MARKED BALLOT:**  
John Doe

**INCORRECTLY MARKED BALLOT:**  
☞ ☜ ☞

United States Senator (Vote for ONE)		District Judge 15th Judicial District Court Election Section 4, Division F (Vote for ONE)	
Wayne Ables Democrat	1 <input type="radio"/>	Burleigh Doga Democrat	59 <input type="radio"/>
Raymond Brown Democrat	2 <input type="radio"/>	"Bill" Cassidy Republican	3 <input type="radio"/>
Thomas Clements Republican	4 <input type="radio"/>	"Mike" Goss Democrat	60 <input type="radio"/>
Mary L. Landrieu Democrat	5 <input type="radio"/>	Jack Nickel Democrat	61 <input type="radio"/>
"Rob" Maness Republican	6 <input type="radio"/>	David M. Smith Democrat	62 <input type="radio"/>
Brannon Lee McMorris Libertarian	7 <input type="radio"/>	District Attorney 15th Judicial District Court (Vote for ONE)	
Vallan Senegal Democrat	8 <input type="radio"/>	"Mike" Hanson Democrat	198 <input type="radio"/>
William P. Waymire, Jr. Democrat	9 <input type="radio"/>	Keth Stutes Republican	199 <input type="radio"/>
United States Representative 3rd Congressional District (Vote for ONE)		Member of School Board District 6 (Vote for ONE)	
Bryan Barrilleaux Republican	19 <input type="radio"/>	Gene I. Daigle Democrat	80 <input type="radio"/>
Charles W. Boustany, Jr. Republican	20 <input type="radio"/>	Candy Leger Other	81 <input type="radio"/>
Russell Richard No Party	21 <input type="radio"/>	<b>TURN BALLOT OVER</b>	

VOTE BOTH SIDES OF BALLOT →